

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMONITO ALINSOG A.K.A. “RAMRAM” AND RONALD LIM RAMOS, ACCUSED-APPELLANTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before Us is an Appeal[1] from the Decision[2] of the Regional Trial Court, Branch 6, Cebu City dated January 10, 2011 in Criminal Case No. CBU-81474 finding accused-appellants Ramonito “Ramram” Alinsog and Ronald Lim guilty beyond reasonable doubt of the crime of Trafficking in Persons, in Violation of Section 4 (a) and (e) of R.A. 9208,[3] otherwise known as the “Anti-Trafficking in Persons Act of 2003” and sentenced each of the accused-appellant to suffer the penalty of imprisonment of twenty (20) years plus payment of fines.

The Facts

On October 24, 2007, an Information[4] was filed charging accused-appellants Ramonito “Ramram” Alinsog and Ronald Lim Ramos of the crime of Violation of Section 4 (a) and (e) qualified by Section 6 (c) of R.A. 9208, otherwise known as Anti-Trafficking in Persons Act of 2004, which reads:

That on or about the 22[nd] day of October 2007, at about 9:45 o'clock P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping each other, with deliberate intent, with intent to gain, did then and there hire Grace Ann Guyo Gomez, Mia Bonganay Reyes, Jasmine Maglasang Nicor, Joyce Asis Asejo, Kimberly Nocos Arnibal, and Gizella Parcon Santillan to engage in prostitution and sexual exploitation, by acting as their procurer for different customers, for money, profit or any other consideration, in Violation of Section 4 (a and e), in relation to Sec. 6 (c) of R.A. 9208 (Qualified Trafficking in Persons).

CONTRARY TO LAW.

The Information was based on the Report[5] transmitted by the National Bureau of Investigation, Cebu, City, dated October 23, 2007, recommending the prosecution of the accused-appellants for the alleged violations. The NBI received an intelligence report from the International Justice Mission (IJM) that several pimps are proliferating at Jakosalem St., Brgy. Kamagayan, Cebu City, wherein girls particularly minors are being hired and maintained by these pimps providing customers with sex in consideration of money. Hence, an entrapment operation was conducted leading to the arrest of the accused-appellants.

On November 7, 2007, accused-appellants were arraigned wherein they pleaded not guilty of the crime charged in the Information.[6]

Atty. Yvonne C. Artiaga and Atty. Samson R. Inocencio, Jr., Counsel and Collaborating Counsel for Private Complainants entered their appearance and their Motion for Approval of Authority to Prosecute[7] was granted, allowing them to actively prosecute the case under the direct supervision and control of the public prosecutor.[8]

The first prosecution witness was JASMINE NICOR, one of the private complainants, who identified accused-appellants' as Ronald Ramos and Ramonito Alinsog; that Ramonito Alinsog's nickname is Nitoy while

Ronald Ramos' nickname is Ramboy. Jasmine testified that she has known the accused-appellants in March 2007 when they were introduced to her by a friend in Kamagayan and that the accused-appellants are pimps who sell girls to male customers for sexual purposes.[9]

Jasmine testified that on the night of October 22, 2007, she was in Bonifacio, Jakosalem St., standing by a store; that she saw the accused-appellants pimping and calling girls;[10] that she was one of the girls called by the accused-appellants but she said she can't because she was not feeling well;[11] that they forced her, by dragging her towards a van, because a customer was looking for "good service" and is also looking for a young girl. Jasmine described "good service" as when she would do whatever the customer wants her to do like to have sex, "69," and "blow job;" that "69" means a man and woman would have oral sex with each other at the same time, while "blow job" means the girl will suck the penis of the male.[12]

Jasmine further testified that, inside the van, she saw four (4) girls, one driver and a male tourist guide; that afterwards, another woman came inside the van; that the tourist guide told her that the customer is waiting at the Golden Prince Hotel; that the accused-appellants were negotiating with the tourist guide how much is the consideration for the girl; that upon arriving at the Golden Prince Hotel, they (six girls), the tourist guide and Nitoy disembarked from the van; that they went inside Golden Prince Hotel; [13] that the tourist guide called Nitoy to receive the money; that Ronald called Nitoy from the van; that they then took the elevator and upon reaching upstairs, they went inside Room 702; that inside Room 702, she saw a Filipino man whom she later on knew was an NBI agent.[14]

Further, Jasmine said that the accused-appellants and the man inside the room were negotiating the price of the girls; that accused-appellants told the man that the girls will provide good service; that the three girls (Jasmine, Grace Gomez, and Bernalyn Arnibal) went inside the room and the man selected from the three of them; that the man selected her after which the man paid Ramboy P2,000.00; that after Ramboy received the money, he gave it to Nitoy; that the latter counted the money and placed it inside his pocket; that she ran after Nitoy to ask for her share to be given to her caretaker; that when she turned around, she saw Ramboy was already handcuffed; that Nitoy was also handcuffed next; that the NBI agent told them not to run away because they are just victims; that the girls were then brought to the NBI office where they were interviewed, their affidavits were taken and they were photographed.[15]

On cross-examination, Jasmine testified that she goes to Kamagayan whenever she is on duty, that is, when she would display for male customers. She admitted that she is a commercial sex worker; that the house where she is staying in Kamagayan was paid by Mr. Wong and there were other girls who were staying in the house;[16] that Mr. Wong was operating a prostitution business; that she was under Mr. Wong's ward for seven months; that there were instances when she was pimped by the personnel of Mr. Wong; that she was paid a commission every time she has a customer but in some customers, Ramboy and Nitoy would get her commission; that on the night of October 22, 2007, she was inside the house rented by Mr. Wong with other girls and Mr. Wong told her to go with accused-appellants Alinsog and Ramos because Mr. Wong already had a customer in mind for her.[17]

The second witness for the prosecution was VERNALYN ARNIBAL, also one of the private complainants, but in her Affidavit-Complaint,[18] she used "Kimberly" Arnibal as her name. She testified that Kimberly is her other name or nickname. She also identified the accused-appellants as Ramonito Alinsog and Ronald Ramos;[19] that Ramonito Alinsog's alias is Nitoy and Ronal Ramos' alias is Ramboy; that she has known the two for two years because they were neighbors at Jakosalem; that she was from Toledo and she was brought to Cebu by her friend to work as a waitress but since there was no bar, she had no choice but to do her job; that she knew Ramboy and Nitoy as pimps because she was one of those they pimped; that when she was pimped, she will be given to a customer where she will go for sex because of poverty; that she does not receive any payment from customers

because it will be given ahead to Ramonito Alinsog and Ronald Ramos.[20]

Arnibal testified that on the night of October 22, 2007, she was at Jakosalem St. standing and waiting for her call; that she saw Ronald Ramos and Ramonito Alinsog pimping; that a customer stopped by; that when accused-appellants saw her, they called her because they had a customer who was looking for someone young and would give “good service,” which means to have sex, “69,” and “blow job.”[21] She explained that “69” is that when the head of the man is in the woman's sexual organ while the head of the woman is in the man's sexual organ. Arnibal said that when Rambo and Nitoy called her because there was a customer looking for good service, she refused to go because she was waiting for a call; that Rambo and Nitoy told her to go because it was a foreigner so she went with them because a foreigner is generous and she also needed money at that time; that they then boarded a van where she saw five girls, Ramonito Alinsog and Ronald Ramos, the driver, and the other guy whom they later knew as an NBI agent; that Rambo and Nitoy talked with the NBI agent about the price which was P2,000.00 per girl; that they went to Golden Prince Hotel; that upon arriving, they disembarked, went inside the hotel, and took the elevator but they did not go upstairs yet because the NBI agent found out that Ronald Ramos was not there; that the NBI agent told Ramonito to call Ronald Ramos and then they went together upstairs; that she, Jasmine Nicor, Grace Ann and the accused-appellants went inside Room 702; that the accused-appellants talked to the customer that the girls would give good service; that the customer then chose Jasmine Nicor; that afterwards, she and Grace Ann went out to the elevator but when they were about to enter the elevator, there were some men from NBI who stopped and told them not to be afraid because they just wanted to rescue them; that Ronald Ramos and Ramonito Alinsog went outside the room and they were handcuffed; that the girls were taken to the NBI office where affidavits and pictures were taken.[22]

On cross-examination, Vernalyn Arnibal testified that it was her friend named Christy who hired her from Toledo to work as a waitress here in Cebu but because there was no bar, she had no choice but to sell her flesh; that the accused-appellants were not her boss because she doesn't have any boss; that they were just pimps who acted as agents in looking for customers for her but nobody asked them to look for customers as it was their will because that is their job; that she was not forced to accept customers she didn't like although there were times that they would insist to accept the customer because of high payment and she would accept it because of poverty.[23]

Moreover, Arnibal said that the six (6) of them were engaged in prostitution; that she was living alone in a boarding house at Jakosalem where she was paying rent; that in the evening of October 22, 2007, there was an implied agreement between her and the accused-appellants that the latter will look for customers for her; that on that night, she was standing at Jakosalem St. waiting for her call from a customer; that she saw Ramonito Alinsog and Ronald Ramos standing near the van and they talked to somebody who was looking for good service; that she told Ramonito and Ronald that she already had a customer but they told her to just go with them because it was a foreigner; that they did not force her to go with them but since it was a foreigner and she needed money at that time because of poverty, she went with them.[24]

NBI AGENT REYNALDO VILLORDON, JR., as third witness for the prosecution, testified that there was a written complaint from residents of Brgy. Kamagayan, through the International Justice Mission; that as instructed by the agent on the case, Agent Jedidah Hife, Villordon went to Jakosalem St., Kamagayan area and he observed that there were many pimps around the area who offered several girls to men looking for sex; that Agent Hife also instructed him to verify and identify the names of Ramonito Alinsog alias Nitoy and the one alias Rambo or Ramram; that according to the letter request or the intelligence report, the names of Rambo and Nitoy were already identified in the report so they just conducted a verification and confirmation on the said report; that it was very easy to identify the two; that it was confirmed that the pimps were indeed trafficking and maintaining several girls for sex to male customers; that upon confirmation, he immediately reported to Agent

Hife who acted by planning and implementing an entrapment operation.[25]

According to Villordon, in the said night of October 22, 2007, he went to Jakosalem St., Brgy. Kamagayan where he saw many peddlers for women and there were several women who were in the side of the street; that he saw the accused-appellants who were talking with male customers and on their side were pretty girls; that Villordon was there standing for a while when the two accused-appellants saw and approached him, asking him if he wanted girls;[26] that he answered that he was interested and that he was inclined to accept the offer; that immediately, the two walked out and picked up the girls and when they returned they have with them six girls; that he requested the accused-appellants that the girls be brought to Golden Prince Hotel because the client was waiting there; that the two ordered the girls to embark to the van which Villordon used; that inside the van, they were talking with the girls; that upon arriving at Golden Prince Hotel, they disembarked; that Ramboy stayed inside the van while they went to the room where the agent/decoy was waiting; that while inside the hotel, he requested Nitoy to go back downstairs and fetch Ramboy because the other girls were asking for the presence of Ramboy; and that Nitoy went downstairs and after a while, came back with Ramboy.[27]

Villordon recounted that they went inside Room 702 where Agent Manapat was waiting; that the other girls just remained at the door while three girls, Nicor, Gomez and Arnibal, and the accused-appellants went to Agent Manapat; that the accused-appellants and Manapat agreed that the fee would be two thousand pesos (P2,000.00) per girl which includes sexual intercourse, blow job, and masturbation of the penis of the male; that Agent Manapat chose Nicor and then paid Nitoy P2,000.00; that Nitoy then went out of the room while Villordon went to the other room where Agent Hife and the rest of the operatives were waiting for the signal that the transaction had already took place; that Agent Hife and the rest of the operatives went out of the room and went inside and declared the purpose of that operation and they arrested the subject and informed the latter of their constitutional rights; and that the accused-appellants were brought to the NBI Office.[28]

The fourth witness for the prosecution was JESUS MANAPAT, NBI Supervising Agent. He testified about the entrapment operation wherein he posted as a local tourist wanting to have sexual pleasure and Agent Villordon acted as a tourist guide tasked to bring the women to his room, Room 702 in Golden Prince Hotel; that Special Investigator Jedidah Hife and Special Investigator Gregorio Tomagan were in the same hotel but in another room; that he brought with him P2,000.00 in twenty (20) one hundred bills, four (4) of which were marked money intended to pay the asking price.[29]

Manapat also testified that six (6) girls were brought to him by Agent Reynaldo Villordon; that the six (6) women were accompanied by two (2) male persons, Ramonito Alinsog and Ronald Ramos; that the six girls were Jasmine Nicor, Grace Ann Gomez, Kimberly Arnibal, Mia Reyes, Joyce Asejo and Gizella Antonio; that of the six girls, three (3) women, Jasmine Nicor, Grace Gomez, and Kimberly Arnibal entered the room together with Ramonito Alinsog; that when asked for the price of a sexual service, Ramonito said it would cost P2,000.00; that Ramonito told him that these girls are good and could perform well; that he then chose one of the women, Jasmine Nicor and then handed P2,000.00 to Ramonito Alinsog; that Agent Villordon then gave the go signal to the other operatives to come inside the room and seconds later, Special Inestigator Jidedah Hife came with Investigator Greg Tomagan and announced the operation; that Ramonito Alinsog and Ronald Ramos were placed under arrest and informed of their constitutional rights while the six (6) women were brought to another room where DSWD 7 representatives were waiting; and that Special Investigator Tomagan got the money from the pocket of Ramonito Alinsog.[30]

Special Invetigator GREGORIO TOMAGAN, JR., as the fifth witness for the prosecution, testified that on October 22, 2007 at around 10:00 o'clock in the evening, he together with NBI Operatives of CEVRO, conducted an entrapment operation at the Golden Prince Hotel and Suites located at Acasia Street, corner Archbishop Reyes

Avenue; that the entrapment operation was at Room 702;[31] that Agent Jedidah Hife, who is the team leader of the case, informed them that the pre-arranged signal was already given by Agent Villordon; that the team proceeded to Room 702 and thereat Agent Manapat informed them that he handed the marked money to a person named Ramonito Alinsog; that he was able to recover P2,000.00 including the marked money consisting of four (4) pieces of P100.00 bill; that he turned over the same to Agent Hife.[32]

ROMMEL PAGLINAWAN, Forensic Chemist, was the fifth witness for the prosecution who testified that he was the one who marked and dusted the money bills as requested by NBI Investigator Jedidah Hife on October 22, 2007, at around 3:00p.m.; that Hife submitted four (4) pieces of P100.00 bills; that the marking and dusting of the money was for use in an entrapment operation; that the money bills were marked with invisible ink 2007-T-5610, NBI, CEVRO, RDP, 10-22-2007, and fluorescent powder; that the serial numbers of the four (4) P100.00 bills are RF263464, MM431131, PE269759, and HG031291; that the marking and dusting was done at the NBI laboratory; and that it was contained in Physics Report 2007-P-5610.[33]

Further, Paglinawan said that he turned over the money bills to Agent Hife after the marking and dusting; that at around 1:26 a.m. In the morning of October 23, 2007, Agent Hife again submitted a letter request for the UV examination of the subject Ramonito Alinsog and Ronald Ramos to determine the presence of yellow fluorescent powder on both hands; that on the subject Ronald Ramos, the dorsal side in the palmer of the hand gave negative results for the presence of yellow fluorescent powder; and that the laboratory examination conducted on Ramonito Alinsog's left and right hands, dorsal and palmer aspects, gave positive results for the presence of fluorescent powder.[34]

MERLYN DELA CRUZ was the last prosecution witness who assumed the name Mia Reyes in her Affidavit-Complaint[35] because she was afraid her family would know. She testified that she knew Ramonito Alinsog and Ronald Ramos or Nitoy and Rambo, during the night of the incident; that the two lived in the house where she lived in Kamagayan; and that the two are pimps.[36]

Dela Cruz further testified that on October 22, 2007, they (six girls) were brought to Golden Prince Hotel by Ramonito and Ronald because a customer was waiting there; upon arrival at the hotel, there was a Tagalog customer waiting for them; that she went outside of the room because she was afraid because she didn't know what was going to happen; that when she went outside, there were already NBI agents; that she didn't know what happened inside the room; and that DSWD social workers brought them downstairs and then to the NBI.[37]

However, on cross-examination, Dela Cruz said she came to Cebu from Butuan on October 2007 but when later asked by the Court, she said she came to Cebu on 2008 and that on October 22, 2007, she was not in Cebu City yet. Nevertheless, she later stated that she forgot what year she was in Cebu.[38]

For the defense, accused-appellant RAMONITO ALINSOG testified that he was a taxi or jeepney dispatcher in Jakosalem; that he lived in Private; that he only knew Kimberly Arnibal because the latter used to stay in Jakosalem where she looked for Korean customers; that Kimberly was a prostitute because the latter accordingly told him when he was dispatching that if he has a customer, she will be the one that he will recommend; that Kimberly had two pimps named Raymond and Amin; that her boss was Mr. Wong; and that he had never tried looking for a customer for Kimberly and the other girls.[39]

Alinsog said that on October 22, 2007 at around 9:30 in the evening, he was drinking with Ronald at a store; that Kim and Mr. Wong asked him to accompany them to the hotel; that of all the girls, he only knew Kimberly Arnibal; that he then went with them to earn money; that in the hotel near Ayala, Kim guided them upstairs; that Ronald Ramos was just downstairs; that when upstairs, he talked to Kim's customer; that Kim told her to get the money; that when he received the money, he was immediately arrested.[40]

Accused-appellant RONALD RAMOS testified that he was a computer technician at D. Jakosalem St. where he has a shop since 2003; that he supports his family through his income from his shop; that he knew accused-appellant Ramonito Alinsog because the latter used to standby in his shop at night time because he was a dispatcher in that area; that he started to standby in that area in 2006; that on October 22, 2007 at around 9:00 o'clock in the evening, he was about to close his shop to go home but he was called by Ramonito Alinsog who was drinking beside his shop; that he accepted the glass of beer offered to him and he bought one more bottle of beer grande; that while they were drinking, his wife and children Rodjan and Shabby arrived because they wanted him to go home but he refused so his wife and children went home and they continued drinking.[41]

Moreover, Ramos said that while they were drinking, a van arrived and the driver called for a pimp; that a pimp approached them; that the pimp went inside Kamagayan and when he came back, he was already bringing six girls; that the pimp told the accused-appellants that he was called by Sir Ben Laden or Mr. Wong; that he only heard of Mr. Wong's name but he does not know him; that Ramon and the pimp went inside Kamagayan to see Mr. Ben Laden; that when Ramon came back, the former asked that they accompany the girls to the hotel because he was asked by Sir Ben Laden; that he refused at first but Ramon insisted so he went along with him; that they went inside the van where he was seated at the back, Ramonito was seated at the front beside a man, while the six girls were seated beside him at the back; that they headed towards a hotel near Ayala Center; that when they arrived at the hotel, Ramon and the six girls disembarked while he and the driver stayed inside the van; that somebody "texted" the driver to tell him to go up; that he was surprise that he was asked to go up because he did not know what the transaction was all about but the driver told him to just go up because his (Ramos') companion might need something from him; that he took the elevator and when the elevator opened, a person, who identified himself as NBI, met him and put his arm around his shoulder; that he was brought to the other room; that he saw Ramonito inside the room with a handcuff; that he told the NBI not to arrest him because he was just a computer technician; that the NBI told him to just go with them and explain his side at the office; and that he was not handcuffed.[42]

The last witness for the defense was CECILIA RAMOS, wife of accused-appellant Ronald Ramos. She testified that her husband was a computer technician near their place; that he would usually go to work at 8:00 o'clock in the morning, come home for lunch and then go back to work at 3:00 o'clock in the afternoon, and come back home for supper at around 8:00 o'clock in the evening when he would watch TV with their children; that on October 22, 2009 [sic], at around 9:00 o'clock in the evening, his husband was late in coming home so she asked her son Rodjohn to go after his father; that her son came back home and said his father would just follow because he has a drinking spree with his friends; that she then went with her son Rodjohn to go to her husband at D. Jakosalem St., but the latter, who was drinking with Ramonito, only told them that he will only follow and then cursed them; that she also cursed him and then went home and slept.[43]

Cecilia Ramos also testified that she was awakened by the shout of her cousin that her husband was arrested at around 1:00 o'clock dawn; that they reached for him at the police station but they failed to see him there; that they were later informed that she was already at the NBI office; and that they went to the NBI office in the morning where her husband was crying there.[44]

On January 10, 2011, the Regional Trial Court, Branch 6, Cebu City rendered a Judgment,[45] the dispositive portion of which states:

WHEREFORE, the court finds the accused Ramonito "Ramram" Alinsog and Ronald Lim Ramos guilty beyond reasonable doubt of the crime of Violation of Sec. 4 (a) and (e) of R.A. 9208 and sentences them to each suffer the penalty of imprisonment of Twenty (20) Years and to each pay a fine of One Million Pesos (P1,000,000.00). The accused are entitled to full credit of their preventive imprisonment.

SO ORDERED.

The RTC held that the prosecution has proven that the two accused have committed the crime of Trafficking in Persons, as defined under Section 3 (a) of R.A. 9208; that the mere denials of the accused cannot overturn the credible testimonies of the two women as well as of the NBI agents, who are entitled to the presumption of regularity in the performance of their official functions.[46] The RTC did not hold the accused-appellants liable for qualified trafficking because the prosecution was not able to establish that it was committed in large scale, i.e., against three or more persons since only two persons, Nicor and Arnibal testified being pimped by the accused; that the third one, de la Cruz, disavowed any knowledge of what transpired in the hotel room or the fact that she was even in Cebu at that time; and that the rest of the women, although alleged as victims in the Information, were not presented as prosecution witnesses.[47]

Hence, the present appeal with the lone Assignment of Error:[48]

THE COURT A QUO ERRED IN CONVICTING APPELLANTS DESPITE THE WEAKNESS AND INSUFFICIENCY OF PROSECUTION'S EVIDENCE.

Accused-appellants argue that the elements of trafficking in person are wanting in the case at bar;[49] that Jasmine Nicor admitted that she has been working as commercial sex worker and that she stayed at a “casa” in Brgy. Kamagayan owned and operated by Mr. Wong;[50] that undeniably, there is no recruiting and/or hiring to speak of; that Jasmine works for Mr. Wong; that appellants were also under the employ of Mr. Wong and they merely received orders from Mr. Wong to deliver women to the customers who had already made transactions with Mr. Wong.[51]

Further, accused-appellants contend that the prosecution witnesses bluntly spoke about their engagement in sexual prostitution for their own consumption; that Jasmine openly disclosed she ran away from home and went to Kamagayan by herself without either or both appellants persuading or forcing her to go there; that Vernalyn revealed that both accused-appellants Ramonito and Ronald did not hire her to engage into sexual congress for a fee.[52]

According to accused-appellants, the prosecution did not present specific evidence to show that both accused-appellants connived with Mr. Wong in hiring or recruiting Jasmine and Vernalyn for prostitution; that although Jasmine asserted that she was dragged to the van when she refused to go with accused-appellants to meet a customer at Prince Hotel, such statement was readily contradicted by agent Villordon; that Jasmine's voluntary act of going to Prince Hotel was manifested by NBI Agent Manapat's testimony that Jasmine Nicor, with two other girls, entered the room together with one male person; that such act of Jasmine in voluntarily coming to Prince Hotel signified her assent to the transaction arranged by Mr. Wong.[53]

On the other hand, plaintiff-appellee argues that accused-appellants guilt were proven beyond reasonable doubt because consent is irrelevant in prosecutions for violations of R.A. 9208;[54] that the law recognizes that the girls are the victims of trafficking and that their consent is immaterial to the prosecution; that Section 4(a) of R.A. 9208 penalizes not only the recruitment or hiring of persons for prostitution but also the transportation, transfer and provision of a person for prostitution;[55] that accused-appellants are guilty of trafficking of persons because they transported, transferred, and provided six (6) girls for purposes of prostitution.[56]

Further, plaintiff-appellee contends that Section 4(a) categorically states that the acts may be committed by any means; that the use of the phrase “by any means” signifies that it is irrelevant how appellants committed the acts listed - “to recruit, transport, transfer, harbor, provide, or receive a person” - provided those acts were committed for the purposes specified in Section 4(a) - “prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage.”[57]

Finally, plaintiff-appellee points out that accused-appellants admitted that they merely received orders from Mr. Wong to deliver women to the customers who had already made transactions with Mr. Wong[58] and therefore clearly violates Section 4(a) of R.A. No. 9208 because they admitted that they delivered girls to Mr. Wong's customers.[59]

The Court's Ruling.

We affirm accused-appellants' conviction.

The Anti-Trafficking in Persons Act is a new law passed last 26 May 2003, designed to criminalize the act of trafficking in persons for prostitution, sexual exploitation, forced labor and slavery, among others.[60]

In the very recent case of *People v. Casio*,[61] the Supreme Court discussed the elements of trafficking in persons derived from its definition under Section 3(a) of R.A. 9208, to wit:

- (1) The act of "recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders."
- (2) The means used which include "threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another; and
- (3) The purpose of trafficking is exploitation which includes "exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servituted or the removal or sale of organs.

Accused-appellants argue that since the prosecution witnesses admitted that they were engaged in sexual prostitution for their own consumption, there is therefore no recruiting and/or hiring. This argument is premised on the fact that trafficking may only be committed by the act of recruiting or hiring women victims for prostitution. However, as discussed above, trafficking in persons is also committed by transporting or transferring the women victims. Such would include the act of transporting and/or transferring these women to customers for prostitution.

The admission of the private complainants that they are engaged in sexual prostitution is irrelevant. The crime of Trafficking in Persons can exist even with the victim's consent or knowledge under Section 3(a) of RA 9208, which 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. (Emphasis supplied)

The victim's consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking.[62]

Accused-appellants were charged of the crime of violation of Section 4 (a) and (e) qualified by Section 6 (c) of R.A. 9208 (Qualified Trafficking in Persons). Section 4 of R.A. 9208 enumerates Acts of Trafficking in Persons, as follows:

- (a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done

under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

xxx

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

xxx

Accused-appellants took advantage of the private complainant's vulnerability. Jasmine Nicor stated in her Affidavit-Complaint[63] that Ramon and Ronald were peddling her for prostitution by taking advantage of her vulnerability because they knew that she is poor and in dire need of money. On the other hand, Vernalyn Arnibal testified that the reason for engaging in such trade is because of poverty. She also testified that on the night of October 22, 2007, she went with Ramboy and Nitoy because she needed money at that time.[64]

Trafficking of persons is done for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others. As defined under R.A. 9208, Prostitution is "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."

The prosecution has clearly established the fact of prostitution of the victims by providing them to customers who wanted "good service" which includes "69," "blow job," and other sexual acts. Furthermore, money or consideration is involved based on the recovery of marked money from the accused-appellant Ramonito after NBI Agent Manapat selected one of the girls. It must be noted that as held by the Supreme Court in the case of *People v. Casio*,[65] the act of "sexual intercourse" need not have been consummated for the mere "transaction," i.e. that 'solicitation' for sex and the handing over of the "bust money" already consummated the said act.

Based on the definition of trafficking in persons and the enumeration of acts of trafficking in persons, accused-appellants clearly performed all the elements in the commission of the offense when they peddled the private complainants and offered their services to Agent Manapat in exchange for money. Accused-appellants committed the acts of transporting, transferring and harbouring the women victims by (means) of taking advantage of their vulnerability for the purpose of prostitution.

We agree with the lower court that the accused-appellants are not liable for qualified trafficking under Section 6(c) of R.A. 9208. The crime of Trafficking in Persons is qualified when committed by a syndicate, as provided in Section 6(c) of RA 9208:

(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.

Accused-appellants did not comprise a syndicate since they were only two (2) persons, the two accused-appellants. The fact that a certain Mr. Wong was their employer and that they were conspiring or confederating with one another were not established. Furthermore, the prosecution also failed to establish that the act of trafficking was committed in a large scale, or against three or more persons. Although there were six (6) girls who were private complainants in the present case and were rescued from the entrapment operation, only Nicor and Arnibal positively testified as to the acts committed by the accused-appellants.

Finally, accused-appellants' admission that they merely received orders from Mr. Wong to deliver women to customers who had already made transactions with Mr. Wong reinforces the fact that the accused-appellants are pimps and that they clearly committed at least any of the following prohibited acts: transporting, transferring,

harboring, and providing victims to customers for the purpose of prostitution.

R.A. 9208, Section 10 provides that “any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).” Hence, the lower court was correct in the penalty that it imposed on the accused-appellants.

We also affirm the denial in awarding moral and exemplary damages because the prosecution failed to present evidence to establish the damages sustained by the private complainants as a result of the crime.

WHEREFORE, the instant appeal is DENIED. The assailed Decision dated January 10, 2011 of the Regional Trial Court, Branch 6, Cebu City in Criminal Case No. CBU-81474 finding accused-appellants Ramonito “Ramram” Alinsog and Ronald Lim guilty beyond reasonable doubt of the crime of Trafficking in Persons, in violation of Section 4(a) and (e) of R.A. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003,” is hereby AFFIRMED.

SO ORDERED.

Ingles, G.T., Chairperson., and Lagura-Yap, M.B., JJ., concur.

[1] Rule 124, The Revised Rules of Criminal Procedure.

[2] Rollo, pp. 35-51.

[3] An Act to Institute Policies to Eliminate Trafficking in Person 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”

[4] Main Record pp. 1-2.

