

## SECOND DIVISION

[ G.R. No. 241247, March 20, 2019 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.  
REYNOLD MONSANTO Y FAMILARAN/PAMILARAN,<sup>[\*]</sup> ACCUSED-  
APPELLANT.**

### D E C I S I O N

**J. REYES, JR., J.:**

This is an appeal<sup>[1]</sup> from the Decision<sup>[2]</sup> of the Court of Appeals (CA) dated January 31, 2018 in CA-G.R. CR-HC No. 08986, which upheld the Decision<sup>[3]</sup> dated November 15, 2016 of the Regional Trial Court (RTC) of Manila, Branch 5, finding Reynold Monsanto y Familaran/Pamilaran (accused-appellant) guilty beyond reasonable doubt of child trafficking.

Accused-appellant was charged under three separate Informations in the following manner:

**Criminal Case No. 14-304088**

**For: Violation of Section 5 (a-1) of R.A. No. 7610<sup>[4]</sup>**

That in or about and/or for sometime during the period comprised between February, 2013 and March 4, 2014, in the City of Manila, Philippines, the said accused, for money, profit or any other consideration, or due to coercion or influence, did then and there willfully, unlawfully and feloniously engage in or promote child prostitution, by then and there acting as a procurer of AAA, a 16-year-old child prostitute, thereby gravely endangering her survival and normal growth and development, to the damage and prejudice of the said AAA.

Contrary to law.<sup>[5]</sup>

**Criminal Case No. 15-314082**

**For: Violation of Section 4 (a) & (e) in relation to Section 6 (a) of  
R.A. No. 9208<sup>[6]</sup> as amended by R.A. No. 10364<sup>[7]</sup>**

That sometime in or before February 2013, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and knowingly, for purposes of prostitution, pornography or sexual exploitation, in consideration of price, reward or promise, recruit and transport to Manila AAA, a minor, 16 years old, under the pretext of living-in together with the accused and with the promise that he would be sending her to school.

That the crime is committed with the qualifying circumstances that the trafficked person is below 18 years old and the aggravating

circumstances of having committed the crime in consideration of price, reward or promise.

Contrary to law.<sup>[8]</sup> (Underscoring in the original)

**Criminal Case No. 15-314083**

**For: Violation of Section 5 (a) of R.A. No. 7610<sup>[9]</sup>**

That sometime in February, 2013, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and knowingly, acting as procurer of a child prostitute, where she is required to go out with foreign men, and in return, give monetary consideration with intent to engage and actually engage in prostitution, minor AAA, a minor 16 years old, against her will and consent, to her damage and prejudice.

Contrary to law.<sup>[10]</sup>

On April 17, 2015, the foregoing criminal cases were consolidated,<sup>[11]</sup> thus, the evidence, stipulations and proceedings in Crim. Case No. 14-304088 were adopted in Crim. Case Nos. 15-314082 and 15-314083.

We recount the facts as borne by the records.

The private complainant, AAA,<sup>[12]</sup> met accused-appellant on December 5, 2012, in Valenzuela City, at the house of a certain Kristine and Reynante, a couple AAA had been living with as their house helper. On the occasion of Kristine's birthday, accused-appellant who is a friend of Reynante, was introduced to AAA.

Accused-appellant and AAA became textmates, which led to a romantic and sexual relationship. Accused-appellant promised AAA, an orphan with no known relatives who at that time was only fourteen (14) years old, that he would send her to school. This enticed AAA to live together with accused-appellant at his rented room in Pandacan, Manila, in February of 2013. Accused-appellant worked as a part-time waiter for food caterings. For a time, AAA also joined accused-appellant as an on-call waitress to augment his income.

As testified by AAA, the first time that accused-appellant brought her to Robinsons Mall in Ermita, Manila, accused-appellant called her attention to the sight of foreigners in the company of local women. AAA said she was surprised as it was her first time to see foreigners. Accused-appellant pointed to a foreigner whom AAA was told to approach and say "hi." AAA was further instructed to accept an invitation to the foreigner's hotel room. When AAA asked what she would be doing at the hotel, accused-appellant replied that she and the foreigner would just converse.<sup>[13]</sup>

AAA did as she was told. While accused-appellant observed from a distance of about two (2) meters,<sup>[14]</sup> AAA sat down beside the foreigner, conversed and shared a meal with the latter, then agreed when invited to the hotel. At the hotel room, the foreigner asked AAA to hold his penis. AAA asked why and the foreigner replied, "You don't know? You came with me, yet you don't know?" The foreigner then held AAA's hand, held her when she cried, and they subsequently had sex twice.<sup>[15]</sup>

Afterwards, the foreigner accompanied AAA back to Robinsons Mall where the accused-appellant was waiting. They used the money that AAA received from the

foreigner to buy food and to pay their electric bill. AAA later told the accused-appellant that she thought she would only have to dine with the foreigner, but did not expect to have sex with the latter. This allegedly made accused-appellant angry and jealous.<sup>[16]</sup>

Nonetheless, accused-appellant brought AAA again to Robinsons Mall the following day. This time, accused-appellant instructed AAA to look for a foreigner and to do the same as she did the day before, but she should first ask for the "price" before going with the foreigner to a hotel. AAA did as she was instructed, had sex with a foreigner and was paid for it. AAA then gave the money to accused-appellant. The same thing happened many times. AAA would sometimes have sex with two (2) foreigners in one (1) day.<sup>[17]</sup>

In February of 2014, after about a year of living together, accused-appellant and AAA quarreled when the latter complained that she couldn't sleep because their bed was wet. Accused-appellant opened AAA's mouth and urinated in it, which caused AAA to run away and take refuge at a customer's place where she stayed for a number of days.<sup>[18]</sup>

To persuade AAA to return, accused-appellant sent AAA a text message saying he would give back her laptop computer. When AAA returned, accused-appellant told her that she could only get back her laptop if she would not leave him. AAA pleaded with accused-appellant and insisted on getting her laptop back, but the latter shoved and choked her. AAA kicked accused-appellant and ran. Witnesses helped AAA and sought the assistance of *barangay* officials.<sup>[19]</sup>

As the arresting officer on record, *barangay kagawad* Estella Rebenito (Rebenito) testified that she responded to a report at about 4:00 p.m. on March 4, 2014, about a quarrel wherein accused-appellant placed a pedicab boarded by AAA in the middle of the road to be run over by trucks. With the help of *barangay tanods*, Rebenito brought accused-appellant and a shaking and visibly frightened AAA to the *barangay* hall for investigation.<sup>[20]</sup> Before the *barangay* chairperson and Rebenito, AAA disclosed that she was sixteen (16) years old, and that the 43-year-old accused-appellant was her live-in partner, as well as her pimp.<sup>[21]</sup> Consequently, Rebenito brought AAA and accused-appellant to the Women and Children Protection Section of the United Nations Avenue police station, where PO3 Thelma Samudio prepared the booking sheet and arrest report, and assisted Rebenito and AAA in the preparation of their respective affidavits.<sup>[22]</sup>

On March 5, 2014, AAA underwent an ano-genital examination by Dr. Sandra Stuart Hernandez (Dr. Hernandez), a medical doctor assigned to the Child Protection Unit of the Philippine General Hospital. Dr. Hernandez further testified<sup>[23]</sup> that she issued a Medico-Legal Report<sup>[24]</sup> finding a healed laceration at the 4:00 o'clock position and absence of hymenal tissue between the 6:00 and 8:00 o'clock positions, which are diagnostic of blunt force or penetrating trauma.<sup>[25]</sup>

Social worker Clementino Dumdum, Jr. (Dumdum), to whom AAA's case was assigned, caused the dental examination of AAA upon order of the court to determine her age.<sup>[26]</sup> On September 23, 2014, the dentist/orthodontist of the Department of Social Welfare and Development (DSWD), Dr. Michael Puertollano

(Dr. Puertollano), found that all of AAA's wisdom teeth have not yet erupted and concluded that she was at least sixteen (16) years of age and a minor.<sup>[27]</sup>

In his defense, accused-appellant denies any part in AAA's prostitution activities. Accused-appellant claims he was surprised when he later discovered that AAA had been going to Robinsons Mall whenever he was not at home. AAA allegedly explained that she just strolled around the mall, but accused-appellant became suspicious when he saw AAA talking to different foreigners on her mobile device.<sup>[28]</sup>

As to the March 4, 2014 incident that led to his arrest, accused-appellant claimed that he and AAA quarreled over money because AAA spent it all when she celebrated her birthday.<sup>[29]</sup> He shouted at AAA inside a pedicab, which made AAA cry. This prompted some people to call for *barangay* officials who brought them to the *barangay* hall. When barangay officials heard that AAA was sixteen (16) years old, social workers from the DSWD and police officers were called. They then advised AAA to file a case against accused-appellant.<sup>[30]</sup>

In its November 15, 2016 Decision,<sup>[31]</sup> the RTC did not find enough basis to convict accused-appellant as charged under Republic Act (R.A.) No. 7610 because there was no evidence that he himself transacted directly or spoke with any of AAA's clients, even if he taught her the tricks of the flesh trade.<sup>[32]</sup> However, for having enticed AAA to live with him by taking advantage of her vulnerability, facilitating her entry into prostitution and benefiting from it, the RTC convicted the accused-appellant as charged under R.A. No. 9208.<sup>[33]</sup> As disposed:

**WHEREFORE**, in view of the foregoing disquisition, the Court finds accused REYNOLD MONSANTO y FAMILARAN/PAMILARAN guilty beyond reasonable doubt in Criminal Case No. 15-314082 of the offense of violation of *Section 4 (a) in relation to Section 6 (a)* of Republic Act No. 9208. He is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT, to PAY THE FINE of P2,000,000.00, and to pay the costs.

He is further adjudged to PAY AAA moral damages of P500,000.00 and exemplary damages of P100,000.00, pursuant to the Supreme Court's rulings in *People v. Hadja Jarma Lalli* and *People v. Nufrasir Hashim*.

He is however ACQUITTED of the charges for *Violation of Section 5 (a-1) and 5 (a) of Republic Act No. 7610* in Criminal Cases Nos. 14-304088 and 15-314083, on the ground of reasonable doubt.

**SO ORDERED.**<sup>[34]</sup> (Citation omitted)

On appeal, the CA also ruled that the evidence adduced by the prosecution established beyond reasonable doubt accused-appellant's guilt under the charge of child trafficking. Additionally imposing interest on the damages awarded, the dispositive portion of its January 31, 2018 Decision<sup>[35]</sup> reads:

**WHEREFORE**, premises considered, the appeal is **DENIED**. The Decision dated 15 November 2016 of the Regional Trial Court of Manila, Branch 5 in *Crim. Case No. 15-314082* finding accused-appellant Reynold Monsanto y Familiaran/Pamiliaran guilty beyond reasonable doubt of violation of Section 4(a) in relation to Section 6(a) of Republic Act No.

9208, as amended by Republic Act No. 10364, imposing upon accused-appellant the penalty of life imprisonment and a fine in the amount of Php2,000,000.00 plus costs, and ordering him to pay private complainant AAA the amount of Php500,000.00 as moral damages and Php100,000.00 as exemplary damages is **AFFIRMED**. In addition, interest at the rate of 6% *per annum* is imposed on the said damages, from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>[36]</sup>

Undaunted, accused-appellant now appeals his conviction before this Court.<sup>[37]</sup>

In a letter<sup>[38]</sup> dated November 9, 2018, the Superintendent of the New Bilibid Prison confirmed accused-appellant's confinement. For its part, the Public Attorney's Office manifested on November 27, 2018, that it is adopting the Brief for the Accused-Appellant dated July 3, 2017 as its supplemental brief.<sup>[39]</sup> In turn, on December 10, 2018, the Office of the Solicitor General asked that it be excused from filing a supplemental brief as the issues raised by the accused-appellant were fully addressed in the November 3, 2017 Appellee's Brief.<sup>[40]</sup>

### **The Issues**

To recapitulate, accused-appellant argued that the RTC erred in giving credence to AAA's testimony and in according weight on the medical certificate to prove that AAA engaged in prostitution or that he had a direct hand in it.<sup>[41]</sup> Accused-appellant further asserted that AAA's minority was not sufficiently proven.<sup>[42]</sup>

On the other hand, the plaintiff-appellee countered that AAA is a credible witness and her testimony is sufficient to convict accused-appellant.<sup>[43]</sup> Moreover, AAA's minority, her sexual exploitation, and all the elements of trafficking in persons were duly established by the prosecution.<sup>[44]</sup>

The foregoing arguments may be distilled to the sole issue of whether or not the prosecution was able to prove beyond reasonable doubt accused-appellant's guilt under the child trafficking charge.

### **This Court's Ruling**

We sustain the conviction.

The Court's general inclination to accord respect to the trial court's appreciation of the testimonies of witnesses was thoroughly explained in *People v. Ocdol*,<sup>[45]</sup> as follows:

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be