

SEVENTEENTH DIVISION

[CA-G.R. CR-H.C. NO. 05545, November 07, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHARMELA BARRAMEDA, ROBERTO ACUIN A.K.A. WOWIE,
SALVACION ALAMARES, AND GINA AJERO, ACCUSED,**

**ROBERTO ACUIN Y DIONALDO AND SALVACION ALAMARES Y
COSTELO, ACCUSED-APPELLANTS.**

DECISION

BARRIOS, M. M., J.:

This is an appeal filed by accused-appellants Roberto Acuin^[1] and Salvacion Alamares^[2] from the Decision^[3] dated 27 February 2012 of the Regional Trial Court of Pasig City, Branch 69^[4] rendered in Criminal Case No. 134741-A which convicted them of Qualified Trafficking in Persons. The decretal portion reads:

x x x

Wherefore, finding accused Salvacion Alamares and Roberto Acuin guilty beyond reasonable doubt of Qualified Trafficking in Persons (R.A. 9208, otherwise known as 'The Anti-Trafficking in Persons Act of 2003) in Crim. Case No. 134741-A, this court hereby sentences each accused to suffer the penalty of life imprisonment and to pay a fine of Two Million Pesos (Php2,000,000.00) and Php50,000.00 as moral damages to each of the private offended parties (BBB, CCC and DDD).

Meanwhile, accused Gina Ajero is Acquitted for insufficiency of evidence.

In Crim. Case No. 134741, all accused are Acquitted for insufficiency of evidence.

SO ORDERED.

x x x

The Facts of the Case

The Information^[5] in Criminal Case No. 134741-A charged herein Roberto Acuin a.k.a. Wowie (Acuin), Salvacion Alamares (Alamares), Charmela Barrameda and

Gina Ajero of Qualified Trafficking in Persons defined and penalized under Section 6(a) and (c) in relation to Section 4(a) and Section 3 of R.A. No. 9208, as follows:

x x x

That, on or about February 1, 2007, in the City of Taguig, Philippines, the above-named accused, ROBERTO ACUIN, a.k.a. Wowie, in conspiracy with CHARMELA BARRAMEDA, SALVACION ALAMARES and GINA AJERO and with one another, and by means of fraud, deception, abuse of power or position, force, threats and coercion, taking advantage of the vulnerability of the persons and for the purpose of exploitation, such as prostitution and other forms of sexual exploitation, forced labor or services, servitude but under the pretext of legitimate employment and good pay, did then and there willfully, unlawfully and knowingly recruit AAA, BBB and CCC,^[6] with or without the consent of the latter, who are residents of Taguig City at the time of the commission of the crime; hence, within the jurisdiction of the Honorable Court and thereafter TRANSPORTED and TRANSFERRED them to Hannah Bee Videoke Club in Daraga, Albay, belonging to or managed by accused CHARMELA BARRAMEDA, ROBERTO ACUIN a.k.a. Wowie, SALVACION ALAMARES and GINA AJERO.

And in pursuit of the aforesaid conspiracy of all the accused, for the purpose of prostitution or other forms of exploitation, said accused did then and there willfully, unlawfully and knowingly RECEIVE, HARBOR and EMPLOY AAA, BBB and CCC, for sexual exploitation and as prostitutes at the said place, to their damage and prejudice;

That the crime was attended by the qualifying circumstances of minority, complainants, being 15 and 16 years of age, and that the crime was committed by a syndicate.

CONTRARY TO LAW.

x x x

When arraigned, accused-appellants pleaded not guilty. The prosecution's witnesses were: the three (3) private complainants and National Bureau of Investigation Anti-Human Trafficking Division (NBI AHTRAD) Special Investigator Eduardo T. Villa.

It is gathered that on or about 01 February 2007, private complainants^[7] all minors of 16 years (BBB), 15 years (CCC), and 16 years (DDD) - were hanging out at the house of their friend, Jovel Acuin, in Bicutan, Taguig City when they were approached by Jovel's relative^[8], herein appellant Roberto Acuin a.k.a. Wowie (Acuin), who offered to pay them P9,000.00 a month to perform as dancers for a fiesta in Laguna. Private complainants accepted his offer. Acuin also went to Paraaque City where he made the same offer to four (4) other girls. He also offered AAA a cashier's job with a daily salary of P400.00.

After meeting up in Taguig City, Acuin led his new recruits to the Pasay bus terminal and boarded them on a bus which the girls thought was bound for Laguna. However, at dawn, private complainants were surprised to know that they have arrived in Daraga, Albay instead. They were fetched at the bus station by appellant Salvacion Alamares (Alamares) who asked them to call her Mommy. She then brought them to a canteen and a bar named Hannah Bee Videoke Club. Acuin and Alamares stated that it was the latter who owned and managed both establishments. When appellant Alamares learned that the seven girls (except for AAA) were minors, she ordered them to say that they were 18 years old if any one asked for their age.^[9] She led them to a room behind the stage to rest and sleep. She also gave each of the girls P500.00 to buy clothes and P200.00 for make-up, which money shall be considered their advance and debt. Acuin then brought the complainants to the market place where he selected skimpy clothes, such as short shorts, spaghetti strap tops and tubes ostensibly as their dance costumes. In the afternoon, Acuin taught dance steps to the girls.

At around 10:00 P.M. that day, private complainants and the other recruits were told to wear their dance costumes. They became apprehensive and fearful, however, when they saw other women dancing naked on the stage. Appellants Alamares and Acuin tried to convince them to dance the same way if they wanted to receive more money. When the girls refused, appellants ordered them to sit by the table to entertain the male customers who would call for them and to order ladies drinks chargeable to the customers. Acuin acted as the floor manager who would bring the chosen girl to the customer's table while Ajero received their payments. Appellants promised higher salary if the girls do VIP room work where a male customer would pay a fee to spend time alone and do anything, including sex, with the female companion inside the room. Private complainants belatedly realized they were made to work as Guest Relations Officers; but being fearful due to the lack of money and unfamiliarity with the place, private complainants complied and sat with the male customers.

During their stay at the bar, private complainants were ordered to entertain their respective customers brought to them by Alamares and Acuin. On these occasions, complainants endured unpalatable experiences: the male customers have held DDD's hands, mashed BBB's breasts, placed their arms on CCC's shoulders and touched her thigh. DDD was even brought to the VIP room with a male customer.^[10] When it was time to sleep, Alamares locked their room to prevent them from escaping.^[11]

On 04 February 2007, AAA - assisted by the other recruits - escaped and boarded a bus bound for Manila to report the girls' plight to their parents. Upon learning of AAA's escape, Alamares got angry and threatened the remaining girls with death.^[12]

On 05 February 2007, with the assistance of the parents of the private complainants and the crew of QTV-11 Channel, AAA requested the NBI AHTRAD to investigate and stop the alleged human trafficking activities being done at the Hannah Bee Videoke bar in Rizal Street, Daraga, Albay and to rescue the victims.

On 08 February 2007, at about 1:30 A.M., NBI AHTRAD Special Investigator Eduardo Villa and other operatives, together with some of the parents of the minors,

arrived in Daraga, Albay and promptly coordinated with the Department of Social Welfare and Development (DSWD) and the Daraga Police for a rescue operation.^[13] At 2:00 A.M., two (2) NBI agents acted as poseur customers of Hannah Bee and confirmed the presence of the girls identified by AAA. They sent the pre-arranged signal, and thereafter, the NBI AHTRAD agents entered the establishment and rescued the seven (7) minors. They pointed to appellant Alamares as the owner of the club^[14] and to Ajero as the cashier. Alamares and Ajero were arrested that night, while Acuin was apprehended a year later.

On the other hand, the defense presented accused-appellants Acuin and Alamares, Acuin's brother-in-law Benjamin Guinipaan, and Alamares' employees Allan Badiola and John Lobete.

Accused-appellant Acuin testified that sometime in October 2006, he was hired^[15] by the club's owner (Alamares) as dance instructor for the Hannah Bee's female employees, but he denied recruiting them or working as a floor manager of the bar. He claimed that private complainants were brought by AAA who subsequently left without permission. He is employed at the Hannah Bee bar from 04 October 2006 until 13 February 2007 and worked from 1:00 P.M. to 5:00 P.M. as confirmed^[16] by his brother-in-law, Benjamin Guinipaan, who resided in Daraga, Albay at that time.

Appellant Alamares testified^[17] that Acuin introduced to her the newly-arrived girls whom he was handling for the bar. She claimed to operate only the canteen which is situated beside the Hannah Bee bar, and that her ownership right over the bar was already transferred to co-accused Charmela Barrameda since January 2007.

Head waiter Allan Badiola does not have personal knowledge if Alamares already sold the bar to Barrameda, but confirmed that Acuin was the floor manager of both videoke and dance areas at that time.^[18] Another waiter, John Lobete, also confirmed that Acuin was the assigned floor manager of the bar at the time of the NBI raid on 07 February 2007. He explained that the bar's operating hours is from 10:00 P.M. to 3:00 A.M., and that a customer can request the floor manager to bring a woman to sit beside him at the table. Moreover, he confirmed that there are women who dance clad only in brassieres and panties in the bar.^[19] He also testified that accused Barrameda was the manager of the canteen and is the live-in partner of Alamares' son.^[20]

As heretofore said, the trial court convicted only the two (2) accused-appellants of the offense charged.

On appeal, accused-appellants argue that:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF QUALIFIED TRAFFICKING IN PERSONS DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT. ^[21]

Our Ruling