



[MODIFIED]

Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**PEOPLE  
PHILIPPINES,**

**OF THE**

**G.R. No. 260639**

*Plaintiff-Appellee,*

Present:

GESMUNDO, C.J.,

*Chairperson,*

HERNANDO,

ZALAMEDA,

ROSARIO, and

MARQUEZ, JJ.

- versus -

**XXX,**<sup>1</sup>

*Accused-Appellant.*

Promulgated:

**MAR 29 2023**

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**DECISION**

**HERNANDO, J.:**

On appeal<sup>2</sup> is the September 15, 2020 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11630 which affirmed the July 21, 2018 Decision<sup>4</sup> of Regional Trial Court (RTC) of [REDACTED],<sup>5</sup> Branch 9 in Criminal Case No. 14-306468. The lower courts found accused-appellant XXX guilty beyond

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to the 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> *Rollo*, pp. 3-5.

<sup>3</sup> *Id.* at 8-18. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Walter S. Ong.

<sup>4</sup> *Records*, pp. 253-267. Penned by Presiding Judge Jacqueline S. Martin-Balictar.

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

reasonable doubt of Qualified Trafficking in Persons under Section 4 (a) and (e) in relation to Sec. 6 (a) and (c) of Republic Act No. (RA) 9208,<sup>6</sup> otherwise known as the “Anti-Trafficking in Persons Act of 2003,” as amended by RA 10364.<sup>7</sup>

Accused-appellant was charged in an Information that reads:

That on or about the 28<sup>th</sup> day of January 2014, or on dates prior thereto at [REDACTED], which is within the jurisdiction of this Honorable Court, the above-named accused, for the purpose of prostitution and other forms of sexual exploitation, did then and there, willfully, knowingly, unlawfully, feloniously provide the following minor children, namely: [AAA]<sup>8</sup> (15 years old), [BBB] (13 years old), [CCC] (17 years old), and [DDD] (16 years old), to potential customers in exchange for sexual services for a fee, to the damage and prejudice of said minor children.

That the crime was further attended by the qualifying circumstance of large scale, there being four (4) victims at the time of the commission of the offense.

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

During arraignment, accused-appellant entered a plea of “not guilty.”<sup>10</sup> At the pre-trial conference, the prosecution and defense stipulated that accused-appellant or the person named in the Information is the same person inside the court room, and that the accused was arrested, booked, and presented for inquest.<sup>11</sup>

The prosecution presented the following witnesses: private complainants AAA, BBB, CCC, and DDD; and Intelligence Agents (IAs) Victor John Paul Ronquillo (Ronquillo) and Rodrigo Sarno (Sarno). The defense presented accused-appellant as sole witness. The prosecution also formally offered the following documentary evidence: *Sinumpaang Salaysay* of CCC; *Sinumpaang Salaysay* of BBB; Joint Affidavit of Arrest; *Sinumpaang Salaysay* of DDD; Joint Affidavit of IA Sarno, IA Harold D. Natalia (Natalia), and IT Consultant

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<sup>6</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.

<sup>7</sup> *Rollo*, p. 17.

<sup>8</sup> “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004.” (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

<sup>9</sup> Records, pp. 1-2.

<sup>10</sup> *Id.* at 68-70.

<sup>11</sup> *Id.* at 84.

Christian Andrew Ibasco (Ibasco); *Sinumpaang Salaysay* of AAA; marked money; Birth Certificate of DDD; and Birth Certificate of CCC.

### The Facts

On January 27, 2014, the National Bureau of Investigation (NBI) Anti-Human Trafficking Division (AHTRAD) Office received information about the rampant sexual trafficking of minors at [REDACTED].<sup>12</sup> Executive Officer Atty. Czar Eric Nuqui (Atty. Nuqui) ordered IAs Sarno and Natalia to validate such information and conduct a surveillance operation at the said mall on the same day, at about 4:00 p.m. to 5:00 p.m..<sup>13</sup>

IAs Sarno and Natalia proceeded to [REDACTED] located on the [REDACTED] and roamed around the area until a man, who was later identified as accused-appellant, approached the agents and asked them if they were looking for women to have sex with in exchange for money.<sup>14</sup> The man even introduced to them a young girl who appeared to be a minor and told them that sex with her would only cost ₱1,000.00.<sup>15</sup> The agents replied that they are willing to accept his offer but, since they do not have money, they will come back another time.<sup>16</sup>

After confirming that there are indeed cases of sexual trafficking of minors in the area, the agents immediately returned to their office and reported the result of the surveillance to Atty. Nuqui.<sup>17</sup> Atty. Nuqui ordered an entrapment and rescue operation the following day, January 28, 2014.<sup>18</sup> The operation involved NBI AHTRAD agents, Department of Justice Inter-Agency Council against Trafficking agents, and Department of Social Welfare and Development (DSWD) personnel.<sup>19</sup> During the pre-operation briefing, IA Sarno, IA Natalia and Ibasco were designated as poseur customers and were given marked money consisting of five PHP 1,000.00 bills.<sup>20</sup>

On January 28, 2014, at about 4:00 p.m., the entrapment team proceeded to the target area and waited outside [REDACTED].<sup>21</sup> Accused-appellant approached the poseur customers and once again offered the sexual services of minors at ₱1,000.00 each.<sup>22</sup> The poseur customers agreed.<sup>23</sup> Accused-appellant

<sup>12</sup> TSN, October 20, 2016, p. 4; TSN, March 1, 2016, p. 5.

<sup>13</sup> TSN, October 20, 2016, pp. 4-5.

<sup>14</sup> TSN, October 20, 2016, pp. 5-6; TSN, March 1, 2016, p. 5.

<sup>15</sup> TSN, October 20, 2016, p. 7.

<sup>16</sup> Id. at 6.

<sup>17</sup> Id. at 7.

<sup>18</sup> Id.

<sup>19</sup> TSN, October 20, 2016, p. 7; TSN, March 1, 2016, p. 6.

<sup>20</sup> TSN, October 20, 2016, pp. 8-9.

<sup>21</sup> TSN, October 20, 2016, p. 9; TSN, March 1, 2016, p. 6.

<sup>22</sup> TSN, October 20, 2016, p. 9.

<sup>23</sup> Id.

then instructed DDD to look for other girls and inform them that the “guests” were willing to pay ₱1,000.00 for their services.<sup>24</sup> The complainants confirmed that accused-appellant served as their pimp or “*bugaw*” because he looked for “guests” who will pay for sexual services and that, according to their arrangement with accused-appellant, they must give the latter ₱200.00 to ₱300.00 from the ₱1000.00 they will receive from the “guests.”<sup>25</sup>

After offering several girls to the agents, the agents invited everyone to go down to a restaurant on the ground floor to eat.<sup>26</sup> A certain YYY joined them in the restaurant hoping to offer to the agents the sexual services of another girl.<sup>27</sup> In the restaurant, they ordered food and discussed the transaction.<sup>28</sup> When accused-appellant told the poseur customers to choose among the girls who they will hire, IA Sarno chose the four girls brought by accused-appellant and paid ₱4,000.00 while IA Natalia chose the person brought by YYY and paid ₱1,000.00.<sup>29</sup> At this juncture, Atty. Nuqui signaled to the other agents to proceed with the arrest of the accused-appellant by nodding his head.<sup>30</sup> IA Ronquillo, and other members of the team strategically positioned around the area, arrested accused-appellant while DSWD personnel rescued and took custody of the minor complainants.<sup>31</sup>

As his defense, accused-appellant claimed that, on June 28, 2014, at about 3:00 p.m., he was shopping alone in [REDACTED], when two individuals called his attention.<sup>32</sup> The two individuals in civilian clothing invited accused-appellant to eat with them at a restaurant in the mall.<sup>33</sup> After they finished eating, the men instructed accused-appellant to leave the restaurant.<sup>34</sup> Accused-appellant claimed that, after he left the restaurant, he was forced to board a van and was brought to the NBI Office.<sup>35</sup> Accused-appellant testified that he does not know the complainants in the present case and he has no knowledge of the reason why he was charged with exploiting minors.<sup>36</sup>

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<sup>24</sup> TSN, June 23, 2015, pp. 6-7; TSN, January 18, 2016, p. 6; records, p. 39.

