

THIRD DIVISION

[G.R. No. 218806, June 13, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GLORIA NANGCAS ACCUSED-APPELLANT.**

DECISION

MARTIRES, J.:

For review is the Decision^[1] dated 6 March 2015, of the Court of Appeals (CA) in CA-G.R. CRHC No. 01092-MIN, which affirmed *in toto* the Decision,^[2] dated 8 October 2012, of the Regional Trial Court (RTC) of Cagayan de Oro City, 10th Judicial Region, Branch 19, in Criminal Case No. FC-2009-643, finding herein accused-appellant Gloria Nangcas (*Nangcas*) guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4 in relation to Section 6 of Republic Act No. 9208,^[3] committed against AAA,^[4] BBB,^[5] CCC,^[6] and Judith Singane (*Judith*), and imposing upon her the penalty of life imprisonment and a fine of Two Million Pesos (P2,000,000.00).

THE FACTS

Accused-appellant was charged for Violation of Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003" per the Information, dated 24 September 2009, which reads:^[7]

"That on 22 March 2009 at about 3:00 o'clock in the afternoon and thereafter, commencing in Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully and unlawfully recruit, transport, transfer, harbor and provide four (4) women, namely, fourteen (14) year-old [AAA], thirteen (13) year-old [BBB], seventeen (17) year-old [CCC] and nineteen (19) year-old Judith Singane, by means of fraud, deception, or taking advantage of the vulnerability of said victims for the purpose of offering and selling said victims for forced labor, slavery or involuntary servitude, that is, by promising them local employment (as househelpers in Camella Homes, Upper Carmen, Cagayan de Oro City) with a monthly salary of PhP1,500.00 each and that they could go home every Sunday, but instead, said accused brought them to Marawi City and sold them for PhP1,600.00 each to their great damage and prejudice.

Contrary to and in violation of Sec. 4, in relation to Section 6, of Republic Act No. 9208.

By virtue of the Warrant dated 18 December 2009,^[8] Nangcas was arrested and committed to the jurisdiction of the court *a quo* on 13 January 2010.^[9] With the

assistance of her counsel, Nangcas pleaded "not guilty" to the offense charged.^[10]

The Version of the Prosecution

The prosecution presented Judith, AAA, BBB, P/Insp. Exodio Vidal, and Enerio Singane (*Enerio*) as witnesses. Their testimonies, taken together, tended to establish the following:

On 22 March 2009, at around three o'clock in the afternoon, Judith was with AAA at xxx when they saw her uncle Junjun Singane and aunt Marites Simene with Nangcas. The latter approached them and asked if they wanted to work.^[11] Judith, being interested, brought Nangcas to her house to ask permission from her parents. Nangcas informed Judith's parents that the latter would be working as a house helper at Camella Homes in Cagayan de Oro City, with a salary of P1,500.00 per month and with a rest day every Sunday. Judith's father, Enerio, was adamant at first, but Judith insisted because of the salary Nangcas offered and the location of the employer was nearby at Camella Homes; hence, Enerio gave his consent.^[12] Thereafter, Judith had her things all ready and went with Nangcas. Nangcas, on the other hand, left her cellphone number with Enerio.^[13]

Since AAA, who was only fourteen (14) years old then,^[14] showed interest in Nangcas' proposition, the latter then proceeded to AAA's residence to meet her parents. There, Nangcas also met CCC, AAA's sister, who was only seventeen years old at that time. CCC also expressed her interest to work as a house helper. Nangcas explained to AAA and CCC's parents that both would be working as house helpers at Camella Homes in Cagayan de Oro, with a salary of P1,500.00 each. The father of the two girls rejected the idea since he could still manage to support them. Their mother was also apprehensive that her daughters might be brought to Marawi. However, since AAA and CCC were very much interested and Nangcas assured their parents that they would only work at Camella Homes, the parents eventually agreed, thinking that both their daughters would be within each other's reach as they would both be working at Camella Homes.^[15] Thereafter, Judith, AAA, CCC, and Nangcas proceeded to the house of BBB, a cousin of AAA and CCC, to inform her of the job offer.^[16]

BBB was home attending to her younger sibling when Judith, AAA, CCC, and Nangcas arrived. After Nangcas told her of work available at Camella Homes, BBB agreed thinking that her mother could just visit her there.^[17]

All the recruits resided at xxx, Cagayan de Oro City.

After the girls had packed their things, Nangcas brought them to Camella Homes. The alleged employer was not there, so Nangcas informed them that they had to go to Cogon. When they were already in Cogon, Nangcas instructed them to board a van as they would proceed to Iligan City where the employer was. Though hesitant and doubtful, the girls followed Nangcas' instructions. Judith, however, noticed that they were already travelling far and tried to talk to Nangcas but to naught, as the latter slept during the trip.^[18] Upon reaching their destination, it was only then that Nangcas told them that they would be working as house helpers in Marawi. The girls complained that their agreement was only to work at Camella Homes in Cagayan de

Oro. But Nangcas informed them that their alleged employer in Iligan was no longer looking for helpers; and that it was in Marawi where they were needed. The girls wanted to go home but they didn't have any money for their fare going back to Cagayan de Oro.^[19] They had no other choice but to stay in Marawi. They were then brought to the house of one Baby Abas (*Baby*) where they slept for the night.

The following day, Nangcas brought Judith and BBB to the house of Baby's sister, Cairon Abantas (*Cairon*), while AAA and CCC remained to work for Baby. Nangcas went back to Cagayan de Oro.

The recruits worked in Marawi for more than a month. They were not paid their salaries as, according to their employers, Nangcas had already collected P1,600.00 for each of them. They were also made to eat leftover rice with only "pulaka" (mixed ginger, chili and onion) as their viand.^[20] Furthermore, they were threatened not to go out or attempt to escape or else, the soldiers would kill them since they were Christians.

Since Judith failed to go home on her scheduled day-off on Sunday, Enerio called up Nangcas to ask about his daughter. The latter told him that Judith was with her just the other day and that she could go home only after two (2) months.

On 14 April 2009, Judith asked permission to go home since it was her birthday, but she was denied. Subsequently, with the help of the "kasambahay" of the neighboring house who lent them her cellphone, Judith was able to call her father informing him of her whereabouts.^[21] Alarmed by the news from his daughter, Enerio went to the Lumbia Police Station to report the incident and seek assistance to rescue her daughter and three (3) other minors.

P/Insp. Exodio Vidal then assisted Enerio in looking for Nangcas. They went to Nangcas' house but only her children were there. They left a message inviting Nangcas to their station but she did not respond.^[22] On 5 May 2009, P/Insp. Vidal received orders to proceed to Marawi City to retrieve the girls. The girls' parents and a couple of Muslims accompanied the police officers. Enerio Singane called the cellphone number used by Judith to contact him and he was able to talk to the cellphone's owner. The latter gave him the directions to the house of Judith's employer.^[23] The police officers successfully rescued the four (4) girls. The parents of the recruited girls filed the instant action against Nangcas.

The Version of the Defense

Nangcas and Cairon testified for the defense.

Nangcas denied the accusation against her. She claimed that her friend Joni Mohamad (*Joni*) was looking for two (2) house helpers to work for him at Camella Homes, Cagayan de Oro, and two (2) others for his mother who lived in Iligan City.^[24] She went to xxx to look for interested applicants and there met a couple who told her that their neighbor was interested. The couple took her to Judith who expressed interest so she decided to meet her parents to ask for their permission. She informed the parents that Judith would be working at Camella Homes, Cagayan de Oro, with a salary of P1,500.00.^[25] She then went to the parents of AAA and

CCC and made the same offer. The girls' parents gave their consent provided that the siblings would work in the same house.^[26] After the girls had packed their things, she brought them to Camella Homes.

Nangcas alleged that while they were at the terminal, she chanced upon BBB, a cousin of AAA and CCC. The former requested to accompany them to Camella Homes so that she would know where to visit her cousins on her day-off.^[27] She agreed; hence, BBB went with them to Camella Homes. When they arrived at Camella Homes, she introduced the girls to Joni. However, Joni only needed two (2) helpers and chose Judith and CCC to work for him but the latter refused because she wanted to work as a house helper with her sister AAA. Joni then called his mother to inform her about the house helpers. The latter instructed him to send them to Iligan and that she would pay for their fare.^[28] Nangcas took the four (4) girls with her to Cogon and boarded a van going to Iligan. However, before they could reach Iligan, Joni's mother called her and informed her that she was no longer hiring the helpers as her current helper decided not to go home anymore.^[29] She asked the driver if he could take them back to Cagayan de Oro but the latter asked for an additional charge. When she replied that she had no money left, Judith immediately suggested that they proceed to Marawi where she has an uncle. However, Judith could not contact her uncle, hence she asked the girls if it was okay for them to go to Marawi and they all agreed. She then contacted her friend Baby Abas (*Baby*) in Marawi and the latter lent her money to pay the van driver.^[30] They stayed in Baby's house for the night. When Baby asked the girls if they were willing to work as house helpers, they said yes.

Nangcas furthermore alleged that on the following day, AAA and CCC remained with Baby while she brought Judith and BBB to the house of Baby's sister, Cairon, to work as house helpers with P1,500.00 salary each. Before she left for Cagayan de Oro, Baby gave her P500.00 while Cairon gave her P1,600.00 for providing them the helpers.^[31] Nangcas added that Judith specifically asked her not to tell their parents about their whereabouts as they would call to inform them themselves.^[32]

Nangcas finally alleged that by the end of March 2009, she went back to Marawi to follow up on the girls and there learned that Judith failed to inform their parents of their whereabouts. Nevertheless, all the girls assured her that they were fine. On 5 May 2009, she was supposed to fetch Judith, who was scheduled to go home for her birthday but she failed to do so because she had to attend to her husband who was hospitalized for pneumonia. On 7 May 2009, Judith's father called and informed her that he had already fetched his daughter and the other girls.

Cairon also testified and professed that she came to know Nangcas only when she brought the girls to work for her. She recalled offering to pay the girls a salary of P1,500.00 to which the girls agreed. She claimed that she even asked for Enerio's number to inform him that his daughter was in good hands.^[33] She further claimed that Nangcas did not ask for money but she volunteered to reimburse Nangcas' expenses incurred in bringing the girls. Finally, Cairon alleged that she paid the girls their salaries and she was surprised when their parents came to her house to get them.^[34]

The Ruling of the Regional Trial Court

In its decision,^[35] the RTC^[36] found Nangcas guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons.

The RTC ratiocinated that Nangcas' deception was apparent in the manner with which she dealt with Enerio, Judith, and three other private complainants: that they were made to believe that the victims would be working as house helpers at Camella Homes in Cagayan de Oro City; and that Nangcas never bothered to call the girls' parents to inform them of their children's whereabouts. The RTC also reasoned that Nangcas further deceived Enerio when she told him during the last week of March that Judith and the other girls were at Camella Homes when she fully knew that they were in Marawi; that she employed the same deception when she brought the girls from one place to another until they reached Marawi; that the girls were left penniless and thus had no fare to go back home, thus, leaving no choice but to work against their will. Finally, The RTC declared that if there was truth to the claim of Nangcas, she should have presented Joni Mohamad and his mother; that Nangcas had also admitted previously providing helpers to others, and that the incident on 22 March 2009 was not the only occasion he did so. The *fallo* reads:

ALL THE FOREGOING CONSIDERED, the Court finds accused Gloria Nangcas guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons and for which the Court hereby imposes upon GLORIA NANGCAS the penalty of life imprisonment and a fine of Two Million Pesos (P2,000,000.00).

IT IS SO ORDERED.^[37]

Feeling aggrieved with the decision of the RTC, Nangcas appealed to the Court of Appeals, Cagayan de Oro City.^[38]

The Assailed CA Decision

The CA, through its Twenty-Second Division, accorded respect to the findings of fact of the trial court in the absence of clear and convincing evidence that the latter ignored facts and circumstances which, if considered on appeal, would have reversed or modified the outcome of the case. The CA found no merit in the arguments raised by Nangcas, to wit:

First, there is no doubt that the accused-appellant recruited and transported the private complainants to their supposed employer in Marawi. These are well within the acts that may constitute trafficking, to wit: recruitment, transportation, transfer or harboring. This meets the first elements of the offense. Second, we are convinced that the accused-appellant employed fraud and deceit and took advantage of the victims' vulnerability to successfully recruit them. These means satisfy the second element. Lastly, the foregoing acts and means resulted in the victims' forced labor and slavery.^[39]

The CA disposed of the case in this wise:

WHEREFORE, the appeal is dismissed. The October 8, 2012 Decision of the Regional Trial Court, Branch 19, Cagayan de Oro City in Criminal Case