



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 270934

-versus-

JOEMARIE UBANON y MAN-AN
alias “JOMARE FRANCESCO”
alias “ALEX” [D-BJMP-V],
Accused-appellant.

Present:

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

Promulgated:

OCT 30 2024

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DECISION

LOPEZ, M., J.:

The present appeal assails the August 25, 2023 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR–HC No. 03063-MIN which affirmed the

* On leave

¹ *Rollo*, pp. 10–24. Penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Anisah B. Amanodin-Umpa and John Z. Lee of the Twenty-Second Division, Court of Appeals,

conviction of Joemarie Ubanon y Man-an alias “Jomare Francesco” alias “Alex” (Joemarie) for qualified trafficking in persons under Section 4, in relation to Section 6(a) and Section 10(c) of Republic Act No. 9208, as amended by Republic Act No. 10364.

Facts

Joemarie and Amirah Macadatar (Amirah) were charged with qualified trafficking in persons under the following information:

[Criminal Case No. 25601-14val]

On April 13, 2014 at about 12:00 noon in front of [REDACTED], Bukidnon, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, JOEMARIE UBANON Y MAN-AN Alias JOEMARIE FRANCESCO alias Alex and AMIRAH MACADATAR Alias OMERA, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and criminally recruit, transport, transfer, harbor and provide [c]omplainants [AAA270934], 14 years old, [BBB270934] 14 years old and [CCC270934], 15 years old, under the pretext of domestic employment for the purpose of forced labor, slavery or involuntary servitude to the damage and prejudice of Complainants in such amount as maybe allowed by law.

Contrary to and in violation of Section 4(a), [Republic Act No.] 9208 in relation to Section 6(a) and Section 10(c), [Republic Act No.] 9208.²

When arraigned, Joemarie pleaded “not guilty.” Trial then ensued.

The prosecution offered as evidence the birth certificates and testimonies³ of private complainants AAA270934, BBB270934, and CCC270934.⁴

Private complainants testified that on April 14, 2014, they were watching a Manny Pacquiao fight at [REDACTED]. While taking a break in a *motorela*, a person who introduced himself as Joemarie, approached them and offered them work as onion peelers in [REDACTED], with a monthly wage of PHP 2,500.00. AAA270934 expressed her desire to work and told Joemarie that they would go home first to ask permission from their

Cagayan de Oro City.

² CA rollo, p. 8.

³ Rollo, p. 27.

⁴ See Section 7 of Republic Act No. 9208, which provides:

Section 7. *Confidentiality*. — At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. *The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.* (Emphasis supplied)

parents. However, Joemarie insisted that the employer was already waiting for them. Joemarie instructed AAA270934's brother to inform their parents about their employment, then brought private complainants to [REDACTED].⁵

Joemarie accompanied private complainants to the house of Amirah's daughter, DDD.⁶ He told them to watch television while waiting for DDD. Soon after, DDD arrived. Joemarie turned up the television volume and had a private conversation with DDD. Then, they all took a *motorela* to the bus terminal at [REDACTED]. At the terminal, Joemarie instructed private complainants to board the bus with DDD. After reaching [REDACTED], private complainants wanted to get off the bus but DDD stopped them. Private complainants and DDD arrived at Iligan City and took a van to Marawi City. By the time the van reached Marawi City, private complainants were already afraid and hungry. They had dinner and rested at Amirah's house. The next day, private complainants were brought to different homes.⁷

AAA270934 was taken to Talyugon, Lanao del Sur where she worked as a domestic helper to a Maranao family. While AAA270934 was fetching water at a common faucet, she met BBB270934 and discovered that the latter also performed domestic work. After two weeks, AAA270934 tearfully told her employer that she was homesick. AAA270934's employer comforted her and assured her that she would contact Amirah. AAA270934 then learned from her employer that her mother already received PHP 2,000.00 and that she would be given an additional PHP 2,000.000 before going home. However, AAA270934 did not receive the money. AAA270934 was eventually reunited with BBB270934 and CCC270934.⁸

BBB270934 was also brought to Talyugon, Lanao del Sur where she worked as a domestic helper to a Maranao family for two weeks. She was not paid for her service. Meanwhile, CCC270934 was brought to Iligan City, where she worked as a house helper. Like AAA270934 and BBB270934, CCC270934 was not paid for her labor.⁹

Amirah subsequently took private complainants to [REDACTED] and turned them over to AAA270934's father at the [REDACTED] Police Station. She then returned to Marawi City.¹⁰

Joemarie denied the accusations. He asserted that Amirah used to be his wife's employer. Joemarie claimed that on April 13, 2014, at 12:00 p.m., he was at the jeepney terminal bound for San Fernando, Bukidnon. There, three girls and a boy approached him and asked if he knew someone who could provide them

⁵ *Rollo*, p. 27.

⁶ The Records are bereft of the identity of the daughter of Amirah Macadatar.

⁷ *Rollo*, p. 28.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

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with work. Joemarie referred them to Amirah and took them to her house. Before leaving, Joemarie reminded private complainants to ask permission from their parents. He maintained that he just wanted to help private complainants, who are his fellow indigenous people.¹¹

On June 24, 2021, the Regional Trial Court (RTC) convicted Joemarie for qualified trafficking in persons.¹²

WHEREFORE, premises considered, the Court finds Joemarie Ubanon alias Jomarie Francisco alias Alex guilty beyond reasonable doubt for Qualified Trafficking and sentences him to life imprisonment and pay a fine of [PHP 2,000,000.00] without eligibility for parole. He is also directed to pay [AAA270934], [BBB270934] and [CCC270934] the sum of [PHP] 200,000.00 as moral damages and [PHP] 100,000.00 as exemplary damages with interest at 6% per annum until full payment.

Joemarie Ubanon alias Jomarie Francisco alias Alex shall serve sentence at Davao Penal Farm and Prison, Dujali, Davao del Norte. His preventive suspension at BJMP [REDACTED] is fully credited in the service of his sentence.

The charge against Amirah Macadatar alias Omera is archived pending her arrest. Let alias warrant of arrest issue against her.

SO ORDERED.¹³

The RTC found all the elements of trafficking in persons present. Through deception and moral ascendancy, Joemarie recruited private complainants to work in a distant place as house helpers without their consent and without receiving compensation for their labor.¹⁴

Joemarie elevated the case to the CA.¹⁵ Joemarie lamented that the prosecution failed to prove his involvement in the crime. Specifically, there was insufficient evidence to show that he had taken part in transporting the victims to Marawi City for forced labor.¹⁶

In its Brief, the People of the Philippines, through the Office of the Solicitor General, submitted that Joemarie's false offer of employment, refusal to let the victims seek permission from their parents, and instruction to accompany Amirah's daughter to Marawi City, showed a unity of action and purpose with

¹¹ *Id.* at 29.

¹² *Id.* at 26–33. Penned by Presiding Judge Mirabeaus A. Undalok of Branch [REDACTED], Regional Trial Court, [REDACTED], Bukidnon.

¹³ *Id.* at 32–33.

¹⁴ *Id.* at 26–33.

¹⁵ Docketed as CA–G.R. CR–HC No. 03063–MIN.

¹⁶ CA *rollo*, pp. 31–40. Accused-appellant raised this lone error: THE TRIAL COURT GRAVELY ERRED IN FINDING THE APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.

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Amirah to recruit and transport the victims as house helpers and subject them to forced labor.¹⁷

On August 25, 2023, the CA affirmed Joemarie's conviction for qualified trafficking in persons but deleted the phrase "without eligibility for parole", thus:¹⁸

WHEREFORE, the Appeal is **DENIED**. The Judgment of the Regional Trial Court, 10th Judicial Region, Branch [REDACTED], Bukidnon, dated 24 June 2021, in Criminal Case No. 25601-14val, is hereby **AFFIRMED** with **MODIFICATION** that the phrase "without eligibility for parole" in the dispositive portion is **DELETED**.

SO ORDERED.¹⁹ (Emphasis in the original)

Hence, this recourse.²⁰ Joemarie now challenges his conviction by reiterating that the prosecution failed to establish his participation in recruiting and transporting the victims to Marawi City for forced labor.²¹

Ruling

The appeal lacks merit.

In criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²²

Guided by these precepts, the Court will now determine whether the CA and the RTC correctly found the accused-appellant Joemarie Ubanon y Man-an guilty, including the appropriate penalty and damages.

Accused-appellant is guilty of qualified trafficking in persons

Section 3(a) of Republic Act No. 9208, as amended, defines "trafficking in persons" as:

¹⁷ *Id.* at 66–79.

¹⁸ *Rollo*, pp. 10–24.

¹⁹ *Id.* at 23–24.

²⁰ *CA rollo*, p. 18.

²¹ *Id.*

²² *Manansala v. People*, 775 Phil. 514, 520 (2015) [Per. J. Perlas-Bernabe, First Division].

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

The elements of trafficking in persons, which consist of the acts performed, the means employed, and the purpose of the accused, are as follows: (1) The *act* of recruitment, transportation, transfer or harbouring, 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 being for 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.²³

Section 3(d) of Republic Act No. 9208 defines the term “forced labor and slavery” as “the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.”²⁴

Trafficking is qualified when the trafficked person is a child.²⁵ Section 3(b) of Republic Act No. 9208, as amended, defines “child” as “a person below 18 years of age or one who is over 18 but is unable to fully take care of or protect [themselves] from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.” The crime is also qualified if committed on a large scale or against three or more persons, individually or as a group.²⁶

²³ *People v. Craste*, 925 Phil. 495, 517 (2022) [Per J. M. Lopez, Second Division] citing *People v. Casio*, 749 Phil. 458, 472–473 (2014) [Per J. Leonen, Second Division].

²⁴ Republic Act No. 9208, sec. 3(d) states:
Section 3. *Definition of Terms.* - As used in this Act:

....
(d) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

²⁵ See Republic Act No. 9208 (2003), sec. 6(a)

²⁶ See Republic Act No. 9208 (2003), sec. 6(c)

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The prosecution established all these elements beyond reasonable doubt. AAA270934, BBB270934, and CCC270934 positively testified that Accused-appellant convinced them to work as onion peelers in a nearby town. He introduced the victims to DDD and accompanied them to the bus terminal. He directed the victims to board the bus with DDD, who subsequently brought them to Amirah in Marawi City. There, private complainants were deployed to work as domestic helpers without compensation.²⁷ The three victims were all minors under Section 3(b) of Republic Act No. 9208, as proven by their birth certificates. Accused-appellant took advantage of the victims' vulnerability as minors and their eagerness to earn money. CCC270934 testified:

Q: [CCC270934], do you know Joemarie Ubanon?

A: No.

....

Q: When he talked to you whether you want to work as onion peeler, you agreed, am I correct?

A: Yes, because Joemarie said that _____ and _____ [sic] were there.

Q: You agreed because you yourselves wanted to work?

A: Yes, because I know _____ [sic], Ma'am.

....

Q: You went with him because you wanted to work, am I correct?

A: Yes.²⁸

Accused-appellant inveighed that he simply accompanied AAA270934, BBB270934, and CCC270934 to DDD's house. There is no direct evidence that he participated in transporting the victims to Marawi City to render forced labor.

We disagree.

In *Aquino v. Paiste*,²⁹ the Court declared that conspiracy need not be proven by direct evidence of prior agreement to commit the crime. It can be proven by evidence of a chain of circumstances. Conspiracy may be inferred from the acts of the accused before, during, and after the commission of the crime which unmistakably indicate a joint purpose, concerted action, and community of interest, thus:

Conspiracy is deemed to arise when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Conspiracy need not be proven by direct evidence of prior agreement to commit the crime. In criminal law, where the quantum of evidence required is proof beyond reasonable doubt, direct proof is not essential to show conspiracy — it may be deduced from the mode, method, and manner by which the offense was perpetrated, or inferred from the acts of the accused themselves when such acts point to a joint purpose and design, concerted action, and community of interest.

²⁷ CA rollo, p. 77. TSN dated March 10, 2017.

²⁸ *Id.* at 76.

²⁹ 578 Phil. 244 (2008) [Per J. Velasco, Jr., Second Division].

