

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GIL CACCAM, ACCUSED-APPELLANT.*G.R. No. 80435. June 20, 1989*

Ponente: CRUZ, J.

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Two brothers and two sisters are involved in this interesting drama, and the least important of them in the story is, curiously enough, the accused-appellant. Yet he is the one who is in prison and has been confined without bail since his arrest in 1983. The charge, for which he has already been convicted, is that he and his brother, conspiring with each other, kidnaped and detained one of the sisters. His life sentence is now on appeal before us.[1]

The problem arose with his brother Roberto Caccam, who is still at large. Gil Caccam has been left holding the bag, so to speak. The accused-appellant has no relationship whatsoever with either of the sisters. It is his brother who has - or had - with both of them in fact. Roberto was engaged to be married to Olivia Quibin, who was already with child by him. On the day of their wedding, he left her for her younger sister, Honilyn, with whom he stayed for 44 days. Now neither of the sisters can locate him; even the law is looking for him.

When the day of reckoning came, it was Gil Caccam who was made to face the music. Well might he have said, echoing the Biblical disclaimer, "Am I my brother's keeper?" But he was not being asked to answer for his brother's misdeeds or omissions. Gil was being made to account for his own acts, as co-principal with Roberto in the kidnaping and illegal detention of Honilyn.

As alleged by the prosecution, Gil and his brother Roberto together forced Honilyn to go with them on that afternoon of June 28, 1983, in Naguilian, La Union. The incident was narrated by an 8-year old boy, Diosdado Quibin, who was a cousin of the girls and a neighbor of the brothers. This witness testified that from a distance of about 25 to 35 meters, he saw Gil pulling and Roberto pushing Honilyn, who was resisting and crying "I don't like." He immediately reported the matter to her mother, who forthwith, accompanied by two other persons, went out to help Honilyn.[2] But the girl was gone.

In her own testimony, Honilyn corroborated Diosdado and added that it took the brothers about an hour before they could force her to go with them. Roberto was pointing a knife at her. She said that she was struggling and shouting "Help me!" but nobody did. Thereafter, she was taken to the nearby forest, then to an open field, from there to Camp Uno, then to Bacnotan, La Union, where she was deflowered without her knowledge or consent after being drugged. Finally, she was detained for 19 days in the house of Atty. Abelardo Dumaguin in Baguio City. She said she was made to take three tablets regularly that increased her libido and made her want to have sexual intercourse with Roberto. While in that house, she was under constant watch by Roberto and the lawyer and four other persons, making it difficult for her to escape. It was only on August 12, 1983, that he was returned to the custody of her parents by Atty. Dumaguin, who, incredibly, especially for a lawyer, demanded a receipt for her.[3]

On cross-examination, Honilyn admitted that she and Roberto had been sweethearts for two years even before his affair with her sister Olivia. She also acknowledged the Valentine card and four letters she had sent him in which she had affirmed her love for him.[4] In one of these letters, she had also asked him to stay away from her sister and even warned him that something bad might happen if he did not do so.[5]

Remarkably, the focus of her testimony both on direct and cross-examination was on the events that happened after she had allegedly been forced by Roberto and Gil Caccam to go with them. The accused-appellant seems to have vanished into thin air following his supposed participation with Roberto in her kidnaping. The rest of her narration dealt with the conduct toward her of Roberto and also of the lawyer, who appears to have had a more active role than Gil in detaining her. Gil himself was not identified as among the persons who stayed with her in the house of Atty. Dumaguing.

The thrust of the defense is that Honilyn was not kidnaped by Roberto but in fact willingly eloped with him to prevent him from marrying her sister Olivia. The contention is that there was no kidnaping, and no illegal detention either, because Roberto and Honilyn were sweethearts. They had voluntarily left together to consummate their love for each other. The elopement was timed to avoid Roberto's impending marriage to Olivia that same afternoon.

The Court notes that the only evidence directly linking Gil Caccam to the supposed abduction of Honilyn is the testimony of the 8-year old Diosdado as affirmed by Honilyn herself. This evidence looks to us too flimsy, like a makeshift structure on shifting sands, to sustain the accused-appellant's conviction. Their narrations must fail because of their inherent defects, especially in the light of the evidence for the defense.

Diosdado testified that the girl was shouting while she was being forced by the brothers but nobody seems to have heard her even if the incident took place about only 30 to 40 meters from the nearest house and at about one o'clock in the afternoon.[6] He also said that he immediately reported the matter to his aunt, but when she rushed out to help Honilyn, the girl is already gone despite her positive statement that she was struggling with the two brothers for about an hour before they finally succeeded in abducting her.[7] Conceivably, her mother could have succored the girl on time within that hour; and even if Diosdado saw the incident only during the last few minutes of that hour, they could still have seen the girl and the two brothers walking the distance to the forest for this was about 130 meters away.[8] As for the knife Honilyn said Roberto was threatening her with, Diosdado never spoke of it at all.[9] Although he could not have failed to see it if there was really one, he merely said that one brother was pulling the girl while the other was pushing her. There was not even a suggestion that either of them was armed.

