

VII . Evelyn
Republic of the Philippines
REGIONAL TRIAL COURT
7th Judicial Region
Branch 24
Cebu City

THE PEOPLE OF
THE PHILIPPINES,
Plaintiff,

-versus-

Criminal Cases No. CBU-91623
FOR: Violation of Section 4(e)
in Relation To Section
6(a) pf RA 9208

THOMAS MICHAEL RUHLAND

aka MIKE
Accused.

Wer hat diesen bloßen

x-----/ *Namen erfinden?*

Transcript of stenographic notes taken down by the undersigned court stenographer during the hearing of the above-entitled case, held at the sala of this court, located at the third floor, Marcelo Fernan Memorial Hall of Justice, Capitol Compound, Cebu City, on May 23, 2011 - PM SESSION.

B E F O R E : HON. OLEGARIO R. SARMIENTO, JR.
Presiding Judge

Assisted by : Ms. MA. LUCIA PADILLO-PADONGAO
Court Interpreter

Ms. KAREN MAE N. PURACAN
Court Stenographer

Appearances : ASSOCIATE PROSECUTION ATTORNEY
JENELYN V. FORROSUELO
For the State

ATTY. JO-ANN T. SUAREZ
For the Private Prosecution

ATTY. ALEX.D. TOLENTINO
For the Accused

ky

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Testimony of Evelyn Asintista (Direct Examination)

(after case was called)

ATTY. FORROSUELO

For the State, Your Honor.

ATTY. SUAREZ

Good afternoon, Your Honor, respectfully appearing as private prosecutor, Your Honor.

ATTY. TOLENTINO

Der proof (Beweis) war eine Tageszeitung aus dem Krankenhaus. Keine Datifizierung vom Arzt oder so. Sowil zu Beweisen auf den Philippinen, oder was diese darstellt.

Respectfully appearing for the accused. Your Honor, please, I have just gone over the record of this case. There was an order informing me that I have already waived my right to do any cross-examination on the first witness for the prosecution by the name of Jenny Baran, Your Honor. On that day, Your Honor, when I was requested to do my cross-examination, I was in the clinic of Dr. Noval because of chest tightness at about early 1:00 in the afternoon. Later after that, she told me I have to go to the emergency room because if ever I will not go there I might suffer a heart attack. So I had to abide with the decision of my attending physician. I went to the emergency room and there I was told that I should be hospitalized due to this disease in the heart. So indeed I was hospitalized for three days and I have proof to show, Your Honor, that I was really hospitalized and I did not regret that I was hospitalized because had I not gone there, I would not have been here anymore, Your Honor, to be around because I would have suffered really a heart attack at that time. So by virtue of that, Your Honor, I will be showing proof that I really was hospitalized. In fact, when I talked to Atty. Suarez about it, I really told her I am really sorry I cannot go there anymore because of this chest tightness. But nevertheless, there was order for me to have waived my right. May I ask, Your Honor, for reconsideration? I will present proof, Your Honor.

ky

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Testimony of Evelyn Asintista (Direct Examination)

COURT

What do you say, prosecution?

ATTY. FORROSUELO

Your Honor, please, may we ask that the motion be in writing so that we can file our comment or opposition to the said opposition in writing also but today we would like to present our second witness, Your Honor.

COURT

So the first witness will not be available for cross-examination today?

ATTY. SUAREZ

Warum wird nicht mit Jenny Baran weiter gemacht?

She is here, Your Honor. She is available for cross-examination, Your Honor. However, with the motion for reconsideration of Atty. Tolentino, may we ask, Your Honor, that we be allowed to present our second witness without prejudice to the outcome of the motion for reconsideration of Atty. Tolentino, Your Honor.

COURT

Ich gehe mal davon aus, daß Evelyn Asintista am Vortag gebrieft worden ist und bevor sie alles vergißt muß sie heute aussagen.
What I have in mind if the witness is ready for cross-examination, we will allow the cross-examination because it would more delay the proceedings also if one reason or another the witness may not be available next time.

ATTY. FORROSUELO

Warum werden die Frauen eigentlich nicht voneinander untergebracht? Warum können sich die Frauen immer absprechen und es kommen doch immer Yes, Your Honor, she will be around on the next setting.

COURT

Who?
On that assurance, because if ever the witness will not be available, then I might succumb the motion to strike out her testimony because that is not the fault of the accused now. Pañero, I thought it's just a member of the family that was hospitalized, not you. I thought your mother, like that. Now I come to know that *Damm stellen vom Richter, es Becke von der Mutter meines kng war nie die Anwalts.*

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Testimony of Evelyn Asintista (Direct Examination)

COURT
(continuing)

What is a kuan?

2
it's you personally who was there in the hospital for confinement. Well, it's okay with me. I can have the kuan later on but then your witness should be ready for cross-examination in the event that I will reconsider my order.

ATTY. SUAREZ

Yes, she will be ready for cross-examination, Your Honor.

COURT

Next time?

ATTY. SUAREZ

Yes.

COURT

Okay. So we will receive the evidence of the next witness today.

ATTY. FORROSUELO

We will present our second witness.

COURT

If you are ready. If that is what you wish. No objection? without prejudice to the cross-examination later.

ATTY. TOLENTINO

Yes, Your Honor.

COURT

Okay. You present your second witness.

Kry

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Testimony of Evelyn Asintista (Direct Examination)

(after case was called again)

ATTY. FORROSUELO

For the State, Your Honor.

ATTY. SUAREZ

Same appearance as private prosecutor.

ATTY. TOLENTINO

For the accused, Your Honor.

ATTY. FORROSUELO

Your Honor, please, I would like to give the authority to conduct the direct examination on witness Evelyn Asintista by Atty. Jo-Ann Suarez.

COURT

Atty. Tolentino manifested to the Court that his absence in the last hearing is due to his hospitalization. He is hereby given five days to formalize the motion for reconsideration of the order considering the cross-examination waived. The prosecution is likewise given five days to comment. As agreed by counsels, the second witness for the prosecution shall be allowed to testify on direct examination and this is without prejudice to whatever ruling the Court will render on the motion for reconsideration and for counsel of the accused to conduct cross-examination on the first witness.

ATTY. SUAREZ

Our witness, Your Honor, is Evelyn Asintista, Your Honor.

The witness was called and after being duly sworn to in the form prescribed by law declares as follows:

Kry

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Testimony of Evelyn Asintista (Direct Examination)

In einem anderen Dokument ist sie 16.

Wie alt sind die Frauen nun wirklich?

Wo sind die NSO Unterlagen, die das philp. Gesetz verlangt?

EVELYN ASINTISTA, 15 years old, an out-of-school youth and a resident of Dumlog, Talisay City, Cebu.

COURT INTERPRETER

Witness is now ready, Your Honor.

ATTY. SUAREZ

May I proceed, Your Honor? The witness is presented to prove the allegations in the Information and that of the Affidavit. She will also identify the accused. She will identify her Affidavit and to prove other relevant matters. May I proceed?

COURT

Proceed.

DIRECT EXAMINATION ON EVELYN ASINISTA

ATTY. SUAREZ

Q Miss Witness, can I call you Evelyn?

A Okay, yes, Ma'am.

Wer ist dann die Evelyn Macasling aus dem NSI Dokument vom 3.2.2011?

Q Are you the same Evelyn Asintista who is one of the private complainants in this case?

A Yes, I am.

Warum gibt es zwei verschiedene Evelyns? (mittlerweile schon drei verschiedene Evelyns)

Q And do you know the accused Michael Ruhland?

A Yes, I know him.

Q If you will be asked to identify him, will you be able to identify him?

A Yes, Ma'am.

Q And if he is around, can you point to him?

A Yes, Ma'am.

ky

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Testimony of Evelyn Asintista (Direct Examination)

Es ist nicht gerade sehr schwer auf mich zu zeigen.

ATTY. SUAREZ

Ich bin der einzige Weiße mit Handschellen und einem gelben T-Shirt, mit der Aufschrift "Talucay

Q Where is he? City Jail" drauf, im Raum.

A The one who is wearing yellow shirt.

COURT INTERPRETER

Es spielt also keine Rolle ob Evelyn Macasling oder Evelyn Asintista mich kennt oder nicht.

The person identified by the witness, when asked about his name answered as Thomas Michael Ruhland.

