



Republic of the Philippines  
Supreme Court  
Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 262362\*

Present:

CAGUIOA, *Chairperson*,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, *JJ.*

- versus -

Promulgated:

JERRIE R. ARRAZ,  
Accused-appellant.

April 8, 2024

x-----  
*Misdebat*

DECISION

DIMAAMPAO, *J.*:

This ordinary appeal<sup>1</sup> before the Court seeks to overturn the Decision (Modified Version)<sup>2</sup> of the Court of Appeals (CA) finding accused-appellant Jerrie R. Arraz (Arraz) guilty beyond reasonable doubt of: (1) five counts of qualified trafficking in persons, as defined and penalized under Section 4(a) and (e), in relation to Section 3(a), (b), (c), (h), and (j), as well as Sections 6(a)

\* The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Amended Administrative Circular No. 83-2015, entitled: Protocols and Procedures in the Promulgation, Publication and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances dated September 5, 2017.

<sup>1</sup> CA rollo, pp. 236–237.

<sup>2</sup> *Id.* at 193–233. The June 8, 2021 Decision in CA-G.R. CR-HC No. 12575 was penned by Associate Justice Alfredo D. Ampuan, with the concurrence of Associate Justices Remedios A. Salazar-Fernando and Pedro B. Corales of the First Division, Court of Appeals, Manila.

and 10(e), of Republic Act No. 9208,<sup>3</sup> as amended by Republic Act No. 10364;<sup>4</sup> and (2) three counts of rape, as defined and penalized under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353.<sup>5</sup>

Arraz was inculpated for the crimes of qualified trafficking in persons and rape across eight separate Informations, all raffled to Branch ■ of the Regional Trial Court (RTC) of Quezon City and docketed as Criminal Case Nos. R-QZN-15-00611-CR to R-QZN-15-00618-CR.<sup>6</sup> The Informations read:

**Criminal Case No. R-QZN-15-00611-CR**

That on or about June 2014 or on dates prior or subsequent thereto, in Quezon City, and within the jurisdiction of this Honorable Court, [Arraz], acting as promoter, agent and handler of 15[-]year[-]old [AAA], by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of sexual exploitation, such as prostitution in exchange for money, profit or any other consideration, with said victim's participation thereof being caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with [Arraz's] customers/clients, first making a representation through indecent shows or pornographic photographs of the said victim through online chats or messaging with foreigners, and later, coercing the victim to be used by the foreigners to perform sexual intercourse or lascivious conduct with the foreigners, including a person known to her as "Bruno", in exchange for money, profit or any other consideration, to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim who is below [18] years of age.

**CONTRARY TO LAW.<sup>7</sup>**

<sup>3</sup> Republic Act No. 9208 (2003), 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, otherwise known as the "Anti-Trafficking in Persons Act of 2003."

<sup>4</sup> Republic Act No. 10364 (2013), 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," otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012."

<sup>5</sup> Republic Act No. 8353 (1997), An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code and for Other Purposes, otherwise known as the "Anti-Rape Law of 1997."

<sup>6</sup> RTC records, pp. 128–130, Order dated February 4, 2015.

<sup>7</sup> *Id.* at 1–2. (Emphasis in the original)

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**Criminal Case No. R-QZN-15-00612-CR**

That on or about 2013 up to November 2014 or on dates prior thereto, in Quezon City, and within the jurisdiction of this Honorable Court, [Arraz], acting as promoter, agent and handler of then 15[-]year[-]old [AAA][,] by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of exploitation, such as pornography or the production of pornography or other forms of sexual exploitation, in exchange for money, profit or any other consideration, or with said victim's participation thereof being caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with accused'[s] customers/clients, making a representation through indecent shows or whatever means, of the said victim having engaged in real and or simulated explicit sexual activities or any representation of the sexual parts of the victim primarily for sexual purposes, and further engaging the said victim to perform other acts of exploitation, including a live nude show, indecent show, wherein the said victim was made to remove her clothes including her underwear and appear fully naked before the web camera and pose in different angels [sic] by standing, sitting and bending over ([*tuwad*]) in different positions exposing her genitalia to the we [sic] camera themselves, including front, back and side view while being naked and directing the victim, through coercion, to engage in sexual intercourse with [Arraz] for the online viewing and/or satisfaction of the sexual pleasures and desires of the [Arraz]'s customers/clients/friends/chatmates, mostly foreign men, in exchange for money or consideration [sic] to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim who is below [18] years of age.

**CONTRARY TO LAW.<sup>8</sup>**

**Criminal Case No. R-QZN-15-00613-CR**

That on or about 2013, or on dates prior or subsequent thereto, in Quezon City, and within the jurisdiction of this Honorable Court, [Arraz], by means of force, threat and intimidation, did then and there, willfully, unlawfully, knowingly and feloniously had carnal knowledge of then 14[-]year[-]old [AAA], against her will, to her damage and prejudice.

**CONTRARY TO LAW.<sup>9</sup>**

**Criminal Case No. R-QZN-15-00614-CR**

That on or about 2013, or on dates prior [or] subsequent thereto, in Quezon City, and within the jurisdiction of this Honorable Court, [Arraz], by means of force, threat and intimidation and did then and there, willfully,

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<sup>8</sup> *Id.* at 591–592. (Emphasis in the original)

<sup>9</sup> *Id.* at 594. (Emphasis in the original)

unlawfully, knowingly and feloniously inserted his penis into the mouth of the victim, then 14[-]year[-]old [AAA], to her damage and prejudice.

**CONTRARY TO LAW.**<sup>10</sup>

**Criminal Case No. R-QZN-15-00615-CR**

That on or about 2010 up to 2012 or on dates prior thereto, in Quezon City, and within the jurisdiction of this Honorable Court, [Arraz], acting as promoter, agent of then 16[-]year[-]old [BBB], by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of sexual exploitation, such as prostitution in exchange for money, profit or any other consideration, with said victim's participation thereof being caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with [Arraz's] customers/clients, first making a representation through indecent shows or pornographic photographs of said victim through online chats or messaging with foreigners, and later, coercing the victim to be used by the foreigners to perform sexual intercourse or lascivious conduct with the foreigners, in exchange for money, profit or any other consideration, to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim who was below [18] years of age.

**CONTRARY TO LAW.**<sup>11</sup>

**Criminal Case No. R-QZN-15-00616-CR**

That on or about 2010 up to 2012 or on dates prior thereto, in [REDACTED], and within the jurisdiction of this Honorable Court, [Arraz], acting as promoter, agent and handler of then 16[-]year[-]old [BBB][.], by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of exploitation, such as pornography or the production of pornography or other forms of sexual exploitation, in exchange for money, profit or any other consideration, or with said victim's participation thereof being caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with [Arraz's] customers/clients, making a representation through indecent shows or whatever means, of the said victims having engaged in real and or simulated explicit sexual activities or any representation of the sexual parts

<sup>10</sup> *Id.* at 596. (Emphasis in the original)

<sup>11</sup> *Id.* at 601–602. The Information was amended on May 15, 2015 to reflect the above-quoted underlined words and phrases. (Emphasis in the original)





of the victim primarily for sexual purposes, and further engaging the said victim to perform other acts of exploitation, including a live nude show, indecent show, wherein the said victim was made to remove her clothes including her underwear and appear fully naked before the web camera and pose in different angels [sic] by standing, sitting and bending over ([*tuwad*]) in different positions exposing her genitalia to the web camera, including front, back and side view while being naked and directing the victim, through coercion, to engage in sexual intercourse with [Arraz] for the online viewing and/or satisfaction of the sexual pleasures and desires of [Arraz's] customers/clients/friends/chatmates, who are mostly foreign men, in exchange for money or consideration [sic] to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim who was 16 [] to 18 years old at the time of the incidents.

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

**Criminal Case No. R-QZN-15-00617-CR**

That on or about 2010, or on dates prior or subsequent thereto, in [REDACTED], and within the jurisdiction of this Honorable Court, [Arraz], by means of force, threat and intimidation, did then and there, willfully, unlawfully, knowingly and feloniously had carnal knowledge of 16[-]year[-]old [BBB], against her will, to her damage and prejudice.

**CONTRARY TO LAW.**<sup>13</sup>

**Criminal Case No. R-QZN-15-00618-CR**

That on or about 2011 or on dates prior or subsequent thereto, in [REDACTED], and within the jurisdiction of this Honorable Court, [Arraz], acting as promoter, agent and handler of then 12[-] year[-]old [CCC][.] by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of exploitation, such as pornography or the production of pornography or other forms of sexual exploitation, in exchange for money, profit or any other consideration, or with said victim's participation thereof being caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with [Arraz's] customers/clients, making a representation through indecent shows or whatever means, of the said victims having engaged in real and or simulated explicit sexual activities or any representation of the sexual parts of the victim primarily for sexual purposes, and further engaging the said victim to perform other acts of exploitation, including a live nude show, indecent show, wherein the said victim was made to remove her clothes

<sup>12</sup> *Id.* at 606–607. The Information was amended on May 15, 2015 to reflect the above-quoted underlined words and phrases. (Emphasis in the original)

<sup>13</sup> *Id.* at 608. (Emphasis in the original)

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including her underwear and appear fully naked before the web camera and pose in different angels [sic] by standing, sitting and bending over ([*tuwad*]) in different positions exposing her genitalia to the web camera, including front, back and side view while being naked and directing the victim, through coercion, to engage in sexual intercourse with [Arraz] for the online viewing and/or satisfaction of the sexual pleasures and desires of the [Arraz]'s customers/clients/ friends/chatmates, who are mostly foreign men, in exchange for money or consideration [sic] to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim who is below eighteen years of age.

**CONTRARY TO LAW.**<sup>14</sup>

The prosecution avowed that it was in March 2010 when CCC<sup>15</sup> first met Arraz in [REDACTED]. At that time, she was only 12 years old and worked as a nanny and storekeeper for Arraz's cousin. Arraz told her that foreigners would like her and because of this, she felt elated. She intimated to him that she wanted to study in [REDACTED] and experience a good life. She eventually prevailed upon her parents to allow her to go with the assistance of Arraz himself. He bought her a dress and a pair of shoes and then brought her along to [REDACTED] on board a ship at his own expense. She stayed in his residence at [REDACTED],<sup>16</sup>

At the start of CCC's stay in the house of Arraz, she was not permitted to leave the premises. He told her that she was ugly and that he needed to groom her. Thus, he had her skin bleached and hair fixed. He told her that he wanted her to be beautiful when they go out so she would not get bullied.<sup>17</sup> During this time, she was made to watch pornographic videos to learn what to do with men.<sup>18</sup> Later, she was enrolled in the school near Arraz's house. He bought her school uniform and supplies as well as sexy dresses and shorts.<sup>19</sup>

In the early morning of July 2010, Arraz woke up CCC, telling her that there was a customer who wanted her to say "hi" to him. They proceeded to his room and the door was closed. Inside, a foreigner was online in a Skype call and after exchanging greetings, Arraz told her that the customer also wanted her to perform a show and that she should do what the customer wanted. The customer asked Arraz to instruct her to remove her clothes, to which she acceded. She removed all her garments and stood in front of the

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<sup>14</sup> *Id.* at 613–614. The Information was amended on May 15, 2015 to reflect the above-quoted underlined words and phrases. (Emphasis in the original)

<sup>15</sup> The CA appears to have interchanged the designation of CCC with that of AAA (*see* CA *rollo*, p. 202; RTC records, p. 536). The Decision follows the designation of the RTC.

<sup>16</sup> RTC records, p. 536, RTC Judgment.

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

<sup>18</sup> *Id.* at 538.

<sup>19</sup> *Id.* at 536.

web camera. She was asked to pose nude and to smile while the foreigner got naked and started playing with his own organ. She testified that she wanted to cry at that time, but she convinced herself not to do so. She never imagined that she would be subjected to such kind of treatment.<sup>20</sup>

On another occasion in July 2010, CCC was again awoken by Arraz and informed her that a foreigner would be sending money. She and Arraz proceeded to the latter's room where another foreigner was watching them online. Arraz placed a towel on the floor and made her lie down. After they were both undressed, Arraz ordered her to get up to suck his penis. After that, she was made to lie down again and then he inserted his penis into her vagina, which caused her pain. When he was about to ejaculate, Arraz inserted his penis into her mouth and released his sperm. Throughout the ordeal, the foreigner was masturbating while watching them.<sup>21</sup>

Similar incidents transpired thereafter. Foreigners would send money to Arraz and he would often inform CCC about this whenever he bought her needs for school and gave her an allowance.<sup>22</sup>

After July 2010, Arraz informed CCC that his friend would be arriving. He bought her a beautiful black knee-length dress and they proceeded to a restaurant in Makati City. They dined with a foreigner, and she was introduced as Arraz's child. They headed to the foreigner's hotel room where she was made to take a bath. Once clean, Arraz told her to lie down and then he removed her clothes. He inserted his organ into her mouth while holding her head. The foreigner likewise did the same. She was made to lie down again, as Arraz inserted his penis into her vagina while she orally serviced the foreigner's organ. Sometime after, the two men swapped positions. The foreigner also inserted his penis into her anus. At the end, both men ejaculated into her mouth. After the deed, she went to the comfort room and cried from the pain she felt. The foreigner then paid USD 100.00 and USD 200.00 to CCC and Arraz, respectively, and they went their separate ways.<sup>23</sup>

Over the course of this arrangement, CCC never got pregnant as Arraz made her take pills. It was always Arraz who transacted with the customers, regularly selling to them her pictures, both in normal and nude poses, and would pretend to be CCC while chatting with them online.<sup>24</sup>

BBB met Arraz in November 2010 in Surigao del Sur when she was 16 years old. She was by the bay with her friends when he took a picture of them. He struck up a conversation and asked BBB if she wanted to marry a foreigner. She refused as she heard that foreigners had big penises.

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<sup>20</sup> *Id.* at 536–537.

<sup>21</sup> *Id.* at 537.

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

<sup>23</sup> *Id.* at 537–538.

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



Nevertheless, Arraz managed to entice her to go with him to Manila when he told her that she could meet foreigners online and could afford to send money to her family monthly. When she arrived in Manila, she was made to go to the gym and her skin was also bleached to cater to the interest of the foreigners.<sup>25</sup>

In the morning of the same month, Arraz woke up BBB and brought her to his room. He photographed her wearing nothing but shorts and a bra. When he instructed her to remove all her clothes, she cried and refused. He reminded her that she was living in his house, so she eventually relented and had her pictures taken in various nude poses. When the picture-taking was done, she left the room but saw him send her pictures to someone in an e-mail labelled "Jane." He made her do nude pictorials on several more occasions and forced her to smile throughout, with threats.<sup>26</sup>

Arraz once again woke up BBB one week after the first pictorial because someone wanted to see her. When she entered Arraz's room, there was already a naked foreigner visible on the computer screen. Arraz told her to undress but she refused. Heedless to her protestations, he removed her *sando* and ordered her to lie down. He alerted her that they would receive money afterwards. She continued to refuse but he proceeded anyway. He removed her bra and kissed her breasts. After removing her lower garments, he inserted his penis into her vagina. He then made her bend over and then inserted his penis again into her genitalia. All throughout this, Arraz would adjust the camera to give the foreigner a better view as they pleased themselves. The next day, Arraz gave BBB PHP 1,500.00.<sup>27</sup>

Sometime in December 2010, at around 11:00 p.m., Arraz brought BBB to meet a foreigner in [REDACTED], [REDACTED]. After having drinks with the foreigner, they went to his hotel room where BBB was told to take a bath. When she came out, she was made to lie down in bed with both Arraz and the foreigner. Arraz started licking her vagina and she was forced to suck the penis of the foreigner. Afterwards, Arraz made her suck his penis, while the foreigner inserted his penis into her vagina. The two men changed positions one more time before they retired for the night. The foreigner then paid her PHP 2,000.00. This kind of "meetups" with foreigners occurred several more times.<sup>28</sup>

For her part, AAA<sup>29</sup> admitted having met Arraz when she was only 12 years old. They were neighbors. He complimented her looks and made her believe that she would be appealing to foreigners. Her mother, however, shot the idea down owing to her young age. In August 2013, Arraz called her to

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<sup>25</sup> *Id.* at 539–540.

<sup>26</sup> *Id.* at 540.

<sup>27</sup> *Id.* at 540–541.

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

<sup>29</sup> The CA appears to have interchanged the designation of AAA with that of CCC (*see* CA *rollo*, p. 206 and RTC records, p. 543). The Decision follows the designation of the RTC.



his house and when she was in his room, he told his son to leave; then, he locked the room. He instructed AAA to say “hi” to a naked old foreigner visible on his computer screen. Thereafter, Arraz placed a towel on the floor and laid her down. She cried when he started to undress her and tried to insert his penis into her vagina, but he would not relent. Her vagina bled and she was under a lot of pain. During this whole time, the foreigner was playing with his penis as he watched them. After they finished, she was told to go to the comfort room. Arraz tendered her the amount of PHP 500.00 and she went home.<sup>30</sup>

Arraz began to regularly take pictures of AAA wearing a swimsuit until she was later convinced to go nude as she did obscene poses with her private parts in full display. He would send her pictures to customers through Skype, e-mail, and to a dating website. Eventually, she started living in his house when she turned 13 years old.<sup>31</sup>

At some point, AAA accompanied Arraz to fetch a foreigner from the airport. From there, they went straight to a hotel. Arraz instructed her to bathe and, afterwards, she was made to lie down on the bed while the two men took turns in having sexual intercourse with her. While the foreigner inserted his penis into her vagina, Arraz also made her suck his penis.<sup>32</sup>

On October 16, 2014, a certain DDD lodged a complaint against Arraz before the Women and Children Protection Unit of the Criminal Investigation and Detection Group (CIDG), Philippine National Police. Likewise, AAA’s mother filed a similar complaint on her behalf. Based on these complaints and the succeeding interviews, the CIDG conducted a surveillance on him and applied for a search warrant. An entrapment operation was also planned in conjunction with the Inter-Agency Council Against Trafficking, some volunteers from nongovernment offices, the Department of Social Welfare and Development (DSWD), and three foreign assets.<sup>33</sup> The entrapment operation occurred on November 14, 2014 at the [REDACTED] in Pasay City. The three foreign assets of the CIDG posed as customers, while an agent hid inside the closet of the designated room. Arraz brought AAA and BBB to the room. He then went out to buy liquor, condoms, “Robust,” and chocolates. When he returned, the doors were opened by the CIDG. He was arrested and the two girls were placed under the custody of the DSWD.<sup>34</sup> Around the same time, the CIDG implemented the search warrant. Recovered from his house were a computer, a laptop, some hard drives, multimedia cards, flash drives, and other devices.<sup>35</sup> They also rescued CCC who was there.<sup>36</sup> The medical

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<sup>30</sup> RTC records, p. 543.

<sup>31</sup> *Id.* at 543–544.

<sup>32</sup> *Id.* at 544.

<sup>33</sup> *Id.* at 544–545.

<sup>34</sup> *Id.* at 544–546.

<sup>35</sup> *Id.* at 546, 548.

<sup>36</sup> *Id.* at 539.



examinations of the victims revealed trauma in their vaginal regions consistent with multiple incidents of sexual abuse.<sup>37</sup> Digital forensic examination on the seized electronic items revealed photos, video files, e-mails and Skype chat logs consistent with the testimonies of the victims.<sup>38</sup>

The foregoing incidents led to the filing of the above-quoted Informations against Arraz, who denied all the accusations against him. He claimed that he stood as a father to the three girls. He struggled to provide for them and to send them to school. The money he received from outside sources was from work he did for his foreign friends. He did not deny having a computer at home, but brushed aside the assertion that he forced the girls to watch pornographic videos. Instead, he would catch them watching explicit materials on their own volition. He admitted having the girls drink pills to prevent pregnancy because they had boyfriends. He maintained that the girls loved him; CCC even wrote a letter expressing her affection for him.<sup>39</sup>

On the day of the entrapment, Arraz denied bringing AAA and BBB to [REDACTED]. They followed him without his knowledge and only went up to the hotel room to shower as they had just come from [REDACTED]. The foreigners convinced them to have sex while he was out buying food and liquor, but he told them they were all just there to bond and that the two were not prostitutes. The foreigners insisted that he receive PHP 20,000.00 but he repeatedly refused. When they were about to sit down for a meal, the doors burst open and several people screamed “[e]ntrapment ‘to!’” AAA was screaming for Arraz but he told the girls, “*huwag kayong lumaban sumama lang kayo. Sumunod kayo sa kanila.*” Arraz also averred that from the time he was arrested and throughout the inquest proceedings, he did not see any of the three girls.<sup>40</sup>

During his arraignment, Arraz entered a plea of “not guilty” to the crimes charged in Criminal Case Nos. R-QZN-15-00611-CR to R-QZN-15-00618-CR.<sup>41</sup> Subsequently, Criminal Case No. 15-03830-CR,<sup>42</sup> a case for violation of Section 4(c), Chapter 2 of Republic Act No. 10175,<sup>43</sup> was also consolidated with the foregoing cases as it arose from the same factual antecedents surrounding the exploitative acts purportedly committed upon AAA.<sup>44</sup> The cases were then tried jointly.<sup>45</sup>

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<sup>37</sup> *Id.* at 546–547.

<sup>38</sup> *Id.* at 549.

<sup>39</sup> *Id.* at 552–559.

<sup>40</sup> *Id.* at 557–559.

<sup>41</sup> *Id.* at 153, Order dated February 27, 2015; 217, Order dated June 22, 2015.

<sup>42</sup> *Id.* at 616–618.

<sup>43</sup> Republic Act No. 10175 (2012), An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor, and for Other Purposes, otherwise known as the “Cybercrime Prevention Act of 2012.”

<sup>44</sup> RTC records, p. 249, Order dated December 1, 2015.

<sup>45</sup> *Id.* at 217, Order dated June 22, 2015; 250.

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In the Judgment<sup>46</sup> rendered by the RTC, Arraz was found guilty of all the charges. The trial court disposed in this prose:

WHEREFORE, premises considered, JUDGMENT is hereby rendered as follows:

**In Criminal Case No. R-QZN-15-00611-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [q]ualified [t]rafficking in [p]ersons under Section 4(a) [and] (e) and in relation to Sections 3(a)(c) (h) [sic] and [Sections] 6(a) and 10(e) of [Republic Act] No. 9208[,] as amended by [Republic Act No.] 10364[,] and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

He is likewise ordered to pay the private offended party [AAA] the sum of [PHP] 500,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00612-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [q]ualified [t]rafficking in [p]ersons under Section 4(a) [and] (e) and in relation to Sections 3(a)(h) (j) [sic] and [Sections] 6(a) and 10(e) of [Republic Act] No. 9208[,] as amended by [Republic Act No.] 10364[,] and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

He is likewise ordered to pay the private offended party [AAA] the sum of [PHP] 500,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00613-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [r]ape under [Article] 266-A, [paragraph] 1(a) [of the RPC] and sentences him to suffer the penalty of [r]eclusion [p]erpetua without possibility for parole in accordance with [Republic Act No.] 9346.

He is likewise ordered to pay the private offended party [AAA] the sum of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00614-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [r]ape under [Article] 266-A, [paragraph] 2 (Rape by Sexual Assault) [of the RPC] and sentences him to suffer the indeterminate penalty of six (6) years of *prision correccional*[,] as minimum to ten (10) years of *prision mayor*[,] as maximum.

He is likewise ordered to pay the private offended party [AAA] the amount of [PHP] 30,000.00 as civil indemnity, [PHP] 30,000.00 as moral damages and [PHP] 30,000.00 as exemplary damages.

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<sup>46</sup> *Id.* at 527–572. The November 23, 2018 Judgment was rendered by Presiding Judge Fernando T. Sagun, Jr. of Branch [REDACTED], Regional Trial Court, [REDACTED].

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**In Criminal Case No. R-QZN-15-00615-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [q]ualified [t]rafficking in [p]ersons under Section 4(a) [and] (e) and in relation to Sections 3(a)(c) (f) [sic] and [Section] 6(a) of [Republic Act No.] 9208[,] and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

He is likewise ordered to pay the private offended party [BBB] the sum of [PHP] 500,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00616-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [q]ualified [t]rafficking in [p]ersons under Section 4(a) [and] (e) in relation to Sections 3(a)(f) (h) [sic] and [Section] 6(a) of R.A. No. 9208 and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

He is likewise ordered to pay the private offended party [BBB] the sum of [PHP] 500,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00617-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [r]ape under [Article] 266-A, [paragraph] 1(a) [of the RPC] and sentences him to suffer the penalty of [r]eclusion [p]erpetua without possibility for parole in accordance with [Republic Act No.] 9346.

He is likewise ordered to pay the private offended party [BBB] the sum of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**In Criminal Case No. R-QZN-15-00618-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [q]ualified [t]rafficking in [p]ersons under Section 4(a) [and] (e) and in relation to Sections 3(a)(h) (j) [sic] and [Section] 6(a) of [Republic Act] No. 9208[,] and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

He is likewise ordered to pay the private offended party [CCC] the sum of [PHP] 500,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

**While [i]n Criminal Case No. R-QZN-15-03830-CR**, the Court finds [Arraz] guilty beyond reasonable doubt of having committed the crime of [v]iolation of [Section] 4(c)[,] paragraph 2 of [Republic Act] No. 10175 and sentences him to suffer the penalty of *RECLUSION PERPETUA* and pay a fine of [PHP] 2,000,000.00 without eligibility for parole.

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He is likewise ordered to pay the private offended party [AAA]<sup>47</sup> the sum of [PHP] 100,000.00 as moral damages[] and [PHP] 100,000.00 as exemplary damages[,] plus costs of suit.

SO ORDERED.<sup>48</sup>

On the charge of five counts of qualified trafficking in persons, the RTC held that the prosecution was able to prove all the requisite elements thereof. *First*, Arraz recruited and transported both CCC and BBB from [REDACTED], while AAA was his neighbor who also eventually came to live with him in Manila. While in Manila, he provided for the needs of the girls and even enrolled them in school.<sup>49</sup> *Second*, he recruited them by exploiting their vulnerability as minors, giving them compliments, and promising them better lives, education, monetary remuneration, and/or the prospect of marrying foreigners so they could help their families. AAA, in particular, was dominated by force and coercion the first time Arraz exploited her.<sup>50</sup> *Third*, he groomed them by altering their appearances, giving them sexy clothing, and conditioning their minds by making them watch pornography. He also forced them to model naked and taught them lewd poses for live web performances, as well as to take photographs of them which he sold online. In the course thereof, he had sexual intercourse with the three girls to satisfy the preferences of his online clientele. Worse, when the foreign customers came to [REDACTED], he forced the girls to have sex with them in the hotels where they were billeted. All these circumstances were done for monetary considerations, which he managed in full.<sup>51</sup> *Fourth*, the minority of the three girls, from the time they were first recruited as wards of Arraz, and for the period covered by the Informations, were duly established by the birth certificates presented during trial.<sup>52</sup>

Anent the charges of rape and sexual assault committed against AAA, the RTC adjudged that in August 2013, Arraz succeeded in forcing his penis into her vagina after luring him inside his room while a foreigner watched them online. This act was done despite her protests, thus, establishing the act as rape through sexual intercourse.<sup>53</sup> Around the same year, Arraz made her perform oral sex, again while a foreigner watched them. She identified several photographs of herself with Arraz's fingers in her genitalia and anus, and with his penis in her mouth. This amounted to rape by sexual assault.<sup>54</sup>

Similarly, on the charge of rape committed against BBB, it was proven that in November 2010, Arraz made her come to his room where he undressed

<sup>47</sup> The *fallo* of the RTC Judgment appears to award the civil indemnities to CCC, however, the private complainant in Criminal Case No. R-QZN-15-03830-CR is AAA (*see* RTC records, p. 616).

<sup>48</sup> RTC records, pp. 570–572. (Emphasis in the original)

<sup>49</sup> *Id.* at 564.

<sup>50</sup> *Id.* at 563–564.

<sup>51</sup> *Id.* at 564.

<sup>52</sup> *Id.* at 563.

<sup>53</sup> *Id.* at 566.

<sup>54</sup> *Id.* at 567.

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her. She wanted to cry, but he told her they would receive money afterwards. Despite trying to make excuses to leave, he prevailed upon her and managed to insert his penis into her vagina as a naked foreigner watched them, thus, consummating the crime of rape.<sup>55</sup>

Finally, on the imputation of violation of Republic Act No. 10175 committed against AAA, the RTC ruled that Arraz induced her to engage in cybersex and/or child pornography. Based on the testimonial and digital evidence proffered by the prosecution, he sent numerous lewd images of AAA to the poseur customer through his e-mail address. Her photographs depicted oral to genital, oral to anal, and genital to genital contacts. She confirmed that it was her in the picture and that her male partner was Arraz. The hard drives recovered likewise contained other photos of AAA in varying stages of undress and it was confirmed that these were sent to other e-mail addresses.<sup>56</sup>

The RTC debunked Arraz's defense that he was a good father to the three girls, decreeing that the three minor victims were too abused and too young to comprehend the depredation inflicted upon them. Indeed, his acts of providing for their needs and even giving them allowance to send to their families might have depicted him as quite the "angel," hence, endearing him to them as a second father. Nevertheless, this did not negate the harrowing sexual abuses they had to go through, leaving them forever emotionally scarred.<sup>57</sup>

On appeal before the CA,<sup>58</sup> Arraz raised three errors committed by the RTC: (1) the eight Informations were defective as these did not indicate the approximate date of the commission of the offenses charged, thus, preventing him from properly setting up his defense;<sup>59</sup> (2) there was no qualified trafficking in persons committed as the prosecution failed to prove the element of force or coercion to achieve consent and control over the three private complainants, especially since it was established that they had the freedom and means to escape the purported abuses;<sup>60</sup> and (3) there was no rape as the testimonies of the private complainants did not establish force or intimidation and, in actual fact, they willingly subjected themselves to his advances, even choosing to live and/or continue to live in their shared abode.<sup>61</sup>

In the impugned Decision,<sup>62</sup> the CA denied the appeal for lack of merit and affirmed the Judgment of the RTC with modification:

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<sup>55</sup> *Id.* at 567.

<sup>56</sup> *Id.* at 568–569.

<sup>57</sup> *Id.* at 569.

<sup>58</sup> *Id.* at 581–582, Notice of Appeal.

<sup>59</sup> CA *rollo*, pp. 82–83, Brief for the Accused-Appellant.

<sup>60</sup> *Id.* at 86.

<sup>61</sup> *Id.* at 87–88.

<sup>62</sup> *Id.* at 193–233.

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**WHEREFORE**, the instant appeal is **DISMISSED**. The *Judgment* dated [November 23, 2018] of [Branch ■■■] Regional Trial Court, [ ] Quezon City in Criminal Case Nos. R-QZN-15-00611-CR, R-QZN-15-00612-CR, R-QZN-15-00613-CR, R-QZN-15-00614-CR, R-QZN-15-00615-CR, R-QZN-15-00616-CR, R-QZN-15-00617-CR and R-QZN-15-00618-CR, finding [Arraz] guilty beyond reasonable doubt of five (5) counts of violation of Section 4(a) [and] (e) and in relation to [ ] Section 3(a), (c), (f), (h) and Section[s] 6(a) and 10(e) of Republic Act No. 9208, as amended by Republic Act No. 10364 and three (3) counts of [r]ape [as] defined and penalized under Article 266-A of the [RPC], as amended by Republic Act No. 8353, is **AFFIRMED with MODIFICATION** in that:

1. Legal interest at the rate of six percent (6%) per annum is imposed on all monetary awards from the date of finality of this Decision until fully satisfied; and
2. In **Criminal Case Nos. R-QZN-15-00613-CR and R-QZN15-00617-CR**, the phrase “without eligibility for parole” in the imposable penalty of *reclusion perpetua* is deleted, and the award of civil indemnity, moral and exemplary damages is decreased from [PHP] 100,000.00 to [PHP] 75,000.00 each.

**SO ORDERED.**<sup>63</sup>

The CA noted that Criminal Case No. R-QZN-15-03830-CR was not among the cases appealed by Arraz in his appellant’s brief.<sup>64</sup> On the first error, the CA held that there is no need to allege with specificity the date of the commission of the offenses if the same is not a material element thereof. It is sufficient that the dates of commission are approximated, as these were in these cases.<sup>65</sup> As to the second and third errors, the CA concurred with the RTC that the elements constituting qualified trafficking in persons, rape, and rape by sexual assault were all proven beyond reasonable doubt.<sup>66</sup> The CA echoed that Arraz’s defense of denial could not prevail over the positive testimonies of the private complainants identifying him as their assailant.<sup>67</sup> Nevertheless, the appellate court deleted the phrase “without eligibility for parole” for the penalties imposed in Criminal Case Nos. R-QZN-15-00613-CR and R-QZN15-00617-CR to conform with Section II of A.M. No. 15-08-02-SC.<sup>68</sup> In those same two cases, the CA also reduced the awards of civil indemnity, moral damages, and exemplary damages to PHP 75,000.00 in order to conform with prevailing jurisprudence.<sup>69</sup>

Unflustered, Arraz is now before this Court via an ordinary appeal<sup>70</sup> raising questions of fact and law.

<sup>63</sup> *Id.* at 231–232. (Emphasis in the original)

<sup>64</sup> *Id.* at 89; 216, CA Decision.

<sup>65</sup> *Id.* at 217.

<sup>66</sup> *Id.* at 218–228.

<sup>67</sup> *Id.* at 228.

<sup>68</sup> *Id.* at 230.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 236–238. Notice of Appeal (with Compliance).



In the Court's Resolution<sup>71</sup> dated October 12, 2022, the parties were directed to file supplemental briefs, if they so desired. In lieu thereof, both Arraz and plaintiff-appellee People of the Philippines filed separate Manifestations<sup>72</sup> adopting their respective briefs before the CA.

### Issues

Did the courts *a quo* correctly find Arraz guilty beyond reasonable doubt of: (1) five counts of qualified trafficking in persons; (2) two counts of rape; and (3) one count of rape by sexual assault?

### The Court's Ruling

#### *The appeal is denied for lack of merit.*

Preliminarily, the Court refuses to pander to Arraz's postulation that his right to due process was violated owing to the lack of specificity as to the date of the commission of the offenses charged in the Informations docketed as Criminal Case Nos. R-QZN-15-00611-CR to R-QZN-15-00618-CR. It is well-settled that in crimes where the date of commission is not a material element, as in this case, it is not necessary to allege such date with absolute specificity or certainty in the information.<sup>73</sup> The Rules of Court merely requires that the date of commission be approximated,<sup>74</sup> as in the case at bench. Certainly, the CA committed no reversible error in ratiocinating that the countless abuses suffered by private complainants undoubtedly impaired their capability to provide an exact recollection of when the incidents occurred, especially when the abuses spanned several months and years.<sup>75</sup> The Court finds and so holds that the approximate dates indicated on the Informations were sufficient to apprise Arraz of the particular offenses charged. In any case, any defects on the lack of specificity of the dates of commission of the offenses were deemed waived on account of Arraz's failure to raise the same before he entered his non-guilty plea.<sup>76</sup> As borne by the records, Arraz moved to quash only the Informations pertaining to Criminal Case Nos. R-QZN-15-00615-CR, R-QZN-15-00616-CR, and R-QZN-15-00618-CR on the sole ground that the acts complained of in these cases were purportedly committed prior to the enactment of Republic Act No. 10364.<sup>77</sup> However, there was no move to quash any of the Informations on the ground of lack of specificity of the dates of the commission of the offenses charged therein.

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<sup>71</sup> *Rollo*, pp. 101–102.

<sup>72</sup> *Id.* at 108–112, Manifestation [in lieu of Supplemental Brief] filed by Arraz; 113–117, Manifestation in lieu of Supplemental Brief filed by People of the Philippines.