It is common design which is the essence of conspiracy — conspirators may act separately or together, in different manners but always leading to the same unlawful result. The character and effect of conspiracy are not to be adjudged by dismembering it and viewing its separate parts but only by looking at it as a whole — acts done to give effect to conspiracy may be, in fact, wholly innocent acts. Once proved, the act of one becomes the act of all. All the conspirators are answerable as co-principals regardless of the extent or degree of their participation.³⁰ (Citations omitted)

In *Ferrer v. People*,³¹ we dismissed petitioners' defense that they did not conspire with their co-accused as they simply "accompanied" the minor victims. The concerted actions of recruiting the victims, funding their transport, briefing them about their work, and supervising their movements, speak volumes of a common criminal design, that is, to facilitate the transport of the victims for purposes of prostitution.³²

Similarly, in *People v. Leocadio*,³³ the Court found that conspiracy existed among accused-appellants who together and, at times, individually, recruited the victims to work in an internet café, gave them instructions, and bought their tickets to go to Manila.³⁴

Under Rule 133, Section 4 of the Rules of Court, circumstantial evidence is sufficient for conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all these circumstances is such as to produce a conviction beyond reasonable doubt. Thus, to justify a conviction based on circumstantial evidence, the pieces of evidence presented before the trial court must provide a sufficient combination of circumstances to produce a conviction beyond reasonable doubt.³⁵

As in the foregoing cases, the confluence of the following circumstances constitutes conspiracy: (1) accused-appellant approached private complainants and offered them a job as onion peelers; (2) he hurriedly took private complainants to DDD's house without allowing them to secure their parents' consent; (3) when private complainants arrived at DDD's house, accused-appellant and DDD talked privately; (4) he accompanied DDD and private complainants to a bus terminal at [REDACTED]; and (5) accused-appellant instructed private complainants to board the bus with DDD. To be sure, accused-appellant actively recruited the victims to facilitate their transport to Marawi City. While there is no direct evidence of previous agreements between him and Amirah, the chain of circumstances leads to no other conclusion than

³⁰ *Id.* at 259–260.

³¹ 925 Phil. 97 (2022) [Per J. Lazaro-Javier, Second Division].

³² *Id.* at 120.

³³ 877 Phil. 819 (2020) [Per C.J. Peralta, First Division].

³⁴ *Id.* at 845.

³⁵ *People v. Maglinas*, G.R. No. 255496, August 10, 2022 [Per C.J. Gesmundo, First Division].

that accused-appellant and Amirah conspired to ultimately subject the minor victims to forced labor.

All told, we affirm accused-appellant's conviction for qualified trafficking in persons.

Penalty and Damages

Under Section 10(e) of Republic Act No. 9208, as amended, any person found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00.³⁶ Hence, the CA and the RTC correctly imposed the penalty of life imprisonment and fine of PHP 2,000,000.00.

To conform with prevailing jurisprudence, we award each minor victim moral and exemplary damages of PHP 500,000.00 and PHP 100,000.00, respectively.³⁷ Finally, all damages awarded shall earn interest of 6% per annum from the finality of this judgment until full payment.³⁸

ACCORDINGLY, the appeal is **DENIED**. The Decision dated August 25, 2023 of the Court of Appeals in CA-G.R. CR–HC No. 03063-MIN is **AFFIRMED** with **MODIFICATION**. Accused-appellant Joemarie Ubanon y Man-an is **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons under Section 4, in relation to Section 6(a) and Section 10(c) of Republic Act No. 9208, as amended by Republic Act No. 10364, and is sentenced to suffer the penalty of life imprisonment. He is **ORDERED** to pay a fine of PHP 2,000,000.00, and is **ORDERED** to pay moral damages of PHP 500,000.00 and exemplary damages of PHP 100,000.00 to each of the minor victim, AAA270934, BBB270934, and CCC270934. The damages awarded shall earn interest at the rate of 6% per annum from the date of finality of this Decision until full payment.

SO ORDERED.”



MARION LOPEZ
Associate Justice

³⁶ Republic Act No. 9208 (2003), sec. 10, as amended by Republic Act No. 10364 (2012), reads as follows:
SEC. 10. Penalties and Sanctions. -- The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

(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 Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00)[.]

³⁷ *Arambullo v. People*, 857 Phil. 828, 841 (2019) [Per J. Perlas-Bernabe, Second Division].

³⁸ *Nacar v. Gallery Frames*, 716 Phil. 267, 282–283 (2013) [Per C.J. Peralta, *En Banc*].

WE CONCUR:


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


AMY C. LAZARO-JAVIER
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

On leave
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

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice