



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 234512

—versus—

Present:

XXX234512,\*

Accused-appellant.

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

Promulgated:

MAR 05 2025

X-----X

DECISION

LOPEZ, J., *J.*:

This Court resolves an appeal<sup>1</sup> assailing the Decision<sup>2</sup> of the Court of Appeals (CA), which affirmed the Joint Decision<sup>3</sup> of the Regional Trial Court (RTC) finding XXX234512 guilty beyond reasonable doubt under Section 5

\* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

<sup>1</sup> *Rollo*, pp. 18–19.

<sup>2</sup> *Id.* at 2–17. The June 30, 2017 Decision in CA-G.R. CR No. 38821 was penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Romeo F. Barza and Pedro B. Corales of the \_\_\_\_\_, Court of Appeals, \_\_\_\_\_.

<sup>3</sup> *CA rollo*, pp. 46–54. The May 23, 2016 Joint Decision in Criminal Case Nos. 15-312138 and 15-315805 was penned by Presiding Judge Jose Lorenzo R. Dela Rosa of Branch \_\_\_\_\_, Regional Trial Court, \_\_\_\_\_.

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of Republic Act No. 7610 and Section 4(a), in relation to Section 6(d) of Republic Act No. 9208,<sup>4</sup> as amended by Republic Act No. 10364.<sup>5</sup>

In two separate Informations,<sup>6</sup> XXX234512 was charged as follows:

Criminal Case No. 15-312138

That sometime prior to April 24, 2014, in the City of [REDACTED], Philippines, the said accused, with lewd design, by coercion or influence as an adult did then and there willfully, unlawfully and knowingly, commits act of sexual abuse and lascivious conduct upon **AAA and BBB, both minors, 8 and 5 years old, respectively**, assisted by Charo L. De Luna, by procuring them to sexual abuse, that is bringing them to a hotel for a certain foreigner, thereby gravely endangering their survival and normal growth and development, to the damage and prejudice of the said **AAA and BBB**.

CONTRARY TO LAW.<sup>7</sup> (Emphasis in the original)

Criminal Case No. 15-315805

That sometime prior to **April 24, 2014**, in the City of [REDACTED], Philippines, the said accused, taking advantage of her influence and relationship over **AAA and BBB, both minors, 8 and 5 years old, respectively, assisted by Charo L. De Luna**, being then their mother, for purposes of prostitution, pornography and sexual exploitation, did then and there willfully, unlawfully, feloniously and knowingly offer and deliver for money consideration the said **AAA and BBB**, and transporting them to a hotel for a certain foreigner, for them to be video filmed and to perform sexual intercourse with said customer.

CONTRARY TO LAW.<sup>8</sup> (Emphasis in the original)

During the arraignment, XXX234512 pleaded not guilty to the charges. After pre-trial was conducted, trial ensued.<sup>9</sup>

<sup>4</sup> Anti-Trafficking in Persons Act of 2003. Sections 4(c), 6(a), and 6(d) state:  
Section 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

....  
(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

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

(a) When the trafficked person is a child;

....  
(d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee.

<sup>5</sup> Expanded Anti-Trafficking in Persons Act of 2012.

<sup>6</sup> *Rollo*, p. 3.

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

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

<sup>9</sup> *CA rollo*, p. 47.

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The prosecution narrated that AAA234512 and BBB234512 are the biological daughters of XXX234512.<sup>10</sup> At the time of the incidents, AAA234512 and BBB234512 were allegedly 8 and 5 years old, respectively. However, no documentary evidence was provided to prove their ages.

Sometime before April 24, 2014, AAA234512 recalled that XXX234512 brought her to meet an American man named "Peter" at the [REDACTED] Hotel in [REDACTED] City. When XXX234512 left them inside a hotel room, AAA234512 narrated that Peter undressed her, kissed her on her lips and neck, and touched her inappropriately in her private organs, before inserting his penis into her vagina. After a few minutes, XXX234512 fetched AAA234512. AAA234512 also recalled that on one occasion, Peter instructed her to embrace him while he captured video footage of them during the act with a cellphone. AAA234512 also alleged that XXX234512 often left her alone with other men at the [REDACTED] Hotel in the past. After these incidents, XXX234512 would take her out to eat.<sup>11</sup>

Meanwhile, BBB234512 alleged that XXX234512 would also leave her alone with Peter in a hotel room. While alone, BBB234512 said that Peter would kiss her on her lips and neck and that XXX234512 would fetch her after, then they would go home. BBB234512 also corroborated that XXX234512 knew Peter.<sup>12</sup>

Both AAA234512 and BBB234512 asserted that they witnessed XXX234512 receiving money from Peter every time she fetched them from the hotel room, but they did not know the exact amount.<sup>13</sup>

For her part, XXX234512 denied the accusations against her. She claimed that sometime in May 2013, while attending a birthday party, she met a "Kuya Jess" and Dr. Wendelina Velasco (Dr. Velasco), a social worker and director of Love 143 Foundation. Through them, XXX234512 learned of an opportunity for AAA234512 and BBB234512 to study, so she entrusted her children to them. After several months, when XXX234512 tried to get AAA234512 and BBB234512 back, the foundation refused. This led her to seek aid from the Department of Social Welfare and Development (DSWD) in retrieving AAA234512 and BBB234512. Later, she learned about the present charges against her.<sup>14</sup>

In its Joint Decision,<sup>15</sup> the RTC convicted XXX234512 as charged, the dispositive of which reads:

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

<sup>11</sup> TSN, [AAA234512], July 14, 2015, pp. 13–15.

<sup>12</sup> TSN, [BBB234512], July 21, 2015, pp. 5–7.

<sup>13</sup> *Rollo*, p. 4.

<sup>14</sup> *Id.* at 5.

<sup>15</sup> *CA rollo*, pp. 46–54. Dated May 23, 2016.

WHEREFORE, premises considered, accused [XXX234512] is found guilty beyond reasonable doubt of Violation of Section 5, Republic Act No. 7610 and Violation of Section 4(a) in relation to Sec. 4(d) (sic) of Republic Act No. 9208 as amended by Republic Act No. 10364. For violation of Section 5, Republic Act No. 7610 under Criminal Case No. 15-312138, accused [XXX234512] is sentenced to suffer the penalty of twelve (12) years, five (5) months and eleven (11) days of prision mayor as minimum to twenty (20) years of reclusion temporal as maximum.

With regard to the charge under Criminal Case No. 15-315805, accused [XXX234512] is sentenced to serve straight penalty of twenty (20) years following Section 10(a) of Republic Act No. 9208.

SO ORDERED.<sup>16</sup> (Emphasis in the original)

The RTC found that the prosecution was able to prove the elements of sexual abuse and trafficking through the testimonies of AAA234512 and BBB234512. More, both victims uniformly identified XXX234512 as their mother and perpetrator.<sup>17</sup> However, in imposing the respective penalties in the sexual abuse case, the RTC found that the prosecution failed to prove the victims' minority as their birth certificates were not presented during trial. Meanwhile, in the trafficking case, it disregarded the circumstance of relationship between the parties in the absence of its proof.<sup>18</sup>

Aggrieved, XXX234512 moved for reconsideration but was denied. Thus, she appealed to the CA.<sup>19</sup>

In the assailed Decision,<sup>20</sup> the CA affirmed the RTC's ruling, modifying the imposable penalties for Criminal Case Nos. 15-312138 and 15-31580 and included the payment of civil indemnity, moral damages, and exemplary damages respectively, as well as legal interest:

**WHEREFORE**, the appeal is **DENIED**. The Joint Decision dated May 23, 2016 of the Regional Trial Court (RTC) of [REDACTED], Branch [REDACTED], in Criminal Cases No. 15-312138 and 15-315805 is hereby **AFFIRMED** with the following **MODIFICATIONS**:

- I. In Criminal Case No. 15-312138:
  - (a) Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua*; and
  - (b) She is ordered to pay AAA and BBB the following amounts: [PHP]20,000.00 each as civil indemnity, [PHP]15,000.00 each as moral damages, and [PHP]15,000.00 each as exemplary damages.

