



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 264958

Members:

LEONEN, *SAJ*, Chairperson,  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J.,  
KHO, JR., *JJ*.

-versus-

JONNEL DELOS REYES, *y*  
TUNGOL,  
Accused-Appellant.

Promulgated:

AUG 14 2023

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DECISION

LAZARO-JAVIER, *J.*:

The Case

This Appeal<sup>1</sup> assails the Decision<sup>2</sup> dated May 26, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 13182 affirming the trial court's verdict of conviction against accused-appellant Jonnel Delos Reyes y Tungol (Delos Reyes) for serious illegal detention under Article 267 of the Revised Penal Code.

<sup>1</sup> *Rollo*, pp. 3-4.

<sup>2</sup> *Id.* at 8-15; Penned by Associate Justice Japar B. Dimaampao (now a member of the Court) and concurred in by Associate Justices Marie Christine Azcarraga Jacob and Angelene Mary W. Quimpo-Sale, Court of Appeals, Manila.

## Antecedents

### *The Charge*

Delos Reyes was charged with serious illegal detention under Article 267 of the Revised Penal Code, in relation to Republic Act No. 7610,<sup>3</sup> viz.:

That during the period from October 23 to October 25, 2014, in [REDACTED], Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, without any justifiable cause and authority from the law, did then and there willfully, unlawfully and feloniously detain [AAA264958],\* fifteen (15) years old, against the latter's will and consent, thereby subjecting him to child abuse, to his damage and prejudice.

CONTRARY TO LAW.<sup>4</sup>

The case was raffled to the Regional Trial Court, Branch 94, [REDACTED], Bataan. On arraignment, Delos Reyes pleaded not guilty. Trial ensued.<sup>5</sup>

During the trial, the prosecution offered the testimonies of private complainant AAA264958, Ciara Sumera, Miriam Sanchez, and Police Officer III Darwin Ortega. The defense, on the other hand, presented Delos Reyes as its sole witness.<sup>6</sup>

### *Version of the Prosecution*

AAA264958 testified that on October 23, 2014, he accompanied Delos Reyes to collect money from a certain Sherlyn in [REDACTED], Bataan as part of his (AAA26495's) initiation to join the Triskellion Fraternity. As soon as they got there around 11:00 a.m., Delos Reyes joined a drinking session while they waited for Sherlyn to arrive. When Sherlyn failed to appear by 5:30 p.m., he (AAA264958) asked Delos Reyes if they could already go home but Delos Reyes pointed a knife at him and took him to the nearby Triskellion Fraternity camp. There, Delos Reyes suddenly tied his hands with a nylon cord and covered his eyes and mouth with pieces of cloth; thereafter, Delos Reyes ordered him to take 10 steps forward. He complied because he thought it was part of his initiation as a neophyte. On his fourth step, however, Delos Reyes pushed him into an open pit about 20 feet deep. He was only 15 years old at the time.<sup>7</sup>

<sup>3</sup> Otherwise known as Special Protection of Children Against Abuse, Exploitation and Discrimination, approved on June 17, 1992.

\* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy.

<sup>4</sup> Records, pp. 1-2.

<sup>5</sup> *Rollo*, p. 9.

<sup>6</sup> *Id.* at 18-19.

<sup>7</sup> *Id.* at 9.

Two days later, or on October 25, 2014, he managed to extricate himself from the open pit. He immediately headed towards the barangay hall to seek help. Thereafter, a barangay officer accompanied him to the municipal police station where he reported the incident.<sup>8</sup>

### *Version of the Defense*

Delos Reyes testified that on October 24, 2014 around 1:00 p.m., AAA264958 went to his house while he was having lunch with his family. AAA264958 asked Delos Reyes to accompany him (AAA264958) to [REDACTED], Bataan to meet his friends. After eating his lunch, he and AAA264958 asked permission from his father to go to Bataan.<sup>9</sup>

When they arrived in the area, AAA264958's friends were already swimming. Around 4:30 p.m., Delos Reyes asked if he could already go home.<sup>10</sup>

On October 25, 2014, around 2:00 p.m., AAA264958, accompanied by some police officers, went to his house. The police officers handcuffed and arrested him without disclosing any reason for it. He was brought to the police station in [REDACTED], Bataan.<sup>11</sup>

### **Ruling of the Regional Trial Court**

By Decision<sup>12</sup> dated May 22, 2019, the trial court found Delos Reyes guilty of serious illegal detention, thus:

**WHEREFORE**, the court finds accused **JONNEL DELOS REYES [v] TUNGOL GUILTY** beyond reasonable doubt of the offense of Serious Illegal Detention and is hereby **SENTENCED** to suffer **RECLUSION PERPETUA**,<sup>4</sup> together with the accessory penalties provided by law and to pay the costs.

SO ORDERED.<sup>13</sup> (Emphasis in the original)

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<sup>8</sup> *Id.* at 9-10.

<sup>9</sup> *Id.* at 19.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 20.

<sup>12</sup> *Id.* at 17-23; Penned by Judge Jose Marie A. Quimboy, Regional Trial Court, Branch 94, [REDACTED], Bataan (Stationed at [REDACTED]).

<sup>13</sup> *Id.* at 23.

## Ruling of the Court of Appeals

On appeal, the Court of Appeals affirmed in the main, but awarded civil indemnity and moral and exemplary damages of PHP 75,000.00 each, per its assailed Decision dated May 26, 2021.<sup>14</sup>

### The Present Appeal

Delos Reyes now pleads anew for his acquittal. For the purpose of this appeal, both Delos Reyes<sup>15</sup> and the People of the Philippines, through the Office of the Solicitor General,<sup>16</sup> manifested that, in lieu of supplemental briefs, they were adopting their respective Briefs before the Court of Appeals.

### Ruling

Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659,<sup>17</sup> defines the crime of serious illegal detention and prescribes the penalty therefor, thus:

ART. 267. Kidnapping and serious illegal detention. — Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained, or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female, or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.

The elements of the crime of serious illegal detention are: (a) the offender is a private individual; (b) he or she kidnaps or detains another, or in

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<sup>14</sup> *Id.* at 14–15.

<sup>15</sup> *Id.* at 31–33.

<sup>16</sup> *Id.* at 26–27.

<sup>17</sup> An Act to Impose the Death Penalty on Certain Heinous Crimes, amending for that purpose the Revised Penal Laws, as amended, other Special Penal Laws, and for Other Purposes; approved on December 13, 1993.

any manner deprives the latter of his liberty; (c) the act of detention is illegal, not being ordered by any competent authority nor allowed by law; and (d) that any of the following circumstances is present: (1) the detention lasts for more than five days; or (2) it is committed by simulating public authority; or (3) any serious physical injuries are inflicted upon the person kidnapped or threats to kill him shall have been made; or (4) the person kidnapped or detained is a minor, female, or a public officer.<sup>18</sup>

These elements have all been established to a moral certainty by the clear, straightforward, and convincing testimony of AAA264958. Consider:

*First*, Delos Reyes is a private individual. Notably, the record is bereft of any proof which indicates otherwise.

*Second*, Delos Reyes deprived AAA264958 of the latter's liberty. The Court has consistently decreed that the essence of serious illegal detention is the actual deprivation of the victim's liberty, coupled with the indubitable proof of intent of the accused to effect such deprivation.<sup>19</sup> It consists not only of placing a person in an enclosure, but also in detaining or depriving the person, in any manner, of his or her liberty,<sup>20</sup> as in this case.

As shown, Delos Reyes tied AAA264958's hands first before pushing the latter into the 20-foot open pit. AAA264958 was only able to extricate himself from the open pit two days later. The Court finds that the methodical manner employed by Delos Reyes for the purpose of depriving AAA264958 of his liberty shows a deliberate intent to effect such deprivation. Undoubtedly, the freedom of movement of AAA264958 was effectively restrained due to the act of Delos Reyes.

*Third*, the minority of AAA264958 is undisputed. The parties stipulated that he was only 15 years old at the time of the incident. His age was likewise established by his Certificate of Live Birth which was offered in evidence by the prosecution.<sup>21</sup>

*Lastly*, AAA264958 positively identified Delos Reyes as the one who blindfolded him, tied his hands, and pushed him into the open pit.

Both the trial court and the Court of Appeals found the testimony of AAA264958 to be clear, straightforward, and convincing. It is well settled that the factual findings of the trial court as regards its assessment of the credibility of witnesses are entitled to great weight and respect by the Court,

<sup>18</sup> *Alberto v. Court of Appeals*, 711 Phil. 530, 561 (2013) [Per J. Perlas-Bernabe, Second Division].

<sup>19</sup> *People v. Ali*, 822 Phil. 406, 414 (2017) [Per J. Martires, Third Division].

<sup>20</sup> *People v. Anticamara*, 666 Phil. 484, 511 (2011) [Per J. Peralta, Second Division].

<sup>21</sup> *Rollo*, p. 21.



particularly when the same carry the full concurrence of the appellate court, absent any showing that the trial court overlooked certain facts and circumstances which could substantially affect the outcome of the case as here.<sup>22</sup> Indeed, the Court finds no reason to depart from this rule.

What Delos Reyes disputes though is the absence of a finding in the medical certificate of AAA264958 that he (AAA264958) suffered any mark or injury in his wrists despite claiming that he (AAA264958) exerted pressure and effort to loosen the nylon binding his hands in order to free himself.<sup>23</sup>

This alleged discrepancy is a trivial matter that is irrelevant to the elements of the crime of serious illegal detention. Verily, inconsistencies on immaterial details do not negate the probative value of the testimony of a witness regarding the very act of the accused.<sup>24</sup>

In sum, both the trial court and the Court of Appeals correctly convicted Delos Reyes of serious illegal detention.

### ***Penalty***

Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659, prescribes the penalty of *reclusion perpetua* to death for the crime of serious illegal detention. Under Article 63<sup>25</sup> of the same Code, the rule in cases where the law prescribes a penalty composed of two indivisible penalties is that when there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied, as here. Hence, Delos Reyes was correctly sentenced to *reclusion perpetua*.

As for civil indemnity and damages, the Court of Appeals, too, correctly awarded PHP 75,000.00 each as civil indemnity, moral damages, and exemplary damages. These awards are in conformity with *People v. Jugueta*.<sup>26</sup> The Court likewise affirms the imposition of 6% interest per annum on all the monetary awards from finality of judgment until fully paid.

<sup>22</sup> *People v. Bahuya*, 664 Phil. 140, 153 (2011) [Per J. Peralta, Second Division].

<sup>23</sup> *CA rollo*, p. 41.

<sup>24</sup> *People v. Ali*, 822 Phil. 406, 416 (2017) [Per J. Martires, Third Division].

<sup>25</sup> **Article 63. Rules for the application of indivisible penalties.** – x x x In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x

2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

x x x

<sup>26</sup> 783 Phil. 806, 848 (2016) [Per J. Peralta, *En Banc*].

**ACCORDINGLY**, the appeal is **DISMISSED**. The Decision dated May 26, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 13182 is **AFFIRMED IN FULL**. Accused-appellant **JONNEL DELOS REYES y TUNGOL** is found **GUILTY** of **SERIOUS ILLEGAL DETENTION** defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659. He is sentenced to **RECLUSION PERPETUA** and ordered to **PAY** private complainant AAA264958 civil indemnity, moral damages, and exemplary damages in the amount of **PHP 75,000.00 each**. These amounts shall earn 6% interest per annum from finality of this Decision until fully paid.

**SO ORDERED.**

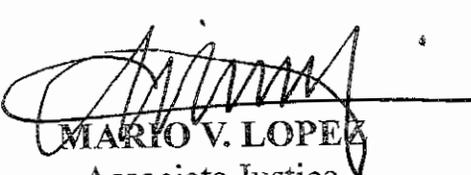


**AMY C. LAZARO-JAVIER**  
Associate Justice

**WE CONCUR:**



**MARVIC M. V. F. LEONEN**  
Senior Associate Justice  
Chairperson



**MARIO V. LOPEZ**  
Associate Justice



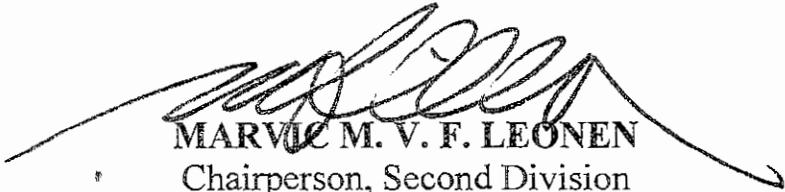
**JHOSEP V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M. V. F. LEONEN**  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice