



Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION

COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

RECORDED  
FEB 23 2022

BY:

TIME:

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 234013

Present:

-versus-

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

MITCHELLE VALENCIA y  
DIZON and JOANE SIMBILLO y  
LAURETTI,

Accused-appellants.

Promulgated:  
June 16, 2021

Mist DC Batt

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### DECISION

**LEONEN, J.:**

In cases involving trafficking in persons, a warrantless arrest following an entrapment operation is justified. Entrapment facilitates the *in flagrante* arrest of offenders and the rescue of trafficked victims. Corroborating testimonies of the arresting officer and the victim suffice to sustain conviction.

For this Court's resolution is an appeal<sup>1</sup> challenging the Court of Appeals Decision,<sup>2</sup> which affirmed the Regional Trial Court Decision<sup>3</sup> in

\* On wellness leave.

<sup>1</sup> Rollo, pp. 18-20.

<sup>2</sup> Id. at 2-17. The May 17, 2017 Decision was penned by Associate Justice Manuel M. Barrios, and concurred in by Associate Justices Ramon M. Bato, Jr. and Renato C. Francisco of the Eleventh Division, Court of Appeals, Manila

<sup>3</sup> CA rollo, pp. 64-107. The June 4, 2015 Decision was penned by Presiding Judge Ma. Angelica T. Paras-Quimbao of Branch 59, Regional Trial Court, Angeles City.

finding Mitchelle Valencia (Valencia) and Joane Simbillo (Simbillo) guilty of the crimes charged against them.

In eight Informations, Valencia and Simbillo were charged with committing acts of trafficking in persons penalized under Section 4(a) of Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act No. 10364, or the Expanded Anti-Trafficking in Persons Act of 2012.<sup>4</sup>

The Information in Criminal Case No. 14-11900 charged Simbillo for offering AAA to foreigners for sexual exploitation:

That sometime in February 2014 and subsequently thereafter in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of AAA, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact, AAA was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.<sup>5</sup>

The Informations in Criminal Case Nos. 14-11901 to 14-11907 uniformly read, apart from the names of victims. Each Information charged Valencia and Simbillo with offenses committed on May 27, 2014, against minors: (1) 13-year-old BBB;<sup>6</sup> (2) 14-year-old CCC;<sup>7</sup> (3) 13-year-old DDD;<sup>8</sup> (4) 11-year-old EEE;<sup>9</sup> (5) 14-year-old FFF;<sup>10</sup> (6) 12-year-old GGG;<sup>11</sup> (7) 15-year-old HHH;<sup>12</sup> and (7) in previous occasions, concerning CCC and DDD. The accusatory portions read:

Criminal Case No. 14-11901

That on or about the **27th day of May 2014**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **BBB, 13 years old** and born on xxx, who

<sup>4</sup> Id. at 65.

<sup>5</sup> CA rollo, p. 65 and rollo, p. 3.

<sup>6</sup> CA rollo, pp. 65-66 and rollo, p. 4. This was docketed as Criminal Case No. 14-11901.

<sup>7</sup> Id. This was docketed as Criminal Case No. 14-11902.

<sup>8</sup> CA rollo, pp. 65-66 and rollo, p. 5. This was docketed as Criminal Case No. 14-11903.

<sup>9</sup> CA rollo, pp. 66-67 and rollo, p. 5. This was docketed as Criminal Case No. 14-11904.

<sup>10</sup> CA rollo, p. 67 and rollo, p. 6. This was docketed as Criminal Case No. 14-11905.

<sup>11</sup> Id. This was docketed as Criminal Case No. 14-11906.

<sup>12</sup> CA rollo, p. 67 and rollo, p. 7. This was docketed as Criminal Case No. 14-11907.

was in financial need; did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact BBB was recruited; obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11902

That on or about the **27th day of May 2014 and sometime prior thereto**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **CCC, 14 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact CCC was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11903

That on or about the **27th day of May 2014 and sometime prior thereto**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **DDD, 13 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact DDD was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11904

That on or about the **27th day of May 2014**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **EEE, 11 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact EEE was recruited, obtained, provided, offered, maintained, and

harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11905

That on or about the **27th day of May 2014**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **FFF, 14 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact FFF was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11906

That on or about the **27th day of May 2014**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **GGG, 12 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact GGG was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused and she was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.

Criminal Case No. 14-11907

That on or about the **27th day of May 2014**, in Angeles City, Pampanga, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually aiding one another, by means of threat, coercion, fraud, deception and by taking advantage of the vulnerability of **HHH, 15 years old** and born on xxx, who was in financial need, did then and there, wilfully, unlawfully and feloniously engaged in recruiting, obtaining, providing, offering, maintaining persons for prostitution and for sexual exploitation as in fact HHH was recruited, obtained, provided, offered, maintained, and harboured by the above-named accused, HHH was required to engage in sexual activities with foreigners/clients for the amount of One Thousand Pesos in ANGELES CITY, to her damage and prejudice.

