

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMEO CARREON Y VIRAY, RAYMUNDO CARREON Y VIRAY AND
FEDERICO BATOC Y CALUPAS, ACCUSED-APPELLANTS.**

G.R. No. L-36154. August 29, 1980

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

For the kidnapping with illegal detention of a nine year old girl, Liza Pascual, Romeo Carreon y Viray, his brother Raymundo Carreon y Viray and Federico Batoc y Calupas were sentenced by the CFI of Manila, to reclusion perpetua with all the accessories, and to pay jointly and severally the sum of P500.00 as actual damages and P25,000.00 as moral damages. All accused appealed direct to this Court, but while in detention in Muntinlupa, and while this case is pending decision in this Court, Romeo Carreon withdrew his appeal on July 25, 1978 in a motion which was granted in this Court's Resolution of August, 10, 1978 (p. 162, Rollo).

The facts as established by the evidence for the prosecution, comprehensively stated in the People's brief from which We quote are as follows:

"On September 27, 1969, at around 5:00 o'clock in the afternoon, Lourdes Pascual testified that she left her four children with the maid in their apartment at the fifth floor of a building located at Juan Luna, Tondo, Manila, for the Metropolitan Restaurant, Ilaya, Tondo, Manila, where she sells cigarettes (p. 5, t.s.n., Hearing, July 7, 1971).

"An hour after she left the apartment, her eight year old daughter Liza Pascual, then a grade one at the Anglo-Chinese School went down the apartment to see her mother at her place of business (p. 5, t.s.n., id.). After preparing supper for the family, the maid called for all the children of Lourdes Pascual to eat. It was at this time that she discovered that Liza Pascual was nowhere to be found. She went down the apartment and reported to Lourdes Pascual that Liza was not in the apartment (p. 9, t.s.n., Hearing, July 13, 1971). Lourdes Pascual instructed her maid to look for Liza at the third and fourth floors, where some of Liza's classmates reside. She resumed her search but Liza could not be found. The frantic maid again returned to Lourdes Pascual, who instructed her to look for Liza in her friend's house and in the vicinity (pp. 5-6, t.s.n., id.; p. 10, t.s.n., Hearing, July 13, 1971). Finally, the maid went back to her and reported that Liza could not be found in the vicinity. Lourdes Pascual then closed her store, and she personally conducted the search for her daughter in the neighborhood, but like her maid she was unsuccessful (pp. 11-12, t.s.n., id.).

"She went to the Police Precinct No. 1 near the Meisic and inquired from the desk sergeant if he had seen her child responding to the description of Liza Pascual. She was accompanied to the cell of apprehended truant children, but her child was not among them. She continued her search at Police Precincts Nos. 2, near the Central Market, and 7 at the Police Headquarters at United Nations Avenue, but she did not see her (pp. 12-13, t.s.n., id.). There was no let up for her search that night until the next morning of September 28, 1969, a Sunday. She went to the Youth Center near the Nawasa building at Arroceros Street, but she did not find Liza (pp. 6-8, 15, t.s.n., id.). At the Youth Center, she was directed to go to nearby Doso Stadium, Metropolitan Building, Plaza Lawton but with the same result. Tired and sleepless, she went back to Ilaya to inquire whether

there was news received on the whereabouts of her daughter, but there was none, so far (p. 7, t.s.n., id.). She left her residence again, proceeded to Baclaran to hear mass, then went to the radio station atop the National Book Store at Rizal Avenue and requested the management to air her appeal to the public for any information of the whereabouts of her daughter (pp. 9, 16, t.s.n., id.). While she continued her search, she called up her husband by long distance who came to Manila on September 28, 1969, but he returned to San Fernando, Pampanga, as nobody was to take over the business establishment he was managing (p. 10, t.s.n., id.). She also went to the Manila Times Publishing Company and requested the management to publish that her child Liza Pascual was missing. True to their public service, the picture of Liza Pascual was published on Monday, September 29, 1969, in a column captioned "Child Missing" with a short write up of the missing child (Exhibits "B", "B-1", p. 181, rec.). She also requested the help of a T.V. station at Bohol Avenue, Quezon City, in the public service feature, for the dissemination of information of the loss of her child and a plea to the public who could furnish the information of her whereabouts. She also continued to make her novenas for the safe return of her daughter (p. 12, t.s.n., Hearing, July 7, 1971).

"She further testified that she knew the three accused in 1962, as she had always seen them on the vicinity as well as in Metropolitan Restaurant (pp. 12-13, 26, t.s.n., Hearing, June 7, 1971). A few days after Liza's disappearance, while Lourdes Pascual was drinking her cup of coffee, appellant Romeo Carreon y Viray approached her and inquired from her if she had already seen Liza (p. 17, t.s.n., id.). She merely shook her head because she had lost her voice due to a relentless and continuous search for her daughter. At this juncture, appellant Romeo Carreon said to her "relax lang" and after which, he remarked "what if the man who has found your child would ask P3,000.00 for her return." He left her without an answer. Pondering over the next step she would do, she hurriedly drank the remaining coffee, and proceeded to Valenzuela, Bulacan to continue her novena for the safe return of her child (pp. 13, 15, t.s.n., Hearing, July 1, 1971).

"Nine days passed, but there was no trace of the whereabouts of Liza Pascual. On October 6, 1969, around 6:00 o'clock in the morning, still pursuing her search for her daughter, Lourdes Pascual again went to the T.V. Station, Bohol Avenue, Quezon City, to request Johnny de Leon to air another appeal to the public regarding her child. It was only about 1:00 o'clock in the afternoon that she was attended to (pp. 9-10, t.s.n., Hearing, July 27, 1971).

"At around 11:00 o'clock on October 6, 1969, while Lourdes Pascual was at the T.V. Station in Quezon City, Liza was set free by her kidnappers. She went home at around 1:30 o'clock in the afternoon (p. 11, t.s.n., July 27, 1971).

"Lourdes Pascual then had a tearful reunion with her daughter Liza, who told her that she was taken by appellants Romeo Carreon y Viray, Raymundo Carreon y Viray, and Federico Batoc to the house of the Carreons at Antonio Rivera Street, Manila, where she was confined from September 27 to October 6, 1969 (pp. 15-16, t.s.n., Hearing, July 13, 1971).

"For the safe return of Liza, Lourdes Pascual took her daughter to Marulas, Valenzuela, Bulacan at around 4:00 o'clock in the afternoon of October 6, 1969 to offer a thanksgiving mass (p. 15, t.s.n., id.). While they were passing through Azcarraga (now Claro M. Recto Street) in front of Cine Royal, Liza touched her and pointed to the place where she was left by Romeo Carreon y Viray in Azcarraga at the back of the station of buses going to Baguio (pp. 12, 16, 17, t.s.n., id.). Liza likewise, informed her that she was brought and detained in the house of the appellants Romeo and Raymundo Carreon y Viray at Antonio Rivera St. (p. 19, t.s.n., Hearing, July 7, 1971).

"From Valenzuela, Bulacan, Lourdes Pascual and Liza Pascual went to the Meisic Police station and informed the desk sergeant that her daughter had returned (p. 20, t.s.n., id.). She inquired from the desk sergeant when she could see Lt. Mejia; she was informed that he would be on duty at 10:00 o'clock in the evening. She then waited for him and upon arrival she told the names of the people who kidnapped her daughter and she requested him to arrest the suspects as they were the ones named by her daughter (pp. 16-17, t.s.n., Hearing,

July 27, 1971). Lt. Mejia, however, told Lourdes Pascual that he could not effect the arrest personally earlier than October 16, 1969, at which date he would then be on morning duty (pp. 17, 20, t.s.n., id.).

"While she went through her chores of selling cigarettes, she oftentimes saw the three suspects roaming around in that area, and feeling that October 16, 1969, set by Lt. Mejia to arrest the suspects, was unbearably too long to wait, Lourdes Pascual remembered that she had a provincemate, by the name of Artemio Manubin who was at Camp Crame (p. 33, t.s.n., Hearing, July 27, 1971).

"On October 12, 1969, Lourdes Pascual and her daughter Liza went to see Artemio Manubin, who was then a member of the P.C. Special Force. She told Artemio Manubin about the kidnapping of her daughter and so Artemio Manubin referred her to his commanding officer Capt. August Velasco (pp. 33-34, t.s.n., id.). Acting upon the report, a team of eight men headed by one Lt. Mariano Legatos, was formed for the apprehension of the three suspects. Before they left Camp Crame, Artemio Manubin inquired from her the addresses of the suspects where they could be seen; she told them that it was in Ilaya near the restaurant (p. 35, t.s.n., id.).

"At around 2:00 o'clock in the afternoon of October 13, 1969, Artemio Manubin and his group arrested the three accused; Romeo Carreon y Viray was picked up at the curve near the General Bank; Federico Batoc (Bebot) at the restaurant, and Raymundo Carreon y Viray was taken at the Yangco market while lying down on a pile of textiles (p. 36, t.s.n., id.). They were all invited to Camp Crame, Special Forces Office for investigation including her and Liza Pascual (pp. 37, 42, t.s.n., id.); after which they were taken to Fiscal Tiongco in Manila (p. 42, t.s.n., id.).

"In the search for her daughter, Lourdes Pascual stated that she spent around P2,000.00, part of which was spent for the food of the soldiers who helped in the arrest of the accused.

"Liza Pascual, a ten year old, second grade pupil at the Anglo Chinese School and the daughter of Lourdes Pascual and a certain Shong Ky, testified that at about 6:00 o'clock on September 27, 1969, she went down the apartment where she and her family lived at Juan Luna St., Binondo, Manila, to follow her mother who was selling cigarettes at the Metropolitan Restaurant, Ilaya Street, Manila (pp. 8, 9, and 10, t.s.n., Hearing, April 12, 1969). However, she did not reach the place of her mother, because while she was crossing the street, she heard Romeo Carreon y Viray made "sutsut" to her, then Federico Batoc (Bebot) chased her (pp. 11, 16, t.s.n., id.). Later Romeo Carreon y Viray joined "Bebot" (Federico Batoc) who caught her and held her on the arms, and then she was carried to a jeepney where the driver Raymundo Carreon y Viray was (p. 11, t.s.n., id.). She was then made to sit at the back of the jeepney beside Romy. She shouted and cried, but she was warned by "Romy" (Romeo Carreon y Viray) not to shout, otherwise, he would kill her (pp. 11, 12, 16, t.s.n., id.). The jeep stopped at Antonio Rivera St., Tondo, Manila, after which she was brought to the house of Romeo Carreon y Viray and Raymundo Carreon y Viray by appellants Romeo Carreon and Federico Batoc. She was locked and confined in a room for nine days (pp. 13, 18, t.s.n., pp. 11, 14, t.s.n., Hearing, May 12, 1971). While they left her in the room, she was warned not to go out otherwise they would kill her (p. 5, t.s.n., Hearing, June 15, 1971; p. 17, t.s.n., id.). The mother of the Carreons gave her food and a urinal inside the room where she did her personal necessities (p. 5, t.s.n., Hearing, June 15, 1971). On October 6, 1969, at 11:00 o'clock in the morning, she was brought out by Romeo Carreon and then set free at Azcarraga (now Claro M. Recto St.). She was warned not to report to anybody that they (accused-appellants) were the ones who took her, otherwise they would kill her. She was left alone in a busy street. She cried because she could not cross the street (p. 14, t.s.n., Hearing, April 12, 1971). Then came along an old man who asked her where she resided. She told the old man that she could not cross the street, and that she was living at Juan Luna St. (pp. 10-11, t.s.n., Hearing, April 12, 1971). At this juncture, Severino Raguindin offered his services and brought her at the place where her mother was selling cigarettes, but her aunt was there instead. Liza's aunt together with the old man brought her to the apartment where she and her family live (p. 15, t.s.n., id.). Upon arrival in her house, she cried because her mother was not around. Not long after, the old man left, while her mother arrived. It was a tearful reunion with her mother and sisters. She immediately told her that it was Romy and his companions who took her (pp. 15, 17, 19, 20, t.s.n., Hearing, April 12, 1971).

"Liza Pascual further corroborated the testimony of her mother that she was investigated by the CIS at Camp Crame where she also saw the three accused-appellants (pp. 20-21, t.s.n., id.).

"Artemio Manubin, a soldier of the Special Forces of the Philippine Constabulary, and a member of the striking force unit of the Metrocom testified that Lourdes Pascual and her daughter went to Camp Crame and lodged a complaint to the effect that Liza Pascual was kidnapped (p. 2, t.s.n., Hearing, Aug. 16, 1971). He accompanied them to his commanding officer, Capt. Augusto Velasco, who instructed him to look for the suspects, so that they could be investigated in Camp Crame, through the information furnished by the complainants. They were able to arrest the suspects in compliance with the order of his commanding officer (pp. 3, 8-9, t.s.n., id.). When they reached Camp Crame, he and the other members of the team turned over the three accused to the CIS for investigation. On the following day (October 14, 1969) he again received a written order designating him as the security of Lourdes Pascual and her family. This was so, because Lourdes Pascual informed the commanding officer that she and her family were threatened. He also testified that pending the investigation, the three accused-appellants asked him, if there was a possibility of settling the case, to which he replied that they talk with the complainant. He, however, did not know if the appellants saw the complainant (p. 5, t.s.n., id.).

"Primitivo Geologo, a soldier, and assigned in the investigation branch, Criminal Investigation Service of the Philippine Constabulary, testified that on October 13, 1969, he and two other agents were ordered by the commanding officer of the Defense Forces to proceed to the Office of the Special Forces to conduct investigation of the three accused who were charged with kidnapping Liza Pascual, a daughter of complainant Lourdes Pascual. He was assigned to take the statement of Liza Pascual (Exh. "E") (pp. 1-3, t.s.n., Hearing, Sept. 27, 1971). During the investigation, he saw Liza Pascual point to the three accused in group of eight persons shown to her as the persons who took her.

"He finally stated that the answers of Liza Pascual to the questions he propounded were voluntarily and freely given by her without the influence or reward from somebody (p. 4, t.s.n., id.). Aside from Liza Pascual, he was also assigned to investigate accused Romeo Carreon y Viray which was reduced in writing (Exhibit "F"). After the investigation, he was allowed to read the statement and asked if he understood the contents thereof, then he voluntarily and freely signed it. He further stated that Romeo Carreon y Viray was never maltreated, threatened or promised any reward (pp. 5-6, t.s.n., Hearing, Sept. 27, 1971).

"Amelito Recuenco, another CIS agent assigned by the commanding officer of the Philippine Constabulary to assist the Home Defense Forces personnel in the investigation of the kidnapping of Liza Pascual. He was assigned to investigate the accused Federico Batoc which was reduced in writing (Exhibit "H"). Federico Batoc before he affixed his signature, read it and understood the contents thereof (pp. 9-10, t.s.n., Hearing, Sept. 27, 1971). In giving his statement and in signing the same, Federico Batoc was never pressured, forced, coerced or given a promise of reward by him or from anyone.

"Liza Pascual and Federico Batoc had a confrontation with each other. Liza pointed to the three accused-appellants Romeo Carreon y Viray, Raymundo Carreon y Viray and Federico Batoc, among a line of men in civilian clothes inside the office of the Home Defense Forces although hesitantly. Liza Pascual was afraid to point them because they might kill her (Baka nila ako patayin), but she was assured that no harm would be done to her if she pointed to her kidnappers (p. 11, t.s.n., id.). Before the statement was forwarded to the inquest fiscal in Manila, the accused-appellants were fingerprinted, photographed, and he also had the child examined in the laboratory to determine if Liza was molested. He and his other companions also took Liza to the place where she was brought by the accused-appellants in Antonio Rivera Street, Tondo, Manila (pp. 11-12, t.s.n., id.).

"Jose Bautista is one among the three CIS agents assigned to investigate the accused-appellant Raymundo Carreon, which investigation was reduced in writing (Exh. "C"). He identified the signature of Raymundo Carreon which he affixed after having asked him if he understood the contents thereof (pp. 1-2, t.s.n., Hearing,

Oct. 20, 1971). He also declared that there was no force, coercion, maltreatment or promise of reward made to Raymundo Carreon at the time this statement was taken (p. 3, t.s.n., id.).

Denying the kidnapping as imputed to them appellants came up with alibis.

Testifying in his behalf, Romeo Carreon declared that as his daily routine in attending to his business of selling scrap iron and card board for which he maintained a bodega in a vacant lot beside the Metropolitan Restaurant where Lourdes Pascual had her cigarette stand, he would be at his work at 7:00 or 7:30 o'clock in the morning until 5:00 to 5:30 o'clock in the afternoon. On his way home at 150 Antonio Rivera Street, Manila, he would drop at the market to buy food which he would cook and then feed his nieces and nephews before going to school where he stayed up to 9:00 o'clock in the evening, passing by his bodega on his way home from school. On September 27, 1969, he saw his brother Raymundo at his bodega in Ilaya Street but did not see him anymore in the afternoon, and never saw Federico Batoc on that day, although the latter sold his carton boxes at the side of Juan Luna Street just opposite where his bodega is located, their places of business being divided only by a carton wall. Having known Lourdes Pascual since 1962, and upon learning of Liza Pascual's disappearance, he advised Lourdes to see a fortune teller and publish in the newspapers what happened to her daughter.

Raymundo Carreon who worked as a "cargador" at Yangco Market at the corner of Tabora and Ilaya streets, Manila, usually started work between 6:00 and 7:00 o'clock in the morning to 7:00 o'clock in the evening, but declared that on September 27, 1969, he left his place of work between 6:00 to 7:00 o'clock in the afternoon and went to Chavez Street to drink beer, and that he never saw Liza Pascual on that day because he was at home the whole day resting because there was a block rosary in his place. He was never with his brother and Federico Batoc that day, and that he did not know how to drive a jeep.

For his part, Federico Batoc simply denied having anything to do with the kidnapping of Liza Pascual, and learned of the kidnapping only when informed by Romeo and Raymundo Carreon and even upbraided Lourdes for being negligent.

Aside from their alibi, appellants also offered the testimony of Severino Raguindin and Eliseo de Leon that while on his way home from work, Raguindin, a salesman, stumbled upon Liza who approached him crying, and that the girl told him she had no parents and nobody would give her food and so he brought her to his house as she did not want to be left behind, the girl thus staying with Raguindin until she was seen by a relative while the girl was with Raguindin, and that together with this relative, Raguindin and the girl went to the latter's residence; but the girl's mother Lourdes not being at home, Raguindin just said he would return, but never saw Lourdes when twice he returned, seeing her only when she went to his house. On his alleged advice, on being consulted on September 27, 1969, by Raguindin his grandfather, Eliseo de Leon's testimony was merely for the latter to bring the girl to the nearest police station from where he found her.

Insisting on their innocence, appellants in their joint brief, charge the trial court with error in giving credence to the testimony of Lourdes Pascual, which they brand as biased and improbable, and that of Liza Pascual which they claim to be rehearsed, and in not giving credence to their own testimony and that of their witnesses Severino Raguindin and Pat. Eliseo de Leon, showing that there was not even any kidnapping at all.

To Lourdes Pascual is imputed ill motive in testifying the way she did because of an old grudge she allegedly harbored against Raymundo Carreon for the latter having tipped the authorities that she was selling blue seal cigarettes and was thereby apprehended, extending her grudge to Romeo Carreon because he is a brother of Raymundo. Against Federico Batoc improper motive is similarly imputed because she suspected Batoc of having told her husband that she was going with another man for which she was chased by her husband with a bolo (pp. 14-17, Petitioner's Brief).

The supposed ill motives as above described could have existed only in the imagination of appellants. The alleged tipping by Raymundo Carreon against Lourdes Pascual took place in 1965, so long a time back for her to have totally forgotten the incident, specially as she was not actually charged in court (p. 8, t.s.n., July 27, 1971). This is true also with the bolo-chasing incident which happened two (2) years before, and what is more, it was a mere suspicion on appellant Batoc's part that Lourdes Pascual suspected him as having told her husband of her alleged infidelity, for he himself affirmed that he did not tell her husband anything about the gossip against her, even continued to buy cigarettes from her, and was never confronted by Lourdes Pascual regarding her suspicion against him (pp. 9-10, t.s.n., March 15, 1972).

As to Romeo Carreon, his being the brother of Raymundo alone should not furnish any ground for Lourdes to harbor any grudge against him. Lourdes in fact disclosed that he had no grudge at all even against his brother Raymundo. From the story of the young girl, Romeo appears to have had the most active role in the kidnapping, being the one who first tried to lure and Liza and the one who, after her detention for nine (9) days, brought her to Claro Recto St. where she was left alone with threats of death if she reported to anyone her being kidnapped by appellants. It was Romeo, whom Liza called "Romy," that she mentioned by name among appellants when in the tearful reunion with her mother, she sobbed her story of the ordeal she had gone through (pp. 15-16, t.s.n., April 12, 1971). Ill-motive should, therefore, be discarded as having been behind the story unfolded by Liza which appellants claim to have been merely taught and rehearsed by her mother. For if ill motive prompted the supposedly fabricated story against appellants, Raymundo, not Romeo, would have been pictured as having had the bigger role, as it was he who tipped off Lourdes to the authorities of her blue-seal cigarettes vending. Lourdes, moreover, appears to be an intensely religious woman. She resorted to novena prayers and hearing masses in seeking God's help in her search for her missing child. On Liza's safe return, she immediately went to offer a thanksgiving mass at Marulas, Valenzuela, Bulacan. With such faith in, and closeness to, God, she could not have entertained unholy thoughts of falsely persecuting not just one, but three, innocent men, through a young girl who could easily break down on rigid and intense grilling on cross-examination if her testimony were not the solid truth.

The testimony of Liza Pascual is, however, far from having been merely taught to her as contended by appellants, obviously realizing how devastatingly damaging it is to them if only by reason of its spontaneity. For as soon as she was reunited with her mother, she immediately narrated that it was appellants who took and kept her (pp. 15, 16, t.s.n., April 12, 1971). Soon thereafter, they went to the Meisic Police Station where they requested Lt. Mejia to arrest her kidnappers whose names were given by the young victim. From the moment mother and daughter were tearfully reunited, followed only by a visit to the church for thanksgiving, from where they went direct to the police station, the period intervening was so short to have allowed Lourdes, in her joyful excitement, ever to think of concocting a story in which all three appellants would be named as the culprits, without their having actually had anything to do with the heinous offense, as they claim. Had Lourdes wanted to exploit the kidnapping of her daughter to wreak vengeance against appellants with a concocted story made to come out from Liza's mouth, certainly a much longer time was needed before the child, fresh from a punishing ordeal and harrowing experience, would be brought to the police authorities who would certainly subject her to intense interrogation. By how she identified the appellants at the office of the Home Defense Forces, from among other persons in a line-up, although a bit hesitatingly, because of her fear that those she would point to might kill her as they threatened her so, overcoming the fear only on being assured that no harm will come upon her, Liza was, assuredly, not a mere rehearsed witness. A young child as Liza is hardly the kind of witness ever to be made to relate in court a false and merely rehearsed testimony. She could easily break down on severe cross-examination, but she did not, as observed by the trial court. This is so because she was narrating a truthful story in the innocent simplicity of a child witness.

