



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**THIRD DIVISION**

**THE PEOPLE OF THE PHILIPPINES,**

Plaintiff-appellee,

-versus-

**REGINA WENDELINA BEGINO y ROGERO a.k.a “WENG FABULAR” a.k.a “REGINA BEGINO” and DARWIN AREVALO y TOMAS (At Large), accused, REGINA WENDELINA BEGINO y ROGERO a.k.a “WENG FABULAR” a.k.a “REGINA BEGINO”**  
 Accused-appellant.

**G.R. No. 251150**

Present:

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

Promulgated:

March 16, 2022

*MisdeBatt*

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**DECISION**

**LOPEZ, M., J.:**

The criminal liability of the accused for large scale illegal recruitment is the subject of review in this appeal assailing the Court of Appeals’ Decision<sup>1</sup> dated March 27, 2019 in CA-G.R. CR-HC No. 10477.

**ANTECEDENTS**

In September 2011, Milagros Osila (Milagros) received a phone call that Regina Begino (Regina) and Darwin Arevalo (Darwin) were conducting interviews for applicants interested to work abroad. Milagros immediately traveled to Tabaco City, Albay, where she met Regina and Darwin, who informed her that they were looking for apple-pickers to be deployed in Canada. Darwin interviewed Milagros and gave her a list of employment requirements and fees. At their next meeting, Milagros paid Regina ₱3,000.00 processing fee. Later, Milagros handed to Regina ₱3,000.00 terminal fee,

<sup>1</sup> *Rollo*, pp. 3–15. The March 27, 2019 Decision in CA-G.R. CR-HC No. 10477 was penned by Associate Justice Priscilla J. Baltazar-Padilla (Chair) with the concurrence of Associate Justices Germano Francisco D. Legaspi and Ronaldo Roberto B. Martin of the Special Thirteenth Division, Court of Appeals Manila.

₱1,000.00 additional processing fee, and ₱3,800.00 surety bond. Regina recorded the payment in an index card.<sup>2</sup> Milagros then shared the job opportunity to her nieces Maelene Canaveral (Maelene) and Geraldine Ojano (Geraldine), and her friend Gloria Mape (Gloria). On various dates, Maelene, Geraldine, and Gloria met with Regina and Darwin, who promised to send them to Canada. Thereafter, Regina received placement fees of ₱65,000.00 from Maelene, ₱35,000.00 from Geraldine, and ₱55,000.00 from Gloria. The payments were likewise recorded in index cards. In these transactions, Regina and Darwin assured Milagros, Maelene, Geraldine, and Gloria that they will earn high compensation and instructed them to await their deployment.<sup>3</sup>

Unfortunately, Milagros, Maelene, Geraldine, and Gloria neither got to leave for Canada nor get their money back. The National Bureau of Investigation (NBI) conducted an entrapment operation and arrested Regina for illegal recruitment activities. The operatives recovered from Regina several index cards with notes on the payments from Milagros, Maelene, Gloria, and Geraldine. Accordingly, Regina and Darwin were charged with large scale illegal recruitment and three (3) counts of *estafa* before the Regional Trial Court (RTC) docketed as Criminal Case Nos. 12160, 12161, 12162, and 12163, respectively, to wit:

**Criminal Case No. 12160  
for: Large Scale Illegal Recruitment**

That sometime in September, 2011 to January 2012 in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court the above named accused conspiring, confederating, and helping each other for a common purpose, representing to have the capacity, authority or license to contract, enlist and deploy or transport workers for overseas employment, did then and there willfully, unlawfully, and criminally recruit, contract, and promise to deploy for a fee [sic] Maelene Canaveral y Hesita, Geraldine Ojano, Gloria B. Mape and Milagros Osila for work overseas, [sic] specially Canada without first obtaining the required license and/or authority from the POEA, accused are neither licensed nor authorized from the POEA to recruit workers for overseas employment, to the damage and prejudice of the above-mentioned persons.

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

**Criminal Case No. 12161  
for: Estafa**

That sometime in January 2012, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court the above named accused conspiring, confederating, and helping each other for a common purpose, representing to have the capacity, authority or license to contract, enlist and deploy or transport workers for overseas employment, with intent to defraud and by means of false pretenses and fraudulent representation, did then and there, willfully, unlawfully and feloniously entice Geraldine Ojano

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<sup>2</sup> Id. at 4–5.

<sup>3</sup> CA *rollo*, pp. 68, 70, and 100.

<sup>4</sup> Id. at 47.



to work abroad and then collected the sum of money allegedly for processing fees to which said Geraldine Ojano had given the total amount of thirty-five thousand (₱35,000.00) pesos, when in truth and in fact accused have no authority to recruit and after obtaining the said amount accused failed to comply with their obligation nor return the said amount despite repeated demands, to her damage and prejudice.

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

**Criminal Case No. 12162  
for: Estafa**

That on or about the 10th day of September 2011, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court the above named accused conspiring, confederating, and helping each other for a common purpose, representing to have the capacity, authority or license to contract, enlist and deploy or transport workers for overseas employment, with intent to defraud and by means of false pretenses and fraudulent representation, did then and there, willfully, unlawfully and feloniously entice Milagros Osila to work abroad and then collected the sum of money allegedly for processing fees to which said Milagros Osila had given the total amount of ten thousand eight hundred (₱10,800.00) pesos, when in truth and in fact accused have no authority to recruit and after obtaining the said amount accused failed to comply with their obligation nor return the said amount despite repeated demands, to her damage and prejudice.

ACTS CONTRARY TO LAW.<sup>6</sup>

**Criminal Case No. 12163  
for: Estafa**

That sometime on October, 2011, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court the above named accused conspiring, confederating, and helping each other for a common purpose, representing to have the capacity, authority or license to contract, enlist and deploy or transport workers for overseas employment, with intent to defraud and by means of false pretenses and fraudulent representation, did then and there, willfully, unlawfully and feloniously entice Gloria B. Mape to work abroad and then collected the sum of money allegedly for processing fees to which said Gloria B. Mape had given the total amount of fifty-thousand (₱55,000.00) pesos, when in truth and in fact accused have no authority to recruit and after obtaining the said amount accused failed to comply with their obligation nor return the said amount despite repeated demands, to her damage and prejudice.

ACTS CONTRARY TO LAW.<sup>7</sup>

Only Regina was brought to the jurisdiction of the RTC while Darwin remained at large. During arraignment, Regina pleaded “not guilty” to the crimes charged. Thereafter, joint trial of the cases ensued. The prosecution

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<sup>5</sup> Id. at 47–48.

<sup>6</sup> Id. at 48.

<sup>7</sup> Id. at 48–49

presented the testimonies of Milagros, Maelene, Geraldine, and Gloria. Also, the prosecution offered in evidence a certification from the Philippines Overseas Employment Administration (POEA) stating that Regina and Darwin had no license to recruit workers abroad.<sup>8</sup> On the other hand, Regina denied the accusations and claimed that she did not promise overseas employment nor receive money from Milagros, Maelene, Geraldine, and Gloria. Regina insisted that she was also a victim of Darwin who offered her work as caregiver in British Columbia, Canada.<sup>9</sup>

On December 4, 2017, the RTC convicted Regina of large scale illegal recruitment and three (3) counts of *estafa*.<sup>10</sup> The RTC ruled that Regina represented having authority to send the complainants abroad but the promise never materialized. Moreover, the index cards recovered from Regina established that she received various fees from the complainants. The RTC also held that Regina defrauded the complainants and her assurances caused them to part with their money,<sup>11</sup> thus:

WHEREFORE, in Criminal Case No. 12160 this court finds REGINA WENDELINA BEGINO GUILTY beyond reasonable doubt of Illegal Recruitment in Large Scale and thereby sentences her to life imprisonment and to pay a fine of ₱500,000.00

In Criminal Case No. 12161, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of two (2) years of Prision Correccional as minimum to eight (8) years of Prision Mayor as maximum. She is likewise directed to pay Geraldine Ojano the amount of ₱35,000.00 from the finality of this decision with legal interest until fully paid.

In Criminal Case No. 12162, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of two (2) years of Prision Correccional as minimum to eight (8) years of Prision Mayor as maximum. She is likewise directed to pay Milagros Osila the amount of ₱10,800.00 from the finality of this decision with legal interest until fully paid.

In Criminal Case No. 12163, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of four (4) years of Prision Correccional as minimum to nine (9) years of Prision Mayor as maximum. She is likewise directed to pay Gloria Mape the amount of ₱55,000.00 from the finality of this decision with legal interest until fully paid.

SO ORDERED.<sup>12</sup>

Aggrieved, Regina elevated the case to the Court of Appeals (CA), questioning only her conviction for large scale illegal recruitment. Meantime, Regina filed an omnibus motion before the RTC to avail the benefits of

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<sup>8</sup> Id. at 66 and 101.

<sup>9</sup> Id. at 71.

<sup>10</sup> CA *rollo*, pp. 63–76. The December 4, 2017 Decision in Criminal Case Nos. 12161, 12162, and 12163 was penned by Judge Ignacio N. Almodovar, Jr. of the Regional Trial Court, Branch 2, Legaspi City.

<sup>11</sup> Id. at 75.

<sup>12</sup> Id. at 75–76.

Republic Act (R.A.) No. 10951<sup>13</sup> and to modify the penalty in the three (3) *estafa* cases. On December 14, 2017, the RTC granted the motion and reduced the penalty in Criminal Case Nos. 12161 and 12162 to imprisonment of six (6) months because the amount of fraud in each case did not exceed ₱40,000.00. In Criminal Case No. 12163, the RTC modified the indeterminate penalty to 6 months of *arresto mayor*, as minimum, to two (2) years of *prision correccional*, as maximum,<sup>14</sup> to wit:

The Omnibus Motion filed by the accused thru counsel is well taken. Hence, the dispositive portion of the decision is corrected as follows:

In Criminal Case No. 12161, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of six (6) months. She is likewise directed to pay Geraldine Ojano the amount of ₱35,000.00 from the finality of the decision with legal interest until fully paid;

In Criminal Case No. 12162, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of six (6) months. She is likewise directed to pay Milagros Osila the amount of ₱10,800.00 from the finality of decision with legal interest until fully paid.

In Criminal Case No. 12163, this court finds her guilty beyond reasonable doubt of the crime of Estafa and sentences her to imprisonment of six (6) months of *arresto mayor* as minimum to two (2) years of *prision correccional* as maximum. She is likewise directed to pay Gloria Mape the amount of ₱55,000.00 from finality of decision with legal interest until fully paid.

The accused had already served the penalty imposed in the three (3) cases because of her detention, the Warden of Albay Provincial Jail, Legazpi City is directed to RELEASE her from custody UNLESS SHE IS BEING DETAINED FOR OTHER LEGAL CAUSES.<sup>15</sup>

On March 27, 2019, the CA affirmed Regina's guilt in Criminal Case No. 12160 for large scale illegal recruitment, *viz.*:

WHEREFORE, the instant appeal is hereby DENIED.

The Decision dated December 4, 2017 of the Regional Trial Court of Legazpi City, Branch 2 in Criminal Case No. 12160, is hereby AFFIRMED.

SO ORDERED.<sup>16</sup>

Hence, this appeal. The parties opted not to file supplemental briefs

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<sup>13</sup> AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, approved on August 29, 2017.

<sup>14</sup> *Rollo*, pp. 26–27.

<sup>15</sup> *Id.* at 27.

<sup>16</sup> *Id.* at 12–13.

considering that all issues have already been exhaustively discussed in their pleadings before the CA.<sup>17</sup> Thus, Regina reiterates her argument that the prosecution failed to prove the elements of large scale illegal recruitment.

### RULING

The appeal is unmeritorious.

Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by R.A. No. 10022,<sup>18</sup> broadened the concept of illegal recruitment under the Labor Code and provided stiffer penalties, especially those that constitute economic sabotage, i.e., illegal recruitment in large scale and illegal recruitment committed by a syndicate. Here, all the elements of large scale illegal recruitment are present, to wit:

(1) the offender has no valid license or authority required by law to enable him to lawfully engage in recruitment and placement of workers;

(2) 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 RA 8042);

(3) the offender commits any of the acts of recruitment and placement against three (3) or more persons, individually or as a group.<sup>19</sup>

The prosecution established that Regina engaged in recruitment activities and gave complainants the distinct impression that she had the power or ability to send them abroad for work. Regina directly transacted with the complainants regarding the job prospect in Canada and personally assisted them in completing the requirements for deployment. Regina received money from the complainants as placement fees and gave assurances that they will earn high compensation for their purported jobs abroad. Given these circumstances, complainants genuinely believed that Regina could make their dream of overseas employment come true and handed their hard-earned money to her. However, the expected employment did not take place. The supposed deployment of the complainants was met with frustrations and disappointments after they learned the arrest of Regina for illegal recruitment activities. Worse, the complainants have not been reimbursed the full amount of their placement fees. Furthermore, Regina had no authority to engage in recruitment activities. Regina did not contest the POEA certification that she was not licensed to deploy workers for overseas employment. Finally, there are four (4) complainants who testified against Regina which qualified the

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<sup>17</sup> Id. at 29, 38.

<sup>18</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, approved on July 8, 2010.

<sup>19</sup> *People v. Imperio*, G.R. No. 232623, October 5, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66798>>.

offense to economic sabotage. All the complainants suffered miserable fate in their desire to work abroad.

To avoid liability, Regina explained that she is a victim of Darwin's machinations. Quite the contrary, the facts reveal that Regina has an active role in perpetrating the crime. Regina always accompanied Darwin in conducting the job interviews of the complainants. Regina discussed the employment opportunities abroad and assured complainants of their deployment. Moreover, Regina met the complainants to collect the placement fees. The index cards evidencing payments from the complainants were found in Regina's possession during the NBI entrapment operation but she failed to give any explanation as to why these documents were in her custody. Thus, there can be no other conclusion but to uphold the conviction of Regina for the crime of large scale illegal recruitment.

On this score, we stress that the CA and the RTC's assessment on the veracity of the testimonies of the complainants is given the highest degree of respect,<sup>20</sup> especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood or misapplied, which could affect the result of the case.<sup>21</sup> The trial court had the best opportunity to determine the credibility of the complainants, having evaluated their emotional state, reactions and overall demeanor in open court. In any event, the complainants' credibility is enhanced absent evidence indicating that they harbored improper motive to falsely testify against Regina.<sup>22</sup>

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 ₱2,000,000.00 nor more than ₱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.<sup>23</sup> In this case, the trial court imposed upon Regina the penalty of life imprisonment and a fine of ₱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 ₱5,000,000.00.<sup>24</sup>

Lastly, the Court observes that the RTC erred in the computation of penalties imposed in the three *estafa* cases. Under R.A. No. 10951, the prescribed penalty for *estafa* when the amount of fraud does not exceed ₱40,000.00 is *arresto mayor* in its medium and maximum periods. If the amount of fraud is over ₱40,000.00 but does not exceed ₱1,200,000.00, the

<sup>20</sup> *People of the Philippines v. Matignas, et al.*, 428 Phil. 834 (2002) citing *People v. Basquez*, 418 Phil. 426 (2001); *People v. Jaberto*, 366 Phil. 556 (1999), *People v. Deleverio*, 352 Phil. 382 (1998).

<sup>21</sup> *People v. Orosco*, 757 Phil. 299 (2015), citing *People v. De Leon*, 608 Phil. 701, 721 (2009).

<sup>22</sup> *People v. Prades*, 355 Phil. 150 (1998).

<sup>23</sup> R.A. No. 10022, Section 6 provides: "(b) **The penalty of life imprisonment and a fine of not less than Two million pesos (₱2,000,000.00) nor more than Five million pesos (₱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.**"

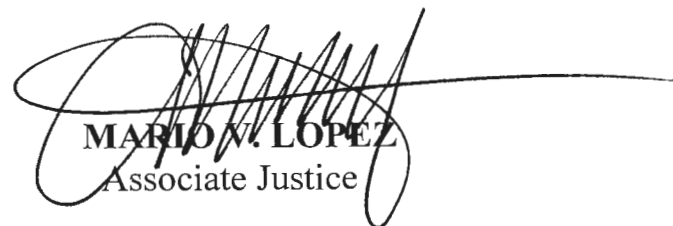
<sup>24</sup> *People v. Imperio*, G.R. No. 232623, October 5, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66798>>.

prescribed penalty is *arresto mayor* in its maximum period to *prision correccional* in its minimum period. In Criminal Case Nos. 12161 and 12162, the amounts defrauded are ₱35,000.00 and ₱10,800.00, respectively. Considering that the amount of fraud in each case does not exceed ₱40,000.00, the prescribed penalty is *arresto mayor* in its medium and maximum periods which has a duration of 2 months and 1 day to 6 months. Absent any modifying circumstance, the imposable penalty must be within the medium period of the prescribed penalty or 3 months and 11 days to 4 months and 20 days. Inarguably, the RTC erred in imposing imprisonment of 6 months which went beyond the medium period of the prescribed penalty. In Criminal Case No. 12163, the amount defrauded is ₱55,000.00. Given that the amount of fraud is over ₱40,000.00 but does not exceed ₱1,200,000.00, the prescribed penalty is *arresto mayor* in its maximum period to *prision correccional* in its minimum period which has a duration of 4 months and 1 day to 2 years and 4 months. Absent any modifying circumstance, the imposable penalty must be within the medium period of the prescribed penalty or 1 year and 1 day to 1 year and 8 months. Again, the RTC erred in imposing the indeterminate penalty of 6 months of *arresto mayor*, as minimum, to 2 years of *prision correccional*, as maximum. Obviously, the minimum and maximum terms of the indeterminate penalty went beyond the penalty next lower in degree than that prescribed and the medium period of the prescribed penalty, respectively.

Nonetheless, the penalties in the three (3) counts of *estafa* can no longer be corrected, even if erroneous, because the judgment of conviction has become final and executory after Regina chose not to appeal these cases.<sup>25</sup> An erroneous judgment, as thus understood, is a valid judgment.<sup>26</sup> Whatever mistake the trial court committed in the computation of penalties was merely an error of judgment and not of jurisdiction. The mistake did not affect the intrinsic validity of the decision and can no longer be rectified on appeal no matter how obvious the error may be.<sup>27</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Court of Appeals' Decision dated March 27, 2019 in CA-G.R. CR-HC No. 10477 is **AFFIRMED**. The accused-appellant Regina Wendelina Begino y Rogero is found guilty of large scale illegal recruitment and is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱5,000,000.00.

**SO ORDERED.**

  
MARIO V. LOPEZ  
Associate Justice

<sup>25</sup> *Tamayo v. People* 582 Phil. 306 (2008). See also *Icao v. Apalisok*, 259 Phil. 1168 (1989); and *Estarija v. People*, 619 Phil. 457 (2009).


<sup>26</sup> *People v. Gatward and Win*, 335 Phil. 440 (1997).

<sup>27</sup> *People v. Leones*, 418 Phil. 804 (2001).



WE CONCUR:

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

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

  
**JHOSEP Y. 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**  
Associate Justice  
Chairperson

**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