



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 266608

Present:

-versus-

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

ROXIN GRACE BATOMALAUQUE,  
Accused-Appellant,\*

Promulgated:  
August 7, 2024

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DECISION

GAERLAN, J.:

This is an appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision<sup>1</sup> dated December 14, 2022 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01628-MIN.

The assailed issuance affirmed the Decision<sup>2</sup> dated April 30, 2015 issued by Branch █ of the Regional Trial Court (RTC) of █ City, Lanao del Norte in Criminal Case Nos. II-14654 and II-14655 which, in turn, found accused-appellant Roxin Grace Batomalaque (Batomalaque) guilty beyond reasonable

\* 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.

<sup>1</sup> *Rollo*, pp. 10–25. Penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Richard D. Mordeno and Jill Rose S. Jaugan-Lo of the Twenty-Second Division of the Court of Appeals, Cagayan de Oro City Station.

<sup>2</sup> *Id.* at 27–41. Rendered by Presiding Judge Anisah B. Amanodin-Umpa.

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doubt of violation of Section 4(e) of Republic Act No. 9208,<sup>3</sup> otherwise known as the Anti-Trafficking in Persons Act of 2003.

### Antecedents

In Criminal Case No. II-14654, Batomalaque was charged with violating Section 4(e) in relation to Sections 3(e), 3(h), 4(a), and 10(c) of Republic Act No. 9208. The accusatory portion of the November 13, 2009 Information filed against her reads as follows:

That sometime from the month of November 2008 up to August 2009 in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court; the said accused, by means of deceit and taking advantage of the complaining witness AAA on account of the latter's minority, poverty and lack of education, did then and there willfully, unlawfully and feloniously RECRUIT said child or minor for the purpose of sexual exploitation through cyber sexes; that is, by employing him as a cyber-sex model at the accused's residence inside the latter's locked room wherein the child or minor was made to entertain customers over the internet by posing in front of the web camera equipped with video-conferencing facilities; during which the complainant-child or minor was instructed by the accused [to] perform lascivious and sexual acts alone or with other cyber-sex models his age; such as going naked, masturbating, showing his private parts and such other similar sexual exploitations and pornographic performances as the accused and his internet customers would direct him to do after which the accused would give the minor or child [PHP] 100.00; to the damage and prejudice of one AAA.

The offense is qualified by the circumstance of minority of the complaining witness AAA – he being a six-year old child at the time of the commission of the foregoing offense.

Contrary to law.<sup>4</sup>

On the other hand, in Criminal Case No. II-14655, Batomalaque was accused of violating Section 4(e) in relation to Sections 3(a), 3(h), 4(a), and 10(a) of Republic Act No. 9208, in further relation to Section 5(a) of Republic Act No. 8369,<sup>5</sup> and Sections 5 and 7 of Republic Act No. 7610,<sup>6</sup> otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act. The accusatory portion of the Information states:

That sometime from the month of November 2008 up to August 2009 in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court; the said accused, by means of deceit and taking advantage of the

<sup>3</sup> REPUBLIC ACT NO. 9208 (2003), Anti-Trafficking in Persons Act.

<sup>4</sup> *Rollo*, p. 11.

<sup>5</sup> REPUBLIC ACT NO. 8369 (1997), Family Courts Act of 1997.

<sup>6</sup> REPUBLIC ACT NO. 7610 (1992), Special Protection of Children Against Abuse, Exploitation and Discriminatory Act.

complaining witness **BBB** on account of the latter's poverty and lack of education, did then and there willfully, unlawfully and feloniously RECRUIT said girl for the purpose of sexual exploitation through cyber sexes; that is, by employing her as a cyber-sex model at the accused's residence inside the latter's locked room wherein the said girl was made to entertain customers over the internet by posing in front of the web camera equipped with video-conferencing facilities; during which the complainant-female was instructed by the accused [to] perform lascivious and sexual acts alone or with other cyber-sex model her age; such as **going naked, licking her partner's penis, having sexual intercourse with another female cyber-sex model by licking the latter's vagina**, showing her private parts and such other similar sexual exploitations and pornographic performances as the accused and her internet customers would direct her to do after which the accused would give her [PHP] 100.00 to [PHP] 150.00; to the damage and prejudice of one BBB.

Contrary to law.<sup>7</sup> (Emphasis supplied)

Upon arraignment, Batomalaque, assisted by counsel, pleaded not guilty to both charges. Thus, pre-trial ensued, followed by trial on the merits.

*Version of the prosecution*

The prosecution presented as witnesses AAA, BBB, Arvin Cabigon (Cabigon) of the National Bureau of Investigation (NBI), QQQ, CCC, and Atty. Rakima B. Makaraya (BCC Makaraya), Branch Clerk of Court of Branch █ of the RTC of █ City.<sup>8</sup>

AAA and BBB are siblings, while QQQ is their mother. Their respective certificates of live birth were presented during trial to attest that they were minors at the time of the incidents as stated in the Informations against Batomalaque. AAA was born on █ while BBB was born on █.

The evidence for the prosecution established the following:

AAA was around 5 to 6 years old at the time of the incidents alleged in the Information in Criminal Case No. II-14654. He testified that he knew Batomalaque because they were neighbors in █, █ City. He even referred to her as "Auntie Roxin." One day, while AAA was playing with RRR, Batomalaque nabbed him and took him inside her room where he saw a camera and a computer monitor. The other persons who were also inside Batomalaque's room were DDD, CCC, EEE, FFF, GGG, HHH, and III who were all naked. Batomalaque then made AAA remove his clothes. Afterwards,

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<sup>7</sup> *Rollo*, p. 28.

<sup>8</sup> *Id.*

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she applied alcohol on AAA's penis so that it would not smell bad or "yucky."<sup>9</sup> Batomalaque then instructed DDD and CCC to perform fellatio on AAA, which they did. While this was happening, Batomalaque was operating a camera to film them. AAA likewise saw an American<sup>10</sup> who was naked and masturbating. The other children inside the room were also masturbating. Thereafter, Batomalaque gave AAA PHP 100.00. The rest of the children who were with him also received money from Batomalaque.<sup>11</sup>

BBB corroborated AAA's claim that Batomalaque was their neighbor. Sometime in November 2008, when she was 17 years old, Batomalaque took her in as a working student. When BBB entered Batomalaque's room, she saw that there was a computer and a webcam inside. Batomalaque then told BBB to take off all her clothing for her friends who were located abroad. While this was happening, an American<sup>12</sup> man was looking at BBB through the camera. He was naked and masturbating. There was a key or instruction in the computer, i.e., the word "accept," which, if pressed, would show the American man on the screen. BBB was also naked, her legs spread out so that the American man could see her vagina.<sup>13</sup>

Apart from BBB also present in Batomalaque's room were: SSS, a man who was the oldest among them;<sup>14</sup> CCC;<sup>15</sup> MMM;<sup>16</sup> DDD; GGG; FFF; UUU; AAA and KKK.<sup>17</sup> Each of them had their own partners with whom they would perform oral sex and sexual intercourse inside Batomalaque's room. BBB's partner was 15 years old. His penis was put in BBB's mouth so that she could perform fellatio on it. They also had sexual intercourse in a doggy style position. BBB asserted that she did these acts against her will. However, Batomalaque forced her to do so. BBB and the other persons in the room would be paid PHP 150.00 or more. Apart from the money, Batomalaque also gave BBB some clothes.<sup>18</sup>

CCC, who was 14 years old at the time of her testimony, corroborated the testimonies of AAA and BBB. She also claimed that KKK and TTT are her siblings. In November 2008 up to sometime in the year 2009, CCC lived in [REDACTED] City. Their house was about 10 meters away from the house of Batomalaque. Sometime in 2003, Batomalaque went to her and asked if she wanted to earn money. Upon answering in the affirmative, Batomalaque dragged CCC towards her house, brought her to a room which had a camera, a

<sup>9</sup> *Id.* at 13.

<sup>10</sup> The records do not show if the person was a male, female, or actually an American.

<sup>11</sup> *Rollo*, p. 30.

<sup>12</sup> The records do not confirm if the person was indeed an American.

<sup>13</sup> *Rollo*, p. 31.

<sup>14</sup> It is claimed that [REDACTED] was 27 years old at that time.

<sup>15</sup> It is claimed that [REDACTED] was 12 years old at that time.

<sup>16</sup> It is claimed that [REDACTED] was 3 years old at that time.

<sup>17</sup> It is claimed that [REDACTED] was 15 years old at that time.

<sup>18</sup> *Rollo*, p. 31.

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computer, and a foreigner appearing in the computer screen. Then, Batomalaque instructed her to perform a show about being nude and doing a lesbian act or licking the vagina of another girl, which CCC did. She also performed sexual acts with different boys in front of the camera, namely: GGG, AAA, TTT, KKK and LLL. Sometimes, she would perform fellatio on her brothers TTT and KKK. When she was doing these acts, AAA and BBB would sometimes be outside waiting for the next foreigner; and sometimes, they would do a show together. They were able to perform a show inside Batomalaque's house because the latter forced them to do so.<sup>19</sup>

QQQ testified that AAA and BBB are her children: the latter by her first husband who already died, and the former by her second marriage. She assisted AAA and BBB in filing cases against Batomalaque. To prove the ages of AAA and BBB, she produced their birth certificates during trial.<sup>20</sup>

Cabigon, a Special Investigator of the NBI, █████ City, testified that on September 1, 2009, QQQ accompanied AAA, BBB, and CCC to report the incidents to their office. A certain Sister Nympha of the McAuley Center, █████ City was also with them. After interviewing the complainants, Cabigon conferred with his co-agents and, thereafter, applied for a search warrant before the RTC of █████ City which then issued the same. Cabigon and his co-agents conducted a surveillance on Batomalaque's residence before they executed the search warrant. They took pictures of her house at █████, █████ City, as well as a sketch of said residence. Afterwards, they coordinated with the local Philippine National Police (PNP) assigned at █████ and the barangay officials of said place.<sup>21</sup>

Cabigon and his co-agents executed the search warrant on September 3, 2009. Because Batomalaque was not around, they served the search warrant on her husband. They confiscated various items and articles inside Batomalaque's house such as computer parts and paraphernalia, and DVD materials of sex-related videos. There was an internet connection in Batomalaque's house, however, the computer was not operating at that time. Cabigon and his co-agents then issued a receipt for the properties seized and forwarded the original copy thereof to Branch █ of the RTC of █████ City where they returned the search warrant.<sup>22</sup>

BCC Makaraya identified the search warrant issued by her court, as well as other documents relative to the issuance and service of the search warrant.

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<sup>19</sup> *Id.* at 30.

<sup>20</sup> *Id.* at 32.

<sup>21</sup> *Id.* at 33.

<sup>22</sup> *Id.*

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On October 5, 2011, Batomalaque was arrested by agents of the PNP Criminal Investigation and Detection Group at Purok Dao, Hinaplanon.

*Version of the defense*

Professing innocence, Batomalaque, who claims to be married to an NBI operative, set up the defenses of extortion, denial, and alibi. She claimed that she is a victim of trumped up charges because she did not give in to the attempts of AAA and BBB's family to extort the amount of PHP 40,000.00 from her. Moreover, these false accusations were also made in order to stop her from filing a case against BBB for stealing her laundry. Batomalaque further asserted that she could not have done the crimes charged because she did not possess the equipment to create online child pornography and that she was always out of town during the times narrated by AAA and BBB.

As regards her alibi, Batomalaque testified that on August 8, 2009, she was in Ozamis City to attend a cousin's wedding. She arrived in Ozamis City at 7:00 a.m. and returned to █████ City at 5:00 p.m. of August 10, 2009. She asserted that the only computer unit at her house was used by her son who was a university student at that time.

MMM, FFF, and DDD also served as witnesses for the defense. They all denied any knowledge of or participation in Batomalaque's alleged production of online child pornography.

**The RTC Ruling**

On April 30, 2015, the RTC rendered a Decision<sup>23</sup> finding Batomalaque guilty of both charges.

