

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JHONA GALESEO VILLARIA AND LOURDES ARALAR MAGHIRANG, ACCUSED-APPELLANTS.

G.R. No. 259133. December 04, 2023

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

There is trafficking in persons if the victim is a child even when the means employed are different from those set forth in the law. The corroborating testimonies of the police officer and the victims are sufficient to convict the accused beyond reasonable doubt.

On appeal is the Decision[1] of the Court of Appeals, which affirmed the Decision[2] of the Regional Trial Court, convicting Jhona Galeseo Villaria (Villaria) and Lourdes Aralar Maghirang (Maghirang) of eight counts of qualified trafficking in persons.

In eight separate Informations, Villaria and Maghirang were charged with qualified trafficking in persons under Section 4(a) in relation to Sections 6(a) and 6(c) of Republic Act No. 9208,[3] as amended by Republic Act No. 10364.[4] Except for the names and ages of the victims, the Informations uniformly read:

Crim. Case. No. . . .

That sometime in (sic) March 18, 2016, and on dates prior thereto, in the province of xxxxxxxxxxxx, Rizal, and within the jurisdiction of this Honorable Court, the above-named accused JHONA GALESEO VILLARIA and LOURDES ARALAR MAGHIRANG A.K.A. 'Apple', conspire and confederate with one another, as handler and agent of victim, ... did then and there willfully, unlawfully and feloniously, procure, recruit, obtain, hire, provide, offer, and receive the said victim for the purpose of abuse and exploitation, such as prostitution and other forms of sexual exploitation, while taking advantage of the victim's vulnerability, by offering her as sexual worker, and further engaging her to perform sexual intercourse or lascivious conduct with clients/customers in exchange for money or consideration, to her damage and prejudice.

This case is attendant with the qualifying circumstance of Minority being that ... was ... years of age, when the crime was committed against her.

CONTRARY TO LAW.

Criminal Case No.

Name of victim

Age of victim

16-209[5]

AAA259133

17 years old

16-210[6]

BBB259133

16 years old

16-211[7]

CCC259133

16 years old

16-212[8]

DDD259133

15 years old

16-213[9]

EEE259133

16 years old

16-214[10]

FFF259133

16 years old

16-215[11]

GGG259133

17 years old

16-216[12]

HHH259133

16 years old

Villaria and Maghirang pleaded not guilty during arraignment.[13] After pre-trial, trial ensued.

The prosecution presented nine witnesses: the eight minor victims and Police Inspector Magno Abana, Jr. (PINSP Abana).[14] Their testimonies establish the following facts:

On March 14, 2016, PINSP Abana of the Philippine National Police - Women and Children Protection Center (PNP-WCPC), Anti-Trafficking in Person Division was informed by his superior of trafficking activities at xxxxxxxxxxxx in xxxxxxxxxxxx, Rizal.[15] The information was acquired from a confidential informant who went to the Women and Children Protection Center's office. Consequently, the police operatives formed a team to investigate and conduct surveillance in the area.[16]

On March 15, 2016, the team proceeded to xxxxxxxxxxxx. There, they found Villaria and Maghirang, sitting at a table. The confidential informant called them to join the team's table to talk. A few hours later, Maghirang asked

the team if they wanted to have lady companions aged 14 to 18 for sex, with prices ranging from PHP 1,000.00 for three hours to PHP 3,000.00 for an overnight.[17] PINSP Abana said that they will come back on March 18, 2016 to celebrate a friend's birthday.[18] Maghirang then asked PINSP Abana for PHP 1,000.00 cash advance to buy new clothes for the girls.[19]

The PNP-WCPC then planned an entrapment operation where PINSP Abana will be the poseur customer and surveillance officer, while the other police officers will be the perimeter security and backup.[20]

On March 18, 2016, PINSP Abana and the other police officers went back to xxxxxxxxxxxx with PHP 30,000.00 worth of marked money to execute the entrapment operation. They settled in at Room 101 of the hotel and bought food and drinks to "celebrate the birthday party." [21] Around 5:00 to 6:00 p.m., Maghirang arrived with a companion and three girls, who went inside the inner room of Room 101. A few minutes later, Villaria arrived with five other girls. Later, ten more girls arrived.[22]

Maghirang and Villaria asked PINSP Abana to choose among the girls and he gave them the marked money. Villaria commented "Saan yung kulang?" [23] and PINSP Abana told them to wait for the birthday celebrant.[24] The other police officers opened the door as a signal to the raiding team that the deal was done.[25] The police arrested Villaria and Maghirang, while the girls were taken into the custody of the Department of Social Welfare and Development.[26]

Of the girls taken into custody, AAA259133, BBB259133, CCC259133, DDD259133, EEE259133, FFF259133, GGG259133, and HHH259133 all testified that Villaria and Maghirang asked or cajoled them to go with them to a party at xxxxxxxxxxxx on March 18, 2016 and prostitute themselves in exchange for money.[27]

Villaria and Maghirang denied the accusations against them.[28] They claimed that they were at xxxxxxxxxxxx on March 18, 2016 to attend a birthday party, when suddenly they were ushered into a room. The celebrant and partygoers did not allow them to leave, and forced them to accept PHP 30,000.00.[29]

Aside from Villaria and Maghirang, the defense presented Judilyn Lastrilla as a witness, who corroborated the account of Villaria.[30] Lastrilla testified that she was trying to borrow money from Villaria because her child was sick. Villaria asked her to go with her to xxxxxxxxxxxx, where she would give the money. Lastrilla stayed at the resort for a little while. When she was given money, she was about to leave when the police stopped her. She was brought to Camp Crame where she was given food, and was allowed to leave the next morning. While inside Camp Crame, she was told by the authorities to implicate Villaria and Maghirang in the crime charged.[31]

The Regional Trial Court of xxxxxxxxxxxx, Rizal, Branch xx convicted Villaria and Maghirang of eight counts of qualified trafficking in persons in Criminal Case Nos. 16-209 to 16-216.[32] The trial court held that Villaria's and Maghirang's incredible and self-serving denial cannot prevail over the overwhelming positive evidence of the prosecution against them.[33] Thus:

In light of this, we find both accused Jhona Galeseo Villaria and Lourdes Aralar Maghirang GUILTY beyond reasonable doubt of 8 counts of Qualified Trafficking of Persons under Section 4(a) in relation to Sections 6(a) and 6(c) of R.A. No. 9208 as amended by R.A. No. 10364 and sentence them to suffer a penalty of life imprisonment and to pay a fine of P2,000,000.00 for each count.

SO ORDERED.[34]

The Court of Appeals affirmed Villaria's and Maghirang's conviction with modification on the amount of damages awarded. It held that the prosecution proved all the elements of qualified trafficking. The dispositive of the assailed Decision reads:

WHEREFORE, premises considered, the instant appeal is DENIED. The May 27, 2018 Decision of the Regional Trial Court (RTC) of xxxxxxxxxx, Rizal, Branch xx in Criminal Case Nos. 16-209 to 16-216 is AFFIRMED with MODIFICATIONS, and that the accused-appellants Jhona Villaria y Galeseo and Lourdes Maghirang y Aralar are further ordered to pay each of the private complainants, the following amounts:

- Php 100,000.00 each, as moral damages;
- Php 100,000.00 each, as exemplary damages; and
- All the said amounts shall earn interest at the rate of six percent (6%) per annum reckoned from finality of this Decision until fully paid.

SO ORDERED.[35]

Accused-appellants filed a Notice of Appeal.[36]

In its Resolution dated February 3, 2021,[37] the Court of Appeals gave due course to appellants' Notice of Appeal and directed the elevation of the records of the case to this Court for further review.

Both parties filed their respective manifestations that they would no longer file supplemental briefs.[38] On September 14, 2023, accused-appellants sent a letter, handwritten and in the vernacular, asking for forgiveness.

The sole issue for this Court's resolution is whether the prosecution proved the accused-appellants' guilt beyond reasonable doubt of qualified trafficking in persons.

Accused-appellants contend that the prosecution failed to prove that: (1) the private complainants were forced, coerced, or deceived into prostitution; (2) the private complainants gave their testimonies voluntarily free from any form of undue influence or duress; and (3) the accused-appellants actually received money in exchange for the sexual services of the private complainants, since neither the marked bills nor photographs of the same were presented during PINSP Abana's testimony.[39]

The appeal is denied. The Court of Appeals made no reversible error.

The elements of trafficking in persons, as derived from its definition under Section 3(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, are:

- (1) the act of recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, 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." [40] (Emphasis in the original)

The Court of Appeals affirmed the Regional Trial Court and held that all the elements of qualified trafficking were proven beyond reasonable doubt.[41] The testimonies of the victims clearly established that the appellants recruited, obtained, hired, provided, offered and transported the minors for the purpose of "awra" or prostitution.[42] Their testimonies were corroborated by PINSP Abana who stated that he negotiated with the accused-appellants to procure the sexual services of the victims in exchange for money at an agreed price.[43] It was further established that all the victims were minors at the time of trafficking.[44]

The absence of threat, force, or coercion is immaterial and irrelevant. Under Section 3(a) of Republic Act No. 9208, as amended, the crime is still considered trafficking if it involves "[t]he recruitment, transportation, transfer, harboring[,], or receipt of a child for the purpose of exploitation" even if the means employed is not within those set forth in the law.[45] At any rate, accused-appellants evidently took advantage of the victims' youth and need to earn money to obtain their consent.

One of the victims narrates thus:

Q

What did Jona or Joan text you if you can still recall?

A

She told me to go to her with my belongings and we will go to Ella Ville Resort with attire for swimming.

Q

So what was your response, if any?

A

"Sige po"

Q

Why did you agree with that Jona's invitation to you?

A

Because I was in need of money during that time.

Q

Why? What is the connection of that text to you of Jona with your need of money?

A

She told me that she needs the money for her children.

Q

Madam Witness, where will she get the money in the first place?

A

From my supposed income on that day.

Q

Why? What is Jona expecting from you, CC?

COURT

Q

Ano ang gagawin mo doon?

A

Bibigay po ng katawan kapalit ng pera.

Q

You will have sex for money?

A

Yes, sir.[46]

As to the nonpresentation of photographs and the marked money, these do not defeat the prosecution's case. The testimony of PINSP Abana clearly established that appellants were caught in flagrante delicto. His testimony corroborates the victims' narration of the events proving that it was accused-appellants who recruited and transported the victims for the purpose of prostitution;^[47] and that the appellants counted the money they received as payments, which included their commissions.^[48]

The testimony of PINSP Abana who conducted the entrapment operation is accorded full faith and credence absent any clear and convincing evidence that the police officers did not properly perform their duties or that they were prompted by ill motive.^[49] Moreover, this Court had previously recognized the sufficiency of the corroborating testimonies of the arresting officer and the minor victim to sustain a conviction under the law.^[50]

Finally, the accused-appellants' unsupported assertion that the victims testified under duress or undue influence is untenable and baseless. The victims themselves, clarified on cross-examination that they were not forced to execute their affidavit or to testify. Rather, they did not want to go home until the case was done.^[51]

It is a settled rule in appellate review that the assessment of the credibility of witnesses is best left to the trial court due to its unique position of observing firsthand the conduct, demeanor, and attitude of witnesses as they testify.^[52] When affirmed by the Court of Appeals, the trial court's findings and conclusions are accorded great respect^[53] and even conclusive effect.^[54]

Here, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the Court of Appeals. There is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. As such, accused-appellants' conviction for qualified trafficking in persons must be upheld. However, in line with jurisprudence, the amount of moral damages is increased to PHP 500,000.00.^[55]

ACCORDINGLY, the appeal is DENIED. The November 27, 2020 Decision of the Court of Appeals in CA-G.R. CR H.C. No. 11607 affirming with modification the May 27, 2018 Decision of the Regional Trial Court of xxxxxxxxxxxx, Rizal, Branch xx is AFFIRMED WITH MODIFICATION. Accused-appellants Jhona Galeseo Villaria and Lourdes Aralar Maghirang are found GUILTY beyond reasonable doubt of eight counts of qualified trafficking in persons and sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of PHP 2 million, for each count. In addition, accused-appellants are ordered to jointly and severally pay each of the victims the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, both with legal interest of 6% per annum from finality of this Decision until fully paid.

