



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 256698

Present:

- versus -

CAGUIOA, J., *Chairperson*,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

OFELIA A. COMIA and
MARICEL GUTIERREZ TAPON,*
Accused-appellants.

Promulgated:

APR 30 2025

x-----x

DECISION

CAGUIOA, J.:

Pending before the Court is a Petition for Review on *Certiorari*¹ (Petition) under Rule 45 of the Rules of Court filed by Ofelia A. Comia (Comia) and Maricel Gutierrez Tapon² (Tapon) (collectively, accused-appellants) assailing the Court of Appeals' (CA) Decision³ dated September 23, 2020 and Resolution⁴ dated May 21, 2021 in CA-G.R. CR- HC No. 10964 which denied their appeal and affirmed the Amended Decision⁵ dated February 28, 2018 of [REDACTED], Regional Trial Court (RTC) of Makati City. The RTC convicted Comia and Tapon as principal and accomplice, respectively, of the crime of Qualified Trafficking in Persons penalized under

* In line with Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," 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.

¹ *Rollo*, pp. 10–33. The Petition for Review on *Certiorari* is treated as an ordinary appeal.

² Also referred to as "Maricel M. Gutierrez" in the Information and some parts of the records.

³ *Id.* at 34–50. Penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura of the Sixth Division, Court of Appeals, Manila.

⁴ *Id.* at 81–82. Penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura of the Former Sixth Division, Court of Appeals, Manila.

⁵ *Id.* at 72–80. Penned by Presiding Judge Liza Marie R. Picardal-Tecson of [REDACTED], Regional Trial Court, Makati City.

Section 4(a) and Section 4-B in relation to Sections 6 and 10 of Republic Act No. 9208,⁶ as amended by Republic Act No. 10364.⁷

Antecedent Facts

Accused-appellants, along with other accused Jennifer P. Pasco (Pasco) and Argelyn A. Tecling⁸ (Tecling) (collectively, accused), were charged with one count of Qualified Trafficking in Persons defined and penalized under Republic Act No. 9208, as amended, and three counts of violation of Section 12-A, paragraph 3⁹ of Republic Act No. 7610,¹⁰ as amended by Republic Act No. 9231,¹¹ in Informations the accusatory portions of which read:

Criminal Case No. 15-1601

(Violation of Section 4(a) in relation to Sections 9 and 12 of Republic Act No. 10364, amending Republic Act No. 9208)

“That on or about April 17, 2015 and on dates prior thereto, in [the] City of Makati, and within the jurisdiction of this Honorable Court, the above-named accused, employees of [REDACTED] located at [REDACTED], Makati City, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully, and feloniously, for profit and for the purpose of sexual exploitation or prostitution and other forms of sexual exploitation, taking advantage of the vulnerability of the victims, recruit, hire, provide, offer, maintain, harbor, under pretext of legitimate employment as Guest Relations Officers (GROs) and dancers the following [FFF, EEE, DDD, CCC, BBB, and AAA], for the purpose of engaging in lascivious conduct and sexual intercourse with male customers for a fee with the end in view of soliciting sex and promoting prostitution, to the damage and prejudice of the said victims.

⁶ Republic Act No. 9208 (2003), 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, otherwise known as the “Anti-Trafficking in Persons Act of 2003.”

⁷ Republic Act No. 10364 (2013), An Act Expanding Republic Act No. 9208, 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,” otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012.”

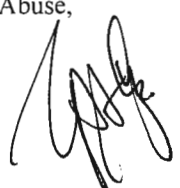
⁸ Also appears as “Argelin A. Tecling,” “Argelin A. Ticling,” “Argelyn Ticling,” and “Argeline A. Ticling” in some parts of the records.

⁹ SEC. 12-A. *Hours of Work of a Working Child.* — Under the exceptions provided in Section 12 of this Act, as amended:

....
(3) No child below fifteen (15) years of age shall be allowed to work between eight o’clock in the evening and six o’clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o’clock in the evening and six o’clock in the morning of the following day.

¹⁰ Republic Act No. 7610 (1992), An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.”

¹¹ Republic Act No. 9231 (2004), An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for This Purpose Republic Act No. 7610, as Amended, Otherwise Known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.”



That the crime was attended by the qualifying circumstances of: (1) minority of victims [DDD, CCC, and AAA;] (2) large scale since there were more than three (3) victims subjected to prostitution and sexual exploitation[;] and (3) committed by a syndicate considering that the crime was committed by more than three (3) accused.

CONTRARY TO LAW.”¹²

Criminal Case No. 15-1602

(Violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9231)

“That on or about April 17, 2015 and on dates prior thereto, in [the] City of Makati, and within the jurisdiction of this Honorable Court, the above-named accused, employees of [REDACTED] located at [REDACTED], Makati City, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully, and feloniously, for the purpose of abuse and sexual exploitation, and taking advantage of the vulnerability of the minor victim [CCC], require, the said victim to work, serve, and entertain male customers from 9:00 p.m. to 5:00 a.m. of the following day which is beyond the hours of work allowed by law for minors, to her damage.

CONTRARY TO LAW.”¹³

Criminal Case No. 15-1603

(Violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9231)

“That on or about April 17, 2015 and on dates prior thereto, in [the] City of Makati, and within the jurisdiction of this Honorable Court, the above-named accused, employees of [REDACTED] located at [REDACTED], Makati City, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully, and feloniously, for the purpose of abuse and sexual exploitation, and taking advantage of the vulnerability of the minor victim [DDD], require, the said victim to work, serve, and entertain male customers from 6:00 p.m. to 3:00 a.m. or from 7:00 p.m. to 4:00 a.m. of the following day which is beyond the hours of work allowed by law for minors, to her damage.

CONTRARY TO LAW.”¹⁴

Criminal Case No. 15-1604

(Violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9231)

“That on or about April 17, 2015 and on dates prior thereto, in [the] City of Makati, and within the jurisdiction of this Honorable Court, the above-named accused, employees of [REDACTED] located at [REDACTED]

¹² Records, vol. I, pp. 5–6.

¹³ *Id.* at 11–12.

¹⁴ *Id.* at 17–18.



██████████, Makati City, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully, and feloniously, for the purpose of abuse and sexual exploitation, and taking advantage of the vulnerability of the minor victim [AAA], require, the said victim to work, serve, and entertain male customers in the evening until morning of the following day which is beyond the hours of work allowed by law for minors, to her damage.

CONTRARY TO LAW.”¹⁵

When arraigned, they all pleaded not guilty to the charges.¹⁶ Likewise, they filed their respective Petitions for Bail with Motion to Reduce Bail.¹⁷

Consequently, a bail hearing was set, and the prosecution presented the testimonies of AAA, Intelligence Agent Jerome P. Bagon (IA Bagon), and Special Investigator David P. Golla IV (SI Golla) to establish that the evidence against Comia, Tapon, Pasco, and Tecling was strong.¹⁸

AAA testified that she was recruited as a dancer for the ██████████ in Makati City. As a dancer, she would entertain customers by “table,” “VIP services,” or “bar fine.” Comia, whom she called Mommy Ofel, explained to her that when a customer “tables” her, she would have to sit and drink with them. When a customer avails of “VIP services” or “bar fine,” she would have to perform sexual services to the guest in a private room at the club or in a hotel in exchange for money. She testified that she has performed “VIP services” for guests for several times since her employment after she was chosen by the customer during the show-up. She received PHP 3,000.00 for the service while the “*mamasangs*” received PHP 3,900.00.¹⁹

On the night of the entrapment operation, AAA narrated that Comia and the other “*mamasangs*” asked them to do a show-up at the stage where the poseur-customers, IA Bagon and IA Rodrigo Sarno (IA Sarno), chose two girls. She saw Comia go to the cashier and get condoms from Tapon. Comia then gave the condoms to IA Bagon and IA Sarno. They, together with the two chosen girls, went up to the second floor where the private rooms are.²⁰ This narration was corroborated by IA Bagon who testified that Comia offered the girls to them by making them line up on the stage. When he and IA Sarno chose the girls, Comia went to the cashier and received condoms from Tapon. Comia then handed them the condoms and led them to the second floor. Thereafter, they signaled to the back-up team that the transaction had been consummated, and the team proceeded to the bar.²¹ SI Golla corroborated the testimonies of AAA and IA Bagon.²²

¹⁵ *Id.* at 23–24.

¹⁶ *Id.* at 369, Order dated September 4, 2015.

¹⁷ *Id.* at 376–383.

¹⁸ *See rollo*, p. 36, CA Decision.

¹⁹ TSN, AAA, October 1, 2015, pp. 18–29, 39–40.

²⁰ *Id.* at 47–53, 55–56.

²¹ TSN, IA Jerome P. Bagon, November 5, 2015, pp. 30–43.

²² *See* TSN, SI David P. Golla, November 26, 2015, pp. 28–33.

In an Order dated January 6, 2016, the RTC allowed Pasco, Tecling, and Tapon to post bail in the amount of PHP 100,000.00 per count but denied Comia's petition to post bail.²³

Thereafter, trial on the merits ensued. The prosecution, in addition to the testimonies of AAA, IA Bagon, and SI Golla, presented SI Anne Sacheen Leaño (SI Leaño), who corroborated the testimonies of IA Bagon and SI Golla on the entrapment operation, and Doctor Mary Ann P. Manos (Dr. Manos), an odontology expert who conducted the dental examination on the victims which showed that four out of 10 victims, namely AAA, DDD, CCC, and GGG, have unerupted third molar indicating that they were still minors.²⁴

The defense filed a Motion for Leave to File a Demurrer to Evidence which the RTC granted. Subsequently, the defense filed a Demurrer to Evidence which was denied in an Order dated March 15, 2017. The defense moved for reconsideration, but the RTC still denied the same.²⁵

Consequently, the defense presented its witnesses: Registration Officer III Priscilla Ador (Ador) of the Caloocan City Civil Registry Department (CCCRD) and Dr. Eduardo Balatbat (Dr. Balatbat). Ador identified the Negative Certification of Birth of AAA issued by the CCCRD, which showed that it does not have the record of birth of AAA. Meanwhile, Dr. Balatbat testified, as an expert witness, that a dental examination is not an accurate and reliable basis in determining the age of a person. The testimony of the Philippine Statistics Authority (PSA) representative Omar Maderazo (Maderazo) was dispensed with after the parties admitted the authenticity of the PSA Certificates of Live Birth of DDD, CCC, and GGG and PSA Negative Certification of Birth of AAA.²⁶ Further, the defense submitted the Philippine National Police Clearance (Police Clearance) and Community Tax Certificate (CTC) of AAA showing her date of birth as [REDACTED] to disprove the claim that she was still a minor when the incident occurred.²⁷

RTC Ruling

In a Decision²⁸ dated January 26, 2018, the RTC found Comia and Tapon guilty of one count of Qualified Trafficking in Persons in Criminal Case No. 15-1601 and three counts of Simple Trafficking as direct participant and accomplice, respectively, in Criminal Case Nos. 15-1602 to 15-1604 while, Pasco and Tecling were acquitted for all counts on reasonable doubt.²⁹

²³ *Rollo*, pp. 36–37, CA Decision.

²⁴ *Id.* at 37, 40, CA Decision; 61–62, RTC Decision.

²⁵ *Id.* at 40–41.

²⁶ *Id.* at 41; 64–65, RTC Decision.

²⁷ *See id.* at 41, 65.

²⁸ *Id.* at 51–71. Penned by Presiding Judge Liza Marie R. Picardal-Tecson of [REDACTED], Regional Trial Court, Makati City.

²⁹ *Id.* at 70–71.



Accused-appellants moved for partial reconsideration³⁰ arguing that the crimes charged in Criminal Case Nos. 15-1602 to 15-1604 were for violations of Republic Act No. 7610, as amended, and not violation of Republic Act No. 9208, as amended. Further, the minority of CCC and DDD were disproved by the Certificates of Live Birth issued by the PSA showing that they were no longer minors at the time of the commission of the crime. They claimed that the RTC erred in convicting them of Simple Trafficking in Criminal Case Nos. 15-1602 to 15-1604.³¹

Moreover, they argue that the prosecution failed to prove the elements of Qualified Trafficking in Persons in Criminal Case No. 15-1601. The prosecution's evidence failed to establish that an act of trafficking was committed against AAA since she was not chosen by IA Bagon during the entrapment operation. Further, AAA's credibility is questionable given her propensity to lie in her testimonies in open court. Lastly, they claim that the RTC erred in appreciating AAA's minority since her birth certificate is spurious. The RTC should have given credence to the Police Clearance and CTC, as proof of age, which are public and official documents.³²

The RTC partially granted the motion in the Amended Decision dated February 28, 2018, the dispositive portion of which provides:

WHEREFORE, in view of the foregoing, the *Partial Motion for Reconsideration* is **PARTIALLY GRANTED**. This Court rules in the following manner:

1. In **Criminal Case No. 15-1601**, accused Ofelia Comia is found **GUILTY** of qualified trafficking in persons as defined in Section 6 of Republic Act No. 9208, as amended. Accused is sentenced to suffer a penalty of **LIFE IMPRISONMENT** and pay a fine of **TWO MILLION PESOS** ([PHP]2,000,000.00).

Accused Maricel Gutierrez Tapon, is found **GUILTY** as accomplice to qualified trafficking, as defined in Section 4-B of Republic Act [No.] 9208, as amended, and is sentenced to suffer a penalty of **FIFTEEN (15) YEARS IMPRISONMENT** and pay a fine of **FIVE HUNDRED THOUSAND PESOS** ([PHP]500,000.00).

2. In **Criminal Case No. 15-1602**, accused Ofelia Comia and Maricel Gutierrez are **ACQUITTED** of the charge of violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9[2]31;
3. In **Criminal Case No. 15-1603**, accused Ofelia Comia and Maricel Gutierrez are **ACQUITTED** of the charge of violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9[2]31;

³⁰ *Id.* at 454–475.

³¹ *Id.* at 455–457, 465–467.

³² *Id.* at 457–461, 467–473.



4. In **Criminal Case No. 15-1604**, accused Ofelia Comia and Maricel Gutierrez are **ACQUITTED** of the charge of violation of Section 12-A, paragraph 3 of Republic Act No. 7610, as amended by Republic Act No. 9[2]31.

SO ORDERED.³³ (Emphasis in the original)

In amending its decision, the RTC admitted that it inadvertently treated Criminal Case Nos. 15-1602 to 15-1604 as one for simple trafficking when the Informations charged accused-appellants with violation of Section 12-A, paragraph 3 of Republic Act No. 7610. Upon review of the evidence, the RTC ruled that the prosecution failed to prove beyond reasonable doubt the elements of violation of Section 12-A, paragraph 3 of Republic Act No. 7610. Accused-appellants already established that CCC and DDD were no longer minors thus, Criminal Case Nos. 15-1602 and 15-1603 lack the element of minority of the victims which warrant the cases' dismissal. With respect to Criminal Case No. 15-1604, while AAA's minority was established, the prosecution failed to prove that accused-appellants were her employer. Section 16 of Republic Act No. 7610, as amended, specifically penalizes the employer of the child-victim for violation of Republic Act No. 7610. In this case, it was duly proved that accused-appellants were floor manager and cashier of [REDACTED], respectively, thus they cannot be considered the employer of AAA.³⁴

However, the RTC maintained their convictions for Qualified Trafficking in Persons in Criminal Case No. 15-1601. The RTC gave credence to the testimony of AAA that Comia was the one who introduced to her the practice at [REDACTED] and instructed them to line up, talk to customers, and provide sexual services to those who avail their "VIP services." The RTC ruled that Comia's act of facilitating show-ups constitutes offering and providing a person for the purpose of prostitution or sexual exploitation. With respect to AAA's minority, there being no record of her birth in the Local Civil Registrar's Office, the RTC relied on her school records and the dental examination conducted on her. AAA's school records indicate her date of birth as [REDACTED]³⁵ which establishes that she was still a minor when the crime was committed. Further, her school records enjoy the presumption of regularity since it was issued in the ordinary course of business. This is bolstered by the findings of Dr. Manos, the forensic odontologist of the National Bureau of Investigation (NBI), that the absence of AAA's third molar supports the conclusion that she was still a minor.³⁶

Meanwhile, the RTC found Tapon liable as an accomplice under Section 4-B of Republic Act No. 9208, as amended, through her acts of taking custody of the money paid for prostitution and handing out of condoms to customers who availed of the VIP services.³⁷

³³ *Id.* at 79–80.

³⁴ *Id.* at 76–78.

³⁵ Records, vol. I, p. 389.

³⁶ *Rollo*, pp. 78–79, RTC Amended Decision; *see also id.* at 67–68, RTC Decision.

³⁷ *Id.* at 79, 69.



Aggrieved, accused-appellants filed a Notice of Appeal³⁸ which the RTC gave due course. Thereafter, the case was elevated to the CA for review.³⁹

CA Ruling

In a Decision dated September 23, 2020, the CA denied the appeal and affirmed the RTC's Amended Decision, ruling in this wise:

WHEREFORE, the Appeal is **DENIED** for lack of merit. The assailed Amended Decision dated February 28, 2018 of the Regional Trial Court of Makati City, [REDACTED] is **AFFIRMED**.

SO ORDERED.⁴⁰ (Emphasis in the original)

The CA ruled that the prosecution duly established the elements of Qualified Trafficking in Persons against accused-appellants. AAA and IA Bagon positively identified Comia as the person who offered the sexual services of the girls to the customers in exchange for money. Comia took advantage of AAA's vulnerability by promising financial gain that led the latter to accept the employment as Guest Relations Officer (GRO). Further, the prosecution witnesses were able to establish that Tapon was the cashier who accepted money from Comia and who handed out the condoms to be used by customers availing of the "VIP Services."⁴¹

On the alleged failure to prove AAA's minority, the CA ruled that the absence of her record in the PSA only means that her birth was not registered. Nevertheless, the CA gave credence to the dental examination of Dr. Manos finding that AAA was still a minor due to her "unerupted third molar."⁴²

Hence, the present Petition.

In the instant Petition, accused-appellants argue that the prosecution failed to establish the elements of Qualified Trafficking in Persons. The alleged act of trafficking was not committed against AAA as she testified that on the day of the alleged commission of the crime, it was EEE and FFF who were in the VIP room with IA Bagon and IA Sarno. The testimonies of the prosecution witnesses failed to establish any act of trafficking committed against AAA. Thus, there was no crime committed against her which calls for accused-appellants' acquittal.⁴³

Further, they posit that the prosecution also failed to establish beyond reasonable doubt the minority of AAA. Her alleged elementary school record

³⁸ *Id.* at 476–477.

³⁹ *See* CA rollo, p. 5.

⁴⁰ *Id.* at 49.

⁴¹ *Id.* at 45–47.

⁴² *Id.* at 47–48.

⁴³ *Id.* at 17–23.



did not prove her minority since this document was not identified and authenticated in accordance with the Rules on Evidence. Likewise, the oral examination of AAA by the NBI odontologist does not prove her minority beyond reasonable doubt because three out of four persons examined by the odontologist were proven to be of legal age which means that the odontologist's medical conclusion of AAA's age is inaccurate.⁴⁴

Issues

- 1) Whether the prosecution duly established beyond reasonable doubt the guilt of Comia as principal for the crime of Qualified Trafficking in Persons; and
- 2) Whether the prosecution duly established beyond reasonable doubt the guilt of Tapon as accomplice for the crime of Qualified Trafficking in Persons.

The Court's Ruling

At the outset, the Court notes that accused-appellants filed a Petition for Review on *Certiorari* under Rule 45 despite the imposition of the penalty of life imprisonment against Comia. Following Section 13(c),⁴⁵ Rule 124 in relation to Section 3(c)⁴⁶ and (e),⁴⁷ Rule 122 of the Rules of Court, the judgment of the CA imposing the penalty of *reclusion perpetua* or life imprisonment may be appealed to the Court by filing a notice of appeal before the CA.⁴⁸ Jurisprudence has established that 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.⁴⁹ Thus, the Court, in an appeal, may reverse the judgment of

⁴⁴ *Id.* at 23–26.

⁴⁵ SECTION 13. *Certification or appeal of case to the Supreme Court.* — . . .

. . . .
(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. (As amended by A.M. No. 00-5-03-SC, September 28, 2004)

⁴⁶ SECTION 3. *How Appeal Taken.* —

. . . .
(c) The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is death, *reclusion perpetua*, or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.

⁴⁷ SECTION 3. *How Appeal Taken.* —

. . . .
(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.

⁴⁸ See *People v. XXX*, 886 Phil. 155, 169 (2020) [Per C.J. Peralta, First Division].

⁴⁹ *Ramos v. People*, 803 Phil. 775, 783 (2017) [Per J. Perlas-Bernabe, First Division].

the lower court, modify, or affirm the same depending on its review of the records of the case and application of prevailing law and jurisprudence.

Accordingly, in the interest of justice and following the rules and jurisprudence, the Court deems it proper to treat this Petition as an ordinary appeal and hereby adopts the appropriate terms for the parties as well as retains the title of the case as it was in the court of origin.

Elements of Trafficking in Persons

Section 3(a) of Republic Act No. 9208, as amended, defines Trafficking in Persons, to wit:

“(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.”]

In *People v. Casio*,⁵⁰ the Court enumerated the elements of Trafficking in Persons as follows:

- (1) The *act* of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders[;]”
- (2) 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
- (3) 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.”⁵¹

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

⁵¹ *Id.* at 472–473.



In this case, Comia was convicted by the RTC for violation of Section 4(a) in relation to Section 6(a) of Republic Act No. 9208, as amended, which state:

“SEC. 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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, 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, or sexual exploitation;**

....

“SEC. 6. *Qualified Trafficking in Persons.*— Violations of Section 4 of this Act shall be considered as qualified trafficking:

- (a) When the **trafficked person is a child[.]**” (Emphasis supplied)

Meanwhile, Tapon was convicted as an accomplice of Comia under Section 4-B which states:

“SEC. 4-B. *Accomplice Liability.* – Whoever **knowingly aids, abets, cooperates in the execution of the offense by previous or simultaneous acts** defined in this Act shall be punished in accordance with the provisions of Section 10(c) of this Act.” (Emphasis supplied)

Upon a thorough review of the records, the Court resolves to partially grant the appeal of accused-appellants.

Accused-appellant Comia is guilty of Simple Trafficking in Persons

The Court agrees with the CA and the RTC that the testimonies of AAA and IA Bagon duly established the elements of Trafficking in Persons. With respect to the first and third elements, AAA testified consistently that Comia hired her as a dancer at the [REDACTED] and explained to her that her job includes “VIP services” to the clients which meant providing sexual services to them. As a dancer of the club, she was told by Comia that part of her work includes being “tabled” by the customers, entertaining the customers and drinking with them, and performing extra services such as having sexual intercourse with the customers in a VIP room at the club or in a hotel, depending on what the customers availed.⁵²

She likewise mentioned that Comia instructed them to line up in front of the customers so that the latter can choose the girl who would perform the “VIP services” or “bar fine.” As a matter of fact, AAA testified that during

⁵² TSN, AAA, October 1, 2015, pp. 14–29.

her employment at [REDACTED], she was chosen three times by customers to perform sexual services to them. She narrated that the girls were asked by the “*mamasangs*” to show up in front of the customers for the latter to then pick the girl who they want to have the “VIP services” with. In several instances, she was chosen by the customer where she performed oral sex for them in exchange for money.⁵³

Further, on the night of April 17, 2015, AAA testified that she was working at [REDACTED]. They were dancing when Comia instructed them to do a show up on stage for the customers.

[Direct Testimony of [AAA] (TSN, October 1, 2015)]

[Prosecutor Torrevillas]

Tell us, ma'am, from April 17, 2015[,] did you report for work at [REDACTED]?

[Witness]

Yes, ma'am.

Q Okay, tell us at 9:00 o'clock in the evening, what would you do?

A Sumasayaw po.

Q **Would you recall, Madam Witness, if you were required to do that show up?**

A Yes, ma'am.

Q **Who instructed you to do that show up, ma'am?**

A **Sila mommy Ofel po, tinawag po kami tapos pinapunta po kami sa stage.**

Q You said *silá*, whom are you referring to?

A Sila mommy Argelyn po, pati sila mommy Jennifer.

Q Madam Witness, are you referring to the same accused whom you identified earlier as accused Ofelia Comia, Jennifer Pasco, Argelyn T[e]cling?

A Opo.

Q **You said you did that show up, what were these mamasangs doing during that time that you were doing that show up?**

A **Nandoon po nakikipag usap po sa mga guest.**

Q **Would you know the reason why they were talking with the guest at that time that you were doing that show up?**

⁵³ *Id.* at 34–42.



A **Tungkol po yun sa kung magti-table po sila o mag bi-VIP ng babae.**⁵⁴ (Emphasis supplied)

This was corroborated by the testimony of IA Bagon narrating that when they conducted surveillance on April 13 and 16, 2015, Comia was the floor manager who was assisting them and offering them to “table” the girls and avail of their “VIP services.”⁵⁵ On the night of the entrapment operation, IA Bagon testified that it was Comia who was offering them the services of the girls for sexual exploitation, to wit:

[Direct Testimony of IA Bagon (TSN, November 5, 2015)]

[Prosecutor Torrevillas]

When you arrived at [REDACTED] in Makati City what did you do, if any?

[Witness]

Katulad po ng mga nauna naming surveillance, sinalubong po ulit kami ng mga floor managers, sila mommy Ofelia at ibang mga floor managers po.

Q What time was that, sir?

A *Natatandaan ko po pasado alas nuwebe ng gabi na po iyon.*

Q While you were already inside the bar, what did you observe?

A *Napansin ko po noon may mga ilang babae na nagsasayaw po tapos ‘yung mga ibang floor managers ine-entertain ‘yung mga customers. May napansin po pala ako, may floor manager akong nakita na umakyat ng second floor, may kasama po siya na foreigner noong time po na iyon ng entrapment.*

....

[Q] What did you do after observing what was happening inside?

[A] *Nag-usap po ulit kami ni mommy Ofelia kasi nakaupo na po kami noon. Kinausap niya po ulit kami at inalok niya po kami ng serbisyo ng kanilang mga babae.*

....

[Q] What are these women wearing at that time that they were dancing?

[A] *Nakasuot lang po sila noon ng bra at panty lang po.*

Q You said sir that mommy Ofelia together with the other floor managers approached you, so after that what happened next, if any?

⁵⁴ *Id.* at 47–49.

⁵⁵ TSN, IA Jerome Bagon, November 5, 2015, pp. 13–14, 21–22.

A *Inalok po kami ng kanilang mga babae at katulad po ng mga nakaraang surveillance namin ay hinilera po ulit sa aming harapan ‘yung mga babae.*

Q At that time that these women were made to line up in front of you, where were the other floor managers?

A *Andoon din po sa tabi ng ilang mga babae po, tapos si mommy Ofelia po nasa tabi rin po namin.*

Q What service or services were offered to you at that time?

A *Inalok po kami na iavail ‘yung VIP nila kasama po ‘yung napili naming babae para po maka-sex namin.⁵⁶ (Emphasis supplied)*

From the foregoing, it was duly established that Comia offered AAA and other girls to customers for prostitution or sexual exploitation. The argument of the defense that no act of trafficking was committed against AAA since she was not chosen by IA Bagon and IA Sarno during the entrapment operation lacks merit. AAA clearly and categorically testified that she was made to “show up” by Comia as an offer to the customers who would avail of the “VIP services” of the club, which include the performance of sexual services. This is bolstered by her narration of previous experiences wherein she was made to perform sexual services with other customers. The mere fact of offering AAA for prostitution or sexual exploitation duly establishes the first and third elements of the crime.

With respect to the second element, the CA is correct in ruling that Comia took advantage of AAA’s vulnerability by promising financial gain in exchange for her employment as a dancer. AAA admitted that she took the job at [REDACTED] because she needed money to support her father who was sick with cancer.⁵⁷ The Court in a few cases⁵⁸ also considered the victim’s poverty and need for money as badges of their vulnerability to accede to the accused’s recruitment for prostitution or sexual exploitation. In the recent case of *People v. XXX*,⁵⁹ the Court noted that the victims were school dropouts who needed money to support themselves and the accused therein took advantage of the victim’s vulnerability when he hired them and offered their sexual services to customers in exchange for money.⁶⁰ Similarly in this case, Comia took advantage of AAA’s need for money due to the sickness of her father in recruiting, hiring, and offering her to engage in prostitution.

Thus, the prosecution duly established the elements of act, means, and purpose to convict Comia of Trafficking in Persons.

⁵⁶ *Id.* at 31–33.

⁵⁷ TSN, AAA, October 1, 2015, pp. 30–32.

⁵⁸ See *People v. Bandojo, Jr.*, 842 Phil. 511 (2018) [Per J. A. Reyes, Jr., Second Division] and *People v. XXX*, 939 Phil. 459 (2023) [Per J. Hernando, First Division].

⁵⁹ 939 Phil. 459 (2023) [Per J. Hernando, First Division].

⁶⁰ *Id.* at 469.



Minority of the victim was not established beyond reasonable doubt

However, the Court agrees with the defense that the prosecution failed to prove beyond reasonable doubt the minority of AAA. In *People v. Pruna*,⁶¹ the Court laid down the guidelines in appreciating age either as an element of the crime or as a qualifying circumstance, to wit:

In order to remove any confusion that may be engendered by the foregoing cases, we hereby set the following guidelines in appreciating age, either as an element of the crime or as a qualifying circumstance.

1. The best evidence to prove the age of the offended party is **an original or certified true copy of the certificate of live birth of such party.**

2. In the absence of a certificate of live birth, similar authentic documents such as **baptismal certificate and school records which show the date of birth of the victim would suffice to prove age.**

. . . .

4. **In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.**

5. **It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.**

6. The trial court should always make a categorical finding as to the age of the victim.⁶² (Emphasis supplied)

In this case, the prosecution submitted the Certificate of Live Birth⁶³ and elementary school records⁶⁴ of AAA which show her date of birth as “[REDACTED]” to prove her minority. While these pieces of evidence are credible proof of the victim's age, their due execution and authenticity must be duly established before the Court can give credence to the same.

The Certificate of Live Birth appears to be unregistered as shown in the unaccomplished portion of the right side of the certificate where notations from the local civil registrar are necessary for the processing of its registration. Further, the certificate shows that it has only been received by the Office of the Municipal Civil Registrar as evidenced by the signature of the receiving clerk and stamp of the said office.⁶⁵ This is further bolstered by the evidence

⁶¹ 439 Phil. 440 (2002) [Per C.J. Davide, Jr., *En Banc*].

⁶² *Id.* at 470–471.

⁶³ Records, vol. I, p. 430.

⁶⁴ *Id.* at 389.

⁶⁵ *Id.* at 430.



of Negative Certifications issued by the CCCRD⁶⁶ and by the PSA⁶⁷ that per their records, no record of birth of AAA has been registered.

The finding of the Certificate of Live Birth's registration or nonregistration is relevant for purposes of determining whether it can be considered a public or private document. Act No. 3753⁶⁸ or the Law on Registry of Civil Status provides that the registration of documents in the civil register converts them into public documents and they are *prima facie* evidence of the truth of the facts contained therein.⁶⁹ Since AAA's Certificate of Live Birth has not been registered yet, it cannot be considered as a public document and the Court cannot take it as *prima facie* evidence of the facts contained therein.

The Certificate of Live Birth then must be treated as a private document, the due execution and authenticity of which must be proven in accordance with Section 20, Rule 132 of the Rules of Court,⁷⁰ which states:

SEC. 20. *Proof of private documents.* — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved by any of the following means:

- (a) By anyone who saw the document executed or written;
- (b) By evidence of the genuineness of the signature or handwriting of the maker; or
- (c) By other evidence showing its due execution and authenticity.

Any other private document need only be identified as that which it is claimed to be.

The prosecution presented the testimony of AAA to identify and prove the authenticity of the Certificate of Live Birth. However, AAA is not competent to testify on its due execution and authenticity. She did not see the execution or writing of the document. Neither does she have personal knowledge of the signature or handwriting of those who executed the same. There was also no other witness presented to prove the document's due execution and authenticity.

⁶⁶ *Id.* at 543.

⁶⁷ Records, vol. II, p. 297.

⁶⁸ Act No. 3753 (1930), An Act to Establish a Civil Register.

⁶⁹ SECTION 13. *Documents registered are public documents.* — The books making up the civil register and all documents relating thereto shall be considered public documents and be *prima facie* evidence of the truth of the facts therein contained. They shall be open to the public during office hours and shall be kept in a suitable safe which shall be furnished to the local civil registrar at the expense of the general fund of the municipality concerned. The local registrar shall not under any circumstances permit any document entrusted to his care to be removed from his office, except by order of a court, in which case the proper receipt shall be taken. The local civil registrar may issue certified copies of any document filed, upon payment of the proper fees required in this Act.

⁷⁰ As amended by A.M. No. 19-08-15-SC, October 8, 2019.



Similar to the unregistered Certificate of Live Birth, the elementary school records of AAA are also considered private documents. It was only AAA who identified the school records and testified as to their due execution. However, she is also not competent to testify on the school records' authenticity since she did not personally witness the execution of the same. The prosecution did not present the custodian of the school records or anyone who has personal knowledge of their due execution or authenticity. Thus, the Court cannot give credence to these pieces of evidence there being doubts on their probative value.

The prosecution also presented AAA's testimony to prove her age. While the victim's testimony as to her age is admissible, being an exception to the hearsay doctrine under the rule on pedigree,⁷¹ it is still necessary that the Court examine the weight and sufficiency of the same. The victim's testimony as to her age must be clear and credible to be given weight. Any discrepancies or inconsistencies on important details in the testimony will impair its probative value, cast doubt on its credibility, and erode the integrity of the testimony.⁷²

In this case, AAA's testimony as to her age is doubtful. The defense presented the original Police Clearance and CTC of AAA which indicate that her date of birth is "[REDACTED]." AAA identified these documents and testified that she filled out and applied for the same. However, she admitted that she falsified her birthdate in these documents.⁷³ The falsification of her age in a government-issued document casts serious doubts to the credibility and integrity of her testimony as to her age. It is a settled doctrine in criminal cases that any doubt must be resolved in favor of the accused.⁷⁴ Thus, the Court cannot rely on AAA's testimony to prove the circumstance of minority due to material discrepancies in her statement and the evidentiary documents.

Further, the dental examination made by the NBI forensic odontologist, Dr. Manos, cannot be given credence as it remains to be an opinion of an expert witness. While an opinion of an expert witness may be received in evidence, its probative weight and sufficiency is still subject to the discretion of the court. In this case, the Court cannot rely on Dr. Manos's conclusion that AAA is still a minor based on her "unerupted third molar" because there are no reliable principles or methods upon which her conclusion was based. An "unerupted third molar" does not conclusively prove a person's age or minority. In addition, the Court cannot rely on this finding since the three victims declared by Dr. Manos to be minors for having "unerupted third molar" turned out to be already of legal age as proven by their respective Certificates of Live Birth. Lastly, it is not among the evidence to be considered under the *Pruna* guidelines in appreciating age as an element of the crime or

⁷¹ See *People v. Llandelar*, 420 Phil. 566, 578 (2001) [Per J. Quisumbing, *En Banc*].

⁷² See *People v. Rapiz*, 885 Phil. 662, 677 (2020) [Per J. Lazaro-Javier, First Division].

⁷³ See TSN, AAA, October 1, 2015, pp. 79–85.

⁷⁴ See *Oliveros Jr. v. People*, 897 Phil. 916 (2021) [Per J. Caguioa, First Division].

a qualifying circumstance. Thus, the CA erred in giving credence to the same to establish AAA's minority.

Considering the foregoing, the prosecution failed to prove AAA's minority beyond reasonable doubt. Thus, the qualifying circumstance of minority cannot be appreciated against accused-appellants. Thus, Comia can be convicted only of Simple Trafficking in Persons.

Accused-appellant Tapon is guilty as accomplice

With respect to Tapon's conviction as accomplice, the Court affirms the same. Article 18 of the Revised Penal Code defines accomplices as persons who, not being included in Article 17 of the Revised Penal Code, cooperate in the execution of the offense by previous or simultaneous acts.

In *Gerunda v. People*,⁷⁵ citing the case of *People v. Galicia*,⁷⁶ the Court enumerated the requisites for one to be held liable as an accomplice: (1) that there be a community of design; that is, knowing the criminal design of the principal by direct participation, he or she concurs with the latter in his or her purpose; (2) that he or she cooperates in the execution by a previous or simultaneous act, with the intention of supplying material or moral aid in the execution of the crime in an efficacious way; and (3) that there be a relation between the acts done by the principal and those attributed to the person charged as an accomplice.⁷⁷

In this case, the testimony of AAA and IA Bagon duly established that there was community of design between Comia and Tapon to commit the crime of trafficking in persons, to wit:

[Direct Testimony of AAA (TSN, October 1, 2015)]

[Prosecutor Torrevillas]

Now, you said that accused Ofelia received the 6,900, after that what did accused Ofelia do with respect to that amount she received from the guest?

[Witness]

Kinuha niya po at inabot niya po sa cashier.

Q And what did the cashier do with that 6,900?

A Tinanggap niya po.

Q Aside from that, what else did the cashier do, if any?

A Nag[-]aabot din po siya ng condom.

⁷⁵ 945 Phil. 321 (2023) [Per J. J. Lopez, Second Division].

⁷⁶ 905 Phil. 966, 986 (2021) [Per J. Inting, Third Division].

⁷⁷ *Gerunda v. People*, *supra* note 75, at 329–330.

Q You said that the cashier received from accused Ofelia the amount of 6,900 paid by the customer and in exchange she gave condom, if you see that cashier again, will you be able to identify her?

A Opo.

Q Please look around the court room and tell us if that cashier is in court?

A Yes, ma'am.

Interpreter

Witness is pointing to a lady who identified [herself] as Maricel.⁷⁸

[Direct Testimony of IA Bagon (TSN, November 5, 2015)]

[Prosecutor Torrevillas]

And what happened next after informing them that you will be availing the sexual services of these women?

[Witness]

Pumili po kami, pinapili po kami ni mommy Ofelia kung sino 'yung gusto namin. And then noong nakapili na po kami, pumunta po si mommy Ofelia sa cashier napansin ko po siya. And then nakita ko po na may inabot na condom 'yung cashier kay mommy Ofelia at nakita ko rin po na inabot ni mommy Ofelia doon sa aming napiling babae.

....

Q You mentioned of mommy Ofelia receiving or getting condom from the cashier?

A Yes, ma'am.

Q If you see this cashier again will you be able to identify her?

A Yes, ma'am.

Q Please look around the court room sir and tell us if the cashier is in court?

A Yes, ma'am.

[Prosecutor] Torrevillas

Please step down from the witness stand and then tap the shoulder of the cashier who gave the condom to accused Ofelia[.]

(In this juncture, the witness step down from the witness stand, approach and tap the shoulder of one of the accused sitting inside the court room)

Interpreter

Witness tapping the shoulder of the accused and when asked her name she identified herself as Maricel Tapon.⁷⁹

⁷⁸ TSN, AAA, October 1, 2015, pp. 38–39.

⁷⁹ TSN, IA Jerome P. Bagon, November 5, 2015, pp. 38–40.

From the foregoing, Tapon had knowledge of and assented to Comia's act of offering the girls for prostitution and sexual exploitation. She cooperated by receiving the money paid for the sexual services and handing condoms to Comia who, in turn, gave them to the girls chosen by the poseur-customers for the purpose of engaging the girls in prostitution or sexual exploitation. Her acts of cooperation manifest her intent to supply material aid in the prostitution of the girls. Further, these acts are closely related to the commission of the crime of trafficking in persons. Thus, the prosecution duly established Tapon's guilt as accomplice beyond reasonable doubt.

Imposable penalty and award of damages

Section 10(a) and (c) of Republic Act No. 9208, as amended, provides the penalties of principals and accomplices for Simple Trafficking in Persons:

SEC. 10. *Penalties and Sanctions.* – The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);

....

- (c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00)[.]

Thus, Comia is sentenced to suffer the penalty of imprisonment of 20 years and a fine of PHP 1,000,000.00 while Tapon is sentenced to suffer the penalty of imprisonment of 15 years and a fine of PHP 500,000.00.

In addition thereto, they are directed to pay AAA moral damages in the amount of PHP 500,000.00 in accordance with Article 2219⁸⁰ of the Civil

⁸⁰ ART. 2219. Moral damages may be recovered in the following and analogous cases:

- (1) A criminal offense resulting in physical injuries;
- (2) Quasi-delicts causing physical injuries;
- (3) Seduction, abduction, rape, or other lascivious acts;
- (4) Adultery or concubinage;
- (5) Illegal or arbitrary detention or arrest;
- (6) Illegal search;
- (7) Libel, slander or any other form of defamation;
- (8) Malicious prosecution;
- (9) Acts mentioned in Article 309;
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.

The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this article, may also recover moral damages.

The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this article, in the order named.



Code. In *People v. Lalli*,⁸¹ the Court held that the crime of trafficking in persons is analogous to the crimes of seduction, abduction, rape, or other lascivious acts. To be trafficked as a prostitute, there is no doubt that the victim experienced physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, and social humiliation.⁸² Thus, the Court finds that the award of moral damages is proper.

However, the award of exemplary damages is deleted. It is clear from Article 2230 of the Civil Code that in criminal cases, exemplary damages may be imposed only when the crime was committed with one or more aggravating circumstance.⁸³ In this case, while the victim's minority was alleged in the Information, the same was not duly proven. There being no aggravating or qualifying circumstance to be appreciated against accused-appellants, the award of exemplary damages is not warranted.

As to the apportionment of the civil liability including damages, the Court has clarified in *People v. Montesclaros*⁸⁴ that the entire amount "should be apportioned among the persons who cooperated in the commission of the crime according to the degree of their liability, respective responsibilities and actual participation in the criminal act."⁸⁵ The Court held:

The person with greater participation in the commission of the crime should have a greater share in the civil liability than those who played a minor role in the crime or those who had no participation in the crime but merely profited from its effects. Each principal should shoulder a greater share in the total amount of indemnity and damages than every accomplice, and each accomplice should also be liable for a greater amount as against every accessory.⁸⁶

Following *Montesclaros* and in accordance with Article 109⁸⁷ of the Revised Penal Code, the Court rules that Comia should be liable for 2/3 of the total amount of the moral damages, as principal and Tapon should be liable for 1/3 of the amount, as accomplice. In case any one of them fails to pay her respective quota, the other shall be subsidiarily liable, which shall be enforced first against the property of the principals, next, against that of the accomplices, and lastly, against that of the accessories, following Article 110⁸⁸ of the Revised Penal Code.

⁸¹ 675 Phil. 126 (2011) [Per J. Carpio, Second Division].

⁸² *Id.* at 159.

⁸³ See *People v. Opong*, 577 Phil. 571, 596 (2008) [Per J. Chico-Nazario, Third Division], citing *People v. Cachapero*, 472 Phil. 818, 835 (2004) [Per J. Panganiban, First Division], citing further *Talay v. Court of Appeals*, 446 Phil. 256, 278–279 (2003) [Per J. Carpio, First Division]; *People v. Villanueva*, 440 Phil. 409, 425 (2002) [*Per Curiam, En Banc*]; *People v. Catubig*, 416 Phil. 102, 119–120 (2001) [Per J. Vitug, *En Banc*].

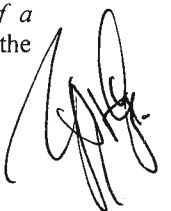
⁸⁴ 607 Phil. 296 (2009) [Per C.J. Puno, First Division].

⁸⁵ *Id.* at 329.

⁸⁶ *Id.* at 330.

⁸⁷ ARTICLE 109. *Share of Each Person Civilly Liable.* — If there are two or more persons civilly liable for a felony, the courts shall determine the amount for which each must respond.

⁸⁸ ARTICLE 110. *Several and Subsidiary Liability of Principals, Accomplices, and Accessories of a Felony — Preference in Payment.* — Notwithstanding the provisions of the next preceding article, the



The moral damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Decision until full satisfaction.

ACCORDINGLY, the appeal is **PARTIALLY GRANTED**. The Court of Appeals' Decision dated September 23, 2020 and Resolution dated May 21, 2021 in CA-G.R. CR-HC No. 10964 are **AFFIRMED WITH MODIFICATIONS**, as follows:

1. Accused-appellant **Ofelia A. Comia** is found **GUILTY** of Trafficking in Persons defined and penalized under Section 4(a) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is **SENTENCED** to suffer the penalty of imprisonment for 20 years and to pay a fine of PHP 1,000,000.00;

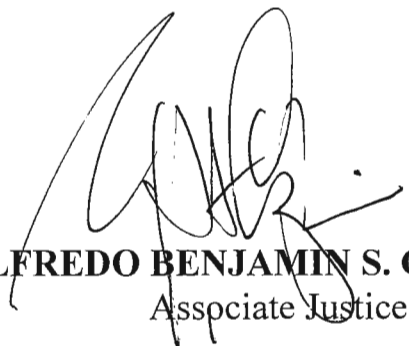
2. Accused-appellant **Maricel Gutierrez Tapon** is found **GUILTY** as accomplice in the crime of Trafficking in Persons defined and penalized under Section 4-B in relation to Section 10(c) of Republic Act No. 9208, as amended by Republic Act No. 10364. She is **SENTENCED** to suffer the penalty of imprisonment for 15 years and to pay a fine of PHP 500,000.00;

3. Further, accused-appellants **Ofelia A. Comia** and **Maricel Gutierrez Tapon** are **ORDERED** to pay the victim, AAA, moral damages in the amount of PHP 500,000.00, their respective shares being PHP 333,333.33 for Ofelia A. Comia and PHP 166,666.67 for Maricel Gutierrez Tapon; and

4. The award of exemplary damages is **DELETED** for failure to establish the presence of aggravating or qualifying circumstances in the commission of the crime.

The moral damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Decision until full satisfaction.

SO ORDERED.

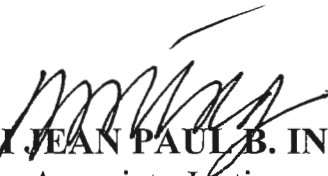

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

principals, accomplices, and accessories, each within their respective class, shall be liable severally (*in solidum*) among themselves for their quotas, and subsidiarily for those of the other persons liable.

The subsidiary liability shall be enforced, first against the property of the principals; next, against that of the accomplices, and, lastly, against that of the accessories.

Whenever the liability *in solidum* or the subsidiary liability has been enforced, the person by whom payment has been made shall have a right of action against the others for the amount of their respective shares.

WE CONCUR:



HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAFAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

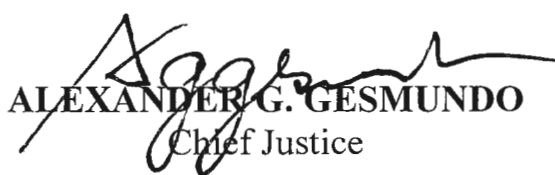
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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.



ALEXANDER G. GESMUNDO
Chief Justice