

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ILUMINADA DELMO VALLE Y SOLETA, ACCUSED-APPELLANT.

G.R. No. 126933. February 23, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case is an appeal from the decision[1] of the Regional Trial Court, Makati City, Branch 65 convicting accused Iuminada Delmo Valle y Soleta of Illegal Recruitment in Large Scale and sentencing her to life imprisonment, to pay a fine of P100,000.00 and to indemnify complainants, except Bemardo Gatus, the sum of P6,000.00 each.

By two (2) separate informations filed on April 23, 1996, with the Regional Trial Court, Makati City a State Prosecutor of the Department of Justice charged accused with illegal recruitment committed in large scale, as follows:

Criminal Case No. 96-924

"The undersigned State Prosecutor of the Department of Justice hereby accuses ILUMINADA DELMO VALLE @ ADA of the crime of Illegal Recruitment committed in Large Scale, defined and penalized under Article 38(a) in relation to Articles 13(b), 34 and 39 of Presidential Decree No.442 otherwise known as the New Labor Code of the Philippines, as amended by Presidential Decree Nos. 1690, 1920 and 2018, committed as follows:

"That between the period from August 1995 to March 1996 and sometime and prior or subsequent thereto, in Makati City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, representing herself to have the capacity to contract, enlist and transport workers for employment abroad, did then and there willfully, unlawfully and feloniously for a fee, recruit and promise employment/job placement to DINA B. PADIERNOS, DARIO V. TAYAG, MA. ELENA O. LABITAG, MARICEL MIRANDA, TETCHIE B. ALCANTARA, GLENN J. DONOR, NOEL S. SULA, JIM BAUTISTA, PRECI G. JUMUAD, AGANA S. CARLOS, FLORIAN R. BUTIU, RUSTICO RAZON, EDGAR C. LOPEZ, CATHERINE R. ROQUE, ANTONIO V. FAUSTINO, DARYL S. MANALANG, VERONICA ELA YDA RAMIREZ, JONATHAN S. RIVERA, RONALD LACANILAO, MA. ROWENA SIOSON, DIVINA C. BERNARTE, NARIA A. VERACRUZ, MYRA SHEILA MANUEL, EMERETO DIONISIO, NELSON MORALES, LEIZEL R. DABU, ERIC HILARIO, ALLEN C. DE LEON, FELICIANO MANANSALA, JR., ELOSIA REGALA, JUSTINA P. SANTOS, MICHAEL O. ALOM, ROMMEL GA TIP, AGUSTINA SANTIAGO, MARISSA CANLAS, MEINARDO PINLAC, AMIEL SONGCO, JONATHAN M. GANCUANCO, CECILIA LIM LAGMAN, RHODORA M. CASTRO, MARILOU R. LLANTADA, RAMUND S. DAVID, ROWENA O. SIMON, RITA V. MERCADO, RUSSEL GARCIA, RODRIGO SAMSON, JR., RANDY M. MARCELO, ARSENIO SUMANQUI, JR., JOAN E. MARQUEZ, EVELYN G. BALUYUT, ELMARIE A. SORIANO, ENER T. PAMINTUAN, CLARIBEL CASTILLO, EDMUND S. DAVID, MA. VICTORIA TOLENTINO, DONALD B. DIONISIO, ROLANDO DE JESUS, ANNIE M. MALLARI, ANGELINA SANGALANG, CRISTINA DEL ROSARIO, RICHARD F. CRUZ, ROMMEL J. ROMMEL, ALFREDO DELA CRUZ, JR., ORLANDO VILLANUEVA, MARITES G. FEDERIS, REDEN

E. RAZON, JULIETA Q. PASION, MELISSA P. TONGCOL, JUNE M. PINEDA, MARY JANE OLALIA, LIZALYN MASAMBAL, MARISSA MATIAS, LOUDESNIS LEABRES, DUREZA DAYRIT and ANNIE MELENDRES as contract workers in London, England for and in consideration of the sum ranging from P4,000.00 to P6,000.00 each as placement and processing fees, and for which the complainants delivered and paid to herein accused the said amount, without first obtaining the required license and/or authority from the Philippine Overseas Employment Administration.

"CONTRARY TO LAW."

Manila for Makati City , Metro Manila, April 11,1996.

ZENAIDA M. LIM
State Prosecutor[2]

Criminal Case No.96-925

"The undersigned State Prosecutor of the Department of Justice hereby accuses ILUMINADA DELMO VALLE y SOLETA, a.k.a " ADA " of the crime of illegal recruitment committed in large scale resulting in economic sabotage as defined under Article 13(b) of the Labor Code of the Philippines, as amended, in relation to Articles 38(a) and (b), and 34, penalized under Article 39(b) thereof, committed as follows:

"That sometime between the period from July 1995 to January 1996, in Makati City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, representing to have the capacity to contract, enlist and transport workers for employment abroad, did then and there willfully, unlawfully and feloniously recruit the herein complainants, Pinky B. Cortez, Roderick Q. Garcia, Jose C. Loren, Jr., Rowena L. Isip, Joselito O. Garcia, Joseph M. Isip, Allan Javier dela Fuente, Evelyn B. Viray, Frederick Lawrence A. Trajano, Franklin M. Arreglo, Bemardo S. Gatus, Nemencita C. Lopez and Marissa N. Galang, individually or as a group for employment in London without first obtaining the required license and/or authority from the Philippine Overseas Employment Administration.

"CONTRARY TO LAW."

Manila for Makati City, April 10, 1996.

AIDA E. MACAPAGAL
State Prosecutor[3]

The prosecution recommended no bail for the temporary release of the accused.

Upon arraignment on May 2, 1996, accused entered a plea of not guilty in both cases.[4] A joint trial on the merits ensued.

From August 1995 to March 1996, accused recruited 89 persons for employment in London as salesladies, waitresses, service crew, cooks or helpers in fastfood chains or department stores with a salary of one thousand pounds (£1,000) a month. Accused received a fee ranging from P4,000.00 to P6,000.00, to meet the expenses in processing documents that were to qualify the applicants, like forged birth certificates, diplomas or transcript of records. She charged a placement fee of P120,000.00 to be paid through salary deductions for a period of six months. The applicants were video-taped as part of the screening process. They were made to believe that whatever amounts they paid were to be returned to them if they were rejected. Accused also encouraged the applicants to invite their friends to likewise apply for employment abroad considering that 144 workers were needed and that they would not be able to leave unless the number was completed.[5]

After several postponements of their departure, the complainants became suspicious. They went to the Philippine

Oversees Employment Administration ("POEA ") to check the authority of the accused to operate. Complainants secured certifications[6] from the POEA stating that the accused was not authorized or licensed to recruit workers for employment abroad.[7]

On February 29, 1996, complainants lodged their complaints[8] with the National Bureau of Investigation. As a result accused was entrapped and arrested.[9]

On March 7, 1996, Ferdinand A. Garcia, Melanio L. Gatchalian and Nida P. Villanueva, Supervising Agent and Special Investigators of the National Bureau of Investigation executed a joint affidavit[10], for the purpose of filing a case of estafa and large scale illegal recruitment against accused in the proper court.

On the other hand, accused denied that she engaged in illegal recruitment and placement activities. According to her, she had an agreement with Claire Recruitment and General Services ("CRGS") to process the documents of prospective applicants, give I.Q. tests and have them video-taped and screened at her residence. The complainants were aware of the fact that the recruiter was CRGS, and not the accused. She also alleged that one of the complainants, Pinky Bustos Cortez complained to the NBI because she refused to lend her money. The accused claimed that Pinky Cortez collected money from the applicants. Accused also pointed to other complainants namely, Bernardo Gatus, Joseph Isip and Boyet Razon as the persons who brought the applicants to her house in Makati.[11]

Assessing the evidence, on August 15, 1996, the trial court rendered a decision finding accused guilty of the charges. The court gave full credit to the case of the prosecution and found unmeritorious the defense of the accused. The decretal portion reads:

"All the above cannot but prove that accused, beyond reasonable doubt, is guilty of the offense charged.

"The foregoing considered, accused is sentenced to life imprisonment and a fine of P100,000.00.

"She is also ordered to indemnify private complainants except Bemardo Gatus the sum of P6,000.00 each.

"Costs against the accused.

"SO ORDERED.

"Makati City, August 15, 1996.

SALVADOR S. ABAD SANTOS

Judge"[12]

On August 26, 1996, accused filed a notice of appeal.[13]

In her Appellant's Brief,[14] accused Iluminada Delmo Valle questioned the sufficiency of the prosecution's evidence. She contended that the prosecution failed to prove her guilt beyond reasonable doubt. Hence, she was entitled to an acquittal.

We find the appeal devoid of merit.

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

"xxx [A]ny act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers [which] includes referrals, contact services, promis[es] 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."

Large-scale illegal recruitment has the following Essential elements:

"(1)

The accused undertook [a] recruitment activity defined under Article 13(b) or any prohibited practice under Article 34 of the Labor Code.

(2)

She did not have the license or the authority to lawfully engage in the recruitment and placement of workers.

(3)

She committed the same against three or more persons, individually or as a group."[15]

All the foregoing elements were present in the case at bar.

Illuminada Delmo Valle made representations to each of the complainants that she could send them to London for employment as salesladies, waitresses, service crew, cooks or helpers in fastfood chains or department stores. This constitutes a promise of employment which amounts to recruitment as defined in Article 13 (b) of the Labor Code. All the complaints positively identified her as the person who promised them employment abroad for a fee.[16]

Accused's self-serving statement that she was just an employee of Claire Recruitment General Services which is a licensed recruitment agency are belied by the testimonies of the complaining-witnesses. She failed to establish an employment relationship with Claire Recruitment General Services. She did not present the owner and operator of CRGS as a witness to prove their relationship. In fact, accused did not explain why recruitment activities were done in her residence at Guadalupe, Makati City , when she claimed that CRGS is located in Delpan Street, Makati City .

In fine, there is no doubt as to accused-appellant's guilt. All the essential elements of the crime of illegal recruitment in large scale have been established beyond reasonable doubt. Accused-appellant recruited at least five persons, giving them the impression that she had the capability of sending them to London to be employed as salesladies, waitresses, service crew, cooks or helpers in fastfood chains or department stores. She collected various amounts for recruitment and placement fees without license or authority to do so. Large scale illegal recruitment is punishable by life imprisonment and a fine of P100,000.00 under Article 39 (a) of the Labor Code.[17] Hence, the trial court imposed the proper penalty .

WHEREFORE, the appealed decision is hereby AFFIRMED in toto.

With costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In Criminal Case Nos. 96-924-925, Decision, dated August 15, 1996, Judge Salvador S. Abad Santos, presiding, Rollo, pp. 29-32.

[2] RTC Record, pp. 28-30.

[3] RTC Record, pp. 1-3.

[4] Certificate of Arraignment, RTC Record, p. 93.

- [5] TSN, May 14, 1996, pp. 7-9; TSN, May 20, 1996, pp. 4-23.
- [6] Dated March 1, 1996 and May 23, 1996 issued by POEA, RTC Records, p. 29 and p. 163.
- [7] TSN, May 23, 1996, pp. 4-5.
- [8] Complaint sheet and sinumpaang salaysay of the complainants, RTC Records, pp. 13-28, 9-27, 34-79.
- [9] TSN, May 29, 1996, pp. 8-10.
- [10] RTC Record, p. 30.
- [11] TSN, June 21, 1996, pp. 4-21.
- [12] RTC Decision, Rollo, pp. 29-32, at p. 32.
- [13] Rollo, p. 231.
- [14] Rollo, pp. 68-95.
- [15] People vs. Banzales, G.R. No. 132289, July 18, 2000.
- [16] TSNs, May 14, 1996, p. 6, May 20, 1996, p. 34, May 23, 1996, p. 9.
- [17] People vs. Hernandez, 304 SCRA 186 (1999).

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