

PEOPLE OF THE PHILIPPINES, PLAINTIFFS-APPELLEES, VS. SARAH JANE ESTRADA, ACCUSED-APPELLANT.

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HERNANDO, J:

This is an appeal interposed by accused-appellant Sarah Jane Estrada from the consolidated Decision[1] dated October 29, 2010 of the Regional Trial Court (RTC), Branch 10 of Cebu City in Crim. Case No. CBU-81127 for Violation of Sec. 4 (a) of Republic Act (R.A.) No. 9208 and in Crim. Case No. CBU-81128 for Violation of Sec. 4 (a) in relation to Sec. 6 (c) of R.A. No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003.

Appellant seek the reversal of the judgment of conviction on the ground that the prosecution failed to prove beyond reasonable doubt all the essential elements of the crime.

The Antecedents

In two separate Information, Prosecutor II Maria Luisa G. Ratilla of the Office of the City Prosecution of Cebu City charged accused-appellant Sarah Jane Estrada and her sister, Roselyn Estrada who is at this time at large, with a violation of the Anti-Trafficking in Persons Act of 2003, as follows:

In Crim. Case No. CBU-81127

That on or about the 18[th] day of October 2006, and for sometime subsequent thereto, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping each other, with deliberate intent, with intent to gain, did then and there hire and/or recruit [AAA],[2] and [BBB][3] for the purpose of prostitution and sexual exploitation, by acting as their procurer for different customers, for money, profit or any other consideration, in Violation of Sec. 4 (a) of R.A. 9208 (Trafficking in Persons).

CONTRARY TO LAW.

In Crim. Case No. CBU-81128

That on or about the 3rd day of October 2006, and for sometime subsequent thereto, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping each other, with deliberate intent, with intent to gain, did then and there hire [CCC],[4] [DDD],[5] and [EEE][6] to engage in prostitution and/or as GRO, by acting as their procurer for different customers, for money, profit or any other consideration, in Violation of Section 4 (a) in relation to Section 6 (c) of R.A. 9208 (Qualified Trafficking).

CONTRARY TO LAW.

At her arraignment on November 5, 2007, Sarah Jane Estrada, assisted by counsel de parte, Atty. Salvador O. Solima, pleaded not guilty to the two crimes.[7]

Evidence for the Prosecution

The Office of the Solicitor General (OSG) narrated in its Brief[8] the version of the prosecution:

On October 3, 2006, appellant went to the house of private complainant [EEE] in Susco, V. Rama Avenue, Cebu City. Private complainant at that time was only nineteen (19) years old, single and jobless.

Appellant who is her neighbor asked [EEE] if she is willing to work in Malaysia as a singer for a band that will be formed.

Appellant told [EEE] that she came to know [of] the job since her sister, Roselyn Estrada (who is [her] co-accused) is already in Malaysia working as a singer.

Appellant told her that she is to receive 600 ringgit which is equivalent to 8,000 in Philippine peso and aside from that she will also receive commission and tips from customers.

[EEE] then told appellant that she will think it over and appellant responded that if she is interested in the job, she will have to submit a whole body picture.

Because of the promised high compensation, [EEE] agreed and submitted her whole body picture to appellant who said that she will give the picture to her sister, Roselyn. Thereafter, appellant texted [EEE] and informed her that she was one of those who was accepted as singer. That there were five (5) of them who were accepted as singers, namely: [AAA], [DDD], [BBB] and [CCC].

On October 10, 2006, [BBB], likewise received a text message from appellant, who is her co-worker at Metro Ayala. Appellant told her that her sister who is working in Malaysia is looking for singers. [BBB] said "yes" right away because she needed money that time since her grandmother was sick.

Appellant then instructed [BBB] to meet and bring with her a whole body picture. When she gave the picture to appellant, the latter told her that she has to wait because the picture will still be submitted to Malaysia.

After one week, appellant informed her that she is already accepted. Thereafter, she met the four (4) other girls at the house of [DDD]. During that meeting, appellant told them that they should practice more before her sister Roselyn Estrada arrives.

[DDD], on the other hand, had known appellant in 2006 because her brother-in-law is a friend of appellant's older brother. Sometime in October 2006, appellant went to the house of the elder sister of [DDD]. Appellant was talking to the sister of [DDD] and her brother-in-law about a job in Malaysia which is a group band.

Appellant then offered [DDD] a job in Malaysia as a singer/performer. Because she is a single mother, the promised income of Php20,000.00 convinced her.

