



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE  
PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 248694

Present:

- versus -

PERLAS-BERNABE, S.A. J.,  
Chairperson,  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
BALTAZAR-PADILLA,\* JJ.

RANIE ESTONILO y DE  
GUZMAN,  
Accused-Appellant.

Promulgated:

14 OCT 2020

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal<sup>1</sup> filed by accused-appellant Ranie Estonilo y De Guzman (Estonilo) assailing the Decision<sup>2</sup> dated November 23, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08617, which affirmed with modification the Judgment<sup>3</sup> dated July 28, 2016 of the Regional Trial Court of ██████████, Pampanga, Branch 61 (RTC) in Criminal Case Nos. 10-5894 and 10-5895, and accordingly, found Estonilo guilty beyond reasonable doubt of two (2) counts of violation of Section 5

\* On Leave.

<sup>1</sup> See Notice of Appeal dated December 28, 2017; *rollo*, pp. 21-22.

<sup>2</sup> Id. at 3-20. Penned by Associate Justice Joseph Y. Lopez with Associate Justices Ramon M. Bato, Jr. and Samuel H. Gaerlan (now a member of this Court), concurring.

<sup>3</sup> CA *rollo* at 59-74. Penned by Judge Bernardita Gabitan-Erun.

(a) (5), Article III of Republic Act No. (RA) 7610,<sup>4</sup> otherwise known as the “Special Protection of Children Against Abuse, Exploitation, and Discrimination Act.”

### **The Facts**

This case stemmed from two (2) separate Informations filed before the RTC, each charging Estonilo of Qualified Trafficking in Persons, defined and penalized under Section 4, in relation to Section 6 (a) of RA 9208,<sup>5</sup> otherwise known as the “Anti-Trafficking in Persons Act of 2003,” the accusatory portions of which read:

#### **Criminal Case No. 10-5894**

That during the period from March 6, 2010 to March 13, 2010, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously recruit, transport, harbor, maintain, hire, provide and/or receive [REDACTED], a minor 12 years old, by any means or under the pretext of domestic employment or sexual exploitation taking advantage of the vulnerability of the minor in violation of Section 4 in relation to Sec. 6 (a) Republic Act No. 9208.

CONTRARY TO LAW.<sup>6</sup>

#### **Criminal Case No. 10-5895**

That during the period from March 6, 2010 to March 13, 2010, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously recruit, transport, harbor, maintain, hire, provide and/or receive [REDACTED] a minor 11 years old, by any means or under the pretext of domestic employment or sexual exploitation taking advantage of the vulnerability of the minor in violation of Section 4 in relation to Sec. 6 (a) Republic Act No. 9208.

CONTRARY TO LAW.<sup>7</sup>

The prosecution claimed that sometime in January 2010, Estonilo approached AAA,<sup>8</sup> then 12 years old, in an effort to convince the latter to

<sup>4</sup> Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992.

<sup>5</sup> Entitled “AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES,” approved on May 26, 2003.

<sup>6</sup> CA *rollo*, p. 59.

<sup>7</sup> *Id.* at 60.

<sup>8</sup> The identity of the victim or any information which could establish or compromise his identity, as well as those of his immediate family or household members, shall be withheld pursuant to RA 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992;

“*mamakla*” in exchange for money. For this purpose, Estonilo even introduced him to a “client” who offered ₱2,000.00 for AAA’s sexual services, but AAA refused. However, Estonilo was persistent with his recruiting efforts, and this culminated in the evening of March 6, 2010. On that night, AAA was on his way home with his friend, BBB, then 11 years old, when Estonilo called their attention. Estonilo persistently coerced AAA to have sex with BBB at a nearby vacant lot in exchange for ₱300.00 so that they will learn how to perform sexual acts. The children acceded and had sexual contact with each other with AAA inserting his penis into BBB’s mouth and anus. About a week later, or on March 13, 2010, AAA, BBB, and their friends were frolicking at a swimming pool when Estonilo arrived with his bicycle. Estonilo called AAA and told him to have sexual contact with BBB at a nearby bathroom. Fearing that Estonilo might get mad, AAA and BBB again had sexual contact with each other. At that time, Estonilo even suggested that AAA have sex with BBB’s 11-year old aunt who was with them, but AAA refused. The next day, AAA felt pain while urinating, prompting his mother to bring him to a doctor. After examination, the doctor revealed that AAA contracted an infection because of anal intercourse and the same might progress into a sexually transmitted disease if left untreated. This resulted in AAA divulging his ordeal to his mother.<sup>9</sup>

For his part, Estonilo mainly relied on denials, averring that he does not know AAA or BBB personally, and that he is busy with his maintenance job in a hotel during weekdays and his *carinderia* during weekends.<sup>10</sup>

### The RTC Ruling

In a Judgment<sup>11</sup> dated July 28, 2016, the RTC found Estonilo guilty beyond reasonable doubt of two (2) counts of Qualified Trafficking in Persons, and accordingly, sentenced him to suffer the penalty of life imprisonment and to pay a fine of ₱2,000,000.00 for each count, and to pay AAA and BBB ₱20,000.00 each as moral damages.<sup>12</sup>

The RTC found that the prosecution was able to establish beyond reasonable doubt that Estonilo took advantage of the vulnerability of two (2) minors, namely, AAA and BBB, to engage in sexual acts with one another in exchange for money. On this note, the RTC found untenable Estonilo’s bare defenses of denial in the face of the clear and categorical testimonies made

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RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, known as the “RE: RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,” effective November 15, 2004. (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014), citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]).

<sup>9</sup> *Rollo*, pp. 4-5. See also *CA rollo*, pp. 60-69.

<sup>10</sup> *Id.* at 5-6. See also *CA rollo*, pp. 69-70.

<sup>11</sup> *CA rollo*, pp. 59-74.

<sup>12</sup> *Id.* at 74.

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by both AAA and BBB describing their ordeal under the hands of Estonilo.<sup>13</sup>

Aggrieved, Estonilo appealed<sup>14</sup> to the CA.

### **The CA Ruling**

In a Decision<sup>15</sup> dated November 23, 2017, the CA modified the RTC ruling, finding Estonilo guilty beyond reasonable doubt of two (2) counts of the crime of violation of Section 5 (a), paragraph (5), Article III of RA 7610. Accordingly, the CA sentenced him to suffer the penalty of imprisonment for an indeterminate period of fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum for each count, and ordered him to pay AAA and BBB each the amount of ₱50,000.00 as civil indemnity.<sup>16</sup>

The CA held that the prosecution had indeed established beyond reasonable doubt the fact that Estonilo, through coercion and for monetary consideration, ordered AAA and BBB to engage in sexual conduct with one another. However, it opined that Estonilo could not be held criminally liable for Qualified Trafficking in Persons, as it was not shown that Estonilo committed acts of trafficking, *i.e.*, how he recruited, obtained, hired, provided, offered, transported, transferred, maintained, harbored, or received AAA and/or BBB for the purpose of trafficking. This notwithstanding and applying the variance doctrine as enunciated in Sections 4 and 5, Rule 120 of the Revised Rules of Criminal Procedure, the CA ruled that Estonilo's acts of offering money and imposing his will on the victims constitute a violation of Section 5 (a), paragraph (5), Article III of RA 7610, and as such, he must be held criminally liable therefor.<sup>17</sup>

Hence, this appeal.<sup>18</sup>

### **The Issue Before the Court**

The issue for the Court's resolution is whether or not Estonilo should be held criminally liable for his supposed acts against AAA and BBB.

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<sup>13</sup> Id. at 70-74.

<sup>14</sup> See Notice of Appeal dated September 7, 2016; id. at 17.

<sup>15</sup> *Rollo*, pp. 3-20.

<sup>16</sup> Id. at 19.

<sup>17</sup> Id. at 8-19.

<sup>18</sup> See Notice of Appeal dated December 28, 2017; id. at 21-22.

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### The Court's Ruling

As a preliminary matter, the general rule is that appeals of criminal cases shall be brought to the Court by filing a petition for review on *certiorari* before it under Rule 45 of the Rules of Court;<sup>19</sup> except when the CA imposed the penalty of “*reclusion perpetua*, life imprisonment or a lesser penalty,” in which case, the appeal shall be made by a mere notice of appeal filed before the CA.<sup>20</sup> In this case, Estonilo clearly availed of a wrong mode of appeal by filing a Notice of Appeal before the CA<sup>21</sup> despite the latter court modifying his conviction to a crime not punishable by *reclusion perpetua* or life imprisonment. Nonetheless, in the interest of substantial justice, the Court will resolve this case on the merits in order to resolve the substantial issue at hand with finality.<sup>22</sup>

In criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>23</sup>

Guided by the foregoing consideration, and as will be explained hereunder, the Court deems it proper to reinstate the RTC ruling convicting Estonilo of Qualified Trafficking in Persons under Section 4 (a) in relation to Section 6 (a) of RA 9208.<sup>24</sup>

Section 3 (a) of RA 9208 defines the term “Trafficking in Persons” as the “recruitment, transportation, transfer or harboring, or receipt of persons

<sup>19</sup> Section 3 (e), Rule 122 of the Revised Rules on Criminal Procedure reads:

Section 3. *How appeal taken.* –

x x x x

(e) Except as provided in the last paragraph of Section 13, Rule 124, all other appeals to the Supreme Court shall be by petition for review on *certiorari* under Rule 45.

<sup>20</sup> Section 13 (c), Rule 124 of the Revised Rules on Criminal Procedure reads:

Section 13. *Certification or appeal of case to the Supreme Court.* –

x x x x

(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

<sup>21</sup> See Notice of Appeal dated December 28, 2017; *rollo*, pp. 21-22.

<sup>22</sup> See *Ramos v. People*, 803 Phil. 775, 783 (2017).

<sup>23</sup> *Id.*, citing *People v. Bagamano*, 793 Phil. 602, 607 (2016).

<sup>24</sup> While RA 9208 had already been amended by RA 10364 effective February 6, 2013, it must be noted that the acts complained of were committed during the period of March 6 to March 13, 2010, and hence, the former is controlling.

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 persons, 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 same provision further provides that "[t]he recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph." In this regard, Section 4 of the same law provides the acts constituting "Trafficking in Persons."<sup>25</sup> Portions of this provision pertinent to this case 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 prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage; x x x

For a successful prosecution of Trafficking in Persons, the following elements must be shown: (a) the *act* of "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders"; (b) the *means* used which 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;" and (c) the *purpose* of trafficking is exploitation which includes "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."<sup>26</sup> In addition, Section 6 of RA 9208 provides that the crime is qualified when, *inter alia*, the trafficked person is a child, to wit:

SECTION 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

(a) When the trafficked person is a child; x x x

In this case, the courts *a quo* found that the prosecution, through the testimonies of both AAA and BBB, was able to establish that Estonilo had

<sup>25</sup> *People v. XXX and YYY*, G.R. No. 235652, July 9, 2018, 871 SCRA 424, 435.

<sup>26</sup> *People v. Hirang*, 803 Phil. 277, 289 (2017), citing *People v. Casio*, 749 Phil. 458, 742-473 (2014).

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indeed befriended the two (2) minors in order to recruit them and thereafter, pimp them to his clients. For this purpose, he was able to take advantage of AAA and BBB's minority and coerce them into committing sexual acts with one another, under the pretext that they needed to learn how to perform such acts with fellow males so that they can earn monetary consideration for the same. Hence, the Court finds no reason to overturn the findings of the RTC, as affirmed by the CA, as there was no showing that they overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. It bears pointing out that the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties.<sup>27</sup> As such, Estonilo's criminal liability for the aforesaid acts must stand.

In this regard, the CA erred in opining that no trafficking existed as "there was no person to whom [Estonilo] endorsed or recruited his victims,"<sup>28</sup> and further stressing that the sexual acts transpired not between AAA or BBB and any of Estonilo's clients, but between AAA and BBB themselves.<sup>29</sup> As aptly pointed out by Associate Justice Ramon Paul L. Hernando, neither the presence of the trafficker's clients, nor their intercourse with the victim/s, is required to support a finding of trafficking. As held in *People v. Aguirre*:<sup>30</sup>

Furthermore, **the presence of the trafficker's clients is not an element of the crime of recruitment or transportation of victims** under Sections 3 (a) and 4 (a) of RA 9208. In the same vein, the law does not require that the victims be transported to or be found in a brothel or a prostitution den for such crime of recruitment or transportation to be committed. In fact, it has been held that the act of sexual intercourse need not have been consummated for recruitment to be said to have taken place. **It is sufficient that the accused has lured, enticed[,] or engaged its victims or transported them for the established purpose of exploitation, which includes prostitution, sexual exploitation, forced labor, slavery, and the removal or sale of organs.** In this case, the prosecution has satisfactorily established accused-appellants' recruitment and transportation of private complainants for purposes of prostitution and sexual exploitation.<sup>31</sup> (Emphases and underscoring supplied)

Thus, the fact that neither AAA nor BBB had sexual contact with any of Estonilo's clients will not affect the latter's criminal liability for Qualified Trafficking in Persons. To be sure, the gravamen of the crime of trafficking is "the act of recruiting or using, with or without consent, a fellow human being for [*inter alia*,] sexual exploitation"<sup>32</sup> – which, as already discussed, was established to have been committed by Estonilo.

<sup>27</sup> See *People v. Naciongayo*, G.R. No. 243897, June 8, 2020, citing *Cahulogan v. People*, G.R. No. 225695, March 21, 2018.

<sup>28</sup> See *rollo*, p. 15

<sup>29</sup> *Id.*

<sup>30</sup> 820 Phil. 1085 (2017).

<sup>31</sup> *Id.* at 1103.

<sup>32</sup> *People v. Rodriguez*, 818 Phil. 625, 640 (2017).


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Anent the proper penalty to be imposed on Estonilo, Section 10 (c) of RA 9208 states that persons found guilty of Qualified Trafficking shall suffer the penalty of life imprisonment and a fine of not less than ₱2,000,000.00 but not more than ₱5,000,000.00, for each count thereof. Finally, and pursuant to prevailing jurisprudence, Estonilo must also pay AAA and BBB each the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, plus legal interest of six percent (6%) per annum from finality of judgment until full payment.<sup>33</sup>

**WHEREFORE**, the appeal is **DENIED**. The Decision dated November 23, 2017 of the Court of Appeals in CA-G.R. CR HC No. 08617 is **AFFIRMED** with **MODIFICATIONS** as follows:

- (a) In Criminal Case No. 10-5894, accused-appellant Ranie Estonilo y De Guzman is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons, defined and penalized under Section 4 (a), in relation to Section 6 (a) of RA 9208. Accordingly, he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, he is ordered to pay the victim, AAA, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from the finality of this Decision until full payment; and
- (b) In Criminal Case No. 10-5895, accused-appellant Ranie Estonilo y De Guzman is found **GUILTY** beyond reasonable doubt of Qualified Trafficking in Persons, defined and penalized under Section 4 (a), in relation to Section 6 (a) of RA 9208. Accordingly, he is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. In addition, he is ordered to pay the victim, BBB, the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, both with legal interest of six percent (6%) per annum from the finality of this Decision until full payment.

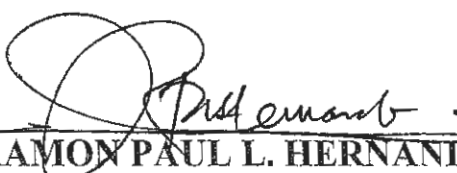
**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice

<sup>33</sup> See *People v. Maycabalong*, G.R. No. 215324, December 5, 2019.



**WE CONCUR:**

  
**RAMON PAUL L. HERNANDO**  
 Associate Justice


  
**HENRI JEAN PAUL B. INTING**  
 Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
 Associate Justice

**On Leave**  
**PRISCILLA J. BALTAZAR-PADILLA**  
 Associate Justice

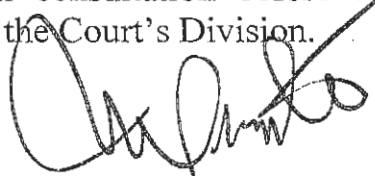
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ESTELA M. PERLAS-BERNABE**  
 Senior Associate Justice  
 Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**DIOSDADO M. PERALTA**  
 Chief Justice