

**\*\*Title: People of the Philippines v. Irene Marzan and Fely Dulay\*\***

**\*\*Facts:\*\***

Appellant Irene Marzan, together with Bal Marzan, Fely Dulay, Apolonio Dulay, Marlon Agoncillo, and Alejandro Navarro Jr., were involved in illegal recruitment activities across various municipalities in Pangasinan, promising employment in South Korea. The accused accepted substantial sums from numerous victims as placement fees. Marlon and Alejandro issued receipts while Irene and Fely coordinated the activities. Victims were neither deployed nor were their fees refunded.

**\*\*Series of Events:\*\***

1. **\*\*2006\*\***: Various recruitment activities occurred where victims were promised employment in South Korea.
2. **\*\*August 25, 2006\*\***: Certification from DOLE confirmed that the accused had no license.
3. **\*\*Cases Filed\*\***: Criminal charges were filed against the accused for illegal recruitment in large scale and estafa.
4. **\*\*Arraignment\*\***: Irene, Bal Marzan, Fely, and Apolonio Dulay pleaded not guilty. Marlon and Alejandro remained at large.
5. **\*\*Prosecution Evidence\*\***: Victim testimonies confirmed payments, false representations, and unmet promises of employment abroad.
6. **\*\*Defense's Position\*\***: Claimed only facilitated contacts and collections on behalf of Marlon.
7. **\*\*RTC Decision (August 16, 2010)\*\***: Found Irene and Fely guilty of illegal recruitment and estafa, imposing life imprisonment for illegal recruitment in large scale among other penalties.
8. **\*\*Appeal to CA (October 26, 2015)\*\***: CA affirmed RTC's decision with modifications, increasing fines for illegal recruitment.
9. **\*\*Supreme Court Appeal\*\***: Affirmed the CA's decision with additional awards for actual damages to the complainants.

**\*\*Issues:\*\***

1. Whether the accused Irene Marzan is guilty of illegal recruitment in large scale.
2. Whether the accused Irene Marzan is guilty of estafa under Article 315, paragraph 2(a) of the Revised Penal Code.
3. Whether the penalties imposed by the RTC and CA were appropriate and just.

**\*\*Court's Decision:\*\***

1. **Illegal Recruitment in Large Scale**: The SC affirmed the conviction for illegal recruitment in large scale, imposing life imprisonment and increasing fines to Php1,000,000.00 per case. The court held that the accused offered employment abroad and collected fees without proper authorization, impacting numerous victims.

2. **Simple Illegal Recruitment**: In cases where the recruitment involved fewer victims, the SC affirmed the conviction of simple illegal recruitment, imposing penalties of ten (10) years and one (1) day to twelve (12) years imprisonment.

3. **Estafa**: The court supported multiple estafa convictions, referencing false pretenses about recruitment, extracting money from victims, and failing to provide employment as promised. Irene Marzan was sentenced to arresto mayor to prision correccional, depending on amounts involved, and ordered to return the defrauded sums with legal interest.

**Doctrine:**

1. **Illegal Recruitment in Large Scale**: Defined under RA No. 8042. It requires lack of proper licensing and authority, engagement in any recruitment-related activity, and impact on three or more individuals.

2. **Estafa**: Elements include false pretenses, deceit prior to fraud, reliance inducing monetary loss, leading to sufferance of economic damage.

3. **Conspiracy**: Actions by co-conspirators are imputed to all when a concerted effort is evident and proven.

**Class Notes:**

- **Elements of Illegal Recruitment in Large Scale**:

- No valid license/authority.

- Engages in recruitment activities.

- Affects three or more persons.

- **Estafa Elements**:

- False pretense of qualifications or power.

- Fraudulent act concurrent with deceit.

- Induced reliance from the victim.

- Resultant economic damage.

- **Statutory Provisions**:

- **RA 8042 Section 6**: Definitions and enhancements for large scale and syndicate offenses.

- **Revised Penal Code, Article 315**: Fraudulent representations causing financial

damage.

**\*\*Historical Background:\*\***

This case reflects persistent challenges in regulating recruitment activities and protecting workers in the Philippines. Illegal recruitment has often preyed on the desperation of job seekers, exploiting the lack of stringent enforcement mechanisms. This landmark case reiterates the Philippine justice system's stance on deterring fraud and unscrupulous recruitment, crucial for migrant workers' protection.