



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 235010

Present:

-versus-

CAGUIOA, J., *Chairperson*,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

SONIA VALLE y LAPURGA,
Accused-appellant.

Promulgated:

August 7, 2024

Michael C. Batt

X-----X

DECISION

CAGUIOA, J.:

Before the Court is an ordinary appeal¹ filed by accused-appellant Sonia Valle y Lapurga (accused-appellant) assailing the Decision² (CA Decision) dated July 28, 2017 of the Court of Appeals – Manila, Special Fifteenth Division (CA) in CA-G.R. CR-HC No. 08412. In the questioned CA Decision, the CA affirmed the Joint Decision³ dated December 4, 2015 of Branch 27, Regional Trial Court (RTC) of Cabanatuan City, in Criminal Case Nos. 10490 to 10493 and 12468 to 12474, convicting accused-appellant for one (1) count of illegal recruitment in large scale and four (4) counts of estafa.

Factual Antecedents

¹ Rollo, pp. 24–27.

² *Id.* at 2–23. Penned by Associate Justice Marlene B. Gonzales-Sison with Associate Justices Pedro B. Corales and Maria Christine Azcarraga-Jacob concurring.

³ CA rollo, pp. 67–88. Penned by Presiding Judge Angelo C. Perez.

Eleven Informations were filed against accused-appellant charging her with two (2) counts of illegal recruitment in large scale and nine (9) counts of estafa. The Informations subject of this appeal read as follows:

Criminal Case No. 12468

That sometime in the month of October, 2001, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], who is neither a licensee nor holder of authority in the overseas private recruitment or placement activities, did then and there, [willfully], unlawfully and feloniously undertake a recruitment activity by inducing and convincing MARCOS P. UNTALAN [(Untalan)], CRISANTO C. CANDO [(Crisanto)], RONEL RELUCIO [(Relucio)], GERARDO CANDO, JR. [(Cando)], DIONISIO SALAZAR [(Salazar)] and MARIO M. CALPITO [(Calpito)] that she could secure for them jobs in Guam, and as a result of such enticement, said [Untalan], [Crisanto], [Relucio], [Cando], [Salazar] and [Calpito] who were interested to have such employment, gave and delivered to [accused-appellant] the total sum of FOUR HUNDRED SIXTY THOUSAND FIVE HUNDRED [(PHP 460,500.00)] PESOS, Philippine Currency, representing processing and placement fees in connection thereof, to the latter's damage and prejudice as they were not able to get job in Guam through no fault of their own as promised by [accused-appellant], who likewise failed to reimburse to herein complainants the aforementioned amount despite repeated demands; that considering that there are three or more complainants prejudiced by the unlawful acts of [accused-appellant], the same is deemed committed [in] large scale and considered an offense involving economic sabotage.

CONTRARY TO LAW.

Criminal Case No. 12469

That sometime in the month of October, 2001, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], after having falsely pretended to be a licensed and legitimate recruiter of workers for overseas employment and having assured [Calpito], of an employment in Guam, did then and there, [willfully], unlawfully and feloniously, with intent to defraud and with grave abuse of confidence, induce the latter to deliver and pay, as the latter did pay and deliver to her the sum of FORTY FOUR THOUSAND [(PHP 44,000.00)] PESOS, Philippine Currency, representing placement fee of [Calpito], [accused-appellant] knowing that such misrepresentation is false and fraudulent, and once in possession of the aforementioned amount, did then and there, [willfully], unlawfully and feloniously misapply, misappropriate and convert the same to her own personal use and benefit and notwithstanding repeated demands made on her for the return of said amount, [accused-appellant] failed and refused to do so much less complied with her promise and assurance of finding a job for [Calpito] in Guam despite the lapse of the period she promised to do so, to the damage and prejudice of the latter in the aforesaid amount of [PHP 44,000.00].

CONTRARY TO LAW.



Criminal Case No. 12472

That sometime in the month of October, 2001, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], after having falsely pretended to be a licensed and legitimate recruiter of workers for overseas employment and having assured [Cando], of an employment in Guam, did then and there, [willfully], unlawfully and feloniously, with intent to defraud and with grave abuse of confidence, induce the latter to deliver and pay, as the latter did pay and deliver to her the sum of SEVENTY EIGHT THOUSAND FIVE HUNDRED [(PHP 78,500.00)] PESOS, Philippine Currency, representing placement fee of [Cando], [accused-appellant] knowing that such misrepresentation is false and fraudulent, and once in possession of the aforementioned amount, did then and there, [willfully], unlawfully and feloniously misapply, misappropriate and convert the same to her own personal use and benefit and notwithstanding repeated demands made on her for the return of said amount, [accused-appellant] failed and refused to do so much less complied with her promise and assurance of finding a job for [Cando] in Guam despite the lapse of the period she promised to do so, to the damage and prejudice of the latter in the aforestated amount of [PHP 78,500.00].

CONTRARY TO LAW.

Criminal Case No. 12473

That sometime in the month of October, 2001, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], after having falsely pretended to be a licensed and legitimate recruiter of workers for overseas employment and having assured [Salazar], of an employment in Guam, did then and there, [willfully], unlawfully and feloniously, with intent to defraud and with grave abuse of confidence, induce the latter to deliver and pay, as the latter did pay and deliver to her the sum of THIRTY THOUSAND [(PHP 30,000.00)] PESOS, Philippine Currency, representing placement fee of [Salazar], [accused-appellant] knowing that such misrepresentation is false and fraudulent, and once in possession of the aforementioned amount, did then and there, [willfully], unlawfully and feloniously misapply, misappropriate and convert the same to her own personal use and benefit and notwithstanding repeated demands made on her for the return of said amount, [accused-appellant] failed and refused to do so much less complied with her promise and assurance of finding a job for [Salazar] in Guam despite the lapse of the period she promised to do so, to the damage and prejudice of the latter in the aforestated amount of [PHP 30,000.00].

CONTRARY TO LAW.

Criminal Case No. 12474

That sometime in the month of October, 2001, in the City of Cabanatuan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named [accused-appellant], after having falsely pretended to be a licensed and legitimate recruiter of workers for overseas

employment and having assured one [Untalan], of an employment in Guam, did then and there; [willfully], unlawfully and feloniously, with intent to defraud and with grave abuse of confidence, induce the latter to deliver and pay, as the latter did pay and deliver to her the sum of ONE HUNDRED FIFTY SEVEN THOUSAND [(PHP 157,000.00)] PESOS, Philippine Currency, representing placement fee of [Untalan], [accused-appellant] knowing that such misrepresentation is false and fraudulent, and once in possession of the aforementioned amount, did then and there, [willfully], unlawfully and feloniously misapply, misappropriate and convert the same to her own personal use and benefit and notwithstanding repeated demands made on her for the return of said amount, [accused-appellant] failed and refused to do so much less complied with her promise and assurance of finding a job for [Untalan] in Guam despite the lapse of the period she promised to do so, to the damage and prejudice of the latter in the aforestated amount of [PHP 157,000.00].

CONTRARY TO LAW.⁴

Upon arraignment, accused-appellant pleaded not guilty to all the charges. Pre-trial and trial then ensued. The prosecution presented the following as witnesses: private complainants Calpito, Cando, Salazar, Untalan, Alicia Zulueta (Zulueta), and Untalan's wife, Leonora Untalan (Leonora). The CA summarized the prosecution's evidence as follows:

On different occasions, private complainants were recruited by [accused-appellant] to work in Guam for a fee.

Untalan was promised work in Guam as a carpenter. His first meeting with [accused-appellant] was when his sister-in-law, who knew his desire to work abroad, introduced her to him. During this introduction, he was told that [accused-appellant] was a recruiter for workers in Guam and that she had a sister who worked at Concorde International Agency. By [accused-appellant]'s representation that he would be receiving a high salary in Guam, he agreed to and paid a placement fee of [PHP 75,000.00]. Subsequently, he was guaranteed a position as foreman and thus acceded to the proposed additional payment of [PHP 75,000.00]. Sometime in October 2001, he made his last payment in the amount of [PHP 7,000] for the processing of his passport. All these payments were without receipts because he trusted her. He then submitted his documents and after which, he was advised that he would be able to leave by March 2002. While waiting to be deployed, he learned through [accused-appellant]'s daughter that [accused-appellant] had really no capability to send people abroad. He attempted to recover his money but [accused-appellant] had already gone into hiding.

Cando was promised work in Guam as fruit picker. As his sister and [accused-appellant] were friends, he first met her at his house. During this time, he was informed by [accused-appellant] that she had a sister who worked in a recruitment agency and offered him a job in Guam. He accepted the offer and consequently paid [PHP 87,500.00] in four installments as placement fee. He did not ask for a receipt because [accused-appellant] was

⁴ *Rollo*, pp. 6-10.

the godmother of his nephew. After making complete payment, he did not see [accused-appellant] again and never got the chance to leave the country.

Calpito was offered by [accused-appellant] to work in Guam and as he will leave immediately, he was asked to prepare [PHP 100,000.00]. He was only able to raise [PHP 46,000.00] and when he gave this amount to [accused-appellant], he did not ask for a receipt because she was his "kumare." After hearing rumors about [accused-appellant] being a bogus recruiter, he looked for her and found out that she already went into hiding.

Salazar was promised work in Guam as a construction worker. In 2001, both he and [accused-appellant] were sponsors at a wedding. He was informed by [accused-appellant] that she will be able to send him abroad where he could earn large money. He agreed and made a partial payment of [PHP 30,000.00] as his placement fee but did not ask for a receipt for he trusted [accused-appellant]. When he was about to withdraw as he could not make a complete payment, he was told by [accused-appellant] that she would advance the remaining subject to reimbursement later. When the latter failed to make good on her promise of overseas employment, he learned that [accused-appellant] did not really have the power to send people to Guam for employment.⁵

On the other hand, the defense presented accused-appellant as its sole witness. According to accused-appellant, she was a former overseas Filipino worker who had a sister who worked at a recruitment agency.⁶ She claimed that private complainants, through Zulueta, asked her to help them find work abroad. She declined, however, as she did not know how to find employment for them. Accused-appellant's defense was that private complainants gave money to Zulueta, not her, who in turn represented that she turned over the money to accused-appellant.⁷

Ruling of the RTC

In a Joint Decision dated December 4, 2015, the RTC convicted accused-appellant with one (1) count of illegal recruitment in large scale and four (4) counts of estafa, while acquitting her from the rest of the charges because the prosecution did not present any evidence as regards those. The dispositive portion of which reads:

[Accused-appellant] should be acquitted in Criminal Case Nos. 10490, 10491, 10492, 10493, 12470, and 12471 since no evidence was adduced by the prosecution which would warrant her conviction with respect to said criminal cases.

WHEREFORE, premises considered, the Court finds [accused-appellant] **GUILTY** beyond reasonable doubt of the crimes of illegal recruitment in large scale and estafa. Accordingly, she is hereby sentenced

⁵ *Id.* at 10-11.

⁶ *Id.* at 11.

⁷ *Id.* at 12.

to suffer the penalty of life imprisonment and a fine of [PHP 500,000.00] in Criminal Case No. 12468.

In Criminal Case No. 12469, she is sentenced to suffer the penalty of imprisonment of [four (4)] years and [two (2)] months of *prision correccional* as minimum to [eight (8)] years, [eight (8)] months and 21 days of *prision mayor* as maximum.

In Criminal Case No. 12472, she is sentenced to a penalty of imprisonment of [four (4)] years and [two (2)] months of *prision correccional* as minimum to 12 years of *prision mayor* as maximum.

In Criminal Case No. 12473, [accused-appellant] is sentenced to a penalty of [(four 4)] years and [two (2)] months of *prision correccional* as minimum to [six (6)] years of *prision mayor* as maximum.

In Criminal Case No. 12474, [accused-appellant] is sentenced to a penalty of [four (4)] years and [two (2)] months of *prision correccional* as minimum to 19 years, [eight (8)] months and 21 days of *reclusion temporal* as maximum.

[Accused-appellant] is further ordered to pay [Untalan] the amount of [PHP 157,000.00], [Cando] the amount of [PHP 78,500.00], [Calpito] the amount of [PHP 44,000.00], and [Salazar] the amount of [PHP 30,000.00], all with legal interest at the rate of six percent (6%) per annum from the time of the filing of the Informations on May 22, 2002 until the said amount are fully paid.

SO ORDERED.⁸

The RTC found that the elements of illegal recruitment in large scale were duly proved by the prosecution through the testimonies of private complainants that accused-appellant recruited them to work in Guam although she was not licensed to do so.⁹ Moreover, the RTC was convinced that accused-appellant received money from private complainants as processing and placement fees even though that the prosecution did not submit any receipts proving the same. According to the RTC, "all of the complainants did not demand receipts from [accused-appellant] since they trusted the latter as she was their '*kumare*'."¹⁰

As for the cases of estafa, the RTC stated that "the same pieces of evidence establishing the guilt of [accused-appellant] for illegal recruitment in large scale also confirmed her liability for estafa."¹¹ Since private complainants parted with their money because they believed accused-appellant's false pretense that had the capacity to send them for work in Guam, the RTC concluded that there was fraud amounting to estafa.¹²

⁸ CA rollo, pp. 87-88.

⁹ *Id.* at 86.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 86-87.

Aggrieved, accused-appellant appealed her conviction to the CA.

Ruling of the CA

In her appeal to the CA, accused-appellant argued for her acquittal by assailing the credibility afforded to the testimonies of private complainants,¹³ and by raising the failure of the prosecution to provide any certification from the Philippine Overseas Employment Administration (POEA) showing that she was not a holder of any license or authority to recruit workers for overseas employment.¹⁴ In a Decision dated July 28, 2017, however, the CA affirmed accused-appellant's convictions. The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is **DISMISSED** and the December 4, 2015 Joint Decision of the Regional Trial Court, Branch 27, Cabanatuan City, in Criminal Case Nos. 10490-10493 and 12468-12474 is **AFFIRMED**.

SO ORDERED.¹⁵

The CA found no reason to overturn the findings of the RTC with regard to the credibility of private complainants and that they did, in fact, gave money to accused-appellant based on the understanding that she has the capacity to provide them employment in Guam. Regarding the failure of the prosecution to submit a certification from the POEA, the CA held that it could be dispensed with since accused-appellant "admitted that what was licensed was the agency where her sister worked and which she had no connection with."¹⁶ The CA thus affirmed the convictions for illegal recruitment in large scale and multiple counts of estafa.

Accused-appellant then filed the present appeal.

Issue

The sole issue in this case is whether the CA erred in affirming accused-appellant's convictions for one (1) count of illegal recruitment in large scale and four (4) counts of estafa.

Ruling of the Court

The appeal is partly meritorious. The Court acquits accused-appellant on the charge of illegal recruitment in large scale but affirms the convictions for estafa.

¹³ *Id.* at 57-58.

¹⁴ *Id.* at pp. 59-60.

¹⁵ *Rollo*, p. 22.

¹⁶ *Id.* at 17.

“To prove illegal recruitment two elements must be shown, namely: (1) the person charged with the crime must have undertaken recruitment activities, or any of the activities enumerated in Article 34 of the Labor Code, as amended; and (2) said person does not have a license or authority to do so.”¹⁷ Both the RTC and the CA found that the said elements are present in this case. The Court, however, disagrees with regard to the presence of the second element.

The Court has previously emphasized that “non-possession of a license to recruit is an essential ingredient of the crime of illegal recruiting.”¹⁸ A negative fact that is an element of an offense, such as the non-possession of a license, needs to be positively proved by the prosecution.¹⁹ As with all criminal cases, the burden of proof is entirely and solely on the prosecution. “This is the essence of the presumption of innocence; the accused need not even do anything to establish his [or her] innocence as it is already presumed.”²⁰ The prosecution in this case, however, failed to establish beyond a reasonable doubt that accused-appellant is a non-licensee.

As noted by the CA, the prosecution did not submit as evidence any certification from the POEA that accused-appellant is not a licensee. In previous cases involving illegal recruitment, the Court has consistently used the POEA certification as evidence of the second element of illegal recruitment.²¹ The CA in this case nevertheless upheld the conviction by saying that accused-appellant herself admitted to the lack of certification.²² The Court notes, however, that accused-appellant’s testimony—which was considered by the CA as an admission—was to the effect that her sister’s recruitment agency was licensed and that she had no connection with the said agency. Contrary to the CA’s understanding, this was not an admission that she herself was not licensed. To recall, her entire defense was that she did not recruit private complainants at all. Therefore, the context of her statement was that it is true that she has a sister who was working at a licensed recruitment agency. It was not, however, an admission that she undertook recruitment activities while not being a licensee.

Hence, there is nothing in the record of this case that supports the second element beyond a reasonable doubt. Accused-appellant must perforce be acquitted of the illegal recruitment charge.

Accused-appellant’s acquittal from the illegal recruitment case, however, does not automatically result in her acquittal in the estafa cases.

¹⁷ *People v. Señoron*, 334 Phil. 952 (1997) [Per J. Francisco, Third Division].

¹⁸ *People v. Taguba*, 299 Phil. 203 (1994) [Per J. Cruz, First Division].

¹⁹ *See id.*

²⁰ *Polangcos y Francisco v. People*, 862 Phil. 764 (2019) [Per J. Caguioa, Second Division].

²¹ *See e.g., People v. Daud, et al.*, 734 Phil. 698 (2014) [Per J. Leonardo-De Castro, First Division]; *People v. Alvarez*, 436 Phil. 255 (2002) [Per J. Panganiban, Third Division]; *Abaca v. Court of Appeals*, 353 Phil. 99 (1998) [Per J. Martinez, Second Division].

²² *Rollo*, p. 17.

The crimes of illegal recruitment and estafa, while intertwined in many cases of recruitment, have different elements. The penal law on illegal recruitment was enacted specifically as a deterrent to those who conduct recruitment activities without having been previously vetted by the government. It is the commission of acts considered by the law as recruitment activities without possessing the necessary government license or permit which is the essence of the crime. Thus, in previous cases, the Court classified illegal recruitment as *malum prohibitum*,²³ where intent to deceive, for instance, is immaterial. As a result, even those who are actually capable of sending workers abroad for employment—if their licenses or permits have already expired—may still be liable for illegal recruitment.

On the other hand, the thrust of estafa under Article 315(2)(a) of the Revised Penal Code is broadly to punish those who use deceit such as false pretenses in order to gain something and to cause damage to another. Thus, the elements of the crime of estafa are as follows:

- (a) there must be a false pretense, fraudulent act or fraudulent means;
- (b) such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud;
- (c) the offended party must have relied on the false pretense, fraudulent act or fraudulent means, that is, he or she was induced to part with his or her money or property because of the false pretense, fraudulent act or fraudulent means; and
- (d) as a result thereof, the offended party suffered damage.²⁴

In accused-appellant's case, she made false representations that she had the capability to send private complainants to Guam for work. Because private complainants or their relatives had personal relationships with her—with many of them considering her their "*kumare*" according to their testimonies—private complainants believed and relied on her representations. It was thus accused-appellant's false promises and misrepresentations that caused private complainants to part with their money, as payment for supposed placement and processing fees, which they never recovered from accused-appellant. The representations were false from inception as accused-appellant had absolutely no capacity to place others abroad for purposes of employment. True enough, private complainants were not able to leave for their destination or work there, or even refund the money they gave to accused-appellant because she went into hiding.

²³ See *People v. Yabut*, 374 Phil. 575 (1999) [Per J. Quisimbing, Second Division].

²⁴ *People v. Manalang*, G.R. No. 198015, January 20, 2021 [Per J. Hernando, Third Division]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Clearly, all the elements of estafa—false pretense which was contemporaneous with the fraud, reliance, and damage capable of pecuniary estimation—are present in this case. Accused-appellant's convictions for estafa committed against Calpito, Caldo, Salazar, and Untalan should thus be affirmed. The penalties to be imposed, however, should be modified in light of the enactment of Republic Act No. 10951.²⁵

ACCORDINGLY, the appeal is hereby **PARTIALLY GRANTED**. Accused-appellant Sonia Valle y Lapurga is found **GUILTY** in Criminal Case Nos. 12469, 12472, 12473, and 12474 but **ACQUITTED** in Criminal Case No. 12468. She is hereby sentenced to the following:

In Criminal Case No. 12469, she is sentenced to suffer the penalty of imprisonment of four (4) months of *arresto mayor* as minimum to one (1) year and eight (8) months of *prision correccional* as maximum. She is also ordered to pay Mario Calpito the amount of PHP 44,000.00, with legal interest at the rate of six percent (6%) per annum from the time of the filing of the Information on May 22, 2002 until the full payment thereof.

In Criminal Case No. 12472, she is sentenced to a penalty of imprisonment of four (4) months of *arresto mayor* as minimum to one (1) year and eight (8) months of *prision correccional* as maximum. She is also ordered to pay Gerardo Cando, Jr. the amount of PHP 78,500.00, with legal interest at the rate of six percent (6%) per annum from the time of the filing of the Information on May 22, 2002 until the full payment thereof.

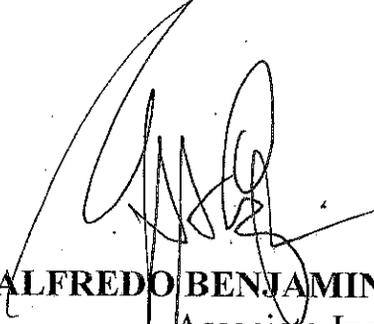
In Criminal Case No. 12473, she is sentenced to a penalty of imprisonment of four (4) months and 21 days of *arresto mayor*. She is also ordered to pay Dionisio Salazar the amount of PHP 30,000.00, with legal interest at the rate of six percent (6%) per annum from the time of the filing of the Information on May 22, 2002 until the full payment thereof.

In Criminal Case No. 12474, she is sentenced to a penalty of imprisonment of four (4) months of *arresto mayor* as minimum to one (1) year and eight (8) months of *prision correccional* as maximum. She is also ordered to pay Marcos Untalan the amount of PHP 157,000.00, with legal interest at the rate of six percent (6%) per annum from the time of the filing of the Information on May 22, 2002 until the full payment thereof.

SO ORDERED.

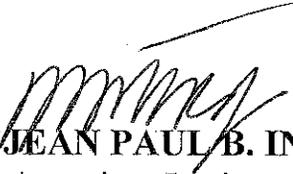
²⁵ An Act Adjusting the Amount or The Value of Property and Damage on Which a Penalty Is Based, And the Fines Imposed Under the Revised Penal Code, Amending for The Purpose Act No. 3815, Otherwise Known As "The Revised Penal Code," As amended. Approved, on August 29, 2017.





ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



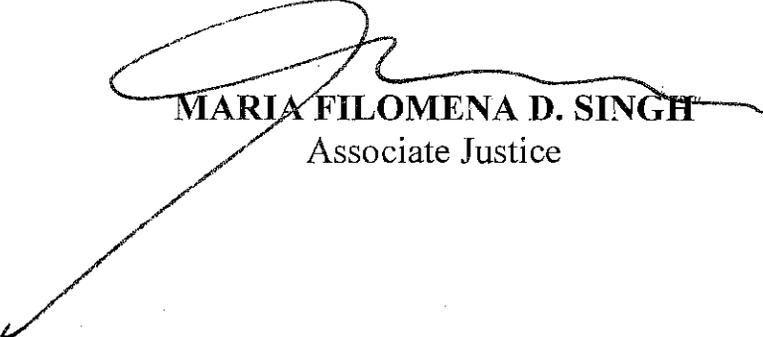
HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

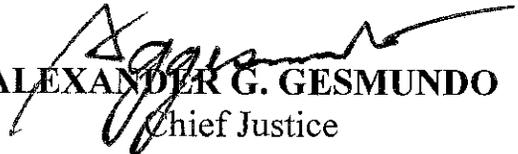
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, it is hereby certified 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