



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

MARIAN REBUTA y SEDAÑO,            G.R. No. 246306  
*Petitioner,*

Present:

CAGUIOA, J.,\* *Chairperson,*  
INTING, *Acting Chairperson,\*\**  
GAERLAN,  
DIMAAMPAO,\*\*\* and  
SINGH, JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,  
*Respondent.*            July 26, 2023

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D E C I S I O N

INTING, J.:

Before the Court is a Petition<sup>1</sup> for review on *certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>2</sup> dated September 26, 2018, and the Resolution<sup>3</sup> dated March 4, 2019, of the Court of Appeals (CA) in CA-G.R. SP No. 07226. The CA granted the Petition for *Certiorari*<sup>4</sup> filed by the People of the Philippines (People), through the Office of the Solicitor General (OSG), and reversed and set aside the judgment of acquittal rendered by Branch █, Regional Trial Court (RTC), █.

\* On leave.

\*\* Designated as Acting Chairperson per Special Order No. 3004 dated July 10, 2023.

\*\*\* On official leave.

<sup>1</sup> *Rollo*, pp. 9-25.

<sup>2</sup> *Id.* at 26-46. Penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Edgardo A. Camello and Walter S. Ong.

<sup>3</sup> *Id.* at 47-50.

<sup>4</sup> *Id.* at 92-132.

Davao del Norte, in Criminal Case Nos. 19762, 19763, 19764, 19765, 19766, 19767, 19768, 19769, 20112, and 20113 in its Joint Decision<sup>5</sup> dated October 30, 2015.

More particularly, the CA found Marian Rebuta y Sedaño (petitioner) guilty beyond reasonable doubt of five (5) counts of violation of Section 4(a),<sup>6</sup> qualified by Section 6(a)<sup>7</sup> of Republic Act No. (RA) 9208,<sup>8</sup> otherwise known as the “Anti-Trafficking in Persons Act of 2003,” as expanded under RA 10364,<sup>9</sup> in relation to Section 12-D(2), Article VIII of RA 7610,<sup>10</sup> as amended by RA 9231,<sup>11</sup> otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act,” and sentenced her to suffer the penalty of life imprisonment and a fine of ₱2,000,000.00 for each count and ordered her to pay moral and exemplary damages. On the other hand, the CA affirmed the acquittal of Jayflor Delgado y Gabayan (Delgado), petitioner’s co-accused below, of all the charges.

#### *The Antecedents*

Petitioner is the registered owner and proprietor of the ██████ Bar Disco Pub (█████ Bar) with two branches, one in Pioneer Street and the other in ██████ Road, both located in ██████, Davao del Norte.<sup>12</sup> She is also the owner of ██████ Lodge, where the employees of ██████ Bar reside. Delgado is the floor manager of ██████ Bar.<sup>13</sup>

<sup>5</sup> Id. at 76-91. Penned by Presiding Judge Ma. Susana T. Baua.

<sup>6</sup> Section 4(a) of RA 9208, as amended by RA 10364 provides:

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

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

<sup>7</sup> Section 6(a) of RA 9208 provides:

SEC. 6. *Qualified Trafficking in Persons.* — x x x x

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

<sup>8</sup> Entitled, “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes,” approved on May 26, 2003.

<sup>9</sup> Entitled, “An Act Expanding Republic Act No. 9208, entitled “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations and for other Purposes,” approved on February 6, 2013.

<sup>10</sup> Approved on June 17, 1992.

<sup>11</sup> Approved on December 19, 2003.

<sup>12</sup> *Rollo*, p. 76.

<sup>13</sup> Id. at 78.

Sometime in January 2014, the National Bureau of Investigation (NBI) of ██████ City received a report from the Inter-Agency Council Against Trafficking (IACAT), an international agency involved in the prevention of world-wide trafficking of women and children, requesting the NBI to conduct a surveillance on the ██████ Bar establishments based on the information that the establishments employed minors as entertainers and/or guest relations officers (GRO).<sup>14</sup>

On January 24, 2014, the NBI agents went to the ██████ Bar in ██████ Road pretending to be customers. After determining from the appearances of some of the GROs that they were minors, the NBI agents conducted an operation on the establishment. The NBI agents rounded up the girls, adults, and minors alike who were entertaining the customers. When petitioner arrived at the ██████ Bar, after one of her employees called her, the NBI agents arrested her, together with Delgado.

During the operation, a social worker and a dentist accompanied the NBI agents. Thereafter, the NBI agents brought the persons rounded-up to the NBI office for initial investigation; those who appeared to be minors were segregated, and those who were determined to be adults were released. The social worker took custody of those who appeared to be below legal age and made them undergo dental examinations. After the preliminary determination that the girls were indeed minors, the social worker brought the minor girls to a youth center. Thereafter, the NBI identified five of the girls as follows: AAA, then 15 years old; BBB, then 16 years old; CCC, then 17 years old; DDD, then 17 years old; and EEE, then 15 years old.<sup>15</sup> The minors then filed their respective complaints against petitioner and Delgado.<sup>16</sup>

As a result, petitioner and her co-accused Delgado were charged with violations of Section 6(a) in relation to Sections 3(c) and 4(a) of RA 9208, as amended by RA 10364 or the “Expanded Anti-Trafficking in Persons Act of 2012” under the following Amended Informations:

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<sup>14</sup> Id.

<sup>15</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 Republic Act No. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; RA 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 Administrative Matter No. 04-10-11-SC, known as the “Rule on Violence against Women and Their Children,” effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (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>16</sup> Id. at 77.

## Criminal Case No. 19762

That on or about January 24, 2014 and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did then and there willfully, unlawfully and knowingly hire, receive and harbor at the said ██████ Disco Pub for purposes of sexual exploitation, the minor [AAA], by taking advantage of the latter's vulnerability by reason of her minority and abject poverty engage her as sexy dancer wearing only bra and sash to cover her private part [*sic*]; by requiring her to wear skimpy clothes and to sit with male customers; take public shower in front of male audience while allowing said customers to apply soap on her private parts, thereby exposing her constantly to sexual abuse, and even prostituting said minor offering her services to male customers for sexual pleasure in exchange of money, to her damage and prejudice.

That the crime was attended by the qualifying circumstance of minority of the trafficked person, [AAA], 15 years of age.<sup>17</sup>

## Criminal Case No. 19763

That on or about January 24, 2014, and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did then and there willfully, unlawfully and knowingly hire, receive and harbor at the said ██████ Disco Pub for purposes of sexual exploitation, the minor [BBB], by taking advantage of the latter's vulnerability by reason of her minority and abject poverty engage her as sexy pole dancer wearing almost nothing but sash to cover her private parts; and to sit with male customers who would embrace her and touch her private parts and kiss her cheeks, thereby exposing her constantly to sexual abuse, to her damage and prejudice.

That the crime was attended by the qualifying circumstance of minority of the trafficked person, [BBB], 16 years of age.<sup>18</sup>

## Criminal Case No. 19764

That on or about January 24, 2014, and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did

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<sup>17</sup> As culled from the CA Decision, *id.* at 27.

<sup>18</sup> *Id.* at 27-28.

then and there willfully, unlawfully and knowingly hire, receive and harbor at the said [REDACTED] Disco Pub for purposes of sexual exploitation, the minor [CCC], by taking advantage of the latter's vulnerability by reason of her minority and abject poverty engage her as sexy dancer; requiring her to wear skimpy clothes and to sit with male customers thereby exposing her to sexual abuse, to her damage and prejudice.

That the crime was attended by the qualifying circumstance of minority of the trafficked person, [CCC], 17 years of age.<sup>19</sup>

Criminal Case No. 19765

That on or about January 24, 2014, and prior thereto, in the City of [REDACTED], Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of [REDACTED] Disco Pub, did then and there willfully, unlawfully and knowingly hire, receive and harbor at the said [REDACTED] Disco Pub for purposes of sexual exploitation, the minor [DDD], by taking advantage of the latter's vulnerability by reason of her minority and abject poverty engage her as sexy dancer by requiring her to wear almost nothing and to sit with male customers who would touch her legs thereby exposing her to constantly sexual abuse, to her damage and prejudice.

That the crime was attended by the qualifying circumstance of minority of the trafficked person, [DDD], 17 years of age.<sup>20</sup>

Petitioner and Delgado were also charged with four counts of violation of Section 12-D(4)(b) of RA 7610, as amended, in separate Informations, the accusatory portions of which read:

Criminal Case No. 19766

That on or about January 24, 2014 and prior thereto, in the City of [REDACTED], Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of [REDACTED] Disco Pub, did then and there willfully, unlawfully and knowingly engage [AAA], a 15 year old minor, as entertainer and nude dancer at [REDACTED] Disco Pub, a worst form of labor, the nature of such work being harmful to the health, safety and moral[s] of said minor as well as prejudicial to the welfare and development of the same who has to endure the long and unholy hours of work in such kind of business which require her to wear skimpy and sexy clothes while dancing in[]front of male customers and taking a public bath while allowing male patrons to rub

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<sup>19</sup> Id. at 28.

<sup>20</sup> Id.

soap even on her private parts thus compromising her morals, to her damage and prejudice.<sup>21</sup>

Criminal Case No. 19767

That on or about January 24, 2014 and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did then and there willfully, unlawfully and knowingly engage [BBB] a 16 year old minor, as entertainer and nude dancer at ██████ Disco Pub, a worst form of labor, the nature of such work being harmful to the health, safety and moral[s] of said minor as well as prejudicial to the welfare and development of the same who has to endure the long and unholy hours of work in such kind of business which require her to wear sexy and skimpy clothes while dancing in front of male customers and taking a public bath while allowing male patrons to rub soap even on her private parts thus compromising her morals, to her damage and prejudice.<sup>22</sup>

Criminal Case No. 19768

That on or about January 24, 2014 and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did then and there willfully, unlawfully and knowingly engage [CCC], a 17 year old minor, as entertainer and nude dancer at ██████ Disco Pub, a worst form of labor, the nature of such work being harmful to the health, safety and moral[s] of said minor as well as prejudicial to the welfare and development of the same who has to endure the long and unholy hours of work in such kind of business which require her to wear skimpy and sexy clothes while dancing in front of male customers and taking a public bath while allowing male patrons to rub soap even on her private parts thus compromising her morals, to her damage and prejudice.<sup>23</sup>

Criminal Case No. 19769

That on or about January 24, 2014 and prior thereto, in the City of ██████, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, being the proprietor and floor manager, respectively, of ██████ Disco Pub, did then and there willfully, unlawfully and knowingly engage [DDD], a 17 year old minor, as entertainer and nude dancer at ██████ Disco Pub,

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<sup>21</sup> Id. at 29.

<sup>22</sup> Id.

<sup>23</sup> Id. at 29-30.

a worst form of labor, the nature of such work being harmful to the health, safety and moral[s] of said minor as well as prejudicial to the welfare and development of the same who has to endure the long and unholy hours of work in such kind of business which require her to wear skimpy and sexy clothes while dancing in front of male customers and [] taking a public bath while allowing male patrons to rub soap even on her private parts thus compromising her morals, to her damage and prejudice.<sup>24</sup>

Petitioner and Delgado, through counsel, filed an Omnibus Motion (to Quash and Fix Bail),<sup>25</sup> but the RTC denied it in a Resolution<sup>26</sup> dated May 15, 2014.

Subsequently, EEE lodged another set of criminal complaints. Thus, additional Informations were filed against petitioner alone and docketed as Criminal Case Nos. 20112 and 20113. The accusatory portions of the Informations are hereby quoted as follows:

Criminal Case No. 20112

That sometime in December, 2013, in the City of [REDACTED], Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the proprietor of [REDACTED] Disco Pub, did then and there willfully, unlawfully and knowingly hire [EEE], a 14 year old minor, as Guest Relation Officer performing pole dance wearing only a sash to cover her private parts and sometimes dancing totally naked in front [*sic*] of male customers requiring her to work between the hours of 8:00 o'clock in the evening until 4:00 o'clock the following day, which is a worst form of labor the nature of such work being harmful to the health, safety and moral[s] of said minor as well as prejudicial to her welfare and development of, to her damage and prejudice.<sup>27</sup>

Criminal Case No. 20113

That sometime in December, 2013, in the City of [REDACTED], Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the proprietor of [REDACTED] Disco Pub, did then and there willfully, unlawfully and knowingly hire [EEE] at the said [REDACTED] Disco Pub for purposes of sexual exploitation, said accused, by taking advantage of the latter's vulnerability by reason of her minority and abject poverty, engages the services of said minor as a sexy pole dancer wearing only a sash to cover her private parts and sometimes dancing naked in front of male customers, in exchange for money, profit or consideration, paid by the pub's customers, with whom the minor is also required to entertain male customers by joining their table and allowing said customers to

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<sup>24</sup> Id. at 30.

<sup>25</sup> Id. at 53-57.

<sup>26</sup> Id. at 58-66.

<sup>27</sup> Id. at 30-31.

touch her private parts while allowing her to drink alcoholic beverages which entitles her to a commission every drink she consumes, to the minor victim's damage and prejudice.

That the crime was attended by the qualifying circumstance of minority of trafficked person, [EEE].<sup>28</sup>

Upon arraignment, both petitioner and Delgado entered pleas of "not guilty."

Trial on the merits ensued.

### *Ruling of the RTC*

In a Joint Decision<sup>29</sup> dated October 30, 2015, the RTC acquitted petitioner and Delgado of the charges. The dispositive portion of the Joint Decision states:

WHEREFORE, premises considered, there being absence of proof beyond reasonable doubt as to their guilt, the accused MARIAN REBUTA Y SEDAÑO and JAYSON DELGADO Y GABAYAN, are ACQUITTED of all the charges against them in all these cases.

The Warden of the City Jail, ██████ City District, is ordered to release the said accused from his custody forthwith, unless the latter are being detained for some other lawful cause or causes.

SO ORDERED.<sup>30</sup> (Emphasis omitted)

The RTC acquitted petitioner and Delgado on the ground that their guilt was not proven beyond reasonable doubt. According to the RTC, private complainants were neither coerced nor compelled by petitioner and Delgado to work as GROs in ██████ Bar and were not forced to dance or to entertain customers. According to the RTC, private complainants themselves voluntarily approached petitioner and applied for a job as GROs, and they lied about their ages so that petitioner may hire them.<sup>31</sup>

The pertinent portions of the RTC Decision are hereby quoted as follows:

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<sup>28</sup> Id. at 31.

<sup>29</sup> Id. at 76-91.

<sup>30</sup> Id. at 91.

<sup>31</sup> Id. at 88-89.

First, as to the charge of Qualified Trafficking in Persons in **Crim. Cases (sic) Nos. 19762 to 19765 and 20113**, particularly Sections 3[(c)] and 4(a) of Rep. Act No 9208, the Court hereby adopts and makes as integral part hereof the discussion on this matter contained in its Resolution dated May 15, 2014 as follows:

Rep. Act No. 9[2]08 has been explained as follows:

Section 3(a) of Republic Act No. 9208 (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003, defines Trafficking in Persons, as follows:

*Trafficking in Persons* – refers to the recruitment, transportation, transfer or harboring, or receipt of persons **with or without the victim's consent or knowledge**, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. x x x

xxx xxx xxx

The Anti-Trafficking in Persons Act is a new law passed last 26 May 2003, designed to criminalize the act of trafficking in persons **for prostitution**, sexual exploitation, forced labor and slavery, among others.

Specifically, in relation to Crim. Cases Nos. 19762 to 19765, Section 4, paragraphs (a) and (e) of the said Rep. Act provides:

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 xxx xxx

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

The offense becomes qualified when, among others:

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

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

From the facts above-narrated, it is clear that no threat, force, coercion, abduction, fraud and/or deception was exercised by either of the accused Rebuta or Delgado to compel the private complainants to work as GRO's in the [REDACTED] Bar for the purpose of exploiting them for prostitution. On the contrary, it was the private complainants themselves who voluntarily applied for their jobs as such GRO's and by lying about their ages, were the ones who employed deception so that they may be hired by Rebuta.

This misrepresentation about their age would likewise applies (*sic*) insofar as Crim. Cases Nos. 19766 to 19769 and 20[1]12 through which the two accused are charged for the violation of "Section 12-D, paragraph 4(b), Article VIII of R.A. No. 7610, as amended by Section 3 of Republic Act No. 9231", by the OCP for engaging their services as entertainers in the [REDACTED] Bar, which, according to it, is "a worst form of child labor, the nature of such work being harmful to the health, safety and moral of said minor as well as prejudicial to the welfare and development of the same who has to endure the long and unholy hours of work..."

More accurately, taking this allegation into consideration, the appropriate subparagraph of Section 12, Article VIII of Rep. Act No. 7610 would be subparagraph (b) which provides:

Section 12. – Employment of children. – Children ***below fifteen (15) years of age*** may be employed, Provided, That the following minimum requirements be present:

xxx xxx xxx

- (b) The employer shall ensure the protection, health, safety, morals of the child;

and, in relation thereto, Section 3 of Rep. Act No. 9231, which added Sections 12-A, subparagraphs (1) to (3) to Rep. Act No. 7610, prohibiting a child worker who is **below fifteen (15) years of age** to work for more than twenty hours a week or more than four hours a day; but that one who is **fifteen years old but below eighteen** may work for more than eight hours a day but not more than forty hours a week; and that, no child **below fifteen years old** shall be allowed "to work

between six o'clock in the evening and six o'clock in the morning of the following day.

The said law is clear: first, it applies to minors below fifteen (15) years of age; work hours are limited to a certain period of time each day; exemption is made for those over fifteen but below eighteen.

Applied to these cases, the ██████ Bar, by the very nature of its business, is open only at night; working hours are between 7:00 o'clock in the evening up to approximately two or three o'clock in the morning of the succeeding day, for a total average of seven to eight hours each night; it is not clear whether the private complainants were made to work the straight shift of the seven to eight hours each night because they had the freedom to cut it short or to prolong it. Most of them, with the exception of [EEE], were over 15 years of age at the time that they worked for ██████ Bar; with respect to [EEE], she, just like everyone else, lied about her age so she may work for ██████ Bar.<sup>32</sup> (Emphasis and italics in the original)

Disagreeing with the RTC ruling, the People, through the OSG, filed a Petition for *Certiorari*<sup>33</sup> ascribing grave abuse of discretion on the part of the RTC in rendering the assailed Joint Decision acquitting petitioner and Delgado of the offenses charged against them for being contrary to law and jurisprudence.<sup>34</sup>

The OSG averred that under RA 9208, as amended by RA 10364, the following are the elements of trafficking in persons, *viz.*:

- (1) The act of "recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders;"
- (2) The means used to include "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[; and]
- (3) The purpose of trafficking includes "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."<sup>35</sup>

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<sup>32</sup> Id. at 87-89.

<sup>33</sup> Id. at 92-132.

<sup>34</sup> Id. at 108.

<sup>35</sup> Id. at 109-110.

According to the OSG, the elements, which can be summarized in three words, particularly, *act, means, and purpose*, have been established. As regards the first and third elements, the OSG explained that petitioner and Delgado admitted that the private complainants were hired not only as waitresses but also as dancers and GROs. Also, the purpose of hiring them was for sexual exploitation and prostitution.<sup>36</sup>

With respect to the second element, the OSG ascribed grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC when it ruled that petitioner and Delgado did not coerce the private complainants to work at ██████ Bar, and therefore, the element of *means* to commit human trafficking, was lacking. As adverted to by the OSG, under Section 3(a), second paragraph, and Section 3(b) of RA 9208, the recruitment, transportation, transfer, harboring, adopting, or receipt of a *child* for the purpose of exploitation shall still be considered “trafficking in persons” even if it does not involve any of the means set forth in the first paragraph of Section 3(a) of the same law. The OSG further contended that because the minority of the private complainants was established through their respective birth certificates, the element of *means* need not be proven.<sup>37</sup>

As to the violation of Section 12-D(4)(b) of RA 7610, as amended by RA 9231, the OSG likewise asserted that petitioner and Delgado should be held liable because they managed a workplace where the victims are exposed to actual sexual abuse regardless of the work hours. The foregoing provision punishes the exposure of a child to work which would cause “physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals.”<sup>38</sup>

Notably, the petition for *certiorari* filed by the OSG did not pray for or include any specific relief for the court’s resolution.

#### *Ruling of the CA*

In the herein assailed Decision<sup>39</sup> dated September 26, 2018, the CA granted the petition and reversed and set aside the Joint Decision of the RTC. Concomitantly, the CA convicted petitioner of five (5) counts of violation of Section 4(a), qualified by Section 6(a) of RA 9208, as expanded under RA 10364, in relation to Section 12-D(2), Article VIII of

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<sup>36</sup> Id. at 110-111.

