PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REXZHELLE SERIOZA, ACCUSED-APPELLANT.

Ponente: CRUZ, R.A., J.

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CRUZ, R.A., J.:

THE CASE

This is an appeal from the Decision dated November 23, 2011[1] rendered by the Regional Trial Court ("RTC") of Pasay City, Branch 111, in Criminal Cases Nos. 09-0036-CFM to 09-0043-CFM and R-PSY-08-07987-CR, the dispositive portion of which reads, as follows:

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> "WHEREFORE, the Court finds accused Rexzhelle Serioza guilty beyond reasonable doubt of illegal recruitment in large scale in Criminal Case No. 09-0036 and, accordingly, sentences her to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.
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> In Criminal Case No. R-PSY-09-0037, accused is also found guilty beyond reasonable doubt of the crime of estafa and sentenced to suffer the indeterminate penalty of imprisonment ranging from two (2) years and one (1) day of prision correccional as minimum, to eight (8) years of prision mayor, as maximum, and to indemnify Wilson V. Flores the sum of P41,620.00 as actual damages plus 12% interest per annum reckoned from judicial demand on 19 February 2009 until fully paid.
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> In Criminal Case No. R-PSY-09-0038, accused is also found guilty beyond reasonable doubt of the crime of estafa and sentenced to suffer the indeterminate penalty of imprisonment ranging from one (1) year and one (1) day of prision correccional, as minimum, to eight (8) years of prision mayor, as maximum, and to indemnify Robert Pamittan the sum of P35,000.00 as actual damages plus 12% interest per annum reckoned from judicial demand on 19 February 2009 until fully paid.
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> In Criminal Case No. R-PSY-09-0040, accused is also found guilty beyond reasonable doubt of the crime of estafa and sentenced to suffer the indeterminate penalty of imprisonment ranging from two (2) years and one (1) day of prision correccional, as minimum, to eight (8) years of prision mayor, as maximum, and to indemnify Rizalino O. Benemerito the sum of P40,000.00 as actual damages plus 12% interest per annum reckoned from judicial demand on 19 February 2009 until fully paid.
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> In Criminal Case No. R-PSY-09-0042, accused is also found guilty beyond reasonable doubt of the crime of estafa and sentenced to suffer the indeterminate penalty of imprisonment ranging from two (2) years and one (1) day of prision correccional, as minimum, to ten (10) years of prision mayor, as maximum, and to indemnify Arnold Malaluan the sum of P55,000.00 as actual damages plus 12% interest per annum reckoned from judicial demand on 19 February 2009 until fully paid.
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> For failure of the prosecution to present evidence in Criminal Case No. 08-07987 and Criminal Cases Nos. R-PSY-09-0039, 09-0041 and 09-0043, accused Rexzhelle Serioza is ACQUITTED of the other four (4) counts of estafa.
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> SO ORDERED."

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THE ANTECEDENTS

Rexzhelle Serioza stands charged before the RTC of Pasay City, Branch 111 with the crime of Illegal Recruitment in Large Scale, docketed as Criminal Case No. 09-0036, through an Information which reads, as follows:

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"That sometime in the months covering from March 2007, to September 2007, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by falsely representing herself to have the capacity to contract, enlist, employ and recruit workers for employment abroad, did then and there willfully, unlawfully, feloniously for a fee, recruit and promise job placement abroad to complainants Wilfredo. V. Flores, Wilson V. Flores, Ivy G. Balading, Rizalino O. Benemerito, Jr., Renato L. Corpuz, Robert M. Pamittan and Arnold Malaluan, without first securing the required license or authority from the Philippine Overseas and Employment Administration.

Contrary to law."[2]

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The accused was also charged with eight (8) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code[3], through similarly worded Information, except for the names of the private complainants and the corresponding amounts involved, to wit:

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Criminal Case No. 08-07987-CR

"That on or about sometime in the month of July 2007, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, defrauded complainant Edgar Encarnacion, in the following manner to wit: that said accused with intent to defraud and thru false representation[s] she [sic] made to the complainant that she have [sic] the capacity to secure employment abroad for said complainant and to facilitate his working and travel papers, did then and there willfully, unlawfully and feloniously ask and demand the amount of P40,000.00, from complainant allegedly to be used to facilitate complainant's travel papers and other documents, well knowing that said representation[s] is [sic] false and were only made a ploy to induce and convince complainant to give the said amount and the latter carried away by said misrepresentation[s] had [sic] in fact gave and delivered to said accused the amount of P40,000.00 but failed to secure the travel documents and to deploy complainant abroad, to the damage and prejudice of said complainant in the aforesaid amount of P40,000.00.

Contrary to law." [4]

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The other private complainants were: (1) Wilson Flores involving the amount of P48,620.00 in Criminal Case No. 09-0037-CFM[5]; (2) Robert Pamittan involving the amount of P35,000.00 in Criminal Case No. 09-0038-CFM[6]; (3) Renato Corpuz involving the amount of P40,000.00 in Criminal Case No. 09-0039-CFM[7]; (4) Rizalino Benemerito, Jr. involving the amount of P40,000.00 in Criminal Case No. 09-0040-CFM[8]; (5) Wilfredo Flores involving the amount of P40,000.00 in Criminal Case No. 09-0041-CFM[9]; (6) Arnold Malaluan involving the amount of P55,000.00 in Criminal Case No. 09-0042-CFM;[10] (7) Ivy Balading involving the amount of P65,000.00 in Criminal Case No. 09-0043-CFM[11].

After finding probable cause, the RTC issued an Order of Arrest against the accused on February 19, 2009[12]. When arraigned, Accused Rexzhelle Serioza entered a plea of "not guilty" in all the above-stated Information.[13]

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During the pre-trial of these cases, the parties stipulated on the identity of the accused as the person charged in the Information.[14] After pre-trial was terminated, trial of the case ensued.

From the evidence adduced by the prosecution, it appears that from July 2007 to September 2007, Arnold Malaluan, Robert Pamittan, Rizalino Benemerito, Jr. and Wilson Flores, individually and separately met and talked to the accused at her office at R.A.M. Travel and Tours located at Airman's Village, Villamor Air Base, Pasay City. They inquired as to possible job opportunities abroad. Accused promised to deploy them either as airport security guards or salesmen to Dubai for and in consideration of P80,000.00 placement fee. Convinced of the accused's capacity to deploy workers abroad, Arnold Malaluan, Robert Pamittan, Rizalino Benemerito, Jr. and Wilson Flores complied with the supposed requirements and partially paid the required fees. However, the accused failed to send them abroad as promised. They later learned that the accused was arrested in an entrapment operation conducted by the National Bureau of Investigation (“NBI”).

The prosecution presented five (5) witnesses, namely: (1) Arnold Malaluan; (2) Robert Pamittan; (3) Rizalino Benemerito; (4) Wilson Flores and; (5) Marcelino Maningding, Jr. in order to secure the conviction of the accused.

Arnold Malaluan, the private complainant in Criminal Case No. 09-0042-CFM, testified that accused's spouse was his classmate in military training[15]. Sometime in July 2007, he inquired from R.A.M. Travel and Tours located at Airman's Village, Villamor Air Base, Pasay City if there are employment opportunities available abroad[16]. Accused promised that she can get him employed as a security guard in Dubai with a monthly salary of P80,000.00 given his background as a military personnel[17]. Accused charged him with a placement fee in the amount of P70,000.00, Philippine Currency.[18] He paid the total amount of P55,000.00, Philippine Currency to the accused as evidenced by OR No. 0401 dated September 19, 2007 and OR No. 0402 dated September 24, 2007[19]. He was made to believe that his application for employment abroad was being processed. He followed-up at her house but he could no longer find her. After, he learned of the entrapment operation conducted by the NBI against the accused and her arrest, he filed a complaint against the latter.

Robert Pamittan, the private complainant in Criminal Case No. 09-0038-CFM, testified that accused was his wife's client in her computer business[20]. He met the accused at a Jollibee branch in Pasay City where he was promised by the accused with an employment opportunity first as waiter and second as computer salesman in Dubai.[21] He paid the total amount of P35,000.00, Philippine Currency to the accused as evidenced by OR Nos. 0054, 0057, 0058 dated June 5, 2007, June 8, 2007 and June 13, 2007 respectively[22]. He underwent medical examination as instructed but the accused failed to deploy him for work abroad.

Rizalino Benemerito, the private complainant in Criminal Case No. 09-0040-CFM, testified that he was promised employment as airport security guard in Dubai by the accused[23] for which he paid a down payment in the amount of P40,000.00, Philippine Currency as evidenced by OR Nos. 0032, 0033, 0034, 0035 dated August 2, 2007, August 10, 2007, August 11, 2007 and August 12, 2007 respectively[24].

Wilson Flores, the private complainant in Criminal Case No. 09-0037-CFM, testified that sometime in July 2007, he went to the house of the accused at Pasay City to apply for a job. He was promised employment as airport security guard in Dubai with a monthly salary of P60,000.00-80,000.00, Philippine Currency by the accused[25]. Accused charged him with a fee in the amount of P80,000.00, Philippine Currency[26]. He paid a down payment in the amount of P41,620.00 as evidenced by OR Nos. 0060, 0025, 0067, 0028, 0073 dated July 2, 2007, July 9, 2007, July 16, 2007, July 19, 2007 and August 22, 2007 respectively[27]. When the accused informed him that his visa will soon be released he quit his job. However, the accused failed to send him for work abroad.

Marcelino Maningding. Jr. is a Senior Labor Employment Officer of the POEA. His testimony pertains to the

Certification dated July 23, 2009[28] issued by POEA stating that Rexzhelle Serioza is neither licensed nor authorized to recruit workers for overseas employment[29].

After the prosecution's documentary evidence were admitted by the RTC[30], the defense presented the testimony of Accused Rexzhelle Serioza who made a different portrayal of the events.

The accused explained that she has no license from the POEA because R.A.M Travel and Tours is only engaged in tourist assistance for which she holds a registration[31] and broker's certificate[32] from the Department of Trade and Industry ("DTI")[33]. In her testimony, she insisted that she only assisted the private complainants in securing a tourist/visit visa as evidenced by the following documents: (1) Affidavit of Rizalino Benemerito dated August 12, 2007 stating that he applied for a tourist/visit visa at R.A.M Travel and Tours[34]; (2) Kasunduan executed by Rizalino Benemerito stating that the P80,000.00, Philippine Currency fee constitutes payment for two (2) months Dubai visit visa, two (2) months board, lodging and food[35]; (3) Kasunduan executed by Wilson Flores stating that the P80,000.00, Philippine Currency fee constitutes payment for two (2) months Dubai visit visa, two (2) months board, lodging and food[36]; (4) Kasunduan executed by Wilfredo Flores stating that the P80,000.00, Philippine Currency fee constitutes payment for two (2) months Dubai visit visa, two (2) months board, lodging and food[37]; (5) Kasunduan executed by Renato Corpuz stating that the P80,000.00, Philippine Currency fee constitutes payment for two (2) months Dubai visit visa, two (2) months board, lodging and food[38]; (6) Receipts[39] issued to Wilson Flores stating that the payment is for the application of a tourist/visit visa. Accused claimed that she was not able to release the visa for failure of the private complainants to pay their outstanding balance. She alleged that the original documents (visa) are in the possession of R.A.M Travel and Tours' partner agency in Dubai.

On November 23, 2011, the RTC issued its Decision finding Accused Rexzhelle Serioza guilty beyond reasonable doubt of the crimes of: (1) Illegal Recruitment in Large Scale under R.A. No. 8042 and; (2) four (4) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code of the Philippines. She was acquitted in Criminal Cases Nos. 08-07987, R-PSY-09-0039, R-PSY-09-0041, R-PSY-090043 for four (4) counts of Estafa under Article 315 paragraph 2(a) of the Revised Penal Code of the Philippines on the ground of failure to present evidence by the prosecution.

The RTC gave due course to the Notice of Appeal[40] filed by the accused,[41] hence this appeal.

ASSIGNMENT OF ERROR
Accused, as the appellant before Us, raised a lone assignment of error, to wit:

> THE COURT A QUO GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY DESPITE THE PROSECUTION'S FAILURE TO PROVE HER GUILT BEYOND REASONABLE DOUBT.

The accused-appellant posits that the prosecution failed to prove beyond reasonable doubt all the elements of the crime of illegal recruitment in large scale. The first element was not clearly established, i.e. that the accused-appellant undertook any recruitment activity defined under Article 13(b)[42] or any prohibited practice enumerated under Article 34[43] of the Labor Code. She stresses that she did not promise the private complainants deployment to Dubai. As evidenced by the certification issued to her by the DTI, her travel agency is only for tour, ticket and visa assistance. She asseverates that the private complainant were fully aware that she can only give them tourist/visit visa for two (2) months in Dubai. She denies having offered employment in Dubai. Accused-appellant avers that Wilson Flores was fully aware that the application was only for tourist/visit visa because the official receipt she issued to him specifically states that the amount received represents partial payment for the processing of a tourist/ visit visa to Dubai. Wilson Flores also admitted in his testimony that he only filed the complaint against accused-appellant because other people were also filing cases against her.

The same can be said in the case of Arnold Malaluan, Rizalino Benemerito, Jr. and Robert Pamittan. The receipts she issued categorically state that the payment was for their application for visit visa. As a matter of fact, accused-appellant emphasizes that the private complainants received copies of their respective tourist visa but because of their failure to pay the balance, the original documents were retained by her partner agency in Dubai. Her acts in providing assistance to the private complainants' visa application, tour packages and home stay can hardly qualify as “recruitment” within the contemplation of the law.

Accused-appellant contends that the elements of the crime of Estafa were never established beyond reasonable doubt. From the start, the accused-appellant had been clear to the private complainants as to the services offered by her agency. R.A.M Travel and Tours was engaged in visa procurement and providing tourist packages. Private complainants signified their consent and confirmed this when they executed the written “Kasunduan” showing the real and express transaction between the parties. Moreover, the elements of deceit and damage caused to the private complainants were lacking.

On the other hand, the Solicitor General, on behalf of the People, avers that all the elements of the crime of illegal recruitment in large scale were proven beyond reasonable doubt. The certification issued by the POEA shows that the accused-appellant is neither licensed nor authorized to recruit workers for deployment abroad. It is not even necessary to prove whether or not accused-appellant is a licensee or holder of authority as the crime may be committed even by a holder of authority. The OSG maintains that the second element was also proven. The prosecution's witnesses Arnold Malaluan, Rizalino Benemerito, Jr., Robert Pamittan and Wilson Flores, categorically and positively testified that they were promised employment in Dubai by accused-appellant. They were assured work either as a security guard or salesman. They further testified that it was the accused-appellant who received money from them and issued official receipts for payments made in consideration of their placement abroad. However, notwithstanding the payments made, accused-appellant still failed to deploy them to Dubai. Promising employment overseas without the required license to do so is the act deplored under Section 6, RA 8042. A mere promise abroad constitutes the crime of illegal recruitment. Accused-appellant's reliance on the documents (Kasunduan and official receipts) cannot overcome the positive and convincing testimonies of the private complainants that each of them was promised employment in Dubai as salesman and/or as security guard. While the provision in the “Kasunduan” states that “Hindi kasama sa kasunduan na pagdating sa Dubai ay may agarang trabaho”, the same provision contradicts her assertion that the main consideration why the private complainants secured her services was to secure tourist/visit visa. By the conduct of the accused-appellant, she successfully gave private complainants the impression that she had the ability to send workers abroad although she did not in fact have the authority to do so. Private complainants were deceived as they relied on accused-appellant's misrepresentation and scheme that caused them to entrust their money to her in exchange for a vain hope of employment abroad. Accused-appellant gave them the distinct impression that she had the power or authority to send them abroad for work and they were convinced to part with their money in order to be employed. The acts of promising the four (4) private complainants that they will be deployed abroad after they paid the agreed amounts clearly show that she is engaged in illegal recruitment. Accused-appellant's denials and self-serving and uncorroborated testimony cannot stand against the straightforward testimonies of the private complainants who positively identified her in open court as the person who enticed them to part with their money upon her fraudulent representations that she would be able to secure for them employment abroad. Moreover, in the absence of evidence that the prosecution witnesses were motivated by improper motives, the trial court's assessment of the credibility of the witnesses shall not be interfered with by the appellate court. The accused-appellant committed illegal recruitment activities involving at least three (3) persons, i.e. the four (4) private complainants who testified herein.

With respect to the finding of guilt for the crime of estafa the RTC correctly appreciated the prosecution's

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evidence. Accused-appellant falsely represented to private complainant that she could deploy them to Dubai for jobs. Convinced by these false representations, private complainants parted with their money and paid substantial amounts as placement fees to accused-appellant. Furthermore, there is deceit on the part of the accused-appellant. The deceit consists of accused-appellant's false or fraudulent representations made prior to or at least simultaneously with, the delivery of money by the private complainants.

OUR RULING
Accused-appellant is guilty
beyond reasonable doubt of the
crime of Illegal Recruitment in
Large Scale

Article 13(b) of the Labor Code defines recruitment and placement as:

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> "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."
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The amendments to the Labor Code introduced by Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, broadened the concept of illegal recruitment and provided stiffer penalties, especially for those that constitute economic sabotage, i.e., illegal recruitment in large scale and illegal recruitment committed by a syndicate. Pertinent provisions of Republic Act No. 8042 are reproduced below:

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> "SEC. 6. Definition. - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:
>
> (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;
>
> (b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
>
> (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;
>
> (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
>
> (e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

(h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;

(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

(l) Failure to actually deploy without valid reason as determined by the Department of Labor and Employment; and

(m) Failure 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. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

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Sec. 7. Penalties. -

(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of Two hundred thousand pesos (P200,000.00) nor more than Five hundred thousand pesos (P500,000.00).

(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.

Provided, however, That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority."

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The two essential elements of illegal recruitment as set forth in People of the Philippine vs. Nenita Maria Olivia Gallardo and Remedios Malapit[44], are as follows: "(1) that the offender has no valid license or authority required by law to enable him to lawfully engage in the recruitment and placement of workers, and (2) that the offender undertakes any activity within the meaning of "recruitment and placement" defined under Article 13(b), or any prohibited practices enumerated under Article 34 of the Labor Code." Illegal recruitment is deemed

committed in large scale if committed against three (3) or more persons individually or as a group[45].

The first element is present, as accused-appellant admitted that R.A.M Travel and Tours had no valid license or authority to engage in recruitment and placement of workers. The second element is also established beyond reasonable doubt by the prosecution evidence.

Illegal recruitment is committed when it is shown that petitioner gave the complainant the distinct impression that he had the power or ability to send the complainant abroad for work, such that the latter was convinced to part with his money in order to be employed.[46] It is important that there must at least be a promise or offer of an employment from the person posing as a recruiter, whether locally or abroad.[47] Accused-appellant's misrepresentations concerning her purported power and authority to recruit for overseas employment, and the collection from private complainants of various amounts, clearly indicate acts constitutive of illegal recruitment. Accused-appellant likewise committed illegal recruitment as described in Section 6, RA 8042 by receiving placement fees from private complainants evidenced by receipts she issued; and failing to reimburse/refund to private complainants the amounts they had paid when they were not able to leave for Dubai, through no fault of their own. Under Section 6(m) of Republic Act No. 8042, failure to reimburse the expenses incurred by the worker when deployment does not actually take place, without the worker’s fault, is illegal recruitment.

There being four (4) private complainants for illegal recruitment against accused-appellant, i.e. Arnold Malaluan, Rizalino Benemerito, Jr., Robert Pamittan and Wilson Flores, it qualifies as an offense involving economic sabotage, it being done in large scale. The penalty of life imprisonment and the fine of P500,000.00, imposed upon accused-appellant for the said offense by the RTC is in accord with Section 7(b)[48] of Republic Act No. 8042.

Accused-appellant is guilty beyond reasonable doubt of four (4) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code.

We are likewise affirming the conviction of Rexzhelle Serioza for estafa on four (4) counts. The very same evidence proving her liability for illegal recruitment also established her liability for estafa. It is settled that a person may be charged and convicted separately of Illegal Recruitment under Republic Act No. 8042 in relation to the Labor Code, and Estafa under Article 315, paragraph 2(a) of the Revised Penal Code. As reiterated in the case of People of the Philippines vs. Dolores Ocden[49],

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> “In this jurisdiction, it is settled that a person who commits illegal recruitment may be charged and convicted separately of illegal recruitment under the Labor Code and estafa under par. 2(a) of Art. 315 of the Revised Penal Code. The offense of illegal recruitment is malum prohibitum where the criminal intent of the accused is not necessary for conviction, while estafa is malum in se where the criminal intent of the accused is crucial for conviction. Conviction for offenses under the Labor Code does not bar conviction for offenses punishable by other laws. Conversely, conviction for estafa under par. 2(a) of Art. 315 of the Revised Penal Code does not bar a conviction for illegal recruitment under the Labor Code. It follows that one’s acquittal of the crime of estafa will not necessarily result in his acquittal of the crime of illegal recruitment in large scale, and vice versa.”
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Article 315, paragraph 2(a) of the Revised Penal Code defines estafa as:

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> “Art. 315. Swindling (estafa). - Any person who shall defraud another by any of the means mentioned herein

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below x x x:

x x x x

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions; or by means of other similar deceits."

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Under this provision, estafa has the following elements: 1) the existence of a false pretense, fraudulent act or fraudulent means; 2) the execution of the false pretense, fraudulent act or fraudulent means prior to or simultaneously with the commission of the fraud; 3) the reliance by the offended party on the false pretense, fraudulent act or fraudulent means, which induced him to part with his money or property; and 4) as a result, the offended party suffered damage.[50]

The prosecution has duly proved the elements of estafa by deceit beyond reasonable doubt.

It is undisputed, and in fact admitted by accused-appellant, that R.A.M. Travel and Tours is not licensed by the POEA to recruit workers for overseas employment. It was also established that accused-appellant in her personal capacity is not licensed by the POEA to recruit workers for overseas employment. A POEA Certification to the effect that Rexzhelle Serioza is not licensed to recruit workers for employment abroad was presented by the prosecution and attested to by Marcelino Maningding. Jr., Senior Labor Employment Officer of the POEA[51].

Despite such lack of license, accused-appellant made promises to the private complainants that she was capable of sending them to Dubai for work. The four (4) private complainants who testified were one in claiming that accused-appellant promised them jobs in Dubai, either as airport security guard or salesman where they can earn as much as P60,000.00 - P80,000.00, Philippine Currency. As attested to by the private complainants:

Testimony of Arnold Malaluan:

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"Q:

You said you were able to inquire from the accused in the said agency. What did you and accused Rexzhelle Serioza talk about?

A:

When I inquired from RAM Travel and Tours, I asked what possible works or jobs I could apply for.

Q:

To whom did you ask that question?

A:

To Rexzhelle Serioza.

Q:

What was the reply of the accused to your question regarding employment abroad?

A:

She answered that as a military personnel, she can get me employed as security guard in one of the companies in Dubai.

Q:

Did she inform you of the salary that you will be receiving?

A:

She promised that she can get me employed as security guard in Dubai and I will receive a monthly salary of P80,000.00.

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Q: What did the accused tell you when you said you are interested in the job that she offered?

A: That I will pay a placement fee of P70,000.00.

Q:

What was your reply to that information given to you by the accused that you have to pay a placement fee of P70,000.00 for your employment abroad?

A: I thought it over and I tried to raise that amount.

Q: Were you able to raise that amount?

A: Yes, sir.

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Q:

Now, Mr. Witness, after you gave the P30,000.00 to accused Rexzhelle Serioza and after she acknowledged receipt of the same by issuing to you the official receipt which you identified, what happened next?

A:

Sir, she said that I should submit my diploma and transcript of record (TOR) with red ribbon. The following day, September 20, I went to her house and submitted the said documents and they told me that they will be the one to have it red ribbon.

Q:

After that, after you have submitted the documents to accused Rexzhelle serioza, what else transpired?

A:

She sent a text message to me saying that she already booked my flight and that I have to pay P25,000.00 as payment for the airline ticket.

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Q: What did you do after you were given that information of the deadline?

A: I paid her again in the amount of P25,000.00.

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Q: Where did you pay that amount, by the way?

A: At her house, Sir. At 12-29 St., Villamor Air Base, Pasay City.

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Q: What did you do next after you were given that information that the accused is still processing your paper?

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A: I went to her house but I could no longer find her.

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Q:

By the way, all the while you mentioned the name of Rexzhelle Serioza as the person who promised you employment as security guard in Dubai in consideration of P70,000.00. If she is in the courtroom now, will you be able to identify her?

A: Yes, sir.

Q: Can you point at said person to us?

THE INTERPRETER: Witness pointed to a person who is wearing a yellow shirt who stood up and when asked of her name, answered as Rexzhelle Serioza."[52]

-xxx-

Affidavit of Robert Pamittan:

-xxx-

"05 Tanong: Maaari mo bang isalaysay kung paano ka naloko ng mag-asawang ito?

05 Sagot: Nakilala ko sina REXZHELLE at ARIUS SERIOZA sa Save on Surplus, na matatagpuan sa Metropoint Mall, Pasay City. Dati po kasing nagtatrabaho ang misis ko na si MARY JANE PAMITTAN doon. Kasamahan niya si RENATO CORPUZ sa Save on Surplus na nabiktima din ng mag-asawang REXZHELLE at ARIUS. Nag offer po siya sa akin na nagpapaalis daw po siya papuntang Dubai. Ipasok daw niya akong Computer salesman o kaya ay waiter sa Dubai. Noong June 05, 2007 ay nagbayad ang misis ko kay REXZHELLE at ARIUS ng Php 10,000.00 para sa processing ng aking mga dokumento papuntang Dubai. Doon po mismo nagbayad ang misis ko sa kanila sa Save on Surplus sa Pasay City, kasama niya noon ang mister niya na si ARIUS. Noong June 08, 2007 ay muling nagbayad and misis ko kay REXZHELLE at ARIUS ng Php 10,000.00 at ang huling bayad sa kanila ng misis ko ay noong June 13, 2007 kung saan ay nagbayad siya ng Php15,000.00 para sa aking karagdagang bayad sa application ko sa Dubai.

06 Tanong: Anu ang sumunod na nangyari kung meron man?

06 Sagot: Pinangakuan po niya ako na makaalis papuntang Dubai noong June 04, 2007. Pinakitaan ako ng Visa at saka plane ticket. Pero hindi natuloy dahil nasa Pilipinas pa daw ang nanay niya at wala daw mag-aasikaso sa amin sa Dubai."[53]

-xxx-

Testimony of Rizalino Benemerito:

"Q: You said you applied at RAM Travel and Tours. Were you able to apply with accused Rexzhelle Serioza? What did you and the accused talk about, if any?

