

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROWENA ESLABON DIONISIO, JOSEFINA MALLARI Y PENAFLO (ACQUITTED) AND DIANE DOBLE Y MACATUMPAG (ACQUITTED), ACCUSED,

G.R. No. 130170. January 29, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Before us is an appeal from the decision of the Regional Trial Court of Quezon City, Branch 94[1] in Criminal Case No. Q-91-26376, finding accused-appellant Rowena Eslabon Dionisio guilty beyond reasonable doubt of the crime of illegal recruitment in large scale and sentencing her to suffer life imprisonment, pay a fine of P100,000.00 and reimburse to private complainants the sums of money she collected.

The factual antecedents of the case, as appearing on the records, are as follows:

Sometime in August 1991, a certain Cora Molar enticed private complainant Juanita Castillo to apply for overseas employment at the office of Jovial Trading and Employment Services, located at the third floor of the Villa Building in Cubao, Quezon City. Lured by the prospect of working abroad, Castillo went to the said office where she met accused-appellant Rowena Dionisio and Josefina Mallari, a.k.a. “Manay”. Dionisio and Mallari assured Castillo that they had the right connections and could send her to Saudi Arabia. They demanded from Castillo P9,000.00 as service fee and to defray expenses for passport, medical examination and NBI clearance.

When Castillo told them that she did not have the money at that time, Dionisio said that she could make a partial payment of P5,000.00 and pay the balance later on. Dionisio sent Molar to Castillo’s house to collect the downpayment on August 12, 1991. Castillo handed over P4,000.00 to Molar, following the telephone instruction of Dionisio, as evidenced by a receipt[2] signed by Molar. According to Castillo, she went back to the Cubao office on August 17, 1991, where the P4,000.00 was remitted to Dionisio by Molar. Dionisio and Mallari then promised to secure her a visa so she could leave immediately for the oil-rich kingdom.

On September 3, 1991, Dionisio demanded another P1,000.00 from Castillo, which she delivered on the same day as shown by a receipt[3] signed by Dionisio. Again, Dionisio assured Castillo that she would facilitate the processing of all necessary documents and that a job awaited Castillo abroad as governess and domestic helper.

After repeatedly following up her application with no result, it soon became apparent to Castillo that she was hoodwinked. To confirm her suspicion, she went to the Philippine Overseas Employment Administration (POEA) office where she was informed that Dionisio, Mallari and the firm known as Jovial Trading were neither licensed nor authorized to recruit workers for overseas employment.[4] Castillo secured a certification[5] to this effect from the POEA and forthwith, went to Camp Karingal where she executed a sworn statement[6] against Dionisio and company.

At about the same time, private complainant Juan Carandang, together with Juanito Castillo, Noel Villanueva and Lito Gorospe, were likewise recruited to work abroad by accused-appellant and her cohorts. Carandang was

introduced by a friend to Diana Doble, who accompanied him to the office of Jovial Trading and introduced him to Dionisio and Mallari.

Dionisio asked for a processing fee of P3,000.00, which Carandang promptly gave on August 3, 1991. Carandang was further persuaded to part with the additional amount of P4,500.00 on two separate occasions, covered by two receipts[7] signed by Dionisio dated September 23 and October 24, 1991.

Subsequently, Dionisio informed Carandang and his other companions that they were to leave for the Middle East on October 31, 1991. A day before the scheduled departure date, however, they were told that the same was postponed to November 6, 1991, on which date, they were again told that their plane tickets have not yet been released. Soon enough, they all realized that they were fooled by Dionisio, when they found out from the POEA that Dionisio, et al. were not licensed recruiters.[8] Carandang likewise secured a certification[9] from the POEA and executed a sworn statement against Dionisio's group.

On the other hand, private complainant Alberto Meeks was also purportedly duped by Dionisio and company. As testified by Alberto's wife, Angelita, the Meeks spouses went to the office of Jovial Trading on September 9, 1991 and gave Dionisio P7,000.00 as placement fee for Alberto's application for a job in South Korea. Dionisio issued and signed a receipt[10] for the said amount in the presence of Mallari and Doble. However, Alberto was not able to go to South Korea, as promised, and later found employment in Saudi Arabia through the efforts of another recruitment agency.[11]

Thus, on November 11, 1991, Dionisio, Mallari, Doble and one Jane Doe alias "Cora Molar", whose real identity was not established, were charged before Branch 94 of the Regional Trial Court of Quezon City for large scale illegal recruitment. The information against them reads:

That on or about the period comprised from August 1991 to October 1991, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping one another, without any authority of law, and for a fee, did then and there wilfully, unlawfully and feloniously recruit and promise employment and/or job placement abroad to JUAN CARANDANG Y PRECILLA, JUANITO GOROSPE Y SANTILLAN, JUANITA CASTILLO Y ALVAREZ, NOEL VILLANUEVA Y HENSON, ALBERTO MEEKS Y ADAN, ANTONIO GANZON Y GARDE, ROBERTO CRISTOBAL Y FABRES and REYNALDO CASTILLO Y PELAEZ, without first obtaining the required license and/or authority from the Department of Labor and Employment.

That the crime described above is committed in large scale as the same was perpetrated against three (3) or more persons individually or as group as penalized under Article 38 and 39 as amended by P.D. 2018 of the Labor Code (P.D. 442).

Contrary to Law.[12]

Upon arraignment on January 6, 1992, Dionisio, Mallari and Doble pleaded not guilty to the information.[13] "Cora Molar" had absconded and remained at large. Trial on the merits then ensued.

On October 2, 1995, the trial court rendered judgment, decreeing as follows:

WHEREFORE, premises considered, this Court finds the accused Rowena Eslabon-Dionisio guilty beyond reasonable doubt of illegal recruitment committed on a large scale and sentences her to suffer the penalty of life imprisonment and a fine of One Hundred Thousand Pesos (P100,000.00), to indemnify the following private complainants: Juanita Castillo-P4,000.00; Juan Carandang-P4,500.00 and Alberto Meeks-P7,000.00; and to pay the costs.

The other two accused, Josefina Mallari and Diana Doble, are acquitted on ground of reasonable doubt.

SO ORDERED.[14]

The trial court rejected Dionisio's defense that the real illegal recruiter was Cora Molar, who rented a table in the office of Jovial Trading where Dionisio was the sole proprietor. It disregarded Dionisio's claim that she received the money from the private complainants in behalf of Molar and that Dionisio was engaged only in the business of buying and selling slippers, cosmetics and other goods. The trial court gave credence to private complainants' testimonies that they were recruited by Dionisio, who did not possess the authority or license to conduct recruitment activities, as certified by the POEA and the testimony of prosecution witness Benjamin Vasquez, a POEA employee.[15]

Accused-appellant Dionisio is now before us on the following assignment of errors:

I

THE TRIAL COURT ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF THE COMPLAINANTS AND DISREGARDING THE THEORY OF ACCUSED ROWENA ESLABON DIONISIO.

II

THE TRIAL COURT ERRED IN FINDING DIONISIO GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED AND OF ORDERING HER TO PAY FINE AND INDEMNIFICATION OF AMOUNTS TO COMPLAINANTS.[16]

Accused-appellant maintains that no conclusive proof was adduced by the prosecution to show that she engaged in recruitment activities. She did not openly or directly advertise herself as a recruiter, nor did she personally ask the private complainants to apply in her office for overseas jobs. The name of her firm, "Jovial Trading," alone implies that she was a merchant engaged in the buying and selling of goods and not a recruiter.

Accused-appellant admits that she received the various amounts of money from private complainants, as evidenced by receipts signed by her. However, she claims that she received the said money on behalf of Cora Molar and did not benefit from it in any way. She further claims that she merely entertained Molar's clients in her absence since Molar rented a table in her office.

Accused-appellant's submissions fail to convince us.

We agree with the trial court's observation that private complainants did not harbor any ill motive to testify falsely against accused-appellant. Indeed, it is against human nature and experience for strangers to conspire and accuse another stranger of a most serious crime just to mollify their hurt feelings.[17] As such, the testimony of private complainants that accused-appellant was the person who transacted with them, promised them jobs and received money therefor, was correctly given credence and regarded as trustworthy. The absence of evidence as to an improper motive actuating the principal witnesses of the prosecution strongly tends to indicate that their testimony is worthy of full faith and credit.[18]

Juanita Castillo described how she was recruited by accused-appellant in this wise:

x x x x x x x x

Q.

When you arrived at their office, whom did you meet?

A.

I met Rowena Eslabon Dionisio and Josefina Mallari.

Q.

And were you able to talk with them?

A.

Yes, sir.

Q.

And what was the nature of the conversation?

A.

Rowena Dionisio and Josefina Mallari convinced me that they have a right connection and they are what you call it “malakas” and they can send us abroad, that they can process our papers to send us abroad.

Q.

When you said here that they were “malakas” and that they have connections with other agencies, you were convinced by them?

A.

Yes, sir.

Q.

What did you do when you were convinced?

A.

They asked for a P9,000.00 service fee and they told me, Rowena Dionisio and Josefina Mallari, to process my papers including my passport, my medical examination and my NBI clearance.

Q.

And what did you do when you were told by them to give that P9,000.00?

A.

I told them that I don’t have enough money that total of P9,000.00, but they told me, Josefina Mallari and Rowena Dionisio, you can give partial payment of P5,000.00 only and later on the balance of P4,000.00.

X X X X X X X X

Q.

Were you able to give partial payment to the herein accused?

A.

Yes, sir.

Q.

When was that?

A.

I gave the partial payment of P4,000.00 on August 12, 1991.

Q.

Where did you give that P4,000.00?

x x x x x x x x

WITNESS

In our house.

Q.

To whom did you give that amount?

A.

To Cora Molar.

Q.

And who is that Cora Molar?

A.

The representative. I gave the money, the P4,000.00, to Cora Molar through the instruction of Rowena Dionisio.

COURT

I want to ... Thru the instruction. Why? Were you instructed by Rowena?

WITNESS

Yes, sir, thru the telephone.

x x x x x x x x

Q.

After you gave this P4,000.00, what did you do next?

A.

I went to their office at 3rd Floor, Villa Building, Cubao, Quezon City.

Q.

When was that?

A.

August 17 of 1991.

Q.

And what did you do when you went there to their office?

A.

Cora Molar gave this money to Dionisio, to Rowena Dionisio.

Q.

And after Cora Molar gave that money to Rowena Dionisio, what happened next?

A.

They promised that they will do their best to get our visa right away or the soonest possible time so that we can be sent abroad.

Q.

When you said, they, whom are you referring to?

A.

Josefina Mallari and Rowena Dionisio.

x x x x x x x x[19]

Similarly, Juan Carandang testified as follows:

x x x x x x x x

Q.

What transpired when you were accompanied by Doble to their office at Villa Building?

A.

I was introduced to Rowena Eslabon and she promised me that I will be working in Saudi Arabia.

Q.

And after talking with Eslabon that you are applying for work abroad, what did you do next?

A.

When she said that, she asked money from me to process the papers at the POEA.

Q.

And were you able to give that money?

A.

Yes, sir.

Q.

How much did Eslabon ask from you?

A.

P3,000.00.

Q.

Was there a receipt for that purpose?

A.

None, sir.

x x x x x x x x

Q.

And after you paid her the sum of P3,000.00, what did she do next?

A.

She told me to come back on a certain day in order to know if I will really have a visa.

x x x x x x x x

Q.

Did you return as ordered by Rowena?

A.

Yes. I came back and she told me I will prepare money in the amount of P2,500.00 because the visa is already ready and the amount is for the ticket.

Q.

And did you again give the sum of P2,500.00 as requested by Eslabon?

A.

On that date, I cannot give but I told her I will come back.

Q.

Did you return?

A.

Yes. Last September 23, I came back and gave her the amount of P2,500.00.

Q.

Where did you give that amount?

A.

I gave it to Rowena and she issued me a receipt.

x x x x x x x x

Q.

After giving the amount, what transpired next?

A.

Rowena told me to call her next week and she told me I will ask for the result of my application.

Q.

Did you call her as requested?

A.

Yes. And she told me when I called her to bring again some money.

Q.

And did you bring as requested by Eslabon the money?

A.

Yes, I came back on October 24 and I brought the amount of P2,500.00.

Q.

And did you give that amount?

A.

Yes.

Q.

Was there a receipt to that effect?

A.

Yes.

x x x x x x x x

Q.

When you were informed by Eslabon that on Oct. 31, you will be going to Saudi Arabia, did you come back to the office of Eslabon on October 31?

A.

On Oct. 30, I went to the office.

Q.

Did you talk with somebody in the office of the lady?

A.

Yes.

Q.

What was the conversation all about?

A.

When I came back on October 30 to confirm whether we will proceed or not, she told me that it was postponed.

x x x x x x x x

Q.

After you were informed by Miss Eslabon that your schedule for Saudi Arabia was postponed, what did you do?

A.

I asked her why it was postponed and why we do not have ticket.

Q.

What was her reply?

A.

She said the tickets were still under process and because of her convincing words, I believed her and asked her when we will return.

x x x x x x x x

Q.

What transpired at the office?

A.

She said we will be able to leave on Nov. 6.

x x x x x x x x

Q.

And on Nov. 6, were you able to leave?

A.

No, sir because the tickets were not released yet.

x x x x x x x x[20]

The above testimonies were corroborated by Angelita Meeks, who declared that her husband was promised employment by accused-appellant as a factory worker in South Korea. She was also personally assured by accused-appellant that her husband, Alberto, would be able to leave.[21]

Private complainants were categorical and unequivocal in their statement that it was accused-appellant who separately recruited them during the same period of time for jobs abroad. Accused-appellant cannot feign innocence by claiming that it was actually Molar who promised them overseas jobs, in light of her positive identification as private complainants' recruiter. Hence, accused-appellant's mere denials cannot prevail over these positive and straightforward testimonies.[22] Besides, it is inconceivable that private complainants could be mistaken in their belief that it was accused-appellant who recruited them considering that it was she who personally talked with them on several occasions and received the sums of money for which she issued receipts where it was stated that the amount given was for "processing" and "POEA".[23] Moreover, it was held in a number of cases that even the absence of receipts is not fatal to the case of the prosecution, for as long as it is clearly established through the witnesses' respective testimonies, that the accused is the one involved in prohibited recruitment.[24]

Article 13 (b) of the Labor Code, defines recruitment and placement as "x x x 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: x x x" (Italics ours). Consequently, even in the absence of money given as consideration for accused-appellant's "services", she would still be considered as having engaged in recruitment activities, since it was sufficiently demonstrated that she promised overseas employment to private complainants.

The elements of the crime of illegal recruitment in large scale are the following: 1) the accused undertook a recruitment activity defined under Article 13 (b) or any prohibited practice under Article 34 of the Labor Code; 2) the accused did not have the license or the authority to lawfully engage in the recruitment and placement of workers; and 3) the accused committed the same against three or more persons individually or as a group.[25]

All the aforementioned elements were proven by the prosecution beyond reasonable doubt. It was established that accused-appellant promised employment to the eight (8) complainants and that she was not authorized or licensed to engage in such activity as certified to by the POEA.

WHEREFORE, the appealed decision of the Regional Trial Court of Quezon City, Branch 94, finding accused-appellant Rowena Eslabon-Dionisio GUILTY beyond reasonable doubt of the crime of illegal recruitment in large scale and imposing on her the penalty of LIFE IMPRISONMENT, and sentencing her to pay

a fine in the amount of P100,000.00 and to REIMBURSE the amounts received from private complainants, is AFFIRMED in toto.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Presided by Judge Romeo F. Zamora.

[2] RTC Records, p. 116.

[3] Ibid.

[4] TSN, February 24, 1992, pp. 4-14.

[5] Supra, note 2 at 117.

[6] Id., at 118.

[7] Id., at 119 & 120.

[8] TSN, April 29, 1992, pp. 2-5.

[9] Supra, note 2 at 122.

[10] Id., at 125.

[11] TSN, October 6, 1992, pp. 2-3.

[12] Supra, note 2 at 2.

[13] Id., at 9.

[14] Id., at 241.

[15] TSN, August 3, 1992, p. 2.

[16] Rollo, p. 42.

[17] *People v. Yabut*, 316 SCRA 237, 249 (1999), citing *People v. Guevarra*, 306 SCRA 111 (1999).

[18] *People v. Calonzo*, 262 SCRA 534, 540 (1996), citing *People v. Villafuerte*, 232 SCRA 225, 236 (1994).

[19] Supra, note 4 at 2-10.

[20] Supra, note 8.

[21] Supra, note 11.

[22] *People v. Mercado*, 304 SCRA 504, 527 (1999).

[23] Supra, note 2.

[24] See *People v. Pabalan*, 262 SCRA 574, 585 (1996), citing *People v. Goce*, 247 SCRA 780 (1995); *People v. Sendon*, 228 SCRA 489 (1993); *People v. Naparan*, 225 SCRA 714 (1993).

[25] *People v. Castillon*, 306 SCRA 271, 276 (1999), citing *People v. Villas*, 277 SCRA 391 (1997); *People v. Bautista*, 241 SCRA 216 (1995); *People v. Comia*, 236 SCRA 185 (1994); *People v. Sendon*, supra.

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