

FIRST DIVISION

[G.R. No. 229086, January 15, 2020]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PHILIP CARREON Y MENDIOLA, ACCUSED-APPELLANT.**

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision^[1] 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 **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 P50,000.00 civil indemnity *ex delicto*, P50,000.00 moral damages, and P30,000.00 exemplary damages, all with 6% interest *per annum* from date of finality of this judgment until fully paid.

SO ORDERED.^[2]

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.^[3]

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.^[4]

The Pre-Trial Order^[5] 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 [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.^[6]

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.^[7]

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*."^[8] 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.^[9] 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.^[10]

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 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.^[11]

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.^[12]

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.^[13]

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.^[14]

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.^[15]

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 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.^[16]

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.^[17]

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.^[18]

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.^[19]

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.^[20] 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.^[21]

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.^[22] 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.^[23]

By Decision^[24] 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.^[25]

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.^[26]

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 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.^[27]

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^[28] and the OSG^[29] 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