<sup>73</sup> *People v. Daguno*, 872 Phil. 331, 339 (2020) [Per J. Inting, Second Division].

<sup>74</sup> *See id.*

<sup>75</sup> *CA rollo*, pp. 217–218.

<sup>76</sup> *See People v. Caloring*, G.R. No. 250980, March 15, 2022 [Per J. Inting, First Division]. *See also People v. XXX*, G.R. No. 231386, July 13, 2022 [Per J. Caguioa, Third Division].

<sup>77</sup> RTC records, p. 153.



On the substantive issues, the Court gives its imprimatur to the finding of the CA that Arraz’s guilt for the crimes charged were proven beyond reasonable doubt. It bears stressing that “the factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions based on its findings are generally binding and conclusive upon the Court, especially so when affirmed by the appellate court.”<sup>78</sup> Indeed, the foregoing principle is only strengthened by the Court’s own independent and perspicacious review of the records of this case.

***Arraz is guilty of qualified trafficking in persons in Criminal Case Nos. R-QZN-15-00611-CR, R-QZN-15-00612-CR, R-QZN-15-00615-CR, R-QZN-15-00616-CR, and R-QZN-15-00618-CR.***

Qualified trafficking in persons is defined and penalized under Section 4, in relation to Sections 3, 6, and 10 of Republic Act No. 9208, as amended by Republic Act No. 10364. As abovementioned, the crimes charged under Criminal Case Nos. R-QZN-15-00615-CR, R-QZN-15-00616-CR, and R-QZN-15-00618-CR were committed prior to the enactment on February 6, 2013 of Republic Act No. 10364. Nevertheless, the shift from Republic Act No. 9208 to Republic Act No. 10364 would be none the worse with respect to the elements needed to be proved to cement Arraz’s conviction in these criminal cases. Based on the allegations in the Informations and the findings of the courts *a quo*, the relevant provisions of the law, as amended, are Sections 4(a) and (e), in relation to Sections 3(a), (b), (c), (h), and (j), as well as Sections 6(a) and 10(e). These provisions, including their amendments, if any, are quoted hereunder for ease of reference:

Republic Act No. 9208	Republic Act No. 10364
Section 3. <i>Definition of Terms.</i> — As used in this Act:  (a) <i>Trafficking in Persons</i> — refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another	SEC. 3. <i>Definition of Terms.</i> — As used in this Act:  (a) <i>Trafficking in Persons</i> — refers to the recruitment, <b><u>obtaining, hiring, providing, offering,</u></b> transportation, transfer, <b><u>maintaining,</u></b> 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

<sup>78</sup> *People v. Manuel*, 892 Phil. 374, 401 (2020) [Per J. Delos Santos, Third Division].

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<p>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.</p> <p>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.</p> <p>(b) <i>Child</i> — refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.</p> <p>(c) <i>Prostitution</i> — refers to 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.</p> <p>....</p> <p>(f) <i>Sexual Exploitation</i> — refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.</p>	<p>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.</p> <p>The recruitment, transportation, transfer, harboring, <b><u>adoption</u></b> or receipt of a child for the purpose of exploitation <b><u>or when the adoption is induced by any form of consideration for exploitative purposes</u></b> shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.</p> <p>(b) <i>Child</i> — refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.</p> <p>(c) <i>Prostitution</i> — refers to 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.</p> <p>....</p> <p>(h) <i>Sexual Exploitation</i> — refers to participation by a person in prostitution, <b><u>pornography</u></b> or the production of pornography, <b><u>in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of</u></b></p>
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<p>....</p> <p>(h) <i>Pornography</i> — refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.</p>	<p><b><u>the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.</u></b></p> <p>....</p> <p>(i) <i>Pornography</i> — refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.</p>
<p>Section 4. <i>Acts of Trafficking in Persons.</i> — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:</p> <p>(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;</p> <p>....</p> <p>(e) To maintain or hire a person to engage in prostitution or pornography;</p>	<p>SEC. 4. <i>Acts of Trafficking in Persons.</i> — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:</p> <p>(a) To recruit, <b><u>obtain, hire, provide, offer,</u></b> transport, transfer, <b><u>maintain,</u></b> 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;</p> <p>....</p> <p>(e) To maintain or hire a person to engage in prostitution or pornography;</p>
<p>Section 6. <i>Qualified Trafficking in Persons.</i> — The following are considered as qualified trafficking:</p> <p>(a) When the trafficked person is a child;</p>	<p><i>Not covered by amendments.</i></p>
<p>Section 10. <i>Penalties and Sanctions.</i> — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:</p> <p>....</p>	<p>SEC. 10. <i>Penalties and Sanctions.</i> — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:</p> <p>....</p>

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(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than [t]wo million pesos ([PHP] 2,000,000.00) but not more than Five million pesos ([PHP] 5,000,000.00);	(e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than [t]wo million pesos ([PHP] 2,000,000.00) but not more than Five million pesos ([PHP] 5,000,000.00); (Emphasis supplied)
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As may be gleaned from the foregoing, the essence of the offenses charged in the Informations were not substantially altered by the amendatory law, particularly as to the nature thereof and the means employed by Arraz. While some of the provisions were expanded to be more encompassing, others were simply renumbered, and the others remained wholly unchanged.

According to jurisprudence, the elements for trafficking in persons are derived from Section 3(a) of Republic Act No. 9208.<sup>79</sup> Moreover, when the crime is qualified trafficking, the prosecution must likewise prove any of the qualifying circumstances under Section 6 of the same law. Taken together, the general elements for qualified trafficking in persons **under the original Republic Act No. 9208** are as follows:

- (a) 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;
- (b) through the means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
- (c) 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; and
- (d) any of the qualifying circumstances under Section 6 of Republic Act No. 9208 are present.

When the crime is committed **after the effectivity of Republic Act No. 10364** on February 28, 2013,<sup>80</sup> the elements for qualified trafficking in persons are as follows:

<sup>79</sup> *People v. Hirang*, 803 Phil. 277, 289 (2017) [Per J. Reyes, Third Division].  
<sup>80</sup> Republic Act No. 10364 (2013), sec. 27 provides that it shall take effect 15 days following its publication. The law was published in *The Philippine Star* on February 13, 2013. Hence, the law took effect on February 28, 2013.

- (a) 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;
- (b) through the 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;
- (c) 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; and
- (d) any of the qualifying circumstances under Section 6 of Republic Act No. 9208 are present.

In relation to the foregoing, it bears emphasizing that when the victim of trafficking is a child, i.e., “a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition,”<sup>81</sup> the second paragraph of Section 3(a) expressly provides that the abovementioned first element need not be attended by any of the means enumerated under the second element. Withal, Section 6(a) of Republic Act No. 9208 immediately treats such crimes as qualified trafficking. Consequently, **under the original Republic Act No. 9208**, when the crime is qualified trafficking in persons and the victim is a child, the prosecution only needs to prove the following:

- (a) the victim is a child;
- (b) who is recruited, transported, transferred or harbored, or received, with or without the child’s consent or knowledge, within or across national borders;
- (c) 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.

On the other hand, when the crime is committed **after the effectivity of Republic Act No. 10364**, the following elements must be proved:

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<sup>81</sup> Republic Act No. 9208 (2003), sec. 3(b), as amended by Republic Act No. 10364 (2013).



- (a) the victim is a child;
- (b) who is **adopted**, recruited, **obtained**, **hired**, **provided**, **offered**, transported, transferred, **maintained**, harbored, or received, with or without the child's consent or knowledge, within or across national borders;
- (c) 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, **or when the adoption is induced by any form of consideration for exploitative purposes.**

Undoubtedly, the trafficking of child victims may be attended by any of the means enumerated under Section 3(a) of Republic Act No. 9208, but its proof thereof is not crucial to convicting the accused. The rationale for this rule is simple: "a minor's consent is not given out of his or her own free will."<sup>82</sup>

As applied in Criminal Case Nos. R-QZN-15-00615-CR and R-QZN-15-00618-CR, the prosecution was able to prove that Arraz recruited and transported both BBB and CCC from Surigao del Sur to his abode in Quezon City.<sup>83</sup> At that time, they were 16 and 12 years old, respectively.<sup>84</sup> In so doing, his purpose was to sexually exploit the two girls by having them act as prostitutes to his foreign clients and to produce pornographic materials which he sold online.<sup>85</sup> His acts, taken together, constituted qualified trafficking in persons as defined and penalized under Section 4(a), in relation to Section 3(a), (b), (c), (f), (h), Section 6(a), and Section 10(c) of Republic Act No. 9208.

On the other hand, in Criminal Case No. R-QZN-15-00616-CR, the prosecution was able to ascertain that Arraz maintained and hired BBB,<sup>86</sup> then 16 years old,<sup>87</sup> to engage in prostitution and pornography,<sup>88</sup> constituting qualified trafficking in persons as defined and penalized under Section 4(e), in relation to Section 3(a), (b), (c), (f), (h), Section 6(a), and Section 10(c) of Republic Act No. 9208.

In Criminal Case Nos. R-QZN-15-00611-CR and R-QZN-15-00612-CR, it was established by the evidence on record that Arraz, recruited and hired AAA, provided for her needs, and maintained and harbored her in his

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<sup>82</sup> *People v. Mora*, 855 Phil. 692, 700 (2019) [Per J. Perlas-Bernabe, Second Division].

<sup>83</sup> RTC records, p. 564.

<sup>84</sup> *Id.* at 563–564.

<sup>85</sup> *Id.* at 564–566.

<sup>86</sup> *Id.* at 540–541.

<sup>87</sup> *Id.* at 563–564.

<sup>88</sup> *Id.* at 540–541.

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house, for the purpose of engaging in prostitution with his foreign clients, to perform indecent web shows, and to produce pornographic materials which Arraz sold online.<sup>89</sup> At that time, she was only 14 to 15 years old.<sup>90</sup> This constituted qualified trafficking in persons as defined and penalized under Section 4(a) and (e), in relation to Section 3(a), (b), (c), (h), (j), Section 6(a), and Section 10(e) of Republic Act No. 9208, as amended by Republic Act No. 10364.

***Arraz is likewise guilty of rape in Criminal Case Nos. R-QZN-15-00613-CR and R-QZN-15-00617-CR.***

Article 266-A of the RPC, as amended by Republic Act No. 8353, defines and penalizes the crime of rape, in this manner:

Article 266-A. *Rape; When and How Committed.* - Rape is Committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
  - a. Through force, threat, or intimidation;
  - b. When the offended party is deprived of reason or otherwise unconscious;
  - c. By means of fraudulent machination or grave abuse of authority; and
  - d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

From the foregoing, the elements of rape under paragraph 1, otherwise known as "rape by sexual intercourse," are as follows: "(1) the accused had carnal knowledge of the victim; and, (2) the act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented."<sup>91</sup>

In Criminal Case No. R-QZN-15-00613-CR, it was proven that sometime in August 2013, Arraz forced AAA to have sexual intercourse with him inside his room in their shared abode.<sup>92</sup> He forcefully inserted his penis into her vagina while a foreigner watched them online. To add insult to injury,

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<sup>89</sup> *Id.* at 543–544.

<sup>90</sup> *Id.*

<sup>91</sup> *People v. XXX*, G.R. No. 233867, February 28, 2022 [Per J. Hernando, Second Division].

<sup>92</sup> RTC records, p. 566.

Arraz even paid her PHP 500.00 after the deed.<sup>93</sup> AAA testified that she cried during the ordeal but Arraz forced himself on her notwithstanding the pain and distress she had to undergo.<sup>94</sup> At that time, she was only 14 years old.<sup>95</sup>

Similarly, in Criminal Case No. R-QZN-15-00617-CR, the prosecution established that in November 2010, Arraz had carnal knowledge of BBB against her will. A week after she was subjected to her first nude pictorial, he summoned her to his room in the wee hours of the morning.<sup>96</sup> He ordered her to remove her clothes and when she did not do so, he forcefully undressed her. She tried not to cry and made excuses to leave, but he prevailed in ravishing her through force, while a foreigner watched.<sup>97</sup> Arraz kissed her neck and breast and managed to insert his penis into her vagina, thus, consummating the crime of rape.<sup>98</sup> At that time, she was only 16 years old.<sup>99</sup>

Thus, the Court concurs with the conclusions of the lower courts, which found Arraz guilty of rape under paragraph 1(a), Article 266-A of the RPC in Criminal Case Nos. R-QZN-15-00613-CR and R-QZN-15-00617-CR.

***Arraz is guilty of rape by sexual assault  
in Criminal Case No. R-QZN-15-  
00614-CR.***

The crime of rape by sexual assault is defined and penalized under the second paragraph of Article 266-A of the RPC, as amended by Republic Act No. 8353.

To prove rape by sexual assault, it must be shown that:

(1) the accused committed an act of sexual assault by (a) inserting his penis into another person's mouth or anal orifice, or (b) inserting any instrument or object into the genital or anal orifice of another person; and, (2) the act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.<sup>100</sup>

The testimony of AAA, as well as the photographs she identified in open court depicting that she performed oral sex, established that sometime in 2013 Arraz forcefully inserted his penis into her mouth.<sup>101</sup> This act happened while he raped her for his customer's online viewing pleasure. During those

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<sup>93</sup> *Id.*

<sup>94</sup> *Id.* at 543.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.* at 567.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 539.

<sup>100</sup> *People v. XXX*, G.R. No. 233867, February 28, 2022 [Per J. Hernando, Second Division].

<sup>101</sup> RTC records, p. 567.

times, he also inserted his fingers into her genitalia and anus.<sup>102</sup> At that time, too, she was only 14 years old.<sup>103</sup> Undoubtedly, this constituted the crime of rape by sexual assault.

However, in line with *People v. Tulagan*,<sup>104</sup> the designation of the offense in Criminal Case Nos. R-QZN-15-00614-CR is modified to lascivious conduct under Section 5(b) of Republic Act No. 7610.<sup>105</sup>

***Penalties and damages in Criminal Case No. R-QZN-15-00614-CR.***

While the penalties imposed and the civil indemnities and damages awarded by the CA for Criminal Case Nos. R-QZN-15-00611-CR to R-QZN-15-00613-CR and R-QZN-15-00615-CR to R-QZN-15-00618-CR are in accord with law and prevailing jurisprudence, there is a need to modify the penalty, civil indemnity, and damages in Criminal Case No. R-QZN-15-00614-CR.

*Tulagan*<sup>106</sup> prescribes the penalty of *reclusion temporal* in its medium period to *reclusion perpetua* for the crime of lascivious conduct under Section 5(b) of Republic Act No. 7610. Barring any mitigating or aggravating circumstances, alleged and proved, the maximum term of the sentence should be taken from the medium period thereof, which is *reclusion temporal* maximum. Applying the Indeterminate Sentence Law, the minimum term of the sentence should be taken from within the range of the penalty next lower in degree, which is *prision mayor* in its medium period to *reclusion temporal* in its minimum period.<sup>107</sup> Accordingly, Arraz should be sentenced to suffer imprisonment in the indeterminate period of eight years and one day of *prision mayor*, as minimum, to 17 years, four months, and one day of *reclusion temporal*, as maximum, for Criminal Case No. R-QZN-15-00614-CR.

In the same vein, *Tulagan*<sup>108</sup> also mandates that the civil indemnity, moral damages, and exemplary damages awarded for lascivious conduct under Section 5(b) of Republic Act No. 7610 should be PHP 50,000.00 each whenever the victim is under 18 years old and the penalty imposed is within the range of *reclusion temporal* medium,<sup>109</sup> as in this case.

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<sup>102</sup> *Id.*

<sup>103</sup> *Id.* at 543.

<sup>104</sup> 849 Phil. 197 (2019) [Per J. Peralta, *En Banc*].

<sup>105</sup> Republic Act No. 7610 (1992), An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes, otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act.”

<sup>106</sup> *People v. Tulagan*, 849 Phil. 197, 248–249 (2019) [Per J. Peralta, *En Banc*].

<sup>107</sup> *See Talisay v. People*, G.R. No. 258257, August 9, 2023 [Per J. Gesmundo, First Division].

<sup>108</sup> *People v. Tulagan*, 849 Phil. 197, 290–291 (2019) [Per J. Peralta, *En Banc*].

<sup>109</sup> *See Talisay v. People*, G.R. No. 258257, August 9, 2023 [Per J. Gesmundo, First Division].

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Following prevailing jurisprudence,<sup>110</sup> Arraz is also imposed a fine of PHP 15,000.00 pursuant to Section 31 (f) of Republic Act No. 7610. However, this fine, unlike the other monetary awards, shall not earn interest. While a fine “is among the pecuniary liabilities which may be imposed against a convict, it is not considered as a civil liability from which an award of interest may spring.”<sup>111</sup>

**ACCORDINGLY**, the June 8, 2021 Decision of the Court of Appeals in CA-G.R. CR-HC No. 12575 is hereby **AFFIRMED with MODIFICATIONS**. Accused-appellant Jerrie R. Arraz is found **GUILTY** beyond reasonable doubt of the offenses charged and is sentenced as follows:

1. **In Criminal Case No. R-QZN-15-00611-CR**, he is found guilty of qualified trafficking in persons under Section 4(a) and (e), in relation to Section 3(a), (b), (c), (h), (j), Section 6(a), and Section 10(e), of Republic Act No. 9208, as amended by Republic Act No. 10364, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

He is likewise ordered to pay private offended party AAA the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, plus costs of suit.

2. **In Criminal Case No. R-QZN-15-00612-CR**, he is found guilty of qualified trafficking in persons under Section 4(a) and (e), in relation to Section 3(a), (b), (c), (h), (j), Section 6(a), and Section 10(e), of Republic Act No. 9208, as amended by Republic Act No. 10364, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

He is likewise ordered to pay private offended party AAA the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, plus costs of suit.

3. **In Criminal Case No. R-QZN-15-00613-CR**, he is found guilty of rape under Article 266-A(1), in relation to Article 266-B of the Revised Penal Code and is sentenced to suffer the penalty of *reclusion perpetua*.

He is likewise ordered to pay private offended party AAA the amount of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 by way of exemplary damages, plus costs of suit.

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<sup>110</sup> See *People v. XXX*, G.R. No. 230981, July 15, 2020 [Per J. Inting, Second Division].

<sup>111</sup> *People v. Dapitan*, G.R. No. 253975, September 27, 2021 [Per J. Perlas-Bernabe, Second Division].

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4. **In Criminal Case No. R-QZN-15-00614-CR**, he is found guilty of lascivious conduct under Section 5(b) of Republic Act No. 7610, and is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum.

He is likewise ordered to pay private offended party AAA the amount of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 by way of exemplary damages, plus costs of suit. Additionally, he is liable to pay AAA a fine in the amount of PHP 15,000.00.

5. **In Criminal Case No. R-QZN-15-00615-CR**, he is found guilty of qualified trafficking in persons under Section 4(a), in relation to Section 3(a), (b), (c), (f), (h), Section 6(a), and Section 10(c) of Republic Act No. 9208, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

He is likewise ordered to pay private offended party BBB the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, plus costs of suit.

6. **In Criminal Case No. R-QZN-15-00616-CR**, he is found guilty of qualified trafficking in persons under Section 4(e), in relation to Section 3(a), (b), (c), (f), (h), Section 6(a), and Section 10(c) of Republic Act No. 9208, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

He is likewise ordered to pay private offended party BBB the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, plus costs of suit.

7. **In Criminal Case No. R-QZN-15-00617-CR**, he is found guilty of rape under Article 266-A(1), in relation to Article 266-B of the Revised Penal Code and is sentenced to suffer the penalty of *reclusion perpetua*.

He is likewise ordered to pay private offended party BBB the amount of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 by way of exemplary damages, plus costs of suit.

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8. **In Criminal Case No. R-QZN-15-00618-CR**, he is found guilty of qualified trafficking in persons under Section 4(a), in relation to Section 3(a), (b), (c), (f), (h), Section 6(a), and Section 10(c) of Republic Act No. 9208, and is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

He is likewise ordered to pay private offended party CCC the sum of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, plus costs of suit.

Additionally, interest at the rate of 6% per annum is imposed on all the damages awarded, except for the fine of PHP 15,000.00 imposed pursuant to Section 31(f) of Republic Act No. 7610, from the date of finality of this Decision until fully paid.

The Department of Social Welfare and Development is **DIRECTED** to refer AAA and BBB to the appropriate rape crisis center for the necessary assistance to be rendered to the victims and their families, in line with Republic Act No. 8505, or the Rape Victim Assistance and Protection Act of 1998.


**SO ORDERED.**

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

**WE CONCUR:**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

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

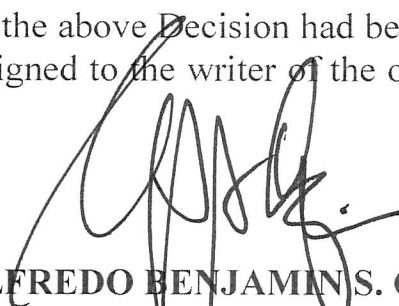
  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

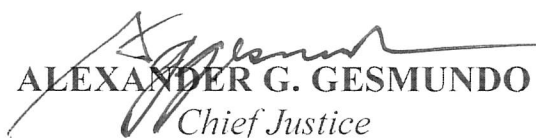


**ATTESTATION**

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.

**ALFREDO BENJAMIN S. CAGUIOA***Associate Justice**Chairperson, Third Division***CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court.

**ALEXANDER G. GESMUNDO***Chief Justice*