

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEES, VS. FEDERICO ESPINA, ACCUSED-APPELLANT.

G.R. No. 70999. April 15, 1988

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-70999/>

PARAS, J.:

Accused-appellant was charged with the crime of kidnapping and serious illegal detention in an Information filed by Provincial Fiscal Josephine K. Bayona reading as follows:

"That on or about the 4th day of December 1982, in the Municipality of Pastrana, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court the said Federico Espina alias 'Dicoy' with deliberate intent, did then and there willfully, unlawfully and feloniously kidnap and carry away by force and intimidation Violeta Ponsil, a minor 18 years old against her will and consent for the purpose of permanently separating said Violeta Ponsil from her parents Lolita Ponsil and Conrado Ponsil, detaining said Violeta Ponsil until the present." (p. 71, Rollo)

By virtue of a warrant of arrest, appellant was arrested on December 31, 1982. Upon arraignment, he pleaded not guilty to the crime charged. After trial, the judge rendered a decision,[**] its dispositive portion reading as follows:

"WHEREFORE, judgment is hereby rendered finding the accused guilty of the crime of kidnapping and Serious Illegal Detention as charged in the Information with no mitigating or aggravating circumstances 2nd hereby sentences said accused to Reclusion Perpetua and to pay the costs.

"It appearing that the accused has been detained since December 31, 1982 when he was arrested by the police authorities of Pastrana, Leyte, he should be credited with full time of his preventive imprisonment if the record shows that he has signed an agreement to abide by the same rules and regulations imposed upon convicted prisoners; otherwise, he should be credited with only four-fifths (4/5) of such prevention custody.

"SO ORDERED." (pp. 26-27, Rollo)

On appeal, accused assigns the following errors:

- The trial court erred in not finding that prosecution failed to establish the corpus delicti;
- The trial court erred in not finding that the prosecution failed to establish the guilt of accused-appellant beyond reasonable doubt;
- The trial court erred in not acquitting accused-appellant.

Evidence for the prosecution shows that at about 8:00 o'clock in the evening of December 4, 1982, appellant suddenly barged into the house of Conrado Ponsil with gun in hand, pointed at the spouses Conrado Ponsil and their 3 children Alejandro, Violeta and Jalyn. Seeing Violeta, he immediately dragged her towards the door and warned her parents not to follow them; otherwise, they would be shot. As the two eventually disappeared into the

darkness outside nobody, out of fear, dared to follow appellant and Violeta who was crying and who could not resist appellant.

On the next day, Conrado Ponsil reported the incident to the barangay captain but he was ignored by the latter. Conrado waited for another day before reporting the incident to his compadre, Pat. Benjamin Montanejos, who noted the incident on the police blotter (Exh. A). Conrado was advised to go home and to wait for his daughter's return as she might ask for his forgiveness. Thereafter, Conrado had occasion to see appellant in the barangay, but he did not ask him regarding the whereabouts of his daughter. Neither did he go to appellant's residence. On the other hand, Montanejos received information that Violeta was taken to the house of a certain Lilia Niones and later to Castilla, Palo, Leyte. However, he did not take steps to verify the information.

Meanwhile on December 6, 1982, while Lolita was in the poblacion, she learned from Milagros Bernardino and Tranquilina Caiyas that Violeta was in the house of Lilia Niones. Nevertheless, she also did not take steps to verify the information although the house of Niones was only a half-kilometer away from her house. Neither did she ask for police assistance to verify such information. When his daughter Violeta failed to appear, Conrado Ponsil filed a case of kidnapping against appellant in the municipal court of Pastrana on December 28, 1982. Upon the arrest of appellant, he told Pat. Montanejos and Pat. Modesto that Violeta Ponsil already went home when asked about Violeta's whereabouts. Appellant was immediately detained at the municipal jail after his arrest and later transferred to the provincial jail in Tacloban City. Spouses Conrado and Lolita Ponsil knew about appellant's incarceration, but inexplicably they did not bother to ask him regarding Violeta's whereabouts.

On May 12, 1983, an information for kidnapping and serious illegal detention was filed against appellant in the regional trial court. At the trial, the evidence for the prosecution tended to establish the fact that accused is related to the mother of Violeta Ponsil; that he was a frequent visitor in the house of Violeta; that Conrado Ponsil was not aware that accused was courting his daughter Violeta; that at the time of the alleged kidnapping, accused was drunk; that the parents did not request the help of the police authorities or anyone to recover their daughter because they were afraid and that they were waiting all this time for their daughter to be returned to them.

