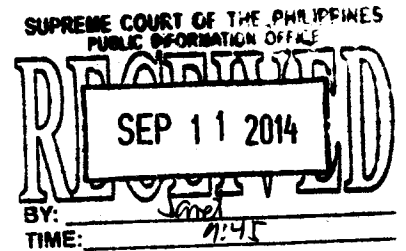




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 August 2014 which reads as follows:

G.R. No. 212907 – *Larry Labio y Manikan vs. People*

After a careful review of the records of the case, the Court finds no reversible error in the assailed Decision. Moreover, the arguments laid down by petitioner relate to matters which are all factual in nature. Basic is the rule in this jurisdiction that only questions of law may be raised in a petition for review under Rule 45 of the Rules of Court. The jurisdiction of the Supreme Court in cases brought to it from the Court of Appeals is limited to reviewing errors of law, the findings of fact of the appellate court being conclusive subject to certain recognized exceptions.¹ Unfortunately for petitioner, none of the exceptions obtain in this case. Both factual findings of the courts below find support in the records and were not based on misapprehension of facts as petitioner wants to portray.

However, there is a need to modify the penalty imposed on the petitioner in the Illegal Recruitment case. Petitioner concedes that he does not have a license or authority to engage in recruitment activities. Hence, pursuant to Section 7 of Republic Act No. 8042 (The Migrant Workers Act), petitioner should have been meted the maximum penalty of twelve (12) years instead of eight (8) years and one (1) day as minimum to twelve (12) years as maximum as decreed by the Court of Appeals. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

WHEREFORE, the Court adopts the findings of fact and conclusions of law in the Decision dated January 15, 2014 of the Court of Appeals in CA-G.R. CR No. 35199 finding petitioner Larry Labio y Manikan **GUILTY** beyond reasonable doubt of the crime of simple Illegal Recruitment in Crim. Case No. 07-250458; **GUILTY** beyond reasonable doubt of the crime of Estafa in Crim. Case No. 07-250459; **GUILTY** beyond reasonable doubt of the crime of Estafa in Crim. Case No. 07-250460; with **MODIFICATION** in that he is sentenced to suffer the maximum penalty of twelve (12) years in Crim. Case No. 07-250458 and that all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid. (*Reyes J., designated Acting Member in view of the leave of absence of Brion, J. per Special Order No. 1763 dated August 26, 2014*).

SO ORDERED.

Very truly yours,

MA. LOURDES C. PERFECTO
MA. LOURDES C. PERFECTO
Division Clerk of Court

¹ *Soriamont Steamship Agencies, Inc. vs. Sprint Transport Services, Inc.*, 610 Phil. 291, 300 (2009).

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GR212907. 08/27/14 (15)SR *WJG*