

FIRST DIVISION

[G.R. No. 130170, January 29, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROWENA ESLABON DIONISIO, JOSEFINA MALLARI Y PENAFLO
(ACQUITTED) AND DIANE DOBLE Y MACATUMPAG (ACQUITTED),
ACCUSED,**

ROWENA ESLABON DIONISIO, ACCUSED-APPELLANT.

DECISION

YNARES-SANTIAGO, J.:

Before us is an appeal from the decision of the Regional Trial Court of Quezon City, Branch 94^[1] in Criminal Case No. Q-91-26376, finding accused-appellant Rowena Eslabon Dionisio guilty beyond reasonable doubt of the crime of illegal recruitment in large scale and sentencing her to suffer life imprisonment, pay a fine of P100,000.00 and reimburse to private complainants the sums of money she collected.

The factual antecedents of the case, as appearing on the records, are as follows:

Sometime in August 1991, a certain Cora Molar enticed private complainant Juanita Castillo to apply for overseas employment at the office of Jovial Trading and Employment Services, located at the third floor of the Villa Building in Cubao, Quezon City. Lured by the prospect of working abroad, Castillo went to the said office where she met accused-appellant Rowena Dionisio and Josefina Mallari, *a.k.a.* "Manay". Dionisio and Mallari assured Castillo that they had the right connections and could send her to Saudi Arabia. They demanded from Castillo P9,000.00 as service fee and to defray expenses for passport, medical examination and NBI clearance.

When Castillo told them that she did not have the money at that time, Dionisio said that she could make a partial payment of P5,000.00 and pay the balance later on. Dionisio sent Molar to Castillo's house to collect the downpayment on August 12, 1991. Castillo handed over P4,000.00 to Molar, following the telephone instruction of Dionisio, as evidenced by a receipt^[2] signed by Molar. According to Castillo, she went back to the Cubao office on August 17, 1991, where the P4,000.00 was remitted to Dionisio by Molar. Dionisio and Mallari then promised to secure her a visa so she could leave immediately for the oil-rich kingdom.

On September 3, 1991, Dionisio demanded another P1,000.00 from Castillo, which she delivered on the same day as shown by a receipt^[3] signed by Dionisio. Again, Dionisio assured Castillo that she would facilitate the processing of all necessary documents and that a job awaited Castillo abroad as governess and domestic helper.

After repeatedly following up her application with no result, it soon became apparent to Castillo that she was hoodwinked. To confirm her suspicion, she went to the Philippine Overseas Employment Administration (POEA) office where she was informed that Dionisio, Mallari and the firm known as Jovial Trading were neither licensed nor authorized to recruit workers for overseas employment.^[4] Castillo secured a certification^[5] to this effect from the POEA and forthwith, went to Camp Karingal where she executed a sworn statement^[6] against Dionisio and company.

At about the same time, private complainant Juan Carandang, together with Juanito Castillo, Noel Villanueva and Lito Gorospe, were likewise recruited to work abroad by accused-appellant and her cohorts. Carandang was introduced by a friend to Diana Doble, who accompanied him to the office of Jovial Trading and introduced him to Dionisio and Mallari.

Dionisio asked for a processing fee of P3,000.00, which Carandang promptly gave on August 3, 1991. Carandang was further persuaded to part with the additional amount of P4,500.00 on two separate occasions, covered by two receipts^[7] signed by Dionisio dated September 23 and October 24, 1991.

Subsequently, Dionisio informed Carandang and his other companions that they were to leave for the Middle East on October 31, 1991. A day before the scheduled departure date, however, they were told that the same was postponed to November 6, 1991, on which date, they were again told that their plane tickets have not yet been released. Soon enough, they all realized that they were fooled by Dionisio, when they found out from the POEA that Dionisio, et al. were not licensed recruiters.^[8] Carandang likewise secured a certification^[9] from the POEA and executed a sworn statement against Dionisio's group.

On the other hand, private complainant Alberto Meeks was also purportedly duped by Dionisio and company. As testified by Alberto's wife, Angelita, the Meeks spouses went to the office of Jovial Trading on September 9, 1991 and gave Dionisio P7,000.00 as placement fee for Alberto's application for a job in South Korea. Dionisio issued and signed a receipt^[10] for the said amount in the presence of Mallari and Doble. However, Alberto was not able to go to South Korea, as promised, and later found employment in Saudi Arabia through the efforts of another recruitment agency.^[11]

Thus, on November 11, 1991, Dionisio, Mallari, Doble and one Jane Doe alias "Cora Molar", whose real identity was not established, were charged before Branch 94 of the Regional Trial Court of Quezon City for large scale illegal recruitment. The information against them reads:

That on or about the period comprised from August 1991 to October 1991, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping one another, without any authority of law, and for a fee, did then and there wilfully, unlawfully and feloniously recruit and promise employment and/or job placement abroad to JUAN CARANDANG Y PRECILLA, JUANITO GOROSPE Y SANTILLAN, JUANITA CASTILLO Y ALVAREZ, NOEL VILLANUEVA Y HENSON, ALBERTO MEEKS Y ADAN, ANTONIO GANZON Y GARDE, ROBERTO CRISTOBAL Y

FABRES and REYNALDO CASTILLO Y PELAEZ, without first obtaining the required license and/or authority from the Department of Labor and Employment.

That the crime described above is committed in large scale as the same was perpetrated against three (3) or more persons individually or as group as penalized under Article 38 and 39 as amended by P.D. 2018 of the Labor Code (P.D. 442).

Contrary to Law.^[12]

Upon arraignment on January 6, 1992, Dionisio, Mallari and Doble pleaded not guilty to the information.^[13] “Cora Molar” had absconded and remained at large. Trial on the merits then ensued.

On October 2, 1995, the trial court rendered judgment, decreeing as follows:

WHEREFORE, premises considered, this Court finds the accused Rowena Eslabon-Dionisio guilty beyond reasonable doubt of illegal recruitment committed on a large scale and sentences her to suffer the penalty of life imprisonment and a fine of One Hundred Thousand Pesos (P100,000.00), to indemnify the following private complainants: Juanita Castillo-P4,000.00; Juan Carandang-P4,500.00 and Alberto Meeks-P7,000.00; and to pay the costs.

The other two accused, Josefina Mallari and Diana Doble, are acquitted on ground of reasonable doubt.

SO ORDERED.^[14]

The trial court rejected Dionisio’s defense that the real illegal recruiter was Cora Molar, who rented a table in the office of Jovial Trading where Dionisio was the sole proprietor. It disregarded Dionisio’s claim that she received the money from the private complainants in behalf of Molar and that Dionisio was engaged only in the business of buying and selling slippers, cosmetics and other goods. The trial court gave credence to private complainants’ testimonies that they were recruited by Dionisio, who did not possess the authority or license to conduct recruitment activities, as certified by the POEA and the testimony of prosecution witness Benjamin Vasquez, a POEA employee.^[15]

Accused-appellant Dionisio is now before us on the following assignment of errors:

I

THE TRIAL COURT ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF THE COMPLAINANTS AND DISREGARDING THE THEORY OF ACCUSED ROWENA ESLABON DIONISIO.

II

THE TRIAL COURT ERRED IN FINDING DIONISIO GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED AND OF ORDERING HER

TO PAY FINE AND INDEMNIFICATION OF AMOUNTS TO COMPLAINANTS.

[16]

Accused-appellant maintains that no conclusive proof was adduced by the prosecution to show that she engaged in recruitment activities. She did not openly or directly advertise herself as a recruiter, nor did she personally ask the private complainants to apply in her office for overseas jobs. The name of her firm, "Jovial Trading," alone implies that she was a merchant engaged in the buying and selling of goods and not a recruiter.

Accused-appellant admits that she received the various amounts of money from private complainants, as evidenced by receipts signed by her. However, she claims that she received the said money on behalf of Cora Molar and did not benefit from it in any way. She further claims that she merely entertained Molar's clients in her absence since Molar rented a table in her office.

Accused-appellant's submissions fail to convince us.

We agree with the trial court's observation that private complainants did not harbor any ill motive to testify falsely against accused-appellant. Indeed, it is against human nature and experience for strangers to conspire and accuse another stranger of a most serious crime just to mollify their hurt feelings.^[17] As such, the testimony of private complainants that accused-appellant was the person who transacted with them, promised them jobs and received money therefor, was correctly given credence and regarded as trustworthy. The absence of evidence as to an improper motive actuating the principal witnesses of the prosecution strongly tends to indicate that their testimony is worthy of full faith and credit.^[18]

Juanita Castillo described how she was recruited by accused-appellant in this wise:

x x x

x x x

x x x

Q. When you arrived at their office, whom did you meet?

A. I met Rowena Eslabon Dionisio and Josefina Mallari.

Q. And were you able to talk with them?

A. Yes, sir.

Q. And what was the nature of the conversation?

A. Rowena Dionisio and Josefina Mallari convinced me that they have a right connection and they are what you call it "malakas" and they can send us abroad, that they can process our papers to send us abroad.

Q. When you said here that they were "malakas" and that they have connections with other agencies, you were convinced by them?

A. Yes, sir.

Q. What did you do when you were convinced?

A. They asked for a P9,000.00 service fee and they told me, Rowena Dionisio and Josefina Mallari, to process my papers including my passport, my medical examination and my NBI clearance.

Q. And what did you do when you were told by them to give that P9,000.00?

A. I told them that I don't have enough money that total of P9,000.00, but they told me, Josefina Mallari and Rowena Dionisio, you can give partial payment of P5,000.00 only and later on the balance of P4,000.00.

x x x
x

x x
x x x

Q. Were you able to give partial payment to the herein accused?

A. Yes, sir.

Q. When was that?

A. I gave the partial payment of P4,000.00 on August 12, 1991.

Q. Where did you give that P4,000.00?

x x x
x

x x
x x x

WITNESS

In our house.

Q. To whom did you give that amount?

A. To Cora Molar.

Q. And who is that Cora Molar?

A. The representative. I gave the money, the P4,000.00, to Cora Molar through the instruction of Rowena Dionisio.

COURT

I want to ... Thru the instruction. Why? Were you instructed by Rowena?

WITNESS

Yes, sir, thru the telephone.

x x x
x

x x
x x x