

## SECOND DIVISION

[ G.R. No. 234018, June 06, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.  
EVANGELINE DE DIOS Y BARRETO, ACCUSED-APPELLANT.**

### DECISION

**REYES, JR., J:**

Before the Court is an appeal from the Decision<sup>[1]</sup> dated May 12, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07879, which affirmed the Decision<sup>[2]</sup> dated October 26, 2015 of the Regional Trial Court (RTC), Branch 192 of Marikina City, finding accused-appellant Evangeline De Dios y Barreto (De Dios) guilty for violation of Section 3 (a), in relation to Section 6 (a), of Republic Act (R.A.) No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, as amended by R.A. No. 10364.

De Dios was accused of trafficking in persons punishable under Section 4 (a), in relation to Sections 3(a) and 6(a) of R.A. No. 9208, as amended via an Information dated October 14, 2013 with accusatory portion that reads:

That on or about the 29<sup>th</sup> day of August 2013, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the accused EVANGELINE DE DIOS y BARRETO, by means of coercion, fraud, deception, abuse of power or of position, taking advantage of their vulnerability, for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, did then and there willfully, unlawfully and feloniously recruit and harbor, XXX<sup>[3]</sup>, 18 years old, YYY, 23 years old, and AAA, a minor (16 years old), to engage in or perform sexual intercourse or lascivious conduct with different customers upon a monetary consideration, to the damage and prejudice of the said victims.

That the crime was attended by the qualifying circumstance of minority, complainant AAA being 16 years of age, and committed in large scale.

CONTRARY TO LAW.<sup>[4]</sup>

Upon arraignment, De Dios pleaded not guilty to the charge. After pre-trial, trial on the merits ensued.<sup>[5]</sup>

#### ***Version of the Prosecution***

AAA, who was born on October 21, 1996<sup>[6]</sup>, was only 16 years old when she was peddled for sexual trade by De Dios on the evening of August 29, 2013 to Rugielito Gay (Gay) and two other male customers in Marikina City, near the Marikina River Park. De Dios approached Gay and as she introduced herself as "Vangie," asked him "*kung gusto ko daw ba gumimik?*" She explained that "*gimik*" meant having sex with

a girl for P500.00. Negotiations ensued between Gay and De Dios, who claimed to have three girls with her. When De Dios refused to lower the price to P300.00, Gay handed to her the amount of P500.00; De Dios then called three girls who were standing by steel railings. Gay was allowed to choose from among the girls, and then selected AAA.<sup>[7]</sup>

It turned out that Gay and his companions were mere poseur customers, and that De Dios was the subject of an entrapment operation of the Anti-Human Trafficking Division (AHTRAD) of the National Bureau of Investigation (NBI). Prior to the operation, there was already information received by the NBI-AHTRAD that De Dios was peddling minors for sexual trade under the bridge at the Marikina River Park. The information was validated *via* a surveillance operation made by members of the agency, which then prompted the conduct of the entrapment operation on August 29, 2013.<sup>[8]</sup>

After the entrapment, Gay, who was actually an Intelligence Agent of the Department of Justice (DOJ) – Inter Agency Council Against Trafficking (IACAT), brought AAA to an area where personnel of the Department of Social Welfare and Development (DSWD) was waiting, and then to the AHTRAD for investigation.<sup>[9]</sup>

The accusation against De Dios was confirmed by minor AAA when she testified for the prosecution during the trial. She claimed to have known De Dios through her best friend, one Nicole, who also worked for De Dios in the latter's illegal activity. Sometime in May 2012, AAA had her first "*gimik*" with De Dios' male customer who brought her to a hotel in Antipolo City and there he had sexual intercourse with her. From then on, AAA worked for De Dios and had sex with several other male customers. She received P400.00 from De Dios for every transaction.<sup>[10]</sup>

On the night of the entrapment, De Dios invited AAA for a friend's *despedida* party at Lola Helen's Panciteria. Also present for the occasion were BBB, XXX, YYY, ZZZ, KKK and MMM. From there, they proceeded to the park under the Marikina bridge, where they saw De Dios approach two men and ask, "*Kuya, gimik kayo?*" The men replied, "*Nasaan yung babae mo?*" De Dios then pointed at AAA, XXX and YYY. One man chose AAA and then gave P700.00 to De Dios. Thereafter, AAA and her customer took a tricycle to a McDonald's restaurant, where NBI and DSWD personnel took custody of AAA.<sup>[11]</sup>

### **Version of the Defense**

Only De Dios testified for the defense. She claimed to have lived near the bridge in Sto Nino, Marikina City since 2008, until she moved to Rodriguez, Rizal in 2011. On August 29, 2013, at around 10:00 o'clock in the evening, she dined at Sienes Panciteria in Barangay Sto. Nino, Marikina City upon the invitation of a friend named Jay. On her way to the restaurant, she saw AAA, XXX, YYY and other companions. AAA told De Dios that she was hungry, and so her group joined De Dios to the restaurant.<sup>[12]</sup>

De Dios knew AAA, XXX and YYY as they used to regularly hang out by the bridge, where AAA, XXX and YYY looked for customers. Since her relocation to Rodriguez, Rizal, De Dios stopped hanging out in the area, and would visit Sto. Nino only to visit their old house.<sup>[13]</sup>

### **Ruling of the RTC**

On October 26, 2015, the trial court rendered judgment finding De Dios guilty beyond reasonable doubt of the crime of qualified trafficking in persons. The dispositive portion of the RTC Decision reads:

**WHEREFORE**, the court finds the accused, EVANGELINE DE DIOS y BARRETO, **GUILTY BEYOND REASONABLE DOUBT** of Qualified Trafficking in Persons under Section 3 (a) in relation to Section 6 (a) of Republic Act 9208 as amended by Republic act 10364. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and PAY a FINE of TWO MILLION PESOS (P2,000,000.00). The accused is also ORDERED to pay moral damages of Five Hundred Thousand Pesos [(P500,000.00)] and exemplary damages of One Hundred Thousand Pesos (P100,000.00) .

**SO ORDERED.**<sup>[14]</sup>

Feeling aggrieved, De Dios appealed to the CA.

### **Ruling of the CA**

On May 12, 2017, the CA rendered its Decision that affirmed the conviction of De Dios. The decretal portion of the appellate court's decision reads:

**WHEREFORE**, foregoing considered, appeal is **DENIED**. The Decision of the Regional Trial Court dated October 26, 2015 in Criminal Case No. 2013-15282-MK, is hereby **AFFIRMED**.

The accused-appellant EVANGELINE DEDIOS y BARRETO, is GUILTY BEYOND REASONABLE DOUBT of Qualified Trafficking in Persons under Section 3 (a) in relation to Section 6 (a) of Republic Act 9208 as amended by Republic Act 10364 pursuant to Section 10 (c) thereof The accused-appellant is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and pay a fine of Two Million Pesos (P2,000,000.00). The accused-appellant is also ORDERED to pay moral damages of Five Hundred Thousand Pesos (P500,000.00). Exemplary damages of One Hundred Thousand Pesos (P100,000.00) is likewise ORDERED to be paid the private complainant.

**SO ORDERED.**<sup>[15]</sup>

Hence, this appeal.

### **The Present Appeal**

In a Resolution<sup>[16]</sup> dated November 29, 2017, the Court required the parties to submit their respective supplemental briefs, should they so desire, within 30 days from notice. Both De Dios and the Office of the Solicitor General (OSG), as counsel of plaintiff-appellee People of the Philippines, however manifested that they would no longer file supplemental briefs and instead asked the Court to consider the briefs<sup>[17]</sup> that they respectively filed with the CA.<sup>[18]</sup>

De Dios insists on an acquittal, as she claims that the prosecution failed to prove beyond reasonable doubt that she was guilty of the crime of Qualified Trafficking in Persons under Section 3 (a) of R.A. No. 9208. AAA voluntarily peddled herself near