



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE

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THE PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee, G.R. No. 241247
Present:

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

- versus -

Promulgated:

REYNOLD MONSANTO y
 FAMILARAN/PAMILARAN,*
 Accused-Appellant.

20 MAR 2019

H.M. Cabalag Jr.

x-----x

DECISION

REYES, J. JR., J.:

This is an appeal¹ from the Decision² of the Court of Appeals (CA) dated January 31, 2018 in CA-G.R. CR-HC No. 08986, which upheld the Decision³ dated November 15, 2016 of the Regional Trial Court (RTC) of Manila, Branch 5, finding Reynold Monsanto y Familiaran/Pamiliaran (accused-appellant) guilty beyond reasonable doubt of child trafficking.

Accused-appellant was charged under three separate Informations in the following manner:

* Also named as Reynold Monsanto y Familiaran in the Amended Information in Crim. Case No. 15-14082 and in the Information in Crim. Case No. 15-314083.

¹ Rollo, pp. 35-36, 38.

² Penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justice Maria Elisa Sempio Diy and Associate Justice Jhosep Y. Lopez; id. at 2-34;

³ Penned by Presiding Judge Emily L. San Gaspar-Gito; CA rollo, pp. 57-81.

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Criminal Case No. 14-304088**For: Violation of Section 5 (a-1) of R.A. No. 7610⁴**

That in or about and/or for sometime during the period comprised between February, 2013 and March 4, 2014, in the City of Manila, Philippines, the said accused, for money, profit or any other consideration, or due to coercion or influence, did then and there willfully, unlawfully and feloniously engage in or promote child prostitution, by then and there acting as a procurer of AAA, a 16-year-old child prostitute, thereby gravely endangering her survival and normal growth and development, to the damage and prejudice of the said AAA.

Contrary to law.⁵

Criminal Case No. 15-314082**For: Violation of Section 4 (a) & (e) in relation to Section 6 (a) of R.A. No. 9208⁶ as amended by R.A. No. 10364⁷**

That sometime in or before February 2013, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and knowingly, for purposes of prostitution, pornography or sexual exploitation, in consideration of price, reward or promise, recruit and transport to Manila AAA, a minor, 16 years old, under the pretext of living-in together with the accused and with the promise that he would be sending her to school.

That the crime is committed with the qualifying circumstances that the trafficked person is below 18 years old and the aggravating circumstances of having committed the crime in consideration of price, reward or promise.

Contrary to law.⁸ (Underscoring in the original)

Criminal Case No. 15-314083**For: Violation of Section 5 (a) of R.A. No. 7610⁹**

That sometime in February, 2013, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and knowingly, acting as procurer of a child prostitute, where she is required to go out with foreign men, and in return, give monetary consideration with intent to engage and actually engage in prostitution, minor AAA, a minor 16 years old, against her will and consent, to her damage and prejudice.

Contrary to law.¹⁰

⁴ Otherwise known as the SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT, approved on June 17, 1992.

⁵ Records 14-304088, p. 1, dated March 10, 2014.

⁶ Otherwise known as the ANTI-TRAFFICKING IN PERSONS ACT OF 2003.

⁷ Otherwise known as THE EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012.

⁸ Records (Criminal Case No. 15-314082-83), p. 63.

⁹ Supra note 4.

¹⁰ Records (Criminal Case No. 15-314082-83), p. 4.

On April 17, 2015, the foregoing criminal cases were consolidated,¹¹ thus, the evidence, stipulations and proceedings in Crim. Case No. 14-304088 were adopted in Crim. Case Nos. 15-314082 and 15-314083.

We recount the facts as borne by the records.

The private complainant, AAA,¹² met accused-appellant on December 5, 2012, in Valenzuela City, at the house of a certain Kristine and Reynante, a couple AAA had been living with as their house helper. On the occasion of Kristine's birthday, accused-appellant who is a friend of Reynante, was introduced to AAA.

Accused-appellant and AAA became textmates, which led to a romantic and sexual relationship. Accused-appellant promised AAA, an orphan with no known relatives who at that time was only fourteen (14) years old, that he would send her to school. This enticed AAA to live together with accused-appellant at his rented room in Pandacan, Manila, in February of 2013. Accused-appellant worked as a part-time waiter for food caterings. For a time, AAA also joined accused-appellant as an on-call waitress to augment his income.

As testified by AAA, the first time that accused-appellant brought her to Robinsons Mall in Ermita, Manila, accused-appellant called her attention to the sight of foreigners in the company of local women. AAA said she was surprised as it was her first time to see foreigners. Accused-appellant pointed to a foreigner whom AAA was told to approach and say "hi." AAA was further instructed to accept an invitation to the foreigner's hotel room. When AAA asked what she would be doing at the hotel, accused-appellant replied that she and the foreigner would just converse.¹³

AAA did as she was told. While accused-appellant observed from a distance of about two (2) meters,¹⁴ AAA sat down beside the foreigner, conversed and shared a meal with the latter, then agreed when invited to the hotel. At the hotel room, the foreigner asked AAA to hold his penis. AAA asked why and the foreigner replied, "You don't know? You came with me, yet you don't know?" The foreigner then held AAA's hand, held her when she cried, and they subsequently had sex twice.¹⁵

Afterwards, the foreigner accompanied AAA back to Robinsons Mall where the accused-appellant was waiting. They used the money that AAA received from the foreigner to buy food and to pay their electric bill. AAA

¹¹ Id. at 16.

¹² The real name of the minor victim is withheld and replaced with fictitious initials to protect her privacy, conformably with Sec. 7 of R.A. No. 9208, as amended by R.A. No. 10364.

¹³ TSN, June 13, 2014, pp. 17-19; TSN, June 26, 2014, p. 13.

¹⁴ TSN, June 26, 2013, p. 17.

¹⁵ TSN, June 13, 2014, pp. 20-22.

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later told the accused-appellant that she thought she would only have to dine with the foreigner, but did not expect to have sex with the latter. This allegedly made accused-appellant angry and jealous.¹⁶

Nonetheless, accused-appellant brought AAA again to Robinsons Mall the following day. This time, accused-appellant instructed AAA to look for a foreigner and to do the same as she did the day before, but she should first ask for the “price” before going with the foreigner to a hotel. AAA did as she was instructed, had sex with a foreigner and was paid for it. AAA then gave the money to accused-appellant. The same thing happened many times. AAA would sometimes have sex with two (2) foreigners in one (1) day.¹⁷

In February of 2014, after about a year of living together, accused-appellant and AAA quarreled when the latter complained that she couldn’t sleep because their bed was wet. Accused-appellant opened AAA’s mouth and urinated in it, which caused AAA to run away and take refuge at a customer’s place where she stayed for a number of days.¹⁸

To persuade AAA to return, accused-appellant sent AAA a text message saying he would give back her laptop computer. When AAA returned, accused-appellant told her that she could only get back her laptop if she would not leave him. AAA pleaded with accused-appellant and insisted on getting her laptop back, but the latter shoved and choked her. AAA kicked accused-appellant and ran. Witnesses helped AAA and sought the assistance of *barangay* officials.¹⁹

As the arresting officer on record, *barangay kagawad* Estella Rebenito (Rebenito) testified that she responded to a report at about 4:00 p.m. on March 4, 2014, about a quarrel wherein accused-appellant placed a pedicab boarded by AAA in the middle of the road to be run over by trucks. With the help of *barangay tanods*, Rebenito brought accused-appellant and a shaking and visibly frightened AAA to the *barangay* hall for investigation.²⁰ Before the *barangay* chairperson and Rebenito, AAA disclosed that she was sixteen (16) years old, and that the 43-year-old accused-appellant was her live-in partner, as well as her pimp.²¹ Consequently, Rebenito brought AAA and accused-appellant to the Women and Children Protection Section of the United Nations Avenue police station, where PO3 Thelma Samudio prepared the booking sheet and arrest report, and assisted Rebenito and AAA in the preparation of their respective affidavits.²²

¹⁶ Id. at 23-25.

¹⁷ Id. at 25-26.

¹⁸ Id. at 28.

¹⁹ Id. at 29.

²⁰ TSN, July 3, 2014, pp. 3-4.

²¹ Id. at 8-9.

