



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

PEOPLE OF THE  
 PHILIPPINES,

Plaintiff-appellee,

-versus-

DENNIS HERNANDEZ y  
 CARINGAL and MARIA  
 CRISTINA ANONUEVO y  
 CORIANA,\*

Accused-appellants.\*\*

G.R. No. 265754

Present:

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

Promulgated:

FEB 05 2024

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DECISION

LOPEZ, J., J.:

This Court resolves the appeal<sup>1</sup> filed by accused-appellants Dennis Hernandez y Caringal (Hernandez) and Maria Cristina Anonuevo y Coriana (Anonuevo) assailing the Decision<sup>2</sup> of the Court of Appeals (CA), which

\* Also spelled as "Maria Christina C. Anonuevo," "Maria Christine C. Anonuevo" "Maria Christina C. Añonuevo" in some parts of the *rollos* and records.

\*\* In line with Amended Administrative Circular No. 83-2015, as mandated by Revised Penal Code, Article 266-A, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 9-38. The July 6, 2020 Decision in CA-G.R. CR-HC No. 11965 was penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Ruben Reynaldo G. Roxas of the Second Division, Court of Appeals, [REDACTED].

affirmed with modification the Judgment<sup>3</sup> of the Regional Trial Court (RTC) finding Hernandez and Anonuevo guilty beyond reasonable doubt of:

1) qualified trafficking in persons under Section 4(a), in relation to Sections 3(a), 6(a), and 10(a) of Republic Act No. 9208,<sup>4</sup> otherwise known as the Anti-Trafficking in Persons Act of 2003; and

2) violation of Section 5(b) of Republic Act No. 7610,<sup>5</sup> otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

The case stemmed from two separate criminal Complaints. In Criminal Case No. 12-292735, Hernandez and Anonuevo were charged in an Amended Information<sup>6</sup> with qualified trafficking in persons under Section 4(a) in relation to Section 3(a) and 6(a) of Republic Act No. 9208, committed as follows:

That sometime on June 23, 2012 or there about, in the City of [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused Dennis Hernandez and Maria Cristina Anonuevo, for the purpose of sexual exploitation, did then and there willfully, unlawfully, and knowingly, conspired and confederated with each other in recruiting, transporting, transferring, harboring, providing, and/or receiving AAA, a.k.a. "[REDACTED]," 17 years old, from the City of [REDACTED] to the province of [REDACTED] under the pretext of domestic employment as a house helper, with the intent of forcing her to have sex with Maria Cristina Anonuevo's live-in partner, Dennis Hernandez, and latter, with threat and intimidation, sexually abused and exploited said AAA, to the latter's damage and prejudice. That subsequently thereafter, the above-named accused, conspiring and confederating with each other, forced and threatened AAA, a.k.a. "[REDACTED]," to find her replacement and bring her to Dennis Hernandez on July 02, 2012, or there about, for the purpose of sexual exploitation.

This case is attendant with the qualifying circumstance of Minority being that AAA, a.k.a. "[REDACTED]," was seventeen (17) years old when the crime was committed against her.

CONTRARY TO LAW.<sup>7</sup> (Emphasis in the original)

<sup>3</sup> *Id.* at 43–53. The December 6, 2017 Judgment in Criminal Case Nos. 12-292735 and 13-302108 was penned by Presiding Judge Jacqueline S. Martin-Balictar of Branch [REDACTED], Regional Trial Court, [REDACTED].

<sup>4</sup> An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Others. (2003)

<sup>5</sup> An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation, and Discrimination, and for Other Purposes. (1992)

<sup>6</sup> RTC records, pp. 181–183.

<sup>7</sup> *Id.* at 181–182.

In the original case, docketed as Criminal Case No. 6858, Hernandez and Anonuevo were indicted in an Information<sup>8</sup> for violation of Section 5(b) of Republic Act No. 7610, committed as follows:

That on June 23, 2012 or there about, in the Province of ██████████, and within the jurisdiction of this Honorable Court, the above-named accused, through threat and intimidation, conspiring and confederating with one another, did then and there willfully, unlawfully, and knowingly, induce AAA, seventeen (17) years old, to indulge in sexual intercourse and lascivious conduct for money, profit, and any other consideration, against her will and consent, to the damage and prejudice of the said minor child.

CONTRARY TO LAW.<sup>9</sup>

On October 7, 2013, this Court issued a Resolution<sup>10</sup> in A.M. No. 13-8-181-RTC, granting the Petition for Transfer of Venue<sup>11</sup> filed for and on behalf of AAA,<sup>12</sup> the private offended party. Consequently, Criminal Case No. 6858 was raffled from Branch █, RTC, ██████████ to Branch █, RTC, ██████████, and docketed as Criminal Case No. 13-302108.

During arraignment, Hernandez and Anonuevo entered their pleas of not guilty to the charges in Criminal Case No. 12-292735<sup>13</sup> and Criminal Case No. 13-302108.<sup>14</sup> During the pre-trial conference in Criminal Case No. 12-292735, the parties stipulated the following: (1) the jurisdiction of the court; (2) the identity of Hernandez and Anonuevo; and (3) the minority of AAA.<sup>15</sup> Upon Motion by the prosecution, these stipulations were adopted in Criminal Case No. 13-302108.<sup>16</sup> As both criminal cases involve the same facts, the prosecution filed a Motion for Consolidation,<sup>17</sup> which was subsequently granted by the RTC in an Order dated January 20, 2014.<sup>18</sup> Pre-trial conference was terminated and a joint trial on the merits subsequently ensued.<sup>19</sup>

To prove the guilt of Hernandez and Anonuevo, the prosecution offered in evidence the testimonies of the following witnesses: (1) AAA; (2) Gerney L. Flores (Flores); (3) Special Investigator III Valiant B. Raganit (SI Raganit); and (4) Dr. Sandra Stuart Hernandez (Dr. Hernandez).<sup>20</sup>

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<sup>8</sup> *Id.* at 1-3.

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.* at 116-117.

<sup>11</sup> *Id.* at 20-26.

<sup>12</sup> Also referred to as "██████████," "██████████," and "██████████" in some parts of the records.

<sup>13</sup> *Id.* at 210.

<sup>14</sup> *Id.* at 275.

<sup>15</sup> *Id.* at 239-240.

<sup>16</sup> *Id.* at 274, 277.

<sup>17</sup> *Id.* at 131-133.

<sup>18</sup> *Id.* at 129.

<sup>19</sup> *Id.* at 277.

<sup>20</sup> *Id.* at 312-313.



Their salient testimonies, interwoven together, established the facts as follows:

AAA was born on April 8, 1995. Thus, at the time of the incident on June 23, 2012, she was only 17 years old.<sup>21</sup>

On the evening of June 19, 2012, AAA was sitting in front of a bank along [REDACTED] when Anonuevo approached her and offered her work, which was to clean Anonuevo's house in [REDACTED]. Being a street dweller, AAA readily agreed so she could earn money to help her family. Then, Anonuevo left with a promise to return.<sup>22</sup>

On June 23, 2012, Anonuevo returned to fetch AAA. From LRT [REDACTED] Station, they rode on the train going to EDSA. Upon reaching EDSA, they boarded a public utility van. Anonuevo paid for AAA's fare. However, while *en route*, Anonuevo told AAA that she was going to clean a house in [REDACTED] instead of [REDACTED]. Upon hearing this, AAA changed her mind because [REDACTED] was too far. She told Anonuevo that she wanted to go home, but the latter reassured her that she would bring her back home immediately after she had cleaned the house. With no money for her own fare, AAA had no choice but to accede.<sup>23</sup>

At around 7:00 p.m. of the same day, AAA and Anonuevo arrived at Hernandez's house in Barangay [REDACTED]. It was then that AAA learned that Hernandez was Anonuevo's live-in partner. Anonuevo introduced AAA as her sister. After Anonuevo prepared dinner, they ate together.<sup>24</sup>

That night, they all slept in a single wooden bed or "*papag*," with Anonuevo in the middle. At around 10:00 p.m., AAA was awakened by the moans of Anonuevo and saw her having sexual intercourse with Hernandez. Overwhelmed by fear, AAA covered herself with a blanket. However, at around 11:00 p.m., Anonuevo woke her up and told her that Hernandez wanted to have sex with her. When AAA refused, Anonuevo pulled her hand and whispered that she should agree, or else Hernandez would hurt her.<sup>25</sup>

Then, Hernandez approached AAA, held her thigh, and pulled down her shorts. Terrified, AAA started to cry. Then, Hernandez threatened her by grabbing a gun under the bed and loading it with a bullet. He played with the gun, swirling it with his right hand, and put it beside AAA's head. Hernandez then proceeded to touch AAA's breast and inserted his penis

<sup>21</sup> TSN, AAA, August 4, 2014, p. 15; RTC records, p. 398.

<sup>22</sup> TSN, AAA, August 4, 2014, p. 6-7.

<sup>23</sup> *Id.* at 8-9.

<sup>24</sup> *Id.* at 9-10.

<sup>25</sup> TSN, AAA, August 4, 2014, pp. 11-13; TSN, AAA, July 20, 2015, pp. 6-8.

inside her vagina. After satisfying himself, Hernandez dressed and returned the gun under the bed. All the while, Anonuevo was present, watching them. After the act, Anonuevo told AAA that she could sleep.<sup>26</sup>

The following day, or on June 24, 2012, Anonuevo told AAA that she was going to pay her PHP 300.00 plus an additional amount after she had received her salary. In response, AAA said that she did not want to stay anymore. She repeatedly pleaded to Anonuevo that she be allowed to go home. Eventually, Anonuevo relented on the condition that AAA would not tell anybody what happened, and that AAA would find another girl equally beautiful and of the same age to give to Hernandez for sexual services. When AAA agreed, Anonuevo promised to bring her home on the morning of June 26, 2012.<sup>27</sup>

As agreed, on June 26, 2012, Anonuevo brought AAA back home and paid for her transportation. When AAA saw her father, she told him about what had happened to her. They went to ██████████ Philippines, AAA recounted her ordeal to Flores, a social worker.<sup>28</sup> Then, AAA underwent a medical examination at the ██████████ Hospital. In her Medico-Legal Report,<sup>29</sup> Dr. Hernandez noted that AAA sustained a bruise from 7 to 9 o'clock position at the urethral and perihymenal area, a hymenal transection at 7 o'clock position, and a bruise and erythema from 6 to 9 o'clock position.<sup>30</sup>

Subsequently, AAA went to the National Bureau of Investigation (NBI) to report the incident. SI Raganit was assigned to investigate the case. During the investigation, Anonuevo sent text messages to AAA asking about the replacement girl she had agreed to find. Following the instruction from the NBI, AAA replied that she already found someone and agreed to meet Anonuevo at LRT ██████████ Station at 5:00 p.m. on July 2, 2012.<sup>31</sup>

An entrapment operation was immediately organized by the NBI Anti-Human Trafficking Division. The group was composed of team leader Atty. Czar Eric M. Nuqui, SI Raganit, Agent Lydwin J. Chavez, Agent Mark Daryl D. Zacarias (Agent Zacarias), Agent Mariz D. Manlulu (Agent Manlulu), and other members of the Inter-Agency Council Against Trafficking. During their pre-operation briefing, Agent Manlulu was designated as the poseur replacement under the pseudonym "Ate Kiray."<sup>32</sup>

<sup>26</sup> *Id.* at 13-15.

<sup>27</sup> *Id.* at 18-21.

<sup>28</sup> *Id.* at 21-23.

<sup>29</sup> RTC records, p. 407.

<sup>30</sup> TSN, Dr. Sandra Smart Hernandez, July 8, 2015, pp. 9-10.

<sup>31</sup> TSN, AAA, August 4, 2014, pp. 25-28; TSN, SI Valiant B. Raganit, October 6, 2015, pp. 6-9.

<sup>32</sup> RTC records, pp. 408-410.

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On July 2, 2012, AAA and Agent Manlulu went to LRT [REDACTED] Station to meet Anonuevo. Unknown to Anonuevo, members of the entrapment team had already positioned themselves strategically in the area to witness the transaction. AAA introduced Agent Manlulu to Anonuevo as her friend. As promised, Anonuevo gave AAA PHP 500.00 in payment for her previous sexual services and for finding a replacement. Then, the three of them boarded a public utility van headed for [REDACTED]. Agent Zacarias discreetly rode in the same van, while the rest of the NBI agents followed them in another vehicle. Upon reaching [REDACTED], they bought dinner before proceeding to Hernandez's house. There, they found Hernandez lying on the bed wearing only boxer shorts.<sup>33</sup> At this point, the NBI agents entered the house and arrested Hernandez and Anonuevo. The NBI agents recovered therefrom in plain view the following: (1) one 0.38 caliber gun with five live ammunitions; (2) one Nokia cellular phone; and (3) one Sony Erickson cellular phone.<sup>34</sup>

To controvert the prosecution's allegations, Hernandez and Anonuevo proffered the defense of denial.

For his part, Hernandez alleged that at around 7:00 p.m. on June 23, 2012, he was in his house in Barangay [REDACTED] when Anonuevo arrived unannounced with AAA. Anonuevo introduced AAA as [REDACTED], her half-sister. He cooked dinner, and they all ate together. As his house was a small one-bedroom bungalow, all three of them slept side by side in a single wooden bed. Anonuevo lay in the middle with Hernandez on her left side and AAA on the right. He woke up early the next day and immediately went to the market to buy food. He claimed that AAA was never prevented from leaving his house. She even stayed with them for three nights. When he asked Anonuevo why she brought home AAA, the latter replied, "Because [REDACTED] said she wanted to watch the *parada ng litson* in Balayan," which is only two to three kilometers away.<sup>35</sup>

In denying the charges against her, Anonuevo narrated a different version of the events. She claimed that she would often see AAA along [REDACTED] on her way to work. It was, in fact, AAA who approached her, wanting to be friends. She took pity on her upon finding that AAA and her family slept on the streets. Thus, when AAA expressed interest in going to [REDACTED] for vacation, she agreed on the condition that AAA would pay for her own fare.<sup>36</sup>

On June 23, 2012, while Anonuevo was about to board a public utility jeepney bound for [REDACTED], AAA approached her and asked if she could go with her to [REDACTED]. She agreed after confirming that AAA had asked

<sup>33</sup> TSN, AAA, August 4, 2014, pp. 29-32.

<sup>34</sup> TSN, SI Valiant B. Raganit, October 6, 2015, pp. 13-15.

<sup>35</sup> TSN, Dennis Hernandez, February 10, 2016, pp. 3-13.

<sup>36</sup> TSN, Maria Cristina C. Anonuevo, March 15, 2016, pp. 5-8, 12.

permission from her parents. Then, they boarded the jeepney together. AAA seemed excited and kept asking about the places to see in [REDACTED]. Anonuevo told her that there was a parade of roasted pigs in [REDACTED] on June 24. They arrived in [REDACTED] between 8:00 p.m. and 9:00 p.m., and immediately proceeded to Hernandez's house. Anonuevo introduced AAA as her half-sister. After eating dinner together, they slept side by side in a single wooden bed, with Anonuevo positioned in between Hernandez and AAA.<sup>37</sup>

The following day, Anonuevo and Hernandez went to the market while AAA was still asleep. The house was not locked. Then, they went to the [REDACTED] Memorial Park and taught AAA how to ride a motorcycle.<sup>38</sup>

On June 25, 2012, Anonuevo asked AAA if she would like to go home because her parents might be looking for her, but AAA insisted that she would go home the following day. Thus, on June 26, 2012, they went back to [REDACTED] together.<sup>39</sup>

Anonuevo claimed that AAA kept sending her text messages asking how she was. They met again on July 2, 2012, because AAA wanted to return to [REDACTED]. Anonuevo agreed on the condition that AAA pay her own fare. AAA arrived with a friend named Kiray. They all boarded a van bound for [REDACTED]. Upon arriving there, they bought cooked food before going to Hernandez's house. They were eating when four men suddenly barged in, pointed a gun at them, and arrested them for alleged trafficking.<sup>40</sup> Lastly, Anonuevo insisted that she did not know of any reason for AAA to fabricate a case against her.<sup>41</sup>

After a judicious review of the records, the RTC rendered a Judgment,<sup>42</sup> disposing that:

**WHEREFORE,** accused **DENNIS C. HERNANDEZ** and **MARIA CRISTINA C. ANONUEVO** are hereby found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking under Section 4(a) in relation to Sections 5(a), 6(a)[.] and 10(a) of Republic Act (R.A.) No. 9208. They are hereby sentenced to suffer the penalty of life imprisonment, without eligibility for parole, and to pay a fine of [PHP] 2,000,000.00.

Both accused are likewise found **GUILTY** beyond reasonable doubt for [v]iolation of Section 5(b) of [Republic Act] No. 7610 and are hereby sentenced to suffer the indeterminate penalty of 10 years, 2

<sup>37</sup> *Id.* at 9-14.

<sup>38</sup> *Id.* at 14-19.

<sup>39</sup> *Id.* at 20-22.

<sup>40</sup> *Id.* at 23-26.

<sup>41</sup> TSN, Maria Cristina C. Anonuevo, May 11, 2016, p. 7.

<sup>42</sup> *Rollo*, pp. 43-52.

months[,] and 21 days as minimum, to 17 years, 4 months[,] and 1 day to 20 years as [m]aximum.

**SO ORDERED.**<sup>43</sup> (Emphasis in the Original)

The RTC found that the prosecution sufficiently established the crime of qualified trafficking in persons under Republic Act No. 9208. Anonuevo recruited AAA under the pretext of domestic employment and took advantage of her poverty, minority, innocence, and vulnerability. In turn, AAA was motivated to accept Anonuevo's offer to help her family who were in dire financial straits. The elements of violation of Section 5(b) of Republic Act No. 7610 were likewise established by the prosecution. By threats and intimidation, AAA, a child exploited in prostitution and other sexual abuse, was induced to indulge in sexual intercourse with Hernandez. Finally, the RTC held that the positive, categorical, and straightforward testimony of AAA prevails over Hernandez and Anonuevo's bare denials.<sup>44</sup>

Aggrieved by the ruling of the RTC, Hernandez and Anonuevo filed a Notice of Appeal.<sup>45</sup> In their Brief,<sup>46</sup> Hernandez and Anonuevo maintained that the prosecution failed to sufficiently allege and establish the elements of the crimes charged. As to the charge of qualified trafficking in persons, Hernandez and Anonuevo claimed that the prosecution failed to prove that Anonuevo recruited and harbored AAA for the sole purpose of sexual exploitation. Hernandez and Anonuevo claimed that AAA willingly went with Anonuevo. Contrary to the findings of the RTC, they claim that no threat, use of force, or other means of fraud, and deception were employed. Relative to the allegation of sexual abuse, Hernandez and Anonuevo argued that the prosecution failed to prove the element of persuasion, inducement, enticement, or coercion during the act of sexual intercourse. Finally, Hernandez and Anonuevo assailed the credibility of AAA's testimony for being uncorroborated and contrary to ordinary human behavior.<sup>47</sup>

After due proceedings, the CA rendered the assailed Decision,<sup>48</sup> affirming with modification the judgment of conviction of the RTC with the following dispositive portion:

**WHEREFORE,** the RTC Judgment dated December 6, 2017 is affirmed with modification:

1) In Criminal Case No. 12-292735, accused-appellants Dennis Hernandez and Maria Cristina Anonuevo are held guilty of Qualified Trafficking under Section 4 (a) in relation to Sections 3 (a), 6 (a)[,] and 10 (a) of Republic Act No. 9208, and sentenced to suffer the penalty of life

<sup>43</sup> *Id.* at 53.

<sup>44</sup> *Id.* at 52-53.

<sup>45</sup> RTC records, pp. 581-582.

<sup>46</sup> CA *rollo*, pp. 127-147.

<sup>47</sup> *Id.* at 136-142.

<sup>48</sup> *Rollo*, pp. 9-38.



imprisonment and pay a fine of [PHP] 2,000,000.00. Accused-appellants are likewise ordered to pay AAA the amounts of [PHP] 500,000.00 as moral damages and [PHP] 100,000.00 as exemplary damages.

2) In Criminal Case No. 13-302108, accused-appellants Dennis Hernandez and Maria Cristina Anonuevo are held guilty of [v]iolation of Section 5 (b), [Republic Act] No. 7610, and sentenced to suffer the indeterminate penalty of 10 years, 2 months[,] and 21 days of *prision mayor*, as minimum, to 20 years of *reclusion temporal*, as maximum. Accused-appellants are further ordered to pay AAA the amounts of [PHP] 50,000.00 as civil indemnity, [PHP] 50,000.00 as moral damages[,] and [PHP] 50,000.00 as exemplary damages.

All monetary awards shall earn legal interest of six per cent (6%) per annum from finality of judgment until full payment.

In all other respects, the Judgment dated December 6, 2017 of the trial court is affirmed.

**SO ORDERED.**<sup>49</sup> (Emphasis in the original)

Hence, the instant appeal.

On April 26, 2023, this Court required the parties to submit their respective supplemental briefs.<sup>50</sup> Accused-appellants<sup>51</sup> and the Office of the Solicitor General, on behalf of plaintiff-appellee, People of the Philippines,<sup>52</sup> both manifested that, in lieu of their supplemental briefs, they are adopting their respective appeal Briefs filed before the CA.

The issue for this Court to settle is whether the CA correctly upheld the conviction of accused-appellants Dennis Hernandez y Caringal and Maria Cristina Anonuevo y Coriana for qualified trafficking in persons under Republic Act No. 9208 and sexual abuse under Republic Act No. 7610.

### **This Court's Ruling**

The appeal is bereft of merit.

Factual findings of trial courts are entitled to great weight and will not be disturbed on appeal, especially when affirmed by the CA. This great respect lies in the trial court's firsthand access to the evidence presented during the trial, and in its direct observation of the witnesses and their demeanor while they testify on the occurrences and events attested to.<sup>53</sup>

<sup>49</sup> *Id.* at 36–37.

<sup>50</sup> *Id.* at 54–55.

<sup>51</sup> *Id.* at 64–66.

<sup>52</sup> *Id.* at 59–62.

<sup>53</sup> *People v. Santos*, 823 Phil. 1162, 1178 (2018) [Per J. Martires, Third Division]. (Citation omitted)

However, this rule does not apply where material facts have been overlooked, misapprehended, or misapplied by the lower courts.<sup>54</sup>

After a careful scrutiny of the records, we find no cogent reason to deviate from the uniform findings of the CA and RTC that the prosecution established by the required quantum of evidence, the elements of the crimes charged for reasons which shall be discussed *ad seriatim*.

In Criminal Case No. 12-292735, accused-appellants were charged with and convicted of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208.

At this juncture, it is worth noting that Republic Act No. 9208 was amended by Republic Act No. 10364<sup>55</sup> on February 6, 2013, and further amended by Republic Act No. 11862<sup>56</sup> on June 23, 2022. However, since the alleged act of trafficking was committed by accused-appellants on June 23, 2012, or prior to the enactment of both amendatory laws, the original law remains applicable in the resolution of the instant case.

Section 3 of Republic Act No. 9208 defines “trafficking in persons,” “prostitution,” and “sexual exploitation” as follows:

SECTION 3. *Definition of Terms.* -- As used in this Act:

(a) *Trafficking in Persons* – refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or 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.

<sup>54</sup> *Quidet v. People*, 632 Phil. 1, 12 (2010) [Per J. Del Castillo, Second Division].

<sup>55</sup> An Act Expanding Republic Act No. 9208, Entitled “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations and for Other Purposes.” (2013)

<sup>56</sup> An Act Strengthening the Policies on Anti-Trafficking in Persons, Providing Penalties for its Violations, and Appropriating Funds Therefor, Amending for the Purpose Republic Act No. 9208, as Amended, Otherwise known as the “Anti-Trafficking in Persons Act of 2003,” and Other Special Laws. (2022)

(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.

....

(f) *Sexual Exploitation* – refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

A conviction for qualified trafficking in persons rests upon: (a) the commission of any of the specific acts constituting trafficking in persons enumerated under Section 4 (Acts of Trafficking in Person) or Section 5 (Acts that Promote Trafficking in Persons); and (b) the existence of any of the qualifying circumstance listed under Section 6 (Qualified Trafficking in Persons). The provisions relevant to the case at hand are quoted below:

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;

....

SECTION 6. *Qualified Trafficking in Persons.* – The following are considered as qualified trafficking:

(a) When the trafficked person is a child[.]

From the foregoing, the elements of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208 are as follows:

- (1) the *act* of “*recruitment, transportation, transfer* or harboring, or receipt of persons *with or without the victim's consent* or knowledge, *within* or across *national borders*;”
- (2) the *means* used which include “*threat* or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, *taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits* to achieve the consent of a person having *control* over another;”
- (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;<sup>57</sup> (Emphasis supplied, citation omitted) and

- (4) the victim's *age*, which should be *below 18 years*.<sup>58</sup> (Emphasis supplied, citation omitted)

In sum, the confluence of any specific act of trafficking, means of committing trafficking, and exploitative purpose with any qualifying circumstance are necessary for the successful prosecution of the crime of qualified trafficking in persons. “[W]hat is essential under [Republic Act No.] 9208 is that a person is recruited and transported for the purpose of prostitution. . . [p]recisely [because] the law was passed to curtail human trafficking.”<sup>59</sup>

Contrary to accused-appellants' contention, all the elements were duly established here.

*First*, Anonuevo recruited and transported AAA under the pretext of domestic employment and later, coerced her to perform sexual services to Hernandez under fear of bodily harm. Meanwhile, Hernandez received and harbored AAA.<sup>60</sup>

*Second*, Anonuevo employed deceptive means to prod and lure AAA to consent to her scheme. In AAA's own words, Anonuevo has a “sweet tongue.”<sup>61</sup> Through Anonuevo's reassuring words, AAA was lulled in a false sense of security that she would be working nearby in [REDACTED] and would be able to come back home in the afternoon.<sup>62</sup>

As aptly put by the CA,

AAA was deceived into going with accused-appellant Maria Cristina Anonuevo, based on the latter's promise of an opportunity to earn money by cleaning her house. As the RTC found, accused-appellant Maria Cristina Anonuevo took advantage of AAA's poverty, minority, innocence[,] and vulnerability in influencing the latter to go with her, concealing her ulterior motive of giving AAA to accused-appellant Dennis Hernandez for sex. AAA was then subjected to sexual abuse by accused-appellant Dennis Hernandez who employed threats and intimidation to achieve his depraved goal.<sup>63</sup>

<sup>57</sup> *Ferrer v. People*, G.R. No. 223042, July 6, 2022 [Per J. Lazaro-Javier, First Division] at 13. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>58</sup> *People v. Gumba*, G.R. No. 260823, June 26, 2023 [Per Acting C.J. Leonen, Second Division] at 2. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>59</sup> *Ferrer v. People*, G.R. No. 223042, July 6, 2022 [Per J. Lazaro-Javier, First Division] at 21. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>60</sup> *Rollo*, p. 16; TSN, AAA, August 4, 2014, pp. 6–15.

<sup>61</sup> TSN, AAA, July 20, 2015, p. 24.

<sup>62</sup> TSN, AAA, August 4, 2014, pp. 8–9.

<sup>63</sup> *Rollo*, p. 31.

Worse, Anonuevo took advantage of AAA's inherent and preexisting vulnerability resulting from her minority and her socioeconomic circumstances.

The vulnerability of AAA to human trafficking was established through her testimony. AAA came from an urban poor family. Her father works as a "barker" while her mother is a "vendor of candies."<sup>64</sup> They have no permanent home, and at the time of the incident, had been living along ██████████ in ██████████.<sup>65</sup> Verily, she was a "street child," which refers to "any girl or boy . . . for whom the street has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults."<sup>66</sup>

Quite tellingly, when asked why she readily agreed to Anonuevo's offer, AAA explained, "Because at that time, I really need money, and I was told that we [would] be coming back in the afternoon, so I went with them because when we come back, I will have money to buy food."<sup>67</sup> Clearly, AAA was enticed with the possibility of earning. Her supposed earning was later withheld by Anonuevo until AAA had found a replacement girl to perform sexual services for Hernandez. Further, when she learned that she would be working in ██████████, she refused and voiced her objections but was constrained to agree because she had no money to pay for her own fare.<sup>68</sup>

Notwithstanding this finding of the use of deceit and taking advantage of the vulnerability of the victim, the prosecution does not even carry the burden of proving the means employed in the commission of the crime of trafficking when the victim is a minor, as in this case.

The State, as *parens patriae* and in recognition of the inherent vulnerability of minors, has carved out an exception as to the means adopted to prove trafficking in persons.<sup>69</sup> Appositely, Section 3(a) of Republic Act No. 9208 provides that "[t]he 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."

For this purpose, a child refers to a person below 18 years of age or older but is unable to fully take care of or protect himself or herself from

<sup>64</sup> TSN, AAA, August 4, 2014, p. 6.

<sup>65</sup> *Id.*

<sup>66</sup> General Assembly Human Rights Council 19/35, Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street, A/HRC/19/35 (January 11, 2012), available at <https://www.ohchr.org/Documents/HRBodies> (last accessed on January 4, 2024).

<sup>67</sup> TSN, AAA, July 20, 2015, p. 21.

<sup>68</sup> *Id.* at 24.

<sup>69</sup> *People v. Celis*, G.R. No. 262197, August 14, 2023 [Per J. J. Lopez, Second Division].

abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.<sup>70</sup>

Thus, the criminal element of means to commit trafficking need not be established in evidence where the fact of the minority of the victim is proven on record. To reiterate, the crime of trafficking was committed by means of taking advantage of AAA's vulnerability as a minor.

*Third*, it has been sufficiently established that the act of trafficking is for the purpose of exploitation. AAA was recruited, transported, and harbored to ultimately provide sexual services to Hernandez.<sup>71</sup> In fact, Anonuevo let AAA go home on the condition that she bring another woman around her age and equally beautiful so that she could give the new woman to her live-in partner, Hernandez.<sup>72</sup>

*Fourth*, the age of AAA was sufficiently alleged and proven by the prosecution. In fact, her age was never put in issue and was even stipulated upon by the parties during the pre-trial conference.<sup>73</sup> According to her Certificate of Live Birth,<sup>74</sup> AAA was born on April 8, 1995.<sup>75</sup> Thus, on the date of the incident, or on June 23, 2012, she was only 17 years old—a minor.

As legal protection, trafficked persons are recognized as victims of the act or acts of trafficking, and as such, their consent to the intended exploitation are rendered irrelevant.<sup>76</sup>

The prosecution likewise established conspiracy between accused-appellants. Conspiracy exists where two or more persons come to an agreement concerning the commission of a felony and decide to commit the same. Its essence is the unity of action and purpose in the commission of the crime.<sup>77</sup> Direct proof is not required to show conspiracy.<sup>78</sup> It suffices that there is proof of their concerted action.<sup>79</sup>

Here, the concerted actions of accused-appellants in recruiting AAA, funding her transport, receiving, and harboring her in Hernandez's house in [REDACTED] point to no other conclusion than a common criminal

<sup>70</sup> Republic Act No. 9208 (2003), sec. 3(b).

<sup>71</sup> *Rollo*, pp. 23–24.

<sup>72</sup> TSN, AAA, August 4, 2014, pp. 18–20.

<sup>73</sup> RTC records, pp. 239–240.

<sup>74</sup> *Id.* at 398.

<sup>75</sup> *Id.*

<sup>76</sup> Republic Act No. 9208 (2003), sec. 17.

<sup>77</sup> *Ferrer v. People*, G.R. No. 223042, July 6, 2022 [Per J. Lazaro-Javier, First Division] at 20. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>78</sup> *See People v. Gallardo*, G.R. No. 245544, March 21, 2022 [Per J. J. Lopez, Third Division] at 8. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>79</sup> *Id.* at 9.

design to perpetrate an act of trafficking. This Court cannot countenance accused-appellant's defense that they took pity upon AAA and allowed the latter, who is a virtual stranger, to stay rent-free in their house for an extended period.

Thus, we sustain the verdict of conviction of accused-appellants for the crime of qualified trafficking in persons.

In consideration of the attendant qualifying circumstance of minority, the proper penalty to be imposed under Section 10(c) of Republic Act No. 9208 is life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00. Thus, the penalty and the fine imposed by the CA are proper.

Further, prevailing jurisprudence dictates that "[t]he criminal case of Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts."<sup>80</sup> Accused-appellants must, thus, be ordered jointly and severally to pay AAA the amount of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.<sup>81</sup> These amounts shall earn a 6% interest per annum from the finality of this Decision until full payment.

Having established that the CA ruled correctly in affirming the conviction of accused-appellants for the crime of qualified trafficking in persons, the remaining issue for resolution is whether accused-appellants are guilty of the crime charged in Criminal Case No. 13-302108.

Before proceeding to the determination of the fact of the commission of the crime, it is imperative that we take a closer look at the Information in Criminal Case No. 13-302108.

In every criminal prosecution, it is axiomatic that every element of the offense charged must be sufficiently alleged in the information.<sup>82</sup> This rule breathes life into the constitutional right of the accused to be informed of the nature and cause of the accusation against him or her, which, in turn, allows the accused to prepare a suitable defense. To determine whether the information validly charges an offense, the test is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law.<sup>83</sup>

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<sup>80</sup> *People v. XXX*, G.R. No. 248815, March 23, 2022 [Per J. Hernando, Second Division] at 10. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>81</sup> *People v. Aguirre*, 820 Phil. 1085 [Per J. Tijam, First Division].

<sup>82</sup> RULES OF COURT, Rule 110, sec. 6, in relation to sec. 9.

<sup>83</sup> *People v. Solar*, 858 Phil. 884, 927 (2019) [Per J. Caguioa, *En Banc*].

To recall, the Information in Criminal Case No. 13-302108 provides that accused-appellants, “through threat and intimidation, conspiring and confederating with one another, did then and there willfully, unlawfully, and knowingly, induce AAA, 17 years old, to indulge in sexual intercourse and lascivious conduct for money, profit, and any other consideration, against her will and consent, to the damage and prejudice of the said minor child.”<sup>84</sup>

For purposes of determining the proper charge, the phrase “induce . . . to indulge in sexual intercourse”<sup>85</sup> as appearing in the Information is broad enough to cover the criminal act of “having”<sup>86</sup> or “committing”<sup>87</sup> carnal knowledge or sexual intercourse as used in the Revised Penal Code, as amended. To obviate confusion, induce, as commonly used and understood, means “to move by persuasion or influence;” “to call forth or bring about by influence or stimulation;” or “to effect or cause.”<sup>88</sup> “[W]here a person induces another person into doing something that he [or she] does not want to do,” Black’s Law Dictionary categorizes the act as implied coercion.<sup>89</sup> By analogy, we apply the astute observation in *United States v. Indanan*,<sup>90</sup> to wit:

The verb “induce” is sufficiently broad, generally speaking, to cover cases where there exists on the part of the inducer the most positive resolution and the most persistent effort to secure the commission of the crime, together with the presentation to the person induced of the very strongest kind of temptation, as well as words or acts which are merely the result of indiscretion or lack of reflection and which carry with them, inherently, almost nothing of inducement or temptation[.]<sup>91</sup>

In view of this, the Information contains all delictual allegations sufficient for a charge of and conviction for rape under Article 266-A(1) of the Revised Penal Code and sexual abuse under Section 5 of Republic Act No. 7610.

To determine the proper offense, *People v. Tulagan*<sup>92</sup> instructs that:

[W]hen the offended party is 12 years old or below 18 and the charge against the accused is carnal knowledge through “force, threat or intimidation,” then he will be prosecuted for rape under Article 266-A(1)(a) of the [Revised Penal Code]. In contrast, in case of sexual intercourse with a child who is 12 years old or below 18 and who is

<sup>84</sup> RTC records, p. 1.

<sup>85</sup> *Id.*

<sup>86</sup> REV. PEN. CODE, art. 266(A).

<sup>87</sup> REV. PEN. CODE, art. 266(A).

<sup>88</sup> “Induce,” MERRIAM-WEBSTER DICTIONARY, accessed at <<https://www.merriam-webster.com/dictionary/induce>>.

<sup>89</sup> “Implied coercion,” BLACK’S LAW DICTIONARY, accessed at <<https://thelawdictionary.org/implicit-coercion/>>.

<sup>90</sup> 24 Phil. 203 (1913) [Per J. Macdonald, *En Banc*].

<sup>91</sup> *Id.* at 219.

<sup>92</sup> 849 Phil. 197 (2019) [Per J. Peralta, *En Banc*].



deemed “exploited in prostitution or other sexual abuse,” the crime could not be rape under the [Revised Penal Code], because this no longer falls under the concept of statutory rape, and the victim indulged in sexual intercourse either “for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group,” which deemed the child as one “exploited in prostitution or other sexual abuse.”

....

In *Quimvel*, it was held that the term “coercion or influence” is broad enough to cover or even synonymous with the term “force or intimidation.” Nonetheless, it should be emphasized that “coercion or influence” is used in Section 5 of [Republic Act] No. 7610 to qualify or refer to the means through which “any adult, syndicate or group” compels a child to indulge in sexual intercourse. On the other hand, the use of “money, profit or any other consideration” is the other mode by which a child indulges in sexual intercourse, without the participation of “any adult, syndicate or group.” In other words, “coercion or influence” of a child to indulge in sexual intercourse is clearly exerted NOT by the offender whose liability is based on Section 5(b) of [Republic Act] No. 7610 for committing sexual act with a child exploited in prostitution or other sexual abuse. Rather, the “coercion or influence” is exerted upon the child by “any adult, syndicate, or group” whose liability is found under Section 5(a) for engaging in, promoting, facilitating or inducing child prostitution, whereby the sexual intercourse is the necessary consequence of the prostitution.

....

As can be gleaned above, “force, threat or intimidation” is the element of rape under the [Revised Penal Code], while “due to coercion or influence of any adult, syndicate or group” is the operative phrase for a child to be deemed “exploited in prostitution or other sexual abuse,” which is the element of sexual abuse under Section 5(b) of [Republic Act] No. 7610. The “coercion or influence” is not the reason why the child submitted herself to sexual intercourse, but it was utilized in order for the child to become a prostitute. Considering that the child has become a prostitute, the sexual intercourse becomes voluntary and consensual because that is the logical consequence of prostitution as defined under Article 202 of the [Revised Penal Code], as amended by [Republic Act] No. 10158[.]<sup>93</sup> (Citations omitted)

Verily, the primordial consideration in resolving the conflicting applications of two penal laws is the determination of the act being punished together with its attending circumstances.

We rule that in this case, Article 266-A of the Revised Penal Code, as amended, prevails over Section 5(b) of Republic Act No. 7610.

Article 266-A of the Revised Penal Code, as amended, provides for the modes when rape is committed in this wise:

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<sup>93</sup> *Id.* at 242–245.

Article 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;
  - c) By means of fraudulent machination or grave abuse of authority; and
  - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. (Emphasis supplied)

Thus, a conviction for rape under Article 266-A(1) of the Revised Penal Code, as amended, requires that: *first*, the accused had carnal knowledge of the victim; and *second*, the act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, (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.

The gravamen of the offense of rape is carnal knowledge—the act of a man having sexual intercourse or sexual bodily connections with a woman—by force and without consent.<sup>94</sup> The crime is consummated upon the slightest penile penetration of the vulval cleft or the cleft of the *labia majora*.<sup>95</sup>

In an attempt to exonerate themselves from criminal culpability, accused-appellants argue that the prosecution failed to prove that there was forced sexual intercourse.

We do not agree.

As invariably found by the lower courts, Hernandez had carnal knowledge of AAA by means of force, threat, and intimidation with the use of a gun—a deadly weapon. In recounting her harrowing ordeal in the hands of accused-appellants, AAA testified, thus:

ATTY. ACAYAN

After Cristina woke you up[,] what happened next[,] if any?

<sup>94</sup> *People v. XXX*, G.R. No. 245926, July 25, 2023 [Per C.J. Gesmundo, First Division] at 8. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>95</sup> *See People v. Agao*, G.R. No. 248049, October 4, 2022 [Per J. Caguioa, *En Banc*] at 26. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

A: She spoke to me and told me that Kuya Dennis wanted to have sex with me, I declined, I told her, I don't want to do it, she pulled my hand and whispered at me, you should agree or else he would do violence against you, and I saw Kuya Dennis coming to me, Sir.

Q: You said Ate Cristina grabbed your hand, which hand she was using [sic], what hand, the left hand?

A: Her left hand, Sir.

Q: While she was grabbing your hand[,] what word she whispered [sic] to you?

A: That I should give my consent for the sex or else their [sic] going to use violence against me, Sir.

Q: You mentioned that you saw Dennis approaching you, what happened next[,] if any?

A: He came to me, hold [sic] my thigh and then after[,]he pulled out my short[s], Sir.

Q: What else Dennis pulled [sic] from you, if any?

A: I was crying then, I saw Kuya Dennis grabbed [sic] a gun which he got under his bed, and I saw he put a bullet and swirl it on his hand then he put beside my head, Sir.

Q: [A]fter getting his gun under the bed[,] what else did he do[,] if any?

A: He touched my breast and then after[,] he tried inserting his penis to my vagina, Sir.

Q: Was he able to insert his penis into your vagina?

A: Yes, sir.

....

Q: I would like to clarify, you said that Dennis got the gun under his bed, and then he did immediately place the gun on top of your head?

A: He was threatening me with his gun after he got it under his bed[.]

Q: After placing the gun at the top of your head[,] what did he do[,] if any?

A: Thereafter he had done carnal knowledge against me, Sir.

Q: After Dennis inserting [sic] his penis into your vagina[,] what happened next, if any?

A: After he finished with me[,] he get [sic] the gun and then he put it again under his bed, Sir.

Q: After the putting the gun under his bed[,] what happened[,] if any?

A: After Kuya Dennis was finished with me[,] he got up and put his clothes while Ate Cristina was there watching us and then she told me [sic] go and you can sleep now. I pull up with a [sic] blanket and I started then crying until I was able to sleep, Sir.<sup>96</sup>

<sup>96</sup> TSN, AAA, August 4, 2014, pp. 12-15.

Clearly, there was forced sexual intercourse. The required minimum genital contact was established. This was corroborated by the anogenital findings of Dr. Hernandez. In her Medico-Legal Report, Dr. Hernandez noted that AAA sustained the following injuries: bruise from 7 to 9 o'clock position at the urethral and perihymenal area; hymenal transection at 7 o'clock position; and hymenal bruise and erythema from 6 to 9 o'clock position. These findings are diagnostic of blunt force or penetrating trauma.<sup>97</sup> It is worth noting that contrary to the allegations of accused-appellants, Dr. Hernandez was presented in open court to personally authenticate the medico-legal report. The parties even stipulated that Dr. Hernandez is an expert witness and that she is a physician assigned to the Child and Protection Unit of the ██████████ Hospital.<sup>98</sup> In her testimony, Dr. Hernandez explained that a transection means the hymen was torn or "*napunit*" from the opening of the vagina down to the base of the hymen. Meanwhile, the presence of erythema or redness, when considered with the other findings, was indicative that the injuries sustained were "something acute or something recent."<sup>99</sup>

Further, consistent with prevailing jurisprudential guideposts, the presence of injuries in the sex organ of AAA supports her allegation of rape, to wit:

The courts are, therefore, enjoined to exercise circumspection in their appreciation, with the use of these surrounding or attendant circumstances which can aid the courts in their appreciation of penile penetration: (i) when the victim testifies that she felt pain in her genitals; (ii) when there is bleeding in the same; (iii) when the labia minora was observed to be gaping or has *redness* or otherwise discolored; (iv) when the hymenal tags are no longer visible; or (v) *when the sex organ of the victim has sustained any other type of injury.*<sup>100</sup> (Emphasis supplied, citations omitted)

While the Information failed to specifically allege the element of force, it nevertheless categorically alleged that the act was perpetrated through "threat and intimidation," which is likewise an integral mode of committing rape under Article 266-A(1) of the Revised Penal Code, as amended.

It is settled that "intimidation must be viewed in light of the victim's perception and judgment at the time of the commission of the crime."<sup>101</sup> Intimidation need not necessarily be irresistible. It suffices that some compulsion equivalent to intimidation annuls or subdues the exercise of the

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<sup>97</sup> RTC records, p. 407.

<sup>98</sup> TSN, Dr. Sandra Stuart Hernandez, July 8, 2015, p. 5.

<sup>99</sup> *Id.* at 9–10.

<sup>100</sup> *People v. Agao*, G.R. No. 248049, October 4, 2022 [Per J. Caguioa, *En Banc*] at 27. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>101</sup> *People v. XXX*, G.R. No. 245926, July 25, 2023 [Per C.J. Gesmundo, First Division] at 12. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

free will of the private offended party into yielding to the lustful desires of the accused.<sup>102</sup> Corollary to that, this Court held that:

*Intimidation includes the moral kind such as the fear caused when threatened with a knife or pistol, or when words employed are of such nature as would incite anxiety or distress leaving the victim without any choice but to surrender. As this Court held in *Nacario v. People*, “[i]ntimidation is a state of mind, which cannot, with [absolute] certainty, be discerned. Whether a person has been intimidated can only be inferred from the simultaneous or subsequent acts of the person subjected thereto.” It involves largely an appreciation of the state of mind of the victim at the time of the commission of the crime. Hence, rather than the appellate courts which relies only on the cold and mute pages of the records which do not graphically convey emotion, the assessment of the trial court must be given binding finality in this respect.<sup>103</sup> (Emphasis supplied, citation omitted)*

AAA testified that she was threatened with a gun.<sup>104</sup> This created in her mind an overwhelming fear that left her with no choice but to surrender into silence and submit to the dastardly act.

Finally, accused-appellants failed to ascribe any ill motive upon AAA in filing the criminal charges against them. Settled is the rule that “when there is no evidence to show any dubious reason or improper motive why a prosecution witness should testify falsely against the accused or implicate him [or her] in a serious offense, the testimony deserves full faith and credit.”<sup>105</sup>

We find no compelling reason to deviate from the findings of the CA and RTC in lending credence to AAA’s version of the events. AAA’s testimony was credible, straightforward, and in accordance with the natural course of things in human experience.

Time and again, this Court has recognized that youth and immaturity are generally badges of truth and sincerity,<sup>106</sup> thus:

[W]hen the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and

<sup>102</sup> *People v. Eulalio*, 865 Phil. 850, 864 (2019) [Per J. Hernando, Third Division].

<sup>103</sup> *People v. XXX*, G.R. No. 245926, July 25, 2023 [Per C.J. Gesmundo, First Division] at 12. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

<sup>104</sup> TSN, AAA, August 4, 2014, pp. 13–15.

<sup>105</sup> *People v. XXX*, 886 Phil. 199, 212 (2020) [Per C.J. Peralta, First Division]. (Citation omitted)

<sup>106</sup> *People v. Cabornay*, G.R. No. 250649, March 24, 2021 [Per C.J. Peralta, First Division].

inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her.<sup>107</sup>

Withal, the evidence presented by the prosecution prevails over the unsubstantiated denial of accused-appellants.

Thus, this Court finds that the crime of rape as defined under Article 266-A(1) of the Revised Penal Code, as amended, was committed against AAA.

While it was Hernandez who committed the act of sexual intercourse with AAA, Anonuevo is equally liable on account of a clear conspiracy between them. This Court has consistently ruled that a person may incur criminal liability for the criminal act of another where, between them, there has been conspiracy or unity of purpose and intention in the commission of the crime charged.<sup>108</sup> Conspiracy exists where the “acts of two or more accused show that they were animated by the same criminal purpose and were united in their execution, or where the acts of the malefactors indicate a concurrence of sentiments, a joint purpose and a concerted action.”<sup>109</sup>

The records reveal that Anonuevo acted in conspiracy with Hernandez. To recall, on that fateful night, Anonuevo woke AAA up and told her that Hernandez wanted to have sex with her. When AAA refused, Anonuevo threatened the former with bodily harm to coerce her into indulging in sexual intercourse with Hernandez.<sup>110</sup> During the act, Anonuevo simply watched. After Hernandez had consummated his carnal desires, Anonuevo told AAA that she could sleep.<sup>111</sup>

It is undeniable that Anonuevo was aware of the lustful intent and the criminal act of Hernandez, but she did not endeavor to prevent or stop him from committing rape, despite having ample opportunity to do so. Worse, she even threatened AAA to submit to Hernandez. It is immaterial that Anonuevo was not the one who had actual forced sexual intercourse with AAA. When there is conspiracy, the act of one of the conspirators becomes the act of all. Hence, Anonuevo becomes complicit in the crime and equally “liable as co-principal regardless of the extent and character of [her] respective participation in the commission of the crime.”<sup>112</sup>

<sup>107</sup> *People v. Fetalco*, 878 Phil. 475, 487 (2020) [Per J. Peralta, First Division].

<sup>108</sup> *People v. Solar*, 858 Phil. 884 (2019) [Per J. Caguioa, *En Banc*].

<sup>109</sup> *Id.* at 913.

<sup>110</sup> TSN, AAA, August 4, 2014, pp. 11–13; TSN, AAA, July 20, 2015, pp. 6–8.

<sup>111</sup> *Id.* at 15.

<sup>112</sup> *People v. Dongcoy*, G.R. No. 250437, June 16, 2021 [Notice, Second Division]. (Citation omitted)

The crime is qualified “whenever the rape is committed with the use of a deadly weapon or by two or more persons” pursuant to the second paragraph of Article 266-B.<sup>113</sup>

In appreciating the attendant circumstances in the present case, we are guided by the pronouncements of this Court in *People v. Arguta*,<sup>114</sup> the factual circumstances of which fall squarely with the case at hand. This Court elucidated the effect of the presence of the qualifying circumstances of (1) the use of a deadly weapon, or (2) the commission of two or more persons, to the crime of rape in this wise:

[I]f the act is committed either with the use of a deadly weapon or by two (2) or more persons, the crime will be Qualified Rape, necessitating the imposition of a higher penalty. In *People v. Lamberte*, the Court clarified the legal effect of the presence of both circumstances, as follows:

The presence of either circumstance – “use of a deadly weapon” or “by two or more persons” – qualifies the crime. *If one is present, the remaining circumstance, if also attendant, is not a generic aggravating circumstance.* That was our ruling in *People vs. Garcia*, [192 Phil. 311, 342] (1981) reading:

In the prosecution of the cases at bar, two circumstances are present, namely. 1. use of a deadly weapon and 2. that two persons committed the rapes. The first was alleged in the information while the second was proved during trial. In both cases, the Court appreciated the first as a qualifying circumstance and the second as a generic aggravating circumstance, in accordance with settled jurisprudence according to the trial court.

We do not agree. *Under the law above quoted, either circumstance is qualifying. When the two circumstances are present, there is no legal basis to consider the remaining circumstance as a generic aggravating circumstance for either is not considered as such under Article 14 of the Revised Penal Code enumerating what are aggravating circumstances.* Hence, the correct penalty is the lesser penalty, which is *reclusion perpetua*, there being no aggravating or mitigating circumstance, pursuant to Article 63, paragraph 2, No. 2, Revised Penal Code.<sup>115</sup> (Emphasis supplied, citations omitted)

<sup>113</sup> *People v. Alejandro*, 807 Phil. 221, 230 (2017) [Per J. Perlas-Bernabe, First Division]. (Citation omitted)

<sup>114</sup> 758 Phil. 594 (2015) [Per J. Perlas-Bernabe, First Division].

<sup>115</sup> *Id.* at 601–602.

It is worth noting that while the accused in *Arguta* were admittedly convicted under Article 335, the old rape provision of the Revised Penal Code, the provision pertaining to the qualifying circumstance of commission by two or more persons was reproduced in its entirety in Republic Act No. 8353, otherwise known as The Anti-Rape Law of 1997.

In this case, the prosecution established that the rape was committed with the use of a gun—a deadly weapon. However, the same was not specifically averred in the Information.<sup>116</sup> Under the Revised Rules on Criminal Procedure, special qualifying circumstances must be specifically pleaded or alleged with certainty in the information.<sup>117</sup> Thus, the qualifying circumstance of the use of a deadly weapon cannot be appreciated in the instant case.

Nevertheless, it is an undisputed fact that the crime was committed by two persons—Hernandez and Anonuevo, confederating with each other.

Premises considered, we find both accused-appellants guilty of qualified rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended.

As to the proper penalty to be imposed, Article 266-B of the Revised Penal Code, as amended, provides that “[r]ape [by sexual intercourse through penile penetration] under paragraph 1 of [Article 266-A] shall be punished by *reclusion perpetua*. Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.”

Thus, the penalty should be *reclusion perpetua* to death. Under Article 63 of the Revised Penal Code, when the crime is penalized with two indivisible penalties, the lesser penalty should be imposed where there is neither mitigating nor aggravating circumstance present. Hence, the penalty to be imposed on accused-appellants is *reclusion perpetua*.

Pursuant to prevailing jurisprudence,<sup>118</sup> accused-appellants are ordered jointly and severally to pay AAA the amount of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages. All monetary awards thus imposed shall earn legal interest at the rate of 6% percent per annum from the date of finality of this Decision until fully paid.

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<sup>116</sup> RTC records, p. 1.

<sup>117</sup> RULES OF COURT, Rule 110, sec. 8.


<sup>118</sup> *People v. Jugueta*, 783 Phil. 806, 848 (2016) [Per J. Peralta, *En Banc*].



**ACCORDINGLY**, the appeal is **DENIED**. The July 6, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11965 is **AFFIRMED with MODIFICATION**, to wit:

- 1) In Criminal Case No. 12-292735, accused-appellants Dennis C. Hernandez and Maria Cristina C. Anonuevo are **GUILTY** of qualified trafficking in persons under Section 4(a), in relation to Section 6(a) of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003. They are each sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00. Accused-appellants are likewise **ORDERED** to jointly and severally pay AAA PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.
- 2) In Criminal Case No. 13-302108, accused-appellants Dennis C. Hernandez and Maria Cristina C. Anonuevo are **GUILTY** of qualified rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended. They are sentenced to suffer the penalty of *reclusion perpetua*. Further, they are **ORDERED** to jointly and severally pay AAA the following amounts: (1) PHP 75,000.00 as civil indemnity; (2) PHP 75,000.00 as moral damages; and (3) PHP 75,000.00 as exemplary damages.
- 3) All damages awarded shall earn a 6% interest per annum from the finality of this Decision until full payment.

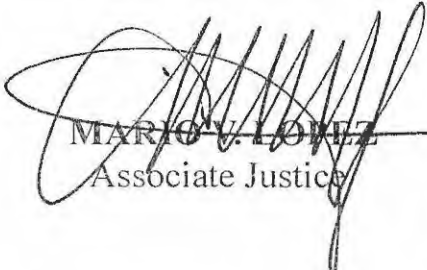
**SO ORDERED.**

  
**JHOSEPY LOPEZ**  
Associate Justice

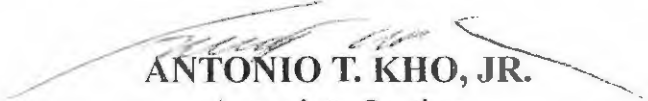
**WE CONCUR:**

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

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice


§



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

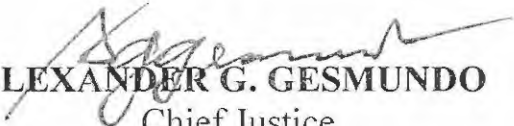
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

**CERTIFICATION**

Pursuant to Article VIII, Section 13 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