



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,** **OF THE G.R. No. 258753**

Plaintiff-appellee, Present:

-versus-

GESMUNDO, *C.J., Chairperson,*  
 HERNANDO,\*  
 ZALAMEDA,  
 ROSARIO, and  
 MARQUEZ, *JJ.*

**LOURDES RIVERA, JOSIE**  
**POY LORENZO, and**  
**ANGELITA DAYRIT,**  
 Accused,

**LOURDES RIVERA,**  
 Accused-appellant.

Promulgated:  
**JUN 26 2024**  
*metebull*

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**DECISION**

**MARQUEZ, J.:**

Before the Court is an appeal from the Decision<sup>1</sup> of the Court of Appeals (CA) which affirmed with modification the Decision<sup>2</sup> of the Regional Trial Court (RTC) finding accused-appellant Lourdes Rivera (Rivera) guilty beyond reasonable doubt of illegal recruitment in large scale under Section 6 of Republic Act No. 8042<sup>3</sup> and three counts of estafa under

\* On Official Leave.  
<sup>1</sup> CA *rollo*, pp. 155–168. The June 15, 2021 Decision in CA-G.R. CR No. 09529 was penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Marlene Gonzales-Sison and Bonifacio S. Pascua of the Eighth Division, Court of Appeals, Manila.  
<sup>2</sup> *Rollo*, pp. 23–40. The June 7, 2017 Decision in Criminal Case No. 06-241749-65 was penned by Presiding Judge Jansen R. Rodriguez of Branch 6, Regional Trial Court, Manila.  
<sup>3</sup> Republic Act No. 8042 (1995), An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress, and for Other Purposes.

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Article 315, paragraph 2(a) of the Revised Penal Code.<sup>4</sup>

Private complainant Michael Silva (Michael) narrated that he met Rivera through Rosaida Resinto (Resinto), who accompanied Michael, his sister Michelle Silva (Michelle) and mother Teresita De Silva (Teresita) to the office of Rivera in Malate, Manila, to seek work placements in London, United Kingdom. During their meeting, Rivera represented to Michael that she would provide him with a job opportunity as a hotel maintenance employee in London with a monthly salary of PHP 100,000.00 for a one-year contract and deploy him within two months.<sup>5</sup>

Michael also stated that Rivera showed him an employment contract for a job in London, which made him believe that Rivera had the capability to deploy workers overseas. Michael paid Rivera a placement fee of PHP 150,000.00 for which he was issued a receipt by Rivera. Thereafter, he was asked to sign an employment contract in a separate room in the office. Two months later, Michael returned to Rivera's office where he was only able to talk to Angelita Dayrit (Dayrit) and Josie Poy Lorenzo (Lorenzo) as Rivera was said to be no longer reporting there. He then noticed that several applicants were asking for a refund of their placement fees. He learned that Rivera was not a licensed recruiter. Michael and 18 other recruits were not deployed overseas as promised, prompting them to file complaints against Rivera, Lorenzo, and Dayrit for illegal recruitment and estafa.<sup>6</sup>

Private complainant Michelle recounted that she signed an employment contract for a front desk office job in a hotel in London with a salary of GBP 16.00 per hour at Rivera's office on July 9, 2004, along with Michael and Teresita. Michelle handed over her placement fee of PHP 150,000.00 to Rivera's secretary, Lorenzo, who gave her a receipt. Rivera told her that she would be deployed after two or three months and required her to undergo trainings which cost her PHP 7,500.00. Michelle renewed her medical examinations and paid another PHP 3,500.00 but did not receive any update from Rivera after the trainings. Michelle followed up her application at Rivera's office several times, but she only talked to Lorenzo and Dayrit who could not provide her with any information about her deployment to London. She later found out that Rivera's agency was not licensed to recruit workers for deployment abroad after verifying with the Philippine Overseas and Employment Agency (POEA), which led Michelle and other victims to file complaints against Rivera, Lorenzo, and Dayrit.<sup>7</sup>

Private complainant Teresita recounted that she met Rivera through her agent Resinto, and together with her children, Michael and Michelle, they applied for work in London as hotel staff members. She paid Rivera PHP 200,000.00 as placement fee and signed a contract, but she and her

<sup>4</sup> Act No. 3815 (1930), The Revised Penal Code.

<sup>5</sup> CA rollo, p. 159.

<sup>6</sup> *Id.* at 159-106.

<sup>7</sup> *Id.* at 160.

children were never deployed to London. Nor were their placement fees returned by Rivera. Teresita also incurred medical examination expenses required by Rivera.<sup>8</sup>

On the other hand, Rivera claimed that she did not know Lorenzo and Dayrit and only met them once in Pampanga.<sup>9</sup> In 2004, Rivera worked as a singer in a club and was engaged in buy and sell and lending businesses. She stated that she did not sign the receipts that were supposedly issued to private complainants.<sup>10</sup>

Rivera, along with Lorenzo and Dayrit, was charged with illegal recruitment in large scale and 16 counts<sup>11</sup> of swindling (estafa).<sup>12</sup>

Only the cases against Rivera proceeded as her co-accused Lorenzo and Dayrit remained at large, such that the cases against the two were archived. Arraigned on February 22, 2006, Rivera, assisted by counsel de parte, pleaded not guilty.<sup>13</sup>

The RTC found that the prosecution has proven the elements of the crimes of illegal recruitment in large scale<sup>14</sup> and estafa under Article 315, paragraph 2(a) of the Revised Penal Code.<sup>15</sup>

The dispositive portion of the RTC decision provides:

**WHEREFORE**, premises considered, this Court finds the accused **LOURDES RIVERA** guilty of the following crimes and hereby sentences her to suffer the prison term of:

Criminal Case No.	Crimes	Prison Term
06-241765	Violation of Article 38 (a), Presidential Decree No. 1412, amending certain provisions of Book 1, Presidential Decree [No.] 442, otherwise [known] as the New Labor Code of the Philippines, in relation to Article 13 (b) & (c) of said Code as further amended by Presidential Decree Nos. 1693, 1920 and 2018 and Section 6 (a), (l) and (m) of Republic Act [No.]	Life imprisonment and the fine of [PHP 500,000.00]

<sup>8</sup> *Id.* at 160–161.

<sup>9</sup> *Rollo*, p. 29.

<sup>10</sup> *Id.* at 30.

<sup>11</sup> RTC records, vol. 1, pp. 2, 246–260.

<sup>12</sup> *CA rollo*, pp. 155–157.

<sup>13</sup> *Id.* at 158–159.

<sup>14</sup> *Rollo*, p. 31.

<sup>15</sup> *Id.* at 37.

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06-241751	Article 315, par. 2 (a) Revised Penal Code	[six years] and one day as minimum to [30] years of reclusion temporal as maximum.
06-241752	Article 315, par. 2 (a) Revised Penal Code	[six years] and one day as minimum to [30] years of reclusion temporal as maximum.
06-241753	Article 315, par. 2 (a) Revised Penal Code	[six years] and one day as minimum to [30] years of reclusion temporal as maximum.

With respect to Criminal Case Nos. 06-241749, 06-241750, 06-241754, 06-241755, 06-241756, 06-241757, 06-241758, 06-241759, 06-241760, 06-241761, 06-241762, 06-241763 and 06-241764, the same are sent to the **ARCHIVES**.

Issue a warrant of arrest against the accused Josie Poy Lorenzo and Angelita Dayrit.

Let a copy of this Decision be furnished to the Commissioner of the Bureau of Immigration.

SO ORDERED.<sup>16</sup> (Emphasis in the original)

Consequently, Rivera filed an appeal before the CA, but the appellate court affirmed the ruling of the RTC with modification in the actual damages awarded.<sup>17</sup>

The CA held that the elements of illegal recruitment in large scale were sufficiently established by the prosecution.<sup>18</sup> Rivera cannot escape liability for illegal recruitment in large scale on the pretext that she was not the one who recruited private complainants or that she never conspired with Lorenzo and Dayrit in processing their applications. Their combined actuations showed a common criminal design to lure private complainants to part with their money and then run.<sup>19</sup>

Likewise, the appellate court ruled that the elements of estafa were satisfactorily established.<sup>20</sup> Rivera pretended to possess power to deploy persons for overseas placement, despite knowing fully well that she no longer had any license or authority to do so.<sup>21</sup>

<sup>16</sup> *Id.* at 39-40.

<sup>17</sup> *CA rollo*, p. 168.

<sup>18</sup> *Id.* at 163-166.

<sup>19</sup> *Id.* at 166.

<sup>20</sup> *Id.* at 166-167.

<sup>21</sup> *Id.* at 167.

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Additionally, the CA deemed it proper to order Rivera to reimburse the placement fees paid by Michael and Michelle amounting to PHP 150,000.00 each, and by Teresita amounting to PHP 200,000.00.<sup>22</sup> Accordingly, the CA issued the assailed Decision with the following dispositive portion:

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED**. The assailed Decision of the RTC dated [June 7, 2017] in Criminal Case Nos. 06-241765 and 06-241751 to 241753 is hereby **AFFIRMED** with **MODIFICATION** that Lourdes Rivera is further ordered to pay Michael Silva, Michelle Silva, and Teresita De Silva [PHP] 150,000.00, [PHP] 150,000.00 and [PHP] 200,000.00, respectively[,] as actual damages, all with legal interest at the rate of [6%] *per annum* computed from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>23</sup> (Emphasis in the original)

Hence, this instant appeal.

To constitute illegal recruitment in large scale, three elements must concur: (1) the offender has no valid license or authority required by law to enable lawful engagement in recruitment and placement of workers; (2) the 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 said Code (now Section 6 of Republic Act No. 8042); and (3) the offender committed the same against three or more persons, individually or as a group.<sup>24</sup>

Inarguably, based on the records, it is evident that the Rain Ruiz Travel Consultancy Services, represented by Rivera, Lorenzo, and Dayrit, did not have the necessary license and authority to recruit workers for overseas employment based on the following: (1) a Certification dated May 20, 2005 issued by Yolanda E. Paragua, Officer-in-Charge, Licensing Branch of POEA;<sup>25</sup> and (2) Certification dated June 27, 2007 issued by Melchor B. Dizon, Director IV, Licensing and Regulation Office, POEA.<sup>26</sup> The latter certification stated that Manasia, Inc., a land-based agency where Rivera served as a board member, had a license issued on December 7, 1981 but expired on November 7, 2001 and was never renewed. Further, on December 19, 2001, the POEA delisted Manasia Inc. as a licensed agency. The fact that Rivera, Lorenzo, and Dayrit, the Rain Ruiz Travel Consultancy Services, or the Manasia, Inc. had no license or authority to recruit workers for overseas work was corroborated by Severino Maranan, a POEA

<sup>22</sup> *Id.* at 168.

<sup>23</sup> *Id.*

<sup>24</sup> *People v. Daud*, 734 Phil. 698, 715 (2014) [Per J. Leonardo-De Castro, First Division].

<sup>25</sup> RTC records, vol. 1, pp. 48, 68, 89.

<sup>26</sup> *Id.* at 348.

inspector, in his testimony.<sup>27</sup> It is therefore irrefutable that the first element is present.

The second element is also present. Under Article 13(b) of the Labor Code, recruitment and placement are defined as “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.” In the simplest terms, illegal recruitment is committed by persons who, without authority from the government, give the impression that they have the power to send workers abroad for employment purposes,<sup>28</sup> as in this case. The positive identification made by Michael, Michelle, and Teresita of Rivera as the person who promised them employment and deployment to London, along with the requirement imposed by Rivera for them to undergo training and medical examinations, constitutes compelling evidence of the commission of illegal recruitment.

Finally, the third element is also present since the act of illegal recruitment was committed against the three private complainants mentioned earlier.

Well-entrenched in our jurisprudence is the rule that the Court is not a trier of facts. Such factual findings of the CA, which affirmed those of the RTC as the trial court, are now even binding on us.<sup>29</sup> It is also crucial to note that without any evidence to show that private complainants were propelled by any ill motive to testify falsely against accused-appellant, we shall accord their testimonies full faith and credit. After all, the doctrinal rule is that findings of fact made by the trial court, which had the opportunity to directly observe the witnesses and to determine the probative value of their testimonies, are entitled to great weight and respect because the trial court is in a better position to assess the same, an opportunity not equally open to the appellate court. The absence of any showing that the trial court plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case, or that its assessment was arbitrary, impels the Court to defer to the trial court’s determination on the credibility of the prosecution evidence.<sup>30</sup> Accordingly, this Court accepts the factual findings of the CA.

In the case at bench, the testimonies of private complainants were unequivocal and categorical, particularly with respect to how they met Rivera, the assurance of employment and deployment abroad, and the payment of placement fees.

The Court likewise upholds Rivera’s conviction for estafa under

<sup>27</sup> TSN, Severino Maranan, July 2, 2007, p. 7.

<sup>28</sup> *People v. Daud*, 734 Phil. 698, 714 (2014) [Per J. Leonardo-De Castro, First Division].

<sup>29</sup> *People v. Sps. Cagalingan*, 800 Phil. 680, 695 (2016) [Per J. Bersamin, First Division].

<sup>30</sup> *People v. Chua*, 695 Phil. 16, 30 (2012) [Per J. Villarama, Jr., First Division].

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Article 315(2)(a) of the Revised Penal Code.

The elements of estafa by means of deceit are the following: (1) that there must be a false pretense or fraudulent representation as to power, influence, qualifications, property, credit, agency, business, or imaginary transactions; (2) that such false pretense or fraudulent representation was made or executed prior to or simultaneously with the commission of the fraud; (3) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with the offended party's money or property; and (4) that, as a result thereof, the offended party suffered damage.<sup>31</sup>

In the instant case, the prosecution satisfactorily proved that Rivera misled private complainants by holding out her office as having the authority and ability to facilitate their deployment to London, despite the fact that said office was not licensed by the POEA to recruit workers for overseas employment. Relying on the assurances made by Rivera, such as the promise of a job in London and deployment after two to three months, private complainants parted with their hard-earned money to pay the agreed placement fees and other expenses for training and medical examinations. Rivera also issued signed receipts<sup>32</sup> to private complainants, which served as evidence of her receipt of the payments. As a result, private complainants suffered damage as the promised employment abroad never materialized and they never recovered the placement fees they paid due to the false pretenses and illegal acts of Rivera.

As regards the penalty, considering that the crime was committed in 2004, the applicable law governing the proper penalty to be imposed for illegal recruitment in large scale is Republic Act No. 8042 prior to its amendment under Republic Act No. 10022,<sup>33</sup> which states:

SEC. 7. *Penalties.* —

....  
(b) The penalty of life imprisonment and a fine of not less than [PHP 500,000.00] nor more than [PHP 1,000,000.00] shall be imposed if *illegal recruitment constitutes economic sabotage as defined therein.*

*Provided, however, that the maximum penalty shall be imposed if the person illegally recruited is less than [18] years of age or committed by a non-licensee or non-holder of authority[.]* (Emphasis supplied)

Republic Act No. 8042 explicitly states that the penalty for illegal recruitment in large scale is punishable by life imprisonment and a fine of not less than PHP 500,000.00 nor more than PHP 1,000,000.00, if the illegal

<sup>31</sup> *People v. Dela Cruz*, 811 Phil. 745, 765 (2017) [Per J. Peralta, Second Division].

<sup>32</sup> RTC records, vol. 1, pp. 47, 67, 92.

<sup>33</sup> Republic Act No. 10022 (2010), An Act Amending Republic Act No. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995, As Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress, and for Other Purposes.

recruitment constitutes economic sabotage.<sup>34</sup> Illegal recruitment is deemed done in large scale and is considered as an offense involving economic sabotage if it is committed against three or more persons individually or as a group.<sup>35</sup> Republic Act No. 8042 further provides that the maximum penalty shall be imposed if illegal recruitment is committed by a non-licensee or non-holder of authority.<sup>36</sup>

Here, the trial court only imposed the penalty of life imprisonment and PHP 500,000.00 fine. However, considering Rivera's guilt beyond reasonable doubt of illegal recruitment in large scale and the fact that she operated a recruitment agency without a license or authority, it is only proper for this Court to impose the maximum penalty of life imprisonment and a fine of PHP 1,000,000.00.

Additionally, the penalties imposed under estafa must be modified pursuant to Republic Act No. 10951.<sup>37</sup> Section 100 of the same law provides that it shall have retroactive effect insofar as it is favorable to the accused.<sup>38</sup> Further, as explained in *People v. Mandelma*:<sup>39</sup>

[Republic Act No.] 10951 which was enacted into law on August 29, 2017, already amended Article 315 of the [Revised Penal Code]. Particularly, Section 85 of [Republic Act No.] 10951 provides:

Section 85. Article 315 of the same Act, as amended by Republic Act No. 4885, Presidential Decree No. 1689, and Presidential Decree No. 818, is hereby further amended to read as follows:

Art. 315. *Swindling (estafa)*. — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over [PHP 2,400,000.00] but does not exceed [PHP 4,400,000.00], and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional [PHP 2,000,000.00]; but the total penalty which may be imposed shall not exceed [20] years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be.

2nd. The penalty of prision correccional in its minimum

<sup>34</sup> Republic Act No. 8042 (1995), sec. 7.

<sup>35</sup> *People v. David*, 875 Phil. 573, 590 (2020) [Per J. Inting, Second Division].

<sup>36</sup> Republic Act No. 8042 (1995), sec. 7.

<sup>37</sup> Republic Act No. 10951 (2017), An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based, and the Fines Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as "The Revised Penal Code", as Amended.

<sup>38</sup> *People v. Centeno*, G.R. No. 225960, October 13, 2021 [Per J. Gaerlan, Second Division].

<sup>39</sup> G.R. No. 238910, July 20, 2022 [Per J. Hernando, First Division].



and medium periods, if the amount of the fraud is over [PHP 1,200,000.00] but does not exceed [PHP 2,400,000.00].

3rd. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period, if such amount is over [PHP 40,000.00] but does not exceed [PHP 1,200,000.00].

4th. By arresto mayor in its medium and maximum periods, if such amount does not exceed [PHP 40,000.00]: *Provided*, That in the four cases mentioned, the fraud be committed by any of the following means:

1. With unfaithfulness or abuse of confidence, namely:

(a) Altering the substance, quantity, or quality of anything of value which the offender shall deliver by virtue of an obligation to do so, even though such obligation be based on an immoral or illegal consideration.

(b) By misappropriating or converting, to the prejudice of another, money, goods, or any other personal property received by the offender in trust or on commission, or for administration, or under any other obligation involving the duty to make delivery of or to return the same, even though such obligation be totally or partially guaranteed by a bond; or by denying having received such money, goods, or other property.

(c) By taking undue advantage of the signature of the offended party in blank, and by writing any document above such signature in blank, to the prejudice of the offended party or any third person.

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.

(b) By altering the quality, fineness or weight of anything pertaining to his art or business.

(c) By pretending to have bribed any Government employee, without prejudice to the action for calumny which the offended party may deem proper to bring against the offender. In this case, the offender shall be punished by the maximum period of the penalty.

(d) By postdating a check, or issuing a check in payment of an obligation when the offender had no funds in the bank, or his funds deposited therein were not sufficient to cover the amount of the check. The failure of the drawer of the check to deposit the amount necessary to cover his check within [three] days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack or insufficiency of funds shall

be prima facie evidence of deceit constituting false pretense or fraudulent act.

Any person who shall defraud another by means of false pretenses or fraudulent acts as defined in paragraph 2(d) hereof shall be punished by:

1st. The penalty of reclusion temporal in its maximum period, if the amount of fraud is over [PHP 4,400,000.00] but does not exceed [PHP 8,800,000.00]. If the amount exceeds the latter, the penalty shall be reclusion perpetua.

2nd. The penalty of reclusion temporal in its minimum and medium periods, if the amount of the fraud is over [PHP 2,400,000.00] but does not exceed [PHP 4,400,000.00].

3rd. The penalty of prision mayor in its maximum period, if the amount of the fraud is over [PHP 1,200,000.00] but does not exceed [PHP 2,400,000.00].

4th. The penalty of prision mayor in its medium period, if such amount is over [PHP 40,000.00] but does not exceed [PHP 1,200,000.00].

5th. By prision mayor in its minimum period, if such amount does not exceed [PHP 40,000.00].

3. Through any of the following fraudulent means:

(a) By inducing another, by means of deceit, to sign any document.

(b) By resorting to some fraudulent practice to insure success in a gambling game.

(c) By removing, concealing or destroying, in whole or in part, any court record, office files, document or any other papers.<sup>40</sup>  
(Emphasis in the original)

The amounts defrauded by Rivera ranged from PHP 150,000.00 to PHP 200,000.00, which is over PHP 40,000.00 but does not exceed PHP 1,200,000.00. Consequently, the proper penalty to be imposed should be *arresto mayor* in its maximum period to *prision correccional* in its minimum period. In *Mandelma*, the Court, citing *People v. Dejolde*,<sup>41</sup> clarified the proper penalty pursuant to Republic Act No. 10951 and the application of the Indeterminate Sentence Law. In this case, where there are no mitigating and aggravating circumstances, “the maximum penalty should be one year and one day of *prision correccional*. Applying the Indeterminate Sentence Law, the minimum term of the indeterminate sentence is *arresto mayor* in its minimum and medium periods, the range of which is one month

<sup>40</sup> *Id.* at 17–19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>41</sup> 824 Phil. 939, 947 (2018) [Per J. Del Castillo, First Division].

and one day to four months. Thus, the indeterminate penalty for each count of estafa should be modified to a prison term of two months and one day of *arresto mayor*, as minimum, to one year and one day of *prision correccional*, as maximum.”<sup>42</sup>

Finally, with respect to the imposition of legal interest on the actual damages, the guidelines provided in *Lara’s Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*,<sup>43</sup> are instructive:

With regard to an award of interest in the concept of actual and compensatory damages, the rate of interest, as well as the accrual thereof, is imposed, as follows:

....

B. In obligations not consisting of loans or forbearances of money, goods or credit:

1. For liquidated claims:

The compensatory interest due shall be that which is stipulated by the parties in writing as the penalty or compensatory interest rate, provided it is not unconscionable. In the absence of a stipulated penalty or compensatory interest rate, or if these rates are unconscionable, the compensatory interest shall be at the rate of 6%. Compensatory interest, in the absence of a stipulated reckoning date, shall be computed from default, i.e., from extrajudicial or judicial demand, *until full payment*.

a. Interest on stipulated compensatory interest shall accrue at the stipulated interest rate (compounded interest) from the stipulated reckoning point or in the absence thereof, from extrajudicial or judicial demand *until full payment*, provided it is not unconscionable. In the absence of a stipulated compounded interest rate or if this rate is unconscionable, legal interest at the rate of 6% shall apply from the time of judicial demand *until full payment*.

2. For unliquidated claims:

Compensatory interest on the amount of damages awarded may be imposed in the discretion of the court at the rate of 6% per annum. No compensatory interest, however, shall be adjudged on unliquidated claims or damages until the demand can be established with reasonable certainty. Thus, when such certainty cannot be so reasonably established at the time the demand is made, the interest shall begin to run only from the date of the judgment of the trial court (at which time the quantification of damages may be deemed to have been reasonably ascertained) *until full payment*. The actual base for the computation of the interest shall, in any case, be on the

<sup>42</sup> *People v. Mandelma*, G.R. No. 238910, July 20, 2022 [Per J. Hernando, First Division] at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>43</sup> G.R. No. 225433, September 20, 2022 [Per J. Leonen, *En Banc*].

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principal amount finally adjudged.<sup>44</sup> (Emphasis in the original, citations omitted)

Relatedly, in *People v. Centeno*,<sup>45</sup> the Court ruled that the payment of processing fee does not constitute a loan or forbearance of money as it is in consideration of the performance of a service. The accrual of interest commences from the time of demand given that the claim is deemed “reasonably certain.” Like in *Centeno*, the amounts paid by private complainants as placement fees are undisputed; thus, the interest on these sums is to be reckoned from the time of judicial demand or the filing of the Informations.<sup>46</sup>

Based on the foregoing, legal interest should be imposed on the placement fee paid by each private complainant at the rate of 6% per annum from the time of the filing of the Information until finality of this Decision. Thereafter, the total amount shall also earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.<sup>47</sup>

**ACCORDINGLY**, the appeal is **DISMISSED**. The Decision dated June 15, 2021 of the Court of Appeals in CA-G.R. CR No. 09529 is **AFFIRMED WITH MODIFICATIONS** on the penalties as follows:

1. In Criminal Case No. 06-241765, finding Lourdes Rivera **GUILTY** beyond reasonable doubt of illegal recruitment in large scale constituting economic sabotage, as defined and penalized in Sections 6 and 7(b) of Republic Act No. 8042, as amended, Lourdes Rivera is sentenced to suffer the penalty of life imprisonment and ordered to pay a fine of PHP 1,000,000.00;
2. In Criminal Case No. 06-241751, finding Lourdes Rivera **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code, Lourdes Rivera is sentenced to suffer the indeterminate penalty of two months and one day of *arresto mayor*, as minimum, to one year and one day of *prision correccional*, as maximum, and ordered to pay private complainant Michael M. Silva PHP 150,000.00 as actual damages, with legal interest of 6% per annum from the filing of the Information until finality of this Decision; and the total amount of the foregoing shall, in turn, earn legal interest at the rate of 6% per annum from finality of this Decision until full payment;

<sup>44</sup> *Id.* at 20–21. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

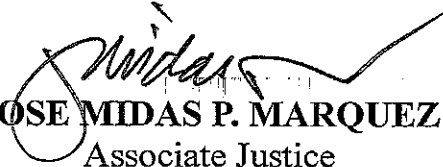
<sup>45</sup> G.R. No. 225960, October 13, 2021 [Per J. Gaerlan, Second Division].

<sup>46</sup> *Id.*

<sup>47</sup> See *De Leon v. People*, G.R. No. 255017, November 15, 2023 [Unsigned Resolution, Special First Division], citing *Lara’s Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, September 20, 2022 [Per J. Leonen, *En Banc*].

3. In Criminal Case No. 06-241752, finding Lourdes Rivera **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code, Lourdes Rivera is sentenced to suffer the indeterminate penalty of two months and one day of *arresto mayor*, as minimum, to one year and one day of *prision correccional*, as maximum, and ordered to pay private complainant Teresita De Silva PHP 200,000.00 as actual damages, with legal interest of 6% per annum from the filing of the Information until finality of this Decision; and the total amount of the foregoing shall, in turn, earn legal interest at the rate of 6% per annum from finality of this Decision until full payment; and
4. In Criminal Case No. 06-241753, finding Lourdes Rivera **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code, Lourdes Rivera is sentenced to suffer the indeterminate penalty of two months and one day of *arresto mayor*, as minimum, to one year and one day of *prision correccional*, as maximum, and ordered to pay private complainant Michelle M. Silva PHP 150,000.00 as actual damages, with legal interest of 6% per annum from the filing of the Information until finality of this Decision; and the total amount of the foregoing shall, in turn, earn legal interest at the rate of 6% per annum from finality of this Decision until full payment.

**SO ORDERED.**

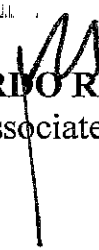
  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

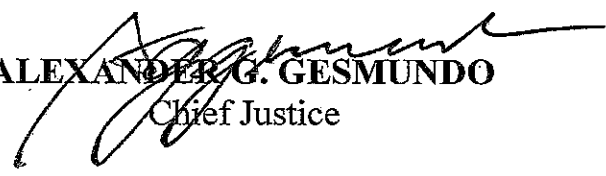
**RAMON PAUL L. HERNANDO**  
Associate Justice  
(On Official Leave)

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

**CERTIFICATION**

Pursuant to Article VIII, Section 13 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 Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice