

## **Case Status and Updates Re People v. Sergio et al. (G.R. No. 240053)**

To: Migrante and the Save Mary Jane Alliance  
From: National Union of Peoples' Lawyers

It can be remembered that on August 16, 2016, the Regional Trial Court (RTC) of Baloc, Sto. Domingo, Nueva Ecija, Branch 87 granted the prosecution's motion to take Mary Jane's testimony via deposition. The accused Cristina P. Sergio and Julius L. Lacanilao moved for reconsideration of this order, which the RTC denied with finality on November 3, 2016.

Sergio and Lacanilao appealed the said orders by way of a Petition for Certiorari with the Court of Appeals (CA), which was eventually granted in their favor. The People of the Philippines, represented by the Office of the Solicitor General (OSG), moved for reconsideration of the CA's decision, but this was denied on June 5, 2018.

On August 3, 2018, the OSG filed a Petition for Review on Certiorari to appeal the CA's decision to the Supreme Court (SC). With the assistance of the NUPL, Mary Jane's parents Celia and Cesar Veloso thereafter filed their Motion for Leave to File Intervention in the Petition together with the Petition-in-Intervention for Certiorari, invoking their legal standing as private complainants in the criminal cases before the RTC. The Petition was raffled to the Third Division of the SC.<sup>1</sup>

Due to the SC's inaction on the case, the People filed a Manifestation and Motion dated January 29, 2019 stating that the pendency of the extremely urgent and important Petition is affecting the prosecution of Sergio and Lacanilao at the RTC. The OSG prayed for the immediate resolution of the Petition and the suspension of the rules on the expedited trial of the RTC cases under the Revised Guidelines for Continuous Trial of Criminal Cases, considering that the prosecution at the RTC has no other witnesses to present except for Mary Jane.

On behalf of spouses Veloso, the NUPL filed a Manifestation on February 14, 2019 adopting the OSG's Manifestation and Motion and stating that serious injustice will be committed if strict adherence to procedural rules, including the Revised Guidelines for Continuous Trial, were to be rigidly applied.

On March 27, 2019, the SC issued a Resolution requiring Sergio and Lacanilao to file their Comment to the Petition and denying OSG's prayer for the suspension of the Revised Guidelines for Continuous Trial. It further denied spouses Veloso's motion to intervene in the case on the ground that they failed to establish legal interest that is actual, material, direct and immediate. It also noted without action spouses Veloso's Petition-in-Intervention and noted the letter dated February 6, 2019 of the incumbent bishops of the United Church of Christ in the Philippines (UCCP). This resolution was received by the NUPL only on July 15, 2019.

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<sup>1</sup> Chaired by Associate Justice Diosdado Peralta, with Associate Justices Marvic Mario Victor F. Leonen, Alexander G. Gesmundo, Andres B. Reyes Jr. and Jose C. Reyes Jr. as members.

The PAO filed Sergio and Lacanilao's Comment to the Petition on July 22, 2019.

On July 30, 2019, the NUPL filed a Motion for Reconsideration to the March 27, 2019 Resolution of the SC to take exception to the ruling that spouses Veloso do not have the requisite legal standing to intervene in the case. The following legal arguments were raised:

1. Spouses Veloso's standing as private complainants by and of themselves and on behalf of Mary Jane is anchored on their claim for civil liability against Sergio and Lacanilao, which they are seeking as reparation for the manifold injuries that they suffered as a result of the latter's crimes against their daughter.
2. Spouses Veloso are, by themselves and in their own right, private complainants in the RTC cases under Section 8 of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003. This provision allows the parents, guardian or victim of the trafficked victim to file the complaint for trafficking in recognition that the victim may be inaccessible within our jurisdiction or is yet to be repatriated, given the cross-border nature of the offense.
3. There is actually no rule that bars spouses Veloso from intervening in the case just because the State is adequately representing its own case before the SC. While they share the same arguments as the OSG, they have a distinct and separate perspective of the issues in the Petition.
4. In light of the novel circumstances in Mary Jane's case, a rigid application of the rules of procedure will obstruct rather than serve the broader interests of justice.

Pending the resolution of this MR, the NUPL recommends that the campaign calling for Mary Jane's deposition be renewed and sustained to complement legal efforts to assert spouses Veloso's right to participate in the SC case. It is important to highlight the following:

1. The Anti-Trafficking Act, which was adopted from the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (to which the Philippines is a signatory) follows a "victim-centered approach" that systematically focuses on the "needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner." According to the Office of Victims of Crime under the US Department of Justice, this approach seeks to "minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, *empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.*"<sup>2</sup> Victims of

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<sup>2</sup> Available at <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>. The Office for Victims of Crime Training and Technical Assistance Center is a component of the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.

trafficking thus cannot be treated as ordinary witnesses in a criminal case to whom ordinary rules of procedure apply.

2. Mary Jane's ordeal as a trafficked person is emblematic of the plight of migrant workers from poor countries like the Philippines, which principally arises from government neglect and inaction. For as long as she lives, it is not too late for this government, through the Judiciary, to help Mary Jane regain her dignity and attain the justice she so deserves.
3. Among the SC's constitutional powers is the power to promulgate rules for the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts. In the exercise of this power, the SC can fill seeming gaps in procedural rules regarding the manner by which trafficked victims like Mary Jane may give testimony in Philippine courts. This is one of the prayers in the Velosos' Petition-in-Intervention
4. Mary Jane's bid to participate in the criminal cases against Sergio and Lacanilao is not a simple enforcement of a set of substantive law and procedural rules. While a favorable ruling will be invaluable to the crusade to save Mary Jane, this legal battle is a struggle to assert the rights of the forgotten, neglected and abandoned, who, like Mary Jane, dared leave our shores to seek a better life. #