

SECOND DIVISION

[G.R. No. 248694, October 14, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RANIE
ESTONILO Y DE GUZMAN, ACCUSED-APPELLANT.**

DECISION

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal^[1] filed by accused-appellant Ranie Estonilo y De Guzman (Estonilo) assailing the Decision^[2] dated November 23, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08617, which affirmed with modification the Judgment^[3] dated, July 28, 2016 of the Regional Trial Court of [REDACTED], Pampanga, Branch 61 (RTC) in Criminal Case Nos. 10-5R94 and 10-5895, and accordingly, found Estonilo guilty beyond reasonable doubt of two (2) counts of violation of Section 5 (a) (5), Article III of Republic Act No. (RA) 7610,^[4] otherwise known as the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act."

The Facts

This case stemmed from two (2) separate Informations filed before the RTC, each charging Estonilo of Qualified Trafficking in Persons, defined and penalized under Section 4, in relation to Section 6 (a) of RA 92058,^[5] otherwise known as the "Anti-Trafficking in Persons Act of 2003," the accusatory portions of which read:

Criminal Case No.10-5894

e period from March 6, 2010 to March 13, 2010, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and harbor, maintain, hire, provide and/or receive [REDACTED], a minor 12 years old, by any means or under the pretext of domestic employment or sexual exploitation taking advantage of the vulnerability of the minor in violation of Section 4 in relation to Sec. 6 (a) Republic Act No. 9208.

CONTRARY TO LAW.^[6]

Criminal Case No.10-5895

The period from March 6, 2010 to March 13, 2010, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and harbor, maintain, hire, provide and/or receive [REDACTED] a minor 11 years old, by any means or under the pretext of domestic employment or sexual

exploitation taking advantage of the vulnerability of the minor in violation of Section 4 in relation to Sec. 6 (a) Republic Act No. 9208.

CONTRARY TO LAW.^[7]

The prosecution claimed that sometime in January 2010, Estonilo approached AAA, ^[8] then 12 years old, in an effort to convince the latter to "*mamakla*" in exchange for money. For this purpose, Estonilo even introduced him to a "client" who offered P2,000.00 for AAA's sexual services, but AAA refused. However, Estonilo was persistent with his recruiting efforts, and this culminated in the evening of March 6, 2010. On that night, AAA was on his way home with his friend, BBB, then 11 years old, when Estonilo called their attention. Estonilo persistently coerced AAA to have sex with BBB at a nearby vacant lot in exchange for P300.00 so that they will learn how to perform sexual acts. The children acceded and had sexual contact with each other with AAA inserting his penis into BBB's mouth and anus. About a week later, or on March 13, 2010, AAA, BBB, and their friends were frolicking at a swimming pool when Estonilo arrived with his bicycle. Estonilo called AAA and told him to have sexual contact with BBB at a nearby bathroom. Fearing that Estonilo might get mad, AAA and BBB again had sexual contact with each other. At that time, Estonilo even suggested that AAA have sex with BBB's 11-year old aunt who was with them, but AAA refused. The next day, AAA felt pain while urinating, prompting his mother to bring him to a doctor. After examination, the doctor revealed that AAA contracted an infection because of anal intercourse and the same might progress into a sexually transmitted disease if left untreated. This resulted in AAA divulging his ordeal to his mother.^[9]

For his part, Estonilo mainly relied on denials, averring that he does not know AAA or BBB personally, and that he is busy with his maintenance job in a hotel during weekdays and his *carinderia* during weekends.^[10]

The RTC Ruling

In a Judgment^[11] dated July 28, 2016, the RTC found Estonilo guilty beyond reasonable doubt of two (2) counts of Qualified Trafficking in Persons, and accordingly, sentenced him to suffer the penalty of life imprisonment and to pay a fine of P2,000,000.00 for each count, and to pay AAA and BBB P20,000.00 each as moral damages.^[12]

The RTC found that the prosecution was able to establish beyond reasonable doubt that Estonilo took advantage of the vulnerability of two (2) minors, namely, AAA and BBB, to engage in sexual acts with one another in exchange for money. On this note, the RTC found untenable Estonilo's bare defenses of denial in the face of the clear and categorical testimonies made by both AAA and BBB describing their ordeal under the hands of Estonilo.^[13]

Aggrieved, Estonilo appealed^[14] to the CA.

The CA Ruling

In a Decision^[15] dated November 23, 2017, the CA modified the RTC ruling, finding

Estonilo guilty beyond reasonable doubt of two (2) counts of the crime of violation of Section 5 (a), paragraph (5), Article III of RA 7610. Accordingly, the CA sentenced him to suffer the penalty of imprisonment for an indeterminate period of fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum for each count, and ordered him to pay AAA and BBB each the amount of P50,000.00 as civil indemnity.^[16]

The CA held that the prosecution had indeed established beyond reasonable doubt the fact that Estonilo, through coercion and for monetary consideration, ordered AAA and BBB to engage in sexual conduct with one another. However, it opined that Estonilo could not be held criminally liable for Qualified Trafficking in Persons, as it was not shown that Estonilo committed acts of trafficking, *i.e.*, how he recruited, obtained, hired, provided, offered, transported, transferred, maintained, harbored, or received AAA and/or BBB for the purpose of trafficking. This notwithstanding and applying the variance doctrine as enunciated in Sections 4 and 5, Rule 120 of the Revised Rules of Criminal Procedure, the CA ruled that Estonilo's acts of offering money and imposing his will on the victims constitute a violation of Section 5 (a), paragraph (5), Article III of RA 7610, and as such, he must be held criminally liable therefor.^[17]

Hence, this appeal.^[18]

The Issue Before the Court

The issue for the Court's resolution is whether or not Estonilo should be held criminally liable for his supposed acts against AAA and BBB.

The Court's Ruling

As a preliminary matter, the general rule is that appeals of criminal cases shall be brought to the Court by filing a petition for review on *certiorari* before it under Rule 45 of the Rules of Court;^[19] except when the CA imposed the penalty of "*reclusion perpetua*, life imprisonment or a lesser penalty," in which case, the appeal shall be made by a mere notice of appeal filed before the CA.^[20] In this case, Estonilo clearly availed of a wrong mode of appeal by filing a Notice of Appeal before the CA^[21] despite the latter court modifying his conviction to a crime not punishable by *reclusion perpetua* or life imprisonment. Nonetheless, in the interest of substantial justice, the Court will resolve this case on the merits in order to resolve the substantial issue at hand with finality.^[22]

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.
^[23]

Guided by the foregoing consideration, and as will be explained hereunder, the Court deems it proper to reinstate the RTC ruling convicting Estonilo of Qualified

Trafficking in Persons under Section 4 (a) in relation to Section 6 (a) of RA 9208.^[24]

Section 3 (a) of RA 9208 defines the term "Trafficking in Persons" as the "recruitment, transportation, transfer or 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 persons, 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 same provision further provides that "[t]he recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph." In this regard, Section 4 of the same law provides the acts constituting "Trafficking in Persons."^[25] Portions of this provision pertinent to this case read:

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

For a successful prosecution of Trafficking in Persons, the following elements must be shown: (a) the *act* of "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders"; (b) the *means* used which include "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;" and (c) the *purpose* of trafficking is exploitation which includes "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."^[26] In addition, Section 6 of RA 9208 provides that the crime is qualified when, *inter alia*, the trafficked person is a child, to wit:

SECTION 6. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking:

(a) When the trafficked person is a child; xxx

In this case, the courts *a quo* found that the prosecution, through the testimonies of both AAA and BBB, was able to establish that Estonilo had indeed befriended the two (2) minors in order to recruit them and thereafter, pimp them to his clients. For this purpose, he was able to take advantage of AAA and BBB's minority and coerce them into committing sexual acts with one another, under the pretext that they needed to learn how to perform such acts with fellow males so that they can earn monetary consideration for the same. Hence, the Court finds no reason to overturn