

SYLLABI/SYNOPSIS

FIRST DIVISION

[G.R. No. 120141. April 21, 1999]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, vs. LORNA B. GUEVARRA, JOSIE BEA and PEDRO BEA, JR., *accused-appellants*.

DECISION

PARDO, J.:

The case before the Court is an appeal from a decision^{i[1]} of the Regional Trial Court, Branch 6, Legaspi City, convicting accused Lorna B. Guevarra, Josie Bea and Pedro Bea, Jr., of illegal recruitment by a syndicate in large scale, and sentencing all three accused to life imprisonment and to pay a fine of one hundred thousand (P100,000.00) each, and to indemnify each of the complainants, namely, Wilfredo Belbes, Ermelita Bocato, Rizalina Belbes, Alan Banico and Arnel Basaysay,^{ii[2]} jointly and severally, the amount of thirty thousand pesos (P30,000.00) for the placement fees collected, and twenty thousand pesos (P20,000.00) as moral damages, and costs.

On January 17, 1994, Assistant Provincial Prosecutor Ignacio N. Almodovar, Jr. of Albay charged Lorna B. Guevarra, Josie Bea and Pedro Bea, Jr. with illegal recruitment committed by a syndicate in large scale, as follows:

"That sometime in August and September, 1993, at Barangay San Andres, Sto. Domingo, Albay and within the jurisdiction of this Honorable Court, the 3 (three) above-named accused conspiring, confederating and mutually helping one another for a common purpose did then and there, without any license or authority to do so, recruit WILFREDO BELBES Y BALLARES, ERMELITA BALBIN BOCATO, RIZALINA BELBES Y BALLARES, ALAN BANICO Y BELBES and ARNEL A. BAGAYSAY, all of Brgy. San Andres, Sto. Domingo, Albay for a job placement in Malaysia and received from the five victims P30,000.00 each as processing fee; that on September 25, 1993, the five recruits flew to Kuala Lumpur, Malaysia, expecting as per instruction of the accused, that somebody will fetch them at the airport and will bring them to their employer; that nobody fetched them as they did not have any employer in Malaysia which forced them to go back to the Philippines, to their damage and prejudice.

CONTRARY TO LAW.^{iii[3]}

Upon arraignment on February 14, 1994,^{iv[4]} all three accused entered a plea of not guilty. After due trial, on February 15, 1995, the court *a quo* rendered a decision, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, decision is hereby rendered finding the accused Lorna Guevarra, Pedro Bea, Jr. and Josie Bea GUILTY beyond reasonable doubt of the crime of ILLEGAL RECRUITMENT qualified into large scale recruitment and by a syndicate and hereby sentences each of the said accused to suffer the penalty of LIFE IMPRISONMENT and to pay a FINE of One Hundred Thousand (P100,000.00) Pesos each, and to indemnify each of the complainants, jointly and severally P30,000.00 for the placement fees they have collected, and the further sum of P20,000.00 for each of the complainants as moral damages and to pay the costs.

"SO ORDERED.v[5]

Hence, this appeal.

The facts, as established by evidence of the prosecution, are as follows:

On August 23, 1993, accused Lorna Guevarra visited Rizalina Belbes in her house in Sto. Domingo, Albay, and offered her an opportunity to work in Malaysia for a salary of nine thousand pesos (P9,000.00) for the first three months and an increase of at least three thousand pesos (P3,000.00) thereafter. Guevarra also approached Wilfredo Belbes, the brother of Rizalina, to convince him to work abroad. Guevarra assured them that she had the capability of sending workers abroad and that her connection was on a direct hiring basis.vi[6] Guevarra made several visits until Rizalina and Wilfredo agreed to meet accused spouses Josie and Pedro Bea, Jr. in Bonga, Bacaycay, Albay. The spouses Bea continued to persuade Rizalina and Wilfredo to accept the job offers.vii[7]

Likewise, on August 23, 1993, accused Guevarra went to the house of Ermelita Balbin Bocato, promising overseas employment, high salary, and free board and lodging. Guevarra also introduced Ermelita to accused spouses Bea. All three accused kept persuading Ermelita to pay thirty thousand pesos (P30,000.00) as placement fee for the opportunity to work abroad. After much coaxing, Ermelita finally agreed and gave five thousand pesos (P5,000.00) as initial payment, in the presence of Rizalina Belbes, who also gave her initial payment of four thousand pesos (P4,000.00).viii[8]⁸

