



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated June 14, 2023, which reads as follows:*

“G.R. No. 249943 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, versus* JANET CERNA y MONTE, BEBINA GO y JADRAQUE, a.k.a. “BINA,” and BEDILLA FAJARDO y AVES a.k.a. “Dillia,” *accused; JANET CERNA y MONTE and BEBINA GO y JADRAQUE, a.k.a. “BINA,”* *accused-appellants*). – The Court resolves to **DISMISS** the appeal<sup>1</sup> for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in affirming the conviction of accused-appellants Janet Cerna y Monte (**Janet**) and Bebina Go y Jadraque a.k.a. “Bina” (**Bebina**) (collectively, the **accused-appellants**) for the crime of Qualified Trafficking in Persons, as defined and penalized under Section 4(e), in relation to Section 6(c) of Republic Act (RA) No. 9208<sup>2</sup> or the “Anti-Trafficking in Persons Act of 2003.”

Although RA No. 9208 was amended by RA No. 10364<sup>3</sup> or the “Expanded Anti-Trafficking in Persons Act of 2012,” which took effect on February 6, 2013, considering that the offense in this case was committed on July 15, 2011, or prior to the effectivity of RA No. 10364, the provisions of RA No. 9208 shall apply.

Section 3(a) of RA No. 9208 defines the term “Trafficking in Persons” as:

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\* In line with Amended Administrative Circular No. 83-2015, the name of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

<sup>1</sup> *Rollo*, pp. 28-29.

<sup>2</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 on May 26, 2003.

<sup>3</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 on February 6, 2013.

(a) 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.

Relative thereto, 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 of RA No. 9208; and (b) the existence of any of the circumstances listed under Section 6 of RA No. 9208.<sup>4</sup>

Here, accused-appellants were charged with Qualified Trafficking in Persons under Section 4(e), in relation to Section 6(c) of RA No. 9208, which 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:

x x x x

(e) **To maintain or hire a person to engage in prostitution or pornography[.]**

Section 6. Qualified Trafficking in Persons. — The following are considered as qualified trafficking:

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 committed in **large scale if committed against three (3) or more persons, individually or as a group[.]** (Emphasis supplied)

For a successful prosecution of Trafficking in Persons under RA 9208, the following elements must be shown: (1) the *act* of “recruitment, transportation, transfer or harboring, or receipt of persons with or without the

<sup>4</sup> *Arambulo v. People*, 910 Phil. 548, 558 (2019).

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>5</sup>

The prosecution was able to establish the foregoing elements.

*First*, the accused-appellants Janet and Bebina recruited and hired women to provide sexual services for a fee. To emphasize, the police officers conducted surveillance operations to verify the report that the accused-appellants were engaged in the trafficking of women. After it was confirmed that, indeed, the accused-appellants were engaged in selling women for sexual services, the police officers conducted an entrapment operation resulting in their arrest.

As found by the Regional Trial Court (RTC), Bebina and Janet negotiated with the poseur customers about the girls' prices. They confirmed the availability of the girls for sexual services, with the agreed price of ₱10,000.00 for each girl. On the day of the entrapment operations on July 15, 2011, the accused-appellants were able to provide a total of seven (7) girls. Bebina and co-accused Bedilla Fajardo *y* Aves a.k.a. "Dillia" (**Bedilla**) accompanied the first batch of girls to Sarrosa Hotel, where Bedilla received the payment from the poseur customer, and which she turned over to Bebina. The second batch of girls were accompanied by Janet, who received the payment from the poseur customer.<sup>6</sup>

PO2 Talingting, Jr. testified that Janet, Bebina and Bedilla delivered the girls to Sarrosa Hotel and peddled them to poseur customers for sexual services in exchange for monetary consideration. Further, the RTC pointed out that the accused maintained a pool of girls ready to be dispatched to interested customers for sexual services as evident from the photo album recovered from Janet containing photos of girls.<sup>7</sup> This was corroborated by CCC, one of the victims rescued, who testified that the accused-appellants were engaged in the business of providing girls for sexual services for a fee.<sup>8</sup> Further, CCC positively identified the girls in the photo album and confirmed that some of the girls in the photo album were among the girls rescued during the entrapment operation.<sup>9</sup>

<sup>5</sup> *People v. Casio*, 749 Phil. 458, 472-473 (2014).

<sup>6</sup> *CA rollo*, pp. 51-52, RTC Judgment.

<sup>7</sup> *Id.* at 52.

<sup>8</sup> *Id.* at 49, RTC Judgment.

<sup>9</sup> *Rollo*, p. 11, CA Decision.

*Second*, the accused-appellants took advantage of the victims' vulnerability. As testified by CCC, she was barely 18 years old when she first gave birth. Being unemployed, she engaged in prostitution because of her need to support her child.<sup>10</sup> Evidently, the accused-appellants took advantage of CCC's vulnerability as someone who was unemployed and in need of money to raise her child.

*Third*, the prosecution established that the trafficking of the victims by the accused-appellants was for purposes of prostitution. Section 3(c) of R.A. No. 9208, as amended, defines prostitution 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."<sup>11</sup> To reiterate, the accused-appellants peddled the victims to poseur customers to engage in sexual activities in exchange for money. As testified by PO2 Talingting, Jr., the accused-appellants offered the girls to render sexual services for a fee. This was corroborated by CCC, who testified that she was contacted and hired by the accused-appellants to provide sexual services to the poseur customer in exchange for monetary consideration.<sup>12</sup>

In *People v. Rodriguez*,<sup>13</sup> the Court acknowledged that the corroborating testimonies of the police officers and the victim, are sufficient to sustain the conviction of the accused under the law. The same principle was echoed in *Santiago, Jr. v. People*<sup>14</sup> where the Court upheld the conviction of the accused for qualified trafficking in persons based on the testimonies of the victims and the police officers who conducted the entrapment operation.<sup>15</sup>

With respect to the presence of the qualifying circumstances, the Court affirms the findings of the RTC and the CA that the crime was committed by a syndicate. Here, the prosecution established that the crime was committed by a group of three (3) persons, Janet, Bebina and Bedilla, acting in conspiracy with one another, to carry out the trafficking of the victims.<sup>16</sup> Moreover, the crime was perpetrated in large scale as it was established that there are more than three (3) victims. In this case, seven (7) women were offered by the accused-appellants to the poseur customers for purposes of prostitution.<sup>17</sup>

In an attempt to absolve themselves of criminal liability, the accused-appellants seek to discredit the witnesses based on alleged inconsistencies in their testimonies.

The Court is not convinced.

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<sup>10</sup> TSN dated April 17, 2013, p. 30.

<sup>11</sup> *People v. Dela Cruz*, G.R. No. 238754, June 16, 2021.

<sup>12</sup> CA rollo, p. 44.

<sup>13</sup> 818 Phil. 625 (2017).

<sup>14</sup> 855 Phil. 536 (2019).

<sup>15</sup> *People v. Dela Cruz*, supra note 11.

<sup>16</sup> CA rollo, p. 53.

<sup>17</sup> Id. at 51-52, RTC Judgment.

It bears emphasis that the RTC and the CA have uniformly held that the testimonies of the prosecution witnesses deserved full weight and credence. Time and again, the Court has held 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.<sup>18</sup> This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.<sup>19</sup> Thus, absent any showing that the trial court overlooked substantial facts and circumstances, which, if considered, would change the result of the case, this Court gives deference to the trial court's appreciation of the facts and of the credibility of witnesses.<sup>20</sup> No compelling reason exists which would justify the reversal of the RTC's assessment of the credibility of the witnesses.

The accused-appellants' bare denial that they did not hire and maintain girls for prostitution and that the charge against them is fabricated fail to persuade.

It is an established doctrine that denial is an inherently weak defense and constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the positive declaration by a credible witness. Stated otherwise, mere denial, without any strong evidence to support it, cannot overcome the positive declaration by the victim regarding the identity of the accused as well as their involvement in the crime.<sup>21</sup>

Moreover, there is no merit in the accused-appellants' claim that the charge against them is fabricated. As pointed out by the RTC, the prosecution case is replete with details of prior surveillance and of the entrapment itself that negates the idea of fabrication.<sup>22</sup> Besides, no improper motive was imputed against the prosecution witnesses.<sup>23</sup> The rule is that, the absence of evidence as to an improper motive actuating the principal witnesses of the prosecution strongly tends to indicate that their testimony is worthy of full faith and credit.<sup>24</sup>

In sum, the Court sustains the conviction of the accused-appellants for Qualified Trafficking in Persons.

### *Penalty and damages*

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<sup>18</sup> *People v. Taglucop*, G.R. No. 243577, March 15, 2022, citing *People v. Dayaday*, 803 Phil. 363, 370-371 (2017).

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

<sup>20</sup> *People v. Santos*, G.R. No. 237982, October 14, 2020, citing *Miranda v. People*, 680 Phil. 126, 134-136 (2012).

<sup>21</sup> *People v. XXX*, G.R. No. 248815, March 23, 2022.

<sup>22</sup> *CA rollo*, p. 53, RTC Judgment.

<sup>23</sup> *Id.*

<sup>24</sup> *People v. Dionisio*, 425 Phil. 651 (2002)

As regards the proper penalty for Qualified Trafficking in Persons., Section 10(c) of RA No. 9208 states:

Section 10. *Penalties and Sanctions.* — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x

(c) Any person found guilty of **qualified trafficking** under Section 6 shall suffer the penalty of **life imprisonment** and a **fine of not less than Two million pesos (PHP 2,000,000.00) but not more than Five million pesos (PHP 5,000,000.00)**[.] (Emphasis supplied)

Based on the foregoing, the RTC and the CA properly imposed the penalty of life imprisonment and a fine of ₱2,000,000.00 each against the accused-appellants.

However, the amount of damages awarded to each of the victims is modified. Pursuant to prevailing jurisprudence,<sup>25</sup> the amount of moral damages is increased to ₱500,000.00; while the amount of exemplary damages is increased to ₱100,000.00. These amounts shall earn six percent (6%) interest per annum, from finality of this Resolution until fully paid.<sup>26</sup>

A final word, the crime of Trafficking in Persons, recognized as modern-day slavery is particularly pernicious because it preys on the poverty-stricken. The particular experience of CCC, who in her desperation to support her child at a young age, fell victim to the accused-appellants is sadly not uncommon. That the perpetrator in this case are women makes the crime doubly reprehensible for instead of protecting their fellow women, the accused-appellants took advantage of their vulnerability and exploited their economic hardships.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision, dated January 31, 2019, of the Court of Appeals, in CA-G.R. CEB CR-HC No. 02571 is **AFFIRMED with MODIFICATION**. Accused-appellants Janet Cerna y Monte and Bebina Go y Jadraque, a.k.a. “Bina,” are found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons under Section 4(e), in relation to Section 6(c) of Republic Act No. 9208, and are **SENTENCED** to suffer the penalty of life imprisonment, and to pay a fine of ₱2,000,000.00.

Further, the accused-appellants Janet Cerna y Monte and Bebina Go y

<sup>25</sup> *People v. BBB*, G.R. No. 252507, April 18, 2022; *People v. XXX*, G.R. No. 248815, March 23, 2022; *People v. XXX*, G.R. No. 244048, February 14, 2022; *People v. Lim*, G.R. No. 252021, November 10, 2021; *Candy v. People*, G.R. Nos. 223042 and 223769, October 6, 2021; *People v. San Miguel*, G.R. No. 247956, October 07, 2020.

<sup>26</sup> *Id.*

Jadraque, a.k.a. "Bina," are **ORDERED** to pay each of the victims, AAA, BBB, CCC, DDD, EEE, FFF, and GGG, the sum of ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum, from finality of this Resolution until fully paid.

**SO ORDERED."**

By authority of the Court:

*Misael DC Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court* *ᑭᑭᑭ*

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