

## SIXTH DIVISION

[ CA-G.R. CR-HC No. 05920, April 14, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MATIAS "MATHEW" DOMEQUIL, ACCUSED-APPELLANT.**

### D E C I S I O N

**ABDULWAHID, J.:**

This is an appeal from the *Decision*<sup>[1]</sup> dated June 27, 2012, of the Regional Trial Court (RTC), Branch 21, City of Manila, in Criminal Case Nos. 98-164446, 98-164680 and 98-164681, finding herein accused-appellant Matias "Mathew" Domequil guilty beyond reasonable doubt of large scale illegal recruitment as defined and penalized under Republic Act (RA) No. 8042, and sentencing him to suffer the penalty of reclusion perpetua for each count of large scale illegal recruitment and to indemnify the private complainants.

The instant case arose from three informations dated April 28, 1998, April 30, 1998 and April 30, 1998, respectively, filed by the Department of Justice against accused-appellant and other accused officers of Maru International Manpower Services, Inc. ("Maru International"), a land-based recruitment agency, in Criminal Case Nos. 98-164446, 98-164680, and 98-164681, which read as follows:

#### **Criminal Case No. 98-164446**<sup>[2]</sup>

That sometime between the period from March 1997 to March 1998, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused acting in concert, conspiring and mutually helping each other and in their capacity as officers/employees of MARU INTERNATIONAL SERVICES, INC., a licensed land-based recruitment agency, did then and there willfully, unlawfully and feloniously contract, enlist and promise employment for a fee higher than that required by law to the following complainants: x x x, individually or as a group either in Hongkong or Taiwan as engineers, construction workers, welders, fork lift operators, etc. and that without any valid reason failed to deploy them as promise and further failed to reimburse the expenses incurred by them in connection with their documentation and processing fees.

Contrary to law.

**Criminal Case No. 98-164680**<sup>[3]</sup>

That on or about May, 1997 to March, 1998 and thereafter in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there willfully, unlawfully and feloniously recruit the herein complainant, namely: x x x for employment as factory workers, welder, truck drivers and forklift operator for Taiwan and Hongkong, for and in consideration thereof, they were required to pay the amount of P23,000.00 to P60,000.00 as alleged placement and processing fees, which the complainant delivered and paid the amount P23,000.00 to P60,000.00, Philippine Currency, which are amounts greater than that specified in the schedule allowable fees prescribed by the Secretary of the Department of Labor and Employment.

Contrary to law.

**Criminal Case No. 98-164681**<sup>[4]</sup>

That on or about May, 1997 to March, 1998 and thereafter in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously recruit the herein complainants, namely: x x x for employment as factory workers, for Taiwan, for and in consideration thereof, they were required to pay the amount of P40,000.00 to P53,650.00 as alleged placement and processing fees, which the complainants delivered and paid the amount from P40,000.00 to P53,650.00, Philippine Currency, which are amounts greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment.

Contrary to law.

The above-mentioned criminal cases were consolidated before the RTC, Branch 21, and a Warrant of Arrest<sup>[5]</sup> was issued against accused-appellant and his co-accused. However, while trial proceeded against co-accused Ruth C. Domequil and Teresita "Tita" Bustos, together with Security Officer Marcos Rangel, the cases against accused-appellant and another co-accused, Conchita "Chit" Narciso, both of whom remained at large, were archived.<sup>[6]</sup> On June 29, 2000, accused Ruth Domequil and Bustos were found guilty of large scale illegal recruitment and were sentenced to suffer the penalty of life imprisonment.

On January 13, 2003, accused-appellant was arrested by the operatives of the Interpol Division of the National Bureau of Investigation (NBI) and the cases were

reinstated. When arraigned on June 4, 2003, accused-appellant pleaded not guilty to the charges against him.<sup>[7]</sup> Thereafter, on June 25, 2003, pretrial conference was held but the same was immediately terminated without the parties entering into any stipulations.<sup>[8]</sup>

During the trial, the prosecution witnesses consisted mostly of private complainants who were allegedly recruited by Maru International, namely: Manolito Gumabon<sup>[9]</sup>, Baldovino Gumabon<sup>[10]</sup>, Remy Santilices<sup>[11]</sup>, Arturo Cabras<sup>[12]</sup>, Annaliza Valeriano<sup>[13]</sup>, Miguel Cunanan<sup>[14]</sup>, Reginaldo Gilbuena<sup>[15]</sup>, Nenita Paras<sup>[16]</sup>, Leonides Vicmudo<sup>[17]</sup>, Ricardo Valmadrid<sup>[18]</sup>, Bienvenido Gamboa<sup>[19]</sup>, Evelyn Arceo<sup>[20]</sup>, Marlon Orenso<sup>[21]</sup>, Eduardo Antonio Jr.<sup>[22]</sup> and Mamerto Alangcaw<sup>[23]</sup>. Private complainants testified that they came to know of the job placements in Hongkong and Taiwan being offered by Maru International through an advertisement<sup>[24]</sup> published in the newspaper. Thus, private complainants, on separate occasions, went to Maru International's office to apply for the various positions advertised in the newspaper, and they all identified accused-appellant as the one who personally interviewed them for the positions applied for and who attended to them every time they would report to Maru International. During their respective interviews, accused-appellant promised them employment and conducted their briefing. Thereafter, they were required to pay placement and/or processing fees in varying amounts, as evidenced by the corresponding receipts, to wit:<sup>[25]</sup>

<b>Witnesses</b>	<b>Job Offer</b>	<b>Place</b>	<b>Amount Paid</b>
1) Manolito Gumabon	truck driver	Hongkong	P50,000.00
2) Baldovino Gumabon	factory worker	Taiwan	P45,000.00
3) Remy Santilices	factory worker	Taiwan	P55,000.00
4) Arturo Cabras	construction worker	Taiwan	P70,000.00
5) Annaliza Valeriano	factory worker	Taiwan	P45,000.00
6) Miguel Cunanan	driver	Hongkong	P63,000.00
7) Leonides Vicmudo	factory worker	Taiwan	P55,000.00
8) Ricardo Valmadrid	Factory worker	Taiwan	P49,000.00
9) Bienvenido Gamboa	Truck driver	Hongkong	P75,000.00
10) Evelyn Arceo	Factory worker	Taiwan	P50,000.00
11) Marlon Orenso	Factory worker	Taiwan	P50,000.00
12) Eduardo Antonio Jr.	Electrician	Hongkong	P52,500.00
13) Mamerto Alangcaw	Factory worker	Taiwan	P50,000.00

Private complainants paid said placement/processing fees in various installments. Eventually, some were separately advised by telegram that their respective contracts and/or visa applications had been approved, and were made to report to

the office of Maru International for a series of pre-departure briefings. Some of private complainants were also shown their approved visas attached to their passports and/or photocopies of their plane tickets. However, when private complainants went to Maru International's office for the last time, they were surprised to discover that the same had already been gutted by fire for unknown reasons. When they tried to follow up on their impending departure and/or deployment, they could no longer contact accused-appellant or locate his whereabouts. Worse, when some of private complainants verified their tickets with Philippine Airlines, they were informed that the same were only requests and that they had not been included in their supposed flights' manifests. Consequently, private complainants lodged their complaints for illegal recruitment before the NBI, with the help of the Volunteers Against Crime and Corruption (VACC).

In addition to private complainants, the prosecution also presented Atty. John Rio Bautista<sup>[26]</sup>, the Chief of the Prosecution Division Anti-Illegal Recruitment Branch of the Philippine Overseas Employment Administration (POEA), who brought several documents pertaining to Maru International, pursuant to a subpoena *duces tecum* and *ad testificandum* issued by the RTC and testified thereon. In particular, Atty. Bautista testified that Maru International is a recruitment agency whose license was revoked by the POEA in 1998 due to violations of certain provisions of the POEA Rules and Regulations, as evidenced by the 14-page summary<sup>[27]</sup> of all cases filed against the recruitment agency. Moreover, Atty. Bautista observed that the job orders enumerated in the newspaper advertisement found by private complainants were not accredited either to Maru International or to its contractor in Hongkong, Top Most Consultancy Limited, viz:<sup>[28]</sup>

Fiscal:

Q: Atty. Bautista, this is a prosecution for Syndicated Illegal Recruitment in large scale, collection of excessive fines and excessive placement fees and one of the witnesses in this particular case, the private complainants testified before this Honorable Court that they came to know of job placements at Maru International Manpower Services thru an advertisement which they read from the newspaper and marked in evidence for the prosecution as exh. "A" which says that Maru International Manpower Services, Inc. is offering job placements for Hongkong, can you please tell us under the contractor Top Most Company, basedd on the records of yoru office, Atty. Bautista, can you please tell us whether or not Maru International Manpower Services has job orders for truck drivers, VIP drivers, Fork Lift Operators, workers, electricians, general construction worker, air-con technician, refrigerator technician, 25 auto mechanic, 30 crane operators, 20 pale loaders operators, and 16 mechanical engineers under Top Most Agency in Hongkong?

A: Ma'am, as per records available in our office, the category of works enumerated were not accredited to Top Most and at the same time to

Maru International, I have here a computer print-out of the approve accreditation of Maru International.

Q: And what is the job order for Top Most Company?

A: For Top Most consultancy Limited, the only approved job order is for the category of Domestic Helper.

Q: And I am showing to you exh. "D" and "A" for the prosecution wherein there is an advertisement for the positions that I have enumerated and an advertisement also issued by Maru for those positions, so are you telling us that there is no job vacancies for those particular positions, only for Domestic Helpers?

A: Only Domestic Helpers, are accredited as per Top Most Consultancy Limited.

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Q: So, no job orders for those advertised job vacancies for Maru International Services?

A: yes, ma'am.

Finally, Atty. Bautista testified on a previous decision rendered in POEA Case No. Recruitment Violation No. 98-04-0505, finding Maru International guilty of collecting excessive placement fees over and above the maximum allowable placement fee of P5,000.00 under Article 34-A of the Labor Code in relation to Memorandum Order No. 5, series of 1985.<sup>[29]</sup>

On the other hand, accused-appellant denied all the charges of illegal recruitment against him and asserted that Maru International had been issued by the Secretary of Labor a license, authorizing it to recruit workers for Taiwan and Hongkong employers. Accused-appellant also testified that he was the president of Maru International, but that it was his co-accused, Bustos, the manager of Maru International, who was in charge of interviewing applicants, recommending selected applicants to prospective employers, collecting placement fees and booking applicants for deployment. In the same vein, accused-appellant denied having received any payment from the applicants, maintaining that there were appointed cashiers in the Accounting Department of Maru International who were given the task of collecting placement fees, and that a board resolution had likewise given co-accused Bustos authority to collect fees and to issue receipts. In addition, accused-