



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES
Plaintiff-Appellee,

G.R. No. 218806

Present:

- versus -

VELASCO, JR., *J.*, Chairperson
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, *JJ.*

GLORIA NANGCAS
Accused-Appellant.

Promulgated:

June 13, 2018

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DECISION

MARTIRES, *J.*:

For review is the Decision¹ dated 6 March 2015, of the Court of Appeals (*CA*) in CA-G.R. CRHC No. 01092-MIN, which affirmed *in toto* the Decision,² dated 8 October 2012, of the Regional Trial Court (*RTC*) of Cagayan de Oro City, 10th Judicial Region, Branch 19, in Criminal Case No. FC-2009-643, finding herein accused-appellant Gloria Nangcas (*Nangcas*) guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4 in relation to Section 6 of Republic

¹ *CA rollo*, pp. 78-90 penned by Associate Justice Henri Jean Paul B. Inting and concurred in by Associate Justices Edgardo A. Camello and Pablito A. Perez.
² *Id.* at 33-44 penned by Judge Evelyn Gamotin Nery.


Act No. 9208,³ committed against AAA,⁴ BBB,⁵ CCC,⁶ and Judith Singane (*Judith*), and imposing upon her the penalty of life imprisonment and a fine of Two Million Pesos (₱2,000,000.00).

THE FACTS

Accused-appellant was charged for Violation of Republic Act No. 9208 or the “Anti-Trafficking in Persons Act of 2003” per the Information, dated 24 September 2009, which reads:⁷

“That on 22 March 2009 at about 3:00 o’clock in the afternoon and thereafter, commencing in Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully and unlawfully recruit, transport, transfer, harbor and provide four (4) women, namely, fourteen (14) year-old [AAA], thirteen (13) year-old [BBB], seventeen (17) year-old [CCC] and nineteen (19) year-old Judith Singane, by means of fraud, deception, or taking advantage of the vulnerability of said victims for the purpose of offering and selling said victims for forced labor, slavery or involuntary servitude, that is, by promising them local employment (as househelpers in Camella Homes, Upper Carmen, Cagayan de Oro City) with a monthly salary of PhP1,500.00 each and that they could go home every Sunday, but instead, said accused brought them to Marawi City and sold them for PhP1,600.00 each to their great damage and prejudice.

Contrary to and in violation of Sec. 4, in relation to Section 6, of Republic Act No. 9208.

By virtue of the Warrant dated 18 December 2009,⁸ Nangcas was arrested and committed to the jurisdiction of the court *a quo* on 13 January 

³ “Anti-Trafficking in Persons Act of 2003” 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 and providing penalties for its violations.

⁴ This is pursuant to the ruling of this Court in *People v. Cabalquinto* [G.R. No. 167693, 19 September 2006, 502 SCRA 419], wherein this Court resolved to withhold the real name of the victims-survivors and to use fictitious initials instead to represent them in its decisions. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. The names of such victims, and of their immediate family members other than the accused, shall appear as AAA, BBB, CCC, and so on. Addresses shall appear as XXX as in No. XXX Street, XXX District, City of XXX.

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of Republic Act No. 7610, otherwise known as *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*; Sec. 44 of Republic Act No. 9262, otherwise known as *Anti-Violence Against Women and Their Children Act of 2004*; and Sec. 40 of A.M. No. 04-10-11-SC, known as Rule on Violence Against Women and Their Children effective 15 November 2004.

⁵ Id.

⁶ Id.

⁷ Records, pp.3-4.

⁸ Id. at 24.

2010.⁹ With the assistance of her counsel, Nangcas pleaded “not guilty” to the offense charged.¹⁰

The Version of the Prosecution

The prosecution presented Judith, AAA, BBB, P/Insp. Exodio Vidal, and Enerio Singane (*Enerio*) as witnesses. Their testimonies, taken together, tended to establish the following:

On 22 March 2009, at around three o'clock in the afternoon, Judith was with AAA at xxx when they saw her uncle Junjun Singane and aunt Marites Simene with Nangcas. The latter approached them and asked if they wanted to work.¹¹ Judith, being interested, brought Nangcas to her house to ask permission from her parents. Nangcas informed Judith's parents that the latter would be working as a house helper at Camella Homes in Cagayan de Oro City, with a salary of ₱1,500.00 per month and with a rest day every Sunday. Judith's father, Enerio, was adamant at first, but Judith insisted because of the salary Nangcas offered and the location of the employer was nearby at Camella Homes; hence, Enerio gave his consent.¹² Thereafter, Judith had her things all ready and went with Nangcas. Nangcas, on the other hand, left her cellphone number with Enerio.¹³

Since AAA, who was only fourteen (14) years old then,¹⁴ showed interest in Nangcas' proposition, the latter then proceeded to AAA's residence to meet her parents. There, Nangcas also met CCC, AAA's sister, who was only seventeen years old at that time. CCC also expressed her interest to work as a house helper. Nangcas explained to AAA and CCC's parents that both would be working as house helpers at Camella Homes in Cagayan de Oro, with a salary of ₱1,500.00 each. The father of the two girls rejected the idea since he could still manage to support them. Their mother was also apprehensive that her daughters might be brought to Marawi. However, since AAA and CCC were very much interested and Nangcas assured their parents that they would only work at Camella Homes, the parents eventually agreed, thinking that both their daughters would be within each other's reach as they would both be working at Camella Homes.¹⁵ Thereafter, Judith, AAA, CCC, and Nangcas proceeded to the house of BBB, a cousin of AAA and CCC, to inform her of the job offer.¹⁶

⁹ Records, p. 25, Detention Commitment dated 23 January 2010.

¹⁰ Id. at 34, Certificate of Arraignment dated 27 January 2010.

¹¹ TSN, 4 May 2010, pp. 3-6.

¹² Id. at 6.

¹³ TSN, 1 February 2011, p. 96.

¹⁴ TSN, 8 June 2010, p. 33.

¹⁵ TSN, 4 May 2010, pp. 6-7.

¹⁶ Id. at 7-8.

BBB was home attending to her younger sibling when Judith, AAA, CCC, and Nangcas arrived. After Nangcas told her of work available at Camella Homes, BBB agreed thinking that her mother could just visit her there.¹⁷

All the recruits resided at xxx, Cagayan de Oro City.

After the girls had packed their things, Nangcas brought them to Camella Homes. The alleged employer was not there, so Nangcas informed them that they had to go to Cogon. When they were already in Cogon, Nangcas instructed them to board a van as they would proceed to Iligan City where the employer was. Though hesitant and doubtful, the girls followed Nangcas' instructions. Judith, however, noticed that they were already travelling far and tried to talk to Nangcas but to naught, as the latter slept during the trip.¹⁸ Upon reaching their destination, it was only then that Nangcas told them that they would be working as house helpers in Marawi. The girls complained that their agreement was only to work at Camella Homes in Cagayan de Oro. But Nangcas informed them that their alleged employer in Iligan was no longer looking for helpers; and that it was in Marawi where they were needed. The girls wanted to go home but they didn't have any money for their fare going back to Cagayan de Oro.¹⁹ They had no other choice but to stay in Marawi. They were then brought to the house of one Baby Abas (*Baby*) where they slept for the night.

The following day, Nangcas brought Judith and BBB to the house of Baby's sister, Cairon Abantas (*Cairon*), while AAA and CCC remained to work for Baby. Nangcas went back to Cagayan de Oro.

The recruits worked in Marawi for more than a month. They were not paid their salaries as, according to their employers, Nangcas had already collected ₱1,600.00 for each of them. They were also made to eat leftover rice with only "pulaka" (mixed ginger, chili and onion) as their viand.²⁰ Furthermore, they were threatened not to go out or attempt to escape or else, the soldiers would kill them since they were Christians.

Since Judith failed to go home on her scheduled day-off on Sunday, Enerio called up Nangcas to ask about his daughter. The latter told him that Judith was with her just the other day and that she could go home only after two (2) months.

On 14 April 2009, Judith asked permission to go home since it was her birthday, but she was denied. Subsequently, with the help of the

¹⁷ TSN, 28 July 2010, pp. 62-64.

¹⁸ TSN, 4 May 2010, pp. 11-13.

¹⁹ Id. at 8-11.

²⁰ TSN, 4 May 2010, pp. 14-15.

“kasambahay” of the neighboring house who lent them her cellphone, Judith was able to call her father informing him of her whereabouts.²¹ Alarmed by the news from his daughter, Enerio went to the Lumbia Police Station to report the incident and seek assistance to rescue her daughter and three (3) other minors.

P/Insp. Exodio Vidal then assisted Enerio in looking for Nangcas. They went to Nangcas’ house but only her children were there. They left a message inviting Nangcas to their station but she did not respond.²² On 5 May 2009, P/Insp. Vidal received orders to proceed to Marawi City to retrieve the girls. The girls’ parents and a couple of Muslims accompanied the police officers. Enerio Singane called the cellphone number used by Judith to contact him and he was able to talk to the cellphone’s owner. The latter gave him the directions to the house of Judith’s employer.²³ The police officers successfully rescued the four (4) girls. The parents of the recruited girls filed the instant action against Nangcas.

The Version of the Defense

Nangcas and Cairon testified for the defense.

Nangcas denied the accusation against her. She claimed that her friend Joni Mohamad (*Joni*) was looking for two (2) house helpers to work for him at Camella Homes, Cagayan de Oro, and two (2) others for his mother who lived in Iligan City.²⁴ She went to xxx to look for interested applicants and there met a couple who told her that their neighbor was interested. The couple took her to Judith who expressed interest so she decided to meet her parents to ask for their permission. She informed the parents that Judith would be working at Camella Homes, Cagayan de Oro, with a salary of ₱1,500.00.²⁵ She then went to the parents of AAA and CCC and made the same offer. The girls’ parents gave their consent provided that the siblings would work in the same house.²⁶ After the girls had packed their things, she brought them to Camella Homes.

Nangcas alleged that while they were at the terminal, she chanced upon BBB, a cousin of AAA and CCC. The former requested to accompany them to Camella Homes so that she would know where to visit her cousins on her day-off.²⁷ She agreed; hence, BBB went with them to Camella Homes. When they arrived at Camella Homes, she introduced the girls to Joni. However, Joni only needed two (2) helpers and chose Judith and CCC

²¹ Id. at 16-17.

²² TSN, 11 August 2010, pp.81-82.

²³ TSN, 1 February 2011, p. 98.

²⁴ TSN, 5 May 2011, p.114.

²⁵ TSN, 7 July 2011, pp. 125-129.

²⁶ Id. at 130.

²⁷ Id. at 132.

to work for him but the latter refused because she wanted to work as a house helper with her sister AAA. Joni then called his mother to inform her about the house helpers. The latter instructed him to send them to Iligan and that she would pay for their fare.²⁸ Nangcas took the four (4) girls with her to Cogon and boarded a van going to Iligan. However, before they could reach Iligan, Joni's mother called her and informed her that she was no longer hiring the helpers as her current helper decided not to go home anymore.²⁹ She asked the driver if he could take them back to Cagayan de Oro but the latter asked for an additional charge. When she replied that she had no money left, Judith immediately suggested that they proceed to Marawi where she has an uncle. However, Judith could not contact her uncle, hence she asked the girls if it was okay for them to go to Marawi and they all agreed. She then contacted her friend Baby Abas (*Baby*) in Marawi and the latter lent her money to pay the van driver.³⁰ They stayed in Baby's house for the night. When Baby asked the girls if they were willing to work as house helpers, they said yes.

Nangcas furthermore alleged that on the following day, AAA and CCC remained with Baby while she brought Judith and BBB to the house of Baby's sister, Cairon, to work as house helpers with ₱1,500.00 salary each. Before she left for Cagayan de Oro, Baby gave her ₱500.00 while Cairon gave her ₱1,600.00 for providing them the helpers;³¹ Nangcas added that Judith specifically asked her not to tell their parents about their whereabouts as they would call to inform them themselves³²

Nangcas finally alleged that by the end of March 2009, she went back to Marawi to follow up on the girls and there learned that Judith failed to inform their parents of their whereabouts. Nevertheless, all the girls assured her that they were fine. On 5 May 2009, she was supposed to fetch Judith, who was scheduled to go home for her birthday but she failed to do so because she had to attend to her husband who was hospitalized for pneumonia. On 7 May 2009, Judith's father called and informed her that he had already fetched his daughter and the other girls.

Cairon also testified and professed that she came to know Nangcas only when she brought the girls to work for her. She recalled offering to pay the girls a salary of ₱1,500.00 to which the girls agreed. She claimed that she even asked for Enerio's number to inform him that his daughter was in good hands.³³ She further claimed that Nangcas did not ask for money but she volunteered to reimburse Nangcas' expenses incurred in bringing the

²⁸ TSN, 12 August 2011. p.138.

²⁹ Id. at 139.

³⁰ Id. at 141-142.

³¹ Id. at 144-145.

³² Id. at 146.

³³ TSN, 5 May 2011, p.113.

girls. Finally, Cairon alleged that she paid the girls their salaries and she was surprised when their parents came to her house to get them.³⁴

The Ruling of the Regional Trial Court

In its decision,³⁵ the RTC³⁶ found Nangcas guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons.

The RTC ratiocinated that Nangcas' deception was apparent in the manner with which she dealt with Enerio, Judith, and three other private complainants: that they were made to believe that the victims would be working as house helpers at Camella Homes in Cagayan de Oro City; and that Nangcas never bothered to call the girls' parents to inform them of their children's whereabouts. The RTC also reasoned that Nangcas further deceived Enerio when she told him during the last week of March that Judith and the other girls were at Camella Homes when she fully knew that they were in Marawi; that she employed the same deception when she brought the girls from one place to another until they reached Marawi; that the girls were left penniless and thus had no fare to go back home, thus, leaving no choice but to work against their will. Finally, The RTC declared that if there was truth to the claim of Nangcas, she should have presented Joni Mohamad and his mother; that Nangcas had also admitted previously providing helpers to others, and that the incident on 22 March 2009 was not the only occasion he did so. The *fallo* reads:

ALL THE FOREGOING CONSIDERED, the Court finds accused Gloria Nangcas guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons and for which the Court hereby imposes upon GLORIA NANGCAS the penalty of life imprisonment and a fine of Two Million Pesos (₱2,000,000.00).

IT IS SO ORDERED.³⁷

Feeling aggrieved with the decision of the RTC, Nangcas appealed to the Court of Appeals, Cagayan de Oro City.³⁸

The Assailed CA Decision

The CA, through its Twenty-Second Division, accorded respect to the findings of fact of the trial court in the absence of clear and convincing evidence that the latter ignored facts and circumstances which, if considered

³⁴ Id. at 116-118.

³⁵ CA *rollo*, pp. 33-44.

³⁶ Branch 19, Cagayan de Oro City.

³⁷ CA *rollo*, p. 44.

³⁸ Id. at 22-32.

on appeal, would have reversed or modified the outcome of the case. The CA found no merit in the arguments raised by Nangcas, to wit:

First, there is no doubt that the accused-appellant recruited and transported the private complainants to their supposed employer in Marawi. These are well within the acts that may constitute trafficking, to wit: recruitment, transportation, transfer or harboring. This meets the first elements of the offense. Second, we are convinced that the accused- appellant employed fraud and deceit and took advantage of the victims' vulnerability to successfully recruit them. These means satisfy the second element. Lastly, the foregoing acts and means resulted in the victims' forced labor and slavery.³⁹

The CA disposed of the case in this wise:

WHEREFORE, the appeal is dismissed. The October 8, 2012 Decision of the Regional Trial Court, Branch 19, Cagayan de Oro City in Criminal Case No. 2009-643 for qualified trafficking in persons is AFFIRMED.

SO ORDERED.⁴⁰

Hence, this appeal.

The Present Appeal

On 19 August 2015, the Court issued a Resolution notifying the parties that they could file their respective supplemental briefs.⁴¹ However, both Nangcas and the Office of the Solicitor General, as counsel for plaintiff-appellee People of the Philippines, manifested that they would no longer file supplemental briefs, as their respective briefs filed with the CA sufficiently addressed their particular arguments.⁴²

Based on the arguments raised in Nangcas' brief before the CA, the Court is called upon to resolve the following assignment of errors:

- I. THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE APPELLANT OF THE OFFENSE CHARGED DESPITE FAILURE OF THE PROSECUTION TO PROVE HER GUILT BEYOND REASONABLE DOUBT.⁴³



³⁹ *Rollo*, p.12.

⁴⁰ *Id.* at 15.

⁴¹ *Id.* at 21.

⁴² *Id.* at 23-24; 27-28.

⁴³ *CA rollo* pp. 28-29.

- II. THERE WAS NO FRAUD, DECEPTION OR TAKING ADVANTAGE OF THE VULNERABILITY OF THE ALLEGED VICTIMS.⁴⁴
- III. THE ALLEGED VICTIMS WERE NOT OFFERED OR SOLD FOR FORCED LABOR, SLAVERY OR INVOLUNTARY SERVITUDE.⁴⁵
- IV. INCONSISTENT TESTIMONIES OF THE PRIVATE COMPLAINANTS.⁴⁶

The Arguments of the Accused

Nangcas argues that there was no deception in this case. She maintained that she did not deceive any of the private complainants nor their parents when their daughters were hired as house helpers. She also maintained that in bringing the alleged victims to Iligan City, she had no idea that the mother of Joni would no longer be needing house helpers; hence, with no money to pay for the fare, she had no other choice but to stay with Baby Abas in Marawi City.

Nangcas further argues that contrary to the findings of the court, she did not recruit the victims under the pretext of domestic employment for the purpose of forced labor, slavery or involuntary servitude. She averred that the alleged victims worked as house helpers as previously agreed upon, that they were not forced to work contrary to their agreement. She also averred that the alleged victims were not enticed to work with a high salary and the amount offered was not that big to entice anyone to leave one's home and work for someone else.

Nangcas finally argues that there were inconsistencies in the testimonies of the private complainants in the following manner: that Judith testified that she and BBB were brought to the house of Cairon Abantas, the sister of Baby; while AAA testified that it was she and BBB who stayed with Baby while Judith and CCC were brought to Cairon.

THE COURT'S RULING

We affirm accused-appellant Nangcas' conviction.



⁴⁴ Id. at 29-30.

⁴⁵ Id. at 30-31.

⁴⁶ Id. at 31.

Accused-appellant's guilt was established beyond reasonable doubt.

Nangcas was charged and convicted for qualified trafficking in persons under Section 4(a), in relation to Section 6(a) and (c), and Section 3(a), (b), and (d) of R.A. No. 9208, which read:

Section 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;

Section 6. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking:

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

x x x x

- (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;

Section 3. *Definition of Terms.* - As used in this Act:

- (a) *Trafficking in Persons* - refers to the recruitment, transportation, transfer or 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 or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.



(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.

xxxx

(d) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

Under Republic Act No. 10364,⁴⁷ the elements of trafficking in persons have been expanded to include the following acts:

(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."
(emphasis supplied)

The information filed against Nangcas sufficiently alleged the recruitment and transportation of Judith and three (3) other minor victims for forced labor or services, with Nangcas taking advantage of the vulnerability of the young girls through her assurance and promises of good salary, accessibility of place of work to their respective residences, and weekly dayoff. Pursuant to Section 6 of R.A. No. 9208, the crime committed by Nangcas was qualified trafficking, as it was committed in a large scale and three (3) of her victims were under 18 years of age.

The presence of the crime's elements was established by the prosecution witnesses who testified during the trial. The testimonies of Judith and three (3) other minor victims established that Nangcas employed deception and fraud in gaining both the victims and their parents' trust and confidence.



⁴⁷ 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"

In the instant case, we concur with the trial court's decision, to wit:

“Deception was apparent in the manner with which accused dealt with Enerio, Judith and the three other private complainants. Enerio was made to believe that Judith and company will be working as house helpers at Camella Homes in Cagayan De Oro City. Through the haze with which the private complainants were transported from Cagayan de Oro City to Marawi City, what is clear is that Nangcas has Enerio's number but she never called him to inform him they were proceeding to Marawi City. Much worse, she deceived Enerio anew when she told him sometime in the last week of March 2009 that Judith and her friends were in Camella when she fully knew they were made to work in Marawi City.”⁴⁸

The testimonies of the victims and Enerio gave a clear picture as to how the victims were deceived by Nangcas into going with her, and how she orchestrated the entire trip pretending to take them first to Cagayan De Oro City, then to Iligan, and finally to Marawi City, so as to be sure that the victims have no other choice but to go to Marawi City and serve as house helpers. The prosecution has aptly shown that the victims would not have agreed or would not have been allowed by their parents if Nangcas would directly offer them work at Marawi City; that she deliberately fabricated a story to delude her victims and their parents.

All told, the prosecution has adequately proved Nangcas' guilt beyond reasonable doubt of the offense as defined in Section 4 of R.A No. 9208.

Nangcas employed fraud and deception in order to bring the victims to Marawi City.

Deceit is the false representation of a matter of fact whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed which deceives or is intended to deceive another so that he shall act upon it to his legal injury;⁴⁹ while *fraud* is every kind of deception whether in the form of insidious machinations, manipulations, concealments or misrepresentations, for the purpose of leading another party into error and thus execute a particular act.⁵⁰

From the factual milieu, it is clear that actual fraud and deception are present in this case, such as when Nangcas induced and coaxed the victims

⁴⁸ CA rollo, p. 44.

⁴⁹ *Asia United Bank v. Guy*, 704 Phil. 463, 470 (2013).

⁵⁰ Tolentino, Civil Code of the Philippines 475.

to go with her. She promised the victims and their parents that their daughters would be working within Cagayan De Oro City, with an enticing salary of ₱1,500.00 per month.

At the outset, the intent of Nangcas was obvious. She specifically employed several deceptive tactics to lure the victims and their parents into agreeing to take the victims, who were mostly minors, and bring them allegedly to Camella Homes in Cagayan De Oro City, to serve as house helpers. Nangcas represented to Judith and her parents that Judith would be employed as a house helper, would be allowed to go home once a week, and would be paid ₱1,500.00 monthly. After having convinced Judith and her parents, Nangcas used Judith to entice some more of her friends to go with her as house helpers in Cagayan De Oro City. After recruiting Judith and the three other minor victims, Nangcas immediately boarded them in a jeepney to Cagayan De Oro City supposedly to bring Judith and her friends to their employer at Camella Homes.

The record shows that Nangcas' decision to bring the victims to Marawi City was planned, contrary to her defense that she only took them there after the supposed employer in Iligan changed her mind to accept them as her house helpers. It was sufficiently established that in Marawi City, Nangcas already had Baby and Cairon ready and waiting for her to bring the recruits to them and collect her fees. Nangcas' failure to notify the victims' parents of their whereabouts bolsters the allegation that it was really her intention to conceal the fact that the work was actually in Marawi City and not in Cagayan de Oro; her acts thus constitute deceit and fraud as defined by law.

The victims were sold for forced labor, slavery or involuntary servitude.

Nangcas alleges that the victims were not sold to slavery as they knew that they would be working as house helpers; as such, there was no slavery or involuntary servitude. Her argument is completely unfounded.

Slavery is defined as the extraction of work or services from any person by enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt bondage or deception.⁵¹ In this case, Judith and the three (3) other minor victims were enticed to work as house helpers after Nangcas had told them of their supposed salary and where they would be working; only to discover that they were brought to another place without their consent. In Marawi, the victims were constrained to work with the intention

⁵¹ R.A. no. 9208, Section 3 par. (f).



to save money for their fare going back home; however, when they asked for their salary they were told that it had already been given to Nangcas.

Alleged inconsistencies are minor and do not affect the credibility of the witnesses.

Nangcas still sought an acquittal by claiming that the prosecution witnesses' testimonies were conflicting and improbable. Such alleged inconsistencies pertained to the testimonies of Judith and the other minor victims as to who was employed by whom. These inconsistencies, however, are of no consequence to the fact that Judith and the three minor victims were taken by appellant to Marawi City against their will and were made to work as house helpers without pay. It is evident that the supposed inconsistencies in the witnesses' testimonies pertained to minor details that, in any case, could not negate Nangcas' unlawful activity and violation of R.A. No. 9208. Moreover, the Court has ruled time and again that factual findings of the trial court, its assessment of the credibility of witnesses and the probative weight of their testimonies, and the conclusions based on these factual findings are to be given the highest respect. As a rule, the Court will not weigh anew the evidence already passed upon by the trial court and affirmed by the CA.⁵²

Given the foregoing, the Court finds no cogent reason to reverse Nangcas' conviction for qualified trafficking under R.A. No. 9208. The RTC and the CA correctly imposed the penalty of life imprisonment and a fine of ₱2,000,000.00, applying Section 10(c) of R.A. No. 9208, to wit:

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 Two million pesos (₱2,000,000.00) but not more than Five million pesos (₱5,000,000.00).

WHEREFORE, the appeal is **DISMISSED**. The Decision dated 6 March 2015 of the Court of Appeals in CA-G.R. CR-HC No. 01092 for Qualified Trafficking in Persons is **AFFIRMED**.



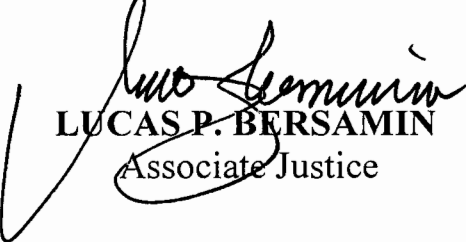
⁵² *People v. Mamaruncas*, 680 Phil. 192, 211 (2012).


SO ORDERED.

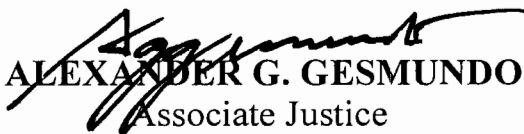

SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

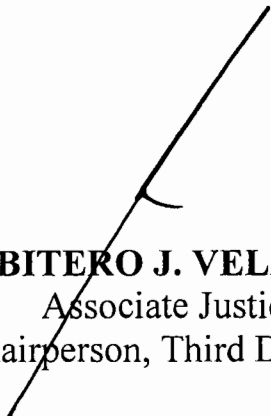

LUCAS P. BERSAMIN
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALEXANDER G. GESMUNDO
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.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third 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.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)