

IX.

July 4, 2011  
Jenny

REPUBLIC OF THE PHILIPPINES  
SEVENTH JUDICIAL REGIONAL TRIAL COURT  
BRANCH 24, CEBU CITY

THE PEOPLE OF THE  
PHILIPPINES,  
Plaintiff,

CRIM. CASE NO. CBU-91623

- versus -

FOR: VIOL. OF RA 9208  
(QUALIFIED TRAFFICKING)

THOMAS MICHAEL RUHLAND,  
Respondent.

x - - - - - /

TRANSCRIPT

DATE OF HEARING: JULY 4, 2011

EVIDENCE FOR THE PROSECUTION

TESTIMONY OF JENNY BARAN

UNDER THE SAME OATH

RECROSS EXAMINATION

EDGARDO Y. BACATAN  
COURT STENOGRAPHER III

REPUBLIC OF THE PHILIPPINES  
SEVENTH JUDICIAL REGIONAL TRIAL COURT  
BRANCH 24, CEBU CITY

THE PEOPLE OF THE  
PHILIPPINES,  
Plaintiff,

- versus -

THOMAS MICHAEL RUHLAND,  
Accused.

x - - - - - /

CRIM. CASE NO. CBU-91623

FOR: VIOL. OF RA 9208  
(qualified trafficking)

T R A N S C R I P T

of the stenotype notes of the above-entitled  
case taken down by the undersigned Court  
Stenographer III during its hearing in the  
session hall of RTC Branch 24, 3rd Floor,  
Palace of Justice, Capitol, Cebu City, on  
JULY 4, 2011.

BEFORE:

1. HON. OLEGARIO R. SARMIENTO JR. - Presiding Judge.

ASSISTED BY:

1. MRS. MA. LUCIA PADILLO-PADONGAO - Court Interpreter.

2. MR. EDGARDO Y. BACATAN - Court Stenographer III.

APPEARANCES:

1. ASSOC. PROS. ATTY. HYACINTH T. JADRAQUE - For the  
State.

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

3. ATTM. ALEX DP TOLENTINO - For the Defense.

WHEN THIS CASE WAS CALLED FOR HEARING:

ATTY. PABRIAGA:

Respectfully appearing as private prosecutor.

*mt*

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PROS. JADRAQUE:

Appearing as Public Prosecutor, Authority is given to the Private Prosecutor to conduct the active prosecution of this case under my direct control and supervision.

ATTY. TOLENTINO:

Appearing for the Accused. We are ready to do our recross.

ATTY. PABRIAGA:

Before we proceed, Your Honor, I have one correction, Your Honor, on the Transcript of Stenographic Notes taken on June 27, 2011. In the last answer "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 tainted and so somebody from the outside cannot really see if there are persons inside the vehicle." The word "tainted" should be "tinted".

COURT: Kann ich einige Dinge ändern?

Page? Oder dürfen das nur die Philippinas?

ATTY. PABRIAGA:

Page 7.

COURT:

Authority is granted to make the necessary correction with the word "tainted" to "tinted". Okay, recross now.

ATTY. TOLENTINO:

What are the differences?

May it please the Honorable Court.

COURT:

Go ahead, proceed.

Can we also correct when we don't like anything?

RECROSS EXAMINATION

BY ATTY. TOLENTINO: (To Jenny Baran)

Q Good afternoon again, Jenny. Let's start  
Ist es jetzt ganz sicher Jenny? Nicht Janelyn? gr

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RECROSS - JENNY BARAN

ATTY. TOLENTINO: (continuing to witness)

with page 7. You said on February 2, 2011  
it was Mike who texted Evelyn so that you  
can see Mike again, is this correct?

WITNESS:

A Yes, sir.

ATTY. TOLENTINO: (To witness)

Q Now, did you preserve that text messages  
received by Evelyn from Mike?

A I am not sure if Evelyn was able to save  
or she deleted that message.

Q Now, you, yourself, you already have a  
cellphone at that time, February 2, 2011?

A Yes, sir.

Q And Mike did not text you instead of texting  
to Evelyn, is that correct?

A Mike did not send me a text message because  
my number is Sun Cellular number while his  
number is Smart.

Why will a Smart phone not be able to send  
a text message to a Sun subscriber?

A I do not know, sir. *Gehs noch blöder?*

COURT: (To witness)

Q Do you know the number of Evelyn? What  
network?

A It was a Smart, Your Honor.

ATTY. TOLENTINO: (To witness)

Q But you have given Mike your cell number?

A No, I did not.

Q Now, during that time on February 2, 2011,  
you have your cellphone at that time?

*Mann kann diese SMSs  
auch über den Handy-  
provider herausfinden.  
Wenn es solche SMSs je gegeben haben sollte.*

*Kann man vergleichen also  
keine SMS von D1  
nach E-Plus senden?*

*gg*

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RECROSS - JENNY BARAN

WITNESS:

A Yes, sir.

ATTY. TOLENTINO: (To witness)

Q Did you bring that be, I mean, did you bring that cellphone with you at that time?

A Yes. *Warum hat dann der FBI dieses Handy nicht als Beweis eingeschaltet?*

Q Now, as you said you went to see Mike because according to you Mike will personally apologize to you?

A Yes, sir.

Q Now, did he apologize to you?

A No, he did not.

Q But despite the fact that he did not apologize to you, you still went inside his car together with Evelyn?

A Because he said that he wanted me to get inside the car first, that we will just talk inside the car.

Q And when you went inside the car, were you able to talk? *Spätestens nach fünf Metern muß man*

A No, he speed off. *hatten um sich in den asiatischen Dauerstau einzufügen*

Q By the way, where did you sit inside the car?

A At the back. *Und beiden wäre es nicht möglich gewesen an dem Auto flüchten?*

Q And where was Evelyn? *Ampeln, Verkehrsschildern,*

A In front. *Staus usw.*

*Sind alle nur blöd oder bin die nur so?*

Q And since Mike speed away with the car, you said because the car was tinted nobody can see you, you never shouted, ask for help, is that so?

A Not only that but I was also afraid that in the event that we reached our destination, he might lay a hand on me.

*Beide Frauen sind immer und ständig verängstigt und kommen zum Treffen !!!*

*Wenn jemand Angst hat, dann kommt er auch nicht freiwillig zu einem Treffen, wo er böses zu erwarten hat.*

*gjd*



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REGROSS - JENNY BARAN

ATTY. TOLENTINO: (To witness)

Q What really happened is that you never shouted for help?

A No, sir.

Q Now, you were at the back seat of the car when the car speed away. Did it not occur to your mind to use your cellphone to ask for help?

A My cellphone had no load then.

Q So, because your cellphone has no load, did it not occur to you to open the window the window of the car since you were left behind in the car alone in the back seat?

A No, sir, because I don't know how to do that.

Q You don't know how to open a window of the car?

A No, sir.

Q You don't know how to open?

A No, sir. Sie kann alleine

Q Now, Evelyn was in front of the car. Did you ask Evelyn please text somebody to help me because we are in trouble here?

A Actually it did not really enter my mind. I was really afraid during that time.

Q So because you were just afraid, you did not shout, you did not open the window of the car, you did not send any text message to any of your relatives or friends, you did not ask Evelyn to also text somebody to help you because as you said you were in trouble, is that correct?

A Yes, sir.

Sie weiß aber wie man Messer und Gabel benutzt!

She knows how to use a CR?

Die beiden Frauen sprechen beide Cebuano und Tagalog, was ich nicht spreche und auch nicht verstehe und beide können keine Hilfe anrufen oder das

Fenster oder die Autotür öffnen um Hilfe herbeizurufen?

Ich hoffe Jenny Baran kann ohne fremde Hilfe essen und atmen.

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RECROSS - JENNY BARAN

ATTY. TOLENTINO: (To witness)

Da war ich im Ayala  
Kaufhaus zum Stammtisch  
mit Freunden und  
Freunden.

Q: Let's just go to the January 5, 2011 incident.  
On January 5, 2011, as you said in your  
redirect examination, you met Mike together  
with Evelyn?

A Yes, sir.

Q In fact, as you said, you went to Pooch Beach  
to have some pictures taken?

A Yes, sir.

Q You were the one who likes to see Mike at  
that time, during that time January 5, 2011?

Warum kann keiner diese  
angeblichen SMS vor-  
zeigen? Die Frauen  
nicht, das NBI nicht,  
der Staatsanwalt nicht  
und auch nicht der  
Telefon provider?

A It was Mike who sent a text message to Evelyn  
asking if she could see me because he wants  
to meet me.

Q And again, that text message received by  
Evelyn was not preserved and shown to this  
Honorable Court, is that right?

A I did not know, sir. I forgot.

Q You could not show that anymore to this  
Honorable Court that that text message?

A I do not know, sir. Weiß Jenny irgendwas?

Q Now, as your said, you again went to see  
Mike together with Evelyn on January 12  
because as you said you would like to be  
formally introduced to Mike, am I correct?

A Actually we were already introduced to each  
other even on January 5, 2011. But then  
again, on January 12, Mike sent a text  
message to Evelyn telling us that he wants  
to meet us again because he wants to go  
somewhere else.

Q So, this story of yours which states that  
you would like to see Mike again, to be  
formally introduced, is no longer correct?

ep

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RECROSS - JENNY BARAN

ATTY. PABRIAGA:

*Da war ich in Ayala Kaufhaus mit Freunden  
und Zeugen.*

Misleading, Your Honor. There was no  
mention that it was January 12, 2011.  
It was on January 5, 2011 actually that  
we were formally introduced.

COURT:

Go to another question.

ATTY. TOLENTINO:

I stand corrected, Your Honor. It's  
January 5, 2011.

*Wo sind all die Zeugen Q  
von Sto. Nino Church  
und Poo Beach? A  
Beide Orte sind über-  
füllte Touristenplätze. Q*

The January 5, 2011 is no longer true that  
you would like to be formally introduced  
because as you said you would like to go out  
with Mike, is that correct?

Well, what he said was he wants to be  
introduced formally to me. After the  
introduction, we will be going out.

And instead you went out, in fact, you  
went to the area of Sto. Niño Church?

No, at Poo Beach.

And on January 12, you went to Sto. Niño  
Church?

Yes, sir. *Vom 18.1-27.1.11 war ich auf der Nachbarinsel  
Bohol bei*

Now, on January 19, you said it was Mike  
who gave to Evelyn a Razor and asked  
Evelyn to tell you what to do with the  
razor, is this correct? *Freunden  
mit Zeugen, wird  
aber seit Februar  
2011 ignoriert.*

Yes.

And, in fact, you even said that Evelyn  
acted as the interpreter and Evelyn relayed  
to you the instructions in the local dialect,  
is this correct? *Von Richter und DB*

Yes, sir.

*Aber auf der nächsten Seite  
sagt sie aus, daß sie  
nur ein "little" Englisch spricht!  
Was nun?*

*Sie sagt, daß sie kein Q  
Englisch kann. Woher weiß sie  
dann, was ich zu Evelyn ge-  
sagt haben soll? A  
Wo ist der Rasierer auf  
den DB Fotos? Q  
Da ist keiner zu sehen! A*



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RECROSS - JENNY BARAN

ATTY. TOLENTINO: (To witness)

Q Why? Can you not understand English?

A Only a little.

Q You can understand English?

A I can but only a little.

Q And you communicated with Mike in English words?

A No, actually when I communicated with Mike I do it through Evelyn who acted as the Interpreter because I was ashamed.

Q Why? Evelyn knows how to speak English?

A Yes.

Q What is the educational attainment of Evelyn?

A I don't know, sir.

Q And how about you?

A Second year highschool.

Q And your medium of instruction in your school is English, is that right?

A Sometimes in Cebuano dialect, sometimes in Filipino.

Q In your school, English is not taught?

A Yes, of course, the subject is also taught.

Q So you can understand English?

A Yes, a little.

Q And, in fact, you can even speak English?

A Only a little also.

Woher will Jenny dann wissen, was ich mit Evelyn gesprochen haben soll?

Jenny weiß nicht wirklich recht viel!

ep

RECROSS - JENNY BARAN

ATTY. TOLENTINO: (To witness)

Allein aufgrund von Gesichtsausdrücken von mir hat Jenny ihre Kleidung  
ausgezogen. Getts noch blöder im Gesicht, oder ist das schon  
die höchste Stufe der Deppigkeit?

Wenn ich meiner kleinen Tochter eine mündliche Aufgabe erteile, bekomme  
ich schon Widerstände, daß sie jetzt überhaupt keine Zeit hat.

Q Aber Jenny zollt aufgrund von Gesichtsausdrücken ihre Kleidung aus?!

Q Now, on January 19, you removed your clothes and then you even removed your panty because you said you were afraid of Mike, is this correct?

A Yes, sir.

Q Mike, at this point in time, did not only showed an angry face, is that what you are saying?

A Sometimes he smiled whenever I obeyed his instructions.

Q But at this point in time, you removed your clothes, you removed your panty, you were just looking at him at his angry face and you just removed everything?

A There were also instances when he smiled.

Q And so, because he smiled, you removed your clothes first?

A No. Actually, sir, whenever I did not obey his instructions, he would get mad at me; he would show an angry face. So, whenever I obeyed his command, that is when he smiled.

Q And when you removed your clothes, he smiled. Then you removed again your panty, again he smiled?

A No, not yet. But when he ordered me to remove my panty and I hesitated and I did not immediately obeyed, that is when he becomes angry at me and again he started to approach me, I removed my panty.

Q Mike never boxed you nor threatened you when you removed your panty?

A No, sir.

ATTY. TOLENTINO:

That will be all, Your Honor.

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ATTY. PABRIAGA:

Actually, Your Honor, this case is also  
scheduled on August 1, 2011 for the cross  
examination of our witness Evelyn Asentista,  
Your Honor.

COURT:

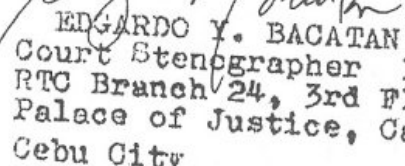
Okay, so August 1, 2011 at 2:00 P.M.

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C E R T I F I C A T I O N

THIS IS TO CERTIFY that the foregoing  
Transcript of Stenographic Notes is true and  
correct to the best of my knowledge and ability.

Cebu City, Philippines, July 4, 2011.

  
EDGARDO Y. BACATAN  
Court Stenographer III  
RTC Branch 24, 3rd Floor,  
Palace of Justice, Capitol,  
Cebu City

Auch wieder eine sterrige Anhörung von ca. 30 Minuten.  
Wann werden wir wohl mal eine echte Anhörung durch-  
ziehen?