

THIRD DIVISION

[G.R. No. 223528, January 11, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JEFFREY HIRANG Y RODRIGUEZ, DEFENDANT-APPELLANT.**

DECISION

REYES, J.:

This is an appeal from the Decision^[1] dated March 9, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05129, which affirmed the conviction of defendant-appellant Jeffrey Hirang y Rodriguez (Hirang) for violation of Section 6 of Republic Act (R.A.) No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003.

The Facts

Hirang, also known as Jojit and Jojie, was charged before the Regional Trial Court (RTC) of Pasig City with the crime of qualified trafficking in persons, as defined and penalized under Section 4(a), in relation to Section 6(a) and (c), and Section 3(a), (b) and (c) of R.A. No. 9208, *via* an Amended Information^[2] that reads:

That on or about June 27, 2007, at Taguig City and within the jurisdiction of this Honorable Court, the above named accused, did then and there, willfully, unlawfully and feloniously **recruited, transported and provided in a large scale minors [AAA],^[3] 17 years old, [BBB], 17 years old, [CCC], 14 years old and [DDD], 17 years old, for the purpose of prostitution** by taking advantage of their vulnerability as young girls through promise of a good time or "gimik" in a disco and good food if they would simply accompany him in meeting and entertaining his Korean friends and to induce their full consent further promise them Five Thousand Pesos (Php5,000.00) to Ten Thousand Pesos (Php10,000.00) each afterwards when in truth and in fact peddled them for sexual favors and pleasure in consideration of Twenty Thousand Pesos (Php20,000.00) each and engaged' their services in prostitution as in fact he already received Seven Thousand Pesos down payment from the Korean national who engaged their services.

CONTRARY TO LAW.^[4] (Emphasis and underlining in the original)

Upon arraignment, Hirang entered a plea of not guilty. After pre-trial, trial on the merits ensued.^[5]

Version of the Prosecution

The private complainants are minor victims of Hirang in his prostitution activities. The following persons testified for the prosecution: victims DDD, AAA, CCC and BBB,

International Justice Mission (IJM) Investigators Alvin Sarmiento (Sarmiento) and Jeffrey Villagracia (Villagracia), National Bureau of Investigation (NBI) Special Investigator (SI) Menandro Cariaga (Cariaga), SI Anson L. Chumacera and forensic chemist Loren J. Briones.^[6]

AAA was born on November 25, 1989. She was only 16 years old when Hirang recruited her in August of 2006 as a sex worker, for which she was paid P1,000.00 per day, less Hirang's commission of P200.00. She was later prodded to work as a sexy dancer and prostitute at the Catwalk Club along Quezon Avenue. She joined her customers in their tables at the club, and gave sexual services in hotels. She left the club after two nights, upon her live-in partner's order. Still, Hirang sourced several other prostitution jobs for AAA. He convinced AAA to work in a cybersex den in Muñoz, Quezon City. She received P700.00 a month, less P200.00 commission received by Hirang. In September 2006, Hirang made AAA work again as a sexy dancer at Philippine Village bar in Puerto Galera. AAA had to quit her job when she got pregnant, but resumed work for Hirang after she gave birth.^[7]

CCC was born on December 19, 1992. She was 14 years old when she was recruited by Hirang for his illicit activities. She met Hirang at the house of Ka Lolet, her best friend's mother. She knew Hirang to be scouting young girls who could be traded for sex. Sometime in June 2007, Hirang asked CCC to go with him and meet some Koreans.^[8]

DDD, who was born on February 11, 1991, was 16 years old when she ran away from home in 2007 and stayed at a friend's house in Sta. Ana, Taguig City. As she was then in need of money, she accepted an offer from one Ate Lolet, a pimp, that she be introduced to a male customer, with whom she had sexual intercourse for P2,500.00. It was Ate Lolet who later introduced DDD to Hirang.^[9]

BBB was born on March 28, 1990. CCC is her younger sister. She was 17 years old when on June 27, 2007, she visited CCC at Ka Lolet's house. There she saw Hirang, who invited her to come with him in meeting some Koreans that evening. Later in the evening, at around 8:00 p.m., BBB went back to the house of Ka Lolet to meet Hirang. It was then on June 27, 2007 that Hirang sold BBB, along with AAA, CCC and DDD, to his Korean customers for sexual activities. Hirang told his victims that they would receive P5,000.00 after a "gimik"^[10] with them. At around 10:00 p.m., their group proceeded to meet with the Koreans at Chowking restaurant, C-5 in Taguig City. Hirang instructed the girls to tell the Koreans that they were 16 years of age, as this was their customers' preference.^[11]

When their group arrived at Chowking, Hirang talked to a Korean and then introduced the girls to him. The Korean handed money to Hirang and as the latter was counting it, NBI agents arrived at the scene and announced a raid. NBI agents arrested Hirang, while a social worker approached the girls and brought them to the NBI for their statements.^[12]

The raid was conducted following a prior investigation conducted by IJM, a non-profit organization that renders legal services and is based in Washington, D.C. IJM's investigators Sarmiento and Villagracia gathered data on human trafficking in Metro Manila, after information that Hirang was selling minors for prostitution. Hirang was

introduced by a confidential informant to Villagracia, who posed as a travel agency employee having Korean friends. Villagracia claimed to have Korean friends as they knew Hirang to be transacting only with foreign customers.^[13]

Hirang and Villagracia first agreed to meet on June 20, 2007 at Chowking restaurant along C-5 Road in Taguig City. Villagracia introduced Hirang to Sarmiento, who introduced himself as Korean national studying English in Manila. Hirang informed Sarmiento that he had with him AAA, who was good in bed, only 15 years old and could perform any sexual position, for a fee of P20,000.00. Sarmiento, however, told Hirang that he and his other Korean friends had other plans for the night. Hirang demanded a cancellation fee of P1,500.00 and scheduled another meeting with Sarmiento and the other Koreans on June 26, 2007.^[14]

Thereafter, IJM submitted a report to the NBI-Field Office Division, and asked for the agency's investigative assistance and operation against Hirang. On June 26, 2007, IJM and NBI operatives agreed during a conference that they would conduct an entrapment operation on June 27, 2007. Sarmiento reset his meeting with Hirang to June 27, 2007. Hirang initially got mad, but was appeased after Sarmiento promised to give a bonus of P20,000.00. Cariaga prepared the marked money to be used during the entrapment, and was tasked to be the driver of poseur-customer Sarmiento. Several other NBI and IJM agents served as back-up during the operation, in case any untoward incident should happen.^[15]

On June 27, 2007, the entrapment was conducted with proper coordination with local authorities. A social worker from the Department of Social Welfare and Development and members of the media for the segment XXX of ABS-CBN Channel 2 joined the operation. Villagracia secretly recorded his conversation with Hirang.^[16]

Hirang introduced AAA, BBB, CCC and DDD to Sarmiento, who feigned his desire to pursue the transaction. Hirang specified the sexual services that the girls could offer, and assured Sarmiento that the girls could fulfill their customers' sexual fantasies.^[17] Sarmiento then handed to Hirang a fictitious check amounting to P20,000.00, while Cariaga handed the P7,000.00 marked money. As Hirang was counting the cash, he complained that the amount was not enough as he charged P20,000.00 per girl, plus bonus. At this point, Cariaga performed the pre-arranged signal with NBI operatives, who declared the entrapment operation and arrested Hirang. An ultraviolet dust examination later performed upon Hirang rendered positive result for fluorescent powder specks.^[18]

Version of the Defense

Hirang and his mother Myrna Hirang (Myrna) testified for the defense.