ATTY. SUAREZ

Ist mehr ein schlechter Witz als eine Personenidentifikation.

Q How old are you now?

A 15.

Q When is your birthday?

A April 22, 1996.

Q Do you have any proof to show that that is your birthday?

A Yes.

Das philp. Gesetz verlangt ein NSO Bescheinigung. Keine anderen Dokumente,

Q What is it?

aber bei Ausländern kann man eine Ausnahme machen und die eigenen Gesetze

A Baptismal Certificate. nicht beachten.

Q Showing to you a photocopy of a Certificate of Baptism of Evelyn Tundag Asintista, is this your Certificate of Baptism?

A Yes.

May I ask, Your Honor, that this photocopy of the Certificate of Baptism be provisionally marked as our Exhibit "E", Your Honor, and the date of birth be bracketed and marked as our Exhibit E-1", provisionally marked, Your Honor.

Q How did you meet the accused, Evelyn?

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Testimony of Evelyn Asintista (Direct Examination)

WITNESS

Wer ist Mary Ann Baha?

Es konnte auch nie diese Mary Ann Baha
vor Gericht gebracht werden.

A I had a friend Mary Ann Baha who brought me to Gaisano Tabunok. I do not know her purpose for bringing me there.

ATTY. SUAREZ

Mary Ann Baha ist auch eine weitere
Fantasiefige, aber wird vom Gericht auch
ignoriert.

Q So what happened when you... What happened there?

A After a while, after arriving at Gaisano Tabunok, the man, the German national who Mary Ann was supposed to meet, arrived. I did not know then that was Mike.

Q After that, what happened?

A We boarded his vehicle and we were made to eat.

Q Can you still recall what year did you meet the accused?

A Grade 6.

Q What year?

A March 16, 2009.

Sie kann sich an einem Tag vor 2 Jahren
erinnern, aber nicht mehr was vor 3 Monaten
passiert sein soll? Verarschen kann ich
schon.

Q During that time that you met the accused, were you much studying?

A Yes.

Q What grade were you in at that time?

A Grade 6.

Q And were you able to finish Grade 6?

A No.

Q Why not?

A No, I was not able to finish Grade 6 because my parents could not afford me to send me to school and also

Kry

Testimony of Evelyn Asintista (Direct Examination)

WITNESS
(continuing)

Wo ist diese Mary Ann?
Wer ist sie?

because Mary Ann kept on sending me text messages inviting me to meet up with this German national.

ATTY. SUAREZ

Q And who is this German national you are referring to?

A Mike. Und wo ist dieser Mike nun?

Q How about your parents, were they working at that time?

A No.

Q What was your family's source of income at that time?

A My mother was earning something out of vending.

Q By the way, you made an oath a while ago. Do you understand what was that oath all about?

A Yes, I understand. Da bin ich mir nicht so sicher.

Q And what can you understand about that oath?

A That I am supposed to tell the truth and that I should not tell a lie.

Q Why is it important to tell the truth?

A Because if I am not going to tell the truth then I will be the one who is going to be imprisoned.

Q And after your first meeting with Mike on March 16, 2009, what happened?

A After that first meeting with Mike at Gaisano Tabunok, Mary Ann told me that again she received text message from Mike telling her that Mike wanted to see me again.

Q And did you ask Mary Ann what was the purpose of the said meeting?

Warum gibt es eigentlich nie Zeugen für irgendwelche Treffen, wenn ich Evelyn Asintista oder Macasling^{Kny} schon seit 2009 kennen soll?

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Testimony of Evelyn Asintista (Direct Examination)

*Das soll alles vor zwei Jahren gewesen sein und
sie kann sich an alles sehr genau wiedererinnern.*

WITNESS

Für wie blöd halten die uns eigentlich?

A Yes, I asked Mary Ann that and she merely told me that Mike wanted to see me again because he wanted to ask something from me.

ATTY. SUAREZ

Q And after that, what happened?

A After a while, Mike arrived and then we boarded his vehicle then he brought us next to Queensland.

Q And when you arrived at Queensland, what happened?

A When we arrived at Queensland, Mike told us to help him carry his things upstairs. I was then instructed by Mary Ann to take a bath because Mike is going to take pictures of me.

Q Aside from taking a bath, was there any other instructions, anything else that Mary Ann told you?

A Nothing else. She just told me to hurry up, take a bath immediately because Mike was going to take a picture of me.

Q And did you do as instructed? Did you take a bath?

A Yes, I did.

Q So after you took a bath, what happened?

A After taking a bath, Mike handed to me a dress which he told me to wear because he wanted to take a picture of me like a model.

Q After you put on that dress, what happened?

A He brought me to the small room where he took pictures of me like a model.

Q And where was Mary Ann at that time?

Kry

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Testimony of Evelyn Asintista (Direct Examination)

WITNESS

*She hatte niemals Angst?
Sie sagte mir "Nein", obwohl
sic. Angst hatte?*

A She was at the big room.

ATTY. SUAREZ

Q Can you tell us what happened inside that small room while you and Mike were there?

A While Mike and I were in the small room, he made me strike a pose like a model and took pictures of me while I was doing those poses. And then while I was removing my dress, he continued taking pictures of me.

Q After you removed your dress, what happened?

A He made me remove my panty.

Q After that, what happened?

A He was still taking pictures of me while I was removing my panty.

Q You mean to say that he was taking pictures of you naked?

A Yes.

Q After that, what happened?

A He handed to me another dress so that he can take pictures of me like a model wearing that other dress.

Q What happened after that?

A He again told me to undress or to remove that second dress.

Q After that, what happened?

A Again, he told me to remove my panty and continued to take pictures of me.

Q How many changes of clothes did you have?

Kry

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Testimony of Evelyn Asintista (Direct Examination)

WITNESS

A Five. *Nach 2 Jahren warf sie noch angeblich jede Kleinigkeit. Aber wie gesagt, was vor 3 Monaten war ist ihr entfallen. Gehts noch cleppiger?*

ATTY. SUAREZ

Q You mentioned that Mike instructed you to take off your clothes and your panty. Why did you do as instructed?

A I was able to do those things or I was able to follow the instructions given by Mike to remove my clothes and panty because of the assurance of Mary Ann when she told me: You just do as instructed because anyway I will be there. I will be in front of you.

Q But Mary Ann was inside the big room and you were alone with Mike inside the small room. Why is it that you still do as instructed by Mike even if Mary Ann was not there?

A *Sie hatte Angst, aber sie und ich trafen uns weitere*
I already became afraid of Mike because it was just the two of us inside that small room. *Zwei Jahre, nach ihrer Aussage.*

Q *Es ist nachgewiesen, daß sie auch hier liegt und wir uns*
After the 5 change of clothes and Mike was finished taking photos of you, both with clothes and both naked, *noch* after that, what happened? *über zwei Jahre getroffen haben.*

A *Warum nimmt das Gericht die Tatsache nicht zur*
Mike then gave me Five Hundred Pesos then brought us *Kennnis?* back to Gaisano Tabunok.

Q After the first photo shoot with Mike, was this meeting and photo shoot with Mike repeated after that?

A Yes, it was repeated a week after that. In fact, it was done every Wednesday when Mike sent text messages to Mary Ann.

Q And what do you do when you meet with Mike every Wednesday?

A Take pictures like a model.

Q Was this pictures with clothes or without clothes?

Kry

Testimony of Evelyn Asintista (Direct Examination)

WITNESS

A Without clothes.

ATTY. TOLENTINO

Objection, Your Honor, very leading questions, Your Honor.

ATTY. SUAREZ

I will reform.

Q Can you describe to us what was the photo shoot that happened after the first one?

A The following photo shoots were done in the same manner. He took pictures of me wearing dresses and then he continued taking pictures of me until I was already naked.

Q Every after your photo shoot with him, what happened?

A Mike gave me Five Hundred Pesos.

Q May I ask why did you continue to meet Mike and pose for him nude?

A I eventually became accustomed to the Five Hundred Pesos given by Mike after every photo shoot.

Q Can you tell us what happened on January 5, 2011?

A Again, Mike sent a text message to Mary Ann informing the latter that he wanted to go with me and Mary Ann to Pooc.

Q Was this on January 5, 2011?

A Yes, Ma'am.

Q With whom?

A With Jenny.

War vielleicht der Weihnachtsman oder der Osterhase auch mit dabei? Warum sagt Jenny Baran nicht das gleiche aus? Wer und wo ist Mary Ann Baha?

Am 5. 1. und 12. 1. 11 war ich zum Stammisch im Ayala Hofhaus mit Zeyen.

Wo kommt sie auf einmal Jenny her?

Jetzt habe ich also

Evelyn Asintista oder Evelyn Macasling

Jenny Baran und Mary Ann Baha an einen Tag getroffen !?!

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Testimony of Evelyn Asintista (Direct Examination)

ATTY. SUAREZ

Q With Jenny and...?

Wo ist Mary Ann Baha nun?

A Mike.

Q After that, what happened?

A In Pooc, Mike took pictures of me and Jenny.

not true

Q And after mike took pictures of you, what happened?

COURT

Ich war zu keiner Zeit mit den Frauen

Q Which part of Pooc?

am Pooc Beach. Eine Aussage (Lüge) was sich auch nicht beweisen läßt. Keine Zeugen.

A In the beach, Your Honor.

Nichts. Aber trotzdem fragt keiner nach. Kein Richter, kein Staatsanwalt nicht einmal mein philip. Anwalt.

Okay. Continue.

ATTY. SUAREZ

Q After Mike took pictures of you at Pooc beach, what happened?

COURT

Duha sila?

// What is Duha sila?

ATTY. SUAREZ

Yes, Your Honor.

Evelyn und Jenny oder

Evelyn und Mary Ann?

WITNESS

Welche Evelyn eigentlich?

A Mike gave Five Hundred each to me and Jenny.

ATTY. SUAREZ

Q What were you and Jenny wearing at that time?

A What we were wearing then.

Q And how about on January 12, 2011 what happened?

Km

Testimony of Evelyn Asintista (Direct Examination)

WITNESS

Jenny sagt, am Paraplate Gaisano Tabunok Talisay
Santo Niño - Talisay ca. 5 km Entfernung

A

Again, Mike sent a text message to me informing me that he wanted to go with me and Jenny to Santo Niño.

ATTY. SUAREZ

Auch keine Zeugen oder Beweise für Santo Niño, da es nicht stattfand.

Q

What happened after that?

A

He took pictures of us at Santo Niño.

also not true.

Q

Who were the subjects of the pictures of Mike?

A

Jenny and I.

Jenny sagt aus, daß sie die Kleidung wechselten, Evelyn nicht.

Q

And after Mike took pictures of you and Jenny at Santo Niño, what happened?

A

Again, he gave each of us Five Hundred Pesos.

Q

What else did he give you, if any?

Wie kann ich ihr ein Handy geben, wenn mit ihr nie bei der Santo Niño war?

A

Nokia 3310 cell phone.

Wo ist dieses Nokia 3310 Handy?

Q

How about on January 19, 2011, what happened?

A

Mike sent me a text message telling me that he wanted to meet up with Jenny at Gaisano Tabunok.

Jenny sagt Gaisano Fiesta Mall.

"Fiesta Mall" kann jeden Gaisano auf den Philippinen meinen. Welcher ist es nun?

Q

Did you ask Mike what was the purpose of that meeting with Jenny?

A

Yes, I did ask him that and he told me that he wanted to meet up with Jenny because he wanted to take pictures of her.

Q

After that, what happened?

A

We went to Gaisano Tabunok and we waited for Mike at the parking lot. After a while, he arrived and then he brought us immediately to Queensland.

Q

Who was with you when you went to Gaisano Tabunok?

Vom 18.1. - 27.1.11 war ich auf Bohol bei Franden. Jenny gibt es mehrere Zeugen. Warum wird dies immer noch nicht anerkannt?

Kry

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Testimony of Evelyn Asintista (Direct Examination)

WITNESS

A Jenny.

ATTY. SUAREZ

Q After you arrived at Queensland, what happened?

A Again, he told us to help him carry his things upstairs.

Q Evelyn and Jenny halfen zu tragen?!!?? Warum sagt Jenny dies nicht aus?
And then after that, what happened?

A He told me to instruct Jenny to take a bath and shave
her pubic hair so that he can take pictures of Jenny.

Q Warum sagt Jenny dies nicht aus? (23) Jenny sagt aus, daß ich sie
After that, what happened? (24) (Jenny) angewiesen habe?!

A After Jenny took a bath, she was made to wear a sexy
dress. Jenny sagt aus, daß Evelyn sie (Jenny) angedrückt hat.

Q After that, what happened?

A He then brought Jenny to the small room.

Q And where were you at that time?

A I was in the big room.

Q Do you know what happened inside the small room when
Jenny and Mike were there?

A What I know is that Mike was just taking pictures of
Jenny inside that small room.

Q So after the photo shoot of Jenny and Mike was finished
in the small room, what happened?

A Mike then made me transfer to the small room and he and
Jenny transferred to the big room.

Q Did you ask what was the reason why you were transferred
by Mike to the small room and while he and Jenny went to
the big room?

Kry

Evelyn Asintista oder Evelyn Macasling, wie
oder wer auch immer, und Jenny Baran sagen
aus, daß ich Jenny Baran am 19.1.2011
vergewaltigt haben soll. Der angebliche Vater von

Jenny Baran und das NBI sagen aus, daß es der

26.1.2011 sein soll. Gehts noch blöder?

Die Vergewaltigungsanklage wurde später wegen dem
Testimony of Evelyn Asintista (Direct Examination)
med. Gutachten (keine Vergewaltigung) und der widersprüchlichen
Aussagen abgewiesen. Es werden Lügen und Falschaussagen ignoriert.

WITNESS

A Yes, I did ask him but instead of answering me, he just
locked the door. Durch die Untersuchung meines philp. Anwalts

ATTY. SUAREZ fanden wir heraus, daß die Tür nicht abschließbar ist.

Unter Tür sind ebenfalls Lamellen und Evelyn A. oder M. konnte

Q What happened after that? nichts hören, obwohl Luftschlitze in der Tür
waren? Was soll dieses ganze Kungeliege?

A When I went to the big room, Jenny was already crying in
front of me and she asked me why I did not hear her
scream but then I told her that her scream could not be
heard from the small room because the door was locked.

Q So after that conversation with Jenny, what happened?

A After that, Jenny put on the clothes that she was
wearing on that day and then she was given Five Hundred
Pesos by Mike then we went downstairs to go home. Jenny sagt vier-hundert. *Wine*

Q How about on February 2, 2011, what happened? (33)

A On that day, Mike again sent me a text message telling
me that he wanted to meet up with Jenny because
allegedly he wanted to apologize to her.

Q After that, what happened?

A I told Jenny that Mike wanted to see her because he
wanted to apologize to her. After that, we proceeded to
the parking lot of Gaisano Tabunok.

Q What was the reaction of Jenny when you told her that
Mike wanted to see her again?

A It seemed to me that she was offended because she was
asking why Mike wanted to see her again when she really
doesn't want to. Sind wir inzwischen zum Queensland geflogen?

Q After that, what happened?

A Again Mike told Jenny to take a bath because he again

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Testimony of Evelyn Asintista (Direct Examination)

- Wer hat diesmal die ganzen Asservate hochgetragen?
Ein Kasten Bettdecken, 4 Plastiktüten voll mit Wäsche und Schuhe,
eine Sporttasche, Videokamera, Kamera, zwei Tripods, Schminke,
wsw. Allein kann ich das physikalisch schon nicht be-
- Q Where did this happen? wählten. Fünf NBI Agenten aber schon!
- A At Queensland.
- Q You mean to say Mike brought you and Jenny again to Queensland?
- A Yes, Ma'am.
- Q So after he instructed Jenny to take a bath, what happened?
- COURT
- Q What specifically the part in Queensland was the picture taking took place? Woher wußte das NBI, daß es Raum 24 war? Der Parkplatz führt zu ca. 100 möglichen Räumen. Das NBI wanderte, laut Aussage am 4.6.12 ca. 30 min auf den Parkplatz und befragte auch
- A At Room 24, Your Honor.
- Q Because I understand there is small room and there is nicht big room that you mentioned. Which room, the picture das taking? Hotelmanagement.
- A At the small room, Your Honor. Also hat das NBI den Raum 24 gerochen oder telepathisch gefunden?!
- ATTY. SUAREZ
- Q After Jenny took a bath and shaved, what happened? Evelyn sagt nichts vom rasieren der Schamhaare aus! Woher will
- A Again, Mike instructed Jenny to put on that sexy dress der Staatsanw. and took pictures of her like a model. dann dies wissen?
- Q Where were they when the picture taking took place?
- A In the small room. Wo sind all diese "sexy dress", "pictures"? Er wurde nie irgend etwas in meiner Wohnung gefunden. Das einzige was nachweisbar ist, daß das NBI zu den Asservaten weitere Asservate hinzufügte
- Q And where were you? gefunden. Das einzige was nachweisbar ist, daß das NBI zu den Asservaten weitere Asservate hinzufügte
- A At the big room. (Planting) und somit auch das BKA Aumschte. Hierzu die Fotos vom 2.2.2011 und die Fotos
- Q So while Mike was taking a picture of Jenny inside the small room and you were in the big room, what happened? vom 4.6.12 vom NBI. Die weitere Asservate kny aufzeigt, die am 2.2.2011 nicht da waren.

Evelyn ist im "big room", ich und Jenny im "small room". Evelyn will ins Bad zum Spucken! Sie kann ins Bad ohne den kleinen Raum passieren zu müssen. Wenn Evelyn wie von ihr ausgesagt ins Bad ging, dann kann Evelyn gar nicht den kleinen Raum durchqueren.

Aber Evelyn sagt aus, daß sie in den kleinen Raum ging um ins Bad zu gelangen?!



Testimony of Evelyn Asintista (Direct Examination)

Was für eine blödsinnige Aussage ist das?

Evelyn war einzig und allein aus dem einzigen Grund im kleinen Raum, um die Tür für NBI zu öffnen.

WITNESS Die Tür ist nachweislich nicht verschließbar. Warum hat das NBI nie den Raum untersucht oder das I would have wanted to enter the bathroom because I wanted to spit and I wasn't expecting that Jenny locked the door of the bathroom and then when I went out, I wasn't expecting that there were people from the NBI who followed me who entered the room. Hotel personal befragt?

ATTY. SUAREZ

- Q When they entered the room, what happened, when the NBI entered the room? Wer hat die Tür geöffnet? Wo ist der Haftbefehl? Es gibt keinen. Warum wartete das NBI
- A They handcuffed Mike. 20-30 Minuten für die Rescue Operation?
- Q What else did they do, if any?
- A They took pictures of Mike's things. Wo sind die hinzugefügten drei Bettdecken, die am 4.6.12 als Beweismittel gezeigt wurden?
- Q And if these things of Mike will be shown to you, will you be able to identify these things of Mike?
- A Yes.
- Q There are pictures of... There are bras, assorted bras, assorted sandals, assorted make-up and a camera and a video, panty and bra, who owns these things?
- A These are Mike's. Nichts von dem gehört mir?
- Q Why do you know that Mike owns these things?
- A Because those are the usual things he brings with him wherever he goes. Warum wurde dann nichts in meinem Auto gefunden? Warum mußte ich mein Auto vom NBI zurückkaufen. Für diese These pictures, Your Honor, were already marked as Exhibits "C", "C-1", "C-2" and "C-3. Korruption habe ich eine Anhörung vom NBI.
- Q After everything that happened with you in the hands of Mike, how do you feel?

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Testimony of Evelyn Asintista (Direct Examination)

COURT
(continuing)

Q be coming to the motel, did I get you right about the incident?

A I was not really expecting, Your Honor, that people from the NBI would be following us to the motel because when I asked permission from the father of Jenny, I simply told him that I will be bringing Jenny to Gaisano Tabunok. Warum liegt sie den (nicht) Vater an?

Q Warum läßt das NBI dann eine Straftat auf dem Parkplatz geschehen? You mentioned that Mike would just say sorry to Jenny.

A Do you know what is that Mike would like to be sorry about? Wenn zwei minderjährige in mein Auto steigen, ist es bereits Recht "Child Abuse". Warum verhaftet mich das NBI nicht auf dem Parkplatz? He did not tell me specifically, Your Honor, what he will be apologizing for.

Q So before that, Jenny did not tell you what Mike did to her?

