



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
 Plaintiff-Appellee,

G.R. Nos. 256269

Present:

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

- versus -

XXX,\*

Accused-Appellant.

Promulgated:  
 DEC 04 2023

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DECISION

LOPEZ, M., J.:

Before the Court is an ordinary Appeal<sup>1</sup> from the September 4, 2020 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CEB CR-HC. No. 02922 affirming the December 27, 2017 Decision<sup>3</sup> of the Regional Trial Court (RTC) of ████████, in Criminal Case No. CBU-97986, which convicted XXX for qualified trafficking under Section 4(a), in relation to Section 6, Republic Act

\* Modified pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 (Re: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolution, and Final Orders Using Fictitious Names/Personal Circumstances; the identity of the victim or any information which could establish or compromise [their] identity, as well as those of [their] immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act (1992); Republic Act No. 04-10-11-SC, Section, 40 otherwise known as the "Rule on Violence Against Women and Their Children" (2004).

<sup>1</sup> *Rollo*, pp. 27-29.

<sup>2</sup> *Id.* at 7-26. The September 4, 2020 Decision in CA-G.R. CEB CR-HC No. 02922 was penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Raymond Reynold R. Lauigan and Lorenza R. Bordios of the Twentieth Division of the Court of Appeals, Cebu City.

<sup>3</sup> *CA rollo*, pp. 20-33. The December 27, 2017 Decision in Criminal Case No. CBU-97986 was penned by Assisting Judge Jose Nathaniel S. Andal of Branch ██████, Regional Trial Court, Cebu City.

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(RA) No. 9208,<sup>4</sup> otherwise known as the “Anti-Trafficking in Persons Act of 2003.”

*Antecedents*

This case stemmed from an Information charging XXX alias [REDACTED] with qualified trafficking. The accusatory portion of the Information reads:

That on or about the 5<sup>th</sup> day of December 2012, at about 8:30 o’clock in the evening, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, with intent to gain, did then and there hire and/or recruit AAA, 16 years old, BBB 17 years old, CCC and DDD for the purpose of prostitution and sexual exploitation for money, profit or any other consideration, in violation of Sec. 4(a) and (e) in relation to Sec. 6(a) and (c) of R.A. 9208, with the qualifying circumstances that the trafficking is in large scale with more than three women trafficked and that two of the women trafficked are minors.<sup>5</sup>

Upon arraignment, XXX pleaded not guilty. Pre-trial and trial ensued.<sup>6</sup>

The prosecution presented the following witnesses: women-victims AAA, BBB, DDD, and National Bureau of Investigation Agent Reynaldo Villordon, Jr. (Agent Villordon).<sup>7</sup>

The prosecution established that in 2012, the International Justice Mission, an international non-government organization, coordinated with the [REDACTED] for the investigation of an alias [REDACTED]. Allegedly, [REDACTED] had been peddling women to paying customers for sexual services.

On December 5, 2012, [REDACTED] made a phone call to the NBI’s confidential informant to offer girls who were willing to have sex in exchange for money. The confidential informant, through phone call, introduced [REDACTED] to Agent Villordon who, in turn, informed “Junlet” that he had an American guest who was also interested to procure the sexual services of women. Thus, “Junlet” offered five women to Agent Villordon and suggested that they meet at the McDonalds fast food chain in [REDACTED] City.<sup>8</sup>

<sup>4</sup> Entitled “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” (2003).

<sup>5</sup> *Rollo*, pp. 7–8.

<sup>6</sup> *Id.* at 8.

<sup>7</sup> *Id.* at 8–14.

<sup>8</sup> *CA rollo*, p. 87.

*J*

Agent Villordon then set up a team to entrap ██████ Agent Villordon prepared 10 marked PHP 100 bills and was designated as the poseur-buyer. Afterwards, the team proceeded to the agreed place. Agent Villordon, together with an American companion, went inside McDonalds to await ██████ while the other police officers remained outside of the fast food chain.<sup>9</sup>

At 8:00 p.m., ██████ arrived with four girls and approached the foreigner and Agent Villordon. ██████ offered the girls for the amount of PHP 2,500.00 each. When Agent Villordon asked what sexual acts can be performed by the girls, “█████” not only replied “all the way,” but also offered the girls for the entire week for the same rate, provided that the girls would accede to such an arrangement. Agent Villordon subsequently handed PHP 10,000.00 to ██████ who distributed it to the girls. “█████” kept PHP 2,000.00 as his commission.<sup>10</sup>

After ██████ finished distributing the money, the NBI agents immediately arrested him and informed him of his constitutional rights. The four girls were rescued and brought to the Department of Social Welfare and Development where it was found out that two of them, AAA and BBB, were minors. The marked money was recovered from ██████ who was identified as XXX.<sup>11</sup>

On the witness stand, BBB testified that she was just a 14-year-old high school student, as evidenced by her birth certificate showing that she was born on August 30, 1998. Ocampo asked for her mobile phone number and she gave it to him because she thought that he was a potential suitor. Since then, ██████ had been contacting her to offer her sexual services to different men. AAA, also a minor, and DDD, had similar testimonies identifying XXX as the one who pimped them out to various men of different ages.

On the other hand, for the defense, XXX denied the accusations against him. He alleged that he knew AAA, BBB, and DDD as his neighbors and friends. These girls approached him and requested him to advertise their services to men.<sup>12</sup> XXX’s father corroborated his statement.

### *Ruling of the Regional Trial Court*

In its December 27, 2017 Decision,<sup>13</sup> the RTC found XXX guilty of qualified trafficking. The RTC ruled that the prosecution witnesses convincingly established that they were recruited by XXX. Moreover, during the entrapment operation, XXX peddled AAA, BBB, and CCC to Agent

<sup>9</sup> *Id.* at 87–88.

<sup>10</sup> *CA rollo*, p. 88.

<sup>11</sup> *CA rollo*, p. 88.

<sup>12</sup> *Rollo*, p. 15.

<sup>13</sup> *CA rollo*, pp. 20–33.

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Villordon and his American companion, for money. Since AAA and BBB were still minors and the trafficking was committed on a large scale, the offense was qualified:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt of violating Section 4(a), qualified by Section 6(a) and (c) of Republic Act No. 9208, and sentencing him to suffer the penalty of life imprisonment and a fine of [PHP] 2,000,000.00.

Accused is ordered to pay each of the private complainants:

- (1) [PHP] 500,000.00 as moral damages; and
- (2) [PHP] 100,000.00 as exemplary damages.

SO ORDERED.<sup>14</sup>

Aggrieved, XXX filed an appeal with the CA. He argued that he did not recruit the women nor promised them any money. The male customers were the ones who would negotiate with the women, and the women-victims transported themselves to the place where their male customers would be. He alleged that he merely accompanied the alleged victims, his friends, to the place where they previously agreed to meet the customer.

#### *Ruling of the Court of Appeals*

In its September 4, 2020 Decision,<sup>15</sup> the CA denied XXX's appeal. The CA ruled that all the elements of qualified trafficking in persons were present: (1) BBB and DDD categorically testified that they were recruited by XXX to have sex with other men, (2) XXX took advantage of the victims' vulnerability; and (3) the purpose of trafficking was the sexual exploitation of the victims for XXX's financial gain. Likewise, the CA affirmed the penalty imposed by the RTC of life imprisonment and a fine of PHP 2,000,000.00, as well as the damages awarded to each victim. The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated December 27, 2017 of the Regional Trial Court, Branch 20, [REDACTED] in Criminal Case No. CBU-97986 is AFFIRMED.

SO ORDERED.<sup>16</sup>

Hence, this Appeal.<sup>17</sup>

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<sup>14</sup> *Id.* at 32–33.

<sup>15</sup> *Rollo*, pp. 7–26

<sup>16</sup> *Id.* at 25.

<sup>17</sup> *Id.* at 27–29.

XXX adopted his Appellant's Brief<sup>18</sup> wherein he argues that he did not commit any of the acts that constitute trafficking under Section 3 of RA No. 9208.<sup>19</sup> In its Manifestation and Motion,<sup>20</sup> the Office of the Solicitor General (OSG) expressed that it would be adopting its Appellee's Brief<sup>21</sup> in lieu of a Supplemental Brief.

### *The Court's Ruling*

The Appeal is unmeritorious.

The Court affirms the factual findings of the RTC, as affirmed by the CA. Settled is the rule that "[f]actual findings of the trial court, including its assessment of the credibility of witnesses, probative weight of their testimonies, as well as of the documentary evidence, are accorded great weight and respect, especially when the same are affirmed by the CA, as in this case."<sup>22</sup>

XXX was charged with qualified trafficking in persons under - RA No. 9208,<sup>23</sup> Section 4(a), in relation to Section 6(a):

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, transport, transfer, harbor, provide, 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, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage[.]*

....

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 deemed committed in large scale if committed against three (3) or more persons, individually or as a group[.]* (Emphasis supplied)

<sup>18</sup> CA rollo, pp. 45–66.

<sup>19</sup> Republic Act No. 9208 (2003), sec. 3, Anti-Trafficking in Persons Act of 2003; *Id.* at 56–64.

<sup>20</sup> Rollo, p. 36–40.

<sup>21</sup> CA rollo, 84–100.

<sup>22</sup> *People v. Amurao*, 878 Phil. 306, 2020 [Per J. Caguioa, First Division].

<sup>23</sup> Anti-Trafficking in Persons Act of 2003, sec. 4(a), in relation to sec. 6(a).

In *People v. Casio*,<sup>24</sup> the Court defined the elements of trafficking in persons, as derived from of RA No. 9208, Section 3(a):

- (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>25</sup>

The crime is qualified under of RA No. 9208, Section 6(a) when the trafficked person is a child or “a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.”<sup>26</sup> With respect to the second element, when the person recruited is a child, the exploitation is considered as “trafficking in persons” regardless of the means used; this is because a minor cannot give consent.<sup>27</sup>

In this case, the prosecution was able to establish all the elements of qualified trafficking.

Foremost, AAA, BBB, and DDD testified that XXX recruited them to engage in paid sex with customers. Secondly, the prosecution was able to prove that XXX recruited these women by taking advantage of their vulnerability or paying them. Finally, XXX’s recruitment was for the purpose of prostitution and sexual exploitation.

As correctly held by the RTC and the CA, the prosecution was able to establish that XXX is a known pimp who recruits women into prostitution. During cross-examination, AAA testified that she had been previously approached by XXX for a sexual transaction:

Q: Did you know why the Filipino man and the foreigner were there with you at that time?

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<sup>24</sup> 749 Phil 458 (2014) [Per J. Leonen, Second Division].

<sup>25</sup> *Id.* at 472–473.

<sup>26</sup> Republic Act No. 9208, sec. 3(b).

<sup>27</sup> G.R. No. 263603.

A: From what I learned that we would just be “jamming” in a bar.

Q: Aside from what [she] told that the accused told her that the foreigner would give you money, was there anything that the accused personally promised you?

A: None.

Q: Have you personally talked with the accused during that time?

A: Just a short while.

Q: During that short while, what did you talk about?

A: He just ordered us to go out. He said, “you go out, Day”. After [REDACTED] talked with the foreigner and his Filipino friend, [REDACTED] said, “you go out, Day,” by making a signal with his hand saying you go out.

Q: You also testified that you wanted to go home and yet the accused stopped you by pinching you, am I correct?

A: Yes, sir.

[ . . . ]

COURT: (to witness)

Q: Wait, do you know why [REDACTED] pinched you?

A: Yes, Your Honor, because we wanted to go home.

Q: You mean to say, [REDACTED] wanted you to stay that’s why he pinched you?

A: Yes, Your Honor, he also said “don’t leave, you just stay here because this is already money.”

COURT:

Okay, proceed.

ATTY. ENGLIS: (to witness)

Q: So, aside from that he told you not to leave because this is money already and he pinched you, can you remember if the accused threatened or coerced you to stay?

A: What I can remember was that he held my hand and he said you go with the foreigner.

Q: You said also that the accused gave you money, why?

A: He said that was for the “jamming” but we did not know that there was other reason behind the giving of money that it will be for sex.

COURT: (to witness)

Q: What do you mean that it will be for sex?

A: For “jamming,” your Honor, but afterwards we will go to a motel to have sex.

Q: Now, was this just your conclusion? Or did the accused actually tell you that after the “jamming” you and the foreigner would go to a motel for sex?

A: He did not tell us about that, Your Honor, but I already had that idea because the foreigner asked me if it was okay for us if a video will be taken while we would have sex.

COURT:

Proceed.

ATTY. ENGLIS: (to witness)

Q: And yet knowing and thinking that it will happen what you just said, still you received the money?

A: Because he forced me to hold the money. He held my hand and placed the money in my hand.

COURT: (to witness)

Q: Who did that?

A: ████████ Your Honor.

Q: So, you got the money from him

A: Yes, Your Honor.<sup>28</sup>

BBB also confirmed that XXX was the one who negotiated with the customers and distributed the girls' payment after subtracting his commission:

Q: How much did customers usually pay?

A: [PHP] 1,500 to [PHP] 3,000.

Q: Who negotiated with the customers

A: ████████

Q: Who received payment?

A: ████████

Q: How much did you get from the [PHP] 1,500.00

A: I get [sic] 600 to 700 only.

Q: Where did the remaining [PHP]1,000 or [PHP] 800 go?

A: To ████████

Q: How about when the customer paid [PHP] 3[, ]000, how much did you get from it?

A: [PHP] 1,000.00 only.<sup>29</sup>

Thus, these testimonies confirmed that XXX had already been involved in the illegal trafficking of women even prior to the entrapment operation and arrest of XXX.

In any case, the entrapment operation conducted by Agent Villordon was valid. Settled is the rule that a warrantless arrest following an entrapment operation is justified in cases involving trafficking in persons. In *People v.*

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<sup>28</sup> CA rollo, pp. 26-27.

<sup>29</sup> Rollo, p. 22-23.



*Valencia*,<sup>30</sup> this Court explained that “entrapment facilitates *in flagrante* arrest of offenders and the rescue of trafficked victims. Corroborating testimonies of the arresting officer and the victim suffice to sustain conviction.”<sup>31</sup> This is markedly different from instigation, in which the officers of the law lure an accused into committing an offense which they would otherwise not commit and has no intention of committing:

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.”<sup>32</sup>

Here, XXX had every ounce of criminal intent to exploit the women for his own gain, by offering their sexual services to paying customers for a price even before the entrapment operation. Indubitably, there was a valid entrapment operation which ultimately led to XXX’s arrest.

As to the penalty, of RA 9208, Section 10(c), provides that in case of qualified trafficking, the penalty is life imprisonment and a fine ranging from PHP 2,000,000.00 to PHP 5,000,000.00:

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

....

(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 ([PHP] 2,000,000.00) but not more than Five million pesos ([PHP] 5,000,000.00)

Here, XXX committed trafficking in its qualified form because two of the girls, BBB and AAA were minors, as shown by their live birth certificate stating that they were born on August 30, 1998 and January 4, 1996, or 14 years old and 17 years old, respectively, at the time of the commission of the

<sup>30</sup> *People v. Valencia*, G.R. No. 234013, June 16, 2021 [Per J. Leonen, Third Division].

<sup>31</sup> *Id.*

<sup>32</sup> *People v. Hirang y Rodriguez*, 803 Phil. 277, 291 (2017) [Per J. Reyes, Third Division].

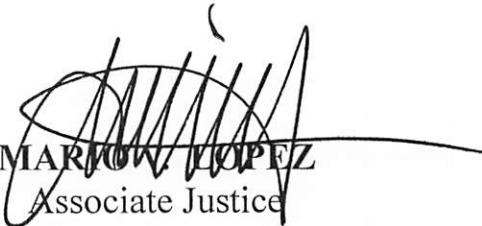
crime. Moreover, the trafficking was committed in large scale, or against three or more women.<sup>33</sup>

Thus, the CA and the RTC correctly imposed the penalty of life imprisonment and a fine of PHP 2,000,000.00. Moreover, the courts *a quo* correctly awarded each victim the sum of PHP 500,000.00 as moral damages and as PHP 100,000.00 as exemplary damages, consistent with prevailing jurisprudence.<sup>34</sup>

**ACCORDINGLY**, the Appeal is **DISMISSED**. The September 4, 2020 Decision of the Court of Appeals in CA-G.R. CEB CR-HC. No. 02922, convicting XXX, a.k.a. [REDACTED] of violation of qualified trafficking in persons under Republic Act No. 9208, Section 4(a), in relation to Section 6, and imposing the penalty of life imprisonment and a fine of PHP 2,000,000.00, as well as ordering the payment of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages for each victim, is **AFFIRMED**.

All awards of damages shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.

**SO ORDERED.**

  
MARLON LOPEZ  
Associate Justice

<sup>33</sup> *Rollo*, pp. 105–110.

<sup>34</sup> See *People v. Valencia*, G.R. No. 234013, June 16, 2021 [Per J. Leonen, Third Division]; *People v. Jeffrey Hiram*, 803 Phil. 277, 292–293 (2017) [Per J. Reyes, Third Division].

**WE CONCUR:**




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



**AMY C. LAZARO-JAVIER**  
Associate Justice



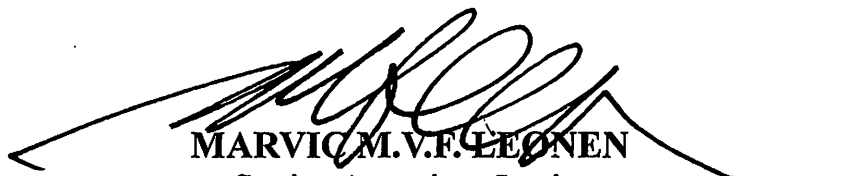
**JHOSEP Y. LOPEZ**  
Associate Justice



**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**  
Senior Associate Justice  
Chairperson, Second 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