



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 257675

-versus-

Present:

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

CHERRYLINE RAMOS y  
GARCIA A.K.A. "CHERRYLYN  
CHAN RAMOS" AND  
"CHERRYLINE CHAN RAMOS"  
AND SUSANA OJASTRO y  
RABANAL, A.K.A. "SUSAN  
RABANAL,

Accused-Appellants.

Promulgated:

FEB 13 2023

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DECISION

LOPEZ, J., J.:

This Court resolves an appeal<sup>1</sup> assailing the Decision<sup>2</sup> of the Court of Appeals (CA), which affirmed with modification the Judgment<sup>3</sup> of the Regional Trial Court (RTC), finding accused-appellants Cherryline Ramos y Garcia (*Ramos*), also known as "Cherrylyn Chan Ramos" and "Cherryline Chan Ramos," and Susana Ojastro y Rabanal (*Ojastro*), also known as "Susan Rabanal," guilty beyond reasonable doubt of large-scale illegal recruitment

<sup>1</sup> *Rollo*, p. 4-6.

<sup>2</sup> *Id.* at 11-29. The March 3, 2021 Decision in CA-G.R. CEB CR. HC. No. 03430 was penned by Associate Justice Gabriel T. Ingles, and concurred in by Associate Justices Roberto P. Quiroz and Bautista G. Corpin, Jr. of the Special Eighteenth Division, Court of Appeals, Cebu City.

<sup>3</sup> *Id.* at 31-62. The June 28, 2019 Judgment in Criminal Case No. 2015-22889 was penned by Judge Neciforo C. Enot of Branch 44, Regional Trial Court, Dumaguete City.

under Republic Act No. 8042, otherwise known as Migrant Workers and Overseas Filipino Act of 1995, as amended by Republic Act No. 10022.<sup>4</sup>

The instant case stemmed from an Information<sup>5</sup> filed against Ramos and Ojastro, which reads:

That on or about March 2015 in Dumaguete City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating[,] and mutually helping one another, representing themselves to have the capacity to contract, enlist[,] and transport workers for employment abroad, did then and there willfully, unlawfully[,] and feloniously engage in large-scale recruitment and placement activities by enlisting, contracting, procuring, offering[,] and promising for a fee to ANGELO BENLERO BACCAY, RODEL HANGAS CALBOG AND RUDILYN QUITOY CALBOG, without first securing the required license and/or authority from the Department of Labor and Employment or any other authorized government entity.

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

During the arraignment, Ramos and Ojastro pleaded not guilty to the charges against them. After pre-trial was conducted, trial on the merits ensued.

The prosecution presented the following witnesses: private complainants and victims of the large-scale illegal recruitment, Angelo Baccay (*Angelo*) and siblings Rodel Calbog (*Rodel*) and Rudilyn Calbog (*Rudilyn*).

Angelo narrated that he learned about an ongoing recruitment of workers for a restaurant based in Singapore from Michael Nemenzo (*Michael*). Angelo knew Michael because Angelo's girlfriend and Michael's wife worked together.<sup>7</sup> At the time, Michael was a supervisor at a gas station.<sup>8</sup>

One day, Michael told Angelo that one of his employees, Juliemar Sol (*Juliemar*), a pump boy, applied for work<sup>9</sup> at a restaurant in Singapore but backed out as his wife did not want him to work abroad.<sup>10</sup>

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<sup>4</sup> 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).

<sup>5</sup> Records, p. 3.

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

<sup>7</sup> TSN, March 29, 2016, p. 4.

<sup>8</sup> *Id.* at 5.

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

<sup>10</sup> *Rollo*, p. 32.

Enticed by the same offer, Angelo gave his resumé to Michael to pass to Juliemar, who would then submit the same to the recruiters.<sup>11</sup> During this time, Angelo claimed that he also applied for other jobs within the Philippines.<sup>12</sup>

Sometime in February 2015, Angelo received a call from an unlisted number. The caller identified herself as “Susan Rabanal.” Susan instructed Angelo to personally submit to her the duplicate copies of the documents that he previously submitted to Juliemar, along with other requirements, at Sampaguita Drive, Batinguel.<sup>13</sup>

After doing as instructed, Angelo was informed that he was scheduled for an interview at 3:00 p.m. on March 8, 2015, at McDonalds, Perdices St., Dumaguete City.<sup>14</sup>

On even date, both Ramos and Ojastro went to meet Angelo. Ramos introduced herself as the manager of a restaurant based in Singapore located near Sentosa Park, and of a recruitment agency, while Ojastro was the supposedly secretary of a recruitment agency.<sup>15</sup> They offered Angelo the opportunity for employment abroad on the condition that he needed to pay them processing fees.<sup>16</sup>

On March 10, 2015, Angelo paid PHP 5,000.00 to Ramos. Upon payment, he was issued an undated petty cash voucher<sup>17</sup> by Ojastro. This was signed by both Ramos and Ojastro.

When he received the petty cash voucher, Angelo asked for the name of Ramos and Ojastro’s recruitment agency. However, both of them refused to give out its name because their boss was allegedly held up before when they did. At this point, Angelo claimed that he already wanted to back out from the application, but Ramos and Ojastro warned him that if he did, he would be blacklisted from future employment abroad.<sup>18</sup>

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<sup>11</sup> TSN, May 24, 2016, pp. 11-13.

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

<sup>13</sup> TSN, March 29, 2016, p. 5.

<sup>14</sup> *Id.*

<sup>15</sup> TSN, August 9, 2016, pp. 6-7.

<sup>16</sup> *Rollo*, p. 32.

<sup>17</sup> Records, p. 30.

<sup>18</sup> *CA rollo*, p. 38.

On March 13, 2015, due to his growing suspicion, Angelo contacted Michael, who advised him to go to the police, the National Bureau of Investigation, or to the Department of Labor and Employment (*DOLE*).<sup>19</sup>

Initially, Angelo chose to go to DOLE to ask for assistance about the incident, but when he inquired into the validity of Ramos and Ojastro's recruitment operations, he was told by DOLE that they could not give him any information as their names were not on the list of those licensed or given the authority to do recruitment activities.<sup>20</sup>

On March 16, 2015, Angelo went to the National Bureau of Investigation-Dumaguete District Office, where he was made to execute a judicial sworn statement<sup>21</sup> before the National Bureau of Investigation Head Agent Atty. Dominador Cimafranca (*Atty. Cimafranca*) and Senior Investigator III Maria Contessa DC Lastimoso (*SI III Lastimoso*). Afterwards, an entrapment operation was planned against Ramos and Ojastro.<sup>22</sup>

In a letter<sup>23</sup> from the Philippine Overseas Employment Administration-Regional Center for Visayas, Angelo learned that Ramos and Ojastro were not licensed or authorized to recruit workers for overseas employment.

On March 30, 2015, the entrapment operation<sup>24</sup> was conducted by the National Bureau of Investigation against Ramos and Ojastro. Angelo once again agreed to meet with Ramos and Ojastro to pay additional processing fees worth PHP 6,000.00.<sup>25</sup> The meeting took place at around 3:00 p.m. at the right wing of St. Catherine de Alexandria Cathedral.

During the exchange of the payment, Angelo handed Ramos a white envelope containing marked money consisting of two pieces of PHP 100.00 bill and 30 pieces of PHP 20.00 bill.<sup>26</sup> In turn, Ramos passed the money to Ojastro, who issued another petty cash voucher to Angelo. She also recorded the payment in a logbook which was also signed by Angelo.<sup>27</sup>

When Angelo lifted his sunglasses to alert the entrapment operations team that the transaction was consummated, Atty. Cimafranca, SI III

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

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 43.

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

<sup>23</sup> Records, pp. 28-29. Dated March 23, 2015.

<sup>24</sup> *Id.* at 63-64.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 58-59.

<sup>27</sup> *Rollo*, p. 15.

Lastimoso, and Special Investigator III Nicanor Ernesto T. Tagle arrived at the scene and arrested both Ramos and Ojastro.<sup>28</sup>

The National Bureau of Investigation was able to recover from Ramos and Ojastro the marked money, petty cash vouchers issued to Angelo, an unused pad of petty cash vouchers, the logbook containing a record of the transaction, and mobile phones allegedly used by them for their illegal recruitment activities.<sup>29</sup>

Further, the entrapment operation was videotaped by then National Bureau of Investigation photographer/videographer Jade Morquin Bordejo, who later identified the footage during trial.<sup>30</sup>

For Rodel, he claimed that he learned from Ronald Du (*Ronald*), one of his boxing athletes, that Ramos and Ojastro were recruiting workers for Singapore. Rodel trusted Ramos as she happened to be Ronald's relative, thus he expressed to her his interest in applying.<sup>31</sup>

Ronald then introduced Rodel to Ramos and informed him that she was the manager of a restaurant based in Singapore and was likewise engaged in a legitimate recruitment business. Ronald told Rodel that Ramos was affiliated with four legitimate manpower agencies in Manila. However, Ramos demanded PHP 25,000.00 as placement fees from Rodel, PHP 5,000.00 of which needed to be paid upfront for the processing of his work visa. She also advised Rodel that he can even take out a loan from a lending firm in Dumaguete City for the remaining PHP 20,000.00.<sup>32</sup>

On March 12, 2015, Rodel only managed to pay PHP 3,000.00 to Ramos and Ojastro. After which, he was also issued a petty cash voucher. On three separate occasions, Ramos and Ojastro went to Rodel's house to collect the balance of PHP 2,000.00 but failed due to Rodel's inability to raise the said amount. Thus, he was told that his application could not be processed.<sup>33</sup>

Rudilyn also met Ramos and Ojastro through Ronald. They also told Rudilyn that they were hiring workers for a restaurant based in Singapore.<sup>34</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 16.

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

<sup>31</sup> *CA rollo*, p. 40.

<sup>32</sup> *Id.*

<sup>33</sup> *Rollo*, p. 35.

<sup>34</sup> *CA rollo*, p. 41.

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Ramos and Ojastro promised Rudilyn employment as a waitress with a monthly pay of PHP 20,000.00, as well as free board and lodging. Like her brother, she was also convinced that they were legitimate recruiters, more so when they presented to her their affiliation with four manpower agencies in Manila.<sup>35</sup>

As Rudilyn and Rodel already had passports, Ramos assured both of them that they could leave the Philippines on the last week of September 2015 with the first batch of people that will be deployed to Singapore. However, Ramos recommended that they obtain medical certificates from the provincial hospital declaring that they are fit to work, among other requirements.<sup>36</sup>

Rudilyn was able to submit her application letter and requirements but was unable to pay PHP 5,000.00 to them. Ramos and Ojastro went to her house on two separate occasions to collect the payment from her, but as she failed to raise the amount, they did not process her application.<sup>37</sup>

Rudilyn was present when Rodel paid Ramos and Ojastro the amount of PHP 3,000.00.<sup>38</sup>

Later, due to their suspicions about the recruitment scheme, Rodel and Rudilyn reported Ramos and Ojastro to the National Bureau of Investigation on March 30, 2015.<sup>39</sup>

On the part of the defense, instead of presenting evidence, Ramos and Ojastro filed a memorandum on the merits,<sup>40</sup> praying for their acquittal on the ground that the prosecution failed to prove the elements of the crime charged, specifically that it was not proven that they did not have the required license or authority to lawfully engage in the recruitment of workers.<sup>41</sup>

Ramos and Ojastro anchored their arguments on the fact that the letter containing the Philippine Overseas Employment Administration certification stated that “Cherrlyn Chan Ramos” and “Susan Rabanal” did not have the required license or authority to lawfully engage in the recruitment of workers, and not “Cherryline Garcia Ramos” and “Susana Rabanal Ojastro,” which are their actual names. They argued that because the National Bureau of

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<sup>35</sup> *Id.* at 41.

<sup>36</sup> *Id.* at 42.

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

<sup>38</sup> *Id.* at 40.

<sup>39</sup> *Id.* at 41.

<sup>40</sup> Records, pp. 345–349. Dated April 26, 2019.

<sup>41</sup> CA *rollo*, p. 47.





Investigation did not make an extensive query, the element that they did not have the required license or authority was not established.<sup>42</sup>

Next, Ramos and Ojastro claimed that the element that they committed illegal recruitment in a large-scale against three or more persons individually or as a group is wanting because Rudilyn was not actually recruited for overseas work. To support this, they pointed out that Rudilyn did not sign any contract, and she did not give any amount as payment to the accused.

In its Judgment,<sup>43</sup> the RTC found Ramos and Ojastro guilty of large-scale illegal recruitment, *viz.*:

WHEREFORE, premises considered, accused Cherryline Ramos y Garcia a.k.a. Cherrylyn Chan Ramos a.k.a. Cherryline Chan Ramos and Susana Ojastra y Rabanal a.k.a. Susan Rabanal are hereby found GUILTY beyond reasonable doubt of Large Scale Illegal Recruitment under R.A. No. 8042, otherwise known as Migrant Workers and Overseas Filipino Act of 1995, as amended by R.A. No. 10022. They are sentenced to suffer the penalty of life imprisonment and are ordered to pay a fine of One Million Pesos ([PHP] 1,000,000.00) each.

The accused are further ordered to pay private complainants Angelo B. Baccay and Rodel H. Calbog [PHP] 5,000.00 and [PHP] 3,000.00, respectively, with legal interest at the rate of 6% *per annum* from 15 April 2015 until full payment is made.

Issue a commitment order/mittimus for the transfer of the accused to the Correctional Institution for Women, Mandaluyong City, Metro Manila to serve their sentence.

SO ORDERED.<sup>44</sup>

The RTC found that the prosecution was able to prove all the elements of the crime. Ramos and Ojastro undertook recruitment activities when they promised the three victims—Angelo, Rodel, and Rudilyn—overseas employment for a fee, specifically at a restaurant in Singapore allegedly managed by Ramos with Ojastro as her purported secretary.<sup>45</sup>

During trial, Ramos and Ojastro were positively identified by the victims as the perpetrators of the offense charged. Both of them impressed on the victims that they had the power or the ability to send them abroad and they parted with money in exchange therefore, especially when Ramos informed them that she was linked with four manpower agencies in Manila.<sup>46</sup>

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<sup>42</sup> *Id.* at 49.

<sup>43</sup> *Rollo*, pp. 31–39. Dated June 28, 2019.

