



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 18, 2021** which reads as follows:*

“G.R. No. 231881 — PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus NOLI P. LADIGNON y PADOLINA @LINO, ET AL., accused; SARAH SALANGSANG y GALANG, accused-appellant.

After reviewing the records of the case, the Court finds no reason to overturn the conviction of accused-appellant Sarah Salangsang y Galang (accused-appellant Salangsang). The Court hereby AFFIRMS WITH MODIFICATION the Decision¹ dated July 12, 2016 issued by the Court of Appeals – Fifth Division (CA) in CA-G.R. CR HC No. 06002. The CA was correct in giving credence to the positive assertions of the prosecution witnesses. The Court quotes with approval the discussion of the CA:

All of the private complainants affirmed the fact that [accused-appellant Salangsang] is the one who offered them to the customers of Red Octagon KTV Bar for sexual gratification. The private complainants positively identified [accused-appellant Salangsang] as the one who procured and negotiated with the customers for the private complainants’ sexual services.

x x x x

More revealing is the DVD-R, which is a video recorded by investigator [Alvin] Sarmiento [(investigator Sarmiento)] of the events that transpired during the entrapment operation of the NBI at the Red Octagon KTV Bar on June 9, 2009. It can be gleaned

- over – five (5) pages ...

166-A₁

¹ *Rollo*, pp. 2-34. Penned by Associate Justice Stephen C. Cruz, with Associate Justices Jose C. Reyes, Jr. (retired Member of the Court), and Ramon Paul L. Hernando (now a Member of the Court) concurring.

from the transcript of the said video that [accused-appellant Salangasang] was indeed offering several girls, including [BBB],² for sexual services in exchange for money to investigator Sarmiento and to several other undercover NBI agents x x x.

x x x x

[Accused-appellant Salangasang] contended that the age of the private complainants should not have been considered by the court *a quo* because of the fact that she did not know that the private complainants were minors as they deliberately concealed such fact from her.

This does not hold water in the case at bench. As defined under Section 3 (a) of Republic Act No. 9208, trafficking in persons can be committed even if the victim gives consent. The victim's consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. Even without the use of coercive, abusive, or deceptive means, a minor's consent is not given out of his or her own free will. Thus, We quote with affirmation the pronouncement of the court [*a quo*] which reads in this wise:

The fact that the accused did not know that the three (3) private complainants were then minors, is immaterial because a restudy of the true meaning and intent of the law do not require so. Under Sec. 6 of RA 9208 makes the crime qualified when the [trafficked] person is a child.

In addition, since the trafficking in persons was committed against three (3) persons, the offense charged in the case at bench is further qualified into large scale trafficking in persons under Sec. 6(c) of RA 9208.

Verily, even if the Court does not consider the minority of the victims, accused-appellant Salangasang would still be guilty of Qualified Trafficking in Persons because the crime was committed against three persons. Sections 4 and 6 of Republic Act (R.A.) No. 9208³ state:

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166-A1

² 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 *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

³ AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES, approved May 26, 2003.

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

x x x x

(e) To maintain or hire a person to engage in prostitution or pornography;

x x x x

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

(a) When the trafficked person is a child;

x x x x

(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 (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group[.]

The Court, however, finds that the CA erred in affirming the fine imposed by Branch 260, Regional Trial Court of Parañaque City⁴ of One Million Pesos (₱1,000,000.00) for each count of Qualified Trafficking in Persons. Section 10(c) of R.A. No. 9208 provides:

Section 10. *Penalties and Sanctions.* — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

Since accused-appellant Salangasang was found guilty of Qualified Trafficking in Persons under Sections 6(a) and (c) of R.A. No. 9208, a fine of not less than Two Million Pesos (₱2,000,000.00) but not more than Five Million Pesos (₱5,000,000.00) should be

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166-A1

⁴ Judgment dated October 2, 2012, penned by Presiding Judge Jaime M. Guray. CA *rollo*, pp. 18-43.

imposed for each count. Accordingly, considering the minority of AAA,⁵ BBB and CCC,⁶ and that the crime was committed in large scale, the Court finds that a fine of Three Million Pesos (₱3,000,000.00) is proper in this case. Accused-appellant Salangsang alone shall be liable for the increase in fine pursuant to Section 11, Rule 122 of the Rules of Court which provides:

Section 11. *Effect of appeal by any of several accused.* —

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

In *People v. Lalli*,⁷ the Court held that the crime of Trafficking in Persons as a Prostitute is analogous to the crimes of seduction, abduction, rape, or other lascivious acts.⁸ In fact, it is worse; thus, justifying the award of moral damages under Article 2219 of the Civil Code. Exemplary damages are also awarded in addition to the payment of moral damages, by way of example or correction for the public good under Article 2229 of the Civil Code.

Thus, in line with prevailing jurisprudence,⁹ the Court awards moral damages of Five Hundred Thousand Pesos (₱500,000.00) and exemplary damages of One Hundred Thousand Pesos (₱100,000.00) to each of the private complainants. Pursuant to *People v. Paris*,¹⁰ which cited Section 11, Rule 122 of the Rules of Court, the award of moral and exemplary damages must be paid solely by accused-appellant Salangsang since she, alone, appealed the CA Decision dated July 12, 2016.

WHEREFORE, the appeal is **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated July 12, 2016 issued by the Court of Appeals in CA-G.R. CR HC No. 06002. The Decision finding accused-appellant Sarah Salangsang y Galang guilty beyond reasonable doubt of three counts of the crime of Qualified Trafficking in Persons under Sections 4(e), in relation to Sections 6(a) and (c) and penalized under Section 10(c) of Republic Act No. 9208 is **AFFIRMED WITH**

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166-A1

⁵ Supra note 2.

⁶ Id.

⁷ 675 Phil. 126 (2011).

⁸ Id. at 159.

⁹ See id.

¹⁰ 826 Phil. 102 (2018).

MODIFICATION. Accused-appellant Salangsang is sentenced to life imprisonment and ordered to pay the fine of Three Million Pesos (₱3,000,000.00) for each count. Accused-appellant Salangsang is likewise ordered to pay each of the victims Five Hundred Thousand Pesos (₱500,000.00) as moral damages and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages, which shall earn legal interest at the rate of six percent (6%) per annum from date of finality of this Resolution until fully paid. The incremental amount imposed as fine and the additional award of moral and exemplary damages shall be paid solely by accused-appellant Salangsang pursuant to Section 11, Rule 122 of the Rules of Court.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *metx*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
166-A₁

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 06002)

The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

The Hon. Presiding Judge
Regional Trial Court, Branch 260
1700 Parañaque City
(Crim. Case Nos. 09-1119, 09-1119-A to C
& 10-0104 to 06)

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PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
DOJ Agencies Building
Diliman, 1101 Quezon City

Philippine Judicial Academy (x)
Supreme Court

Ms. Sarah G. Salangsang
Accused-Appellant
c/o The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

Judgment Division (x)
Supreme Court

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