<sup>16</sup> *Id.* at 54.

<sup>17</sup> *Id.* at 49.

<sup>18</sup> *Id.* at 54.

<sup>19</sup> *Id.* at 12.

<sup>20</sup> *Rollo*, pp. 2-17. Dated June 30, 2017.

- II. In Criminal Case No. 15-315805:
- (a) Accused-appellant is found guilty of violation of Section 4(a) in relation to Section 6(d) of Republic Act No. 9208, as amended by Republic Act No. 10364;
  - (b) She is sentenced to suffer the penalty of life imprisonment and a fine of [PHP]2,000,000.00; and
  - (c) She is further ordered to pay AAA and BBB [PHP]500,000.00 each as moral damages and [PHP]100,000.00 each as exemplary damages.

AAA and BBB are entitled to an interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

**SO ORDERED.**<sup>21</sup> (Emphasis in the original)

In Criminal Case No. 15-312138, the CA held that the violations of Section 5 of Republic Act No. 7610 are punishable by imprisonment of *reclusion temporal*, in its medium period, to *reclusion perpetua*. However, in imposing the penalty, the CA highlighted that the alternative circumstance of relationship under Article 15 of the Revised Penal Code should be considered as an aggravating circumstance as XXX234512 is the biological mother of the victims. In the absence of mitigating circumstances, the CA deemed that the penalty should be applied in its maximum period, i.e., *reclusion perpetua*. This is also in consonance with Section 31(c) of Republic Act No. 7610 which provides that the penalty shall be imposed in its maximum period when the perpetrator is the parent of the victim.<sup>22</sup>

Similarly, in consideration of the relationship between the parties, in Criminal Case No. 15-315805, the CA convicted accused-appellant of qualified trafficking. It imposed the penalty of life imprisonment and a fine of PHP 2,000,000.00 in accordance with Section 10(c) of Republic Act No. 9208. In both cases, the CA awarded damages in accordance with the applicable jurisprudence at the time.<sup>23</sup>

In the present appeal, XXX234512 contends that the RTC and the CA erred in affirming her conviction, particularly as the prosecution failed to prove the elements of both crimes she was charged with and her guilt with proof beyond reasonable doubt due to the inconsistencies in the witnesses' testimonies. She particularly raises that it was dubious that AAA234512 claimed that there were three of them present at the hotel on the day of the incident, including Peter,<sup>24</sup> but BBB234512 did not mention that he was with them in her testimony. More, XXX234512 contends that AAA234512 and

<sup>21</sup> *Id.* at 16–17.

<sup>22</sup> *Id.* at 15.

<sup>23</sup> *Id.* at 16.

<sup>24</sup> *CA rollo*, p. 34.

BBB234512 were coached by the workers in the foundation to complain against her.<sup>25</sup>

### Issue

The issue for this Court's resolution is whether accused-appellant XXX234512 was properly found guilty under Section 5 of Republic Act No. 7610 and Section 4(a), in relation to Section 6(d) of Republic Act No. 9208, as amended by Republic Act No. 10364.

### This Court's Ruling

The appeal is partly meritorious.

In criminal cases, the well-established rule is that an appeal throws the whole case open for review of all its aspects, including those not raised by the parties.<sup>26</sup> At this juncture and for purposes of clarification, this Court deems it proper to address that the RTC and CA convicted accused-appellant in Criminal Case No. 15-312138 for violation of Section 5 of Republic Act No. 7610.

However, as to the nomenclature, the proper designation of the crime accused-appellant committed in Criminal Case No. 15-312138 is violation of Section 5(a) of Republic Act No. 7610, which defines and penalizes the acts of engaging in or promoting, facilitating, or inducing child prostitution, *viz.*:

Section 5. Child Prostitution and Other Sexual Abuse. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to *reclusion perpetua* shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate, or induce child prostitution which include, but are not limited to, the following:
  - (1) Acting as a procurer of a child prostitute;
  - (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - (3) *Taking advantage of influence or relationship to procure a child as prostitute;*
  - (4) Threatening or using violence towards a child to engage him as a prostitute; or

<sup>25</sup> *Id.* at 35.

<sup>26</sup> *People v. Rodriguez*, 395 Phil. 876, 889 (2000) [Per J. Quisimbing, Second Division].

- (5) Giving monetary consideration, goods, or other pecuniary benefit to a child with intent to engage such child in prostitution. (Emphasis supplied)

The elements of the offense are: (1) that the accused acted as a procurer of a child prostitute and; (2) that the child prostitute, whether male or female, is below 18 years of age.

Under Section 5(a)(3) of Republic Act No. 7610, what is punishable is the offender's act of taking advantage of their influence or relationship with a child to procure them as a child prostitute where they may be subjected to sexual intercourse or lascivious conduct under Section 5(b) of Republic Act No. 7610.

In relation, the following elements must be proven for violation of Section 5(b) of the same law: (a) that the accused commits the act of sexual intercourse or lascivious conduct; (b) that said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and (c) that child is below 18 years of age.<sup>27</sup> Further, Section 2(g) and (h) of the rules implementing Republic Act No. 7610 defines sexual abuse and lascivious conduct in this wise:

(g) "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children;

(h) "Lascivious conduct" means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person.

The prosecution failed to prove all the elements for violation of Section 5(a) of Republic Act No. 7610.

At this juncture, We deem it vital to discuss that on the victims' minority, the RTC took note of the fact that the exact ages of the victims were not proven as their birth certificates were not presented during trial.

On the other hand, the CA's ruling did not discuss how the minority of the victims was established by the prosecution. It convicted accused-appellant for child prostitution and qualified trafficking, considering the alternative

<sup>27</sup> *People v. XXX*, G.R. No. 258194, May 29, 2024 [Per J. Hernando, First Division].

circumstance of the parent-child relationship between the parties based on accused-appellant's admission in the pre-trial conference.

We disagree.

In the child prostitution case, there was no proof offered of the victims' minority. In *People v. Pruna*,<sup>28</sup> this Court formulated guidelines in appreciating age, either as an element of a crime or as a qualifying circumstance:

1. The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.

2. In the absence of a certificate of live birth, similar authentic documents such as baptismal certificate and school records which show the date of birth of the victim would suffice to prove age.

3. If the certificate of live birth or authentic document is shown to have been lost or destroyed or otherwise unavailable, the testimony, if clear and credible, of the victim's mother or a member of the family either by affinity or consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:

a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that she is less than 7 years old;

b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that she is less than 12 years old;

c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that she is less than 18 years old.

4. In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.

5. It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.

6. The trial court should always make a categorical finding as to the age of the victim.

None of these circumstances are present in this case.

The victims' birth certificates were not marked or formally offered into evidence. There was no submission of similar authentic documents such as

<sup>28</sup> 439 Phil. 440 (2002) [Per C.J. Davide, Jr., *En Banc*].

baptismal certificates and school records evincing the victims' ages and dates of birth. Additionally, accused-appellant did not testify as to these matters during her testimony and the prosecution failed to present other family members to establish such facts. In trial, the victims themselves did not sufficiently provide information in their testimonies to prove their minority as they could not recall their own dates of births.

Since minority is an essential element of this crime, the prosecution must prove that the victims were minors at the time of the incidents, which they failed to do.<sup>29</sup> Consequently, as the element of minority was not duly established, accused-appellant cannot be made liable for child prostitution under Section 5(a) of Republic Act No. 7610, thus We acquit her.

Nonetheless, We affirm her conviction for trafficking.

