

VIII.

JUNE 27, 2011

Jenny

Republic of the Philippines
7th Judicial Region
REGIONAL TRIAL COURT
BRANCH 24
Cebu City

PEOPLE OF THE PHILIPPINES
Plaintiff,

- versus -

THOMAS MICHAEL RUHLAND
Accused

X ----- /

CRIM. CASE NO. CBU-91623

FOR: VIOLATION OF SEC. 4(c)
RELATION TO SEC. 6(a)
OF R.A. 9208 (QUALIFIED
TRAFFICKING)

Transcript

Of

Stenographic Notes

(June 27, 2011)

Testimony of Jenny Baran
Re-direct examination Testimony

Beatriz Cua-Espartero
Court Stenographer III

Republic of the Philippines
Regional Trial Court of Cebu
7th Judicial Region
Branch 24
Cebu City

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CRIM. CASE NO. CBU-91623

THOMAS MICHAEL
RUHLAND alias "MIKE",
Accused.
X ----- /

Transcript

Of stenographic notes taken during the continuation of the hearing of
the above entitled case before the Honorable Presiding Judge
Olegario R. Sarmiento, Jr. of the Regional Trial Court of Cebu,
Branch 24, 3rd Floor, The Chief Justice Marcelo B. Fernan Hall of
Justice, Capitol Compound, Cebu City

June 27, 2011
(Date of Hearing)

COURT PERSONNEL PRESENT:

- | | |
|------------------------------------|----------------------|
| 1. Hon. Olegario R. Sarmiento, Jr. | - Presiding Judge; |
| 2. Beatriz Cua-Espartero | - Stenographer; |
| 3. Ma. Lucia P. Padongao | - Court Interpreter; |

PP V THOMAS MICHAEL RUHLAND
CRIM. CASE NO. CBU-91623
JUNE 27, 2011
TSN - Espartero

APPEARANCES

1. Associate Prosecution
Attorney Hyacinth Jadraque - For the State
2. Atty. Jo-Ann T. Suarez-Pabriaga - For the Private Prosecution
3. Atty. Alex D. Tolentino - For the Defense

When this case was called for hearing:

PROSECUTOR JADRAQUE

Good afternoon, Your Honor, Prosecutor Jadraque
special appearance for Prosecutor Forrosuelo, Your Honor.

ATTY PABRIAGA

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

ATTY TOLENTINO

For the accused, Your Honor.

COURT

Ready?

PP V THOMAS MICHAEL RUHLAND
CRIM. CASE NO. CBU-91623
June 27, 2011
TSN - Espartero

- 3 -

ATTY PABRIAGA

I'm ready to conduct my re-direct examination on Jenny Baran, Your Honor.

PROSECUTOR JADRAQUE

Authority is hereby given to the Private Prosecutor, Your Honor, to conduct the re-direct examination under my direct control and supervision.

COURT INTERPRETER

JENNY BARAN, under the same oath for her re-direct examination is now ready, Your Honor.

ATTY PABRIAGA

Das philip. Gesetz
sagt aus, daß
es ein NSO
Zertifikat sein
muss und nicht
falsch sein
Geburtsurkunde.

Deshalb muss es ein NSO Dokument
In dieser Geburtsurkunde wird kein
Vater als Eintragung angegeben.
Aber Teofilo Cadayaga behauptet, der
leidliche Vater zu sein!

Before may I proceed, Your Honor, may I just manifest that during the direct examination of Jenny Baran we have provisionally marked the photo copy of the Certificate of Live Birth of Jenny Baran as our Exhibit "A", Your Honor, however, I have here the NSO, Your Honor, the original NSO copy of the Certificate of Live Birth of Jenny Baran, if without objection of Atty Tolentino, Your Honor, this Certificate of Live Birth after the witness will identify, may I ask that Exhibit "A" be transferred, Your Honor.

sein.

COURT

The marking?

ATTY PABRIAGA

Yes, Your Honor. May I proceed, Your Honor?

COURT

Go ahead.

Wer ist nun "Jen"?

ATTY PABRIAGA Jenny oder Jenelyn?

↑

Q Thank you, Your Honor. Jen, the time that Atty Tolentino asked you during your cross examination you said that the first time you went with Evelyn to see Mike, you said, that it was at your instance because you want to see what will happened. How about on January 05, 2001 that you went with Evelyn to see Mike at whose instance was that?

Es wird wieder gefragt was am 5.1.11. war?

WITNESS

Warum werden immer die gleichen Fragen gestellt?

A It was at Mike's instance.

Was erwartet der Staatsanw. von den immer gleichen Fragen?

Q Why did you say that it was Mike's instance that you see him that day?

Woher weiß Jenny, daß ich "Mike" oder der "German" bin? Sie hat A Mike sent a text message to Evelyn telling her that he wants to be formally introduced to me, because the first time we met I was not formally introduced to him, to Mike.
nicht laut ihrer Aussage noch nie vor dem 5.1.11 gesehen?

Warum kann niemals eine SMS von Evelyn geragt werden, die ich angeblich gesandt habe?
SMS werden vor Gericht zugelassen.

Warum vertritt ein privater
Anwalt die beiden Frauen?

Warum bezahlt die philip. Regierung den
beiden Frauen einen privaten Anwalt?

Für was gibt es dann einen

PP V THOMAS MICHAEL RUHLAND

CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

Staatsanwalt?

ATTY PABRIAGA

Da war ich auf der Nach-
barinsel Bohol.

Q Also, you said, during your cross examination that on January
19, 2011 when Mike brought you and Evelyn at Queensland
Hotel you said that it was Evelyn who told you, but she asked
Mike first what to do with the razor or the shave, my question
is, in this statement, from whom did the instruction to shave
your pubic hair, with the razor or shave came from, was it
from Mike or from Evelyn?

WITNESS

Auf den NDI Fotos ist kein
Rasierer zu sehen.

A The instructions came from Mike, because Evelyn asked Mike
what to do with the razor and Mike said in English what to do
with it. It was just like Evelyn acted as the Interpreter and
Evelyn relayed to me the instructions in the dialect.

Q You also mentioned during cross examination that on January
19, 2011 you were instructed by Mike to remove your clothes
and you did remove your clothes, can you explain to us why
you removed your clothes?

Wie kann ich ihr (Jenny) an-
zeige Kleidung abzu legen, wenn Evelyn

A I was already very afraid of Mike.
den "Interpreter" im großen Raum
ist? Jenny kann kein Englisch und
ich bin geborene.

Wie soll Jenny instructed you to remove your panty and you did so, can you
mich dann ver- explain to us why?
stehen?

PP V THOMAS MICHAEL RUHLAND

CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

WITNESS

A It took me a while to remove my panty, because I felt kind of ashamed of what I was about to do. But, then I saw that Mike was about to approach me and from what I saw on his face, he seems to be already angry at me. So, when he was about to approach me I hurriedly removed my panty.

Q You also mentioned that at the time that you removed your clothes, you did not scream or shout, can you explain to us why?

A It's for the same reason, because anyway if I was to shout, I was afraid that if I would do that, he might maul me or physically abused me considering that he is a man of big structure, physical built.

Ich bin gerade mal 10cm größer und 5 kg schwerer als die

1m 5'6" and only

Q Also you said that you did not ask Evelyn, "Evelyn help me I'm already naked", why did you not ask Evelyn for help?

beiden Frauen 2121

A I was not able to shout, because after the picture taking when we were already about to enter the big room, the arrangement was like this, Evelyn was ahead, the first one and I was at the last. Between me and Evelyn was Mike. I was about to say something to Evelyn, but, I saw Mike tell Evelyn to immediately go out of the big room and proceed to the small room. Evelyn took a last look on me and it seems that she took pity on me. Why Evelyn don't go out and ask for help?

Q You kept on saying that you were very afraid of Mike, can you please explain why were you afraid of Mike?

Warum holte Evelyn dann keine Hilfe, wenn es so gewesen sollte?

keine sein

Zur Erinnerung, die vorgelegte Vernehmung wurde wiedergelegt, wegen widersprüchliche Aussagen und dem mol. Gedächtnis und dann doch wieder zwei mal neu angelegt.

WITNESS

A I was afraid of Mike, because it was the first time that I met a German national and I am very ignorant of meeting foreigners or other nationals.

Also werden nur Deutsche verarscht?

ATTY PABRIAGA

Q On February 02, 2011, you said that after Mike-text Evelyn you agreed to meet up with Mike again, can you please tell us what was the reason why you agreed to meet up with Mike together with Evelyn?

Wo sind diese SMS? Der Handly -

A On that same day February 02, 2011 sent a text message to Evelyn asking her if he could see me again so that he could personally apologize to me. Coincidentally, we were set to go to the mall on that day and we were already at the mall we heard that Mike was already waiting at the parking area of the said mall. So, we went to see him there.

providen kann diese liefern, auf Anfrage der Polizei. Warum wurde dies nie

Q You also said that when you meet up with Mike at the parking area he asked you go inside his car and when you and Evelyn went inside his car, he turn on the engine and speed off and you did not shout and scream; why did you not shout or scream?

Weil es keine solchen SMS gibt.

A I was afraid to shout, because I was more afraid of what is going to happen the moment we reached our destination. I was afraid that he might lay a hand on me again. And, another reason was his car was tinted and so somebody from the outside cannot really see if there are persons inside the vehicle.

Warum verließen die beiden Frauen das KFZ nicht an den unzähligen möglichen Anzeichen, Stoppschildern, Staus nicht? Und schrien um Hilfe?

tinted

Warum wird immer das Gleiche gefragt. In jeder Anhörung?

PP V THOMAS MICHAEL RUHLAND
CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

-8-

ATTY PABRIAGA

You also said that when you arrived at Queensland and when you stepped out of the car Mike held your hand, was it possible for you to get away from him at that time?

ATTY TOLENTINO

Objection, Your Honor, that is very leading.

ATTY PABRIAGA

I will reform, Your Honor. When Mike held your hand when you stepped out of the car, can you please explain why during cross examination you said you were not able to get off from him.

ATTY TOLENTINO

Same objection, Your Honor, leading, Your Honor.

ATTY PABRIAGA

During that time that Mike held your hand when you stepped out of the car, what did you do, if any?

Wenn ich Jenny Baran an der Hand fest hielt, wie soll ich dann eine Tasche voller Wäsche, eine Spiegelreflexkamera, eine Video-Kamera, einen Koffer mit Schuhen, drei Bettdecken, zwei Handtücher und vier Porten braucht Agenden 12/12

WITNESS

A I tried to resist of Mike's grasps of my hands.

In the hearing before, she said;

She go up head on head with Evelyn and

COURT *I was behind.*

Page 16 of Evelyn

Q And, what came into your mind in that situation?

A What it came into my mind was Mike was again going to take pictures of me naked, Your Honor.

ATTY PABRIAGA

Q You also said that while going into the room, Mike was at your back while going up at the stairs to the room, what did you do, if any, after that?

A I kept looking at my back but it seems Mike was guarding me so I instead followed Evelyn who was going ahead of me.

*Ich habe halte noch ihre Hand fest
und trage eine Tonne Sachen 2/21*

Q During the last hearing, Atty. Tolentino, asked you to identify a picture of a woman from the NBI, my question is when did you actually know that this woman is from the NBI?

Es arbeitet ein Verwandter von

A On February 02, 2011 when she entered Queensland Motel when we were rescued already.

*Teofilo Calaycas und Jenny Baren
im NBI.*

Q And, why did you know that she is from the NBI?

*Man erinnert sich, ich soll gerade ca. eine Tonne Dinge
tragen.*

WITNESS

A I learned that she was from the NBI when the NBI people pushed opened the door so that they could enter the room and when they shouted, "NBI, NBI".

NBI (pushed) stößt die Tür auf.
Warum ist dann die Tür nicht
ATTY PABRIAGA kaputt?

Q You also said during cross examination that you know that your father asked somebody to follow you, my question is, when did you actually know about this fact?

A When they already entered Queensland and I saw my father there.

Woher wurde dann, daß
NBI, wo wir uns be-

Q When you saw your father there, were there any other people with him, if any?

finden und aus ca. 100
möglichen Räumen aus

A They were people from the NBI whom I really do not know them.

Antrieb das richtige
Zimmer heraus - fanden?

Q By the way, this woman from the NBI, when was the first time that you meet her or saw her?

A On February 02, 2011 when they rescued us.

Ihr nicht-Vater aber schon
vor dem 2.2.2011.

Wo ist dann ein danger in delay
oder eine Rescue operation gegeben?
Warum kein Haftbefehl
von einem Richter?

Wenn Jenny und Evelyn vor dem 2.2.11 niemals Kontakt hatten mit dem NBI, woher hatte dann
das NBI meine Handynummer, die diese den BKA übergab? Weder ich, noch meine LG oder mein plp.
Anwalt Telesio übergab jemals meine Handynummer ans NBI. Das NBI hat weder
die Handys der beiden Frauen, noch mein Handy beschlagnahmt.

Auch nicht eine Telefonüberwachung beantragt.
Die beiden Handys, sind nach deren Aussagen kaputt

PP V THOMAS MICHAEL RUHLAND
CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

ATTY. PABRIAGA

Q Last hearing also, Atty Tolentino asked you, showed you your pictures smiling, can you please explain to us why are there pictures of you naked and smiling?

WITNESS

A Those were not the only pictures taken the ones were I was smiling. There were also some pictures were I was frowning some even showed that I was even bending down my head. I was already surprised when I saw that only these pictures were I was smiling were shown. Mike instructed me to smile then after a while I would frown again then he would tell me again to smile.

But her English is only little and she said I instructed her to smile. Stand me? Strange. Why did you follow Mike's instructions to smile?
Also muß wohl das NBI Bilder gelöscht haben und oder Bilder getätigt haben!
Because he told me to smile even if I was already in the verge of crying but he seems to be angry so I'll have to smile because he told me so.

Q Do you remember when were these pictures of you taken, naked?

Es wird vom 2.2.2011 gesprochen und sie kann sich nicht daran erinnern wann diese Bilder gemacht wurden 2!?!?

A I cannot recall.

Hat das NBI gar schon vor dem 2.2.2011 die Bilder als "Beweis" getätigt?
Halten die uns alle für Deppen?

Warum drückt das NBI dann nicht alle Bilder aus?
Sondern nur auf denen wo Jenny freiblick ist?

Verarschen kann ich mich selber?

PP V. THOMAS MICHAEL RUHLAND

- 12 -

CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

ATTY PABRIAGA

That would be all, Your Honor.

COURT

Can you have your re-cross now?

ATTY TOLENTINO

Can I do my re-cross next session, Your Honor. I'm going to the Consular Office of China to get my Visa.

COURT

Okay, you prepare the other witness so that after the re-cross, he can also conduct the cross examination on the second witness.

ATTY PABRIAGA

Yes, Your Honor.

ATTY TOLENTINO

Thank you, Your Honor.

PP V. THOMAS MICHAEL RUHLAND

CRIM. CASE NO. CBU-91623

June 27, 2011

TSN - Espartero

- 13 -

Das war eine wahnsinnige

COURT Anhörung

von ca. 30 Minuten.

Krass

Since counsel for the accused has another professional engagement to attend to, he will be conducting the re-cross examination on ...

ATTY PABRIAGA

July 04, Your Honor, as previously scheduled.

ATTY TOLENTINO

Yes, Your Honor.

COURT

The Prosecution shall make ready the second witness for initial cross examination after the re-cross.

Okay, session adjourn.

ATTY PABRIAGA

Thank you, Your Honor, permission to leave, Your Honor.

PP V THOMAS MICHAEL RUHLAND
CRIM. CASE NO. CBU-91623
June 27, 2011
TSN - Espartero

ATTY TOLENTINO

Thank you, Your Honor, permission to leave.

COURT

Granted.

X

Certification

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

Cebu City, Philippines, June 27, 2011.

Beatriz Cua-Espartero
Beatriz Cua-Espartero
Court Stenographer III