

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ZENAIDA FLORES ALIAS ROSITA PACION, DEFENDANT AND APPELLANT.

G.R. No. L-6498. April 29, 1954

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal from a judgment of the Court of First Instance of Laguna, convicting the appellant, Zenaida Flores alias Rosita Pacion, of the crime of kidnapping penalized under article 267, paragraph 4, of the Revised Penal Code, as amended by Republic Act No. 18, and sentencing her to reclusion perpetua and its legal accessories, plus the costs.

One day prior to March 31, 1952, the appellant came to the house of the spouses Marcos Javier and Luz Reyes in Sta. Cruz, Laguna, asking for alms. She subsequently returned to said house wherein, upon her entreaties, she was allowed to stay as a housemaid without compensation by Mrs. Javier out of pity to the appellant who alleged that she had no relatives. At about two o'clock in the afternoon of March 31, 1952, while Mrs. Javier was washing clothes by the river, the appellant (then taking care of the young Javier children, one of whom is Leoncio, aged about five years) left the household with Leoncio and boarded an LTB bus. Upon her return, Mrs. Javier found the appellant and Leoncio already missing, unnoticed, however, by Marcos Javier who was left in the house. The search for the two yielded no result, although Marcos Javier was informed by an acquaintance that the latter saw the appellant and the boy Leoncio board an LTB bus. Whereupon, Marcos rushed to Manila in another bus, followed on the succeeding night by Mrs. Javier and a sister. In the early morning of April 1, 1952, proceeding to the LTB station in Manila, Marcos Javier asked Hobart Dator, a passenger agent of the LTB in Manila, about the conductor of the bus taken by the appellant and Leoncio in Sta. Cruz, Laguna. Hobart could not enlighten Marcos, because the latter failed to specify the number of the bus or the time of its departure from Sta. Cruz. Marcos was constrained merely to show a picture of his boy to Hobart, with the request that he be brought to a policeman in case he should be found. Around nine o'clock that same morning, Hobart saw in the LTB garage a boy resembling that whose picture was shown by Marcos, together with a woman who was then telling the child to go along with her, although the boy refused. Hobart, thus recognizing the identity of Leoncio Javier, took him to a nearby police outpost together with the woman. The policeman in turn delivered the appellant and the boy to sergeant policewoman Josefa Goco of the Missing Persons Unit of the Detective Bureau, Manila Police Department. Upon being questioned, the appellant gave her name as Erlinda Plutefia and stated that she was a fourth-year student in the Far Eastern University and had found the boy in Los Banos, Laguna, crying and looking for his parents; that thinking that the child was from Manila, she decided to take him along thereto, instead of delivering him to the Los Banos police. It was only in the early morning of the next day that Mrs. Javier and her sister claimed and recovered the boy Leoncio from police woman Josefa Goco. These facts are established by the testimony of the boy's mother Luz Reyes, her sister Belen Reyes, policewoman Josefa Goco, and LTB passenger agent Hobart Dator.

It is alleged on the part of the appellant that for about eight months prior to April 1, 1952, she had been serving as a housemaid in the home of Marcos Javier and Luz Reyes at an agreed monthly compensation of P15, and during said period she gave birth to a baby boy. The idea of leaving the household came to her mind when Mrs. Javier went to the river to wash clothes, bothered by the situation that she had not been paid a single centavo for her services. Dressed up and ready to depart, the appellant was asked by the boy Leoncio where she was going, to which the appellant answered that she was leaving for some other place. The boy desired to go with the appellant, but the latter tried to suppress his feeling, telling him that she and her baby would not return. Notwithstanding the boy's insistence, therefore, the appellant with her child boarded a passing LTB bus for Manila, whereupon Leoncio Javier followed running. The appellant was compelled to ask the conductor to stop and take the boy aboard the bus. Instead of proceeding to Manila, the appellant with her child and Leoncio transferred to another bus for Pansol, Los Banos, Laguna, where they stayed during the night in the house of a comadre, named Aning. The next morning she boarded a bus for Manila and upon arrival at the Azcarraga station, she delivered Leoncio to a police outpost, and the policeman on duty took the appellant along to precinct No. 4, although she was permitted to leave later by police-woman Goco.

The question that arises is one of credibility, and we have found nothing in the record to warrant the reversal of the findings of the trial Judge who had occasion to observe the witnesses testify. No motive has been imputed to LTB passenger agent Hobart Dator and police-woman Josefa Goco that could have prompted them to falsely incriminate the appellant. The uncorroborated version of the appellant certainly cannot overcome the weight of the evidence for the prosecution taken together.

The lack of criminal intent invoked by counsel for the appellant is negated by the fact that, in the first place, she failed to call the attention of the boy's father, who was then in the house, to the boy's attitude; and, in the second place, the appellant did not deliver the boy to the police authorities in Los Baiios, Laguna, where she allegedly first stopped. That the appellant was allegedly not paid her wages for eight months should not have warranted her to leave the Javier household without notice because this omission, far from tying her to her work, was a good excuse for quitting. And appellant's allegation that she delivered the boy to the nearest police outpost in Azcarraga, is contradicted by Hobart Dator and policewoman Goco.

Counsel for the appellant insists that a doubt in the latter's favor has been created by the circumstance that the complaint was filed by the chief of police of Sta. Cruz only on July 16, 1952. However, this short delay was due to the absence of the police chief in Lingayen, Pangasinan; the temporary residence of Leoncio's father in Sta. Cruz; and the failure to locate the appellant at once.

Counsel for the appellant also adverts to the failure of the police authorities to file a complaint for theft against her, notwithstanding the pretense of the boy's mother that she lost certain jewelry and clothing. The explanation for this, obviously, is the awareness on the part of the police authorities and the offended parties that conviction for kidnapping would already carry life imprisonment, thereby making it unimportant to further accuse the appellant of the crime of theft.

Being in accordance with the facts and the law, the appealed judgment is hereby affirmed, with costs against the appellant. So ordered.

Pablo, C. J., Bengzon, Reyes, Jugo, Bautista Angelo, and Concepcion, JJ., concur.

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