²² Records (Criminal Case No. 14-304088), pp. 91-92.

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On March 5, 2014, AAA underwent an ano-genital examination by Dr. Sandra Stuart Hernandez (Dr. Hernandez), a medical doctor assigned to the Child Protection Unit of the Philippine General Hospital. Dr. Hernandez further testified²³ that she issued a Medico-Legal Report²⁴ finding a healed laceration at the 4:00 o'clock position and absence of hymenal tissue between the 6:00 and 8:00 o'clock positions, which are diagnostic of blunt force or penetrating trauma.²⁵

Social worker Clementino Dumdum, Jr. (Dumdum), to whom AAA's case was assigned, caused the dental examination of AAA upon order of the court to determine her age.²⁶ On September 23, 2014, the dentist/orthodontist of the Department of Social Welfare and Development (DSWD), Dr. Michael Puertollano (Dr. Puertollano), found that all of AAA's wisdom teeth have not yet erupted and concluded that she was at least sixteen (16) years of age and a minor.²⁷

In his defense, accused-appellant denies any part in AAA's prostitution activities. Accused-appellant claims he was surprised when he later discovered that AAA had been going to Robinsons Mall whenever he was not at home. AAA allegedly explained that she just strolled around the mall, but accused-appellant became suspicious when he saw AAA talking to different foreigners on her mobile device.²⁸

As to the March 4, 2014 incident that led to his arrest, accused-appellant claimed that he and AAA quarreled over money because AAA spent it all when she celebrated her birthday.²⁹ He shouted at AAA inside a pedicab, which made AAA cry. This prompted some people to call for *barangay* officials who brought them to the *barangay* hall. When *barangay* officials heard that AAA was sixteen (16) years old, social workers from the DSWD and police officers were called. They then advised AAA to file a case against accused-appellant.³⁰

In its November 15, 2016 Decision,³¹ the RTC did not find enough basis to convict accused-appellant as charged under Republic Act (R.A.) No. 7610 because there was no evidence that he himself transacted directly or spoke with any of AAA's clients, even if he taught her the tricks of the flesh trade.³² However, for having enticed AAA to live with him by taking advantage of her vulnerability, facilitating her entry into prostitution and

²³ TSN dated June 6, 2014.

²⁴ Records, 14-304088, p. 59.

²⁵ TSN, June 6, 2014, pp. 7-9; Medico-Legal Report, Records (Criminal Case No. 14-304088), p. 59.

²⁶ Records (Criminal Case No. 14-304088), p. 106.

²⁷ Id. at 107.

²⁸ TSNs dated February 17, 2016, pp. 8-10; TSN, August 16, 2016, pp. 9-10.

²⁹ TSN, June 21, 2016, pp. 2-3.

³⁰ Id. at 5-7.

³¹ Supra note 3.

³² Id. at 72.

benefiting from it, the RTC convicted the accused-appellant as charged under R.A. No. 9208.³³ As disposed:

WHEREFORE, in view of the foregoing disquisition, the Court finds accused REYNOLD MONSANTO y FAMILARAN/PAMILARAN guilty beyond reasonable doubt in Criminal Case No. 15-314082 of the offense of violation of *Section 4 (a) in relation to Section 6 (a)* of Republic Act No. 9208. He is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT, to PAY THE FINE of P2,000,000.00, and to pay the costs.

He is further adjudged to PAY AAA moral damages of P500,000.00 and exemplary damages of P100,000.00, pursuant to the Supreme Court's rulings in *People v. Hadja Jarma Lalli* and *People v. Nufrasir Hashim*.

He is however ACQUITTED of the charges for *Violation of Section 5 (a-1) and 5 (a) of Republic Act No. 7610* in Criminal Cases Nos. 14-304088 and 15-314083, on the ground of reasonable doubt.

SO ORDERED.³⁴ (Citation omitted)

On appeal, the CA also ruled that the evidence adduced by the prosecution established beyond reasonable doubt accused-appellant's guilt under the charge of child trafficking. Additionally imposing interest on the damages awarded, the dispositive portion of its January 31, 2018 Decision³⁵ reads:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 15 November 2016 of the Regional Trial Court of Manila, Branch 5 in *Crim. Case No. 15-314082* finding accused-appellant Reynold Monsanto y Familiaran/Pamiliaran guilty beyond reasonable doubt of violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, imposing upon accused-appellant the penalty of life imprisonment and a fine in the amount of Php2,000,000.00 plus costs, and ordering him to pay private complainant AAA the amount of Php500,000.00 as moral damages and Php100,000.00 as exemplary damages is **AFFIRMED**. In addition, interest at the rate of 6% per *annum* is imposed on the said damages, from the date of finality of this Decision until fully paid.

SO ORDERED.³⁶

Undaunted, accused-appellant now appeals his conviction before this Court.³⁷

³³ Id. at 74-75.

³⁴ CA rollo, pp. 80-81.

³⁵ Supra note 2.

³⁶ Rollo, pp. 30-31.

³⁷ Supra note 1.

In a letter³⁸ dated November 9, 2018, the Superintendent of the New Bilibid Prison confirmed accused-appellant's confinement. For its part, the Public Attorney's Office manifested on November 27, 2018, that it is adopting the Brief for the Accused-Appellant dated July 3, 2017 as its supplemental brief.³⁹ In turn, on December 10, 2018, the Office of the Solicitor General asked that it be excused from filing a supplemental brief as the issues raised by the accused-appellant were fully addressed in the November 3, 2017 Appellee's Brief.⁴⁰

The Issues

To recapitulate, accused-appellant argued that the RTC erred in giving credence to AAA's testimony and in according weight on the medical certificate to prove that AAA engaged in prostitution or that he had a direct hand in it.⁴¹ Accused-appellant further asserted that AAA's minority was not sufficiently proven.⁴²

On the other hand, the plaintiff-appellee countered that AAA is a credible witness and her testimony is sufficient to convict accused-appellant.⁴³ Moreover, AAA's minority, her sexual exploitation, and all the elements of trafficking in persons were duly established by the prosecution.⁴⁴

The foregoing arguments may be distilled to the sole issue of whether or not the prosecution was able to prove beyond reasonable doubt accused-appellant's guilt under the child trafficking charge.

This Court's Ruling

We sustain the conviction.

The Court's general inclination to accord respect to the trial court's appreciation of the testimonies of witnesses was thoroughly explained in *People v. Ocdol*,⁴⁵ as follows:

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in

³⁸ *Rollo*, p. 42.

³⁹ *Id.* at 46-47.

⁴⁰ *Id.* at 50-51.

⁴¹ *CA rollo*, p. 34.

⁴² *Id.*

⁴³ *Id.* at 100.

⁴⁴ *Id.* at 107-111.

⁴⁵ 741 Phil. 701 (2014), citing *People v. Sapigao, Jr.*, 614 Phil. 589, 599 (2009).

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ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record so that all that the appellate court can see are the cold words of the witness contained in the transcript of testimonies with the risk that some of what the witness actually said may have been lost in the process of transcribing. As correctly stated by an American court, "There is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed in the very nature of things cannot be transcribed upon the record, and hence they can never be considered by the appellate court."⁴⁶

We affirm the RTC's valuation of AAA's testimony, as affirmed by the CA, in light of its spontaneity, steadfastness and consistency on material points. Moreover, while the incriminating facts were chiefly anchored on the testimony of AAA, there is no merit in the claim that the RTC relied solely on AAA's testimony.

Apart from accused-appellant's attempt to downplay his role in enticing AAA to live with him and her sexual exploitation, his testimony jibes with that of AAA. The testimonies of the *barangay kagawad* and Dr. Hernandez also bolster the truthfulness of AAA's testimony. Although both the *barangay kagawad* and Dr. Hernandez had no personal knowledge on the prostitution activities of AAA or on accused-appellant's part in it, they had personal knowledge on the circumstances of its discovery which led to accused-appellant's arrest. Furthermore, settled is the rule that the testimony of a single witness may be sufficient to produce a conviction, if the same appears to be trustworthy and reliable. If credible and convincing, that alone would be sufficient to convict the accused.⁴⁷

As reiterated in *People v. Ortega*:⁴⁸

It bears emphasis that when the offended parties are young and immature girls from the ages of twelve to sixteen, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability but also the shame and embarrassment to which they would be exposed by court trial if the matter about which they testified is not true. x x x⁴⁹

The stigma that AAA risked exposing herself to in disclosing how a person whom she thought truly cared for her, manipulated and compelled her into prostitution, may be gleaned from her response on cross-examination:

⁴⁶ Id. at 714-715.

⁴⁷ *People v. Pareja*, 724 Phil. 759, 776 (2014), citing *People v. Manalili*, 716 Phil. 762, 772 (2013).

⁴⁸ 680 Phil. 285 (2012), citing *People v. Ponsica*, 433 Phil. 365 (2002).

⁴⁹ Id. at 299.

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x x x x

Q *Di ba seryoso siya sa iyo dahil ibinabahay ka niya?*

A *Nung una po.*

Q *Pero kahit ganyan siya[,] hindi ka niya inutusan magpagalaw sa foreigner?*

A *Nung una po sinabi ko[,] kailangan bang magpagalaw ako sa foreigner? Hindi ka ba nandidiri? Sabi niya okay lang yung [sic] kasi wala tayong pambayad ng bahay.*⁵⁰ (Emphasis supplied)

x x x x

Accused-appellant insists that the prosecution failed to prove that AAA was a minor during the alleged period when the offense was committed. His argument is based on the weight given by the RTC on the result of AAA's dental ageing examination because Dr. Puertollano, who conducted it, was not presented and established as an expert witness. The prosecution and the defense merely stipulated on the intended testimony of social worker Dumdum, which included his having caused the dental ageing examination of AAA and the result thereof.

The CA, nonetheless, upheld the finding of minority because AAA testified on such fact, and the same was expressly and clearly admitted by accused-appellant. During her direct testimony on June 13, 2014, AAA stated that she was sixteen (16) years old.⁵¹

Notably, both accused-appellant and Dr. Hernandez confirmed her minority. As testified by accused-appellant himself -

Q [D]o you know that [AAA] was only 16 years of age during that time?

A **When we met in 2012, she was only 14 years old.**⁵² (Emphasis supplied)

On the continuation of his direct examination, he stated:

Q Now by the way, do you know for a fact that [AAA] is a minor when you decided to live with her?

A **Yes, I knew that she was just 16 years old,** she told me "don't feel sorry for me, just love me."⁵³ (Emphasis supplied)

⁵⁰ TSN, June 26, 2014, p. 16.

⁵¹ TSN, June 13, 2014, p. 3.

⁵² TSN, February 17, 2016, p. 10.

⁵³ TSN, June 21, 2016, p. 8.

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During cross-examination, accused-appellant again said:

Q How old was she then when you first met her?

A **14 years old.**⁵⁴ (Emphasis supplied)

Finally, even Dr. Hernandez, whose expertise was duly established, declared on the witness stand:

Q Upon examining the patient, could you tell us what you mean by tanner stage and what is meant by estrogenized redundant type of hymen as indicated in your report?

A **The tanner staging is the maturity rating.** It is a criteria of a ratings [sic] scale that we use to assess if the development of a child is consistent with her age in terms of having reached puberty, because certain changes takes [sic] place when the child enters puberty. She gets her menstruation and her breast becomes more developed, then hair developed [sic]. **This tanner stage 4 is consistent with her age. For a 16-year old.**⁵⁵ (Emphasis supplied)

Without a doubt, AAA was a minor when she was enticed by accused-appellant to live with him, and was still a minor when she was compelled to engage in prostitution up to the time of accused-appellant's arrest. Her minority was expressly alleged in the Information and sufficiently established by the prosecution.

To recall, accused-appellant was charged and convicted for violation of Section 4 (a) and (e), in relation to Section 6 (a) of R.A. No. 9208 or the *Anti-Trafficking in Persons Act of 2003*, as expanded in 2012 by R.A. No. 10364. The pertinent provisions 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:

(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

⁵⁴ TSN, August 16, 2016, p. 4.

⁵⁵ TSN, June 6, 2014, p. 8.

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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

In *People v. Casio*,⁵⁶ this Court derived the elements of trafficking in persons, namely:

(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;” and

(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.”⁵⁷ (Emphases supplied, italics in the original)

All the elements of human trafficking, relating to the act, the means, and the purpose, are present in this case. Accused-appellant makes much of the fact that there is no evidence that he transacted directly with AAA’s clients. Examining the aforecited elements of human trafficking, however, readily reveal that the offering or providing of persons using any of the enumerated means for the purpose of exploitation, is only one among several ways of committing the offense. In *People v. Rodriguez*,⁵⁸ the Court also clarified that the gravamen of the crime of human trafficking is not so much the offer of a woman or child; it is the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation.⁵⁹

Here, AAA transferred from Valenzuela City to move in with accused-appellant in Manila with the expectation that he would provide for her studies and because they were already lovers. As it turned out, accused-appellant manipulated and coerced AAA into engaging in prostitution with foreign men, from which income he also benefited.

Regarding the means employed in the trafficking of minors, *People v. Villanueva*⁶⁰ emphasized that:

⁵⁶ 749 Phil. 458 (2014).

⁵⁷ Id. at 474.

⁵⁸ G.R. No. 211721, September 20, 2017, 840 SCRA 388.

⁵⁹ Id. at 402-403.

⁶⁰ 795 Phil. 349 (2016).

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The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall still be considered “trafficking in persons” even if it does not involve any of the means set forth in the first paragraph of Sec. 3(a) of R.A. No. 9208. Given that the person allegedly trafficked in the case at bar is a child, we may do away with discussions on whether or not the second element was actually proven.⁶¹ (Citation omitted)

As already clarified by the Court:


x x x x A child exploited in prostitution may seem to consent to what is being done to her or him and may appear not to complain. However, we have held that a child who is a person below eighteen years of age or those unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of their age or mental disability or condition is incapable of giving rational consent x x x⁶²

Accused-appellant himself admitted that his earnings were not enough to support himself and AAA when he took her under his wing. Despite the fact that they could barely afford to pay their rent and basic necessities, AAA eventually acquired an iPad and a laptop computer. The Court finds it incredible that accused-appellant was turning a blind eye to the source of these items, or that he also had no hand in AAA’s engagement in prostitution. Initiation into the flesh trade with foreign clients requires a level of familiarity with its ways and inner workings that an untrained minor, particularly one living under the same roof and under the economic control of her middle-aged lover, would not have stumbled into on her own.

To echo *Delantar*,⁶³ the forfeiture of the right to live free in society is the due requital for peddling a child to sexual servitude.⁶⁴

WHEREFORE, the appeal is **DISMISSED**. The Decision dated January 31, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08986, upholding the conviction of accused-appellant Reynold Monsanto y Familiaran/Pamiliaran in Crim. Case No. 15-314082 for violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, respectively known as the “*Anti-Trafficking in Persons Act of 2003*” and the “*Expanded Anti-Trafficking in Persons Act of 2012*,” is **AFFIRMED**.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

⁶¹ Id. at 360.

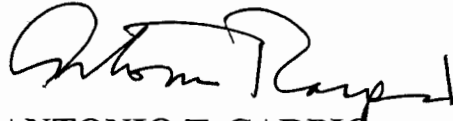
⁶² *People v. Delantar*, 543 Phil. 107, 124 (2007).

⁶³ Id.

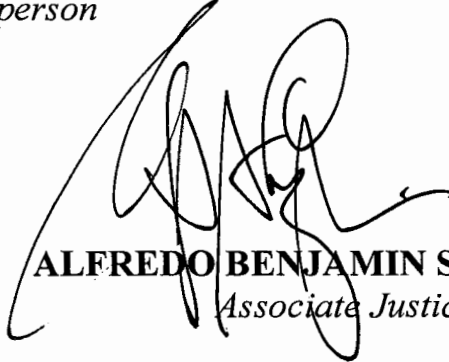
⁶⁴ Id. at 110.

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WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice




ESTELA M. PERLAS-BERNABE
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


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.



ANTONIO T. CARPIO
Acting Chief Justice

CERTIFIED TRUE COPY



MARIA LOURDES C. PERFECTO
Division Clerk of Court
Second Division

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