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Republic of the Philippines
Supreme Court
Manila

BY: _____
TIME: _____

SECOND DIVISION

FERNANDO B. ARAMBULO,*
Petitioner,

G.R. No. 241834

Present:

- versus -

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, JJ.

PEOPLE OF THE
PHILIPPINES,
Respondent.

Promulgated:

24 JUL 2019

X-----*M. Cabalag*-----X

DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated January 22, 2018 and the Resolution³ dated August 23, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 37921, which affirmed with modification the Decision⁴ dated May 26, 2015 of the Regional Trial Court of the City of Calamba, Laguna, Branch 35 (RTC) in Criminal Case No. 19571-12-C, and accordingly, found petitioner Fernando B. Arambulo (petitioner) guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons, defined and penalized under Section 4 (k) (4) in relation to Section 6 (a) and (c) of Republic Act No. (RA) 9208,⁵ otherwise known as the “Anti-Trafficking in Persons Act of 2003,” as amended by RA

* “Arambullo” in some parts of the *rollo*.

¹ *Rollo*, pp. 13-31.

² Id. at 35-48. Penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Remedios A. Salazar-Fernando and Stephen C. Cruz, concurring.

³ Id. at 50-54.

⁴ Id. at 72-79. Penned by Judge Gregorio M. Velasquez.

⁵ 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.

10364,⁶ otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012.”

The Facts

This case stemmed from an Information⁷ filed before the RTC charging petitioner with the crime of Qualified Trafficking in Persons, the accusatory portion of which states:

That in or about September 2011 up to January 12, 2012 in the City of Calamba, Province of Laguna and within the jurisdiction of the Honorable Court, the above-named accused for money, profit and consideration, did then and there willfully, unlawfully and feloniously recruit minors AAA, 13 years old, BBB, 16 years old, CCC, 14 years old, for the purpose of committing robbery, to the damage and prejudice of the aforesaid minors and in violation of the aforementioned law.

CONTRARY TO LAW.⁸

Essentially, the prosecution alleged that petitioner and his minor son, Dominique Dimple Arambulo⁹ (Dominique), invited the latter’s three (3) schoolmates who were also minors, namely AAA, BBB, and CCC,¹⁰ to their house sometime in 2011. It was then revealed that the purpose of the meeting was to discuss petitioner’s plans to commit robberies with the help of AAA, BBB, and CCC. Upon learning about this, CCC expressed his desire to leave but petitioner got angry and punched him; thus, he was forced to join the group. AAA, BBB, and CCC then similarly testified that not only was petitioner the mastermind of the series of robberies they subsequently committed against various people, but he was also the driver of their getaway tricycle.¹¹

In his defense, petitioner and Dominique similarly testified that the filing of the instant case was merely an act of retaliation by a certain Lt. Hoseña,¹² one (1) of the alleged victims of the aforesaid robberies, following the dismissal of the theft and obstruction of justice cases filed by the latter against petitioner.¹³

⁶ Entitled “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,’” approved on February 6, 2013.

⁷ Not attached to the *rollo*.

⁸ *Rollo*, pp. 35-36. See also *id.* at 72.

⁹ “Dominic Arambulo” in some parts of the *rollo*.

¹⁰ The identities of the minor victims or any information which could establish or compromise their identities shall be withheld pursuant to Section 7 of RA 9208, as amended by RA 10364. See also *People v. Monsanto*, G.R. No. 241247, March 20, 2019.

¹¹ See *rollo*, pp. 36-38. See also *id.* at 72-74.

¹² “Lt. Roceña” in some parts of the *rollo*.

¹³ *Rollo*, p. 38. See also *id.* at 75.

The RTC Ruling

In a Decision¹⁴ dated May 26, 2015, the RTC found petitioner guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of imprisonment for an indeterminate period of twenty (20) years and one (1) day, as minimum, to twenty-two (22) years, as maximum, and to pay a fine in the amount of ₱2,000,000.00.¹⁵

The RTC found that the prosecution, through the consistent, direct, and unequivocal testimonies of AAA, BBB, and CCC, was able to establish that petitioner had indeed recruited them into performing criminal activities, *i.e.*, various robberies. In this regard, the RTC opined that petitioner's aforesaid acts constitute Qualified Trafficking in Persons not only because the victims were minors, but also because it is considered "in large scale" as it involved three (3) or more victims.¹⁶

Aggrieved, petitioner appealed¹⁷ to the CA. In his brief, petitioner pointed out, *inter alia*, that the crime being imputed to him is defined and penalized under Section 4 (k) of RA 9208, as amended by RA 10364, which was approved on February 6, 2013, published on February 13, 2013, and thus, only took effect on February 28, 2013. Significantly, such provision did not exist in the original version of RA 9208. Hence, since the acts for which he was being made accountable for occurred sometime in or about September 2011 to January 12, 2012, or before the amendatory law took effect, he could not be convicted of the crime charged.¹⁸

The CA Ruling

In a Decision¹⁹ dated January 22, 2018, the CA affirmed the RTC ruling with modification, finding petitioner guilty beyond reasonable doubt of Qualified Trafficking in Persons as defined and penalized under Section 4 (k) subparagraph 4, in relation to Section 6 (a) and (c), of RA 9208, as amended, and accordingly, sentencing him to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00, with interest at the rate of six percent (6%) per annum from finality of the ruling until fully paid.²⁰

Mainly upholding the factual findings of the RTC, the CA held that the prosecution had established the commission of the crime charged, and

¹⁴ Id. at 72-79.

¹⁵ Id. at 78.

¹⁶ See id. at 75-78.

¹⁷ See Brief for the Accused-Appellant dated March 21, 2016; id. at 55-71.

¹⁸ See id. at 62-65.

¹⁹ Id. at 35-48.

²⁰ Id. at 47.

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that he was properly informed of the nature and cause of the accusation against him.²¹

Petitioner moved for reconsideration²² but the same was denied in a Resolution²³ dated August 23, 2018; hence, this petition.

The Issue Before the Court

The issue for the Court's resolution is whether or not the CA correctly upheld petitioner's conviction for Qualified Trafficking in Persons.

The Court's Ruling

Preliminarily, the Court notes that petitioner elevated the matter before the Court through a petition for review on *certiorari*. As a general rule, appeals of criminal cases shall be brought to the Court by filing a petition for review on *certiorari* under Rule 45 of the Rules of Court;²⁴ except when the CA imposed a penalty of *reclusion perpetua* or life imprisonment, in which case, the appeal shall be made by a mere notice of appeal before the CA.²⁵ Clearly, petitioner availed of a wrong mode of appeal by filing a petition for review on *certiorari* before the Court, despite having been sentenced to suffer life imprisonment by the CA. Nonetheless, in the interest of substantial justice, the Court will treat the instant petition as an ordinary appeal in order to resolve the substantive issue at hand with finality.²⁶

In line with such treatment, it must be stressed that 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

²¹ Id. at 39-46.

²² See motion for reconsideration dated March 9, 2018; id. at 98-107.

²³ Id. at 50-54.

²⁴ See Section 3 (e), Rule 122 of the Revised Rules on Criminal Procedure, which reads:

Section 3. *How appeal taken.* –

x x x x

(e) Except as provided in the last paragraph of section 13, Rule 124, all other appeals to the Supreme Court shall be by petition for review on *certiorari* under Rule 45.

²⁵ See Section 13 (c), Rule 124 of the Revised Rules on Criminal Procedure, which reads:

Section 13. *Certification or appeal of case to the Supreme Court.* –

x x x x

(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed at the Supreme Court by notice of appeal filed with the Court of Appeals.

²⁶ See *Ramos v. People*, 803 Phil. 775, 782-783 (2017).

records, revise the judgment appealed from, increase the penalty, and **cite the proper provision of the penal law.**²⁷

Guided by the foregoing considerations and as will be explained hereunder, the Court affirms petitioner's conviction, albeit under a provision of law different from what is stated in the CA ruling.

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 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 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."²⁸ The crime becomes qualified when any of the circumstances found under Section 6 of the law is present.

It must be clarified that Section 3 (a) of RA 9208 merely provides for the general definition of "Trafficking in Persons" as the specific acts punishable under the law are found in Sections 4 and 5 of the same (including Sections 4-A, 4-B, and 4-C if the amendments brought about by RA 10364 are taken into consideration). This is evinced by Section 10 which provides for the penalties and sanctions for committing the enumerated acts therein. Notably, Section 10 (c) of RA 9208 (renumbered as Section 10 [e] under RA 10364) of the law also provides for penalties for "Qualified Trafficking in Persons" under Section 6. Nonetheless, since Section 6 only provides for circumstances which would qualify the crime of "Human Trafficking," reference should always be made to Sections 4, 4-A, 4-B, 4-C, or 5 of the law. Hence, convictions for "Qualified Trafficking in Persons" shall rest on: (a) the commission of any of the acts provided under Sections 4, 4-A, 4-B, 4-C, or 5; and (b) the existence of any of the circumstances listed under Section 6. Otherwise stated, one cannot be convicted of "Qualified Trafficking in Persons" if he is not found to have committed any of the punishable acts under the law.

In an attempt to absolve himself from criminal liability, petitioner similarly contends in his appellant's brief²⁹ filed before the CA and in the

²⁷ *Manansala v. People*, 775 Phil. 514, 520 (2015); citations omitted.

²⁸ See *People v. XXX*, G.R. No. 235652, July 9, 2018.

²⁹ See *rollo*, pp. 55-71.

instant petition³⁰ that the acts imputed to him, *i.e.*, recruiting minors to commit a series of robberies, constitute the crime defined and penalized under Section 4 (k) (4) of RA 9208, as amended by RA 10364. He then posits that since this specific provision was only introduced by the amendatory law in 2013 as the original iteration of Section 4 of RA 9208 did not contain the same, and the acts imputed to petitioner were committed sometime in September 2011 to January 12, 2012 as indicated in the Information against him, it may be said that at the time he committed said acts, there was no specific provision in RA 9208 in its original form which specifically defines and penalizes the said acts as Trafficking in Persons. As such, his conviction must be set aside.

Petitioner's contention is untenable.

While petitioner correctly pointed out that he cannot be convicted under Section 4 (k) (4)³¹ of RA 9208 as amended by RA 10364 since said provision was only enacted on February 28, 2013, or *after* the period stated in the Information when he committed the acts imputed against him,³² this will not *ipso facto* result in his acquittal, as his acts of recruiting minors for the purpose of committing a series of robberies reasonably fall under Section 4 (a) of RA 9208 in its original form, which 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; (Emphases and underscoring supplied)

Relatedly, Section 3 (d) of RA 9208 in its original form defines the term “forced labor and slavery” as “**the extraction of work or services from**

³⁰ See *id.* at 20-24.

³¹ Section 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

x x x x

(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of buying and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

x x x x

(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals[.]
³² This is in accordance with the maxim “*lex prospicit, non respicit*” – the law looks forward, not backward – which in legal parlance, means that a new law has a prospective, not a retroactive effect. As applied to the realm of criminal law, penal laws should not have retroactive application, lest they acquire the character of an *ex post facto* law which is proscribed under the Constitution. An exception to this rule, however, is when the law is advantageous to the accused. Obviously, the exception would find no application if an act which was not punishable at the time it was committed becomes punishable under the auspices of a new law. (See *Valeroso v. People*, 570 Phil. 58, 61 [2008].)

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.”

In this case, the courts *a quo* correctly found – through the consistent, direct, unequivocal, and thus, credible testimonies of AAA, BBB, and CCC – that the prosecution had clearly established the existence of the elements³³ of violation of Section 4 (a) in relation to Section 6 (a) and (c)³⁴ of RA 9208 in its original form, as evinced by the following: (a) petitioner, through his minor son, Dominique, recruited three (3) other minors AAA, BBB, and CCC; (b) based on AAA, BBB, and CCC’s testimonies, petitioner was able to do so by taking advantage of their vulnerability as minors, particularly through enticement, violence, and use of force and coercion; and (c) petitioner recruited them for the purpose of engaging them to perform illicit work/services, *i.e.*, commit a series of robberies. Notably, the ultimate facts constitutive of these circumstances were clearly alleged and contained in the Information. In this regard, case law instructs that “[t]he victim’s consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. Even without the use of coercive, abusive, or deceptive means, a minor’s consent is not given out of his or her own free will.”³⁵

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.³⁶ Hence, petitioner’s conviction for Qualified Trafficking in Persons – not under Section 4 (k) (4) of RA 9208 as amended by RA 10364 as erroneously ruled by the CA, but under Section 4 (a) of RA 9208 in its original form in relation to Section 6 (a) and (c) of the same law – must be upheld.

³³ For a successful prosecution of Trafficking in Persons, the following elements must be shown: “(1) the *act* of ‘**recruitment**, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders;’ (2) **the means used** which include ‘**threat or use of force, or other forms of coercion**, abduction, fraud, deception, **abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another;**’ and (3) the **purpose of trafficking is exploitation which includes** ‘exploitation or the prostitution of others or other forms of sexual exploitation, **forced labor or services**, slavery, servitude or the removal or sale of organs.’” (*People v. Hirang*, 803 Phil. 277, 289 [2017], citing *People v. Casio*, 749 Phil. 458, 472-473 [2014].)

³⁴ Section 6. *Qualified Trafficking in Persons.* – The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

x x x x

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

³⁵ *People v. Casio*, supra note 33, at 475-476.

³⁶ *Peralta v. People*, G.R. No. 221991, August 30, 2017, 838 SCRA 350, 360, citing *People v. Matibag*, 757 Phil. 286, 293 (2015).


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Anent the proper penalty to be imposed, 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 CA correctly sentenced petitioner to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00.

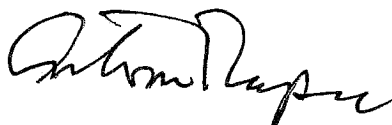
Finally, the Court orders petitioner to pay each of the victims, AAA, BBB, and CCC, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages pursuant to prevailing jurisprudence.³⁷ Further, the Court deems it proper to impose on all monetary awards due to the victims legal interest at the rate of six percent (6%) per annum from finality of this Decision until full payment.³⁸

WHEREFORE, the petition is **DENIED**. The Decision dated January 22, 2018 and the Resolution dated August 23, 2018 of the Court of Appeals in CA-G.R. CR No. 37921 are **AFFIRMED with MODIFICATION** in that petitioner Fernando B. Arambulo is hereby found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons, defined and penalized under Section 4 (a) in relation to Section 6 (a) and (c) of Republic Act No. 9208. Accordingly, he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. He is likewise **ORDERED** to pay each of the victims, AAA, BBB, and CCC, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

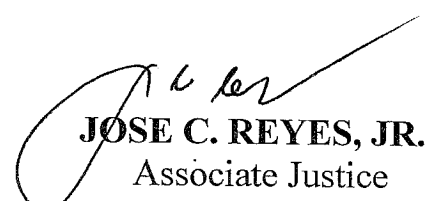
SO ORDERED.


ESTELA M. PERLAS-BERNABE
 Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
 Senior Associate Justice
 Chairperson


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice


JOSE C. REYES, JR.
 Associate Justice

³⁷ See *People v. XXX*, supra note 28.

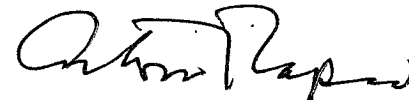
³⁸ See *People v. Jugueta*, 783 Phil. 806 (2016).



AMY C. LAZARO-JAVIER
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.



ANTONIO T. CARPIO
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 the Court's Division.



LUCAS P. BERSAMIN
Chief Justice

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MARIA LOURDES C. PERFECTO
Division Clerk of Court
Second Division