

SECOND DIVISION

[G.R. No. 150530. February 20, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, vs. ALEX BAYTIC, *accused-appellant*.

DECISION

BELLOSILLO, J.:

ALEX BAYTIC appeals from the decision of the Regional Trial Court of Quezon City¹ finding him guilty of illegal recruitment in large scale and sentencing him to life imprisonment and to pay a fine of ₱500,000.00. Accused is further ordered to reimburse complaining witnesses Ofelia Bongbonga, Millie Passi and Nolie Bongbonga ₱3,500.00, ₱4,000.00 and ₱4,000.00, respectively, representing the amounts fraudulently taken from them.

On 24 September 1998 Kennedy Hapones accompanied by accused Alex Baytic went to the house of his aunt Ofelia Bongbonga at 514 Tabigo Street, Manggahan, Quezon City. There they found Ofelia, Nolie and Zenaida, all surnamed Bongbonga, together with Millie Passi, Yolanda Barrios and Elvira Nacario. Accused Alex Baytic told the girls that he was looking for workers willing to work in Italy as utility personnel. He explained that interested applicants should give him money for processing of their medical certificate, certificate of employment and other travel documents. Since the offer appeared to be a good opportunity to work abroad, Ofelia Bongbonga on the same day gave the accused ₱3,500.00, followed by Millie Passi with ₱4,000.00 the next day, and Nolie Bongbonga with ₱4,000.00 on 5 October as their placement fees. All these transactions were evidenced by receipts issued by accused Alex Baytic.

According to private complainant Ofelia Bongbonga, accused Baytic promised her and her two (2) co-applicants an interview by his cousin, a doctor from Italy, on 7 October 1998 at the Corinthian Gardens. However, on the appointed date of their interview, the accused failed to appear. Ofelia, Millie and Nolie frantically searched for him but he was nowhere to be found. Ofelia further testified that sometime in January 1999 they heard over the radio that accused Baytic was arrested in Pasig City for illegal recruitment activities. Upon inquiry from the radio station, she learned that the accused was already detained at the Pasig Provincial Jail, so she followed him there. Thereafter, she and her two (2) other companions, Millie and Nolie, who were likewise victimized by the accused filed the instant case against him.

On the witness stand, both private complainants Millie Passi and Nolie Bongbonga corroborated the testimony of Ofelia Bongbonga on every material point. In particular, Millie Passi recounted that she was also enticed to part with ₱4,000.00 when Baytic

promised her a good paying job abroad. According to her, there was no reason for her to be suspicious of the identity of the accused as well as of his representations since he was a good friend of her cousin Kennedy Hapones.

Like the two (2) other complainants, Nolie Bongbonga averred that the accused through misrepresentations persuaded her to give him P4,000.00 for the processing of certain travel documents. As proof thereof she presented a receipt dated 5 October 1998 purportedly signed and issued by the accused.

Accused Alex Baytic, testifying in his defense, not only denied the accusations against him but also insisted that it was actually Kennedy Hapones, a new acquaintance, who was the illegal recruiter. He recounted that sometime in November 1999, he went to the house of Hapones who was trying to recruit him for deployment abroad. According to the accused, Hapones told him to prepare P250,000.00 although the former eventually accepted an initial advance payment of P4,500.00. He again met Hapones the following month when the latter told him and a group of other applicants, including Ofelia Bongbonga, that their requirements were ready. That was the last time he saw Hapones who, he later learned, had already left for abroad. He was suspected of being in cahoots with Hapones because whenever the latter and the applicants talked, Hapones would always point at him, although he never had the opportunity to know what Hapones had actually said to them.

But the trial court sustained the complaining witnesses and gave more credence to their straightforward and consistent testimonies. It opined that all the essential requisites of the crime of illegal recruitment in large scale as defined in Art. 13, par. (b), of the Labor Code^[2] were present -

x x x x The accused made representations to each of the complainants that he could send them to Italy as janitor/utility aides through direct hiring, which constitutes a promise of employment which amounted to recruitment as defined under Article 13(b) of the Labor Code. The testimonies of the three prosecution witnesses that they were actually recruited for overseas employment by the accused and were induced by him to part with their money retain undiminished probative worth and weight. The receipts (Exhibits A, C, and D) respectively issued to the complainants are sufficient proofs of his guilt as against accused's mere denial of the signatures appearing therein. The modus operandi of the accused was well established by the corroborative testimonies of the witnesses.^[3]

Accused-appellant now prays that the Court to take a second hard look at his conviction in view of the alleged failure of the prosecution to prove his guilt beyond reasonable doubt. He takes exception to the finding of the trial court that all the elements of the crime of illegal recruitment in large scale are present. He argues that the first element, i.e., the accused engages in the recruitment and placement of workers, defined under Art. 13, or in any prohibited activities under Art. 34, of the Labor Code, is not present because he did not solicit any money from the complainants nor did he promise them employment in Italy. The truth of the matter, according to him, is that he himself was victimized by Kennedy Hapones, the real illegal recruiter. He

explained that when Hapones could not be contacted, the complainants vented their anger towards him, being Hapones constant companion.

Such being the case, accused-appellant insists that the second element, which is the absence of license or authority to recruit, could not have been present because there was in fact no need for him to apply for the license as he was not in the recruitment business.

We are not impressed. Illegal recruitment is committed when two (2) elements concur. First, the offender has no valid license or authority required by law to enable one to engage lawfully in recruitment and placement of workers. Second, he or she undertakes either any activity within the meaning of recruitment and placement defined under Art. 13, par. (b), or any prohibited practices enumerated under Art. 34 of the Labor Code. In case of illegal recruitment in large scale, a third element is added: that the accused commits the acts against three or more persons, individually or as a group.^[4]

The first element is present. POEA representative Flordeliza Cabusao presented in evidence a certification from one Hermogenes Mateo, Director III, Licensing Branch, showing that accused-appellant was neither licensed nor authorized to recruit workers for overseas employment.^[5]

The second element is likewise present. Accused-appellant is deemed engaged in recruitment and placement under Art. 13, par. (b), of the Labor Code when he made representations to each of the complainants that he could send them to Italy for employment as utility personnel. Prosecution witness Ofelia Bongbonga categorically stated that accused-appellant promised her employment for a fee, a testimony corroborated by both complaining witnesses Nolie Bongbonga and Millie Passi. His promises and misrepresentations gave the complainants the distinct impression that he had the authority to engage in recruitment, thus enabling him to collect from them various amounts for recruitment and placement fees without license or authority to do so.

Accused-appellants vain attempt at exculpating himself by pinpointing Hapones as the culprit cannot mislead this Court from his transparent and obvious machinations. His self-serving statement that he himself was a victim of Hapones wilts in the face of the complaining-witnesses testimonies that he made promises of employment, solicited money from them and even signed receipts as proof of payment. His protestations notwithstanding, he failed to prove that the complaining witnesses were incited by any motive to testify falsely against him. It is contrary to human nature and experience for persons to conspire and accuse a stranger of a crime, or even a casual acquaintance for that matter, that would take the latter's liberty and send him to prison just to appease their feeling of rejection and assuage the frustration of their dreams to go abroad.^[6] His denials cannot prevail over the positive declaration of the prosecution witnesses. Accused-appellant's unsubstantiated denials cannot be given greater evidentiary value over the testimony of credible witnesses who testified on affirmative matters.^[7]

There is therefore no discernible reason to disturb the findings of the trial court, which is in the best position to assess the witnesses' credibility and to appreciate complainants' candor and truthfulness.^[8]

Accused-appellant recruited at least three (3) persons, giving them the impression that he had the authority to deploy people abroad. As such, his crime of economic sabotage can be categorized as illegal recruitment in large scale punishable by life imprisonment and a fine of ₱100,000.00, now increased to a minimum of ₱500,000.00 by virtue of Rep. Act No. 8042, also known as the *Migrant Workers and Overseas Filipinos Act of 1995*.^[9]

WHEREFORE, the appealed decision finding accused-appellant ALEX BAYTIC guilty of illegal recruitment in large scale, sentencing him to life imprisonment and to pay a fine of ₱500,000.00 as well as reimburse complainants Ofelia Bongbonga, Millie Passi, and Nolie Bongbonga the amounts of ₱3,500.00, ₱4,000.00 and ₱4,000.00, respectively, is **AFFIRMED**. Costs against accused-appellant.

SO ORDERED.

Mendoza, Quisumbing, Austria-Martinez and Callejo, Sr., JJ., concur.

^[1] Decision penned by Judge Estrella T. Estrada, RTC-Br. 82, Quezon City.

^[2] The elements of illegal recruitment in large scale are: 1) that the offender undertakes any recruitment activity defined under Article 13(b) or any prohibited practice enumerated under Article 34 of the Labor Code; 2) that the offender does not have a license or authority to lawfully engage in the recruitment and placement of workers; and 3) that the offender commits the same against three or more persons, individually or as a group.

^[3] Rollo, p. 145.

^[4] [People v. De La Piedra, G.R. No. 121777](#), 24 January 2001, 350 SCRA 163.

^[5] Original Records, p. 102.

^[6] [People v. Librero, G.R. No. 132311](#), 28 September 2000, 341 SCRA 229.

^[7] [People v. Icalla, G.R. No. 136173](#), 7 March 2001, 353 SCRA 805.

^[8] [People v. Minanga, G.R. No. 130670](#), 31 May 2000, 332 SCRA 558.

^[9] Complete Title - An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress, and for other purposes.