

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

THE PEOPLE OF THE  
PHILIPPINES,

Plaintiff-Appellee,

G.R. No. 229086

Present:

PERALTA, C.J., *Chairperson*,  
CAGUIOA,  
REYES, J.C., JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

-versus-

Promulgated:

PHILIP CARREON y  
MENDIOLA,  
Accused-Appellant.

JAN 15 2020 *mtf/brk*

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision<sup>1</sup> dated May 13, 2016 of the Court of Appeals in CA-G.R. CR HC No. 07003 entitled "*People of the Philippines v. Philip Carreon y Mendiola*," disposing, thus:

**WHEREFORE**, the appeal is **PARTIALLY GRANTED**. The August 8, 2014 Decision of the Regional Trial Court, Branch 45, San Fernando, Pampanga in Criminal Case No. FC 1874 is **AFFIRMED** with

<sup>1</sup> Penned by Associate Justice Pedro B. Corales with the concurrence of Associate Justices Sisinando E. Villon and Rodil V. Zalameda (now a member of this Court), all members of the Eleventh Division, CA rollo, pp. 92-112.

**MODIFICATIONS.** Accordingly, accused-appellant Philip Carreon y Mendiola is found **GUILTY** of kidnapping and serious illegal detention but **ACQUITTED** of rape on the ground of reasonable doubt. He is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua* and **ORDERED** to pay AAA ₱50,000.00 civil indemnity *ex delicto*, ₱50,000.00 moral damages, and ₱30,000.00 exemplary damages, all with 6% interest *per annum* from date of finality of this judgment until fully paid.

SO ORDERED.<sup>2</sup>

### The Antecedents

#### The Charge

Appellant Philip Carreon was indicted for kidnapping and serious illegal detention with rape and physical injuries, *viz.*:

That sometime in March 31, 2010 to June 3, 2010, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused Philip Carreon y Mendiola, without authority of law or any justifiable reason, did then and there willfully, unlawfully, and feloniously detain and deprive AAA, a female and seventeen year old minor, born on January 28, 1993, of her liberty, against her will and without her consent, and on the occasion of the latter's detention, the above-named accused, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, had carnal knowledge of the said minor AAA three (3) times against her will and without her consent, and inflicted upon her physical injuries also on the occasion of such detention.

Contrary to law.<sup>3</sup>

#### Proceedings before the Trial Court

The case was raffled to the Regional Trial Court - Branch 45, City of San Fernando, Pampanga.

On arraignment, appellant pleaded not guilty.<sup>4</sup>

The Pre-Trial Order<sup>5</sup> dated July 23, 2010 bore the parties' stipulation, *viz.*: a) appellant Philip Carreon's identity; b) the trial court has jurisdiction over the case, the subject matter, and the parties; c) complainant AAA was seventeen (17) years old at the time of the incident; d) complainant and appellant were sweethearts at the time of the incident; e) complainant's father BBB and appellant's father Angelo Carreon are friends and neighbors at

<sup>2</sup> *Id.* at 111.

<sup>3</sup> *Id.* at 45.

<sup>4</sup> RTC Record, p. 19.

<sup>5</sup> *Id.* at 24-26.



[REDACTED]; and f) complainant had a miscarriage but appellant was not the child's father.

Trial proper ensued.

## Prosecution's Evidence

Complainant testified: She was born on January 28, 1993 and she had been living with her parents in [REDACTED]. Sometime in February 2010, she and appellant became sweethearts. As of March 31, 2010, appellant was twenty-one (21) years old, and she, seventeen (17). That day, he asked to take her home. But instead of taking her home, he brought her to the house of his third cousin, Akime, in Sta. Lucia, San Fernando City, Pampanga. He introduced her to his cousins. He refused to take her home even after she asked him to because he wanted to stay on and participate in the flagellation rites during lent. She could not go home on her own because she did not have money and she did not know how to get home from there. They stayed in Akime's house for two (2) days. She cried a lot during that time but appellant did not do anything.<sup>6</sup>

He later on brought her to the house of his “Ate Marmel” also in San Fernando City. She cried because she wanted to go home. She had a cellphone but sold it to buy medicine for her leg that got swollen after getting hit by a motorcycle. Her parents were able to contact her when she still had her cellphone but she could not respond because she had no money to buy phone credits. From there, she also did not know how to find her way home. There, she met appellant’s father Angelo Carreon who informed her that her father had filed a case against his son and that she should not leave Pampanga. Appellant forced her to stay in his Ate Marmel’s house for four (4) more days.<sup>7</sup>

At Ate Marmel's house, she slept beside Ate Marmel herself, although a piece of plywood separated them. While she was sleeping, appellant got drunk and "*ginalaw siya.*"<sup>\*8</sup> He inserted his penis into her vagina. At first, he held both her hands and asked her if she loved him. After that, she could not do anything anymore.<sup>9</sup> Appellant, thereafter, brought her to Calulut, San Fernando City, Pampanga in the house of his friend Robinson. They stayed there for a week. She asked Robinson to help her get home but he refused because he had no money to spare. There, appellant had carnal knowledge of her but she did not resist because there was nothing more to lose.<sup>10</sup>

Appellant later on brought her to the house of his grandmother Adoracion Mendiola in Teopaco, San Fernando. She asked help from appellant's uncle Danny who called Angelo, appellant's father. But Angelo

<sup>6</sup> TSN, September 21, 2010, pp. 4-12.