<sup>37</sup> Id. at 113-114.

<sup>38</sup> Id. at 114-116.

<sup>39</sup> Id. at 26-46.

RA 7610, as amended by RA 9231, otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act.” The CA sentenced petitioner to suffer the penalty of life imprisonment and ordered her to pay a fine of ₱2,000,000.00 for each count.

The decretal portion of the CA Decision states:

WHEREFORE, premises considered, the Petition for *Certiorari* is GRANTED. The assailed Joint Decision dated October 30, 2015 of the Regional Trial Court, Branch ■, ■ City, Davao del Norte in Criminal Cases Nos. 19762, 19763, 19764, 19765, 19766, 19767, 19768, 19769, 20112 and 20113 is REVERSED and SET ASIDE. The Court finds Marian Rebuta y Sedaño GUILTY beyond reasonable doubt of five (5) counts for violation of Section 4(a), qualified by Section 6(a) of Republic Act No. 9208, as amended by R.A. No. 10364, in relation to Section 12-D, paragraph 2, Article VIII of R.A. No. 7610, as amended by R.A. No. 9231 and hereby sentences her to suffer the penalty of life imprisonment and a fine of ₱2,000,000.00, for each count. Victims [A]AA, [B]BB, [C]CC, [D]DD, and [E]EE, are each entitled to Php 500,000.00 as moral damages and Php 100,000.00 as exemplary damages. The acquittal of Jayflor Delgado y Gabayan of all of the charges remains. Let the records of this case be forwarded to the court of origin for the execution of judgment.

SO ORDERED.<sup>40</sup> (Emphasis omitted)

The CA ruled that the RTC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it acquitted petitioner. The CA held that while it is undisputed that private complainants voluntarily applied for work and were not forced to dance or entertain the customers, the law is explicit that the element of means is irrelevant and need not be proven when the victims involved are children. The minority of the five private complainants was proven through their respective birth certificates. Private complainants, being mere children, are already considered victims of trafficking even if the means employed, as enumerated in the law, is wanting. 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.<sup>41</sup>

As to Delgado, the CA affirmed his acquittal of the charges. The CA noted that he was first hired as a security guard before becoming a waiter. Although private complainants identified Delgado as their floor

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<sup>40</sup> Id. at 46.

<sup>41</sup> Id. at 39-40.

manager, the CA ruled that his acts of supervision were merely in obeisance to petitioner, who gives the orders.<sup>42</sup>

However, the CA clarified that violations of Section 12-D of RA 7610, as amended by RA 9231, under Criminal Case Nos. 19766, 19767, 19768, 19769, and 20112, should be prosecuted and penalized under RA 9208, pursuant to Section 16. The effect, would be to increase the penalty under RA 9208 to its maximum period.<sup>43</sup>

Petitioner filed a Motion for Reconsideration<sup>44</sup> of the Decision, but the CA denied it in the Resolution<sup>45</sup> dated March 4, 2019.

### *The Petition for Review on Certiorari*

Aggrieved by the CA Decision, petitioner filed the present petition and assailed the CA Decision convicting her of five counts of violation of Section 4(a), qualified by Section 6(a), of RA 9208, as amended by RA 10364, in relation to Section 12-D(2), Article VIII of RA 7610, as amended by RA 9231, for being violative of her right against double jeopardy.

Additionally, petitioner raised the following grounds in her petition: (1) the petition for *certiorari* was filed out of time; (2) the petition for *certiorari* did not pray for any reliefs; (3) the grant of the petition for *certiorari* does not fall under the recognized exceptions to double jeopardy; (4) the warrantless search and subsequent warrantless arrest of petitioner violated her constitutional rights; and (5) the evidence acquired in the warrantless search are inadmissible.<sup>46</sup>

In its Comment,<sup>47</sup> the OSG maintained that the CA did not err in granting the petition for *certiorari*.

### *The Issues*

Essentially, the grounds raised boil down to the main issue of whether the CA, in setting aside the judgment of acquittal and entering a

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

<sup>43</sup> Id. at 42-45.

<sup>44</sup> Id. at 192-205.

<sup>45</sup> Id. at 47-50.

<sup>46</sup> Id. at 13.

<sup>47</sup> Id. at 231-276.

new one finding petitioner guilty of the criminal charges filed against her, violated her constitutional right against double jeopardy.

### *The Court's Ruling*

After a judicious review of the case, the Court finds the petition meritorious.

At the outset, during the deliberations of the case, Associate Justice Alfredo Benjamin S. Caguioa (Associate Justice Caguioa) and Associate Justice Maria Filomena D. Singh (Associate Justice Singh) proffered judicious and insightful views that enabled the Court to arrive at its resolution.

In criminal cases, no rule is more settled than that “a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable and immediately executory upon its promulgation.”<sup>48</sup> This is referred to as the finality-of-acquittal rule. As a rule, the prosecution cannot appeal or bring as an error the proceedings from a judgment rendered in favor of the defendant in a criminal case due to the final and executory nature of a judgment of acquittal and the constitutional prohibition against double jeopardy.<sup>49</sup> Section 21, Article III of the Constitution provides:

Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

A verdict of acquittal is immediately final; a reexamination of the merits of such acquittal, even in the appellate courts, will put the accused in jeopardy for the same offense.<sup>50</sup> In *People v. Court of Appeals (Fifteenth Div.)*,<sup>51</sup> the Court recapitulated the purpose of the rule, as follows:

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<sup>48</sup> *Chiok v. People*, G.R. Nos. 179814 & 180021, December 7, 2021. See also *People v. Arcega*, G.R. No. 237489, August 27, 2020. See further *Mandagan v. Jose M. Valero Corporation*, 854 Phil. 276, 284-285 (2019).

