

SECOND DIVISION

[G.R. No. 227704, April 10, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SUSAN SAYO Y REYES AND ALFREDO ROXAS Y SAGON, ACCUSED-APPELLANTS.

DECISION

CAGUIOA, J:

Subject of this appeal^[1] is the Decision^[2] of June 26, 2015 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04914 which affirmed the Decision^[3] dated September 23, 2010 of the Regional Trial Court (RTC), Pasig City, Branch 261, convicting accused-appellants Susan Sayo y Reyes (Sayo) and Alfredo Roxas y Sagon (Roxas) (collectively referred to as accused-appellants) for violation of Republic Act No. (RA) 9208 or the *Anti-Trafficking in Persons Act of 2003*.^[4]

Facts

On November 16, 2005, accused-appellants were indicted under the following Information:^[5]

That on November 15, 2005, in Pasig City, and within the jurisdiction of the Honorable Court, accused Susan Sayo, willfully and unlawfully, did then and there, recruit and transport minors [AAA^[6]], 15 years old, [BBB^[7]] 16 years old, together with [CCC^[8]], by taking advantage of their vulnerability, for the purpose of prostitution and sexual exploitation; while accused Alfredo Roxas, in conspiracy with accused Sayo, did then and there, willfully, and unlawfully, own, manage and operate a room in his apartment in Pasig City used as a prostitution den, receive and harbor said trafficked persons, also by taking advantage of their vulnerability and for the purpose of prostitution and sexual exploitation.

Contrary to law.^[9]

Accused-appellants pleaded not guilty upon arraignment.

The prosecution's and defense's contrasting versions of the events, as summarized by theCA, are as follows:

The Prosecution's Evidence

The combined testimonies of AAA, BBB, and CCC known as the "plaza girls" disclosed that several months prior to November 15, 2005, these "plaza girls" have been under the control and supervision of SAYO as commercial sex workers. AAA testified in open court that she was only fifteen (15) years old at the time she began working for SAYO in December 2004. The Certificate of Live Birth issued by the National Statistics Office showed that she was born on May 2, 1990. Same is true with BBB who testified that she was born on November 11, 1989 and thus, indeed, a minor during their rescue on November 15, 2005.

The "plaza girls" were introduced to SAYO on different occasions in 2004 by other "plaza girls." SAYO then started to act as a pimp providing them with male customers for a certain percentage. The "plaza girls" give her a flat rate of Fifty Pesos (P50.00) for every male customer who will pay them Three Hundred Pesos (P300.00) and Two Hundred Pesos (P200.00) for every Seven Hundred Pesos (P700.00) paying customer.

SAYO would regularly furnish AAA, BBB and CCC with male customers on the average five (5) customers per week. Whenever they have customers, SAYO would bring them either to a motel or to ALFREDO ROXAS's house who provides them a room for One Hundred Pesos (P100.00) for thirty (30) minutes use of the room. ROXAS also provides condom for the male customers at Thirty Pesos (P30.00).

On November 3, 2005, the Criminal Investigation and Detection Group-Women and Children Complaint Division (CIDG-WCCD) received a letter from the International Justice Mission (IJM), an International Non-Government Human Rights Organization, requesting for police assistance on the possible rescue of three (3) minors exploited for prostitution in Pasig City.

Acting on said request, PO2 Leonardo So conducted on November 8, 2005 further surveillance to confirm the veracity of the report. It was verified and confirmed that there were rampant offerings of minor prostitutes at the Pasig Plaza, specifically by a pimp named SUSAN SAYO. Hence, on November 15, 2005, the CIDG-WCCD headed by Superintendent Sotera P. Macatangay conceptualized an entrapment operation called "Oplan Sagip Angel." A team was organized composed of WCCD operatives, representatives from IJM and DSWD-NCR for the rescue operation.

During the briefing, PO3 Anthony Ong, PO2 Leonardo So and an agent from IJM were designated to act as poseur-costumers. Then, one (1) five hundred peso bill and fifteen (15) one hundred peso bills amounting to Two Thousand Pesos (P2,000.00) were prepared and sent to PNP-Crime Laboratory for Ultra Violet Powder dusting. The peso bills would be utilized during the entrapment operation as payments to the owner of the apartment/room, for the pimp and for the services of the "plaza girls".

The "Oplan Sagip Angel" operatives proceeded to the target area in Pasig

City. The three men who were tasked to pretend as customers stayed in front of the church at the Pasig Plaza. They were approached by SAYO who bluntly asked if they wanted women and she further inquired if they wanted 15 year-old girls. The three customers agreed to take the 15 year-old girls offered by SAYO for Three Hundred Pesos (P300.00) each. Thereafter, SAYO informed the three customers about a room in Baltazar Street which they could rent for P100.00 for each couple. The customers agreed on the price.

Meanwhile, SAYO informed the "plaza girls" on November 15, 2005 that they have customers for that night. AAA, BBB and CCC met SAYO at the Pasig Plaza. There, she introduced them to the three men. The three male customers were actually the agents of the CIOG-WCCD and IJM. After the negotiation was concluded, all of them proceeded to the house of ALFREDO ROXAS at No. 638 Baltazar Street, Brgy. Sto. Tomas, Pasig City on board a tricycle. Upon reaching the house, they were greeted by "FRED" ROXAS who openly discussed with SAYO in front of the customers and the ["plaza girls"] regarding the transaction for the night. ROXAS told that the room rate for each couple is P100.00. AAA saw the customers gave to ROXAS the Three Hundred Pesos (P300.00).

The undercover agents, SAYO and ROXAS talked about the payment for the girls' services outside the house. When the Nine Hundred Pesos (P900.00) was handed by one of the customers to SAYO to cover the payment for the services of AAA, BBB and CCC, the CIDG-WCCO agents announced that it was a raid. At that point, PO3 Anthony Ong executed the pre-arranged signal, in reaction to which, the back-up operatives who were deployed in different strategic locations rushed towards them and arrested SAYO and ROXAS.

Recovered from the possession of ALFREDO ROXAS was the marked money amounting to Three Hundred Pesos (P300.00), the payment for the use of the room for sexual activities while the Nine Hundred Pesos (P900.00) intended for the sexual services to be provided by the "plaza girls" was recovered from SUSAN SAYO. Thereafter, the two [accused-]appellants and the "plaza girls" were brought to the headquarters of CIDG-WCCD in Camp Crame Quezon City for investigation, documentation and medico-legal examination. After staying there for a day, the "plaza girls" were brought under the care of the Department of Social Welfare and Development (DSWD) in Marilac Hills, Alabang, Muntinlupa City.

The [Defense's] Evidence

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SAYO testified on direct examination that on November 15, 2005, between 9:00 to 9:30 o'clock in the evening, while barking for jeepney passengers in front of the Pasig Cathedral Church, she saw CCC, AAA and BBB together with the three male persons. This group of men and CCC approached her and arrested her. CCC asked her to accompany them to ALFREDO's house in exchange for One Hundred Pesos (P100.00). SAYO

agreed and they boarded a tricycle heading towards Sto. Tomas, Pasig City. Thereat, SAYO was surprised when a man suddenly grabbed her arm when she alighted from the tricycle. She was taken to a dark place and hauled immediately to a vehicle and brought to jail where she met for the first time her co accused ROXAS.

x x x x

ALFREDO ROXAS, on the other hand, claimed that on the night of November 15, 2005, he was sleeping in his house in Baltazar Street, Sto. Tomas. He was awakened by the barks of the dogs. He went outside to see for himself what was that commotion all about. He saw CCC and Susan [Sayo] along with the men[,] AAA and BBB. One of the men asked him if they could rent his room since it was the birthday of [CCC's] compadre, but he refused. After rejecting their request for several times, the male persons forced him to accept the money which turned out to be dusted with ultra violet powder. He admitted having known CCC, AAA and BBB for about 6 to 7 months prior to the incident. As for SAYO, he just only met her on that day of November 15, 2005 in front of the church in the Pasig Plaza. When asked how he came to know CCC, AAA and BBB, he said that they were just introduced to him by someone in their place. [10]

Ruling of the RTC

The RTC promulgated its Decision^[11] on September 23, 2010.

The RTC first discussed the procedural infirmity in the Information as it contained more than one offense. Under Section 13, Rule 110 of the Revised Rules of Criminal Procedure, the Information must charge only one offense except when the law prescribes a single punishment for various offenses.

Sayo was charged with recruiting and transporting AAA and BBB (minors), as well as CCC (of legal age) for prostitution. In the same Information, Roxas was separately accused of managing and operating a room in his apartment to be used for prostitution. Thus, the Information was duplicitous. Be that as it may, the RTC held that the accused-appellants had waived any objection to the Information as they failed to object prior to their arraignment. Citing *Dimayacyac v. Court of Appeals*,^[12] the RTC held that with the waiver, the accused may be charged and convicted of as many offenses as those charged in the Information and proved during trial.^[13]

On the substantive issue, the RTC held that the prosecution was able to prove the guilt of accused-appellants beyond reasonable doubt. The testimonies of AAA, BBB, and CCC were clear, categorical, and corroborative of each other's testimony. The testimony of the arresting officer, PO2 Anthony Ong (PO2 Ong), was also categorical and straightforward regarding the investigation, pre-surveillance, entrapment procedure, and arrest of the accused-appellants. ^[14]

On the other hand, both accused-appellants merely interposed the defenses of

denial and alibi which are both inherently weak defenses. For denial to prosper, there must be strong evidence that the accused was not capable of committing the crime. For alibi, the accused must prove that he was at some other place which made it physically impossible for him to be at the *locus criminis* at the time of commission. Contrary to the accused's defenses, the RTC held that in fact, both the accused in this case were arrested as a result of an entrapment operations.^[15]

The dispositive portion of the RTC Decision held:

WHEREFORE, in light of all the foregoing considerations, accused SUSAN SAYO y REYES is hereby found. GUILTY beyond reasonable doubt of Qualified Trafficking in Persons under Section 4 (a,e) and Section 6 (a) of R.A. 9208 insofar as minors AAA and BBB, and is sentenced to suffer life imprisonment and to pay a fine of Two Million Pesos ([P]2,000,000.00) insofar as minors AAA and BBB are concerned.

Accused ALFREDO ROXAS y SAGON is likewise found GUILTY beyond reasonable doubt of Qualified Trafficking in Persons under Section 5 (a) and Section 6 (a) of R.A. 9208, insofar as minors AAA and BBB are concerned, and is sentenced to suffer life imprisonment and to pay a fine of Two Million Pesos ([P]2,000,000.00).

As for complainant [CCC] who was no longer a minor at the time of commission of the offense, accused Susan Sayo is found GUILTY beyond reasonable doubt of the offense of trafficking in persons under Section 4 (a, e) of R.A. 9208 and is sentenced to suffer imprisonment of twenty (20) years and to pay a fine of One million pesos (P1,000,000.00). Accused Alfredo Roxas y Sagon is likewise found GUILTY beyond reasonable doubt of the offense of trafficking in persons under Section S(a) of R.A. 9208 and is sentenced to suffer the penalty of imprisonment of fifteen (15) years and to pay a fine of Five hundred thousand pesos (P500,000.00).

SO ORDERED.^[16]

The CA Decision

On appeal, the CA affirmed the RTC Decision with modification, by adding an award of moral and exemplary damages, but only to AAA and BBB. There was no discussion on the omission of CCC in the award of damages.^[17]

The dispositive portion of the CA Decision stated:

WHEREFORE, premises considered, the assailed Decision of the trial court dated September 23, 2010 is **AFFIRMED** with **MODIFICATIONS**. As modified:

(1) **SUSAN SAYO Y REYES** is hereby found **GUILTY** beyond reasonable