

SECOND DIVISION

[G.R. No. 235652, July 09, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. XXX
AND YYY, * ACCUSED-APPELLANTS.**

D E C I S I O N

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal^[1] filed by accused-appellants XXX and YYY (accused-appellants) assailing the Decision^[2] dated August 25, 2017 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 08446, which affirmed the Judgment^[3] dated October 23, 2015 of the Regional Trial Court of Biñan, Laguna, Branch 25 (RTC) in Criminal Case Nos. 21802-B, 21803-B, 21804-B, and 24608-B, convicting them of multiple counts of Qualified Trafficking in Persons defined and penalized under Section 4 in relation to Section 6 of Republic Act No. (RA) 9208,^[4] otherwise known as the "Anti-Trafficking in Persons Act of 2003."

The Facts

This case stemmed from various Informations^[5] filed before the RTC, charging accused-appellants and a certain John Doe of the crime of Qualified Trafficking in Persons, among others, the accusatory portions of which read:

Criminal Case No. 21802-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the years 2008, 2009, 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over AAA, 14 years old, born on 14 December 1996, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, for the minor complainant to engage in private chat wherein persons, usually foreigners would pay a

fee, for the minor complainant to show her genitals, buttocks, breasts, pubic area, and to perform simulated sexual explicit activities as by touching and fondling her genitals, buttocks, breasts, pubic area, and uttering words as "FUCK ME!" "LICK ME", instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such activities will pay for the family's food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person AAA, 14 years old, born on 14 December 1996, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.^[6]

Criminal Case No. 21803-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the year 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over BBB, 10 years old, born on 14 May 2000, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, to dance naked in front of the camera being viewed through the internet, by a person/s, usually a foreigner named "Sam", who pays a fee, for the minor complainant to: (i) for the minor complainant to engage in private chat wherein persons, usually foreigners would pay for a fee, for the minor complainant to show her genitals, buttocks, breasts, instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such activities will pay for the family's food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person BBB, 10 years old, born on 14 May 2000, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.^[7]

Criminal Case No. 21804-B.

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX

and YYY of the crime of Section 4 (e) in relation to Section 6 (a) and (d) of RA 9208, committed as follows:

That for the period comprising the year 2010 up to March 5, 2011, in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with each other, by deception and taking advantage of the vulnerability of the minor complainant being the biological parents of the minor complainant having custody and control over CCC, 9 years old, born on July 24, 2001, did then and there maintain for the purpose of prostitution and/or pornography said minor complainant by then and there providing food, shelter and clothing to induce and persuade the said minor complainant, by using the computer and webcam and internet connections, to dance naked in front of the camera being viewed through the internet, by person/s, usually a foreigner named "Sam", who pays a fee, for the minor complainant to: (i) for the minor complainant to engage in private chat wherein persons, usually foreigners would pay for a fee, for the minor complainant to show her genitals, buttocks, breasts, pubic area[,] instilling in the mind of the minor complainant that the same is necessary for their support and daily sustenance as the earnings she derives from such support and daily sustenance as the earnings she derives from such activities will pay for the family's food, rental and utilities in violation of the said law.

With the presence of the qualifying circumstances that (i) the trafficked person, CCC, 9 years old, born on July 24, 2001, is a child and (ii) the accused are the parents of the minor complainant.

CONTRARY TO LAW.^[8]

Criminal Case No. 24608-B

The undersigned 4th Assistant Provincial Prosecutor, hereby accuses XXX and JOHN DOE, whose name and personal circumstances are yet unknown, for the crime of Section 4 (a) in relation to Section 6 (a) and (d) of RA 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", committed as follows:

That sometime in April 2010 or in the dates prior thereto in the City of Cabuyao, Province of Laguna, Philippines within the jurisdiction of this Honorable Court, the above-named accused XXX, being the mother of herein complainant AAA, 14 years old, born on 14 December 1996, by taking advantage of the vulnerability of the minor complainant as being the mother accused exerts influence and control over the minor complainant with the intention and purpose of exploitation and prostitution, did then and there willfully, unlawfully and feloniously recruit, transport and provide complainant minor AAA, for the purpose of prostitution by then and there bringing her from their residence in Cabuyao, Laguna to the hotel room occupied by one JOHN HUBBARD, a foreign national in Makati City wherein the said John Hubbard had sexual intercourse with the minor complainant in exchange of material

consideration in the amount of One Hundred Thousand Pesos (P100,000.00).

With the qualifying circumstances that the trafficked person, AAA, 14 years old, born on 14 December 1996, is a child and that the accused is a parent and exercises parental authority over the trafficked person as she is the mother of complainant AAA.

CONTRARY TO LAW.^[9]

The prosecution claimed that AAA, BBB, and CCC are the minor children of spouses XXX and YYY. AAA claimed that sometime in April 2010, when she was just 13 years old, her mother XXX brought her to a hotel in Makati to meet with a certain John Hubbard who proceeded to have sexual intercourse with her. AAA further alleged that from 2008 to 2011, XXX ordered her to engage in cybersex for three (3) to four (4) times a week in pornographic websites where AAA was shown in her underwear and made to do sexual activities in front of the computer. For their part, BBB and CCC corroborated AAA's statements, both averring that from 2010-2011, XXX ordered them to dance naked in front of the computer with internet connectivity while facilitating the webcam sessions and chatting with a certain "Sam," their usual client. BBB and CCC alleged that during those sessions, their father YYY would be outside the room or fixing the computer. The children all claimed that they were made to do sexual activities to earn money for their household expenses which were collected by YYY in remittance centers.^[10]

Sometime in February 2011, AAA sought the assistance of the Department of Social Welfare and Development (DSWD) as she wanted her and her siblings to be rescued. AAA was then taken by the DSWD Social Worker, who then coordinated with the National Bureau of Investigation (NBI). After making an investigation and a technical verification of the pornographic websites which revealed photos and transactions of AAA, the NBI applied for and was granted a search warrant. Subsequently, the law enforcement authorities implemented the search warrant, resulting in the rescue of AAA, BBB, and CCC, the confiscation of the computer units and paraphernalia connected with the alleged crimes, and the arrest of both XXX and YYY.^[11]

For their defense, accused-appellants denied the accusations and claimed not knowing any motive for their children's accusations as XXX is a housewife, while YYY works at a printing press. They alleged that AAA ran away when she was impregnated by her boyfriend and denied that computer gadgets were confiscated from them.^[12]

The RTC Ruling

In a Judgment^[13] dated October 23, 2015, the RTC found accused-appellants guilty beyond reasonable doubt of four (4) counts of Qualified Trafficking in Persons as defined and penalized under RA 9208. Accordingly, they were sentenced to suffer the penalty of life imprisonment and to pay a fine of P2,000,000.00 for each count,

and to pay the victims the amounts of P30,000.00 as moral damages and P10,000.00 as exemplary damages for each count.^[14] All other charges^[15] against them were dismissed for being superfluous as they are deemed subsumed under the crimes for which they were convicted.^[16]

The RTC found that the prosecution had proven beyond reasonable doubt the fact that accused-appellants had conspired and confederated with one another to maintain and exploit their children, AAA, BBB, and CCC, into committing cybersex with several foreigners through various websites. In this regard, the RTC pointed out that accused-appellants' assertion that the charges against them are merely fabricated cannot be given credence in light of the children's clear and straightforward testimonies and the lack of ill motive to testify against their own parents.^[17]

Aggrieved, accused-appellants appealed to the CA.^[18]

The CA Ruling

In a Decision^[19] dated August 25, 2017, the CA affirmed accused-appellants' conviction, with the following modifications: (a) YYY's conviction is reduced to three (3) counts of Qualified Trafficking in Persons; and (b) the awards of damages for the victims were increased to P500,000.00 as moral damages and P100,000.00 as exemplary damages.^[20]

In affirming accused-appellants' respective convictions, the CA gave credence to the testimonies of the three (3) children-victims who not only positively identified accused-appellants as the perpetrators of the crime, but also straightforwardly explained the acts of sexual exploitation perpetuated against them by their own parents. This notwithstanding, the CA found it appropriate to find the children's father, YYY, guilty for only three (3) counts of Qualified Trafficking, as he was only named as an accused in three (3) of the four (4) total Informations^[21] for such crime filed before the RTC.^[22]

Hence, this appeal.^[23]

The Issue Before the Court

The issue for the Court's resolution is whether or not XXX and YYY are guilty beyond reasonable doubt of four (4) and three (3) counts, respectively, of Qualified Trafficking in Persons.

The Court's Ruling

The appeal is without merit.

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