



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ARTURO REALEZA y G.R. No. 261882
VALENTON,
Petitioner,

- versus -

PEOPLE OF THE
PHILIPPINES,
Respondent.

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

Promulgated:

JAN 23 2023

X-----X

DECISION

KHO, JR., J.:

Assailed in this petition for review on *certiorari*¹ under Rule 45 of the Rules of Court is the Decision² dated November 12, 2021 of the Court of Appeals (CA) in CA-G.R. CR No. 43481, which affirmed with modification the Decision³ dated April 25, 2019 of the Regional Trial Court of [REDACTED] (RTC) finding petitioner Arturo Realeza y Valenton (Realeza) guilty beyond reasonable doubt of the crime of Trafficking in Persons, defined and penalized under Section 4 (a) of Republic Act No. (RA)

¹ Rollo, pp. 13-28.

² Id. at 32-46. Penned by Associate Justice Alfredo D. Ampuan with Associate Justices Pedro B. Corales and Raymond Reynold R. Lauigan concurring.

³ Id. at 69-82. Penned by Judge Ismael T. Duldulao.

Am...

9208,⁴ otherwise known as the "Anti-Trafficking in Persons Act of 2003," as amended by RA 10364.⁵

The Facts

This case stemmed from an Information⁶ filed before the RTC charging Realeza with Trafficking in Persons, defined and penalized under Section 4 (e) of RA 9208, as amended by RA 10364, the accusatory portion of which reads:

That on or about November 19, 2016, in [REDACTED] City, and within the jurisdiction of this Honorable Court, Arturo Realeza, did then and there, knowingly, willfully, unlawfully and feloniously hire and offer [AAA261882]⁷ to customers for sex in exchange for money, to her damage and prejudice.

CONTRARY TO LAW.⁸

The prosecution alleged that the National Bureau of Investigation (NBI) Special Task Force (STF) received an information from a confidential informant (CI) that a certain person residing in [REDACTED] City was offering a minor for sexual favors. The NBI agent, Romeo Tejuco, Jr. (Agent Tejuco) authenticated the information and found out that the said person was Realeza, who also had a standing warrant of arrest for violation of RA 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act." On the basis of the information, the NBI-STF conducted a surveillance operation and created a team for the purpose of entrapping Realeza.⁹

⁴ 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," approved on May 26, 2003.

⁵ Entitled "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," approved on February 6, 2013.

⁶ *Rollo*, p. 69.

⁷ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). See also Section 10 of R.A. No. 10364 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."

⁸ *Rollo*, p. 69.

⁹ *Id.* at 86.

File

On November 18, 2016, team members, Agent Ric James Espino (Agent Espino) and Alfred Mendiola (Mendiola) together with the CI went to Realeza's house in ██████ Village. Thereat, the CI introduced Agent Espino to Realeza as a seaman who had just arrived in the Philippines. Realeza told them that he could provide them with women for sexual intercourse for a fee, adding that minor women were also available. Realeza further told Agent Espino and Mendiola that one woman would cost ₱1,000.00 and that they could take the woman in a hotel or use his residence if they wanted. Since Agent Espino was with Mendiola, he told Realeza that he needed two women. Since only one woman—identified as ████████████████████—was available at the time, Realeza told them to come back the next day.¹⁰

On November 19, 2016, the entrapment operation was hatched. Agent Tejuco prepared seven (7) marked 100-peso bills. Coordination letters were also sent to the Philippine National Police (PNP) and the Department of Social Welfare and Development (DSWD). The team decided that the pre-arranged signal would be when Agent Espino used his cellphone and said "*Mahal uwi din ako maya-maya.*"¹¹

At around 4:00 p.m. of even date, Agent Espino, Agent Tejuco, and Mendiola proceeded to Realeza's house while the others were stationed at a nearby place as backup. Upon arriving, Agent Espino, Agent Tejuco, and Mendiola met Realeza who told them to come back at around 8:00 p.m. because there were no available women at that time. When the three came back at 8:00 p.m., they were met by ██████ only who told them to come back later because Realeza was not around as he was still fetching a girl for them. The police operatives left, and when they came back after several minutes, they saw Realeza, his girlfriend BBB261882, ██████, and AAA261882.¹²

Realeza told the police operatives that it would cost ₱1,000.00 to have sexual intercourse with AAA261882. Realeza then asked Agent Espino where he wanted the sexual intercourse to take place, and the latter replied that he wanted to do it at the former's house. Thus, Realeza prepared for Agent Espino and AAA261882 a *kubol* made of plywood and cloth beside his house. Thereafter, Agent Espino gave four (4) pieces of the pre-marked 100-peso bills to Realeza and three (3) pieces to BBB261882. When Agent Espino was already in the *kubol*, he gave the pre-arranged signal to the backup team members who rushed to the area and arrested Realeza and BBB261882, and brought them to the NBI Main Office.¹³

In his defense, Realeza denied the allegations against him. He alleged that at around 8:00 p.m. of November 18, 2016, an acquaintance named Richie

¹⁰ *Id.* at 34.

¹¹ *Id.* at 34 and 87.

¹² *Id.* at 35.

¹³ *Id.*

ALG

and Agent Espino went to his house. Agent Espino told him that he was a seaman who just came back from work and wanted to have a drinking spree with women. Since the men brought one whole fried chicken and liquor, they had a drinking session at the terrace of his house. Before they left, Agent Espino and Richie told him that they would come back the next day.¹⁴

At around 4:00 p.m. of November 19, 2016, Agent Espino and an unknown man came back to Realeza's house. Agent Espino asked Realeza to bring them a woman to entertain them but he answered that he did not know anybody. The two insisted so Realeza went to his girlfriend BBB261882 in [REDACTED], Cavite after Agent Espino and his companion left. Realeza told BBB261882 about Agent Espino's request who also said that she did not know anybody. Later on, BBB261882's godchild, AAA261882, arrived at BBB261882's house. Thereafter, Realeza, BBB261882 and AAA261882 went together to his house where they ate and watched television.¹⁵

At around 10:00 p.m. of the same day, Agent Espino and his companion came back to Realeza's house with two large bottles of Red Horse and they, together with Realeza, BBB261882 and AAA261882 had a drinking session. While drinking, Agent Espino inserted money in his and BBB261882's pockets. When asked about it, Agent Espino said that it was a tip for entertaining them. Thereafter, Agent Espino said he needed to relieve himself so Realeza accompanied him to the comfort room. Afterwards, Agent Espino called BBB261882 and AAA261882 who were at the living room to talk to them. Subsequently, a gun was already pointed at him and he was ordered to kneel down by the men who introduced themselves as NBI agents. He was handcuffed and brought to the NBI Main Office.¹⁶

The RTC Ruling

In a Decision¹⁷ dated April 25, 2019, the RTC found Realeza guilty beyond reasonable doubt of the crime of Trafficking in Persons and accordingly, was sentenced to suffer the penalty of twenty (20) years imprisonment and to pay a fine of ₱1,000,000.00.¹⁸

In so ruling, the RTC found the prosecution to have sufficiently established all the elements of Trafficking in Persons when Realeza, by means of deception, hired AAA261882 without the latter's consent and offered her to another person for sexual advances or prostitution in exchange for money. The RTC also rejected Realeza's defense of denial for being unsubstantiated by clear and convincing evidence.¹⁹

¹⁴ *Id.* at 36.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 69-82.

¹⁸ *Id.* at 82.

¹⁹ *Id.* at 81.

Kala

Aggrieved, Realeza appealed²⁰ to the CA.

The CA Ruling

In a Decision²¹ dated November 12, 2021, the CA affirmed the RTC ruling with modification in that Realeza was further ordered to pay AAA261882 the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, all with legal interest of 6% per annum from finality of judgment until full payment.²²

In affirming Realeza's conviction, the CA also found all the elements of Trafficking in Persons when Realeza offered AAA261882 for prostitution to the NBI agents who acted as poseur customers. The CA likewise found Realeza's defense of denial weak and deserved no weight as opposed to the prosecution witnesses' positive declarations.²³

Realeza filed a motion for reconsideration²⁴ which the CA denied in a Resolution²⁵ dated June 28, 2022; hence, the present petition.

The Issue Before the Court

The issue for the Court's resolution is whether the CA correctly affirmed Realeza's conviction for the crime of Trafficking in Persons under Section 4 (a) of RA 9208, as amended by RA 10364.

The Court's Ruling

The petition is without merit.

Section 3 (a) of RA 9208, as amended by RA 10364, defines Trafficking in Persons, 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,

²⁰ *Id.* at 51-68.

²¹ *Id.* at 32-46.

²² *Id.* at 45.

²³ *Id.* at 44.

²⁴ *Id.* at 98-104.

²⁵ *Id.* at 48-50.

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. (Emphases and underscoring supplied).

Under Section 4 (a) of RA 9208, as amended by RA 10364, Trafficking in Persons includes the acts of recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harboring, or receiving a person by means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation.”

For a successful prosecution of Trafficking in Persons, the following elements must be established: (a) 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;” (b) 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;” and (c) 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.”²⁶

The RTC and CA correctly found all the foregoing elements present in this case. *First*, Realeza offered and provided AAA261882, for a fee of ₱1,000.00, to Agent Espino on November 19, 2016 after he fetched her from Bacoar, Cavite. *Second*, as testified to by AAA261882, while she was walking home to her house in [REDACTED], Cavite, she was approached by Realeza and BBB261882 who told her that they would only introduce her to a man who would give her ₱1,000.00 and that they would allow her to go home after the money was given to her.²⁷ *Third*, as it turned out, the transaction for which AAA261882 was offered to or provided for Agent Espino was indubitably established to be for prostitution when, as earlier discussed, Realeza told Agent Espino and his companion that he could provide them with women for sexual intercourse for a fee, and even made a *kubol* made of plywood and cloth after he had already offered AAA261882 to Agent Espino and asked the latter where he would want the sexual intercourse to take place.²⁸

²⁶ *People v. Estonilo*, G.R. No. 248694, October 14, 2020 [Per J. Perlas-Bernabe, Second Division].

²⁷ *Rollo*, p. 44.

²⁸ *Id.* at 34-35.

Kalo

In an attempt to evade liability, Realeza raises the defense that no sexual intercourse even transpired between Agent Espino and AAA261882 thereby rendering questionable the presence of the first element of offer.

Realeza's argument is misplaced.

Case law instructs that "RA 9028 does not require the victim to actually be subjected to prostitution before the accused may be prosecuted for trafficking in persons" and that "neither the presence of the trafficker's clients, nor their intercourse with the victim/s, is required to support a finding of trafficking."²⁹ Thus, sexual intercourse between Agent Espino and AAA261882 was not necessary to sustain Realeza's conviction.

Given the foregoing, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the same. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded the same.³⁰ Thus, Realeza's conviction for Trafficking in Persons must be sustained.

Anent the proper penalty and imposition of civil liability *ex delicto*, the Court also agrees with the RTC's imposition of the penalty of twenty (20) years imprisonment and a fine of ₱1,000,000.00, as the same is in accordance with Section 10 (a) of RA 9208, as amended by RA 10364. The Court also agrees with the CA's award of ₱500,000.00 and ₱100,000.00 as moral and exemplary damages, respectively, consistent with the Court's ruling that the award of moral and exemplary damages are warranted in Trafficking in Persons as the offense is analogous to the crimes of seduction, abduction, rape or other lascivious acts.³¹ Finally, the CA's imposition of legal interest at the rate of six percent (6%) interest per annum on the monetary awards from finality of judgment until full payment was also consistent with prevailing jurisprudence.³²

ACCORDINGLY, the petition is **DENIED**. The Decision dated November 12, 2021 of the Court of Appeals in CA-G.R. CR No. 43481 is hereby **AFFIRMED**. Petitioner Arturo Realeza y Valenton is found **GUILTY** beyond reasonable doubt of the crime of Trafficking in Persons, defined and penalized under Section 4 (a) of Republic Act No. 9208, as amended by

²⁹ *Candy v. People*, G.R. Nos. 223042 & 223769, October 6, 2021 [Per J. Lazaro-Javier, First Division], citing *People v. Estonilo*, supra and *People v. Aguirre*, 820 Phil. 1085 (2017) [Per J. Tijam, First Division].

³⁰ See *Cahulogan v. People*, 828 Phil. 742 (2018) [Per J. Perlas-Bernabe, Second Division], citing *Peralta v. People*, 817 Phil. 554 (2017) [Per J. Perlas-Bernabe, Second Division].

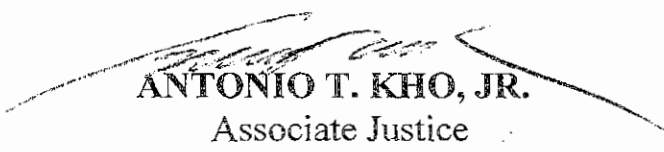
³¹ *People v. Amurao*, G.R. No. 229514, July 28, 2020 [Per J. Caguioa, First Division], citing *People v. Lalli*, 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

³² *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].

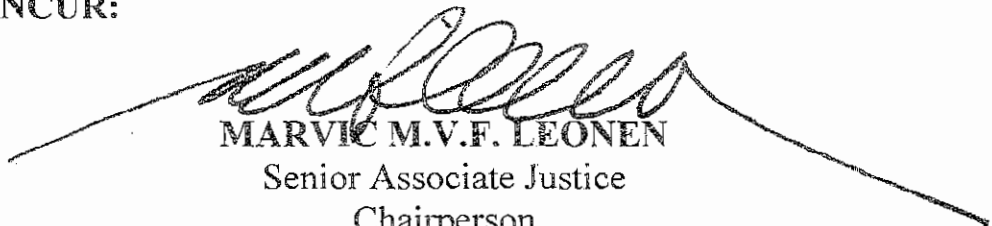
Arce

Republic Act No. 10364. He is sentenced to suffer the penalty of imprisonment for a period of twenty (20) years, and a fine of ₱1,000,000.00; and is ordered to pay AAA261882 the amounts of ₱500,000.00 as moral damages and ₱100,000.00 exemplary damages, with legal interest at the rate of 6% per annum reckoned from the finality of this decision until full payment.

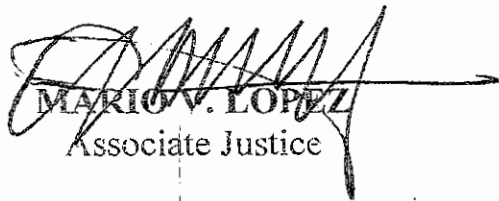
SO ORDERED.


ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:


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

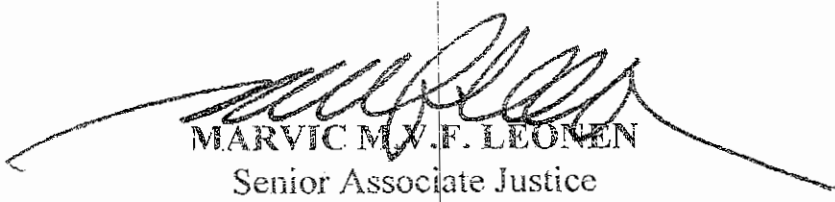

AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice


JHOSEP V. LOPEZ
Associate Justice

ATTESTATION

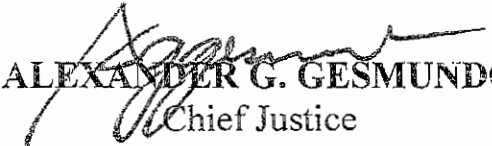
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

File

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice

