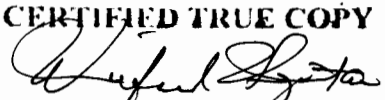




Republic of the Philippines
 Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

OCT 19 2018

THIRD DIVISION

ANTONIO PLANTERAS, JR.,
 Petitioner,

G.R. No. 238889

Present:

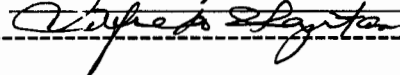
PERALTA, J., *Acting Chairperson*,
 LEONEN,
 REYES, JR., A,*
 GESMUNDO,** and
 REYES, J., JR., JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
 Respondent.

October 3, 2018



X-----X

DECISION

PERALTA, J.:

This is to resolve the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, dated May 18, 2018, of petitioner Antonio Planteras, Jr. that seeks to reverse and set aside the Decision¹ dated April 24, 2017 and Resolution² dated March 21, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 02077, which affirmed the Decision³ dated November 10, 2014 of the Regional Trial Court (RTC), Branch 20, Cebu City convicting the same petitioner of violation of Section 5, par. (a) of Republic Act (R.A.) No. 9208 or promoting trafficking in persons.

The facts follow.

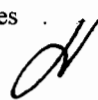
* Designated Acting Member per Special Order No. 2588 dated August 28, 2018.

** On official business.

¹ Penned by Associate Justice Gabriel T. Robeniol, with the concurrence of then Associate Justices Pamela Ann Abella Maxino and Pablito A. Perez; *rollo*, pp. 29-52.

² Penned by Associate Justice Gabriel T. Robeniol, with the concurrence of then Associate Justices Pamela Ann Abella Maxino and Pablito A. Perez

³ Penned by Presiding Judge Bienvenido R. Saniel, Jr.; *rollo*, pp. 62-86.

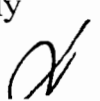


P/S Int. Audie Villacin directed the elements of the Regional Investigation Detective Management Division (*RIDM*) to conduct surveillance operations at [REDACTED] Lodge, located along [REDACTED], Cebu City, after receiving reports sometime in the second week of March 2009, about the alleged trafficking in persons and sexual exploitation being committed at the said place. On March 16, 2009, reports came in that pimps were indeed offering the sexual services of young girls to various customers at the entrance/exit door of the [REDACTED] Lodge, owned by petitioner and his wife, Christina Planteras.

On March 19, 2009, PO3 Jose Erwin Dumaguit (*PO3 Dumaguit*) and PO1 Arnold Rusiana (*PO1 Rusiana*) conducted another surveillance. They proceeded to the [REDACTED] Lodge armed with a concealed camera and at the said place, they were met by Marlyn Buhisan who offered girls for sex. The girls were made to line up in front of the police officers. Thereafter, Buhisan led the police officers upstairs where they saw petitioner at the reception counter who appeared to be aware and listening to the on-going negotiation. When PO1 Rusiana asked about the room rates, petitioner informed him that the room charge is ₱40.00 per hour plus ₱50.00 for every succeeding hour. After that, the police officers and the girls who were introduced to them left the lodge for drinks within the vicinity of [REDACTED], Cebu City.

Subsequently, an entrapment operation was conducted on April 28, 2009 by members of the Regional Special Investigation Unit, the Carbon Police Station, *barangay tanods*, and representatives from the Department of Social Welfare and Development (*DSWD*). PO1 Hazal Tomongtong (*PO1 Tomongtong*) was assigned as the photographer and recorder, PO2 Linda Almohallas (*PO2 Almohallas*) as evidence custodian, and PO3 Dumaguit and PO1 Ariel Llanes (*PO1 Llanes*) as poseur-customers and were given the marked money consisting of fifteen (15) ₱100.00 bills.

At the [REDACTED] Lodge, PO3 Dumaguit and PO1 Llanes were approached by Marichu Tawi who offered girls for sexual favors for the price of ₱300.00 each. PO3 Dumaguit and PO1 Llanes, along with three (3) girls, namely, BBB, CCC, DDD, then went upstairs. PO3 Dumaguit requested the services of one more girl from Tawi. At that time, Buhisan arrived and joined the on-going negotiation. Tawi left and when she returned, she brought with her a young girl, AAA. Petitioner was behind the reception counter when the said negotiation took place and appeared to be listening to the said transaction. PO3 Dumaguit and PO1 Llanes chose three (3) girls, one of whom was AAA, and then handed over the marked money (₱900.00) to Buhisan. The police officers also gave ₱200.00 as "tip" for Tawi. After that, PO3 Dumaguit executed the pre-arranged signal, a "missed call" on the cellphone to the rest of the team. When the rest of the team arrived at the [REDACTED] Lodge, PO3 Dumaguit announced that they are police officers and immediately



thereafter, Buhisan, Tawi, petitioner and his wife, Christina, were arrested. PO3 Dumaguit retrieved the marked money from Buhisan, and Tawi then handed it over to PO2 Almohallas. Consequently, the police officers brought the persons arrested to their office and turned over the girls who were exploited to the DSWD.

As a result, two (2) Informations were filed against Buhisan, Tawi, Christina and petitioner, thus:

In Criminal Case No. CBU-86038 (against [petitioner] Planteras and Christina Planteras)

That on or about the 28th day of April 2009, and for sometime prior thereto, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping with one another, with deliberate intent, with intent of gain, did then and there knowingly allow its establishment [REDACTED] Lodge located at [REDACTED], Cebu City, to be used for the purpose of promoting trafficking in persons, that is, by allowing BBB, CCC, DDD and AAA, a minor, 17 years old, to engage in prostitution in the said establishment.

CONTRARY TO LAW.

In Criminal Case No. CBU-86039 (against Buhisan and Tawi)

That on or about the 28th day of April 2009, at about 10:00 p.m., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent of gain, did then and there recruit, transport and then maintain for the purpose of prostitution, pornography, or sexual exploitation four females, namely, DDD, CCC, BBB and one (1) of which is a child in the name of AAA, 17 years old, with the qualifying aggravating circumstances:

1. The trafficked persons are children; and
2. That the crime is committed in large scale.

CONTRARY TO LAW.⁴

On arraignment, petitioner and his co-accused all pleaded “not guilty” to their respective charges.

The prosecution presented the testimonies of PO3 Dumaguit and PO2 Almohallas. The prosecution also presented the testimony of AAA to corroborate the testimonies of the said police officers.

⁴ Rollo, pp. 31-32.

AAA, who was then 17 years old, testified that, in February 2009, while looking for her sister at the vicinity of [REDACTED], Cebu City, she met Buhisan who inquired whether she wanted money in exchange for her sexual services to customers. AAA agreed and, thereafter, Buhisan would find customers for her. Upon instructions of Buhisan, the latter would bring the customers to the [REDACTED] Lodge where the illicit activity will be consummated. AAA further narrated that she is familiar with Tawi, who was also a prostitute. Tawi, according to AAA, on previous occasions, also acted as a pimp for her. Each customer would pay Php300.00 for AAA's services. Of the said rate, she receives only Php200.00, while the remainder is kept by either Buhisan or Tawi as their commission.


Regarding petitioner, AAA said that he and his wife owned the [REDACTED] Lodge and that the spouses received payments for room charges and sold condoms at the hotel. AAA further testified that on one occasion, after providing service to a customer, petitioner offered her to another customer.

After the prosecution had rested its case, all the accused, including petitioner, filed a Demurrer to Evidence. The Demurrer was granted, but only in favor of Christina Planteras and, accordingly, the case against her was dismissed in an Order dated January 21, 2013.

The defense presented the testimonies of petitioner, Buhisan and Tawi.

During trial, petitioner testified that he is the registered owner of the [REDACTED] Lodge, and that on April 28, 2009, around 9 o'clock in the evening, while he was watching television at the Lodge, three (3) males and three (3) females went inside the same Lodge. Petitioner denied hearing the conversation that took place among the 6 persons and claimed that his attention was fixed on the television show. After a few minutes, petitioner noticed one of the women go down the stairs and then went back with another girl. Thereafter, policemen arrived, searched the area, and arrested him and his wife, Christina. Petitioner insisted that he does not know Buhisan and Tawi.

Buhisan testified that she was merely a helper at the [REDACTED] Lodge, and that on April 28, 2009, petitioner called her to assist four (4) guests who were accompanied by Tawi. After Buhisan was able to prepare their rooms, she was requested by one of the guests to find for them girls for hire which she refused to do. Buhisan also claimed that she declined the said request despite a promise of payment. However, according to Buhisan, petitioner instructed her to collect the payment from the four (4) guests which she complied. The customers gave her ₱200.00, but they immediately took the payment back from her and was then immediately handcuffed and arrested. Buhisan further testified that she knows AAA and the other girls in the Lodge



that night, because they frequently brought their customers to the New Perlito's Lodge.

Tawi, during her testimony, admitted that she was a sex worker and that she knows AAA and Buhisan because they were engaged in the same activity. According to Tawi, on April 28, 2009, upon the request of PO3 Dumaguit and PO1 Llanes, she and Buhisan introduced some girls to them. Tawi even offered her services in order to earn money for herself, however on that same night, they were arrested by the police officers.

The RTC rendered a Decision convicting petitioner, Buhisan and Tawi guilty beyond reasonable doubt of their respective charges, thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. CBU-86039, the Court finds accused MARLYN BUHISAN and MARICHU TAWI GUILTY beyond reasonable doubt of the crime of qualified trafficking in persons in violation of Section 4, in relation to Section 6 of Republic Act No. 9208, and hereby sentences each of them to life imprisonment. Each accused is also ordered to pay fine in the amount of Two Million Pesos (PhP2,000,000.00).

2. In Criminal Case No. CBU-86038, the Court finds accused ANTONIO PLANTERAS, JR. GUILTY beyond reasonable doubt of the crime of knowingly allowing [REDACTED] Lodge to be used for the purpose of promoting trafficking in persons in violation of Section 5 of Republic Act No. 9208, and hereby sentences him to a prison term of Fifteen (15) Years and to pay [a] fine in the amount of Five Hundred Thousand Pesos (PhP500,000.00).

The bail bond posted by accused Antonio Planteras, Jr. is hereby cancelled. Let a warrant of arrest forthwith issue against accused Antonio Planteras, Jr.

SO ORDERED.⁵

Petitioner, Buhisan and Tawi, after their motion for reconsideration was denied by the RTC, elevated the case to the CA. Eventually, the CA denied their appeals and affirmed their convictions, thus:

WHEREFORE, premises considered, the appeals are DENIED. The Joint Decision dated 10 November 2014, and the Order dated 17 April 2015, of the Regional Trial Court of Cebu City, 7th Judicial Region, Branch 20, in Criminal Case Nos. CBU-86038 and CBU-86039, are AFFIRMED.

SO ORDERED.⁶

⁵ *Id.* at 86.

⁶ *Id.* at 53.

Hence, the present petition under Rule 45 of the Rules of Court of petitioner Planteras, Jr.

Petitioner raises the following errors:

THE COURT OF APPEALS MISAPPREHENDED THE FACTS OF THE CASE WHICH RESULTED TO ITS ERRONEOUS CONCLUSION THAT THROUGH CIRCUMSTANTIAL EVIDENCE THE PROSECUTION HAS SUFFICIENTLY ESTABLISHED THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT

THE COURT OF APPEALS GRAVELY ERRED IN INTERPRETING THE TERM TRAFFICKING IN PERSONS WITHIN THE MEANING AND INTENT OF THE LAW.⁷

According to petitioner, there is no evidence that he was engaged in the trafficking of women or that his acts would amount to the promotion of the trafficking of women. He further argues that to be convicted of the charge against him, the offender must not just be conscious of the fact that he or she is leasing the premises but that this consciousness must extend to being aware that such acts promote the trafficking in persons. Petitioner also claims that the prosecution's evidence is insufficient to prove the presence of criminal intent and cannot be said to have successfully overthrown the constitutional presumption of innocence that he enjoyed. In addition, he avers that the case against him is not a case against "trafficking in persons" within the meaning and intent of the law.

The petition lacks merit.

The Rules of Court require that only questions of law should be raised in petitions filed under Rule 45.⁸ This court is not a trier of facts. It will not entertain questions of fact as the factual findings of the appellate courts are "final, binding[,] or conclusive on the parties and upon this [c]ourt"⁹ when supported by substantial evidence.¹⁰ Factual findings of the appellate courts will not be reviewed nor disturbed on appeal to this court.¹¹

However, these rules do admit exceptions. Over time, the exceptions to these rules have expanded. At present, there are 10 recognized exceptions that were first listed in *Medina v. Mayor Asistio, Jr.*:¹²

⁷ *Id.* at 16.

⁸ Rules of Court, Rule 45, Sec. 1.

⁹ *Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phil), Inc.*, 364 Phil. 541, 546 (1999) [Per J. Pardo, First Division].

¹⁰ *Siasat v. Court of Appeals*, 425 Phil. 139, 145 (2002) [Per J. Pardo, First Division]; *Tabaco v. Court of Appeals*, 239 Phil. 485, 490 (1994) [Per J. Bellosillo, First Division]; and *Padilla v. Court of Appeals*, 241 Phil. 776, 781 (1988) [Per J. Paras, Second Division].

¹¹ *Bank of the Philippine Islands v. Leobrera*, 461 Phil. 461, 469 (2003) [Per J. Ynares-Santiago, Special First Division].

¹² 269 Phil. 225 (1990) [Per J. Bidin, Third Division].

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.¹³

These exceptions similarly apply in petitions for review filed before this court involving civil,¹⁴ labor,¹⁵ tax,¹⁶ or criminal cases.¹⁷

A question of fact requires this court to review the truthfulness or falsity of the allegations of the parties.¹⁸ This review includes assessment of the "probative value of the evidence presented."¹⁹

There is also a question of fact when the issue presented before this court is the correctness of the lower courts' appreciation of the evidence presented by the parties.²⁰ In this case, petitioner asks this Court to review the evidence presented by the prosecution. Clearly, this is not the role of this Court.

Nevertheless, granting that this Court shall review the factual incidents of this case, the petition must still fail.

Section 5 (a) of R.A. No. 9208, reads as follows:

¹³ *Id.* at 232.

¹⁴ *Dichoso, Jr. v. Marcos*, 663 Phil. 48 (2011) [Per J. Nachura, Second Division] and *Spouses Caoili v. Court of Appeals*, 373 Phil. 122, 132 (1999) [Per J. Gonzaga-Reyes, Third Division].

¹⁵ *Go v. Court of Appeals*, 474 Phil. 404, 411 (2004) [Per J. Ynares-Santiago, First Division] and *Arriola v. Pilipino Star Ngayon, Inc., et al.*, 741 Phil. 171 (2014) [Per J. Leonen, Third Division].

¹⁶ *Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phil), Inc.*, 364 Phil. 541, 546-547 (1999) [Per J. Pardo, First Division].

¹⁷ *Macayan, Jr. v. People*, 756 Phil. 202 (2015) [Per J. Leonen, Second Division]; *Benito v. People*, 753 Phil. 616 (2015) [Per J. Leonen, Second Division].

¹⁸ *Republic v. Ortigas and Company Limited Partnership*, 728 Phil. 277, 287-288 (2014) [Per J. Leonen, Third Division] and *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, 665 Phil. 784, 788 (2011) [Per J. Carpio Morales, Third Division].

¹⁹ *Republic v. Ortigas and Company Limited Partnership*, *supra* note 18, at 288.

²⁰ *Pascual v. Burgos, et al.*, 776 Phil. 167, 183 (2016).

Section 5. *Acts that Promote Trafficking in Persons.* – The following acts, which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons.

x x x

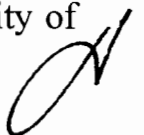
Under the above provisions of the law, in order for one to be convicted of the offense of promoting trafficking in persons, the accused must (a) knowingly lease or sublease, or allow to be used any house, building or establishment, and (b) such use of the house, building or establishment is for the purpose of promoting trafficking in persons. Trafficking in persons is defined under Section 3(a) of R.A. No. 9208, thus:

(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.

Petitioner insists that there is no direct evidence that he knowingly allowed the use of the New Perlito's Lodge as a place for the trafficking of persons. He further maintains that he has no participation in the negotiation for the sexual services of, among others, AAA and that he did not hear the conversation among the police officers, Buhisan, and Tawi on April 28, 2009. He also contends that there was, in fact, no human trafficking because AAA was not recruited to be a prostitute. As such, according to petitioner, he is not guilty of promoting trafficking in persons. However, this Court finds otherwise.

The RTC, as affirmed by the CA, still convicted petitioner of the crime charged against him based on circumstantial evidence and the credibility of the testimonies of the witnesses presented by the prosecution.



Direct evidence and circumstantial evidence are classifications of evidence with legal consequences.²¹

The difference between direct evidence and circumstantial evidence involves the relationship of the fact inferred to the facts that constitute the offense.²² Their difference does not relate to the probative value of the evidence.²³

Direct evidence proves a challenged fact without drawing any inference.²⁴ Circumstantial evidence, on the other hand, "indirectly proves a fact in issue, such that the fact-finder must draw an inference or reason from circumstantial evidence."²⁵

The probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence.²⁶ The Rules of Court do not distinguish between "direct evidence of fact and evidence of circumstances from which the existence of a fact may be inferred."²⁷ The same quantum of evidence is still required. Courts must be convinced that the accused is guilty beyond reasonable doubt.²⁸

A number of circumstantial evidence may be so credible to establish a fact from which it may be inferred, beyond reasonable doubt, that the elements of a crime exist and that the accused is its perpetrator.²⁹ There is no requirement in our jurisdiction that only direct evidence may convict.³⁰ After all, evidence is always a matter of reasonable inference from any fact that may be proven by the prosecution provided the inference is logical and beyond reasonable doubt.

Rule 113, Section 4 of the Rules on Evidence provides three (3) requisites that should be established to sustain a conviction based on circumstantial evidence:

Section 4. *Circumstantial evidence, when sufficient.* - Circumstantial evidence is sufficient for conviction if:

²¹ *Marlon Bacerra v. People*, G.R. No. 204574, July 3, 2017

²² *Id.*

²³ *Id.*

²⁴ *People v. Ramos*, 310 Phil. 186, 195 (1995) [Per J. Puno, Second Division].

²⁵ *People v. Villaflores*, 685 Phil. 595, 614 (2012) [Per J. Bersamin, First Division].

²⁶ *People v. Fronda*, 384 Phil. 732, 744 (2000) [Per C.J. Davide, First Division].

²⁷ *Id.*

²⁸ *Id.*

²⁹ See *People v. Villaflores*, *supra* note 25, at 613-618; *People v. Whisenhunt*, 420 Phil. 677, 696-699 (2001) [Per J. Ynares-Santiago, First Division].

³⁰ See *People v. Villaflores*, *supra* note 25, at 614; *People v. Whisenhunt*, *supra* note 29, at 696.

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.³¹

The commission of a crime, the identity of the perpetrator,³² and the finding of guilt may all be established by circumstantial evidence.³³ The circumstances must be considered as a whole and should create an unbroken chain leading to the conclusion that the accused authored the crime.³⁴

The determination of whether circumstantial evidence is sufficient to support a finding of guilt is a qualitative test not a quantitative one.³⁵ The proven circumstances must be "consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt."³⁶

The CA, therefore, did not err in finding that based on circumstantial evidence, petitioner is guilty beyond reasonable doubt of the offense charged against him, thus:

Guided by the foregoing decisional and reglementary yardsticks, and based on the evidence presented, We find that, through circumstantial evidence, the prosecution has sufficiently established that the [REDACTED] Lodge, with the full knowledge and permission of accused-appellant Planteras, was used for promoting trafficking in persons. The material circumstances that led the Trial Court to the same conclusion are as follows:

Admittedly, Antonio Jr. owns and manages the [REDACTED] [REDACTED] Lodge which is engaged in the business of renting out rooms to lodgers/transients. It was issued a Mayor's Business Permit and a Sanitary Permit. The evidence has established that the pimps and prostitutes who hang around at the premises or sidewalk outside [REDACTED] Lodge bring and engage their customers in sexual intercourse at the said lodge. The customer pays Php50.00 per hour. The payment is received by Antonio Jr. who stays at the counter or, at times, by his wife Christina. This goes on night after night, various prostitutes, different customers. Antonio Jr. cannot feign ignorance because he is always there. He sees it when the negotiation or transaction takes place between the pimp, the prostitute and the customer. Definitely, he knew that the lodge was being used for prostitution or trafficking in persons and he allowed it. Yet, the most damning evidence against Antonio Jr. was the

³¹ RULES OF COURT, Rule 133, Sec. 4.

³² *Cirera v. People*, 739 Phil. 25, 41 (2014) [Per J. Leonen, Third Division].

³³ *People v. Villaflores*, *supra* note 25, at 615-617.

³⁴ *People v. Whisenhunt*, *supra* note 29, at 696.

³⁵ *See People v. Ludday*, 61 Phil. 216, 221 (1935) [Per J. Vickers, En Banc].

³⁶ *Id.* at 221-222.

testimony of AAA that at one time he requested her to accommodate a customer for sex.

X X X

X X X

X X X

In the case at bar, the negotiation between Marlyn, Marichu and the girls, on the one hand, and the poseur-customers (police), on the other, for the use of the girls for sexual intercourse happened in the [REDACTED] Lodge, right in the presence of Antonio Jr. Thus, he knew it. If he did not approve of it or that it be done at the lodge, he could have easily told them to go somewhere else. That he did nothing about it only means that he acquiesced and consented to it as he has been wont to do.

Of the foregoing circumstances, We agree with the Trial Court that the most telling is accused-appellant Planteras' own act of pimping in a not so distant past AAA herself. This occasion was vividly narrated by AAA on the stand. This circumstance further leads to the logical inference that accused-appellant Planteras knows AAA and her trade. With accused-appellant Planteras being only 1.5 m. from where the indecent proposal was taking place among PO3 Dumaguit and PO1 Llanes, on one hand, and accused-appellants Buhisan and Tawi, on the other, the presence of AAA herself, accused-appellant Planteras' feigned ignorance of the real nature of the transaction taxes credulity too much.

The totality of these circumstances constitutes an unbroken chain leading to the inescapable conclusion that accused-appellant Planteras, through his acts and omissions, knew that the transaction happening within his hearing distance is for prostitution, and he knowingly permitted the use of his establishment therefor.

We, therefore, find, as did the Trial Court, that the prosecution has, through testimonial, documentary, and object evidence, overwhelmingly proved the elements of *Promoting Trafficking in Persons* with moral certainty against accused-appellant Planteras.³⁷

It is indisputable that petitioner owns and manages the [REDACTED] Lodge. Evidence was also presented to establish that the pimps, customers and prostitutes who hang out near the said place utilize the same place for their illegal activities. Petitioner's knowledge about the activities that are happening inside his establishment was also properly established by the prosecution, most notably, through the testimony of AAA, thus:

ATTY. INOCENCIO, JR. (to witness)

Q: You also testified earlier, AAA, that there was one occasion where Antonio Planteras also provided you or gave you a customer, can you still recall that incident?

AAA: (witness)

A: I cannot recall the date, but I can remember that it happened.

³⁷ Rollo, pp. 48-50. (Citations omitted)

Q: And so can you tell us where were you at that time when you said that Antonio Planteras gave you a customer?

A: I had just came out from (sic) the room.

Q: Why did you came (sic) out of the room?

A: I had just finished having sexual intercourse.

Q: And how did you come to meet your customer at that time?

A: It was him who approached me.

Q: And so what happened next after you came out of the room at that time?

A: When I came out of the room, Antonio Planteras called me and he requested me to have sexual intercourse with the customer, because in the past the woman of that customer always leave him.

Q: And who said that to you again, AAA?

A: Antonio Planteras.

COURT: (to witness)

Q: Did you agree to this request?

A: Yes, your Honor.

Q: In effect, did you have sexual intercourse with that customer who was offered to you by Antonio Planteras?

A: Yes, you Honor.³⁸

It must be remembered that, "[n]o general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt."³⁹ In this case, the totality of the circumstantial evidence presented by the prosecution prove beyond reasonable ground that petitioner allowed the use of his establishment in the promotion of trafficking in persons.

Also, it has been maintained in a catena of cases that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect.⁴⁰ The assessment of the credibility of the witnesses and their testimonies is best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination. These factors are the most significant in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies.⁴¹ The

³⁸ TSN (Chavez), March 25, 2010, pp. 36-38.

³⁹ *People v. Ludday*, *supra* note 35, at 221-222.

⁴⁰ *People v. Resurrecion Juanillo Manzano, Jr., et al.*, G.R. No. 217974, March 5, 2018, citing *People v. Dayaday*, G.R. No. 213224, January 16, 2017, 814 SCRA 414, 422.

⁴¹ *People v. Macaspac*, G.R. No. 198954, February 22, 2017.

factual findings of the RTC, therefore, are accorded the highest degree of respect especially if the CA adopted and confirmed these,⁴² unless some facts or circumstances of weight were overlooked, misapprehended or misinterpreted as to materially affect the disposition of the case.⁴³ In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings.⁴⁴

As to the claim of petitioner that AAA freely engaged in prostitution, thus, no trafficking in person was committed, such is unmeritorious. Knowledge or consent of the minor is not a defense under Republic Act No. 9208.⁴⁵ The victim's consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking.⁴⁶ Even without the use of coercive, abusive, or deceptive means, a minor's consent is not given out of his or her own free will.⁴⁷

This Court further finds it proper to award ₱100,000.00 as moral damages and ₱50,000.00 as exemplary damages to the victim, AAA. These amounts are in accordance with the ruling in *People v. Casio*,⁴⁸ where this Court held that:

The payment of ₱500,000 as moral damages and ₱100,000 as exemplary damages for the crime of Trafficking in Persons as a Prostitute finds basis in Article 2219 of the Civil Code, which states:

Art. 2219. Moral damages may be recovered in the following and analogous cases:

- (1) A criminal offense resulting in physical injuries;
- (2) Quasi-delicts causing physical injuries;
- (3) Seduction, abduction, rape, or other lascivious acts;
- (4) Adultery or concubinage;
- (5) Illegal or arbitrary detention or arrest;
- (6) Illegal search;
- (7) Libel, slander or any other form of defamation;
- (8) Malicious prosecution;
- (9) Acts mentioned in Article 309; and
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.

⁴² *People v. Delector*, G.R. No. 200026, October 4, 2017.

⁴³ *People v. Macaspac*, *supra* note 41.

⁴⁴ *People v. Labraque*, G.R. No. 225065, September 13, 2017, citing *People v. Alberca*, G.R. No. 217459, June 7, 2017.

⁴⁵ *People v. Casio*, 749 Phil. 458, 475 (2014).

⁴⁶ *Id.*, citing United Nations Office on Drugs and Crime, "Human Trafficking FAQs" (visited November 26, 2014).

⁴⁷ *Id.* at 475-476.

⁴⁸ *Id.* at 482, citing *People v. Lalli, et al.*, 675 Phil. 126, 158-159 (2011) [Per J. Carpio, Second Division].

x x x

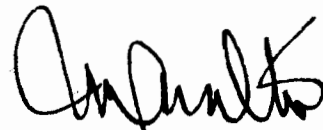
x x x

x x x.

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. x x x.

WHEREFORE, the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, dated May 18, 2018, of petitioner Antonio Planteras, Jr. is **DENIED** for lack of merit. Consequently, the Decision dated April 24, 2017 and the Resolution March 21, 2018 of the Court of Appeals in CA-G.R. CR HC No. 02077 are **AFFIRMED** with the **MODIFICATION** that petitioner is **ORDERED** to **PAY** AAA the amounts of ₱100,000.00 as moral damages and ₱50,000.00 as exemplary damages.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
 Associate Justice

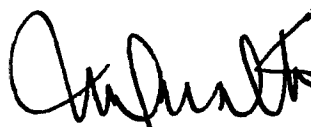
Reyes
ANDRES B. REYES, JR.
 Associate Justice

On official business
ALEXANDER G. GESMUNDO
 Associate Justice

J. C. Reyes
JOSE C. REYES, 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.


DIOSDADO M. PERALTA
 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.

Teresito Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
 Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPID
 Division Clerk of Court
 Third Division
 OCT 19 2018

