

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



RECEIVED
FEB 12 2025

BY: [Signature]
TIME: 3:03

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 270174

Plaintiff-appellee, Present:

- versus -

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

PETER GERALD SCULLY
a.k.a. "Peter Russell" a.k.a
"Peter Riddel" and CARME
ANN ALVAREZ a.k.a. "Honey
Sweet" a.k.a. "Sweet Sweet",
Accused-appellants.

Promulgated:

NOV 26 2024

[Signature]

X-----X

DECISION

LOPEZ, J., J.:

This Court resolves the Appeal¹ filed by Peter Gerald Scully a.k.a. "Peter Russell" a.k.a "Peter Riddel" (Scully) and Carme Ann Alvarez a.k.a. "Honey Sweet" a.k.a. "Sweet Sweet" (Alvarez) assailing the Decision² of the Court of Appeals (CA), which affirmed the Decision³ of the Regional Trial Court (RTC) that found them guilty beyond reasonable doubt of qualified trafficking in persons.

Scully and Alvarez were charged with the crimes of qualified trafficking of persons and five counts of rape by sexual assault. The cases were filed in 2014. However, the Hall of Justice in [REDACTED] was

¹ Rollo, pp. 4-5.

² Id. at 8-31. The March 30, 2022 Decision in CA-G.R. CR-HC No. 02140-MIN was penned by Associate Justice Lily V. Biton and concurred in by Associate Justices Oscar V. Badelles and Ana Marie T. Mas of the Twenty-Second Division, Court of Appeals, [REDACTED].

³ Id. at 39-107. The June 8, 2018 Decision in Criminal Case No. 2014-471-R was penned by Presiding Judge Jose L. Escobido of Branch [REDACTED], Regional Trial Court, [REDACTED].

ravaged by fire. Thus, the records of the case had to be reconstituted. The accusatory portion of the reproduced Information reads:

[FC CRIMINAL CASE NO. 2014-471-R]

That on September 19, 2014 until September 22, 2014 at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and helping each other, well-knowing that offended parties, [BBB270174]⁴ (9 years old) and [AAA270174] (12 years old), are minors, did then and there recruit, transport, transfer, and harbor, provide or receive the minor victims and thereafter kept, chained, and detained them inside a rented house in [REDACTED], of this City, for purposes of prostitution, pornography, and sexual exploitation [through] the following acts[,] to wit: on September 19, 2014, accused by inducement and successfully recruited, transported, transferred, and harbored said minor victims taking advantage of their young age by bringing them to a rented house in [REDACTED] of this City, but upon reaching the area, victims were made to drink liquor, and were thereafter tied at the hands, neck, and feet with the use of a chain and cloth; on September 20 to September 22, 2014, accused CARME ANN ALVAREZ and PETER GERALD SCULLY, subjected both victims to sexual exploitation by making them lick the vagina of CARME ANN ALVAREZ, making them lick each other's vagina, making them perform a blow-job on PETER GERALD SCULLY, and the latter inserting his fingers into the vagina of [AAA270174], and forcing [BBB270174] to insert her fingers into the vagina of CARME ANN ALVAREZ; further, that on September 20, 2014, accused photographed, and documented through the use of a laptop, the sexual acts they committed on the victims, thus, subjecting them not only to sexual exploitation, but also to pornography, to their damage and great prejudice.

CONTRARY TO LAW.⁵

Upon arraignment, Scully and Alvarez pleaded not guilty to the charges.⁶

Pre-trial subsequently ensued. During the pre-trial, Scully and Alvarez admitted that they were the people named and charged in the Informations. However, they both denied their respective aliases. Additionally, the prosecution produced the certificates of live birth of the two minor victims, but the defense denied their minority, and remarked that the birth certificates were belatedly registered. Further, the defense denied that Scully and Alvarez were in [REDACTED] during the alleged dates of the crimes.⁷

⁴ In line with Amended Administrative Circular No. 83-2015, as mandated by the 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.

⁵ RTC records, pp. 1-2.

⁶ *Id.* at 50-51.

⁷ *Id.* at 89-90.

Trial on the merits commenced.

To establish Scully and Alvarez's guilt, the prosecution presented the two victims, AAA270174 and BBB270174, Social Worker Rosevic Alisbo (RSW Alisbo), Center Social Worker Katherine Callanta (CSW Callanta), Police Officer II Barcy Gaabucayan (PO2 Gaabucayan), Police Officer I Jennifer Husayan (PO1 Husayan), PO1 Madonna Dayo (PO1 Dayo), Dr. Sarah Pingol (Dr. Pingol), and Dr. Rosemarie Gunato (Dr. Gunato).

The records show that on September 19, 2014, AAA270174 and BBB270174 (collectively, girls) were in a mall in [REDACTED] when Alvarez approached them. She asked the victims if they knew a certain Analin, but they responded in the negative.⁸

AAA270174 and BBB270174 went to another mall. Alvarez followed them, and asked them if they were hungry, but the girls did not reply. Alvarez, however, still bought them hotdogs, which they ate. Afterwards, Alvarez coaxed the girls to come with her on the pretext that she will provide them with their needs and wants. Consequently, the girls eventually agreed. Thus, Alvarez immediately flagged down a taxi, which she and the girls boarded.⁹

Upon arriving at a house in [REDACTED] Subdivision, AAA270174 and BBB270174 saw an almost naked Scully busy on his laptop. Upon seeing them, Scully introduced himself to the girls, and asked for their names.¹⁰

Alvarez, however, immediately instructed them to undress. The girls initially refused, but Alvarez insisted that whoever was older should remove their clothes first. After much prodding, AAA270174 and BBB270174 reluctantly removed their dresses and their underwear. Alvarez then proceeded to feed the girls some snacks, and even bathed them. Afterwards, both Scully and Alvarez instructed AAA270174 and BBB270174 to remove their towels and spread their legs, while they took photos.¹¹

On the evening of September 19, 2024, Scully gave AAA270174 and BBB270174 some biscuits and alcoholic beverages. The girls managed to drink several bottles each, making them drunk and disoriented.¹² BBB270174 even ended up vomiting.¹³

AAA270174 and BBB270174 promptly fell asleep. However, they woke up to discover that Scully and Alvarez were bounding and gagging them

⁸ TSN, AAA270174, December 13, 2016, pp. 5–6.

