

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROGELIO VALDEZ Y MACARAEG @ JACK, JEROME ZAMORA Y
ROSCAS @ MOKEY, AND XXX, ACCUSED, JEROME ZAMORA Y
ROSCAS, ACCUSED-APPELL...**

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

Before this Court is an appeal assailing the Decision[1] dated March 11, 2013 of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 94, Quezon City in Criminal Case No. Q-12-176620 for Qualified Trafficking in Persons or Violation of Section 4(e), in relation to Section 6 paragraphs (a) and (e) of Republic Act No. 9208, entitled “PEOPLE OF THE PHILIPPINES, Plaintiff, versus ROGELIO VALDEZ y MACARAEG @ Jack, JEROME ZAMORA y ROSCAS @ Mokey, [and] XXX[*] 17 years old, Accused.”, the dispositive portion of which reads:

“WHEREFORE, judgement is hereby rendered finding accused Jerome Zamora y Roscas @ Mokey guilty beyond reasonable doubt of violation of Sec. 4(e) in relation to Sec. 6(a) and Sec. 6 (e) of R.A. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 and he is sentenced to suffer the penalty of Life Imprisonment and a fine of Two (2) Million Pesos and to pay the costs.

Accused Rogelio Valdez y Macaraeg @ Jack and CICL XXX are acquitted of the offense charged for failure of the prosecution to establish their guilt beyond reasonable doubt.

SO ORDERED.”[2]

The facts are:

On June 13, 2012, Assistant City Prosecutor Rowena C. Balagtas of Quezon City filed an Information[3], which was later amended[4], for Qualified Trafficking in Persons against accused-appellant Jerome Zamora y Roscas (Zamora for brevity), accused Rogelio Valdez y Macaraeg (Valdez for brevity) and XXX, the accusatory portion of which reads:

“That on or about the 5th day of June, 2012, in Quezon City Philippines, the accused ROGELIO VALDEZ Y MACARAEG @ JACK, JEROME ZAMORA y ROSCAS @ Mokey conspiring together and confederating with “XXX” a minor, 17 years old but acting with discernment, and mutually helping one another, did then and there wilfully, unlawfully and feloniously maintain the following trafficked persons, to wit:

- Sharon Mojica y Devenecia
- Tita Serot Y Lafuente
- AAA[5], a minor 16 years of age
- BBB[6], a minor, 13 years of age
- Kim Loraine Sarcilla Medina

- Gerladine Paz Delotño
- Marites Rosca Ponce de Leon
- Glaiza Pabilic Adolfo

to engage in prostitution by then and there using the above-named trafficked persons for sexual intercourse or lascivious conduct in exchange for money, profit or other consideration.

That the crime described above was committed by a syndicate and in large scale as the same was carried out by a group of three (3) persons conspiring and confederating with one another against three (3) or more persons individually or as a group.

CONTRARY TO LAW.”[7]

Upon arraignment[8], accused-appellant Zamora, accused Valdez and XXX, assisted by Atty. Glenn R. Romano of the Public Attorney's Office (PAO), pleaded not guilty to the charge.

During the Pre-trial Conference[9] held on June 25, 2012, the parties stipulated on the following: (1) the jurisdiction of the court over the persons of the accused; (2) the identities of the three (3) accused as the ones charged in the Information; and (3) that the case was previously an inquest case and that an Information was filed against the three (3) accused after inquest proceedings were conducted.

Trial on the merits thereafter ensued.

The prosecution presented BBB, AAA, PO2 Marinel Dioquino Deo, Police Senior Inspector Napoleon Cruz, PO2 Rolando Manalo, SPO1 Santos Mojica, and Police Senior Inspector Jasmine Nova Kibir as witnesses.

BBB, one of the minors rescued in the June 5, 2012 entrapment operation, testified[10] that: she was then thirteen (13) years old, being born on October 1, 1998; she only reached Grade 5; she identified the Sinumpaang Salaysay[11] she executed and affirmed her statements therein; she worked as a “pokpok” or sex worker at Novaliches Park situated in Barangay Gulod, Novaliches, Quezon City; from the P500.00 she usually got from customers, P400.00 went to her, while P100.00 went to the “bugaw” or pimp, if the customer paid P1,000.00, P700.00 went to the sex worker, while the P300.00 went to the “bugaw”; the “bugaws” in Novaliches Park were accused-appellant Zamora[12] whom she calls “Ate Mokey”, accused Valdez[13] or “Kuya Jack”, and accused XXX[14] or “Kuya Pino”; what these pimps did was that they approached men in Novaliches Plaza and asked them if they wanted girls, and if they got a positive response, they would then look for a girl and set the price; the money was given to her by the customer when they were already inside the room of the motel, before they started the “work”; the place was either at Central Apartelle or Annex Apartelle; she usually felt pain in her vagina after the deed; she did not like what she was doing, but she had no money after stowing away from her father's house; previously, she lived with her grandmother in Bicol, but when she was raped by her uncle, her father transferred her to Manila to study; she usually stayed in Novaliches Plaza as it has a playground; at that time, when she left her father's house, she wandered in Novaliches Plaza asking for “barya” (coins) from the people there, and that was when she met accused-appellant Zamora; accused-appellant Zamora did not want her to loiter in the plaza, so he let her stay with his friend Mikey; she resided with Mikey who also worked as a “pokpok”, as she later learned; after a week living with Mikey, she asked Mikey how she could earn money; it was at that time when Mikey acted as her “bugaw”; when accused-appellant Zamora learned that she was already working as a prostitute, he started to pimp her; the first time accused-appellant Zamora acted as her “bugaw” was in January 2012; she worked from 9:00 o'clock until 11:00 o'clock in the evening and usually had two (2) customers a night; she spent the rest of the day playing computer; and, she cannot recall how many times accused Valdez acted as her “bugaw”.

BBB further testified that: on June 5, 2012, accused-appellant Zamora fetched her at her house and told her that she has a customer; as such, she went with accused-appellant Zamora, who got another girl, Tita Serot; after they were fetched by accused-appellant Zamora, they went to Central Apartelle; they did not know that there was an entrapment operation, and their customers turned out to be police officers from Camp Crame; when the three (3) of them went upstairs at Central Apartelle, she was held by the apartelle guard while the police officer who posed as a customer arrested accused-appellant Zamora; at that time, she was at the counter of the apartelle; accused-appellant Zamora did not pay her to engage in prostitution, nor did he pay for the rent of her place; anent accused Valdez, he did not act as her “bugaw” on June 5, 2012; on that day, she last saw him playing “cara y cruz”, and she was surprised when he was arrested; as regards accused XXX, she last saw him on June 2, 2012 looking for a customer; she only mentioned accused-appellant Zamora in her affidavit but not accused Valdez and accused XXX; the three (3) accused know each other, as they were always together at Novaliches Plaza; at times, they were also together in going to the apartelle; she sometimes heard them talking about the girls they were pimping, and the quarrels among those girls; accused-appellant Zamora acted as her “bugaw” about ten (10) times; and, AAA is not engaged in prostitution but was merely accidentally included when they were rescued.

AAA testified[15] that: she reached Grade 4 and was then sixteen (16) years old; she only came to know the three (3) accused when the victims and she were rescued by the police; she identified her Sinumpaang Salaysay[16] which was adopted as her direct testimony; when she went home from the canteen she was working in, she passed by the apartelle and saw Kim Loraine Sarcilla Medina, the wife of her neighbor; she followed her and asked for P5.00; when she was about to go downstairs, police officers suddenly arrived and held them; she only came to know the job of Kim, one of the trafficked victims, at the time of the incident; she saw Kim give P100.00 to accused Valdez; she likewise saw a man giving Kim the amount of P350.00; and, AAA never worked as a prostitute as she only passed by the place.

PO2 Marinel Dioquino Deo testified[17] that: she has been assigned at the CIDG, Women and Children Protection Division since 1999; TV5 went to their office and gave them information which prompted a surveillance; later on, after the entrapment operation, the three (3) accused and eight (8) victims were brought to their office; in the early morning of June 6, 2012, she prepared the Request for Medical Examination of the rescued victims and of the accused; she was also the one who prepared the Request for Ultraviolet Powder Examination; the said requests were received by the PNP Crime Laboratory; accused Valdez and accused-appellant Zamora were found positive for the presence of ultraviolet powder, while the result was negative for accused XXX; she took the statements of the victims Sharon Mojica and Tita Serot, who gave their answers voluntarily and signed their Sinumpaang Salaysay in her presence; they identified their “bugaw” as “Mokey”, who is gay; meanwhile, PO2 Deo's companions in the office took the sworn statements of the other six (6) victims, with SPO3 Marilene Canimo taking the statements of the two (2) minors; and, PO2 Deo was present during the inquest proceedings.

Police Senior Inspector Napoleon Cruz, Chief of Operations of the Women and Children Protection Division, CIDG, testified[18] that: Anna Arungayan, a TV5 researcher, went to their office and presented a video showing prostitution activities in Novaliches, Quezon City; thereafter, Arungayan submitted a complaint sheet to him, and he personally interviewed her; he saw in the video a transaction involving a pimp, a sex worker, and an alleged customer; they talked about the payment for sexual services, ranging from P300.00 to P500.00, which did not include the payment for the hotel room; PSI Cruz prepared the Pre-Operations Clearance which was approved by the Deputy Director for Operations; he conducted a surveillance on May 15, 2012, at around 8:00 o'clock to 10:00 o'clock in the evening at a park in Novaliches, just beside Police Station 4; he employed an asset who confirmed that there were indeed prostitution activities in the area, conducted through pimps; during the transaction with the asset, he sat at a bench more or less ten (10) meters away; he observed the transaction, which involved the pimp,

his asset, and the sex worker; the asset and the woman went to a hotel situated in front of the police station; PSI Cruz prepared the Request for Ultraviolet Powder Dusting[19] of five (5) one hundred-peso bills[20], which was duly received by the Crime Laboratory; he was the team leader of the operation; fourteen (14) police officers were part of the team; there were three (3) teams of poseur customers, and a raiding team composed of representatives from the DSWD, DOJ Inter-Agency Council Against Trafficking (IACAT), and the Women and Children Protection Division of the CIDG; the crew of TV5 was also present, with a member of their crew participating as a poseur customer; TV5 had a video footage of the operation; the pre-arranged signal was to call PSI Cruz through cellphone if the transaction was already consummated; SPO1 Mojica and PO2 Manalo were the ones who arrested the three (3) accused; he does not know if accused-appellant Zamora knew accused Valdez and accused XXX; after the operation, he prepared the Spot Report[21] as well as the Progress Report; while there were no markings placed on the bills, these can be identified through the serial numbers; and, there is a police station just beside Novaliches Park but they did not coordinate with it.

PO2 Rolando Manalo testified[22] that: he was designated as a poseur customer for the entrapment operation; he arrived at the Novaliches Park in Barangay Gulod, Quezon City at around 10:30 o'clock in the evening of June 5, 2012, bringing with him the money dusted with ultraviolet powder; upon arrival, a gay person, who turned out to be accused-appellant Zamora, approached him; at that time, he was with a TV5 crew at the dark portion of Novaliches Park; accused-appellant Zamora asked him if he wanted a woman, to which he replied, "Yes, I want a woman."; accused-appellant Zamora offered to them P350.00 for an older woman and P500.00 for a younger one; while he (PO2 Manalo) was talking to accused-appellant Zamora, SPO1 Mojica was also there, observing; after agreeing on the price, they walked to Central Apartelle together with accused-appellant Zamora; the apartelle is just near the park along Quirino Highway; accused-appellant Zamora texted the women; while they were walking, two (2) women followed accused-appellant Zamora; upon arriving at the apartelle, he handed the dusted money to accused-appellant Zamora as the latter asked for P100.00 for bringing the girls; he declared the arrest afterwards; at that time, the two (2) women, who were brought by accused-appellant Zamora, already went upstairs ahead of them; one of them was BBB; it was PSI Cruz who recovered the dusted bill from accused-appellant Zamora; the serial number of the bill recovered from accused-appellant Zamora is DL524053; later that evening, at around 11:30 o'clock, he returned to Novaliches Park; this time he was approached by two (2) persons, accused Valdez and accused XXX who asked him, "Brad, kailangan mo ba ng babae?"; they told him to go to Central Apartelle and wait for the girl to arrive there; at the apartelle, they showed six (6) girls for him to choose from; he executed an Affidavit of Arrest[23] together with SPO1 Santos Mojica; only three (3) of the five (5) dusted bills were used in the operations; and, prior to the entrapment operations, he never met any of the accused.

SPO1 Santos Mojica testified[24] that: the accused were arrested on June 5, 2012 during an entrapment and rescue operation against human trafficking; he executed an Affidavit of Arrest together with PO2 Manalo and confirmed the allegations therein; he was able to see PO2 Manalo transact with accused-appellant Zamora, as he was there in the area together with a TV5 crew; the apartelle is within walking distance from Novaliches Park; they arrived there together with accused-appellant Zamora; two women, who turned out to be BBB and Tita Serot, were shown to them; these women were upstairs at the time PO2 Manalo declared the arrest; with respect to the second operation, six (6) women were brought to the apartelle; and, he does not know if accused-appellant Zamora and the other accused knew each other.

Police Senior Inspector Jasmine Nova Kibir testified[25] that: she is presently assigned at the Physical Identification Division as a Forensic Chemist; on June 6, 2012, she received a Request for Ultraviolet Powder Examination on the persons of the three (3) accused as well as the bills used in the entrapment operations; the said examination is being done by bringing the accused in a dark room and placing their hands under the ultraviolet lamp; a bright yellow fluorescent in their hands will appear if the result is positive; the examination was

conducted at 12:30 o'clock in the morning; accused-appellant Zamora and accused Valdez were found positive for the presence of ultraviolet powder on their hands, while the result was negative for accused XXX; no ultraviolet powder was found on the fingers of any of them; she prepared an Initial Laboratory Report[26] for inquest purposes, followed by a Final Laboratory Report[27]; the five (5) one hundred-peso bills were also positive for bright yellow ultraviolet fluorescent powder; the ultraviolet fluorescent powder found on the hands of accused-appellant Zamora and accused Valdez is exactly the same kind as the one found on these bills; she identified the bills through their serial numbers; she likewise prepared the hand illustrations[28] of the accused to indicate the areas where ultraviolet powder was found; and, the said illustrations were signed by the accused.

The parties stipulated on the testimony of SPO1 Arnulfo Medenilla that he was the one who turned over the accused to the PNP Crime Laboratory for ultraviolet powder examination.[29]

On October 30, 2012, the prosecution filed its Formal Offer of Evidence.[30]

The defense, for its part, offered the testimonies of accused Rogelio Valdez, accused-appellant Jerome Zamora, and accused XXX.

Accused Rogelio Valdez testified[31] that: at 8:30 o'clock in the evening of June 5, 2012, he was in Bagumbong, Caloocan together with his children; as he resides at Sta. Barbara, Barangay Gulod, he passes by the Novaliches Plaza everyday; when he was arrested there, he was about to go home in Gulod; he was surprised when the police officers accused him of being one of the pimps; he could not do anything as they boarded him in a mobile car and brought to Camp Crame; there, two (2) police officers pressed both of his hands, and after five minutes, they brought him to the Crime Laboratory; he was surprised that ultraviolet powder was found on him since he never held money or anything at the time of his arrest; he does not know BBB, as the first time he saw her was when they were already in Camp Crame; the testimonies of the prosecution witnesses are not true as he was merely on his way home when he was arrested; on that day, he worked in Bagumbong at the construction of the house of a certain Myrna Marie delos Reyes; he does not know any reason why the police officers would charge him with a serious crime; he is not the one depicted in the video footage of TV5; and, he had no knowledge of the alleged pimping activities.

Accused-appellant Jerome Zamora testified[32] that: prior to his arrest, he worked as a beautician at Ronald Telan Beauty Salon in Novaliches Bayan, in front of Nova Mall; at around 7:00 o'clock in the evening of June 5, 2012, he was in his house in Nitang Street, Barangay Gulod, Novaliches; he just came home from work, resting and watching television; at that juncture, "Bakekang" or BBB arrived and asked him to accompany her as she was going to meet somebody; he came to know BBB through his friend, Ate Cristy, for about four (4) months ago; BBB resided with Cristy; BBB was also a customer in their parlor who used to avail of hair relaxing; accused-appellant Zamora did not agree to go with BBB as he was tired; BBB left, then returned after fifteen to twenty minutes with Cristy; this time it was Cristy who requested him to accompany BBB, and so he agreed; first, they went to Novaliches Park in Novaliches Bayan and waited for a text message; he had no idea who the person BBB was going to meet; after fifteen (15) minutes, they left Novaliches Park and proceeded to Nova Mall because according to BBB, the person she was going to meet was already there; BBB met two (2) men and talked to them; he did not know what they were talking about as BBB told him to move away from them; when the men left, BBB texted him and told him to follow them; BBB did not tell him where they were heading; the men walked and then entered an apartelle; at that point, two (2) police officers held him in the arm and brought him to their mobile car; he asked them what wrong he did but was merely told to go with them; contrary to the version of the prosecution, SPO1 Mojica and PO2 Manalo were not the police officers who arrested him, as he only saw the two at the CIDG in Camp Crame; they were the ones who interviewed him there; afterwards, he was brought to the Crime Laboratory where his hands were placed under an ultraviolet fluorescent bulb; BBB's allegation that he is a pimp

is not true; he had a decent job, working as a beautician for two (2) years where he got 40% of the fees earned; anent his co-accused, he knew accused Valdez as the latter worked as a barker in front of their parlor; and, as for accused XXX, he only met him for the first time in the police mobile car.

Accused XXX testified[33] that: he was seventeen (17) years old at the time of the incident, being born on October 21, 1994[34]; at around 7:30 o'clock in the evening on June 5, 2012, he went to the house of his cousin, John-john Sahagun, in Novaliches and asked if he could help him apply for job at a market stall; his cousin told him to return at 10:00 o'clock in the evening as the employer was not there; he left and went to Novaliches Park in front of Police Station 4, where he ate fishball and sat at the fountain to wait; while he was there, he was handcuffed by three (3) men and boarded him in a van going to Camp Crame; he was surprised and could not do anything; he was not told why he was being handcuffed; he was the only minor inside the van; none of the men who arrested him ever appeared in court; he was not informed of his right to counsel and was not given a lawyer to assist him while he was being investigated at the CIDG; he does not know any of the victims nor his co-accused; and, as to the dusted bills, he never touched anything and was just immediately arrested.

The defense formally offered its evidence on January 25, 2013.[35]

On March 11, 2013, the lower court rendered the assailed Decision[36] convicting accused-appellant Zamora of Qualified Trafficking in Persons under Republic Act No. 9208 while acquitting accused Valdez and accused XXX of the charges. The lower court found that accused-appellant Zamora subjected BBB to sexual exploitation or prostitution on June 5, 2012 in exchange for money. The lower court observed that the testimony of BBB was clear, direct, unequivocal, and her account of what happened was corroborated by the apprehending police officers. Further, it turned out that accused-appellant Zamora acted as BBB's pimp on several occasions. With respect to accused Valdez and accused XXX, the lower court found no evidence of conspiracy, considering that they were not with accused-appellant Zamora during the entrapment operation.

Hence, this appeal raising a lone assignment of error[37]:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED WHOSE GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

The appeal lacks merit.

In seeking his acquittal, accused-appellant Zamora contends[38] that: his actuations on the night of June 5, 2012 did not, in any way, amount to a Violation of Republic Act No. 9208; he did not hire or maintain any person to engage in prostitution or pornography; the evidence in support of his conviction, particularly the presence of ultraviolet powder on his hands, was actually planted or orchestrated; and, he cannot be held guilty of Qualified Trafficking in Persons as he had no knowledge that the poseur customers were police officers.

For clarity, there were two entrapment operations conducted at Novaliches Park in the evening of June 5, 2012. Those were two separate incidents. The first one involved two (2) trafficked women, BBB and Tita Serot, which resulted in the arrest of accused-appellant Zamora. Later in the evening, a second operation was conducted, this time, against accused Valdez and accused XXX, which led to the rescue of the other six (6) victims named in the Information.

However, while the trafficked women executed their respective Sinumpaang Salaysay[39], it was only BBB who testified in court to shed light on the first incident. While AAA was also presented as witness, it turned out that she is not actually a victim of trafficking, and was just accidentally included in the second operation.

Ultimately, the aforesaid circumstances led to the conviction of accused-appellant Zamora and the acquittal of his co-accused. The subject matter of the instant appeal, therefore, only pertains to the first incident when

accused-appellant Zamora acted as pimp for BBB.

Section 3(a) of Republic Act No. 9208 defines “trafficking in persons” as:

“(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.

(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.” (Emphasis and underscoring supplied)

After a painstaking and judicious review of the records of the case, this Court finds no reversible error on the part of the lower court in convicting accused-appellant Zamora of Qualified Trafficking in Persons under Republic Act No. 9208. Accused-appellant Zamora's actuations of looking for a customer for BBB, fetching her at her house, negotiating for the transaction, then bringing her to the customer to be sexually exploited in consideration for a portion of the amount agreed upon, undoubtedly constitute trafficking. The offense is in its qualified form under Section 6(a) of the law since the victim, BBB, is a thirteen (13) year old minor, being born on October 1, 1998.[40]

Youth and immaturity are badges of truth and sincerity.[41] Parenthetically, the testimony even of a lone witness, if found to be positive, categorical and credible, is sufficient to support a conviction. This is so, especially if the testimony bore the earmarks of truth and sincerity and was delivered spontaneously, naturally and in a straightforward manner.[42] Here, the lower court found BBB's testimony as credible, and this Court finds no cogent reason to disturb the same on appeal.

Time and again, it has been held that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected on the record. The demeanor of the person on the stand can draw the line between fact and fancy. The forthright answer or the hesitant pause, the quivering voice or the angry tone, the flustered look or the sincere gaze, the modest blush or the guilty blanch — these can reveal if the witness is telling the truth or lying through his teeth.[43]

BBB testified that even prior to the June 5, 2012 incident when she was rescued together with the other victims, accused-appellant Zamora had been acting as her “bugaw” for several times since January 2012. The modus operandi of how these young victims were being trafficked at Novaliches Park to be sexually exploited at a nearby apartelle was clearly depicted by BBB in her testimony, viz:

“COURT:

Do you understand what it means when you take an oath?

A:

Yes, your honor.

COURT

What do you understand by that?

A:

That I will tell the truth.

COURT

When you say sasabihin ko ang totoo, what are you referring to?

A:

Na kung ano po ang itatanong sa akin, sasagutin ko ng maayos, tapos iyong totoo po ang sasabihin ko.

COURT:

Quote that. So you will tell only the truth before this Court?

A:

Yes, your honor.

COURT

You are not allowed to tell a lie?

A:

Yes, your honor.”[44]

xxx xxx xxx

“Q:

Ibinugaw ka as what?

A:

“Ibinenta po.”

Q:

What do you call your work when you said you are ibinenta? What is your work?

A:

: “Pokpok po.”

Q:

When you said that you worked as pokpok, what specifically do you mean? What do you do as a pokpok?

xxx xxx xxx

A:

“Pumapasok po kami sa motel, tapos ang ari po ng lalaki ipinapasok sa ari ko, tapos binabayaran po ako.”[45]
(Emphasis supplied)

xxx xxx xxx

“Q:

In your Affidavit, Ms. Witness, you said you worked as pokpok particular (sic) at Novaliches park?

A:

Yes, ma'am.

Q:

And this Novaliches Park is located in what?

A:

At Novaliches Plaza.

Q:

So Novaliches Plaza is the same as Novaliches Park?

A:

Yes, ma'am.

Q:

Which is located in Barangay Gulod, Novaliches?

A:

Yes, ma'am.

Q:

In Question No. 15 of your Affidavit, you were asked, Ano ang ibig mong sabihin sa salitang pokpok? And your answer was, nagpapabayad at nagpapagalaw.

A:

Yes, ma'am.

Q:

And what you meant by nagpapagalaw is that, the person does sexual act to you?

A:

Yes, ma'am.

Q:

And what do you call this person who does sexual act?

A:

Customers, ma'am.

Q:

And these customers are male?

A:

Yes, ma'am.

Q:

Could you tell us the usual ages of these male customers?

A:

About 30 years old and also young age.”[46] (Emphasis supplied)

BBB categorically declared that they get customers through “bugaws”. These pimps were the ones who looked for customers and negotiated for the price. BBB positively identified accused-appellant Zamora as one of them. She narrated how accused-appellant Zamora brought her to customers, which started in January 2012 until she was rescued on June 5, 2012:

“Q:

And how do you get customers?

A:

I was called by the bugaw.

Q:

Who are these bugaw that you are referring to in your Affidavit as well as in your testimony?

A:

Ate Mokey, Kuya Jack and Kuya Pino, ma'am.

Q:

This Mokey, is he the same Jerome Roscas Zamora as stated in the Information?

A:

Yes, ma'am.

Q:

And if he is in the courtroom, can you point to him, please look around if he is inside the courtroom and point to him?

A:

Yes, ma'am, he is here. That man near the wall with handkerchief around his neck.

COURT INTERPRETER

What is your name?

COURT

Stand up and identify yourself with your full name.

ACCUSED ZAMORA

Jerome Roscas Zamora.

COURT

What is your nickname?

ACCUSED ZAMORA

Mokey.”[47] (Emphasis supplied)

xxx xxx xxx

“Q:

You referred to the three (3) accused as bugaw, what specifically did they do as bugaw?

A:

Ang ginagawa po nila, halimbawa po pag may nakita silang lalaki, nilalapitan po nila, tapos itatanong po nila kung gusto po nila ng babae, tapos po pag sinabi po ng lalaki na, oo, gusto ko ng babae, tapos maghahanap na po sila ng babae. Ganun po ang ginagawa nila. Tapos pepresyuhan na po nila.

Q:

And where do they usually get customers?

A:

At Novaliches Plaza.”[48] (Emphasis supplied)

xxx xxx xxx

“COURT

When Ate Money (sic) acts as what you say bugaw, what would he tell you?

WITNESS

That there is a customer, your honor.

COURT

And after he tells you that there is a customer, what would you do?

WITNESS

Because he told me to follow him where the customer is, so I would followed (sic) him.

COURT

You would follow to the place where the customer is, according to him?

WITNESS

Yes, your honor, because he knows where the customer is.

COURT

So you will meet in that place where your Ate Mokey will tell you to go, is that what you are saying?

WITNESS

When Ate Money (sic) meet (sic) a customer in a particular place, he would leave the customer there and then he will look for me and if Ate Mokey was (sic) able to see me, we would go together to where the customer is.

COURT

So he will accompany you to where the customer is?

WITNESS

Yes, your honor.”[49] (Emphasis supplied)

xxx xxx xxx

“Q:

How about Jerome Zamora, when did he start acting as bugaw to you?

A:

Nuong pina-ampon niya ako kay Mikey, kasi ayaw daw po daw niya na gagala-gala ako duon sa plaza, nuong humingi po ako ng barya sa kanya. Tapos ng one week na po ako na nakatira kay Mikey, tinanong ko po si Mikey kung papaano po ako magkakapera. Hindi naman po niya sinabi sa akin na ganun ang trabaho na ibibgay (sic) niya sa akin para magkapera ako. Duon na po nag-umpisa na ibugaw ako ni Mikey. Nuong malaman ni Mokey na pokpok na ang trabaho ko, duon na po nagsimula na ibugaw ako ni Mokey.

COURT

When was the first time that you were made to work as what you call pokpok?

WITNESS

On November 26.

COURT

Of what year?

WITNESS

2011, your honor.”[50]

xxx xxx xxx

“COURT

When for the first time did Ate Money (sic), you call him Ate Money (sic) accused Jerome Zamora, act as bugaw for you?

WITNESS

January, your honor

COURT

Of this year?

WITNESS

Yes, your honor, 2012.”[51]

xxx xxx xxx

“COURT

Do you remember how many times Jerome acted as your bugaw?

WITNESS

Yes, your honor, about ten (10) times.

COURT

How about XXX?

WITNESS

I cannot remember because it's always Jerome who acted as bugaw to me.”[52] (Emphasis supplied)

Worth mentioning also is that in her Sinumpaang Salaysay[53], BBB revealed that it was accused-appellant Zamora who recruited her:

“T:

Maari mo bang sabihin kung sino ang nag-recruit sa iyo?

S:

(pointing to a male person (bading) wearing brown blouse) (later known as Jerome Roscas y Zamora).

T:

Magkano ang sinabi niyang bayad sa iyo?

S:

Ang sabi ng bugaw sa akin kapag ginamit ako ay bibigyan ako ng 500.00 yung lalake kung gagamitin ako, pero sa kanya ang isang daan.

T:

Ano ang sinabi ng bugaw na gagawin mo?

S:

Tinanong niya ako kung didiskarte po ako. Sabi ko “opo.”

T:

Ano ang ibig mong sabihin sa salitang “di-diskarte?”

S:

Yung magpapagamit po.

T:

Alam mo ba kung sino ang may-ari ng pinagdadalhan sa iyo (na) apartel?

S:

Hindi po.

T:

Maari mo bang ilarawan ang itsura ng sinasabi mong bugaw?

S:

Yung naka blouse ng brown matangkad, payat, mahaba ang buhok, matangos ang ilong, medyo may itsura din po siya.

T:

Paano mo nakilala ang bugaw na sinasabi mo?

S:

Nakilala ko siya noong naglayas ako sa kanya ako humihingi ng barya-barya. Simula po noon ay nakilala ko na siya.” (Emphasis supplied)

One of the acts considered as “trafficking” under Section 4 of Republic Act No. 9208 is maintaining or hiring a person to engage in prostitution or pornography. Prostitution is defined as 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.[54]

This matter regarding the consideration received by accused-appellant Zamora for the transactions she negotiated, was explained by BBB in her testimony:

“Q:

You said binabayaran po ako, how much do you usually get as payment for being a pokpok?

A:

Five Hundred pesos (Php500.00)

Q:

From that Php500.00, how much do you usually get?

A:

Four Hundred pesos (Php400.00)

Q:

What about the One Hundred (Php100.00), where does it go?

A:

To the “bugaw”. [55] (Emphasis supplied)

xxx xxx xxx

“COURT

How about the payment for your services, as you said, how was it made?

WITNESS

Pinag-uusapan po nila. Pagkatapos po nilang pag-usapan at nagkasundo na sila, saka po sasabihin sa akin ni Ate Mokey.

COURT

So when Mokey tells you that there is a customer, he would already tell you how much the customer will pay

you, is that what you are saying?

WITNESS

He would not tell me yet. When we are there with the customer, that's the time he would tell me.

COURT

So he will tell you how much the customer will pay in the presence of the customer, is that what you are saying?

WITNESS

Yes, your honor.

COURT

So you said if you are being paid Php500.00, Php100.00 will go to the bugaw?

WITNESS

Yes, your honor.”[56]

xxx xxx xxx

“COURT

Who told you that if you are being paid Php1,000.00 the bugaw will get Php300.00 and if you are being paid Php500.00 the bugaw will get Php100.00?

WITNESS

Sila po ang nagsabi, ganun daw po talaga ang patakaran.

COURT

When you said sila, to whom are you referring to?

WITNESS

The three (3) accused because they were the ones who acted as bugaw to me.

COURT

So the three of them already acted as your bugaw?

WITNESS

Yes, your honor. Sometimes it was Pino, sometimes Ate Mokey and sometimes it was Jack.

COURT

Why did you not mention the names Rogelio Valdez and Rufino Pedrosa in your Affidavit?

WITNESS

Because when we were at Camp Crame, they asked me who acted as my bugaw at the time we were arrested, so I answered, I was with Kuya Jerome.”[57]

It is clear from the evidence presented by the prosecution that accused-appellant Zamora acted as pimp for BBB on the night of June 5, 2012. It was accused-appellant Zamora who fetched her at her house, looked for a

customer, who turned out to be PO2 Manalo, and negotiated with him. It was also accused-appellant Zamora who brought BBB to the said customer at the apartelle. Recalling what happened that evening, BBB testified in this wise:

“Q:

And on the night of June 5, 2012, you recall being rescued together with other women after an entrapment was conducted?

A:

Yes, ma'am.

Q:

What were you doing before you were rescued?

A:

Sinundo po kasi ako nuon ni Ate Mokey sa bahay. Tapos nang sinabi niya na may customer po, sumama po ako sa kaniya, tapos may kinuha pa po siyang isang babae, Ara po ang pangalan.

So Mokey or Jerome Zamora went to your place and told you that there is a customer for you, is that what you mean?

Yes, ma'am.”[58] (Emphasis supplied)

xxx xxx xxx

“Q:

And when Jerome Zamora y Roscas fetched you, what happened next?

A:

After he fetched me and Ara, we went together at Central Apartelle. But we do not know that there was an entrapment on going at that time. We were at Central Apartelle together with the customer, who turned out to be police officer and only posted as a customer since they will rescue the minors who are working as pokpok in order to help them.

Q:

You did not know yet that this supposed customers were really police officers acting as customers?

A:

Yes, ma'am, because they were in a civilian attire.

Q:

How many supposed customers did you see on that night?

A:

Two (2), ma'am.”[59] (Emphasis supplied)

xxx xxx xxx

“COURT

How did you come to know that they are police officers?

WITNESS

Nalaman ko po na police officers sila kasi pag-akyat naming tatlo, si Ate Mokey, Ate Ara at ako, pag akyat namin sa Central Apartelle, hinawakan po ako ng guard dun sa Central Apartelle. Pagkatapos po nun, iyong pulis po na nagkunwaring customer, iyon din po ang dumampot kay Ate Mokey, tapos kay Ate Ara. Tapos dun na rin po nila sinabi na pulis sila na taga Camp Crame.”[60] (Emphasis supplied)

xxx xxx xxx

“Q:

So you were inside the Central Apartelle when the rescue operation was conducted?

A:

Yes, ma'am. Pag-akyat ko po sa hagdanan, nagduon na po ako sa may counter, bigla po akong hinawakan ng guard ng Central Apartelle tapos ibinigay na po niya ako sa pulis na naka uniform na po.

Q:

And that upstairs were leading the room where the sexual acts were done?

A:

Yes, ma'am.”[61] (Emphasis supplied)

xxx xxx xxx

“Q:

You mentioned Jerome Roscas because he was your companion during the time that you were arrested?

A:

Yes, sir. Siya na rin po ang nagsabi na bugaw po siya kasi tinanong po siya ng isang pulis.”[62] (Emphasis supplied)

When there is no evidence to show any dubious reason or improper motive why a prosecution witness would testify falsely against an accused in a heinous crime, the testimony is worthy of full faith and credit.[63] In this case, BBB simply had no motive to falsely implicate accused-appellant Zamora for a serious crime such as qualified trafficking. Accused-appellant Zamora himself stated that he does not know of any reason why BBB would fabricate the charges against him.[64] This Court therefore finds no cogent reason to discredit the above-quoted testimony of BBB which is unflinching, straightforward, and categorical. In contrast, accused-appellant Zamora's version of what transpired on the night of June 5, 2012 is doubtful and incredible. It is odd that he was practically useless in the transaction and was just ordered around by a thirteen (13) year old girl, considering his own allegation that BBB and a certain Cristy even went to his house and repeatedly requested him to accompany the girl.

That accused-appellant Zamora acted as pimp of BBB on the night of June 5, 2012 was corroborated by PO2 Manalo and SPO1 Mojica. PO2 Manalo testified:

“Q:

Which particular park or place in Novaliches Park were you then when (a) certain person approached you?

A:

At the dark portion of the Novaliches Park, Maam.”[65]

xxx xxx xxx

“Q:

And while there, you said, you were approached. By whom?

A:

A gay approached us, Maam.

Q:

Were you able to later on identify or come to know the name of that person who approached you, according to you?

A:

Yes, Maam. Jerome Roscas.”[66] (Emphasis supplied)

xxx xxx xxx

“Q:

When that person whom you identified in open Court approached you, what did he tell you?

A:

When he approached us he asked us if we want a woman.

Q:

To whom was that question directed, to you or to the other person?

A:

To me, Maam.

Q:

What was your answer when he asked you if you want a woman?

A:

I told him, “Yes, I want a woman.”

Q:

What transpired next during that transaction?

A:

Nag-offer po siya kung magkano yong isang babae. Yong isang babae po na medyo may edad ang sabi niya ay mga 350 ang isa. Tapos yong bata po ay nasa 500. (He offered to us 350 for the older woman and 500 for the younger woman.)”[67] (Emphasis supplied)

xxx xxx xxx

“Q:

What transpired next after that?

A:

When we agreed with the price, we went to Central Apartelle.”[68] (Emphasis supplied)

xxx xxx xxx

“COURT

Q:

How about the women you are supposed to meet? Where are they at that time?

A:

They went upstairs ahead of us, Ma'am.

Q:

Where did you meet these women?

A:

Jerome brought them, Ma'am.”[69] (Emphasis supplied)

xxx xxx xxx

“Q:

Can you please look around the courtroom and tell us if any one of those two (2) girls is here?

A:

She is here, Ma'am.

Q:

Who? Please point to her?

INTERPRETER:

Witness is pointing to a lady who stood up whom when asked identified herself as BBB.”[70]

xxx xxx xxx

“COURT

Q:

When Jerome Roscas approached you, where were these two (2) women?

A:

Jerome texted the two (2) women and while we were walking the 2 women followed us already.

Q:

So, when Jerome approached you, he was alone. Is that what you are saying?

A:

Yes, Maam.

Q:

And then he texted somebody and while you were walking these two (2) women suddenly appeared?

A:

Yes, Ma'am.

Q:

Who told you to go to Central Apartelle?

A:

Si Jerome po ang nagsabi sa akin na doon na lang po ako mag-antay sa Central Apartelle. (Jerome told me to just wait at Central Apartelle.)

Q:

And he accompanied you there?

A:

Yes, Ma'am."[71] (Emphasis supplied)

xxx xxx xxx

"Q:

How did you come to know that these 2 women were upstairs?

A:

Jerome instructed them to go upstairs.

Q:

Did you see them?

A:

Yes, Your Honor.

Q:

So, you saw these 2 women, Tita Serot and BBB going up the stairs. Is that what you are telling us?

A:

Yes, Your Honor."[72] (Emphasis supplied)

xxx xxx xxx

"Q:

Mr. Witness, you also mentioned that you gave these 3 bills, one bill to Jerome Roscas. For what was that P100.00 bill for when you gave it to him?

xxx xxx xxx

A:

Para sa kanya po yon. Para sa pagdadala niya ng babae sa Central Apartelle.

COURT:

Q:

He asked for that money?

A:

Yes, Your Honor.

Q:

Because, if I recall, your testimony was that, the P500.00 for the services of the women, for each woman would be handed to them. To the women themselves, is it not?

A:

Yes, Your Honor.

Q:

So, yong tanong ni Prosecutor, how come you gave P100.00 to Jerome?

A:

I handed it to him.

Q:

Kaya nga. Bakit mo nga siya binigyan e ang usapan ibibigay mo yong P500.00 na bayad noong babae sa babae mismo?

A:

Jerome asked P100.00 from me and I handed the P100.00 to him.

Q:

What did Jerome tell you when he asked for P100.00?

A:

Sabi niya, “Bigyan mo ako ng P100.00 para sa mga babae na dinala ko sa iyo.”[73] (Emphasis supplied)

SPO1 Mojica, meanwhile, averred that BBB and Tita Serot arrived at Central Apartelle together with accused-appellant Zamora.[74] Tita Serot, on the other hand, disclosed in her Sworn Statement[75] that it was accused-appellant Zamora who fetched her at her house in Caloocan.

Prescinding from all the foregoing, it is evident that accused-appellant Zamora is guilty of trafficking thirteen (13) year-old minor BBB at Novaliches Plaza to be sexually exploited. To reiterate, it was accused-appellant Zamora who recruited BBB when he saw her loitering at the plaza. It was he who searched for customers for BBB at the park by approaching and asking them. Further, accused-appellant Zamora was the one who negotiated with these customers. Most important of all, it was accused-appellant Zamora who fetched BBB and brought her to the

customers. These clearly constitute acts of trafficking penalized under Republic Act No. 9208.

Accused-appellant Zamora's insinuation that ultraviolet powder was not found on his fingers is flimsy and tenuous. As can be gleaned from the Laboratory Report[76] as well as the hand illustration[77], ultraviolet powder was nonetheless found on his palm. This is sufficient proof that he received the dusted bill from PO2 Manalo, which is consistent with the latter's testimony that accused-appellant Zamora asked for ₱100.00 upon bringing BBB to the apartelle. At any rate, the presence of ultraviolet powder or the use of dusted money is not indispensable for the prosecution of trafficking in persons, especially in this situation where the pimp receives his or her "commission" only after the sexual exploitation of the trafficked victim has already been consummated. This could not have been the intent of the law. Proof that accused-appellant Zamora maintained, hired, delivered, and transported BBB for prostitution is already sufficient, and the same has been established by the prosecution beyond reasonable doubt.

Accused-appellant Zamora further argues that he could not be held liable for qualified trafficking as he did not know that the poseur customers were police officers. Granting that this is true, it should be stressed that he would still be liable for qualified trafficking under Section 6(a) as the victim, BBB, is a thirteen (13) year old child, which is undisputed. This qualifying circumstance of minority was duly averred in the Information. BBB's Birth Certificate[78] plainly shows that she was born on October 1, 1998.

At her young age, BBB is utterly unaware of the repercussions of what was done to her. It is quite regrettable that the poor thirteen-year old child, who should be studying and reared by her loved ones, was loitering at the plaza, asking passersby for "barya". As if this was not bad enough, the clueless and innocent child was peddled by shameless and unconscientious individuals to be sexually violated for ₱500.00. Worse, these pimping activities could not be anymore blatant, being committed just beside Quezon City Police Station 4 in Novaliches.[79] It is precisely these kinds of situations that the law against trafficking in persons seeks to address, and such violators must be prosecuted and punished to its full extent. The policy of the State behind the enactment of Republic Act No. 9208 should be borne in mind:

"Section 2. Declaration of Policy. – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society."
(Emphasis supplied)

Lastly, the penalty imposed by the lower court is correct, as it is within the range provided under the law. Under Section 10(c) of Republic Act No. 9208, any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than P2,000,000.00 but not more than P5,000,000.00.

All told, this Court is convinced that accused-appellant Zamora committed the acts charged against him in the manner as narrated by the prosecution and as found by the lower court.

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Decision dated March 11, 2013 of the RTC, Branch 94, Quezon City in Criminal Case No. Q-12-176620 is hereby AFFIRMED.

No costs.

SO ORDERED.

Bruselas, Jr. and Barrios,[**] JJ., concur.

[*] The lower court withheld the name of the child in conflict with the law pursuant to A.M. No. 02- 1-18-SC; Rollo, p. 41; See Sections 54 and 11, Revised Rule on Children in Conflict with the Law

[**] Vice J. Gaerlan as per Office Order No. 270-14-RSF dated June 6, 2014

[1] Rollo, pp. 40-52, penned by Judge Roslyn M. Rabara-Tria

[2] Rollo, p. 51

[3] Records, pp. 1-2

[4] Records, pp. 173-174

[5] The name of the victim is withheld to protect her privacy, conformably to People v. Melchor Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419

[6] Ibid.

[7] Records, pp. 173-174

[8] Records, p. 94

[9] Records, pp. 94-97

[10] Transcript of Stenographic Notes of the testimony of witness BBB taken on July 6, 2012

[11] Records, pp. 31-33

[12] Records, p. 46; Exhibit W

[13] Records, p. 46; Exhibit V

[14] Records, p. 46, Exhibit X

[15] Transcript of Stenographic Notes of the testimony of witness AAA taken on July 6, 2012

[16] Records, pp. 28-30

[17] Transcript of Stenographic Notes of the testimony of the witness PO2 Marinel Dioquino Deo taken on July 20, 2012, August 3, 2012

[18] Transcript of Stenographic Notes of the testimony of the witness PSI Napoleon Cruz taken on August 3, 2012, August 31, 2012

[19] Records, p. 23

[20] Records, p. 24

[21] Records, pp. 149-150

[22] Transcript of Stenographic Notes of the testimony of the witness PO2 Rolando Manalo taken on August 17, 2012

[23] Records, pp. 12-15

- [24] Transcript of Stenographic Notes of the testimony of the witness SPO1 Santos Mojica taken on August 31, 2012
- [25] Transcript of Stenographic Notes of the testimony of the witness PSI Jasmin Nova Kibir taken on September 7, 2012
- [26] Records, p. 158
- [27] Records, p. 163
- [28] Records, pp. 160-162
- [29] Transcript of Stenographic Notes dated September 7, 2012, pp. 35-36
- [30] Records, pp. 195-202
- [31] Transcript of Stenographic Notes of the testimony of the witness Rogelio Valdez taken on November 9, 2012
- [32] Transcript of Stenographic Notes of the testimony of the witness Jerome Zamora taken on November 23, 2012
- [33] Transcript of Stenographic Notes of the testimony of the witness XXX taken on January 25, 2013
- [34] Records, p. 168
- [35] Records, pp. 241-242
- [36] Rollo, pp. 40-52
- [37] Rollo, p. 32
- [38] Rollo, pp. 32-36
- [39] Rollo, pp. 28-45
- [40] Records, pp. 107-108
- [41] People v. Lito Bejic, G.R. No. 174060. June 25, 2007; People v. Marciano Cial, G.R. No. 191362. October 9, 2013; People v. Ryan Frias, G.R. No. 203068. September 18, 2013.
- [42] People v. Edgar Ayupan, G.R. No. 140550. February 13, 2002.
- [43] People v. Arnold Ramirez, G.R. No. 136094. April 20, 2001.
- [44] Transcript of Stenographic Notes dated July 6, 2012, p. 6
- [45] Transcript of Stenographic Notes dated July 6, 2012, pp. 8-9
- [46] Transcript of Stenographic Notes dated July 6, 2012, pp. 12-13
- [47] Transcript of Stenographic Notes dated July 6, 2012, pp. 13-14
- [48] Transcript of Stenographic Notes dated July 6, 2012, p. 22
- [49] Transcript of Stenographic Notes dated July 6, 2012, pp. 48-49
- [50] Transcript of Stenographic Notes dated July 6, 2012, p. 24
- [51] Transcript of Stenographic Notes dated July 6, 2012, p. 48

- [52] Transcript of Stenographic Notes dated July 6, 2012, p. 51
- [53] Records, pp. 31-33
- [54] Section 3 (c), Republic Act No. 9208
- [55] Transcript of Stenographic Notes dated July 6, 2012, p. 9
- [56] Transcript of Stenographic Notes dated July 6, 2012, pp. 48-49
- [57] Transcript of Stenographic Notes dated July 6, 2012, p. 50
- [58] Transcript of Stenographic Notes dated July 6, 2012, p. 26
- [59] Transcript of Stenographic Notes dated July 6, 2012, p. 27
- [60] Transcript of Stenographic Notes dated July 6, 2012, pp. 27-28
- [61] Transcript of Stenographic Notes dated July 6, 2012, p. 31
- [62] Transcript of Stenographic Notes dated July 6, 2012, p. 33
- [63] People v. Alma Geralde, et al., G.R. No. 128622. December 14, 2000.
- [64] Transcript of Stenographic Notes dated November 23, 2012, p. 16
- [65] Transcript of Stenographic Notes dated August 17, 2012, p. 5
- [66] Transcript of Stenographic Notes dated August 17, 2012, p. 5
- [67]] Transcript of Stenographic Notes dated August 17, 2012, p. 6
- [68] Transcript of Stenographic Notes dated August 17, 2012, p. 6
- [69] Transcript of Stenographic Notes dated August 17, 2012, p. 7
- [70] Transcript of Stenographic Notes dated August 17, 2012, p. 8
- [71] Transcript of Stenographic Notes dated August 17, 2012, p. 9
- [72] Transcript of Stenographic Notes dated August 17, 2012, p. 21
- [73] Transcript of Stenographic Notes dated August 17, 2012, p. 37
- [74] Transcript of Stenographic Notes dated August 31, 2012, p. 56
- [75] Records, pp. 39-40
- [76] Records, pp. 158, 163
- [77] Records, p. 162
- [78] Records, pp. 107-108
- [79] Records, pp. 122-123

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