



Republic of the Philippines

Supreme Court

Baguio City

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

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PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 227704

Present:

CARPIO, J., Chairperson,  
PERLAS-BERNABE,\*  
CAGUIOA,  
J. REYES, JR., and  
LAZARO-JAVIER, JJ.

- versus -

SUSAN SAYO y REYES and  
ALFREDO ROXAS y SAGON,  
Accused-Appellants.

Promulgated:

10 APR 2019

*[Signature]*

x-----x

DECISION

CAGUIOA, J.:

Subject of this appeal<sup>1</sup> is the Decision<sup>2</sup> of June 26, 2015 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04914 which affirmed the Decision<sup>3</sup> dated September 23, 2010 of the Regional Trial Court (RTC), Pasig City, Branch 261, convicting accused-appellants Susan Sayo y Reyes (Sayo) and Alfredo Roxas y Sagon (Roxas) (collectively referred to as accused-appellants) for violation of Republic Act No. (RA) 9208 or the *Anti-Trafficking in Persons Act of 2003*.<sup>4</sup>

Facts

On November 16, 2005, accused-appellants were indicted under the following Information:<sup>5</sup>

\* On leave.

<sup>1</sup> See Notice of Appeal, CA *rollo*, pp. 131-133.

<sup>2</sup> *Rollo*, pp. 2-16. Penned by Associate Justice Leoncia Real-Dimagiba, with Associate Justices Ramon R. Garcia and Maria Elisa Sempio Diy concurring.

<sup>3</sup> CA *rollo*, pp. 14-21. Penned by Acting Presiding Judge Lili Cruz Suarez.

<sup>4</sup> 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, May 26, 2003.

<sup>5</sup> CA *rollo*, pp. 6-7.

*[Handwritten signature]*

That on November 15, 2005, in Pasig City, and within the jurisdiction of the Honorable Court, accused Susan Sayo, willfully and unlawfully, did then and there, recruit and transport minors [AAA<sup>6</sup>], 15 years old, [BBB<sup>7</sup>], 16 years old, together with [CCC<sup>8</sup>], by taking advantage of their vulnerability, for the purpose of prostitution and sexual exploitation; while accused Alfredo Roxas, in conspiracy with accused Sayo, did then and there, willfully, and unlawfully, own, manage and operate a room in his apartment in Pasig City used as a prostitution den, receive and harbor said trafficked persons, also by taking advantage of their vulnerability and for the purpose of prostitution and sexual exploitation.

Contrary to law.<sup>9</sup>

Accused-appellants pleaded not guilty upon arraignment.

The prosecution's and defense's contrasting versions of the events, as summarized by the CA, are as follows:

#### **The Prosecution's Evidence**

The combined testimonies of AAA, BBB, and CCC known as the "plaza girls" disclosed that several months prior to November 15, 2005, these "plaza girls" have been under the control and supervision of SAYO as commercial sex workers. AAA testified in open court that she was only fifteen (15) years old at the time she began working for SAYO in December 2004. The Certificate of Live Birth issued by the National Statistics Office showed that she was born on May 2, 1990. Same is true with BBB who testified that she was born on November 11, 1989 and thus, indeed, a minor during their rescue on November 15, 2005.

The "plaza girls" were introduced to SAYO on different occasions in 2004 by other "plaza girls." SAYO then started to act as a pimp providing them with male customers for a certain percentage. The "plaza girls" give her a flat rate of Fifty Pesos (P50.00) for every male customer who will pay them Three Hundred Pesos (P300.00) and Two Hundred Pesos (P200.00) for every Seven Hundred Pesos (P700.00) paying customer.

SAYO would regularly furnish AAA, BBB and CCC with male customers on the average five (5) customers per week. Whenever they have customers, SAYO would bring them either to a motel or to ALFREDO ROXAS's house who provides them a room for One Hundred Pesos (P100.00) for thirty (30) minutes use of the room. ROXAS also provides condom for the male customers at Thirty Pesos (P30.00).

On November 3, 2005, the Criminal Investigation and Detection Group-Women and Children Complaint Division (CIDG-WCCD) received a

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<sup>6</sup> The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]) and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> CA rollo, p. 6.

letter from the International Justice Mission (IJM), an International Non-Government Human Rights Organization, requesting for police assistance on the possible rescue of three (3) minors exploited for prostitution in Pasig City.

Acting on said request, PO2 Leonardo So conducted on November 8, 2005 further surveillance to confirm the veracity of the report. It was verified and confirmed that there were rampant offerings of minor prostitutes at the Pasig Plaza, specifically by a pimp named SUSAN SAYO. Hence, on November 15, 2005, the CIDG-WCCD headed by Superintendent Sotera P. Macatangay conceptualized an entrapment operation called "Oplan Sagip Angel." A team was organized composed of WCCD operatives, representatives from IJM and DSWD-NCR for the rescue operation.

During the briefing, PO3 Anthony Ong, PO2 Leonardo So and an agent from IJM were designated to act as poseur-costumers. Then, one (1) five hundred peso bill and fifteen (15) one hundred peso bills amounting to Two Thousand Pesos (P2,000.00) were prepared and sent to PNP-Crime Laboratory for Ultra Violet Powder dusting. The peso bills would be utilized during the entrapment operation as payments to the owner of the apartment/room, for the pimp and for the services of the "plaza girls".

The "Oplan Sagip Angel" operatives proceeded to the target area in Pasig City. The three men who were tasked to pretend as customers stayed in front of the church at the Pasig Plaza. They were approached by SAYO who bluntly asked if they wanted women and she further inquired if they wanted 15 year-old girls. The three customers agreed to take the 15 year-old girls offered by SAYO for Three Hundred Pesos (P300.00) each. Thereafter, SAYO informed the three customers about a room in Baltazar Street which they could rent for P100.00 for each couple. The customers agreed on the price.

Meanwhile, SAYO informed the "plaza girls" on November 15, 2005 that they have customers for that night. AAA, BBB and CCC met SAYO at the Pasig Plaza. There, she introduced them to the three men. The three male customers were actually the agents of the CIDG-WCCD and IJM. After the negotiation was concluded, all of them proceeded to the house of ALFREDO ROXAS at No. 638 Baltazar Street, Brgy. Sto. Tomas, Pasig City on board a tricycle. Upon reaching the house, they were greeted by "FRED" ROXAS who openly discussed with SAYO in front of the customers and the ["plaza girls"] regarding the transaction for the night. ROXAS told that the room rate for each couple is P100.00. AAA saw the customers gave to ROXAS the Three Hundred Pesos (P300.00).

The undercover agents, SAYO and ROXAS talked about the payment for the girls' services outside the house. When the Nine Hundred Pesos (P900.00) was handed by one of the customers to SAYO to cover the payment for the services of AAA, BBB and CCC, the CIDG-WCCD agents announced that it was a raid. At that point, PO3 Anthony Ong executed the pre-arranged signal, in reaction to which, the back-up operatives who were deployed in different strategic locations rushed towards them and arrested SAYO and ROXAS.

Recovered from the possession of ALFREDO ROXAS was the marked money amounting to Three Hundred Pesos (P300.00), the payment for the use of the room for sexual activities while the Nine Hundred Pesos (P900.00) intended for the sexual services to be provided



by the “plaza girls” was recovered from SUSAN SAYO. Thereafter, the two [accused-]appellants and the “plaza girls” were brought to the headquarters of CIDG-WCCD in Camp Crame Quezon City for investigation, documentation and medico-legal examination. After staying there for a day, the “plaza girls” were brought under the care of the Department of Social Welfare and Development (DSWD) in Marilac Hills, Alabang, Muntinlupa City.

### **The [Defense’s] Evidence**

x x x x

SAYO testified on direct examination that on November 15, 2005, between 9:00 to 9:30 o’clock in the evening, while barking for jeepney passengers in front of the Pasig Cathedral Church, she saw CCC, AAA and BBB together with the three male persons. This group of men and CCC approached her and arrested her. CCC asked her to accompany them to ALFREDO’s house in exchange for One Hundred Pesos (P100.00). SAYO agreed and they boarded a tricycle heading towards Sto. Tomas, Pasig City. Thereat, SAYO was surprised when a man suddenly grabbed her arm when she alighted from the tricycle. She was taken to a dark place and hauled immediately to a vehicle and brought to jail where she met for the first time her co-accused ROXAS.

x x x x

ALFREDO ROXAS, on the other hand, claimed that on the night of November 15, 2005, he was sleeping in his house in Baltazar Street, Sto. Tomas. He was awakened by the barks of the dogs. He went outside to see for himself what was that commotion all about. He saw CCC and Susan [Sayo] along with the men[,] AAA and BBB. One of the men asked him if they could rent his room since it was the birthday of [CCC’s] compadre, but he refused. After rejecting their request for several times, the male persons forced him to accept the money which turned out to be dusted with ultra violet powder. He admitted having known CCC, AAA and BBB for about 6 to 7 months prior to the incident. As for SAYO, he just only met her on that day of November 15, 2005 in front of the church in the Pasig Plaza. When asked how he came to know CCC, AAA and BBB, he said that they were just introduced to him by someone in their place.<sup>10</sup>

### ***Ruling of the RTC***

The RTC promulgated its Decision<sup>11</sup> on September 23, 2010.

The RTC first discussed the procedural infirmity in the Information as it contained more than one offense. Under Section 13, Rule 110 of the Revised Rules of Criminal Procedure, the Information must charge only one offense except when the law prescribes a single punishment for various offenses.

Sayo was charged with recruiting and transporting AAA and BBB (minors), as well as CCC (of legal age) for prostitution. In the same Information, Roxas was separately accused of managing and operating a

<sup>10</sup> *Rollo*, pp. 4-7.

<sup>11</sup> *CA rollo*, pp. 14-21.

room in his apartment to be used for prostitution. Thus, the Information was duplicitous. Be that as it may, the RTC held that the accused-appellants had waived any objection to the Information as they failed to object prior to their arraignment. Citing *Dimayacyac v. Court of Appeals*,<sup>12</sup> the RTC held that with the waiver, the accused may be charged and convicted of as many offenses as those charged in the Information and proved during trial.<sup>13</sup>

On the substantive issue, the RTC held that the prosecution was able to prove the guilt of accused-appellants beyond reasonable doubt. The testimonies of AAA, BBB, and CCC were clear, categorical, and corroborative of each other's testimony. The testimony of the arresting officer, PO2 Anthony Ong (PO2 Ong), was also categorical and straightforward regarding the investigation, pre-surveillance, entrapment procedure, and arrest of the accused-appellants.<sup>14</sup>

On the other hand, both accused-appellants merely interposed the defenses of denial and alibi which are both inherently weak defenses. For denial to prosper, there must be strong evidence that the accused was not capable of committing the crime. For alibi, the accused must prove that he was at some other place which made it physically impossible for him to be at the *locus criminis* at the time of commission. Contrary to the accused's defenses, the RTC held that in fact, both the accused in this case were arrested as a result of an entrapment operations.<sup>15</sup>

The dispositive portion of the RTC Decision held:

WHEREFORE, in light of all the foregoing considerations, accused SUSAN SAYO y REYES is hereby found GUILTY beyond reasonable doubt of Qualified Trafficking in Persons under Section 4 (a,e) and Section 6 (a) of R.A. 9208 insofar as minors AAA and BBB, and is sentenced to suffer life imprisonment and to pay a fine of Two Million Pesos ([P]2,000,000.00) insofar as minors AAA and BBB are concerned.

Accused ALFREDO ROXAS y SAGON is likewise found GUILTY beyond reasonable doubt of Qualified Trafficking in Persons under Section 5 (a) and Section 6 (a) of R.A. 9208, insofar as minors AAA and BBB are concerned, and is sentenced to suffer life imprisonment and to pay a fine of Two Million Pesos ([P]2,000,000.00).

As for complainant [CCC] who was no longer a minor at the time of commission of the offense, accused Susan Sayo is found GUILTY beyond reasonable doubt of the offense of trafficking in persons under Section 4 (a, e) of R.A. 9208 and is sentenced to suffer imprisonment of twenty (20) years and to pay a fine of One million pesos (P1,000,000.00). Accused Alfredo Roxas y Sagon is likewise found GUILTY beyond reasonable doubt of the offense of trafficking in persons under Section 5(a) of R.A.

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<sup>12</sup> 474 Phil. 139 (2004).

<sup>13</sup> CA *rollo*, pp. 17-18.

<sup>14</sup> See *id.* at 19-20.

<sup>15</sup> *Id.* at 20.

9208 and is sentenced to suffer the penalty of imprisonment of fifteen (15) years and to pay a fine of Five hundred thousand pesos (P500,000.00).

**SO ORDERED.**<sup>16</sup>

### ***The CA Decision***

On appeal, the CA affirmed the RTC Decision with modification, by adding an award of moral and exemplary damages, but only to AAA and BBB. There was no discussion on the omission of CCC in the award of damages.<sup>17</sup>

The dispositive portion of the CA Decision stated:

**WHEREFORE**, premises considered, the assailed Decision of the trial court dated September 23, 2010 is **AFFIRMED** with **MODIFICATIONS**. As modified:

(1) **SUSAN SAYO Y REYES** is hereby found **GUILTY** beyond reasonable doubt of violating Section 4 (a) (e) qualified by Section 6 (a) of Republic Act No. 9208 insofar as minors AAA and BBB are concerned and is sentenced to suffer the penalty of **LIFE IMPRISONMENT** without eligibility for parole and to pay a fine of Two Million Pesos (P2,000,000.00). In addition, she is ordered to pay each AAA and BBB P500,000.00 as moral damages; and P100,000.00 as exemplary damages.

(2) **ALFREDO ROXAS Y SAGON** is likewise found **GUILTY** beyond reasonable doubt of violating Section 5 (a) qualified by Section 6 (a) of R.A. No. 9208, insofar as minors AAA and BBB are concerned, and is sentenced to suffer the penalty of **LIFE IMPRISONMENT** without eligibility for parole and to pay a fine of Two Million Pesos (P2,000,000.00). In addition, he is ordered to pay each AAA and BBB P500,000.00 as moral damages; and P100,000.00 as exemplary damages.

(3) As for the complainant CCC, who was no longer a minor at the time of the commission of the offense, **SUSAN SAYO Y REYES** is found **GUILTY** beyond reasonable doubt of violating Section 4 (a) (e) of R.A. 9208 and is sentenced to suffer imprisonment of Twenty (20) years and to pay a fine of One Million Pesos (P1,000,000.00). **ALFREDO ROXAS Y SAGON** is likewise found **GUILTY** beyond reasonable doubt of violating Section 5 (a) of R.A. 9208 and is sentenced to suffer the penalty of imprisonment of Fifteen (15) years and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

**SO ORDERED.**<sup>18</sup>

Accused-appellants filed a Notice of Appeal<sup>19</sup> on July 30, 2015, which was given due course by the CA in its Resolution<sup>20</sup> dated August 20, 2015. Both plaintiff-appellee and accused-appellants manifested before the Court that they would not be filing supplemental briefs.<sup>21</sup>

<sup>16</sup> Id. at 20-21.

<sup>17</sup> See CA Decision, *rollo*, pp. 2-16.

<sup>18</sup> Id. at 15.

<sup>19</sup> CA *rollo*, pp. 131-133.

<sup>20</sup> Id. at 134.

<sup>21</sup> *Rollo*, pp. 29-32, 41-45.



In a Certification<sup>22</sup> issued on May 12, 2017, the Correctional Institution for Women, Bureau of Corrections, certified that Sayo had died on November 30, 2011 due to multiple organ failure, secondary to cervical cancer, attaching thereto the Certificate of Death<sup>23</sup> issued by the Office of the Civil Registrar.

### Issue

Whether the guilt of Roxas was proven beyond reasonable doubt.

### The Court's Ruling

#### *Sayo's death extinguished her criminal and civil liability*

At the outset, the Court notes that Sayo had already died on November 30, 2011. Thus, the death of Sayo extinguished her criminal liability. Article 89, paragraph 1 of the Revised Penal Code provides:

ART. 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment[.]

Likewise, the civil liability of Sayo arising from her criminal liability is extinguished upon her death. The rules on the effect of the death of the accused on civil liability pending appeal are summarized in *People v. Bayotas*:<sup>24</sup>

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil liability based solely thereon. As opined by Justice Regalado, in this regard, "the death of the accused prior to final judgment terminates his criminal liability and *only* the civil liability *directly* arising from and based solely on the offense committed, *i.e.*, civil liability *ex delicto in senso strictiore*."

2. Corollarily, the claim for civil liability survives notwithstanding the death of accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

- a) Law
- b) Contracts

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<sup>22</sup> Id. at 24.

<sup>23</sup> Id. at 26.

<sup>24</sup> 306 Phil. 266 (1994).

- c) Quasi-contracts
- d) x x x
- e) Quasi-delicts

3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure as amended. This separate civil action may be enforced either against the executor/administrator or the estate of the accused, depending on the source of obligation upon which the same is based as explained above.<sup>25</sup>

Applying these established rules in the instant case, the death of Sayo extinguished her criminal and civil liability inasmuch as she is no longer a defendant to stand as the accused; the civil action is also extinguished, as it is grounded on the criminal action.<sup>26</sup>

Thus, the Decision of the Court will now solely focus on the criminal liability of Roxas.

***Affirmed factual findings of the RTC  
are afforded great respect by the  
Court***

Upon judicious review of the records of the case, the Court affirms the factual findings of the RTC, as affirmed by the CA. The Court upholds the findings of the courts *a quo* that Roxas knowingly leased a room in his house for the purpose of prostitution.

It is an established doctrine in appellate review that factual 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 these are affirmed by the CA, as in this case.<sup>27</sup>

As correctly held by the RTC and affirmed by the CA, the testimonies of AAA, BBB, and CCC were direct, straightforward, and corroborative of each other's testimonies. Likewise, the testimony of the arresting officer, PO2 Ong detailed the conduct of the whole entrapment procedure. On the other hand, Roxas merely interposed the weak defenses of denial and alibi. The positive identification and testimonies of the witnesses greatly outweigh Roxas' bare denials.

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<sup>25</sup> Id. at 282-283.

<sup>26</sup> See *People v. Egagamao*, 792 Phil. 500, 508 (2016).

<sup>27</sup> See *People v. Aguirre*, G.R. No. 219952, November 20, 2017, 845 SCRA 227, 238.





However, the Court deems it fit to modify the legal conclusions of the courts *a quo*, with regard to the offense committed and the appropriate penalty.

***Roxas committed Acts that Promote Trafficking in Persons as defined under Section 5(a) of RA 9208***

Roxas was convicted of Qualified Trafficking of Persons, under Section 5(a) in relation to Section 6 of RA 9208 in connection with minors AAA and BBB and was sentenced to suffer life imprisonment and to pay a fine of Two Million Pesos (₱2,000,000.00). With regard to CCC, who was of legal age at the time of the offense, Roxas was convicted of Trafficking in Persons under Section 5(a) of RA 9208 and was sentenced to imprisonment of fifteen (15) years and to pay a fine of Five Hundred Thousand Pesos (₱500,000.00).

The courts *a quo* committed serious error in convicting Roxas for Qualified Trafficking of Persons and Trafficking in Persons as the offenses proscribed under Section 5 of RA 9208 are properly denominated as Acts that Promote Trafficking in Persons.

Thus, the Court affirms with modification Roxas' conviction and holds that he is guilty of one count of violation of Section 5(a) of RA 9208 for Acts that Promote Trafficking in Persons and **not** Trafficking in Persons, qualified or otherwise.

There are four punishable acts under RA 9208: (1) Acts of Trafficking in Persons under Section 4;<sup>28</sup> (2) Acts that Promote Trafficking in Persons

<sup>28</sup> SEC. 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;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

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

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

under Section 5;<sup>29</sup> (3) Violation of the Confidentiality Rule under Section 7<sup>30</sup> in relation to Section 10(d); and (4) Use of Trafficked Persons under Section 11.<sup>31</sup>

The offense of Trafficking in Persons under Section 4 and Acts that Promote Trafficking in Persons under Section 5 of RA 9208 are separate and distinct offenses with their own corresponding penalties. Section 6 provides for qualifying circumstances of Trafficking in Persons under Section 4, which when alleged and proved, will merit the imposition of the maximum penalty of life imprisonment and a fine of Two Million Pesos (₱2,000,000.00) but not more than Five Million Pesos (₱5,000,000.00) under Section 10(c).

The relevant portions of the provisions are quoted below:

<sup>29</sup> SEC. 5. *Acts that Promote Trafficking in Persons.* — The following acts which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;

(f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and

(g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

<sup>30</sup> SEC. 7. *Confidentiality.* — At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons.

<sup>31</sup> SEC. 11. *Use of Trafficked Persons.* — Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:

(a) First offense — six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and

(b) Second and subsequent offenses — imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

SEC. 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;

x x x x

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

x x x x

SEC. 5. *Acts that Promote Trafficking in Persons.* — The following acts which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;

x x x x

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

(a) When the trafficked person is a child[.] (Emphasis supplied)

Section 10 of RA 9208 provides for the penalties of the above:

SEC. 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);

(b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

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

Thus, Section 4 of RA 9208 refers to those acts which directly involve trafficking in persons, such as recruitment, transport, transfer, harboring, receiving, buying, offering, selling, or trading persons to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage. Meanwhile, Section 5 refers to

those acts that promote or facilitate any of the aforementioned predicate acts of Trafficking in Persons.

In arriving at its Decision, the RTC reasoned:

As for accused Alfredo Roxas, based on the evidence adduced during trial, the prosecution was able to establish that Alfredo Roxas owned a house/apartment; that said house/apartment had a room; that the room was offered for lease for every paying customer of the complainants; that accused Roxas, in consideration of the sum of One Hundred (100) pesos, would allow the complainants and her (*sic*) customers to use the room and engage in sex therein; that Roxas had knowledge of the fact that the complainants engaged in sex for a fee as he cleaned the room after the complainant and her customer finished using it; that, moreover, he sold condoms to complainant's male customers before using the room. **All of these acts promoted trafficking in persons as defined under Section 5 of [RA 9208].**<sup>32</sup> (Emphasis and underscoring supplied)

The RTC found that Roxas violated Section 5(a) of RA 9208 for knowingly leasing a room for the purpose of prostitution. Unfortunately, in spite of this, it still convicted Roxas of Qualified Trafficking in Persons as regards minors AAA and BBB and Trafficking in Persons as regards CCC. The CA, for its part, affirmed the RTC's ruling.

The RTC and the CA thus committed serious error as the proper denomination of the offense is Acts that Promote Trafficking in Persons under Section 5(a). In this regard, it should be noted that the offenses punished under Section 5 cannot be qualified by Section 6 as what the latter seeks to qualify is the act of trafficking and not the promotion of trafficking. To be sure, this was clarified in the amendatory law, RA 10364<sup>33</sup> or the *Expanded Anti-Trafficking in Persons Act of 2012* where Section 6 was amended accordingly:

SEC. 9. Section 6 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 6. *Qualified Trafficking in Persons.* –  
**Violations of Section 4 of this Act shall be considered as qualified trafficking:**

“X X X

“(d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

<sup>32</sup> CA *rollo*, p. 19.

<sup>33</sup> AN ACT EXPANDING REPUBLIC ACT NO. 9208, 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,” February 6, 2013.

“x x x

“(f) When the offender is a member of the military or law enforcement agencies;

“(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);

“(h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and

“(i) When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.” (Emphasis and underscoring supplied)

As can be gleaned from the above amendment, only violations of Section 4 on Trafficking in Persons can be qualified. Section 5 on Acts that Promote Trafficking in Persons, being separate and distinct offenses, cannot be qualified as the law does not expressly provide therefor. The clarificatory amendment, being beneficial to the accused, must be applied in his favor.<sup>34</sup>

Accordingly, Roxas' conviction of Qualified Trafficking in Persons and Trafficking in Persons as well as the sentence of life imprisonment and a fine of Two Million Pesos (₱2,000,000.00) must be modified.

The denomination of his conviction is corrected to Acts that Promote Trafficking in Persons under Section 5(a) of RA 9208 with the appropriate penalty of imprisonment of fifteen (15) years and a fine of Five Hundred Thousand Pesos (₱500,000.00).

***Roxas is liable for moral and exemplary damages to AAA, BBB, and CCC***

The award of damages is likewise modified. Moral damages are prescribed under Articles 2217 and 2219 of the Civil Code:

ART. 2217. Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of the defendant's wrongful act or omission.

<sup>34</sup> *Ortega v. People*, 584 Phil. 429 (2008).

x x x x

ART. 2219. Moral damages may be recovered in the following and analogous cases:

- (1) A criminal offense resulting in physical injuries;
- (2) Quasi-delicts causing physical injuries;
- (3) **Seduction, abduction, rape, or other lascivious acts;**
- (4) Adultery or concubinage;
- (5) Illegal or arbitrary detention or arrest;
- (6) Illegal search;
- (7) Libel, slander or any other form of defamation;
- (8) Malicious prosecution;
- (9) Acts mentioned in Article 309;
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.

The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this article, may also recover moral damages.

The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this article, in the order named. (Emphasis supplied)

In turn, exemplary damages are awarded in addition to moral damages by way of example of correction for the public good:

ART. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

ART. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

Moral and exemplary damages of ₱500,000.00 and ₱100,000.00, respectively, are ordinarily awarded in cases of Trafficking in Persons as a prostitute. The *ratio* for the award of damages in said cases was explained in *People v. Lalli*.<sup>35</sup>

The criminal case of Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse. To be trafficked as a prostitute without

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<sup>35</sup> 675 Phil. 126 (2011).



one's consent and to be sexually violated four to five times a day by different strangers is horrendous and atrocious. There is no doubt that Lolita experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, and social humiliation when she was trafficked as a prostitute in Malaysia. Since the crime of Trafficking in Persons was aggravated, being committed by a syndicate, the award of exemplary damages is likewise justified.<sup>36</sup>

In the instant case, while the Information alleged that Roxas "received and harbored" AAA, BBB, and CCC, it was not proven during the trial that Roxas directly participated in their prostitution or solicited or assigned customers for them. However, his act of renting out a room in his house promoted and facilitated their prostitution. Roxas profited from the rental of the room and his actions are just as deplorable.

In *Planteras, Jr. v. People*,<sup>37</sup> the Court set the award of moral and exemplary damages at ₱100,000.00 and ₱50,000.00 in cases of Acts that Promote Trafficking in Persons under Section 5(a) of RA 9208.

Thus, Roxas is liable to pay moral and exemplary damages to AAA, BBB, and CCC of ₱100,000.00 and ₱50,000.00 each. The monetary awards due to the victims shall earn legal interest of six percent (6%) per annum from finality of judgment until full payment.<sup>38</sup>

**WHEREFORE**, in view of the foregoing, the Court **RESOLVES** to:

1. **DECLARE** accused-appellant ALFREDO ROXAS y SAGON, **GUILTY** of **ACTS THAT PROMOTE TRAFFICKING IN PERSONS** under Section 5(a) of Republic Act No. 9208, as amended, for which he is sentenced to suffer the penalty of imprisonment of fifteen (15) years and a fine of Five Hundred Thousand Pesos (₱500,000.00) as provided for under Section 10(b) of the same law.
2. **ORDER** accused-appellant ALFREDO ROXAS y SAGON to **PAY** AAA, BBB, and CCC, the amounts of ₱100,000.00 and ₱50,000.00 each, as moral and exemplary damages, subject to legal interest of six percent (6%) per annum from finality of judgment until full payment.
3. **DISMISS** the case insofar as accused-appellant SUSAN SAYO y REYES is concerned, in view of her death.

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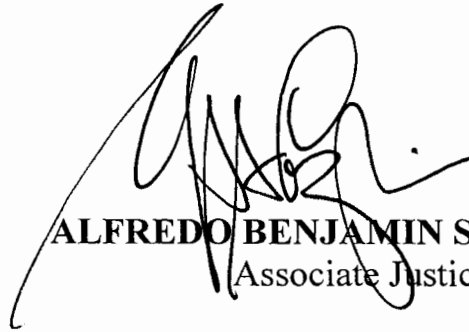
<sup>36</sup> Id. at 159.

<sup>37</sup> G.R. No. 238889, October 3, 2018.

<sup>38</sup> *People v. Jugueta*, 783 Phil. 806 (2016).



**SO ORDERED.**



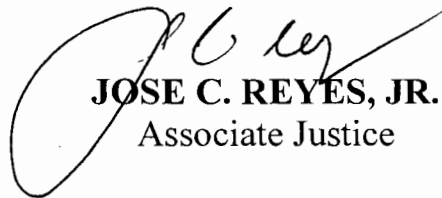
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

(On leave)  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice




**JOSE C. REYES, JR.**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
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.

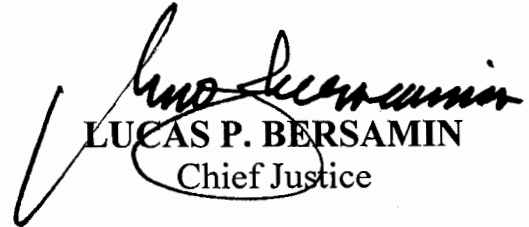


**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson, Second Division



**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.

  
LUCAS P. BERSAMIN  
Chief Justice

