



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 25 April 2022 which reads as follows:*

**“G.R. No. 240545 (*People of the Philippines v. UUU, VVV, YYY, WWW, RRR, SSS, TTT and several other John Does and Jane Does, accused; RRR, SSS, and TTT, accused-appellants*<sup>1</sup>). — Challenged in this appeal<sup>2</sup> is the January 31, 2018 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09203, which affirmed with modification the February 16, 2017 Decision<sup>4</sup> of the Regional Trial Court (RTC), [REDACTED].<sup>5</sup>**

The RTC found:

(1) appellants RRR, also known as [REDACTED], and SSS, also known as [REDACTED], guilty beyond reasonable doubt of violation of Section 5 (a), Article III, in relation with Section 3 (b), of Republic Act No. (RA) 7610,<sup>6</sup> in Criminal Case No. 08-4407 committed against private complainant AAA;

(2) appellant RRR guilty beyond reasonable doubt of violation of Section 4 (a) of RA 9208<sup>7</sup> in Criminal Case No. 08-4408 committed against private

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 entitled “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.”

<sup>2</sup> CA rollo, pp. 150-153.

<sup>3</sup> Id. at 125-149. Penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Ramon A. Cruz and Pablito A. Perez.

<sup>4</sup> Records, Criminal Case No. 08-4407, pp. 468-487 & Criminal Case No. 08-4408, pp. 179-198. Penned by Presiding Judge Maria Angelica T. Paras-Quiambao.

<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015.

<sup>6</sup> Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.” Approved: June 17, 1992.

<sup>7</sup> Entitled “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 PURPOSES.” Approved May 26, 2003.

complainant BBB; and

(3) appellants RRR and TTT, also known as [REDACTED], guilty beyond reasonable doubt of violation of Section 4 (a) of RA 9208 in Criminal Case No. 08-4408 committed against private complainant CCC.

### The Antecedents

Appellants RRR, SSS, and TTT, together with accused UUU, VVV, WWW, and YYY, and several other John Does and Jane Does, were charged before the RTC with (a) Child Prostitution and other sexual abuse; and (b) Qualified Trafficking in persons committed by a syndicate, in two separate Informations which read:

#### Criminal Case No. 08-4407

That on or about the period of November 2007 to February 26, 2008 in [REDACTED], [REDACTED] and within the jurisdiction of the Honorable Court, the above-named accused, in conspiracy with each other, did then and there willfully, unlawfully, and feloniously commit child abuse and exploitation upon the person of the private offended party, [AAA], sixteen (16) years of age, a minor, by then and there, through fraud, force, deception and taking advantage of the vulnerability of the child, made her to perform as a child prostitute by engaging in sexual acts with male customers in [REDACTED] in favor of accused [UUU, VVV, RRR, TTT, SSS, YYY, WWW, JOHN DOES AND JANE DOES], causing her to [work] under immoral, if not, hazardous condition, thereby debasing, degrading and demeaning the intrinsic worth and dignity of the said [AAA], as a child and as human being, to her prejudice.

CONTRARY TO LAW.<sup>8</sup>

#### Criminal Case No. 08-4408

That on or about the period of November 2007 up to February 26, 2008 in [REDACTED], [REDACTED] and within the jurisdiction of the Honorable Court, the above-named accused, in conspiracy with each other, and by means of force, coercion, deception[,] and taking advantage of the vulnerability of the victims, and for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, but under the pretext of domestic employment, did then and there, willfully, unlawfully and knowingly recruit [AAA, CCC, DDD and BBB,] and thereafter did then and there willfully, unlawfully and knowingly transport and transfer them to [REDACTED]. And in pursuit of said conspiracy, said accused, did then and there willfully, unlawfully and knowingly receive, harbor and employ said victims as "sex workers" engage in prostitution in the said establishment, to their damage and prejudice.

That the crime was attended by the qualifying circumstances of minority, complainant [AAA], being sixteen (16) years of age and the crime was committed in large scale and by a syndicate.

<sup>8</sup> Records, Criminal Case No. 08-4407, p. 1.

CONTRARY TO LAW.<sup>9</sup>

Upon arraignment, appellants RRR, SSS, and TTT pleaded not guilty to the crimes charged.<sup>10</sup> Thereafter, trial on the merits ensued.

**Version of the Prosecution**

AAA testified that her friend EEE offered her a job as a house helper to which she agreed.<sup>11</sup> Thus, on November 18, 2007, AAA and EEE went to a house in [REDACTED]. However, upon arrival at the said house, [AAA] was no longer allowed to leave.<sup>12</sup>

Instead of working as a house helper, [AAA] met accused WWW and appellants RRR, TTT, and SSS, who prostituted her to various men who would come to the house for sex in exchange of monetary consideration.<sup>13</sup> AAA was paid ₱50.00 out of the ₱300.00 appellants charged the customers.<sup>14</sup> AAA thrice attempted to escape from the house but failed. She was threatened that her family would be killed if she again tried to escape.<sup>15</sup>

AAA clarified that her true birthdate is September 29, 1993 as shown in her Certificate of Live Birth, and not May 5, 1991 as declared in her *Sinumpaang Salaysay*.<sup>16</sup> She explained that at that time, she was told to declare May 5, 1991 as her birthdate.<sup>17</sup>

On her part, BBB testified that on February 4, 2008, while inside [REDACTED], ZZZ approached and offered her work. They agreed to meet at the same location the next day at 6:00 a.m.<sup>18</sup>

On February 5, 2008, BBB met ZZZ at the food court of [REDACTED].<sup>19</sup> Thereafter, they boarded a bus bound for [REDACTED], then rode a jeepney, and alighted somewhere along [REDACTED]. At around 7:00 p.m., ZZZ brought BBB to a house owned by accused UUU.<sup>20</sup>

ZZZ introduced BBB to accused UUU as his future wife.<sup>21</sup> Alarmed and shocked, BBB tried to leave. She, then, saw accused UUU hand ZZZ ₱1,500.00 who left thereafter. Afterwards, UUU gave BBB dinner and told her that she

<sup>9</sup> Records, Criminal Case No. 08-4408, pp. 1-2.

<sup>10</sup> *Rollo*, p. 5.

<sup>11</sup> TSN, November 11, 2014, pp. 179-d – 179-e.

<sup>12</sup> *Id.* at 179-e – 179-F.

<sup>13</sup> *Id.* at 179-F.

<sup>14</sup> *Id.* at 179-h.

<sup>15</sup> *Id.* at 179-F.

<sup>16</sup> Records, Criminal Case No. 08-4407, pp. 6-8.

<sup>17</sup> TSN, November 11, 2014, p. 179-k.

<sup>18</sup> TSN, January 27, 2015, pp. 220-221.

<sup>19</sup> *Id.* at 221.

<sup>20</sup> *Id.* at 221-223.

<sup>21</sup> *Id.* at 223.

would have to stay as a sex worker to pay off her debt, *i.e.* the ₱1,500 given to ZZZ. Helpless, BBB just wept.<sup>22</sup>

Appellant TTT then brought BBB to a room where she was made to have sex with one of the customers.<sup>23</sup> BBB worked as a prostitute in the said house until February 26, 2008 when they were rescued by the National Bureau of Investigation (NBI).<sup>24</sup> She recalled that during her stay in the house, she had intercourse with more than 10 customers introduced to her by appellants RRR, TTT and SSS.<sup>25</sup> BBB was also forced to use *shabu* by RRR and TTT.<sup>26</sup>

Meanwhile, CCC testified that on November 18, 2007, during one of her early morning strolls in [REDACTED], a certain ZZZ approached her,<sup>27</sup> and offered her a job of working in a *videoke* bar. Enticed by the offer, CCC agreed.

Later that day, ZZZ brought CCC to a house where she was forced to work as a prostitute. Accused UUU, VVV, RRR, TTT, and WWW were present during that time. CCC was then instructed to enter a room where an old man was waiting to have sexual intercourse with her. She had sex with the old man but felt dirty afterwards.<sup>28</sup>

CCC testified that she was told to receive a compensation of ₱9,000.00 per month, but she only received ₱4,000.00 because of various deductions.<sup>29</sup> She received her compensation from accused WWW and UUU, the manager of the brothel. During her stay in the house, she had sex with 30 customers on the average.<sup>30</sup> She was made to ingest *shabu* during daytime as an aphrodisiac or "*pampagana*" to enable her to cope with the physical strain of being a sex worker.<sup>31</sup>

On February 26, 2008, the NBI rescued AAA, CCC, BBB and DDD from the said house. Then, they were turned over to the Department of Social Welfare and Development.

Police Officer 2 Ricardo Cabrera, Jr. (PO2 Cabrera, Jr.), a Warrant Officer Intel-Operative in the Intelligence Branch of the Philippine National Police (PNP) [REDACTED], received a letter from the Department of Interior and Local Government (DILG) regarding service of arrest warrants against appellants SSS and TTT. PO2 Cabrera, Jr. obtained the original warrants and went to the barangay hall to locate the persons named in the arrest warrants. With the information from barangay officials and residents in the area, the police authorities were able to locate appellant SSS at her house with his live-

<sup>22</sup> TSN, May 3, 2015, p. 231-232.

<sup>23</sup> Id. at 233.

<sup>24</sup> Id. at 234.

<sup>25</sup> Id.

<sup>26</sup> Id. at 235.

<sup>27</sup> TSN, June 9, 2015, p. 272.

<sup>28</sup> TSN, July 21, 2015, pp. 292-293.

<sup>29</sup> Records, Criminal Case No. 08-4408, p. 10.

<sup>30</sup> *Rollo*, p. 8.

<sup>31</sup> TSN, July 21, 2015, pp. 293-294.

in partner appellant TTT.<sup>32</sup>

### Evidence for the Defense

SSS testified that from November 2007 to February 26, 2008, she was tending to her store adjacent to her house. On February 26, 2008, at around 5:00 p.m., she and her husband, appellant TTT, together with their children, were at home watching television, when several individuals barged in and searched their house but found nothing. These individuals left thereafter.<sup>33</sup>

On August 14, 2014, SSS averred that a warrant of arrest was served upon her at her home located in [REDACTED]. She denied subjecting private complainants to prostitution, and insisted that she was just improperly impleaded in the criminal charges. She also declared that her husband TTT cannot be possibly engaged in prostituting women because he had a job as a porter in the market.<sup>34</sup>

TTT testified that he is the son of accused UUU, and brother of appellant RRR. He has three children with his live-in partner, appellant SSS, and worked as a porter in the market from 2006 until 2009.<sup>35</sup> He denied any knowledge or participation in the alleged prostitution of private complainants.<sup>36</sup>

RRR testified that he, his wife QQQ, and their children, lived at [REDACTED] from November 2007 until February 26, 2008.<sup>37</sup> He worked as a tricycle driver, while his brother appellant TTT worked as a porter in the market, and the latter's wife, appellant SSS, owned a *sari-sari* store next to their house.<sup>38</sup>

He likewise denied any involvement in the prostitution of private complainants, or in peddling *shabu* in the brothel owned by a certain UUU. He affirmed that he was not a user of *shabu*.<sup>39</sup>

Lastly, the defense presented LLL, the wife of a certain MMM.<sup>40</sup> LLL testified that she personally knew accused UUU, being the mother of her deceased husband MMM; and appellants RRR, TTT, and SSS, being her brothers-in-law and sister-in-law, respectively. She denied knowing YYY, WWW, and VVV.<sup>41</sup> She declared that accused UUU is the same person known as NNN, who died in 2015,<sup>42</sup> and was married to a certain OOO, a retired

<sup>32</sup> TSN, October 14, 2014, pp. 124-1-124-p.

<sup>33</sup> TSN, November 13, 2013, pp. 324-326.

<sup>34</sup> TSN, December 1, 2015, pp. 334-336.

<sup>35</sup> TSN, January 19, 2016, p. 351.

<sup>36</sup> Id. at 354-355.

<sup>37</sup> TSN, February 9, 2016, pp. 368-369.

<sup>38</sup> TSN, March 8, 2016, pp. 380-381.

<sup>39</sup> Id. at 382-383.

<sup>40</sup> TSN, June 6, 2016, p. 452.

<sup>41</sup> TSN, May 31, 2016, pp. 410-411.

<sup>42</sup> TSN, June 6, 2016, p. 429.

military personnel.<sup>43</sup>

### **Ruling of the Regional Trial Court**

On February 16, 2017, the RTC rendered its Decision<sup>44</sup> convicting:

(1) appellants RRR and SSS of violation of Section 5 (a), Article III, in relation to Section 3 (b) of RA 7610 in Criminal Case No. 08-4407;

(2) appellant RRR of violation of Section 4 (a) of RA 9208 in Criminal Case No. 08-4408 committed against BBB; and

(3) appellants RRR and TTT of violation of Section 4 (a) of R.A. No. 9208 in Criminal Case No. 08-4408 committed against CCC.

The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered:

1. In **Criminal Case No. 08-4407**, the court finds accused [RRR] and [SSS] GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 5(a), Article III in relation to paragraph (b), Section 3 of Republic Act No. 7610 embodied in the Information dated August 5, 2008.

Accordingly, accused [RRR] and [SSS] are hereby sentenced TO EACH SUFFER an indeterminate penalty of fourteen (14) years and eight (8) months of *reclusion temporal* as the minimum term to forty years of *reclusion perpetua* as the maximum term.

Furthermore, accused [RRR] and [SSS] are hereby ordered TO EACH INDEMNIFY complainant-victim AAA with: (a) moral damages in the amount of Fifty thousand pesos (P50,000.00); and (b) exemplary damages in the amount of Fifty thousand pesos (P50,000.00).

On the other hand, the court finds accused [TTT] NOT GUILTY of the offense of Violation of Section 5(a), Article III in relation to paragraph (b), Section 3 of Republic Act No. 7610 embodied in the Information dated August 5, 2008 for failure of the prosecution to prove his guilt beyond reasonable doubt. He is hereby ACQUITTED of said charge.

2. In **Criminal Case no. 08-4408 for the act committed against complainant BBB**, the court finds accused [RRR], [TTT] and [SSS] NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 3(a), (b), (c), Section 6 (a) (c) and Section 10 (c) of R.A. No. 9208 embodied in the Information dated August 5, 2008 for failure of the prosecution to prove their guilt beyond reasonable doubt. They are hereby ACQUITTED of said charge.

3. In **Criminal Case no. 08-4408 for act the (sic) committed against complainant DDD**, the court finds accused [RRR] GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) of R.A. No.

<sup>43</sup> TSN, May 31, 2016, pp. 410-411.

<sup>44</sup> Records, Criminal Case No. 08-4407, pp. 468-487 & Criminal Case No. 08-4408, pp. 179-198.

9208 embodied in the Information dated August 5, 2008.

Accordingly, accused [RRR] is hereby sentenced TO SUFFER the penalty of imprisonment of twenty (20) years and TO PAY a fine in the amount of One million pesos (P1,000,000.00).

Furthermore, accused [RRR] is hereby ordered TO INDEMNIFY complainant-victim **DDD** with (a) moral damages in the amount of Fifty thousand pesos (P50,000.00); and (b) exemplary damages in the amount of Fifty thousand pesos (P50,000.00).

On the other hand, the court finds accused [TTT] and [SSS] NOT GUILTY of the offense of Violation of Section 4(a) of R.A. No. 9208 embodied in the Information dated August 5, 2008 for failure of the prosecution to prove her guilt beyond reasonable doubt. They are hereby ACQUITTED of said charge.

4. In **Criminal Case no. 08-4408 for act committed against complainant BBB**, the court finds accused [RRR] and [TTT] GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) of R.A. No. 9208 embodied in the Information dated August 5, 2008.

Accordingly, accused [RRR] and [TTT] are hereby sentenced TO EACH SUFFER the penalty of imprisonment of twenty (20) years and TO EACH PAY a fine in the amount of One million pesos (P1,000,000.00).

Furthermore, accused [RRR] and [TTT] are hereby ordered TO EACH INDEMNIFY complainant-victim **BBB** with (a) moral damages in the amount of Fifty thousand pesos (P50,000.00); and (b) exemplary damages in the amount of Fifty thousand pesos (P50,000.00).

On the other hand, the court finds accused [SSS] NOT GUILTY of the offense of Violation of Section 4 (a) of R.A. No. 9208 embodied in the Information dated August 5, 2008 for failure of the prosecution to prove her guilt beyond reasonable doubt. She is hereby ACQUITTED of said charge.

5. In **Criminal Case no. 08-4408 for the act committed against complainant AAA**, the case against accused [RRR], [TTT] and [SSS] for the offense of Violation of Section 4(a) in relation to Section 3(a), (b), (c), Section 6 (a) (c) and Section 10 (c) of R.A. No. 9208 embodied in the Information dated August 5, 2008 is hereby DISMISSED pursuant to said accused's right against double jeopardy.

No costs.

SO ORDERED.<sup>45</sup>

### **Ruling of the Court of Appeals**

On January 31, 2018, the CA rendered its assailed Decision<sup>46</sup> denying appellants SSS, RRR, and TTT's appeal, and affirming with modification the RTC's conviction. The *fallo* of the Decision reads:

<sup>45</sup> Id. Criminal Case No. 08-4407 at 487 & Criminal Case No. 08-4408 at 198.

<sup>46</sup> CA *rollo*, pp. 125-149.

**WHEREFORE**, the appeal is **DENIED**. The *Decision* of the RTC dated February 16, 2017 in Crim. Case Nos. 08-4407 and 08-4408 are **AFFIRMED** with **MODIFICATION** in that Paragraph 2 of the dispositive portion shall read as follows:

2. In **Criminal Case no. 08-4408 for the act committed against complainant CCC**, the court finds accused [RRR], [TTT] and [SSS] **NOT GUILTY** of the offense of Violation of Section 4(a) in relation to Section 3(a), (b), (c), Section 6 (a) (c) and Section 10 (c) of R.A. No. 9208 embodied in the Information dated August 5, 2008 for failure of the prosecution to prove their guilt beyond reasonable doubt. They are hereby **ACQUITTED** of said charge.

The Accused-Appellants are further **ORDERED** to pay interest at the rate of six percent (6%) per annum to be computed from the finality of this decision until fully paid.

