

## SECOND DIVISION

[ G.R. No. 120409, October 23, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. WILLIAMSON  
PICKRELL AND AUGUSTO NOLASCO, APPELLANTS.**

### D E C I S I O N

**CALLEJO, SR., J.:**

This is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court of Pasig, Branch 166, in Criminal Case No. 88357, convicting the appellants Williamson Pickrell and Augusto (Jing) Nolasco of kidnapping for ransom and physical injuries and sentencing them to suffer the penalty of *reclusion perpetua*.

An Amended Information was filed charging appellants and there co-accused Alexander Nolasco and Eusebia Galzote with kidnapping for ransom which reads:

That on or about the 5<sup>th</sup> day of September, 1991, in the Municipality of Pasig, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously by force, kidnap for ransom and take away in a taxicab one FAR EAST RAYMOND AUSMOLO, a 16-year-old minor from San Joaquin, Pasig, Metro Manila and brought him to a house/building in Parañaque, Metro Manila where he was detained against his will for two (2) days and while under detention, accused, through telephone calls to his mother, Mrs. Anita L. Ausmolo, demanded the amount of P100,000.00 as ransom money for his release but being unable to get the amount, accused with intent to kill, conspiring and mutually helping and aiding one another began to employ physical violence on said Far East Raymond Ausmolo, by mauling and bludgeoning him and believing him to be already dead, placed his body in a box and transported and dumped him in a trash can located in a vacant lot of the EVACOM in Barangay San Isidro, Parañaque, Metro Manila, where his body was found by the residents thereat and one Mr. Valeriano Veloso, a Barangay Councilman, sensing that there is still life left in him, brought him to the Olivares General Hospital for treatment of his injuries which said victim fortunately survived by the timely medical intervention of doctors in said hospital.

Contrary to law.<sup>[2]</sup>

Alexander (Cocoy) Nolasco and appellant Augusto (Jing) Nolasco were arrested, but managed to escape. Augusto was rearrested, but Alexander has remained at large. Augusto Nolasco, Williamson (Bill) Pickrell and Eusebia Galzote, when arraigned, assisted by counsel, pleaded not guilty to the crime charged.

## **Evidence for the Prosecution**

Anita Ausmolo and her teenage son, Far East Raymond Ausmolo, were close to Mary Pickrell and the latter's 33-year-old son, Williamson (Bill) Pickrell such that Williamson called Anita "mother." When Mary's property at Ilang-Ilang Street, Rosario Subdivision, Pateros, Metro Manila, was foreclosed and sold at public auction by the bank, she asked Anita to buy the property for her, and Anita accommodated Mary. For a time, Mary and her son stayed in the said property, but later on moved out to No. 6, Ususan, Taguig, Metro Manila.

Anita was concurrently the treasurer, member of the board of directors, one of the administrators, and the chairperson of the disciplinary board of the students' body of Southern Rizal Institute, located at the junction of Ususan, Taguig and Bagong Kalsada, Pateros, Metro Manila. Through her intercession, Williamson was employed as a substitute teacher in the said school. Far East was also enrolled in the school's high school department.

At 1:00 p.m., on August 27, 1991, Williamson, Far East, and Christopher Roxas, a friend and neighbor of Far East, were in the office of Augusto "Jing" Nolasco, located at No. 8270 Dr. A. Santos Avenue, Sucat, Parañaque, Metro Manila. Williamson, Augusto, Far East and Christopher rented a room at the Villa Lourdes Resort to have a "good time." They took shabu which was supplied by Augusto. Williamson took pictures of Far East and Christopher with their erect private organs in full view. The three left the resort between 6:00 p.m. and 8:00 p.m.

At 6:00 a.m., on September 5, 1991, Far East was at the junction of San Joaquin, Pasig, waiting for a ride. He was on his way to school to attend review classes in Algebra for the NCEE examination. Momentarily, Williamson arrived. He held Far East by the hand, and asked the latter to accompany him to Augusto's office where he, Williamson, was scheduled to meet someone. Far East balked, telling Williamson that he had review classes, but the latter persisted. Far East finally relented and agreed to go with Williamson. At that time, Christopher, who was on his way to buy P0.50 worth of *pan de sal* at the Lakabania Bakery located at the junction of San Joaquin, saw Williamson as he held Far East's hand.

Williamson and Far East arrived at Augusto's office at 7:00 a.m. They found Augusto's son, Alexander "Cocoy," in the ground floor, while Augusto was in his office at the second floor. Williamson went to Augusto and asked him if the man Williamson was going to meet had already arrived. Augusto replied in the negative. Williamson went back to Far East and told the latter what he had just learned. Far East intimated that he was leaving to attend his review classes but Williamson prevailed upon him to stay. Far East agreed to stay until 10:00 a.m.

By 11:00 a.m., no one had arrived at the office. Unable to wait any longer, Far East told Williamson that he really had to go. The two went to the second floor where Far East told Augusto that he was leaving. Augusto, who was holding an axe, suddenly put down the weapon and proceeded to tie Far East's hands behind his back. When Far East demanded to know why he was being tied up, Augusto replied, "*May atraso ang tatay mo sa akin.*" Augusto warned Far East not to resist, otherwise he would be shot. Augusto then tied Far East's feet with hard, brown-colored tape and covered his mouth with an object.

Williamson told Augusto to call up Far East's mother, Anita, to demand ransom in exchange for her son's freedom. Augusto left the room and returned after twenty minutes. He then placed Far East in a box made of rough wood, about three feet long and two meters wide. Far East protested and demanded to know why he was being placed in the box. Augusto ignored the boy. The box was apparently too small, as Far East's shoulders protruded therefrom. Augusto punched Far East, kicked the left side of his shoulders, arms and chest, to compel the latter to press his body inwards. Still, the box could not be closed. Exasperated, Augusto hauled Far East from the box.

Williamson ordered Far East to write a letter to his mother, to ask for ransom in exchange for his release. Perspiring profusely, Far East did as he was ordered and gave the letter to Williamson. Augusto ordered Far East to change his clothes.

Augusto, Williamson, and Alexander then brought Far East out of the office and hailed a taxi. This time, Augusto held a hammer and screwdriver in his right hand, while his left hand held on to Far East's shoulder. He warned Far East not to shout, otherwise he would be shot. The three boarded a taxi. Far East was seated at the back between Augusto and Alexander, while Williamson positioned himself beside the driver. It was about 2:00 p.m.

The taxi stopped three or four times. The kidnappers and their victim got off at Zapote, Las Piñas, in front of a house owned by Eusebia Galzote. The men placed Far East in the kitchen. Augusto left, and Williamson informed Far East that Augusto was going to call Anita, his mother. Momentarily, Augusto returned and told Williamson, "*Matigas pa, ayaw magbigay.*"

Augusto then ordered Eusebia's son to buy some medicine. When the boy returned from the errand, he gave the medicine to Augusto, who in turn forced Far East to ingest five tablets. Far East, who was by then feeling feverish, was brought to the second floor of the house. Augusto and Williamson conferred and decided to transfer Far East to another place. Williamson told Far East that his mother, Anita, had promised to give the ransom money the next day, and that they were going to a house that belonged to Williamson's aunt.

Augusto, Williamson and Far East left the house at 8:00 p.m. and boarded a taxi. As before, Augusto was armed with a hammer and a screwdriver. Far East was seated at the back seat, with Augusto to his left and Williamson at his right. Far East was transported to a garbage dump in a secluded, grassy area in Ibacum, Barangay San Isidro, Parañaque, Metro Manila. They alighted from the taxi. Augusto told Far East to sit in front of a tree and forced the latter to ingest six to seven tablets. The boy then lost consciousness.

At 2:30 p.m. earlier that day, Anita had just arrived at the Southern Rizal Institute. Her secretary, Angie Roldan told her that a male person called at around 1:00 p.m., and identified himself as "Mr. Rodriguez." The man said that he had an urgent message, that he wanted to talk to Anita, and that he would call again. At 3:00 p.m., "Mr. Rodriguez" called and told Anita that he had custody of her son; and if she wanted to see him again, she was to prepare P100,000.00 to be delivered at J.P. Rizal Street, Makati, Metro Manila. The man told Anita that he would call again at 4:00 p.m., and hung up. "Mr. Rodriguez" called, as promised, and demanded to

know if the P100,000.00 was ready. Anita replied that the money was not yet available, because the banks were already closed. She pleaded that she be given until the next day to produce the money. The caller agreed and told Anita that he would call again before she left the school. After she put the phone down, Anita asked Mrs. Lolita Casipit, Far East's class adviser, if her son had attended his classes that morning. Mrs. Casipit replied that Far East was absent that day. She also informed Anita that Christopher had seen Far East and Williamson earlier that morning at the San Joaquin junction.

Anita decided to seek police assistance. At about 6:00 p.m., she proceeded to the Pasig Police Station to report her son's kidnapping. On her way there, she was able to confirm from a tricycle driver that her son was seen with Williamson earlier that morning at the junction of San Joaquin. Anita thereafter told the authorities that Williamson had kidnapped her son at the San Joaquin junction earlier that morning, and lodged a complaint for kidnapping against the suspect.

The Station Commander formed a team composed of Capt. Martina, Cpl. PO3 Oscar Mansibang, Cpl. Adelino Ziga, Cpl. Bognot, SPO1 Braulio Basco and Pat. Raul Casino. After coordinating with the Parañaque Police Station, the police officers, with Anita and Christopher, proceeded to Augusto's Parañaque residence. By then, it was already dawn of September 6, 1991. Augusto was not there. His son, Alexander, told the policemen that Augusto could be found at Door-D, Francisco Commercial Building, No. 8270 Dr. A. Santos Avenue, Parañaque, Metro Manila. The police operatives rushed to the place and saw Williamson with Monette Nolasco, Augusto's wife. The police officers brought Williamson to the Parañaque Police Station.

Anita spoke to Williamson, imploring him to reveal the whereabouts of her son. Williamson admitted that he was the one who brought Far East to Augusto's office from the San Joaquin junction. He agreed to bring the police operatives to a vacant lot in Sitio Ibacum, Parañaque, where Far East was brought. PO3 Oscar Mansibang contacted the Pasig Police Station to inform his superior that he and the other operatives were on their way to the place where Far East had apparently been transported.

At about 6:30 a.m. that same day, San Isidro Barangay Captain Valeriano Veloso was in Sitio Ibacum, Barangay San Isidro, Parañaque, helping out as a traffic aide. A cigarette vendor approached Valeriano and reported seeing a body in a grassy area at the garbage dumping site. Valeriano proceeded to the place, which was about 100 meters away. Valeriano saw Far East lying on his back; his face was bloated, his eyes swollen, and his clothes bloodied all over. Valeriano thought that Far East was already dead. He moved the boy's head and the latter moaned. Far East was still able to identify himself when Valeriano asked who he was. The boy also told Valeriano that he was punched and hit with a hammer by several persons, one of whom was a homosexual. Valeriano then reported the incident to the Parañaque Police Headquarters by mobile phone. At this point, PO3 Mansibang was monitoring the mobile phone as he was making a report to his superior at the Pasig Police Station. He overheard Valeriano saying that he had found Far East in a vacant lot along Ibacum, Barangay San Isidro, Parañaque. PO3 Mansibang forthwith told Anita that Far East had been found. Williamson blurted, "*Mother, may pera ka man, patay na ang bata.*"

By the time the police operatives and Anita arrived at Ibacum, Far East was being

boarded on a police mobile patrol car. The boy was brought to the Olivares General Hospital in Parañaque, where he was rushed to the emergency room.

At the hospital, the police operatives were told that there was a possibility that Far East could die of his injuries. They decided to take Far East's statement,<sup>[3]</sup> fearing that he could die any moment. Pat. Adelino Ziga was assigned to write down the questions and Far East's answers thereto. The boy was questioned in the presence of his mother and Dr. Candelaria Morellos. Far East stated that his hands and feet were bound in ropes, and that he was mauled by Williamson, Augusto, Alexander and a woman.

Meanwhile, the police authorities took Alexander into custody, and also arrested Eusebia Galzote. The police operatives proceeded to the Villa Lourdes Resort but failed to locate Augusto.

Far East was subjected to an x-ray examination which showed that he had a fracture in the skull. The doctor advised Anita to transfer her son to another hospital, better-equipped with the appropriate apparatus to treat the boy's serious injuries. Anita transferred Far East to the Medical City Hospital. Dr. Agaton Manintim, the attending physician, signed a Medico-Legal Certificate stating that Far East sustained injuries, including contusions and abrasions in the arms and the torso, front and back, apparently due to cigarette and electrical burns:

1. Lacerated wound, 4 cms., linear, overlying a fronto-temporal bone, right;
2. Lacerated wound, 3-4 cms. long, overlying the occipito-parietal area ®;
3. Lacerated wound, zygomatic area, right, 3 cms.;
4. Contusion/Hematoma, ® cheek;
5. Multiple Contusions and Abrasions in the torso, front and back, and arms apparently due to cigarette burns & electrical burns; There are also contusions in the lower extremity, byt.;
6. Periorbital Contusion/Hematoma, right.<sup>[4]</sup>

According to Dr. Manimtim, the lacerated wounds could have been caused by any hard object, such as a clenched fist or a piece of wood. The Chief of the Department of Radiology, Dr. Bienvenido Lapuz, performed a CT scan, and prepared a report thereon containing the following findings:

1. Comminuted depressed fracture along the parasagittal segment of the right frontoparietal bone;
2. Pneunocranium and a thin subdural hematoma underneath the above- mentioned fracture;
3. Comminuted fracture of the right occipito-parietal bone;
4. Contusion hematoma with edema and pneumocranium underneath the above-mentioned fracture (No. 3);
5. The basal and posterior fossa structures were not disturbed. Cisterns and ventricles were essentially normal.<sup>[5]</sup>

The doctor also pointed out that were it not for the boy's immediate rescue and the timely medical attention of the doctors, the latter could have died from his wounds.