

THIRD DIVISION

[G.R. No. 233420, April 28, 2021]

**WILBERT BROZOTO Y DE LEON, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

D E C I S I O N

LOPEZ, J., J.:

Before this Court is a Petition for Review on *Certiorari*,^[1] assailing the Decision^[2] dated April 21, 2017 and the Resolution^[3] dated August 2, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 38706, affirming the conviction by the Regional Trial Court (RTC) of the petitioner of the crimes of child trafficking and child abuse. The challenged Decision denied the appeal filed by petitioner,^[4] while the assailed Resolution denied his Motion for Reconsideration.^[5]

The Antecedents

Wilbert Brozoto y De Leon (*petitioner*) was indicted in two (2) separate Informations, both dated February 7, 2012, in Criminal Case Nos. 17296- 17297, for violation of Sections 3(a) and 4(a), in relation to Sections 6(a) and 10(c) of Republic Act (R.A.) No. 9208^[6] and Sections 3 and 5 par. a(1) of R.A. 7610,^[7] respectively.^[8] The accusatory portion of the Information in Criminal Case No. 17296 states:

That on or about November 28, 2011 at around 4:20 o'clock in the afternoon, at Brgy. Calicanto, Batangas City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with a certain "Roanne" whose identity had not yet been fully established, did then and there knowingly without authority of law, thru fraud, deception and taking advantage of the vulnerability of the person, did then and there[,] willfully[,] unlawfully and feloniously recruit AAA, a 14-year-old minor, for the purpose of prostitution/sexual exploitation.

CONTRARY TO LAW.^[9]

Meanwhile, the accusatory portion of the Information in Criminal Case No. 17297 reads:

That on or about November 28, 2011 at around 4:20 o'clock in the afternoon, at Brgy. Calicanto, Batangas City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with a certain "Roanne" whose identity had not yet been fully established, did then and there knowingly, willfully and criminally engage in or promote, facilitate or induce child prostitution by acting as a procurer of one AAA, a 14-year-old minor for the purpose of prostitution, against the latter's will, thereby degrading or demeaning the intrinsic

worth and dignity of said AAA, as a human being, in flagrant violation of the aforecited law.

CONTRARY TO LAW.^[10]

During the arraignment, petitioner pleaded *not guilty* to the charges.^[11] After the termination of the pre-trial, trial on the merits then ensued.^[12]

Version of the Prosecution

The evidence for the prosecution consisted of the lone testimony of AAA,^[13] which, as culled from the Office of the Solicitor General's (OSG) Comment^[14] filed on behalf of the People, runs in this wise:

On November 23, 2011, AAA, who was then 14 years old, had a misunderstanding with her mother and ran away from home.^[15] With nowhere to go, she stayed with a friend named Marivic, who lived in San Pascual, Batangas.^[16] After four (4) to five (5) days, she transferred to Brgy. Calicanto in Batangas City, and lived with a childhood friend named Dianne.^[17] While staying with her, AAA helped out in the household chores in exchange for food.^[18]

On November 27, 2011, AAA met petitioner through a common friend named Mary Joy.^[19] During that encounter, petitioner asked AAA if she would be willing to engage in sexual intercourse for money.^[20] With Mary Joy's persuasion, AAA agreed since she needed money and had no one else to depend on but herself.^[21] Petitioner then instructed AAA to tell her future clients that she is already 18 years old.^[22]

The next day, or on November 28, 2011, Mary Joy approached AAA and told her that petitioner already found her a customer, whom she would meet at his house later that day.^[23] Late afternoon, AAA met a man and went with him on board a red car.^[24] The man asked AAA about her age, to which she replied, by saying that she was 18 years old, as per petitioner's instruction.^[25] At around 7 o'clock in the evening, the man and AAA arrived at a house where the former immediately led the latter to a room.^[26] Thereat, the man instructed AAA to remove her clothes while he was doing the same.^[27] Moments later, the man inserted his penis into AAA's vagina, fondled her breast, and inserted his finger into her vagina.^[28] After an hour, the man brought AAA back to petitioner's house.^[29] The man gave P2,000.00 to AAA, who in turn, gave petitioner his share of P600.00.^[30] AAA then bought food and went home.^[31]

On November 30, 2011, AAA found out that her sister, together with some personnel from the Crime Investigation and Detection Group (CIDG), was looking for her.^[32] She immediately gathered her things and moved to the house of another friend located in Brgy. Sta Rita, Batangas City.^[33] She did not go home because she was too ashamed and embarrassed of what she had endured.^[34]

On December 4, 2011, AAA's mother finally found her.^[35] In the evening of that same day, she told her mother everything she had gone through.^[36] Appalled, they

immediately reported the incident to the Batangas City Police Station, where AAA and her mother executed their sworn statements.^[37]

On December 5, 2011, Dr. Anna Marie Cabral (*Dr. Cabral*) of the Batangas Regional Hospital examined AAA and found finger-like lesions around her *labia minora* and healed lesions at 7 o'clock position of her hymen.^[38]

Version of the Defense

The defense presented three (3) witnesses, namely: (a) petitioner himself, (b) Mary Joy Celo y Frias, and (c) Gemma Villarba Mendoza. Their combined testimonies, as lifted from petitioner's Petition for Review,^[39] tended to establish the following:

On the day of the incident, petitioner, together with his wife, was at the small town lottery, remitting the collection of bets.^[40] They were around 10 o'clock in the morning and returned at around 3:30 o'clock until 5:30 o'clock in the afternoon for the second draw.^[41] The last draw was at around 9:30 o'clock in the evening.^[42] He only came to know AAA on November 29, 2011, when she and three (3) other companions whom he knew, passed by their house.^[43]

Ruling of the RTC

In its Joint Decision^[44] dated February 19, 2016, the RTC convicted petitioner of the crimes charged based on the sole testimony of AAA, which the RTC found to be candid, straightforward, and unequivocal.^[45] It was established through AAA's testimony that petitioner procured a customer to have sex with her for P2,000.00, and that he received P600.00 as commission.^[46] Moreover, AAA's claim that a sexual intercourse between her and a client transpired was corroborated by the medical findings of Dr. Cabral, who found finger lesions around AAA's *labia minora* and healed lesions at 7 o'clock position of her hymen.^[47] Meanwhile, the RTC brushed aside petitioner's denial and alibi, which it found to be weak defenses that cannot prevail over the positive testimony of the victim.^[48] For these reasons, the RTC convicted petitioner of child trafficking under Sections 3(a) and 4(a), in relation to Section 10(a), of RA. 9208 and child abuse penalized under Sections 3 and 5 par. a(1), Article VI of R.A. 7610. The dispositive portion of its Decision states:

WHEREFORE, in light of all the foregoing, finding the Accused William Brozoto y De Leon @ Bobby, guilty beyond reasonable doubt, as principal, of the crimes of Child Trafficking defined and penalized under the provisions of Sections 3(a) and 4(a), in relation to Section 10(a), of Republic Act No. 9208, and for Child Abuse defined and penalized under Sections 3 and 5 par. a (1), Article VI of Republic Act 7610, there being no mitigating nor aggravating circumstances attendant, he is hereby sentenced to suffer the penalty of imprisonment of Twenty (20) years and a fine of One Million Pesos (P1,000,000.00), for Criminal Case No. 17296, and the indeterminate sentence of imprisonment ranging from Ten years, Two months and Twenty-One days (10 years, 2 months and 21 days) of *Prision Mayor*, as minimum, to Seventeen years, Four months and One day (17 years, 4 months and 1 day) of *Reclusion Temporal*, as maximum, for Criminal Case No. 17297.

Further, the accused is ordered to indemnify AAA[,] the sum of Fifty Thousand (Php50,000.00) Pesos, as moral damages, and to pay the costs, in each case.

x x x x

SO ORDERED.^[49]

Unfazed, petitioner appealed to the CA.^[50]

Ruling of the CA

As aforementioned, the CA affirmed the conviction of petitioner, ruling that the lone uncorroborated testimony of the offended victim, so long as it was clear, positive, and categorical, may prove the crimes as charged.^[51] Likewise, the CA affirmed the penalties meted out by the RTC, after finding the same to be within the range provided by R.A. 9208 and R.A. 7610.^[52] Nonetheless, the CA imposed interest on the damages awarded to AAA. The dispositive portion of its assailed Decision is quoted hereunder:

WHEREFORE, the appeal is **DENIED**. An interest at the rate of six percent (6%) *per annum* on all damages awarded to [AAA] in Criminal Case Nos. 17296 and 17297 is imposed upon the total award to be computed from the date of the judgment until it be fully paid.

IT IS SO ORDERED.^[53]

Aggrieved, petitioner filed a Motion for Reconsideration, which was similarly denied by the CA in its assailed Resolution.^[54] Hence, petitioner brought the case on appeal before this Court and raised the following assignment of errors:

I.

WHETHER [THE CA] GRAVELY ERRED IN CONVICTING THE PETITIONER DESPITE THE PROSECUTION'S FAILURE TO PROVE ALL THE ELEMENTS OF SEXUAL ABUSE UNDER SECTION 5, ARTICLE III OF RA NO 7610.

II.

WHETHER [THECA] GRAVELY ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION WITNESS DESPITE ITS INCREDIBILITY AND INCONSISTENCY.

III.

WHETHER [THE CA] GRAVELY ERRED [IN] DISMISSING THE PETITIONER'S DEFENSE OF DENIAL.^[55]

Petitioner asserts mainly that the uncorroborated testimony of AAA was not sufficient to establish that there was prostitution. Hence, it cannot be concluded that petitioner committed trafficking in persons and child abuse.^[56]

On the contrary, the OSG refuted the argument proffered in this manner: *first*, the testimony of a single witness may be sufficient to produce conviction, if the same

appears to be trustworthy and reliable;^[57] *second*, denial is a weak defense as against the positive identification by the victim;^[58] *third*, no improper motive could be imputed to AAA to show that she would falsely testify against petitioner;^[59] and *finally*, time and again, this Court has accorded great weight to factual findings of the trial court.^[60]

In sum, the issue is whether the prosecution has proven the guilt of the petitioner beyond reasonable doubt.

Our Ruling

The petition is **bereft** of merit.

In criminal cases, "[a]n appeal...throws the whole case open for review, and the appellate court has the duty to correct, cite, and appreciate errors in the appealed judgment, whether or not assigned or unassigned. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law."^[61]

Guided by the foregoing consideration, and as will be explained hereunder, the Court deems it proper to: a) convict petitioner for qualified trafficking in persons under Section 6(a) of R.A. 9208 in Criminal Case No. 17296; b) increase the award of moral damages to P500,000.00; c) award exemplary damages in the amount of P100,000.00; and d) modify the indeterminate sentence in Criminal Case No. 17297 to fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum, in line with prevailing jurisprudence.

I. All the elements of the crimes charged are present.

A. Petitioner is guilty of qualified trafficking in persons.

Petitioner was charged with and convicted of the following crimes: (1) trafficking in persons under Sections 3(a) and 4(a), in relation to Section 10(a), of R.A. 9208; and 2) child abuse under Sections 3 and 5, paragraph a(1) of R.A. 7610.

The term trafficking in persons is defined under Section 3(a) of R.A. 9208, which states:

SECTION 3. *Definition of Terms.* — As used in this Act:

(a)*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 persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another