



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

TASK FORCE ON ANTI-TRAFFICKING IN PERSONS

**NATIONAL BUREAU OF
INVESTIGATION – ANTI HUMAN
TRAFFICKING DIVISION (NBI-
AHTRAD), CESAR S. VELOSO,
CELIA F. VELOSO, MARITESS V.
LAURENTE, LORNA MITCH
VALINO y OCTIVA, ANA MARIE
GONZALES, REGINA JIMENEZ y
MENDOZA, ELRIDGE POSADAS y
JIMENEZ, DAISY DE LUNA,
ROSALIE PASCUAL, TERESITA
CANDELARIA y CASTILLO,
MERYLIZA BARRIENTOS y DE
GUZMAN, JENALYN PARAISO y
LAURETA, PATRICIA REYES y
TINIO and FLORA MAY
LADRILLANO y CASTILLO,
Complainants,**

XVI-INV-15E-00045

-versus-

For: Violation of RA 8042, RA
9208 and Article 315 of the
Revised Penal Code.

**MA. CRISTINA P. SERGIO alias
MARY CHRISTINE GULLES
PASADILLA and JULIUS
LACANILAO.**

Respondents.

X-----X


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INQUEST RESOLUTION

This resolves the complaint filed and presented for inquest by the National Bureau of Investigation – Anti Human Trafficking Division (NBI-AHTRAD), as well as Cesar S. Veloso, Celia F. Veloso, Maritess V. Laurente, Lorna Mitch Valino y Oativa, Ana Marie Gonzales, Regina Jimenez y Mendoza, Elridge Posadas y Jimenez, Daisy de Luna, Rosalie Pascual, Teresita Candelaria y Castillo, Meryliza Barrientos y De Guzman, Jenalyn Paraiso y Laureta, Patricia Reyes y Tinio and Flora May Ladrillano y Castillo against respondents Ma. Cristina P. Sergio alias Mary Christine Gulles Pasadilla and Julius Lacanilao for violation of R.A. 8042 (Migrant Workers Act of 1995), R.A. 9208 (Anti Trafficking in Persons Act of 2003) and Article 315 of the Revised Penal Code.

The inception of this case took place pursuant to the directive of the Secretary of Justice to the National Bureau of Investigation (NBI) to conduct an investigation/verification into the findings of the Philippine Drug Enforcement Agency (PDEA), which recommended the filing of cases for illegal recruitment, human trafficking and other charges against respondents Maria Cristina Sergio ("Sergio") and Julius Lacanilao ("Lacanilao"). Apparently, respondents and her cohorts were the ones responsible in recruiting Ms. Mary Jane Veloso as a house helper in Malaysia without the necessary permit from the Philippine Overseas Employment Administration (POEA). Unfortunately, this illegal recruitment scheme employed by respondent Sergio had a drug trafficking angle, as Ms. Veloso was later on caught, charged and meted a death sentence by Indonesian authorities for drug trafficking charges.

The National Bureau of Investigation, through its Anti-Human Trafficking Division ("NBI-AHTRAD"), thereupon conducted an open probe. After establishing material facts based on the evidence they gathered under the circumstances, they filed a criminal complaint for syndicated illegal recruitment, human trafficking charges and Estafa against respondents Maria Cristina Sergio Julius Lacanilao and a certain alias "Ike" on 21 April 2015



before the Department of Justice. Such case was docketed as XVI-INV-15D-00114, and is currently pending preliminary investigation before Assistant State Prosecutor Susan B. Azarcon.


Days before the execution of Ms Veloso, respondents Sergio and Lacanilao voluntarily surrendered to the Philippine National Police to ask for protective custody. Respondents explained that they have been the subject of death threats due to the outrage generated by Ms. Mary Jane's Veloso's scheduled execution.

In the meantime, Ms. Mary Jane Veloso was scheduled to be executed in Indonesia on 29 April 2015, after 5:00 P.M. However, through the combined valiant efforts of Philippine government officials, Ms. Veloso was granted a temporary reprieve moments before her scheduled execution.

On account of such developments, the NBI-AHTRAD conducted a follow-up investigation to reinforce and/or fortify the criminal cases filed against respondents. Further information was gathered on both respondents as to their personal circumstances, their past work history, and other relevant matters. Also, the NBI-AHTRAD, through the PNP, was able to gather information from both respondents themselves, relating to their complicity and/or participation with an international drug syndicate that is responsible for the drug trafficking charges against Ms. Mary Jane Veloso in Indonesia.

Particularly, respondent Sergio narrated that the drug operations conducted by the international drug syndicate that she is connected with operated within and outside the Philippines, as she had several co-conspirators in Manila, Hongkong and Malaysia. With respect to her connections in Manila, respondent Sergio narrated that her cohort was a certain Ms. Trina Quinones, who is the live-in partner of a certain Mr. Ivan Jairus, an African-American National. Both contacts reside in Quezon City, and were first met by respondent Sergio sometime in 2009.

On the other hand, respondent Sergio also revealed that her contact in Hong Kong was a certain Mr. Bill Don, who was



introduced to her by Ms. Quinones. Apparently, respondent Sergio was once offered to be a courier to carry drugs from Hongkong to the Ivory Coast for a price of Five Thousand Dollars (\$5,000.00).


Lastly, respondent Sergio explained that her Malaysian contacts consists of Ms. Donna Uche, an African National, and persons known as alias "Kingsley," and alias "White," both African-Americans. Respondent Sergio further revealed that her personal contact in Malaysia is a certain Mr. John Smith, an African-American, who might be the "Prince" mentioned by Ms. Mary Jane Veloso in her affidavit. Finally, respondent Sergio shared that the person who gave Ms. Veloso the luggage containing the illegal drugs was a person named "Iky" or "Ike," a Nigerian National, who was introduced to her as the brother of "Prince."

The NBI-AHTRAD operatives validated such information by looking into the travel records of respondent Sergio. Through their investigation, the NBI-AHTRAD learned that respondent Sergio was a frequent traveler, as she had five (5) travels abroad in both 2009 and 2010, and one (1) in 2011. Based on her passports, respondent Sergio usually visited Malaysia, Hongkong, Thailand and Singapore from 2009 to 2011.

Further investigation revealed that both respondents started working as drug couriers/mules sometime in the year 2010 for a WADS Cell based in Malaysia headed by a certain Samuel EzeKalu a.k.a. "SAM," a Nigerian national residing at No. 1021, Metro Prima, Kepong, Malaysia.

It was also learned that both respondents actively participated in the growing drug trade, and that their modus operandi was to recruit willing and/or unwilling participants in their activities. Information was also gathered that respondent Lacanilao is monikered/referred to as "SUPREMO" in the underworld drug community.

Moreover, the NBI-AHTRAD identified other persons who were likewise recruited by respondents to "work abroad." The




following people executed sworn statements before the officials of the NBI-AHTRAD, viz:

- 1) Ms. Lorna Mitch Valino y Octiva;
- 2) Ms. Ana Marie Gonzales;
- 3) Ms. Regina Jimenez y Mendoza;
- 4) Mr. Elridge Posadas y Jimenez;
- 5) Ms. Daisy De Luna;
- 6) Ms. Rosalie Pascual;
- 7) Ms. Teresita Candelaria y Castillo;
- 8) Ms. Meryliza Barrientos y De Guzman;
- 9) Ms. Dolores Laureta y Mallari;
- 10) Ms. Jenalyn Paraiso y Laureta
- 11) Ms. Patricia Reyes y Tinio
- 12) Ms. Flora May Ladrillano y Castillo

On 5 May 2015, the family members of Ms. Mary Jane Veloso's, particularly Ms. Celia Fiesta Veloso (mother), Mr. Cesar Sanchez Veloso (Father) and Maritess Veloso-Laurente (sister), arrived at the NBI-AHTRAD to confront the culprits responsible for duping their daughter to smuggle illegal drugs in Indonesia. At around 6:00 P.M. of the said date, the family members of Ms. Veloso were brought inside the Office of AHTRAD to meet respondents Sergio and Lacanilao. Both of them positively identified respondents as the persons responsible for the recruitment, arrest and incarceration of their daughter abroad. The family members further reaffirmed their sworn statements executed by affixing their signatures anew.

Considering the number of persons whom respondents recruited for overseas employment despite the absence of any authority from the POEA, and the fact that one applicant (Ms. Rosalie Pascual) has just been illegally deployed abroad by them, the NBI-AHTRAD officials concluded that both of them are engaged in the crimes of human trafficking and illegal recruitment. Thus, the NBI-AHTRAD officials arrested respondents on 5 May 2015 at around 6:30 P.M., pursuant to Section 5(b) of Rule 113 of the Revised Rules on Criminal Procedure. Both respondents were




thereupon informed of their constitutional rights and subjected to the usual booking procedures.

