



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
RECEIVED
 JAN 11 2018
 BY: LOP
 TIME: 8:34

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 219952**
 Petitioner,

Present:

- versus -

SERENO, J.,
Chairperson,
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 TIJAM, and
 GESMUNDO,* JJ.

JEHLSON AGUIRRE y ARIDIDON,
MICHAEL ARABIT y PACAMARA,
JEFFERSON PARALEJAS y
PIGTAIN and JEFFREY ROXAS y
ARAGONCILLO,

Accused,

JEHLSON AGUIRRE y ARIDIDON,
MICHAEL ARABIT y PACAMARA
and JEFFERSON PARALEJAS y
PIGTAIN,

Accused-Appellants.

Promulgated:

NOV 20 2017

X-----X

DECISION

TIJAM, J.:

This is an appeal from the Decision¹ dated August 29, 2014 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06220, which affirmed the conviction of accused-appellants Jehlson Aguirre y Arididon (Aguirre), Michael Arabit y Pacamara (Arait) and Jefferson Paralejas y Pigtain

* Designated additional Member as per Raffle dated October 9, 2017 *vice* Justice Francis H. Jardeleza.

¹ Penned by Associate Justice Fernanda Lampas Peralta, concurred in by Associate Justices Francisco P. Acosta and Myra V. Garcia-Fernandez; *rollo*, pp.2-31.

M

(Paralejas) for the crime of Qualified Trafficking in Persons, as rendered by the Regional Trial Court (RTC) of Quezon City, Branch 106 in its Judgment² dated May 28, 2013 in Criminal Case No. Q-10-167652.

The Facts

Accused-appellants and accused Jeffrey Roxas y Aragoncillo (Roxas) were charged with Qualified Trafficking in Persons under Sections 3(a), 4(a) and 6 of Republic Act No. (RA) 9208, or the Anti-Trafficking in Persons Act of 2003, in relation to violation of RA 7610, known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, for recruiting, transporting, harboring, providing or receiving, in conspiracy with one another, ten girls, including seven minors, for purposes of prostitution and sexual exploitation³.

Of the ten girls, four testified in Court against accused-appellants – private complainants AAA, BBB, CCC and DDD. Their testimonies showed that at different times on November 16, 2010, they were convinced by accused-appellants to go swimming and drinking, and to have sex, with foreigners in exchange for money and/or *shabu*. Arabit and Aguirre convinced AAA to go swimming and drinking with foreigners for which she would get paid. As on a previous occasion, accused-appellants induced BBB to have sex with a man in exchange for money and *shabu*. CCC, who had been invited by her classmate and Arabit's cousin, EEE, to go drinking with their high school friends, went with EEE to Arabit's house where accused-appellants told them that they would go drinking with some foreigners in Quezon City in exchange for money. DDD initially declined Aguirre's proposition to introduce her to a foreigner who would give them money and *shabu* for sex with her. She relented after hearing that aside from money, they would also have one "*bulto*" of *shabu* for their personal use. Thereafter, Paralejas fetched DDD from her house. Private complainants and six other girls (EEE, FFF, GGG, HHH, III and JJJ) were later assembled at Arabit's house where accused-appellants told them to primp themselves as they had to look good for the foreigners. Subsequently, a white van arrived and all ten girls, together with accused-appellants and Roxas, boarded the van and travelled to Quezon City. On the way, Aguirre told the girls that they would be meeting some foreigners who would take them abroad. At 7:00 p.m., they reached a two-storey apartment in Quezon City, where they would rest after which they would proceed to a hotel to meet the foreigners. Inside the apartment, the girls, as instructed by accused-appellants, fixed their clothes and make-up to look pleasing to the foreigners. Arabit and Paralejas also instructed the girls not to leave the house. Arabit and Aguirre then offered to the girls what appeared to be *shabu*, which was payment for

² Penned by Presiding Judge Angelene Mary W. Quimpo Sale; CA rollo, pp.11-27.

³ Id. at 11.

