

## SECOND DIVISION

[ G.R. No. 124765, July 02, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. C1C  
ERNESTO RAMOS, ACCUSED-APPELLANT.**

### D E C I S I O N

**PUNO, J.:**

This is an appeal by accused-appellant C1C Ernesto Ramos from his conviction of the crime of kidnapping and serious illegal detention in a Decision promulgated on August 14, 1995 by the Regional Trial Court of Quezon City, Branch 88.<sup>[1]</sup>

The facts show that on April 1, 1991, the Office of the City Prosecutor of Quezon City filed an Information against Ernesto Ramos, formerly with the 145th Company of the Philippine Constabulary, and Estelita Hipolito, a bus line operator, and six (6) John Does, charging them with the kidnapping and serious illegal detention of Juanito "Boyot" Jube, a barker from Lagro, Quezon City, viz:<sup>[2]</sup>

"That on or about the 8th day of June, 1988, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring together, confederating with and mutually helping one another, did then and there, willfully, unlawfully and feloniously kidnap one JUANITO JUBE, in the manner as follows: on the date and in the place aforementioned accused C1C ERNESTO RAMOS with several Does went to a store where a mahjong game was being held located at Lagro, Quezon City, and looked for Juanito Jube and afterwards held and pulled said victim outside of the store and thereafter attacked, assaulted and employed personal violence upon the said victim, by then and there, hitting the latter with a steel tube on his head as well as his back by an armalite thereby causing him physical injuries, rendering him unconscious and thereafter lifted the unconscious Juanito Jube to a Land Cruiser car without license plate number followed by a Lancer car with license plate number NGL-333, driven by C1C ERNESTO RAMOS owned by the accused ESTELITA I. HIPOLITO and thereafter brought said victim to a certain place and detained him up to the present time, all against his will, to the damage and prejudice of the said victim in such amount as may be awarded under the provisions of the Civil Code.

CONTRARY TO LAW."

Ramos and Hipolito pled not guilty upon arraignment.

The prosecution presented Herminia Reyes who testified that on June 8, 1988, at about 6:35 in the evening, Hipolito gathered Ramos and several other men in Sta. Cruz, Manila, where the terminal of her bus line, the E.H. Trinidad Liner, was

located. Hipolito told them that they were going to Lagro, Quezon City to "get" a certain "Boyot" who hit Ernesto Padrinao, one of her bus conductors, in the face during an altercation over the latter's non-payment of the former's barking fees. The group boarded two of Hipolito's vehicles, a blue Lancer with license plate number NGL-333 and a red Land Cruiser with no license plate number.

The prosecution also presented eyewitness Orlindo Legaspi who positively identified Ramos as the man who barged into the mahjong den near the Lagro jeepney terminal in Novaliches, Quezon City, between 8:00 o'clock and 9:00 o'clock in the evening of June 8, 1988, looking for the victim, Juanito "Boyot" Jube. He testified, viz.:

"q- As a driver, from what time to what time do you drive your passenger jeepney?

a- Starting five o'clock in the morning up to ten o'clock in the evening, Sir.

q- Now, on June 8, 1988 at around eight to nine in the evening, will you please tell this Honorable Court where were you?

a- I was at the Lagro terminal, Sir.

q- Where is this Lagro terminal?

a- In Novaliches, Quezon City, Sir.

q- Why were you there?

a- I was waiting for passengers, Sir.

COURT:What time was this?

a- Eight to nine o'clock, Your Honor, in the evening.

q- Will you kindly tell this Honorable Court in what particular place you were then at Lagro in that particular area?

x x x

a- Inside the mahjong den, Sir.

q- Now, will you please tell this Honorable Court if there were persons playing mahjong inside the mahjong den?

a- Yes, Sir.

q- Aside from those playing mahjong, were there other people inside the mahjong den?

a- Yes, Sir. There were others.

x x x

q- While inside the mahjong den, do you remember any unusual incident that happened?

a- Yes, Sir.

q- Will you please tell this Honorable Court what was this unusual incident?

