

[SYLLABUS]

[G.R. Nos. 113519-20, March 29, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO PANLILIO Y FRANCISCO, DEFENDANT-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

Danilo Panlilio y Francisco was charged before the Regional Trial Court of Valenzuela, Metro Manila, with kidnapping under Art. 267 of the Revised Penal Code (Crim. Case No. 235 1-V-93) and violation of P.D. 532 known as the "Anti-Piracy and Anti-Highway Robbery Law of 1974" (Crim. Case No. 2352-V-93). In the first case, the Information alleged that on or about 17 March 1993 in Valenzuela, Metro Manila, the accused kidnapped Leah Marie Jordan y Villato and detained her for more than an hour. In the second case, the Information alleged that on the same occasion, with intent to gain and by means of force and intimidation, the accused took a pair of gold earrings worth P700.00 from the same complaining witness while they were walking along St. Jude St., Malinta, Valenzuela, a public highway.

Ranged against the denial and alibi of the accused, the trial court found the testimony of Leah Marie positive and convincing hence its joint decision of 15 June 1993 convicting the accused in both cases as charged. In the kidnapping case the accused was sentenced to *reclusion perpetua* and to pay the costs, while in the highway robbery he was sentenced to an indeterminate prison term from ten (10) years and one (1) day of *prision mayor* as minimum to thirteen (13) years and two (2) months of *reclusion temporal* as maximum, with the accessory penalties prescribed by law, to pay complainant the value of the pair of earrings and to pay the costs.^[1]

The evidence shows that at about eleven-forty in the morning of 17 March 1993 Leah Marie Jordan y Villato, a 10-year old student, was waiting for her younger sister outside the premises of St. Jude School in Malinta, Valenzuela. There she was approached by Danilo Panlilio who inquired if she knew a certain "Aling Rosa." After she replied that she did not know her and that she was only there to fetch her younger sister, Danilo suddenly poked a knife, which was concealed inside a hat, at the right side of her neck, handed her an empty cigarette pack with a note and ordered her to give it to "Aling Ester." When she told him that she did not know where to find "Aling Ester," he said that he would lead her to the place where "Aling Ester" could be found.

While Danilo and Leah Marie were walking side by side the former continued to poke his knife at the latter's neck. He told her to be quiet otherwise he would kill her. Then they both boarded a passenger jeepney with the knife still effectively serving as a contrivance to keep her mute. Aside from the driver they were the only passengers on board the jeepney. While in the jeepney Danilo forcibly took Leah

Marie's pair of earrings.

Upon reaching Navotas Danilo and Leah Marie alighted from the jeepney. He dragged her towards a vacant lot where, according to him, every girl he brought there was made to choose between rape and death. Upon hearing this, she struggled hard to free herself from his hold. Luckily, at this juncture, she saw policemen coming towards their direction so she shouted for help. One of the policemen fired a warning shot which prompted Danilo to run away. The policemen pursued him until they caught up with him and brought him together with Leah Marie to the Navotas Police Station for investigation.

Meanwhile, policemen from Valenzuela went to the house of Leah and informed her parents that their daughter was in the Navotas Police Station. The couple then rushed to the Station where they saw Leah and brought her to the Valenzuela Police Station to file a complaint against Panlilio. The mother of Leah noticed that the earrings of Leah were missing. When asked about her earrings Leah told her mother that Panlilio forcibly took them from her.

The version of the appellant is that on the day of the incident he left his residence at Barrio Magdaragat, Tondo, Manila, at past ten o'clock in the morning to go to Waywan Missionary at San Rafael Village, Tondo, Manila. However he defecated first on a vacant lot in Navotas before proceeding. Then he saw a young girl in the area and warned her not to pass through the garbage because she might sink. It was at this point when policemen arrived and readily accused him of being the rapist in the area.

The accused contends in this appeal that the trial court erred (1) in not dismissing the case for highway robbery on the ground of lack of jurisdiction; and, (2) in finding that for the crimes charged his guilt has been proved beyond reasonable doubt.

Appellant argues that the robbery, according to the complaining witness herself, was perpetrated in Navotas^[2] so that the Regional Trial Court of Valenzuela has no jurisdiction over the case. He also claims that the prosecution failed to present evidence that she indeed owned any pair of earrings. It is his thesis that it is simply incredible that a knife was continually poked at her neck all the way from St. Jude School in Malinta to Navotas for an hour or so without anyone noticing, otherwise, she could have shouted and asked for help; but she did not. Furthermore, he claims that Leah Marie could have only been coached into testifying that she was alone outside the school premises in a feeble attempt to explain the puzzling situation that nobody came to her rescue when he allegedly abducted her at knifepoint in broad daylight during school dismissal time when parents, guardians and others usually converge to fetch their children or wards. Under the circumstances, we are urged to consider as more credible the version of the defense. -

Section 2, par. (e), of P.D. 532 defines the crime of highway robbery/brigandage as the "seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of person or force upon things or other unlawful means, committed by any person on any Philippine Highway," and under Sec. 2, par. (c), of the same decree, "Philippine Highway" is "any road, street, passage, highway and bridge or other parts thereof or railway or railroad within the Philippines used by persons, or

vehicles, or locomotives or trains for the movement or circulation of persons or transportation of goods, articles, or property of both." We correlate these provisions with Sec. 15, par. (b), of Rule 110 of the Rules of Court which provides that "[w]here an offense is committed on a railroad train, in an aircraft, or in any other public or private vehicle while in the course of its trip, the criminal action may be instituted and tried in the court of any municipality or territory where such train, aircraft or other vehicle passed during such trip, including the place of departure and arrival (*italics supplied*). With the foregoing as guideposts we are now asked: Did the Regional Trial Court of Valenzuela have jurisdiction over the highway robbery?

In her direct examination the complaining witness testified that when she and the accused alighted from the jeepney in Navotas he forcibly took her pair of earrings.

[3] However, during the cross-examination she changed her testimony thus -

- Q. So you want to impress to the Court that even in front of St. Jude he already asked you to remove your earrings?
Not yet. When we were already aboard the jeep, that was
A. the time when he told me to remove my earrings. [4]
(*italics supplied*).

But thereafter she clung to the same statement for the entire course of her cross-examination which appears to be her correct narration of events -

- Q. And it was there that while you were already in the vacant lot that the accused told you to remove your earrings, is that it?
A. We were not yet there.
Q. Where were you?
A. When we boarded the jeep, he instructed me to remove my earrings. [5] (*italics supplied*)
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Q. And it was there in the Navotas area when he told you to remove your earrings?
A. I do not know, sir.
Q. Where?
A. From the time we boarded the jeep.
Q. That was the time when you removed your earrings and gave it to him?
A. Yes, sir. [6] (*italics supplied*).

The most candid witnesses oftentimes make mistakes and fall into confused and inconsistent statements, but such honest lapses do not necessarily affect their credibility. [7] More importantly, ample margin of error and understanding should be accorded to young witnesses who much more than adults would be gripped with tension due to the novelty of testifying before a court. [8]

But the testimony of complainant that upon boarding the jeepney the accused ordered her to remove her earrings and give them to him is material in determining whether the Regional Trial Court of Valenzuela had jurisdiction over the highway robbery. Was Valenzuela their place of departure or the municipality where their