Republic of the Philippines
Supreme Court
Manila

**THIRD DIVISION**

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| **PEOPLE OF THE PHILIPPINES,**<br>Plaintiff-appellee, | **G.R. No. 268971** |
| | Present: |
| - versus - | CAGUIOA, *J.*,<br>*Chairperson*,<br>INTING,<br>GAERLAN,<br>DIMAAMPAO, and<br>SINGH, *JJ.* |
| **MARY JOY DELA TORRE,***<br>Accused-appellant. | Promulgated:<br>FEB 19 2026 |

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# DECISION

**GAERLAN, *J.*:**

This resolves the Appeal pursuant to Rule 124, Section 13(c) of the Rules of Court, as amended, from the Decision[1] dated March 29, 2023 of the Court of Appeals (CA) in CA-G.R. CR HC No. 13930, which affirmed the November 14, 2019 Decision[2] of Branch [redacted] of the Regional Trial Court (RTC), Fourth Judicial Region, [redacted], Laguna, finding accused-appellant Mary Joy Dela Torre (Mary Joy) guilty beyond reasonable doubt of the crime of qualified trafficking in persons.

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* In line with Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," 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. 9–20. Penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Ramon M. Bato, Jr. and Alfonso C. Ruiz II of the Fourth Division, Court of Appeals, Manila.

2 *Id.* at 23–36. Penned by Presiding Judge Suwerte L. Ofrecio.

## The Antecedents

In an Information dated November 22, 2018, Mary Joy along with her elder sister Mary Jane Dela Torre (Mary Jane) and a certain Jella Lobos (Jella) were charged of **qualified** trafficking in persons under Section 4(a) in relation to Sections 4(e) and 6(a) of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act of 2012.

The accusatory portion of the Information reads:

> That on or about of August 20, 2016, in the Municipality of [redacted], Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the accused in conspiracy with one another did then and there wilfully, unlawfully and feloniously hire, employ, maintain and offered [AAA268971], a minor, below eighteen years old, for the purpose of prostitution and offered said private complainant to a male customer for sexual intercourse and lascivious conduct in exchange of money, to the damage and prejudiced [sic] of said private complainant.
>
> The crime was attended by the qualifying circumstances of minority, complainant [AAA268971] being thirteen (13) years of age and that the crime was committed by a syndicate of three persons.
>
> CONTRARY TO LAW.[3]

The case against Jella was dismissed by the RTC in an Order dated January 29, 2019. As for Mary Joy and Mary Jane, they were arrested on May 23, 2019 and arraigned on June 11, 2019.[4] During pre-trial, the parties stipulated on the jurisdiction of the trial court, the identity of the accused, and the minority of the victim.[5] Thereafter, trial on the merits ensued.

To prove that Mary Joy was guilty for trafficking then 13-year-old AAA268971, the prosecution offered the testimony of the victim, her mother, BBB268971, and Dr. Marisol Gelera-Canlas, the Medico-legal officer who examined AAA268971.[6]

*Version of the Prosecution*

In her testimony, AAA268971 recalled that on August 19, 2016, she was on her way to school when she was called by her neighbor "Ate Bebe"

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3 *Id.* at 23.
4 *Id.* at 10.
5 *Id.*
6 *Id.* at 10–12.

(Mary Joy) to the latter's house. Mary Joy told her that they will be going to Alabang the next day to meet a man to earn PHP 15,000.00 in exchange for sex. To this offer, AAA268971 replied "*bahala na.*"[7]

The following morning, at around seven o'clock, AAA268971 was awakened by Mary Jane who was sleeping at the house of a certain "Ate Gina." Thereafter, AAA268971 was brought to a bus station where she met Mary Joy. AAA268971 and Mary Joy rode a bus to [redacted] together. While in transit, Mary Joy told AAA268971 that she must do whatever the male client asks of her. Upon arriving at [redacted] Station, they proceeded to [redacted] Hotel where they were met by an old man who appeared to be around 60 years old.[8]

AAA268971, Mary Joy, and the old man dined inside a hotel room. After eating, Mary Joy and AAA268971 went inside the restroom where Mary Joy handed the latter a cotton soaked in blood. Mary Joy instructed AAA268971 to squeeze the cotton on the bed after the man had sex with her to make it appear that she was still a virgin. Before Mary Joy left the hotel room, AAA268971 saw her receive money from the old man.[9]

AAA268971 performed sexual acts with the old man and received PHP 15,000.00 from him as payment. AAA268971 then waited for Mary Joy to come fetch her from the hotel. When Mary Joy arrived, she asked AAA268971 for the money that the man gave her. AAA268971 did what she was asked. Thereafter, AAA268971 and Mary Joy went to [redacted], Cavite where Mary Joy bought AAA268971 a cellular phone worth PHP 5,000.00. On their way home, Mary Joy gave AAA268971 PHP 3,000.00 and instructed her to give PHP 200.00 to Ate Gina, Mary Jane, and a certain "Kuya Boy."[10]

After BBB268971 found out that her minor child was pimped out, she and AAA268971 went to the barangay hall to file a complaint against Mary Joy, Mary Jane, and Jella.[11] BBB268971 also brought AAA268971 to a doctor for physical examination.[12]

Sometime between the conclusion of AAA268971's testimony and the rendition of judgment by the RTC, AAA268971 executed an Affidavit of Desistance which was signed by her and BBB268971.[13]

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7 CA *rollo*, p. 85.
8 *Id.*
9 *Rollo*, p. 11.
10 CA *rollo*, p. 86.
11 *Id.*
12 *Rollo*, p. 12.
13 CA *rollo*, p. 86.

On cross-examination, AAA268971 admitted that she accepted Mary Joy and Mary Jane's offer of PHP 30,000.00 in exchange for signing an Affidavit of Desistance prepared by the latter's counsel.[14] Upon further questions from the trial court, AAA268971 affirmed her previous testimony that it was Mary Joy who convinced her to meet with the old man to do whatever the man desires. It was also Mary Joy who handed AAA268971 the blood-soaked cotton. AAA268971 also confirmed that she gave Mary Joy the PHP 15,000.00 from the old man and that after the encounter, they went to [redacted], Cavite where Mary Joy bought her a cellular phone.[15]

*Version of the Defense*

Mary Joy testified that on August 19, 2016, AAA268971 borrowed her phone to chat with someone. After that, she and AAA268971 allegedly parted ways. According to Mary Joy, she does not know who AAA268971 talked to or communicated with using her phone.[16]

The next day, Mary Joy went to Mary Jane's house and saw AAA268971 there. AAA268971 asked Mary Joy to accompany her to [redacted] to meet with someone at [redacted], Cavite. Despite not knowing who AAA268971 was going to meet with, Mary Joy acquiesced.[17]

When Mary Joy and AAA268971 arrived at the mall, they met an old man who asked them to ride in his car. They did, and then he drove them to a hotel. As she just waited in the old man's car, she could not make out what AAA268971 and the old man talked about as they entered one of the hotel rooms. AAA268971 and the old man eventually came out of the hotel. Afterwards, Mary Joy and AAA268971 were brought back to [redacted], Cavite. There, AAA268971 bought herself a cellphone.[18]

Mary Jane materially corroborated her sister's testimony. Mary Jane testified that she saw AAA268971 use Mary Joy's cellphone to chat with someone. She confirmed that on August 20, 2016, AAA268971 went to her place to borrow money from her to travel to [redacted]. However, Mary Jane did not lend money to AAA268971 because she had none at the time.[19]

Mary Jane also denied that she or her representatives approached AAA268971 with an offer to settle the case. Mary Jane countered that it was

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14 *Rollo*, p. 12.
15 CA *rollo*, p. 70.
16 *Id.* at 49.
17 *Id.* at 50.
18 *Id.*
19 *Rollo*, p. 13.

AAA268971 who approached her asking for money. Allegedly, she gave PHP 30,000.00 to AAA268971 out of pity for her sibling who was hospitalized.[20]

## The RTC Ruling

In a Decision promulgated on November 14, 2019, the RTC convicted Mary Joy of qualified trafficking in persons.

In contrast, her co-accused Mary Jane was acquitted of the crime for failure of the prosecution to prove her knowledge and involvement in the actuations of Mary Joy. The RTC also held that the prosecution failed to prove either the existence of a conspiracy or the possibility that Mary Jane was an accomplice or an accessory to the crime.[21]

The dispositive portion of the Decision reads:

> WHEREFORE, premises considered, the Court finds accused **MARY JOY DELA TORRE GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons as defined and penalized under [Republic Act No.] 9208 as further amended by [Republic Act No.] 10364. Accordingly, she is meted to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine of [PHP] 2,000,000.00 without eligibility for parole and to pay the victim the amount of P200,000.00 as moral damages and [PHP] 100,000.00 as exemplary damages.
>
> However, for failure of the prosecution to prove the guilt of accused **MARY JANE DELA TORRE**, the Court hereby **ACQUITS** her and her immediate release from detention is hereby ordered unless there exists other lawful cause/s for her continued detention.
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> SO ORDERED.[22] (Emphasis in the original)

The RTC found AAA268971's account of the events not only candid, truthful and convincing, but also consistent with the documentary evidence adduced by the prosecution. To the trial court, there was consistency in AAA268971's recollection of the details of her recruitment, receipt of money, and sexual exploitation. Thus, it held that the prosecution was able to prove that AAA268971, a minor at the time of the commission of the offense, was recruited and convinced by Mary Joy to have sex with a man for a fee.[23]

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20 CA *rollo*, p. 50.
21 *Rollo*, pp. 27–36.
22 *Id.* at 36.
23 *Id.* at 29–34.

**The CA Ruling**

On appeal, the CA affirmed the ruling of the RTC with modification as to the amount of moral damages:

> WHEREFORE, premises considered, the instant **Appeal is DENIED.** The Decision dated 14 November 2019 issued by the Regional Trial Court, Fourth Judicial Region, Branch [redacted], Laguna in Crim. Case No. SC-23229 is **AFFIRMED with MODIFICATION**.
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> Accordingly, appellant is ORDERED TO PAY [AAA268971] [PHP] 500,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages, all with interest at the rate of 6% per annum from the date of finality of judgment until fully paid.
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> SO ORDERED.[24] (Emphasis in the original)

The CA similarly found AAA268971's testimony as credible and worthy of belief. It held that the Affidavit of Desistance signed by AAA268971 and BBB268971 should not be given credence considering that when the RTC propounded questions to AAA268971 in relation to the said affidavit, AAA268971 reiterated that her previous testimony is true and factual.[25]

As to the commission of the crime, the CA ruled that all the elements of qualified trafficking in persons were proven by the prosecution.[26]

Aggrieved, Mary Joy elevated the case to the Court through a Notice of Appeal.[27]

The Office of the Solicitor General (OSG) and Mary Joy both filed a Manifestation that they are adopting the arguments they raised in their respective Briefs before the CA in lieu of filing supplemental briefs.[28]

Mary Joy argues in her Brief that she cannot be convicted on the basis of AAA268971's unreasonable account of her alleged sexual exploitation. She claims that it is highly improbable that AAA268971's surreptitious trip from [redacted], Laguna to [redacted] did not raise some kind of alarm to her family. Considering the distance between these places and the fact that AAA268971 at the time did not have a cellphone, it was to be expected that

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24 *Id.* at 20.
25 *Id.* at 16.
26 *Id.* at 16–18.
27 *Id.* at 3–5.
28 *Id.* at 39–48.

the child informed her parents about her travel. Mary Joy also claims that it is unlikely that the cotton remained wet and uncoagulated by the time she and AAA268971 reached the hotel in Cavite. AAA268971 was also allegedly inconsistent as to the amount of money she received from the old man.[29]

In an attempt to further discredit AAA268971's testimony, Mary Joy cites the Affidavit of Desistance executed by AAA268971 and BBB268971, claiming that the same shows the witness's high propensity for perjury.[30]

As to the alleged commission of the crime, Mary Joy argues that there could have been no recruitment for prostitution considering that on August 19, 2016, AAA268971 turned down Mary Joy's offer to meet with someone and to be paid for it afterwards. Thus, she claims that the encounter between AAA268971 and the old man the following day was purely the result of AAA268971's own volition and choices. Mary Joy further argues that there was no clear evidence of the purpose and act through which AAA268971 was exploited for prostitution.[31]

Mary Joy then offers the counter-narrative that AAA268971, on her own, voluntarily offered sexual favors for a fee. Mary Joy posits that when BBB268971 found out, AAA268971 likely started blaming other people for her actions, including the accused who merely chaperoned her to Cavite.[32]

On the contrary, the OSG, in its Brief, avers that all the elements of qualified trafficking in persons were proven beyond reasonable doubt. According to the prosecution, the victim's testimony proves Mary Joy's act of recruitment for the purpose of sexual exploitation and the child's receipt of payment for prostitution. Thus, the OSG submits that despite the minor inconsistencies in AAA268971's testimony, Mary Joy should not be acquitted of the crime charged.[33]

## The Court's Ruling

The Court sustains the conviction.

*AAA268971's testimony is credible*

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29 CA *rollo*, pp. 51–53.
30 *Id.* at 54.
31 *Id.* at 55.
32 *Id.* at 56.
33 *Id.* at 86–94.

To convince the Court of her innocence, Mary Joy assails the credibility of AAA268971 and the truthfulness of her testimony. However, it is a well-entrenched principle that the findings of fact of the trial court as to the credibility of witnesses are accorded with respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.[34] This is anchored on the fact that the trial judge, having heard the testimonies and observed the deportment and manner of testifying of the witnesses during the trial, is in a better position to decide the credibility of said witnesses. The rule finds an even more stringent application where said findings are sustained by the CA, as in the case here.[35]

Thus, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA as to the credibility of AAA268971's testimony. As observed by the RTC, AAA268971's account of the commission of trafficking is "candid, straightforward, truthful, and convincing, consistent with the documentary evidence adduced by the prosecution."[36]

Furthermore, as We have held in *People v. Udtohan*,[37] "[t]he revelation of an innocent child whose chastity was abused deserves full credence."[38] The great weight that courts accord to a child's testimony is shown in how corroboration of the testimony, as a rule, is not even required. If it is credible by itself, the child's testimony is sufficient to support a finding of fact, conclusion, or judgment, subject to the standard of proof required in criminal and non-criminal cases. Consequently, when the testimony of a child victim has been ruled by the trial court to be straightforward and categorical, a *prima facie* case is established and the accused is charged with the burden of overthrowing the same.[39]

Here, Mary Joy failed to overturn the *prima facie* case against her. The minor inconsistencies in the testimony of AAA268971 are inconsequential as they do not negate the possibility of the commission of the crime. In fact, such inconsistencies are even considered a badge of truthfulness that erases suspicions of a rehearsed testimony.[40]

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34 *People v. Lim*, 914 Phil. 374, 380 (2021) [Per J. Inting, Second Division]; *People v. Verona*, 854 Phil. 422, 434 (2019) [Per J. Carpio, Second Division]; *People v. Posing*, 715 Phil. 788, 805 (2013) [Per J. Perez, Second Division]; *Cabaron v. People*, 618 Phil. 1, 8 (2009) [Per J. Brion, Second Division].

35 *People v. Villamine*, 625 Phil. 698, 713 (2010) [Per J. Peralta, Third Division].

36 *Rollo*, p. 29.

37 815 Phil. 449 (2017) [Per J. Mendoza, Second Division].

38 *Id.* at 463.

39 *BBB247234 v. People*, 928 Phil. 873, 893–894 (2022) [Per J. J. Lopez, Second Division].

40 *People v. Santos,* 590 Phil. 564, 589 (2008) [Per J. Austria-Martinez, Third Division].

In a similar way, the defense's theory that it is impossible for the blood-soaked cotton to remain uncoagulated after the passing of hours is immaterial and too minor as to affect the credibility of AAA268971's testimony. As for the contention that it is against human experience that a child's travel from [redacted], Laguna to [redacted] would not raise an alarm to her family, the same deserves scant consideration as it is purely speculative of the child's circumstances. It is therefore clear that Mary Joy failed to present countervailing evidence to overthrow the *prima facie* case created by AAA268971's straightforward and convincing testimony.

In sum, none of the arguments of the defense to discredit AAA268971's credibility convinces the Court that the findings of the RTC, as affirmed by the appellate court, is tainted with glaring errors, gross misapprehension of facts, and unsupported conclusions. Thus, We similarly hold that AAA268971's testimony is credible and worthy of belief.

*Affidavit of Desistance lacks evidentiary value in trafficking cases*

Mary Joy claims that the Affidavit of Desistance executed by AAA268971 and BBB268971 negates the veracity of their allegations as to the commission of the crime.

We do not agree.

We take this opportunity to emphasize that affidavits of desistance are highly suspect when the person executing the same is a victim of exploitation. This is especially true when the victim is a child or a person who cannot be expected to know the full consequence of the retraction of a testimony. While the Court cannot speculate on the reasons why victims of exploitation sometimes withdraw their claims or allegations, We cannot disregard the possibility that such decision was a result of coercion, influence, or other forces that ultimately make retraction involuntary and untrue.

In this case, the child victim actually explained why she retracted her previous testimony. In her cross-examination, she stated that she accepted the offer of PHP 30,000.00 in exchange for signing an Affidavit of Desistance prepared by Mary Joy's counsel.[41] In other words, in exchange for monetary consideration, AAA268971 considered dropping the charges against Mary Joy. However, Mary Joy's offer to pay AAA268971 to dismiss the case proved to be futile. As explicitly provided under Section 8 of

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41 *Rollo*, p. 12.

Republic Act No. 9208, as amended,[42] cases of human trafficking cannot be dismissed based on affidavits of desistance:

> *SEC. 8. Initiation and Prosecution of Cases.* —
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> . . . .
>
> c) *Affidavit of Desistance.* — Cases involving trafficking in persons should not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

This provision aligns with the principle that affidavits of desistance should not be given any material weight in trafficking cases as the victim or witness is generally in a situation of vulnerability or in a position of lesser power or autonomy. On this note, the execution of such affidavit does not imply that the witness lacks credibility or has the propensity to commit perjury. The execution of such affidavit of desistance could be the result of realities and considerations that make it highly unreliable. This places such testimony at a different tier compared to the previous testimony recanted by a witness and his or her succeeding testimonies in court. As We have previously declared, a testimony solemnly given before a court of justice and subjected to the test of cross-examination cannot easily be set aside.[43]

At this point, We also reiterate that the State is the party affected by the dismissal of the criminal action—not the private complainant. Thus, it is up to the State to determine if the case should proceed. Consequently, in the prosecution of the criminal offense, the complainant's role is limited to that of a witness for the prosecution whose interest is solely on the civil liability of the accused.[44] Furthermore, by itself, an affidavit of desistance or pardon is not a ground for the dismissal of an action once the case has been instituted in court.[45] This springs from the rule that in a criminal action already filed in court, the private complainant loses the right or absolute privilege to decide whether the charge should proceed.[46] In this case, AAA268971 and BBB268971 executed the subject Affidavit of Desistance while trial was pending.

All told, the Court cannot give any weight or consideration to the Affidavit of Desistance executed by AAA268971 and BBB268971. Neither

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42 REPUBLIC ACT NO. 10364, titled "Expanded Anti-Trafficking in Persons Act of 2012."
43 *People v. Baluyot,* G.R. No. 227422, March 18, 2019 [Notice, First Division].
44 *Austria v. AAA[205275]*, 924 Phil. 41, 52 (2022) [Per J. M. Lopez, *En Banc*].
45 *People v. Ramirez, Jr.*, 475 Phil. 631, 646 (2004) [Per J. Panganiban, First Division].
46 *Chua v. People,* 793 Phil. 815, 827 (2016) [Per J. Reyes, Third Division].

can such affidavit discredit AAA268971's testimony in view of the circumstances surrounding its execution.

*All the elements of qualified trafficking in persons are present*

The offense of trafficking in persons is defined under Section 3, paragraph (a) of Republic Act No. 9208, as amended:

> SEC. 3. *Definition of Terms* – As used in this Act:
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> (a) *Trafficking in Persons* — refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of 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 person for the purpose of exploitation which includes at a minimum, the 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.
>
> The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

In this case, Mary Joy was charged under Section 4(a) in relation to Sections 4(e) and 6(a) of the law. For ease of reference, these provisions are reproduced below:

> SEC. 4. *Acts of Trafficking in Persons.* — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:
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> (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;
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> . . . .
>
> (e) To maintain or hire a person to engage in prostitution or pornography[.]
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> SEC. 6. *Qualified Trafficking in Persons.* — Violations of Section 4 of this Act shall be considered as qualified trafficking:

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

The trafficking of persons is qualified by certain circumstances enumerated under Republic Act No. 9208, as amended. As quoted above, one of these circumstances is when the trafficked person is a "child" which, under the same law, is a person below 18 years of age or one who is over 18 years of age but is unable to fully take care of or protect themselves because of a disability or condition.[47]

Within the context of Section 4(a), the elements of "trafficking in persons" are as follows: (a) the *act* of "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders;"[48] (b) 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;"[49] and (c) 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."[50]

As applied here, the Court finds that all the elements of the offense were proven by the prosecution.

To recall, the parties stipulated that AAA268971 was a minor at the time of the commission of the offense, being born on [redacted]. AAA268971's testimony established that despite her minority, she was recruited by Mary Joy to offer sexual services in exchange for a fee:

Q: Pauwi ka na tinawag ka ni Mary Joy. Si Mary Joy lang ang tumawag sayo?
A: Opo.

Q: Saan kayo pumunta pagkatapos kang tawagin?
A: Dun po sa bahay nila, sa taas.

Q: Sa taas ng bahay nila? O anong nangyare nung nasa taas na kayo ng bahay ni Mary Joy?
A: Sinabi na po ni ate Bebe sakin yung gagawin.

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47 Section 3(b) in relation to Section 6(a), Republic Act No. 9208, as amended.
48 *People v. Macatangay*, G.R. No. 267832, May 19, 2025 [Per J. Kho, Jr., Second Division] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
49 *Id.*
50 *Id.*

Q: Si Ate Bebe? Si Mary Joy yun ano?
A: Opo.

Q: Anong sinabi niya na gagawin?
A: Aalis daw po bukas kasi daw po meron daw po kaming kikitain na lalaki.

Q: Aalis daw kayo bukas, may kikitaing lalaki? Tinanong mo ba kung saan kayo pupunta bukas?
A: Sa [redacted] po.

Q: Tinanong mo ba kung anong gagawin matapos makipag kita dun sa lalaki?
A: Opo.

Q: Anong sinabi?
A: Sabi niya lang po babayaran naman daw po ako. Hindi po ako sumang ayon sa kanya. Sabi ko lang po sa kanya bahala na pero hindi po ako umoo nun.

Q: Hindi ka pumayag?
A: Opo, kasi po natatakot ako.

Q: Magkano sinabi niya sayong bayad?
A: 15,000.

Q: Ano namang sinabi ni Mary Joy o ni Ate Bebe nung sinabi mong ayaw mo?
A: Sayang daw po yun.[51]

AAA268971's testimony sufficiently established that Mary Joy took advantage of her vulnerability. She was scared and apprehensive of acceding to Mary Joy's plan but the latter was insistent on convincing AAA268971 to go to [redacted] to meet up with a man. Mary Joy even facilitated AAA268971's transportation to and from the hotel where the two of them met with the male client. She also gave AAA268971 explicit instructions on what to do when she is left alone with the old man.

In its Brief, the defense admitted that on August 19, 2016, "AAA268971 turned down Mary Joy's offer to meet with someone and to be paid for it afterwards."[52] Thus, considering the evidence on record, there is no doubt that the purpose of trafficking in this case is the prostitution or sexual exploitation of AAA268971. Mary Joy trafficked AAA268971 when she offered the minor's sexual services to a man in exchange for money.

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51 *Rollo*, p. 30.
52 CA *rollo*, p. 55.

As to the contention that there could have been no recruitment for prostitution since AAA268971 initially declined Mary Joy's offer, the same is bereft of merit. Regardless of whether AAA268971 agreed to or declined Mary Joy's offer, the mere fact that Mary Joy called and convinced her to offer sexual services already meets the element of "recruitment" for purposes of trafficking. Furthermore, as provided under Section 3, paragraph (a) of the law, sex trafficking can happen even with the victim's consent.

There is also no merit to the defense that the encounter between AAA268971 and the old man was purely the result of AAA268971's own volition. There is simply nothing in evidence that would support the narrative that AAA268971, on her own, voluntarily offered sexual favors for a fee. Mary Joy's presence in the hotel already belies the claim that the transaction was planned and executed by a 13-year-old without the accused's knowledge or involvement.

From the foregoing, the Court affirms the ruling of the courts *a quo* that Mary Joy is guilty beyond reasonable doubt of the crime of qualified trafficking in persons. The Court likewise affirms the penalty imposed by the RTC, as affirmed by the CA.

Under Section 10(e) of Republic Act No. 9208, as amended, any person found guilty of qualified trafficking under Section 6 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 penalty and the fine imposed by the lower courts are proper.

As to the amount of damages, We agree with the CA that there is a need to increase the amount of moral damages in view of Our rulings in *People v. Lalli*,[53] *People v. Dela Rosa*,[54] and more recently, *People v. Macatangay*.[55]

In *Lalli*, We held that the payment of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages for the crime of trafficking in persons as a prostitute finds basis in Article 2219 of the Civil Code which awards moral damages to certain crimes, including those analogous to the crimes of seduction, abduction, rape, or other lascivious acts. Since the crime of trafficking in persons was aggravated, the trafficked person being a child, the award of exemplary damages is likewise justified.

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53 675 Phil. 126 (2011) [Per J. Carpio, Second Division].
54 866 Phil. 36 (2019) [Per J. Leonen, Third Division].
55 G.R. No. 267832, May 19, 2025 [Per J. Kho, Jr., Second Division].

Being trafficked as a child prostitute, without doubt, causes immeasurable emotional and mental suffering, besmirched reputation, and moral shock that perhaps no amount of monetary compensation can fully rectify. What the Court can do, however, is acknowledge the immense impact of the crime to the lives of its victims by awarding damages that may aid in the victims' recovery from their traumatic experience. For this reason, We affirm the CA's award of PHP 500,000.00 as moral damages, and PHP 100,000.00 as exemplary damages.

**ACCORDINGLY**, the Appeal is **DISMISSED**. The March 29, 2023 Decision of the Court of Appeals in CA-G.R. CR HC No. 13930 is hereby **AFFIRMED**.

Accused-appellant Mary Joy Dela Torre is **GUILTY** beyond reasonable doubt of qualified trafficking in persons under Section 4(a) in relation to Sections 4(e) and 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is **SENTENCED** to suffer the penalty of **LIFE IMPRISONMENT** and **ORDERED to PAY** a fine of PHP 2,000,000.00. She is likewise **ORDERED to PAY** AAA268971 PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, with legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment.

**SO ORDERED**.

**SAMUEL H. GAERLAN**
Associate Justice

WE CONCUR:

**ALFREDO BENJAMIN S. CAGUIOA**
Associate Justice

**HENRI JEAN PAUL B. INTING**
Associate Justice

**JAPAR B. DIMAAMPAO**
Associate Justice

**MARIA FILOMENA D. SINGH**
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 the Court's Division.

**ALFREDO BENJAMIN S. CAGUIOA**
Associate Justice
Chairperson, Third Division

## 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 the Court's Division.

**ALEXANDER G. GESMUNDO**
Chief Justice