



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“G.R. No. 246976 (People of the Philippines v. Gercy Salvador y Neri a.k.a. ‘Angel’). – After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court’s appellate jurisdiction.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the November 26, 2018 Decision² of the CA in CA-G.R. CR-HC No. 09377 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Gercy Salvador y Neri a.k.a. ‘Angel’ **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons, defined and penalized under Section 4 (a), in relation to Sections 3 (a), 10 (a) and (c), and 12 (a) and (e) of Republic Act No. (RA) 10364,³ otherwise known as the ‘Expanded Anti-Trafficking in Persons Act of 2012,’ amending RA 9208,⁴ otherwise known as the ‘Anti-Trafficking in Persons Act of 2003.’ Accordingly, he is sentenced to suffer the penalty of life imprisonment, without eligibility for parole,⁵ and to pay a fine in the amount of ₱2,000,000.00. In light of prevailing jurisprudence,⁶ he is also

¹ See Notice of Appeal dated December 26, 2018; *rollo*, pp. 12-13.

² Id. at 3-11. Penned by Associate Justice Ricardo R. Rosario with Associate Justices Ma. Luisa C. Quijano-Padilla and Gabriel T. Robeniol, concurring.

³ Entitled “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,’” approved on February 6, 2013.

⁴ 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.

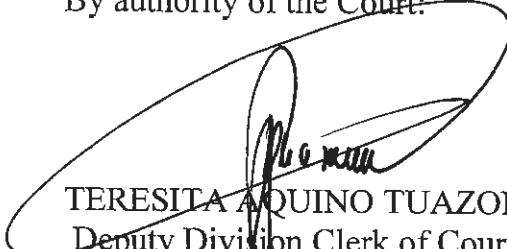
⁵ See A.M. No. 15-08-02-SC entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES,” dated August 4, 2015.

⁶ See *Santiago v. People*, G.R. No. 213760 July 1, 2019.

ordered to pay AAA⁷ and BBB⁸ the following amounts: (a) ₱500,000.00 as moral damages; and (b) ₱100,000.00 as exemplary damages. Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.⁹

SO ORDERED. (Baltazar-Padilla, *J.*, on leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Whh*
03 NOV 2020 10/29

⁷ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (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; RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (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]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victims.

⁸ Id.

⁹ See *Arambulo v. People*, G.R. No. 241834, July 24, 2019.

*PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th Floor, PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

*OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

*GERCY SALVADOR y NERI @ "ANGEL" (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 9
Manila
(Crim. Case No. 14-308205)

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-H.C. No. 09377

*with copy of CA Decision dated 26 November 2018
Please notify the Court of any change in your address.
GR246976. 09/02/2020B(193)URES(m) 10/18