

THIRD DIVISION

[G.R. No. 181245, August 06, 2008]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JIMMY ANG @ ANG TIAO LAM AND HUNG CHAO NAN, APPELLANT.

DECISION

YNARES-SATIAGO, J.:

This petition for review on certiorari assails the September 20, 2007 Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 02374, affirming the Judgment^[2] of the Regional Trial Court of Manila, Branch 12, in Crim. Case No. 00-184050, finding appellant Jimmy Ang @ Ang Tiao Lam & Hung Chao Nan guilty of illegal recruitment in large scale and sentencing him to suffer the penalty of life imprisonment and to pay a fine of One Hundred Thousand Pesos (P100,000.00) plus actual damages,^[3] with the modification that appellant is further ordered to pay legal interest on the award of actual damages from the time of the filing of the *Information* until fully paid.

The facts of the case are as follows:

On June 28, 2000, appellant was charged with violation of Section 6 (l) and (m) of Republic Act No. 8042 or the *Migrant Workers and Overseas Filipinos Act of 1995*. The accusatory portion of the *Information* reads:

That in or about and during the period comprised between November 1999 and June 23, 2000, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating with another whose true name, real identity and present whereabouts is unknown and mutually helping each other, representing themselves to have the capacity to contract, hire, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully, for a fee, recruit and promise employment as factory workers in Taiwan, and in consideration thereof charge and accept, directly or indirectly from the following:

| | |
|-------------------------------|-------------|
| PHEX M. GARLEJO | P 20,000.00 |
| EDNA PARAGAS | P115,000.00 |
| SPOUSES MAGDALENO DIOSDADO S. | |
| ORDONIO & MARLENE G. ORDONIO | P150,000.00 |
| ELLEN B. CANLAS | P 50,000.00 |

as placement and/or processing fee for overseas employment which amounts are greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment and failed to actually deploy them without valid reasons and failed to reimburse

expenses incurred by them, despite demands and in spite of the fact that the deployment of the said PHEX M. GARLEJO, EDNA PARAGAS, Sps. MAGDALENO DIOSDADO S. ORDONIO & MARLENE G. ORDONIO and ELLEN B. CANLAS did not actually take place without their fault.

Contrary to law.^[4]

Appellant pleaded not guilty when arraigned.

Ellen Canlas testified that on January 17, 2000, she was introduced to appellant who promised her a job as factory worker in Taiwan. Canlas was interested in working abroad thus, she gave appellant the amount of P50,000.00 which would be used allegedly to defray the expenses for the processing of her papers. Appellant issued Canlas a receipt for P50,000.00.

Edna Paragas also testified that she met appellant in November, 1999. Lured by the promise of a job in Taiwan, Paragas gave appellant a total amount of P115,000.00 for which she was issued a receipt. She was told that the money would be spent for the processing of her papers.

Marlene Ordonio also applied for a job in Taiwan through appellant. She gave him the amount of P150,000.00 to be used allegedly for the processing of her papers. Appellant issued a receipt for the said amount.

Phex M. Garlejo also paid P20,000.00 to appellant who promised him a job as a factory worker in Taiwan.

When appellant failed to deploy the private complainants as factory workers in Taiwan, they decided to file a complaint before the Philippine Overseas Employment Agency (POEA) who endorsed them to the Philippine Anti-Organized Crime Task Force (PAOCTF). Since appellant was asking for additional funds from Garlejo, an entrapment operation was planned.

On June 23, 2000, Canlas, Paragas, Ordonio and Garlejo met appellant inside Universal Restaurant along Rizal Avenue, Manila. After Garlejo handed to appellant the envelope containing the marked money, appellant issued a receipt for P30,000.00. Thereafter, he proceeded to count the money whereupon he was arrested by the PAOCTF operatives.

Appellant, who was the sole witness for the defense, testified that he was a factory worker in Taiwan. Sometime in October 1999, he met Erolyn Bello and Marlene Ordonio who requested him to look for a broker in Taiwan who will affiliate with a local recruitment agency for the deployment of factory workers. When he returned to Taiwan, he allegedly met a certain Leo Liao who agreed to act as broker.

He admitted meeting private complainants and receiving money from them. However, he alleged that the amounts were in payment for the expenses he incurred in scouting for a broker in Taiwan. He also argued that private complainants did not meet Liao, the alleged broker, because during their scheduled meeting, the private complainants suddenly felt shy.

Finally, he alleged that during the entrapment operation, he was forced by the

PAOCTF to sign the acknowledgement receipt; and that he never received the money because he was handcuffed.

After trial on the merits, the trial court rendered judgment, the dispositive portion of which provides:

WHEREFORE, the foregoing premises considered, judgment is hereby rendered finding accused JIMMY ANG also known as ANG TIAO LAM and HUNG CHAO-NAN guilty beyond reasonable doubt of the crime of Illegal Recruitment (in Large Scale). Accordingly, he is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of One Hundred Thousand Pesos (P100,000.00). Moreover, he is hereby ordered to pay actual damages, to the complainants in the following amounts, to wit:

| | |
|-------------------|---------------|
| PHEX M. GARLEJO | P 20,000.00 |
| EDNA PARAGAS | P115,000.00 |
| SPOUSES MAGDALENO | |
| DIOSDADO S. | |
| ORDONIO & MARLENE | G.P150,000.00 |
| ORDONIO | |
| ELLEN B. CANLAS | P 50,000.00 |

SO ORDERED.^[5]

Appellant filed an appeal before the Court of Appeals raising the following as errors:

- I. THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.
- II. THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED SINCE NO EVIDENCE WAS PRESENTED BY THE PROSECUTION SHOWING THAT HE HAD NO LICENSE OR AUTHORITY TO RECRUIT BY THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE).^[6]

In his Brief, appellant conceded that the prosecution satisfactorily established that he engaged in the act of recruitment and placement of workers for deployment abroad; however, he argued that he cannot be held liable for illegal recruitment because it was not shown that he has not secured a license or authority to recruit or deploy workers.^[7]

The Office of the Solicitor General (OSG) countered that the testimony of the PAOCTF agent's that upon investigation with the POEA, they discovered that appellant is a non-licensee or non-holder of authority to recruit and deploy workers abroad, is sufficient proof that indeed, he is not authorized to engage in recruitment activities. The OSG also recommended that the penalty of fine imposed upon appellant be increased from P100,000.00 to P500,000.00 and that the award of actual damages should earn interest from the time of the filing of the information until fully paid.