

*Obwohl ich Tolentino (privater) Anwalt mehrmals darauf hingewiesen habe, daß ich vom*

Republic of the Philippines  
Department of Justice  
Office of the City Prosecutor  
Talisay City, Cebu



**TEOFILO CATAYAS, JR.**

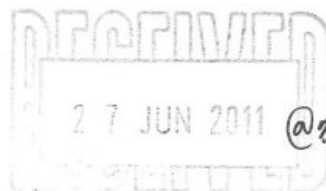
Complainant,

NPS # VII-INV-11E-00117

For: VIOLATION OF RA 8353 IN  
RELATION TO RA 7610

**THOMAS MICHAEL RUHLAND a.k.a. Mike,**

Respondent.



## COUNTER-AFFIDAVIT

I, THOMAS MICHAEL RUHLAND, a German National, 39 years old, residing in the Philippines at Sun Valley, Guadalupe, Cebu City, after having been duly sworn to in accordance with law, do hereby depose and say that:

1. I am the respondent in this case;
2. I am complying with the Order of this Honorable Office to submit my counter-affidavit to the above stated complaint filed by Teofilo Catayas Jr.;
3. Hence, stated hereunder are the factual backdrop, by way of reply to herein complaint against me, which I find very relevant to this case:
  - a. First and foremost, I have finished a course in Economics at the Army University in Munich, Germany;
  - b. Before finishing my studies, I joined the German Government in the army for about two years and in the air force for about 10 years;
  - c. After my stint in the air force of the German Government, I decided to live in the Philippines;
  - d. I arrived in the Philippines in the year 2007. I stayed in Panglao, Bohol from July 1, 2007 to November 27, 2007. In November 28, 2007, I

*Warum wurde diese Tatsache nie erwähnt? Damit Tolentino abgelehnt  
bei Richter Vinrent zuvor.*

transferred to Cebu City and meet my lived-in partner, Excell Sunit;

e. While in Cebu City, I invested my savings in several rural banks under the management of Celso Angeles. At first, I was making some earnings but later on these bank were closed. I lost a lot of my savings.

f. Then after the fiasco, I then would take pictures of houses for sale in the Philippines. I would send the pictures to a German Agency interested in dealing houses for sale all over the world. This German Agency is known as Immozentral;

g. For my grocery needs, I would usually buy items at Gaisano Tabunok for I have noticed that the prices of their commodities there are cheap compared to other malls;

h. While shopping in this mall a <sup>weeks / more days</sup> year ago, I was approached by a lady who identified herself to me as "Belen". Belen is known later by me as Evelyn Tundag Asintista, one of the complainants; <sup>for Macaseling or Asintista</sup>  
<sup>she text me only</sup>

i. "Belen" befriended <sup>me</sup> and then she became later on my ~~text mate~~. When "Belen" noticed me bringing along a camera sometime in the later part of 2010, she coached me to have her pictures taken. Then, when she noticed that she looked pretty in the pictures which I took of her, she brought out the idea that she could be a model for my work ;

*few snapshots only*

*never happen* { j. I thought it was not a bad idea to have a model for the houses that I would feature in my work since I considered "Belen" to be beautiful and so I decided to give her for a fee per shooting at the rate of P400.00;

k. Sometime, in the month of January 2011, "Belen" introduced to me her friend named "Jenny" who would like also to be a model. I never asked "Belen" to look for another lady to act as a model for me for I find it very

*also not  
happen*

cumbersome and more expensive to have another model. But "Belen" told me that "Jenny" is volunteering because she needs some extra money and asked that I pay her also the same amount as what she would receive. I later came to know "Jenny" as "Jenny Baran", the daughter of the complainant, Teofilo Catayas Jr. ;

*Snapshots*

- l. In short, I was able to take some decent pictures of "Jenny" with "Belen" on the side. Both ladies later complained about the fee that I gave them for they would tell me to give them more for their services as models. I did not accede to their request to ask for more and so I told them it would be the end of our modeling relationship;

*I didn't say this  
because there was no relationship*

- m. I deny categorically that I raped "Jenny" sometime on January 19, 2011. This is a totally absurd statement considering the fact that if ever this were true, how come "Jenny" did not immediately file a case for rape against me on that day or the following day or a week after. Why does this alleged rape incident have to be filed only on Feb. 22, 2011? Why would there be two different affidavits of the complainant Teofilo Catayas Jr. and Jenny- one for violation of RA 9208 executed on Feb. 02, 2011 and one for rape executed on Feb. 22, 2011?

*on 19.1. or  
26.1.11?*

*and two  
different  
+ape days too*

- n. "Jenny" said in her affidavit executed on Feb. 2, 2011 that her father learned about what happened to her through her neighbor and so she confided later to her father what transpired to her under the hands of this "Mike". How come the father of "Jenny", the complainant Teofilo E. Catayas, never said in his affidavit executed on Feb. 2, 2011 that this "Mike" raped his daughter? How come also that this neighbor of "Jenny" whom she confided with the rape incident never came out in the open and executed an affidavit of this statement or confession from "Jenny" to him? And Mr. Catayas never said in his affidavit executed on Feb. 2, 2011 that he is referring to the respondent as "Mike" in this affidavit. The

*on 26.1.11  
already*

*18.1.11 - 27.1.11*

*Why nobody listen?*

*Why everybody ignore this?*

*Is the Justice on Cebu  
only good to make  
money?*

*I have many  
witnesses for the stay  
on Bohol from*

*18.1.11 - 27.1.11*

Affidavits of Teofilo Catayas Jr. and Jenny Baran executed on Feb. 2, 2011 are hereto attached for easy reference as Annexes A and B respectively;

- o. Granting for the sake of argument that what "Jenny" said in her affidavit were true, how come she did not file a case for rape against me immediately and instead she filed separate cases for some other violations like Violation of RA 9208, RA 7610 and RA 9775?
- p. Let's take a close look at the affidavit of Teofilo Catayas, the father of Jenny Baran, executed on Feb. 2, 2011. He claimed that after she learned that this "Mike" had sex with his daughter, she went to the NBI on January 26, 2011 to file a complaint. But in the "complaint sheet" hereto attached as Annex C, he signed it not on January 26, 2011 but on January 31, 2011;
- q. And in this complaint sheet (Annex C) , he mentioned that the incident happened on January 26, 2011 contrary to the claim of "Jenny" that the rape incident allegedly happened on January 19, 2011; *On 19.1.11 I was on Behol.*
- r. We should also bear in mind that the medico legal certificate dated February 1, 2011 submitted in connection with this case of "Jenny" proves the point that no such rape ever occurred. This certificate magnifies that there were no evident injuries at the time of examination on any parts of her body. Even her "hymen" was still present because it says "absent hymen only at 5-6 position while the rest was crescentic and redundant meaning to say it is still present;
- s. **May I be allowed also to present before the good prosecutor that as alleged by "Jenny", she accepted Php 400 while aboard the vehicle from me as payment.** I believed that accepting payment in a nature such as this would not be in accord with an ordinary human experience granting that a rape



incident just occurred. Nobody in his right mind would accept payment from an alleged "rapist" right after an incident of rape occurred.

- t. In fact, this good office has already ruled on the matter on whether or not "rape" has occurred on this case. In its "JOINT INQUEST RESOLUTION" dated Feb. 18, 2011 in the case of Jenny Baran & Evelyn Tundag Asistista vs. Thomas Michael Ruhland cases -docketed as NPS No. VII-15-INV-11B-00041 to 46, this good office through investigating prosecutor Floralil B. Lucero-Albert has said categorically this statement: "**Undersigned, however, seriously doubts the allegations by both complainant that respondent "Mike" had raped both of them on separate occasions given their reactions after the alleged incidents; if at all, both their reactions reflect disinterest, doubt and uncertainty which run contrary to normal human behavior. The medico-legal certificate appears to validate it.**" A copy of said resolution which was accordingly approved by the City Prosecutor himself, Marshall L. Rubia, is hereto attached as Annex D.

- u. After the NBI authorities feel that they could not pinned me down for "rape" when the medico legal certificate shows otherwise, they planned on pinning me down on a scattered shot of having violated all of these laws : RA 9208, 7610 and 9775. And in fact, due to this complaint filed by "Jenny" and "Belen", I am now charged in court for having violated RA 9208 now pending trial in the Regional Trial Court Branch 24 Cebu City docketed as Criminal Case No. CEB 91623;

but two times already started.

One time  
the case  
were forgotten  
or something like  
this, because  
nothing happen.

- v. And the only way that they could pinned me down was to orchestrate a bait in the persons of the complainants. So, on February 02, 2011, the NBI agents organized a team to trap me by utilizing the complainants to bring me out in the open and arrest me with so called incriminating but **instigated evidences**.

right

w. The pictures of the complainant "Jenny" where she was pictured in nude was not taken by me. As can be seen in these pictures, said "Jenny" was laughing. Why? because these were taken not by me but by some unknown NBI agents;

From where the NBI know the right room-number? The parking lot lead to round 100 rooms?

x. The NBI agents went inside the room at Queensland Motel without any search warrant and permission from me to enter the room. The door was opened for them by "Belen" because "Belen" was instructed by the NBI agents to do it for them WITHOUT MY KNOWLEDGE;

y. The instruction to do all of these was done at the NBI office. The so called complainants were all at the mercy of the NBI agents. They followed what should be done from the start. Belen and Jenny knew beforehand that they were part of the ploy to catch me with them in a motel. These are all orchestrated by the NBI agents;

z. As can be seen in the Joint Affidavit of the NBI agents, they waited for about **20 to 30 minutes** before they went inside the room at Queensland. They were still waiting for the go-signal of "Belen" before they entered. So it is not true that they were there to rescue the complainants. They were all there to lay a plan to apprehend me after "Belen" made the cue for them to enter. This is definitely a **"frame-up"**;

aa. Thus, as the NBI agents instigated or orchestrated all of the unfolding events which transpired against me, may I humbly seek from the good prosecutor that this charge for rape be dismissed outright for this case is certainly an after-though and therefore cannot be relied upon;

bb. I am executing this counter-affidavit with a clear conscience. I am innocent of this new charge for "rape" filed against me. As there is no probable cause to charge me for

this alleged crime, may I seek for an outright dismissal of this newly fabricated charge.


cc. May I humbly seek the kind heart of the Honorable investigating prosecutor to investigate properly this case and thank you in advance for giving me this rare opportunity to hear my side. Thank you so much from the bottom of my heart.


Witness my hand this 24th day of June 2011 in Talisay City, Philippines.

  
THOMAS MICHAEL RUHLAND  
Affiant

SUBSCRIBED AND SWORN TO before me this 24th day of June 2011 in Talisay City, Cebu.

I hereby certify that I have personally examined the affiant and he admitted to me that he understood the contents of the foregoing counter-affidavit and declare it to be true of his own personal knowledge.

  
ALEX D. TOLENTINO  
NOTARY PUBLIC UNTIL DEC. 31, 2011  
IBP LIFETIME 02858/ROLL 26645  
NOTARIAL COMMISSION NO. 22-08  
PTR NO. 6411020 1-14-10 CEBU CITY  
21 ECHEVEZ EXT. CEBU CITY

  
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