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Court sends agency owner to jail for illegal recruitment

A Regional Trial Court in Legazpi City ordered the owner of a recruitment agency jailed for illegal recruitment when she failed to return the money paid by an applicant for supposed jobs in the United States of America (USA) and Canada.

In a Joint Decision dated May 22, 2014, Judge Elmer M. Lanuzo Regional Trial Court Branch 6 of Legazpi City found Lucille Manrique David, the owner of Jasia International Manpower Services, guilty of illegal recruitment for violation of Section 6 (m) of Republic Act No. 8042 and imposed a penalty of Indeterminate Imprisonment of 6 years and 1 day to 8 years and 1 day, and a fine of Php 200,000.

“Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault” is considered an act of illegal recruitment as defined by RA 8042 or the Migrant Workers and Overseas Filipinos Act of 1995.

Michelle Daep de Naag y Monreal, the private complainant in the case, alleged that in September 2008, JASIA International Manpower Services owned by Lucille Manrique David enlisted her to work as a housekeeper in the USA.

Monreal alleged that after submitting the required documents and payment of placement and processing fees amounting to Php84,500.00, she found out from the US Embassy in Manila that the work visa for the position was no longer available for the Philippines.

The complainant testified that as substitute, David offered her employment in Canada.

The Canada job, however, did not happen. The POEA suspended the license of JASIA on May 5, 2009 because of the numerous complaints of recruitment violations filed against the agency. The POEA subsequently cancelled its license to recruit on November 19, 2010.

Monreal testified that she started asking for refund of her expenses from JASIA the time she heard of the suspension of the license of the agency.

Judge Lanuzo ruled that the suspension of the license was the principal reason why the accused-Lucille Manrique David was not able to deploy the private complainant to either Canada or the USA.

“It is therefore clear that the non-deployment of the private complainant for work abroad was not through her fault but through the fault of the accused-Lucille Manrique David, who by violating various provisions of the Implementing Rules and Regulation on recruitment and other circulars had caused her license to be suspended by the POEA,” the judge wrote in his decision.

Aside from conviction of illegal recruitment, Judge Lanuzo also found the accused guilty of *estafa* and was sentenced Indeterminate Imprisonment of four years to twelve years.

The Court also ordered David to pay the complainant the amount of Php104,500.00 as indemnification for consequential damages. END