



SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

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Republic of the Philippines  
Supreme Court  
Manila

BY: \_\_\_\_\_  
TIME: \_\_\_\_\_

**THIRD DIVISION**

**AQUILINA  
MARAJAS,**

**MARQUEZ**

**G.R. No. 244001**

*Petitioner,*

Present:

LEONEN, J.,\*  
HERNANDO,  
Acting Chairperson,  
INTING,  
DELOS SANTOS, and  
LOPEZ, J., JJ.

- versus -

**PEOPLE OF THE PHILIPPINES,**  
*Respondent.*

Promulgated:

June 23, 2021

*Mis-DCB-H*

X-----X

**DECISION**

**DELOS SANTOS, J.:**

Before us is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the 1997 Rules of Civil Procedure assailing the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals (CA) dated June 6, 2018 and January 14, 2019, respectively, in CA-G.R. CR No. 37566 in a case involving Illegal Recruitment under Republic Act (R.A.) No. 8042 as amended by R.A. No. 10022, and Anti-Trafficking in Persons Act of 2003 under R.A. No. 9208.

\* On official leave.

<sup>1</sup> *Rollo*, pp. 11-37.

<sup>2</sup> *Id.* at 39-60. Penned by Associate Justice Maria Elisa Sempio Diy, with Associate Justices Franchito N. Diamante and Rodil V. Zalameda (now a Member of the Court), concurring.

<sup>3</sup> *Id.* at 64-66.

### The Antecedents

Petitioner Aquilina M. Marajas (petitioner) and her co-accused Myrna Melgarejo (Melgarejo), were charged with violation of Illegal Recruitment under Section 6 of R.A. No. 8042, otherwise known as “Migrant Workers and Overseas Filipinos Act of 1995”, as amended by R.A. No. 10022 before the Regional Trial Court (RTC) of Pasay City, Branch 111. The information reads as follows:

CRIMINAL CASE NO. R-PSY-12-05571  
(Violation of Section 6 of R.A. No. 8042)

That sometime [on] May 31, 2012, in the City of Pasay, and within the jurisdiction of this Honorable Court, the above-named accused Aquilina M. Marajas and Myrna Melgarejo, non-licensees or non-holders of authority and representing themselves as authorized to deploy Filipino workers for employment abroad, with the intention of carrying out unlawful and illegal act, did then and there willfully, unlawfully, and knowingly, referred Nieves E. Tag-at for employment in Beijing, China, and facilitated her departure for China through the use of falsified travel documents, to the damage and prejudice of Nieves Tag-at.

CONTRARY TO LAW.<sup>4</sup>

Marajas, Melgarejo and co-accused Raymond Marquez Pilac (Pilac) were also charged for violation of Section 5(e) of R.A. No. 9208, or the “Anti-Trafficking in Persons Act of 2003,” before the same trial court. The accusatory portion of the Information alleges:

CRIMINAL CASE NO. R-PSY-12-05572-CR  
(Violation of Section 5[e] of R.A. No. 9208)

That sometime [on] May 31, 2012, in the City of Pasay, and within the jurisdiction of this Honorable Court, the above-named accused Myrna Melgarejo, owner of Myron Travel Consultancy, did then and there willfully, unlawfully, and knowingly directed [*sic*] Aquilina M. Marajas to facilitate the departure of Nieves E. Tag-at for employment in Beijing, China, by instructing her to fall in line where Raymond Pilac was stationed, and by handing her a fake letter of support and invitation, and Raymond Pilac immediately cleared Tag-at for departure, despite her financial incapability to support her travel abroad, to the damage and prejudice of Tag-at.

CONTRARY TO LAW.<sup>5</sup>

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<sup>4</sup> Id. at 40.

<sup>5</sup> Id.

On arraignment, petitioner pleaded not guilty to the offenses charged against her. Trial then ensued.

