



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 263264

Present:

-versus-

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

**KAREN AQUINO y GABRIEL @
MAMA CHED, REY ROSAL y BOBIS*
@ DADA REY, JEFFREY DELA
CRUZ y SANCHEZ @ JEFF and
ERICSON MARIANO y PERALDAL
@ NICOLE,**

Accused-Appellants.

Promulgated:

JUL 31 2023

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This Appeal seeks to reverse the Decision¹ dated May 5, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 13039 affirming the conviction of appellants Karen Aquino (Aquino), Rey Rosal (Rosal), Jeffrey Dela Cruz (Dela Cruz), and Ericson Mariano (Mariano) for qualified trafficking in

* Sometimes referred to as “Bobbies.”

¹ *Rollo*, pp. 9–27. Penned by Associate Justice Jennifer Joy C. Ong and concurred in by Associate Justices Marlene Gonzales-Sison and Geraldine C. Fiel-Macaraig of the Seventh Division, Court of Appeals, Manila.

persons under Section 4 of Republic Act No. 9208 or the “Anti-Trafficking in Persons Act of 2003,” as amended by Republic Act No. 10364 or the “Expanded Anti-trafficking in Persons Act of 2012.”

The Proceedings Before the Trial Court

The Charge

Aquino, Rosal, Dela Cruz, and Mariano were charged with qualified trafficking in persons under the following Informations:

CRIMINAL Case No. 17-216-MAL

That for the period of January 5, 2017 to February 1, 2017, in the [REDACTED], Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring, confederating and mutually helping one another, with fraud, deception, coercion and for the purpose of exploitation, such as prostitution, knowing fully well that [AAA263264]² (14 years old) is a minor, taking advantage of her minority and vulnerability did, then and there, willfully, unlawfully and feloniously recruit and transport [AAA263264], to [REDACTED], [REDACTED] and thereafter to a hotel, for the purpose of sexual exploitation causing her to have sex with male customers for a fee, to the damage and prejudice of [AAA263264].

CONTRARY TO LAW.³

CRIMINAL Case No. 17-217-MAL

That for the period of January 5, 2017 to February 1, 2017, in the [REDACTED], Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring, confederating and mutually helping one another, with fraud, deception, coercion and for the purpose of exploitation, such as prostitution, knowing fully well that [BBB263264] (13 years old) is a minor, taking advantage of her minority and vulnerability did, then and there, willfully, unlawfully and feloniously recruit and transport [BBB263264], to [REDACTED], [REDACTED] and thereafter to a hotel, for the purpose of sexual exploitation causing her to have sex with male customers for a fee, to the damage and prejudice of [BBB263264].

² 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.

³ *Rollo*, p. 10.

CONTRARY TO LAW.⁴

CRIMINAL Case No. 17-218-MAL

That for the period of January 5, 2017 to February 1, 2017, in the ██████████, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring, confederating and mutually helping one another, with fraud, deception, coercion and for the purpose of exploitation, such as prostitution, knowing fully well that [CCC263264] (14 years old) is a minor, taking advantage of her minority and vulnerability did, then and there, willfully, unlawfully and feloniously recruit and transport [CCC263264], to ██████████, ██████████ and thereafter to a hotel, for the purpose of sexual exploitation causing her to have sex with male customers for a fee, to the damage and prejudice of [CCC263264].

CONTRARY TO LAW.⁵

The cases were raffled to the Regional Trial Court, Branch 289, ██████████.⁶

On arraignment, Aquino, Rosal, Dela Cruz, and Mariano pleaded “not guilty” to all the charges.⁷

During the joint trial, the victims AAA263264 and BBB263264, and the medico-legal officer Police Chief Inspector Charyl Escaro (PCInsp. Escaro) of the National Police District Crime Laboratory in ██████████ testified for the prosecution while Aquino, Rosal, Dela Cruz, and Mariano testified for the defense.⁸

Version of the Prosecution

On January 5, 2017, 13-year-old BBB263264 started chatting with Aquino on Facebook upon the prodding of her friend. Her cousin, 14-year-old AAA263264, who was beside her while she was chatting with Aquino, encouraged her to accept the latter’s invitation to meet her at SM ██████████ in ██████████.⁹

⁴ *Id.*

⁵ *Id.* at 11.

⁶ *Id.* at 32.

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.* at 11–12.

BBB263264 and AAA263264 went to SM [REDACTED]. They met Aquino who was then in the company of Rosal. Upon the invitation of Aquino, the four of them met Mariano at Robinson's in [REDACTED]. Thereafter, Aquino invited them to attend the birthday party of an old man whom Aquino said was appellants' friend. BBB263264 and AAA263264 were told that they would earn money just by drinking alcoholic beverages in that party. Aquino, Mariano, BBB263264 and AAA263264 rode a jeep going to [REDACTED] while Rosal went home as they were informed that no male person was allowed in the party.¹⁰

Upon reaching the venue, Mariano knocked on the gate which was opened by an old man. Four old men were having a drinking spree in a room. Since BBB263264, AAA263264, and Aquino were the only women in the place, BBB263264 suggested to AAA263264 that they leave the place. Aquino did not allow them and made them sit down.¹¹

An old man sat beside BBB263264, touched her legs and made her drink wine — making her feel disgusted, uncomfortable, and scared. After being invited to enter another room, Aquino and Mariano told BBB263264 to go with the old man. The old man forcibly pulled BBB263264 inside the room while AAA263264 was brought to a separate room by another man.¹²

Inside the room, BBB263264 was told to undress. The old man then touched her breast, kissed her, removed her shorts and panty, and invited her to have sex with him. BBB263264 was afraid. After the old man satisfied his lust, he told BBB263264 he would give her money. He gave PHP 1,300.00 to Mariano, who handed PHP 1,000.00 to BBB263264, and kept the PHP 300.00 for himself. When BBB263264 went out of the room, Aquino and Mariano were still in the premises while AAA263264 was still in another room.¹³

In the other room, AAA263264 suffered the same fate. The other man removed her clothes. She resisted but the man promised to give her money and started undressing himself too. He kissed her neck and inserted his penis in her vagina. After 20 minutes, they went out of the room. Aquino told her that BBB263264 was still in the other room with another man. After 10 minutes, she saw BBB263264. Aquino and Mariano gave them PHP 1,200.00.¹⁴

After Aquino, Mariano, BBB263264, and AAA263264 left the place, Mariano invited BBB263264 and AAA263264 to go to 7-Eleven to meet with Dela Cruz. At the 7-Eleven store, Aquino and Mariano were talking to Dela Cruz but neither of BBB263264 nor AAA263264 heard their conversation.

¹⁰ *Id.* at 12.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 12–13.

Around midnight, Aquino told BBB263264 and AAA263264 to go with Dela Cruz so they could receive a bigger amount of money. BBB263264 and AAA263264 went with Dela Cruz while Aquino stayed behind to wait for their return. Mariano went home while Dela Cruz brought them to a bar in [REDACTED], [REDACTED]. Dela Cruz instructed them to wait as men would be coming over. Upon the instruction of Dela Cruz, BBB263264 and AAA263264 later boarded a car which brought them to [REDACTED], [REDACTED].¹⁵

While the car was outside of [REDACTED], AAA263264 was made to alight and was transferred to another car. BBB263264 was brought inside the hotel where a man had sex with her, who later gave her money. On the other hand, AAA263264 was taken inside a room where she took a shower and had sex with a man. Thereafter, AAA263264 and BBB263264 were given money and were brought by the same man to 7-Eleven where Aquino and Rosal were waiting for them. Aquino and Rosal collected PHP 200.00 from them.¹⁶

Meanwhile, BBB263264 and AAA263264 were brought to the house of Aquino and Rosal where BBB263264 and AAA263264 learned that Aquino and Rosal were live-in partners. BBB263264 and AAA263264 slept in their house because they would be meeting somebody again.¹⁷

The following morning, Aquino, BBB263264, and AAA263264 met up with Mariano at a university in [REDACTED] where an old man inside a car arrived. Mariano told them that the old man was cancelling their appointment and asked to re-schedule it in the afternoon. BBB263264 and AAA263264 stayed in Aquino's house for one month. Different men had sex with them almost everyday when they went out.¹⁸

On January 10, 2017, Aquino and Rosal asked BBB263264 to look for three other girls so they fetched BBB263264's friend, CCC263264. On January 27, 2017, BBB263264, AAA263264, and CCC263264 decided to go home which made Aquino and Rosal angry.¹⁹

Version of the Defense

On January 4, 2017, BBB263264 sent a message to Aquino on Facebook asking whether she knew of a place where she, AAA263264, and CCC263264 could stay since they were asked to leave their parents' house. BBB263264 pleaded with Aquino if they could stay in her place, to which she acceded. The following day around 1:00 p.m., Aquino met BBB263264,

¹⁵ *Id.* at 13.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

AAA263264, and CCC263264 at SM [REDACTED] and they all proceeded to her house.²⁰

When they arrived at her house, she and her live-in partner Rosal fought since she brought more mouths to feed. Rosal left and stayed in his mother's house while she was left to care for BBB263264, AAA263264, and CCC263264.²¹

When she, BBB263264, AAA263264, and CCC263264 went to 7-Eleven, they chanced upon Dela Cruz whom she asked for help to find her a job, so she could settle her debt which had piled up. She also asked Dela Cruz to find work for BBB263264, AAA263264, and CCC263264. Dela Cruz, however, replied that minors could not be employed. But since Dela Cruz was connected with "Bodybit Dancers," he told her that she should prepare the necessary requirements for a possible job.²²

BBB263264, AAA263264, and CCC263264 stayed with her for five days but abruptly left, which prompted her to report the incident to the barangay. She pleaded Rosal to return home to help her settle her debts. Rosal agreed and came home on January 30, 2017.²³

On February 1, 2017, Aquino and Rosal were suddenly arrested by barangay authorities in their house and brought to the police station. The barangay authorities said that Aquino did not want to return the children's belongings which were left in their house. Meanwhile, Dela Cruz received a text from BBB263264, asking for fare and to meet her at 7-Eleven. Dela Cruz agreed. While BBB263264 was with other persons outside, he gave her fare money. Thereafter, he was arrested by two men in civilian clothes.²⁴

The same day, before returning to the police station, the police officers went to [REDACTED], [REDACTED], where they arrested Dela Cruz at a *lugawan* along [REDACTED], [REDACTED], [REDACTED]. Mariano, whose cousins were Bodybit dancers, was also made to board the vehicle together with Dela Cruz. Mariano had earlier met BBB263264, AAA263264, and CCC263264 at 7-Eleven, when Aquino, an acquaintance of his friend, introduced him to the children.²⁵

²⁰ *Id.* at 14.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 15.

The Ruling of the Trial Court

Under Joint Decision²⁶ dated May 3, 2019, the trial court, in Criminal Case Nos. 17-216-MAL and 17-217-MAL, found Aquino, Dela Cruz, and Mariano guilty of Qualified Trafficking in persons. It found Rosal guilty as an accessory to said crime. In Criminal Case No. 17-218-MAL, however, the trial court acquitted them for failure of the prosecution to prove their guilt beyond reasonable doubt, thus:

“**WHEREFORE**, premises considered, judgment is hereby rendered as follows:

1. In **Criminal Case No. 17-216-MAL**, accused KAREN AQUINO [y] GABRIEL @ MAMA CHED, JEFFREY DELA CRUZ [y] SANCHEZ @ JEFF, ERICSON MARIANO [y] PERALDAL @ NICOLE are hereby found “**GUILTY BEYOND REASONABLE DOUBT**” of the crime of Qualified Trafficking in Persons under Section 4 in relation to Section 6(c) of R.A. No. 9208 as amended by R.A. 10364, and are hereby sentenced to suffer the penalty of life imprisonment and a fine of Two Million Pesos (Php2,000,000.00).

Accused REY ROSAL [y] BOBIES @ DADA REY is found “**GUILTY BEYOND REASONABLE DOUBT**” as an accessory to the crime of qualified trafficking as defined and penalized under Section 4-C(a) of R.A. No. 9206 as amended by R.A. [No.] 10354, for which he is meted the penalty of imprisonment of fifteen (15) years and a fine of Five Hundred Thousand Pesos (Php500,000.00).

Accused Aquino, Dela Cruz, and Mariano, are further ordered to pay jointly and severally minor complainant [AAA263264] the amount of Two Hundred Thousand Pesos (Php200,000.00) as moral damages and One Hundred Thousand Pesos (Php100,000.00) as exemplary damages.

Accused Rosal, on the other hand, is ordered to pay minor [AAA263264] moral damages in the amount of One Hundred Thousand Pesos (P100,000.00) and exemplary damages in the amount of Php50,000.00) [sic].

2. In **Criminal Case No. 17-217-MAL**, accused KAREN AQUINO [y] GABRIEL @ MAMA CHED, JEFFREY DELA CRUZ [y] SANCHEZ @ JEFF, ERICSON MARIANO [y] PERALDAL @ NICOLE are hereby found “**GUILTY BEYOND REASONABLE DOUBT**” of the crime of Qualified Trafficking in Persons under Section 4 in relation to Section 6 (c) of R.A. No. 9208 as amended by R.A. [No.] 10364, and are hereby sentenced to suffer the penalty of life imprisonment and a fine of Two Million Pesos (Php2,000,000.00).

Accused REY ROSAL [y] BOBIES @ DADA REY is found “**GUILTY BEYOND REASONABLE DOUBT**” as an accessory to the crime of qualified trafficking as defined and penalized under Section 4-C(a) of R.A. No. 9206 as amended by R.A. [No.] 10354, for which he

²⁶ *Id.* at 28–57. Penned by Presiding Judge Rhoda Magdalene L. Mapile-Osinada of Branch 289, Regional Trial Court, [REDACTED].

is meted the penalty of imprisonment of fifteen (15) years and a fine of Five Hundred Thousand Pesos (Php500,000.00).

Accused Aquino, Dela Cruz, and Mariano, are further ordered to pay jointly and severally minor complainant [BBB263264] the amount of Two Hundred Thousand Pesos (Php 200,000.00) as moral damages and One Hundred Thousand Pesos (Php 100,000.00) as exemplary damages.

Accused Rosal, on the other hand, is ordered to pay minor [BBB263264] moral damages in the amount of One Hundred Thousand Pesos (P[hp]100,000.00) and exemplary damages in the amount of Php50,000.00) [sic].

3. In **Criminal Case No. 17-218-MAL**, accused KAREN AQUINO [y] GABRIEL @ MAMA CHED, JEFFREY DELA CRUZ [y] SANCHEZ @ JEFF, ERICSON MARIANO [y] PERALDAL @ NICOLE are hereby **ACQUITTED** of the crime of Qualified Trafficking in Persons for failure of the prosecution to prove their guilt beyond reasonable doubt.

Considering that all the accused are detention prisoners, they should be credited with full time during which they underwent preventive imprisonment.

SO ORDERED.²⁷ (Emphasis in the original)

As for Criminal Case Nos. 17-216-MAL and 17-217-MAL, the trial court ruled that BBB263264 and AAA263264 vividly narrated how the four sexually exploited them through deception, taking advantage of their vulnerability as minors, and successfully enticing them to be recruited, transported, and harbored for the ultimate purpose of prostitution and gaining profit or money.²⁸

The Proceedings before the Court of Appeals

On appeal, Aquino, Rosal, Dela Cruz, and Mariano faulted the trial court for rendering a verdict of conviction despite the prosecution's alleged failure to prove the elements of qualified trafficking in persons. Too, there were supposed patent inconsistencies in the testimonies of BBB263264 and AAA263264.