A: She told me that when I arrived in Dubai, a job will be waiting and they will be the one to look for a job for me.

-xxx-

Q: Now, when accused Rexzhelle Serioza informed you that she will be able to secure employment for you in Dubai, what particular employment was offered to you?

A: Security Guard. Airport Security Guard in Dubai.

Q: Now after the accused promised you employment in Dubai, what did you do, if any?

A: She asked for a down payment, sir.

Q: How much is this down payment?

A: P40,000.00, sir.

-xxx-

Q: When you were able to acquire P40,000.00, what did you do with the P40,000.00?

A: I brought it to the house of Rexzhelle Serioza, but my payment was installment.

-xxx-

Q: With regard to the secretary, your Honor. What else did the secretary do with regard to the payment that you made?

A: She issued a receipt, sir.

Q: Okay. How many receipts were issued to you?

A: Four (4) receipts, sir.

Q: Do you have a copy of those receipts?

A: Yes, sir. It is in my bag, sir.

-xxx-

THE INTERPRETER: The witness produced several pieces of paper.

-xxx-

Q: You said a while ago that you were able to pay the P40,000.00. After having paid the total amount of P40,000.00 to the accused, what happened to your application for employment, if any?

A: She told me that I will be able to leave on October 19, 2007.

Q: And what happened to that promise of the accused that you will be able to leave on October 19, 2007?

A: When that day arrived, October 19, I was not able to leave.

-xxx-

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Q: And by the way, you made mention about the name of Rexzhelle Serioza as the person who promised you employment abroad and she was also present when you gave the P40,000.00 to her secretary. If she is present in the courtroom now, will you be able to identify her?

A: Yes, sir.

Q: Can you point to her for purposes of identification?

THE INTERPRETER: Witness pointed to a person in the courtroom who stood up and when asked of her name, answered as Rexzhelle Serioza."[54]

-xxx-

Testimony of Wilson Flores:

"Q: And what happened when yo went to the house of Rexzhelle Serioza in Villamor Air Base, Pasay City?

A: Me and my wife applied for a job at her office at RAM Travel and Tours, Sir.

Q: And please tell this Court, to whom did you personally apply for a job?

A: With Rexzhelle Serioza, Sir.

Q: And what did you and Rexzhelle Serioza talk about regarding the job?

A: She promised me employment in Dubai, Sir.

-xxx-

A: She promised me that I will have a job as airport security guard in Dubai, Sir.

-xxx-

Q: And how much salary will you be receiving as promised to you?

A: Sixty (60) to eighty (80) thousand per month, Sir.

-xxx-

Q: And since you became interested in the job offered to you by the accused, what did you do?

A: I paid the reservation fee of Four Thousand Pesos (P4,000.00), Sir.

-xxx-

Q: A reservation fee for what?

A: For the deployment to Dubai, Sir.

Q:

You said that the Four Thousand Pesos (P4,000.00) is merely for reservation fee in your employment for Dubai. Please tell the Court what is the full amount that you and the accused agreed?

A:

She asked us to pay the total amount of Eighty Thousand Pesos (P80,000.00) which will include the visa and the plane ticket.

-xxx-

Q:

And what was your agreement? For how many installment payments will you pay the Forty Thousand Pesos (P40,000.00)?

A:

Our agreement was that I have to pay the full amount of Forty Thousand Pesos (P40,000.00) before the visa and the plane ticket will be released, Sir.

Q:

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-xxx- Were you able to pay the full amount of Forty Thousand Pesos (P40,000.00)?

A: Yes, Sir.

-xxx-

Q: How many receipts do you have?

A: Five (5) receipts, Sir.

Q: Do you have a copy of those receipts?

A: Yes, Sir.

Q: Could you produce it before this Honorable Court?

A: Yes, Sir.

-xxx-

THE INTERPRETER: The witness produced several pieces of paper.

-xxx-

Q: -xxx- My question is what happened to that promise of the accused that she will be able to send you for employment abroad in Dubai?

A: She was not able to fulfill that promise, Sir.

-xxx-

Q:

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> By the way, Mr. Witness, you mentioned the name Rexzhelle Serioza as the person whom you met at RAM Travel and Tours in Pasay City and who promised you employment abroad in Dubai as a security guard. For the record, if she is in the courtroom right now will you be able to point to us this Rexzhelle Serioza?
>
> A: Yes, Sir.
>
> THE INTERPRETER: Witness pointing to a woman wearing a yellow shirt who when asked her name answered as Rexzhelle Serioza."[55]
>
> -xxx-

The evidence is clear that in falsely pretending to possess the power to deploy persons for overseas placement in Dubai, accused-appellant deceived Arnold Malaluan, Rizalino Benemerito, Jr., Robert Pamittan and Wilson Flores into believing that the placement would give them greener opportunities as airport security guard or salesman in Dubai. Accused-appellant's assurance constrained the private complainants to part with their hard-earned money in exchange for a slot in the overseas job in Dubai. Convinced by accused-apepllant, private complainants paid substantial amounts as placement fees to her. Prejudice or pecuniary loss, was established during trial as the prosecution was able to present the various receipts issued and signed by the accused-appellant proving that she received money from private complainants. The numerous receipts[56] issued by accused-appellant satisfactorily showed that she received large sums of money from private complainants in connection with their alleged deployment overseas for work. Accused-appellant claimed that the receipts clearly stated that the monies paid to her were only for the purpose of the visit visa application and/or plane tickets. She posited that the private complainants even executed Affidavits/"Kasunduans" which categorically state that the fees they paid were for the application of visit visa. In this regard, we quote with approval the ruling of the RTC on the matter, thus:

> -xxx-
> "....such documents cannot overcome the positive and convincing testimonies of Robert, Arnold, Wilson and Rizalino categorically stating that each of them was promised employment in Dubai. Besides, the document allegedly signed by Rizalino Benemerito and denominated as "Affidavit" relied upon by the accused as not notarized.
>
> Moreover, the separate "Kasunduans" relied upon by the accused even specifically provides that "hindi kasama sa kasunduan na pagdating ng Dubai ay ay agarang trabaho" (the agreement does not include that once in Dubai, work immediately follows). Although it appears from such stipulation that accused did not expressly promise immediate work, it can nevertheless be inferred that work was agree to be forthcoming, albeit not upon arrival in Dubai."[57]
>
> -xxx-

Accused-appellant's testimony is self-serving and uncorroborated. Her denial of any illegal recruitment activity cannot stand against the prosecution witnesses' positive identification of her in court as the person who induced them to part with their money upon the misrepresentation and false promise of deployment to Dubai either as security guard or salesman. Between the categorical statements of the prosecution witnesses, on the one hand, and the bare denial of accused-appellant, on the other, the former must perforce prevail. An affirmative testimony is far stronger than a negative testimony especially when the former comes from the mouth of a credible witness.

Denial, same as an alibi, if not substantiated by clear and convincing evidence, is negative and self-serving evidence undeserving of weight in law. It is considered with suspicion and always received with caution, not only because it is inherently weak and unreliable but also because it is easily fabricated and concocted. Furthermore, in the absence of any evidence that the prosecution witnesses were motivated by improper motives, the trial court's assessment of the credibility of the witnesses shall not be interfered with by this Court. It is a settled rule that factual findings of the trial courts, including their assessment of the witnesses' credibility, are entitled to great weight and respect. After all, the trial court is in the best position to determine the value and weight of the testimonies of witnesses. The absence of any showing that the trial court plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case, or that its assessment was arbitrary, we are constrained to defer to the trial court's determination according credibility to the prosecution evidence.

The penalty for estafa depends on the amount of defraudation based on Article 315[58] of the Revised Penal Code. The prescribed penalty for estafa under Article 315 of the Revised Penal Code, when the amount of fraud is over P22,000.00, is prision correccional maximum to prision mayor minimum, adding one year to the maximum period for each additional P10,000.00, provided that the total penalty shall not exceed 20 years.

While both the accused-appellant, through her counsel and the plaintiff-appellee, represented by the Office of the Solicitor General, did not question the penalties imposed upon the accused-appellant, We re-examined the same and found the penalties imposed by the RTC with respect to the estafa cases to be erroneous.

The amounts defrauded from each of the private complainants were correctly found by the RTC, to wit:

Criminal Case No.

Complainant

Amount to be paid

Criminal Case No. 09-0037-CFM Wilson Flores

P41,620.00

Criminal Case No. 09-0038-CFM Robert Pamittan

P35,000.00

Criminal Case No. 09-0040-CFM Rizalino Benemerito, Jr.

P40,000.00

Criminal Case No. 09-0042-CFM Arnold Malaluan

P55,000.00

Since all the amounts exceeded P22,000.00, the penalty prescribed by law therefor is prision correccional maximum to prision mayor minimum, to be imposed in its maximum period, which is six (6) years, eight (8) months and 21 days to eight (8) years. Applying the Indeterminate Sentence Law, the penalty next lower in degree is prision correccional in its minimum and medium periods, or six (6) months and one (1) day to four (4) years and two (2) months of prision correccional, and the maximum penalty therefor is six (6) years eight (8) months and twenty one (21) days to eight (8) years, plus an additional one (1) year for every P10,000.00 in excess of P22,000.00.

Criminal Case No. Amount
Defrauded Amount in

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Excess of
P22,000.00 Number of Years
to be Added
to the penalty

Criminal Case No. 09-0037-CFM P41,620.00 P19,620.00 1

Criminal Case No. 09-0038-CFM P35,000.00 P13,000.00 1

Criminal Case No. 09-0040-CFM P40,000.00 P18,000.00 1

Criminal Case No. 09-0042-CFM P55,000.00 P33,000.00 3

The correct penalties that should be meted upon the accused-appellant are as follows:

Criminal Case No. Minimum Penalty Maximum Penalty

Criminal Case No. 09-0037-CFM Four (4) years, two (2) months Nine (9) years

Criminal Case No. 09-0038-CFM Four (4) years, two (2) months Nine (9) years

Criminal Case No. 09-0040-CFM Four (4) years, two (2) months Nine (9) years

Criminal Case No. 09-0042-CFM Four (4) years, two (2) months Eleven (11) years

In view of the doctrine espoused in Dario Nacar v. Gallery Frames[59] to the effect that when the judgment of the court awarding a sum of money becomes final and executory, the rate of legal interest, whether or not it was a loan or forbearance of money, shall be six (6%) percent per annum from such finality until its satisfaction, the interest rate of twelve (12%) percent per annum imposed in the assailed Joint Decision from finality to payment should be reduced to six (6%) percent per annum.

WHEREFORE, in view of the foregoing, the appeal is hereby DISMISSED for lack of merit. The Decision dated November 23, 2011 rendered by the Regional Trial Court of Pasay City, Branch 111, in Criminal Cases Nos. 09-0036-CFM to 09-0043-CFM and R-PSY-08-07987-CR is AFFIRMED with modification, in that the Accused-Appellant Rexzhelle Serioza is imposed the following penalties, with their corresponding accessory penalties, to wit:

Criminal Case No.

Criminal Case No. 09-0037-CFM An indeterminate penalty of four (4)
years, two (2) months as minimum
and nine (9) years as maximum

Criminal Case No. 09-0038-CFM An indeterminate penalty of four (4)
years, two (2) months as minimum
and nine (9) years as maximum Criminal

Case No. 09-0040-CFM AAn indeterminate penalty of four (4)
years, two (2) months as minimum
and nine (9) years as maximum

Criminal Case No. 09-0042-CFM An indeterminate penalty of four (4)
years, two (2) months as minimum
and eleven (11) years as maximum

Furthermore, the interest rate of twelve (12%) percent per annum that accrues from the finality of the decision

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until it is fully paid shall be reduced to six (6%) percent per annum.

All the other dispositions in the assailed Decision stand.

SO ORDERED.

Salazar-Fernando, R.A., Chairperson, and Gonzales-Sison, M., JJ., concur.

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[1] Rollo, pp. 68-82.

[2] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 131.

[3] Art. 315. Swindling (estafa). — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed under the provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be.chanrobles virtual law library
2nd. The penalty of prision correccional in its minimum and medium periods, if the amount of the fraud is over 6,000 pesos but does not exceed 12,000 pesos;
3rd. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period if such amount is over 200 pesos but does not exceed 6,000 pesos; and
4th. By arresto mayor in its maximum period, if such amount does not exceed 200 pesos, provided that in the four cases mentioned, the fraud be committed by any of the following means:
-xxx-
2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.chanrobles virtual law library
-xxx-

[4] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 1.

[5] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 161.

[6] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 176.

[7] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 191.

[8] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 211.

[9] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 225-A.

[10] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 239.

[11] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 255.

[12] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 269.

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[13] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, pp. 273-281.

[14] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 312.

[15] TSN dated May 13, 2009, p. 8.

[16] Id.

[17] TSN dated May 13, 2009, p. 9.

[18] TSN dated May 13, 2009, p. 10.

[19] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 361.

[20] TSN dated June 3, 2009, p. 5.

[21] TSN dated June 3, 2009, pp. 6-7.

[22] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 362.

[23] TSN dated June 17, 2009, p. 6.

[24] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, pp. 363-364.

[25] TSN dated June 24, 2009, pp. 7-8.

[26] TSN dated June 24, 2009, p. 10.

[27] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, pp. 365-366.

[28] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 367.

[29] TSN dated July 29, 2009, pp. 29-30.

[30] Order dated August 17, 2009, Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 372.

[31] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 539.

[32] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 538.

[33] TSN dated March 1, 2010, pp. 23-25.

[34] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 528.

[35] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 529.

[36] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 531.

[37] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 530.

[38] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 532.

[39] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, pp. 535-536.

[40] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, pp. 600-601.

[41] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 602.

[42] "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.

[43] Art. 34. Prohibited practices. It shall be unlawful for any individual, entity, licensee, or holder of authority:

- To charge or accept, directly or indirectly, any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor, or to make a worker pay any amount greater than that actually received by him as a loan or advance;

- To furnish or publish any false notice or information or document in relation to recruitment or employment;

- To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under this Code.

- To induce or attempt to induce a worker already employed to quit his employment in order to offer him to another unless the transfer is designed to liberate the worker from oppressive terms and conditions of employment;

- To influence or to attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

- To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

- To obstruct or attempt to obstruct inspection by the Secretary of Labor or by his duly authorized representatives;

- To fail to file reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor.

- To substitute or alter employment contracts approved and verified by the Department of Labor from the time of actual signing thereof by the parties up to and including the periods of expiration of the same without the approval of the Secretary of Labor;

- To become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency; and

- To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under this Code and its implementing rules and regulations.

[44] G.R. Nos. 140067-71, August 29, 2002.

[45] People of the Philippines vs. Jeric Fernandez y Jaurigue, G.R. No. 199211, June 4, 2014.

[46] Arlene Lapasaran vs. People of the Philippines, G.R. No. 179907 , February 12, 2009.

[47] People of the Philippines vs. Teresita Laogo, G.R. No. 176264 , January 10, 2011.

[48] SEC. 7. PENALTIES -

-xxx-
(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

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sabotage as defined herein.
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[49] G.R. No. 173198 , June 1, 2011 . citing the case of People vs. Yabut, 374 Phil. 575 (1999).

[50] Ma. Gracia Hao and Danny Hao v. People, G.R. No. 183345, September 17, 2014, citing RCL Feeders Pte., Ltd. v. Hon. Perez, 487 Phil. 211, 220-221 (2004).

[51] TSN dated July 29, 2009, pp. 29-30.

[52] TSN dated ay 13, 2009, pp. 9-18.

[53] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 65.

[54] TSN dated June 17, 2009, pp. 6-25

[55] TSN dated June 24, 2009, pp.24-27.

[56] Record for Criminal Cases Nos. 09-0036 CFM to 09-0043-CFM and R-PSY-08-07987-CR, p. 361-366.

[57] Rollo, pp. 77-78.

[58] Art. 315. Swindling (estafa). – Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos; and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be.

[59] G.R. No. 189871, August, 13, 2013.

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