

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JEHLSON AGUIRRE Y ARIDIDON, MICHAEL ARABIT Y PACAMARA, JEFFERSON PARALEJAS Y PIGTAIN AND JEFFREY ROXAS Y ARAGONCILLO, ACCUSED,...

Ponente: LAMPAS PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/66e641e2a8e2/>

LAMPAS PERALTA, J.:

Before the Court is an appeal from the Judgment dated May 28, 2013[1] in Criminal Case No. Q-10-167652 of Branch 106, Regional Trial Court, Quezon City, finding accused-appellants Jehlson Aguirre y Arididon, Michael Arabit y Pacamara and Jefferson Paralejas y Pigtain guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons, and sentencing each of them to suffer the penalty of life imprisonment, to pay a fine of P2,000,000.00 with subsidiary imprisonment in case of insolvency, and to pay private complainants AAA,[2] BBB, CCC and DDD the sums of One Hundred Thousand Pesos (P100,000.00) as moral damages each and Fifty Thousand Pesos (P50,000.00) as exemplary damages each.

THE ANTECEDENTS

On November 16, 2010, around 1:30 P.M., the Criminal Investigation Division Group-Women and Children Protection Division (CIDG-WCPD), Camp Crame, Quezon City received from representatives of "Tutok-Tulfo," a television program aired at TV Channel 5, a request for police assistance to apprehend a certain Booba and his cohorts which according to their civilian informant were to bring in an unoccupied apartment at YYY, Quezon City ten (10) women to be distributed in clubs and/or videoke bars around Metro Manila as prostitutes/entertainers. A briefing was thereafter held.[3]

Around 6:00 P.M., members of the CIDG-WCPD, Camp Crame, led by Special Police Officer 1 (SPO1) Robert Eblahan and Special Police Officer 3 (SPO3) Leodegario Canillo, proceeded to the unoccupied apartment and positioned themselves at the second floor. Around 8:00 P.M., a group entered the apartment. Upon receipt of a text message from the civilian informant, the pre-arranged signal, police went down from the second floor to arrest the malefactors and rescue the victims.[4]

The police arrested accused-appellants Jehlson Aguirre @ "Booba," Michael Arabit @ "Bubbles" and Jefferson Paralejas @ "Jopay," all known homosexuals, and accused Jeffrey Roxas @ "Rayray" and informed the latter of their rights. Thereafter, Erwin Tulfo and staff arrived to shoot a segment for "Tutok Tulfo." [5]

After their departure, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas were brought to Camp Crame for investigation. The ten (10) women were referred to the social worker.[6]

For their part, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas all denied committing the crime and tried to justify their presence in the apartment where they were arrested. According to accused-appellant Jehlson Aguirre, (i) he was invited by accused-appellant Jefferson

Paralejas to a swimming and drinking session; (ii) they were at the apartment waiting for FFF who knew the celebrator; and, (iii) accused-appellant Jefferson Paralejas had promised to redeem from him a pawned cellphone.[7] Accused-appellant Michael Arabit claimed that (i) he was invited by his "kumare" GGG to join a swimming and drinking party; (ii) he proceeded to the apartment by public transport with sisters GGG and JJJ aided by instructions texted by his cousin EEE; and, (iii) they were told by EEE to wait at the apartment for the vehicle that would bring them to a certain resort.[8] Accused-appellant Jefferson Paralejas alleged that (i) after meeting a certain Arnel at Jollibee, his friend EEE invited him to go swimming, and (ii) he arrived at the apartment in a white van with EEE and four (4) other women whom he was not familiar with.[9] According to accused Jeffrey Roxas, he was invited by accused-appellant Jefferson Paralejas to join a drinking party, and although he was left outside the apartment, he was handcuffed and brought inside by a man wearing a black jacket after he admitted knowing accused-appellant Jefferson Paralejas.[10]

The factual details, based on testimonies of prosecution witnesses, were summarized in the trial court's Judgment dated May 28, 2013 as follows:

"x x x private complainant "AAA" received a text message in her cellular phone from accused Michael Arabit alias Bubbles in XXX on November 16, 2010. Upon Bubbles' invitation, "AAA" went to his house in XXX, and there she saw the three accused. Michael Arabit alias Bubbles and co-accused Jefferson Paralejas alias Jopay were her "barkada" and they introduced co-accused Jehlson Aguirre alias Booba to her a week ago. The three accused and "AAA" went to 7-Eleven for lunch. When they returned to Bubbles' house, Booba and Jopay asked "AAA" if she wanted to earn some money. Booba assured her that they would just go drinking with some people for which she would get paid. "AAA" acceded and as instructed by the three accused, she went home and dressed up. This was at approximately 4:00 p.m. At 7:00 p.m., "AAA" returned to Bubbles' house and was surprised to see other women there. She recognized BBB, DDD, EEE,[11] Rochel,[12] GGG[13] and JJJ. Thirty minutes later, a white van arrived and all the ten ladies, together with Bubbles, Jopay, Booba and the fourth accused, Jeffrey Roxas alias RayRay, boarded the van.

Earlier that same day, private complainant "BBB" was in the house of her friend, private complainant "DDD" when the three accused – Bubbles, Booba and Jopay – invited her to go somewhere with them. "BBB" was with the three accused a month earlier i.e., in October 2010, when they had a drinking and shabu session together. x x x

On November 16, 2010, the date subject of the Information, "BBB" was invited by Jehlson alias Booba again to have sex with another man in exchange for money and shabu. "BBB" said yes and agreed to meet the three in the house of Bubbles in XXX. When "BBB" arrived, she saw other women, some of whom were familiar, in the house. Then, a white van came and all of them, the 10 women and the 3 accused plus another man, boarded the van. The van travelled to Quezon City.

That same day of November 16, 2010, private complainant "CCC" was tending to the sari-sari store of her aunt in XXX. In the afternoon, her classmate, EEE, visited and asked if she ("CCC") wanted to go drinking with her and some of their high school friends. "CCC" said that EEE had to ask permission from "CCC's" aunt first which the girl did. The aunt gave her consent because she knew EEE so the two left and went to the house of Michael Arabit a.k.a. Bubbles, who was a cousin of EEE. At Bubbles' house, Bubbles told them that they would go drinking with some foreigners in Quezon City and then they would have some money in exchange for such service. The other two accused, Jehlson Aguirre alias Booba and Jefferson Paralejas alias Jopay also said the same thing to her while the fourth accused, Jeffrey Roxas, was in the house but "CCC" did not know him. "CCC" saw several girls in the house but knew only two, i.e., private complainant "AAA" and EEE. Then, a white van appeared and all of them boarded the van.

The fourth witness, private complainant "DDD" was in her house in XXX when Booba texted her in her cellular phone on November 16, 2010 at about 2:00 p.m. Booba said that he was going to introduce her to a

foreigner who will give them some money and shabu for sex with "DDD". Prior to this invitation, sometime in October, "DDD" met Booba, Bubbles and Jopay, who were homosexuals, at the house of Bubbles in XXX. "DDD" was introduced by Jopay to Bubbles after which she was invited to go to the house of a certain "Vivian" for some "happenings" and shabu session. x x x

This time on November 16, 2010, "DDD" did not agree to the accused's proposition but later relented after hearing that they will not only have money but will also have one "bulto" of shabu for their personal use. Jopay fetched "DDD" at her house, so the two, plus EEE, Mikmik[14] and some other girls went to the house of Bubbles where they were to be fetched. In Bubbles' house, the accused told all of them to fix themselves because they had to look good for the foreigners. Then, a white van arrived which they all boarded.

The van moved and stopped at the 7-Eleven store in XXX and then travelled and proceeded to Quezon City. While travelling, Jehlson Aguirre alias Booba told the women that they will be meeting some foreigners who will take them abroad. At 7:00 in the evening, the van reached Quezon City and proceeded somewhere to YYY where it stopped outside a two-storey apartment. As instructed, the women went down the van and inside the apartment; they fixed their clothes and make-up to look good to the foreigners, who were in another place. Michael Arabit a.k.a. Bubbles then asked "Sino ang gustong gumamit?" As he said this, Jehlson Aguirre a.k.a. Booba, with one hand, reached inside his chest, took out something from his brassiere and showed them a small sachet with a white substance inside that looked like shabu. "Ako po!" six of the women answered and these six women were separated from the others. While they were looking for an aluminum foil for the shabu, suddenly there was a commotion and they saw several people running down from the second floor of the house. The people identified themselves as the police and told the women to sit together as they simultaneously took hold of all the accused. Other people entered the house and they were from TV Channel 5, other media persons and some social workers from Quezon City. The police handed over the women to the social workers; they arrested the four (4) accused, read them their rights and brought all of them to Camp Crame for investigation.

The policemen were members of the Criminal Investigation and Detection Group – Women and Children Protection Division (CIDG-WCPD) stationed at Camp Crame, Quezon City. Earlier at about 1:30 p.m. of that same day, November 16, 2010 their office received a request for assistance from personnel of the show of "Tutok Tulfo" – a public service program of TV Channel 5 for the possible arrest of a certain alias "Booba" and other unidentified cohorts who, according to their confidential informant, were allegedly recruiting and transporting women, including minors, from XXX to work as prostitutes and/or entertainers in various clubs and videoke bars in Metro Manila.

Acting on this report, the police chief of office immediately invited the confidential informant, representatives of TV5 and social workers from Quezon City for a conference to plan a possible operation. During the conference, the informant revealed that "alias Booba" promised to bring at least ten (10) women to the informant but at the same time, requested for a place where the women could stay temporarily while waiting for their customers. "Alias Booba" also mentioned that he will bring a sachet of shabu so the women could use it before leaving the place. Acting on Booba's request, the informant provided an unoccupied apartment in Quezon City which was YYY, Quezon City, where the women could stay temporarily. Booba promised to deliver the women at around 7:00 p.m. of November 16, 2010.

Based on this information, at 5:00 p.m. of that day, members of the CIDG-WCPD, including SPO1 Robert Eblahan and SPO3 Leodegario Carillo, conducted a briefing on the team and forthwith proceeded to the apartment in YYY. Inside the house, SPO1 Eblahan and SPO3 Carillo positioned themselves at the second floor.

At about 8:00 p.m., SPO1 Eblahan heard a group of persons enter the house. A few minutes later, a male voice said "Kuya, asan na ang komisyon ko?" Another male voice answered "O, ayan, kumpleto na yan!" "Ay, salamat kuya!" the first male voice replied. At this point, the police team leader received a phone call from the

informant, which call was a pre-arranged signal for the team to go down. SPO1 Eblahan and SPO3 Carillo rushed down immediately and effected the arrest of "Booba", while the other members of the team apprehended the other accused. The ten (10) women were isolated and separated from the accused and turned over to the social workers." [15]

In an information dated November 22, 2010, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas were charged with "Violation of Sec. 3(a) & Sec. 4 (a) in rel. to Sec. 6 of R.A. 9208 [16] in rel. to Violation of R.A. 7610," [17] committed as follows:

"That on or about the 16[th] day of November, 2010, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit, transport, harbor, provide or receive AAA, 15 yrs. of age, a minor, FFF, 16 yrs. of age, a minor, GGG, 16 yrs. of age, a minor, HHH, 17 yrs. of age, a minor, JJJ, 14 yrs. of age, a minor, BBB, 14 yrs. of age, a minor, DDD, 18 yrs. of age and CCC, 17 yrs. of age, a minor, by trading them for sexual favor in exchange for some (sic) of money or profit.

The crime committed is qualified because the recruitment, transportation, transfer, harboring or receipt of the above-mentioned offended parties were made for the purposes of sex (sic) exploitation and prostitution, in violation of said law.

CONTRARY TO LAW." [18]

When arraigned on January 28, 2011, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas pleaded "not guilty" to the charge. [19]

During the initial pre-trial on April 8, 2011, [20] the trial court granted the prosecution's prayer for a permanent protection order against accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas. [21] In the same proceeding, the prosecution also proposed the following as issues:

"1.

Whether or not the accused are guilty of the offense, as charged in the information;

2.

Whether all the accused are civilly liable to the complainants."

On May 6, 2011, during the continuation of the pre-trial, [22] the defense adopted the issues earlier proposed by the prosecution and admitted the following:

"(1)

that seven (7) of the complainants at the time of the commission of the offense are still minors. Admitted, subject to the presentation of the birth certificate of the said minors;

(2)

that the instant case was the subject of inquest proceedings. x x x" [23]

Trial ensued. The prosecution presented as witnesses, (i) private complainant AAA; [24] (ii) private complainant BBB; [25] (iii) private complainant CCC; [26] (iv) private complainant DDD; [27] and, (v) SPO1 Robert Eblahan, CIDG-WCPD, Camp Crame, Quezon City. [28] The prosecution did not anymore present the other six (6) private complainants who had earlier executed their respective affidavits, to wit: EEE, [29] FFF, [30] GGG, [31] HHH, [32] III [33] and JJJ. [34]

The witnesses for the defense were (i) accused-appellant Jefferson Paralejas;^[35] (ii) accused-appellant Michael Arabit;^[36] (iii) accused-appellant Jehlson Aguirre;^[37] and, (iv) accused Jeffrey Roxas.^[38]

In a Judgment dated May 28, 2013, the trial court convicted accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas of the crime of Qualified Trafficking in Persons. Accused Jeffrey Roxas was acquitted based on the finding that there was doubt as to his participation in the commission of the crime because private complainants AAA, BBB, CCC and DDD testified that they did not know him and only saw him inside the white van that brought them to Quezon City.

The dispositive portion of the Judgment reads:

"IN VIEW WHEREOF, accused Jehlson Aguirre y Arididon, Michael Arabit y Pacamara and Jefferson Paralejas y Pigtain are found GUILTY of the crime of Qualified Trafficking in Persons and are hereby sentenced to suffer the penalty of life imprisonment and pay the fine of Two Million Pesos (P2,000,000.00) each, with subsidiary imprisonment in case of insolvency. Each accused is ordered to pay the private complainants "AAA", "BBB", "CCC" and "DDD" the sum of One Hundred Thousand Pesos (Php100,000.00) each as moral damages and Fifty Thousand Pesos (Php50,000.00) each as exemplary damages and to pay the costs of the suit.

The period of the accused's prevention detention shall be credited in the service of their respective sentences.

Accused Jeffrey Roxas y Aragoncillo is hereby ACQUITTED of the crime charged. The Jail Warden is enjoined to release said accused from custody unless he is being held for some other lawful cause/s.

SO ORDERED."^[39]

Accused-appellants filed the present appeal^[40] which is premised on this sole assigned error:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE FACT THAT THEIR GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.^[41]

ISSUE

Whether the trial court erred in finding accused-appellants guilty beyond reasonable doubt of the crime of qualified trafficking punished under RA No. 9208.

THE COURT'S RULING

In convicting accused-appellants of Qualified Trafficking in Persons, the trial court noted that (i) the prosecution sufficiently established the elements of the crime; (ii) the testimonies of private complainants were worthy of belief, very credible and corroborative on material points; (iii) the crime is qualified as the minority of CCC was alleged and proved; and, (iii) as the minority of DDD and the fact that the crime was committed by a syndicate in large scale were established but never alleged, the same shall only be considered as generic aggravating circumstances. Thus:

"The court finds that the prosecution sufficiently established the crime charged. The testimonies of the private complainants are worthy of belief, very credible and significantly corroborative of each other, directly and categorically, on its material points. When subjected to intense cross-examination by defense counsel, these same testimonies were consistent and strong in their essential facts, and even upon further questioning from the court, remained solid and unshaken. The court saw and heard the witnesses testify and found that the substance of their respective testimonies were further strengthened by the private complainants' candid and spontaneous demeanour on the witness stand.

According to the four private complainants, they were invited by the three accused, namely: Jehlson Aguirre alias Booba, Michael Arabit alias Bubbles and Jefferson Paralejas alias Jopay, to go drinking and swimming or have sex with a man in exchange for some money and drugs. Private complainant "AAA" said that she was to go drinking and swimming for which she will received some money. Complainant "CCC" said that she was invited to go drinking with some foreigners for which she will also receive some money. Private complainant "BBB" said that she was invited to have sex with a man in exchange for money and shabu just like what happened a month ago; while private complainant "DDD" said that she was forced to go with the accused to have sex with a foreigner for which she will be paid some money and shabu.

"AAA" was recruited by Jehlson and Jefferson at the house of Michael Arabit; "BBB" was recruited by Jehlson; "CCC" was invited by EEE and recruited by Michael Arabit; "DDD" was recruited by Jehlson. Two private complainants, "BBB" and "DDD" in particular, expressly stated that the accused said that they were going to have sex with a man and get paid for it with money and drugs. The other two, "AAA" and "CCC," said that they were to go drinking and get paid thereafter. Although two complainants did not mention that they were engage in sexual intercourse with another, the other two complainants were actually invited, hence, "recruited" for the express purpose of engaging in sexual intercourse with another in exchange for money and drugs.

As to the acts of "transporting, harbouring, and providing or receiving" as alleged in the Information, all four private complainants went to the house of accused Michael Arabit and saw other women there. The women, totalling ten (10) in number, as well as the four accused boarded the white van and travelled to Quezon City. All the women and three accused alighted from the van and entered the apartment. These women were made to sit inside and fix themselves so the foreigners, who were in another place, will like them and the women will have money. From the same accounts of the four private complainants, whose testimonies significantly corroborate each other on these facts, the four complainants and the other six women, were all transported from the house of accused Michael Arabit in XXX to Quezon City and transferred to the apartment in YYY. The accused directly and actively participated in the "transport" of the women from XXX to YYY, Quezon City.

These acts of recruiting the four private complainants in XXX for the purpose of drinking and having sexual intercourse with foreigners in exchange for money and drugs and of transporting and transferring them from XXX to Quezon City categorically fall under Sections 3(a), 4 (a) and 6 of R.A. 9208. As shown by the prosecution, the recruitment, transportation and transfer of complainants were for the purpose of prostitution and sexual exploitation. x x x

x x x x x x x x

The element of prostitution in the instant case is proved by the fact that the private complainants were to be used by another (other men and foreigners) for sexual intercourse in exchange for "money" and "other consideration" which is shabu. The element of sexual exploitation is evidenced by the direct participation of the accused themselves in the prostitution of private complainants.

That some of the women were minors at the time of the subject incident is specifically alleged in the Information. Section 6 of R.A. 9208 provides that the crime of Qualified Trafficking is committed when the trafficked person is a child. In the case at bar, private complainant "CCC" presented her birth certificate showing that she was born on August 16, 1993 and was therefore 17 years old when the incident subject of the Information happened on November 16, 2010. On the subject day, private complainant "DDD" was also 17 years old as she was born on July 7, 1993.

The court notes that in the Information private complainant "DDD" is alleged as 18 years old on November 16, 2010. Since her minority is not alleged therein, this can be treated as a generic aggravating circumstance only. This leaves private complainant "CCC" then as the only complainant whose minority is both alleged in the Information and proved at the trial. And it is this minority of "CCC," although standing alone, that qualifies the

crime of trafficking in the instant case.

There is another qualifying circumstance that exists, i.e., that the offense was committed by a syndicate and in large scale. x x x This circumstance is not alleged in the Information, however, for which reason it cannot be applied to the case at bar. For a crime to be elevated in its qualified form, the circumstance that qualifies it should be alleged in the Information. If the qualifying aggravating circumstance is not alleged but proved, it shall only be considered as an aggravating circumstance since the latter may be proven even if not alleged.

x x x x x x x x

As clearly shown by the prosecution, the three accused, namely Jehlson Aguirre, Michael Arabit and Jefferson Paralejas, conspired, confederated and acted together in recruiting the four private complainants and transporting them and six other women from XXX and transferring them to the house in YYY, Quezon City, and that their recruitment and transport were for the purpose of prostitution and sexual exploitation. They committed the crime of trafficking in persons qualified by the minority of private complainant "CCC." [42]

Accused-appellants fault the trial court in so ruling. Allegedly, "the PURPOSE for which the girls (including the private complainants) were 'recruited and transported' to the said apartment, is not proven beyond reasonable doubt to be that for prostitution and/or sexual exploitation" [43] since (i) "the evidence used by the prosecution to prove the purpose x x x is basically hearsay evidence," [44] and (ii) "there is no evidence that the apartment or house in Quezon City is a brothel or prostitution den." [45]

The asseveration fails to impress.

RA No. 9208, the Anti-Trafficking in Persons Act of 2003, [46] is designed to criminalize the act of trafficking in persons for prostitution, sexual exploitation, forced labor and slavery, among others. [47] The law considers as punishable four (4) major categories of trafficking, to wit: (i) sex trafficking; (ii) trafficking for forced labor; (iii) trafficking for the removal or sale of organs; and, (iv) trafficking of children for armed activities. The crime can exist even with the victim's consent or knowledge. [48]

Section 3 (a), in relation to Section 4, RA No. 9208, provides:

"Section 3. Definition of Terms. - As used in this Act:

(a) Trafficking in Persons – refers to the recruitment, transportation, transfer or 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 or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph."

x x x x x x x x

"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;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and,

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad."

In fine, the crime of trafficking in persons is committed when the acts done, the means employed and the purpose thereof are punishable under the law. To merit conviction, all the elements must be present, except when the victim is a child since under paragraph 2, Section 3 (a), RA No. 9208, the coercive means employed is irrelevant when the victim is a child. Section 3 (b)[49] defines a child as "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."

The information dated November 22, 2010[50] alleged that when the incident happened on November 16, 2011, six (6) of the ten (10) victims were below eighteen (18) years old. Of the four (4) victims who testified in open court, three (3) were proven to be below eighteen (18) years old at that time. Having been born on February 26, 1996,[51] BBB was only fourteen (14) years old on November 16, 2011. CCC and DDD were both seventeen (17) years old at that time as they were born on August 16, 1993[52] and July 7, 1993,[53] respectively. As BBB, CCC and DDD were "children" within the purview of Sec. 3 (b), RA No. 9208 on November 16, 2011, the prosecution need not present evidence of the coercive means adopted by accused-appellants against them.

In any event, the direct, candid, categorical and corroborative testimonies of private complainants AAA, BBB, CCC and DDD proved beyond reasonable doubt that through friendship, offer of money and opportunity to swim, drink, use shabu and travel abroad, accused-appellants were able to recruit and transport the former for purposes of prostitution and/or sexual exploitation.

The Court notes that even on cross-examination, private complainants AAA, BBB, CCC and DDD remained steadfast and did not waver at all. As private complainant AAA testified:

"FISCAL:

x x x x x x x x

Q

Learning that Bubbles wanted you to go to their house in XXX what did you do?

A

Pumunta po.

x x x x x x x x

Q

Where is that 7 Eleven where you are being invited by Bubbles to go with them?

A

xxx.

x x x x x x x x

Q

Who are those companions of Bubbles?

A

Jopay, Bubbles.

x x x x x x x x

Q

Just three of them. What did they tell you when you were already in 7 Eleven, XXX??

A

Kakain daw po.

Q

Aside from that?

A

Wala po silang sinasabing iba nung naandon na po kami.

x x x x x x x x

Q

Upon returning to Bubbles house what happened there if any?

A

Tinanong po niya ako kung sasama raw po ba ako.

Q

Where are they inviting you to go with them?

A

Mag-si-swimming saka magiinom.

Q

So what was your response that invitation to go swimming and have drinking session?

A

Sasama po ako kasi bibigyan po nila ako ng pera.

Q

Having agreed to go with them what else happened?

A

Pinauwi po nila ako para magbihis.

x x x x x x x x

FISCAL:

Q

When you go back to Bubbles' house and you said there were other minors there women what happened next at that time?

A

Nataranta po sila kasi anong oras na po wala pa yong sasakyan.

x x x x x x x x

Q

When finally that white van arrived what happened?

A

Pinagmamadali po nila kaming pasakayin sa loob.

Q

Were you able to occupy the van?

A

Yes, sir.

Q

Meaning to say the ten of you?

A

Opo.

Q

And then aside from the ten of you who else boarded in the van?

A

Sila Bubbles, Jopay, Booba, saka may kasama silang lalaki na isa.

x x x x x x x x

Q

When the ten of you and the four of them inside the van what happened next?

A

Pinagkuwentuhan po nila kung anong gaggawin doon.

Q

Who are you referring to as asking questions what are you doing there?

A

Bubbles po at saka si Jopay?

x x x x x x x x

FISCAL:

Q

Where were you brought?

A

Quezon City.

Q

When you already reached Quezon City on board that white van what happened next?

A

Pinababa po kami lahat tapos pinapasok kami sa bahay na parang apartment.

Q

When all of you were already inside that what happened inside that apartment?

A

Pinaupo po kami tapos sinabihan kami na walang lalabas.

Q

Who told you that?

A

Bubbles at Jopay.

x x x x x x x x

Q

What happened next when you were already inside and instructed not to go out anymore?

