

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO ACUIN Y DIONALDO AND SALVACION ALAMARES Y COSTELO, ACCUSED-APPELLANTS.

G.R. No. 219964. September 02, 2020

Ponente: LEONEN, J.

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LEONEN, J.:

This resolves an Appeal[1] from the Court of Appeals Decision[2] in CA-G.R. CR-HC No. 05545, affirming the conviction of Roberto Acuin y Dionaldo (Acuin) and Salvacion Alamares y Costelo (Almares) for Qualified Trafficking in Persons, in violation of Republic Act No. 9208, or the Anti--Trafficking in Persons Act of 2003.

Two Informations were filed against accused-appellants Acuin, Alamares, and their co-accused Charmela Barrameda (Barrameda) and Gina Ajero (Ajero), charging them as follows:

Criminal Case No. 134741:

That, on or about February 1, 2007, in the City of Taguig, Philippines, the above-named accused, ROBERTO ACUIN, a.k.a. Wowie, in conspiracy with CHARMELA BARRAMEDA, SALVACION ALAMARES and GINA AJERO and with one another, and by means of fraud, deception, abuse of power or position, force, threats and coercion, taking advantage of the vulnerability of the person and for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, forced labor or services, servitude but under the pretext of legitimate employment and good pay, did then and there willfully, unlawfully and knowingly recruit "AAA", with or without the consent of the latter, who is a resident of Taguig City at the time of the commission of the crime, hence, within the jurisdiction of the Honorable Court and thereafter TRANSPORTED and TRANSFERRED her to Hannah Bee Videoke Club in Daraga, Albay, belonging to or managed by accused CHARMELA BARRAMEDA, ROBERTO ACUIN a.k.a. Wowie, SALVACION ALAMARES and GINA AJERO;

And in pursuit of the aforesaid conspiracy of all the accused, for the purpose of prostitution or other forms of exploitation, said accused did then and there willfully, unlawfully and knowingly RECENE, HARBOR and EMPLOY "AAA", for sexual exploitation and as prostitutes at the said place, to her damage and prejudice;

That the crime was attended by the qualifying circumstance, committed by a syndicate.

CONTRARY TO LAW.[3]

Criminal Case No. 134741-A:

That, on or about February 1, 2007, in the City of Taguig, Philippines, the above-named accused, ROBERTO ACUIN, a.k.a. Wowie, in conspiracy with CHARMELA BARRAMEDA, SALVACION ALAMARES and GINA AJERO and with one another, and by means of fraud, deception, abuse of power or position, force, threats and coercion, taking advantage of the vulnerability of the persons and for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, forced labor or services, servitude but under the

pretext of legitimate employment and good pay, did then and there willfully, unlawfully and knowingly recruit "BBB", "CCC" and "DDD", with or without the consent of the latter, who is a resident of Taguig City at the time of the commission of the crime, hence, within the jurisdiction of the Honorable Court and thereafter TRANSPORTED and TRANSFERRED them to Hannah Bee Videoke Club in Daraga, Albay, belonging to or managed by accused CHARMELA BARRAMEDA, ROBERTO ACUIN a.k.a. Wowie, SALVACION ALAMARES and GINA AJERO;

And in pursuit of the aforesaid conspiracy of all the accused, for the purpose of prostitution or other forms of exploitation, said accused did then and there willfully, unlawfully and knowingly RECEIVE, HARBOR and EMPLOY "AAA", "BBB" and "CCC", for sexual exploitation and as prostitutes at the said place, to their damage and prejudice;

That the crime was attended by the qualifying circumstances of minority, complainants, being 15 to 16 years of age, and that the crime was committed by a syndicate.

CONTRARY TO LAW.[4]

Alamares and Ajero were arraigned on June 5, 2007 and pleaded not guilty. Acuin was subsequently apprehended, and pleaded not guilty as well during his arraignment on November 25, 2008. Thereafter, pre-trial conference was conducted, and trial then ensued.[5]

The version of the prosecution is as follows:

On February 1, 2007, somewhere in the Bicutan-Taguig area, Acuin offered private complainants, CCC, DDD, and BBB, then 15, 16, and 17 years old, respectively, work as dancers in a fiesta in Laguna, and promised them each P9,000.00 a month. CCC, DDD, and BBB accepted the offer. Acuin also offered AAA, then 28 years old, a job as a cashier for P400.00 a day, which she also accepted. AAA, BBB, CCC, DDD, together with Mara Gonzalez, Stephanie Anos, Rotchie Sayas, and Mingie Sayas, all met at Acuin's house later that day. Then, together with Acuin, they rode a jeepney from Parañaque, and later transferred to a bus.[6]

Although Acuin told AAA, BBB, CCC, and DDD that the bus was heading to Laguna, the bus stopped at Bicol. Acuin did not answer when asked what they were doing in Bicol.[7]

After arriving at the Bicol bus station, Acuin took AAA, BBB, CCC, and DDD to the Pink Hannah Bee Videoke and Disco Club (Hannah Bee Videoke), and introduced its owner, Alamares, who paid for the bus fares. Alamares asked them to call her "Mommy,"[8] and fed them food from her canteen. When she asked their ages, they told her how young they were. She then instructed them to tell people, if asked, that they were already at least 18 years old.[9] She also gave them money a few hours after they arrived, and subsequently informed them that they had to repay her.[10]

Alamares then informed them that they would work as Guest Relations Officers at the bar. During their employment at the club, Alamares would hand the girls to customers, guard their bedrooms while they were inside, and scold them if they did not follow her instructions, such as telling them to dance, or to go to their customers. Alamares would also give the girls money to buy provocative clothes. Moreover, Acuin and Alamares would often deal with customers, and offer women to the customers as entertainment.[11]

On their first night at the club, Alamares gave them P500.00 to buy miniskirts and backless shirts to wear while dancing. Acuin guarded them at the market, where they bought the clothes. Thereafter, Acuin told them they would dance at a bar, taught them a "fiesta" dance, and how to dance at the bar. After they learned their dances, Alamares and Acuin instructed them to bathe.[12] Acuin then directed them to the dancing area to entertain customers in the club. The girls saw other women dancing naked at the bar. Acuin instructed the girls to dance

naked, but they refused.[13]

On that same night, Alamares and Acuin introduced the girls to Ajero, who was working as a cashier and also offering the girls to customers. Ajero was in charge of the "VIP rooms" inside the club, where a customer would take a General Relations Officer, alone, and where the General Relations Officer would give the services the customer requested, including sexual intercourse. CCC testified that Ajero also instructed the girls while they worked, and encouraged her to dance naked and to entertain the customers, who would pay her for her services.[14]

The girls never received the salary Acuin promised, and were told that they owe Alamares for the canteen food they ate.[15]

After two days at the club, with the help of the other girls, AAA managed to escape while Alamares was preoccupied. When Alamares realized that AAA was missing, she uttered profanities and threats in front of the other girls, saying that she was capable of killing AAA.[16]

AAA went home immediately and told their parents what had happened, and how they had been brought to the club in Daraga, Albay. Her parents then sought help from QTV-11, and a QTV-11 employee brought them to the National Bureau of Investigation (NBI). There, Special Investigator Eduardo Villa (Villa) of the bureau's Anti Human Trafficking Division conducted a briefing to rescue the other girls from the club.[17]

On February 8, 2007, at around 1:30 a.m., Anti Human Trafficking Division operatives, together with the girls' parents and a QTV-11 crew, proceeded to Daraga, Albay, where they coordinated with the local police to conduct the raid. Special Investigators Cyruz Aluzan and Danilo Garay were dispatched at about 1:45 a.m. to act as customers at the club, where they would contract the services of the minors; then, once they were able to enter a VIP room with a minor, they would give the rest of the team a go-ahead signal.[18]

One of the agents entered the bar and became Mara's customer. He spoke to Mara and Stephanie Ann. After confirming their ages, he went to the comfort room, then called the rest of the operatives using his cell phone, who were waiting outside.[19]

After Villa received the signal, all the operatives entered the club and confirmed the presence of minors who were employed as General Relations Officers. They announced that they were NBI agents and declared that they had found seven minors in the club, including BBB, CCC, and DDD.[20]

The operatives arrested Alamares and Ajero after the rescued girls identified them as the bar's cashier and manager. Acuin, however, escaped through a backdoor. Upon inquiry, Alamares said she was the club's "caretaker," but said that a certain Charmela Barrameda was the owner.[21]

Thereafter, the NBI agents, together with AAA, the rescued girls, some of the girls' parents, Alamares, and Ajero all proceeded to the NBI Headquarters in Manila. The investigators prepared the Joint Affidavit of Arrest, the transmittal to the Department of Justice, and the statements of the rescued victims. Alamares and Ajero were processed at the headquarters.[22]

The version of the defense is as follows:

Alamares testified that she used to manage a canteen in Daraga, Albay, located next to Hannah Bee Videoke. Her son was the cook, and her daughter assisted her. Their clientele consisted mostly of people who work at the club, and tricycle drivers. Alamares and the club workers had an arrangement where she would collect payment for food at around closing time from the club's floor manager, who she named as Noemi Del Rosario on cross examination.[23]

Alamares further testified that the bar was owned by Barrameda, and presented photocopies of documents to support this claim. She said she first saw AAA, BBB, CCC, and DDD inside the club, and that they ate at her canteen five times. she did not know what kind of work they did in the club.

She said that she was sleeping in the canteen when she was arrested by the operatives, and that they pointed a gun at her, dragged her into a van, and took her to Manila.[24]

Acuin testified that he was a dance instructor from 1998 to 2004, and then entered the vegetable business until 2006. When the business did not prosper, he went to Daraga, Albay, where he was hired by Alamares as a dance instructor for P400.00 per day. He denied recruiting AAA, BBB, CCC, and DDD for Hannah Bee Videoke, and said that AAA was the one who brought them to the club and introduced him to the other girls. He learned that the girls were minors, but they said that their parents allowed them to work at the club.[25]

Further, he denied having worked as the floor manager, and named Noemi and Mely. He denied having been to the club in the evening, as his hours were usually from 1:00 to 5:00p.m. only. He learned of AAA's escape plan, and told her to bring BBB, CCC, and DDD with her since she had recruited them, but they did not react to this suggestion.[26]

Acuin testified that Ajero was the cashier. He said that on the day of the raid, at dawn, he was at his residence in his brother-in-law's house. He learned through Alamares' son that the former had been arrested, and he did not know that charges had been filed against him, too. Sometime in February, 2007, Acuin returned to Bulacan, where he was subsequently arrested.[27]

During cross-examination, Acuin said that Alamares introduced herself to him as the club owner and hired him as a dance instructor on October 5, 2006. She had him report to her every day before he started his shift. He said that he had no quarrels with AAA, BBB, CCC, and DDD, and did not know why they implicated him in the case.[28]

Ajero testified that she had to work as a cashier at the club after her dried fish stall got destroyed in a typhoon. Alamares, who used to buy dried fish from her, hired her as cashier. She computed the customers' bills, and was paid P150.00 or P100.00 each day. To her knowledge, Alamares also owned the canteen beside the club. Further, Ajero said that she could not see everything that the club customers and workers did in the disco area and the bar. She said that Alamares would occasionally pass by the cashier counter to remind her to do her job. Every night, Ajero would turn over the collections to Alamares.[29]

Ajero learned that Acuin was the club's floor manager. She said that she only met AAA, BBB, CCC, and DDD at the NBI office. On cross- examination, Ajero said that Barrameda is Alamares' daughter-in-law, and that Barrameda helped in the club operations. Ajero also said that the Mayor's permit and other licenses to operate were issued in Alamares' name and posted on the wall of the club. She said that she did not initially tell the truth about Alamares because she had been threatened.[30]

In a February 27, 2012 Decision,[31] the Regional Trial Court found Acuin and Alamares guilty beyond reasonable doubt of the offense charged. It found the testimonies of BBB, CCC, and DDD credible, and concluded that:

The prosecution proved that Acuin by means of deception recruited the private complainants BBB, CCC and DDD, all minors to dance in a town fiesta in Laguna with a promise of good pay. Due to their youth, adventurous spirit and vulnerability, they all consented to the false job offered. However, Acuin transported them to Daraga, Albay for the purpose of prostitution, other sexual exploitation and forced labor. In Daraga, Albay, they were introduced to Alamares who received, hired, harbored and maintained them at Hannah Bee Videoke Bar. BBB, CCC and DDD identified Alamares as the owner and operator of the said Club. Even defense witnesses John Lobete, Allan Badiola who were formerly waiters of the Club and co-accused Acuin

and Ajero pointed to her as the owner and operator of the Club. Acuin also maintained the minors being the floor manager. Despite Acuin's pretension of being a dance instructor of the Club, defense witnesses John Lobete and Allan Badiola confirmed the role of Acuin as floor manager. His co-accused Ajero and Alamares stressed his work as managing sets of G.R.O's from the club.[32]

However, the Regional Trial Court acquitted Ajero, noting that the statements of BBB, CCC, and DDD did not implicate her in the offense.[33]

Further, AAA, the complainant in Criminal Case No. 134741, did not testify and the Regional Trial Court found that the prosecution was not able to sufficiently prove the liability of any of the accused in that case. The dispositive portion of the Decision reads:

WHEREFORE, finding Salvacion Alamares and Roberto Acuin guilty beyond reasonable doubt of Qualified Trafficking in Persons (R.A. 9208, otherwise known as "The Anti-Trafficking in Persons Act of 2003") in Crim. Case No. 134741-A, this court hereby sentences each accused to suffer the penalty of life imprisonment and to pay a fine of Two Million Pesos (PhP2,000,000.00) and PhP50,000.00 as moral damages to each of the private offended parties (BBB, CCC and DDD).

Meanwhile, accused Gina Ajero is Acquitted for insufficiency of evidence.

In Crim. Case No. 134741, all accused are Acquitted for insufficiency of evidence.

SO ORDERED.[34]

Alamares and Acuin appealed to the Court of Appeals.[35] In their appellants' brief, they argued that the prosecution failed to prove their guilt beyond reasonable doubt.[36] They insisted that the witnesses' testimonies were incredible and inconsistent with human experience, and therefore, could not be the basis for their conviction.[37]

In a November 7, 2014 Decision,[38] the Court of Appeals affirmed the Regional Trial Court's findings in toto. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the appeal is DENIED. The assailed Decision dated 27 February 2012 of the Regional Trial Court, Branch 69 of Pasig City is AFFIRMED.

SO ORDERED.[39] (Emphasis in the original)

Alamares and Acuin filed a Motion for Reconsideration,[40] which the Court of Appeals denied.[41]

Thus, Acuin and Alamares filed a Notice of Appeal.[42]

In an April 29, 2015 Resolution,[43] the Court of Appeals gave due course to Acuin and Alamares' Notice of Appeal, and elevated the records of the case to this Court. This Court required both parties to submit their supplemental briefs,[44] and both parties filed their respective manifestations (in lieu of supplemental briefs) on January 13, 2016[45] and February 4, 2016.[46]

After carefully considering the parties' arguments and the records of this case, this Court resolves to dismiss the appeal for failure to show that the Court of Appeals committed any reversible error in the assailed Decision as to warrant the exercise of this Court's appellate jurisdiction.

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

SECTION 3. Definition of Terms. — . . .

(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 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.

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.

In relation to this, Section 4 of the law penalizes the following, among others, as acts of trafficking in persons:

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

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

Further, the act of trafficking a child is considered as qualified trafficking under the law.[47]

In this case, the prosecution sufficiently established, through witness testimony, that minors BBB, CCC, and DDD were lured by Acuin's false promise of employment as dancers in a fiesta in Laguna to eventually be sexually exploited at Alamares' night club in Daraga, Albay instead. Thus, we quote the Court of Appeals:

Here, it has been convincingly established that complainants were minors from Metro Manila who were lured by appellant's promise of money to work in a bar as GROs. In fact, when the NBI-AHTRAD raided the Hannah Bee bar, in the early morning of 08 February 2007, complainants were actually found and rescued therefrom. Being minors, they are not capacitated to give their informed consent to their employment, much less, to work in a shadowy bar where they are made to entertain male customers. Such situation squarely falls under the definition of trafficking of persons.

Under Sections 3(a) and 4 of R.A. no. 9208, "trafficking in persons" is not only limited to transportation of victims, but also includes the act of recruitment of victims for trafficking. Mere recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation is considered "trafficking in persons". When the trafficked person is a child or a person below 18 years of age, it is considered qualified trafficking in persons and any person found guilty thereof suffers the penalty of life imprisonment and a fine of not less than Two Million Pesos but not more than Five Million Pesos.[48] (Citations omitted)

In their brief before the Court of Appeals, accused-appellants insist that the testimonies of BBB, CCC, and DDD were not credible, because when they were on the bus to Bicol, none of them even asked why they were going there, instead of Laguna, as allegedly promised by Acuin. Accused-appellants maintain it is unbelievable that a person traveling would not check the bus sign before boarding. Accused-appellants also point out that BBB, CCC, and DDD admitted that accused-appellants did not physically threaten them, and that they nonetheless stayed in Bicol. DDD even testified during cross-examination that they stayed in Hannah Bee to keep earning, and that she would choose to continue working there, if given the chance. Further, CCC testified that the bar had no security guards, only janitors. Yet, they did not run away. DDD testified that they stayed because they had no money.[49]

Accused-appellants' contentions are unconvincing.

It is well-settled that factual findings of the trial court, including its assessment of the credibility of witnesses as well as the probative weight of their testimonies, are given the highest respect. As a general rule, when the

Regional Trial Court's conclusions and factual findings have been affirmed by the Court of Appeals, this Court will not re-examine the same.[50]

Furthermore, the Court of Appeals cited testimony of the witnesses which address accused-appellants' arguments. We quote:

In this case, CCC was able to explain that when the group arrived at the bus station, they passed by the side of the bus so they were not able to read the sign board indicating the actual destination. BBB also testified that they were not yet familiar with their supposed destination which is Laguna, and moreover, they slept for the duration of the bus ride, so that they did not notice the places which they were passing. They have trusted appellant Acuin, being a relative of a common friend, and did not ask questions during the bus ride. They could not leave the bar because they did not have any money with them. DDD explained that Acuin kept silent when they later tried to ask why they arrived in Albay, instead of Laguna. They no longer protested afterwards because they do not really know appellant Acuin well enough and they were apprehensive of what might befall them since they were strangers in Albay. In fact, they have never been to Laguna or to a place beyond Taguig.[51] (Citation omitted)

Accused-appellants have failed to present any cogent reason to reverse the findings of the Court of Appeals and the Regional Trial Court.

However, the damages must be adjusted to be at par with prevailing jurisprudence.[52]

WHEREFORE, this Court AFFIRMS the November 7, 2014 Decision of the Court of Appeals affirming the February 27, 2012 Decision of the Regional Trial Court of Pasig City, finding accused-appellants Roberto Acuin and Salvacion Alamares guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons, and sentencing them to suffer the penalty of life imprisonment and to pay a fine of P2,000,000.00.

The award of damages is MODIFIED as follows:

Roberto Acuin and Salvacion Alamares are ordered to pay each of the private complainants:

(1) P500,000.00 as moral damages; and

(2) P100,000.00 as exemplary damages.

All damages awarded shall earn legal interest at the rate of six percent (6%) per annum from the finality of this judgment until fully paid.[53]

SO ORDERED.

Gesmundo, Carandang, Zalameda, and Delos Santos,[*] JJ., concur.

* Additional Member per S.O. No. 2753.

[1] Rollo, pp. 13-14. The appeal was filed under Rule 124, Section 13(c) of the Rules of Court.

[2] Id. at 2-12. The November 7, 2014 Decision was penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Nornandie B. Pizarro and Victoria Isabel A. Paredes of the Seventeenth Division, Court of Appeals, Manila.

[3] CA rollo, pp. 27-28.

[4] Id. at 28-29.

[5] Id. at 29-30.

[6] Id. at 30.

[7] Id.

[8] Id.

[9] Id. at 31.

[10] Id.

[11] Id.

[12] Id.

[13] Id. at 32.

[14] Id.

[15] Id.

[16] Id. at 33.

[17] Id.

[18] Id. at 33-34.

[19] Id. at 34.

[20] Id.

[21] Id.

[22] Id.

[23] Id. at 35.

[24] Id. at. 35.

[25] Id. at 36.

[26] Id.

[27] Id.

[28] Id.

[29] Id.

[30] Id. at 36-37.

[31] Id. at 27-42. The Decision in Crim. Case Nos. 134741 & 134741-A was penned by Judge Lorifel Lacap Pahimna of the Regional Trial Court of Pasig City, Branch 69.

[32] Id. at 40.

[33] Id. at 41-42.

[34] Id.

[35] Id. at 43-46.

[36] Id. at 73.

[37] Id. at 74.

[38] Id. at 139-149.

[39] Id. at 148-149.

[40] Id. at 157.

[41] Id. at 171-173.

[42] Id. at 174.

[43] Id. at 178.

[44] Rollo, p. 20.

[45] Id. at 26-30.

[46] Id. at 31-34.

[47] Republic Act No. 9208 (2002), sec. 6 (a).

[48] Rollo, p. 10.

[49] CA rollo, pp. 74-75.

[50] *People v. Castel*, 593 Phil. 288 (2008) [Per J. Reyes, R.T., En Banc].

[51] Rollo, pp. 10-11.

[52] *People v. Casio*, 749 Phil. 458 (2014) [Per J. Leonen, Second Division], citing *People v. Lalli y Purih*, 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

[53] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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