



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **16 February 2022** which reads as follows:

“G.R. No. 242404 (*People of the Philippines v. XXX*<sup>1</sup> [REDACTED]). – At the vortex of this *Appeal*<sup>2</sup> is the *Decision*<sup>3</sup> dated 22 June 2018 of the Court of Appeals (CA) in CA-G.R. CEB-CR HC No. 01835. The CA affirmed the *Decision*<sup>4</sup> dated 13 January 2014 of the Regional Trial Court (RTC), Seventh Judicial Region, [REDACTED], Cebu, Branch 27, in Criminal Case No. 019105-L, convicting accused-appellant XXX of Qualified Trafficking in Persons under Republic Act (R.A.) No. 9208.<sup>5</sup>

In the *Information*<sup>6</sup> dated 15 October 2007, XXX was inculpated for Qualified Trafficking in Persons, committed as follows:

That on the 2nd day of October 2007 at 6:30 o'clock in the evening, at Mactan Cebu International Airport (MCIA), [REDACTED] (sic) City,<sup>7</sup> Philippines, within the jurisdiction of this Honorable Court, the aforementioned accused, by means of deception and taking advantage of the vulnerability of [AAA],<sup>8</sup> [REDACTED] 14 years of age, [BBB], [REDACTED] 16 years of age, and [CCC], [REDACTED] 17 years of age, did then and there, willfully and unlawfully

<sup>1</sup> The complete name of accused-appellant is replaced with fictitious initials pursuant to Supreme Court Amended Administrative Circular No. 83-15 dated 5 September 2017 (“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. 169-171.

<sup>3</sup> Id. at 147-168. Penned by Associate Justice Gabriel T. Robeniol and concurred in by Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap.

<sup>4</sup> Records, pp. 620-631. Penned by Presiding Judge Toribio S. Quiwag.

<sup>5</sup> “The Anti-Trafficking in Persons Act of 2003.”

<sup>6</sup> Records, pp. 1-2.

<sup>7</sup> The specific geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-15, *supra* note 1.

<sup>8</sup> The complete name of the minor victim is replaced with fictitious initials pursuant to Supreme Court Amended Administrative Circular No. 83-15, *supra* note 1.

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recruit, transport or harbor said children under the pretext of domestic employment for the purpose of prostitution or other exploitation.

Contrary to Law.

Arraigned on 25 October 2007,<sup>9</sup> XXX entered a plea of not guilty. During pre-trial,<sup>10</sup> the prosecution and the defense stipulated on the following: (1) the identity of the accused, XXX; (2) the existence of the *Affidavit of Desistance*<sup>11</sup> signed by BBB and CCC on 19 October 2007; (3) the existence of the *Affidavit of Desistance*<sup>12</sup> executed by AAA together with her mother on 20 October 2007; (4) the existence of the *Report on Investigation Conducted Upon the Prosecution Witness*<sup>13</sup> prepared by Prosecutor Jude Henritz R. Ycong; (5) that as far as BBB and CCC were concerned, they wanted to desist from further prosecuting XXX; and (6) that on the part of AAA and her mother, they wanted to desist due to the inconvenience of going to court.

Thereupon, the RTC denied the *Motion to Dismiss*<sup>14</sup> filed by XXX prior to the pre-trial conference, adjudging that desistance of the offended party was not a ground to dismiss the case.<sup>15</sup> Forthwith, trial on the merits ensued.

Culled from the testimonies of the prosecution's witnesses, the precursory facts of the case are synthesized hereunder.

On 1 October 2007, around 10:30 a.m., AAA, then fourteen (14) years old,<sup>16</sup> was staying in the house of her friend "Angel" in ██████████, Cebu when "Rigor," the boyfriend of AAA, accompanied by "Dandan" and "Junjun," came over and asked her if she wanted to work in Manila. After AAA acquiesced, the three returned the following day and told her to pack her belongings before leaving for Pier 3 with "Dandan." Once there, AAA and "Dandan" boarded a taxi already carrying a woman, who was later identified as XXX. XXX then asked AAA how old she was, to which she replied fourteen (14) years old. XXX also intimated to AAA that she would be entertaining prospective Japanese and American clients, and that she would be tipped handsomely if she had sex with them ("*jerjer*"). To that end, XXX instructed AAA to tell them that she was already nineteen (19) years of age. Upon reaching *Barangay* ██████████, ██████████, they converged with BBB and CCC who were escorted by "Rigor" and "Junjun." Afterwards, XXX checked in AAA, BBB, and CCC at the Jade Court Motel. After they took a bath and ate dinner, the three girls and XXX headed towards the Mactan-Cebu

<sup>9</sup> Records, pp. 45.

<sup>10</sup> Id. at 75-77.

<sup>11</sup> Id. at 263.

<sup>12</sup> Id. at 264.

<sup>13</sup> Id. at 271-272.

<sup>14</sup> Id. at 46-48.

<sup>15</sup> Id. at 81.

<sup>16</sup> Id. at 176.

International Airport (hereafter, Mactan Airport).<sup>17</sup>

Meanwhile, around 4:00 o'clock in the afternoon of 2 October 2007, PO1 Sunny M. Longboy (PO1 Longboy) of the Philippine National Police Aviation Security Group, 7<sup>th</sup> Police Center for Aviation Security (7<sup>th</sup> PCAS) was manning the initial screening checkpoint of the Mactan Airport when he received a report from DDD, [REDACTED] AAA's mother, that her daughter was purportedly exploited by an illegal recruiter and was scheduled to depart for Manila that evening. Upon instructions of his superior, SPO1 Henry B. Giangan (SPO1 Giangan), PO1 Longboy recorded the incident in the police blotter and proceeded to the check-in area with PO1 El Niño C. Caca (PO1 Caca) to look into the matter. Their inquiry proved fruitful as they learned that AAA was booked on Philippine Airlines Flight No. PR 866 bound to leave at 8:00 o'clock that night. Forthwith, the police officers stationed themselves around the initial screening checkpoint to be on the watch for AAA.<sup>18</sup>

In due course, SPO1 Giangan approached PO1 Longboy and informed him that he sighted AAA together with BBB, CCC, XXX, and a male companion. PO1 Longboy then summoned DDD from their office to verify if the girl SPO1 Giangan spotted was indeed her daughter. After DDD validated the identity of AAA, the police officers allowed the party to undergo the airport screening procedures. When the male cohort was about to leave the premises, PO1 Longboy invited him to their office for questioning. Thereafter, XXX spoke to SPO1 Giangan – who was standing beside PO1 Longboy – about going outside to retrieve her jewelry from the taxi driven by the male subject. As it happened, PO1 Longboy escorted XXX to their office to speak to the said driver, before fetching AAA, BBB, and CCC. During the interrogation, the police officers discovered that XXX possessed tickets<sup>19</sup> and boarding passes indicating her name and those of the three girls, all of whom were under eighteen (18) years of age. When XXX failed to present the proper documentation certifying that the three girls were suited for employment, the police officers apprised her of her constitutional rights and then placed under arrest. On the other hand, the taxi driver was released after confirmation that XXX's claim regarding her jewelry was baseless.<sup>20</sup>

At around 7:30 p.m. of the fateful day, Social Worker Leonila Punongbayan (Ms. Punongbayan) of the Department of Social Welfare and Development (DSWD) in [REDACTED], Cebu arrived at the Mactan Airport after receiving a phone call from SPO1 Giangan concerning the rescue of AAA, BBB, and CCC. Ms. Punongbayan as well as members of the Criminal Investigation and Detection Group (CIDG) examined the three girls, after which their custody was turned over the next day, 3 October 2007, to Mrs.

<sup>17</sup> TSN, 22 February 2008, pp. 9-23.

<sup>18</sup> TSN, 17 December 2007, pp. 3-6.

<sup>19</sup> Records, pp. 183-186.

<sup>20</sup> TSN, 17 December 2007, pp. 6-21.

Letecia Patalinghug (Mrs. Patalinghug), a colleague of Ms. Punongbayan.<sup>21</sup>

Police Superintendent Camilo P. Cascolan (P/Supt. Cascolan), Chief of the 7<sup>th</sup> PCAS, sought assistance from Police Superintendent Rex Derilo (P/Supt. Derilo) of the CIDG in conducting further investigation. During P/Supt. Derilo's interview with AAA, BBB, and CCC, they told him that XXX guaranteed them lucrative jobs amusing foreigners at a restaurant. While going through the initial evidence sent to him by the 7<sup>th</sup> PCAS, P/Supt. Derilo noticed the address of a certain King Philip KTV Restaurant located in the City of ██████████, Bulacan on the identification card<sup>22</sup> surrendered by XXX. Thence, with the help of the Bulacan CIDG and the International Justice Mission (IJM), P/Supt. Derilo conducted surveillance of the said establishment on 7 October 2007, between 7:00 o'clock and 8:00 o'clock in the evening. In the course of their surveillance, P/Supt. Derilo and his team were able to ascertain that King Philip KTV Restaurant provided the beguiling services of young girls to their guests. On top of that, he was able to discreetly take footage and screen captures<sup>23</sup> of the transaction between him and the restaurant's floor manager.<sup>24</sup>

Inveighing against the prosecution's version of the events, the defense weaved a divergent account. XXX, a cashier at the King Philip KTV Restaurant,<sup>25</sup> was introduced by the brothers "Rigor" and "Dandan" to AAA, BBB, and CCC on 30 September 2007. All three girls were promised gainful employment by "Wilma", a friend of XXX, at the former's rice store in Manila. Curiously, "Rigor" avouched that it was his former neighbor "Wilmar Ariar" who was looking for workers.<sup>26</sup> XXX was merely tasked to accompany the three girls on their trip to Manila since "Wilma" had to fly on 1 October 2007 to Davao. Thus, on 2 October 2007, XXX met them inside the Mactan Airport. Out of the blue, a police officer invited her to their office for questioning *vis-à-vis* the imputation of illegal recruitment against her. Ultimately, XXX was detained at the ██████████ Police Office.<sup>27</sup>

After evaluating the discordant evidence of the prosecution and defense, the RTC rendered the 13 January 2014 *Decision*, disposing the case in this wise:

WHEREFORE, premises considered, the court finds accused [XXX] guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons and hereby sentences her:

<sup>21</sup> TSN, 11 April 2008, pp. 5-12.

<sup>22</sup> Records, p. 187.

<sup>23</sup> Id. at 188-194.

<sup>24</sup> TSN, 17 September 2008, pp. 5-25.

<sup>25</sup> TSN, 31 May 2011, p. 4.

<sup>26</sup> TSN, 17 November 2011, p. 3.

<sup>27</sup> TSN, 1 September 2010, pp. 5-10; TSN, 6 September 2011, pp. 5-27; and TSN, 17 November 2011, pp. 2-8.

1. To suffer the penalty of LIFE IMPRISONMENT and to pay the fine of P3,000,000.00;
2. To pay [AAA] the sum of P500,000.00 as moral damages and P100,000.00 as exemplary damages; and
3. To pay the costs.

SO ORDERED.<sup>28</sup>

The RTC ratiocinated that all the elements of Qualified Trafficking in Persons under Section 4, pars. (a) and (e) in relation to Section 6, pars. (a) and (c) of R.A. No. 9048 were proven beyond reasonable doubt. It was shown that AAA was fourteen (14) years old at the time the incident occurred. Evidently, she acceded to the offer of XXX after her representation that she would receive generous tips if she had sex with her foreign clients. As it turned out, the inquiry of P/Supt. Derilo evinced that BBB and CCC were analogously situated. On this score, XXX's defense crumbled, especially in light of her failure to present the testimony of her friend "Wilma" who supposedly spearheaded the recruitment of AAA, BBB, and CCC.<sup>29</sup>

Aggrieved, XXX elevated her case to the CA *via* an ordinary appeal.<sup>30</sup> She asseverated that it was the group of "Rigor", "Dandan", and "Junjun" which enticed AAA, BBB, and CCC to work in Manila. "Rigor" even avowed that it was a certain "Wilmar Ariar" who recruited the three girls. Granting *arguendo* that XXX relayed to AAA that she would be earning huge tips for having sex with her foreign clients, AAA already made up her mind about accepting any employment in Manila before their conversation. Likewise, BBB attested that they met with XXX at the Mactan Airport on their own volition. XXX maintained that she could not be culpable for transporting the three girls for the purpose of prostitution because her friend "Wilma" merely asked her to chaperone them on their flight to Manila, where they were to work at her rice store.<sup>31</sup>

