



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

THIRD DIVISION

PEOPLE OF THE PHILIPPINES **G.R. No. 252507**
Plaintiff-Appellee,

Present:

- versus -

GESMUNDO, C.J.*
LEONEN, SAJ, Chairperson,
LAZARO-JAVIER,
LOPEZ, M., and
KHO, JR., JJ.

BBB and XXX,

Accused,

BBB,

Accused-Appellant.

Promulgated:

April 18, 2022

MistDCBatt

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DECISION

LAZARO-JAVIER, J.:

The Case

This appeal seeks to reverse the Decision¹ dated August 30, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10743, affirming the trial court's² verdict of conviction against appellant BBB³ for qualified trafficking in

* Designated as additional member in lieu of Associate Justice Josep Y. Lopez per raffle dated March 30, 2022.

¹ Penned by Associate Justice Josep Y. Lopez (now a member of the Court) with the concurrences of Associate Justices Stephen C. Cruz and Perpetua Susana T. Atal-Paño, *rollo*, pp. 3-18.

² Penned by Presiding Judge Emily L. San Gaspar-Gito, *CA rollo*, pp. 48-79.

³ The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, "An Act providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; R.A. No. 9262, "An Act Defining Violence Against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes"; Section 40 of A.M. No. 04-10-11 SC known as the "Rule on Violence Against Women and their Children", effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709

persons under Section 4(c) in relation to Section 6(a) and (d) of Republic Act No. (RA) 9208⁴ as amended by RA 10364.⁵

The Proceedings before the Trial Court

The Charge

By Information dated December 22, 2016, appellant together with XXX was charged with qualified trafficking in persons as follows:

“That sometime prior to and on July 28, 2014, in the City of Manila, Philippines, the said accused, conspiring and confederating and mutually helping each other, for the purpose of exploitation, which includes at a minimum, the exploitation or the prostitution or other forms of sexual exploitation, did then and there willfully, unlawfully, feloniously and knowingly commit acts of trafficking in person against one AAA, a minor, 14 years old, assisted by her father CCC, by then and there recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harbouring or receiving her with or without consent and taking advantage of her vulnerability of said AAA, by offering or contracting marriage thru the use of force, coercion, fraud, deception and abuse of power or of position or taking advantage against the vulnerability of said person, or giving or receiving payments or benefits to achieve the consent of the minor for the purpose of acquiring, buying, offering (,) selling or trading the complainant in exchange of said marriage and/or in exchange for engaging in sexual exploitation, to her damage and prejudice.

Contrary to law.”⁶

The case was raffled to the Regional Trial Court (RTC)-Branch 5, Manila.⁷

On arraignment, appellant pleaded “not guilty.” Her co-accused XXX remained at large.⁸

(2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁴ Anti-Trafficking in Persons Act of 2003.

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

x x x x

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

x x x x

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

(a) When the trafficked person is a child;

x x x x

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

⁵ Expanded Anti-Trafficking in Persons Act of 2012.

⁶ *Rollo*, p. 4.

⁷ *CA rollo*, p. 48.

⁸ *Rollo*, p. 4.

During the pre-trial, the prosecution presented AAA's Certificate of Live Birth showing that AAA was born on August 6, 2000. Thus, she was only 13 years old at the time of the incident on July 28, 2014.⁹

During the trial, Lucille Ronda, Marjorie Rongalerios, Anne Sacheen Leaño, Dr. Pamela Paredes, Dr. Olivia Inoturan, and Dr. Joy Alvi R. Arañas testified for the prosecution¹⁰ while appellant alone testified for the defense.¹¹

The Prosecution's Version

Lucille Ronda is the Supervising Officer of the Commission on Filipino Overseas (CFO). Among her duties is to provide guidance and counseling for Filipino spouses of foreign nationals as a pre-requisite for the acquisition of passport. According to Ronda, it is basic requirement and government policy for a Filipina who intends to marry, join, or settle with her partner in the Philippines or abroad to attend the guidance and counseling seminar in the CFO. Without such guidance and counseling seminar, no passport will be issued by the Department of Foreign Affairs (DFA). As an additional requirement, the applicant must submit a Certificate of Marriage to the CFO.¹²

On October 3, 2014, while conducting the seminar for Middle East Bound Overseas Filipino Workers, Ronda noticed AAA who appeared to be quite young since she was wearing her Physical Education uniform. AAA came to the seminar to undergo the counseling process for her to obtain a passport from the DFA. AAA was accompanied by her mother, herein appellant, but the latter was not allowed to enter the counseling area. When Ronda read AAA's counseling form, she found out that she was only 14 years old and her partner was 56 years old. AAA is Catholic while her partner, XXX, is Muslim. After inquiring about her marriage, specifically the age gap, AAA broke down in tears.¹³

Meanwhile, Ronda learned that AAA's own mother deceived her into marrying XXX. Appellant told AAA that they would just get something in Quiapo, but after entering the Golden Mosque, AAA was already married to XXX. Thus, Ronda referred AAA to a special counselor to address her problem. Ronda also reported the incident to the Counseling Head of CFO who directed her to coordinate with the Department of Social Welfare and Development (DSWD) to intervene and assist AAA.¹⁴

Sometime in October 2014, **Marjorie Rongalerios**, a Social Welfare Officer II of the DSWD, received a letter from the CFO requesting her participation in the rescue operation of AAA. According to the letter, AAA was assessed to be a victim of human trafficking and the perpetrator was her

⁹ CA rollo, p. 68.

¹⁰ Rollo, p. 4.

¹¹ *Id.* at 8.

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ *Id.*

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biological mother. She sent a referral letter to San Pedro, Laguna addressed to the Mayor and Municipal Social Welfare Office. They assigned Fatima Otor, a Social Worker, to assist the CFO and the DSWD. She also coordinated the matter with a certain "Sister Thess" of the Hospicio de San Jose for the temporary shelter and protective custody of AAA.¹⁵

On October 24, 2014, the rescue operation was conducted where AAA was taken from her school and brought to Hospicio de San Jose. Rongalerios visited AAA two (2) to four (4) times for an interview. In the course of the interview, she found out that AAA was only 14 years old. Her parents were already separated and both are working abroad, her mother in Kuwait, and her father, in Saudi Arabia. When she was in Grade Four, her mother brought XXX to the Philippines and had a yearly vacation. Since then, XXX had provided them with financial support.¹⁶

AAA also told Rongalerios that she wrote several letters to her mother. In one of the letters,¹⁷ AAA disclosed the sexual abuses which XXX did to her. She narrated that while she and her mother were watching a movie together, her mother told her that XXX was sick and needed her help by allowing him to lick her vagina. She refused to follow her mother's instruction but the latter was persistent, reminding her that XXX had been generous in providing them with their basic needs. Hence, she had no choice but to give in. This happened twice or thrice a week and every time XXX was in the Philippines. On July 29, 2014, her mother accompanied her to get a passport but they ended up in the Golden Mosque where she was forced to marry XXX. Her mother explained to her that she needed to marry XXX so she could travel with him to Kuwait and to get an inheritance in case XXX dies.¹⁸

In a Confidential Note,¹⁹ AAA also revealed that they went to Manila for a vacation and checked in at the Mansion Hotel. Her mother told her that XXX wanted to lick her vagina and even coerced her to give in. She refused, which caught the ire of XXX. When XXX tried to have sexual intercourse with her, she pretended that she could not breathe. It was only then that XXX stopped. While the copulation did not succeed, XXX told her that soon, she could no longer deny him sexual access because she was already his wife.²⁰

Rongalerios testified that AAA confirmed to her the contents of the letters. Rongalerios also executed a Social Case Study Report where she assessed AAA to be a victim of sexual exploitation.²¹

On November 7, 2014, AAA's case was referred to **Anne Sacheen Leaño**, Special Investigator of the National Bureau of Investigation (NBI). She gathered documentary evidence from the CFO and the DSWD such as the

¹⁵ *Id.* at 5-6.

¹⁶ *Id.* at 6.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 6-7.

Certificate of Marriage of AAA and XXX, AAA's Birth Certificate, Affidavits of officers of the CFO and emails of AAA's relatives.²² She interviewed AAA several times. She learned that she was deceived by her mother into going to the Golden Mosque in Quiapo where she was surrounded by several men mumbling words she could not understand. After the ceremony, she was asked to sign a document stating that she got married that day. Her mother told her that she needed to marry XXX so that if the latter dies, she would inherit his wealth. Upon perusal of the Certificate of Marriage, Leaño observed that AAA's birth date was erased and superimposed with handwriting "1990" to make it appear that she was already 24 years old at the time of the marriage. In the course of the investigation, she also took AAA's Sworn Statement.²³

Dr. Pamela Paredes, a psychologist from the NBI interviewed AAA twice who told her that her mother forced her to marry XXX. Dr. Paredes observed that AAA manifested difficulty in relating to people, especially with the opposite sex. AAA also exhibited anxiety towards sexual acts and had recurrent or intrusive memories of XXX whom she called as "Baba". After conducting a battery of psychological examination, Dr. Paredes assessed AAA with high intelligence, but was emotionally disturbed; she avoided people; she had flashbacks; she was anxious about people in general as she became suspicious and she abhorred sexual intercourse.²⁴

Dr. Joy-Alvi Arañas, also a psychologist subjected AAA to personality and projective test. Per her Psychological and Evaluation Result, Dr. Arañas assessed that AAA was suffering from trauma brought by the sexual violence she experienced in the hands of XXX. Too, her mother's awareness of such sexual violence made it more painful for AAA.²⁵

Dr. Olivia Inoturan, Medical Legal Officer I of the NBI, also interviewed AAA. During the first two (2) interviews, AAA was consistent that she was forced to marry her mother's live-in boyfriend, XXX. She could not tell anyone about it for fear that her mother might disown her or stop loving her. She kept it to herself until it was found out by an officer in the CFO. During her third and fifth interviews, AAA admitted that as early as nine (9) to ten (10) years old, she was always told by her mother that XXX needed protein which she could provide by letting him lick her vagina. After conducting a Mental Status Examination, Dr. Inoturan diagnosed AAA with Post-Traumatic Stress Disorder or PTSD.²⁶

The Defense's Version

Appellant testified that XXX is her employer in Kuwait. He usually goes to the Philippines with her and stays in her house for three (3) to four (4)

²² *Id.* at 7.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 8.

days. XXX would often visit the Philippines because they have a recruitment business here. Whenever XXX would stay in her house, the latter would sleep with her two (2) sons in the *sala* while her daughter, AAA, would sleep beside her. Since her husband already abandoned them, it was XXX who stood as the father of her children and provided them with financial support. She also admitted that she had a prior romantic relationship with XXX, but it already ended. As such, she just became his caretaker.²⁷

She had no knowledge that XXX and AAA were in a relationship. She denied that she was with AAA in the Golden Mosque when their marriage was solemnized. She only found out about the marriage a week later when AAA wanted to get a passport. When she confronted AAA, the latter said, "*Mama nagpakasal ako kasi si papa pinabayaan ka na, naawa ako sayo, maliliit pa lang kami wala kang ginawa kundi magtrabaho sa abroad, naawa na ako sa iyo.*"²⁸ Hence, it was her impression that the marriage was consensual.²⁹

She admitted that she accompanied AAA to the CFO to secure a certificate for the issuance of passport. After she got interviewed by Ronda, the latter allegedly demanded from her half a million pesos, otherwise, a case would be filed against her. She believed that AAA and her husband were merely induced to file a case against her as the DSWD promised to shoulder the expenses for AAA's education and provide her husband with financial support. AAA confessed these matters to her when she was brought to the NBI.³⁰

She denied that she deceived AAA into going to the Golden Mosque and forced her to marry XXX. She merely followed them to Quiapo when they said they were going somewhere. On cross, she testified that she purposely went to the Golden Mosque to follow up the status of her conversion to Muslim. There, she accidentally saw XXX and AAA. She was surprised to learn that they were already married. She tried to ask XXX how they were able to get married when AAA was just 14 years old. XXX told her that age is immaterial as long as he likes a girl.³¹

The Ruling of the Trial Court

By Decision³² dated February 5, 2018, the trial court found appellant guilty beyond reasonable doubt of qualified trafficking in persons under Section 4(c) in relation to Section 6(a) and (d) of RA 9208, as amended by RA 10364, thus:

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 8-9.

³¹ *Id.* at 9.

³² CA *rollo*, pp. 48-79.

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WHEREFORE, in view of the foregoing disquisition, the Court finds accused **BBB** guilty beyond reasonable doubt of the offense of violation of Section 4 (c) in relation to Section 6 (a) and (d) of R.A. No. 9208, as amended by R.A. 10364.

She is hereby sentenced (a) to suffer **life imprisonment**; (b) to pay the fine of Two [M]illion [P]esos (P2,000,000.00), with subsidiary imprisonment in case of insolvency[;] and (c) to pay the costs.

Accused 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. Nufrasah Hashim*.

SO ORDERED.³³

The trial court ruled that all the elements of qualified trafficking in persons were present because: (1) appellant committed the act of "providing" XXX her minor daughter to be his wife; (2) appellant took advantage of AAA's vulnerability, minority, and her moral ascendancy over AAA; and (3) appellant "provided" AAA to XXX for sexual exploitation. Too, appellant conspired with XXX to marry AAA for the purpose of sexually exploiting her.³⁴

Although AAA was not presented as a witness, the trial court recognized that under the Rule on Examination of Child Witness, the hearsay testimony of a child is allowed provided that it is corroborated by other admissible evidence and the child is unavailable.³⁵

As for appellant's denial, the trial court debunked it due to the inconsistencies in her testimonies and actuations before, during, and after AAA's marriage to XXX.³⁶

The Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court when it gave due weight and credit to the testimonies of the prosecution witnesses despite the failure of AAA to take the witness stand and confirm the veracity of the alleged sexual exploitation committed on her. Appellant claimed that the Rule on Examination of Child Witness on hearsay exception is inapplicable considering that there was no proof that AAA was unavailable to testify in person. According to appellant, AAA was not suffering from physical infirmity, amnesia, or mental illness.³⁷

³³ *Id.* at 77-78.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Brief for the Accused-Appellant dated October 5, 2018, *id.* at 33-46.

As for the alleged conspiracy, appellant maintained that there was no direct evidence to prove that she conspired with XXX to deceive AAA into marrying him.³⁸

On the other hand, the People, through the Office of the Solicitor General (OSG), riposted that the trial court did not err in convicting appellant despite the fact that the prosecution did not present AAA in open court. The Rule on Examination of Child Witness applies when the testimony of the child is corroborated by other evidence and the child is unavailable, as in this case. Too, the trial court correctly adopted the credible testimonies of the prosecution witnesses.³⁹

The Ruling of the Court of Appeals

Under Decision⁴⁰ dated August 30, 2019, the Court of Appeals affirmed. It ruled that the prosecution was able to prove appellant's guilt beyond reasonable doubt. The fact that AAA was not presented during the trial did not undermine the prosecution's case against appellant. The Rule on Examination of Child Witness on hearsay exception applies when the testimony of the child is corroborated by other evidence and the child is unavailable.

The Court of Appeals, too, affirmed the trial court's finding that the appellant conspired with XXX to marry AAA for the purpose of sexually exploiting her.

The Present Appeal

Appellant now seeks a verdict of acquittal from the Court. Both appellant⁴¹ and the OSG⁴² manifested that, in lieu of their supplemental briefs, they were adopting their respective briefs in the Court of Appeals.

Issues

- 1) Is A.M. No. 004-07-SC or the Rule on Examination of Child Witness on hearsay exception applicable in this case?
- 2) Is appellant guilty of qualified trafficking in persons?

Our Ruling

We affirm.

³⁸ *Id.*

³⁹ Brief for the Plaintiff-Appellee dated February 8, 2019, *id.* at 101–114.

⁴⁰ *Rollo*, pp. 3–18.

⁴¹ *Id.* at 27–29.

⁴² *CA rollo*, pp. 33–35.

A.M. No. 004-07-SC or the Rule on Examination of Child Witness on hearsay exception applies in this case

First off, we discuss the applicability of A.M. No. 004-07-SC or the Rule on Examination of Child Witness.

Appellant argues that the testimonies of the prosecution witnesses should not be given weight since AAA did not testify to confirm the alleged sexual exploitation committed on her.

We disagree.

The Rule on Examination of Child Witness expressly allows the admission of hearsay testimony of a child provided that: (1) it is corroborated by other admissible evidence; and (2) the child is unavailable. Section 28(a), (c)(1) and (d) of the Rule on Examination of Child Witness state:

Section 28. Hearsay exception in child abuse cases. - A statement made by a child describing any act or attempted act of child abuse, not otherwise admissible under the hearsay rule, may be admitted in evidence in any criminal or non-criminal proceeding subject to the following rules:

- (a) Before such hearsay statement may be admitted, its proponent shall make known to the adverse party the intention to offer such statement and its particulars to provide him a fair opportunity to object. If the child is available, the court shall, upon motion of the adverse party, require the child to be present at the presentation of the hearsay statement for cross-examination by the adverse party. **When the child is unavailable, the fact of such circumstance must be proved by the proponent.**

x x x x

- (c) **The child witness shall be considered unavailable under the following situations:**

- (1) Is deceased, suffers from physical infirmity, lack of memory, mental illness, or **will be exposed to severe psychological injury**; or
- (2) Is absent from the hearing and the proponent of his statement has been unable to procure his attendance by process or other reasonable means.

- (d) **When the child witness is unavailable, his (or her) hearsay testimony shall be admitted only if corroborated by other admissible evidence.** (emphasis supplied)

Here, Dr. Inoturan conducted a mental status examination on AAA and found out that she is suffering from Post-Traumatic Stress Disorder or

PTSD.⁴³ Dr. Paredes and Dr. Arañas, too, assessed that AAA is emotionally disturbed and suffering from trauma brought by the sexual violence she experienced in the hands of XXX. As a result, AAA became so anxious of people in general. AAA is, therefore, an “unavailable” child witness within the context of Section 28(c)(1) and (d) since her presentation in court **would expose her to severe psychological injury.**

In any case, the prosecution presented the testimonies of expert witnesses to corroborate AAA’s testimonies. Having interviewed AAA several times, these witnesses were able to gather sufficient information on AAA’s harrowing experience in the hands of appellant and XXX. Too, they were able to credibly determine that AAA was honest and forthright. Significantly, the trial court noted that their testimonies were not only credible by themselves but also worthy of belief, thus:

The Court looked into the testimonies of the several witnesses presented by the prosecution relating to what AAA narrated to them and the court is convinced of the veracity of their narration. For one, their testimonies were properly corroborated by other prosecution witnesses. The[y] conducted interview/counseling in the performance of their official duties. They observed AAA to be spontaneous with her emotions tall[y]ing with what she was narrating. They also have gotten the impression that she is honest and forthright.⁴⁴

There is no reason to depart from the foregoing findings of the trial court. For it has been held that the trial court’s assessment of the credibility of witnesses should be given highest respect since it had the better opportunity to observe the demeanor, conduct, and attitude of the witnesses under grueling examination.⁴⁵

All the elements of qualified trafficking in persons are present

Section 3(a) of RA 9208 as amended by RA 10364 defines “Trafficking in Persons,” viz.:

(a) Trafficking in Persons – refers to the 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 by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

⁴³ *Rollo*, p. 8.

⁴⁴ *CA rollo*, p. 73.

⁴⁵ *People v. Aquino*, 396 Phil. 303, 306 (2000).

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.

*People v. Casio*⁴⁶ laid down the elements of trafficking in persons under its expanded definition in RA 10364, thus:

(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.”⁴⁷ (emphasis supplied)

Appellant was charged with qualified trafficking in persons under Section 4(c), in relation to Section 6(a) and (d) of RA 9208; as amended by RA 10364, thus:

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

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

“SEC. 6. *Qualified Trafficking in Persons.* – Violations of Section 4 of this Act shall be considered as qualified trafficking:

(a) When the trafficked person is a **child**;

x x x x

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

Verily, under Section 4(c) of RA 9208, as amended, the prosecution must establish that: (1) the offender offered or contracted marriage, real or simulated; and (2) the purpose is to acquire, buy, offer, sell or trade them to

⁴⁶ 749 Phil. 458 (2014).

⁴⁷ *Id.* at 422–423.

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engage in prostitution; pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage. Section 6 (a) and (d) further provides that violation of Section 4 shall be considered qualified when: (1) the trafficked person is a **child**; and (2) the offender is a spouse, an ascendant, **parent**, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee.

These elements are all present here. Consider:

First. Based on AAA's Certificate of Live Birth, she was born on August 6, 2000. Thus, she was only 13 years old at the time her spurious marriage with XXX on July 28, 2014 took place. Appellant also admitted that she is the mother of AAA.

Second. The prosecution's testimonial and documentary evidence had established beyond reasonable doubt that appellant committed several acts showing her intention to force and deceive her own daughter, AAA, into marrying XXX for the purpose of sexual exploitation. Appellant knew since the beginning that XXX was already sexually abusing AAA, but she did nothing. In fact, she even triggered it each time. The trial court even pointed out that as early as nine (9) to ten (10) years old, appellant already allowed XXX to lick AAA's vagina on the pretext that he needed to cure his protein deficiency.

Third. Appellant took advantage of AAA's minority and vulnerability when she coerced her to submit to the sexual desires of XXX as a form of payment for his financial support to the family.


Fourth. The abuses went on for several years since AAA was only nine (9) years old until she reached the age of 14 when appellant saw the possibility of marrying her off to XXX.

Fifth. Not satisfied with the marriage alone, appellant, too, allowed XXX to have sexual intercourse with AAA to consummate their marriage.

Finally. One week after the marriage, appellant assisted AAA in the CFO to get a passport so that she could be with XXX. To ensure that AAA would obtain a passport despite her minority, appellant submitted a falsified marriage certificate showing that AAA was already of age.

Taken together, the foregoing acts of appellant support the indubitable conclusion that appellant got determined to "deliver" and "provide" her own daughter to XXX for the purpose of sexual exploitation.

***Conspiracy exists between
appellant and XXX***



*Aquino v. Paiste*⁴⁸ decreed that conspiracy need not be proven by direct evidence of prior agreement to commit the crime. It may be deduced from the mode, method, and manner by which the offense was perpetrated, or inferred from the acts of the accused themselves when such acts point to a joint purpose and design, concerted action, and community of interest.

Records show that appellant and XXX acted in concert in attaining a common design and purpose, *i.e.*, to deceive AAA into marrying XXX for the purpose of sexually exploiting her. Notably, appellant told AAA that she needed to marry XXX so she could travel with him to Kuwait and get his inheritance once he dies. Not only that. She assisted AAA in getting her passport so that she could be with XXX. Appellant even falsified AAA's birth date in the marriage certificate to show that AAA was already of legal age at the time of the celebration of marriage. Lastly, to consummate the marriage, appellant allowed, and even triggered the scenario by which XXX could consummate sexual intercourse with AAA.

