

## # Rodolfo v. People of the Philippines

### ### Facts

During the period of August to September 1984, Rosa C. Rodolfo was accused of recruiting five individuals (Villamor Alcantara, Narciso Corpuz, Necitas R. Ferre, Gerardo H. Tapawan, and Jovito L. Cama) for overseas employment without the necessary license from the Ministry of Labor and Employment. Rodolfo allegedly approached Ferre and Corpuz, who then went to her office under the name “Bayside Manpower Export Specialist,” paid various amounts as processing fees, and were promised jobs in Dubai. They were scheduled to leave on certain dates, but the departure did not materialize. After demanding refunds and receiving excuses, Ferre and Corpuz filed a case for illegal recruitment as only partial refunds were made.

Procedurally, Rodolfo was tried at the Regional Trial Court (RTC) of Makati, which found her guilty of illegal recruitment and sentenced her to eight years of imprisonment. The Court of Appeals affirmed this decision but modified the penalty to a term of five to seven years and perpetual disqualification from engaging in recruitment. Rodolfo’s appeal to the Supreme Court was based on issues of credibility of testimonies and insufficient evidence.

### ### Issues

1. Whether the testimonies of the complaining witnesses Ferre and Corpuz should be given credence.
2. Whether there was proof beyond reasonable doubt to convict Rodolfo of illegal recruitment.

### ### Court’s Decision

#### \*\*Issue 1:\*\* Credibility of Witnesses

The Supreme Court upheld the credibility of the testimonies given by Ferre and Corpuz. The Court emphasized that greater weight should be given to the positive testimonies of the prosecution witnesses as opposed to the denial made by Rodolfo. The evidence presented, including the provision of receipts, confirmed that Rodolfo was involved in the recruitment process despite her claims otherwise.

#### \*\*Issue 2:\*\* Sufficiency of Evidence

The Supreme Court found that the elements of illegal recruitment were met. These elements include the absence of a valid license or authority and the undertaking of recruitment activities. The Court highlighted that Rodolfo had no valid POEA license as certified by an officer. The act of accepting fees and promising employment further substantiates the recruitment activities she undertook without proper authorization.

### ### Doctrine

- **Illegal Recruitment Elements:** Two critical elements must be present for a charge of illegal recruitment:

1. **Lack of Valid License or Authority:** The offender must have no valid license from the appropriate regulatory body.
2. **Recruitment Activities:** The offender must have engaged in recruitment activities, which include canvassing, enlisting, contracting, and referring workers for employment.

Article 13(b) of the Labor Code defines “recruitment and placement,” and Article 38(a) categorizes unauthorized recruitment as illegal, resulting in penalties as per Article 39 of the Labor Code.

### ### Class Notes

**Key Elements for Illegal Recruitment:**

- Absence of a valid license from the Ministry of Labor and Employment.
- Engagement in recruitment activities (canvassing, enlisting, contracting, etc.).

**Statutory Provisions:**

- **Labor Code of the Philippines**
- Article 13(b): Defines recruitment and placement.
- Article 38(a): Illegal recruitment by non-licensees.
- Article 39: Penalties for illegal recruitment.

Ensure understanding of these provisions and how they apply to unauthorized recruitment scenarios.

### ### Historical Background

From the early 1980s, the Philippines saw an increase in overseas employment, which led to a proliferation of illegal recruitment activities. The government, through the Ministry of Labor and Employment and later the Philippine Overseas Employment Administration

(POEA), intensified efforts to regulate and curb illegal recruitment. This case reflects the legal framework in place before the enactment of the Migrant Workers and Overseas Filipinos Act of 1995, which further strengthened penalties for illegal recruitment.