To the argument of appellants that it was incredible that the kidnapping was not noticed by anyone in such a busy street where the offense was committed, be it remembered that the victim is a young girl barely nine years old. Carried by a man, even if she were crying, passersby could think it was only a case of a truant girl being brought home by her father or brother against her will, the idea of kidnapping not at all coming into suspicion.

It is no argument, as appellants would put forth, that had they committed the crime, they would not have gone about their usual occupation daily. It was the mother of the brothers Carreon who watched over the girl whom appellants had securely locked in a room in the Carreon house at Antonio Rivera Street. It was also while appellants were at their usual trade that one of them, Romeo Carreon, told Lourdes just to relax ("relax lang") and remarked "what if the man who found your child would ask P3,000.00 for her return", but left without awaiting an answer. There was absolutely no hindrance to their going about their daily routine as usual but even served their purpose better to do so, after they had kidnapped the girl, for, if they disappeared from their usual place of work, suspicion would have been drawn more readily and strongly to themselves.

With the credibility of the star witness of the prosecution, the victim herself, as well as the other corroborative witnesses, particularly her mother, Lourdes Pascual, the PC soldier and CIS agent, firmly established, it would be difficult to find any semblance of truth in what appellants' witness, Severino Raguindin, testified to, which if given credence, could exculpate appellants. The inherent incredibility of his testimony, however, is so glaring for, if it is true that he merely stumbled on Liza who was crying while on his way home, the most natural thing he would have done is to bring the child to the nearest police station, or just deliver her to the first policeman he met, instead of bringing her home and keeping the girl for nine days. Liza's story of having met Raguindin where she was left alone by Romeo Carreon crying because she could not cross the street with the heavy traffic, and it was Raguindin who from there, brought her to her own home, is undoubtedly the more worthy of credence, compared to the vastly different version of Raguindin himself, deliberately twisted to exculpate appellants. Raguindin is apparently a friend, asked to bring the child back home, but made to appear as if he only chanced upon the girl crying, appellants hoping that once Liza is back home, the whole incident will end there, since, with their grave threats on her, the girl would reveal nothing against them. But they erred in their calculations, and so they sought Raguindin's help with the totally incredible story he gave in court, for how could Raguindin have been known by appellants and utilized as their witness if Raguindin, unknown to appellants, merely stumbled on the crying child? And how could Liza have told Raguindin that she had no father or mother as Raguindin so testified, when that is not the fact? This was a clear falsehood intended to give reason for his bringing the girl to his home, and keep her there so many days, instead of promptly delivering her to a policeman or to a police station, as he further testified, evidently to explain the nine-day absence of Liza from home.

The act of Romeo Carreon in withdrawing his appeal on July 25, 1978 (p. 160, Rollo) long after the case had already been submitted for decision, must have been prompted by a strong sense of guilt and repentance, and upon a realization that the evidence of the prosecution is overwhelming, and that of the defense, weak in the extreme. As above discussed, and even more so with the greater details as the trial court delved in, the evidence is, indeed, strong to prove guilt beyond reasonable doubt.

WHEREFORE, there being no error in the judgment appealed from, same is hereby affirmed, with costs.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, and Melencio-Herrera, JJ., concur.

Aquino, J., concurs in the result.

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