SECOND DIVISION

[G.R. No. 278202. December 01, 2025]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOJIT MALICDEM *Y* SOMINTAC, ACCUSED.

MARIO BOBIER *Y* CAMATCIO, JANINE SANTOS *Y* ALANO, AND EVANGELINE MOLINA *Y* LABORTE, ACCUSED-APPELLANTS.

D E C I S I O N

LOPEZ, J., J.:

This Court resolves the Appeal[1] filed by Mario Bobier *y* Camatcio (Bobier), Janine Santos *y* Alano (Santos), and Evangeline Molina *y* Laborte (Molina) (collectively, Bobier et al.) assailing the Decision[2] of the Court of Appeals (CA). The CA affirmed with modification the Decision[3] of the Regional Trial Court (RTC), which convicted Bobier et al. of qualified trafficking in persons, defined and penalized under Section 4(a), in relation to Section 6(a) and (c) of Republic Act No. 9208,[4] as amended by Republic Act No. 10364.[5]

In an Information, Bobier et al. and Jojit Malicdem *y* Somintac (Malicdem) were charged with qualified trafficking in persons, as follows:

> That on or about the 27th day of November 2014, and on dates prior thereto, at [redacted], and within the jurisdiction of this Honorable Court, the above-named accused, acting as a syndicate composed of more than three (3) persons, conspiring, confederating, and all of them mutually aiding one another for the purpose of committing prostitution in large scale by taking advantage of the vulnerability of the victims, numbering more than three (3), by reason of poverty did then and there willfully, unlawfully and feloniously, and for profit, maintain or hire [CCC278202], [DDD278202][,] and [EEE278202], and minors [AAA278202] ([redacted] years old)* and [BBB278202] ([redacted] years old)* to engage in prostitution by pimping them off to customers to have sexual intercourse in exchange for money, thereby making prostitutes out of them, to the latter's damage and prejudice.
>
> CONTRARY TO LAW.[6]

Upon arraignment, Bobier et al. and Malicdem entered a plea of not guilty.[7] During pre-trial, the following facts were stipulated: (1) all the accused were arrested in [redacted]; and (2) the accused are the same persons charged in the Information.[8] Then, trial ensued.

The prosecution presented the following witnesses: (1) AAA278202, who was then a minor, having been born on [redacted] as evidenced by her Birth Certificate;[9] (2) BBB278202, who was then a minor, having been born on [redacted] as evidenced by her Birth Certificate;[10] (3) FFF278202; (4) National Bureau of Investigation (NBI) Agent Anne Sacheen V. Leaño (IA Leaño); (5) NBI Agent Glen R. Melodillar (IA Melodillar); (6) NBI Agent Roy Zuñiga (IA Zuñiga); and (7) Police Officer I Carl Lisboa (PO1 Lisboa).

On September 26, 2014, BBB278202, who was then [redacted] years old, began her job as a sex worker at a place called "Casa" in [redacted], which was operated by Bobier and Molina. BBB278202 was previously introduced to Molina by the former's childhood friend, prompting her to run away from home.[11]

In October 2014, FFF278202 likewise started working for Bobier, whom she knew to be a pimp, after being introduced to him by a friend.[12]

In November 2014, AAA278202, who was then [redacted] years old, was introduced to Bobier and Molina. AAA278202 was informed that she would be given work as a waitress, but in truth, she would be working as a sex worker.[13]

On November 25, 2014, the NBI Anti-Human Trafficking Division (NBI-AHTRAD) received information that human trafficking activities, through offers of sexual services of female sex workers for a fee, were being perpetrated by pimps known by the aliases "Mario" and "Paula" at their residence at [redacted],[14] [redacted]. At 8:45 p.m., the NBI operatives, the staff of Inter-Agency Council Against Trafficking-in-Persons, and female social workers proceeded to the target area. Upon reaching Bobier's house, Intelligence Agents (IA) William D. France (IA France) and (IA Melodillar) were ushered inside the house by Malicdem. Later, they were met by Santos, who showed them the girls, namely, DDD278202, EEE278202, and AAA278202. Santos subsequently received the marked money worth PHP 3,000.00, which he then gave to Molina. At around 9:30 p.m., IA France and IA Melodillar, together with DDD278202, EEE278202, and AAA278202, left Bobier's house and went to the nearby [redacted] Apartelle. At the check-in counter, the three women were taken into custody by the NBI operatives, who were accompanied by female social workers. The NBI operatives then went back to Bobier's house.[15]

At Bobier's house, the team introduced themselves as operatives of the NBI and arrested Bobier et al. and Malicdem. The operatives then rescued four other female sex workers, namely, CCC278202, FFF278202, GGG278202, and BBB278202. Meanwhile, PO1 Lisboa took photographs. Upon further interview, it was disclosed that

the average price for sexual services would cost PHP 1,000.00, where the sex workers would receive PHP 700.00 and the remaining PHP 300.00 would go to Bobier and Molina.[16]

The defense presented Bobier et al.

Bobier et al. and Malicdem interposed the defense of denial. Bobier, Santos and Molina testified that they did not know AAA278202, BBB278202, CCC278202, DDD278202, EEE278202, FFF278202, and GGG278202.

According to Bobier, he knew Santos, who was his daughter-in-law; Molina, who was his wife; and Malicdem, who was his neighbor. Bobier et al. all lived in the same house located at [redacted]. On November 27, 2014, at 8:00 p.m., Bobier was in his bedroom on the third floor of his house, when two male persons suddenly entered his room. The male persons dragged Bobier to the second floor of the house. There, he was handcuffed, together with Molina, Santos, and Malicdem, and their photographs were taken. Molina, Santos, and Malicdem told Bobier that they were being charged with human trafficking. They were then brought to the NBI and transferred to the city jail.[17]

Santos testified that on November 27, 2014, between 9:00 p.m. and 10:00 p.m., she was in their house located at [redacted]. She was on the second floor with her youngest child, when three male persons suddenly entered their house and asked who owned the house. Santos answered that Bobier and Molina owned it. She further told them that they were currently on the third floor of the house. They proceeded to the third floor of the house, and when they went down, they brought with them Bobier and Molina. Malicdem was brought from downstairs of their house and made to line up with them. They talked to her mother-in-law, Molina. However, she was not able to hear their conversation. They were brought out of the house and were arrested for the crime of trafficking. Santos stated that she knew Bobier and Molina because she is married to their son. On cross-examination, Santos stated that the pictures taken in their house, which included AAA278202, CCC278202, DDD278202, FFF278202, and GGG278202 were fake.[18]

Molina testified that on November 27, 2014, between 9:00 p.m. and 10:00 p.m., she was on the third floor of their house and was with her husband, Bobier, and their grandchildren. The armed men then went inside their room, asked for their names and the owner of the house. When they answered in the affirmative, Molina and Bobier were brought to the second floor and were made to line up with Santos and Malicdem. They were told to ride a van and were brought to the NBI premises for the crime of human trafficking.[19]

On the other hand, Malicdem testified that at around 9:00 p.m. on November 27, 2014, he was at his house located at [redacted]. At that time, a group of men arrived and asked him if he knew Bobier. Malicdem pointed at Bobier's house since they had been neighbors since 1989. Malicdem accompanied the strange

men at the house he mentioned and, upon arrival, the group of men started talking with the owners of the house, while Malicdem was busy talking to his godchild, who is Bobier's grandson. After 20 minutes, the NBI agents arrived, together with media personnel. Malicdem was then arrested, together with Bobier et al.[20]

In its Decision,[21] the RTC found Bobier et al. guilty beyond reasonable doubt of the crime of qualified trafficking in persons and acquitted Malicdem of the crime. The dispositive portion of the Decision reads:

> WHEREFORE, premises considered, Judgment is hereby rendered as follows:
>
> 1. This Court finds Accused MARIO BOBIER, JANINE SANTOS, and EVANGELINE MOLINA LABORTE, in Criminal Case No. 93004, GUILTY by proof beyond reasonable doubt for Qualified Trafficking in Persons under Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. 9208 as amended by Republic Act No. 10364. Accordingly, they are sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine in the amount of Two Million Pesos ([PHP] 2,000,000.00). They are likewise ordered to pay each of the [p]rivate [c]omplainants [AAA278202] and [BBB278202], the amount of Five Hundred Thousand Pesos ([PHP] 500,000.00) as moral damages and One Hundred Thousand Pesos ([PHP] 100,000.00) as exemplary damages, both with legal interest at the rate of six percent (6%) *per annum* from the finality of this Decision until fully paid; and
>
> 2. This Court finds Accused JOJIT SUMINTAC MALICDEM, NOT GUILTY for Qualified Trafficking in Persons under Section 4(a) and (e) in relation to Section 6(a) and (c) of Republic Act No. 9208 as amended by Republic Act No. 10364, thereby he is hereby ACQUITTED.
>
> SO ORDERED.[22]

The RTC ruled that the consistent, credible, and direct testimonies of complainants AAA278202 and BBB278202, and witness FFF278202 clearly established the elements of qualified trafficking as follows: (1) Bobier et al., through another employee, recruited the victims; (2) based on the victims' testimonies, Bobier et al. committed qualified trafficking by taking advantage of the victims' vulnerability by enticing them with a hefty paying job; and (3) Bobier et al. recruited the victims for the purpose of offering the victims' sexual services to different customers in exchange for money. The offense of trafficking is qualified because the offense was committed against victim AAA278202, who was then [redacted] years old, and because the crime was committed by a syndicate or group of three persons, Bobier et al., who were conspiring or confederating with one another. Conspiracy was also established by the private complainants when they testified as to the common purpose and a community of interest indicative of a conspiracy among the accused from the time they were recruited, up to the time they

were pimped for the purpose of sexually exploiting them and offering them for prostitution.[23]

Aggrieved, Bobier et al. appealed to the CA.

In their Appellant's Brief,[24] Bobier et al. argued that the alleged prior surveillance was highly questionable. While IA Melodillar claimed that they conducted surveillance on November 25, 2014 before proceeding with the entrapment operation, the prosecution failed to present any other evidence other than IA Melodillar's self-serving testimony and sworn statement, to establish such prior surveillance. IA Melodillar categorically admitted that the alleged prior surveillance was not covered by a mission order since it was only relayed to them orally by their superior, Atty. Car Nuqui, and that no photographs and/or videos were taken during the surveillance. Even if there was prior surveillance, it is dubious why the operatives did not secure a search warrant and instead resorted to an entrapment operation. If the officers were able to confirm that Bobier et al. were engaged in human trafficking and that the said victims were staying in the latter's house, then they could have already applied for a search warrant but the officers did not do so. Bobier et al. also averred that the elements necessary to constitute the offense of qualified trafficking were lacking in this case. According to them, police officers failed to present all the marked money allegedly paid to avail the services of the subject sex workers during the entrapment operation. Bobier et al. argued that they should be acquitted in the absence of any other direct evidence proving that Bobier et al. acted in conspiracy with each other to commit qualified trafficking.[25]

In its Appellee's Brief,[26] the Office of the Solicitor General (OSG) averred that all the elements of the offense charged are present, as follows: (1) the testimonies of the prosecution's witnesses, the women involved were recruited by Bobier et al. to work as sex workers. These women were told that they could stay at Bobier's house and work by "entertaining" guests to make money; (2) Bobier et al. took advantage of the victims' poverty by enticing them to earn money; and (3) Bobier et al. knew that private complainants were run-aways with nowhere to go, thus exploited, and convinced them to work as sex workers.[27]

In its Decision,[28] the CA affirmed with modification, the RTC's conviction of Bobier et al. The dispositive portion of the Decision states:

> WHEREFORE, foregoing premises considered, the appeal is hereby DENIED. The [September 22, 2022] Decision of the Regional Trial Court, Family Court-Branch 130), [redacted] City, in Criminal Case No. C-93004 finding MARIO BOBIER [*y*] Camatcio, JANINE SANTOS [*y*] Alano, and EVANGELINE MOLINA [*y*] Laborte guilty beyond reasonable doubt of Qualified Trafficking in Persons, is AFFIRMED with MODIFICATION in that the appellants' liability to pay moral and exemplary damages is joint and several.

Other respect of the assailed Decision is affirmed.

SO ORDERED.[29]

The CA found that all the elements of qualified trafficking were proven through the testimonies of AAA278202 and BBB278202. Their testimonies showed that Bobier et al. recruited, received, transferred, and exploited them to work as sex workers. At the time of the commission of the crime, AAA278202 and BBB278202 were [redacted] years old and [redacted] years old, respectively.[30]

The CA also ruled that Bobier et al.'s failure to question the validity of their warrantless arrest through a motion to quash the Information is tantamount to acquiescing to the validity of the warrant.[31]

As to the damages awarded, the CA held that the RTC properly awarded moral damages in the amount of PHP 500,000.00 each, and exemplary damages of PHP 100,000.00 each, both with legal interest at 6% per annum from the finality of judgment until full payment. However, the CA added that Bobier et al.'s liability to pay moral and exemplary damages is joint and several.[32]

Hence, Bobier et al. filed this Appeal.

In a Resolution,[33] this Court directed the parties to file their respective supplemental briefs. However, both accused-appellant and plaintiff-appellee filed their respective Manifestations[34] stating that they would no longer file supplemental briefs and, instead, would adopt their Briefs filed before the CA.

The sole issue for this Court's resolution is whether the CA correctly sustained the conviction of accused-appellants Mario Bobier *y* Camatcio, Janine Santos *y* Alano, and Evangeline Molina *y* Laborte.

This Court's Ruling

The Appeal has no merit.

The presumption of innocence in favor of the accused behooves the People of the Philippines, as the plaintiff in criminal cases, to prove beyond reasonable doubt not only each element of the crime, but also the identity of the accused as the perpetrator.[35] In reviewing criminal cases, this Court must determine and establish the identity of the accused as the perpetrator of the crime, and all the elements constituting the crime were duly proven by the prosecution to be present.[36] It is the prosecution's primary responsibility to prove the identity of the accused as the malefactor.[37] Thus, in every criminal prosecution, the identity of the offender, like the crime itself, must be established by proof beyond reasonable doubt.[38] The prosecution's first duty is not to prove the crime, but to prove the identity of the criminal, for even if the commission of

the crime can be established, there can be no conviction without proof of identity of the criminal beyond reasonable doubt.[39]

Here, the prosecution prove the identities of accused-appellants as AAA278202 and BBB278202's sex traffickers. Both AAA278202 and BBB278202, and IA Leaño positively identified accused-appellants during the trials as the persons who conspired with each other to commit the crime of qualified trafficking.

AAA278202 testified:

> ASP Azarcon:
> Q: In this Salaysay Exhibit "C" you point to one Mario Bobier [*y*] Camatcio is the head in trafficking in persons, do you remember that?
> A: Yes, sir.
>
> Q: Is he present inside the courtroom?
> A: Yes, sir.
>
> Q: By the way, can you point to this Mario Bobier?
> A: That person[,] sir.
> (witness pointing to one of the detainees seated inside the courtroom[,] who when asked[,] his name answered MARIO BOBIER).
>
> Q: What about Janine Santos[,] is she present here in the courtroom, she is also involved in qualified trafficking in persons?
> A: Yes[,] sir, she is present.
>
> Q: Will you kindly point to her?
> A: Yes, sir[,] that woman.
> (witness pointing to a woman seated inside the courtroom who when asked her name answered, JANINE SANTOS).
>
> Q: What about Evangeline Laborte?
> A: That woman, sir.
>
> . . . .
>
> Q: Why do you know these persons you pointed a while ago as involved in trafficking of persons?
> A: They were all introduced to me by a friend, sir.
>
> Q: Introduced as what?
> A: As our employers in the job what we were applying for and all the while I thought that we will be working as waitress, sir.
>
> Q: So, you are applying as waitress?
> A: Yes, sir.[40]

BBB278202 also identified Bobier as the owner of the house. He also stated that whenever Bobier was not in the house, Santos would greet the customers, and that both Bobier and Santos were pimps. According to BBB278202:

Q: Do you know the accused in this case Mario Bobier?
A: Yes, sir.

Q: Is he present now in the courtroom?
A: Yes, sir.

Q: Will you kindly point to him?
(Witness pointing to a person in the first row second detain person who gave his name MARIO BOBIER)

. . . .

Q: Who is the owner of that house?
A: Mario Bobier, sir.[41]

. . . .

Q: Do you know the other accused in this case JANINE SANTOS?
A: Yes, sir.

Q: Is she also present in the Courtroom?
A: Yes, sir.

Q: Will you kindly point to her?
(Witness pointing to a person in the first row fourth detained person whom when asked answered by the name of JANINE SANTOS).[42]

. . . .

Q: What if Mario is not around, who will entertain them?
A: Janine, sir.

Q: You are referring to the accused Janine Santos?
A: Yes, Sir.

. . . .

Q: Whether Mario or Janine entertains the customers, is that correct?
A: Yes, sir.

Q: Who will suggest the price?
A: The pimp, Sir.

Q: Who?
A: Mario Bobier or Janine Santos, Sir.[43]

. . . .

Q: Do you know the other accused in this case Evangeline Molina Laborte?
A: Yes, sir.

Q: Why do you know her?
A: She is the wife of Tito Mario, sir.

Q: You are referring to the accused MARIO BOBIER?
A: Yes, sir.

Q: Will you kindly point to her?
(Witness pointing to a person who when asked answered by the name of EVANGELINE MOLINA LABORTE).[44]

. . . .

Q: And where will the customer pay, to you or to Mario?
A: Sometimes to us, sometimes to Mario, Sir.

Q: And when the money was given to Mario, who will give the money, the seven hundred (700) share[s] of yours?
A: Sometimes it [was his] wife Nanay Evangeline who handed to me my share.

Q: You are referring to Evangeline Molina, the accused in this case?
A: Yes, Sir.[45]

IA Leaño likewise testified:

Q: Do you know how many [are] the accused in this case?
A: Yes, sir.

Q: How many accused?
A: A total of four (4) MARIO BOBIER, JANINE, EVANGELINE[,] and JOJIT MALICDEM, sir.

Q: Are they present in the [c]ourtroom now?
A: Yes, sir.

Q: Is Mario Bobier present?
A: Yes, sir. Can I [approach] them?

ASP AZARCON:

You may.

COURT:
Once you [are tapped] on the shoulder[,] stand up and identify yourself.
A: (Witness tap on the shoulder, whom when ask[ed] identified themselves as Mario BOBIER, JOJIT MALICDEM, JANINE Santos and EVANGELINE the four (4) accused were identified by the witness in this case)[46]

The prosecution thus established Bobier et al.'s identities with moral certainty as AAA278202 and BBB278202's sex traffickers.

Section 4(a), in relation to section 6(a), of Republic Act No. 9208, as amended by Republic Act No. 10364 reads:

> Section 4. *Acts of Trafficking in Persons*. — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:
>
> > (a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage[.]
> >
> > . . . .
> >
> > Section 6. *Qualified Trafficking in Persons*. — The following are considered as qualified trafficking:
> >
> > > (a) When the trafficked person is a child[.]

In *People v. Casio*,[47] this Court enumerated the elements of trafficking in persons:

> (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."[48] (Emphasis supplied, citation omitted)

The crime of trafficking is qualified when the trafficked person is a child, defined as any "person below 18 years of age or one who is over 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."[49] In this case, the recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" regardless of the means used.[50] More, the child's consent to the sexual transaction is irrelevant to the commission of the crime as victims who are minors cannot validly give their consent. [51]

Here, all the elements of qualified trafficking were duly established by the prosecution. *First*, accused-appellants recruited, received, and transferred BBB278202 to work as a sex worker. BBB278202 was told that she could stay at Bobier's house and work to entertain guests to make money. *Second*, accused-appellants took advantage of BBB278202's vulnerability so she could work as a sex worker, knowing that BBB278202 ran away from home, with nowhere to go. Bobier took advantage of BBB278202's situation and exploited her. *Third*, Bobier was able to convince BBB278202 to work as a sex worker. BBB278202 testified:

Q: Now you said you live at the shell house managed and owned by Mario?
A: Yes, Sir.

Q: How come you were able to stay there?
A: On October 26, 2014[,] I had a fight with my mother[,] so I ran away from her. With the right timing, Tatay Mario called up and told me that there [was] a customer for me[,] Sir. So, since that day, I stayed in his house[,] Sir.

Q: Am I correct to say that Mario did not convince you to stay in his house?
A: He did not, Sir.

Q: Am I also correct to say that you went there of your own elation?
A: Yes[,] Sir, together with my friend [redacted], I was told that we can stay in his house.

Q: And indeed you stayed there?
A: Yes, Sir.

Q: And how did you find your stay there?
A: "*Maganda naman po.*"

Q: Am I referring to the day one of your stay until the time that the NBI raid[ed] your house?
A: Yes, Sir.

Q: You were not harm[ed] by Mario?

A: No, Sir.

Q: At any time[,] you were not force[d] by Mario?
A: There were instances with the customers Sir[.] [S]ometimes I refused to go out with the customers[,] and Mario force[d] me to go out, Sir.

Q: It is only Mario?
A: Yes, Sir.

Q: All other accused [were] not doing that to you?
A: No, Sir.[52]

. . . .

ASP AZARCON:
Q: Do you remember where you were on November 27, 2014?
A: Yes, Sir.

Q: Where were you?
A: I was in the house of Mario Bobier [redacted], sir.

Q: Why were you staying there?
A: I ran away from my own home[.] I know I was the one at fault, but I ran away, sir.

Q: Where was your mother staying?
A: [redacted], sir.

Q: And where is this shell house located?
A: [redacted], sir.

Q: And since when have you been staying in the shell house?
A: From the time I starter [sic] working for him, sir.

Q: Who is that for him?
A: Mario Bobier, sir.

Q: As what?
A: As casa, sir.

Q: When you say casa, what do you mean by that?
A: Being sold for sexual activity for male customer[s], sir.

Q: Can you tell us since when have you been employed [by] Mario Bobier at Casa?

A: In September, when I was introduced by [redacted] my childhood friend, September 26, 2014, sir.

Q: Will you describe this casa, what is this kind of business?
A: It is a house with a contact and that contact calls that we will have a schedule [where] Mario Bobier will bring us to [a] customer, sir.[53]

. . . .

Q: You started working there on September 26, 2014?
A: Yes, your Honor.

Q: How much do you [receive] monthly?
A: I cannot approximate[,] we received it on [a] daily basis, your Honor.

Q: And you received this money after the customer has been served?
A: Yes, your Honor.

Q: Who handed to you this money?
A: Sometime[s] it was the guest[,] and sometime[s] it was Tito Mario, your Honor.

COURT:
Proceed.

ASP AZARCON:
Q: Will you tell us is [sic] this customer being entertained, or how you met these customers?
A: Through the cellphone of Mario Bobier, has several contacts and the contacts contacted him and Tito Mario informed, us, sir.

Q: How were you contacted?
A: Personally, sir.

Q: How did he tell you?
A: He will usually tell us [sic] "*O[,] [m]ay customer kayo*" that is it, sir.

COURT:
[On] your part[,] do you have guest[s] [every day]?
A: Not [every day], your Honor.

Q: In one week[,] how many times?
A: Four (4) or five (5) guests, your Honor.

Q: You were taken out of the Shell house[,] or [did] the customer fetch you there?

A: Yes, your Honor, but sometimes Mario Bobier [brought] us to the customer, your Honor,

COURT:
Proceed, fiscal.

ASP AZARCON:
Q: After that[,] this Mario Bobier tell you there is a customer to you personally and after telling you, the place you will go with Mario?
A: Yes, Sir.

Q: Who will choose the place?
A: The guests, sir.

Q: Like you[,] [w]here were you fetch[ed]?
A: Sometimes in a hotel, sometimes in a house in [redacted],sir.

COURT:
In [redacted] or different places?
A: Sometimes near [redacted], your Honor.

COURT:
Proceed.

ASP AZARCON:
Q: And from September 2014 up to November 27, 2014, will you tell us who [were] your customers?
A: Filipino, Chinese, tugboat, sir.

Q: When you say tugboat, are they seaman?
A: Small time fisherm[e]n, sir.

Q: Now, you are being brought to the place by the accused Mario Bobier, where will Mario go after that?
A: He goes back to their house, sir.

Q: And what mode of transportation was used in bringing you there?
A: Motorcycle, tricycle, sir.

Q: After being brought to a customer he will go back to shell house?
A: Yes, sir.

COURT:
Q: And you have sex with the customer?
A: Yes, your Honor.

Q: And after which you will go home alone?
A: Yes, your Honor.

Q: How about the money?
A: Sometime[s] the customer handed to me the money[,] sometime[s] Mario Bobier handed [it] to me, your Honor.

Q: How much?
A: Most of the time[,] one thousand ([PHP] 1,000.00)[,] three hundred goes to them[,] seven hundred ([PHP] 700.00) pesos to us, your Honor.

Q: Who are the[y] you are referring to?
A: Mario Bobier and Evangeline, the wife, your Honor.

ASP AZARCON:
Q: What is the position of the two (2)?
A: Ate Janine, sometime[s] was being instructed to take care of us whenever Mario Bobier is busy, your [sic] sir.

Q: How about Jojit?
A: He b[r]ought us to [the] casa[.] [H]e was the one who introduced the casa to customer[,] Sir.

Q: How did you know that?
A: That was his action on November 27, 2014, sir.

Q: You said that for the amount of one thousand ([PHP] 1,000.00) pesos[,] seven hundred ([PHP] 700.00) pesos will go to you[,] and the three hundred ([PHP] 300.00) pesos will go to Mario and Evangeline[.] [M]y question is[,] what about the expenses of your stay in the house or the rent or food?
A: We have free rice and we will take charge of the viand, [sic] we will buy our viand, sir.

Q: Who provide for the rice?
A: (*Sila-sila rin po*) Tito Mario, Vangie, Ate Dang, almost all of them, sir.

Q: How old were you then on September 26, 2014?
A: [redacted], sir.

COURT:
Q: Did you tell Mario that you are [sic] [redacted] years old at that time?
A: Yes, your Honor.

ASP AZARCON:
Q: So [sic] you are free on your board and lodging except for the viand, what about your clothes?
A: We provide for our clothes, sir.

Q: During your stay there . . . by the way, is it possible that there were more than one customer a day?
A: Possible, sir.

Q: More or less in your sexual service, how many hours can you do this?
A: Three (3), sir.

Q: Three (3) hours in the house or hotel?
A: Hotel, sir.

Q: These customers of yours, these are all male, no female?
A: None, sir.

COURT:
Q: Do you remember if you have customer[,] a police officer?
A: Yes, your Honor.

Q: Lawyer?
A: None, your Honor.

Q: Do you know the name of that policeman?
A: No, your Honor.

Q: What about barangay official?
A: There was, sir,

Q: So[,] in a day[,] twenty-four (24) hours[,] you will have more than one (1) customer?
A: It is possible, sir.

Q: If there are two (2) or three (3) customers[,] seven hundred ([PHP] 700.00) pesos is the minimum[,] it would be double or triple?
A: Yes, your Honor.

Q: But the minimum is seven hundred ([PHP] 700.00) per service?
A: But sometimes it is more than one thousand ([PHP] 1,000.00)[,] it depends [on] Mario Bobier and the customer, sir.

ASP AZARCON:
May I proceed, your Honor.

COURT:
Proceed.

Q: What about this Evangeline, do you remember if there was an occasion that she was negotiating with the customer?
A: I did not see her conversing with customers, but she handles the money, sir.

Q: Do you remember if you entertain[ed] customer[s] in the shell house?
A: No, sir.

Q: So[,] the customer must take or you were brought by Mario Bobier to the customer?
A: Yes, sir.[54]

. . . .

Q: Who is the owner of that house?
A: Mario Bobier, sir.[55]

. . . .

Q: What if Mario is not around, who will entertain them?
A: Janine, sir.

Q: You are referring to the accused Janine Santos?
A: Yes, Sir.[56]

. . . .

Q: Whether Mario or Janine entertains the customers, is that correct?
A: Yes, sir.

Q: Who will suggest the price?
A: The pimp, Sir.

Q: Who?
A: Mario Bobier or Janine Santos, Sir.[57]

. . . .

Q: And where will the customer pay, to you or to Mario?
A: Sometimes to us, sometimes to Mario, Sir.

Q: And when the money was given to Mario, who will give the money, the seven hundred ([PHP 700.00]) share of yours?
A: Sometimes it [was his] wife Nanay Evangeline who handed to me my share.

Q: You are referring to Evangeline Molina, the accused in this case?
A: Yes, Sir.[58]

AAA278202's testimony established that accused-appellants are guilty beyond reasonable doubt of qualified trafficking. More, at the time of accused-appellants' commission of the offense, AAA278202 was only [redacted] years old. According to AAA278202:

Q: Why do you know these persons you pointed a while ago as involved in trafficking in persons?
A: They were all introduced to me by a friend, sir.

Q: Introduced as what?
A: As our employers in the job that we were applying for and all the while I thought that we will be working as waitress, sir.

Q: So, you are applying as waitress?
A: Yes, sir.

Q: And what happened when you appl[ied]?
A: They employed us sir, I thought it was just being a waitress.

Q: So, what was your job then?
A: We accept customers[,] sir.

Q: For what?
A: We accept customers according to them for us to earn an income [sic] and later [sic] I did not consent to that [sic] sir [sic] because I learned that the money that we will earn we need to share to these employers. For example, if we receive [PHP] 1,000.00 we only get [PHP] 700.00 and the [PHP] 300.00 will be given to the employer.

Q: What services would you do for the fee of [PHP] 1,000.00?
A: Service for sex[,] sir[,] to male customers.

Q: And who will find you[r] customers?
A: M[a]rio [sic] Bobier.

Q: [A]nd who else?
A: Janine Santos.

Q: The two you pointed a while ago?
A: Yes, sir.

Q: How many were you employed as sex workers?
A: We used to have many co-workers sir but right now seven (7) of us remain.

. . . .

Q: When was the last time you were employed [by] Mario Bobier?

A: November 27, 2014.

Q: Do you remember what happened on November 27, 2014?
A: Yes, sir.

Q: What happened?
A: I received a text message from Marie Moledo asking me if I want some money and I said yes. After a while I learned that the text came from the NBI.

Q: And then?
A: We were told that they only need one hour so we were in a hurry to get other girls but some of the girls refused because they are tired but Mario forced them to come.

Q: How old were you then on November 27, 2014?
A: [redacted] years old.

Q: Do you have your Birth Certificate now?
A: None, sir.

Q: By the way, I have here with me on my record from the Prosecutor's Office [the] Birth Certificate of [AAA278202], do you know whose Birth Certificate is this?
A: This is my birth certificate, sir.

Q: And can you tell us why your name [is] [AAA278202] and in your Birth Certificate is [AAA278202]?
A: My real middle name sir is [redacted][,] but there [was] an error when the Birth Certificate was registered.

Q: What is the name of your mother?
A: [redacted].

Q: And your father?
A: [redacted].

ASP Azarcon:

We request, Your Honor, that this Birth Certificate be marked as Exhibit "D" for the prosecution; the name of my witness as Exhibit "D-1"; date of birth as Exhibit "D-2"; and the name of mother and father as Exhibit "D-3".

. . . .

Q: You said that you are employed there with Mr. Bobier and company as a sex worker wherein you indulged services in sex for money and you

said that per customer [PHP] 1,000.00, can you explain how the customer will come to you, in what manner?

A: Sometimes the customer texted Mario Bobier asking for women sir [sic] and sometimes the customers would walk-in to the house of Mario Bobier asking for women.

Q: So, the customer would test or communicate with Mario?
A: Yes, sir.

Q: And after communicating with Mario[,] what happened?
A: Mario Bobier will call us to go with the customer, sir.

Q: After the customer would come to your place?
A: Yes, sir.

Court to the witness:
Q: Whose house?
A: Mario Bobier's house, Your Honor.

ASP Azarcon:
Q: And where is this house located?
A: In [redacted].

Q: And why [were] you there?
A: Because of my friend, sir.

Q: Do you sleep in that place?
A: No, sir.

Q: And you just go there whenever there is a customer?
A: Yes, sir.

Q: Who will inform you?
A: Mario Bobier will inform me through text message.

Q: So, he will just text you whenever a customer is available?
A: Yes, sir.

Q: And you will go to the place?
A: Yes, sir.

Q: And after you go to the place[,] what will you do there?
A: Mario will bring me to the place as agreed upon with the customer, sir.

Q: Actually, what place will he bring you?
A: To the hotel.

Q: Where, what hotel will he bring you?
A: To the Sogo hotel.

Q: In what city?
A: In [redacted].

Q: What mode of transportation will you take together with Mario Bobier?
A: If the customer will walk-in to Mario's house, I go to the hotel with the customer, we used the customer's car sir but if Mario will bring me to the customer[,] Mario and I will use the tricycle.

Q: Whose tricycle is that?
A: Mario's tricycle.

Q: From [redacted]?
A: Sometime[s] Mario and I will meet the customer in [redacted] and then will board the car of the customer and the customer and I will go to the [redacted], sir.

Q: And how about the payment?
A: Sometimes the customer handed the money to Mario, sometimes the customer will pay me directly, sir.

Q: For the [PHP] 1,000.00 given to you[,] how much will be for Mario?
A: [PHP] 300.00 for Mario.

Q: While the [PHP] 700.00 to you?
A: Yes, sir to me.

Q: More or less[,] how many customers will Mario find in a day for you?
A: Two (2) customers for me, sir.

Q: In a day?
A: Yes, sir.

Q: So, you will receive [PHP] 1,400.00 while Mario will receive [PHP] 600.00?
A: Yes, sir.

Court to the witness:
Q: For the [PHP] 700.00 payment of the customer[,] how many hours will you spend in the hotel?
A: 3 hours, Your Honor.

ASP Azarcon:
Q: After your services[,] where do you go?
A: To Mario's house.

Q: What will you do in Mario's house?
A: Sometime[s] I wait for the next customer as Mario's instruction, sir.

Q: And where is this place of Mario?
A: In [redacted].

Court to the witness:
Q: So, in every customer that you have[,] you only deal with Mario Bobier?
A: Yes, Your Honor.

ASP Azarcon:

. . . .

Q: There are other accused in this case[,] can you tell us what is the role of Janine Santos?
A: When Tatay Mario is not available Janine Santos takes over and bring[s] us to the customer.

Q: How will she communicate with the customer?
A: Through cellphone.

Q: Whose cellphone?
A: Tatay Mario's cellphone.

Q: So, the customer will text Mario then he will text Janine is that what you said?
A: Yes, sir.

Q: And Janine will communicate with you?
A: Yes, sir.[59]

AAA278202's testimony corroborated BBB278202's testimony. She testified that she was only [redacted] years old at the time of the commission of the offense. AAA278202 also testified that when she applied for work with accused-appellants, she thought that she would be working as a waitress. However, she found out that she would be a sex worker. For every client that AAA278202 would provide sexual services, it would cost the client PHP 1,000.00 where AAA278202 would receive [PHP] 700.00, and Bobier would get PHP 300.00.

The elements of qualified trafficking were established beyond reasonable doubt, through AAA278202 and BBB278202's testimonies. Their testimonies show that accused-appellants recruited, received, transferred, and exploited AAA278202 and BBB278202 to work as sex workers. At the time of the commission of the crime on November 27, 2014, AAA278202 was [redacted] years old having been born on [redacted], and BBB278202 was [redacted] years old having been born on [redacted], as evidenced by

their Certificates of Live Birth.[60]

As regards the issue of the validity of the warrantless arrest, We find that the failure of accused-appellants to move for the quashal of the Information on the ground of the illegality of the warrantless arrest constitute a waiver to question the same.[61]

In contrast with the testimonies of prosecution witnesses AAA278202, BBB278202, and IA Leaño, accused-appellants merely offered the defense of denial. The bare denial of accused-appellants cannot prevail over the positive and categorical testimonies and identification of the prosecution's witnesses.

It is a well-settled rule that positive identification of the accused, where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over denial, which if not substantiated by clear and convincing evidence, as in this case, is negative and self-serving evidence undeserving of weight in law.[62] In this case, the entrapment and rescue operation on November 27, 2014 lend credence to AAA278202 and BBB278202's testimonies that accused-appellants subjected them to the crime of trafficking. We find no reason to overturn the RTC's findings in the absence of showing that it overlooked or misapplied the facts and circumstances of the same case.[63] More, the factual findings of the RTC are affirmed by the CA.[64] Thus, this Court defers to the RTC in this respect, considering that it was in the best position to assess and determine the credibility of the witnesses presented by both parties.[65]

Section 6(a)[66] and (c)[67] of Republic Act No. 9208, as amended, respectively provides that the offense of trafficking is qualified when the person trafficked is a child, and when it is committed in a large scale or against three or more persons, individually, or as a group. Considering the ages of AAA278202 and BBB278202 and the fact of commission of the offense in large scale by accused-appellants are qualifying circumstances which were alleged in the Information and proven during the trial, We affirm accused-appellants' conviction for qualified trafficking in persons.

As to the proper penalty to be imposed on accused-appellants, Section 10(c)[68] of Republic Act No. 9208 states that persons found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than PHP 2,000,000.00 but not more than PHP 5,000,000.00. Thus, the CA correctly sentenced accused-appellants to suffer the penalty of life imprisonment and to pay a fine of PHP 2,000,000.00.

As regards the award of moral damages and exemplary damages, jurisprudence has settled that each of the victims named in the Information deserve a measure of recompense.[69] In *People v. Kelley*,[70] this Court ruled:

> Accused-appellants were found guilty of operating as a syndicate to commit qualified trafficking in persons. Their offense was committed as much against the 15 other women rescued on May 22, 2013 as it was against

> OOO. Even if it was only OOO who personally testified, her testimony, along with those of P/Supt. Puapo and PO3 Pagumpaton, and the entire corpus of evidence adduced by the prosecution attest to the manifold operation of accused-appellants whose object was by no means OOO alone. AAA, BBB, CCC, DDD, EEE, FFF, GGG, HHH, III, JJJ, KKK, LLL, MMM, NNN, and PPP are as much victims of accused-appellants' sinister designs. They are each equally deserving of a measure of recompense. As such, this Court orders the payment of moral damages, not just to OOO, but to each of the 15 other victims rescued on May 22, 2013.[71]

Applying the ruling in *Kelley*, We find that the CA correctly ordered accused-appellants to pay, jointly and severally,[72] each of the victims AAA278202 and BBB278202 PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages, as such amounts are at par with prevailing jurisprudence.[73] Further, this Court deems it proper to impose on all monetary awards due to victims AAA278202 and BBB278202, a legal interest of 6% per annum from finality of judgment until full payment.[74]

ACCORDINGLY, the Appeal is **DISMISSED**. The June 14, 2024 Decision of the Court of Appeals in CA-G.R. CR-HC No. 17471 is **AFFIRMED**. Accused-appellants Mario Bobier *y* Camatcio, Janine Santos *y* Alano, and Evangeline Molina *y* Laborte are found **GUILTY** of qualified trafficking under Section 4(a), in relation to Section 6(a) and (c) of Republic Act No. 9208, as amended by Republic Act No. 10364. Each of the accused-appellants are sentenced to suffer the penalty of life imprisonment and to each pay a fine of PHP 2,000,000.00.

Accused-appellants are also **ORDERED to PAY** AAA278202, and BBB278202 the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages each. Accused-appellants' liability to pay moral and exemplary damages is joint and several. All monetary awards shall earn interest of 6% per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, and *Villanueva, JJ.*, concur.
Kho, Jr.,* *J.*, on official business.

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* On official business.

[1] *Rollo*, pp. 3-7.

[2] *Id.* at 10-32. The June 14, 2024 Decision in CA-G.R. CR-HC No. 17471 was penned by Associate Justice Eleuterio L. Bathan and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Roberto P. Quiroz of the Twelfth Division, Court of Appeals, Manila.

[3] *Id.* at 36-53. The September 22, 2022 Decision in Criminal Case No. C-93004 was penned by Presiding Judge Raymundo G. Vallega of Branch [redacted], Regional Trial Court, [redacted].

[4] ANTI-TRAFFICKING IN PERSONS ACT OF 2003.

[5] EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012.

* In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[6] RTC records, pp. 2-3.

[7] *Id.* at 64.

[8] *Id.* at 2-3.

[9] Exhibit D, RTC records, p. 118.

[10] Exhibits A-6 and A-7, RTC records, pp. 103-104.

[11] *Rollo*, p. 11.

[12] *Id.*

[13] *Id.*

[14] Also referred to as "shell house" or "Shell" in some parts of the records.

[15] *Rollo*, pp. 11-12.

[16] *Id.* at 12.

[17] *Id.* at 44.

[18] *Id.* at 44-45.

[19] *Id.* at 45.

[20] *Id.* at 46.

[21] *Id.* at 36-53.

[22] *Id.* at 52-53.

[23] *Id.* at 49-50.

[24] CA *rollo*, pp. 46-65.

[25] *Id.* at 54-62.

[26] *Id.* at 84-101.

[27] *Id.* at 91-98.

[28] *Rollo*, pp. 10-32.

[29] *Id.* at 31.

[30] *Id.* at 29.

[31] *Id.*

[32] *Id.* at 30-31.

[33] *Id.* at 54-55. Dated April 21, 2025.

[34] *Id.* at 68-72, 59-65.

[35] **People v. Espera**, 718 Phil. 680, 693 (2013) [Per J. Leonardo-De Castro, First Division].

[36] *Id.*

[37] *Id.*

[38] *Id.* at 694.

[39] *Id.*

[40] TSN, AAA278202, May 23, 2016, pp. 5-7.

[41] TSN, BBB278202, August 5, 2015, pp. 4-5, 11.

[42] *Id.* at 5-6.

[43] TSN, BBB278202, November 4, 2015, pp. 4-6.

[44] TSN, BBB278202, August 5, 2015, p. 6.

[45] TSN, BBB278202, November 4, 2015, p. 7.

[46] TSN, **NBI Agent Anne Sacheen v. Leaño**, April 19, 2017, pp. 3-4.

[47] 749 Phil. 458 (2014) [Per J. Leonen, Second Division].

[48] *Id.* at 472-473.

[49] Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 3 (b).

[50] **People v. XXX270870**, 960 Phil. 597, 609 (2024) [Per J. M. Lopez, Second Division].

[51] *Id.*

[52] TSN, BBB278202, November 4, 2015, pp. 27-29.

[53] TSN, BBB278202, August 5, 2015, pp. 9-11.

[54] *Id.* at 18-31.

[55] *Id.* at 11.

[56] TSN, BBB278202, November 4, 2015, pp. 4-5.

[57] *Id.* at 6.

[58] *Id.* at 7.

[59] TSN, AAA278202, May 23, 2016, pp. 7-18.

[60] Exhibit D, Exhibits A-6 and A-7, RTC records, pp. 103-104, 118, respectively.

[61] **Lapi v. People**, 847 Phil. 38, 53 (2019) [Per J. Leonen, Third Division].

[62] **People v. Del Rosario**, 657 Phil. 635, 644 (2011) [Per J. Nachura, Second Division].

[63] **People v. Racal**, 817 Phil. 665, 676 (2017) [Per J. Peralta, Second Division].

[64] *Id.*

[65] *Id.*

[66] Republic Act No. 9208 (2003), as amended by Republic Act No. 10364 (2013), sec. 6(a).

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

> (a) When the trafficked person is a child[.]

[67] Republic Act No. 9208 (2003), sec. 6(c).

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

> . . . .
>
> (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group[.]

[68] Republic Act No. 9208 (2003), sec. 10(c).

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

> . . . .
>
> (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two

million pesos ([PHP] 2,000,000.00) but not more than Five million pesos ([PHP] 5,000,000.00)[.]

[69] **People v. Kelley**, 874 Phil. 906, 923 (2020) [Per J. Leonen, Third Division].

[70] 874 Phil. 906 (2020) [Per J. Leonen, Third Division].

[71] *Id.* at 922-923.

[72] REV. PEN. CODE, art. 110.

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 subsidiarily for those of the other persons liable.

[73] **People v. XXX**, 835 Phil. 1083, 1096 (2018) [Per J. Perlas-Bernabe, Second Division].

[74] **People v. Jugueta**, 783 Phil. 806, 849 (2016) [Per J. Peralta, *En Banc*].

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