On September 16, 1993, Ermelita paid her balance of twenty-five thousand pesos (P25,000.00) at a canteen near the Physicians Tower at United Nations Avenue, Manila. She also saw Rizalina Belbes pay her balance of twenty-six thousand pesos (P26,000.00) and the further sum of thirty thousand pesos (P30,000.00) for Wilfredo Belbes. The accused spouses Bea received these payments.ix[9]

Accused Guevarra also enticed Gloria Banico to let her son Alan Banico work in Malaysia, where an employer offered free board and lodging with a starting salary of nine thousand pesos (P9,000.00) to be increased to twelve thousand pesos (P12,000.00) after three months.x[10] She also introduced Gloria to the accused spouses Bea, who continued convincing her to send her son to Malaysia to work. After some time, Gloria finally agreed and paid the placement fee of thirty thousand pesos (P30,000.00) to Josie and Pedro Bea, Jr.xi[11]

Accused Guevarra also offered overseas employment to Arnel Basaysay, as a worker in a glove factory in Malaysia with a starting salary of nine thousand pesos (P9,000.00), to be increased after three months. Accused Guevarra kept going to the house of Arnel, accompanied by Josie Bea. Guevarra managed to convince the father of Arnel to agree to the offer and to pay the placement fee for his son.^{xii[12]}

All the complainants trusted Lorna Guevarra, as they all resided in the same barrio.^{xiii[13]} Complainants believed that the proposed overseas employment was legitimate, so they did not ask too many questions on the authority of the three accused. The complainants also trusted Pedro Bea, Jr. and Josie Bea, who gave assurances that complainants were not being fooled.^{xiv[14]}

On September 24, 1993, Rizalina and Wilfredo Belbes, Ermelita Bocato and Arnel Basaysay received their passports and PAL plane tickets.

On September 25, 1993, the three accused were at the airport to brief the complainants about the trip. Accused Josie Bea assured the complainants that their prospective employer will meet them at the Kuala Lumpur airport.^{xv[15]} At this time, Josie Bea handed over the passport and plane ticket of Alan Banico.^{xvi[16]}

The complainants left the Manila airport at 3:30 in the afternoon. Upon arrival in Kuala Lumpur three hours later, the complainants waited in the airport for someone to meet them.

After waiting until nighttime without anybody fetching them at the airport, the complainants remembered the address of Resurrecion Bea and Dionisio Bea, brothers-in-law of Josie Bea. Complainants took a taxi and proceeded to such address.^{xvii[17]} They found Resurrecion Bea, who did not know anything about employment for the complainants. The complainants agreed to contribute one hundred dollars (\$100) each for their lodging expenses while waiting for the promised employment.^{xviii[18]}

After several days and realizing that there was no work for them in Malaysia, Rizalina Belbes, Wilfredo Belbes and Ermelita Bocato returned to the Philippines on September 30, 1993.^{xix[19]} Alan Banico and Arnel Basaysay followed suit on October 2, 1993.^{xx[20]}

The complainants claimed that their lives were endangered because they were stranded in a foreign country without a place to stay or any means of subsistence. They also suffered embarrassment and humiliation.^{xxi[21]} The complainants confronted the three accused, who promised to refund the money. Later, however, the accused challenged complainants to file a case.^{xxii[22]}

Accused Lorna Guevarra, on the other hand, insisted that she was merely a housewife with three children, not a recruiter. She testified that sometime before August 23, 1993, Ermelita Bocato and Rizalina Belbes went to her house in order to ask how her brothers, Resurreccion and Dionisio Bea, and niece Maricel Bermillo, who were working

in Malaysia, were able to go abroad. Guevarra told Ermelita and Rizalina that her brothers were assisted by an agency and that they should go to Manila to look for that agency. Since that time, Guevarra did not see Ermelita Bocato. Rizalina Belbes, however, insisted that she be accompanied to the house of Josie Bea, who financed the overseas trip.

On August 23, 1993, Guevarra escorted Rizalina to the house of Josie Bea. Guevarra later learned that Rizalina and Ermelita returned to the house of Josie Bea several times.[xxiii\[23\]](#)

Guevarra denied recruiting the complainants or collecting any amount from them.[xxiv\[24\]](#) She claimed that she did not know Ermelita Bocato, Arnel Basaysay or Alan Banico before August 1993, although she admitted knowing Rizalina Belbes, a businesswoman in her barangay, and Gloria Banico, a worker at the barangay health center.[xxv\[25\]](#)

Accused Josie Bea likewise denied having recruited any of the complainants to work abroad, saying that she was engaged in the manufacture of abaca slippers while her husband, Pedro Bea, Jr., was a jeepney driver.[xxvi\[26\]](#)

Josie testified that on August 23, 1993, accused Lorna Guevarra, accompanied by Ermelita Bocato and Rizalina Belbes, visited her. Josie did not know why Ermelita and Rizalina were with Guevarra.[xxvii\[27\]](#) Four days later, Rizalina and Ermelita returned and asked her how her brother-in-law Resurreccion Bea was able to go to Malaysia. She told them that it was through a travel agency. When they asked to be accompanied there, Josie refused because she had just delivered a child a few days earlier, and needed to rest.[xxviii\[28\]](#)

On September 15, 1993, Rizalina Belbes and Ermelita Bocato returned and insisted that Josie Bea accompany them. Due to their persistence, Josie finally agreed. They left for Manila that afternoon and arrived in the morning of the next day. Josie brought them to a certain George Serrano of Travel Orient Agency in San Juan, Manila. There, Ermelita and Rizalina bought plane tickets for Malaysia. Josie went home that same day.[xxix\[29\]](#)

Josie testified further that on October 9, 1993, Rizalina Belbes came back to the Philippines from Malaysia and visited her. Rizalina mentioned that she found a buyer of abaca products in Malaysia and showed Josie some pictures and calling cards.[xxx\[30\]](#)

Pedro Bea, Jr. denied involvement in any recruitment activity and alleged that he was driving on the Legaspi-Tabaco route from July 1993 to October 1993.[xxxi\[31\]](#)

Pedro testified that on September 15, 1993, he did not find his wife Josie at home and learned that she went to Manila. When Josie came back on September 17, 1993, she told Pedro that she took care of some papers because she wanted to go back to her former job as seamstress in a tailor shop.[xxxii\[32\]](#)

In this appeal, the three accused-appellants alleged that they neither recruited nor received any payment from any of the complainants. They denied even knowing the complainants before the filing of the case. They also maintained that the lower court erred in finding the existence of conspiracy, and qualifying the illegal recruitment to one committed by a syndicate or in large scale.

The appeal lacks merit.

Under the Labor Code, recruitment and placement refer 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, [t]hat 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]}

Recruitment for overseas employment is not in itself necessarily immoral or unlawful. It is the lack of the necessary license or permit, or the engagement of prohibited activities enumerated in the Labor Code that render such recruitment activities unlawful or criminal.^{xxxiv[34]} Illegal recruitment is qualified into large scale recruitment when three or more persons are victimized. If such recruitment is 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, it becomes one committed by a syndicate. Illegal recruitment committed by a syndicate or in large scale amounts to an offense involving economic sabotage, punishable by life imprisonment and a fine of one hundred thousand pesos (P100,000.00).^{xxxv[35]}

In this case, Lorna Guevarra and Josie Bea were neither licensed nor authorized by the Department of Labor and Employment and the Philippine Overseas Employment Administration to recruit workers for overseas employment.^{xxxvi[36]} Pedro Bea Jr. had no such authority or license.

Complainants in this case comprise five persons, or more than the minimum number of persons required by law to constitute illegal recruitment in large scale.

The question now is whether or not appellants engaged in recruitment activities.

Complainant Rizalina Belbes testified as follows:

Q Do you remember having met this Lorna B. Guevarra prior to your departure from Kuala Lumpur?

A From what I remember she first came to our house on August 23, 1993.

xxx xxx xxx

She started convincing me to work in Malaysia because she said she has job placements abroad.

Q Relying on the alleged promise of a very lucrative job at Kuala Lumpur by Lorna Guevarra who initially saw you on August 23, what else happened?

A For several times that she came to our house, she accompanied me to the house of her brother Pedro Bea and his wife Josie Bea.

xxx xxx xxx

When we arrived there Lorna Guevarra informed the two of them saying that these are the persons whom I convinced to work abroad, and in fact, the three of them started convincing us more and asked us on what country we would like to work.xxxvii[37]

Wilfredo Belbes corroborated his sisters testimony in the following manner, to wit:

Q What convinced you to work abroad?

A I was convinced to work abroad because Lorna Guevarra told me that she has the capability of sending workers abroad; and that her connection was on direct hiring basis; that for the first three months period I will be receiving ₱9,000.00 pesos and that after three months period I will be receiving ₱12,000.00 pesos. So being a poor man I accepted the offer because I wanted to give my family more benefits.xxxviii[38]

xxx xxx xxx

Q It was your sister Sally Belbes who allegedly paid the ₱30,000.00 is that correct?

A Yes sir.

Q Were you aware to whom did your sister pay that amount?

A To Josie Bea and Pedro Bea, Jr. sir.

Q Were you around when the amount was paid?

A Yes sir.xxxix[39]

Ermelita Bocato, for her part, testified as follows:

Q In connection with your complaint, do you remember when for the first time have you met Lorna Guevarra?

A I already knew her because she is my barrio mate and she came to me for the first time regarding this job opportunity at Kuala Lumpur on August 23, 1993 and told me they have connections in Malaysia and her hiring is direct employment and it is a very good opportunity in Malaysia.

xxx xxx xxx

A During the first time that she came to me and told me the job opportunity I was not convinced yet because I was then having seven children and the youngest who was only seven months old because of this I did not want to leave them but because of her explanation (Lorna Guevarra) that they were hiring employees direct employees board and lodging free I was convinced to go to Malaysia.

xxx xxx xxx

A I was taken by Lorna Guevarra to the house of Josie Bea and Pedro Bea, Jr. in Bonga, Bacaycay, Albay.

xxx xxx xxx

Q After you were convinced by these three accused and finally decided to go to Malaysia for a very attractive job or employment, did you ask them what will be your obligation to them for this favor they were affording to you?

A The accused told me that I should give them thirty thousand pesos (P30,000.00) for this job opportunity.xl[40]

Alan Banico also testified in the following manner, to wit:

Q Do you know Lorna Guevarra?

A Yes sir.

xxx xxx xxx

She went to our house and told me about her business of sending workers in Malaysia, sir.

Q When she talked that matter with you, what else did she tell you?

A She told me to go with those whom they were going to send to work in Malaysia. She also told me that we were going to have a very good job in Malaysia; that I would be receiving a high salary.

xxx xxx xxx

Q After you have talked with your mother about this matter, did you again see this Lorna Guevarra subsequent to that meeting of yours?

A Yes sir because she had been coming back to our house and trying to convince me to go abroad.

Q This Lorna Guevarra in her going to your house, was there any other person who helped her convince you?

A She went to our house with Josie Bea, sir.

xxx xxx xxx

Lorna Guevarra said that Josie Bea is the one sending workers abroad.

Q It was not Lorna Guevarra?

A Including her, sir.

xxx xxx xxx

Q Did you accede to their proposal to join the other persons whom they have recruited to go to Malaysia?

A Yes, I acceded to their promised job.xli[41]

Arnel Basaysay testified as follows:

Q How were you able to go to Kuala Lumpur, Malaysia on September 25, 1993?

A I was recruited.

Q By whom?

A Lorna Guevarra, Josie Bea and Pedro Bea, Jr.

xxx xxx xxx

Q will you kindly tell us how these three (3) people were able to recruit you?

A Lorna Guevarra came to our house sir.

xxx xxx xxx

She was convincing me to go abroad sir.

xxx xxx xxx

Q what else did Lorna Guevarra tell you?

A She told me for the first three (3) months our salary would be P9,000.00 and after three (3) months it will be increased.

XXX XXX XXX

Q Is Lorna Guevarra alone in her succeeding return trips to your house at San Andres, Sto. Domingo, Albay?

A She was with Josie Bea sir.

XXX XXX XXX

Q Did you know as to how much did they demand for the favor they are extending to you?

A ₱30,000.00 sir.xlii[42]

As can be seen from the testimonies of the witnesses, the accused-appellants committed acts of recruitment such as promises of profitable employment to complainants and acceptance of placement fees. Such acts fall squarely within the definition of recruitment and placement under the Labor Code. With the certification from the Department of Labor and Employment stating that appellants were not authorized to recruit workers for overseas employment, it is clear that the offense committed against the five complainants is illegal recruitment in large scale.xliii[43]

The accused-appellants asserted that the offense should not have been qualified into illegal recruitment by a syndicate since there was no proof that they acted in conspiracy with one another. However, the acts of accused-appellants showed unity of purpose. Guevarra would visit each of the complainants in their houses for several times, convincing them to work abroad, and giving them the impression that she had the capability of sending them abroad. She would accompany them to the house of the spouses Bea, who, in turn, would collect the placement fees and process the passports and plane tickets. All these acts of the appellants established a common criminal design mutually deliberated upon and accomplished through coordinated moves.

As against the evidence built by the prosecution, the accused-appellants merely raised the defense of denial. However, denials, if unsubstantiated by clear and convincing evidence, are deemed negative and self-serving evidence unworthy of credence. They have no evidentiary value when ranged against the testimonies of credible witnesses on affirmative matters.xliv[44]

The credibility of witnesses is best left to the judgment of the trial judge whose findings are generally not disturbed on appeal, absent any showing that substantial errors were committed or that determinative facts were overlooked which, if appreciated, would call for a different conclusion.xlv[45] The trial court has the advantage, not available to appellate courts, of observing the deportment of witnesses and their manner of testifying during the trial. Thus, appellate courts accord high respect to the findings and conclusions of lower courts.xlvi[46]

Moreover, there is no showing that any of the complainants had ill-motives to testify falsely against accused-appellants and to impute such serious charges. Accused-appellants have not disputed the fact that they have had no previous quarrel with any of the complainants. The rule is established that 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.^{xlvi}[47]

Aside from exacting hard-earned money from the complainants, the accused-appellants even permitted the complainants to go to another country without a place to stay or any means of subsistence. No explanation was given to the complainants as to why the alleged employer failed to appear at the airport. In fact, instead of sympathizing with the complainants because of their misfortune, the accused-appellants even challenged complainants to file a case in court.

The accused-appellants have conspired to recruit complainants without the necessary permit or license and victimized more than three persons in the case at bar. Thus, they are guilty of illegal recruitment by a syndicate in large scale and must suffer the consequences thereof.

IN VIEW WHEREOF, the Court hereby **AFFIRMS** the appealed decision *in toto*. With costs.

SO ORDERED.

Davide, Jr., C.J., Melo, and Kapunan, JJ., concur.

Ynares-Santiago, J., no part.

ⁱ[1] Penned by Judge Vladimir B. Brusola.

ⁱⁱ[2] Arnel Basaysay in the information is written as Arnel Bagaysay, although in the rest of the records, including his own affidavit, the name is spelled as Arnel Basaysay.

ⁱⁱⁱ[3] Records, p. 105.

^{iv}[4] Records, p. 110.

^v[5] *Rollo*, p. 37.

^{vi}[6] tsn, February 28, 1994, pp. 23-24.

vii[7] tsn, February 17, 1994, pp. 10-11.

viii[8] tsn, March 1, 1994, pp. 7-8.

ix[9] tsn, March 1, 1994, pp. 4-10.

x[10] tsn, March 15, 1994, pp. 5-6.

xi[11] tsn, March 15, 1994, p. 8.

xii[12] tsn, April 20, 1994, pp. 6-9.

xiii[13] San Andres, Sto. Domingo, Albay.

xiv[14] tsn, March 14, 1994, pp. 22-31.

xv[15] tsn, February 17, 1994, pp. 22-23.

xvi[16] tsn, March 21, 1994, p. 13.

xvii[17] tsn, March 1, 1994, p. 15.

xviii[18] tsn, March 21, 1994, p. 20-22.

xix[19] tsn, February 17, 1994, pp. 29-30.

xx[20] tsn, March 1, 1994, p. 18; April 20, 1994, p. 19.

xxi[21] tsn, March 1, 1994, p. 22.

xxii[22] tsn, February 17, 1994, p. 35; February 28, 1994, p. 18.

xxiii[23] tsn, May 31, 1994, pp. 5-12.

xxiv[24] tsn, May 31, 1994, p. 4.

xxv[25] tsn, May 31, 1994, pp. 21-22.

xxvi[26] tsn, May 31, 1994, pp. 22-24.

xxvii[27] tsn, September 12, 1994, pp. 7-8.

xxviii[28] tsn, September 12, 1994, p. 9.

xxix[29] tsn, September 12, 1994, pp. 11-12.

xxx[30] tsn, September 12, 1994, p. 14.

xxxi[31] tsn, September 20, 1994, p. 5.

xxxii[32] tsn, September 20, 1994, pp. 7-10.

xxxiii[33] Article 13(b), Labor Code.

xxxiv[34] People v. Duque, 212 SCRA 607.

xxxv[35] Article 38, in relation to Article 39, Labor Code.

xxxvi[36] Certified by Regional Director Ricardo Martinez, dated October 21, 1993, Records, p. 20.

xxxvii[37] tsn, February 17, 1994, pp. 10-12.

xxxviii[38] tsn, February 28, 1994, p. 24.

xxxix[39] tsn, February 28, 1994, p. 30.

xl[40] tsn, March 1, 1994, pp. 4-6.

xli[41] tsn, March 21, 1994, pp. 5-8.

xl ii[42] tsn, April 20, 1994, pp. 4-9.

xl iii[43] People v. Tan Tiong Meng, 271 SCRA 125.

xl iv[44] People v. Goce, 247 SCRA 780.

xl v[45] People v. Villas, 277 SCRA 391, citing People v. Comia, 236 SCRA 185, 194-195.

xl vi[46] People v. Goce, *supra*.

xl vii[47] People v. Coral, 230 SCRA 499