

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROVI SIASON Y BOBILA, ACCUSED-APPELLANT.

G.R. No. 273832, November 18, 2025

Ponente: LOPEZ, J., J.

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LOPEZ, J., J.:

This Court resolves an Appeal[1] assailing the Decision[2] of the Court of Appeals (CA), which affirmed with modification the Judgment[3] of the Regional Trial Court (RTC) that found Rovi Siason y Bobila alias "Amor" (Siason) guilty beyond reasonable doubt of illegal recruitment in large scale, as defined and penalized under Section 6, in relation to Section 7 of Republic Act No. 8042,[4] otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.[5]

In an Information,[6] Siason was charged with illegal recruitment in large scale, committed as follows:

That on or sometime in February 6, 2018 in the City of Dumaguete, Philippines, and within the jurisdiction of this Honorable Court, the said accused, ROVI SIASON [y] BOBILA, did, then and there willfully, unlawfully and feloniously represented herself and claiming to have the capacity to recruit, canvass, promising or advertising employment, hiring activities such as giving job interviews of applicants, contract, enlist and transport Filipino workers for employment abroad, as domestic helpers, to more than three persons including but not limited to the following complainants: Nely Tingcang Panoy, Rosemarie Dayapan Zuniega, Sheryl Cris Enguito & Milcha Colegio Cariño; knowing fully well that she has no valid license or authority required by law to enable her to lawfully engage in recruitment and placement of workers, thus deemed committed in large scale and therefore amounting to economic sabotage

Contrary to law.[7]

On arraignment, Siason, assisted by counsel, pleaded not guilty to the crime charged against him.[8] During the pre-trial conference, the parties stipulated upon the identity of Siason as the accused; the date of the arrest was on February 6, 2018; the private complainants and Siason met at Robinson's Place, Dumaguete City on February 6, 2018; and Siason knew Marlene[9] Guevarra (Guevarra).[10] Thereafter, trial on the merits ensued.[11]

The prosecution presented ;the following witnesses: (1) private complainant Milcha C. Cariño (Cariño);[12] (2) National Bureau of Investigation (NBI) Special Investigator III Gregorio A. Tomagan, Jr. (SI Tomagan, Jr.);[13] (3) Special Investigator III Geovel M. Aperio (SI Aperio);[14] (4) Special Investigator III William D. de Arca, Jr. (SI de Arca);[15] and (5) Philippine Overseas Employment Administration (POEA) Overseas Employment Adjudicator, Atty. Rhett S. Casillo (Atty. Casillo).[16]

Their collective testimony shows that in the late evening of February 5, 2018, Cariño[17] received a phone call from Guevarra, who introduced herself as a representative of Havillah Recruitment Agency (Havillah Recruitment). Guevarra said she got Cariño's number from a certain Joy Yanzon of I-Recruit Agency (I-Recruit).[18] At that time, Cariño had a pending application with I-Recruit and was eager to work abroad. Guevarra intimated that I-Recruit was deceiving Cariño and suggested she transfer to Havillah Recruitment,

which has readily available jobs offering the same terms.[19]

Guevarra promised Cariño that her sister-in-law, Amor, later identified as Siason, would personally accompany her to Havillah Recruitment in Manila. To assuage Cariño's concerns, Guevarra added that her documents and papers submitted to I-Recruit could also be retrieved through their Manila office. Excited at the prospect of getting a job immediately, Cariño agreed to meet Siason.[20]

At around 1:00 p.m. on February 6, 2018, Siason met with Cariño, Rosemarie Zuniega y Dayapan (Zuniega), Nely Panoy y Tingcang (Panoy),[21] and Sheryl Cris Enguito (Enguito) (collectively, Cariño et al.) at Robinsons Dumaguete.[22]

During their meeting, Siason asked Cariño et al. about the status of their employment application as domestic helpers. Siason told them that if they were interested in finding work abroad immediately, they could voluntarily transfer their application to Havillah Recruitment. Then, Siason proceeded to ask them some employment qualification questions such as whether they had completed Technical Education and Skills Development Authority (TESDA) NC2 training and whether they had obtained the required documents for work abroad. Upon assessment, Siason told Cariño et al. that with their qualifications, the expected salary as domestic helper was USD 400.00. To convince them, Siason told the applicants that they would go to Manila for free if Havillah Recruitment were to process their employment application. Siason added that there will be no salary deduction, no placement fees, and no processing fee.[23]

Eager to work abroad, Cariño et al. found Siason's offer enticing. They filled out the application form given by Siason. They also allowed Siason to take half-body photos of them. After inquiring if the applicants were ready, Siason booked their plane tickets from Bacolod to Manila. Immediately after, Cariño et al. received their online tickets on their mobile phones. The following day Cariño et al. agreed to meet with Siason in Bacolod before their flight to Manila.[24]

On February 7, 2018, in anticipation of their flight, Cariño et al. boarded a Ceres bus from Dumaguete to Bacolod. Initially, the applicants were instructed by Siason to get off at the Ceres bus terminal in Bacolod and wait for her. As Siason was still at the Department of Foreign Affairs, she instructed Cariño et al. to meet her at Chowking in Robinsons Bacolod for final instructions. However, as they were having lunch, NBI operatives arrived and arrested Siason.[25]

Unknown to the applicants, Siason was being investigated for illegal recruitment. Atty. Jose Ermie A. Monsanto (Atty. Monsanto), Agent-In-Charge, NBI Dumaguete District Office, issued a Memorandum informing the NBI Bacolod District Office that four females who were suspected of being illegally recruited or victims of trafficking were on their way to Bacolod City from Dumaguete City on board a Ceres bus bearing plate no. 6849.[26]

Acting on the Memorandum, the NBI operatives conducted an initial verification with the POEA. The NBI found that Siason was not authorized and licensed to recruit workers for overseas employment. Thus, a rescue operation was organized to catch Siason while in the act of conducting final briefing and to rescue the victims. SI Aperio was assigned to contact Panoy, whose mobile phone number was provided in the Memorandum.[27]

At around 3:00 p.m. on February 7, 2018, after proper coordination with the Police Station 3, Bacolod City, the NBI operatives proceeded to Chowking, which was located on the ground floor of Robinsons Bacolod. The operatives positioned themselves strategically to be able to observe the actual briefing.[28]

While Siason was conducting her final briefing, the NBI operatives approached Cariño et al. and identified themselves. Then, they asked Cariño et al. why they were having a final briefing. In response, Cariño et al. stated

that they were recruited for overseas employment by Siason. For their deployment, they were provided with plane tickets bound for Manila and were told to wait for a week before they would ultimately be deployed abroad.[29]

Then, the NBI operatives asked Cariño et al. who recruited them. They all pointed at Siason, who had been briefing them. When the NBI operatives asked Siason for her authorization to recruit workers for overseas deployment, she replied that she had none. Siason explained that her authorization was still in process.[30]

As Siason could not produce any license or proof of authority to engage in the recruitment of workers, the NBI operatives placed Siason under arrest, informed her of her constitutional rights, and brought her along with Cariño to the NBI Bacolod District Office. Immediately after Siason was photographed and booked, the group was transported back to NBI Dumaguete District Office. There, Siason was detained. Meanwhile, the police officers assisted Cariño et al. in preparing their respective judicial affidavits.[31]

The POEA certified that Siason was not licensed or duly authorized to recruit workers for overseas employment.[32] To authenticate this, Atty. Casillo appeared before the court and confirmed the genuineness of the Certification[33] signed by Flordeliza A. Cabusao (Cabusao), the officer-in-charge of the POEA Licensing and Evaluation Division.[34]

In support of the testimonial evidence presented, the prosecution offered in evidence the following:[35] (1) Joint Judicial Affidavit of Enguito and Cariño;[36] (2) Joint Judicial Affidavit of Panoy and Zuniega;[37] (3) Joint Affidavit of Arrest of SI Tomagan, Jr., SI Aperio, and SI de Arca, Jr.;[38] (4) POEA Certification;[39] (5) list of phone calls;[40] (6) electronic plane tickets;[41] and (7) Memorandum dated February 7, 2018 issued by Atty. Monsanto.[42]

After the admission of the documentary exhibits, the prosecution rested its case. The court then directed the defense to present its evidence.

Siason denied the charges against her and alleged that she had an agreement with David Janayon Geva (Geva), the owner of Dacel Travel Services (Dacel Travel), that she would receive a commission for every ticket processed, paid, or facilitated by her.[43]

On February 6, 2018, Siason was in Dumaguete City scouting a location for Dacel Travel ticketing office. Sometime in the afternoon, she met with Cariño et al. at Robinsons Dumaguete. Cariño introduced herself as a friend of Guevarra. Since it was Siason's first time in Dumaguete City, Guevarra requested that Cariño guide her around the city. Then, Cariño et al. started talking about their pending applications with I-Recruit. In turn, Siason shared that she has a pending application with Havillah Recruitment. When the group learned that Havillah Recruitment would be conducting job interviews for applicants to the Middle East on February 8, 2018, they asked for her help in attending the event. Siason booked their plane tickets through Dacel Travel for their flight from Bacolod to Manila.[44]

On February 8, 2018, they met at Robinsons Dumaguete. While they were having lunch, Siason was surprised when NBI operatives approached them and arrested her. Siason was brought to the police station and a criminal case for illegal recruitment was filed against her.[45]

The defense formally offered the following pieces of documentary evidence:[46] (1) Counter-Affidavit of Siason;[47] (2) Affidavit of Geva;[48] (3) Mayor's Permit of Dacel Travel;[49] (4) official receipt issued to Dacel Travel;[50] (5) electronic plane tickets;[51] and (6) Joint Affidavit of Desistance of Cariño and Enguito dated May 14, 2018.[52]

After a fastidious review of the case, the RTC rendered a Judgment[53] convicting Siason of illegal recruitment in

large scale, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds the accused ROVI SIASON [y] BOBILA (alias "Amor") guilty beyond reasonable doubt of illegal recruitment in large scale which constitutes an offense involving economic sabotage. The Court sentences the accused to serve a prison term of LIFE IMPRISONMENT, and to pay a fine of [t]wo million pesos ([PHP] 2,000,000.00).

SO ORDERED.[54] (Emphasis in the original)

Aggrieved by the ruling, Siason appealed to the CA.[55] In her Appellant's Brief,[56] she assailed her conviction insisting that she made no offer or promise of employment for a fee. While she purchased the plane tickets for Cariño et al., she had never collected any sum of money as placement fee from them. Siason added that she cannot be convicted of the crime as only one of the private complainants, that is, Cariño, testified in court. At any rate, Siason pointed out that Cariño and Enguito executed a Joint Affidavit of Desistance, warranting the dismissal of the criminal case against her.[57]

In a Decision,[58] the CA denied the appeal, disposing as follows:

WHEREFORE, in view of the foregoing, the appeal is DENIED. The Judgment dated March 6, 2020 of the Regional Trial Court, 7[th] Judicial Region, Branch 41, Dumaguete City, in Criminal Case No. 2018-25073, finding appellant Rovi Siason y Bobila guilty beyond reasonable doubt of the crime of Illegal Recruitment in Large Scale, is AFFIRMED with MODIFICATION that the appellant is sentenced to suffer the penalty of life imprisonment and to pay a fine in the increased amount of Five Million Pesos ([PHP] 5,000,000.00).

SO ORDERED.[59] (Emphasis in the original)

Hence, Siason appealed before this Court, seeking the reversal of her conviction.[60]

This Court required the parties to file their respective supplemental briefs.[61] Accused-appellant[62] and plaintiff-appellee, through the Office of the Solicitor General,[63] filed their separate Manifestations adopting their appeal briefs filed before the CA.

Issue

The sole issue for this Court to resolve is whether the CA erred in affirming the conviction of accused-appellant Rovi Siason y Bobila for the crime of illegal recruitment in large scale under Republic Act No. 8042, as amended.

This Court's Ruling

We dismiss the Appeal.

Section 6 of Republic Act No. 8042,[64] otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022,[65] defines illegal recruitment as:

Section 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:

....

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.

In sum, a non-licensee or non-holder of authority is liable for illegal recruitment in large scale when the following elements concur:

(1) the person charged undertook any recruitment activity as defined under Section 6 of [Republic Act No.] 8042; (2) accused did not have the license or the authority to lawfully engage in the recruitment of workers; and (3) accused committed the same against three or more persons[,] individually or as a group.[66] (Citation omitted)

People v. Tolentino[67] further elaborated that:

Under [Republic Act No.] 8042, a non-licensee or non-holder of authority commits illegal recruitment for overseas employment in two ways: (1) by 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; and (2) by undertaking any of the acts enumerated under Section 6 of [Republic Act No.] 8042.[68]

This Court has explained that when the crime is committed by non-license holders, the essential element of the crime is non-possession of a license to recruit.[69] The absence of the necessary license or authority to recruit and deploy workers renders unlawful the act of engaging in recruitment and placement activities. As a negative fact, the non-possession of a license to recruit must be positively proven by the prosecution.[70]

Further, the crime of illegal recruitment is qualified when the act is committed against three or more persons, individually or as group. Thus, "the number of persons victimized is determinative"[71] and the burden devolves upon the prosecution to establish each case of illegal recruitment.[72] "While it is true that the law does not require that at least three victims testify at the trial, nevertheless, it is necessary that there is sufficient evidence proving that the offense was committed against three or in ore persons."[73]

Applied to the present case, We find that the prosecution has established, by the required quantum of proof, all the elements of illegal recruitment in large scale.

The records show that accused-appellant engaged in the recruitment and placement of workers for overseas employment, without having the necessary license or authority from the POEA. Atty. Casillo, overseas employment adjudicator of the POEA, testified that the records of the POEA show that accused-appellant is neither authorized nor licensed to recruit workers.[74] To this effect, a Certification[75] was issued by the POEA Licensing Evaluation Division. Yet, accused-appellant conducted preparatory interviews. and engaged in activities constituting recruitment.

In this regard, Cariño testified on direct examination as follows:

Q.

Did anything transpire between you and Sheryl Cris Enguito, Nely Panoy[,] and Rosemarie Zuniega with Ms. Amor while you were at the food court?

A.

We were conversing, ma'am. She told us, ma'am, that if you like Havillah Agency, I am not going to force you. It's your decision.

Q.

And so, what was your reaction?

A.

We said that we are interested to immediately go abroad.

....

Q.

After being informed that procedure by Ms. Amor and after telling her that you already have some document and you haven't complied with the other documents, what happened next, if any?

A.

She told us, ma'am, that with their agency, no placement fee, no salary deduction, no processing fee, free food, free accommodation and transportation.

Q.

Only that, [Cariño]?

A.

The salary is [USD]400 and the ticket going to Manila is free.

Q.

And so[,] upon hearing those assurances from Ms. Amor, what was your reaction?

A.

We were convinced, ma'am.

Q.

When you say, we were convinced, the four (4) of you were convinced [Enguito], [Panoy], [Zuniega] and you?

A.

I am not sure with [Zuniega] and [Panoy,] but me and [Enguito] were convinced, ma'am.

Q.

So[,] being convinced by the assurances of Ms. Amor, what happened next, if any?

A.

She said that I have papers for you to fill up. This is just like a resume.

....

Q.

By the way, who filled up the resume given by Ms. Amor?

A.

The four (4) of us, ma'am.

Q.

And[,] you said that pictures were taken?

A.

Yes, ma'am.

Q.

And[,] who took pictures?

A.

Ms. Amor.

Q.

And[,] also the four (4) of you?

A.

Yes, ma'am.

....

Q.

And[,] to whom did you submit the resume?

A.

To Ms. Amor.

Q.

So[,] after the pictures were taken, what happened next, if any?

A.

Ms. Amor told us ma'am, if you are ready then we would get tickets for Bacolod to Manila.

Q.

And so[,] were you ready then at that time?

A.

Nely Panoy and Rosemarie Zuniega were ready, ma'am, because they had already their baggages [sic] with them. Me [sic] and [Enguito] still had to go home.

Q.

And so[,] after that, what happened next?

A.

When we said that we're ready, Ms. Amor secured a ticket for us and asked our full names and submitted it to the ticketing agency.

Q.

How did she submit your names to the ticketing agency, if you know?

A.

I think through text, ma'am.

Q.

And so[,] after submitting your names to the ticketing agency, what happened next?

A.

The Dacel Travelling Agency texted me the date when I would be travelling.

Q.

The Dacel Travelling Agency directly texted you?

A.

Yes, ma'am.[76]

Verily, accused-appellant dealt directly with Cariño et al. She conducted their initial interview and upon assessment, informed them of the salary benefits they could expect based on their qualifications. Accused-appellant also gave assurances that Havillah Recruitment will not be collecting placement and processing fees. To facilitate their application, accused-appellant even booked their plane tickets to Manila without collecting payment. Given the foregoing, Cariño et al. was induced to transfer their application to Havillah Recruitment. Worse, they were led to believe that they would be able to deploy for overseas employment immediately upon arriving in Manila.

To be sure, the totality of these acts proves that accused-appellant committed the crime of illegal recruitment against four unsuspecting applicants. Hence, the act is deemed committed in large scale.

It bears underscoring that illegal recruitment is committed whenever a person who, without authority from the government, gives the impression that they have the power to send workers overseas for employment purposes. Here, accused-appellant, by her own actuations, gave the distinct impression that she had the power or ability to send Cariño et al. abroad for work. The conduct of preparatory interviews is in fact a recruitment activity.[77]

The argument of accused-appellant that she merely referred Cariño et al. to Havillah Recruitment is unconvincing. In *Toston v. People*,[78] this Court clarified that "the acts of 'referring ... for employment abroad' must be considered acts of illegal recruitment in the same way as 'canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers.'"[79]

In a line of cases, this Court defined the act of "referral" as "the act of passing along or forwarding of an applicant for employment after an initial interview of a selected applicant for employment to a selected employer, placement officer or bureau." [80] In *People v. Agustin*, [81] the act of the accused in introducing the private complainant to the placement agency was deemed as a referral. Meanwhile, in *People v. Meris*, [82] We held that the act of approaching complainants and prodding them to seek employment abroad and bringing them to a recruiter was likewise a referral even though the accused was not an employee of the alleged illegal recruiter. In like manner, the accused in *Rodolfo v. People* [83] was convicted of illegal recruitment for bringing the complainants to the agency. Further, in *People v. Martinez*, [84] this Court regarded a mere suggestion of employment abroad as a referral.

In her defense, accused-appellant argues that she did not force Cariño et al. to transfer to Havillah Recruitment. Neither did she collect any sum of money from them as recruitment or placement fees.

Accused-appellant is mistaken.

Employment of force is immaterial in a charge for illegal recruitment. We reiterate that to consummate the crime, it suffices that the offender gives the impression that they have the power to deploy workers for overseas employment without authority from the government.

There is also no merit in the contention that accused-appellant should be exonerated of the charge for illegal recruitment as she did not collect placement and processing fees from Cariño et al.

From the language of Republic Act No. 8042, as amended, the act of recruitment may be "for profit or not."^[85] It is the lack of the necessary license or authority, not the fact of payment, that renders the recruitment activity unlawful. Accordingly, "[t]he absence of receipts to evidence payment does not automatically warrant acquittal of the accused since a person charged with the offense of [i]llegal [r]ecruitment may be convicted on the strength of the testimonies of the complainants, if found to be credible and convincing,"^[86] as in this case.

In view of the foregoing, accused-appellant cannot steer clear of liability for committing illegal recruitment activities without the necessary license or authority from the government. Except for her barefaced denial, accused-appellant failed to adduce proof to substantiate her defense. It is settled that categorical statements of the private complainants prevail over the bare denial of an accused.^[87]

All told, this Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, that accused-appellant is guilty of illegal recruitment in large scale. There is no indication that the courts a quo overlooked, misunderstood, or misapplied the facts and circumstances of the present case.

Accused-appellant next contends that she cannot be convicted of the crime of illegal recruitment in large scale as only one of the four private complainants testified in court.

The contention must fail.

The law does not require that at least three victims testify at the trial to convict an accused of illegal recruitment in large scale, for so long as there is sufficient evidence proving that the offense was committed against three or more persons.^[88]

In this case, the totality of the evidence presented by the prosecution meets this threshold. The collective testimony of the prosecution witnesses established that Cariño et al. were made to believe that accused-appellant has the power or ability to deploy them for overseas work. In fine, the testimonies of the NBI operatives, SI Tomogan, Jr. and SI Aperio, corroborated Cariño's claim of illegal recruitment. They testified that accused-appellant was conducting a final briefing to a group of four applicants when they implemented the rescue operation, which led to the arrest of accused-appellant.

As a final plea to evade criminal responsibility, accused-appellant insists that the Joint Affidavit of Desistance executed by Cariño and Enguito negates the charge of illegal recruitment against her.

We do not agree.

Affidavits of desistance are generally viewed with disfavor, suspicion, and reservation, due to the ease with which they can be secured from poor and ignorant witnesses through intimidation or for monetary considerations.^[89] A survey of our jurisprudence reveals that the court attaches no persuasive value to a desistance, especially when executed as an afterthought.^[90] Nevertheless, affidavits of desistance should not be peremptorily dismissed as a

useless scrap of paper.[91] When attended by special circumstances, the affidavit may engender serious doubts as to the liability of the accused.[92]

However, in the present case, no special circumstances exist to warrant an order of acquittal.

To recall, on May 14, 2018, Cariño and Enguito executed an Affidavit of Desistance,[93] jointly declaring:

That we were both applicants for work in Kuwait as OFWs and we both filed our applications on [sic] February, 2018 with the "I-REKRUT[.]" a recruitment agency holding office at Locsin Street, Dumaguete City.

That[.], at that time, there was a ban on applicants going to Kuwait imposed by the government.

So[,] we were referred to another recruitment agency named "HAVILLAH" with office at Unit F-2117 Volta Street, San Isidro Makati City, by an acquaintance by the name of Rovi Siason [y] Bobila, whom we both met at the Robinsons Place in Calindagan, Dumaguete City.

....

That we are both applying for work in Korea as factory workers and are not interested in prosecuting this case against Rovi Siason [y] Bobila.

For this reason[,] we are withdrawing our names as co-complainants in the above-mentioned case against Rovi Siason [y] Bobila for lack of interest as we were only dragged into this case by the other two complainants stated in the case.[94]

It is immediately apparent that Cariño and Enguito's desistance was impelled by nothing more than mere practical considerations. In fact, their desistance did not come with express repudiation of the testimony given in open court. Despite their desistance, Cariño still took the witness stand on May 15, 2018, and again on July 3, 2018.

During her cross-examination, Cariño reiterated that:

Atty. Portugaleza:

Now, Ms. Witness, you and the other three complainants filed this case of [l]arge [s]cale [i]llegal [r]ecruitment against Ms. Amor. At this point in time, are you still very much interested to pursue this case against her?

A.

For me, Ma'am, I want to withdraw the case. I have no interest anymore, to pursue the case, Ma'am, because I'm planning to go to Korea, and I'm not interested to attend the hearings anymore. I could not see from Ms. Amor that she's an illegal recruiter, Ma'am.[95]

However, during her re-direct examination, Cariño clarified that:

Pros. Nazareno:

....

Don't you know, Ms. Cariño, that you have already executed the Affidavit in filing this Complaint against the accused and also, you have already testified in open court?

A.

Yes, Ma'am.

Q.

And you have also sworn that your testimony and your affidavit were all true and correct?

A.

Yes, Ma'am.

COURT:

When did you come to decide that you were going to desist from testifying in this case?

A.

I have decided last month, Sir.

Q.

Before you testified here, or after you testified?

A:

After I testified here.

COURT:

You decided to desist, because you realized that what you have been telling this Court are not true?

A:

My testimony was true.[96] (Emphasis supplied)

Clearly, the testimony of Cariño and her allegations against accused-appellant stand. To Our mind, the Joint Affidavit of Desistance has no probative value as Cariño's open court testimony prevails. A testimony solemnly given in court should not be set aside and disregarded lightly[97] on account of a previously executed affidavit of desistance. For desistance does not erase the act already committed in violation of the law, as in this case.

Thus, We find no reason to depart from the finding of guilt against accused-appellant for the crime of illegal recruitment in large scale.

Republic Act No. 8042, as amended, characterizes illegal recruitment in large scale as an offense involving economic sabotage. In determining the appropriate penalty, Section 7(b) of Republic Act No. 8042, as amended, provides that:

Section. 7. Penalties. –

....

(b)

The penalty of life imprisonment and a fine of not less than Two million pesos ([PHP] 2,000,000.00) nor more than Five million pesos ([PHP] 5,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined therein.

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. (Emphasis supplied)

Measured against the foregoing, the CA correctly imposed the maximum penalty upon accused-appellant, a non-licensee or non-holder of authority. The law provides that the maximum penalty shall be imposed if illegal

recruitment is committed by a non-licensee or non-holder of authority. Accordingly, accused-appellant is sentenced to suffer the penalty of life imprisonment and to pay a fine of PHP 5,000,000.00.

ACCORDINGLY, the Appeal is DISMISSED. The July 29, 2022 Decision of the Court of Appeals in CA-G.R. CR. HC No. 03674 is AFFIRMED. Accused-appellant Rovi Siason y Bobila alias "Amor" is GUILTY of illegal recruitment in large scale under Republic Act No. 8042, as amended, and is sentenced to suffer the penalty of life imprisonment. She is also ORDERED to PAY a FINE of PHP 5,000,000.00.

SO ORDERED.

Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.
Leonen, SAJ. (Chairperson), see separate opinion.

[1] Rollo, pp. 5-6.

[2] Id. at 12-34. The July 29, 2022 Decision in CA-G.R. CR. HC No. 03674 was penned by Associate Justice Rogelio G. Largo and concurred in by Associate Justices Marilyn B. Lagura-Yap and Jacinto G. Fajardo, Jr. of the Nineteenth Division, Court of Appeals, Cebu City.

[3] Id. at 36-39. The March 6, 2020 Judgment in Criminal Case No. 2018-25073 was penned by Judge Leoncio R. Bancoro of Branch 41, Regional Trial Court, Dumaguete City.

[4] An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes. (1995)

[5] An Act Amending Republic Act No. 8042, Otherwise Known as The Migrant Workers and Overseas Filipinos Act of 1995, as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and For Other Purposes. (2010)

[6] RTC Records, pp. 3-4.

[7] Id. at 3.

[8] Id. at 151.

[9] Also referred to as "Lily Marlyn" and "Marilyn" in some parts of the records.

[10] RTC Records, p. 184.

[11] Id. at 187.

[12] Rollo, pp. 36-37.

[13] Id. at 37; also spelled as "Greg Tumagan" in some parts of the records.

[14] Id. at 15.

[15] Id. at 37-38.

[16] Id. at 38.

[17] Also spelled as "Melcha Carino" and "Milcah" in some parts of the records.

[18] Also spelled as "I-Rekrut" in some parts of the records and rollo.

- [19] TSN, Milcha C. Cariño, May 15, 2018, pp. 4-7.
- [20] Id. at 8-10.
- [21] Also referred to as "Nelly" and "Tincang" in some parts of the records.
- [22] TSN, Milcha C. Cariño, May 15, 2018, pp. 10-19.
- [23] Rollo, pp. 22-23.
- [24] TSN, Milcha C. Cariño. May 15, 2018, pp. 23-32.
- [25] Id. at 30-39.
- [26] TSN, NBI Special Investigator III Gregorio A. Tomagan, Jr., August 2, 2018, pp. 4-7.
- [27] Id. at 7-10; TSN, Geovel M. Aperio, pp. 5-7.
- [28] Id. at 10, 18.
- [29] Id. at 11-12.
- [30] Id. at 12.
- [31] Id. at 12-14.
- [32] Folder of Exhibits, p. 15.
- [33] Id.
- [34] TSN, Rhett S. Casillo, October 9, 2018, pp. 3-11.
- [35] Folder of Exhibits, pp. 1-3.
- [36] Id. at 4-6.
- [37] Id. at 7-10.
- [38] Id. at 11-13.
- [39] Id. at 15-16.
- [40] Id. at 14, 22-23.
- [41] Id. at 24-25.
- [42] Id. at 26.
- [43] Rollo, p. 17.
- [44] TSN, Rovi Siason y Bobila, June 24, 2019, pp. 4-19.
- [45] Id. at 21-36.
- [46] Folder of Exhibits, pp. 30-32.
- [47] Id. at 33-36.
- [48] Id. at 39-40.
- [49] Id. at 37, 41.

[50] Id. at 38, 42.

[51] Id. at 44-45.

[52] Id. at 46-47.

[53] Rollo, pp. 36-39.

[54] Id. at 39.

[55] RTC Records, p. 403.

[56] CA rollo, pp. 18-27.

[57] Id. at 21-25.

[58] Rollo, pp. 12-34.

[59] Id. at 33-34.

[60] Id. at 5-6.

[61] Id. at 40-41.

[62] Id. at 50-54.

[63] Id. at 43-46.

[64] An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes. (1995)

[65] An Act Amending Republic Act No. 8042, Otherwise Known as The Migrant Workers and Overseas Filipinos Act of 1995, as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and For Other Purposes. (2010)

[66] *People v. Liwanag*, 920 Phil. 438, 448 (2022) [Per J. Hernando, Second Division].

[67] 762 Phil. 592 (2015) [Per J. Carpio, Second Division].

[68] Id. at 611.

[69] *People v. Valle*, 957 Phil. 340, 348 (2024) [Per J. Caguioa, Third Division].

[70] Id.

[71] *People v. Hu*, 588 Phil. 978, 991 (2008) [Per J. Chico-Nazario, Third Division]. Citation omitted

[72] Id. at 988.

[73] Id. Citation omitted

[74] TSN, Rhett S. Casillo, October 9, 2018, pp. 3-11.

[75] Folder of Exhibits, pp. 15-16.

[76] TSN, Milcha C. Cariño, May 15, 2018, pp. 22-26.

[77] See *C.F. Sharp Crew Management, Inc. v. Undersecretary Español, Jr.*, 559 Phil. 826, 836 (2007) [Per J.

Nachura, Third Division].

[78] 897 Phil. 820 (2021) [Per J. Gaerlan, First Division].

[79] Id. at 839.

[80] People v. Saley, 353 Phil. 897, 928-929 (1998) [Per J. Vitug, First Division]. Citation omitted

[81] 317 Phil. 897, 907 (1995) [Per J. Regalado, Second Division].

[82] 385 Phil. 667, 685 (2000) [Per J. Kapunan, First Division].

[83] 530 Phil. 131, 138-139 (2006) [Per J. Carpio Morales, Third Division].

[84] 628 Phil. 155 (2010) [Per J. Del Castillo, Second Division].

[85] Republic Act No. 8042, sec. 6, as amended by Republic Act No. 10022 (2010), sec. 5.

[86] People v. Liwanag, 920 Phil. 438, 449 (2022) [Per J. Hernando, Second Division]. Citation omitted

[87] Id. at 450.

[88] Id. at 449. Citation omitted

[89] Manuel v. People, 940 Phil. 63, 72-73 (2023) [Per J. Gaerlan, Third Division].

[90] De Guzman v. People, 858 Phil. 1040, 1049 (2019) [Per J. Leonen, Third Division].

[91] Gomez v. Intermediate Appellate Court, 220 Phil. 295, 306 (1985) [Per J. Gutierrez, Jr., First Division].

[92] Id.

[93] Folder of Exhibits, p. 46.

[94] Id.

[95] TSN, Milcha C. Cariño, July 3, 2018, p. 17.

[96] Id. at 22-23.

[97] Firaza v. People, 547 Phil. 572, 585 (2007) [Per J. Carpio, Second Division].

CONCURRING AND DISSENTING OPINION

LEONEN, SAJ.:

I concur with the ponencia, but I respectfully disagree that accused-appellant Rovi B. Siason should be convicted of illegal recruitment in large scale. She should instead be found guilty beyond reasonable doubt of simple illegal recruitment only.

In *People v. Sanchez*,^[1] which also involved a conviction for illegal recruitment in large scale, "[w]hat is really important is that the witnesses have been able to prove beyond reasonable doubt the case for illegal recruitment and to positively identify the accused as being the offender of the law."^[2]

Similarly, *People v. Saulo et al.*^[3] pointed out that a "person charged with illegal recruitment [in large scale] may be convicted on the strength of the testimonies of the complainants, if found to be credible and convincing."^[4]

Also, *Saking v. People*,^[5] quoting *People v. Gonzales-Flores*,^[6] held that a conviction for illegal recruitment can

be justified where the testimonies of complainants credibly establishes the accused's involvement in prohibited recruitment activities, even absent documentary evidence:

The failure of complainants to present receipts to evidence payments made to accused-appellant is not fatal to the prosecution case. The presentation of the receipts of payments is not necessary for the conviction of accused-appellant. As long as the prosecution is able to establish through credible testimonies and affidavits that the accused-appellant was involved in the prohibited recruitment, a conviction for the offense can very well be justified. In these cases, complainants could not present receipts for their payment because accused-appellant assured them she would take care of their money.

It must be remembered that the trial court's appreciation of complainants' testimonies deserves the highest respect since it was in a better position to assess their credibility. In these cases, complainants' testimonies, to the effect that they paid money to accused-appellant and her companions, Domingo and Baloran, because the latter promised them overseas employment, were positive, straightforward, and categorical. They maintained their testimonies despite the lengthy and grueling cross-examination by the defense counsel. They have not been shown to have any ill motive to falsely testify against accused-appellant. Naive, simple-minded, and even gullible as they may have been, it is precisely for people like complainants that the law was made. Accordingly, their testimonies are entitled to full faith and credit.[7] (Emphasis supplied, citations omitted)

These cases make clear that for a conviction for illegal recruitment in large scale to prosper, there must be sufficient evidence and testimonies from complainants themselves proving that the offense was committed against three or more persons, as required by law. Absent such proof, an accused may only be convicted of simple illegal recruitment.

In the present case, the prosecution presented only one complainant, Milcha C. Cariño.[8] The three other purported victims—Rosemarie D. Zuniega, Nely T. Panoy, and Sheryl Cris Enguito—were neither presented in court nor subjected to cross examination.[9]

The ponencia cites *People v. Liwanag*[10] to support the argument that the testimonies of at least three or more complainants are not required for an accused to be convicted of illegal recruitment in large scale, so long as the evidence sufficiently proves that the offense was committed against three or more persons. However, *Liwanag* is indistinguishable. In that case, three out of the four victims testified, and the mother of the remaining victim also took the stand. Similarly, the case it relied upon, *People v. Ocden*, [11] involved the testimonies of two of the four victims, plus the mother of the remaining two victims.

In contrast, the present case lacks corroborating testimonies from the other purported victims. I am of the humble opinion that proof beyond reasonable doubt of illegal recruitment in large scale contemplates that the testimonies of most victims, if not all, are presented by the prosecution in court to satisfactorily establish the multiple-victim element. As held in *People v. Dela Concepcion*, [12] the "testimonies of private complainants are not bare allegations as accused-appellant would want this Court to believe. Private complainants narrated in open court how they were defrauded into believing that accused-appellant could prepare their documentary requirements and deploy them. Their testimonies are sufficient to show that accused-appellant committed illegal recruitment." [13]

Thus, I respectfully submit that accused-appellant should not be convicted of illegal recruitment in large scale, but only of simple illegal recruitment.

ACCORDJINGLY, I vote to DENY the appeal. The July 29, 2022 Decision of the Court of Appeals in CA-G.R. CR. HC No. 03674 is AFFIRMED with MODIFICATION. Accused-appellant Rovi Siason y Bobila alias "Amor" is GUILTY of simple illegal recruitment as defined and penalized under Sections 6 and 7, paragraph (a) of Republic Act No. 8042, as amended. She is sentenced to suffer the penalty of 12 years and one day, as minimum, to 20 years, as maximum, and is ordered to PAY a fine of PHP 1 million.

[1] 353 Phil. 536 (1998) [Per J. Vitug, First Division].

[2] Id. at 548.

[3] 398 Phil. 544 (2000) [Per J. Gonzaga-Reyes, Third Division].

[4] Id. at 554.

[5] 940 Phil. 299 (2023) [Per J. J. Lopez, Second Division].

[6] 408 Phil. 855 (2001) [Per J. Mendoza, Second Division].

[7] *Saking v. People*, 940 Phil. 299, 315 (2023) [Per J. J. Lopez, Second Division], citing *People v. Gonzales-Flores*, 408 Phil. 855, 871-872 (2001) [Per J. Mendoza, Second Division].

[8] Ponencia, p. 2.

[9] Id.

[10] 920 Phil. 438 (2022) [Per J. Hernando, Second Division].

[11] 665 Phil. 268 (2011) [Per J. Leonardo-De Castro, First Division].

[12] 921 Phil. 418 (2022) [Per J. Leonen, Third Division].

[13] Id. at 445.

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