

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MATIAS “MATHEW” DOMEQUIL, ACCUSED-APPELLANT.

Ponente: ABDULWAHID, J.

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ABDULWAHID, J.:

This is an appeal from the Decision[1] dated June 27, 2012, of the Regional Trial Court (RTC), Branch 21, City of Manila, in Criminal Case Nos. 98-164446, 98-164680 and 98-164681, finding herein accused-appellant Matias “Mathew” Domequil guilty beyond reasonable doubt of large scale illegal recruitment as defined and penalized under Republic Act (RA) No. 8042, and sentencing him to suffer the penalty of reclusion perpetua for each count of large scale illegal recruitment and to indemnify the private complainants.

The instant case arose from three informations dated April 28, 1998, April 30, 1998 and April 30, 1998, respectively, filed by the Department of Justice against accused-appellant and other accused officers of Maru International Manpower Services, Inc. (“Maru International”), a land-based recruitment agency, in Criminal Case Nos. 98-164446, 98-164680, and 98-164681, which read as follows:

Criminal Case No. 98-164446[2]

That sometime between the period from March 1997 to March 1998, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused acting in concert, conspiring and mutually helping each other and in their capacity as officers/employees of MARU INTERNATIONAL SERVICES, INC., a licensed land-based recruitment agency, did then and there willfully, unlawfully and feloniously contract, enlist and promise employment for a fee higher than that required by law to the following complainants: x x x, individually or as a group either in Hongkong or Taiwan as engineers, construction workers, welders, fork lift operators, etc. and that without any valid reason failed to deploy them as promise and further failed to reimburse the expenses incurred by them in connection with their documentation and processing fees.

Contrary to law.

Criminal Case No. 98-164680[3]

That on or about May, 1997 to March, 1998 and thereafter in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there willfully, unlawfully and feloniously recruit the herein complainant, namely: x x x for employment as factory workers, welder, truck drivers and forklift operator for Taiwan and Hongkong, for and in consideration

thereof, they were required to pay the amount of P23,000.00 to P60,000.00 as alleged placement and processing fees, which the complainant delivered and paid the amount P23,000.00 to P60,000.00, Philippine Currency, which are amounts greater than that specified in the schedule allowable fees prescribed by the Secretary of the Department of Labor and Employment.

Contrary to law.

Criminal Case No. 98-164681[4]

That on or about May, 1997 to March, 1998 and thereafter in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously recruit the herein complainants, namely: x x x for employment as factory workers, for Taiwan, for and in consideration thereof, they were required to pay the amount of P40,000.00 to P53,650.00 as alleged placement and processing fees, which the complainants delivered and paid the amount from P40,000.00 to P53,650.00, Philippine Currency, which are amounts greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment.

Contrary to law.

The above-mentioned criminal cases were consolidated before the RTC, Branch 21, and a Warrant of Arrest[5] was issued against accused-appellant and his co-accused. However, while trial proceeded against co-accused Ruth C. Domequil and Teresita “Tita” Bustos, together with Security Officer Marcos Rangel, the cases against accused-appellant and another co-accused, Conchita “Chit” Narciso, both of whom remained at large, were archived.[6] On June 29, 2000, accused Ruth Domequil and Bustos were found guilty of large scale illegal recruitment and were sentenced to suffer the penalty of life imprisonment.

On January 13, 2003, accused-appellant was arrested by the operatives of the Interpol Division of the National Bureau of Investigation (NBI) and the cases were reinstated. When arraigned on June 4, 2003, accused-appellant pleaded not guilty to the charges against him.[7] Thereafter, on June 25, 2003, pretrial conference was held but the same was immediately terminated without the parties entering into any stipulations.[8]

During the trial, the prosecution witnesses consisted mostly of private complainants who were allegedly recruited by Maru International, namely: Manolito Gumabon[9], Baldovino Gumabon[10], Remy Santilices[11], Arturo Cabras[12], Annaliza Valeriano[13], Miguel Cunanan[14], Reginaldo Gilbuena[15], Nenita Paras[16], Leonides Vicmudo[17], Ricardo Valmadrid[18], Bienvenido Gamboa[19], Evelyn Arceo[20], Marlon Orenso[21], Eduardo Antonio Jr.[22] and Mamerto Alangcaw[23]. Private complainants testified that they came to know of the job placements in Hongkong and Taiwan being offered by Maru International through an advertisement[24] published in the newspaper. Thus, private complainants, on separate occasions, went to Maru International’s office to apply for the various positions advertised in the newspaper, and they all identified accused-appellant as the one who personally interviewed them for the positions applied for and who attended to them every time they would report to Maru International. During their respective interviews, accused-appellant promised them employment and conducted their briefing. Thereafter, they were required to pay placement and/or processing fees in varying amounts, as evidenced by the corresponding receipts, to wit:[25]

Witnesses

Job Offer

Place

Amount Paid

1) Manolito Gumabon

truck driver

Hongkong

P50,000.00

2) Baldovino Gumabon

factory worker

Taiwan

P45,000.00

3) Remy Santilices

factory worker

Taiwan

P55,000.00

4) Arturo Cabras

construction worker

Taiwan

P70,000.00

5) Annaliza Valeriano

factory worker

Taiwan

P45,000.00

6) Miguel Cunanan

driver

Hongkong

P63,000.00

7) Leonides Vicmudo

factory worker

Taiwan

P55,000.00

8) Ricardo Valmadrid

Factory worker

Taiwan

P49,000.00

9) Bienvenido Gamboa

Truck driver

Hongkong

P75,000.00

10) Evelyn Arceo

Factory worker

Taiwan

P50,000.00

11) Marlon Orenso

Factory worker

Taiwan

P50,000.00

12) Eduardo Antonio Jr.

Electrician

Hongkong

P52,500.00

13) Mamerto Alangcaw

Factory worker

Taiwan

P50,000.00

Private complainants paid said placement/processing fees in various installments. Eventually, some were separately advised by telegram that their respective contracts and/or visa applications had been approved, and were made to report to the office of Maru International for a series of pre-departure briefings. Some of private complainants were also shown their approved visas attached to their passports and/or photocopies of their plane tickets. However, when private complainants went to Maru International's office for the last time, they were surprised to discover that the same had already been gutted by fire for unknown reasons. When they tried to follow up on their impending departure and/or deployment, they could no longer contact accused-appellant or locate his whereabouts. Worse, when some of private complainants verified their tickets with Philippine Airlines, they were informed that the same were only requests and that they had not been included in their supposed

flights' manifests. Consequently, private complainants lodged their complaints for illegal recruitment before the NBI, with the help of the Volunteers Against Crime and Corruption (VACC).

In addition to private complainants, the prosecution also presented Atty. John Rio Bautista[26], the Chief of the Prosecution Division Anti-Illegal Recruitment Branch of the Philippine Overseas Employment Administration (POEA), who brought several documents pertaining to Maru International, pursuant to a subpoena duces tecum and ad testificandum issued by the RTC and testified thereon. In particular, Atty. Bautista testified that Maru International is a recruitment agency whose license was revoked by the POEA in 1998 due to violations of certain provisions of the POEA Rules and Regulations, as evidenced by the 14-page summary[27] of all cases filed against the recruitment agency. Moreover, Atty. Bautista observed that the job orders enumerated in the newspaper advertisement found by private complainants were not accredited either to Maru International or to its contractor in Hongkong, Top Most Consultancy Limited, viz:[28]

Fiscal:

Q: Atty. Bautista, this is a prosecution for Syndicated Illegal Recruitment in large scale, collection of excessive fines and excessive placement fees and one of the witnesses in this particular case, the private complainants testified before this Honorable Court that they came to know of job placements at Maru International Manpower Services thru an advertisement which they read from the newspaper and marked in evidence for the prosecution as exh. "A" which says that Maru International Manpower Services, Inc. is offering job placements for Hongkong, can you please tell us under the contractor Top Most Company, basedd on the records of yoru office, Atty. Bautista, can you please tell us whether or not Maru International Manpower Services has job orders for truck drivers, VIP drivers, Fork Lift Operators, workers, electricians, general construction worker, air-con technician, refrigerator technician, 25 auto mechanic, 30 crane operators, 20 pale loaders operators, and 16 mechanical engineers under Top Most Agency in Hongkong?

A: Ma'am, as per records available in our office, the category of works enumerated were not accredited to Top Most and at the same time to Maru International, I have here a computer print-out of the approve accreditation of Maru International.

Q: And what is the job order for Top Most Company?

A: For Top Most consultancy Limited, the only approved job order is for the category of Domestic Helper.

Q: And I am showing to you exh. "D" and "A" for the prosecution wherein there is an advertisement for the positions that I have enumerated and an advertisement also issued by Maru for those positions, so are you telling us that there is no job vacancies for those particular positions, only for Domestic Helpers?

A: Only Domestic Helpers, are accredited as per Top Most Consultancy Limited.

xxx xxx xxx

Q: So, no job orders for those advertised job vacancies for Maru International Services?

A: yes, ma'am.

Finally, Atty. Bautista testified on a previous decision rendered in POEA Case No. Recruitment Violation No. 98-04-0505, finding Maru International guilty of collecting excessive placement fees over and above the maximum allowable placement fee of P5,000.00 under Article 34-A of the Labor Code in relation to Memorandum Order No. 5, series of 1985.[29]

On the other hand, accused-appellant denied all the charges of illegal recruitment against him and asserted that Maru International had been issued by the Secretary of Labor a license, authorizing it to recruit workers for Taiwan and Hongkong employers. Accused-appellant also testified that he was the president of Maru International, but that it was his co-accused, Bustos, the manager of Maru International, who was in charge of interviewing applicants, recommending selected applicants to prospective employers, collecting placement fees and booking applicants for deployment. In the same vein, accused-appellant denied having received any payment from the applicants, maintaining that there were appointed cashiers in the Accounting Department of Maru International who were given the task of collecting placement fees, and that a board resolution had likewise given co-accused Bustos authority to collect fees and to issue receipts. In addition, accused-appellant averred that Maru International complied with the allowable fees under the memorandum circular with regard to the hiring of workers for Taiwan deployment. In further support of his lack of culpability, accused-appellant pointed out that he had no hand in the day-to-day operations of the corporation since he was always outside the Philippines. In fact, he often travelled to Taiwan and Hongkong in 1996 to 1998, since he was in charge of securing potential employers abroad. The job positions secured included positions for construction workers, truck drivers, VIP drivers, forklift operators, electricians and factory workers, as per the newspaper advertisement approved by the POEA and published by Maru International.

On June 27, 2012, after both parties had rested their respective cases and submitted their respective formal offers of evidence, the RTC rendered the assailed Decision, disposing the cases, as follows:[30]

WHEREFORE, premises considered, the Court finds accused MATIAS "MATHEW" DOMEQUIL, GUILTY beyond reasonable doubt as principal of the crime charged and is hereby sentenced to suffer the penalty of reclusion perpetua for each count of Illegal Recruitment (Large Scale) and to indemnify the following private complainants, to wit:

1)

Manolito Gumabon

P50,000.00

2)

Baldovino Gumabon

P45,000.00

3)

Remy Santilices

P55,000.00

4)

Arturo Cabras

P70,000.00

5)

Annaliza Valeriano

P45,000.00

6)

Miguel Cunanan

P63,000.00

7)

Leonides Vicmudo

P55,000.00

8)

Ricardo [V]almadrid

P49,000.00

9)

Bienvenido Gamboa

P75,000.00

10)

Evelyn Arceo

P50,000.00

11)

Marlon Orenso

P50,000.00

12)

Eduardo Antonio Jr.

P52,500.00

13)

Mamerto Alangcaw

P50,000.00

Accused is also ordered to pay fine in the amount of P20,000.00 and the amount of P20,000.00 as moral damages to each complainant, P30,000.00 as exemplary damages to each complainant, without subsidiary imprisonment in case of insolvency and to pay the costs.

It appearing that the accused is a detention prisoner, the period of his detention shall be credited in the service of his sentence.

SO ORDERED.

Aggrieved, accused-appellant appealed to this Court premised on the following assignment of errors:[31]

I

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT HAS BEEN PROVEN BEYOND REASONABLE DOUBT; [and].

II

THE COURT A QUO GRAVELY ERRED IN IMPOSING THE PENALTY OF RECLUSION PERPETUA FOR EACH COUNT OF ILLEGAL RECRUITMENT CHARGED AGAINST THE ACCUSED-APPELLANT.

In his appeal, accused-appellant argued that, contrary to the findings of the RTC, Maru International was in fact a duly licensed recruitment agency, until its license was revoked in the year 1998. Thus, at the time private complainants applied for overseas employment with Maru International, the latter was still duly licensed to recruit workers for jobs abroad. Accused-appellant also maintained that the failure to deploy private complainants as promised was due to a fortuitous event, namely, the fire which burned down Maru International's building prior to private complainants' scheduled departure. Accused-appellant also contested the penalty imposed by the RTC, namely, reclusion perpetua, stressing that, under Section 7(b) of R.A. No. 8042, the penalty prescribed for illegal

recruitment constituting economic sabotage is life imprisonment, and not reclusion perpetua. Further, accused-appellant posited that there was grave error on the part of the RTC in imposing reclusion perpetua for each count of illegal recruitment (large scale) without stating the facts upon which the penalty was based, in violation of Section 14, Article VIII, of the Constitution.

The present appeal is unmeritorious.

Illegal recruitment committed in large scale is defined under Article 38 of the Labor Code of the Philippines, to wit:

Art. 38. Illegal recruitment. – (a) Any recruitment activities, including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority, shall be deemed illegal and punishable under Article 39 of this Code. The Department of Labor and Employment or any law enforcement officer may initiate complaints under this Article.

(b) Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

Thus, in order for a charge of illegal recruitment in large scale to prosper, the following elements must first be established, to wit: (1) that the offender undertook any of the activities within the meaning of “recruitment and placement” under Article 13(b)[32] of the Labor Code, or any of the prohibited practices enumerated under Article 34 of the Labor Code (now Section 6 of RA No. 8042); (2) that the offender has no valid license or authority required by law to enable him to lawfully engage in recruitment and placement of workers; and (3) that the offender committed any of the acts of recruitment and placement against three or more persons, individually or as a group.[33]

It is undisputed that Maru International undertook activities within the meaning of “recruitment and placement” under Article 13(b) of the Labor Code, and that it recruited more than three persons in the course of its business. However, accused-appellant argues that the prosecution failed to establish and prove the existence of the second element, namely, that he had no valid license or authority to engage in the recruitment and placement of workers. On the contrary, accused-appellant pointed to the testimony of the prosecution’s own witness, Atty. Bautista,

concerning the revocation of Maru International's license in 1998 as proof that, at the time of the subject applications for overseas employment, Maru International still had a valid and existing license to engage in recruitment activities.

However, accused-appellant made no comment with respect to Atty. Bautista's testimony that, at the time of the said applications for overseas employment, the only active job orders accredited to Maru International and its Hongkong contractor, Top Most Consultants Limited, were for domestic helpers. On the other hand, the job orders enumerated in the newspaper advertisement published by the agency were for construction workers, truck drivers, VIP drivers, forklift operators, electricians and factory workers.

Even assuming that Maru International was carrying a valid license to recruit overseas workers for the above-enumerated positions, Section 6 of RA 8042, which amended Article 38 of the Labor Code, has made it clear that illegal recruitment is no longer an offense which can be committed only by non-licensees or non-holders of authority. This has been confirmed by the Supreme Court in *People vs. Ocdan*, viz:[34]

It is not necessary for the prosecution to present a certification that Ocdan is a non-licensee or non-holder of authority to lawfully engage in the recruitment and placement of workers. Section 6 of Republic Act No. 8042 enumerates particular acts which would constitute illegal recruitment "whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority." Among such acts, under Section 6(m) of Republic Act No. 8042, is the "[f]ailure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault."

Since illegal recruitment under Section 6(m) can be committed by any person, even by a licensed recruiter, a certification on whether Ocdan had a license to recruit or not, is inconsequential. Ocdan committed illegal recruitment as described in said provision by receiving placement fees from Mana-a, Ferrer and Golidan's two sons, Jeffries and Howard, evidenced by receipts Ocdan herself issued; and failing to reimburse/refund to Mana-a, Ferrer, and Golidan's two sons the amounts they had paid when they were not able to leave for Italy, through no fault of their own.

Thus, under Section 6 of RA 8042, it is irrelevant whether Maru International was a licensed recruitment agency at the time private complainants applied for overseas employment, so long as it is established and proven that the agency committed any of the acts under said provision.

In this case, Maru International, through accused-appellant, was charged with the commission of three acts under Section 6 of RA 8042, namely: (1) charging and/or accepting from each applicant an amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment[35]; (2) failing to actually deploy the applicants without valid reasons, as determined by the Department of Labor and

Employment (DOLE)[36]; and (3) failing to reimburse any and all expenses incurred by private complainants in connection with their documentation and processing for purposes of deployment, when such deployment did not actually take place without private complainants' fault.[37]

Under Department Order (DO) No. 34, Series of 1996[38], the allowable placement fee at the time of the subject applications was fixed at a ceiling amount equivalent to one month salary exclusive of documentation and processing costs, except for the special markets of Korea and Taiwan.[39] For Taiwan markets, DO No. 2, Series of 1998[40], fixed the allowable fees at one month salary, as mobilization fee, plus P5,000.00, as placement fee. Based on his appeal, accused-appellant's only basis in attempting to disprove the charge of collection of excessive placement fees was POEA Memorandum Circular No. 5, Series of 2001[41]. However, as accused-appellant himself pointed out, the alleged illegal recruitment subject of the information against him occurred in 1997-1998. Thus, at the time of said alleged illegal recruitment, the prevailing issuances were DO No. 34, Series of 1996 and DO No. 2, Series of 1993, for Taiwan markets. On the other hand, the prosecution, through Atty. Bautista's testimony, as well as documentary evidence, has sufficiently proven the existence of several administrative cases against Maru International for collection of excessive placement fees, which in fact resulted in the revocation of the agency's recruitment license in 1998. In fact, accused-appellant made no effort to deny or rebut the existence of said cases, and even acknowledged the fact that the agency's license had already been revoked.

Neither did accused-appellant deny that Maru International failed to actually deploy private complainants as promised and even after full or partial payment of the placement/processing fees demanded. Accused-appellant merely attempted to justify the same by attributing it to unforeseeable circumstances, namely, the fire that gutted the office building of Maru International, with all the travel documents of private complainants. However, even assuming that the fire may be considered a fortuitous event and Maru International is justifiably excused from liability for failing to deploy private complainants as scheduled, the same certainly does not excuse the agency from its obligation to reimburse the placement fees and all other expenses already incurred by private complainants.

Significantly, accused-appellant never alleged that Maru International made any effort to return the collected placement fees and reimburse private complainants of all expenses incurred after the occurrence of the fire. Nor did accused-appellant attempt to explain why he could not be located or contacted immediately after the fire and until he was arrested in 2003, or nearly five years after the filing of the criminal information against him. Time and again, the Supreme Court has held that unexplained flight evidences guilt or betrays the existence of a guilty conscience.[42]

Finally, accused-appellant's assertions that he was not the one who transacted directly with private complainants and that he had spent a lot of time abroad in 1997 and 1998, deserve no credence. All of the private complainants positively identified accused-appellant as the one who personally interviewed them, promised them employment and collected the placement/processing fees from them. On the contrary, aside from accused-appellant's vague denial and alibi claim, he failed to present any proof whatsoever that, on the dates of the alleged incidents of illegal recruitment, it was physically impossible for him to have met with private complainants as he was out of

the country. Alibi, being inherently weak, particularly when unaccompanied by any evidence to substantiate the same or any corroborating testimony by a disinterested party, deserves no credence especially when measured up against the positive identification by the prosecution witnesses, pointing to accused-appellant as the perpetrator of the crime.[43] Further, in the absence of any evidence that the complainants were motivated by improper motives, the trial court's assessment of their credibility shall not be interfered with by the court.[44]

In any event, RA No. 8042 has made it clear who shall be held criminally liable in case of illegal recruitment committed by a juridical entity, namely, "the officers having control, management or direction of their business"[45]. Accused-appellant himself acknowledged that he had been the appointed president of Maru International at the time of the alleged illegal recruitment. Clearly, therefore, he is one of the officers who have control, management or direction of the business of Maru International.

However, we agree with accused-appellant that the RTC erred in imposing the penalty of reclusion perpetua for each count of illegal recruitment committed. Section 7(b) of RA No. 8042 specifies the penalties for illegal recruitment constituting economic sabotage.

SEC. 7. PENALTIES. –

(a) x x x

(b) The penalty of life imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One million pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.

Clearly, therefore, there is no basis for the penalties of reclusion perpetua and the fine of P20,000.00 for each count of illegal recruitment constituting economic sabotage committed by accused-appellant.

Considering the foregoing disquisition, we sustain the finding of the RTC that accused-appellant is guilty beyond reasonable doubt of the offense of illegal recruitment constituting economic sabotage. However, he should be sentenced to suffer, in lieu of reclusion perpetua for each count of illegal recruitment and a fine of P20,000.00, the penalties of life imprisonment and in addition to the indemnity, a fine of not less than Five Hundred Thousand (P500,000.00) Pesos nor more than One Million (P1,000,000.00) Pesos.

WHEREFORE, the instant appeal is DISMISSED. The assailed Decision dated June 27, 2012, of the RTC, Branch 21, Manila City, in Criminal Case Nos. 98-164446, 98-164680 and 98-164681, is AFFIRMED, with the

MODIFICATION that accused-appellant Matias "Mathew" Domequil is sentenced to suffer the penalty of life imprisonment and to pay, in addition to the indemnity due to private complainants, a fine of Five Hundred Thousand (P500,000.00) Pesos for each of the three counts of illegal recruitment constituting economic sabotage.

SO ORDERED.

Barza, and Cruz, JJ., concur.

[1] Penned by Judge Amor A. Reyes; Rollo, pp. 13- 19; Records, Vol. IV, pp. 110-116.

[2] Records, Vol. 1, pp. 94-96.

[3] Id. at 90-93.

[4] Id. at 98.

[5] Id. at 40.

[6] Id. at 41.

[7] Id. at 87.

[8] Id. at 102.

[9] Transcript of Stenographic Notes (TSN) dated July 23, 2003; TSN dated November 12, 2003, pp. 2-23.

[10] TSN dated November 19, 2003.

[11] TSN dated December 3, 2003, pp. 2-11.

[12] Id. at 12-21.

[13] Id. at 22-33.

[14] TSN dated January 7, 2004, pp. 1-8.

[15] Id. at 8-15.

[16] Id. at 15-23.

[17] TSN dated January 21, 2004, pp. 2-30.

[18] Id. at 31-64.

[19] TSN dated January 28, 2004.

[20] TSN dated March 3, 2004.

[21] TSN dated March 10, 2004.

[22] TSN dated March 17, 2004, pp. 2-20.

[23] Id. at 20-41.

[24] Records, Vol. 2, p. 333.

[25] Rollo, p. 15.

[26] TSN dated April 21, 2004.

[27] Records, Vol. 2, pp. 268-281.

[28] See Note 26 at 4-6.

[29] Records, Vol. 2, pp. 262-267.

[30] See Note 1 at 18- 19; Records, pp. 115-116.

[31] Rollo, p. 38.

[32] Art. 13. Definitions. x x x (b) "Recruitment and placement" refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: Provided, That any person or entity which, in any manner, offers or promises for a fee, employment to two or more persons shall be deemed engaged in recruitment and placement.

[33] See *People vs. Chua*, 680 SCRA 575, 588-589 (2012), citing *People vs. Espenilla*, 667 SCRA 388, 392.

[34] 650 SCRA 124, 142-143 (2011).

[35] See RA 8042, Sec. 6(a).

[36] Id., Sec. 6(l).

[37] Id., Sec. 6(m).

[38] Records, Vol. 3, p. 87.

[39] Ibid.

[40] See Records, Vol. 3, p. 90.

[41] See TSN dated July 18, 2007, pp. 2-5.

[42] *People vs. Turtoga*, 383 SCRA 148, 162 (2002).

[43] See *People vs. Zulieta*, G.R. No. 192183, November 11, 2013, citing *People vs. Faco*, 314 SCRA 505, 517.

[44] *People vs. Chua*, 615 SCRA 132, 141 (2010), citing *People vs. Saulo*, 344 SCRA 605, 614.

[45] Sec. 6, last paragraph, RA 8042.

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