



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 238754

- versus -

Present:

LEONEN, J., Chairperson,
HERNANDO,*
INTING,
DELOS SANTOS, and
LOPEZ, JJ.

CELIA DELA CRUZ y BUCALING,
Accused-Appellant.

Promulgated:

June 16, 2021

X-----Michael B. H.-----X

DECISION

LOPEZ, J., J.:

Submitted before Us is an Appeal filed by Celia Dela Cruz y Bucaling (*accused-appellant*) seeking to reverse and set aside the following rulings of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08518:

- 1) Decision¹ dated April 25, 2017, affirming the conviction of accused-appellant for two (2) counts of Qualified Trafficking in Persons but modifying the moral damages awarded to the private complainants in the amount of ₱500,000.00 each; and
- 2) Resolution² dated September 13, 2017, denying accused-appellant's Motion for Reconsideration.

* On leave.

¹ Penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Sesinando E. Villon and Rodil V. Zalameda (now a member of the Supreme Court); *rollo*, pp. 2-19.

² CA *rollo*, pp. 168-171.

The Facts

In two separate Informations, accused-appellant was indicted for two (2) counts of Qualified Trafficking in Persons under Section 6 of Republic Act (R.A.) No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003" in relation to R.A. No. 8369.³ The accusatory portions of which read:

Criminal Case No. 2014-15717-MK

That on or about the 14th day of April 2014, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of the vulnerability of private complainant [AAA],⁴ a seventeen (17) year old minor, did then and there willfully and unlawfully recruit and harbor, and likewise provide the said private complainant to customers for the purpose of prostitution and sexual exploitation, by employing her as waitress in her restaurant/bar, with the additional duty of entertaining customers by joining them on their tables and having sex with them for a fee and thereafter providing her to a police officer posing as a customer for the purpose of having sex for a fee of [P]1000.00, as in fact she was brought to a room inside the restaurant/bar to have sex with the said police officer after the latter had paid the said amount of [P]1000.00 for that purpose, the payment having been paid to the said accused and a portion of which would be given to the said private complainant in accordance with their arrangement, to the damage and prejudice of the said private complainant.

CONTRARY TO LAW.⁵

Criminal Case No. 2014-15718-MK

That on or about the 14th day of April 2014, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of the vulnerability of private complainant [BBB], a fifteen (15) year old minor, did then and there willfully and unlawfully recruit and harbor, and likewise provide the said private complainant to customers for the purpose of prostitution and sexual exploitation, by employing her as waitress in her restaurant/bar, with the additional duty of entertaining customers by joining them on their tables and having sex with them for a fee, and thereafter providing her to a police officer posing as customer for the purpose of having sex for a fee of [P]1000.00, as in fact she was brought to a room inside the restaurant/bar to have sex with the said police officer after the latter had paid the said amount of [P]1000.00 for that purpose, the payment having been paid to the said

³ Family Courts Act of 1997.

⁴ The identity of the victim or any information which could establish or compromise his identity, as well as those of his 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, known as the RE: RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN," effective 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).

⁵ Records, p. 2.

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accused and a portion of which would be given to the said private complainant in accordance with their arrangement, to the damage and prejudice of the said private complainant.

CONTRARY TO LAW.⁶

On May 6, 2014, accused-appellant, with assistance of counsel, pleaded not guilty to the crimes as charged.⁷

After pre-trial, trial on the merits ensued.

Version of the Prosecution

To prove the guilt of accused-appellant, the following witnesses were presented: 1) AAA, 2) BBB, 3) Police Officer 2 Jason Villanueva (*PO2 Villanueva*), 4) PO3 Cesar Abonita (*PO3 Abonita*); 5) Senior Police Officer 3 Greco Gonzales (*SPO3 Gonzales*); 6) PO3 Vanessa De Guzman (*PO3 De Guzman*); and 7) SPO1 Winson Saunar (*SPO1 Saunar*).

Their salient testimonies are as follows:

AAA is the minor private complainant in Criminal Case No. 2014-15717-MK. She was born on June 8, 1997⁸ and was only 17 years old when the incident happened on April 14, 2014. She started working at [REDACTED] Resto Bar (*resto bar*) located in [REDACTED] City in January 2014. The resto bar is owned by accused-appellant whom they called, "Mommy Celia." She was recruited by a friend to work as a waitress and Guest Relations Officer (*GRO*) at the resto bar. She also submitted a bio-data indicating that she is already eighteen (18) years old. As part of her work, she would sit and drink with male customers. However, if the customer would tell accused-appellant that they want VIP service, she will have sex with the customer at the 2nd floor of the resto bar. AAA explained that the fee for the VIP service is divided in half between the waitress and accused-appellant. In any case, they are given ₱500.00 each.⁹

On April 14, 2014, AAA reported for work when two male customers arrived. At first, accused-appellant entertained the customers. Thereafter, AAA and BBB, another minor, were told by accused-appellant that the customers wanted to have them in their table. They sat in one table and the customers asked them if they were giving VIP service. When they answered in the affirmative, BBB told accused-appellant that the customers wanted a VIP. The customers then talked to accused-appellant and paid ₱2,000.00.

⁶ *Id.* at 30.

⁷ *Rollo*, p. 4.

⁸ Records, p. 130.

⁹ TSN, September 15, 2014, pp. 2-7.

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Subsequently, AAA and BBB were instructed by accused-appellant to go upstairs and were given ₱500.00 each. At the 2nd floor, they were accompanied by accused-appellant, where the police officers posing as customers were waiting inside their respective rooms. Thereafter, AAA talked and drank with her customer. While they were drinking, the customer removed her clothes and embraced her tightly while her back was facing him. However, when AAA glanced at her back, she shouted when she saw the customer taking a picture of her naked. According to AAA, she already expected that she would be having sex with her customer as this was part of her job, but she shouted because the customer was taking her photos.¹⁰

On the other hand, BBB is the minor private complainant in Criminal Case No. 2014-15718-MK. She was born on August 28, 1998¹¹ and was 15 years old at the time of the incident on April 14, 2014. She started working at the resto bar of accused-appellant in February 2014 and was recruited by a friend to work there as a waitress and GRO. After a few days of being employed, she started to render VIP services to her customers. According to BBB, accused-appellant did not know that she was a minor because she submitted a bio-data stating that she is already eighteen (18) years old.¹²

On April 14, 2014, two male customers entered the bar and sat with them. After accused-appellant talked to the customers, they were asked to go to the VIP room upstairs. BBB's customer told her that they already gave ₱2,000.00 to accused-appellant for the VIP service. Inside the VIP room, they drank beer and were paid ₱1,000.00 each.¹³ The customer asked BBB if sex is already included in the VIP service to which the latter replied that it would depend on her and AAA. While they were drinking, BBB heard AAA shouting. At this juncture, she went out of the VIP room and saw that someone was taking their pictures. Later on, PO3 De Guzman rescued them and brought them to the Women's Desk of the [REDACTED] Police Station. The following morning, they were interviewed with the assistance of a social worker.¹⁴

The foregoing testimonies of the minor victims were corroborated by the police officers. Their material testimonies, interwoven together, established the following:

PO3 De Guzman, a member of the Women's Desk of the [REDACTED] City Police Station, received a report about an alleged illegal sex trade of minors at [REDACTED] Resto Bar located in [REDACTED] City. Acting thereon, she sought the assistance of the Intelligence Branch of the [REDACTED] City Police Station to verify the report.¹⁵

¹⁰ *Id.* at 7-10.

¹¹ Records, p. 129.

¹² TSN, July 1, 2014, pp. 4-10.

¹³ *Id.* at 16-22.

¹⁴ *Id.* at 7-30.

¹⁵ Pinagsamang Sinumpaang Saiaysay ni SPO3 Greco Gonzales, SPO1 Winson Saunar, PO3 Cesar Abonita, PO3 Dennis Baltazar, PO2 Jason Villanueva dated April 15, 2014; records, pp. 126-127.

Upon confirming the location of the resto bar, a team was formed to conduct an operation. The team was composed of Police Inspector Jerry Torres (*PInsp. Torres*), PO3 De Guzman, SPO3 Gonzales, SPO1 Saunar, PO3 Dennis Baltazar, PO2 Villanueva, and PO3 Abonita. Before the operation, they prepared two pieces of ₱1,000.00 bills and entered the same in the police blotter.¹⁶

At around 9:30 p.m., of April 14, 2014, PO3 Abonita and PO2 Villanueva went to the [REDACTED] Resto Bar and posed as customers while the rest of the team strategically positioned themselves outside. Upon arrival, they saw an old lady who greeted them and let them inside. When they entered the resto bar, they saw the alleged minor women who offered them drinks.¹⁷

While PO3 Abonita and PO2 Villanueva were at a table drinking beer, accused-appellant Celia Dela Cruz introduced herself as the manager of the resto bar. Accused-appellant asked PO2 Villanueva and PO3 Abonita if they wanted girls. When they answered in the affirmative, two girls, AAA and BBB, sat with them. Accused-appellant then asked them if they wanted VIP service. Upon hearing this, PO3 Abonita asked for the price to which accused-appellant replied ₱1000.00 each, and in exchange the girls would give them “*panandaliang aliw*” or sexual intercourse. The words of accused-appellant, according to PO3 Abonita was, “*mag VIP kayo para ano, magshort time kayo, panandaliang aliw.*” When PO3 Abonita asked if the VIP service included sexual intercourse, accused-appellant replied, “*ah yon nga ang mangyayari nga sexual intercourse nga sa pagitan nong dalawang babae at sa [inyo] ni Jason.*”¹⁸

After it was confirmed that the VIP service meant that it would include sexual intercourse, PO3 Abonita handed the two ₱1000.00 bills to accused-appellant. Afterwards, they were instructed to go to the 2nd floor. One of the girls went up first followed by PO3 Abonita and then the second girl and then PO2 Villanueva.¹⁹

When PO3 Abonita reached the 2nd floor, he saw the two small rooms. He went to the right side while PO2 Villanueva, who was at the stairs on the way to the 2nd floor, made a missed call to SPO3 Gonzales as the pre-arranged signal. Inside the room, PO3 Abonita told the girl not to make a noise as they will rescue them, but the girl became hysterical and told him not to arrest her.²⁰

¹⁶ TSN, December 9, 2014, pp. 5-6; records, p. 128.

¹⁷ TSN, November 17, 2014, p. 5, 10; TSN, December 9, 2014, pp. 8-10.

¹⁸ TSN, December 9, 2014, pp. 10-11

¹⁹ *Id.* at 13-14.

²⁰ *Id.* at 15.

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Meanwhile, after receiving the missed call, the rest of the team entered the resto bar and helped in the arrest of accused-appellant. Thereafter, accused-appellant was brought to a hospital for a medical checkup, and then to the police station for the filing of a case against her. The two minor victims were rescued and eventually brought to the Department of Social Welfare and Development (*DSWD*).²¹

Version of the Defense

For the defense, accused-appellant Celia Dela Cruz y Bucaling was presented as the lone witness.

Accused-appellant claimed that she is the owner of a resto bar located along [REDACTED]. It is a sing-along videoke bar and a drinking place with VIP services. She averred that the VIP services are offered to those customers who wanted privacy. There are VIP rooms located at the 2nd floor of the establishment, where each room contains a small table, two chairs, mirror, electric fan, and a bulb. For the VIP service, they charge ₱800.00 to ₱1000.00, which include two (2) ladies' drink and two (2) bottles of beer. The waitress would get forty percent (40%) of the room charges while the management gets sixty percent (60%).²²

Accused-appellant insisted that she instructed the waitresses to just drink with the customers. She also strictly prohibited them from having sex with the customers in the VIP room. She also clarified that she required the waitresses to be "*palaban*" considering that they would start working at around 8:00 in the evening until 3:00 in the morning the next day.²³

She averred that AAA and BBB started working at the resto bar in December 2013. They submitted a bio-data, but with no birth certificates. Initially, she gave them temporary work for two weeks, subject to the submission of their respective birth certificates. When they failed to submit a birth certificate, she terminated their services.²⁴

On March 30, 2014, AAA and BBB went back to the resto bar requesting if they could stay in. Accused-appellant repeatedly asked them to present a birth certificate, but she was told that their birth certificates are with their mothers who would be arriving from the province. Thus, she took AAA and BBB back to work.²⁵

²¹ *Id.* at 16-17.

²² TSN, October 21, 2015, pp. 3-4.

²³ *Id.* at 5-6.

²⁴ *Id.* at 6-7.

²⁵ *Id.* at 7-8.

On April 14, 2014, at around 9:00 in the evening, accused-appellant, together with AAA and BBB, were outside the resto bar. When two male customers arrived, AAA and BBB accompanied and entertained them inside. Meanwhile, accused-appellant remained outside as she was waiting for her husband who bought her medicine. After a few minutes, she entered the bar and saw BBB sitting beside the customer at table no. 7, while AAA was already singing. After serving them drinks, she went back to the counter. The girls, however, shouted and told her that their customers wanted a VIP service for ₱1000.00 each. Afterwards, they stood up, got a tray with four bottles of beer and went to the VIP room upstairs. She followed them and the customers handed to her ₱1000.00 each supposedly for the beer and the ladies' drinks and the amenities.²⁶

After receiving the payment, accused-appellant went down stairs where two (2) customers arrived. She told them to sit at table no. 4. While serving them beer, she heard the two girls upstairs shouting, "*Mommy, Mommy tulungan mo kami... nagkakalabugan sa taas.*" She also heard a commotion and the girls were crying. While she was about to go up, two big men held her by the shoulders and one of them uttered, "*huwag kang gagalaw Mommy, balita ko marami ka daw babae desiotso daw ang babae mo.*" She told them, "*wala po, Sir, mga ilan-ilan lang ang babae dito.*" At this point, she noticed that the two customers from table no. 4, who turned out to be police officers also went up to the second floor and said, "*Mommy, umakyat kami gusto sana naming tumulong doon sa dalawang babae pero wala pala, wala naman gulo.*" She then saw the two girls being held by their customers who turned out to be police officers, going down the stairs. Accused-appellant averred that BBB told her that they were forced to undress while their pictures were being taken. AAA also showed her the scratches on her right wrist.²⁷

After the customers introduced themselves as police officers, they brought the two girls and accused-appellant to ██████████ City Police Station on board two different vehicles. At the police station, accused-appellant saw AAA and BBB who both embraced her. Accused-appellant was unable to react when they told her that they were forced to speak against her. Accused-appellant, nonetheless, contended that she did not know that the two girls were minors as their bio-datas stated that they were already eighteen (18) years old. Accused-appellant also denied that she hired the girls for prostitution or sexual exploitation in exchange for money.²⁸

The RTC Ruling

On February 12, 2016, the RTC rendered a Joint Decision²⁹ finding accused-appellant guilty beyond reasonable doubt for Qualified Trafficking in

²⁶ *Id.* at 8-11.

²⁷ *Id.* at 11-13.

²⁸ *Id.* at 13-16.

²⁹ *CA rollo*, pp. 41-57.

Persons. The decretal portion of which reads:

WHEREFORE, the Court rules on the following:

1. For **CRIM CASE NO. 2014-15717**, the Court finds accused, **CELIA DELA CRUZ, GUILTY** beyond reasonable doubt of trafficking in persons under paragraph (a), Section 4 as qualified under paragraph (a), Section 6, of R.A. 9208 and sentences her to suffer [the] penalty of life imprisonment and to pay a fine of [P]2,000,000.00. She is likewise ordered to pay minor private complainant [AAA] [P]200,000.00 as moral damages and [P]100,000.00 as exemplary damages.

2. For **CRIM. CASE No. 2014-15718**, the Court finds accused, **CELIA DELA CRUZ, GUILTY** beyond reasonable doubt of trafficking in persons under paragraph (a), Section 4 as qualified under paragraph (a), Section 6, of R.A. 9208 and sentences her to suffer [the] penalty of life imprisonment and to pay a fine of [P]2,000,000.00. She is likewise ordered to pay minor private complainant [BBB] [P]200,000.00 as moral damages and [P]100,000.00 as exemplary damages.

Accused Celia Dela Cruz shall be credited in full of the preventive imprisonment she already served in confinement.

SO ORDERED.³⁰

In arriving at such disposition, the RTC found accused-appellant's denial as unavailing and incredible. It held that the minority of the victims was sufficiently established through their respective birth certificates. Accused-appellant claimed that she did not know that the private complainants were minors because they falsely represented in their bio-datas that they were 18 years old. Nevertheless, the RTC held that R.A. No. 9208 is a special law and as such, her criminal intent is immaterial.³¹

Furthermore, the RTC opined that the acts of qualified trafficking committed by accused-appellant were established by the testimonies of the minor victims as well as the police officers who posed as customers. Accused-appellant herself admitted the existence of VIP rooms, as well as, the sharing system between her and the waitresses whenever a customer would want a VIP service. Thus, her denial of no sex policy was untenable especially in light of the testimonies of the police officers with whom she had talked to regarding the bar's scandalous practice. The RTC also noted that the testimonies of the police officers were straightforward, positive, and categorical, inasmuch as there was no showing of bad faith on their part to falsely testify against accused-appellant. Thus, the latter's unsubstantiated denial cannot prevail over the positive allegations of the prosecution witnesses.³²

³⁰ *Id.* at 57.

³¹ *Id.* at 53-56.

³² *Id.*

Feeling aggrieved, accused-appellant moved for reconsideration, but the same was denied by the RTC in its Order³³ dated June 6, 2016.

Adamant, accused-appellant interposed an appeal before the CA, claiming that the RTC erroneously convicted her of the crimes complained of, and alleges that the requirement of proof beyond reasonable doubt was not satisfied and that she was not given an ample opportunity to defend herself in front of her accusers.

The CA's Ruling

On April 25, 2017, the CA rendered the assailed Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the appeal is **DENIED**. This Court affirms the February 12, 2016 *Joint Decision* of the Regional Trial Court (RTC), ██████████ ██████████ City, in Criminal Case Nos. 2014-15717-MK and 2014-15718-MK subject only to the modification that accused-appellant Celia Dela Cruz y Bucaling is ordered to pay each of the private complainants [P]500,000.00 as moral damages, in addition to the award of [P]100,000.00 as exemplary damages.

SO ORDERED.³⁴

In affirming the conviction of accused-appellant, the CA held that accused-appellant performed all the elements in the commission of the crime when she peddled the minor victims and offered their services to decoys PO3 Abonita and PO2 Villanueva in exchange for money. The offense was also qualified because the trafficked persons were minors whose vulnerability and minority were taken advantage of by accused-appellant.³⁵

The guilt of accused-appellant was also supported by the testimonies of the police officers who conducted the operation and narrated how accused-appellant offered the sexual services of the private complainants in exchange for ₱1,000.00 each.³⁶

Furthermore, while accused-appellant claims that she strictly prohibited the act of flirting and lascivious conduct between the GROs and the customers, the same are meaningless warnings and were never really intended to be implemented as evidenced by the fact that the prohibited acts have actually been committed, tolerated and perpetuated in the resto bar.³⁷

³³ *Id.* at 59-72.

³⁴ *Rollo*, p. 19

³⁵ *Id.* at 16-17.

³⁶ *Id.* at 17.

³⁷ *Id.* at 15-16.

Lastly, the CA was not convinced that accused-appellant was not given an opportunity to defend herself because of the negligence of her counsel. The CA stressed that the negligence and mistakes of the counsel are binding on the client. More importantly, records reveal that the defense was given every opportunity to present its evidence and to cross examine the witnesses of the prosecution. Accused-appellant herself was allowed to testify in her behalf and was able to file an appeal.³⁸

Unconvinced, accused-appellant filed a motion for reconsideration, but to no avail, as the CA denied the same in its impugned Resolution dated September 13, 2017.³⁹

Thus, in her quest for acquittal, accused-appellant lodged this present Appeal.

In the main, accused-appellant bewails that not all the elements of the Qualified Trafficking in Persons are present. In particular, she submits that the prosecution failed to prove the second element because there is no evidence showing that she used the means of threat or exerted force, intimidation, or any other forms of coercion upon the private complainants. The decision whether or not to have sex with the VIP customers depended on the will of the private complainants and not through her control or manipulation. There is also no certainty that the payment of ₱1,000.00 given by the customers was indeed for sexual intercourse. She insinuates that the payment was only for the VIP room including the drinks of the customer and the waitress.⁴⁰

Accused-appellant further laments that the third element is absent. Aside from the bare allegations of the police officers, the prosecution failed to adduce other evidence to corroborate its claim that she hired private complainants for exploitation, prostitution, and other forms of sexual exploitation.⁴¹

Issue

Whether or not the guilt of accused-appellant for Qualified Trafficking in Persons was proven beyond reasonable doubt.

The Court's Ruling

The appeal is bereft of merit.

³⁸ *Id.* at 18.

³⁹ *CA rollo*, pp. 168-171.

⁴⁰ *Rollo*, p. 55-56.

⁴¹ *Id.* at 56.

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At the outset, Section 3(a) of R.A. No. 9208, otherwise known as the “Anti-Trafficking in Persons Acts of 2003” defines trafficking in persons as follows:

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.

The 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.

From the foregoing definition, the elements of Trafficking in Persons as enunciated in *People v. Casio (Casio)*,⁴² are the following:

- (1) The *act* of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders”;
- (2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another[”]; and
- (3) The *purpose* of trafficking 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.”⁴³

The Court notes, however, that R.A. No. 9208 has been amended on February 6, 2013 by R.A. No. 10364 otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012.” By virtue of the amendments introduced by R.A. No. 10364, the elements of trafficking in persons have been expanded to include the following acts:

- (1) The **act** of “recruitment, *obtaining, hiring, providing, offering,*

⁴² 749 Phil. 458 (2014).

⁴³ *Id.* at 472-473.

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.”⁴⁴ (Emphases supplied)

Since the present case was committed on April 14, 2014, the applicable law is R.A. No. 9208 as amended by R.A. No. 10364.

Relatedly, Section 4 of R.A. No. 9208, as amended, enumerates the acts constituting “Trafficking in Persons.” Portions pertinent to this case is Section 4(a), which reads:

SEC. 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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, 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, or sexual exploitation;

x x x x

In conjunction with this, Section 6(a) of R.A. No. 9208, as amended, provides that the crime is qualified when the trafficked person is a child, which is defined as a person below the age of eighteen (18) years old or above 18 years old, but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

In this case, We affirm the uniform findings of the courts *a quo* that all the elements of Qualified Trafficking in Persons are present.

Anent the *first* element, the clear and categorical testimonies of the private complainants have sufficiently established that they were hired by accused-appellant, their employer and owner of [REDACTED] Resto Bar. They referred to her as “Mommy Celia” who hired and employed them as GROs/waitresses and were tasked to entertain their customers to the extent of

⁴⁴ *Id.* at 474.

having sexual intercourse with them in exchange for money.⁴⁵ Prior to their hiring, they even submitted a bio-data to accused-appellant,⁴⁶ which the latter admitted.⁴⁷ While accused-appellant claims that she was not aware that private complainants are minors as they falsely represented that they were 18 years old in their bio-datas, the same would not exonerate her from criminal liability. As aptly held by the RTC, qualified trafficking in persons is punished by a special law. Hence, it belongs to a class of offenses known as *mala prohibita* where good faith and absence of criminal intent are of no moment.

Relative to the *second* element, accused-appellant took advantage of the youth and vulnerability of the minor victims when she lured them into prostitution in exchange for financial gain. Here, the minority of the private complainants was sufficiently alleged in the Information⁴⁸ and convincingly established by their respective Certificate of Live Births.⁴⁹

Correlatively, Section 3(a), paragraph 2 of R.A No. 9208, as amended, expressly articulates that when the victim is a child, the recruitment, transportation, transfer, harboring, adoption or receipt for the purpose of exploitation need not involve “*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.*” This implies that accused-appellant can be held liable for qualified trafficking in persons even if she did not employ threat, force, intimidation or any other forms of coercion upon the minor victims. Neither can she evade criminal liability by claiming that the decision to have sexual intercourse with the customers depended on the will of the private complainants. In fact, regardless of the willingness of the minor victims, the crime of qualified trafficking in persons can still be committed.

Instructive is the case of *Casio*⁵⁰ where the Court considered the minor's consent to the sexual transaction as irrelevant to the commission of the crime. It held that knowledge or consent of the minor is not a defense under R.A. No. 9208. The 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.

Similarly, in *People v. De Dios*,⁵¹ the Court emphasized that:

⁴⁵ TSN, July 1, 2014, pp. 5-8; TSN, August 27, 2014, pp. 5-8; TSN, September 15, 2014, pp. 6-7.

⁴⁶ TSN, July 1, 2014, pp. 34-36; TSN, September 15, 2014, p. 7

⁴⁷ TSN, October 21, 2015, p. 6.

⁴⁸ Records, pp. 2-3; pp. 30-31.

⁴⁹ *Id.* at 129-130.

⁵⁰ *Supra* note 32.

⁵¹ 832 Phil. 1034 (2018).



It did not matter that there was no threat, force, coercion, abduction, fraud, deception or abuse of power that was employed by De Dios when she involved AAA in her illicit sexual trade. AAA was still a minor when she was exposed to prostitution by the prodding, promises and acts of De Dios. **Trafficking in persons may be committed also by means of taking advantage of the persons' vulnerability as minors, a circumstance that applied to AAA, which was sufficiently alleged in the information and proved during the trial. This element was further achieved through the offer of financial gain for the illicit services that were provided by AAA to the customers of De Dios.**⁵² (Emphasis supplied).

The same principle was adopted in *People v. Ramirez*⁵³ where the Court held that the minor's acquiescence to the illicit transaction or the fact that the latter received the payment on behalf of the accused are not valid defenses in the commission of the crime.

As to the *third* element, it has been sufficiently established that the purpose of trafficking is for prostitution. Section 3(c) of R.A. No. 9208, as amended, defines prostitution as "any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration."

Here, both AAA and BBB testified that as part of their work, they were engaged by accused-appellant to render VIP service to male customers which involved having sexual intercourse with them in exchange for money. It was accused-appellant who transacts with the customers and upon payment of the service fee, they are instructed to go to the VIP room located at the 2nd floor of the resto bar. When a customer wants VIP service, there is already an understanding that sexual intercourse will happen between them and the customer.

The relevant testimonies of the minor victims are as follows:

Testimony of AAA

- Q Now, Ms. Witness, on April 14, 2014 you said that you went to the bar at around 7 o'clock in the evening, is that correct?
- A Yes, ma'am.
- Q Now what happened when you went to the resto bar on that night?
- A "May dalawang customer na ni-ladies po muna kami tapos nagyaya ng VIP."
- Q **You said that there were 2 customers, who entertained these 2**

⁵² *Id.* at 1044.

⁵³ G.R. No. 217978, January 30, 2019.

customers?

A It was Mommy Celia.

Q How did you know that?

A Because we were asked to go up and she was the one who talked to the customers.

Q Ms. Witness, why did you have to go up?

A “Kasi magvi-VIP raw po yung customer.”

Q Who asked you to go up?

A Mommy Cel⁵⁴

x x x x

Q After you went up where did you go?

A To our customers.

Q Where were your customers then?

A They were in the rooms.

x x x x⁵⁵

Q When you were inside the room, what did you do then?

A I was talking to the customer.

Q What else if any?

A We drank.

Q And then what happened next if any?

A I was tightly embraced by the customer and I shouted and I was surprised when policemen went upstairs.

Q So Ms. Witness, when you were embraced tightly and you said you shouted, why do you have to shout?

A I was naked at that time and when I turned my head I saw the customer taking a picture o[f] me.

COURT:

At what point in time did you remove your clothes?

THE WITNESS:

⁵⁴ TSN, September 15, 2014, pp. 7-8.

⁵⁵ *Id.* at 8.

9

During the time while we're drinking wine the customer was removing my clothes.

PROS. TAGAPAN:

Q What happened next when you said that the customer was removing your dress?

THE WITNESS:

A The customer was embracing me while my back was facing him and when I glance[d] at my back I noticed that he was taking a picture o[f] me.

THE COURT:

So at that point in time you shouted?

THE WITNESS:

Yes, ma'am

Q But when your clothes were being removed you did not shout?

A No ma'am.

Q Why did you not shout?

A Because that is our work, ma'am.

x x x x

PROS. TAGAPAN:

Q **When you said you did not shout while your clothes were being removed and you said "trabaho naman po namin yun," what did you expect will happen after that your clothes are already removed?**

A **"Yun po makikipag-sex sa customer."**

THE COURT:

Was that part of your job?

THE WITNESS:

Yes, ma'am.⁵⁶ (Emphases Supplied)

Testimony of BBB

Q So, you reported on April 14, 2014?

⁵⁶ *Id.* at 8-9.

9

A Yes ma'am.

Q What happened then, Ms. Witness, if any?

A At that time, there were two customers who entered the resto bar⁵⁷

x x x

Q So, you said you met these two persons who arrived at Cold Mountain Resto Bar, what happened next?

A **Tinable po kami, tapos po kinausap po sila ni Ma'am Celia.**

Q **So, tinala kayo tapos kinausap sila ni Ma'am Celia. Is this Ma'am Celia you are referring to the Celia dela Cruz who is the accused?**

A **Yes ma'am.**⁵⁸

x x x

Q Now, you said, after tin[a]ble ka ng customer, you went up. Who went up with you Ms. Witness?

A I, [AAA], the two customers.

Q In going up, where will you pass, Ms. Witness?

A Sa hagdan.

Q So, upon going up the stairs where did you go again?

A To the VIP room.

Q You said a while ago that the four of you went up and you said also that there were two (2) rooms. Where did you go Ms. Witness?

A To the first VIP room.

Q And who was with you, Ms. Witness, if any?

A My customer.

Q Can you please tell the Honorable Court what is the gender of your customer?

A Male.

Q How about the other two whom you identified as [AAA], where did she go if you know?

A To the second VIP room, ma'am.

Q Who was with her, if you know?

⁵⁷ TSN, July 1, 2014, p. 11.

⁵⁸ *Id.*

A Her customer.⁵⁹

x x x x

Q In going up to that VIP room Ms. Witness, or why [did] you have to up to the VIP room? For what business, Ms. Witness?

A Kasi uagbayad na po yong customer ng 1K so may deal na po na mangyayari sa amin.

COURT:

Q What do you mean?

A Kasi pag na VIP na kami, ganuon na po ang mangyayari. Nakikipagtalik po kami.

COURT:

Q And who gave you the 1K?

A It was not given to me.

Q To whom?

A To Ma'am Celia.

Q How did you know?

A Sinabi din po ng customer sa amin.⁶⁰

x x x x

Q When this customer told you that he gave one thousand to ma'am Celia, what do you understand about it?

A VIP na po kami pag ganuon.

Q Why? Why do you say that? Bakit mo nasabi yon?

A Ganuon po talaga kahit dati pa.

Q What do you mean kahit dati pa?

A Mula ng magtrabaho ako duon, pagkatapos ng ilang araw, ganuon na din nangyari.

Q Ano yong “ganuon?”

A Nakikipagtalik [na po] kami.

Q What is nakikipagtalik?

⁵⁹ *Id.* at 18.

⁶⁰ *Id.* at 20-21.

A sex po.⁶¹ (Emphases supplied)

The foregoing testimonies of the minor victims were also corroborated by PO2 Villanueva and PO3 Abonita who, after conducting an entrapment operation, confirmed the illicit sex trade of accused-appellant. As testified by PO2 Villanueva and PO3 Abonita, they acted as customers at the resto bar where accused-appellant, who introduced herself as the manager, offered them VIP service. Accused-appellant told them, “*Mag VIP kayo para ano, magshort time, panandaliang aliw.*” When PO3 Abonita asked for the price, they were told by accused-appellant to pay ₱1000.00 each for the two girls who will give them “*panandaliang aliw*” or sexual intercourse. After confirming that the VIP included sexual intercourse, they paid ₱2,000.00 to accused-appellant. Thereafter, they were instructed to go to the 2nd floor of the resto bar where the VIP service with the two girls will take place.⁶²

In *People v. Rodriguez*,⁶³ the Court acknowledged that the corroborating testimonies of the police officers and the minor victims, as in this case, are sufficient to sustain the conviction of the accused under the law. The same principle was echoed in *Santiago, Jr. v. People*⁶⁴ where the Court upheld the conviction of the accused for qualified trafficking in persons based on the testimonies of the minor victims and the police officers who conducted the entrapment operation.

Furthermore, it is worthy to stress that there is no requirement that there be an actual sexual intercourse with the victim to sustain a finding of trafficking.

In the case of *Casio*,⁶⁵ the Court enunciated that the crime is considered consummated even if no sexual intercourse had taken place since the mere transaction consummates the crime.

Likewise, in *People v. Estonilo*,⁶⁶ the Court held that sexual intercourse need not have been consummated for recruitment to be said to have taken place. It is sufficient that the accused has lured, enticed, or engaged its victims or transported them for the established purpose of exploitation, which includes prostitution. The gravamen of the crime of trafficking is “the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation.”

Verily, while no sexual contact took place between the minor victims

⁶¹ *Id.* at 22-23.

⁶² TSN, December 9, 2014, pp. 13-14.

⁶³ 818 Phil. 625 (2017).

⁶⁴ G.R. No. 213760, July 1, 2019.

⁶⁵ *Supra* note 32.

⁶⁶ G.R. No. 248694, October 14, 2020, citing *People v. Aguirre*, 820 Phil. 1085, 1103 (2017).

and the police officers, the same would not affect accused-appellant's criminal liability. What consummates the crime of trafficking is the fact that accused-appellant transacted with the police officers and peddled private complainants for sex in exchange for money. The crime is also qualified in view of the established fact that the persons being trafficked are children.

Taken collectively, all the foregoing supports the conclusion that the guilt of accused-appellant for two (2) counts of Qualified Trafficking in Persons had been proven beyond reasonable doubt.

Anent the penalties to be imposed, Section 12(e)⁶⁷ of R.A. No. 10364, provides 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 accused-appellant to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00.

In line with prevailing jurisprudence,⁶⁸ the CA also correctly modified the amount of moral damages awarded to ₱500,000.00, in addition to exemplary damages in the amount of ₱100,000.00 each to the private complainants. Lastly, the CA's imposition of six percent (6%) interest per *annum* on the damages awarded from finality of this Decision until full payment was appropriate pursuant to the Court's ruling in *Nacar v. Gallery Frames*.⁶⁹

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated April 25, 2017, and the Resolution dated September 13, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08518 are **AFFIRMED**.

In Criminal Case No. 2014-15717-MK, accused-appellant Celia Dela Cruz y Bucaling is found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended, and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00. Accused-appellant is likewise ordered to pay minor private complainant AAA the amount of ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All damages awarded shall be subject to an interest of 6% per *annum* to be computed from the finality of this Decision until fully paid.

In Criminal Case No. 2014-15718-MK, accused-appellant Celia Dela Cruz y Bucaling is found **GUILTY** beyond reasonable doubt for the crime of Qualified Trafficking in Persons under Section 4(a) in relation to Section 6(a)

⁶⁷ Formerly, Section 10(c) of R.A. No. 9208.

⁶⁸ *People v. Hirang*, 803 Phil. 277 (2017); *People v. Daguno*, G.R. No. 235660, March 4, 2020; *People v. San Miguel*, G.R. No. 247956, October 7, 2020.

⁶⁹ 716 Phil. 267, 283 (2013).

of Republic Act No. 9208, as amended, and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00. Accused-appellant is likewise ordered to pay minor private complainant BBB the amount of ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All damages awarded shall be subject to an interest of 6% per *annum* to be computed from the finality of this Decision until fully paid.


SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice

(On leave)
RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

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



MARVIC M.V.F. LEONEN

Associate Justice
Chairperson, Third Division

CERTIFICATION

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



ALEXANDER G. GESMUNDO

Chief Justice