



Republic of the Philippines  
**Supreme Court**  
 Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 262632**


Present:

- versus -

LEONEN,\* *S.A.J.*,  
 CAGUIOA, *J.*, *Chairperson*,  
 INTING,  
 LOPEZ, *M.*,\* and  
 GAERLAN, *JJ.*

**SI YOUNG OH a.k.a. "STEVE OH,"**  
 Accused-Appellant.\*\*

Promulgated:  
 June 5, 2024

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**DECISION**

**GAERLAN, J.:**

This is an ordinary appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision<sup>1</sup> dated February 10, 2021 of the Court of Appeals (CA), in CA-G.R. CR-HC No. 09864.

The challenged issuance affirmed with modification the Judgment<sup>2</sup> dated July 7, 2017 of Branch 61 of the Regional Trial Court (RTC) of Angeles City, Pampanga in Criminal Case No. 13-9966 which, *inter alia*, found accused-appellant Si Young Oh a.k.a. "Steve Oh" (Si Young Oh) guilty beyond

\* Leonen, *S.A.J.*, designated additional Member vice Dimaampao, *J.*, per Raffle dated February 8, 2023; Lopez, *M., J.*, designated additional Member vice Singh, *J.*, per Raffle dated May 21, 2024.

\*\* In line with Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," 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. 9–26. Penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Danton Q. Bueser and Carlito B. Calputura of the Special Twelfth Division of the Court of Appeals, Manila.

<sup>2</sup> *Id.* at 28–45. Rendered by Judge Bernardita Gabitan-Erum.

reasonable doubt of the crime of Qualified Trafficking in Persons as defined and penalized under Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208,<sup>3</sup> otherwise known as the Anti-Trafficking in Persons Act of 2003.

### Antecedents

Si Young Oh and one Lee Yeon Ho were indicted for the crime charged by virtue of an Amended Information dated July 3, 2013, the accusatory portion of which reading as follows:

During the period from March, 2010 up to the present, the above-named accused, conspiring together, taking advantage of the minority and vulnerability of some of the offended parties, namely AAA, BBB, XXX, and CCC, all 17 years old, and by means of fraud, deception, or under the pretext of offering domestic or overseas employment, training, apprenticeship, tour or other benefits to achieve their consent, did then and there willfully, unlawfully and knowingly recruit, transport, harbour, receive, and provide lodging to the said minors and the following persons, namely DDD, EEE, FFF, GGG, HHH, III, JJJ, KKK, LLL, MMM, NNN, OOO, and PPP for the purpose of forced labor or involuntary servitude at the South Korea/ [REDACTED] in [REDACTED], Pampanga which is within the jurisdiction of this Honorable Court.

Contrary to law.<sup>4</sup>

Upon arraignment, Si Young Oh and Lee Yeon Ho both entered a plea of not guilty. Thus, pre-trial ensued, followed by trial on the merits.

Si Young Oh is a pastor who belongs to the Korean Christian Presbyterian General Assembly, a religious organization based in Seoul, South Korea. He claims that he received a vision to go to the Philippines and build 100 churches and educate 1,000 pastors and 10,000 church workers. Thus, sometime in March 2008, He moved to Pampanga where he became the head of [REDACTED]. It is in this institution that he offered courses leading to the degree of Bachelor of Theology.<sup>5</sup>

Following reports that Si Young Oh took advantage of the students of [REDACTED] by making them render hard labor either for free or at measly allowances of PHP 50.00, PHP 100.00 or PHP 200.00, the Department of Social Welfare and Development and the National Bureau of Investigation jointly conducted a rescue operation on April 15, 2013. This

<sup>3</sup> Signed by former President Gloria Macapagal-Arroyo on May 26, 2003.

<sup>4</sup> *Rollo*, pp. 10 (CA Decision) and 28 (RTC Judgment).

<sup>5</sup> *Id.* at 37, RTC Judgment.

resulted in the apprehension of Si Young Oh and Lee Yeon Ho and the filing of charges against them.

*Version of the prosecution*

The persons who testified against Si Young Oh were AAA, BBB, and CCC. Even though XXX was named as a victim in the Information, she was not able to testify for reasons that were not explained in the rulings of the courts *a quo*.

AAA claimed that she arrived at [REDACTED] on July 14, 2012. Having been born on [REDACTED], as established by her birth certificate which was offered before the RTC, she was 17 years old at that time. AAA narrated that she left her hometown in [REDACTED], South Cotabato after she was recruited by Si Young Oh's assistant, Walter Jakosalem (Jakosalem). Si Young Oh picked her up at Clark International Airport.<sup>6</sup>

AAA stayed at [REDACTED] for nine months. During that time, she reached the conclusion that it was not a real school. No classes were conducted and she did not take part in any enrollment process. Rather, Si Young Oh assigned the students to tasks which include those that are related to the construction of a building. AAA herself was directed to perform manual labor from 8:00 a.m. to 3:00 a.m. of the following day, under the supervision of Lee Yeon Ho. She was assigned with the collection and carrying of hollow blocks as well as gathering debris. While her classmates received PHP 50.00 or PHP 100.00, AAA was not paid any remuneration for the work that she rendered. AAA did not like her situation because she was made to believe that she would be studying Theology. However, she felt that she had no choice but to follow Si Young Oh's orders.<sup>7</sup>

BBB's birth certificate was offered to the RTC to prove that she was born on [REDACTED] and, thus, was also only 17 years old at the time of the incidents in question. Originally from [REDACTED], South Cotabato, she was also recruited by Jakosalem to study at [REDACTED]. Similar to AAA, Si Young Oh was the one who fetched BBB at Clark International Airport. BBB echoed AAA's testimony in that [REDACTED] did not have a single classroom. Bible readings were conducted outdoors.<sup>8</sup>

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<sup>6</sup> *Id.* at 32-33.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 30-31.

BBB confirmed that she was also forced to render manual labor such as welding, “*pagbabakbak*,” “*paghahakot ng semento*,” and “*paglalagay ng hollow blocks*.”<sup>9</sup> The person who supervised their work was Si Young Oh and, in the latter’s absence, Lee Yeon Ho. BBB also corroborated the claim that they were made to work from 8:00 a.m. until 3:00 a.m. of the following day. Lee Yeon Ho would scold the students whenever they stopped working. BBB claimed that they were given monthly allowances of PHP 100.00 or PHP 200.00, but the same were inconsistent. In enduring her ordeal, BBB led herself to believe that she was merely paying for the opportunity to study the Bible.<sup>10</sup>

With regard to CCC, his birth certificate attests that he was born on [REDACTED]. During a visit to the City of Manila, he was recruited by one Peter Ramos who, thereafter, introduced him to Si Young Oh. Then, on August 26, 2011, he entered [REDACTED] at the age of 15.<sup>11</sup>

CCC claimed that all the students at [REDACTED] were made to work in the construction of its buildings. Apart from the students, no other person worked at the construction of the seminary’s buildings. CCC and the other students were told that their work in constructing the dormitory and the church served as training grounds for them, and that their “labor is not in vain.”<sup>12</sup> Thus, CCC felt that he had no other choice but to comply with Si Young Oh’s demands. As payment for his labor, CCC received an allowance which sometimes amounts to either PHP 50.00 or PHP 100.00.<sup>13</sup>

#### *Version of the defense*

Si Young Oh and Jonathan Requita y Lozano (Jonathan), a former student of [REDACTED], testified for the defense.

Si Young Oh admitted to operating [REDACTED] without securing any government permit to operate either as a seminary or as an educational institution. He claimed that he applied for a permit from the Department of Education which, in turn, referred him to the Commission on Higher Education (CHED).<sup>14</sup> It bears noting, however, that no CHED permit was produced by Si Young Oh during trial.

Si Young Oh admitted that he was aware that some of the students at the seminary were minors. Contrary to the claim of the prosecution, however, Si

<sup>9</sup> *Id.* at 32.

<sup>10</sup> *Id.* at 30–32.

<sup>11</sup> *Id.* at 34.

<sup>12</sup> *Id.* at 79, RTC Judgment.

<sup>13</sup> *Id.* at 34–35.

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

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Young Oh did not force these students to render manual labor. Rather, the students themselves volunteered to help construct the seminary's facilities. Si Young Oh also acknowledged that it was the "head worker" who designed and ultimately determined the overall construction of these facilities. He further asseverated that the students worked from 9:00 a.m. until 1:00 p.m. to 4:00 p.m. The female students were only allowed to carry water and mix cement.<sup>15</sup>

For his part, Jonathan asseverated that AAA, BBB, and CCC were his classmates at [REDACTED]. They were not subjected to involuntary servitude and that their participation in the construction of the seminary's buildings were "voluntary according to their belief as a Christian."<sup>16</sup> Furthermore, Jonathan claimed that the idea of constructing a dormitory came from the students themselves and not from the management.<sup>17</sup>

### The RTC Ruling

On July 7, 2017, the RTC rendered a Judgment finding Si Young Oh guilty as charged. The trial court ruled that AAA, BBB, and CCC were credible witnesses who narrated in great detail their agonizing experience at [REDACTED]. Their respective testimonies corroborated each other. More importantly, the prosecution was able to establish through these testimonies the presence of all the elements of violation of Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208.

On the other hand, the bare denials proffered by the defense are unworthy of credence. Si Young Oh was unable to rebuff the allegation that he used his moral ascendancy over AAA, BBB, and CCC, as well as the other students of [REDACTED], to force them into doing hard labor virtually for free.

Lee Yeon Ho was acquitted because there was no evidence that he participated in the recruitment of AAA, BBB, and CCC.

The dispositive portion of the RTC's Judgment reads as follows:

**WHEREFORE**, premises considered, as the prosecution has proven the guilt beyond reasonable doubt of the accused Si Young Oh alias Steve Oh for Violation of Section 4(a), in relation to Section 6(a) and (c) and Section 10(c) of Republic Act No. 9208 as amended by Republic Act No. 10364 in Criminal Case No. 13-9966, the said accused is hereby sentenced to suffer

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<sup>15</sup> *Id.* at 37–38.

<sup>16</sup> *Id.* at 39, RTC Judgment.

<sup>17</sup> *Id.* at 39–40.

**LIFE IMPRISONMENT** and to pay a fine of **One Million Pesos (Php1,000,000.00)** and to pay each of the private complainants BBB, AAA and CCC the sum of **Fifty Thousand Pesos (Php50,000.00)** as moral damages while accused Lee Yeon Oh violation [sic] is hereby **ACQUITTED** as the prosecution failed to prove his guilt beyond reasonable doubt for the offense charged against him in this case.

Therefore, the District Jail Warden of Angeles City is hereby ordered to release Lee Yeon Oh from his custody unless he is being detained for any other lawful causes.

**SO ORDERED.**<sup>18</sup> (Emphasis in the original)

Undaunted, Si Young Oh sought refuge before the CA.

Excoriating his conviction in his Appellant's Brief,<sup>19</sup> Si Young Oh contended, *inter alia*, that he recruited the students of ██████████ ██████████ for the purpose of educating them and not for trafficking, and this is supported by the fact that he secured an endorsement from CHED; that AAA, BBB, and CCC were not subjected to force labor and Si Young Oh never abused his moral ascendancy to exploit them; that, rather, AAA, BBB, and CCC voluntarily participated in the seminary's construction works; and that his defense of denial was sufficient to sustain his acquittal.

Countermanding Si Young Oh's asseverations, the Office of the Solicitor General (OSG) asserted in its Appellee's Brief<sup>20</sup> that all the elements of the crime charged were duly established by the prosecution; that Si Young Oh by means of deceit made the victims believe that their hard physical labor was for a benevolent purpose; that even assuming *arguendo* that AAA, BBB, and CCC consented to rendering hard labor for Si Young Oh, the coercive, abusive, and deceptive means employed by the latter means that such consent were not given freely; and that Si Young Oh's bare denial cannot overcome the positive testimonies of AAA, BBB, and CCC.

### The CA Ruling

On February 10, 2021, the CA rendered the herein assailed Decision affirming with modification Si Young Oh's conviction.

Finding no merit in the defenses proffered by Si Young Oh, the CA ruled that the prosecution, through the consistent and credible testimonies of AAA, BBB, and CCC, had clearly established all the elements of Qualified

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<sup>18</sup> *Id.* at 45.

<sup>19</sup> *CA rollo*, pp. 54–70.

<sup>20</sup> *Id.* at 108–125.

Trafficking. Moreover, the CA added, the consent of the minor victims is not a defense under Republic Act No. 9208.

Ultimately, the CA disposed:

**PREMISES CONSIDERED**, the *Appeal is DENIED*. The *Decision* dated 07 July 2017 of the Regional Trial Court of Angeles City, Branch 61, in Criminal Case No. 13-9966 is **AFFIRMED with MODIFICATION**, in that accused-appellant Si Young Oh is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of [PHP] 2,000,000.00.

Accused-appellant Si Young Oh is further ordered to pay each of the private complainants:

1. [PHP] 100,000.00 as moral damages; and
2. [PHP] 100,000.00 as exemplary damages.

All the monetary awards shall bear interest at the legal rate of six percent (6%) per *annum* computed from the date of finality of this *Decision* until fully paid.

**SO ORDERED.**<sup>21</sup> (Emphasis in the original)

Hence, the present recourse.

On November 29, 2021, the CA's Special Former Special Twelfth Division<sup>22</sup> issued a Minute Resolution<sup>23</sup> giving due course to the Notice of Appeal and Compliance<sup>24</sup> filed by Si Young Oh, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution<sup>25</sup> dated February 20, 2023, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

In a Manifestation and Motion<sup>26</sup> dated August 1, 2023, the OSG stated that it would no longer file a supplemental brief because all of its contentions have been exhaustively ventilated in its Appellee's Brief before the CA. Si

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<sup>21</sup> *Rollo*, pp. 25–26.

<sup>22</sup> Composed of Associate Justice Geraldine C. Fiel-Macaraig as Acting Chairperson with Associate Justices Emily R. Alifio-Geluz and Carlito B. Calputura as Members.

<sup>23</sup> *Rollo*, p. 7.

<sup>24</sup> *Id.* at 3–5.

<sup>25</sup> *Id.* at 47–48.

<sup>26</sup> *Id.* at 52–53.

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Young Oh, through the Public Attorney's Office, also filed a similar Manifestation (In lieu of Supplemental Brief)<sup>27</sup> dated August 11, 2023.

Meanwhile, in separate letters dated July 11, 2023<sup>28</sup> and July 14, 2023,<sup>29</sup> the Bureau of Corrections confirmed to the Court that Si Young Oh is currently detained at the Maximum Security Compound of the New Bilibid Prison, Muntinlupa City.

### Issue

The Court is tasked to resolve whether the CA erred in affirming with modification the conviction of Si Young Oh for violation of Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208.

