



Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapidan
WILFREDO V. LAPIDAN
Division Clerk of Court
Third Division

OCT 04 2017

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 211721

Present:

-versus-

VELASCO, JR., J.,
Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO,* JJ.

WILLINGTON RODRIGUEZ y
HERMOSA,
Accused-Appellant.

Promulgated:

September 20, 2017

X ----- *Wilfredo V. Lapidan* X

DECISION

MARTIRES, J.:

We resolve Willington Rodriguez y Hermosa's (*Rodriguez*) appeal assailing the 5 December 2013 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CR-HC No. 05335. The *CA* affirmed Rodriguez's conviction for qualified trafficking in persons, in violation of Republic Act (*R.A.*) No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003.

THE FACTS

Rodriguez was charged before the Regional Trial Court, Branch 81 of Quezon City (*RTC*), in an information which reads:

That on or about the 8th day of August 2006, in Quezon City, Philippines, the above-named accused, did then and there willfully,

* On Official Leave.

¹ *Rollo*, pp. 2-8.

unlawfully and feloniously recruit, transport, harbor, provide, introduce or match for money for the purpose of prostitution, pornography or sexual exploitation, the following trafficked persons, namely ELSINE (sic) DELA CRUZ y BEATRIZ, ASHLEY MADRIGAL y RAMOS and JOSEPHINE CRUZ y ROMAN.

The offense was committed in large scale as it was committed against three (3) or more trafficked persons, individually or as a group.²

During his arraignment, Rodriguez pleaded not guilty.³

The evidence for the prosecution is anchored solely on the testimony of Police Officer 1 Raymond Escobar (*PO1 Escobar*), on the joint sworn affidavit of the arresting officers dated 9 August 2006,⁴ and on a photocopy of the pre-marked ₱500.00 bill.⁵

According to his testimony, at around 11:00 P.M. on 8 August 2006, PO1 Escobar was at the police station preparing for the police operation called *Oplan Bugaw* for the purpose of eliminating prostitution on Quezon Avenue in Quezon City.⁶ PO1 Escobar, designated to pose as customer, was accompanied by PO2 Reynaldo Bereber (*PO2 Bereber*) as his backup, and Police Inspector Pruli James D. Lopez (*P/Insp. Lopez*).⁷

While parking their vehicles at the target area, PO1 Escobar was flagged down by Rodriguez who allegedly offered the sexual services of three (3) pickup girls.⁸ PO1 Escobar readily gave Rodriguez the pre-marked ₱500.00 bill as payment.⁹ This signaled his backup to enter the scene and aid in the arrest. PO1 Escobar then retrieved the pre-marked bill.¹⁰

Thereafter, the officers brought Rodriguez and the three (3) pickup girls to the police station.

In his defense, Rodriguez denied that he had offered a girl for sexual purposes to PO1 Escobar.¹¹ He said that he was only selling cigarettes on Quezon Avenue when he was arrested by the police officers.¹² He only found out that he was being accused of human trafficking after he was brought to the City Hall.¹³

² Records, p. 1.

³ Id. at 16.

⁴ Id. at 4.

⁵ Id. at 5.

⁶ TSN, 20 February 2007, p.4.

⁷ Id.

⁸ TSN, 28 April 2010, p. 7-9.

⁹ Id. at 3.

¹⁰ Id.

¹¹ TSN, 17 May 2011, p. 4.

¹² Id.

¹³ Id. at 5.

