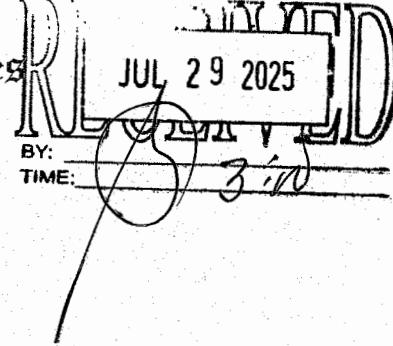




SUPREME COURT OF THE PHILIPPINES
RECEIPT OFFICE



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 272974

Present:

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

Promulgated:

JAN 20 2025

- versus -

FILIPINA ECHANES** alias
“FILIPINA RUBANG” a.k.a.
“FILIPINA RUBANG FERRER,”
Accused-appellant.

X ----- X

DECISION

LAZARO-JAVIER, J.:

The Case

This Appeal¹ seeks to reverse the Decision² dated October 17, 2023 of the Court of Appeals in CA-G.R. CR-HC No. 16091 finding accused-appellant Filipina Echanes alias “Filipina Rubang” a.k.a. “Filipina Rubang Ferrer” (Filipina) guilty of qualified trafficking in persons under Section 4(a)

* On official business.

** Sometimes spelled as “Echanez” in some parts of the *rollo*.

¹ *Rollo*, pp. 3-4.

² *Id.* at 9-35. Penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justice Gabriel T. Robeniol and Associate Justice Michael P. Ong of the Fifth Division, Court of Appeals, Manila.

in relation to Section 6(a) of Republic Act No. 9208,³ as amended by Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act of 2012.

Antecedents

Under an Amended Information dated November 21, 2013, Filipina was charged with large scale trafficking in persons.⁴

That on or about the 3rd of March 201[3], in the Municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously, recruit, transport, transfer, harbor, receive and keep the persons of AAA,* who is a minor of 17 years old, [BBB], who is a minor of 17 years old and CCC, who is a minor of 16 years old, under the pretext of employing them as Guest Relation Officer (GRO) in the Videoke Bar owned by the said accused, but was actually kept and recruited for the purpose of prostitution and sexual exploitation, by allowing them to go out with customers for sexual gratification, for a fee.

CONTRARY TO LAW.⁵

The case was raffled to Branch [REDACTED], Regional Trial Court, Santiago City and docketed as Criminal Case No. 21-7752-FC. Upon arraignment, Filipina pleaded not guilty. Trial ensued.⁶

The prosecution presented six witnesses: complainants AAA⁷ and BBB also known as [REDACTED]⁸ (BBB); Senior Police Officer I Roy Dimaano (SPO1 Dimaano); Senior Police Officer II Lauro Guillermo (SPO2 Guillermo); Senior Police Officer III Edwin Duldulao (SPO3 Duldulao); and Manuel Mabborang (Mabborang).⁹ The defense, on the other hand, presented Filipina and Arnulfo Echanes (Arnulfo) as its witnesses.¹⁰

Version of the Prosecution

At the time of the commission of the crime, complainants were both 17 years old. AAA was born on [REDACTED], 1995 while BBB was born on [REDACTED]

³ Anti-Trafficking in Persons Act of 2003.

⁴ Records, p. 378.

^{*} In line with Amended Administrative Circular No. 83-2015, as mandated by Article 266(A) of the Revised Penal Code as amended by Republic Act No. 8353, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

⁵ *Id.*

⁶ *Id.* at 11.

⁷ Also referred to as “[REDACTED]”

⁸ Records, p. 379.

⁹ *Rollo*, p. 11.

¹⁰ *Id.* at 14.

■, 1995. They were friends who both lived in ■■■■■. ¹¹ AAA has six siblings. Her father, the breadwinner of their family, is a meat vendor who earns around PHP 300.00 per week. BBB, on the other hand, is the youngest of three siblings. Her father supports their family by being a construction worker. Both complainants stopped studying due to financial constraints.¹²

On January 19, 2013, a certain person named Melanie went to complainants' respective houses in ■■■■■. She asked them their ages and if they wanted to work as waitresses and entertainers at a canteen in ■■■■■. She told them that the job was easy and that they would earn a lot of money. Convinced by Melanie's representations, complainants accepted the job offer.¹³

Around 9:20 p.m. of that same day, complainants, together with their friend CCC, went with Melanie and left ■■■■■. They all rode a bus going to ■■■■■, and Melanie paid for their fare. On the way to ■■■■■, Melanie reminded them to do their job well so that they could earn a lot of money.¹⁴ They all arrived in ■■■■■ around 2:00 a.m. the next day, January 20, 2013. A tricycle driver fetched them and brought them to "■■■■■" videoke bar owned by Filipina.¹⁵

Upon arriving at the videoke bar, Filipina welcomed them and gave them food. She informed them that they will stay at the house behind the videoke bar. While they were eating, Filipina oriented them about their job, instructing them to wear sexy dresses or spaghetti-strapped tops and shorts. When complainants disclosed that they were both only 17 years old, Filipina brushed it off. She then told them that when the customers arrive, they should offer them seats, join them at the table, and convince them to order drinks. For every PHP 150.00 spent by the customers on drinks, complainants would get PHP 50.00.¹⁶

In addition, Filipina told them that the customers could take them out of the videoke bar to have sex with them. But before they could do so, they must first ask permission from her (Filipina) and pay a "bar fine." Once the customers pay the "bar fine," complainants would have to go with them. Their income would depend on how much the customers would pay them. Finally, when there are no customers, they have to go outside of the videoke bar in revealing clothes and attract customers.¹⁷

¹¹ *Id.* at 11.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 12.

¹⁶ *Id.*

¹⁷ *Id.*

Upon learning about the real nature of their job, complainants got scared and wanted to go home. But they could not do so since they had no money to pay for their fare. They had yet to pay Melanie back for their fare going to [REDACTED]. Thus, they had no choice but to stay and work at the videoke bar. They started working in the evening of January 20, 2013.¹⁸ Ashamed of what they had to do, AAA used the alias “[REDACTED]” while BBB used “[REDACTED]” to conceal their identities.¹⁹

Complainants worked at the videoke bar for seven days a week. They were “tabled” by several customers, mostly old men and bachelors. They sat, drank, sang, and smoked with the customers. The customers would put their arms around them, kiss them, and even touch their breasts and private parts. While they entertained the customers, Filipina would also be there at the bar, selling liquor and acting as cashier.²⁰

On March 3, 2013, around 3:30 p.m., a concerned citizen reported to the Philippine National Police – Criminal Investigation and Detection Group (PNP-CIDG) of [REDACTED] the prostitution and trafficking happening in the “[REDACTED]” videoke bar. Acting on the report, the PNP-CIDG formed a team to conduct an entrapment and rescue operation. SPO1 Dimaano and Mabborang were designated to act as the poseur customers, while SPO3 Dul dulao was assigned as a back-up arresting officer. A marked PHP 1,000.00 bill was given to SPO1 Dimaano to be used as a “bar fine” to take out one of the women allegedly being trafficked at the videoke bar. It was agreed that SPO1 Dimaano would call SPO2 Guillermo to signal that the transaction has been consummated.²¹

The team arrived at the videoke bar around 8:00 p.m. that same day. SPO1 Dimaano and Mabborang entered the bar while the other members of the team strategically positioned themselves nearby. SPO1 Dimaano and Mabborang then sat at a table and ordered drinks. Afterwards, several female entertainers approached them, one of whom sat beside SPO1 Dimaano.²²

After about 30 minutes, the female entertainer agreed to leave the videoke bar with SPO1 Dimaano. SPO1 Dimaano then approached Filipina and gave her the PHP 1,000.00 marked bill as payment for the “bar fine.” Filipina, in return, accepted the same and wrote something in the logbook. At that moment, SPO1 Dimaano called SPO2 Guillermo to signal that the transaction has been made. The arresting officers then rushed inside the videoke bar and arrested Filipina. They recovered the PHP 1,000.00 marked bill from Filipina and seized the logbook of transactions. Afterwards, they

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 13.

²¹ *Id.*

²² *Id.*

rescued the female entertainers, including complainants. Filipina was brought to the PNP-CIDG Office.²³

AAA further testified that she got scared when they arrived in [REDACTED]. She wanted to go home but she had no money to pay the fare. She was left with no choice but to work at the videoke bar to save money and go home. Whenever they were not working, Filipina would prohibit them from leaving the videoke bar unless they pay PHP 300.00. She would also often see Filipina and Melanie talk to each other.²⁴

BBB essentially corroborated AAA's testimony. She added that the customers had to pay the "bar fine" of PHP 1,000.00 to Filipina and PHP 500.00 to the entertainer. However, the entertainer does not directly receive the said amount since Filipina collects them first. Filipina also prohibits them from leaving the videoke bar unless they were to look for customers outside or they were to be taken out by a customer after paying the "bar fine."²⁵

Version of the Defense

Filipina denied the charge against her. She claimed that she owned a videoke bar called "[REDACTED]" but denied recruiting complainants to be prostitutes. They only served drinks to customers. She claimed it was impossible for her to have met complainants on January 20, 2013 since she was being treated in the hospital at that time.²⁶

On March 3, 2013, while she was at the videoke bar, two male customers ordered and consumed 36 bottles of beer which all cost PHP 900.00. They handed her a PHP 1,000.00 bill as payment. A few moments later, the two men, who turned out to be PNP-CIDG officers, came back, retrieved the PHP 1,000.00 bill, and ordered everyone inside the videoke bar to go out.²⁷ She was then boarded onto a vehicle and brought to Mendoza Building.²⁸

Arnulfo, Filipina's former live-in partner, claimed that he knew some of the girls who worked at the videoke bar but not complainants. He was not aware that Filipina hired them. On March 3, 2013, he was at the upper level of the videoke bar when several men entered the same. A commotion ensued and Filipina was arrested. Arnulfo corroborated Filipina's defense of being hospitalized on January 20, 2013.²⁹

²³ *Id.* at 13–14.

²⁴ *Id.* at 14.

²⁵ *Id.*

²⁶ *Id.* at 15.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

Ruling of the Trial Court

By Decision³⁰ dated June 9, 2021, the trial court rendered a verdict of conviction. It gave full credence to complainants' clear, candid, and categorical testimonies that Filipina subjected them to prostitution and sexual exploitation after being recruited to work at the videoke bar, and that despite being only 17-year-old minors, Filipina forced them to wear revealing clothing and flaunt themselves to attract customers. More, Filipina ordered them to have sex with customers in exchange for money, of which she (Filipina) took a cut or share. Their plight was also confirmed through the entrapment and rescue operation conducted by the PNP-CIDG. Filipina's bare denial failed to overcome the positive testimonies of the prosecution's witnesses, and was also negated by her ownership of the videoke bar, her presence there at the time of the entrapment and rescue operation, and her receipt of the PHP 1,000.00 marked bill.³¹

The trial court, however, noted that Filipina cannot be convicted of large scale trafficking in persons since the prosecution only presented AAA and BBB as its witnesses. Accordingly, she was found guilty of qualified trafficking in persons instead.³² Thus, it decreed:

WHEREFORE, PREMISES CONSIDERED, the Court finds accused Filipina Echanez alias Filipina Rubang alias Filipina Rubang Ferrer **GUILTY** beyond reasonable doubt of violating Section 4(a) qualified by Section 6(a) of Republic Act No. 9208 and is hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine of Two Million Pesos (P[HP] 2,000,000.00). In addition, she is ordered to pay each [AAA] and [BBB] P[HP] 500,000.00 as moral damages; and P[HP] 100,000.00 as exemplary damages, with interest at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

SO ORDERED.³³ (Emphasis in the original)

Ruling of the Court of Appeals

On appeal, Filipina faulted the trial court for rendering a verdict of conviction.³⁴ She essentially averred that no act of recruitment, hiring, or transporting can be attributed to her. She also questioned the credibility of the prosecution's witnesses, claiming that their testimonies were marred with inconsistencies.³⁵

³⁰ *Id.* at 37–90. Penned by Presiding Judge Nicasio B. Bautista III, Branch █, Regional Trial Court, Santiago City.

³¹ *Id.* at 55–89.

³² *Id.* at 89–90.

³³ *Id.* at 90.

³⁴ CA *rollo*, pp. 42–59.

³⁵ *Id.* at 46–58.

The People, through Assistant Solicitor General Anna Esperanza R. Solomon and State Solicitor Kevin Christopher C. Tatco, countered that the elements of qualified trafficking in persons were proven beyond reasonable doubt.³⁶ The totality of evidence, especially the testimonies of the prosecution's witnesses, clearly established that Filipina committed the crime of qualified trafficking in persons.³⁷

By its assailed Decision³⁸ dated October 17, 2023, the Court of Appeals affirmed. Concurring with the trial court, it found that all the elements of qualified trafficking in persons were sufficiently proven. Complainants were both 17 years old at the time they were recruited and hired by Filipina and subjected to prostitution and sexual exploitation. She clearly took advantage of their minority and socioeconomic status since they were in dire need of financial help to support their respective families.³⁹

More, the Court of Appeals upheld the credibility of complainants as witnesses. The perceived inconsistencies in their testimonies did not pertain to material elements of the crime charged and committed. Complainants were consistent in identifying Filipina as the owner of the videoke bar who received, hired, and subjected them to prostitution and sexual exploitation.⁴⁰

The Present Appeal

Filipina now seeks affirmative relief from the Court and prays anew for her acquittal.⁴¹ In accordance with the Resolution⁴² dated June 26, 2024, both Filipina⁴³ and the Office of the Solicitor General⁴⁴ manifested that in lieu of supplemental briefs, they are adopting their respective Briefs filed before the Court of Appeals.

Our Ruling

The Appeal must fail.

Trafficking in persons is a deplorable crime.⁴⁵ The gravamen of the offense is not so much the offer of a woman or a child, but rather it is the act of recruiting or using, with or without consent, a fellow human being for

³⁶ *Id.* at 137–148.

³⁷ *Id.* at 144–148.

³⁸ *Rollo*, pp. 9–35.

³⁹ *Id.* at 21–22.

⁴⁰ *Id.* at 33.

⁴¹ *Id.* at 3–4.

⁴² *Id.* at 91–92.

⁴³ *Id.* at 113–115.

⁴⁴ *Id.* at 104–108.

⁴⁵ See *People v. Casio*, 749 Phil. 458, 461 (2014) [Per J. Leonen, Second Division].

sexual exploitation.⁴⁶ Though it may be committed against anyone, it is more frequently targeted at women and children—sectors of our society which are more susceptible to abuse.⁴⁷

Trafficking in persons is defined under Section 3(a) of Republic Act No. 9208, as amended by Republic Act No. 10364,⁴⁸ viz.:

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.

Here, the charge against Filipina falls under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended, to wit:

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;

⁴⁶ *People v. Barrientos*, G.R. No. 255591, September 7, 2022 [Notice, First Division].

⁴⁷ See generally *Garcia v. Drilon*, 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, *En Banc*].

⁴⁸ 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.

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

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

Notably, in *People v. Casio*,⁴⁹ the Court established the elements of trafficking in persons under the expanded definition in Republic Act No. 10364, thus:

- (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;” and
- (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.” (Emphasis supplied)

Based on the foregoing, the lower courts concurrently ruled that the existence of all the elements of trafficking in persons, as well as the qualifying circumstance of “when the trafficked person is a child,” were successfully established by the prosecution. We affirm.

First. Complainants were recruited by Filipina, with the aid of Melanie, to work at her videoke bar in [REDACTED]. To recall, complainants agreed to travel with Melanie to [REDACTED] when the latter promised them work that could make them earn a lot of money. Melanie even paid for their fare. Upon their arrival in [REDACTED] on January 20, 2013, they were brought to the “[REDACTED]” videoke bar owned by Filipina. There, they were received and oriented by Filipina. It was only then that complainants learned about the true nature of their work. They were there not only to be waitresses and entertainers, but also to be subjected to prostitution and sexual exploitation.⁵⁰ Filipina instructed them to wear sexy and provocative clothes and entertain the customers by sitting with them at their tables and allowing them to kiss their cheeks and touch their private parts. Too, they were ordered to leave the videoke bar and have sex with male customers upon payment of the “bar fine” and fees for sexual services.⁵¹

⁴⁹ 749 Phil. 458, 474 (2014) [Per J. Leonen, Second Division].

⁵⁰ *Rollo*, p. 21.

⁵¹ *Id.* at 21–22.

Second. Filipina took advantage of complainants' vulnerability by reason of their age and socioeconomic status. Complainants were both 17-year-olds who were in dire need of money to support their families. They were deceptively lured to work as waitresses, but were actually sexually exploited by Filipina.⁵²

In *People v. Celis*,⁵³ the Court, citing the *Travaux Préparatoires* to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, clarified that *a vulnerable person has no real and acceptable alternative but to submit to the abuse involved*. The existence of vulnerability is best assessed on a case-by-case basis, taking into consideration the personal, situational, or circumstantial situation of the alleged victim. Personal vulnerability may relate to a person's physical or mental disability. Situational vulnerability may relate to a person being irregularly in a foreign country in which they are socially or linguistically isolated. Circumstantial vulnerability may relate to a person's unemployment or economic destitution. Such vulnerabilities can be pre-existing and can also be created by the trafficker. Pre-existing vulnerability may relate (but not be limited) to poverty, mental or physical disability, youth or old age, gender, pregnancy, culture, language, belief, family situation, or irregular status.⁵⁴

Here, to prove their vulnerability, complainants testified that they were minors who were forced to stop schooling because of poverty. They even had to seek employment to support their families.⁵⁵ Certainly, these circumstances reveal their inherent and pre-existing vulnerabilities. They were underprivileged and came from poverty-stricken families, rendering them vulnerable to trafficking.

On another note, trafficking may also be committed by means of taking advantage of a person's vulnerability as a minor. As such, where the victim is a child, the criminal element of means to commit trafficking need not be established in evidence. It is sufficient that the fact of minority is established on record.⁵⁶ Here, the minority of complainants was also clearly established through their Certificates of Live Birth, which showed that AAA was born on [REDACTED], 1995⁵⁷ while BBB was born on [REDACTED], 1995.⁵⁸

Lastly. It was sufficiently established that Filipina's act of trafficking and recruitment is for the purpose of having complainants engage in prostitution and sexual exploitation. Section 3 of Republic Act No. 9208, as amended, defines prostitution and sexual exploitation as follows:

⁵² *Id.* at 22–31.

⁵³ *People v. Celis*, 945 Phil. 794, 812 (2023) [Per J. J. Lopez, Second Division].

⁵⁴ *Id.*

⁵⁵ *Rollo*, pp. 22–31.

⁵⁶ *People v. Celis*, 945 Phil. 794, 813 (2023) [Per J. J. Lopez, Second Division].

⁵⁷ Records, p. 276, Exhibit "E."

⁵⁸ *Id.* at 277, Exhibit "F."

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

....

(c) *Prostitution* — refers to any act, transaction, scheme, or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit, or any other consideration.

....

(h) *Sexual Exploitation* — refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.

Complainants testified that they were forced into prostitution and sexual exploitation while working at Filipina's videoke bar. Filipina even required them to wear sexy or revealing clothes while working as waitresses and entertainers. These activities were also confirmed when the PNP-CIDG conducted an entrapment and rescue operation against Filipina. SPO1 Dimaano testified that as poseur-customer, he was able to take out a female entertainer after paying the PHP 1,000.00 "bar fine" to Filipina.⁵⁹ He testified:

Q: Mr. Witness, the payment that you gave to that waitress, what was it for?

A: That's it[,] 'bibigyan daw po ako ng babae' that they will give me a 'babae', ma'am.⁶⁰

....

QUESTIONS FROM THE COURT

Q: So the fact remains that the P1,000.00 that you gave, where did it go and for what is that?

A: "Para sa babae", Your Honor.

Q: You mean to say it was the lady waitress who asked you to have a woman?

A: Yes, Your Honor.

Q: It was not you who asked for a girl?

A: I did not yet ask for a girl, Your Honor. It was she who asked me to have a woman.

....

⁵⁹ *Rollo*, p. 31.

⁶⁰ *Id.* at 31-32.

Q: And so, what did you do when you agreed to have a woman?

A: After saying that she will give the P1,000.00 to the cashier, I ma[d]e the pre-arranged signal to my companions. I called up SPO2 Guillermo[,] telling that the task was [already] consummated, Your Honor.⁶¹

In *People v. Rodriguez*,⁶² the Court acknowledged that the corroborating testimonies of the police officers and the minor victims, as in this case, are sufficient to sustain the conviction of the accused under the law. The same principle was echoed in *Santiago v. People*⁶³ where the Court upheld the conviction of the accused for qualified trafficking in persons based on the testimonies of the minor victims and the police officers who conducted the entrapment operation.⁶⁴

It bears to stress that actual sexual intercourse with the victim is not required in order to sustain a finding of trafficking.⁶⁵ Sexual intercourse need not be consummated for recruitment to be said to have taken place. It is enough that the accused has lured, enticed, or engaged their victims or transported them for the established purpose of exploitation, which includes prostitution. To reiterate, the gravamen of the crime of trafficking is “the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation.”⁶⁶ Here, as previously discussed, the prosecution has satisfactorily established Filipina’s recruitment and transportation of complainants for purposes of prostitution and sexual exploitation.

In a last-ditch effort to exculpate herself from liability, Filipina assails the credibility of complainants as witnesses. She avers that their testimonies were contradicting and inconsistent, thus casting doubt on their credibility as prosecution’s witnesses.

We are not convinced. The question of credibility of witnesses is primarily for the trial court to determine.⁶⁷ The assessment of the credibility of witnesses is a domain best left to the trial court judge because of their unique opportunity to observe the witnesses’ deportment and demeanor on the stand. When their findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon the Court.⁶⁸ In the absence of any showing that the trial court judge overlooked, misunderstood, or misapplied some facts or circumstances of weight which would affect the result of the

⁶¹ *Id.* at 32.

⁶² 818 Phil. 625 (2017) [Per J. Martires, Third Division].

⁶³ 855 Phil. 536 (2019) [Per J. Leonen, Third Division].

⁶⁴ *Id.* at 550.

⁶⁵ *People v. Dela Cruz*, 904 Phil. 566, 588 (2021) [Per J. J. Lopez, Third Division].

⁶⁶ *People v. Estonilo*, 888 Phil. 332 (2020) [Per J. Perlas-Bernabe, Second Division].

⁶⁷ *People v. Sanchez*, 681 Phil. 631, 635 (2012) [Per J. Brion, Second Division].

⁶⁸ *People v. Pareja*, 724 Phil. 759 (2014) [Per J. Leonardo-De Castro, First Division].

case, or that the judge acted arbitrarily, the Court shall not disturb the trial court's findings on the credibility of complainants as witnesses.⁶⁹

It is likewise settled that the testimonies of child victims are given full weight and credit,⁷⁰ since youth and immaturity are generally badges of truth.⁷¹ When the offended parties are of tender age and immature, courts are inclined to give credit to their account of what transpired, considering not only their relative vulnerability but also the shame to which they would be exposed if the matter to which they testified is not true.⁷² Certainly, leeway should be given to witnesses who are minors, especially when they are relating past incidents of abuse.⁷³ The revelation of innocent children whose chastity has been abused deserves full credit as they could only have been impelled to tell the truth, especially in the absence of proof of ill-motive.⁷⁴

All told, it is beyond dispute that Filipina is guilty of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364.

The proper penalty

Republic Act No. 9208, as amended, penalizes trafficking in persons with imprisonment of 20 years and a fine of not less than PHP 1,000,000.00 but not more than PHP 2,000,000.00.⁷⁵ However, when any of the circumstances in Section 6⁷⁶ thereof attended the commission of the crime,

⁶⁹ See *CICL XXX in Conflict with the Law v. People*, 899 Phil. 467, 474 (2021) [Per C.J. Peralta, First Division].

⁷⁰ *People v. Lacleste*, G.R. No. 194838, September 3, 2014 [Notice, First Division].

⁷¹ *People v. Ronquillo*, 818 Phil. 641, 651 (2017) [Per J. Martires, Third Division].

⁷² *People v. Tulagan*, 849 Phil. 197, 218 (2019) [Per J. Peralta, *En Banc*].

⁷³ *People v. Caoili*, 815 Phil. 839, 881 (2017) [Per J. Tijam, *En Banc*].

⁷⁴ See *XXX v. People*, G.R. No. 248348, January 15, 2020 [Notice, First Division].

⁷⁵ SECTION 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)[.] See *Realeza v. People*, G.R. No. 261882, January 23, 2023 [Per J. Kho, Jr., Second Division].

⁷⁶ SECTION 6. *Qualified Trafficking in Persons*.— The following are considered as qualified trafficking:

(a) *When the trafficked person is a child*;

(b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(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 (3) 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;

(d) When the offender is 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;

(e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

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

the penalty to be imposed shall be life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00.⁷⁷

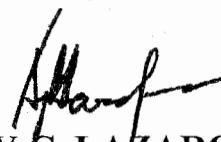
Here, complainants were both proven and alleged to be 17-year-old minors at the time of the commission of the crime. Hence, the Court of Appeals correctly imposed against Filipina the penalty of life imprisonment and a fine of PHP 2,000,000.00.⁷⁸ The awards of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages are likewise in order as they are in accordance with prevailing jurisprudence.⁷⁹

All monetary awards shall earn interest at the rate of 6% per annum pursuant to *Nacar v. Gallery Frames*.⁸⁰

ACCORDINGLY, the Appeal is **DISMISSED**. The Decision dated October 17, 2023 of the Court of Appeals in CA-G.R. CR-HC No. 16091 is **AFFIRMED**. Accused-appellant Filipina Echanes alias “Filipina Rubang” a.k.a. “Filipina Rubang Ferrer” is found **GUILTY** of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is sentenced to **LIFE IMPRISONMENT** and is ordered to **PAY** a fine of PHP 2,000,000.00. She is also ordered to **PAY** AAA and BBB PHP 500,000.00 each as moral damages and PHP 100,000.00 each as exemplary damages.

These monetary awards shall earn 6% interest per annum from finality of this Decision until fully paid.

SO ORDERED.



AMY C. LAZARO-JAVIER
Associate Justice

⁷⁷ (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). (Emphasis supplied)

⁷⁸ 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 (P2,000,000.00) but not more than Five million pesos (P5,000,000.00)[.]

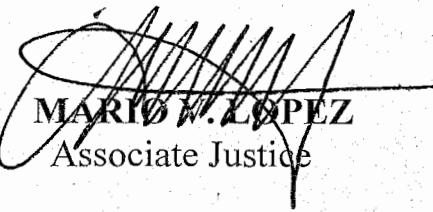
⁷⁹ *Rollo*, p. 34.

⁸⁰ *People v. XXX and YYY*, 905 Phil. 791 (2021) [Per J. Hernando, Third Division]; *People v. Gemulatan*, G.R. No. 258599, October 11, 2023 [Notice, First Division].

⁸⁰ 716 Phil. 267, 283 (2013) [Per J. Peralta, *En Banc*].

WE CONCUR:
MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson


MARIO W. LOPEZ

Associate Justice


JHOSEPH V. LOPEZ

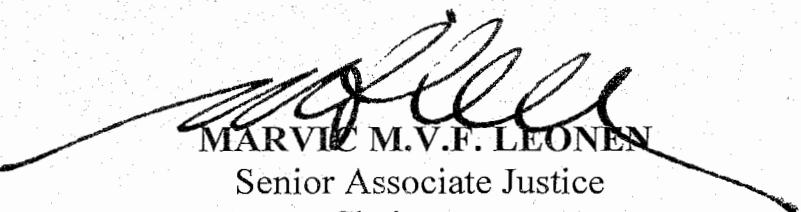
Associate Justice

(on official business)
ANTONIO T. KHO, JR.

Associate Justice

ATTESTATION

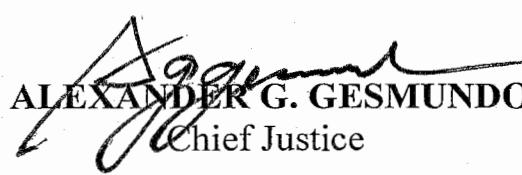
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson

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