THIRD DIVISION

[G.R. No. 107084. May 15, 1998]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* DELIA SADIOSA y CABENTA, *accused-appellant.*

D E C I S I O N

ROMERO, *J.*:

Accused-appellant Delia Sadiosa was charged with illegal recruitment in an information that reads:

That on or about and during the period comprise (sic) from January 1992 to March 1992, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above named accused Delia Sadiosa y Cabenta, well knowing that she is not a duly licensed job recruiter, by means of false representations and fraudulent allegations to the effect that she could secure employment as domestic helpers abroad for Benilda Sabado y Domingo, Marcela Tabernero y Manzano, Erly Tuliao y Sabado and Cely Navarro y Manzano, did then and there wilfully (sic), unlawfully and feloniously recruit aforesaid persons and collected from them the amount of ₱8,000.00 each, which amount were given to the accused by the aforesaid complainants upon receipt of which, far from complying with her obligation aforestated, accused appropriated for herself the said amount and failed to deploy complainants abroad.

Contrary to law.[i][1]

Upon arraignment, accused-appellant pleaded not guilty.[ii][2] At the trial that ensued, the prosecution proved the following operative facts and circumstances surrounding the commission of the crime:

Arsenia Conse went to Bayombong, Nueva Ecija in early 1992 where she met the four complainants, Cely Navarro, Marcela Manzano, Erly Tuliao and Benilda Domingo. She enticed the four to apply for overseas employment informing them that she had a cousin who could send them to Kuwait as domestic helpers. Apparently convinced by Arsenia Conse, the four went with her on February 5, 1992 to Manila. Upon arrival, they proceeded to Room 210, Diamond Building, Libertad St., Pasay City where Arsenia Conse introduced the group to accused-appellant Delia Sadiosa. The four then applied for work as domestic helpers.[iii][3]

On that occasion, accused-appellant assured the four that she could dispatch them to Kuwait[iv][4] and forthwith demanded ₱8,000.00 from each of them for processing fee and ₱1,000.00 for passport (₱1,500.00 from complainant Cely Navarro).[v][5] She assured the group that she would facilitate the processing of all the necessary documents needed by them. She further promised them that upon payment of the required fees, they would be able to leave for Kuwait immediately.

The four did give accused-appellant the money demanded although on different dates. The latter issued the corresponding receipts[vi][6] therefor. Again, she assured them that they could leave for Kuwait on different dates: Cely Navarro and Erly Tuliao on February 17, 1992 which was rescheduled twice on February 19, 1992 and on February 25, 1992,[vii][7] and Benilda Domingo and Marcela Manzano on March 17, 1992 which was moved twice on February 24, 1992 and on March 17, 1992.[viii][8] However, not one of them was able to leave for Kuwait. When they asked for the return of their money, accused-appellant refused and ignored their demand. Consequently, the four filed the complaint for illegal recruitment against accused-appellant.

In addition to the complainants testimonies, the prosecution presented Virginia Santiago, a Senior Officer in the Licensing Branch and Inspection Division of the Philippine Overseas Employment Administration (POEA). She testified that accused-appellant was neither licensed nor authorized to recruit workers for overseas employment.[ix][9]

Accused-appellant herself took the witness stand and testified in her defense. She resolutely denied having a hand in the illegal recruitment, claiming that she merely received the money on behalf of one Mrs. Ganura[x][10] who owned the recruitment agency called Staff Organizers, Inc. She accepted the money in her capacity as an officer of the said recruitment agency. To bolster this claim, she presented evidence that she remitted the money to Mrs. Ganura worth ₱25,000.00[xi][11] although she failed to remit the remaining amount of ₱8,000.00 since she was already in detention.[xii][12] Accused-appellant further claimed that although she was not listed in the POEA as an employee of the recruitment agency of Mrs. Ganura, she had a special power of attorney issued by her employer to receive payments from applicants.

The trial court found accused-appellant guilty of illegal recruitment in large scale defined by Article 38 (b) and penalized under Article 39 (a) of the Labor Code, as amended by Presidential Decree Nos. 1920 and 2018 and disposed of said case as follows:

WHEREFORE, the accused is found guilty beyond reasonable doubt of the charge in the information and is hereby sentenced to life imprisonment and pay a fine of ₱100,000.00. The accused is hereby ordered to indemnify Benilda Sabado y Domingo, the sum of ₱8,000.00; Marcela Tabernero y Manzano, the sum of ₱8,000.00; Erly Tuliao y Sabado, the sum of ₱8,000.00 and Cely Navarro y Manzano, the sum of ₱8,000.00. To pay the costs.[xiii][13]

Accused-appellant now assails the trial courts Decision with the following assignment of errors:

I

> THE LOWER COURT ERRED IN NOT STATING CLEARLY AND DISTINCTLY THE FACTS AND THE LAW ON WHICH ITS JUDGMENT CONVICTING THE ACCUSED-APPELLANT WAS BASED;

II

> THE LOWER COURT ERRED IN NOT DISMISSING MOTU PROPRIO THE INFORMATION FOR NOT CONFORMING SUBSTANTIALLY TO THE PRESCRIBED

FORM, PARTICULARLY AS TO THE DESIGNATION OF THE OFFENSE AND CAUSE OF THE ACCUSATION;

III

THE LOWER COURT ERRED IN NOT DISMISSING MOTU PROPRIO THE INFORMATION IN VIEW OF ITS INCONSISTENT AND CONTRADICTORY, CONFLICTING AND IRRECONCILABLE CHARGES OF ILLEGAL RECRUITMENT, ESTAFA UNDER ARTICLE 315, PARAGRAPH 1(b) AND ESTAFA UNDER THE SAME ARTICLE BUT UNDER PARAGRAPH 2(a) OF THE REVISED PENAL CODE AND IN CONDUCTING TRIAL THEREUNDER;

IV

THE LOWER COURT ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT AND IN CONVICTING HER OF THE THE CHARGE IN THE INFORMATION;

V

THE LOWER COURT ERRED IN NOT FINDING THAT THE LIABILITY OF THE ACCUSED-APPELLANT, IF ANY, IS ONLY CIVIL, NOT CRIMINAL IN NATURE;

VI

THE LOWER COURT ERRED IN ORDERING THE ACCUSED-APPELLANT TO INDEMNIFY THE PRIVATE COMPLAINANTS THE SUM OF P8,000.00 EACH.

Appellant clearly focuses on the validity and sufficiency of both the information filed against her and the decision rendered in due course by the trial court. She asserts that there was a violation of the constitutional mandate that a judgment of conviction must state clearly and distinctly the facts and the law on which it is based. With regard to the information filed against her, appellant contends that it did not substantially conform to the prescribed form, particularly as to the designation of the offense and cause of accusation. It should be observed in the aforequoted information that its caption indicates that she is being charged with illegal recruitment only while the allegations therein substantiate the crimes of illegal recruitment and estafa committed by fraud or deceit.

It is well-settled in our jurisprudence that the information is sufficient where it clearly states the designation of the offense by the statute and the acts or omissions complained of as constituting the offense.[xiv][14] However, there is no need to specify or refer to the particular section or subsection of the statute that was violated by the accused. No law requires that in order that an accused may be convicted, the specific provision penalizing the act charged should be mentioned in the information.[xv][15] What identifies the charge is the actual recital of the facts and not that designated by the fiscal in the preamble thereof. It is not even necessary for the protection of the substantial rights of the accused, nor the effective preparation of his defense, that the accused be

informed of the technical name of the crime of which he stands charged. He must look to the facts alleged.[xvi][16]

In the instant case, the information filed against accused-appellant sufficiently shows that it is for the crime of illegal recruitment in large scale, as defined in Art. 38 (b) of the Labor Code and penalized in Art. 39 of the same Code although it is designated as for illegal recruitment only. Under the Code, the essential elements of the crime of illegal recruitment in large scale are as follows:

(1) the accused engages in the recruitment and placement of workers, as defined under Article 13 (b) or in any prohibited activities under Article 34 of the Labor Code;

(2) accused has not complied with the guidelines issued by the Secretary of Labor and Employment, particularly with respect to the securing of a license or an authority to recruit and deploy workers, whether locally or overseas; and

(3) accused commits the same against three (3) or more persons, individually or as a group.[xvii][17]

All these elements are to be found in the information. It alleges that accused-appellant, knowing fully well that she was not a duly licensed job recruiter, falsely represented that she could secure employment as domestic helpers abroad for the four complainants.

As such, the purpose of the requirement under Sec. 8, Rule 110[xviii][18] to inform and apprise the accused of the true crime of which she was charged,[xix][19] has been complied with. The main purpose of the requirement that the acts or omissions complained of as constituting an offense must be stated in ordinary and concise language is to enable a person of common understanding to know what offense is intended to be charged so that he could suitably prepare for his defense. It is also required so that the trial court could pronounce the proper judgment.[xx][20] This gives substance to the constitutional guarantee that in all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him.[xxi][21]

In the instant case, the Court agrees with the Solicitor General that accused-appellant was fully accorded the right to be informed of the charges against her. The fact that she put up the defense of having accepted the money only in her capacity as an officer of the recruitment agency shows that she fully understood the nature and cause of the accusation against her.

Furthermore, it is incorrect for accused-appellant to maintain that the information filed against her contained conflicting and irreconcilable charges of illegal recruitment, estafa under Article 315 par. 1(b) of the Revised Penal Code and estafa under the same article but under par. 2 (a) thereof. While on its face the allegations in the information may constitute estafa, this Court agrees with the Solicitor General that it merely describes how accused-appellant was able to consummate the act of illegal recruitment - through false and fraudulent representation by pretending that she was a duly-licensed recruiter who could secure employment for complainants in Kuwait. These allegations in the information therefore do not render the information defective or multiplicitous.

It is apropos to underscore the firmly established jurisprudence that a person who has committed illegal recruitment may be charged and convicted separately of illegal recruitment under the Labor Code and estafa under Article 315 of the Revised Penal Code.[xxii][22] The crime of illegal recruitment is *malum prohibitum* where the criminal intent of the accused is not necessary for conviction, while estafa is *malum in se* where the criminal intent of the accused is necessary for conviction.[xxiii][23]

In other words, a person convicted under the Labor Code may be convicted of offenses punishable by other laws.[xxiv][24] However, any person or entity which in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.[xxv][25] When the persons recruited are three or more, the crime becomes illegal recruitment in large scale under Art. 38 (b) of the Labor Code. In both bases, it is the lack of a necessary license or permit that renders such recruitment activities unlawful and criminal.[xxvi][26]

In the case at bar, accused-appellant could have been validly charged separately with estafa under the same set of facts in the illegal recruitment case, but she was fortunate enough not to have been so charged. Nevertheless, there is no doubt from a reading of the information, that it accurately and clearly avers all of the ingredients that constitute illegal recruitment in large scale. The prosecutor simply captioned the information with the *generic* name of the offense under the Labor Code illegal recruitment. No misconceptions would have been engendered had he been more accurate in the drafting of the information considering that there are at least four kinds of illegal recruitment under the law.[xxvii][27] One is simple illegal recruitment committed by a licensee or holder of authority. The law penalizes such offender with imprisonment of not less than two years nor more than five years or a fine of not less than ₱10,000 nor more than ₱50,000, or both such imprisonment and fine. Any person who is neither a licensee nor a holder of authority commits the second type of illegal recruitment. The penalty imposed for such offense is imprisonment of not less than four years nor more than eight years or a fine of not less than ₱20,000 nor more than ₱100,000 or both such imprisonment and fine at the discretion of the court. The third type of illegal recruitment refers to offenders who either commit the offense alone or with another person against three or more persons individually or as a group. A syndicate or a group of three or more persons conspiring and confederating with one another in carrying out the act circumscribed by the law commits the fourth type of illegal recruitment by the law. For the third and fourth types of illegal recruitment the law prescribes the penalty of life imprisonment and a fine of ₱100,000.

Hence, to avoid misconception and misinterpretation of the information, the prosecutor involved in this case should have indicated *in its caption*, the offense he had clearly alleged *in its body,* that the crime charged was for illegal recruitment in large scale. However, such omission or lack of skill of the prosecutor who crafted the information should not deprive the people of the right to prosecute a crime with so grave a consequence against the economic life of the aggrieved parties. What is important is that he did allege in the information the facts sufficient to constitute the offense of illegal recruitment in large scale.

As regards accused-appellants contention that the questioned decision is void because it failed to state clearly and distinctly the facts and the law on which it was based, this Court is not inclined to grant credence thereto.

The constitutional requirement that every decision must state distinctly and clearly the factual and legal bases therefor should indeed be the primordial concern of courts and judges. Be that as it may, there should not be a mechanical reliance on this constitutional provision. The courts and judges should be allowed to synthesize and to simplify their decisions considering that at present, courts are harassed by crowded dockets and time constraints. Thus, the Court held in *Del Mundo v. Court of Appeals*:

It is understandable that courts with heavy dockets and time constraints, often find themselves with little to spare in the preparation of decisions to the extent most desirable. We have thus pointed out that judges might learn to synthesize and to simplify their pronouncements. Nevertheless, concisely written such as they may be, decisions must still distinctly and clearly express at least in minimum essence its factual and legal bases. xxviii[28]

In *Nicos Industrial Corporation v. Court of Appeals*,xxix[29] the Court states the reason for the constitutional requirement thus:

It is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to a higher court, if permitted, should he believe that the decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is especially prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal.xxx[30]

Under Art. X, Sec. 9 of the 1973 Constitution that contained a provision similar to Art. VIII, Sec. 14 of the present Constitution, the Court expresses in *Bernabe v. Geraldez* the following rationale as to the wide discretion enjoyed by a court in framing its decision:

x x x In the x x x case of Mendoza v. Court of First Instance of Quezon City, (L-5612, June 27, 1973, 51 SCRA 369) citing Jose v. Santos, (L-25510, October 30, 1970, 35 SCRA 538) it was pointed out that the standard expected of the judiciary is that the decision rendered makes clear why either party prevailed under the applicable law to the facts as established. Nor is there any rigid formula as to the language to be employed to satisfy the requirement of clarity and distinctness. The discretion of the particular judge in this respect, while not unlimited, is necessarily broad. There is no sacramental form or words which he must use upon pain of being considered as having failed to abide by what the Constitution directs. (51 SCRA 369 at 375)xxxi[31]

After careful reflection, this Court finds that the questioned decision of the court *a quo* explained the factual findings and legal justifications, at least in minimum essence, which led to the conviction of accused-appellant. Thus, the subject decision of Judge Baltazar Relativo Dizon, after quoting the information for Illegal Recruitment and stating accuseds plea of not guilty, goes on to summarize the evidence for the prosecution and the defense as testified to by their respective witnesses. Before drawing a conclusion, it gives an ANALYSIS OF EVIDENCE ON RECORD as follows:

The testimony of the four complaining witnesses are found to be credible and reliable observing that they answered the questions propounded by the prosecutor and the defense counsel in a categorical, straightforward, spontaneous and frank manner and they remained consistent, calm and cool on cross-examination. That even with the rigid cross-examination conducted by the defense counsel the more their testimonies became firmer and clearer that they were victims of false pretenses or fraudulent acts of the accused. The herein accused falsely pretended to have possessed power, influence and qualifications to secure employment as domestic helpers abroad. And because of her fraudulent acts accused was able to collect from the four victims the sum of ₱8,000.00 each [Exh. A, C, E, F (4)].

Verily, the accused admitted that she managed a consultancy firm under the business name of DCS Service Management and the nature of her work is to recruit domestic helpers for employment abroad. She further admitted having received the amount of ₱8,000.00 from each of the complainants as processing fee, although she is shifting responsibility to a certain Mrs. Ganura to whom she delivered the sum of ₱25,000.00 (Exh. 1, 1-A). She miserably failed to present this Mrs. Ganura to testify in this regard despite all efforts exerted by this court, hence, such assertion of the accused is disregarded, not being reliable. The fact remains that it was she who transacted with the complainants, and that accused is neither licensed nor authorized to recruit workers for overseas employment (Exhibit G).[xxxii][32]

While it may be true that the questioned decision failed to state the specific provisions of law violated by accused-appellant, it however clearly stated that the crime charged was Illegal Recruitment. It discussed the facts comprising the elements of the offense of *illegal recruitment in large scale* that was charged in the information, and accordingly rendered a verdict and imposed the corresponding penalty. The dispositive portion of the decision quoted earlier, clearly states that appellant was found guilty beyond reasonable doubt *of the charge in the information*. As earlier stated, the charge in the information referred to by the decision could mean only that of illegal recruitment in large scale and not to any other offense.

The situation would have been altogether different and in violation of the constitutional mandate if the penalty imposed was for illegal recruitment based on established facts constituting simple illegal recruitment only. As it is, the trial courts omission to specify the offense committed, or the specific provision of law violated, is not in derogation of the constitutional requirement that every decision must clearly and distinctly state the factual and legal bases for the conclusions reached by the trial court. The trial courts factual findings based on credible prosecution evidence supporting the allegations in the information and its imposition of the corresponding penalty imposed by the law on such given facts are therefore sufficient compliance with the constitutional requirement.

This Court agrees with the trial court that the prosecution evidence has shown beyond reasonable doubt that accused-appellant engaged in unlawful recruitment and placement activities. Accused-appellant promised the four complainants employment as domestic helpers in Kuwait. Article 13 (b) of the Labor Code defines recruitment and placement as referring to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, and includes referrals, contract services, promising or advertising for employment locally or abroad whether for profit or not; provided that any person or entity which in any manner offers or promises for a fee

employment to two or more persons shall be deemed engaged in recruitment and placement.[xxxiii][33] All the essential elements of the crime of illegal recruitment in large scale, which we have enumerated above, are present in this case.

The prosecution clearly established the fact that accused-appellant had no license to recruit from the POEA. Yet, the latter entertained the four complainants when they applied, promised them jobs as domestic helpers in Kuwait, and collected fees from them for processing travel documents only to renege on her promise and fail to return the money she collected from complainants despite several demands.

As with the trial court, this Court entertains serious doubts regarding accused-appellants claim that she was only acting in behalf of a certain Mrs. Ganura. Accused-appellant failed to present evidence to corroborate her testimony. Neither did she present Mrs. Ganura despite several opportunities given her by the trial court. The undisputed fact is that appellant was positively identified as the person who transacted with the four complainants, promised them jobs and received money from them. On this score, the court *a quo* found the prosecution evidence credible and reliable and observed that the complaining witnesses testified and answered questions in a categorical, straightforward, spontaneous and frank manner.[xxxiv][34] As this Court has consistently held in a long line of cases, the trial court was concededly in the best position to test the credibility of appellant. Since the trial court did not give credence to accused-appellants version, this Court is not persuaded by her arguments.

For engaging in recruitment of the four complainants without first obtaining the necessary license from the POEA, accused-appellant, therefore, is guilty of illegal recruitment in large scale, an offense involving economic sabotage. She should, accordingly, be punished with life imprisonment and a fine of P100,000 under Article 39 (a) of the Labor Code, as amended.

In light of the above disquisition, there is no more need to resolve the other assigned errors.

WHEREFORE, the appealed decision of the Regional Trial Court of Pasay City, Branch 113 finding appellant Delia Sadiosa y Cabenta **GUILTY** beyond reasonable doubt of the crime of illegal recruitment in large scale and imposing on her life imprisonment, the payment of the fine of ₱100,000.00 and the reimbursement of the amounts defrauded from complainants is hereby **AFFIRMED**. Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, and Purisima, JJ., concur.

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i[1] Original Record, p. 1.

ii[2] *Ibid*., p. 16.

iii[3] TSN, May 19, 1992, p. 7; Original Records, p. 118.

iv[4] *Ibid*., p. 2. ; Original Records, p. 113.

v[5] *Ibid*., p. 3; Original Records, p. 114.

vi[6] Exhibits A, C, E and F.

vii[7] Original Records, p. 29.

viii[8] *Ibid*., p. 31.

ix[9] TSN, May 27, 1992; Original Records, p. 124.

x[10] Also spelled Ganora or Gamora.

xi[11] Exhibit I

xii[12] Ibid., June 3, 1992, p. 3, Original Records, p. 131.

xiii[13] Original Record, p. 156.

xiv[14] Sta. Rita *v*. Court of Appeals, G.R. No. 119891, August 21, 995, 247 SCRA 484, 489.

xv[15] People *v*. Gatchalian, 104 Phil. 664 (1958).

xvi[16] People *v*. Cosare, 95 Phil. 656, 660 [1954].

xvii[17] *Ibid*.

xviii[18] Sec. 8. Designation of the offense. Whenever possible a complaint or information should state the designation given to the offense by the statute, besides the statements of the acts or omissions constituting the same, and if there is no such designation, reference should be made to the section or subsection of the statute punishing it .

xix[19] APOSTOL, JR., THE ESSENTIALS OF CRIMINAL PROCEDURE, 1990 ed., p. 47.

xx[20] Matilde, Jr. *v*. Jabson, G.R. No. L-38392, December 29, 1975, 68 SCRA 456.

xxi[21] Section 14 (2), Article III, 1987 Constitution.

xxii[22] People *v*. Tan Tiong Meng, G.R. Nos. 120835-40, April 10, 1997 citing People *v*. Calonzo, G.R. Nos. 115150-55, September 27, 1996, 262 SCRA 534.

xxiii[23] People *v*. Benemerito, G.R. No. 120389, November 21, 1996, 264 SCRA 677 citing People *v*. Manugas, 231 SCRA 1, 8 (1994).

xxiv[24] *Ibid*., citing People *v*. Bautista, 241 SCRA 216, 222 (1995) citing People *v*. Turda, 233 SCRA 702 (1994).

xxv[25] People *v*. Cabacang, G.R. No. 113917, July 17, 1995, 246 SCRA 530.

xxvi[26] People *v*. Duque, G.R. No. 100285, August 13, 1992, 212 SCRA 607.

xxvii[27] Arts. 38 and 39, Labor Code.

xxviii[28] G.R. No. 104576, January 20, 1995, 240 SCRA 348, 355.

xxix[29] G.R. No. 88709, February 11, 1992, 206 SCRA 127.

xxx[30] *Ibid*., on p.132.

xxxi[31] L-39721, July 15, 1975, 65 SCRA 96, 98-99.

xxxii[32] RTC Decision dated August 28, 1992, p. 6; *Rollo*, p. 19.

xxxiii[33] People *v*. Bautista, G.R. No. 113547, February 9, 1995, 241 SCRA 216; People *v.* Benemerito, *supra*, pp. 691-692.

xxxiv[34] RTC Decision, p. 6.