THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VIOLETA ALCANTARA Y DETUBIO, ACCUSED-APPELLANT.

Ponente: LIBREA-LEAGOGO, C.C., J.

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LIBREA-LEAGOGO, C.C., J.:

Before this Court is an appeal from the Decision[1] dated 14 February 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 142, Makati City, in the case entitled "People of the Philippines v. Violeta Alcantara," docketed as Crim. Case No. 07-1697 and Crim. Cases Nos. 07-1698-1700, the dispositive portion of which reads:

> "WHEREFORE, in view of the foregoing, accused VIOLETA ALCANTARA y DETUBIO is found GUILTY beyond reasonable doubt of the crime of Illegal Recruitment in Large Scale in Criminal Case No. 07-1697 and is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand Pesos (Php500,000.00).
>
> Accused is also found GUILTY beyond reasonable doubt on three (3) counts of the Crime of Estafa, defined and penalized under Article 315, paragraph 2 (a) of the Revised Penal Code. Applying therefore the Indeterminate Sentence Law, the accused is hereby sentenced as follows:
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> 1. In Criminal Case No. 07-1698 – to an indeterminate penalty of four (4) years, two (2) months as minimum to sixteen (16) years, eight (8) months and twenty one (21) days as maximum.
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> 2. In Criminal Case No. 07-1699 – to an indeterminate penalty of four (4) years, two (2) months as minimum to six (6) years, eight (8) months and twenty one (21) days as maximum.
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> 3. In Criminal Case No. 07-1700 – to an indeterminate penalty of four (4) years, two (2) months as minimum to fifteen (15) years, eight (8) months and twenty one (21) days as maximum.

with all the accessory penalties imposed by law.

Moreover, the accused is hereby ordered to reimburse and pay the private complainants, as follows:

> Ma. Morena J. Anunciado – the sum of One Hundred Twenty Two Thousand One hundred Eighteen Pesos and Nineteen Centavos (Php122,118.19).
>
> Janice A(.) Melomida (sic) – the sum of Twenty Four Thousand One Hundred Pesos (Php24,100.00)
>
> Nie R. Alvarez – the sum of One Hundred Seventeen Thousand One Hundred Eighteen Pesos and Nineteen Centavos (Php117,118.19).

with interests thereon at the rate of six (6%) percent per annum from the date hereof until finality of this decision and thereafter, twelve (12%) percent per annum from finality of this decision, until the monetary obligations are fully settled/paid (Eastern Shipping Lines, Inc. vs. Court of Appeals, 234 SCRA 78).

Costs against the herein accused in all the aforestated Informations.

SO ORDERED.”[2]

Accused-appellant filed his Brief[3] dated April 21 2014. Per JRD verification,[4] dated 27 October 2014, no appellee's brief was filed as per docket book entry. Thus, the appeal is submitted for decision.

FACTUAL ANTECEDENTS

Accused Violeta Alcantara y Detubio (“Alcantara,” for brevity) was charged with the crime of illegal recruitment in large scale in an Information[5] dated 27 July 2007, before the Regional Trial Court, National Capital Judicial Region, Makati City, docketed as Criminal Case No. 07-1697, the accusatory portion of which reads:

> Criminal Case No. 07-1697
>
> “That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, representing herself to have the capacity to contract, enlist, transport and refer workers for employment abroad, for a fee did then and there willfully, unlawfully and feloniously, and without any license or authority to do so, recruit and promise overseas employment to the following complainants, to wit:
>
> MA. MORENA J. ANUNCIADO
> JANICE A. MELLOMIDA
> NIE R. ALVAREZ
>
> thus in large scale amounting to economic sabotage, but said accused failed to deploy said complainants and likewise reimburse to return the expenses incurred by them in connection with their documentations and processing for papers of deployment which did not take place without their fault.
>
> CONTRARY TO LAW.”[6]

Accused was likewise charged with three counts of estafa under Article 315, paragraph 2 (a) of the Revised Penal Code, in three (3) Informations,[7] all dated 27 July 2007, docketed as Criminal Cases Nos. 07-1698, 07-1699 and 07-1700, the accusatory portions of which read:

