

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CECILLE AMARA @ CECILLE ALAMA, @ CECILLE ALMA-TAIRI @ LORIE REMUDO, JOSE L. CENTENO, ADORA CENTENO, CRISTY CELIS AND BERNARDIN...

Ponente: DIAMANTE, FRANCHITO N., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c6cde92163e3/>

DIAMANTE, FRANCHITO N., J.:

Assailed before this Court is the September 18, 2013 Decision[1] of the Manila Regional Trial Court (RTC), Branch 8, in Criminal Case Nos. 08-259342 to 55, finding accused-appellant Jose L. Centeno (“Jose” for brevity) guilty beyond reasonable doubt of violation of Article 38 (a) Presidential Decree 1412 amending certain provisions of Book 1 of the New Labor Code of the Philippines in relation to Article 13 (b) and (c) of the said Code and further amended by Presidential Decrees 1693, 1920 and 2018 and Section 6 (a), (l) and (m) of Republic Act 8042, committed by a syndicate, and Estafa under Article 315, paragraph 2(a) of the Revised Penal Code.

An Appellant's Brief was filed on July 1, 2014 and the Appellee's Brief was subsequently filed on November 18, 2014. Accused-appellant Jose's “Manifestation In Lieu of Reply Brief”[2] averring that, for reasons therein stated, he elected not to file a reply brief to the plaintiff-appellee's brief is hereby noted. In view thereof, the instant case is deemed submitted for decision.

The facts are as follows:

Accused-appellant Jose was charged in fourteen (14) separate Informations with two (2) counts of Illegal Recruitment, in Criminal Case Nos. 08-259342 to 43,[3] and twelve (12) counts of Estafa, in Criminal Case Nos. 08-259344 to 55.[4] Except for the names of the offended parties, the dates of commission and the amounts involved, the Informations for Illegal Recruitment and Estafa were couched in similar language. The representative samples of the said Informations are the ones filed in Criminal Case No. 08-259342 and Criminal Case No. 08-259344 which are quoted hereunder to wit.

“Criminal Case No. 08-259342

“The undersigned accuses CECILLE AMARA @ Cecille Alama/@Cecile Almu-Tairi/@Lorie Remudo, JOSE CENTENO, ADORA CENTENO, CRISTY CELIS and BERNARDINO NAVALLO for violation of Article 38 (a) Presidential Decree 1412 amending certain provisions of Book 1 of Presidential Decree 442 (New Labor Code of the Philippines) in relation to Article 13 (b) and (c) of the said Code and further amended by Presidential Decrees 1693, 1920 and 2018 and Section 6 (a), (l) and (m) of Republic Act 8042, committed by a syndicate and in a large scale, as follows:

That in or about the period comprised between December, 2005 and June 2006, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another and representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully, for a fee, recruit and promise job placement to DANILO

PACTOL Y JALALON, ELIZABETH CASTILLO Y ALCANTARA, DAISY TACDOC Y PICOL, LUTHER ULMO Y CORTE, NELSON CORTEZ Y NARTE, REVILLA BUENDIA Y TINARIFE, TERESITA JOCSO Y SUNIGA, LEMINA NARCISA Y BALAJADIA, WILSON WYCOCO Y TEODORO, ALEX VERDILLO Y VICQUERRA, IAN SAMANIEGO Y DE JESUS without first having secured the required license or authority from the Department of Labor and Employment and charge or accept directly or indirectly from said complainants the total amount of P854,540.00 as placement fees in connection with their overseas employment, which amounts are in excess of or greater than those specified in the schedule of allowable fees prescribed by the POEA and without valid reasons failed to actually deploy them and continuously fail to reimburse expenses incurred by them in connection with their documentation and processing for purposes of their deployment.

Contrary to law.”[5]

“Criminal Case No. 08-259344

The undersigned accuses CECILLE AMARA @ Cecille Alama & @Lorie Remudo, JOSE L. CENTENO, JR., and ADORA CENTENO, of the crime of Estafa (Article 315, paragraph 2 (a), Revised Penal Code), committed as follows:

That in or about the period comprised between December 27, 2005 and May 22, 2006, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, did then and there willfully, unlawfully and feloniously defraud RUBEN B. SALVATIERRA in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which they made to said Ruben B. Salvatierra, prior to and even simultaneous with the commission of the fraud, to the effect that they have the power and capacity to recruit and employ the latter to work in Canada as waiter and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeding in inducing said Ruben B. Salvatierra to give and deliver, as in fact, he gave and delivered to said accused the amount of P95,000.00 on the strength of said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely for the purpose of obtaining, as in fact, they did obtain the said amount of P95,000.00, which amount once in their possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted the same to their own personal use and benefit, to the damage and prejudice of said Ruben S. Salvatierra in the aforesaid amount of P95,000.00, Philippine currency.”[6]

Only accused-appellant Jose was apprehended, while his co-accused eluded arrest and remained at large. Thus, the cases as to other accused were archived.

When arraigned, accused-appellant Jose, then assisted by Atty. Jeffrey D. Creus, pleaded "Not guilty" to the offenses charged. Trial on the merits thereafter followed.

The evidence for the prosecution consisted of the testimonies of complainants Elizabeth Castillo (“Elizabeth” for brevity), Revilla Tinarife Buendia (“Revilla” for brevity), Ruben Salvatierra (“Ruben” for brevity), and Labor and Employment Officer of POEA Johnson L. Bolivar.

In Criminal Case Nos. 08-259343 and 08-259244, Ruben testified that sometime in 2005, he was encouraged by Reynaldo Pastor to go to the office of Frontline Manpower Resources & Placement Company (herein referred to as “agency”) in Ermita, Manila and apply for overseas work. Thereat, he met accused Adora Centeno (“Adora” for brevity) and Cecille Amara (“Cecille” for brevity) and he was informed that the agency could assist, specifically “send” people abroad as contract workers. Accused Cecille assessed him and told him that he is qualified to work in Canada and was advised to undergo medical check-up, as well as, to submit the necessary requirements for his job application.[7]

During the application process, Ruben noted that he always saw accused-appellant Jose at the agency's office. The latter assisted him in his application by informing him of the things he should do and to whom he should go to. Accused-appellant Jose likewise told him to pay five thousand pesos (Php5,000.00) as medical fee to the finance manager of the agency, Jomelyn Ouano ("Jomelyn"[*] for brevity).[8]

Ruben stated that he principally transacted with accused Cecille who advised him, on separate occasions, to pay ninety-five thousand pesos (Php95,000.00) as placement fee inclusive of the Php 5,000.00 medical fee he already paid. Ruben later paid the said placement fee in installments, the same being delivered to Jomelyn.[9]

In a meeting held at the agency office, accused Adora, accused-appellant Jose and other employees of the agency were present. Ruben testified that accused-appellant Jose entertained and directed him and other applicants on how to go about their application. Ruben later paid fifteen thousand pesos (Php15,000.00) to Jomelyn for his visa and other expenses for the processing of his application. As instructed by accused-appellant Jose, Ruben made additional payments to Jomelyn in the amount of forty thousand pesos (Php40,000.00) on February 15, 2006 and thirty-five thousand pesos (Php35,000.00) on May 22, 2006. Accused-appellant informed Ruben that he is included in the first batch of employees to be deployed but in the event that he would not be able to leave with the first batch, he would be included in the second batch which is scheduled to leave on August 16, 2006.[10]

In another meeting held with the applicants where accused-appellant Jose, Adora and other personnel of the agency were present, accused-appellant Jose informed the applicants of the changes in schedule and promised that if the agency fails to deploy them, their money will be returned. When the promised date arrived, however, Ruben and the other applicants were not deployed.[11]

In Criminal Case Nos. 08-259342 and 08-259246, Elizabeth testified that prior to February 6, 2006, accused Adora went to her house and enticed her to work as a caregiver in Canada. She was told that the application process would only take two (2) months. Accused Adora asked her to prepare her documents.[12]

On February 21, 2006, she went to the agency to apply. There, she met accused-appellant Jose and other employees of the agency. She also submitted the documentary requirements to Jomelyn and paid Php5,000.00 as medical fee. During her follow-up with her application on February 29, 2006, she was approached by accused-appellant Jose and informed her that arrangements had been made for her Pre-Deployment Orientation Seminars, and that she would be deployed soon. She was given an Overseas Employment Certificate by accused Adora and was told that she will be deployed in two (2) weeks time.[13]

On March 9, 2006, she went to the agency's office and met accused-appellant Jose, accused Adora and Jomelyn. She was required to pay Php95,000.00 as placement fee but she was able to pay Php35,000.00 only, which was given to Jomelyn per accused-appellant Jose's instruction.[14]

During a meeting in April 2006 with accused-appellant Jose, accused Adora, Cecile, Nancy Tiu and Jomelyn, she was given a plastic envelope on which the flag of Canada and the words, "ELIZABETH CASTILLO, CAREGIVER", are printed. She was required to pay the balance of the placement fee but was not able to pay the same.[15]

Elizabeth later went to the agency to settle the balance. She was instructed by accused-appellant Jose to pay the said balance to Jomelyn, and she made the payment thereof in the presence of accused-appellant, accused Adora and Jomelyn. Jomelyn issued a receipt for her full payment. Consequently, she was promised by the group that she will be included in the second batch of workers to be dispatched on the second week of June. She made subsequent follow-ups but was told to wait for the agency's advice.[16]

In a meeting held in August 2006 where accused-appellant Jose, accused Cecille, accused Adora and Nancy were

present, the applicants including Elizabeth were given and were made to sign an “Application for Work Permit made outside Canada.” On the said occasion, accused-appellant Jose, accused Cecille and accused Adora promised that they will be deployed on August 16, 2006. The next day, they were asked to go to the POEA Office to obtain “something” from accused-appellant Jose and the other accused who were supposed to meet them there. They were likewise asked to bring their luggage.[17] Elizabeth, together with the other applicants, went to POEA twice but no one met them which prompted them to report the matter to the NBI and the Criminal Investigation and Detection Group (CIDG).[18]

In Criminal Case Nos. 08-259342 and 08-259251, Revilla testified that she met accused-appellant Jose and the other accused on the second week of January 2006 when she accompanied her friend to the agency. Accused-appellant Jose and accused Adora explained to her the application process for a job in Australia and was told that they were representing an agency in Australia which is the reason why they were looking for chambermaids to be deployed in Canada and Australia. She was likewise informed that she could earn up to six hundred dollars (\$600.00) for working as a chambermaid and she would get fifty percent (50%) of her salary as an advance payment before her departure.[19]

The agency required Revilla to pay a medical fee of Php5,000.00 which she paid to accused Cristy Celis. Accused-appellant Jose required Revilla to pay a processing fee of Php95,000.00 but she was able to pay only Php70,000.00 in installments on several occasions.[20]

Accused Cecille promised Revilla that she would be deployed on August 24, 2006 but the same was rescheduled by accused-appellant Jose and Jomalyn to August 31, 2006. The scheduled date was later rebooked to September 7, 2006.[21]

On September 7, 2006, Revilla along with the other applicants went to the POEA Office to bring their luggage, per the agency's instruction. The applicants were supposed to be fetched by the agency's personnel but no one showed up. Revilla and the other applicants went to the agency's office but failed to locate any of the employees therein. Thus, they filed a complainant with the CIDG.[22]

Labor and Employment Officer of POEA Johnson L. Bolivar likewise testified that neither Frontline Manpower Resources & Company nor accused-appellant Jose was licensed to recruit workers for overseas employment on the basis of the Certificate issued by Noriel P. Devanadera, Director IV, Licensing and Regulation Office of the POEA.[23]

On the other hand, the defense presented only the accused-appellant himself.

Accused-appellant Jose testified that he was with his son, Emerson, when Cecille Amara, the President of Frontline Manpower Resources and Company, met him. He was convinced by Cecille to join her newly established recruitment agency for a monthly salary of Thirty Thousand Pesos (Php30,000.00) plus One Hundred U.S. Dollars (US\$100.00) commission for every applicant recruited for overseas deployment. Subsequently, Cecille assigned him to register the recruitment agency with the Securities and Exchange Commission (SEC). He was also sent to Malaysia and Singapore and look for job orders.[24]

Accused-appellant stated that while he was named as the business partner of Cecille in the Memorandum of Agreement (MOA), he was merely an employee of the latter. He neither shared nor contributed in the capital for the establishment of the recruitment agency.[25]

Accused Cecille subsequently ordered him to go to Malaysia to secure One Hundred (100) job orders as a requirement for POEA requirement and licensing and upon returning home, he found the agency's office empty and in disarray. People were asking him of Cecille's whereabouts for failure of the latter to deploy them abroad

but he denied any involvement in the hiring and recruitment of workers abroad. Accused-appellant Jose stressed that he had no participation in the recruitment of workers. He was even prohibited by accused Cecille from talking to the applicants. He also did not receive a salary and the agreed commission during his employment with said agency.[26]

On September 18, 2013, the court a quo rendered a judgment of conviction against accused-appellant finding him guilty of Syndicated Illegal Recruitment (2 counts) and Estafa (3 counts). The dispositive portion of the decision reads: :

“WHEREFORE, premises considered, this Court finds accused JOSE CENTENO in:

1. Criminal case No. 08-259342, for illegal Recruitment committed by a syndicate and in a large scale, GUILTY beyond reasonable doubt of the crime of Violation of Art. 38 (a) P.D. No. 1412, amending certain provisions of Book I, P.D. No. 442, otherwise known as the New Labor Code of the Philippines, in relation to Article 13 (b) and (c) of said Code, as further amended by P.D. Nos. 1693, and 1920, as further amended by R.A. 8042 committed by a syndicate and hereby sentences him to suffer the penalty of life imprisonment and pay a fine of P100,000.00;

2. Criminal case No. 08-259343, GUILTY beyond reasonable doubt of the crime of Violation of Art. 38 (a) P.D. No. 1412, amending certain provisions of Book I, P.D. No. 442, otherwise known as the New Labor Code of the Philippines, in relation to Article 13 (b) and (c) of said Code, as further amended by P.D. Nos. 1693, and 1920, as further amended by R.A. 8042 committed by a syndicate and hereby sentences him to suffer the penalty of life imprisonment and pay a fine of P100,000.00;

3. Criminal case No. 08-259344, GUILTY beyond reasonable doubt of the crime of Estafa under Article 315, par. 2 (a) of the Revised Penal Code, and sentences him to suffer the penalty of four (4) years and two (2) months of prision correccional as minimum to fifteen (15) years of reclusion temporal as maximum, and to indemnify complainant Ruben Salvatierra in the amount of Php95,000.00 as actual damages, with legal interest from the date of filing of this criminal case until the amount shall have been fully paid.

4. Criminal case No. 08-259346, GUILTY beyond reasonable doubt of the crime of Estafa under Article 315, par. 2 (a) of the Revised Penal Code, and sentences him to suffer the penalty of four (4) years and two (2) months of prision correccional minimum to fifteen (15) years of reclusion temporal as maximum, and to indemnify complainant Elizabeth Castillo in the amount of Php95,000.00 as actual damages, with legal interest from the date of filing of this criminal case until the amount shall have been fully paid.

5. Criminal case No. 08-259351, GUILTY beyond reasonable doubt of the crime of Estafa under Article 315, par. 2 (a) of the Revised Penal Code, and sentences him to suffer the penalty of four (4) years and two (2) months of prision correccional as minimum to eleven (11) years of prision mayor as maximum, and to indemnify complainant Revilla Buendia in the amount of Php70,000.00 as actual damages, with legal interest from the date of filing of this criminal case until the amount shall have been fully paid.

6. As to Criminal Case Nos. 08-259345, 08-259347 to 08-259350 and 08-259352 to 08-259355 for the crime of Estafa under Article 315, par. 2 (a) of the Revised Penal Code, wherein accused Jose Centeno is co-accused, the same are DISMISSED, for failure of the prosecution to prosecute and to prove the guilt of the accused beyond reasonable doubt.

7. As to the accused Cecille Amara, Adora Centeno, Cristy Celis and Bernardino Navallo who were not arraigned in Court, said Criminal Case Nos. 08-259342 to 08-259355, are ARCHIVED.

which penalties to be served successively in accordance with Article 70 of the Revised Penal Code.

Being a detention prisoner, the said accused is entitled to the full time of the period of his detention during the pendency of this case under the condition set forth in Article 29 of the Revised Penal Code.

SO ORDERED.”[27]

On October 24, 2013, accused-appellant Jose filed a Notice of Appeal,[28] before the court a quo which was duly approved by the latter on November 19, 2013.[29] In his Brief,[30] he submitted the following assignment of errors:

I. THE TRIAL COURT GRAVELY ERRED IN HOLDING THAT THE ACCUSED-APPELLANT WAS ENGAGED IN RECRUITMENT AND PLACEMENT UNDER ARTICLE 13 (B) OF THE LABOR CODE.

