

Title:

People of the Philippines vs. Mildred Coching Liwanag

Facts:

The case involves Mildred Coching Liwanag, accused and appellant, convicted of Illegal Recruitment in Large Scale and Estafa by the Regional Trial Court (RTC) of Muntinlupa City and subsequently affirmed by the Court of Appeals. Liwanag was charged with illegally promising employment in Japan to four individuals, collecting fees without having the authorization or license from the Philippine Overseas Employment Administration (POEA).

In March 2009, the accused met the complainants, promising them employment abroad, collecting money supposedly for visa applications, processing, plane tickets, and other fees. Despite the payments, the promised jobs and travel documents were not provided, prompting the complainants to file a case. Liwanag denied the accusations, claiming no involvement in recruitment activities.

Issues:

1. Whether Liwanag is guilty beyond reasonable doubt of Illegal Recruitment in Large Scale.
2. Whether Liwanag is guilty beyond reasonable doubt of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code (RPC).

Court's Decision:

The Supreme Court found Liwanag guilty on both counts.

1. On Illegal Recruitment in Large Scale:

- The Court stated that illegal recruitment in large scale occurs when a non-licensee or non-holder of authority promises or engages in the recruitment of workers abroad, involving three or more persons. The Court found that Liwanag engaged in recruitment activities without POEA authorization, committing the crime against four individuals, thus affirming her guilt.

2. On Estafa:

- The Court held that Liwanag deceived the complainants by falsely promising employment abroad and collected fees without the intention or capacity to fulfill these promises, resulting in pecuniary loss to the victims.

Doctrine:

- An individual may be convicted of both Illegal Recruitment in Large Scale and Estafa when

they defraud others by falsely promising employment abroad without the necessary license or authority.

- The lack of a receipt to prove payment in cases of estafa and illegal recruitment does not automatically lead to acquittal if the testimony of complainants is credible and convincing.

Class Notes:

- Elements of Illegal Recruitment in Large Scale include engaging in recruitment activity without the appropriate license or authority, and doing so against three or more persons individually or as a group.

- Elements of Estafa (under Article 315[2][a] of the RPC) include defrauding another by abuse of confidence or deceit, and resulting damage or prejudice that can be quantified monetarily.

- Testimonies of credible witnesses can suffice to prove payments made in the absence of receipts in cases involving estafa and illegal recruitment.

Historical Background:

The case represents an application and enforcement of Philippine laws against illegal recruitment and estafa, emphasizing the government's efforts to protect individuals from fraudulent employment schemes. Specifically, it underscores the judiciary's role in interpreting and applying laws pertinent to illegal recruitment and estafa, promoting the welfare of workers, and safeguarding their rights against deceptive employment practices.