Both respondents were then brought to the undersigned for inquest proceedings on 5 May 2015 at 8:40 P.M. Likewise present during the inquest were the family members of Ms. Veloso, as represented by Attys. Julian Oliva, Jr. and Jeffrey Aguilar of the National Union of People's Lawyers. On the other hand, respondents were both represented by Attys. Howard Areza, Marlon Buan and Revelyn Ramos-Dacpano of the Public Attorney's Office.

During inquest, the NBI-AHTRAD officials subscribed and submitted their Joint Affidavit of Investigation and Arrest before the undersigned. On the other hand, Ms. Celia Fiesta Veloso, Mr. Cesar Sanchez Veloso and Maritess Veloso-Laurente, likewise subscribed and submitted their sworn statements. However, the undersigned was informed that none of the other complainants were present, as all of them, resided in Nueva Ecija. The NBI-AHTRAD operatives, however, committed to bring their persons the next day, 7 May 2015.

On the other hand, respondents, through their counsel, opted to submit the instant case for resolution. They questioned the legality of their arrest and accordingly refused to exercise their right to a have preliminary investigation and/or execute a waiver of Article 125 of the Revised Penal Code.

The next day, 7 May 2015 at around 3:40 P.M., the other complainants, in the persons of Mesdames Lorna Mitch Valino y Otiva, Ana Marie S. Gonzales, Teresita C. Candelaria, Dolores Laureta y Mallari and Jenalyn Paraiso y Laureta appeared before the undersigned to personally subscribe and submit their respective affidavits. On the other hand, the other complainants, consisting of Regina Jimenez y Mendoza, Elridge Posadas y Jimenez, Daisy De Luna, Meryliza Barrientos y De Guzman, Patricia Reyes y Tinio and Flora May Ladrillano y Castillo, were not able to travel to Manila to personally subscribe their affidavits before the undersigned.




Finally, Atty. Julian Oliva Jr. manifested that he would be submitting the affidavit of Mr. Michael Candelaria, the husband of Mary Jane Veloso. Such manifestation was vigorously objected to by respondents' counsel, considering that such affidavit was never included in the inquest referral made by the NBI-AHTRAD. After ensuing discussions, the undersigned ruled not to admit the affidavit of Mr. Candelaria, without prejudice to their right to submit the same before the case pending before ASP Susan B. Azarcon.

In her sworn statement, **Ms. Lorna Mitch Valino y Octiva** averred, among others, that respondent Sergio is a known recruiter in Talavera, Nueva Ecija. She claims that respondent Sergio usually travels abroad and comes back after a week. Ms. Valino claimed that both respondents engaged in their recruitment activities, but it was respondent Sergio who usually traveled abroad.

Ms. Valino averred that respondent Sergio started recruiting her since she was sixteen (16) years old to work abroad as a janitress, domestic helper and/or person doing manicure and/or pedicure. Ms. Valino was also told by respondent Sergio that she could work in any country that she wants.

Enticed by respondent Sergio's offer, Ms. Valino agreed to be recruited. However, she was told by respondent Sergio to wait until she reached eighteen (18) years old.

Sometime in 2014, respondent Sergio went to the house of Ms. Valino to have a pedicure. She then recruited Ms. Valino again, and asked her how old she was. Ms. Valino then replied that she would reach the age of majority soon. After learning such information, respondent Sergio told respondent Valino that she would deploy her abroad once she reaches twenty (20) years old and above.




However, Ms. Valino's mother, who was present thereat, told respondent Sergio that she would not allow her daughter to leave. Later on, Ms. Valino learned from her mother that respondent Sergio was the person responsible for the illegal deployment of Ms. Mary Jane Veloso, who is scheduled to be executed in Indonesia.

Complainant **Ana Marie S. Gonzales** also averred in her sinumpaang salaysay that respondents Sergio and Lacanilao are known recruiters in Talavera, Nueva Ecija. In fact, Ms. Gonzales pointed out that it was both respondents who approached her husband to for permission to recruit her. Later on, both respondents asked her whether she wants a job abroad, either as a sales lady or housekeeper. She was further told that there were many jobs from different countries that she could choose from.

Sometime in 2014, respondent Sergio again met Ms. Gonzales to recruit her to work abroad. Respondent Sergio offered to answer for all expenses and travel documents relating to her deployment. Respondent Sergio then required her to sign a contract, and promised to deploy her abroad within a month. However, Ms. Gonzales backed out, as she learned that it was respondent Sergio who illegally recruited Ms. Mary Jane Veloso, who was scheduled to be executed.

For her part, complainant **Jenalyn L. Paraiso** averred that sometime in 2010 & 2011, she was persuaded by respondents to work either as a domestic helper, factory worker and/or entertainer abroad. At first, both respondents approached her mother, Ms. Dolores Laureta, and promised that they would take care of all the expenses in connection with Jenalyn's deployment abroad. However, Ms. Laureta did not allow it, as respondents told her that Jenalyn should first work at a "club" in Manila.

Thereafter, in 2011, respondents again tried to recruit Ms. Jenalyn to work abroad. Apparently, she was told by respondents that she could work either in Malaysia,



Indonesia or Japan. However, Jenalyn refused, as she and her mother already knew that respondents were the ones responsible for the recruitment of Ms. Mary Jane Veloso, who was arrested in Indonesia.


For her part, **Ms. Dolores Laureta y Mallari** confirmed the statements made by one of her daughters, Ms. Jenalyn Paraiso. Apparently, both respondents visited her at home sometime in 2010 and proposed overseas employment to her two daughters, Joana and Jenalyn. At first, respondents committed to answer for all the expenses relating to their deployment abroad, and merely asked for their birth certificate and barangay clearance. However, Ms. Dolores refused, as respondents also required her daughters to first work at a "club" in Manila.

After a few months, respondents came back to try and convince Ms. Dolores to allow her daughters to travel abroad. Respondent Sergio even bragged that she was successful in sending Ms. Mary Jane Veloso abroad. However, Ms. Dolores still refused, because she knew for a fact that Ms. Veloso paid twenty thousand pesos (P20,000.00) for her deployment abroad, pawning the motorcycle of her husband in the process.

Respondents persisted with their attempts to convince Ms. Dolores to allow her daughters to work abroad. However, she continued to refuse, especially when Mary Jane Veloso's incarceration in Indonesia was revealed in the news.

Finally, complainant **Teresita C. Candelaria** averred that she is the mother-in-law of Ms. Mary Jane Veloso, and confirmed that respondents were the ones who recruited the latter. She further averred that respondents likewise recruited and/or attempted to recruit Ms. Mitch Valeno, Marie Gonzales, Clarissa De Guzman and Cherilyn Lianza.

We now resolve.



Considering that there are different underlying issues that the undersigned is mandated to resolve, the same shall be done in seriatim:


I. On the validity of the arrest of both respondents.

After a painstaking evaluation of the evidence at hand, the undersigned is convinced that the NBI-AHTRAD's arrest of respondents is valid pursuant to Section 5(b), of Rule 113 of the Revised Rules on Criminal Procedure. In proceeding with this conclusion, the undersigned is guided by the fact that three (3) Philippine laws¹ are continuously being violated pursuant to the modus operandi conducted by both respondents and their cohorts. Respondents' own revelations with the PNP officials reveal that they are part of a live and existing drug trafficking cell that is currently operating not just in the Philippines, but in Hongkong, Malaysia and Indonesia.

To be sure, respondents, along with their cohorts, are part of an existing network of drug traffickers that facilitate the entry and/or exit of illegal drugs in different countries. In order to facilitate such network, respondents commit violations of R.A. 9208 (Anti-Human Trafficking in Persons Act of 2003) and R.A. 8042 (Migrant Workers Act of 1995), in order to recruit persons to participate in the drug trafficking. Pursuant to their nefarious acts, respondents recruited and/or attempted to recruit the private complainants, using gainful employment abroad as the way to entice them.

What makes matters worse is that respondents are persistent in their recruitment activities, and there is evidence that such modus operandi has continued up to the present time. In fact, there is an allegation that respondents were able to recently send Ms. Rosalie Pascual abroad under the same set-up. At

¹ Consisting of violation of R.A. 9165 (Dangerous Drugs Act of 2002), R.A. 9208 (Anti-Human Trafficking in Persons Act of 2003) and R.A. 8042 (Migrant Workers Act of 1995).



present, Ms. Pascual's whereabouts are unknown, and her relatives do not have any way to contact her.


The peculiar facts and circumstances of the instant case constrain the undersigned to view the modus operandi undertaken by respondents (and their cohorts) as an on-going crime. Such crime, as the undersigned earlier ruled, is a synergy of violations of R.A. 9165, R.A. 9208 and R.A. 8042, all designed to fuel the operations of the drug trafficking syndicate here in the Philippines and abroad. As mentioned, respondent Sergio herself revealed that her cohorts continue to operate here in the country as part of a major drug syndicate/network that spans several jurisdictions. The voluntary submission of their persons for "protective custody" does not negate the existence of such drug syndicates here in the country that continues to perpetuate their nefarious acts.

As such, the undersigned hereby concludes that the arrest conducted by the NBI-AHTRAD of the respondents is valid and permissible under Philippine Laws.

II. On the complaints filed by the relatives of
Ms. Mary Jane Veloso.

The referral submitted by the NBI-AHTRAD includes affidavits executed by the relatives of Ms. Mary Jane Veloso, particularly Mr. Cesar S. Veloso (Father), Ms. Celia F. Veloso (Mother) and Ms. Maritess V. Laurente (Sister). Moreover, the affidavit of Ms. Teresita C. Candelaria was also included, who claimed to be the mother-in-law of Ms. Mary Jane Veloso. An evaluation of all the affidavits reveal that respondents are being charged of violating R.A. 9208, R.A. 8042 and Article 315 of the Revised Penal Code, in connection with the deployment of Ms. Mary Jane Veloso abroad.

During the course of the inquest proceedings, however, the undersigned was apprised that a complaint was earlier filed by the NBI-AHTRAD before the Department of Justice. The earlier complaint was docketed as XVI-INV-15D-00114, and is pending



preliminary investigation before Assistant State Prosecutor Susan B. Azarcon.

With the existence of the first complaint, the undersigned hereby recommends that the affidavits executed by the Velosos, Ms. Laurente and Ms. Candelaria, be included/consolidated with the complaint pending before ASP Azarcon, so that a wholistic resolution of the case of Mary Jane Veloso can be undertaken. The undersigned also recommends that copies of the Joint Affidavit of Investigation and Arrest made by the NBI-AHTRAD agents be also included/consolidated with the first complaint, as majority of the same relate to the affidavits executed by the Velosos, Ms. Laurante and Ms. Candelaria.

III. On the charges of violation of R.A. 9208 in connection with the complaints filed by the other private complainants (excluding the one relating to Ms. Veloso).

The following are the pertinent provisions of R.A. 9208, viz:

"Sec. 3. Definition of Terms – As used in this Act:

- (a) *Trafficking in Persons* - refers to 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 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.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

- (d) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

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- (g) *Debt Bondage* - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

"Sec. 4. *Acts of Trafficking in Persons* - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;²

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"Sec. 6. *Qualified Trafficking in Persons*. - The following are considered as qualified trafficking:

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- (c) When the crime is committed by a syndicate, or in large scale. Trafficking 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;"

² Underscoring supplied.

"Sec. 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);

xxx"

Section 4(a) in relation to Section 3(a), 3(d) and 3(e) of R.A. 9208 penalizes "any person, natural or juridical", "to recruit, transport, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage." To be held liable for violating R.A. 9208, the exploitative purpose undertaken by the alleged violator/s should be established. Without the exploitative purpose, the charge for violation of R.A. 9208 cannot prosper as a matter of law.

After an assiduous examination of the records of this case, we find that the evidence presented at this stage of the proceedings is insufficient to establish the exploitative purpose of complainants' recruitment abroad. To be sure, the NBI-AHTRAD were able to present affidavits several complainants (other than Mary Jane Veloso) to substantiate the charges. However, not all of them appeared before the undersigned in order to personally subscribe on their complaints.

In particular, the undersigned is interested in getting the affidavit of Ms. Rosalie Pascual and/or her relatives concerning her deployment abroad. The other complainants, consisting of Regina



Jimenez y Mendoza, Elridge Posadas y Jimenez, Daisy De Luna, Meryliza Barrientos y De Guzman, Patricia Reyes y Tinio and Flora May Ladrillano y Castillo, could also further shed light as to the exploitative purpose undertaken by respondents in connection with their recruitment. However, we cannot legally consider the other affidavits submitted, as the above-mentioned complainants failed to appear before the undersigned to personally subscribe on the same.

Hence, the undersigned hereby rules that the complaint for violation of R.A. 9208, insofar as it relates to the other private complainants (excluding Mary Jane Veloso and her relatives), should be subjected to further preliminary investigation. In connection therewith, subpoenas should be sent to the other complainants in the instant case, so that they could personally appear before the undersigned to subscribe on their affidavits.

IV. On the charges of violation of R.A. 8042 in connection with the complaints filed by the other private complainants (excluding the one relating to Ms. Veloso).

The pertinent provisions of R.A 8042³ are as follows, viz:

"Sec. 6. Definitions. - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring workers and includes referring, contact services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license 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 such non-license 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, whether committed by any persons, whether a non-licensee, non-holder, licensee or holder of authority.

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³ Underscoring supplied.

Illegal recruitment is deemed committed by a syndicate 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.


With respect to the foregoing charges, the undersigned finds probable cause that respondents violated Section 6 of R.A. 8042, and should be held for trial. It is noteworthy that the law does not mandate that the victim of illegal recruitment should actually be deployed abroad in order for the crime to be completed. A reading of the law would show that all that is necessary is that there should be a canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring, referring, contact services, promising or advertising for employment abroad. Stated otherwise, the crime of illegal recruitment is already committed when an offender promises to a person employment abroad without the necessary license or authority from the POEA.

In the instant case, the sworn affidavits of Mesdames Lorna Valino, Ana Marie Gonzales and Jenalyn Paraiso are united in saying that both respondents recruited and promised them work abroad. The common thread of the aforementioned affidavits is that respondents enticed them to work either as domestic helpers, factory workers, salesladies, househelpers and/or manicurists in Malaysia, Indonesia or Japan.

During the course of the undersigned's verification of XVI-INV-15D-00114, it was found that the POEA issued a certification dated 21 April 2015 that both respondents are not licensed/authorized to recruit workers for overseas employment.

Finally, with the existence of the three (3) complaints filed by Lorna Valino, Ana Marie Gonzales and Jenalyn Paraiso, it is beyond dispute that the illegal recruitment undertaken by both respondents are committed in large scale. Hence, the charges against them should be qualified.

Given the foregoing, the undersigned hereby rules that respondents are liable for the crime of large-scale illegal



recruitment and should be appropriately charged in court with no recommended bail.

V. On the charge of violation of Article 315 of the Revised Penal Code in connection with the complaints filed by the other private complainants (excluding the one relating to Ms. Veloso).

With respect to the aforesaid charges, the undersigned finds that the evidence submitted by complainants in connection with the charge of violation of Article 315 of the Revised Penal Code is insufficient to charge them in court. Hence, the same should be subjected to further preliminary investigation.

Relative thereto, the undersigned hereby reiterates his conclusion that the other private complainants should first appear to subscribe on their affidavits before it could be legally considered. Hence, subpoenas should be sent to all the private complainants who did not appear before the undersigned, to give them a chance to personally subscribe on their complaints. This, in the undersigned's mind, can only be done through a regular preliminary investigation.

WHEREFORE, premises considered, it is respectfully recommended that:

- a) That the complaint relating to the case of Mary Jane Veloso, as indicated in the Joint Affidavit of Investigation and Arrest of the NBI-AHTRAD agents, as well as the affidavits of Mr. Cesar S. Veloso, Ms. Celia F. Veloso, Ms. Maritess V. Laurente and Ms. Teresita C. Candelaria be **CONSOLIDATED** with XVI -INV-15D-00114, which is pending before Assistant State Prosecutor Susan B. Azarcon;
- b) That the charges against **MA. CRISTINA P. SERGIO** alias **MARY CHRISTINE GULLES PASADILLA** and **JULIUS LACANILAO** for violation of R.A. 9208, in



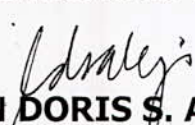
connection with the accusations made by the other private complainants⁴ be subjected to further preliminary investigation;

- c) That respondents **MA. CRISTINA P. SERGIO** alias **MARY CHRISTINE GULLES PASADILLA** and **JULIUS LACANILAO** be charged for violation of Section 6 of R.A. 8042, and that the corresponding information against them be filed before the proper court with **no recommended bail**; and
- d) That the charges against **MA. CRISTINA P. SERGIO** alias **MARY CHRISTINE GULLES PASADILLA** and **JULIUS LACANILAO** for violation of Article 315 of the Revised Penal Code in connection with the accusations made by the other private complainants⁵ be subjected to further preliminary investigation.

Manila, Philippines.
7 May 2015.


MARK ROLAND S. ESTEPA
Assistant State Prosecutor

RECOMMENDING APPROVAL:


LILIAN DORIS S. ALEJO
Senior State Prosecutor
Chairperson, Task Force on Anti-Trafficking in Persons

APPROVED:


CLARO A. ARELLANO
Prosecutor General

⁴ Excluding the one made by Ms. Mary Jane Veloso and her relatives
⁵ Excluding the one made by Ms. Mary Jane Veloso and her relatives

Copy furnished:

ARD VICENTE A. DE GUZMAN III

OIC, Office of the Deputy Director
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