

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LUCILLE B. SENDON, ACCUSED-APPELLANT.*G.R. Nos. 101579-82. December 15, 1993*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-101579-82/>**REGALADO, J.:**

The virtual diaspora of our countrymen seeking employment in foreign lands, due to the economic travails of the country these past years, will hereafter be recounted with admiration and sympathy for their intrepidity and self-abnegation. It has, in fact, given rise to a new breed of humble economic heroes, the overseas contract workers, who have breasted all hazards for hearth and family. It has, deplorably, also produced a new species of human vultures, different types of aves de rapiña or birds of prey, whose victims are those who would seek a hopefully better future as migrant laborers. This is the genesis of Criminal Cases Nos. Ir-2623, 2624, 2625 and 2657 of the Regional Trial Court of Iriga City.

Sometime in July or August of 1988, Emma Concepcion-Hermogeno (complainant in Criminal Case No. Ir-2625) met accused-appellant Lucille Sendon at the store owned by Lydia Cepres located in the market pavilion in Iriga City. Lucille represented herself as a former employee of Muhammad Al Jabri of Oman and that she was allegedly authorized by the latter to directly hire someone to work as a domestic helper in Oman. A certain Josie had allegedly backed out from the position and Lucille asked Hermogeno if she was interested in applying therefor. However, Hermogeno, being a nursing graduate, indicated her preference to work as a nurse. Lucille assured her that she could easily change jobs upon her arrival in Oman because of her employer's connections. Hermogeno's mother met with Natividad Sendon, mother of Lucille Sendon, regarding the job offer. Subsequently, the former readily gave her permission when she was informed that they were related to the Sendons.[1]

On different occasions, Hermogeno gave Lucille P16,500.00 as placement fee in four installments of P5,500.00, P5,500.00, P4,800.00 and P700.00.[2] In addition, she also gave Lucille P1,000.00 as lagay (bribe money), supposedly to be given to the medical examiner since Hermogeno reportedly had a heart defect; P850.00 which she requested Lucille to give to her sister, but the latter failed to do so; and P400.00 which Lucille borrowed from her. On a later date, Lucille accompanied her to Manila for her physical examination and clearance from the National Bureau of Investigation (NBI).[3]

On the other hand, Delia Velasco (complainant in Criminal Case No. Ir-2623), an employee of a rural bank, also had occasion to meet Lucille sometime in August, 1988 at Lydia Cepres' store while she was doing one of her rounds as a credit collector of the bank. Representing herself as a recruiter, Lucille offered her a tutorial job in Singapore. With Lydia Cepres' assurance that Lucille is her relative, Velasco accepted the job offer.[4]

Initially, Velasco gave Lucille P250.00, along with her bio-data. On separate occasions, she also gave P3,000.00 as processing fee, P13,500.00 as placement fee in two installments of P13,000.00 and P500.00. Lucille also borrowed P2,700.00 from her.[5] Like Hermogeno, she also went to Manila for her physical examination, as well

as to secure her NBI clearance.

Lydia Cepres (complainant in Criminal Case No. Ir-2624) had theretofore known Lucille's mother, Natividad Sendon, who had been her hilot (an unlicensed midwife) when she gave birth to her third child. Sometime in July, 1988, Natividad informed her that her daughter, Lucille, had just arrived from abroad and was looking for a baby-sitter to work in Oman. Due to her desire to work abroad, Cepres went to Natividad's house to personally meet Lucille. She was instructed to prepare her papers and money to expedite her departure. At first, Cepres' husband was reluctant to agree to the plan but, due to Lucille's and Natividad's assurances that the prospective employer was a good person, the former eventually gave his consent.[6]

Thus, Cepres readily gave Lucille her bio-data as well as P350.00 prior to the latter's scheduled departure for Manila. Upon Lucille's return, she handed to Lucille P16,500.00 as processing and placement fee in two installments of P7,500.00 and P9,000.00, respectively. Thereafter, she also gave Lucille P350.00 for the pregnancy test, another P150.00 for the AIDS test, and P350.00 for her "defective" birth certificate.[7] Allegedly due to their employer's preference for single employees, Lucille advised Cepres to use her maiden name, Lydia Samar. Hence, when Lucille found out that Cepres was pregnant, Lucille gave her some herbal plants to abort the child, but the child was not aborted.[8]

Meanwhile, sometime in August, 1988, Pura Casco (complainant in Criminal Case No. Ir-2657), a high school graduate and a housewife, met her first cousin, Lydia Cepres, at the Baao market, and the latter apprised her that an acquaintance named Lucille Sendon was hiring people to work abroad. Interested in the prospect, Casco went with Cepres to see Lucille who, on that occasion, offered her a job in Singapore as a domestic helper with a monthly salary of \$350.00.[9] On their second meeting, Casco gave Lucille her birth certificate and bio-data along with P250.00, with the agreement that Lucille will work for the approval of her papers.[10]

To comply with the job requirements, Casco and Velasco went together to Manila for their physical examination and to secure their NBI clearances. All in all, Casco spent more or less P20,500.00 which included, among others, the P16,500.00 placement fee which she gave to Lucille in four installments.[11] On September 2, 1988, Hermogeno, Cepres, Velasco and Casco, accompanied by Lucille's cousin, Aileen Lanuzga, all went to Manila this time for a cholera vaccination at Pier 2. They returned to Iriga City the same day.[12]

Although Lucille assured them that a large part of their placement fee will be refunded the moment their employer arrives in Manila, Lucille gave no receipts for any of the amounts she had received from the four recruits-complainants. However, she assured them that all their papers were being taken care of and the results of the tests conducted on them would just be forwarded to them at a later date. Despite such assurances, they did not receive either the refund or any of the documents.

Instead, Hermogeno was given by Lucille xerox copies of a "no objection" certificate from the Immigration Department of the Sultanate of Oman, a contract of employment, an addendum to the employment contract, as well as an addendum to the memorandum of agreement.[13] Delia Velasco was given xerox copies of an employment contract, an addendum to the memorandum of agreement, and a disembarkation form intended for Singapore citizens and permanent residents only.[14] On the other hand, Cepres received xerox copies of a "no objection" certificate from the Immigration Department of the Sultanate of Oman, a contract of employment for domestic helpers, and an addendum to the memorandum of agreement.[15] On her part, Casco acquired a disembarkation form for Singapore citizens and permanent residents only, an employment contract, and an addendum to both the employment contract and the memorandum of agreement.[16]

Lucille notified private complainants that their departure date was September 15, 1988. Upon their arrival in Manila, however, they were unable to leave on said date allegedly due to the fact that Lucille's visa had expired.

Lucille was supposed to accompany them to their respective places of employment. Thereafter, although Lucille assured them that they would definitely leave on the 30th of the month, they were again unable to do so.[17] To aggravate the matter, they started having a difficult time in contacting Lucille after said date, although they went to her house an innumerable number of times.[18]

On October 12, 1988, already impatient due to her failure to leave for Singapore, Velasco succeeded in seeing Lucille at the residence of the latter's in-laws and she demanded that Lucille sign a promissory note for P14,000.00. Of said amount however, she was able to eventually obtain only P9,000.00.[19]

A little over two weeks later, or on October 27, 1988 to be exact, Hermogeno saw Lucille by chance near the Allan Theater in Iriga City and she demanded the return of the money she had given to the latter. Unable to give the amount, Lucille signed a promissory note for P15,000.00 payable on November 31 (sic), 1988. Unfortunately, Hermogeno was able to ultimately recover only P2,900.00.[20]

By accident, the four recruits-complainants later saw Lucille again, and she informed them that she was planning to go to Manila to see one Tessie Dimasalang of the Philippine Overseas Employment Administration (POEA) who allegedly had the refund money. Despite their insistence to come along with Lucille to Manila, the latter left them behind, leaving a letter addressed to Hermogeno assuring them that their passports will be ready when she returns, and advising them not to worry because she was taking care of everything.[21]

In spite of her representations, Lucille thereafter failed to show up in Iriga City. Thus, sometime in September, 1988, Hermogeno and Velasco decided to go to the POEA to verify the existence of Tessie Dimasalang. Much to their surprise and chagrin, they were informed that no such person was employed in said office.[22]

Fearing that they might have been duped, they went to Atty. Ricardo Martinez, Regional Director of the Department of Labor and Employment (DOLE), Region 5, who referred them to the DOLE office in Naga City. Said office issued to them a certificate, dated January 6, 1989, stating that Natividad Sendon and Lucille Sendon were not duly authorized or licensed recruiters of the POEA, nor had they been authorized by the DOLE to engage in the Province of Camarines Sur, for the period from June to September, 1988, in the recruitment and placement of workers for overseas employment. With a referral letter dated January 8, 1989 from the DOLE, they sought the assistance of the Iriga City Fiscal (now known as the City Prosecutor).[23]

Consequently, in four separate informations filed before and raffled to two branches of the Regional Trial Court of Iriga City, docketed as Criminal Cases Nos. Ir-2623 (Branch 37), Ir-2624 (Branch 37), Ir-2625 (Branch 34) and Ir-2657 (Branch 34), Lucille Sendon was indicted for the crime of illegal recruitment in large scale, defined in Article 38 and penalized under Article 39, both of the Labor Code, as amended. Her mother, Natividad Sendon, was likewise included in the charges in two informations (Criminal Cases Nos. Ir-2624 and Ir-2625) for the same offense.

Separately arraigned in the four cases, accused Lucille Sendon pleaded not guilty. Similarly, accused Natividad Sendon pleaded not guilty when arraigned in the two cases earlier indicated. A motion for consolidation of the cases having been filed by the prosecution, the trial court issued an order consolidating the cases pending before Branch 34 (Ir-2625 and Ir-2657) with those pending in Branch 37 (Ir--2623 and Ir-2624) for joint trial in the latter branch.[24]

After trial on the merits, the court a quo rendered a consolidated decision finding accused Lucille Sendon guilty beyond reasonable doubt of the crime of illegal recruitment in large scale and sentenced her to suffer the penalty of life imprisonment and to pay a fine of P100,000.00. She was also ordered to return to Hermogeno the amount of P15,250.00; to Cepres, P21,600.00; to Velasco, P5,000.00; and to Casco, P20,545.00, as well as to pay the

costs. On the other hand, accused Natividad Sendon was acquitted for insufficiency of evidence.[25]

Under Article 13(b) of the Labor Code, recruitment and placement refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not. Pursuant to Article 38(b) in relation to Article 34 of the Code, the offense of illegal recruitment has two essential elements, to wit: (1) the accused must be engaged in the recruitment and placement of workers, whether locally or overseas; and (2) the accused has not complied with the guidelines issued by the Secretary of Labor and Employment, particularly with respect to the securing of a license or an authority to recruit and deploy workers, either locally or overseas.[26] If it is committed against three or more persons individually or as a group, the crime becomes illegal recruitment in large scale which is considered an offense involving economic sabotage in Article 38(b) and is penalized under Article 39 of the Labor Code.

Recruitment for overseas employment is not in itself necessarily immoral or unlawful. It is the lack of the necessary license or permit that renders such recruitment activities unlawful or criminal,[27] which is qualified into large scale recruitment when three or more persons are victimized. It is this more serious form of the crime of which appellant has been convicted and which verdict she entreats us to reverse and set aside.

Appellant's defense is anchored primarily on her assertion that she was never directly or indirectly involved in any recruitment activity. According to her, her Oman employer gave her a job order when she returned to the Philippines last July, 1988. She referred said job order to Marites Dimasalang, allegedly an employee in the direct hire section of the POEA. Although she admitted having introduced Dimasalang to private complainants, she denies having anything to do whatever in employing them for work abroad nor in facilitating the obtention of pertinent papers connected with the job.[28] Appellant posits that since Marites Dimasalang is nowhere to be found, private complainants would want to lay the blame on her.

The documentary and testimonial evidence of the prosecution, however, show that appellant took an active and direct part in the recruitment process by adopting a systematic and elaborate scheme which gave the impression that she had the power to send people abroad for work. What assumes a fatal and crucial role in appellant's bid for exculpation is her failure to present evidence that Marites Dimasalang really exists and is not merely a figment of her imagination. As stated earlier, both Velasco and Hermogeno were informed, upon their inquiry, that no person by the name of Marites Dimasalang was ever connected with the POEA. Thus, we are left to conclude that appellant merely conjured that fictitious person to deflect any liability from herself.

Assuming *arguendo* that there really is a Marites Dimasalang, still the prosecution has established by proof beyond reasonable doubt that appellant is guilty of the crime charged. Of course, if and when it is shown that Dimasalang was also involved in illegal recruitment, the State can always charge her later. Her non-prosecution at this stage, however, provides no ground for appellant to fault the decision of the trial court convicting her.[29]

Appellant seeks to undermine the credibility of herein complainants by pointing out certain inconsistencies in their testimonies, allegedly casting doubts on the plausibility of their charges. We do not agree. Time and again, this Court has declared that minor discrepancies in testimony do not affect the credibility of the prosecution witnesses.[30] What is important is the fact that appellant was positively identified by complainants as the person who represented herself as being authorized to engage in directly hiring overseas workers, who collected fees from them, and also pretended to make arrangements for their departure. Indeed, denials of an accused cannot be given greater evidentiary weight than the positive declarations of credible witnesses who testify on affirmative matters.[31]

Appellant also argues that private complainants' failure to demand receipts as proof of payment, as well as other

evidence of employment, is fatal to their case. There is nothing unusual in the failure of the complainants to look into the veracity of the promises made by appellant. Being inexperienced and titillated by the prospect of travelling to the vaunted lands of milk and honey (here, petrodollars or Singaporean dollars), they fell easy prey to appellant's glibness and roseate promises.[32] Deluded into relying on appellant's assurances that receipts for their money would be issued later, they naturally did not press the matter further until it was too late.

A certificate from the DOLE was also presented stating that no record exists of a license or authority for the period from June, 1988 to September, 1988 having been granted to appellant to recruit workers for overseas employment.[33] Private complainants only discovered much later that appellant did not have the necessary permit from the DOLE. Since good faith is always presumed, private complainants were entitled to assume that appellant was acting in good faith when she presented herself as a recruiter for overseas employment.[34]

Appellant's letter of October 27, 1988, addressed to Hermogeno, shows that she was in fact intimately involved with the entire recruitment process, as shown in pertinent portions thereof with emphases indicated by us:

"Dear Emma,

"Wag ka sanang magagalit sa akin kung umalis man ako ngayon umaga papuntang (D)aet. Pero (E)mmanamayang gabi sasakay ako papuntang (M)aynila sa (D)aet na ako sasakay. Siya nga pala Emma, pagbalik ko sa (M)artes 11-1-88 dala ko na yong passport ninyo at saka yong pera ninyo. Alam mo Emma hindi ko kayo linuluko iyan sana ang isipin ninyo. Alam ko magagalit na naman kayo sa akin dahil hindi ako makakapunta sa bahay nila (M)anay (D)elia.

x x x

Sa tutuo lang Emma hindi naman ako nag puproblema dahil yong perang ibinigay ko kay (T)ess (D)imasalang ibabalik rin sa akin.

x x x

x x x sana ikaw na ang bahalang mag sabi kay Manay Lydia kay Manay Delia at saka kay Pura.

Love and care,

(Sgd.) Cely"[35]

Said letter is of determinative significance for the prosecution's case because it corroborated the statements of the four complainants. First, if the denial of the appellant -- that she did not recruit any of the complainants -- is credible, why did her note contain a promise that upon her return to Iriga City, she would be bringing their passports? Second, the message in the letter was clearly meant not only for Hermogeno but also for the other three complainants. Surely, it is more than a coincidence that the persons for whom the letter (which is actually a plea by Lucille for their patience) was intended are the very same persons who are the complainants in the case at bar. Third, the letter confirms the version of the complainants that when they were already having doubts on the veracity of appellant's claim, they insisted in coming along to Manila but despite their insistence, Lucille left without them. Fourth, it will be noted that appellant had an inkling that private complainants were already entertaining thoughts that they were being beguiled, thus her assurance that she had no intention to fool them. Fifth, there was also an admission by appellant that indeed money changed hands between complainants and her, and then allegedly with Dimasalang, otherwise why would she assure them that the money she allegedly gave to Dimasalang will be returned?

More telling in exposing the lack of credibility of appellant are her nonchalant denials of having received large amounts from private complainants. However, the records show that she signed promissory notes in favor of Delia

Velasco for P14,000.00, as well as the one in favor of Emma Concepcion-Hermogeno amounting to P15,000.00. If she did not sign these two promissory notes, why did she give a refund of P2,900.00 to Hermogeno and P9,000.00 to Velasco? Thus, in *People vs. Flores*,^[36] this Court held that "petitioner's claim that she did not receive the amounts from Oval and de Jesus deserves scant consideration. Why would she give a refund of P1,000.00 to Oval and promise to return the rest of the amount she received if indeed she did not demand and receive the P5,000.00 from Oval?"

Appellant's propensity to make up stories to absolve herself, which ultimately proved to be her undoing, is further demonstrated by an incident on September 27, 1989 when, as a detention prisoner at that time, she wrote to P/Cpl. Bienvenido Magistrado, Jail Warden of the INP HGS at Iriga City, informing the latter that she was five months pregnant. Apologizing for not informing him earlier of her condition, she wrote him a letter seeking his help.^[37] However, appellant later denied that she personally wrote that letter, saying that she asked a co-detention prisoner named Elsie to write the letter for her.

That is farthest from the truth. The daily roster of sentenced/detention prisoners at the time the letter was written which was introduced during the trial by the prosecution, shows that Cell No. 2 where appellant was incarcerated had only one female detainee and that was appellant. However, the document not having been formally offered as an exhibit nor even marked as one during the trial, the same can not be given evidentiary value since the court shall consider no evidence which has not been formally offered.^[38]

Be that as it may, P/Cpl. Magistrado testified that Lucille Sendon was the only female prisoner in Cell No. 2 on September 27, 1989. He also declared that he personally confronted her about the letter and she admitted that she wrote the letter.^[39] Said testimony was not contradicted on cross-examination nor did appellant proffer any evidence to the contrary. Additionally, having received quite a number of short notes from Lucille requesting permission to visit her child or go to some place during her detention and having acted on them, Magistrado was familiar with her handwriting,^[40] and was competent to prove that fact.^[41]

The foregoing episode is narrated at length for it reveals the character of appellant, not only as a devious schemer, but one who is highly capable of prevarications and tergiversations as long as they would subserve her purposes. It also exposes her ability to strike a guiltless pose and her gift for deception by which she succeeded in divesting the complainants of their hard-earned money.

Finally, we take judicial notice of the fact that appellant had previously been convicted by this Court of illegal recruitment in large scale,^[42] which decidedly bolsters the present charges against her. A reading of the aforestated case shows that appellant used the same *modus operandi* to deceive her victims. Not surprisingly, the same defense of denial was also used by appellant in said case, but which was not accorded any merit by the trial court and by this Court.