⁹ *Id.* at 7–16.

¹⁰ *Id.* at 16–18.

¹¹ *Id.* at 18–27.

¹² *Id.* at 28–30.

¹³ TSN, BBB270174, January 31, 2017, pp. 11–12.

with the use of cloth and rope. The girls were then stripped naked with chains around their neck, while Scully and Alvarez also took photos of them. AAA270174 and BBB270174 were eventually untied, and Scully and Alvarez instructed them to watch a pornographic film.¹⁴

On September 20, 2014, Alvarez instructed AAA270174 and BBB270174 to dig a hole on the ground floor of the house with the use of a shovel, all while the girls were still naked with chains around their necks. This digging occurred every morning until the girls' escape on September 23, 2014.¹⁵

In the evening of the same day, AAA270174 and BBB270174 were again stripped naked by Scully and Alvarez, and they took pictures of the girls. Alvarez then tied BBB270174's hands and feet on the bed, in a position that spread her legs apart. AAA270174 was then told to pour oil all over her body. Alvarez then instructed AAA270174 to lick BBB270174's vagina. AAA270174 initially refused, but Alvarez pushed her. Scully likewise licked BBB270174's vagina. When BBB270174 was untied, AAA270174 was then instructed that it was her turn to be tied and bound, with her legs apart. Alvarez also instructed BBB270174 to lick AAA270174's vagina.¹⁶

Alvarez gave the girls further instructions to perform oral sex on Scully. Further, they were taught to perform sexy poses and ordered to spread their legs apart, while Scully and Alvarez recorded the explicit acts.¹⁷

After the ordeal, Scully and Alvarez had sex with each other in front of AAA270174 and BBB270174, while the girls recorded them. During their sexual intercourse, Scully directed AAA270174 to sit on his face, so he can lick her vagina while having sex with Alvarez. AAA270174 did as she was told and BBB270174 held the camera and took the video.¹⁸

On September 21, 2014, AAA270174 and BBB270174 were made to wear bras with foam and t-back panties. Alvarez applied make up on them and ordered them to dance while she took a video of them. She instructed them to spread their legs apart as she took photos of their genitalia. She also commanded them to turn around so that she could take photos of their buttocks. Scully likewise took their photos while he was naked.¹⁹

After the photoshoot, Scully and Alvarez instructed AAA270174 and BBB270174 to play a game using an eggplant tied to the chains around their

¹⁴ *Id.* at 15–19.

¹⁵ TSN, AAA270174, December 13, 2016, pp. 34–37.

¹⁶ *Id.* at 44–50.

¹⁷ TSN, BBB270174, January 31, 2017, pp. 26–27.

¹⁸ TSN, AAA270174, December 13, 2016, pp. 50–52.

¹⁹ *Id.* at 55–57.

necks and an egg. The tip of the chain was connected to the eggplant and the egg was on the floor. The girls were made to push the egg on the floor using the eggplant, and to push the egg towards the finish line. They had to push the egg for a distance of about three meters, while Scully and Alvarez were cheering and laughing.²⁰

At night, AAA270174 and BBB270174 were made to watch pornography again. BBB270174, who was beside Scully and Alvarez on the bed, was ordered to suck Scully's penis. Scully then took BBB270174's hand and inserted it in Alvarez's vagina, while BBB270174 made a slow push and pull motion. Unsatisfied, Scully inserted BBB270174's entire arm and commanded her to speed up the push and pull motions. BBB270174 was then told to lick Alvarez's vagina, which she did despite her disgust. Scully then inserted his fingers into Alvarez's vagina.²¹

On September 22, 2014, AAA270174 and BBB270174 were again made to watch pornography while naked. This time, it was AAA270174 who was beside Scully and Alvarez. While on the bed, Scully began touching AAA270174, and inserted his thumb, and then his four fingers into the latter's vagina. AAA270174 cried and screamed for help, but to no avail because Alvarez pinned her down. Alvarez further instructed BBB270174 to hold AAA270174 down, which she obeyed out of fear. Thus, despite AAA270174's protests, Scully continued inserting his fingers in and out of her vagina while she sobbed. To lessen the noise, Alvarez took a pillow and placed it on AAA270174's face. The girls were then directed to perform oral sex on Scully's penis.²²

Throughout these days, there were several instances when Scully and Alvarez had sex in front of AAA270174 and BBB270174. They often made the girls watch and even instructed them to take videos.²³

On September 23, 2014, Scully and Alvarez placed the girls inside a room and left the house. Consequently, AAA270174 and BBB270174 were able to check the kitchen door. The girls realized that it was not locked. Thus, they were able to escape the house by carefully passing Scully and Alvarez's dog and then climbing the fence. The girls successfully escaped, and they were able to reach AAA270174's sister and father, who saw them wearing provocative clothing with chains around their neck. Thus, they were immediately brought to the police station.²⁴

²⁰ *Id.* at 57–58.

²¹ TSN, BBB270174, January 31, 2017, pp. 30–34.

²² TSN, AAA270174, December 13, 2016, pp. 58–61.

²³ TSN, BBB270174, January 31, 2017, pp. 40–41.

²⁴ TSN, AAA270174, December 13, 2016, pp. 65–69.

While at the police station, AAA270174 and BBB270174 were interviewed. They were able to pinpoint the house where they were held captive. Upon their arrival near the location of the house, the police officers waited for Scully and Alvarez's arrival. A taxi stopped near the house and the girls were able to positively identify Alvarez.²⁵ Immediately, PO2 Gaabucayan²⁶ and PO1 Husayan²⁷ arrested Alvarez.

The police then brought AAA270174 and BBB270174 to continue their interview with the assistance of social workers. The girls were then assisted by PO1 Dayo and brought to the [REDACTED] Medical Center ([REDACTED]) for medical examination.²⁸

Dr. Fatmah B. Mangondato of the [REDACTED] conducted the girls' medical examination and issued corresponding Living Case Reports. AAA270174's genital examination showed that there was "6 o'clock and 9 o'clock erythematous hymenal laceration" and there was redness and trauma on the vaginal hymen. BBB270174's genital examination, on the other hand, revealed "erythematous intact hymen," which means that there was redness in the tissue of her hymen, which was, however, intact.²⁹

AAA270174 and BBB270174 underwent psychological counseling. Dr. Gonato, the psychologist who monitored the girls for several years, noted that both of them continued to show signs of trauma, such as forms of flashbacks, discontinued sleeping, loss of appetite, loss of interest in activities, fearfulness, and sadness.³⁰

On the other hand, no evidence was adduced for the defense. The RTC explained:

THIS COURT THEN SET THESE CASES for the reception of the evidence for the defense on August 22 and 29, 2017 in an Order dated June 27, 2017. Atty. Pallugna filed [an] urgent motion for postponement of the trial on August 22, 2017, which was denied. Considering[,] however[,] that these cases were also scheduled for the reception of defense evidence on August 29, 2017 and September 5, 2017, this court scheduled these cases for trial on said dates with a warning that if Atty. Pallugna would be absent on said dates, this court would appoint a lawyer from the Public Attorney's Office to represent Scully and Alvarez. When these cases were called on August 29, 2017, Atty. Pallugna appeared in court but moved for the postponement of the trial on the ground that he was not prepared. The court denied the motion in the [O]rder dated August 29, 2017. When these cases were called on September 5, 2017, Atty. Pallugna was present but he moved

²⁵ TSN, BBB270174, January 31, 2017, pp. 70-71.

²⁶ TSN, PO2 Barcy Gaabucayan, January 17, 2017, pp. 11-12.

²⁷ TSN, PO1 Jenifer Husayan, April 18, 2017, pp. 10-11.

²⁸ TSN, PO1 Madonna Dayo, May 23, 2017, p. 12.

²⁹ TSN, Dr. Fathma Mangondato, June 20, 2017, pp. 9-11.

³⁰ TSN, Dr. Rosemarie C. Gonato, June 27, 2017, p. 5.

for the postponement of the trial on the ground stated in open court. The motion was denied in an [O]rder dated September 5, 2017. In the said [O]rder of September 5, 2017, the defense was deemed to have waived its right to adduce evidence, and it was ordered to submit its offer of exhibits within ten days. The records do not show that the defense filed its offer of exhibits.

On September 4, 2017, this court received from the defense [an] extremely urgent motion to re-open prosecution's evidence. This court ordered the prosecution to file its comment on or objection to the motion.

Subsequently, the defense filed [a] motion for reconsideration of the [O]rder of the court dated September 5, 2017. This court issued an [O]rder dated November 13, 2017 denying the motion of the defense to re-open the case of the prosecution, denying its motion to be given eight days for the reception of its evidence, and denying its motion to reset the trial for the reception of its evidence.³¹

In its Decision,³² the RTC found Scully and Alvarez guilty beyond reasonable doubt of the charges. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, this court finds accused Peter Gerald Scully and accused Carne Ann Alvarez . . . guilty beyond reasonable doubt of committing the crimes charged in [Criminal] Case No. 2014-471-R for qualified trafficking in persons . . . Accordingly, accused Peter Gerald Scully and accused Carne Ann Alvarez a.k.a. Sweet-Sweet are:

1. Sentenced to suffer the penalty of life imprisonment in [Criminal] Case No. 2014-471-R for qualified trafficking of persons, and, moreover, each of them is sentenced to pay a fine in the amount of Five Million Pesos ([PHP]5,000,000.00), and, furthermore, Scully and Alvarez . . . each of them, is ordered to pay jointly and severally the sum of Five Hundred Thousand Pesos ([PHP]500,000.00) for moral damages and One Hundred Thousand [Pesos] ([PHP]100,000.00) for exemplary damages to each of the two minor offended parties, namely, BBB270174 and AAA270174.

.....
SO ORDERED.³³

Aggrieved, Scully and Alvarez appealed to the CA seeking the reversal of their conviction.

³¹ *Id.* at 70–71.

³² *Id.* at 39–107.

³³ *Id.* at 105–107.

6

In its Decision,³⁴ the CA denied Scully and Alvarez's appeal and affirmed the RTC Decision with modification. The dispositive portion of the CA Decision reads:

WHEREFORE, the appeal is DISMISSED. The Decision dated [June 8, 2018] of the Regional Trial Court, 10th Judicial Region, Branch ■ in ■ in Criminal Case No. 2014-471-R, finding accused-appellants Peter Gerald Scully and Carme Ann Alvarez GUILTY beyond reasonable doubt of Qualified Trafficking in Persons defined under Section 4(a), in relation to Section 6(a), and penalized under Section 10(c) of Republic Act No. 9208, is AFFIRMED with MODIFICATION in that legal interest at the rate of six percent (6%) per annum from the finality of this Decision until full payment shall be imposed on all the monetary awards due to the victims.

SO ORDERED.³⁵

Hence, Scully and Alvarez filed this Appeal.

The issues for this Court's resolution are whether the RTC violated accused-appellants Peter Gerald Scully and Carme Ann Alvarez's constitutional right to due process of law when it disallowed them to present evidence for their defense, and whether it has been established that they are guilty beyond reasonable doubt of qualified trafficking in persons.³⁶

This Court's Ruling

Preliminarily, accused-appellants bewail that the RTC violated their constitutional right to be heard when they were unable to present their defenses to the charges against them. Further, they cry foul over the fact that their lawyer was prohibited to present on the additional dates set by the RTC for the prosecution to present its witnesses. They also assail the fact that the prosecution was given a chance to conduct a marathon hearing on dates that were not agreed upon during the pre-trial, despite their manifestation that they do not have any legal representation willing to defend their cause.³⁷

Accused-appellants attribute their failure to present their defense due to the negligence of their counsel and emphasize their constitutional right to competent and independent counsel during the trial. They argue that the actions of their previous counsels constituted such wanton, palpable, and gross negligence that resulted to the deprivation of their right to be heard and their right to a competent counsel.³⁸

³⁴ *Rollo*, pp. 8-31.

³⁵ *Id.* at 30.

³⁶ *CA rollo*, p. 37.

³⁷ *Id.* at 37-39.

³⁸ *Id.* at 40-44.

Time and again, jurisprudence has emphasized the general rule that a client is bound by the acts, even mistakes of his counsel in the realm of procedural technique. The exception to this rule is when the negligence of the counsel is so gross, reckless, and inexcusable that the client is deprived of their day in court.³⁹

As correctly found by the CA, and as extensively discussed in the RTC Decision, the RTC was mindful of accused-appellants' right to due process and right to counsel. This Court takes note of the following excerpt from the RTC Decision, as echoed by the CA Decision:

To put the history of these cases in proper perspective, a narration of the factual events in respect of the hearings of these cases is imperative.

....

When these cases were called on May 6, 2015, accused Carme Ann Alvarez was represented by Atty. Jonathan Hilarion Maagad of the Public Attorney's Office. Accused Scully, however, appeared without counsel, and he said that he had already hired lawyers but they were unable to appear on that day. The cases[,] therefore[,] were set for his arraignment on June 2, 2015.

Accused Alvarez was already arraigned prior to the fire on January 30, 2015 that burned the Hall of Justice of [REDACTED] including the records of the cases.

When these cases were called on June 2, 2015 for his arraignment, Scully said to the court that he had engaged the services of Attys. Boycillo and Gumahad[, but] said counsels[,] however[,] were not present in court. This court[,] thus[,] reset the arraignment on June 16, 2015, and informed Scully that if on said date he would still have no counsel, the court would appoint a counsel for him.

On June 16, 2015, Scully was arraigned in these six (6) cases with the assistance of Atty. Alejandro Jose C. Pallugna, and he pleaded not guilty to all of them. On said date[,] accused Alvarez was re-arraigned with the assistance of Atty. Maagad, and she pleaded not guilty to all the cases.

On June 24, 2015, Atty. Alejandrino Jose C. Pallugna, as counsel for Scully[,] filed [an] Urgent Motion to Declare the [a]ccused Peter Scully Not the Most Guilty of the Offenses Charged, and Qualified to be Discharged as a State Witness. The prosecution vehemently objected to the foregoing motion and Atty. Maagad, counsel for Alvarez, also opposed the motion. . . . This court denied Scully's motion in an [O]rder dated August 17, 2015[.]

....

When the cases were called for [Pre-Trial Conference] on August 18, 2015, Atty. Pallugna as counsel for Scully, and Atty. Maagad as counsel

³⁹ *Palma v. Petron Corporation*, 885 Phil. 357, 369 (2020) [Fer J. Inting, Second Division].

for Alvarez manifested in open court that their clients wanted that the Judicial Affidavit Rule be applied in these cases. Because of these manifestations, the court reset the pre-trial conference and ordered the parties to submit the affidavits of the accused and their witnesses within the prescribed period. The pre-trial conference was [reset] on September 24, 2015.

On September 23, 2015, Atty. Pallugna filed [an] Urgent Motion for Production and Examination of Object Evidence from the Prosecution with Prayer for Extension of Time to File Judicial Affidavits of Defense Witnesses. Atty. Maagad also filed [a] Motion for [E]xtension to [F]ile [J]udicial [A]ffidavits of Alvarez. Considering these motions, the court [reset] the pre-trial conference on November 24, 2015.

When these cases were called on November 24, 2015, Atty. Maagad withdrew his appearance as counsel for Alvarez. Afterwards, Atty. Pallugna entered his appearance as counsel for Alvarez. Atty. Pallugna was now counsel for Scully and Alvarez. Atty. Pallugna then moved that the pre-trial conference be postponed on the ground that he [still had] to prepare the affidavits of Alvarez and her witnesses. The prosecution objected saying that the accused were engaging in dilatory tactics. *This court, however, to avoid any charge of miscarriage of justice, granted the motion, and reset the pre-trial conference on December 8, 2015.*

When these cases were called on December 8, 2015, this court received from Atty. Pallugna his motion to postpone the hearing moments before the cases were called. The ground was that Atty. Pallugna had a hearing in Branch 21, Santiago City, Isabela. The prosecution opposed the motion. The court issued an [O]rder dated December 8, 2015 requiring Atty. Pallugna to explain in writing why he should not be cited for contempt of court for his failure to appear at the pre-trial conference. The pre-trial conference was reset on December 16, 2015 and the two accused were ordered to hire another lawyer, and they were informed that the pre-trial would proceed with or without their counsels.

When these cases were called on December 16, 2015, Atty. Pallugna was present, but accused Scully and Alvarez were not present. Atty. Pallugna said that Scully was sick. With respect to Alvarez, there was no information why she was not present. . . . Atty. Pallugna moved that the pre-trial conference be postponed on the ground that accused Scully was sick. The public prosecutors objected because it was their impression that [the] accused were delaying the cases. To obviate any accusation that the accused were denied due process, the court granted the motion, but it required Scully to submit to the court a medical certificate showing that he was so sick that he could not appear at the hearing. . . . The pre-trial was then set on March 2, 2016.

....

Before March 2, 2016, specifically on February 23, 2016, instead of filing the affidavits, Atty. Pallugna filed [a] Motion to Withdraw as Counsel for [d]efendant Peter Gerard Scully praying that he be allowed to withdraw as counsel for Scully and Alvarez on the ground of irreconcilable differences. When these case were called on March 2, 2016, this court asked Scully and Alvarez regarding the withdrawal of Atty. Pallugna, and they confirmed the same and they expressed their conformity. The prosecution

manifested that the withdrawal of the counsel would delay the cases. *This court, to avoid any complaint of denial of due process, allowed the two accused to hire another lawyer, and thus postponed the hearing.* The court in its [O]rder issued on March 2, 2016 [and] granted Atty. Pallugna's motion to withdraw but warned the accused that if the new counsel of the accused would not be present at the hearing on May 11, 2016, the court would proceed with the pre-trial conference.

Before May 11, 2016, however, specifically on May 4, 2016, Atty. Pallugna, to the amazement of the court, filed [an] [E]ntry of Appearance as Collaborating Counsels for Accused Peter Gerald Scully and Carme Ann Alvarez. When these cases were called on May 11, 2016, Attys. Enrique Malicay and Ernesto Bongado, Jr. entered their appearances as counsels for Scully and Alvarez. On the other hand, Atty. Jerome Jarales entered his appearance as collaborating counsel for Alvarez. [Understandably], the court was confused. When Atty. Pallugna entered or re-entered his appearance as collaborating counsel for the two accused, the accused had no counsel yet, so with whom was Atty. Pallugna collaborating[.]

On June 10, 2016, Atty. Malicay filed [a] Motion to Withdraw praying that he be allowed to withdraw his appearance as counsel of Scully.

When these cases were called for pre-trial conference on June 27, 2016, accused Scully and Alvarez were present. Attys. Gumahad, Bongado, and Phillip Nelson Carpio entered their appearances as counsel for Scully and Alvarez. Accused [A]lvarez stated [in] open court that her counsels were the same as the counsels of Scully. Alvarez said that Atty. Jarales was not her counsel. She[,] therefore[,] was deemed to have terminated the services of Atty. Jarales. The pre-trial conference] was held. The [O]rder issued after the conference stated, among others, that the prosecution would call to the witness chair the two minor offended parties, namely, [BBB270174] and [AAA270174]. Also the prosecution and the defense agreed, upon the insistence of the new counsels of the accused, that the rule on judicial affidavit would no longer govern the trial of the cases. . . . The court then set the cases for trial for the reception of the prosecution's evidence. Several dates were agreed upon.

When these cases were called for the reception of its evidence on September 20, 2016, the prosecution called to the witness stand Rosevic Alisbo. When the direct examination was finished, it was already 12:00 o'clock noon[sic]. The defense moved that the trial be reset for the cross-examination of the witness because the cross would be long. The court reset the trial.

On October 2, 2016, Atty. Ernesto N. Bongado, Jr. filed [a] Motion to Withdraw Appearance as Counsel praying that he be relieved as one of the counsels for Scully and Alvarez.

When these cases were called on November 22, 2016, for the cross examination of prosecution witness Alisbo, another counsel, Atty. Bember Apepe entered his appearance as collaborating counsel of the two accused. The counsels of the two accused agreed that Atty. Apepe would be the lead counsel in the trial of these cases. The defense cross examined Alisbo, and after the examination, the counsels agreed to call these cases again on December 13, 2016, as previously agreed upon, for the continuation of prosecution's evidence.

When these cases were called on December 13, 2016, the prosecution . . . was ready to call to the witness chair one of the two minor offended parties, namely, [AAA270174]. The defense counsels were agitated and objected to the presentation of [AAA270174] because they claimed that the agreement was that the prosecution would call to the witness chair the other minor offended party, namely, [BBB270174]. The defense counsels argued that they were prepared for trial in respect of [BBB270174] but not [AAA270174]. If [AAA270174] would be allowed to testify, the defense counsels said that it would be a case of “ambush” as there were not prepared for trial with respect of [AAA270174]. . . . To [obviate] any complaint of railroading the trial and violation of due process, the court did not proceed with the trial, but the court set the cases for trial the following day, *i.e.*, on October 4, 2016.

At today’s trial, the minor offended party, [AAA270174], testified on direct examination. Accused Alvarez and Scully were present. The three counsels mentioned above, namely, Attys. Apepe, Gumahad, and Carpio, were present. The private offended party finished her direct testimony. The accused is warned that the trial scheduled after this date will proceed with or without their counsel. Place on record that the counsels of the accused stated that the termination of their services includes all cases involving the two accused. . . . However, as stated above, the court informed the counsels that they would continue as counsels for Scully and Alvarez until these two accused could hire another lawyer.

WHEREFORE, let these . . . cases be set for the cross-examination by the defense of witness, [AAA270174], on January 16, 2017 at 8:30 in the morning. The prosecution is ordered to present its other witnesses on January 17, 18, and 19, 2017 at 8:30 in the morning. Accused Scully and Alvarez are ordered to hire the services of another lawyer prior to the said dates. The accused and Attys. Apepe, Gumahad, and Carpio are informed in open court that the TSN of the direct testimony of [AAA270174] will be available before January 16, 2017, and they are ordered to obtain their copies of the TSN before said date so that they cannot use as an excuse for the postponement of the cross-examination the non-availability of the TSN. *The parties are warned that the court will not anymore allow the postponement of the trial.*

The dates agreed upon by the prosecution and the defense stated in the pre-trial order of this Court dated June 27, 2016 for the reception of prosecution’s evidence shall remain as additional dates. Attys. Apepe, Gumahad, and Carpio are ordered to represent Scully and Alvarez and said lawyers are hereby reminded of their duties as lawyers. The accused are hereby informed that the trial of these six cases will proceed on January 16, 17, 18, and 19, 2017 even if they will not or cannot hire new lawyer or lawyers.

.....

[T]he other minor offended party, [BBB270174], was scheduled to testify on January 31, 2017. This date was agreed upon during the pre-trial conference on June 27, 2016, and was stated in the pre-trial order also dated June 27, 2016. The prosecution called to the witness stand [BBB270174]. After her direct examination, the court asked the two accused whether they want to cross-examine the witness. The[y] said that they wanted to cross-

examine the witness, but they had no counsel. To give the accused time to look for lawyer so they could cross-examine the minor, this court scheduled the trial for the cross-examination of the minor on February 14, 2017[.]

....

[W]hen these cases were called on February 14, 2017 for the cross-examination of [BBB270174] by the accused, Atty. Pallugna . . . entered his appearance as counsel of the two accused. The record shows that this is the third time that he entered and re-entered his appearance as counsel of the accused. Instead of conducting cross-examination of the minor witness, Atty. Pallugna orally moved to inhibit the presiding judge. The cross-examination was necessarily postponed. *The motion has the effect of delaying the proceeding in these cases. The strategy to delay is not unobvious.*

....

Because the Motion for Reconsideration of the [O]rder denying the [M]otion for [I]nhibition was denied, the defense filed [a] Petition for *Certiorari* with the Court of Appeals on March 27, 2017. . . . and since there was no restraining order issued by the appellate court ten days after the Petition for *Certiorari* was filed, this court continued in the trial of these cases. These cases were then called for trial on April 18, 2017 for the purpose of the cross-examination of the minor offended party, [BBB270174], Atty. Pallugna filed motion for the postponement of the trial scheduled on the said date. This court in an order issued on the same day denied the motion and deemed the defense to have waived its right to cross-examine the minor offended party.

The prosecution then continued presenting its witnesses. It called to the witness chair POI Madona Dayo on May 23, 2017; POI Madona Lutian Dayo on May 30, 2017; Dr. Fatmah B. Mangondato, and SPO2 Elaine Sagario on June 20, 2017; and Rosemarie Gomato on June 27, 2017. Atty. Pallugna was present as counsel of Scully and Alvarez during these trials.

....

This court then set these cases for the reception of the evidence for the defense on August 22, and 29, 2017 in an order dated June 27, 2017. *Atty. Pallugna filed urgent motion for postponement of the trial* on August 22, 2017, which was denied. Considering however that these cases were also scheduled for the reception of defense evidence on August 29, 2017 and September 5, 2017, this court scheduled these cases for trial on said dates with a warning that if Atty. Pallugna would be absent on said dates, this court would appoint a lawyer from the Public Attorney's Office to represent Scully and Alvarez. When these cases were called on August 29, 2017, *Atty. Pallugna appeared in court but moved for the postponement of the trial on the ground that he was not prepared.* This court denied the motion in the [O]rder dated August 29, 2017. When these cases were called on September 5, 2017, *Atty. Pallugna was present, but he moved for the postponement of the trial on the ground stated in open court.* The motion was denied in an [O]rder dated September 5, 2017. In the said [O]rder of September 5, 2017, *the defense was deemed to have waived its right to adduce evidence, and it was ordered to submit its offer of exhibits within*

*ten days. The records do not show that the defense filed its offer of exhibits.*⁴⁰ (Emphasis supplied)

As can be inferred from the abovequoted portion of the RTC Decision, the defense caused several delays of the case for various reasons. In this case, the RTC need not have allowed the case to continually drag upon the defense's requests. As can be gleaned from the records, to avoid any charge of miscarriage of justice and denial of due process, the RTC liberally allowed accused-appellants and their counsels numerous postponements of the trial with sufficient appraisal of the schedule of hearing dates for their presentation of evidence. However, the hearings were repeatedly postponed at their instance. In view of the foregoing, the accused-appellants are deemed to have waived their right to present evidence, and the facts of this case do not constitute a deprivation of accused-appellant's constitutional rights.

*People v. Serzo*⁴¹ is clear: "courts are not required to await indefinitely the pleasure and convenience of the accused as they are also mandated to promote the speedy and orderly administration of justice. Nor should they countenance such an obvious trifling with the rules. Indeed, public policy requires that the trial continue as scheduled[.]"⁴²

This Court has repeatedly highlighted the judge's role in the administration of justice, where the determination of a criminal case lies within their exclusive jurisdiction and competence. However, a judge's discretion is not unfettered, but rather it must be exercised within reasonable confines. Thus, the action of a judge must neither impair the substantial rights of the accused, nor the right of the State and offended party to due process of law.⁴³

Corollary, the postponement of the trial of the case to allow the presentation of evidence is a matter that lies within the RTC's discretion, which must be exercised wisely, while considering the circumstances of each case, and with a view to dispensing substantial justice.⁴⁴

Indeed, for justice to prevail, the scales must be balanced, and judges must insure that all those who appear or are brought to the bar of justice are afforded a fair opportunity to present their side. In the same breath, however, judges are warned to be on their guard against motions for postponements by the accused which are designed to derail and frustrate criminal proceedings.⁴⁵

⁴⁰ *Rollo*, pp. 49-71.

⁴¹ 340 Phil. 660 (1997) [Per J. Panganiban, Third Division].

⁴² *Id.* at 676.

⁴³ *Dimatulac v. Villon*, 358 Phil. 328, 361 (1998) [Per J. Davide, Jr., First Division].

⁴⁴ *Heirs of Paz T. Bernardo v. People*, 770 Phil. 509, 523 (2015) [Per J. Brion, Second Division].

⁴⁵ *People v. Subida*, 526 Phil. 115, 127-128 (2006) [Per J. Callejo, Sr., First Division].

In *Heirs of Paz T. Bernardo v. People*,⁴⁶ this Court affirmed that an accused may be deemed to have waived their right to present evidence following repeated absences of the accused and their counsels. A waiver may be deemed made after it is determined that the accused was afforded ample opportunity to present evidence in their defense, but they still failed to give the case the serious attention it deserved.⁴⁷ Thus, the accused-appellants cannot expect, much less insist, that their pleas for postponement or cancellation of scheduled hearings will be favored by the courts.⁴⁸

In an attempt to further extricate themselves from criminal liability, accused-appellants argue that the intent of the law on trafficking in persons does not cover an abduction of another to satisfy one's own lust of another. They aver that the facts as found by the RTC show that the alleged taking of the two minor victims were with an intent of satisfying their lust, and not of others. They further contend that while there was transportation of the minor victims as they had to ride the taxi, such "transportation" does not immediately render the offense as qualified trafficking. Further, accused-appellants hinge their innocence on the alleged fact that not a single pornographic material depicting any of the two minors was produced as evidence in court.⁴⁹

Contrary to accused-appellants' arguments, all the elements of qualified trafficking in persons are present in this case.

Section 3(a) of Republic Act No. 9208, or the Anti-Trafficking in Persons Act, as amended by Republic Act No. 10364, defines "trafficking in persons" as —

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 provision further states that "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."

⁴⁶ 770 Phil. 509 (2015) [Per J. Brion, Second Division].

⁴⁷ *Id.* at 523.

⁴⁸ *Dela Cruz v. People*, 792 Phil. 214, 230 (2016) [Per J. Reyes, Third Division].

⁴⁹ CA rollo, pp. 47-49.

Meanwhile, Section 4 of the same law enumerates the acts that constitute trafficking in persons. Its relevant portion reads:

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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means [. . .] for the purpose of prostitution, *pornography*, or *sexual exploitation*. (Emphasis supplied)

Jurisprudence parses out the elements of trafficking in persons 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;” 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.”⁵⁰
(Citation omitted)

Further, under Section 6(a) of the law, the crime of trafficking in persons immediately becomes qualified when the trafficked person is a child, which refers to a person below the age of 18 years old, or above 18 years old, but is unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of physical or mental disability or condition.

Applying the foregoing in the case at bar, the RTC and the CA correctly convicted accused-appellants of qualified trafficking in persons. It was sufficiently proven that all the elements of the crime are present.

Preliminarily, the prosecution was able to conclusively establish AAA270174 and BBB270174’s minority upon the presentation of their birth certificates, which outweighs the bare denial of the accused-appellants. It has been consistently held that the best evidence to prove the age of a person is the original birth certificate or certified true copy of the same.⁵¹

⁵⁰ *People v. Casio*, 749 Phil. 458, 472–473 (2014) [Per J. Leonen, Second Division].

⁵¹ *People v. XXX*, G.R. No. 241787, March 15, 2021 [Per J. J. Lopez, Third Division].

Further, through the straightforward and credible testimonies of the prosecution witnesses, particularly AAA270174's and BBB270174's, it was established that: (1) accused-appellant Alvarez transported the girls to ██████ and that, together with accused-appellant Scully, harbored them in their house for four days without their consent; (2) accused-appellant Alvarez, took advantage of the girls' minority and vulnerability, and enticed them to go with her under the pretext that she would provide them with their wants and needs; and (3) once the girls were lured into accused-appellants' residence, AAA270174 and BBB270174 were exploited and were coerced to perform sexual acts with one another, on accused-appellants, and for pornographic material.

Accused-appellants' bare arguments must fail in light of the clear, consistent, and credible testimony of AAA270174 and BBB270174. It is an established doctrine that denial is an inherently weak defense, which cannot prevail over the victims' positive and credible testimonies that the accused-appellants committed the crime. Mere denial, without any evidence to support it, will necessarily fail. As held in *People v. Moreno*:⁵²

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial which can easily be fabricated and is inherently unreliable. For the defense of alibi to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.⁵³ (Citations omitted)

The fact that not a single pornographic material depicting the victims was presented as evidence is of no moment. The gravamen of the crime of trafficking is the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation, which, as already discussed, was established to have been committed by accused-appellants. Thus, it is sufficient that the accused-appellants were proven to have lured, enticed, and transported their victims for the established purpose of sexual exploitation.

It also bears reiterating that testimonies of child victims of rape are generally accorded full weight and credit.⁵⁴ Additionally, this Court has, time and again, held that issues of credibility are best resolved by the trial court, having themselves heard, seen, and observed the witnesses firsthand, thus:

The observance of the witnesses' demeanor during an oral direct examination, cross-examination, and during the entire period that he or she is present during trial is indispensable especially in rape cases because it

⁵² 872 Phil. 17 (2020) [Per J. Hernandez, Second Division].

⁵³ *Id.* at 28.

⁵⁴ *People v. Fraga*, 386 Phil. 884, 905 (2000) [Per J. Mendoza, *En Banc*].

helps establish the moral conviction that an accused is guilty beyond reasonable doubt of the crime charged. Trial provides judges with the opportunity to detect, consciously or unconsciously, observable cues and micro expressions that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will. These important aspects can never be reflected or reproduced in documents and objects used as evidence.

Hence, “[t]he evaluation of the witnesses’ credibility is a matter best left to the trial court because it ha[d] the opportunity to observe the witnesses and their demeanor during the trial. Thus, the Court accords great respect to the trial court’s findings,” more so when the Court of Appeals affirmed such findings.⁵⁵ (Citations omitted)

This Court generally defers to the findings of the trial court, which had the firsthand opportunity to hear the testimonies of witnesses and observe their demeanor, conduct, and attitude during their presentation. The factual findings of the RTC, especially when affirmed by the CA, are accorded the highest degree of respect, and are conclusive and binding.⁵⁶

In this case, the testimonies of AAA270174 and BBB270174, as correctly appreciated by both the RTC and the CA, vividly described every detail of their horrifying sexual abuse and exploitation in the hands of Scully and Alvarez. Thus, the prosecution clearly established the existence of violation of Section 4(a), in relation to Section 6(a) of Republic Act No. 9208. As such, accused-appellants’ convictions for qualified trafficking in persons must be upheld.

As for the proper penalty, Section 10(c) of Republic Act No. 9208 provides that persons found guilty of qualified trafficking shall suffer the penalty of 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 RTC and the CA correctly sentenced accused-appellants to suffer the penalty of life imprisonment and to pay each a fine of PHP 5,000,000.00.

The award of moral and exemplary damages is also proper pursuant to *People v. Lalli*.⁵⁷ In accordance with prevailing jurisprudence, accused-appellants are ordered to pay, jointly and severally, each of the minor victims, AAA270174 and BBB270174, the amount of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages. Further, as correctly imposed by the CA, the total monetary awards shall earn interest at the rate of 6% per annum from the finality of this Decision until fully paid.⁵⁸

⁵⁵ *People v. ZZZ*, 354 Phil. 481, 495–496 (2019) [Per J. Leonen, Third Division]


⁵⁶ *People v. Bermas*, 854 Phil. 556, 564–565 (2019) [Per J. Caguioa, Second Division].

⁵⁷ 675 Phil. 126 (2011) [Per J. Carpio, *En Banc*].


⁵⁸ *Nacar v. Gallery Frames*, 716 Phil. 267, 278–279 (2013) [Per J. Peralta, *En Banc*].


ACCORDINGLY, the Appeal is **DENIED**. The March 30, 2022 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02140-MIN is **AFFIRMED**. Accused-appellants Peter Gerald Scully a.k.a. "Peter Russell" a.k.a. "Peter Riddel" and Carme Ann Alvarez a.k.a. "Honey Sweet" a.k.a. "Sweet Sweet" are **GUILTY** beyond reasonable doubt of qualified trafficking in persons under Section 4(a), in relation to Section 6(a), and penalized under Section 10(c) of Republic Act No. 9208, as amended by Republic Act No. 10364, and are **SENTENCED** to suffer the penalty of life imprisonment and to each **PAY** a fine of PHP 5,000,000.00. Further, accused-appellants are **ORDERED to PAY**, jointly and severally, each of the minor victims, AAA270174 and BBB270174; PHP 500,000.00 as moral damages, and PHP 100,000.00 as exemplary damages, subject to a legal interest of 6% per annum from finality of this Decision until full payment.


SO ORDERED.


JHOSEP LOPEZ
 Associate Justice

WE CONCUR:


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



AMY C. LAZARO-JAVIER
 Associate Justice


MARIC LOPEZ
 Associate Justice


ANTONIO T. KHO, JR.
 Associate Justice

ATTESTATION

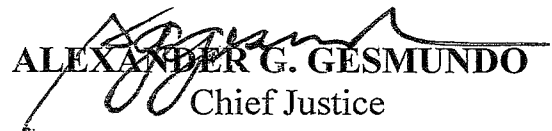
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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