

## **TWENTIETH DIVISION**

**[ CA-G.R. CEB-CR HC NO. 01655, October 23, 2014 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NANCY LASACA RAMIREZ, A.K.A "ZOY" OR "SOY", ACCUSED-APPELLANT.**

### **DECISION**

**HERNANDO, J.:**

Before Us is an Appeal from the Decision<sup>[1]</sup> dated January 9, 2013 rendered by the Regional Trial Court (RTC), Branch 27 of Lapu-lapu City in Crim. Case No. R-LLP-09-05622-CR finding accused-appellant Nancy Lasaca Ramirez guilty beyond reasonable doubt of the crime of Qualified Trafficking of Persons in Relation to Sec. 4(e) of R.A. 9208<sup>[2]</sup>. The dispositive portion of the assailed Decision reads:

WHEREFORE, in view of the foregoing premises, judgment is hereby ordered finding the accused, Nancy Lasaca Ramirez guilty of the crime of Qualified Trafficking of Person in Relation to Sec. 4(e) of R.A. 9208 beyond reasonable doubt and sentences her to suffer the penalty of life imprisonment and a fine of Two million pesos (P2,000,000.00).

SO ORDERED.

Consistent with the confidentiality rule in cases involving minor victims and taking into account the best interest of the minors involved herein, this Court shall withhold the real names of the two minors rescued from prostitution and shall hereby referred them as "AAA" and "BBB" respectively. We hold this to be so notwithstanding that their real names were, nonetheless, mentioned and indicated in the records of this case.

### **The Antecedents:**

Accused Nancy Lasaca Ramirez was charged with the crime of Qualified Trafficking of Person in Relation to Sec. 4(e) of R.A. 9208, in an Information<sup>[3]</sup> dated December 8, 2009, the accusatory portion of which reads:

That on the 5<sup>th</sup> day of December, 2009, at or about 9:45 o'clock in the evening, in Tanquiri KTV Bar, Pajo, Lapu-Lapu City, Philippines, within the jurisdiction of this Honorable Court, the afore-named accused, did then and there willfully and unlawfully maintain or hire Nica Jean U. Goc-ong,

20 years old, "AAA", 16 year old minor, Cindy Pancho, 20 years old and "BBB", 15 year old minor, to engage in prostitution and offered them for sex or any form of sexual exploitation to poseur customers.

CONTRARY TO LAW.

When arraigned on April 23, 2010, accused Lasaca, with the assistance of counsel, entered a plea of not guilty.<sup>[4]</sup> After the pre-trial was terminated, trial on the merits ensued.

To establish the guilt of accused, the prosecution presented police officers PO1 Nef M. Nemenzo and PO2 Linda Almohallas as well as the two minor victims, "AAA" and "BBB".

### **Version of the Prosecution**

Pursuant to a surveillance of a reported widespread sexual service for sale by young girls in M. Patalinghug Ave. Pajo, Lapu-lapu City which was conducted by the unit of the Regional Anti-Human Trafficking Task Force (RATTF), numerous and successive entrapment operations were thereafter planned. With a team of fourteen (14) members divided into two groups, the planned entrapment and rescue operation on said place, particularly within the vicinity of Tanquiri KTV Bar and FHM Grill, was conducted on December 5, 2009 at around 9:45 in the evening.

During the said operation, PO1 Nef Nemenzo and PO1 Ariel Llanes were designated to act as poseur customers. There, the two ordered bottles of beer and waited for the arrival of pimps. The two minors "AAA" and "BBB" approached them and introduced themselves. In the middle of their conversation, accused, who was known as "Soy", came in and informed the two police officers that she can provide additional two young girls as they needed two more. Thereafter, accused and minor "BBB" left and came back with two other girls, Nica Jean Guc-ong and Cindy Pancho. It was then agreed that the price of each girl for sexual pleasure would be Php600.00 totaling to Php2,400.00 for the four girls. Accused then instructed "BBB" to receive the payment from the police officers and to set aside her commission of Php100.00 for each girl amounting to a total of Php400.00. Before the police officers and the four girls hailed a taxi, accused reminded "BBB" to ask for a down payment from the customers.

While inside the taxi on their way to Queensland motel, PO1 Llanes handed the payment of Php2,400.00 to "BBB" as instructed by accused. Right after "BBB" accepted the payment, PO1 Nemenzo and PO1 Llanes introduced themselves as police officers and told them that they were not being arrested but rescued. PO1 Nemenzo then got back the amount of Php2,400 from "BBB". Subsequently, the four girls were turned over to the team leader, P/Insp. Teresa Macatangay, who was inside a civilian van located near the area of the operation. PO1 Nemenzo also handed the amount of Php2,400.00 which he confiscated earlier from "BBB" to the evidence custodian, PO1 Linda Almohallas, who placed the same in an envelope.

Accused Ramirez was only arrested after the rest of the members of the team rescued the other victims. This was done in the morning of December 6, 2009 when

accused Ramirez was standing in the vicinity of the FHM grill and after "BBB" positively pointed to her as their pimp. According to PO1 Nemenzo, at the time of the arrest, accused was apprised of her constitutional rights. She was thereafter brought to their office for booking.

**Version of the Defense:**

Accused Nancy Lasaca Ramirez interposed the defense of denial. To belie the prosecution's accusation, accused herself and her sister, Francy Ramirez, testified in court.

Accused Nancy Lasaca Ramirez declared that she and her sister, Francy, agreed to watch a live band playing in FHM Grill on December 5, 2009. According to her, it was her second time in said place. She was, however, surprised when she was held by two men and pushed towards the van. She asked the reason why she was held but no one answered her question. She was later brought and transferred to another van where she met "BBB" and other girls and some gays. She was later told that the policemen were rounding up the area to arrest prostitutes.

Accused's sister, Francy Ramirez, corroborated accused's testimony that she was with her sister on December 5, 2009 at about 9:00 o'clock in the evening at FHM Grill watching the live band playing therein. According to Francy, her sister arrived there a little bit ahead of her. She admitted that she did not know what her sister was doing when the latter arrived in said place. She declared that her sister had no companion at that time and was only waiting for her near the gate.

On January 9, 2013, the trial court rendered its assailed Judgment finding accused Nancy Lasaca Ramirez guilty as charged.

Hence, this appeal by the accused-appellant anchored on a lone assignment of error:

**The Assigned Error:** <sup>[5]</sup>

**I.**

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HER GUILT BEYOND REASONABLE DOUBT.

**The Court's Ruling:**

*We affirm the conviction of accused-appellant.*

Section 3(a) of Republic Act No. 9208 (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003, defines Trafficking in Persons, as follows:

*Trafficking in Persons* – refers to 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 person, 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. (Emphasis supplied)

Sec. 3(c) thereof also defines prostitution as one which refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

Moreover, Sec. 4 of the same law enumerates the prohibited acts of Trafficking in Persons, one of which is as follows:

**Section 4. Acts of Trafficking in Persons.** - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

x x x

x x x

x x x

(e) To maintain or hire a person to engage in prostitution or pornography;

x x x

x x x

x x x

Sec. 6 thereof further states:

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

(a) When the trafficked person is a child;

x x x

x x x

x x x

Here, the trial court found overwhelming pieces of evidence to convict appellant of the crime charged. In so ruling, the trial court ratiocinated, thus:

The prosecution through an overwhelming pieces of evidence was able to establish the act of the accused in negotiating with the police officers who conducted the entrapment operation for the four girls who she pimped to come with them to a motel for a sexual pleasure for fee on the night of December 5, 2009 over and above the defense of the accused of denial. The testimonies of the two minors brazenly identified the accused to be a pimp in the area where the police officers conducted their

entrapment operation. As a matter of fact, these two minors were pimped by the accused not just once but for several times already. Clearly, the act of the accused in maintaining these minor girls to engage in prostitution is evidently established.

In the case at bar, what was negotiated by the accused is for the girls to have sexual intercourse with the police officers in exchange of money. Without such negotiation, the girls would not be budged to engage into prostitution. It was the accused who hired the two girls including the two minors who testified in open court with credibility to engage into sexual act with the poseur customers for a fee in the amount of P600.00 for each girl.

Our own independent examination of the records of this case lead Us to the same conclusion. We find no reason to deviate from the findings of the trial court. The records are replete with evidence establishing that indeed appellant was engaged in Qualified Trafficking of Persons. The unwavering testimonies of the two rescued minor victims as well as the positive declaration of the police officers on the culpability of appellant cannot simply be disregarded. On the contrary, they deserve due weight and credence.

The two rescued minor victims, whose minority was indisputably established<sup>[6]</sup>, bravely and brazenly admitted that they were engaged into sex for money and positively identified appellant as one of their pimps.<sup>[7]</sup> The two young girls revealed in detail that the pimps, including appellant, are usually the ones who deal with and make negotiations with customers and in turn, receive commissions for it. "BBB" specified that the rate usually ranges from Php500.00 to Php700.00. If the agreed price is Php500.00, the hired girl for sex would get Php400.00 while a share of Php100.00 would go to the pimp. If the price is Php700.00, Php550.00 would be the payment for the girl and Php150.00 would be the commission of the pimp. The two young girls further narrated that on December 5, 2009, appellant had pandered them with two customers, whom they later found out to be police officers. They confessed that they had been pimped by appellant for several times already.

The entrapment and rescue operation conducted by the member of the RATTF in M. Patalinghug Ave., Pajo, Lapu-lapu City on December 5, 2009, where appellant was legally arrested and the victims were consequently rescued confirmed these young girls' revelations. PO1 Nemenzo, a member of the Regional Anti Human Trafficking Task Force Region VII, positively identified appellant in court as the same person that they had arrested during said entrapment and rescue operation. He testified in no uncertain terms how the December 5, 2009 entrapment and rescue operation transpired, thus:

Q: Have you conducted entrapment operation somewhere in brgy. Pajo, Lapu-lapu City?

A: Yes.

Q: When would that be?

A: Last December 5, 2009.

Q: Why did your office conducted an entrapment operation there?