



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 247956  
*Plaintiff-Appellee,*

Present:

PERLAS-BERNABE, S.A.J.,  
*Chairperson,*

- versus -

HERNANDO,  
 INTING,  
 DELOS SANTOS, and  
 BALTAZAR-PADILLA,\* JJ.

PRINCESS GINE C. SAN  
 MIGUEL,  
*Accused-Appellant.*

Promulgated:

07 OCT 2020

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DECISION

INTING, J.:

This is an appeal<sup>1</sup> from the Decision<sup>2</sup> dated December 17, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09504. The assailed CA Decision affirmed the Decision<sup>3</sup> dated May 17, 2017 of Branch 4, Regional Trial Court (RTC), Manila finding Princess Gine C. San Miguel (accused-appellant) guilty beyond reasonable doubt of Trafficking in Persons defined under Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. (RA) 9208,<sup>4</sup> as amended by RA 10364.<sup>5</sup>

\* On leave.

<sup>1</sup> See Notice of Appeal dated January 21, 2019, *rollo*, pp. 12-13.

<sup>2</sup> *Id.* at 3-11; penned by Associate Justice Mario V. Lopez (now a member of the Court) with Associate Justices Zenaida T. Galapate-Laguilles and Ronaldo Roberto B. Martin, concurring.

<sup>3</sup> CA *rollo*, pp. 45-57; penned by Presiding Judge Jose Lorenzo R. Dela Rosa.

<sup>4</sup> Anti-Trafficking in Persons Act of 2003.

<sup>5</sup> Expanded Anti-Trafficking in Persons Act of 2012.

### *The Antecedents*

The case stemmed from an Information filed before the RTC charging accused-appellant with trafficking minors: AAA<sup>6</sup> (14 years old), BBB (15 years old); and adults, CCC and DDD. The Information reads:

That on or about the 26<sup>th</sup> day of March 2015, at Broadway Lodge located at the corners of C.M. Recto and Calero Streets in the City of Manila, which is within the jurisdiction of this Honorable Court, the above-named accused did then and there, willfully, knowingly, unlawfully and feloniously hire and/or recruit [CCC], [DDD] and minors [AAA], 14 years old, and [BBB], 15 years old, and offer them to customers, by acting as their procurer, for the purpose of prostitution and other forms of sexual exploitation for money, profit or any other consideration, to the damage and prejudice of said persons.

CONTRARY TO LAW.<sup>7</sup>

Upon arraignment, accused-appellant pleaded not guilty to the charge.<sup>8</sup> Trial on the merits ensued.

### *Version of the Prosecution*

On March 24, 2015, the National Bureau of Investigation (NBI)-Anti Human Trafficking Division (AHTRAD) received a report about human trafficking activities outside Isetann Mall located at Recto corner Evangelista Street, Manila. This prompted the Intelligence Agents (IA) of NBI-ATHRAD to conduct police surveillance in the area to verify the report. IA John Rolex Follosco (Agent Follosco) alleged that when their team arrived in Isetann Mall, they positioned themselves at the entrance

<sup>6</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;" RA 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;" Section 40 of Administrative Matter No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

<sup>7</sup> *Rolle*, pp. 3-4.

<sup>8</sup> *Id.* at 4.

of the mall. While they were at the entrance, accused-appellant approached them and particularly offered to Agent Folloosco a "*gimik*." Agent Folloosco replied by saying, "*sige patingin*." Accused-appellant then pointed to the girls seated at the sidewalk, and said that each girl costs ₱800.00. When Agent Folloosco told accused-appellant that they do not have money, accused-appellant gave him her cellphone number. The team left thereafter.<sup>9</sup>

On March 26, 2015, NBI-AHTRAD Chief Atty. Czar Eric M. Nuqui (Chief Nuqui) organized an entrapment operation against accused-appellant. During the meeting, Chief Nuqui formed a team wherein he designated Agents Folloosco, Eduardo Collegio (Agent Collegio), William France and Glenn Melodillar as *poseur*-costumers. One of the team members informed accused-appellant, through a text message, to meet them at Isetann Mall at about 7:00 p.m. In the meantime, the team prepared the coordination form with the Manila Police District and the Department of Social Welfare and Development (DSWD). The team also prepared 12 pieces of ₱500-bills as marked money.<sup>10</sup>

The team then proceeded to the target area. There, they met accused-appellant, who told them to wait because she needed to call the girls. After a few minutes, two girls arrived. Thereafter, she invited the team to Broadway Lodge where two other girls were already waiting at the lobby. Accused-appellant asked ₱600.00 from them for the payment of four rooms. At that point, Agent Collegio handed the marked money. As accused-appellant was giving the room keys to Agent Collegio, she reminded the *poseur*-customers of the payment for the girls. At that point, Agent Folloosco executed the pre-arranged signal by sending a text message to the other police officers who served as back-up: "*kumpleto na ang mga babae*." In no time, the police officers, together with the NBI-AHTRAD agents, arrived at the area and arrested accused-appellant. The team then brought accused-appellant to the office of NBI-AHTRAD where she was later identified.<sup>11</sup>

The DSWD took custody of the four girls: AAA, BBB, CCC, and DDD. The four executed their respective sworn affidavits. However, only the minors AAA and BBB were presented in court to testify. Their statements revealed that for the last six months, they were peddled by

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 4-5.

<sup>11</sup> *Id.* at 5.

accused-appellant to perform sexual activities with various men in exchange for money.<sup>12</sup>

*Version of the Defense*

Accused-appellant denied the accusation. She averred that she was not a pimp, but one of the prostitutes who was rescued from the operation; and that as a prostitute, she avoided courting her transaction with pimps because she did not want to pay commission fees.<sup>13</sup>

*The Ruling of the RTC*

In the Decision<sup>14</sup> dated May 17, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of the offense of Qualified Trafficking in Persons as defined under RA 9208, as amended. The RTC sentenced accused-appellant to suffer the penalty of life imprisonment. It likewise ordered her to pay the fine of ₱2,000,000.00. Moreover, the RTC ordered accused-appellant to pay AAA and BBB ₱500,000.00 each as moral damages, and ₱100,000.00 each as exemplary damages.

*The Ruling of the CA*

On December 17, 2018, the CA affirmed accused-appellant's conviction for the offense of Qualified Trafficking in Persons, the penalty of life imprisonment, fine of ₱2,000,000.00 imposed upon her, the award of ₱500,000.00 for moral damages, and ₱100,000.00 for exemplary damages each to AAA and BBB.<sup>15</sup>

Hence, the instant appeal.

The parties adopted their respective Appellant's and Appellee's Briefs filed before the CA as their Supplemental Briefs in the Court.<sup>16</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 6.

<sup>14</sup> *CA rollo*, pp. 45-57.

<sup>15</sup> *Rollo*, p. 11.

<sup>16</sup> See Manifestation in lieu of Supplemental Brief for the accused-appellant, *id.* at 23-25; See Resolution dated November 27, 2019 of the Court for the plaintiff-appellee, *id.* at 21.

Accused-appellant insists that there was no valid entrapment operation that was conducted, and that she was only instigated into committing the offense by the NBI agents. Likewise, she claims that both the RTC and the CA erred in not giving credence to her defense of denial.

On the other hand, the Office of the Solicitor General (OSG) argues that all the elements of the offense are present. According to the OSG, AAA and BBB positively identified accused-appellant as the person who recruited and offered them for prostitution. Moreover, the OSG maintains that the NBI operation was a valid entrapment against accused-appellant.

#### *The Court's Ruling*

The appeal has no merit.

Well-settled is the rule that findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.<sup>17</sup> The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.<sup>18</sup> Thus, generally, the Court will not reexamine evidence that had been analyzed and ruled upon by the RTC.

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the RTC and CA's uniform factual findings. The Court affirms accused-appellant's conviction.

*The NBI agents conducted a valid entrapment operation.*

<sup>17</sup> *People v. Aspa, Jr.*, G.R. No. 229507, August 6, 2018, citing *People v. De Guzman*, 564 Phil. 282, 290 (2017).

<sup>18</sup> *Id.*, citing *People v. Villarin*, 625 Phil. 698, 713 (2010).

The Court finds that accused-appellant was apprehended through a valid entrapment operation conducted by the NBI-AHTRAD. The Court had explained the distinction between an instigation and entrapment, to wit:

x x x Instigation means luring the accused into a crime that he, otherwise, had no intention to commit, in order to prosecute him. On the other hand, entrapment is the employment of ways and means in order to trap or capture a lawbreaker. Instigation presupposes that the criminal intent to commit an offense originated from the inducer and not the accused who had no intention to commit the crime and would not have committed it were it not for the initiatives by the inducer. In entrapment, the criminal intent or design to commit the offense charged originates in the mind of the accused; the law enforcement officials merely facilitate the apprehension of the criminal by employing ruses and schemes. In instigation, the law enforcers act as active co-principals. Instigation leads to the acquittal of the accused, while entrapment does not bar prosecution and conviction.<sup>19</sup>

In *People v. Doria*,<sup>20</sup> the court extensively discussed the objective test and the subjective test to determine whether there was a valid entrapment operation:

Initially, an accused has the burden of providing sufficient evidence that the government induced him to commit the offense. Once established, the burden shifts to the government to show otherwise. When entrapment is raised as a defense, American federal courts and a majority of state courts use the “subjective” or “origin of intent” test laid down in *Sorrells v. United States* to determine whether entrapment actually occurred. The focus of the inquiry is on the accused's predisposition to commit the offense charged, his state of mind and inclination before his initial exposure to government agents. All relevant facts such as the accused's mental and character traits, his past offenses, activities, his eagerness in committing the crime, his reputation, etc., are considered to assess his state of mind before the crime. The predisposition test emphasizes the accused's propensity to commit the offense rather than the officer's misconduct and reflects an attempt to draw a line between a “trap for the unwary innocent and the trap for the unwary criminal.” x x x Some states, however, have adopted the “objective” test. This test was first authoritatively laid down in the case of *Grossman v. State* rendered by the Supreme Court of Alaska. Several other states have subsequently adopted the test by judicial pronouncement or legislation. Here, the

<sup>19</sup> *People v. Mendoza*, 814 Phil. 31, 42 (2017), citing *People v. Dansico, et al.*, 659 Phil. 216, 225-226 (2011).

<sup>20</sup> 361 Phil. 595 (1999).

court considers the nature of the police activity involved and the propriety of police conduct. The inquiry is focused on the inducements used by government agents, on police conduct, not on the accused and his predisposition to commit the crime. For the goal of the defense is to deter unlawful police conduct. The test of entrapment is whether the conduct of the law enforcement agent was likely to induce a normally law-abiding person, other than one who is ready and willing to commit the offense; for purposes of this test, it is presumed that a law-abiding person would normally resist the temptation to commit a crime that is presented by the simple opportunity to act unlawfully.<sup>21</sup>

Using both tests, the Court finds that the NBI-AHTRAD conducted a valid entrapment operation. Accused-appellant, as a prostitute, has the predisposition to commit the offense even before she met the NBI agents. It is likewise worthy to emphasize the statements of AAA and BBB that accused-appellant had the history of engaging in human trafficking and exploiting young women for prostitution. AAA and BBB testified that for the last six months, before the entrapment operation, they were peddled by accused-appellant to perform sexual activities with various men in exchange for money.

In addition, records reveal that during a police surveillance, it was accused-appellant who approached the NBI agents and offered the services of AAA, BBB, and other girls in exchange for money. It was accused-appellant who commenced the transaction with Agent Follosco by calling his attention and asking him whether he and his companions wanted girls. When the NBI agents told her that they did not have money, it was accused-appellant who gave her number so that the agents can contact her in case they needed the sexual services of the girls. During the entrapment, accused-appellant brought the girls to a nearby hotel, asked for ₱600.00 for the payment of rooms, and reminded the NBI agents to pay her for the services of the girls. When the pre-arranged signal was sent, accused-appellant was arrested.

*All the elements of the offense  
are present.*

All the elements of the offense are present. The elements of Trafficking in Persons can be derived from its definition under Section 3(a) of RA 9208, as amended, thus: (1) the act of "recruitment,

<sup>21</sup> *Id.* at 610-612. Citations omitted.

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>22</sup>

On January 28, 2013, RA 10364, otherwise known as the Expanded Anti-Trafficking in Persons Act of 2012 was approved. Section 3(a) of RA 9208 was amended by RA 10364 as follows:

"SEC. 3. Definition of Terms. — As used in this Act:

"(a) *Trafficking in Persons* — refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

"The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation *or when the adoption is induced by any form of consideration for exploitative purposes* shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph. (Italics supplied.)

Under RA 10364, the elements of Trafficking in Persons have been expanded to include the following acts:

<sup>22</sup> *People v. Casio*, 749 Phil. 458, 473 (2014), citing Section 3(a) of Republic Act No. (RA) 9208. It was noted in this case that the definition is the original definition, considering that the crime was committed prior to the enactment of RA 10364.

- (1) The act of “recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders”;
- (2) The means used include “by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;
- (3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”<sup>23</sup>

The prosecution satisfactorily established the presence of the elements of the offense. Both the RTC and the CA found that AAA and BBB were recruited and offered for sexual exploitation in exchange for money to the NBI agents who merely acted as *poseur*-customers. Accused-appellant was engaged in the business of providing women to customers for money. The actions of accused-appellant established beyond reasonable doubt that she recruited AAA and BBB for purposes of prostitution.

Under Section 6(a) of RA 9208, as amended, the offense of Trafficking In Person is qualified “when the person trafficked is a child.” The prosecution was able to prove that both AAA and BBB were children<sup>24</sup> at the time of the commission of the offense. The minority of AAA and BBB has been sufficiently alleged in the Information and proven by their respective birth certificates.<sup>25</sup> Evidently, accused-appellant committed Qualified Trafficking in Persons.

*Accused-appellant's denial is a weak defense.*

<sup>23</sup> *Fzople v. Ramirez*, G.R. No. 217978, January 30, 2019.

<sup>24</sup> Section 3(b), RA 9208, as amended, provides:  
SEC. 3. *Definition of Terms.* — As used in this Act:  
x x x x

“(b) *Child* — refers to 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>25</sup> *Rollo*, p. 10.

In contrast to AAA and BBB's direct, positive, and categorical testimony and identification of accused-appellant as their pimp, accused-appellant's bare denial will not prevail.

Accused-appellant failed to substantiate her denial by any act that bolstered her credibility. Hence, the Court cannot accord the denial any credence.

No jurisprudence in criminal law is more settled than that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility and that alibi, on the other hand, is the "weakest of all defenses, for it is easy to contrive and difficult to disprove and for which reason it is generally rejected."<sup>26</sup>

Here, accused-appellant's bare denial that she sold AAA and BBB for prostitution to the *poseur*-customer is bereft of merit. Notably, accused-appellant admitted that she is a prostitute. Accused-appellant however, denied that she is the pimp of AAA and BBB. The denial is clearly weak, as it contravenes the evidence presented and the statements of AAA and BBB. Prosecution's evidence discloses that she offered to the NBI agents the sexual services of AAA, BBB, and two other girls in exchange for money. And the evidence is consistent with the straightforward testimonies of AAA and BBB that accused-appellant peddled them to various men for sexual services in exchange for money.

#### *Penalty and Damages.*

Considering that the qualifying circumstances of minority were alleged and proven during trial, the RTC and the CA did not err in convicting accused-appellant for Qualified Trafficking in Persons.

Section 10(c) of RA 9208 provides:

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

x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than

<sup>26</sup> *People v. Baguion*, G.R. No. 223553, July 4, 2018, 871 SCRA 1, 14.

Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

Thus, the RTC and the CA correctly imposed the penalty of life imprisonment, and a fine of P2,000,000.00 against accused-appellant.

Finally, the awards of moral damages of P500,000.00, and exemplary damages of P100,000.00 each to AAA and BBB, are consistent with the prevailing jurisprudence.<sup>27</sup> However, the Court deems it proper to impose on all monetary awards due to the victims legal interest of 6% *per annum* from the finality of judgment until full payment.<sup>28</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated December 17, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09504 is **AFFIRMED** with **MODIFICATION** in that the award of damages shall bear an interest of 6% *per annum* from the finality of the Decision until full payment.

**SO ORDERED.**

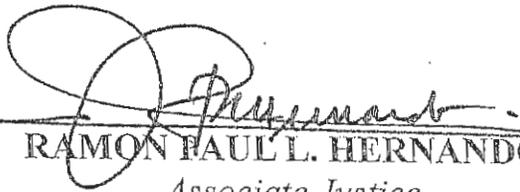
  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

<sup>27</sup> *People v. Aguirre, et al.*, 820 Phil. 1085, 1105 (2017), citing *People v. Lalli, et al.*, 675 Phil. 126, 158 (2011); *People v. Casio*, 749 Phil. 458, 482 (2014); and *People v. Hirang*, 803 Phil. 277, 292-293 (2017).

<sup>28</sup> *People v. XXX*, G.R. No. 235652, July 9, 2018, 871 SCRA 424, 437, citing *People v. Jugueta*, 783 Phil. 806, 854 (2016).

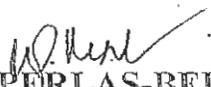
  
 RAMON PAUL L. HERNANDO  
*Associate Justice*

  
 EDGARDO L. DELOS SANTOS  
*Associate Justice*

(On leave)  
 PRISCILLA J. BALTAZAR-PADILLA  
*Associate Justice*

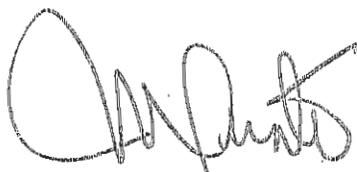
**ATTESTATION**

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.

  
 ESTELA M. PERLAS-BERNABE  
*Senior Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
 DIOSDADO M. PERALTA  
*Chief Justice*