Hirang claimed to be self-employed, selling *longganisa* and other wares for a living. He denied dealing with sexual trade. It was upon the instigation of Villagracia, who was introduced to him by his friend Jun Valentin (Valentin), that he agreed to bring the girls for the supposed Korean clients. Hirang described Villagracia as a drug addict who frequently visited Valentin's house for pot sessions. Villagracia told Hirang that he knew of Koreans looking for girls and were willing to pay P20,000.00 to P25,000.00 for each girl who must be 13 to 14 years old.^[19]

On June 20, 2007, Hirang, Valentin and two girls went to meet up with Villagracia at Chowking in C-5 Road, but the Koreans cancelled the transaction. Villagracia was disappointed that the girls brought by Hirang were already 23 years old. They agreed to meet again, but Villagracia reminded Hirang to bring young girls next time. Hirang promised to do so, and then received P500.00 from Villagracia.^[20]

When they later talked again over the telephone, Villagracia advised Hirang to convince the Koreans to hire the girls so that Hirang and Valentin could receive the P5,000.00 commission per girl. Another Korean promised to give a bonus of P10,000.00 if Hirang could provide young girls. Since Hirang claimed to have no girls for the service, he went to the house of Ka Lolet with whom he had previously transacted whenever he needed girls for sexual services. Ka Lolet provided BBB, CCC and DDD, while Hirang personally talked to AAA. Hirang and Ka Lolet agreed to give each girl P5,000.00, while a P5,000.00 commission for each girl would be divided among him, Ka Lolet, Villagracia and Valentin.^[21]

Hirang and Villagracia met again on June 26, 2007 at Valentin's house. Villagracia reminded Hirang that the girls should be young. He also gave instructions on the dresses that the girls should wear during their meeting. On the evening of June 27, 2007, Hirang went to Ka Lolet's house and from there, brought the girls to Chowking in C-5 Road on board a van provided by Ka Lolet. One Korean national gave Hirang money for their food. As their order was being served at the restaurant, NBI operatives approached Hirang and arrested him.^[22]

In her testimony, defense witness Myrna claimed knowing Villagracia, as the latter frequently talked to Hirang over the cellphone. There were times that she answered Villagracia's calls, and the latter introduced himself as a friend of Hirang with whom he had an arrangement.^[23]

Ruling of the RTC

On June 25, 2011, the RTC of Pasig City, Branch 163, Taguig City Station rendered its Decision^[24] convicting Hirang of the crime of human trafficking. The dispositive portion of the decision reads:

WHEREFORE, [HIRANG] is hereby found GUILTY beyond reasonable doubt of the crime of Violation of Section 6 of [R.A.] No. 9208 and is hereby sentenced to suffer the penalty of life imprisonment and a fine of Two Million Pesos (Php2,000,000.00).

SO ORDERED.^[25]

Feeling aggrieved, Hirang appealed^[26] to the CA based on the following assignment of errors:

I. THE TRIAL COURT GRAVELY ERRED IN REJECTING [HIRANG'S] DEFENSE.

II. THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE CONFLICTING AND IMPROBABLE TESTIMONIES OF THE

PROSECUTION WITNESSES.

III. THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT [HIRANG'S] RIGHTS UNDER [R.A.] NO. 7438 (AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF) WERE VIOLATED.^[27]

Ruling of the CA

The CA denied the appeal *via* a Decision^[28] dated March 9, 2015, with dispositive portion that reads:

WHEREFORE, the appeal is **DENIED**. The Decision dated June 25, 2011 of the [RTC] of Pasig City, Branch 163, Taguig City Station in Criminal Case No. 135682 is **AFFIRMED** *in toto*.

SO ORDERED.^[29]

Hence, this appeal.^[30]

The Present Appeal

On June 13, 2016, the Court issued a Resolution notifying the parties that they could file their respective supplemental briefs.^[31] However, both Hirang and the Office of the Solicitor General, as counsel for plaintiff-appellee People of the Philippines, manifested that they would no longer file supplemental briefs, as their respective briefs filed with the CA sufficiently addressed their particular arguments.^[32]

Based on the parties' contentions as raised before the CA, the Court is called upon to resolve the following issues: (1) whether the prosecution was able to prove beyond reasonable doubt the guilt of Hirang for the crime charged; and (2) whether Hirang should be acquitted in view of the failure of the arresting officers to observe R.A. No. 7438.

Ruling of the Court

The Court affirms Hirang's conviction.

Hirang was charged and convicted for qualified trafficking in persons under Section 4(a), in relation to Section 6(a) and (c), and Section 3(a), (b) and (c) of R.A. No. 9208, which read:

Section 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of