

SECOND DIVISION

[G.R. No. 260823. June 26, 2023]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RIZALINA JANARIO GUMBA A.K.A. "MOMMY RIZA" AND GLORIA BUENO RELLAMA A.K.A. "MOMMY GLO," ACCUSED-APPELLANTS.

D E C I S I O N

LEONEN, ACTING C.J.:

To sustain a conviction for qualified human trafficking, in the form of trafficking minors for prostitution, the State must establish the concurrence of the following elements:^[1] (1) the *act*, which can be 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";^[2] (2) "[t]he *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 person";^[3] (3) "[t]he *purpose* of trafficking," which is prostitution;^[4] and (4) the victim's *age*,^[5] which should be below 18 years.^[6] Notably, the trafficked minors do not need to be engaging in prostitution at the very instance of the offender's arrest for such charge to prosper. "[W]hat is essential under [Republic Act No.] 9208 [as amended] is that a person is recruited and transported for the purpose of prostitution...[p]recisely [because] the law was passed to curtail human trafficking."^[7]

This Court resolves an appeal from the June 28, 2021 Decision^[8] of the Court of Appeals affirming the Regional Trial Court's conviction^[9] of Rizalina Janario Gumba (Gumba) and Gloria Bueno Rellama (Rellama) for qualified trafficking of persons under Section 4(a),^[10] in relation to Section 6(a),^[11] 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 Information charging Gumba and Rellama with qualified trafficking in persons under Republic Act No. 9208, as amended, states:

That on or about 12:00 o'clock noon of October 22, 2014, and prior thereto, from [REDACTED], Cavite to [REDACTED] City, and within the jurisdiction of this Honorable Court, the above-named accused **RIZALINA JANARIO GUMBA a.k.a. "Mommy Riza"** and **GLORIA BUENO RELLAMA a.k.a. "Mommy Glo"** as floor managers of [REDACTED] located at [REDACTED], Cavite in conspiracy with one another and by taking advantage of the vulnerability and minority of the victim namely [BBB], fifteen (15) years of age, [AAA], fifteen (15) years old, PPP, eighteen (18) years old and GGG, eighteen (18) years old and other young girls in their early twenties, did then and there knowingly, willfully and feloniously HIRE and OFFER then for sexual intercourse with their male customers for a fee of Php1,500.00 to Php2,000.00 per girl per transaction.

That the crime was attended by the qualifying circumstance of minority, the victims, [BBB], [AAA], PPP, and GGG, being minors at the time of the commission of the offense as revealed by their respective certificates of birth, to their damage and prejudice.

Contrary to law.^[12]

On arraignment, both Gumba and Rellama pleaded not guilty to the offenses charged.^[13] Thereafter, trial on the merits ensued.

The prosecution presented as its witnesses Police Officer 3 Christopher Artuz (PO3 Artuz), Retired Police Superintendent Emma Trinidad (P/Supt. Trinidad), AAA, and BBB.^[14] AAA and BBB were minors rescued during the police operation that led to the arrest of Gumba and Rellama.^[15] Per their respective Certificates of Live Birth, AAA and BBB were then only 15 years old.^[16]

According to the prosecution, Police Superintendent Harris R. Fama (PS/Supt. Fama), Chief of the Women and Children Protection Unit-Criminal Investigation and Detection Group, sent PO3 Artuz to surveil [REDACTED] in [REDACTED], Cavite, following a tip that prostitution was taking place there.^[17]

On October 10, 2014,^[18] PO3 Artuz and two undercover agents, all disguised as band members, went into the bar as customers.^[19] Gumba, Rellama, and a certain Mommy Joan attended to them as floor managers, offering them the company of young girls.^[20] Gumba and Rellama told them that they could pay to have sexual intercourse with the girls in the

bar's VIP room, for the price of PHP 1,500.00 per girl.^[21] The surveillance team hired three girls.^[22] Gumba gave her number to PO3 Artuz, letting him know that he could contact her should he ever need such girls again.^[23]

The surveillance team chatted with the three girls, who confirmed that the bar's customers could pay to have sex with them.^[24] Having secured that information, the team ended their surveillance.^[25] PO3 Artuz later submitted his After Surveillance Report to PS/Supt. Fama.^[26]

Acting on the report, PS/Supt. Fama instructed P/Supt. Trinidad to lead an entrapment and rescue operation,^[27] with PO3 Artuz joining them.

To begin the operation, PO3 Artuz contacted Gumba, pretending that he needed fifteen 15 girls for a party on October 22, 2014 at the [REDACTED] in [REDACTED] City,^[28] and that he would pay PHP 1,500.00 per girl.^[29] Gumba undertook to provide those 15 girls.^[30] It was decided that they would all meet on October 22, 2014, at 10:30 a.m., at a 7-Eleven store in Cavite, with PO3 Artuz picking them up in a van that would take them to the [REDACTED].^[31]

In preparation for the October 22, 2014 operation, the Women and Children Protection Unit-Criminal Investigation and Detection Group looped in the Southern Police District, the Department of Social Welfare and Development-National Capital Region, and the [REDACTED] City Social Workers and Development Office.^[32]

On the day of the operation, PO3 Artuz, as the designated poseur customer,^[33] was given marked money (five PHP 1000.00 bills and twenty PHP 500.00 bills),^[34] which he was to use to pay Gumba. If Gumba took the money as payment, PO3 Artuz was to cue in the entrapment and rescue team by getting out of the van at the [REDACTED], along [REDACTED],^[35] where the team would be lying in wait.^[36] With the team's plan ironed out, PO3 Artuz, together with his backup undercover agent, went to his and Gumba's agreed-upon meeting place.^[37]

As they discussed, by 10:30 a.m. that day, Gumba and Rellama had brought AAA, BBB, and six^[38] other girls to PO3 Artuz,^[39] and they had all boarded his van.^[40]

As the group was making its way to the [REDACTED], Gumba at some point alighted, bought condoms, and distributed the condoms to all eight of the girls, including the minors AAA and BBB.^[41]

Gumba, stressing that she had brought him young girls, then told PO3 Artuz that he had to

pay PHP 2,000.00 for each of them, instead of PHP 1,500.00.^[42] PO3 Artuz thus gave her the marked money, saying that to complete the payment, he would need to stop by a bank and withdraw cash.^[43] Gumba distributed the marked money to the eight girls,^[44] giving them PHP 1,500.00 each.^[45]

Having paid Gumba with the marked money, PO3 Artuz stopped the van at the [REDACTED].^[46] He alighted,^[47] mobilizing the entrapment and rescue team into identifying themselves as police officers and arresting Gumba and Rellama.^[48] During the arrest, the team was able to recover the marked money.^[49]

Gumba, Rellama, AAA, BBB, and the six other girls brought by Gumba and Rellama were all taken to Camp Crame.^[50] The prosecution was later able to formally offer in evidence AAA and BBB's Certificates of Live Birth, proving that they were indeed minors as of the date of the operation.^[51]

In their direct examination, AAA and BBB identified Gumba and Rellama as their "*bugaw*"/"*mamasang*" (pimps), explaining that long before the police operation, the two were already offering them to customers, who would pay to have sex with them.^[52] On the day of the operation, they said Gumba and Rellama had recruited them as party entertainers, who would also have sex with any guests who might want to.^[53]

The six other rescued girls executed their own written statements, saying that like AAA and BBB, they would get pimped by Gumba and Rellama, who would charge bar customers wanting to have sex with them.^[54] Echoing what PO3 Artuz had learned during his surveillance of the bar, the girls said that customers pay Gumba and Rellama PHP 1,500.00 in order to have sex with the girl of their choice in the bar's VIP room.^[55]

Gumba and Rellama testified in their defense.^[56] Gumba said that in 2014, PO3 Artuz came to the bar as a customer, got her phone number,^[57] and later contacted her about getting entertainers for a party.^[58] She confirmed that she agreed to provide him with female entertainers, but maintained that, to her knowledge, the girls would only need to mingle with the party guests.^[59] She further alleged that when she met with PO3 Artuz on October 22, 2014, she supposedly saw BBB and four other girls in his van and purportedly decided against looking for other girls.^[60] But, she said, PO3 Artuz made her call AAA, to ask her to join them,^[61] and then drove the group to AAA's house to pick her up.^[62] When AAA refused to go with them,^[63] Gumba pointed to Rellama as the one who ultimately convinced AAA to join them.^[64] Lastly, Gumba denied receiving the marked money as payment from PO3 Artuz,

claiming instead that it was paid directly to the girls.^[65]

For her part, Rellama said that she convinced AAA to go with them because Gumba asked her to do so.^[66] She insisted that she herself only went with Gumba because she was told that they had been invited to a party with a live band at the [REDACTED].^[67] She likewise denied receiving marked money from PO3 Artuz.^[68]

Both Gumba and Rellama tried to invalidate the operation by calling it an instigation.^[69]

In a July 18, 2017 Decision,^[70] the Regional Trial Court found Gumba and Rellama guilty beyond reasonable doubt of qualified human trafficking.^[71] It held that Gumba and Rellama had committed the crime by offering and selling the rescued girls to PO3 Artuz for paid sex, and that AAA and BBB's minority at the time qualified the crime.^[72] In so ruling, the court gave great weight to AAA and BBB's testimonies, as well as to the written statements of the other rescued girls, especially their common account of (1) Gumba and Rellama rounding them up for them to sell their services to PO3 Artuz's male party guests; and (2) being given condoms while they were travelling to the party, so that they would have something to use for sex with the guests.^[73]

In connection, the Regional Trial Court declared immaterial the fact that Gumba and Rellama were arrested without any of the rescued girls having paid sex with party guests.^[74] The court stated that Gumba and Rellama committed consummated human trafficking the moment they: (1) transacted over the girls' provision of sex in exchange for money; and (2) received such money.^[75]

Next, the Regional Trial Court determined the police operation to be a valid entrapment. It emphasized that PO3 Artuz had only asked Gumba for female entertainers, but Gumba had offered and brought the girls to him for both entertainment and sex, as evinced by her act of distributing condoms to the girls on their way to the pretend party.^[76]

Finally, the Regional Trial Court pronounced Gumba and Rellama's denials as ineffective^[77] against the rescued girl's positive testimony,^[78] identifying Gumba and Rellama as their pimps at [REDACTED],^[79] who would give them over to guests, with whom they would have sex for a fee of PHP1,500.00.^[80]

The dispositive portion of the Regional Trial Court's Decision reads:

WHEREFORE, premises considered, accused **RIZALINA JANARIO GUMBA**

a.k.a. “Mommy Riza” and GLORIA BUENO RELLAMA a.k.a. “Mommy Glo” [are found] guilty beyond reasonable doubt of violating Section 4(A), qualified by Section 6(a) of Republic Act No. 9208, and sentencing each of them to suffer the penalty of life imprisonment and a fine of P2,000,000.00 each, ineligible for parole under Act No. 4103 (Indeterminate Sentence Law) in accordance with Section 3 of Republic Act No. 9346.

