

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIA ZARAH MAE BUDZINSKY Y RODIL A.K.A. “MARIA ZARAH MAE B. RODIL”; A.K.A. “ATE RHEA”; ACCUSED-APPELLANT.

G.R. No. 278632, November 18, 2025

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

The Case

This appeal seeks to reverse the Decision[1] dated September 27, 2024 of the Court of Appeals in CA-G.R. CR-HC No. 17998 affirming the Decision[2] dated February 6, 2023 of Branch xx, Regional Trial Court, xxxxxxxxxxxxxxxx, Zambales in Criminal Case No. 2021-494FC and Criminal Case No. 2021-495FC, which found accused-appellant Maria Zarah Mae Budzinsky y Rodil a.k.a. "Maria Zarah Mae B. Rodil", a.k.a. "Ate Rhea" (Budzinsky) guilty of violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208,[3] as amended by Republic Act No. 10364,[4] and violation of Section 5(b) of Republic Act No. 7610,[5] respectively.

In Criminal Case No. 2021-494FC, Budzinsky was sentenced to life imprisonment and ordered to pay a fine of PHP 2,000,000.00, PHP 500,000.00 as moral damages, and PHP 100,000.00 as exemplary damages. In Criminal Case No. 2021-495FC, she was sentenced to 14 years and eight months of reclusion temporal, as minimum, to 20 years of reclusion temporal, as maximum, and to pay PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages.[6]

Antecedents

Tn two separate Informations[7] both dated October 18, 2021, Budzinsky was charged with qualified trafficking in persons, and lascivious conduct, committed against then 13-year-old AAA,[*]viz.:

Criminal Case No. 2021-494FC

That on or about sometime between [December] 25 to 31, 2015, in the Municipality of xxxxxxxxxx, Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, did then and there willfully, knowingly, unlawfully transported using fraud and deception, and by taking advantage of the vulnerability of [AAA], a minor thirteen (13) years of age, by then and there offered and used said minor victim for the purpose of sexual exploitation and sexually explicit acts for a fee and/or other benefits, to minor [AAA]'s damage and prejudice.

CONTRARY TO LAW.[8]

Criminal Case No. 2021-495FC

That on or about sometime between [December] 25 to 31, 2015, in the Municipality of xxxxxxxxxx, Province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, did then

and there willfully, knowingly, unlawfully, and feloniously, engaged in sexual activities upon the person of minor [AAA], then thirteen (13) years old, taking advantage of the vulnerability of [AAA] through fraud and deception and for a consideration, by inserting a vibrator inside [AAA]'s vagina, against her will and consent, further placing the said minor in a condition prejudicial to her development, to minor [AAA]'s damage and prejudice.

CONTRARY TO LAW.[9]

The case was raffled to Branch xx, Regional Trial Court, xxxxxxxxxxxx, Zambales. On arraignment, Budzinsky pleaded not guilty to both charges.[10]

During the trial, AAA testified that she was born on xxxxxxxxxxxx, 2002[11] as evidenced by her birth certificate. She was 13 years old at the time the incident happened. She lived in xxxxxxxxxxxx, xxxxxxxx, Cavite with her father BBB, stepmother CCC, and seven siblings.[12] She ran away from home after being accused of stealing a phone, and being beaten up by her brother's girlfriend.[13] She sought refuge in the house of her aunt whom she called "DDD," but subsequently left and stayed instead in the plaza of xxxxxxxxxxxx, Cavite where she would sleep in a jeepney parked near a police station, along with a friend named "Daday." [14]

In December 2015, just after Christmas, Daday told AAA that a woman was looking for her and they should meet at Jollibee.[15] She agreed and went to Jollibee with Daday. Daday introduced Budzinsky to AAA as the woman who had been looking for her. Budzinsky introduced herself as AAA's relative and claimed that her stepmother was looking for her.[16] Budzinsky also invited her to xxxxxxxx where they could swim, and thereafter, look for AAA's mother. AAA agreed.[17]

When they arrived at the xxxxxxxx Resort, Budzinsky introduced her to Anthony Shultz (Shultz),[18] Budzinsky's boyfriend. When they got inside the room, Shultz played a pornographic video of him and a woman where AAA was told to watch, while he and Budzinsky were having sex.[19]

The following morning, Budzinsky, Shultz, and AAA went swimming. In the evening, Shultz played another pornographic video showing him having sex with another woman. After a while, Shultz offered AAA an apple-flavored beer. She saw him drop three tablets in the beer. She asked about the tablet and Budzinsky answered that they were just flavorings that would add taste to the beer.[20] AAA drank the beer and shortly became unconscious for about 20 to 30 minutes.[21] When she woke up, she found herself lying in the bed, with Shultz on top of her while Budzinsky was beside her naked.[22] Budzinsky inserted a vibrator inside her vagina. Budzinsky also held her hands while Shultz inserted his penis in her (AAA) vagina. She screamed and cried because of pain.[23]

The following day, Shultz and Budzinsky had a fight so AAA and Budzinsky left the place and returned to Cavite.[24] During the trip, Budzinsky was on a video call with Shultz. Shultz urged Budzinsky and her to return next time but AAA declined.[25]

AAA believed that Budzinsky pimped her to Shultz especially since he had threatened to break up with Budzinsky if she did not provide him with girls.[26] AAA reported the incidents only in 2017 because she was afraid.[27]

She identified Budzinsky and Shultz when shown photographs of them at Shultz's place in xxxxxxxxxxxx. AAA stated that she believed xxxxxxxxxxxx was the same as xxxxxxxx.[28]

Although AAA executed an affidavit of desistance believing that Budzinsky was also a victim of Shultz, she clarified and affirmed that the events described in her affidavit did occur.[29]

On the other hand, Budzinsky admitted that she met AAA in December 2015. At that time, she was eating at Jollibee when she noticed AAA was staring at her, holding a plastic bag, lighter, and a glue stick.[30] She offered AAA food which the latter accepted.[31]

Afterwards, she bought AAA some clothes and offered her a job as a household helper. She even offered AAA education once she decided to stay with her.[32] At that time, Shultz, her boyfriend, had been encouraging her to hire a household helper to keep her company while he was away as a seaman. AAA accepted the offer and traveled to xxxxxxxxxx with her.[33] AAA stayed with her in a studio-type apartment. AAA slept on the sofa, while she and Shultz slept on a bed.[34]

Budzinsky admitted that one morning in December 2015, she and Shultz were having sex in the same room where AAA was.[35] She made sure though that AAA was asleep when they had sex. Afterwards, Shultz told her to take a sex video of him and AAA. When she refused, Shultz mauled her.[36] She felt unconscious and when she woke up, she and AAA were lying in bed. Shultz subsequently left,[37] so she and AAA decided to return to Cavite.[38]

In 2017, officials from the National Bureau of Investigation (NBI) went to her house and told her that she will be used as a witness against Shultz. She got surprised when it was AAA who filed a case against her.[39]

During the ocular inspection, it was confirmed that the apartment where AAA was brought was located at the entrance of the xxxxxxxx Beach Resort in xxxxxxxx, xxxxxxxxxxxxxx, not in xxxx, Zambales.[40]

The Ruling of the Regional Trial Court

The trial court preliminarily disclosed that it received a Letter[41] dated October 7, 2020 from the NBI, stating that the latter's office received intelligence information from the United States Department of Justice, Federal Bureau of Investigation that a certain Anthony Shultz, a US citizen, was engaged in an illicit sexual conduct with minor girls in the Philippines, and production of pornography. In the said report, one of the victims was AAA.[42] As it was, AAA testified that Budzinsky was the one who offered and pimped her to Shultz.[43]

In its Decision[44] dated February 6, 2023, the trial court convicted Budzinsky of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, and lascivious conduct under Section 5(b) of Republic Act No. 7610, thus:

WHEREFORE, premises considered, the Court hereby rendered judgment as follows:

a)

For Criminal Cases Nos. (sic) 2021-494FC: Accused MARIA ZARAH MAE RODIL y BUDZINSKY is hereby found GUILTY of Qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of [Republic Act No.] 9208 as amended by [Republic Act No.] 10364. She is hereby sentenced to suffer life imprisonment and to pay fine of two million pesos (P[HP] 2,000,000.00) and to pay minor [AAA] the amounts of P[HP] 500,000.00 as moral damages, P[HP] 100,000.00 as exemplary damages with legal interest at the rate of six percent (6%) per annum from finality of this Decision until fully paid;

b)

For Criminal Case No. 2021-495FC, Accused MARIA ZARAH MAE RODIL y BUDZINSKY is hereby found GUILTY [of] Lascivious Conduct in relation to Section 5(b) of Republic Act No. 7610. Accordingly, [she] is sentenced to suffer the indeterminate penalty of fourteen (14) years and eight (8) months of reclusion temporal, as minimum, to twenty (20) years of reclusion temporal as maximum[,] and to pay [AAA] the sums of P[HP] 50,000.00 as civil indemnity, P[HP] 50,000.00 as moral damages[,] and P[HP] 50,000.00 as exemplary damages.

SO ORDERED.[45] (Emphasis supplied)

For qualified trafficking in persons, the trial court held that the prosecution sufficiently established that minor AAA was provided, offered, transported, and transferred to an apartment found in xxxxxxxx, xxxxxxxxxxxx City for the purpose of prostitution and sexual exploitation.[46] AAA, then alone, homeless, and hungry, was induced by Budzinsky to work as her house helper not knowing that she will be offered and provided to Shultz for sexual exploitation.[47]

For lascivious conduct, the trial court ruled that when Budzinsky inserted a vibrator inside AAA's vagina and allowed Shultz to sexually ravish her, these acts constituted lascivious conduct punishable under Section 5(b) of Republic Act No. 7610.[48]

The Ruling of the Court of Appeals

On appeal, Budzinsky argued that AAA's affidavit of desistance should have been considered by the trial court in acquitting her from the charges.[49] At any rate, AAA voluntarily agreed to come with her as a housekeeper. Thus, her recruitment was made with AAA's consent and without taking advantage of her vulnerability.[50] More, AAA's accounts were improbable as it took her two years to report the alleged incidents to the authorities.[51] There was also no medical report to support AAA's claim that she had been sexually abused.

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor James Lee Cundangan, argued in the main that the prosecution established all the elements of trafficking in persons, and lascivious conduct against Budzinsky. AAA positively identified Budzinsky as the one who transported her to Shultz's apartment where she was subsequently sexually exploited.[52] AAA also categorically testified that she was allowed by Budzinsky to watch the latter and Shultz's sexual intercourse. Budzinsky, too, inserted a vibrator in her vagina, and allowed Shultz to rape her while she was beside her.[53]

In its assailed Decision[54] dated September 27, 2024, the Court of Appeals affirmed trial court's Decision. It held that the prosecution established all the elements of qualified trafficking in persons. AAA's detailed and forthright testimony proved that Budzinsky was the one who transported her to xxxxxxxx City for purposes of sexual exploitation.[55] AAA's voluntary act of going with Budzinsky was irrelevant, more so, when the victim here was a minor who could not validly give consent.[56]

Further, she subjected AAA to lascivious conduct by allowing and assisting Shultz to molest and engage in sexual intercourse with AAA and by inserting a vibrator in AAA's vagina.[57] Despite executing an affidavit of desistance, AAA remained steadfast in her testimony, affirming the truthfulness of her allegations.[58] Finally, the delay in reporting the incident cannot undermine AAA's positive testimony, and a medical examination is merely corroborative in nature and not indispensable in the prosecution of the offenses charged.[59]

The Present Appeal

Budzinsky now seeks affirmative relief and prays anew for her acquittal.[60]

In compliance with Resolution[61] dated May 19, 2025, both Budzinsky[62] and the OSG[63] manifested that in lieu of supplemental briefs, they are adopting their respective Briefs before the Court of Appeals.

Our Ruling

The appeal must fail.

Insofar as Criminal Case No. 2021-494FC is concerned, Section 3(a) of Republic Act No. 9208, as amended by Republic Act No. 10364 defines "Trafficking in Persons" as:

[R]ecruitment, 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 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.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph. (Emphasis supplied)

Section 4(a) of Republic Act No. 9208, as amended, further enumerates the acts falling under the term "trafficking" in persons, thus:

(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, 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, or sexual exploitation[.] (Emphasis supplied)

Brozoto v. People[64] ordained that "[t]he gravamen of the crime of trafficking is 'the act of recruiting or using, with or without consent,' a fellow human being for [inter alia,] sexual exploitation." Brozoto further elucidated:

Human beings are not chattels whose sexual favors are bought or sold by greedy pimps. Those who profit in this way by recruiting minors are rightfully, by law, labeled as criminals. They should be the subject of aggressive law enforcement, prosecuted, tried, and when proof beyond reasonable doubt exists, punished.[65] (Emphasis supplied)

Too, People v. Casio[66] enumerated the elements of trafficking in persons under the expanded definition of Republic Act No. 10364, the amendatory law, thus:

(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 include "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"[;] [and]

(3)

The purpose of trafficking includes "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[.]"[67] (Emphasis supplied)

Meanwhile, Section 6(a) of Republic Act No. 9208, as amended, states that the crime is deemed qualified when the victim is a "child." A "child" is "a person below 18 years of age or one who is over 18 but is unable to fully

take care of or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition."[68]

The offense here was committed in December 2015. Thus, the provisions of Republic Act No. 10364, which took effect on February 6, 2013, and amended Republic Act No. 9208, are applicable.

Based on the evidence on record, Budzinsky is liable for qualified trafficking in persons in Criminal Case No. 2021-494FC under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended.

AAA's birth certificate shows that she was only 13 years old when she was victimized. This is undisputed.

She positively identified Budzinsky as the person who transported and transferred her to a place, later identified as the apartment owned by Shultz, Budzinsky's boyfriend. Budzinsky took advantage of AAA's vulnerability, who at that time was homeless, hungry, and penniless. Budzinsky used deception by posing herself as a relative and falsely claiming that AAA's stepmother was looking for her. She was able to entice AAA to go with her under the promise of obtaining a job as a house helper and offer to continue her education. Inside Shultz's apartment, Shultz instructed her to watch a pornographic video, while he and Budzinsky were having sex. Budzinsky herself admitted that she and Shultz had sex while AAA was in the same room with them downplaying their dastardly act by saying she thought AAA was asleep. The following night, Shultz played another pornographic video and made her drink beer. Upon waking up, she was subjected to sexual abuse both by Budzinsky and Shultz. When AAA cried and resisted, Budzinsky only held her hand and tried to calm her down.[69] This combination of acts, means, and purpose already consummated the offense.[70]

Budzinsky's claim that she never forced AAA to travel with her and go to Shultz's apartment, even if true, does not negate her culpability since the crime may be committed "with or without the victim's consent or knowledge." [71] This reflects the simple fact that no person can consent to being exploited, because in the case of adults, consent has been negated through the use of improper means and, in the case of children, their vulnerable position makes it impossible for them to provide consent in the first place, as in this case.[72]

As regards Criminal Case No. 2021-495FC, Section 5(b) of Republic Act No. 7610 in relation to Section 2(g) and (h) of the Implementing Rules and Regulations of Republic Act No. 7610 states, viz.:

Section 5. Child Prostitution and Other Sexual Abuse. – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

...

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period

...

SECTION 2. Definition of Terms. — As used in these Rules, unless the context requires otherwise —

...

g) "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children;

h) "Lascivious conduct" means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person;

... (Emphasis supplied)

Here, all the elements of Section 5(b) under Republic Act No. 7610 are present in Criminal Case No. 2021-495FC. Budzinsky subjected AAA to lascivious conduct by allowing and assisting Shultz to molest and engage in sexual intercourse with AAA, and by inserting a vibrator into AAA's vagina.

In both Criminal Case Nos. 2021-494FC and 2021-495FC, Budzinsky, nonetheless, claims that AAA's affidavit of desistance should have been appreciated as it casts doubt on the veracity of her testimony.

We are not persuaded.

Suffice it to state that a recantation or an affidavit of desistance is viewed with both suspicion and reservation. Jurisprudence has invariably regarded such an affidavit as exceedingly unreliable, because it can easily be secured from a poor and ignorant witness, usually through intimidation or for monetary consideration.[73] In any event, AAA, instead of denying the veracity of such Affidavit, confirmed its accuracy and truthfulness of all the events that transpired leading to her sexual exploitation.

As for AAA's alleged delay in reporting her harrowing ordeals, it is settled that long silence and delay in reporting such crime of sexual abuse and exploitation have not always been construed as indications of false accusations. The happening of these crimes would only become doubtful when the delay in revealing its commission is unreasonable and unexplained. Here, AAA explained that she did not immediately report the incident because she was afraid. Too, AAA, a minor, could not be expected to have known what to do under such difficult circumstances and to have mustered the courage to lodge a complaint immediately. A victim of sexual abuse and exploitation may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. This would not, however, undermine her credibility as a witness.[74]

Finally, Budzinsky argues that no medical report was presented in court to prove that AAA had been sexually abused.

The argument fails.

To be sure, a medical examination of the victim, as well as a medical report, is merely corroborative in character and is not an essential element of either qualified trafficking in persons or child abuse. The accused may be convicted even on the basis of the lone uncorroborated testimony of the victim, provided that her testimony is clear, positive, and categorical as to the perpetrator's culpability.

The Court, thus, finds no reason to deviate from the factual findings of the trial court, as affirmed by the Court of Appeals, as there is no indication that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. Surely, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, hence, due deference should be accorded to the same.[75] Budzinsky's

conviction for (a) qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended, and (b) lascivious conduct under Section 5(b) of Republic Act No. 7610 must be upheld.

Penalties and Damages

For Criminal Case No. 2021-494FC, Section 10(c) of Republic Act No. 9208, as amended, states that persons found guilty of qualified trafficking in persons shall suffer the penalty of life imprisonment and a fine of not less than PHP 2 million, but not more than PHP 5 million.[76]

Here, the crime of trafficking in persons was qualified by the fact that it was committed against minor AAA who was only 13 years old at the time the incidents happened. In accordance with Section 10(c) of Republic Act No. 9208, as amended, Budzinsky was correctly sentenced to life imprisonment and ordered to pay a fine of PHP 2 million.[77]

In accordance with prevailing jurisprudence,[78] the Court further affirms the grant of PHP 500,000.00 as moral damages, and PHP 100,000.00 as exemplary damages to AAA with 6% interest per annum from the finality of this Resolution until fully paid.

For Criminal Case No. 2021-495FC, Section 5(b) of Republic Act No. 7610 provides that the penalty for lascivious conduct, when the victim is 12 years of age or below 18 years old, shall be reclusion temporal in its medium period to reclusion perpetua, which ranges from 14 years, eight months, and one day to reclusion perpetua.

In the absence of any mitigating or aggravating circumstance, the maximum term of the sentence to be imposed shall be taken from the medium period of reclusion temporal medium to reclusion perpetua, which ranges from 17 years, four months and one day to 20 years. On the other hand, the minimum term shall be taken from the penalty next lower in degree from reclusion temporal medium to reclusion perpetua—that is, prision mayor medium to reclusion temporal minimum, which ranges from eight years and one day to 14 years and eight months.[79]

Here, we affirm Budzinsky's sentence to 14 years and eight months of reclusion temporal, as minimum, to 20 years of reclusion temporal, as maximum, the same being within the range of the indeterminate sentence imposable upon her for violation of lascivious conduct under Section 5(b) of Republic Act No. 7610.[80] We likewise affirm the grant of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages to AAA.[81] The Court imposes though a 6% interest per annum on these monetary awards from finality of this Decision until fully paid.

In addition, the Court imposes a fine in the amount of PHP 15,000.00, in accordance with Section 31(f)[82] of Republic Act No. 7610, in furtherance of the law's objective to provide special protection to children and to assist in the rehabilitation of child victims.[83]

ACCORDINGLY, the appeal is DENIED. The Decision dated September 27, 2024 of the Court of Appeals in CA-G.R. CR-HC No. 17998 is AFFIRMED with MODIFICATION.

1. In Criminal Case No. 2021-494FC, accused-appellant Maria Zarah Mae Budzinsky y Rodil a.k.a. "Maria Zarah Mae B. Rodil", a.k.a. "Ate Rhea" is GUILTY of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended. She is sentenced to life imprisonment and ordered to PAY a fine of PHP 2,000,000.00.

She is further ordered to PAY AAA PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages. These amounts shall earn 6% interest per annum from finality of this Decision until fully paid.

2. In Criminal Case No. 2021-495FC, accused-appellant Maria Zarah Mae Budzinsky y Rodil a.k.a. "Maria Zarah

Mae B. Rodil", a.k.a. "Ate Rhea" is GUILTY of lascivious conduct under Section 5(b) of Republic Act No. 7610. She is sentenced to 14 years and eight months of reclusion temporal, as minimum, to 20 years of reclusion temporal, as maximum, and ordered to PAY a PHP 15,000.00 fine.

She is further ordered to PAY AAA PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages. These amounts shall earn 6% interest per annum from finality of this Decision until fully paid.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lopez, Kho, Jr., and Villanueva, JJ., concur.

[1] Rollo, pp. 10-31. Penned by Associate Justice Germano Francisco D. Legaspi II and concurred in by Associate Justices Alfonso C. Ruiz II and Emily L. San Gaspar-Gito, Special Sixteenth Division, Court of Appeals, Manila.

[2] CA rollo, pp. 65-79. Penned by Presiding Judge Gemma Theresa B. Hilario-Logronio, Branch xx, Regional Trial Court, xxxxxxxxxxxx City, Zambales.

[3] Anti-Trafficking in Persons Act of 2003

[4] Expanded Anti-Trafficking in Persons Act of 2012.

[5] Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

[6] CA rollo, p. 79.

[7] Rollo, p. 12.

[*] In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9208, and Republic Act No. 10364, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[8] Rollo, p. 10.

[9] Id. at 12.

[10] Id.

[11] Id. at 36.

[12] Id.

[13] Id.

[14] Id. at 14.

[15] Id.

[16] Id.

[17] Id.

[18] Sometimes referred as "Anthony Shultz Scaurtzen Duver" in some parts of the rollo.

[19] CA rollo, p. 104.

- [20] Rollo, p. 15.
- [21] CA rollo, p. 105.
- [22] Id.
- [23] Id.
- [24] Rollo, p. 15.
- [25] Id.
- [26] Id.
- [27] Rollo, p. 16.
- [28] Id.
- [29] Id.
- [30] Id. at 17.
- [31] Id.
- [32] CA rollo, p. 71.
- [33] Rollo, p. 18.
- [34] Id.
- [35] CA rollo, p. 72.
- [36] Id.
- [37] Id.
- [38] Id.
- [39] Id.
- [40] Id.
- [41] Id. at 73.
- [42] Id.
- [43] Id. at 65-79.
- [44] Id. at 79.
- [45] CA rollo, p. 48.
- [46] Id.
- [47] Id.
- [48] Rollo, p. 47.
- [49] CA rollo, p. 43.
- [50] Id. at 56.

- [51] Id. at 58.
- [52] CA rollo, p. 107.
- [53] Id. at 109.
- [54] Rollo, pp. 10-31.
- [55] Rollo, p. 24.
- [56] Id. at 27.
- [57] Id. at 26.
- [58] Id.
- [59] Id. at 28.
- [60] Id. at 49.
- [61] Id. at 49.
- [62] CA rollo, pp. 130-135.
- [63] Id. at 97-123.
- [64] 901 Phil. 265 (2021) [Per J. J. Lopez, Third Division].
- [65] Id. at 276.
- [66] 749 Phil. 458 (2014) [Per J. Leonen, Second Division]; as cited in *People v. Barrientos*, G.R. No. 255591, September 7, 2022 [Notice, First Division].
- [67] Id. at 472-473.
- [68] *People v. Barrientos*, G.R. No. 255591, September 7, 2022 [Notice, First Division].
- [69] Rollo, p. 214.
- [70] *Ferrer v. People*, 925 Phil. 97 (2021) [Per J. Lazaro-Javier, First Division].
- [71] Id. at 123.
- [72] United Nations Office on Drugs and Crime, Vienna. 2009. Anti-human trafficking manual for criminal justice practitioners; See also *Ferrer v. People*, 925 Phil. 97 (2021) [Per J. Lazaro-Javier, First Division].
- [73] *People v. Salazar*, 648 Phil. 520, 530 (2010) [Per J. Velasco, First Division]; citing *People v. Ramirez*, 475 Phil. 631, 645 (2004) [Per J. Panganiban, First Division].
- [74] *People v. XXX*, G.R. No. 237348, September 22, 2020 [Notice, First Division].
- [75] *Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division], citing *People v. Matibag*, 757 Phil. 286, 293 (2015) [Per J. Perlas-Bernabe, First Division].
- [76] *People v. Barrientos*, G.R. No. 255591, September 7, 2022 [Notice, First Division].
- [77] *Ferrer v. People*, 925 Phil. 97 (2021) [Per J. Lazaro-Javier, First Division].
- [78] *People v. XXX*, 835 Phil. 1083, 1096 (2018) [Per J. Perlas-Bernabe, Second Division]; see also *People v.*

Peek, G.R. No. 256452, February 25, 2025 [Per J. Kho, En Banc].

[79] Laconsay v. People, 959 Phil. 520, 534 (2024) [Per J. Inting, Third Division].

[80] Villanueva v. People, 950 Phil. 32, 42 (2024) [Per J. Kho, Second Division].

[81] Id. at 43.

[82] Sec. 31. Common Penal Provisions.

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

[83] Villanueva v. People, 950 Phil. 32, 42 (2024) [Per J. Kho, Second Division].

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