Appellant then called her sister, Roselyn, and informed the latter that she was able to recruit [DDD]. Appellant then asked for a whole body picture and told her that soon they will meet Roselyn. She was also told that there were four (4) other girls who were also accepted as singers.

Meanwhile, [CCC] knows appellant because she was her co-employee at Metro Ayala. Sometime in October 2006, she was recruited by appellant to work as a group band in Malaysia.

[CCC] told appellant that she does not know how to sing but she knows how to dance. Appellant told her that she can be a singer through practice. Hence, she accepted the offer due to financial problems in her family.

Appellant told her that she will meet the other girls as there are five (5) of them so they can practice their singing and dancing.

When the five of them met, appellant gave each of them Php500.00 and told them to secure an NBI Clearance and birth certificate from the National Statistics Office. Appellant also told them that they will meet her sister, Roselyn, after All Souls Day.

Hence, during the first week of November 2006, the five of them met with Roselyn who witnessed their song

and dance presentation. Appellant was also there. Thereafter, Roselyn gave each of them Php750.00 and told them to secure their passports.

Roselyn also told them that there are certain rules and regulations that they have to abide such as they cannot bring cellphones, they have to stay in the house always and they have to sit with customers.

After they secured their respective passports, Roselyn got them telling them that her employer needed their passports for their plane tickets.

Roselyn told them that she will email their passports to their boss in Malaysia whom she referred to as Jun Darius Ak Aji.

Appellant was present when Roselyn took the passports of the five (5) private complainants.

Roselyn also told them to practice more hence from October 24 to November 25, 2006 they practiced their song and dance daily.

They practiced in the house of private complainant [DDD] and they were given Php200 each by Roselyn for their transportation and snacks. Roselyn and appellant were often present in their practice.

On November 23, 2006, the private complainants met a certain Ma'am Irene at the E-mall. Ma'am Irene is allegedly the wife of their big Boss Aming.

After said meeting, the group went to Western Union to collect money from Malaysia which serves as their cash advance to be used as their pocket money. After that, they went to Gaisano Mactan to meet a certain Michelle, who allegedly has connections with the Immigration Office.

Thereafter, they were given by Roselyn the amount of Php5,000.00 each as their cash advance.

On November 25, Roselyn told them to go to her house for their briefing prior to their departure. Appellant was also there during said meeting.

Roselyn told them that they have to leave early in the morning and that upon arrival at the airport, they should not stay together as a group, instead they should scatter until they reach Malaysia.

Hence, on November 26, 2006, they were scheduled to travel to Malaysia. While at the Cebu airport, Roselyn and Michelle met them and gave their passports, plane tickets and show money.

From Cebu, they boarded a plane bound for Kota Kinabalu, had a stop-over and then boarded another plane going to Miri City. On November 27, 2006, they arrived in Miri City.

At the airport, a certain Jun Larios met with them whom they learned later to be the boyfriend of Roselyn. Jun Larios easily recognized them because he has their photos emailed by Roselyn.

From the airport, Jun Larios took them to Bintulu where their quarters was located. It was actually a big house with several rooms and big black gate.

At said house, the private complainants met Boss Aming and her girlfriend whom they called as Ate Liza, who knew Roselyn. Boss Aming is the owner of the pub houses.

Liza brought them to their rooms, got their passports, boarding pass and their return tickets. She also briefed them about the rules and regulations of the quarters; that cellphones are not allowed inside the house and in the place of work, and are likewise not allowed to go out of the house and from their place of work.

On the same day, Jun Larios made them sing while in the afternoon, Boss Aming arrived and told them that they will have to proceed to their respective workplaces.

[EEE] and [CCC] were brought to a place called La Bamba while [AAA], [BBB] and [DDD] were brought to Fire. At first, they thought it was just the name of a group band but they found out later that those were pub houses.

All the girls started working on November 28, 2006. [EEE] who was assigned at La Bamba worked as a singer but at the same time entertained table customers. These male customers would kiss and touch her private parts but she cannot complain because there are monitors within the pub and her boss will get angry.

The same thing happened to [BBB]. Her nature of work in Fire is akin to that of a prostitute. She had to approach her customers and offer them drinks.

[DDD], on the other hand, was assigned to work at the Fire pub house which she observed to be very dark. Her customers will kiss the different parts of her body and touch her private parts. Her refusal will elicit the anger of her boss and she will be fined.

[CCC] also suffered the same fate at La Bamba where she was also made to drink wine and take drugs and her customers fondled her private parts.

The girls were brought to work and fetched right after working hours and brought directly to their quarters and once they were inside, the gate and the main door is padlocked. They were not allowed to go out of the house even if they were not working. Their food was already provided. However, they did not receive any salary and were told that they have to fully pay their dues first.

They decided to escape but it was difficult since they are brought to the pub houses and fetched right after work. Moreover, their cellphones were confiscated.

However, on December 7, 2006, the contract of some singers expired and all five of them were made to work at the Fire. When they were fetched at 3:00 o'clock in the morning by a relative of their boss, whom [DDD] considered to be a good person, they staged their escape.

Upon arriving at their quarters, they requested said driver that they will be the ones to lock the gate since they still have to get their clothes at the back. The driver agreed and left them. When they noticed that he was already at a distance, they got their clothes.

The day before, they have already packed their clothes in a plastic bag and placed it inside the trash so that if someone will see it, it will just be considered as garbage.

Upon getting their clothes, they went out of the house and walked the road. They hailed a taxi and requested the driver to bring them to Regency Hotel.

Billeted in that hotel is an American national who is a customer of [BBB] and who has a Filipina girlfriend whom they call as Ate Nena.

Ate Nena advised them to proceed to the Immigration Office in Bintulu but when they got there, they were told to just go to the police station. There, they reported the matter but the police just laughed at them and told them not to drag them into their situation. Hence, they went back to the Immigration Office at Bintulu but the chief of Immigration just scolded them. Later, their Boss Aming arrived at the immigration office together with Ate Liza who convinced them to just go back to the quarters to settle their problem.

Ate Liza told them that she will return their passports and plane tickets if they can pay their dues. The girls told them that they cannot bear their situation of being treated like prostitutes. Hence, they refused to go back to the quarters and insisted on staying at Bintulu.

The girls again contacted Ate Nena who told them to go to Miri City and check-in in a cheap hotel and she will follow during night time. When Ate Nena got to their hotel in Miri City, she told them that she already

contacted the Philippine Embassy and told them that they need to make a letter complaint, have their photos taken and secure their passports.

They complied and after they were able to secure their passports, they went to Kuala Lumpur where the Philippine Embassy is located. They stayed at the house of a certain Ate Marie, who is a friend of Ate Nena.

They were advised by the Philippine Embassy to pay their exit pass at Miri Immigration because they are already overstaying. They were then issued their travel documents and the immigration office got their passports from their Boss Aming. Their plane tickets were faxed from the Philippine Embassy to Malaysia.

From Miri City, they went to Kota Kinabalu and from there they boarded a plane bound for Clark, Pampanga. They arrived in Clark on January 10, 2007. They stayed for one night in DSWD Pampanga and from Clark, they travelled to Cebu City.

Evidence for the Defense

On the other hand, the RTC narrated the defense of the accused-appellant in its Decision, the pertinent portions of which We quote, as follows:

The defense presented the accused herself, Sarah Jane Estrada, as its lone witness. She declared that she is 25 years old, single and a student. She was taking up Industrial Engineering and was already on her second year. She was studying and working at the same time. She denied all the allegations thrown against her by the private complainants. She heard that there were persons who were coming to Cebu City to recruit workers abroad, so she told complainants if they would like to work abroad as they were her co-workers in Ayala. Private complainants were willing to work abroad because of their financial difficulties, and the recruiters were coming here to Cebu to recruit, and that was the reason why she told them of this job opportunity. Private complainants were convinced of the sincerity of the recruiters, aside from the fact that their employer named Darius, actually financed everything needed to enable them to work abroad. She testified that, indeed, she was always present when the private complainants and the recruiters meet, but she was only there because she was also interested to work abroad. She did not apply, however, for she was waiting for the outcome of the private complainants' applications. If they would be able to depart and work abroad, then that would be the time that she would apply. She denied having received any compensation or monetary considerations from the recruiters. Even if she was the one who introduced the private complainants to the recruiters, she did not ask any money from them. Even after the private complainants left abroad, she did not receive any compensation.

Private complainants' papers were facilitated by a certain Irene and Michelle, who she knew to be the representatives of the employer in Malaysia. From what she learned, it was Irene, Michelle and a certain personnel from the airport, who were the ones who helped and facilitated the flights of the private complainants to Malaysia. She declared that at that time, she did not have the capacity to recruit, neither was she able to recruit other individuals aside from private complainants.

The Ruling of the RTC

On October 29, 2010, the court a quo ruled for the conviction of accused-appellant as it found overwhelming evidence to convict her, thus:

WHEREFORE, PREMISES CONSIDERED, this Court finds accused SARAH JANE ESTRADA,

a) GUILTY of violating Section 4 (a) of Republic Act No. 9208, in Criminal Case No. CBU-81127. She is hereby sentenced to suffer in prison the penalty of TWENTY (20) YEARS and a FINE of TWO MILLION PESOS (Php2,000,000.00); and

b) GUILTY of violating Section 4 (a) in relation to Section 6 (c) of Republic Act No. 9208 in Criminal Case No. CBU-81128. She is hereby sentenced to suffer in prison the penalty of LIFE IMPRISONMENT and a

FINE of THREE MILLION PESOS (Php3,000,000.00).

Accused is further directed to pay exemplary and moral damages to each of the five private complainants, in the amount of Php500,000.00.

As to accused, ROSELYN ESTRADA, the Court hereby considers this case ARCHIVED, until she will be arrested. Let another warrant of arrest be issued against her, to be coursed thru the Regional Chief, CIDG – 7, P/S Ramon Rafael, for him to order his men to arrest the said accused at all cost.

SO ORDERED.[9]

The Assignment of Errors

The judgment convicting accused-appellant of the crimes constrained her to interpose this appeal on the lone ground that:

The lower court erred in rendering a verdict of conviction against the accused, notwithstanding the fact that the prosecution miserably failed to establish beyond reasonable doubt, all the essential elements of the crime.

Appellant asserts that she had no participation in the recruitment of the private complainants considering that at that time, she was still a student taking up Industrial Engineering in the University of Visayas. Moreover, at the time of the alleged crime, she was studying for her exams and thus, she had no participation in recruiting the private complainants for a job in Malaysia.

On the other hand, the OSG argued that the court a quo did not err in convicting accused-appellant of the crimes charged and thus its decision should be sustained.

The Ruling of this Court

We now proceed to resolve this appeal.

The law against human trafficking

Rep. Act No. 9208, the law with which appellant was charged pertinently reads as follows:

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Sec. 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;

xxx xxx

and

xxx xxx

Sec. 6. Qualified Trafficking in Persons. - The following are considered as qualified trafficking:

xxx

(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;

xxx xxx

Here, the prosecution was able to prove the guilt of the appellant beyond reasonable doubt of the crimes charged against her.

First, all of the victims were categorical in testifying that they were contacted by appellant and who asked them if they were willing to work in Malaysia as singers in a group band.[10] She enticed them by means of the promise of higher pay and the misrepresentation that her sister, Roselyn, was also working in Malaysia as a singer.[11]

Second, the victims were able to meet Roselyn who was introduced by Sarah Jane and they were also told by appellant and Roselyn to constantly practice to make them better singers.[12] Appellant and Roselyn were constantly present when the victims practiced.[13]

Third, appellant was present whenever Roselyn gave money for transportation and for the processing of their individual passports, NBI clearances and NSO copies of their birth certificates.[14] Appellant was also present in Western Union when the “cash advance” were withdrawn and given to the victims.[15]

Fourth, Roselyn brought the victims to the airport for their flight to Malaysia and advised them to board different flight numbers “to avoid detection” by immigration officials.[16] In the airport, Michelle, the contact person of Roselyn, met them and together with Roselyn, guided them in their flights.[17]

Fifth, the victims arrived in Malaysia and were brought to a big house where they were padlocked.[18] They were then brought to their work assignments named “Fire” and “La Bamba” which they initially thought to be the name of the bands where they will work as singers.[19] Unfortunately, such names turned out to be pub houses where they worked as prostitutes,[20] contrary to the representation of Sarah Jane and Roselyn.[21]

Sixth, disheartened and dismayed with their plight, they planned their escape.[22] Due to the help of good Samaritans and the Philippine Embassy in Malaysia,[23] they were able to travel back to the Philippines and eventually to their homes in Cebu.

Seventh, they sought help and filed this case against appellant and her sister.[24]

The defense asserted that the prosecution failed to prove the essential elements of the crimes charged against accused-appellant. However, instead of pointing out specific elements allegedly not duly proven, defense counsel made general and sweeping statements. While it may be true that accused-appellant, at the time these crimes were committed, was still a student taking up Industrial Engineering in one of the universities in Cebu City and that she was studying for her exams, it can also be easily deduced that it is not highly improbable that she was present during those instances as claimed by private complainants since the recruitment and the singing practice were all made within the vicinity of Cebu City, which can be easily reached through public transportation. Hence, there being no impossibility for her presence during the times asserted by the victims and taking into account their unimpeached testimony of her participation in the recruitment, the testimony of the victims should be respected.

All told, We find no reversible error in the assailed judgment of conviction rendered by the court a quo in these two crimes. The prosecution has proved beyond an iota of doubt that appellant is guilty of the crimes charged against her and was responsible for the sad and heart-wrecking plight the victims suffered in Malaysia. If not for the representation of appellant for a greener pasture and better pay for the victims by working as singers, they would have not left for Malaysia. Worse, she capitalized on the fact that some of the victims were her friends, neighbors and co-workers in enticing and deceiving them into trusting her. Sadly, she placed in peril her fellow countrymen by giving an avenue for unscrupulous persons to prostitute the victims. She was clearly in cahoots with her sister Roselyn and with the other personalities involved in this case. For this, We also find no reversible error in the grant of monetary award representing moral and exemplary damages for the untold sufferings of the

victims, as it was clearly explained in the lower court's judgment. However, based on jurisprudence,[25] the victims are each entitled to Php500,000.00 as moral damages and Php100,000.00 as exemplary damages.

WHEREFORE, this appeal is DENIED. The joint Decision dated October 29, 2010 of the Regional Trial Court (RTC), Branch 10 of Cebu City in Crim. Case No. CBU-81127 for Violation of Sec. 4 (a) of Republic Act (R.A.) No. 9208 and in Crim. Case No. CBU-81128 for Violation of Sec. 4 (a) in relation to Sec. 6 (c) of R.A. No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 is AFFIRMED with modification in the award of damages. Appellant is ordered to pay each of the victim Php500,000.00 as moral damages and Php100,000.00 as exemplary damages. No pronouncement as to costs.

SO ORDERED.

Quijano-Padilla, and Azcarraga-Jacob, JJ., concur.

[1] Penned by RTC Judge Soliver C. Peras.

[2] The real names of private complainants were disclosed in the proceedings before the Regional Trial Court and the Court of Appeals. However, pursuant to Section 6 of R.A. 9208 or the Anti-Trafficking in Persons Act of 2003, the real names of private complainants herein are withheld and replaced with fictitious initials to protect their identity. See the case of *People v. Hashim*, *infra*.

In addition, Section 52 of the Implementing Rules and Regulations of R.A. 9208 states:

Sec. 52. Confidentiality. - At any stage of the investigation, prosecution and trial of an offense under the Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

[3] See footnote 2.

[4] *Ibid*.

[5] *Ibid*.

[6] *Ibid*.

[7] Order dated November 5, 2007; RTC records, p. 99.

[8] Brief for the Plaintiff-Appellee; Rollo, pp. 188-222; The names of the victims, while mentioned therein, are changed into initials AAA, BBB, CCC, DDD and EEE.

[9] RTC Decision, *supra*.

[10] TSN, June 16, 2009, pp. 8-11; TSN, March 10, 2009, pp. 7-9; TSN, November 7, 2008, pp. 4-6; TSN, August 27, 2008, pp. 5-6.

[11] TSN, August 27, 2008, pp. 5-7; TSN, May 23, 2008, pp. 9-10; TSN, April 4, 2008, pp. 7-8.

[12] TSN, March 31, 2009, pp. 2-3; TSN, March 10, 2009, pp. 8-10, 12.

- [13] TSN, March 10, 2009, pp. 8-10; TSN, September 30, 2008, p. 3; TSN, August 27, 2008, pp. 9-10; TSN, May 23, 2008, p. 7.
- [14] TSN, March 10, 2009, pp. 9-12; TSN, August 27, 2008, pp. 8-10.
- [15] TSN, June 16, 2009, p. 14.
- [16] TSN, April 4, 2008, p. 20.
- [17] TSN, September 30, 2008, p. 4; TSN, May 23, 2008, p. 7; TSN, April 4, 2008, p. 21.
- [18] TSN, August 27, 2008, p. 14.
- [19] TSN, March 31, 2009, pp. 9-13.; TSN, September 2, 2008, p. 3.
- [20] TSN, September 2, 2008, p. 4; TSN, April 11, 2008, pp. 6-9; TSN, July 22, 2009, pp. 7-8.
- [21] TSN, September 30, 2008, pp. 8-9; TSN, April 11, 2008, p. 7.
- [22] TSN, April 21, 2009, p. 3; TSN, September 2, 2008, p. 6.
- [23] TSN, April 21, 2009, pp. 4-11; TSN, September 2, 2008, pp. 7-12; TSN, April 11, 2008, pp. 11, 14.
- [24] TSN, September 2, 2008, pp. 6-16.
- [25] *People v. Lalli, et al.*, G.R. No. 195419, October 12, 2011; *People v. Hashim, et al.*, G.R. No. 194255, June 13, 2012.

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