

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LETICIA SANIDAD DE DEL SOCORRO, DEFENDANT-APPELLANT.

G.R. No. 84048. February 15, 1990

Ponente: PADILLA, J.

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PADILLA, J.:

In an Information docketed as Criminal Case No. 57828 of the Regional Trial Court of Pasig, Metro Manila, Leticia Sanidad de Del Socorro was charged with the crime of Kidnapping committed as follows:

"That on or about the 11th day of February, 1984, in the Municipality of Mandaluyong, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously kidnap one CLAIRE SANCHEZ, a minor below seven (7) years old, for the purpose of permanently separating said child from EVELYN SANCHEZ y TEJERO and ANTONIO SANCHEZ, parents of the said child and there-after sold to one DRA. APOLONIA VILLAMAYOR, in the amount of P700.00."

The defendant was duly arrested and brought before the court. When arraigned, she pleaded "not guilty" to the crime charged in the Information. She was placed on trial and after hearing the evidence adduced during the trial, Judge Domingo R. Garcia found the defendant guilty of the crime charged in the Information and sentenced her to suffer the penalty of reclusion perpetua, with the accessory penal-ties provided for by law, without pronouncement as to costs.

From this sentence, the defendant has appealed to this Court.

The evidence for the prosecution shows that between 10:00 o'clock and 11:00 o'clock in the morning of 11 February 1984, while Evelyn Sanchez was in her residence at No. 162 Kalentong St., Mandaluyong, Metro Manila, cooking food for lunch, her four-year old daughter named Claire Sanchez went out of the house to play with other children. After she had finished cooking, Evelyn called her child to get inside and eat her lunch. Receiving no response, she went out of the house and looked for her child in the neighborhood. But the child was nowhere to be found. She inquired from the other children who were playing where her daughter Claire was and she was informed that Claire was taken by a woman whom the children thought was the aunt of Claire. She was also informed that her child had resisted in going with the woman and cried for her mother, but the woman carried the child and got on board a jeepney and left the place. The disappearance of Claire Sanchez was, consequently, reported to the Mandaluyong police.[1]

Several days after the disappearance of the child, the distraught mother was informed by a relative that a certain doctor in Angono, Rizal, had bought a child who fitted the description of her daughter, Claire.[2] Forthwith, she went to Angono, Rizal and with some town policemen, went to see the lady physician, one Dr. Villamayor, who told the policemen that she had given the child to her aunt whose house was at E. de la Paz Street. The child was then taken from the aunt of the doctor and brought to the municipal building of Angono where he was re-united with her mother. The lady physician advised the mother and the policemen however, not to leave immediately as

the woman who brought the child to her was coming back on that day to collect some money.[3]

The lady physician, Dr. Apolonia Merced Villamayor, declared that at about 10:30 o'clock in the evening of 11 February 1984, a woman, whom she later identified to be the accused, Leticia Sanidad de Del Socorro, came to her clinic at No. 91 Int. Quezon Ave., Angono, Rizal, with a baby girl. She asked the accused what was wrong with the child and the accused answered that nothing was wrong with the child, but that she wanted the lady physician to take care of the child, whom she referred to as her daughter, because her husband had died just two (2) months ago and she could not afford to feed her brood of four (4) girls and two (2) boys. The accused also asked for the amount of P700.00, as a "donation", to enable her to open a small sari-sari store. Feeling pity and compassion for the child, she gave the accused P400.00 which she had at the time, and told her to come back the following Saturday for the balance. After the accused had left, she gave the child to her spinster aunt, Lourdes Saguinsin who lived in E. de la Paz St., Angono, Rizal.

The following Saturday, two (2) policemen from Angono, Rizal, came to her clinic and inquired if she had seen a girl of about four (4) years of age. She told the policemen that a child was given to her for adoption the previous Saturday, and that she gave the child to her aunt Lourdes. She also told the policemen that the woman who brought the child to her was coming back that day to collect the balance of P300.00. She asked them to wait for her.

At about 10:00 o'clock in the evening, sure enough the accused came back to the clinic. Dr. Villamayor pointed out the accused to the policemen who then arrested her and brought her to the municipal building for investigation.[4]

The accused admitted having brought the child, Claire Sanchez, to Dr. Villamayor in Angono, Rizal. But she denied having kidnapped the child, or having sold her to the doctor. Her version of the incident, as testified to by her in court, is that at about 11:00 o'clock in the morning of 11 February 1984, while she was on her way home to the Javier Compound, San Francisco Village, Muzon, Taytay, Rizal, she saw the child, Claire, standing on the sidewalk in front of the Jose Rizal College in Mandaluyong. The child was crying and when she asked why, the child told her that two (2) children had quarrelled with her. The child also told her that her lola had refused to take her along. She asked the child where she was living, but the child did not point to any particular place or direction. Out of pity for the child, she brought the child along with her. They waited for a bus for Angono, Rizal, and upon reaching Angono, she entrusted the child to Dr. Villamayor for safekeeping. She denied having asked or received money from Dr. Villamayor.[5]

In this appeal, the defendant-appellant, through counsel, raises mainly the question of credibility of witnesses. Defendant-appellant assails the trial court for giving weight and credence to the testimony of the witnesses for the prosecution despite the contradictions and inconsistencies in their testimony which would render them doubtful and unreliable.

We find, however, that the variance between the testimony of the prosecution witnesses in court and their sworn statements, as well as the alleged contradictions and inconsistencies pointed out by the appellant in her Brief, are not substantial as to destroy their credibility. The alleged variance refers to minor details which would tend to show the sincerity of the witnesses and the absence of connivance between them.

Besides, the testimony of the witnesses for the prosecution, unlike the denial of the defendant-appellant, appears to be consistent with the truth and the natural course of things. Furthermore, these witnesses had no motive to falsify the truth and impute to the defendant-appellant, whom they met only on the occasion complained of, the commission of so grave an offense as kidnapping of a minor child.

The claim of the defendant-appellant that the child, Claire Sanchez, went voluntarily with her, cannot be given credence. Evelyn Sanchez, the mother of the child, Claire, declared that when she asked her daughter upon their reunion if she went voluntarily with the defendant-appellant, the child answered that she did not. Evelyn further declared that when she asked the children in the neighborhood, with whom her daughter was playing, if Claire had resisted, the children answered that Claire had resisted, so that the accused had to carry her to the jeep.[6]

Besides, the defendant-appellant herself testified that when she picked up the child in Mandaluyong, her only thought was to bring the child to Dr. Villamayor in Angono, Rizal.[7] She did not bring the child to her (defendant's) own home in Muzon, Taytay, Rizal even if this place is nearer than Angono, because, according to the defendant, she already has many children of her own and they have no food to eat.[8] But if she really pitied the child whom she described as crying on the sidewalk, why, it can be asked, did she not bring her to the nearest police station in Mandaluyong? And, why did she think only of Dr. Villamayor who, according to her, she did not even know personally, but only in name?[9] Her explanation is as follows:

"Q

Why of all people in the Philippines in general Taytay and Angono in particular, why do you have to entrust this child to Dr. Villamayor?

A

Because I trusted Dr. Villamayor in the same manner that she trusted me and I know where we will give the child." [10]

Is it possible then that the defendant-appellant went directly to Dr. Villamayor because of the common knowledge in the neighborhood that her spinster aunt wanted to adopt the child?[11] One, of course, can only surmise.

To cut down on the illicit traffic of children, we urge the prosecution of persons to whom children are sold or given away for a valuable consideration. Oftentimes, it is only the abductor or kidnapper who is prosecuted. Yet, the person to whom the kidnapped child is given and who may have wittingly or unwittingly given the motivation for the abduction, goes scot-free, even as the intention of this person is to keep and raise the child as his own. By keeping the child, under these circumstances, is he not guilty of serious illegal detention?

Back to the case at bar, it is our opinion, and we so hold, that the evidence adduced during the trial is sufficient to justify the conclusions of the trial court. Therefore, the judgment of the trial court should be affirmed.

WHEREFORE, the judgment appealed from is hereby AFFIRMED, without pronouncement as to costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

[1] tsn of July 3, 1984, pp. 6-9; tsn of July 30, 1984, pp. 9-10.

[2] tsn of July 3, 1984, p. 10.

[3] tsn of Aug. 8, 1984, pp. 5-6.

[4] tsn of August 29, 1984, pp. 4-17.

[5] tsn of June 19, 1985, pp. 3-12; tsn of November 17, 1986, pp. 2-8.

[6] tsn of July 30, 1984, pp. 4, 9-10.

[7] tsn of June 19, 1985, p. 11.

[8] tsn of November 17, 1986, p. 9.

[9] tsn of June 19, 1985, pp. 9-11.

[10] tsn of November 17, 1986, p. 10.

[11] tsn of August 29, 1984, p. 30.

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