



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 267833

Present:

- versus -

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

ARGIE BOLAGOT y PINEDA @
“Archie” and ROLLY BATILARAN
y TOLEDO @ “Samantha”,
Accused-appellants.

Promulgated:

APR 07 2025

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DECISION

SINGH, J.:

Before the Court is an appeal from the Decision,¹ dated May 20, 2022, of the Court of Appeals (CA) in CA G.R. CR-HC No. 13083. The CA affirmed the Joint Decision,² dated April 24, 2019, of Branch [REDACTED], Regional Trial Court (RTC), Mandaluyong City in Criminal Case Nos. MC14-4515-FC and MC14-4516-FC which found Argie Bolagot y Pineda alias “Archie” (Bolagot alias Archie) and Rolly Batilaran y Toledo alias “Samantha” (Batilaran alias Samantha) guilty of Child Abuse under Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, and Qualified Trafficking in Persons under Republic Act No. 9208, as amended by Republic Act No. 10364, or the Expanded Anti-Trafficking in Persons Act of 2012.

* On official business.

¹ Rollo, pp. 9–33. Penned by Associate Justice Eduardo S. Ramos, Jr. and concurred in by Associate Justices Ramon A. Cruz and Ruben Reynaldo G. Roxas, 10th Division, Court of Appeals, Manila.

² Id. at 36–59. Penned by Presiding Judge Imelda L. Portes-Saulog.

The Informations against Bolagot alias Archie and Batilaran alias Samantha read:

CRIMINAL CASE NO. MC14-4515-FC
[Child Abuse under Republic Act No. 7610]

That on or about [October 16, 2014], in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully[,] and feloniously engage in[,] facilitate[,] and induce child prostitution on the persons of AAA, [12] years old, BBB, [16] years of age, [and] CCC, [16] years of age, by acting as procurer in child prostitution for profit, or any other consideration, which act demeans the intrinsic worth and dignity of the said minors, thereby prejudicing their normal growth and development.

CONTRARY TO LAW.³

CRIMINAL CASE NO. MC14-4516-FC
[Qualified Trafficking in Persons under Republic Act No. 9208,
as amended by Republic Act No. 10364]

That on or about the [October 16, 2014], in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit, transport, [and] provide [eight] women, namely: AAA, a minor, [12] years old, BBB, [16] years of age, CCC, [16] years of age, [as well as] DDD, EEE, FFF, GGG, and HHH for the purpose of engaging then in prostitution or sexual entertainment/services for the amount of [PHP] 1,500.00 each, which act of trafficking is QUALIFIED as the same is committed against [three] children and in LARGE SCALE, in violation of the aforementioned law.

CONTRARY TO LAW.⁴ (Emphasis in the original)

The two cases were ordered consolidated and jointly tried. When arraigned, Bolagot alias Archie and Batilaran alias Samantha pleaded not guilty to both charges. After pre-trial, the joint trial ensued.⁵

Version of the Prosecution

The prosecution presented victims AAA, BBB, and CCC, as well as National Bureau of Investigation (NBI) Investigator Rodrigo Sarno (**Agent Sarno**), and Senior Inspector III Claro C. Ramos (**Agent Ramos**).⁶

³ *Id.* at 10.

⁴ *Id.*

⁵ *Id.* at 11.

⁶ *Id.* at 37.



AAA, 13 years old, testified that she had run away from home in March of 2014. One day she was with her friend, DDD, who then sought out Bolagot alias Archie to give her a customer for “sex for a fee.” Bolagot alias Archie brought both DDD and AAA to a house. Once inside, Bolagot alias Archie took DDD inside a room while AAA sat on the stairs. After 10 minutes, Bolagot alias Archie exited the room. Later, when DDD went out, AAA learned that DDD had taken *shabu* and had sex with a man inside the room in exchange for PHP 500.00. When the girls exited the house, Bolagot alias Archie demanded PHP 200.00 as his commission.⁷ Upon DDD’s advice, AAA told Bolagot alias Archie that she was 17 years old rather than her real age at the time, 12 years old.⁸

AAA, on further testimony, stated that on March 30, 2014, she and DDD were walking along the road when Bolagot alias Archie called them “*bilat*.” When the two girls approached him, Bolagot alias Archie asked if they wanted money since he would give them a customer. AAA refused at first, but eventually agreed with Bolagot alias Archie, along with DDD. That evening, the three of them boarded a car driven by the customer and went to a house. Bolagot alias Archie also attempted to entice the girls to take *shabu*, but they refused.⁹ At the house, Bolagot alias Archie took money from the customer then left. The customer then told the girls to undress and perform sexual acts for pay. After this, he handed DDD PHP 1,000.00 and gave another PHP 500.00 to AAA. The customer said that he paid the other PHP 1,000.00 to Bolagot alias Archie. When the girls went to Bolagot alias Archie, he refused to give them the money because he said he had already spent it on drugs.¹⁰

On October 15, 2014, Bolagot alias Archie informed the girls that he needed eight girls for a stag party. He instructed them and a third girl to meet him the next evening at [REDACTED] Canteen. When they met the next night, Bolagot alias Archie was waiting with Batilaran alias Samantha and more girls. They then made their way to [REDACTED] Bar. When they arrived, AAA saw Bolagot alias Archie approach a man, Agent Sarno. Bolagot alias Archie asked Agent Sarno for tricycle fare, which Agent Sarno gave.¹¹ Later, Bolagot alias Archie told the girls that the customer would pay them personally. They then went inside the bar and ordered food and drinks. After some time, their whole group, along with the men, boarded a van and proceeded to [REDACTED] Hotel.¹²

At the hotel, Agent Sarno alighted and told the girls to stay in the van while he checked for vacant rooms. Suddenly the door opened and AAA

⁷ *Id.* at 37–38.

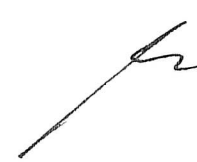
⁸ *Id.* at 38.

⁹ *Id.* at 38–39.

¹⁰ *Id.*

¹¹ *Id.* at 39.

¹² *Id.*



heard someone say “*asan yung bugaw?*” Agent Sarno pointed at Bolagot alias Archie and Batilaran alias Samantha. A group of men, who identified themselves as NBI operatives proceeded to arrest Bolagot alias Archie and Batilaran alias Samantha.¹³

On cross-examination, AAA stated that she had previously made her own personal bookings for “sex for a fee.” She also stated that on March 30, 2014, it was DDD who enticed her to take a customer. AAA accepted because she thought it was better to be paid for sex than to have no money at all. On re-direct examination, however, she restated that it was Bolagot alias Archie who directed her to take a customer that day.¹⁴

BBB, 16 years old, was a high-school dropout. She met Batilaran alias Samantha in November of 2013 at [REDACTED] Canteen through her friend who was a “pimped girl.” Batilaran alias Samantha offered to use BBB to sell sexual services, BBB agreed because she was told that she would receive PHP 1,500.00 for doing so and she needed the money for her family. After that, a man on a motorcycle arrived and Batilaran alias Samantha told BBB to go with him. She saw Batilaran alias Samantha collect money from the man before they left for a motel. She stated, however, that nothing happened between her and the man at the motel.¹⁵

When BBB returned to [REDACTED] Canteen, Batilaran alias Samantha was gone but Bolagot alias Archie was there with CCC. Bolagot alias Archie urged BBB to join CCC to meet with another customer. BBB hesitantly agreed. They then smoked *shabu* and marijuana with the customer and BBB also engaged in sex with him. BBB recalled that Bolagot alias Archie also received money from this customer. After servicing the customer, he gave BBB PHP 500.00 in cash and some *shabu* worth PHP 500.00. Later, BBB received a text message from the customer that Bolagot alias Archie had already received his commission. From then on, BBB frequented [REDACTED] Canteen two to three times a week to be pimped out by either Bolagot alias Archie or Batilaran alias Samantha.¹⁶

On October 16, 2014, BBB received a call from Batilaran alias Samantha about a drinking spree and some customers who wanted more girls. He said she would be paid PHP 1,500.00 for sexual services.¹⁷ BBB went to the place and saw Batilaran alias Samantha and Bolagot alias Archie boarding tricycles with a group of girls, and BBB boarded the tricycles with them.¹⁸

¹³ *Id.* at 39–40.

¹⁴ *Id.* at 40.

¹⁵ *Id.* at 40–41.

¹⁶ *Id.* at 41–42.

¹⁷ *Id.* at 42.

¹⁸ *Id.* at 40.



When they arrived at [REDACTED] Bar, BBB saw two men waiting for them. One of these men was Agent Sarno, who greeted Batilaran alias Samantha and Bolagot alias Archie. BBB recalled that AAA and CCC were also among the girls who joined them that evening. BBB added that Bolagot alias Archie told her to have threesome sex with AAA and their customer.¹⁹ BBB later saw Agent Sarno give money to Bolagot alias Archie. BBB thought it was payment for giving entertainment to the men. After some drinking and singing, the entire group boarded a van and proceeded to [REDACTED] Hotel. At the hotel, NBI operatives rescued her and the other girls.²⁰

CCC, 16 years old, testified that she only finished 2nd year high school. She started to engage in prostitution to support herself and her family. She stated that Bolagot alias Archie and Batilaran alias Samantha have been pimping her out since 2012, when she was only 14 years old. CCC further narrated that she had been to the [REDACTED] Hotel more than 10 times for sexual services and that she would meet the two accused at [REDACTED] Canteen five times a week to wait for customers. CCC earned PHP 800.00 for every customer, while Bolagot alias Archie and Batilaran alias Samantha would get PHP 200.00 as their commission.²¹

CCC recalled that she was first pimped out by Bolagot alias Archie when she was only 14 years old. Though she did not want to, CCC accepted the offer because she was in dire need of money. When Bolagot alias Archie found a customer for CCC, he collected PHP 200.00 from the customer and left CCC. Since then, CCC would have five customers a week.²² According to CCC, she was obliged to meet with Bolagot alias Archie and Batilaran alias Samantha because they would get angry with her whenever she did not.²³ CCC also revealed that she acquired syphilis because of the sexual services she was pimped out to do.²⁴

CCC narrated that on the night of October 16, 2014, Bolagot alias Archie and Batilaran alias Samantha told her to meet them together with seven other girls. From there, they went to [REDACTED] Bar where they had a short drinking spree, after which they boarded a van and went to [REDACTED] Hotel.²⁵ When they reached the hotel, Agent Sarno alighted and other NBI operatives suddenly appeared and arrested Bolagot alias Archie and Batilaran alias Samantha. CCC and the other girls were then rescued.²⁶

¹⁹ *Id.* at 42.

²⁰ *Id.* at 40–41.

²¹ *Id.* at 42–43.

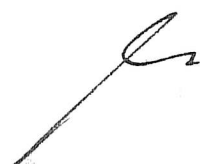
²² *Id.* at 43.

²³ *Id.*

²⁴ *Id.* at 44.

²⁵ *Id.* at 43–44.

²⁶ *Id.* at 44.



Agent Sarno testified that on October 16, 2014, he, together with NBI Agent Roldan Follosco (**Agent Follosco**), received an order to act as poseur customers for an entrapment operation against Bolagot alias Archie and Batilaran alias Samantha for trafficking. That night, at around 9:10 p.m., Agents Sarno and Follosco met with Bolagot alias Archie and Batilaran alias Samantha at [REDACTED] Bar. The two accused offered eight girls for sex at the price of PHP 1,500.00 for each girl. Agent Sarno handed them marked money worth PHP 8,000.00, the rest to be paid at the [REDACTED] Hotel.²⁷

After secretly communicating with his team, Agent Sarno told Bolagot alias Archie, Batilaran alias Samantha and the eight girls to board their service van. They then went together to the [REDACTED] Hotel. When they arrived, Agent Sarno alighted pretending to transact with the hotel check-in counter. In reality, Agent Sarno gave the pre-arranged signal and the NBI operatives immediately arrested Bolagot alias Archie and Batilaran alias Samantha.²⁸

The final prosecution witness, Agent Ramos, corroborated the testimony of Agent Sarno. He prepared the marked money used by Agent Sarno and was present during the entrapment. After the arrest, Agent Ramos recovered the marked money from Bolagot alias Archie.²⁹

Version of the Defense

Batilaran alias Samantha admitted that he and Bolagot alias Archie have been friends for three years prior to their arrest on October 16, 2014 and that he knows all the private complainants except for AAA, CCC, and DDD. He claimed that he met these three girls for the first time at [REDACTED] Bar on October 16, 2014.³⁰

Batilaran alias Samantha denied being a pimp. He claimed instead that he had met Agent Sarno sometime in September of 2014 at [REDACTED] Canteen. Agent Sarno asked him if there were any available “*babaeng bayaran*” or prostitutes, but Batilaran alias Samantha answered that no such activity was going on.³¹

On October 16, 2014, Bolagot alias Archie told him to meet at [REDACTED] Canteen and to bring friends for a pool party. Batilaran alias Samantha sent a message to his friends, including some girls. They rode to [REDACTED] Bar

²⁷ *Id.* at 44–45.

²⁸ *Id.* at 45.

²⁹ *Id.* at 45–46.

³⁰ *Id.* at 46.

³¹ *Id.*



together, where he saw Agent Sarno and other girls. Batilaran alias Samantha tried to warn Bolagot alias Archie, but the latter assured him it was fine.³²

After some drinking, a service van arrived and Agent Sarno told the group to board the van to go to the party.³³ When they arrived at the [REDACTED] Hotel, after Agent Sarno alighted, the van door suddenly opened and someone shouted “*bumaba kayong dalawang baklang bugaw diyan.*” Feeling threatened, Batilaran alias Samantha exited the van with Bolagot alias Archie and the two of them were apprehended and subsequently charged with trafficking.³⁴

Bolagot alias Archie similarly denied the allegations against him. He admitted that he knows all the private complainants except for AAA and DDD, whom he met only on October 16, 2014. He narrated that two days prior to their arrest, he joined CCC and another girl who were drinking with Agent Sarno and another man.³⁵

Then, in the afternoon of October 16, 2014, he saw AAA, CCC and other girls all dressed up and about to go somewhere. They told him that they will attend a pool party and invited him to join them and bring friends. Bolagot alias Archie agreed and texted Batilaran alias Samantha to join them that evening.³⁶

Later, when they were already drinking at [REDACTED] Bar, Batilaran alias Samantha warned him that he recognized Agent Sarno. After a while, Agent Sarno told them that they hired a service van to bring them to the pool party. The entire group boarded the van and went to [REDACTED] Hotel. Bolagot alias Archie stated that Agent Sarno asked him to hold some money for him, Bolagot alias Archie refused and suggested that the money be given to one of the girls instead. Moments later, they heard someone outside the van shout “*bumaba kayong dalawang baklang bugaw.*” At the same time Agent Sarno insisted that he take the money. When Bolagot alias Archie was about to leave the van, Agent Sarno tucked the money into the former’s shirt. Agent Sarno then took his arm and brought him out of the van. He and Batilaran alias Samantha were put in another van and brought to the NBI where they were charged with human trafficking.³⁷

³² *Id.* at 46–47.

³³ *Id.* at 46.

³⁴ *Id.* at 47.

³⁵ *Id.*

³⁶ *Id.* at 47–48.

³⁷ *Id.* at 48.



Ruling of the RTC

The RTC found that the prosecution sufficiently established all the elements of the crime. The testimonies and evidence proved that Bolagot alias Archie and Batilaran alias Samantha were engaged in the recruitment, transportation, and provision of multiple girls for prostitution. Three of these girls were minors at the time, specifically, the prosecution witnesses, AAA, BBB, and CCC. These three girls testified on how, despite their minority, they were lured by the two accused into an illicit sex trade in exchange for money. Further, police officers affirmed that they personally witnessed Bolagot alias Archie and Batilaran alias Samantha offer these girls as prostitutes and collect payment in exchange.³⁸

Bolagot alias Archie and Batilaran alias Samantha argued that they were instigated into the crimes because Agent Sarno was the one who invited them to the pool party, and he told them to invite girls. The RTC rejected this argument given that Bolagot alias Archie and Batilaran alias Samantha nevertheless committed the crimes of their own free will and had been exploiting the minor victims even prior to October 16, 2014.³⁹

Per the testimonies of the minor victims, Bolagot alias Archie and Batilaran alias Samantha had been exploiting young girls for years with impunity. There was no need to instigate them to commit the crime. Agent Sarno implemented a necessary ruse to catch them red-handed, which is part and parcel of a valid entrapment operation.⁴⁰

The RTC found Bolagot alias Archie and Batilaran alias Samantha guilty of Qualified Trafficking under Republic Act No. 9208 and Child Abuse under Republic Act No. 7610.⁴¹ The RTC thus disposed:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

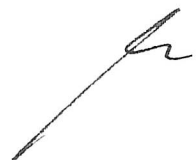
1. In Criminal Case No. MC-14-4515-FC, the Court finds accused Argie Bolagot [y] Pineda and Rolly Batilaran [y] Toledo **GUILTY** beyond reasonable doubt of Child Abuse as defined and penalized under the provision of [Article III, Section 5, paragraph (a)] of Republic Act No. 7610[,] otherwise known as the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act. Accordingly, ARGIE BOLAGOT [y] PINEDA and ROLLY BATILARAN [y] TOLEDO are each sentenced to suffer the penalty of imprisonment of [10] YEARS or *prision mayor*, as minimum to [15] YEARS, [SIX] MONTHS and [20] days of *reclusion temporal*,

³⁸ *Id.* at 49–50.

³⁹ *Id.* at 50.

⁴⁰ *Id.* at 51–54.

⁴¹ *Id.* at 54–58.



as maximum. Furthermore, [the] accused are jointly ordered to pay each minor BBB, AAA, and CCC the amounts of [PHP] 20,000.00 as civil indemnity [*ex delicto*]; [PHP] 15,000.00 as moral damages; and [PHP] 15,000.00 as exemplary damages.

2. In Criminal Case No. MC-14-4516-FC, the Court finds accused Argie Bolagot [y] Pineda and Rolly Batilaran [y] Toledo] GUILTY beyond reasonable doubt of the crime of Qualified Trafficking in Person[s] as defined and penalized under the provision of Section 6, paragraphs (a) and (c), in relation to Section 4, paragraph (a) of Republic Act No. 9208. Accordingly, ARGIE BOLAGOT [y] PINEDA and ROLLY BATILARAN [y] TOLEDO are each sentenced to suffer the penalty of life imprisonment and to pay the fine of [PHP] 2,000,000.00. Furthermore, [the] accused are jointly ordered to pay each minor BBB, AAA, and CCC, [PHP] 200,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages.

All awards shall earn interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.⁴² (Emphasis in the original)

Hence, Bolagot alias Archie and Batilaran alias Samantha appealed to the CA.

Ruling of the CA

The CA affirmed the RTC ruling. The CA held that Bolagot alias Archie and Batilaran alias Samantha were not instigated by Agent Sarno to commit the crimes charged against them. The entrapment operation was legal and valid, the police caught them doing what they regularly do to earn money. The testimonies of the witnesses proved that they have been habitually committing the offenses charged prior to their arrest on October 16, 2014.⁴³

On the charge of Child Abuse, the CA found that the prosecution proved with moral certainty that Bolagot alias Archie and Batilaran alias Samantha exploited children in prostitution. AAA, BBB, and CCC identified the two accused as pimps who coerced or influenced them into exchanging sexual acts for money.⁴⁴ Similarly, on the charge of Qualified Trafficking in Persons, the CA affirmed that the prosecution satisfactorily established all the elements of the crime in this case. Bolagot alias Archie and Batilaran alias Samantha recruited eight girls, including three minors, to meet with Agent Sarno for the purpose of providing sex for a fee.⁴⁵

⁴² *Id.* at 59.

⁴³ *Id.* at 20–24.

⁴⁴ *Id.* at 25–27.

⁴⁵ *Id.* at 27–29.



The CA applied the Indeterminate Sentence Law to the penalty under Republic Act No. 7610. In the absence of any mitigating or aggravating circumstances, the proper imposable penalty is *reclusion temporal* in its maximum period and the minimum term should be within the range of the penalty next lower, i.e., *prision mayor* in its medium period to *reclusion temporal* in its minimum period. Thus, the penalty imposed by the RTC was modified to 14 years and eight months of *reclusion temporal*, as minimum, to 20 years of *reclusion temporal*, as maximum. Also, the civil indemnity *ex delicto* was increased to PHP 50,000.00.⁴⁶ As to the charge of Qualified Trafficking in Persons, the CA increased the moral damages to PHP 500,000.00. The CA disposed:

WHEREFORE, the instant appeal is **DENIED** and the assailed Joint Decision[,] dated April 24, 2019[,] of [Branch ■■■, Regional Trial Court, Mandaluyong City] in Criminal Case Nos. MC14-4515-FC and MC14-4516-FC finding both accused-appellants ARGIE BOLAGOT [Y] PINEDA and ROLLY BATILARAN [Y] TOLEDO guilty beyond reasonable doubt is hereby **AFFIRMED** with the following modifications:

1. In Criminal Case No. MC-14-4515-FC, the Court finds accused Argie Bolagot [y] Pineda and Rolly Batilaran [y] Toledo **GUILTY** beyond reasonable doubt of the crime of Child Abuse as defined penalized under the provision of [Article III, Section 5, paragraph (a)] of Republic Act No. 7610[,] otherwise known as the Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act. Accordingly, ARGIE BOLAGOT [y] PINEDA and ROLLY BATILARAN [y] TOLEDO are each sentenced to suffer the penalty of imprisonment of fourteen (14) years and [eight] months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. Furthermore, [the] accused are jointly ordered to pay each minor, AAA, BBB, and CCC the amounts of [PHP] 50,000.00 as civil indemnity [*ex delicto*]; [PHP] 15,000.00 as moral damages; and [PHP] 15,000.00 as exemplary damages.
2. In Criminal Case No. MC-14-4516-FC, the Court finds accused Argie Bolagot [y] Pineda and Rolly Batilaran [y] Toledo **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Person[s] as defined and penalized under the provisions of Section 6, paragraphs (a) and (c), in relation to Section 4, paragraph (a) of Republic Act No. 9208. Accordingly, ARGIE BOLAGOT [y] PINEDA and ROLLY BATILARAN [y] TOLEDO are each sentenced to suffer the penalty of life imprisonment and to pay the fine of [PHP] 2,000,000.00. Furthermore, accused-appellants are jointly ordered to pay each minor AAA, BBB[,] and CCC [PHP] 500,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages.

⁴⁶ *Id.* at 30–31.



All awards for damages shall earn interest as the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.⁴⁷ (Emphasis in the original)

Hence, the present appeal.

The Issue

Are Bolagot alias Archie and Batilaran alias Samantha guilty of the crimes charged?

The Ruling of the Court

The Court affirms the convictions of Bolagot alias Archie and Batilaran alias Samantha.

Qualified Trafficking in Persons

The crime of Qualified Trafficking in Persons is defined under Sections 3, 4, and 6 of the Republic Act No. 9208, as amended by Republic Act No. 10364:

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

(a) To recruit, 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;

....

SECTION 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

....

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

⁴⁷ *Id.* at 31–33.



deemed committed in large scale if committed against [three] or more persons, individually or as a group;

....

SECTION 3. *Definition of Terms.* — As used in this Act:

....

(b) *Child* — refers to 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, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

The elements of Trafficking in Persons are:

- (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; [sic] 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.⁴⁸

The Court finds that the prosecution was able to establish beyond reasonable doubt all the elements of Qualified Trafficking in Persons in this case.

The facts show that AAA, BBB, and CCC were all minors at the time they were recruited until they were rescued by the NBI on October 16, 2014. Each of them testified as to how either or both accused facilitated their prostitution for profit:

[*Direct Examination of AAA*]

Q: *So[,] sinabi mo na ikaw din sumusustento ka sa pamilya mo, paano mo naman sinusustentuhan ang pamilya mo?*

⁴⁸ *People v. Saldivar*, G.R. No. 266754, January 29, 2024 [Per J. J. Lopez, Second Division] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, *citing People v. Casio*, 749 Phil. 458, 472–473 (2014) [Per J. Leonen, Second Division].



A: *Nagpapa-bugaw po ako. Tapos po humihingi pa ako sa kanila po. Humihingi po ako sa bugaw po namin ng customer.*

....

Q: *So[,] 'pag may binigay sa 'yo na customer, ano ba ang ginagawa ninyo d[o]on?*

A: *Nakikipag-sex po [sic].*

Q: *Sinabi mo na nagpapa-bugaw ka?*

A: *Opo.*

Q: *So[,] sino naman 'yung nang-bubugaw sa 'yo, kung alam mo?*

A: *Si Archie at saka si Samantha po.*⁴⁹

[Direct examination of BBB]

Q: What happen[ed] next?

A: *Nung time na yon umuwi po ako tapos po dalawang beses sa isang ling[g]o po ako pumunta sa [REDACTED].*

Q: When was that again?

A: November up to December.

Q: November 2013 *yong first time mo tapos yong dalawa o tatlong beses sa isang ling[g]o kang nagpunta noong December 2013?*

A: Yes.

Q: At that time do you remember how much do you earn *pag binibugaw ka ni Argie* [a.k.a. Argie Bolagot y Pineda alias Archie]?

A: *Ang kinikita ko doon ay one thousand tapos kumakaltas sila ng two hundred.*⁵⁰

[Direct examination of CCC]

Q: How about you[,] are you helping your family?

A: Yes, Ma'am.

Q: In what manner?

A: *Pag-aura po.*

Q: So you used that money from aura to help your family?

A: Yes, Ma'am.

⁴⁹ RTC records, pp. 618–619, TSN, AAA, April 22, 2015, pp. 13–14.

⁵⁰ *Id.* at 794, TSN, BBB, August 5, 2015, p. 15.



Q: So, going back to this aura that you mentioned, you mentioned a certain Archie, who is this Archie that you mentioned?

A: “Bugaw[.]” Ma’am.

Q: How do you understand that word[,] “bugaw” ?

A: *Nagbebenta p[o] siya ng mga babae sa mga lalake.*⁵¹

The defense argues that there is no proof that Bolagot alias Archie or Batilaran alias Samantha recruited or transported the victims for the purpose of prostitution. Rather, the defense argues that the young girls were influenced by their peers who were already engaged in similar activities.⁵²

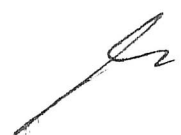
The defense’s argument is strained. The fact that the victims’ friends were already connected with pimps does not detract from the fact that it was Bolagot alias Archie and Batilaran alias Samantha who offered to engage these girls in prostitution. The victims each testified as to how Bolagot alias Archie and Batilaran alias Samantha would reach out to them to offer them customers. In fact, had it not been for Bolagot alias Archie and Batilaran alias Samantha actively finding and offering customers to the victims, they would not have been enticed to accept.

The above testimonies likewise show that the victims were made to repeatedly engage in sexual intercourse with customers provided by Bolagot alias Archie and Batilaran alias Samantha. Bolagot alias Archie and Batilaran alias Samantha then collected a share of the money paid to the girls. Bolagot alias Archie and Batilaran alias Samantha knew the victims were minors and they exploited their vulnerabilities, specifically their need for money for their own and their families’ survival. The fact that they called their victims and gave them the male customers for a fee indisputably amounts to recruitment and harboring for the purpose of prostitution and therefore qualifies as trafficking in persons. Clearly, Bolagot alias Archie and Batilaran alias Samantha were the masterminds behind this child prostitution business.

The minors testified further that they agreed to engage in prostitution because they needed money or lacked economic security in their families. Bolagot alias Archie and Batilaran alias Samantha clearly took advantage of the vulnerable young girls who were poor and alone. Therefore, Bolagot alias Archie and Batilaran alias Samantha committed Qualified Trafficking when they recruited the minors with the promise of money and then handed them over to clients for sexual intercourse.

⁵¹ *Id.* at 874–875, TSN, CCC, August 10, 2016, pp. 7–8.

⁵² *CA rollo*, pp. 59–63.



*Child Abuse, Child Prostitution and
Other Sexual Abuse*

The crime of Child Prostitution is defined in Republic Act No. 7610, Section 5:

SECTION 5. *Child Prostitution and Other Sexual Abuse.*— Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
 - (1) Acting as a procurer of a child prostitute[.]

The elements of the crime under Section 5 paragraph (a) are:

1. the accused engages in, promotes, facilitates or induces child prostitution;
2. the act is done through, but not limited to, the following means:
 - a. acting as a procurer of a child prostitute;
 -
3. the child is exploited or intended to be exploited in prostitution and
4. the child, whether male or female, is below 18 years of age.⁵³

It is settled that when a child engages in sexual intercourse or lascivious conduct for money, profit, or any other consideration or does so under the coercion or influence of any adult, syndicate, or group, the child is deemed exploited in prostitution or subjected to other sexual abuse.⁵⁴ The Court must therefore reject the defense's position that the accused did not have a hand in the sexual activities of the minor victims since the girls were "already predisposed to engage in prostitution" and that they "engaged in prostitution of their own volition."⁵⁵

It is common knowledge that a child is incapable of giving *rational* consent to any sexual intercourse. The crime of Child Abuse is consummated

⁵³ *People v. Dulay*, 695 Phil. 742, 757 (2012) [Per J. Peralta, Third Division].

⁵⁴ *See People v. Larin*, 357 Phil. 987 (1998) [Per J. Panganiban, First Division].

⁵⁵ CA rollo, pp. 64–65.



even if the child consents to the sexual acts, because children cannot be expected to fully understand the nature of the transaction they are agreeing to.⁵⁶

Regardless of whether the minor victims agreed to it or not, the fact remains that Bolagot alias Archie and Batilaran alias Samantha facilitated and profited from the procurement of child prostitutes. Hence, they are both guilty of Child Abuse.

*The government operatives conducted
a valid entrapment operation*

The Court further finds that the operation conducted by the NBI constitutes a valid entrapment operation. This Court has previously upheld similar entrapment operations in trafficking cases:

In many cases, this Court has outlined the difference between instigation and entrapment. In *People v. Bayani* we explained:

Instigation is the means by which the accused is lured into the commission of the offense charged in order to prosecute him. On the other hand, entrapment is the employment of such ways and means for the purpose of trapping or capturing a lawbreaker. Thus, in instigation, officers of the law or their agents incite, induce, instigate or lure an accused into committing an offense which he or she would otherwise not commit and has no intention of committing. *But in entrapment, the criminal intent or design to commit the offense charged originates in the mind of the accused, and law enforcement officials merely facilitate the apprehension of the criminal by employing ruses and schemes;* thus, the accused cannot justify his or her conduct. In instigation, where law enforcers act as co-principals, the accused will have to be acquitted. But entrapment cannot bar prosecution and conviction. As has been said, instigation is a "trap for the unwary innocent," while entrapment is a "trap for the unwary criminal."

....

In this case, the police officers organized the entrapment operation after confirming, through surveillance and monitoring, that accused-appellant was pimping minors. A confidential informant was tasked to contact accused-appellant and ask for girls willing to have sex for money. After some haggling over the price, the confidential informant and accused-appellant finalized the agreement. That accused-appellant immediately agreed to provide the confidential informant with girls clearly shows "that the idea to commit the crime originated from the mind of the accused."

⁵⁶ *Brozoto v. People*, 901 Phil. 265, 278 (2021) [Per J. Lopez, Third Division], citing *Malto v. People*, 560 Phil. 119, 140 (2007) [Per J. Corona, First Division].



*The arrest of accused-appellant remains valid notwithstanding that the transaction was initiated by the confidential informant. Like drugs cases, the prosecution's decoy solicitation does not constitute illicit inducement but a means that "merely furnishes evidence of [the criminal's] course of conduct[.]"*⁵⁷ (Emphasis supplied)

From the testimonies of the minor victims, each girl had been recruited and influenced to engage in prostitution for months, if not years, prior to the entrapment operation. Hence, the crime had already been consummated long before the arrest on October 16, 2014. Agent Sarno and his team caught the accused in their regular course of business, which would have occurred even without their involvement.

Penalty and Damages

Section 10 (e) of Republic Act No. 9208, as amended by Republic Act No. 10364, provides that "any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than PHP 2 million but not more than PHP 5 million." Prevailing jurisprudence also dictates that each victim be awarded PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages:

As regards the award of damages, the Court, in *People v. Lalli*, held that the awards of moral and exemplary damages were warranted in cases of trafficking in persons as the offense is analogous to the crimes of seduction, abduction, rape, or other lascivious acts, "which cause the victim physical and mental suffering, besmirched reputation, moral shock, and social humiliation." In *Lalli*, the Court awarded moral damages of [PHP] 500,000.00 and exemplary damages of [PHP] 100,000.00 to each of the victims. Likewise, the imposition of [6%] interest [per annum] on the award from the finality of judgment until full payment is proper in line with the Court's ruling in *Nacar v. Gallery Frames*.⁵⁸ (Citations omitted)

With respect to the charge of Child Abuse under Republic Act No. 7610, the Court also affirms the CA's ruling that the offenders are entitled to the benefits of the Indeterminate Sentence Law given the nomenclature used in the law:

The penalty for the violation of the provisions of Section 5, Article III of [Republic Act No.] 7610 is *reclusion temporal* in its medium period to *reclusion perpetua*. In the absence of any mitigating or aggravating circumstance, the proper imposable penalty is *reclusion temporal* in its maximum period, the medium of the penalty prescribed by the law.

⁵⁷ *People v. Mendez*, G.R. No. 264039, May 27, 2024 [Per J. Leonen, Second Division] at 10–11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵⁸ *Brozoto v. People*, 901 Phil. 265, 282 (2021) [Per J. Lopez, Third Division].



Notwithstanding that [Republic Act No.] 7610 is a special law, petitioner may enjoy the benefits of the Indeterminate Sentence Law, since the penalty provided in [Republic Act No.] 7610 adopts the nomenclature of the penalties provided under the Revised Penal Code. Consequently, he is entitled to a maximum term, which should be within the range of the proper imposable penalty of *reclusion temporal* in its maximum period (ranging from 17 years, [four] months and [one] day to 20 years) and a minimum term to be taken within the range of the penalty next lower to that prescribed by the law, *i.e.*, *prision mayor* in its medium period to *reclusion temporal* in its minimum period (ranging from [eight] years and [one] day to 14 years and [eight] months).

In *People v. Dulay*, the Court found the appellant therein guilty of violation of [Article III, Section 5(a)] of [Republic Act No.] 7610, and sentenced her to [14] years and [eight] months of [*reclusion temporal*], as minimum, to [20] years of *reclusion temporal*, as maximum. Meanwhile, as to the award of damages, the Court, in *Dulay*, ordered the appellant to pay the victim the amount of [PHP] 50,000.00 as civil indemnity, consistent with the objective of [Republic Act No.] 7610 to afford children special protection against abuse, exploitation, and discrimination.⁵⁹ (Citations omitted)

Following the above jurisprudence, the Court likewise affirms the monetary award of PHP 50,000.00 as civil indemnity *ex delicto* for each victim.

However, there is a need to modify the other damages awarded. Pursuant to prevailing jurisprudence, the moral and exemplary damages are increased to PHP 50,000.00 to be awarded to each victim.⁶⁰ Further, a fine of PHP 15,000.00 for each case is imposed per Section 31(f) of Republic Act No. 7610.⁶¹

The Court also affirms the imposition of legal interest at 6% per annum on all monetary awards due to the victims from finality of judgment until full payment.

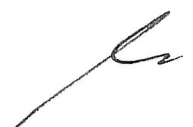
As a final note, the Court reiterates that Trafficking in Persons is a reprehensible crime. Human trafficking strips people of their dignity and humanity. Women and children especially remain the most vulnerable groups, whose youth and tenderness are sold in the sex trade as mere commodities.⁶² This case illustrates how young women are repeatedly victimized because of their poverty and desperation.

⁵⁹ *Id.* at 282–283.

⁶⁰ *People v. XXX*, G.R. No. 258194, May 29, 2024 [Per J. Hernando, First Division] at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁶¹ *Trocio v. People*, 929 Phil. 60, 71 (2022) [Per J. Inting, Third Division].

⁶² *See People v. Almero*, G.R. No. 269401, April 11, 2024 [Per J. Lazaro-Javier, Second Division] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.



The law was precisely crafted to advance the State's policy of affording utmost protection to its children from all forms of abuse by providing sanctions for these abhorrent crimes. The State, under the *parens patriae* doctrine, is duty-bound to protect them.⁶³ Hence, the courts must ensure that human trafficking and their perpetrators suffer the full measure of the penalties under the law.

ACCORDINGLY, the appeal is **DENIED**. The Decision, dated May 20, 2022, of the Court of Appeals in CA G.R. CR-HC No. 13083 is **AFFIRMED** with the modification that in Criminal Case No. MC14-4515-FC, on the charge of Child Abuse under Republic Act No. 7610, the awards of moral damages and exemplary damages are increased to PHP 50,000.00, for each child victim. A fine of PHP 15,000.00 is further imposed on both accused-appellants.


SO ORDERED.


MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On official business
HENRI JEAN PAUL B. INTING
Associate Justice

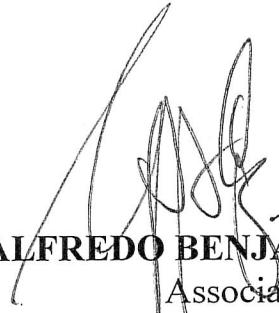

SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

⁶³ *Brozoto v. People*, 901 Phil. 265, 283 (2021) [Per J. Lopez, Third Division].

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, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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