SO ORDERED.

Lazaro-Javier, M. Lopez, J. Lopez, and Kho, Jr., JJ., concur.

[1] Rollo, pp. 8-31. The Decision dated November 27, 2020 in CA-G.R. CR H.C. No. 11607 was penned by Associate Justice Carlito B. Calpatura and concurred in by Associate Justices Mariflor P. Punzalan Castillo and

Geraldine C. Fiel-Macaraig of the Special Fifth Division, Court of Appeals, Manila.

[2] CA rollo, pp. 79-80. The Decision dated May 27, 2018 in Criminal Case Nos. 16-209 to 16-216 was penned by Presiding Judge Dennis Patrick Z. Perez of Branch xx, Regional Trial Court, xxxxxxxxxxxx, Rizal.

[3] Republic Act No. 9208 (2003), Anti-Trafficking in Persons Act of 2003.

[4] Republic Act No. 10364 (2013), Expanded Anti-Trafficking in Persons Act of 2012.

[5] Rollo, p. 9.

[6] Id. at 9-10.

[7] Id. at 10.

[8] Id. at 10-11.

[9] Id. at 11.

[10] Id.

[11] Id. at 12.

[12] Id.

[13] Id.

[14] Id. at 13.

[15] Id.

[16] Id.

[17] Id.

[18] CA rollo, p. 79.

[19] Rollo, p. 13.

[20] Id.

[21] CA rollo, p. 79.

[22] Rollo, p. 14.

[23] CA rollo, p.79.

[24] Id.

[25] Id.

[26] Rollo, p. 14.

[27] CA rollo, pp. 79-80.

[28] Rollo, p. 14.

[29] CA rollo, p. 80.

[30] Rollo, p. 14.

[31] Id. at 14-15.

[32] CA rollo, pp. 79-80.

[33] Id. at 80.

[34] Id.

[35] Rollo, p. 30.

[36] Id. at 3-4.

[37] Id. at 6.

[38] Id. at 50-52, accused-appellants' Manifestation In Lieu of Supplemental Brief dated May 13, 2023; id. at 38-39, plaintiff-appellee's Manifestation and Motion dated August 10, 2022.

[39] CA rollo, p. 75.

[40] *People v. Casio*, 749 Phil. 458, 474 (2014) [Per J. Leonen, Second Division].

[41] Rollo, p. 17.

[42] Id.

[43] Id. at 22.

[44] Id. at 24.

[45] *People v. Ramirez*, 846 Phil. 314, 321 (2019) [Per J. Leonen, Third Division].

[46] CA rollo, p. 97.

[47] Rollo, p. 27.

[48] Id. at 19, 21-22.

[49] See *People v. Barte*, 806 Phil. 533, 541 (2017) [Per J. Bersamin, Third Division]; *People v. Resurreccion*, 711 Phil. 135, 147 (2013) [Per J. Leonardo-De Castro, First Division].

[50] *People v. Ramirez*, 846 Phil. 314, 323 (2019) [Per J. Leonen, Third Division].

[51] CA rollo, p. 108.

[52] *People v. Kelley*, 874 Phil. 906, 917 (2020) [Per J. Leonen, Third Division].

[53] *People v. Acuin*, 881 Phil. 163, 177 (2020) [Per J. Leonen, Third Division].

[54] *People v. XXX*, G.R. No. 260639, March 29, 2023 [Per J. Hernando, First Division].

[55] *People v. Ramirez*, 846 Phil. 314, 326 (2019) [Per J. Leonen, Third Division].

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