

## EN BANC

**[ G.R. No. 140074, February 27, 2002 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JOSEPHINE "JOSIE" SANTOS, MANNY BALTAZAR, JOHN DOE,  
PETER DOE AND ROGER DOE, ACCUSED-APPELLANTS.**

### DECISION

**VITUG, J.:**

It is not unknown that a debtor occasionally would suffer from the malady of selective amnesia. The case is a tale of one unfortunate creditor who might have sought to rouse her absent-minded debtor from the haze of forgetfulness.

On 10 December 1996, at six o'clock in the morning, Leonida de la Peña was at home in Barangay Resurreccion, Umingan, Pangasinan, with her eight-year old niece, Christine Lovely Mae Delanos, when a passenger jeepney arrived. Five decently dressed men stepped down from the vehicle and entered the house. The first, who was attired in a business suit, introduced himself as Rocky Alberto and his companions as agents of the Criminal Investigation Service ("CIS").<sup>[1]</sup> Alberto asked Leonida about her unpaid obligation to Josephine Santos. Leonida answered that she had already paid the debt before the barangay captain of Umingan. Moments later, another vehicle, a brown colored car, stopped in front of the house. Henry Salimbay (the barangay captain of Umingan), Josephine Santos, Manny Baltazar and two unidentified males and one unidentified female, alighted. Leonida rushed to confront Salimbay, telling him that Josephine had sent the CIS agents to demand payment of her debt and that it was Josephine who should instead be accosted. Sensing an escalating tension between the two women, the barangay captain decided to leave, telling the parties that it was best for both of them to just amicably settle their differences.

It would seem that the association between Leonida de la Peña and Josephine Santos was one of friendship turned awry. On 22 March 1992, Josephine appeared to have given a one-year loan to Leonida but the latter was unable to timely pay the debt. For the next four years, Josephine would be unsuccessful in securing payment from her delinquent debtor. Josephine and Manny Baltazar, both residents of Baguio City, would travel all the way to Resurreccion, Pangasinan, to seek payment from Leonida but, in all these instances, Leonida would refuse to see Josephine and ignore the summons issued by the barangay captain. This unease between the two women was further heightened when Leonida subsequently filed a case for estafa against Josephine.

The eventful 10<sup>th</sup> of December 1996 was the scheduled conference between debtor and creditor before Henry Salimbay, the barangay captain, and the already irate Josephine, anticipating another rebuff from Leonida, decided to personally go to her house with Salimbay in tow. Leonida stubbornly maintained her having already

settled the account. At this obstinate insistence, an enraged Josephine Santos shouted invectives at Leonida and began hurling things inside the house, scattering the palay and hitting, in the process, Felizarda Saturnino, an aunt of Leonida with a woodcarving. Josephine and Baltazar held Leonida, handcuffed her and, with the help of their companions, dragged her towards the parked passenger jeepney and forced her to board it. She described the passenger jeepney as having a locked door at its passenger rear-end portion and two doors on either side at the driver's seat, with side glass windows which were about ½ foot high and 1 foot wide, too small for a person her size to pass through. Leonida was flanked by Rocky Alberto and one unidentified male in the passenger seat of the vehicle. On the front seat of the passenger jeepney were three other men. Josephine, along with Baltazar and three other companions, rode in the car.

The two vehicles traveled, the brown car leading the way and the passenger jeepney closely following behind. The convoy first made a stopover at the house of barangay captain Salimbay where Leonida heard Josephine and Baltazar call out, "Captain, we already got Nida." The group proceeded towards the direction of Carmen, Pangasinan, passing through San Leon, and finally progressing towards Kennon Road. Somewhere in the long stretch of the Kennon Road, the group stopped at the Twin Peaks, a hub of commercial establishments where Baguio-bound passengers would casually stop for refreshments. Leonida, from her seat at the passenger side of the jeepney, heard Josephine and Baltazar telling the men from the jeepney to step down from the vehicle and to partake of some refreshments. Josephine and one unidentified companion came up to her and tried to force her to sign a document forfeiting her property in favor of Josephine in satisfaction of the unpaid loan. Leonida balked at the suggestion. Failing to convince Leonida to sign the document, the group decided to continue with their journey.