On top of all this, there are the love letters, which cast serious doubt on Honilyn's claim that she was abducted by Roberto Caccam with the assistance of his brother Gil. These clearly reveal the real sentiments of the girl as she poured out her endearments, syntax and all, to her "Sweet Roberto":

I am uneasy due to the thought that someone might attract your eyes. And deep inside is the feelings of fear that a new face will take you away from me. But I trust you 'coz you are a kind man I have ever seen. Please keep your promise that I am your endless love, your one and only love. What's the meaning of success without you to share with? You are my inspiration. Life will be miserable and my days will not be complete without thinking of you. Please show me that you really love me even though we are far apart. For me, I feel life is useless if we are far from each other. Remember that no one else could ever take your place in my heart. Even my parents, sisters and brothers will purchasing or stop on loving you I will not do that. To forget you is something difficult to do. I can't forget until the end of time. Still in love through the years and this time I'll be more sweeter to You. I hope you also.[10]

and complained of his seeming indifference thus:

x x x As a matter of fact I haven't receive any love letter to you until the beginning. Gusto mo kasi, ako na lagi ang sumusulat sa iyo. Sulat ako ng surat wala ka man lang sagot, ano ako tanga. This is my like if I wrote to you I want also your answer. Hindi yong surat ako ng surat wala man lang sagot ano ang mapapala ko sa pagsusulat ko kung ganon. I am only wasting time if only like that. So you can understand me and I can understand you also.[11]

The evidence of the prosecution in this case against the accused-appellant, particularly as it affects the credibility of Honilyn, becomes difficult to accept when viewed against her letters. Given her effusive protestations of love for Roberto, we find ourselves hard put to believe that she had not traipsed out with him in a romantic spree but, as she now insists, was taken against her will by the two brothers.

Beyond merely conjecturing that the girl did not have to be forced because Roberto was her sweetheart, the defense might have centered its arguments on the significant fact that Gil's supposed participation occurred, if at all, only for a brief moment as reported by Diosdado and at most only for one hour as narrated by Honilyn herself. It has already been remarked that both their declarations are suspect because they do not even jibe with each other. But more importantly, even as his alleged role in the actual abduction is doubtful, Gil apparently had also no participation at all in the supposed detention of the girl in Bacnotan and later in Baguio City.

Honilyn herself made no more mention of Gil when she narrated the events that transpired after her claimed abduction. The rest - and bulk - of her testimony dealt with her captivity by Roberto and even the lawyer and the other persons in his house. She did not name the accused-appellant as one of her captors. In fact, at one point in her testimony, she categorically declared that Gil had not come along with them to La Union and Baguio City.[12]

The position of the prosecution is that the accused-appellant should be equally responsible with Roberto for all of the events occurring subsequent to the time when the brothers forced Honilyn to go with them. Its theory is that the brothers were conspirators and as such are equally responsible for each other's acts up to the time Honilyn was returned to her parents. But this argument is flawed because the conspiracy itself has not been sufficiently established. The only evidence of such combination consists of the inconsistent testimonies of Diosdado and Honilyn whom we have both found to be unreliable. The evidence they offer can hardly be the basis for making Gil also responsible for the offense, if any, of his brother and for condemning him to prison for the rest of his life.

It is a proud principle of the republican system that the prisoner on the dock shall be presumed innocent until the contrary is proved. This enlightened rule of all democratic societies is intended to afford protection to the accused who is pitted against the full panoply of the awesome authority of the State itself with all the resources at its command. To correct this disparity, the Constitution imposes upon the prosecution the obligation to prove beyond reasonable doubt - on the strength of its own evidence and not the weakness of the defense - the guilt of the accused. When the prosecution fails, the charge must be dismissed.

So it must be in this case.

We make no finding here on the accountability of Roberto Caccam who is yet to be judged on the basis of the evidence to be presented at his own trial. But even if he might later be found guilty of abducting and illegally detaining Honilyn, his crime will not and should not taint his brother. Gil's part in the alleged offense not having been established and proof of conspiracy being wanting, we hold that the accused-appellant should be absolved.

It is noteworthy that in the brief he submitted on April 24, 1989, the Solicitor General has joined the defense in asking for the exoneration of Gil Caccam on the ground of reasonable doubt. This circumstance all the more bolsters the verdict we must reach today.

WHEREFORE, the appealed judgment is REVERSED. The accused appellant is ACQUITTED and must be

released immediately. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision of Judge Avelino S. Quintos, Regional Trial Court, Branch XXXIII, Bauang, La Union.

[2] Rollo, pp. 74-75.

[3] Ibid, p. 76.

[4] Id., pp. 136, 141, 142, 199 and 200.

[5] Exh. 1, rollo, pp. 210-211.

[6] Id., pp. 75 and 137.

[7] Id., pp. 79, 198 and 202.

[8] Id., p. 79.

[9] Id., pp. 77 and 201.

[10] Exh. 4, rollo, p. 212.

[11] Id., p. 213.

[12] Decision, p. 7, rollo, p. 79.

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