

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2019** which reads as follows:*

**“G.R. No. 228582 — RASHLY CAÑETE Y DINSING, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.**

After reviewing the Petition and its annexes, the Court resolves to DENY the petition and AFFIRM WITH MODIFICATION the Decision<sup>1</sup> dated September 21, 2016 and Resolution<sup>2</sup> dated December 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 37736.

At the outset, the Court agrees with the CA that petitioner was charged with the violation of Section 4 (e) in relation to Section 6 (a) of Republic Act No. (RA) 9208, **not** Section 4 (a) thereof. The caption and the allegations in the Information in Criminal Case No. C-77071, charging petitioner with maintaining or hiring AAA<sup>3</sup> to engage in prostitution, as well as the evidence presented by the parties therein, all point to petitioner’s act of peddling AAA to engage in prostitution — an act punishable under Section 4 (e) of RA 9208.

Attempting to make a case for himself, petitioner put forward the defenses of denial and alibi. Petitioner claimed that, on the day of the incident, he was working as a barker in a terminal located just a corner away from Marsman Hotel, the scene of the crime. On the other hand, AAA positively and categorically identified petitioner as

<sup>1</sup> *Rollo*, pp. 36-47. Penned by Associate Justice Jhosep Y. Lopez with Associate Justices Ramon R. Garcia and Leoncia R. Dimagiba concurring.

<sup>2</sup> *Id.* at 49-50.

<sup>3</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 initials 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.

the person who brought her to Marsman Hotel and peddled her to render sexual services to a customer who turned out to be a National Bureau of Investigation (NBI) agent acting as a poseur-customer in an entrapment and rescue operation.

It is well settled that the defenses of denial and alibi do not prevail over the positive identification of the accused by the prosecution's witnesses. The defenses of denial and alibi are inherently weak and unreliable due to the ease by which they may be fabricated or concocted. If not substantiated by clear and convincing evidence, such defenses are considered self-serving and are bereft of weight in courts of law.<sup>4</sup>

Moreover, for the defense of alibi to prosper, petitioner must prove not only that he was at some other place when the crime was committed but that it was physically impossible for him to be at the *locus criminis* at the time of its commission. In this case, petitioner admitted that he was just a corner away from the scene of the crime. Thus, it was not entirely impossible for him to be at Marsman Hotel on the date of the incident.

Even assuming that petitioner was able to come up with an alibi that would place him at a location far from Marsman Hotel, the same is still not enough to overturn his conviction. Petitioner was caught as a result of an entrapment and rescue operation, the circumstances of which were testified to by AAA and corroborated by the head of the entrapment and rescue operation, NBI Special Investigator Melvin Rabuya.

Finally, 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; thus, justifying the award of moral damages. Thus, in line with prevailing jurisprudence, the Court increases the award of moral damages from ₱25,000.00 to ₱500,000.00.<sup>5</sup> The award for civil indemnity is hereby deleted.

**WHEREFORE**, premises considered, the appeal is **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated September 21, 2016 issued by the Court of Appeals in CA-G.R. CR No. 37736. The Decision finding petitioner Rashly Cañete y Dinsing guilty beyond reasonable doubt of the crime of Trafficking in Persons under Section 4 (e) of RA 9208 is **AFFIRMED** with **MODIFICATION**. He is ordered to pay

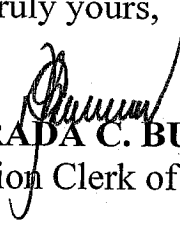
<sup>4</sup> *People v. Pentecostes*, G.R. No. 226158, November 8, 2017, 844 SCRA 610, 630.

<sup>5</sup> *People v. Lalli*, 675 Phil. 126 (2011).

the private offended party a fine of One Million Pesos (₱1,000,000.00) and moral damages of Five Hundred Thousand Pesos (₱500,000.00). All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court <sup>1127</sup>

**282-B**

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(Criminal Case Nos. C-77071 & C-77072)

Mr. Rashly Cañete y Dinsing  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

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