In the challenged *Decision* dated 22 June 2018, the CA denied XXX's *Appeal*, disposing in this wise:

**WHEREFORE**, the appeal is DENIED. The *Decision* dated January 13, 2014 of the Regional Trial Court, Branch 27, [REDACTED] (sic) City, in Criminal Case No. 019105-L, finding accused-appellant [XXX] guilty of *Qualified Trafficking in Persons*, is AFFIRMED with the modification that all the monetary awards for damages shall earn interest at the legal rate of 6% *per annum* reckoned from the date of finality of this *Decision* until fully paid.

SO ORDERED.<sup>32</sup>

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<sup>28</sup> Records, p. 630.

<sup>29</sup> Id. at 627-630.

<sup>30</sup> Id. at 632.

<sup>31</sup> CA *Rollo*, pp. 96-100.

<sup>32</sup> Id. at 167.

The CA concurred with the RTC's enunciation that all the jurisprudential requisites of Qualified Trafficking in Persons were extant in this case. Contrary to XXX's asseverations, AAA never mentioned either "Wilma" or "Wilmar" during her testimony, which could only mean that she never met anyone who went by those names before the incident in question took place. Regarding the *Affidavits of Desistance*<sup>33</sup> of AAA, BBB, and CCC, the CA opined that the execution of such affidavits did not constitute a ground to dismiss the case, and was even frowned upon. Hence, the CA perceived no cogent reason to depart from the RTC's assessment on the credibility of the prosecution's witnesses. Lastly, the CA imposed interest on all the monetary awards for damages at the legal rate of six percent (6%) per *annum*, computed from the date of finality of the judgment until fully paid.<sup>34</sup>

Undaunted, XXX now comes to this Court for relief, posing a solitary issue for resolution: *Is she guilty beyond reasonable doubt of the special crime of Qualified Trafficking in Persons?*

*After a conscientious sifting of the records of the instant case, the Court sustains the verdict of conviction.*

The offense of Trafficking in Persons is spelled out under Section 3, par. (a) of R.A. No. 9208, as follows:

*Trafficking in Persons* – refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the 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 or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

By virtue of Section 4, par. (a) thereof, the following acts shall constitute Trafficking in Persons: recruiting, transporting, transferring, harboring, providing, or receiving 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.

Withal, this special crime may be qualified when the trafficked person

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<sup>33</sup> Records, pp. 263-264.

<sup>34</sup> CA Rollo, pp. 153-167.

is a child,<sup>35</sup> defined as a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.<sup>36</sup> It may also be qualified if committed in large scale, *i.e.*, against three or more persons, individually or as a group.<sup>37</sup>

R.A. No. 10364, which took effect on 6 February 2013, amplified the definition of Trafficking in Persons to include acts such as *obtaining, hiring, providing, offering, and maintaining* persons with or without the victim's consent or knowledge, within or across national borders.<sup>38</sup> Considering that the subject incident transpired on 2 October 2007, the unaltered provisions of R.A. No. 9208 shall govern this case.

Accordingly, to convict an accused of Trafficking in Persons, the prosecution must discharge its burden of proving the following elements:

a. The *act* of "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders";

b. 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

c. 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."<sup>39</sup>

In the case at bench, AAA, then a fourteen (14) year old child,<sup>40</sup> candidly narrated how XXX recruited her and her friends, BBB and CCC, for the sole purpose of prostitution, *viz.*:

Q What happened while you were inside the taxi with Dandan and the woman who was riding inside the taxi?

WITNESS:

A I did not know that the name of the woman inside the taxi was [XXX], and she asked me of my age.

ATTY. INOCENCIO:

<sup>35</sup> Section 6, par. (a), R.A. No. 9208.

<sup>36</sup> Section 3, par. (b), R.A. No. 9208.

<sup>37</sup> Section 6, par. (c), R.A. No. 9208.

<sup>38</sup> See *Brozoto v. People*, G.R. No. 233420, 28 April 2021; citing *People v. Maycabalong*, G.R. No. 215324, 5 December 2019.

<sup>39</sup> *Id.*; citing *People v. Casio*, 749 Phil. 458 (2014).

<sup>40</sup> Records, p. 176.

Q You mentioned about the woman who was inside the taxi. If she is inside the courtroom right now, will you be able to identify her because you said you do not know her name that time?

A Yes, sir.

Q And will you please point to that woman whom you saw inside the taxi and asked you about your age?

A Yes, sir.

Q Please point to her.

A That woman.

INTERPRETER: (To the woman)  
What is your name?

WOMAN:  
My name is [XXX].

INTERPRETER:  
**The witness is pointing to a woman wearing orange t-shirt with markings BJMP, and when asked of her name, answered that she is [XXX].**

ATTY. INOCENCIO continues:  
Thank you, [AAA], for doing that.

Q What was your answer to the question of that woman when she asked you, what is your age?

WITNESS:  
A **I answered her that my age is 14 but she told me that if somebody would ask me about my age, you tell her or him that my age is 19.**

Q What else happened, or what else did this woman tell you, if there was any?

A She told me that if somebody would ask me about my age, I would tell her or him that I am 19 years old.

Q Aside from that, what else, if any, did you talk about?

WITNESS:  
A **She told me that if [sic] there are Japanese and American customers that I would entertain.**

ATTY. INOCENCIO:  
Q Aside from that, what did the woman inside the taxi tell you?  
A **She also told me that if I would be asked by the customers to use me, I would have big tips.**

X X X X X X

Q What do you understand of this woman inside the taxi when she told you that if the customers would "gamiton" you or use you, what do you understand of that word "gamiton"?

A "Jerjer".

X X X X X X

COURT:

We will ask the witness what is her understanding of “jerjer”.

WITNESS:

A **To have sex with males.**

ATTY. INOCENCIO:

Thank you, [AAA].

Q [A]side from that confirmation, what else happened, if any, inside the taxi?

WITNESS:

A After that, we went to Brgy. [REDACTED], [REDACTED] (sic) City.

ATTY. INOCENCIO:

Q What happened when you reached Brgy. [REDACTED], [REDACTED] (sic) City?

A When we arrived at Brgy. [REDACTED], [REDACTED] (sic) City, I did not know that there were other two [sic] girls waiting for us together with Rigor and Junjun.

Q What happened after you came to know that there were other two [sic] girls together with Rigor and Junjun?

A **The taxi stopped and I disembarked. Then I found out that the two girls were my friends, [BBB] and [CCC].**

x x x

x x x

Q After that, what happened, if any?

A After that, [XXX] went inside the taxi, and we proceeded to Jade Court.

x x x

x x x

Q You were with [XXX] when you went to Jade Court?

WITNESS:

A **We, [BBB], [CCC] and I, together with [XXX], and we [sic] rode in the same taxi that brought us from Prier [sic] 3 in going to Jade Court.**

Q And what happened there in Jade Court when you arrived there, [AAA]?

A [XXX] went out at 1:00 o'clock and left us behind in Jade Court, and told us to take a bath.

x x x

x x x

Q After the taking of bath, what happened next, [AAA]?

A After that, [XXX] arrived at around 6:00 P.M., bringing with her some foods.

Q After [XXX] came back and brought some foods to eat, what happened next, if any?

A **We ate and after eating we proceeded to Mactan Airport, and we arrived there at around 7:00 P.M.**

Q Again, who were with you when you went to Mactan International

Airport?

WITNESS:

A [XXX], [BBB], [CCC] and I.<sup>41</sup>

As plain as a pikestaff, XXX's deeds betrayed her pivotal role in recruiting AAA, BBB, and CCC. She took advantage of their vulnerabilities by assuring them of pecuniary gains if they had sexual intercourse with her foreign clients. Ineludibly, the purpose for which the three girls were recruited by XXX falls within the purview of prostitution, characterized by Section 3, par. (c) of RA No. 9208 as "any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration."

On that point, it is immaterial that the three girls agreed to go with XXX in the first place. After all, it is axiomatic that the knowledge or consent of the minor victim is not a defense under R.A. No. 9208. The said consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. Even without the use of such means, a minor's consent is not given out of his or her own free will.<sup>42</sup>

By the same token, it is inconsequential that their flight to Manila was thwarted. To be sure, the gravamen of trafficking is the act of recruiting or using, with or without consent, a fellow human being for, *inter alia*, sexual exploitation.<sup>43</sup>

Tellingly, PO1 Longboy recounted that XXX had in her possession plane tickets and boarding passes in the names of AAA, BBB, and CCC, all of whom were under eighteen (18) years old based on his interview with them.<sup>44</sup> Likewise, P/Supt. Derilo related that during his exchange with the three girls, they uniformly pointed to XXX as their recruiter.<sup>45</sup> So, too, P/Supt. Derilo determined as a result of their investigation that the would-be employer of the minor victims, King Philip KTV Restaurant, was a hotbed of debauchery for its clientele.<sup>46</sup> Indubitably, the statements of these police officers bolstered the credence of AAA's testimony.

At this juncture, it must be underscored that the trial court's assignment of probative value to witnesses' testimonies will not be disturbed except when significant matters were overlooked, because it had the opportunity to observe the demeanor of the witnesses on the stand. The trial court's findings acquire even greater weight once affirmed on appeal.<sup>47</sup> Here, XXX failed to proffer

<sup>41</sup> TSN, 22 February 2008, pp. 13-22. Emphases supplied.

<sup>42</sup> See *People v. Leocadio*, G.R. No. 237697, 15 July 2020; citing *Planteras, Jr. v. People*, G.R. No. 238889, 3 October 2018, 882 SCRA 236.

<sup>43</sup> See *Brozoto v. People*, *supra* note 38; citing *People v. Estonilo*, G.R. No. 248694, 14 October 2020.

<sup>44</sup> TSN, 17 December 2007, pp. 13-16.

<sup>45</sup> TSN, 17 September 2008, p. 6.

<sup>46</sup> *Id.* at 8-25.

<sup>47</sup> See *People v. Garcia*, G.R. No. 240692, 15 July 2020; citing *People v. Dela Rosa*, G.R. No. 227880, 6 November 2019.

any compelling reason to deviate from the factual findings of the RTC, as ingeminated by the CA.

Given the foregoing disquisition, it is beyond cavil that the prosecution incontrovertibly established the *act, means, and purpose* of the offense charged against XXX. Considering that AAA, BBB, and CCC are deemed children by law, and that the crime is perpetrated in large scale, *i.e.*, against three girls, XXX is ineluctably guilty of Qualified Trafficking in Persons.

Contrariwise, XXX's defense pales in juxtaposition with the prosecution's evidence. She maintains that it was her friend "Wilma" who requested her to go with AAA, BBB, and CCC on their flight,<sup>48</sup> yet simultaneously asserts that the clique of "Rigor", "Dandan", and "Junjun" actually recruited the three girls.<sup>49</sup> Strikingly, "Rigor" propounded that it was "Wilmar Ariar" who procured the services of the victims.<sup>50</sup> This glaring and unexplained incongruity in XXX's polemics renders her exposition implausible, even bordering on the ludicrous.

Anent the *Affidavits of Desistance*,<sup>51</sup> 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. Moreover, there is always the probability that it would later on be repudiated, and criminal prosecution would thus be interminable.<sup>52</sup> In this case, AAA essentially renounced in open court the *Affidavit of Desistance*<sup>53</sup> bearing her name, because the signature therein was different from her own penmanship.<sup>54</sup> Perforce, the said document should not hold sway in deciding XXX's fate.

In epitome, this Court finds no discernible reason to reverse XXX's conviction for Qualified Trafficking in Persons under Section 4, par. (a) in relation to Section 6, pars. (a) and (c) of R.A. No. 9208.

***A final cadence.*** In obeisance to recent jurisprudence,<sup>55</sup> the RTC and the CA correctly sentenced XXX with life imprisonment and directed her to pay AAA moral damages and exemplary damages in the respective amounts of ₱500,000.00 and ₱100,000.00 as well as a fine of ₱3,000,000.00. Still and all, BBB and CCC are likewise entitled to moral damages and exemplary damages for the simple reason that they were also demonstrably victimized by XXX's

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<sup>48</sup> CA *Rollo*, p. 100.

<sup>49</sup> *Id.* at 97.

<sup>50</sup> *Id.* at 100.

<sup>51</sup> Records, pp. 263-264.

<sup>52</sup> See *People v. Fuentes, Jr.*, 789 Phil. 133, 139 (2016); citing *People v. Salazar*, 648 Phil. 520 (2010).

<sup>53</sup> Records, p. 264.

<sup>54</sup> TSN, 6 March 2008, p. 30.

<sup>55</sup> See *People v. Amurao*, G.R. No. 229514, 28 July 2020; citing *People v. Lalli*, G.R. No. 195419, 12 October 2011, 659 SCRA 105. See also *People v. Estonilo*, *supra* note 43; citing *People v. Maycabalong*, *supra* note 38.

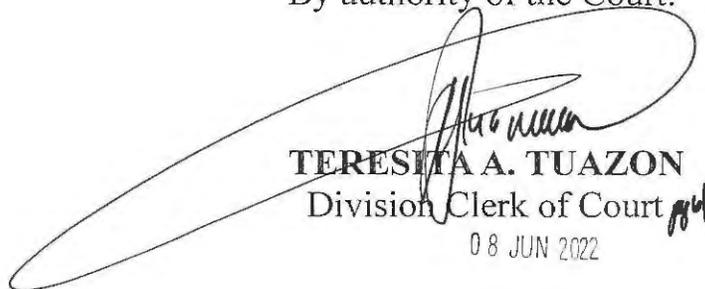
nefarious scheme, even if it was only AAA who testified on behalf of the prosecution. Apropos is the edifying explication made by this Court in *People v. Kelley*,<sup>56</sup> to wit:

Accused-appellants were found guilty of operating as a syndicate to commit qualified trafficking in persons. **Their offense was committed as much against the 15 other women rescued on May 22, 2013 as it was against OOO.** Even if it was only OOO who personally testified, her testimony, along with those of P/Supt. Puapo and PO3 Pagumpaton, and the entire corpus of evidence adduced by the prosecution attest to the manifold operation of accused-appellants whose object was by no means OOO alone. AAA, BBB, CCC, DDD, EEE, FFF, GGG, HHH, III, JJJ, KKK, LLL, MMM, NNN, and PPP are as much victims of accused-appellants' sinister designs. **They are each equally deserving of a measure of recompense.** As such, this Court orders the payment of moral damages, not just to OOO, but to each of the 15 other victims rescued on May 22, 2013.<sup>57</sup>

**WHEREFORE**, the *Appeal* is hereby **DISMISSED**. The *Decision* dated 22 June 2018 of the Court of Appeals in CA-G.R. CEB-CR HC No. 01835 is **AFFIRMED with MODIFICATION**. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4, par. (a) in relation to Section 6, pars. (a) and (c) of R.A. No. 9208. She is thereby **SENTENCED** to suffer the penalty of life imprisonment and to pay a fine of ₱3,000,000.00. She is also **ORDERED** to pay each of the victims, AAA, BBB, and CCC, moral damages in the amount of ₱500,000.00, and exemplary damages in the amount of ₱100,000.00. All damages awarded shall earn legal interest at the rate of six percent (6%) per *annum* from the finality of this *Resolution* until fully paid.

**SO ORDERED.”**

By authority of the Court:



**TERESITA A. TUAZON**  
Division Clerk of Court  
08 JUN 2022

<sup>56</sup> G.R. No. 243653, 22 June 2020.

<sup>57</sup> Id. Emphases supplied.

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c/o The Superintendent  
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THE SUPERINTENDENT (reg)  
Correctional Institution for Women  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 27  
Lapu-Lapu City  
(Crim. Case No. 019105-L)

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\*with copy of CA Decision dated 22 June 2018  
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