



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

PEOPLE  
PHILIPPINES

OF THE

G.R. No. 256452

Plaintiff-appellee,

Present:

- versus -

GESMUNDO, C.J.,

LEONEN,

CAGUIOA,

HERNANDO,\*

WILLEM JOHANNES PEEK

Accused-appellant.

LAZARO-JAVIER,

INTING,

ZALAMEDA,

M. LOPEZ,

GAERLAN,

ROSARIO,

J. LOPEZ,

DIMAAMPAO,

MARQUEZ,

KHO, JR., and

SINGH, JJ.

Promulgated:

February 25, 2025

x----------x


DECISION

KHO, JR., J.:

Assailed in this ordinary appeal<sup>1</sup> are the Decision<sup>2</sup> dated July 19, 2019

\* On official leave.

<sup>1</sup> Rollo, p. 4.

<sup>2</sup> Id. at 8–49. Penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Edgardo A. Camello and Florencio M. Mamauag, Jr. of the Twenty-First Division, Court of Appeals, .

and the Resolution<sup>3</sup> dated August 25, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02054-MIN, which affirmed the Joint Decision<sup>4</sup> dated April 2, 2018 of the Regional Trial Court of [REDACTED] (RTC) in CRM-FMY Case Nos. 2017-1126 and 2017-1127, finding accused-appellant Willem Johannes Peek y Stange (Peek) guilty beyond reasonable doubt of Sexual Abuse under Section 5(b), Article III of Republic Act No. (RA) 7610<sup>5</sup> and Qualified Trafficking in Persons, as defined and penalized under Section 4, in relation to Section 6(a), of RA 9208,<sup>6</sup> as amended by RA 10364.<sup>7</sup>

### The Facts

This case stemmed from two Informations filed before the RTC charging Peek with Sexual Abuse under Section 5(b) of RA 7610 and Qualified Trafficking in Persons under RA 9208, as amended by RA 10364, the accusatory portions of which read:

#### CR-FMY Case No. 2017-1126<sup>8</sup> (Sexual Abuse)

That on or about January 31, 2017, at 9:30 . . . in the evening, [at] [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and by the use of force and intimidation, did then and there, willfully, unlawfully and feloniously remove the shorpants (sic), panty, brassiere and upper garment of the offended party, [AAA256452<sup>9</sup>], a minor, fifteen (15) years

<sup>3</sup> CA *rollo*, pp. 477–481. Penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Evalyn M. Arellano-Morales and Angeline Mary W. Quimpo-Sale of the Twenty-First Division, Court of Appeals, [REDACTED].

<sup>4</sup> *Rollo*, pp. 51–64. Penned Judge Richard D. Mordeno.

<sup>5</sup> Entitled “An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties For Its Violation And For Other Purposes,” approved on June 17, 1992.

<sup>6</sup> Entitled “An Act To Institute Policies To Eliminate Trafficking In Persons Especially Women And Children, Establishing The Necessary Institutional Mechanisms For The Protection And Support Of Trafficked Persons, Providing Penalties For Its Violations, And For Other Purposes,” approved on May 26, 2003.

<sup>7</sup> Entitled “An Act Expanding Republic Act No. 9208, Entitled ‘An Act To Institute Policies To Eliminate Trafficking In Persons Especially Women And Children, Establishing The Necessary Institutional Mechanisms For The Protection And Support Of Trafficked Persons, Providing Penalties For Its Violations And For Other Purposes,’” approved on February 6, 2013.

<sup>8</sup> See Amended Information dated February 22, 2017; records, pp. 147–148.

<sup>9</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, and the accused, shall be withheld pursuant to RA 7610, entitled “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes,” approved on June 17, 1992; RA 9262, entitled “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence against Women and Their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014] [Per J. Perlas-Bernabe, Second Division], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013] [Per J. Brion, Second Division]. See also Amended Administrative Circular No. 83-2015, entitled “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances,” dated September 5, 2017.)



of age, born on April 12, 2001, and mash (sic) her breasts, touch (sic) her face, and other parts of her body, and had sexual intercourse with her by, inserting his penis into her vagina, against her will, which acts demeaned her dignity as child (sic) and is detrimental to her development into a normal human being, to her damage and prejudice.

Contrary to law.

**CR-FMY Case No. 2017-1127<sup>10</sup>**  
(Qualified Trafficking in Persons)

That on January 31, 2017 and the dates prior thereto, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, for the purpose of sexual exploitation, taking advantage of the offended party's vulnerability by reason of her poverty, by giving her benefits in monetary form in order to achieve her consent, did then and there willfully, unlawfully and criminally receive and harbor [AAA256452], fifteen (15) years old, for the purpose of having sexual intercourse with her, to her great damage and prejudice.

Contrary to law, qualified by the circumstance of minority of the offended party.

The prosecution alleged that sometime in October 2016, AAA256452 met Peek thru Facebook Messenger. Eventually, AAA256452 and Peek became sweethearts. Peek then started asking AAA256452 for nude pictures. Complying with Peek's request, AAA256452 sent Peek the pictures of her naked body, breasts, and vagina, and in exchange, the latter gave her money in the amount of PHP 1,000.00, PHP 5,000.00, and PHP 10,000.00, respectively. While AAA256452 sent the pictures voluntarily, she tried to tell Peek to stop asking for pictures. However, Peek got angry and threatened AAA256452 that if she stopped sending him nude pictures, he will upload the same to AAA256452's Facebook page. Afterwards, Peek expressed his interest in meeting AAA256452 in person in [REDACTED]. In their Facebook messenger conversation, Peek and AAA256452 talked about what they will do when they meet in [REDACTED], including having sexual intercourse. Subsequently, in consideration of the PHP 10,000.00, AAA256452 agreed to meet Peek. They then decided to meet on January 31, 2017.<sup>11</sup>

On the agreed date, AAA256452 went to [REDACTED] with her sister. Thereat, Peek instructed AAA256452 to go to his apartment in [REDACTED]. In the apartment, AAA256452 and her sister ate food, and later, they drank wine with Peek. Consequently, when AAA256452's sister went out, Peek started to remove AAA256452's panty, licked her vagina, removed her upper garment, inserted his penis into her

<sup>10</sup> *Id.* at 164–165.

<sup>11</sup> *Rollo*, pp. 11–12.



vagina, and sucked her breast. AAA256452 asked Peek to stop, but to no avail. Afterwards, AAA256452 saw blood coming from her vagina. However, Peek did not stop and continue to make a push and pull motion.<sup>12</sup> Afterwards, Peek inserted his penis into AAA256452's anus, and thereafter, they did the "69" position and Peek asked AAA256452 to suck his penis. Even if AAA256452 told Peek that she did not want to do it, Peek forced her by pushing her head into his scrotum. AAA256452 cried and asked Peek to stop, but to no avail. When AAA256452 would shout, Peek would insert his tongue into her mouth. Subsequently, when Peek was asleep, AAA256452 went out of the apartment and told her sister what happened. They then proceeded to the police station to ask for help.<sup>13</sup>

For his part, Peek denied the charges against him, claiming instead, that AAA256452 voluntarily sent him her nude pictures, and in exchange, he gave her money. When AAA256452 found out that Peek will go to [REDACTED], she expressed her excitement to see him and even told him that she will make him happy in bed while continuously asking for money. AAA256452's sister was likewise sending nude pictures to Peek and was asking him to give her money. He further averred that when AAA256452 and her sister went to his apartment in [REDACTED], they ate supper, and while AAA256452 and her sister were washing the dishes, he went to his room to rest as he was very tired. After an hour, Peek's landlord woke him up and asked him if he was hurt as she saw AAA256452 and her sister hurriedly going out from the apartment. Peek tried to call AAA256452's sister, but she was not picking up her phone. About an hour later, Peek's landlord again knocked on the door and told Peek that there was a policeman looking for him. When Peek went out, he was arrested by the police officer and was brought to the police station. Consequently, AAA256452 testified that she executed an affidavit of recantation relative to the instant case.<sup>14</sup>

### The RTC Ruling

In a Joint Decision<sup>15</sup> dated April 2, 2018, the RTC convicted Peek of the crimes charged. The dispositive portion of the RTC ruling reads:

WHEREFORE, the foregoing premises considered, judgment is hereby rendered finding the accused WILLEM JOHANNES PEEK y Stange:

1) GUILTY beyond reasonable doubt of violation of Section 5 (b), Article III of Republic Act No. 7610 in CR-FMY No. 2017-1126. He is hereby sentenced to suffer the indeterminate penalty of Eight (8) years and One (1) day of *prision mayor*, as minimum[,] to

---

<sup>12</sup> Records, pp. 47-48.

<sup>13</sup> *Rollo*, p. 12.

<sup>14</sup> *Id.* at 13-16.

<sup>15</sup> *Id.* at 51-64.



Fourteen (14) years, Eight (8) months and One (1) day of *reclusion temporal*[,] as maximum.

The accused is also ordered to indemnity [AAA256452] the amount of [PHP] 15,000.00 as moral damages, and to pay a fine of [PHP] 15,000.00.

2) GUILTY beyond reasonable doubt in CR-FMY No. 2017-1127 of the crime of Qualified Trafficking in Persons under Section 4 in relation to Section 6 (a) of [RA] 9208, as amended by [RA] 10364, otherwise known as the *Anti-Trafficking in Persons Act of 2003*. Accordingly, the said accused is hereby sentenced to suffer the penalty of *life imprisonment* and to pay a fine of Two Million Pesos ([PHP] 2,000,000.00).

Pursuant to existing jurisprudence, the accused is likewise ordered to pay [AAA256452] the amount of [PHP] 500,000.00 as moral damages and [PHP] 100,000.00 as exemplary damages.

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

SO ORDERED.<sup>16</sup>

In so ruling, the RTC found that the prosecution was able to establish all the elements of the crimes charged. It did not give credence to Peek's defense of denial and alibi as there was no showing that it was impossible for him to be at the crime scene during the commission of the crime. Moreover, it held that even if AAA256452 executed an affidavit of recantation, it would not exculpate Peek of criminal liability as recantation can easily be obtained from witnesses through intimidation or for monetary consideration.<sup>17</sup>

Aggrieved, Peek moved for reconsideration, which was denied in an Order dated May 16, 2018;<sup>18</sup> thus, he appealed<sup>19</sup> to the CA.

### The CA Ruling

In a Decision<sup>20</sup> dated July 19, 2019, the CA affirmed with modification the RTC ruling, the dispositive portion of which states:

The appeal is DENIED. The assailed *Joint Decision* dated [April 2,] 2018 issued by the Regional Trial Court, [REDACTED], in CR-FMY No. 2017-1126 and CR-FMY No. 2017-1127 is AFFIRMED with MODIFICATIONS, in that: (i) appellant is sentenced to suffer the indeterminate penalty of imprisonment of eight (8) years and one day of *prision mayor*, as minimum, to seventeen (17) years,

<sup>16</sup> *Id.* at 63–64.

<sup>17</sup> *Id.* at 56–63.

<sup>18</sup> *Id.* at 17.

<sup>19</sup> CA *rollo*, pp. 10–11.

<sup>20</sup> *Id.* at 8–49.



four (4) months, and one (1) day of *reclusion temporal*, as maximum, in CR-FMY No. 2017-1126; (ii) appellant is ordered to pay [AAA256452] civil indemnity in the amount of [PHP] 20,000.00 and exemplary damages in the amount of [PHP] 15,000.00, in CR-FMY No. 2017-1126, and (iii) the fine imposed in CR-FMY No. 2017-1127 in the amount of [PHP] 15,000.00 is deleted.<sup>21</sup>

In **CR-FMY No. 2017-1126**, the CA held that the prosecution was able to establish all the elements of Sexual Abuse under Section 5(b) of RA 7610. It found that the absence of spermatozoa on AAA256452's vagina will not negate the commission of the crime, not being an essential element of the crime. Moreover, it ruled that consent was immaterial in cases involving Sexual Abuse under Section 5(b) of RA 7610 as the mere act of having sexual intercourse or committing lascivious conduct with a child exploited in prostitution or subjected to sexual abuse constitutes the offense. Finally, it noted that the age disparity between AAA256452 and Peek—15 years old and 68 years old, respectively—placed the latter in a stronger position against the former.<sup>22</sup>

In **CR-FMY Case No. 2017-1127**, the CA found that the prosecution was able to establish all the elements Qualified Trafficking in Persons as it was proven that Peek enticed AAA256452 to send him nude pictures and to meet him in [REDACTED], in exchange for money, taking advantage of the latter's youth, immaturity, and poverty. It likewise held that even if AAA256452 consented in sending Peek nude pictures or meeting him in [REDACTED], it will not negate the commission of the crime, not being an allowable defense under RA 9208, as amended.<sup>23</sup>

Moreover, the CA did not give probative value to AAA256452's affidavit of recantation as it can easily be secured from a poor and ignorant witness, usually through intimidation or for monetary consideration. Further, it held that Peek cannot impeach AAA256452's credibility as a witness, as well as the truthfulness of her testimony, as he failed to question the same during the trial of the case.<sup>24</sup>

Undeterred, Peek moved for reconsideration, which was, however, denied in a Resolution<sup>25</sup> dated August 25, 2020; hence, the instant appeal.

### The Issue Before the Court

The issue before the Court is whether the CA erred in finding Peek guilty beyond reasonable doubt of the crimes charged.

---

<sup>21</sup> *Id.* at 48–49.

<sup>22</sup> *Id.* at 18–31.

<sup>23</sup> *Id.* at 32–39.

<sup>24</sup> *Id.* at 39–46.

<sup>25</sup> CA rollo, pp. 477–481.



### The Court's Ruling

The petition is unmeritorious.

At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>26</sup>

Guided by the foregoing consideration, the Court upholds Peek's criminal liability in both **CR-FMY Case No. 2017-1126** and **CR-FMY Case No. 2017-1127**, with modification in that his criminal liability for **CR-FMY Case No. 2017-1126** should be that for Rape, as defined and penalized under Article 266-A (1) (a) in relation to Article 266-B of the Revised Penal Code (RPC), as will be explained hereunder.

It is settled that when it comes to the issue of credibility of the victim or the prosecution witnesses, the findings of the trial courts carry great weight and respect and, generally, the appellate courts will not overturn these findings. For the trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying. The rule finds an even more stringent application where the said findings are sustained by the CA,<sup>27</sup> as in this case.

***Peek's conviction in CR-FMY Case No. 2017-1126 should be for Rape under the RPC, and not Sexual Abuse under RA 7610***

Pertinent portions of Article 266-A(1)(a) and Article 266-B of the RPC respectively read:

---

<sup>26</sup> *People v. Bernardo*, 890 Phil. 97 (2020) [Per J. Perlas-Bernabe, Second Division], citing *Arambulo v. People*, 857 Phil. 828 (2019) [Per J. Perlas-Bernabe, Second Division].

<sup>27</sup> *People v. Gerola*, 813 Phil. 1055, 1063–1064 (2017) [Per J. Caguioa, First Division].



Article 266-A. Rape: When and How Committed. – Rape is committed –

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

....

a) Through force, threat or intimidation;

....

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

Thus, the elements of Rape are: (a) the offender had carnal knowledge of the victim; and (b) such act was accomplished through force or intimidation, or when the victim is deprived of reason or otherwise unconscious, or when the victim is under 12 years of age.<sup>28</sup>

On the other hand, Section 5(b) of RA 7610 provides:

Section 5. *Child Prostitution and Other Sexual Abuse*. – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

....

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; *Provided*, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: *Provided*, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period; . . .

....

Consensual sexual intercourse or even acts of lasciviousness with a minor who is 12 years old or older could constitute a violation of Section 5(b) of RA 7610.<sup>29</sup> In order to successfully prosecute an accused charged of violation of Section 5(b) of RA 7610, the following elements must be established: (a) the accused commits the act of sexual intercourse or lascivious

<sup>28</sup> See *People v. Tubillo*, 811 Phil. 525, 533 (2017) [Per J. Mendoza, Second Division].

<sup>29</sup> *People v. CA*, 584 Phil. 594, 602 (2008) [Per J. Carpio Morales, Second Division].



conduct with a child exploited in prostitution or subjected to other sexual abuse; (b) said act is performed with a child exploited in prostitution; and (c) the child, whether male or female, is below 18 years of age.<sup>30</sup>

It bears stressing that sexual abuse cases are, more often than not, solely decided based on the credibility of the testimony of the private complainant. Thus, in evaluating the credibility of witnesses, the Court should abide by the following guidelines: (a) the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses; (b) absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded; and (c) the rule is even more stringently applied if the CA concurred with the RTC.<sup>31</sup>

Here, it must be recalled that AAA256452 merely agreed to meet Peek in [REDACTED] when she was given by the latter the amount of PHP 10,000.00 and when he threatened to post her nude pictures on Facebook if she declined, to wit:

PROS. TOMAMPOS: (to witness) So when you were already sent with the Ten Thousand, was there any agreement aside from the pictures you sent, if any?

A: Yes.

Q: What was the agreement?

A: He wanted us to meet in [REDACTED].<sup>32</sup>

...

Q: You said that you did not fall in love with the accused, why is it that you agreed to meet him at that time I (sic) [REDACTED]?

A: Because he told me that if I am not going to meet him all her pictures will be posted in my Face Book. (sic)<sup>33</sup>

Once in [REDACTED], Peek succeeded in having carnal knowledge of AAA256452 without the latter's consent. As the victim testified:

Q: When you say he had sexual intercourse with you, you mean to say he inserted his penis into your vagina, is that correct?

A: Yes.

<sup>30</sup> *People v. Udang, Sr.*, 823 Phil. 411, 435–436 (2018) [Per J. Leonen, Third Division]; citations omitted.

<sup>31</sup> *People v. Amarella*, 823 Phil. 1188, 1201 (2018) [Per J. Martires, Third Division].

<sup>32</sup> TSN, March 22, 2017, pp. 12–13.

<sup>33</sup> *Id.* at 15.

Q: So what was your reaction in all those things?

A: I cried.

Q: Did you tell him to stop?

A: I told him but he does not want to and he wanted us to be always inside the room.

...

Q: You said earlier that at the place where you meet the accused he was threatening you to upload your pictures in the internet, at the time that he did sexual things on you, why did you not shout or ran away from the apartment?

A: Whenever I shout he insert his tongue into my mouth.

Q: So you were not able to shout?

A: No.<sup>34</sup>

Given these, the Court upholds Peek's criminal liability for having carnal knowledge of AAA256452 against her will.

At this juncture, the Court makes a proper determination on the correct designation of the offense for which Peek should be convicted. In the landmark case of *People v. Tulagan*<sup>35</sup> (*Tulagan*), the Court exhaustively discussed the proper designation of sexual abuse offenses committed against minors, including those instances where there was sexual intercourse. Pertinent portions of *Tulagan* read:

With this decision, We now clarify the principles laid down in *Abay*, *Pangilinan* and *Tubillo* to the effect that there is a need to examine the evidence of the prosecution to determine whether the person accused of rape should be prosecuted under the RPC or [RA] 7610 when the offended party is 12 years old or below 18.

*First*, if sexual intercourse is committed with an offended party who is a child less than 12 years old or is demented, whether or not exploited in prostitution, it is always a crime of statutory rape; more so when the child is below 7 years old, in which case the crime is always qualified rape.

*Second*, when the offended party is 12 years old or below 18 and the charge against the accused is carnal knowledge through "force, threat or intimidation," then he will be prosecuted for rape under Article 266-A (1) (a) of the RPC. In contrast, in case of sexual intercourse with a child who is 12 years old or below 18 and who is deemed "exploited in prostitution or other sexual abuse," the crime could not be rape under the RPC, because this no longer falls under the concept of statutory rape, and the victim indulged in sexual intercourse either "for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or

---

<sup>34</sup> *Id.* at 17–19.

<sup>35</sup> 849 Phil. 197 (2019) [Per J. Peralta, *En Banc*].



group,” which deemed the child as one “exploited in prostitution or other sexual abuse.”

To avoid further confusion, We dissect the phrase “children exploited in prostitution” as an element of violation of Section 5 (b) of [RA] 7610. As can be gathered from the text of Section 5 of [RA] 7610 and having in mind that the term “lascivious conduct: has a clear definition which does not include “sexual intercourse,” the phrase “children exploited in prostitution” contemplates four (4) scenarios: (a) a child, whether male or female, who for money, profit or any other consideration, indulges in lascivious conduct; (b) a female child, who for money, profit or any other consideration, indulges in sexual intercourse; (c) a child, whether male or female, who due to the coercion or influence of any adult, syndicate or group, indulges in lascivious conduct; and (d) a female, due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse.

The term “other sexual abuse,” on the other hand, is construed in relation to the definitions of “child abuse” under Section 3, Article I of [RA] 7610 and “sexual abuse” under Section 2 (g) of the *Rules and Regulations on the Reporting and Investigation of Child Abuse Cases*. In the former provision, “child abuse” refers to the maltreatment, whether habitual or not, of the child which includes sexual abuse, among other matters. In the latter provision, “sexual abuse” includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children.

**In *Quimvel*, it was held that the term “coercion or influence” is broad enough to cover or even synonymous with the term “force or intimidation.”** Nonetheless, it should be emphasized that “coercion or influence” is used in Section 5 of [RA] 7610 to qualify or refer to the means through which “any adult, syndicate or group” compels a child to indulge in sexual intercourse. On the other hand, the use of “money, profit or any other consideration” is the other mode by which a child indulges in sexual intercourse, without the participation of “any adult, syndicate or group.” **In other words, “coercion or influence” of a child to indulge in sexual intercourse is clearly exerted NOT by the offender whose liability is based on Section 5 (b) of [RA] 7610 for committing sexual act with a child exploited in prostitution or other sexual abuse. Rather, the “coercion or influence” is exerted upon the child by “any adult, syndicate, or group” whose liability is found under Section 5 (a) for engaging in, promoting, facilitating or inducing child prostitution, whereby the sexual intercourse is the necessary consequence of the prostitution.**

For a clearer view, a comparison of the elements of rape under the RPC and sexual intercourse with a child under Section 5 (b) of [RA] 7610 where the offended party is between 12 years old and below 18, is in order.

Rape under Article 266-A (1) (a, b, c) under the RPC	Section 5 (1) of [RA] 7610
1. Offender is a man;	1. Offender is a man;



2. Carnal knowledge of a woman;	2. Indulges in sexual intercourse with a female child exploited in prostitution or other sexual abuse, who is 12 years old or below 18 or above 18 under special circumstances;
3. Through force, threat or intimidation; when the offended party is deprived of reason or otherwise unconscious; and by means of fraudulent machination or grave abuse of authority.	3. Coercion or influence of any adult, syndicate or group is employed against the child to become a prostitute.

As can be gleaned above, “force, threat or intimidation” is the element of rape under the RPC, while “due to coercion or influence of any adult, syndicate or group” is the operative phrase for a child to be deemed “exploited in prostitution or other sexual abuse,” which is the element of sexual abuse under Section 5 (b) of [RA] 7610. The “coercion or influence” is not the reason why the child submitted herself to sexual intercourse, but it was utilized in order for the child to become a prostitute. Considering that the child has become a prostitute, the sexual intercourse becomes voluntary and consensual because that is the logical consequence of prostitution...

....

Therefore, there could be no instance that an Information may charge the same accused with the crime of rape where “force, threat or intimidation” is the element of the crime under the RPC, and at the same time violation of Section 5 (b) of [RA] 7610 where the victim indulged in sexual intercourse because she is exploited in prostitution either “for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group” — the phrase which qualifies a child to be deemed “exploited in prostitution or other sexual abuse” as an element of violation of Section 5 (b) of [RA] 7610.<sup>36</sup> (Emphases and underscoring supplied)

Thus, pursuant to *Tulagan*—and further considering that the information in **CR-FMY Case No. 2017-1126** alleges that Peek himself used “force and intimidation” in order to have carnal knowledge of AAA256452, and that there was no allegation therein that AAA256452 was “exploited in prostitution or other sexual abuse”—Peek should be rightfully convicted of the crime of Rape, as defined and penalized under Article 266-A(1)(a) in relation to Article 266-B of the RPC. In any case, and as expounded by *Tulagan*, even if it be assumed “that the elements of both violations of Section 5(b) of RA 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same Information . . . and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, the accused should still be prosecuted pursuant to the RPC, as amended by RA 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of RA

<sup>36</sup> *Id.* at 241–246; citations omitted.



7610.”<sup>37</sup> Verily, the RPC, as amended by RA 8353, “provides ‘a stronger deterrence and special protection against child abuse,’ as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC.”<sup>38</sup>

***The CA properly convicted Peek of Qualified Trafficking in Persons in CR-FMY Case No. 2017-1127***

In November 2000, the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children supplementing United Nations Convention against Transnational Organized Crime<sup>39</sup> (Trafficking Protocol). As of May 31, 2024, there are 182 state parties to the Trafficking Protocol, including the Philippines. The Trafficking Protocol was signed by the Philippines on December 14, 2000, and it was ratified on May 28, 2002.<sup>40</sup>

Article 3 of said Protocol defined trafficking in persons as the recruitment, transportation, transfer, harboring 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 exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons.”<sup>41</sup>

Further, Article 5 of the Trafficking Protocol requires the countries to ensure that the conduct found in Article 3 thereof be criminalized in their domestic legislation.<sup>42</sup> Thus, on February 6, 2013, the Philippines adopted<sup>43</sup>

<sup>37</sup> *Id.* at 246–247.

<sup>38</sup> *Id.* at 247.

<sup>39</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>> (last accessed May 31, 2024).

<sup>40</sup> United Nations Treaty Collection <[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 May 31, 2024).

<sup>41</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>> (last accessed May 31, 2024).

<sup>42</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>> (last accessed May 31, 2024).

<sup>43</sup> See TCM dated May 24, 2002, pp. 14–15, thus:

MS. MARIANO: In light with the Philippines adoption of the new UN Protocol to prevent, suppress and punish trafficking in person, especially women and children, supplementing



the Protocol's definition of trafficking in persons in Section 3(a) of RA 9208, as amended by RA 10364, viz.:

(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.

Consequently, Section 4 of RA 9208, as amended by RA 10364 enumerated the specific acts that would constitute trafficking in persons, to wit:

SEC. 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, **harbor, or receive** a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or **sexual exploitation**;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

---

the U.N. Convention Against Transnational Organized Crimes, we suggest that the definition embodied in the said protocol be used in these consolidated bills, to wit:  
(Reading)



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

(f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;

(i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;

(j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:

(1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or

(2) To abuse or threaten the use of law or the legal processes;  
and

(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

(1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;

(2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;

(3) The use, procuring or offering of a child for the production and trafficking of drugs; and

(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and

(l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.

Verily, since Section 4 of RA 9208 pertains to the specific acts that would constitute trafficking in persons, all the enumerated acts therein must be harmonized with Section 3(a) of the same Act which provided for the general definition of trafficking in persons. This can be inferred in the deliberations of RA 9208 when it was stated in the Senate Hearing that in order to be covered by the said law, all the elements of trafficking in person under Section 3(a) must be present, *viz.*:

SENATOR ORETA. Now, may I go to another question then, if the distinguished sponsor would care to answer. Section 3 (a) states:

Trafficking in Persons. – Shall refer to the recruitment, transportation, transfer, provision, harboring, receipt or deployment of a person, done legally or illegally, with or without the victim's consent or knowledge, within or across national borders, by means of threat or use of force, fraud, deceit, violence, coercion, intimidation, abuse of position or authority, taking advantage of the vulnerability of a person or, the giving or receiving of payments or benefits to achieve the consent of a person for the purpose of, resulting in prostitution, pornography, sex tourism, forced labor, slavery or slavery-like practices, sexual exploitation, involuntary servitude, debt bondage, physical and other forms of abuse, removal or sale of organs or involvement in armed activities or other similar act.

Now, this is a very long and comprehensive definition of the term "trafficking in persons". I believe that this definition is, more or less, the same as what was used in the Trafficking Protocol which we ratified on September 30, 2001 (sic).

It is necessary that all these must concur, meaning, recruitment, transportation, provision, harboring, et cetera before the acts is considered trafficking?

Senator Estrada. Yes, Mr. President, all the elements must concur. That is an elementary principle and all elements should be considered.

Senator Oreta. So, before we can declare that act committed is against trafficking, all these elements must concur?

Senator Estrada. Yes, Mr. President, if there is the existence of the elements of trafficking which are done by means of threat, by use of force, fraud, deceit, intimidation, coercion, abuse of position or authority or taking advantage of the vulnerability of women and children.

Senator Oreta. If there trafficking within the coverage of the bill if the recruitment is done legally and with the victim's consent?

Senator Estrada. Yes, that is trafficking – whether or not the recruitment is done legally, or whether or not the victim has given consent.



Please take note, Mr. President, that the definition expressly provides that as long as the [elements] of trafficking are met, like recruitment that resulted in prostitution or the acts committed constitute the offense.<sup>44</sup>

In order to prosecute violations of Section 4 of RA 9208, as amended the prosecution must establish: (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>45</sup>

Subsequently, under Section 3(a), paragraph 2 of RA 9208, as amended, when the trafficked victim is a child, it is considered as trafficking in persons even if it does not involve any of the **means** stated above. In relation thereto, a child is defined under Section 3(b) of the same Act as a person below 18 years of age or one who is over 18 but 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. Thus, in such cases, it is enough that the following was established by the prosecution: (a) the trafficked victim was a **child**; (b) 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; and (c) 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.

Moreover, under Section 6(a) of RA 9208, as amended, the crime of trafficking in persons is **qualified** when the trafficked victim is a **child**.<sup>46</sup>

A reading of the Information in **CR-FMY Case No. 2017-1127** reveals that Peek was charged of Qualified Trafficking in Persons under Section 4(a) in relation to Section 3(b) and Section 6(a) and (d) of RA 9208, as amended,<sup>47</sup> thus:

<sup>44</sup> See TSP dated February 18, 2003 at 12–13.

<sup>45</sup> *People v. Monsanto*, 850 Phil. 301 (2019) [Per J. Reyes, Jr., Second Division], citing *People v. Casio*, 749 Phil. 458, 474 (2014) [Per J. Leonen, Second Division].

<sup>46</sup> *People v. Lopez*, 877 Phil. 782, 792–793 (2020) [Per J. Gaerlan, Third Division].

<sup>47</sup> Sections 3(b) and 6(a) of RA 9208, as amended by RA 10364, respectively read:

Section 3. *Definition of Terms.* – As used in this Act:



That on January 31, 2017 and the dates prior thereto, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **for the purpose of sexual exploitation, taking advantage of the offended party's vulnerability by reason of her poverty, by giving her benefits in monetary form in order to achieve her consent**, did then and there willfully, unlawfully and criminally **receive and harbor** [AAA256452], fifteen (15) years old, for the purpose of having sexual intercourse with her, to her great damage and prejudice.

Based on the Information, the **specific acts** of trafficking in persons for which Peek was charged are the acts of **harboring and receipt of a person for the purpose of sexual exploitation**. Thus, a definition of the terms "receipt," "harbor," and "sexual exploitation" is necessary to fully understand Peek's charge.

The United Nations Office of Drugs and Crime (UNODC) recognized that the Trafficking Protocol does not provide for the exact definition of the acts listed under Article 3(a) of the Trafficking Protocol, i.e., recruitment, transportation, transfer, harboring, or receipt of persons. In this regard, the UNODC published its Issue Paper entitled "The Concept of Harboring in the Trafficking in Persons Protocol."

In its Issue Paper, the UNODC provided that under the second edition of the *Legislative Guide for the Protocol to Prevent, Suppress And Punish Trafficking in Persons, Especially Woman and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2020)*, the **acts** of trafficking in persons under the Trafficking Protocol are understood in their **ordinary meaning**, and provided for a brief comment on the definition of harboring and receipt,<sup>48</sup> thus:

"Harboring" may be understood differently in different jurisdiction and may refer, for instance, to **accommodate a person at the point of departure, transit, or destination**, before or **at the place of exploitation**, or it may refer to steps take[n] to conceal a person's whereabouts. Harboring can also be understood to mean holding a person.

....

(b) *Child* – refers to a person below eighteen (18) years of age or one who is over eighteen (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.

Section 6. *Qualified Trafficking in Persons*. – Violations of Section 4 of this Act shall be considered qualified trafficking:

(a) When the trafficked person is a child;

<sup>48</sup> See 2.2 International Law and Policy, The Concept of Harboring in the Trafficking in Persons Protocol, p. 21 <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.unodc.org/documents/treaties/Review\_Mechanism/Review\_Mechanism\_2020/Website/Legislative\_Guide\_on\_TiP/TiP\_LegislativeGuide\_Final.pdf> (last accessed May 31, 2024).



“Receipt” of a person is the correlative of “transfer” and may refer to the arrival of the person, **the meeting of a person at an agreed place**, or the gaining of control over a person. It can also include receiving persons into employment or for the purposes of employment, including forced labour. Receipt can also apply to situations in which there was no proceedings process, such as inter-generational bonded labour or where a working environment changes from acceptable to coercively exploitative.<sup>49</sup>

Further, the 2009 Council of Europe and United Nations’ study concerning “Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs” defined harboring as “accommodating or housing persons in whatever way, whether during their journey to their final destination or at the place of the exploitation,” which includes “accommodation of persons in a medical clinic or other place where the illegal removal of organs is conducted.”<sup>50</sup> The UNODC defined harboring in practice as likely to be linked to some restriction of the victim’s liberty, in physical or psychological sense, through the use of threat, force or coercion.<sup>51</sup>

The UNODC’s Issue Paper then explained that reference to “harboring and receipt” operates to bring not just the process of trafficking, i.e., recruitment, transportation, and transfer, but also its end situation within the definition of Trafficking in Persons. In other words, the act of buying or taking possession of an individual for the purpose of exploitation, as well as the act of maintaining of the individual in a situation of exploitation, would amount to trafficking. It then added that the purpose of the Trafficking Protocol was not only to prosecute the facilitators, but also the exploiters.<sup>52</sup> Further, it cited the 2019 Trafficking in Persons Report of the United States of America, which explained that the **acts in trafficking in persons is not limited only to the movement of the victim from one place to another, i.e., transportation, transfer, and recruitment, but also to actions that does not entail movement, i.e., harboring.**<sup>53</sup>

The UNODC provided for three general scenarios wherein harboring may occur: (a) where the victim is harbored prior to exploitation, and before following, and/or concurrent with an act of recruitment, transportation or receipt; (b) *where the victim is harbored during the exploitation itself, following recruitment, transportation, transfer or receipt into the situation of exploitation*; and (c) where harboring occurs during or prior to exploitation, absent any other trafficking conduct. In the last scenario, harboring is the sole act of trafficking.<sup>54</sup>

---

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

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

<sup>51</sup> See 4.2 ‘Harbouring’ and ‘Means’; *id.* at 33.

<sup>52</sup> *Id.*

<sup>53</sup> See *id.*

<sup>54</sup> See 4.1 Scenarios of Harbouring; *id.* at 31–33.



Sexual exploitation, on the other hand, is defined under Section 3(f) of RA 9208 as the participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

Consequently, Section 3(c) of RA 9208 defines prostitution as any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

The definition of sexual exploitation and prostitution does not require that the victim to be transacted, hired, or recruited by the other person to be pimped out to another person (customer or client). While a person can act as a pimp to offer someone to a customer for prostitution, the term prostitution does not preclude a scenario wherein the person who recruit, harbor, receive, or maintain a person is the one who will use said person. In both scenarios, there can be trafficking in person under RA 9208.

Applying the foregoing in this case, the Court finds that all the elements of Qualified Trafficking in Persons under RA 9208, as amended, were sufficiently established by the prosecution as it was proven that: (a) AAA256452 was only 15 years old when the crime was committed; (b) Peek received and harbored AAA256452 in [REDACTED]; and (c) the main purpose of which is for sexual exploitation. Clearly, Peek's act of receiving and harbouring AAA256452 was evident as when AAA256452 and her sister arrived in [REDACTED], Peek received them in his apartment and gave them food and wine. While the mere fact that AAA256452 was a child foregoes with the need to establish the *means* of trafficking in persons, the prosecution was still able to prove that Peek took advantage of AAA256452's vulnerability and youth, and her family's abject poverty, to satisfy his bestial acts. Further, records clearly showed that Peek threatened AAA256452 that if she declined to meet him in [REDACTED], he will post the latter's nude pictures in Facebook. Consequently, the alleged inconsistencies in AAA256452's testimonies refer only to trivial matters, which do not impair her credibility as a witness.<sup>55</sup>

Further, Peek's contention that AAA256452 consented to the sexual act cannot prosper. Section 17 of RA 9208, as amended recognized that the trafficked persons were victims of the act or acts of trafficking. As such, the trafficked persons cannot be penalized for crimes directly related to the acts of trafficking under this Act or in obedience to the order made by the trafficker

---

<sup>55</sup> *People v. Caguioa*, 400 Phil. 1161 (2000) [Per J. Melo, Third Division].

Ad



in relation thereto. In this regard, said Act explicitly provided that **the consent of a trafficked person to the intended exploitation shall be irrelevant.**

***The Affidavit of Recantation executed  
by AAA256452 will not exculpate  
Peek of his criminal liabilities***

Retractions are generally unreliable and are looked upon with considerable disfavor by the courts, especially in rape cases. Verily, a retraction of a witness does not necessarily negate an original testimony as it can easily be secured from poor and ignorant witnesses usually for a monetary consideration. Like any other testimony, recantations are subject to the test of credibility based on the relevant circumstances and, especially, on the demeanor of the witness on the stand.<sup>56</sup> “It would be risky to reject the testimony taken before the court of justice simply because the witness who has given it later may change his mind for one reason or another. Such rule will make a solemn trial a mockery and place the investigation at the mercy of unscrupulous witnesses.”<sup>57</sup>

As correctly observed by the courts *a quo*, the affidavit of recantation executed by AAA256452 is doubtful, and can be considered as an afterthought, as it was made after the latter positively identified Peek as her perpetrator in the trial of the case.

***Penalties and consequent civil  
liabilities ex delicto***

In light of the Peek’s criminal liabilities as above-discussed, the Court now proceeds with the determination of his imposable criminal penalties and civil liability *ex delicto*.

As regards **CR-FMY Case No. 2017-1126**, the prescribed penalty for rape in its simple form is *reclusion perpetua*; hence, Peek should be sentenced to suffer such penalty. Further, and pursuant to *Tulagan*, he should be ordered to pay AAA256452 the amounts of PHP 75,000.00 each as civil liability, moral damages, and exemplary damages.

With respect to **CR-FMY Case No. 2017-1127**, Section 10(c) of RA 9208, as amended, states that the prescribed penalties for qualified trafficking are 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 courts *a quo* correctly sentenced Peek to suffer the penalty of life imprisonment and to pay a fine of PHP

<sup>56</sup> *People v. Pili*, 619 Phil. 180, 201 (2009) [Per J. Chico-Nazario, Third Division]; citations omitted. *See also People v. ZZZ*, 854 Phil. 481, 484 (2019) [Per J. Leonen, Third Division]

<sup>57</sup> *Lopez v. CA*, 309 Phil. 519 (1994) [Per J. Quiason, First Division].

2,000,000.00 for qualified trafficking in Persons.<sup>58</sup> Further, the awards of damages in the amount of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages were likewise proper pursuant to prevailing jurisprudence.<sup>59</sup>

Finally, the courts *a quo* properly imposed on all monetary awards due to AAA256452 legal interest at the rate of 6% interest per annum from the date of finality of this Resolution until full payment.<sup>60</sup>

**ACCORDINGLY**, the instant appeal is **DENIED**. The Decision dated July 19, 2019 and the Resolution dated August 25, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 02054-MIN are hereby **AFFIRMED with MODIFICATIONS**, as follows:

- A. In **CR-FMY Case No. 2017-1126**, accused-appellant Willem Johannes Peek y Stange is found **GUILTY** beyond reasonable doubt of Rape, as defined and penalized under Article 266-A(1)(a), in relation to Article 266-B, of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*; and is ordered to pay AAA256452 the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages; and
- B. In **CR-FMY Case No. 2017-1127**, accused-appellant Willem Johannes Peek y Stange is found **GUILTY** beyond reasonable doubt of qualified trafficking in persons, as defined and penalized under Section 4(a) in relation to Section 3(b) and Section 6(a) and (d) of Republic Act No. 9208, as amended by Republic Act No. 10364. He is sentenced to suffer the penalty of life imprisonment, and to pay a fine in the amount of PHP 2,000,000.00; and is ordered to pay AAA256452 the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.

Finally, all monetary awards shall earn a legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment.

---

<sup>58</sup> *People v. XXX*, 835 Phil. 1083, 1096 (2018) [Per J. Perlas-Bernabe, Second Division].

<sup>59</sup> *Id.*

<sup>60</sup> *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, 929 Phil. 754, 780–782 (2022) [Per A.C.J., Leonen, *En Banc*].



**SO ORDERED.**

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

**WE CONCUR:**

*Agreement*  
**ALEXANDER G. GESMUNDO**  
Chief Justice

*See concurring opinion*  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

**On official leave**  
**RAMON PAUL L. HERNANDO**  
Associate Justice

*With concurrence, Dissent*  
**AMY C. LAZARO-JAVIER**  
Associate Justice

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

*mmg*  
**RODIL V. ZALAMEDA**  
Associate Justice

*mmg*  
**MARIO A. LOPEZ**  
Associate Justice

*mmg*  
**SAMUEL H. GAERLAN**  
Associate Justice

*mmg*  
**RICARDO R. ROSARIO**  
Associate Justice

*mmg*  
**JHOSEP Y. LOPEZ**  
Associate Justice

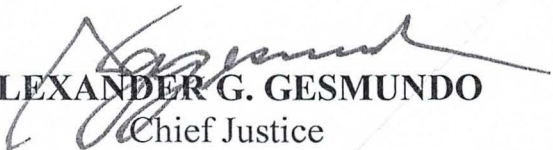
*See Concurring Opinion*  
**JAPAR B. DIMAAMPAO**  
Associate Justice

*Midas*  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice


*mmg*  
**MARIA FILOMENA D. SINGH**  
Associate Justice

## CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

CERTIFIED TRUE COPY

  
**MARIA LUISA M. SANTILLA**  
Deputy Clerk of Court  
OCC-En Banc, Supreme Court