M

sex with the foreigners in addition to money. Six of the girls accepted and they were separated from the rest. They were looking for aluminum foil for the *shabu* when there was suddenly a commotion. Several people, who came running down from the second floor of the apartment, identified themselves as the police and told the girls to sit together. The police officers arrested accused-appellants and Roxas.⁴

The police officers were members of the Criminal Investigation Division Group – Women and Children Protection Division (CIDG-WCPD) who acted on information from a civilian informant of “Tutok-Tulfo,” a television program aired over TV Channel 5, that a certain “Booba” and his cohorts would be bringing at least ten women to said informant in an unoccupied apartment in Quezon City, to be distributed in clubs and *videoke* bars around Metro Manila as prostitutes/entertainers. Police team leader SPO1 Robert Eblahan testified that they had positioned themselves on the second floor of the apartment when they heard a group enter. Shortly thereafter, a male voice said, “*Kuya, asan na ang komisyon ko?*” Another male voice answered “*O, ayan, kumpleto na yan!*” The first male voice replied, “*Ay, salamat kuya!*” Upon receiving the prearranged signal from the civilian informant through their mobile phone, the police went down from the second floor and effected the arrest of accused-appellants, all known homosexuals, and Roxas, and referred the ten girls to the social workers.⁵

Testifying for their own defense, accused-appellants and Roxas denied the charge. They claimed that they were each simply invited to a swimming and drinking party.⁶

Aguirre claimed that he received the invitation from Paralejas who gave him the directions to the apartment. Inside the apartment, he asked Paralejas if there would be a drinking and swimming party, and Paralejas told him that they were just waiting for FFF to arrive before they could go swimming. Looking around the apartment, he saw Arabit and eleven women before police came running down from the second floor.⁷

Paralejas, in turn, claimed that after EEE invited him to go swimming, they were fetched by a white van with four women already on board whom he did not know. The van took them to the apartment where Aguirre, Arabit and Roxas later arrived with some women. At that moment, policemen came down from the second floor and caused their arrest.⁸

⁴ Id. at 13-15.

⁵ Id. at 15-16.

⁶ Id. at 18.

⁷ Id.

⁸ Id. at 17.

M

For his part, Arabit claimed that he had accepted his *kumare* GGG's invitation to go swimming and drinking. He proceeded to the apartment with sisters GGG and JJJ, aided by instructions texted by his cousin EEE. Other people were in the apartment when they arrived and EEE told them to wait for the vehicle that would take them to the resort. As they waited, people, who identified themselves as policemen, came running down from the second floor and arrested him and the other accused-appellants.⁹

Arabit admitted knowing Paralejas, Aguirre and Roxas. Among the ten¹⁰ girls found in the apartment, he claimed to know only GGG, JJJ and EEE, alleging that their arrest was the first time had seen the other girls.

According to Roxas, he agreed to join them when Paralejas invited him to a drinking party. A van subsequently took them, along with the other accused-appellants and "many girls," to a two-storey apartment in Quezon City. While he was left outside the apartment, he was handcuffed and brought inside by a man wearing a black jacket after he admitted knowing Paralejas.¹¹

The RTC's Ruling

In its Judgment¹² dated May 28, 2013, the RTC convicted accused-appellants of the crime of Qualified Trafficking in Persons and sentenced each of them to suffer the penalty of life imprisonment and to pay the fine of P2 million, with subsidiary imprisonment in case of insolvency. The RTC also ordered each of the accused-appellants to pay AAA, BBB, CCC and DDD P100,000 each as moral damages and P50,000 each as exemplary damages, and to pay the costs of suit.¹³

According to the RTC, while CCC and DDD were minors at the time of the commission of the crime, the Information alleged that DDD was already of legal age. It nonetheless considered CCC's minority as a qualifying circumstance but not that the crime was committed by a syndicate (involving three or more conspirators)¹⁴ and in large scale (involving three or more victims)¹⁵ as the same was not alleged in the Information.¹⁶

The RTC did not convict accused-appellants under RA 7610, holding that such a conviction would violate accused-appellants' constitutional right as the Information did not state the particular provision of said law –

⁹ Id. at 18.

¹⁰ Id.

¹¹ Id. at 18-19.

¹² Id. at 63-79.

¹³ Id. at 79.

¹⁴ Section 6(c), Republic Act No. (RA) 9208 or the "Anti-Trafficking in Persons Act of 2003."

¹⁵ CA *rollo*, p. 79.

¹⁶ Id. at. 76-77.

whether it is “Child Prostitution and Other Sexual Abuse” under Section 5 or “Child Trafficking” under Section 7 – that was violated.¹⁷

The RTC acquitted Roxas, finding doubt in his participation in the crime after private complainants denied knowing him and testified to only seeing him inside the white van that brought them to Quezon City.¹⁸

Accused-appellants appealed the RTC’s Judgment to the CA on the sole ground that their guilt was not proven beyond reasonable doubt. They argued that the evidence used by the prosecution to prove the purpose for which the girls were “recruited and transported” to the apartment was based on hearsay, and that there was no evidence that said apartment was a brothel or a prostitution den.¹⁹

The CA’s Ruling

On August 29, 2014, the CA rendered the assailed Decision affirming the RTC’s Judgment, subject to the modification that: (a) accused-appellants are jointly and severally liable to pay each of the private complainants the sums of P100,000 as moral damages and P50,000 as exemplary damages, and (b) interest at six percent (6%) *per annum* is imposed on the total monetary award from the finality of the decision until full payment.²⁰

The Court’s Ruling

The appeal lacks merit.

It has been an established rule in appellate review that the trial court’s factual findings – including its assessment of the credibility of the witnesses, the probative weight of their testimonies, and the conclusions drawn from the factual findings – are accorded great respect and even conclusive effect.²¹ These factual findings and conclusions assume greater weight if they are affirmed by the CA, as in this case.²² The Court refrains from disturbing the CA’s findings if no glaring errors bordering on a gross misapprehension of facts can be gleaned from them.²³

The Court finds no reason to overturn the CA’s findings and conclusion as to the guilt of accused-appellants.

¹⁷ *Id.*

¹⁸ *Id.* at 77-78.

¹⁹ *Id.* at 58.

²⁰ *Rollo*, p. 20.

²¹ *People of the Philippines v. Diu*, 708 Phil. 218, 232 (2013).

²² *Id.* at 232.

²³ *Bon v. People*, 464 Phil. 125, 140 (2004).

W

Based on Section 3(a) of RA 9208,²⁴ the elements of trafficking in persons are:

(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 at a minimum “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.”²⁵

The prosecution has satisfactorily established these elements.

Private complainants’ testimonies show that accused-appellants lured them into prostitution with the promise of financial benefit, the chance to use *shabu* and to travel abroad. Aguirre expressly induced BBB and DDD to have sex with foreigners in exchange for money and *shabu*. Paralejas fetched DDD from her home and brought her to Arabit’s house. Together with AAA and CCC, who had likewise been enticed with money to go drinking with foreigners, and six other girls, they were made to gather at Arabit’s house where accused-appellants instructed them to primp themselves to look good for the foreigners. Accused-appellants subsequently had all ten girls board a van and transported them from Arabit’s house in XXX to an apartment in Quezon City from which they would proceed to a hotel to meet the foreigners. *En route* to Quezon City, Aguirre told the girls that the foreigners would take them abroad. When they arrived at the apartment, accused-appellants forbade the girls from leaving and instructed them anew to fix their clothes and make-up. Later, Arabit and Aguirre offered all the girls what appeared to be *shabu* as payment for sex with the foreigners in addition to money.²⁶

Accused-appellants’ actions clearly indicate their intention to exploit private complainants. They establish beyond reasonable doubt that accused-appellants recruited and transported private complainants for purposes of prostitution and sexual exploitation.

²⁴ Section 3(a) of RA 9208 was amended by RA 10364, otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012,” which was approved on January 28, 2013. As the crime in this case was committed in 2010, we apply Section 3(a) of RA 9208 prior to its amendment. [See *People v. Casio*, 749 Phil. 458 (2014)].

²⁵ *People v. Casio*, 749 Phil. 458, 472-473 (2014).

²⁶ CA rollo, pp. 13-15.

14

As the RTC found, private complainants were still in their teens when they testified. That accused-appellants took advantage of their youth and vulnerability is, thus, beyond doubt. In fact, as the RTC noted, DDD testified that although she agreed to have sex with a foreigner, she felt scared and even wanted to turn back but had no choice because they were already in Quezon City.²⁷

To be sure, the recruitment and transportation punished under Section 3(a) of RA 9208 may be “with or without the victim’s consent or knowledge.” Thus, it is of no moment that accused-appellants obtained the consent of private complainants. Furthermore, as the CA noted, BBB, CCC and DDD were proven to be below 18 years old on the date the crime was committed; BBB was 14 years of age, while CCC and DDD were both 17 years old. They were, therefore, “children” within the purview of Section 3(b) of RA 9208.²⁸ Section 3(a) of RA 9208 explicitly provides that when the victim is a minor, the recruitment or transportation need not involve “*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.*” Indeed, this Court has ruled that “[e]ven without the use of coercive, abusive, or deceptive means, a minor’s consent is not given out of his or her own free will.”²⁹

Private complainants’ testimonies have likewise established conspiracy among accused-appellants. Conspiracy is the common design to commit a felony.³⁰ Direct proof, however, is not essential to show conspiracy.³¹ It need not be shown that the parties actually came together and agreed in express terms to enter into and pursue a common design.³² Proof of concerted action before, during and after the crime, which demonstrated their unity of design and objective is sufficient.³³

Accused-appellants’ actions, as consistently and categorically narrated³⁴ by private complainants under oath, unmistakably reveal “a common purpose and a community of interest indicative of a conspiracy.”³⁵ They were manifestly aimed at recruiting and transporting the victims for the

²⁷Id. at 26.

²⁸ Under Section 3(b) of RA 9208, a “child” is “a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.”

²⁹ *People v. Casio*, *supra* note 25, at 475.

³⁰ *Ho Wai Pang v. People*, 675 Phil. 692, 708 (2011).

³¹ *People v. Serrano*, 634 Phil. 406, 417 (2010) citing *People v. Santos*, 578 Phil. 535, 559 (2008).

³² *Ho Wai Pang v. People*, *supra* note 30, at 708; *People v. Serrano*, *supra*, at 417 citing *People v. Santos*, *supra*, at 559.

³³ *People v. Serrano*, *supra*, citing *People v. Santos*, *supra*.

³⁴ CA rollo, p. 22.

³⁵ *People v. Serrano*, *supra*, citing *People v. Santos*, *supra*.

14

purpose of exploiting them and offering them for prostitution.

Contrary to accused-appellant's argument, private complainants' testimonies as to what accused-appellants told them cannot be considered hearsay. True, a witness can testify only to those facts which he knows of his own personal knowledge, i.e., which are derived from his own perception; otherwise, such testimony would be hearsay.³⁶ In this case, however, the alleged statements were addressed to and directed at private complainants themselves. Thus, private complainants testified to a matter of fact that had been derived from their own perception.³⁷

Indeed, it has been held that testimony of what one heard a party say is not necessarily hearsay. It is admissible in evidence, not to show that the statement was true, but that it was in fact made. If credible, it may form part of the circumstantial evidence necessary to convict the accused.³⁸

The RTC, who had the opportunity to examine the demeanor of private complainants on the witness stand, found their testimonies to be solid and credible, thus:

The testimonies of the private complainants are worthy of belief, very credible and significantly corroborative of each other, directly and categorically, on its material points. When subjected to intense cross-examination by defense counsel, these same testimonies were consistent and strong in their essential facts, and even upon further questioning from the court, remained solid and unshaken. The court saw and heard the witnesses testify and found that the substance of their respective testimonies were further strengthened by the private complainants' candid and spontaneous demeanor on the witness stand.³⁹

A witness who testifies in a categorical, straightforward, spontaneous and frank manner and remains consistent is a credible witness.⁴⁰ Furthermore, it is settled that the issue of credibility is best addressed by the trial court, it being in a better position to decide such question, having heard the witness and observed his demeanor, conduct, and attitude under grueling examination. These are the most significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to believe. Verily, findings of the trial court on such matters will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked,

³⁶ Section 36, Rule 130, Rules of Court; *Bayani v. People*, 556 Phil. 737, 744 (2007), *People v. Manhuyod, Jr.*, 352 Phil. 866, 880 (1998).

³⁷ *Bon v. People*, *supra* note 23, at 137.

³⁸ *Id.*

³⁹ *CA rollo*, p. 22.

⁴⁰ *People v. Casela*, 547 Phil. 690, 700 (2007).

misapprehended or misinterpreted so as to materially affect the disposition of the case.⁴¹ The Court finds no such misapprehension or misinterpretation as to warrant a reversal of the RTC's assessment of private complainants' credibility as witnesses.

It is likewise settled that where there is nothing to indicate that a witness for the prosecution was actuated by improper motive, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit.⁴² In this case, it has not been shown that private complainants were moved by any improper motive to falsely implicate accused-appellants. AAA, in fact, testified that Arabit and Paralejas were members of her "*barkada*."

Furthermore, the hearsay rule has been premised on the theory that "(a) person who relates a hearsay is not obliged to enter into any particular, to answer any question, to solve any difficulties, to reconcile any contradictions, to explain any obscurities, to remove any ambiguities; and that she entrenches herself in the simple assertion that she was told so, and leaves the burden entirely upon the absent author."⁴³ In this case, accused-appellants were able to cross-examine private complainants; in fact, CCC was even subjected to re-cross-examination.⁴⁴ Thus, it cannot be said that private complainants had not been obliged to answer any question or to explain obscurities or contradictions, or that their testimonies had not been tested for veracity or truthfulness.

The Court cannot accept accused-appellants' argument that they cannot be convicted of trafficking in persons because the prosecution had not shown that the apartment in Quezon City was a brothel or that the foreigners were therein present, waiting to have "drug orgy and sex" with private complainants.

As the CA correctly observed, "*(t)he absence of foreigners in the apartment was due to the fact that said place was not the ultimate destination for the sex-trafficked victims;*" as AAA testified, private complainants "*were at the apartment only to rest, afterwhich [sic] they would proceed to a hotel to meet these foreigners.*"⁴⁵ 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

⁴¹ *People v. Diu*, *supra* note 21, at 231 citing *People v. Maxion*, 413 Phil. 740, 747-748 (2001); *People v. Dadao*, 725 Phil. 298, 310 (2014).

⁴² *People v. Aquino*, 724 Phil. 739, 755 (2014); *People v. Pidoy*, 453 Phil. 221, 227 (2003).

⁴³ *Patula v. People*, 685 Phil. 376 (2012), citing 5 Moran, *Comments on the Rules of Court*, 1963 Edition, pp. 267-268, which in turn cited *Coleman v. Southwick*, 9 Johnson (N.Y.), 45, 50, 6 Am. Dec. 253.

⁴⁴ *Rollo*, p. 26.

⁴⁵ *Id.*

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.⁴⁶ 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.

Accused-appellants denied committing the offense charged, claiming that they were themselves merely invited to join a swimming and drinking party. Accused-appellants, however, failed to present any independent evidence other than their own denial to bolster their claim. It is doctrinal that to merit credibility, denial must be buttressed by strong evidence of non-culpability.⁴⁷ If unsubstantiated by clear and convincing evidence, it is negative and self-serving, deserving no greater value than the testimony of credible witnesses who testify on affirmative matters.⁴⁸

Verily, accused-appellants' bare denial cannot prevail over the declarations of private complainants which have been found to be "solid," "very credible," "significantly corroborative" on material points, and untainted by any improper motive, and which have clearly established accused-appellants' guilt.

Under Section 6(a) of RA 9208, the crime of trafficking in persons is qualified "when the trafficked person is a child." BBB, CCC and DDD were minors or "children" at the time of the commission of the offense.⁴⁹ As the RTC noted, however, the Information alleged DDD to be 18 years of age, thus, her minority cannot be appreciated as a qualifying circumstance. Nonetheless, as the CA correctly held,⁵⁰ the minority of BBB and CCC, which has been sufficiently alleged in the Information and proven by their respective birth certificates, suffices to qualify the crime.

Any person found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than P2 million but not more than P5 million.⁵¹ The Court, thus, finds no error in the RTC's imposition of life imprisonment and P2 million fine on each of accused-appellants, as affirmed by the CA.

Since accused-appellants were each sentenced to life imprisonment,

⁴⁶ *People v. Casio*, *supra* note 25, at 466.

⁴⁷ *People v. Alfon*, 447 Phil. 138, 147 (2003).

⁴⁸ *Id.*

⁴⁹ *Rollo*, p. 16.

⁵⁰ *Id.*

⁵¹ Section 10 (c), RA 9208.

the RTC's imposition of subsidiary imprisonment in case of non-payment of the fine, as affirmed by the CA, is improper in view of the proscription thereon under paragraph 3, Article 39 of the Revised Penal Code, as amended, which provides that "(w)hen the principal penalty imposed is higher than *prision correccional*, no subsidiary imprisonment shall be imposed upon the culprit."⁵²

In line with prevailing jurisprudence, the Court increases the award of moral damages from P100,000 to P500,000 and the award of exemplary damages from P50,000 to P100,000.⁵³

The award of moral damages finds basis in Article 2219 of the Civil Code⁵⁴ which, in part, reads:

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;

x x x x

The criminal case of Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts.⁵⁵ In fact; it is worse, thus, justifying the award of moral damages.⁵⁶ Exemplary damages are imposed when the crime is aggravated,⁵⁷ as in this case.

As the CA correctly held, accused-appellants are jointly and severally liable to pay each private complainant the moral and exemplary damages,⁵⁸ pursuant to Article 110⁵⁹ of the Revised Penal Code.

⁵² *People v. Lacson*, 393 Phil. 574, 592 (2000); *People v. Macario*, 310 Phil. 581, 593 (1995).

⁵³ See *People v. Lalli, et al.*, 675 Phil. 126 (2011); *People v. Casio*, *supra* note 25; and *People v. Hirang*, G.R. No. 223528, January 11, 2017.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *People v. Hirang*, *supra* note 53.

⁵⁷ *Id.* See *People v. Lalli, et al.*, *supra* note 53, at 159. Article 2230, Civil Code.

⁵⁸ See *People v. Lalli et al.*, *supra* note 52; *People v. Matibag*, 390 Phil. 1113, 1125-1126 (2000).

⁵⁹ 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 principals, accomplices, and accessories, each within their respective class, shall be liable severally (*in solidum*) among themselves for their quotas, and subsidiaries for those of the other persons liable.

x x x x

14

The imposition of interest on the monetary award for damages finds support in the Court's ruling in *People v. Jugueta*.⁶¹

WHEREFORE, the Court of Appeals Decision dated August 29, 2014 in CA-G.R. CR-H.C. No. 06220 is **AFFIRMED** with **MODIFICATION** in that: (a) the imposition of subsidiary imprisonment in case of insolvency is deleted; and (b) moral damages and exemplary damages are increased to P500,000 and P100,000, respectively.

SO ORDERED.



NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

⁶¹ G.R. No. 202124, April 5, 2016, 788 SCRA 331.

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



MARIA LOURDES P. A. SERENO
Chief Justice