

## SECOND DIVISION

**[ G.R. No. 178204 (Formerly G.R. No. 156497),  
August 20, 2008 ]**

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MARCOS  
GANIGAN, APPELLANT.**

### DECISION

**TINGA, J.:**

Before us for automatic review is the Decision<sup>[1]</sup> dated 14 November 2006 of the Court of Appeals affirming the judgment of conviction<sup>[2]</sup> for the crime of illegal recruitment rendered by the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 21.<sup>[3]</sup>

In an Information filed before the RTC, accused Ruth, Monchito, Eddie, Avelin Sulaiman and Marcos (appellant), all surnamed Ganigan, were charged with illegal recruitment committed as follows:

That sometime between the period from July and August 1998 in Plaridel, Bulacan and within the jurisdiction of this Honorable Court, the above-named accused, representing themselves to have the capacity to contract, enlist and transport workers for employment in New Zealand, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit for a fee the following persons namely: MAURO EUSEBIO, VALENTINO CRISOSTOMO and LEONORA DOMINGO, all residents of Sto. Niño, Plaridel, Bulacan for employment in New Zealand, without first obtaining the required license and/or authority from the Philippine Overseas Employment Administration.

CONTRARY TO LAW.<sup>[4]</sup>

Only appellant was arrested. The other accused remained at large.

Appellant, assisted by counsel, pleaded not guilty on arraignment. Trial ensued.

The three private complainants, Leonora Domingo (Leonora), Mauro Reyes (Mauro), and Valentino Crisostomo (Valentino), testified for the prosecution.

They narrated that they first met appellant in the house of Manolito Reyes in Plaridel, Bulacan in June 1998. Appellant allegedly made representations to private complainants, among others, that his brother, Monchito, and his sister-in-law, Ruth, had the capacity to recruit apple and grape pickers for employment in New Zealand.

<sup>[5]</sup>

On 5 July 1998, the group, composed of the three private complainants and 35 others,<sup>[6]</sup> went to La Union where they met with Monchito and Ruth. Ruth proceeded to explain their prospective employment with a \$1,200.00 monthly salary. Ruth also required the group to attend bible study sessions every Sunday because their prospective employer is a devout Catholic. Pursuant to their desire to work in New Zealand, the group attended bible study from 5 July to December 1998.<sup>[7]</sup>

Each member of the group was asked to pay P2,000.00 as assurance fee.<sup>[8]</sup> Leonora paid an additional P400.00 for her National Statistics Office-issued birth certificate,<sup>[9]</sup> P500.00 for physical examination and P320.00 for medical fee.<sup>[10]</sup> Mauro gave an additional P320.00 for medical expenses<sup>[11]</sup> whereas Valentino shelled out P180.00 for pictures, P1,000.00 for bio-data and P350.00 for medical examination.<sup>[12]</sup> The three attested that appellant received their payment and a document was prepared by one of their companions as evidence of the receipt.<sup>[13]</sup> The exhibits submitted by the prosecution show that Monchito acknowledged having received a total of P101,480.00 from various applicants.<sup>[14]</sup> Other documents showed that appellant and Ruth received payment from the applicants.<sup>[15]</sup>

Ruth and appellant allegedly promised them that they would leave for New Zealand before October 1998. When they were unable to leave, however, they were told that their prospective employer would arrive in the Philippines on 22 November 1998. On the designated date, they were informed that their prospective employer fell down the stairway of the airplane. An interview was then scheduled on 29 December 1998 but on that day, they were told that their prospective employer had been held up. This prompted the complainants to go to the Philippine Overseas Employment Administration (POEA) to check on the background of the accused.

They learned that appellant, Ruth and Monchito do not have the authority to recruit workers for employment abroad.<sup>[16]</sup> Certifications to that effect were issued by the POEA.<sup>[17]</sup>

Appellant denied having recruited private complainants for work abroad. He claimed that he himself was also a victim as he had also paid P3,000.00 for himself and P2,000.00 for his daughter. He likewise attended the bible study sessions as a requirement for the overseas employment.<sup>[18]</sup> He contended that he was merely implicated in the case because he was the only one apprehended among the accused.<sup>[19]</sup>

The trial court rendered judgment convicting appellant of the crime of illegal recruitment. The dispositive portion of the decision reads:

Wherefore, all premises considered, this Court finds and so holds that the prosecution was able to establish by proof beyond reasonable doubt the criminal culpability of the accused Marcos Ganigan on the offense charged against him. Accordingly, this Court finds him guilty of the crime of illegal recruitment in large scale resulting in economic sabotage as defined under Section 6 and penalized under Section 7(b) of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas

Filipinos Act of 1995. Accordingly, he is sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

Accused Marcos Ganigan is also directed to pay complainants Leonora Domingo, Mauro Reyes and Valentino Crisostomo the amounts of P2,400.00 each plus the sum of P500.00 for Leonora Domingo for actual damages and P25,000.00 as and for moral damages.

With regard to accused Ruth Ganigan, Monchito Ganigan, Eddie Ganigan and Avelin Sulaiman Ganigan, who remain at large until this time, the case against them is ordered archived. Let an alias Warrant of arrest be issued for their apprehension.

SO ORDERED.<sup>[20]</sup>

The trial court found that all elements of illegal recruitment in large scale had been established through the testimonial and documentary evidence of the prosecution.

In view of the penalty imposed, the case was elevated to this Court on automatic review. However, this Court resolved to transfer the case to the Court of Appeals for intermediate review in light of our ruling in *People v. Mateo*.<sup>[21]</sup>

On 14 November 2006, the Court of Appeals affirmed the trial court's decision.

Upon receipt of the unfavorable decision, appellant filed a notice of appeal. On 15 October 2007, this Court resolved to accept the case and to require the parties to simultaneously submit their respective supplemental briefs. The Office of the Solicitor General (OSG) filed a Manifestation and Motion<sup>[22]</sup> stating that it would no longer file any supplemental briefs and instead adopt its appellee's brief filed on 12 January 2006. Appellant likewise manifested that he would merely adopt his appellant's brief.<sup>[23]</sup>

Appellant argues that the prosecution has failed to establish his guilt beyond reasonable doubt. He maintains that he did not participate in any recruitment activity and that the alleged payments made by private complainants were for membership in the Christian Catholic Mission, as shown by the fact that private complainants have regularly attended bible study sessions from 5 July to November 1998. He also points out that nothing on record would show that the necessary training or orientation seminar pertaining to the supposed employment has ever been conducted.

Assuming *arguendo* that the Christian Catholic Mission was only a front to an illegal venture, appellant avers that he was not part of the conspiracy because he was a victim himself as he in fact also paid assurance fees for membership in the Christian Catholic Mission. He laments that aside from introducing private complainants to Ruth, he has not done any other act tantamount to recruitment.

The OSG defended the decision of the trial court in giving full faith and credence to the testimonies of the complaining witnesses. It contends that there is no showing that the victims were impelled by any ill motive to falsely testify against appellant. It asserts that the collective testimony of the witnesses has categorically established