<sup>49</sup> *People v. Court of Appeals*, 755 Phil. 80, 97 (2015). See also *Auro v. Yasis*, G.R. No. 246674, June 30, 2020.

<sup>50</sup> See *Cawan v. People*, G.R. No. 206334 (Notice), November 17, 2021, citing *People v. Serrano, Sr.*, 374 Phil. 302 (1999).

<sup>51</sup> 545 Phil. 278 (2007).

x x x The finality-of-acquittal doctrine has several avowed purposes. Primarily, it prevents the State from using its criminal processes as an instrument of harassment to wear out the accused by a multitude of cases with accumulated trials. It also serves the additional purpose of precluding the State, following an acquittal, from successively retrying the defendant in the hope of securing a conviction. And finally, it prevents the State, following conviction, from retrying the defendant again in the hope of securing a greater penalty.<sup>52</sup>

In the recent case of *Raya v. People*,<sup>53</sup> the Court enunciated that to give life to the right against double jeopardy, the Court has, in numerous occasions, adhered to the finality-of-acquittal doctrine, thus:

In our jurisdiction, the finality-of-acquittal doctrine as a safeguard against double jeopardy faithfully adheres to the principle first enunciated in *Kepner v. United States*. In this case, verdicts of acquittal are to be regarded as absolutely final and irreviewable. The cases of *United States v. Yam Tung Way*, *People v. Bringas*, *Gandicela v. Lutero*, *People v. Cabarles*, *People v. Bao*, to name a few, are illustrative cases. The fundamental philosophy behind the constitutional proscription against double jeopardy is to afford the defendant, who has been acquitted, final repose and safeguard him from government oppression through the abuse of criminal processes.<sup>54</sup> x x x (Emphasis and underlining omitted)

Nonetheless, a judgment of acquittal in a criminal case may be assailed in a petition for *certiorari* under Rule 65 of the Rules of Court but only upon a *clear* showing that the lower court, in acquitting accused, committed not merely reversible errors of judgment but also grave abuse of discretion amounting to lack or excess of jurisdiction or to a denial of due process in which case the assailed judgment is rendered void.<sup>55</sup> As succinctly pointed out by the distinguished Associate Justice Singh, while *certiorari* may be used to correct an abusive acquittal, the petition in such an extraordinary proceeding must clearly demonstrate that the lower court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.

In the case of *Torres v. AAA*,<sup>56</sup> the Court clarified that the finality of acquittal rule has only one exception: grave abuse of discretion that is *strictly limited* whenever there is a violation of the prosecution's right to due process such as when it is denied the opportunity to present evidence

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<sup>52</sup> Id. at 292.

<sup>53</sup> G.R. No. 237798, May 5, 2021.

<sup>54</sup> Id., citing *People v. Court of Appeals and Francisco*, 468 Phil. 1, 12-13 (2004).

<sup>55</sup> *People v. De Grano*, 606 Phil. 547, 557 (2009).

<sup>56</sup> G.R. No. 248567, November 10, 2020.

or where the trial is a sham, or when there is a mistrial, rendering the judgment of acquittal void.<sup>57</sup> In other words, an acquittal is considered tainted with grave abuse of discretion, and therefore void, *only* when it is shown that the prosecution's right to due process was violated, when the trial conducted was a sham, or when there was a mistrial.

In the case, the OSG did not allege and present any proof to show that the prosecution was prevented from presenting its evidence, or was denied of due process, or that the trial conducted was a sham, or that there was a mistrial. In assailing the RTC ruling, the OSG harped on the RTC's alleged erroneous application of the law when it purportedly disregarded the applicable provisions of RA 9208, as amended, particularly Section 3(a), second paragraph, which provides that if the victims are children, the offense would still be considered as "trafficking in persons" even without the element of *means*.

Contrary to the findings of the CA, no grave abuse of discretion can be imputed to the RTC for rendering its judgment of acquittal.

Notably, the RTC Joint Decision quoted *verbatim* the ruling of the Court in *People v. Lalli*<sup>58</sup> (*Lalli*). In *Lalli*, the Court explained the crime of Trafficking in Person as defined under Section 3(a) of RA 9208. To be sure, in the present case, the RTC aptly quoted the pertinent portion of the pronouncement in *Lalli*, without reference to or mention of the other portions of Section 3(a), RA 9208, which were not cited in *Lalli*.

Moreover, it may be recalled that in acquitting petitioner, the RTC ruled that no threat, force, coercion, abduction, fraud, and/or deception was exercised by either petitioner or Delgado to compel the private complainants to work as GROs in the ██████ Bar. On the contrary, the RTC found that the private complainants themselves voluntarily applied as GROs and were the ones who employed deception by lying about their ages so that they may be hired by petitioner.

