



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 251872

-versus-

Present:

VANESSA BANAAG y BAYLON,  
Accused-appellant.

LEONEN, S.A.J., Chairperson,  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., JJ.

Promulgated:

AUG 14 2023

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DECISION

**LOPEZ, M., J.:**

In this appeal,<sup>1</sup> Vanessa Banaag y Baylon (Vanessa) questions the Decision<sup>2</sup> dated August 9, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09192 that affirmed her conviction for qualified trafficking in persons under Section 6(a)<sup>3</sup> in relation to Section 4(a)<sup>4</sup> of Republic Act (RA)

<sup>1</sup> See Notice of Appeal dated August 30, 2019; *rollo*, pp. 30–32.

<sup>2</sup> *Id.* at 3–29. Penned by Associate Justice Pablito A. Perez, with the concurrence of Associate Justices Manuel M. Barrios and Ronaldo Roberto B. Martin of the Court of Appeals, Manila, Special Seventeenth Division.

<sup>3</sup> Section 6. *Qualified Trafficking in Persons.* — Violations of Section 4 of this Act shall be considered as qualified trafficking:

(a) When the trafficked person is a child[.]

<sup>4</sup> 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, 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[.]

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No. 9208,<sup>5</sup> as amended by RA No. 10364,<sup>6</sup> and child prostitution under Section 5(a)(1)<sup>7</sup> of RA No. 7610.<sup>8</sup>

### Antecedents

Vanessa was charged with qualified trafficking in persons and child prostitution in two separate Informations, as follows:

***In Criminal Case No. RTC 2014-0680***  
***[For qualified trafficking in persons]***

The undersigned Assistant City Prosecutor of [REDACTED]<sup>9</sup> Camarines Sur, accuses [VANESSA] of [REDACTED] Camarines Sur of Qualified Trafficking in Persons defined under Sec. 3(a) & (b) penalized under Sec. 10(e) and prohibited under Sec. 4(a) in relation to 6(a) of RA [No.] 9208 known as the “Anti-Trafficking in Persons Act of 2003” AS AMENDED BY RA [No.] 10364, committed as follows:

That [within the period beginning] February 2013, in the [REDACTED] Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with the qualifying circumstance of minority, did, then and there, willfully and unlawfully, recruit, maintain or hire, [AAA251872],<sup>10</sup> 17 year (sic) old, for sexual exploitation and transact her for use of a customer for sexual intercourse in exchange for money, taking advantage of the vulnerability of the minor, in violation of the above-cited law.

### ACTS CONTRARY TO LAW.<sup>11</sup>

- <sup>5</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” (2003).
- <sup>6</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’” (2013).
- <sup>7</sup> Section 5. *Child Prostitution and Other Sexual Abuse.* — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.  
The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:  
(a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:  
(1) Acting as a procurer of a child prostitute[.]
- <sup>8</sup> Entitled “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes” (1992).
- <sup>9</sup> Supreme Court Amended Administrative Circular No. 83-2015 states that the geographical location where the crime was committed should refer only to the province where the crime occurred. References to the specific barangay or town should be blotted out from the body of the court decision if its identification could lead to the disclosure of the women or children victims.
- <sup>10</sup> The identity of the victim or any information which could establish or compromise their identity, and those of their immediate family or household members, shall be withheld pursuant to RA No. 7610; RA No. 9262, entitled “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes” (2004); and Section 40 of A.M. No. 04-10-11-SC, entitled “Rule on Violence Against Women and Their Children” (2004).
- <sup>11</sup> Records (Criminal Case No. RTC 2014-0680), p. 1.

*In the Amended Information in Criminal Case No. RTC 2014- 0681  
[For violation of Section 5(a)(1) of RA No. 7610]*

The undersigned Assistant City Prosecutor of [REDACTED] Camarines Sur, accuses [VANESSA] of [REDACTED] Camarines Sur of the crime of VIOLATION OF SECTION 5(a)[,] PARAGRAPH 1 OF [RA No.] 7610, committed as follows:

That within the period beginning February-November, 2013, in the [REDACTED] Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there, wil[1]fully, unlawfully and criminally, promote, facilitate and induce herein complaining witness [AAA251872], a 17 year old minor (DOB: [REDACTED]), to indulge in prostitution in exchange for money, by acting as a procurer of a child prostitute, to the damage and prejudice of herein complaining witness.

ACTS CONTRARY TO LAW.<sup>12</sup>

The two Informations were consolidated, and upon arraignment, Vanessa pleaded not guilty to both charges. In the Pre-Trial Order, the following facts were stipulated: (1) the identity of the accused as the same Vanessa named in the two Informations; (2) that the accused is unemployed; and (3) the minority of complainant AAA251872 at the time of the incident. Vanessa and her counsel did not sign the Pre-Trial Order. Then, trial on the merits ensued.<sup>13</sup>

The prosecution presented the testimonies of AAA251872, her mother, BBB251872, her sister CCC251872, and their neighbor Rose Cas (Rose). The prosecution also presented the Social Case Study Report<sup>14</sup> prepared by Eden San Andres (Eden), a registered social worker from the City Social Welfare and Development Office of [REDACTED].<sup>15</sup>

AAA251872 testified that Rose introduced her to Vanessa. In February 2013, she accompanied Rose to [REDACTED] in [REDACTED]. They met with Vanessa outside the hotel and then went to a room to meet an unnamed "guest" for Rose. AAA251872 narrated that Vanessa asked the "guest" for her commission. Then, Vanessa and AAA251872 left Rose with the "guest" and went to [REDACTED]. There, Vanessa told AAA251872 that she had been in that "business" for a long time. Vanessa asked for AAA251872's cellphone number, which AAA251872 gave. After that, AAA251872 and Rose's sister, Maryjane, fetched Rose from the hotel. Before going home, Rose treated AAA251872 and Maryjane at a fast-food joint. Rose corroborated AAA251872's narration of these events on rebuttal.<sup>16</sup>

<sup>12</sup> Records (Criminal Case No. RTC 2014-0681), p. 40.

<sup>13</sup> Rollo, p. 5; and CA rollo, pp. 54-55.

<sup>14</sup> Records (Criminal Case No. RTC 2014-0680), pp. 46-49.

<sup>15</sup> Rollo, pp. 5-8; and CA rollo, pp. 55-63.

<sup>16</sup> Rollo, pp. 5-6; and CA rollo, p. 55.

AAA251872 stated that a week later, Vanessa sent her a text message, saying she would introduce AAA251872 to someone at [REDACTED] who would give AAA251872 some money. Following Vanessa's instructions, AAA251872 went to Vanessa's house. They proceeded to [REDACTED], where Vanessa told AAA251872 to board a parked car. Vanessa introduced AAA251872 to the man in the car named "Arthur." After receiving PHP 500.00 from Arthur, Vanessa alighted from the vehicle. Arthur then brought AAA251872 to the [REDACTED] in [REDACTED] Camarines Sur, where they had sex. Arthur gave PHP 2,000.00 to AAA251872.<sup>17</sup>

AAA251872 testified that Vanessa pimped her about 30 more times after Arthur. Vanessa would text or call her to go to her house, then they would proceed to one of the hotels in [REDACTED]. Vanessa's live-in partner, Emerson, would accompany them sometimes. Upon arriving at the hotel, Vanessa always received PHP 500.00 as her "commission," and AAA251872 would have sex with the "guest." AAA251872 declared that she normally received PHP 1,000.00 or PHP 1,500.00 for her services, and sometimes, PHP 2,000.00. When asked why she engaged in prostitution, AAA251872 admitted that she needed the money as it allowed her to afford personal luxuries, which her mother could not afford after her father passed away.<sup>18</sup>

Vanessa procured unnamed customers for AAA251872's sexual services until November 2013. AAA251872 testified that she would often skip classes because Vanessa sometimes would arrange multiple customers for her on the same day. Vanessa also induced AAA251872 to use *shabu* to help her cope with the stress. When AAA251872 became dependent on the drug, she got caught in a vicious cycle of engaging in prostitution to support her drug addiction. As a result, she became delinquent in school and more violent at home, especially when her mother and sister tried to keep her from leaving the house. When asked why she stopped accepting customers from Vanessa sometime in November 2013, AAA251872 declared that she was "tired of [Vanessa] as whenever [Vanessa] would text [her], [Vanessa] would give [her] several guests." When asked why she decided to file a complaint against Vanessa, AAA251872 replied that she was "mad at [Vanessa] because [Vanessa] would like [her] to appear to be a liar when [Vanessa] was the one who ruined [her] life."<sup>19</sup>

AAA251872's mother, BBB251872, corroborated AAA251872's testimony on material points, describing how AAA251872, the youngest of her four children, was the favorite of her late husband, who died in November 2011. Since her father doted on her, AAA251872 was the most affected among her children by her father's passing. BBB251872 admitted that she was the disciplinarian of the two parents and that her relationship with

<sup>17</sup> Rollo, p. 6; and CA rollo, p. 55.

<sup>18</sup> Rollo, pp. 6-7; and CA rollo, pp. 55-56.

<sup>19</sup> Rollo, p. 7; and CA rollo, pp. 56-57.

AAA251872 after her husband's passing was strained. There had been many confrontations between them due to disciplinary matters involving AAA251872 in school, her coming home late, and her refusal to explain her actions. BBB251872 was also concerned about how AAA251872 was inexplicably able to afford luxuries around 2012 to 2013. BBB251872 then related that it was not until June 2014 that she discovered the truth of AAA251872's experience. AAA251872 opened up to her after they found out that AAA251872 was pregnant. Following the advice of a cousin who was a police officer, BBB251872 and AAA251872 approached the Philippine National Police Women's Desk to file a complaint. AAA251872's sister, CCC251872, corroborated her mother's testimony, particularly detailing how AAA251872 changed her behavior during those times and became violent in their home each time she was forbidden to leave the house.<sup>20</sup>

The prosecution also presented the Social Case Study Report prepared by Eden. In the report, the social worker confirmed that at the time AAA251872 engaged in prostitution, AAA251872 was vulnerable as she struggled to cope with the consequences of her father's passing; and that because of her strained relationship with her mother, AAA251872 became rebellious and was not open to the latter.<sup>21</sup>

On the other hand, Vanessa's defense consisted mostly of denial, corroborated almost identically by the testimony of her mother, Rowena. Vanessa recalled meeting AAA251872 a week before June 28, 2013, and not in February 2013. She explained that she was supposed to meet Rose at [REDACTED] to return Rose's USB drive. As AAA251872 accompanied Rose, she invited them to her daughter's baptism in June 2013. She alleged that she was introduced to AAA251872 as "Sweet" and only came to know AAA251872's full name when AAA251872 volunteered to be a "ninang" at her daughter's baptism.<sup>22</sup>

Vanessa claimed she was a homebody who busied herself with household chores and caring for her child. She denied pimping Rose or AAA251872. Vanessa also denied introducing prohibited drugs to AAA251872. She alleged that on the day of her daughter's baptism, it was AAA251872 who showed them the cigarette box containing a piece of foil and a plastic sachet of *shabu*. Vanessa and Rowena narrated how AAA251872 would, at times, visit them and stay at their house without invitation, even during schooldays, because AAA251872 was physically and emotionally abused at home.<sup>23</sup> Rowena added that AAA251872 was just envious of the harmonious relationship of their family and that she has never encountered any drug problems with Vanessa and her other siblings.<sup>24</sup> Vanessa and Rowena imputed ill motive on BBB251872, and insisted that BBB251872 was

<sup>20</sup> *Rollo*, pp. 7-8; and *CA rollo*, pp. 60-63.

<sup>21</sup> *Rollo*, p. 8.

<sup>22</sup> *Id.* at 8-9; and *CA rollo*, p. 63.

<sup>23</sup> *Rollo*, p. 9; and *CA rollo*, p. 64.

<sup>24</sup> *CA rollo*, p. 73.

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known to accuse someone of a sexual crime against AAA251872 to extort money. BBB251872 would try to do the same to them.<sup>25</sup>

On cross-examination, Rowena admitted that her son was incarcerated for 12 hours for being involved in a fight because he was drunk. There was also a complaint against him by a barangay kagawad, a complaint by Rowena herself for stealing and selling things from their house, and a record in the police blotter for drug use.<sup>26</sup>

On rebuttal, AAA251872, BBB251872, and Rose testified that AAA251872 did not volunteer to be the godmother of Vanessa's daughter because she had no work and only accepted it upon Vanessa's insistence. Further, AAA251872 had no way of procuring prohibited drugs other than from Vanessa, who also taught her how to use it. AAA251872 reiterated how Vanessa would arrange for AAA251872 to meet her "guests" and Vanessa would accompany her to the hotels to get her commission. It was also not true that Vanessa only met Rose to return Rose's USB drive because Rose did not own a USB drive. Rose also clarified that she had seen Vanessa and AAA251872 together several times, contrary to Vanessa's claim, and that AAA251872 and BBB251872 did not file any rape or sexual assault case against anyone in the past as supported by certifications from the Fiscal's Office of ██████████ and Camarines Sur.<sup>27</sup>

In a Judgment<sup>28</sup> dated February 20, 2017, the Regional Trial Court ██████████ (RTC) found Vanessa guilty beyond reasonable doubt of qualified trafficking in persons in Criminal Case No. RTC 2014-0680 and child prostitution in Criminal Case No. RTC 2014-0681,<sup>29</sup> thus:

WHEREFORE, in Criminal Case [No.] RTC 2014-0680[,] the Court finds accused, Vanessa Banaag y Baylon, GUILTY of the offense of QUALIFIED TRAFFICKING IN PERSONS defined under Sec. 3(a) & (b) penalized under Sec. 10(e) and prohibited under Sec. 4(e) in relation to 6(a) of RA [No.] 9208 known as the "Anti-Trafficking in Persons Act of 2003" AS AMENDED BY RA [No.] 10364 and is hereby ordered to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of TWO MILLION ([PHP] 2,000,000.00) PESOS.

Accused Vanessa Banaag y Baylon, is ordered to pay moral damages in the amount of TWO HUNDRED THOUSAND ([PHP] 200,000.00) PESOS.

In Criminal Case No. RTC 2014-0681, for Violation of Section 5(a) of [RA No.] 7610, accused, Vanessa Banaag y Baylon, is found GUILTY of the offense charged and is hereby ordered to suffer the penalty of TEN (10) YEARS, TWO (2) MONTHS and TWENTY-ONE (21) DAYS of

<sup>25</sup> *Id.* at 71-72; and *rollo*, p. 9.

<sup>26</sup> *CA rollo*, p. 73.

<sup>27</sup> *Id.* at 74-78.

<sup>28</sup> *Id.* at 53-84. Penned by Judge Rosita L. Lalwani.

<sup>29</sup> *Id.* at 83-84.

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*PRISION MAYOR* MINIMUM PERIOD as MINIMUM to SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY of *RECLUSION TEMPORAL* MAXIMUM PERIOD AS MAXIMUM.

Accused, Vanessa Banaag y Baylon, is ordered to pay moral damages in the amount of ONE HUNDRED THOUSAND ([PHP] 100,000.00) PESOS.

SO ORDERED.<sup>30</sup>

The RTC concluded that Vanessa and Rowena's testimonies were full of inconsistencies and rife with claims contrary to human experience. The RTC noted that "all the facts alleged by AAA251872 with the exception of her allegation that she was being pimped by Vanessa were all admitted by the defense to have happened[,] only that Vanessa had a different version of what really transpired."<sup>31</sup> On the other hand, the RTC gave full faith and credit to AAA251872's and Rose's positive testimonies, considering that both had no ill motive to testify falsely.<sup>32</sup>

On appeal, the CA affirmed Vanessa's conviction in Criminal Case No. RTC 2014-0680 (qualified trafficking) but clarified that Vanessa's liability should be under Section 4(a) in relation to Section 6(a) of RA No. 9208 and not Section 4(e).<sup>33</sup> The CA explained that Sections 4(a) and 4(e) are two different punishable acts that individually and independently constitute the crime of trafficking in persons under Section 4 of RA No. 9208, as amended. The CA also affirmed Vanessa's conviction in Criminal Case No. RTC 2014-0681 (child prostitution).<sup>34</sup> It disposed:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated February 20, 2017 of the RTC [REDACTED] is AFFIRMED with MODIFICATIONS as to the awards of damages:

I. In Crim. Case No. RTC 2014-0680, VANESSA BANAAG Y BAYLON is found GUILTY beyond reasonable doubt of QUALIFIED TRAFFICKING IN PERSONS defined and penalized under Sec. 6(a), in relation to Secs. 3(a), 4(a), and 10(a) of [RA] No. 9208, as amended by [RA] No. 10364.

Accordingly, she is sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a FINE in the amount of TWO MILLION ([PHP] 2,000,000.00) PESOS.

In addition, she is ordered to pay the victim, [AAA251872], FIVE HUNDRED THOUSAND ([PHP] 500,000.00) PESOS as moral

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 81-82.

<sup>32</sup> *Id.* at 83.

<sup>33</sup> Section 4. *Acts of Trafficking in Persons*. — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

....

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

<sup>34</sup> *Rollo*, pp. 11-25.

damages, with legal interest of six percent (6%) per annum from finality of judgment until fully paid.

2. In Crim. Case No. RTC 2014-0681, VANESSA BANAAG Y BAYLON is found GUILTY beyond reasonable doubt of Violation of Sec. 5 (a) (1) of R.A. No. 7610.

Accordingly, she is sentenced to suffer the penalty of TEN (10) YEARS, TWO (2) MONTHS and TWENTY-ONE (21) DAYS of *PRISION MAYOR* IN ITS MAXIMUM PERIOD as MINIMUM to SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY of *RECLUSION TEMPORAL* IN ITS MAXIMUM PERIOD AS MAXIMUM.

She is also ordered to pay a FINE in the amount of FIFTEEN THOUSAND ([PHP] 15,000.00) PESOS.

In addition, she is ordered to pay the victim [AAA251872], TWENTY THOUSAND ([PHP] 20,000.00) PESOS as civil indemnity, FIFTEEN THOUSAND ([PHP] 15,000.00) PESOS as moral damages, and FIFTEEN THOUSAND ([PHP] 15,000.00) PESOS as exemplary damages, all with legal interest of six percent (6%) per annum from finality of judgment until fully paid.

SO ORDERED.<sup>35</sup>

Hence, this recourse.<sup>36</sup> Vanessa questions<sup>37</sup> the credibility of the prosecution witnesses and argues that the elements of the offenses charged were not proven.<sup>38</sup> The People, through the Office of the Solicitor General, manifested<sup>39</sup> that they were adopting their Brief for the Appellee<sup>40</sup> in CA-G.R. CR-HC No. 09192, considering that they already made an exhaustive and extensive discussion of the issues raised by Vanessa.<sup>41</sup>

## RULING

The appeal is partly meritorious.

***In Criminal Case No. RTC 2014-0680,  
Vanessa is guilty only of trafficking in  
persons for the failure of the  
prosecution to prove AAA251872's  
minority***

<sup>35</sup> *Id.* at 27–28.

<sup>36</sup> See Notice of Appeal dated August 30, 2019; *id.* at 30–32.

<sup>37</sup> See Manifestation dated January 22, 2021; *id.* at 41–43.

<sup>38</sup> *Id.* at 41. See also CA rollo, pp. 45–50.

<sup>39</sup> See Manifestation and Motion dated February 4, 2021; rollo, pp. 46–48.

<sup>40</sup> CA rollo, pp. 94–115.

<sup>41</sup> *Id.* at 99–144. See also rollo, pp. 46–47.

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

(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 persons, 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 crime becomes qualified when, among others, the trafficked person is a child.<sup>42</sup> Section 3(b) of RA No. 9208, as amended, defines “child” 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/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.”

Here, the prosecution alleges that AAA251872 was 17 years old at the time of the incident. Notably, in affirming Vanessa’s conviction, the CA ruled that although AAA251872’s birth certificate is not on record to prove her age, the Social Case Study Report indicating AAA251872’s date of birth could be considered as a similar authentic document that can prove her minority at the time of the incident.<sup>43</sup>

We disagree.

In *People v. Pruna*,<sup>44</sup> the Court provided the guidelines for appreciating age either as an element of the crime or as a qualifying circumstance, viz.:

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

<sup>42</sup> See Section 6(a) of RA No. 9208.

<sup>43</sup> *Rollo*, pp. 19–21.

<sup>44</sup> 439 Phil. 440 (2002) [Per C.J. Davide, Jr., *En Banc*].

and credible, of the victim's mother or a member of the family either by affinity or 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>45</sup> (Emphasis supplied)

For sure, the Social Case Study Report stating that AAA251872's date of birth is [REDACTED], is not a "similar authentic document" equivalent to a baptismal certificate or school record. The Court notes that a birth certificate must be submitted or presented as proof of the child's identity and age in securing a baptismal certificate or school record. As such, these documents can also be considered accurate and reliable proof of age. In contrast, a birth certificate is unnecessary in a Social Case Study Report because it is mostly based on interviews and discussions of the social case worker with the minor, their family, relatives, neighbors, friends, teachers, among others. Therefore, the CA's reliance on the Social Case Study Report is incorrect.

The prosecution relied on the stipulations in the Pre-Trial Order where Vanessa is said to have admitted the minority of AAA251872 at the time of the offense. However, neither Vanessa nor her counsel of record signed the Pre-Trial Order.<sup>46</sup> Following Rule 118, Section 2<sup>47</sup> of the Rules of Court, the stipulations in the Pre-Trial Order, particularly on AAA251872's minority, cannot be used against Vanessa. Moreover, this Court has previously declared

<sup>45</sup> *Id.* at 470-471.

<sup>46</sup> *Rollo*, pp. 5 and 18.

<sup>47</sup> Section 2. *Pre-trial arrangement.* — All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot be used against the accused. . . .

that a mere stipulation of the parties with respect to the victim's age cannot be considered sufficient proof of minority in criminal cases.<sup>48</sup>

Furthermore, we observed that the photocopy of AAA251872's birth certificate<sup>49</sup> attached to her Affidavit-Complaint<sup>50</sup> and brought to court for presentation during AAA251872's testimony was not marked nor formally offered into evidence. Neither was a certified true copy of the birth certificate issued by the civil registrar presented.<sup>51</sup> It is a cardinal rule of evidence that "[t]he court shall consider no evidence which has not been formally offered."<sup>52</sup> Even if the Court considered the birth certificate as identified by testimony duly recorded, it was not incorporated into the case records. Assistant City Prosecutor Antonette Majella S. Nacor (Pros. Nacor) expressly waived the incorporation into evidence of the birth certificate brought by AAA251872 to court, *viz.*:

Pros. Nacor [to AAA251872]

Q: How old were you during that period, February 2013 to November 2013?

A: Seventeen (17) years old, Ma'am.

Q: What is your proof that you were 17 years old during that time?

A: My birth certificate, Ma'am.

Q: Do you have it with you?

A: Yes, Ma'am.

Pros. Nacor:

**Anyway, Your Honor, the minority of the complainant was already stipulated during pre-trial.**

Court: Okay.<sup>53</sup> (Emphasis supplied)

The prosecution cannot rely on AAA251872's testimony that she was 17 years old from February to November 2013 to prove minority. It is well established that in criminal cases, proof of the victim's age cannot consist merely of testimony.<sup>54</sup>

All told, the prosecution failed to prove AAA251872's minority at the time of the incident, which would qualify the crime of trafficking in persons. As such, Vanessa could not be held liable for qualified trafficking.<sup>55</sup>

<sup>48</sup> *People v. Mejia*, 612 Phil. 668, 688 (2009) [Per J. Chico-Nazario, Third Division]; and *People v. Lopit*, 594 Phil. 806, 820-821 (2008) [Per J. Leonardo-De Castro, *En Banc*].

<sup>49</sup> Records (Criminal Case No. RTC 2014-0680), p. 7.

<sup>50</sup> *Id.* at 2-3.

<sup>51</sup> See RULES OF COURT, Rule 132, sec. 24.

<sup>52</sup> See RULES OF COURT, Rule 132, sec. 34.

<sup>53</sup> TSN, AAA251872, June 23, 2015, p. 8.

<sup>54</sup> *People v. Mejia*, 612 Phil. 668, 689 (2009) [Per J. Chico-Nazario, Third Division]. See also *People v. Ibarrientos*, 476 Phil. 493, 515 (2004) [Per J. Quisumbing, *En Banc*]; and *People v. Sitao*, 436 Phil. 539, 546 (2002) [Per J. Puno, *En Banc*].

<sup>55</sup> *People v. XXX*, G.R. No. 260639, March 29, 2023 [Per J. Hernando, First Division].

Nevertheless, Vanessa is liable for trafficking in persons under Section 3(a) of RA No. 9208, as amended. The following are the elements of the crime:

(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>56</sup> (Emphasis supplied)

The prosecution satisfactorily established the presence of all these elements. Both the RTC and the CA found that AAA251872 was recruited and offered for sexual exploitation in exchange for money to several “customers.” Vanessa would offer and arrange for AAA251872 to meet with these “customers.” She facilitated the exploitation by transporting and providing AAA251872 to the procurer of the sexual services.<sup>57</sup> Thus:

Q: And can you tell us why you know Vanessa Banaag?

A: She was introduced to me by our neighbor by the name of Rose Cas, ma’am.

Q: And when were you introduced with Rose Cas to Vanessa?

A: February 2013, ma’am.

Q: And where was Vanessa introduced to you by Rose Cas?

A: Outside ██████████ near the PS Bank, ma’am.

Q: Why were you with Rose Cas during that time?

A: Rose Cas’ sister was with me to buy something at the centro and Rose Cas also was with us because she said that she will introduce me to someone, ma’am.

....

Q: So what happened after you were introduced to Vanessa?

A: They brought me to a room at ██████████ where a guest was waiting, ma’am.

Q: Whose guest was that?

A: A guest for Rose Cas, ma’am.

COURT:

Just a minute.

Q: When do you say “guest”, what do you mean by that word?

<sup>56</sup> *People v. San Miguel*, 887 Phil. 777, 788–789 (2020) [Per J. Inting, Second Division]; and *People v. XXX*, G.R. No. 244048, February 14, 2022 [Per J. Hernando, Second Division]; citations omitted.

<sup>57</sup> *Rollo*, pp. 13–23; and *CA rollo*, pp. 81–84.

A: A customer, ma'am.

PROS. NACOR

.....

Q: So what happened after Rose was there in a room at [REDACTED]?

A: Vanessa asked for her commission and then we left the place, ma'am.

Q: So what was your reaction at that time when you saw that Rose Cas has a guest?

A: I was surprised because all I know was we will just buy something in downtown and Rosa Cas will just introduce me to someone, ma'am.

Q: So what happened after Rose was left at [REDACTED]?

A: Vanessa asked me to go with them at [REDACTED]. We walked in [sic] going there, ma'am.

Q: And what happened while the 2 of you were walking towards [REDACTED]?

A: She asked for my cellphone number, ma'am.

Q: And did you give your number to her?

A: Yes, ma'am.

Q: And aside from that what else happened where the 2 of you were going towards [REDACTED]?

A: She has been telling me that she has been in that work for so long a time when she had been entering nice hotels in Manila, ma'am.

Q: And so what happened after you arrived at [REDACTED]?

A: There was someone waiting for Vanessa Banaag waiting for a customer, ma'am.

Q: How did you learn that the woman there at [REDACTED] was waiting a customer from Vanessa?

A: I overheard what they were talking about, ma'am.

Q: And did you happen to see the guest that they were referring to?

A: No, ma'am, because I texted Mayjean as I was already at [REDACTED] and we fetched Rose Cas.

Q: And what happened after the 2 of you fetched Rose Cas?

A: Rose Cas gave us a treat at MacDonald. After that we went home, ma'am.

Q: So what happened after your initial encounter with Vanessa?

A: After one week, ma'am, she texted me.

.....

Q: And what was her text message about?

A: She said that she will introduce me to someone at [REDACTED] and will give me money, ma'am.

Q: And around what period was that?

A: In February 2013, ma'am.

Q: So what happened after the text message?

A: She instructed me to go to her house and texted me her address, ma'am.

....

Q: And what happened after you arrived at her house?

A: **When I came to her house, we proceeded immediately to the [REDACTED], ma'am.**

....

Q: And what happened after the 2 of you arrived at [REDACTED]?

A: **She instructed me to board a car and she introduced me to a person named Arthur. I was made to sit in front, ma'am.**

Q: How about Vanessa where was she during that time?

A: She was seated at the back of the car, ma'am.

Q: And what happened after the introduction?

A: **I saw that the customer gave to Vanessa, [PHP] 500.00, ma'am.**

Q: And after she received the [PHP] 500.00, what happened next?

A: Vanessa alighted from the car, ma'am.

Q: And how about you and Arthur, where did you go?

A: **Arthur brought me to the [REDACTED] at [REDACTED], ma'am.**

Q: And then can you tell us what happened when you were already there at [REDACTED] in [REDACTED]?

A: **Arthur had sex with me, ma'am.**

Q: After he had sex with you, what happened next?

A: **Arthur gave me [PHP] 2,000.00, ma'am.**

Q: We will just manifest, Your Honor, that witness is crying, Your Honor.

COURT:

Have it recorded.

....

Q: Now, after that first transaction, did you happen to see Vanessa again?

A: **Yes, because she pimped me several times, ma'am.**

Q: And when you say several times, can you give us at least an estimate of how many times you were pimped by Vanessa?

A: **More or less 30, ma'am.**

COURT: 30.

A: Yes, ma'am.

PROS. NACOR:

Q: In those more or less 30 instances that Vanessa pimped you, how Vanessa communicate with you?

A: **She texted me or called me up and told me to go to her house in Mayon and that she will give me a guest, ma'am.**



Q: What kind of drugs?

A: *Shabu*, ma'am.

Q: And who taught you how to use *Shabu*?

A: **Vanessa, ma'am, she gave me an instruction how to use it.**

....

Q: When was that when she started giving you drugs?

A: In June 2013, ma'am.

....

Q: Can you tell us why you have to use drugs?

A: **To make myself alive and in order to do whatever my customers ask me to do and also for me not to be sleepy, ma'am.**<sup>58</sup> (Emphasis supplied)

AAA251872's clear and straightforward testimony was substantially corroborated by Rose Cas:

Q: Were there times when the three (3) of you were together, you, Vanessa and [AAA251872]?

A: Only once, Ma'am.

Q: When was that?

A: I still remember there was an incident but it happened a long time ago, Ma'am.

Q: How did it come about that the three (3) of you were together?

A: Because I was already going out of the house I saw [AAA251872] outside their house also so I tagged along [AAA251872] when I was about to meet Vanessa then, Ma'am.

Q: What happened when the three (3) of you were already together?

A: **There was a guest at [REDACTED] and I was the one who Vanessa would give to the guest and then at that time I also introduced [AAA251872] to Vanessa, Ma'am.**

....

COURT:

Q: So when the three (3) of you were there at [REDACTED] and as according to you, you were being given as a guest, who was giving you as guest?

A: **It was Vanessa, Ma'am.**

PROS. NACOR:

Q: And what did Vanessa do there when she was with you at that hotel?

....

A: **She brought me to [REDACTED] so that she can give me to the guest and then she asked [PHP] 500.00 from the guest as commission and she was with [AAA251872] and they left after, Ma'am.**

<sup>58</sup> TSN, AAA251872, June 16, 2015, pp. 5-13.

....

PROS. NACOR:

Q: And how much did you get out of that transaction?

....

A: I received [PHP] 2K, the [PHP] 500.00 was Vanessa's so I received [PHP] 1,500.00, Ma'am.<sup>59</sup> (Emphasis supplied)

AAA251872 positively and consistently identified Vanessa as the one who facilitated and arranged customers for her for a fee by offering and taking her to meet these customers for prostitution. Therefore, the clear and straightforward testimony of AAA251872, as corroborated by Rose, must prevail over Vanessa's denial, particularly since all prosecution witnesses have no ill motive to testify falsely against Vanessa. The CA observed that all the facts alleged by AAA251872, except for her allegation that Vanessa was pimping her, were admitted by the defense. Vanessa and Rowena merely changed some details, which the prosecution caught and rebutted successfully.<sup>60</sup>

We reiterate that the CA and the RTC's assessments of the credibility of the prosecution witnesses and the integrity of their testimonies are given the highest degree of respect,<sup>61</sup> especially when, as in this case, no fact or circumstance of weight or substance was overlooked, misunderstood, or misapplied, which could affect the result of the case.<sup>62</sup> Indeed, the trial court had the best opportunity to determine the credibility of the prosecution witnesses, having evaluated their emotional state, reactions, and overall demeanor in open court.

Accordingly, Vanessa is guilty of trafficking in persons under Section 3(a) of RA No. 9208.

***In Criminal Case No. RTC 2014-0681,  
Vanessa is acquitted for the failure of  
the prosecution to prove AAA251872's  
minority***

Child prostitution under Section 5(a) of RA No. 7610 is defined and committed as follows:

<sup>59</sup> TSN, Rose Cas, June 16, 2016, pp. 7-9.

<sup>60</sup> *Rollo*, pp. 13-18 and 22-25.

<sup>61</sup> *People v. Matignas*, 428 Phil. 834, 868-869 (2002) [Per J. Panganiban, *En Banc*], citing *People v. Basquez*, 418 Phil. 426, 439 (2001) [Per J. Panganiban, Third Division]; *People v. Jaberto*, 366 Phil. 556, 558 (1999) [Per J. Panganiban, Third Division]; and *People v. Deleverio*, 352 Phil. 382, 401 (1998) [Per J. Vitug, *En Banc*].

<sup>62</sup> *People v. Orosco*, 757 Phil. 299, 310 (2015) [Per J. Villarama, Jr., Third Division], citing *People v. De Leon*, 608 Phil. 701, 721 (2009) [Per J. Peralta, Third Division].

Section 5. *Child Prostitution and Other Sexual Abuse*. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
  - (1) Acting as a procurer of a child prostitute;
  - (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - (3) Taking advantage of influence or relationship to procure a child as prostitute;
  - (4) Threatening or using violence towards a child to engage him as a prostitute; or
  - (5) Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution.

The elements of child prostitution under Section 5(a) are: (1) the accused engages in, promotes, facilitates, or induces child prostitution; (2) the act is done through, but not limited to, the means enumerated under paragraph (a); (3) the **child** is exploited or intended to be exploited in prostitution, and (4) the child, whether male or female, is **below 18 years of age**.<sup>63</sup>

Thus, for a charge under RA No. 7610 to prosper, the victim must be a child “exploited in prostitution or other sexual abuse.” Since minority is an essential element of this crime, the prosecution must prove that AAA251872 is a minor at the time of the incident. Absent this essential element, the Court cannot sustain Vanessa’s criminal liability for violating Section 5(a) RA No. 7610.

### *Damages and penalty*

In Criminal Case No. RTC 2014-0680 (trafficking in persons), Section 10<sup>64</sup> of RA No. 9208 provides that any person found guilty of committing any

<sup>63</sup> *Malto v. People*, 560 Phil. 119, 133–134 (2007) [Per J. Corona, First Division].

<sup>64</sup> Section 10. Penalties and Sanctions. — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos ([PHP] 1,000,000.00) but not more than Two million pesos ([PHP] 2,000,000.00)[.]

of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of 20 years and a fine of not less than PHP 1,000,000.00 but not more than PHP 2,000,000.00.

As to damages, *People v. Lalli*<sup>65</sup> explained the ratio for the awards of moral and exemplary damages of PHP 500,000.00 and PHP 100,000.00, respectively, in cases of trafficking in persons as a prostitute:

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 justified.<sup>66</sup>

The monetary awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.<sup>67</sup>

**ACCORDINGLY**, the appeal is **PARTLY DENIED**. The Decision dated August 9, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09192 is **MODIFIED** as follows:

- (1) In Criminal Case No. RTC 2014-0680, Vanessa Banaag y Baylon is **GUILTY** beyond reasonable doubt of trafficking in persons under Section 3(a) of Republic Act No. 9208, as amended. She is sentenced to suffer the penalty of imprisonment of 20 years and a fine of PHP 2,000,000.00, and is **ORDERED** to pay AAA251872 moral damages of PHP 500,000.00 and exemplary damages of PHP 100,000.00. All damages shall earn legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment; and
- (2) In Criminal Case No. RTC 2014-0681, Vanessa Banaag y Baylon is **ACQUITTED**.

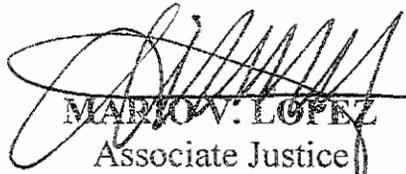
Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women, Mandaluyong City for its record in Criminal Case No. RTC 2014-0681.

<sup>65</sup> 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

<sup>66</sup> *Id.* at 159.

<sup>67</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 282–283 (2013) [Per C.J. Peralta, *En Banc*].

**SO ORDERED.**



**MARIO V. LOPEZ**  
Associate Justice

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



**JHOSEP LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

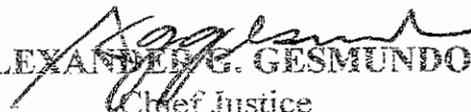
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Article VIII, Section 13 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.



**ALEXANDER G. GESMUNDO**  
Chief Justice