<sup>7</sup> *Id.* at 13-16.

\* Euphemism for sexual intercourse.

<sup>8</sup> *Id.* at 16-17.

<sup>9</sup> TSN, October 5, 2010, pp. 8-9.

<sup>10</sup> *Id.* at 11-17.

wanted appellant and their relatives to hide her as Angelo was scared her parents would file a case against them. Appellant and his relatives heeded Angelo and hid her in Teopaco for about a month. She tried to ask Adoracion and Danny to help her but they said it was not possible because the situation was delicate.<sup>11</sup>

Appellant eventually started hurting her. He hurt her whenever she made a mistake. One time, when appellant was drunk and while they were fooling around, appellant suddenly pulled out a knife on her and slashed the upper side of her garment. On June 3, 2010, around 3 o'clock in the afternoon, appellant was installing cable wire on the roof of the house. She was asked to get some more cable wire for him but it took her some time to deliver it. Because of her delay, appellant got mad and threw a piece of barbed wire, with a nail attached, at her. The wire hit her chest and it caused a slight swelling. He threw a bottle cap at her and got down from the roof. He called her "stupid" many times. He slapped her left ear several times with a slipper. He also banged her head against the concrete wall. Fortunately, the police arrived and took her into custody and brought her to the Jose B. Lingad Memorial Regional Hospital (JBL Hospital), also in San Fernando. She was then eventually reunited with her parents.<sup>12</sup>

The parties dispensed with the testimonies of PO1 Ma. Felisa Cubacub, PO3 Edwin Abad, Dr. Lisa Bagalso, and the Records Officer of the JBL Hospital.<sup>13</sup>

### **Appellant's Evidence**

In his defense, appellant Philip Carreon averred: He and complainant became sweethearts on March 7, 2010. On March 31, 2010, she eloped with him. Her father filed the case against him because he (complainant's father) was angry with him.<sup>14</sup>

On March 30, 2010, she went to his house in [REDACTED]. She asked his father if she could have a drinking spree with him because she just graduated from high school. He accompanied her to the house of her friend Belinda, thus, he got drunk there. When they went back to their respective houses, they discovered they had been locked out, so they decided to sleep in a nearby empty house owned by her sister.<sup>15</sup>

They woke up around 7 o'clock the following morning. Her mother arrived and asked why she did not come home. Instead of responding, complainant jumped out of the window. Her mother told him to go after complainant, which he did. He found her crying along Teraza Street. She

<sup>11</sup> TSN, January 18, 2011, pp. 9-11.

<sup>12</sup> *Id.* at 13-17.

<sup>13</sup> CA rollo, p. 45.

<sup>14</sup> *Id.* at 47.

<sup>15</sup> *Id.*



embraced him, pleaded with him not to leave her, and said they should not go back to their respective homes. He embraced and assured her he would talk to her mother but complainant dissuaded him.<sup>16</sup>

He went back to complainant's mother and told her he did not find complainant. Then he returned to Teraza Street and informed complainant he was going to Pampanga. She insisted to go with him. They first went to the house of Robinson Canapi in Calulut, Northville, San Fernando, Pampanga. They stayed there for five (5) days. He sold complainant's cellphone and drove a three-wheeler. He was able to talk to complainant's mother, who told him she had accepted his relationship with her daughter. Complainant's mother asked him to go back to Rizal.<sup>17</sup>

They also stayed with his cousin Marmel in Calulut for about a week. They subsequently stayed with his uncle Danilo Mendiola in Arayat, Pampanga for two (2) weeks. He informed complainant's mother where they were staying. They then moved to his grandmother's house in Teopaco, San Fernando, Pampanga. His grandmother Adoracion called his uncle. It was agreed that complainant should return to her parents. But before it could even happen, he already got arrested.<sup>18</sup>

Robinson Canapi, appellant's friend, stated: In April 2010, appellant and his girlfriend (complainant) approached him while he was driving his three-wheeler vehicle in Lourdes, San Fernando City, Pampanga. Appellant asked him if they could stay with him in Calulut, Pampanga. He was staying in a small house with his wife. Appellant and complainant stayed with him there for a week. Whenever he and appellant left, complainant stayed with his wife and watched television with the neighbors. He even offered money to complainant so that she could go home because her parents might be worried about her. But complainant just remained silent. Complainant had every opportunity to escape whenever appellant left but she never took the chance. He never saw appellant and complainant quarrel.<sup>19</sup>

Adoracion Mendiola, appellant's grandmother testified: On March 31, 2010, a certain Father Robert called her from Manila and asked if appellant and complainant were in her residence in Teopaco, San Fernando City, Pampanga. Father Robert said complainant was afraid of her father, the reason why she went with appellant and refused to return to San Mateo, Rizal.<sup>20</sup> Father Robert said that complainant herself told him she would stay with appellant no matter what. They stayed in her house from May 25 up until June 3, 2010 when appellant got arrested. During her stay there, complainant was free to leave whenever she wished.<sup>21</sup>

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> TSN, November 16, 2011, pp. 3-9.

<sup>20</sup> TSN, February 1, 2012, pp. 2-7.

<sup>21</sup> TSN, March 7, 2012, pp. 3-9.

Aida Mendiola, appellant's aunt, asserted: Appellant and complainant came to her house in Barangay Cupang, Arayat, Pampanga on April 15, 2010. When she learned that the two (2) had eloped, she and her husband reported it to the barangay authorities. On April 18, 2010, appellant and complainant executed a *sinumpaang salaysay* before Punong Barangay Leonardo Salac and Barangay Kagawad Edwin Palabasan, attesting they had in fact eloped. Complainant happily signed the document.<sup>22</sup> When she suggested that they meet up with complainant's parents, complainant refused, explaining that her father would get mad and punish her. The couple stayed with her for three (3) weeks, during which, complainant tended her *sari-sari* store. The whole time, complainant was free to go home.<sup>23</sup>

By Decision<sup>24</sup> dated August 8, 2014, the trial court found appellant guilty of serious illegal detention with rape, thus:

WHEREFORE, this court hereby (a) finds accused Philip Carreon y Mendiola guilty beyond reasonable doubt of the crime of serious detention with rape under the last paragraph of Article 267 of the Revised Penal Code, as amended by R.A. No. 7659; (b) sentences him to suffer the penalty of *reclusion perpetua*, without eligibility for parole; and (c ) orders him to pay AAA the amounts of P75,000.00 as civil indemnity *ex delicto*, P75,000.00 as moral damages, and P30,000.00 as exemplary damages plus interest at the rate of 6% *per annum* on all damages awarded from the date of the finality of this judgment until fully paid.

SO ORDERED.<sup>25</sup>

### Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court for rendering the verdict of conviction. He argued that it was improbable for him to have raped complainant because there was no proof that he employed force, threat, or intimidation on her. Also, there was no medical evidence showing that complainant sustained lacerations in her vagina. There could have been no crime of serious illegal detention because it was not proved that complainant was ever locked up – an essential element of the crime. Complainant was neither confined nor her movements restricted. Lastly, the trial court neglected to rule on whether he was guilty of inflicting physical injuries on complainant. He, nonetheless, argued that the crime of physical injuries was deemed absorbed in the crime of serious illegal detention.<sup>26</sup>

The Office of the Solicitor General (OSG), through Assistant Solicitor General Hermes Ocampo and Associate Solicitor Ramoncito Parel, submitted that actual physical deprivation of the offended party is not necessary in the crime of serious illegal detention. Deprivation of liberty in any form

<sup>22</sup> TSN, July 19, 2013, pp. 2-5.

<sup>23</sup> TSN, September 6, 2013, pp. 3-5.

<sup>24</sup> CA *rollo*, pp. 45-57.

<sup>25</sup> *Id.* at 56-57.

<sup>26</sup> *Id.* at pp. 23-42.



consummates the crime of serious illegal detention. Leaving a minor in a place unfamiliar to him or her and not knowing how to get home amount to deprivation of liberty, as in the case of complainant. Through her testimony, complainant was able to prove that appellant employed force, threat, and intimidation in order to have carnal knowledge of her.<sup>27</sup>

By its assailed Decision dated May 13, 2016, the Court of Appeals affirmed with modification. It convicted appellant of serious illegal detention but acquitted him of rape on ground of reasonable doubt. According to the Court of Appeals, complainant was effectively deprived of her liberty because she was not informed of the directions by which she could go home. Appellant also stopped her from leaving the area or areas he brought her to. And whenever appellant left, she was under constant surveillance by appellant's relatives. As for the alleged physical injuries inflicted on complainant, the same, assuming they were in fact inflicted, are deemed absorbed in the crime of serious illegal detention. There was no evidence that appellant had carnal knowledge of complainant through force, threat, or intimidation.

### **The Present Petition**

Appellant now implores the Court for a verdict of acquittal. In compliance with the Court's directive, both appellant<sup>28</sup> and the OSG<sup>29</sup> manifested that in lieu of supplemental briefs, they were adopting their respective briefs in the Court of Appeals.

### **Issue**

Did the Court of Appeals err in convicting appellant of kidnapping and serious illegal detention?

### **Ruling**

Article 267 of the Revised Penal Code defines the crime of kidnapping and serious illegal detention, viz.:

ART. 267. Kidnapping and serious illegal detention. - Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.

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<sup>27</sup> CA rollo, pp. 73-87.

<sup>28</sup> Rollo, pp. 44-46.

<sup>29</sup> Id. at 40-43.

2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained, or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.

***People v. Bringas***<sup>30</sup> enumerates the elements of kidnapping and serious illegal detention, thus:

The crime of *Kidnapping and serious illegal detention*, under Art. 267 of the RPC, has the following elements:

- (1) the offender is a private individual; not either of the parents of the victim or a public officer who has a duty under the law to detain a person;
- (2) he kidnaps or detains another, or in any manner deprives the latter of his liberty;
- (3) the act of detention or kidnapping must be illegal; and
- (4) in the commission of the offense, any of the following circumstances is present:
  - (a) the kidnapping or detention lasts for more than three days;
  - (b) it is committed by simulating public authority;
  - (c) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made or
  - (d) the person kidnapped or detained is a minor, female or a public official.

The essence of illegal detention is the deprivation of the victim's liberty. The prosecution must prove actual confinement or restriction of the victim, and that such deprivation was the intention of the appellant. The accused must have knowingly acted to restrain the victim. After all, the

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<sup>30</sup> 633 Phil. 486, 514-515 (2010).



offense requires taking coupled with intent to restrain.<sup>31</sup> More, if the victim is a minor, or the victim is kidnapped and illegally detained for the purpose of extorting ransom, the duration of his or her detention becomes inconsequential.<sup>32</sup>

When it comes to a victim who is a minor, the prevailing jurisprudence on illegal detention is that the curtailment of the victim's liberty need not involve any physical restraint upon the victim's person. Leaving a minor in a place from which she or he did not know the way home, even if she or he had the freedom to roam around the place of detention, would still amount to deprivation of liberty. Under such a situation, the minor's freedom remains at the mercy and control of the abductor.<sup>33</sup>

The penalty of death is prescribed for the offense of kidnapping and serious illegal detention when the kidnapping or detention is committed for the purpose of extorting ransom. The penalty one degree lower is *reclusion perpetua*.<sup>34</sup> The last paragraph of Article 267 of the RPC provides that if the victim is killed or dies as a consequence of the detention, or is raped or subjected to torture or dehumanizing acts, the maximum penalty shall be imposed. The last paragraph gives rise to a special complex crime of kidnapping and serious illegal detention with rape.<sup>35</sup>

Here, there is no question that appellant is a private individual (first element) and that per the parties' stipulation, complainant was a minor, being only seventeen (17) years old at the time her purported kidnapping and serious illegal detention took place (fourth element). What appellant disputes though is the presence of the second and third elements.

On this score, appellant argues that complainant was not illegally deprived of her liberty because in all the places they went to, she was free to leave and find her way back home. This was also the tenor of the testimonies of appellant's corroborating witnesses, namely, Robinson Canapi, Adoracion Mendiola, and Aida Mendiola.

The OSG counters that complainant was a minor at the time the incident happened. She was unfamiliar with the places they went to and did not have any means to go back home, thus, her liberty was effectively restrained.

We acquit.

Every accused has the right to be presumed innocent until the contrary is proven beyond reasonable doubt. The presumption of innocence stands as a fundamental principle of both constitutional and criminal law. Thus, the prosecution has the burden of proving every single fact establishing guilt.

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<sup>31</sup> *People v. Nuguid*, 465 Phil. 495, 510 (2004).

<sup>32</sup> *People v. Con-ui, et al*, 723 Phil. 827, 832-833 (2013).

<sup>33</sup> *People v. Fabro or Manalastas*, 813 Phil. 831, 841 (2017).

<sup>34</sup> *People v. Castro*, 434 Phil. 206, 223 (2002).

<sup>35</sup> *People v. Anticamara*, 666 Phil. 484, 501 (2011).

Every vestige of doubt having a rational basis must be removed. The defense of the accused, even if weak, is no reason to convict. Within this framework, the prosecution must prove its case beyond any hint of uncertainty. The defense need not even speak at all. The presumption of innocence is more than sufficient.<sup>36</sup>

Here, we are confronted with complainant's lone testimony on how appellant supposedly detained her against her will. When we rely on the testimony of a complainant, we require her testimony to be entirely credible, trustworthy, and realistic. For when certain parts would seem unbelievable, especially when it concerns one of the elements of the crime, the victim's testimony as a whole will not pass the test of credibility.<sup>37</sup>

At the outset, the records substantially negate complainant's assertion that although she had a certain degree of mobility, she was totally incapable of escaping her captor. Consider:

**First.** Appellant brought her first to the house of his cousin Akime in Sta. Lucia, San Fernando, Pampanga on March 31, 2010, where she stayed for two (2) days during the Lenten season. She testified, viz.:

Q: While you were there for two (2) days at the place of Akime, did you try to go home?

A: I tried, Ma'am.

Q: How did you try to go home?

A: I told him that I wanted to go home because I would be scolded by my parents, Ma'am.

Q: To whom did you say that you wanted to go home?

A: To Philip, Ma'am.

Q: When did you first tell Philip the accused in this case, that you wanted to go home?

A: When we were still in the house of Akime, Ma'am. That was during the first day.

Q: At around what time was that in the first day?

A: Around 2:00 o'clock, Ma'am.

Q: When you told Philip you wanted to go home, what did he say?

A: He had so many alibis, Ma'am.

Q: What kind of alibi?

A: That he would only finish the Lenten season as he was joining in the flagellation, Ma'am.

Q: And you readily agreed to stay?

A: I was not able to do anything because I had no money, your Honor.

X X X

<sup>36</sup> *People v. Castillo*, 469 Phil. 87, 118 (2004).

<sup>37</sup> *People v. Amarela*, G.R. No. 225642-43, January 17, 2018, 852 SCRA 54, 82.



Q: Why did you not try to go home alone, aside from the fact that you did not have money?

A: I do not know how to go home, Ma'am. That was my first time.<sup>38</sup>

Complainant never mentioned or alluded to any action appellant supposedly did to curtail her liberty or otherwise restrain her movements. They may have disagreed on whether they should stay in Sta. Lucia for the lent: complainant wanted to go home but appellant wanted to participate in the flagellation rites. Although she claimed she could not go home because she did not know her way home and she had no money, this did not equate to restriction or prohibition, let alone, detention. Again, she testified that she and complainant disagreed on how they should spend the lent, but despite this disagreement, she stayed on anyway.

