



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,
 - versus -
XXX and YYY,*
 Accused-Appellants.

G.R. No. 235652
 Present:
 CARPIO, J., Chairperson,
 PERALTA,
 PERLAS-BERNABE,
 CAGUIOA, and
 REYES, JR., JJ.

Promulgated:
09 JUL 2018

HM Kabalag Perfecto

X-----X

DECISION

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal¹ filed by accused-appellants XXX and YYY (accused-appellants) assailing the Decision² dated August 25, 2017 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 08446,

* 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 RA 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also 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.)

¹ See Notice of Appeal dated September 15, 2017; *rollo*, p. 35-36.

² Id. at 2-34. Penned by Associate Justice Ramon A. Cruz with Associate Justices Ricardo R. Rosario and Pablito A. Perez concurring.

which affirmed the Judgment³ dated October 23, 2015 of the Regional Trial Court of Biñan, Laguna, Branch 25 (RTC) in Criminal Case Nos. 21802-B, 21803-B, 21804-B, and 24608-B, convicting them of multiple counts of Qualified Trafficking in Persons defined and penalized under Section 4 in relation to Section 6 of Republic Act No. (RA) 9208,⁴ otherwise known as the “Anti-Trafficking in Persons Act of 2003.”

The Facts

This case stemmed from various Informations⁵ filed before the RTC, charging accused-appellants and a certain John Doe of the crime of Qualified Trafficking in Persons, among others, the accusatory portions of which read:

Criminal Case No. 21802-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the years 2008, 2009, 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over AAA, 14 years old, born on 14 December 1996, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, for the minor complainant to engage in private chat wherein persons, usually foreigners would pay a fee, for the minor complainant to show her genitals, buttocks, breasts, pubic area, and to perform simulated sexual explicit activities as by touching and fondling her genitals, buttocks, breasts, pubic area, and uttering words as “FUCK ME!” “LICK ME!”, instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such activities will pay for the family’s food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person AAA, 14 years old, born on 14 December 1996, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.⁶

³ CA *rollo* at 56-79. Penned by Judge Teodoro N. Solis.

⁴ Entitled “AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES,” approved on May 26, 2003.

⁵ *Rollo*, pp. 3-6 and 11-12.

⁶ *Id.* at 3-4.

Criminal Case No. 21803-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the year 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over BBB, 10 years old, born on 14 May 2000, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, to dance naked in front of the camera being viewed through the internet, by a person/s, usually a foreigner named "Sam", who pays a fee, for the minor complainant to: (i) for the minor complainant to engage in private chat wherein persons, usually foreigners would pay for a fee, for the minor complainant to show her genitals, buttocks, breasts, instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such activities will pay for the family's food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person BBB, 10 years old, born on 14 May 2000, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.⁷

Criminal Case No. 21804-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the year 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over CCC, 9 years old, born on July 24, 2001, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, to dance naked in front of the camera being viewed through the internet, by person/s, usually a foreigner named "Sam", who pays a fee, for the minor complainant to: (i) for the minor complainant to engage in private chat wherein persons, usually foreigners would pay for a fee, for the minor complainant to show her genitals, buttocks, breasts, pubic area[,] instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such

⁷ Id. at 4-5.

support and daily sustenance as the earnings she derives from such activities will pay for the family's food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person, CCC, 9 years old, born on July 24, 2001, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.⁸

Criminal Case No. 24608-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and JOHN DOE, whose name and personal circumstances are yet unknown, for the crime of Section 4 (a) in relation to Section 6 (a) and (d) of RA 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", committed as follows:

That sometime in April 2010 or in the dates prior thereto in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused XXX, being the mother of herein complainant AAA, 14 years old, born on 14 December 1996, by taking advantage of the vulnerability of the minor complainant as being the mother accused exerts influence and control over the minor complainant with the intention and purpose of exploitation and prostitution, did then and there willfully, unlawfully and feloniously recruit, transport and provide complainant minor AAA, for the purpose of prostitution by then and there bringing her from their residence in Cabuyao, Laguna to the hotel room occupied by one JOHN HUBBARD, a foreign national in Makati City wherein the said John Hubbard had sexual intercourse with the minor complainant in exchange of material consideration in the amount of One Hundred Thousand Pesos (₱100,000.00).

With the qualifying circumstances that the trafficked person, AAA, 14 years old, born on 14 December 1996, is a child and that the accused is a parent and exercises parental authority over the trafficked person as she is the mother of complainant AAA.

CONTRARY TO LAW.⁹

The prosecution claimed that AAA, BBB, and CCC are the minor children of spouses XXX and YYY. AAA claimed that sometime in April 2010, when she was just 13 years old, her mother XXX brought her to a hotel in Makati to meet with a certain John Hubbard who proceeded to have sexual intercourse with her. AAA further alleged that from 2008 to 2011, XXX ordered her to engage in cybersex for three (3) to four (4) times a week in pornographic websites where AAA was shown in her underwear and made to do sexual activities in front of the computer. For their part, BBB and CCC corroborated AAA's statements, both averring that from 2010-2011, XXX ordered them to dance naked in front of the computer with

⁸ Id. at 5-6.

