



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

SECOND DIVISION

MARILOU PALACIO y G.R. No. 262473
VALMORES,
Petitioner, Present:

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

-versus-

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

APR 12 2023

[Signature]

X-----X

D E C I S I O N

M. LOPEZ, J.:

Before this Court is a Petition for Review on *Certiorari*¹ assailing the March 25, 2021 Decision² and August 1, 2022 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 44414, which affirmed the conviction of Marilou Palacio y Valmores (Marilou) and Sonny Febra, Sr. y Comiso (Sonny) for trafficking in persons.

Marilou and Sonny were charged with violation of Section 4(a), in relation to Section 6(c), of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003, as amended, under the following Information:⁴

¹ *Rollo*, pp. 11-34.

² *Id.* at 40-72. Penned by Associate Justice Marie Christine Azcarraga-Jacob, with the concurrence of Associate Justices Louis P. Acosta and Carlito B. Calpatura.

³ *Id.* at 74-77. Penned by Associate Justice Marie Christine Azcarraga-Jacob, with the concurrence of Associate Justices Louis P. Acosta and Carlito B. Calpatura.

⁴ *Id.* at 41-42, 104.

[Handwritten mark]

That dates prior to and on February 2, 2016, in [REDACTED], and within the jurisdiction of this Honorable Court, accused SONNY FEBRA, SR. y COMISO and MARILOU PALACIO y VALMORES, conspiring, confederating and mutually helping one another, did then and there knowingly, willfully, unlawfully and feloniously recruit, obtain, provide and offer private complainants [AAA], [BBB] and [CCC], by means of deceit in that they will just drink with their guests or customers and taking advantage of their vulnerability by reason of their poverty/financial situation, but in fact the same was for the purpose of having them engaged by another in sexual intercourse or lascivious conduct and other forms of sexual exploitation, in exchange for money, profit or any other consideration, to their damage and prejudice.

That the crime is qualified because the offense was committed by the accused in large scale, since it was committed against three (3) persons.

Contrary to Law.

Marilou and Sonny entered pleas of not guilty.⁵ Trial ensued.

Police Senior Inspector Jerome Brian Saniano (PSI Saniano), Chief of the Intelligence and Inspection Section of the Anti-Trafficking and Personnel Division of the Women and Children Protection Center (WCPC), testified that he was ordered by WCPC Chief, Police Chief Superintendent Rosauro Acio (PCS Acio), to conduct a case build-up/surveillance operation on the rampant trafficking in persons along [REDACTED]. PCS Acio gave PSI Saniano information, including the cell phone number and profiles of the suspected traffickers and the profiles of their victims. PSI Saniano sent a text message to the number of alias Analyn, later identified to be Marilou, and introduced himself as “Jeff,” a foreign customer. To PSI Saniano’s surprise, Marilou immediately offered him 16- and 17-year-old boys and girls with previous experience for PHP 5,000.00 each; she also offered a 13-year-old girl for PHP 7,000.00. The prices were good for the whole night. PSI Saniano asked Marilou about the availability of the boys and girls but informed her that he wanted to see the “products” first. Marilou agreed to meet PSI Saniano and assured him that their “products” were nice and good. They agreed to meet at Max’s Restaurant on February 1, 2016. PSI Saniano instructed Marilou to bring only a few “products” so that they do not draw attention. Marilou assured PSI Saniano that she would bring only five girls; PSI Saniano told her that two girls would be fine.⁶

PSI Saniano waited inside Max’s Restaurant with their foreigner decoy. He told Marilou that “Jeff” was wearing a blue shirt while Marilou said she was wearing a white blouse. Marilou arrived with her companions. The foreigner decoy raised his hand so that Marilou could see him. The foreigner decoy introduced PSI Saniano to Marilou as Ian, a friend and driver in the Philippines. Marilou introduced Sonny and “Shy” and “Jenelyn,” two 17-year-old girls, to the foreigner decoy and PSI Saniano. Marilou and Sonny

⁵ *Id.* at 42, 105.

⁶ *Id.* at 52–55, 111–112.

