

Title:

People of the Philippines v. Alexander "Alex" Benemerito

Facts:

In this case, Alexander "Alex" Benemerito and his sister, Precy Benemerito, faced charges for illegal recruitment and multiple counts of estafa.

Chronology of Events:

1. **February to August 1993:** Alex and Precy Benemerito engaged in illegal recruitment activities in Quezon City by promising employment in Brunei and Japan to six individuals: Fernando Arcal, Rolando Espino, Carlito Gumarang, Benjamin Quitarano, Julio Caballa, and Jose Aquino, Jr.

2. **Recruitment Details:**

- They collected a total amount of P583,000 from these individuals as recruitment fees without a license from the Department of Labor and Employment (DOLE).

- Benjamin Quitarano was promised a job in Japan and paid P50,000; he was asked for documents and assured they would leave together.

- Carlito Gumarang was promised a job in Japan and paid P105,000. He submitted his necessary documents and signed a contract.

- Fernando Arcal also was given assurances of employment in Japan, paid P50,000, and received several receipts from Precy.

3. **Non-fulfillment:** The complainants were never employed abroad as promised.

4. **Complaint and Arrest:** Following the unmet promises, several of these individuals lodged complaints with the National Bureau of Investigation (NBI) and obtained certification from POEA stating that neither Alex nor Precy had the necessary license to recruit.

Procedural Posture:

- **Arrest and Trial:** Only Alex was arrested and charged, and Precy remained at large. A consolidated trial was conducted.

- **Trial Verdict:** The Regional Trial Court found Alex guilty of illegal recruitment and three counts of estafa (Criminal Cases Nos. Q-93-51511, Q-93-51513, Q-93-51514, Q-93-51515) and acquitted him on one count of estafa due to lack of evidence (Q-93-51512).

Issues:

1. **Did Alex Benemerito conspire with Precy Benemerito to commit illegal recruitment on a large scale?**

2. **Should Alex Benemerito be acquitted on grounds of reasonable doubt applying the**

“equipoise rule”?

3. What are the elements required to prove the crimes of illegal recruitment and estafa?
4. Are the penalties imposed by the trial court appropriate based on the proven facts and the applicable law?

Court’s Decision:

Conspiracy and Illegal Recruitment:

- The Court found that Alex Benemerito actively participated in the illegal recruitment by making representations, receiving payments, and assisting in the recruitment process.
- The evidence satisfied the elements of illegal recruitment in large scale: lack of necessary license, recruitment of more than three individuals, and misrepresentation to victims.

Application of the Equipoise Rule:

- The Court dismissed Alex’s claim that equal weight of evidence should favor acquittal. The evidence against him was overwhelmingly stronger than his defense, which was mainly denial without substantial corroboration.

Estafa:

- Elements of estafa were present: deceit and damage caused to the complainants.
- Alex induced the complainants through deceitful promises and collected considerable sums, culminating in financial loss to the victims.

Penalties:

- The Court affirmed and modified the penalties:
 - **Illegal Recruitment:** Life imprisonment and P100,000 fine.
 - **Estafa (Q-93-51513 & Q-93-51514):** Indeterminate penalty of 2 years, 11 months, and 10 days of prision correccional to 10 years and 9 months of prision mayor. Indemnity to complainants of P50,000 each.
 - **Estafa (Q-93-51515):** Indeterminate penalty of 4 years and 2 months of prision correccional to 14 years and 3 months of reclusion temporal. Indemnity to complainant Carlito Gumarang of P85,000.

Doctrine:

- **Illegal Recruitment:** Commitment of recruitment activities without a license or authority involving three or more victims constitutes large scale illegal recruitment, which is punishable by severe penalties due to the economic sabotage involved.
- **Conspiracy:** Passive or active participation in criminal activities, evidenced by

consistent actions towards a common goal, establishes conspiracy.

- **Estafa:** Conviction for estafa requires proof of deceit and resultant financial harm to the victims, which can run concurrently with other punishments such as those for illegal recruitment.

Class Notes:

Key Elements:

1. **Illegal Recruitment:**

- Definition: Activities by non-licensees or unauthorized parties.
- Article 38 and 39, Labor Code: Offenses regarded as economic sabotage if large scale.
- Required Proof: Engagement in recruitment activity; no license or authority.

2. **Estafa (Fraud):**

- Elements: Deceit and financial damage (Article 315, Revised Penal Code).
- Penalty Calculation: Based on fraud amount, with additional year per P10,000 beyond P22,000.

Simplified Legal Principles for Memorization:

- **Conspiracy:** Actions of one conspirator affect all co-conspirators.
- **Illegal Recruitment:** Absence of recruitment license and multiple victims magnifies the offense.
- **Estafa:** Deceit linked directly to financial loss can lead to severe imprisonment terms proportional to the amount defrauded.

Historical Background:

- **Economic Context:** The case underscores the extent of illegal recruitment during a period when many Filipinos aspired to work abroad due to local economic hardships.
- **Legal Evolution:** Strengthening of legal frameworks to combat illegal recruitment aligning with protecting overseas job seekers, a recurring issue due to high overseas employment interest.