<sup>44</sup> *Id.* at 38.

<sup>45</sup> *Id.* at 36.

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

Ramos and Ojastro were also proven to have received money from Angelo and Rodel as processing fees for their deployment abroad. This was evinced by petty cash vouchers issued to the victims and the logbook recovered from them during the entrapment operation, which showed Ojastro's recording of the payment made to her by Angelo, along with the latter's signature. The RTC emphasized that the flyleaf of the logbook bears the notation "personal property of Susan F. Rabanal" with a corresponding phone number.<sup>47</sup>

The RTC denied the argument of Ramos and Ojastro that the certification dated March 23, 2015 issued by the Philippine Overseas Employment Administration failed to prove that they did not have a license or authority to recruit workers for overseas employment, as they pertained to "Cherrylyn Chan Ramos" and "Susan Rabanal." Otherwise, Ramos and Ojastro could have presented their license or authority.<sup>48</sup>

More, Ramos and Ojastro's argument that Rudilyn's failure to sign a contract or give any amount to them proved that there was no large-scale illegal recruitment was found by the RTC to be devoid of merit. It held that even without consideration for their services, both Ramos and Ojastro still engaged in recruitment activities.<sup>49</sup> Further, Republic Act No. 8042 does not require that illegal recruitment activity be done for profit.

Aggrieved, Ramos and Ojastro filed an appeal with the CA.<sup>50</sup>

In its assailed Decision,<sup>51</sup> the CA affirmed the conviction of Ramos and Ojastro, modifying only the fine, thus:

WHEREFORE, the appeal is DISMISSED. The Judgment dated 28 June 2019 of the Regional Trial Court, 7<sup>th</sup> Judicial Region, Br. 44, Dumaguete City, in Crim. Case No. 2015-22889 is AFFIRMED with Modification in that each accused-appellant is ordered to pay a fine of Five Hundred Thousand Pesos ([PHP] 500,000.00).

SO ORDERED.<sup>52</sup>

The CA likewise found that the prosecution convincingly proved all the elements of the offense of illegal recruitment in a large scale, namely that Ramos and Ojastro were not licensed or authorized to recruit workers for

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 37.

<sup>49</sup> *Id.* at 37-38.

<sup>50</sup> CA *rollo*, p. 16.

<sup>51</sup> *Rollo*, pp. 11-29.

<sup>52</sup> *Id.* at 29.



overseas employment, and that in representing themselves as capable of providing the three victims jobs in a Singapore-based restaurant, they committed large-scale illegal recruitment.<sup>53</sup>

More, the CA held that the testimonies of the three victims corroborate each other on material points: the identity of the perpetrators, the promise of employment for a fee, workplace, and country of destination.<sup>54</sup>

On the argument that there was no receipt of payment made by Rudilyn to Ramos and Ojastro or the execution of an employment contract, the CA deemed these irrelevant as they are not elements of the crime.<sup>55</sup>

However, in line with *People v. Estrada*,<sup>56</sup> the CA modified the fine imposed against Ramos and Ojastro by decreasing it from PHP 1,000,000.00 to PHP 500,000.00.<sup>57</sup>

Hence, this appeal.

### Issue

The question for this Court's decision is whether the CA erred in finding Cherryline Ramos y Garcia a.k.a. "Cherrylyn Chan Ramos" and a.k.a. "Cherryline Chan Ramos" and Susana Ojastro y Rabanal a.k.a. "Susan Rabanal" guilty beyond reasonable doubt of the crime of illegal recruitment in a large scale.

### This Court's Ruling

Ramos and Ojastro raised the following arguments. *First*, the National Bureau of Investigation did not exert enough efforts to verify whether they had the required license or authority to conduct recruitment activities for overseas employment because it was only shown by the prosecution that a certain Cherryline Chan Ramos and a certain Susana Rabanal Ojastro did not have the license or authority. They purported that these referred to other appellations. *Second*, Ramos and Ojastro argued that the third element in large-scale illegal recruitment is lacking in the case of Rudilyn. They highlighted that she was not recruited for overseas work and the basis of her being the victim is wanting and not supported by sufficient evidence,

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<sup>53</sup> *Id.* at 21–27.

<sup>54</sup> *Id.* at 27.

<sup>55</sup> *Id.* at 28.

<sup>56</sup> 826 Phil. 894 (2018) [Per J. Martires, Third Division].

<sup>57</sup> *Rollo*, pp. 28–29.



specifically that there was no receipt to evidence any amount paid by her to them or an executed contract between the parties, as all that was presented during the proceedings was her affidavit and testimony.

The appeal is without merit.

The CA made no reversible error in convicting Ramos and Ojastro, but we modify the fine imposed.

Prefatorily, it must be stressed that the factual findings of the RTC on the credibility of witnesses deserve great weight, given that they are in a better position to decide the question of credibility, having observed the witnesses first-hand, particularly their demeanor and manner of testifying under grueling examination. Moreso, this rule requires stricter adherence when the factual findings are sustained by the CA.<sup>58</sup>

Article 13(b) of the Labor Code defines recruitment and placement as follows:

ART. 13. Definitions. — ...

(b) "Recruitment and placement" refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring[,] or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: Provided, That any person or entity which, in any manner, offers or promises for a fee, employment to two or more persons shall be deemed engaged in recruitment and placement.

Under Article 38 of the Labor Code, illegal recruitment is defined as follows:

Article 38. Illegal Recruitment —

(a) Any recruitment activities, including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority shall be deemed illegal and punishable under Article 39 of this Code. The Department of Labor and Employment or any law enforcement officer may initiate complaints under this Article.

(b) Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof.

<sup>58</sup> *People v. Dela Cruz*, 811 Phil. 745, 763-764 (2017) [Per J. Peralta, Second Division].

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise[,] or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

(c) The Secretary of Labor and Employment or his duly authorized representatives shall have the power to cause the arrest and detention of such non-licensee or non-holder of authority if after investigation it is determined that his activities constitute a danger to national security and public order or will lead to further exploitation of job-seekers. The Secretary shall order the search of the office or premises and seizure of documents, paraphernalia, properties[,] and other implements used in illegal recruitment activities and the closure of companies, establishments[,] and entities found to be engaged in the recruitment of workers for overseas employment, without having been licensed or authorized to do so.

Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, expanded the coverage of acts classified as illegal recruitment under the Labor Code.

More, the same law provides for stiffer penalties, especially those that constitute economic sabotage, *i.e.*, illegal recruitment in a large scale and illegal recruitment by a syndicate.

Section 6 of Republic Act No. 8042 defines illegal recruitment as follows:

SEC. 6. DEFINITIONS. — 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 for 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 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;

(d) To induce 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;

(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;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

(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;

(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 a travel agency;

(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

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

(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 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 persons liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management[,] or direction of their business shall be liable.

The elements of large-scale illegal recruitment are the following: (a) the offender has no valid license or authority required by law to enable him/her to lawfully engage in the recruitment and placement of workers; (b) 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); and (c) the offender commits any of the acts of recruitment and placement against three or more persons, individually or as a group.<sup>59</sup>

This Court finds that all the elements of large-scale illegal recruitment are present in this case.

*First*, Ramos and Ojastro do not possess the required license or authority to enable them to lawfully engage in the recruitment and placement of workers.

*Second*, Ramos and Ojastro promised to provide opportunities for overseas employment at a restaurant in Singapore to Angelo, Rodel, and Rudilyn, solicited payment from them to process their application, and failed to actually deploy them without valid reason under Section 6(l),<sup>60</sup> Rule IV of Republic Act No. 10022. Ramos and Ojastro performed these acts under the false premise that they possessed the required license or authority to perform overseas recruitment activities.

This led to Angelo and Rodel parting with their money when they paid PHP 5,000.00 and PHP 3,000.00 to Ramos and Ojastro, which they were led to believe were processing fees and were not reimbursed to them from their failure to be deployed under Section 6(m),<sup>61</sup> Rule IV of Republic Act No. 10022.

In Angelo's testimony, he narrated that:

Q: So it was Michael Nemenso who gave your credentials to Juliemar Sol?

A: Yes.

<sup>59</sup> *People v. Calimon, et al.*, 597 Phil. 110, 124 (2009) [Per J. Leonardo-De Castro, First Division].

<sup>60</sup> Section 6(l): Failure to actually deploy without valid reason as determined by the Department of Labor and Employment.

<sup>61</sup> Section 6(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[.]

- Q: In order for Juliemar Sol to give to whom?  
A: To Susan Rabanal and Cherryline Chan Ramos.
- Q: And thereafter what transpired, if any?  
A: Around February, somebody called me whom I could not recognize because it was only cell number who was [sic] registered on my phone, the one who called me identified herself as Susan Rabanal.
- Q: When she called you up what did she tell you, if any?  
A: She told me to submit duplicate copies of my documents.
- Q: Then what else did she tells you? [sic]  
A: She told me to go to Sampaguita Drive, Batinguel to pass all my requirements.
- Q: And did you personally give the duplicate copies to Susan Rabanal at Sampaguita Drive?  
A: Yes, sir.
- Q: Now, at the time what transpired between you and Susan Rabanal?  
A: She told me that there will be an interview and orientation with the manager..
- Q: When was the schedule of the interview?  
A: March 8, 2014.
- Q: And in what place the interview took place?  
A: It will be held at [McDonalds], Perdices Street at 3:00 o'clock in the afternoon.
- Q: And on March 8, 2014, did you go to [McDonalds] for an interview?  
A: Yes.
- Q: Then can you recall what happened when you were at [McDonalds]?  
A: Cherryline Ramos and Susan Rabanal told us how to go abroad.
- Q: What else did they tell you?  
A: They were talking about the good opportunity in working abroad.
- Q: And what else?  
A: They suggested that I pay the processing fee, they suggested that I will pay first Three Thousand ([PHP] 3,000.00) to Five thousand ([PHP] 5,000.00) Pesos.
- Q: And did you agree to their request that you will give processing fee?  
A: Yes, I paid the Five Thousand ([PHP] 5,000.00) Pesos.
- Q: When did you give that Five Thousand Pesos?  
A: I paid the Five thousand Pesos on March 10, 2014, at McDonald[s] at 3:00 o'clock in the afternoon.
- Q: Do you have an evidence to support that you have paid that Five Thousand Pesos or did the accused issued [sic] to you a receipt?  
A: They issued a receipt to me, a [petty] cash voucher.



## COURT

Q: Are you certain that it was in 2014?

A: 2015, Your Honor.

Q: You are changing your answer that it was not in 2014[,] but 2015?

A: Yes, your Honor, it was in the year 2015.

.....

Q: As a receipt of your payment for Five Thousand?

A: Yes, this is the one. It is even signed by Cherryline Ramos.

Q: And do you know whose signature appearing above the written word "Approved By"?

A: It is the signature of Susan Rabanal.

Q: Why do you know that it is the signature of Susan Rabanal?

A: As far as I can remember[,] it was the manager who received the money and it was approved by the secretary.

Q: Who is the manager?

A: Cherryline Chan Ramos.

Q: Is she the same Cherryline Ramos who is the accused in this case?

A: Yes.

Q: Who is the secretary?

A: Susan Rabanal.

Q: The other accused?

A: Yes.

Q: Now, after the payment Mr. Baccay, what else did transpire between you and the accused?

A: I had second thoughts of giving my Five Thousand Pesos because I asked them what was the name of their agency, but they did not give me the name of the agency because according to them it was a secret. It was not supposed to be known because their boss experienced a hold up before.

Q: Now with that information that they gave to you, what did you do?

A: I was supposed to back out but they warned me that I will be black listed for any jobs abroad.

Q: Now[,] aside from the Five thousand that you have paid to the accused, can you recall if there was another payment made by you to the accused?

A: The second time that I paid was on March 30, when they were arrested.

Q: How much was that amount that you give?

A: The marked money was in the amount of [PHP] 6,000.00.



Q: And did they issue again to you a [petty] cash voucher?  
A: Yes.<sup>62</sup>

Meanwhile, Rodel testified as follows:

PROS. MANDAJOYAN

Q: Mr. Calbog, do you recall if you had any transaction with these two (2) accused?  
A: Yes.

.....

Q: Kindly tell the Court.  
A: On March 9, one of my athletes in boxing went to my Gym. He said that his uncle worked at PSO Office, and he has a friend who is recruiting for jobs in Singapore, and they are Cherryline Ramos and her secretary Susan.

Q: And when you heard that information from one of your boxers, what [happened]?  
A: The next day Ronald Du texted that Cherryline Ramos was in his house so that we can [meet], so I went there.

Q: Where is the house of Ronald Du?  
A: In Canday-ong, Calindagan, Dumaguete City.

Q: Can you recall when was that day or what date?  
A: March 10.

Q: So, you went to the house of Ronald Du and you met the accused in his house?  
A: Yes, sir.

COURT

Q: March 10, what year  
A: 2015, Your Honor.

PROS. MANDAJOYAN

Q: And there you met the accused Cherryline Ramos and Susan Rabanal?  
A: Yes.

Q: And in that meeting, what transpired between you and the accused?  
A: We were introduced [to] each other by Ronald Du.

Q: And after the introduction, what [happened] next? After you have been introduced by Ronald Du to the accused, what [happened]?

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<sup>62</sup> TSN, March 29, 2016, pp. 5-7.

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- A: Cherryline Ramos introduced herself that she was the Manager of a restaurant in Singapore.
- Q: And what else did she tell you, aside [from] being the manager of a restaurant?
- A: They were recruiting for a staff in a restaurant in Singapore.
- Q: So they were recruiting workers for the restaurant?
- A: Yes.
- Q: And thereafter what did you do, if any?
- A: After introducing herself[,] she asked for [PHP] 25,000.00 as placement fee. We have to pay Five Thousand pesos ([PHP] 5,000.00) as down payment together with our application letter.
- Q: So did you pay to the accused [sic]?
- A: Yes, sir.
- Q: How much?
- A: Three thousand Pesos ([PHP] 3,000.00).
- Q: Where did you give the Three Thousand Pesos?
- A: To Cherryline Ramos.
- Q: And when she received that three thousand pesos, was she alone or in the presence of the other accused?
- A: She was with her secretary Susan.
- Q: And after giving the three thousand pesos to Cherryline Ramos, was there a receipt given to you?
- A: Yes, sir. It was a [petty] cash voucher.
- Q: Who gave this [petty] cash voucher to you?
- A: Susan Rabanal.
- Q: And the money was received by whom?
- A: Cherryline Ramos.
- Q: Now considering that the demand was, an initial payment of [PHP] 5,000.00, and you only gave [PHP] 3,000.00, what [happened] thereafter?
- A: She went to the house three (3) times to collect the Two Thousand Pesos ([PHP] 2,000.00) balance.
- Q: Who was the accused who went to your house to collect the balance?
- A: Cherryline Ramos.
- Q: Was she alone when she went to your house?
- A: Yes.
- Q: How many times did she go to your house?
- A: Three (3) times.

- Q: And were you able to give the balance of Two Thousand Pesos ([PHP] 2,000.00)?
- A: No.
- Q: After you failed to deliver the Two Thousand Pesos, what [happened] if there was any?
- A: I told them that I have to look for money, but on the second day[,] she went back to our house, still I did not have money.
- Q: Then what [happened] to your application for employment abroad?
- A: The application cannot be sent if the Five Thousand cannot be completed yet.<sup>63</sup>

Lastly, Rudilyn narrated that:

- Q: Ms. Calbog, how did you know the accused sometime in March 2015, how did you know them?
- A: My brother introduced Cherryline Ramos and Susana Rabal to me because they were recruiting for waiters and waitresses for Singapore.
- Q: When you say "my brother introduced you to them", who is that brother of yours?
- A: Rodel Calbog, sir.
- Q: Is he the same Rodel Calbog who is also one of the private complainant[s] in this case?
- A: Yes, sir.
- Q: Where did you first me[e]t these accused?
- A: In the residence of Ronald Du in Canday-ong, sir.
- Q: And in the course of your meeting, what did they tell you, if there was any?
- A: That they were allegedly hiring for waitresses and Cherrylyn said that she is one of the managers of a restaurant in Singapore. I was not able to give, only my brother who was able to give because I did not have money at the time.
- Q: But that time you were already convinced, and you have already agreed to pay that amount?
- A: I only gave my requirements and not the money that time.
- Q: After that meeting in Canday-ong, was there any meeting with the accused?
- A: Cherrylyn and Susana went to our house.
- Q: When was that?
- A: March 22, 2015, to collect the [PHP] 5,000.00 fee.
- Q: And were you able to give the Five Thousand Pesos?
- A: No.

<sup>63</sup> TSN, October 5, 2016, pp. 5-8.

Q: And thereafter, was there another meeting?  
A: I promise[d] to give them the money if ever I will have it, and then on March 28, they returned to our house.

....

Q: On the second time, were they able to [receive] money?  
A: No.

Q: Why?  
A: Still[,] I did not have money.

....

Q: What about Susan Rabanal Ojastro, have you talked with her?  
A: She was the secretary of Cherrylyn.

Q: But during that first meeting Susan Rabanal was also present?  
A: Yes, sir, she was present.

Q: And because they have presented to you as a recruiter, what transpired of that meeting, if you can recall?  
A: They offered free lodging in Singapore and the salary was [PHP] 20,000.00 per month.

COURT:

Q: What, twenty thousand dollars?  
A: In pesos already, Your Honor.

PROS. MANDAJOYAN:

Q: So with that offer, what did you do?  
A: We submitted the requirements that they were asking for, resume, ID, and Passport.<sup>64</sup>

As Ramos and Ojastro committed the foregoing acts against three people—Angelo, Rodel, and Rudilyn—the offense committed was qualified as illegal recruitment constituting economic sabotage, specifically in a large scale.

Ramos and Ojastro also argued that it was a certain “Cherryline Chan Ramos” and “Susana Rabanal Ojastro” who did not possess the necessary license or authority to conduct overseas recruitment activities in the Philippine Overseas Employment Administration Certification<sup>65</sup> obtained by Angelo. They raised that these referred to people who may not necessarily refer to them.

<sup>64</sup> TSN, February 13, 2018, pp. 5–7.

<sup>65</sup> Records, p. 81. Dated March 23, 2015.

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This Court remains unpersuaded.

In *People v. David*,<sup>66</sup> this Court discussed the probative value of Philippine Overseas Employment Administration certifications as public documents, to wit:

In *People v. Banzales*, the Court ruled that a POEA certification is a public document issued by a public officer in the performance of official duty; hence, it is *prima facie* evidence of the facts stated therein pursuant to Section 23 of Rule 132 of the Rules of Court. Further, public documents are entitled to a presumption of regularity. Consequently, the burden of proof rests upon him who alleges the contrary.<sup>67</sup> (Citations omitted)

The same applies in this case.

The Philippine Overseas Employment Administration certification serves as *prima facie* evidence of the facts stated therein. The burden, therefore, was on Ramos and Ojastro to present evidence to prove their innocence. Ramos and Ojastro could have presented their license or authority if they were granted one or supplied the courts with evidence to prove that their identities are different from those indicated in the Philippine Overseas Employment Administration certification. Unfortunately, they did not.

More, the law is clear in punishing illegal recruitment activities whether it is done for profit or otherwise, and whether it is undertaken by a non-licensee or non-holder of authority or a licensee or holder of authority.

Recently, in *People v. Dela Concepcion y Valdez*,<sup>68</sup> this Court declared that the receipt of money is not necessary as proof for conviction in an illegal recruitment case if the prosecution's evidence successfully establishes the accused's guilt, as in the case.

Thus, it is irrelevant that Rudilyn was not able to give any amount to Ramos and Ojastro. To stress, Rudilyn submitted requirements, such as her resume, identification card, and passport, that were asked of her by them, signifying that Rudilyn accepted their offer of overseas employment.

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<sup>66</sup> G.R. No. 233089, June 29, 2020 [Per J. Inting, Second Division].

<sup>67</sup> *Id.* at 13. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

<sup>68</sup> G.R. No. 251876, March 21, 2022 [Per J. Leonen, Third Division] at 22. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

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Further, the execution of a contract between the parties need not be proven as it does not fall under the elements for the crime of illegal recruitment.

Anent the penalties, this Court modifies the penalty imposed by the CA. In *People v. Begino*,<sup>69</sup> this Court found that:

Now on the matter of the appropriate penalty, R.A. No. 10022 is explicit that illegal recruitment in large-scale is punishable by life imprisonment and a fine of not less than [PHP] 2,000,000.00 nor more than [PHP] 5,000,000.00. The law provides further that the maximum penalty shall be imposed if illegal recruitment is committed by a non-licensee or non-holder of authority. In this case, the trial court imposed upon Regina the penalty of life imprisonment and a fine of [PHP] 500,000.00. However, considering that Regina is a non-licensee or non-holder of authority, the Court deems it proper to impose upon her the maximum penalty of life imprisonment and a fine of [PHP] 5,000,000.00.<sup>70</sup>

In Section 6 of Republic Act No. 10022, the penalties of Republic Act No. 8042 were amended to state:

**Section 6.** Section 7 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

“SEC. 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 ([PHP] 1,000,000.00) nor more than Two million pesos. ([PHP] 2,000,000.00).

“(b) The penalty of life imprisonment and a fine of not less than Two million pesos ([PHP] 2,000,000.00) nor more than Five million pesos ([PHP] 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 ([PHP] 500,000.00) nor more than One million pesos ([PHP] 1,000,000.00).

<sup>69</sup> G.R. No. 251150, March 16, 2022 [Per J. Lopez, M., Third Division].

<sup>70</sup> *Id.* at 7. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

“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 institutions, training school or medical clinic.” (Emphasis in the original)

Thus, as Ramos and Ojastro committed illegal recruitment in a large scale as non-licensees or non-holders of authority, or illegal recruitment constituting economic sabotage, we deem it proper to increase the penalty against them to life imprisonment and impose the payment of a fine of PHP 2,000,000.00 on each of them pursuant to Republic Act No. 10022.

They are also further ordered to pay the victims Angelo and Rodel the amounts of PHP 5,000.00 and PHP 3,000.00, respectively, which they paid as processing fees during the recruitment.

In addition, all monetary awards shall bear interest of six percent (6%) per annum reckoned from the finality of this Decision until fully paid.

**ACCORDINGLY**, the instant appeal is **DENIED**. The Decision dated March 3, 2021 of the Court of Appeals in CA-G.R. CEB CR. HC. NO. 03430 is hereby **AFFIRMED** with **MODIFICATION**.

Accused-appellants Cherryline Ramos y Garcia a.k.a. “Cherrylyn Chan Ramos” and a.k.a. “Cherryline Chan Ramos” and Susana Ojastro y Rabanal a.k.a. “Susan Rabanal” are **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. They are sentenced to suffer life imprisonment and are **ORDERED** to **PAY** a fine of PHP 2,000,000.00 each.

They are likewise **ORDERED** to **REIMBURSE** the following complainants the respective amounts:

a) Angelo B. Baccay	PHP 5,000.00
b) Rodel H. Calbog	PHP 3,000.00

The amounts herein shall earn legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment.

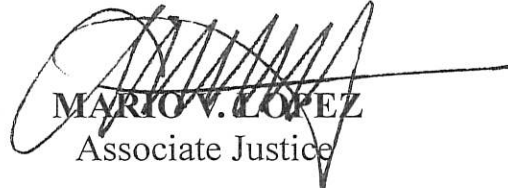
**SO ORDERED.**

  
**JHOSEP V. LOPEZ**  
Associate Justice

**WE CONCUR:**

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


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

  
**MARIO V. LOPEZ**  
Associate Justice

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

**ATTESTATION**

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

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice