

FIRST DIVISION

[G.R. No. 229514, July 28, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ESMERALDO "JAY" AMURAO Y TEJERO, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

Subject of this appeal^[1] is the Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR.-HC. No. 06499 promulgated on December 21, 2015 which affirmed the Decision^[3] of the Regional Trial Court (RTC), Angeles City. Branch 59, convicting accused-appellant Esmeraldo "Jay" Amurao y Tejero (Amurao) and his co-accused Marlyn "Lyn" Dizon Valencia (Valencia), of violation of Republic Act No. (RA) 9208 or the Anti-Trafficking in Persons Act of 2003.^[4]

Facts

On February 22, 2013, Amurao and Valencia were charged with Trafficking in Persons under five (5) separate sets of Information^[5] quoted below:

[CRIMINAL CASE NO. 13-9736]

That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, by means of fraud, deception, abuse of power and for the purpose of promoting trafficking in persons and taking advantage of the vulnerability of AAA,^[6] was (sic) recruit, hired, harbored said AAA for the purpose of exploitation, such as prostitution and other forms of sexual exploitations and forced labor services, slavery and servitude and engaged said AAA into prostitution and other forms of sexual exploitation.

CONTRARY TO LAW.^[7]

[CRIMINAL CASE NO. 13-9737]

That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, by means of fraud, deception, abuse of power and for the purpose of promoting trafficking in persons

and taking advantage of vulnerability of BBB, 17 years old, for the purpose of exploitation, slavery, under the pretext of employment, did then and there willfully, unlawfully and feloniously recruit said complainant/victim to work as a prostitute, and subjecting the above-mentioned victim to sexual exploitation, to her damage and prejudice.

CONTRARY TO LAW.

[CRIMINAL CASE NO. 13-9738]

That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, by means of fraud, deception, abuse of power and for the purpose of promoting trafficking in persons and taking advantage of vulnerability of CCC, 15 years old, for the purpose of exploitation, slavery, under the pretext of employment, did then and there willfully, unlawfully and feloniously recruit said complainant/victim to work as prostitute, and subjecting the above-mentioned victim to sexual exploitation, to her damage and prejudice.

CONTRARY TO LAW.^[8]

[CRIMINAL CASE NO. 13-9739]

That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, by means of fraud, deception, abuse of power and taking advantage of vulnerability of DDD, 15 years old, for the purpose of exploitation, slavery, under the pretext of employment, did then and there willfully, unlawfully and feloniously recruit said complainant/victim to work as prostitute, and subjecting the above-mentioned victim to sexual exploitation, to her damage and prejudice.

CONTRARY TO LAW.^[9]

[CRIMINAL CASE NO. 13-9740]

That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, by means of fraud, deception, abuse of power and taking advantage of vulnerability of EEE, 15 years old, for the purpose of exploitation, slavery, under the pretext of employment, did then and there willfully, unlawfully and feloniously recruit said complainant/victim to work as prostitute, and subjecting the above-mentioned victim to sexual exploitation, to her damage and prejudice.

CONTRARY TO LAW.^[10]

Both accused were also charged with violation of RA 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act under four (4) sets of Information^[11] quoted as follows:

[CRIMINAL CASE NO. 13-9741]

"That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, with lewd design and taking advantage of the innocence and tender age of CCC, a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously coerce and the said minor complainant into sexual abuse, treating her as a prostitute and giving her money in exchange for sexual services, thereby debasing and degrading the girl's intrinsic worth and dignity as a human being and endangering her normal development, which is contrary to the provisions of Section 5, Article III of Republic Act 7610.

CONTRARY TO LAW." x x x

[CRIMINAL CASE NO. 13-9743]

"That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, with lewd design and taking advantage of the innocence and tender age of DDD, a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously coerce and the said minor complainant into sexual abuse, treating her as a prostitute and giving her money in exchange for sexual services, thereby debasing and degrading the girl's intrinsic worth and dignity as a human being and endangering her normal development, which is contrary to the provisions of Section 5, Article III of Republic Act 7610.

CONTRARY TO LAW. x x x

[CRIMINAL CASE NO. 13-9744]

"That on or about the 20th day of February, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and abetting one another, with lewd design and taking advantage of the innocence and tender age of BBB, a seventeen (17) year old minor, did then and there willfully, unlawfully and feloniously coerce and the said minor complainant into sexual abuse, treating her as a prostitute and giving her money in exchange for sexual services, thereby debasing and degrading the girl's intrinsic worth and dignity as a

human being and endangering her normal development, which is contrary to the provisions of Section 5, Article III of Republic Act 7610.

CONTRARY TO LAW." x x x^[12]

Amurao and Valencia pleaded "not guilty" to all charges.

The prosecution and defense's contrasting versions of the events, as summarized by the CA, are as follows:

Version of the Prosecution

The Office of the Solicitor General (OSG) presents the prosecution's version of facts as follows:

Sometime in February 2013, the National Bureau of Investigation - Central Luzon Regional Office (NB1CELRO) received a report from the International Justice Mission (IJM), a non-governmental organization involved in anti-trafficking in person project, that appellant Esmeraldo T. Amurao was involved in prostituting women in Balibago, Angeles City, Pampanga, some of whom are minors.

On February 19, 2013 at around 8:30 in the evening, two NBI agents went to Fields Avenue in Angeles City to verify the report. As poseur customers, they went to Natalia Hotel where they met hotel security guard Jeffrey Papauran, who called on appellant Esmeraldo Amurao, who was selling cigarette and Viagra in the area. The NBI agents talked to appellant and inquired from him regarding the minor girls he was selling to customers. Appellant told the NBI agents that he could provide them with girls at P1,500.00 each. The agents then asked appellant to provide them with six (6) girls the following night.

Thereafter, the NBI agents returned to their office and informed their superior about the result of their operation. Special Investigator (SI) III Henry C. Roxas, Jr. organized a team for a possible rescue and entrapment operations. The team also coordinated with the Department of Social Welfare and Development (DSWD) Region III and requested them to form part of the support group. Since the NBI failed to secure an arrest warrant for appellant, they decided to proceed with the entrapment operation and prepared the entrapment money worth P9,000.00 which were all in P1,000.00 denomination.

In the evening of February 20, 2013, SI Henry Roxas and another NBI agent returned to Natalia Hotel in Fields Avenue, Angeles City. When they arrived at the area, appellant offered them some girls but they insisted that they be given minor girls.

Minutes later, appellant, together with co-accused Marlyn D. Valencia, arrived with six minor girls in tow. Realizing that the girls brought by appellant and accused Marlyn D. Valencia were indeed minors, the undercover NBI agents requested the girls to go inside their van. Accused

Valencia also boarded the van as she was acting as their "*mamasan*" as she was chaperoning the girls.

SI Henry Roxas then handed to appellant the marked money worth P9,000.00, and the latter deducted P1,000.00 from the amount as his commission. Appellant gave the rest of the money to BBB, who was acting as the leader of the girls.

Once the girls were all inside the van, SI Henry Roxas signaled the rest of the team through a missed call and proceeded with the rescue operation. Appellant was subsequently arrested and the marked money was recovered from him and BBB.

After the operation, the team brought the six (6) girls to the DSWD Region III Office, while appellant and accused Marlyn D. Valencia were brought to NBI-CELRO for fingerprinting and photograph taking. At the DSWD, the girls executed sworn statements narrating the circumstances that transpired prior to their rescue, particularly the fact that appellant and accused Marlyn D. Valencia recruited and promised them P1,500.00 in exchange for sex with a customer. They likewise declared that they were still minors at the time of their rescue.

Appellant and accused Marlyn D. Valencia were subjected to Inquest Proceedings on February 22, 2013. In its Resolution of even date, Prosecutor Modesto A. Cendana found probable cause and recommended the filing of several Informations for Violation of RA 9208 and RA 7610, respectively.

Version of the defense

On 19 February 2013, accused-appellant was in front of Natalia Hotel vending cigarettes and viagra. The security guard of Natalia Hotel introduced the NBI agents to him. Accused-appellant claims that the agents gave him P500.00 to look for girls, but, when he failed to provide the girls, the agents still gave him a tip of P500.00 since the said agents won in the casino.

On 20 February 2013, accused-appellant passed by Natalia Hotel and saw the agents again. The said agents asked him to look for girls and even told him "huwag mo naman kami ipahiya." Since the agents promised to give him a tip, he took his chance to look for six girls. Accused-appellant then contacted his co-accused Marlyn to look for girls. Later on, they were able to bring only four girls to the agents. While in front of Natalia Hotel, two other girls passed by and w[ere] invited by one of the girls they brought to the agents. When they introduced the girls to the agents, the girls and Marlyn boarded the van of the agents. The agents handed P9,000.00 to accused-appellant who took P1,000.00 as his tip and handed the remaining P8,000.00 to the girls. Thereafter, the agents declared that they were NBI agents and immediately arrested accused-appellant.^[13]