

## THIRD DIVISION

[ G.R. No. 213760, July 01, 2019 ]

**REYNALDO SANTIAGO, JR. Y SANTOS, PETITIONER, V. PEOPLE  
OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**LEONEN, J.:**

Human beings are not chattels whose sexual favors are bought or sold by greedy pimps. Those who profit in this way by recruiting minors are rightfully, by law, labeled as criminals. They should be the subject of aggressive law enforcement, prosecuted, tried, and when proof beyond reasonable doubt exists, punished.

In the prosecution of the crime of trafficking in persons, the confidential asset or the informant's testimony is not indispensable. It is enough that there is proof that "the accused has lured, enticed[,], or engaged its victims or transported them for the established purpose of exploitation."<sup>[1]</sup>

For this Court's resolution is a Petition for Review on Certiorari<sup>[2]</sup> challenging the May 30, 2013 Decision<sup>[3]</sup> and July 31, 2014 Resolution<sup>[4]</sup> of the Court of Appeals in CA-G.R. CR No. 34942. The Court of Appeals affirmed with modification the May 15, 2012 Decision<sup>[5]</sup> of the Regional Trial Court, Branch 42, Manila.<sup>[6]</sup>

In an October 7, 2011 Information, Reynaldo Santiago, Jr. y Santos (Santiago), Ramil Castillo y Merano (Castillo), and Rebecca Legazpi y Adriano (Legazpi) were charged with committing acts of trafficking in persons under Section 4(c), in relation to Section 6(c) of Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2003.<sup>[7]</sup> The Information read:

That on or about September 30, 2011 in the City of Manila, Philippines, the said accused, being a group consisting of three (3) persons and therefore acting as a syndicate, did then and there willfully, unlawfully, feloniously, knowingly and jointly commit act of qualified trafficking in person for purposes of prostitution, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage upon a (sic) person of AAA, by then and there, for a fee, offering her for sexual intercourse or exploitation to Romeo S. David, a police asset.

CONTRARY TO LAW.<sup>[8]</sup>

On arraignment, Santiago and the other two (2) accused pleaded not guilty to the crime charged. Trial then ensued.<sup>[9]</sup>

The prosecution, through witnesses Police Officer 1 Jayboy Nonato (PO1 Nonato), PO1 Mark Anthony Ballesteros (PO1 Ballesteros), Melvin Espenida (Eспенida), and AAA,<sup>[10]</sup> established the following:

On September 26 and 27, 2011, TV5 segment producer Espenida and his crew went to Plaza Morgia and Plaza Moriones in Tondo, Manila to investigate the alleged prostitution operations in the area.<sup>[11]</sup> They had earlier designated a confidential asset, alias "Romeo David"<sup>[12]</sup> (David), on whom a lapel microphone was clipped, to pose as a customer and transact with the alleged pimps for a night with a minor.<sup>[13]</sup> During the transaction, the pimps allegedly asked for P500.00.<sup>[14]</sup> Espenida, who was on board a TV5 vehicle located about a hundred meters away from where David and the pimps were, heard the transaction through the microphone.<sup>[15]</sup>

On September 29, 2011, Espenida and his crew filed a Complaint before the Regional Police Intelligence Operations Unit, Regional Intelligence Division, Camp Bagong Diwa,<sup>[16]</sup> reporting about the rampant human trafficking in Plaza Morgia and Plaza Moriones. Acting on the Complaint, Police Senior Inspector Pablo Quejada, PO1 Nonato, PO1 Mabel Catuiran (PO1 Catuiran), PO1 Ballesteros, and other police operatives conducted an entrapment operation in those areas.<sup>[17]</sup>

Later, at around 11:00 p.m., the team and David arrived at Plaza Morgia. After surveying the area, David pointed to the pimps, who, upon seeing the police, ran away but were eventually caught and arrested. During trial, they were positively identified by the police officers in court as the same people apprehended that night.<sup>[18]</sup>

After the arrest, the team proceeded to the hotel where the trafficked person, AAA, had been waiting. The officers took her into custody and brought her to the Regional Intelligence Division at Camp Bagong Diwa.<sup>[19]</sup>

According to AAA, at around 1:30 a.m. on September 30, 2011, she was about to buy coffee at Plaza Moriones when Santiago called her, offering to pay her to spend a night with a customer. He allegedly promised to pay AAA P350.00 out of the P500.00 that the customer would pay for the transaction. Later, she and Santiago went to the hotel, which was 15 meters away from Plaza Moriones.<sup>[20]</sup> There, the police came and took them both into custody. AAA later confirmed during trial that Santiago was the pimp, but said that she only saw Castillo and Legazpi for the first time upon getting into the van bound for the police station.<sup>[21]</sup>

Santiago solely testified in his defense. He alleged that at around midnight of September 29, 2011, while he was selling coffee at Plaza Morgia, around 25 meters away from Plaza Moriones, he was approached by David, who said that he was looking for a woman. Santiago said that he ignored the man.<sup>[22]</sup>

Then, Santiago allegedly saw AAA approach David, though he did not hear what the two had talked about. AAA later waved at Santiago and invited him to accompany her. AAA brought Santiago to a hotel, but as they were nearing it, the police arrived and arrested him.<sup>[23]</sup>

In its May 15, 2012 Decision,<sup>[24]</sup> the Regional Trial Court convicted Santiago of committing trafficking in persons punished under Section 4(a) of Republic Act No. 9208, or the Anti-Trafficking in Persons Act. It gave credence to AAA's testimony that Santiago recruited her to have sex with David for P500.00. Santiago was sentenced to 20 years of imprisonment and was fined P1 million. Castillo and

Legazpi were acquitted for the prosecution's failure to prove their guilt beyond reasonable doubt.<sup>[25]</sup> The dispositive portion of the Decision read:

WHEREFORE, in view of all the foregoing, this Court finds the accused REYNALDO SANTIAGO, JR. y SANTOS @ "REY" guilty beyond reasonable doubt of violating Section 4 (a) of Republic Act 9208 otherwise known as "Anti-Trafficking in Persons Act of 2003" and he is hereby sentenced to suffer the penalty of TWENTY YEARS IMPRISONMENT AND A FINE OF ONE MILLION (Php 1,000,000.00) PESOS.

Accused RAMIL CASTILLO y MERANO and REBECCA LEGAZPI y ADRIANO are hereby acquitted for failure of the prosecution to prove their guilt beyond reasonable doubt.

SO ORDERED.<sup>[26]</sup>

In its May 30, 2013 Decision,<sup>[27]</sup> the Court of Appeals affirmed Santiago's conviction. It found that all the elements to establish that an accused had committed trafficking in persons, which were the act, the means, and the exploitative purpose as provided under the Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases, were present.<sup>[28]</sup> The dispositive portion of the Decision read:

**WHEREFORE**, in view of the foregoing, the impugned Decision of the court a quo is hereby **AFFIRMED**.

**SO ORDERED.**<sup>[29]</sup> (Emphasis in the original)

Santiago's Motion for Reconsideration<sup>[30]</sup> was denied in the Court of Appeals' July 31, 2014 Resolution.<sup>[31]</sup>

Santiago later filed a Motion for Extension of Time to File Petition for Review on Certiorari,<sup>[32]</sup> which this Court granted in its September 8, 2014 Resolution.<sup>[33]</sup> Subsequently, he filed this Petition for Review on Certiorari.<sup>[34]</sup>

In its January 12, 2015 Resolution,<sup>[35]</sup> this Court required respondent People of the Philippines, represented by the Office of the Solicitor General, to file its comment on the Petition within 10 days from notice.

The Office of the Solicitor General filed nine (9) Motions for Extension to File Comment totaling 130 days which this Court granted in its August 17, 2015<sup>[36]</sup> and January 13, 2016<sup>[37]</sup> Resolutions. It eventually filed its Comment.<sup>[38]</sup>

This Court noted the Comment in its January 13, 2016 Resolution<sup>[39]</sup> and required Santiago to file his reply within 10 days from notice, with which Santiago complied.<sup>[40]</sup>

In its September 21, 2016 Resolution,<sup>[41]</sup> this Court gave due course to the Petition and required the parties to submit their respective memoranda within 30 days from notice.

Both parties initially filed their respective Motions for Extension, and subsequently, their respective Memoranda.<sup>[42]</sup>

Arguing that the prosecution failed to prove his guilt beyond reasonable doubt, petitioner points out that the lack of testimony from the confidential informant, David, raises doubts on whether "petitioner truly offered AAA to him[.]"<sup>[43]</sup> He adds that the witnesses were allegedly inconsistent on David's identity.<sup>[44]</sup>

Petitioner also points out that AAA testified that she had not received the alleged consideration for the transaction, dispelling the prosecution's claim that he was engaged in trafficking. Thus, his defense of denial should not be dismissed since the evidence is insufficient to sustain his conviction.<sup>[45]</sup>

Respondent counters that the Petition should be denied as petitioner raises questions of fact, which are beyond the scope of a Rule 45 petition.<sup>[46]</sup> Nonetheless, it maintains that the prosecution has established petitioner's guilt beyond reasonable doubt for violating Section 4(a) of the Anti-Trafficking in Persons Act.<sup>[47]</sup> It points out that the witnesses have proved the elements of the crime,<sup>[48]</sup> and the testimony of the confidential informant is not needed.<sup>[49]</sup>

For this Court's resolution is the lone issue of whether or not petitioner Reynaldo Santiago, Jr. y Santos is guilty of violating Section 4(a) of the Anti-Trafficking in Persons Act.

This Court denies the Petition.

This Court accords great respect to the trial court's findings,<sup>[50]</sup> especially when affirmed by the Court of Appeals.<sup>[51]</sup> "The trial court is in the best position to assess the credibility of witnesses and their testimonies because of its unique opportunity to observe the witnesses, their demeanor, conduct and attitude on the witness stand."<sup>[52]</sup> The exception is when either or both lower courts have "overlooked or misconstrued substantial facts which could have affected the outcome of the case."<sup>[53]</sup>

Here, nothing warrants a reversal of the Court of Appeals' and the Regional Trial Court's Decisions. This Court sustains petitioner's conviction.

Section 3(a) of Republic Act No. 9208, or the Anti-Trafficking in Persons Act, defines the crime of trafficking in persons:

**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 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.

In *People v. Casio*,<sup>[54]</sup> we enumerated the elements of the crime:

The elements of trafficking in persons can be derived from its definition under Section 3 (a) of Republic Act No. 9208, thus:

(1) The act of "recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders."

(2) The means used which include "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["]; and

(3) The purpose of trafficking is exploitation which includes "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."<sup>[55]</sup>

On February 6, 2013, the law was amended by Republic Act No. 10364.<sup>[56]</sup> *Casio*, likewise, enumerated the elements of the crime under the expanded definition:

Under Republic Act No. 10364, the elements of trafficking in persons have been expanded to include the following acts:

(1)The act of "recruitment, *obtaining, hiring, providing, offering*, transportation, transfer, *maintaining*, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders[";]

(2) The means used include "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"[;]

(3) The purpose of trafficking includes "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[.]"<sup>[57]</sup>

Here, the offense was committed on September 30, 2011,<sup>[58]</sup> prior to the amendment. Thus, the original provisions of Republic Act No. 9208 are applicable.

The Information charged petitioner with violation of Section 4(c), in relation to Section 6(c) of the law. Section 4(c) punishes the act of "[offering] or [contracting] marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage[.]"

However, a perusal of the allegations in the Information reveals that petitioner was sufficiently charged with the crime of trafficking in persons under Section 4(a). The