

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SPS. PRIMO C. YBAÑEZ, AND NILA S. YBAÑEZ, MARIZ Q. REYOS, MICHELLE T. HUAT, ACCUSED-APPELLANTS.

Ponente: SADANG, J.

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SADANG, J.:

This is an ordinary appeal from the Decision[1] dated January 11, 2011 of the Regional Trial Court of Taguig City, Branch 163 in Criminal Case No. 134985 finding accused-appellants guilty beyond reasonable doubt of qualified trafficking in persons, defined under Section 6 (a) and (c), in relation to Section 4 (a) and Section 3, and penalized under Section 10 (a) and (c) of Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003.”

Records show that on February 15, 2007, a composite team from the Anti-Organized Crime Division (AOCD), Anti-Human Trafficking Division, and Intelligence Special Operations Division of the National Bureau of Investigation (NBI), together with the staff of the International Justice Mission (IJM) and social workers from the Department of Social Work and Development (DSWD), conducted a raid and rescue operation at Kiray Bar and Restaurant (Kiray, for short) located at the Food Terminal, Inc., Taguig City. The operation was triggered by a confirmed report from IJM that sex trade or prostitution of women, including minors, was taking place in Kiray. Arrested during the raid were accused-appellants spouses Primo Ybañez and Nila Ybañez, owner and operators of Kiray, and their employees Michelle Huat and Mariz Reyos (hereafter, appellants). The victims allegedly rescued were private complainants Angeline Bonete, Kate Turado, Virgie Antonio, and Jenny Poco.

After preliminary investigation, appellants were charged in the Information that reads:[2]

“That on or about March 2005 until February 15, 2007 in the City of Taguig, Metro Manila, the above named accused PRIMO C. YBAÑEZ, NILA S. YBAÑEZ, MARIZ Q. REYOS, and MICHELLE T. HUAT, in conspiracy with one another, and by means of deceit and taking advantage of the vulnerability of the victims, and for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, but under the pretext of domestic employment, did then and there willfully, unlawfully and knowingly, RECRUIT, RECEIVE, HARBOR and EMPLOY ANGELINE A. BONETE, KATE M. TURADO, VIRGIE C. ANTONIO and JENNY S. POCO, as a prostitute (sic) in Kiray Bar & KTV Club Restaurant under the pretext of being employed as GRO's (Guest Relations Officer) to their damage and prejudice.

That the crime was attended by the qualifying circumstances of minority, victims Angeline Bonete and Virgie Antonio being 15 and 17 years of age respectively, and that the crime was committed by a syndicate and in large scale.

CONTRARY TO LAW.”

At the arraignment on May 21, 2007, appellants pleaded not guilty;[3] thereafter, pre-trial and trial ensued.

Presented as prosecution witnesses were Angeline Bonete, Virgie Antonio, Kate Turado, Maria Adela Guerrero, Marfil Baso, and Loren Borines.

Angeline Bonete testified that she was born on February 27, 1991; she knows Primo and Nila Ybañez as the owners of Kiray, where she worked; she also knows Mariz Reyos (Mariz) and Michelle Huat (Michelle) as the floor managers of Kiray; she started working at Kiray as a GRO on May 13, 2006, her mother having applied for her through Michelle Huat;[4] on May 14, 2006 a customer brought her inside the Super VIP room located on the second floor of the bar and they had sexual intercourse; before she went home at 3 AM on May 15, 2006, Nila Ybañez handed her P300.00 as payment for her work; thereafter, she had sexual intercourse with other customers inside the Super VIP room;[5] on February 15, 2007, she reported for work at around 10 PM and went to the second floor, joining the table of a certain Mike, a customer of Kiray, and his five companions and her other co-workers, including Jenny, Apple, and Kate; she heard the men talking about going to the Super VIP room and calling the floor managers;[6] to her knowledge, the group (who turned out to be NBI agents) paid a total of P5,000.00 to Michelle and Mariz; Jenny was the first to go inside the Super VIP room with a male companion and about thirty minutes later the raid was announced.[7]

Virgie Antonio testified that she was born on February 24, 1989; she ran away from home on May 18, 2006 and went to live with Ate Lovely in Upper Bicutan; Lovely, then working as a GRO at Kiray, brought her to Kiray on June 18, 2006;[8] the floor manager, Grace, introduced her to Nila Ybañez, the owner of the club; Nila hired her and she started working the same night; during her orientation, she was told to wear a miniskirt and entertain customers as her “ka-table;”[9] on her third night at Kiray, or on June 20, a customer brought her to the Super VIP room after paying P1,000.00 to the cashier; inside the Super VIP room, they drank beer and had sex;[10] for her work that night, she earned P300.00; from then on she had sex with customers several times; Grace, Michelle and Mariz were floor managers of Kiray.[11]

On cross-examination, Virgie denied that one of the rules in Kiray is not to have sex with customers. She averred that she was very reluctant in entertaining her June 20 customer and having sex with him but Grace and Nila convinced her to.[12] She admitted that there were instances when she was brought by a customer to the Super VIP room but they did not have sex but she still received P300.00.[13] She stated that in the evening of February 15, 2007, she noticed that her co-workers Kate Turado, Angeline Bonete, Jenny Poco and Apple were entertaining customers on the ground floor. Later that night, the customers went upstairs but not long after they realized that the customers were NBI agents who came to rescue them. They were all brought to the NBI together with Primo and Nila Ybañez, Michelle, and Mariz.[14]

Kate Turado testified that: she was previously employed at Palps, a club near Kiray; a week or so later, in March 2005, she left Palps to work as a GRO at Kiray upon the invitation of Nila Ybañez and Michelle Huat; Kiray has a ground floor with a band and disco area and a second floor with two rooms; the Super VIP room is where “gamitan” or sexual intercourse takes place while the VIP room is for “tyansing only;” she was told that she will earn a commission of P300 if she is brought by a customer to the Super VIP room, P120 for the VIP room, and P50 if she had ladies' drinks at the ground floor; the customer pays at the cashier if he wants to have sex; while working in Kiray, she was eventually brought to the Super VIP room; their employers, particularly Nila and Michelle, would force them to have sex with the customers and to give good service even if they did not like the customer; each time she was brought to the Super VIP room, Primo or Nila would pay her a commission; aside from being “tabled” by customers she was also made to dance in provocative outfits;[15] whether or not she had sex with a customer she receives P300.00 as commission[16].

Maria Adela Guerrero, a DSWD psychologist, testified that based on a battery of tests and evaluation, Kate Turado was found to be functioning within the mildly retarded level and is not capable of protecting herself.[17] Guerrero reduced her assessment in a Psychological Report.[18]

Marfil Baso, special investigator of the NBI-AOCD, testified that: on February 15, 2007, he was assigned to

investigate an IJM report about prostitution and illicit sexual activities in Kiray and on the same day a raid briefing was held with representatives of DSWD and IJM; they prepared the marked money and designated poseur-customers, dispensing with the routinary surveillance of Kiray because IJM had provided them with almost complete information about Kiray, including pictures of minors allegedly working there;[19] at around 9:30 PM, his team arrived at Kiray and he and two other NBI agents entered the bar; they were met by two women who took their orders and asked if they wanted ladies to give them company; they agreed and four ladies were sent to their table; later, two women (Michelle and Mariz) offered to transfer them to the Super VIP rooms on the second floor where they were told that they could do whatever they want with the girls and if the girls agree to have sex with them they would have to pay more; accordingly, he gave P3,000.00 to Michelle and Mariz for the use of two Super VIP rooms; after the money was received, he used his cellphone to give the signal to their ground commander,[20] Syrus Aluzan, who announced the raid.[21]

Loren Borines, NBI forensic chemist, testified that: she marked the six P500.00 bills used in the raid with invisible crayon and fluorescent powder;[22] she did an ultraviolet light examination on Michelle and Mariz on February 16, 2007 upon the request of Special Investigator Joey Ajero[23] and she noted the presence of fluorescent specks and smudges on the dorsal and palmar areas on both hands of the two suspects; the yellow color of the specks and smudges appearing on the hands of the two suspects are similar to the one used to mark the money.[24]

The appellants testified in their own defense.

Nila Ybañez testified that: she is the sole proprietor and owner of Kiray, a legitimate business establishment where live bands perform; Kiray hosts various occasions including barangay tanod meetings usually held in the fully-airconditioned VIP room; the VIP room has a door with no lock and made of glass through which those on the ground floor and second floor could see; Kiray does not have private rooms;[25] there is no prostitution or lewd shows going on in the bar and employees are prohibited by the rules to flirt with customers or engage in indecent or lewd activities; copies of these rules are visibly posted on the ground and second floors of Kiray; the GROs can only be invited by a customer to his table to give him company or converse with him; Kiray has only two floor managers, Annalyn Martin and Grace delos Reyes; in her (Nila) absence, Martin and Delos Reyes may accept applicants to the bar and choose whom to hire;[26] she hired Angeline Bonete because the floor manager recommended her; Angeline submitted a birth certificate showing that she was 19 years old but later admitted that the certificate was not hers, thus, she (Nila) dismissed her in December 2006; in January 2007, Angeline and her parents begged her (Nila) to take her back and she agreed on the condition that the parents will sign a document relieving her of any liability for whatever consequences that may happen in the future;[27] she hired Kate Turado because she was nice and had ambitions for her family; she did not hire Virgie Antonio as a GRO because she did not like her; Virgie hang around Kiray only as a companion of Grace; she hired Jenny Poco because she was beautiful and was already 20 years old;[28] in all, she hired seven women to work as GROs; in each case, she required the submission of birth certificates.[29]

Nila Ybañez further testified that: on February 15, 2007, Grace told her that they have six customers from the NBI whom she saw on the ground floor together with Angeline, Kate and Virgie; the customers asked Grace to transfer them upstairs and to give them two more women to join them; five of the men went upstairs and the one left on the ground floor asked her if he could bring out a woman, she refused and he became angry and banged a beer bottle on the table;[30] as she was standing outside Kiray to have a snack[31] an NBI agent approached her and asked if she is the owner of the bar; when she said yes the agent told her that they will be taking the girls;[32] she then saw her husband Primo being arrested by the NBI; she ran to him and asked the NBI to present their warrant but they dismissed her; she was not arrested but she insisted to go with her husband because she did not know

where he will be brought; at the NBI office, she was made to stay in the kitchen while her husband Primo, Michelle Huat and Mariz Reyes were brought to the NBI detention cell.[33]

Michelle Huat testified that: she was employed as a food handler at Kiray and was never designated as floor manager; Kiray has only one floor manager, Grace delos Reyes; it was her duty to bring customers to their tables, take their orders and call the girls to the table when asked by the customers; on February 15, 2007, she and Grace welcomed a group of five men who took a table on the ground floor but later transferred to the VIP room upstairs, accompanied by GROs Kate, Apple, Jenny, and Angel;[34] whenever she served food and beverages to the group, she noticed that they were drinking quietly and not committing lewd acts, however, after she received payment of the bill, including a P500.00 tip, the men suddenly announced a raid and accosted them, the waiters, the GROs and the owners of Kiray; they were brought to the NBI-AOCD Office in Taft Avenue where they were investigated and booked;[35] she did not harbor or employ the GROs to engage in prostitution or sexual activities which were not condoned by the management of Kiray.[36]

Mariz Reyes testified that: she had worked as a waitress with Kiray for only about a month; on February 15, 2007, she and Michelle Huat assisted a group of men in getting a table because the floor manager, Grace, instructed them to serve the group; they stayed at the ground floor for a while then transferred to the VIP room on the second floor; she saw Jenny Poco, Virgie Antonio and Kate Turado as the group's "ka-table" but she did not see any lewd activities; one of the men paid the bill and handed her and Michelle a P500.00 tip each; thereupon, the group shouted, "Raid!" and they were all brought to the NBI where they were booked and investigated.[37] Mariz averred that Kiray's management prohibited GROs from flirting and having sex with customers.[38]

Primo Ybañez testified that: he drives for his wife Nila and handles the maintenance of Kiray; he knows Angeline Bonete, Virgie Antonio, Jenny Poco, and Kate Turado because they are the employees of his wife but he does not know if they were minors; he had no hand in the hiring of employees, it was the floor manager who hired the female employees and Nila hired the janitor and waiters; his participation in Kiray is limited to the maintenance of the bar and driving for his wife;[39] on February 15, 2007, he was sitting outside Kiray when two armed men approached him and asked him if he is Jojo Ybañez; he answered yes and he was told to go inside the bar; the men then declared a raid but they did not say why it was being conducted; he realized that the men were from the NBI because of the markings on their uniforms;[40] the bar employees were made to stay in one place[41] and he was boarded on a van together with Nila, Michelle, Mariz, Angeline, Virgie, Kate and Jenny and brought to the NBI compound.[42]

On March 18, 2009, appellants filed a Motion to Allow the Prosecution Witnesses to Retract Their Testimonies and/or to Allow the Defense to Present These Witnesses as Hostile Witness (sic).[43] Attached to the motion was the joint affidavit (Pinagsamang Sinumpaang Salaysay ng Pagbawi) of Angeline, Kate Turado and Virgie alleging that they were forced, under threat of imprisonment, to become prosecution witnesses and to give false testimonies against the accused. They claimed that they did not have sexual intercourse with the customers of Kiray and the bar owners did not force them to do so.

The RTC denied the motion emphasizing that recantations are generally looked upon with disfavor for being unreliable, *moreso*, when the prosecution has already rested its case. The court also found the affidavit of recantation irrelevant because the affiants were minors at the time of the incident, that prostitution is not limited to sexual intercourse but includes acts of lasciviousness, and consent of the trafficked persons to the intended exploitation is not an essential element of the crime.[44]

After trial, the RTC found appellants guilty as charged. The fallo of the Decision[45] reads:

WHEREFORE, in light of all the foregoing considerations, accused Primo Ybañez, Nila Ybañez, Mariz Reyes,

and Michelle Huat are hereby found GUILTY beyond reasonable doubt of Qualified Trafficking in Persons under Section 6 (a) and (c) in relation to Sections 4 (a) and 3, and is (sic) hereby sentenced to suffer life imprisonment and to each pay a fine of Two Million Pesos (Php2,000,000.00), and the costs, at the legal rate of interest from the time of filing of the Information until fully paid.

SO ORDERED.

In this appeal[46] appellants raise this assignment of error:[47]

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS (SIC) GUILT BEYOND REASONABLE DOUBT.

It is contended in this appeal that appellants Primo Ybañez, Michelle Huat and Mariz Reyos cannot be liable for qualified trafficking in persons because they were not responsible for the recruitment, transportation, transfer or harboring, or receipt of the private complainants. They contend that it was Angeline's mother who applied for her to work in Kiray, that Virgie Antonio was brought to Kiray by Ate Lovely, and that Kate Turnado was invited to work in Kiray by a female person. They further contend that Michelle and Mariz were mere employees and there is no showing that they were empowered by management to recruit and accept employees. As to Primo, he took no part in the management of Kiray and was only the errand boy of his wife Nila in the maintenance of the bar. As to Nila, it is contended that the prosecution failed to prove that she instigated a policy of exploitation of her employees. Appellants cite Angeline's testimony that she voluntarily had sexual intercourse with a customer and Kate's testimony that even if she did not have sex with a customer the management still gave her commission. Finally, appellants claim that the prosecution failed to prove conspiracy.

The Office of the Solicitor General (OSG) avers that there is no doubt that Angeline, Virgie and Kate engaged in prostitution based on their clear and unequivocal testimonies to that effect, thus, the trial court correctly found appellants guilty of the crime charged.

RULING

The appeal must be denied.