CONTRARY TO LAW.<sup>13</sup>

The cases were consolidated. On arraignment, Valencia and Simbillo pleaded not guilty to the offenses charged. Joint trial then ensued.<sup>14</sup>

The prosecution, through witnesses Police Officer III Erickson Mendoza (PO3 Mendoza), AAA, BBB, CCC, DDD, EEE, GGG, and HHH,<sup>15</sup> established the following:

On March 7, 2014, the Regional Anti-Trafficking Task Group of Police Regional Office 3, Camp Olivias, Angeles City, Pampanga received a flash drive containing BBC News footage showing a pimp, later identified as Valencia, who was offering the sexual services of minor girls to foreigners along Fields Avenue. Acting on the report, the group conducted surveillance in the area. Upon verifying the details, the police officers conducted an entrapment operation.<sup>16</sup>

Several unsuccessful attempts were then made, until on May 26, 2014, a team of police officers was formed to entrap the two pimps—Valencia and Simbillo. The police officers witnessed Valencia and Simbillo prostitute women in a previous surveillance. PO3 Mendoza was designated as the driver who would accompany a foreigner asset posing as a client, and received marked ₱1,000.00 and ₱500.00 bills for the transaction.<sup>17</sup>

Later that same day, at around 6:30 p.m., the team arrived at the target place. Valencia approached PO3 Mendoza and the informant, offering the minors she was with for ₱1,500.00 each. Simbillo, who was with five minor girls then, followed suit. When the confidential asset agreed to pay ₱15,000.00, Valencia directed the eight girls to board the van, with Simbillo joining them. Then and there, PO3 Mendoza signaled for the rest of the team to approach them. The officers arrested Valencia and Simbillo, recovered the marked money, and rescued the victims.<sup>18</sup>

During trial, AAA also narrated that earlier that day, Simbillo sent her a text message asking her to go to Fields Avenue to have sexual intercourse with a foreigner. She further testified that Simbillo had previously prostituted her in February 2014, and another time in a separate incident. In both instances, Simbillo received a “commission,” which was deducted from the client’s payment to AAA.<sup>19</sup>

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<sup>13</sup> CA rollo, pp. 65–67.

<sup>14</sup> Id. at 68–69.

<sup>15</sup> Id. at 69.

<sup>16</sup> Id. at 76–78.

<sup>17</sup> Id. at 77–78.

<sup>18</sup> Id. at 77.

<sup>19</sup> Id. at 75.

CCC<sup>20</sup> and DDD<sup>21</sup> had similar claims as regards Valencia. They alleged that Valencia had previously facilitated their sexual exploitation in exchange for money in two separate instances, where Valencia likewise received a portion of the payment.

CCC<sup>22</sup> and DDD<sup>23</sup> also narrated that on May 26, 2014, they were loitering along Fields Avenue with FFF and their other friends, when Simbillo and Valencia approached them. Simbillo then asked if they would like to go with them to eat at Jollibee. They were told that a foreigner would talk to them, feed them, and then give them money. Simbillo similarly did this to EEE<sup>24</sup> and GGG<sup>25</sup> in a nearby park, while Valencia deceived HHH<sup>26</sup> and BBB using the same narrative as well.<sup>27</sup>

The defense presented Valencia, Simbillo, and Rose E. Carandang as witnesses.<sup>28</sup>

The defense denied the charges and alleged that the accused were framed, and claimed that Valencia worked in a sari-sari store near the place where the offense was allegedly committed. A foreigner asked her about the girls who loitered in the area and told her that he wanted to feed them. He then invited the girls and Valencia to have pizza with him. They accepted the offer, and Simbillo later joined them. Since there were no seats in the area, the foreigner told them to board his van. When they did, police officers showed up to arrest them.<sup>29</sup>

In its June 4, 2015 Decision,<sup>30</sup> the Regional Trial Court convicted Valencia and Simbillo of qualified trafficking in persons in Criminal Case No. 14-11902. It gave credence to minor CCC's "steady and consistent" testimony that on May 26, 2014, Valencia and Simbillo acted in conspiracy in deceiving her to offer her sexual services to the foreign asset.<sup>31</sup>

Further, in Criminal Case No. 14-11903, it also ruled that Valencia was guilty of qualified trafficking in persons for obtaining DDD, then a minor, to engage in prostitution sometime in January and March 2014.<sup>32</sup>

<sup>20</sup> Id. at 71-72.

<sup>21</sup> Id. at 73.

<sup>22</sup> Id. at 71-72.

<sup>23</sup> Id. at 72.

<sup>24</sup> Id. at 73.

<sup>25</sup> Id. at 76.

<sup>26</sup> Id. at 74.

<sup>27</sup> Id.

<sup>28</sup> Id. at 69.

<sup>29</sup> Id. at 81-84.

<sup>30</sup> Id. at 64-107.

<sup>31</sup> Id. at 95-97.

<sup>32</sup> Id. at 97-99.

However, having found that HHH's minority was not proven despite her clear testimony of how Valencia deceived, prostituted, and asked who among the women was a virgin, the Regional Trial Court only found and held Valencia liable for trafficking in persons in Criminal Case No. 14-11907.<sup>33</sup>

It likewise only adjudged Simbillo guilty of trafficking in persons in Criminal Case No. 14-11900 concerning AAA, whom she peddled to a foreigner for sexual exploitation sometime in February 2014.<sup>34</sup>

Valencia and Simbillo were acquitted in Criminal Case Nos. 14-11901,<sup>35</sup> 14-11904,<sup>36</sup> 14-11905,<sup>37</sup> and 14-11906.<sup>38</sup> FFF was not presented as a witness,<sup>39</sup> and the trial court found that BBB, EEE, and GGG did not categorically state that they were recruited, obtained, offered, or maintained for prostitution.<sup>40</sup> The dispositive portion of the Decision reads:

WHEREFORE, premises considered:

1. In Criminal Case no. 14-11900, the court finds accused Joane Simbillo y Lauretti a.k.a. Alexis GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) of Republic Act no. 9208 or Trafficking in Person penalized in Section 10(a) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014.

Accordingly, accused Joane Simbillo y Lauretti a.k.a. Alexis is hereby sentenced TO SUFFER the penalty of imprisonment of twenty (20) years and TO PAY a fine in the amount of One million pesos (₱1,000,000.00).

Furthermore, accused Joane Simbillo y Lauretti a.k.a. Alexis is hereby ordered TO INDEMNIFY private complainant AAA with nominal damages in the amount of fifty thousand pesos (₱50,000.00).

2. In Criminal Case no. 14-11901, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014 for failure of the prosecution to prove their guilt beyond reasonable doubt. They are hereby ACQUITTED of said charge.

<sup>33</sup> Id. at 102-103.

<sup>34</sup> Id. at 93.

<sup>35</sup> Id. at 94-95.

<sup>36</sup> Id. at 100.

<sup>37</sup> Id. at 100-101.

<sup>38</sup> Id. at 101-102.

<sup>39</sup> Id. at 101.

<sup>40</sup> Id. at 94-95 and 101-102.

3. In Criminal Case no. 14-11902, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014.

Accordingly, accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis are hereby sentenced TO SUFFER the penalty of life imprisonment and TO PAY a fine in the amount of Two million pesos (₱2,000,000.00) each.

Furthermore, accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis are hereby ordered TO INDEMNIFY private complainant CCC with nominal damages in the amount of fifty thousand pesos (₱50,000.00).

4. In Criminal Case no. 14-11903, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014.

Accordingly, accused Michelle Valencia y Dizon a.k.a. Ate Seysey is hereby sentenced TO SUFFER the penalty of life imprisonment and TO PAY a fine in the amount of Two million pesos (₱2,000,000.00).

Furthermore, accused Michelle Valencia y Dizon a.k.a. Ate Seysey is hereby ordered TO INDEMNIFY private complainant DDD with nominal damages in the amount of fifty thousand pesos (₱50,000.00).

In accordance with the discussion above in Criminal Case No. 14-11903, the court finds accused Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014. She is hereby ACQUITTED of said charge.

5. In Criminal Case no. 14-11904, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364; embodied in the Information dated May 28, 2014 for failure of the prosecution to prove their guilt beyond



- reasonable doubt. They are hereby ACQUITTED of said charge.
6. In Criminal Case no. 14-11905, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014 for failure of the prosecution to prove their guilt beyond reasonable doubt. They are hereby ACQUITTED of said charge.
  7. In Criminal Case no. 14-11906, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey and Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014. They are hereby ACQUITTED of said charge.
  8. In Criminal Case no. 14-11907, the court finds accused Michelle Valencia y Dizon a.k.a. Ate Seysey GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) of Republic Act no. 9208 or Trafficking in Person penalized in Section 10(a) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014.

Accordingly, accused Michelle Valencia y Dizon a.k.a. Ate Seysey is hereby sentenced TO SUFFER the penalty of imprisonment of twenty (20) years and TO PAY a fine in the amount of One million pesos (₱1,000,000.00).

Furthermore, accused Michelle Valencia y Dizon a.k.a. Ate Seysey is hereby ordered TO INDEMNIFY private complainant HHH with nominal damages in the amount of fifty thousand pesos (₱50,000.00).

In accordance with the discussion above in Criminal Case No. 14-11907, the court finds accused Joane Simbillo y Lauretti a.k.a. Alexis NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person penalized in Section 10(c) thereof, as amended by R.A. No. 10364, embodied in the Information dated May 28, 2014. She is hereby ACQUITTED of said charge.

No costs.

SO ORDERED.<sup>41</sup>

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<sup>41</sup> Id. at 105-107.

In its May 17, 2017 Decision,<sup>42</sup> the Court of Appeals affirmed Valencia's conviction of two counts of qualified trafficking in persons and one count of trafficking in persons. It also affirmed Simbillo's conviction of one count each of qualified trafficking in persons and trafficking in persons. It found that all the elements to establish that Valencia and Simbillo had committed trafficking in persons were present and proven by the prosecution. It further noted that seven of the eight victims testified that Valencia and Simbillo approached them and deceived them. It ruled that the victims' "positive, categorical[,] and unequivocal assertions" trumped Valencia and Simbillo's mere denial.<sup>43</sup> The dispositive portion of the Decision reads:

**WHEREFORE**, foregoing considered, the Decision dated 04 June 2015 of the Regional Trial Court, Branch 59, Angeles City, is **AFFIRMED**.

**SO ORDERED.**<sup>44</sup> (Emphasis in the original)

Thus, Valencia and Simbillo filed their Notice of Appeal.<sup>45</sup> The Court of Appeals gave due course to it in its June 21, 2017 Resolution.<sup>46</sup>

On November 29, 2017, this Court required the parties to file their respective supplemental briefs.<sup>47</sup>

The Office of the Solicitor General, on behalf of plaintiff-appellee,<sup>48</sup> and accused-appellants<sup>49</sup> respectively manifested that they would no longer file a supplemental brief. These were noted by this Court in its April 11, 2018 Resolution.<sup>50</sup>

Arguing that they were unlawfully arrested, accused-appellants point out the lack of evidence that PO3 Mendoza had personal knowledge of the allegedly illicit transaction. They aver that PO3 Mendoza could not have heard the conversation between accused-appellant Valencia and the confidential asset, as he remained inside the van. Thus, they assert that the warrantless arrest was invalid.<sup>51</sup>

They also contend that the lower courts erred in convicting accused-appellant Simbillo in Criminal Case No. 14-11900 for acts committed

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<sup>42</sup> *Rollo*, pp. 2-17.

<sup>43</sup> *Id.* at 13.

<sup>44</sup> *Id.* at 16.

<sup>45</sup> *Id.* at 18-20.

<sup>46</sup> *Id.* at 21.

<sup>47</sup> *Id.* at 25.

<sup>48</sup> *Id.* at 28-33.

<sup>49</sup> *Id.* at 34-38.

<sup>50</sup> *Id.* at 39-40.

<sup>51</sup> *CA rollo*, pp. 54-57.

sometime February 2014, which were irrelevant to the May 27, 2014 entrapment operation.<sup>52</sup>

Finally, they add that they do not need to prove their defense of denial by reasonable doubt or preponderance of evidence.<sup>53</sup>

For this Court's resolution is the lone issue of whether or not accused-appellants Michelle Valencia y Dizon and Joane Simbillo y Lauretti are guilty of violations of the Anti-Trafficking in Persons Act.

This Court dismisses the appeal.

It is settled that "[t]he trial court is in the best position to assess the credibility of witnesses and their testimonies because of its unique opportunity to observe the witnesses, their demeanor, conduct and attitude on the witness stand."<sup>54</sup> Thus, this Court generally does not disturb the trial court's findings,<sup>55</sup> especially when the Court of Appeals affirmed them.<sup>56</sup> However, this Court may review the evidence on record when either or both lower courts overlooked or misconstrued substantial facts which could have affected the outcome of the case.<sup>57</sup>

Here, nothing warrants a reversal of the Court of Appeals' and the Regional Trial Court's Decisions. We sustain accused-appellants' conviction.

## I

Section 3(a) of Republic Act No. 9208 or the Anti-Trafficking in Persons Act defines the offense of trafficking in persons:

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

(a) Trafficking in Persons — refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction,

<sup>52</sup> *Id.* at 58–59.

<sup>53</sup> *Id.* at 59.

<sup>54</sup> *Ditche v. Court of Appeals*, 384 Phil. 35, 46 (2000) [Per J. De Leon, Jr., Second Division].

<sup>55</sup> *People v. Montinola*, 567 Phil. 387, 404 (2008) [Per J. Carpio, Second Division] citing *People v. Fernandez*, 561 Phil. 287 (2007) [Per J. Carpio, Second Division]; *People v. Abulon*, 557 Phil. 428 (2007) [Per J. Tinga, En Banc]; and *People v. Bejic*, 552 Phil. 555 (2007) [Per J. Chico-Nazario, En Banc].

<sup>56</sup> *People v. Baraoil*, 690 Phil. 368, 377 (2012) [Per J. Reyes, Second Division].

<sup>57</sup> *People v. Montinola*, 567 Phil. 387, 404 (2008) [Per J. Carpio, Second Division] citing *People v. Fernandez*, 561 Phil. 287 (2007) [Per J. Carpio, Second Division]; *People v. Abulon*, 557 Phil. 428 (2007) [Per J. Tinga, En Banc]; and *People v. Bejic*, 552 Phil. 555 (2007) [Per J. Chico-Nazario, En Banc].

fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

*People v. Casio*<sup>58</sup> enumerated the elements of the offense:

The elements of trafficking in persons can be derived from its definition under Section 3 (a) of Republic Act No. 9208, thus:

(1) The act of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders.”

(2) The means used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another[?]”; and

(3) The purpose of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”<sup>59</sup> (Citation omitted)

On February 6, 2013, Republic Act No. 9208 was amended by Republic Act No. 10364.<sup>60</sup> *Casio* also enumerated the elements of the offense under the expanded definition:

Under Republic Act No. 10364, the elements of trafficking in persons have been expanded to include the following acts:

(1) The act of “recruitment, *obtaining, hiring, providing, offering,* transportation, transfer, *maintaining,* harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders[?];

(2) The means used include “by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”[?];

(3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs[.]”<sup>61</sup>

<sup>58</sup> 749 Phil. 458 (2014) [Per J. Leonen, Third Division].

<sup>59</sup> Id. at 472–473 citing Republic Act No. 9208 (2003), sec. 3(a).

<sup>60</sup> Expanded Anti-Trafficking in Persons Act of 2012.

<sup>61</sup> *People v. Casio*, 749 Phil. 458, 474 (2014) [Per J. Leonen, Third Division].

Here, the Informations charged accused-appellants with violation of qualified trafficking, in relation to Section 4(a) of the Anti-Trafficking in Persons Act. Section 4(a) does not allow any person:

(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.<sup>62</sup>

Trafficking is qualified when “the trafficked person is a child[.]”<sup>63</sup> The minority of victims BBB, CCC, DDD, EEE, FFF, GGG, and HHH were alleged in the Informations.

The corroborating testimonies of the arresting officer and the minor victim suffice to convict the accused in cases of trafficking in persons. For instance, in *People v. Ramirez*<sup>64</sup>:

This Court in *People v. Rodriguez* acknowledged that as with *Casio*, the corroborating testimonies of the arresting officer and the minor victims were sufficient to sustain a conviction under the law.

In *People v. Spouses Ybañez, et al.*, this Court likewise affirmed the conviction of traffickers arrested based on a surveillance report on the prostitution of minors within the area.

In *People v. XXX and YYY*, this Court held that the exploitation of minors, through either prostitution or pornography, is explicitly prohibited under the law. *Casio* also recognizes that the crime is considered consummated even if no sexual intercourse had taken place since the mere transaction consummates the crime.<sup>65</sup> (Citations omitted)

PO3 Mendoza narrated his team’s prior surveillance, which led to the May 27, 2014 entrapment operation. The victims also testified how accused-appellants deceived them into going with them that night. For instance, CCC described accused-appellants’ scheme in detail:

ATTY. ISIDRO: (to witness)

Q: When Michelle and Joane approached you, what did they tell you?

A: Ate Joane asked me, “do you want to?” (*gusto mo bang sumama?*”).

Q: Where will you go?

<sup>62</sup> Republic Act No. 10364 (2013), sec. 4(a).

<sup>63</sup> Republic Act No. 9208 (2003), sec. 6(a).

<sup>64</sup> G.R. No. 217978, January 30, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65006>> [Per J. Leonen, Third Division].

<sup>65</sup> Id.

A: She said we will go to Jollibee. And then we look for our two friends and there were also with us. Because we were many and they need many girls.

.....

Q: CCC, aside from eating, what will you be doing in Jollibee?

A: We will have a party, party, and afterwards, she said that she will give us one thousand pesos. And then she will ask from us three hundred pesos.

.....

Q: CCC, what did they tell you, what will the foreigner do to you?

A: That he will touch us (*gagalawin daw kame*).

Q: CCC, what do you mean by "*gagalawin*"?

A: One at a time (*isa-isa*). There will be one foreigner for all of us.

Q: What do you mean, can you clarify?

A: The foreigner will touch (*gagalawin*) each of us.

Q: Can you clarify what will the foreigner do to you when you mentioned "*gagalawin*"?

A: He will undress us. The same thing happened to me before.

Q: Before we go to that CCC what happened to you before in the past, can you clarify what will the foreigner do to you after you were undressed?

A: He will touch us including our breast.

Q: So aside from those things that you mentioned do you expect other things to be done to you aside from the things that you mentioned?

A: There is.

Q: Can you explain to the c[o]urt what that other things you were referring to?

A: That he will insert his penis into our vagina.<sup>66</sup> (Citation omitted)

As the Court of Appeals and the Regional Trial Court found, accused-appellants approached the confidential asset and peddled CCC and HHH for sexual exploitation in exchange for money. Thus, the lower courts did not err in convicting accused-appellants for the qualified trafficking of CCC, whose minority was proved during trial. Simbillo was also rightfully convicted for trafficking HHH, whose age was not established.

## II

Accused-appellants were lawfully arrested pursuant to an entrapment operation.

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<sup>66</sup> CA rollo, pp. 96-97.

Article III, Section 2 of the Constitution provides:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

Generally, a warrant must be issued before an arrest may be made. However, this is not absolute. Rule 113, Section 5 of the Revised Rules of Criminal Procedure lists instances when warrantless arrests are lawful:

SECTION 5. Arrest without warrant; when lawful. — A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

A warrantless arrest that falls under Section 5(a) is known as an *in flagrante delicto* arrest. Its validity rests on the concurrence of two elements:

(1) the person to be arrested must execute an overt act indicating that he [or she] has just committed, is actually committing, or is attempting to commit a crime; and (2) such overt act is done in the presence or within the view of the arresting officer.<sup>67</sup> (Citation omitted)

Entrapment is conducted to catch the offender *in flagrante delicto*, or in the act of committing the offense. Since the offender performs the overt act, sans persuasion, in the presence of a law enforcer during an entrapment, the warrantless arrest of the perpetrator is justified.

*Chang v. People*<sup>68</sup> elucidated the nature of an entrapment as opposed to instigation:

<sup>67</sup> *People v. Cogaed*, 740 Phil. 212, 238 (2014) [Per J. Leonen, Third Division].

<sup>68</sup> 528 Phil. 740 (2006) [Per J. Carpio Morales, Third Division].

There is entrapment when law officers employ ruses and schemes to ensure the apprehension of the criminal while in the actual commission of the crime. There is instigation when the accused is induced to commit the crime. The difference in the nature of the two lies in the origin of the criminal intent. In entrapment, the *mens rea* originates from the mind of the criminal. The idea and the resolve to commit the crime comes from him. In instigation, the law officer conceives the commission of the crime and suggests to the accused who adopts the idea and carries it into execution.<sup>69</sup>

Entrapment has been sanctioned as a means of arresting offenders who traffic persons. *Casio* explained the import of entrapment operations and the flexibility accorded to police officers, especially in cases of human trafficking:

In *People v. Padua*, this court underscored the value of flexibility in police operations:

A prior surveillance is not a prerequisite for the validity of an entrapment or buy-bust operation, the conduct of which has no rigid or textbook method. Flexibility is a trait of good police work. However the police carry out its entrapment operations, for as long as the rights of the accused have not been violated in the process, the courts will not pass on the wisdom thereof. The police officers may decide that time is of the essence and dispense with the need for prior surveillance.

This flexibility is even more important in cases involving trafficking of persons. *The urgency of rescuing the victims may at times require immediate but deliberate action on the part of the law enforcers.*<sup>70</sup> (Citations omitted)

Here, the prosecution established that accused-appellants were arrested *in flagrante delicto* when they peddled the women to the confidential asset who was accompanied by undercover police. Accused-appellants transacted with the asset, as the poseur-client, to sexually exploit the victims. The corroborating testimonies of PO3 Mendoza and victims AAA and HHH attest to this.

This Court scoured the records and found that the assertion that PO3 Mendoza had no personal knowledge of the commission of the offense has no merit. PO3 Mendoza narrated during trial:

<sup>69</sup> Id. at 751 citing *Araneta v. Court of Appeals*, 226 Phil. 437, 444 (1986) [Per J. Gutierrez, Jr., Second Division]. See also *People v. Quiaoit, Jr.*, 555 Phil. 441, 449 (2007) [Per J. Chico-Nazario, Third Division]; *People v. Cortez*, 611 Phil. 360 (2009) [Per J. Velasco, Jr., Third Division]; *People v. Tapere*, 704 Phil. 359 (2013) [Per J. Bersamin, First Division].

<sup>70</sup> *People v. Casio*, 749 Phil. 458, 482 (2014) [Per J. Leonen, Third Division].



Q: You mentioned that you were the driver of that van, am I correct?

A: Yes, sir.

Q: And who were you with inside the van?

A: I was with the foreigner confidential asset, sir.

....

Q: So once you reached the terminal, what happened next, if any?

A: *After no less than two minutes, sir, the first pimp later on identified as Michelle Valencia arrived bringing along with her the minor girls, sir, which she then offered for sexual services in the amount of ₱1,500.00.*

Q: How did you know that she was offering ₱1,500.00 each?

A: *I was then with the foreigner asset when she was dealing with the foreigner asset when she was dealing [with] the girls.*

Q: How far were you from them?

A: More or less half meter, sir.

Q: After the deal or the transaction, what happened next, if any?

A: *Before another female pimp arrived later on identified as Joan Simbillo, and then she was also bringing with her five girls which she also offered for sex services in the amount of ₱1,500.00 each.*

Q: How were you able to determine that Joan Simbillo was offering the girls for ₱1,500.00?

A: *Because I am also beside the foreigner asset when she was dealing, sir.*

Q: Same distance[?]

A: Yes, sir.<sup>71</sup> (Emphasis supplied)

PO3 Mendoza categorically stated that he was with the asset when the latter transacted with accused-appellants, and his testimony corroborates that of the victims. As the rule requires, accused-appellants' offense was committed in his presence, or within his view, as the arresting officer. Thus, accused-appellants' theory that he could not have heard their conversation is unsubstantiated.

It is then reasonable to deduce that PO3 Mendoza was not designated as the poseur-client, considering that the tip that the officers received, and the surveillance, revealed that accused-appellants pimp unsuspecting women to *foreign* clients. As the circumstances called for, PO3 Mendoza could only join the foreigner asset and take on a more passive role in the entrapment, which is not an irregularity. There is no requirement that the arresting officer must act as the poseur-client himself, or that the confidential asset be presented as witness during trial.

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<sup>71</sup> CA rollo, pp. 145-146.

## III

Neither did the Court of Appeals and the Regional Trial Court err in finding accused-appellant Simbillo guilty for the act committed against AAA sometime February 2014.

The Information in Criminal Case No. 14-11900 sufficiently averred that accused-appellant Simbillo offered AAA to foreign clients for ₱1,000.00 to engage in illicit sexual activities “sometime in February 2014 and subsequently thereafter[.]”<sup>72</sup>

Rule 110, Section 11 of the Revised Rules of Criminal Procedure is clear that generally, the *precise* date when the offense was allegedly committed need not be in the information:

SECTION 11. *Date of commission of the offense.* — It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission.

Considering that accused-appellants were validly arrested pursuant to the May 26, 2014 entrapment operation, the Regional Trial Court acquired jurisdiction over their persons. They then stood trial for acts as alleged in the Information against them.

During trial, the prosecution established that accused-appellants were engaged in recruiting women for prostitution, and that the police officers entrapped them to catch them while committing the offense. More important, AAA, the trafficked victim, clearly recalled her experience and identified accused-appellant as the pimp who recruited her in previous instances. The victim’s testimony that she was peddled for sexual exploitation is “material to the cause of the prosecution,”<sup>73</sup> and is not trumped by weak unsubstantiated defenses, like the bare denials proffered here.

As the Court of Appeals explained:

[U]nlike the other victims, AAA – the victim in Criminal Case No. 14-11900 – already performed sexual favors at the behest of accused-appellants in two (2) other incidents prior to the entrapment operation, the earliest of which, according to AAA’s testimony in open court, was in February 2014. Clearly, the discrepancy in the date resulted from the fact that with regard to this particular victim, the prosecution took into

<sup>72</sup> CA rollo, p. 65 and rollo, p. 3.

<sup>73</sup> *People v. Rodriguez*, 818 Phil. 625 (2017) [Per J. Martires, Third Division].

consideration the continuing nature of the abuse. As such, contrary to accused-appellants' contentions, the Information in Criminal Case No. 14-11900 is not totally irrelevant from that which resulted in their warrantless arrests, and as such, accused-appellant Simbillo's conviction therefor was correct.<sup>74</sup>

Further, assailing the validity of accused-appellants' arrest was belatedly pleaded in the Court of Appeals. This should have been raised prior to their arraignment in the Regional Trial Court; otherwise, it is waived:

The invalidity of an arrest leads to several consequences among which are: (a) the failure to acquire jurisdiction over the person of an accused; (b) criminal liability of law enforcers for illegal arrest; and (c) any search incident to the arrest becomes invalid thus rendering the evidence acquired as constitutionally inadmissible.

Lack of jurisdiction over the person of an accused as a result of an invalid arrest must be raised through a motion to quash before an accused enters his or her plea. Otherwise, the objection is deemed waived and an accused is estopped from questioning the legality of his [or her] arrest.

The voluntary submission of an accused to the jurisdiction of the court and his or her active participation during trial cures any defect or irregularity that may have attended an arrest. The reason for this rule is that the legality of an arrest affects only the jurisdiction of the court over the person of the accused.<sup>75</sup> (Citations omitted)

Records show that accused-appellants did not question their arrest, and that they actively participated in the trial. These waived their right to assail the purportedly illegal arrest based on a faulty information. Therefore, they must be held accountable for offenses that were proved beyond reasonable doubt during trial.

There is overwhelming evidence against accused-appellants which include: (1) the victims' positive identification; (2) PO3 Mendoza's clear recollection of the surveillance and the ensuing entrapment operation; (3) the news footage depicting accused-appellants' habitual engagement in the illegal trade; and (4) their failure to substantiate their defenses. Taken together, these pieces of evidence lead us to sustain their conviction.

#### IV

This Court affirms the Court of Appeals' finding that accused-appellant Valencia is guilty beyond reasonable doubt of two counts of qualified trafficking,<sup>76</sup> and Simbillo of one count of qualified trafficking.<sup>77</sup>

<sup>74</sup> *Rollo*, p. 15.

<sup>75</sup> *Veridiano v. People*, 810 Phil. 642, 653-654 (2017) [Per J. Leonen, Second Division].

<sup>76</sup> Criminal Case Nos. 14-11902 and 14-11903.

Their acts violated Republic Act No. 9208, Section 4(a), qualified by Section 6(a), as amended by Republic Act No. 10364. As penalized under Section 10(e),<sup>78</sup> the Regional Trial Court correctly imposed the penalty of life imprisonment and the fine of ₱2,000,000.00.

We likewise affirm the finding that accused-appellants<sup>79</sup> are guilty beyond reasonable doubt of trafficking in persons penalized under Republic Act No. 9208, Section 4(a), as amended by Republic Act No. 10364. Per Section 10(a),<sup>80</sup> the Regional Trial Court correctly imposed the penalty of 20 years of imprisonment and the fine of ₱1,000,000.00.

To conform with jurisprudence,<sup>81</sup> we impose the penalty of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages in each case. Monetary awards are imposed with interest at the rate of 6% per annum from the finality of this Decision until fully paid.<sup>82</sup>

Victims of trafficking face profound suffering that may last their lifetime. This Court can only approximate the incalculable injustice perpetrated by the likes of accused-appellants, who make a living out of deceiving unsuspecting minors, taking advantage of their vulnerability, and peddling them to be sexually exploited. As proof beyond reasonable doubt exists, they must be penalized.

**WHEREFORE**, the Court of Appeals' May 17, 2017 Decision in CA-G.R. CR-HC No. 07572 is **AFFIRMED with MODIFICATION**.

In Criminal Case No. 14-11900, accused-appellant Joane Simbillo y Lauretti is found **GUILTY** beyond reasonable doubt of trafficking in relation to Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is sentenced to suffer the penalty of twenty (20) years of imprisonment and to pay a fine of ₱1,000,000.00. She is likewise ordered

<sup>77</sup> Criminal Case No. 14-11902.

<sup>78</sup> Republic Act No. 10364 (2013), sec. 12 provides:

SECTION 12. Section 10 of Republic Act No. 9208 is hereby amended to read as follows:

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

(e) 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)[.]

<sup>79</sup> Criminal Case no. 14-11900 as regards Simbillo and Criminal Case no. 14-11907 as regards Valencia.

<sup>80</sup> Republic Act No. 10364 (2013), sec.12 provides:

SECTION 12. Section 10 of Republic Act No. 9208 is hereby amended to read as follows:

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

(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00)[.]

<sup>81</sup> *People v. Casio*, 749 Phil. 458 (2014) [Per J. Leonen, Third Division].

<sup>82</sup> *See Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

to pay the victim, AAA: (1) moral damages of ₱500,000.00; and (2) exemplary damages of ₱100,000.00.

In Criminal Case No. 14-11902, accused-appellants Mitchelle Valencia y Dizon and Joane Simbillo y Lauretti are found **GUILTY** beyond reasonable doubt of qualified trafficking in relation to Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. They are sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00. They are likewise ordered to pay the minor victim, CCC: (1) moral damages of ₱500,000.00; and (2) exemplary damages of ₱100,000.00.

In Criminal Case No. 14-11903, accused-appellant Mitchelle Valencia y Dizon is found **GUILTY** beyond reasonable doubt of qualified trafficking in relation to Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00. She is likewise ordered to pay the minor victim, DDD: (1) moral damages of ₱500,000.00; and (2) exemplary damages of ₱100,000.00.

In Criminal Case No. 14-11907, accused-appellant Mitchelle Valencia y Dizon is found **GUILTY** beyond reasonable doubt of trafficking in relation to Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is sentenced to suffer the penalty of twenty (20) years of imprisonment and to pay a fine of ₱1,000,000.00. She is likewise ordered to pay the victim, HHH: (1) moral damages of ₱500,000.00; and (2) exemplary damages of ₱100,000.00.

All damages awarded shall be subject to the rate of 6% per annum from the finality of this Decision until their full satisfaction.

**SO ORDERED.**





**MARVIC M.V.F. LEONEN**


Associate Justice

WE CONCUR:

On wellness leave  
**RAMON PAUL L. HERNANDO**  
Associate Justice

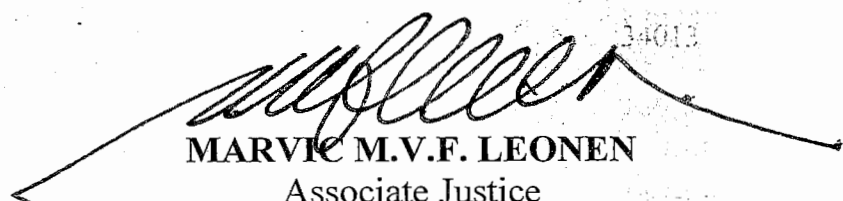
  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**JHOSEP LOPEZ**  
Associate Justice

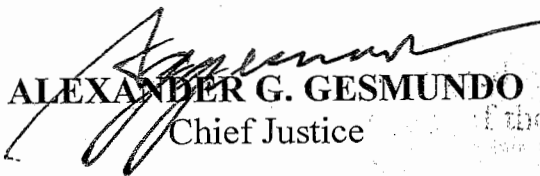
**ATTESTATION**

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

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

**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