

****Title: People of the Philippines vs. Lourdes Lo, Grace Calimon and Aida Comila****

****Facts:****

In 1998, Lourdes Lo persuaded private complainants Fe Magnaye, Lucila Agramon, and Daisy Devanadera to apply for jobs in Italy through the services of Grace Calimon and Aida Comila, whom she introduced as sub-agents of Axil International Services and Consultancy (AISC). The recruits were promised employment as factory workers, for which they paid various fees totaling P110,000. The promised jobs never materialized, and the complainants later discovered that Calimon and Comila were not legitimate recruiters. Consequently, three complaint-affidavits were filed charging Lourdes Lo, Grace Calimon, and Aida Comila with illegal recruitment and estafa.

On December 28, 1999, the Department of Justice filed charges based on the prior acts of recruitment and fee collection without the necessary labor licenses. Lo remained at large while Calimon and Comila were apprehended and faced trial. During the trial, the defense argued that only Lo was responsible for recruitment and that Calimon and Comila were mere applicants alongside the complainants. However, the testimonies of the complainants and evidence presented by the prosecution conclusively identified Calimon and Comila as active recruiters.

The Regional Trial Court (RTC) convicted Calimon of large-scale illegal recruitment and multiple counts of estafa, while Comila was found guilty of simple illegal recruitment and one count of estafa. The Court of Appeals affirmed the RTC's decision with modifications, altering the penalties to reflect life imprisonment and larger fines due to the magnitude of the offenses.

****Issues:****

1. Whether Grace Calimon is guilty of illegal recruitment in large scale.
2. Whether Aida Comila is guilty of illegal recruitment.
3. Whether Grace Calimon and Aida Comila are guilty of estafa under Article 315(2)(a) of the Revised Penal Code.

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

1. ****Illegal Recruitment in Large Scale (Grace Calimon)**:**

The Supreme Court affirmed the Court of Appeals' decision. Calimon was found guilty beyond reasonable doubt of illegal recruitment in large scale as she actively recruited the complainants for overseas work without the necessary license and induced them to pay fees.

The recruitment involved at least three individuals, satisfying the legal requirement for large-scale recruitment.

2. **Simple Illegal Recruitment (Aida Comila)**:

The Supreme Court upheld Comila's conviction for simple illegal recruitment. Although she participated in recruiting and extracting fees from one of the complainants, the prosecution could not prove beyond reasonable doubt that her activities involved three or more persons, hence her conviction for simple illegal recruitment.

3. **Estafa (Grace Calimon and Aida Comila)**:

Calimon's conviction of estafa was sustained as her false pretenses directly caused the complainants to part with their money, satisfying the elements of deceit and damage under the Revised Penal Code. The Supreme Court also found that Comila conspired with Calimon in defrauding the complainants, warranting her conviction of estafa as well, but limited to the specific counts where her participation was clearly established.

Doctrine:

1. **Illegal Recruitment**: Recruitment without the necessary license is considered illegal recruitment. When involving three or more individuals, it qualifies as large-scale.
2. **Estafa under Article 315(2)(a) of the Revised Penal Code**: Estafa is committed through deceit by fraudulent misrepresentation, which causes another to part with money or property.

Class Notes:

- **Illegal Recruitment**:

- **Elements**:

1. No valid license or authority to recruit.
2. Engaging in recruitment activities (canvassing, enlisting, contracting, etc.).
3. Involving three or more persons.

- **Statute**: Sections 6 and 7 of RA 8042 (Migrants Workers Act).

- **Estafa**:

- **Elements**:

1. False pretense or fraudulent representation.
2. Deception causes the victim to part with money or property.
3. Damage to the victim.

- **Statute**: Article 315(2)(a) of the Revised Penal Code.

- **Penalty**:
- Illegal Recruitment: Life imprisonment and fines ranging from P500,000 to P1,000,000.
- Estafa: Indeterminate penalties depending on the amount defrauded.

Historical Background:

The case pertains to the enforcement of Republic Act No. 8042, known as the Migrants Workers and Filipinos Act, which was enacted to protect overseas Filipino workers. This case emphasizes the Philippine government's stance on combating illegal recruitment and providing stringent penalties to maintain the integrity of overseas employment practices.