



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CANDY *a.k.a.* BABY/JILLIAN G.R. No. 223042
MURING FERRER,

Petitioner,

-versus-

PEOPLE OF THE
PHILIPPINES,

Respondent.

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DHAYME JAMUAD (*a.k.a.* G.R. No. 223769
NIKKI MURING FERRER)
and CANDY *a.k.a.*
BABY/JILLIAN MURING
FERRER,

Petitioners,

Members:

GESMUNDO, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, M., and
LOPEZ, J., JJ.*

-versus-

COURT OF APPEALS and
PEOPLE OF THE
PHILIPPINES,

Respondents.

Promulgated:

OCT 06 2021

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* No part.

DECISION

LAZARO-JAVIER, J.:

The Cases

In **G.R. No. 223042**, petitioner Candy *a.k.a.* Baby/Jillian Muring Ferrer (Candy) assails, *via* Rule 45 of the Rules of Court, the **Decision**¹ dated July 22, 2015, and **Resolution**² dated February 11, 2016, of the Court of Appeals in CA-G.R. CEB-C.R.-H.C. No. 01570³ which affirmed her conviction, together with Dhayme Jamuad *a.k.a.* Nikki Muring Ferrer, for violation of 4(a), in relation to Sections 6(a) and (c) of *Republic Act No. 9208* (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003; and denied her subsequent motion for reconsideration, respectively.

On the other hand, in **G.R. No. 223769**, petitioner Dhayme Jamuad *a.k.a.* Nikki Muring Ferrer (Nikki) assails the same dispositions of the Court of Appeals *via* Rule 65 of the Rules of Court.

Antecedents

The Charge

Under Information dated February 27, 2009, both petitioners, together with Ruben, Jason *a.k.a.* Jeffrey and Shane, were charged with qualified trafficking in persons in violation of RA 9208, thus:

That sometime in the month of November 2008, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping one another, with deliberate intent, with intent of gain, did then and there recruit, transport and then maintain for purpose of prostitution, pornography, or sexual exploitation eight (8) female and one (1) male, seven (7) of which are children, namely, [EEE] [fourteen] 14 years old, [FFF] [seventeen] 17 years old, [BBB] [seventeen] 17 years old, [GGG] [sixteen] 16 years old, [DDD] [seventeen] 17 years old, [CCC] [fifteen] 15 years old[,] and [AAA] [sixteen] 16 years old, with the qualifying aggravating circumstance:

1. The trafficked persons are children;
2. The crime is committed by a syndicate;
3. That the crime is committed in large scale.

CONTRARY TO LAW.⁴

¹ G.R. No. 223042, *rollo*, pp. 49-59.

² *Id.* at 76-78.

³ Penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Pamela Ann Abella Maxino and Jhosep Y. Lopez (now a member of the Court), *id.* at 58.

⁴ G.R. No. 223042, *rollo*, pp. 93-95.

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The case was raffled to the Regional Trial Court–Branch 6, Cebu City.

Only petitioners got apprehended as their co-accused remained at large.

On arraignment, petitioners pleaded not guilty. Trial ensued.

Version of the Prosecution

Then sixteen (16) year old AAA⁵ testified that she worked as a dancer at the Fantastic Bar in Cagayan de Oro City. In November 2008, her uncle introduced her to petitioners who were then planning a trip to Cebu. She asked petitioners if she could go with them as she heard there was “bigger money” in Cebu since more foreigners are staying in that area. Petitioners told her she could come along and work as a dancer in Cebu but as part of her job, customers may request her to stay with them for three (3) days for a price or “bar fine.” Despite her initial hesitation, she eventually agreed, nonetheless.⁶

On November 12, 2008, she and petitioners went to Gaisano Mall, Cagayan de Oro City where they bought several tickets for their trip. They also dropped by a restaurant to meet five (5) other girls recruited by petitioners. One of the girls was a fellow dancer at Fantastic Bar. Together, they boarded a boat bound for Cebu that evening. During the boat ride, petitioners gathered their recruits in one room and told them that should anyone ask them about their purpose in going to Cebu, they should just say they were going there for a vacation.⁷

When they docked in Cebu, petitioners instructed her and the other recruits to wait for a Korean guy to fetch them. After waiting for about two (2) hours, a man whom they thought was a *kargador* (porter) asked who and how old they were. The man turned out to be a police officer. Then, a police car arrived and they were brought to the police station, along with the Korean guy Ruben. There, petitioners instructed them to tell the police that they were going to attend the wedding of Candy and her Korean fiancé.⁸

She and the other recruits were later turned over to the Children Intervention Unit of the Department of Social Welfare and Development (CIU-DSWD). There, she was interviewed by the International Justice Mission (IJM), albeit she did not know why.⁹

⁵ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁶ *Id.* at 51.

⁷ *Id.*

⁸ *Id.* at 51-52.

⁹ *Id.* at 151-152.

Then seventeen (17) year old BBB corroborated AAA's testimony. BBB testified, too, that petitioners also recruited her and two (2) other friends to work as dancers in a bar to be opened in Cebu. Petitioners paid for their taxi fares and gave them TransAsia tickets bound for Cebu. The tickets bore fake names.¹⁰

During the boat ride, petitioners gathered them with five (5) other girls and gave the details of their work in Cebu: working hours would be from 8 o'clock in the evening until 3 o'clock in the morning of the following day; the uniform would be bra and panty or t-back; their salaries would be about ₱200.00 per day for guest relation officers (GROs) and ₱300.00 per day for dancers; and they would earn half of the bar fine worth ₱6,000.00 should a customer request for them. AAA, CCC, DDD, and GGG were among those who attended the meeting.¹¹

When they arrived at the pier, they waited for Candy's boyfriend to fetch them. Meantime, two (2) police officers approached and asked them some questions. They lied to the police officers per petitioners' instructions. But they were still taken to the police station, together with petitioners and Candy's Korean boyfriend Ruben. Thereafter, she and the other recruits were brought to the CIU-DSWD.¹²

Then fifteen (15) year old CCC testified she had a similar experience as AAA and BBB. Shane introduced her to Nikki on November 9, 2008. Nikki asked her if she was willing to work in Cebu as a dancer. She accepted the offer so Nikki instructed her to meet her at Gaisano Mall on November 12, 2008. Nikki paid for her taxi fare and bought her a ticket to Cebu. She then met Nikki's other recruits, including AAA and DDD.¹³

During the boat ride to Cebu, petitioners told her she would be a dancer with a salary of ₱300.00 per night, and customers would be allowed to bring her to a hotel and have sex with her upon paying a bar fine.¹⁴

When their group disembarked at the pier in Cebu, police officers approached them and asked for their ages and where they came from. They were then brought to the police station and interviewed by a social worker. She was later on turned over to the DSWD office.¹⁵

¹⁰ *Id.* at 52.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

Version of the Defense

Petitioners denied the charges. They testified that they are also victims since they too are prostitutes.¹⁶ They lamented that the real recruiters were not even charged.¹⁷

Candy testified that she personally knew two (2) of the complainants as they were dancers and entertainers in Fantastic Bar in Cagayan de Oro City. During one of their conversations, she told them about her experiences in Cebu. She also told them that compared to Cagayan de Oro City, the pay was better in Cebu and she planned to return there. The victims asked to come with her and requested her to pay for their fare, subject to reimbursement. She agreed to the arrangement and asked her Korean boyfriend Jik Rhu to send her money. She only wanted to help the girls.¹⁸

For her part, Nikki testified that she overheard the girls' conversation about bigger income in Cebu. She went along because she was also interested. She paid for her own fare. She never forced the other girls to come to Cebu with her and she never did anything wrong to them.¹⁹

Ruling of the Trial Court

By **Decision**²⁰ dated November 28, 2011, the trial court found petitioners guilty of qualified trafficking in persons under Section 4(a), in relation to Section 6(a) and (c) of RA 9208, *viz.*:

WHEREFORE, the court finds the accused Dhayme Jamuad a.k.a. Nikki Muring Ferrer and Candy a.k.a. Baby/Jillian Muring Ferrer, guilty beyond reasonable doubt of the crime of Violation of R.A. 9208 and sentences them to each suffer the penalty of life imprisonment and to each pay a fine of Two Million Pesos (Php2,000,000.00). The accused are entitled to full credit of their preventive imprisonment.

SO ORDERED.

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The verdict of conviction was hinged on the credible testimonies of the three (3) minor victims who positively identified petitioners as the ones who recruited them to work as club dancers and sex workers. As the victims categorically stated, it was petitioners who organized their transport, paid for their fares, gave them an orientation on the work they would be doing in Cebu,

¹⁶ *Id.* at 105-106.

¹⁷ *Id.* at 53.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 96-111.

and instructed them on what to say if police officers question them. In light of these positive testimonies from the victims themselves, petitioners' defense of denial crumbled. Finally, petitioners' offense was qualified by the fact that there were at least three (3) trafficked persons and the victims were minors.

The trial court denied reconsideration on August 7, 2012.²¹

Proceedings before the Court of Appeals

On appeal, petitioners faulted the trial court for rendering a verdict of conviction despite the prosecution's alleged failure to prove all the elements of the crime. Specifically, it was purportedly not established that the purpose for which the girls were brought to Cebu was for prostitution. At any rate, their actions only amounted to attempted trafficking in persons which is not a crime under RA 9208; it only became punishable under Republic Act No. 10364 (RA 10364), Expanded Anti-Trafficking in Persons Act of 2012.²²

The Office of the Solicitor General (OSG) defended the trial court's ruling, albeit it recommended the award of moral and exemplary damages to complainants.²³

Dispositions of the Court of Appeals

Under **Decision**²⁴ dated July 22, 2015, the Court of Appeals affirmed with modification, awarding moral and exemplary damages to complainants, *viz.*:

WHEREFORE, this appeal is **DENIED**. The Decision dated November 28, 2011 and Order dated August 7, 2012 of Branch 6 of the Regional Trial Court of Cebu City in Crim. Case No. CBU-86668 is **AFFIRMED**. Accused-appellants are likewise required to jointly and severally pay each of the victims AAA, BBB, CCC, DDD, EEE, FFF, and GGG the amount of ₱500,000 as moral damages and ₱100,000 as exemplary damages.

SO ORDERED.

X X X X

²¹ *Id.* at 116-119.

²² G.R. No. 223769, *rollo*, pp. 132-151.

²³ G.R. No. 223042, *rollo*, p. 55.

²⁴ *Id.* at 49-59.

First. All the elements of the crime of recruitment and transportation of victims for purposes of exploitation were duly established in accordance with Section 4(a), in relation to Sections 6(a) and (c) of RA 9208.²⁵

Second. RA 9208 did not require that the victims be subjected first to prostitution before they should be rescued by authorities. In fact, Section 25 of the Implementing Rules and Regulations (IRR) of RA 9208²⁶ outlined the procedure in the interception, arrest, and investigation of traffickers in persons at local airports, seaports, and land transportation terminals. As well, the IRR provided a framework through which people can report suspected trafficking activities to the authorities.²⁷

Third. Petitioners' defense that they, too, are prostitutes and victims of trafficking could not negate their culpability. It is neither an exempting nor mitigating circumstance under RA 9208.²⁸

Finally. In accordance with *People v. Lalli*,²⁹ the award of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages are in order.

The Court of Appeals denied reconsideration under Resolution³⁰ dated February 11, 2016.

The Present Petitions

In **G.R. No. 223042**,³¹ Candy prays anew for the reversal of the verdict of conviction *via* **Rule 45** of the Rules of Court.

She asserts that none of the recognized grounds for a warrantless arrest under Section 5 of Rule 113³² of the Rules of Criminal Procedure was present

²⁵ *Id.* at 56.

²⁶ Sec. 25. *Procedure in the Interception, Arrest and Investigation of Traffickers in Persons at Local Airport, Seaport and Land Transportation Terminals.* - In cases where the violation is committed at local seaport, airport or in land transportation terminals, the members of the law enforcement agency shall immediately cause the interception and/or arrest of the suspected traffickers. Thereafter, an investigation shall be conducted by the law enforcement agency on the person/s intercepted/arrested, and refer the case to the Prosecutor's Office of the place where the offense was committed or to the DOJ Task Force Against Trafficking in Persons or Task Force on Passport Irregularities or Municipal Trial Court of the place where the crime was committed in case of municipalities and non-chartered cities for purposes of inquest or preliminary investigation as the case may be.

²⁷ *Id.* at 56-57.

²⁸ *Id.* at 56.

²⁹ 675 Phil. 126, 144 (2011).

³⁰ G.R. No. 223042, *rollo*, pp. 76-78.

³¹ *Id.* at 13-41.

³² Rule 113, Revised Rules of Criminal Procedure (Effective December 1, 2000).

Section 5. Arrest without warrant; when lawful. - A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

when she got arrested. Her arrest was therefore in violation of her constitutional right, hence, invalid. Too, the arresting officers neither provided her with counsel nor apprised her of her Miranda rights, in violation of Section 12, Article III of the 1987 Constitution.³³ These violations render the evidence against her and Nikki inadmissible in any proceeding. Consequently, the verdict of conviction against her has no leg to stand on; she cannot be convicted of any offense based on such inadmissible evidence.³⁴

At any rate, the prosecution allegedly failed to prove her guilt. The act of accompanying a person to Cebu is not a crime. She never forced anyone to travel with her. Her mere presence in the places mentioned by the prosecution witnesses did not signify her involvement in any crime.³⁵

There was definitely no forced labor, slavery, or servitude to speak of here, thus, negating the existence of the offense charged.³⁶ At best, the prosecution merely imputed **attempted** exploitation and prostitution which is not punishable under RA 9208; it only became a crime in 2012 under RA 10364.³⁷

In her petition for *certiorari* under **Rule 65** of the Rules of Court, *via* **G.R. No. 223769**,³⁸ Nikki claims that the Court of Appeals committed grave abuse of discretion when it affirmed the trial court's ruling despite the glaring violation of her right to be informed of the nature and cause of the accusation against her. She points out that the Information merely charged her and her co-accused with Violation of RA 9208, sans specificity of the acts under Section 4 or 5 of RA 9208 which she allegedly violated.³⁹

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- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.
In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112.

x x x x

³³ 1987 Philippine Constitution. Article III – *Bill of Rights*.
Section 12.

(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions of violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

³⁴ G.R. No. 223042, *rollo*, pp. 20-23.

³⁵ *Id.* at 23-27.

³⁶ *Id.* at 26.

³⁷ *Id.* at 38-40.

³⁸ *Id.* at 3-18.

³⁹ *Id.* at 11-15.

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In its Consolidated Comment,⁴⁰ the OSG ripostes that Rule 65 is an improper remedy; any objection against the validity of petitioners' warrantless arrest and the sufficiency of the information against them may not be raised for the first time on appeal; and petitioners were properly charged with and proven guilty of qualified trafficking in persons.

In her Consolidated Reply,⁴¹ Candy admits that issues regarding the validity of an arrest cannot be raised for the first time on appeal. But she asserts that one exception is when what is involved is a grave offense and its interplay with life and liberty and the basic constitutional presumption of innocence. In any event, an appeal opens the entire case for review. Thus, even matters not timely raised may be discussed to fully appreciate the merits of the case.

Meanwhile, in her Compliance and Reply to Comment,⁴² Nikki maintains that the Court of Appeals evaded or virtually refused to perform its positive duty under the law when it failed to reverse and set aside the verdict of conviction. She claims that since her right to due process was violated, her recourse to *certiorari* is warranted.

Our Ruling

We deny the petitions.

Petitioners availed of improper remedies

Preliminarily, the Court notes that petitioners Candy and Nikki took different routes before the Court. Candy filed a petition under Rule 45 of the Rules of Court within fifteen (15) days from receipt⁴³ while Nikki filed a petition under Rule 65, availing herself of the sixty-day reglementary period therefore.⁴⁴ But both modes are improper for the purpose of assailing the dispositions of the Court of Appeals here. Section 3 of Rule 122 of the Revised Rules on Criminal Procedure is *apropos*:

⁴⁰ *Id.* at 13-41.

⁴¹ *Id.* at 302-308.

⁴² *Id.* at 330-337.

⁴³ Petitioner Candy alleged that she received a copy of the Court of Appeals Resolution dated February 11, 2016 on February 26, 2016. She has fifteen (15) days from receipt or until March 14, 2016 (March 12 being a Saturday), within which to file a Petition for Review under Rule 45 of the Rules of Court. She filed a motion requesting a thirty (30) day extension to end on April 13, 2016, which she subsequently complied with, *id.* at 14

⁴⁴ G.R. No. 223769, *rollo*, p. 7. Petitioner Nikki alleged that she received a copy of the Court of Appeals Resolution dated February 11, 2016 on February 24, 2016. She has sixty (60) days from receipt or until April 21, 2016, within which to file a Petition for *Certiorari* under Rule 65 of the Rules of Court. She filed the petition at the end of the period.

Section 3. *How appeal taken.* —

(a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be taken by *filing a notice of appeal* with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

(c) **The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is death, *reclusion perpetua*, or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.**

(d) No notice of appeal is necessary in cases where the death penalty is imposed by the Regional Trial Court. The same shall be automatically reviewed by the Supreme Court as provided in section 10 of this Rule.

(e) Except as provided in the last paragraph of section 13, Rule 124, all other appeals to the Supreme Court shall be by petition for review on *certiorari* under Rules 45. (3a) (Emphases and italics supplied)

x x x x

In *Arambullo v. People*,⁴⁵ the Court clarified that as a general rule, appeals in criminal cases shall be brought to the Court *via* a petition for review on *certiorari* under Rule 45 of the Rules of Court⁴⁶ except when the Court of Appeals imposed the penalty of *reclusion perpetua* or life imprisonment, in which case, the appeal shall be made by a mere notice of appeal before the Court of Appeals.⁴⁷

Here, the courts below uniformly sentenced petitioners to **life imprisonment**. Hence, in accordance with Section 3(c) of Rule 122 of the Revised Rules on Criminal Procedure and *Arambullo*, petitioners should have simply filed a notice of appeal with the Court of Appeals.

At any rate, in the interest of substantial justice, the Court will treat the petitions as ordinary appeals in order to resolve the substantive issues at hand with finality.⁴⁸

⁴⁵ G.R. No. 241834, July 24, 2019.

⁴⁶ Section 3(e), Rule 122 of the Revised Rules on Criminal Procedure.

⁴⁷ Section 13(c), Rule 124 of the Revised Rules on Criminal Procedure.

⁴⁸ See *Ramos v. People*, 803 Phil. 775, 783 (2017).

Validity of warrantless arrest and sufficiency of the Information cannot be raised for the first time on appeal

Candy questions the validity of their arrest. She argues that there was no probable cause to arrest a person who was simply accompanying another person to Cebu. On the other hand, Nikki assails the sufficiency of the Information against them as it did not allegedly specify the provision of RA 9208 which they supposedly violated. Too, the facts alleged did not constitute an offense since attempted trafficking in persons was only made punishable when RA 9208 was amended in 2012 by RA 10364, The Expanded Anti-Trafficking in Persons Act of 2012.

We are not convinced.

It is settled that any objection involving a warrant of arrest or procedure for acquisition of the court's jurisdiction over the person of the accused must be made before one enters his or her plea, otherwise, the objection is deemed waived.⁴⁹ In *Lapi v. People*,⁵⁰ citing *People v. Alunday*.⁵¹

The Court has consistently ruled that any objection involving a warrant of arrest or the procedure for the acquisition by the court of jurisdiction over the person of the accused must be made before he enters his plea; otherwise, the objection is deemed waived. We have also ruled that an accused may be estopped from assailing the illegality of his arrest if he fails to move for the quashing of the information against him before his arraignment. And since the legality of an arrest affects only the jurisdiction of the court over the person of the accused, any defect in the arrest of the accused may be deemed cured when he voluntarily submits to the jurisdiction of the trial court. We have also held in a number of cases that the illegal arrest of an accused is not a sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after a trial free from error; such arrest does not negate the validity of the conviction of the accused.

x x x x

The same is true with respect to formal defects in the Information. Section 9, Rule 117 of the Revised Rules of Criminal Procedure decrees:

Section 9. *Failure to move to quash or to allege any ground therefor.*
– The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed

⁴⁹ *Lapi v. People*, G.R. No. 210731, February 13, 2019.

⁵⁰ *Id.*

⁵¹ See *People v. Alunday*, 586 Phil. 120, 133 (2008).

a waiver of any objections based on the grounds provided for in paragraphs (a), (b), (g), and (i) of section 3 of this Rule.⁵²

X X X X

Hence, in *People v. Solar*,⁵³ the Court deemed appellant to have waived his right to question the defects of the Information filed against him upon noting that the latter did not file a motion to quash or for bill of particulars before entering his plea.

Here, petitioners admit that they are assailing their arrests and the purported defects in the Information filed against them only here and now. It is therefore too late in the day to complain against these so-called defects.

Petitioners are guilty of Qualified Trafficking in Persons.

To repeat, petitioners were charged with trafficking in persons as defined and penalized under Section 3(a) of RA 9208, thus:

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.

X X X X

⁵² Section 3. *Grounds.* – The accused may move to quash the complaint or information on any of the following grounds:

(a) That the facts charged do not constitute an offense;

(b) That the court trying the case has no jurisdiction over the offense charged;

X X X X

(g) That the criminal action or liability has been extinguished;

X X X X

(i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

X X X X

⁵³ G.R. No. 225595, August 6, 2019.

*Arambullo*⁵⁴ clarified though that Section 3(a) of RA 9208 merely provides the general definition of "Trafficking in Persons." The specific acts punishable under the law are found in Sections 4 and 5, viz.:

It must be clarified that **Section 3 (a) of RA 9208 merely provides for the general definition of "Trafficking in Persons" as the specific acts punishable under the law are found in Sections 4 and 5 of the same** (including Sections 4-A, 4-B, and 4-C if the amendments brought about by RA 10364 are taken into consideration). This is evinced by Section 10 which provides for the penalties and sanctions for committing the enumerated acts therein. Notably, Section 10(c) of RA 9208 (renumbered as Section 10 [e] under RA 10364) of the law also provides for penalties for **"Qualified Trafficking in Persons" under Section 6**. Nonetheless, since **Section 6 only provides for circumstances which would qualify the crime of "Human Trafficking,"** reference should always be made to Sections 4, 4-A, 4-B, 4-C, or 5 of the law. Hence, convictions for **"Qualified Trafficking in Persons" shall rest on: (a) the commission of any of the acts provided under Sections 4, 4-A, 4-B, 4-C, or 5; and (b) the existence of any of the circumstances listed under Section 6.** Otherwise stated, one cannot be convicted of "Qualified Trafficking in Persons" if he is not found to have committed any of the punishable acts under the law. (Emphases added)

x x x x

Verily, Sections 4 and 5 must be read in relation to Section 3(a), RA 9208.

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;

x x x x

Section 5. Acts that Promote Trafficking in Persons. - x x x x

x x x x

On this score, the successful prosecution of trafficking in persons under Section 4(a) requires:

(a) 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;**"

⁵⁴ Supra note 44.

- (b) 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
- (c) 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.”⁵⁵

As invariably found by the courts below, these elements were all duly established here.

First. Three (3) brave victims came forward and testified that petitioners recruited them in Cagayan de Oro to work for a newly-opened bar in Cebu. Petitioners themselves organized their transport by purchasing their tickets, paying for their fares, and accompanying them to Cebu. AAA testified, thus:⁵⁶

PROS. AVILA:

x x x x

Q Could you still remember what month and year did you first meet Nik[ki] [Dhayme Jamuad] and Candy?

A The first time I met them was in 2008 November.

Q What were you doing in Fantastic Bar in Cagayan de Oro in November of 2008?

A I worked as a dancer.

Q When did you start working as a dancer?

A Mid[-]June 2008.

Q So you were already working as a dancer in Fantastic Bar in Cagayan de Oro City for around 5 months when you first met Nikki and Candy?

A Yes.

COURT:

Q How old were you at that time?

A 16.

PROS. AVILA:

Q How did you notice the presence of Nikki and Candy?

A I learned about them through my uncle working in the bar as waiter[,] that Nikki and Candy are coming over here in Cebu.

⁵⁵ See *People v. Estonilo*, G.R. No. 248694, October 14, 2020.

⁵⁶ TSN dated October 5, 2010, G.R. No. 223042, *rollo*, pp. 120-144.

Q What is the name of your uncle[?]

A Uncle Jude.

Q What did you do upon learning that Nikki and Candy are going to Cebu?

A When I talked to Nikki I learned that they will be going to Cebu. I asked her if I could go with them and I will pay for my own fare. **Nikki said that I don't have to bother because they will pay for my fare.**

x x x x

PROS. AVILA:

Q **You said that when you called Candy, (sic) were you fetched from your boarding house or you went to Nikki's place?**

A **I was fetched.**

Q **How many days did you stay in Nikki's house?**

A **I could no longer recall.**

Q **What happened when you were at Nikki's house?**

A **When we were about to go on that day and on November 12 the fiancée of Candy called up and said that the money of ₱25,000.00 is ready to be picked up.**

x x x x

Q **Do you know what was that ₱25,000.00 for?**

x x x x

A **Yes, for the fare of the girls.**

x x x x

PROS. AVILA:

Q Who claimed the ₱25,000.00, if you know?

A It was Nikki.

Q What happened after that?

A Then we went to Gaisano to buy tickets for the girls['] fare. We dropped by the restaurant to meet the other girls who are going with us.

Q You mean Gaisano in Cagayan?

A Yes.

Q You still remember what time was that when you met with the girls?

A I can no longer remember.

Q **Who were with you in going to Gaisano Cagayan?**

A **The two of them.**

INTERPRETER LACHICA:

The witness is pointing to the 2 accused, Nikki and Candy.

PROS. AVILA:

Q You mentioned of girls that you met in Gaisano Cagayan, upon arrival thereat how many girls did you see?

A 5.

Q Do you know these 5 girls before you met them in Gaisano Cagayan?

A Only one I know.

x x x x

Q After you met with the girls in Gaisano Cagayan together with Nikki and Candy, what happened next?

A We went then to the pier.

Q Where did you go, where were you going?

A Here in Cebu.

x x x x

Q **What happened while you were still in the boat?**

A **We were told to go to the room of Nikki and Candy and we had a meeting and we were instructed that if anyone would ask us we will just tell them that we are having a vacation in Cebu.**

Q What time did the boat arrive in Cebu?

A 8:00 o'clock in the morning the following day.

x x x x

Q Aside from the instruction given of (sic) Nikki and Candy that if somebody asks you where are you going, you are going [o]n a vacation, what else did they say?

A When we got to the police station[,] we were instructed that if we would be asked[,] we would tell them that we would be attending a wedding of Candy who is getting married to her Korean fiancé. (Emphases added)

x x x x

Second. Petitioners took advantage of the victims' vulnerability as impoverished minors by enticing them with an opportunity to earn "bigger money" from foreigners in Cebu. CCC testified.⁵⁷

⁵⁷ TSN dated January 24, 2011, *id.* at 215-240.

ATTY. TAN

x x x x

Q When did Shane introduce you to Nikki?

A November 9, 2008.

Q **When you were introduced to Nikki, what did Nikki say?**

A **She asked if I have (sic) experience being a dancer.**

Q **And what did you tell Nikki?**

A **I said, yes.**

Q **When you said yes to Nikki, what did Nikki do?**

A **She asked me if I could go with her to Cebu.**

x x x x

Q **What did you say about Nikki's offer?**

A **We agreed.**

Q What happened after you agreed?

A We were told to meet them at the Gaisano Mall.

Q When?

A November 12, 2008.

x x x x

ATTY. ARCHIVAL

Q Will you tell this Honorable Court that you filed a case against them these two accused whom you immediately identified would not victimize other people (sic). Did you say that?

A Yes.

Q **Are you saying, [CCC], that you are a victim in this case because the accused conspiring and confederating with each other, they acted as manager or acting in your behalf so that you will be bar fine (sic)?**

A **Yes.**

Q But that alleged bar fine which you declared before this honorable court that the customer whom you do not know, you were not told what to do (sic), never materialized because while walking to the corner you were accosted by the policemen and you were asked by (sic) your respective ages, is that correct?

A Yes. (Emphases added)

x x x x

Taking advantage of the victims' desperation, petitioners were able to gain control over them. This "control" over the victims manifested in several ways: petitioners themselves organized their transport, briefed the victims on their would-be jobs in Cebu, instructed them to lie to police officers in case they get asked about the purpose of their travel, and practically served as adult supervisors of the minor victims.

Lastly. The clear purpose of the victims' recruitment and transport was for prostitution. They were brought to Cebu to work in a newly-opened bar partly owned by Candy's Korean boyfriend. They would become either Guest Relations Officers (GROs) at ₱200.00 per night or dancers at ₱300.00 per night. They would be working from 8 o'clock in the evening until 3 o'clock in the morning, wearing only their bra and panty or t-back. Should clients take them out of the club for sex, they would earn half of the ₱6,000.00 bar fine. BBB testified on these deplorable details, thus:⁵⁸

ATTY. TAN:

Q While onboard the ship when Nikki and Candy gathered you in that room, what happened?

A We discussed about our work, our workplace and our salary.

Q What did Nikki or Candy talk about your work?

A Our work will start at 8:00 in the evening and would end at 3:00 o'clock in the morning.

Q How about your uniform, what will you wear at work?

A Panty and bra or t-back.

Q How about the salary?

A Our salary if you are a dancer, it would be ₱300.00.

Q If you are not a dancer, how much?

A GRO would be ₱200.00.

Q What will your work be when you reached Cebu?

A I would be a dancer and bar fine (sic) with customers.

x x x x

Q What else did Nikki or Candy tell you about your work in Cebu?

x x x x

A The bar fine is ₱6,000.00 and we have a share of ₱3,000.00 and the bar will have ₱3,000.00. (Emphases added)

x x x x

⁵⁸ TSN dated October 19, 2010, *id.* at 176-177.

Clearly, the testimonies of the victims sufficiently established that petitioners are guilty of trafficking in persons under Section 4(a) of RA 9208. Indubitably, petitioners' acts of recruiting and transporting the victims to Cebu were for the purpose of prostituting them to foreigners in a bar co-owned by Candy's Korean boyfriend. To gain control over their victims, petitioners enticed them with the possibility of earning more from foreign clients in Cebu than in Cagayan de Oro.

As the courts below uniformly held, the testimonies of AAA, BBB, and CCC deserved full weight and credence. Their categorical, straightforward, and spontaneous statements remained consistent even on cross. There was also no showing that they were impelled by improper motive when they identified petitioners as the perpetrators of the crime.⁵⁹ To be sure, the factual findings of the trial court, including its assessment of the credibility of witnesses and probative weight of their testimonies, are accorded great weight and respect, especially when affirmed by the Court of Appeals, as here.⁶⁰

Petitioners' litany of defenses does not persuade

In an attempt to absolve themselves of criminal liability, petitioners allege: **first**, they never forced the victims to travel with them; **second**, they were prostitutes themselves, hence, similarly situated with the victims; **third**, there was no conspiracy between them and their co-accused; **fourth**, even if they recruited and transported the victims for the purpose of prostitution, they were not actually subjected to such purpose, consequently the offense, if any, was committed only in its attempted stage which is not punishable under RA 9208; and **lastly**, at most, they are only liable for attempted trafficking in persons under RA 10364.

We are not persuaded.

a. Consent is not an element of the crime

The allegation that petitioners never forced the victims to travel with them is not a valid defense. Section 3(a) of RA 9208 is clear – the crime may be perpetrated “**with or without the victim's consent or knowledge.**” More so, when the victims are minors who could not validly give consent. *People v. Ramirez*,⁶¹ citing *People v. Casio*,⁶² elucidates:

⁵⁹ Decision dated November 28, 2011 of the Trial Court, G.R. No. 223042, *id.* at 109.

⁶⁰ See *People v. Sayo and Roxas*, G.R. No. 227704, April 10, 2019, citing *People v. Aguirre*, 820 Phil. 1085, 1097 (2017).

⁶¹ G.R. No. 217978, January 30, 2019.

⁶² 749 Phil. 458, 475-476 (2014).

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.**

x x x x

Similarly, in *People v. De Dios*:

It did not matter that there was no threat, force, coercion, abduction, fraud, deception or abuse of power that was employed by De Dios when she involved AAA in her illicit sexual trade. AAA was still a minor when she was exposed to prostitution by the prodding, promises[,] and acts of De Dios. Trafficking in persons may be committed also by means of taking advantage of the persons' vulnerability as minors, a circumstance that applied to AAA, was sufficiently alleged in the information and proved during the trial. This element was further achieved through the offer of financial gain for the illicit services that were provided by AAA to the customers of De Dios.⁶³ (Emphases added)

x x x x

Here, the three (3) victims who testified were all minors when the crime was committed. In 2008, AAA was sixteen; BBB, seventeen; and CCC, fifteen. In fine, their supposed willingness to join petitioners in going to Cebu would not dissolve petitioners' criminal liability.

b. Even prostitutes may become liable for trafficking in persons

The fact that petitioners are prostitutes themselves does not render them incapable of committing the crime of trafficking in persons. On the contrary, their occupation rendered them well-placed and experienced to do just that.

At any rate, the Court of Appeals aptly ruled that petitioners' "defense" could hardly relieve them of their criminal culpability. Indeed, the harsh reality is that victims of prostitution are sometimes led to victimize others as well. In order to put an end to the cycle, the victim-turned trafficker should also be penalized for violating RA 9208.

c. There was conspiracy to commit trafficking in persons

Conspiracy exists where two or more persons come to an agreement concerning the commission of a felony and decide to commit the same. The essence of conspiracy is the unity of action and purpose. Its elements, like the

⁶³ Supra note 60.



physical acts constituting the crime itself, must be proved beyond reasonable doubt.⁶⁴

Here, the testimonies of the three (3) minor victims established the conspiracy between petitioners and their co-accused. As earlier shown, the concerted actions of Candy and Nikki in recruiting the victims, funding their transport, briefing them about their work, and supervising their movements speak volumes of their common criminal design. We cannot give credence to petitioners' defense that they simply "accompanied" the victims since their actions show otherwise. They were not mere companions for they took an active role in facilitating the transport of the victims for purposes of prostitution.

d. RA 9208 does not require the victim to actually be prostituted

Petitioners further assert that even assuming they recruited and transported the victims for prostitution, the latter were not actually subjected to such purpose. Hence, the crime was only committed in its attempted stage which is not punishable under RA 9208.

Petitioner's theory is far from novel. In *People v. Estonilo*,⁶⁵ citing *People v. Aguirre*,⁶⁶ the Court ruled that RA 9208 does not require the victim to actually be subjected to prostitution before an accused may be prosecuted for trafficking in persons, viz.:

In this regard, the CA erred in opining that no trafficking existed as "there was no person to whom [Estonilo] endorsed or recruited his victims," (sic) and further stressing that the sexual acts transpired not between AAA or BBB and any of Estonilo's clients, but between AAA and BBB themselves. As aptly pointed out by Associate Justice Ramon Paul L. Hernando, **neither the presence of the trafficker's clients, nor their intercourse with the victim/s, is required to support a finding of trafficking.** As held in *People v. Aguirre*:

Furthermore, the presence of the trafficker's clients is not an element of the crime of recruitment or transportation of victims under Sections 3 (a) and 4 (a) of RA 9208. In the same vein, **the law does not require that the victims be transported to or be found in a brothel or a prostitution den for such crime of recruitment or transportation to be committed. In fact, it has been held that the act of sexual intercourse need not have been consummated for recruitment to be said to have taken place. It is sufficient that the accused has lured, enticed or engaged its victims or transported them for the**

⁶⁴ *People v. Jesalva*, 811 Phil. 299, 307-308 (2017).

⁶⁵ *Supra* note 54.

⁶⁶ 820 Phil. 1085-1106 (2017).



established purpose of exploitation, which includes prostitution, sexual exploitation, forced labor, slavery, and the removal or sale of organs. In this case, the prosecution has satisfactorily established accused-appellants' recruitment and transportation of private complainants for purposes of prostitution and sexual exploitation.⁶⁷ (Emphases supplied)

Thus, the fact that neither AAA nor BBB had sexual contact with any of Estonilo's clients will not affect the latter's criminal liability for Qualified Trafficking in Persons. To be sure, 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" – which, as already discussed, was established to have been committed by Estonilo.⁶⁸ (Emphases added)

x x x x

Indeed, what is essential under RA 9208 is that a person is recruited and transported for the purpose of prostitution. The victim does not have to be actually subjected to prostitution, had danced as a GRO, or had sex with a client before the recruiters can be held liable under the law. Precisely, the law was passed to curtail human trafficking. This entails punishing the acts themselves that would lead to prostituting the victims, as here.

e. The crime cannot be categorized as *attempted* trafficking in persons under RA 10364

Finally, petitioners argue that their actions merely constituted *attempted* trafficking in persons under RA 10364, viz.:

Section 5. A new Section 4-A is hereby inserted in Republic Act No. 9208, to read as follows:

"SEC. 4-A. *Attempted Trafficking in Persons.* – Where there are acts to initiate the commission of a trafficking offense **but the offender failed to or did not execute all the elements of the crime**, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Act shall constitute attempted trafficking in persons.

"In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

⁶⁷ *Id.* at 1103.

⁶⁸ *Supra* note 54.

“(a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child’s parent or legal guardian;

“(b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;

“(c) Recruiting a woman to bear a child for the purpose of selling the child;

“(d) Simulating a birth for the purpose of selling the child; and

“(e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.” (Emphasis added)

x x x x

It must be stressed though that petitioners were charged with qualified trafficking in persons committed in November 2008. Thus, the governing law is RA 9208 before it got amended by RA 10364 on February 6, 2013. Consequently, the provisions of RA 10364 cannot, as a general rule, apply to petitioners’ case. By way of exception, however, the provisions of RA 10364 may find retroactive applications if they are beneficial to the accused.

This brings us to the question – can RA 10364 be retroactively applied to downgrade the designation of petitioners’ offense to *attempted* trafficking in persons?

We rule in the negative.

As Associate Justice Mario V. Lopez keenly observed during deliberations, RA 10364 criminalized attempted trafficking in persons as a means to fully strengthen and institutionalize the mechanisms and principles behind the protection of rights of trafficked women. It was not designed to reduce the penalties for consummated offenses, but to proscribe a new crime altogether.

To successfully prosecute this new crime of attempted trafficking in persons, Section 4-A of RA 9208 as amended clearly requires that **the offender failed to execute all the elements of trafficking in persons**. As discussed, however, **petitioners herein have performed all acts necessary to consummate the crime under RA 9208**. To stress, petitioners recruited and transported their victims to Cebu for purposes of prostitution by taking advantage of their vulnerability. This combination of acts, means and purpose already consummated the offense.



The fact that petitioners subsequently got arrested before they could bring the victims to their workplace did not downgrade their liability. We said as much in *People v. Daguno*,⁶⁹ thus:

As correctly ruled by the RTC and affirmed by the CA, the existence of the elements of Qualified Trafficking in Persons was sufficiently established by the prosecution beyond reasonable doubt, to wit: (1) that AAA was a minor when the offense against her was committed; (2) that accused-appellant introduced AAA to different customers on several occasions to engage in sexual intercourse; and (3) that accused-appellant received money in exchange for the sexual exploitation of AAA.

The offense is Qualified Trafficking in Persons because AAA was a minor. The means used to commit the offense becomes immaterial. At any rate, it may not be denied that accused-appellant took advantage of the vulnerability of AAA who was a minor.

Moreover, **the Court finds no merit in accused-appellant's plea for acquittal on the ground that the acts she allegedly committed on August 5, 2011 merely amounted to an attempt to commit the offense as it was aborted by her subsequent arrest; and that such attempt to commit the offense was not punishable under RA 9208 and became so punishable only upon the amendment introduced by RA 10364 on February 6, 2013.**

As discussed, the allegations in the Information filed against accused-appellant clearly refer to the consummated acts of trafficking in persons she committed on July 10 and July 24, 2011. x x x (Emphases added)

x x x x

Just the same, the Court would arrive at the same conclusion had petitioners committed the crime after the enactment of RA 10364; petitioners would still be held liable for qualified trafficking in persons in the consummated stage, not in the attempted stage. To be sure, *Ramirez* compared the elements of trafficking in persons under RA 9208 and RA 10364, thus:

RA 9208	RA 10364
(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; ”	(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 which include “ threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of	(2) The means used include “ by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception,

⁶⁹ G.R. No. 235660, March 4, 2020.

A

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	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;" 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."	(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."

Notably, recruitment and transportation of persons remain predicate acts under both versions of the law. In other words, mere recruitment and transportation of persons, through any of the means and for any of the purposes enumerated under Section 4 as amended would be sufficient to consummate the crime and remove it from the ambit of attempted trafficking in persons under Section 4-A. Thus, even under the new law, petitioners' offense here would still be deemed consummated and way past the attempted stage. Now, if petitioners are barred from claiming the benefit of a lower sentence under RA 10364, then with more reason are they barred from claiming the same benefit prior to its enactment.

Penalty

The crime of trafficking in persons is qualified when either of the circumstances in Section 6 of RA 9208 is present, *viz.*:

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

(a) When the trafficked person is a child;

x x x x

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

x x x x

Here, the crime of trafficking in persons was qualified by the fact that it was committed against nine (9) victims, of which seven (7) were minors. Consequently, the courts below correctly sentenced each of petitioners to life

imprisonment and pay a fine of ₱2,000,000.00 in accordance with Section 10(c) of RA 9208.⁷⁰

The award of moral and exemplary damages is also proper. *People v. Lalli*⁷¹ is *apropos*:

The criminal case of **Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse.** To be trafficked as a prostitute without one's consent and to be sexually violated four to five times a day by different strangers is horrendous and atrocious. There is no doubt that Lolita experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, and social humiliation when she was trafficked as a prostitute in Malaysia. Since the crime of Trafficking in Persons was aggravated, being committed by a syndicate, the award of exemplary damages is likewise justified. (Emphasis and underscoring added)

x x x x

Pursuant to prevailing jurisprudence, therefore, petitioners are correctly ordered to jointly and severally pay each of the victims the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages. These amounts should earn six percent (6%) legal interest *per annum* from the finality of this decision until fully paid.⁷²

ACCORDINGLY, the petitions in **G.R. Nos. 223042 and 223769** are **DENIED**. The Decision dated July 22, 2015, and Resolution dated February 11, 2016, of the Court of Appeals in CA-G.R. CEB-C.R.-H.C. No. 01570 are **AFFIRMED** with **MODIFICATION**.

Petitioners **Dhayme Jamuad a.k.a. Nikki Muring Ferrer and Candy a.k.a. Baby/Jillian Muring Ferrer** are found **GUILTY** of **QUALIFIED TRAFFICKING IN PERSONS** under Section 4(a), in relation to Section 6(a) and (c) of Republic Act No. 9208. They are each sentenced to **life imprisonment** and to pay a **fine of ₱2,000,000.00**

Petitioners are further **ORDERED** to jointly and severally **pay** each of the victims AAA, BBB, CCC, DDD, EEE, FFF, and GGG the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

⁷⁰ Section 10. *Penalties and Sanctions.* - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two Million Pesos (₱2,000,000.00) but not more than Five Million Pesos (₱5,000,000.00);

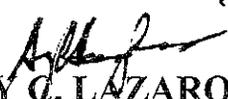
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⁷¹ *Supra* note 28 at 159.

⁷² See *People v. Jugueta*, 783 Phil. 806, 854 (2016).

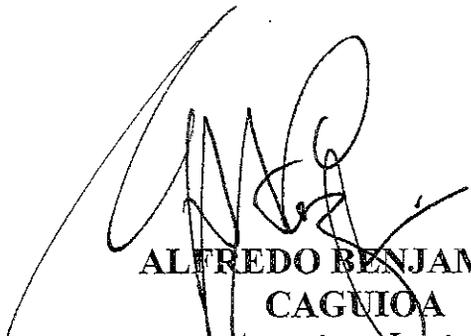
These amounts shall earn six percent (6%) legal interest *per annum* from the finality of this decision until fully paid.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

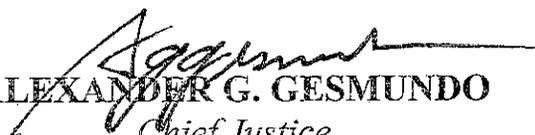

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


MARIVYN LOPEZ
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice
(no part)

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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

