

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 275373

Present:

LEONEN, *SAJ.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, J.,
KHO, JR., and
VILLANUEVA, *JJ.*

- versus -

XXX275373,* YYY275373, and
ZZZ275373,
Accused-appellants.

Promulgated:

JUL 30 2025

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DECISION

LOPEZ, J., J.:

This Court resolves the Appeal¹ filed by XXX275373, YYY275373, and ZZZ275373 (collectively, XXX275373 et al.) assailing the Decision² of the Court of Appeals (CA), which affirmed with modification the Decision³ of the Regional Trial Court (RTC). The CA convicted XXX275373 et al. of qualified trafficking in persons, defined and penalized under Section 4(a), in relation to Section 6(a) and (c) of Republic Act No. 9208⁴ as amended by Republic Act No. 10364.⁵

* In line with Amended Administrative Circular No. 83-2015, as mandated by R.A. No. 8353, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ Rollo, pp. 3-5.

² *Id.* at 8-43. The April 4, 2024 Decision in CA-G.R. CR-HC No. 17349 was penned by Associate Justice Raymond Reynold R. Lauigan and concurred in by Associate Justices Pablito A. Perez and Eleuterio L. Bathan of the Special Seventeenth Division, Court of Appeals, Manila.

³ *Id.* at 46-87. The August 19, 2022 Decision in Criminal Case No. 21-11304-FC was penned by Presiding Judge Nicasio B. Bautista III of Branch [REDACTED], Regional Trial Court, [REDACTED] City.

⁴ ANTI-TRAFFICKING IN PERSONS ACT of 2003.

⁵ EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012.

The instant case stemmed from an Information charging XXX275373 et al. with qualified trafficking in persons, as follows:

That on or about the 14th day of February 2018 and prior thereto, in the City of [REDACTED], Philippines, and within the jurisdiction of the Honorable Court, the above named accused, conspiring, confederating together, and helping one another, did then there, willfully, unlawfully and feloniously recruit, transfer, transport from their respective residence, hire, receive, maintain, by means of fraud, deception, force, threats, coercion, and taking advantage of their vulnerability, the persons of [AAA275373], who is a minor of 16 years old, [BBB275373], [CCC275373], [DDD275373], [EEE275373], [FFF275373], [GGG275373], and [HHH275373], under the pretext that they will be employed as waitresses or entertainers in Metro Manila, but were brought to the aforesaid City, and all of them except [REDACTED] (sic) were forced to work at the [REDACTED] Bar at Purok 5, Mabini in the aforesaid City, for the purpose of prostitution and sexual exploitation by posing and working as Guest Relations Officer (GRO) of the said Bar, where they were, including [FFF275373], were forced to render involuntarily servitude in a harsh and oppressive working condition and to render labor as a form of debt bondage, to the damage and prejudice of the said [AAA275373], who is a minor of 16 years old, [BBB275373], [CCC275373], [DDD275373], [EEE275373], [FFF275373], [GGG275373], and [HHH275373].

CONTRARY TO LAW.⁶

Upon arraignment, XXX275373 et al. entered a plea of not guilty.⁷

Pre-trial conference was conducted and after, trial commenced.⁸

The prosecution presented the testimonies of the following: (1) CCC275373; (2) Police Corporal Patrocinio Lappay, Jr. (PCpl Lappay, Jr); (3) AAA275373; (4) BBB275373; (5) Police Officer I Danny Boy Dela Cruz⁹ (PO1 Dela Cruz); (6) Police Officer II Johvanny Estrada (PO2 Estrada); and (7) Police Corporal Maricel V. Tanguilan (PCpl Tanguilan). The parties stipulated on the testimonies of: (1) Police Officer I Omar Santos (PO1 Santos); (2) Police Corporal Maricris Malenab (PCpl Malenab); and (3) Police Major Rolando Lugo Gatan (P/MAJ Gatan).¹⁰

On January 26, 2018, III275373 alias [REDACTED] arrived at the boarding house of CCC275373 and HHH275373 looking for EEE275373. CCC275373 and HHH275373 then brought her to EEE275373's boarding house. There, III275373 asked CCC275373, EEE275373, and HHH275373 if they wanted to work as waitresses in Manila. CCC275373, EEE275373, and HHH275373 accepted III275373's offer after the latter promised that they will each receive

⁶ RTC records, pp. 1-2.

⁷ *Id.* at 64.

⁸ *Rollo*, pp. 9-10.

⁹ Also referred to as "[REDACTED]" in some parts of the records.

¹⁰ *Rollo*, p. 10.

a monthly allowance of PHP 5,000.00 with free transportation, food, and accommodation. III275373 further told them that plane tickets will be booked for them, and a certain YYY275373 will be their boss.¹¹

Later, III275373 brought CCC275373, EEE275373, and HHH275373 to a van terminal in █████ City, where they were met by XXX275373. III275373 then introduced them to XXX275373, and the latter instructed them to get food from the carinderia for their tip. CCC275373, EEE275373, and HHH275373 asked for the PHP 5,000.00 allowance, but XXX275373 assured them that they would receive the amount upon their arrival in Manila. In the meantime, XXX275373 gave them PHP 1,000.00. CCC275373, EEE275373, and HHH275373 then boarded the van driven by XXX275373 and they traveled from █████ City to █████, █████ City. III275373 was left behind.¹²

On January 28, 2018, CCC275373, EEE275373, HHH275373, and XXX275373 arrived in █████, Quezon City, where YYY275373 and her husband were waiting for them. XXX275373 introduced YYY275373 as their employer, then they all went to Jollibee for a meal. Afterwards, XXX275373 dropped them off at a █████ Bus Terminal. CCC275373 attempted to ask where they were going, but YYY275373 just told her to board the bus. CCC275373, EEE275373, HHH275373, YYY275373, and the latter's husband arrived in █████ City the next day.¹³

The following day, YYY275373 brought CCC275373, EEE275373, and HHH275373 to █████ Bar located at █████, █████ City and there she revealed that they incurred loan obligations for the transportation and food expenses. CCC275373's alleged indebtedness amounted to PHP 8,000.00, which will be deducted from her earnings at █████ Bar. YYY275373 then told CCC275373, EEE275373, and HHH275373 to start working at █████ Bar in the evening. She also told CCC275373 and her companions that the customers at █████ Bar can take them out to engage in sex for a fee, and that they were also tasked to entertain the bar's customers. CCC275373 and her companions were told that they would earn commissions from the drinks that their customers would order, and for every sexual service to be rendered by them. Payments from customers were received by ZZZ275373, the bar's cashier, who also served as their escort since they were not allowed to leave the premises on their own. The commissions earned were given to CCC275373, EEE275373, and HHH275373 every 15 days. For two weeks, CCC275373 went out with 10 to 12 customers.¹⁴

On February 3, 2018, AAA275373 went to BBB275373's house where she saw III275373 with DDD275373, FFF275373, and GGG275373.

¹¹ TSN, CCC275373, November 7, 2018, p. 6.

¹² *Id.* at 7-8.

¹³ *Id.* at 9-11.

¹⁴ *Id.* at 11-14, 16-18.

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III275373 asked them if they wanted to work as restaurant servers in ██████ City with a monthly earning of PHP 5,000.00 with free board and lodging. Enticed, AAA275373, BBB275373, DDD275373, FFF275373, and GGG275373 accepted the offer. In the evening, said individuals, along with III275373, travelled to ██████ City on board a passenger van and arrived in ██████ City at around 10:00 p.m. They were met by XXX275373, who was with another recruited individual, JJJ275373 and two male companions. From ██████ City, they boarded a van and arrived in ██████ City on February 6, 2018 at around 6:00 a.m.¹⁵

Upon reaching ██████ City, XXX275373 introduced AAA275373 and her companions to YYY275373, who then took custody of them. At around 8:00 a.m. of February 6, 2018, AAA275373 and her companions, along with YYY275373, boarded a ██████ Bus without knowing its destination. They arrived in ██████ City in the afternoon.¹⁶

Subsequently, AAA275373 and her companions were brought to ██████ Bar owned by YYY275373. There, they were shocked to discover that they were expected to render sexual services to customers of the bar. The next day, AAA275373, BBB275373, DDD275373, FFF275373, GGG275373, and JJJ275373 received their respective allowances and were oriented by YYY275373. The latter also informed AAA275373's group that the allowance and travel expenses will now be considered as loans, the payment of which will be deducted from their monthly salary and commissions. AAA275373 also found out that her total indebtedness amounted to PHP 11,000.00. During AAA275373's stay at ██████ Bar, she rendered sexual services to four customers. She was also ordered to change her name from AAA275373 to "██████████," the name of a former employee of ██████ Bar, to avoid detection as a minor.¹⁷

AAA275373 and her companions disliked their job because they were forced to engage in sex for a fee to pay their indebtedness to YYY275373, and she wanted to go home to ██████ City. Since they did not know anyone from ██████ City, they sought the assistance of the Philippine National Police (PNP) in ██████ City.¹⁸

On February 14, 2018, while PO1 Dela Cruz and his team were at Police Station 1 of ██████ City, police officers from Police Station 3 of ██████ City also arrived and coordinated with their office for the rescue of human trafficking victims at ██████ Bar. P/MAJ Gatan immediately conducted a briefing to discuss the planned rescue operation, especially of the

¹⁵ TSN, AAA275373, June 4, 2019, pp. 5, 9, 6, 22.

¹⁶ *Id.* at 7, 25.

¹⁷ *Id.* at 9–10, 26.

¹⁸ *Id.* at 5, 10.

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minor victim, AAA275373. Since PO1 Dela Cruz was tasked to act as a poseur customer, P/MAJ Gatan gave him three PHP 500.00 bills.¹⁹

After the briefing, the team proceeded to [REDACTED] Bar. There, PO1 Dela Cruz, PO1 Santos, PO2 Estrada, and Police Officer II Jay Bert Guiquing (PO2 Guiquing) posed as customers and immediately occupied a vacant table. While ordering some drinks, XXX275373, who introduced himself as an employee of [REDACTED] Bar, told PO1 Dela Cruz, "*Sir, baka gusto niyong maglabas ng babae, may bagong dating puro bata.*" PO1 Dela Cruz then asked for "[REDACTED]," the name being used by AAA275373. XXX275373 then brought AAA275373 to their table. After, PO1 Dela Cruz paid PHP 1,500.00 to ZZZ275373 and he was allowed to take AAA275373 out to have sex with her. At this instance, PO1 Dela Cruz discreetly dialed the number of PMAJ Gatan, the pre-arranged signal to signify consummation of the operation.²⁰

Subsequently, the back-up team rushed inside the [REDACTED] Bar. PO1 Dela Cruz turned over AAA275373 to PO2 Malenab and the personnel of the Department of Social Welfare and Development (DSWD). PO1 Dela Cruz then introduced himself as a police officer to XXX275373 et al. PCpl Tanguilan recovered the three PHP 500.00 bills from ZZZ275373's possession. Then PO1 Santos informed XXX275373 et al. of their rights and to have a medical examination in a government hospital. XXX275373 et al. were then brought to Police Station 1 of [REDACTED] City for proper documentation.²¹

For the defense, the testimonies of XXX275373 et al. were presented.

XXX275373 testified that he has been a driver of a passenger van from [REDACTED] to [REDACTED], and vice versa, on a boundary basis since 2017. XXX275373 met YYY275373 and ZZZ275373 sometime in January 2018 while he was on queue at the booking office in [REDACTED]. YYY275373, ZZZ275373, and their companion boarded his van and travelled to [REDACTED]. XXX275373 and YYY275373 exchanged cellphone numbers because XXX275373 offered his van and services for their return trip to [REDACTED].²²

Subsequently, YYY275373 contacted XXX275373 to drive them back to Manila. Upon YYY275373's request, XXX275373 accommodated more than 10 passengers, including YYY275373 and ZZZ275373, to [REDACTED] City. He dropped them off at a *carinderia*. After having their meals, XXX275373 went back to [REDACTED]. On February 3, 2018, while XXX275373 was at the booking office in [REDACTED] City, three women approached him to inquire if he

¹⁹ TSN, PO1 Danny Boy dela Cruz, November 21, 2019, pp. 7-8.

²⁰ *Id.* at 9-12.

²¹ TSN, PO1 Danny Boy dela Cruz, November 21, 2019, pp. 12-15.

²² TSN, XXX275373, June 25, 2021, pp. 4-6.

knew of any employer looking for GROs in Manila. Since XXX275373 knew a bar in ██████ City, he gave them the cellphone number of YYY275373. One of the women was named III275373. On the same date, at around 7:00 p.m., ZZZ275373 phoned XXX275373 from ██████ City to introduce a passenger named ██████.²³

XXX275373, ZZZ275373's co-driver, and JJJ275373 were on their way to ██████ when XXX275373 received a call from YYY275373 instructing him to fetch passengers in ██████ City. Since XXX275373 was already in ██████, he told YYY275373 that he could meet the passengers in ██████ City. There, four women, including AAA275373, and a man boarded his van. Upon reaching the van station in ██████ City on February 6, 2018, YYY275373 instructed XXX275373 to drop off his passengers at the ██████ Bus Terminal where she will be waiting. After YYY275373 paid the passengers' fare, XXX275373 went back to the van station. The women approached him and boarded his van as mere passengers, but XXX275373 did not transport them to ██████ City. In the evening of February 14, 2018, XXX275373 was at ██████ Bar because ZZZ275373 asked him to fetch AAA275373 and drive her back to ██████ City, but he was not able to do so because he was arrested.²⁴

Meanwhile, ZZZ275373 is from ██████. YYY275373 employed ZZZ275373 as a cashier at ██████ Bar on May 24, 2017. Sometime in the first week of January 2018, ZZZ275373, YYY275373, and a certain ██████ went to ██████ for a vacation. They met XXX275373 at a van station in ██████ and boarded his van, which was bound for ██████ City. When they reached their destination, YYY275373 and XXX275373 exchanged cellphone numbers because the latter offered his van for their return trip to Cubao. A week after, YYY275373 contacted XXX275373 to avail of the latter's transport services to go to ██████ City. At that time, XXX275373 had other passengers who were bound for ██████ City. XXX275373 then asked YYY275373 and ZZZ275373 if they wanted to be transported directly to ██████ City, to which they agreed.²⁵

Then, XXX275373 called and informed YYY275373 that his passengers were looking for a job and brought them to ██████ City. On February 7, 2018, XXX275373's passengers arrived in ██████ City. YYY275373 asked for their identification cards, but they had none. YYY275373 asked for their respective ages, and AAA275373 admitted that she was only 16 years old. For this reason, YYY275373 did not allow AAA275373 to work and instructed ZZZ275373 to call XXX275373 to bring AAA275373 back to ██████ City. XXX275373 advised ZZZ275373 to wait for him because he had no scheduled trip to ██████ City yet. XXX275373 arrived in ██████ City on February 14, 2018. However, XXX275373 was

²³ TSN, XXX275373, July 23, 2021, pp. 3-10.

²⁴ TSN, XXX275373, September 3, 2021, pp. 3-11, 14-17.

²⁵ TSN, ZZZ275373, February 11, 2022, pp. 5-9.

not able to bring AAA275373 back to ██████ City because the ██████ Bar was raided, and they were arrested. The poseur customer did not give any money to ZZZ275373. Instead, the money that was found in ZZZ275373's possession and the sling bag were confiscated by the police without issuing any receipt. XXX275373's passengers were not recruited to work at the ██████ Bar since they voluntarily went there.²⁶

YYY275373 testified that she established her bar and restaurant in 2011 and employed ZZZ275373 as her cashier. She met XXX275373 on January 7, 2018 at a van terminal in ██████ when she, ZZZ275373, and ██████ boarded his van. They were bound for ██████ for a vacation. When XXX275373 learned that it was a week-long vacation, he offered his van for their return trip to ██████. YYY275373 and XXX275373 then exchanged cellphone numbers. On January 15, 2018, YYY275373 and her companions boarded XXX275373's van and left ██████ City. From there, they rode a bus and proceeded to ██████ City.²⁷

YYY275373 alleged that CCC275373 personally approached her to apply for a job. She was already working as a waitress at the ██████ Bar for one month when it was raided. CCC275373 and JJJ275373 are relatives and it was CCC275373 who introduced JJJ275373 to YYY275373. Over the phone, JJJ275373 asked YYY275373 if she was looking for a GRO, but YYY275373 told her that she only needed waitresses in her bar. JJJ275373 then signified her interest in working for YYY275373. Since XXX275373 was the only person she knew in ██████ City, YYY275373 gave XXX275373's number to JJJ275373. On February 3, 2018, JJJ275373 boarded XXX275373's van. Like JJJ275373, AAA275373 also called YYY275373 from ██████ City at around 2:00 p.m. on February 3, 2018. She introduced herself and told YYY275373 that she was looking for a job as a GRO, and that she obtained YYY275373's number from XXX275373. YYY275373 told AAA275373 that her bar was not hiring GROs, but there was an opening for restaurant servers. AAA275373 and her companions agreed to work as restaurant servers. YYY275373 then instructed AAA275373 and her companions to contact XXX275373. After a while, XXX275373 called YYY275373 to inform her that AAA275373 and her companions, as well as JJJ275373, had already boarded his van.²⁸

YYY275373 proceeded to ██████ City to fetch XXX275373's passengers. At the bus terminal, YYY275373 met AAA275373, JJJ275373, DDD275373, GGG275373, and HHH275373, and another woman. After eating their meals, they all boarded the bus bound for ██████ City.²⁹

²⁶ *Id.* at 10–16.

²⁷ TSN, YYY275373, May 31, 2022, pp. 4–8.

²⁸ *Id.* at 8–16.

²⁹ *Id.* at 16–19.

The group arrived in ██████ City on February 6, 2018. The following day, YYY275373 required AAA275373's group to proceed to the city hall of ██████ City to secure their respective birth certificates. AAA275373 suddenly confessed that she was a minor. Thus, YYY275373 did not allow AAA275373 to work or go out of her room. YYY275373 then instructed ZZZ275373 to call XXX275373 and fetch AAA275373. XXX275373 arrived in ██████ City on February 14, 2018, but he was not able to bring AAA275373 back to ██████ City because the police raided the ██████ Bar. YYY275373 did not recruit AAA275373 and her companions for prostitution, and they knew from the very start that they would work in ██████ City. They were also allowed to go out during their free time.³⁰

In its Decision,³¹ the RTC found XXX275373 et al. guilty beyond reasonable doubt of the crime of qualified trafficking in persons. The dispositive portion of the Decision reads:

WHEREFORE, PREMISES CONSIDERED, the Court finds accused [XXX275373], [YYY275373], and [ZZZ275373] GUILTY beyond reasonable doubt of violating Section 4(a) qualified by Section 6 (a) and (c) of Republic Act No. 9208, as amended, and hereby sentences each of them to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Two Million Pesos ([PHP] 2,000,000.00). In addition, accused [XXX275373], [YYY275373] and [ZZZ275373] are ordered to pay [AAA275373] [PHP] 500,000.00 as moral damages; and [PHP] 100,000.00 as exemplary damages, with interest at the rate of six percent (6%) per annum from finality of this [D]ecision until fully paid.

SO ORDERED.³²

The RTC ruled that the testimonies of AAA275373, BBB275373, and CCC275373, as well as the testimonies of the police officers who conducted the entrapment operation against XXX275373 et al., established the elements of the crime of qualified trafficking, and the fact that XXX275373 et al. were operating together as a syndicate to recruit sex workers on a large scale. It was III275373 who told AAA275373, BBB275373, and CCC275373 that they would be working as waitresses in Manila. III275373 then introduced them to XXX275373, who drove AAA275373, BBB275373, and CCC275373 from ██████ City to Manila. Upon their arrival in Manila, AAA275373 and her companions were introduced to YYY275373, who is the owner of ██████ Bar. From there, they all boarded a bus and travelled to ██████ City with YYY275373 and were brought to ██████ Bar to work not as waitresses, but as GROs. AAA275373 and her companions also met ZZZ275373, the cashier of ██████ Bar who also served as the collector of the fees paid by AAA275373, BBB275373, and CCC275373's customers, in exchange for their sexual favors. The crime of trafficking was qualified because one of the

³⁰ *Id.* at 19–22.

³¹ *Rollo*, pp. 46–87.

³² *Id.* at 87.

victims in this case was a minor. Finally, the RTC held that there is no basis to support XXX275373's defense of denial.³³

Aggrieved, XXX275373 et al. appealed to the CA.

In their Appellant's Brief,³⁴ XXX275373 et al. argued that the RTC erred in convicting them of qualified trafficking despite the prosecution's failure to prove all the elements of the crime.³⁵

In its Appellee's Brief,³⁶ the Office of the Solicitor General (OSG) averred that the narrations of AAA275373, BBB275373, CCC275373, DDD275373, and the police officers have sufficiently established the elements of qualified trafficking. XXX275373 boarded the victims on his van in ██████ City and brought them to ██████, Quezon City. From Quezon City, YYY275373 brought them to ██████ City, where they were made to work as sex workers at ██████ Bar. ZZZ275373, who worked at ██████ Bar as a cashier, served as the victims' collector of the fees paid by their customers in exchange for sexual favors. XXX275373 et al. employed deception, fraud, and coercion for the purpose of subjecting the victims to prostitution or sexual examination. More, AAA275373 was consistent in her testimony that XXX275373 et al. forced her to engage in prostitution in order to pay her alleged debt to them. XXX275373's utterance of "*Sir, baka gusto niyong maglabas ng babae, may bagong dating, puro bata,*" shows that he was predisposed to commit trafficking in persons. There was also no basis to support XXX275373 et al.'s defense of denial.³⁷

In its Decision,³⁸ the CA affirmed with modification the RTC's conviction of XXX275373 et al. The dispositive portion of the Decision states:

WHEREFORE, the Decision dated August 19, 2022 of the Regional Trial Court of ██████ City, Branch ██████, in Criminal Case No. 21-11304-FC is AFFIRMED with MODIFICATION. This Court finds accused-appellants [XXX275373] a.k.a. "█████", [YYY275373] and [ZZZ275373] GUILTY beyond reasonable doubt of violating Section 4(a) in relation to Section 6 (a) and (c) of Republic Act No. 9208, as amended by Republic Act No. 10364. Accused-appellants are each sentenced to suffer the penalty of LIFE IMPRISONMENT, and to each pay a fine of Two Million Pesos (PHP 2,000,000.00).

Accused-appellants are also ordered to pay [AAA275373], [BBB275373], [CCC275373], [DDD275373], [EEE275373], [FFF275373], [GGG275373][,] and [HHH275373] the sum of Five Hundred Thousand

³³ *Id.* at 62-87.

³⁴ *CA rollo*, pp. 25-47.

³⁵ *Id.* at 35-44.

³⁶ *Id.* at 95-129.

³⁷ *Id.* at 105-127.

³⁸ *Rollo*, pp. 8-43.

Pesos (PHP 500,000.00) as moral damages and One Hundred Thousand Pesos (PHP 100,000.00) as exemplary damages each.

All damages awarded shall be subject to the interest rate of six percent (6%) per *annum* from the finality of this Decision until fully paid.

SO ORDERED.³⁹

The CA affirmed the ruling of the RTC and found that the prosecution established all the elements of qualified trafficking in persons. However, it modified the ruling as to the payment of moral and exemplary damages. In the RTC ruling, the payment of moral and exemplary damages was only given to AAA275373. The CA held that XXX275373 et al. are also ordered to pay BBB275373, CCC275373, DDD275373, EEE275373, GGG275373, and HHH275373 the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, each. However, FFF275373 was not entitled to moral or exemplary damages since it was explicitly alleged in the Information that he was not forced to work at [REDACTED] Bar for purposes of prostitution and sexual exploitation.⁴⁰

Hence, XXX275373 et al. filed this Appeal.

In a Resolution,⁴¹ this Court directed the parties to file their respective supplemental briefs. However, both accused-appellant and plaintiff-appellee filed their respective Manifestations⁴² stating that they would no longer file supplemental briefs and, instead, would adopt their Briefs filed before the CA.

The sole issue for this Court's resolution is whether the CA correctly sustained the conviction of accused-appellants XXX275373 a.k.a. "[REDACTED]," YYY275373, and ZZZ275373.

This Court's Ruling

The Appeal has no merit.

Section 4(a), in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364 reads:

Section 4. *Acts of Trafficking in Persons.* — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the

³⁹ *Id.* at 42.

⁴⁰ *Id.* at 40–41.

⁴¹ *Id.* at 88–89.

⁴² *Id.* at 92–95, 96–101.

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pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage[.]

....

Section 6. *Qualified Trafficking in Persons*. — The following are considered as qualified trafficking:

(a) When the trafficked person is a child[.]

In *People v. Casio*,⁴³ this Court enumerated the elements of trafficking in persons:

(1) The act of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders;”

(2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another;[”] and

(3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”⁴⁴ (Emphasis supplied, citation omitted)

The crime of trafficking is qualified when the trafficked person is a child, defined as any “person below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.”⁴⁵ In this case, the recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” regardless of the means used.⁴⁶ More, the child’s consent to the sexual transaction is irrelevant to the commission of the crime as victims who are minors cannot validly give their consent.⁴⁷

Here, all the elements of qualified trafficking were duly established by the prosecution. *First*, AAA275373, BBB275373, and CCC275373 testified that while they were in █████ City, III275373 recruited them to work as waitresses in Manila with a monthly allowance of PHP 5,000.00 each and free

⁴³ 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

⁴⁴ *Id.* at 472–473.

⁴⁵ Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 3(b).

⁴⁶ *People v. XXX270870*, G.R. No. 270870, November 11, 2024 [Per J. M. Lopez, Second Division].

⁴⁷ *Id.*

transportation, food, and accommodation. When AAA275373, BBB275373, and CCC275373 accepted III275373's offer, III275373 brought them to a van terminal in Tagum City, where XXX275373 met them. III275373 introduced XXX275373 as the driver who would bring AAA275373 and her companions to Manila. At the van terminal in [REDACTED] City, CCC275373 and her companions asked for the PHP 5,000.00 allowance from XXX275373. However, XXX275373 only handed them PHP 1,000.00 and told them that they will receive the amount of PHP 5,000.00 upon arrival in Manila. CCC275373 testified:

Q- Now, you stated in your Joint Affidavit that in the afternoon of January 26, 2018, a certain III275373 a.k.a. [REDACTED] arrived at your boarding house, is that correct?

A- Yes, [S]ir.

Q- Upon the arrival of this person otherwise known as [REDACTED] what happened?

A- On January 26, 2018, III275373 alias [REDACTED] came and looked for the residence or address of [EEE275373], [S]ir.

Q- Now, after the arrival of this alias [REDACTED] and looking for the house of a certain [REDACTED], what did you do next, if any?

A- We accompanied alias [REDACTED] at the house of [EEE275373], [S]ir.

....

Q- Now, what was your reply when alias [REDACTED] inquired if you would like to work as waitress in Manila?

A- We agreed to go with her and told us that we will receive a salary of [PHP] 5,000.00 and all the expenses are free, [S]ir.

....

Q- Does that include the food and accommodation?

A- Yes, [S]ir.

Q- Now after you agreed with a certain [REDACTED] about her proposal for you to work in Manila as waitress with [PHP] 5,000.00 as salary or allowance and with [free] accommodation and transportation expenses, what happened next, Madam Witness?

A- That we will leave on January 26 and a ticket will be booked on that date, [S]ir.

Q- What happened after that, Madam Witness?

A- We did not know that we will be proceeding to a terminal of a van and [XXX275373] or [REDACTED] was there, [S]ir.

Q- After you went to the van terminal and after you saw XXX275373, what happened next?

A- [REDACTED] introduced us to the owner of a carinderia in [REDACTED] who's also the sibling of the person who owns the establishment in Manila, [S]ir.

ATTY. BELTEJAR:

The witness says a bar.

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PROSECUTOR POLIWOS:

Yes, owner of the bar.

Q- So after the introductions, what happened next, if [there is] any?

A- Kuya [REDACTED] told us to get some food for our travel but then we did not know that everything will be charged to us, [S]ir.

Q- So what happened next after you got the foods that you will be bringing along in the course of your travel?

A- Then we asked for the [PHP] 5,000.00 allowance, [S]ir.

Q- And what happened next after you asked for the [PHP] 5,000.00 allowance?

A- Kuya [REDACTED] told us that we will be receiving [PHP] 5,000.00 upon arrival at Manila and then he gave us [PHP] 1,000.00, [S]ir.

Q- Now, what was the means of transportation that you used?

A- A van, [S]ir.⁴⁸

AAA275373 testified that III275373 recruited her, BBB275373, GGG275373, FFF275373, and DDD275373 to work as waitresses in Manila and endorsed them to XXX275373. XXX275373 then brought AAA275373 and her companions from [REDACTED] City to [REDACTED], Quezon City. AAA275373 narrated:

Q- By the way, how did you arrive here or why did you come here to [REDACTED] City to work at [REDACTED] Bar?

A- We were recruited, [S]ir.

Q- Can you tell this Honorable Court the place where you were recruited?

A- In [REDACTED] City, [S]ir.

Q- And do you know the person who recruited you?

A- Yes, [S]ir.

Q- Can you tell the name who recruited you in [REDACTED] City?

A- III275373 alia[s] [REDACTED], [S]ir.

Q- How did this III275373 [a.k.a.] [REDACTED] recruit you?

A- She told us to work in Manila as [waitresses], [S]ir.

Q- You said "*sinabihan kami*", who are you referring to ?

A- [Me] and my companions, [S]ir.

Q- And how many were you that were recruited?

A- Eight (8), [S]ir

Q- When this III275373 [a.k.a.] [REDACTED] recruited you together with your companions, what was the job that was offered to you, if you know?

A- As waitress, [S]ir.

⁴⁸ TSN, CCC275373, November 7, 2018, pp. 6-8.

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Q- And where will you be working as a waitress during that time of recruitment?

A- No place was mentioned but only in Manila, [S]ir.

Q- So, what happened after III275373 [a.k.a.] [REDACTED] recruits you?

A- We were recruited, [S]ir.

Q- After you were recruited by this person, III275373 a.k.a. [REDACTED], where did you proceed, if there is any?

A- We proceeded to [REDACTED] so that [REDACTED] will introduce to us the driver, [S]ir.

Q- And who was the driver that was introduced to you by [REDACTED]?

A- [REDACTED], [S]ir.

Q- When he introduced to you [REDACTED], was [REDACTED] with a companion?

A- There were two (2) persons, [S]ir.

Q- Do you know the name of these two (2) persons?

A- No, [S]ir.

Q- So, after [REDACTED] or III275373 introduced you to [REDACTED] together with the two (2) other persons, what happened next, if there is any?

A- We boarded going to Manila, [S]ir.

Q- You boarded to what?

A- In a van, [S]ir.

Q- And after you boarded the van, where did you proceed?

A- Bound to Manila, [S]ir.

Q- Were you able to reach Manila?

A- Yes, [S]ir.⁴⁹

BBB275373 also corroborated AAA275373's testimony. She disclosed that they immediately accepted III275373's offer because the monthly salary of PHP 5,000.00 was considered a big amount for them. According to BBB275373:

Q- When [REDACTED] arrived at your house, what did she tell the group, if any?

A- She said that there is a job in [REDACTED] City and they are hiring waitresses, [S]ir.

Q- She told that to all of you before the persons you mentioned and you, yourself?

A- Yes, to all of us—[REDACTED], [REDACTED] and [REDACTED], [S]ir.

Q- How about [AAA275373]? Is she not there at the time when [REDACTED] said that to you and your group?

A- Yes, [she was] there, [S]ir.

⁴⁹ TSN, AAA275373, June 4, 2019, pp. 5–7.

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- Q- What did you tell [REDACTED] when she told you that there is a job or work in [REDACTED] City?
- A- We all agreed at once to go there because that monthly salary in the amount of [PHP] 5,000.00 is already big for us, [S]ir.
- Q- What else did [REDACTED] tell you aside from saying that monthly salary of [PHP] 5,000.00 to you?
- A- We were told that if we will go with them, we will be paid [PHP] 5,000.00 to be given in [REDACTED] City. But upon arriving [in] [REDACTED], no amount of [PHP] 5,000.00 was given to us, [S]ir.⁵⁰

On January 28, 2018, they arrived in Manila. On the same day, XXX275373 brought CCC275373, HHH275373, and EEE275373 to [REDACTED], Quezon City where YYY275373 and her husband were waiting for them. After having their meals, they all went to a bus terminal. XXX275373 left CCC275373, HHH275373, and EEE275373 in YYY275373's custody. CCC275373 tried to ask YYY275373 where they were going, but YYY275373 instructed them to just board the bus. CCC275373 and her companions complied without knowing their destination. CCC275373 testified:

- Q- Now, upon reaching Manila, what happened if there's any, Madam Witness?
- A- We proceeded to [REDACTED], [S]ir.
-
- Q- Upon reaching [REDACTED], what happened next, if any?
- A- [YYY275373] and her husband [were] there waiting for us, [S]ir.
- Q- Who is this husband you are referring to?
- A- [REDACTED], [S]ir.
- Q- And what happened after that, Madam Witness?
- A- Kuya [REDACTED] introduced us to them, [S]ir.
- Q- And when you say Kuya [REDACTED], whom are you referring to?
- A- [XXX275373], [S]ir.
- Q- After [XXX275373] a.k.a. [REDACTED] introduced [you to] [YYY275373] and her husband, what happened next, if there's any?
- A- We proceeded to Jollibee where we ate, [S]ir.
- Q- After you ate [at Jollibee], what happened next, if there's any, Madam Witness?
- A- Kuya [REDACTED] ferried us to the terminal of the bus, [S]ir.
- Q- And what bus is that, Madam Witness?
- A- [REDACTED], [S]ir.
-

⁵⁰ TSN, BBB275373, October 15, 2019, p. 18.

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- Q- What happened at the station of [REDACTED] upon arrival thereat?
A- I asked Mommy where we will be proceeding and then she told us that we will just board on a bus, [S]ir.
- Q- You said Mommy, who's that person you are referring to?
A- [YYY275373], [S]ir.
- Q- After Mommy or [YYY275373] told you to just board a bus, what happened next?
A- We boarded on a bus, sir.
- Q- After boarding the bus, what happened next, if there's any, Madam Witness?
A- We arrived here in [REDACTED], [S]ir.
- Q- May we know the time of your arrival here in [REDACTED]?
A- 5:00 o'clock in the morning, [S]ir.
- Q- And what date is that, Madam Witness?
A- 29th of January 2018, [S]ir.⁵¹

Similarly, AAA275373, BBB275373, GGG275373, FFF275373, and DDD275373 were met by YYY275373 when they reached Manila on February 6, 2018. Before he left, XXX275373 introduced them to YYY275373 as their employer. YYY275373 then directed AAA275373 and her companions to board the bus with her without telling them their destination. AAA275373 testified:

- Q- So, after you board[ed] a bus without knowing where to go or where [that bus was] going, what happened next, if there is any?
A- We cannot do anything. We were surprised or shocked because we [travelled] to a far place, [S]ir.
- Q- So, were you able to reach that far destination?
A- Yes, [S]ir.
- Q- Now when you are travelling together with [YYY275373], did you ask her of the place where you were heading?
A- No, [S]ir.
- Q- And were you able to reach that far place that you are going that time?
A- To [REDACTED], [S]ir.⁵²

Contrary to accused-appellants' insistence, III275373 did not singlehandedly recruit the victims to work as waitresses in Manila. Based on AAA275373, BBB275373, and CCC275373's testimonies, the concerted actions of III275373, XXX275373, and YYY275373 facilitated the recruitment, transfer, and transportation of the victims from [REDACTED] City to [REDACTED] City.

⁵¹ TSN, CCC275373, November 7, 2018, pp. 9-11.

⁵² TSN, AAA275373, June 4, 2019, p. 8.

The second element of qualified trafficking is also present in this case.

Accused-appellants argue that there was no credible evidence to prove the employment of fraud, deception, force, threat, coercion, or vulnerability. Accused-appellants place the blame on III275373 as the person who defrauded or deceived the victims, but she was not even impleaded as a co-conspirator in this case.⁵³

This Court finds accused-appellants' argument untenable. Here, it is apparent that accused-appellants employed fraud and deception because the victims were made to believe that they were going to work as waitresses in Manila with a monthly allowance of PHP 5,000.00. III275373 promised CCC275373 and her companions that they would be given PHP 5,000.00 upon leaving █████ City, which she did not do. To convince the victims to board XXX275373's van in █████ City, the victims were told that they will still receive the said amount from YYY275373 upon arrival in Manila. However, they were not given their allowance when they reached Manila.

When they reached █████ Bar in █████ City after travelling for three days, it was only then that YYY275373 revealed to the victims the true nature of their work. This time YYY275373 gave them their respective allowances with notice that their allowance and travel expenses are now considered as their loan obligations.⁵⁴ AAA275373's alleged indebtedness was in the amount of PHP 11,000.00, BBB275373's was PHP 13,000.00, and CCC275373's was PHP 8,000.00. YYY275373 further told them that their respective loans will be deducted from their earnings as GROs at █████ Bar. At this point, the victims could no longer back out as they had no money and were unfamiliar with the place.

AAA275373, who was then 15 years old, was forced to render sexual services to █████ Bar's customers so that she would be able to pay her alleged indebtedness, and for her to finally go home to █████ City. AAA275373 testified:

- Q- You said you travelled to a far place at the time, reaching █████ City. Do you confirm that?
A- Yes, [S]ir. It was then [that] we learned that [it] is already █████ City and we were told that is █████ City.
- Q- You proceeded to █████ Bar?
A- Yes, [S]ir.

⁵³ CA rollo, pp. 49–50.

⁵⁴ RTC records, pp. 16, 20, 28.

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- Q- At the [REDACTED] Bar, [YYY275373] instructed you what would you do at the [REDACTED] Bar. Is that correct?
- A- No, [S]ir[,] what we know is that we will be working as waitress and then we were shocked that we were required to work sexual services.
- Q- In your paragraph 7[,] you said you were instructed to entertain customers and in paragraph 8, you mentioned about your allowances and in paragraph 10, you mentioned that you will be receiving [PHP] 70.00 for one lady's drink which is worth [PHP] 190.00, [PHP] 70.00 will be your share. Do you know that?
- A- But what we know we will work as a waitress but then it was explained to us that we are indebted because of our expenses from travelling from [REDACTED] to [REDACTED] and we were shocked, [S]ir.
- Q- In your affidavit[,] you mentioned that your total liability is [PHP] 1,000.00 which would be deducted from your earnings?
- A- Yes, [S]ir.
- Q- I then asked you a while ago whether you confirm this statement that your share is [PHP] 70.00 for each lady's drink. Do you know that?
- A- Yes, [S]ir and it is there where we learned that we have huge amount of indebtedness and we should have to work for it.
- Q- You also agreed that your share in one sexual service that you render would be [PHP] 800.00. Do you confirm that?

PROSECUTOR POLIWOS, JR.:

Do we understand, Your Honor, that they are now admitting to the effect that there were sexual services rendered by the victim to the customers at the [REDACTED] Bar?

COURT:

I will allow.

- A- Yes, [S]ir so that our debt will also be reduced.
- Q- Whenever you go with a customer to render sexual services, no one from the [REDACTED] Bar was accompanying you, am I correct?
- A- Yes, [S]ir.
- Q- Except that customer?
- A- Yes, [S]ir.
- Q- You were free to leave [REDACTED] City and return to [REDACTED] City?
- A- No, [S]ir. I am not from [REDACTED] and because I do not know [that is] why we asked for help.
- Q- You did not attempt to go to the police authorities of [REDACTED] City to complain at any day or time during that stay of yours in [REDACTED] City from February 6 up to February 14 before you were rescued?
- A- No, [S]ir, because I was a minor and I am not from [REDACTED] City and I do not know the police station.
- Q- No one [from] your group considering that your group are from [REDACTED] City and you were all eight (8) as you mentioned, never attempt[ed]

to leave ██████ City at any time during your stay in ██████ City from February 6 up to February 14?

A- There is one of us[,] but we decided not to continue because it might be in vain, [S]ir.

Q- The truth of the matter is that you were happy during your stay at the ██████ Bar?

A- No, [S]ir.

Q- You were treated fairly by [YYY275373]?

A- No, [S]ir I don't like.

Q- You were never forced to render sexual services whenever a customer would bring you out from ██████ Bar?

A- We were forced so that our debt will be reduced and we can go home to ██████, [S]ir.⁵⁵

As can be gleaned from AAA275373's testimony, it was established that accused-appellants were able to perpetuate their illegal acts through deception, fraud, and coercion when they promised the victims a PHP 5,000.00 monthly allowance, with free transportation, food, and accommodation, but were made to work as sex workers to pay for their alleged debts. We also find that the RTC correctly found that accused-appellants took advantage of the victims' vulnerability because they all came from poor families. This Court points out that AAA275373, BBB275373, and CCC275373 all testified that the offered allowance was difficult to resist.

The third element is also present in this case. The purpose of recruiting, transporting, transferring, receiving, and maintaining the victims at ██████ Bar was for prostitution and sexual exploitation. When the victims arrived in ██████ City, YYY275373 told them to entice customers to order drinks or bring them out to engage in sex for a fee. The victims were told that they will receive commissions for every drink ordered by their customers and for every sexual service.

CCC275373 detailed the nature of her work at ██████ Bar and how she was paid:

Q- Aside from being a waitress, were you allowed to work for other things?

A- Yes, [S]ir.

Q- And can you tell this court your other work aside from being a waitress?

A- [We were] taken out by customers outside, [S]ir.

Q- What do you mean by that, Madam Witness, taken out by customers at night?

A- To have sex with them, [S]ir.

⁵⁵ TSN, AAA275373, June 4, 2019, pp. 25-27.

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Q- And in exchange for the sexual favors of the customers you will be receiving something?

A- Yes, [S]ir.

Q- May we know how much would that be?

A- [PHP] 1,500.00, [S]ir.

Q- Who will be receiving the amount of [PHP] 1,500.00?

A- We and then we will turn over it to the cashier, [S]ir.

Q- And [who is] that cashier to whom you are turning over that amount?

A- [ZZZ275373], [S]ir.

Q- Is there an instance wherein you will not be receiving the amount instead [REDACTED] will be the one to receive the amount? Is there a possibility?

A- None, [S]ir.

Q- Insofar as you are concerned?

A- Yes, [S]ir.

Q- Now, going back to your travel from Manila from [REDACTED] to [REDACTED] City, who were your companions in traveling to [REDACTED] City?

A- [REDACTED], [EEE275373], [YYY275373], [REDACTED], [REDACTED] and me, [S]ir.

Q- And you said a while ago that [REDACTED] is the husband of [YYY275373]?

A- Yes, [S]ir.

Q- Now, for how many days did you work [for] [YYY275373]?

A- January 30 up to February 14, [S]ir.

Q- And what was the establishment that you were working at the time?

A- [REDACTED] Bar, [S]ir.

Q- And where is it located?

A- [REDACTED], [REDACTED] City, [S]ir.

Q- Now, you said that you will be going out [with] customers?

A- Yes, [S]ir.

....

Q- And while you are in the table with the customers, what are the things that you are supposed to be doing?

A- We talk to customers, [S]ir.

Q- And in exchange for sitting down with customers, what do you get from it, Madam Witness?

A- If they will be ordering drinks, [S]ir.

Q- When you say they are ordering drinks, what do you mean by that?

A- We will be earning [PHP] 70.00 from that, [S]ir.

Q- Is that [PHP] 70.00 per order or per bottle?

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A- Per bottle, [S]ir.

.....

Q- How can you get money out of the order of these customers?

A- Because one (1) bottle of liquor costs [PHP] 150.00 and [PHP] 70.00 will go to us, [S]ir.

Q- When you say liquor, what kind of liquor is that?

A- San Mig Apple, [S]ir.

Q- So the [PHP] 70.00... how can you get the [PHP] 70.00?

A- After fifteen (15) days, [S]ir.

Q- What about when you go out with the customers, how can you get your share?

A- After fifteen (15) days also, [S]ir.

Q- After fifteen (15) days, who will be giving you your share?

A- The owner, [S]ir.

Q- And who's the owner?

A- [YYY275373], [S]ir.

Q- For how many times did you go out with customers?

A- Ten (10) to twelve (12) times, [S]ir,

Q- How much is your share when you go out with customers?

A- One thousand ([PHP] 1,000.00) pesos, [S]ir.

Q- So you're trying to impress upon this Honorable Court that you are getting money from going out [with] customers, entertaining customers plus [PHP] 5,000.00 allowance?

A- Yes, [S]ir.⁵⁶

CCC275373 also revealed that ZZZ275373 not only works as ██████████ Bar's cashier, but also served as the victims' escort, as the victims were not allowed to go out on their own:

Q- Now, during the time that you were working or prior to February 14, were you allowed to go out of the bar?

A- Yes, but with escort or companion, [S]ir.

Q- And what is the job of your escort?

A- Cashier, [S]ir.

Q- Was there a time that you go out without the cashier?

A- None, [S]ir.

Q- You are trying to impress upon this Honorable Court that you are only allowed to go out with companion?

A- Yes, [S]ir.

⁵⁶ TSN, CCC275373, November 7, 2018, pp. 13-18.

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Q- And who's the cashier, by the way?

A- [ZZZ275373], [S]ir.⁵⁷

Accused-appellants' purpose in maintaining the victims at the [REDACTED] Bar was to exploit them for purposes of prostitution. To have control over them, accused-appellants enticed the victims with the possibility of earning more commissions should their customers order more drinks or take them out to have sex with them.

AAA275373 and her companions did not like the nature of their work. They discreetly sought the PNP's help in [REDACTED] City which, in turn, coordinated with Police Station 1 in [REDACTED] City to rescue the victims.

PCpl Dela Cruz, the poseur customer who personally transacted with XXX275373 and ZZZ275373, gave an account of the incidents that led to the rescue of the victims:

Q- Upon reaching the place of operation, what did you do next, if there's any, Mr. Witness?

A- We immediately seated at the vacant table inside the establishment and we pretended as customers and we ordered some beverages, [S]ir.

Q- And who were your companions again?

A- PO2 Jaybert Guiquing, PO1 Omar Santos and PO2 Johvanny Estrada, [S]ir.

Q- When you said you pretended to be customers, what were you wearing at that time?

A- Civilian clothes, [S]ir.

Q- Upon ordering some beverages inside the [REDACTED] Bar located at [REDACTED], [REDACTED] City, what happened next, if [there was] any, Mr. Witness?

A- One male person approached us offering a female and said that: "*Sir baka gusto nyong maglabas ng babae, may bagong dating, puro bata.*"

.....

Q- Now, who is this person who approached you, if you can still remember?

A- He introduced himself as one of the employees there, [S]ir.

Q- When this somebody informed you or asked you if you like... what again is the proposal made by this person when he approached you?

A- "*Baka gusto nyong maglabas ng babae*", [S]ir.

Q- And what was your reply?

⁵⁷ *Id.* at 18.

- A- Actually, I searched for [REDACTED] because that was the name of the former employee and it was now being used by [AAA275373] for purposes of avoiding discovery, [S]ir.
- Q- And what happened next after that, Mr. Witness?
- A- He agreed and he immediately brought to me the female person, [S]ir.
- Q- And who is that again, that female person that you are referring to?
- A- [AAA275373], [S]ir.
- Q- When [AAA275373], the subject of your operation, was brought to your table, what happened next?
- A- We asked the management and he allowed me to bring out [AAA275373] to have sexual intercourse, [S]ir. After I paid, I gave the money to the cashier, [S]ir.
- Q- How much money did you give to the cashier?
- A- [PHP] 1,500, [S]ir, three (3) pieces of [PHP] 500.00.
- Q- Who is the cashier to whom did you give the three (3) pieces of [PHP] 500.00 peso-bill?
- A- [ZZZ275373], [S]ir.
- Q- After you gave these three pieces of [PHP] 500.00 peso-bill to the cashier of [REDACTED] Bar in the person of [ZZZ275373], what happened next?
- A- The management allowed me to bring her out.
- Q- When you said the management allowed you to bring her out, what do you mean by that?
- A- To have sexual intercourse, [S]ir.
- Q- And were you able to bring her out?
- A- No, [S]ir. I discreetly dialed the cellphone of PCI Gatan, [S]ir.
- Q- And what is the legal significance of secretly dialing the no. of PCI Rolando Gatan?
- A- That was the agreed pre-arranged signal, [S]ir.
- Q- Now, were you able to secretly dial the no. of PCI Gatan?
- A- Yes, [S]ir.
- Q- After you dialed the no. of your chief, what happened next?
- A- The team of PCI Rolando Gatan approached. When I noticed that they were approaching, I turned over [AAA275373] to PO2 Malenab and the DSWD, [S]ir.⁵⁸

PO1 Dela Cruz and his team witnessed accused-appellants' unlawful activities when they conducted the rescue and entrapment operation against them. Entrapment facilitates the *in flagrante* arrest of offenders and the rescue of trafficked victims.⁵⁹ The corroborating testimonies of the arresting officer

⁵⁸ TSN, PO1 Danny Boy Dela Cruz, pp. 10–12.

⁵⁹ *People v. Valencia*, 904 Phil. 518, 518 (2021) [Per J. Leonen, Third Division].

and the victims suffice to sustain conviction.⁶⁰ This Court thus finds no merit in accused-appellants' assertion that the police officers' account of the crime was nothing but baseless assumptions on their part.

Notably, conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.⁶¹ The essence of conspiracy is the unity of action and purpose.⁶² Its elements, like the physical acts constituting the crime itself, must be proven beyond reasonable doubt.⁶³

Here, conspiracy was established through accused-appellants' concerted actions in the recruitment of the victims, facilitation of their transport, the orientation about the victims' work, the supervision of their movements and collection of their fees for their sexual services. Accused-appellants participated in achieving the objectives of their operation. While their participations were varied, they were necessarily connected. YYY275373 was not just an owner of [REDACTED] Bar, while XXX275373 and ZZZ275373 were more than the driver and the cashier, respectively, as they all had an active role in subjecting the victims to prostitution.

In contrast with the testimonies of prosecution witnesses AAA275373, BBB275373, CCC275373, and PO1 Dela Cruz, accused-appellants merely offered the defense of denial. The bare denial of accused-appellants cannot prevail over the positive and categorical testimonies and identification of the prosecution's witnesses.

It is a well-settled rule that positive identification of the accused, where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over denial, which if not substantiated by clear and convincing evidence, as in this case, are negative and self-serving evidence undeserving of weight in law.⁶⁴ In this case, the police entrapment and rescue operation on February 14, 2018 lend credence to AAA275373, BBB275373, and CCC275373's testimonies that XXX275373, YYY275373, and ZZZ275373 subjected them to the crime of trafficking. We find no reason to overturn the RTC's findings in the absence of showing that it overlooked or misapplied the facts and circumstances of the same case.⁶⁵ More, the factual findings of the RTC are affirmed by the CA.⁶⁶ Thus, this Court defers to the RTC in this respect, considering that it was in the best position to assess and determine the credibility of the witnesses presented by both parties.⁶⁷

⁶⁰ *Id.*

⁶¹ *People v. Domingo*, 905 Phil. 378, 387 (2021) [Per J. Delos Santos, Third Division].

⁶² *People v. Jesalva*, 811 Phil. 299, 307 (2017) [Per J. Jardeleza, Third Division].

⁶³ *Id.* at 307–308.

⁶⁴ *People v. Del Rosario*, 657 Phil. 635, 644 (2011) [Per J. Nachura, Second Division].

⁶⁵ *People v. Racal*, 817 Phil. 665, 676 (2017) [Per J. Peralta, Second Division].

⁶⁶ *Id.*

⁶⁷ *Id.*

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Accused-appellants argue that private complainants voluntarily engaged in sexual services to pay off their debts, without accused-appellants' knowledge and participation. Accused-appellants thus aver that AAA275373, BBB275373, and CCC275373 were not forced, coerced, or threatened to work at [REDACTED] Bar.

Accused-appellants' defense is untenable. Section 3(a) of Republic Act No. 9208 provides that the crime of trafficking may be committed "with or without the victim's consent or knowledge." More so, if the victim is a minor who could not validly give his or her consent. In *People v. De Dios*,⁶⁸ this Court ruled that it is immaterial that there was no threat, force, coercion, abduction, fraud, deception, or abuse of power that was employed by the perpetrator when the latter involved the minor victim in her illicit sexual trade. In *De Dios*, We held that trafficking in persons may also be committed by means of taking advantage of the persons' vulnerability as a minor, a circumstance applicable to the victim, who was a minor.⁶⁹

Here, AAA275373 was a minor when the crime was committed. Based on AAA275373's Certificate of Live Birth,⁷⁰ AAA275373 was born on [REDACTED]. Thus, she was 15 years old in [REDACTED], or at the time the crime was committed.

Section 6(a)⁷¹ and (c)⁷² of Republic Act No. 9208, as amended, respectively provides that the offense of trafficking is qualified when the person trafficked is a child, and when it is committed in a large scale or against three or more persons, individually, or as a group. Considering AAA275373's minority and the fact of commission of the offense in large scale are qualifying circumstances which were alleged in the Information and proven during the trial, We affirm accused-appellants' conviction for qualified trafficking in persons.

As to the proper penalty to be imposed on accused-appellants, Section 10(c)⁷³ of Republic Act No. 9208 states that persons found guilty of qualified

⁶⁸ 832 Phil. 1034 (2018) [Per J. Reyes, Jr., Second Division].

⁶⁹ *Id.* at 1044.

⁷⁰ RTC records, p. 31.

⁷¹ Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 6(a).

SECTION 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

(a) When the trafficked person is a child[.]

⁷² Republic Act No. 9208 (2003), sec. 6(c).

SECTION 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

....

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group[.]

⁷³ Republic Act No. 9208 (2003), sec. 10(c).

SECTION 10. *Penalties and Sanctions.* — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

....

trafficking shall suffer the penalty of life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00. Thus, the CA correctly sentenced accused-appellants to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00 for each count of qualified trafficking in persons.

As regards the award of moral damages and exemplary damages, jurisprudence has settled that each of the victims named in the Information deserve a measure of recompense.⁷⁴ In *People v. Kelley*,⁷⁵ this Court ruled:

Accused-appellants were found guilty of operating as a syndicate to commit qualified trafficking in persons. Their offense was committed as much against the 15 other women rescued on May 22, 2013 as it was against OOO. Even if it was only OOO who personally testified, her testimony, along with those of P/Supt. Puapo and PO3 Pagumpaton, and the entire corpus of evidence adduced by the prosecution attest to the manifold operation of accused-appellants whose object was by no means OOO alone. AAA, BBB, CCC, DDD, EEE, FFF, GGG, HHH, III, JJJ, KKK, LLL, MMM, NNN, and PPP are as much victims of accused-appellants' sinister designs. They are each equally deserving of a measure of recompense. As such, this Court orders the payment of moral damages, not just to OOO, but to each of the 15 other victims rescued on May 22, 2013.⁷⁶

Applying the ruling in *Kelley*, We find that the CA correctly ordered accused-appellants to pay each of the victims AAA275373, BBB275373, CCC275373, DDD275373, EEE275373, GGG275373, and HHH275373 PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, as such amounts are at par with prevailing jurisprudence.⁷⁷ We point out however that FFF275373 is not entitled to moral or exemplary damages because it was explicitly alleged in the Information that he was not forced to work at [REDACTED] Bar for purposes of prostitution and sexual exploitation. Further, this Court deems it proper to impose on all monetary awards due to victims AAA275373, BBB275373, CCC275373, DDD275373, EEE275373, GGG275373, and HHH275373 a legal interest of 6% per annum from finality of judgment until full payment.⁷⁸

ACCORDINGLY, the Appeal is **DISMISSED**. The April 4, 2024 Decision of the Court of Appeals in CA-G.R. CR-HC No. 17349 is **AFFIRMED**. Accused-appellants XXX275373 a.k.a. "[REDACTED]", YYY275373, and ZZZ275373 are **GUILTY** of qualified trafficking under Section 4(a), in relation to Section 6(a) and (c) of Republic Act No. 9208, as amended by

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos ([PHP] 2,000,000.00) but not more than Five million pesos ([PHP] 5,000,000.00)[.]

⁷⁴ *People v. Kelley*, 874 Phil. 906 (2020) [Per J. Leonen, Third Division].

⁷⁵ *Id.*

⁷⁶ *Id.* at 922–923.

⁷⁷ *People v. XXX*, 835 Phil. 1083, 1096 (2018) [Per J. Perlas-Bernabe, Second Division].

⁷⁸ *People v. Jugueta*, 783 Phil. 806, 849 (2016) [Per J. Peralta, *En Banc*].

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Republic Act No. 10364. Accused-appellants are each sentenced to suffer the penalty of life imprisonment and to each pay a fine of PHP 2,000,000.00.

Accused-appellants are also **ORDERED** to **PAY** AAA275373, BBB275373, CCC275373, DDD275373, EEE275373, GGG275373, and HHH275373 the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, each.

All monetary awards shall earn interest of 6% per annum from the date of finality of this Decision until fully paid.

SO ORDERED.”

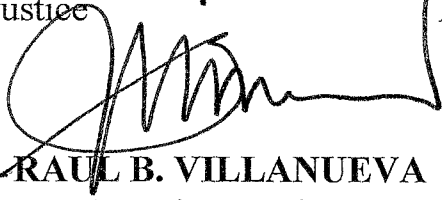

JOSE P. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

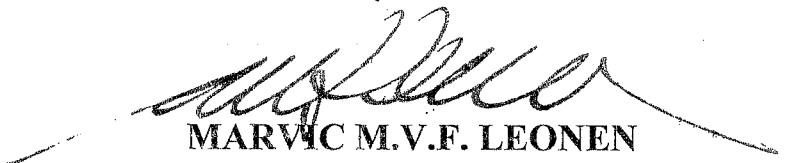

AMY C. LAZARO-JAVIER
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


RAUL B. VILLANUEVA
Associate Justice

ATTESTATION

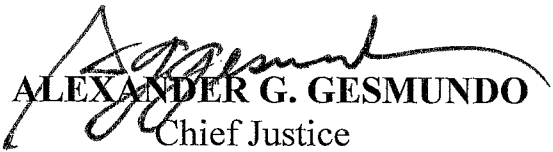
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

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CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice