

PEOPLE OF THE PHILIPPINES, PLAINTIFFS-APPELLEE. VS. MA. JULIE JOY CESAR, AKA MARIA JULIETA JOY CESAR AKA MARIA JULITA JOY GOTTHEANG CESAR, AND JUN CESAR, AKA SERVILLANO CESAR, J...

Ponente: ROXAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7cd7da96a7ae/>

ROXAS, J.:

Legal Principles in this Case:

To constitute illegal recruitment in large-scale, three elements must concur: (1.) The accused undertook any recruitment activity defined under Art. 13 (b) or any prohibited practice enumerated under Art. 34 of the Labor Code. (2.) He did not have the license or the authority to lawfully engage in the recruitment and placement of workers. (3.) He committed the same against three or more persons, individually or as a group.

Direct proof of previous agreement to commit a crime is not necessary. Such previous agreement may be deduced from the mode and manner in which the offense was perpetrated, or inferred from the acts of the accused which point to a joint purpose and design, concerted action and community of interest.

The prosecution is not always tasked to present direct evidence to sustain a judgment of conviction; the absence of direct evidence does not necessarily absolve an accused from any criminal liability. Even in the absence of direct evidence, conviction can be had on the basis of circumstantial evidence. To convict an accused through circumstantial evidence, the following requisites must be present: (1) there must be more than one circumstance; (2) the inference must be based on proven facts; and (3) the combination of all circumstances produces a conviction beyond reasonable doubt of the guilt of the accused.

The Case

Seeking greener pastures, applicants applied for work at the employment agency operated by the accused, relying on the promises and representation made by the operator and her cohort, paid the placement fees required by operator and submitted the necessary documents in furtherance of their application. Unfortunately, the promised work and trip never came to be. Realizing that they were duped, the applicants filed a complaint for illegal recruitment against the operator and her cohort. The operator denied having transacted with them while the cohort argued that he did not directly deal with the applicants and that he was innocent of the charges leveled against him for illegal recruitment. The Regional Trial Court convicted the operator and her cohort. Both accused interposed this appeal.

The Facts

This is an appeal^[1] under Rule 122 of the Revised Rules of Court filed by accused-appellants Ma. Julie Joy Cesar, aka Maria Juliete Joy Cesar, aka Maria Julita Joy Gottheang Cesar, (JULIE) and Jun Cesar, aka Servillano Cesar, Jr. (JUN) assailing the August 22, 2002 Decision of the Regional Trial Court (RTC) of Manila, Branch 27, rendered in Criminal Case Nos. 95-145621 to 95-145630 that found them guilty beyond reasonable doubt of

illegal recruitment in large scale.

Sometime in June of 1995, the private complainant Manuel R. Mendoza (MANUEL) accompanied the other private complainants John Carlo S. Villanueva (JOHN) and his brothers Gerardo Mendoza (GERARDO) and Ricardo Mendoza Jr. (RICARDO) to the All Brothers International Placement Company (ALL BROTHERS) at Room 409, L & S Building, Sta. Monica cor. Roxas Blvd. Ermita, Manila. All of them intended to apply for work abroad. At the said placement office, accused-appellants JULIE and JUN introduced themselves as husband and wife, and told the applicants that they could work as factory workers in Taiwan. Accused-appellant JULIE likewise relayed the requirements for the application which would not be processed without the accompanying placement fee of Php 75,000.00 pesos. Accused-appellant JULIE moreover assured them that they could leave for Taiwan within two (2) months after completing all the said requirements.

The accused-appellant JULIE particularly assured the private complainant MANUEL that he could easily re-enter Taiwan, having worked there before, but under a different name. Accused-appellant JULIE thus asked for Php 1,500.00 as expenses in order to secure a new passport. A few weeks after MANUEL paid this amount, accused-appellant JUN showed MANUEL a new passport indicating MANUEL's new name as Emmanuel Mendez. Accused-appellant JUN, however, did not hand to MANUEL his new passport. Thereafter, the private complainant MANUEL submitted to the accused-appellant JUN his application and the accused-appellant JUN told MANUEL to return after one (1) week to find out if MANUEL's application had been processed. Meanwhile, accused-appellant JULIE told the private complainant MANUEL to pay Php 45,000.00 as partial payment of the P75,000.00 placement fee.

On June 30, 1995, private complainants RICARDO and JOHN each paid the initial amount of Php 15,000.00 to the accused-appellant JUN, who then issued a voucher^[2] acknowledging his receipt thereof.

On July 3, 1995, the private complainant GERARDO returned to ALL BROTHERS to pay the initial amount of Php 45,000.00 as placement fee and submitted his passport and NBI clearance to the accused-appellant JUN who then handed the money to the accused-appellant JULIE. The private complainant GERARDO then asked the accused-appellant JULIE if it was possible for the balance to be paid through salary deduction to which accused-appellant JULIE acquiesced. Accused-appellants JULIE and JUN thereafter told the private complainant GERARDO that he was scheduled to leave in the last week of July for Taiwan where he will be earning Php 18,000.00 plus overtime pay. However, the private complainant GERARDO's trip was postponed as, according to the accused-appellants JULIE and JUN, there was a problem with the employer and that private complainant GERARDO had to pay the balance of the P75,000.00 placement fee, which was contrary to their previous agreement.

Around the third week of July 1995, the private complainant RICARDO gave the amount of Php 30,000.00 to the accused-appellant JULIE. A week later, the private complainant JOHN paid Php 20,000.00 to accused-appellant JULIE in the presence of the accused-appellant JUN. Accused-appellant JULIE did not issue any receipt for the amounts received.

On July 24, 1995, the private complainant MANUEL paid the accused-appellant JULIE, in the presence of the accused-appellant JUN, the amount of Php 45,000.00 as part of the required placement fee. The accused-appellant JULIE did not issue a receipt. The accused-appellant JULIE further told MANUEL that the balance could be paid by way of salary deduction but this entailed the consequence that the placement fee would then be raised to Php 80,000.00 instead of the original P75,000.00. The accused-appellant JULIE likewise promised the private complainant MANUEL that he was scheduled to leave sometime in August of 1995. However, he was told that his trip was cancelled.

On August 1, 1995, the private complainant RICARDO paid the remaining Php 30,000.00 to the accused-appellant JULIE. A week later, the private complainant JOHN likewise paid the remaining balance of the placement fee in the amount of Php 40,000.00. And just as in their previous transaction, the accused-appellant JULIE did not issue any receipt for the amounts received. Thereafter, the private complainant JOHN filled out a bio-data sheet provided by the accused-appellant JUN.

The accused-appellant JULIE thereafter told both the private complainants RICARDO and JOHN that they would leave for Taiwan on August 20, 1995. On said date, however, the trip did not push through. The accused JUN told them that their trip was postponed because their employer was not able to send some documents. The accused-appellant JUN thereafter just told them to inquire from the office every now and then for their next scheduled departure.

On August 26, 1995, the private complainant GERARDO paid the balance of Php 30,000.00 to the accused-appellant JULIE. No receipt was issued for the payment received. The accused-appellant JULIE then told him to wait for at least three (3) weeks for the schedule of his departure.

However, when the private complainant GERARDO went back to ALL BROTHERS, accused-appellant JULIE was no longer reporting there. The accused-appellant JUN informed him to wait for the accused-appellant JULIE.

Realizing that they were duped, the private complainants RICARDO, JOHN, GERARDO and MANUEL, all went to the NBI and filed their respective complaints. It was there that they discovered that there were other private complainants who were duped by the accused-appellants JULIE and JUN who had filed complaints as well.

Criminal Informations were filed against the accused-appellants JUN and JULIE, to wit:

Criminal Case No. 95-145621[3] (Illegal Recruitment in Large Scale)

That in or about and during the period comprised between the months of April to July 1995, inclusive, in the City of Manila, Philippines, the said accused, representing themselves to have the capacity to contract, enlist and unlawfully for a fee, recruit and promise employment/ job placement to ALBERT T. BERMUDEZ, GERARDO R. MENDOZA, JOHN CARLO VILLANUEVA, EMMANUEL R. MENDEZ, RICARDO R. MENDOZA JR., RICARDO E. GERONIMO, JAMES M. ZARAGOZA, MA. PRECILA P. ROMERO and CARMENCITA AVERIN as factory workers in the total amount of P600,000.00, without first having secured the required license or authority from the Department of Labor and Employment.

Contrary to law.

Criminal Case No. 95-145623[4] (Estafa)

That in or about and during the period comprised between the months of April to July 1995, inclusive, in the City of Manila, Philippines, the accused, did then and there willfully, unlawfully and feloniously defraud GERARDO MENDOZA in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which they made to said GERARDO MENDOZA to the effect that they had the power and capacity to recruit and employ said GERARDO MENDOZA and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said GERARDO MENDOZA to give and deliver, as in fact he gave and delivered to said accused the amount of P75,000.00, on the strength of the said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P75,000.00 which amount once in possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said GERARDO MENDOZA in the aforesaid amount of P75,000.00, Philippine Currency.

Contrary to law.

Criminal Case No. 95-145624[5] (Estafa)

That in or about and during the period comprised between the months of April to July 1995, inclusive, in the City of Manila, Philippines, the accused, did then and there willfully, unlawfully and feloniously defraud JOHN CARLO VILLANUEVA in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which they made to said JOHN CARLO VILLANUEVA to the effect that they had the power and capacity to recruit and employ said JOHN CARLO VILLANUEVA and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said JOHN CARLO VILLANUEVA to give and deliver, as in fact he gave and delivered to said accused the amount of P75,000.00, on the strength of the said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P75,000.00 which amount once in possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said JOHN CARLO VILLANUEVA in the aforesaid amount of P75,000.00, Philippine Currency.

Contrary to law.

Criminal Case No. 95-145625[6] (Estafa)

That in or about and during the period comprised between the months of April to July 1995, inclusive, in the City of Manila, Philippines, the accused, did then and there willfully, unlawfully and feloniously defraud EMMANUEL MENDEZ in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which they made to said EMMANUEL MENDEZ to the effect that they had the power and capacity to recruit and employ said EMMANUEL MENDEZ and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said EMMANUEL MENDEZ to give and deliver, as in fact he gave and delivered to said accused the amount of P75,000.00, on the strength of the said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P75,000.00 which amount once in possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said EMMANUEL MENDEZ in the aforesaid amount of P75,000.00, Philippine Currency.

Contrary to law.

Criminal Case No. 95-145626[7] (Estafa)

That in or about and during the period comprised between the months of April to July 1995, inclusive, in the City of Manila, Philippines, the accused, did then and there willfully, unlawfully and feloniously defraud RICARDO R. MENDOZA JR. in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which they made to said RICARDO R. MENDOZA JR. to the effect that they had the power and capacity to recruit and employ said RICARDO R. MENDOZA JR. and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said RICARDO R. MENDOZA JR. to give and deliver, as in fact he gave and delivered to said accused the amount of P75,000.00, on the strength of the said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P75,000.00 which amount once in possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said RICARDO R. MENDOZA JR. in the aforesaid amount of P75,000.00, Philippine Currency.

Contrary to law.

On arraignment, the accused JULIE and JUN pleaded “not guilty” to the offenses charged. Thereafter, trial on the merits ensued.

Assailed Decision of the RTC

On August 22, 2002, the Regional Trial Court of Manila, Branch 27, rendered a Decision[8] in Criminal Case Nos. 95-145621 to 95-145630 finding the accused JULIE and JUN liable for four (4) counts of estafa and illegal recruitment in large scale, the dispositive portion of which reads as follows:

WHEREFORE, IN VIEW OF THE FOREGOING, this Court finds accused, MA. JULIE JOY CESAR, aka MARIA JULIETA JOY CESAR, aka MARIA JULITA JOY GOTTHEANG CESAR, and JUN CESAR, aka SERVILLANO CESAR, JR., “GUILTY”, beyond reasonable doubt of the crimes of Illegal Recruitment in large scale (Crim. Case No. 95-145621) and four (4) counts of Estafa (Crim. Cases Nos. 95-145623, 95-145624, 95-145625, and 95-145626) and hereby sentences them as follows:

1) In Crim. Case No. 145621, to suffer the penalty of life imprisonment; to pay the fine of P100,000.00 each; and to pay the costs.

2) In Crim. Case No. 95-145623; to suffer the indeterminate sentence of six (6) months and one (1) day of Arresto Mayor in its minimum and medium periods, as the minimum to four (4) years and two (2) months of prision correccional in its maximum, plus five (5) years considering that the amount defrauded by the accused exceeds the sum of P22,000.00 computed at One Year for each additional P10,000.00 out of the P53,000.00 in excess thereof; to indemnify private complainant Gerardo R. Mendoza, the amount of P75,000.00 and to pay the costs.

3) In Crim. Case No. 95-145624, to suffer the indeterminate penalty of imprisonment from six (6) months and one (1) day of arresto mayor in its minimum and medium periods, as the minimum, to four (4) years and two (2) months of prision correccional in its minimum and medium periods, as the maximum, plus five (5) years considering that the amount defrauded exceeds P22,000.00, computed at one year for each additional P10,000.00 out of the P53,000.00 in excess thereof; to indemnify complainant Carlo S. Villanueva in the sum of P75,000.00 and to pay the costs.

4) In Crim. Case No. 95-145625, to suffer the indeterminate penalty of imprisonment from six(6) months and one (1) day of prision correccional in its minimum and medium periods as the minimum, to four (4) years and two (2) months of prision correccional in its minimum and medium periods, as the maximum, plus two (2) years considering that the amount defrauded by the accused exceeds the sum of P22,000.00 computed at One (1) year for each additional P10,000.00 out of the P23,000.00 in excess thereof; to indemnify complainant Manuel R. Mendoza, aka Emmanuel Mendez the amount of P45,000.00 and to pay the costs.

5) In Crim. Case No. 95-145626, to suffer the indeterminate penalty of imprisonment from six (6) months and one (1) day of arresto mayor in its minimum and medium periods, as the minimum, to four (4) years and two (2) months of prision correccional in its minimum and medium periods, and the maximum, plus five (5) years considering that the amount defrauded by the accused exceeds P22,000.00, computed at one year for each additional P10,000.00 out of the P53,000.00 in excess thereof; to indemnify complainant Ricardo R. Mendoza the amount of P75,000.00; and to pay the costs.

For the failure of the prosecution to present evidence, accused are “ACQUITTED” in Criminal Cases Nos. 95-145622, 95-145627, 95-145628, 95-145629 and 95-145630.

SO ORDERED.

The accused-appellant JULIE filed her Notice of Appeal[9] on September 9, 2002 while the co-accused-appellant

JUN filed his Notice of Appeal[10] on September 10, 2002.

Assignment of Errors

In assailing the Decision of the RTC, the accused-appellants JULIE and JUN assigned the following errors:

- THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED DESPITE THE PATENT WEAKNESS OF THE PROSECUTION'S EVIDENCE AGAINST THEM.
- THE TRIAL COURT GRAVELY ERRED IN NOT GIVING EXCULPATORY WEIGHT TO THE DEFENSE INTERPOSED BY THE ACCUSED-APPELLANTS.

The Ruling of this Court

Only the penalties must be modified.

Illegal Recruitment:

Article 13, par. (b), of the Labor Code, in relation to the Migrant Workers Act of 1995, defines recruitment and placement to wit:

(b) Recruitment and placement' refer to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not; Provided, that any person or entity which, in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.

Illegal recruitment is specifically defined in Article 38 of the same Code thus:

Article 38. Illegal Recruitment:

(a) Any recruitment activities, including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority shall be deemed illegal and punishable under Article 39 of this Code. x x x.

(b) Illegal recruitment when committed by a syndicate or in large-scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large-scale if committed against three (3) or more persons individually or as a group.

To constitute[11] illegal recruitment in large-scale, three elements must concur:

- The accused undertook any recruitment activity defined under Art. 13 (b) or any prohibited practice enumerated under Art. 34 of the Labor Code.
- He did not have the license or the authority to lawfully engage in the recruitment and placement of workers.
- He committed the same against three or more persons, individually or as a group.

The prosecution sufficiently established the foregoing elements in this case, in this wise:

As to the first element, the accused-appellant JULIE represented to the private complainants RICARDO, JOHN, GERARDO and MANUEL that she had the power and capacity to recruit and employ them as factory workers in

Taiwan if given the necessary placement fee of Php 75,000.00. Furthermore, the accused-appellant JULIE committed acts showing that she was engaged in illegal recruitment such as collecting NBI clearances and other necessary documents for the processing of employment applications for Taiwan; and collecting payments for passport and other sundry expenses.

As to the second element, the POEA certified[12] that the accused-appellant JULIE was neither licensed nor authorized to recruit workers for overseas employment. Despite such absence of authority and license, accused-appellant JULIE nevertheless “recruited” the private complainants.

It did not have to be proven that accused-appellant JULIE expressly represented that she had authority of license from the POEA. It was sufficient that she gave the impression that she could find jobs for the private complainants in Taiwan, thus inducing the private complainants to agree to paying her what she required as recruitment fees[13].

There is illegal recruitment when one, without authority or license to do so, represents to others that he could send workers abroad for employment.

As to the third element, the existence of at least three private complainants in this case makes the case against the accused-appellant JULIE one of large-scale illegal recruitment.

Accused-appellant JUN, on the other hand, argued that as mere liason officer for the accused-appellant JULIE, he could not be made liable for illegal recruitment as he did not deal with the private complainants directly.

The argument fails to persuade.

In this case, there was common design and a unity of purpose between the accused-appellant JULIE and the accused-appellant JUN. All the actuations of accused-appellant JUN in receiving payment, in issuing receipts, and in facilitating the procurement of the private complainant’s respective passports, were geared and designed to achieve a common purpose or objective – the recruitment of persons for employment in Taiwan and eke out sums of money from them although the accused-appellant JULIE was not authorized to recruit workers for employment abroad. Under the circumstances, accused-appellant JUN could be considered as having conspired with the accused-appellant JULIE and therefore, he is liable as well for the wrongful acts and consequences of accused-appellant JULIE.

The acts of the accused-appellant JUN showed unity of purpose with those of co-accused-appellant JULIE. All these acts establish a common criminal design mutually deliberated upon and accomplished through coordinated moves. There is conspiracy. Accused-appellant JUN shall be equally liable for the acts of his co-accused-appellant even if he himself did not personally reap the fruits of their execution. Direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and find guilt.

The prosecution is not always tasked to present direct evidence to sustain a judgment of conviction; the absence of direct evidence does not necessarily absolve an accused from any criminal liability. Even in the absence of direct evidence, conviction can be had on the basis of circumstantial evidence, provided that the established circumstances constitute an unbroken chain which leads one to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person, i.e., the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with any other hypothesis except that of guilty. The rules on evidence and precedents sustain the conviction of an accused through circumstantial evidence, as long as the following requisites are present: (1) there must be more than one circumstance; (2) the inference must be based on proven facts; and (3) the combination of all circumstances produces a conviction beyond reasonable doubt of the guilt of the accused[14].

Direct proof of previous agreement to commit a crime is not necessary. Such previous agreement may be deduced from the mode and manner in which the offense was perpetrated, or inferred from the acts of the accused which point to a joint purpose and design, concerted action and community of interest[15].

A person may be charged and convicted separately of illegal recruitment under the Labor Code and estafa under the Revised Penal Code, Article 315, paragraph 2(a).

The prosecution has proven beyond reasonable doubt that accused-appellants were guilty of estafa under the Revised Penal Code, Article 315 paragraph (2) (a), which provides that estafa is committed:

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of fraud:

(a) By using fictitious name or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

In this case, both accused-appellants deceived the private complainants into believing that they had the authority and capability to send complainants to Taiwan for employment. Because of the assurances given by both accused-appellant, the private complainants parted with hard-to-get money in exchange for what they thought was a promising future abroad. The acts of both accused-appellant constitute estafa punishable under Article 315, paragraph 2(a) of the Revised Penal Code[16].

Under the Revised Penal Code, an accused found guilty of estafa shall be sentenced to:

x x x The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; x x x.

The Indeterminate Sentence Law provides that the maximum term of the penalty shall be “that which, in view of the attending circumstances, could be properly imposed” under the Revised Penal Code, and the minimum shall be “within the range of the penalty next lower to that prescribed for the offense.” The penalty next lower should be based on the penalty prescribed by the Code for the offense, without first considering any modifying circumstances attendant to the commission of the crime. The determination of the minimum penalty is left by law to the sound discretion of the court and it can be anywhere within the range of the penalty next lower without any reference to the periods into which it might be subdivided. The modifying circumstances are considered only in the imposition of the maximum term of the indeterminate sentence.

Since the penalty prescribed by law for the estafa charge against accused-appellant is prision correccional maximum to prision mayor minimum, the penalty next lower in degree is prision correccional minimum to medium. Thus, the minimum term of the indeterminate sentence should be anywhere within six (6) months and one (1) day to four (4) years and two (2) months.

Pursuant to Article 65, in relation to Article 64, of the Revised Penal Code, in fixing the maximum term, the prescribed penalty of prision correccional maximum to prision mayor minimum should be divided into three equal portions of time, each of which portion shall be deemed to form one period, as follows:

Minimum Period: From 4 years, 2 months and 1 day to 5 years, 5 months and 10 days

Medium Period: From 5 years, 5 months and 11 days to 6 years, 8 months and 20 days

Maximum Period: From 6 years, 8 months and 21 days to 8 years

When the amounts involved in the offense exceeds P22,000, the penalty prescribed in Article 315 of the Revised Penal Code shall be imposed in its maximum period, adding one year for each additional P10,000.00, although the total penalty which may be imposed shall not exceed twenty (20) years.

In Criminal Case No. 95-145623, since Gerardo R. Mendoza testified that he gave the accused-appellants a total of P75,000.00, and therefore the trial court correctly held that the accused-appellant should indemnify the victim to that extent; but the penalty meted by the trial court should be modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum, to thirteen (13) years and two (2) months of prision mayor as maximum, taking into consideration the amount defrauded of P75,000.00.

In Criminal Case No. 95-145624, since Carlo S. Villanueva testified that he gave accused-appellants a total of P75,000.00, again the trial court correctly awarded the victim an indemnity of P75,000.00; but the penalty imposed by the trial court should be modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to thirteen (13) years and two(2) months of prision mayor as maximum, again taking into consideration the amount defrauded.

In Criminal Case No. 95-145625, since Manuel R. Mendoza, aka Emmanuel Mendez testified that he gave accused-appellants a total of P45,000.00, the trial court was correct in indemnifying the victim the amount of P45,000.00, but the penalty imposed by the trial court must be modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to ten (10) years and two (2) months of prision mayor as maximum, taking into consideration the amount defrauded.

In Criminal Case No. 95-145626, since Ricardo R. Mendoza testified that he gave accused-appellants a total of P75,000.00, the trial court was correct in awarding an indemnity to the victim in the amount of P75,000.00; but the penalty imposed should be modified to indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to thirteen (13) years and two (2) months of prision mayor as maximum, taking into account the amount defrauded.

The Fallo

WHEREFORE, premises considered, the August 22, 2002 Decision of the Regional Trial Court of Manila, Branch 27, rendered in Criminal Case Nos. 95-145621 to 95-145630, is hereby MODIFIED as follows:

- In Crim. Case No. 145621, no modification.
- In Crim. Case No. 95-145623, in addition to the indemnity and costs of suit already awarded by the trial court, the penalty imposed by the trial court is modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to thirteen (13) years and two (2) months of prision mayor as maximum.
- In Crim. Case No. 95-145624, in addition to the indemnity and costs of suit already awarded by the trial court, the penalty imposed by the trial court is modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to thirteen (13) years and two(2) months of prision mayor as maximum.
- In Crim. Case No. 95-145625, in addition to the indemnity and costs of suit already awarded by the trial court, the penalty imposed by the trial court is modified to an indeterminate sentence of four (4) years and two (2) months of prision correctional as minimum to ten (10) years and two (2) months of prision mayor as maximum.
- In Crim. Case No. 95-145626, in addition to the indemnity and costs of suit already awarded by the trial court, the penalty imposed by the trial court is modified to an indeterminate sentence of four (4) years and two (2)

months of prision correctional as minimum to thirteen (13) years and two (2) months of prision mayor as maximum.

SO ORDERED.

Reyes, (Chairman) and De Guia-Salvador, JJ., concur.

- [1] Rollo. Page 105 and 120
- [2] Rollo. Page 39
- [3] Rollo. Page 15
- [4] Rollo. Page 17
- [5] Rollo. Page 21
- [6] Rollo. Page 23
- [7] Rollo. Page 25
- [8] Rollo. Page 52
- [9] Rollo. Page 50
- [10] Rollo. Page 51
- [11] People vs. Alvarez G.R. No. 142981, August 20, 2002, 387 SCRA 448
- [12] Records, Page 31
- [13] People vs. Ballesteros, G.R. Nos. 116905-908, August 6, 2002, 386 SCRA 193
- [14] People vs. Gallardo, G.R. Nos. 140067-71, August 29, 2002, 388 SCRA 121
- [15] People vs. Ballesteros, G.R. Nos. 116905-908, August 6, 2002, 386 SCRA 193
- [16] People vs. Gallardo, G.R. Nos. 140067-71, August 29, 2002, 388 SCRA 121

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.