

X.

AUGUST 1, 2011

Evelyn

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 SECTION 4(e) IN  
REL. TO SECTION 6(a) OF  
RA9208 (QUALIFIED TRAFFICKING)

THOMAS MICHAEL RUHLAND,  
Accused.

x - - - - - /

T R A N S C R I P T

DATE OF HEARING: AUGUST 1, 2011

EVIDENCE FOR THE PROSECUTION

TESTIMONY OF EVELYN ASSENTISTA

UNDER THE SAME OATH

1. CONT. OF DIRECT EXAMINATION

2. CROSS EXAMINATION

EDGARDO Y. BACATAN  
COURT STENOGRAPHER III

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

THE PEOPLE OF THE  
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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  
AUGUST 1, 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. PROB. ATTY. JENNELYN FORROSUELO - For the State.

2. ATTY. JO ANN SUAREZ-PABRIAGA - For the Private Pros.

3. ATTY. ALEX D. TOLentino - For the Accused.

WHEN THIS CASE WAS CALLED FOR HEARING:

ATTY. FORROSUELO:

For the State, Your Honor.

ATTY. PABRIAGA:

For the Private Complainant, Your Honor.

*mg*

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Evelyn Asentista?  
Wer nun? Asintista, oder  
Asentista, oder  
Macasling?

ATTY. TOLENTINO:

For the accused, Your Honor.

COURT INTERPRETER: Hier wird der Nachname "Asintista" als

The witness EVELYN ASENTISTA, now under the same oath, will be testifying on cross examination. Asentista ausgesprochen!

ATTY. PABRIAGA: Was nun Asintista oder Asentista oder

Kein Nachweis vom NSO. Es wird einfach behauptet es sei vom NSO. Your Honor, please, before the cross examination of Atty. Tolentino, may I be allowed to have the witness identify her Certificate of Live Birth from the NSO, Your Honor. doch Macasling?

NSO. COURT: Wo ist eigentlich die Bestätigung vom NSO, Go ahead. daß die Identitätsnachweise vom NSO ausgestellt wurden? Nichts dergleichen

EVIDENCE FOR THE PROSECUTION  
TESTIMONY OF EVELYN ASENTISTA  
(UNDER THE SAME OATH) wurde je vorgelegt.

CONTINUATION OF DIRECT EXAMINATION

BY ATTY. PABRIAGA: (To witness)

Wo ist der Nachweis? Showing to you this Certificate of Live Birth of Evelyn Asentista born on April 22, 1996, is this your Certificate of Live Birth?

Keine Bestätigung oder A Atty. PABRIAGA: Yes, sir. Habe ich bis heute nicht einsehen dürfen und keine Kopie, sowie med. Gutachten für keine Verurteilung.

Nur eine Kopie!

May I ask, Your Honor, that this Certificate of Live Birth, no, Your Honor. May I ask, Your Honor, that the Baptismal Certificate, the photocopy of which was provisionally marked as our EXHIBIT "E", Your Honor, be transferred, the marking be transferred to the original NSO Certificate of Live Birth.

COURT: <

Auch im "neuen" Birth Certificate wird nicht Asentista aufgelistet, sondern Asintista. Ebenso auch keine Macasling.

Haber hier wird eine Asintista befragt?!?! Hat das Gericht nun bald die richtigen Evelyns oder Jennys? Oder braucht das Gericht und Staatsanwalt noch Zeit, um weitere Unterlagen zu fälschen und auszutauschen?

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EVIDENCE FOR THE PROSECUTION  
EVELYN ASIENTISTA (SAME OATH)  
CONT. OF DIRECT EXAMINATION

ATTY. PABRIAGA: Die Eltern können die original Geburtsurkunde nicht mehr auffinden? Gibt's keine Abschrift?

Because the original Baptismal Certificate cannot be produced by the parents anymore, Your Honor.

COURT:

What was it? A faked copy?

Okay. So it will be substituted or sub-marked, the baptismal certificate.

ATTY. PABRIAGA:

Was ist dann mit den Aussagen und Affidavits wo Asintista und Macasling angelistet ist?

