

SECOND DIVISION

[G.R. No. 186226, February 01, 2012]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. YUSOP TADAH,
APPELLANT.**

R E S O L U T I O N

BRION, J.:

We resolve the appeal, filed by accused Yusop Tadah (*appellant*), from the August 22, 2008 decision of the Court of Appeals (CA) in CA-G.R. CR HC No. 00150.^[1]

The RTC Ruling

In its April 18, 2005 decision,^[2] the Regional Trial Court (RTC) of Zamboanga, Branches 15 and 16, convicted the appellant^[3] of five counts of kidnapping and serious illegal detention^[4] committed against Gina Yang y Bersañez, 3-year old Princess Jane "Cha-Cha" Yang, Joy Sagubay, Yang Wang Tao Chiu, and Nicomedes Santa Ana. It gave credence to the straightforward testimonies of the kidnap victims, Nicomedes and Cha-Cha, then 8 years old, pointing to the appellant as one of their kidnappers. Considering the appellant's positive identification, the RTC rejected the former's defenses of denial and alibi. It noted that conspiracy attended the crime due to the concerted acts of the accused in the kidnapping. It sentenced the appellant to the death penalty for each count of kidnapping and serious illegal detention, appreciating that the accused committed the kidnapping to extort ransom, and that the accused used a motorized vehicle and motorized watercrafts to facilitate the commission of the crimes. It also ordered him to pay Bien Yang the amount of P2,000,000.00 for the ransom paid.

The CA Ruling

On intermediate appellate review, the CA affirmed the RTC's decision, giving full respect to the RTC's assessment of Nicomedes and Cha-Cha's testimony and credibility. However, pursuant to Republic Act (RA) No. 9346,^[5] the CA reduced the appellant's sentence to *reclusion perpetua* in all five cases.^[6]

We now rule on the final review of the case.

Our Ruling

We deny the appeal, but modify the penalty and awarded indemnity.