



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 263706**

**Present:**

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

-versus-

**ANNIE FRENCY NUÑEZ y ADOLFO**  
a.k.a. "FAITH,"  
Accused-Appellant.

**Promulgated:**

AUG 14 2023

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**DECISION**

**LAZARO-JAVIER, J.:**

This appeal seeks to reverse the Decision<sup>1</sup> dated June 17, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 03058 entitled *People of the Philippines v. Annie Frency Nuñez y Adolfo a.k.a. "Faith,"* affirming with modification the Decision<sup>2</sup> dated January 29, 2018 of the Regional Trial Court, Branch 24, Cebu City in Criminal Case No. CBU-94706, which found

<sup>1</sup> *Rollo*, pp. 16–38. Penned by Associate Justice Bautista G. Corpin, Jr. and concurred in by Associate Justices Gabriel T. Ingles and Nancy C. Rivas-Palmones of Special Eighteenth Division, Court of Appeals, Cebu City.

<sup>2</sup> *CA rollo*, pp. 31–39. Penned by Presiding Judge Jose Nathaniel S. Andal.

appellant Annie Frency Nuñez y Adolfo guilty of qualified trafficking and sentenced her to life imprisonment and PHP 2,000,000.00 fine. She was further ordered to pay each of the victims, AAA263706,<sup>3</sup> BBB263706, and CCC263706, PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages. The Court of Appeals likewise granted 6% interest per annum on the monetary award from finality of judgment until fully paid.

### Antecedents

Under Information<sup>4</sup> dated January 12, 2012, accused-appellant Annie Frency Nuñez y Adolfo a.k.a. “Faith” was charged with qualified trafficking, *viz.*:

That on or about the 22<sup>nd</sup> day of November 2011, at about 1:30 P.M., in the City of █████, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, with intent to gain, did then and there hire and/or recruit AAA263706, 15 years of age, BBB263706, a minor 15 years of age, and CCC263706, a minor of 16 years old, for the purpose of prostitution and sexual exploitation, by acting as their procurer for an American customer(s) (sic); for money, profit[,] or any other consideration, in [v]iolation of Sec. 4(a) and (e) in relation to Sec. 6(a) and (c) of RA 9208. With the qualifying circumstances that the trafficking is in large scale with more than three women trafficked and that three of the women trafficked are minors. <sup>1</sup>

CONTRARY TO LAW.<sup>5</sup>

The case was raffled to the Regional Trial Court, Branch 24, █████ City. On arraignment, accused-appellant pleaded not guilty.<sup>6</sup>

During trial, the prosecution presented the following witnesses: AAA263706, one of the private complainants; Police Officer 1 Ariel Llanes (PO1 Llanes); Police Senior Inspector Mary Sheila Garcia Atienza (PSI Atienza); and Police Office 3 Linda Almohallas (PO3 Almohallas) of the Philippine National Police (PNP) Regional Anti-Human Trafficking Task Force (RATTF), Regional Intelligence Division (RID), █████ City. Their testimonies may be summarized in this wise:

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<sup>3</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 760, “An Act providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes;” R.A. No. 9262, “An Act Defining Violence Against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;” Section 40 of A.M. No. 04-10-11 SC known as the “Rule on Violence Against Women and their Children,” effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: 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>4</sup> Records, p. 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Rollo*, p. 41.

On November 21, 2011, Police Senior Inspector Maria Theresa Macatangay (PSI Macatangay) of PNP-RATTF-RID, ██████ City received information from an American informant that a woman offered him minors for sex at PHP 10,000.00 each.<sup>7</sup> The woman was named “Faith” who promised to deliver to him three girls on November 22, 2011, around 2 p.m., at the Sarrosa International Hotel (Sarrosa Hotel).<sup>8</sup>

On November 22, 2011, the RATTF Team conducted a briefing for an entrapment and rescue operation where they would be accompanied by the Department of Social Welfare and Development (DSWD) social workers.<sup>9</sup> For the operation, they reserved Rooms 409, 410, and 411 at the ██████ Hotel.<sup>10</sup> PO1 Llanes got designated as decoy, while Police Officer 2 Vidala Hermida (PO2 Hermida) as arresting officer. PO1 Llanes was given the marked money dusted with ultra-violet powder amounting to PHP 30,000.00. They agreed that PO1 Llanes would make a “missed call” as the prearranged signal, indicating that “Faith” accepted the marked money as consideration for the sex trade.

After the briefing, the informant told the team that “Faith” already arrived at the ██████ Hotel, together with three girls. He instructed PO1 Llanes to fetch “Faith” and the girls at the lobby of the hotel.<sup>11</sup> There, PO1 Llanes approached them and asked who “Faith” was. Accused-appellant then introduced herself as “Faith” while PO1 Llanes said he was the driver of the male American citizen. Subsequently, they went to Room 411.<sup>12</sup> Inside the room, PO1 Llanes offered them pizza and drinks. After eating, accused-appellant told PO1 Llanes that they should talk inside the comfort room. PO1 Llanes asked accused-appellant what the PHP 10,000.00 for each girl meant, and the latter replied “*makipag sex gyud, mag iyot Sir.*” She added “*mga inosente pa baya sab intawn na xxx mga underage pa intawn na o[y]; mga kinsi, disi-sais.*”<sup>13</sup> Having established that accused-appellant intended to sell the three minors for sex, PO1 Llanes handed the marked money to her amounting to PHP 30,000.00. Accused-appellant received the marked money and counted it. Thereafter, PO1 Llanes made a “missed call” indicating the transaction had been consummated.<sup>14</sup>

PO3 Almohallas and PO2 Hermida rushed to Room 411 and introduced themselves as police officers. PO2 Hermida informed accused-appellant of her constitutional rights and arrested her. They recovered from her the marked

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<sup>7</sup> *Id.* at 18.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 41

<sup>10</sup> *Id.* at 18.

<sup>11</sup> *Id.* at 19.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 42.

<sup>14</sup> *Id.* at 19.

money and a cellphone. When asked for her complete name, she replied “Annie Frency Nuñez.”

The other members of the RATTF team rescued the three minors and turned them over to the DSWD social workers.<sup>15</sup> The minors were later identified as private complainants AAA263706 (15 years old), BBB263706 (15 years old), and CCC263706 (16 years old).<sup>16</sup>

For her part, AAA263706 testified that she was only 15 years old at the time the incident happened. Together with BBB263706, and CCC263706s, accused-appellant recruited them to participate in a photoshoot job as a souvenir for a male American citizen. Accused-appellant promised them a fee, and told them to wear make-up and sexy clothes.<sup>17</sup>

On the other hand, accused-appellant solely testified for the defense. She averred that, weeks before her arrest, she lost her job at a night club. She was then living with a friend at Barangay ██████████, ██████████ City, where she came to know AAA263706. AAA263706 was a relative of a certain ██████████ ██████████ who used to work with her in a night club.<sup>18</sup>

In November 2011, AAA263706 invited her to join a photoshoot at the ██████████ Hotel. She did not know the full details of the event but AAA263706 told her that her contact was a certain “Attorney Jojo.” She accepted the invitation. On November 22, 2011, she, together with AAA263706 and her (AAA263706) friends BBB263706 and CCC263706, went to the ██████████ Hotel. They all waited at the lobby of the hotel for “Attorney Jojo,” but a certain man introduced himself as the driver of the American male contact of “Attorney Jojo.” This man was later identified as PO1 Llanes. PO1 Llanes assured them that Attorney Jojo was on his way, and persisted that she and the three girls join him in a room at the hotel.

Inside the room, they saw an American man. PO1 Llanes called her to follow him to the comfort room. Inside the comfort room, PO1 Llanes handed her money and instructed her to count the same. She counted PHP 30,000.00 and she was surprised why she was being paid when it was AAA263706 who made the arrangement for the alleged pictorial.<sup>19</sup> Minutes later, a group of men and women went to the room and introduced themselves as police officers, and the others, as DSWD social workers. She was separated from AAA263706, BBB263706, and CCC263706. Thereafter, the police arrested and took her to the police station.<sup>20</sup>

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<sup>15</sup> *Id.* at 20.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 45.

<sup>18</sup> *Id.* at 20.

<sup>19</sup> *Id.* at 43.

<sup>20</sup> *Id.* at 22.

### The Ruling of the Regional Trial Court

By Decision<sup>21</sup> dated January 29, 2018, the trial court convicted accused-appellant of qualified trafficking, *viz.*:

**WHEREFORE**, premises considered, judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt of violating Section 4(a) and (e), qualified by Section 6(a) and (c) of Republic Act No. 9208, and sentencing her to suffer the penalty of life imprisonment and a fine of P[HP] 2,000,000.00.

Accused is ordered to pay each of the private complainants:

- (1) P[HP]500,000.00 as moral damages and
- (2) P[HP]100,000.00 as exemplary damages.

**SO ORDERED.**<sup>22</sup> (Emphasis in the original)

It found that accused-appellant peddled AAA263706, BBB263706, and CCC263706 and offered them to a customer for sex in exchange for money. In fact, she confirmed the following circumstances: a) she was present at the [REDACTED] Hotel on November 22, 2011; b) she was with AAA263706, BBB263706, and CCC263706 inside a hotel room with PO1 Llanes and an American national; and c) she received money from PO1 Llanes.<sup>23</sup> Her actuations to PO1 Llanes are typical of a person who traded women for sexual pleasures to random customers. In short, she fitted into the description of a “pimp.”<sup>24</sup>

The offense was qualified since the three private complainants were all minors, as shown in their birth certificates,<sup>25</sup> and the fact that the trafficking was committed in large scale or against three victims.<sup>26</sup>

### The Ruling of the Court of Appeals

On appeal, accused-appellant denied recruiting AAA263706, BBB263706, and CCC263706 for prostitution or sexual exploitation in exchange for money. It was AAA263706 who invited her to join the latter in a photoshoot.<sup>27</sup>

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Marissa B. Dela Cruz-Galandines, Senior State

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<sup>21</sup> CA *rollo*, pp. 31–39.

<sup>22</sup> *Id.* at 39.

<sup>23</sup> *Id.* at 46.

<sup>24</sup> *Id.*

<sup>25</sup> Exhibits “A”, “B”, “C”, CA *rollo*, p. 59.

<sup>26</sup> *Rollo*, p. 44.

<sup>27</sup> CA *rollo*, p. 19.

Solicitor Maria Lourdes C. Gutierrez, and Associate Solicitor Monica Anne T. Yap, maintained that all the elements of qualified trafficking were established. AAA263706 categorically identified accused-appellant as the one who recruited her, BBB263706, and CCC263706 for a supposed photoshoot job as a souvenir for a male foreigner. They were promised a fee and told to wear make-up and sexy clothes.<sup>28</sup> The police officers of the RATTF, ██████ City likewise detailed their entrapment and rescue operation which led to the arrest of accused-appellant. The offense was qualified because the victims were minors, and the crime was committed in large scale or against three victims.<sup>29</sup>

In its assailed Decision<sup>30</sup> dated June 17, 2021, the Court of Appeals affirmed with modification, imposing a 6% interest rate per annum on the monetary award due to AAA263706, BBB263706, and CCC263706, *viz.*:

**WHEREFORE**, the appeal is hereby **DENIED**. The January 29, 2018 Decision of the RTC, Branch 24, ██████ City, in Criminal Case No. CBU-94706, is **AFFIRMED** with the addition of legal interest of six percent (6%) per *annum* of the total *monetary award for damages* computed from the finality of this decision until their full satisfaction.

**SO ORDERED.**<sup>31</sup> (Emphasis in the original)

### The Present Appeal

Accused-appellant prays anew for her acquittal.

In compliance with Resolution<sup>32</sup> dated February 6, 2023, accused-appellant maintains in her Supplemental Brief that the prosecution failed to prove that she recruited AAA263706, BBB263706, and CCC263706 for sexual exploitation.<sup>33</sup> She had a conversation with PO1 Llanes about the conduct of a photoshoot but not the performance of any sexual or lewd act.<sup>34</sup> On the other hand, the OSG manifested<sup>35</sup> that in lieu of supplemental brief, it is adopting its Brief before the Court of Appeals.

### Our Ruling

The appeal must fail.

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<sup>28</sup> *Id.* at 58.

<sup>29</sup> *Id.* at 60.

<sup>30</sup> *Rollo*, pp. 16–38.

<sup>31</sup> *Rollo*, pp. 37–38.

<sup>32</sup> *Id.* at 49.

<sup>33</sup> *Id.* at 67–69.

<sup>34</sup> *Id.* at 73.

<sup>35</sup> *Id.* at 54–56.

Accused-appellant was charged with qualified trafficking in persons committed in November 2011. Thus, the governing law is Republic Act No. 9208 before it got amended by Republic Act No. 10364 on February 6, 2013.<sup>36</sup> Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. 9208 provides, thus:

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;

xxx

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

xxx

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

(a) When the trafficked person is a **child;**

xxx

(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;**

xxx

(Emphasis supplied)

Pursuant to Section 6(a), the crime is qualified when the trafficked person is a child or a minor. Another qualifying circumstance under Section 6(c) is when the crime is committed in large scale, i.e., when three or more persons, individually or as a group, were victimized.<sup>37</sup>

Here, the prosecution sufficiently established all the elements of trafficking qualified by minority of the victims and commission of the crime in large scale, thus: a) accused-appellant recruited three victims, i.e. AAA263706, BBB263706, and CCC263706; b) the victims' minority was duly proven by their birth certificates; c) based on the testimony of AAA263706, accused-appellant took advantage of their vulnerability as

<sup>36</sup> *Ferrer v. People*, G.R. Nos. 223042 & 223769, July 6, 2022 [Per J. Lazaro-Javier, Second Division].

<sup>37</sup> *People v. Leocadio*, G.R. No. 237697, July 15, 2020 [Per C.J. Peralta, First Division].

minors to participate in a supposed photoshoot job for a foreigner client upon a promised fee. Accused-appellant specifically instructed them to wear make-up and sexy clothes; and d) accused-appellant's clear purpose of the victims' recruitment was for prostitution or sexual exploitation in exchange of money. This combination of acts, means, and purpose already consummated the offense.<sup>38</sup> Notably, the ultimate facts constitutive of the circumstances of qualified trafficking were clearly alleged in the Information and proved during trial. In this regard, case law instructs that "[t]he victim's consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking." Even without the use of coercive, abusive, or deceptive means, a minor's consent is not given out of his or her own free will, as in this case.<sup>39</sup>

Further, AAA263706's direct, positive, and categorical identification of accused-appellant as their recruiter was corroborated by the law enforcement officers of ██████ City Anti-Human Trafficking Task Force who detailed the conduct of the entrapment and rescue operation which led to accused-appellant's arrest. Accused-appellant, too, corroborated the testimony of the prosecution witnesses. She admitted that on November 22, 2011, she was at the ██████ Hotel with AAA263706, BBB263706, and CCC263706. They went inside a hotel room with PO1 Llanes and a male American national. Thereafter, she received money from PO1 Llanes. In contrast to the overwhelming evidence presented by the prosecution, accused-appellant offers a bare-faced denial regarding the recruitment of the victims. She alleged that it was AAA263706 who invited her to join the photoshoot. To be sure, denial is inherently weak, self-serving, and undeserving of weight.<sup>40</sup> Hence, the positive testimonies of the prosecution witnesses must prevail over the self-serving and unsubstantiated testimony of accused-appellant.

The Court, thus, finds no reason to deviate from the factual findings of the trial court, as affirmed by the Court of Appeals, as there is no indication that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. Surely, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, hence, due deference should be accorded to the same.<sup>41</sup> Accused-appellant's conviction for Qualified Trafficking in Persons, being in accordance with Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. 9208, must be upheld.

As regards the penalty, Section 10(c) of Republic Act No. 9208 states that persons found guilty of qualified trafficking shall suffer life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than

<sup>38</sup> *Ferrer v. People*, *supra* note 36.

<sup>39</sup> *Arambulo v. People*, 857 Phil. 828, 840 (2019) [Per J. Perlas-Bernabe, Second Division].

<sup>40</sup> *People v. XXX*, G.R. No. 260639, March 29, 2023 [Per J. Hernando, First Division].

<sup>41</sup> *Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division], citing *People v. Matibag*, 757 Phil. 286, 293 (2015) [Per J. Perlas-Bernabe, First Division].

PHP 5,000,000.00. Thus, accused-appellant was correctly sentenced to life imprisonment and fine of PHP 2,000,000.00.

In accordance with prevailing jurisprudence,<sup>42</sup> the Court further affirms the grant of PHP 500,000.00 as moral damages, and PHP 100,000.00 as exemplary damages to each of AAA263706, BBB263706, and CCC263706. The imposition of 6% legal interest per annum on all monetary award due to the victims from finality of judgment until fully paid is likewise maintained.

**ACCORDINGLY**, the Appeal is **DISMISSED**. The Decision dated June 17, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 03058 is **AFFIRMED**.

Accused-appellant **Annie Frency Nuñez y Adolfo a.k.a. "Faith"** is **GUILTY** of **Qualified Trafficking** under Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. 9208. She is sentenced to life imprisonment and fine of PHP 2,000,000.00.

She is further ordered to **PAY** each of the victims AAA263706, BBB263706, and CCC263706 PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages. These amounts shall earn 6% interest per annum from finality of this Decision until fully paid.

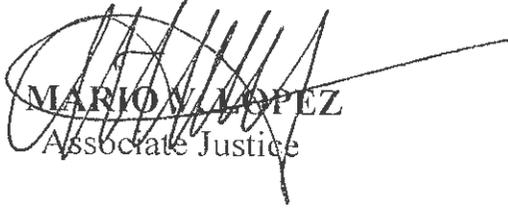
**SO ORDERED."**

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

**WE CONCUR:**

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

<sup>42</sup> See *People v. XXX*, 835 Phil. 1083, 1096 (2018) [Per *J. Perlas-Bernabe*, Second Division].



**MARIO V. LOPEZ**  
Associate Justice



**JHOSEP Y. 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**  
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 Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice