



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION


PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee, **G.R. No. 252353**
 Present:

– versus –

LEONEN, *SAJ.*, Chairperson,
 LAZARO-JAVIER,
 LOPEZ, M.,
 LOPEZ, J., and
 KHO, JR., *JJ.*

JERRIE ARRAZ Y RODRIGUEZ,
 Accused-Appellant.

Promulgated:

JUL 09 2022 

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D E C I S I O N

M. LOPEZ, J.:

Before the Court is an appeal assailing the June 18, 2019 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09413, which affirmed the conviction of Jerrie Arraz y Rodriguez (Jerrie) for trafficking in persons, rape, and violation of the “Cybercrime Prevention Act of 2012.”²

ANTECEDENTS

Jerrie was charged with trafficking in persons, rape, and violation of the “Cybercrime Prevention Act of 2012” against AAA252353³ in six separate Informations:⁴

¹ CA *rollo*, pp. 146-188. Penned by Associate Justice Geraldine C. Fiel-Macaraig with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Myra V. Garcia-Fernandez.

² Republic Act (RA) No. 10175.

³ Any information to establish or compromise the identity of the victim, as well as those of their immediate or household family members, shall be withheld, and fictitious names are used, pursuant to Republic Act (RA) No. 7610, An Act Providing for Stronger Deterrence and Special Protection Against

- [1. R-QZN-15-00619-CR - Violation of RA No. 9208 (Anti-Trafficking in Persons Act of 2003), as amended by RA No. 10364 (Expanded Anti-Trafficking in Persons Act of 2012)].

That on or about March 2014 up to on or about the end of June 2014, in Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused **JERRIE ARRAZ y RODRIGUEZ**[.] acting as promoter, agent and handler of [AAA252353], by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of sexual exploitation, such as prostitution in exchange for money, profit or any other consideration, with said victim's participation thereof being caused or facilitated by means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with accused' [sic] customers/clients, first making a representation through indecent shows or pornographic photographs of the said victim through online chats or messaging with foreigners, and later coercing the victim to be used by the foreigners, including persons known to her as "Gunter", "John" and "Patrick James Powell" [Patrick] in exchange for money, profit or any other consideration, to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim [AAA252353] for over a period of sixty (60) or more days.

[CONTRARY TO LAW.] (Emphases supplied)

- [2. R-QZN-15-00620-CR – Violation of RA No. 9208, as amended by RA No. 10364]

That or about March 2014 up to on or about the end of June 2014, in Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused **JERRIE ARRAZ y RODRIGUEZ**[.] acting as promoter, agent handler of [AAA252353], by means of force, intimidation, coercion and taking advantage of the vulnerability of the latter, did then and there for profit, willfully, unlawfully, knowingly and feloniously procure, recruit, hire, maintain, provide, harbor and obtain the said victim for the purpose of exploitation, such as pornography or the production of pornography or other forms of sexual exploitation, in exchange for money, profit or any other consideration, or with said victim's participation thereof being, caused or facilitated by any means of intimidation or other forms of coercion, fraud, deception, while taking advantage of the victim's vulnerability, by offering, peddling, promoting and advertising her through the internet, including "online chat" with accused' [sic] customers/clients, making a representation through indecent shows or whatever means, of the said victims having engaged in real or simulated explicit sexual activities or any representation of the sexual parts of the victim primarily for sexual

Child Abuse, Exploitation and Discrimination, and for Other Purposes, (1992); RA No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes, (2004); Section 40 of A.M. No. 04-10-11-SC, Rule on Violence Against Women and Their Children, (2004); and *People v. Cabalquinto*, 533 Phil. 703 (2006).

⁴ CA *rollo*, pp. 76-78, (Appendix "A").

purposes, and further engaging the said victim to perform other acts of exploitation, including a live nude show, indecent show, wherein the said victim was made to remove her clothes including her underwear and appear fully naked before the web cam and pose in different angles by standing, sitting and bending over (tuwad) in different positions, including front, back and side view while being naked and directing the victim, through coercion, to engage in sexual intercourse with the accused for the online viewing and/or satisfaction of the sexual pleasures and desires of the [accused's] customers/clients/friends/chatmates, including foreigners, two of whom were known to victim as Maurice Blose [Maurice] and [Patrick], in exchange for money or consideration to the victim's damage and prejudice.

That the offense committed is qualified trafficking, the same having been committed against victim [AAA252353] for over a period of sixty (60) days.

[CONTRARY TO LAW.] (Emphases supplied)

[3. R-QZN-15-00621-CR – Violation of the Anti-Rape Law of 1997]

That on or about June 2014, or on dates prior, in Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused **JERRIE ARRAZ y RODRIGUEZ**[,] by means of force, threat and intimidation, did then and there, willfully, unlawfully, knowingly and feloniously had carnal knowledge of [AAA252353], despite the latter's refusal and despite accused's knowledge that victim was then four (4) months pregnant, to her damage and prejudice.

[CONTRARY TO LAW.] (Emphases supplied)

[4. R-QZN-15-00622-CR - Violation of the Anti-Rape Law of 1997]

That on or about June 2014, or on dates prior, in Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused **JERRIE ARRAZ y RODRIGUEZ**[,] by means of force, threat and intimidation, did then and there, willfully, unlawfully, knowingly and feloniously had carnal knowledge of [AAA252353], while the latter was intoxicated or semi-conscious, to her damage and prejudice.

[CONTRARY TO LAW.] (Emphases supplied)

[5. R-QZN-15-00623-CR – Violation of the Anti-Rape Law of 1997]

That on or about June 2014, in Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused **JERRIE ARRAZ y RODRIGUEZ**[,] by means of force, threat and intimidation, did then and there, willfully, unlawfully, knowingly and feloniously had carnal knowledge of [AAA252353], by having inserted his penis into the anal orifice of the victim, to her damage and prejudice.

[CONTRARY TO LAW.] (Emphases supplied)

[6. R-QZN-15-03829-CR – Violation of the “Cybercrime Prevention Act of 2012”]

That on or about March 2014 to June 2014[,] or on dates prior or subsequent thereto, in Quezon City, and within the jurisdiction of this

Honorable Court, the above-named accused **JERRIE ARRAZ [y RODRIGUEZ]**, engaging in willful maintenance, control or operation of lascivious exhibition of sexual organs of and sexual activity with [AAA252353] by means of or with the aid of a computer system consisting of a digital camera, laptop computer and through the employment of online or internet connection, transmitting live video/nude show or still photographs of such sexual activities with or sexual organs of victim [AAA252353] for profit or in exchange of favor or consideration from foreign customers by offering, peddling, promoting and advertising her through the internet, including “online chat” with accused’ [sic] customers/clients, making representation through indecent shows or whatever means of the said victim having engaged in real and or simulated explicit sexual activities or any representation of the sexual parts of the victim primarily for sexual purposes to the victim’s damage and prejudice.

[CONTRARY TO LAW]. (Emphases supplied)

The cases were consolidated upon motion of the prosecution. Jerrie pleaded not guilty to the charges.⁵

AAA252353, from a poor family in Surigao Del Sur, testified that she went to Manila to work as a domestic helper on January 7, 2014. Her sister BBB252353, who was entrusted by their parents to Jerrie, called her and invited her to work for Jerrie. Enticed by the prospect of a better life, AAA252353 joined Jerrie’s household on March 1, 2014. She did household chores and watched over the child of Jerrie. AAA252353 claimed that she saw Jerrie stripping BBB252353 and having sexual intercourse with her but she kept silent.⁶

In the second week of March, Jerrie called AAA252353 into his room while he was chatting with a foreigner on his laptop and told her to take off her clothes. AAA252353 complied out of fear. Jerrie directed AAA252353 to pose naked in front of the camera, ordered her to perform oral sex on him, and forced her to have intercourse. He also took photos of the sexual acts he performed with AAA252353. The foreigner watched while fondling his penis. AAA252353 wept after Jerrie left the room. She did not tell BBB252353 what happened because she did not want her sister to be upset. Jerrie received payment from the foreigner through a local money remittance center.⁷

Sometime in April, Jerrie brought AAA252353 to a hotel in Makati to meet his foreigner friend, Gunter. While in the hotel room, Jerrie placed AAA252353’s hand in the crotch of Gunter and directed her to stroke it. Jerrie left AAA252353 with Gunter who had sexual intercourse with AAA252353. When Jerrie returned, Gunter offered him ₱6,000.00 as payment for the encounter with AAA252353. Jerrie refused. Gunter increased the amount to ₱12,000.00, which he gave to AAA252353. AAA252353 gave the sum to Jerrie. Jerrie gave AAA252353 ₱1,000.00 to buy a pair of sandals and kept the rest of the money. From the hotel, Jerrie and AAA252353 went to a bar to

⁵ Id. at 79.

⁶ Id. at 80; 128-129; and 153.

⁷ Id. at 80-81; 129; and 153.

meet Jerrie's friend, Ramil. AAA252353 got drunk. Jerrie and Ramil took turns having intercourse with a heavily intoxicated AAA252353 without her consent in Jerrie's home.⁸

In the first week of June, Jerrie was chatting with another foreigner, Maurice, online. He called AAA252353 into his room and told her to undress in front of the laptop. AAA252353 refused. Jerrie and his ward Mark, a minor, forcefully undressed AAA252353. Maurice ordered Mark to have intercourse with AAA252353 while Jerrie inserted his penis into AAA252353's anus. AAA252353 sobbed and tried to fight Mark and Jerrie off. While being assaulted, AAA252353 saw Maurice fondling his penis on the laptop screen.

In the same month, Jerrie dressed AAA252353 and CCC252353, another minor under Jerrie's care, in provocative clothes and brought them to a hotel in Manila. They met John, a foreigner. After drinking wine in a bar, they went to John's room. Jerrie directed AAA252353 and CCC252353 to lie on the bed. John had sexual intercourse with AAA252353 while Jerrie forced CCC252353 to have sex with him; John and Jerrie swapped partners after. John gave Jerrie money. Jerrie gave AAA252353 and CCC252353 ₱1,000.00 each and left them in the hotel. Before the month ended, Jerrie called AAA252353 and asked her to face the laptop.

Jerrie was chatting with Patrick, an Australian. While Patrick was watching, Jerrie and Mark undressed AAA252353 despite her protests. Mark had sexual intercourse with AAA252353 while Jerrie watched and fondled his penis. Jerrie forced AAA252353 to have intercourse after. AAA252353 became pregnant. She claimed that Jerrie was aware of her pregnancy yet he continued to abuse her. AAA252353 did not know who the father of her baby was because she had intercourse with her boyfriend in February, and with Jerrie, Mark, and several foreigners from March to June.⁹

In July, Jerrie sent AAA252353 and BBB252353 away for no reason. AAA252353 and BBB252353 found a new household to work in through the help of their neighbor. Jerrie tried to persuade the sisters to return to his home but AAA252353 already decided to file a case against Jerrie. It took AAA252353 several months to complain to the authorities because she and BBB252353 had no place to go. Jerrie did not pay AAA252353 a salary except for the ₱2,500.00 he gave her when she arrived in March 2014. AAA252353 did not have money to go home to the province or relatives to turn to in Manila.¹⁰

On October 16, 2014, AAA252353 went to Camp Crame to file a complaint against Jerrie and his foreigner friends for raping and exploiting her and CCC252353 using the internet. The case was assigned to Police Officer III May Ann Malcontento (PO3 Malcontento), a member of the Women and

⁸ Id.; and 153-154.

⁹ Id. at 81-82; 129-130; and 154-155.

¹⁰ Id. at 82; 130; and 155-156.



Children Protection Unit of the Criminal Investigation and Detection Group (WCPU-CIDG). PO3 Malcontento conferred with their chief, Police Senior Superintendent Harris R. Fama (PSS Fama), due to the complexity of the case. PSS Fama ordered the conduct of surveillance and entrapment operations against Jerrie.¹¹

On November 3, 2014, cyber investigator PO3 Bernadette Teodosio Garcia (PO3 Garcia) received a request for investigative assistance regarding a cyber pornography case. PO3 Garcia met with confidential informant Franklin, who gave her the passwords to his email: timmy.franklin.09@gmail.com and Facebook accounts. PO3 Garcia handled the accounts beginning November 10, 2014. She saw 11 emails from Jerrie who used the email address jsrw4u@yahoo.com. The emails did not contain messages, merely attachments containing photos of naked women and sexual acts in jpeg format. The last email, sent on November 14, 2014, was sent 44 times. Franklin and Jerrie also had conversations via Facebook. In one of the conversations, Jerrie gave Franklin his mobile number: 09201170632. Jerrie told Franklin via text messages that he can provide children for sex for a price.¹²

On the day of the entrapment operation, PO3 Christopher Gartuz (PO3 Gartuz) went inside a cabinet in the hotel room of the foreigner assets, one of whom was Franklin, to listen to their conversation with Jerrie. The other members of the team were in the adjoining room. Jerrie arrived with two girls, CCC252353, a minor, and DDD252353, of legal age. He boasted that the girls were very pliant and can expertly perform oral sex. The foreigner assets can do anything they want to the girls after intoxicating them and drugging them with “Ajinomoto.” They can have sex with the girls at the same time or they can watch Jerrie have sex with the girls. Jerrie told the foreigner assets that he has nude photos of the girls, which he shared and can continue to share online. Jerrie asked the foreigner assets for money for viagra and condoms. The foreigner assets ordered food for the girls after Jerrie left. Jerrie returned 30 minutes later with vitamins, chocolates, condoms, and liquor. PO3 Artuz went out of the closet as the members of the team ran into the room. They arrested Jerrie and rescued the two girls.¹³

CCC252353 and DDD252353 were interviewed with the assistance of social workers. They narrated that they were persuaded by Jerrie to leave their hometown in Surigao. He promised to find them foreigner husbands who can lift their status in life. However, Jerrie abused them when they arrived in Manila. CCC252353 and DDD252353 confirmed PO3 Gartuz’s testimony about what happened during the entrapment operation.¹⁴

¹¹ Id. at 84.

¹² Id. at 85–86; and Original Record, Vol. 1, p. 20.

¹³ Id. at 79–80.

¹⁴ Id. at 84.

A warrant, directing law enforcement to search the residence of Jerrie in Quezon City, was issued. Several pieces of evidence were seized from Jerrie's house: six hard drives, three memory cards, and two USB flash drives. The pieces of evidence were brought to WCPU-CIDG, Camp Crame and were forwarded by PSS Fama to the Digital Forensic Laboratory of the Anti-Cyber Crime Group for examination.¹⁵ Non-uniformed Personnel Nerissa Salcedo (NUP Salcedo), an expert digital forensic examiner from the Digital Forensic Laboratory, examined the evidence and prepared a Digital Evidence Examination Report. She found the pictures seen by PO3 Garcia plus other pictures and videos of girls in compromising positions, alone or with men, and of persons' private parts.¹⁶

BBB252353, AAA252353's younger sister, related her own ordeal under Jerrie. Jerrie brought BBB252353 to Manila in March 2010 at the age of 12. BBB252353 went with Jerrie, the son of a police officer in their province, because she felt safe with him. He promised to send her to school. Jerrie began to abuse BBB252353 in July 2011. BBB252353 was afraid to go home to the province because her parents would learn what happened to her.¹⁷ In 2013, Jerrie changed BBB252353's name to Sheree Arraz. He claimed that he-blot was-blot BBB252353's father and executed an affidavit authorizing her to use his surname.¹⁸

Jerrie denied the charges and claimed that they were only trumped up. He admitted that AAA252353 began to live in his house in March 2014. AAA252353 begged him to save her from her employer. Jerrie told AAA252353 to tell her employer that she wanted to leave; she was made to reimburse the ₱2,500.00 fare from Surigao to Manila. He did not hire AAA252353 as a domestic helper yet he provided her with shelter, food, and clothing. Over time, they had a sexual relationship. They had seven sexual contacts, all at the initiative of AAA252353. Jerrie never forced himself on AAA252353. Jerrie asked AAA252353 and BBB252353 to leave his house on July 2, 2014 because he got fed up with their laziness. AAA252353 and BBB252353 only used their mobile phones and did not help with the household chores. Jerrie believed that AAA252353 filed the complaint at the behest of the mother of CCC252353 and AAA252353's husband. She wanted to get even with Jerrie because he warned her against flirting with his foreigner guest Patrick.¹⁹

Jerrie admitted that Patrick and Maurice were his good friends and they communicated through the internet. Jerrie also admitted that he met with Franklin days before the entrapment; Franklin was devastated because of the supposed deceitfulness of Filipinos. On the day of the entrapment, Franklin sent Jerrie a text message requesting a meeting. Jerrie had just returned from a vacation in Puerto Galera with CCC252353 and DDD252353, so they met

¹⁵ *Id.* at 87–88.

¹⁶ *Id.* at 86–87.

¹⁷ *Id.* at 82.

¹⁸ *Id.* at 83.

¹⁹ *Id.* at 48–49; and 88.

Franklin in his hotel. Jerrie talked with Franklin and gave him tips on how to meet girls in the Philippines. Jerrie volunteered to buy food from outside the hotel to save Franklin money; they ate when Jerrie returned. After eating, Franklin's friends wanted to separate the girls and offered Jerrie ₱20,000.00. Jerrie got angry and told them that the girls were not prostitutes. Franklin's friend got mad and people stormed into the room. Someone pointed a gun at Jerrie's temple and announced that it was an entrapment. Jerrie was confused why there was entrapment but he told everyone to cooperate.²⁰

Jerrie denied taking the photos of naked women and lascivious acts. While he recognized some of the women in the photos, he did not know who took the photos. He claimed that the gadgets found in his home belonged to BBB252353. He preferred to use the cellphones and gadgets of BBB252353 as he did not want to buy his own. He claimed that he had one computer and the central processing unit (CPU) was in the repair shop.²¹ He admitted that he knew how to operate a computer, that he used Skype to chat with his foreigner friends, and that he interacted with foreigners looking for dates and marriage on the website Filipino cupid. He also used Facebook actively and accepted friend requests from people he had never met. When friends, like Franklin, wanted to meet, he met with them. He worked as a freelance tourist guide from 2006 to 2014. He provided what the foreigners needed and was given the moniker "paracetamol." He said that he brought girls to hotels to meet his foreigner friends but not AAA252353. While lascivious photographs were sent to Franklin using his email jsrw4u@yahoo.com, it was BBB252353 and AAA252353's mother-in-law, who knew his password, who sent them.²²

Mei C. Doria (Mei), one of Jerrie's tenants, testified that AAA252353 and the other girls in the house were free to come and go from Jerrie's house but they never asked for help or complained about the alleged acts committed by Jerrie. When Mei visited Jerrie's home, she did not sense any problems. Mei heard that Jerrie asked AAA252353's mother-in-law to leave his home because she failed to remit the rentals owing to him. She circulated stories about Jerrie's supposed bad character after.²³

Philinda Arraz (Philinda), Jerrie's sister, testified that the charges were untrue. She met AAA252353 and her parents in 2010 when they asked for help to send AAA252353 and BBB252353 to school. Jerrie told AAA252353's parents that he could only afford to help one child, BBB252353. In March 2014, AAA252353 went to Jerrie's house and asked him for ₱2,500.00. She returned after a few days and took care of Jerrie's child. Philinda knew everything that happened in the house of Jerrie because she cooked there four to five hours a day, seven days a week. The girls downloaded the pictures from the internet for foreigners. Jerrie asked AAA252353 to leave because she fed his child spoiled milk. Philinda surmised that AAA252353 filed the complaint because foreigners sent Jerrie,

²⁰ Id. at 50; and 88–89.

²¹ Id. at 50–51.

²² Id. at 89–90.

²³ Id. at 90–91.



and not AAA252353, ₱40,000.00. The sum was for reimbursement of money spent by foreigners coming to the Philippines.²⁴

Ruling of the RTC

In its Judgment²⁵ dated May 24, 2017, the Regional Trial Court, Quezon City, Branch 100 (RTC), found Jerrie guilty beyond reasonable doubt of two counts of the “Anti-Trafficking in Persons Act of 2003,” three counts of “The Anti-Rape Law of 1997,” and with violation of the “Cybercrime Prevention Act of 2012.”

The RTC found that Jerrie maintained and hired AAA252353 for sexual exploitation. He took advantage of AAA252353’s defenselessness. Since the acts were committed over a period of 60 days, he is guilty of qualified trafficking. Jerrie is also guilty of rape. He admitted that he had sexual congress with AAA252353 seven times and he failed to prove his claim that they were boyfriend-girlfriend. AAA252353’s testimony, which was categorical and spontaneous, deserves great weight. Finally, Jerrie is guilty of violating the “Cybercrime Prevention Act of 2012.” He exhibited AAA252353’s sexual organs and sexual activities with him with the aid of a computer, thus:

WHEREFORE, premises considered, this Court finds accused **JERRIE ARRAZ [y] RODRIGUEZ** guilty beyond reasonable doubt of the following offenses:

(1) In R-QZN-15-00619-CR for violation of Section 4 (a), (e) and in relation to Sections 3 (a), (c), (h), and Sections 6 (h) and 10 (e) of Republic Act No. 9208 (*Anti-Trafficking in Persons Act of 2003*), as amended by Republic Act 10364 (*Expanded Anti-Trafficking in Persons Act of 2012*) and hereby sentences him to suffer the penalty of life imprisonment. Likewise, said accused is hereby ordered to pay private complainant, [AAA252353], the amount of Php500,000.00 as moral damages and Php100,000.00 as exemplary damages;

(2) In R-QZN-15-00620-CR for Violation of Section 4 (a), (e) and in relation to Sections 3 (a), (h) and (j), and Section[s] 6 (h) and 10 (e) of Republic Act No. 9208 (*Anti-Trafficking in Persons Act of 2003*), as amended by Republic Act 10364 (*Expanded Anti-Trafficking in Persons Act of 2012*) and hereby sentences him to suffer the penalty of life imprisonment. Moreover, said accused is hereby ordered to pay private complainant, [AAA252353], the amount of Php500,000.00 as moral damages and Php100,000.00 as exemplary damages;

(3) In R-QZN-15-00621-CR for Rape under Article 266 - A(1)(A) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act 8353 (*The Anti-Rape Law of 1997*) and hereby sentences him to suffer the penalty of *reclusion perpetua* without parole. In addition, said accused is hereby ordered to pay private complainant, [AAA252353],

²⁴ Id. at 91.

²⁵ Id. at 76-114. Penned by Presiding Judge Editha G. Miña-Aguba.



the amount of Php75,000.00 as civil indemnity; Php75,000 as moral damages and Php75,000.00 as exemplary damages;

(4) In R-QZN-15-00622-CR for Rape under Article 266 - A(1)(B) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act 8353 (*The Anti-Rape Law of 1997*) and hereby sentences him to suffer the penalty of *reclusion perpetua*. Too, said accused is hereby ordered to pay private complainant, [AAA252353], the amount of Php75,000.00 as civil indemnity; Php75,000 as moral damages and Php75,000.00 as exemplary damages; and

(5) In R-QZN-15-00623-CR for Rape under Article 266 - A(2) in relation of the Revised Penal Code as amended by Republic Act 8353 and hereby sentences him to suffer the indeterminate prison term of four (4) years of *prision correccional* in its medium period as minimum to nine (9) years of *prision mayor* in its medium period as maximum. Further, said accused is hereby ordered to pay private complainant, [AAA252353], the amount of Php25,000.00 as civil indemnity; Php25,000 as moral damages and Php25,000.00 as exemplary damages;

(6) In R-QZN-15-03829-CR for Violation of Section 4 (c) paragraph (1) of Republic Act No. 10175 or otherwise known as the *Cybercrime Prevention Act of 2012*, and hereby sentences him to suffer the indeterminate prison term of four (4) years of *prision correccional* in its medium period as minimum to nine (9) years of *prision mayor* in its medium period as maximum. Further, said accused is hereby ordered to pay private complainant, [AAA252353], the amount of Php25,000.00 as civil indemnity; Php25,000.00 as moral damages and Php25,000.00 as exemplary damages;

In addition, interest at the rate of 6% per annum should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.

No pronouncement as to costs.

SO ORDERED.²⁶ (Emphases in the original and citation omitted)

Aggrieved, Jerrie elevated the case to the CA.²⁷ He claimed that AAA252353's credibility was doubtful. He maintained that AAA252353 took erotic photos of herself. His arrest was invalid as he was a victim of instigation. The RTC erred in disregarding his defense of denial.²⁸

Ruling of the CA

On June 18, 2019, the CA affirmed Jerrie's conviction with modification as to the amount of civil indemnity and damages. The CA found no reason to depart from the RTC's findings. AAA252353 candidly narrated her distressing experiences in the hands of Jerrie and his clients. She recounted the several incidents of rape and trafficking, and identified the

²⁶ Id. at 113-114.

²⁷ Id. at 10-13.

²⁸ Id. at 51-74.

persons involved. AAA252353's failure to immediately ask for help does not erode her credibility. Lastly, Jerrie engaged in the business of sending lewd photos and videos to foreign clients for money and gadgets,²⁹ thus:

WHEREFORE, in light of the foregoing, the Appeal is **DENIED**. The 24 May 2017 Judgment of the court *a quo* is **AFFIRMED** with **MODIFICATIONS**. Accused-appellant Jerre Arraz is found **GUILTY** beyond reasonable doubt of the following offenses:

(1) In R-QZN-15-00619-CR, for Violation of Section 4 (a), (e) in relation to Sections 3 (a), (c), (h), Section 6 (h) and Section 10 (e) of Republic Act No. 9208, as amended by Republic Act No. 10364, and is sentenced to suffer the penalty of LIFE IMPRISONMENT and ordered to pay a fine of FOUR MILLION PESOS (P4,000,000.00). He is further ordered to pay [AAA252353], the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00) as moral damages and ONE HUNDRED THOUSAND PESOS (P100,000.00) as exemplary damages;

(2) In R-QZN-15-00620-CR, for Violation of Section 4 (a), (e) in relation to Section 3 (a), (h), (j), Section 6 (h), and Section 10 (e) of Republic Act No. 9208, as amended by Republic Act No. 10364, and is sentenced to suffer the penalty of LIFE IMPRISONMENT and ordered to pay a fine of FOUR MILLION PESOS (P4,000,000.00). He is further ordered to pay [AAA252353], the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00) as moral damages and ONE HUNDRED THOUSAND PESOS (P100,000.00) as exemplary damages;

(3) In R-QZN-15-00621-CR for Rape under Article 266 - A(1)(a) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act No. 8353, and is sentenced to suffer the penalty of *reclusion perpetua* without parole and ordered to pay [AAA252353], the amount of ONE HUNDRED THOUSAND (P100,000.00) as civil indemnity; ONE HUNDRED THOUSAND (P100,000) as moral damages; and, ONE HUNDRED THOUSAND (P100,000.00) as exemplary damages;

(4) In R-QZN-15-00622-CR for Rape under Article 266 - A(1)(b) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act No. 8353, and is sentenced to suffer the penalty of *reclusion perpetua* without parole and ordered to pay [AAA252353], the amount of ONE HUNDRED THOUSAND (P100,000.00) as civil indemnity; ONE HUNDRED THOUSAND (P100,000.00) as moral damages; and, ONE HUNDRED THOUSAND (P100,000.00) as exemplary damages;

(5) In R-QZN-15-00623-CR, for Rape under Article 266 - A(2) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act No. 8353, and is sentenced to suffer the indeterminate penalty of imprisonment of four (4) years of *prision correccional* in its medium period as minimum to nine (9) years of *prision mayor* in its medium period as maximum, and ordered to pay [AAA252353], the amount of THIRTY THOUSAND PESOS (P30,000.00) as civil indemnity; THIRTY THOUSAND (P30,000.00) as moral damages; and, THIRTY THOUSAND (P30,000.00) as exemplary damages; and

²⁹ Id. at 146--188.

(6) In R-QZN-15-03829-CR, for Violation of Section 4 (c)(1) of Republic Act No. 10175, and is sentenced to suffer an indeterminate penalty of four (4) years of *prision correccional* in its medium period as minimum to nine (9) years of *prision mayor* in its medium period as maximum, and ordered to pay [AAA252353], the amount of THIRTY THOUSAND (P30,000.00) as civil indemnity; THIRTY THOUSAND (P30,000.00) as moral damages; and, THIRTY THOUSAND (P30,000.00) as exemplary damages.

The fine and the damages awarded shall earn legal interest at the rate of six percent (6%) per *annum* from the date of the finality of this decision until their full satisfaction.

SO ORDERED.³⁰ (Emphases in the original and citation omitted)

Hence, this recourse.³¹ Jerrie opted not to file a supplemental brief considering that all issues were exhaustively discussed in his brief before the CA.³²

The appeal is without merit.

Jerrie was charged with two counts of trafficking under Section 4(a) and (e)³³ in relation to Section 3(a), (c), (h), and (j),³⁴ qualified under Section

³⁰ Id. at 184–187.

³¹ Id. at 240.

³² *Rollo*, pp. 55–57.

³³ SEC. 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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, 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, or sexual exploitation;

x x x x

(e) To maintain or hire a person to engage in prostitution or pornography;

³⁴ SEC. 3. *Definition of Terms*. As used in this Act:

(a) *Trafficking in Persons* — refers to the 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 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, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes 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

(c) *Prostitution* — refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

x x x x

(h) *Sexual Exploitation* — refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to

6(h),³⁵ and penalized under Section 10(e)³⁶ of Republic Act (RA) No. 9208, as amended by RA No. 10364. Under RA No. 10364, the elements of trafficking in persons are as follows:

x x x x

SEC. 3. x x x:

(a) *Trafficking in Persons* - refers to “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 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.³⁷ (Italization supplied)

In her testimony, AAA252353 narrated that Jerrie hired her as a domestic helper in March 2014. Jerrie took advantage of her lack of money and relatives in Manila, and used force and intimidation to compel her (1) to remove her clothes and exhibit her naked body before a web camera for the viewing and enjoyment of foreign clients, (2) to have intercourse and to perform other lascivious acts with Jerrie and Mark in front of a web camera while foreign clients were watching, and (3) to have intercourse and to perform other sexual acts with foreign clients for money and other consideration from March to June 2014. Jerrie also took sensitive photos and/or videos of AAA252353 and emailed them to clients for money.³⁸

achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.

x x x x

(j) *Pornography* — refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

³⁵ SEC. 6. *Qualified Trafficking in Persons*. — Violations of Section 4 of this Act shall be considered as qualified trafficking:

x x x x

(h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not[.]

x x x x

³⁶ SEC. 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 (P2,000,000.00) but not more than Five million pesos (P5,000,000.00)[.]

x x x x

³⁷ See *People v. Ramirez*, G.R. No. 217978, January 30, 2019. 891 SCRA 528, 536.

³⁸ CA rollo, pp. 80-82; and 153-155.

AAA252353 testified that Jerrie began to exploit her a week after she moved to his home:

x x x x

Q: Could you tell us what is this unusual incident that happened to you?

A: It was on the second week of March 2014 when he was chatting with his friend who is a foreigner and then he called me “[AAA252353], halika dito,” and then he told me to take off my clothes and introduced me to the foreigner, sir.

x x x x

Q: [S]o, what happened when he called you while chatting with this foreigner?

A: *Tapos pinapunta niya ako sa harapan niya tapos pinahubad niya po ako sabi ko sa kanya bakit po tapos sabi niya maghubad ka. Hinubad ko po ang damit ko at pinaikot-ikot niya po ako sa harapan ng foreigner.*

x x x x

Q: How was this, Ms. Witness, because you said that he was just chatting with the foreigner using what? When he was chatting with this foreigner, what was Jerrie Arraz using, what particular gadgets or anything?

A: Laptop, sir.

Q: Do you know that this laptop has a webcam installed in it?

A: Yes, sir.

Q: Now, you were asked by Jerrie Arraz to take off your clothes and he asked you to turn around while naked. Did you comply?

A: Yes, sir.

Q: Why did you accede?

A: I got scared because he is a male person, sir.

Q: What happened when you were turning around naked?

A: *Paghatapos niya po pinaikot, ginalaw niya po ako tapos nakipagtalik po siya sa akin. Pinasok niya yung ari niya sa ari ko.*


Q: And what happened to this foreigner he was chatting?

A: *Tapos po nakita ko po yung foreigner na ginagalaw galaw niya po yung ari niya. Nakita ko po sa skype na ginalaw niya po yung ari niya.*³⁹ (Emphases supplied)

The first incident was followed by other occasions of prostitution and other forms of sexual exploitation. AAA252353 testified that Jerrie brought her to a hotel in Makati City in April 2014. He introduced her to a foreigner named Gunter and directed her to have sexual intercourse with him and to perform other sexual acts for money:

x x x x

³⁹ Id. at 170.



Q: Anyway, when you reached the hotel in Makati, what did you do?

A: I was just sitting down, sir.

Q: Where did you sit?

A: In the room of Gunter, sir.

Q: And who is Gunter, Ms. Witness?

A: The friend of Jerrie Arraz who is a foreigner, sir.

Q: Then what happened next?

A: Jerrie Arraz called me and asked me to sit beside Gunter, sir.

Q: And what happened next?

A: *[Pagkatapos po kinuha ni Jerrie Arraz ang kamay ko tapos pinahawak-hawakan niya ang kamay ko sa ari ni Gunter.]*

x x x x

Q: When you said "*[ginalaw ka ni Gunter]*," what do you mean exactly, Ms. Witness?

A: *[Nakipagtalik po sa akin si Gunter. Pinasok niya yung ari niya sa ari ko].*

[x x x x]

Q: And then what happened next?

A: Gunter gave Jerrie Arraz ₱6,000.00, sir.

Q: And, if you know, why did Gunter give Jerrie Arraz ₱6,000.00?

A: Because he was selling me and it was the exchange, sir.

Q: And then what happened next?

A: Jerrie Arraz did not accept the ₱6,000.00 then Gunter gave me ₱12,000.00. Gunter told me that [the] ₱5,000.00 is to buy a cellphone, sir.

x x x x

Q: So, what did you do with the rest of the money?

A: I gave the ₱12,000.00 to Jerrie when we are in the taxi. I know that he will give me money, sir.

x x x x

Q: Did Jerrie Arraz give you money?

A: No, sir. He just bought me a pair of sandals worth ₱1,000.00, sir.⁴⁰ (Emphases supplied and citation omitted)

Jerrie also brought AAA252353 and CCC252353, a minor, to a hotel in Manila to meet another foreigner named John in June 2014. John had intercourse with AAA252353 while Jerrie had sex with CCC252353. John and Jerrie exchanged partners after. John paid Jerrie for the services of AAA252353 and CCC252353:

⁴⁰ Id. at 97-98.

x x x x

Q: Now, what happened, Ms. Witness, when you reached that hotel in Manila?

A: After that he went to his friend named John, sir.

x x x x

Q: And then, what happened after that?

A: Jerrie and John instructed us to undress and to take a bath in the shower, sir.

Q: You mentioned that you are also with [CCC252353], Ms. Witness?

A: Yes, sir.

[x x x x]

Q: Now, Ms. Witness, what happened after you and [CCC252353] were asked to take a bath?

A: After we took a bath, John told us to lay on the bed, sir.

x x x x

Q: **And then, what happened after that?**

A: *[Pagkatapos po noon ay una pong pumatong sa akin ay si] John, sir.*

Q: **What do you mean by that, Ms. Witness, when you said that “[ang unang pumatong sa iyo ay si] John?”**

A: *[Pinasok niya po yung ari niya sa ari ko], sir.*

Q: And then you mentioned that you were with [CCC252353] also on that bed, now, if you know [what] was [CCC252353] do?

A: *[“Pinahiga ni Jerrie Arraz tapos pumatong si Jerrie, pinasok ang ari ni Jerrie Arraz sa ari ni] [CCC252353], sir.”*

Q: And was this happening at the same time as where this John is on top of you?

A: Yes, sir.

Q: **And then what happened after that, Ms. Witness?**

A: *[“Pagkatapos po ni] John, [si] Jerrie [naman. Pinapasok niya ang ari niya sa ari ko], sir.”*

Q: And how about [CCC252353], Ms. Witness?

A: *[“Si John naman po, Pumatong sa kanya, pinasok niya po ang ari ni John sa ari ni] [CCC252353], sir.”*

[x x x x]

Q: **Now, would you known [sic] if this John paid Jerrie Arraz any money?**

A: Yes, sir.