The Office of the Solicitor General (OSG) defended the trial court's ruling.²⁹

²⁷ *Id.* at 56–57.

²⁸ See Brief for the Accused-Appellants. *CA rollo*, pp. 38–60.

²⁹ See Brief for the Plaintiff-Appellee. *Id.* at 100–118.

The Ruling of the Court of Appeals

By Decision³⁰ dated May 5, 2022, the Court of Appeals affirmed but modified the amount of moral damages from PHP 200,000.00 to PHP 500,000.00 with respect to Aquino, Dela Cruz, and Mariano. As for Rosal, who was convicted as an accessory, the amount of moral damages was increased from PHP 100,000.00 to PHP 250,000.00, *viz.*:

WHEREFORE, premises considered, the appeal is **DENIED**. The *Joint Decision* dated May 3, 2019 of the ██████████ Regional Trial Court, Branch 289, is **AFFIRMED with MODIFICATION** in that:

- 1) Accused-appellants KAREN AQUINO [y] GABRIEL @ MAMA CHED, JEFFREY DELA CRUZ [y] SANCHEZ @ JEFF, ERICSON MARIANO [y] PERALDAL @ NICOLE are ordered to pay, jointly and severally, Five Hundred Thousand Pesos (Php500,000.00) as moral damages in Criminal Case Nos. 17-216-MAL & 17-217-MAL, respectively;
- 2) REY ROSAL [y] BOBIES @ DADA REY is ordered to pay Two Hundred Fifty Thousand (Php250,000.00) as moral damages in Criminal Case Nos. 17-216-MAL & 17-217-MAL, respectively; and
- 3) All monetary awards due shall earn interest at six percent (6%) per annum from the finality of the *Joint Decision* until full payment.

All other aspects of the assailed *Joint Decision* STAND.

SO ORDERED.³¹ (Emphasis in the original)

The Present Appeal

Appellants now seek affirmative relief from the Court and plead anew for their acquittal. In compliance with the Resolution³² dated February 22, 2023, appellants and the People of the Philippines, through the OSG, all manifested³³ that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Ruling

Republic Act No. 9208 defines trafficking in persons, in this wise:

³⁰ *Rollo*, pp. 9–27.

³¹ *Id.* at 26–27.

³² *Id.* at 58.

³³ *Id.* at 60–62; 66–68.

SECTION 3. *Definition of Terms.* — As used in this Act:

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

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

In *People v. Casio*,³⁴ the Court enumerated the elements of trafficking in persons:

- (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."³⁵

As invariably found by the courts below, these elements were all duly established here. Consider:

First, the prosecution witnesses clearly established that the victims met with Aquino at SM, then the three of them went to Robinson's to meet up with Mariano, from there they went to the party. At the party, they were placed in separate rooms to engage in sexual intercourse with old men. After the sexual act, Mariano handed PHP 1,000.00 to BBB263264 and kept the PHP 300.00 for himself.

AAA263264 corroborated BBB263264's testimony by telling the trial court that the money which Aquino and Mariano gave her came from the two old men who had carnal knowledge with her and BBB263264.

³⁴ 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

³⁵ *Id.* at 472-473.

Second, Aquino deceived BBB263264 and AAA263264 to come with her and Mariano in the guise of attending a party. Aquino took advantage of their vulnerability when they were made to engage in sexual activities with strangers in exchange for money at the party.

Third, the purpose of the trafficking was for prostitution. BBB263264 and AAA263264 were exploited through prostitution on an almost daily basis for a month while staying at Aquino's house. BBB263264 and AAA263264 were required to go with older men to have sex in exchange for money. Prostitution, as defined under Section 3(c) of Republic Act No. 9208, as amended, is "any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration." The circumstances in this case clearly fall within the definition of prostitution.

Fourth, Aquino, Dela Cruz, Mariano, and Rosal all participated in committing the crime, taking into consideration the circumstances of how BBB263264 and AAA263264 were sexually exploited on different occasions, *viz.*:

- a) Aquino and Mariano brought BBB263264 and AAA263264 to a party where the girls were first exploited through prostitution or to engage in sex with old men;
- b) Aquino and Mariano brought BBB263264 and AAA263264 to 7-Eleven to meet Dela Cruz, who took them to a bar, handed them over to a man, and made them board his vehicle. The man then took them to [REDACTED] and engaged them in sexual intercourse for a fee;
- c) BBB263264 and AAA263264 stayed in Aquino and Rosal's house for a month where they were made to meet and have sexual activities with different men almost everyday for a fee.

Conspiracy exists where two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It can be proven by evidence of a chain of circumstances and may be inferred from the acts of the accused before, during, and after the commission of the crime which indubitably point to and are indicative of a joint purpose, concert of action and community of interest.

Here, the chain of circumstances showed that the four appellants acted in unison for the accomplishment of a common purpose of recruiting, transporting, and harboring the victims for the purpose of engaging them in prostitution. It commenced on January 5, 2017 and lasted for a month until

the victims decided to leave Aquino and Rosal's house and reported the incident to the authorities.

As aptly observed by the trial court, it was through the employment of deception and taking advantage of the victims' vulnerability as minors that appellants were able to successfully entice them to be recruited, transported, and harbored for the ultimate purpose of subjecting them to sexual exploitation to gain profit or money.

Considering further that Rosal's participation was limited to having knowledge of the sexual exploitation of the victims and profiting from the payments, both the trial court and the Court of Appeals correctly ruled that he is only liable as an accessory under Section 4-C of Republic Act No. 9208, as amended by Republic Act No. 10364, which provides:

SECTION 4-C. Accessories. — Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplices, take part in its commission in any of the following manners:

- (a) By profiting themselves or assisting the offender to profit by the effects of the crime;

x x x x

Acts defined in this provision shall be punished in accordance with the provision of Section 10 (d) as stated thereto.

It is also immaterial that BBB263264 and AAA263264 had given consent to the sexual acts. Under Republic Act No. 9208, as amended by Republic Act No. 10364, trafficking in persons could still be committed with or without the victims' consent. The victims of the crime are in the best position to state that the accused had recruited and used them by giving them payment in exchange for their sexual exploitation.

In this light, the Court finds no reason to deviate from the factual findings of the trial court, which the Court of Appeals affirmed, absent any indication that the lower courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. As the trial court was in the best position to assess and determine the credibility of the witnesses, having had the opportunity to observe the witnesses' demeanor on the witness stand, its findings must be respected.³⁶

³⁶ *People v. Bawalan*, G.R. No. 232358, May 12, 2021 [Per J. Hernando, Third Division].

Penalties and Damages

The crime of trafficking in persons is qualified when either of the circumstances in Section 6 of Republic Act No. 9208 is present, *viz.*:

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

(a) When the trafficked person is a child;

x x x x

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group.

Here, although the prosecution failed to prove the minority of the victims when they presented only a photocopy of their birth certificates, it was duly established that the trafficking of persons was committed by **three or more persons** which qualifies the crime under Section 6 of Republic Act No. 9208.

Section 10 (c) of Republic Act No. 9208 provides that “any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00.” Thus, the courts below correctly imposed life imprisonment and PHP 2,000,000.00 fine on Aquino, Mariano, and Dela Cruz, for each charge in Criminal Case Nos. 17-216-MAL and 17-217-MAL.

The awards of moral and exemplary damages are also proper. *People v. Lalli*³⁷ is *apropos*:

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.³⁸ (Emphasis and underscoring supplied).

³⁷ 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

³⁸ *Id.* at 159.

Aquino, Dela Cruz, and Mariano, therefore, were correctly ordered to jointly and severally pay each of the victims the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.³⁹

As for the penalty and sanction imposed on Rosal, being an accessory to the crime of qualified trafficking under Section 4-C(a),⁴⁰ Section 10(d) of Republic Act No. 9208 provides:

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

X X X X

(d) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

As such, both the trial court and the Court of Appeals correctly sentenced Rosal to imprisonment of 15 years and a fine of PHP 500,000.00. In view of our discussion in the previous paragraphs regarding moral damages, we find that the award of moral damages of PHP 250,000.00 is reasonable. We, too, sustain the award of exemplary damages of PHP 50,000.00.

The legal interest of 6% per annum from finality of this Decision until full payment on all monetary awards is also in order.⁴¹

ACCORDINGLY, the Appeal is **DISMISSED**. The Decision dated May 5, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 13039 is **AFFIRMED IN FULL**, in that:

- 1) Accused-Appellants **KAREN AQUINO y GABRIEL @ MAMA CHED, JEFFREY DELA CRUZ y SANCHEZ @ JEFF, ERICSON MARIANO y PERALDAL @ NICOLE** are **GUILTY** of **QUALIFIED TRAFFICKING IN PERSONS** under Section 4, Republic Act No. 9208, as amended by Republic Act No. 10364. They are each sentenced to **LIFE IMPRISONMENT** and ordered to pay a

³⁹ *Ferrer v. People*, G.R. Nos. 223042 & 223769, July 6, 2022 [Per J. Lazaro-Javier, Second Division].

⁴⁰ SECTION 4-C. Accessories. — Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplices, take part in its commission in any of the following manners:

(a) By profiting themselves or assisting the offender to profit by the effects of the crime;

X X X X

Acts defined in this provision shall be punished in accordance with the provision of Section 10 (d) as stated thereto.

⁴¹ *Ferrer v. People*, G.R. Nos. 223042 & 223769, July 6, 2022 [Per J. Lazaro-Javier, Second Division].

FINE of PHP 2,000,000.00. They are further ordered to pay jointly and severally each of the victims, BBB263264 and AAA263264, PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.

- 2) Accused-Appellant **REY ROSAL y BOBIS @ DADA REY** is **GUILTY** as an **ACCESSORY** to the crime of **QUALIFIED TRAFFICKING IN PERSONS** under Section 4-C, Republic Act No. 9208, as amended by Republic Act No. 10364. He is sentenced to **fifteen (15) years imprisonment** and a **FINE** of PHP 500,000.00. He is further ordered to pay BBB263264 and AAA263264, PHP 250,000.00 as moral damages and PHP 50,000.00 as exemplary damages.
- 3) All monetary awards due shall earn interest of 6% per annum from the finality of this Decision until full payment.

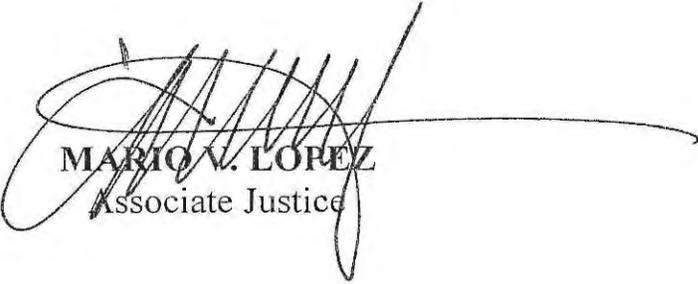
SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:



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



MARIO V. LOPEZ
Associate Justice



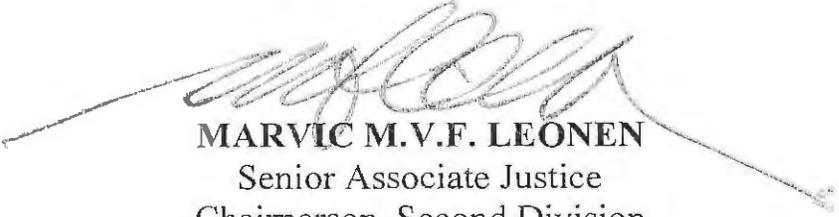
JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

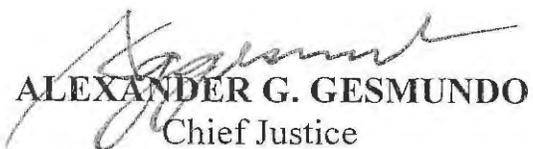
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
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 Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