### **Evidence of the Prosecution**

The prosecution, through private complainant Nieves Tag-at (Tag-at), Supervising National Bureau of Investigation (NBI) Agent Gennady A. Chiong (Agent Chiong), Agent Roldan F. Follosco (Agent Follosco), Immigration Officer Rhona Ruth Lagman (IO Lagman), and Philippine Overseas Employment Agency (POEA) Representative Corazon C. Aquino (Representative Aquino), established the following facts:

Sometime in May 2012, private complainant Tag-at went to Myron Travel Agency, owned by Melgarejo, to seek employment abroad as a domestic helper. Melgarejo then told private complainant to wait for petitioner. When petitioner arrived, private complainant introduced herself and told petitioner of her desire to seek employment abroad. Petitioner replied that the agency would just arrange for a sponsor in Beijing, China who would help the private complainant travel to Beijing, China where she would be engaged as a domestic helper.<sup>6</sup>

Subsequently, on May 31, 2012, private complainant again went to Myron Travel Agency where she met petitioner. Petitioner then handed to her a Letter of Invitation and Support dated May 15, 2012 signed by a certain Johnelyn Daquigan (Daquigan), together with copies of Daquigan's passport and certificate of live birth.<sup>7</sup>

In the same afternoon, private complainant, accompanied by petitioner, went to the Ninoy Aquino International Airport (NAIA) Terminal 3 after being told that she would be departing for Beijing, China later that afternoon. After paying private complainant's travel tax, petitioner told her to wait for a text message from somebody and to fall in line at the Immigration counter being manned by a fat and bald person who later turned out to be Pilac.<sup>8</sup>

At that time, Agent Follosco, Agent Rodrigo Sarno III (Agent Sarno), and Agent Fidel Geli III (Agent Geli), members of the Inter-Agency Council Against Trafficking (IACAT) of the Department of Justice (DOJ), were roaming around the Departure Area of NAIA Terminal 3 when they noticed petitioner and private complainant. They overheard the former's instructions to the latter. They also noticed that after private complainant checked in at

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<sup>6</sup> Id. at 41.

<sup>7</sup> Id. at 42.

<sup>8</sup> Id.

the Check-In Counter, the two (2) women went directly to the Immigration Departure Area. They observed that the petitioner pointed to the counter being manned by Pilac where private complainant was asked to fall in line.<sup>9</sup>

Private complainant then gave her passport to Pilac upon reaching the counter. Pilac asked her where she was going and she answered, "Beijing, sir." When asked if she had money, private complainant replied in the affirmative showing One Thousand Pesos (₱1,000.00). Pilac then cleared private complainant for departure by putting a stamp on her passport. Private complainant then proceeded to the next line.<sup>10</sup>

Agents Folloso, Sarno, and Geli then proceeded to the Immigration counter and ordered private complainant to proceed to the Bureau of Immigration Travel Control and Enforcement Unit (TCEU) for secondary inspection of her travel documents. IO Lagman then checked private complainant's documents such as her passport, return ticket, boarding pass, Letter of Invitation and Support, and the birth certificate of Daquigan. IO Lagman also interviewed her in the process. It was at this point that IO Lagman decided to offload her after she failed to show her relationship with Daquigan as her alleged sponsor. An Affidavit of Offloading was executed by IO Lagman afterwards.<sup>11</sup>

Petitioner left as soon as private complainant was subjected to secondary inspection.

Subsequently, IO Lagman accompanied private complainant to Agents Folloso, Sarno, and Geli who brought the private complainant to the IACAT Office inside NAIA Terminal 3. There, Agent Chong, Anti-Human Trafficking Supervisor, interviewed private complainant. During the interview, private complainant admitted that her real purpose for travelling to Beijing, China was for employment. She also disclosed that petitioner told her that she could go to Beijing, China initially as a tourist and later on be given a job there. She showed Agent Chiong a Letter of Invitation and Support purportedly executed by Daquigan given to her by petitioner. Private complainant also admitted to Agent Chiong that the Letter of Invitation and Support, as well as the latter's birth certificate, were both fake.<sup>12</sup>

During the course of the investigation, Agent Geli was able to eventually locate petitioner and afterwards, he invited her to the IACAT Office for questioning.

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<sup>9</sup> Id.

<sup>10</sup> Id. at 43.

<sup>11</sup> Id.

<sup>12</sup> Id. at 43-44.

When the investigation was over, the agents were convinced that petitioner committed violations of R.A. No. 9208 and R.A. No. 8042, as amended. They then placed petitioner under arrest.

In the course of the hearing, Representative Aquino, Senior Labor and Employment Officer at the Licensing Branch of POEA, identified and admitted the POEA Certification dated January 15, 2014 stating, among others, that petitioner was not licensed or authorized to recruit workers for overseas employment.<sup>13</sup>

### **Evidence for the Defense**

For the defense, petitioner vehemently denied the charges of Illegal Recruitment and Illegal Trafficking in Persons hurled against her. According to her, she met private complainant at the office of Myron Travel Agency, owned by Melgarejo, where she was also an applicant herself.<sup>14</sup>

On May 31, 2012, petitioner again saw private complainant at the travel agency. Petitioner was told by the private complainant that she was leaving that same day. Private complainant asked petitioner to accompany her to the airport to which petitioner agreed. According to petitioner, she agreed to the request of the private complainant to know if private complainant would be allowed to leave and thus, ascertaining the legitimacy of the travel agency in the process as she herself was an applicant as well.<sup>15</sup>

At the airport, petitioner just sat on the bench while private complainant lined up at the Travel Tax Counter and Check-in Counter. Petitioner did not know what happened next to the private complainant after completing her transaction at the Cebu Pacific Check-In Counter. Petitioner also denied any knowledge regarding the offloading of the private complainant.

Petitioner averred that while being seated at the bench, she was approached by an NBI agent and was invited to the IACAT Office. At the IACAT Office, she was questioned, arrested, and detained.<sup>16</sup>

### **Ruling of the Trial Court**

After trial, the RTC found petitioner guilty of the offenses of Illegal Recruitment, and violation of R.A. No. 9208 in its April 13, 2015 Decision.


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<sup>13</sup> Id. at 44.

<sup>14</sup> Id. at 45.

<sup>15</sup> Id. at 45-46.

<sup>16</sup> Id. at 46.



The dispositive portion reads:

WHEREFORE, this court finds accused Aquilina M. Marajas **guilty** beyond reasonable doubt of **illegal recruitment** in Criminal Case No. R-PSY-12-05571 and, accordingly, sentences her to suffer the indeterminate penalty of imprisonment ranging from six (6) years and one (1) day, as minimum, to ten (10) years, as maximum, and to pay a fine (sic) of P200,000.00.

In Criminal Case No. PSY-12-05572, this court finds accused Aquilina M. Marajas and Raymond Pilac **guilty** beyond reasonable doubt of **violation of Republic Act No. 9208**, the "Anti-Trafficking in Persons Act of 2003", and, accordingly, sentences each of them to suffer the penalty of fifteen (15) years imprisonment and each to pay a fine of Five Hundred Thousand (P500,000.00) Pesos.

x x x x

SO ORDERED.<sup>17</sup>

### **Ruling of the CA**

On June 6, 2018, the CA rendered a Decision affirming with modification the ruling of the RTC finding petitioner guilty beyond reasonable doubt of the crime of Illegal Recruitment under Section 6 of R.A. No. 8042, as amended by R.A. No. 10022. Likewise, it also affirmed the ruling of the RTC finding petitioner guilty beyond reasonable doubt of the crime of Trafficking in Persons under Section 5(e) of R.A. No. 9208. The CA found the evidence presented by the prosecution sufficient to prove the presence of all the elements constituting both offenses. The dispositive portion of the said Decision reads:

**IN VIEW OF ALL THESE**, the appeal of accused-appellant Aquilina M. Marajas is **DENIED**. The Decision dated April 13, 2015 of Branch 111, Regional Trial Court of Pasay City, finding accused-appellant Aquilina M. Marajas guilty beyond reasonable doubt of the crime of Illegal Recruitment under Section 6 of Republic Act No. 8042, as amended by Republic Act No. 10022, is **AFFIRMED** with **MODIFICATION** that she shall suffer the indeterminate penalty of imprisonment of twelve (12) years and one day, as minimum, to twenty (20) years, as maximum, and shall pay a fine of P1,000,000.00.

