



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 21 June 2021 which reads as follows:

“G.R. No. 255597 (People of the Philippines v. Leny Brujas y Olavario).

– The Court **NOTES:** (1) the letter dated May 10, 2021 of CTSSupt. Virginia S. Mangawit, Superintendent, Correctional Institution for Women, Mandaluyong City, confirming the confinement of accused-appellant Leny Brujas y Olavario (Brujas) at the said institution; and (2) the separate manifestations (in lieu of supplemental briefs) of the Office of the Solicitor General dated May 27, 2021 and of the Public Attorney’s Office dated June 2, 2021, in compliance with the Resolution dated March 15, 2021, both adopting their respective briefs filed before the Court of Appeals (CA) as supplemental briefs on the common ground that all matters pertinent to their respective cases had already been exhaustively discussed therein.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of accused-appellant Brujas for the crime of **Qualified Trafficking in Persons**, as defined and penalized under Section 4 (e)² in relation to Section 6 (a)³ of Republic Act No. (RA) 9208⁴ or the ‘Anti-Trafficking in Persons Act of 2003.’

For a successful prosecution of Trafficking in Persons, the following elements must be shown: (1) the *act* of ‘recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or

¹ See Notice of Appeal with Compliance dated September 2, 2020; CA *rollo*, pp. 126-128.

² Section 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

x x x x

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

³ Section 6. *Qualified Trafficking in Persons.* – The following are considered as qualified trafficking:

(a) When the trafficked person is a child; x x x x

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,’ approved on May 26, 2003.

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'.⁵ The crime becomes *qualified* when any of the circumstances found under Section 6 of RA 9208 is present, *e.g.*, when the trafficked person is a child.

In this case, the prosecution sufficiently established the foregoing elements as evinced by the following facts: (a) Brujas hired AAA⁶ to work in her *Kambingan Videoke Bar*; (b) she offered a monthly salary to AAA in the amount of ₱2,500.00; and (c) she recruited her for the purpose of prostitution, as categorically and positively testified⁷ to by AAA. Further, AAA's minority was adequately established by her Certificate of Live Birth showing that she was born on December 12, 1994. As such, Brujas' conviction for the crime charged must be sustained.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision⁸ dated July 16, 2020 of the Court of Appeals in CA-G.R. CR HC No. 12636 and **AFFIRMS** said Decision finding accused-appellant Leny Brujas y Olavario **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons, as defined and penalized under Section 4 (e) in relation to Section 6 (a) of Republic Act No. 9208 or the 'Anti-Trafficking in Persons Act of 2003.' Accordingly, she is sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱2,000,000.00. Further, she is ordered to pay AAA the amounts of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages, all of which shall earn legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED. (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021)."

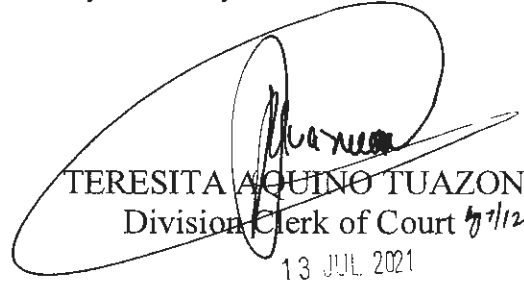
⁵ *People v. Hirang*, 803 Phil. 277, 289 (2017), citing *People v. Casio*, 749 Phil. 458, 472- 473 (2014).

⁶ 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 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 THEREFORE, 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.). To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

⁷ *Rollo*, pp. 15-17.

⁸ *Id.* at 4-22. Penned by Associate Justice Ramon R. Garcia with Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura, concurring.

By authority of the Court:



TERESITA AQUINO TUAZON
 Division Clerk of Court *6/12*
 13 JUL 2021

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

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

LENY BRUJAS y OLAVARIO (reg)
 Accused-Appellant
 c/o The Superintendent
 Correctional Institution for Women
 1550 Mandaluyong City

THE SUPERINTENDENT (reg)
 Correctional Institution for Women
 1550 Mandaluyong City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

*CTSUPT. VIRGINIA S. MANGAWIT, RSW (reg)
 Acting Superintendent
 Correctional Institution for Women
 1550 Mandaluyong City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 51
 Sorsogon City
 (Crim. Case No. 2010-7846)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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

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

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR-HC No. 12636

*For this resolution only
Please notify the Court of any change in your address.
 GR255597. 6/21/2021(178)URES