



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 252230

- versus -

Present:

CAGUIOA, J., *Chairperson,*
INTING,*
GAERLAN,
DIMAAMPAO, *and*
SINGH,* JJ.

XXX,¹

Accused-Appellant.

Promulgated:

October 5, 2022

MisDCAH

X-----X

DECISION

GAERLAN, J.:

“Whereas, mankind owes to the child the best it has to give.”² The Court, as the adjudicative branch of the State, has the incontrovertible mandate under the *parens patriae* doctrine to protect every child. In doing so, We protect the future that rests in the lives of our children.³

Before the Court is an ordinary appeal⁴ from the Decision⁵ dated October 15, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11715, which affirmed the Decision⁶ dated July 25, 2018 of the Regional

* On official business.

¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used in accordance with Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² Final preamble clause of the Declaration of the Rights of the Child, see *Malto v. People*, 560 Phil. 119, 126 (2007).

³ See *Brozoto v. People*, G.R. No. 233420, April 28, 2021.

⁴ *Rollo*, pp. 22-24.

⁵ *Id.* at 3-21; penned by Associate Justice Ramon R. Garcia with Associate Justices Victoria Isabel A. Paredes and Tita Marilyn B. Payoyo-Villordon, concurring.

⁶ CA *rollo*, pp. 51-62; penned by Presiding Judge Anthony B. Fama.

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Trial Court (RTC), [REDACTED] ([REDACTED] City, Metro Manila) in Crim. Case No. R-MND-17-03984-CR, finding XXX (accused-appellant) guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4(e), in relation to Section 6(a) of Republic Act (R.A.) No. 9208,⁷ as expanded by R.A. No. 10364.⁸

The Antecedents

In an Information dated October 18, 2016, accused-appellant was charged with the crime of Qualified Trafficking in Persons allegedly committed as follows:

That during the period from September 25, 2017 to September 27, 2017, in the City of [REDACTED], Philippines, within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully, and knowingly, maintain, harbor [AAA], 10 years old, a minor, by offering and peddling her to a male customer for monetary consideration in exchange for her sexual services, which acts are tantamount to prostitution and sexual exploitation, taking advantage of the minority and vulnerability of the said minor, for purposes of sexual exploitation.

CONTRARY TO LAW.⁹

On arraignment, accused-appellant pleaded not guilty.¹⁰ Trial then ensued. The prosecution presented as witnesses: (1) Police Chief Inspector (PCI) Michael T. Virtudazo (PCI Virtudazo); (2) Police Officer 2 (PO2) Mary Grace A. Guache (PO2 Guache); (3) Senior Police Officer 1 (SPO1) Israel Lucob (SPO1 Lucob); (4) SPO1 Albert Bitoon (SPO1 Bitoon); (5) Police Senior Inspector (PSI) Teresita Manalastas (PSI Manalastas); (6) PO1 Edgard Siazon (PO1 Siazon); (7) Australian Federal Police Superintendent Richard Stanford (Stanford); and (8) the minor victim, AAA.¹¹

Only accused-appellant testified for and in his defense.¹²

Version of the prosecution

Evidence for the prosecution established that sometime in July 2017, Stanford (Detective Superintendent of the Australian Federal Police and Senior Liaison Officer at the Australian Embassy in Manila) referred an

⁷ Anti-Trafficking in Persons Act of 2003.

⁸ Expanded Anti-Trafficking in Persons Act of 2012.

⁹ *Rollo*, pp. 4-5.

¹⁰ *Id.* at 5.

¹¹ *CA rollo*, pp. 51-52.

¹² *Id.* at 52.

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online sexual exploitation case to the Philippine National Police-Women and Children Protection Center (PNP-WCPC). Based on the intelligence report sent by the Australian-based investigators, a Filipino suspect was believed to be trafficking a young Filipino female for sexual abuse and exploitation by foreigners. The said Filipino suspect was in contact with an online personality identified as JORDY59 who had placed a content on the internet showing some individuals sexually abusing a young Filipino female. On the basis of the report, the PNP-WCPC commenced its own investigation.¹³

PCI Virtudazo of the PNP-WCPC, the assigned online investigator,¹⁴ confirmed that their office received the referral letter from the Australian Federal Police. To be precise, the case involved JORDY59, an online personality, who takes videos of minors being subjected to sexual abuse which are then posted on the “Darknet”¹⁵ for trade of child pornographic materials. In another referral letter, the Australian Federal Police informed the PNP-WCPC that a Filipino adult male is trafficking a young Filipino female for sex with foreigners and he is using an email under the account name ivyian1823@protonmail.com. Thereafter, the PNP-WCPC received another notification that the French Law Enforcement Authority has arrested JORDY59, who had transacted with a man by the name of XXX, a trafficker, while the name of the victim is AAA. Subsequently, the PNP-WCPC received a package from the Australian Federal Police containing videos and photos showing sexual abuses committed on a minor. PCI Virtudazo claimed that there are about 20 videos in the package.¹⁶

PCI Virtudazo conducted further investigation and initiated a possible engagement with the suspect. On September 25, 2017, PCI Virtudazo sent an email to ivyian1823@protonmail.com using his undercover email 5633778305@protonmail.com.¹⁷ Introducing himself as a friend of JORDY59, PCI Virtudazo pretended to be looking for an entertainment using the secret passcode “I love the check-in,” which code was provided by the French Police. The person behind the email address ivyian1823@protonmail.com replied, “Yes, sure. Me and my daughter just here waiting.” PCI Virtudazo then asked “What’s on the menu?” to which ivyian1823@protonmail.com replied, “She is 10 years old to sex, we can give you the best blow job.” PCI Virtudazo asked for the price and ivyian1823@protonmail.com responded that the service is for ₱30,000.00,¹⁸ which was later reduced to ₱20,000.00.¹⁹ They then agreed to meet on September 27, 2017 at J.CO Donuts Café in SM Megamall in Mandaluyong

¹³ *Rollo*, p. 5.

¹⁴ *CA rollo*, p. 52.

¹⁵ Dark Net in some parts of the *rollo*.

¹⁶ *Rollo*, pp. 5-6.

¹⁷ *CA rollo*, p. 53.

¹⁸ *Rollo*, p. 6.

¹⁹ *CA rollo*, p. 53.

City. PCI Virtudazo pretended that he just arrived in Manila and his hotel is near the said mall. The person behind ivyian1823@protonmail.com asked for money to cover their fare from Cavite to the meeting place. PCI Virtudazo sent ₱1,000.00 *via* coins.ph. Before sending the money, ivyian1823@protonmail.com provided the name XXX, as the recipient, and his cellphone number. Before the entrapment operation, PCI Virtudazo texted accused-appellant, who informed the former that he (accused-appellant) will be wearing a blue shirt while AAA will be wearing a checkered blouse.²⁰

On the day of the entrapment operation, or on September 27, 2017, a pre-operational briefing was conducted by PCI Virtudazo together with the Chief of Anti-Trafficking in Persons Division, the Chief of Intelligence and Investigation Section, the team from the PNP-WCPC, a Department of Social Welfare and Development (DSWD) social worker, and the male civilian foreign undercover. PCI Virtudazo showed the team the pictures of accused-appellant and AAA, which pictures were taken by PCI Virtudazo from the videos sent by the Australian Federal Police.²¹ PO2 Guache was tasked to accompany the foreigner undercover who will pose as the customer.²² Five ₱1,000 bills, with serial numbers CR848480, HG323667, DW252145, DW252147, and CS726718, were prepared as bust money.²³

After the briefing, the team proceeded to SM Megamall. Inside the mall, PCI Virtudazo and the Chief of Anti-Trafficking in Persons Division positioned themselves at Starbucks, which is opposite to J.CO Donuts Café. PCI Virtudazo continued engaging accused-appellant through text messages to determine the latter's location. PO2 Guache, the civilian foreign undercover, and the rest of the team members went to J.CO Donuts Café. Upon arriving thereat, they saw accused-appellant with AAA.²⁴ PO2 Guache introduced herself and the foreigner undercover and they sat at a table. The foreigner undercover went to the café's counter to order food while PO2 Guache spoke with accused-appellant. PO2 Guache asked accused-appellant what AAA can do. Accused-appellant replied that AAA can do "handjob," "blowjob," or sex. PO2 Guache told accused-appellant that the hotel room was ready and thereafter gave accused-appellant ₱5,000.00 as down payment. PO2 Guache asked accused-appellant to count the money which the latter did. She then informed accused-appellant that she will take them to the hotel and the balance will be paid there. Afterwards, PO2 Guache made the pre-arranged signal of removing her hair ponytail and the team positioned at the café immediately arrested accused-appellant.²⁵ SPO1

²⁰ *Rollo*, p. 6.

²¹ *Id.*

²² *Id.* at 7.

²³ *CA rollo*, p. 54.

²⁴ *Id.*

²⁵ *Rollo*, p. 7.

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Lucob introduced himself to accused-appellant, told the latter that he was going to arrest him, and informed accused-appellant of his rights.²⁶ AAA was taken away by the DSWD social worker, while SPO1 Bitoon seized the items belonging to accused-appellant.²⁷ SPO1 Bitoon inventoried the items seized and made a receipt²⁸ thereof, which he, PO2 Guache, and SPO1 Lucob signed.²⁹ The items seized from accused-appellant consisted of the marked money, one cellphone, one backpack containing a wallet, identification cards, some money, oral lubricant, condom, and a finger vibrator.³⁰ After the arrest, accused-appellant was brought to Camp Crame where his mug shots were taken. Accused-appellant also underwent physical examination and ultraviolet powder examination. He was subjected to inquest proceedings the morning after the arrest.³¹ After the arrest, PCI Virtudazo confirmed that the victim, AAA, is not accused-appellant's daughter, but his niece.³²

In addition, AAA testified that she is ten (10) years old, having been born on September 23, 2007. Her father is already dead while her mother, a laundry woman, lives in Isabela. She lives in [REDACTED], Cavite with her grandmother, two older brothers, a three-year old cousin, and her uncle, accused-appellant. She claimed that she was playing inside their house when accused-appellant called her and told her that they will go to SM Megamall the next day to meet a foreigner. Her grandmother was the one who prepared her clothes. The next day, she and accused-appellant rode a bus to Manila. They arrived at SM Megamall and proceeded to J.CO Donuts Café where they met a male foreigner and a lady. They sat at a table and the lady with the foreigner gave money to accused-appellant. She also heard accused-appellant mention the words "sex," "handjob," and "blowjob." Upon hearing those words, she felt scared and she wanted to cry because of what she was about to do. When asked during trial what she thought she would do, AAA replied that accused-appellant would ask her to remove her clothes and then put the sexual organ of the foreigner into her mouth while accused-appellant would take photos and videos of her.³³

AAA further testified that after accused-appellant took the money from the lady, another man approached their table, showed accused-appellant his identification, and introduced himself as a police officer. A woman thereafter approached AAA, covered her face, and brought her outside. AAA was taken to a vehicle outside and they proceeded to a place where she was interviewed by social workers, a police officer, and a lawyer.

²⁶ CA rollo, p. 55.

²⁷ Rollo, p. 7.

²⁸ Records, Vol. 1, pp. 0240-0241.

²⁹ Id.

³⁰ Id.

³¹ CA rollo, p. 55.

³² Rollo, p. 7.

³³ Id. at 8.

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During the interview, AAA told them that accused-appellant brought her to different foreigners and she performed oral sex on them. The foreigners would also mount her and rub their penis on her legs near her vagina while accused-appellant was taking a video of the act. She could no longer recall how many times she had done it but she guessed it would be more than five times, which began when she was about five or six years old. AAA also stated that accused-appellant would tell her that they should practice, so he would force her to perform oral sex on him. She obeyed accused-appellant because the latter told her that if she would not obey him, he would do the same to her three-year old cousin.³⁴

The testimonies of PSI Manalastas and PO1 Siazon were dispensed with upon stipulation of the parties that PSI Manalastas was the one who conducted the ultraviolet powder examination on accused-appellant as well as on the five pieces of ₱1,000.00 bills seized from him,³⁵ and that PO1 Siazon prepared the pertinent documents³⁶ relative to accused-appellant's entrapment and arrest and he took photographs of the items seized from accused-appellant.³⁷

Version of the defense

On the one hand, accused-appellant denied the charge against him. He testified that he is AAA's uncle, her father being his deceased brother. AAA's mother has a new family, thus, AAA's grandmother, who lives with accused-appellant, has the custody of AAA. He is the breadwinner in the family and is a teacher at ██████████ Elementary School in ██████████, Cavite. On the date of the subject incident, accused-appellant was supposed to go to Zambales and AAA insisted to come along so she can visit her father's grave. On the way, they dropped by SM Megamall to meet with a person known online as Asian Lover, a friend of JORDY59, a foreigner accused-appellant met one time in Negros Oriental. Accused-appellant was supposed to return JORDY59's backpack to Asian Lover, and in return, get his necklace and ring that were inside his bag, which JORDY59 mistakenly took when they met in Negros Oriental in March 2017. When he and AAA arrived at J.CO Donuts Café, he saw a foreigner and a Filipina. The Filipina, later identified as PO2 Guache, introduced herself as the girlfriend of the foreigner, whom accused-appellant assumed as Asian Lover, JORDY59's friend. The foreigner also talked to accused-appellant but the latter did not understand much of what the former said. They invited accused-appellant for lunch, and accused-appellant agreed, thinking it will only take a short time and that he would be given his belongings. During their conversation, PO2

³⁴ Id.

³⁵ Records, p. 0163.

³⁶ Id. at 0164.

³⁷ Id.

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Guache asked accused-appellant if AAA knows how to perform “handjob” and “blowjob.” Accused-appellant was surprised, but thought he only misheard, so he repeated what PO2 Guache said. Afterwards, accused-appellant only smiled in embarrassment, as the words were indecent and AAA overheard them. PO2 Guache then handed accused-appellant a brown envelope, which he instinctively got and placed in the bag he was then carrying thinking that the envelope contained his necklace and ring. PO2 Guache, however, told him to count it. Although bewildered, he got the envelope and found that it contained ₱5,000.00. PO2 Guache then had her signal and SPO1 Lucob came in, handcuffed accused-appellant and instructed the latter to “count it one by one.” Already handcuffed, accused-appellant obeyed and counted the money one by one. He was asked to count the money thrice. AAA was taken away. SPO1 Lucob told him his Miranda rights but despite his questions as to why he was being arrested, nobody told him what his violation was. It was only when he was already at the PNP-WCPC that someone accused him of being a pimp. Accused-appellant claimed that the bag he was carrying was JORDY59’s bag. The bag was searched and found therein were some sex aids which accused-appellant had never seen before.³⁸

The RTC Ruling

On July 25, 2018, the RTC rendered a Decision,³⁹ convicting accused-appellant of the crime charged, *viz.*:

WHEREFORE, judgment is hereby rendered finding accused [XXX] **GUILTY BEYOND REASONABL** [sic] **DOUBT** of Qualified Trafficking in Persons under Section 4 (e) in relation to Section 6 (a) of Republic Act No. 9208, as expanded by Republic Act No. 10364, and is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of P2,000,000.00. The accused is directed to pay [the] minor AAA the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, with interest at the rate of 6% per annum from the time of finality of judgment until fully paid.

SO ORDERED.⁴⁰

The RTC held that the prosecution was able to establish beyond reasonable doubt that accused-appellant, by means of threat and coercion, offered and peddled his niece, AAA, 10 years old, a minor who cannot give consent, vulnerable, and who was living with him, to foreign male customers for sexual services in exchange for monetary consideration.⁴¹ The

³⁸ CA *rollo*, pp. 42-44.

³⁹ Id. at 51-62.

⁴⁰ Id. at 62.

⁴¹ Id. at 57.

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prosecution established that during PCI Virtudazo's investigation, he pretended to be a customer and communicated with the person maintaining ivyian1823@protonmail.com, who offered his/her daughter, a 10-year old minor, for sexual services, for a consideration of ₱20,000.00. They agreed to meet, and the person behind ivyian1823@protonmail.com provided the name XXX and cellphone number 09153152963 to PCI Virtudazo. Upon instructions from ivyian1823@protonmail.com, PCI Virtudazo sent ₱1,000.00 to XXX as transportation fare. PCI Virtudazo continued to communicate with the suspect through text messages to the above cellphone number. On the agreed date of their meeting, PO2 Guache and a foreigner undercover posed as the supposed customers and met the person behind ivyian1823@protonmail.com and the cellphone number 09153152963, who turned out to be accused-appellant, XXX. Accused-appellant introduced his niece, AAA, and told PO2 Guache that AAA can perform "handjob," "blowjob," or sex. AAA, the minor victim, testified that she was indeed forced to perform oral sex on foreigners, and even on accused-appellant, by accused-appellant, who was positively identified as XXX, AAA's own paternal uncle.⁴² In ruling against accused-appellant, the RTC held that his self-serving denial cannot prevail over the testimonies of the police operatives who had no ill-motive to testify against him; and, thus, have in their favor the presumption of regularity in the performance of their official duties.⁴³ The same is true anent the positive assertions of AAA, who narrated in detail what she had been going through in the hands of accused-appellant,⁴⁴ and confirmed that she and accused-appellant went to SM Megamall on that fateful day of September 27, 2017 to meet with a foreigner.⁴⁵

The CA Ruling

On appeal, the CA, through the assailed Decision,⁴⁶ affirmed in full the RTC Decision. The CA held:

WHEREFORE, the appeal is hereby **DENIED**. The Decision dated July 25, 2018 of the Regional Trial Court (RTC), [REDACTED] City is **AFFIRMED**.

SO ORDERED.⁴⁷

The CA sustained the findings of the RTC and ruled that all the elements of Trafficking in Persons, derived from the expanded definition

⁴² Id. at 57-61.

⁴³ Id. at 61.

⁴⁴ Id. at 59-61

⁴⁵ Id. at 61.

⁴⁶ *Rollo*, pp. 3-21.

⁴⁷ Id. at 21.

found in Section 3(a) of R.A. No. 9208 as amended by R.A. No. 10364 are present in the instant case.⁴⁸ These elements are:

- (1) [t]he 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) [t]he 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) [t]he 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.”⁴⁹

The CA, like the RTC, gave more credence to the testimonies of the prosecution witnesses particularly AAA, whose testimony established that accused-appellant, her uncle, took advantage of her vulnerability and coerced her to perform sexual acts on different male foreigners and on accused-appellant himself. Further, PO2 Guache’s testimony showed that accused-appellant, during the entrapment operation, peddled AAA for sexual services and readily accepted the marked money as consideration. Accused-appellant’s uncorroborated defense of denial is weak and was thus, brushed aside by the CA. The offense committed by accused-appellant was qualified because the person trafficked was 10 years old, a minor.⁵⁰

The Present Appeal

Aggrieved, accused-appellant is now before this Court in his final appeal to overturn his conviction.

When directed by the Court to file supplemental briefs, both accused-appellant and the People, through the Office of the Solicitor General, manifested that they are no longer filing a supplemental brief as they had already discussed their respective assertions and arguments in their briefs filed before the CA.⁵¹

⁴⁸ Id. at 14.

⁴⁹ Id. at 14-15.

⁵⁰ Id. at 15-19.

⁵¹ Id. at 37-39 and 42-43.

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The Issue

The crux of the appeal is whether the CA correctly affirmed the RTC Decision finding accused-appellant guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons.

The Court's Ruling

The appeal is bereft of merit.

In his Brief, accused-appellant argues that age, as a qualifying circumstance of the offense charged, was not established by the prosecution because there was no documentary evidence presented and offered in evidence to prove AAA's minority. Further, accused-appellant asserts that the prosecution failed to prove his guilt beyond reasonable doubt because it was not sufficiently established that he is the person behind the email account `ivyian1823@protonmail.com`.⁵²

Accused-appellant's arguments fail to persuade.

For a successful prosecution of Trafficking in Persons, the following elements must be shown: (a) the act of "recruitment, transportation, transfer or **harboring**, or receipt of persons with or without the victim's consent or knowledge, within or across national borders;" (b) **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 (c) **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."⁵³ The crime is qualified when the trafficked person is a "child," which is defined as any "person below eighteen (18) years of age or one who is over eighteen (18) 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."⁵⁴

As aptly held by the CA, all the aforesaid elements were proven beyond reasonable doubt by the prosecution.

⁵² CA rollo, pp. 45-46.

⁵³ Section 3(a) of R.A. No. 9208, as expanded by R.A. No. 10364; *People v. Estonilo*, G.R. No. 248694, October 14, 2020.

⁵⁴ Section 3(b) of R.A. No. 9208, as expanded by R.A. No. 10364.

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First, accused-appellant was charged under Section 4(e) of R.A. No. 9208, or the act of maintaining or hiring a person to engage in prostitution or pornography. Relative thereto, the prosecution established that accused AAA was the niece of accused-appellant and she was living with the latter along with her grandmother, siblings, and a cousin.⁵⁵ Accused-appellant also admitted that he was the breadwinner of his family that includes AAA.⁵⁶ Clearly, the first element is present in the instant case.

Second, accused-appellant threatened AAA and took advantage of her vulnerability to coerce her to engage in lascivious conduct with foreigners. AAA testified:

[Q]: Nung mga panahong ginagawa sayo ‘tong mga masasamang bagay, ano naman nararamdaman mo nun?

[A]: Natatakot po.

[Q]: Ano pa maliban sa natatakot?

[A]: Masyadong yung parang naaano po yung nararamdaman.

[Q]: Naaano yung nararamdaman?

[A]: Parang kinakabahan din po katulad dyan. [AAA referring to the photos⁵⁷ shown to her during trial,⁵⁸ which were taken by PCI Virtudazo from the videos sent by the Australian Federal Police, and later confirmed by AAA as photos of her engaged in lascivious conduct with accused-appellant.⁵⁹]

x x x x

[Q]: Alam mo ba yung mangyayari sa Tito [XXX] mo dahil sa kaso na ‘to?

[A]: Hindi po.

[Q]: Pwede syang makulong dahil sa kaso na ‘to dahil sa mga pangyayaring ginawa sa yo.

[A]: Opo.

[Q]: Ayaw mo ba syang makulong?

[A]: Gusto po.

[Q]: Bakit mo gustong makulong si Tito [XXX] mo?

[A]: Kasi ginawa nya po sa akin yung masama.

[Q]: Hindi ka naaawa sa Tito [XXX] mo?

[A]: Konti lang po.

⁵⁵ CA rollo, p. 57.

⁵⁶ Id. at 43.

⁵⁷ Records, Vol. I, pp. 0222-0223.

⁵⁸ Id. at Vol. III, pp. 1179-1182.

⁵⁹ Id.

- [Q]: [AAA], sabi mo kanina kinakabahan ka, sinabi mo kay Tito mo na ayaw mong gawin dahil kinakabahan ka o takot? Oo o hindi?
- [A]: Opo.
- [Q]: Ano sagot ni Tito mo?
- [A]: Sabi nya, wag daw po akong kabahan.
- [Q]: Dahil?
- [A]: Dahil may gagawin daw po kami.
- [Q]: Maliban doon sa wag kang kabahan dahil may gagawin pa kayo, ano pa yung iba nya [sic] sinabi sa yo?
- [A]: Papagalitan daw po nya ako pag hindi ko ginawa.
- [Q]: Maliban doon na papagalitan ka nya, ano pa yung ibang sinabi nya?
- [A]: Na maghugas daw po ako ng katawan para daw po ihanda sa foreigner.
- [Q]: Naisip mo ba dati magsumbong kay Lola?
- [A]: Opo.
- [Q]: Bakit di mo nasumbong kay Lola?
- [A]: Kasi papagalitan nya daw po ako pag nagsumbong ako.
- [Q]: Ano pa yung ibang gagawin nya maliban sa papagalitan ka?
- [A]: Yun lang po.
- [Q]: Bakit hindi ka nagsumbong nung sinabi nya sa yo na papagalitan ka?
- [A]: Natatakot po ako.
- [Q]: Bat ka natatkot?
- [A]: Kasi baka paluin po ako [nang] malakas.
- [Q]: Ano pa ba yung iba mong naisip nun bat ka natatakot?
- [A]: Ano po, parang kinakabahan po ako sa kanya kasi papagalitan nya ako at papaluin.
- [Q]: May mga warning ba sa yo si Tito mo na sinasabihan ka nya o tinatakot ka nya para mapilit ka nyang gawin yung ayaw mo, meron ba?
- [A]: Opo.
- [Q]: Ano yun?
- [A]: Sabi nya po ano, mag-ano lang po ako, praktisin ko daw po kung ano yung gagawin ko. Kapag di daw po ako sumunod sa kanya, papagalitan daw po nya ako.
- [Q]: Sabi nya, praktisin mo yung gagawin mo, mag-isa?
- [A]: Opo.
- [Q]: Nagpapraktis ka palaging [sic] mag-isa ka lang?
- [A]: Hindi po.

- [Q]: Bakit minsan sino kasama mong magpraktis?
[A]: Si Tito po.
- [Q]: Tinakot ka ba nya na gagawin nya sa mga ibang kapamilya mo yung ginawa nya sayo o may sasaktan sya kapag di ka sumunod?
[A]: Meron po.
- [Q]: Ano?
[A]: Sa pinsan ko po.
- [Q]: Anong sabi nya tungkol sa pinsan mo?
[A]: Nung nag-inarte po ako nun tapos sabi nya po kapag lumaki daw po si [BBB], yun naman daw po yung aanuhin nya.
- [Q]: Paki-ulit. Pag mag-iinarte ka, pag lumaki si [BBB], yun naman yung aanuhin nya. Anong aanuhin nya si [BBB]?
[A]: Yung ginagawa nya po sa akin ngayon.
- [Q]: Gagawin din nya kay [BBB]? Tinatakot ka nya ng ganun?
[A]: Opo.
- [Q]: Si [BBB], ilang taon ba yun?
[A]: Three (3) po.
- [Q]: Yun yung kasama mo sa bahay diba sabi mo kanina?
[A]: Opo.
- [Q]: Naniniwala ka sa kanya na baka saktan nya si [BBB]? Oo o hindi?
[A]: Opo.
- [Q]: Nasabi mo ba kay Tito mo dati na ayaw mong gawin kasi baka mapahamak ka?
[A]: Opo.
- [Q]: Ano sagot nya?
[A]: Sabi nya, wala lang daw po.⁶⁰

In any event, it is settled that 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.⁶¹

Third, the prosecution established that the trafficking of AAA by accused-appellant was for prostitution or sexual exploitation.

R.A. No. 9208 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

⁶⁰ Id. at 1183-1190.

⁶¹ *People v. Salazar*, G.R. No. 237697, July 15, 2020.

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consideration.”⁶² Sexual Exploitation, on the one hand, refers to the **“participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided under R.A. No. 10364.”**⁶³

Here, PCI Virtudazo testified on the events that led to accused-appellant’s entrapment. As borne by the evidence on record, the present criminal charge stemmed from a suspected trafficking case referred to the PNP-WCPC by the Australian Federal Police, through witness Stanford.⁶⁴ The case involved a Filipino male trafficking a young Filipino female for sex with foreigners.⁶⁵ Thereafter, the PNP-WCPC conducted its own investigation, and, in the course thereof, received videos of the suspect sexually abusing the minor victim.⁶⁶ PCI Virtudazo, the assigned investigator went undercover and began communication with the suspected trafficker, who purportedly maintains the email address ivyian1823@protonmail.com, the email address provided by the Australian Federal Police. Pretending to be a customer, PCI Virtudazo transacted with the person behind ivyian1823@protonmail.com, who offered his/her “daughter” for sexual services in exchange of ₱20,000.00. PCI Virtudazo accepted the offer and a date was set by the parties for the meeting.⁶⁷ During their communication, ivyian1823@protonmail.com asked for money for transportation expenses and provided the name XXX, as the recipient, and the cellphone number 09153152963 to PCI Virtudazo. PCI Virtudazo then sent ₱1,000.00, through coins.ph,⁶⁸ which was received by XXX.⁶⁹ On the date of the agreed meeting, PO2 Guache and the foreigner undercover posed as the supposed customers and went to the meeting place. They were met by accused-appellant and AAA. PO2 Guache and the foreigner undercover introduced themselves as the customers. Accused-appellant introduced AAA, his niece. When asked by PO2 Guache what AAA can do, accused-appellant answered and reiterated that AAA can perform “handjob,” “blowjob,” and even the sexual act itself. PO2 Guache gave ₱5,000.00 to accused-appellant as down payment, which the latter received. Upon confirmation that accused-appellant was indeed the person behind

⁶² Section 3(c).

⁶³ Section 3(f) of R.A. No. 10364.

⁶⁴ CA rollo, p. 52.

⁶⁵ Rollo, p. 5.

⁶⁶ Id. at 6; see also CA rollo, p. 53.

⁶⁷ Id.

⁶⁸ Records, Vol. I, p. 0226.

⁶⁹ Rollo, p. 6.

↓

ivyian1823@protonmail.com, PO2 Guache made a signal that prompted the other members of the entrapment team to arrest accused-appellant. Accused-appellant was informed of his rights and was subjected to inquest proceedings, during which it was confirmed that he is XXX and AAA is his niece.⁷⁰

Further, AAA testified and categorically declared that accused-appellant, his uncle, has been coercing her to engage in lascivious conduct with foreigners. She also narrated the events that transpired leading to accused-appellant's arrest, viz.:

[Q]: Nabanggit mo kanina na andito ka para tumestigo tungkol sa mga masasamang ginagawa sayo ng Tito mo, ano ba yung mga masasamang ginagawa ng Tito mo na tinutukoy mo?

[A]: Na pinipicturan po ako habang nakahubad. Pinapadala po sa foreigner.

[Q]: Maliban doon sa pinipicturan ka na nakahubad at pinapadala sa foreigner, ano pa ang ginagawa sayo na masasama ng Tito mo?

[A]: Binibidyuhan po ako habang sinusubo yung ari ng foreigner.

[Q]: Nabanggit mo pala kanina na ni-rescue ka, pwede mo bang [i]kwento sa amin kung ano pa yung nangyari nung araw na ni-rescue ka? Pano ka ni-rescue?

[A]: Noong una po naglalaro ako sa bahay tapos bigla pong sinabi ng Tito ko na pumunta daw po ako sa loob tapos kinabukasan po may pupuntahan daw po kami. Tapos sinabi nya po na maghanda daw po ako ng mga damit. Naghanda po yung Lola ko tapos nung naghanda po yun[g] Lola ko, bigla po kaming umalis kinabukasan tapos sabi nya po may pupuntahan daw po kaming Megamall.

[Q]: Sinabi ba nya sa yo yung dahilan bakit kayo pupunta sa Megamall?

[A]: Sabi nya po makikipagmeet daw po sya sa foreigner.

[Q]: Ano pa yung ibang sinabi nya maliban sa pakikipagmeet sa foreigner?

[A]: Maglinis daw po ako ng katawan.

[Q]: Ano ang sunod na nangyari?

[A]: Magready daw po ako kung ano daw po yung gagawin ko.

[Q]: Ano daw yung gagawin mo, sinabi ba nya noong araw na sinabihan ka nya na magready ka?

[A]: Wala pa po syang sinasabi.

[Q]: Ano yung sunod na nangyari?

[A]: Tapos bigla po kaming nasa bus nun.

⁷⁰ CA rollo, pp. 54-55.

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[Q]: Nagbus kayo?
[A]: Opo. Tapos bumaba po kami doon sa Megamall.

[Q]: San kayo galing?
[A]: Sa Cavite po.

x x x x

[Q]: Pagdating nyo ng Megamall, ano ang nangyari? May sinabi ba ang Tito mo?

[A]: Nagtetest po yung Tito ko sa foreigner tapos po nung pagkatext nya po, pumunta po kami doon sa J.Co.

[Q]: Pano mo nalaman na katext ng Tito mo yung foreigner bago kayo pumunta sa J.Co.?

[A]: Nakikita ko po sa cellphone.

[Q]: Pagkatapos, dumating ba kayo sa J.Co.?

[A]: Hindi po. Habang naglalakad po kami nakasalubong nya po yung foreigner. Tapos nagtawagan po sila ng “bro.”

[Q]: Nagtawagan sila ng “bro” ng foreigner?

[A]: Opo.

[Q]: Pagkatapos, ano na ang sumunod na nagyari.

[A]: Bigla po kaming pinapasok doon sa J.Co habang po bumibili yung foreigner ng donut, nagkekwentuhan po yung Tito ko at saka yung babae.

[Q]: Sabi mo nagkekwentuhan yung Tito mo at yung babae, yung babae na yun, saan sya galing?

[A]: Sa pulis po.

[Q]: Sa pulis?

[A]: Opo.

[Q]: Pero saan sya galing bago kayo magkita nung babae? Sa loob ba ng J.Co Restaurant o sa labas kasama ng foreigner?

[A]: Sa labas po kasama ng foreigner.

[Q]: Sabi mo nagkwentuhan yung babae at si Tito mo, narinig mo yung pinag-usapan nila?

[A]: Hindi po.

[Q]: Nasaan ka nakaupo?

[A]: Nasa likod po ng Tito ko.

[Q]: Pikikwento mo nga, pagpasok ng J.Co, ano ang nangyari?

[A]: Pagpasok po ng J.Co, bigla pong umupo kaming apat (4). Tapos po bigla pong tumayo yung foreigner tapos bumili po sya ng donut. Tapos tumitingin po sa akin yung mga nagtitinda ng donut at saka yung guwardiya. Tapos bigla pong binigay ng foreigner yung pera tapos bigla pong kinuha ng babae tapos inabot po nya kay Tito.

x x x x

[Q]: Bago inabot ng babae yung pera kay Tito mo, alalahanin mo, AAA, ano yung mga nakita mo, ano yung mga narinig mo?

[A]: Yung nakita ko pong [sic] yung mga pera na binigay nya.

[Q]: Mga pera na binigay nya? Ano yung ginawa ng Tito mo sa pera?

[A]: Kinuha nya po tapos nilagay nya dito sa lamesa.

[Q]: Bago nya kinuha yung pera, ano ang narinig mong sinabi ng Tito mo?

[A]: Sex daw po at saka handjob at saka [sic] blowjob.

[Q]: Kanino nya sinabi?

[A]: Sa babae po?

[Q]: Bakit nya sinabi yun sa babae? Pinag-usapan nyo ba yun ng Tito mo?

[A]: Hindi pa po.

[Q]: Nung sinabi ng Tito mo sa babae na sex, handjob, at blowjob, ano ang naramdaman mo?

[A]: Kinakabahan po ako nun.

[Q]: Nung sinabi yun ng Tito mo sa babae, ano sagot ng babae? Naalala mo ba may sinabi sya?

[A]: Wala po akong naintindihan.

[Q]: Sigurado ka narinig mo yung mga salitang sex, handjob, and blowjob, naintindihan mo ibig sabihin ng sex?

[A]: Hindi po.

[Q]: Handjob?

[A]: Hindi po.

[Q]: Blowjob?

[A]: Opo.

[Q]: Ano yung [blowjob]?

[A]: Sinusubo po.

[Q]: Ano yung sinusubo?

[A]: Yung ari po.

[Q]: Maliban sa kinakabahan ka, ano pa yung iba mong nararamdaman?

[A]: Napapaiyak po dahil sa gagawin ko.

[Q]: Napapaiyak ka dahil sa gagawin mo?

[A]: Opo.

[Q]: Bakit ka naiyak sa gagawin mo, dahil?

[A]: Kasi ayoko po yun eh. Tapos gagawin ko po yun [nang] di alam.

[Q]: [Nang] di alam nino?

[A]: Ng Lola ko po.

[Q]: Ano ba yung papagawa sa yo, kung alam mo? Di ba sabi mo naiiyak ka dahil dun sa ipapagawa sayo, ano ba sa tingin mo yung ipapagawa sayo?

[A]: Yung isusubo ko po yung ari ng foreigner tapos pipicturan ko po habang nakahubad.

[Q]: Sino magpipicture sayo habang nakahubad?

[A]: Tito ko po.

x x x x

[Q]: Ano yung sumunod na nangyari pagkaabot ng pera nung babae sa Tito mo tapos pinatong sa lamesa yung pera?

[A]: Bigla pong may dumating na lalaki. Bigla pong inano nya yung I.D., pinakita po nyang pulis sya. Tapos bigla pong may babaeng tumaklob sakin ng ganto po.⁷¹

x x x x

[Q]: x x x Bigla kang pinalabas?

[A]: Opo.

[Q]: Pagkalabas, ano yung sumunod na nangyari?

[A]: Sinabi po sa akin nung babae, may balita daw po na makarating sa kanya na pinipicturan daw po ako habang nakahubad.

[Q]: Ano yung sagot mo?

[A]: Sabi ko po, "opo." x x x⁷²

AAA further declared:

[Q]: Yung mga sinabi mong masasamang ginagawa ng Tito mo, ibig sabihin madami syang masamang ginawa sayo, tama ba?

[A]: Opo.

[Q]: Mga ilang beses na ba nyang ginawa sayo, yung dadalhin ka sa foreigner?

[A]: Mga lagpas lima (5) po.

[Q]: Nung ginawa nya sayo noong dinala ka sa foreigner para saan yun, ano ang gagawin nyo?

[A]: Yung sex po, handjob at blowjob po tapos babayaran po.

[Q]: Babayaran si Tito mo o ikaw?

[A]: Si Tito po.

⁷¹ Records, Vol. III, p. 1167. AAA described that a shawl was placed above her head.

⁷² Id. at 1156-1167.

[Q]: May nakukuha ka bang pera?

[A]: Wala po.

[Q]: Walang binibigay sayo si Tito kahit konti?

[A]: Pangbaon lang po sa school.

[Q]: Magkano yung pambaon mo sa school?

[A]: Ten (10) po.

[Q]: Ten (10) pesos?

[A]: Opo.

x x x x

[Q]: Sabi mo na ginawa nya to sayo noon para makipagsex, handjob, blowjob sa foreigner, nangyari ba yung mga yun sayo noon?

[A]: Hindi po.

[Q]: Hindi ka pa nakapagblowjob ng foreigner?

[A]: Nakapagblowjob na po.

[Q]: Mga ilang beses ka nakapagblow job sa foreigner?

[A]: Mga marami na po eh.

[Q]: Di mo maalala? Kaya mong tantyahin?

[A]: Hindi po.

[Q]: Maliban sa blowjob, ano pa pinapagawa sa yo?

[A]: Pinapaano po, una po hihiga yung foreigner tapos sabi po ng Tito ko, pumatong daw po ako sa kanya. Tapos sabi ko po, ayaw ko. Edi pinicturan na lang po nya ko.

[Q]: Tapos ano sumunod na nangyari?

[A]: Tapos habang pinapasubo sa akin yung ari ng foreigner, binibidyuhan nya po ako. Tapos pagkatapos nya po akong bidyuhan, pinapatingin nya po sa foreigner.

x x x x

[Q]: Pano mo nalalaman na nagbabayad yung foreigner sa Tito mo?

[A]: Kasi po pag nasa c.r. na po ako, nagtotoothbrush, sinasabi nya po sa akin na may pera daw pong binibigay sa kanya.

[Q]: Yung foreigner yung nagbibigay ng pera?

[A]: Opo.⁷³

The Court has held that when the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not

⁷³ Id. at 1170-1175.

true. Youth and immaturity are generally badges of truth and sincerity.⁷⁴ More importantly, accused-appellant was positively identified by AAA as the person who offered and brought her to foreigners for sexual services in exchange for monetary consideration. Confronted with the positive assertions of the prosecution witnesses, accused-appellant could only muster bare denial as his defense. Denial is inherently weak and unreliable by virtue of its being an excuse too easy and too convenient for the guilty to make. To be worthy of consideration at all, denial should be substantiated by clear and convincing evidence.⁷⁵ Otherwise, denial carries no weight in law and has no greater evidentiary value than the testimony of credible witnesses who testified on affirmative matters, and who had not been shown to be motivated by ill or improper motives in testifying against the accused.⁷⁶

The Court scrutinized accused-appellant's testimony and agrees with the observation of the private prosecutor that said testimony is riddled with inconsistencies and contradictions.⁷⁷ To be sure, accused-appellant's explanation on why he and AAA were at Megamall on the date of the entrapment is dubious and unconvincing. Accused-appellant first claimed that he and AAA were on their way to Zambales⁷⁸ and got off at Megamall merely to have lunch.⁷⁹ He later changed his statement and admitted that he was supposed to meet "Asian Lover," a friend of accused-appellant's friend, JORDY59.⁸⁰ According to accused-appellant, Asian Lover was supposed to return to accused-appellant the latter's ring and necklace,⁸¹ which accused-appellant allegedly left with JORDY59 when they met in Negros Oriental⁸² sometime in March 2017.⁸³ In return, accused-appellant will send JORDY59, through Asian Lover, the backpack accused-appellant was carrying at the time of his arrest, which was allegedly owned and left by JORDY59 in Negros Oriental. Denying that the seized backpack and the items inside it are his, accused-appellant would like the Court to believe that he brought said backpack to Cavite all the way from Negros Oriental (instead of leaving it at the hotel for safekeeping and easier retrieval by JORDY59, who, according to accused-appellant, was from Dumaguete City);⁸⁴ and he did not bother to check the contents thereof even when he had already put some of his clothes inside the subject backpack.⁸⁵

⁷⁴ *People v. XXX*, G.R. No. 250858, January 25, 2021.

⁷⁵ *Medina v. People*, 760 Phil. 729, 740 (2015).

⁷⁶ *Id.*

⁷⁷ *Records*, Vol. I, p. 314.

⁷⁸ *Id.* at Vol. III, p. 1707 and 1720.

⁷⁹ *Id.* at 1671 and 1720.

⁸⁰ *Id.* at 1671-1675.

⁸¹ *Id.* at 1679.

⁸² *Id.* at 1709-1710.

⁸³ *Id.* at 1722-1728

⁸⁴ *Id.* at 1710.

⁸⁵ *Id.* at 1715 and 1734.

Also incredible and contrary to human experience is accused-appellant's claim that when PO2 Guache suddenly asked him if his niece, AAA, knew how to perform "handjob" and "blowjob," accused-appellant merely repeated what PO2 Guache said and was "*ngingiti-ngiti lang*,"⁸⁶ despite his admission that he felt shocked, awkward, and embarrassed. It is unbelievable that a licensed teacher, like accused-appellant, would not do anything to correct or even reprimand PO2 Guache for such inappropriate behavior considering that they were not previously acquainted and it was their first time to meet, and his minor niece, AAA, could hear the indecent conversation.⁸⁷ Evidence to be believed, must not only proceed from the mouth of a credible witness, but it must be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances.⁸⁸ Worthy of note is accused-appellant's admission that the little girl in the photos⁸⁹ presented in evidence by the prosecution shown to be performing oral sex with a man is indeed, AAA, his niece.⁹⁰

From the foregoing, the CA did not err in affirming the findings and ruling of the RTC. Time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation. This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.⁹¹

Further, accused-appellant's assertion that AAA's minority was not established by the prosecution was correctly brushed aside by the CA in light of the parties' stipulation that AAA was born on September 23, 2007 and was ten (10) years old at the time of the commission of the offense.⁹² Accused-appellant also admitted AAA's minority when he testified before the RTC.⁹³ The crime is Qualified when the trafficked person is a "child,"⁹⁴ or a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse,

⁸⁶ Id. at 1728.

⁸⁷ Id. at 1728-1730.

⁸⁸ *Gemenez v. People*, G.R. No. 241518, March 4, 2020.

⁸⁹ Records, Vol. I, pp. 0222-0223.

⁹⁰ Records, Vol. III, pp. 1656-1657.

⁹¹ *SPO2 Jamaca v. People*, 764 Phil. 683, 693-694 (2015).

⁹² *Rollo*, p. 19.

⁹³ Id. at 19-20.

⁹⁴ Section 6(a) of R.A. No. 9208.

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neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.⁹⁵

Anent the proper penalty to be imposed on accused-appellant, Section 10(e) of R.A. No. 9208⁹⁶ states that a 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. Pursuant to prevailing jurisprudence, accused-appellant must also pay AAA the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, plus legal interest of six percent (6%) *per annum* from finality of judgment until full payment.⁹⁷

All told, the CA committed no reversible error in affirming the July 25, 2018 Decision of the RTC.

On a final note, cases involving sexual abuse and exploitation of our minor children are indubitably atrocious, and even barbaric when committed by the child victim's own blood relative, as in this case. To reiterate, the Court, as the adjudicative instrumentality of the State, is – and will always remain – steadfast in fulfilling its moral and legal duty not only to uphold justice for the victims, but, more importantly, to safeguard the future and best interests of our children.

WHEREFORE, premises considered, the Decision dated October 15, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11715 is **AFFIRMED**. Accused-appellant XXX is hereby found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons, under Section 4(e) in relation to Section 6(a) of Republic Act No. 9208, as expanded by Republic Act No. 10364. Accordingly, accused-appellant XXX is **SENTENCED** to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. He is **DIRECTED** to pay AAA the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

All damages awarded shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until full satisfaction.


⁹⁵ REPUBLIC ACT NO. 9208, Section 3(b), as amended by R.A. No. 10364.

⁹⁶ As amended by RA No. 10364.

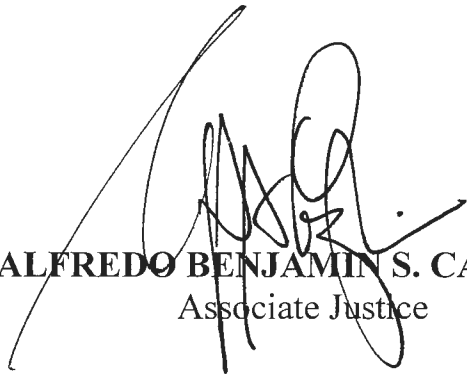
⁹⁷ See *People v. Dela Cruz*, G.R. No. 238754, June 16, 2021; *People v. Estonilo*, supra note 53.

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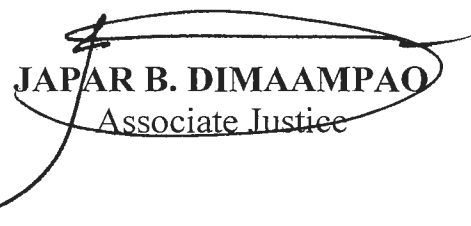
SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

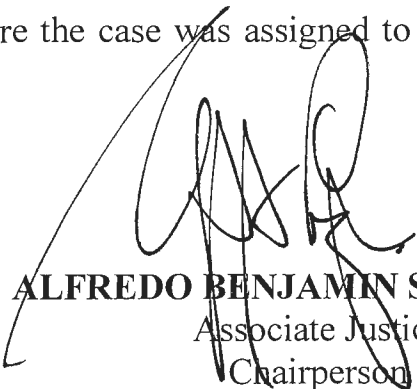
(On official business)
HENRI JEAN PAUL B. INTING
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

(On official business)
MARIA FILOMENA D. SINGH
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.


ALFREDO BENJAMIN S. CAGUIOA
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

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