

SECOND DIVISION

[G.R. No. 211465, December 03, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SHIRLEY A. CASIO, ACCUSED-APPELLANT.**

DECISION

LEONEN, J.:

"Chicks mo dong?"^[1]

With this sadly familiar question being used on the streets of many of our cities, the fate of many desperate women is sealed and their futures vanquished. This case resulted in the rescue of two minors from this pernicious practice. Hopefully, there will be more rescues. Trafficking in persons is a deplorable crime. It is committed even though the minor knew about or consented to the act of trafficking.

This case involves Republic Act No. 9208,^[2] otherwise known as the "Anti-Trafficking in Persons Act of 2003."^[3]

Accused Shirley A. Casio was charged for the violation of Republic Act No. 9208, Section 4(a), qualified by Section 6(a). The information against accused, dated May 5, 2008, states:

That on or about the 3rd day of May 2008, at about 1:00 o'clock A.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, with intent to gain, did then and there hire and/or recruit AAA, a minor, 17 years old and BBB for the purpose of prostitution and sexual exploitation, by acting as their procurer for different customers, for money, profit or any other consideration, in Violation of Sec. 4, Par. (a), Qualified by Sec. 6, Par. (a), of R.A. 9208 (Qualified Trafficking in Persons).

CONTRARY TO LAW.^[4]

The facts, as found by the trial court and the Court of Appeals, are as follows:

On May 2, 2008, International Justice Mission (IJM),^[5] a non-governmental organization, coordinated with the police in order to entrap persons engaged in human trafficking in Cebu City.^[6]

Chief PSI George Ylanan, SPO1 Felomino Mendaros, SPO1 Fe Altubar, PO1 Albert Luardo, and PO1 Roy Carlo Veloso composed the team of police operatives.^[7] PO1 Luardo and PO1 Veloso were designated as decoys, pretending to be tour guides looking for girls to entertain their guests.^[8] IJM provided them with marked money,

which was recorded in the police blotter.^[9]

The team went to Queensland Motel and rented Rooms 24 and 25. These rooms were adjacent to each other. Room 24 was designated for the transaction while Room 25 was for the rest of the police team.^[10]

PO1 Luardo and PO1 Veloso proceeded to D. Jakosalem Street in Barangay Kamagayan, Cebu City's red light district. Accused noticed them and called their attention by saying "*Chicks mo dong?*" (Do you like girls, guys?).^[11]

During trial, PO1 Luardo and PO1 Veloso testified that their conversation with accused went as follows:

Accused: Chicks mo dong? (Do you like girls, guys?)
PO1 Unya mga bag-o? Kanang batan-on kay naa mi guests
Luardo: naghulat sa motel. (Are they new? They must be young
because we have guests waiting at the motel.)
Accused: Naa, hulat kay magkuha ko. (Yes, just wait and I'll get
them.)^[12]

At that point, PO1 Luardo sent a text message to PSI Ylanan that they found a prospective subject.^[13]

After a few minutes, accused returned with AAA and BBB, private complainants in this case.^[14]

Accused: Kining duha kauyon mo ani? (Are you satisfied with
these two?)
PO1 Maayo man kaha na sila modala ug kayat? (Well, are
Veloso: they good in sex?)^[15]

Accused gave the assurance that the girls were good in sex. PO1 Luardo inquired how much their services would cost. Accused replied, "*Tag kinientos*" (P500.00).^[16]

PO1 Veloso and PO1 Luardo convinced accused to come with them to Queensland Motel. Upon proceeding to Room 24, PO1 Veloso handed the marked money to accused.^[17]

As accused counted the money, PO1 Veloso gave PSI Ylanan a missed call. This was their pre-arranged signal. The rest of the team proceeded to Room 24, arrested accused, and informed her of her constitutional rights. The police confiscated the marked money from accused.^[18] Meanwhile, AAA and BBB "were brought to Room 25 and placed in the custody of the representatives from the IJM and the DSWD."^[19]

During trial, AAA testified that she was born on January 27, 1991. This statement was supported by a copy of her certificate of live birth.^[20]

AAA narrated that in 2007, she worked as a house helper in Mandaue City. In March 2008 she stopped working as a house helper and transferred to Cebu City. She stayed with her cousin, but she subsequently moved to a boarding house. It was

there where she met her friend, Gee Ann. AAA knew that Gee Ann worked in a disco club. When Gee Ann found out that AAA was no longer a virgin, she offered AAA work. AAA agreed because she needed the money in order to help her father. AAA recalled that she had sex with her first customer. She was paid P200.00 and given an additional P500.00 as tip. For the first few weeks, Gee Ann provided customers for AAA. Eventually, Gee Ann brought her to Barangay Kamagayan, telling her that there were more customers in that area.^[21]

AAA stated that she knew accused was a pimp because AAA would usually see her pimping girls to customers in Barangay Kamagayan.^[22] AAA further testified that on May 2, 2008, accused solicited her services for a customer. That was the first time that she was pimped by accused.^[23] Accused brought her, BBB, and a certain Jocelyn to Queensland Motel.^[24]

AAA testified that Jocelyn stayed in the taxi, while she and BBB went to Room 24. It was in Room 24 where the customer paid Shirley. The police rushed in and told AAA and BBB to go to the other room. AAA was then met by the Department of Social Welfare and Development personnel who informed her that she was rescued and not arrested.^[25]

AAA described that her job as a prostitute required her to display herself, along with other girls, between 7 p.m. to 8 p.m. She received P400.00 for every customer who selected her.^[26]

The prosecution also presented the police operatives during trial. PSI Ylanan, SPO1 Mendaros, and SPO1 Altubar testified that after PO1 Veloso had made the missed call to PSI Ylanan, they “rushed to Room 24 and arrested the accused.”^[27] SPO1 Altubar retrieved the marked money worth P1,000.00 from accused’s right hand “and upon instruction from PCINSP Ylanan recorded the same at the ‘police blotter prior operation’. . . .”^[28]

The trial court noted that AAA requested assistance from the IJM “in conducting the operation against the accused.”^[29]

Version of the accused

In defense, accused testified that she worked as a laundrywoman. On the evening of May 2, 2008, she went out to buy supper. While walking, she was stopped by two men on board a blue car. The two men asked her if she knew someone named Bingbing. She replied that she only knew Gingging but not Bingbing. The men informed her that they were actually looking for Gingging, gave her a piece of paper with a number written on it, and told her to tell Gingging to bring companions. When accused arrived home, she contacted Gingging. Gingging convinced her to come because allegedly, she would be given money by the two males.^[30]

Ruling of the trial court

The Regional Trial Court, Branch 14 in Cebu City found accused guilty beyond reasonable doubt and held^[31] that:

Accused had consummated the act of trafficking of person[s] . . . as defined under paragraph (a), Section 3 of R.A. 9208 for the purpose of letting her engage in prostitution as defined under paragraph [c] of the same Section; the act of "sexual intercourse" need not have been consummated for the mere "transaction" i.e. the 'solicitation' for sex and the handing over of the "bust money" of Php1,000.00 already consummated the said act.

. . . .

WHEREFORE, the Court finds accused, SHIRLEY A. CASIO, GUILTY beyond reasonable doubt of trafficking in persons under paragraph (a), Section 4 as qualified under paragraph (a), Section 6 of R.A. 9208 and sentenced to suffer imprisonment of TWENTY (20) YEARS and to pay a fine of ONE MILLION (Php1,000,000.00).

Finally, accused is ordered to pay the costs of these proceedings.

SO ORDERED[.]^[32]

Ruling of the Court of Appeals

The Court of Appeals affirmed the findings of the trial court but modified the fine and awarded moral damages. The dispositive portion of the decision^[33] reads:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby DENIED. The assailed Decision dated 10 August 2010 promulgated by the Regional Trial Court, Branch 14 in Cebu City in Crim. Case No. CBU-83122 is AFFIRMED WITH MODIFICATIONS. The accused-appellant is accordingly sentenced to suffer the penalty of life imprisonment and a fine of Php2,000,000 and is ordered to pay each of the private complainants Php150,000 as moral damages.

SO ORDERED.^[34]

Accused filed a notice of appeal^[35] on August 28, 2013, which the Court of Appeals noted and gave due course in its resolution^[36] dated January 6, 2014.

The case records of CA-G.R. CEB-CR No. 01490 were received by this court on March 17, 2014.^[37]

In the resolution^[38] dated April 29, 2014, this court resolved to notify the parties that they may file their respective supplemental briefs within 30 days from notice. This court also required the Superintendent of the Correctional Institution for Women to confirm the confinement of accused.^[39]

Counsel for accused^[40] and the Office of the Solicitor General^[41] filed their respective manifestations, stating that they would no longer file supplemental briefs considering that all issues had been discussed in the appellant's brief and appellee's brief filed before the Court of Appeals. Through a letter^[42] dated June 17, 2014, Superintendent IV Rachel D. Ruelo confirmed accused's confinement at the

Correctional Institution for Women since October 27, 2010.

The sole issue raised by accused is whether the prosecution was able to prove her guilt beyond reasonable doubt.

However, based on the arguments raised in accused's brief, the sole issue may be dissected into the following:

- (1) Whether the entrapment operation conducted by the police was valid, considering that there was no prior surveillance and the police did not know the subject of the operation;^[43]
- (2) Whether the prosecution was able to prove accused's guilt beyond reasonable doubt even though there was no evidence presented to show that accused has a history of engaging in human trafficking;^[44] and
- (3) Whether accused was properly convicted of trafficking in persons, considering that AAA admitted that she works as a prostitute.^[45]

Arguments of accused

Accused argues that there was no valid entrapment. Instead, she was instigated into committing the crime.^[46] The police did not conduct prior surveillance and did not even know who their subject was.^[47] Neither did the police know the identities of the alleged victims.

Accused further argues that under the subjective test, she should be acquitted because the prosecution did not present evidence that would prove she had a history of engaging in human trafficking or any other offense. She denied being a pimp and asserted that she was a laundrywoman.^[48] In addition, AAA admitted that she worked as a prostitute. Thus, it was her decision to display herself to solicit customers.^[49]

Arguments of the plaintiff-appellee

The Office of the Solicitor General, counsel for plaintiff-appellee People of the Philippines, argued that the trial court did not err in convicting accused because witnesses positively identified her as the person who solicited customers and received money for AAA and BBB.^[50] Entrapment operations are valid and have been recognized by courts.^[51] Likewise, her arrest in flagrante delicto is valid.^[52] Hence, the trial court was correct in stating that accused had "fully consummated the act of trafficking of persons. . ."^[53]

We affirm accused Shirley A. Casio's conviction.

I.

Background of Republic Act No. 9208

The United Nations Convention against Transnational Organized Crime (UN CTOC) was "adopted and opened for signature, ratification and accession"^[54] on November