The RTC found credence in the honest and unrehearsed testimonies of AAA and BBB which narrated in detail how Batomalaque recruited them for the purpose of sexual exploitation, prostitution, and pornography. Notwithstanding their young age, AAA and BBB were able to render a complete and credible narration of their ordeal. Moreover, due to their naivete and limited intelligence, they could not have fabricated the charges against Batomalaque. In addition, the testimonies of AAA and BBB were corroborated by CCC who is another victim of Batomalaque.

In contrast, the RTC could not accept Batomalaque's claim that AAA and BBB were impelled to file false charges against her in order to stop her

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<sup>23</sup> *Id.* at 27-41.

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from filing her own charges against the latter for allegedly stealing her laundry. Neither were her defenses of denial and extortion given credence by the trial court.

All told, the RTC found all the elements of two counts of the crime of Trafficking in Persons. The crime was qualified by the minority of AAA and BBB. Their respective certificates of live birth were presented during trial to show that AAA was born on [REDACTED] while BBB was born on [REDACTED].

The dispositive portion of the RTC's Decision reads:

WHEREFORE, premises considered, this court finds accused Roxin Grace Batomalaque guilty beyond reasonable doubt of violating Sections 4(a) and (e), qualified by Section 6(a) of Republic Act No. 9208, and sentencing her in each case to suffer the penalty of life imprisonment and a fine of [PHP] 2,000,000.00, without eligibility for parole.

Accused is ordered to pay each of the private complainants: [PHP] 500,000.00 as moral damages; and [PHP] 100,000.00 as exemplary damages.

SO ORDERED.<sup>24</sup>

Aggrieved, Batomalaque interposed an appeal to the CA.<sup>25</sup>

In her Appellant's Brief<sup>26</sup> dated April 19, 2022, Batomalaque, through the Public Attorney's Office (PAO), primarily argued that the allegations of AAA and BBB should not prevail over the countervailing testimonies of MMM, FFF, and DDD who all belied the charges of Trafficking in Persons against her. Moreover, the prosecution never presented the computers allegedly seized from her house to prove that she had internet access and had been exploiting minor children for purposes of child pornography.<sup>27</sup>

The Office of the Solicitor General (OSG) countered in its Appellee's Brief<sup>28</sup> dated September 6, 2022 that Republic Act No. 9208 does not require the prosecution to present object evidence such as computers to prove a charge of trafficking in persons; that the categorical declarations of AAA and BBB in their respective testimonies sufficiently establish the charges against Batomalaque; and that Batomalaque's defenses of denial and alibi are

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<sup>24</sup> *Id.* at 41.

<sup>25</sup> *CA rollo*, p. 10.

<sup>26</sup> *Id.* at 179–192.

<sup>27</sup> *CA rollo*, p. 190.

<sup>28</sup> *Id.* at 227–246.

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inherently weak and could not prevail over the positive testimonies of AAA and BBB.<sup>29</sup>

### The CA Ruling

On December 14, 2022, the CA issued the herein assailed Decision<sup>30</sup> affirming with modification Batomalaque's conviction.

The CA found no compelling reason to depart from the RTC's calibration of the facts of the case which, ultimately, proved Batomalaque's guilt beyond reasonable doubt. Thus:

**WHEREFORE**, the Appeal is **DENIED**. The Decision of the Regional Trial Court, 12<sup>th</sup> Judicial Region, Branch ■, ■ City, dated [April 30, 2015], in Criminal Case Nos. II-14654 and II-14655, is hereby **AFFIRMED** with **MODIFICATION** that all monetary awards shall earn legal interest at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

**SO ORDERED.**<sup>31</sup> (Emphasis from the original)

Hence, the present recourse.

On February 3, 2023, the CA issued a Minute Resolution<sup>32</sup> giving due course to the January 10, 2023 Notice of Appeal with Compliance<sup>33</sup> filed by Batomalaque, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution<sup>34</sup> dated June 26, 2023, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

In a Manifestation (In Lieu of Supplemental Brief)<sup>35</sup> dated November 29, 2023, the OSG informed the Court that it would no longer file a supplemental brief because all of its contentions have been exhaustively ventilated in the Appellee's Brief that it submitted to the CA. Batomalaque,

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<sup>29</sup> *Id.* at 239.

<sup>30</sup> *Rollo*, pp. 10-25.

<sup>31</sup> *Id.* at 24-25.

<sup>32</sup> *Id.* at 8.

<sup>33</sup> *Id.* at 5-7.

<sup>34</sup> *Id.* at 42-43.

<sup>35</sup> *Id.* at 44-48.

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through the PAO, filed a similar Manifestation In Lieu of Supplemental Brief<sup>36</sup> dated January 4, 2024.

Meanwhile, in a Letter<sup>37</sup> dated December 18, 2023, the Bureau of Corrections confirmed to the Court that Batomalaque is currently detained at the Davao Prison and Penal Farm.

The Court now resolves the case.

### **Issue**

The Court is tasked to determine whether the CA erred in affirming with modification Batomalaque's conviction for two counts of Qualified Trafficking in Persons.

### **The Ruling of the Court**

The appeal is utterly bereft of merit.

#### **I.**

The term "Trafficking in Persons" is defined under Section 3(a) of Republic Act No. 9208 as follows:

(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 or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

Based on the foregoing, the elements of Trafficking in Persons are:

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<sup>36</sup> *Id.* at 53–55.

<sup>37</sup> *Id.* at 49.

- (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.”<sup>38</sup> (Emphasis supplied.)

In the instant case, the RTC and the CA found that the crimes committed by Batomalaque both fall under Sections 4(a) and (e) of Republic Act No. 9208, viz.:

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;

....

(e) To maintain or hire a person to engage in prostitution or pornography;

In addition, under Section 6(a)<sup>39</sup> of the same law, the crime of Trafficking in Persons becomes qualified when the trafficked person is a child. Tangentially, Section 3(b) of this statute defines a child as “a 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.”<sup>40</sup>

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<sup>38</sup> *People v. Casio*, 749 Phil. 458, 473 (2014) [Per J. Leonen, Second Division].

<sup>39</sup> Section 6. *Qualified Trafficking in Persons*. – The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

<sup>40</sup> Section 3. *Definition of Terms*. – As used in this Act:

....

(b) *Child* – refers to 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.

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Guided by the foregoing precepts, the Court puts its imprimatur on the findings and conclusions of the courts *a quo*, albeit with a modification as to the nomenclature of the crime that was committed against BBB.

The Court notes that while the Information in Criminal Case No. II-14654 alleges the minority of AAA as a qualifying circumstance, nothing of that sort was alleged in the Information in Criminal Case No. II-14655. Thus, while the prosecution was able to establish all of the elements of the crime of Qualified Trafficking in Persons under Republic Act. No. 9208 in Criminal Case No. II-14654, Batomalaque could only be found guilty of the crime of Trafficking in Persons in Criminal Case No. II-14655.

After all, Batomalaque is still entitled to the constitutional right to be informed of the nature and cause of the accusations against her as stated in the Informations to which she was asked to plead prior to trial.<sup>41</sup> She can be convicted only of the crime alleged in the Informations and duly proven during the trial.<sup>42</sup> Accordingly, even though BBB's minority was proven in the course of the trial, Batomalaque cannot be convicted of the crime of Qualified Trafficking in Persons in Criminal Case No. II-14655 because the former's minority was not alleged in the Information in that case.

At any rate, the evidence adduced by the prosecution demonstrate that as against AAA, Batomalaque (a) committed the *acts* of recruiting, maintaining, and hiring AAA; (b) by *means* of taking advantage of his vulnerability as a minor; and (c) for the *purpose* of prostitution or pornography.

On other hand, as against BBB, Batomalaque (a) committed the *acts* of recruiting, maintaining, and hiring BBB; (b) by *means* of taking advantage of her vulnerability as a person, or giving payments or benefits to achieve her consent to perform the debased acts in front of an online audience; and (c) for the *purpose* of prostitution or pornography.

Specifically:

*a. The Acts*

At the tender age of 5 or 6, AAA was hired and recruited by Batomalaque to perform sexual acts with other children. Batomalaque even instructed DDD and CCC to perform fellatio on AAA. In exchange for his online performances, Batomalaque paid AAA PHP 100.00.

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<sup>41</sup> *People v. Arves*, 397 Phil. 137, 154 (2000) [Per J. Ynares-Santiago, *En Banc*].

<sup>42</sup> *Id.*

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Similarly, BBB, was also recruited by Batomalaque to carry out sexual performances in front of the latter's online clients. She was made to perform fellatio and have sexual intercourse in front of Batomalaque's webcam. Batomalaque paid her a minimum of PHP 150.00, and sometimes gave her some clothes.

*b. The Means*

Trafficking may be committed by means of taking advantage of the vulnerability of the victim. The Brasilia Regulations Regarding Access to Justice for Vulnerable People, which was approved during the XIV Ibero-American Judicial Summit held in Brasilia, Brazil on March 4 to 6, 2008, defines vulnerable people as follows:

**Section 2.- Beneficiaries of the Regulations**

**1.- Definition of vulnerable people**

(3) Vulnerable people are defined here as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognised [sic] to them by law.

(4) The following may constitute causes of vulnerability: age, disability, belonging to indigenous communities or minorities, victimisation [sic], migration and internal displacement, poverty, gender and deprivation of liberty.

The specific definition of vulnerable people in each country will depend on their specific characteristics, and even on their level of social or economic development.<sup>43</sup>

Here, Batomalaque took advantage of the vulnerability of AAA as a minor. As regards BBB, Batomalaque took advantage of the fact that BBB was a young girl of poor educational and socio-economic status who merely wanted to become a working student to earn a living. However, she had no idea of the depravity of the acts that working for Batomalaque entailed turning her into a cybersex performer.

In any event, the Court need not discuss the presence of this element as far as AAA is concerned. His minority was indubitably established when his birth certificate was presented during trial. This is in accordance with the second paragraph of Section 3(a) of Republic Act No. 9208:

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<sup>43</sup> Brasilia Regulations Regarding Access to Justice for Vulnerable People, *available at* <https://www.icj.org/wp-content/uploads/2018/11/Brasilia-rules-vulnerable-groups.pdf> (last accessed on June 5, 2024).

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The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.

Thus, in *People v. Lopez*,<sup>44</sup> the Court decreed:

If the person trafficked is a child, we may do away with discussions on whether or not the second element was actually proven. It has been recognized that even without the perpetrator’s use of coercive, abusive, or deceptive means, a minor’s consent is not given out of his or her own free will.<sup>45</sup>

*c. The Exploitative Purpose*

It is clear that the purpose of trafficking in this case was for prostitution and the production of pornography. The testimonies of AAA, BBB, and CCC clearly show that Batomalaque instructed them to perform sexual acts either on their own or with each other, along with other minors and an adult, in front of a camera and with foreign clients watching them online.

Indeed, evidence to be believed must not only proceed from the mouth of a credible witness but it must be credible in itself, such as the common experience and observation of mankind can approve as probable under the circumstances.<sup>46</sup> The detailed narrations of the witnesses for the prosecution are so disturbing that the Court finds it extremely difficult to believe Batomalaque’s claim that they were mere fabrications. Their categorical, straightforward, spontaneous and frank testimonies confirm that they are credible witnesses.<sup>47</sup>

As stated before, under Section 6(a)<sup>48</sup> of Republic Act No. 9208, the crime of Trafficking in Persons becomes Qualified by reason of the minority of AAA which, as previously discussed, was indubitably proven by the prosecution.

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<sup>44</sup> 877 Phil. 782 (2020) [Per J. Gaerlan, Third Division].

<sup>45</sup> *Id.* at 783.

<sup>46</sup> *People v. Capuno*, 655 Phil. 226, 229 (2011) [Per J. Brion, Third Division].

<sup>47</sup> *People v. Quinto*, 873 Phil. 679, 690 (2020) [Per J. J. C. Reyes, Jr., First Division].

<sup>48</sup> Section 6. *Qualified Trafficking in Persons*. – The following are considered as qualified trafficking:  
(a) When the trafficked person is a child.

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## II.

The bare denial and alibi proffered by Batomalaque fail to convince this Court that she is innocent. Neither can the bare denials of MMM, FFF, and DDD prevail over the positive testimonies of AAA, BBB, and CCC. An affirmative testimony is far stronger than a negative testimony especially when the former comes from the mouth of a credible witness.<sup>49</sup> As between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.<sup>50</sup>

Verily, the positive testimonies of the prosecution witnesses must prevail over the self-serving and unsubstantiated testimonies of the defense.<sup>51</sup> No jurisprudence in criminal law is more settled than that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility.<sup>52</sup>

In this regard, the Court finds no compelling reason to depart from the findings and conclusions of the RTC as affirmed by the CA. Because the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, due deference should be accorded to the same.<sup>53</sup> This is especially true in this case, there being no fact or circumstance of weight or substance was overlooked, misunderstood, or misapplied, which could affect the result of the case.<sup>54</sup>

In *People v. Regaspi*.<sup>55</sup>

When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, unless the same is tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence. The rule finds an even more stringent application where the CA sustained said findings, as in this case.

## III.

All told, the prosecution successfully discharged its burden of proving Batomalaque's guilt beyond reasonable doubt.

<sup>49</sup> *People v. Baniaga*, 427 Phil. 405, 418 (2002) [Per J. Ynares-Santiago, First Division].

<sup>50</sup> *People v. Nievera*, 860 Phil. 1045, 1064 (2019) [Per J. Caguioa, Second Division].

<sup>51</sup> *People v. Nuñez*, G.R. No. 263706, August 14, 2023 [Per J. Lazaro-Javier, Second Division].

<sup>52</sup> *People v. Lim*, G.R. No. 252021, November 10, 2021 [Per J. Inting, Second Division].

<sup>53</sup> *Marajas v. People*, G.R. No. 244001, June 23, 2021 [Per J. Delos Santos, Third Division].

<sup>54</sup> *People v. Banaag*, G.R. No. 251872, August 14, 2023 [Per J. M. Lopez, Second Division].

<sup>55</sup> 768 Phil. 593, 598 (2015) [Per J. Peralta, Third Division].

Under Section 10(c) of Republic Act No. 9208, the crime of Qualified Trafficking in Persons is punishable with the penalty of life imprisonment and a fine of not less than PHP 2 million but not more than PHP 5 million. In view of the vile and debased nature of the acts committed by Batomalaque, the Court deems it proper to increase her fine to PHP 5 million in Criminal Case No. II-14654.

On the other hand, under Section 10(a) of the same law, the crime of Trafficking in Persons is punishable with the penalty of imprisonment of 20 years and a fine of not less than PHP 1 million but not more than PHP 2 million. Considering the degenerate acts that BBB was exploited to perform on the internet, the Court imposes a fine of PHP 2 million against Batomalaque in Criminal Case No. II-14655.

Nonetheless, it must be stressed that based on Article 39(3)<sup>56</sup> of the Revised Penal Code, no subsidiary imprisonment shall be imposed against Batomalaque in case she is unable to pay her fines due to insolvency.

The Court deletes the phrase “without eligibility for parole” in the disposition of the RTC because the same is a mere surplusage. A.M. No. 15-08-02-SC<sup>57</sup> dated August 4, 2015 provides that in cases where the death penalty is not warranted, as in this case, there is no need to use the phrase “without eligibility for parole” because persons penalized with an indivisible penalty are not eligible for parole.

The monetary awards due to AAA and BBB, i.e., moral damages of PHP 500,000.00 each and exemplary damages of PHP 100,000.00, are in accordance with jurisprudence.<sup>58</sup> The imposition of legal interest of 6% per annum on the total monetary awards, reckoned from the finality of this judgment until their full satisfaction, is also consistent with case law.<sup>59</sup>

#### IV.

The Universal Declaration of Human Rights recognizes the “inherent dignity and of the equal and inalienable rights of all members of the human

<sup>56</sup> Article 39. *Subsidiary penalty*. - If the convict has no property with which to meet the fine mentioned in the paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each eight pesos, subject to the following rules:

.....

When the principal penalty imposed is higher than *prisión correccional* no subsidiary imprisonment shall be imposed upon the culprit.

<sup>57</sup> Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties.

<sup>58</sup> *People v. XXX*, G.R. No. 252230, October 5, 2022 [Per J. Gaerlan, Third Division].

<sup>59</sup> *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, 860 Phil. 744, 762 (2019) [Per. J. Carpio, *En Banc*].

family is the foundation of freedom, justice and peace in the world.”<sup>60</sup> Corollary thereto, the United Nations Convention on the Rights of the Child obligates State Parties to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”<sup>61</sup> Human trafficking, especially when committed against children, is a grave affront to everything that these international instruments stand for. It is a violent crime that diminishes the value of human life, debases our common humanity, and destroys our society's moral fabric.<sup>62</sup> Thus, defeating it is a great moral calling of our time.<sup>63</sup>

The Court, as the guardian of constitutional rights,<sup>64</sup> is—and will always remain—steadfast in fulfilling its moral and legal duty not only to uphold justice for the victims, but, more importantly, to safeguard the future and best interests of our children.<sup>65</sup>

**ACCORDINGLY**, the appeal is **DENIED** for lack of merit. The Decision dated December 14, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 01628-MIN is hereby **AFFIRMED** with **MODIFICATION** as follows:

1. In Criminal Case No. II-14654, accused-appellant Roxin Grace Batomalaque is found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons as defined and penalized under Section 4(a) in relation to Sections 6(a) and 10(c) of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, and is sentenced to suffer the penalty of life imprisonment and to **PAY** a fine in the amount of PHP 5 million. She is also **ORDERED** to **PAY** the minor victim, AAA, the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.
2. In Criminal Case No. II-14655, accused-appellant Roxin Grace Batomalaque is found **GUILTY** beyond reasonable doubt of the crime of Trafficking in Persons as defined and penalized under Section 4(a) in

<sup>60</sup> Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last accessed on June 5, 2024).

<sup>61</sup> Available at <https://www.unicef.org/child-rights-convention/convention-text> (last accessed on June 5, 2024).

<sup>62</sup> Lynn Fitch, 40<sup>th</sup> Attorney General of Mississippi, *An industry built on human misery -- and it's here, in Mississippi*, January 22, 2021, available at <https://attorneygenerallynnfitch.com/wp-content/uploads/2020/08/Human-Trafficking-Op-Ed-1.pdf> (last accessed on May 30, 2024).

<sup>63</sup> Condoleezza Rice, 66<sup>th</sup> Secretary of State of the United States of America, *Release of the Sixth Annual Trafficking in Persons Report*, delivered in Washington, DC, June 5, 2006, available at <https://2001-2009.state.gov/secretary/rm/2006/67551.htm> (last accessed on June 5, 2024).

<sup>64</sup> *Manila Electric Company v. Pasay Transportation Company, Inc.*, 57 Phil. 600, 605 (1932) [Per J. Malcolm, *En Banc*].


<sup>65</sup> *People v. XXX*, *supra* note 58.



relation to Section 10(a) of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, and is sentenced to suffer the penalty of imprisonment for a period of twenty (20) years and to pay a fine in the amount of PHP 2 million. She is also **ORDERED** to pay the victim, BBB, the amounts of PHP 500,000.00 as moral damages and PHP 100,000.00 as exemplary damages.

All damages due AAA and BBB shall earn legal interest at the rate of 6% per annum from the date of finality of this Decision until full satisfaction.

**SO ORDERED.**



**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



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



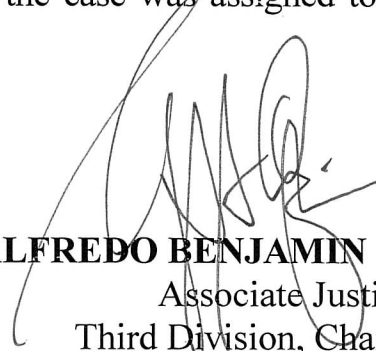
**JAPAR B. DIMAAMPAO**  
Associate Justice



**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  
Third Division, Chairperson

**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