A Evelyn sagt in ihrem Affidavit aus, daß sie schon konnte, daß ich Jenny vergewaltigt haben soll. Durch Jenny wurde She told me, Your Honor, that she was raped by Mike. und das viele Blut war. Was nun?

ATTY. SUAREZ

Q Hanging question. How do you feel after everything that Mike did to you? Widersprüche, Lügen, Fiktionen. Ebenso auf Seite 17 in diesem Wortprotokoll sagt Evelyn aus, das Jenny ihr zu verstehen gab, daß sie angeblich ver-

A I felt bad, offended or slighted by what Mike had done to me considering that I am a minor. gewaltigt wurde.

Q And how do you feel that Mike is detained and this case is already here in court?

A I am very thankful to the court that Mike is already in prison and that this case is already ongoing because Jenny and I are already rescued and we do not want these things to happen to other person.

Q Nachdem nachweisbar durch Zeugen, Vice Gov. Agnes Magpale die Do you recall having executed an Affidavit in relation to this case? Frauen und den Richter beeinflusste.

A Yes.

Kny

Testimony of Evelyn Asintista (Direct Examination)

ATTY. SUAREZ

Q If the Affidavit will be shown to you, will you be able to recognize it?

A Yes.

Q Showing to you 2-page Affidavit of a certain Evelyn Tundag Asintista, is this your Affidavit?

A *Ja, legende van Evelyn Macasling, nicht Evelyn Asintista.*
Yes.

Q Whose signature is this above the name Evelyn Tundag Asintista?

A That is mine.

Q And whose thumb mark is this above the name Evelyn Tundag Asintista? *oder Evelyn Macasling?*

A That is mine.

May I ask, Your Honor, that this Affidavit be marked as our Exhibit "F" and the second page be marked as our Exhibit "F-1"; the signature above the name Evelyn Tundag Asintista be marked as our Exhibit "F-2".

Q Do you recognize whose signature is this above the name of Ramil Tundag? *Angeblich auch minderjährig. Wie kann er dann für seine Schwester eine Mahnung unterzeichnen?*
A That is my brother's signature.

Q Why do you know that is your brother's signature?

A We were together when we both affixed our signatures in that Affidavit. *No war der Vater von Evelyn?*

Also the signature above the name Ramil Tundag be marked as our Exhibit "F-3". That will be all for the witness, Your Honor.

COURT

One question from the Court.

Kry

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Testimony of Evelyn Asintista (Direct Examination)

COURT

Q For the first time, how did you come to know and meet Mike?

A I had a friend who was the ex-girlfriend of Mike. Her name was Mary Ann. *Wo und wer ist Mary Ann Baha?*

Q Who was ahead being friends of Mike, you or Jenny?

A Me, Your Honor. *Warum wurde Mary Ann Baha nicht von dem NBI befragt?*

Q Was there instance that Mike brought you to Queensland yourself without companions for photo sessions before Jenny?

A Yes, there was, Your Honor.

Okay. Cross-examination next time.

ATTY. TOLENTINO

Yes, Your Honor. Your Honor, on May 30 also at 2:00, I will do my cross-examination on Jenny Baran then.

COURT

You can agree for another setting, another two settings.

ORDER:

Atty. Alex Tolentino, counsel for the accused, manifested to the Court that his absence in the last hearing was due to his hospitalization. He is hereby given five (5) days to formalize the Motion for Reconsideration of the Order considering the cross-examination waived. The prosecution is likewise given five days to comment.

As agreed by counsels, the second witness for the prosecution shall be allowed to testify on direct examination and this is without prejudice to whatever ruling the Court will render on the motion for reconsideration and for counsel of the accused to conduct cross-examination on the first witness.

ky

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Testimony of Evelyn Asintista (Direct Examination)

The direct examination testimony of Evelyn Asintista is terminated this afternoon. Set this case for continuation of trial on May 30, 2011 at 2:00 in the afternoon, as previously scheduled. Additional settings are on June 27, 2011 and July 4, 2011, both at 2:00 in the afternoon.

SO ORDERED.

CERTIFICATION

I hereby certify that the foregoing transcript of stenographic notes is true and correct to the best of my knowledge and ability.

Cebu City, Philippines, May 30, 2011.

K. Mae N. Puracan
KAREN MAE N. PURACAN
Stenographer