

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS PALOMA Y GUBATON, WILLIAM DOE AND CRISTINA AMORSOLO PALOMA, ACCUSED-APPELLANTS.

G.R. No. 116595. September 23, 1997

Ponente: PUNO, J.

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PUNO, J.:

On January 29, 1992, an information was filed against spouses Jesus and Cristina Paloma and "William Doe", charging them with Serious Illegal Detention, committed as follows:

That on or about and within the period from August 14, 1991 to August 15, 1991, in the City of Legazpi (sic), Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who are private individuals, conspiring, confederating and mutually helping one another for a common purpose, did then and there, wilfully, unlawfully and feloniously detain Rosario B. Amorsolo, a female, in the following manner: When Rosario B. Amorsolo was in the house of accused Jesus G. Paloma accused "William Doe" tied her hands with wire on her back while accused Jesus G. Paloma covered her head with a knapsack and told her that accused "William Doe" was a policeman and accused Cristina Amorsolo Paloma asked Rosario B. Amorsolo to sign a document for the withdrawal of a civil case; and as a consequence thereof said Rosario B. Amorsolo was deprived of her liberty against her will for a period aforesated.

"CONTRARY TO LAW." [1]

When arraigned, Jesus and Cristina Paloma pleaded not guilty. "William Doe" is still at-large.

The prosecution presented the following witnesses:

ROSARIO BALDOZA AMORSOLO is the 71 year old victim and mother of accused Cristina Paloma. She testified that on August 13, 1991, at 8:00 o'clock in the morning, she was in Banadero, Albay, when Jesus Paloma, her son-in-law, informed her that Cristina wanted to talk to her. She proceeded to her daughter's house in Cabangan, Legaspi City and arrived there at 10:00 o'clock in the morning. Cristina was not home and Jesus asked her to wait. Cristina came home at 7:00 o'clock in the evening but went straight to her bedroom, followed by Jesus. When Jesus came out of the bedroom, he told her that Cristina was tired and would talk to her in the morning. She passed the night in their house. The following day, August 14, she woke up at 6:00 a.m. and waited for her daughter. Jesus told her that Cristina momentarily went out of the house but would be back soon. She went to the kitchen to wash her face. Shortly, Jesus came and told her that a man from Banadero was looking for her. She proceeded to the sala and saw a man she did not recognize. Suddenly, the man stood up and tied her hands at her back. Jesus ordered her not to move because the man was a police officer. Jesus then covered her head with a knapsack. She felt weak and fell on the floor. She heard Jesus call his son Reynante. When Reynante did not answer, Jesus himself carried her inside the bedroom. Jesus pushed her on the bed and tied her feet. She remained inside the bedroom until the next morning. When Jesus came back, she asked him to let her talk to Cristina. At 9:00 a.m., she finally talked with Cristina. Cristina asked her to sign a document withdrawing a land case against them. She refused. She pleaded with them to let her go.

Jesus agreed but warned her against telling her husband about the incident. They released her at 10:00 a.m. She reported the incident to the police and then went to the Albay Provincial Hospital. She also filed a complaint with the barangay court of Banadero. [2]

BIENVENIDO MIRASOL, 68 years old and a resident of Banadero, Albay testified that he knew the victim, Rosario Amorsolo, because he was renting a house owned by her. On August 14, 1991, at about 7:00 a.m., he looked for her to pay his rent. Alfred Manila, his neighbor, told her that Mrs. Amorsolo was in the house of Jesus Paloma in Cabangan, Legaspi City. He went to Cabangan to see her. Upon reaching the house of Jesus, he saw that the door was open. He entered the house and saw Mrs. Amorsolo on a kneeling position with both hands tied at her back. He rushed out of the house because he was frightened. When he glanced back, he saw through the window Mrs. Amorsolo's head covered by a knapsack. He hurriedly took a jeepney and returned home. He did not report the matter to the police or the barangay officials. On October 1, 1991, he executed an affidavit relating the incident before the Commission on Human Rights. [3]

DR. ROGELIO RIVERA testified that on August 15, 1991, he was working at the Albay Provincial Hospital when he treated Rosario B. Amorsolo for some injuries. He found a linear reddish discoloration on her right dorsal forearm which could have been caused by tying a piece of string or wire on it. He also found contusions on her left shoulder which could have been caused by a fist blow or any blunt object or instrument applied on the area. He did not find any mark of rope or string on Mrs. Amorsolo's wrists. [4]

SALVACION ROGNAO, barangay secretary of Barangay 6, Banadero, Legaspi City, testified that on August 15, 1991, she recorded a complaint (Exhibit "D") by Mrs. Rosario Amorsolo in the barangay blotter. Mrs. Amorsolo complained that she was mauled by her son-in-law Jesus Paloma. Upon Mrs. Amorsolo's instruction, she later amended the complaint to include that Mrs. Amorsolo's hand was tied behind her back and her head was covered by a knapsack. [5]

The defense presented the following witnesses:

JESUS PALOMA testified that on August 14 and 15, 1991, he was supervising the construction of his house in Banadero, Legaspi City, although, at that time, he was still a resident of Cabangan, Legaspi City. He denied tying the hands of his mother-in-law and covering her head with a knapsack. He revealed that his mother-in-law was fond of filing cases against him. The instant case is the seventh (7) one she filed against him. All the cases had been dismissed by the courts. [6]

CRISTINA AMORSOLO testified that on August 14 and 15, 1991, she was not at their house in Cabangan but in Legaspi City attending to her jewelry business. She denied detaining her mother at their house in Cabangan. She said her mother filed this case to pressure them to surrender a piece of land which is the subject of litigation between them. [7]

REYNANTE PALOMA, the 24 year-old son of the accused spouses, testified that on August 14 and 15, 1991, nothing unusual happened at their house. [8]

After the trial, the Regional Trial Court of Legaspi City, Fifth Judicial Region, Branch 5, presided by Judge Vladimir Brusola, convicted the two accused. The dispositive portion of the decision reads:

WHEREFORE, premises considered, decision is hereby rendered finding the accused JESUS PALOMA Y GUBATON, GUILTY beyond reasonable doubt of the crime of Serious Illegal Detention as this is defined and penalized under Article 267(4) of the Revised Penal Code and hereby sentences him to suffer the penalty of imprisonment of Reclusion Perpetua with all the accessory penalties attached thereto. The accused CRISTINA AMORSOLO PALOMA is hereby found GUILTY beyond reasonable doubt as accessory to the crime of Serious Illegal Detention committed by her husband, co accused Jesus Paloma y Gubaton and taking into consideration the Indeterminate Sentence Law, she is hereby sentenced to suffer the penalty of imprisonment of Two (2) years, Four (4) months and One (1) day of prison Correctional Medium period as the minimum to

Eight (8) years and One day of Prison Mayor Medium period as the maximum. Both accused are hereby ordered to pay jointly and severally the offended party Rosario Amorsolo y Baldoza, the amount of P50,000.00 as moral damages, P20,000.00 as exemplary damages and to pay the costs.

"SO ORDERED." [9]

Hence, this appeal, where the appellants contend that:

"I

THE LOWER COURT ERRED IN FINDING THAT THE EVIDENCE OF THE PROSECUTION HAS SUFFICIENTLY ESTABLISHED BEYOND REASONABLE DOUBT THE GUILT OF ACCUSED JESUS PALOMA Y GUBATON AS PRINCIPAL IN THE CRIME OF SERIOUS ILLEGAL DETENTION DEFINED AND PENALIZED UNDER ARTICLE 267 OF THE REVISED PENAL CODE AND THAT THE ACCUSED CRISTINA AMORSOLO PALOMA GUILTY AS ACCESSORY THERETO.

II

THE LOWER COURT ERRED IN RULING THAT ALIBI BEING A WEAK DEFENSE IS NOT AVAILABLE FOR THE ACCUSED TO PROVE THAT HE WAS NOT AT THE PLACE OF THE INCIDENT BUT HE MUST ALSO PROVE THAT IT WAS PHYSICALLY IMPOSSIBLE FOR HIM TO BE AT THE PLACE OF THE INCIDENT AT THE TIME IT HAPPENED.

III

THE LOWER COURT ERRED IN RULING THAT JESUS PALOMA DETAINED ILLEGALLY THE OFFENDED PARTY AND THAT THIS WAS KNOWN TO CRISTINA - THE VERY DAUGHTER OF COMPLAINANT ROSARIO.

IV

THE LOWER COURT ERRED IN FINDING THAT THE COMPLAINANT IS ENTITLED TO MORAL DAMAGES AND IN AWARDING EXEMPLARY DAMAGES."

We find merit in the appeal.

Under Article 267 of the Revised Penal Code, serious illegal detention is committed when the following elements of the crime are present: (1) that the offender is a private individual; (2) that he kidnaps or detains another, or in any other manner deprives the latter of his liberty; (3) that the act of detention or kidnapping must be illegal; and (4) in the commission of the offense, any of the following circumstances is present: (a) that the kidnapping or detention lasts for more than 5 days; or (b) that it is committed simulating public authority; or (c) that any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) that the person kidnapped or detained is a minor, female, or a public officer. [10]

We hold that the lower court erred in finding that the prosecution evidence proved these elements of the crime of serious illegal detention.

The testimony of Mrs. Amorsolo, the victim herself, is not credible. Her motive is suspect. Even before the filing of the case at bar, the relationship between Mrs. Amorsolo and the appellant spouses has already been strained by a dispute involving a piece of land. The records likewise show that Mrs. Amorsolo filed a complaint before the barangay of Banadero against Jesus Paloma on July 16, 1991 which was recorded as follows:

July 16/91 Brgy. Case No. 020-91

"Mrs. Amorsolo, Rosario- complainant

"Detail of Complaint

"Rosario Amorsolo, 71 yrs., married, a resident of La Purisima, Cam. Sur, who owns a lot at Banadero, Brgy. #6, Leg. City reported Jesus Paloma, his son-in-law, a resident of Brgy. #18, Cabangan, Leg. City constructed a house in the lot of her husband, Federico Amorsolo, inspite of the fact that consent was not given to him due to said lot had a case.

"Sgd. Rosario B. Amorsolo". [11]

A month later or on August 15, 1991, she filed another complaint before the barangay of Banadero alleging she was mauled by Jesus Paloma, to wit:

August 15/91 Brgy. Case No. 021-91

"Mrs. Rosario Amorsolo-complainant

"Complaint 7:00 a.m.

"At on or about 12:00 o'clock noon, Rosario Amorsolo, 71 yrs. married, a resident of La Purisima, Cam. Sur, presently residing at Banadero, Leg. City (c/o Mrs. Alfredo Manila) reported that on Aug. 13/91, she was mauled by his son-in-law (Jesus Paloma) which resulted to her injuries.

"Sgd. Rosario B. Amorsolo". [12]

On the same date, August 15, 1991, she reiterated her complaint before the Legaspi City police station that she was mauled by accused Jesus Paloma, to wit:

1245H- PHYSICAL INJURIES

Rosario Amorsolo Y (sic) Baldosa, 71 years old, married of La Purisima, Nabua, Camarines Sur, presently residing at banadero (sic) Albay District, Legaspi City c/o Mr. Alfredo Manila reported that last 13 August 1991 she was mauled by one Jesus Paloma which resulted to her injuries. Complainant was advised to submit for medical treatment at Albay Provincial Hospital." [13]

We hold that these events show that the serious illegal detention case against appellants was merely fabricated by Mrs. Amorsolo. We note that both the police and barangay blotters reflected her complaint that August 15, 1991 is the date when she was allegedly mauled. She then charged appellants with the crime of serious illegal detention. To establish her charge, she caused the alteration of her August 15, 1991 complaint in the barangay blotter to read as follows:

August 15/91 Brgy. Case No. 021-91

"2:00 p.m.

"Mrs. Rosario Amorsolo-complainant

"Complaint 7:00 a.m.

"At on or about 12:00 o'clock noon Rosario Amorsolo, 71 yrs. married, a resident of La Purisima, Cam. Sur, presently residing at Banadero, Leg. City (c/o Mrs. Alfredo Manila) reported that on Aug. 13/91, she was tight of a wire on her hand (sic) (inserted between lines) mauled by his son-in-law (Jesus Paloma) which resulted to her injuries.

Sgd. Rosario B. Amorsolo

"Irratum: (sic)

And her face was covered by a knapsack and his (sic) shoulders were swollen."(Amendments emphasized) [14]

Nonetheless, she failed to make similar corrections in her August 15, 1991 complaint to the police as reflected in the police blotter. Consequently, while the barangay blotter stated that her hands were tied with a wire and her head was covered by a knapsack, the police blotter merely showed that she was mauled by appellant Jesus Paloma. Thus, there is reason to believe that the charge of serious illegal detention was a mere afterthought.

This is not all. Mrs. Amorsolo's unamended complaint before the barangay appears to have been executed on August 15, at 7 a.m. Yet, she testified as follows:

ATTY. BERNALES:

Q

What time was it when you were allowed to go home or set free by the accused?

A

I was able to go home at ten.

Q

From the house of the accused when you were set free at about ten o'clock where did you go or proceed?

A

I went to the headquarters.

Q

Why, what did you do at the headquarters?

A

I made a complaint.

Q

After that-- after going to the police, where did you proceed?

A

I was advised by the policeman to go to the hospital or proceed to the hospital for check-up as to what happened to me."

Q

From the hospital where did you proceed?

A

From the hospital I went to Banadero where I was staying.

Q

Did you likewise report that to the officials of Banadero?

A

I also made a complaint with the Barangay Captain but he was not there so it was the Barangay Secretary who took down my complaint. [15]

If Mrs. Amorsolo was indeed released by appellants at 10:00 a.m. on August 15, 1991, she could not have reported to the barangay at 7:00 a.m. To remedy this contradiction, she caused a change in the barangay blotter to show that her complaint was executed at 2:00 p.m.