**SO ORDERED.**<sup>47</sup>

According to the appellate court, the prosecution has established beyond reasonable doubt all the elements of the crime of Child Prostitution and Other Sexual Abuse as charged. AAA's testimony was clear and categorical which duly proved that she was subjected to prostitution by appellants RRR and SSS to different men during her stay in the brothel. Also, AAA readily identified appellants RRR and SSS in open court. Lastly, with the presentation of her birth certificate, the prosecution had duly established her age as 14 years old.<sup>48</sup>

The appellate court brushed aside the alleged inconsistencies in AAA's testimony, the inconsistency having been satisfactorily explained by AAA herself. AAA was prevailed upon to state in her *Sinumpaang Salaysay*<sup>49</sup> another date instead of her actual birthdate. The Certificate of Live Birth is the best evidence of AAA's age. The fact that she was made to engage in sexual intercourse with the brothel's clients under the control of appellants was sufficient to establish that the latter engaged and facilitated AAA's exploitation.<sup>50</sup>

As to Qualified Trafficking in Persons committed by a syndicate, the appellate court ruled that the prosecution has established all the elements of the crime beyond reasonable doubt. The appellate court explained that the mistake in the dispositive portion of the RTC's February 16, 2017 Decision, specifically, in paragraph 2 which acquitted appellants RRR, SSS, and TTT from the offense committed against CCC, in contrast to paragraph 4, where the RTC convicted appellants RRR and TTT, and acquitted appellant SSS, for the same offense committed against CCC, is a mere typographical error. The appellate court pointed out that the RTC, in paragraph 2 of the dispositive portion of its Decision, actually referred to **DDD**, who was not presented in court as stated

<sup>47</sup> Id. at 148-149.

<sup>48</sup> *Rollo*, p. 17.

<sup>49</sup> Records, Criminal Case No. 08-4407, pp. 6-8.

<sup>50</sup> *Rollo*, pp. 17-18.



therein, and **not** CCC.<sup>51</sup>

Moreover, the appellate court disregarded the alleged inconsistency as to whether CCC speaks and understands *Tagalog*. The appellate court found that CCC satisfactorily explained this apparent inconsistency saying that she could understand a bit of *Tagalog* because she worked in Manila for one year. The alleged inconsistency in CCC's *Sinumpaang Salaysay*,<sup>52</sup> where she alleged that she was recruited on November 18, 2007, and her direct testimony where she averred that she was brought to the brothel on February 5, 2005, was clarified by CCC herself on cross-examination when she attested that the date was November 18, 2007.<sup>53</sup>

Lastly, as to BBB, the appellate court likewise found her testimony to be credible and straightforward. The alleged minor inconsistencies as to her reaction regarding ZZZ's statement that she was his future wife, and her failure to leave the brothel, are immaterial. BBB clearly testified that she was surprised when ZZZ introduced her to accused UUU as his future wife. She averred that she was alarmed and tried to leave, but was prevented by UUU because of the alleged debt she owed her.<sup>54</sup>

### Issues

The issues raised for consideration of this Court are:

#### I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS [RRR] AND [SSS] OF THE OFFENSE OF CHILD PROSTITUTION AND OTHER SEXUAL ABUSE UNDER SECTION 5 (A), ARTICLE III IN RELATION TO PARAGRAPH (B), SECTION 3, ARTICLE I OF REPUBLIC ACT NO. 7610, DESPITE THE INCONSISTENT AND UNREASONABLE TESTIMONIES OF THE PROSECUTION'S WITNESSES.

#### II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS [RRR] AND [SSS] OF THE OFFENSE OF CHILD PROSTITUTION AND OTHER SEXUAL ABUSE UNDER SECTION 5 (A), ARTICLE III IN RELATION TO PARAGRAPH (B), SECTION 3, ARTICLE I OF REPUBLIC ACT NO. 7610, DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENTS THEREOF.

#### III

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-

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<sup>51</sup> Id. at 19-22.

<sup>52</sup> Records, Criminal Case No. 08-4407, pp. 9-11.

<sup>53</sup> Id.

<sup>54</sup> Id.

APPELLANTS [RRR] AND [TTT] OF THE OFFENSE OF QUALIFIED TRAFFICKING IN PERSONS COMMITTED BY A SYNDICATE UNDER SECTION 4 (A) IN RELATION TO SECTION 3 (A), (B), (C); SECTION 6 (A) (C); AND SECTION 10 (C) OF REPUBLIC ACT NO. 9208, DESPITE THE INCONSISTENT AND UNREASONABLE TESTIMONIES OF THE PROSECUTION'S WITNESSES.

#### IV

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS [RRR] AND [TTT] OF THE OFFENSE OF QUALIFIED TRAFFICKING IN PERSONS COMMITTED BY A SYNDICATE UNDER SECTION 4 (A) IN RELATION TO SECTION 3 (A), (B), (C); SECTION 6 (A) (C); AND SECTION 10 (C) OF REPUBLIC ACT NO. 9208, DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENTS THEREOF.<sup>55</sup>

### Our Ruling

After due consideration, We sustain appellants' conviction.

### Criminal Case No. 08-4407

RRR, TTT, and SSS were charged with violation of Section 5 (a), Article III, in relation with Section 3 (b), of RA 7610. However, TTT was acquitted of the charge for failure of AAA to positively identify TTT in court. The prosecution duly established the identities of appellants RRR and SSS, and their participation in child prostitution committed against AAA. Section 5(a) and Section 3(b) of RA 7610 provide:

#### ARTICLE III

##### *Child Prostitution and Other Sexual Abuse*

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:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
  - (1) Acting as a procurer of a child prostitute;
  - (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - (3) Taking advantage of influence or relationship to procure a child as a prostitute;
  - (4) Threatening or using violence towards a child to engage him as a prostitute; or

<sup>55</sup> CA rollo, 28-30.

- (5) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.

x x x x

SECTION 3. *Definition of Terms.* —

- (a) “*Children*” refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (b) “*Child abuse*” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
  - (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

Section 5 (a), Article III of RA 7610 essentially punishes acts pertaining to, or connected with child prostitution, or a child who is abused primarily for profit.<sup>56</sup> The elements of Section 5 (a), Article III are:

1. the accused engages in, promotes, facilitates or induces child prostitution;
2. the act is done through, but not limited to, the following means:
  - a. acting as a procurer of a child prostitute;
  - b. inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - c. taking advantage of influence or relationship to procure a child as a prostitute;
  - d. threatening or using violence towards a child to engage him [or her] as a prostitute or
  - e. giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution;
3. the child is exploited or intended to be exploited in prostitution and
4. the child, whether male or female, is below 18 years of age.<sup>57</sup>

Without a doubt, RRR and SSS promoted, facilitated, and induced the

<sup>56</sup> See *Malto v. People*, 560 Phil. 119, 135 (2007).

<sup>57</sup> *Id.* at 134.

prostitution of AAA who, for money or profit, or due to coercion or influence, indulged in sexual intercourse with various individuals. The act of subjecting AAA, who was only 14 years old at that time, to engage in sexual intercourse in exchange for ₱300.00, of which ₱50.00 thereof was given to AAA, made them liable under the above-mentioned law.

Being a minor, AAA is deemed by law to have been incapable of giving rational consent to sexual exploitation, or to any lascivious act or sexual intercourse. A review of the testimony of AAA shows that she positively identified RRR and SSS as the ones who procured her as a prostitute and offered her to several individuals for sex:

PROS. ATINAJA: (to witness)

Q **You said that you went to the Casa, were there people there?**

A Many.

Q Who are they?

A **[RRR, TTT and SSS]; and there are other persons whom I do not know.**

Q And who are these persons?

A The pimps.

Q **When you said the pimps, what do you mean by the term pimp?**

A **They are the ones who will give us the males who will have sexual intercourse with us.**

PROS. ATINAJA: (to witness)

Q **Again, who are these persons?**

A **[RRR, TTT, SSS and WWW]. I cannot recall the others.**

x x x x

Q What happened when you were already at the Casa after you met the four persons that you made mention?

A If we will not have sexual intercourse with men they will get angry at us and they will not give us food because we did not work for it.

x x x x

Q **Were payments made?**

A Yes, sir.

Q How much?

A **We received Fifty pesos (P50.00).**

Q By the way, who gave the payments?

A Sometimes[,] [RRR], sometimes [TTT].

x x x x

Q **You made mention of this [RRR, TTT, SSS, and a certain WWW, if those persons are present in court would you be able to identify them?**

A **Yes, sir. I see only two of them.**

Q Who are these?

A **[SSS and RRR].**

Q Will you please step down from the testimonial chair and tap the shoulder of these [RRR and SSS]?

MS. GENEROSO: (Interpreter)

**Witness tap the shoulder of a woman wearing yellow t-shirt and when asked of her name, gave her name as [SSS]; the witness tap the shoulder of a man wearing yellow t-shirt and when asked, gave his name as [RRR].**

COURT:

**Who identified himself during arraignment as [RRR].**<sup>58</sup> (Emphasis supplied)

Appellants attempted to discredit AAA's testimony by pointing out her inconsistent statements regarding: (a) her birthdate as alleged in her *Sinumpaang Salaysay*, and in her Certificate of Live Birth; (b) her statement in her *Sinumpaang Salaysay* that she agreed to go with her friend EEE despite not knowing the nature of the job offered to her, in contrast to her direct testimony where she stated that her friend EEE recruited her to be a house helper; and (c) her statement in direct testimony that she was exploited for sex by "RRR, TTT, SSS and WWW," vis-à-vis her statement in cross-examination that she did not actually hear the conversations of appellants and other pimps with the alleged visitors or customers.

AAA did in fact state in her *Sinumpaang Salaysay*<sup>59</sup> that her birthdate was on May 5, 1991. However, in her direct testimony, she testified and presented her Certificate of Live Birth showing that she was born on September 29, 1993, and not on May 5, 1991.<sup>60</sup> In her direct testimony, she explained why she declared May 5, 1991 as her birthdate in her *Sinumpaang Salaysay*, to wit:

Q Now, I would like to call your attention on Exhibit A, your *Sinumpaang Salaysay* you made mention here on the answer on question no. 2 and I quote, "Ako po ay si [AAA], 16 anyos ipinanganak noong May 5, 1991 at lumaki sa Cebu City hanggang 8 years old." A while ago you made mention that you were born on September 29, 1993, which is which now. When is your birthday? Is it May 5, 1991 or September 29, 1993?

A September 29, 1993.

Q **What is the reason why you stated here May 5, 1991?**

A **They told that I should give that age.**

<sup>58</sup> TSN, November 11, 2014, pp. 179-F – 179-j.

<sup>59</sup> Records, Criminal Case No. 08-4407, pp. 6-8.

<sup>60</sup> TSN, November 11, 2014, p. 179-e.

- Q Who told you that?  
 A I cannot recall.<sup>61</sup> (Emphasis ours.)

In any event, the alleged inconsistency as to her age or birthdate stated in her *Sinumpaang Salaysay*, and in her testimony in court, does not militate against her credibility. Sworn statements, which are almost always incomplete or inaccurate, and do not disclose complete facts for want of inquiries or suggestions, are generally considered to be inferior to the testimony in open court.<sup>62</sup> Besides, the best evidence herein as to AAA's age was duly established by the presentation of her Certificate of Live Birth.

In the same manner, AAA's alleged inconsistency in her *Sinumpaang Salaysay* and testimony in court as to whether she knew the nature of work offered by her friend EEE does not pertain to substantial details which could affect appellants' guilt in their acts of subjecting AAA to child prostitution. Even so, AAA sufficiently clarified this alleged inconsistency when she averred that:

- Q Before you went to [REDACTED] did she mention to you what kind of work you are going to?

A She told me that I will work in a house.

- Q And in your *Sinumpaang Salaysay* which I show to you, you stated here, particularly in Sagot No. 4, on the second paragraph thereof "*Nang Tanungin ko sya na kung anung trabahong yun, di nya ako sinagot at sinama na lang nya ako bigla sa [REDACTED]*", do you affirm that?

A Yes, sir.

- Q **In this statement of yours, Madam Witness, she did not mention to you what kind of work will you do there, while in your testimony, you said will work as a housemaid. Which is correct, which statement will you maintain, Ms. Witness?**

A **When I asked her about my job, there is none. And then the second time I asked her again, she said in a house only because I kept on asking her.**

- Q When did she tell you that you will work in a house?

A When we were already near the place of her work.

- Q You mean to tell us that even if you do not know where is this work, you still went with her?

A Yes, sir, because I have no more transportation fare in going home.<sup>63</sup> (Emphasis ours.)

Lastly, as to appellants' contention that they could not be held liable for the offense charged as AAA failed to hear the actual conversations between appellants and the clients, is without legal and factual basis. Even without AAA hearing the actual conversations of appellants with the clients of the brothel, their presence therein, and their participation in offering AAA to various individuals, and receiving money in exchange of AAA's engaging in sexual

<sup>61</sup> Id. at 179-k.

<sup>62</sup> See *People v. Alegado*, 298 Phil. 297, 303-304 (1993).

<sup>63</sup> TSN, January 20, 2015, p. 209.

intercourse with the clients, sufficiently show that they are liable for child prostitution. Undoubtedly, AAA identified both RRR and SSS to have offered her for sex to male customers.<sup>64</sup> Even without hearing the actual conversations, it is undeniable that appellants were engaged in child prostitution, as AAA indeed had sexual intercourse with these individuals. Besides, AAA and the other women were made to line up so these male customers could choose from among them. A review of the testimony of AAA on cross-examination reveals:

Q What were they doing outside?

A They were pimping other women to male customers outside.

x x x x

Q **Ms. Witness, you were just waiting in a room wherein male persons will enter that room?**

A **They made us go outside the room and they made us to fall in line for the male individuals to select from us.**

x x x x

Q The person ordered you to go out, that it (sic) the owner of that casa, is that correct?

A The child of the owner. The son of the owner.

Q How did you know that he is the son of the owner?

A Because he is the husband of SSS.

Q How do you know that his wife is [SSS]?

A Because I saw them together when they went there.

Q **You presumed they are pimps because they were there?**

A **They are actually pimping because I saw them.**<sup>65</sup> (Emphasis ours.)

Clearly, there can be no other conclusion than that appellants engaged AAA in child prostitution. The presence of other individuals or “pimps” does not obliterate the fact that both RRR and SSS were positively identified by AAA as the perpetrators of the offense charged. Generally, We accord respect to the trial court’s appreciation of the testimonies of witnesses as it has the unique opportunity to observe the witnesses firsthand, and note their demeanor, conduct, and attitude under grilling examination.<sup>66</sup> AAA had no reason to testify falsely against RRR and SSS, and charge them with such a grave offense. In light of her spontaneity, steadfastness and consistency on material points, We affirm the verdict of appellants’ guilt for violation of Section 5 (a), Article III in relation with Section 3(b), Article I of RA 7610.

### **Criminal Case No. 08-4408**

RRR, TTT and SSS were charged with violation of Qualified Trafficking

<sup>64</sup> TSN, November 11, 2014, pp. 179-d – 179-e.

<sup>65</sup> TSN, January 20, 2015, pp. 211-212

<sup>66</sup> See *People v. Ocdol*, 741 Phil. 701, 714 (2014), citing *People v. Sapigao, Jr.*, 614 Phil. 589, 599 (2009).

committed by a syndicate against private complainants AAA, CCC, DDD and BBB. However, only appellant RRR was convicted by the courts *a quo* for Trafficking in Persons defined in Section 4 (a) of RA 9208 committed against BBB. Appellants SSS and TTT were both acquitted.

On the other hand, the courts *a quo* found both appellants RRR and TTT guilty beyond reasonable doubt of Trafficking in Persons defined in Section 4 (a) of RA 9208 committed against CCC. Appellant SSS was acquitted of the said charge.

Section 4 (a) of RA 9208 states:

**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

The elements of Trafficking in Persons 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 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.”<sup>67</sup>

#### **a) Private complainant BBB**

As to the offense committed against BBB, the prosecution had duly established all the elements of Simple Trafficking in persons. As testified to and positively identified by BBB, RRR delivered her to male customers who engaged in sexual intercourse with her against her will:

- Q From February 5, 2008 to February 26, 2008, more or less how many customers did you have?  
A More than 10.

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<sup>67</sup> *People v. Monsanto*, G.R. No. 241247, March 20, 2019, citing *People v. Casio*, 749 Phil. 548, 474 (2014).



Q **Who delivered those customers to you?**

A **TTT, RRR and SSS.**

Q **Why do you say these were the persons who delivered customers to you?**

A **Because I saw them.**

Q These customers that were delivered to you by those persons, what did they do to you?

A They had sexual intercourse with me.

Q **In those time these customers had sexual intercourse with you, how did you feel?**

A **It's against my will.**

x x x x

Q How about this [RRR]? What is his relation to [UUU]?

A He is also her son.

Q You made mention that this [RRR], TTT and SSS delivered to you customers. That TTT, if he is present in court, will you be able to identify him?

A He is not here.

Q How about this [RRR]? Is he present in court?

A He is the one. (Witness pointed to a man wearing a yellow t-shirt who when asked of his name gave the name [RRR]<sup>68</sup> (Emphasis ours.)

Appellants point out that BBB's reaction when she was brought to the brothel and introduced as ZZZ's future wife, is unreasonable and contrary to human nature, which negates her credibility as a witness. This does not convince Us. Contrary to appellants' assertion, BBB was in fact astounded when ZZZ introduced her to accused UUU as his future wife, and even attempted to leave. However, she was prohibited by accused UUU on the pretext of an alleged debt she owed, *i.e.*, the ₱1,500 paid by accused UUU to ZZZ. A review of the testimony of BBB shows:

Q Did you protest when you were introduced as such?

A I was surprised when he said that.

Q **But you did not protest or correct this [ZZZ]?**

A **I said why did you say that to [UUU]. I am here to look for a job.**

x x x x

Q **Did you not try to leave the place upon hearing that?**

A **I tried to leave but [UUU] gave [ZZZ] money already.**

x x x x

Q Despite that fact, Ms. Witness, you did not walk away from that place?

A I tried to leave.

<sup>68</sup> TSN, March 3, 2015, p. 234.

Q How did you try to leave during that time?

A I told [UUU] that I will just leave because I cannot bear the job that they are giving to me.

x x x x

Q No one was pointing to you a gun or threatening to kill you?

A None. I was just threatened when I tried to leave.

x x x x

Q What exactly did UUU say when she threatened you?

A *Subukan kong umalis at sasampalin niya raw ako* (You try to leave and I will slap you).<sup>69</sup> (Emphasis ours.)

Even assuming that BBB reacted differently when introduced by ZZZ to accused UUU as his future wife, and even succumbed to threats made by accused UUU despite knowing that she did not owe her anything, this will not exonerate RRR from criminal liability as these are trivial matters, and do not affect the criminal acts committed by RRR, that is, delivering customers to BBB to engage in sexual intercourse against her will in exchange of money. Hence, We affirm RRR's conviction of violation of Section 4 (a) of R.A. No. 9208.

#### **b) Private Complainant CCC**

As to CCC, she affirmed and positively identified both RRR and TTT as the persons who delivered customers to have sexual intercourse with her, and received monetary consideration or payment in exchange thereof. A review of CCC's testimony reveals:

Q What happened when you were inside that room and there was that old man waiting for you?

A We had sex.

Q **You had sex with that old man. You said a while ago you did not know personally this old man. When that sexual intercourse happened, what did you feel when this old man had sexual intercourse with you?**

A **I felt dirty.**

x x x x

Q How much did you receive as consideration, Ms. Witness?

A I am not the one receiving the payment. The pimp received the money.

Q **When you said pimp, who are you referring to?**

A **[WWW, TTT, RRR, UUU, VVV, SSS].**

x x x x

Q **Who provided these male customers?**

A **Mostly TTT.**

<sup>69</sup> Id. at 239-240.

- Q **Who else?**  
 A **[WWW, RRR, UUU, VVV, SSS].**

x x x x

- Q A while ago you made mention most of the time it's TTT who provided you these customers and gave you shabu. If this person is in court, will you be able to recognize him?  
 A Yes, sir. He is the one. (Witness pointed to a man wearing a yellow t-shirt who when asked of his name gave the name [TTT])  
 Q You also made mention of this [RRR] who also provided you customers. If that person is present in court, will you be able to identify him?  
 A I am doubtful because he looks older. I think that one with bald hair is [RRR]. I forgot, Your Honor. I think that is the one. (Witness pointing to a man wearing a yellow t-shirt who when asked of his name gave the name RRR)<sup>70</sup> (Emphasis ours.)

Appellants point out inconsistencies in CCC's testimonies, specifically as to her understanding of the language used in her *Sinumpaang Salaysay*,<sup>71</sup> written in Filipino, which allegedly she does not fluently speak or understand. However, contrary to appellants' attempt to discredit CCC, the latter clarified that she can understand "Tagalog" as she used to work in Manila for one year, to wit:

- Q Your sworn statement which you identified earlier, Ms. Witness, this was not explained to you, correct?  
 A I was told and made to understand in tagalog. I cannot recall because I was in drugs at that time we were rescued.  
 Q So, Ms. Witness, the contents of that sworn statement of yours, you did not fully understand that, correct?  
 A I understand it, sir.  
 Q You will agree that the statements therein are made in tagalog, right?  
 A Yes, I understand.  
 Q **You said a while ago you cannot understand tagalog, right?**  
 A **I was interviewed well but I can speak tagalog because I worked in Manila for one year.**  
 Q But you mentioned a while ago you cannot understand tagalog. Do you agree with me?  
 A I understand tagalog but just a little bit, sir.<sup>72</sup> (Emphasis ours.)

Moreover, even assuming that she did not fully comprehend her *Sinumpaang Salaysay* as she can only understand a bit of "Tagalog," CCC, nonetheless, testified under oath in court and positively identified appellants as the perpetrators of the offense. She was categorical and straightforward in her testimony regarding the events that transpired which led to her being enticed by a

<sup>70</sup> TSN, July 21, 2015, pp. 293-294.

<sup>71</sup> Records, Criminal Case No. 08-4407, pp. 9-11.

<sup>72</sup> TSN, July 21, 2015, pp. 296-297.

certain ZZZ to become a prostitute on the pretext of a side job. She likewise affirmed in court that RRR and TTT delivered to her customers to engage in sexual intercourse with her against her will in exchange of monetary consideration.

Clearly, her testimony in court cannot be simply disregarded nor discredited on the mere allegation that she signed a *Sinumpaang Salaysay* that is written in a language which she is not familiar with. Besides, an examination of her *Sinumpaang Salaysay* and her testimony in court shows that both of her statements therein are consistent on material points that she was made to engage in sexual intercourse with several men against her will by RRR and TTT in exchange for money.

As to CCC's failure to categorically specify the date when she was brought to the brothel, We hold that CCC was firm that she met ZZZ, the person who brought her to the brothel, on November 18, 2007. Her erroneous declaration in open court that she was brought to the brothel on February 5, 2005, will not work in favor of RRR and TTT because the exact date of the commission of the crime is not one of the elements of the crime of Trafficking in Persons. Therefore, We affirm RRR and TTT's guilt beyond reasonable doubt of violation of Section 4 (a) of R.A. No. 9208.

### c) Private Complainant DDD

As to private complainant DDD, the appellate court clarified that dispositive portion of the RTC's February 16, 2017 Decision which acquitted appellants of the offense charged committed against CCC was a clerical error. The appellate court explained that instead of DDD, who did not testify in court as per the records, the RTC mistakenly stated CCC in paragraph 2 of the dispositive. Hence, the CA affirmed RRR and TTT's conviction for the offense committed against CCC as stated in paragraph 4, despite the erroneous acquittal by the RTC in paragraph 2; and affirmed appellants' acquittal for the offense committed against DDD.

Settled is the rule that a judgment of acquittal is immediately final and executory, and that neither an appeal nor *certiorari* is an available remedy.<sup>73</sup> Under the doctrine of immutability of judgment, a final and executory judgment can no longer be modified, however erroneous the conclusions of fact and law are.<sup>74</sup> However, this doctrine admits of certain exceptions, namely, (1) correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments.<sup>75</sup>

Undoubtedly, the acquittal of RRR, SSS and TTT of violation of Qualified Trafficking in Persons has long attained finality. However, as correctly ruled by

<sup>73</sup> See *Bernardo v. Court of Appeals (Ninth Division)*, 268 Phil. 57, 61 (1990), citing *City Fiscal, City of Cebu v. Hon. Kintanar*, 143 Phil. 353, 354 (1970).

<sup>74</sup> See *Britchford v. Alapan*, 823 Phil. 272, 283 (2018).

<sup>75</sup> See *One Shipping Corp. v. Peñafiel*, 751 Phil. 204, 211 (2015)

the appellate court, the RTC in paragraph 2 of the dispositive of its January 31, 2018 Decision referred to private complainant DDD and not CCC as insisted by the appellants. A perusal of the records of the case would show that only private complainant DDD failed to testify in court which necessarily explains why RRR, SSS and TTT were acquitted of Qualified Trafficking committed against DDD, for failure of the prosecution to prove their guilt beyond reasonable doubt. While it is true that the RTC committed the same error in the body of the Decision when it again referred to CCC instead of DDD in acquitting appellants of Qualified Trafficking, the trial court clearly and substantially justified the conviction of RRR and TTT of Simple Trafficking in person committed against CCC in the subsequent parts of the Decision.