The deprivation required under Article 267 means not only imprisonment in, but also the deprivation of complainant's liberty in whatever form and for whatever length of time. It involves a situation where the victim cannot leave the place of confinement or detention or is restricted or impeded in his or her liberty to move around. In other words, the essence of serious illegal detention is the actual deprivation of the victim's liberty, coupled with indubitable proof of the intent of the accused to effect such deprivation.<sup>39</sup>

Here, the prosecution failed to prove that appellant actually deprived complainant of her liberty or otherwise restrained her freedom of movement. The mere fact that appellant wanted to stay and participate in the flagellation rites, standing alone, did not amount to an intention to deprive, restrain, let alone, detain complainant against her will.

**Second.** From Sta. Lucia, complainant and appellant moved to stay in the house of appellant's cousin Marmel in Northville, Calulut, San Fernando, Pampanga. She testified:

Q: After you said that you asked Philip to bring home and he had so many alibis, what did you do?

A: I was crying, Ma'am.

Q: When you were crying, what did Philip do?

A: Nothing, Ma'am. He just did not mind me.

Q: After that what happened next?

A: We went to the place of his cousin, Ma'am.

Q: And who is that cousin?

A: Ate Marmel, Ma'am.

X X X

<sup>38</sup> TSN, September 21, 2010, pp. 9-10.

<sup>39</sup> *People v. Baluya*, 664 Phil. 140, 151 (2011).

Q: What happened when you went to Ate Marmel?

A: We stayed there, Ma'am.

Q: Did you not try to go home?

A: I tried, Ma'am.

Q: How did you try to go home this time?

A: I was crying, Ma'am.

Q: You have no cellphone?

A: It was sold, your Honor.

Q: When did you sell it?

A: On the second day that we stayed here, your Honor.

Q: When you went to Pampanga, you still have your cellphone?

A: Yes, your Honor.

Q: When you were in the house of Akime, you still have your cellphone?

A: Yes, your Honor.

Q: You said you wanted to go home. You did not try to communicate with your parents?

A: I did, your Honor. They called me but I was not there and I did not also have load in my cellphone.

Q: What did you reply?

A: I forgot already, your Honor.

Q: You did not tell them that you were in Pampanga and with Philip?

A: Not yet, your Honor.

Q: Even if you said that you wanted to go home?

A: Yes, your Honor.

X X X

Q: Why did you not tell them that you were in Pampanga for them to fetch you?

A: Because according to his papa a case was already filed by my parents against us. I got afraid, Ma'am.

Q: When you say papa, to whom were you referring?

A: Angelo Carreon, Ma'am.

Q: The father of Philip Carreon?

A: Yes, Ma'am.

Q: The father of Philip Carreon told you and Philip that?

A: Not to leave because a case was already filed against us but he not sure, Ma'am. His father was not sure.

Q: Did the father of Philip Carreon tell you who filed the case against you and Philip?

A: Yes, Ma'am.

Q: Who was that?



A: My papa, Ma'am.

Q: At that time that you were told by Philip's father that a case was filed against you and Philip, did you believe that?

A: Yes, Ma'am.

Q: Why did you believe that?

A: I do not know anything about our laws, Ma'am.

X X X

Q: After you received that call on the second day, what happened to your cellphone?

A: It was sold, Ma'am.

Q: Why was it sold?

A: I met an accident, Ma'am.

Q: What kind of accident?

A: Nabangga po ng motorcycle.

Q: Who sold your cellphone?

A: Us, Ma'am.

Q: Why did you sell your cellphone?

A: I had a swollen leg and I needed to buy medicine, Ma'am.<sup>40</sup>

Again, complainant did not testify how appellant illegally detained her. Instead, she confessed that she did not go home since she was scared of the consequences of the case that her parents allegedly filed against them. More, although she knew her parents were trying to contact her through her cellphone, she did not even bother to return their call, citing as reason she had no money to buy phone credits to do so. And she had another reason why she could not go back home yet, *i.e.* her leg swelled when it got hit by a motorcycle.

In kidnapping and serious illegal detention, it is necessary that there be indubitable proof that the accused actually intended to deprive the witness of his or her liberty. The accused must have had a purposeful or knowing action to forcibly restrain the victim.<sup>41</sup> As stated, however, there is no showing here that complainant was forcibly transported away, locked up, restrained of her freedom, or prevented from communicating with anyone. Nor was it established that such indeed was appellant's intention toward her.

**Third.** For their third stop, complainant and appellant stayed in the house of appellant's friend Robinson Canapi in Calulut, San Fernando, Pampanga. Complainant testified:

Q: And who is this Robinson?

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<sup>40</sup> TSN, September 21, 2010, pages 12-16.

<sup>41</sup> *People v. Soberano*, 346 Phil. 449, 458 (1997).

A: His friend, Ma'am.

Q: And where is the house of Robinson?

A: Also in Calulut, ma'am.

Q: How long did you stay at the house of Robinson?

A: One (1) week, ma'am.

Q: Is this Robinson a male or female?

A: Male, ma'am.

x x x

Q: Okay. When you were at Robinson's house, did you not try to go home?

A: I tried, ma'am.

Q: How?

A: I told Kuya Robinson, ma'am, but he is also hard up in life. "Kasi nagtatabag lang siya ng semento".<sup>42</sup>

x x x

Again, complainant did not at all mention or give any details how she was supposedly detained or closely watched by appellant's friend Robinson. There is no evidence either that she was deliberately denied assistance by appellant's friend for the purpose of restraining her freedom of movement. In fact, complainant herself explained that Robinson could not give her transportation fare to go back home because he also did not have money.

**Fourth.** Complainant further testified on what took place when she and appellant stayed in the house of appellant's grandmother, viz.:

Q: Whose house?

A: The house of his grandmother, Ma'am.

Q: Whose grandmother?

A: Adoracion Mendiola, Ma'am.

Q: The grandmother of Philip?

A: Yes, Ma'am.

Q: Where is the house of the grandmother if you know?

A: Teopaco, Ma'am.

Q: Who were living in that house when you got there?

A: Kami lang po, the grandmother and the child of Philip, Ma'am.

Q: And then while you were at the house of Adoracion, what happened?

A: We reached his Tito Danny there.

Q: And what happened when you reached his Tito Danny thereat?

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<sup>42</sup> TSN, October 5, 2010, pp. 11-12.



A: According to his Tito Danny this Philip created a big problem and we have to tell his parents about it, Ma'am.

Q: Did you ask help from this Tito Danny?

A: Yes, ma'am and then instead they called the father of Philip.

Q: And what happened after they called Philip's father?

A: The father of Philip told them that they have to hide me because they will file a complaint against us, Ma'am.

Q: And what did Philip do after that talk with his father?

A: They hide me, Ma'am.

Q: Where?

A: There in Teopaco, Ma'am.

Q: While you were at Teopaco what did the accused do to you?

A: None, Ma'am.

Q: How long did you stay at Teopaco?

A: Matagal po.

Q: One month?

A: Yes, your Honor.

Q: Two (2) months?

A: More than one month only, your Honor.

Q: Did you not try to go home in that period of one month?

A: I tried, Ma'am.

Q: How did you try to go home this time?

A: I was telling them, Ma'am.

Q: Who in particular did you tell that?

A: To his grandmother and to his uncle, Ma'am.

Q: And what did they tell you?

A: According to them that is not possible because the situation is still delicate, Ma'am.

Q: While you were there where is Philip?

A: Also there in Teopaco, Ma'am.

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Q: Could you describe to us your relationship with Philip at that time while you were there for more than a month?

A: At first it was okay and later on he is already hurting me, Ma'am.

Q: How many times did he try to hurt you?

A: Whenever I commit mistake and when I am trying to go home, Ma'am.

Q: When you were trying to go home what did he do to you?

A: Napagbubuhatan po ng kamay.

Q: What exactly do you mean by napagbubuhatan ng kamay?

A: Nasasaktan po.

Q: What exactly did he do to you?

A: There was an instance that he was drunk and then naghaharutan po kami bigla niya ibinaling sa akin ang kutsilyo.<sup>43</sup>

In fine, complainant described how their romantic idyll had been shattered by reality and how the consequences of their actions had caught up with them. As it was, appellant's family got alarmed because of the alleged case complainant's parents purportedly filed against appellant. Appellant's family allegedly decided to take precautionary measures by keeping complainant with them in the house of appellant's grandmother. Complainant claimed she was hidden inside this house but how it was done complainant did not say exactly.

Complainant's bare statement "*They hide me, Ma'am*" is equivocal. It is not a definitive statement of the so-called unlawful restraint on her personal liberty. Indubitably, complainant's tale on how the sweet fruit of infatuation had turned bitter will not suffice to convict her former lover, herein appellant, of kidnapping and serious illegal detention.

Based therefore on complainant's lone testimony, the following facts had been established: 1) she willingly went with appellant when they first went to Sta. Lucia and when they later on moved to three [3] different houses, two [2] in Calulut and one [1] in Teopaco, from March 31, 2010 to June 3, 2010; 2) she was not forcibly transported away, locked up, restrained, or prevented from communicating with anyone; 3) she had ample opportunities to leave appellant and go home but she never did; and 4) she and appellant were in a romantic relationship when they eloped. Indeed, the main prosecution witness herself, complainant no less, disproved the prosecution's theory that she was kidnapped and seriously detained.

Ironically, complainant's testimony even strengthened appellant's theory that they were sweethearts who were travelling together as such. Ever since she and appellant left San Mateo, Rizal, they had always stayed together in the houses of appellant's friend and relatives. The proximity of their ages, appellant was twenty-one (21) while complainant was seventeen (17), and the fact that they moved together from one house to another, indicate a more intimate relationship, rather than a kidnapper-victim dynamics. She deferred to him whenever she expressed her desire to go home, and they argued, as lovers would, whenever they failed to reach a compromise about their plans. On this score, the Court of Appeals' finding that complainant and appellant had consensual sexual relation is relevant, viz.:

It is quite plain from the foregoing that Philip did not employ any force or intimidation upon AAA either during the first or the second alleged rape incident. Although Philip held AAA's hands, it was not shown that he

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<sup>43</sup> TSN, January 19, 2011, pp. 9-15.



continuously did before or while having carnal knowledge of the victim. There was not even an indication that he uttered any threat or intimidation on AAA. In rape cases alleged to have been committed by force, threat, or intimidation, it is imperative for the prosecution to establish that the element of voluntariness on the part of the victim be absolutely lacking. The prosecution must prove that force or intimidation was actually employed by accused upon his victim to achieve his end. Failure to do so is fatal to its cause.

Further, AAA testified that the bed where she and Philip slept was only separated by a plywood from Marmel's bed. It need not be overemphasized that the settled principle that lust is no respecter of time and place should not be applied *tout de suite* without considering the attending circumstances. Notably, when AAA was allegedly being raped by Philip, she did not even bother to shout or ask help from Marmel as a woman would instinctively do. It is also quite telling that after the alleged rape incident, Philip and AAA had sexual intercourse every day for six (6) days during their stay at Marmel's house. Even during the supposed sexual assaults, AAA did not actively defend herself as shown by her aforequoted testimony. It took the RTC's clarificatory questioning to elicit from AAA the pithy statement "*lumaban po*". It does not appear logical that AAA did not resist Philip's advances during the supposed second rape incident on the mere reasoning that "*wala na pong mawawala*". It bears stressing that resistance must be manifested and tenacious. A mere attempt to resist is not the resistance required and expected of a woman defending her honor and chastity.<sup>44</sup>

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AAA's conduct immediately following the alleged sexual assault is also of utmost importance in establishing the truth or falsity of the charge of rape. Even if she had several opportunities to share her ordeal with Robinson's wife or Aida who accompanied her when Philip was driving a "triwheeler", AAA inexplicably failed to do so. She even asked for the dismissal of the rape case not just during her cross-examination but even during the direct examination stating that "*wala na po yung kasong rape, sinaktan nalang man niya po ako*" and "*minahal ku naman po siya, [a]ng magulang lang po niya ang nagpalala sa lahat*". Undeniably, AAA only wanted to file kidnapping and physical injuries case because Philip hurt her. Such actuations are totally uncharacteristic of one who has been raped.<sup>45</sup>

The case here involves two (2) young people, who being so much in love with each other, decided to go out into the world in the hope of living in bliss together. But this did not happen. Instead, it resulted in the filing of a baseless criminal complaint for kidnapping and serious illegal detention with rape and physical injuries against appellant. *People v. Soberano*<sup>46</sup> has this to say:

The serious illegal detention theory appears to be an impulsion upon complainant and her relatives who, frantic about the ardor of appellant in his romance with complainant, wanted to keep appellant away from her

<sup>44</sup> *Rollo*, p. 15.

<sup>45</sup> *Id.* at 18-19.

<sup>46</sup> 346 Phil. 449, 462 (1997).

because she apparently no longer reciprocated his love with the same degree of passion. **If what transpired was not a frivolous indiscretion of lovers, the most that can be said is that it was the foolish nurturing by a young man of a love affair that had gone sour but which, by itself, is not punishable.** (Emphasis supplied)

So must it be.

As for complainant's assertion that she was helpless because she did not know her whereabouts and did not know how to get home, the Court refers to the decision in *People v. Baluya*.<sup>47</sup> In that case, the Court pronounced that the child-victim who was nine (9) years old and in fact illegally detained was found to have had the presence of mind to run away from his captor. He was intelligent enough to read the signboards of the passenger jeepneys and follow the route of the ones going to the place where he lived.

Here, complainant was already a seventeen (17)-year old high school graduate at the time of her alleged serious illegal detention. Although she was a minor, it was not shown that she was incapable of ascertaining her whereabouts and determining the possible ways by which she could go back home. How can a young woman who had completed secondary education and lived in the proximity of the Manila suburbs be totally clueless on how she could find her way back home? Complainant was definitely old enough to read and understand how the transportation system works. She was already possessed of more than sufficient discretion and aptitude to formulate a plan on how to get home. Also, she was not detained or restrained. She was free to leave and was capable of leaving the company of appellant, his friends, and his relatives in Pampanga. Why she did not take any of the ample chances to escape is truly inexplicable. It can only happen to one who in reality opted to stay and not leave his or her beloved behind. It is settled that testimonial evidence to be believed must not only proceed from the mouth of a credible witness but must foremost be credible in itself. Accordingly, the test to determine the value or credibility of a witness' testimony is whether the same is in conformity with common knowledge and is consistent with the experience of mankind.<sup>48</sup> Complainant's testimony does not conform with the experience of someone who had been illegally and seriously detained. To reiterate, her testimony rather reveals that she willingly chose to stay with appellant, her lover at that time.


Reasonable doubt may arise from the evidence adduced or from the lack of evidence, and it should pertain to the facts constitutive of the crime charged. While no test definitively determines what is reasonable doubt under the law, the view is that it must involve genuine and irreconcilable contradictions based, not on suppositional thinking, but on the hard facts constituting the elements of the crime.<sup>49</sup>

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<sup>47</sup> 664 Phil. 140, 151 (2011).

<sup>48</sup> *People v. Reyes*, G.R. No. 224498, January 11, 2018, 851 SCRA 133, 155.

<sup>49</sup> *People v. Ramos*, 369 Phil. 84, 101 (1999).





It has been repeatedly ruled that in criminal litigation, the evidence of the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the defense. The burden of proof rests on the State. Thus, the failure of the prosecution to discharge its burden of evidence in this case entitles appellant to an acquittal<sup>50</sup> as a matter of right. Surely, where the evidence of the prosecution is concededly weak, even if the evidence for the defense itself is equally weak, the accused must be duly accorded the benefit of the doubt in view of the constitutional presumption of innocence that an accused enjoys.<sup>51</sup>


In retrospect, both courts below relied on the following testimony of complainant to pin down appellant for kidnapping and serious illegal detention: a) they stayed at Akime's house in Sta. Lucia for two (2) days, and during that time, she told appellant she wanted to go home but appellant refused to heed her request; b) it was her first time travelling in Pampanga and she did not know her way home; c) appellant brought her to the house of his cousin Marmel in Calulut; d) complainant did not know how to get home from Calulut; e) appellant's father Angelo Carreon said that she should not leave Pampanga because her father had filed a case against appellant and she was forced to stay in Marmel's house for four (4) days; f) appellant, thereafter, brought her to the house of his friend Robinson who was also living in Calulut and stayed there for a week; g) she asked Robinson for help but he refused and she could not leave Calulut and go home; h) appellant's father, Angelo, and relatives decided to hide her in Teopaco as Angelo was scared her parents would file a case against them; and i) she was hidden in the Teopaco house for about a month.

But complainant's testimony also contains exculpatory evidence that would absolve appellant of the crime of kidnapping and serious illegal detention, viz.: 1) she and appellant were sweethearts; 2) appellant did not want to leave Sta. Lucia because he wanted to participate in the flagellation rites; 3) she had a cellphone but sold it to buy medicine for her leg that got swollen after getting hit by a motorcycle; 4) her parents were able to contact her when she still had her cellphone but she could not respond because she had no money to buy phone credits; 5) she voluntarily submitted to appellant's sexual advances in the name of love; 6) she asked Robinson for money so that she could go home but Robinson did not have any to spare; 7) the reason she was kept at Adoracion Mendiola's house in Teopaco for a month was because the situation involving her and appellant was delicate; 8) appellant's relatives intervened because of the problems appellant caused when he brought complainant with him, and in the process, kept complainant in their company; and 9) for most of the time that they were together, complainant admitted that appellant did nothing whenever she told him she wanted to go home.

Verily, when there are two (2) conflicting testimonies of the same witness pertaining to material points, one inculpatory and the other

<sup>50</sup> *People v. Tionloc*, 805 Phil. 907, 920 (2017).

<sup>51</sup> *Astorga v. People*, 480 Phil. 585, 596 (2004).



exculpatory, the latter being compatible with the presumption of innocence and a verdict of acquittal must prevail.<sup>52</sup> Too, the exculpatory evidence emanating from the prosecution itself is an admission against interest, hence, assumes the highest degree of credibility. It is the best evidence which affords the greatest certainty of the facts in dispute since no one would declare anything against himself or herself unless such declaration is true. Thus, an admission against interest binds the person who makes the same, and absent any showing that this was made through palpable mistake, no amount of rationalization can offset it.<sup>53</sup>

**ACCORDINGLY**, the appeal is **GRANTED**. The assailed Decision dated May 13, 2016 of the Court of Appeals in CA-G.R. CR HC No. 07003 is **REVERSED** and **SET ASIDE**. Appellant Philip Carreon y Mendiola is **ACQUITTED** of kidnapping and serious illegal detention on ground of **REASONABLE DOUBT**.

The Superintendent of the New Bilibid Prison, Muntinlupa City, Metro Manila is ordered to immediately **RELEASE** Philip Carreon y Mendiola from detention unless he is being held in custody for some other lawful cause; and to **REPORT** to this Court his compliance within five (5) days from notice.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

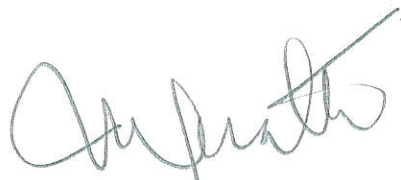
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<sup>52</sup> Supra note 51.

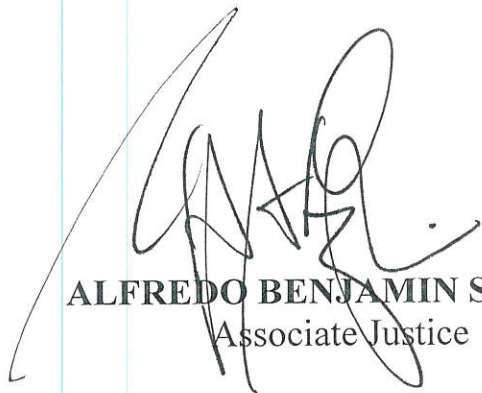
<sup>53</sup> *Heirs of Peter Danton v. Stier*, 817 Phil. 165, 180 (2017).



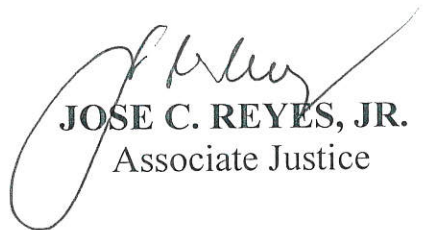
**WE CONCUR:**



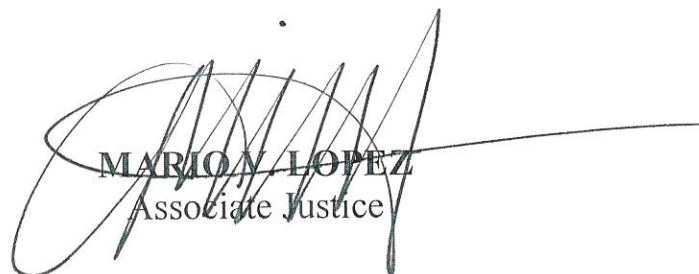
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



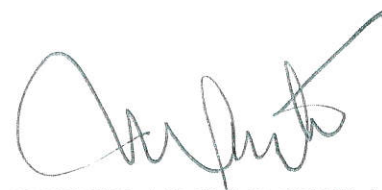
**JOSE C. REYES, JR.**  
Associate Justice



**MARION LOPEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson, First Division

