



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

WILBERT BROZOTO y DE LEON,
Petitioner,

G.R. No. 233420

Present:

- versus -

LEONEN, J., *Chairperson*,
HERNANDO,
INTING,
DELOS SANTOS,
LOPEZ, J., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:
April 28, 2021

Micael DCBost

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DECISION

LOPEZ, J., *J.*:

Before this Court is a Petition for Review on *Certiorari*,¹ assailing the Decision² dated April 21, 2017 and the Resolution³ dated August 2, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 38706, affirming the conviction by the Regional Trial Court (RTC) of the petitioner of the crimes of child trafficking and child abuse. The challenged Decision denied the appeal filed by petitioner,⁴ while the assailed Resolution denied his Motion for Reconsideration.⁵

¹ *Rollo*, pp. 13-30.

² *Id.* at pp. 32-50. *See* Decision penned by Honorable Associate Justice Apolinario D. Bruselas, Jr., and concurred in by Associate Justices Danton Q. Bueser and Marie Christine Azcarraga-Jacob.

³ *Id.* at pp. 52-54. *See* Resolution penned by Honorable Associate Justice Apolinario D. Bruselas, Jr., and concurred in by Associate Justices Danton Q. Bueser and Marie Christine Azcarraga-Jacob.

⁴ *Id.* at p. 50.

⁵ *Id.* at p. 54.

The Antecedents

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Wilbert Brozoto y De Leon (*petitioner*) was indicted in two (2) separate Informations, both dated February 7, 2012, in Criminal Case Nos. 17296-17297, for violation of Sections 3(a) and 4(a), in relation to Sections 6(a) and 10(c) of Republic Act (R.A.) No. 9208⁶ and Sections 3 and 5 par. a(1) of R.A. 7610,⁷ respectively.⁸ The accusatory portion of the Information in Criminal Case No. 17296 states:

That on or about November 28, 2011 at around 4:20 o'clock in the afternoon, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with a certain "Roanne" whose identity had not yet been fully established, did then and there knowingly without authority of law, thru fraud, deception and taking advantage of the vulnerability of the person, did then and there[,] willfully[,] unlawfully and feloniously recruit AAA, a 14-year-old minor, for the purpose of prostitution/sexual exploitation.

CONTRARY TO LAW.⁹

Meanwhile, the accusatory portion of the Information in Criminal Case No. 17297 reads:

That on or about November 28, 2011 at around 4:20 o'clock in the afternoon, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with a certain "Roanne" whose identity had not yet been fully established, did then and there knowingly, willfully and criminally engage in or promote, facilitate or induce child prostitution by acting as a procurer of one AAA, a 14-year-old minor for the purpose of prostitution, against the latter's will, thereby degrading or demeaning the intrinsic worth and dignity of said AAA, as a human being, in flagrant violation of the aforecited law.

CONTRARY TO LAW.¹⁰

During the arraignment, petitioner pleaded *not guilty* to the charges.¹¹ After the termination of the pre-trial, trial on the merits then ensued.¹²

Version of the Prosecution

The evidence for the prosecution consisted of the lone testimony of AAA,¹³ which, as culled from the Office of the Solicitor General's (OSG)

⁶ Otherwise known as the "Anti-Trafficking in Persons Act of 2003."

⁷ Also known as "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

⁸ *Rollo.*, pp. 32-33.

⁹ *Id.* at 34.

¹⁰ *Id.* at 34-35.

¹¹ *Id.* at 35.

