SECOND DIVISION

[G.R. No. 274959. April 23, 2025]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RYAN DE CASTRO *Y* SERRANO, ACCUSED-APPELLANT.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This Appeal[1] assails the Decision[2] dated January 17, 2024 of the Court of Appeals in CA-G.R. CR-HC No. 17339 affirming the conviction of accused-appellant Ryan De Castro *y* Serrano (De Castro) for violation of Section 4(e) in relation to Section 6(c) of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act of 2012.

Antecedents

In Criminal Case No. R-PSG-18-01001-CR, De Castro and Renato Hernandez *y* Beltran (Hernandez) were charged with violation of Section 4(e) in relation to Section 6(c) of Republic Act No. 9208, as amended by Republic Act No. 10364, viz.:

> That sometime on February 14, 2018, in [redacted] and within the jurisdiction of this Honorable Court, Ryan De Castro [*y*] Serrano and Renato Hernandez [*y*] Beltran, conspiring and confederating with one another, did then and there, knowingly, willfully and unlawfully pimp/offer AAA, BBB, and CCC* to customers for sex in exchange for money, to their damage and prejudice.
>
> That the crime was attended by the qualifying circumstance of being in large scale, considering that there were three (3) victims, AAA, BBB, and CCC.
>
> CONTRARY TO LAW.[3]

On arraignment, De Castro and Hernandez pleaded not guilty. At the pre-trial conference, the parties stipulated on the jurisdiction of the court and the respective identities of De Castro and Hernandez. Trial ensued.[4]

On November 30, 2019, Hernandez died which resulted in the dismissal of the case against him.[5] Hence, this Appeal pertains only to De Castro.

Version of the Prosecution

On February 13, 2018, the Anti-Human Trafficking Division of the National Bureau of Investigation (NBI) received a referral letter from Francisca T. Delleva, Head of the [redacted] City Social Welfare and Development Department, seeking the NBI's intervention regarding rampant sexual exploitation of women at [redacted].[6]

Acting on the report, an entrapment and rescue team was formed composed of arresting officers, social workers, and intelligence agents of the Inter-Agency Council Against Trafficking (IACAT).[7] NBI Agent Don Syrel Bati (Agent Bati), NBI Special Investigator Joselito Valle (Agent Valle), and IACAT Intelligence Agents Jerome Bagon and Mark Joshua Santos were designated as poseur customers. Two PHP 1,000.00 bills were prepared as entrapment money.[8] They agreed that the pre-arranged signal would be a missed call to Atty. Gisele O. Garcia-Dumlao (Atty. Garcia-Dumlao).[9]

Around 1:00 a.m. of February 14, 2018, the team proceeded to [redacted]. The poseur customers were first approached by a younger man, later identified as De Castro. Hernandez soon followed him. The two offered to the poseur customers as "Valentine's dates" four girls named AAA, BBB, CCC, and a certain DDD.[10] According to De Castro and Hernandez, in exchange for PHP 500.00 each, the poseur customers could have sex with the girls at the nearby [redacted].[11] The poseur customers pretended to agree. It was Agent Bati who handed the entrapment money to De Castro. Afterwards, Agent Valle called the phone of Atty. Garcia-Dumlao to signal that the transaction was already consummated.[12]

Consequently, the rest of the team rushed to the scene, arrested De Castro and Hernandez, and informed them of their constitutional rights. When the operatives tried to retrieve the entrapment money from De Castro, he threw it on the ground.[13]

BBB corroborated the testimony of the law enforcement operatives. She added that De Castro, who she also knew as Bakla,[14] first approached the poseur customers then he called Hernandez, whom she knew as Tata Nato, to join them. Afterwards, De Castro called her, AAA, CCC, and DDD. He told them "*Tara, punta tayo doon kasi may kausap kam[i].*"[15] She and the other victims knew that they were being offered for sexual activities at PHP 500.00 each.[16] From this amount, they expected to be given PHP 300.00 each. When the poseur customers assented to the deal, PHP 2,000.00 was handed to Hernandez. Eventually, De Castro and Hernandez got arrested.[17] She knew that De Castro was selling her for sexual activities.[18] She met De Castro a week prior to the arrest.[19]

Version of the Defense

De Castro denied the charge. He recounted that around 1:00 a.m. of February 14, 2018, he was at [redacted] waiting for his friend Ella because they were supposed to have a drinking session. While waiting for Ella, he went inside a restaurant to urinate, when suddenly three men who appeared to be inebriated asked if he could offer them some girls.[20] At that point, Hernandez—an acquaintance he met when they were both in the city jail[21]—interrupted and made an offer. Hernandez then asked him to call the girls who were seated on a bench nearby. He complied.[22] Less than five minutes later, he and Hernandez got arrested. He was forced to hold some money, but he refused.[23]

Ruling of the Trial Court

By Decision[24] dated September 5, 2022, the trial court found De Castro guilty of qualified trafficking in persons, viz.:

> **WHEREFORE**, in light of all the foregoing considerations, accused **RYAN DE CASTRO [*Y*] SERRANO** is hereby found **GUILTY** beyond reasonable doubt of Qualified Trafficking of [sic] Persons, defined and penalized under Section [4(e)] in relation to Section [6(c)] of Republic Act No. 9208, as amended, for which he is sentenced to suffer the penalty of life imprisonment and to pay a fine of Two Million Pesos ([PHP] 2,000,000.00). Accused is further ordered to pay the victims [PHP] 500,000.00 and [PHP] 100,000.00 each, as moral and exemplary damages, both with legal interest of six percent (6%) per annum from finality of this Decision until full payment.
>
> **SO ORDERED.**[25] (Emphasis in the original)

It held that the prosecution established all the elements of the offense. The straightforward and credible statements of prosecution witnesses depicted how De Castro and Hernandez engaged in the sexual exploitation of AAA, CCC, and BBB for money.[26] Because the offense was perpetrated against three victims, the offense was deemed committed on a large scale.[27] The denial interposed by De Castro paled in comparison to the testimonies and evidence adduced against him.[28]

Ruling of the Court of Appeals

By Decision[29] dated January 17, 2024, the Court of Appeals affirmed in full.

The Present Appeal

De Castro now pleads anew his purported innocence and prays that he be acquitted of the offense charged. He[30] and the Office of the Solicitor General (OSG)[31] both

manifest that they are adopting their respective Briefs before the Court of Appeals, in lieu of supplemental briefs.

In his Brief,[32] De Castro maintains that the trial court erred when it disregarded his denial and relied on the testimony of prosecution witnesses.[33] He claims that Agent Bati testified that it was Hernandez who offered women for sex, and not De Castro.[34] Too, there could be no conspiracy because Agent Bati said that it did not appear that De Castro and Hernandez knew each other.[35] Thus, there is credence to his claim that he was "merely asked by [Hernandez]" to call the girls who were near him.[36]

De Castro likewise posits that the testimony of BBB proved that she only came to know of De Castro because of the case. She had no personal knowledge that he was acting as a pimp and was merely assuming that he was involved in Hernandez's transaction.[37] In fact, De Castro never spoke.to BBB about selling her sexual services to the poseur customers.[38] Further, the law enforcement operatives could not categorically say that the girls, including BBB, knew that they were being sold for sexual services. For the law enforcement operatives never talked to the girls prior to the arrest.[39]

Finally, Agent Bati and BBB contradicted each other on who actually received the PHP 2,000.00 marked money. Agent Bati testified that it was De Castro. On the other hand, BBB repeatedly said that it was Hernandez.[40] Given this material inconsistency, the inevitable conclusion is that one or both witnesses are telling lies, and that their story is a mere concoction.[41]

Meanwhile, the OSG counters in its Brief[42] that the prosecution established all the elements of the offense and that De Castro conspired with Hernandez.[43] The respective affidavits and testimonies of law enforcement operatives and victims depicted how De Castro worked with Hernandez to offer and sell the victims for sexual exploitation.[44]

Our Ruling

Trafficking in persons is a deplorable crime.[45] The gravamen of the offense is not so much the offer of a woman or a child; it is the act of recruiting or using, with or without consent, a fellow human being for sexual exploitation.[46] Though it may be committed against anyone, it is more frequently targeted at women and children—sectors of our society which are more susceptible to abuse.[47]

Trafficking in persons is defined under Republic Act No. 9208, as amended by Republic Act No. 10364, viz.:

> SEC. 3. *Definition of Terms*. — As used in this Act:

> (a) *Trafficking in Persons* — refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.
>
> The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

Here, the charge falls under Section 4(e) in relation to Section 6(c) of Republic Act No. 9208, as amended, viz.:

> SEC. 4. *Acts of Trafficking in Persons*. – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:
>
> . . . .
>
> (e) To maintain or hire a person to engage in prostitution or pornography;
>
> . . . .
>
> SEC. 6. *Qualified Trafficking in Persons*. – The following are considered as qualified trafficking:
>
> . . . .
>
> (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
>
> . . . .

People v. Casio[48] laid down the elements of trafficking in persons under the expanded definition in Republic Act No. 10364, thus:

> (1) The **act** of "recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or

without the victim's consent or knowledge, within or across national borders;"

(2) The **means** used include "by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;" [and]

(3) The **purpose** of trafficking includes "the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs."[49] (Emphasis supplied)

On this score, the courts below are one in finding that the elements of the offense are present here and the offense is qualified since it was committed on a large scale.[50]

First. Agent Bati and Agent Valle identified De Castro as the person who initially approached them offering the sexual services of four women for PHP 500.00 each.[51] The purpose of De Castro's proposition was confirmed by BBB:

Q: What was the reason why you were called by Bakla?
A: Para lapitan ang lalaki, pinalapit kam[i] doon, pina-upo.

Q: And why? During that time do you know the reason why you were called by Bakla?
A: Bibigyan niya iyong lalaki, ibinubugaw niya kam[i] doon.

. . . .

Q: [My] question is, alam mo [ba] na ibu-bugaw ka ni Bakla?
A: Opo, sir.

Q: What do you mean by the term ibu-bugaw?
A: Binebenta niya kam[i].

Q: For what purpose, Madam Witness?
A: Para mag talik kam[i].

Q: Madam Witness, you said bine-benta, for how much?
A: Five Hundred ([PHP] 500.00).

Q: Out of the Five Hundred ([PHP] 500.00) how much would you earn from that transaction?
A: Sa five hundred, [T]hree [H]undred ([PHP] 300.00) lang po.[52]

QUESTIONS FROM THE COURT

Q: After Bakla talked to the four (4) males what happened?
A: Nagbigay ng pera.

. . . .

Q: The four (4) males approached you?
A: Si Bakla po pinalapit kam[i] sa upuan.

. . . .

Q: Noong una mong nakita iyong apat na lalaki, sino ang katabi nila si Bakla o si Tatay Nato?
A: Si Bakla, Your Honor.

. . . .

Q: Pagkatapos nun anong nangyar[i]?
A: Tinawag po kam[i] ni Bakla.

. . . .

Q: Anong sinabi sa inyo n[oo]ng nilapitan kayo?
A: May kukuha daw ng babae, apat.

. . . .

Q: Lumapit kayo[.] Pag lapit niyo doon ano ang nangyar[i]?
A: Nagbigayan na sila ng pera.[53] (Emphasis supplied)

In his defense, De Castro asserts that he did not know Hernandez and that BBB did not know him at the time of his arrest. He likewise avers that he merely summoned the victims per Hernandez's request. Yet we find such assertions contrary to the evidence on record.

For one, De Castro admitted in open court that he was acquainted with Hernandez due to their stint in jail[54] in clear contradiction of his denial. BBB also stated during her re-cross examination that she met De Castro a week prior to his arrest.[55] *For another*, Agent Bati testified in a straightforward manner that De Castro only called the victims *after* offering their sexual services to the poseur customers for PHP 500.00 each.[56]

De Castro further asserts that he never told BBB that he was selling her sexual services. But then again, this was belied by the categorical testimony of BBB above. BBB recounted that De Castro explicitly told her and the other victims "*May kukuha daw ng babae, apat.*"[57] Within the context of the testimony of the poseur customers, the term "*kukuha*" clearly means to avail of sexual services.

The Court accords great weight to the concurrent findings of the courts below with respect to the credibility of prosecution witnesses.[58] More so since De Castro has not imputed, much less proven, any ill motive on the part of said witnesses. Indeed, when there is no evidence to show any dubious reason or improper motive why a prosecution witness should testify falsely against an accused or implicate them in a serious offense, *as here*, the testimony deserves full faith and credit.[59]

As well, De Castro's attempt to muddle the issues by pointing out a supposed inconsistency on who received the PHP 2,000.00 marked money deserves scant consideration since the Court of Appeals found that De Castro conspired with Hernandez to sexually exploit the victims.[60]

Conspiracy exists when two or more persons come to an agreement regarding the commission of a crime and decide to commit it.[61] It is established by the presence of two factors: (1) singularity of intent; and (2) unity in execution of an unlawful objective.[62] Direct proof is not required to show conspiracy. It suffices that there is proof of their concerted action.[63] When there is a conspiracy, the act of one is the act of all.[64]

Here, the actions of De Castro, particularly: (a) approaching the poseur customers,[65] (b) summoning the victims upon the instruction of Hernandez,[66] and (c) telling the victims that "*may kukuha daw ng babae, apat*,"[67] clearly depict a singularity of intent and action to offer the victims for sexual exploitation. Thus, it becomes immaterial who received the money. De Castro became complicit in the crime and became equally liable as co-principal regardless of the extent and character of his participation in the commission of the crime.[68]

Second. De Castro took advantage of the victims' underprivileged status[69] which amounts to the vulnerability contemplated by Republic Act No. 9208. Certainly, no one would willingly part with their honor and dignity for a measly sum of PHP 500.00—PHP 200.00 of which as the pimp's share—in the absence of dire necessity.

Finally. De Castro approached the poseur customers for the sexual exploitation of the victims. Agent Valle and Agent Bati both affirmed that De Castro initiated communication with them and offered the victims for PHP 500.00 each. After they agreed to the terms given by De Castro, they handed him the PHP 2,000.00 marked money which the latter received.[70] That the money was given to De Castro lends itself to no other interpretation than that payment was made for procuring the victims for sex.

As for the qualifying circumstance, trafficking is committed in large scale "if committed against three or more persons, individually or as a group."[71] The prosecution clearly established that at least three victims were involved in this case, namely: BBB, AAA, and CCC.

In all, it is beyond dispute that De Castro offered the three victims for sexual exploitation.

Penalty

Considering that trafficking was committed in large scale, the courts below correctly sentenced De Castro to life imprisonment and ordered him to pay a fine of PHP 2,000,000.00. The awards of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages for each of the victims are likewise in order.[72] Further, we sustain the award of 6% interest per annum on all monetary awards from finality of this Decision until full payment pursuant to *Nacar v. Gallery Frames*.[73]

ACCORDINGLY, the Appeal is **DISMISSED**. The Decision dated January 17, 2024 of the Court of Appeals in CA-G.R. CR-HC No. 17339 is **AFFIRMED**. Accused-appellant Ryan De Castro *y* Serrano is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons under Section 4(e) in relation to Section (6)(c) of Republic Act No. 9208, as amended, by Republic Act No. 10364. He is sentenced to life imprisonment and ordered to **PAY** a fine of PHP 2,000,000.00. He is also ordered to **PAY** each of the victims, namely: AAA, BBB, and CCC PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.

All monetary awards are subject to 6% interest per annum from finality of this Decision until full payment.

SO ORDERED.

Leonen, SAJ. (Chairperson), M. Lopez, J. Lopez, and *Kho, Jr., JJ.*, concur.

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[1] *Rollo*, pp. 3-4.

[2] *Id.* at 9-22. Penned by Associate Justice Gabriel T. Robeniol with the concurrence of Associate Justices Ramon R. Garcia and Michael P. Ong, Fifth Division, Court of Appeals, Manila.

* In line with Amended Administrative Circular No. 83-2015, as mandated by Article 266-A of the Revised Penal Code as amended by Republic Act No. 8353, the names of private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[3] *Rollo*, pp. 9-10; CA *rollo*, p. 13.

[4] *Rollo*, pp. 10, 26.

[5] *Id.* at 10.

[6] *Id.*

[7] *Id.* at 11.

[8] *Id.*

[9] *Id.*; CA *rollo*, p. 14.

[10] *Id.*

[11] *Rollo*, p. 11; CA *rollo*, p. 14.

[12] *Rollo*, p. 11.

[13] *Id.*

[14] CA *rollo*, p. 131.

[15] *Rollo*, pp. 11-12; CA *rollo*, p. 16.

[16] *Rollo*, pp. 11-12.

[17] *Id.* at 12.

[18] CA *rollo*, p. 15.

[19] *Id.* at 16.

[20] *Rollo*, p. 12.

[21] *Id.*; CA *rollo*, p. 21.

[22] *Rollo*, p. 12.

[23] *Id.*

[24] *Id.* at 25-48. By Presiding Judge Tomas Eduardo B. Maddela III.

[25] *Id.* at 48.

[26] CA *rollo*, pp. 25-34.

[27] *Rollo*, p. 12.

[28] CA *rollo*, pp. 34-35.

[29] *Rollo*, pp. 9-22.

[30] *Id.* at 57-59.

[31] *Id.* at 51-53.

[32] CA *rollo*, pp. 59-81.

[33] *Id.* at 68-69.

[34] *Id.* at 70.

[35] *Id.*

[36] *Id.* at 71.

[37] *Id.* at 72.

[38] *Id.* at 73.

[39] *Id.* at 74-75.

[40] *Id.* at 76-78.

[41] *Id.* at 77.

[42] *Id.* at 117-138.

[43] *Id.* at 124-125.

[44] *Id.* at 128-131.

[45] **People v. Casio**, 749 Phil. 458, 461 (2014) [Per J. Leonen, Second Division].

[46] **People v. Barrientos, G.R. No. 255591**, September 7, 2022 [Notice, First Division].

[47] **Garcia v. Drilon**, 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, *En Banc*]. J. Brion, Concurring Opinion, p. 144.

[48] 749 Phil. 458, 474 (2014) [Per J. Leonen, Second Division].

[49] *Id.* at 474.

[50] *Rollo*, pp. 19-20; CA *rollo*, pp. 25-34.

[51] CA *rollo*, pp. 28-30.

[52] *Id.* at 26-28, *citing* TSN dated May 8, 2019, pp. 9-20.

[53] *Id.* at 154-155.

[54] *Id.* at 21.

[55] *Id.* at 16.

[56] *Id.* at 19.

[57] *Id.* at 155.

[58] *Rollo*, pp. 14-18; CA *rollo*, p. 30; **People v. Deniega**, 811 Phil. 712 (2017) [Per J. Peralta, Second Division].

[59] **People v. Hernandez, G.R. No. 265754**, February 5, 2024 [Per J. Lopez, J., Second Division], *citing* **People v. XXX**, 886 Phil. 199, 212 (2020) [Per J. Peralta, First Division].

[60] *Rollo*, pp. 20-21.

[61] **People v. Gerero**, 791 Phil. 618 (2016) [Per J. Perez, Third Division].

[62] **People v. Castillo**, 469 Phil. 87, 112 (2004) [*Per Curiam, En Banc*], *citing* **People v. Tilos**, 402 Phil. 314 (2001) [Per J. Gonzaga-Reyes, Third Division].

[63] **People v. Hernandez, G.R. No. 265754**, February 5, 2024 [Per J. Lopez, J., Second Division], *citing* **People v. Gallardo, G.R. No. 245544**, March 21, 2022.

[64] **People v. Hernandez, G.R. No. 265754**, February 5, 2024 [Per J. Lopez, J., Second Division].

[65] CA *rollo*, pp. 28-30.

[66] *Rollo*, p. 12.

[67] *Id.* at 18.

[68] **People v. Hernandez, G.R. No. 265754**, February 5, 2024 [Per J. Lopez, J., Second Division], *citing* **People v. Dongcoy, G.R. No. 250437**, June 16, 2021 [Notice, Second Division].

[69] **People v. Leocadio**, 877 Phil. 819 (2020) [Per J. Peralta, First Division].

[70] *Rollo*, p. 11.

[71] Republic Act No. 9208, Section 6(c).

[72] **People v. XXX**, 921 Phil. 758, 772 (2022) [Per J. Hernando, Second Division].

[73] 716 Phil. 267, 283 (2013) [Per J. Peralta, *En Banc*].

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