Witness Bienvenido Mirasol tried to corroborate Mrs. Amorsolo's story. Again, his testimony should be taken with a question mark. First, he has an undue interest in the case at bar. He is not only a tenant of the victim but a prospective buyer of the land disputed by the appellants and the private complainant. [16] Secondly, his testimony is incredible and inconsistent. His search for Mrs. Amorsolo on August 14, 1991, just to pay his rent is out of the ordinary. Indeed, he testified that his custom was to wait for Mrs. Amorsolo to come and collect the rent:

ATTY. DE VERA (Counsel for the defense):

Q

Where do you usually pay your house rentals?

A

Whenever she goes to Banadero that is the time when we pay our house rentals?

Q

Do you usually look for Mrs. Amorsolo everytime you pay your rentals?

A

No(,) Sir because sometimes she goes to our house.

Q

And the rest of the times that she does not visit your house how do you pay the house rentals?

A

We wait for her.

Q

You wait for her or she goes to your house? You do not usually look for her to pay rentals?

ATTY. BERNALES (Private prosecutor):

Irrelevant.

COURT:

Witness may answer.

A

Look for Mrs. Amorsolo whenever she is around when I learn that she is around I look for her to pay my house rental." [17]

Similarly strange is Mirasol's testimony that he did not call for help when he discovered that Mrs. Amorsolo was being held captive inside Jesus' house. Instead, he went home and waited for two (2) weeks before reporting the incident to the Commission on Human Rights. Just as eyebrow raising is Mirasol's testimony that he discovered Mrs. Amorsolo's whereabouts by entering an open door in Jesus' house. If a crime is being committed inside Jesus' house, it is unlikely that the door would be left open.

We also hold that the medical findings of Dr. Rogelio Rivera did not confirm Mrs. Amorsolo's claim that her injuries were caused by the tying of a piece of wire on her hand, to wit:

ATTY. BERNALES:

Q

Will you tell us what possibly caused this injuries?

A

It could be caused by tying or if you have a bracelet there.

ATTY. DE VERA:

Q

Dr. Rivera, you said that one of the findings you stated in the medical certificate is erythema linear, transverse dorsal 3rd forearm right, which you said a linear reddish discoloration on the right forearm of the patient. My question is. (sic) Supposing a person is tied on both hands at the back, would it not be possible that both arms would manifest linear discoloration?

A

It depends mam (sic) on the tightness. If it is very tight, both hands. If it is not so tight - that part wherein there is struggle would manifest linear discoloration.

Q

If it is a rope or anything (sic). If your both hands were tied, is it possible that both arms would manifest linear discoloration?

A

It is possible.

Q

Where you able to find any mark of rope or string tied on the wrist?

A

I did not see any." [18]

We proceed from the assumption that Mrs. Amorsolo's hands were tied with wire for otherwise she would have escaped from appellants' house. If that were so, her hands which were tied with wire for almost 24 hours, as she had alleged in the information, would have borne clear marks and her injuries would have been more than a reddish discoloration on her right forearm. Thus, the medical evidence refutes Mrs. Amorsolo's story.

Once more, we reiterate the cardinal rule that criminal cases rise and fall on the strength of the evidence presented by the prosecution and not on the weakness of the defense propounded by the accused. [19] The prosecution failed to present evidence to prove the guilt of appellant spouses beyond reasonable doubt. Hence, they are entitled to mandatory acquittal.

IN VIEW WHEREOF, the decision of the Regional Trial Court of Legaspi City, Fifth Judicial Region, Branch 5 in Criminal Case No. 5617 is REVERSED and SET ASIDE. Appellant-spouses Jesus and Cristina Paloma are ACQUITTED of the crime charged. No costs.
SO ORDERED.

Regalado, (Chairman), and Torres, Jr., JJ., concur.
Mendoza, J., on official leave.

[1] Rollo, p. 9.

[2] TSN, Rosario B. Amorsolo, May 17, 1993, pp. 12.

[3] TSN, Bienvenido Mirasol, November 11, 1992, pp. 5-18.

[4] TSN, Dr. Rogelio Rivera, February 10, 1993, pp. 4-13.

[5] TSN, Salvacion Rognao, April 21, 1993, pp. 3-9.

[6] TSN, Jesus Paloma, December 14, 1993, pp. 3-15.

[7] TSN, Cristina Paloma, January 17, 1994, pp. 3-9.

[8] TSN, Reynante Paloma, February 17, 1994, pp. 2-5.

[9] Decision, p. 6; Rollo, p. 39.

[10] *People v. Mercado*, 131 SCRA 501 (1984).

[11] Exhibit "D", Original Record, p. 201.

[12] *Id.*

[13] Exhibit "C", Rollo, p. 200.

[14] *Supra* note 11.

[15] *Supra* note 2, p. 10.

[16] *Supra* note 10.

[17] *Supra* note 3, p. 14.

[18] *Supra* note 4, pp. 7-8, 11, 13.

[19] *People v. Manlulu*, 231 SCRA 700 (1994).

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