a- **When Sgt. Ramos arrived and he was looking for a a [sic] certain Boyet, Sir.**

q- Now, you said that a certain Sgt. Ramos came and looking [sic] for the person named Boyet. My question is, **why do you know that this is Sgt. Ramos?**

a- **I am a resident of San Jose del Monte. He is a soldier and I often see him and aside from that I see him also at Tongko, Manga, San Jose del Monte.**

q- **If that Sgt. Ramos is here inside this court room, will you be able to identify him?**

a- **Yes, Sir.**

ATTY. DEL PRADO: Will you kindly point to him.

a- **That man, Sir. (witness pointing to a man inside the court room who when asked answered by the name of Ernesto Ramos.)**

q- Now, when you said Ernesto Ramos entered the mahjong den, he was looking for a person named Boyet, my question is, did any body response [sic] to that call?

a- Nobody answered, Sir.

q- What happened after that?

a- When nobody answered, Erning went out of the den but after two or three minutes he came back [sic] and was holding a .45 caliber and he poked/aimed the gun to us, Sir. He poked the gun at me and to the other person beside me because that time we were at the door.

q- Who was this person near to you?

a- The person beside me was Rey Dimagiba, Sir.

x x x

q- What happened after that?

a- After he poked his gun to [sic] us, he said that "Pare, huwag kayong makikialam, pulis ako", then he further

said "Isa lang ang kailangan ko dito, si Boyet", then he said "Sino ang Boyet dito?"

q- After Sgt. Ramos uttered who is Boyet, what happened?

a- Boyet answered and he said "I".

q- What happened after that?

a- **He grabbed Boyet by the collar. He took him but before they could get out of the mahjong den, he hit him on his nape with his gun.**

q- **What happened after Sgt. Ramos done [sic] this thing to Boyet?**

a- **After that, he pushed Boyet outside, Sir.**

q- And on your part, what did you do?

a- **Rey and I went out of the den. We looked at what was happening. We saw that there were already many persons mauling him, Sir.**

q- Will [you] kindly tell this Honorable Court the manner these people you said mauled Boyet?

a- Whenever Boyet fell on the ground he was being hit with a lead pipe, Sir.

q- How many were these people then hitting him with this lead pipe?

a- The persons actually hitting him were three but I could remember there were more or less seven of them **including Erning.**

q- **And who is this Erning again?**

a- **Sgt. Ramos, Sir. (witness pointing to accused Ernesto Ramos.)**

q- **What happened after the mauling?**

a- **They lifted the body of Boyet like a pig and pushed him inside the land cruiser without a door at the back.**

x x x

q- Do you remember if there were other vehicles then parked near the Land Cruiser?

a- There was, Sir.

- q- Will you please inform the Honorable Court?
- a- One blue Lancer car parked at the side of the street and then that Land Cruiser was beside it.
- q- After the group of Erning or Sgt. Ramos loaded the body of Boyet, what did you do?
- a- We just looked. They immediately left after they loaded the body of Boyet, Sir."<sup>[3]</sup>

Legaspi witnessed the entire episode from the time Ramos asked for Jube in the mahjong den to the time he was dragged outside, mauled by Ramos and his companions, and then loaded into the Land Cruiser. His testimony was corroborated by another eyewitness, Amniel Timbang, who watched from across the street the beating of Jube by Ramos and his companions. Timbang testified as follows:

"Q Mr. Witness, will you kindly tell us where were you in the **evening of June 8, 1988 between the hours of 8:00 and 9:00 in the evening?**

x x x

A **I was at the upper area of Lagro near Sacred Heart Market.**

x x x

Q Why were you there at the time?

A I was barking, sir. (nagtatawag)

Q Barking for what?

A Barking for passengers for the trip bound for Sapang Palay, sir.

Q On that evening, between the hours of 8:00 to 9:00 o'clock in the evening, do you remember if there was any unusual incident that happened?

A Yes, sir, there was.

Q What was that unusual incident that took place?

A My brother-in-law was abducted, sir.

Q When you said brother-in-law, what is his name?

A Juanito Jube, sir.

x x x

Q Before he was abducted, will you tell the Honorable Court the event that preceded it?