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SECOND DIVISION

[G.R. No. 267360. May 15, 2024]

PEOPLE OF THE PHILIPPINES, *Plaintiff-Appellee*, *v.* **VERGEL CAÑAS *y* GANALON,** *Accused-Appellant*.

D E C I S I O N

LOPEZ, J., *J.*:

This Court resolves the appeal seeking to reverse and set aside the Decision[1] of the Court of Appeals (CA), which affirmed with modification the Joint Decision[2] of the Regional Trial Court (RTC), that found accused-appellant Vergel Cañas *y* Ganalon (Cañas) guilty beyond reasonable doubt of the crime of three counts of qualified trafficking in persons.

The Antecedents

Cañas was charged with three counts of violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208,[3] as amended by Republic Act No. 10364,[4] under the following Informations:

Criminal Case No. 16-327865

That on or about April 6, 2016, in the City of [redacted], Philippines, the said accused for the purpose of exploitation, which includes at a

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1 CA *rollo*, pp. 110–130. The July 15, 2022 Decision in CA-G.R. CR HC No. 14663 was penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Alfonso C. Ruiz II of the Fifth Division, Court of Appeals, Manila.

2 *Id.* at 36–53. The March 4, 2020 Joint Decision in Criminal Case Nos. 16-327865 to 16-327867 was penned by Judge Roberto P. Quiroz (now an Associate Justice of the Court of Appeals) of Branch [redacted], Regional Trial Court, [redacted].

3 Republic Act No. 9208 (2003), sec. 6(a), Anti-Trafficking in Persons Act of 2003.

4 Republic Act No. 10364 (2012), Expanded Anti-Trafficking in Persons Act of 2012.

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minimum, the exploitation or the prostitution or other forms of sexual exploitation, did then and there willfully, unlawfully, feloniously and knowingly commit acts of trafficking in person against one **[AAA]**,[5] a minor, **13 years old**, assisted by her mother, **[BBB]**, and a resident of [redacted], [redacted], by then and there recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harboring[,] or receiving her with or without her consent as prostitute and taking advantage of the vulnerability of the said [AAA], and in fact brought her to Victoria Court located at Pasay City, for money, by offering her services to a man in exchange of **[PHP 4,000.00]**, to perform exploitation or prostitution or other forms of sexual exploitation to the said [AAA], to her damage and prejudice.

Contrary to law.[6] (Emphasis in the original)

Criminal Case No. 16-327866

That on or about April 9, 2016, in the City of [redacted], Philippines, the said accused for the purpose of exploitation, which includes at a minimum, the exploitation or the prostitution or other forms of sexual exploitation, did then and there willfully, unlawfully, feloniously and knowingly commit acts of trafficking in person against one **[AAA]**, a minor, **13 years old**, assisted by her mother, **[BBB]**, and a resident of [redacted], [redacted], by then and there recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harboring[,] or receiving her with or without her consent as prostitute and taking advantage of the vulnerability of the said [AAA], and in fact brought her to a Condominium unit near Rizal Coliseum, for money, by offering her services to a man in exchange of **[PHP 3,500.00]**, to perform exploitation or prostitution or other forms of sexual exploitation to the said [AAA], to her damage and prejudice.

Contrary to law.[7] (Emphasis in the original)

Criminal Case No. 16-327867

That on or about April 16, 2016, in the City of [redacted], Philippines, the said accused for the purpose of exploitation, which includes at a

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[5] In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, the names of the 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.

[6] RTC Records (Crim. Case No. 16-327865), p. 1.

[7] RTC Records (Crim. Case No. 16-327866), p. 1.

minimum, the exploitation or the prostitution or other forms of sexual exploitation, did then and there willfully, unlawfully, feloniously and knowingly commit acts of trafficking in person against one **[AAA]**, a minor, **13 years old**, assisted by her mother, **[BBB]**, and a resident of [redacted], by then and there recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harboring[,] or receiving her with or without her consent as prostitute and taking advantage of the vulnerability of the said [AAA], and in fact brought her to Imus, Cavite, for money, by offering her services to a man to perform exploitation or prostitution or other forms of sexual exploitation to the said [AAA] to her damage and prejudice.

Contrary to law.[8] (Emphasis in the original)

The prosecution moved for the consolidation of the three cases, which was granted by the RTC.[9] When arraigned, Cañas pleaded not guilty to the offenses charged.[10] Pre-trial and trial on the merits ensued.

AAA testified that on March 7, 2016, she ran away from home and stayed in her friend's house, Alrose Lano (Alrose), in Pampanga. While in Pampanga, Alrose received a call from Cañas and the former introduced AAA to Cañas over the phone. The call was about a "work" opportunity in [redacted] being offered by Cañas to Alrose and AAA.[11]

On April 6, 2016, around 2:00 p.m., AAA and Alrose returned to [redacted] to engage in the "work" offered by Cañas. AAA and Alrose met with Cañas in the latter's house located in [redacted], [redacted], Manila.[12] Cañas gave AAA and Alrose clothes to wear and then briefed them on the nature of their work: that they will be dating men in exchange for money, and they would be paid more if they render "extra service." Cañas also did their make-

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[8] RTC Records (Crim. Case No. 16-327867), p. 1.

[9] RTC Records (Crim. Case No. 16-327866), p. 34; RTC Records (Crim. Case No. 16-327867), p. 46.

[10] RTC Records (Crim. Case No. 16-327865), pp. 51, 64.

[11] TSN, AAA, December 5, 2018, pp. 5–7.

[12] *Id.* at 7–8.

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up. After one of Cañas's clients called him, they went to Makati Cinema Square where they waited for two hours until Cañas received another call instructing them to go to Victoria Court. Cañas accompanied AAA and Alrose to Victoria Court along [redacted], and the two girls waited in the taxi while Cañas got the payment for the service that they would render. When Cañas returned, he was already holding PHP 10,000.00. They then went upstairs and entered the Velvet Room, where Cañas introduced AAA and Alrose to the client. Cañas then left the room and told the client, "*Enjoy your meal.*"[13] Inside the room, Alrose invited AAA to take a shower, and after taking the shower, Alrose invited AAA to lie in bed where the client was. AAA and Alrose rendered sexual service to the client by having sexual intercourse and performing oral sex on him. After that, the client dropped off AAA and Alrose at a nearby Jollibee where they were met by Cañas, and the three of them went to Robinsons [redacted] where Cañas gave AAA and Alrose PHP 4,000.00 each, while Cañas kept the PHP 2,000.00 as his commission.[14]

On April 9, 2016, Cañas booked AAA for another client and brought her to Beacon Tower along [redacted] Street to render sexual service for PHP 3,500.00. Upon meeting the client, Cañas instructed AAA to do what she did with her previous client. Then, Cañas left and the client began undressing AAA. The client then held her body, kissed her vagina, and had sexual intercourse with her. After having sex, the client texted Cañas and they met him at the lobby of the Beacon Tower and gave her PHP 2,500.00 while Cañas and Alrose kept the PHP 500.00 each.[15]

On April 26, 2016, AAA and Alrose went to Cañas's house for an outing in [redacted], Cavite. The driver of the client then picked them up in going to [redacted], Cavite. Inside the van, Alrose and Cañas started smoking weed. Upon arriving in [redacted], Cavite, Cañas told them to wear swimsuits and they swam while drinking alcohol. Then, Cañas directed AAA to go to the room of a certain

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[13] *Id.* at 9–16.

[14] *Id.* at 17–22.

[15] *Id.* at 26–35.

"Mike." Inside the room, Mike undressed her, kissed her breasts, vagina, and they engaged in sexual intercourse. The following day they went home and Cañas told AAA that the money will be sent tomorrow. However, AAA was not paid because her mother found her and rescued her from Cañas.[16] When AAA was taken by the barangay authorities, she revealed that Cañas pimped her.[17]

For his part, Cañas denied the accusation against him. He averred that on April 6, 2019, AAA and Alrose went to his house and requested him to do their makeup for PHP 500.00. Alrose introduced AAA to Cañas as her friend who ran away from home.[18] Cañas denied spending time with AAA and Alrose on April 9, 2016 and claimed that he was with his makeup artist friends.[19] Cañas, however, admitted that he was in [redacted], Cavite with Alrose, Calvin, Mike, and Mike's wife for a summer outing. After the drinking session, they slept until Calvin woke him up telling him, "*oy yung kasama ng kaibigan mo ginagapang ako.*"[20] According to Cañas, AAA was already high on *shabu* at that time.[21]

Cañas also narrated that BBB, the mother of AAA, called him and demanded PHP 100,000.00 to withdraw the case but he had no means to pay. BBB lowered the demand to PHP 50,000.00, which Cañas was able to pay with the help of his mother. Cañas met with BBB in Starbucks, SM [redacted] where he gave her the PHP 50,000.00.[22]

The RTC rendered a Joint Decision[23] finding Cañas guilty beyond reasonable doubt of the crime of three counts of violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. The RTC found that the prosecution successfully proved the elements of qualified

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16 TSN, AAA, January 16, 2019, pp. 18–24.

17 TSN, AAA, December 5, 2018, pp. 41–43.

18 TSN, Vergel Cañas *y* Ganalon, May 8, 2019, pp. 5–7.

19 *Id.* at 8.

20 *Id.* at 8–10.

21 *Id.* at 11.

22 *Id.* at 14–16.

23 CA *rollo*, pp. 36–53.

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trafficking in persons through the credible testimony of AAA. The dispositive portion of the RTC's Joint Decision reads:

> WHEREFORE, premises considered, this Court finds accused VERGEL CAÑAS [*y*] GANALON **GUILTY** beyond reasonable doubt, for three (3) counts of the crime of Violation of Section 4 (a) in relation to Section 6 (a) of [Republic Act No.] 9208 as amended by [Republic Act No.] 10364 and hereby imposes the penalty of life imprisonment and a fine of Two Million Pesos ([PHP 2,000,000.00]) each case.
>
> In addition, the accused is further ordered to indemnify the private complainant Five Hundred Thousand Pesos ([PHP 500,000.00]) as moral damages and Two Hundred Thousand Pesos ([PHP 200,000.00]) as exemplary damages.
>
> No costs.
>
> SO ORDERED.[24] (Emphasis in the original)

Aggrieved by the RTC Joint Decision, Cañas filed an appeal before the CA contending that the prosecution failed to prove all the elements of qualified trafficking in persons, that the testimony of AAA is not credible, and that the RTC erred in dismissing his defense of denial and alibi.

Finding no reversible error in the RTC Joint Decision, the CA affirmed the RTC's conviction of Cañas. The CA, however, decreased the amount of exemplary damages awarded by the RTC to PHP100,000.00.[25] The dispositive portion of the CA Decision reads:

> **WHEREFORE**, premises considered, the Appeal is **DENIED**. The Joint Decision dated 04 March 2020 issued by the Regional Trial Court, National Capital Judicial Region, Branch [redacted], [redacted] City in Crim. Case No. 16-327865-67 is **AFFIRMED with MODIFICATION**.
>
> Accordingly, appellant must pay the victim [PHP 500,000.00] as moral damages and [PHP 100,000.00] as exemplary damages, which shall earn legal interest of 6% *per annum* from finality of this judgment until full payment thereof.

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[24] *Id.* at 52–53.

[25] *Id.* at 129.

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IT IS SO ORDERED.[26] (Emphasis and italics in the original)

Hence, Cañas filed the instant appeal.

Cañas claims that the CA erred in convicting him of the crime charged despite the prosecution's failure to prove his guilt beyond reasonable doubt. He contends that the prosecution failed to prove all the elements of the crime charged. He further claims that AAA's testimony is incredible and improbable to merit credence.

For the Office of the Solicitor General, it maintains that the prosecution has sufficiently proven all the elements of qualified trafficking in persons and there was nothing in AAA's testimony that would cast doubt on her credibility.

Issue

The main issue for resolution of this Court is whether the prosecution was able to prove the guilt of accused-appellant Vergel Cañas *y* Ganalon beyond reasonable doubt for three counts of violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364.

This Court's Ruling

After a judicious review of the record, this Court affirms the conviction of accused-appellant.

To be convicted of the crime of trafficking in persons, the following elements must be established: (a) 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"; (b) the means used include "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 (c) the purpose of trafficking includes "the exploitation or the prostitution of others or other forms of sexual exploitation, forced

[26] *Id.*

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labor or services, slavery, servitude or the removal or sale of organs."[27]

The presence of all the elements of the crime of trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, was established by the prosecution through the testimony of private complainant who narrated in detail how she was exploited by accused-appellant through prostitution on April 6, 9, and 16, 2016, respectively.

As regards the April 6, 2016 incident, private complainant testified as follows:

Q: So let's go now, what happened next after you went to Manila?
A: At around 2 o'clock p.m. we went to Vergel, ma'am.

Q: What date was that?
A: April 6, 2016 ma'am.

Q: Where is that house located?
A: Along [redacted], Manila, ma'am.

Q: Why did you go to the house of the accused?
A: Accused called up Alrose telling her that there are clients.

Q: What happened then after you went to the house of the accused?
A: She made us take a bath, ma'am.

. . . .

Q: After taking a bath and going back to the house of the accused, what happened next?
A: Binihisan niya po kami.

. . . .

Q: What happened next after he lent you his women's clothes?
A: He put make up on us.

Q: What happened next after he put make up on both of you?
A: At the time that he was doing the make up, a client called him up.

Q: Did you hear the conversation between this client and the accused?
A: Yes, ma'am.

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[27] *People v. Valencia*, G.R. No. 234013, June 16, 2021 [Per J. Leonen, Third Division].

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Q: What happened next after the call was received by the accused?
A: He informed us that we were leaving, ma'am.

Q: Who informed you that you will be leaving?
A: Vergel, ma'am.

Q: Where will you proceed at that time?
A: In Makati Square, ma'am.

Q: Who told you that you will be going to Makati Square?
A: Vergel, ma'am.

Q: How many of you will be going to Makati Square?
A: Just the three (3) of us, ma'am.

Q: Who are these three (3) of you?
A: Me, Vergel and Alrose, ma'am.

. . . .

Q: Were you able to arrive at Makati Square?
A: Yes, ma'am.

. . . .

Q: What happened then after you alighted from the taxi?

A: We made a round at the mall when we alighted from the taxi and then we were told to wait for two (2) hours because we were waiting for someone, ma'am.

. . . .

Q: After waiting for two (2) hours at the mall in Makati Square, what happened next?
A: Again, somebody called up and we were instructed to go straight to Victoria Court.

Q: What kind of transportation did you take in going to this Victoria Court?
A: Taxi, ma'am.

. . . .

Q: Were you able to arrive at Victoria Court?
A: Yes, ma'am.

Q: What happened then after you arrived at the said Victoria Court located in [redacted]?

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A: When we arrived at the said Victoria Court along [redacted] Avenue we went to the Velvet Room.

Q: Who went to that Velvet Room, the three (3) of you instantly?
A: Yes, ma'am.

Q: What happened then after you went to that Velvet Room of Victoria Court?
A: Vergel went upstairs to the room.

Q: What happened to you and Alrose at that time?
A: We were just waiting for him at the taxi.

Q: What will Vergel do at the second floor of that Victoria Court?
A: He just told us that he will get the budget.

Q: What do you mean by budget?
A: It is for the payment for the job that we will be doing or rendering.

. . . .

Q: Now, we go back to that situation when you were already at Victoria Court. The accused went upstairs to get the fee, payment for your services, what happened next after he took that money from the second floor of that Victoria Court?
A: He came down to fetch us, ma'am.

Q: What happened next after he fetched you from the taxi?
A: He was holding on to the money and then he hit me with the money in my forehead, ma'am.

Q: Did you come to know the amount of money he was then holding at that time which he used in hitting you in your forehead?
A: Yes, ma'am.

Q: How much money was that?
A: Ten thousand ([PHP 10,000]) pesos.

Q: After he hit you with the said money what happened next?
A: We went upstairs ma'am.

Q: When you went upstairs, was Vergel with you?
A: Yes, ma'am.

Q: So how many went upstairs?
A: The three (3) of us, ma'am.

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Q: Who were with you at that time?
A: Me, Vergel and Alrose.

Q: When you went upstairs where did you go?
A: We entered a room, ma'am.

Q: Can you still remember the number of that room?
A: No, ma'am, it's a Velvet Room.

Q: So what happened after you went inside the room?
A: Upon reaching the said Velvet Room upstairs, Vergel Cañas introduced us to whom he identified as the client.

Q: How old was the client at that time, if you can remember?
A: Around 40 years old, ma'am.

Q: Aside from introducing the client to both of you, did the accused say anything else?
A: Yes, ma'am.

Q: What did he say?
A: Enjoy your meal.

. . . .

Q: Now, can you tell us again how old was Alrose at that time?
A: 14 years old, ma'am.

Q: And you were then how old?
A: 13 years old, ma'am.

. . . .

Q: Where was the client at that time?
A: He was on the same bed, ma'am.

Q: What happened after you went to the bed?
A: He held on to Alrose.

Q: Who hold Alrose?
A: The client ma'am, JC held on to Alrose.

Q: What about you?
A: He also held me, ma'am.

Q: And where did this client bring you?
A: In the same bed, ma'am.

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Q: What happened then after you were brought to the bed by the client JC?
A: I held on to Alrose and then I was feeling nervous and asked her why is this happening.

Q: And what happened next?
A: Alrose have a sex with the client JC.

Q: What about you did you also have [sex] with the client, JC?
A: Yes, ma'am.

Q: Prior to the sexual intercourse to both of you, were there any other things that this client asked you to do?
A: There is ma'am.

Q: And what was that?
A: The client instructed Alrose to "bj" him.

Q: What do you mean by "bj"?
A: "Blow job," ma'am.

Q: Did Alrose perform that "blow job" on the client?
A: Yes, ma'am.

Q: What about you, did this client ask you also to do a "blow job" on him?
A: Yes, ma'am.

Q: Afte the "blow job," you had sexual intercourse with him?
A: Yes, ma'am.

Q: But it was Alrose first who had sexual intercourse and then you?
A: Yes, ma'am.

. . . .

Q: How much money did he give you?
A: Four thousand ([PHP 4,000.00]) pesos each, ma'am.

Q: [PHP 4,000.00] for you and [PHP 4,000] for Alrose?
A: Yes, [PHP 4,000] each, ma'am.[28]

As regards the April 9, 2016 incident, private complainant testified as follows:

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[28] TSN, AAA, December 5, 2018, pp. 7–21.

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Q: Now, what happened next after this first incident on April 6, 2016, did the accused call you up again?
A: Yes, ma'am.

Q: And that was on April 9, 2016?
A: Yes, ma'am.

. . . .

Q: What did the accused tell you in that conversation?
A: I did not hear him but I was instructed then by Alrose to dress up as told to her by Vergel.

Q: Both of you dressed up at that time?
A: No, only me, ma'am.

. . . .

Q: After dressing up what happened next?
A: We went to the house of Vergel, ma'am.

. . . .

Q: Later on you said that you took a taxi?
A: Yes, ma'am.

Q: Where were you going at that time did you come to know?
A: No, ma'am. When we reached the place when I came to know where we were going.

. . . .

Q: You said you only came to know when you were already there at the place?
A: Yes, ma'am.

Q: And what was that place?
A: The Beacon Tower, ma'am.

. . . .

Q: And when you arrived at Beacon Tower, what did Vergel do?
A: We rode an elevator going up, ma'am.

. . . .

Q: Were you able to reach that room at the 36th floor?
A: Yes, ma'am.

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Q: What happened next after you reached that floor?
A: We entered the room, ma'am.

. . . .

Q: You entered the room?
A: Yes, ma'am.

Q: Who opened the room?
A: A guy he calls Tito.

. . . .

Q: What happened next after this man called Tito opened the door?
A: We entered the room, ma'am.

Q: You immediately entered the room?
A: Yes, ma'am. The three (3) of us entered the room.

Q: What happened then after you entered the room?
A: I was introduced by Vergel, ma'am.

Q: How were you introduced at that time?
A: Sinabi niya ako daw po yung girl na pinasa niya sa viber.

Q: After Vergel said that to the man that you are indeed the girl whose picture was passed on through the viber, what happened next?
A: This Tito handed over to Vergel money.

Q: Were you able to come to know the amount of this money?
A: Yes, ma'am.

Q: How much?
A: Three thousand five hundred ([PHP 3,500.00]) pesos, ma'am.

Q: What was the purpose of that money?
A: Payment for my services, ma'am.

Q: What happened next after the money was handed to Vergel?
A: Vergel instructed me to do what I did to JC before.

Q: After saying that both of them left the room?
A: Yes, and they were holding on to the money, ma'am.

Q: So what happened next after you were left inside the room with this Tito?
A: He undressed me, ma'am.

Q: Incidentally, when Vergel told you to "gawin mo iyong ginawa mo dati," what did you understand with that statement?

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A: To have sex with him. Everytime po kasi na gagawin ko iyon or ni Alrose bigla na lamang po niya sasabihin na bibiglain nya na lang po kami pag andoon na kami sa situation na iyon.

. . . .

COURT

Q: So in other words, what you are trying to say is that, whenever you go for a work, you will only be told that you will have a sexual service right in the place where the same will be performed?
A: Yes, Your Honor.

PUBLIC PROSECUTOR

Q: After you were undressed you had sex with this Tito?
A: He held me in my body, ma'am.

Q: After holding on to your body, what happened next?
A: He kissed my vagina, ma'am.

Q: After kissing that what happened next, you had sex in other words?
A: No, ma'am. Kinain niya po.

Q: What do you mean by "kinain"?
A: Kinain niya po iyong vagina ko.

Q: After "kinain niya iyong vagina," what happened next?
A: He had sex with me.

Q: Did this Tito ask you to perform any "blow job"?
A: No, ma'am.

Q: What happened next after you had sexual intercourse with this Tito?
A: The client texted Vergel.

Q: What was the text all about, if you know?
A: He asked Vergel to pick me up, ma'am.

. . . .

Q: Did Vergel pick you up?
A: Yes, ma'am.

Q: Did he say anything when he picked you up?
A: None, ma'am.

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Q: Where did he pick you up?
A: At the lobby of the Beacon Tower, ma'am.

Q: What happened next after you were picked up at the lobby?
A: He handed over to me the money.

Q: How much did he give you?
A: Two thousand five hundred ([PHP 2,500.00]) pesos, ma'am.[29]

As regards the April 16, 2016 incident, private complainant testified as follows:

Q: This third incident that happened on April 16, 2016, where did it happen, if you can still remember?
A: Yes, ma'am.

Q: Where were you on April 16, 2016, if you can still remember?
A: [redacted], Cavite, ma'am.

Q: How were you able to get there in [redacted], Cavite?
A: We were fetched, ma'am.

Q: Who fetched you?
A: The driver of the client fetched us, ma'am . . .

. . . .

Q: Where did the driver fetch you?
A: Along [redacted] Street, ma'am.

Q: Whose house did he fetch you?
A: Because the said vehicle cannot enter [redacted] Street because of its narrowness, we were waited by the said driver at the corner of [redacted] Street, ma'am.

Q: But before the driver fetch you at the corner of [redacted] Street, you met first at the house of the accused, am I correct to say that?
A: Yes ma'am. He dressed us up there first, and he put make up and colored my hair, ma'am.

. . . .

Q: Where did you go?
A: We went to a place, I do not know at first that it is already in [redacted], Cavite. I just came to hear from them that it is already

[29] *Id.* at 24–35.

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[redacted], ma'am. *Hindi ko pa po alam 'nung una sa swimming pool po 'yun kasi sobrang laki niya po*. We went to a place with so many cars parked. It seems that the owner of the place is engaged into buy and sell of the cars, ma'am. *Kasi sobrang dami po talagang sasakyan*.

. . . .

Q: What then happened upon entering the house with swimming pool?
A: We were made to change to our swimsuits, ma'am.

Q: Who asked you?
A: Vergel, ma'am.

Q: What happened after Vergel asked you to change to swim wear?
A: We swam there and then after that took some drinks, ma'am.

Q: Did you also drink?
A: Yes, ma'am. Beer, ma'am.

Q: What else happened while drinking some alcoholic beverages?
A: After some swimming and some beer drinking, I was asked to get out of the water, ma'am. *Then, sabi niya pumasok daw po ako sa room ni Mike*.

Q: Who asked you to leave the water and enter a room?
A: Vergel, ma'am.

Q: Did you follow the order of Vergel?
A: Yes, ma'am.

Q: You went to the room?
A: Yes, ma'am.

Q: What happened then when you went inside the room?
A: A certain Mike undressed me, ma'am.

Q: And then what happened after this Mike undressed you?
A: He kissed me, ma'am.

Q: Where did he kiss you?
A: In my breasts, ma'am.

Q: What else did he do to you after kissing your breasts?
A: My vagina, ma'am.

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Q: Aside from kissing your breasts and your vagina, what else did he do to you?
A: I had sex with this Mike, ma'am.

Q: What happened next after having sex with this Mike?
A: After that, I went out of the room and returned to our room, the room where Vergel and the others are staying, ma'am.

Q: Did you see Vergel in the room?
A: Yes, ma'am.

Q: And what did he say to you, if any, when you entered the room you shared with Vergel?
A: Nothing, ma'am. They were resting already, ma'am.

Q: After that you just slept?
A: Yes, ma'am. Then, after, the morning came, ma'am.

Q: What happened on the following day?
A: *Ginising na po kaming lahat para umuwi, mga 9:00 a.m. po*.

Q: Did you confront Vergel about this incident that happened the night before?
A: No, because he was sleeping then, ma'am. *'Nung umaga na po*.

Q: When Vergel woke up, did you talk to him?
A: Yes, ma'am. He told me that the money will be send tomorrow, ma'am.

Q: How much money were you expecting then at that time?
A: I do not know, ma'am. He did not mention anything.

Q: Did Vergel pay you for that sexual services?
A: No, ma'am.

Q: After these three (3) incidents, did you report it to your mother?
A: Yes, ma'am. *Nakuha na po nila ako*.[30]

Based on the foregoing testimony, the prosecution had clearly established the existence of all the elements of trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364.

First, it was established that accused-appellant recruited private complainant by bringing her to the place of the prospective clients

[30] TSN, AAA, January 16, 2019, pp. 18–24.

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and by introducing them to her and offering her to render sexual services on three separate occasions. Second, accused-appellant was able to do so by taking advantage of private complainant's vulnerability as a minor. Notably, private complainant testified that she had no idea that she would be rendering sexual services in exchange for money, and she was shocked since it was her first time and that she had no other choice but to comply with the instruction of accused-appellant. Third, accused-appellant recruited private complainant for the purpose of engaging her in prostitution by having sexual intercourse or rendering sexual services to several men in exchange for money.

Further, the crime of trafficking in persons is qualified when the trafficked person is a child,[31] which is defined as "a person below the age of 18 years old or above 18 years old but is unable to fully take care of or protect [themselves] from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition."[32]

Here, it is undisputed that private complainant was only 13 years old, having been born on [redacted],[33] at the time when accused-appellant engaged her in prostitution on three separate occasions. Clearly, all the elements of the crime of trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364, have been sufficiently proven by the prosecution.

Accused-appellant, however, contends, that the prosecution failed to show that he committed any act of recruiting or harboring private complainant. According to him, it was Alrose who recruited and offered private complainant a job. Accused-appellant added that it was Alrose who introduced private complainant to him, and the latter was staying in the house of Alrose. Thus,

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[31] *See* Republic Act No. 9208 (2003), sec. 6(a).

[32] *People v. XXX*, G.R. No. 248815, March 23, 2022 [Per J. Hernando, Second Division] at 9. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

[33] RTC Records (Crim. Case No. 16-327865), p. 13. *See* Birth Certificate.

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accused-appellant argues that he cannot be considered to have "brainwashed" private complainant to perform sexual services to her clients. Accordingly, accused-appellant claims that the prosecution was not able to prove that he exploited private complainant for the purpose of prostitution.

This Court is not convinced.

What is penalized under Section 4(a) in relation to Section 6 (a) of Republic Act No. 9208, as amended by Republic Act No. 10364, is 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." Here, not only did accused-appellant recruit private complainant, but he also offered and transported private complainant to clients to perform sexual services on them on three separate occasions. The testimony of private complainant categorically shows that it was accused-appellant who recruited private complainant by calling her every time there was a prospective client. Accused-appellant was also the one who booked private complainant for the prospective clients, brought private complainants to these clients, and received money in exchange for the sexual services rendered by private complainant.

Accused-appellant also contends that the trial court erred in convicting him of the crime of qualified trafficking in persons despite the inconsistent and contradicting testimony of private complainant. According to accused-appellant, private complainant stated in her Judicial Affidavit that she was informed by the former of the nature of work that she would render to a male client. However, in her testimony during trial, she contradicted said statement by testifying that accused-appellant did not explain to her the meaning of "extra service." Accused-appellant also contends that private complainant initially testified that during the incident on April 6, 2016, upon their arrival at Victoria Court, she waited inside the taxi with Alrose while accused-appellant went to the room to get the payment. However, private complainant also claimed that the three of them immediately proceeded to the room inside Victoria Court upon their arrival. Lastly, accused-appellant contends that during the incident on April 9, 2016 at

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Beacon Tower, private complainant testified that the payment for her service was handed to accused-appellant by the client and she was only given her share after she performed the sexual services to said client. However, later in her testimony, private complainant claimed that the client handed to her the payment directly and she was the one who gave accused-appellant his commission.

The foregoing contentions of accused-appellant hinge on the alleged lack of credibility of private complainant's testimony.

It is a fundamental rule that trial court's findings and assessment of the credibility of witnesses are accorded great weight and high respect:

> [T]he Court has held that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth. Hence, it is a settled rule that appellate courts will not overturn the factual findings of the trial court unless there is a showing that the latter overlooked facts or circumstances of weight and substance that would affect the result of the case.[34]

There being no showing that the trial court misconstrued or misapprehended any relevant fact, this Court gives full respect to its findings and conclusion.

As regards the contradiction between private complainant's statement in her Judicial Affidavit and her testimony during trial, it should be noted that whenever there is inconsistency between the affidavit and the testimony of a witness in court, the testimony commands greater weight. This is because affidavits taken *ex parte* are inferior to testimonies in court, the former being almost invariably incomplete and oftentimes inaccurate, sometimes from partial suggestions and sometimes from want of suggestions and

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[34] *People v. Dayaday*, 803 Phil. 363, 370–371 (2017) [Per J. Caguioa, First Division].

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inquiries, without the aid of which the witness may be unable to recall the connected circumstances necessary for his accurate recollection of the subject.[35]

As regards the inconsistencies in private complainant's testimony, this Court finds that these inconsistencies pertain only to minor details which do not destroy private complainant's credibility as a witness. The alleged inconsistencies in private complainant's testimony that she waited inside the taxi before meeting the client on April 6, 2016 while also claiming that she immediately proceeded to the room inside Victoria Court upon their arrival, and her testimony that she was only given her share by Cañas after performing sexual service to a client on April 9, 2016 but later narrated that the client paid him directly and she was the one who gave the commission to Cañas, are trivial matters which do not affect the criminal act committed by Cañas. The alleged inconsistencies had nothing to do with the elements of the crime of trafficking in persons. Thus, they cannot be used as grounds for Cañas's acquittal.

Accordingly, this Court does not find any reason to doubt private complainant's credibility in the face of Cañas's bare denials. This Court has held that denial is an inherently weak defense and constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the positive declaration by a credible witness. Stated otherwise, mere denial, without any strong evidence to support it, cannot overcome the positive declaration by the victim regarding the identity of the accused as well as his involvement in the crime attributed to him.[36]

As regards the penalty, Section 10(c) of Republic Act No. 9208 provides that that persons found guilty of qualified trafficking shall suffer life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00. Thus, accused-appellant

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[35] *People v. XXX*, G.R. No. 248815, March 23, 2022 [Per J. Hernando, Second Division] at 11. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

[36] *Id.* at 10.

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was correctly sentenced to life imprisonment and fine of PHP 2,000,000.00.

This Court further affirms the grant of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages to the private complainant as it is in accordance with the prevailing jurisprudence.[37] The imposition of 6% legal interest per annum on all monetary award due to the victim from finality of judgment until fully paid is likewise maintained.

ACCORDINGLY, the appeal is **DISMISSED**. The July 15, 2022 Decision of the Court of Appeals in CA-G.R. CR HC No. 14663 is **AFFIRMED**. Accused-appellant Vergel Cañas *y* Ganalon is **GUILTY** beyond reasonable doubt of three counts of qualified trafficking in persons under Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. He is sentenced to suffer the penalty of life imprisonment and to **PAY** a fine of PHP 2,000,000.00 for each count. He is also ordered to **PAY** AAA PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages for each count.

All amounts due shall earn a legal interest of 6% per annum from finality of this Decision until full payment.

SO ORDERED.

Lazaro-Javier (Acting Chairperson),[*] *M. Lopez,* and *Kho, Jr., JJ.*, concur.

Leonen, *S.A.J. (Chairperson)*, on official business.

APPEARANCES OF COUNSEL

Office of the Solicitor General for plaintiff-appellee.

Public Attorney's Office for accused-appellant.

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[37] *Id.* at 12.

[*] Per Special Order No. 3088 dated May 10, 2024.