In view of the foregoing, the RTC had in fact relied on factual and legal bases in concluding that the prosecution failed to establish that petitioner and Delgado are guilty beyond reasonable doubt. Thus, there is no evidence that the judgment of the RTC was arbitrary or rendered *not* on the basis of law and evidence but on mere caprice, whim, and despotism, or that the RTC made a despotic exercise of its power arising

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<sup>57</sup> *Id.*

<sup>58</sup> 675 Phil. 126 (2011).

from passion or hostility. To be sure, “[n]o grave abuse of discretion may be attributed to a court simply because of its alleged misapplication of facts and evidence and erroneous conclusions based on said evidence.”<sup>59</sup> *Certiorari* will issue only to correct errors of jurisdiction, not errors or mistakes in the findings and conclusions of the trial court.<sup>60</sup>

The term “grave abuse of discretion” has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when it is done in capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction. It must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.<sup>61</sup>

It should be noted that when the OSG filed the petition for *certiorari* assailing the Joint Decision of the RTC, it was essentially questioning the RTC’s appreciation of the evidence of the prosecution and the defense as well as its interpretation of the applicable laws. In *certiorari* proceedings, judicial review does not examine and assess the evidence of the parties or weigh the probative value of evidence.<sup>62</sup> It does not include an inquiry on the correctness of the evaluation of the evidence.<sup>63</sup> It bears stressing that a review under Rule 65 of the Rules of Court “*only asks the question of whether there has been a validly rendered decision, not the question of whether the decision is legally correct.*”<sup>64</sup>

Undeniably, the issues raised by the OSG are *not* errors of jurisdiction but alleged errors of judgment of the RTC. Errors of judgment are not correctible by *certiorari* because these are not of such magnitude as to effectively deprive the trial court of jurisdiction to try the case before it.<sup>65</sup> In the case of *People v. Sandiganbayan*,<sup>66</sup> the Court held:

x x x [T]he alleged misapplication of facts and evidence, and whatever flawed conclusions of the Sandiganbayan, is an error in judgment, not of jurisdiction, and therefore not within the province of a special civil action for *certiorari*. Erroneous conclusions based on evidence do not, by the mere fact that errors were committed, rise to the level of grave abuse of discretion. For as long as a court acts within

<sup>59</sup> *Villareal v. Aliga*, 724 Phil. 47, 61 (2014).

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

<sup>61</sup> *People v. Court of Appeals*, supra note 49, at 101.

<sup>62</sup> *Basa-Egami v. Bersales*, G.R. No. 249410, July 6, 2022.

<sup>63</sup> *Id.*

<sup>64</sup> *Ysidoro v. Hon. Teresita J. Leonardo-De Castro*, 681 Phil. 1, 16 (2012).

<sup>65</sup> See *People v. Sandiganbayan*, G.R. No. 228281, June 14, 2021.

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

its jurisdiction, any supposed error committed in the exercise thereof will amount to nothing more than an error of judgment reviewable and may be corrected by a timely appeal. The rationale of this rule is that, when a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error is committed. Otherwise, every mistake made by a court will deprive it of its jurisdiction and every erroneous judgment will be a void judgment.

Necessarily, *certiorari* will not lie for the purpose of “reviewing the intrinsic correctness of a judgment of the lower court on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision.”<sup>67</sup>

Thus, as aptly observed by the esteemed Chairperson of the Third Division, Associate Justice Caguioa, it is immaterial whether the RTC erred in its application of the relevant law or in its appreciation of the parties’ respective evidence. The fact remains that petitioner’s right against double jeopardy already attached when the RTC, after a full-blown trial, and considering the evidence on record, found reasonable doubt to convict petitioner of the charges. What is necessary for the Court to determine is whether the prosecution was denied due process. Absent any proof or indication that the State was denied its day in court, which is clearly not obtaining in the case, the finality-of-acquittal rule must be strictly adhered to.

Based on the foregoing considerations, the Court holds that the CA erred in finding grave abuse of discretion on the part of the RTC and, accordingly, setting aside the RTC Joint Decision acquitting petitioner of the charges. If the petition, regardless of its nomenclature, merely calls for an ordinary review of the findings of the court *a quo*, the constitutional right of the accused against double jeopardy would be violated.<sup>68</sup>

Jurisprudence explains that for the right against double jeopardy to attach, the concurrence of the following requisites must be present: (1) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have been validly terminated; and (3) the second jeopardy must be for the same offense as that of the first.<sup>69</sup> In turn, the first jeopardy attaches only (1) upon a valid indictment; (2) before a competent court; (3) after arraignment; (4) when a valid plea has been entered; and (5) when the defendant was convicted or acquitted, or the case was dismissed or

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<sup>67</sup> Id.

<sup>68</sup> *People v. Arcega*, supra note 48.

<sup>69</sup> *People v. Judge Declaro*, 252 Phil. 139, 143 (1989).

otherwise terminated without the express consent of the accused.<sup>70</sup> All the foregoing requisites of double jeopardy are present in this case.

Undoubtedly, there was a valid termination of the first jeopardy in the case, and the CA's grant of respondent's petition for *certiorari*, reversing petitioner's acquittal and convicting her of five (5) counts of violation of Section 4(a), qualified by Section 6(a) of RA 9208, as amended by RA 10364, in relation of Section 12-D(2), Article VIII of RA 7610, as amended by RA 9231, is a constitutionally-offensive second jeopardy as it pertains to the same offense as the first jeopardy.<sup>71</sup>

Furthermore, aside from being violative of the rule against double jeopardy, the Court also notes two reasons why the CA erred in granting the petition for *certiorari* and reversing the Joint Decision of the RTC: (1) the petition was filed out of time and (2) it failed to specify the reliefs prayed for.

*First, the petition for certiorari was filed out of time.* According to petitioner, the OSG filed its Motion for Extension of Time to file the petition on January 18, 2016, *beyond* the 60-day period under Rule 65.<sup>72</sup> The People, through the public prosecutor, received a copy of the Joint Decision in open court on the date of its promulgation. Accordingly, it had sixty (60) days, or until January 15, 2016, within which to file a petition for *certiorari*. The OSG admitted that it filed the motion three days late but prayed that the rules be relaxed alleging that it received the Indorsement of the Department of Justice (DOJ) only on January 15, 2016.<sup>73</sup>

Under Section 4, Rule 65 of the Rules of Court, a petition for *certiorari* must be filed within sixty (60) days from notice of the judgment, order, or resolution sought to be assailed.<sup>74</sup> Under exceptional circumstances, and subject to the sound discretion of the Court, the prescribed period may be extended.<sup>75</sup> However, *there exists no special or compelling circumstances to warrant the relaxation of the rules.* As earlier discussed, the OSG had not shown that the prosecution was deprived of due process in the proceedings below or that the RTC committed grave abuse of discretion. In addition, as correctly pointed out by petitioner, while a motion for extension to file a petition *for certiorari* is permissible

<sup>70</sup> *People v. Hon. Nitafan*, 362 Phil. 58, 74 (1999).

<sup>71</sup> See Concurring Opinion of Associate Justice Caguioa.

<sup>72</sup> *Rollo*, p. 14.

<sup>73</sup> *Id.* at 48.

<sup>74</sup> *Fluor Daniel, Inc. – Phils. v. Fil-Estate Properties, Inc.*, 866 Phil. 626, 632-633 (2019).

<sup>75</sup> *Id.* at 633.

in exceptional and meritorious circumstances, it must be filed before the expiration of the period sought to be extended. A motion for extension of time filed beyond the period to appeal, or beyond the period to file a petition for review on *certiorari*, has of no effect because there would no longer be any period to extend, and the judgment or order to be appealed from will have to become final and executory. Applying the foregoing in the instant case, the RTC Joint Decision had already attained finality after the lapse of the period to file a petition for *certiorari*.

Moreover, the public prosecutors had enough time to endorse the case to the OSG from the time they received a copy of the Joint Decision, but the endorsement was made only on January 11, 2016. Verily, with the OSG's belated filing of the petition for *certiorari*, the Joint Decision of the RTC had already attained finality. It is a well-established rule that a judgment, once it has attained finality, can never be altered, amended, or modified, even if the alteration, amendment, or modification is to correct an erroneous judgment.<sup>76</sup>

*Second, the petition failed to specify the reliefs prayed for.* It is basic jurisprudential rule that the courts cannot grant a relief not prayed for in the pleadings or in excess of what is being sought by a party to a case.<sup>77</sup> Whether the omission was advertent or inadvertent, due process requires that notice must be given to the opposing party of the relief sought by the pleadings in order to be afforded the opportunity to adequately prepare his or her defense. Considering the failure of the OSG to timely file the petition and to specify the reliefs prayed for, the CA erroneously granted the petition.

In view of the foregoing disquisitions, the Court sees no need to discuss the issue on the validity of the warrantless search and arrest of petitioner.

Indeed, while the Court acknowledges the government's policy to protect the people from all forms of exploitation and eliminate trafficking in persons, the Court is also duty-bound to uphold the primacy of the constitutional right of petitioner against double jeopardy.

**WHEREFORE**, the petition is **GRANTED**. The Decision dated September 26, 2018, and the Resolution dated March 4, 2019, of the Court of Appeals in CA-G.R. SP No. 07226 are **REVERSED** and **SET ASIDE**.

<sup>76</sup> *Thomas v. Trono*, G.R. No. 241032, March 15, 2021.

<sup>77</sup> *Bucal v. Bucal*, 760 Phil. 912, 921 (2015).

Accordingly, the Joint Decision dated October 30, 2015, of Branch █, Regional Trial Court, █ City, Davao del Norte, in Criminal Case Nos. 19762, 19763, 19764, 19765, 19766, 19767, 19768, 19769, 20112, and 20113, acquitting petitioner Marian Rebuta y Sedaño and accused Jayflor Delgado y Gabayan of the offenses charged, is hereby **REINSTATED**.

Let entry of judgment be issued immediately.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:

(On leave, but left a vote with Concurring Opinion)  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

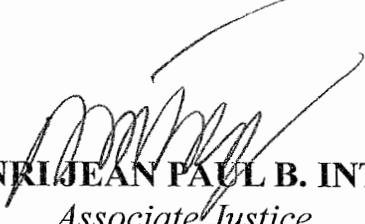
  
**SAMUEL H. GAERLAN**  
*Associate Justice*

(On official leave)  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

*for Dissenting Opinion*  
  
**MARIA FLOMENA D. SINGH**  
*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.



**HENRIJEAN PAUL B. INTING**  
*Associate Justice*  
*Acting Chairperson, Third Division*  
Per S.O. No. 3004 dated July 10, 2023

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Acting 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*