On the other hand, appellant denies that he went to the house of spouses Conrado and Lolita Ponsil on the evening of December 4, 1982. Defense alleges that appellant who is a farmer was requested by Conrado and Lolita Ponsil to help clean the latter's ricefields. Violeta (Lolita's daughter) was among his companions there since she prepared food for her mother.

While working in the ricefields, appellant became attracted to Violeta, started courting her and eventually proposed that they be sweethearts. To such proposal, Violeta asked that she be given time to think it over. Appellant decided not to court Violeta in her residence because he had noticed that Violeta's parents were looking upon him with disfavor whenever he was conversing with Violeta.

During the month of December, 1982, appellant supervised the harvesting of palay in the ricefields of Delfin Espina and stayed in Delfin's camarin. On Saturday, December 4, 1982 he stayed in the camarin the whole day because no one else would be left behind. However, at about 8:00 that morning he received a letter from Violeta which was handcarried by his six-year old niece, Visitacion Niones. Since he was illiterate, he asked his cousin, Lilia Espina, to read it for him the following day. In that letter, Violeta accepted appellant's proposal of love and suggested that they elope in the evening of December 4, 1982 because her parents were very strict. Notwithstanding Violeta's willingness to elope, appellant dared not meet Violeta anymore, for fear of her parents.

On December 31, 1982, while appellant was slaughtering the carabao of his employer Delfin Espina in preparation for the New Year, he was arrested by Patrolmen Montanejos and Modesto on the charge of kidnapping Violeta Ponsil. Since then he has been detained (tsn, pp. 2-27. Oct. 13. 1983).

Rebuttal witnesses for the proceeding Gracita G. Modesto testified that she is familiar with the penmanship of Violeta Ponsil, who was her student in Grade II for the school year 1972-73, that the letter marked as Exh 1 is not in the handwriting of Violeta Ponsil who could hardly write her name.

Visitacion Niones alias "Betty" six years old testified that she knows the appellant but she did not answer when asked if she knows Violeta Ponsil. She also could not remember when asked whether she delivered a letter to "Dicoy" or appellant from Violeta.

Worth mentioning is the fact that the testimonies of all prosecution and defense witnesses were heard by Judge Maximo M. Japzon but the decision was penned by Judge Fortunato B. Cuna who heard only the testimonies of rebuttal witnesses for the prosecution presented for the sole purpose of denying the literacy of Violeta. Be it noted also that the Office of the Solicitor General in its Manifestation and Motion in lieu of Appellee's brief, recommends the acquittal of the accused.

Hence, the need for a painstaking review on appeal of the testimonies of the witnesses particularly those of the alleged eyewitnesses Conrado and Lolita Ponsil.

Judge Cuna should have carefully considered every angle including the enlightening observations of his predecessor who had every opportunity to observe the demeanor of the witnesses in order to arrive at the truth.

In the case at bar, no serious evaluation was accorded the indifference of spouses Conrado and Lolita Ponsil and Pat. Montanejos in looking for Violeta Ponsil in the light of the claim that she was kidnapped by appellant. On cross-examination, Conrado Ponsil testified as follows:

"Q You did not go to the house or the residence of Federico Espina?

A I did not.

Q From the time you waited until Federico Espina was arrested, you could see him in Bo. Cancaraja, Pastrana, Leyte?

A Yes.

Q And you never bothered to ask him where he brought your daughter Violeta?

A I did not because I was afraid.

Q And do you know that as a result of your complaint Federico Espina was arrested and detained in the municipal jail of Pastrana, Leyte on Dec. 31, 1982?

A Yes, sir.

Q So, you saw him in the municipal jail?

A Yes.

Q You also did not ask him where your daughter was?

A I did not.

Q

From the day on December 31, 1982, Federico Espina has been detained because the following day Jan. 1, 1983, he was already detained in the Mun. Jail of Palo, Leyte, and from Palo, during this time 8 months and 8 days, that Federico Espina has been detained you did not bother and look for your daughter?

A

I did not." (tsn, p. 7, Sept. 7, 1983) (pp. 7-8, Brief for Appellee) Judge Japzon himself also questioned Conrado in open court as follows:

Q What entered your mind immediately after your daughter Violeta was dragged out by Federico Espina?

A He was drunk at the time he went to our house.

Q

Why? Did you not ask your friend and compadre Benjamin Montanejos to accompany you to the house of Federico Espina in order to get back your daughter?

