

## FIRST DIVISION

[ G.R. No. 123906, March 27, 1998 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROWENA HERMOSO BENEDICTUS, ACCUSED-APPELLANT.**

### D E C I S I O N

**DAVIDE, JR., J.:**

In an information<sup>[1]</sup>

1 filed on 20 October 1993 before the Regional Trial Court of Malolos, Bulacan, and assigned to Branch 76 thereof, the accused-appellant was charged with the crime of illegal recruitment under Article 38 in relation to Articles 34 and 39 of the Labor Code of the Philippines, as amended, allegedly committed as follows:

That in or about the month of December, 1992, in the municipality of Malolos, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a non-licensee or non-holder of authority from the Department of Labor and Employment to recruit and/or place workers under local or overseas employment, did then and there wilfully, unlawfully and feloniously, with false pretenses, undertake illegal recruitment activities, placement or deployment for a fee of Napoleon dela Cruz, Ernesto Vasquez, Evangeline Magpayo, Crisanta Vasquez, Evelyn de Dios and Mercy Magpayo for overseas employment.

Contrary to law.

Upon arraignment, the appellant entered a plea of not guilty.

At the trial on the merits, the prosecution presented as witnesses the complaining victims Napoleon de la Cruz, Crisanta Vasquez, Evelyn de Dios, Mercy Magpayo, and Evangeline Magpayo, as well as Barangay Captain Emerlito Calara. The defense had only the appellant as its witness.

The Office of the Solicitor General summarized in the Appellee's Brief<sup>[2]</sup> the evidence for the prosecution as follows:

On December 15, 1992, complainants Napoleon de la Cruz, Crisanta Vasquez, Evelyn de Dios, Mercy [Magpayo] and Evangeline Magpayo met appellant in the house of Crisanta Vasquez located at Bambang, Bulacan. There, appellant told them that she was recruiting workers for deployment in Taiwan. She promised them that they would be sent to Taiwan on January 15, 1993. Napoleon dela Cruz gave the amount of P2,700.00 as placement fees. He also submitted the requirements like marriage contract, employment certificate and six (6) copies of 2x2 ID pictures (TSN, August 4, 1994, pp. 2-11). Crisanta Vasquez gave the amount of P1,500.00 as processing fee since she already had a passport (TSN, November 29, 1994, p.

6). Evelyn de Dios gave the total amount of P4,400.00 representing P3,000.00 as her and her husband's placement fees and P1,400.00 for their passports (TSN, November 29, 1994, pp. 20-21). Mercy [Magpayo] gave P2,600.00 representing placement fee, passport and others (TSN, November 29, 1994, pp. 29-30). Evangeline Magpayo gave P2,350 (*Ibid.* p. 37). When appellant failed to send complainants to Taiwan on the promised date, January 15, 1993, complainants, together with appellant, went to the Barangay Hall and in front of the Barangay Captain, appellant signed a document (Exhs. "C" and "1") and promised to return the money to them.

Complainants, on March 29, 1993, signed a Magkakasamang Salaysay (Exhs. "B" to "B-2") and filed a complaint before the Fiscal's office (TSN, August 11, 1994, p. 3). In support of their complaint, they submitted a certification from the POEA dated July 21, 1994 (Exh. "A") to the effect that appellant, in her personal capacity, was neither licensed nor authorized to recruit workers for overseas employment (TSN, August 4, 1997, pp. 11-12).

[3]

We adopt this summary as our own, as it is fully supported by the transcripts of the stenographic notes of the testimonies of the witnesses for the prosecution.

Upon the other hand, the appellant denied having recruited the complainants. She claimed that she had only borrowed money from them. In support of her claim, she presented the "Affidavit of Desistance"<sup>[4]</sup> executed by the complainants when she and her sister had paid them her "debt."

The trial court gave full credit to the version of the prosecution and found unmeritorious appellant's defense. It noted that in appellant's statement before Barangay Captain Emerlito Calara,<sup>[5]</sup> she had promised to return to the complainants the money she had taken from them. There was nothing in said statement that showed that such money was a debt. As to the Affidavit of Desistance, the trial court rejected the same, for it was signed by the complainants after all of them testified in court and were paid by the appellant.

The trial court likewise observed that the appellant had failed to refute the statement in the certification issued by the POEA that she was not licensed to recruit workers for overseas employment, and that she had even admitted in open court that she was not licensed to do so.

Accordingly, in its decision of 7 February 1996,<sup>[6]</sup> the trial court convicted the appellant of the crime of illegal recruitment in large scale and sentenced her to suffer life imprisonment and to pay a fine of P100,000.

The appellant seasonably filed her notice of appeal. In her Appellant's Brief,<sup>[7]</sup> she imputes upon the trial court the commission of this single error, to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING [HER] GUILTY OF THE CRIME OF ILLEGAL RECRUITMENT IN A LARGE SCALE DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HER GUILT BEYOND REASONABLE DOUBT.

She anchors her appeal chiefly on the Affidavit of Desistance executed by the complainants. She claims that it creates serious doubts as to her liability and proves that she was not engaged in recruitment activities. Finally, she alleges that the POEA