In Baguio City, the group proceeded to a building along the Naguillan Road which Leonida recognized to be Precinct I of the Baguio City police. She saw Josephine and Baltazar enter the police precinct. Later emerging from the police station, the duo told their companions to alight from the jeepney. Baltazar then took over the wheel of the passenger jeepney while Josephine seated herself beside Leonida in the passenger seat of the vehicle. The latter had no idea where they were heading. It was only much later, upon seeing several tombs within the vicinity, when she realized that they had taken her to the local cemetery. Leonida overheard Josephine and her companions, while they were alighting from the vehicle, say that they were "going to kill her at 8:00 (that) evening." Rocky Alberto then showed up, and he was ordered to watch Leonida while Josephine and Baltazar said they would go elsewhere to take something to eat.

Left alone with Alberto, Leonida begged for mercy. Alberto proved to be a good Samaritan and helpfully handed over to her a steel pipe from a narrow opening in the rear door of the jeepney. Armed with the steel pipe, Leonida hit the glass front window of the passenger vehicle and made her exit. She and Alberto then flagged down a taxicab, which took them to the Dagupan bus station where, after relating her harrowing experience to the bus personnel, she and Alberto were able to hitch a ride on a Manila-bound passenger bus. Alighting at the Carmen junction, they took a tricycle for the remaining leg of their journey home.

The next day, accompanied by Rocky Alberto, Leonida filed a complaint before the Umingan Police Station. Alberto, upon giving his official statement before the

Umingan authorities, was unable to produce any document to prove his being a CIS agent.

Felizarda Saturnino, an aunt of Leonida, sought to corroborate the statement of her niece. According to Felizarda, the common-law husband of Leonida, a certain "Itong," arrived shortly after the group had left. Upon learning what had happened to Leonida, Itong made inquiries. Barangay captain Salimbay informed him that a warrant of arrest had been issued against Leonida. Later, when she and Itong went to the Umingan police station, to report the abduction, they were instructed to first ascertain whether a warrant of arrest was indeed issued against Leonida.

A subsequent examination by Dr. Maria L. Chan showed that Leonida had sustained multiple abrasions and hematoma in both upper extremities secondary to mauling.

On 19 March 1997, an accusatory information for the crime of Kidnapping was filed against Josephine Santos, Manny Baltazar and three other unidentified persons -

"That on or about the 10<sup>th</sup> day of December, 1996, in the morning, at Bgy. Resurreccion, municipality of Umingan, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, including three (3) Does whose identities have not yet been established, being a private individual and without any legal justification and simulating public authority, and by means of force, conspiring, confederating and helping one another, did then and there willfully, unlawfully and feloniously take and handcuff both hands of one LEONIDA DE LA PEÑA, then load her to a passenger jeepney and brought her to a public cemetery at Naguillan Road, Baguio City, thereby depriving her of her liberty by detaining inside a passenger jeepney and threatening her with death but was able to escape, to the damage and prejudice of said LEONIDA DELA PEÑA.

"Contrary to Article 267 of the Revised Penal Code."<sup>[2]</sup>

The accused pled "not guilty" to the offense charged.

Josephine Santos and Manny Baltazar have vehemently denied the accusation. The defense version is narrated by the Public Attorney's Office in its brief for accused-appellant Josephine Santos.

**"Manny Baltazar,** testified that in the early morning of December 10, 1996 he together with his co-accused Josie Santos, Ester Dino, Leo Badecao and Sheriff William Baden, left Baguio City on board a Toyota Crown car on their way to Caranglaan, Nueva Ecija to pick-up fifty (50) cavans of rice and visit his 31/2 hectare land. Since they were passing by Umingan, Pangasinan, accused Josie Santos suggested that they dropped by Resurreccion, Umingan, Pangasinan to collect unpaid debts of Leonida dela Peña. Before proceeding to the house of Leonida, they sought the help of Resurreccion Barangay Captain Henry Salimbay. Captain Salimbay accompanied them to the house of Leonida. They reached Leonida's house at around 6:00 o'clock in the morning.

"He parked the car near the yard of Kagawad Dumaguing as the vehicle

could not get through the alley leading to the house of Leonida because a passenger jeepney blocked the way, while Josie and Captain Salimbay proceeded to the house of Leonida. After five (5) minutes Captain Salimbay left the place. Thereafter, he heard Leonida and Josie quarreling inside the house. He immediately proceeded to Leonida's house, pulled Josie and brought her to the parked car. Then, he returned to Leonida's house and plead to the latter to settle their differences between themselves to avoid trouble but she (Leonida) denied that she was indebted. Then, the four (4) men inside the house handcuffed Nida and left.

"He informed Josie that Leonida could not pay. Thus, they left the place and dropped by at Captain Salimbay's place and informed the latter's wife that they were leaving.

"On their way to Carmen, Rosales, Pangasinan, they took the national highway in Balungao where they saw Leonida's father-in-law, Leoncio dela Peña. They offered a ride to Leoncio and dropped him at Balungao district jail. Since it was already late, they cancelled their plan to go to Nueva Ecija and drank tuba at a nearby store. Thereafter, they proceeded to Baguio City.

"Along the highway at Binalonan, Pangasinan, somebody flagged them down. He pulled over beside the passenger jeepney which was previously parked in front of Leonida's house. A man from the jeepney approached them and invited Josie for a conversation in the jeepney. After 20 minutes, Josie returned and told them to go back to Resurreccion because Leonida would give them the palay. They returned to Resurreccion. Unfortunately, they were not able to get the palay because Leonida's husband was not around, so they left the place and proceeded to Baguio City via the Kennon Road.

"While they were approaching Twin Peaks at Kennon Road, the man who flagged them down in Binalonan signaled again. He parked the car near the passenger jeepney. Josie, Leonida and the alleged CIS agent took their snacks in the canteen while he remained in the car. After 30 minutes, Josie returned and instructed him to proceed to a police station near the city hall for she was going to file a complaint for estafa against Leonida. However, a policeman instructed them to proceed to Precinct No. 1 at Naguillan Road. He accompanied Josie to the precinct but the policemen also told them that since the transaction was consummated in Resurreccion, the case should be filed in Pangasinan. Incidentally, when accused-appellants were inside the precinct, Leonida was inside the parked passenger jeepney. When they were about to go home, Rocky Alberto approached Josie. After few minutes of conversation, they agreed to go home, leaving behind Leonida and the alleged CIS agent.

"Furthermore, he denied all the allegations made by Leonida and branded them as pure lies. (TSN pp. 4-12; June 9, 1998; TSN pp. 2-15; July 14, 1998).

**"Josephine `Josie' Santos,** testified that in the early morning of

December 10, 1996, she together with her driver, accused Manny Baltazar, Ester Dino, Leo Badecao and William Baden were on their way to Caranglaan, Nueva Ecija. Upon her insistence, they dropped by at Resurreccion, Umingan, Pangasinan to collect the debt of Leonida 'Nida' dela Peña amounting to P87,000.00. Before they proceeded to Leonida's house they sought the assistance of Barangay captain Henry Salimbay who previously summoned Leonida before his office to settle her indebtedness.

"Josie Santos and Captain Salimbay entered the house of Leonida while her companions were left in the parked car. When they entered the house, she noticed the presence of five (5) alleged CIS members, one of whom was Rocky Alberto talking to Leonida. She informed Leonida that she was collecting her indebtedness to which the latter replied, 'I already paid my indebtedness on you. Vulva of your mother. I will have a warrant against you'. She also replied, 'You did not pay even a cent'. Thereafter, an altercation ensued between them. The barangay captain left them arguing. While they were altercating, Manny Baltazar arrived and pulled her to the parked car. When they were leaving, Leonida and the five (5) men also left on board the passenger jeepney.

"On their way to Nueva Ecija, they dropped by at Captain Salimbay's house informing the latter's wife that they were not able to collect Leonida's debt. The passenger jeepney overtook them in front of Salimbay's house. While they were cruising towards the national highway, they chanced upon Leonida's father-in-law, Leoncio. They offered him a ride and dropped him at the highway going to Balungao. Along the highway, they passed upon a tuba vendor and they drank. After drinking, they decided to cancel their trip to Nueva Ecija and returned to Baguio City.

"In the highway between Urdaneta and Binalonan, one of the CIS companions (Rocky Alberto) of Leonida flagged them down. She alighted and talked to Rocky Alberto who informed her that Leonida was willing to deliver fifty (50) cavans of palay in payment of her obligation. They returned to Resurreccion but Leonida's husband refused to give the palay. Unable to get the palay, they proceeded to Baguio City via Kennon Road. At Twin Peaks along Kennon Road, Rocky Alberto flagged them down again. Rocky asked why they did not have the palay to which she replied that Leonida's husband refused to give. Rocky suggested that they proceed to his house in Baguio City to settle the problem, but she insisted that they should instead proceed to the police. Rocky agreed. While she and Rocky were talking, Leonida was eating inside the canteen at Twin Peaks.

"From Twin Peaks, they proceeded to the Central Police Station of Baguio City to file an estafa case against Leonida but they were referred to a sub-station in Naguillan Road. They were not able to settle their differences nor filed a complaint for estafa because Nida and the five (5) alleged CIS men hurriedly left the police sub-station.

"She denied all the criminal imputations made by Leonida against her.