⁹ Id. at 11-12.

internet connectivity while facilitating the webcam sessions and chatting with a certain “Sam,” their usual client. BBB and CCC alleged that during those sessions, their father YYY would be outside the room or fixing the computer. The children all claimed that they were made to do sexual activities to earn money for their household expenses which were collected by YYY in remittance centers.¹⁰

Sometime in February 2011, AAA sought the assistance of the Department of Social Welfare and Development (DSWD) as she wanted her and her siblings to be rescued. AAA was then taken by the DSWD Social Worker, who then coordinated with the National Bureau of Investigation (NBI). After making an investigation and a technical verification of the pornographic websites which revealed photos and transactions of AAA, the NBI applied for and was granted a search warrant. Subsequently, the law enforcement authorities implemented the search warrant, resulting in the rescue of AAA, BBB, and CCC, the confiscation of the computer units and paraphernalia connected with the alleged crimes, and the arrest of both XXX and YYY.¹¹

For their defense, accused-appellants denied the accusations and claimed not knowing any motive for their children’s accusations as XXX is a housewife, while YYY works at a printing press. They alleged that AAA ran away when she was impregnated by her boyfriend and denied that computer gadgets were confiscated from them.¹²

The RTC Ruling

In a Judgment¹³ dated October 23, 2015, the RTC found accused-appellants guilty beyond reasonable doubt of four (4) counts of Qualified Trafficking in Persons as defined and penalized under RA 9208. Accordingly, they were sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00 for each count, and to pay the victims the amounts of ₱30,000.00 as moral damages and ₱10,000.00 as exemplary damages for each count.¹⁴ All other charges¹⁵ against them were dismissed for being superfluous as they are deemed subsumed under the crimes for which they were convicted.¹⁶

¹⁰ See *id.* at 12-14. See also Appellee’s Brief dated May 9, 2017; *CA rollo*, pp. 111-113.

¹¹ See *id.* at 13-15. See also *CA rollo*, pp. 113-114.

¹² See *id.* at 15-16. See also *CA rollo*, p. 48.

¹³ *CA rollo*, pp. 56-79.

¹⁴ *Id.* at 79.

¹⁵ Aside from violation of RA 9208, they were also charged for violations of RA 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” otherwise known as the “SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT,” approved on June 17, 1992 and RA 9775, entitled “AN ACT DEFINING THE CRIME OF CHILD PORNOGRAPHY, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES,” otherwise known as the “ANTI-CHILD PORNOGRAPHY ACT OF 2009,” approved on November 17, 2009.

¹⁶ See *CA rollo*, pp. 76-78.

The RTC found that the prosecution had proven beyond reasonable doubt the fact that accused-appellants had conspired and confederated with one another to maintain and exploit their children, AAA, BBB, and CCC, into committing cybersex with several foreigners through various websites. In this regard, the RTC pointed out that accused-appellants' assertion that the charges against them are merely fabricated cannot be given credence in light of the children's clear and straightforward testimonies and the lack of ill motive to testify against their own parents.¹⁷

Aggrieved, accused-appellants appealed to the CA.¹⁸

The CA Ruling

In a Decision¹⁹ dated August 25, 2017, the CA affirmed accused-appellants' conviction, with the following modifications: (a) YYY's conviction is reduced to three (3) counts of Qualified Trafficking in Persons; and (b) the awards of damages for the victims were increased to ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.²⁰

In affirming accused-appellants' respective convictions, the CA gave credence to the testimonies of the three (3) children-victims who not only positively identified accused-appellants as the perpetrators of the crime, but also straightforwardly explained the acts of sexual exploitation perpetuated against them by their own parents. This notwithstanding, the CA found it appropriate to find the children's father, YYY, guilty for only three (3) counts of Qualified Trafficking, as he was only named as an accused in three (3) of the four (4) total Informations²¹ for such crime filed before the RTC.²²

Hence, this appeal.²³

The Issue Before the Court

The issue for the Court's resolution is whether or not XXX and YYY are guilty beyond reasonable doubt of four (4) and three (3) counts, respectively, of Qualified Trafficking in Persons.

¹⁷ See *id.* at 67-76.

¹⁸ See Brief for the Accused-Appellants dated December 15, 2016; *id.* at 37-54.

¹⁹ *Rollo*, pp. 2-34.

²⁰ See *id.* at 31.

²¹ A reading of the Information in Criminal Case No. 24608-B would show that YYY was not included as an accused, as it only listed XXX and a certain John Doe as the accused. (See *id.* at 11-12.)

²² *Id.* at 19-30.

²³ See Notice of Appeal dated September 15, 2017; *id.* at 35-36.

The Court's Ruling

The appeal is without merit.

Section 3 (a) of RA 9208 defines the term "Trafficking in Persons" as the "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs." The same provision further provides that "[t]he 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." The crime of "Trafficking in Persons" becomes qualified under, among others, the following circumstances:

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

(a) When the trafficked person is a child;

x x x x

(d) When the offender is 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;

x x x x

In this case, accused-appellants were charged of three (3) counts each of Qualified Trafficking in Persons under Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208. XXX was further charged with another count of the same crime under Section 4 (a) also in relation to Section 6 (a) and (d) of the same law. Section 4 (a) and (e) of RA 9208 reads:

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

(a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

x x x x

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

x x x x

As correctly ruled by the courts *a quo*, accused-appellants are guilty beyond reasonable doubt of three (3) counts of Qualified Trafficking in Persons under Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208 as the prosecution had established beyond reasonable doubt that: (a) they admittedly are the biological parents of AAA, BBB, and CCC, who were all minors when the crimes against them were committed; (b) they made their children perform acts of cybersex for different foreigner customers, and thus, engaged them in prostitution and pornography; (c) they received various amounts of money in exchange for the sexual exploitation of their children; and (d) they achieved their criminal design by taking advantage of their children's vulnerability as minors and deceiving them that the money they make from their lewd shows are needed for the family's daily sustenance.

In the same manner, the courts *a quo* likewise correctly convicted XXX of one (1) count of the same crime, this time under Section 4 (a) in relation to Section 6 (a) and (d) of RA 9208, as it was shown that XXX transported and provided her own minor biological child, AAA, to a foreigner in Makati City for the purpose of prostitution, again under the pretext that the money acquired from such illicit transaction is needed for their family's daily sustenance.

In light of the foregoing, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, as there is no indication that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. In fact, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.²⁴ As such, accused-appellants' conviction for Qualified Trafficking in Persons must be upheld.

Anent the proper penalty to be imposed on accused-appellants, Section 10 (c) of RA 9208 states that persons found guilty of Qualified Trafficking shall suffer the penalty of life imprisonment and a fine of not less than ₱2,000,000.00 but not more than ₱5,000,000.00. Thus, the courts *a quo* correctly sentenced them to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00 for each count of Qualified Trafficking in Persons.

²⁴ See *Peralta v. People*, G.R. No. 221991, August 30, 2017, citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

Finally, the courts *a quo* correctly ordered accused-appellants to pay the victims the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages for each count of Qualified Trafficking in Persons as such amounts are at par with prevailing jurisprudence.²⁵ Further, the Court deems it proper to impose on all monetary awards due to the victims legal interest of six percent (6%) per annum from finality of judgment until full payment.²⁶

WHEREFORE, the appeal is **DENIED**. The Decision dated August 25, 2017 of the Court of Appeals in CA-G.R. CR-H.C. No. 08446 is **AFFIRMED** with **MODIFICATIONS** as follows:

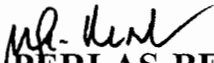
- (a) In Criminal Case No. 21802-B, XXX and YYY are found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons defined and penalized under Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208. Accordingly, they are sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, they are ordered to pay the victim, AAA, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from finality of judgment until fully paid;
- (b) In Criminal Case No. 21803-B, XXX and YYY are found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons defined and penalized under Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208. Accordingly, they are sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, they are ordered to pay the victim, BBB, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from finality of judgment until fully paid;
- (c) In Criminal Case No. 21804-B, XXX and YYY are found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons defined and penalized under Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208. Accordingly, they are sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, they are ordered to pay the victim, CCC, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from finality of judgment until fully paid; and

²⁵ See *People v. Hirang*, G.R. No. 223528, January 11, 2017.

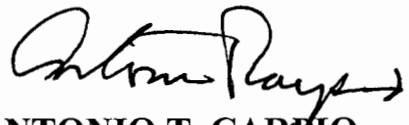
²⁶ See *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331, 338.

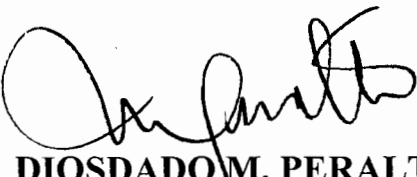
- (d) In Criminal Case No. 24608-B, XXX is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons defined and penalized under Section 4 (a) in relation to Section 6 (a) and (d) of RA 9208. Accordingly, she is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, she is ordered to pay the victim, AAA, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from finality of judgment until fully paid.

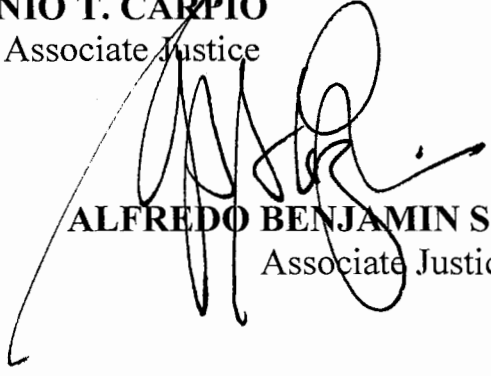
SO ORDERED.


ESTELA M. PERLAS-BERNABE
 Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
 Senior Associate Justice



DIOSDADO M. PERALTA
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice


ANDRES B. REYES, JR.
 Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.


ANTONIO T. CARPIO
 Senior Associate Justice

(Per Section 12, Republic Act No. 296,
 The Judiciary Act of 1948, As Amended)