

FIRST DIVISION

[G.R. No. 148198 October 1, 2003]

PEOPLE OF THE PHILIPPINES, *appellee*, vs. ELIZABETH BETH CORPUZ, *appellant*.

DECISION

YNARES-SANTIAGO, J.:

This is an appeal from the decision^[1] of the Regional Trial Court of Manila, Branch 54, in Criminal Case No. 99-176637 finding appellant Elizabeth Corpuz guilty beyond reasonable doubt of Illegal Recruitment in Large Scale constituting economic sabotage under Sec. 6 (l) and (m) in relation to Sec. 7(b) of R.A. No. 8042, otherwise known as the *Migrant Workers and Overseas Filipinos Act of 1995*, and sentencing her to life imprisonment and to pay a fine of P500,000.00.

The Information against appellant reads as follows:

That sometime in July 1998 in the City of Manila and within the jurisdiction of this Honorable Court, the above-named accused, representing herself to have the capacity to contract, enlist and transport workers abroad, did then and there willfully, unlawfully and feloniously recruit for a fee the following persons, namely: BELINDA CABANTOG, CONCEPCION SAN DIEGO, ERLINDA PASCUAL AND RESTIAN SURIO for employment abroad without first obtaining the required license and/or authority from the Philippine Overseas Employment Administration and said accused failed to actually deploy without valid reasons said complainants abroad and to reimburse the expenses incurred by them in connection with their documentation and processing for purposes of deployment abroad to their damage and prejudice.

CONTRARY TO LAW.^[2]

When arraigned on March 21, 2000, appellant pleaded not guilty. Whereupon, trial on the merits ensued.

The facts of the case are as follows:

In June 1998, private complainants Belinda Cabantog, Concepcion San Diego, Erlinda Pascual and Restian Surio went to Alga-Moher International Placement Services Corporation at 1651 San Marcelino Street, Malate, Manila to apply for employment as factory workers in Taiwan. They were accompanied by a certain Aling Josie who introduced them to the agency's President and General Manager Mrs. Evelyn

Gloria H. Reyes.^[3] Mrs. Reyes asked them to accomplish the application forms. Thereafter, they were told to return to the office with P10,000.00 each as processing fee.^[4]

On July 30, 1998, private complainants returned to the agency to pay the processing fees. Mrs. Reyes was not at the agency that time, but she called appellant on the telephone to ask her to receive the processing fees. Thereafter, appellant advised them to wait for the contracts to arrive from the Taiwan employers.^[5]

Two months later, nothing happened to their applications. Thus, private complainants decided to ask for the refund of their money from appellant^[6] who told them that the processing fees they had paid were already remitted to Mrs. Reyes. When they talked to Mrs. Reyes, she told them that the money she received from appellant was in payment of the latter's debt. Thus, on January 13, 1999, private complainants filed their complaint with the National Bureau of Investigation^[7] which led to the arrest and detention of appellant.

On March 23, 2000, while the case was before the trial court, private complainants received the refund of their processing fees from appellants sister-in-law. Consequently, they executed affidavits of desistance^[8] from participation in the case against appellant.

For her part, appellant resolutely denied having a hand in the illegal recruitment and claimed that she merely received the money on behalf of Mrs. Reyes, the President/General Manager of Alga-Moher International Placement Services Corporation, where she had been working as secretary for three months prior to July 30, 1998. On that day, Mrs. Reyes called her on the telephone and told her to receive private complainants processing fees. In compliance with the order of her employer and since the cashier was absent, she received the processing fees of private complainants, which she thereafter remitted to Mrs. Reyes. She had no knowledge that the agency's license was suspended by the POEA on July 29, 1998.^[9]

On November 16, 2000, the trial court rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, in view of the above observations and findings accused Elizabeth Beth Corpuz is hereby found guilty of the offense charged in the Information for violation of Sec. 6 (l), (m) in relation to Sec. 7 (b) of R.A. 8042 without any mitigating nor aggravating circumstances attendant to its commission, without applying the benefit of the Indeterminate Sentence Law, Elizabeth Beth Corpuz is hereby sentenced to suffer a life imprisonment and to pay a fine of P500,000.00.

Her body is hereby committed to the custody of the Director of the Bureau of Correction for Women, Mandaluyong City thru the City Jail Warden of Manila. She shall be credited with the full extent of her preventive imprisonment under Art. 29 of the Revised Penal Code.

No pronouncement of civil liability is hereby made since all the complainants have been refunded of the fees.

SO ORDERED.^{[101](#)}

In this appeal, appellant raises the following assignment of errors:

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED IN THAT:

A. THE PROSECUTION FAILED TO PROVE BEYOND REASONABLE DOUBT THAT THE ACCUSED REPRESENTED HERSELF TO HAVE THE CAPACITY TO CONTRACT, ENLIST AND TRANSPORT WORKERS ABROAD, OR UNLAWFULLY RECRUIT THE COMPLAINANTS FOR A FEE.

B. THE PROSECUTION FAILED TO PROVE BEYOND REASONABLE DOUBT THAT THE ACCUSED HAS MANAGEMENT CONTROL OVER ALGA-MOHERs RECRUITMENT BUSINESS.^{[101](#)}

The Information charged appellant for Illegal recruitment in large scale under Section 6 (l) and (m) of R.A. No. 8042, otherwise known as *Migrant Workers and Overseas Filipinos Act of 1995*, which reads:

SECTION 6. *Definition.* For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

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(l) Failure to actually deploy without valid reason as determined by the Department of Labor and Employment; and

(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment

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

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Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

Appellant contends that she is not liable for the foregoing illegal recruitment activities considering that she was merely an employee having no control over the recruitment business of the Alga-Moher International Placement Services Corporation and that she did not actually recruit the private complainants. Moreover, she did not appropriate for her own use the processing fees she received and she had no knowledge that the agency's license was suspended by the POEA.

The trial court convicted appellant based on its findings that despite the suspension of the agency's license, appellant still convinced the applicants to give their money with the promise to land a job abroad. Moreover, as the registered secretary of the agency she had management control of the recruitment business.

It is axiomatic that findings of facts of the trial court, its calibration of the collective testimonies of witnesses and probative weight thereof and its conclusions culled from said findings are accorded by this Court great respect, if not conclusive effect, because of the unique advantage of the trial court in observing and monitoring at close range, the conduct, deportment and demeanor of the witnesses as they testify before the trial court.^[12] However, this principle does not apply if the trial court ignored, misunderstood or misconstrued cogent facts and circumstances of substance which, if considered, would alter the outcome of the case.^[13] The exception obtains in this case.

The records of the case show that Alga-Moher International Placement Service Corporation is a licensed land-based recruitment agency. Its license was valid until August 24, 1999.^[14] Likewise, appellant was its registered secretary while Mrs. Evelyn Gloria H. Reyes is its President/General Manager.^[15] Part of its regular business activity is to accept applicants who desire to work here or abroad. Appellant, as secretary of the agency, was in charge of the custody and documentation of the overseas contracts.

On July 30, 1998, appellant received the processing fees of the private complainants since the cashier was absent that day. Her receipt of the money was in compliance with the order of her employer, Mrs. Reyes. She did not convince the applicants to give her their money since they went to the agency precisely to pay the

processing fees upon the earlier advice of Mrs. Reyes. Private complainant Belinda Cabantog testified as follows:

FISCAL BALLENA:

Q. Please tell the Court how did it happen that you went to the said agency?

A. When someone brought us there and introduced to the owner, Sir.

Q. And who is this friend or person you said you know who accompanied you?

A. Aling Josie, Sir.

Q. What is her full name?

A. I do not know, Sir.

Q. And who is this owner to whom you were introduced?

A. Mrs. Evelyn Ty, Sir.

Q. And why do you know this Ty was the owner?

A. Because she is the friend of Aling Josie, Sir.

Q. Now, after the introduction to this owner what happened?

A. We were told to fill up the application form by Mrs. Evelyn Ty, Sir.

Q. And after filling up this application form, what did you do with the same?

A. We went home and we were asked to come back, Sir.

Q. Now, did you come back?

A. Yes, Sir.

Q. When did you come back?

A. July 30, Sir.

COURT:

Q. What year?

A. 1998, Your Honor.

FISCAL BALLENA:

Q. What happened when you come back?

A. When we came back we brought along the processing fee they needed, Sir.

Q. Why did you bring this processing fee?

A. We were required to bring it for the smooth processing of the papers, Sir.

Q. Who required you to bring this processing fee?

A. Mrs. Evelyn Ty, Sir.

Q. Now, when you came back what happened?

A. She was not at the office so she called up by phone and told us to give the money, Sir.

Q. And to whom did to give the money?

A. Beth Corpuz, Sir.^[16]

From the foregoing testimony, it is clear that all appellant did was receive the processing fees upon instruction of Mrs. Reyes. She neither convinced the private complainants to give their money nor promised them employment abroad.

Moreover, as stated in the last sentence of Section 6 of RA 8042, the persons who may be held liable for illegal recruitment are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

In the case at bar, we have carefully reviewed the records of the case and found that the prosecution failed to establish that appellant, as secretary, had control, management or direction of the recruitment agency. Appellant started her employment with the agency on May 1, 1998 and she was tasked to hold and document employment contracts from the foreign employers.^[17] She did not entertain applicants and she had no discretion over how the business was managed.^[18] The trial courts finding that appellant, being the secretary of the agency, had control over its business, is not only *non sequitur* but has no evidentiary basis.

An employee of a company or corporation engaged in illegal recruitment may be held liable as principal, together with his employer, if it is shown that he actively and consciously participated in illegal recruitment. Settled is the rule that the existence of the corporate entity does not shield from prosecution the corporate agent who knowingly and intentionally causes the corporation to commit a crime. The corporation obviously acts, and can act, only by and through its human agents, and it is their conduct which the law must deter. The employee or agent of a corporation engaged in unlawful business naturally aids and abets in the carrying on of such business and will be prosecuted as principal if, with knowledge of the business, its purpose and effect, he consciously contributes his efforts to its conduct and promotion, however slight his contribution may be. The law of agency, as applied in civil cases, has no application in criminal cases, and no man can escape punishment when he participates in the commission of a crime upon the ground that he simply acted as an agent of any party. The culpability of the employee therefore hinges on his knowledge of the offense and his active participation in its commission. Where it is shown that the employee was merely acting under the direction of his superiors and was unaware that his acts constituted a crime, he may not be held criminally liable for an act done for and in behalf of his employer.^[19]

Anent the issue of whether or not appellant knowingly and intentionally participated in the commission of the crime charged, we find that she did not.

In the appreciation of evidence in criminal cases, it is a basic tenet that the prosecution has the burden of proof in establishing the guilt of the accused for the offense with which he is charged.^[20] *Ei incumbit probatio qui dicit non qui negat*, i.e., he

who asserts, not he who denies, must prove.^[21] The conviction of appellant must rest not on the weakness of his defense, but on the strength of the prosecutions evidence.^[22]

In the case at bar, the prosecution failed to adduce sufficient evidence to prove appellants active participation in the illegal recruitment activities of the agency. As already established, appellant received the processing fees of the private complainants for and in behalf of Mrs. Reyes who ordered her to receive the same. She neither gave an impression that she had the ability to deploy them abroad nor convinced them to part with their money. More importantly, she had no knowledge that the license was suspended the day before she received the money. Their failure to depart for Taiwan was due to the suspension of the license, an event which appellant did not have control of. Her failure to refund their money immediately upon their demand was because the money had been remitted to Mrs. Reyes on the same day she received it from them.

While we strongly condemn the pervasive proliferation of illegal job recruiters and syndicates preying on innocent people anxious to obtain employment abroad, nevertheless, we find the pieces of evidence insufficient to prove the guilt of appellant beyond reasonable doubt. They do not pass the requisite moral certainty, as they admit of the alternative inference that other persons, not necessarily the appellant, may have perpetrated the crime. Where the evidence admits of two interpretations, one of which is consistent with guilt, and the other with innocence, the accused must be acquitted. Indeed, it would be better to set free ten men who might be probably guilty of the crime charged than to convict one innocent man for a crime he did not commit.^[23]

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court Regional Trial Court of Manila, Branch 54, in Criminal Case No. 99-176637 finding appellant Elizabeth Corpuz guilty beyond reasonable doubt of Illegal Recruitment in Large Scale constituting economic sabotage under Sec. 6 (l) and (m) in relation to Sec. 7(b) of R.A. No. 8042, is REVERSED and SET ASIDE. Appellant Elizabeth Corpuz is ACQUITTED of the offense charged on the ground of reasonable doubt. The Superintendent of the Correctional Institution for Women is directed to cause the immediate release of appellant unless she is lawfully held for another offense, and to inform this Court of the date of her release, or the ground for her continued confinement, within ten days from notice.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, and Carpio, JJ., concur.
Azcuna, J., on leave.

^[1] Rollo, pp. 65-76; penned by Judge Romulo A. Lopez.

^[2] Rollo, p. 6.

^[3] Also known as Mrs. Ty.

^[4] TSN, May 8, 2000, pp. 3-5.

^[5] TSN, May 8, 2000, pp. 5-8.

- ^[6] TSN, June 16, 2000, pp. 7-8.
- ^[7] TSN, May 8, 2000, p. 9.
- ^[8] TSN, June 16, 2000, pp. 6-8.
- ^[9] TSN, September 6, 2000, pp. 3-11.
- ^[10] Rollo, pp. 75-76.
- ^[11] Rollo, p. 54.
- ^[12] [People v. Santiago, G.R. No. 133445](#), 27 February 2003.
- ^[13] [People v. Delos Reyes, G.R. No. 135241](#), 22 January 2003.
- ^[14] Folder of Exhibits, p. 1.
- ^[15] Id.
- ^[16] TSN, May 8, 2000, pp. 4-5
- ^[17] TSN, September 6, 2000, p. 13.
- ^[18] TSN, September 6, 2000, p. 4.
- ^[19] People v. Chowdury, 582 Phil. 459, 469-470 (2000).
- ^[20] [People v. Tajada, G.R. No. 147200](#), 17 December 2002.
- ^[21] [People v. Quijano, Sr., G.R. Nos. 144523-26](#), 10 June 2003.
- ^[22] [People v. Taboga, G.R. Nos. 144086-87](#), 6 February 2002.
- ^[23] [People v. Sarap, G.R. No. 132165](#), 26 March 2003.