

FIRST DIVISION

[G.R. No. 120353. February 12, 1998]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, vs. FLOR N. LAUREL, *accused-appellant*.

D E C I S I O N

BELLOSILLO, J.:

This is an appeal from the decision of the Regional Trial Court of Manila finding accused-appellant Flor N. Laurel guilty of illegal recruitment in large scale penalized under Art. 38, par. (b), in relation to Art. 39, par. (a), of the Labor Code.

From 19 October 1991 to 25 May 1992 accused-appellant Flor N. Laurel promised employment abroad for a fee to complaining witnesses Ricardo San Felipe, Rosaura San Felipe, Juanito Cudal and Cenen Tambongco, Jr. However, after receiving ₱12,000.00 from Tambongco, Jr., ₱11,000.00 from each of the San Felipe brothers and ₱6,000.00 from Cudal, Laurel reneged on her promises and went into hiding. Verification with the Philippine Overseas Employment Administration (POEA) revealed that Laurel was neither licensed nor authorized to recruit workers for overseas employment.^{i[1]} Consequently, she was haled to court and charged with large scale illegal recruitment.

Accused Laurel did not deny the charge against her. Instead, when called to the witness stand, she presented an affidavit of desistance by Juanito Cudal as well as several receipts, Exhs. "2," "3," "4," "5" and "6," signed by the other private complainants acknowledging payment by her of the amounts taken from them in "*full settlement*" of her obligation.^{ii[2]} Thus, on the basis of these documents, she moved to dismiss the case. But the court *a quo* denied her motion on the ground that the elements of large scale illegal recruitment were established beyond reasonable doubt through the combined testimonies of the four (4) offended parties. The court *a quo* noted that the affidavit of desistance as well as the receipts for payments made were prepared and signed after the prosecution had already rested its case. Consequently, the trial judge rendered a decision convicting the accused Flor N. Laurel and sentenced her to life imprisonment and to pay a fine of ₱100,000.00 conformably with Art. 39, par. (a), of the Labor Code. In addition, the accused was ordered to return the balance of what she had received from each complainant.^{iii[3]} Hence, this appeal.

As in the court below, accused-appellant does not deny the charge against her. She contends however that she should have been convicted only of simple illegal recruitment and not of large scale illegal recruitment.

She argues through counsel that since illegal recruitment in large scale is defined in Art. 38, par. (b), of the Labor Code immediately following the definition of illegal recruitment

committed by a syndicate, it follows that for illegal recruitment to be considered committed in large scale it should have been committed by a syndicate. Hence, an individual who commits an act of illegal recruitment even if it be against three (3) or more persons cannot be charged with illegal recruitment in large scale.

The interpretation is completely erroneous. Article 38, par. (b), of the Labor Code reads:

Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage x x x x

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof.

Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group (*underscoring supplied*).

The language of the law is very clear that illegal recruitment is committed in large scale if done against three or more persons individually or as a group. The number of offenders, whether an individual or a syndicate, is clearly not considered a factor in the determination of its commission. The rule is well-settled that when the language of the statute is clear, plain and free from ambiguity, there is no room for attempted interpretation or extended court rationalization of the law.^{iv[4]} The duty of the court is to apply it, not to interpret it.^{v[5]} Counsel for accused-appellant was misled by the fact that illegal recruitment in large scale is defined immediately after illegal recruitment by a syndicate. However, the only reason therefor is that they are both considered offenses involving economic sabotage as the law itself so provides. Besides, we have affirmed time and again the conviction of an individual for large scale illegal recruitment.^{vi[6]}

As regards the alleged desistance by private complaints, we rule that although an affidavit of desistance may be given due course even if executed only on appeal, it may be given such credit only when special circumstances exist engendering doubt on the criminal liability of the accused.^{vii[7]} Otherwise, without such special circumstances, courts look with disfavor on affidavits of retraction^{viii[8]} considering them as exceedingly unreliable.^{ix[9]}

There is absolutely nothing in the affidavits of retraction executed by private complainants which creates doubt on the guilt of accused-appellant. The complainants merely allege that they made a mistake and "misunderstood the circumstances."^{x[10]} However, aside from such sweeping statement as "misunderstood the circumstances," no detail is given as to how their mistake or misapprehension of circumstances can indicate absence of or at least cast doubt on the guilt of accused-appellant. On the contrary, we have every reason to conclude that the affidavits of retraction were executed by private complainants only because accused-appellant returned the money taken from them as evidenced by the receipts marked as Exhs. "2," "3," "4," "5" and "6."^{xi[11]} As complainant Ricardo San Felipe testified in court: "I will withdraw, if the

payments is (sic) complete, sir."^{xii[12]} Thus, given the reason for their desistance, the solemn testimonies given by private complainants shall not be disregarded for it is a matter of public interest that every crime must be prosecuted and the author thereof penalized.^{xiii[13]}

WHEREFORE, the Decision of the Regional Trial Court of Manila convicting accused-appellant Flor N. Laurel of illegal recruitment in large scale penalized under Art. 38, par. (b), in relation to Art. 39, par. (a), of the Labor Code and sentencing her to life imprisonment is **AFFIRMED**. However, the portion of the appealed decision directing accused-appellant to pay the balance of what she had received from each of private complainants is **DELETED** in view of the full settlement of her civil liability as acknowledged by private complainants themselves.

SO ORDERED.

Davide, Jr., (Chairman), Vitug, Panganiban, and Quisumbing, JJ., concur.

^{i[1]} Certification dated 30 July 1992 by the POEA (Exh. "A"), Original Records, p. 82.

^{ii[2]} Envelope of Exhibits.

^{iii[3]} Decision dated 7 March 1995 penned by Judge Romulo A. Lopez, RTC-Manila, Br. 34; *Rollo*, pp. 15-23.

^{iv[4]} *Basbacio v. Office of the Secretary, Department of Justice*, G.R. No. 109445, 7 November 1994, 238 SCRA 5, 10; *Libanan v. Sandiganbayan*, G.R. No. 112386, 14 June 1994, 233 SCRA 163, 167; *Victoria v. COMELEC*, G.R. No. 109005, 10 January 1994, 229 SCRA 269, 273.

^{v[5]} *Casela v. Court of Appeals*, No. L-26754, 16 October 1970, 35 SCRA 279; *Quijano v. Development Bank of the Philippines*, No. L-26419, 16 October 1970, 35 SCRA 270; *Commissioner of Internal Revenue v. Limpan Investment Corporation*, No. L-28571, 31 July 1970, 34 SCRA 148; *Hidalgo v. Hidalgo*, No. L-25326, 29 May 1970, 33 SCRA 105.

^{vi[6]} *People v. Melgar*, G.R. No. 118815, 18 August 1997; *People v. Villas*, G. R. No. 112180, 15 August 1997; *People v. Pantaleon*, G. R. No. 108107, 19 June 1997; *People v. Ferrer*, G. R. No. 121907, 27 May 1997; *People v. Tan Tiong Meng*, G. R. Nos. 120835-40, 10 April 1997; *People v. Maozca*, G. R. No. 109779, 13 March 1997; *People v. de Leon*, G. R. No. 110391, 7 February 1997; *People v. Gabres*, G. R. Nos. 118950-54, 6 February 1997; *People v. Bautista*, G. R. No. 113547, 9 February 1995, 241 SCRA 216.

vii[7] See *People v. Pimentel*, No. L-38423, 25 November 1982, 118 SCRA 695; *Gomez v. Intermediate Appellate Court*, G.R. No. 63202, 9 April 1985, 135 SCRA 620; *Alonzo v. Intermediate Appellate Court*, G. R. No. 68624, 30 June 1987, 151 SCRA 552; *Barqueros v. Court of Appeals*, G. R. No. 77571, 27 November 1987, 155 SCRA 719.

viii[8] *People v. Joya*, G.R. No. 790790, 1 October 1993, 227 SCRA 9, 26-27.

ix[9] *People v. De Leon*, G.R. No. 110558, 3 July 1995, 245 SCRA 538, 546; *People v. Liwag*, G.R. No. 89112, 3 August 1993, 225 SCRA 46, 54; *Castillo v. Calanog, Jr., A.M.* No. RTJ-90-447, 12 July 1991, 199 SCRA 75, 81-82; *Reano v. Court of Appeals*, G. R. No. 80992, 21 September 1988, 165 SCRA 525, 530; *People v. Galicia*, No. L-39235, 25 July 1983, 123 SCRA 550, 556; *People v. Pasilan*, No. L-18770, 30 July 1965, 14 SCRA 694, 701.

x[10] See "Affidavit of Desistance" by Juanito Cudal, Original Records, p. 109, and the "Pinagsamang Sinumpaang Salaysay" by Ricardo San Felipe, Rosauro San Felipe and Cenen Tambongco, Jr., *Rollo*, p. 93.

xi[11] See Note 2.

xii[12] TSN, 12 December 1994, pp. 2-3.

xiii[13] Re: Report on the Judicial Audit and Physical Inventory of the Record of Cases in RTC-Br. 43, Roxas, Mindoro Occidental, A. M. No. 93-91249-RTC, 22 September 1994, 236 SCRA 631, 639-640, citing *U. S. v. Leano*, 6 Phil. 368 (1906) and *Ching v. Gerona*, A. M. No. RTJ-88-252, 24 November 1988, En Banc Minute Resolution.