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**THIRD DIVISION****[ G.R. No. 198795, June 07, 2017 ]****PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.  
MERCEDITAS MATHEUS Y DELOS REYES, ACCUSED-APPELLANT.****D E C I S I O N****TIJAM, J.:**

In this appeal, accused-appellant Merceditas Matheus y Delos Reyes assails the March 7, 2011 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA G.R. CR. H.C. No. 03737, which affirmed the November 26, 2008 Joint Decision<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 218 of Quezon City, in Criminal Case Nos. Q-03-119663-69, finding accused-appellant guilty beyond reasonable doubt of five counts of Estafa and one count of Large Scale Illegal Recruitment under Republic Act (RA) No. 8042 or the Migrant Workers and Overseas Filipino Act of 1995.

The antecedent facts are as follows:

Accused-appellant was charged with six counts of Estafa under Article 315 (2) (a) of the Revised Penal Code (RPC) and one count of Large Scale Illegal Recruitment under RA 8042, based on the affidavit-complaints made by the following: Thelma N. Suratos (Suratos); Glenda R. Guillarte (Guillarte); Merly O. Alayon (Alayon); Celso J. Bagay, Jr. (Bagay, Jr.); Rogelio Duldulao (Duldulao); and Doriza P. Gloria (Gloria).

The identical Information for six counts of Estafa, save for the names of the complainants, the amounts involved, and the dates of their commission, read as follows:

Crim. Case No. Q-03-119663<sup>[3]</sup>

That on or about the period comprised from February 19, 2003 to February 26, 2003, in Quezon City, Philippines, the said accused conspiring together, personal circumstances have not as yet been ascertained and mutually helping each other, did, then and there willfully, unlawfully and feloniously defraud THELMA SURATOS y NARAG, in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which they made to Thelma Suratos to the effect that they had the power and capacity to recruit and employ Thelma Suratos for employment abroad, and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereto, and by means of other similar deceits, induced and succeeded in inducing said Thelma Suratos to give and deliver, as in fact gave and delivered to said accused the amount of P55,000.00, Philippine Currency, on the strength of

said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely to obtain, as in fact they did obtain the amount of P55,000.00, which amount once in possession, with intent to defraud Thelma Suratos willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said Thelma Suratos y Narag in the aforesaid amount of P55,000.00 Philippine Currency.

Crim. Case No. 0-03-119664<sup>[4]</sup>

- a) Glenda R. Guillarte
- b) P55,000.00
- c) From April 1, 2003-May 13, 2003

Crim. Case No. 0-03-119665<sup>[5]</sup>

- a) Merly O. Alayon
- b) P15,000.00
- c) April 10, 2003

Crim. Case No. Q-03-119666<sup>[6]</sup>

- a) Celso J. Bagay, Jr.
- b) P30,000.00
- c) June 11, 2003

Crim. Case No. Q-03-119667<sup>[7]</sup>

- a) Doriza P. Gloria
- b) P27,500.00
- c) June 18, 2003

Crim. Case No. Q-03-119668<sup>[8]</sup>

- a) Rogelio L. Duldulao
- b) P29,000.00
- c) January 31 - March 12, 2003.

The Information for violation of RA 8042 recited the felonious acts in this wise:

Crim. Case No. Q-03-119669<sup>[9]</sup>

That on or about the period comprised from January 31, 2003 to June 18, 2003, in Quezon City, Philippines, the said accused conspiring together, confederating with another person whose true name, identity and personal circumstances have not as yet been ascertained and mutually helping each other, by representing themselves to have the capacity to contract, enlist and recruit workers for employment abroad, did, then and there willfully, unlawfully and feloniously for a fee, recruit and promise employment/job placement abroad to THELMA SURATOS y NARAG; GLENDA GUILLARTE y RONDILLA; MERLY ALAYON y ORO; CELSO BAGAY y JORGE, JR.; DORIZA

GLORIA y PUJEDA; and ROGELIO DULDULAO y LE, without first securing the required license and authority from the Department of Labor and Employment, in violation of said law.

That the crime described above is committed in large scale as the same was perpetrated against three (3) or more persons individually or as a group.

After the pre-trial, the trial ensued.

On January 15, 2003, Suratos went to an office in Cubao, Quezon City where she met the accused-appellant, who promised her a job in Cyprus as a caretaker. She returned to the accused-appellant's office a month later. The accused-appellant gave her a machine copy of her visa to prove that there was a good job waiting for her in Cyprus and that she would leave in three months upon payment. Suratos gave the accused-appellant an amount totaling to Php55,000, inclusive of her passport and medical examination report. After three months, Suratos became suspicious. She demanded the return of her money, but the accused-appellant simply told her to wait. A month later, Suratos learned that the accused-appellant was already detained and could no longer deploy her abroad. She filed a complaint for illegal recruitment docketed as Criminal Case No. Q-03-119663. Suratos identified the accused-appellant in open court as well as the entry permit and receipts she had issued her.

Sometime in the third week of March 2003, Alayon met the accused-appellant at the All Care Travel Agency located at 302 Escueta Bldg., Cubao, Quezon City. Accused-appellant offered her a job in Cyprus as a part of the laundry staff and asked her to pay the total amount of Php55,000, to submit her resume and transcript of records, among others, and promised to deploy her abroad by June. On April 10, 2003, Alayon initially paid Php15,000 to the accused-appellant. When she returned to accused-appellant's office to pay the balance, she learned that accused-appellant had been picked up by the police. Alayon proceeded to the police station and demanded from the accused-appellant the return of her money. She filed a complaint against accused-appellant, docketed as Criminal Case No. Q-03-119665.

During the first week of December 2012, Duldulao, through his wife's friend, was introduced to the accused-appellant. When Duldulao mentioned that she had a sister working in Spain, accused-appellant promised a tourist visa for him in exchange for Php45,000. In the first week of January 2003, he gave the accused-appellant Php11,000 as partial payment for the processing of his documents. The accused-appellant only took Php10,000 and gave back Php1,000 for him to open an account with Land Bank, Cubao branch. Upon the request of accused-appellant, Duldulao deposited the amount of Php8,000 to the BPI account of accused-appellant. When he was required by the accused-appellant to complete the payment of Php45,000 for his tourist visa, Duldulao obtained a bank loan of Php11,000 and gave it to the accused-appellant. Altogether, Duldulao paid the accused-appellant a total of Php29,000. When he discovered that accused-appellant was arrested in April 2003, Duldulao went to Camp Panopio and demanded that accused-appellant return his money but to no avail. He subsequently filed a complaint against accused-appellant, docketed as Criminal Case No. Q-03-119668.

Bagay, Jr. went to the office of the accused-appellant who offered him a job as a dentist in London. Accused-appellant assured him that with an initial payment of PhP30,000, he would leave in three months. After paying the said amount, Bagay, Jr. gave the accused-appellant his resume, transcript of records, diploma, passport, and I.D. pictures. Unfortunately, he was not able to leave for London because in less than three months, Bagay, Jr. learned that accused-appellant was detained at Camp Panopio for illegal recruitment. Despite her promise to Bagay, Jr., accused-appellant failed to return the amount to him. The complaint filed by Bagay, Jr. against the accused-appellant was docketed as Criminal Case No. Q-03-119666.

Sometime in the third week of March 2003, Guillarte went to the office of the accused-appellant who promised her work as a hotel staff member in Cyprus. She gave accused-appellant an amount totaling PhP55,000 as full payment for her deployment abroad. But the promise of deployment never materialized. Guillarte's demand for the return of her money from the accused-appellant went unheeded. She filed a complaint against accused-appellant docketed as Criminal Case No. Q-03-119664.

Private complainant Doria, however, did not testify.

For her part, the accused-appellant admitted that she was the Overseas Marketing Director of All Care Travel & Consultancy (Hongkong), with All Care Travel & Consultancy (Philippines) as its affiliate. She said that sometime in 1990, she was issued a professional license as an Electronics Communication Engineer. She left the country in 2003 and was not in the Philippines from January 2003 to February 2003. She returned to the country on June 4, 2003 and left the country in the same month. She claimed that she did not know Suratos, Guillarte, Alayon, Bagay, Jr., and Gloria. Although she knew Duldulao, she did not promise him any job. She likewise claimed that she neither signed nor issued any receipt using the name "Manzie delos Reyes" in favor of the complainants. She further claimed that she was not engaged in any recruitment and placement activities. During the pre-trial, she admitted that she had no license to recruit workers for overseas employment.

On rebuttal, prosecution witness Perla D. Sayana, Chief, Registration Division of the Professional Regulation Commission (PRC), testified that the name of accused-appellant, "Merceditas Matheus" does not appear in the books of PRC's database. She issued a certification to the effect that "Merceditas Matheus" is not a Licensed Electronics Communication Engineer.

Confidential agent of the Bureau of Immigration (BOI), Rustico B. Romero, whose main task was to verify travel records, also appeared for the prosecution. He testified that based on the BOI's database, the name "Merceditas Matheus" did not leave the country from January 31, 2003 to June 18, 2003.

On November 26, 2008, the RTC rendered its Decision,<sup>[10]</sup> convicting accused-appellant of the crime of large scale illegal recruitment and five counts of estafa. The complaint docketed as Criminal Case No. Q-03-119667 filed by Doriza P. Gloria (Gloria), however, was dismissed due to Gloria's failure to testify and the prosecution's failure to prove appellant's guilt for the crime of *estafa*.

On appeal before the CA, the CA affirmed the RTC's Decision.<sup>[11]</sup>

Hence, the instant appeal.

In this Court's February 6, 2012 Resolution,<sup>[12]</sup> We noted the accused-appellant and the Office of the Solicitor General's (OSG) respective Manifestations stating in essence that they are dispensing with their supplemental briefs, and thus, adopting their respective briefs which they filed with the CA.

### **The Issue**

#### **THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES OF ILLEGAL RECRUITMENT AND ESTAFA.<sup>[13]</sup>**

The appeal lacks merit.

On the one hand, accused-appellant maintains that she could not be held liable for the crimes of illegal recruitment and Estafa since she never made any promise or gave the impression of having the ability to send the complainants abroad. She avers that the cash vouchers and letters acknowledging receipt of complainants' payments were not signed by her, but by a certain Manzie Delos Reyes. She likewise avers that she did not engage in recruitment activities as defined by law since All Care Travel & Consultancy (Philippines) is engaged in visa applications. She further avers that she did not know complainants Suratos, Guillarte, Alayon, and Bagay, Jr.

On the other hand, the OSG counters<sup>[14]</sup> that the RTC correctly convicted the accused-appellant of Large Scale Illegal Recruitment and Estafa, the prosecution having adduced sufficient evidence to established her guilt thereof beyond reasonable doubt.

#### ***Illegal Recruitment in Large Scale -***

The offense of illegal recruitment in large scale has the following elements:<sup>[15]</sup> (1) the person charged undertook any recruitment activity as defined under Section 6 of RA 8042;<sup>[16]</sup> (2) accused did not have the license or the authority to lawfully engage in the recruitment of workers; and, (3) accused committed the same against three or more persons individually or as a group.

These elements are obtaining in this case.

*First*, the RTC found accused-appellant to have undertaken recruitment activity when she promised the private complainants overseas employment for a fee. This factual finding was affirmed by the CA. As consistently adhered to by this Court, the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various *indicia* available but not reflected on the record.<sup>[17]</sup> And when his findings have been affirmed by the CA, these are generally binding and conclusive upon this Court.<sup>[18]</sup> As correctly pointed out by the CA:

xxx xxx xxx Appellant, in fact, had stipulated at pre-trial that not only did she know private complainants, she also received money from them for their

deployment abroad, as she even issued receipts to them. At any rate, absence of receipts cannot defeat a criminal prosecution for illegal recruitment.<sup>[19]</sup> Private complainants positively identified appellant as the person who asked money from them in consideration for their deployment abroad. She impressed on complainants that she had the power or ability to send them abroad for employment so much so that the latter got convinced to part with their money in exchange therefor.<sup>[20]</sup> Illegal recruiters need not even expressly represent themselves to the victims as persons who have the ability to send workers abroad. It is enough that these recruiters give the impression that they have the ability to enlist workers for job placement abroad in order to induce the latter to tender payment of fees.<sup>[21]</sup>

*Second*, the March 1, 2004 Certification issued by the Philippine Overseas Employment Administration unmistakably reveals that the accused-appellant neither had a license nor authority to recruit workers for overseas employment.<sup>[22]</sup> Notably, instead of assailing the certification, she admitted during the pre-trial that she did not have a license or authority to lawfully engage in recruitment and placement of workers.<sup>[23]</sup>

*Third*, it was established that there were five complainants, i.e., Suratos, Guillarte, Alayon, Bagay, Jr., and Duldulao.

The CA observed that:

x x x x complainants came forward and charged appellant with illegal recruitment. Appellant's claim that she never met private complainants before was belied by her own admission at pre-trial. xxx xxx xxx Private complainants' individual testimonies were so replete with details on how appellant convincingly, albeit deceptively, enticed them to pay all her demands in case, how she provided for their fake documents, and how she manipulated their thoughts and dreams for a better life, ending up in the cruel realization that she was nothing but a fraud.<sup>[24]</sup>

Indeed, the existence of the offense of illegal recruitment in large scale was duly proved by the prosecution.

### ***Estafa under under Article 315(2)(a) of the RPC -***

We likewise affirm accused-appellant's conviction for five counts of estafa under Article 315(2)(a) of the RPC. It is settled that a person, for the same acts, may be convicted separately of illegal recruitment under RA 8042 or the Labor Code, and estafa under Article 315 (2) (a) of the RPC.<sup>[25]</sup>

The elements of estafa are: (1) the accused defrauded another by abuse of confidence or by means of deceit; and (2) the offended party or a third party suffered damage or prejudice capable of pecuniary estimation.<sup>[26]</sup>

Here, the prosecution proved beyond reasonable doubt that accused-appellant deceived private complainants into believing that she had the authority and capability to send them abroad for employment, despite her not being licensed by the POEA to recruit

workers for overseas employment. Because of the assurances given by accused-appellant, the private complainants parted with their hard-earned money for the payment of the agreed placement fee, for which accused-appellant issued petty cash vouchers and used fictitious names evidencing her receipt of the payments. As aptly pointed out by the CA:

In this case, appellant committed estafa by using fictitious names, i.e., 'Manzie Delos Reyes', 'Manzie Matheus' in her transactions with private complainants, falsely pretending that she possessed power, influence, capacity to employ abroad or procure visas for them, making it appear that she had made transactions to acquire their entry permits and visas, thus, successfully inducing them to part with their money, albeit, knowing full [sic] well she had no authority or license to do so.<sup>[27]</sup>

Clearly, these acts of accused-appellant constitute estafa punishable under Article 315 (2)(a) of the RPC.

It must be noted, however, that both the RTC and the CA failed to award interest on the money judgment on the charge of five counts of estafa and one count of Illegal Recruitment in Large Scale. Following prevailing jurisprudence,<sup>[28]</sup> the Court, therefore, imposes a legal interest at the rate of 6% *per annum*, from the time of demand, which shall be deemed as the same day the Informations were filed against appellant, until the amounts are fully paid.

**WHEREFORE**, premises considered, the March 7, 2011 Decision of the Court of Appeals in CA-G.R. CR. H.C. No. 03737, which affirmed the November 26, 2008 Joint Decision of the Regional Trial Court, Branch 218 of Quezon City, in Criminal Case Nos. Q-03-119663-69, finding appellant Merceditas Matheus y Delos Reyes **GUILTY** beyond reasonable doubt of five counts of Estafa and one count of Large Scale Illegal Recruitment under R.A. No. 8042, otherwise known as Migrant Workers and Overseas Filipino Act of 1995 is hereby **AFFIRMED with MODIFICATION**, to read as follows:

1. In Criminal Case No. Q-03-119662, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of Large Scale Illegal Recruitment punishable under Sec. 7 (b) of RA 8042. She is sentenced to suffer the penalty of life imprisonment and is ordered to pay a fine of One Million Pesos (PhP1,000,000).

2. In Criminal Case No. Q-03-119663, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of *estafa*, as defined and penalized in Article 315 (2) (a) of the Revised Penal Code. She is sentenced to suffer the indeterminate penalty of one year, eight months and twenty-one days of *prision correccional* as minimum to eleven years of *prision mayor* as maximum. She is ordered to indemnify private complainant Thelma N. Suratos the amount of PhP55,000 as actual damages, with legal interest of 6% *per annum* from August 4, 2003, until the said amount is fully paid.

3. In Criminal Case No. Q-03-119664, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of *estafa*, as defined and



penalized in Article 315 (2) (a) of the Revised Penal Code. She is sentenced to suffer the indeterminate penalty of one year, eight months and twenty-one days of *prision correccional* as minimum to eleven years of *prision mayor* as maximum. She is ordered to indemnify private complainant Glenda R. Guillarte in the amount of PhP55,000 as actual damages, with legal interest of 6% per *annum* from August 4, 2003, until the said amount is fully paid.

4. In Criminal Case No. Q-03-119665, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of *estafa*, as defined and penalized in Article 315 (2) (a) of the Revised Penal Code. She is sentenced to suffer the indeterminate penalty of one year, eight months and twenty-one days of *prision correccional* as minimum to six years and eight months of *prision mayor* as maximum. She is ordered to indemnify private complainant Merly O. Alayon in the amount of PhP15,000 as actual damages, with legal interest of 6% per *annum* from August 4, 2003, until the said amount is fully paid.

5. In Criminal Case No. Q-03-119666, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of *estafa*, as defined and penalized in Article 315 (2) (a) of the Revised Penal Code. She is sentenced to suffer the indeterminate penalty of one year, eight months and twenty-one days of *prision correccional* as minimum to eight years of *prision mayor* as maximum. She is ordered to indemnify private complainant Celso Bagay in the amount of PhP30,000 as actual damages, with legal interest of 6% per *annum* from August 4, 2003, until the said amount is fully paid.

6. In Criminal Case No. Q-03-119667, appellant Merceditas Matheus y Delos Reyes is found GUILTY beyond reasonable doubt of *estafa*, as defined and penalized in Article 315 (2) (a) of the Revised Penal Code. She is sentenced to suffer the indeterminate penalty of one year, eight months and twenty-one days of *prision correccional* as minimum to eight years of *prision mayor* as maximum. She is ordered to indemnify private complainant Rogelio L. Duldulao in the amount of PhP29,000 as actual damages, with legal interest of 6% per *annum* from August 4, 2003, until the said amount is fully paid.

## **SO ORDERED.**

*Velasco, Jr., (Chairperson), Peralta, [\*] Bersamin, and Reyes, JJ., concur.*

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August 8, 2017

## **NOTICE OF JUDGMENT**

Sirs/Mesdames:

Please take notice that on **June 7, 2017** a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was



received by this Office on August 8, 2017 at 2:00 p.m.

Very truly yours,

**(SGD.) WILFREDO V. LAPITAN**  
*Division Clerk of Court*

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[\*] Designated as an additional member as per Raffle dated March 15, 2017.

[1] Penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Rebecca De Guia-Salvador and Sesinando E. Villon, CA *rollo*, pp. 2-30.

[2] Penned by Judge Hilario L. Laqui; *Rollo*, p. 40.

[3] CA *rollo*, p. 2.

[4] Id. at 3.

[5] Id.

[6] Id. at 4 & 6.

[7] Id. at 5.

[8] Id.

[9] Id. at 6.

[10] WHEREFORE, the judgment is hereby rendered as follows:

A. Estafa:

1. In Crim. Case No. Q-03-119663.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for Estafa punishable under Art. 315, 2 (a), RPC. She shall serve an indeterminate prison term of ONE (1) YEAR, EIGHT (8) MONTHS and TWENTY ONE (21) DAYS of *prision correccional* as minimum to ELEVEN (11) YEARS of *prision mayor* as maximum. The accused shall also indemnify Thelma N. Suratos for P55,000.00.

2. In Crim. Case No. Q-03-119664.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for Estafa punishable under Art. 315, 2 (a), RPC. She shall serve an indeterminate prison term of ONE (1) YEAR, EIGHT (8) MONTHS and TWENTY ONE (21) DAYS of *prision correccional* as minimum to ELEVEN (11) YEARS of *prision*

*mayor* as maximum. The accused shall also indemnify Glenda R. Guillarte for P55,000.00.

3. In Crim. Case No. Q-03-119665.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for Estafa punishable under Art. 315,2 (a), RPC. She shall serve an indeterminate prison term of ONE (1) YEAR, EIGHT (8) MONTHS and TWENTY ONE (21) DAYS of *prision correccional* as minimum to SIX (6) YEARS and EIGHT (8) MONTHS of *prision mayor* as maximum. The accused shall also indemnify Merly O. Alayon for P15,000.00.

4. In Crim. Case No. Q-03-119666.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for Estafa punishable under Art. 315, 2 (a), RPC. She shall serve an indeterminate prison term of ONE (1) YEAR, EIGHT (8) MONTHS and TWENTY ONE (21) DAYS of *prision correccional* as minimum to EIGHT (8) YEARS of *prision mayor* as maximum. The accused shall also indemnify Celso Bagay for P30,000.00.

5. In Crim. Case No. Q-03-119667.

Private complainant Doriza P. Gloria did not testify. Hence, for failure of the prosecution to prove her guilt, the Court finds Merceditas D. Matheus NOT GUILTY of the offense charged.

6. In Crim. Case No. Q-03-119668.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for Estafa punishable under Art. 315, 2 (a), RPC. She shall serve an indeterminate prison term of ONE (1) YEAR, EIGHT (8) MONTHS and TWENTY ONE (21) DAYS of *prision correccional* as minimum to EIGHT (8) YEARS of *prision mayor* as maximum. The accused shall also indemnify Rogelio L. Duldulao for P29,000.00.

B. Illegal Recruitment:

1. In Crim. Case No. Q-03-119669.

The prosecution having established the guilt of the accused beyond reasonable doubt, the Court finds Merceditas D. Matheus GUILTY for LARGE SCALE ILLEGAL RECRUITMENT punishable under Sec. 7 (b) of R.A. 80-42. She is sentenced to suffer life imprisonment and to pay a FINE of P1,000,000.00. The accused shall be credited with a period of her preventive imprisonment.

SO ORDERED.

[11] WHEREFORE, the appeal is DISMISSED. The assailed Joint Decision dated November 26, 2008 of the Regional Trial Court of Quezon City, Branch 218, is AFFIRMED in all respects.

SO ORDERED.

[12] CA rollo, p. 41.

[13] Id. at 70.

[14] Id. at 109.

[15] *People v. Angelita I. Daud, et. al.*, G.R. No. 197539, June 2, 2014.

[16] SEC. 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 for 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: (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance; xxx xxx xxx (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.

[17] *People v. Ronald Credo Aka "ONTOG," Randy Credo and Rolando Credo y San Buena Ventura*, G.R. No. 197360, July 3, 2013.

[18] *People v. Apolinario Manalili y Jose*, G.R. No. 191253, August 28, 2013.

[19] *People v. Sagaydo*, 395 Phil. 538 (2000); *People v. Jamilosa*, G.R. No. 169076, January 27, 2007.

[20] *People v. Gasacao*, G.R. No. 168445, November 11, 2005.

[21] Citing the case of *People v. Ganigan*, G.R. No. 178204, August 20, 2008, 562 SCRA 741, Rollo, p. 26.

[22] Rollo, p. 27.

[23] CA rollo, p. 100.

[24] *Rollo*, p. 28.

[25] *People v. Tolentino*, G.R. No. 208686, July 1, 2015, 761 SCRA 332, 357.

[26] *Id.*

[27] *Id.* at 29.

[28] *People v. Tolentino*, *supra* note 25, at 361-363.



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