

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUBEN ABLAZA, DEFENDANT-APPELLANT.

G.R. No. L-27352. October 31, 1969

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PER CURIAM:

Automatic review of the decision of the Court of First Instance of Rizal (Crim. Case No. 13526) convicting therein accused Ruben Ablaza for kidnapping and serious illegal detention and sentencing him to the supreme penalty of death with all the accessory penalties set by law.

In an information filed in the Court of First Instance of Rizal, Ruben Ablaza, John Doe and Peter Doe were accused of the crime of kidnapping with serious illegal detention, said to have been committed as follows:

"That on or about the 22nd day of March 1963, in the municipality of Makati, province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then private individuals, conspiring, and confederating together and mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously kidnap take and carry away and detain one Annabelle Huggins a female 20 years of age, against her will and consent.

"Contrary to law, with the aggravating circumstance of the use of motor vehicle."

The prosecution, through its lone witness, complainant Annabelle Huggins, tried to establish that in November, 1962 accused Ruben Ablaza forcibly took her from her aunt's place in Caloocan City and brought her to a house in a barrio in Hagonoy, Bulacan, where she was criminally abused by her abductor. After her rescue by the Philippine Constabulary men, a criminal case for forcible abduction with rape was filed against Ablaza in the Court of First Instance of Bulacan.

On 22 March 1963, and while that case in Bulacan was still pending, Annabelle Huggins, who was sweeping the front of her aunt's house in Makati, Rizal, was again grabbed by two men and forcibly taken to a taxicab where a third man, who turned out to be Ablaza, was waiting. Then the vehicle sped away before anybody could come to the aid of the struggling girl. Inside the cab, Annabelle was seated at the rear between Ablaza and a companion; her head was pressed down to the floor of the taxi, with Ablaza covering her mouth with his hand to prevent her from crying out for help. She was first brought to the house of Ablaza's compadre in Caloocan, but then, informed that the police were already in their pursuit, she was moved to the house of another compadre, where she was kept for a week. Later, at the instance of Ablaza, Annabelle was taken to Bulacan to ask that the complaint against him be dropped. This did not materialize, because when they were inside the Malolos municipal building Annabelle's uncle, in company of Constabulary men, came and took her. She also testified that for the duration of her detention the accused and his compadres were always guarding her to prevent her escape.[1]

For the defense, only accused Ruben Ablaza took the witness stand, and gave an entirely different version of the incident. According to this accused, in 1962, he and complainant Annabelle Huggins were sweethearts; that as Annabelle was complaining of being maltreated by her aunt, they decided to elope, which they did in November, 1962. He and Annabelle stayed in the house of his uncle in Hagonoy, Bulacan, where they were later found by the

police authorities. Thereafter, he was charged for abduction with rape before the Court of First Instance of Bulacan.

Sometime in March 1963, he received a letter from Annabelle asking him to get her from her aunt's residence in Makati, Rizal (Exhibit "1"). The accused took a taxicab and went to the place indicated in the letter, and there he saw Annabelle; that, at his call, she came near and entered the cab with him; that they agreed to get married, but upon complainant's suggestion, they first went to Malolos so she could drop the case against him; that when they were in the municipal building, however, the Philippine Constabulary men and the aunt arrived and Annabelle changed her mind. With the above testimonies, both parties rested their cases.

On 7 March 1967, the court rendered its decision finding the accused guilty of kidnapping and serious illegal detention, attended by the aggravating circumstances of use of motor vehicle, and sentenced him to death. In reaching this verdict, the lower court said:

"In deciding and resolving the question of guilt or innocence of the accused, Ruben Ablaza, this Court more than ever realizes its grave responsibility of ascertaining the truth and finding the real facts as the accused is charged with a capital offense. The task of fact-finding in this particular case is delicate and difficult because all that the Court has before it are the directly conflicting testimonies of the complaining witness, Annabelle Huggins, and the accused, Ruben Ablaza, and our Decision will essentially be predicated on testimonial credibility.

"Simply stated, the question is: who of the two, Annabelle or Ruben Ablaza, is telling the truth?

"Several factors or circumstances lead us to believe and find that Annabelle Huggins is the one who told the truth."

The decision then went on to state that it was the complainant's sincerity and frankness while she was on the witness stand, coupled by her timidity and modesty, that convinced the court that the events as narrated by her were the true facts.

As correctly designated by the accused himself, the issue in this review of the aforesaid judgment of the court below revolves around the credibility of witnesses, i.e., whether or not the trial court was correct in giving more weight to the testimony of the complainant and in finding the accused guilty of the offense charged and sentencing him to death.

The rule in this jurisdiction on the matter of credibility of witnesses is by now settled. Unless there is a showing that the trial court had overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that would have affected the result of the case, the appellate court will not disturb the factual findings of the lower court.[2] For having had the opportunity of observing the demeanor and behavior of the witnesses while testifying, the trial court, more than the reviewing tribunal, is in a better position to gauge their credibility, and properly appreciate the relative weight of the often conflicting evidence for both parties.[3]

In the present case, there is no reason for us to overrule the judgment of the trial judge giving credence to the declarations of the complainant. The records of the case are convincing that the complainant's testimony on the facts of her kidnapping on 22 March 1963, and of her detention for a week, rang of truth. Not only was her narration of the events coherent and plausible, and remained unshattered by the cross examination by the defense counsel, but also no motive has been adduced why this witness, who, since the first incident in 1962, had got married and, therefore, would have wanted least public exposure of her harrowing experiences, would come out and undergo another legal scrutiny of her unfortunate encounters with the accused, other than the desire to tell the truth. Her reluctance after her marriage to publicize her harrowing experiences with the accused is attested by the warrant for her arrest, issued by the trial court on 16 January 1967 (Record, Court of First Instance, pages 90-91),

that left her no alternative but to take the witness stand on 18 January.

Under Article 267 of the Revised Penal Code -

"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 five days;

x x x x x x x x x x x x

"4. If the person kidnapped or detained shall be a minor, female, or a public officer.

x x x x x x x x x x x x x."

The accused, however, assails the decision finding him guilty of kid-napping defined and penalized by the above-quoted provision. It is being claimed that considering the testimony of complainant that she was raped by the accused while in the house of the latter's compadre in Caloocan, and again while in the house of his uncle in Bulacan, he (the accused) should have been adjudged guilty of abduction with rape instead.

There is no merit in the allegation. The accused stood trial for kidnapping with serious illegal detention, and the deprivation of complainant's liberty, which is the essential element of the offense,[4] was duly proved. That there may have been other crimes committed in the course of the victim's confinement is immaterial to this case. The kidnapping became consummated when the victim was actually restrained or deprived of her freedom, and that makes proper the prosecution of the herein accused under Article 267 of the Revised Penal Code. The surrounding circumstances make it clear that the main purpose of Annabelle's detention was to coerce her into withdrawing her previous charges against appellant Ablaza, thus obstructing the administration of justice. The acts of rape were incidental and used as a means to break the girl's spirit and induce her to dismiss the criminal charge.

While the accused presented a letter which he claimed to have been sent him by the complainant asking him to take her away, the authorship of said missive was not established. Appellant's personal belief that it came from her is not enough, considering that he made no attempt to even show his familiarity with her handwriting or her signature. Hence, the lower court was correct in giving no weight to said document.

It is likewise contended that it was error for the lower court to consider the aggravating circumstance of motor vehicle as attending the commission of the crime, the prosecution allegedly having failed to substantiate this allegation of the information. The contention is untenable. Contrary to the protestation of the accused, the fact of use of motor vehicle, which facilitated the taking away of the complainant and her consequent detention, was established not only by the latter's declaration in court but also by the accused's own admission that he took away the said complainant from her aunt's residence in Makati, Rizal, in a taxicab.[5]

Considering, therefore, the extant evidence on record, we fully agree with the trial court that accused Ruben Ablaza has committed the crime of kidnapping and serious illegal detention of the person of complainant Annabelle Huggins. The offense being attended by one aggravating circumstance, the use of motor vehicle, with no mitigating circumstance to offset it, the penalty provided in Article 267 of the Revised Penal Code should be imposed in its maximum period. The Court is thus left no alternative but to confirm the death penalty imposed by the court below.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Teehankee, JJ., concur.

Barredo, J., did not take part.

[1] Pages 14, 24, t.s.n., hearing of 18 January 1967.

[2] *People vs. Labis*, L-22087, 15 Nov. 1967 and cases cited therein, 21 SCRA 875.

[3] *People vs. Lumayag*, L-19142, 31 Mar. 1965; *People vs. Clemente*, L-23463, 28 September 1967, 21 SCRA 261.

[4] *People vs. Suarez*, 82 Phil. 484.

[5] Page 37, t.s.n., hearing of 18 January 1967.

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