¹² *Id.*

¹³ In line with the pronouncement in *People v. Cabalquinto* [533 Phil. 703 (2006)] and *People v. Guillermo* [550 Phil. 176 (2007)], and pursuant to the Court's Resolution in AM No. 12-7-15-SC, the Court withholds the real names of the private offended party and her immediate family members, and such other

Comment¹⁴ filed on behalf of the People, runs in this wise:

On November 23, 2011, AAA, who was then 14 years old, had a misunderstanding with her mother and ran away from home.¹⁵ With nowhere to go, she stayed with a friend named Marivic, who lived in [REDACTED].¹⁶ After four (4) to five (5) days, she transferred to [REDACTED], and lived with a childhood friend named Dianne.¹⁷ While staying with her, AAA helped out in the household chores in exchange for food.¹⁸

On November 27, 2011, AAA met petitioner through a common friend named Mary Joy.¹⁹ During that encounter, petitioner asked AAA if she would be willing to engage in sexual intercourse for money.²⁰ With Mary Joy's persuasion, AAA agreed since she needed money and had no one else to depend on but herself.²¹ Petitioner then instructed AAA to tell her future clients that she is already 18 years old.²²

The next day, or on November 28, 2011, Mary Joy approached AAA and told her that petitioner already found her a customer, whom she would meet at his house later that day.²³ Late afternoon, AAA met a man and went with him on board a red car.²⁴ The man asked AAA about her age, to which she replied, by saying that she was 18 years old, as per petitioner's instruction.²⁵ At around 7 o'clock in the evening, the man and AAA arrived at a house where the former immediately led the latter to a room.²⁶ Thereat, the man instructed AAA to remove her clothes while he was doing the same.²⁷ Moments later, the man inserted his penis into AAA's vagina, fondled her breast, and inserted his finger into her vagina.²⁸ After an hour, the man brought AAA back to petitioner's house.²⁹ The man gave P2,000.00 to AAA, who in turn, gave petitioner his share of P600.00.³⁰ AAA then bought food and went home.³¹

On November 30, 2011, AAA found out that her sister, together with some personnel from the Crime Investigation and Detection Group (CIDG), was looking for her.³² She immediately gathered her things and moved to the

personal circumstances or any other information that may compromise or establish her identity.

¹⁴ *Rollo*, pp. 120-140.

¹⁵ *Id.* at 123.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 123-124.

²⁵ *Id.* at 124.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

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house of another friend located in [REDACTED].³³ She did not go home because she was too ashamed and embarrassed of what she had endured.³⁴

On December 4, 2011, AAA's mother finally found her.³⁵ In the evening of that same day, she told her mother everything she had gone through.³⁶ Appalled, they immediately reported the incident to the [REDACTED] Police Station, where AAA and her mother executed their sworn statements.³⁷

On December 5, 2011, Dr. Anna Marie Cabral (*Dr. Cabral*) of the [REDACTED] Regional Hospital examined AAA and found finger-like lesions around her *labia minora* and healed lesions at 7 o'clock position of her hymen.³⁸

Version of the Defense

The defense presented three (3) witnesses, namely: (a) petitioner himself, (b) Mary Joy Celoy Frias, and (c) Gemma Villarba Mendoza. Their combined testimonies, as lifted from petitioner's Petition for Review,³⁹ tended to establish the following:

On the day of the incident, petitioner, together with his wife, was at the small town lottery, remitting the collection of bets.⁴⁰ They were around 10 o'clock in the morning and returned at around 3:30 o'clock until 5:30 o'clock in the afternoon for the second draw.⁴¹ The last draw was at around 9:30 o'clock in the evening.⁴² He only came to know AAA on November 29, 2011, when she and three (3) other companions whom he knew, passed by their house.⁴³

Ruling of the RTC

In its Joint Decision⁴⁴ dated February 19, 2016, the RTC convicted petitioner of the crimes charged based on the sole testimony of AAA, which the RTC found to be candid, straightforward, and unequivocal.⁴⁵ It was established through AAA's testimony that petitioner procured a customer to have sex with her for ₱2,000.00, and that he received ₱600.00 as

33 *Id.*
 34 *Id.*
 35 *Id.*
 36 *Id.*
 37 *Id.*
 38 *Id.* at 125.
 39 *Id.* at 17.
 40 *Id.*
 41 *Id.*
 42 *Id.*
 43 *Id.*
 44 *Id.* at 70-78.
 45 *Id.* at 75.

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commission.⁴⁶ Moreover, AAA's claim that a sexual intercourse between her and a client transpired was corroborated by the medical findings of Dr. Cabral, who found finger lesions around AAA's *labia minora* and healed lesions at 7 o'clock position of her hymen.⁴⁷ Meanwhile, the RTC brushed aside petitioner's denial and alibi, which it found to be weak defenses that cannot prevail over the positive testimony of the victim.⁴⁸ For these reasons, the RTC convicted petitioner of child trafficking under Sections 3(a) and 4(a), in relation to Section 10(a), of R.A. 9208 and child abuse penalized under Sections 3 and 5 par. a(1), Article VI of R.A. 7610. The dispositive portion of its Decision states:

WHEREFORE, in light of all the foregoing, finding the Accused William Brozoto y De Leon @ Bobby, guilty beyond reasonable doubt, as principal, of the crimes of Child Trafficking defined and penalized under the provisions of Sections 3(a) and 4(a), in relation to Section 10(a), of Republic Act No. 9208, and for Child Abuse defined and penalized under Sections 3 and 5 par. a (1), Article VI of Republic Act 7610, there being no mitigating nor aggravating circumstances attendant, he is hereby sentenced to suffer the penalty of imprisonment of Twenty (20) years and a fine of One Million Pesos (P1,000,000.00), for Criminal Case No. 17296, and the indeterminate sentence of imprisonment ranging from Ten years, Two months and Twenty-One days (10 years, 2 months and 21 days) of *Prision Mayor*, as minimum, to Seventeen years, Four months and One day (17 years, 4 months and 1 day) of *Reclusion Temporal*, as maximum, for Criminal Case No. 17297.

Further, the accused is ordered to indemnify AAA[,] the sum of Fifty Thousand (Php50,000.00) Pesos, as moral damages, and to pay the costs, in each case.

x x x x

SO ORDERED.⁴⁹

Unfazed, petitioner appealed to the CA.⁵⁰

Ruling of the CA

As aforementioned, the CA affirmed the conviction of petitioner, ruling that the lone uncorroborated testimony of the offended victim, so long as it was clear, positive, and categorical, may prove the crimes as charged.⁵¹ Likewise, the CA affirmed the penalties meted out by the RTC, after finding the same to be within the range provided by R.A. 9208 and R.A. 7610.⁵² Nonetheless, the CA imposed interest on the damages awarded to AAA. The dispositive portion of its assailed Decision is quoted hereunder:

⁴⁶ *Id.*
⁴⁷ *Id.* at 76.
⁴⁸ *Id.*
⁴⁹ *Id.* at 77.
⁵⁰ *Id.* at 39.
⁵¹ *Id.* at 42-44.
⁵² *Id.* at 50.

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WHEREFORE, the appeal is **DENIED**. An interest at the rate of six percent (6%) *per annum* on all damages awarded to [AAA] in Criminal Case Nos. 17296 and 17297 is imposed upon the total award to be computed from the date of the judgment until it be fully paid.

IT IS SO ORDERED.⁵³

Aggrieved, petitioner filed a Motion for Reconsideration, which was similarly denied by the CA in its assailed Resolution.⁵⁴ Hence, petitioner brought the case on appeal before this Court and raised the following assignment of errors:

I.

WHETHER [THE CA] GRAVELY ERRED IN CONVICTING THE PETITIONER DESPITE THE PROSECUTION'S FAILURE TO PROVE ALL THE ELEMENTS OF SEXUAL ABUSE UNDER SECTION 5, ARTICLE III OF RA NO 7610.

II.

WHETHER [THE CA] GRAVELY ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION WITNESS DESPITE ITS INCREDIBILITY AND INCONSISTENCY.

III.

WHETHER [THE CA] GRAVELY ERRED [IN] DISMISSING THE PETITIONER'S DEFENSE OF DENIAL.⁵⁵

Petitioner asserts mainly that the uncorroborated testimony of AAA was not sufficient to establish that there was prostitution. Hence, it cannot be concluded that petitioner committed trafficking in persons and child abuse.⁵⁶

On the contrary, the OSG refuted the argument proffered in this manner: *first*, the testimony of a single witness may be sufficient to produce conviction, if the same appears to be trustworthy and reliable;⁵⁷ *second*, denial is a weak defense as against the positive identification by the victim;⁵⁸ *third*, no improper motive could be imputed to AAA to show that she would falsely testify against petitioner;⁵⁹ and *finally*, time and again, this Court has accorded great weight to factual findings of the trial court.⁶⁰

In sum, the issue is whether the prosecution has proven the guilt of the petitioner beyond reasonable doubt.

⁵³ *Id.* (Emphasis in the original).

⁵⁴ *Id.* at 54.

⁵⁵ *Id.* at 22.

⁵⁶ *Id.* at 24.

⁵⁷ *Id.* at 132.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 133.

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Our Ruling

The petition is **bereft** of merit.

In criminal cases, “[a]n appeal...throws the whole case open for review, and the appellate court has the duty to correct, cite, and appreciate errors in the appealed judgment, whether or not assigned or unassigned. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.”⁶¹

Guided by the foregoing consideration, and as will be explained hereunder, the Court deems it proper to: a) convict petitioner for qualified trafficking in persons under Section 6(a) of R.A. 9208 in Criminal Case No. 17296; b) increase the award of moral damages to ₱500,000.00; c) award exemplary damages in the amount of ₱100,000.00; and d) modify the indeterminate sentence in Criminal Case No. 17297 to fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum, in line with prevailing jurisprudence.

I. All the elements of the crimes charged are present.

A. Petitioner is guilty of qualified trafficking in persons.

Petitioner was charged with and convicted of the following crimes: (1) trafficking in persons under Sections 3(a) and 4(a), in relation to Section 10(a), of R.A. 9208; and 2) child abuse under Sections 3 and 5, paragraph a(1) of R.A. 7610.

The term trafficking in persons is defined under Section 3(a) of R.A. 9208, which states:

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

⁶¹ *People v. Alon-Alon*, G.R. No. 237803, November 27, 2019, citing *Cunanan v. People*, G.R. No. 237116, November 12, 2018.

of position, taking advantage of the vulnerability of the persons, 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.

Meanwhile, Section 4(a) of the same law enumerates the acts that fall under the term "trafficking" in persons:

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;

In addition, Section 6 of R.A. 9208 provides that the crime is qualified when, *inter alia*, the trafficked person is a **child**.⁶² The law defines a child as "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."⁶³

On February 6, 2013, the law was amended by R.A. No. 10364,⁶⁴ which expanded the elements of trafficking in persons 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"[:]

⁶² Section 6. Qualified Trafficking in Persons. – The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

⁶³ Section 3(b) of R.A. 9208.

⁶⁴ Also known as the "Expanded Trafficking in Persons Act of 2012."

- (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[.]”⁶⁵

Here, the offense was committed on November 28, 2011, or prior to the amendment. Hence, the original provisions of R.A. 9208 apply.

In *People v. Casio*,⁶⁶ the Court defined the elements of trafficking in persons in this manner:

- (1) The *act* of “recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders.”
- (2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another;” and
- (3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”

“Trafficking in persons is a deplorable crime.”⁶⁷ **“The gravamen of the crime of trafficking is ‘the act of recruiting or using, with or without consent, a fellow human being for [*inter alia*,] sexual exploitation.’”**⁶⁸ As aptly held by the Court in *Santiago, Jr. v. People*⁶⁹:

Human beings are not chattels whose sexual favors are bought or sold by greedy pimps. Those who profit in this way by recruiting minors are rightfully, by law, labeled as criminals. They should be the subject of aggressive law enforcement, prosecuted, tried, and when proof beyond reasonable doubt exists, punished.

The existence of the elements of qualified trafficking in persons was established by the prosecution witness, AAA, during trial. Her lone testimony proved that petitioner recruited her for the purpose of prostitution. The offense is qualified trafficking in persons because AAA, at that time was a minor. The criminal Information filed specifically alleged that AAA, was only 14 years

⁶⁵ *People v. Maycabalong*, G.R. No. 215324, December 5, 2019. (Emphasis supplied).

⁶⁶ 749 Phil. 458, 472-473 (2014).

⁶⁷ *Id.* at 461.

⁶⁸ *People v. Estonilo*, G.R. No. 248694, October 14, 2020. (Emphasis supplied).

⁶⁹ G.R. No. 213760, July 1, 2019.

old⁷⁰ at the time of the commission of the offense, having been born on May 1, 1997,⁷¹ as evidenced by her birth certificate.⁷²

The trafficked victim's testimony that she had been sexually exploited was “material to the cause of the prosecution.”⁷³ Relative to this principle, it is likewise settled that the testimonies of child-victims are given full weight and credit,⁷⁴ since “[y]outh and immaturity are generally badges of truth.”⁷⁵ “When the offended part[ies 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.”⁷⁶ “Indeed, leeway should be given to witnesses who are minors, especially when they are relating past incidents of abuse.”⁷⁷ “The revelation of ... innocent child[ren] 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.”⁷⁸

In *XXX v. People*,⁷⁹ the Court thus held:

It is settled that when it comes to the issue of credibility of the victim or the prosecution witnesses, the findings of the trial courts carry great weight and respect and, generally, the appellate courts will generally not overturn these findings. For the trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying. The rule finds an even more stringent application where the said findings are sustained by the Court of Appeals, as in this case. (citation omitted)

“[W]hen the victim's testimony is straightforward, convincing, and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof.”⁸⁰ Here, the RTC found AAA's testimony to be straightforward and consistent, which the CA even affirmed on appeal. While AAA admitted that she acceded with petitioner's offer to find means to provide for herself, her consent may not be

⁷⁰ *Rollo*, pp. 70-71.

⁷¹ *Id.* at 71.

⁷² *Id.* at 43.

⁷³ *People v. Maycabalong*, *supra* note 65, citing *People v. Rodriguez*, 818 Phil. 625, 638 (2017).

⁷⁴ *People v. Laceste*, G.R. No. 194838, September 3, 2014. (Minute Resolution)

⁷⁵ *People v. Ronquillo*, 818 Phil. 641, 651 (2017), citing *People v. Closa*, 740 Phil. 777, 785 (2014).

⁷⁶ *People v. Tulagan*, G.R. No. 227363, March 12, 2019, citing *People v. Garcia*, 695 Phil. 576 (2012).

⁷⁷ *People v. Caoili*, 815 Phil. 839, 881 (2017).

⁷⁸ *XXX v. People*, G.R. No. 248348, January 15, 2020. (Minute Resolution)

⁷⁹ *Id.*, citing *People v. Gerola*, 813 Phil. 1055, 1063-1064 (2017).

⁸⁰ *People v. Culis*, G.R. No. 242168, November 25, 2020.

used by petitioner as a valid defense.⁸¹ It is well to note that, “a child is presumed by law to be incapable of giving rational consent to any sexual intercourse.”⁸² “The victim’s consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. 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.”⁸³

In *Malto v. People*,⁸⁴ the Court emphasized that children should not be deemed to have validly consented to adult sexual activity, because they are not capable of fully understanding or knowing the nature or import of their actions. For this reason, they are presumed by law to be incapable of giving consent to any sexual activity and must be protected from the harmful consequences of their attempts at adult sexual behavior. In *Malto*, the Court explained the rationale in this wise:

[Children] cannot give consent to a contract under our civil laws. This is on the rationale that [they] can easily be the victim of fraud as [they are] not capable of fully understanding or knowing the nature or import of [their] actions. The State, as *parens patriae*, is under the obligation to minimize the risk of harm to those who, because of their minority, are as yet unable to take care of themselves fully. Those of tender years deserve its protection.

The harm which results from [children’s] bad decision in a sexual encounter may be infinitely more damaging to [them] than a bad business deal. Thus, **the law should protect [them] from the harmful consequences of [their] attempts at adult sexual behavior. For this reason, [children] should not be deemed to have validly consented to adult sexual activity and to surrender [themselves] in the act of ultimate physical intimacy under a law which seeks to afford [them] special protection against abuse, exploitation and discrimination.** (Otherwise, sexual predators like petitioner will be justified, or even unwittingly tempted by the law, to view [them] as fair game and vulnerable prey.) In other words, a child is presumed by law to be incapable of giving rational consent to any lascivious act or sexual intercourse.⁸⁵

Lamentably, the medical findings of the examining physician did corroborate AAA’s claim that she engaged in sexual congress, as borne by the fact that there were lesions found in her hymen. Jurisprudence⁸⁶ holds that when a victim’s testimony is corroborated by the medical findings of the examining physician, the same is sufficient to sustain a verdict of conviction. All told, AAA’s testimony, substantiated by medical findings, confirmed that petitioner persuaded AAA, who was only 14 years old at that time, to have sexual intercourse with a man to earn a commission from such arrangement, which made him liable for qualified trafficking in persons.

⁸¹ *Santiago, Jr., v. People*, G.R. No. 213760, July 1, 2019, citing *People v. Ramirez*, G.R. No. 217978, January 30, 2019.

⁸² *Tan v. People*, G.R. No. 237137, April 16, 2018. (Minute Resolution).

⁸³ *People v. Casio*, *supra* note 66, at 475-476.

⁸⁴ 560 Phil. 119, 140 (2007).

⁸⁵ *Id.* at 139-141. (Emphasis supplied).

⁸⁶ *XXX v. People*, G.R. No. 248348, January 15, 2020.

B. Petitioner is guilty under Section 5(a) of R.A. 7610 for acting as a procurer of a child prostitute.

Petitioner was, likewise, charged with and convicted of child prostitution under Section 5(a) of R.A. 7610, which states:

Section 5. *Child Prostitution and Other Sexual Abuse.* — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

- (a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

(1) **Acting as a procurer of a child prostitute [.]**

“Section 5(a) of R.A. 7610 punishes acts pertaining to or connected with child prostitution wherein the child is abused primarily for profit.”⁸⁷ In *People v. Dulay*,⁸⁸ the Court enumerated the elements of Section 5(a) of R.A. 7610 as follows:

1. the **accused** engages in, promotes, facilitates or **induces child prostitution**;
2. the act is done through, but not limited to, the following means:
 - a. **acting as a procurer of a child prostitute**;
 - b. inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - c. taking advantage of influence or relationship to procure a child as a prostitute;
 - d. threatening or using violence towards a child to engage him as a prostitute; or
 - e. giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution;
3. the **child is exploited** or intended to be exploited **in prostitution** and
4. the child, whether male or female, is **below 18 years of age**.⁸⁹

⁸⁷ *Quimvel v. People*, 808 Phil. 889-917 (2017).

⁸⁸ *People v. Dulay*, 695 Phil. 742 (2012).

⁸⁹ *Id.* at 757. (Emphasis supplied).

In *People v. Larin*,⁹⁰ the Court defined when a child is deemed exploited in prostitution or subjected to other sexual abuse:

A child is deemed exploited in prostitution or subjected to other sexual abuse, when the child indulges in sexual intercourse or lascivious conduct (a) for money, profit, or any other consideration; or (b) under the coercion or influence of any adult, syndicate or group.⁹¹

A child exploited in prostitution may seem to consent to what is being done to her or him and may appear not to complain. However, we have held that “a child x x x is incapable of giving rational consent.”⁹² “Initiation into the flesh trade with [a client] requires a level of familiarity with its ways and inner workings that an untrained minor, x x x would not have stumbled into on her own. To echo *People v. Delantar*,⁹³ **the forfeiture of the right to live free in society is the due requital for peddling a child to sexual servitude.**”

As earlier discussed, AAA’s declarations established that petitioner exploited her in prostitution when he procured a customer to engage in sexual intercourse with her for a fee, from which pay he also benefited. Pitted against AAA’s testimony, petitioner simply denied the charges against him. This notwithstanding, the positive testimony of AAA prevails over his negative and self-serving statements. No jurisprudence in criminal law is more settled than that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility and that alibi, on the other hand, is the “weakest of all defenses, for it is easy to contrive and difficult to disprove and for which reason it is generally rejected.”⁹⁴ Hence, the Court has consistently ruled that denial cannot prevail against positive identification.⁹⁵

II. The penalty imposed should be modified.

A. Proper Penalty for Qualified Trafficking in Persons

Anent the proper penalty to be imposed on petitioner, Section 10(c) of R.A. 9208 provides that persons found guilty of qualified trafficking shall suffer the penalty of **life imprisonment and a fine of not less than ₱2,000,000.00 but not more than ₱5,000,000.00.**⁹⁶

As regards the award of damages, the Court, in *People v. Lalli*,⁹⁷ held that the awards of moral and exemplary damages were warranted in cases of

⁹⁰ 357 Phil. 987 (1998).

⁹¹ *Id.* at 998.

⁹² *People v. Monsanto*, G.R. No. 241247, March 20, 2019, citing *People v. Delantar*, 543 Phil. 107, 124 (2007).

⁹³ *Id.* (citations omitted).

⁹⁴ *People v. San Miguel*, G.R. No. 247956, October 7, 2020.

⁹⁵ *People v. Pandiling*, G.R. No. 224593, February 6, 2019.

⁹⁶ *People v. Estonilo*, G.R. No. 248694, October 14, 2020. (Emphasis supplied).

⁹⁷ 675 Phil. 126, 159 (2011).

trafficking in persons as the offense is analogous to the crimes of seduction, abduction, rape, or other lascivious acts, “which cause the victim physical and mental suffering, besmirched reputation, moral shock, and social humiliation.”⁹⁸ In *Lalli*, the Court awarded moral damages of ₱500,000.00 and exemplary damages of ₱100,000.00 to each of the victims. Likewise, the imposition of six percent (6%) interest *per annum* on the award from the finality of judgment until full payment is proper in line with the Court’s ruling in *Nacar v. Gallery Frames*.⁹⁹

B. Penalty for violation of Section 5(a), Article III of R.A. 7610

The penalty for the violation of the provisions of Section 5, Article III of R.A. 7610 is *reclusion temporal* in its medium period to *reclusion perpetua*.¹⁰⁰ In the absence of any mitigating or aggravating circumstance, the proper imposable penalty is *reclusion temporal* in its maximum period, the medium of the penalty prescribed by the law.¹⁰¹

Notwithstanding that R.A.7610 is a special law, petitioner may enjoy the benefits of the Indeterminate Sentence Law,¹⁰² since the penalty provided in R.A. 7610 adopts the nomenclature of the penalties provided under the Revised Penal Code.¹⁰³ Consequently, he is entitled to a maximum term, which should be within the range of the proper imposable penalty of *reclusion temporal* in its maximum period (ranging from 17 years, 4 months and 1 day to 20 years) and a minimum term to be taken within the range of the penalty next lower to that prescribed by the law, *i.e.*, *prision mayor* in its medium period to *reclusion temporal* in its minimum period (ranging from 8 years and 1 day to 14 years and 8 months).¹⁰⁴

In *People v. Dulay*,¹⁰⁵ the Court found the appellant therein guilty of violation of Section 5(a), Article III of R.A. 7610, and sentenced her to fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. Meanwhile, as to the award of damages, the Court, in *Dulay*, ordered the appellant to pay the victim the amount of ₱50,000.00 as civil indemnity, consistent with the objective of R.A. 7610 to afford children special protection against abuse, exploitation, and discrimination.

Indeed, while “the child is one of the most important assets of the nation,”¹⁰⁶ he/she also remains as one of the most vulnerable.¹⁰⁷ It is for this reason that “the child, by reason of his [or her] mental and physical immaturity, needs special safeguard and care,” and “the law will rise in his [or her] defense

⁹⁸ *People v. De la Rosa*, G.R. No. 227880, November 6, 2019.

⁹⁹ 716 Phil. 267 (2013).

¹⁰⁰ *People v. Dulay*, *supra* note 88.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Section 1 of Act No. 4103, as amended.

¹⁰⁴ *People v. Dulay*, *supra* note 88, at 760.

¹⁰⁵ *Supra* note 88, at 761.

¹⁰⁶ *People v. Daguno*, G.R. No. 235660, March 4, 2020.

¹⁰⁷ *Id.*

with the single-minded purpose of upholding his [or her] best interest” in case of assault on his or her rights by those who take advantage of his [or her] innocence and vulnerability.¹⁰⁸ R.A. 7610 was precisely meant to advance the state’s policy of affording protection to children from all forms of abuse, by providing sanctions for the most abhorrent crimes committed against their persons. The Court, as the adjudicative branch of the State, “has the incontrovertible mandate under the *parens patriae* doctrine to protect”¹⁰⁹ them. In doing so, we “protect the future that rests in the lives of our children.”¹¹⁰

WHEREFORE, premises considered, the Petition for Review is **DENIED**. The Decision dated April 21, 2017 and the Resolution dated August 2, 2017 of the Court of Appeals in CA-G.R. CR No. 38706 are hereby **AFFIRMED** with the following **MODIFICATIONS**:

1. In Criminal Case No. 17296, petitioner Wilbert Brozoto y De Leon is found guilty of Qualified Trafficking in Persons under Sections 3(a) and 4(a), in relation to Section 6 of R.A. 9208, and he is sentenced to suffer the penalty of life imprisonment and a fine of ₱2,000,000.00. Moreover, he shall pay AAA moral damages of ₱500,000.00 and exemplary damages of ₱100,000.00;
2. In Criminal Case No. 17297, petitioner Wilbert Brozoto y De Leon is found guilty of acting as a procurer of a child prostitute under Section 5(a) of R.A. 7610, and he is hereby sentenced to suffer an indeterminate sentence of fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. Furthermore, he shall pay AAA the amount of ₱50,000.00 as civil indemnity;
3. All the monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the finality of judgment until full payment, this interim period being deemed to be by then an equivalent to a forbearance of credit.¹¹¹

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

¹⁰⁸ *Concepcion v. Court of Appeals*, 505 Phil. 529, 532 (2005).

¹⁰⁹ *People v. Evangelista*, 346 Phil. 717, 723 (1997).

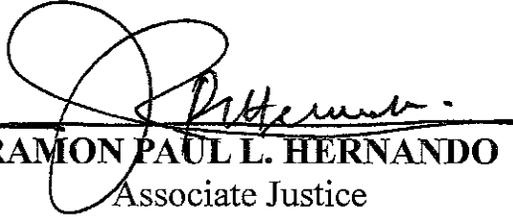
¹¹⁰ *Id.*

¹¹¹ *Lara's Gift & Decors, Inc. v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, August 28, 2019.

WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



EDGARDO L. DELOS SANTOS
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
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.


ALEXANDER G. GESMUNDO
Chief Justice