FIRST DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 179934
Appellee,
Present:

PUNO, *C.J.*, Chairperson,
CARPIO,
-versus- CORONA,
LEONARDO-DE CASTRO, and
BERSAMIN, *JJ*.
ERLINDA ABORDO and Promulgated:
VINA CABANLONG,
Appellants. May 21, 2009
x---x

D E C I S I O N

CARPIO, *J*.:

The Case

This is an appeal from the 21 June 2007 Decision[1] of the Court of Appeals in CA-G.R. CR HC No. 01701. The Court of Appeals affirmed with modification the 10 May 2001 Decision[2] of the Regional Trial Court of Villasis, Pangasinan, Branch 50, convicting Erlinda Abordo (Abordo) of estafa in Criminal Case No. V-0654 and of illegal recruitment in Criminal Case No. V-0655, and convicting Abordo and Vina Cabanlong (Cabanlong) of estafa in Criminal Case Nos. V-0767, V-0769, and V-0772 and of illegal recruitment in Criminal Case Nos. V-0768, V-0770, and V-0771.

The Facts

The Informations against the accused read as follows:

Criminal Case No. V-0654 (Estafa)

That during the period from February 3, 1994 to March 3, 1994, at Poblacion Zone II, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo), by means of deceit, deliberately misrepresenting herself to be capable of causing the employment of laborers abroad, knowing fully well that she is not duly or legally authorized to recruit laborers for employment abroad, did then and there willfully, unlawfully and feloniously demand and receive from Jesus Rayray y Bascos the sum of ₱14,000.00, Philippine currency with the undertaking of working for his employment abroad and thereafter, despite repeated demands, the said accused who failed to cause complainants employment abroad, failed and refused to return the said amount of ₱14,000.00, thereby appropriating and converting the same for her own use and benefit to the damage and prejudice of said Jesus Rayray y Bascos in the said amount.[3]

Criminal Case No. V-0655 (Illegal Recruitment)

That during the period from February 3, 1994 to March 3, 1994 at Barangay Poblacion Zone II, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo), did then and there willfully, unlawfully and feloniously recruit Jesus Rayray y Bascos for employment abroad, without first securing the requisite license or authority from the Department of Labor and Employment.[4]

Criminal Case No. V-0767 (Estafa)

That during the month of December, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, by means of deceit, deliberately misrepresenting [themselves] to be capable of causing the employment of laborers abroad, knowing fully well that they are not duly or legally authorized to recruit laborers for employment abroad, did then and there willfully, unlawfully and feloniously demand and receive from Jaime Fernandez y Simon the sum of ₱45,000.00, Philippine currency with the undertaking of working for his employment abroad and thereafter, despite repeated demands, the said accused who failed to cause complainants employment abroad, failed and refused to return the said amount of ₱45,000.00, thereby appropriating and converting the same for their own use and benefit to the damage and prejudice of said Jaime Fernandez y Simon in the said amount.[5]

Criminal Case No. V-0768 (Illegal Recruitment)

That during the month of December, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit Jaime Fernandez y Simon for employment abroad, without first securing the requisite license or authority from the Department of Labor and Employment.[6]

Criminal Case No. V-0769 (Estafa)

That during the month of December, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, by means of deceit, deliberately misrepresenting [themselves] to be capable of causing the employment of laborers abroad, knowing fully well that they are not duly or legally authorized to recruit laborers for employment abroad, did then and there willfully, unlawfully and feloniously demand and receive from Exequiel Mendoza y Olivar the sum of ₱45,000.00, Philippine currency with the undertaking of working for his employment abroad and, thereafter, despite repeated demands, the said accused who failed to cause complainants employment abroad, failed and refused to return the said amount of ₱45,000.00, thereby appropriating and converting the same for their own use and benefit to the damage and prejudice of said Exequiel Mendoza y Olivar in the said amount.[7]

Criminal Case No. V-0770 (Illegal Recruitment)

That during the month of December, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit Exequiel Mendoza y Olivar for employment abroad, without first securing the requisite license or authority from the Department of Labor and Employment.[8]

Criminal Case No. V-0771 (Illegal Recruitment)

That during the month of September, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously recruit Esmenia Cario y Millano for employment abroad, without first securing the requisite license or authority from the Department of Labor and Employment.[9]

Criminal Case No. V-0772 (Estafa)

That during the month of September, 1994 at Barangay San Blas, Municipality of Villasis, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused (Erlinda Abordo and Vina Cabanlong), conspiring, confederating and mutually helping one another, by means of deceit, deliberately misrepresenting [themselves] to be capable of causing the employment of laborers abroad, knowing fully well that they are not duly or legally authorized to recruit laborers for employment abroad, did then and there willfully, unlawfully and feloniously demand and receive from Esmenia Cario y Millano the sum of ₱15,000.00, Philippine currency with the undertaking of working for [her] employment abroad and, thereafter, despite repeated demands, the said accused who failed to cause complainants employment abroad, failed and refused to return the said amount of ₱15,000.00, thereby appropriating and converting the same for their own use and benefit to the damage and prejudice of said Esmenia Cario y Millano in the said amount.[10]

The prosecution established that sometime in January 1994, Abordo recruited Jesus Rayray (Rayray) for possible employment abroad and collected a total of ₱14,000 as placement fee. Abordo assured Rayray that he could soon leave for abroad. Rayray was unable to leave as promised and only saw Abordo again when she was already in jail.[11]

Sometime in September 1994, Abordo and Cabanlong went to the house of Esmenia Cario (Cario) in Lipay, Villasis, Pangasinan, to persuade her to work as a domestic helper in Hong Kong. Cario and Cabanlong used to be neighbors in San Blas, Villasis, Pangasinan. Upon being convinced by the accused, Cario gave a total of ₱15,000 as placement fee. Despite this payment, Cario was unable to leave for abroad.[12]

Sometime in December 1994, Abordo and Cabanlong went to the house of Segundina Fernandez (Segundina) in Caramitan, Villasis, Pangasinan. Cabanlong and Segundina are first cousins. Cabanlong introduced Abordo as a recruiter. The accused told Segundina that they could secure employment for her son, Jaime, in Hong Kong upon payment of the placement fee. Segundina and Jaime agreed to the proposition. Segundina gave the accused cash and other valuables amounting to ₱45,000. Abordo gave a plane ticket to Jaime, which turned out to be fake; hence, Jaime was unable to leave for abroad.[13]

Sometime in December 1994, the accused went to the house of Exequiel Mendoza (Mendoza) in San Blas, Villasis, Pangasinan to convince him to work in Hong Kong as a security guard. Mendoza agreed to be recruited and to pay ₱45,000 as placement fee. Abordo assured him that as soon as he could pay the placement fee, he could work abroad. Mendoza gave Abordo cash and pieces of jewelry amounting to ₱39,000. Despite several promises from Abordo, Mendoza was unable to leave for Hong Kong. Thus, he demanded from the accused the return of his money and pieces of jewelry, but to no avail.[14]
Adonis Peralta, Dagupan District Officer of the Department of Labor and Employment, issued certifications dated 29 September 1993 and 3 August 1993 stating that the accused were not included in the Philippine Overseas and Employment Agency list of those licensed to recruit in Pangasinan.[15]

The accused denied the charges against them. In their brief, the accused claimed that they could not be held liable for estafa under Article 315, 2(a) of the Revised Penal Code since the element of deceit was not established. They alleged that they received the placement fees on behalf of the travel agency. They argued that it was unclear whether the false statements or fraudulent representations were made prior to or simultaneously with the delivery of the money by the complainants.

The Ruling of the Trial Court

After the trial, the Regional Trial Court, Branch 50, Villasis, Pangasinan rendered a Decision dated 10 May 2001 disposing of the cases as follows:

> WHEREFORE, foregoing premises considered, the Court finds the accused Erlinda Abordo and Vina Cabanlong guilty beyond reasonable doubt of the crime of Illegal Recruitment in large scale in Crim. Case Nos. V-0655, V-0768, V-0770 and V-0771, defined and penalized under Art. 38, par. (a) in relation to Art. 39, par. (a) of the Labor Code of the Philippines, as amended by P.D. 2018, and hereby sentences them to suffer the penalty of life imprisonment and to pay, jointly and severally, fine of ONE HUNDRED THOUSAND PESOS (100,000.00).
>
> Accused Erlinda Abordo is, likewise, found guilty beyond reasonable doubt of the crime of Estafa in Crim. Case No. V-0654, as provided under Art. 315, par. 2(a), and hereby sentences her to suffer the indeterminate penalty of SIX (6) MONTHS and ONE (1) DAY of prision correccional in its minimum and medium periods, as the minimum, to FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional in its maximum period to prision mayor in its minimum period, as the maximum, and to reimburse Jesus Rayray the amount of FOURTEEN THOUSAND PESOS (₱14,000.00).
>
> Further, accused Erlinda Abordo and Vina Cabanlong are found guilty beyond reasonable doubt of three (3) counts of estafa and hereby sentences them to suffer the indeterminate penalty of:
>
> > 1) SIX (6) MONTHS and ONE (1) DAY of prision correccional in it minimum and medium periods, as the minimum to TEN (10) YEARS of prision mayor, medium, as the maximum and to reimburse Jaime Fernandez the amount of FORTY FIVE THOUSAND PESOS (₱45,000.00) in Crim. Case No. V-0767;
> >
> > 2) SIX (6) MONTHS and ONE (1) DAY of prision correccional in its minimum and medium periods, as the minimum, to NINE (9) YEARS of prision mayor, medium, as the maximum and to reimburse Exequiel Mendoza the amount of THIRTY NINE THOUSAND PESOS (₱39,000.00) in Crim. Case No. V-0769; and
> >
> > 3) SIX (6) MONTHS and ONE (1) DAY of prision correccional in its minimum and medium periods, as the minimum to FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional in its maximum period to prision mayor in its minimum period, as the maximum, and to reimburse Esmenia Carino the amount of

FIFTEEN THOUSAND PESOS (₱15,000.00) in Crim. Case No. V-0772.

SO ORDERED.[16]

The Ruling of the Court of Appeals

The Court of Appeals found that the prosecution sufficiently established the accuseds guilt for illegal recruitment. The accused cooperated with each other in convincing complainants to pay placement fees for employment abroad. The accused received money from the complainants. The act of the accused of recruiting complainants for employment abroad without the necessary license from the POEA constitutes the offense of illegal recruitment.

The Court of Appeals also found that the prosecution has established accuseds guilt for estafa. The Court of Appeals stated that the very same evidence proving the accuseds commission of the offense of illegal recruitment also established that the accused connived in defrauding complainants by misrepresenting that they had the power, influence, agency and business to obtain overseas employment for complainants upon payment of placement fees. Complainants suffered damages to the extent of the various sums of money they delivered to accused.

The Court of Appeals modified the penalties imposed on the accused as each information involved only one complainant. The accused cannot be convicted for illegal recruitment in large scale based on several informations each filed by only one complainant. The trial court erred in considering the three complainants in the two criminal cases when it convicted the accused of illegal recruitment in large scale. Since the accused were prosecuted under several informations for different complainants, the penalty imposed should be for each information. To convict the accused of illegal recruitment in large scale, there must be one information that must include all the complainants. Otherwise, the accused should be held liable only for simple illegal recruitment.

The dispositive portion of the 21 June 2007 Decision of the Court of Appeals reads:

> (1) In Criminal Case No. V-0655, accused-appellant Erlinda Abordo is found GUILTY beyond reasonable doubt of the crime of Simple Illegal Recruitment and is sentenced to suffer a prison term of Six (6) years and One (1) day as minimum, to Twelve (12) years as maximum, and to pay a fine of ₱200,000.
>
> (2) In Criminal Case Nos. V-0768, V-0770 and V-0771, Erlinda Abordo and Vina

Cabanlong are found Guilty of three (3) counts of Simple Illegal Recruitment, and are sentenced to suffer a prison term of Six (6) years and one (1) day as minimum, to twelve (12) years as maximum, and to pay a fine of ₱200,000 on each count.

(3) Accused Erlinda Abordo is, likewise, found guilty beyond reasonable doubt of the crime of Estafa in Crim. Case No. V-0654, as provided for under Art. 315, par. 2(a), and is hereby sentenced to suffer the indeterminate penalty of SIX (6) MONTHS and ONE (1) DAY of prision correccional in its minimum and medium periods, as minimum, to FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional in its maximum period to prision mayor in its minimum period, as maximum, and to reimburse Jesus Rayray in the amount of FOURTEEN THOUSAND PESOS (₱14,000).

(4) Further, accused Erlinda Abordo and Vina Cabanlong are found guilty beyond reasonable doubt of three (3) counts of estafa and are hereby sentenced to suffer the indeterminate penalty of:

a) SIX (6) MONTHS AND ONE (1) DAY of *prision correccional* in its minimum and medium periods, as the minimum, to TEN (10) YEARS of *prision mayor*, medium, as the maximum and to reimburse Jaime Fernandez in the amount of FORTY FIVE THOUSAND PESOS (₱45,000) in Crim. Case No. V-0767;

b) SIX (6) MONTHS AND ONE (1) DAY of *prision correccional* in its minimum and medium periods, as the minimum, to NINE (9) YEARS of *prision mayor,* medium, as the maximum and to reimburse Exequiel Mendoza in the amount of THIRTY NINE THOUSAND PESOS (₱39,000) in Crim. Case No. V-0769; and

c) SIX (6) MONTHS AND ONE (1) DAY of *prision correccional* in its minimum and medium periods, as the minimum to FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of *prision correccional* in its maximum period to *prision mayor* in its minimum period, as maximum, and to reimburse Esmenia Cario in the amount of FIFTEEN THOUSAND (₱15,000) in Crim. Case No. V-0772.[17]

The Issue

The sole issue in this case is whether the accused are guilty of simple illegal recruitment and estafa under Article 315, 2(a) of the Revised Penal Code.

The Ruling of this Court

The Court affirms the conviction of the accused for the crimes charged. However, the Court modifies the penalties imposed on the accused in the estafa cases.

The elements of illegal recruitment are (1) the offender has no valid license or authority required by law to lawfully engage in the recruitment and placement of workers; and (2) he undertakes any activity within the meaning of recruitment and placement defined under Article 13(b) of the Labor Code.[18] Recruitment and placement is any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers; and includes referrals, contact 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.[19]

The prosecution sufficiently established Abordos guilt beyond reasonable doubt for the offense of simple illegal recruitment in Criminal Case No. V-0655. Without the necessary license, Abordo unlawfully recruited Rayray for deployment abroad. In exchange for this promised overseas job, Rayray paid Abordo ₱14,000.

Conniving with Cabanlong, Abordo also illegally recruited Jaime, Mendoza, and Cario who paid the accused ₱45,000, ₱39,000 and ₱15,000, respectively, as placement fees. Despite their payments of the placement fees, all the complainants were unable to depart the country for work abroad.

The Court of Appeals did not err in holding that the accused are guilty of simple illegal recruitment only, modifying the trial courts ruling that the accused are guilty of illegal recruitment in large scale. Since the accused were prosecuted under several informations for different complainants, the penalty imposed should be for each information charged.[20] To convict the accused for illegal recruitment in large scale, there must be one information that must include all the complainants.[21] Otherwise, the accused should be convicted only for simple illegal recruitment.[22] Accordingly, the penalties imposed by the Court of Appeals in Criminal Case Nos. V-0655, V-0768, V-0770, and V-0771 (for simple illegal recruitment) are likewise correct.[23]

The Court also affirms the conviction of Abordo for estafa committed against Rayray and the conviction of Abordo and Cabanlong for estafa committed against Jaime, Mendoza, and Cario. Conviction under the Labor Code for illegal recruitment does not preclude punishment under the Revised Penal Code for the felony of estafa.[24] The prosecution proved beyond reasonable doubt that the accused committed estafa under Article 315, 2(a) of the Revised Penal Code, which states:

> 2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
>
> (a) By using fictitious name or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

The prosecution established that in falsely pretending to possess power to deploy persons for overseas employment, the accused deceived the complainants into believing that they would provide them overseas work. Their assurances made complainants pay the placement fees required in exchange for the promised jobs. The elements of deceit and damage for this form of estafa are indisputably present; hence, the conviction for estafa in Criminal Case Nos. V-0654 (against Abordo), V-0767, V-0769, and V-0772 (against Abordo and Cabanlong) should be affirmed.

Under Article 315 of the Revised Penal Code, estafa is punished by the penalty of *prision correccional* in its maximum period (4 years, 2 months and 1 day to 6 years) to *prision mayor* in its minimum period (6 years and 1 day to 8 years), if the amount of the fraud is over 12,000 but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty x x x shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. x x x.

The penalty prescribed for estafa is composed of only two, not three, periods. In such a case, Article 65 of the Revised Penal Code requires the division into three equal portions of time included in the penalty prescribed, and forming one period of each of the three portions. Therefore, the maximum, medium, and minimum periods of the penalty prescribed are:

> Minimum - 4 years, 2 months, 1 day to 5 years, 5 months, 10 days
> Medium - 5 years, 5 months, 11 days to 6 years, 8 months, 20 days
>
> Maximum - 6 years, 8 months, 21 days to 8 years[25]

If the amount defrauded does not exceed ₱22,000 and there is no aggravating or mitigating circumstance, the penalty prescribed shall be imposed in its medium period, or 5 years, 5 months and 11 days of *prision correccional* to 6 years, 8 months and 20 days of *prision* *mayor.*

Under the Indeterminate Sentence Law, the maximum term of the prison sentence shall be that which, in view of the attending circumstances, could be properly imposed.

On the other hand, the minimum term shall be within the range of the penalty next lower to that prescribed by the Revised Penal Code for the crime. The penalty next lower to that prescribed by Article 315 is *prision correccional* in its minimum period (6 months, 1 day to 2 years and 4 months) to *prision correccional* in its medium period (2 years, 4 months and 1 day to 4 years and 2 months). From this, the minimum term of the indeterminate sentence shall be taken.[26]

Accordingly, in Criminal Case No. V-0654 (for estafa involving ₱14,000), Abordo is sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 5 years, 5 months and 11 days of *prision correccional*, as maximum. Abordo should also refund to Rayray the amount of ₱14,000 with legal interest from the filing of the information until this amount is fully paid.

In Criminal Case No. V-0767 (for estafa involving ₱45,000), Abordo and Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 10 years of *prision mayor*, as maximum. The accused should also refund to Jaime the amount of ₱45,000 with legal interest from the filing of the information until this amount is fully paid.

In Criminal Case No. V-0769 (for estafa involving ₱39,000), Abordo and Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 9 years of *prision mayor*, as maximum. The accused should also refund to Mendoza the amount of ₱39,000 with legal interest from the filing of the information until this amount is fully paid.

In Criminal Case No. V-0772 (for estafa involving ₱15,000), Abordo and Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 5 years, 5 months and 11 days of *prision correccional*, as maximum. The accused should also refund to Cario the amount of ₱15,000 with legal interest from the filing of the information until this amount is fully paid.

The penalties in this case consisting in deprivation of liberty cannot be served simultaneously by reason of the nature of such penalties.[27] Hence, since the accused are sentenced to two or more terms of imprisonment, the terms should be served successively.[28]

WHEREFORE, the Court **AFFIRMS** the 21 June 2007 Decision of the Court of Appeals in CA-G.R. CR HC No. 01701 with the following **MODIFICATIONS**:

1. In Criminal Case No. V-0654 (for estafa involving ₱14,000), Erlinda Abordo is sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 5 years, 5 months and 11 days of *prision correccional*, as maximum. Abordo should also refund to Jesus Rayray the amount of ₱14,000 with legal interest from the filing of the information until this amount is fully paid.

2. In Criminal Case No. V-0767 (for estafa involving ₱45,000), Erlinda Abordo and Vina Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 10 years of *prision mayor*, as maximum. The accused should also refund to Jaime Fernandez the amount of ₱45,000 with legal interest from the filing of the information until this amount is fully paid.

3. In Criminal Case No. V-0769 (for estafa involving ₱39,000), Erlinda Abordo and Vina Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 9 years of *prision mayor*, as maximum. The accused should also refund to Exequiel Mendoza the amount of ₱39,000 with legal interest from the filing of the information until this amount is fully paid.

4. In Criminal Case No. V-0772 (for estafa involving ₱15,000), Erlinda Abordo and Vina Cabanlong are sentenced to an indeterminate penalty of 6 months and 1 day of *prision correccional*, as minimum, to 5 years, 5 months and 11 days of *prision correccional*, as maximum. The accused should also refund to Esmenia Cario the amount of ₱15,000 with legal interest from the filing of the information until this amount is fully paid.

SO ORDERED.

ANTONIO T. CARPIO
Associate Justice

WE CONCUR:

REYNATO S. PUNO
Chief Justice
Chairperson

RENATO C. CORONA TERESITA J. LEONARDO-DE CASTRO
Associate Justice Associate Justice

LUCAS P. BERSAMIN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Courts Division.

REYNATO S. PUNO

Chief Justice

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[1] *Rollo*, pp. 3-19. Penned by Associate Justice Arcangelita M. Romilla-Lontok with Associate Justices Mariano C. Del Castillo and Romeo F. Barza, concurring.

[2] CA *rollo*, pp. 54-74. Penned by Judge Rosario C. Cruz.

[3] Id. at 32.

[4] Id. at 33.

[5] Id. at 34.

[6] Id. at 35.

[7] Id. at 36.

[8] Id. at 37.

[9] Id. at 38.

[10] Id. at 39.

[11] *Rollo*, p. 8.

[12] Id.

[13] CA *rollo*, pp. 163-164.

[14] Id. at 164-165.

[15] Id. at 166.

[16] Id. at 73-74.

[17] *Rollo*, pp. 17-19.

[18] *People v. Hu*, G.R. No. 182232, 6 October 2008.

[19] Article 13(b) of the Labor Code of the Philippines; Section 6 of Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995.

[20] *Rollo*, p. 16. See *People v. Dela Piedra*, 403 Phil. 31 (2001); *People v. Ordoo,* 390 Phil. 649 (2000).

[21] Id.

[22] Id.

[23] Section 7(a) of RA 8042 provides:

> Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two hundred thousand pesos (₱200,000) nor more than Five hundred thousand pesos (₱500,000).

[24] *People v. Ortiz-Miyake*, 344 Phil. 598, 614 (1997).

[25] *People v. Billaber,* 465 Phil. 726, 744 (2004).

[26] Id. at 745.

[27] Article 70 of the Revised Penal Code. See *In the Matter of the Petition for Habeas Corpus of Lagran*, 415 Phil. 506, 510 (2001) citing Reyes, Revised Penal Code Book I, 13th ed. (1993), p. 748.

[28] *In the Matter of the Petition for Habeas Corpus of Lagran*, supra citing *Gordon V. Wolfe*, 6 Phil. 76 (1906).