



Republic of the Philippines  
**Supreme Court**  
 Baguio City

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 265876**  
 Plaintiff-appellee,

Present:

-versus-

LEONEN, *SAJ.*, *Chairperson*,  
 LAZARO-JAVIER,  
 LOPEZ, M.,  
 LOPEZ, J., and  
 KHO, *JJ.*

**MARIE ALVAREZ y LUMAJEN**  
**and MERCY\* GALLEDO y**  
**GAMBA,**  
 Accused-appellants.

Promulgated:

**APR 03 2024**

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**DECISION**

**LOPEZ, J., J.:**

This Court resolves an Appeal<sup>1</sup> filed by Marie Alvarez y Lumajen (Alvarez) and Mercy Galledo y Gamba (Galledo) assailing the Decision<sup>2</sup> of the Court of Appeals (CA). The CA affirmed with modifications the Judgment<sup>3</sup> of the Regional Trial Court (RTC), which found them guilty of large scale illegal recruitment under Section 6(l) and (m) of Republic Act No. 8042, as amended by Republic Act No. 10022, and sentenced them with the penalty of life imprisonment and a fine of PHP 2,000,000.00 each.

\* Also referred to as "Mercie" in some parts of the *rollo*/records.

<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 8-42. The May 26, 2022 Decision in CA-G.R. CR No. 43849 was penned by Associate Justice Alfredo D. Ampuan and concurred in by Associate Justices Pedro B. Corales and Raymond Reynold R. Lauigan of the Sixteenth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 44-60. The July 12, 2019 Judgment in Crim. Case Nos. R-MNL-18-03869-CR, R-MNL-18-03870-CR, R-MNL-18-03871-CR, and R-MNL-18-03872-CR was penned by Presiding Judge Marivic Balisi-Umali of Branch 20, Regional Trial Court, Manila.

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### **Antecedents**

Alvarez and Galleo were charged with the crime of large scale illegal recruitment defined under Section 6(l) and (m) of Republic Act No. 8042, as amended, in four separate Informations which read:

#### Criminal Case No. R-MNL-18-03869-CR

That in or about and sometime during the period comprised from April 5, 2016 to September 23, 2016, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment to DONNA FRANCE DITCHOSON y PALANAS, GLORIA D. LEONCIO, ALDRIN B. MERLAN, MICHAEL GEORGE C. LOPERA, JENELYN S. MACHICA, ARMANDO A. VALIENTE and IRENE GRAPE DUMALAG as Factory Workers in Japan, without first having secured the required license or authority from the Department of Labor and Employment and/or Philippine Overseas and Employment Administration (POEA) and charged or accept directly or indirectly from said complainants various amounts, as processing fee in consideration of their employment and without valid reasons and without the fault of the said DONNA FRANCE DITCHOSON y PALANAS, GLORIA D. LEONCIO, ALDRIN B. MERLAN, MICHAEL GEORGE C. LOPERA, JENELYN S. MACHICA [sic], ARMANDO A. VALIENTE and IRENE GRAPE DUMALAG, failed to actually deploy them and reimburse the expenses they incurred in connection with the documentation and processing of their papers, for the purpose of their deployment.

Contrary to law.<sup>4</sup>

#### Criminal Case No. R-MNL-18-03870-CR

That in or about and sometime during the period comprised from May 11, 2016 to October 2016, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping each other, representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment to JAYPERSON D. ILLESCAS, ALVIN D. LAPUZ and SALVADOR G. REMOLACIO, JR. as Factory Workers in Japan, without first having secured the required license or authority from the Department of Labor and Employment and/or Philippine Overseas and Employment Administration (POEA) and charged or accept directly or indirectly from said complainants various amounts, as processing fee in consideration of their employment and without valid reasons and without the fault of the said JAYPERSON D. ILLESCAS, ALVIN D. LAPUZ and SALVADOR G. REMOLACIO, JR., failed to actually deploy them and reimburse the expenses they incurred in connection with the documentation and processing of their papers, for the purpose of their deployment.

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<sup>4</sup> Records, p. 3.

Contrary to law.<sup>5</sup>

Criminal Case No. R-MNL-18-03871-CR

That in or about and sometime during the period comprised from June 18, 2016 to November 26, 2016, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment to EDISON C. PELEGRINA and JET P. DELA CRUZ as Factory Workers in Japan, without first having secured the required license or authority from the Department of Labor and Employment and/or Philippine Overseas and Employment Administration (POEA) and charged or accept directly or indirectly from said complainants the amount of P51,000.00 and P26,000.00, respectively, as processing fee in consideration of their employment and without valid reasons and without the fault of the said EDISON C. PELEGRINA and JET P. DELA CRUZ, failed to actually deploy them and reimburse the expenses they incurred in connection with the documentation and processing of their papers, for the purpose of their deployment.

Contrary to law.<sup>6</sup>

Criminal Case No. R-MNL-18-03872-CR

That in or about and sometime during the period comprised from April 5, 2016 to September 16, 2016, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, representing herself to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment to ROSEMARIE M. AGASEN and ANALIZA DELIOLA as Factory Workers in Japan, without first having secured the required license or authority from the Department of Labor and Employment and/or Philippine Overseas and Employment Administration (POEA) and charged or accept directly or indirectly from said complainants the amount of P25,000.00 and P28,000.00, respectively, as placement fee in consideration of his employment and without valid reasons and without the fault of the said ROSEMARIE M. AGASEN and ANALIZA DELIOLA, failed to actually deploy them and reimburse the expenses they incurred in connection with the documentation and processing of their papers, for the purpose of their deployment.

Contrary to law.<sup>7</sup>

Upon Motion of the prosecution, these cases were consolidated and tried jointly by the RTC.<sup>8</sup>

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<sup>5</sup> *Id.* at 114.

<sup>6</sup> *Id.* at 118.

<sup>7</sup> *Id.* at 122.

<sup>8</sup> *Rollo*, p. 12.

During arraignment, Alvarez and Galledo pleaded not guilty to the offense charged against them. Following the termination of the pre-trial conference, trial on the merits ensued.<sup>9</sup>

The prosecution presented the following witnesses: (1) Mercedita Maat (Maat), a labor employment officer from the Philippine Overseas Employment Administration (POEA); (2) private complainant Donna France Ditchoson y Palanas (Ditchoson); (3) private complainant Jenelyn S. Machica (Machica); and (4) private complainant Edison C. Pelegrina (Pelegrina) (collectively, private complainants). They also presented the following documentary evidence:

- 1) Affidavit dated March 24, 2017 executed by private complainant Ditchoson;
- 2) Receipt dated March 18, 2016 reflecting the amount of [PHP] 2,550.00;
- 3) Receipt dated [November 15,] 2016 reflecting the amount of [PHP] 6,000.00;
- 4) POEA Certification dated [June 6,] 2017;
- 5) POEA Certification dated August 13, 2018;
- 6) Receipt dated [July 5,] 2015 reflecting the amount of [PHP] 25,000.00;
- 7) Palawan Express Send Money Form dated [February 9,] 2017 reflecting the amount of [PHP] 2,500.00;
- 8) Affidavit dated [March 23,] 2017 executed by private complainant Machica;
- 9) Receipt dated [July 22,] 2016 reflecting the amount of [PHP] 25,000.00;
- 10) Palawan Express Send Money Form dated [January 20,] 2017 reflecting the amount of [PHP] 2,500.00; and
- 11) Receipt dated [March 3,] 2017 reflecting the amount of [PHP] 2,500.00.<sup>10</sup>

For its part, the defense presented Alvarez and Galledo as its witnesses. The defense did not offer any documentary evidence.<sup>11</sup>

For rebuttal, the prosecution presented Machica and Pelegrina. It likewise offered two photographs depicting Alvarez with Pelegrina and two other applicants for employment.<sup>12</sup>

During the proceedings, several of the cases were provisionally dismissed for failure of the other complainants to appear or due to the fact that the subpoenas were returned unserved. Criminal Case No. R-MNL-18-03869-CR was provisionally dismissed with respect to complainants Irene Grape Dumalag, Gloria D. Leoncio, Michael C. Lopera, Armando A. Valiente and Aldrin B. Merlan, but proceeded as regards the other complainants involved. Criminal Case Nos. R-MNL-18-03870-CR and R-MNL-18-03872-CR were provisionally dismissed for failure of all the complainants to appear. Criminal

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 12-13.

<sup>11</sup> *Id.* at 13.

<sup>12</sup> *Id.*

Case No. R-MNL-18-03871-CR was likewise provisionally dismissed with respect to complainant Jet dela Cruz. Due to these provisional dismissals, only Criminal Case Nos. R-MNL-18-03869-CR and R-MNL-18-03871-CR proceeded against Alvarez and Galledo, with Ditchoson, Machica, and Pelegrina as the private complainants.<sup>13</sup>

According to Ditchoson, she was introduced to Alvarez by a friend for purposes of overseas employment. Ditchoson and Alvarez first came in contact through a phone call where the former was told that she will be deployed as a farmer in Japan. Alvarez advised Ditchoson of various pre-employment requirements that she must comply with, such as the submission of several documents, attending Technical Education and Skills Development Authority (TESDA) and Japanese language trainings, and undergoing medical examination. During their phone conversation, Alvarez asked Ditchoson to pay processing fees in the total amount of PHP 25,000.00. They later met along Salas Street, Ermita, Manila, and proceeded to a diagnostic clinic for medical examination. Ditchoson paid PHP 2,500.00 for the medical examination for which a receipt was given. It was also on the same month that Ditchoson submitted her documentary requirements to Alvarez. Ditchoson later underwent training for the Japanese language and paid PHP 6,000.00, a receipt for which was given. On April 5, 2016, they met again in person in Ermita, Manila where Alvarez was accompanied by Galledo, to whom Ditchoson paid PHP 6,000.00 for the processing of her application. The latter gave an additional PHP 1,500.00 as payment for her TESDA training. Although no such training took place, Ditchoson was given a certificate. Alvarez assured Ditchoson that her contract would be ready for signing by December 2016. When this lapsed, Alvarez promised again that it would be ready by January 2017, yet she still failed to deliver. By March 2017, Ditchoson attempted to reclaim her money from Alvarez, but the latter assured her that the employment contract will be ready by March 22, 2017. Later, Ditchoson learned that Alvarez and Galledo had already been arrested because of several complaints filed against them before the National Bureau of Investigation (NBI).<sup>14</sup>

Machica testified that she knew Alvarez through a friend of her aunt and was informed about the recruitment of workers for Japan. Sometime in April 2016, Machica and Alvarez met along Ermita, Manila where the former was also informed of the pre-requirement procedures that they needed to comply with. Machica initially paid PHP 5,000.00 for her Japanese language training, followed by another PHP 2,500.00 as she was made to extend her lessons. These payments, however, were all made to Alvarez. She later underwent a TESDA training for food and beverage services for which she paid PHP 4,050.00. Subsequently, she was brought to Harrison Plaza, Pasay where she was introduced to Galledo, who would supposedly process her application and paid PHP 25,000.00. Galledo issued a receipt after payment,

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<sup>13</sup> *Id.* at 13–14.

<sup>14</sup> *Id.* at 14–16.

and assured Machica that she will be deployed to Japan in two months. When the promised period lapsed, Alvarez simply promised that Machica's employment contract would be ready by March 22, 2017. By that time, however, both Alvarez and Galledo were already in the custody of the NBI.<sup>15</sup>

Pelegrina's testimony likewise contained a similar recount of events involving Alvarez and Galledo. He was introduced to Alvarez through one of his friends in Ermita, Manila, where the latter promised Pelegrina that he would be included in the line-up of workers to be deployed to Japan. It was in this meeting that Alvarez apprised him of the various pre-employment requirements and procedures. After submitting his documents, Pelegrina was informed by Alvarez that he would need to pay a placement fee of PHP 80,000.00. Alvarez brought Pelegrina to an office behind the Department of Foreign Affairs (DFA) and introduced him to Galledo. During the meeting, Pelegrina gave Galledo an initial payment of PHP 25,000.00 and assured him that he will pay the balance once he secures a job. Galledo told him to wait for their next instructions. Subsequently, Pelegrina was informed that a job order was secured and that he needed to pay PHP 10,000.00. Pelegrina paid Alvarez PHP 2,500.00 as that was his available money at the time. Pelegrina was later made to sign a purported employment contract, but he was unable to read it properly and he was not given his own copy. He was made to pay additional fees totaling to approximately PHP 85,000.00, although the receipts of such payments remained with Alvarez. Pelegrina's Japanese visa and overseas employment never materialized.<sup>16</sup>

On the part of the defense, Alvarez denied knowing any of the complainants. She alleged that from April 2016 to September 2016, she was engaged in the business of selling rose gold and other fashion jewelry while also working as a manicurist. Alvarez claimed that she met several individuals who purchased from her on credit, and who later became upset when she came to collect their payments. She denied being a recruiter, although admitted that she was facing charges of illegal recruitment in other branches of court.<sup>17</sup>

As for Galledo, she testified that she was a vendor of cooked food and cold cuts at her area of residence. She denied meeting or recruiting any of the private complainants and receiving money from them. Galledo contended that the signatures appearing on the various receipts were not hers. She admitted, however, that there were other cases of illegal recruitment filed against her before other branches of the court. Galledo also admitted that she initiated the settlement of the civil aspect of the case by paying the amount of PHP 50,000.00, which was divided among the private complainants. She claimed that she had only met Alvarez for the first time at the NBI Office.<sup>18</sup>

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<sup>15</sup> *Id.* at 16–17.

<sup>16</sup> *Id.* at 17–18.

<sup>17</sup> *Id.* at 18–19.

<sup>18</sup> *Id.* at 19.

The RTC found both Alvarez and Galledo guilty beyond reasonable doubt of large scale illegal recruitment, ruling that the direct, positive, and categorical testimonies of the private complainants, who did not show any ill-will on their part, prevail over their mere denial. The RTC explained that the conspiracy to recruit and defraud the private complainants was evident from the actions of Alvarez and Galledo before, during, and after the commission of the offense. The relevant portion of the Decision<sup>19</sup> states:

Upon the facts and evidence presented, the Court is morally convinced that accused Marie Alvarez y Lumajen and Mercy Galledo y Gamba are GUILTY beyond reasonable doubt of the crime of illegal recruitment as defined and penalized under Republic Act No. 8042.

There is no question that the complaining witnesses suffered mental anguish and embarrassment because they were not deployed to Japan and are hereby awarded fifty thousand pesos ([PHP] 50,000.00) for moral damages.

The complaining witnesses should also be reimbursed of the amounts they gave the accused for their promised job in Japan, as civil liability. For Donna France [Ditchoson] sixteen thousand pesos ([PHP] 16,000.00), Jenelyn Machica thirty[-]six thousand pesos ([PHP] 36,000.00), and sixty three thousand pesos ([PHP] 63,000.00) for Edison Pelegrina.

In Criminal Case No. R-MNL-18-03869-CR, the Court finds the accused MARIE ALVAREZ and MERCY GALLEDO GUILTY beyond reasonable doubt of illegal recruitment as defined under Republic Act No. 8042 and hereby sentences each of them to suffer the penalty of SIX (6) YEARS AND ONE (1) DAY TO TEN (10) YEARS imprisonment and to pay a fine of TWO MILION PESOS (PHP 2,000,000.00)[.]

They are also ordered to indemnify Donna France Ditchoson and Jenelyn Machica the amounts [of] sixteen thousand pesos ([PHP] 16,000.00)[,] fifty thousand pesos ([PHP] 50,000.00)[,] thirty six thousand five hundred fifty pesos ([PHP] 36,550.00)[,] and fifty thousand pesos ([PHP]50,000.00) as civil liability and moral damages, respectively.

In Criminal Case No. R-MNL-18-03871-CR, the Court finds the accused MARIE ALVAREZ and MERCY GALLEDO GUILTY beyond reasonable doubt of illegal recruitment as defined under Republic Act No. 8042 and hereby sentences each of them to suffer the penalty of SIX (6) YEARS AND ONE (1) DAY TO TEN (10) YEARS imprisonment and to pay a fine of TWO MILLION PESOS ([PHP] 2,000,000.00).

They are also ordered to indemnify Edison Pelegrina the amounts of sixty three thousand pesos ([PHP] 63,000.00) and fifty thousand pesos ([PHP] 50,000.00) as civil liability and moral damages, respectively.

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<sup>19</sup> *Id.* at 44-60.

SO ORDERED.<sup>20</sup>

Aggrieved, Alvarez and Galleo appealed before the CA arguing that there were only two private complainants who took the witness stand, hence negating the charge that recruitment was done large scale, which required at least three. They asserted that the prosecution also failed to prove actual recruitment, given that all the private complainants were introduced through their friends and relatives. They also alleged that the employment contracts would have been signed had they not been arrested. Finally, they assailed the award of civil liability, asserting that the private complainants were not able to present official receipts of the payments they made.<sup>21</sup>

The CA denied their appeal, finding that all the elements of large scale recruitment were present, likewise giving rise to civil liability. It modified the penalty in accordance with Section 7(b) of Republic Act No. 8042, as amended, which provides that the penalty of life imprisonment shall be imposed if the illegal recruitment constitutes economic sabotage. Legal interest of 6% per annum was likewise imposed upon their civil liability. The dispositive portion of the Decision<sup>22</sup> reads as follows:

WHEREFORE, the instant appeal is DENIED. The Judgment dated 12 July 2019 of the Regional Trial Court, Branch 20, Manila City, in Criminal Case Nos. R-MNL-18-03869-CR and R-MNL-18-03871-CR, finding accused-appellants MARIE ALVAREZ y LUMAJEN AND MERCY GALLEDO guilty beyond reasonable doubt of large scale illegal recruitment as defined under Sections 6(l) and (m) of [R.A.] No. 8042, as amended by [R.A. No.] 10022 is AFFIRMED with MODIFICATION in that:

- a) Accused-appellants MARIE ALVAREZ y LUMAJEN AND MERCY GALLEDO are hereby sentenced to suffer the penalty of life imprisonment and a fine of [PHP] 2,000,000.00 each;
- b) Legal interest rate of six percent (6%) per annum is imposed on the total amount of accused-appellants' civil liability to be computed from the date of the finality of this Decision until full payment; and
- c) The award of moral damages is hereby DELETED for lack of basis.

All other aspects of the assailed Judgment STAND.

SO ORDERED.<sup>23</sup>

Hence, this recourse.

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<sup>20</sup> *Id.* at 20–21.

<sup>21</sup> *Id.* at 22.

<sup>22</sup> *Id.* at 8–42.

<sup>23</sup> *Id.* at 41–42.



### Issue

Whether the CA correctly affirmed the conviction of Marie Alvarez y Lumajen and Mercy Galledo y Gamba for large scale recruitment under Republic Act No. 8042, as amended.

### This Court's Ruling

Large scale recruitment is defined in Section 6(l) and (m) of Republic Act No. 8042, as amended,<sup>24</sup> as follows:

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 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:

....

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

(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; and

....

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.

This Court has enunciated the elements of illegal recruitment in the following manner:

Under RA 8042, a non-licensee or non-holder of authority is liable for Illegal Recruitment when the following elements concur: (1) the offender has no valid license or authority required by law to enable him to lawfully engage in recruitment and placement of workers; and (2) the

<sup>24</sup> Republic Act No. 8042 (1995), as amended by Republic Act No. 10022 (2009).

offender undertakes any of the activities within the meaning of “recruitment and placement” under Article 13(b) of the Labor Code, or any of the prohibited practices enumerated under Article 34 of the Labor Code (now Section 6 of RA 8042). In the case of Illegal Recruitment in Large Scale, a third element is added: that the offender commits any of the acts of recruitment and placement against three or more persons, individually or as a group.

Moreover, “[t]o prove [I]llegal [R]ecruitment, it must be shown that the accused gave the complainants the distinct impression that [he or she] had the power or ability to deploy the complainants abroad in [such] a manner that they were convinced to part with their money for that end.”<sup>25</sup> (Citation omitted)

This Court is convinced that the prosecution was able to prove all three elements of large scale illegal recruitment in this case.

First, as found by the CA, the prosecution presented two POEA Certifications confirming that neither of the accused-appellants were licensed or authorized to recruit and deploy workers overseas.<sup>26</sup> While accused-appellants insist that the POEA did not testify on the Certification presented in evidence, this does not negate its probative value. Rule 132, Section 23 of the Rules of Court plainly provides that public documents, such as the POEA certification in question, are *prima facie* evidence of the facts stated in such documents:

Section 23. *Public documents as evidence.* — Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

Given this presumption in favor of the contents in a public document, the burden was on accused-appellants to prove their inauthenticity. Notably, however, they never disputed the contents of the certifications presented.

The second element requires that accused-appellants should have given the private complainants the distinct impression that they had the power or ability to deploy them abroad in a manner that they were convinced to part with their money for that end. The crux of the determination of whether an activity was for recruitment or not is the promise or offer of employment for a fee.<sup>27</sup>

In this case, it is clear from the testimonies that accused-appellants perpetrated a scheme of making unsuspecting applicants believe that they had

<sup>25</sup> *People v. Imperio*, 887 Phil. 97, 111 (2020) [Per J. Hernando, Second Division].

<sup>26</sup> *Rollo*, p. 36.

<sup>27</sup> *People v. Domingo*, 602 Phil 1037, 1046 (2009) [Per J. Carpio Morales, Second Division].

the capacity to recruit and deploy them as workers to Japan. This was manifested in their acts of giving details as to the application requirements, assisting them during their pre-employment medical examination, and receiving payment for the supposed processing of their visa and other application papers. Specifically, the testimony of Ditchoson shows that:

[Direct Testimony of Ditchoson by Assistant City Prosecutor Rosalie T. Mazo-Atienza]

FISCAL MAZO-ATIENZA:

May I proceed, your Honor. So, before you met MARIE ALVAREZ on March 8, 2016, you already had previous conversation with her?

WITNESS:

Yes, ma'am thru cellphone.

FISCAL:

And you have talked about what?

WITNESS:

How to apply for Japan, ma'am.

COURT: (QUESTION FROM THE COURT:)

Did she tell you anything about what you are going to do in Japan?

WITNESS:

Yes, your Honor.

COURT: (QUESTION FROM THE COURT:)

What?

WITNESS:

That I am going to work as a Farmer, your Honor.

COURT: (QUESTION FROM THE COURT:)

What else did she tell you?

WITNESS:

Before we can apply, we have to undergo medical examination, submit the required documents, and she told us to study the Nihongo language, your Honor.

COURT: (QUESTION FROM THE COURT:)

What else?

WITNESS:

And also TESDA, your Honor, because according to her it is also one of the requirements.

COURT: (QUESTION FROM THE COURT:)

What else?

WITNESS:

*Sa processing fee din po nagbayad kami ng partial payment doon. Saka na na [sic] daw po ibinigay yung full payment namin sa kanila pag may visa na daw po pag paalis na kami, pag signing contract na din po.*

FISCAL MAZO-ATIENZA:

How much was the processing fee?

WITNESS:

Professing fee *po*, a total of TWENTY FIVE THOUSAND PESOS ([PHP] 25,000.00), *pero ang partial payment po na ibinigay ko lang kasi sa farm po ako SIX THOUSAND PESOS ([PHP] 6,000.00) muna.*<sup>28</sup>

....

FISCAL MAZO-ATIENZA:

So, when did you pay your processing fee?

WITNESS:

April 5, *sa karatig* Robinson's place, *sa loob po ng mall.*

FISCAL MAZO-ATIENZA:

To whom did you pay?

WITNESS:

To MERCIE, ma'am.

COURT: (QUESTION FROM THE COURT:)

Why is MERCIE there when you merely transacted with MARIE earlier?

WITNESS:

I was referred to MERCIE by MARIE, your Honor.

FISCAL MAZO-ATIENZA:

When for the first time did you meet MERCIE?

WITNESS:

On April 5, when we paid the processing fee, ma'am.

FISCAL MAZO-ATIENZA:

So, you mean to say that MARIE and MERCIE were together on April 5, 2016?

WITNESS:

They had other companions, ma'am. MERCIE received my processing fee.<sup>29</sup>

The testimony of Machica likewise established that she was promised employment for a fee:

<sup>28</sup> TSN, Donna France Ditchoson, July 30, 2018, pp. 7-8.

<sup>29</sup> *Id.* at 13-14.

ACP MAZO-ATIENZA:

When you met Marie at Salas Street, Ermita, what did you talk about?

WITNESS:

She told me about the job in Japan but first of all, we have to process the requirements.<sup>30</sup>

....

ACP MAZO-ATIENZA:

After you underwent all these trainings that were required of you, what was the next step?

WITNESS:

We paid [PHP] 25,000.00.

ACP MAZO-ATIENZA:

For what?

WITNESS:

For the processing of our papers, ma'am.

COURT:

To whom did you pay that [PHP] 25, 000.00?

WITNESS:

Kay Ma'am Mercy Galleo.<sup>31</sup>

Finally, Pelegrina's testimony revealed the same scheme perpetuated by accused-appellants:

ACP MAZO-ATIENZA:

So, aside from submitting your documents to her, what other matters transpired during that time?

WITNESS:

She assured me that she is going to put me in the line-up for deployment to Japan and she will inform me when I will be having my medical examination and the other things, ma'am.

ACP MAZO-ATIENZA:

So, aside from submitting documents, what are the requirements in the application for Japan?

WITNESS:

Passport, resume, TESDA, medical[,] and also Certificate of Employment *ko* before, ma'am.

ACP MAZO-ATIENZA:

Was there any placement fee?

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<sup>30</sup> TSN, Jenelyn Machica, August 15, 2018, p. 4.

<sup>31</sup> *Id.* at 7.

WITNESS:

Yes, ma'am.

COURT:

How much?

WITNESS:

She said that the placement fee will depend on the nature of the work that will be given to me, Your Honor.

ACP MAZO-ATIENZA:

And so how much did you pay, if any, for the processing of your application?

WITNESS:

She demanded the amount of Eighty Thousand Pesos ([PHP] 80,000.00) as processing fee and I asked if was it possible for me to give Twenty-Five Thousand Pesos ([PHP] 25,000.00) because I was going to borrow the amount and Marie said she will have to consult with Mercy Galleo because it was Mercy who took care of the documentation, ma'am. Marie also told me that once I pay, she will introduce me to Mercy.

ACP MAZO-ATIENZA:

Were you able to pay your promise of Twenty-Five Thousand Pesos ([PHP] 25,000.00)?

WITNESS:

When I paid Twenty-Five Thousand Pesos ([PHP] 25,000.00), Mercy was there, ma'am.

COURT:

To whom did you pay the Twenty-Five Thousand Pesos ([PHP] 25,000.00)?

WITNESS:

I gave the amount of Twenty-Five Thousand Pesos ([PHP] 25,000.00) to Mercy[,] which Mercy handed over to her secretary, Your Honor.<sup>32</sup>

Clearly, accused-appellants both made promises of employment to their recruits—private complainants in this case—for monetary consideration. Apart from the similar schemes of recruitment, it bears noting that despite the passage of months from the payment of their processing fees, none of the promises of deployment came into fruition. Further, the private complainants's testimonies showed that they paid various amounts of money to accused-appellants which the latter have failed to reimburse.

As their defense, accused-appellants primarily relied on denial and pointed out that none of the private complainants have been able to produce receipts. Nevertheless, this Court has pronounced that the failure to produce receipts is not fatal to the prosecution:

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<sup>32</sup> TSN, Edison C. Pelegrina, December 17, 2018, pp. 3-4.

In illegal recruitment, mere failure of the complainant to present written receipts for money paid for acts constituting recruitment activities is not fatal to the prosecution, provided the payment can be proved by clear and convincing testimonies of credible witnesses.<sup>33</sup> (Citation omitted)

Verily, the private complainants's failure to present all the receipts does not mean that they did not part with their money in the context of recruitment activities. As can be clearly ascertained from their testimonies, private complainants paid PHP 6,000.00, PHP 25,000.00, and PHP 25,000.00, respectively, intended as processing fees for their purported employment applications, this is aside from the other payments they made to the accused-appellants.

Finally, the third and additional element for large scale illegal recruitment under Rule IV, Section 2 of Republic Act No. 8042, as amended by Republic Act No. 10022, is that the illegal recruitment be committed against three or more persons individually or as a group. The same provision qualifies such large scale illegal recruitment as a "crime involving economic sabotage." As can be seen from the records of this case, accused-appellants approached at least three individuals and offered employment abroad for a fee despite having no authority to do so, thereby constituting large scale illegal recruitment.

We likewise find no compelling reason to disturb the findings of the RTC and the CA on the existence of a conspiracy between accused-appellants, since each of them had a role in the recruitment of the private complainants. Conspiracy to defraud aspiring overseas contract workers was evident from the acts of the malefactors whose conduct before, during, and after the commission of the crime clearly indicated that they were one in purpose and united in its execution.<sup>34</sup> Here, all three testimonies show an assignment of roles among them, where accused-appellant Alvarez would first meet with the applicants and explain the documentary and training requirements for deployment to Japan, and later introduce them to accused-appellant Galledo who would receive their payments for the processing fees. As such, both of them are equally guilty of the crime of illegal recruitment since, in conspiracies, the act of one is the act of all.

As for the penalties, Section 5 of Republic Act No. 8042, as amended, provides that the penalty of life imprisonment and a fine of not less than PHP 2,000,000.00 nor more than PHP 5,000,000.00 shall be imposed if illegal recruitment constitutes economic sabotage as defined.

<sup>33</sup> *People v. Rios*, 871 Phil. 774, 806 (2020) [Per J. Caguioa, First Division].

<sup>34</sup> *People v. Gamboa*, 395 Phil. 675, 685 (2000) [Per J. Bellosillo, Second Division]. (Citation omitted)

Given this, the penalty imposed by the CA of life imprisonment and a fine of PHP 2,000,000.00 for each of the accused-appellants are in accordance with law and are sustained.

As for the civil liability, we note that the scrutiny of the amounts to be reimbursed to private complainants is a highly factual matter. We emphasize the rule that this Court does not review factual questions, primarily because it is not a trier of facts and it is generally not inclined to reexamine and reevaluate the evidence of the parties, whether testimonial or documentary.<sup>35</sup> It is established that the factual findings by the RTC, particularly when affirmed by the CA, are generally binding upon this Court, thus:

[F]actual findings of the trial court, particularly when affirmed by the Court of Appeals, are binding upon this Court. They are entitled to utmost respect and even finality, if there is no palpable error that would warrant a reversal of the lower courts' assessment of facts.<sup>36</sup> (Citation omitted)

Given this, we affirm the reimbursable amounts determined by the trial court, as justified under Article 2199 of the Civil Code which provides for actual or compensatory damages, as adequate compensation for duly proved pecuniary losses. The prosecution in this case was able to offer various receipts showing that PHP 16,000.00 was paid by Ditchoson, PHP 36,550.00 by Machica, and PHP 63,000.00 by Pelegrina. Following jurisprudence, the liability for co-conspirators in illegal recruitment is solidary in nature, and each debtor may be compelled to pay the entire obligation.<sup>37</sup>

Finally, given that Article 2211 of the Civil Code provides that interest as part of the damages may be adjudicated at the discretion of the court, we affirm the legal interest of 6% per annum on the monetary awards, to be computed from the date of the finality of this Decision until its full payment.

**ACCORDINGLY**, the Appeal is **DISMISSED**. The May 26, 2022 Decision of the Court of Appeals in CA-G.R. CR No. 43849 is **AFFIRMED**. Accused-appellants Marie Alvarez y Lumajen and Mercy Galledo y Gamba are **GUILTY** beyond reasonable doubt of large scale illegal recruitment as defined under Section 6(l) and (m) of Republic Act No. 8042, as amended by Republic Act No. 10022. They are each sentenced to suffer the penalty of life imprisonment and to **PAY** a fine of PHP 2,000,000.00 each.

Accused-appellants Marie Alvarez y Lumajen and Mercy Galledo y Gamba are solidarily liable to indemnify private complainants Donna France Ditchoson y Palanas in the amount of PHP 16,000.00, Jenelyn S. Machica in

<sup>35</sup> *JR Hauling Services v. Solamo*, 886 Phil. 842, 857–858 (2020) [Per J. Hernando, Second Division].

<sup>36</sup> *Philippine Savings Bank v. Sakata*, 874 Phil. 545, 566 (2020) [Per J. Leonen, Third Division].

<sup>37</sup> *People v. Velasco*, 737 Phil. 116, 130 (2014) [Per J. Bersamin, First Division]. (Citation omitted)



the amount of PHP 36,550.00, and Edison C. Pelegrina in the amount of PHP 63,000.00 as civil liability.

Legal interest at the rate of 6% per annum is imposed on the total amount of accused-appellants' civil liability to be computed from the date of the finality of this Decision until full payment.

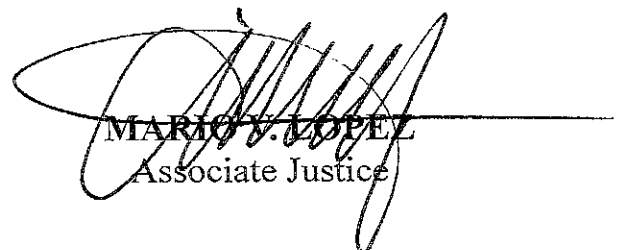
**SO ORDERED.**

  
**JHOSEP Y. LOPEZ**  
Associate Justice

**WE CONCUR:**

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

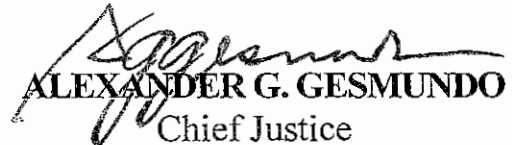
**ATTESTATION**

I attest 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 Court's Division.

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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 Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice