

EIGHTH DIVISION

[CA-G.R. CR-H.C. No. 06220, August 29, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JEHLSON AGUIRRE Y ARIDIDON, MICHAEL ARABIT Y
PACAMARA, JEFFERSON PARALEJAS Y PIGTAIN AND JEFFREY
ROXAS Y ARAGONCILLO, ACCUSED, JEHLSON AGUIRRE Y
ARIDIDON, MICHAEL ARABIT Y PACAMARA, JEFFERSON AND
PARALEJAS Y PIGTAIN, ACCUSED-APPELLANTS.**

DECISION

LAMPAS PERALTA, J.:

Before the Court is an appeal from the Judgment dated May 28, 2013^[1] in Criminal Case No. Q-10-167652 of Branch 106, Regional Trial Court, Quezon City, finding accused-appellants Jehlson Aguirre y Arididon, Michael Arabit y Pacamara and Jefferson Paralejas y Pigtain guilty beyond reasonable doubt of the crime of Qualified Trafficking in Persons, and sentencing each of them to suffer the penalty of life imprisonment, to pay a fine of P2,000,000.00 with subsidiary imprisonment in case of insolvency, and to pay private complainants AAA,^[2] BBB, CCC and DDD the sums of One Hundred Thousand Pesos (P100,000.00) as moral damages each and Fifty Thousand Pesos (P50,000.00) as exemplary damages each.

THE ANTECEDENTS

On November 16, 2010, around 1:30 P.M., the Criminal Investigation Division Group-Women and Children Protection Division (CIDG-WCPD), Camp Crame, Quezon City received from representatives of "Tutok-Tulfo," a television program aired at TV Channel 5, a request for police assistance to apprehend a certain Booba and his cohorts which according to their civilian informant were to bring in an unoccupied apartment at YYY, Quezon City ten (10) women to be distributed in clubs and/or videoke bars around Metro Manila as prostitutes/entertainers. A briefing was thereafter held.^[3]

Around 6:00 P.M., members of the CIDG-WCPD, Camp Crame, led by Special Police Officer 1 (SPO1) Robert Eblahan and Special Police Officer 3 (SPO3) Leodegario Canillo, proceeded to the unoccupied apartment and positioned themselves at the second floor. Around 8:00 P.M., a group entered the apartment. Upon receipt of a text message from the civilian informant, the pre-arranged signal, police went down from the second floor to arrest the malefactors and rescue the victims.^[4]

The police arrested accused-appellants Jehlson Aguirre @ "Booba," Michael Arabit @ "Bubbles" and Jefferson Paralejas @ "Jopay," all known homosexuals, and accused Jeffrey Roxas @ "Rayray" and informed the latter of their rights. Thereafter, Erwin Tulfo and staff arrived to shoot a segment for "Tutok Tulfo."^[5]

After their departure, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas were brought to Camp Crame for investigation. The ten (10) women were referred to the social worker.^[6]

For their part, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas all denied committing the crime and tried to justify their presence in the apartment where they were arrested. According to accused-appellant Jehlson Aguirre, (i) he was invited by accused-appellant Jefferson Paralejas to a swimming and drinking session; (ii) they were at the apartment waiting for FFF who knew the celebrator; and, (iii) accused-appellant Jefferson Paralejas had promised to redeem from him a pawned cellphone.^[7] Accused-appellant Michael Arabit claimed that (i) he was invited by his "kumare" GGG to join a swimming and drinking party; (ii) he proceeded to the apartment by public transport with sisters GGG and JJJ aided by instructions texted by his cousin EEE; and, (iii) they were told by EEE to wait at the apartment for the vehicle that would bring them to a certain resort.^[8] Accused-appellant Jefferson Paralejas alleged that (i) after meeting a certain Arnel at Jollibee, his friend EEE invited him to go swimming, and (ii) he arrived at the apartment in a white van with EEE and four (4) other women whom he was not familiar with.^[9] According to accused Jeffrey Roxas, he was invited by accused-appellant Jefferson Paralejas to join a drinking party, and although he was left outside the apartment, he was handcuffed and brought inside by a man wearing a black jacket after he admitted knowing accused-appellant Jefferson Paralejas.^[10]

The factual details, based on testimonies of prosecution witnesses, were summarized in the trial court's Judgment dated May 28, 2013 as follows:

"x x x private complainant "AAA" received a text message in her cellular phone from accused Michael Arabit alias Bubbles in XXX on November 16, 2010. Upon Bubbles' invitation, "AAA" went to his house in XXX, and there she saw the three accused. Michael Arabit alias Bubbles and co-accused Jefferson Paralejas alias Jopay were her "barkada" and they introduced co-accused Jehlson Aguirre alias Booba to her a week ago. The three accused and "AAA" went to 7-Eleven for lunch. When they returned to Bubbles' house, Booba and Jopay asked "AAA" if she wanted to earn some money. Booba assured her that they would just go drinking with some people for which she would get paid. "AAA" acceded and as instructed by the three accused, she went home and dressed up. This was at approximately 4:00 p.m. At 7:00 p.m., "AAA" returned to Bubbles' house and was surprised to see other women there. She recognized BBB, DDD, EEE,^[11] Rochel,^[12] GGG^[13] and JJJ. Thirty minutes later, a white van arrived and all the ten ladies, together with Bubbles, Jopay, Booba and the fourth accused, Jeffrey Roxas alias RayRay, boarded the van.

Earlier that same day, private complainant "BBB" was in the house of her friend, private complainant "DDD" when the three accused – Bubbles, Booba and Jopay – invited her to go somewhere with them. "BBB" was with the three accused a month earlier i.e., in October 2010, when they had a drinking and shabu session together. x x x

On November 16, 2010, the date subject of the Information, "BBB" was invited by Jehlson alias Booba again to have sex with another man in exchange for money and shabu. "BBB" said yes and agreed to meet the three in the house of Bubbles in XXX. When "BBB" arrived, she saw other women, some of whom were familiar, in the house. Then, a white van came and all of them, the 10 women and the 3 accused plus another man, boarded the van. The van travelled to Quezon City.

That same day of November 16, 2010, private complainant "CCC" was tending to the sari-sari store of her aunt in XXX. In the afternoon, her classmate, EEE, visited and asked if she ("CCC") wanted to go drinking with her and some of their high school friends. "CCC" said that EEE had to ask permission from "CCC's" aunt first which the girl did. The aunt gave her consent because she knew EEE so the two left and went to the house of Michael Arabit a.k.a. Bubbles, who was a cousin of EEE. At Bubbles' house, Bubbles told them that they would go drinking with some foreigners in Quezon City and then they would have some money in exchange for such service. The other two accused, Jehlson Aguirre alias Booba and Jefferson Paralejas alias Jopay also said the same thing to her while the fourth accused, Jeffrey Roxas, was in the house but "CCC" did not know him. "CCC" saw several girls in the house but knew only two, i.e., private complainant "AAA" and EEE. Then, a white van appeared and all of them boarded the van.

The fourth witness, private complainant "DDD" was in her house in XXX when Booba texted her in her cellular phone on November 16, 2010 at about 2:00 p.m. Booba said that he was going to introduce her to a foreigner who will give them some money and shabu for sex with "DDD". Prior to this invitation, sometime in October, "DDD" met Booba, Bubbles and Jopay, who were homosexuals, at the house of Bubbles in XXX. "DDD" was introduced by Jopay to Bubbles after which she was invited to go to the house of a certain "Vivian" for some "happenings" and shabu session. x x x

This time on November 16, 2010, "DDD" did not agree to the accused's proposition but later relented after hearing that they will not only have money but will also have one "bulto" of shabu for their personal use. Jopay fetched "DDD" at her house, so the two, plus EEE, Mikmik^[14] and some other girls went to the house of Bubbles where they were to be fetched. In Bubbles' house, the accused told all of them to fix themselves because they had to look good for the foreigners. Then, a white van arrived which they all boarded.

The van moved and stopped at the 7-Eleven store in XXX and then travelled and proceeded to Quezon City. While travelling, Jehlson Aguirre alias Booba told the women that they will be meeting some foreigners who will take them abroad. At 7:00 in the evening, the van reached Quezon City and proceeded somewhere to YYY where it stopped outside a two-storey apartment. As instructed, the women went down the van and inside the apartment; they fixed their clothes and make-up to look good to the foreigners, who were in another place. Michael Arabit a.k.a. Bubbles then asked "***Sino ang gustong gumamit?***" As he said this,

Jehlon Aguirre a.k.a. Booba, with one hand, reached inside his chest, took out something from his brassiere and showed them a small sachet with a white substance inside that looked like shabu. "**Ako po!**" six of the women answered and these six women were separated from the others. While they were looking for an aluminum foil for the shabu, suddenly there was a commotion and they saw several people running down from the second floor of the house. The people identified themselves as the police and told the women to sit together as they simultaneously took hold of all the accused. Other people entered the house and they were from TV Channel 5, other media persons and some social workers from Quezon City. The police handed over the women to the social workers; they arrested the four (4) accused, read them their rights and brought all of them to Camp Crame for investigation.

The policemen were members of the Criminal Investigation and Detection Group – Women and Children Protection Division (CIDG-WCPD) stationed at Camp Crame, Quezon City. Earlier at about 1:30 p.m. of that same day, November 16, 2010 their office received a request for assistance from personnel of the show of "Tutok Tulfo" – a public service program of TV Channel 5 for the possible arrest of a certain alias "Booba" and other unidentified cohorts who, according to their confidential informant, were allegedly recruiting and transporting women, including minors, from XXX to work as prostitutes and/or entertainers in various clubs and videoke bars in Metro Manila.

Acting on this report, the police chief of office immediately invited the confidential informant, representatives of TV5 and social workers from Quezon City for a conference to plan a possible operation. During the conference, the informant revealed that "alias Booba" promised to bring at least ten (10) women to the informant but at the same time, requested for a place where the women could stay temporarily while waiting for their customers. "Alias Booba" also mentioned that he will bring a sachet of shabu so the women could use it before leaving the place. Acting on Booba's request, the informant provided an unoccupied apartment in Quezon City which was YYY, Quezon City, where the women could stay temporarily. Booba promised to deliver the women at around 7:00 p.m. of November 16, 2010.

Based on this information, at 5:00 p.m. of that day, members of the CIDG-WCPD, including SPO1 Robert Eblahan and SPO3 Leodegario Carillo, conducted a briefing on the team and forthwith proceeded to the apartment in YYY. Inside the house, SPO1 Eblahan and SPO3 Carillo positioned themselves at the second floor.

At about 8:00 p.m., SPO1 Eblahan heard a group of persons enter the house. A few minutes later, a male voice said "**Kuya, asan na ang komisyon ko?**" Another male voice answered "**O, ayan, kumpleto na yan!**" "**Ay, salamat kuya!**" the first male voice replied. At this point, the police team leader received a phone call from the informant, which call was a pre-arranged signal for the team to go down. SPO1 Eblahan and SPO3 Carillo rushed down immediately and effected the arrest of "Booba", while the other members of the team apprehended the other

accused. The ten (10) women were isolated and separated from the accused and turned over to the social workers."^[15]

In an information dated November 22, 2010, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas were charged with "Violation of Sec. 3(a) & Sec. 4 (a) in rel. to Sec. 6 of R.A. 9208^[16] in rel. to Violation of R.A. 7610,"^[17] committed as follows:

"That on or about the 16th day of November, 2010, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit, transport, harbor, provide or receive AAA, 15 yrs. of age, a minor, FFF, 16 yrs. of age, a minor, GGG, 16 yrs. of age, a minor, HHH, III, 17 yrs. of age, a minor, JJJ, 14 yrs. of age, a minor, BBB, 14 yrs. of age, a minor, DDD, 18 yrs. of age and CCC, 17 yrs. of age, a minor, by trading them for sexual favor in exchange for some (*sic*) of money or profit.

The crime committed is qualified because the recruitment, transportation, transfer, harboring or receipt of the above-mentioned offended parties were made for the purposes of sex (*sic*) exploitation and prostitution, in violation of said law.

CONTRARY TO LAW."^[18]

When arraigned on January 28, 2011, accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas pleaded "not guilty" to the charge.^[19]

During the initial pre-trial on April 8, 2011,^[20] the trial court granted the prosecution's prayer for a permanent protection order against accused-appellants Jehlson Aguirre, Michael Arabit and Jefferson Paralejas and accused Jeffrey Roxas.^[21] In the same proceeding, the prosecution also proposed the following as issues:

- "1. Whether or not the accused are guilty of the offense, as charged in the information;
2. Whether all the accused are civilly liable to the complainants."

On May 6, 2011, during the continuation of the pre-trial,^[22] the defense adopted the issues earlier proposed by the prosecution and admitted the following:

" that seven (7) of the complainants at the time of the (1) commission of the offense are still minors. Admitted, subject to the presentation of the birth certificate of the said minors;
(2) that the instant case was the subject of inquest proceedings. x
x x"^[23]

Trial ensued. The prosecution presented as witnesses, (i) private complainant AAA;^[24] (ii) private complainant BBB;^[25] (iii) private complainant CCC;^[26] (iv) private complainant DDD;^[27] and, (v) SPO1 Robert Eblahan, CIDG-WCPD, Camp Crame, Quezon City.^[28] The prosecution did not anymore present the other six (6) private