

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CLARITA BAHATAN Y DULNUAN ALIAS “JOVY BAHATAN,” ACCUSED-APPELLANT.

G.R. No. 121901. January 28, 1998

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In rejecting this appeal, the Court reiterates the familiar rule that the assessment of the credibility of witnesses and their testimonies is best left to the discretion of the trial court.

The Case

Before us is a plea to overturn the Decision[1] dated May 31, 1995 of the Regional Trial Court[2] of Bayombong, Nueva Vizcaya, Branch 27, finding Clarita Bahatan y Dulnuan, alias “Jovy Bahatan,” guilty beyond reasonable doubt of kidnapping or serious illegal detention. The dispositive portion of the assailed Decision reads:[3]

“WHEREFORE, finding that accused Clarita Bahatan y Dulnuan is guilty beyond reasonable doubt of [k]idnapping or serious illegal detention with threats to kill Joyce Binaliw (alias Joyce Guerero), a female, she is hereby sentenced to suffer the penalty of reclusion perpetua and to pay the costs of suit.”

In an Information[4] dated June 2, 1994, appellant was charged with the crime of kidnapping and serious illegal detention allegedly committed as follows:[5]

“That at or about 10:30 A.M. of March 18, 1994, particularly inside the Beth’s Restaurant, Barangay Don Mariano Perez, Municipality of Bayombong, Province of Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously take hostage Joyce Guerrero,[6] a female, with the use of a bladed weapon pointed to [sic] the throat of the victim and detain the latter, thereby depriving her of her liberty for a period of less than three (3) hours, without legal justification, to her damage and prejudice.”

During her arraignment, appellant, duly assisted by counsel de oficio,[7] pleaded “not guilty.”[8] Thereafter, trial on the merits ensued. In due course, the trial court rendered the assailed Decision. Appellant filed her notice of appeal dated June 13, 1995.[9] In a letter posted on July 31, 1996, Officer-in-Charge Rachel D. Ruelo confirmed appellant’s confinement at the Correctional Institute for Women.[10] After the briefs were submitted, appellant herself wrote the Court to withdraw her appeal.[11] In response, this Court issued a Resolution dated June 30, 1997 requiring appellant’s counsel, the Public Attorney’s Office, to explain to appellant the consequences of withdrawing her appeal.[12] In a Manifestation[13] filed on August 5, 1997, the Public Attorney’s Office submitted appellant’s handwritten letter[14] in Pilipino stating that she wanted to continue her appeal.

The Facts

Evidence for the Prosecution

As summarized by the trial court, the following is the prosecution's version of the facts:[15]

"Prosecution evidence, consisting of the testimonies of Elizabeth Vendiola, Joyce Guerero, and SPO4 Rolando Cara, and documents, tends to show the following facts:

On March 18, 1994 at around 10:30 a.m., accused Clarita Bahatan y Dulnuan aka 'Jovy' approached Joyce Guerero [the alias of Joyce Binaliw] while the latter was seated inside Beth Restaurant in Barangay San Nicolas, Bayombong, Nueva Vizcaya. Suddenly, said accused poked a knife on the left side of Guerero's neck. Joyce shouted to Elizabeth Vendiola, the restaurant's owner, who was cleaning her hands in the kitchen. Vendiola told accused, 'that is enough.' But as accused Bahatan continued to poke the knife at Joyce Guerero's neck, Vendiola ran outside and closed the only door of the restaurant. Guerero's finger was injured and Bahatan bumped Guerero's head against the wall. Outside, Vendiola asked somebody to call the police. When policemen arrived, Vendiola opened the door and the police officers advised Bahatan to put down the knife so that the matter could be settled. Accused told the peace officers it was none of their business and that she would kill Guerero if she would not be allowed to get out. The police allowed Bahatan and Guerero to get out. Accused Bahatan, still poking the knife at the throat of Guerero, boarded her in a tricycle and said behicle [sic] proceeded to the north direction. The policemen followed the tricycle. Bahatan continued to poke the knife at Guerero's throat while the tricycle was negotiating the diversion highway. When the two reached Solano, Nueva Vizcaya, the accused wanted Guerero 'to return to' her but the victim refused so they boarded again another tricycle back to Bayombong, Nueva Vizcaya. When the accused and her victim reached the diversion highway, a patrol car blocked the way and another car was tailing them at the back. Bahatan's knife was still pointed at Guerero's neck. The policemen, who were not able to persuade Bahatan to release the victim, were able to convince the accused to place the knife at the scabbard. One of the policemen was able to grab the hands of Bahatan, and, eventually, the knife already (sic) placed inside the scabbard. Guerero was rushed to the hospital for treatment of her injuries at her neck and hand. Accused was brought to the PNP Station at Bayombong, Nueva Vizcaya, where she was investigated."

Evidence for the Defense

From the appellant's brief, the following facts were presented as the version of the defense:[16]

"CLARITA BAHATAN, 31 years old, single, former secretary of Citizen Appliances testified that on March 18, 1994 at around 10:30 in the morning, she was at Beth's Restaurant. She was talking to Joyce Guerero when she was suddenly attacked by Beth Vendiola. She was eventually hacked with the bolo but she was able to ward off the hand of Beth. She fell down and was able to get a kitchen knife on the place where she feel [sic]. She got the knife and grabbed Joyce. She used Joyce as a shield. Beth moved backwards. Then (a) policeman, Sgt. Mangaser and one Mr. Valdez a market guard arrived. Sgt. Mangaser said to Beth to put down the bolo so they could talk. Beth dropped the bolo, then she also dropped the knife. Beth allowed her to get her belongings and to take Joyce with her. She rode a tricycle with Joyce going to Solano. They went to the boarding house to get the things of Joyce. Then they rode another [tricycle] to go back to Bayombong. When they were between the Spots City and the diversion road, they were flagged down by some policemen. The tricycle stopped and the policemen asked them to alight from the tricycle. The policemen asked her to board a mobile car while Joyce was taken to the hospital. (TSN, February 23, 1995, pp. 2-7)

During the cross examination, she testified that when the policeman ordered Beth to put down the bolo, Beth agreed. The policeman also ordered her to put down the knife so they could talk whatever the problem was. She listened to the policeman. She placed the knife on the table and that was the time when Beth said 'you go ahead get your things and come back.' She, together with Joyce[,] went out from the restaurant and get [sic] their things from the boarding house. (TSN, March 28, 1995, p. 4)"

The Trial Court's Ruling

Sifting through the conflicting claims of the prosecution and the defense, the trial court ruled:[17]

“The Court has come to the conclusion that the commission of the crime charged in the Information against the accused ha(d) been proved beyond reasonable doubt. On the other hand, the Defense was unable to dent the evidence established by the Prosecution.

It has been clearly and convincingly shown by the testimonies of Elizabeth Vendiola, Joyce Binaliw aka Joyce Guerero, and SPO4 ROLANDO CARA of the PNP that by force and intimidation, with a threat to kill and the use of a knife, accused Bahatan compelled Joyce Binaliw, a female, against her will to go with her. This, the accused was able to do by poking a sharp-pointed knife to the throat or neck of Binaliw, by forcing her to board a tricycle at Bayombong despite the intervention of police officers, brought her to Solano, told her ‘to go with her’ but when the victim refused, boarded her in a tricycle while still threatening to kill her and still pointing the knife at her neck on the way back to Bayombong, Nueva Vizcaya. It was only when the policemen stopped the tricycle and overcame accused that Binaliw (Guerero) was freed from the clutches of Bahatan. Hence, it is abundantly clear that Bahatan kidnapped or seriously illegally detained Joyce Binaliw, depriving her of her liberty from the time she pointed a knife at the neck of Binaliw, threatening to kill her, brought her out from Beth’s Restaurant and forced her to take a ride to Solano and back to Bayombong until she was disarmed and arrested by policemen led by then station commander Eddie Ventura of Bayombong, Nueva Vizcaya. This, she did in contempt and in disregard of the presence of police authorities.

It has been made to appear by the accused that when she and Joyce Binaliw boarded a tricycle and went to Solano, Nueva Vizcaya, it was done pursuant to Beth’s instruction for her and Binaliw to go to Solano to get the belongings of Binaliw. It is thus implied by Bahatan during her testimony that she did not force Binaliw to go with her to Solano, hence, the element of illegal detention was non-existent. It was likewise made to appear that her initial use of force and of knife was made necessary by the alleged bolo attack made by Elizabeth Vendiola, who seemed to be the protector of Joyce Binaliw.

But if the above statement is true, Bahatan’s admission that policemen blocked the tricycle they were riding on and were bent on arresting her is a strange conduct on the part of the lawmen. Stranger still is the admission of Bahatan that Joyce Binaliw was brought by policemen to the hospital ‘for medical check.’

If it was Vendiola who initially attacked her with a bolo and she was forced to threaten Binaliw by means of a knife in self-defense and later on, Binaliw went with her voluntarily to Solano and back on the suggestion/instruction of Vendiola, the sympathy of the peace officers would have been on her side and they would not have gone into the motion of following the tricycle she and Binaliw took and later on arrested her. Nor would there be a need to bring Binaliw to the hospital for treatment.

It is likewise notable that the belongings of Binaliw which [were] ostensibly the reason for Bahatan to take along Binaliw to Solano and back to Bayombong had not been accounted for during the narration of events made by Bahatan during her testimony. Nor was this matter ever adverted to by Police Officer Rolando Cara during his testimony.

Considering that no improper motive had been ascribed by Bahatan to the police of Bayombong, firstly, to arrest her, secondly to file the complaint against her, and thirdly, to testify against her, the Court is thus persuaded to lend a lot of credence to the evidence secured and presented by the law enforcement agents of Bayombong, Nueva Vizcaya. The Court believes that the events narrated by Prosecution witnesses did indeed occur.”

As already stated, the trial court convicted the appellant and sentenced her to reclusion perpetua. Hence, this appeal.[18]

The Issues

Appellant ascribes the following errors to the trial court:[19]

“I

The trial court erred in giving credence to the testimonies of the prosecution witnesses and in disregarding the theory of the Accused Clarita Bahatan that she acted on [sic] self-defense.

II

The trial court erred in finding Accused-Appellant Clarita Bahatan guilty beyond reasonable doubt of the crime of kidnapping and serious illegal detention.”

In the main, appellant assails the credibility of the prosecution evidence and its sufficiency to prove her guilt beyond reasonable doubt.

The Court’s Ruling

The appeal is completely bereft of merit.

First Issue: Credibility of Prosecution Witnesses

Appellant assails the trial court’s decision for giving credence to the testimonies of prosecution witnesses and rejecting her theory of self-defense. Appellant contends that the accounts of Prosecution Witnesses Elizabeth (also called Beth) Vendiola and SPO4 Rolando Cara conflicted on who was present at the restaurant when Guerero was allegedly hostaged. Appellant also attacks as incredible Guerero’s testimony that the police car failed to overtake the tricycle they were riding. Appellant likewise stresses the inconsistency between the declarations of the victim and SPO4 Cara, alleging that the former’s testimony that there was a “car chase” was refuted by the latter.[20] Furthermore, Guerero’s narration that there was a knife poked in her neck was allegedly belied by the fact that “she was taken to the hospital due to a wound [i]n her hand,” and not in her neck which was unscathed.[21] Also implausible was the allegation that appellant did not sneak out of the restaurant when Beth Vendiola went out to call for help. If appellant indeed threatened to kill Guerero, it would have been absurd for “Beth to step out of the restaurant and close the door[,] leaving Joyce all alone with Clarita.”[22]

The alleged inconsistencies and improbabilities do not negate the commission of the crime, for they are baseless and immaterial.

First, appellant raises much ado about Vendiola’s testimony that appellant and the victim were still inside the restaurant when the policemen arrived, pointing out that appellant and Guerero were no longer at the restaurant when SPO4 Cara arrived there.[23] It is clear, however, that Witness Elizabeth Vendiola was referring to Senior Inspector Eddie Ventura and SPO1 Gaston and not to SPO4 Rolando Cara, who reached the restaurant after the appellant and the victim had left.[24]

Second, appellant doubts the prosecution’s story that appellant and Guerero, while on board a tricycle, were “chased” by policemen in their mobile patrol car. She states that if this were so, the policemen could have easily overtaken and apprehended her.[25] Appellant’s stance is not persuasive. It should be noted that SPO4 Cara, who headed the group that gave chase to appellant, arrived after appellant and Joyce had left the restaurant. Thus, Cara’s group subsequently followed the road taken by the tricycle of appellant, eventually sighted the said vehicle and overtook it.[26]

Third, appellant’s argument concerning the location of Guerero’s wound is bereft of factual basis. Contrary to appellant’s claim, Guerero testified that, as a result of the assault by appellant, her “hand was injured and [her] neck -- left side of [her] neck was injured, even [her] head was injured.”[27]

Fourth, we fail to see the alleged “absurdity” of Vendiola’s testimony that she left the victim and the appellant inside the restaurant. Appellant could not have escaped through the door of the restaurant because Vendiola locked it from the outside.[28] Also, Vendiola believed at the time that there was no threat of any harm to the victim while she was inside the restaurant.[29]

In any event, appellant's attacks on the credibility of the prosecution witnesses are not on material points. We have held that inconsistencies regarding minor and insignificant details in the testimonies of witnesses do not destroy their credibility. Such minor inconsistencies even manifest truthfulness and candor and erase any suspicion of a rehearsed testimony. In the present case, the alleged inconsistencies and contradictions in the testimonies of the prosecution eyewitnesses are not substantial. They do not in any way change the indelible fact that appellant, through force and intimidation, deprived Guerero of her liberty,[30] as clearly illustrated by the latter's testimony:[31]

"Q

Madam witness, you said that you are residing at Bayombong, now could you tell us where you were sometime in [sic] March 18, 1994 in the morning?

A

I was inside the Beth restaurant, [sic] sir.

Q

What were you doing in that morning of said date?

A

I was sitting, sir.

Q

On that particular morning, could you tell us if there was any incident that happened?

A

There was, sir.

Q

Could you tell us what was that?

A

Regarding the poking of a knife at me, sir.

X X X X X X X X

Q

Tell us madam witness how did the accused poked a knife on you?

A

At that time I was seated inside Beth restaurant when somebody came in then poke a knife here, sir. (witness pointing at the left side of her neck)

Q

Who was that person who poke a knife on your neck?

A

Clarita Bahatan, sir.

x x x x x x x x

Q

When she poked that knife on your neck, what did you do then (M)adam witness?

A

I shouted, sir.

x x x x x x x x

Q

What was the reaction of Beth when you shouted for her?

A

She said that is enough but Jovy continued.

Q

Inasmuch that Jovy, the accused did not heed the advice of Beth, what happened next madam witness?

A

Beth ran outside the establishment then close[d] the door, sir.

X X X X X X X X

Q

Inasmuch that the establishment was already close[d], what happened to you then with the accused when she tried to poke a knife to your neck?

A

My finger was hurt and my head was bumped on the wall, sir.

Q

How come that your finger as well as your head was bumped on the wall?

A

Because the knife was poked on my neck and I was pushing her that's the time my finger was injured, sir.

Q

While you were struggling pushing her hand, how far were you against the wall?

A

Very near, sir. I almost touched the wall.

Q

How did you hear [sic] bumped to the wall (M)adam witness?

A

She pushed my head, sir.

Q

Then on the situation, what was your [M]anang Beth doing at that time?

COURT

If she noticed.

A

Manang Beth went out to call for the police, sir.

PROS. GAGATE:

Q

What happened to that urgent call for the policemen?

A

When the policemen arrived, the policemen said that is enough we will settle this matter but Jovy Bahatan said none of your business, sir.

Q

Since the accused did not heed again the advised [sic] of the police, what happened next?

A

She boarded me in a tricycle and proceeded towards Solano, sir.

Q

How were you able to board in a tricycle when you said a while ago that the door was locked by Beth Vendiola?

A

When the policemen arrived, that's the time Manang Beth opened the main door, sir.

Q

Going back to the point that you were boarded in a tricycle, how did you go near to that tricycle when in fact you were inside the establishment?

A

The knife was still poked at me and Jovy said come with me, let's go.

Q

When she said that, what did you do when she ordered you to go with her?

A

I was forced to go with her because the knife was still poked at my neck, sir.

Q

When you boarded in a tricycle, where did you go?

A

Towards Solano, sir.

Q

Have you reached Solano?

A

Yes, sir.

Q

And upon reaching thereat the Municipality of Solano what transpired next?

A

From the time we boarded in a tricycle the knife was still poked at my neck up to Solano, sir.

Q

When you reached Solano, were you able to observe what were those policemen doing then referring to those policemen who came to Beth restaurant?

A

They followed us and they were able to overtake us, sir.

Q

Will you tell us what happened at Solano upon reaching that place?

A

She wanted me to return to her but I refused so we boarded again to another tricycle back to Bayombong, sir.

Q

Were you able to reach Bayombong?

A

Up to diversion road only, sir.

Q

Could you tell us what happened in the diversion road?

A

When we reached the diversion road there was a patrol car blocking the way and then another police car on our back, sir.

x x x x x x x x

Q

At that juncture where the tricycle you boarded were blocked by police car in front and at the back, what happened thereat?

A

When the policemen alighted from their patrol car they advised Jovy to stop what she was doing but Jovy said to the policemen [it was] none of your business and even made a gesture of holding the knife and even said even if I will kill her it's none of your business.

Q

What was the reaction of the policemen with those words of the accused or what did they do after hearing the threats of the accused?

A

There was one policeman who made a chance of holding the hand of Jovy Bahatan and at that time another policeman took hold of her hand then he was able to wrestle the knife from her hand, sir.

Q

Do you know the name of that policeman?

A

I know him but I do not know his complete name, he was called as Capt. Ventura, sir.”

There is no reason to alter the factual findings of the court a quo. The credibility of witnesses is best left to the judgment of the trial judge whose findings are generally not disturbed on appeal, absent any showing that substantial errors were committed or that determinative facts were overlooked which, if appreciated, would call for a different conclusion. Trial courts have the advantage, not available to appellate courts, of observing the deportment of witnesses and their manner of testifying during trial. Thus, appellate courts accord the highest respect to such findings and conclusions of lower courts.[32]

Second Issue: Crime Proven Beyond Reasonable Doubt

The crime charged in the information, kidnapping and serious illegal detention, was committed on March 18, 1994 when the following amendment to Sec. 8 of RA 7659[33] was already the prevailing law:

“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;

- If the kidnapping or detention shall have lasted more than three days.
- If it shall have been committed simulating a public authority.
- 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.
- 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 abovementioned 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.” (Underscoring supplied.)

In the present case, (1) the culprit is a private individual who (2) deprived the victim, (3) a female, of her liberty and (4) threatened to kill her with a knife.

WHEREFORE, the appeal is hereby DENIED and the assailed Decision is AFFIRMED, with costs against appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] In Criminal Case No. 2786.

[2] Presided by Judge Jose B. Rosales.

[3] Rollo, p. 27; Decision, p. 4.

[4] Signed by Prosecutor I Eufrocinia Espinoza-Dumlao and approved by Provincial Prosecutor Celerino V. Jandoc, both of Nueva Vizcaya; rollo, p. 12; records, p. 9.

[5] Rollo, p. 12.

[6] Spelled as “Guerero” by the trial court.

[7] Atty. Reynaldo Mercado.

[8] Original Records, pp. 21-22.

[9] Rollo, p. 23; Original Records, p. 88.

[10] Ibid., p. 86.

[11] Ibid., pp. 109-110. A certification of voluntary execution by Assistant Documents-in-Charge Edna T. Miranda was attached to the letter.

[12] Ibid., p. 112.

[13] Ibid., pp. 113-114.

[14] Annex “A” of Manifestation; rollo, p. 115.

[15] Decision, pp. 1-2; rollo, pp. 24-25.

[16] Appellant’s Brief, pp. 7-8; rollo, pp. 92h-92i.

[17] Decision, pp. 3-4; rollo, pp. 84-85.

[18] This case was deemed submitted for resolution upon receipt by the Court on August 5, 1997 of appellant’s Manifestation dated August 4, 1997 retracting her previous letter withdrawing her appeal, and asking the Court to resolve the case.

[19] Appellant’s Brief, p. 1; rollo, p. 92b.

[20] Ibid.

[21] Appellant’s Brief, p. 13; rollo, p. 92n.

[22] Ibid.; pp. 15-16; rollo, pp. 92p-92q.

[23] Ibid., pp. 9-10; rollo, pp. 92j-92k.

[24] TSN, December 8, 1994, p. 6.

[25] Appellant's Brief, p. 12, rollo, 92m.

[26] TSN, October 26, 1994, p. 5; TSN, December 8, 1994, pp. 3-4.

[27] TSN, December 8, 1994, p. 7.

[28] TSN, September 27, 1994, p. 9.

[29] TSN, September 27, 1994, p. 10.

[30] People vs. Dione Palomar, et al., G.R. No. 108183-85, August 21, 1997, p. 34 citing People vs. Vallador, 257 SCRA 515, 524, June 20, 1996; People vs. Belibet, et al., 199 SCRA 587, July 25, 1991; People vs. Junio, 237 SCRA 826, 833, October 28, 1994; People vs. Castor, 216 SCRA 410, December 11, 1992; People vs. Marollano, G.R. No. 105004, July 24, 1997, p. 22.

[31] TSN, October 26, 1994, pp. 2-6.

[32] People vs. Villas, G.R. No. 112180, August 15, 1997, pp. 15-16 citing People vs. Comia, 236 SCRA 185, 194-195, September 1, 1994; People vs. Naparan, 725 SCRA 714, 721-722, August 30, 1993; People vs. Goce, 247 SCRA 780, 791792, August 29, 1995.

[33] An Act to Impose the Death Penalty on Certain Heinous Crimes, amending for that purpose the Revised Penal Code, and other special penal laws, namely: the Dangerous Drugs Act, the Crime of Plunder, and the Anti-Carnapping Act.

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