<sup>25</sup> TSN, June 23, 2015, pp. 12-13; TSN, October 27, 2015, pp. 5 and 9-10; TSN, January 18, 2016, p. 7; TSN, January 26, 2016, p. 11.

<sup>26</sup> TSN, October 20, 2016, p. 10; TSN, March 1, 2016, p. 7.

<sup>27</sup> TSN, October 20, 2016, pp. 10-11.

<sup>28</sup> TSN, October 20, 2016, p. 11; TSN, March 1, 2016, p. 8.

<sup>29</sup> TSN, October 20, 2016, p. 11-12.

<sup>30</sup> TSN, March 1, 2016, p. 8.

<sup>31</sup> Id.

<sup>32</sup> TSN, May 22, 2017, pp. 4-8.

<sup>33</sup> Id. at 8-9.

<sup>34</sup> Id. at 10.

<sup>35</sup> Id. at 10-11.

<sup>36</sup> Id. at 11-12.

### Ruling of the Regional Trial Court

In its July 21, 2018 Judgment,<sup>37</sup> the trial court rendered a decision finding accused-appellant guilty of the crime of Qualified Trafficking in Persons under Sec. 4 (a) and (e) in relation to Sec. 6 (a) and (c) of RA 9208, as amended by RA 10364. The trial court found that the statements of the victims positively identifying the accused-appellant as the perpetrator of the crime charged were credible, concise, straightforward, and unperturbed by rigorous cross-examination.<sup>38</sup> The dispositive portion of the RTC judgment reads:

WHEREFORE, accused [XXX] [sic] is hereby found GUILTY beyond reasonable doubt of the crime of Qualified Trafficking of Persons under Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act (R.A.) No. 9208 (Anti-Trafficking in Persons Act of 2003), as amended by R.A. No. 10364. He is hereby sentenced to suffer the penalty of life imprisonment, without eligibility for parole, and to pay a fine of P2,000,000.000.

SO ORDERED.<sup>39</sup>

Accused-appellant appealed his conviction to the appellate court on July 26, 2018.<sup>40</sup> In the Appellant's Brief,<sup>41</sup> accused-appellant claimed that the trial court erred in convicting him of the crime charged despite the "patent incredibility and inconsistencies in the testimonies of the prosecution witnesses."<sup>42</sup>

### Ruling of the Court of Appeals

In its September 15, 2020 Decision,<sup>43</sup> the CA affirmed the trial court's judgment of conviction. The CA held that the prosecution clearly established the existence of the elements of Qualified Trafficking in Persons in this case, and found that the alleged inconsistencies in the testimonies of the prosecution witnesses pertained to minor details that, in any case, could not negate accused-appellant's violation of RA 9208, as amended.<sup>44</sup> The *fallo* of the CA's September 15, 2020 Decision reads:

WHEREFORE, the appeal is **DENIED**. The decision of the Regional Trial Court of [REDACTED], Branch 09 dated July 21, 2018 in Criminal Case No. 14-306468 is **AFFIRMED with MODIFICATION**. Accused-appellant [XXX] is found **GUILTY** beyond reasonable doubt of qualified trafficking in persons, defined and penalized under Section 4 (a) and (e) in relation to Section 6 (a) and (c) of Republic Act No. 9208, as amended by Republic Act No. 10364. Accused-

<sup>37</sup> Records, pp. 253-267.

<sup>38</sup> Id. at 267.

<sup>39</sup> Id.

<sup>40</sup> Id. at 270.

<sup>41</sup> CA *rollo*, pp. 35-55.

<sup>42</sup> Id. at 35.

<sup>43</sup> *Rollo*, pp. 8-18.

<sup>44</sup> Id. at 15.

appellant is sentenced to suffer the penalty of life imprisonment and pay a fine in the amount of P2,000,000.00. Accused-appellant is also ordered to pay each of the four victims named in the information the amount of P500,000.00 as moral damages and P100,000.00 as exemplary damages, with interest at the rate of six percent (6%) per annum on all monetary awards from the date of finality of judgment until full payment.

**SO ORDERED.**<sup>45</sup>

Aggrieved, accused-appellant filed a Notice of Appeal on October 21, 2020 challenging the assailed decision of the CA.<sup>46</sup>

### **Issue**

For resolution is the issue of whether the CA correctly affirmed the finding of the RTC that accused-appellant is guilty beyond reasonable doubt of Qualified Trafficking in Persons under Sec. 4 (a) and (e) in relation to Sec. 6 (a) and (c) of RA 9208, as amended by RA 10364.

### **Our Ruling**

The appeal has no merit. The Court sustains the conviction of accused-appellant for the crime of Qualified Trafficking in Persons, particularly under Sec. 4 (a) and (e) in relation to Sec. 6 (a) of RA 9208, as amended by RA 10364.

In order to sustain a conviction for “Trafficking in Persons,” the following elements must be shown:

(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 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>47</sup>

The foregoing elements were culled from the definition of “Trafficking in Persons” under Sec. 3 (a) of RA 9208. In *Arambulo v. People*,<sup>48</sup> the Court clarified that Sec. 3 (a) of RA 9208 merely provides the general definition of

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<sup>45</sup> Id. at 18.

<sup>46</sup> Id. at 3.

<sup>47</sup> *People v. XXX*, G.R. No. 248815, March 23, 2022, citing *People v. Amurao*, G.R. No. 229514, July 28, 2020 and *People v. Casio*, 749 Phil. 458, 472-473 (2014).

<sup>48</sup> G.R. No. 241834, July 24, 2019.

*n*

“Trafficking in Persons” and that convictions for “Qualified Trafficking in Persons” shall rest on (a) the commission of any of the acts provided under Secs. 4, 4-A, 4-B, 4-C, or 5; and (b) the existence of any of the circumstances listed under Section 6:

It must be clarified that **Section 3 (a) of RA 9208 merely provides for the general definition of ‘Trafficking in Persons’ as the specific acts punishable under the law are found in Sections 4 and 5 of the same (including Sections 4-A, 4-B, and 4-C if the amendments brought about by RA 10364 are taken into consideration).** This is evinced by Section 10 which provides for the penalties and sanctions for committing the enumerated acts therein. Notably, Section 10 (c) of RA 9208 (renumbered as Section 10 [e] under RA 10364) of the law also provides for penalties for ‘Qualified Trafficking in Persons’ under Section 6. Nonetheless, since Section 6 only provides for circumstances which would qualify the crime of ‘Human Trafficking,’ reference should always be made to Sections 4, 4-A, 4-B, 4-C, or 5 of the law. **Hence, convictions for ‘Qualified Trafficking in Persons’ shall rest on: (a) the commission of any of the acts provided under Sections 4, 4-A, 4-B, 4-C, or 5; and (b) the existence of any of the circumstances listed under Section 6. Otherwise stated, one cannot be convicted of ‘Qualified Trafficking in Persons’ if he is not found to have committed any of the punishable acts under the law.”<sup>49</sup>**

In the present case, accused-appellant is charged with the violation of Sec. 4 (a) and (e) in relation to Sec. 6 (a) and (c) of RA 9208, as amended by RA 10364:

Sec. 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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;

x x x x

(e) To maintain or hire a person to engage in prostitution or pornography;

x x x x

Sec. 6. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

x x x x

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed

<sup>49</sup> Id. Emphases supplied.

committed in large scale if committed against three (3) or more persons, individually or as a group;

As provided under Sec. 4 (a) of RA 9208, as amended, the prosecution must prove that accused-appellant (1) recruited, obtained, hired, provided, offered, transported, transferred, maintained, harbored, or received a person; (2) by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship; and (3) for the purpose of prostitution, pornography, or sexual exploitation. Under Sec. 4 (e) of RA 9208, as amended, the prosecution must show that accused-appellant maintained or hired a person to engage in prostitution or pornography. The foregoing acts are qualified if, among others, the prosecution shows that the trafficked person is a child [Section 6 (a)] and/or the crime is committed by a syndicate or in a large scale [Section 6 (c)].

Although the enumeration of elements of “Trafficking in Persons” provides that the means used 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,” paragraph 2 of Sec. 3 (a) of RA 9208, as amended also provides that “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.”

In every criminal case, the task of the prosecution is always two-fold: (1) to prove beyond reasonable doubt the commission of the crime charged; and (2) to establish with the same quantum of proof the identity of the person or persons responsible therefor, because, even if the commission of the crime is a given, there can be no conviction without the identity of the malefactor being likewise clearly ascertained.<sup>50</sup> As correctly found by the courts *a quo*, the prosecution sufficiently established all the elements of the crime charged and also proved beyond reasonable doubt that accused-appellant is the perpetrator of the crime.

The prosecution witnesses clearly and convincingly narrated the events that transpired on the day of the incident. It was particularly established that (1) accused-appellant approached the agents and asked them if they were looking for women to have sex with in exchange for ₱1,000.00 for each girl<sup>51</sup> and even asked the agents to choose who, among the girls he brought to them, they will hire; <sup>52</sup> (2) accused-appellant offered DDD’s services to a “guest” and then instructed her to look for more girls to give to the “guests;”<sup>53</sup> and (3) all of the complainants confirmed that accused-appellant looked for “guests” who will

<sup>50</sup> *People v. Lumikid*, G.R. No. 242695, June 23, 2020, citing *People v. Vargas*, 784 Phil. 144, 149 (2016).

<sup>51</sup> TSN, October 20, 2016, p. 6.

<sup>52</sup> *Id.* at. 11-12.

<sup>53</sup> TSN, June 23, 2015, pp. 7-8.



pay for sexual services and that they must give accused-appellant ₱200.00 to ₱300.00 from the money that they will receive from the “guests.”<sup>54</sup>

From the foregoing testimonies, it is clear that the prosecution consistently showed that accused-appellant recruited or hired four young ladies for the purpose of prostitution or sexual exploitation and offered their sexual services to the poseur customers. Sec. 3(a) of RA 9208, as amended, clearly provides that such “Trafficking in Persons” may be committed “with or without the victim’s consent or knowledge.” As to the means employed by accused-appellant, Sec. 4 (a) notably provides that such act may be achieved “by any means.” Regardless of the complainants’ consent to such transaction and even their past involvement in similar arrangements, accused-appellant took full advantage of their vulnerability when he hired them and offered their services to the poseur customers. Each complainant testified that they dropped out of school or stopped studying and that they willingly entered into such an illicit transaction with accused-appellant because of their need to support themselves.<sup>55</sup> Such deplorable acts of the accused-appellant involving the sexual exploitation of four young ladies clearly fall under Sec. 4 (a) and (e) of RA 9208, as amended.

As to the qualifying circumstances, the prosecution alleges that the four complainants were all minors at the time of the incident. Sec. 3 (b) of RA 9208, as amended, defines “child” as a “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.”

In *People v. Pruna*,<sup>56</sup> the court laid down the following guidelines in appreciating age either as an element of the crime or as a qualifying circumstance:

In order to remove any confusion that may be engendered by the foregoing cases, we hereby set the following guidelines in appreciating age, either as an element of the crime or as a qualifying circumstance.

1. The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.
2. In the absence of a certificate of live birth, similar authentic documents such as baptismal certificate and school records which show the date of birth of the victim would suffice to prove age.
3. If the certificate of live birth or authentic document is shown to have been lost or destroyed or otherwise unavailable, the testimony, if clear and credible, of the victim’s mother or a member of the family either by affinity or

<sup>54</sup> TSN, June 23, 2015, pp. 12-13; TSN, October 27, 2015, pp. 5, 9-10; TSN, January 18, 2016, p. 7; TSN, January 26, 2016, p. 11.

<sup>55</sup> Records, pp. 36, 38, 44, and 51.

<sup>56</sup> *People v. Pruna*, 439 Phil. 440, 470-471 (2002). See *People v. XXX*, G.R. No. 244048, February 14, 2022.

consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:

- a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that she is less than 7 years old;
- b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that she is less than 12 years old;
- c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that she is less than 18 years old.

4. In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.

**5. It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.**

6. The trial court should always make a categorical finding as to the age of the victim.<sup>57</sup>

Based on the records, the prosecution did not present sufficient evidence to prove the minority of the complainants. For AAA and BBB, the prosecution dispensed with the testimony of the representatives of the Philippine Statistic Authority (PSA), after the defense admitted that the PSA will present, among others, exhibits showing the Negative Certification of Record of Birth of AAA and the Negative Certification of Record of Birth of BBB.<sup>58</sup> The prosecution did not present any other evidence to prove the minority of AAA and BBB.

As for DDD, the information states that she was 16 years old at the time of the incident.<sup>59</sup> In her affidavit,<sup>60</sup> she claimed that she was born in 1998 and that she was 16 years old. However, based on the birth certificate of DDD submitted into evidence by prosecution, the year of birth of DDD indicated therein is 1995.<sup>61</sup> Thus, at the time of the incident, DDD was already 18 years old. As for CCC, the information states that she was 17 years old at the time.<sup>62</sup> In her affidavit, she claimed that she was born in 1996 and that she was 17 years old.<sup>63</sup> However, the birth certificate of CCC presented by the prosecution states that her year of birth was in 1968.<sup>64</sup> Upon closer inspection of the birth certificate of CCC on record, it appears that the same may refer to another person with a similar first name and last name but different middle name.

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

<sup>58</sup> Records, p. 212 (Order dated February 13, 2017).

<sup>59</sup> Id. at 1-2.

<sup>60</sup> Id. at 44.

<sup>61</sup> Id. at 217 (Exh. F – Certificate of Live Birth of DDD).

<sup>62</sup> Id. at 1-2.

<sup>63</sup> Id. at 35.

<sup>64</sup> Id. at 218 (Exh. G – Certificate of Live Birth of CCC).

For failure of the prosecution to discharge the burden of proving the age of the offended parties, the qualifying circumstance under Sec. 6 (a) of RA 9208 cannot be appreciated in this case. Nonetheless, since the crime was committed in large scale or against four persons, the qualifying circumstance under Sec. 6 (c) of RA 9208 must be applied and the appropriate penalties must be imposed.

With regard to accused-appellant challenging the credibility of the prosecution witnesses, this Court has consistently held that the findings of the trial court are accorded high respect, if not conclusive effect unless it “overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case:”

The Court has ruled, time and again, that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because it is the trial court that has the unique opportunity to observe the demeanor of witnesses; and the trial court is in the best position to discern whether or not the witnesses are telling the truth. Generally, the appellate courts will not overturn the trial court’s findings unless it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case.<sup>65</sup>

It is well settled that inconsistencies in the testimonies of witnesses, which refer only to minor details and collateral matters, do not affect the veracity and weight of their testimonies, where there is consistency in relating the principal occurrence and the positive identification of the accused.<sup>66</sup> The agent who served as poseur customer, IA Sarno, and the arresting officer, IA Ronquillo, as well as the four complainants all positively identified accused-appellant in open court as a “*bugaw*” or pimp, someone who looks for “guests” who will pay for sex with girls and receive a commission from the fees.<sup>67</sup> Despite accused-appellant’s insistence that YYY and even DDD should also be prosecuted for a similar criminal charge, this Court agrees with the findings of the appellate court that such contentions cannot be sustained as the prosecution of a criminal case is under the discretion and control of the prosecuting officer and DDD, in particular, was merely following the instructions of accused-appellant to find more girls to entertain the “guests.” Moreover, the prosecution of other parties has no bearing on the case of accused-appellant since the latter was positively identified by the prosecution witnesses as the perpetrator of the

<sup>65</sup> *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Cirbeto*, 825 Phil. 793, 805 (2018) and *People v. Agalot*, 826 Phil. 541, 550 (2018).

<sup>66</sup> *People v. Bis*, 728 Phil. 568, 575 (2014).

<sup>67</sup> TSN, March 1, 2016, p. 12; TSN, October 20, 2016, p. 6; TSN, June 23, 2015, pp. 6-7, 11-12.; TSN, October 27, 2015, pp. 7-8; TSN, January 18, 2016, pp. 4-5; TSN, January 26, 2016, pp. 8-9.

crime charged. The defense also did not allege and prove any ill motive of the prosecution witnesses in testifying against the accused-appellant.

In contrast to the overwhelming evidence presented by the prosecution, accused-appellant merely denies knowing complainants in the present case and claims that he has no knowledge of the reason why he was charged with exploiting minors.<sup>68</sup> An affirmative testimony is stronger than a negative testimony especially when the former comes from a credible witness.<sup>69</sup> The defenses of alibi and denial, if unsubstantiated by clear and convincing evidence, are inherently weak, self-serving, and undeserving of weight in law.<sup>70</sup> Hence, the positive testimonies of the prosecution witnesses must prevail over the self-serving and unsubstantiated testimony of the defense.

With regard to the penalty imposed by the lower courts, this Court affirms the imposition of the penalty of life imprisonment and fine in the amount of ₱2,000,000.00. As provided under Sec. 10 (e) of RA 9208, as amended, “any person found guilty of qualified trafficking under Sec. 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (₱2,000,000.00) but not more than Five million pesos (₱5,000,000.00).” Pursuant to prevailing jurisprudence, accused-appellant must pay AAA, BBB, CCC, and DDD each the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, plus legal interest of six percent (6%) per annum from finality of judgment until full payment.<sup>71</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The September 15, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11630 is **AFFIRMED** in that accused-appellant XXX is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons, defined and penalized under Section 4 (a) and (e), in relation to Section 6 (c) of Republic Act No. 9208, as amended. Accordingly, he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. He is also ordered to pay the complainants, AAA, BBB, CCC, and DDD each the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

Interest at the rate of six percent (6%) per *annum* shall be imposed on the aggregate amount of the monetary awards computed from the finality of this Resolution until full payment.

The Manifestation (In Lieu of Supplemental Brief) by accused-appellant, is **NOTED**.


<sup>68</sup> TSN, May 22, 2017, pp. 11-12.

<sup>69</sup> *People v. Lopez*, G.R. No. 234157, July 15, 2020.

<sup>70</sup> *Id.*, citing *People v. Baniaga*, 427 Phil. 405, 418 (2002).

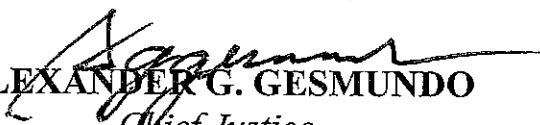
<sup>71</sup> *People v. Estonilo*, G.R. No. 248694, October 14, 2020, citing *People v. Maycabalong*, G.R. No. 215324, December 5, 2019.

**SO ORDERED.**




**RAMON PAUL E. HERNANDO**  
*Associate Justice*


WE CONCUR:




**ALEXANDER G. GESMUNDO**  
*Chief Justice*  
*Chairperson*



**RODIL V. ZALAMEDA**  
*Associate Justice*



**RICARDO R. ROSARIO**  
*Associate Justice*



**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*

## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
ALEXANDER G. GESMUNDO  
*Chief Justice*