[5] Id. at pp. 3-4.

[6] Certificate of Arraignment, Main Record, p. 74.

[7] Id. at pp. 78-81.

[8] Id. at p. 100.

[9] TSN – Sonnet G. Bagatsolon, April 8, 2008, pp. 4-5.

[10] TSN – Sonnet G. Bagatsolon, April 8, 2008, p. 8.

[11] TSN – Sonnet G. Bagatsolon, April 8, 2008, p. 10.

[12] TSN – Sonnet G. Bagatsolon, April 8, 2008, p. 11.

[13] TSN – Sonnet G. Bagatsolon, April 8, 2008, pp. 12-13.

[14] TSN – Sonnet G. Bagatsolon, April 8, 2008, p. 13.

[15] TSN – Sonnet G. Bagatsolon, April 8, 2008, pp. 13-15.

[16] TSN – Sonnet G. Bagatsolon, April 8, 2008, p. 18.

[17] TSN – Sonnet G. Bagatsolon, April 8, 2008, pp. 21-22.

- [18] Id. at pp. 24-26.
- [19] TSN – Sonnet G. Bagatsolon, September 1, 2008, p. 4.
- [20] TSN – Sonnet G. Bagatsolon, September 1, 2008, pp. 5-6.
- [21] TSN – Sonnet G. Bagatsolon, September 1, 2008, pp. 7-8.
- [22] TSN – Sonnet G. Bagatsolon, September 1, 2008, pp. 9-12.
- [23] TSN – Sharron M. Aguilar, September 23, 2008, pp. 3-5.
- [24] TSN – Sharron M. Aguilar, September 23, 2008, pp. 6-8.
- [25] TSN – Sharron M. Aguilar, October 13, 2008, pp. 7-8.
- [26] TSN – Sharron M. Aguilar, October 13, 2008, p. 10.
- [27] TSN – Sharron M. Aguilar, October 13, 2008, pp. 11-12.
- [28] TSN – Sharron M. Aguilar, October 13, 2008, pp. 13-15.
- [29] TSN – Sharron M. Aguilar, December 15, 2008, pp. 7-8.
- [30] TSN – Sharron M. Aguilar, December 15, 2008, pp. 9-11.
- [31] TSN – Sharron M. Aguilar, March 23, 2008, p. 3.
- [32] TSN – Sharron M. Aguilar, March 23, 2008, pp. 4-5.
- [33] TSN – Sharron M. Aguilar, April 28, 2009, pp. 3-5.
- [34] TSN – Sharron M. Aguilar, April 28, 2009, pp. 8-9.
- [35] Main Record, pp. 14-16.
- [36] TSN – Sharron M. Aguilar, May 26, 2009, p. 3.
- [37] TSN – Sharron M. Aguilar, May 26, 2009, pp. 3-10.
- [38] TSN – Sharron M. Aguilar, May 26, 2009, pp. 11-12.
- [39] TSN – Carolina R. Modina, August 24, 2009, pp. 4-6.
- [40] TSN – Carolina R. Modina, August 24, 2009, pp. 6-10.
- [41] TSN – Esperanza A. Bascar, November 17, 2009, pp. 3-7.
- [42] TSN – Esperanza A. Bascar, November 17, 2009, pp. 7-11.
- [43] TSN – Esperanza A. Bascar, August 31, 2010, pp. 3-5.
- [44] TSN – Esperanza A. Bascar, August 31, 2010, pp. 3-5.
- [45] Rollo, pp. 35-51.
- [46] Id. at p. 49.
- [47] Id. at p. 50.
- [48] Id. at p. 21.

[49] Id. at p. 27.

[50] Rollo, p. 30.

[51] Id. at p. 31.

[52] Id. at p. 31.

[53] Id. at p. 32.

[54] Id. at p. 60.

[55] Id. at p. 61.

[56] Id. at p. 62.

[57] Id. at p. 63.

[58] Id. at pp. 63-64.

[59] Id. at p. 65.

[60] People v. Hadja Jarma Lalli, G.R. No. 195419, October 12, 2011.

[61] G.R. No. 211465, December 3, 2014.

[62] People v. Casio, G.R. No. 211465, December 3, 2014.

[63] Id. at pp. 17-20.

[64] TSN – Sonnet G. Bagatsolon, September 1, 2008.

[65] *supra*.

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