

THIRD DIVISION

[G.R. No. 238889, October 03, 2018]

**ANTONIO PLANTERAS, JR., PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

PERALTA, J.:

This is to resolve the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, dated May 18, 2018, of petitioner Antonio Planteras, Jr. that seeks to reverse and set aside the Decision^[1] dated April 24, 2017 and Resolution^[2] dated March 21, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 02077, which affirmed the Decision^[3] dated November 10, 2014 of the Regional Trial Court (RTC), Branch 20, Cebu City convicting the same petitioner of violation of Section 5, par. (a) of Republic Act (R.A.) No. 9208 or promoting trafficking in persons.

The facts follow.

P/S Int. Audie Villacin directed the elements of the Regional Investigation Detective Division (RIDM) to conduct surveillance operations at [REDACTED] Lodge, located along [REDACTED], Cebu City, after receiving reports sometime in the second week of March 2009, about the alleged trafficking in persons and sexual exploitation being committed at the said place. On March 16, 2009, reports came in that pimps were indeed offering the sexual services of young girls to various customers at the entrance/exit door of the [REDACTED] Lodge, owned by petitioner and his wife, Christina Planteras.

On March 19, 2009, PO3 Jose Erwin Dumaguit (*PO3 Dumaguit*) and PO1 Arnold Rusiana (*PO1 Rusiana*) conducted another surveillance. They proceeded to the [REDACTED] Lodge armed with a concealed camera and at the said place, they were met by Marlyn Buhisan who offered girls for sex. The girls were made to line up in front of the police officers. Thereafter, Buhisan led the police officers upstairs where they saw petitioner at the reception counter who appeared to be aware and listening to the on-going negotiation. When PO1 Rusiana asked about the room rates, petitioner informed him that the room charge is P40.00 per hour plus P50.00 for every succeeding hour. After that, the police officers and the girls who were introduced to them left the lodge for drinks within the vicinity of [REDACTED], Cebu City.

Subsequently, an entrapment operation was conducted on April 28, 2009 by members of the Regional Special Investigation Unit, the Carbon Police Station, *barangay tanods*, and representatives from the Department of Social Welfare and Development (DSWD). PO1 Hazal Tomongtong (*PO1 Tomongtong*) was assigned as the photographer and recorder, PO2 Linda Almohallas (*PO2 Almohallas*) as evidence custodian, and PO3 Dumaguit and PO1 Ariel Llanes (*PO1 Llanes*) as poseur-

customers and were given the marked money consisting of fifteen (15) P100.00 bills.

At the [REDACTED] Lodge, PO3 Dumaguít and PO1 Llanes were approached by Marichu Tawi who offered girls for sexual favors for the price of P300.00 each. PO3 Dumaguít and PO1 Llanes, along with three (3) girls, namely, BBB, CCC, DOD, then went upstairs. PO3 Dumaguít requested the services of one more girl from Tawi. At that time, Buhisan arrived and joined the on-going negotiation. Tawi left and when she returned, she brought with her a young girl, AAA. Petitioner was behind the reception counter when the said negotiation took place and appeared to be listening to the said transaction. PO3 Dumaguít and PO1 Llanes chose three (3) girls, one of whom was AAA, and then handed over the marked money (P900.00) to Buhisan. The police officers also gave P200.00 as "tip" for Tawi. After that, PO3 Dumaguít executed the pre-arranged signal, a "missed call" on the rest of the team. When the rest of the team arrived at the [REDACTED] Lodge, PO3 Dumaguít announced that they are police officers and immediately thereafter, Buhisan, Tawi, petitioner and his wife, Christina, were arrested. PO3 Dumaguít retrieved the marked money from Buhisan, and Tawi then handed it over to PO2 Almohallas. Consequently, the police officers brought the persons arrested to their office and turned over the girls who were exploited to the DSWD.

As a result, two (2) Informations were filed against Buhisan, Tawi, Christina and petitioner, thus:

In Criminal Case No. CBU-86038 (against [petitioner] Planteras and Christina Planteras)

That on or about the 28th day of April 2009, and for sometime prior thereto, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping with one another, with deliberate intent, with intent of gain, did then and there knowingly allow its establishment [REDACTED] Lodge located at [REDACTED], Cebu City, to be used for the purpose of promoting trafficking in persons, that is, by allowing BBB, CCC, DDD and AAA, a minor, 17 years old, to engage in prostitution in the said establishment.

CONTRARY TO LAW.

In Criminal Case No. CBU-86039 (against Buhisan and Tawi)

That on or about the 28th day of April 2009, at about 10:00 p.m., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent of gain, did then and there recruit, transport and then maintain for the purpose of prostitution, pornography, or sexual exploitation four females, namely, DDD, CCC, BBB and one (1) of which is a child in the name of AAA, 17 years old, with the qualifying aggravating circumstances:

1. The trafficked persons are children; and
2. That the crime is committed in large scale.

CONTRARY TO LAW.^[4]

On arraignment, petitioner and his co-accused all pleaded "not guilty" to their respective charges.

The prosecution presented the testimonies of PO3 Dumaguit and PO2 Almohallas. The prosecution also presented the testimony of AAA to corroborate the testimonies of the said police officers.

AAA, who was then 17 years old, testified that, in February 2009, while looking for her sister at the vicinity of [REDACTED], Cebu City, she met Buhisan who inquired whether she wanted money in exchange for her sexual services to customers. AAA agreed and, thereafter, Buhisan would find customers for her. Upon instructions of Buhisan, the latter would bring the customers to the [REDACTED] Lodge where the illicit activity will be consummated. AAA further narrated that she is familiar with Tawi, who was also a prostitute. Tawi, according to AAA, on previous occasions, also acted as a pimp for her. Each customer would pay Php300.00 for AAA's services. Of the said rate, she receives only Php200.00, while the remainder is kept by either Buhisan or Tawi as their commission.

Regarding petitioner, AAA said that he and his wife owned the [REDACTED] Lodge and that the spouses received payments for room charges and sold condoms at the hotel. AAA further testified that on one occasion, after providing service to a customer, petitioner offered her to another customer.

After the prosecution had rested its case, all the accused, including petitioner, filed a Demurrer to Evidence. The Demurrer was granted, but only in favor of Christina Planteras and, accordingly, the case against her was dismissed in an Order dated January 21, 2013.

The defense presented the testimonies of petitioner, Buhisan and Tawi.

During trial, petitioner testified that he is the registered owner of the [REDACTED] Lodge, and that on April 28, 2009, around 9 o'clock in the evening, while he was watching television at the Lodge, three (3) males and three (3) females went inside the same Lodge. Petitioner denied hearing the conversation that took place among the 6 persons and claimed that his attention was fixed on the television show. After a few minutes, petitioner noticed one of the women go down the stairs and then went back with another girl. Thereafter, policemen arrived, searched the area, and arrested him and his wife, Christina. Petitioner insisted that he does not know Buhisan and Tawi.

Buhisan testified that she was merely a helper at the [REDACTED] Lodge, and that on April 28, 2009, petitioner called her to assist four (4) guests who were accompanied by Tawi. After Buhisan was able to prepare their rooms, she was requested by one of the guests to find for them girls. for hire which she refused to do. Buhisan also claimed that she declined the said request despite a promise of payment. However, according to Buhisan, petitioner instructed her to collect the payment from the four (4) guests which she complied. The customers gave her P200.00, but they immediately took the payment back from her and was then immediately handcuffed and arrested. Buhisan further testified that she knows AAA

and the other girls in the Lodge that night, because they frequently brought their customers to the New Perlito's Lodge.

Tawi, during her testimony, admitted that she was a sex worker and that she knows AAA and Buhisan because they were engaged in the same activity. According to Tawi, on April 28, 2009, upon the request of PO3 Dumaguit and PO1 Llanes, she and Buhisan introduced some girls to them. Tawi even offered her services in order to earn money for herself, however on that same night, they were arrested by the police officers.

The RTC rendered a Decision convicting petitioner, Buhisan and Tawi guilty beyond reasonable doubt of their respective charges, thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. CBU-86039, the Court finds accused MARLYN BUHISAN and MARICHU TAWI GUILTY beyond reasonable doubt of the crime of qualified trafficking in persons in violation of Section 4, in relation to Section 6 of Republic Act No. 9208, and hereby sentences each of them to life imprisonment. Each accused is also ordered to pay fine in the amount of Two Million Pesos (PhP2,000,000.00).

2. In Criminal Case No. CBU-86038, the Court finds accused ANTONIO PLANTERAS, JR. GUILTY beyond reasonable doubt of the crime of knowingly allowing [REDACTED] Lodge to be used for the purpose of promoting trafficking in persons of Section 5 of Republic Act No. 9208, and hereby sentences him to a prison term of Fifteen (15) Years and to pay [a] fine in the amount of Five Hundred Thousand Pesos (PhP500,000.00).

The bail bond posted by accused Antonio Planteras, Jr. is hereby cancelled. Let a warrant of arrest forthwith issue against accused Antonio Planteras, Jr.

SO ORDERED. ^[5]

Petitioner, Buhisan and Tawi, after their motion for reconsideration was denied by the RTC, elevated the case to the CA. Eventually, the CA denied their appeals and affirmed their convictions, thus:

WHEREFORE, premises considered, the appeals are DENIED. The Joint Decision dated 10 November 2014, and the Order dated 17 April 2015, of the Regional Trial Court of Cebu City, 7th Judicial Region, Branch 20, in Criminal Case Nos. CBU-86038 and CBU-86039, are AFFIRMED.

SO ORDERED. ^[6]

Hence, the present petition under Rule 45 of the Rules of Court of petitioner Planteras, Jr.

Petitioner raises the following errors:

THE COURT OF APPEALS MISAPPREHENDED THE FACTS OF THE CASE WHICH RESULTED TO ITS ERRONEOUS CONCLUSION THAT THROUGH CIRCUMSTANTIAL EVIDENCE THE PROSECUTION HAS SUFFICIENTLY ESTABLISHED THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT

THE COURT OF APPEALS GRAVELY ERRED IN INTERPRETING THE TERM TRAFFICKING IN PERSONS WITHIN THE MEANING AND INTENT OF THE LAW.^[7]

According to petitioner, there is no evidence that he was engaged in the trafficking of women or that his acts would amount to the promotion of the trafficking of women. He further argues that to be convicted of the charge against him, the offender must not just be conscious of the fact that he or she is leasing the premises but that this consciousness must extend to being aware that such acts promote the trafficking in persons. Petitioner also claims that the prosecution's evidence is insufficient to prove the presence of criminal intent and cannot be said to have successfully overthrown the constitutional presumption of innocence that he enjoyed. In addition, he avers that the case against him is not a case against "trafficking in persons" within the meaning and intent of the law.

The petition lacks merit.

The Rules of Court require that only questions of law should be raised in petitions filed under Rule 45.^[8] This court is not a trier of facts. It will not entertain questions of fact as the factual findings of the appellate courts are "final, binding[,] or conclusive on the parties and upon this [c]ourt"^[9] when supported by substantial evidence.^[10] Factual findings of the appellate courts will not be reviewed nor disturbed on appeal to this court.^[11]

However, these rules do admit exceptions. Over time, the exceptions to these rules have expanded. At present, there are 10 recognized exceptions that were first listed in *Medina v. Mayor Asistio, Jr.*:^[12]

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.^[13]

These exceptions similarly apply in petitions for review filed before this court involving civil,^[14] labor,^[15] tax,^[16] or criminal cases.^[17]