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^{Evelyn}
Aug. 22, 2011

Atty Tolentino should ask the court please
to cancel the arraigo.
in all Transcript and following hearings.

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

PEOPLE OF THE PHILIPPINES,
Plaintiff,

XI.

- versus -

CRIM. CASE NO.CBU-91623

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

Please give Atty Tolentino also
the two small letters with
the questions and statements.
Thank you.

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.

August 22, 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; |

for

PP V THOMAS MICHAEL RUHLAND
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APPEARANCES:

1. Associate Prosecution
Attorney Jenelyn Forrosuelo - 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:

ATTY FORROSUELO

Good afternoon, Your Honor, for the State, Your Honor.

ATTY PABRIAGA

Good afternoon, Your Honor, same appearance as private prosecutor.

*Wann wurde jemals ein privater Staatsanwalt aufgeföhren?
ATTY TOLENTINO Warum bezahlt die philp. Regierung einen privaten
Staatsanw.? Wer will oder warum wollen diese aus
Respectfully appearing for the accused, Your Honor. mir jemanden
anderen machen?*

COURT

Ready? This is continuation of the cross?

ATTY TOLENTINO

Yes, Your Honor.

pu

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COURT INTERPRETER

Evelyn Asintista, testifying under the same oath for the continuation of her cross examination.

Erst war sie Asintista, dann wurde sie in der Anhörung am 1.8.2011 zur Asintista umgeändert und nun ist sie wieder Asintista ?!?! Im USI Affidavit ist sie Macasling. Haben die Staatsanwälte nun alles umgeändert oder suchen und versuchen weiterhin irgendwas zu verdrehen und zu verändern

ATTY TOLENTINO

May I please the Honorable Court. May I proceed, Your Honor.

COURT

Proceed.

ATTY TOLENTINO

Good afternoon again, Evelyn.

WITNESS

Good afternoon.

ATTY TOLENTINO

Q The last time I asked you a question about whether or not you were able to secure a copy of your pictures taken by Mike, the accused in this case and you said you

fu

ATTY TOLENTINO
(continuing)

Q were not able to receive any. But, you said that you were able to talk to Mike and Mike told you that he was going to upload it in the facebook, is this correct?

WITNESS:

A Yes, that is correct.

Q By, the way, do you have a facebook account?

A Yes, I have. Warum wird die Tatsache, daß ich am 5.1. und 12.1.11 mit Freunden beim Stammtisch in Ayala Kaufhaus war ignoriert. Des Weiteren, daß ich vom 18.1. - 27.1.12 auf der Nachbarschaft Bohol mit meiner Lebensgefährtin bei Freunden zum Tauchen war. Für alle angegebenen Zeiten habe ich Zeugen.

Q Under, what name?

A Liencandole at Yahoo.Com. Warum wurde dieses Facebook account nicht vom NBI untersucht? Warum untersucht das NBI überhaupt nichts? Das NBI befragt auch das Hotelpersonal nicht und auch die Nachbarschaft von Evelyn und Jenny.

Q This is your e-mail ad?

A Yes. Wie ich bereits erwähnte, habe ich drei Zeugen aus der Nachbarschaft von Evelyn und Jenny, die bezeugen, daß Evelyn Wochen vorher rumerzählt, daß sie einen SetUp an einen Ausländer vornehmen würde und dann viel Geld bekommen würde. Mit dieser Aussage wollte Evelyn, laut den Zeugen, ihre Kreditwürdigkeit bei den Geschäften erhöhen.

Q Why do you name it liencandole? Warum wurden und werden meine Zeugen nicht gehört? Warum immer die Hinauszogerei und Absagen von Anhörungen? 1 1/2 Jahre sinnlos im Gefängnis.

A That facebook account was only just given to me, but the profile pic shows my face. Ich kann es beweisen, mit Zeugen, daß dies ein SetUp vom NBI und den beiden Frauen war. Das NBI und die beiden Frauen können weder Beweise (z.B. Telefonüberwachung) noch

Q And, of course, you have several pictures in that facebook account of yours, is that right? Zeugen vorzeigen. Trotzdem wird seitens des Gerichts die Verhandlung hinausgezögert und ich im Gefängnis gehalten. Was soll der Scheiß?

WITNESS

A Yes, sir.

ATTY TOLENTINO

Q Now, since Mike told you that he is going to upload pictures that he has taken of you in your facebook account, did you ever come to know if Mike has any facebook account or any e-mail address?

A Yes, I know that Mike has a facebook account because I asked him of his facebook name or account and then he gave me that account and I added him as a friend.

Warum bin ich denn nicht der Mann im Facebook account?
Wer ist dieser Mann? Warum klärt das NBI dies nicht auf?

Q Now, can you still remember what was the account that he gave you?

IMPORTANT:

A Mikesache, but, it was not his pictures that was shown in that facebook account. But, that was the facebook account that he gave me.

I don't have a facebook account and I want to ask the court to cancel the a.k.a Mike

Q So, you were able to open this account given to you by Mike, but, it did not show his face, it shows somebody else, is that what you are telling us?

because just now I understand what a.k.a means... I was thinking she talk about my

A Only one picture is in that account and it's not Mike.

middle name. I never say my name is Mike to her. Who is Mike?

Q So, in short, you were not able to communicate with the accused Mike thru this facebook account?

A I was able to chat with him once and there were messages for us in that particular facebook account.

Dann soll das NBI die Herausgabe der Daten von Facebook anfordern, um zu erfahren, wer dieser Mike ist. Warum bewegt das NBI ihren Arsch nicht, um Aufklärung zu schreiben?
Das NBI erpresste mich um 100.000 Peso, somit hat das NBI bekommen was es wollte

ATTY TOLENTINO

Q Can you still produce those chatting moments that you have with Mike?

WITNESS

A I don't know, sir. Ist sie nun genau so schlau wie Jenny?
I don't know

Aber lügen können beide sehr gut.

Q You also said, sometime January 05, 2011 you said that Mike sent a text message to Mary Ann informing her that he the accused in this case wanted to go with you and Mary Ann to Pooc, is this correct? She said in a former hearing that she don't know where is Mary Ann now. And in another hearing she said

A Actually, what I said earlier is wrong what actually happened was, Mike sent a text message inviting me and Jenny to come with him to Pooc.
We meet together with Mary Ann in January 2011 ???

Q Now, why would Mike invite also Jenny when Mike does not know Jenny at that point in time, January 05, 2011?

Evelyn sagte, daß ich, sie (Evelyn) und Mary Ann uns trafen. Nun ist es "wrong" und ich trifft Jenny !!! Obwohl Evelyn und Jenny aus-sagten, daß ich Jenny bis zu diesem Zeitpunkt nicht kannte. Was nun?
A Prior to January 05, 2011 Mike had already seen Jenny, because Jenny was with me when we met at Gaisano but they were not yet formally introduced to each other. Jenny told in a former hearing that we meet already before January 5, 2011 ?

Auch hier Widersprüche und Falschaussagen.

Q So, if they were not formally introduced so Mike does not know that girl who was with you was Jenny because they were not formally introduced, so, why should Mike asked you to bring Jenny?

A Mike asked me the name of Jenny thru a text message. He asked me what is the name of my companion.

Warum kann nie eine SMS gezeigt werden?
Warum beantragt das NDI nicht die Herausgabe der
Telefondaten (Text, SMS)? Was macht das NDI eigentlich,
außer SetUp's und Planting und Falschaussagen?

ATTY TOLENTINO

Q And, you told Mike, it was Jenny?

WITNESS

A Yes, sir.

Q So, there were several text messages about this?

A Yes, sir.

Q Now, can you show to this Honorable Court those text messages?

A I can't because the SIM I previously used was already thrown away.

Aber der SIM-Provider kann die Daten nachliefern.

Warum interessiert das keinen, warum wird keine

Q You threw your SIM away, is that what you are telling us? *Ermittlung eingeleitet?*

Siehe dazu Seite 11

A Yes sir, I changed my SIM card to Sun cellular.

Q So, okay, you cannot anymore show that to this Honorable Court your text messages about that matter, but, anyway, you said you went to Pooc with Mike and Jen?

Woher soll ich nun ihre neue Handynummer haben, um Evelyn anzurufen?

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WITNESS

A Yes.

ATTY TOLENTINO

Q And Pooc, refers to what area in Pooc because Pooc is a very big place?

A The beach.

Q Ahh, the Pooc beach. Now, where exactly did you go at this Pooc beach?

A At Villa Teresita. *Warum ermittelt die Polizei/NBI nicht ein
einziges mal? Zeugen, Aussagen usw.*

Sind Aussagen ohne Beweis und Zeugen in Ordnung?

Q Ahhh, at Villa Teresita, this is a resort, is that right?

Angestellte, Gäste, ... keine Zeugen?

A Yes, sir.

Q And, this is a place where there is a swimming pool?

A Yes, sir.

Q So, you had to pay an entrance fee, because that is a resort, can you remember?

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WITNESS

A Yes, sir.

ATTY TOLENTINO

Q Who paid the entrance fee?

A Mike.

Q How much was the entrance fee, if you can remember?

A I cannot remember. *Wie auch?*
Wir waren nicht da. Zu keiner Zeit.

Q So, there were three of you inside Villa Teresita Resort and you said Mike took pictures of you at the Pooch Beach, is this correct?

A Yes, sir.

Q So, it was at the Pooch Beach area or at the Resort area where there are swimming pools?

A At the back.

per

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ATTY TOLENTINO

Q At the back of what?

WITNESS

A At the back of Villa Teresita.

Q At the beach area or at the swimming pool area?

A At the back of the resort where the swimming pool is and where there were trees.

Q And, were you given new dresses so that if you will look like models in those pictures that Mike will be taking of you?

A Not at all, we were wearing the same dresses or clothes we were wearing then.

Jenny said they changed the clothes!

Q So, after that, you said, Mike gave each one of you five hundred pesos?

Warum wurden weder vom NDI, noch vom BKA jemals Bilder vom Pooc Beach oder von Sant. Nino Church gefunden.

A Yes, sir.

Es wurden nur Bilder gefunden, die vermutlich vom NDI hinzugefügt wurden.

Q And, you could not show that five hundred pesos anymore before this Honorable Court?

Was beweisbar mit Zeugen ist, ist die Tatsache das ich zu den vorgelegenen Zeiten mit Freunden beim Stammtisch im Ayala Kaufhaus war.

WITNESS

A No, sir.

ATTY TOLENTINO

Q Who was the one who received first the five hundred, was it Jenny or it was it you?

A It was handed to us at the same time.

Q Then, sometime January 12, you again saw each other with Mike and then you said you again received a text message from him, is this correct?

Woher habe ich nun ihre neue Handynummer?

Die alte SIM hat sie ja angeblich weggeworfen!

A Yes, sir.

Q And, of course, there were series of text messages between you and Mike regarding his invitation for you to go somewhere else?

A Yes, sir.

Man wird hier nur verarscht.

Q And, you were using, what kind of line, was it Smart or Globe or Sun?

On page 7 she says that she threw the

A Smart. Smart sim away on January 5th and changed to Sun, but on January 12th she use Smart ???

Keine Reaktion vom Richter oder Staatsanwalt!

ATTY TOLENTINO

Q And since you were using a Smart cellphone, at this time, can you show those text messages?

WITNESS

A Not anymore. Natürlich kann sie es nicht, weil es keine SMS solchen Art gibt. Sie hat ja gerade vor ein paar Sekunden wieder gelogen.

Q So, at this time, it was only you and Jenny who went together with Mike?

A Yes, sir.

Q Mary Ann would no longer went with you?

In a hearing before she said, that she was with Mary Ann still at this time?

A No, sir.

Wieder eine huge und Falschaussage, die das Gericht ignoriert.

Q And then, you went to Sto Nino church, is that correct?

A Yes.

Q Now, what part in the Sto Nino church did you go?

for

WITNESS

Sto. Nino Church ist eine Kirche in
Cebu City, wo hundende von Gläubigen
und Touristen sich bewegen, aber es
können keine Zeugen gefunden werden.

A In front of Sto Nino church.

Nicht einmal unter den Straßenverkäufern?

ATTY TOLENTINO

Gehls noch deppiger?

Q What time did you arrive there?

A Between 12:00 to 1:00 o'clock in the afternoon.

Hauptstoßzeit.

Q And, you were again acting like models to Mike?

(A) He took pictures of us wearing the same clothes.

Jenny said, they changed in a silver dress
and Evelyn in a blue dress ???

Q The clothes that you were wearing in going there?

Es wird wieder gelogen und Falschaussagen getätigt und das
Gericht ignoriert es.

A Yes, sir.

Q The clothes that you were wearing in going there?

A Yes, sir.

pu

In der Anhörung vom 4.4.11 von Jenny auf Seite 22 sagt sie aus,

Question Tolentino:

And what clothes were you wearing at that time?

Answer Jenny: Mike (damit bin ich gemeint) was already bringing two

PP V THOMAS MICHAEL RUHLAND dress es and he - 14 - told us to
CRIM. CASE NO. CBU-91623 wear this.

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Kleidungswechsel Jenny: Ja

Evelyn: Nein

ATTY TOLENTINO

lügen, Widersprüche und Falschaussagen und
der Richter und Staatsanwaltschaft ignoriert

Q You did not change clothes anymore? alles.

WITNESS Evelyn

A No, sir.

Q You did not go to the car of Mike and then change clothes so that you would look pretty in those pictures that Mike would be taking of you with Sto. Niño as a background?

Sollte ein Richter nicht unparteiisch sein?

A Not anymore.

Aber hier hat er Partei für die beiden Frauen
und das NDI. ergreifen.

Q And then, you said, you were again given P500.00 pesos by Mike?

A Yes, sir.

Q And, you were also given a Nokia 3310 cellphone?

I'm not sure, but I think she said before that
she got the cellphone on another day!

A Yes, sir.

Q And, you could not show that P500.00 pesos anymore to this Honorable Court?

A Not anymore, sir.

for

ATTY TOLENTINO

Q Now, how about this Nokia 3310 cellphone, can you still show that to this Honorable Court?

WITNESS

A It was already broken long time ago. *Wie soll ich sie dann, wie von ihr behauptet immer angetestet haben?*

Q Long time ago, January 19, 2011 and you filed the case sometime February 02, 201, you cannot show that cellphone anymore?

A It was broken because I frequently dropped it.

Q When was that destroyed?

A Sometime in February. *Warum hat das NBI das Handy nicht als Beweistück an sich genommen? Für was ist eigentlich das NBI da?*

Q What date in February? *When the DSWD take them. If they were already at DSWD then they can not go swimming or I understand it wrong?*

A I could not recall. We had swimming then I dropped it. *Im Februar waren die beiden Frauen bereits beim DSWD (Jugendamt), also folglich können sie nicht beim schwimmen gewesen sein*

Q But, you took back that cellphone when it was dropped? *und somit auch nicht das Handy beim schwimmen herunter-
gefallen sein, wie von Evelyn behauptet.*

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WITNESS

A Yes, sir.

ATTY TOLENTINO

Q And, you have it repaired?

A I just left it at home. *Warum nicht zum NBI als Beweis?*

Q So, it's still with you?

A I do not know, I still have to ask my father.

Q Then, on January 19, 2011 you said you went with Mike and Jenny to see each other at Gaisano Tabunok, is this correct?

A Yes.

Q And, again Mary Ann was no longer there?

A Not anymore.

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ATTY TOLENTINO

Q And, you went there again, because of text messages?

WITNESS

A Yes, sir.

Q And then, you cannot show anymore those text messages before this Honorable Court?

A Not anymore, because it was in the Smart SIM card, *But she said she changed to "Sun" cellular ??? Seite 11*
Fehl es wieder Smart ???

Q And then, you went inside Queensland?

A Yes, sir.

Q And then, you said Mike instructed you tell Jenny to take a bath and shave her pubic hair so that he can take pictures of Jenny?

A Yes.

Q Now, did you not find it weird that Mike would be taking pictures of her

ATTY TOLENTINO
(continuing)

Q and then she had to remove or shave her pubic hair?

WITNESS

A I was afraid to oppose Mike because he might get angry at us.

Q And so, because you were afraid you just told Jenny to take a bath and shave her pubic hair?

A Yes, sir. Weil sie Angst hatte gibt sie Order?

Q And then, you said after Jenny took a bath she was made to take sexy dress, is that right?

A Yes.

Q And then, Jenny went to a small room and then you stayed in the big room?

A Yes.

Q And, in the small room, you said Mike took pictures of her?

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WITNESS

A Yes.

ATTY TOLENTINO

Q You have not seen the taking of those pictures, because you were inside the big room?

A Not anymore.

Q You just presumed that Mike took pictures of Jenny inside the small room?

A Yes, that's it.

Q Now, I would like to show you some pictures, the rooms inside Queensland Hotel, now I am showing to you three pictures here, where is the small room and where is the big room?

A Here.

ATTY TOLENTINO

Marked as Exhibit "1", the small one. And, where is the big room?

for

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WITNESS

A This one here.

ATTY TOLENTINO

Already marked as Exhibit "2". And, in this small room this is what?

A The door.

Q This is the door leading outside?

A Yes.

Q So, this is the entrance door to this room?

A Yes.

Q So, when you enter this door you first enter the small room?

A Yes.

Q And, you passed to another door to enter the big room?

COURT:

Q As shown in exhibit . . ?

ATTY TOLENTINO

As shown in Exhibit "2". And then, you said, when Jenny was inside the small room they transferred to the big room together with Mike, is that right?

WITNESS

A Yes, sir.

Q Wieder beim liegen erwischt, aber immer noch keine Reaktion vom Richter,
And then, you again went to the small room?

A Yes.

Q And then, the door was locked? Diese Tür kann nicht verschlossen werden. Recherche von Anwalt Tolentino.

A Yes, it was locked. War macht eigentlich das FBI? Keine Tatortuntersuchung, keine Beweismittelsicherung, nichts.
Aber 100.000 Peso von mir abgezogen, damit mir während der Haft keine "Unfälle" passieren.

Q But, you were asked by the Private Prosecutor this question, what happened after you were transferred to the small room you answered that Jenny went to the big room but you said something like, as could be seen in page 17 of the Transcript of Record on May 23, 2011, you answered to the question of Atty Suarez what happened after that and you said, 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, is this correct?

Zuvor sagte Evelyn aus, daß sie von einer Vergewaltigung nicht mitbekommen hat. Nun sagt sie aus, daß sie es doch mitbekommen hat.

WITNESS

A Yes, sir.

ATTY TOLENTINO

Q So, you have not heard the screaming of Jenny at all when you were inside the small room?

A No, because I was beside this post here.

COURT INTERPRETER

As could be shown on the right portion of Exhibit 1, the post near the brown door.

ATTY TOLENTINO

Q Since you were at the corner of this room in the small room found in Exhibit 1, you can, of course, see this door leading to the big room found in Exhibit 2, is that right?

A There is a wall that separates the setting area in the small room and the door leading to the big room. And it is in this particular area where I sat and sending text messages to somebody. *to MBI maybe?*

Q And, of course, you can see at that point where you were sitting you can see this door leading to the big room?

Who was the relative or friend she text at this time. Even if she has not copy anymore to show then there must be the relative or friend

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WITNESS

A If I move a little farther from the wall and purposely take a look at the door then I could see it. *Hier auch wieder die Aussage, dass sie die angebliche Vergewaltigung mitbekommen hat.*

ATTY TOLENTINO

Q And that door is a lower door, this door found on Exhibit 2, this is a lower door where there are so many holes? *↳ Luftschlitze*

A Yes, sir.

Q So that, if somebody scream inside the big room, of course, you can hear because there are so many holes?

A No, I wasn't able to hear anything because I was preoccupied texting messages to somebody and besides this particular post I was partially hidden by this particular post.

*Who she texted? ... maybe scream not hear ???
Auch wenn jemand textet kann man hören.*

COURT INTERPRETER:
As shown in Exhibit 1.

Blöde und dumme Aussagen.

Q And, of course, if you are preoccupied with texting your ears are not covered?

A No, sir.

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ATTY TOLENTINO

Q And during that time, all along when you were inside that small room texting without your ears being covered you have not heard any scream at all from Jenny?

WITNESS

A Not at all, sir.

COURT

You only have two minutes to consume the allotted 30 minutes.

ATTY TOLENTINO

Immer nur 30 Minuten Anhörungen

und das auf Monate hinausgezögert mit immer neuen

I will be going to the last point, Your Honor, which is February 02, this is the most crucial point, Your Honor, and this will take one more setting, Your Honor.

Liegen von NBI und Richter, um Anhörung zu verschieben,

ATTY. PABRIAGA

damit sich das Ganze hinauszieht.

Anyway, we have a pre scheduled setting, Your Honor.