Transferred, Your Honor. The exhibit be transferred to the Certificate of Live Birth. So, the Certificate of Live Birth be now marked as EXHIBIT "E" and the name Evelyn Tundag Asientista be marked as our EXHIBIT "E-1" and the Date of Birth - April 22, 1996, be submarked as EXHIBIT "E-2". That will be all, Your Honor.

COURT:

Wieder wird nachträglich etwas ausgetauscht und verändert. Bis nach Jahren irgendwann, irgendwie The witness is now ready for cross examination.

ATTY. TOLENTINO: etwas passt?

May it please the Honorable Court.

COURT:

Werden durch diese Unterlagen austauschaktionen, das Alter der beiden Proceed. Frauen nach unten gefälscht? Bis alles passt?

CROSS EXAMINATION

BY ATTY. TOLENTINO: (To witness)

Q Good afternoon, Evelyn, you just presented today your Certificate of Live Birth showing that you were born on April 22, 1996, is that right?

A Yes, Mam. I mean, yes, sir.

Q And your parents happened to be Elizabeth Tundag and your father happens to be

Bei der Anhörung am 23.5.11, war Asentista noch Asintista (Seite 4, 23.5.11). Jetzt wird eine inkomplette Identität getauscht. Was ist mit der Geburtsurkunde, wo Asintista benannt wird. Ist das dann eine Fälschung?

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EVIDENCE FOR THE PROSECUTION  
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CROSS EXAMINATION

ATTY. TOLENTINO: (continuing)

Naning Asentista, is that right?

WITNESS: *Aber in der Geburtsurkunde ist es immer noch Asentista.  
Was soll der Scheiß?*

A Yes, sir.

ATTY. TOLENTINO: (To witness)

Q And your father is working as a vegetable  
farmer, is that right?

A Yes.

Q How about your mother, does she have any  
work?

A Vending.

Q And where does she sell her items?

A In Colon Street.

Q And what does she sell?

A "Kakanin" or local delicacy such as "linusak".

Q There are how many of you in the family?

A Four (4).

Q And you happenes to be the eldest?

A Yes, sir.

Q But it says here in your Certificate of  
Live Birth you are the third in the  
birth order?

A Before my mother got married to my father,  
she had a son although that son is not living  
with us anymore because he is already married.

Q And the father of that son is not your  
father?

A No, another man.

*Also auch nicht der leibliche Vater, wie bei Janny  
oder Evelyn?*

*Wenn sie die älteste  
ist. Warum unterschreibt  
dann ihr minderjähriger  
Bruder den Affidavit  
und nicht ihr erzieh-  
ungsberechtigter Vater?*

(Seite 13)

In der Anhörung am 23.5.11, sagte Evelyn aus, daß angeblich ich, Jenny oder Jenelyn und Evelyn (Asistentin, Asistentin oder Macasting) und Mary Ann Bajac am 5. Januar, 2011 zusammen am Poo Beach waren. Wie geht das, obwohl Evelyn nun aussagt, daß

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Mary Ann Bajac umgezogen ist und der Aufenthaltsort nicht mehr bekannt ist.

/ Wird man hier nur verarscht?

EVIDENCE FOR THE PROSECUTION  
EVELYN ASENTISTA (SAME OATH)  
CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Und keiner aus der Nachbarschaft kennt Mary Ann Bajac oder weiß wo diese hingezogen ist. Nachbarschaft auf den Philippinen, hunderte von Menschen auf engstem Raum. Eine Ansiedlung ist eine Großfamilie. Aber keiner kennt Mary Ann Bajac!

Q Now, you said that you do not know the accused in this case, Mike, until you met a certain Mary Ann Bajac, is that right?

A Yes, sir.

Q May we know who is this Mary Ann Bajac?

A She is my friend.

Q And why did you become friends?

A MaryAnn is my neighbor.

Q How old is Mary Ann Bajac, if you know?

A 18 coming 19.

Q And where does Mary Ann Bajac live?

A She used to reside in Dumlong but now, not anymore.

Q And where is Mary Ann working, if you know?

A I don't know anymore where she works.

Q But before this incident happened, do you know where Mary Ann works?

A She had no work then.

Q And you said she is your neighbor?

A Yes.

Q How close is your house from her?

A Very close.

Q And this Mary Ann Bajac is still living near your house?

A Not anymore.

Welch wundersame Welt? Verarschen kann ich mich selber.



EVIDENCE FOR THE PROSECUTION  
EVELYN ASENTISTA (SAME OATH)  
CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Q So, it was Mary Ann Bajac who introduced you to the accused somewhere at Gaisano Tabunok, is that right?

A Yes, sir.

Q And do you know that you are going to be meeting a foreigner from information relayed to you by Mary Ann Bajac?

A At first I did not know that I was going to be introduced to a foreigner. The first thing that she told me that she is going to bring me to Gaisano Tabunok and she will be meeting someone there.

Q And then from there, you were introduced by Mary Ann Bajac to the accused?

A At first, not yet.

Q Was there a second time you were able to meet and then introduced?

A The first time Mary Ann brought me to Tabunok and she met up with Mike, she did not introduce me to Mike yet. The second time, she already introduced me to him, to this German national.

Q But Mary Ann Bajac was able to meet the accused and talked with the accused at Gaisano Tabunok at that time you were there?

A Yes. They met up At Gaisano Tabunok and they talked.

Q And you were just at the side, not introduced to Mike?

A Not yet.

Q But you said in your direct testimony you met Mike and then you ride his vehicle and then you went out with him. In other words,

Jeder Punkt auf den ich hinweise, der Fehler, falsche Unterlagen, usw. anfreigeht. Wird vom Gericht und Staatsanwaltschaft lenkt. Wird hier verhandelt, um die Wahrheit herauszufinden oder den Set Up vom NDI zu decken?

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EVIDENCE FOR THE PROSECUTION  
EVELYN ASENTISTA (SAME OATH)  
CROSS EXAMINATION

ATTY. TOLENTINO: (Continuing to witness)

*Auch hier Widerspruch.*

you ride his vehicle, you went out to eat, you were not introduced by the accused, is that what you are telling the Court?

WITNESSES:

*Zuerst kein Nein, dann ein Ja, dann ein vielleicht?*

A I was quiet most of the time during that meeting but it was only after we ate that I was introduced to Mike. That was already on our way home.

ATTY. TOLENTINO: (To witness)

Q So, it is not actually true during your first meeting that you were not introduced to Mike?

A On our way back home.

Q And you said you first met Mike because of the introduction done by Mary Ann Bajacsometime March 16, 2009, is that right?

A Yes.

Q Now, let me ask you why cannot you remember the date, March 16, 2009, when this was about more than two (2) years ago?

A I remember very well the date, it was March 16, 2009 because two (2) days after that March 16, 2009 it was the birthday of my friend.

Q And who was that friend who has her birthday on March 16, 2009?

A My friend Jenny Ann.

Q It's not Mary Ann Bajac?

A No, sir.

Q When did you meet the accused again on the second time?

A Another

Wednesday.



Im Jahr 2009 gab es das Restaurant „Sunburst“ im  
Gaisano Tabunok noch nicht. Dieses Restaurant „Sunburst“  
wurde nachweisbar erst im Jahr 2010 angebaud.  
Wie kann ich dann mit ihr im Jahr 2009 dort gegessen

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Diese Tatsache wird auch vom Gericht ignoriert.

EVIDENCE FOR THE PROSECUTION  
EVELYN ASENTISTA (SAME OATH)  
CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Q Was that the next Wednesday from March 16,  
2009?

A Yes, sir.

Q What is that date?

A I cannot recall anymore the date. It was  
another Wednesday, following Wednesday.

Q And then it was again Mary Ann Bajac who  
brought you to the, to meet Mike?

A Yes, sir.

Q And then you again meet Mike somewhere at  
Gaisano Tabunok, the same place you first  
met Mike?

A Yes, the same place.

Q And then you went out also and eat somewhere,  
is that right?

A Yes.

Q Where did you eat?

A Sunburst.

Q Sunburst?

A At Gaisano Tabunok.

Q And after Sunburst, where did you go?

A He made us ride his vehicle and we proceeded  
to Queensland.

Q You said that you proceeded to Queensland,  
was there an arrangement between you and  
Mary Ann that you will be going to Queensland  
together with Mike?

A It was only Mary Ann and Mike who had a talk.  
But when we reached Queensland, that is how I

Es ist nachweisbar, daß Evelyn (wer auch immer) liegt und eine  
Falschaussage macht. Wir kennen uns nicht seit zwei Jahren.  
Aber diese Tatsache ignoriert das Gericht ebenfalls.

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Q

Sunburst

not there

years ago.

Gaisano Tabunok

at on a half

ago.

Nun kann sie sich nicht

mehr erinnern.

Ich war zu keiner Zeit mit  
ihr in Sunburst.

Er geht physisch gar nicht.

I never was with her  
in Sunburst or anywhere  
else to eat.

mp

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CROSS EXAMINATION

WITNESS: (continuing)

learned the name of the place because  
before you enter the room, there was  
that name at the entrance.

ATTY. TOLENTINO: (To witness)

Q Is Marry Ann Bajac a girlfriend of Mike,  
if you know?

A It was Mary Ann who told me that Mike is  
her boyfriend.

*Also bin ich nun der "boyfriend" von Mary Ann Bajac und Evelyn Agentista?*

Q And you believed that statement coming from  
Mary Ann? *OK, wer noch?*

A I believed because that is what she told  
me and I also have no knowledge if that  
is true.

Q Can you describe to us Mary Ann?

A Dark skinned, short and has a long hair.

*Das sind ca. 3 Milliarden Asiaten*  
Q Is her face perfectly balanced?

ATTY. PADRIAGA:

Are you asking for opinion, Your Honor?  
What is balanced?

ATTY. TOLENTINO:

*Hey, you're asking me for an opinion  
of a witness*  
Perfectly balanced, well-formed.

WITNESS:

A Normal like us but she is taller than I am.

ATTY. TOLENTINO: (To witness)

So, it was Mary Ann Bajac who recruited  
you to meet Mike, is that what you are  
impressing upon the Honorable Court?

Yes. She, herself, told me that she knows  
a German national.

*Von wem weiß ich  
eigentlich jeder, daß ich  
"German national" bin?*

*Ich habe mich weder Mike genannt, noch meinen Reisepass runtergesehen.*

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EVIDENCE FOR THE PROSECUTION  
EVELYN ASIENTISTA (SAME OATH)  
CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Q Now, you are saying here in your direct testimony that you are one of the complainants in this case against Mike, am I right?

Aber am 5.1.11 waren

Yes, sir.

Wir alle zusammen

am Beach mit

Q Now, since it was Mary Ann Bajac who was the one who recruited you to meet Mike, are you also complaining against Mary Ann Bajac?

Mary Ann Bajac?

noch 6 Lieder?

A No, sir, because she does not live in Talisay anymore. In fact, the person from the NBI were also looking for her. They asked me about her whereabouts but I told them that I don't know anymore where she is residing.

NBI

ng her?

Q Is it not a fact that you prepared an Affidavit in connection with this case?

NBI person?

A Yes, sir.

Q Did you incorporate in that affidavit regarding Mary Ann Bajac as a recruiter?

Warum werde dann ich der Hausdenhandels angeklagt?

A Yes, it was mentioned in my affidavit.

Q So it's mentioned in your affidavit a certain Mary Ann Bajac, it's not Baja?

A Bajac. Wer ist dann nun Baja und wer Bajac? Interviewant dies alles dem Gericht nicht?

Q Now, did it not occur to you that you should also be making a complaint against Mary Ann Bajac?

Und hunderte von

Nachbarn

A It did but when the NBI ASKED ME about Mary Ann, I could not give them about any address anymore because I don't know anymore about Mary Ann. Ach, deswegen werde ich angeklagt, weil Mary Ann Bajac nicht mehr auffindbar ist.  
Q And so, as far as this case is concerned, you did not include Mary Ann Bajac as one of the accused in this case?

g. wissen es auch  
ne nicht. ?!?! ←

Jenny Baran sagte aus, daß ich Anfang Januar alle drei Frauen getroffen haben soll. Mary Ann Baja oder Bajac, Evelyn Asientista oder Asentista oder Macasling und Jenny Baran. Sind sich die sogenannten Zeugen mal einig? Wer, Wen, Wo und Wie? Oder will das Gericht diesen Satz nicht wahr haben?

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CROSS EXAMINATION

WITNESS:

*Derwegen hat der NDI dann den Set Up an  
mir durchgeführt ?!?!?*

A No, sir.

ATTY. TOLENTINO: (To witness)

Q And then you went inside Queensland Hotel  
and you said you were helping to take along  
with you some things of Mike in going  
upstairs, is this true?

A Yes.

Q And then when you were already upstairs,  
you were told by Mary Ann to take a bath  
because Mike is going to take pictures of  
you?

A Yes, Mary Ann told me that.

Q And did you take a bath?

A Yes, I did.

Q And all along, Mary Ann was there when you  
took a bath?

A She was in the big room.

Q And you were in the small room?

A I was in the bathroom when Mary Ann was  
in the big room.

Q And where was Mike, in the big room also?

A Yes.

Q And then after you finished taking a bath  
then you were told that you will become a  
model because Mike is going to take pictures  
of you?

A Yes, that is what Mary Ann told me that  
Mike will take pictures of me like a model.

*Wenn dies alles so gewesen sein sollte, warum stoppt  
Evelyn dies nicht?*

*est*

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EVIDENCE FOR THE PROSECUTION  
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CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Q Before going to Queensland, was there some agreement between you and Mary Ann that you will be acting like a model?

A She did not tell me that yet. She only told me that when we were already in a room in Queensland.

Q Now, you were quite young at that time. Why did you agree to become a model when there was no agreement at all between you and Mary Ann?

A During that time, I was not yet aware of the things that Mike was going to dictate to Mary Ann. Mary Ann also did not tell me.

Q Did you not tell Mary Ann why should I do this when we did not agree about this?

A Mary Ann just told me to follow whatever Mike's order were and not to be afraid because she was just around.

Q So you take orders from Mary Ann, not from Mike?

A At first I did not understand that Mike will especially with his work. It was only him and Mary Ann who talked.

Q So, it was really Mary Ann who gave order to you, not Mike?

A When I was told to take a bath, it was Mary Ann's order. But when I was already told to pose like a model, the order directly came from Mike on what particular poses he wants me to strike.

Q You were told to take a bath, you were told to dress like a model and then pictures of you will be taken like you're a model, have you ever done this before?

A Before Mike?

Wenn dies alles so gewesen sein sollte,  
Warum folgte sie dann alles, wenn sie dies  
nicht wollte?

*gr*



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CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

Q Yes?

A Not yet, sir. That was the first time.

Q So you, you have no experience to become a model?

A Yes.

Q Did you not tell Mary Ann why should I be a model when I don't have any experience?

A Not anymore because it seems that Mary Ann was already getting angry when I was already asking too many questions.

Q So what if Mary Ann will be angry when you don't have any experience. In fact, you were told to take a bath first. Did you give that complaint to Mary Ann why should I be doing this?

A At first I really felt bad because of what Mary Ann have done. I even stopped schooling because of the things she had me done or she told me to do.

Q So you were angry at Mary Ann?

A Yes, I was angry at her especially during those times when she came to me in school and told me that Mike wanted to see me. So I was forced to skip classes without the knowledge of my parents. *dan ich immer Beschwerde, bezahlen die Eltern das Schulgeld nicht mehr. Was nun?*

Q And despite the fact that you were angry with Mary Ann, you still go out with Mary Ann together with Mike, is that what you are telling us?

A Eventually my anger towards Mary Ann, I just let it passed because eventually I agreed with her because Mike was already giving money.

Zuvor sagte Evelyn aus, A  
daß sie die Schule nicht  
mehr besucht, da kein  
Geld mehr von ihren  
Eltern kommt. Und nun  
auf Anraten von ihrer  
Freundin Mary Ann  
Bajac oder Baha.  
Wann werden die Wider- A  
sprüche mal vom Gericht  
wahr-genommen?



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CROSS EXAMINATION

ATTY. TOLENTINO: (To witness)

*Evelyn sagt auch aus (liegt), daß sie mit mir über Facebook in Kontakt steht. Erstens bin ich nicht diese "Mike", daß Evelyn angibt und zweitens sind auch keine Bilder von ihr in diesem Facebook-Profil aufzufinden. Diese Falschaussage wird ebenfalls vom Gericht ignoriert.*

- Q It was Mary Ann who gave the money or it was Mike who gave the money
- A The P500.00 was given by Mike to Mary Ann. It was already Mary Ann who handed to me that money.
- Q How much money?
- A P500.00.
- Q Have you seen how much money was given to Mary Ann by Mike?
- A No, I did not.
- Q So the money, it is possible that what was given to Mary Ann was a little bit bigger amount but only P500.00 was given to you?
- A I really do not know how much money was given by Mike to Mary Ann.
- Q So, all along, pictures were taken of you at the Queensland Hotel by Mike in several occasions, is that right?
- A Yes, Mam.
- Q Now, were you able to take a copy of your picture which was taken by Mike?
- A No, sir.
- Q Did you ask Mary Ann to supply you a copy of that pictures taken by Mike?
- A Mary Ann did not tell us that.
- Q Did you not ask Mike also to give you a copy of the pictures?
- A There was a time when I asked Mike a copy of my pictures but he told me that he was just going to upload it in the Facebook.

*Ich habe kein Facebookaccount. Das Profil, daß Evelyn später angibt, zeigt einen männlichen Facebookuser mit dem Namen Mike. Dies bin nicht ich, aber das Gericht macht trotz Lügen und Falschaussagen weiter.*

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EVELYN ASENTISTA (SAME OATH)  
CROSS EXAMINATION

WITNESS: (continuing)

We kept on waiting but those pictures weren't uploaded in the Facebook.

ATTY. TOLENTINO: (To witness)

Q So, up to this time, you do not have any picture, the one that was taken by Mike, that you can show to this Honorable Court?

A None at all, sir.

Q You could not also show to this Honorable Court any P500.00 that you have received from Mike, several P500.00 which were received by you according to you?

A No, sir.

COURT:

Can I ask question?

Q Were these pictures taken of you when you were naked?

A Yes, there were, Your Honor.

COURT:

Continue. No, wait.

Q And do you expect Mike to upload that in the Facebook when the pictures depicted that you were naked?

A What I was really expecting, Your Honor, was that he was going to give me copy of the pictures when I have clothes on. That is the one I was waiting.

COURT:

Okay. Continue.

Wer ist dieser Mike in Facebook? Warum wurde hier nicht nachgefragt? Was macht das UBI und die Staatsanwaltschaft, außer nichts?

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x - - - - - /

ATTY. TOLENTINO:

Your Honor, may I ask for continuance,  
Your Honor, since there are other cases?

COURT:

Granted. When?

COURT INTERPRETER:

August 22, 2011 at 2:00 P.M. as previously  
scheduled.

ATTY. TOLENTINO:

We will ask for more settings, Your Honor.

COURT INTERPRETER:

Additional settings on September 19, 2011  
and October 10, 2011, both at 2:00 in the  
afternoon.

COURT:

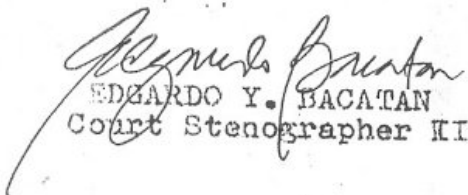
Okay.

x - - - - - x

#### 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, August 1, 2011.

  
EDGARDO Y. BACATAN  
Court Stenographer III