

THIRD DIVISION

[G.R. No. 234157, July 15, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOHN
PAUL LOPEZ Y MAYAO, ACCUSED-APPELLANT.**

D E C I S I O N

GAERLAN, J.:

This is an appeal from the Decision^[1] dated March 30, 2017 of the Court of Appeals (CA) in CA-G.R. CR- HC No. 07114 which affirmed with modification the Decision^[2] dated September 24, 2014 of the Regional Trial Court (RTC) of Marikina City, Branch 192, in Criminal Case Nos. 2011-13349-MK to 2011-13355-MK, finding accused-appellant John Paul "Apple" Lopez y Mayao (Lopez) guilty beyond reasonable doubt for two counts of qualified trafficking in persons under Section 4(e) in relation to Section 6(a) of Republic Act (R.A.) No. 9208.^[3]

Antecedents

On October 4, 2011, seven Informations were filed charging Lopez with seven counts of qualified trafficking in persons against minor children AAA and BBB.^[4] The accusatory portions of the Informations read:

CRIMINAL CASE NO. 2011-13349-MK

That on or about the 11th day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **AAA**, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13350-MK

That on or about the 3rd day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **AAA**, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13351-MK

That on or about the 8th day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **AAA**, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13352-MK

That on or about the 3rd day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named, accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **AAA**, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13353-MK

That on or about the 8th day of June 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **AAA**, a 14-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13354-MK

That on or about the 9th day of September 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **BBB**, a 13-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.

CRIMINAL CASE NO. 2011-13355-MK

That on or about the 30th day of August 2011 in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, maintain or hire for a fee, **BBB**, a 13-year old minor, to engage in prostitution and/or sexual exploitation by taking advantage of her vulnerability and thereupon facilitating her to have sexual intercourse with a male customer in exchange for money, in violation of the abovementioned law.

CONTRARY TO LAW.^[5]

Lopez pleaded not guilty to the offenses charged during his arraignment on October 11, 2011. The case proceeded to pre-trial and, thereafter, to joint trial on the merits.^[6]

During trial, AAA's direct testimony was stricken off the record^[7] for her repeated failure to appear for cross-examination despite due notice. The RTC, in its Decision, therefore **dismissed the cases involving AAA** (Criminal Case Nos. 2011-13349-MK to 13353-MK), **leaving only the cases of BBB** (Criminal Cases Nos. 2011-13354-MK to 13355-MK) as the subject of the instant appeal.

Evidence for the Prosecution

The prosecution presented the testimonies of AAA, BBB, CCC (BBB's mother), Police Officer 3 Mark Dennis Sanchez (PO3 Sanchez), and Dr. Bonnie Chua (Dr. Chua), the EPD Crime Laboratory Medico-Legal Officer.

BBB testified that she was born on February 25, 1998. She was introduced to Lopez by her distant cousin, Ate Rose. She and AAA "stowed away" from home at the time and stayed at Lopez' house in Calumpang, Marikina City, upon the latter's invitation.^[8]

On the evening of August 30, 2011, Lopez brought BBB to the McDonald's restaurant beside the Marikina Sports Center. BBB saw Lopez approach a man and speak with him. After their conversation, the man called a taxi. Lopez told BBB to board it and go with the man.^[9]

The taxi brought BBB and the man to the Grand Polo Motel in Masinag, Antipolo City. When they were inside the motel room, BBB was surprised when the man told her they were going to have sex. She initially resisted but the man told her that he had already given her payment to Lopez. Eventually, they had sex and, thereafter, left the motel and went their separate ways. When BBB arrived at Lopez' house, he handed her P1,000.00 without saying anything, and then hurriedly left.^[10]

On September 9, 2011, Lopez and BBB were again at the same McDonald's restaurant. Lopez told BBB that she would again have sex with another man. BBB told him that she did not want to do it anymore, but he said that it would be a wasted opportunity to make money (*sayang daw po iyon*). BBB saw Lopez meet with another man who handed him some money. BBB eventually agreed to what Lopez wanted her to do and boarded a taxi with the man to the Grand Polo Motel and had sex. After parting ways, BBB returned to Lopez' house and where he, again, gave her P1,000.00.^[11]

BBB was eventually found by her mother, CCC, in a bar at Fernando Avenue, Barangay Calumpang, Marikina City. After CCC came to know of the sexual incidents after talking to BBB, she promptly reported it to the Barangay Office; AAA was also present at the time. BBB's mother was summoned to the barangay office to discuss the incidents.^[12]

PO3 Sanchez, an officer from the Police Community Precinct in Calumpang, Marikina City, testified that at around 3:00 a.m. on September 12, 2011, he received a phone call from the Women's Desk regarding a complaint for trafficking or *pambubugaw* against Lopez. He and his fellow police officer, PO1 Jayson Mones, as well as some barangay tanods, accompanied AAA, BBB, and their parents to Lopez' residence. When they arrived, AAA and BBB positively identified Lopez and the latter was arrested.^[13]

Dr. Chua testified that he received a Request for Genital Examination, dated September 12, 2011, from the Marikina City Police Station. He conducted the examination of AAA and BBB and prepared the Initial Medico-Legal Report and Final Medico Legal Report No. R-092-11E for BBB which both resulted in the following conclusion – *clear evidence of penetrative trauma/force to the hymen*.^[14]

Evidence for the Defense

The defense presented Lopez testimony as its sole evidence. He denied all the allegations against him.

Lopez alleged that he had just transferred to his residence in Calumpang, Marikina City, around the month of August 2011. He resided in a boarding house with his boyfriend, his boyfriend's older brother Kuya Marlon, and the latter's girlfriend. He worked as a waiter, earning between P500.00 to P1,000.00 a day depending on customers' tips. He also earned extra income of P150.00 to P300.00 per month as a make-up artist. His boyfriend, Aris Aguila (Aris), worked in a family-owned welding shop.^[15]

Lopez admitted that he knew BBB because they used to be neighbors at Barangay Sto. Niño, Marikina City. He also admitted that he knew AAA because their mothers were friends. However, he denied that the girls stayed in his house in Calumpang, Marikina City, on August 30, 2011.^[16]

He further claimed that BBB lied, having an ill motive against Lopez because she was the ex-girlfriend of Lopez' current boyfriend, Aris. Lopez also denied bringing BBB to McDonald's on August 30, 2011 and September 9, 2011, and making her go with men to the Grand Polo Motel to have sex for a fee. Lopez denied giving BBB P1,000.00 or any money at all. He even said that it would not have been possible to communicate with her because he did not have a cellphone back then.^[17]

The RTC Ruling

In its Decision,^[18] dated September 24, 2014, the RTC convicted Lopez for two counts of qualified trafficking in persons against BBB. The dispositive portion reads:

WHEREFORE, in Criminal Case No. 2011-13354-MK, the court finds the accused, JOHN PAUL LOPEZ y MAYAO a.k.a. "APPLE," **GUILTY BEYOND REASONABLE DOUBT** of Qualified Trafficking in Persons under Section

4(e) in relation to Section 6(a) of Republic Act [No.] 9208. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and PAY a FINE of Two Million Pesos (Php2,000,000.00). The accused is also ORDERED to [pay] moral damages in the amount of Five Hundred Thousand Pesos (Php500,000.00), and exemplary damages in the amount of One Hundred Thousand Pesos (Php100,000.00).

In Criminal Case NO. 2011-13355-MK, the court finds the accused, JOHN PAUL LOPEZ y MAYAO a.k.a. "APPLE," **GUILTY BEYOND REASONABLE DOUBT** of Qualified Trafficking in Persons under Section 4(e) in relation to Section 6(a) of Republic Act [No.] 9208. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and PAY a FINE of Two Million Pesos (Php2,000,000.00). The accused is also ORDERED to pay moral damages in the amount of Five Hundred Thousand Pesos (Php500,000.00), and exemplary damages in the amount of One Hundred Thousand Pesos (Php100,000.00).

In Criminal Cases Nos. 2011-13349-MK, 2011-13350-MK, 2011-13351-MK, 2011-13352-MK, 2011-13353-MK, the accused is hereby **ACQUITTED**, for insufficiency of evidence.

SO ORDERED. ^[19]

The RTC found BBB's testimony credible and convincing, being unmoved and unshaken by the rigid cross-examination of the prosecution. It held that apart from Lopez' bare claim that his boyfriend was BBB's former boyfriend, he failed to attribute or prove any ill motive on the part of BBB to testify falsely against him. Consequently, Lopez' inherently weak defense of denial could not prevail over BBB's affirmative testimony.

The CA Ruling

In its Decision^[20] dated March 30, 2017, the CA affirmed the RTC Ruling with modification by imposing legal interest on the monetary award of damages:

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Decision dated September 24, 2014 of the Regional Trial Court, Branch 192, Marikina City, in Criminal Cases Nos. 2011-13354-MK and 2011-13355-MK, is AFFIRMED with modification in that a six percent (6%) per annum interest is imposed on the monetary awards for damages from finality of this Decision until full satisfaction thereof.

SO ORDERED. ^[21]

The CA affirmed that BBB clearly and credibly testified that Lopez gave her money to have sex with men on two occasions. It likewise disregarded Lopez' additional argument that BBB voluntarily boarded the taxi and went with the men because Section 3(a) of R.A. No. 9208 is explicit that the crime of trafficking in persons can exist even with the victim's consent or knowledge.

The Petition

Lopez timely filed a Notice of Appeal.^[22] In a Resolution^[23] dated November 27, 2017, the Court ordered the elevation of the records and directed the parties to file