SO ORDERED.^[81] (Emphasis in the original)

Seeking acquittal,^[82] Gumba and Rellama appealed,^[83] contending that not all elements of qualified human trafficking had been proven.^[84] They also reiterated their argument that the crime was not consummated because they were arrested before the girls could engage in paid sex with party guests.^[85]

In its assailed June 28, 2021 Decision,^[86] the Court of Appeals affirmed the Regional Trial Court’s Decision.^[87] It held that all of the following elements of qualified trafficking in persons are present:^[88] (1) in terms of the act,^[89] Gumba and Rellama recruited, offered, and sold girls to bar customers, based on what PO3 Artuz experienced during his surveillance and on his transaction with Gumba during the police operation;^[90] (2) in terms of the means,^[91] Gumba and Rellama took advantage of AAA and BBB’s vulnerability as minors;^[92] and (3) in terms of the purpose,^[93] Gumba and Rellama recruited, offered, and sold girls into prostitution, or paid sex.^[94]

The Court of Appeals,^[95] like the Regional Trial Court,^[96] was also unimpressed with Gumba and Rellama’s argument that there was no consummated act of qualified human trafficking. It held that the crime was consummated as soon as Gumba and Rellama recruited the girls for PO3 Artuz’s pretend party, provided them to him, and transported them to the pretend venue, where they were to use the condoms given to them by Gumba to engage in paid sex.^[97]

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the appeal is **DENIED**. The Decision dated 18 July 2017 in Criminal Case No. R-PSY-15-09384-CR is **AFFIRMED**. Additionally, appellants **RIZALINA JANARIO GUMBA** and **GLORIA BUENO RELLAMA** are **ORDERED** to pay each of the victims AAA and BBB the amount of P500,000.00 as moral

damages and P100,000.00 as exemplary damages, both with legal interest at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

SO ORDERED.^[98] (Emphasis in the original)

Thereafter, Gumba and Rellama filed their Notice of Appeal dated July 19, 2021,^[99] which was given due course.^[100] The records of the case were then elevated to this Court.^[101]

For this Court's resolution is the issue of whether accused-appellants Rizalina Janario Gumba and Gloria Bueno Rellama are guilty beyond reasonable doubt of qualified human trafficking, as outlawed by Section 4(a), in relation to Section 6(a), of Republic Act No. 9208, as amended by Republic Act No. 10364.

After thoroughly evaluating the records of this case, this Court resolves to dismiss the appeal for failure to sufficiently show that the Court of Appeals committed any reversible error in the assailed Decision, as to warrant the exercise of this Court's appellate jurisdiction.

Section 3(a), (b), and (c) of Republic Act No. 9208, as amended, define "trafficking in persons," "child," and "prostitution," respectively:

SEC. 3. *Definition of Terms.* — As used in this Act:

(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.*^[102]

.....

(b) *Child* — refers to a *person below eighteen (18) years of age or one who is*

over eighteen (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.^[103]

(c) *Prostitution* — refers to *any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.*^[104] (Emphasis supplied)

Sections 4, 4-A, 4-B, 4-C, and 5 of Republic Act No. 9208, as amended, use those terms to list “the specific acts punishable under the [Act].”^[105] In this connection, Section 6 of the Act “provides for circumstances which would qualify the crime of ‘Human Trafficking.’”^[106] Consequently, a conviction for qualified human trafficking, in *general*, “shall rest on: (a) the commission of any of the acts provided under Sections 4, 4-A, 4-B, 4-C, or 5; and (b) the existence of any of the circumstances listed under Section 6.”^[107]

Here, accused-appellants are charged with qualified human trafficking, *specifically* the trafficking of children for the purpose of prostitution. This crime is identified in Section 4(a) of Republic Act No. 9208, as amended, under which it is “unlawful for any person, natural or juridical” 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.*”^[108] Its particular qualifying circumstance—the trafficked person’s status as a child—is provided for by Section 6(a) of the Act.

For accused-appellants to be convicted of qualified human trafficking (trafficking children for prostitution), the prosecution must establish the concurrence of the following elements:^[109] (1) the *act*, which can be 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”;^[110] (2) “[t]he *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 person”;^[111] (3) “[t]he *purpose* of trafficking,” which is prostitution;^[112] and (4) the victim’s *age*,^[113] which should be below 18 years.^[114]

Contrary to accused-appellants’ contention, all four elements are present here.

Concerning the *first element*, AAA and BBB's testimonies showed that accused-appellants committed the acts of (1) offering them to the customers of ██████████, not merely for entertainment but also sexual intercourse,^[115] (2) providing them to PO3 Artuz for the pretend party, again not just to have them entertain guests, but to have sex with them, should any of the guests ask it of them.^[116] With regard to the *third element*, AAA and BBB confirmed that accused-appellants' acts of offering and providing them to customers for sex were in exchange for money.^[117] Thus, as the Court of Appeals highlighted:

Indeed, appellants were engaged in the illicit business of prostitution when they recruited women of tender age, took advantage of their vulnerability, and peddled sexual services to customers of the subject bar in exchange for P1,500.00. The nature of appellants' business was further corroborated by AAA and BBB's testimonies, to wit:

Direct examination of AAA:

Atty. Delgado:

Q How do you know 'Mommy Riza' or Rizalina Gumba?
:

A: She is my floor manager.

Q How about 'Mommy Glo,' how do you know her?
:

A: They are my floor managers.

Q So, you mention[ed] that they are your floor managers. What do
: you mean by a 'floor manager'?

A: **'Bugaw'. They are the ones giving me customers.**

Q So, you mention[ed] that they are floor manager[s], right? So, I
: assume that they are floor manager or managers of an
: establishment, am I correct?

A: Yes, ma'am,...Bar.

.....

Q A while ago you mentioned that the two accused are your 'bugaw'?

A: Yes, ma'am.

Q What do you mean by 'bugaw'?

A: **They are the one[s] giving me customers and they are the one[s] giving the price.**

Q What about a floor manager, what is a floor manager?

A: It's the same, ma'am.

Q So a floor...manager is the same as the 'bugaw'?

A: Yes, ma'am.

....

Q What kind of bar in...Bar?

A: There is a VIP room.

Q What is a VIP room?

A: It is where the women engage in sex.

Q **So, you mean to say that in that bar, you engage in sexual services?**

....

A: **Yes, ma'am.**

....

Q **You mean Mommy Glo and Mommy Riza offer you for sexual services, is that correct?**

A: **When there is a customer, they will show us to the customer and whoever they choose[,] 'nakikipag-ano'.**

Q ... What do you mean by 'nakikipag-ano'?

A: **They will look at us... and if they cho[o]se us, we will sit with them and then we will interview them, and then if they want[] to have sex, we will call mommy[,] and then they will talk.**

Q ...What is your work in [REDACTED] ?

A: **'Nakikipag-sex sa mga iba-ibang lalake'**

Q You mentioned...that you were being brought out of the bar, is that correct? 'Nilalabas[,] that's your term.

A: Yes, ma'am.

Q Where do they bring you?

A: In a hotel. Sometimes in the house of a customer.

Q How about in [REDACTED], were you brought there?

A: I was brought [t]here because I [was] told that we will eat but we were given a condom so I know what will happen.

Q Do you remember when was that?

A: Yes, ma'am, October 22.

Q October 22 of what year?

A: 2014.

Atty. Delgado:

Q **So, do you remember where exactly in [REDACTED] [you were] brought?**

A: **In [REDACTED]. It's supposed to be in [the [REDACTED]] but they parked the vehicle in [REDACTED].**

Q : So, who brought you [to] [REDACTED] ?

A: **Mommy Glo and Mommy Riza.**

.....

Q : So, you said you were fetched by a van. So, you were fetched where?

A: In Noveleta 7-Eleven but I came late and so, I was fetched at my house.

.....

Q : So, can you still recall the passengers of the van?

A: We were eight (8) girls[,] Mommy Glo, Mommy Riza and the child of Mommy Riza[,] and the two policemen.

Atty. Delgado:

Q : So, you mention[ed] eight (8) girls?

A: Yes, ma'am.

Q : So, they have the same purpose in going to [REDACTED] ?

A: Yes, ma'am.

Q : What again is the purpose in going to [REDACTED] ?

A: **We were told that we will just eat but when we were handed a condom, we know what will happen next.**

Q : What happened inside the van?

A: They gave me money and condom.

Q : Did you ask why they g[a]ve...you condom?

A: **No, ma'am, because we know [w]hat...will happen.**

Q **What will happen?**
:

A: **When we get there, maybe we would have sex because we were given condom.**

.....

Q **Who gave you the money?**
:

A: **The policeman but it was received by Ma'am Glo.**

Direct examination of BBB:

Atty. Delgado:

Q BBB, what happened in the morning of October 22, 2014 around 9 o'clock, if you could still recall?

A: **I was in the house of Mommy Sarah and then Mommy Riza called Mommy Sarah for me to go to 7 Eleven[.]**

Q **... Who is Mommy Riza?**
:

A: **Also a pimp. ('Bugaw din po')**

.....

A: **She is a 'bugaw' and she is giving us customers in exchange [for]money.**

Q Who is...Mommy Sarah?
:

A: Also a pimp.

Q When you said that 'Si Mommy Riza ay totoong bugaw', what do you mean by that?

A: She is our handler and we are residing in her place.

Atty. Delgado:

Q How is this Mommy Sarah related to... Mommy Riza or Rizalina Gumba?

A: They are friends[.]

Q How much do you know...Mommy Riza and Mommy Sarah[?]
:

A: I know them because whenever Mommy Riza needed money, she would call Mommy Sarah to have me over.

Q You said Mommy Riza or accused Gumba contacted your pimp,
: Mommy Sarah, is that correct?

A: Yes, ma'am.

Q And because of that conversation, you were brought to...Cavite, in
: 7 Eleven, is that correct?

A: Yes, ma'am.

....

Q **Why did you go to 7 Eleven?**
:

A: **Mommy Riza told me to go there, ma'am.**

Q **[W]hy were you asked by Mommy Riza to go to 7 Eleven[?]**
:

She told us that an army is coming[,] and we would go to
A: **[the ██████████] and needs (sic) 15 women who would entertain them.**

....

Q ...What do you mean by entertain?
:

A: We would talk to male customers, ma'am.

Q Who convince[d]you on October 22, 2014 to entertain customers?
:

A: Mommy Riza and Mommy Glo.

Q **[W]ho would bring you to ██████████ in ██████████?**
:

A: Mommy Riza and Mommy Glo together with the asset.

Atty. Delgado:

Q How would you get to [REDACTED] [?]
:

A: We would ride a van together with the girl asset with Mommy Riza and Mommy Glo.

....

Q Why did you agree with the accused Rizalina Gumba and Gloria Rellama?

A: She told [us] that we would entertain male customers.

Q You said that you rode the van, is that correct?
:

A: Yes, ma'am.

....

Q **[W]hat happened inside the van?**
:

A: When Mommy Riza came inside, she distributed the condom which she bought at 7 Eleven.

Q So it was Mommy Riza or the accused Rizalina Gumba who distributed the condom to the passengers of the van[?]

A: Yes, ma'am.

Q So what did you think when you receive[d] a condom from the accused Rizalina Gumba?

A: **I was surprised...because we know that we will just entertain male customers, but when we received a condom, I thought that something will happen. We will have sexual intercourse with the male customers.**

Atty. Delgado:

Q [Y]ou only knew that you will have sexual intercourse with male customers when the condom was distributed to you[?]

A: **No...because it was not the first time that she gave me a customer.**

Q Who is this 's[i]ya' that you are referring to in your previous
: answer?

A: **Mommy Riza.**

Q **How about Mommy Glo?**
:

A: **She also gave me male customers.**

Q **So on October 22, 2014, it was not your first time to be offered by both accused Rizalina Gumba and Gloria Rellama?**
:

.....

A: **No, ma'am, several times already.**

Q [W]hat happen[ed] inside the van after the distribution of the
: condoms?

A: **While we were traveling, ma'am,... One Thousand Five Hundred Pesos (Php1,500.00) [was] handed by Artuz to Mommy Riza and it was Mommy Riza who gave us the money.**

It can be gleaned from the testimonies that appellants had been offering AAA, BBB, and other women as prostitutes even before their arrest on 22 October 2014.^[118]

As for the *second and fourth elements*, the prosecution, in settling as a fact AAA and BBB's minority at the time of the entrapment and rescue operation (by presenting their Certificates of Live Birth),^[119] proved by extension that accused-appellants had trafficked them by taking advantage of their vulnerability as minors. This Court, in *People v. XXX and YYY*,^[120] *Ferrer v. People*,^[121] *People v. Dela Cruz y Bucaling*,^[122] and *People v. De Dios*^[123] consistently recognized the inherent vulnerability of minors as victims in human trafficking cases.

Given the foregoing, accused-appellants' bare denials are useless. They amount only to

“negative and self-serving evidence undeserving of weight in law,”^[124] and “cannot be given a greater evidentiary value over the testimony of credible witnesses who testify on affirmative matters.”^[125]

The accused-appellants’ argument—that “the crime of qualified trafficking in persons was not consummated” since none of the rescued girls were engaging in sexual intercourse at the time of arrest^[126]—can neither prosper. In *Ferrer*,^[127] this Court categorically stated that “what is essential under [Republic Act No.] 9208 is that a person is recruited and transported for the purpose of prostitution...[p]recisely [because] the law was passed to curtail human trafficking.”^[128]

Accused-appellants’ allegation that “what happened was an instigation, not an entrapment”^[129] is equally unavailing.

In *People v. Casio*,^[130] this Court discussed the objective and subjective tests for checking if an operation was a valid entrapment, and then demonstrated the tests’ application to a human trafficking case:^[131]

In *People v. Doria*,^[132] this court discussed the objective test and the subjective test to determine whether there was a valid entrapment operation:

...American federal courts and a majority of state courts use the “subjective” or “origin of intent” test laid down in *Sorrells v. United States* to determine whether entrapment actually occurred. *The focus of the inquiry is on the accused’s predisposition to commit the offense charged. his state of mind and inclination before his initial exposure to government agents.* All relevant facts such as the accused’s mental and character traits, his past offenses, activities, his eagerness in committing the crime, his reputation, etc., are considered to assess his state of mind before the crime. The predisposition test emphasizes the accused’s propensity to commit the offense rather than the officer’s misconduct and reflects an attempt to draw a line between a “trap for the unwary innocent and the trap for the unwary criminal.” If the accused was found to have been ready and willing to commit the offense at any favorable opportunity, the entrapment defense will fail even if a police agent used an unduly persuasive inducement.

Some states, however, have adopted the “objective” test. ...Here, the court considers the nature of the police activity involved and the propriety of police conduct. *The inquiry is focused on the inducements used by government agents, on police conduct, not on the accused and his predisposition to commit the crime.* For the goal of the defense is to deter unlawful police conduct. The test of entrapment is whether the conduct of the law enforcement agent was likely to induce a normally law-abiding person, other than one who is ready and willing, to commit the offense; for purposes of this test, it is presumed that a law-abiding person would normally resist the temptation to commit a crime that is presented by the simple opportunity to act unlawfully. (Emphasis supplied, citations omitted)^[133]

...

Time and again this court has discussed the difference between entrapment and instigation. In *Chang v. People*,^[134] this court explained that:

There is entrapment when law officers employ ruses and schemes to ensure the apprehension of the criminal while in the actual commission of the crime. There is instigation when the accused is induced to commit the crime. The difference in the nature of the two lies in the origin of the criminal intent. In entrapment, the *mens rea* originates from the mind of the criminal. The idea and the resolve to commit the crime comes from him. In instigation, the law officer conceives the commission of the crime and suggests to the accused who adopts the idea and carries it into execution.^[135]

Accused contends that using the subjective test, she was clearly instigated by the police to commit the offense. She denied being a pimp and claimed that she earned her living as a laundrywoman. On this argument, we agree with the finding of the Court of Appeals:

[I]t was the accused-appellant who commenced the transaction with PO1 Luardo and PO1 Veloso by calling their attention on whether they wanted girls for that evening, and when the officers responded, it was the accused-appellant who told them to wait while she would fetch the girls for their perusal.^[136]

This shows that accused was predisposed to commit the offense because she initiated the transaction. As testified by PO1 Veloso and PO1 Luardo, accused called out their attention by saying “*Chicks mo dong?*” If accused had no predisposition to commit the offense, then she most likely would not have asked PO1 Veloso and PO1 Luardo if they wanted girls.

The entrapment would still be valid using the objective test. The police merely proceeded to D. Jakosalem Street in Barangay Kamagayan. It was accused who asked them whether they wanted girls. There was no illicit inducement on the part of the police for the accused to commit the crime.^[137]

The entrapment operation conducted in this case is valid, by the parameters of both the subjective and objective tests.

To reiterate, when the undercover surveillance team went to Santoza Bar, accused-appellants Gumba and Rellama readily offered them girls who would “have sexual intercourse with them in the VIP room for “1,500.00/girl.”^[138] When the team hired three girls to be their personal entertainers,^[139] Gumba, then buying into their disguise, gave her phone number to PO3 Artuz, representing herself as able to provide him with such girls should he ever again find the need for them.^[140] Later, to lay the groundwork for the entrapment and rescue operation, PO3 Artuz contacted her again, pretending to need her to “provide girls for his friend’s birthday party,”^[141] for the price of PHP 1,500.00 per girl.^[142] Gumba willingly accepted the task.^[143] On the day of the operation, she provided PO3 Artuz with girls, including BBB.^[144] For her part, Rellama provided PO3 Artuz with AAA.^[145] When accused-appellants, AAA, BBB, and the six other girls were in PO3 Artuz’s van going to Pasay for the pretend party, Gumba disembarked, bought condoms, and distributed the condoms to the eight girls.^[146] AAA and BBB stated for the record that upon being handed condoms, they immediately knew, from their experiences in [REDACTED], they would have to have sex with customers.^[147] To top it all off, Gumba increased her charge for each of the eight girls to PHP 2,000.00, reasoning that the girls she provided were young.^[148]

That series of events cements accused-appellants' long-standing "read[iness] and willing[ness]" to offer young girls for sex, in exchange for money, as soon as "any favorable opportunity" arose.^[149] Accused-appellants' "predisposition" or "propensity to commit" such qualified human trafficking is laid bare.^[150] Therefore, going by the subjective test, the operation was a valid entrapment.

The operation's validity as entrapment also holds up under the objective test. PO3 Artuz, in asking accused-appellant Gumba to provide him with girls for a party, never said anything about the girls needing to have sex with the party's guests.^[151] Yet Gumba took it upon herself to get condoms and distribute the condoms to the eight girls whom she provided to PO3 Artuz.^[152] AAA and BBB subsequently stated that in receiving the condoms, they realized that Gumba and Rellama meant to pimp them to guests at the party.^[153] Evidently, accused-appellants were simply "ready and willing to commit the [crime]."^[154] They never even needed any prodding by way of "illicit inducement on the part of the police".^[155]

With the operation passing both the subjective and objective tests, as a valid entrapment, the bottom line of this issue becomes plain: accused-appellants always had the criminal intent to traffic minor girls for prostitution, to the point of needing no "inducement to commit the crime."^[156]

In sum, as correctly determined by the Regional Trial Court, and as properly affirmed by the Court of Appeals, the prosecution duly established accused-appellants' commission of the crime of trafficking of children for the purpose of prostitution, as defined under Section 4(a), in relation to 6(a), of Republic Act No. 9208, as amended.

This warrants the imposition against accused-appellants of the penalty for qualified human trafficking, as provided by Section 10(e) of the Act, as amended.^[157] However, on that matter, a modification to the Court of Appeals Decision is in order.

The Court of Appeals aptly modified^[158] the Regional Trial Court's Decision by additionally ordering accused-appellants "to pay each of the victims AAA and BBB the amount of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, both with legal interest at the rate of six percent (6%) per annum from finality of [its] Decision until fully paid."^[159] But it affirmed^[160] the Regional Trial Court's imposition upon accused-appellants of the penalty of "penalty of life imprisonment...ineligible for parole under Act No. 4103 (Indeterminate Sentence Law) in accordance with Section 3 of Republic Act No. 9346."^[161]

This Court now deletes the phrase "ineligible for parole under Act No. 4103 (Indeterminate

Sentence Law) in accordance with Section 3 of Republic Act No. 9346,^[162] pursuant to Administrative Matter No. 15-08-02-SC (“Guidelines for the Proper Use of the Phrase *“Without Eligibility for Parole”* in Indivisible Penalties”) dated August 4, 2015. In that issuance, this Court clarified that “where the death penalty is not warranted, there is no need to use the phrase ‘*without eligibility for parole*’ to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole.”^[163]

ACCORDINGLY, the appeal is **DENIED**. The June 28, 2021 Decision of the Court of Appeals in CA-G.R. CR HC No. 12675 is hereby **AFFIRMED**. Accused-appellants Rizalina Janario Gumba a.k.a. “Mommy Riza” and Gloria Bueno Rellama a.k.a. “Mommy Glo” are found **GUILTY** beyond reasonable doubt of qualified human trafficking, under Section 4(a), in relation to Section 6(a), of Republic Act No. 9208, as amended by Republic Act No. 10364.

Accused-appellants are thus sentenced to suffer the penalty of life imprisonment, and are ordered to pay the fine of PHP 2,000,000.00 each.

Accused-appellants are additionally ordered to pay victims AAA and BBB PHP 500,000.00 each in moral damages, and PHP 100,000.00 each in exemplary damages, both sums with legal interest of six percent (6%) per annum from the finality of this Decision until fully paid.

SO ORDERED.

Lazaro-Javier (Working Chair), M. Lopez, J. Lopez, and Kho, Jr., JJ., concur.*

* Per S.O. No. 2993 dated June 26, 2023.

^[1] **People v. Ramirez**, 846 Phil. 314, 322 (2019) [Per J. Leonen, Third Division], *citing* **People v. Casio**, 749 Phil. 458, 472-473 (2014) [Per J. Leonen, Second Division].

^[2] *Id.*

^[3] *Id.* (Emphasis supplied)

^[4] *Id.* (Emphasis supplied)

^[5] Qualifying circumstances “must be proven beyond reasonable doubt” by the prosecution.

People v. Virrey, 420 Phil. 713, 725 (2001) [Per J. Panganiban, *En Banc*], citing **People v. Dela Cruz y Villatora**, 393 Phil. 231, 252 (2000) [Per Curiam, *En Banc*]. See also **People v. Alvarado**, 429 Phil. 208, 224 (2002) [Per J. Mendoza, *En Banc*], where this Court stated that when “minority is a qualifying circumstance, it must be proved with equal certainty and clearness as the crime itself.”

^[6] Unless, following Section 3(b) of Republic Act No. 9208, as amended, it can be shown that though the victim is already 18 or older, they are “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.”

^[7] **Ferrer v. People**, G.R. No. 223042, July 6, 2022, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68595> [Per J. Lazaro-Javier, Second Division].

^[8] *Rollo*, pp. 9-28. The Decision in CA-G.R. CR HC No. 12675 was penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Ramon A. Cruz and Raymond Reynold R. Lauigan of the Twelfth Division of the Court of Appeals, Manila City.

^[9] *Id.* at 30-37. The Decision in Crim. Case No. R-PSY-15-09384-CR was penned by Presiding Judge Tingaraan U. Guiling of Branch 109, Regional Trial Court of Pasay City.

^[10] Section 4(a) of Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), provides:

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 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;

...

^[11] Section 6(a) of Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), provides:

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

(a) When the trafficked person is a child;

...

^[12] *Rollo*, p. 30.

^[13] *Id.* at 31.

^[14] *Id.* at 10-11.

^[15] *Id.* at 12.

^[16] *Id.*

^[17] *Id.* at 11.

^[18] *Id.* at 32.

^[19] *Id.* at 11.

^[20] *Id.*

^[21] *Id.*

^[22] *Id.*

^[23] *Id.*

^[24] *Id.*

^[25] *Id.*

^[26] *Id.*

^[27] *Id.*

^[28] *Id.*

^[29] *Id.* at 32.

[30] *Id.* at 11.

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *Id.* at 12.

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.* at 32.

[39] *Id.* at 12.

[40] *Id.*

[41] *Id.* at 32.

[42] *Id.* at 12.

[43] *Id.*

[44] *Id.* at 32.

[45] *Id.* at 24.

[46] *Id.* at 12.

[47] *Id.*

[48] *Id.*

[49] *Id.* at 32.

[50] *Id.* at 12.

^[51] *Id.* at 32.

^[52] *Id.* at 12.

^[53] *Id.*

^[54] *Id.* at 34.

^[55] *Id.*

^[56] *Id.* at 11.

^[57] *Id.* at 12.

^[58] *Id.*

^[59] *Id.* at 34.

^[60] *Id.* at 12.

^[61] *Id.* at 13.

^[62] *Id.*

^[63] *Id.*

^[64] *Id.*

^[65] *Id.* at 34.

^[66] *Id.* at 13.

^[67] *Id.* at 34.

^[68] *Id.*

^[69] *Id.*

^[70] *Id.* at 30-37.

^[71] *Id.* at 36-37.

^[72] *Id.* at 35.

^[73] *Id.* at 35.

^[74] *Id.*

^[75] *Id.*, citing **People v. Shirley Casio**, 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

^[76] *Id.* at 36, citing **Chang v. People**, 528 Phil. 740 (2006) [Per J. Carpio-Morales, Third Division]. (Emphasis supplied)

^[77] *Id.*, citing **People v. Lacaden**, 620 Phil. 807 (2009) [Per J. Chico-Nazario, Third Division].

^[78] *Id.* at 12, 34.

^[79] *Id.*

^[80] *Id.*

^[81] *Id.* at 36-37.

^[82] *Id.* at 14, 24.

^[83] CA rollo, p. 17.

^[84] Rollo, p.14.

^[85] *Id.* at 24.

^[86] *Id.* at 9-28.

^[87] *Id.* at 27.

^[88] *Id.* at 14-24.

^[89] *Id.* at 15, citing **People v. Daguno**, G.R. No. 235660, March 4, 2020, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66415> [Per J. Inting, Second Division].

^[90] *Id.* at 16.

^[91] *Id.* at 15.

^[92] *Id.* at 16.

^[93] *Id.* at 15-16.

^[94] *Id.* at 16.

^[95] *Id.* at 24.

^[96] *Id.* at 35.

^[97] *Id.* at 25, citing **People v. Leocadio**, G.R. No. 237697, July 15, 2020, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66293> [Per C.J. Peralta, First Division].

^[98] *Id.* at 27.

^[99] *Id.* at 3-5.

^[100] *Id.* at 7.

^[101] *Id.* at 1.

^[102] Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 3(a).

^[103] Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 3(b).

^[104] Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 3(c).

^[105] **Arambulo v. People**, G.R. No. 241834, July 24, 2019, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65570> [Per J. Perlas-Bernabe, Second Division].

^[106] *Id.*

^[107] *Id.*

^[108] Emphasis supplied.

^[109] **People v. Ramirez**, 846 Phil. 314, 322 (2019) [Per J. Leonen, Third Division], citing

People v. Casio, 749 Phil. 458, 472-473 (2014) [Per J. Leonen, Second Division].

^[110] *Id.*

^[111] *Id.* (Emphasis supplied)

^[112] *Id.* (Emphasis supplied)

^[113] Qualifying circumstances “must be proven beyond reasonable doubt” by the prosecution. **People v. Virrey**, 420 Phil. 713, 725 (2001) [Per J. Panganiban, *En Banc*], citing **People v. Dela Cruz y Villatora**, 393 Phil. 231, 252 (2000) [Per Curiam, *En Banc*]. See also **People v. Alvarado**, 429 Phil. 208, 224 (2002) [Per J. Mendoza, *En Banc*], where this Court stated that when “minority is a qualifying circumstance, it must be proved with equal certainty and clearness as the crime itself.”

^[114] Unless, following Section 3(b) of Republic Act No. 9208, as amended, it can be shown that though the victim is already 18 or older, they are “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.”

^[115] *Rollo*, pp. 16-18.

^[116] *Id.* at 18-24.

^[117] *Id.* at 17-18, 20-21, 24.

^[118] *Id.* at 16-24. (Citations omitted, emphasis in the original)

^[119] *Id.* at 12, 32.

^[120] 835 Phil. 1083 (2018) [Per J. Perlas-Bernabe, Second Division].

^[121] **G.R. No. 223042**, July 6, 2022, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68595> [Per J. Lazaro-Javier, Second Division].

^[122] **G.R. No. 238754**, June 16, 2021, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67989> [Per J. Lopez, J., Third Division].

[123] 832 Phil. 1034 (2018) [Per J. Reyes, Jr., Second Division].

[124] **Quimvel y Braga v. People**, 808 Phil. 889, 932 (2017) [Per J. Velasco, Jr., *En Banc*].

[125] *Id.*, citing **People v. Gani**, 710 Phil. 467, 474 (2013) [Per J. Peralta, Third Division].

[126] *Rollo*, p. 24.

[127] **G.R. No. 223042**, July 6, 2022, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68595> [Per J. Lazaro-Javier, Second Division].

[128] *Id.*

[129] *Rollo*, p. 24.

[130] 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

[131] *Id.* at 478-480.

[132] 361 Phil. 595 (1999) [Per J. Puno, *En Banc*].

[133] *Id.* at 611-612.

[134] 528 Phil. 740 (2006) [Per J. Carpio Morales, Third Division].

[135] *Id.* at 751, citing **Araneta v. Court of Appeals**, 226 Phil. 437, 444 (1986) [Per J. Gutierrez, Jr., Second Division]; *See also* **People v. Quiaoit, Jr.**, 555 Phil. 441, 449 (2007) [Per J. Chico-Nazario, Third Division]; **People v. Cortez**, 611 Phil. 360, 371-373 (2009) [Per J. Velasco, Jr., Third Division]; **People v. Tapere**, **G.R. No. 178065**, February 20, 2013, 691 SCRA 347, 358-359 [Per J. Bersamin, First Division].

[136] **People v. Casio**, 749 Phil. 458 (2014) [Per J. Leonen, Second Division], citing pp. 9-10 of the *Rollo* in *Casio*.

[137] *Id.* at 478-480.

[138] *Rollo*, p. 11.

[139] *Id.*

[140] *Id.*

[141] *Id.*

[142] *Id.* at 32.

[143] *Id.* at 11.

[144] *Id.* at 12.

[145] *Id.* at 13.

[146] *Id.* at 32.

[147] *Id.* at 20, 23.

[148] *Id.* at 12.

[149] 749 Phil. 458 (2014) [Per J. Leonen, Second Division], *citing* **People v. Doria**, 361 Phil. 595 (1999) [Per J. Puno, *En Banc*].

[150] *Id.*

[151] *Rollo*, p. 32.

[152] *Id.*

[153] *Id.* at 20, 23.

[154] 749 Phil. 458 (2014) [Per J. Leonen, Second Division], *citing* **People v. Doria**, 361 Phil. 595 (1999) [Per J. Puno, *En Banc*].

[155] *Id.*

[156] 749 Phil. 458 (2014) [Per J. Leonen, Second Division], *citing* 528 Phil. 740 (2006) [Per J. Carpio Morales, Third Division].

[157] Section 10(e) of Republic Act No. 9208, as amended, states that “[a]ny person found guilty of qualified trafficking under Section 6 [of the Act] shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).”

^[158] *Rollo*, pp. 26-27, citing **Arambulo v. People, G.R. No. 241834**, July 24, 2019, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65570> [Per J. Perlas-Bernabe, Second Division].

^[159] *Id.* at 27.

^[160] *Id.*

^[161] *Id.* at 36-37.

^[162] *Id.*

^[163] SC Administrative Matter No. 15-08-02-SC, August 4, 2015, Guidelines for the Proper Use of the Phrase “*Without Eligibility for Parole*” in Indivisible Penalties.

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