



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARK ANGELO VERANO y EDEJER, G.R. No. E-02172

Petitioner, Present:

-versus-

GESMUNDO, C.J., Chairperson
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

FEB 09 2026

X -----X

RESOLUTION

ZALAMEDA, J.:

For Our resolution is the Petition for Review on *Certiorari*¹ filed by petitioner Mark Angelo Verano y Edejer (Verano) assailing the Decision² and Resolution³ of the Court of Appeals (CA), which affirmed the Decision⁴ of the Regional Trial Court (RTC) finding him guilty beyond reasonable doubt of the crime of attempted trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act of 2012, and acquitting him of a violation of Section 4(b) of Republic Act No. 9995 or the Anti-Photo and Video

¹ *Rollo*, pp. 13–39.

² *Id.* at 40–53. The June 28, 2024 Decision in CA-G.R. CR No. 48808 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Eduardo S. Ramos, Jr. of the Sixth Division, Court of Appeals, Manila.

³ *Id.* at 56–57. The July 30, 2025 Resolution in CA-G.R. CR No. 48808 was penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Eduardo S. Ramos, Jr. of the Special Former Sixth Division, Court of Appeals, Manila.

⁴ *Id.* at 88–101. The June 8, 2023 Decision in Criminal Case Nos. R-PSG-19-00417-CR, R-PSG-19-00418-CR, and R-PSG-19-00420-CR was penned by Presiding Judge Ana Teresa T. Comejo-Tomacruz of Branch 157, Regional Trial Court, Pasig City.

Voyeurism Act of 2009 and the crime of grave threats under Article 282 of the Revised Penal Code.

Antecedents

Verano was charged with the crime of trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act of 2012, a violation of Section 4(b) of Republic Act No. 9995 or the Anti-Photo and Video Voyeurism Act of 2009, and grave threats under Article 282 of the Revised Penal Code in three separate Informations, which read as follows:

Criminal Case No. R-PSG-19-00417-CR

For: Trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended

On or about February 6, 2019, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, did then and there [willfully], unlawfully, and feloniously recruit to any [sic] act, transaction, scheme[,] or design involving the use of a person by another, to extort money from complainant AAA, profit or any other consideration, causing said complainant to be sexually exploited against her will, in violation of the above-cited law.

Contrary to law.⁵

Criminal Case No. R-PSG-19-00418-CR

For: violation of Section 4(b) of Republic Act No. 9995

On or about February 6, 2019, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, did then and there [willfully], unlawfully, and feloniously copy or reproduce the photographs of complainant AAA's private areas, such as the latter's undergarment clad breasts, in which she has a reasonable expectation of privacy, against complainant's will and consent.⁶

Criminal Case No. R-PSG-19-00420-CR

For: Grave threats

On or about February 6, 2019, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable motive, but with intention to cause dishonor to the complainant [AAA] did then and there [willfully], unlawfully, and feloniously threaten the complainant, with the infliction upon her person of a wrong amounting to a crime, that is, by threatening her to post her nude pictures in the internet if she fails to give money in the amount of [PHP] 1,000.00, thereby causing AAA to be threatened.⁷

⁵ *Id.* at 88.

⁶ *Id.* at 89.

⁷ *Id.*

During the arraignment, Verano pleaded not guilty to the charges. Thereafter, trial ensued.⁸

Version of the Prosecution

The prosecution presented complainant AAA, Police Master Sergeant Leonardo Martin, Jr., and Police Inspector Alex Lagarto as witnesses.⁹

AAA testified that in the evening of February 4, 2019, she received a message from one Christian Madrigal (Christian) offering her a job and telling her to message Keith Sy (Keith) on Facebook if she was interested.¹⁰ AAA inquired about the job with Keith who said that it was an “escort job” and that she had to send nude photos of herself so he can check if she was qualified.¹¹ Desperate for a job, AAA sent a half-naked photo of herself to Keith.¹² Afterwards, Keith informed her that she was qualified for “luxury day” which meant earning double the normal fee.¹³

However, before AAA could start, Keith informed her that she needs to have a “sex training” with one Justine Madrigal (Justine).¹⁴ The sex training will be in a hotel in Sta. Mesa and subject to the payment of a PHP 1,000.00 training fee.¹⁵ When AAA realized that the job was to be a sex worker, she backed out but Keith got mad and instructed her to talk to Justine.¹⁶ When AAA insisted on backing out, both Keith and Justine threatened her that they will post her nude photos on the internet.¹⁷ Despite begging them not to, AAA found her photos posted on a Facebook account of one Mary Joy Salazar (Mary Joy).¹⁸

AAA sought help from the authorities and was referred to the Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG).¹⁹ Based on the information shared by AAA, PNP-CIDG planned an entrapment operation considering that Justine still kept on threatening AAA.²⁰ During which, Verano was apprehended after he took the marked PHP 1,000.00 bill from AAA supposedly representing the training fee.²¹

⁸ *Id.* at 42.

⁹ *Id.* at 89.

¹⁰ *Id.* at 40-41.

¹¹ *Id.* at 41.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

When Verano was brought to the police station, it was discovered that Justine, Keith, and Mary Joy were all fake names of Verano.²²

Version of the Defense

In Verano's defense, he alleged that he was suddenly arrested when he was about to board a passenger jeepney by three people wearing civilian clothes.²³ He was then brought inside a vehicle where his personal belongings (cell phone, wallet, jacket, and bag) were taken from him and where the unidentified men took photos of some money.²⁴ Upon arriving at the police precinct, he saw a woman waiting and who kept pointing at him.²⁵ Verano argued that he does not know who AAA is and only saw her when he arrived at the precinct.²⁶

Verano denied the charges against him.²⁷

Ruling of the RTC

The RTC convicted Verano for the crime of attempted trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, but acquitted him of the other charges against him.²⁸ The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, the accused **MARK ANGELO VERANO [y] EDEJER** is hereby found **GUILTY BEYOND REASONABLE DOUBT** in Criminal Case No. R-PSG-19-00417-CR for the crime of Attempted Trafficking in Persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. The said accused is thus sentenced to suffer the penalty of **IMPRISONMENT** for [15] years and to pay a **FINE** in the amount of [PHP] 750,000.00 without subsidiary imprisonment in case of insolvency. He is likewise ordered to pay the victim AAA **MORAL DAMAGES** in the amount of [PHP] 200,000.00 and is liable for **EXEMPLARY DAMAGES** in the amount [PHP] 100,000.00.

Meanwhile, the same accused is **ACQUITTED** in Criminal Case Nos. R-PSG-19-00418-CR and R-PSG-19-00420-CR for violation of Section 4(b) of [Republic Act] No. 9995, otherwise known as the Anti-Photo and Video Voyeurism Act of 2009, and the crime of Grave Threats, respectively.

²² *Id.*

²³ *Id.* at 93.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 101.

SO ORDERED.²⁹ (Emphasis in the original)

The RTC ruled that the acts perpetrated by Verano constitute trafficking in persons.³⁰ Verano, under the guise of Keith recruited AAA to engage in prostitution and when she backed out, threatened to post her nude photos online.³¹ However, since Verano was not able to execute all the elements of the crime in view of AAA's refusal, the crime was committed only in the attempted stage.³²

As to the charge of a violation of Section 4(b) of Republic Act No. 9995 or the Anti-Photo and Video Voyeurism Act of 2009, the RTC ruled that there was no evidence that Verano reproduced or copied the nude photos of AAA.³³ Instead, it was posted online which constituted a different crime specifically a violation of Section 4(d) of Republic Act No. 9995.³⁴ Considering that this does not fall under the *variance doctrine*, Verano cannot be convicted of the crime proven.³⁵

Lastly, regarding the charge of grave threats, the RTC found that the Information charged Verano of Article 282(2) of the Revised Penal Code, but what was alleged in the body is a violation of Article 282(1) of the Revised Penal Code.³⁶

However, since the threat was made to induce AAA to undergo a sex training and engage in prostitution, this constituted as a means to commit the offense of trafficking in persons and cannot be regarded as a separate crime from a violation under Republic Act No. 9208, as amended.³⁷

Verano appealed his conviction before the CA.³⁸

Ruling of the CA

In the assailed Decision, the CA affirmed Verano's conviction to wit:

WHEREFORE, the appeal is **DENIED**. The Decision dated June 8, 2023 of the Regional Trial Court of Pasig City, Branch 157, in Criminal Case No. R-PSG-19-00417-CR is **AFFIRMED**.

SO ORDERED.³⁹ (Emphasis in the original)

²⁹ *Id.* at 101.

³⁰ *Id.* at 95.

³¹ *Id.* at 95–96.

³² *Id.* at 98.

³³ *Id.* at 99.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 100.

³⁷ *Id.* at 100–101.

³⁸ *Id.* at 60–84.

³⁹ *Id.* at 52.

On appeal, Verano argued that AAA's testimony is not credible and not sufficient to prove his guilt beyond reasonable doubt and that the screenshots of the alleged messages between him and AAA were not properly identified or formally offered in evidence.⁴⁰

The CA upheld the conviction of Verano ruling that AAA's testimony is credible⁴¹ and that contrary to his claims, the screenshots were properly identified and offered in evidence.⁴²

Aggrieved, Verano filed the present petition before the Court.⁴³

Issue

Did the CA err in affirming the conviction of Verano for the crime of attempted trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364?

Ruling of the Court

We uphold the conviction of petitioner for attempted trafficking in persons.

The Petition raises factual issues

At the onset, it must be pointed out that the petitioner essentially argues that the RTC and CA erred in appreciating the evidence presented by the parties. Specifically, petitioner alleges that AAA's testimony should not have been given credence and that his defense of denial should have been upheld.⁴⁴

In doing so, petitioner prays that the Court take a second look at the evidence presented by the parties, which is generally proscribed in a Rule 45 petition.⁴⁵

It is a well-settled principle that factual questions are not proper in a Rule 45 petition because the jurisdiction of the Court under Rule 45 is limited

⁴⁰ *Id.* at 43.

⁴¹ *Id.* at 44-48.

⁴² *Id.* at 48-50.

⁴³ *Id.* at 13-36.

⁴⁴ *Id.* at 21-23.

⁴⁵ *Id.*

to errors of law.⁴⁶ While the Petition avers that an exception applies in this case, it is respectfully observed that no exceptions are present.

In any case, We affirm the conviction of petitioner for attempted trafficking in persons under Section 4(a) of Republic Act No. 9208, as amended.

The CA committed no reversible error in affirming the conviction of the petitioner

As explained in *People v. Valencia*,⁴⁷ the elements of trafficking in persons are the following:

- (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”;
- (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.”⁴⁸

As correctly ruled by the CA, the prosecution was able to prove all the elements of the crime beyond reasonable doubt. First, petitioner recruited AAA to work as an “escort” or engage in prostitution. Second, petitioner threatened AAA that he will post her naked photos to convince her to engage in prostitution. Third, the work AAA was being convinced to engage in is prostitution. However, due to a cause other than the voluntary desistance of petitioner, the recruitment to engage in prostitution was not consummated. Hence, the crime was only in its attempted stage.

As to the other charges, We agree with the CA that petitioner cannot be convicted of the same. For the charge of a violation of Section 4(b) of the Anti-Photo and Video Voyeurism Act of 2009, there was indeed no evidence presented that petitioner reproduced or copied the nude photo sent by the complainant. What was proven was that it was uploaded online which undoubtedly constituted a different crime which is a violation of Section 4(d)

⁴⁶ *Lopez v. Saludo, Jr.*, 910 Phil. 600, 605 (2021) [Per J. Hernando, Second Division], citing *Miro v. Vda. de Erederos*, 721 Phil. 772, 786 (2013) [Per J. Brion, Second Division].

⁴⁷ 904 Phil. 518 (2021) [Per J. Leonen, Third Division].

⁴⁸ *Id.* at 531.

of Republic Act No. 9995 that prohibits the act of publishing or broadcasting or showing the photo of a sexual act or similar activity through the internet. Consequently, since petitioner was charged with a violation of Section 4(b) and the elements of Section 4(d) are not included in the elements of Section 4(b), variance doctrine cannot apply.

Lastly, regarding the charge of grave threats, the act of petitioner in threatening AAA is already subsumed under the charge and conviction for a violation of Section 4(a) of Republic Act No. 9208, as amended, as one of its elements is that the means used in recruiting the victim be by means of threat or other forms of coercion. In executing the acts, which constituted elements of trafficking of persons, petitioner threatened AAA as a means to recruit her.

The penalty imposed is correct

Republic Act No. 10364 expressly provides for the crime of attempted trafficking in persons “[w]here there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons.”

The same law provides that the penalty for a violation of Section 4(a) is imprisonment of 15 years and a fine of not less than PHP 500,000.00 but not more than PHP 1 million. Hence, the penalty imposed upon petitioner is in accordance with the law.

The award of damages must be modified

In the assailed Decision, AAA was awarded PHP 200,000.00 for moral damages and PHP 100,000.00 for exemplary damages.⁴⁹

Currently, damages awarded to private complainants in cases of consummated and qualified trafficking in persons have been set by jurisprudence in the amount of PHP 500,000.00 for moral damages and PHP 100,000.00 for exemplary damages.⁵⁰ In *People v. Lalli*,⁵¹ the Court explained this grant, to wit:

⁴⁹ *Rollo*, p. 43.

⁵⁰ See *People v. XXX*, G.R. No. 273990, January 22, 2025 [Per J. Hernando, First Division] at 11; *People v. XXX*, G.R. No. 252606, April 2, 2025 [Per J. Marquez, First Division] at 10. These pinpoint citations refer to the copy of the Decision uploaded to the Supreme Court website. See also *People v. Gumba*, 942 Phil. 742, 767 (2023) [Per J. Leonen, Second Division]; *Santiago, Jr., v. People*, 855 Phil. 536, 552 (2019) [Per J. Leonen, Third Division].

⁵¹ 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

The Civil Code describes moral damages in Article 2217:

Art. 2217. Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of the defendant's wrongful act or omission.

Exemplary damages, on the other hand, are awarded in addition to the payment of moral damages, by way of example or correction for the public good, as stated in the Civil Code:

Art. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

Art. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

The payment of [PHP] 500,000 as moral damages and [PHP] 100,000 as exemplary damages for the crime of [t]rafficking in [p]ersons as a [p]rostitute finds basis in Article 2219 of the Civil Code, which states:

Art. 2219. Moral damages may be recovered in the following and analogous cases:

- (1) A criminal offense resulting in physical injuries;
- (2) Quasi-delicts causing physical injuries;
- (3) Seduction, abduction, rape, or other lascivious acts;
- (4) Adultery or concubinage;
- (5) Illegal or arbitrary detention or arrest;
- (6) Illegal search;
- (7) Libel, slander or any other form of defamation;
- (8) Malicious prosecution;
- (9) Acts mentioned in Article 309;
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.

The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this article, may also recover moral damages.

The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this article, in the order named.

The criminal case of [t]rafficking in [p]ersons as a [p]rostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse. To be trafficked as a prostitute without one's consent and to be sexually violated four to five times a day by different strangers is horrendous and atrocious. There is no doubt that Lolita experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, and social humiliation when she was trafficked as a prostitute in Malaysia. Since the crime of [t]rafficking in [p]ersons was aggravated, being committed by a syndicate, the award of exemplary damages is likewise justified.⁵²

From the foregoing, it is clear that We have already long recognized that moral and exemplary damages are due to victims of trafficking in persons.

We note, however, that there has been no amount for damages set yet by jurisprudence in cases of attempted trafficking in persons. However, this should not foreclose the Court in granting the same in this case. In *Ferrer v. People*,⁵³ the Court had the occasion to clarify that attempted trafficking in persons was made a separate crime in Republic Act No. 10364. It explained that:

As Associate Justice Mario V. Lopez keenly observed during deliberations, [*Republic Act No.*] 10364 *criminalized attempted trafficking in persons as a means to fully strengthen and institutionalize the mechanisms and principles behind the protection of rights of trafficked persons*. It was not designed to reduce the penalties for consummated offenses, but to proscribe a new crime altogether.⁵⁴ (Emphasis supplied)

Consequently, it was declared as the state policy in enacting Republic Act No. 10364 that the State should protect the people from any threat of violence and exploitation, and eliminate trafficking in persons, among others.

Hence, to give life to the state policy declared in Republic Act No. 10364, We affirm the grant of damages with modification.

In *Guy v. Tulfo*,⁵⁵ the Court stated that the amount of moral damages depends upon the circumstances of each case and that courts are given the discretion to fix the amount provided that there is sufficient basis for the same.⁵⁶

In this case, We find that moral damages in the amount of PHP 50,000.00 is due to AAA for the physical and mental suffering she has experienced due to the actions of petitioner in threatening to post her nude photos online, as he in fact did, to compel her to engage in prostitution.

As to the award of exemplary damages, We note that the amount PHP 100,000.00 has been awarded to victims of either consummated or qualified

⁵² *Id.* at 158–159.

⁵³ 925 Phil. 97 (2022) [Per J. Lazaro-Javier, Second Division].

⁵⁴ *Id.* at 123.

⁵⁵ 851 Phil. 748 (2019) [Per J. Leonen, Third Division].

⁵⁶ *Id.* at 767–768.

trafficking in persons. Considering that the case before Us is attempted trafficking in persons, We order its modification to PHP 30,000.00.

FOR THESE REASONS, the Petition is **DENIED**. The June 28, 2024 Decision and July 30, 2025 Resolution of the Court of Appeals in CA-G.R. CR No. 48808 are **AFFIRMED with MODIFICATION**.

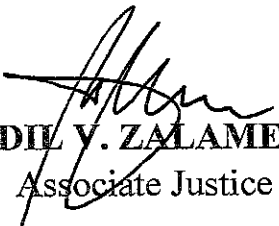
Petitioner Mark Angelo Verano y Edejer is found **GUILTY** beyond reasonable doubt of the crime of Attempted Trafficking in Persons under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364.

He is **SENTENCED** to suffer the penalty of imprisonment for 15 years and to pay a fine in the amount of PHP 750,000.00 without subsidiary imprisonment in case of insolvency.

He is **ORDERED** to pay private complainant PHP 50,000.00 as moral damages and PHP 30,000.00 as exemplary damages.

All amounts due shall earn legal interest at the rate of 6% per annum from the finality of this Resolution until full satisfaction.

SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO

Chief Justice
Chairperson



RAMON PAUL L. HERNANDO

Associate Justice



RICARDO R. ROSARIO

Associate Justice



JOSE MIDAS P. MARQUEZ

Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Resolution 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