

## **THIRTEENTH DIVISION**

**[ CA-G.R. CR HC No. 04163, March 31, 2014 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CONRADO HOCSON/JOCSON Y DE GUZMAN, @ CONRAD, DENNIS  
TRESVALLES Y LACHICA @ TRES, NOEL TRESVALLES Y LACHICA  
@ INGKONG, GONZALO QUARIO Y RAYOS, DOMINADOR  
LAYALAN, JR. Y TIONGSON @ ADOR, ALLAN GARCIA Y PAPA @  
KUYA ALLAN, AND ALIAS "LECLEC" (TNU) (AT LARGE),  
ACCUSED,  
DENNIS TRESVALLES Y LACHICA @ TRES, NOEL TRESVALLES Y  
LACHICA @ INGKONG, GONZALO QUARIO Y RAYOS, DOMINADOR  
LAYALAN, JR. Y TIONGSON @ ADOR, ALLAN GARCIA Y PAPA @  
KUYA ALLAN, ACCUSED-APPELLANTS.**

### **D E C I S I O N**

**YBAÑEZ, J.:**

This is an appeal from the Decision dated 29 January 2009, of the Regional Trial Court, Branch 275, Las Piñas City, in Criminal Case No. 02-0710 for Kidnapping with Ransom, defined and penalized under Article 267 of the Revised Penal Code, as amended, finding the accused-appellants guilty as charged, the dispositive portion of which states:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered as follows:

Accused Dennis Tresvalles y Lachica, Noel Tresvalles y Lachica, Gonzalo Quario y Rayos, Dominador Layalan, Jr. y Tiongson, and Allan Garcia y Papa are found guilty as principals and are hereby imposed the penalty of RECLUSION PERPETUA under Art. 267, Revised Penal Code as amended. Considering the qualities displayed by them which are however not legally mitigating, this Court, recommends, in the spirit of compassion, leniency and/or parole for them whenever proper in the future, whenever permissible under executive rules.

Accused Conrado Hocson (or Jocson) y De Guzman is acquitted on the ground of reasonable doubt.

SO ORDERED.<sup>[1]</sup>

### The Facts

The facts of the case as found by the trial court are as follows, viz:

It appears that at about 2:00 A.M. of August 25, 2002 Jan Arad Fernandez, 24 years old, single, student, a resident of Bacoor, Cavite, was driving his car on his way home after visiting friends at Moonwalk Village, Las Pinas City. While he was driving somewhere on Marcos Avenue between the boundary of Las Pinas and Bacoor, his car was bumped from behind. He alighted to check and found the damage negligible. Suddenly, persons got off from a taxi, and one man put his arms around Jan Arad's neck and poked a gun. Accused Allan Garcia was identified by Jan Arad as that man. Jan Arad was ordered: "SAKAY SA KOTSE MO". Jan Arad and Allan Garcia boarded, while the second man identified as Dennis Tresvalles drove the car. Accused Dominador Layalan Jr. was the third man, while the fourth man was "Leclec" who, as aforestated, remains still at large.

They drove along Molino Road for about an hour and stopped at Binan, Laguna. The face of the abductee Jan was covered with a cap. They travelled for 30 minutes and again stopped for the second time. Then he was told "BABA LUMIPAT KA DUN SA SASAKYAN SA HARAP", an L300 Van. He was transferred to the van. "DUMAPA KA LANG DIYAN, KAHIT ANONG MANGYARI, HUWAG KANG TITINGIN, DUMAPA KA LANG". The persons in the van were accused Gonzalo Quario and accused Noel Tresvalles. Jan Arad could not see who was driving the van because it was dark. They traveled for two hours and again stopped for the third time. Allan Garcia provided him with a cellphone and told him to call his mother. Jan Arad called his mother, "MA, MAY PROBLEMA NAKIDNAP AKO". Allan Garcia spoke to the mother: "MAGHANDA KAYO NG ISANG MILYONG PISO".

They stopped momentarily for the fourth time. Then Gonzalo Quario told him "PASENSIYA KA NA, NATIYEMPUHAN KA LANG NAMIN". After two minutes, Leclec, who remains at large, entered the van. Jan Arad was told "to just lie with (his) stomach and do not look at us. (Page 54 TSN, November 14, 2002) The van stayed for 30 minutes. They drove again for two hours during which time he heard Dennis Tresvalles tell his mother saying "IHANDA NINYO AND PERA ONE MILYON". Later, Jan Arad heard "SIGE IBABA NAMIN SA TWO HUNDRED THOUSAND". They stopped the fifth time, and later the sixth time when it was already afternoon.

Allan Garcia told Dominador Layalan and Gonzalo Quario to get some food. Eating time took 15 minutes, and they drove off again. They travelled while a tired Jan Arad slept in the van. Again they stopped for

the seventh and eighth time. Allan Garcia told Jan Arad "BUMABA KA, YUMUKO KA LANG, KAHIT ANONG MANGYARI HUWAG KANG TITINGIN". They were in a muddy area amid shanties. It was at this time that Jan Arad noticed accused Conrado Hocson as the driver of the van and the only one who did not alight from the van. Allan Garcia then said: "PAAKYATIN NINYO NA YAN". He was taken upstairs in a small room, his feet and hands tied with a rope. He was guarded by two persons, Gonzalo and Leclec. Jan Arad slept again. He was awakened by Dennis Tresvalles and Allan to eat Lechon Manok. He woke up the next day at 8 AM as Dennis Tresvalles entered the room and said "PASENSIYA KA NA SA NANGYARI, NATIYEMPUHAN KA LANG NAMIN TALAGA". Dennis ordered Gonzalo Quario to untie him. Shortly, Dennis ordered Gonzalo Quario and Leclec to get rice and noodles for Jan Arad. Thereafter Jan Arad rested.

Later, Dennis entered the room and told the other accused: "DITO NA LANG KAYO MAGLARO, WALANG KASAMA SI ARAD". They played cards and took what Jan Arad believed to be shabu. Shortly, Noel Tresvalles and Dominador Layalan had an altercation, shouting at each other. A voice downstairs shouted: "TIGIL NIYO NA NGA YAN". Allan Garcia came and told Jan Arad: "BAKIT ANG HIRAP KUHANAN NG PERA NG MGA MAGULANG, SAMANTALANG BUHAY MO ANG NAKATAYA DITO?" Jan Arad did not answer. Allan asked: "BAKIT KA PINAGKAKATIWALAAN NG KAIBIGAN KO?", referring to Dennis Tresvalles. Allan handed his gun to Jan Arad and said: "if I can trust you, here is the gun" (Page 92 TSN, November 14, 2002). Jan Arad did not take the gun. After a few minutes Allan Garcia said: "MAPAGKATIWALAAN KA NGA". Then Allan Garcia said: "PASENSIYA KA NA, my children have no food to eat and we have no money to pay the electric bill". After two minutes Allan Garcia went out. Soon Dennis Tresvalles entered and asked Jan Arad for the original copies of the OR and CR of Jan Arad's car. Jan Arad said the documents were in his house.

Jan Arad later called his father by cellphone: "Don't worry about me, OKAY LANG AKO DITO" (Page 96 TSN, November 14, 2002). Dennis Tresvalles also spoke to the father "TAY, KAILANGAN KO YONG YUNG OR CR NG SASAKYAN NINYO". Apparently, Dennis would meet with the father the next day to receive the OR/CR of the car.

At 7 PM Dennis Tresvalles ordered Noel Tresvalles to get food. Noel brought rice and mongo. Later, Conrad Hocson arrived, saying: "SABI KO, PARE BABALIK AKO". Then Dennis, Conrad and Jan Arad ate together. (Page 102 TSN, November 14, 2002). Thereafter, Jan Arad rested, and Dennis and Conrad went out of the room.

It was Wednesday when Dennis Tresvalles told Jan Arad he could go home soon. At dawn on Thursday, August 29, 2002, Dennis Tresvalles and Allan Garcia awakened Jan Arad to say that he was free. Dennis Tresvalles drove the car up to Skynet Street, Moonwalk Village, Las Pinas City, Dennis said to Jan Arad: "Brod, that is our house". Noel Tresvalles, Allan Garcia, Dominador Layalan and Gonzalo Quario alighted. Jan was told to sit himself on the driver's seat. Dennis Tresvalles gave the xerox copies of the original driver's license.

Before parting, Dennis Tresvalles embraced Jan Arad and said, "Brod, pasensiya ka na, talaga nangangailangan lang talaga kami ng pera, balang araw makakabawi din kami sa yo." Jan Arad then drove off and reached home at 4:30 AM. His parents inquired what had happened. The record indicates that Jan Arad was not so eager to reveal to his parents everything that happened because after all he was home and safe, and was perhaps sympathetic with his abductors. This is similar to the condition known as the Stockholm syndrome which first took a foothold in psychology as a result of an abduction during a bank robbery in Stockholm, Sweden and later gained popular currency in the famous kidnapping case of Patty Hearst. Jan Arad said there was no need to involve the police, a situation which to him could anger his abductors into taking revenge. But his parents replied that as early as the first day of his disappearance, they had already informed the police. (TSN dated September 30, 2003 pp 1-77).

To make a long story short, the parents prevailed, and the police were called. In the early morning of August 29, 2002, police teams were dispatched to conduct pursuit operations swiftly. Jan Arad led the police to the suspects, including the location of the so-called safe-house, and identified his abductors at the moment of arrest. As aforesaid, all except Leclec were quickly arrested.<sup>[2]</sup>

On 3 September 2002, Conrado Jocson y De Guzman @ Conrad, Dennis Tresvalles y Lachica @ Tres, Noel Tresvalles y Lachica @ Ingkong, Gonzalo Quario y Rayos, Dominador Layalan, Jr. y Tiongson @ Ador, Allan Garcia Y Papa @ Kuya Allan and @ Leclec were charged in an Information dated 2 September 2002 for the crime of Kidnapping for Ransom defined and punishable under Article 267 of the Revised Penal Code, as amended, by Republic Act No. 7659, committed as follows:

That during the period August 25 to 29, 2002 at around 2:00 in the morning, in Las Piñas City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court the above-named accused, conspiring, confederating and mutually helping one other, (sic) with threats and intimidation did then and there, and with the use of firearms willfully, unlawfully and feloniously take, carry away and deprive Jan Arad Fernandez, male, of his liberty against his will for the purpose of extorting money as in fact a demand for money in the amount of One Million Pesos Philippine Currency (P1,000,000.00) was made as a

condition for his release that the amount of P14,000.00 ransom money was actually paid and also the Official Receipt of a Mitsubishi Lancer motor vehicle as part of the ransom.

CONTRARY TO LAW.<sup>[3]</sup>

On 24 October 2009, all accused, assisted by their respective counsel, except @ Leclec, who remained at large, pleaded Not Guilty to the crime charged.<sup>[4]</sup>

On 14 November 2002, pre-trial was held. Thereafter, trial ensued.

In a Decision dated 18 October 2010,<sup>[5]</sup> the trial court found the said accused guilty of the crime charged and disposed of the case in the manner aforestated.

Undaunted, accused-appellants perfected the instant appeal, contending that:

## I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE THE IDENTITY OF THE PERPETRATORS WITH MORAL CERTAINTY.

## II

THE TRIAL COURT GRAVELY ERRED IN RULING THAT CONSPIRACY EXISTS AMONG THE ACCUSED-APPELLANTS.<sup>[6]</sup>

The appeal is not meritorious.

As regards their first assigned error, accused-appellants contend that the trial court committed an error in finding them guilty of the crime charged despite the failure of the prosecution to establish the identities of the perpetrators with moral certainty because the victim did not have sufficient opportunity to look at the faces of the accused-appellants.

We are not persuaded.

Prosecution evidence has clearly established the identities of the accused-appellants as the ones who abducted the victim for ransom. While Jan Arad Fernandez was instructed by his captors not to look at them at the onset of his captivity, however, he got a close encounter with them at the safehouse where he was detained. At the safehouse, Jan Arad Fernandez identified accused-appellant Gonzalo Quario and accused @ Leclec as the two (2) persons who tied and told him to sit down,<sup>[7]</sup> accused-appellants Dennis Tresvalles and Allan Garcia as the ones who awakened him to eat.<sup>[8]</sup> He asked the time from accused-appellant Dennis Tresvalles,<sup>[9]</sup> while