### The Ruling of the Court

The appeal is bereft of merit.

#### I.

The Preamble of the Universal Declaration of Human Rights (UDHR)<sup>30</sup> recognizes “the inherent dignity and of the equal and inalienable rights of all members of the human family” as “the foundation of freedom, justice and peace in the world.”<sup>31</sup> Towards this end, Article 4 of the UDHR guarantees that no person “shall be held in slavery or servitude.”<sup>32</sup>

Measured vis-à-vis the standards of the UDHR, human trafficking is a widespread form of modern-day slavery<sup>33</sup> and a grave violation of human rights. In order to keep a close watch on this exploitative practice, the United Nations General Assembly (UNGA), through paragraph 60 of Resolution A/RES/64/293<sup>34</sup> dated August 12, 2010, tasked the United Nations Office on Drugs and Crime (UNODC), to collect information on and report the “patterns

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<sup>27</sup> *Id.* at 56–57.

<sup>28</sup> *Id.* at 49.

<sup>29</sup> *Id.* at 50.

<sup>30</sup> United Nations, *Universal Declaration of Human Rights*, available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last accessed on February 6, 2024).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> United States Department of Justice, *Attorney General's Annual Report and Assessment of U.S. Government Activities to Combat Trafficking in Persons*, July 2010, p. 1., available at <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1000&context=usjusticematls> (last accessed on February 6, 2024).

<sup>34</sup> United Nations General Assembly, *Resolution A/RES/64/293*, available at [https://www.unodc.org/documents/commissions/CCPCJ/Crime\\_Resolutions/2000-2009/2009/General\\_Assembly/A-RES-64-293.pdf](https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2009/General_Assembly/A-RES-64-293.pdf) (last accessed on March 4, 2024).

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and flows of trafficking in persons at the national, regional and international levels.”<sup>35</sup> Data from the UNODC’s Global Report on Trafficking in Persons 2022<sup>36</sup> reveal that out of 36,488 victims detected in 2020, 38.7% were trafficked for sexual exploitation while 38.8% were trafficked for purposes of forced labor.<sup>37</sup>

The Philippines is one of 192 State Parties<sup>38</sup> to the United Nations Convention against Transnational Organized Crime (UNTOC) which was adopted by the United Nations General Assembly on November 15, 2000 through Resolution A/RES/55/25.<sup>39</sup> One of the protocols of the UNTOC is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,<sup>40</sup> otherwise known as the Trafficking Protocol. The Philippines, along with 180 other countries, is also a party<sup>41</sup> to this “principal legally binding global instrument to combat trafficking in persons.”<sup>42</sup>

Article 2 of the Trafficking Protocol states that its purposes are: (a) to prevent and combat trafficking in persons, paying particular attention to women and children; (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and (c) to promote cooperation among State Parties in order to meet said objectives.<sup>43</sup>

Relevantly, Article 3(a) of the Trafficking Protocol defines the term “Trafficking in Persons” as:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of

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<sup>35</sup> *Id.*

<sup>36</sup> United Nations Office on Drugs and Crime, available at [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf) (last accessed March 4, 2024).

<sup>37</sup> *Id.* at 23.

<sup>38</sup> United Nations Treaty Collection, available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en) (last accessed on March 4, 2024).

<sup>39</sup> United Nations Treaty Collection, available at [https://treaties.un.org/doc/source/docs/A\\_RES\\_55\\_25-E.pdf](https://treaties.un.org/doc/source/docs/A_RES_55_25-E.pdf) (last accessed on March 4, 2024).

<sup>40</sup> United Nations Human Rights Office, Office of the High Commissioner, available at <https://www.ohchr.org/sites/default/files/ProtocolonTrafficking.pdf> (last accessed on February 6, 2024).

<sup>41</sup> United Nations Treaty Collection, available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18) (last accessed on February 6, 2024).

<sup>42</sup> Conference of the Parties to the United Nations Convention against Transnational Organized Crime, *Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fourth session, held in Vienna from 8 to 17 October 2008*, p. 12, available at [https://www.unodc.org/documents/treaties/CTOC\\_COP\\_19\\_Report\\_-\\_edited\\_version.pdf](https://www.unodc.org/documents/treaties/CTOC_COP_19_Report_-_edited_version.pdf) (last accessed on March 4, 2024).

<sup>43</sup> United Nations Human Rights Office, Office of the High Commissioner, available at <https://www.ohchr.org/sites/default/files/ProtocolonTrafficking.pdf> (last accessed on March 4, 2024).

exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs[.]<sup>44</sup>

Based on the above definition, Trafficking in Persons has three constituent elements:

1. An act (what is done);
2. The means (how it is done); and
3. Exploitative purpose (why it is done).<sup>45</sup>

Recognizing the country's obligations under the Trafficking Protocol, Republic Act No. 9208 was signed into law by former President Gloria Macapagal-Arroyo on May 26, 2003. In defining the term "Trafficking in Persons," Section 3(a) of said statute provides:

(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.

Prescinding from the foregoing definition, the elements of Trafficking in Persons under Republic Act No. 9208 are as follows:

- (1) The *act* of "recruitment, transportation, transfer or harbouring, 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

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<sup>44</sup> *Id.*

<sup>45</sup> United Nations Office on Drugs and Crime, *Anti-human trafficking manual for criminal justice practitioners Module 1*, p. 2 (2009), available at [https://www.unodc.org/documents/human-trafficking/TIP\\_module1\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/TIP_module1_Ebook.pdf) (last accessed on March 5, 2024).

receiving of payments or benefits to achieve the consent of a person having control over another; and

- (3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”<sup>46</sup>

The statutory definition of the term “Trafficking in Persons” was further magnified by Republic Act No. 10364, or the Expanded Anti-Trafficking in Persons Act of 2012, which former President Benigno S. Aquino III signed into law on February 6, 2013. By virtue of the amendment made by this later statute, Section 3(a) of Republic Act No. 9208 now reads:

(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.

Under this expanded definition, the elements of Trafficking in Persons are:

- (1) The act of “recruitment, *obtaining, hiring, providing, offering,* transportation, transfer, *maintaining,* harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders;”
- (2) The means used include “by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;” and
- (3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs”<sup>47</sup>

<sup>46</sup> *People v. Casio*, 749 Phil. 458, 472–473 (2014) [Per J. Leonen, Second Division].

<sup>47</sup> *Id.* at 474.

Si Young Oh was charged with violation of Section 4(a) of Republic Act No. 9208. Thus, a side-by-side comparison of said provision before and after it was amended by Republic Act No. 10364 is worth noting:

Under Republic Act No. 9208	Under Republic Act No. 10364
<p><b>Section 4. Acts of Trafficking in Persons.</b> – 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[.]</p>	<p>Section. 4. <i>Acts of Trafficking in Persons.</i> – 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[.]</p>

Since the July 3, 2013 Amended Information alleges that Si Young Oh recruited minors AAA, BBB, and CCC for the purpose of engaging them into forced labor or involuntary servitude “[d]uring the period from March, 2010 up to the present,”<sup>48</sup> the provisions of Republic Act No. 9208, **prior** to its amendment by Republic Act No. 10364, shall apply.

## II.

The prosecution was able to establish all the elements of the crime of Trafficking in Persons under Republic Act No. 9208.

The evidence adduced by the prosecution show that Si Young Oh: (a) committed the *act* of recruiting AAA, BBB, and CCC to become students of [REDACTED] and transported them within national borders; (b) by *means* of fraud and deception, as well as taking advantage of the vulnerability of AAA, BBB, and CCC; and (c) for the *purpose* of exploiting them through forced labor and servitude. A brief discussion of these elements is in order.

### a. *The Act*

<sup>48</sup> *Rollo*, pp. 10 (CA Decision) and 28 (RTC Judgment).

The facts demonstrate that AAA and BBB were recruited by Jakosalem, Si Young Oh's assistant, and their air transportation was arranged by Si Young Oh who even fetched them at Clark International Airport. As for CCC, Si Young Oh met him through one Peter Ramos.

The circumstances under which AAA, BBB, and CCC were recruited are as follows:

**AAA**

Q: You mentioned, when asked of your personal circumstances, that you are a resident of [REDACTED], Tarlac. You were born [REDACTED]. Where were you born?

A: In [REDACTED] South Cotabato, sir.

Q: How did you end up here in Angeles City?

A: I studied at [REDACTED] and I was recruited, sir.

Q: Who recruited you?

A: Pastor [EEE], sir.

Q: Who is this Pastor [EEE] in relation to [REDACTED], if you know?

A: Before, he was the assistant of Steve Oh, sir.

....

Q: When for the first time did you arrive at [REDACTED]?

A: On July 14, 2012, sir.

Q: What were you expecting to do when you arrived there since you were recruited by a certain Pastor [EEE]?

A: To study, sir, because that is my goal that is why I went there.

Q: By the way, how old were you then?

A: I was seventeen (17) years old, sir.

**BBB**

Q: You mentioned, Madam Witness, when you were asked of your personal circumstances, that you are 17 years of age. When is your birthday, by the way?

A: [REDACTED], sir.

....

Q: Why did you end up here in Angeles City, Pampanga?

A: Because I will study in [REDACTED], sir.

Q: Who initiated your supposed study at [REDACTED]?

A: Actually, I have an aunt who graduated from God's Love and I have an uncle, SSS, who is a pastor, sir. When my aunt went to our province, she mentioned to my uncle that they are still recruiting students for Theology and I wanted to study Theology, sir.

CCC

Q: You mentioned likewise in your personal circumstances that you are 18 years of age, when were you born?

A: [REDACTED] sir.

....

Q: By the way before that, so how old were you between the period of March, 2010?

A: 15 years old, sir.

....

Q: Where exactly here where you brought?

A: At the house of the president, Rev. Steve Oh, sir.

Q: And where is that house located?

A: Angeles City, sir.

Q: What happened when you [were] brought there?

A: They talked to me and we eat there, sir.

Q: What activity were you recruited then?

A: To become pastor or missionary, sir.

Q: Where? What were you suppose to do in order to become a pastor?

A: To study, sir.

....

Q: By the way, when initially you had to undergo study, did you pay any fee on enrollment or tuition in entering in studying there?

A: None, sir.

Q: Why?

A: Because according to Pastor Peter it's all free, sir.<sup>49</sup>

Clearly, AAA, BBB, and CCC were recruited to study theology and become pastors or missionaries of the Korean Christian Presbyterian General Assembly to which Si Young Oh belongs. To further entice them into accepting the offer, they were told that they would not pay any fees and that their education would be free of charge.

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<sup>49</sup> *Id.* at 17–19, CA Decision.

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*b. The Means*

Fraud and deception or deceit were defined by the Court in *Ortega v. People*,<sup>50</sup> viz.:

Fraud, in its general sense, is deemed to comprise anything calculated to deceive, including all acts, omissions, and concealment involving a breach of legal or equitable duty, trust, or confidence justly reposed, resulting in damage to another, or by which an undue and unconscientious advantage is taken of another. On the other hand, deceit is the false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed; and which deceives or is intended to deceive another so that he shall act upon it, to his legal injury.<sup>51</sup>

Here, Si Young Oh employed fraud and deceit when, under false pretenses, AAA, BBB, and CCC were enticed to leave their respective homes to become students of a school that had no license to operate, and to pursue a Bachelor of Theology degree that did not possess any permission from CHED to be granted. Worse, apart from the occasional Bible study sessions which were held outdoors, no formal classes were held. There was literally no classroom to speak of. Si Young Oh took advantage of the vulnerability of AAA, BBB, and CCC not only as minors but also as believers in their chosen faith.

*c. The Exploitative Purpose*

As thoroughly demonstrated in the records, AAA, BBB, and CCC were subjected to forced labor and servitude. This exploitation was justified by Si Young Oh as part of the victims' religious training and as a sacrifice that they had to render in their supposed formation as future pastors and missionaries of the Korean Christian Presbyterian General Assembly:

AAA

....

Q: There were no classes and there were already works being done and then, is it not that you went there to enroll, am I right?

A: Yes, sir.

Q: Were you able to enroll?

A: Actually, there was no enrollment happened, sir.

<sup>50</sup> 595 Phil. 1103 (2008) [Per J. Chico-Nazario, Third Division].

<sup>51</sup> *Id.* at 1115–1116.

Q: There were no enrolment happened but did you not complaint [sic] to [EEE] that, what you have seen is not a school? [sic]

A: No, sir.

Q: In your personal experience, how many times did accused, the president whom you identified in open court as Si Young Oh, how many times did he assign you to do work, manual labor exactly in that seminary?

A: Three (3) to five (5) times, sir.

Q: What were the type of manual labor did he assign to you?

A: We collect and carry hollow blocks and also we gathered the debris, sir.

Q: And how long did you work then?

A: Sometimes it would only take one day and sometimes everyday but there is only a certain hours, sir.

### **BBB**

Q: Ms. Witness, you were supposedly going to study. Were you surprised when you arrived at the premises that there were no classrooms?

A: Yes, sir, when I arrived there I was surprised when I saw the students wearing working clothes and there is no classroom, only the church and the dormitory for boys that were still under construction.

Q: I also do not understand. You are supposed to study there. What is that 200 and 100 allowance for if you are going to study there only?

A: That is just given to us 200.00 for the students who are not receiving allowance from their parents and 100.00 for the students receiving allowance from their parents, and it is not consistent given monthly, sir. [sic]

Q: You were just 16 years old, you were supposed to study yet when you arrived, you worked until 3:00 o'clock in the morning and an ordinary employee would work from 8 to 5, eight (8) hours work. Were you not a bit surprised while you work until the wee hours of the morning and did you receive night shift differentials or benefits whatsoever?

A: Actually, when I arrived there, I was only 15 years old and it was just that set in our mind that we were just doing it for as a labor in vain for the Lord and I do not have any idea that time. I just told myself that that is just a payment for my studying at that bible school, sir.

Q: This construction that you are supposed to finish, this prayer chamber, was it actually finished before your rescue?

A: Yes, sir, it was already finished.

Q: How long did it take you to finish that?

A: Months, sir.

....

Q: You worked until 3:00 o'clock in the morning, at what time the next day do you wake up?

A: 6 or 7:00 o'clock in the morning because our work will start again at 8 or 9:00 o'clock in the morning, sir.

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Q: This work at 8 or 9, what type of work is this?

A: There are actually rotations of duties for example on this day you are assigned on the welding, on the second day you would be assigned on “*pagbabakbak*”, third day “*paghahakot ng semento*” and on the following day “*paglalagay ng hollow blocks.*”

....

Q: You were doing it for God, because you believe in him, correct?

A: Yes, sir, because that was already set in our mind, but because also were are afraid that we might be scolded by our founder that is why even if we are so tired we still work.

### CCC

Q: How big this school dormitory that you are constructing?

A: Quite big, sir.

Q: How many of you who were working in that construction works?

A: All the students, sir, more or less, 30 students, sir.

Q: How many girls and how many boys?

A: Fifteen (15) or sixteen (16) boys and ten (10) to twelve (12) girls, sir.

Q: What construction work do you personally do?

A: Carrying blocks, mixing cements with gravel and sand, fetching water, carrying water and cementing the floor, sir.

....

Q: So what happened to your normal daily routine then like morning devotion exercises and religious services, what happened to those things that you did initially when now you were made to do this construction work?

A: Some are continuing the devotions. Some are doing the daily routine and some are working in the construction.

Q: How about you personally did you still do this morning devotion, exercises or pursuant to you being a pastor after you were made to do this construction work?

A: Yes, sir, if we will not the one who scheduled to work. [sic]

Q: Did not come in to your mind that you were doing in [REDACTED] [REDACTED] is a training for you to become a pastor and a missionary?

A: Yes, sir, they are saying that it is a training and they said that “Your labor [is] not in vain. . .”<sup>52</sup>

Instead of attending classes in pursuit of the alleged theology degree that was originally offered by Si Young Oh, AAA, BBB, and CCC were coerced into working ungodly hours of hard labor virtually for free. Si Young Oh turned them into construction workers. Clearly, such acts constitute an exploitation

<sup>52</sup> *Rollo*, pp. 19–23.

and weaponization of the victims' religious beliefs and, consequently, cement the exploitative purpose under which they were trafficked.

In fine, the Court abides by the longstanding principle that the factual findings of the trial court, when affirmed by the CA, are considered binding and conclusive upon the Court.<sup>53</sup> In *People v. Regaspi*.<sup>54</sup>

When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, unless the same is tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence. The rule finds an even more stringent application where the CA sustained said findings, as in this case.<sup>55</sup> (Citations omitted)

The Court finds no compelling reason to depart from this rule. The categorical, straightforward, spontaneous and frank testimonies of AAA, BBB, and CCC confirm that they are credible witnesses.<sup>56</sup> In contrast, Si Young Oh's bare denial carries no weight in law and has no greater evidentiary value than the testimony of credible witnesses who testified on affirmative matters, and who had not been shown to be motivated by ill or improper motives in testifying against him.<sup>57</sup>

### III.

Under Section 6(a) and (c)<sup>58</sup> of Republic Act No. 9208, the crime of Trafficking in Persons becomes Qualified by reason of the minority of AAA, BBB, and CCC and the same being committed in large scale.

When the trafficked person is a child, a person below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition, the offense becomes qualified.<sup>59</sup>

<sup>53</sup> *Labosta v. People*, 875 Phil. 506, 512 (2020) [Per J. J.C. Reyes, Jr., First Division].

<sup>54</sup> 768 Phil. 593 (2015) [Per J. Peralta, Third Division].

<sup>55</sup> *Id.* at 598.

<sup>56</sup> *People v. Quinto*, 873 Phil. 679, 690 (2020) [Per J. J.C. Reyes, Jr., First Division].

<sup>57</sup> *People v. XXX*, G.R. No. 252230, October 5, 2022 [Per J. Gaerlan, Third Division].

<sup>58</sup> SECTION 6. *Qualified Trafficking in Persons*.— The following are considered as qualified trafficking:  
(a) When the trafficked person is a child;

.....

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

<sup>59</sup> *People v. Spouses Ybañez*, 793 Phil. 877, 883 (2016) [Per J. Peralta, Third Division].

Here, the respective birth certificates of AAA, BBB, and CCC were offered as evidence before the trial court to prove their minority at the time of the commission of the crime in question. While the Court observes that there are inconsistencies in the Information vis-à-vis the testimonial evidence as to exact the ages of BBB and CCC at the time they were recruited to join [REDACTED], such inconsistencies are trivial and do not change the fact that they were minors at that time.

On the other hand, Trafficking in Persons is committed in large scale if there are three or more victims, whether individually or as a group. The victimization of AAA, BBB, and CCC sufficiently meets this standard.

#### IV.

Si Young Oh's defense that AAA, BBB, and CCC rendered hard labor voluntarily and of their own volition is unavailing. The consent of the minor victim is immaterial in human trafficking cases. In *Planteras, Jr. v. People*.<sup>60</sup>

Knowledge or consent of the minor is not a defense under Republic Act No. 9208. The victim's consent is rendered meaningless due to the coercive, abusive, or deceptive means employed by perpetrators of human trafficking. Even without the use of coercive, abusive, or deceptive means, a minor's consent is not given out of his or her own free will.<sup>61</sup> (Citations omitted)

More importantly, Section 3(a) of Republic Act No. 9208 provides that the crime subject of this case is punishable "with or without the victim's consent or knowledge," and that the means employed by the accused is irrelevant when the victims are minors.

Thus, whether AAA, BBB, and CCC were impelled by their religious convictions to voluntarily work in the construction of the buildings of [REDACTED] is of no moment. The consent of said victims cannot negate or even mitigate Si Young Oh's criminal responsibility.

#### V.

In fine, the crime of Qualified Trafficking in Persons as defined under Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208 was proved to have been committed by Si Young Oh beyond reasonable doubt.

<sup>60</sup> 841 Phil. 492 (2018) [Per J. Peralta, Third Division].

<sup>61</sup> *Id.* at 511.

D

Section 10(c) of Republic Act No. 9208 prescribes the penalty of life imprisonment for Qualified Trafficking in Persons, and a fine of not less than PHP 2 million but not more than PHP 5 million. These were properly imposed by the RTC and, thereafter, affirmed with modification by the CA. It is worthy to stress that in view of Article 39(3)<sup>62</sup> of the Revised Penal Code, no subsidiary imprisonment shall be imposed against Si Young Oh in case he is unable to pay the fine due to insolvency.

Nevertheless, the monetary awards due AAA, BBB, and CCC must be modified to conform with recent jurisprudence. In *People v. XXX*,<sup>63</sup> the Court imposed moral damages of PHP 500,000.00 and exemplary damages of PHP 100,000.00 to a victim of Qualified Trafficking in Persons. The same amounts are hereby imposed against Si Young Oh and in favor of his three victims.

In consonance with prevailing jurisprudence,<sup>64</sup> the Court affirms the imposition of legal interest of 6% per annum on the total monetary awards, reckoned from the finality of this judgment until their full satisfaction.

## VI.

Defeating human trafficking is a great moral calling of our time.<sup>65</sup> It is a crime that targets the most vulnerable members of society and profits from their suffering. As in many cases, human trafficking is most deplorable when committed against minors as it robs them of their dreams and aspirations. And because injustice anywhere is a threat to justice everywhere,<sup>66</sup> the Court will never shirk on its moral and legal duty to uphold justice for the victims<sup>67</sup> of this detestable crime.

**ACCORDINGLY**, the appeal is **DISMISSED** for lack of merit. The Decision dated February 10, 2021 of the Court of Appeals, in CA-G.R. CR-HC No. 09864 is **AFFIRMED** with **MODIFICATION**.

<sup>62</sup> ARTICLE 39. *Subsidiary penalty*. - If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each eight pesos, subject to the following rules:

.....

3. When the principal penalty imposed is higher than *prisión correccional* no subsidiary imprisonment shall be imposed upon the culprit. (As amended by Republic Act No. 5465 which was enacted into law without executive signature on April 21, 1969)

<sup>63</sup> G.R. No. 252230, October 5, 2022 [Per J. Gaerlan, Third Division].

<sup>64</sup> *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, 860 Phil. 744 (2019) [Per J. Carpio, *En Banc*].

<sup>65</sup> Condoleeza Rice, 66<sup>th</sup> Secretary of State of the United States of America, *Release of the Sixth Annual Trafficking in Persons Report*, delivered in Washington, DC, June 5, 2006, available at <https://2001-2009.state.gov/secretary/rm/2006/67551.htm> (last accessed on March 5, 2024).

<sup>66</sup> Martin Luther King, Jr., *Letter from a Birmingham Jail*, April 16, 1963, available at [https://www.africa.upenn.edu/Articles\\_Gen/Letter\\_Birmingham.html](https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html) (last accessed on March 5, 2024).

<sup>67</sup> *People v. XXX*, G.R. No. 252230, October 5, 2022 [Per J. Gaerlan, Third Division].

Accused-appellant **Si Young Oh a.k.a. "Steve Oh"** is found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons as defined and penalized under Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, and is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of PHP 2 million. He is also **ORDERED to pay** each of the victims AAA, BBB, and CCC the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.

All damages due AAA, BBB, and CCC shall earn legal interest at the rate of 6% per annum from the date of the finality of this Decision until their full satisfaction.

**SO ORDERED.**



**SAMUEL H. GAERLAN**  
Associate Justice

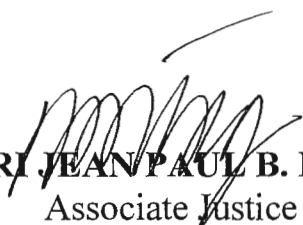
WE CONCUR:



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



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



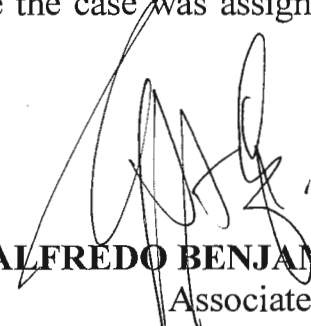
**HENRI JEAN PAUL B. INTING**  
Associate Justice



**MARION LOPEZ**  
Associate Justice

**A T T E S T A T I O N**

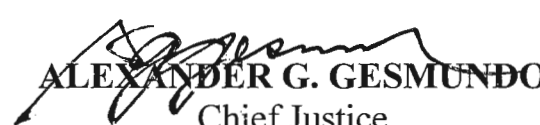
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Third Division, Chairperson

**C E R T I F I C A T I O N**

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