

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CHERINA DAYON, ACCUSED-APPELLANT.

G.R. No. 94704. January 21, 1993

Ponente: PADILLA, J.

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PADILLA, J.:

Appellant Cherina Dayon was charged with the crime of serious illegal detention by the Assistant City Fiscal of Davao City.

The information dated 26 May 1988 reads:

"That on or about April 1, 1988, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused wilfully, unlawfully and feloniously and for refusal of one Marilou Peralta to sign a pro-missory note, brought the latter to their bodega and while she was in their bodega, was detained and kept locked in said bodega for a period of three (3) days, from April 1, 1988 to April 3, 1988, under restraint and against the will of said Marilou Peralta; that the said detention has caused the offended party, being a woman, to be hospitalized at the Davao Doctor(s) Hospital.

CONTRARY TO LAW." [1]

After trial, the Regional Trial Court Branch 15 of Davao City rendered a decision dated 20 June 1990, the dispositive portion of which reads:

"WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, the penalty of Reclusion perpetua is hereby imposed upon Cherina Dayon.

SO ORDERED." [2]

The findings of fact relied upon by the trial court in convicting the accused are as follows:

"x x x 5. That on April 1, 1988 at around 6:30 a.m. which was a (G)ood Friday, the accused went to complainant's house and invited the latter to go to the Shrine.

6. That when complainant refused, the accused invited the former to the house of Tulio and without breakfast, the complainant went with the accused to Tulio's house.

7. That upon reaching Tulio's house, the complainant was made to wait while the accused left and return (sic) with 5 Policemen.

8. That the police asked the complainant to go with them to the Talomo Police precinct but the later refused to ride on the Police vehicle and instead took a P.U. minica to the precinct.

9. That the complainant was investigated the whole morning and afternoon for more than 4 hours and was asked by the police and the accused to sign a promissory note but she refused.

10. That at around 2:30 p.m. the accused left the precinct while the complainant was sent back to Tulio's house at

6:30 p.m. without having taken her lunch, supper and merienda.

11. That in the evening, the complainant's husband, daughter and friend pleaded with the accused to allow the complainant to go home but the accused refused because the accused wanted to sue the complainant in court on Monday, April 4 and the complainant might ran (sic) away if permitted to go home.

x x x x x x x x

15. That on April 2, the husband and the daughter's (sic) again pleaded with the accused to let the complainant go home but the latter refused.”[3]

Appellant, in her Brief, assigns a single error in the appealed decision, alleging that the trial court erred in convicting her because the facts as found do not show the commission of the crime of serious illegal detention.

Appellant alleges that certain circumstances are inconsistent with the crime of serious illegal detention, namely:

1. The complainant's family and friends were allowed to visit her;
2. None of the visitors of the complainant reported the alleged detention to the police;
3. Complainant did not include as co-accused, persons who allegedly guarded the accused and Mrs. Tulio who owned the house where complainant was allegedly detained and who knew she was being detained.

Appellant also challenges the credibility of the complainant on the ground that several estafa cases filed by the appellant against the complainant are pending. Appellant contends that this fact shows the complainant's capacity for falsehood and deceit and hence her testimony should not be believed.

The elements of the crime of serious illegal detention under 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 manner deprives the latter of his liberty;
3. That the act of detention is illegal, not being ordered by any competent authority nor allowed by law;
4. That any of the following circumstances is present:
 - a. That the detention lasts for more than five (5) days; or
 - b. That it is committed by simulating public authority; or
 - c. That any serious physical injuries are inflicted upon the person kidnapped or threats to kill him shall have been made; or
 - d. That the person kidnapped or detained is a minor, female, or a public officer.[4]

This Court has held that in the crime of kidnapping or serious illegal detention, the offended parties "need not be kept within an enclosure to restrict their freedom of loco-motion x x x. It is enough that they were in any manner, deprived of their liberty, unable to move as they pleased x x x.”[5]

In the case at bar, three (3) other witnesses, aside from the complainant, her husband and her daughter, testified that the accused did not allow the complainant to leave Mrs. Tulio's house from the evening of 1 April 1988 until 3 April 1988. The trial court gave more credence to the testimonies of the prosecution witnesses, over the defense version that it was the complainant who voluntarily stayed at Mrs. Tulio's house for two (2) days and refused to drink or eat resulting in her being hospitalized. A careful review of the records of this case shows no compelling reason to disturb the findings of the trial court concerning the credibility of the witnesses for the prosecution. The element of deprivation of liberty having been adequately proved, and the other elements of the crime having been

clearly established by the prosecution, the presumption of innocence in favor of appellant has been overcome by proof beyond reasonable doubt.

WHEREFORE, the decision appealed from is hereby AFFIRMED with costs against the appellant.
SO ORDERED.

Cruz, (Chairman), Grino-Aquino, and Bellosillo, JJ., concur.

[1] Rollo, p. 6

[2] Rollo, p. 4

[3] Rollo, pp. 34-36

[4] People v. Mercado, G.R. No. 65152, 30 August 1984, 131 SCRA 501

[5] People v. Fiel, Jr., G.R. No. L-56405, 15 December 1982, 119 SCRA 360

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