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enticed the foreigner decoy to get their “products”, saying that the ladies were young, nice, and good. The foreigner decoy told Marilou and Sonny that he had guests due to arrive from the United States and that they wanted to have a party with girls at [REDACTED]. He asked how many products Marilou could provide and she answered 13- to 16-year-old boys and girls. The foreigner decoy told Marilou and Sonny that he would provide a van to fetch the “products”. They agreed to meet at Max’s Restaurant the following day. PSI Saniano excused himself to go to the washroom. He took pictures of Marilou and her companions discreetly as he walked back to the table. The foreigner decoy gave Marilou PHP 1,000.00 to gain her trust.⁷

The following day, PSI Saniano received a message from Marilou that she had girls who could engage in threesomes/orgies, but they were not as young as the other girls. She also asked PSI Saniano for PHP 1,000.00 for the hygiene and sanitation expenses of the girls. PSI Saniano initially ignored Marilou because the PHP 1,000.00 was not part of their operational budget but he was forced to send the amount to Sonny’s account because of Marilou’s persistence. PSI Saniano prepared the PHP 25,000.00 marked money and other documents for the entrapment operation. He was assigned as the poseur buyer customer and arresting officer. He sat in the driver’s seat of the van with the foreigner decoy. Marilou and Sonny arrived with several boys and girls. PSI Saniano instructed Marilou and Sonny to sit behind him so that he could easily hand them the money. When everyone was seated, PSI Saniano started the engine. He handed PHP 15,000.00 to Marilou and PHP 10,000.00 to Sonny and asked them to count the bills. While they counted the money, PSI Saniano switched to hazard, the prearranged signal to alert the operating team to approach. The team apprehended Marilou and Sonny despite their efforts to evade arrest, while some of the boys and girls ran away.⁸

Senior Police Officer I Albert Bitoon (SPO1 Bitoon), Police Officer III Glenn Alcaraz (PO3 Alcaraz), Ismael Lucob, and Senior Police Officer III Evangeline Villano (SPO3 Villano) corroborated the testimony of PSI Saniano.⁹ National Bureau of Investigation (NBI) Special Agent Christopher Paz (Agent Paz) conducted a digital examination of two cellular phones and three sim cards confiscated from Marilou containing her exchanges with PSI Saniano.¹⁰

AAA testified that on February 2, 2016, she received a text message from a certain Ronron, the boyfriend of her best friend CCC, saying that he knew a man who was willing to pay PHP 10,000.00, with down payment of PHP 3,000.00, for good service. He asked if AAA was interested. When asked what good service meant, AAA clarified that “[y]ung katawan po namin ang inaano namin sa kanila. Laway lang po ang aming puhunan. Parang ipapakita po namin yung katawan po namin tapos po yung pagsasalita namin

⁷ *Id.* at 52–58, 112–113.

⁸ *Id.* at 113–115, 58–61.

⁹ *Id.* at 116–120.

¹⁰ *Id.* at 120–123.

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sa kanila, gagamitin po namin para madagdagan ang tip namin.” AAA met Ronron and the man who was recruiting girls, Sonny. Sonny told AAA to dress up so she went home to change. When she returned, they met Sonny’s wife, an alias “Analyn” who was later identified to be Marilou, and several other women. They walked toward Max’s Restaurant Baywalk. When they arrived in the parking lot of Max’s, they boarded a parked van. The driver of the van handed money to Marilou and Sonny. A commotion ensued outside of the van and the police arrested people. AAA claimed that she had the impression that all she needed to do was to drink and party with the customers for a fee. However, she admitted that there were instances in the past when she had intercourse with the men she met.¹¹ CCC corroborated AAA’s testimony that Sonny and Marilou were recruiting girls to drink with customers for a consideration and that they were caught during an entrapment operation in front of Max’s Restaurant.¹²

Sonny denied the allegations against them. He claimed that he was inside the van because he was invited to attend a farewell party organized for foreigners who underwent seminar/training in the Philippines. The money on the floor of the van was allegedly thrown toward them so that he would have powder dust from the money. When he went to Max’s Restaurant, he claimed that he did not know that they would be meeting girls. He stressed that Marilou introduced the girls to PSI Saniano and the foreigner. He denied knowledge of the transaction between Marilou and PSI Saniano.¹³

Marilou similarly interposed the defense of denial. She alleged that a certain “Ace” and “Alex” claimed that they were working as tour guides for an agency with “Jeff”. Shiela, her neighbor, also offered her work as a tour guide. “Jeff” allegedly invited her and Sonny to attend a farewell party for guests which doubled as a welcome party for new tour guides on February 2, 2016. She claimed that Ace and Alex, who were not apprehended, could attest that she was merely recruited as a tour guide.¹⁴ Dennilyn Villanueva (Dennilyn), one of the girls inside the van, testified that alias Analyn and Shiela recruited her as a tour guide. She claimed that alias Analyn and Marilou were not the same person.¹⁵

In its Decision dated October 31, 2019,¹⁶ the Regional Trial Court (RTC) found Marilou and Sonny guilty beyond reasonable doubt of trafficking in persons. AAA and CCC testified that Marilou and Sonny recruited them to drink with customers for consideration. PSI Saniano further testified that Marilou offered girls and boys to him, thinking he was a foreign customer, to

¹¹ *Id.* at 107–109, 62–64.

¹² *Id.* at 109–111, 65–67.

¹³ *Id.* at 124–127.

¹⁴ *Id.* at 127–132.

¹⁵ *Id.* at 132–134.

¹⁶ *Id.* at 104–141.

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perform sexual acts for a fee. The police conducted entrapment operations and arrested Marilou and Sonny, thus:¹⁷

WHEREFORE, premises considered, this Court finds both accused Sonny Febra, Sr. and Marilou Palacio guilty beyond reasonable doubt of the offense of Trafficking in Persons Violation of Section 4(a) only and are hereby sentenced to 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 ([PHP] 2,000,000.00) each.

Their preventive imprisonment is credited in their favor.

SO ORDERED.¹⁸

Marilou and Sonny appealed. In its Decision promulgated on March 25, 2021,¹⁹ the Court of Appeals (CA) affirmed the RTC Decision with modification in that Marilou and Sonny were also ordered to pay moral and exemplary damages. The CA ruled that Marilou and Sonny were caught *in flagrante delicto* of trafficking in persons during the entrapment operation conducted by the police. It held that Marilou and Sonny took advantage of the vulnerability of AAA and CCC, and recruited them to drink liquor with foreign customers but, in truth, they were offered to the customers for sex and prostitution. PSI Saniano testified that he was tasked to conduct an operation on the rampant trafficking of persons in [REDACTED]. He contacted the mobile number of Marilou and she offered the sexual services of girls and boys to him for a fee, thus:²⁰

WHEREFORE, all premises considered, the instant appeal is hereby **DENIED**.

Accordingly, the *Decision* dated 31 October 2019 of the Regional Trial Court, [REDACTED], in *Criminal Case No. 16-323304*, convicting accused-appellants Sonny Febra, Sr. and Marilou Palacio of violation of Section 4(a) of Republic Act No. 9208, as amended, is **AFFIRMED with MODIFICATION** in that, in addition to the penalty of fine, both accused-appellants are also **ORDERED** to pay each private complainants [*sic*] moral damages in the amount of [PHP] 500,000.00 and exemplary damages in the amount of [PHP] 100,000.00.

Pursuant to the pronouncement in *Nacar v. Gallery Farms and Felipe Bordey, Jr.*, said accused-appellants are further **ORDERED** to pay legal interest of 6% per annum on all awarded damages from the finality of this *Decision* until full payment.

SO ORDERED.²¹

¹⁷ *Id.* at 140.

¹⁸ *Id.*

¹⁹ *Id.* at 40-72.

²⁰ *Id.* at 71.

²¹ *Id.*

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Marilou and Sonny moved for reconsideration but were denied on August 1, 2022.²²

Hence, the present recourse.²³ Marilou argues that the CA erred in affirming her conviction despite the prosecution's alleged failure to establish the elements of trafficking, i.e., that she recruited AAA and CCC for sexual exploitation and that she conspired with Sonny. In its Comment,²⁴ the People contend that the prosecution proved that Marilou was one of the perpetrators of the crime and that she hired women for sexual exploitation.

The Petition is without merit.

Under RA 9208, as amended by RA 10364, the elements of trafficking in persons are as follows:

(1) The act of recruiting, obtaining, *hiring*, providing, offering, transporting, transferring, *maintaining*, harboring, or receiving of persons with or without the victim's consent or knowledge, within or across national borders;

(2) The means used 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 person;

(3) The purpose of trafficking is which 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.²⁵

As found by the lower courts, the prosecution established the presence of the elements of the offense.

First, AAA identified Sonny and Marilou, alias Analyn, as the persons who engaged her “*good service*” for foreigner customers who were holding a party at [REDACTED] on February 2, 2016. While AAA believed that she only needed to show her body, drink, and party with the foreigners to get paid PHP 10,000.00 for one evening, she admitted that she had sexual intercourse with some of the men she met in the past. *Second*, Sonny and Marilou took advantage of AAA's vulnerability and need for money and persuaded her to meet with the foreigners at the hotel for sexual exploitation, thus:²⁶

Q: You said you received a text message from Ronron at that time, what was the text all about, Ms. Witness?

A: “Gusto mong magkapera nandito ang lalaki nagpapahanap.”

x x x x

²² *Id.* at 74–77.

²³ *Id.* at 11–30.

²⁴ *Id.* at 198–218.

²⁵ *People v. Ramirez*, 846 Phil. 314, 322 (2019) [Per J. Leonen, Third Division], citing *People v. Casio*, 749 Phil. 458, 472–473 (2014) [Per J. Leonen, Second Division].

²⁶ TSN, AAA, August 1, 2016.

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Q: You said when you alighted from the jeep, you received another text message from Ronron, what was the text all about?

A: "Sige, hihintayin kita." Sampung libo daw ang ibabayad sa amin. Down payment daw po Three Thousand.

Q: What was the payment all about, Ms. Witness, that you were mentioning?

A: For the customer, ma'am.

Q: What will you do to the customer in exchange for that money?

A: Good service, ma'am.

Q: You said good service. What do you mean by good service, Ms. Witness?

A: We have to give our best to the customer.

Q: When you said that you are going to give your best to the customer, what do you mean by that?

A: Yung katawan po namin ang iaano namin sa kanila. Laway lang po ang aming puhunan.

Q: You mentioned, Ms. Witness, I will quote your answer, "iaano mo yung katawan mo sa customer."

x x x x

Q: What do you mean, "iaano mo yung katawan mo sa customer at laway lang ang puhunan"?

A: Parang ipapakita po namin yung katawan po namin tapos yung pagsasalita namin sa kanila gagamitin po namin para madagdagan po ang tip namin.

x x x x

Q: You said that when you reached [REDACTED], you met with Ronron and another guy. Who was this another guy?

A: Sonny, ma'am.

x x x x

Q: After you went back to [REDACTED], what else happened, Ms. Witness?

A: I saw several women and I saw also the wife of Sonny, ma'am.

x x x x

Q: After introducing the wife of Sonny to you, Ms. Witness, what else happened?

A: We walked, proceeding to [REDACTED], ma'am.

CCC similarly testified that a certain Alexis informed her that Sonny was recruiting girls or *kumukuha ng babae*. She proceeded to [REDACTED] with the other girls recruited by Sonny. There, she met alias Marilou, who introduced herself as Sonny's companion/partner. Alias Analyn reminded the

girls not to steal from the foreigners and made them board a van that would bring them to the hotel where the foreigners were.²⁷

Third, Sonny and Marilou recruited the women for prostitution or other forms of sexual exploitation. PSI Saniano, who posed as foreigner Jeff, narrated how Marilou offered boys and girls to him for a fee through text messages. PSI Saniano and his foreigner decoy met with Marilou and Sonny at a restaurant so that they could examine the “products,” two teenage girls, being offered by Marilou and Sonny. The foreigner decoy agreed to avail of the “products” of Sonny and Marilou the following evening, thus:²⁸

Q: ... And what happened at that time, Mr. Witness, when you start[ed] to engage in text messages with the suspected trafficker Marilou Valmores [sic] alias Analyn?

A: At first, ma'am, I introduced myself as a foreigner customer named “Jeff.” I texted her and I told her that I got her number from her previous customers, ma'am.

Q: And what was the reply you received from her?

A: Actually, nagulat ako nun, ma'am, kasi yung mga previous cases namin na ganito, at first, we build up rapport sa tao para makuha muna namin yung tiwala. Pero yung sa kaniya, ma'am, yung text agad sa 'kin is, she immediately offered sixteen (16) to seventeen (17) year old boys and girls.

Q: And how do [sic] you react when you received that text message?

A: I asked them, ma'am, if they are [sic] experienced in having boys and girls?

Q: And what was the response?

A: And then she replied “Yes,” they are experienced. She tell [sic] sad story wherein according to her, the children (potential victims) were previously going to school but due to lack of money, they were not able to do so. And then, she also added that she also had thirteen (13) years old but the price is much higher than sixteen (16) to (17) years of age.

x x x x

Q: By the way, how did you recognize that it was the same Marilou that you were texting with is the suspected trafficker?

A: She's wearing white blouse and when we saw her, my foreigner decoy just raised his hand, ma'am.

Q: And what was her reaction when that foreigner decoy raised his hand?

A: She went to our table, ma'am, together with a man and two (2) other young girls.

Q: Okay. And what happened when they approached you at your table, Mr. Witness?

²⁷ TSN, CCC, September 21, 2016.

²⁸ TSN, PSI Jerome Brian Saniano, December 14, 2016.

A: *I was introduced by the foreigner decoy as his trusted friend and driver in the Philippines as "Ian"; so my name is "Ian" at that time, ma'am. And then at the same time, Marilou introduced her companions.*

Q: *And who are [sic] the companions of Marilou that was [sic] introduced to you at that time?*

A: *He [sic] introduced to us his [sic] companion: a man wearing a gray polo named "Sonny".*

And then the two (2) other young ladies as "Shy" and "Jenelyn," ma'am.

x x x x

Q: *And what transpired during that negotiation at Max's Restaurant?*

A: *At first, ma'am, both of them were enticing me to get their product. They are [sic] saying that they (products) are nice, good[,] and young.*

Q: *And what was your reaction when you said that they were enticing you?*

A: *All I do is [sic] just to [sic] agree with them, ma'am. They also said that the ladies, "Shy" and "Jenelyn" are [sic] both seventeen (17) years old and they are [sic] ready at that time if we want to take them.*

Q: *And what was [sic] your reaction when they are [sic] offering both the girls to you at that time?*

A: *During that time, ma'am, I told them that according to my foreigner decoy, we have work early next morning so they just have to reserve the girls on February 2, the next day.*

On the morning of the entrapment operation, Marilou sent PSI Saniano messages saying she also had girls who can join orgies and threesomes but were not teenagers. She asked PSI Saniano for PHP 1,000.00 for the sanitation and hygiene expenses of the girls who were already in her house, thus:²⁹

Q: *Mr. Witness, during the previous hearing, you testified that you met with certain Marilou and Sonny Febra together with two (2) girls at Max's Restaurant. After that meeting, Mr. Witness, what else happened?*

A: *After that meeting, we parted ways, ma'am. The following day, February 2, I received again a message from Marilou that she has also girls who can perform orgy, threesome, who are dancers, but not as young as the...*

Q: *When you received that message, Mr. Witness, what did you do?*

A: *I did not reply to her message but she also texted me about her request for the initial amount of [PHP] 1,000.00 for the sanitation and hygiene expenses of the girls who are [sic] already on [sic] her house, ma'am.*

²⁹ TSN, PSI Jerome Brian Saniano, February 8, 2017.

x x x x

Q: What else happened after that Mr. Witness?

A: Marilou told me that if I will send the money, just send to her partner in the name of Sonny Febra because, according to her, her ID was [sic] already expired.

The testimonies of AAA, CCC, and PSI Saniano established that Sonny and Marilou conspired to commit trafficking in persons, in violation of RA 9208, as amended. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit the same. The essence of conspiracy is the unity of action and purpose.³⁰ The concerted actions of Sonny and Marilou in recruiting the victims, offering them to the poseur customers for sexual exploitation, arranging for their transport to the hotel, and receiving payment for their services speak volumes of their common criminal design.

Anent the penalty, Section 10 of RA 9208 provides that any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of 20 years and a fine of not less than PHP 1,000,000.00 but not more than PHP 2,000,000.00. The penalty imposed by the RTC, and affirmed by the CA, is within the imposable penalty. However, we deem it proper to fix the amount of fine imposed on Marilou at PHP 2,000,000.00, instead of the range imposed by the RTC. Moreover, the CA properly ordered the payment of moral and exemplary damages in the amount of PHP 500,000.00 and PHP 100,000.00, respectively, in favor of the private complainants and imposed interest of 6% per annum from the finality of the Decision until full payment, pursuant to prevailing jurisprudence.³¹ In *Brozoto v. People*,³² the Court awarded PHP 500,000.00 moral damages and PHP 100,000.00 exemplary damages to the victim of qualified trafficking because the offense is analogous to the crimes of seduction, abduction, rape, and other lascivious acts which cause the victim physical and mental suffering, besmirched reputation, moral shock, and social humiliation.

FOR THESE REASONS, the Petition is **DENIED**. The Decision dated March 25, 2021 and Resolution dated August 1, 2022 of the Court of Appeals in CA-G.R. CR No. 44414 are **AFFIRMED with MODIFICATION**. Petitioner Marilou Palacio y Valmores is found **GUILTY** beyond reasonable doubt of trafficking in persons in violation of Section 4(a) of Republic Act No. 9208, as amended, and is sentenced to suffer the penalty of imprisonment of twenty (20) years and a fine of PHP 2,000,000.00. Petitioner Marilou Palacio y Valmores and co-accused Sonny

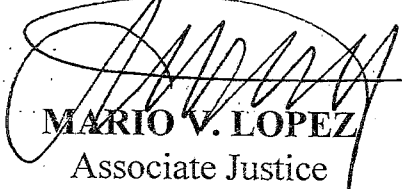
³⁰ *Candy v. People*, G.R. No. 223042 & *Jamuad v. Court of Appeals*, G. R. No. 223769, October 6, 2021 [Per J. Lazaro-Javier, First Division].

³¹ *People v. San Miguel*, G.R. No. 247956, October 7, 2020 [Per J. Inting, Second Division]; *People v. Daguno*, 872 Phil. 331 (2020) [Per J. Inting, Second Division]; *People v. Hiram*, 803 Phil. 277, 288 (2017) [Per J. Reyes, Third Division]; *People v. Casio*, *supra* note 23, at 466; *People v. Lalli*, 675 Phil. 126, 156 (2011) [Per J. Carpio, Second Division].

³² G.R. No. 233420, April 28, 2021 [Per J. Lopez, J., Third Division].


C. Febra Sr. are jointly and severally ordered to pay each private complainant moral damages of PHP 500,000.00 and exemplary damages of PHP 100,000.00. All damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

SO ORDERED.

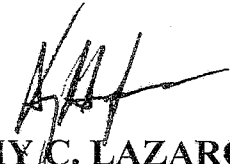


MARIO V. LOPEZ
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

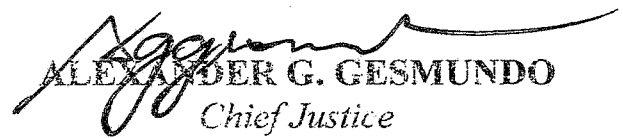
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

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