Trafficking in persons in violation of Section 3(a) of Republic Act No. 9208 or the Anti-Trafficking in Persons Act is defined and penalized in this wise:

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

(a) Trafficking in Persons — refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the 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.

In *People v. Casio*,<sup>30</sup> the elements of trafficking in persons can be derived from its definition from the same provision, thus:

(1) The *act* of “recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders.”

(2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another[”]; and

(3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual

<sup>29</sup> *People v. Banaag*, G.R. No. 251872, August 14, 2023 [Per J. M. Lopez, Second Division].

<sup>30</sup> 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

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exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”<sup>31</sup> (Emphasis in the original, citation omitted)

Under Republic Act No. 10364, the elements of trafficking in persons were expanded to include the following acts:

(1) The act of “recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders[”];]

(2) The means used include "by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”[;]

(3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs[”].]

We find the elements present here.

The facts show that accused-appellant procured AAA234512 and BBB234512 for Peter. AAA234512 testified that accused-appellant brought her to meet with Peter in a hotel, where he was able to kiss her and inappropriately touch her in her private organs, as well as insert his penis into her vagina:

PROS. EDAD

Q: Kilala mo ba si [XXX234512]?

A: Opo.

Q: Bakit, sino siya?

A: “Mama”, ko po.

Q: Pwede ba ituro mo siya sa amin, kung nandito sya ngayon?

A: Ayaw ko po.

Q: Pero nandito ba siya ngayon?

A: Opo.

Q: Sino si Peter?

A: Amerikano po.

Q: Paano mo nakilala si Peter?

A: Gawa po ni Mama.

Q: Ibig mong sabihin, pinakilala si Peter sa iyo ng Mama mo?

A: Opo.

<sup>31</sup> *Id.* at 472-473.

.....

Q: Now, noong magkakilala na kayo ni Peter at ng Mama mo, ano na ang nangyari pagkatapos na magkakilala na kayo?

A: Binenta po ako ni Mama.

Q: Kanino?

A: Kay Peter po.

.....

Q: Noong andoon ka na sa [REDACTED] Hotel, ano ang nangyari sa iyo doon?

A: Ni-"RAPE" po ako.

Q: Sino ang nang-rape sa iyo?

A: Si Peter po.

Q: Di ba sabi mo pumunta kayo sa [REDACTED] Hotel, at sabi mo ni-rape ka doon di ba, gaano kayo katagal doon nagstay sa [REDACTED] Hotel.

A: Umabot po kami ng isang (1) gabi.

Q: Sinabi mong "kami", so ibig sabihin may kasama ka?

A: Opo si Mama po at si Peter.

Q: [AAA234512], di ba English yong "Rape", puwede bang ipaliwanag mo kung ano ang ginawa sa iyo ni Peter?

A: Witness whispering the words to the ears of court interpreter: "Ipinasok niya po ang ano nya sa akin".

.....

Q: Saan dito sa katawan ng doll ang ipinasok ni Peter sa iyo?

A: Yong sa "ibaba" niya po. (witness referring to the male organ)

Q: [AAA234512], puwede bang ituro mo kung saan parte ng doll inpinasok ni Peter ang kanyang ibaba?

A: Dito po. (witness pointing to the vagina of the female doll)

.....

Q: Noong nagising kayo, di ba sabi mo ibinenta ka ng Mama mo kay Peter, ano ang nangyari ng umaga na?

A: Noong paalis po kaming tatlo, binayaran na po ni Peter si Mama.

Q: Magkano ang ibinayad?

A: Di ko po sure kung ilan.

Q: Noong pagkatapos na magbayad si Peter, ano ang nangyari?

A: Umuwi na po kami.<sup>32</sup>

BBB234512 corroborated AAA234512's recollection of the incident when she testified that she was also brought to a room by accused-appellant

<sup>32</sup> TSN, [AAA234512], July 14, 2015, pp. 3-8.

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to meet with Peter where she was left alone with him. In the duration of her time with him, he would kiss her on the lips and neck:

Q: May kilala ka bang Peter?

A: Opo.

Q: Pano mo nakilala si Peter?

A: Ibinebenta po kasi ako ni Mama.

Q: Kanino kay Peter?

A: Opo.

Q: Paano mo nalaman iyon?

A: Kasi po isinama niya kami.

Q: Pag isinasama ka kay Peter sa isang kuwarto o sa bahay o ano?

A: Sa isang kuwarto po.

Q: Anong ginagawa sa iyo ni Peter pag nasa kuwarto kayo?

A: Kinikiskis kami.

Q: Ano ba iyong kiss?

A: Kiss po.

Q: Saan ka kinikiss ni Peter?

A: Witness pointing to her lips.

Q: Sabi mo kinikiskis ka ni Peter sa lips, saan pa?

A: Witness pointing to her neck.

Q: Saan pa?

A: Doon lang po.

.....

Q: Sabi mo nasa kuwarto kayo ni Peter, gaano naman kayo katagal sa kuwarto?

A: Mga one minutes (sic) lang po.

Q: Pagkatapos mula sa kuwarto, nasaan naman ang mama mo?

A: Binayaran na po ni ano ni Peter.

Q: Si mama mo?

A: Opo.

Q: Nakita mo iyon?

A: Opo.

Q: E si Peter pagkatapos niyang binayaran ang mama mo, anong ginagawa niya sa iyo?

A: Pinauwi na po kami.<sup>33</sup>

In both incidents, accused-appellant took advantage of her influence over her children to procure them for Peter, who subjected them to sexual

<sup>33</sup> TSN, [BBB234512], July 21, 2015, pp. 3-5.

exploitation to satisfy his lewd desires for consideration. Notably, both children testified that they saw accused-appellant receive money after their stay with Peter, though they could not recall the amounts she received from him. Hence, the elements of trafficking were proven.

It bears noting that the CA found accused-appellant guilty of qualified trafficking based on her admission of their parent-child relationship during the pre-trial conference.<sup>34</sup> By itself, however, We find this inconclusive to prove the circumstance of relationship. This was this Court's pronouncement in *People v. Mendoza, Jr.*,<sup>35</sup> where this Court held that the bare testimony of the appellee and the admission of the appellant is likewise insufficient to prove their relationship, which must be sufficiently established by competent and independent evidence, for the seriousness of the penalty warrants such strict rule.

We do not subscribe to accused-appellant's contentions that the victims' testimonies were inconsistent. The number of people present in the hotel with AAA234512 and BBB234512 at the time of the incidents do not negate the fact of the crime's commission and does not constitute its essential elements, and are, therefore, irrelevant.

Further, We see no reason to divert from the RTC and CA's findings on the credibility of the victims' testimonies. Time and again, this Court has ruled that when faced with the issue of the victim's credibility, the trial court's findings are given great weight and respect, more so when they are sustained by the CA. This is because of the trial court's unique opportunity to discern and scrutinize the victims' sincerity and spontaneity through their demeanor and behavior during trial.<sup>36</sup> Thus, this Court refrains from disturbing such finding unless it is shown that the trial court missed some fact or circumstance that could affect the result of the case.<sup>37</sup> In this respect, emphasis is placed on the degree of respect given by courts on children's testimony of the sexual abuse they suffered.

As to accused-appellant's claim that AAA234512 and BBB234512 were coached by workers from the Love 143 Foundation to complain against her, this Court finds this uncorroborated and there is no showing that AAA234512 and BBB234512 had any ill or improper motive in testifying against her.

All that is left is accused-appellant's denial of the crimes, which cannot prevail over the victims' testimonies and identification of her as the perpetrator.

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<sup>34</sup> *Rollo*, p. 14.

<sup>35</sup> 455 Phil. 347 (2003) [Per J. Carpio Morales, *En Banc*].

<sup>36</sup> *People v. Gahi*, 727 Phil. 642 (2014) [Per J. Leonardo-De Castro, First Division].

<sup>37</sup> *Granton v. People*, 841 Phil. 973 (2018) [Per J. Caguioa, Second Division].

For the prosecution's failure to prove the victims' minority and the circumstance of relationship, We modify accused-appellant's conviction from qualified trafficking to trafficking.

Under Section 4(a) of Republic Act No. 9208,<sup>38</sup> as amended by Republic Act No. 10364, in cases of trafficking, an offender shall suffer the penalty of imprisonment of 20 years and a fine of not less than PHP 1,000,000.00 but not more than PHP 2,000,000.00.

As to the award of damages, following *People v. XXX*,<sup>39</sup> We find that the CA correctly ordered accused-appellant to pay the victims PHP 500,000.00 each as moral damages and PHP 100,000.00 each as exemplary damages.

These amounts shall earn 6% interest per annum from finality of this Decision until fully paid.

**ACCORDINGLY**, the appeal is **PARTLY GRANTED**. The June 30, 2017 Decision of the Court of Appeals in CA-G.R. CR No. 38821 is **AFFIRMED** with **MODIFICATION**, as follows:

Accused-appellant XXX234512 is **ACQUITTED** of two counts of violation of Section 5(a) of Republic Act No. 7610 in Criminal Case No. 15-312138 on the ground of reasonable doubt.

Accused-appellant is found **GUILTY** of trafficking in violation of Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, in Criminal Case No. 15-315805. She is sentenced to suffer the penalty of imprisonment of 20 years and a fine of PHP 2,000,000.00.

She is further ordered to **PAY** AAA234512 and BBB234512 PHP 500,000.00 each as moral damages, and PHP 100,000.00 each as exemplary damages.

All monetary awards shall earn legal interest rate of 6% per annum from the date of the finality of this Decision until full payment.

<sup>38</sup> ANTI-TRAFFICKING IN PERSONS ACT OF 2003.

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

....

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

....

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

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

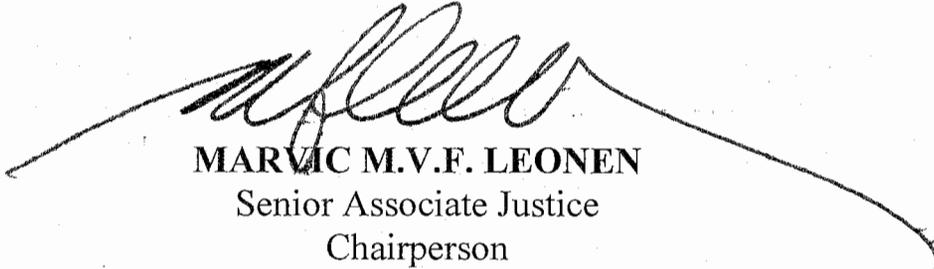
<sup>39</sup> 835 Phil. 1083, 1096 (2018) [Per J. Perlas-Bernabe, Second Division].

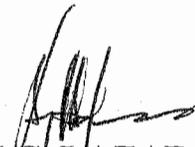
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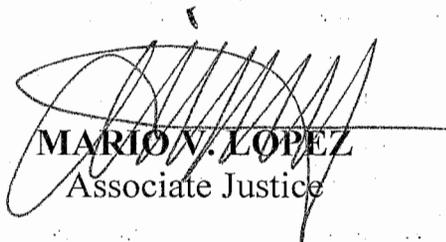
**SO ORDERED.”**

  
**JHOSEPH V. LOPEZ**  
Associate Justice

**WE CONCUR:**

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

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

  
**MARION V. LOPEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

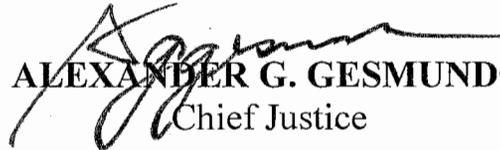
**ATTESTATION**

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

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**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 this Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice