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THIRD DIVISION

[G.R. No. 251876; March 21, 2022]

PEOPLE OF THE PHILIPPINES, *Plaintiff-Appellee*, *v.* **MARY JANE DELA CONCEPCION *y* VALDEZ a.k.a. "JUDITH A. VALDEZ" a.k.a. "OFELIA ANDAYA,"** *Accused-Appellant*.

D E C I S I O N

LEONEN, *J.*:

The absence of receipts issued by the accused in an illegal recruitment case is not fatal to their conviction if the prosecution establishes, through credible evidence, that the accused has engaged in illegal recruitment.[1]

This Court resolves the appeal from the Court of Appeals' Decision[2] which affirmed, with modifications, the Consolidated Decision[3] of the Regional Trial Court convicting Mary Jane Dela Concepcion *y* Valdez (Dela Concepcion) of simple illegal recruitment, illegal recruitment in large scale, and estafa.

Dela Concepcion, also known under the aliases "Judith A. Valdez" and "Ofelia Andaya," was accused of promising overseas employment to more than 30 individuals in 2014. Dela Concepcion allegedly collected more than ₱1,000,000.00 in the guise of using the money to process their documents for deployment.[4]

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[1] *People v. Alvarez*, 436 Phil. 255 (2002) [Per J. Panganiban, Third Division].

[2] *Rollo*, pp. 3–27. The August 23, 2019 Decision in C.A.-G.R. CR-HC No. 11451 was penned by Associate Justice Manuel M. Barrios (Chair) with the concurrence of Associate Justices Rafael Antonio M. Santos and Walter S. Ong of the Special Seventeenth Division, Court of Appeals Manila.

[3] Id. at 71–93. The March 23, 2018 Consolidated Decision in Criminal Case Nos. 15-316295, 15-316296, 15-316297-305, and 15-316306-334 was penned by Presiding Judge Eduardo Ramon R. Reyes of the Regional Trial Court Branch 15, Manila.

[4] Id. at 4–9.

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Because of this, Dela Concepcion and a certain Vecita Sabacan Villareal (Villareal) were charged with several counts of illegal recruitment committed in large scale under Section 6 of Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022,[5] and estafa under Article 315, paragraph 2(a) of the Revised Penal Code.

The Informations state:

Criminal Case No. 15-316295 for Violation of Section 6 of R.A. No. 8042 as amended by Republic Act No. 10022

That in [sic] or about and sometime during the period comprised from August 2013 to January 2014, 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 and responsible for the employment of CHARITY FERRER y VILLAMOR, ROCHELLE B. TAGUDIN, JOANND RUZEL IC. LABAUPA, LEA ENCARNACION y DUMOCLOY, MARVIC MOLIA y D1ZON, AYLMER CASTILLO y APELO, HOPE MARIE D. VALERO, JAMES DOHN OBEREZ y GABUAT, ANNE BERNADETTE MAGNO y ARUCAN in Italy as caregivers, office staff and factory worker, respectively, without first having secured the required license or authority from Department of Labor and Employment and/or Philippine Overseas Employment Administration and charge directly or indirectly the amount of ₱65,000.00 or ₱40,000.00 each, respectively, as placement fees in consideration of their overseas employment and without valid reasons and without the fault of the said CHARITY FERRER y VILLAMOR, ROCHELLE B. TAGUDIN, JOANND RUZEL IC. LABAUPA, LEA ENCARNACION y DUMOCLOY, MARVIC MOLIA y DIZON, AYLMER CASTILLO y APELO, HOPE MARIE D. VALERO, JAMES DOHN OBEREZ y GABUAT, ANNE BERNADETTE MAGNO y ARUCAN, failed to actually deploy them and failed to reimburse expenses incurred by them in connection with their documentation and processing for purposes of their deployment.

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[5] 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 (2010).

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Contrary to law.[6]

Criminal Case No. 15-15316296 for Violation of Section 6 of R.A. No. 8042 as amended by Republic Act No. 10022

That in [sic] or about and sometime during the period comprised from July 2012 to February 19, 2014, inclusive, in the City of Manila, Philippines, the said accused, representing herself to have the capacity to contract, enlist and transport Filipino workers for employment abroad and responsible for the employment of the following persons, to wit:

Elesio Alotinto y Quinto	₱35,000.00	Italy	Farm/Factory Worker
Arleen Arroja y Sanchez	40,000.00	Italy	Domestic Helper
Jay-R Valdez y Mora	40,000.00	New Zealand	
Kimberly Argarin y Gabilo	15,000.00	New Zealand	
Michelle Guimbaolibot y Daep	40,000.00	Italy	
Mary Grace Dulay y Daip	60,000.00	Italy	Housekeeper
John Anthony Bernardo y Ibe	49,190.00	Italy	Factory Driver
Christian Paulo Tamon y Ramirez	40,000.00	Italy	Driver
Meonardo Parial *y* Garinggan	50,000.00	Italy	Caregiver
Avelino Parial y Garinggan	50,000.00	Italy	Caregiver
Francis Oliver Pimentel y Valino	50,000.00	Italy	

[6] Id. at 4–5.

Supreme Court E-Library

Francis Homer Pimentel y Valino	80,000.00	Italy	Hotel Housekeeping
Grace Villanueva y Quintas	27,000.00	New Zealand	Farm/Factory Worker
Yvette Tan y Yu	40,000.00	New Zealand	Encoder
Benny Locquiao y Mico	35,000.00	New Zealand	Farm/Factory Worker
Jomar Ermitanio y Telan	40,000.00	Italy	Caregiver
Benjamin Layno, Jr. y Domingo	35,000.00	New Zealand	Farmer
Benedict dela Cruz y Dollente	30,000.00	New Zealand	Factory Worker
Mary Ann Leslie S. Pacuan	41,500.00	New Zealand	Factory Worker
Rheajo Camille Macapagal y Labiscase	41,500.00	New Zealand	Factory Worker
Baltazar Reyes y Cerilla	60,000.00	New Zealand	Driver
Mary Grace Gonzales y Alejo	40,000.00	Italy	Caregiver
Lezeril Alotinto y Quinto	30,000.00	New Zealand	Factory Worker
Jeiser Calautit y Argonza	30,000.00	New Zealand	Factory Worker
Salome Dacillo	40,000.00	Italy	Caregiver
Aileene D. Laureano	40,000.00	Italy	Caregiver
Janet L. Cortez	40,000.00	Italy	Caregiver
Jennifer Laureano y Portin	40,000.00	Italy	Caregiver
Rose Ann L. Villanueva	40,000.00	Italy	Caregiver

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Respectively, without first having secured the required license or authority from Department of Labor and Employment and/or Philippine Overseas Employment Administration and charge directly or indirectly the amount mentioned above as placement fees in consideration of their overseas employment and without valid reasons and without the fault of the said complainants, failed to actually deploy them and failed to reimburse expenses incurred by them in connection with their documentation and processing for purposes of their deployment.

Contrary to law.[7]

Nine cases of estafa were also filed against Dela Concepcion and Villareal.[8] The Informations were similar, except as to the names of the private complainants, dates of commission of the offense, amounts involved, countries of deployment, and criminal case numbers.[9]

Criminal Case No. 15-316297

That on or about and sometime during the period comprised from December 21, 2013 to second week of February 2014, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, did then and there willfully, unlawfully and feloniously defraud one CHARITY FERRER y VILLAMOR in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which they made to said CHARITY FERRER y VILLAMOR prior to and even simultaneous with the commission of the fraud, to the effect that they have the power and capacity to recruit and employ the latter as caregiver in Italy, and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeded in inducing said CHARITY FERRER y VILLAMOR to give and deliver, as in fact she gave and delivered to the said accused the amount of ₱65,000.00, 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 ₱65,000.00, which amount once in their possession, with intent to defraud, misappropriated, misapplied and converted the same

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[7] Id. at 5–6.

[8] CA *rollo*, p. 74.

[9] Id.

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to their own personal use and benefit, to the damage and prejudice of said CHARITY FERRER y VILLAMOR in the aforesaid amount of ₱65,000.00, Philippine Currency.

Contrary to law.[10]

The eight other Informations for estafa under Article 315, paragraph 2(a) of the Revised Penal Code contain the following details:[11]

Criminal Case No.	Name of Private Complainant	Date of Commission of Offense	Place of Deployment	Amount (in Philippine Pesos)
15-316298	Rochelle B. Tagudin	Sometime in September 2013	Italy	40,000.00
15-316299	Joannd Ruzel IC. Labaupa	Sometime September 2013	Italy	40,000.00
15-316300	Lea Encarnacion *y* Dumocloy	On or about October 25, 2013	Italy	40,000.00
15-316301	Marvic Dizon Molina	On or about October 8, 2013	Italy	40,000.00
15-316302	Aylmer Apelo Castillo	On or about August 16, 2013	Italy	40,000.00
15-316303	Hope Marie D. Valero	On or about September 19, 2013	Italy	40,000.00
15-316304	James Dohn Oberez *y* Gabuat	On or about September 6, 2013	Rome, Italy	40,000.00
15-316305	Anne Bernadette Magno *y* Arucan	On or about August 29, 2013	Italy	40,000.00

[10] Id.

[11] Id. at 74–75.

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In Criminal Case Nos. 15-316306-334, Dela Concepcion was the sole accused. The Information for violation of Article 315, paragraph 2(a) of the Revised Penal Code reads:

Criminal Case No. 15-316306

That on or about August 22, 2012 in the City of Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud one ELESIO ALOTINTO *y* QUINTO in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said ELESIO ALOTINTO *y* QUINTO prior to and even simultaneous with the commission of the fraud, to the effect that she has the power and capacity to recruit and employ the latter as farm/factory worker in New Zealand, and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeded in inducing said ELESIO ALOTINTO *y* QUINTO to give and deliver, as in fact she gave and delivered to the said accused the amount of ₱35,000.00, 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 she did obtain the amount of ₱35,000.00, which amount once in their possession, with intent to defraud, misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of said ELESIO ALOTINTO *y* QUINTO in the aforesaid amount of ₱35,000.00, Philippine Currency.

Contrary to Law.[12]

The 28 other Informations contain the following details:[13]

Criminal Case No.	Name of Private Complainant	Date of Commission of Offense	Place of Deployment	Amount (in Philippine Pesos)
15-316307	Arleen Arroja *y* Sanchez	On or about February 11, 2012	Italy	40,000.00

[12] Id. at 76.

[13] Id. at 76–80.

Supreme Court E-Library

15-316308	Jay-R Valdez *y* Mora	On or about December 2, 2013	New Zealand	40,000.00
15-316309	Kimberly Argarin *y* Gabilo	Sometime in January 2014	New Zealand	15,000.00
15-316310	Michelle Guimbaolibot *y* Daep	On or about and sometime during the period from February 18, 2013 to March 11, 2013	Italy	40,000.00
15-316311	Mary Grace Dulay *y* Daip	On or about February 8, 2013	Italy	60,000.00
15-316312	John Anthony Bernardo *y* Ibe	On or about February 3, 2014	Italy	49,190.00
15-316313	Christian Paulo Tamon y Ramirez	On or about February 21, 2014	Italy	40,000.00
15-316314	Meonardo Parial *y* Garinggan	On or about February 1, 2014	Italy	50,000.00
15-316315	Avelino Parial *y* Garinggan	On or about February 1, 2014	Italy	50,000.00
15-316316	Francis Oliver Pimentel *y* Valino	On or about January 29, 2014	Italy	50,000.00
15-316317	Francis Homer Pimentel *y* Valino	On or about February 13, 2012	Italy	80,000.00
15-316318	Grace Villanueva *y* Quintas	Sometime in February 2014	New Zealand	27,000.00

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15-316319	Yvette Tan *y* Yu	Sometime in November 2014	New Zealand	40,000.00
15-316320	Jomar Ermitanio *y* Telan	On or about October 25, 2013	Italy	40,000.00
15-316321	Benjamin Layno, Jr. *y* Domingo	Sometime in October 2012	Italy	35,000.00
15-316322	Benedict Dela Cruz *y* Dollente	On or about September 20, 2012	New Zealand	30,000.00
15-316323	Mary Ann Leslie S. Pacuan	Sometime in January 2014	New Zealand	41,500.00
15-316324	Rheajo Camille Macapagal *y* Labiscase	Sometime in January 2014	New Zealand	41,500.00
15-316325	Baltazar Reyes *y* Cerilla	Sometime in April 2013	New Zealand	60,000.00
15-316326	Mary Grace Gonzales *y* Alejo	On or about October 25, 2013	Italy	40,000.00
15-316327	Lezeril Alotinto *y* Quinto	On or about August 8, 2012	New Zealand	30,000.00
15-316328	Jeiser Calautit y Argonza	On or about August 7, 2012	New Zealand	30,000.00
15-316329	Salome Dacillo	On or about November 7, 2013	Italy	40,000.00
15-316330	Aileene D. Laureano	On or about November 7, 2013	Italy	40,000.00
15-316331	Anet L. Cortez	On or about October 25, 2013	Italy	40,000.00

15-316332	Jennifer Portin Laureano	On or about November 7, 2013	Italy	40,000.00
15-316333	Rose Ann L. Villanueva	On or about November 7, 2013	Italy	40,000.00
15-316334	Benny Locquiao *y* Mico	On or about October 9, 2012	New Zealand	35,000.00

During arraignment, Dela Concepcion pleaded not guilty. Dela Concepcion's co-accused, Villareal, remains at large.[14]

The prosecution presented six witnesses: (1) Meonardo Parial (Parial), (2) Aileene D. Laureano (Aileene), (3) Jennifer Portin Laureano (Jennifer), (4) Mary Grace Dulay (Dulay), (5) James Dohn Oberez (Oberez), and (6) Nicanor Romualdez Ramos IV (Ramos).

Parial is one of the private complainants in Criminal Case No. 15-316296. He testified that his girlfriend's cousin introduced him to Dela Concepcion. Parial and Dela Concepcion met on February 1, 2014 at Jollibee Kalaw Branch where Dela Concepcion "promised him [a] job in Italy as caregiver" with a monthly salary of ₱80,000.00. Parial claimed that Dela Concepcion asked for ₱50,000.00 as placement or processing fee. He further testified that he and his brother, Avelino Parial (Avelino), gave ₱10,000.00 to Dela Concepcion for medical examination.[15]

Dela Concepcion sent text messages on February 2 and 3, 2014, requesting for the balance of the placement fee. On February 4, 2014, they deposited ₱45,000.00 in Dela Concepcion's Metrobank account.

On February 7, 2014, Parial and Avelino met Dela Concepcion in a restaurant at Times Plaza and gave her ₱20,000.00 in cash and a check for ₱25,000.00 under the name of Merceditas Lopez.[16]

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[14] Id. at 80.

[15] Id.

[16] Id.

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According to Parial, he and Avelino paid a total of ₱100,000.00 to Dela Concepcion, or ₱50,000.00 for each of them.[17] Thereafter, they had difficulty in contacting Dela Concepcion.[18] They were simply instructed to wait, but they never heard from her again. The fees they paid were not returned.[19]

On cross-examination, Parial testified that he trusted Dela Concepcion because she presented job orders and because his girlfriend's cousin, who was also recruited by Dela Concepcion, was already employed abroad. He did not ask whether Dela Concepcion had an actual office.[20]

On re-direct examination, Parial explained that the amount he gave to Dela Concepcion would cover all expenses involved in the processing of papers for overseas employment.[21]

Meanwhile, Aileene is the complainant in Criminal Case No. 15-316296 for illegal recruitment and Criminal Case No. 15-316330 for estafa.[22]

Aileene testified that she met Dela Concepcion at Times Plaza on October 29, 2013. Dela Concepcion made representations that caregivers in Italy earn ₱80,000.00 a month and deployment would cost ₱40,000.00 for processing and placement. Aileene paid the ₱40,000.00 in full, believing that she could be deployed within three months.[23]

After three months, she followed up on her deployment but Dela Concepcion did not reply. The fee she paid was not returned.[24]

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[17] Id. at 80–81.

[18] Id. at 81.

[19] Id.

[20] Id.

[21] Id.

[22] Id.

[23] Id. at 81–82.

[24] Id. at 82.

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On cross-examination, Aileene testified that Dela Concepcion showed her documents to prove that she could validly deploy workers. She also testified that the ₱40,000.00 she paid was allegedly for processing and deployment.[25]

On re-direct, Aileene stated that "she gave the money to the accused because she was made to believe and she actually believed on her promise that she can deploy them to Italy within three months."[26]

Jennifer is one of the private complainants in Criminal Case No. 15-316296 for illegal recruitment, and the private complainant in Criminal Case No. 15-316332 for estafa.[27]

Similar to Aileene's testimony, Jennifer narrated that she met Dela Concepcion on November 3, 2013 at Times Plaza. Jennifer was also told that she can be deployed to Italy as a caregiver, with a monthly salary of ₱80,000.00 and that the processing fee would cost ₱40,000.00.[28]

Like Aileene, Jennifer also believed that she would be deployed within three months. When she contacted Dela Concepcion on the third month, she was told to wait.[29] She made a subsequent follow-up on her deployment where Dela Concepcion told her that the papers were being processed. On her third follow-up, the National Bureau of Investigation informed her that Dela Concepcion had been arrested.[30] Jennifer's payment of ₱40,000.00 to Dela Concepcion was likewise not returned.[31]

On cross-examination, Jennifer stated that her neighbor, a certain Ludy Salonga (Salonga), told her that Dela Concepcion could deploy workers abroad.[32] Jennifer believed that Dela Concepcion

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[25] Id.

[26] Id.

[27] Id.

[28] Id.

[29] Id. at 82.

[30] Id.

[31] Id.

[32] Id. at 83.

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had a legitimate business because Salonga "had been in and out of the country working abroad."[33] Jennifer admitted that Dela Concepcion was not the one who processed Salonga's deployment abroad, but she decided to meet with Dela Concepcion.[34]

On re-direct, Jennifer explained that she paid ₱40,000.00 to Dela Concepcion because she truly believed that she would be employed in Italy.[35]

Dulay is one of the private complainants in Criminal Case No. 15-216296 for illegal recruitment, and the private complainant in Criminal Case No. 15-316311 for estafa.[36]

Dulay was looking for gainful employment when her neighbor, a certain Juliet Mortalla (Mortalla), informed her that Dela Concepcion "can deploy people for employment abroad within 6 to 8 months."[37]

Dulay and Mortalla met with Dela Concepcion on February 2, 2013 at Jollibee Kalaw Branch. According to Dulay, Dela Concepcion said "she has a sibling in Italy who can help her with a job there as housekeeper"[38] and could earn as much as ₱100,000.00 per month. However, the processing and deployment fees would cost ₱60,000.00. Dela Concepcion asked for ₱6,000.00 as payment for medical examination fees which Dulay paid, then underwent the medical examination.[39]

Dela Concepcion kept demanding payment for the processing of papers. Believing she would be deployed, Dulay paid ₱25,000.00 on February 8, 2013 and ₱35,000.00 on February 28, 2013.[40]

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[33] Id.

[34] Id.

[35] Id.

[36] Id.

[37] Id.

[38] Id.

[39] Id.

[40] Id.

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Dulay followed-up on her deployment but could not contact Dela Concepcion anymore. She asked Mortalla about Dela Concepcion's whereabouts but Mortalla told her that Dela Concepcion lost her phone and changed her number. When Dulay was finally able to contact Dela Concepcion, she was told that her papers were being processed. She waited for more than a year until she learned that a case had been filed against Dela Concepcion. Dulay was not deployed and her money was never returned.[41]

On cross-examination, Dulay testified that she was previously employed in Taiwan through an agency accredited by the Philippine Overseas Employment Administration. She was hesitant why her meeting with Dela Concepcion was in Jollibee Kalaw, but she was convinced by the offer and believed the stories narrated to her. Thus, she paid ₱60,000.00.[42]

Oberez is one of the private complainants in Criminal Case No. 15-316295 for illegal recruitment and the private complainant in Criminal Case No. 15-316304 for estafa.[43]

Oberez testified that he met Dela Concepcion sometime in September 2013 at Jollibee Kalaw Branch. Dela Concepcion claimed that a caregiver in Italy could earn a monthly salary between ₱100,000.00 to ₱150,000.00. He was also told that the processing fee would cost ₱40,000.00 for direct hiring.[44]

Oberez paid ₱40,000.00 and was given an acknowledgment receipt. Dela Concepcion told him to wait for her call. He made several follow-ups but was simply told that the papers were being processed. He waited for his deployment, but it never took place. [45]

Oberez said he paid Dela Concepcion because he believed that he would be a direct hire by Dela Concepcion's relatives in

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[41] Id. at 84.

[42] Id.

[43] Id.

[44] Id.

[45] Id.

Supreme Court E-Library

Italy.[46] When he asked Dela Concepcion where his money went, he was told that it was sent to her relatives in Italy and that he should wait for updates.[47]

On cross-examination, Oberez stated that it was Villareal who introduced him to Dela Concepcion. He also stated that there were five of them who met with Dela Concepcion at Jollibee.[48]

Oberez admitted that they asked whether Dela Concepcion was registered with the Philippine Overseas Employment Administration, to which she replied in the negative, explaining that they would be directly hired by her Italian brother-in-law. They were told that they could be deployed after 1 to 2 months.[49] Oberez further testified that Villareal told him to bring ₱40,000.00 for the meeting, which explains why he was able to pay immediately.[50]

On re-direct, Oberez testified he was given a receipt reflecting his payment of ₱40,000.00 and that "he can produce it if given a chance."[51]

The prosecution and defense dispensed with the testimony of Ramos and agreed to stipulate on the following facts:

1. that he (Nicanor Romualdo Ramos IV) is the Labor and Employment Officer III of the Philippine Overseas Employment Administration (POEA);
2. that he is the authorized representative of the POEA to attend to the court hearing and testify in these cases as per Memorandum Order dated 10 May 2017;
3. that he submitted a Certification issued by Dir. Laura S. Timonera dated 08 May 2007; and
4. that he has no personal knowledge regarding the allegations of the complainants in these cases.[52]

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[46] Id. at 84–85.

[47] Id. at 85.

[48] Id.

[49] Id.

[50] Id.

[51] Id.

[52] Id.

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Dela Concepcion testified as the sole witness for the defense, saying that she does not know all of the private complainants, but she would be able to recognize them by face.[53]

She remembered Dulay, Aileene, and Oberez. She claimed that Villareal introduced the three to her and asked her to help them process their documents for overseas deployment. The complainants also asked her if she could help them process their documents.[54]

Dela Concepcion claimed that she met them twice: first, to inform complainants to undergo medical examination; and the second, to process their documents, specifically "authentication and red ribbon of their birth certificates and also the translation of the Italian documents."[55] She admitted "asking the amount of ₱5,000.00 for the medical examination, ₱15,000.00 for [Department of Foreign Affairs] processing of birth and marriage contract and same amount for the taxation of all the documents."[56]

Dela Concepcion could not recall the exact amount she asked from Dulay, Aileene, and Oberez, but she recalled giving some of the money to Villareal.[57] However, she denied promising overseas employment "and maintained that the meetings were only for the purpose of processing their documents."[58]

On cross-examination, Dela Concepcion insisted that she only processed the medical requirements and Department of Foreign Affairs requirements for Dulay, Aileene, and Oberez.[59] She claimed that it was Villareal who was involved in the actual recruitment of workers, while her role was merely to secure the required documents.[60]

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[53] Id. at 86.

[54] Id.

[55] Id.

[56] Id.

[57] Id.

[58] Id.

[59] Id.

[60] Id.

Supreme Court E-Library

Dela Concepcion stated that she communicated with Villareal though cellphone because Villareal stayed in Nueva Ecija. They also allegedly had an agreement to fix the application of complainants.[61]

In its March 23, 2018 Consolidated Decision,[62] the Regional Trial Court found Dela Concepcion guilty of simple illegal recruitment, illegal recruitment committed in large scale, and estafa. However, Dela Concepcion was acquitted in some of the cases[63] for insufficiency of evidence.

The dispositive portion of the trial court's Decision states:

> WHEREFORE, premises considered, judgment is hereby rendered:
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> 1. in Criminal Case No. 15-316295, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" GUILTY beyond reasonable doubt of simple illegal recruitment as defined and penalized in Section 6 and Section 7(a) of RA 8042, as amended. She is sentenced to suffer an indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, eight (8) months and one (1) day, as maximum, and is ordered to pay a fine of One Million Pesos (₱1,000,000.00).
> 2. in Criminal Case No. 15-316296, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" is hereby found GUILTY beyond reasonable doubt of illegal recruitment in large scale, constituting economic sabotage, as defined and penalized in Section 6 and Section 7(b) of RA 8042, as amended. She is sentenced to suffer the penalty of life imprisonment and is ordered to pay a fine of Two Million Pesos (₱2,000,000.00).
> 3. in Criminal Case No. 15-316311, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" GUILTY beyond reasonable doubt of estafa, as defined and penalized

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[61] Id.

[62] Id. at 71–93.

[63] Criminal Case Nos. 15-316297, 15-316298, 15-316299, 15-316300, 15-316301, 15-316302, 15-316303, 15-316304, 15-316305, 15-316306, 15-316307, 15-316308, 15-316309, 15-316310, 15-316312, 15-316313, 15-316315, 15-316316, 15-316317, 15-316318, 15-316319, 15-316320, 15-316321, 15-316322, 15-316323, 15-316324, 15-316325, 15-316326, 15-316327, 15-316328, 15-316329, 15-316331, 15-316333 and 15-316334.

Supreme Court E-Library

in Article 315 (2)(a) of the Revised Penal Code. She is sentenced to suffer the INDETERMINATE PENALTY of imprisonment of six (6) months of *arresto mayor*, as minimum, to one (1) year, eight (8) months and twenty (20) days of *prision correccional*, as maximum. She is ordered to indemnify private complainant Mary Grace Dulay y Daip in the amount of Sixty Thousand Pesos (₱60,000.00) as actual damages, with legal interest of six percent (6%) *per annum* from the finality of this decision until full payment.

4. in Criminal Case No. 15-316314, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" 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 imprisonment of six (6) months of *arresto mayor*, as minimum, to one (1) year, eight (8) months and twenty (20) days of *prision correccional* as maximum. She is ordered to indemnify private complainant Meonardo Parial y Garinggan in the amount of Fifty Thousand Pesos (₱50,000.00) as actual damages, with legal interest of six percent (6%) *per annum* from the finality of this decision until full payment.
5. in Criminal Case No. 15-316330, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" 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 penalty of imprisonment of five (5) months or *arresto mayor*. She is ordered to indemnify private complainant Aileen D. Laureano in the amount of Forty Thousand Pesos (₱40,000.00) as actual damages, with legal interest of six percent (6%) *per annum* from the finality of this decision until full payment.
6. in Criminal Case No. 15-316332, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" 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 penalty of imprisonment of five (5) months or *arresto mayor*. She is ordered to indemnify private complainant Jennifer Portin Laureano in the amount of Forty Thousand Pesos (₱40,000.00) as actual damages, with legal interest of six percent (6%) *per annum* from the finality of this decision until full payment.
7. In Criminal Case Nos. 15-316297, 15-316298, 15-316299, 15-316300, 15-316301, 15-316302, 15-316303, 15-316304, 15-316305, 15-316306, 15-316307, 15-316308, 15-316309, 15-316310, 15-316312, 15-316313, 15-316315, 15-316316, 15-316317, 15-316318,

Supreme Court E-Library

15-316319, 15-316320, 15-316321, 15-316322, 15-316323, 15-316324, 15-316325, 15-316326, 15-316327, 15-316328, 15-316329, 15-316331, 15-316333, and 15-316334, finding accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" & a.k.a. "Ofelia Andaya" NOT GUILTY for insufficiency of evidence.

In so far as accused Vecita Sabacan Villareal is concerned, considering that she remains at-large and the court has not acquired jurisdiction over her, let the records of Criminal Case Nos. 15-316295, 316297 to 15-316305 be sent to the archives without prejudice to their revival upon apprehension of said accused.

SO ORDERED.[64] (Emphasis in the original)

On appeal, Dela Concepcion insisted that the trial court erred because not all elements of the crimes charged were proven beyond reasonable doubt.[65] Her defense that she merely assisted private complainants in "processing their documents for employment"[66] should not have been disregarded by the trial court.[67]

In its assailed August 23, 2019 Decision,[68] the Court of Appeals sustained Dela Concepcion's conviction, with modification as to the penalties imposed:

WHEREFORE, in view of the foregoing, the Decision dated 23 March 2018 of the Regional Trial Court, Branch 15, City of Manila is **AFFIRMED with MODIFICATION** as follows:

1) in Criminal Case No. 15-316295, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Simple Illegal Recruitment as defined and penalized under Sections 6 and 7, paragraph (a) of R.A. No. 8042, as amended. She is sentenced to suffer the penalty of Twelve (12) Years and One (1) Day, as MINIMUM, to Twenty (20) Years, as MAXIMUM, and is ordered to pay a fine of One Million Pesos (₱1,000,000.00):

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[64] CA *rollo*, pp. 91–93.

[65] *Rollo*, p. 15.

[66] Id. at 12.

[67] Id. at 15.

[68] Id. at 3–27.

Supreme Court E-Library

2) in Criminal Case No. 15-316296, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Illegal Recruitment in Large Scale, constituting Economic Sabotage, as defined and penalized under Sections 6 and 7, paragraph (a) of R.A. No. 8042, as amended. She is sentenced to suffer the penalty of Life Imprisonment, and is ordered to pay a fine of Two Million Pesos (₱2,000,000.00);
3) in Criminal Case No. 15-316311, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of Four (4) Months of *Arresto Mayor*, as MINIMUM, to One (1) Year and One (1) Day of *Prision Correccional*, as MAXIMUM, and is ordered to indemnify private complainant Mary Grace Dulay y D[ai]p in the amount of Sixty Thousand Pesos (₱60,000.00) as actual damages, with legal interest of six percent (6%) per annum from the finality of this decision until full payment;
4) in Criminal Case No. 15-316314, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of Four (4) Months of *Arresto Mayor*, as MINIMUM to One (1) Year and One (1) Day of *Prision Correccional* as MAXIMUM, and is ordered to indemnify private complainant Meonardo Parial y Garinggan in the amount of Forty-Five Thousand Pesos (₱45,000.00) as actual damages, with legal interest of six percent (6%) per annum from the finality of this decision until full payment;
5) in Criminal Case No. 15-316330, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of Six (6) Months of *Arresto Mayor*, and is ordered to indemnify private complainant Aileene D. Laureano in the amount of Forty Thousand Pesos (₱40,000.00) as actual damages, with legal interest of six percent (6%) per annum from the finality of this decision until full payment;

Supreme Court E-Library

6) in Criminal Case No. 15-316332, accused Mary Jane Dela Concepcion y Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found GUILTY beyond reasonable doubt of Estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of Six (6) Months of *Arresto Mayor*, and is ordered to indemnify private complainant Jennifer D. Laureano in the amount of Forty Thousand Pesos (₱40,000.00) as actual damages, with legal interest of six percent (6%) per annum from the finality of this decision until full payment.

Except as herein modified, all other pronouncements of the trial court are affirmed.

SO ORDERED.[69] (Emphasis in the original)

Thereafter, Dela Concepcion filed a Notice of Appeal.[70]

On July 6, 2020, this Court noted the records forwarded by the Court of Appeals.[71] Through the same Resolution, the parties were notified that they may file their supplemental briefs. This Court also required the Superintendent of the Correctional Institution for Women to confirm accused-appellant's confinement.[72]

In a September 9, 2020 letter, the Superintendent confirmed accused-appellant's confinement.[73]

On September 23, 2020, counsel for accused-appellant manifested that they will no longer file a supplemental brief and will be adopting the arguments in their Brief before the Court of Appeals.[74]

On October 26, 2020, the Office of the Solicitor General also filed Manifestation and Motion, saying that it would adopt the arguments in its Appellee's Brief.[75]

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[69] Id. at 24–27.

[70] Id. at 28–30.

[71] Id. at 36.

[72] Id. at 37.

[73] Id. at 38.

[74] Id. at 42–44.

[75] Id. at 49.

Supreme Court E-Library

Accused-appellant argues that the prosecution failed to prove all the elements of simple illegal recruitment, illegal recruitment committed in large scale, and estafa.[76] She also argues that private complainants made bare allegations of illegal recruitment and submitted pro forma affidavits.[77]

Accused-appellant cites *People v. Alvarez*[78] where this Court ruled:

> 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.
>
> . . . .
>
> The Court has already ruled that the absence of receipts in a case for illegal recruitment is not fatal, as long as the prosecution is able to establish through credible testimonial evidence that accused-appellant has engaged in illegal recruitment. Such case is made, not by the issuance or the signing of receipts for placement fees, but by engagement in recruitment activities without the necessary license or authority.[79] (Citations omitted)

Accused-appellant also cites the ruling in *Darvin v. Court of Appeals*:[80]

> It is not disputed that accused-appellant does not have a license or authority to engage in recruitment activities. The pivotal issue to be determined, therefore, is whether the accused-appellant indeed engaged in recruitment activities, as defined under the Labor Code. Applying the rule laid down in the case of *People v. Goce*, to prove that accused-appellant was engaged in recruitment activities as to commit the crime of illegal recruitment, it must be shown that the accused appellant gave private respondent the distinct impression that she had the power or

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[76] CA *rollo*, p. 57.

[77] Id. at 61.

[78] 436 Phil. 255 (2002) [Per J. Panganiban, Third Division].

[79] Id. at 257, 272.

[80] 354 Phil. 546 (1998) [Per J. Romero, Third Division].

Supreme Court E-Library

ability to send the private respondent abroad for work such that the latter was convinced to part with her money in order to be so employed.

In this case, we find no sufficient evidence to prove that accused-appellant offered a job to private respondent. It is not clear that accused gave the impression that she was capable of providing the private respondent work abroad.[81] (Citation omitted)

For accused-appellant, estafa was not proven beyond reasonable doubt because private complainants' testimonies "about the alleged dec[e]it gave no other indication of how they were recruited"[82] thus, "the element of use of false pretense or fraudulent representation becomes unclear and seriously doubtful."[83]

Accused-appellant prays for her acquittal in all criminal cases on the ground of reasonable doubt.[84]

The issues for this Court's resolution are:

First, whether or not accused-appellant Mary Jane Dela Concepcion *y* Valdez, also known as "Judith A. Valdez" and "Ofelia Andaya" is guilty beyond reasonable doubt of simple illegal recruitment and illegal recruitment committed in large scale under Republic Act No. 10022; and

Second, whether or not accused-appellant Mary Jane Dela Concepcion *y* Valdez also known as "Judith A. Valdez" and "Ofelia Andaya" is guilty beyond reasonable doubt of estafa as defined under Article 315, paragraph 2(a) of the Revised Penal Code.

This Court denies the appeal.

The Court of Appeals made no reversible error in convicting accused-appellant, but we modify the penalty imposed.

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[81] Id. at 554.

[82] CA *rollo*, p. 63.

[83] Id. at 64.

[84] Id. at 66.

Supreme Court E-Library

I

The definition of illegal recruitment in Republic Act No. 8042 has been amended by Republic Act No. 10022.[85] Section 6 provides:

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[85] The amendments introduced by Republic Act No. 10022 are italicized:
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:
(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 or acknowledge any amount greater than that actually received by him as a loan or advance;
(b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code, *or for the purpose of documenting hired workers with the POEA, which include the act of reprocessing workers through a job order that pertains to nonexistent work, work different from the actual overseas work, or work with a different employer whether registered or not with the POEA*;
(d) To include or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency *or who has formed, joined or supported, or has contacted or is supported by any union or workers' organization*;
(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;
. . . .
(h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

Supreme Court E-Library

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:

(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;
(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of travel agency;
(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing rules and regulations;
(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
(n) *To allow a non-Filipino citizen to head or manage a licensed recruitment/ manning agency.*
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.
In addition to the acts enumerated above, it shall also be unlawful for any person or entity to commit the following prohibited acts:
(1) Grant a loan to an overseas Filipino worker with interest exceeding eight percent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the migrant worker issue, either personally or through a guarantor or accommodation party, postdated checks in relation to the said loan;

Supreme Court E-Library

. . . .

(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[.]

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(2) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to avail of a loan only from specifically designated institutions, entities or persons;
(3) Refuse to condone or renegotiate a loan incurred by an overseas Filipino worker after the latter's employment contract has been prematurely terminated through no fault of his or her own;
(4) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner;
(5) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo training, seminar, instruction or schooling of any kind only from specifically designated institutions, entities or persons, except for recommendatory trainings mandated by principals/shipowners where the latter shoulder the cost of such trainings;
(6) For a suspended recruitment/manning agency to engage in any kind of recruitment activity including the processing of pending workers' applications; and
(7) For a recruitment/manning agency or a foreign principal/employer to pass on the overseas Filipino worker or deduct from his or her salary the payment of the cost of insurance fees, premium or other insurance related charges, as provided under the compulsory worker's insurance coverage.
The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having ownership, control, management or direction of their business who are responsible for the commission of the offense and the responsible employees/agents thereof shall be liable.
In the filing of cases for illegal recruitment or any of the prohibited acts under this section, the Secretary of Labor and Employment, the POEA Administrator or their duly authorized representatives, or any aggrieved person may initiate the corresponding criminal action with the appropriate office. For this purpose, the affidavits and testimonies of operatives or personnel from the Department of Labor and Employment, POEA and other law enforcement agencies who witnessed the acts constituting the offense shall be sufficient to prosecute the accused.

Supreme Court E-Library

. . . .

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.

The elements of large-scale illegal recruitment were discussed in *People v. Imperio*:[86]

Under [Republic Act No.] 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 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 [Republic Act No.] 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."[87] (Citations omitted)

All the elements are present in this case.

Accused-appellant admitted collecting fees for medical requirements and Department of Foreign Affairs documents,

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In the prosecution of offenses punishable under this section, the public prosecutors of the Department of Justice shall collaborate with the anti-illegal recruitment branch of the POEA and, in certain cases, allow the POEA lawyers to take the lead in the prosecution. The POEA lawyers who act as prosecutors in such cases shall be entitled to receive additional allowances as may be determined by the POEA Administrator.

The filing of an offense punishable under this Act shall be without prejudice to the filing of cases punishable under other existing laws, rules or regulations.

[86] G.R. No. 232623, October 5, 2020, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66798> [Per J. Hernando, Second Division].

[87] Id.

Supreme Court E-Library

preparatory to the supposed deployment of private complainants. She may have denied being the actual recruiter, but she admitted asking for sums of money to process documents. Apart from this, accused-appellant had no license or authority to recruit and deploy workers abroad. Accused-appellant's acts gave the impression that she could deploy private complainants overseas. She also recruited more than three individuals.

The testimonies of private complainants are not bare allegations as accused-appellant would want this Court to believe. Private complainants narrated in open court how they were defrauded into believing that accused-appellant could prepare their documentary requirements and deploy them. Their testimonies are sufficient to show that accused-appellant committed illegal recruitment.

Accused-appellant cited *Alvarez*[88] where this Court held that illegal recruitment "is made, not by the issuance or the signing of receipts for placement fees, but by engagement in recruitment activities without the necessary license or authority."[89] In accused-appellant's case, she gave an acknowledgment receipt to one of the private complainants. While the other private complainants did not present receipts, they testified why they believed accused-appellant could deploy them. "[T]he absence of receipts in a case for illegal recruitment is not fatal, as long as the prosecution is able to establish through credible testimonial evidence that accused-appellant has engaged in illegal recruitment."[90]

Accused-appellant also cited *Darvin*[91] to support the argument that she did not engage in illegal recruitment activities. In *Darvin*, this Court explained why Darvin was acquitted:

> By themselves, procuring a passport, airline tickets and foreign visa for another individual, without more, can hardly qualify as recruitment activities. Aside from the testimony of private respondent, there is nothing to show that accused-appellant engaged in recruitment activities. We also

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[88] 436 Phil. 255 (2002) [Per J. Panganiban, Third Division].

[89] Id. at 272–273. (Citation omitted)

[90] Id.

[91] 354 Phil. 546 (1998) [Per J. Romero, Third Division].

Supreme Court E-Library

note that the prosecution did not present the testimonies of witnesses who could have corroborated the charge of illegal recruitment, such as Florencio Rivera, and Leonila Rivera, when it had the opportunity to do so. As it stands, the claim of private respondent that accused-appellant promised her employment abroad is uncorroborated. All these, taken collectively, cast reasonable doubt on the guilt of the accused.[92]

However, the facts of this case are far from the facts of *Darvin*. Here, private complainants testified that accused-appellant either presented job orders or told them that they would be hired directly. Moreover, accused-appellant herself admitted that she asked money for "authentication and red ribbon of their birth certificates and also the translation of the Italian documents."[93] Accused-appellant also admitted asking for payment for medical examination and processing of birth and marriage contract in the Department of Foreign Affairs.[94] The documents accused-appellant promised to process are not normally required if one is simply to travel to a foreign country for leisure or vacation.

Accused-appellant's defense that she merely extended assistance in the processing of documents does not hold. She received sums of money from private complainants. Private complainants were never deployed yet accused-appellant did not return the money received. The act of non-reimbursement is included in the definition of illegal recruitment.

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 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 to two or more persons shall be deemed so engaged. It shall likewise include

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[92] Id. at 554–555.

[93] CA *rollo*, p. 86.

[94] Id.

Supreme Court E-Library

the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

. . . .

(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[.][95] (Emphasis supplied).

Republic Act No. 10022 modified the imposable penalties:

SECTION 7. *Penalties*. —

(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than *twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than One million pesos (₱1,000,000.00) nor more than Two million pesos (₱2,000,000.00)*.

(b) The penalty of life imprisonment and a fine of not less than *Two million pesos (₱2,000,000.00) nor more than Five million pesos (₱5,000,000.00)* 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 eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

(c) Any person found guilty of any of the prohibited acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Five hundred thousand pesos (₱500,000.00) nor more than One million pesos (₱1,000,000.00).

If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings.

In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment/manning agency, lending institution, training school or medical clinic. (Emphasis supplied)

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[95] Republic Act No. 8042, as amended by Republic Act No. 10022 (2010).

Supreme Court E-Library

Upon review of the Court of Appeals' Decision, we increase the fine imposed in Criminal Case No. 15-316296 from ₱2,000,000.00 to ₱5,000,000.00. Section 7(b) provides that the maximum penalty shall be imposed if the act was committed by a non-licensee or non-holder of authority. Here, it was proven that accused-appellant is a non-licensee or non-holder of authority, thus meriting the imposition of the maximum amount of fine.

II

We also affirm accused-appellant's conviction for estafa.

In *People v. Sison*:[96]

> The elements of estafa by means of deceit under Article 315(2)(a) of the [Revised Penal Code] are:
>
> > (a) that there must be a false pretense or fraudulent representation as to his power, influence, qualifications, property, credit, agency, business or imaginary transactions; (b) that such false pretense or fraudulent representation was made or executed prior to or simultaneously with the commission of the fraud; (c) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with his money or property; and (d) that, as a result thereof, the offended party suffered damage.[97] (Citation omitted)

These elements were proven in this case. Private complainants Parial, Aileene, Jennifer, and Dulay were made to believe that accused-appellant could legally deploy them overseas.

To recall, accused-appellant presented job orders to private complainant Parial.[98] Private complainant Aileene believed accused-appellant could deploy workers because of the documents shown to her.[99] On the other hand, private complainants

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[96] 816 Phil. 8 (2017) [Per J. Carpio, Second Division].

[97] Id. at 26.

[98] CA *rollo*, p. 81.

[99] Id. at 82.

Supreme Court E-Library

Jennifer[100] and Dulay[101] parted with their money because accused-appellant told them that they could be deployed. Lastly, private complainant Oberez testified during cross-examination that accused-appellant admitted that she had no Philippine Overseas Employment Administration registration, but that her brother-in-law would directly hire Oberez.[102]

Accused-appellant's false pretenses led private complainants to part with various amounts of money, hoping for a better life abroad. Unfortunately, they were never deployed and were never reimbursed. Thus, they suffered damage.[103]

WHEREFORE, premises considered, the August 23, 2019 Decision of the Court of Appeals in C.A.-G.R. CR-HC No. 11451 is **AFFIRMED with MODIFICATION**:

1) In Criminal Case No. 15-316295, accused-appellant Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of simple illegal recruitment as defined and penalized under Sections 6 and 7, paragraph (a) of Republic Act No. 8042, as amended. She is sentenced to suffer the penalty of twelve (12) years and one (1) day, as MINIMUM, to twenty (20) years, as MAXIMUM, and is ordered to pay a fine of ₱1,000,000.00;

2) In Criminal Case No. 15-316296, accused Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of illegal recruitment in large scale, constituting economic sabotage, as defined and penalized under Sections 6 and 7, paragraph (a) of Republic Act No. 8042, as amended. She is sentenced to suffer the penalty of life imprisonment, and is ordered to pay a fine of **₱5,000,000.00**;

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[100] Id.

[101] Id. at 83–84.

[102] Id. at 85.

[103] Oberez was one of the private complainants in the criminal case for estafa, but the trial court dismissed his complaint for failure to present evidence.

Supreme Court E-Library

3) In Criminal Case No. 15-316311, accused Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2 (a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of four (4) months of *arresto mayor*, as MINIMUM, to one (1) year and one (1) day of *prision correccional*, as MAXIMUM, and is ordered to indemnify private complainant Mary Grace Dulay *y* Diap in the amount of ₱60,000.00 as actual damages, with legal interest of 6% per annum from the finality of this Decision until full payment;

4) In Criminal Case No. 15-316314, accused Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2 (a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of four (4) months of *arresto mayor*, as MINIMUM to one (1) year and one (1) day of *prision correccional* as MAXIMUM, and is ordered to indemnify private complainant Meonardo Parial *y* Garinggan in the amount of ₱45,000.00 as actual damages, with legal interest of 6% per annum from the finality of this Decision until full payment;

5) In Criminal Case No. 15-316330, accused Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of six (6) months of *arresto mayor*, and is ordered to indemnify private complainant Aileene D. Laureano in the amount of ₱40,000.00 as actual damages, with legal interest of 6% per annum from the finality of this Decision until full payment;

6) In Criminal Case No. 15-316332, accused Mary Jane Dela Concepcion *y* Valdez a.k.a. "Judith A. Valdez" a.k.a. "Ofelia Andaya" is found **GUILTY** beyond reasonable doubt of

Supreme Court E-Library

estafa as defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code. She is sentenced to suffer the penalty of imprisonment of six (6) months of *arresto mayor*, and is ordered to indemnify private complainant Jennifer D. Laureano in the amount of ₱40,000.00 as actual damages, with legal interest of 6% per annum[104] from the finality of this Decision until full payment.

SO ORDERED.

Lazaro-Javier, M. Lopez, J. Lopez, and *Kho, Jr., JJ.*, concur.

APPEARANCES OF COUNSEL

Office of the Solicitor General for plaintiff-appellee.
Public Attorney's Office for accused-appellant.

[104] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].