

404 Phil. 693

**FIRST DIVISION****[ G.R. No. 119361, February 19, 2001 ]****PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CORAZON NAVARRA (AT LARGE) RODOLFO NAVARRA, SR. AND JOB NAVARRA, ACCUSED.****RODOLFO NAVARRA, SR. AND JOB NAVARRA, ACCUSED-APPELLANTS.****D E C I S I O N****PARDO, J.:*****Deceptis non decipientibus, jura subveniunt.\****

It is a sad commentary that many of our countrymen migrate to other countries for work. They leave all that is familiar and endure loneliness and separation from their families and friends for the coveted dollar hoping that such will better their lot and ensure their families a modicum of economic stability.

What is more disheartening is that there are those who take advantage of the hopefuls. These are the illegal recruiters. On them, we must let the full force of the law fall, and fall heavily.

## The Case

The case is an appeal from the decision of the Regional Trial Court, Branch 90, Quezon City<sup>[1]</sup> finding accused Rodolfo Navarra, Sr. and Job Navarra (hereafter "Rodolfo" and "Job", respectively) guilty beyond reasonable doubt of illegal recruitment committed in a large scale resulting to economic sabotage and sentencing each of them to life imprisonment, to pay a fine of one hundred thousand (P100,000.00) pesos, each, without subsidiary imprisonment in case of insolvency, and to return to complainants the sums they received from them.

## The Facts

Job and Rodolfo, along with Rodolfo's wife<sup>[2]</sup> Corazon, operated an agency which purported to have the authority to recruit and place workers for employment in Taiwan. The agency<sup>[3]</sup> was named Rodolfo Navarra's Travel Consultant and General Services ("RNTCGS"),<sup>[4]</sup> which in the course of its operation was able to victimize several hapless victims who never left Philippine soil, and in due time, filed complaints with the

Philippine Overseas Employment Agency (hereafter "POEA") against accused for illegal recruitment.

Neither RNTCGS nor Rodolfo, Corazon or Job in their personal capacities were licensed or authorized by the Philippine Overseas Employment Administration to recruit workers for overseas employment.<sup>[5]</sup>

The trial court summarized the testimonies of complainants, thus:<sup>[6]</sup>

**MERLIE VILLESICA** identified Rodolfo as the one with whom she applied to for employment in Taiwan on May 6, 1992, at the RNTCGS office in Novaliches, Quezon City. As placement fee she paid fifteen thousand pesos (P15,000.00) to Inday Padawan (Rodolfo's cook and laundrywoman,<sup>[7]</sup> hereafter, "Inday"), at Corazon and Rodolfo's house, and another fifteen thousand pesos (P15,000.00) on December 22, 1992. She identified Job as the administrative officer of RNCTGS, who entertained her and the other applicants during the times she visited the agency's office to follow up her application.<sup>[8]</sup>

**GLICERIA MARINAS** singled out Job as the one who recruited her for employment in Taiwan as a factory worker. She testified that she was recruited by Job on April 24, 1992 at RNTCGS where she was told that she and her co-applicants would leave for Taiwan two months after they applied on April 24, 1992. She gave Job all the requirements the agency asked for including her passport and birth certificate. She was also required to pay a placement fee of twenty thousand pesos (P20,000.00), although the receipt given to her was only for the amount of fifteen thousand pesos (P15,000.00). She gave her passport to Job and she handed the placement fee to Inday who gave it to Corazon in her presence.<sup>[9]</sup>

**BEINVENIDA AMUTAN** testified that while in Rodolfo's house in Novaliches, Quezon City, on May 11, 1992, Rodolfo promised her that she would be able to leave for Taiwan upon payment of a twenty thousand pesos (P20,000.00) placement fee. On April 11, 1992, Beinvenida paid the amount to Inday who gave it to Corazon in Beinvenida's presence. She never had the chance to go to Taiwan. Upon investigation with the POEA, she discovered that RNTCGS was not registered.<sup>[10]</sup>

**ERNESTO AMUTAN** testified that in April 1992, he filed an application to work at a factory in Taiwan before Corazon in the RNTCGS office. It was Corazon who interviewed him and asked him to submit some requirements. While at the said office, he saw Rodolfo there, who gave him the assurance that he would be able to leave for Taiwan immediately. He was never deployed to Taiwan, despite paying a placement fee of twenty thousand pesos (P20,000.00).<sup>[11]</sup>

**FLORIE ROSE RAMOS** testified that she applied with RNTCGS as a factory

worker for Taiwan and that she paid a placement fee of twenty five thousand pesos (P25,000.00) and another payment of one thousand pesos (P1,000.00) as medical fee. She went to RNTCGS during the last weeks of February, March and April 1992 and was interviewed by Job. She was introduced to Rodolfo by her co-complainant Evelyn Llacas. She was not able to leave for Taiwan, neither was she able to retrieve her payments from RNTCGS for when she went to the office on December 23, 1993, it had already been raided by the CIS and POEA for recruiting for overseas employment without license or authority.<sup>[12]</sup>

**LIWAYWAY CRUZ** testified that she visited Rodolfo and Corazon's house and came to know that Rodolfo was the President of RNTCGS, an agency which deported itself to her as an agency purporting to have authority to recruit workers for placement in Taiwan. That on April 1993, she went to Rodolfo's house to inquire about the processing of her papers for employment in Taiwan. There she was assured by Rodolfo that Corazon was in Taiwan and was already taking care of her application.<sup>[13]</sup>

**LOIDA MACASO** testified that she came to know Rodolfo when she visited Inday on December 3, 1991, at Rodolfo's house and Rodolfo and Corazon recruited her to work as a factory worker in Taiwan. For this purpose she paid the spouses ten thousand pesos (P10,000.00) placement fee on January 8, 1992. She was never sent to Taiwan.<sup>[14]</sup>

On December 22, 1992, (PC) CIS agents arrested Inday Padawan after she received placement fees from complainant Merlie Villesca.<sup>[15]</sup> The amount received was one thousand pesos (P1,000.00) in one hundred peso (P100.00) bills, which were dusted with ultraviolet powder.<sup>[16]</sup>

On February 26, 1993, Assistant Provincial Prosecutor of Bulacan Emily G. Reyes, on detail with the Department of Justice, filed with the Regional Trial Court, Quezon City, Branch 90, an information against accused for illegal recruitment committed in a large scale. We quote:<sup>[17]</sup>

"That on or about February, 1992 and sometime prior and subsequent thereto in Quezon City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court above-named accused conspiring, confederating and mutually helping one another, representing themselves to have the capacity to contract, enlist and transport workers for employment abroad, did then and there willfully, unlawfully and for a fee, recruit and promise employment/job placement to MERLIE VILLESKA, GLICERIA MARINAS, JOSE LLORET, BEINVENIDA AMUTAN, MELBA YACAS, MARITES DE SAGUN, VILMA MARANA, ERNESTO AMUTAN, FLORIE ROSE RAMOS, RONALD ALLAN SANTOS and HENRY DELA CRUZ without first securing the required license and/or authority from Philippine Overseas Employment Administration.

"CONTRARY TO LAW."

On April 29, 1993, upon arraignment, Job pleaded "not guilty."<sup>[18]</sup>

On July 14, 1993, upon arraignment, Rodolfo likewise pleaded "not guilty."<sup>[19]</sup>

After due trial, on December 29, 1994, the trial court rendered a decision convicting Rodolfo and Job, thus:

"ACCORDINGLY, the Court hereby finds both accused RODOLFO NAVARRA, SR. and JOB NAVARRA guilty of the crime of Illegal Recruitment Committed in a Large Scale Resulting to Economic Sabotage, as charged in the Information, and hereby sentences each of them to Life Imprisonment and also each of them to pay a fine of P100,000.00, without subsidiary imprisonment in case of insolvency pursuant to Art. 39 (a) of the Labor Code.

"They are likewise ordered to return to complainants Florie Rose Ramos the sum of P25,000.00; to Ernesto Amutan, P15,000.00; to Bienvenida Amutan, P15,000.00; to Loida (Loyda) Macaso, P10,000.00; to Gliceria Marinas, P15,000.00; and to Merlie (Merly) Villesca, P30,000.00.

"Let alias warrants of arrest be issued for accused Corazon Navarra, said warrants to be served by both the National Bureau of Investigation and the Eastern Police District Command.

"SO ORDERED." <sup>[20]</sup>

Hence, this appeal.<sup>[21]</sup>

Rodolfo and Job submit that the trial court gravely erred in disregarding their defense of denial and in finding them guilty beyond reasonable doubt of the offense charged.<sup>[22]</sup>

#### The Court's Ruling

We find the appeal without merit.

Bare denials, without clear and convincing evidence to support them,<sup>[23]</sup> can not sway judgment. They are self-serving statements,<sup>[24]</sup> that are inherently weak and can easily be put forward.<sup>[25]</sup>

The rule is well-entrenched that as an appellate court, we will not disturb the findings of the trial court on credibility of witnesses as it was in a better position to appreciate the same. The rule is specially so given that there is no showing that the trial court plainly overlooked certain facts of substance or value, which, if considered, may affect

the result of the case.<sup>[26]</sup>

Illegal recruitment has two essential elements: First, the offender has no valid license or authority required by law to enable him to lawfully engage in the recruitment and placement of workers. Second, the offender undertakes any activity within the meaning of "recruitment and placement" defined under Article 13 (b), or any prohibited practices enumerated under Article 34 of the Labor Code.<sup>[27]</sup>

### Recruitment and Placement

A "nonlicensee or nonholder of authority" means any person, corporation or entity without a valid license or authority to engage in recruitment or placement from the Secretary of Labor, or whose license or authority has been suspended, revoked or cancelled by the Philippine Overseas Employment Administration or the Secretary of Labor.<sup>[28]</sup> Under Article 13(b) of 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, 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."

From the evidence adduced, accused-appellants committed acts of recruitment and placement, such as promises to the complainants of profitable employment abroad and acceptance of placement fees. Accused-appellants gave the impression that they had the power to send the complainants to Taiwan for employment.<sup>[29]</sup>

With the certification from the Department of Labor and Employment stating that RNTCGS was not authorized to recruit workers for overseas employment,<sup>[30]</sup> and promises by the accused of employment abroad for complainants on payment of placements fees, the conclusion is inescapable that accused are liable for illegal recruitment.<sup>[31]</sup>

### Economic Sabotage

Article 38 (b) of the Labor Code, as amended by P. D. No. 2018 provides that illegal recruitment shall be considered an offense involving economic sabotage if any of the following qualifying circumstances exists: *First*, when illegal recruitment is committed by a syndicate. For purposes of the law, a syndicate exists when three or more persons conspire or confederate with one another in carrying out any unlawful or illegal transaction, enterprise or scheme.<sup>[32]</sup> *Second*, there is economic sabotage when illegal recruitment is committed in a large scale, as when it is committed against three or more persons individually or as a group.<sup>[33]</sup>

The acts of accused-appellants showed unity of purpose. All these acts establish a common criminal design mutually deliberated upon and accomplished through

coordinated moves.<sup>[34]</sup>

Even assuming that there was no conspiracy, the record clearly shows illegal recruitment committed in a large scale, since at least six (6) complainants were victims, which is more than the minimum number of persons required by law to constitute illegal recruitment in a large scale, resulting in economic sabotage.

#### Penalty Imposable

The penalty imposable on such offense is life imprisonment and a fine of one hundred thousand pesos (P100,000.00).<sup>[35]</sup>

#### The Fallo

**WHEREFORE**, the Court **AFFIRMS** the decision of the Regional Trial Court, Quezon City, Branch 90 in Criminal Case No. 93-42592, dated December 29, 1994.

Costs against accused-appellants.

#### **SO ORDERED.**

*Davide, Jr., C.J., Puno, Kapunan, and Ynares-Santiago, JJ., concur.*

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\* The law helps persons who are deceived and not those deceiving.

<sup>[1]</sup> In Criminal Case No. 93-42592 dated December 29, 1994, Judge Abraham P. Vera, presiding.

<sup>[2]</sup> TSN, August 20, 1993, p. 349.

<sup>[3]</sup> The agency was located at 1166 Quirino Hi-way, Zabarte, Novaliches, Quezon City (TSN, August 20, 1993, p. 349).

<sup>[4]</sup> TSN, August 20, 1993, pp. 334-337.

<sup>[5]</sup> TSN, August 27, 1993, p. 360.

<sup>[6]</sup> RTC Decision, Rollo, pp. 42-45.

<sup>[7]</sup> TSN, August 20, 1993, pp. 333-338.

<sup>[8]</sup> TSN, October 14, 1993, pp. 379-384.

<sup>[9]</sup> TSN, September 24, 1993, pp. 374-378.

- [10] TSN, August 27, 1993, pp. 361-367.
- [11] TSN, August 20, 1993, pp. 352-357.
- [12] Ibid., pp. 341-345.
- [13] TSN, August 20, 1993, pp. 348-350.
- [14] TSN, September 9, 1993, pp. 368-373.
- [15] TSN, October 14, 1993, pp. 381-384; TSN, November 12, 1993, pp. 389-396.
- [16] RTC Record, pp. 250-254.
- [17] Rollo, p. 15.
- [18] RTC Record, p. 37.
- [19] RTC Record, p. 84.
- [20] RTC Decision, Rollo, pp. 28-50.
- [21] Notice of Appeal filed on February 22, 1995 (Rollo, p. 51). We resolved to accept the appeal on July 17, 1995 (Rollo, p. 52).
- [22] Appellant's Brief, Rollo, pp. 74-85.
- [23] People v. Agustin, 317 Phil. 897 (1995); People v. Hernandez, 304 SCRA 187 (1999); People v. Mercado, 304 SCRA 504 (1999).
- [24] People v. Apongan, 337 Phil. 393 (1997).
- [25] People v. Henson, 337 Phil. 318 (1997).
- [26] People v. Celis, G. R. Nos. 125307-09, October 20, 1999.
- [27] People v. Naparan, 225 SCRA 714, 723 (1993).
- [28] Sec. 1(d) of the Rules Implementing P. D. 1920, promulgated on July 12, 1984.
- [29] People v. Ong, G. R. No. 119594, January 18, 2000.
- [30] RTC Record, p. 81.

[31] People v. Tan Tiong Meng, 337 Phil. 572 (1997).

[32] People v. Guevarra, 306 SCRA 111 (1999).

[33] People v. Sagaydo, G. R. Nos. 124671-75, September 29, 2000.

[34] People v. Guevarra, supra, Note 32.

[35] People v. Guevarra, supra, Note 32.



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