

SECOND DIVISION

[G.R. No. 229712, February 28, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. DELIA C. MOLINA, ACCUSED-APPELLANT.

DECISION

PERALTA, J.:

This is an appeal from the Decision^[1] dated January 14, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 05977, affirming the Decision of the Regional Trial Court (RTC) of Makati City, Branch 137, finding accused-appellant Delia C. Molina guilty beyond reasonable doubt of the crime of illegal recruitment in large scale.

On December 21, 2007, accused-appellant Delia C. Molina and Juliet Pacon were charged with the crime of Illegal Recruitment in Large Scale in an Information^[2] that reads:

The undersigned Prosecutor accuses DELIA C. MOLINA and JULIET PACON of the crime of Illegal Recruitment in Large Scale, defined and penalized under Section[s] 6 and 7 of Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), committed as follows:

That in or about and sometime in the months of April 2006 to September 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously recruit for a fee, promise employment/job placement abroad to five (5) persons, hence, committed in large scale, and received payments from complainants, to wit:

MARIA C. -	P
LUYA	75,000.00
GILBERT -	130,000.00
B. UBIÑA	
WILFREDO -	100,000.00
I. LOGO	
BENJAMIN -	75,000.00
B. DELOS	
SANTOS	
MAYLEN S. -	70,000.00
BOLDA	

in connection with the documentation and processing of their papers for purposes of their deployment, but said accused failed or refused to deploy herein complainants abroad without the fault of the latter and to

reimburse the above-enumerated amounts to said complainants, to the damage and prejudice of the latter.

CONTRARY TO LAW.^[3]

The case proceeded only against accused-appellant Delia C. Molina, as co-accused Juliet Pacon was at-large. When arraigned on April 7, 2009, accused Delia C. Molina pleaded not guilty.^[4] After pre-trial, trial on the merits ensued.

The prosecution presented as witnesses the five private complainants and Eraida Dumigpi, Senior Labor and Deployment Officer of the Philippine Overseas Employment Administration (POEA). On the other hand, the defense presented accused-appellant Delia C. Molina as its lone witness.

Prosecution witness Wilfredo I. Logo, from Baliwag, Bulacan, testified that in May 2006, he was referred by a certain Lita to Juliet Pacon of Southern Cotabato Landbase Management Corporation, a recruitment agency, to apply for a job in Korea as a factory worker. At the agency, he met Juliet Pacon who discussed with him the work in Korea, the placement fee and the salary of Nine Hundred Won, or about P45,000.00. He was told to pay half of the placement fee, and once there is a job order, he was told to pay the remaining balance. For this job application, he paid the agency through Pacon, in cash and on installment basis, the total sum of P100,000.00 on the following dates: (1) May 22, 2006 - P3,000.00; (2) May 23, 2006 - P7,000.00; (3) August 29, 2006 - P60,000.00; and (4) September 14, 2006 - P30,000.00, all covered by cash vouchers.^[5] The payments were all received by Juliet Pacon as shown by her signature on the cash vouchers. Years passed, and despite compliance with all the requirements of the agency, the promised deployment did not materialize. Logo entertained doubt as to his deployment abroad. He went back and forth to the agency, but Pacon already went into hiding and could not be located. He then went to the POEA and discovered that the agency had no job order for Korea. He got confirmation that accused Molina was the President of the agency as reflected in the POEA Certification^[6] dated July 13, 2011. Thereafter, he filed a complaint against Molina and executed in support thereof' his affidavit.^[7]

Logo positively identified accused Molina as the owner of the agency. He came to know accused Molina not only because Pacon introduced her as the owner of the agency, but also because he frequently saw Molina in her office in the agency everytime he went there and paid his placement fee between the months of April to September 2006.^[8] He was able to talk to accused Molina who assured him of his deployment abroad.^[9]

The second witness, Gilbert Ubiña, a resident of Cubao, Quezon City, testified that in June 2006, his Auntie Lita accompanied him to the agency located in Makati City to apply for a job abroad. At the agency, he talked to Juliet Pacon who discussed with him the requirements of the job order for a factory worker in South Korea such as visa, passport, medical certificate, training and the payment of P130,000.00 as placement fee. He paid the placement fee in two installments: (1) P10,000.00 on June 9, 2009; and (2) P120,000.00 on July 13, 2006, both evidenced by cash vouchers.^[10] The payments were received by Pacon in behalf of the agency as evidenced by her signature on the cash vouchers of the agency. He was assured by both accused Molina and Pacon of a monthly salary of P45,000.00, but the promised

job was not attained. Upon inquiry from the POEA, he found out that there was no job order for the agency. He also learned that accused Molina was the owner of the agency.

In open court, Ubiña positively identified accused Molina,^[11] who advised him and other applicants to complete all their requirements for their immediate deployment to Korea where allegedly there were many jobs waiting for them.

The third witness, Benjamin Delos Santos, a resident of San Juan City, testified that in February 2006, he went to the agency, Southern Cotabato Landbase Management Corporation, located in Palanan, Makati City, and applied as a factory worker in South Korea. At the agency, he talked to Juliet Pacon who told him that he would earn US\$900.00 per month, and that he could leave immediately upon submission of the requirements such as NBI clearance, resume, pictures and a placement fee of P75,000.00. He paid the placement fee in two installments: (1) P10,000.00 on April 26, 2006; and (2) P65,000.00 on May 8, 2006.^[12] Although he complied with all the requirements, the agency failed to deploy him. Thus, he went to the POEA where he found out that accused Molina, whom he identified in open court,^[13] did not have any job orders, and that Pacon was not licensed to get workers for deployment abroad. Despite his demand for the return of his money, he only received promises, but his money was never returned.^[14] Then he filed a complaint and executed his affidavit.^[15]

The fourth witness, Maylen Bolda, a resident of San Juan, Metro Manila, testified that she gave P70,000.00 to Juliet Pacon in connection with her application for employment in South Korea. She paid in two installments: (1) P10,000.00 on April 12, 2006; and (2) P60,000.00 on April 26, 2006.^[16] Like her co-applicants, the payments were evidenced by vouchers signed by Pacon. Upon receipt of the money, Pacon told her to complete all the requirements, which she did through the submission of the payment, medical result, NBI clearance and pictures. Pacon assured her that she would be able to depart for Korea as soon as she completes the requirements. She was also able to talk to accused Molina, who was introduced by Pacon to her as the owner of the agency. As the promised employment did not materialize, she demanded for the return of the money she paid, but only her passport was given back to her. She positively identified accused Molina in open court. Molina acknowledged that she was the owner of the agency and she assured Bolda of her employment abroad.

The fifth witness, Maria Luya, from Lemery, Batangas, testified that in April 2006, she came to know both accused Pacon and Molina when she applied with the agency for a job in South Korea, upon referral of her older sister who was in Korea. At the agency, she met Pacon who was assigned as her recruiter. She also saw accused Molina, who Pacon said was the President of the company and that she does not talk with applicants as there are recruiters for them. Pacon told her that there were job orders already, so she had to pay and complete the requirements because in a few months, she could leave for South Korea as a factory worker. She submitted the required documents such as NBI clearance, resume, photocopies of passport, birth certificate, medical certificate, and identification pictures. She paid to Pacon the processing fee of P75,000.00 in two installments: (1) P10,000.00 on April 17, 2006 and (2) P65,000.00 on May 2, 2006.^[17] Despite submission of all the requirements of the agency, the promised deployment did not materialize, so she went back and forth to the agency many times to demand for the return of her money, but to no

avail. Based on the Certification^[18] dated July 20, 2007 issued by the POEA, she found out that while the agency was registered, it did not have any job order, and that the agency was in the name of accused Molina who told her and her co-applicants to just wait as there were job orders already and that in a few months, they would be able to go abroad and that their papers were already being processed.

The last prosecution witness, Eraida Dumigpi, Senior Labor Deployment Officer of the Licensing Branch of the POEA, identified the two certifications^[19] dated July 13, 2011 and September 8, 2011 as having been issued by her office. She likewise confirmed and affirmed the contents of both certificates, which stated that the Southern Cotabato Landbase Management Corporation, represented by Ms. Delia C. Molina, President, was a private recruitment agency whose license expired on March 31, 2007 and was cancelled on May 30, 2008.

The defense presented as its lone witness the accused, Delia C. Molina. Molina admitted that she was the former President of the Southern Cotabato Landbase Management Corporation, which was a duly licensed recruitment agency established on March 31, 2006 as evidenced by the provisional license^[20] issued by the POEA. The agency was not able to do its business for failure to submit the requirements of the POEA, i.e., to submit new job orders. She traveled abroad to look for such job orders. She departed from the Philippines on May 21, 2006^[21] as stamped on her passport.^[22] She went to Egypt^[23] and on June 25, 2006, she went to Kuala Lumpur, Malaysia^[24] where she was able to obtain a new job order. The suspension order against the agency was lifted on July 31, 2006, and the agency started its operation on August 6, 2006 (but no documents were marked and offered to this effect). During the time that she was out of the country, from May 21, 2006 to June 29, 2006, her former secretary Angelita Palabay took charge of the agency. She stated that co-accused Juliet Pacon had no relation to her or to the agency in any capacity as Pacon was a total stranger to her and had no authority to act for the agency. It was only in the hearing of this case that she learned of the name Juliet Pacon. Moreover, she has not met personally all the private complainants in this case.

On cross-examination, accused Molina admitted that there were about 100 cases of illegal recruitment filed against her in different courts and that she was convicted of illegal recruitment in the RTC of Makati City, Branch 148 and Branch 150 where the complainants were illegally recruited for South Korea. She denied the recruitment of private complainants and the payments made by them in this case, more so, the cash vouchers showing such payments.

The Ruling of the RTC

In a Decision^[25] dated January 16, 2013, the trial court found accused Molina guilty beyond reasonable doubt of illegal recruitment in large scale.

The trial court held:

xxx [T]he crime of illegal recruitment in large scale is generally committed when the following elements concur, to wit: (1) the offender has no valid license or authority required by law to enable one to engage lawfully in recruitment and placement of workers; (2) he or she

undertakes any of the activities within the meaning of recruitment and placement as defined thereunder in relation to Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines; and (3) that the accused commits the acts against three or more persons, individually or as a group. In addition thereto, and more apt to the case at bar, even if one is **a licensee or holder of authority**, he or she will still be deemed liable for illegal recruitment in large scale if he or she commits any of the defined acts under Section 6 of R.A. 8042.

After going over the pieces of testimonial and documentary evidence of the prosecution, *vis-a-vis* the defense of general denial by the accused, this court finds that all the requisite elements necessary to sustain a judgment of conviction for the offense of illegal recruitment in large scale were established during the trial. The attendance of the first element - that is, absence of a valid license or authority to enable one to lawfully engage in recruitment and placement of workers - is supported by the POEA certifications and further bolstered and strengthened by the testimony at the witness [stand] of Eraida Dumigpi, Senior Labor Deployment Officer from the Licensing Branch of the POEA. The second element pertaining to the performance of activities within the meaning of recruitment and placement as defined under Section 6 of R.A. 8042 is substantiated by the testimonies of private complainants Luya, Ubiña, Logo, Delos Santos and Bolda. The third element is evident from the number of complainants, in the instant case herein five (5) complainants, against whom the accused committed illegal recruitment.^[26]

The dispositive portion of the Decision of the RTC reads:

WHEREFORE, PREMISES CONSIDERED, the prosecution having established the guilt of accused Delia C. Molina beyond reasonable doubt, judgment is hereby rendered convicting the accused as principal of large scale illegal recruitment and she is sentenced to life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00), plus cost of suit. Accused Delia C. Molina is further ordered to pay the following complainants the amounts opposite their names as actual or compensatory damages, to wit:

1. Maria - P 75,000.00
C. Luya
2. Gilbert - P130,000.00
B. Ubiña
3. - P100,000.00
Wilfredo
L. Logo
4. - P 75,000.00
Benjamin
B. Delos
Santos
5. - P 70,000.00
Maylen
S. Bolda