

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CESAR BRAGANZA Y ARCILLA, ACCUSED-APPELLANT.

G.R. No. 253293. December 07, 2022

Ponente: LOPEZ, M., J.

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LOPEZ, M., J.:

This is an appeal assailing the October 24, 2019 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09703, which affirmed the conviction of accused-appellant for qualified trafficking.

Cesar Braganza y Arcilla (Cesar), Isagani Lajara y Briones (Isagani), Joana Paula Oruga y Pedrigosa (Joana), and Myrna Lajara (Myrna) were charged with child prostitution and qualified trafficking, defined and penalized under Republic Act (RA) Nos. 7610[2] and 9208,[3] respectively, under the following Amended Informations:[4]

Criminal Case No. 17583-2010-C (Violation of R.A. No. 7610) [child prostitution]

That on or about October 9, 2010 in xxxxxxxxxx Province of Laguna, within the jurisdiction of this Honorable Court, the above named accused, conspiring, confederating and mutually helping each other, and by means of coercion or influence of any adult, syndicate or group did then and there willfully, unlawfully and knowingly engage in or promote, facilitate or induce minors AAA, BBB, CCC, DDD, EEE, GGG, HHH, III, and JJJ, who are all children below eighteen (18) years of age, to engage in prostitution and other forms of sexual exploitation at GETZ DRIVE INN, thereby deriving profit or advantage therefrom, to the damage and prejudice of said minors.

Accused ISAGANI LAJARA and MYRNA LAJARA willfully, unlawfully and knowingly derive profit or advantage therefrom being the manager or owner of GETZ DRIVE INN and accused CESAR BRAGANZA and JOANA PAULA ORUGA willfully, unlawfully and knowingly engage in or promote, facilitate or induce prostitution of minors.

CONTRARY TO LAW.[5]

Criminal Case No. 17584-2010-C [Violation of RA No. 9208 — qualified trafficking]

That on or about October 9, 2010 in xxxxxxxxxx Province of Laguna, within the jurisdiction of this Honorable Court, the above named accused, conspiring, confederating and mutually helping each other, and by means of force, threats and coercion, and by taking advantage of the vulnerability of the person for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, did then and there willfully, unlawfully and knowingly MAINTAIN or HIRE AAA, BBB, CCC DDD, EEE, GGG, HHH, III, and JJJ, to engage in prostitution and other forms of sexual exploitation at GETZ DRIVE INN, to their damage and prejudice.

That the crime was attended by the qualifying circumstances of minority, all the victim (sic) AAA, BBB, CCC, DDD, EEE, GGG, HHH, III, and JJJ, being below 18 years of age, and that the crime was committed by a syndicate of more than three (3) person (sic) and in large scale against more than three (3) persons.

CONTRARY TO LAW.[6]

Upon arraignment, the four accused pleaded not guilty.[7]

Trial ensued.

Senior Inspector Mark Anthony Diaz (SI Diaz) testified that he, Renato Marcuap, Ma. Rosalie Laguardia (Agent Laguardia), and Don Hernandez were members of the National Bureau of Investigation (NBI) tasked to investigate crimes and apprehend criminals. On October 7, 2010, Mellecent Tan (Mellecent) of Tutok Tulfo, an investigative news show of TV5 informed the NBI of the alleged prostitution or bugawan of minors happening inside Getz Drive Inn located at xxxxxxxxxxxxxxxxxxxxxxxxxxxx Laguna. Mellecent sent copies of surveillance videos taken on October 5 and 6, 2010, to the NBI and asked them to conduct a rescue operation. SI Diaz and his team coordinated with the Department of Social Welfare and Development. They surveilled the inn on October 8, 2010, to validate the information and saw several young women loitering in the compound of the inn and talking to men.[8]

The team conducted an entrapment/rescue operation around 10:00 p.m. on October 9, 2010. Two assets, equipped with hidden cameras, acted as poseur customers. A pimp, who introduced himself as Abet and who was later identified to be Cesar, approached the assets. After speaking with them, Cesar directed the women to line up in front of the vehicle of the assets so that the assets could pick the women they liked. The assets engaged the services of DDD253293 and EEE253293, two minor girls. Cesar told the assets to pay One Thousand One Hundred Pesos (PHP 1,100.00) each - Eight Hundred Pesos (PHP 800.00) for the minor girls and Three Hundred Pesos (PHP 300.00) for the room. The assets handed the marked money to Cesar, who in turn paid the cashier, Joana. Cesar then ushered the assets and the girls to rooms 4 and 6. The assets made the prearranged signal to signify that the transaction was consummated. The NBI swarmed and arrested Cesar, Joana, and Isagani, the son of Myrna, the owner of the inn, along with other men. They also rescued 28 women and recovered the marked money. The team later submitted the video footage/s to the prosecution.[9]

SI Diaz further testified that the women admitted that they were engaged in prostitution. They identified Cesar as one of their pimps. They added that Myrna and Isagani were aware of what was happening in the inn. Dr. Theresa Quiatchon performed dental examinations on the women and determined that nine out of the 28 women were minors. Ms. Eriberta Alvarez from the City Social Welfare Development interviewed the women and confirmed the findings. Ernesto Magpantay, Jernel Demesa, and Robil Romero, who also worked as pimps, voluntarily executed affidavits stating that the four accused had knowledge of, and participated or abetted in the trafficking of the minor girls in Getz Drive Inn. Agent Laguardia corroborated SI Diaz's testimony.[10]

AAA253293, 17 years old at the time of her testimony, testified that she was originally from xxxxxxxxxxxxxxxx. She went to xxxxxxxxxxxx at the prodding of her neighbor, Tessie, who promised her a job. Tessie told AAA253293 that she knew the owner of Getz Drive Inn. AAA253293 immediately engaged in the flesh trade upon her arrival at the inn on October 5, 2010. She worked from 6:00 p.m. until 4:00 to 5:00 a.m. Around 10:00 p.m. on October 9, 2010, their bugaw, Kuya Abel or Cesar, transacted with persons aboard a car. Someone told them "maglalabas sila ng babae." The customers wanted young girls so roughly 50 of them lined up in front of the car. Someone shouted "Raid!" and they scampered. AAA253293 ran toward the railroad and no longer saw what happened. She identified Cesar, Isagani alias Botchok, and Joana in open court.[11]

BBB253293, 15 years old at the time of her testimony, narrated that she was from xxxxxxxxxxxx Metro Manila and that she only finished third grade. Her friend Noemi convinced her to go to xxxxxxxxxxxx to work as mangangatulong. Upon her arrival, she was brought to the barracks which served as their tambayan. She was one of the women who lined up inside the compound of Getz Drive Inn on October 9, 2010. They ran in different directions when the NBI arrived. BBB253293 knew Mommy Myko alias Myrna as the owner of the inn from

what other people told her. She seldom saw Myrna. BBB253293 directly transacted with her bugaw. She never saw her bugaw handing Myrna money.[12]

CCC253293, 17 years old at the time of her testimony, was a resident of xxxxxxxxxxxxxxxx A certain Eden, her step-sister's cousin, persuaded her and her step-sister to work in xxxxxxxxxxxx A certain Jan-Jan brought them to the inn. CCC253293 was appalled when she discovered the nature of their work. She was forced to accept it because she did not have money for the fare to xxxxxxxx When customers engaged her services, they paid Jan-Jan and Eden. CCC253293 did not interact with Cesar and Joana.[13]

The parties dispensed with the testimony of Police Chief Inspector Donna Villa P. Huelgas and stipulated on her expertise as a forensic chemist; that she examined 10 PHP 100.00 bills which were positive for bright orange ultra-fluorescent powder; that Cesar was also found positive for the same powder; and on the authenticity and due execution of the chemistry report she prepared.[14]

The accused moved to file Motion for Leave of Court to File Demurrer to Evidence. While the motion was granted, the demurrer to evidence was denied. The Motion for Reconsideration of the accused was similarly denied.[15]

As defense, the four accused denied the charges against them. Cesar claimed that on the day of the incident, he was a reliever room boy at the inn. However, he was smoking in front of a videoke bar outside the premises of the inn at the time of the raid.[16]

Myrna merely admitted that she owned the inn.[17]

Isagani also admitted that Getz Drive Inn was owned by his mother, Myrna, doing business under the name of Jemicor Enterprises. He claimed that he was an employee of Jemicor Enterprises but he had nothing to do with the operations of the inn. He merely brought his mother to and from the inn. He was in the premises on the day of the entrapment operation because his girlfriend was staying in the inn for free. He denied that Cesar was an employee of the inn but admitted that Joana was its cashier.[18]

Finally, Joana testified that she had been the cashier of the inn for eight months at the time of the raid.[19]

In its Decision[20] dated January 18, 2017, the Regional Trial Court (RTC) of xxxxxxxxxxxx Branch 36, found Cesar guilty of qualified trafficking and child prostitution. Cesar offered women to the poseur customers, received consideration for the women's services, and facilitated the check-in of the poseur customers and the women into rooms in the inn. AAA253293 further testified that Cesar was her pimp. The crime was qualified since it was committed on a large scale. Cesar is also guilty of child prostitution for procuring child prostitutes. The minority of the women was established through their testimonies and dental examinations. The RTC acquitted Myrna, Isagani, and Joana. There was no evidence that they participated in the trafficking of the women, or that they had knowledge that trafficking was being committed in the inn and condoned it, thus:[21]

WHEREFORE, in Criminal Case No. 17584-2010-C, guided by the foregoing mandates of Republic Act 9208, and the prosecution's evidence having established the GUILT of accused CESAR BRAGANZA y Arcilla beyond reasonable doubt, the Court, hereby sentences him to suffer LIFE IMPRISONMENT and to pay the fine of TWO MILLION PESOS (P2,000,000.00) with subsidiary imprisonment in case of insolvency and FIVE HUNDRED THOUSAND (P500,000.00) as moral damages and ONE HUNDRED THOUSAND (P100,000.00) as exemplary damages.

The Court ACQUITS accused ISAGANI LAJARA, JOANA PAULA ORUGA, and MYRNA LAJARA for violation of Republic Act 9208 for insufficiency of evidence.

In Criminal Case No. 17583-2010-C, the prosecution's evidence having established the GUILT of accused

CESAR BRAGANZA beyond reasonable doubt for violation of Section 5 of Republic Act 7610, the Court hereby sentences him to suffer SEVENTEEN (17) YEARS, FOUR (4) MONTHS, AND ONE (1) DAY of reclusion temporal as minimum to reclusion perpetua as maximum. He is ordered to pay TWENTY THOUSAND PESOS (P20,000.00) as civil indemnity and FIFTEEN THOUSAND PESOS (P15,000.00) as moral damages.

The Department of Social Welfare and Development is hereby ordered to monitor the premises of Getz Drive Inn, xxxxxxxxxxxxxxxxxxxxxxxxxxxx Laguna for a period of one (1) year and six (6) months from receipt hereof. The sign "OFF LIMITS TO MINORS" must be conspicuously displayed outside the foregoing establishment.

The Court ACQUITS accused MYRNA LAJARA for violation of Section 5 of Republic Act 7610. Nonetheless, pursuant to Article 102 of the REVISED PENAL CODE, accused MYRNA LAJARA being the registered owner of the Getz Drive inn shall be subsidiary civilly liable thereto.

The Court ACQUITS accused ISAGANI LAJARA y Briones and JOANA PAULA ORUGA y Pedrigosa for violation of Section 5 of Republic Act 7610 for insufficiency of evidence.

SO ORDERED.[22]

Cesar filed a Notice of Appeal.[23] In its October 24, 2019 Decision, the CA affirmed Cesar's conviction for qualified trafficking with modification in that subsidiary imprisonment was deleted. The CA acquitted Cesar of child prostitution due to the prosecution's failure to prove the minority of the victims, viz.:

WHEREFORE, premises considered, the appeal is PARTLY GRANTED. The assailed Decision dated 18 January 2017 of the Regional Trial Court, Branch 36 of xxxxxxxxxxxx Laguna is AFFIRMED with MODIFICATION as follows:

1)

Appellant Cesar Braganza y Arcilla is found GUILTY in Criminal Case No. 17584-2010-C for violation of Section 6(c), R.A. No. 9208, as amended, and is sentenced to suffer the penalty of life imprisonment and to pay the fine of Two Million Pesos (PHP 2,000,000.00), without subsidiary imprisonment in case of insolvency, and Five Hundred Thousand Pesos (PHP 500,000.00) as moral damages as well as One Hundred Thousand Pesos (PHP 100,000.00) as exemplary damages. An interest at the rate of six percent (6%) per annum on the monetary awards from the finality of this Decision until fully paid is likewise imposed.

2)

Appellant Cesar Braganza y Arcilla is ACQUITTED in Criminal Case No. 17583-10-C, for violation of Section 5(a), R.A. No. 7610 for failure to prove the qualifying circumstance of minority of the victims.

SO ORDERED.[24] (Citation omitted)

Hence, the present recourse.

Cesar and the People of the Philippines manifested that they would no longer file supplemental briefs.[25] Cesar assails the validity of his warrantless arrest via an entrapment operation conducted by the NBI agents on October 9, 2010. He claims that SI Diaz had no probable cause to believe that he committed, was committing, or will commit an offense at the time of his arrest. Since he was not lawfully arrested, any evidence against him is inadmissible. He argues further that the prosecution failed to prove the elements of trafficking. Consequently, he

should be acquitted of the charge against him.

RULING

The Appeal is unmeritorious.

Cesar was lawfully arrested.

Cesar was arrested without a warrant as a result of an entrapment operation. "There is entrapment when law officers employ ruses and schemes to ensure the apprehension of the criminal while in the actual commission of the crime." [26] Section 5, Rule 113 of the Rules of Court [27] provides that when a person may be lawfully arrested without a warrant, among which is when a person has committed, is committing, or is attempting to commit an offense as in the course of an entrapment operation, to wit:

SECTION 5. Arrest Without Warrant; when lawful. — A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

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"In [a] warrantless arrest made pursuant to Section 5(a), two elements must concur: (1) the person to be arrested must execute an overt act indicating that he has just committed, actually committing, or is attempting to commit a crime; and (2) such overt act is done in the presence or within the view of the arresting officer." [28] Contrary to Cesar's claims, SI Diaz had probable cause to believe that he committed, was committing, or was attempting to commit an offense at the time of his arrest. SI Diaz testified how they received a report from Tatak Tulfo that the prostitution of minors was happening in Getz Drive Inn. In support of the report, Tatak Tulfo sent the NBI video footages taken on two different evenings showing that women, who freely roamed Getz Drive Inn, waited for customers who wanted to avail of their services and to check into the inn. To verify the veracity of the tip they received, SI Diaz and his team conducted their own surveillance operation on October 8, 2010.

After determining that there was cause to believe that the trafficking of minors was happening in the premises of the inn, SI Diaz and his team organized an entrapment operation. On the evening of the entrapment operation, two assets equipped with hidden cameras acted as poseur customers and went to the inn. Cesar offered the two poseur customers the services of women, received PHP 1,100.00 each from the customers, paid the cashier for the use of two rooms, and ushered the customers and DDD253293 and EEE253293 into the rooms. The poseur customers signaled to the rest of the team that the crime was consummated. The team then arrested Cesar and other persons of interest. Hence, Cesar's warrantless arrest was lawful. In any case, Cesar did not question the illegality of his arrest before he entered his plea of not guilty. Since he actively participated during the trial, he is estopped from questioning the legality of his arrest. Consequently, any evidence confiscated after his arrest can be considered for any purpose. [29]

Cesar is guilty of qualified trafficking.

After a judicious review of the records of the case, the Court finds no compelling reason to depart from the RTC and CA's uniform factual findings. The Court affirms the conviction of Cesar for qualified trafficking. The

elements of trafficking in persons consisting of the act, means, and purpose can be found in Section 3 (a) of RA No. 9208, thus:[30]

(1)

The act of "recruitment, transportation, transfer or harboring, 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, servitude or the removal or sale of organs."
(Citation omitted)

Section 4[31] specifically enumerates the acts constituting trafficking in persons:

(a)

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

(b)

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

(c)

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

(d)

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

(e)

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

(f)

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

(g)

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

(h)

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

The crime becomes qualified when any of the circumstances found under Section 6 of RA No. 9208 is present, e.g., when committed against three (3) or more persons, individually or as a group, among others.[32]

The prosecution satisfactorily established the presence of the elements of the offense. Cesar harbored, received, maintained and hired women, whose vulnerability he took advantage of, for sexual exploitation or prostitution in the inn. SI Diaz testified that on the night of the entrapment, Cesar offered women to the two poseur customers for sexual exploitation. He asked the women to line up for the perusal and selection of the customers. When the customers chose two women, Cesar received payment for their services, rented rooms for the use of the customers and the women, and ushered them into the rooms. AAA253293 corroborated SI Diaz's testimony and identified Cesar as her pimp. AAA253293 testified that she was promised employment by someone who claimed to know the owner of the inn, brought to xxxxxxxxxx from xxxxxx and turned over to Cesar. It was only then that she learned that she would engage in the flesh trade. Cesar took advantage of AAA253293's vulnerability. BBB253293 and CCC253293, two of the women who lined up for viewing of the poseur customers at the instruction of Cesar, also testified that they went to xxxxxxxxxx after being deceived by false pretenses and that their vulnerability was taken advantage of. BBB253293, who only finished third grade, was recruited to work in xxxxxxxxxx as a housemaid. It was only upon her arrival in the inn that she learned the real nature of her work. CCC253293, from xxxxxxxxxx was appalled when she discovered the nature of her work upon her arrival in xxxxxxxxxx. She was forced to accept it because she did not have money for her return fare to xxxxxxxxxx. From the foregoing, the RTC and CA correctly found Cesar guilty beyond reasonable doubt of trafficking. Since Cesar offered DDD253293 and EEE253293 to the poseur customers for prostitution and sexual exploitation and AAA253293 identified Cesar as her pimp, the crime is deemed qualified because it was committed against three persons.

As to the penalty, Section 10(c) of RA No. 9208 provides that any person found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than Two Million Pesos (PHP 2,000,000.00) but not more than Five Million Pesos (PHP 5,000,000.00). The penalty imposed by the RTC, as affirmed by the CA, which is within the range of the imposable penalty is affirmed. Finally, we affirm the award of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages to each of the victims, with interest at the rate of 6% per annum from finality of this Decision until full satisfaction, consistent with prevailing jurisprudence.[33]

ACCORDINGLY, the Appeal is DISMISSED. The Decision of the Court of Appeals dated October 24, 2019 in CA-G.R. CR-HC No. 09703 is AFFIRMED. Accused-Appellant Cesar Braganza y Arcilla is found GUILTY of violation of Section 6(c), Republic Act No. 9208, as amended. He is sentenced to suffer the penalty of life imprisonment and to pay a fine of Two Million Pesos (PHP 2,000,000.00). He is likewise ordered to pay each of the victims Five Hundred Thousand Pesos (PHP 500,000.00) as moral damages as well as One Hundred Thousand Pesos (PHP 100,000.00) as exemplary damages. An interest at the rate of 6% per annum on the monetary awards from the finality of this Decision until fully paid, is likewise imposed.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, J. Lopez, and Kho, Jr., JJ., concur.

[1] CA rollo, pp. 159-181. Penned by Associate Justice Elihu A. Ybañez with the concurrence of Associate Justices Maria Filomena D. Singh (now a member of the Court), and Germano Francisco D. Legaspi.

[2] AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES, June 17, 1992.

[3] AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER, May 26, 2003.

[4] CA rollo, pp. 88-89.

[5] Id. at 88.

[6] Id. at 88-89.

[7] Id. at 89.

[8] Id. at 91 & 163.

[0] Id. at 91-92 & 163.

[10] Id. at 93.

[11] Id. at 89-90.

[12] Id. at 94-95.

[13] Id. at 95.

[14] Id. at 96 & 163.

[15] Id. at 96-97.

[16] Id. at 97.

[17] Id.

[18] Id. at 97-98.

[19] Id. at 98.

[20] Id. at 87-108. Penned by Presiding Judge Glenda R. Mendoza-Ramos.

[21] Id. at 107-108.

[22] Id.

[23] Rollo, pp. 26-27.

[24] CA rollo, pp. 180-181.

[25] Rollo, pp. 36-37 & 41-42.

[26] *People v. Casio*, 749 Phil. 458, 479 (2014) [Per J. Leonen, Second Division].

[27] A.M. No. 00-5-03-SC, REVISED RULES OF CRIMINAL PROCEDURE, October 3, 2000.

[28] *People v. Jumarang*, G.R. No. 250306, August 10, 2022 (Per J. Lopez, J., Second Division).

[29] *People v. Tamayo* (Notice), G.R. No. 248011, February 23, 2022.

[30] *People v. Limbang* (Notice), G.R. No. 250476, October 13, 2021.

[31] Republic Act No. 9208, Anti-Trafficking in Persons Act of 2003, May 26, 2003.

[32] SECTION 6. Qualified Trafficking in Persons. — The following are considered as qualified trafficking:

(a)

When the trafficked person is a child;

(b)

When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(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;

(d)

When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

(e)

When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

(f)

When the offender is a member of the military or law enforcement agencies; and

(g)

When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

[33] *People v. XXX*, G.R. No. 225288, June 28, 2021 [Per J. Hernando, Third Division].

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