The Ruling of the Trial Court

In its 18 October 2011 Decision,¹⁴ the RTC found Rodriguez guilty beyond reasonable doubt of large-scale trafficking. The dispositive portion reads:

WHEREFORE, premises considered, the Court finds accused WILLINGTON RODRIGUEZ y HERMOSA guilty beyond reasonable doubt of the offense as charged [Violation of Republic Act 9208 committed in a large scale] and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00.¹⁵

The trial court held that Rodriguez's acts of offering sex to PO1 Escobar, calling the three (3) pickup girls for him to choose from, and receiving money are clearly acts of human trafficking.¹⁶ It gave more weight to the positive testimony of PO1 Escobar over Rodriguez's unsubstantiated denial.¹⁷ Likewise, the trial court noted that PO1 Escobar had no improper motive to falsely testify against the accused.¹⁸ Finally, it held that absent ill motive, the presumption of regularity in the performance of duty must prevail.¹⁹

The trial court explicitly said:

The acts of the accused in offering sex to PO1 Escobar, calling the three [3] pick-up girls so that he could choose from them and receiving money therefor are clearly acts of human trafficking or trafficking in persons defined and penalized under Sec. 10[c] of R.A. No. 9208.

Accused denied the charge[s] by testifying that he was in front of McDonalds Restaurant in Quezon Avenue selling cigarettes.

Where there is positive identification of the accused as the perpetrators of the crime, their defense of denial and alibi cannot be sustained.

Denial and alibi, unsubstantiated by clear and convincing evidence, are self-serving and hardly deserve greater evidentiary weight than the declaration of witnesses on affirmative defenses. (citations omitted)

Accused likewise testified that while he was selling cigarettes, PO1 Escobar grabbed him and together with his fellow police officer[s], they brought him to Police Station 2 where he was investigated and



¹⁴ Records, pp. 175-178.

¹⁵ Id. at 178.

¹⁶ Id. at 177.

¹⁷ Id. at 178.

¹⁸ Id.

¹⁹ Id.

subsequently charged contrary to the testimony of PO1 Escobar that it was the accused who flagged the vehicle they were riding in and offered sex.

There is no improper motive that could be imputed to PO1 Escobar that he would falsely testify against the accused. The absence of evidence as to an improper motive entitles PO1 Escobar's testimony to full faith and credit.

The testimony of police officers carried with it the presumption of regularity in the performance of official functions.

In the absence of ill motive, the presumption of regularity in the performance of the policeman's official duty must prevail. (citations omitted)

The Arguments of the Accused

On appeal, Rodriguez anchored his defense on the failure of the prosecution to present any evidence that would establish that he recruited, transported, or transferred the alleged three (3) women for the purpose of prostitution.²⁰ These women, in fact, were not presented in court and neither did they execute any sworn statement.²¹

Rodriguez also faulted the prosecution for not presenting the original marked money despite the fact that it was in P/Insp. Lopez's possession.²² In addition, the prosecution did not present any evidence of the alleged request from the barangay officials to get rid of prostitutes in the area.²³

Finally, Rodriguez maintained that the testimony of PO1 Escobar was not corroborated by any of his companions who allegedly took part in the operations.²⁴

The Assailed CA Decision

Unmoved, the CA affirmed the trial court's decision and gave great weight to its factual findings. It likewise found no merit in the arguments raised by Rodriguez, to wit:

The non-presentation of the three women is not fatal to the prosecution. Unlike in illegal recruitment cases, where the victim will part money against the recruiter, [w]e cannot expect the three women to give something to herein accused-appellant. On the contrary, it may be accused-appellant who would have to give them their proportionate share

²⁰ CA rollo, p. 44.

²¹ Id.

²² Id. at 46.

²³ Id.

²⁴ Id.



for every successful transaction. Thus, they cannot be expected to take an active part in the case, since they are relatively not adversely affected. In other words, testifying or executing an affidavit against accused-appellant would be of no value to them. Accused-appellant himself admitted the presence of three women when he was being cross-examined, viz:

Q: [PROS. TORRALBA]: Did he also grab the three (3) women whom you introduced to him?

A: No, sir.

With respect to the non-presentation of the request of the barangay officials, the same is not a material element of the offense. Neither should the police operation depend on it. To think otherwise would open the floodgates of abuse as law enforcers will only move if there are requests from the people. They will become passive instead of becoming proactive.

The non-presentation of the original of the marked money does not weaken the case, nor destroy the presumption of regularity of performance of duty. For one, it is also impossible that the crime of human trafficking be committed even without the money being paid, as when the potential customer did not proceed with the transaction or was not able to choose from among the girls presented to him. Secondly, PO1 Escobar is categorical in his testimony that he prepared the same and had it initialed with "R" and "E" at the forehead of Ninoy Aquino [on the ₱500 peso bill], the letters being the initials of his name.

PO1 Escobar positively identified accused-appellant. Neither could accused-appellant impute ill-motive against him. All that he could offer is his denial which is not corroborated by any other testimonial evidence. Following our "unbending" jurisprudence, such positive identification prevails over denial and is in fact sufficient for conviction.²⁵ (citations omitted)

OUR RULING

The appeal is meritorious.

It is a basic rule that the conviction of the accused must rest not on the weakness of the defense but on the strength of the prosecution. This is premised on the constitutional presumption that the accused is innocent unless his guilt is proven beyond reasonable doubt. This standard is demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime he is charged with.²⁶

Proof beyond reasonable doubt does not, of course, mean such degree of proof as, excluding the possibility of error, to produce absolute certainty.

²⁵ Id. at 100-101.

²⁶ *Boac v. People*, 591 Phil. 508, 521-522 (2008), citing *People v. Ganguso*, 330 Phil. 324, 335 (1995).



Only moral certainty is required, or that degree of proof which produces conviction in an unprejudiced mind. In other words, the conscience must be satisfied that the accused is responsible for the offense charged.²⁷

Reasonable doubt does not refer to any doubt or a mere possible doubt because everything in human experience is subject to possible doubt. Rather, it is that state of the case which, after a comparison of all the evidence, does not lead the judge to have in his mind a moral certainty of the truth of the charge. Where there is reasonable doubt as to the guilt of the accused, there must be an acquittal.²⁸

Rodriguez was charged and convicted for qualified trafficking in persons under Section 4(a), in relation to Section 6(c), of R.A. No. 9208, which read:

Section 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

x x x x

Section 6. *Qualified Trafficking in Persons.* – The following are considered 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;

x x x x

Section 3(a)²⁹ provides the elements of trafficking in persons: (1) the **act** of recruitment, transportation, transfer or harboring, or receipts of

²⁷ Id. at 522.

²⁸ *People v. Calma*, 356 Phil. 945, 974-975 (1998).

²⁹ *Definition of Terms.* – As used in this Act: (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 or the prostitution of others

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."³⁰

A careful review of the records shows that the prosecution failed to prove the presence of these elements beyond reasonable doubt, nor did we find the second and third elements proven by the prosecution.

A review of emerging jurisprudence on human trafficking readily shows that a successful prosecution, to a certain extent, relies greatly on entrapment operations.³¹ Thus, just like in any operation that involves capturing the perpetrator *in flagrante delicto*, the testimonies of the apprehending officers on what transpired are crucial for a conviction.

In *People v. Casio*,³² having similar factual circumstances with the case at hand, the Court upheld the conviction of the accused for qualified human trafficking. In that case, the accused came up to the police officers and asked if they were interested in young girls. After receiving a positive response, the accused picked up two (2) minor girls and presented them to the police officers. Thereafter, they all proceeded to the motel room where the accused was arrested.

The case before us differs from the *Casio* case where more than one (1) credible witness, the minor victims, were presented in court by the prosecution, and allowed to testify on the circumstances on how they were recruited by the accused and later offered for sex in exchange for money. Significantly, the testimony of PO1 Escobar in the case before us lacks the material details to convince us that Rodriguez had committed human trafficking.

In the instant case, only PO1 Escobar testified as to the actual unfolding of circumstances which led him to believe that Rodriguez was

or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. NOTE: This definition is the original definition, considering that the crime was committed prior to the enactment of R.A. No. 10364.

³⁰ *People v. Casio*, 749 Phil. 458, 472-473 (2014).

³¹ See *People v. Hirang*, G.R. No. 223528, 11 January 2017; *Young v. People*, G.R. No. 213910, 3 February 2016, 783 SCRA 286; *People v. Casio*, supra note 30.

³² *Id.*



committing human trafficking. On cross-examination, PO1 Escobar testified that:

Q: And what was the accused doing at that time when you first saw [him]?

A: He stopped us and he offered us the services of prostitutes.

Q: To whom was this offered?

A: To me, sir.

x x x x

Q: While on board the Toyota Revo, can you tell this [c]ourt how [did] the transaction transpire?

A: When we were flagged down, I opened [the] window of the car and he offered us a woman.

Q: And could you tell this Honorable Court what exactly the accused already told you?

A: “*Sir, sir, babae, sir.*”

Q: And what was your reaction, Mr. Witness?

A: I responded, “*Magkano ang ibabayad ko?*”

Q: So, it would be correct to state that when the accused [said], “*Sir, sir, babae, sir,*” she was offering to you [a] woman?

A: Yes, sir.

Q: And because of that interpretation of yours, you asked him again the cost?

A: Yes, sir.³³ (italics supplied)

Surprisingly, the circumstances about the initial contact between PO1 Escobar and Rodriguez and their negotiations came out only during cross-examination. PO1 Escobar’s direct testimony showed the fact that he had in his possession the pre-marked ₱500.00 bill and that he was able to retrieve it from Rodriguez after the arrest. There was no mention about how Rodriguez allegedly called on the three (3) pickup girls and offered them for sexual purposes.

The exchanges between PO1 Escobar and Rodriguez would suggest that PO1 Escobar already knew what Rodriguez meant when he said “*Sir, sir, babae, sir,*” and thus assumed that Rodriguez was offering women for sex. However, his testimony is bare as to the fact that the offer of women was explicitly for sexual purposes. It also lacked the necessary details on how Rodriguez allegedly called on the pickup girls to display them for PO1 Escobar to choose from.



³³ TSN, 28 April 2010, pp. 8-9.

We must remember that suspicion, no matter how strong, must never sway judgment. It is pivotal in criminal cases that we evaluate the evidence for the prosecution against the required quantum of evidence in criminal cases. When there is reasonable doubt, the evidence must be interpreted in favor of the accused. Under the equipoise rule, if the evidence admits two interpretations, one of which is consistent with guilt, and the other with innocence, the accused must be given the benefit of the doubt and should be acquitted.³⁴

Apart from the deficient testimony of PO1 Escobar, the prosecution did not bother to present the testimonies of the alleged victims. It is grossly erroneous to say that “the non-presentation of the three women is not fatal to the prosecution.” Their testimonies that they were sexually exploited against their will through force, threat or other means of coercion are material to the cause of the prosecution. These women would be in the best position to say that Rodriguez had recruited or used these women by giving them payments or benefits in exchange for sexual exploitation. To rely solely on the testimony of PO1 Escobar as basis for convicting Rodriguez would run riot against logic and reason, and against the law. To sustain this whimsical reasoning would encourage anyone to accuse a person of “trafficking in persons” or of any other crime, without presenting the material testimony of the alleged victim. Given that PO1 Escobar’s testimony is missing on material details, the prosecution should have presented in court at least one of the three (3) women that indeed they were sexually exploited or recruited by the accused for prostitution as alleged in the information. Even a neophyte police officer of the lowest rank would be stupefied why PO1 Escobar and the two (2) other police officers allegedly with him failed to get the statements of the alleged victims while they were under police custody after the entrapment operation.

Although the finding of guilt based on the testimony of a lone witness is not uncommon, the testimonies of P/Insp. Lopez and PO2 Bereber would have helped the prosecution prove the crime. Corroborative evidence is necessary when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate.³⁵ Again, PO1 Escobar’s lone testimony lacked the material details to establish all the elements of the crime which the prosecution, unfortunately, only took cognizance of.

The only possible evidence that could explicitly prove the necessary elements of the offense charged would be the joint sworn affidavit executed by the arresting officers. Even if this document were to be considered, we remain unconvinced that the three (3) women were offered to PO1 Escobar

³⁴ *Ubales v. People*, 491 Phil. 238, 257-258 (2008). See also *Malillin v. People*, 576 Phil. 576, 593 (2008).

³⁵ *Rabanal v. People*, 518 Phil. 734, 748 (2006), citing *Rivera v. People*, 501 Phil. 37, 49 (2006), further citing *People v. Manalad*, 436 Phil. 37 (2002).

particularly for sexual purposes. Still, it would fail to convince us that this piece of evidence would not help the prosecution meet the degree of proof required in criminal cases because a sworn statement cannot be fully relied upon. We are not unmindful that affidavits are usually abbreviated and inaccurate; oftentimes, an affidavit is incomplete and results in inconsistencies with the declarant's testimony in court.³⁶

All said, absent any direct or circumstantial evidence to prove with moral certainty that Rodriguez had offered three (3) women to PO1 Escobar, his appeal warrants an acquittal. 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. In this case, the prosecution miserably failed to prove this.³⁷

We are reminded that the overriding consideration in criminal cases is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt.³⁸ Where there is reasonable doubt as to the guilt of the accused, he must be acquitted even though his innocence may be doubted since the constitutional right to be presumed innocent until proven guilty can only be overthrown by proof beyond reasonable doubt.³⁹ To conclude, because of this doubt that lingers in our mind, Rodriguez must be acquitted. Pursuant to Rodriguez's guaranteed right to be presumed innocent under the Bill of Rights, it is our constitutional duty to free him.

WHEREFORE, the appeal is **GRANTED**. The 5 December 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 05335 is hereby **REVERSED** and **SET ASIDE**. For failure of the prosecution to prove his guilt beyond reasonable doubt, WILLINGTON RODRIGUEZ y HERMOSA is hereby **ACQUITTED** of the offense charged. His **IMMEDIATE RELEASE** from detention is hereby **ORDERED**, unless he is being held for another lawful cause.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections in Muntinlupa City for immediate implementation. The Director shall submit to this Court, within five (5) days from receipt of the copy of the Decision, the action taken thereon.

SO ORDERED.



³⁶ *Kummer v. People*, 717 Phil. 670, 679 (2013).

³⁷ See *People v. Villanueva*, G.R. No. 210798, 14 September 2016.

³⁸ *People v. Aspiras*, 427 Phil. 27, 41 (2002).

³⁹ *People v. Baulite*, 419 Phil. 191, 198-199 (2001).

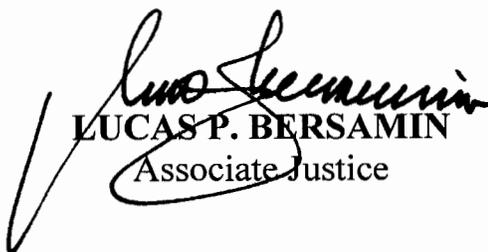


SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice

(On Official Leave)
ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

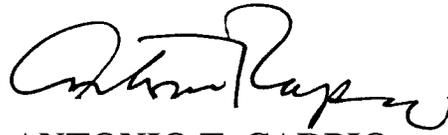
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

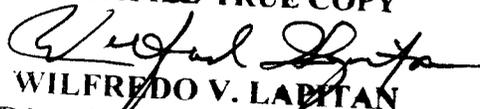
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



ANTONIO T. CARPIO
Acting Chief Justice

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WILFREDO V. LAPIDAN
Division Clerk of Court
Third Division

OCT 04 2017