Indeed, while there is no direct evidence of their previous agreement, the acts of appellant and XXX lead to no other conclusion than to achieve their joint purpose of sexually exploiting AAA.

As the Court of Appeals aptly found, appellant's participation in the criminal activity was not of minor importance, but by all indications, crucial to its successful perpetration. From appellant's acts, before, during, and after the marriage, she acted in unison with XXX with the end view of consummating the offense charged.⁴⁹

At any rate, appellant's bare denial cannot prevail over the detailed narration which AAA communicated to the expert witnesses who participated in her case study and investigation. Appellant's insistence that she had no knowledge about the romantic relationship of AAA and XXX was negated by that fact that it was she who introduced her own daughter to XXX, she was present at the Golden Mosque when their supposed marriage was solemnized, it had been her all along who pimped, if not induced, her child to satisfy XXX's bestial desires each time he supposedly needed a cure for his "protein deficiency" ever since the child was only nine (9) years old.

In this light, both the trial court and the Court of Appeals correctly rejected appellant's denial and found her guilty beyond reasonable doubt of qualified trafficking in persons.

Penalty

Section 10(c) of RA 9208 provides that any person 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 trial

⁴⁸ 578 Phil. 244, 259 (2008).

⁴⁹ *Rollo*, p. 16.



court and the Court of Appeals correctly sentenced appellant to life imprisonment and a fine of ₱2,000,000.00.

Finally, following *People v. XXX*,⁵⁰ the courts below correctly ordered appellant to pay AAA ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

The Court deems it proper to impose on the total monetary award six percent (6%) *per annum* from finality of this Decision until full payment in accordance with *Nacar v. Gallery Frames*.⁵¹

ACCORDINGLY, the appeal is **DENIED**. The Decision dated August 30, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10743 is **AFFIRMED with MODIFICATION**.

Appellant **BBB** is guilty of Qualified Trafficking in Persons as defined and penalized under Section 4(c), in relation to Section 6(a) and (d) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is sentenced to **LIFE IMPRISONMENT** and a **fine** of ₱2,000,000.00. Further, she is ordered to **PAY** AAA ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from finality of this Decision until fully paid.

SO ORDERED.



AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:

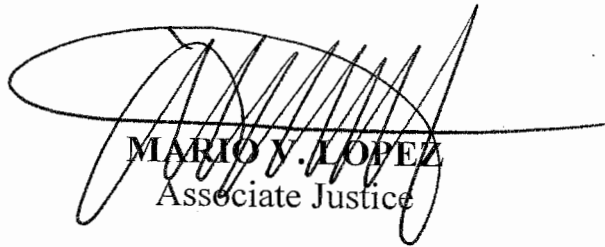

ALEXANDER G. GESMUNDO
Chief Justice

⁵⁰ 835 Phil. 1083, 1096 (2018).

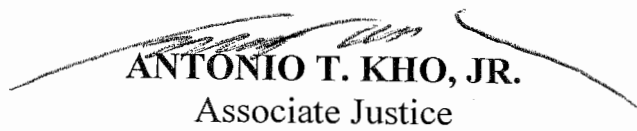
⁵¹ 716 Phil. 267, 283 (2013).



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




MARIO V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

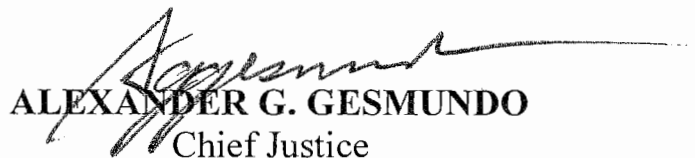
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

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.



ALEXANDER G. GESMUNDO
Chief Justice