

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FEDERICO MERCADO OR ALBERTO MERCADO,
DEFENDANT-APPELLANT.**

G.R. No. 65152. August 30, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-65152/>

RELOVA, J.:

This is an appeal from the decision, dated September 9, 1982, of the then Court of First Instance of Rizal, Branch XI, in Criminal Case No. 32112, the dispositive portion of which reads:

"WHEREFORE, the accused is convicted of the crime charged and is sentenced to reclusion perpetua and to pay the cost." (p. 44, Rollo)

As stated by defense counsel, the conflicting versions of the prosecution and the defense are correctly summarized in the decision of the trial court, as follows:

"The prosecution evidence shows that the accused was the boy-friend of Susan Baylon, the younger sister of complainant Yvonne Baylon. On September 1, 1979, Susan left the family residence for an unknown place. The accused suspected that it was her elder sister Yvonne who instigated her to leave. At about 8:30 o'clock in the morning on the following day while Yvonne was walking on a road at San Carlos Subdivision, Binangonan, Rizal, the accused came from behind her. With-out any warning, the accused suddenly grabbed Yvonne by the neck and pointed a knife on her throat. Thereupon, the accused dragged Yvonne to the house of Norma Guerrero, a friend of his. Upon reaching the porch of the house, Yvonne asked the accused why he was acting that way. The accused replied that he was angry with her and demanded that she produce her sister, Susan. At this juncture, the accused dragged Yvonne this time to the road side. Then the brothers of Yvonne and some neighbors arrived asking the accused to release Yvonne. But instead of doing so, the accused raised the blouse of Yvonne and inserted his hand underneath it and pointed the knife on her breast. Thereafter, the accused dragged Yvonne to a store where the Chief of Police and some policemen talked to him. The accused told the Chief of Police that he wanted to see Susan and also demanded that he be given transportation and money. This situation lasted up to about 12:00 noon with the policemen surrounding the accused and Yvonne about 15 meters away. After being given some food to partake, the barrio captain arrived and he was able to take hold of the accused and subdue him. Yvonne, because of the traumatic experience she was subjected to, lost consciousness and was brought to the hospital. Her fingers suffered injuries, abrasion on her neck and a small wound on her stomach.

On the other hand, the accused averred that Susan Baylon was his wife. Although they were not legally married they had been living together for sometime in her family house at Tayuman. Sometime in August 1979, he quarrelled with Susan about her relatives. He told Susan that he could no longer live with them and that they better separate from her sister, Yvonne, and brothers. There-after, while he remained upstairs in the house, Susan went down when Yvonne invited her to eat. When Susan did not return, he went down and inquired from Yvonne where Susan had gone. Yvonne replied that she did not know and he told her that Susan had left without telling him where she was going. He then went out of the house, looked for Susan and inquired

from their neighbors and relatives about her whereabouts. When he returned to the house unsuccessful in his search, he found his clothes already placed in a box near the doorway. Yvonne, who was standing near the door, then told him to leave the house and he did so after thanking her for his stay. On September 2, 1979, at about 8:30 in the morning he saw Yvonne sitting on a bench inside a store located at Tayuman. Yvonne at the time was holding a knife and was about to stab him from behind. Because a friend was able to warn him, he immediately grabbed the knife from the hand of Yvonne and succeeded in doing so. When he asked Yvonne why she wanted to stab him she replied that Susan complained to her. It was while he was in the act of holding Yvonne and pointing the knife on her chest when the barrio captain and the policemen arrived who thought that he was going to stab Yvonne. He was asked by the barangay captain what he wanted from Yvonne and he replied that he just wanted Susan produced because he wanted to talk to her. He also asked the barangay captain for a vehicle but he did not ask for any money. When he lost the knife, the people ganged up on him." (pp. 41--43, Rollo)

Appellant claims that the lower court erred (1) in not ruling that his guilt has not been proven; (2) in convicting him of kidnapping and serious illegal detention; (3) in not crediting him with the mitigating circumstance of passion or obfuscation; and (4) in not crediting him with the period of his preventive detention.

The elements of the crime of illegal detention, as defined in Article 267 of the Revised Penal Code are: (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 last 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. (Reyes, Revised Penal Code 1975 Revised Edition, Book II, page 468)

The issue in this review of the aforesaid judgment revolves around the credibility of witnesses, i.e., whether or not the trial court was correct in giving more weight to the testimonies of the prosecution witnesses than to that of the testimony of appellant, in finding him guilty of the offense charged and, in sentencing him to reclusion perpetua.

In the matter of credibility of witnesses, the rule is now settled that "x x x [u]nless there is a showing that the trial court had overlooked, mis-understood 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. 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." (People vs. Ablaza, 30 SCRA 173, 176)

In the case at bar, We find no justification to overturn the judgment of the trial court giving credence to the declarations of five (5) witnesses, three (3) of whom are policemen who did not know appellant before the incident. The records of the case are convincing enough that Mercado forcibly brought Yvonne from place to place so that the latter would reveal the whereabouts of Susan, his common-law-wife. For almost five (5) hours, he held Yvonne in a store before he was subdued. Pictures of the incident (Exhibits D, D-1 to D-4) clearly show appellant's hand around the neck of complainant, with a knife poked at it. On the other hand, as correctly observed

by the trial court, "[i]f it was true that it was the complainant who tried to stab the accused and it was the latter who succeeded in subduing the complainant, the incident would not have lasted several hours and attracted a throng of onlookers and policemen." (p. 43, Rollo)

The argument advanced by the defense that appellant should be convicted of grave coercion only since his purpose was "to force Miss Yvonne Baylon to produce Miss Susan Baylon" (p. 38, Rollo), is without merit. In the Ablaza case (supra), "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." (p. 178, Ibid) The extant evidence on record shows that "the accused held complainant because he wanted her to produce her sister, Susan, who was the common-law wife of the accused." (p. 44, Rollo)

The mitigating circumstance of obfuscation arising from the desire to compel Susan to live with him cannot be invoked in favor of the accused whose relationship with her was illegitimate. The obfuscation must arise from lawful sentiments.

We agree, however, with appellant that he should be credited with the period of his preventive detention. He has been detained since September 2, 1979 and, therefore, in accordance with Article 29 of the Revised Penal Code, the period of his preventive detention should be deducted from the term of his sentence.

WHEREFORE, the decision appealed from is AFFIRMED, with costs. Appellant should be credited with the full time of his preventive imprisonment upon a showing that he agreed to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, he shall be credited with four-fifths (4/5) of the time of such preventive imprisonment.

SO ORDERED.

Teehankee, Acting C.J., (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.