A

Pinaupo po kami tapos may tinanong po sila.

x x x x x x x x

Q

What did they ask from you?

A

Kung sino po raw gustong gumamit.

Q

Will you please explain what do you understand by that word sino ang gustong gumamit?

A

Kasi po may nakita po ako inabot ni Booba nasa sachet na parang asin tapos tinanong po nila kami sinong gustong gumamit tapos po hinihiwalay po nila kami.

x x x x x x x x

Q

Where did Booba get that item?

A

Sa bra po niya.

x x x x x x x x

Q

Could you please demonstrate to the court how Booba got that item from his bra? Just the motion.

COURT:

Witness using her right hand to get something inside her chest.

COURT:

Q

What was the white substance from your point of view?

A

Alam ko po shabu yon.

Q

And they asked you sino gustong gumamit what was the answer of everybody there?

A

Sinabi po nila ako po.

x x x x x x x x

Q

How many said ako po?

A

Anim po.

Q

What happened next?

A

Yon po pinag-hiwa-hiwalay po kami tapos nung naghahanap po sila ng ANO LALAGYAN NON may bigla pong nagbabaan sa taas mga tao sa taas.

x x x x x x x x

FISCAL:

x x x x x x x x

Q

By the way let us go back if you know why are you being offered that parang asin which you said is shabu?

A

Kasama raw po yon sa pang bayad.

Q

To be given to whom?

A

Don daw po sa mga babeng (sic) iaano sa foreigner.

x x x x x x x x

FISCAL:

Q

Will you please explain what you know iaano sa Foreigner?

A

Makikipag sex po sila.

Q

x x x, aside from that shabu as pambayad what else is being offered?

A

Babayaran daw po kami ng pera.[54]

x x x x x x x x

"COURT:

Q

Why did you go with them?

A

"Dahil sabi po nila bibigyan daw po ako ng pera", your honor.

COURT:

Q

Did you ask them why?

A

"Opo", your honor.

COURT:

Q

What was their answer?

A

"Sabi po raw nila kailangan lang ng kainuman", your honor.

COURT:

Q

Who had that "kailangan lang ng kainuman"?

A

"Mga kausap nilang foreigner", your honor.

x x x x x x x x

COURT:

Q

Did you not wonder who did foreigners will be?

A

"Kasi po sabi ni booba sa akin kilala po niya" your honor.

x x x x x x x x

COURT:

Q

So, "Kailangan lang ng foreigner ng kainuman" So, you're role maybe to be the "kainuman" of the foreigner?

A

"Opo", your honor.

COURT:

Q

How about swimming with the foreigner?

A

"Ang naiisip ko po ay Kasama ko po yung mga barkadang babae kaya hindi po ako naiilang", your honor.

x x x x x x x x

COURT:

Q

Why did you go with them?

A

"Naimpluwensiyahan po ako ng pera", your honor."[55]

Private complainant BBB testified as follows:

"FISCAL:

x x x x x x x x

Q

Particularly on November 16 was there anything else that happened?

A

Meron po.

Q

And what is that?

A

Yon daw po sasama daw po ako uli sa kanila magkakaroon daw po uli ako ng pera at gagamit ng shabu.

x x x x x x x x

Q

How were you able to get money?

A

Kung sasama daw uli ako kagaya ng ginawa ko dati.

Q

Did you go with them?

A

Opo.

Q

How?

A

Nagkita-kita po kami sa bahay sa may Seven Eleven tapos doon po namin pinagusapan.

x x x x x x x x

Q

Aside from the three of them who were with you?

A

Yung sampu pong babae, siyam na babae pang sampu po ako.

Q

Do you know them your other nine companions?

A

Yung iba kilala ko yung mga lima o anim yung iba di ko po kilala.

Q

Awhile ago you told us you're just fifteen years old, if you know how old are those nine other companions of yours?

A

Pagkakaalam ko po iba menor de edad mga sixteen, iba kasing tanda ko lang pagkakaalam ko eighteen pataas nasa dalawa o tatlo lamang.

Q

What was the instruction given to you by the three whom you already pointed?

A

Yon nga po magpapagalaw sa lalaki at gagamit uli ng shabu.

x x x x x x x x

Q

When that puting van arrived what did you and the others if any do?

A

Sumakay na po kami.

Q

Aside from you and your other companions who else road that van?

A

Sila pong tatlo saka yung isang lalaki na hindi ko napansin.

x x x x x x x x

Q

When you alighted from that van going to that apartment what did you do?

A

Tinanong po ako sinong gagamit na mga babae tapos pinaghiwahiwalay inilabas yung parang puting asin shabu na parang puting asin na pagkakaalam ko shabu.

Q

To whom did you see that putting parang asin?

A

Kay Booba.

Q

In what part of the body did you see that shabu?

COURT:

Witness using her right hand and pointing to her chest inside her blouse.

FISCAL:

Q

What did Booba do?

A

Binigay po niya kay Jopay tapos inabot ni Jopay sa akin."[56]

As private complainant CCC testified:

"FISCAL ANDRES

x x x x x x x x

Q

What is the name of that classmate of yours who approached you while you were tending the store of your aunt?

A

EEE. I was tending the store of my aunt when my schoolmate appeared and asked me if I wanted to come with her.

Q

What else did she tell you?

A

That we will go drinking?

x x x x x x x x

Q

After your aunt gave her consent, what happened?

A

We went to the house of Bubbles.

x x x x x x x x

Q

What was the conversation between the three of you?

A

According to him we will be having drinking session and then we will have a money.

Q

Aside from Bubbles and EEE, was there any other persons present at that time?

A

Yes, sir.

Q

Who are they?

A

(witness pointing to the four men in the courtroom)

x x x x x x x x

Q

What did they tell you?

A

That we will have a drinking session and we will have money?

Q

How?

A

We will be drinking with some foreigners.

x x x x x x x x

Q

Who were in XXX and how did you reach Quezon City?

A

We rode in a white van going to Quezon City.

Q

Who were with you in the white van?

A

Ten girls, sir.

Q

Aside from them, how many other girls who were with you?

A

Nine girls.

Q

Do you know them?

A

I knew only the two of them.

Q

Tell the court?

A

EEE and AAA.

Q

Was there any conversation while you were travelling from XXX to Quezon City?

A

They were the one talking because I was at the back of the van.

Q

Were you able to hear or understand what they were talking about?

A

Booba told us that we will be meeting foreigners and the foreigners will take us abroad.

x x x x x x x x

Q

Where did you eventually go after leaving XXX via white van?

A

We were brought at Edsa Triangle but I don't know the exact place.

Q

Could you at least describe what kind of place did you go?

A

It is an apartment, up and down.

Q

What happened when you reached that up and down apartment somewhere in Edsa Triangle?

A

We were inside the apartment and told us to fix ourselves in order for the foreigners to like us.

Q

Why is there a need for the foreigners to like you?

A

In order for us to have money.

Q

After putting your make up, what happened next?

A

Booba brought shabu.

Q

How?

A

He got it from his bra.

Q

After Boba presented to you a shabu taken from his bra, what happened next?

A

He separated the women who wants to use shabu and separated those who did not want to use, then, the media arrived."[57]

Private complainant DDD testified:

"FISCAL

Q

What else happened during that day if you can still recall?

A

May sumundo po sa amin Jopay nga po.

x x x x x x x x

FISCAL:

Q

So aside from Jopay was there any other individuals who called you or who you met on that date?

A

Sila rin ho, si Bubbles po and Buba.

x x x x x x x x

FISCAL:

Q

Would you know the purpose why they called you?

A

Opo.

x x x x x x x x

Q

Opo, what is that?

A

Papakilala po sa foreigner.

Q

Papakilala sa foreigner for what reason if you know?

A

Ano po.

Q

Please answer, speak louder please.

A

Bibigyan daw po kasi kami ng pera.

Q

Bibigyan kayo ng pera?

A

Opo.

Q

Who is going to give you money?

A

Yung foreigner po.

Q

For what purpose?

A

Makikipag-sex po.

x x x x x x x x

Q

What did you say when they informed you of that foreigner will give you money in exchange for sexual gratification?

A

Hindi po ako pumayag.

Q

Hindi ka pumayag, so when you told them that you do not like their proposal what happened next?

A

Pinilit pa rin po kami sumama.

Q

How?

A

Sabi nga po magkakapera kami at magdra-drugs daw po.

Q

You said pinilit how did they force you?

A

Inofer nga po sinabi magkakapera.

Q

The offer was given but you told them that you do not like the idea?

A

Opo.

Q

What still happened after that?

A

Sumama rin po kami.

x x x x x x x x

Q

Who went with them aside from you?

A

Mga kaibigan ko po.

Q

Mga kaibigan mo would you name them?

A

Sina EEE po, si Niknik, yung iba po hindi ko na po kilala eh.

Q

Approximately how many were you who eventually went with them?

A

Sampu po kami lahat.

Q

Sumama kayo how?

A

May sasakyan po dumating don eh yung van po na puti.

x x x x x x x x

FISCAL:

Q

Was there any conversation that took place when you were already inside that white van together with these four individuals whom you already identified?

A

Ano po pinag-a-ayos lang po kami kasi pupunta nga po kami sa foreigner.

Q

Would you care to explain what do you mean by pinag-a-ayos?

A

Yung mukha po namin inaayos saka damit namin.

Q

What is the destination of that van if you know from XXX?

A

Quezon City daw po hindi ko po alam kung saan po.

Q

When that van reached Quezon City, what happened next?

A

Pumunta po kami dumating na po kami sa may apartment na hindi ko po alam kaninong bahay po yon.

Q

When that van reached that apartment what happened next?

A

Nag-ayos po ulit kami tapos maya-maya po nilabas na po yung drugs.

x x x x x x x x

Q

Who was in possession of that drugs?

A

Si Buba po.

x x x x x x x x

Q

Will you please illustrate how was that was that drugs came out from Buba?

A

May kausap po kasi siya sa isang tabi tapos kinuha niya po sa.

Q

Your honor, may I make it of record that the witness was demonstrating that the accused Buba took it out from his breast, after that when the said drugs was already presented by Buba, what happened next?

A

Tinanong po kung sino po yung mga gumagamit tapos yung hindi po pinaghiwalay po."[58]

There is no merit in accused-appellants' claim that the testimonies of private complainants AAA, BBB, CCC and DDD as to what they had heard from or had been told by accused-appellants, must be excluded for being hearsay. Private complainants AAA, BBB, CCC and DDD were the victims themselves and they testified on the basis of their own personal perception of the circumstances of the case.

Moreover, the rule against hearsay testimony rests mainly on the ground that there was no opportunity to cross-examine the declarant.[59] As held:

"x x x The hearsay rule is based upon serious concerns about the trustworthiness and reliability of hearsay evidence inasmuch as such evidence are not given under oath or solemn affirmation and, more importantly, have not been subjected to cross-examination by opposing counsel to test the perception, memory, veracity, and articulateness of the out-of-court declarant or actor upon whose reliability on which the worth of the out-of-court statement depends."[60]

In the present case, accused-appellants, through counsel, were given the opportunity to cross-examine private complainants AAA, BBB, CCC and DDD. As borne by the records, private complainants AAA, BBB, CCC and DDD were cross-examined by the defense on June 7, 2011,[61] July 12, 2011,[62] September 13, 2011[63] and October 26, 2011,[64] respectively. In fact, private complainant CCC was even subjected to re-cross-examination.[65]

Neither is there merit in accused-appellants' claim that they cannot be convicted of trafficking in persons because no evidence was presented by the prosecution to show that there are men inside the apartment waiting for the

private complainants and the other girls for a "date" or "drinking spree or for drug orgy and sex." [66] The absence of foreigners in the apartment was due to the fact that said place was not the ultimate destination for the sex-trafficked victims. According to private complainant AAA, they were at the apartment only to rest, after which they would proceed to a hotel to meet these foreigners. [67]

Notably, the records are barren of proof of any ill motive on the part of private complainants AAA, BBB, CCC and DDD to testify falsely against accused-appellants. Their testimonies are therefore entitled to full faith and credit. It is well-settled that where there is nothing to indicate that a witness for the prosecution was actuated by improper motive, the presumption is that he/she was not so actuated and his/her testimony is entitled to full faith and credit. [68]

Accused-appellants all denied committing the crime of trafficking in persons. According to accused-appellants they were themselves invited to join a swimming and drinking party, and they and the alleged victims were not together and even arrived at the apartment separately.

Bare denial of the crime charged is insufficient to exculpate accused-appellants. Well established is the rule that "a mere denial, just like an alibi, is a self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declarations of credible witnesses who testify on affirmative matters. As between a categorical testimony that has the ring of truth on the one hand and a bare denial on the other, the former is generally held to prevail." [69]

Then again, the Court ordinarily puts great weight on the factual findings of the judge who conducted the trial of the case and heard the testimonies of the witnesses themselves. [70] Compared to appellate magistrates who merely read and rely on the cold and inanimate pages of the transcript of stenographic notes and the original records brought before them, the trial judge is in a better position to calibrate the testimonies of the witnesses at the stand. [71] Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh or the scant or full realization of an oath – all of which are useful for an accurate determination of a witness' honesty and sincerity. [72]

The crime of trafficking in persons is qualified when, among others, (i) the victim is a minor; (ii) there are three (3) or more malefactors; and, (iii) there are three (3) or more victims. Section 6, RA No. 9208 provides:

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

(a) When the trafficked person is a child;

x x x x x x x x

(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;

x x x x x x x x"

While it is clear from the information dated November 22, 2010 [73] that four (4) persons were charged with the crime and there were ten (10) victims, the circumstances of commission of the crime by a syndicate and in a large scale were not specifically alleged therein as qualifying circumstances. Hence, said qualifying circumstances cannot be appreciated.

However, the crime committed is still qualified trafficking as the minority of BBB and CCC was sufficiently alleged in the information [74] and proven by their respective birth certificates [75] the presented during trial. Taking into consideration that the qualifying circumstance under Section 6 (a) was sufficiently alleged and duly

proven, the trial court did not err in imposing upon accused-appellants the penalty of life imprisonment and a fine of P2,000,000.00. Section 10 (c), RA No. 9208, which provides for the penalty for qualified trafficking, reads:

"Section 10. Penalties and Sanctions. - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

x x x x x x x x"

There is no question that private complainants AAA, BBB, CCC and DDD are entitled to moral and exemplary damages. Moral damages may be awarded to compensate one for manifold injuries such as physical suffering, mental anguish, serious anxiety, besmirched reputation, wounded feelings and social humiliation.[76] On the other hand, when a crime is committed with an aggravating circumstance, either qualifying or generic, an award of exemplary damages is justified under Article 2230, New Civil Code.[77] As noted by the trial court:

"With respect to the civil liability, the complainants should be awarded moral damages for the suffering, mental anguish, serious anxiety and social humiliation of private complainants. The private complainants were still in their teens when they testified, two were even minors when the subject incident happened. Their youth, vulnerability and zest for fun, excitement and adventure were taken advantage of and exploited by the three accused who sweet-talked and lured them with money and drugs into "drinking" and having sex with strangers. Private complainant "CCC" had no idea that they were going to Quezon City; she thought she was going to drink with her friend EEE and their high school friends. Complainant "DDD" said that although she agreed to meet the foreigners she felt afraid and scared and even wanted to turn back but had no choice because they were already in Quezon City.

Private complainants should also be awarded exemplary damages. The crime is aggravated by the minority of private complainant "DDD" and qualified by the minority of private complainant "CCC.""[78]

However, the directive for each accused-appellants to pay each private complainants AAA, BBB, CCC and DDD the sum of One Hundred Thousand Pesos (P100,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages must be modified for being excessive. It is settled that in a criminal case, an appeal throws the whole case open for review, and it becomes the duty of the appellate court to correct such errors as may be found in the judgment appealed from, whether they are made the subject of assignment of errors or not.[79]

Under Article 110,[80] Revised Penal Code, the principals are, jointly and severally, liable for the civil liabilities arising from the delict.[81] As the civil liability of co-principals in a criminal case is solidary,[82] the trial court erred in ordering each of accused-appellants to pay to each private complainant the full amount of the damages awarded.

Accordingly, accused-appellants are jointly and severally held liable to pay to each private complainant the sums of One Hundred Thousand Pesos (P100,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.

In addition, and in conformity with current policy, the Court imposes interest on all monetary awards for damages at the rate of six percent (6%) per annum from the date of finality of this Judgment until fully paid.[83]

WHEREFORE, the trial court's Judgment dated May 28, 2013 is AFFIRMED, subject to MODIFICATION that

(i) accused-appellants Jehlson Aguirre y Arididon, Michael Arabit y Pacamara and Jefferson Paralejas y Pigtain are jointly and severally held liable to pay each of private complainants (AAA, BBB, CCC and DDD) the sums of One Hundred Thousand Pesos (P100,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages, and (ii) interest of 6% per annum is imposed on the total monetary award from the finality of this Judgment until full payment.

SO ORDERED.

Acosta, and Garcia-Fernandez, JJ., concur.

[1] pp. 11-27 and 63-79, Rollo; pp. 319-335, Record.

[2] The replacement with fictitious initials of the real names and personal circumstances of trafficked persons is pursuant to the confidentiality provision under Section 7, Republic Act (RA) No. 9208 (Anti-Trafficking in Persons Act of 2003; May 26, 2003), as amended by RA No. 10364 (Expanded Anti-Trafficking in Persons Act of 2012; February 6, 2013).

[3] TSN dated January 25, 2012, pp. 450-451, Record.

[4] pp. 451-456, Id.

[5] pp. 456-457, Id.

[6] Id.

[7] TSN dated October 11, 2012, pp. 504-514, Id.

[8] TSN dated August 10, 2012, pp. 488-489, Id.

[9] TSN dated April 25, 2012, pp. 467-470, Id.

[10] TSN dated November 15, 2012, pp. 528-538, Id.

[11] The nickname was identified as that of EEE through the sinumpaang salaysay of GGG [pp. 26 and 92, Id.], sinumpaang salaysay of private complainant CCC [Exh. "E", pp. 35 and 86, Id.], testimony of private complainant CCC [TSN dated September 13, 2011, p. 428, Id.]

[12] Was not able to match this nickname with the real name of the victims. As "Rachel" was allegedly seventeen (17) years old [testimony of private complainant AAA, TSN dated May 24, 2011, p. 365, Id.], she may either be HHH or CCC [p. 1, Id.]

[13] The nickname was identified as that of GGG through the testimony of accused-appellant Michael Arabit, TSN dated August 10, 2012, p. 487, Id.

[14] Was not able to match this nickname with the real name of the victims. According to DDD, she and "Mikmik" were fetched by accused-appellant Jefferson Paralejas, Exh. "H", pp. 20 and 83, Id.; TSN dated October 26, 2011, p. 436, Id.

[15] pp. 13-16 and 65-68, Rollo; pp. 321-324, Record.

[16] An Act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other purposes; otherwise known as the "Anti-Trafficking in Persons Act of 2003;" May

26, 2003.

[17] AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES; otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act;" June 17, 1992.

[18] pp. 1-2, Record.

[19] Certificate of Arraignment dated January 28, 2011, p. 135, Id.; Order dated January 28, 2011, p. 137, Id.

[20] Order (Partial Pre-trial) dated April 8, 2011, p. 147, Id.

[21] The Permanent Protection Order against accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas and their representatives, relatives and other agents pursuant to Section 7, Rule on Provisional Orders [Administrative Matter (AM) No. 02-11-12-SC; March 4, 2003] and Section 1, Rule 127 [Provisional Remedies in Criminal Cases], Revised Rules of Criminal Procedure was issued by the trial court on April 15, 2011, see: pp. 148-150, Id.

[22] Order (Pre-trial) dated May 6, 2011, pp. 154-155, Id.

[23] p. 154, Id.

[24] TSN dated May 24, 2011, pp. 357-371, Id.; TSN dated June 7, 2011, pp. 372-384, Id.

[25] TSN dated June 28, 2011, pp. 385-396, Id.; TSN dated July 12, 2011, pp. 397-408, Id.

[26] TSN dated September 13, 2011, pp. 409-430, Id.

[27] TSN dated October 26, 2011, pp. 431-448, Id.

[28] TSN dated January 25, 2012, pp. 449-463, Id.

[29] pp. 13-15 and 76-78, Id.

[30] pp. 29-31 and 64-66, Id.

[31] pp. 26-28 and 92-94, Id.

[32] pp. 32-34 and 70-72, Id.

[33] pp. 16-18 and 79-81, Id.

[34] pp. 38-40 and 89-91, Id.

[35] TSN dated April 25, 2012, pp. 464-471, Id.; TSN dated June 22, 2012, pp. 472-483, Id.

[36] TSN dated August 10, 2012, pp. 484-499, Id.

[37] TSN dated October 11, 2012, pp. 500-523, Id.

[38] TSN dated November 15, 2012, pp. 524-541, Id.; TSN dated February 8, 2012, pp. 542-553, Id.

[39] pp. 27 and 79, Rollo; pp. 335, Record.

[40] pp. 347-348, Record.

[41] p. 46, Rollo.

[42] pp. 22-25 and 74-77, Rollo; pp. 330-333, Record.

[43] pp. 58-59, Rollo.

[44] p. 57, Id.

[45] p. 58, Id.

[46] The law was amended on February 6, 2013 with the enactment of RA No. 10364, otherwise known as the Expanded Anti-Trafficking in Persons Act of 2012.

[47] People vs. Lalli, 659 SCRA 105, October 12, 2011.

[48] Supra

[49] Section 3. Definition of Terms. - As used in this Act:

x x x x x x x x

(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.

[50] pp. 1-2, Record.

[51] Exh. "C", p. 219, Id.; TSN dated July 12, 2014, pp. 398-399, Id.

[52] Exh. "D", p. 178, Id.; TSN dated September 13, 2011, pp. 413-414, Id.

[53] Exh. "G", p. 220, Id.; TSN dated October 26, 2011, pp. 433-434, Id.

[54] TSN dated May 24, 2011, pp. 362-369, Id.

[55] TSN dated June 7, 2011, pp. 379-380, Id.

[56] TSN dated June 28, 2011, pp. 389-392, Id.

[57] TSN dated September 13, 2011, pp. 414-420, Id.

[58] TSN dated October 26, 2011, pp. 434-438, Id.

[59] Patula vs. People, 669 SCRA 135, April 12, 2012.

[60] Gulam vs. Santos, 500 SCRA 463, August 31, 2006.

[61] TSN dated June 7, 2011, pp. 373-377, Record.

[62] TSN dated July 12, 2011, pp. 399-403, Id.

[63] TSN dated September 13, 2011, pp. 422-423, Id.

[64] TSN dated October 26, 2011, pp. 440-443, Id.

[65] TSN dated September 13, 2011, pp. 426-428, Id.

[66] p. 58, Rollo.

[67] TSN dated June 7, 2011, pp. 378-379, Record.

[68] People vs. Zapuiz, 691 SCRA 510, February 20, 2013.

[69] *People vs. Pansacala*, 672 SCRA 549, June 13, 2012.

[70] *People vs. Mira*, 535 SCRA 543, October 10, 2007.

[71] *Bastian vs. Court of Appeals*, 552 SCRA 43, April 18, 2008.

[72] *Lim vs. San*, 438 SCRA 102, September 9, 2004.

[73] pp. 1-2, Record.

[74] *Id.*

[75] For BBB: Exh. "C", p. 219, *Id.*; TSN dated July 12, 2011, pp. 398-399, *Id.*

For CCC: Exh. "D", p. 178, *Id.*; TSN dated September 13, 2011, pp. 413-414, *Id.*

[76] *Del Mundo vs. Court of Appeals*, 240 SCRA 348, January 20, 1995, cited in *People vs. Combate*, 638 SCRA 797, December 15, 2010.

[77] *People vs. Pangilinan*, 660 SCRA 16, November 14, 2011.

[78] pp. 26-27 and 78-79, Rollo; pp. 334-335, Record.

[79] *People vs. Pangilinan*, 660 SCRA 16, November 14, 2011.

[80] Art. 110. Several and subsidiary liability of principals, accomplices, and accessories of felony – Preference in payment. – Notwithstanding the provisions of the next preceding article, the principals, accomplices, and accessories, each within their respective class, shall be liable severally (in solidum) among themselves for their quotas, and subsidiarily for those of the other persons liable.

The subsidiary liability shall be enforced, first against the property of the principals; next, against that of the accomplices; and lastly, against that of the accessories.

Whenever the liability in solidum or the subsidiary liability has been enforced, the person by whom payment has been made shall have a right of action against the others for the amount of their respective shares.

[81] *People vs. Ejandra*, 429 SCRA 364, May 27, 2004.

[82] *People vs. Dumalahay*, 380 SCRA 37, April 2, 2002.

[83] *People vs. Frias*, 706 SCRA 156, September 8, 2013.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.