

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CRISTINA DE LEON & JOHN DOE… AT LARGE, ACCUSED.
CRISTINA DE LEON, DEFENDANT-APPELLANT.**

G.R. No. 82882, February 05, 1991

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Before an accused is convicted of a crime, his guilt must be proved beyond reasonable doubt and until proved guilty, he is presumed innocent. The burden of proof rests upon the prosecution and unless the State succeeds in proving his guilt, the presumption of innocence in favor of the accused applies. These are the principles that guided the Court in reversing the decision of the trial court wherein the defendant-appellant was convicted of the very serious crime of kidnapping and sentenced to serve the penalty of life imprisonment.

The facts as found by the lower court which found the story of the prosecution more reliable is simply put as follows:

Delia Lacson, the complainant in this case, comes from well-off family which owns several stores and two houses, one located at Bagong Silang, Caloocan City and the other in Novaliches, Quezon City. Defendant-appellant Cristina de Leon, on the other hand, was living with her common-law husband also at Bagong Silang. The two met and became friends in 1987 when Delia was only 15 years old and a third-year high school student.

Sometime in June 1987, Delia was introduced to Boy, the brother of defendant-appellant, who was then 19 years of age. Boy was the former live-in partner of an entertainer who left for Japan and was renting an apartment near the house of defendant-appellant Cristina. By July 1987, Boy and Delia became sweethearts and in the same month, they eloped and started a live-in relationship. During the short span of time that they stayed together, Delia learned how to smoke marijuana and take "prohibited" drugs like Corex and Colagin. Later, Boy started beating Delia. Realizing her mistake, Delia decided to leave Boy and thus, she went away with her mother when the latter fetched her on July 21, 1987.

Delia testified in court that on August 18, 1987 at about 3:30 in the afternoon, she went to buy bread at a bakery which was about 150 to 200 meters away from their House at Bagong Silang. She said that on her way home, a private jeep stopped in front of her from which the defendant-appellant alighted. Defendant-appellant, along with the driver, allegedly seized her and tied her arms from behind and gagged her mouth with a handkerchief. It is also alleged that with the assistance of two other men, they forced her into the jeep. She was allegedly brought to the house of the aunt of defendant-appellant in Novaliches and dragged into a room where Boy was having a drug session with two men. She alleged that she was also forced to take drugs, and that not long thereafter, she felt dizzy and fell asleep.

When Delia awoke about one hour later, she allegedly saw defendant appellant Cristina and two men still inside the room. Defendant-appellant made her take a bath after which one of the men forced her to have sex with him.

After the incident, Delia was locked up in the same room for about three days. On the fourth day, defendant-appellant finally talked to her and told her that she will have her employed in a beer garden. The following day, defendant-appellant, before bringing Delia to the beer garden, forced her to take a glassful of Corex and Colagin. This happened for several consecutive days. She would be forced to take drugs, brought to the beer garden and brought back to the same house at 3 o'clock in the morning to be locked up again in the same room. According to Delia, she could not escape because defendant-appellant always kept a watchful eye on her.

On August 27, 1987, narrates Delia, a man who seemed to be a familiar face from Bagong Silang went to the beer house. The man, named Marcelo Mateo Jr., testified in court that while passing his time away at the beerhouse, a girl whom he recognized as someone from Bagong Silang approached him and told him of her plight. She pleaded to him to help her get out of the place as she could not do it all by herself. Mateo further testified that since the girl was obviously drugged, he harbored doubts as to the truthfulness of her narration. Nonetheless, he said that he promised her that he will be back soon.

After conducting his own investigation, Mateo went back to free Delia. Without anyone noticing, Delia passed through the backdoor of the beerhouse while Mateo got a taxi to transport them to his parents' house.

The information charging defendant-appellant Cristina de Leon with the crime of kidnapping was filed with the Regional Trial Court of Caloocan City and after due trial the court rendered a decision on February 3, 1988 with the following dispositive portion:

FOR ALL THE FOREGOING, this Court finds the herein accused CRISTINA DE LEON, GUILTY, beyond reasonable doubt, of the crime of KIDNAPPING, as defined and penalized in Article 267, paragraph (4), of the Revised Penal Code, and hereby sentences her to reclusion perpetua.[1]

Hence this appeal therefrom.

In her defense, defendant-appellant contends that at the time of the alleged kidnapping, it could not have been possible for her to be at the site of the crime because she was in a funeral parlor. In other words, her defense consists of alibi. She completely denies all the charges imputed to her by Delia and insists that the girl ran away from home instead. Defendant-appellant's aunt testified in her favor in that there are only three rooms in her house for 21 people and that there is no such room therein with a built-in bathroom where Delia was supposed to have been detained as she had testified. She also states that the only time that Delia went to Stay in her house was when she eloped with her nephew, Boy, to live together as husband and wife for a couple of days.

It is clear from a reading of the appealed decision that in choosing which version to believe, the lower court relied on the credibility of the witnesses and their respective testimonies.[2] This is because there is no concrete proof as to the fact of kidnapping and the versions of the parties are directly opposed.

We are well-aware of the numerous decisions that entrench the principle of reliability of the trial court's findings regarding the credibility of witnesses. Having had the opportunity to meet the witnesses, face to face, the trial court is deemed to be in a better position to ascertain whether or not they are telling the truth.

However, after conducting a thorough study of the records of this case, the Court arrived at the conclusion that the lower court disregarded some details which, if taken into account, should change entirely the court's opinion as to the credibility of the prosecution witnesses and their testimonies, particularly that of the complainant. There are glaring inconsistencies in the said testimonies which are damaging to the cause of the prosecution. Questions and arguments presented by the appellant in her brief were left unanswered. There are uncertainties as to how the kidnapping actually took place. All these combined led this Court to the conclusion that the judgment of conviction of guilt for the crime of kidnapping in this particular case has no cogent basis.

By merely glossing over the facts, one would find it mind-boggling how the lower court arrived at the opinion that the alleged victim was a credible witness describing her as “a girl of no previous exposure to the wild and harsh ways of the world.”[3] The facts clearly show otherwise Delia was only 15 and a mere third-year high school student when she met Boy. Yet, just a few days after, she already had sexual relations with him. What is worse is that she left her home and family to have a "live-in" relationship with the 19-year old boy and later on became involved in prohibited drugs. The affidavit she executed before the barangay captain shows that she went with him freely, to wit:

“Q.

What were you investigated about by Mrs. Liwag at the barangay?

A.

She asked me if I voluntarily went, sir

Q.

With whom?

A.

With Boy, sir.

Q.

What was your answer?

A.

Yes, sir.

Q.

By that answer of yours, you mean you voluntarily stayed with Boy?

A.

Yes, sir.”[4]

Undeniable also is the fact that she was employed in a beer garden until she voluntarily resigned.

Next, the "Sinumpaang Salaysay" executed by Delia before the police authorities is clearly in conflict with her testimony in court. The said "Sinumpaang Salaysay" includes the following:

"T:

Pagkatapos na ikaw ay maihatid sa Beer House, hindi ka na niya sinusundo sa pag-uwi?

"S:

Hindi na po. Ako na lamang mag-isa ang umuuwi at pagdating ng hapon ay dumarating siya sa R.P. at kanyang kinukuha ang iba kong kita mula sa Beer House." (Emphasis supplied.)[5]

The foregoing is a clear admission on the part of Delia that there was no actual confinement or restriction on her person. She had every opportunity to escape, yet she did not. On the contrary, she, all by herself, kept on returning to the supposed detention place. With this circumstance, the element of deprivation of liberty which is essential in kidnapping appears to be absent.

The fact that Delia later on denied that she was in her proper senses when she executed the sworn statement before the police authorities and gave a different story in court does not at all work in her favor. First of all, the Court cannot believe that at the time she gave her statement to the police she was still under the influence of the drug that was supposed to have been given to her by appellant more than 24 hours earlier. Secondly, with two conflicting stories both made under oath, the Court cannot assume one or the other as the truth.

In *Mondragon v. Court of Appeal*,^[6] this Court held that when one witness makes two sworn statements and these two statements incur in the gravest contradictions, the Court cannot accept either statement as proof. The witness by his own act of giving false testimony impeaches his own testimony and the Court should exclude it from all consideration. The above-mentioned ruling should guide this Court in this case where the witness makes a sworn statement before the police authorities that is contradictory to her testimony in court. The lower court, having been apprised of the same, should have been more circumspect in adopting said testimony. It is also apparent that this was completely disregarded by the lower court in its assessment regarding the credibility and reliability of Delia as a witness.

Going through the records very carefully, the Court finds other circumstances that work against the theory of the prosecution aside from what was previously discussed, and they are as follows:

1. The kidnapping was supposed to have been conducted in broad daylight and in a busy street where Delia's family is well-known.
2. Not even a single eyewitness was presented in court to testify that he witnessed the abduction.
3. Delia did not even attempt to shout or call for help.
4. When ordered to take a bath, Delia immediately followed without even asking why she was being asked to do so.
5. Delia did not try to escape whenever appellant brought food to her room.
6. When informed by appellant that she will be employed as a receptionist in a beer garden, Delia asked the former that she be employed as a singer instead.^[7]
7. Delia, who was supposed to be a kidnap victim, was made to work in a public place and ride public transportation for one whole week.
8. Delia was given the liberty to talk to strangers and customers of the beer garden from whom she could easily ask for help.

9. Delia was able to escape so easily by just passing through the back door of the beer garden.[8]

10. Delia admitted that she voluntarily resigned from her job as a receptionist in the beer garden.

The version of the defendant-appellant that what actually happened is that Delia ran away from home and was scared to go back because of her brothers is bolstered by the testimonies of the prosecution witnesses themselves to wit:

TESTIMONY OF PAT. ALFREDO ANTONIO:

"Q:

Where did you allow her to rest?

A:

At the house near the detachment because she could not go yet to their house inasmuch as she was in fear. It took her sometime before she could go home because she was afraid of her brothers."[9]

X X X.

COURT:

Where did she sleep?

A:

In the house near the detachment where her statement might be taken because she might leave."[10]

X X X.

"Q:

You said that Delia Lacson seems to be afraid, did you come to know why she was afraid?

A:

From what I gathered, Ma'am, she seemed to be afraid of her brothers."[11]

TESTIMONY OF MARCELO MATEO, JR.:

"Q:

What did Delia do when she stayed in your house during that time?

A:

I let her sleep with my sister and told my sister to keep watch on her because she was in the influence of drugs and she might escape, sir.”[12]

Indeed, it is surprising that after having rescued Delia, Mr. Mateo did not bring her immediately to her house and family and instead brought her to his parent's house. Later, the policemen who fetched her brought her to the police detachment and let her sleep in a house at the back of the said police detachment which was very near Delia's own house. If Delia was truly kidnapped, her family should have been very eager to see her again to find out if she was unharmed. The only plausible reason for Mr. Mateo's action is, as contended by appellant and testified to by the other witnesses, that she was scared to go back to her house because of her brothers who were angry at her for running away from home.

It may be true that defendant-appellant has a very weak defense which is alibi. Yet, this does not at all allow the prosecution to escape from its responsibility to prove her guilt beyond reasonable doubt in order to obtain a conviction. With all the serious doubts attendant to the case, the Court is constrained to acquit the defendant-appellant of the crime of kidnapping Delia Lacson.

WHEREFORE, the questioned decision of the Regional Trial Court is REVERSED and defendant-appellant is hereby ACQUITTED with costs de officio.

SO ORDERED.

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

[1] Rollo, p. 82.

[2] Rollo, p. 79.

[3] Rollo, p. 19.

[4] TSN, October 5, 1987, p. 34.

[5] Exhibit 1 - Sworn statement given by Delia Lacson at the Bagong Silang Police Detachment on September 3, 1987.

[6] 61 SCRA 511 (1974).

[7] TSN, October 5, 1987, p. 16.

[8] TSN, October 5, 1987, p. 19.

[9] TSN, November 6, 1987, p. 125.

[10] TSN, November 6, 1987, p. 126.

[11] TSN, November 6, 1987, p. 130.

[12] TSN, November 11, 1987, p. 149.

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