



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 3, 2021 which reads as follows:

“G.R. No. 223559 — PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus STEPHEN CHONG, ET AL., accused; GUILMAR CACHO ALIAS “WILLY,” accused-appellant.

After reviewing the records of the case, the Court finds no reason to reverse the Decision¹ dated July 22, 2014 issued by the Court of Appeals (CA) in CA-G.R. No. CR HC 01540.

The minor victims positively identified accused-appellant Guilmar Cacho alias “Willy” (accused-appellant) as one of the proprietors of the KTV Bar. As testified to by the victims, accused-appellant took part in hiring them and in managing the KTV bar, including dealing with the Taiwanese men who wanted to have sex with the victims. That he also acts as the interpreter of Mr. Kao is beside the point. The acts of accused-appellant testified to by the minor victims constitute the crime of Trafficking in Persons under Sections 4 (a) and (e) of Republic Act No. 9208.²

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

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas

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¹ *Rollo*, pp. 4-18. Penned by Associate Justice Jhosep Y. Lopez, with Associate Justices Edgardo L. Delos Santos and Marilyn B. Lagura-Yap concurring.

² 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, or the Anti-Trafficking in Persons Act of 2003, May 26, 2003.

employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

x x x x

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

The Court quotes with approval the discussion of the CA, to wit:

Contrary to accused-appellant's postulation, the prosecution was able to establish his guilt beyond reasonable doubt. From the testimonies of the child witnesses, they were recruited by accused-appellant as entertainers to cater to male customers who sometimes took them out to engage in sex. Although accused-appellant claims that he is only an interpreter for one Mr. Kao, it is apparent from the evidence on record that he actively participated in the hiring and maintenance of the girls in the KTV bar. In fact, he was the one called by Conna to come to the bar when the police officers and representative of the DSWD arrived on March 12, 2009.

There is no merit to accused-appellant's contention that it was not sufficiently proven that the minor girls were engaged in prostitution. The children explicitly detailed their harrowing experiences while working in the KTV bar managed by accused-appellant. As rightly observed by the trial court, the children pointed to accused-appellant as the one who paid their salaries and forced them to go with the Taiwanese customers as prostitutes. His work as interpreter could at best be only incidental to his real function as recruiter, manager and owner of the KTV bar which caters exclusively to Taiwanese customers.³

On the award of damages, the crime of Trafficking in Persons as a prostitute is analogous to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse; thus, justifying the award of moral damages under Article 2219 of the Civil Code. Exemplary damages 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.

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³ *Rollo*, pp. 15-16.


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.

Thus, in line with prevailing jurisprudence, the Court increases the award of moral damages from ₱50,000.00 to ₱500,000.00 and exemplary damages from ₱50,000.00 to ₱100,000.00.⁴

WHEREFORE, the appeal is **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated July 22, 2014 issued by the Court of Appeals in CA-G.R. No. CR HC No. 01540. The Decision finding accused-appellant Guilmar Cacho alias “Willy” guilty beyond reasonable doubt of the crime of Trafficking in Persons under Section 4(a) and Section 4(e), in relation to Section 6(a) and penalized under Section 10(c) of Republic Act No. 9208 is **AFFIRMED WITH MODIFICATION**. Accused-appellant is sentenced to life imprisonment and ordered to pay the fine of Five Million Pesos (₱5,000,000.00). Accused-appellant is likewise ordered to pay each of the victims Five Hundred Thousand pesos (₱500,000.00) as moral damages and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages which shall earn legal interest at the rate of six per cent (6%) per annum from date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court ms/nt

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁴ *People v. Lalli*, 675 Phil. 126 (2011).



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Court of Appeals
6000 Cebu City
(CA-G.R. CR HC No. 01540)

The Hon. Presiding Judge
Regional Trial Court, Branch 29
Toledo City, 6038 Cebu
(Crim. Case No. TCS-6387)

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