Having falsely and unlawfully represented herself to the public at large as a licensed recruiter and having again victimized four persons in the cases at bar, appellant Lucille Sendon is guilty beyond peradventure of a doubt of illegal recruitment in large scale and must suffer the consequences thereof. Indeed, the continuing incidence of such nefarious acts rationalizes the severe penalties therefor under the axiom that extreme situations require extreme remedies.

WHEREFORE, the judgment of the court *a quo* finding accused-appellant Lucille Sendon guilty beyond reasonable doubt of illegal recruitment in large scale and imposing the corresponding penalties and civil liabilities therefor is hereby AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Nocon, and Puno, JJ., concur.

* She is also known and referred to in some parts of the record as Lucille Sendon-Ani, her alleged married name.

[1] TSN, March 15, 1990, 7-11; August 20, 1990, 20.

[2] Ibid., id., 15-16; id., 3, 17, 30, 25.

[3] Ibid., August 20, 1990, 3, 30-31.

[4] Ibid., September 4, 1990, 27-28.

[5] Ibid., id., 6-8, 32.

[6] TSN, September 6, 1990, 3-8.

[7] Ibid., id., 8-11.

[8] Ibid., id., 18, 20-22.

[9] TSN, September 11, 1990, 4, 14-15.

[10] Ibid., id., 17.

[11] Ibid., id., 5, 18.

[12] TSN, March 15, 1990, 17-19, 23; September 5, 1990, 8.

[13] Exhibits B-D, Criminal Case No. Ir-2625; Original Record, 88-92.

[14] Exhibits A-C, Criminal Case No. Ir-2623; Original Record, 99-102.

[15] Exhibits A-C, Criminal Case No. Ir-2624; Original Record, 89-92.

[16] Exhibits A-D, Criminal Case No. Ir-2657; Original Record, 58-61.

[17] TSN, August 20, 1990, 11; August 21, 1990, 40; September 4, 1990, 10-12; September 11, 1990, 10.

[18] Ibid., September 4, 1990, 22; September 6, 1990, 22.

[19] Ibid., id., 20-21.

[20] Exhibit F, Criminal Case No. Ir-2625; Original Record, 95; TSN, August 20, 1990, 12-13; August 21, 1990, 45.

[21] TSN, August 20, 1990, 8-9; August 21, 1990, 44-45; September 6, 1990 23-24; Exhibit E, Criminal Case No. Ir-2625, Original Record, 93.

[22] TSN, September 4, 1990, 19; September 11, 1990, 11.

[23] Ibid., id., 24-25; id., 12-13.

[24] Criminal Case No. 2623; Original Record, 30.

[25] Rollo, 30-43; penned by Judge Ernesto B. Amisola.

[26] People vs. Ondo, et al., G.R. No. 101316, November 8, 1993.

- [27] *People vs. Duque*, 212 SCRA 607 (1992).
- [28] TSN, October 15, 1990, 18-20.
- [29] *People vs. De Guia*, G.R. No. 107200-03, November 9, 1993.
- [30] *People vs. Bagista*, 214 SCRA 63 (1992).
- [31] *People vs. De la Torre*, 198 SCRA 663 (1991).
- [32] *People vs. Naparan*, G.R. No. 98443, August 30, 1993.
- [33] Exhibit F, Criminal Case No. 2623; Original Record, 105.
- [34] *People vs. Duque*, *supra*, Fn 27.
- [35] Exhibit E, Criminal Case No. 2625; Original Record, 93.

[36] 211 SCRA 622 (1992).

- [37] Exhibit G, Criminal Case No. 2623; Original Record, 34.
- [38] Section 35, Rule 132, Rules of Court; *Tabuena vs. Court of Appeals, et al.*, 196 SCRA 650 (1991).
- [39] TSN, January 30, 1991, 9, 11.
- [40] *Ibid.*, *id.*, 5.
- [41] Section 23, Rule 132, Rules of Court.
- [42] *People vs. Sendon*, 209 SCRA 597 (1992).

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.