The Decision dated April 13, 2015 of Branch 111, Regional Trial Court of Pasay City, finding accused-appellant Aquilina M. Marajas guilty beyond reasonable doubt of the crime of Trafficking in Persons under Section 5(e) of Republic Act No. 9208, is likewise **AFFIRMED**. Accused-appellant Aquilina M. Marajas shall suffer the penalty of imprisonment of fifteen (15) years and shall pay a fine of P500,000.00.<sup>18</sup>

<sup>17</sup> Id.

<sup>18</sup> Id. at 59-60.

Petitioner moved for reconsideration of the Decision of the CA. However, it was denied in the CA Resolution dated January 14, 2019.

Dissatisfied with the ruling, petitioner filed with this Court a Petition for Review on *Certiorari*<sup>19</sup> under Rule 45 alleging that the CA gravely erred in affirming the conviction for failure to prove her guilt beyond reasonable doubt.

On September 4, 2019, the respondent, through the Office of the Solicitor General (OSG), filed its Comment.<sup>20</sup>

### The Issue

#### I.

Whether the CA gravely erred in finding petitioner guilty of Illegal Recruitment under Section 6 of R.A. No. 8042.

#### II.

Whether the CA gravely erred in finding petitioner guilty of Trafficking in Persons under Section 5(e) of R.A. No. 9208.

In seeking reversal of the CA Decision, petitioner points out that the prosecution failed to prove that she committed Illegal Recruitment under Section 6 of R.A. No. 8042, as amended, because of the absence of the first element of the offense. Petitioner asserts that she did not engage or undertake any activity that constitutes recruitment or placement. Neither did she commit any of the prohibited practices under Article 34 of the Labor Code.<sup>21</sup>

Petitioner contends that private complainant testified that she was forced to make the narration in her Affidavit dated May 31, 2012, and denied the truthfulness of her own statements contained therein, specifically, the statement that she was defrauded and promised with employment in Beijing by petitioner. Petitioner asserted that based on private complainant's testimony, she never impressed in the latter's mind that she (petitioner) had the power or authority to send workers abroad for employment. She claims that the statement that there would be someone who would hire her in Beijing could also mean a general statement of work surplusage in Beijing.<sup>22</sup>

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<sup>19</sup> Id. at 11-34.

<sup>20</sup> Id. at 156-178.

<sup>21</sup> Id. at 23.

<sup>22</sup> Id. at 26-27.

Anent petitioner's conviction for the crime of trafficking in persons under Section 5(e) of R.A. No 9208, petitioner contends that such is erroneous because the allegation made against her is bare and uncorroborated. Petitioner maintains her stance that she never assisted private complainant in going out of the country. Neither did she provide fraudulent travel documents to the latter.<sup>23</sup>

### **The Court's Ruling**

After a judicious study of the case, the Court resolves to deny the petition for failure of petitioner to sufficiently show that the CA committed any reversible error in rendering its Decision as to warrant the exercise of the Court's appellate jurisdiction. Thus, the Court sustains petitioner's conviction for the crime of Illegal Recruitment under Section 6 of R.A. No. 8042, as amended by R.A. No. 10022, and Trafficking in Persons under Section 5(e) of R.A. No. 9208.

The crime of illegal recruitment is defined under Section 6 of R.A. No. 8042, or the Migrant Workers and Overseas Filipinos Act of 1995, as follows:

SEC. 6. Definition. — For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13 (f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts,  
x x x:

x x x x

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 criminally 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.

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<sup>23</sup> Id. at 30.



In order to hold a person liable for illegal recruitment, the following elements must concur: (1) 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 R.A. No. 8042); and (2) the offender has no valid license or authority required by law to enable him to lawfully engage in recruitment and placement of workers. In the case of illegal recruitment in large scale, a third element is added: that the offender commits any of the acts of recruitment and placement against three or more persons, individually or as a group.<sup>24</sup>

In this case, the only disputed element is the first element. As to the second element, it was already proven by the presentation of a Certification from the POEA stating that petitioner is not licensed or authorized to recruit workers for overseas employment. This fact was not denied by the petitioner.

For the first element, it is petitioner's contention that she did not perform recruitment or placement activities based on her allegation that private complainant was merely forced to make the narration in her May 31, 2012 Affidavit only to subsequently deny its truthfulness, specifically the statement that she was defrauded and was promised employment in Beijing. Overall, petitioner contends that she did not impress upon private complainant that she had the power to send workers abroad for employment.

However, such contention is without merit.

*Gaspar v. People*<sup>25</sup> holds that a non-licensee or non-holder of authority commits illegal recruitment for overseas employment by committing any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, which includes referring, contract services, promising or advertising for employment abroad, whether for profit or not. Illegal recruitment is committed whenever a person who, without authority from the government, gives the impression that he or she has the power to send workers overseas for employment purposes.

It must be noted that while private complainant mentioned in her testimony that petitioner did not promise her employment in Beijing, petitioner, nevertheless, told her that there would be work for her upon arrival in Beijing. This shows that petitioner gave private complainant the distinct impression that she had the power or ability to send her abroad for employment. Moreover, as testified by private complainant, petitioner

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<sup>24</sup> *People v. De Guzman*, G.R. No. 212527, September 20, 2017 (Resolution).

<sup>25</sup> *Gaspar v. People*, G.R. No. 234839, March 13, 2019 (Resolution).

professed her ability to send private complainant abroad when she gave the latter a Letter of Invitation and Support allegedly executed by a certain Daquigan, but was actually executed by petitioner, as well as a copy of Daquigan's birth certificate, when in truth, Daquigan was not known to the private complainant and was not a relative of the latter. Furthermore, petitioner even personally accompanied private complainant on the supposed day of the latter's departure for Beijing. All these acts show that petitioner indeed presented herself as a person who could cause the overseas aspirations of private complainant come into fruition.

Additionally, petitioner's denial that she did not engage in any recruitment activity cannot prevail over the positive identification of private complainant of the former who made representations on her capability of sending private complainant to Beijing, China for employment. The Court has oft pronounced that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.<sup>26</sup>

We also uphold the finding of credibility of the CA regarding the testimony of private complainant given that there was no ill motive attributed on her part to falsify her testimony against the petitioner.

On the flipside, the lone testimony of petitioner is weak, self-serving and unsubstantiated by clear and convincing evidence.

Anent the crime of Trafficking in Persons under Section 5(e) of R.A. No. 9208, we also sustain the ruling of the CA that petitioner is guilty.

Petitioner vehemently denies guilt for the aforementioned crime. She insists that she never assisted private complainant in her plan to go abroad. She also denies providing fake travel documents and tampering official documents to private complainant.

Section 3(a) of R.A. No. 9208 defines "Trafficking in Persons" as the "recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the

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<sup>26</sup> *People v. Hapa*, G.R. No. 233694, January 29, 2020 (Resolution).

exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.” Furthermore, the same provision provides that “[t]he recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.”<sup>27</sup> The crime of “Trafficking in Persons” becomes qualified when, among others, the trafficked person is a child.<sup>28</sup>

Section 5 of R.A. No. 9208 provides for the acts that promote trafficking of persons, such as:

(e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons[.]

In this case, the courts *a quo* correctly found — through the consistent, direct, unequivocal, and thus, credible testimony of private complainant and the other witnesses — that the prosecution had clearly established the existence of the elements of violation of Section 5(e) of R.A. No. 9208, as evinced by the fact that petitioner facilitated and assisted the private complainant in her foiled attempt to depart from the country through NAIA Terminal 3, after providing her with fraudulent travel documents for the purpose of her employment in Beijing, China.

This was corroborated by Agent Follosco and his co-agents, who heard petitioner giving instructions to the private complainant before the latter approached the immigration counter. IO Lagman also found out that the documents she was carrying were spurious, fake, and tampered because it did not show private complainant’s relationship with Daquigan who was supposedly her sponsor for her departure after conducting further inspection.

Additionally, there was no ill motive shown by the defense on the part of the prosecution witnesses to cast doubt on the veracity of their testimonies.

In view of the foregoing, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, as there is no indication that it overlooked, misunderstood or misapplied the facts and

<sup>27</sup> See *People v. XXX*, 835 Phil. 1083 (2018).

<sup>28</sup> See Section 6 (a) of RA 9208 which provides:

Section 6. *Qualified Trafficking in Persons.* — *The following are considered as qualified trafficking:*

(a) When the trafficked person is a child[.]

circumstances of the case. Indeed, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.<sup>29</sup> Thus, petitioner's conviction for crimes of Illegal Recruitment under Section 6 of R.A. No. 8042, as amended by R.A. No. 10022, and Trafficking in Persons under Section 5(e) of R.A. No. 9208 must be sustained.

Anent the proper penalty to be imposed, Section 6 of R.A. No. 10022 which amended R.A. No. 8042 states 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 ₱1,000,000.00 nor more than ₱2,000,000.00.<sup>30</sup> Thus, the CA correctly sentenced petitioner to suffer the indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to twenty (20) years, as maximum, and ordered to pay a fine of ₱1,000,000.00.

Likewise, for the crime of Trafficking in Persons under Section 5(e) of R.A. No. 9208, the penalty prescribed by the CA is correct. Under Section 10 of R.A. No. 9208, any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than ₱500,000.00 but not more than ₱1,000,000.00.<sup>31</sup> Therefore, the CA correctly sentenced petitioner to suffer

<sup>29</sup> *Peralta v. People*, 817 Phil. 554 (2017), citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

<sup>30</sup> 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 (P1,000,000.00) nor more than Two million pesos (P2,000,000.00).
- (b) The penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) nor more than Five million pesos (P5,000,000.00) 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 (P500,000.00) nor more than One million pesos (P1,000,000.00).

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

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

<sup>31</sup> SECTION 10. *Penalties and Sanctions.* — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00); SEIDAC
- (d) Any person who violates Section 7, hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);


the penalty of imprisonment of fifteen (15) years and ordered to pay a fine of ₱500,000.00.

**WHEREFORE**, the Petition is **DENIED**. The Decision and Resolution of the Court of Appeals dated June 6, 2018 and January 14, 2019, respectively, in CA-G.R. CR No. 37566 are **AFFIRMED in toto** in that petitioner Aquilina M. Marajas is hereby found **GUILTY** beyond reasonable doubt of crimes of Illegal Recruitment under Section 6 of Republic Act No. 8042, as amended by Republic Act No. 10022, and Trafficking in Persons under Section 5(e) of Republic Act No. 9208.

**SO ORDERED.**

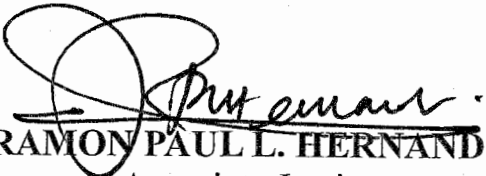


**EDGARDO L. DELOS SANTOS**  
Associate Justice

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- (e) If the offender is a corporation, partnership, association, club, establishment or any judicial person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;
  - (f) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;
  - (g) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;
  - (h) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirements as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and
  - (i) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.
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**WE CONCUR:**

(On Official Leave)  
**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice

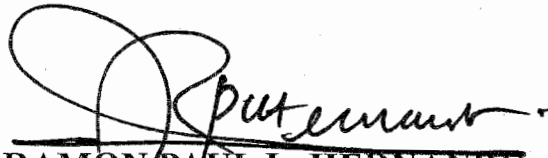
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

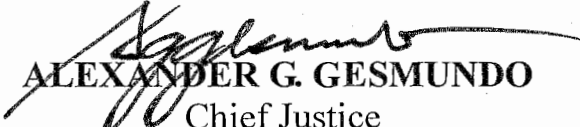
**ATTESTATION**

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.

  
**RAMON PAUL L. HERNANDO**  
Associate Justice  
Acting Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Acting 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