A I did not request my compadre to accompany me to the house of Federico Espina.

Q Were you really interested in getting back your daughter from Federico Espina?

A Yes.

Q So, why did you not ask the help of the police authorities in order to get back your daughter?

A I did not request anybody.

Q Why? If you were interested in getting your daughter?

A Because' I was afraid.

Q You were afraid but certainly you did not have to go to the house of Federico Espina. Did you contact any peace officer?

A I did not ask help, from any agent or person in authority. xxx xxx xxx

Q All right, why did you not ask the accused as to the whereabouts of your daughter if really you wanted to find your daughter?

A I did not ask him.

Q Did you not ask the police investigators to assist you in asking the accused as to the whereabouts of your daughter?

A

I did not. (tsn, pp. 8-9, Sept. 7, 1983) (pp. 8-9, Brief for Appellee). Lolita's testimony has raised more doubt as to the guilt of the appellant. On direct examination, she testified as follows:

Q Do you know where Violeta was brought?

A I do not know to what place she was brought.

Q Up to this time you do not know to what place she was brought?

A Long time after we learned that Violeta Ponsil was in the house of Lilia Niones.

Q Who is this Lilia Niones?

A Yes, I know her because she came from Brgy. Cancaneja.

Q After how many days or weeks did you learn that your daughter Violeta was in the house of Lilia Niones?

A Two days after.

Q So what did you do upon learning that your daughter was in the house of Lilia Niones?

A

Nothing', we did nothing because we were afraid. (TSN, p. 21, Sept. 29, 1983) (p. 9, Brief for Appellee) Such doubt has been heightened by the searching questions propounded to her extensively by Judge Japzon to wit:

Q Did you go to the house of Lilia Niones?

A No, your Honor.

Q How far is the house of Lilia Niones from your house?

A It is far; it is about half a kilometer distance.

Q Half a kilometer is not far enough to go to Lilia Niones to learn the whereabouts of your daughter?

A I did not go there because I was afraid. If it is true that they were living there, they might kill me.

Q

But according to you you learned that your daughter was in the house of Lilia Niones while you were in the poblacion of Pastrana after you reported the incident to Pat. Benjamin Montanejos. Why did you not just return to Pat. Montanejos to ask for assistance?

A I did not.

Q Were you not interested to see your kidnapped daughter?

A That was our desire but we were afraid to go.

Q

Yes, you were free to ask the assistance of police authority, after all you were in the poblacion of Pastrana when you learned that your daughter was in the house of Lilia Niones. As a matter of fact it was your desire for you to go there and all you had to do was to ask the assistance of the police authorities as you have already reported the incident to the police.

A We did not go anymore.

Q

Is it not a fact that you were mad at your daughter because she did not return to your house? That is why you refused to go there?

A I was not mad at her. That is our desire that she will return in order that we will see each other.

Q But your action as well as the action of your husband did not show that you had a desire to search the person of your daughter?

A Because we were afraid because at the time she was brought we were warned that if somebody will follow him he will kill him.

Q But were you really waiting for your daughter to return? Is that correct?

A Yes, sir.

Q

So, he was arrested on December 31, 1982? Did you not approach the accused and find out yourself and ask him as to the whereabouts of your daughter?

A I did not.

Q Because you are not interested in looking, in finding out as to the exact whereabouts of your daughter?

A I was very much interested but he even sent words that if we will insist he will kill us.

Q

But at the time the accused was already helpless and could not have killed you because he was already arrested and detained in the municipal jail of Palo, Leyte?

A He has several relatives there, father and also his brothers.

Q

Why, do you feel that the relatives of Federico Espina are also in conspiracy in the preparation of your daughter's kidnapping because you are afraid of them?

A Yes, sir.

Q

In short, the court is wondering that, if your daughter was kidnapped or brought out from your house without her consent, why is it from your act and in the action of your husband why is it that you did not exert efforts to look for your daughter and the court is asking so many questions?

A Now we are not looking anymore but after he was arrested we were exerting efforts.

Q

So, you are not interested anymore in looking for her because he had already been detained and your interest is that he will be detained?

A

That is why we file a case to ask where he brought our daughter. (tsn, p. 33-37, 40-41, Sept. 29, 1983) (pp. 9-12. Brief for Appellee) The testimony of Pat. Benjamin Montanejos reveals that he himself seriously doubted the kidnapping story; hence, his lack of interest in looking for Violeta. On direct examination, he testified as follows:

Q

Will you open the police blotter for the entry in December 1982 (Witness opening the police blotter for December 1982, in which is found on page 167 a portion of the entry. Will you read the entry for December 6, 1982?

A

At about 7:35 A.M. this date Conrado Ponsil reported to this Office that his daughter Violeta Ponsil was kidnapped last December 4, 1982 by Federico Espina, in Brgy. Cancaraja, Pastrana, Leyte, subject Federico Espina was armed with a gun while he went to their house at about 8:00 o'clock in the evening of said date.

Q There is an initial here appearing at the bottom, just now will you identify that initial?

A That is my initial. xxx xxx xxx

Q After you received this report from Conrado Ponsil what action if any did you take?

A

After Conrado Ponsil reported to me and after I entered it in the police blotter I told him that you just wait, probably she will return and ask for forgiveness, (tsn. pp. 3-5, Sept. 29, 1983) (pp. 12-13, Brief for Appellee) Judge Japzon likewise subjected him to a series of searching questions as follows:

Q

Now, in the investigation of this case with regards to the alleged kidnapping of Violeta Ponsil do you know the whereabouts of Violeta Ponsil?

A I do not know Your Honor.

Q

So far as you are concerned or the substation INP of Pastrana, Leyte is concerned you did not conduct any extensive search for the person of Violeta Ponsil?

A Yes, we kept on asking for her whereabouts.

Q

Have you gone to Brgy. Castilla, Palo, Leyte after you were informed by this Elec that three days after being informed by Elec that she was brought to Bo. Castilla?

A No, I did not.

Q Why.

A I did not go there because I do not know to what place shall I go.

Q You could have gone to the Brgy. chairman of Castilla and asked for his assistance in searching for Violeta Ponsil?

A It did not enter my mind.

Q You really did not search for Violeta?

A Yes, we have been looking for her in Brgy. Cancaraja.

Q

You were looking for her when precisely she was kidnapped from Cancaraja and then she was brought to Bo. Castilla?

A Because I was thinking that she might return to Brgy. Cancaraja.

Q

You thought that she must have returned then, there was no return (Sic) for you to search for her in Cancaraja? Why don't you just admit that you did not search for the person of Violeta after her father reported to you that Violeta was kidnapped?

A I did not go to Bo. Castilla. (tsn, pp. 16-18, Sept. 29, 1983) (pp. 12-14, Brief for Appellee)

Certainly, such indifference of the witnesses as shown by their aforequoted testimonies is contrary to human experience. Conrado and Lolita Ponsil, the parents of the alleged kidnapped victim Violeta, who were supposed to be most interested in finding their daughter should have lost no time in causing the arrest of appellant and in asking him as to the whereabouts of Violeta. Yet, the testimonies show that the alleged kidnapping was reported to the police only two (2) days later for no apparent reason; that no effort was made to check the places where Violeta was reportedly taken; that appellant, while he was incarcerated, was not asked as to the whereabouts of Violeta. If spouses Conrado and Lolita Ponsil were so certain in their testimonies that appellant took away their daughter at gunpoint from their house on December 4, 1982, why was appellant arrested only more than 3 weeks after the alleged kidnapping had been noted in the police blotter?

We now take into consideration Exh. "1" (and "1-A")*** which is a letter supposedly written by Violeta to the appellant, supporting the view that Violeta was not forcibly taken from her house. Said letter is consistent with the statement of appellant that he proposed to live with Violeta, to wit:

"To you Dicoy,

I have this letter for you since we do not have a chance to talk because I am always watched by my mother. That's why I have just written you as you will know my decision on when I shall go with you. Get me on Saturday evening because we have a Novena Feast in the day, Mother and all will be drunk, be sure Dicoy so that I will be at peace. Never mind the fact that we are relatives, anyway we are not the only ones in such situation Dicoy — because I love. Get me on Saturday night I shall wait for you that night.

That's all. One who loves you.

Violeta. Dicoy,
I love you."

Premises considered, the prosecution has failed to establish beyond reasonable doubt the guilt of appellant. Accordingly he is acquitted of the crime charged and is ordered released immediately. Costs de oficio.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, and Sarmiento, JJ., concur.
Padilla, J., no part; related to appellant's counsel.

[**] Penned by Judge Fortunato B. Cuna.

[***] Exh. 1 pertains to the letter written in the dialect. Exh. 1-A is the translation.

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.