Q: **How do you know that John paid Jerrie Arraz money?**

A: I saw John paid Jerrie Arraz.

[x x x x]

Q: And, Ms. Witness, if you know, why did John pay Jerrie?
A: ["*Sa pambubugaw niya po sa akin at pambababoy po*], sir."

Q: Now, Ms. Witness, you said that Jerrie Arraz left and you stayed in that hotel, what happened next?

A: Jerrie gave us [P]1,000.00 each.

[x x x x]

Q: To your knowledge, what was [the] [P]1,000.00 for, if you know?

A: As payment to us, sir.⁴¹ (Emphases supplied and citation omitted)

Jerrie repeatedly compelled AAA252353 to take off her clothes. At times, Jerrie took AAA252353's clothes off himself with the assistance of Mark and paraded AAA252353's naked body in front of the computer for the enjoyment of foreigners who patronized pornography. There were also instances when Jerrie forced AAA252353 to perform sexual acts on him, had intercourse with AAA252353 against her will, alone or with another man, while foreign clients watched through web cameras.⁴² From the foregoing, the prosecution was able to establish that Jerrie committed two counts of trafficking in persons against AAA252353 qualified by the fact that the crime was committed for over 60 days.

Jerrie was also charged with three counts of rape under Articles 266-A(1)(a), 266-A(1)(b); and 266-A(2)⁴³ in relation to Article 266-B⁴⁴ of The Revised Penal Code, as amended by RA No. 8353, on October 22, 1997.

"[T]o sustain a conviction for rape through sexual intercourse [under Art. 266-A(1)], the prosecution must prove the following elements beyond reasonable doubt, x x x: (i) that the accused had carnal knowledge of the victim; and (ii) that said act was accomplished a) through the use of force or

⁴¹ Id. at 98–99.

⁴² Id. at 81–82; and 130.

⁴³ ART. 266-A. *Rape, When and How Committed.* — Rape is Committed —

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious;

x x x x

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

⁴⁴ ART. 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

x x x x

9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime.

x x x x

Rape under paragraph 2 of the next preceding article shall be punished by *prision mayor*.

intimidation, or b) when the victim is deprived of reason or otherwise unconscious, or c) by means of fraudulent machination or grave abuse of authority, or d) when the victim is under 12 years of age or is demented.”⁴⁵

To substantiate the first charge of rape through sexual intercourse (accomplished through the use of force or intimidation), AAA252353 testified that Jerrie was chatting with an Australian, Patrick, on his laptop in June 2014. He called AAA252353 and told her to undress. When AAA252353 refused to follow Jerrie’s order, Jerrie and Mark undressed her. Mark had intercourse with AAA252353 against her will. After, Jerrie had carnal knowledge of AAA252353 through force and intimidation and despite Jerrie’s knowledge that she was around four months pregnant. Patrick watched the lascivious acts committed by Mark and Jerrie against AAA252353. AAA252353, however, failed to prove that Jerrie was aware of her pregnancy when he had carnal knowledge of her.⁴⁶

In support of the second charge of rape through sexual intercourse (committed while the victim was intoxicated and semi-conscious), AAA252353 narrated that after having intercourse with Gunter in his hotel, she and Jerrie went to a bar to meet Jerrie’s friend, Ramil. The three of them drank liquor and AAA252353 got drunk. Jerrie and Ramil brought AAA252353 to Jerrie’s house. Jerrie and Ramil took off AAA252353’s clothes and Jerrie had carnal knowledge of AAA252353 while she was heavily intoxicated and deprived of reason:

x x x x

Q: And then after he gave you drink, liquor, what happened next?

A: I got drunk and they brought me to the house of Jerrie Arraz, sir.

Q: **And then what happened next?**

A: **They brought me to the third floor and at that time, I was totally drunk then Jerrie Arraz and Ramil took my clothes off, sir.**

Q: **And then what happened next?**

A: **[Nakipagtalik po si Jerrie sa akin. Ginalaw niya po ako. Kung anu-ano ang ginawa niya sa katawan ko].**

x x x x

Q: And when did this happen?

A: Third week of April, Your Honor. After we go to the place of Gunter, Your Honor.⁴⁷ (Emphases supplied)

⁴⁵ *People v. XXX*, G.R. No. 240441, December 4, 2019, 927 SCRA 35, 50.

⁴⁶ *CA rollo*, pp. 81–82.

⁴⁷ *Id.* at 104.

“[T]he following are the elements of Rape by Sexual Assault under Article 266-A(2) of the RPC”:

- (1) [t]hat the offender commits an act of sexual assault;
- (2) [t]hat the act of sexual assault is committed by any of the following means:
 - (a) [b]y inserting his penis into another person's mouth or anal orifice; or
 - (b) **[b]y inserting any instrument or object into the genital or anal orifice of another person; or**
- (3) [t]hat the act of sexual assault is accomplished under any of the following circumstances:
 - (a) [b]y using force and intimidation;
 - (b) [w]hen the woman is deprived of reason or otherwise unconscious;
 - (c) [b]y means of fraudulent machination or grave abuse of authority; or
 - (d) **[w]hen the woman is under 12 years of age or demented.**⁴⁸ (Emphases supplied)

To prove the charge of rape by sexual assault, AAA252353 testified that Jerrie chatted with Maurice, another foreigner, on his laptop in June 2014. At Maurice’s order, Mark had intercourse with AAA252353 against her wishes while Jerrie inserted his penis into AAA252353’s anus simultaneously:⁴⁹

X X X X

Q: What did you exactly see in the laptop, Ms. Witness?

A: I saw Maurice Blose in the laptop looking at me, sir.

Q: And then, what happened after that, Ms. Witness?

A: After that, sir, Jerrie asked me to undress with Mark, who was 15 years old at that time.

X X X X

Q: And then, what happened after that, Ms. Witness?

A: [*“Pagkatapos po inutusan pa po ni] Maurice [si] Jerrie [na galawin po nila, sir”*].

⁴⁸ *People v. HHH*, G.R. No. 248245, August 26, 2020.

<<https://elibrary.judiciary.gov.ph/thebookshelf/docmonth/Aug/2020/1>>.

⁴⁹ *CA rollo*, p. 81.

Q: And after Maurice gave instructions to Jerrie [*“na galawin ka”*], what happened next?

A: They forced me to undress me, sir.

Q: And what was your reaction when they forced to undressed you, Ms. Witness?

A: I refused while I was standing, sir.

Q: What did you do, Ms. Witness, if any?

A: [*“Noong nakatayo po ako tapos po pinasok po ni Mark [y]ung ari niya sa ari ko tapos po si Jerrie Arraz po nasa pwet ko po, sir.”*]

x x x x

Q: How did you feel?

A: I cried, sir.

Q: Why did you cry?

A: [*“Kasi po sabay po nila pinasok yung ari nila sa ari ko, sir.”*]⁵⁰
(Emphases supplied)

[x x x x]

We sustain the ruling of the courts *a quo* that Jerrie is guilty beyond reasonable doubt of three counts of rape. AAA252353 candidly narrated her harrowing experience in the hands of Jerrie, and established that Jerrie had carnal knowledge of her through force and intimidation, and while she was heavily intoxicated and deprived of reason. AAA252353 gave her statement in a categorical, straightforward, spontaneous, and frank manner during trial. Consequently, the RTC accorded AAA252353’s testimony great weight and credence.⁵¹ The CA affirmed the RTC’s findings on AAA252353’s credibility. We find no reason to disturb the findings of the lower courts. Settled is the rule that the trial court’s conclusions on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, unless there appears certain facts, or circumstances of weight and value which the lower court overlooked or misappreciated and which, if properly considered, would alter the result of the case.⁵²

Lastly, Jerrie was charged with violation of Section 4(c)(1) of RA No. 10175, or the “Cybercrime Prevention Act of 2012.”⁵³ The Act seeks to

⁵⁰ Id. at 172–173.

⁵¹ *People v. XXX*, G.R. No. 236562, September 22, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/docmonth/Sep/2020/1>>.

⁵² *People v. Dechoso*, G.R. No. 248530, March 3, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/docmonth/Mar/2021/1>>.

⁵³ SEC. 4. *Cybercrime Offenses*. — The following acts constitute the offense of cybercrime punishable under this Act:

x x x x

(c) *Content-related Offenses*:

(1) *Cybersex*. — *The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration.* (Italization supplied)

x x x x

punish cyber prostitution, white slave trade, and pornography for favor and consideration. This includes interactive prostitution and pornography, *i.e.*, by webcam. “[T]he element of ‘engaging in a business’ is necessary to constitute the illegal cybersex.”⁵⁴ Three elements must be established to successfully prosecute the crime of cybersex: (1) engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity; (2) with the aid of a computer system; and (3) for favor or consideration.⁵⁵

The prosecution was able to prove Jerrie’s guilt beyond reasonable doubt of the crime of cybersex through the testimony of AAA252353, the report of NUP Salcedo that the hard drives, memory cards, and USB flash drives seized from the house of Jerrie contained pictures and videos of naked girls in compromising positions, alone, or with men, and of persons’ private parts,⁵⁶ and the testimony of PO3 Garcia that Jerrie sent photos of a similar nature to Franklin via email.⁵⁷ It was established that Jerrie distributed the lewd photos and videos of AAA252353 to Patrick who paid him via local money transfer.⁵⁸ Jerrie’s bare claim that AAA252353 took erotic pictures of herself deserves scant consideration.

Jerrie likewise claims that the lower courts gravely erred in convicting him considering the incredible nature of AAA252353’s testimony and her questionable behavior during and after the alleged trafficking and rape. Jerrie claims that AAA252353’s failure to ask for help and to run away despite having the opportunity, her lack of animosity, or ill will toward Jerrie, and her willingness to go with Jerrie to bars and hotels militate against her claim of exploitation and rape. But as found by the CA, AAA252353 was able to explain that she was afraid to defy Jerrie because she had nowhere to go in the event Jerrie turns her away. She had no money and relatives in Manila. AAA252353’s supposed lack of animosity toward Jerrie and her alleged willingness to go with Jerrie to bars and hotel cannot defeat her cases for rape and trafficking. The Court has long recognized the lack of uniformity in the manner of behavior of rape victims during or after a rape incident.⁵⁹ At any rate, Section 3(a) of RA No. 9208 is explicit that the crime of trafficking in persons can exist even with the victim’s consent.

Jerrie further argues that the court erred in disregarding his defense of denial and in relying solely on the prosecution’s evidence. It is worthy to stress that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. As between a categorical testimony which has the ring

⁵⁴ *Disini, Jr. v. The Secretary of Justice*, 727 Phil. 28, 105 (2014).

⁵⁵ Section 4 (c) (1), “Cybercrime Prevention Act of 2012.”

⁵⁶ *CA rollo*, pp. 86–87.

⁵⁷ *Id.* at 107–109.

⁵⁸ *Id.* at 177.

⁵⁹ *People v. Dechoso*, G.R. No. 248530, March 3, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/docmonth/Mar/2021/1>>.

of truth on the one hand and a mere denial and alibi on the other, the former is generally held to prevail.⁶⁰

Finally, Jerrie contends that his arrest was invalid as he was a victim of instigation. In instigation, law enforcement officials lure the accused into committing a crime that he had no intention to commit in order to prosecute him. In entrapment, law enforcement officials merely employ ways and means to trap or capture a lawbreaker. Instigation presupposes that the criminal intent to commit an offense originated from the inducer; the accused had no intention to commit the crime and would not have committed it if not for the initiatives of the inducer. In entrapment, the criminal intent or design to commit the offense charged originates in the mind of the accused; the law enforcement officials merely facilitate the apprehension of the criminal by employing ruses and schemes.⁶¹

Contrary to his claims, we find that Jerrie was apprehended through a valid entrapment operation conducted by the WCPU-CIDG and Inter-Agency Council Against Trafficking of the Department of Justice. Jerrie, given his history of pimping AAA252353 and CCC252353 to his foreign friends, had the predisposition to commit trafficking in persons even before he meet the operatives. The entrapment was organized precisely because AAA252353 went to Camp Crame to file a complaint against Jerrie for exploiting her for prostitution and pornography. PO3 Garcia also learned during an investigation conducted prior to the entrapment that Jerrie told Franklin via text messages that he can provide children for sex for a price. Hence, the arrest of Jerrie through the entrapment operation was valid.

Anent the penalties, Section 10(e) of RA No. 9208 punishes qualified trafficking with *life imprisonment* and a fine of not less than ₱2,000,000.00 but not more than ₱5,000,000.00. With respect to the damages, the Court in *Brozoto v. People*⁶² awarded ₱500,000.00 moral damages and ₱100,000.00 exemplary damages to the victim of qualified trafficking because the offense is analogous to the crimes of seduction, abduction, rape, and other lascivious acts which cause the victim physical and mental suffering, besmirched reputation, moral shock, and social humiliation. In *People v. Dela Cruz*,⁶³ the Court increased from ₱200,000.00 to ₱500,000.00 the moral damages awarded to the victims of qualified trafficking, in addition to the ₱100,000.00 exemplary damages.

Here, the CA correctly sentenced Jerrie to suffer *life imprisonment* and to pay a fine of ₱4,000,000.00 for each count of qualified trafficking. Moreover, the CA properly ordered Jerrie to pay AAA252353 ₱500,000.00

⁶⁰ *People v. Hapa*, G.R. No. 233694, January 29, 2020, (Resolution).

⁶¹ *People v. San Miguel*, G.R. No. 247956, October 7, 2020, <<https://sc.judiciary.gov.ph/16212/>>.

⁶² G.R. No. 233420, April 28, 2021, <<https://sc.judiciary.gov.ph/21008/>>.

⁶³ G.R. No. 238754, June 16, 2021, <<https://sc.judiciary.gov.ph/23880/>>.

moral damages and ₱100,000.00 exemplary damages for each count pursuant to prevailing jurisprudence.⁶⁴

Whereas, Article 266-B of the RPC, penalizes rape through sexual intercourse with *reclusion perpetua*. In this case, the CA imposed the penalty of “*reclusion perpetua* without parole”⁶⁵ for each count of rape. The CA correctly imposed the penalty of *reclusion perpetua*. However, the phrase “*without parole*” must be clarified. The Court explained that there is a need to qualify that the accused is not “*eligible for parole*” only in cases where the imposable penalty should have been death were it not for the enactment of RA No. 9346 or the “Anti-Death Penalty Law.”⁶⁶ As discussed earlier, Jerrie is guilty only of simple rape penalized with *reclusion perpetua*. Thus, there is no need to indicate that he was ineligible for parole. Jerrie is *ipso facto* ineligible for parole because he was sentenced to suffer an indivisible penalty. Similarly, the Court deems it proper to modify the award of damages. In *People v. Jugueta*,⁶⁷ we held that when the circumstances call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the victim is entitled to ₱75,000.00 civil indemnity, ₱75,000.00 moral damages, and ₱75,000.00 exemplary damages.

On the other hand, rape through sexual assault is punished with *prision mayor*. Absent any modifying circumstance, the maximum term of the indeterminate sentence must be within the medium period of the prescribed penalty or eight (8) years and one (1) day to ten (10) years. The minimum term of the indeterminate sentence must be within the penalty next lower in degree than that prescribed, or *prision correccional*, which ranges from six (6) months and one (1) day to six (6) years. Thus, the CA correctly imposed the indeterminate penalty of four (4) years of *prision correccional*, as minimum, to nine (9) years of *prision mayor*, as maximum. Likewise, the CA properly awarded ₱30,000.00 civil indemnity, ₱30,000.00 moral damages, and ₱30,000.00 exemplary damages in accordance with prevailing jurisprudence.⁶⁸

As regards the offense of cybersex, Section 8 of RA No. 10175⁶⁹ provides the penalty of *prision mayor* or a fine of at least Two Hundred Thousand Pesos (₱200,000.00) but not exceeding One Million Pesos (₱1,000,000.00) or both. Absent any modifying circumstance, the maximum term of the indeterminate sentence must be within the medium period of the prescribed penalty, or eight (8) years and one (1) day to ten (10) years. The minimum term of the indeterminate sentence must be within the penalty next

⁶⁴ *People v. Daguno*, G.R. No. 235660, March 4, 2020, <<https://sc.judiciary.gov.ph/14246/>>; *People v. Hiram*, 803 Phil. 277 (2017); *People v. Casio*, 749 Phil. 458 (2014); and *People v. Lalli*, 675 Phil. 126 (2011).

⁶⁵ CA rollo, p. 186.

⁶⁶ Approved on June 24, 2006. See also *People v. Balba*, G.R. No. 246586, October 6, 2021, (Resolution), <<https://sc.judiciary.gov.ph/24920/>>.

⁶⁷ 783 Phil. 806 (2016).

⁶⁸ *People v. Tulagan*, G.R. No. 227363, March 12, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/docmonth/Mar/2019/1/>>.

⁶⁹ “Cybercrime Prevention Act of 2012,” September 12, 2012.

lower in degree than that prescribed, or *prision correccional* which ranges from six (6) months and one (1) day to six (6) years. Hence, the CA correctly imposed the indeterminate penalty of four (4) years of *prision correccional*, as minimum, to nine (9) years of *prision mayor*, as maximum. Also, the CA properly awarded ₱30,000.00 civil indemnity, ₱30,000.00 moral damages, and ₱30,000.00 exemplary damages.

The awards of moral and exemplary damages are justified. Civil indemnity *ex delicto* is the indemnity authorized in our criminal law for the offended party, in the amount authorized by the prevailing judicial policy and apart from other proven actual damages, which itself, is equivalent to actual, or compensatory damages in civil law. This award stems from Article 100 of The Revised Penal Code which states that “[e]very person criminally liable for a felony is also civilly liable.”⁷⁰ Article 2217 of the Civil Code provides that moral damages may be awarded if a victim suffers physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Article 2219 further provides that it may be awarded in cases of seduction, abduction, rape, and other lascivious acts. Article 2229 of the Civil Code also states “[e]xemplary or damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.”

ACCORDINGLY, the appeal is **DISMISSED**. The Court of Appeals’ Decision dated June 18, 2019 in CA-G.R. CR-HC No. 09413 is **AFFIRMED with MODIFICATIONS**, to wit:

(1) In R-QZN-15-00619-CR, the accused-appellant Jerrie Arraz y Rodriguez is found **GUILTY** of Qualified Trafficking in Persons in violation of Section 4 (a), (e), in relation to Section 3 (a), (c), (h), Section 6 (h) and Section 10 (e) of Republic Act No. 9208, as amended by Republic Act No. 10364 (Expanded Anti-Trafficking Act of 2012). The accused-appellant is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱4,000,000.00. Accused-appellant is further ordered to pay AAA252353 ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages;

(2) In R-QZN-15-00620-CR, the accused-appellant Jerrie Arraz y Rodriguez is found **GUILTY** of Qualified Trafficking in Persons in violation of Section 4 (a), (e), in relation to Section 3 (a), (h), (j), Section 6 (h), and Section 10 (e) of Republic Act No. 9208, as amended by Republic Act No. 10364. Accused-appellant is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱4,000,000.00. Accused-appellant is further ordered to pay AAA252353 ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages;

⁷⁰ *People v. Jugueta*, supra note 67.

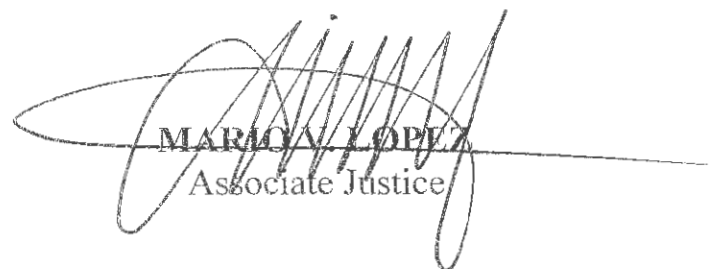
(3) In R-QZN-15-00621-CR and R-QZN-15-00622-CR, the accused-appellant Jerrie Arraz y Rodriguez is found **GUILTY** of two counts of Rape through Sexual Intercourse in violation of Article 266-A (1) (a), in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353. Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* for each count and is ordered to pay AAA252353 ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count;

(4) In R-QZN-15-00623-CR, the accused-appellant Jerrie Arraz y Rodriguez is found **GUILTY** of Rape through Sexual Assault in violation of Article 266-A (2), in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353. Accused-appellant is sentenced to suffer an indeterminate penalty of four (4) years of *prision correccional*, as minimum, to nine (9) years of *prision mayor*, as maximum. Accused-appellant is further ordered to pay AAA252353 ₱30,000.00 as civil indemnity, ₱30,000.00 as moral damages, and ₱30,000.00 as exemplary damages; and


(5) In R-QZN-15-03829-CR, the accused-appellant Jerrie Arraz y Rodriguez is found **GUILTY** of the “Cybersex Prevention Act of 2012,” in violation of Section 4 (c) (1) of Republic Act No. 10175. Accused-appellant is sentenced to suffer an indeterminate penalty of four (4) years of *prision correccional*, as minimum, to nine (9) years of *prision mayor*, as maximum. Accused-appellant is further ordered to pay AAA252353 ₱30,000.00 as civil indemnity, ₱30,000.00 as moral damages, and ₱30,000.00 as exemplary damages;

(6) All monetary awards for damages shall earn interest at the legal rate of 6% *per annum* from the date of finality of this Decision until fully paid.


SO ORDERED.

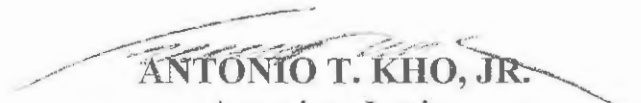

MARIA V. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

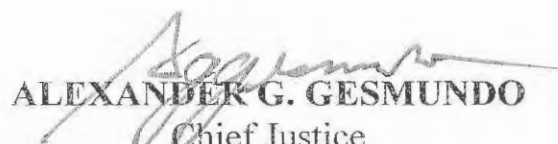
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second 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