

THIRD DIVISION

[G.R. No. 227880, November 06, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUTH DELA ROSA Y LIKINON A.K.A. "SALLY," ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

Sworn statements often conflict with testimonies given in open court because the former are seldom complete or comprehensive accounts of what actually happened.

[1] Thus, "[a]ffidavits taken *ex parte* are generally considered inferior to the testimony given in open court." [2]

This is an appeal assailing the Decision [3] of the Court of Appeals, which affirmed the Regional Trial Court Judgment [4] convicting Ruth Dela Rosa y Likinon a.k.a. "Sally" (Dela Rosa) of qualified trafficking in persons under Republic Act No. 9208.

On March 8, 2013, two (2) separate Informations were filed charging Dela Rosa with qualified human trafficking. [5] They read as follows:

Crim. Case no. 13-9820

"That during the period of February, 2013 to March 6, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named , accused, did, then and there, willfully, unlawfully and feloniously recruit, transfer, harbor and provide AAA, a minor of 16 years of age, to KIM CABEN for the purpose of prostitution and sexual exploitation, by taking advantage of the vulnerability of the said minor, AAA, thereby demeaning and degrading the child's intrinsic worth as a human being.

CONTRARY TO LAW." (*sic*)

Crim. Case no. 13-9821

"That during the period of February, 2013 to March 6, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there, willfully, unlawfully and feloniously recruit, transfer, harbor and provide BBB, a minor of 15 years of age, to KIM CABEN for the purpose of prostitution and sexual exploitation, by taking advantage of the vulnerability of the said minor, AAA, (*sic*) thereby demeaning and degrading the child's intrinsic worth as a human being.

CONTRARY TO LAW."^[6] (Citations omitted)

Dela Rosa pleaded not guilty to the charges.^[7] Thus, trial ensued.

The prosecution presented AAA, BBB, and Police Officer 2 Elena De Leon (PO2 De Leon) as its witnesses.

AAA testified that sometime in February 2013, she was at home when she received a call from Dela Rosa, asking to meet at JJ's Supermarket for an errand. AAA complied. However, upon meeting at the supermarket, the two proceeded to the Coa Hotel on Friendship road in Angeles City.^[8]

In one (1) of the hotel rooms, AAA waited with Dela Rosa and another woman whom she did not know. A few hours later, a Korean man, whom AAA came to know as Kim Caben (Kim), arrived and sent the unidentified woman home. Dela Rosa then introduced AAA to Kim as her niece, after which AAA was told to take a bath. Dela Rosa took her turn in the bathroom afterwards, leaving AAA alone with Kim.^[9]

AAA saw Kim ingest a white "tawas-like substance" by injecting it into himself using a syringe, then by inhaling the smoke emitted by heating the substance. Once Dela Rosa was finished taking a bath, she joined Kim in smoking the heated substance.^[10]

When they were done, Dela Rosa proceeded to perform fellatio on Kim, much to AAA's horror. Kim then ordered AAA to sit closer to him. When she did, Kim mashed her breasts and ordered her to lie down on her side. Kim then touched her genitals and had sex with her. Unable to bear it any longer, AAA asked to be excused. She was allowed to stay in the bathroom, where she waited for around half an hour before Dela Rosa fetched her.^[11]

Upon exiting the hotel, Kim paid Dela Rosa P2,200.00, of which Dela Rosa gave AAA P700.00. Dela Rosa warned AAA not to tell anyone about what had happened and advised that the girl comply with Kim's future requests so as not to embarrass her.^[12]

On March 6, 2013, AAA received a text message from Kim, asking if she had "a lady friend" and if she could "give her lady friend to him[.]"^[13] With Dela Rosa's threat in mind, AAA complied. She asked BBB, then 15 years old, to accompany her to Avante Hotel.^[14]

At the hotel, the girls found Kim waiting inside an unnumbered room. Kim told them to take a shower while he ingested more of the white substance. They followed his order but refused to go out of the bathroom in fear, only doing so after Kim threatened them.^[15]

Then, Kim had sex with each of the girls-AAA first, then BBB.^[16]

Once he had his way with them, Kim told AAA and BBB to wait with him for his contact who would be bringing drugs to the hotel room.^[17]

Around 15 minutes later, police officers barged into the room and arrested Kim. They took him along with the girls to 174th Camp Tomas Pepito in Sto. Domingo, Angeles City.^[18]

BBB testified to a similar series of events that transpired on March 6, 2013. In the evening that day, she agreed to meet with AAA at the Jailhouse Bar, where they rode a tricycle to Avante Hotel. Once there, they entered a hotel room where a Korean man was waiting for them. BBB was made to take a bath while AAA stayed with the Korean man. Through the bathroom door, BBB peeped and saw AAA having sex with the Korean man. When it was her turn, BBB tried to resist, but she eventually acquiesced to the sex after the Korean man had threatened to inject her with the white substance. Once he was done, the Korean man told the girls to wait in the room with him. Soon after, police officers barged into the room, arrested the Korean man, then took all of them to the police station.^[19]

BBB told PO2 De Leon what happened during an interview the following day.^[20] During cross-examination, BBB noted that "[i]t was AAA who asked her to meet with the Korean national."^[21]

PO2 De Leon testified that she was the officer who interviewed AAA and BBB at the police station after Kim's arrest. Although she testified that she interviewed both AAA and BBB, she did not mention BBB's interview in her affidavit.^[22] Meanwhile, she recounted that AAA told her that she met Kim through her aunt "Sally," who gave AAA's phone number to Kim.^[23]

Based on these interviews, the police conducted an operation to arrest Dela Rosa. The police had AAA accompany them to Ipil-Ipil Street in Hadrian, Balibago, where they initially went to AAA's house to speak to AAA's mother, CCC. When they were unable to find CCC there, AAA called CCC and learned that she was with Dela Rosa. AAA asked CCC to meet at their house because "somebody wanted to talk to her."^[24] As soon as Dela Rosa arrived with CCC, AAA identified Dela Rosa as the trafficker, prompting the police to arrest her. PO2 De Leon was present in this arrest and executed an affidavit of apprehension, which she identified and affirmed in open court.^[25]

The defense, on the other hand, presented Dela Rosa, her common-law spouse Crisanto Samper (Crisanto), and Crisanto's niece Maria Donna Samper (Donna).

Dela Rosa denied the prosecution's version of events. She testified that she and Crisanto took in and raised AAA for six (6) years. Crisanto is AAA's maternal uncle. Sometime in December 2012, she invited AAA to accompany her to the supermarket to buy milk for her child. There, Dela Rosa received a call from her friend, Kim, who wanted to meet with her that afternoon. Dela Rosa told Kim that she was with her niece, AAA. When Kim said that he wanted to meet AAA, Dela Rosa asked AAA if she wanted to come with her to meet Kim. AAA agreed.^[26]

Both of them met with Kim at the Avante Hotel. Dela Rosa then gave AAA money to go home while she stayed to help Kim pack his things for his flight back to Korea. When they were done, Kim gave her money for groceries. She went home

immediately after.^[27]

Dela Rosa further testified that on March 6, 2013, she was at home with her child and Crisanto when she received a call from CCC, asking if AAA was with them. Dela Rosa denied having seen AAA that day. CCC informed Dela Rosa that AAA had gone off to meet a "Mr. Kim" but had not yet returned. When AAA had still not returned home by midnight, CCC called Dela Rosa again to ask for her help to find AAA.^[28]

CCC, Dela Rosa, and Crisanto went to the barangay hall the following day to ask for help. While they were there, Dela Rosa received a call from her niece, Donna, informing her that AAA was at her home looking for her, accompanied by police officers and Department of Social Welfare and Development personnel. When Dela Rosa returned home, the police apprehended her for reasons she did not know. At the police station, PO2 De Leon told her to admit to charges she was not even informed of yet. She later learned that she was being charged with human trafficking.^[29]

For his part, Crisanto alleged that Dela Rosa was being falsely accused of human trafficking to cover up CCC's negligence in raising AAA. He testified that upon Dela Rosa's arrest, AAA told him that she would help Dela Rosa, whom she said was "just implicated in the case."^[30] Likewise, he claimed that CCC assured him that she would help Dela Rosa.

Crisanto also testified that CCC allowed AAA to work at a bar, and should, thus, be the one held liable for what happened to AAA.^[31]

Donna testified that on March 7, 2013, CCC asked her for Dela Rosa's whereabouts. She informed CCC that Dela Rosa was at home, and proceeded to text Dela Rosa that CCC was looking for her. Donna also heard CCC call Dela Rosa, asking that the latter help in looking for AAA. Donna testified that she did not know why CCC was looking for either Dela Rosa or AAA.^[32]

Donna then testified that AAA came home accompanied by police officers and personnel from the Department of Social Welfare and Development. CCC and Dela Rosa arrived shortly after. Dela Rosa stayed outside the house while AAA and CCC broke down crying. Donna did not know why they were crying or why government officials were present in AAA's house. Eventually, Donna saw them all leave, and only later did she learn that Dela Rosa had been detained.^[33]

In its October 1, 2013 Decision,^[34] the Regional Trial Court acquitted Dela Rosa of the charges with respect to BBB. It found that Dela Rosa had no hand in BBB's encounter with Kim. BBB admitted that she went to Avante Hotel only upon AAA's request, and that she did not know how AAA came to know Kim. On cross-examination, BBB admitted that Dela Rosa had no participation in what happened to her.^[35]

As for what happened to AAA, the trial court found Dela Rosa guilty beyond reasonable doubt of qualified human trafficking, having found all the crime's elements present. Although the trial court found that Dela Rosa did not "recruit" or "hire" AAA,^[36] Dela Rosa "transferred and provided AAA to Kim[.]"^[37]

The trial court gave credence to AAA's "clear, candid[,] and positive"[38] testimony that Dela Rosa invited AAA to meet at a supermarket, but subsequently brought her to a hotel where she was made to have sex with Kim.[39] It noted "the deportment of AAA while on the witness stand"[40] and found no reason to question her credibility. It also noted that AAA lived with Dela Rosa for over six (6) years, which made it unlikely that she would "fabricate stories against the accused who took care of her." [41]

AAA's age was likewise undisputed, which qualified the crime of human trafficking under Section 4(a) of Republic Act No. 9208.[42]

However, the trial court found that Dela Rosa was not civilly liable for violating Republic Act No. 9208 because the prosecution failed to prove that AAA suffered "mental anguish, fright[,] and the like." [43] To the trial court, even if AAA's testimony had the effect that she "felt afraid," [44] these were insufficient proof of mental suffering.[45]

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, premises considered, in Criminal Case no. 13-9820, the court finds accused Ruth dela Rosa y Likinon also known as "Sally" GUILTY BEYOND REASONABLE DOUBT of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 or Qualified Trafficking in Person (*sic*) penalized in Section 10 (c) thereof embodied in the Information dated March 8, 2013. Accordingly, accused Ruth dela Rosa y Likinon also known as "Sally" is hereby sentenced TO SUFFER the penalty of life imprisonment and TO PAY a fine in the amount of Two million pesos (P2,000,000.00).

In Criminal Case no. 13-9821, the court finds accused Ruth dela Rosa y Likinon also known as "Sally" NOT GUILTY of the offense of Violation of Section 4(a) in relation to Section 6(a) of Republic Act no. 9208 of Qualified Trafficking in Person (*sic*) penalized in Section 10 (c) of thereof (*sic*) embodied in the Information dated March 8, 2013 for failure of the prosecution to prove her guilt beyond reasonable doubt. Accordingly, accused Ruth dela Rosa y Likinon also known as "Sally" is hereby ACQUITTED of the charge in said Criminal Case no. 13-9821.

No costs.

SO ORDERED.[46]

Dela Rosa appealed her conviction. In her Brief,[47] she argued that the prosecution failed to prove her guilt beyond reasonable doubt. She questioned AAA's credibility given her failure to mention the February 2013 incident in the sworn statement taken by PO2 De Leon. This omission allegedly contradicted her testimony that Dela Rosa brought her to Coa Hotel and instructed her to have sex with Kim.[48] Dela Rosa further argued that AAA's sworn statement indicates that she went to Avante Hotel on March 6, 2013 "on her own volition[.]" [49]