



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022 which reads as follows:*

“G.R. No. 255591 (*People of the Philippines v. Emma Barrientos y Pantaleon*). – After a judicious review of the records of the case at bar, the Court resolves to **DISMISS** the appeal<sup>1</sup> for failure of accused-appellant Emma Barrientos y Pantaleon (appellant) to sufficiently show that the Court of Appeals (CA) committed any reversible error in its assailed Decision<sup>2</sup> dated 11 August 2020 in CA-G.R. CR-HC No. 12745. The CA affirmed the Decision<sup>3</sup> dated 26 February 2019 of Branch 59, Regional Trial Court (RTC) of Angeles City, in Criminal Case Nos. R-ANG-18-01775-CR and R-ANG-18-01776-CR finding appellant guilty beyond reasonable doubt of violation of Section 4(a) of Republic Act No. (RA) 9208,<sup>4</sup> as amended by RA 10364.<sup>5</sup>

We affirm the findings of the RTC and the CA that all the elements for violation of Sec. 4(a) of RA 9208, as amended by RA 10364, were sufficiently established by the prosecution to convict appellant for the crime charged.

In the case of *People v. Casio*,<sup>6</sup> We noted that RA 10364 expanded the definition of the crime of “Trafficking in Persons” to include the following acts:

<sup>1</sup> *Rollo*, pp. 20-22.

<sup>2</sup> *Id.* at 4-19; penned by Associate Justice Eduardo P. Peralta, Jr. and concurred in by Associate Justices Remedios A. Salazar-Fernando and Louis P. Acosta.

<sup>3</sup> *CA rollo*, pp 56-72; penned by Judge Maria Angelica T. Paras-Quiambao.

<sup>4</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: 26 May 2003.

<sup>5</sup> Entitled “AN ACT EXPANDING REPUBLIC ACT NO. 9208, 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: 06 February 2013.

<sup>6</sup> 749 Phil. 458 (2014).

(1) The *act* of “recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders.”

(2) The *means* used which include “threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another; and

(3) The *purpose* of trafficking 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>7</sup>

Sec. 6 (a) of RA 9208, as amended, provides that there is Qualified Trafficking when the victim is a “child.” A “child” is “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/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.”<sup>8</sup>

In this case, the RTC, as affirmed by the CA, found that all the elements of the offense are sufficiently established. Appellant offered AAA<sup>9</sup> to a foreign national for sex service in exchange for money. Her certificate of live birth showed that she was born on 05 August 2001, proving that she was only 16 years old when appellant solicited her services.

The common factual findings of the RTC and the CA were based on the credible, positive, and categorical testimony of AAA that appellant enticed her to engage in illicit sexual trade. AAA clearly and unequivocally testified that appellant recruited her and her companions, BBB and CCC to perform sexual services to a foreigner for ₱5,000.00 each. AAA agreed to the offer since she needed the money. She also narrated that the incident subject of the offense was, in fact, the second time appellant recruited her into providing sexual services to a foreigner.<sup>10</sup>

In cases of trafficking of children, the second element (*i.e.*, the means employed) need not be proven. *People v. Villanueva*<sup>11</sup> instructs:

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall still be considered “trafficking in persons” even if it does not involve any of the means set forth in the first paragraph of Sec. 3 (a) of R.A. No. 9208. Given that the person

<sup>7</sup> Id. at 472-473.

<sup>8</sup> Republic Act No. 9208, Section 3(b) as amended by Republic Act No. 10364.

<sup>9</sup> Initials were used to identify the victim, AAA, and her companions, BBB and CCC, pursuant to Supreme Court Amended Administrative Circular No. 83-15 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.” Approved: 05 September 2017.

<sup>10</sup> See CA Decision; *rollo*, pp. 14-16.

<sup>11</sup> 795 Phil. 349 (2016).

allegedly trafficked in the case at bar is a child, we may do away with discussions on whether or not the second element was actually proven.<sup>12</sup>

Thus, it is immaterial that AAA consented to the commission of the offense, or that she recruited two other women to engage in the same acts. In *People v. Casio*,<sup>13</sup> We held that “[t]he victim’s consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. **Even without the use of coercive, abusive, or deceptive means, a minor’s consent is not given out of his or her own free will.**”<sup>14</sup>

Contrary to appellant’s insistence, the crime of trafficking in persons is considered consummated even if no sexual intercourse takes place. Merely engaging in the transaction consummates the crime.<sup>15</sup> This has been the consistent ruling of the Court. The gravamen of the crime of human trafficking is not so much the offer of a woman or child; it is the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation.<sup>16</sup>

Denial is an inherently weak defense.<sup>17</sup> In this case, appellant failed to substantiate her denial by clear and convincing evidence. Thus, such denial cannot prevail over the positive and credible testimony of AAA that appellant committed the crime. As between a categorical testimony which has the ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.<sup>18</sup> Appellant did not even endeavor to present Carlo, who allegedly invited her to the hotel to massage a certain Korean national. She failed to substantiate her denial by clear and convincing evidence.

Finally, the penalty imposed by the courts *a quo* is in accord with the pertinent law and should be sustained. Section 10(c) of RA 9208, as amended by RA 10364, states that persons found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than ₱2,000,000.00 but not more than ₱5,000,000.00, for each count thereof.

The award of moral and exemplary damages is also proper pursuant to *People v. Lalli*.<sup>19</sup> In accordance with prevailing jurisprudence, appellant is

<sup>12</sup> Id. at 360.

<sup>13</sup> Supra note 6.

<sup>14</sup> Emphasis supplied.

<sup>15</sup> *People v. Casio*, supra note 6 at 477.

<sup>16</sup> *People v. Rodriguez*, 818 Phil. 626, 639-640 (2017).

<sup>17</sup> *People v. Ganaba*, 829 Phil. 306, 321 (2018).

<sup>18</sup> *Marajas v. People*, G.R. No. 244001, 23 June 2021.

<sup>19</sup> 675 Phil. 126 (2011). The Court explained:

The criminal case of Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse. To be trafficked as a prostitute without one’s consent and to be sexually violated four to five times a day by different strangers is horrendous and atrocious. There is no doubt that Lolita experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, and social humiliation when she was trafficked as a prostitute in Malaysia. Since the crime of Trafficking in Persons was aggravated, being committed by a syndicate, the award of exemplary damages is likewise



ordered to pay AAA the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages. The total monetary award shall earn six percent (6%) legal interest per *annum* from the finality of this Resolution until fully paid.<sup>20</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated 11 August 2020 of the Court of Appeals in in CA-G.R. CR-HC No. 12745 is **AFFIRMED**. Accused-appellant Emma Barrientos y Pantaleon is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, and is hereby **SENTENCED** to suffer the penalty of life imprisonment, and to pay a fine of ₱2,000,000.00, ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages, subject to a legal interest of six percent (6%) per *annum* from finality of this Resolution until full payment.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *11/10*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**157-I**

OCT 13 2022

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Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 12745)

The Hon. Presiding Judge  
Regional Trial Court, Branch 59  
Angeles City, 2009 Pampanga  
(Crim. Case Nos. R-ANG-18-01775-CR  
to 01776-CR)

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justified.

<sup>20</sup> *Candy v. People*, G.R. No. 223042, 06 October 2021.

Ms. Emma P. Barrientos  
Accused-Appellant  
c/o The Superintendent  
Correctional Institution for Women  
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The Superintendent  
Correctional Institution for Women  
1550 Mandaluyong City

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