

SECOND DIVISION

[CA-G.R. SP NO. 93505, August 17, 2006]

**DMJ INTERNATIONAL RESOURCES, INC., PETITIONERS, VS. THE
HON. SECRETARY OF THE DEPARTMENT OF LABOR AND
EMPLOYMENT, HON. ROSALINDA DIMAPILIS-BALDOZ, AND THE
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION AND
MARUJA RABA, RESPONDENTS.**

DECISION

ENRIQUEZ, JR., J.:

This is a special civil action for certiorari under *Rule 65 of the 1997 Rules of Civil Procedure, as amended*, which seeks to set aside the Resolution dated July 23, 2004 issued by respondent Administrator Rosalinda Dimapilis-Baldoz (hereafter Administrator Baldoz) of the Philippine Overseas Employment Administration (hereafter POEA) and the Orders dated June 17, 2005 and October 28, 2005 issued by Secretary Patricia Sto. Tomas (hereafter Secretary Sto. Tomas) of the Department of Labor and Employment. The respective dispositive portions of which read as follows:

“WHEREFORE, foregoing premises considered, We find and so hold DMJ INTERNATIONAL RESOURCES, INCORPORATED liable for two counts of violation of Article 32 and another count for (violation of) Articles 34 (a) and (b) of the Labor Code, as amended, and is hereby imposed the penalty of suspension of license for eight (8) months or in lieu thereof a fine of Ninety Eight Thousand pesos (P98,000.00).

Further, respondent agency and COUNTRY BANKERS INSURANCE CORPORATION are hereby ordered to refund to the complainant, jointly and severally, the amount of P16,398.00, representing the excess sum collected from her.

SO ORDERED.”

“WHEREFORE, premises considered, the appeal, herein treated as a petition for review, filed by DMJ International Resources, Inc., is hereby DISMISSED for lack of merit. The Order dated July 23, 2004 of the POEA, finding it liable for two (2) counts of violation of Article 32 (a) and another count for violation (of) Article 34 (a) and (b) of the Labor Code, as amended, thereby imposing the penalty of suspension of petitioner’s license for a period of eight months or, in lieu thereof, a penalty of fine in the amount of Ninety Eight Thousand Pesos (P98,000.00) is AFFIRMED. The order to refund complainant of the amount of 16,398.00 is hereby SET ASIDE.

SO ORDERED.”

"WHEREFORE, premises considered, the motion for reconsideration, filed by DMJ International Resources, Inc., is hereby DENIED for lack of merit. Our Order dated June 17, 2005, finding petitioner liable for two (2) counts of violation of Article 32 (a) and another count for violation (of) Article 34 (a) and (b) of the Labor Code, as amended, thereby imposing the penalty of suspension of petitioner's license for a period of eight months or, in lieu thereof, a penalty of fine in the amount of Ninety Eight Thousand Pesos (P98,000.00) is AFFIRMED.

No further pleadings of similar nature shall hereinafter be entertained.

SO ORDERED."

The facts of the case as gathered from the records are as follows: On August 8, 2002, private respondent Maruja T. Raba (hereafter private respondent), filed a complaint against petitioner DMJ International Resources, Incorporated (hereafter petitioner company), for violation of *Articles 32 and 34 (a) and (b) of the Labor Code, as amended*, before the POEA. Private respondent, in her sworn statement, stated that in May 2000, she applied with petitioner company for a job opening of a caretaker. Private respondent paid P38,000.00 as placement fee for the said position in Taiwan. Private respondent averred that she gave the money to a certain Marisa in petitioner company's office. Thereafter, private respondent submitted the required documents. Private respondent then signed a contract of employment with a monthly salary of \$15,800.00NT. Private respondent claimed that when she arrived in Taiwan, she was made to work as egg picker and not as a caretaker. Private respondent added that after two (2) weeks, she was illegally dismissed. Private respondent was repatriated on August 23, 2000.

Petitioner company was required to answer the show-cause order issued by the POEA. Petitioner company denied private respondent's allegation that it violated *Articles 32 and 34 of the Labor Code, as amended*, on recruitment. Petitioner company asserts that private respondent only paid P20,000.00 as placement fee as shown by an official receipt.

After due hearing, Administrator Baldoz issued the assailed order. Petitioner company appealed to the Department of Labor and Employment. Secretary Sto. Tomas denied petitioner's appeal and issued the Order dated June 17, 2005. Petitioner's motion for reconsideration was denied on October 28, 2005. Hence, this petition with the grounds raised as follows:

I.

PUBLIC RESPONDENTS GRAVELY ABUSED THEIR DISCRETION IN HOLDING PETITIONER LIABLE FOR SUPPOSEDLY VIOLATING ARTICLES 32, 34(A) AND (B) OF THE LABOR CODE, AS AMENDED.

II.

PUBLIC RESPONDENT GRAVELY ABUSED THEIR DISCRETION WHEN THEY DID NOT GIVE CREDENCE TO THE AFFIDAVIT OF QUITCLAIM EXECUTED BY PRIVATE RESPONDENTS.