II. THE TRIAL COURT ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIMES CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.[31]

The issues raised is whether or not the court a quo erred in finding accused-appellant Jose guilty beyond reasonable doubt of the crime of illegal recruitment committed by a syndicate as defined in Sections 6 (a), (l) and (m) of R.A. No. 8042, and Estafa under Article 315, paragraph 2(a) of the Revised Penal Code.

We deny the appeal.

Sections 6 (a), (l) and (m) of Republic Act No. 8042, or the Migrant Workers and Overseas Filipinos Act of 1995, provides:

“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 engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

xxx xxx

(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 or acknowledge any amount greater than that actually received by him as a loan or advance;

(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.

xxx xxx” [Emphasis and underscoring supplied]

To be convicted of the crime of illegal recruitment committed by a syndicate, the following elements must occur:

- The accused have no valid license or authority required by law to enable them to lawfully engage in the recruitment and placement of workers;
- The accused engaged in this activity of recruitment and placement by actually recruiting, deploying and transporting; and,
- Illegal recruitment was committed by three persons conspiring and confederating with one another. [32]

Article 13 (b) of the Labor Code defines "recruitment and placement" as "[a]ny 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." [33]

In finding accused-appellant Jose guilty of the crime charged, the court a quo held that the former engaged in recruitment and placement under Article 13, paragraph (b) of the Labor Code when he made representations to complainants Ruben Salvatierra, Elizabeth Castillo and Revilla Buendia that after they paid the placement fees they would be deployed for employment abroad. [34] As evidenced by a Certification dated August 23, 2006, Frontline Manpower Resources and Placement Company, allegedly represented by Cecille Amara and accused-appellant Jose, are not licensed by the POEA to recruit workers for overseas employment. [35]

Although accused-appellant Jose did not dispute the fact that he did not have the license or authority to engage in recruitment activities, he, however, averred that there was no evidence to show that he misrepresented himself as a recruiter of workers abroad, nor gave an impression that he had the ability to send them abroad. [36] Thus, it can be said that the accused-appellant did not fraudulently nor falsely represent himself to possess the capacity, power or authority to recruit and deploy private complainants for overseas employment. Moreover, he cannot be held liable for estafa as he did not employ deceit, nor did he misrepresent his qualifications to assist the private complainants in securing the necessary documents to work in Alberta, Canada and in Australia. [37]

We find no cogent reason to deviate from the findings of the court a quo.

It is beyond doubt that all the elements necessary for conviction for illegal recruitment committed by a syndicate was clearly established against accused-appellant Jose. Consider the following:

Firstly, Mr. Johnson Bolivar, senior representative of Philippine Overseas Employment Administration, categorically testified that per Certification dated September 7, 2006 [38] signed by Officer-In-Charge Yolanda Paragua, Frontline Manpower Resources and Placement Company represented by accused-appellant Jose, among others, was not licensed to recruit workers for overseas employment. On this score, We note that it is the lack of the necessary license or authority to recruit and deploy workers, either locally or overseas, that renders the recruitment activity unlawful [or criminal]. [39]

Secondly, it was sufficiently proved that accused-appellant Jose, together with the other accused, undertook illegal recruitment activities when they convinced the private complainants that they had the capacity to deploy them abroad and the subsequent failure to actually deploy them. These constituted a promise of employment tantamount to recruitment as defined in Article 13 (b) of the Labor Code.

At this juncture, We deem it worthy to emphasize that to prove illegal recruitment, the State must show that the accused gave the complainants the distinct impression that he had the power or ability to deploy the complainants abroad in a manner that they were convinced to part with their money for that end. With that, 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. [40] Parenthetically, the case of *People of the Philippines vs. Vicenta Medina Lapis, et al.* [41] is enlightening, thus:

“ xxx xxx Where appellants made misrepresentations concerning their purported power and authority to recruit for overseas employment, and in the process, collected from complainants various amounts in the guise of placement fees, the former clearly committed acts constitutive of illegal recruitment. In fact, this Court held that illegal recruiters need not even expressly represent themselves to the victims as persons who have the ability to send workers abroad. It is enough that these recruiters give the impression that they have the ability to enlist workers for job placement abroad in order to induce the latter to tender payment of fees. xxx xxx”
[Emphasis and underscoring supplied]

Thus, from the foregoing, it is clear that in order to be convicted of the crime of illegal recruitment, it is enough

that one had given a mere impression of having the authority to recruit workers for deployment abroad.

In the case at bench, the said impression can be deduced from the fact that accused-appellant Jose, who appeared to be the Executive Vice President and General Manager of Frontline Manpower Resources and Placement Co.[42] had made an assurance to private complainants of their employment in Alberta, Canada and in Australia, and in the process, collected money from them which the applicants regarded as “placement fees.”

Stated in greater detail, the following acts were, to Us, constitutive of accused-appellant's engagement in illegal recruitment activities, viz: a) accused-appellant's misrepresentation that they were representing an agency in Australia which is why they were looking for chambermaids to be deployed in that country;[43] b) accused-appellant's direct hand in the processing of application for work abroad of private complainants which, as testified to by complainant Salvatierra, includes giving instructions on how to go about the application, particularly to whom the payment for the said application must be made;[44] c) accused-appellant's giving of details anent the departure schedule of the applicants[45] plus the promise to return their money in the event that they will not be deployed;[46] d) accused-appellant's statement that the applicants already have a Pre-Departure Orientation Seminar, as testified to by complainant Castillo;[47] d) accused-appellant's presence and participation in the meetings held at the Frontline Agency with respect to the application of the complainants;[48] and, e) accused-appellant's issuance of a Certification dated June 9, 2006[49] attesting to the fact that complainant Buendia was given a slot for chambermaid bound for Australia.

Accused-appellant's demeanor, as enumerated in the foregoing, clearly suggest that he was actively and consciously involved in the recruitment activities of Frontline Agency. With this finding, accused-appellant's defense that he was merely an employee of accused Cecille Amara clearly crumbles. In the case of *People of the Philippines vs. Antonio Nograth*,[50] the High Court stressed that the defense of being a mere employee is not a shield against accused conviction for large scale illegal recruitment. As enunciated in *People of the Philippines vs. Capt. Florencio O. Gasacao*[51] and *People of the Philippines vs. Leticia Sagayaga, et al.*,[52] an employee of a company or corporation engaged in illegal recruitment may be held liable as principal by direct participation, together with its employer, if it is shown that he actively and consciously participated in the recruitment process. With sufficient evidence at hand which proved accused-appellant's active participation in the illegal recruitment activities of the agency, his argument that he should not be held criminally liable for being a mere employee of the Frontline Agency deserves scant consideration.

Furthermore, We agree with the court a quo when it said that the testimonies of complainants Salvatierra, Castillo and Buendia corroborate each other on material points such as the presence and representations of accused, the location of the agency and the amount of fees to be paid.[53] Accused-appellant had not shown that the said complainants had any ill motive to testify falsely against him.[54] When there was no showing that the principal witness for the prosecution were actuated by improper motive, the presumption is that the witness was not so actuated and the testimonies, therefore, are entitled to full faith and credit.[55]

Thirdly, We agree with the court a quo that there existed a conspiracy in the case at bench, hence, the commission of the crime of syndicated illegal recruitment. The court a quo correctly cited the case of *People of the Philippines vs. Hadja Jarma Lalli y Purih*[56] in which two (2) of the three (3) accused were convicted of illegal recruitment committed by a syndicate, even though the third accused was at-large.[57] In so ruling, the High Court took note of the fact that the victim would not have been able to go to Malaysia were it not for the concerted efforts of the three accused.[58] Conspiracy to defraud aspiring overseas contract workers was evident from the acts of the malefactors whose conduct before, during and after the commission of the crime clearly indicated that they were one in purpose and united in its execution.[59] Here, it is evident that accused-appellant Jose showed his specific participation in the conspiracy to defraud and lure private complainants to part with their hard-earned money with

promises of jobs abroad. Considering, therefore, that the illegal recruitment in the case at bench was committed by three (3) or more persons who conspired with one another in carrying out their unlawful objective, the court a quo correctly found that the present case is one of syndicated illegal recruitment.

With respect to the conviction of accused-appellant for three (3) counts of estafa committed against the private complainants in Criminal Case Nos. 08-259344, 08-259346, and 08-259351, We find the same to be in order.

A person who is convicted of illegal recruitment may, in addition, be convicted of estafa under Art. 315 (2) (a) of the Revised Penal Code.[60] Illegal recruitment is *malum prohibitum*, in which criminal intent is not necessary, whereas estafa is *malum in se* in which criminal intent is necessary.

As the act complained of in the instant case is penalized under Article 315, paragraph 2 (a) of the RPC, estafa herein is committed by any person who shall defraud another by false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud. It is committed by using fictitious name, or by pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.[61]

It bears reiterating that the prosecution was able to establish that herein accused-appellant acted in conspiracy with his co-accused to entice private complainants to part with their money in exchange for jobs abroad. As aptly discussed by the court a quo, accused-appellant Jose, together with the other accused, deceived the private complainants into believing that the agency had the power and capability to send them abroad. As a result thereof, the complainants were induced to part with their money which they were not able to get back, thereby causing them damage and prejudice. Verily, it is by accused-appellant and his co-conspirators' representation that prompted private complainants to pay a "placement fee." [62]

Anent the penalties imposed by the court a quo, in Criminal Case Nos. 08-259342 and 08-259343, We, however find that the same were not in accord with law and jurisprudence, thus:

"Section 7 of Republic Act No. 8042 or the Migrant Workers' Act of 1995 provides the penalties for illegal recruitment:

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 not less than 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." [Emphasis supplied]

In the case of *People of the Philippines vs. Anita Trinidad*, [63] the High Court emphasized that the proliferation of illegal job recruiters and syndicates preying on innocent people anxious to obtain employment abroad is one of the primary considerations that led to the enactment of The Migrant Workers and Overseas Filipinos Act of 1995. Aimed, therefore, at affording greater protection to Overseas Filipino Workers (OFWs), it is a significant improvement on existing laws in the recruitment and placement of workers for overseas employment. Otherwise known as the Magna Carta of Overseas Filipino Workers, it broadened the concept of illegal recruitment under the Labor Code and provided stiffer penalties therefor, especially those that constitute economic sabotage, i.e., Illegal Recruitment in Large Scale and Illegal Recruitment Committed by a Syndicate. Considering that herein accused-appellant Jose was found guilty of syndicated illegal recruitment that constitutes economic sabotage, We hereby increase the fine imposed on the illegal recruitment case to Php500,000 based on the above-cited law and

jurisprudence.

On the other hand, We sustain the sentence imposed by the court a quo in Criminal Case Nos. 08-259344, 08-259346, and 08-259351, for estafa. We note, however, that the maximum term of the indeterminate sentence in Criminal Case No. 08-259351 is hereby modified.

The prescribed penalty for estafa under Article 315 of the RPC, is prision correccional maximum to prision mayor minimum, if the amount of the fraud is over Php12,000.00 but does not exceed Php22,000.00. If the amount exceeds Php22,000.00, the penalty shall be imposed in its maximum period, adding one year for each additional Php10,000.00, provided that the total penalty shall not exceed 20 years.[64]

Considering that the amount involved in Criminal Case Nos. 08-259344 and 08-259346 is Php95,000.00 and Php70,000.00 in Criminal Case No. 08-259351, the penalty shall be imposed in its maximum period which is 6 years, 8 months and 21 days to 8 years. Applying the Indeterminate Sentence Law, the minimum term shall be within the range of the penalty next lower to that prescribed by the RPC, or anywhere within prision correccional in its minimum and medium periods or 6 months and 1 day to 4 years and 2 months.[65] Here, the minimum term imposed by the court a quo which is 4 years and 2 months of prision correccional is within the range of the penalty next lower to that prescribed by the RPC. The maximum term imposed is also correct in Criminal Case Nos. 08-259344 and 08-259346 after taking into consideration the additional seven (7) years imprisonment for every Php10,000.00 in excess of the Php22,000.00 as provided for under Article 315 of the RPC. However, in Criminal Case No. 08-259351, We modify the maximum term of the penalty to twelve (12) years after taking into consideration the additional four (4) years imprisonment for every Php10,000.00 in excess of the Php22,000.00 as the amount involved therein is Php70,000.00.

WHEREFORE, the instant appeal is DENIED. The September 18, 2013 Decision of the Manila Regional Trial Court, Branch 8, in Criminal Case Nos. 08-259342 to 55, is hereby AFFIRMED WITH MODIFICATION in that the amount of fine is increased to Php500,000.00 each in Criminal Case Nos. 08-259342 and 08-259343 and that accused-appellant Centeno is hereby sentenced to suffer the penalty of four (4) years and two (2) months of prision correccional as minimum to twelve (12) years of prision mayor as maximum in Criminal Case No. 08-259351.

All other aspects of the fallo of the assailed Decision STAND.

SO ORDERED.

Dimaampao, J. B., Chairperson, and Salandanan Manahan, C., JJ., concur.

[1] Records, Vol. 2, pp. 0142-0195; Rollo, pp. 43-96.

[2] Rollo, p. 160.

[3] Records, Vol. 1, pp. 2-3, 48-49.

[4] Id. at 50-62.

[5] Records, Vol. 1, pp. 2-3.

[6] Id. at 50-51.

[7] Rollo, pp. 120-121.

[*] Also referred to as Jomalyn in some other pleadings.

- [8] Id. at 121.
- [9] Id.
- [10] Rollo, p. 122.
- [11] Id.
- [12] Id. at 123.
- [13] Id.
- [14] Id.
- [15] Rollo, pp. 123-124.
- [16] Id. at 124.
- [17] Id.
- [18] Id. at 125.
- [19] Id.
- [20] See Rollo, pp. 125-126.
- [21] Id. at 126.
- [22] Id. at 127.
- [23] Id.
- [24] Id. at 32.
- [25] Rollo, p. 33.
- [26] Id.
- [27] Records, Vol. 2, pp. 0191-0194; Rollo, pp. 92-95.
- [28] Records, Vol. 2, p. 205.
- [29] Id. at 206.
- [30] Rollo, pp. 20-41.
- [31] Id. at 22.
- [32] People of the Philippines vs. Nurfrasir Hashim y Saraban, et al., G.R. No. 194255, June 13, 2012.
- [33] Rosa C. Rodolfo vs. People of the Philippines, G.R. No. 146964, August 10, 2006.
- [34] Records, Vol. 2, p. 0179.
- [35] Id. at 0180.
- [36] Rollo, p. 34.
- [37] Id. at 38-39.
- [38] Records, Vol. 1, p. 283.

- [39] People of the Philippines vs. Edith Ramos Abat, G.R. No. 168651, March 16, 2011.
- [40] Supra, note 37.
- [41] G.R. Nos. 145734-35, October 15, 2002.
- [42] Records, Vol. 1, p. 174.
- [43] TSN dated August 18, 2009, pp. 9-11.
- [44] TSN dated June 10, 2009 p. 16; pp. 18-19; See TSN dated August 4, 2009, p. 28, 30.
- [45] TSN dated August 18, 2009 p. 14; TSN dated August 18, 2009 p. 38.
- [46] TSN dated June 10, 2009 pp. 27-28.
- [47] TSN dated August 4, 2009, pp. 16-17.
- [48] TSN dated June 10, 2009 p. 21; TSN dated August 4, 2009, pp. 16-17; p. 24.
- [49] Records, Vol. 1, p. 216.
- [50] G.R. No. 170834, August 29, 2008.
- [51] G.R. No. 168445, November 11, 2005.
- [52] G.R. No. 143726, February 23, 2004.
- [53] Records, Vol. 2, p. 0179.
- [54] Id.
- [55] People of the Philippines vs. Rodel Antivola, G.R. No. 139236, February 3, 2004.
- [56] G.R. No. 195419, October 12, 2011.
- [57] People of the Philippines vs. Nurfrasir Hashim y Saraban, G.R. No. 194255, June 13, 2012.
- [58] Id.
- [59] People of the Philippines vs. Rodolfo Gallo y Gadot, G.R. No. 187730, June 29, 2010.
- [60] People of the Philippines vs. Nida Adeser y Rico, G.R. No. 179931, October 26, 2009.
- [61] Rosita Sy vs. People of the Philippines, G.R. No. 183879, April 14, 2010.
- [62] Records, Vol. 2, pp. 0184-0185.
- [63] G.R. No. 181244, August 9, 2010.
- [64] People of the Philippines vs. Mildred Salvatierra y Matuco, G.R. No. 200884, June 4, 2014.
- [65] Id.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.