

EN BANC

[G.R. No. 132895, March 10, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELIZABETH CASTILLO AND EVANGELINE PADAYHAG, APPELLANTS.

DECISION

PER CURIAM:

Before us on automatic review is the Decision^[1] of the Regional Trial Court of Parañaque, Branch 260, National Capital Judicial Region, in Criminal Case No. 95-86, finding appellants Elizabeth Castillo ("Castillo") and Evangeline Padayhag ("Padayhag") guilty of Qualified Kidnapping and Serious Illegal Detention^[2] and sentencing them to death.

The Information^[3] charging Castillo, Padayhag and Imelda Wenceslao with the crime of kidnapping, reads:

That on or about March 1, 1995, in Parañaque, Metro Manila, Philippines, and within the jurisdiction of the Honorable Court, said accused ELIZABETH CASTILLO and EVANGELINE PADAYHAG, conspiring together, confederating, and mutually helping one another, did then and there willfully, unlawfully and feloniously kidnap, carry away, and seriously detain HORACIO CEBRERO IV @ "Rocky", a five years old child (sic), which kidnapping or serious detention lasted for more than three (3) days thereby depriving him of his liberty, and which was committed for the purpose of extorting ransom from the parents of the victim, to the damage and prejudice of the victim himself and his parents.

The said accused IMELDA CASTILLO WENCESLAO, without having participated in the said crime as a principal, did then and there willfully, unlawfully and feloniously participated (sic) in the execution of the crime by previous and simultaneous acts by allowing and furnishing the use of her residence where victim Horacio Cebrero IV was kept knowing him to have been taken by principal accused Elizabeth Castillo and Evangeline Padayhag without the consent of his parents.

CONTRARY TO LAW.

Upon arraignment on 10 May 1995, both Castillo and Padayhag initially pleaded guilty. However, on 18 May 1995, Castillo and Padayhag withdrew their plea of guilt. They entered a plea of not guilty on 3 August 1995. Imelda Wenceslao remains at large.

The prosecution submitted documentary evidence and presented eight witnesses, namely: (1) Horacio Cebrero IV ("Rocky"), the victim; (2) Rosanna Baria, the

victim's "yaya"; (3) Luis Cebrero, the victim's father; (4) Sandra Cebrero, the victim's mother; (5) Staff Sgt. Alejandro Delena of the Philippine National Police ("PNP"); (6) Wivino Demol, a member of the Armed Forces of the Philippines ("AFP") Intelligence Security Group, army surveillance and search team; (7) Capt. Raniel Ramiro, also of the AFP Intelligence Security Group; (8) and Staff Sgt. Manual Iglesias of the PNP.

The defense presented only two witnesses: Castillo and Padayhag themselves.

The Office of the Solicitor General ("OSG") summarized the prosecution's version of the incident in the appellee's brief, as follows:

On March 1, 1995, Rosanna Baria was employed as one of the household helpers of Mr. and Mrs. Luis De Guzman Cebrero at their residence in Classic Homes, B. F. Parañaque, Metro Manila (p. 26, *tsn*, August 3, 1995). In the morning of said date, Femie, another housemaid of the Cebreros' and Baria's relative, bathed and dressed up Rocky, the couple's six year old son and afterwards advised Baria that someone, who was also a Cebrero househelper, will fetch Rocky (p. 28, *supra*). At about 8:00 a.m., a tricycle arrived. On board was a woman, whom Baria pointed to in court and who gave her name as Evangeline Padayhag (p. 26, *supra*). Baria assisted Rocky to board the tricycle. The tricycle brought Rocky and the woman, whom Rocky pointed to in court and who gave her name as Evangeline Padayhag (p. 9, *tsn*, August 3, 1995), to a nearby "Mcdonald's". Thereat, they were joined by another woman (p. 13, *supra*) whom Rocky pointed to in court and who gave her name as Elizabeth Castillo (p. 9, *supra*). The three proceeded to a house far from the "Mcdonald's" (p. 13, *supra*) where Rocky slept "four times" (p. 14, *supra*).

At about 5:30 p.m. of March 1, 1995, Luis Cebrero arrived home from work. When his son DJ arrived, he informed his father that Rocky did not attend school. Luis Cebrero asked Baria (pp. 4-5, *tsn*, August 22, 1995) who told him that Rocky was fetched at home by a woman to attend a birthday party (p. 5, *supra*). Informed thereof, Mr. Cebrero then called up his friends and went to the police station to report that his son was missing (p. 9, *supra*).

At about 7:30 p.m. that night, Luis Cebrero received a telephone call from a woman saying, "Ibigay mo sa akin ang ATM card mo o ang bata" (p. 10, *supra*). Luis replied, "Kailangan ko ang bata". The woman asked how much money was in his ATM and Luis replied P40,000.00. Luis then requested to talk to his son but the woman said, "Hindi puwede, malayo dito ang anak mo at tatawag na lang uli ako" (p. 10, *supra*).

Luis Cebrero decided to connect a tape recorder to his phone. On March 2, 1995, at about 7:20 p.m., his phone rang. The caller was a woman telling him, "Bigyan mo ako nang isang million", to which he replied, "Hindi ko kayang ibigay ang isang million". The caller told Luis that she will call back later on (pp. 11-12, *supra*).

The Cebreros informed the authorities that two of their maids were hired

from an agency, the General Services, Inc. at Parañaque. Major Ordoyo of the Intelligence Security Group, Philippine Army (PA) sent Sergeants Rempillo and Iglesias to the agency to verify this. The two were furnished by General Services, Inc. with the personal data of the maids named Elizabeth Castillo and Jasmine Nuñez (pp. 13-14, *tsn*, March 12, 1996).

When the caller did not contact Luis Cebrero the following day, March 3, 1995, he instructed his wife to raise some money. From the bank, Mrs. Cebrero withdrew P800,000.00 in P1,000.00 denomination. The bank provided Mrs. Cebrero a list containing the serial numbers of the money withdrawn (pp. 15-16, *supra*).

On March 4, 1995, at about 9:30 p.m., Luis Cebrero received a telephone call. The caller was a woman who asked, "Ano nasa iyo na ba ang pera"? Luis answered, "Hindi ko kayang ibigay sa iyo ang halagang iyon, kalahati lang ang kaya kong ibigay". The caller said, "Sige, puede na yan (p. 17, *supra*) and instructed Luis Cebrero to be in Paco, Obando, Bulacan, alone, at about 2:00 a.m.; that at Paco, Obando, Bulacan, is a "Farmacia Dilag" and beside it is a street which Luis must follow until he reaches the church called "Sabadista" where he should drop the money (p. 18, *supra*). Luis Cebrero received another call on that same night instructing him to stop in front of the Farmacia Dilag and walk on the street beside it going to a chapel and to drop the money on the chapel's terrace (p. 19, *supra*).

Informed of the place for the pay-off, on March 4, 1995, Major Ronnie Eleazar, Commanding Officer of the Intelligence Security Group (ISG), Philippine Army, briefed his men on Rocky's kidnapping and assigned them their respective tasks in the stakeout they will undertake around the pay-off area (pp. 6-7 *tsn*, January 30, 1996). At about 11:00 p.m. of March 4, 1995, Sgt. Alejandro Delena and his ISG team, proceeded to Obando, Bulacan for the stakeout. After positioning themselves near the stakeout site, a car arrived and stopped in front of the chapel. The man alighted and placed a bag in front of the chapel and immediately left (p. 10, *supra*). After about forty (40) minutes, two women appeared, proceeded to where the bag was dropped. On seeing the bag, the women laughed and left. After about two (2) minutes, the two women returned, picked up the bag and immediately left (pp. 11-12, *supra*). The ISG team searched the area around the drop-off place but the two women were nowhere to be found (p. 17, *supra*). In court, Sgt. Delena pointed to and identified Castillo and Padayhag as the two women he saw in front of the chapel in Obando, Bulacan and who, later on, picked up the bag dropped by Luis Cebrero (p. 12, *supra*).

Puzzled by the sudden disappearance of the two women, Sgt. Delena and his team remained at the stake-out area. The team befriended the residents of the place, one of whom was a certain Joselito Torres who claimed to be the former boyfriend of Elizabeth Castillo whom he recognized from the picture shown to him by Sgt. Delena. Torres informed the ISG team that Castillo had already left for Mindanao. Sgt. Delena immediately communicated the information, including the address

of Gigi Padayhag in Navotas, to his commanding officer (p. 19, *supra*).

At about 9:00 p.m. of March 5, 1995, Luis Cebrero was at home when a tricycle stopped in front of his house. Somebody knocked at the door and when Luis Cebrero opened it, he saw his son, Rocky (pp. 23-24, *tsn*, August 22, 1995).

On March 12, 1995, an ISG team headed by Sgt. Manuel Iglesias was dispatched to Navotas to locate "Gigi" Padayhag at the address furnished by Sgt. Delena. The team found Padayhag who upon being apprised of the kidnapping of Rocky Cebrero, voluntarily went with the ISG team to Camp Crame to clear her name (p. 14, *tsn*, May 22, 1996).

Upon the instruction of the ISG, Sgts. Delena and Demo were ordered to proceed to Dipolog City to look for Castillo (pp. 20-21, *tsn*, January 30, 1996). Sgt. Delena arrived in Dipolog City on March 13, 1996. He was briefed and shown the area where Castillo could be found (p. 23, *supra*).

When Sgt. Demol arrived in Dipolog City, he and Sgt. Delena coordinated with the PNP stationed at Barangay Tulong, Rizal, Zamboanga del Norte (p. 41, *tsn*, March 12, 1996). Thereat, Sgt. Demol requested for the assistance of persons from Barangay Mitimos, where Castillo was believed to be hiding. The PNP assigned them two barangay officials of Mitimos who, when shown the picture of Castillo, said that the woman in the picture is in Barangay Mitimos (p. 46, *supra*).

Upon the request of the police, the two barangay officials conducted a daily surveillance on Castillo. On March 18, 1995, Sgt. Demol reported to the ISG headquarters that Castillo was in Barangay Mitimos. In turn, Sgt. Demol was advised that ISG will be sending him, through JRS Express, copies of the list of serial numbers of the bills used as pay-off and a DOJ subpoena (p. 54, *supra*). Upon receipt of said documents, Sgt. Demol applied for a search warrant (p. 58, *supra*) which was granted by the Dipolog City Regional Trial Court on March 21, 1995 (p. 57, *supra*). The search warrant was shown to Elizabeth Castillo and her father who signed the same (pp. 60-61, *supra*). The search yielded a black bag placed in a carton inside the house (pp. 61-62) containing money in P1,000.00 bills in the total amount of P277,000.00 (p. 68, *supra*). The serial numbers of the recovered money bills appeared in the list furnished to Sgt. Demol by ISG (pp. 88-89, *supra*). Thereafter, the money was deposited with the Regional Trial Court at Dipolog City (p. 89, *supra*).

Prosecuted for kidnapping and serious illegal detention, Evangeline Padayhag and Elizabeth Castillo initially pleaded guilty upon arraignment and were each meted the penalty of life imprisonment (p. 4, *tsn*, August 3, 1995). The trial court, however, on motion based on improvident plea, ordered the withdrawal of the plea of guilty and directed the re-arraignment of Castillo and Padayhag.

After trial, Castillo and Padayhag were convicted of kidnapping and serious illegal detention as charged.^[4]

Appellants maintain their innocence and present their own version of the events in their brief, as follows:

1. Accused ELIZABETH CASTILLO was a househelper at the Cebrero household from December 1993 to January 1995. She did the cleaning of the house, laundry of dirty clothes, and also took care of Rocky, son of Luis and Sandra Cebrero;
2. Accused Evangeline Padayhag, also a househelper, is a friend of Elizabeth Castillo. The two met sometime in 1994 at Paco, Ubando, Bulacan, when Padayhag worked in the household of Julito Lawagon, the latter being the neighbor of Helen Lim, Elizabeth Castillo's sister;
3. Upon assumption from work, Castillo was promised by Mrs. Sandra Cebrero a monthly salary of one thousand two hundred pesos (P1,200.00);
4. Castillo, however, was never given compensation during her entire employment in the Cebrero household;
5. Castillo was also not treated nicely by the Cebrero spouses. When something gets lost in the house, she was always the one being blamed, although the children were the ones getting the things. Besides, they say bad words against her. Thus, she has no other choice but to leave her work;
6. Castillo had been consistently demanding from the Cebrero spouses her unpaid wages for one year; but her demands remained unheeded;
7. Having reached only elementary education, Castillo believed that the only effective way for her to claim back her unpaid wages is to use Rocky, son of the Cebrero Spouses;
8. On 1 March 1995 Castillo called Padayhag, telling the latter that her boyfriend is sick. At that time, Padayhag was already working at Jelaya St., B.F. Homes, Parañaque under the employ of Lulu Sablan. Castillo fetched Padayhag. The two, however, did not go to see Padayhag's boyfriend but instead they went to a playground;
9. Castillo then instructed Padayhag to fetch Rocky from his house at Cesar Virata St., B.F. Homes, Parañaque, Manila. When Padayhag asked why she wanted to see Rocky, Castillo answered that she missed the boy. Padayhag obliged to the request, knowing that the latter would not do any harm to the boy;
10. It was only the first time that Padayhag saw Rocky;
11. She brought the child to a market at B.F. Parañaque, where Castillo was waiting. The three went on a stroll. Thereafter, they went to the house of Imelda Wenceslao, Castillo's sister, at Bagong Barrio,