Section 3, RA 9208 defines "trafficking in persons" as "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 persons, 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." [48]

Appellants were charged under Section 6 (a) and (c), in relation to Section 4 (a), of RA 9208, which provides:

SEC. 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

x x x x x x x x

SEC. 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;

Thus, the elements of the offense are: 1) the offenders recruited, transported, transferred, harbored, provided, or received a person; 2) by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship; and 3) for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage. For the offense to be qualified, the trafficked person must be shown to be a child or the act of trafficking in persons must be committed in large scale or by a syndicate.

There is no merit in the contention of appellants that the prosecution failed to establish their guilt with the required quantum of proof.

The evidence abundantly established that appellants engaged in the recruitment of young women for the purpose of prostitution or sexual exploitation. The private complainants categorically testified that they were hired as GROs and tasked to entertain customers to the extent of having sexual intercourse with them and being paid commissions for said services. Such is the essence of prostitution.[49] Indeed, the bar was designed for that purpose. It had a stage where the GROs were made to dance in provocative outfits, the better to arouse the libidinous urges of the customers. It had a VIP room where the customers could touch the GROs and if they wanted to have sex with them, a Super VIP room was offered for that purpose.

That it was Angeline's mother who applied for her hiring in Kiray or that Virgie was introduced by her Ate Lovely to Michelle do not detract from the criminal liability of Nila and Michelle. The manner by which private complainants were recruited is no longer crucial because the evidence clearly shows that Angeline and Virgie had actually worked in Kiray and were paid for their services. On this point, we note that appellant Nila herself admitted in her affidavit[50] that she hired Angeline but later dismissed her for using a fake birth certificate, however, she rehired Angeline in July 2006 upon the plea of her parents.

Appellants' contention that Michelle and Mariz were mere employees with no power to hire does not persuade. Even assuming that Michelle and Mariz's main task was to serve as waitresses, the evidence shows that they did more than just serve food and beverages to the customers. Being mature adults, they were aware or should have been aware of the illegal activities going on in their place of work and the evidence shows that they showed complicity therein. Thus, as testified by NBI agent Baso, Michelle and Mariz offered to bring him and his team to the Super VIP room where they could have sex with the women for an additional price. In fact, it was Michelle and Mariz who received the amount of P3,000.00 from Baso for the additional service. It is not difficult to imagine that this was not the first time that Michelle and Mariz had committed their aforesaid acts by which they demonstrated their complicity in the common design of offering women in prostitution.

The defense of Primo that he was just an errand boy of his wife tasked with the maintenance of the bar is contradicted not only by the prosecution evidence but also by his own admission. Thus, in his and his wife's joint counter-affidavit,[51] he admitted that he and his wife are the legitimate owners of Kiray. Such ownership was also stipulated at the pre-trial.[52] Private complainants also identified Primo and Nila as the owners of the bar and, as such, assigned work to the employees and GROs. Kate averred that it was either Primo or Nila who handed her commissions after she was brought to the Super VIP room. As joint owner and operator of the bar, there can be no question that Primo conspired with his wife Nila in attaining the common design of promoting prostitution in the bar and that they both benefitted from the fruits thereof.

There is no merit in Nila's contention that the prosecution failed to prove that she instigated a policy of

exploitation of her employees. Apparently, Nila relies on her self-serving testimony that they posted rules against flirting and having sex with customers. Even assuming that said rules were posted, that does not absolve Nila from criminal liability because the evidence has established that the alleged prohibited illegal activities were still committed in the bar and Nila did absolutely nothing to prevent them from happening. In short, the rules were meaningless warnings that were not intended to be implemented. Moreover, the prosecution evidence shows that the GROs received their commissions from Nila after they were brought to the Super VIP room. Having benefitted from the illegal activities, she cannot feign abhorrence thereto.

Contrary to the contention of appellants, the prosecution has shown the existence of conspiracy among them. In proving conspiracy as a means to commit a crime, it is not necessary to show that two or more persons met together and entered into an explicit agreement laying down the details of how an unlawful scheme or objective is to be carried out. Conspiracy may be deduced from the mode and manner in which the offense was perpetrated; or from the acts of the accused evincing a joint or common purpose and design, concerted action and community of interest.[53] In this case, the acts ascribed to each of the appellants by private complainants clearly evinced a common purpose and design to promote prostitution in the establishment.

Angeline's admission that she consented to the sexual intercourse does not detract from appellants' liability. Suffice it to state, that under the law consent or the lack of it is not an element of the offense.[54] Also, Kate's testimony that she was paid commissions even if she did not have sex with a customer does not weaken the prosecution's case because she also testified that she was paid after having sex with several customers.

Finally, the evidence shows that the crime is qualified trafficking in persons because the victims are children. On this point, the law defines a child as a person who is below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.[55] Angeline was 15 years old and Virgie 16 when they were recruited in 2006 as shown by their birth certificates (Exh. C and D).[56] Having been born on October 23, 1987,[57] Kate was more than 18 years old at the time of the raid. However, she was found to be functioning within a mildly retarded level[58] and is therefore incapable of protecting herself and needs supervision, and guidance. Consequently, she is a child under the law.

WHEREFORE, the appeal is DENIED. The Decision dated January 11, 2011 of the Regional Trial Court of Taguig City, Branch 163 in Criminal Case No. 134985 is AFFIRMED.

SO ORDERED.

Dimaampao, J., Chairperson, and Diamante, JJ., concur.

[1] Record, pp. 869-876.

[2] Id. at 21.

[3] Id. at 56-59.

[4] TSN, August 14, 2007, pp. 5-13.

[5] Id. at 18-23.

[6] Id. at 25.

[7] TSN, September 10, 2007, pp. 22-25.

- [8] TSN, August 21, 2007, pp. 4-8.
- [9] Id. at 10-12.
- [10] Id. at 20.
- [11] Id. at 23-26.
- [12] Id. at 48-50.
- [13] TSN, September 10, 2007, pp. 3-4.
- [14] TSN, August 21, 2007, pp. 29-34.
- [15] TSN, October 22, 2007, pp. 4-12.
- [16] Id. at 461-462.
- [17] TSN, November 5, 2007, pp. 3-8, 11
- [18] Record, pp. 109-113.
- [19] TSN, December 4, 2007, pp. 3-10.
- [20] Id. at 13-20.
- [21] TSN, December 11, 2007, pp. 9- 10
- [22] TSN, April 15, 2008, p. 17.
- [23] Id. at 4-7.
- [24] Id. at 13-21.
- [25] TSN, November 10, 2009, pp. 4-11.
- [26] TSN, December 15, 2009, pp. 6-8.
- [27] Id. at 10-12.
- [28] TSN, December 15, 2009, pp. 14-16.
- [29] TSN, January 26, 2010, pp. 16-18.
- [30] TSN, January 26, 2010, pp. 8-14.
- [31] TSN, December 15, 2009, pp. 9.
- [32] Id. at 19.
- [33] TSN, January 26, 2010, pp. 4-6.
- [34] TSN, September 1, 2008, pp. 5-13.
- [35] Id. at 18-24.
- [36] Id. at 26-27.
- [37] TSN, October 6, 2008, pp. 5-17.
- [38] Id. at 19.

[39] TSN, March 9, 2010, pp. 8-12.

[40] Id. at 3-7.

[41] Id. at 18.

[42] Id. at 8-9.

[43] Record, pp. 230-235.

[44] Id. at 266-267.

[45] Decision of RTC; supra note 1 at 876.

[46] Record, pp. 882 and 886.

[47] Rollo, p. 56.

[48] Section 3, RA 9208.

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

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

[50] Record, pp. 16-17.

[51] Record, p. 16.

[52] Id. at 69.

[53] People of the Philippines v. Bernadette Pansacala a.k.a. “Neneng Awid,” G.R. No. 194255, June 13, 2012, citing People v. Fegidero, 392 Phil. 36 (2000).

[54] Section 3 (a), RA 9208.

[55] Section 3 (b), Id.

[56] Record, pp. 105-106.

[57] Exhibit E, Record, p. 107

[58] Exhibit F (Psychological Report), Id. at 109-113.

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