A clerical error is defined as one made “in copying or writing,”<sup>76</sup> or a misspelled word.<sup>77</sup> Noticeably, the names of the private complainants were substituted with fictitious names, namely, AAA, BBB, CCC, and DDD, which explains why the trial court erroneously associated the fictitious name BBB with private complainant CCC, instead of DDD. Nonetheless, even with such clerical error, the RTC’s February 16, 2017 Decision was clear in the conviction of RRR and TTT for Simple Trafficking in person committed against CCC in paragraph 4 of the dispositive. Even with the erroneous acquittal of RRR, SSS and TTT in paragraph 2 of the dispositive, the crime stated therein was Qualified Trafficking which was not duly proved by the prosecution. Appellants’ acquittal for Qualified Trafficking, therefore, is correct. Conversely, the RTC in paragraph 4 of the dispositive portion of its Decision correctly convicted RRR and TTT of Simple Trafficking only, and not Qualified Trafficking, committed against CCC. Hence, We affirm the appellate court’s modification of the dispositive of the RTC’s February 16, 2017 Decision to reflect the name of DDD instead of CCC.

### ***Computation of Penalties and Damages***

#### **a) Criminal Case No. 08-4407**

The RTC, as affirmed by the appellate court, imposed an indeterminate penalty of 14 years and eight months of *reclusion temporal*, as minimum, to 40 years of *reclusion perpetua*, as maximum, on RRR and SSS for violation of Section 5 (a), Article III, in relation with Section 3 (b), Article I, of RA 7610 committed against AAA.

The courts *a quo* incorrectly applied the Indeterminate Sentence Law (ISLAW). Section 5 (a), Article III of RA 7610 prescribed the penalty of *reclusion temporal* in its medium period to *reclusion perpetua* on those engaged in, or promote, facilitate, or induce child prostitution. Applying ISLAW, the maximum term of the indeterminate penalty shall be that which could be properly imposed under the law, which is *reclusion temporal* maximum or 17

<sup>76</sup> *Yu v. Republic*, 129 Phil. 248, 250 (1967) citing Black’s Law Dictionary, In re Stewart, NYS 957.

<sup>77</sup> *Id.* at 250, citing *Amicon vs. Holtz*, 160 N.E. 482-483.

years, 4 months and one day to 20 years, there being no modifying circumstance. On the other hand, the minimum term shall be within the range of the penalty next lower in degree, which is *prision mayor* minimum to *reclusion temporal* minimum or eight years and one day to 14 years and eight months. Thus, the indeterminate prison term imposed by the courts *a quo* should be modified to 14 years and eight months of *reclusion temporal*, as minimum, to 20 years of *reclusion temporal*, as maximum.

In addition to moral and exemplary damages awarded by the courts *a quo*, We impose ₱50,000.00 as civil indemnity each to RRR and SSS, in line with our ruling in *People v. Tulagan*, considering that the imposable penalty is within the range of *reclusion temporal*.<sup>78</sup>

#### b) Criminal Case No. 08-4408

The criminal case of Trafficking in Persons as a prostitute is analogous to the crimes of seduction, abduction, rape, or other lascivious acts, which justifies the award of moral damages.<sup>79</sup> In light of recent jurisprudence,<sup>80</sup> the Court increases the award of moral damages from ₱50,000.00 to ₱500,000.00 for BBB committed by RRR; and for CCC committed by RRR and TTT who shall each be liable for ₱500,000.00. The award of exemplary damages is, however, deleted for failure of the prosecution to prove any aggravating circumstance.<sup>81</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The January 31, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09203 is hereby **AFFIRMED** with **MODIFICATION** as follows:

(a) Appellants RRR and SSS are hereby found guilty beyond reasonable doubt of Child Prostitution in Criminal Case No. 08-4407, defined and penalized in Section 5 (a), Article III, in relation with Section 3 (b), Article I of Republic Act No. 7610. They are hereby sentenced to suffer the indeterminate penalty of imprisonment of 14 years and eight months of *reclusion temporal*, as minimum, to 20 years of *reclusion temporal*, as maximum, and ordered each to pay civil indemnity of ₱50,000.00 to AAA, in addition to the moral and exemplary damages awarded by the trial court.

(b) Appellant RRR is hereby ordered to pay BBB moral damages in the amount of ₱500,000.00 in Criminal Case No. 08-4408;

(c) Appellants RRR and TTT are hereby ordered each to pay CCC moral damages in the amount of ₱500,000.00 in Criminal Case No. 08-4408.

(d) The exemplary damages granted in favor of BBB and CCC in Criminal Case No. 08-4408 are hereby deleted.

<sup>78</sup> See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

<sup>79</sup> See *People v. Lalli*, 675 Phil. 126, 159 (2011).

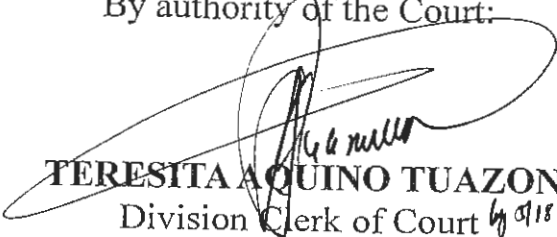
<sup>80</sup> *Id.* at 158.

<sup>81</sup> CIVIL CODE, Art. 2213.

All monetary awards shall earn interest at the legal rate of six percent (6%) per *annum* from the date of finality of this Resolution until fully paid.

**SO ORDERED.**" (*Perlas-Bernabe, S.A.J., on official leave; Hernando, Acting Chairperson per Special Order No. 2887 dated April 8, 2022*)

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
 Division Clerk of Court *by 0718*  
 18 MAY 2022

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**THE DIRECTOR (reg)**

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**\*SSS (reg)**

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**THE SUPERINTENDENT (reg)**

Correctional Institution for Women  
 1550 Mandaluyong City

**HON. PRESIDING JUDGE (reg)**

Regional Trial Court, Branch 59  
 Angeles City  
 (Crim. Case Nos. 08-4407 and 08-4408)

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**\*with copy of the CA Decision dated 21 January 2018**

**Please notify the Court of any change in your address.**

GR240545. 04/25/2022(167)URES(m)