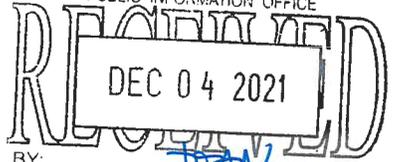




SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



BY: JOAN T-20
TIME: _____

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 238213
Plaintiff-appellee,

Present:

-versus-

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

HELEN LAPENA,
Accused-appellant.

Promulgated:
February 1, 2021

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DECISION

LEONEN, J.:

This Court resolves an appeal¹ from the Court of Appeals Decision,² which affirmed the conviction of Helen Lapena (Lapena) for the crime of Qualified Trafficking in Persons under Section 6(a) of Republic Act No. 9208.

An Information was filed against Shirley Navarro (Navarro), Janelyn Dela Cruz (Dela Cruz), and Lapena, charging them with violating Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2008, in relation to Republic Act No. 7610. The accusatory portion of the Information reads:

¹ This appeal was filed under Rule 124, Section 13(c) of the Rules of Court.

² *Rollo*, pp. 2-13. The March 24, 2017 Decision in CA-G.R. CR-H.C. No. 06163 was penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Jose C. Reyes, Jr. and Stephen C. Cruz of the Fourth Division of the Court of Appeals, Manila.

That on or about the period from September, 2003 up to January 26, 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the Floor Managers of ██████████ located at ██████████ ██████████ Makati City, did then and there willfully, unlawfully and feloniously recruit or harbor, for the purpose of prostitution and sexual exploitation the following victims, to wit:

- | | |
|----------|-----------------------|
| 1. [AAA] | - Minor, 16 years old |
| 2. [BBB] | - Minor, 16 years old |
| 3. [CCC] | - Minor, 17 years old |
| 4. [DDD] | - Minor, 17 years old |
| 5. [EEE] | - Minor, 16 years old |
| 6. [FFF] | - Minor, 15 years old |

in violation of the aforesaid law.

CONTRARY TO LAW.³

Only Lapena was arraigned, as Navarro and Dela Cruz remained at large throughout the trial court proceedings.⁴ Thereafter, pre-trial was conducted, and trial ensued for Lapena.⁵

The prosecution presented the minor victims: (1) CCC; (2) FFF; and (3) DDD, as well as Dr. Mariel Castillo, and National Bureau of Investigation Agent Ferdinand Dagdag,⁶ who presented the following version of events:

CCC testified that she met Lapena on January 14, 2006, upon applying to be a guest relations officer at ██████████. CCC was rejected by a certain “Mommy Jojie” for being too young, but was thereafter accepted for the position on January 17, 2006. Mommy Jojie advised her that as a guest relations officer, she was required to talk to customers, and that she could decide whether or not she wanted to do additional work.⁷

To CCC’s knowledge, Mommy Jojie, “Mommy Shirley,” and Lapena were the floor managers at the bar. As floor managers, they talked to guests before introducing them to the bar’s guest relations officers. Guests would occasionally invite the guest relations officers to the bar’s “VIP room.” CCC was taken to the VIP room at least three (3) times, where customers would touch her private parts, and she would perform fellatio on them, in exchange for payment. CCC worked at the bar for less than a month.⁸

³ CA rollo, p. 17.

⁴ Rollo, p. 3.

⁵ Id.

⁶ CA rollo, pp. 30–36.

⁷ Id. at 30.

⁸ Id.

FFF testified that she started working at the bar on September 23, 2005, when she was only 15 years old because she needed the money badly. Mommy Jojie accepted her application, notwithstanding her age, advising her to tell customers she was already 18 years old. FFF was told that her job, as a guest relations officer, was to entertain customers. She testified that customers would choose a guest relations officer to sit beside them, then kiss her, and touch her private parts. FFF testified as to the existence of VIP rooms, and said that one customer spoke to Lapena and a certain "Mommy Isabel," paying ₱3,000.00 in exchange for sexual intercourse with FFF, but FFF refused and told Mommy Isabel to find another girl for the job.⁹

DDD, in turn, testified that she was recruited by a friend to work at the bar. Mommy Jojie was managing the bar when DDD first visited, and told her that her job was to: (1) entertain customers; (2) accompany them as they drank; (3) kiss them; and (4) allow herself to be touched intimately. While DDD worked, the floor managers would introduce customers for her to "table" them, or bring them to the VIP room. She saw Mommy Jojie and Mommy Shirley in the bar every day, but rarely saw Lapena there. DDD accompanied customers to the VIP room more than 10 times. The floor managers knew that she had sexual intercourse with customers, and would get angry when she refused.¹⁰

All three testified regarding their respective birth dates, which made them all minors at the time they worked at the bar.¹¹ They also testified regarding the night of January 26, 2006, when National Bureau of Investigation agents raided the bar, and took them to the National Bureau of Investigation Office to execute their respective statements.¹²

CCC further testified that she was rescued from the bar on January 26, 2006 by National Bureau of Investigation agents, and brought to the National Bureau of Investigation Office where she gave her statements. She explained that she gave the wrong birth year in her *Sinumpaang Salaysay*, because she did not want to be taken to the Department of Social Welfare and Development for being a minor.¹³

The defense presented the following witnesses: (1) Alex Balondo (Balondo); (2) Lapena; and (3) Eduardo Alvarez (Alvarez).¹⁴

⁹ Id. at 31–32.

¹⁰ Id. at 33.

¹¹ Id. at 30, 31, and 33.

¹² Id. at 30, 32, and 34.

¹³ Id. at 30.

¹⁴ Id. at 36–38.

Balondo testified that he worked as a waiter in the vicinity of the bar. Lapena was his townmate, and he knew that she had been selling barbecue outside the bar for 10 years. He did not know whether or not Lapena was connected to the bar. He testified that he did not see Lapena on the day of the raid, but that he did see some women buying barbecue outside the bar and saw that they were instructed to go inside the bar upon the arrival of the National Bureau of Investigation team.¹⁵

In her testimony, Lapena denied working for the bar. She asserted that she sold barbecue in the vicinity of the bar, and kept her stock inside the bar. She further testified that in 2001, she accompanied the person in charge to renew the bar's business license. She said that she would occasionally enter the bar to use its restroom.¹⁶

Alvarez testified that he used to work as a waiter at the bar, and that Lapena did not work there, but merely sold barbecue outside. He was working at the time of the raid and claimed that he neither saw Lapena nor any minors in the bar. He testified to seeing minors loitering outside the bar from 9:00 p.m. to 12:00 midnight, talking to tricycle drivers. At the time of the raid, he claimed that he was washing glasses in the kitchen. He named a certain "Patty" as the manager.¹⁷

In a September 24, 2012 Decision,¹⁸ the Regional Trial Court found Lapena guilty beyond reasonable doubt of the offense charged. It rejected Lapena's claim that she was only a barbecue vendor outside the bar, and found convincing the testimonies of the three (3) witnesses who named Lapena as a floor manager of the bar.

Further, the Regional Trial Court pointed out that Lapena even admitted to having several connections with the bar, conceding that: (1) she would assist in renewing its license; (2) she kept her stock of barbecue there; and (3) she was allowed to go in and out of the bar freely.¹⁹

Based on these events and admissions, placing special emphasis on the license renewal, the Regional Trial Court concluded that Lapena had an essential role in the bar's day-to-day operations.²⁰ The Regional Trial Court

¹⁵ Id. at 36-37.

¹⁶ Id. at 37.

¹⁷ Id. at 38.

¹⁸ Id. at 29-42. The Decision in Crim. Case No. 06-1759 was penned by Presiding Judge Liza Marie R. Picardal-Tecson of the Regional Trial Court, Branch 144, City of Makati.

¹⁹ Id. at 41.

²⁰ Id.

thus held that, as a person with an essential role in the bar, Lapena maintained and hired persons to engage in prostitution, acts punished under Republic Act No. 9208.

The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Helen Lapena GUILTY BEYOND REASONABLE DOUBT of the crime of Qualified Trafficking in Persons under Section 6(a) of RA 9208. Pursuant to Section 10(c) of RA 9208, accused is sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Two Million Pesos (₱2,000,000.00).

Accused is ordered to pay the minor complainants Fifty Thousand Pesos (₱50,000.00) each as moral damages and Thirty Thousand Pesos (₱30,000.00) as exemplary damages.

The Court cannot pronounce the liabilities of accused-at-large Shirley Navarro and Janelyn Dela Cruz as jurisdiction over their persons have not been acquired.

In the meantime, let an Alias Warrant of Arrest be issued against accused Shirley Navarro and Janelyn Dela Cruz. Pending their apprehension, the case against them shall be sent to the archives.

SO ORDERED.²¹

Lapena appealed to the Court of Appeals.²² In her Appellant's Brief,²³ Lapena insisted that her guilt was not proved beyond reasonable doubt.²⁴ She maintained there was no evidence showing that she recruited or harbored the minor victims for prostitution, and that the records show that the minor victims were all hired by a certain "Mommy Jojie," and not Lapena.²⁵

Further, Lapena pointed out that she did not own the establishment where the minors were rescued.²⁶ She claimed that the testimonies of the prosecution witnesses were contradictory, inconsistent, and not believable.²⁷ In particular, Lapena assailed the testimony of CCC, for stating that she knew Lapena from a bar called Meeting Place, yet naming her as one of the floor managers of the bar.²⁸ CCC also named "Mommy Jojie" and "Mommy Shirley," and not Lapena, as the ones who introduced her to customers and who forced her to table customers.²⁹

²¹ *Rollo*, p. 42.

²² *CA rollo*, p. 27.

²³ *Id.* at 53-69.

²⁴ *Id.* at 62.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 65.

²⁸ *Id.*

²⁹ *Id.* at 65-66.

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Moreover, FFF testified that Lapena was a floor manager of the bar, but on cross-examination, identified the floor managers to be Mommy Shirley, Mommy Jojie, and “Tita Betty,” not naming Lapena. Further, Lapena was also excluded from FFF’s *Karagdagang Salaysay*, which identified only “Mommy Jojie” and “Mommy Shirley” as the persons who introduced the minors to customers.³⁰

In her *Sinumpaang Salaysay*, DDD claimed that she talked to Lapena when she accompanied a friend applying to work at the bar. During her direct examination, however, she testified that she was recruited by a friend to work at the bar, and that when she went to the bar for the first time, Mommy Jojie was the one who advised her of the functions of an entertainer.³¹ Moreover, Lapena asserted that the birth certificates submitted to prove the minority of the victims had material discrepancies, and were thus insufficient to establish the same.³²

In its appellee’s brief,³³ the Office of the Solicitor General stressed that the victims positively identified Lapena as a floor manager, and maintained that the any discrepancies in the witnesses’ testimonies were minor. As regards the birth certificates, it argued that documents submitted were sufficient to prove the ages of the complainants, and that any errors were mere clerical errors.³⁴

In a March 24, 2017 Decision,³⁵ the Court of Appeals affirmed the factual findings of the Regional Trial Court. The Court of Appeals modified the damages.

The dispositive portion of the Court of Appeals Decision reads:

We MODIFY the Decision dated 24 September 2012 of the Regional Trial Court, Branch 144, Makati City, in Criminal Case No. 06-1759, as follows:

1. we find appellant Helen Lapena GUILTY beyond reasonable doubt of the crime of qualified trafficking in persons, punished under Article 6, R.A. 9208, and SENTENCE appellant Helen Lapena to suffer the penalty of life imprisonment, and to pay a fine of P2,000,000.00;

³⁰ Id. at 66.

³¹ Id.

³² Id.

³³ Id. at 88–99.

³⁴ Id. at 8.

³⁵ Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Jose C. Reyes, Jr. and Stephen C. Cruz.

2. we order appellant Helen Lapena to indemnify each of the minors-complainants ([CCC], [FFF], and [DDD]) the following sums: P500,000.00 (as moral damages); and P100,000.00 (as exemplary damages).

IT IS SO ORDERED.³⁶

In its May 9, 2017 Resolution,³⁷ the Court of Appeals gave due course to Lapena's Notice of Appeal and elevated the records of the case to this Court. This Court advised the parties to submit their supplemental briefs,³⁸ but both parties filed their respective manifestations (in lieu of supplemental briefs).³⁹

After carefully considering the parties' arguments and the records of this case, this Court resolves to **DISMISS** the appeal for failure to show that the Court of Appeals committed any reversible error in the assailed Decision as to warrant the exercise of this Court's appellate jurisdiction.

Republic Act No. 9208 penalizes the following, among others, as acts of 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[.]

As derived from Republic Act No. 9208, the elements of the crime of trafficking in persons are:

(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

³⁶ CA *rollo*, p. 132.

³⁷ *Id.* at 142.

³⁸ *Rollo*, p. 18-19.

³⁹ *Id.* at 22 and 29.

(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.”⁴⁰ (Citation omitted)

Further, the act of trafficking a child is considered as qualified trafficking under Section 6(a) of Republic Act No. 9208.⁴¹

In this case, the prosecution sufficiently established through witness testimony that: (1) CCC, FFF, and DDD were maintained by the floor managers of the bar for the purpose of prostitution; (2) accused-appellant was one of those responsible for maintaining the victims; and (3) the victims were minors. Thus, We quote:

The first element of trafficking in persons was present. As one of the Floor Managers of [REDACTED], appellant Lapena harbored, received, and maintained the minors-complainants in [REDACTED], for the purpose of prostitution and sexual exploitation.

The appellant Lapena, together with the two other accused who were at large, were the Floor Managers of [REDACTED]. The testimonies of [CCC], [FFF], and [DDD] proved that appellant Lapena was the Floor Manager of [REDACTED] (where [CCC], [FFF], and [DDD] worked as GROs), and that appellant Lapena offered the services of minors-complainants to the male customers, thus: appellant Lapena spoke to the male customers and introduced the minors-complainants to the men, and encouraged the minors-complainants to entertain the male customers by drinking with them, and performing physical and sexual acts (i.e.: kissing; fondling of breasts and sex organs; masturbation; fellatio; sexual intercourse).

The second element of trafficking in persons was present. Appellant Lapena achieved the consent of the minors-complainants [CCC], [FFF], and [DDD] to work as GROs at [REDACTED], by taking advantage of the vulnerability and minority of the complainants.

The third element of trafficking in persons was present. The purpose of recruitment, transportation, transfer, harbouring, and trafficking, was exploitation and prostitution, as already discussed in the two preceding paragraphs.⁴²

It is well-settled that factual findings of the trial court, including its assessment of the credibility of witnesses as well as the probative weight of their testimonies, are given the highest respect. As a general rule, when the

⁴⁰ *People v. Casio*, 749 Phil. 458, 475 (2014) [Per J. Leonen, Second Division].

⁴¹ Republic Act No. 9208, sec. 6 (a).

⁴² *Rollo*, pp. 9–10.

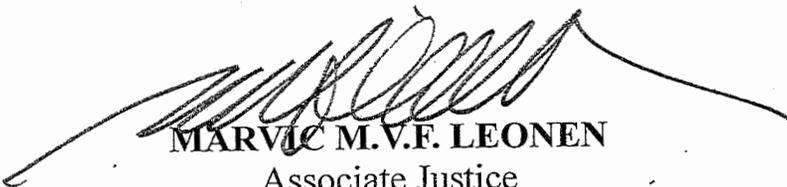
Regional Trial Court's conclusions and factual findings have been affirmed by the Court of Appeals, this Court will not re-examine the same.⁴³

Witness testimony, which the trial court found credible, addressed accused-appellant's arguments. Accused-appellant was positively identified as one of the floor managers of the bar, and would speak to male customers and instruct the witnesses to perform sexual acts with the customers, in exchange for payment.⁴⁴ The baptismal certificate and birth certificates offered in evidence proved that the victims were minors at the time of the commission of the crime.⁴⁵

Accused-appellant has failed to present any cogent reason to reverse the findings of the Court of Appeals and the Regional Trial Court.

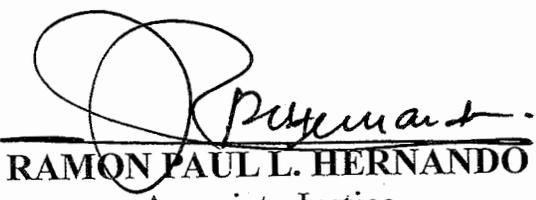
WHEREFORE, we **AFFIRM *in toto*** the March 24, 2017 Decision of the Court of Appeals affirming with modification the September 24, 2012 Decision of the Regional Trial Court of Makati City, finding accused-appellant Helen Lapena guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons, and sentencing her to suffer the penalty of life imprisonment, and to pay a fine of ₱2,000,000.00, and to pay each of the private complainants the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



RAMON PAUL L. HERNANDO
Associate Justice

⁴³ *People v. Castel*, 593 Phil. 288 (2008), [Per J. Reyes, En Banc].

⁴⁴ *Rollo*, p. 11.

⁴⁵ *Id.* at 10.


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


JHOSEP Y. LOPEZ
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

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.


DIOSDADO M. PERALTA
Chief Justice