> Criminal Case No. 07-1698
>
> “That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant MA. MORENA J. ANUNCIADO in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant gave and delivered to said accused the total amount of Php122,118.19 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount of Php122,118.19.
>
> CONTRARY TO LAW.”[8]
>
> Criminal Case No. 07-1699
>
> “That in the month of May 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant JANICE A. MELLOMIDA in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the

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commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant gave and delivered to said accused the total amount of Php24,100.00 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount of Php24,100.00.

CONTRARY TO LAW."[9]

Criminal Case No. 07-1700

"That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant NIE R. ALVAREZ in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant gave and delivered to said accused the total amount of Php117,118.00 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount P117,118.00.

CONTRARY TO LAW."[10]

The above numbered cases were jointly tried.[11]

When arraigned on 20 November 2007, accused entered a plea of not guilty.[12] On even date, accused filed an Urgent Motion to Post Bail,[13] to which the prosecution filed an Opposition etc.[14] dated 14 December 2007.

Hearing on the motion to post bail ensued.

The prosecution presented four witnesses, namely: Mr. Severino Maranan, Philippine Overseas Employment Administrator (POEA) representative, and private complainants Ma. Morena Anunciado ("Anunciado," for brevity), Janice Mellomida ("Mellomida," for brevity) and Nie Alvarez ("Alvarez," for brevity). Their testimonies were summarized by the trial court, viz:

"Prosecution witness Severino Maranan, Senior Labor Employment Officer, was called to the witness stand on February 5, 2008 and testified on the POEA Certification dated March 12, 2007 signed by Yolanda Paragua and on the Certification dated December 14, 2007 issued and signed by Atty. Melchor Diaz, both POEA Officers, whereon stated that the accused is not licensed by the Philippine Overseas Employment Agency (POEA) to recruit workers for overseas employment. No cross examination on the POEA witness was conducted by accused (sic) collaborating counsel, Atty. Wenceslao Galendez, Jr.

Private complainant Ma. Morena Anunciado, (Anunciado) testified on the following: that she first met accused Violeta Alcantara through a certain Ms. Amelita Nunez in the office of Ren-Glo located at Guanzon Street, Poblacion, Makati City, sometime in April 2006; accused represented herself as the Marketing Director of Ren-Glo Enterprises and told Anunciado that she needs thirty (30) applicants for Singapore for immediate deployment as call center agents; Anunciado was told that there is a placement fee and she also needs to submit documents such as diploma, transcript of record, NBI Clearance and passport; she then submitted to the accused the documents required and paid the amount of One Hundred Twenty Two Thousand (Php122,000.00) Pesos in three installments, viz: (1) 15 May 2006 in the amount of Php40,000.00, as evidenced by a cash voucher showing receipt by accused (Exhibits "E" to "E-1"); (2) 5 June 2006 in the amount of Php50,000.00, as evidenced by another cash voucher paid to Milenest General Management Services, Inc., and received by

the accused (Exhibits “C” to “C1”); and (3) 9 June 2006, in the amount of Php22,118.19 (Exhibits “D” to “D-2”); Anunciado and with other applicants attended three (3) seminars, one (1) conducted at Ren-Glo office and the other two (2) were conducted at the office of the accused at Ponce Law Office, City(l)and Condominium, Gil Puyat St., Buendia, Makati City; in all occasions, it was the accused who conducted the seminars; accused promised to Anunciado (sic) process her visa and employment contract and would even accompany her to Singapore, her place of work; on 4 June 2006, she departed for Singapore together with the accused and three (3) other co-applicants namely: private complainant Nie Alvarez, Vivian Cruz and Brigette Nunez; upon their arrival in Singapore, they were fetched by a certain Liza Chua; she started entertaining the idea that the accused is an illegal recruiter because she remembered being told by the accused that the employer in Singapore is one Liza Chua but who was later on introduced to them by the accused as the landlady (Liza Chua) of the house where all of them will stay while they were in Singapore; Anunciado found out that there was no employment available for them in Singapore(,) contrary to what was promised by the accused, instead they were made to personally apply for a job, unfortunately however, they were not accepted for want of working visas; after three (3) weeks of stay in Singapore, they were brought to the Philippine Embassy by Mr. Chua, the husband of Liza Chua, and on 19 July 2006, they were able to return to the Philippines; upon their arrival, accused offered Anunciado to stay in her house at 1410 2-B F. Yuseco St., Sta. Cruz, Manila until she can be deployed again, an offer which she accepted because her family does not know what happened to her; however, accused Alcantara's promise of deployment never materialized.

On cross-examination xxx, Anunciado testified that it was Amelita Nunez who referred her to the accused but it was accused xxx who promised her a sure employment in Singapore. She further testified that Milenest General Management Services is owned by Violeta Alcantara. She further testified that the accused only accompanied them to Singapore but she did not assist him in looking for work.

Private complainant Janice Mellomida (Mellomida) on February 27, 2008, testified in this wise: that it was Amelita Nunez, who introduced her to accused Violeta Alcantara in May 2006 at Alcantara's office located at Cityland Condominium 8, Gil Puyat, Makati City; Mellomida was told that accused has a direct hire in Singapore as call center agents, sales representatives and caregivers; during their first meeting, accused Alcantara told her that there would be an orientation for job training in Singapore in need of (sic) thirty (30) applicants, however, they (applicants) would need to pay Php122,000.00 including their airfare to Singapore; during the orientation conducted by the accused Violeta Alcantara herself, she (Mellomida) was required to submit the documents such as passport, NBI Clearance, diploma, transcript of records and to pay the placement fee; she submitted her passport and made a down payment of Php81,000.00 which was given in two (2) occasions, viz: (1) 17 May 2006 in the amount of Php57,(5)00.00 which was received by the accused herself and Amelita Nunez (Exhibits “K” to “K-3”) and (2) 22 June 2006 in the amount of Php24,100.00, for her plane ticket to Singapore, which payment was received by accused as evidenced by the cash voucher signed by accused Alcantara (Exhibits “L” to “L-2”); thereafter Mellomida went back to Davao where she lives, to collate the requirements and to complete the placement fee required of her; accused Violeta Alcantara told Mellomida to wait for her (Violeta's) call because Mellomida was included in the second batch leaving in August 2006; in July 2006, she received a call from the accused giving information that she would be leaving by August 2006, however, Mellomida told accused Alcantara that she would wait for any news from her aunt, complainant Anunciado, who left for Singapore on 24 June 2006 before she, Mellomida, will leave for Singapore; a week after, Mellomida received a call from her aunt, complainant Anunciado(,) advising her not to proceed to Singapore because there is no available job for her, telling Mellomida that Anunciado will call the former if anything happened; upon learning of her aunt's predicament, she inquired from accused Alcantara as to her aunt's condition in Singapore, without the accused knowing that she had already taked (sic) to her aunt Anunciado; the accused, in answer to Mellomida's query told her that Anunciado, her aunt(,) is already working in Singapore; on 19 July 2006, Mellomida received again a call from her aunt Anunciado telling her that Anunciado had arrived in the Philippines and was to confront the accused regarding the incident; Mellomida is not aware that the accused is not accredited by the POEA and it was only when she inquired from POEA that she learned that the accused was not authorized to recruit workers for overseas employment.

> On cross examination, in answer to the question of defense counsel Benedicto Gonzales, Mellomida testified that she never bother to inquire whether the accused was authorized to recruit for overseas employment because she knew that Ren-Glo was authorized as shown on the calling card of the accused (Exhibit "H") given to her aunt Ma. Morena Anunciado. She further testified that she did not apply at Ren-Glo but she met the accused twice at accused's office at Ponce Law Office, Cityland Condominium 8, Gil Puyat, Makati City.
>
> The last prosecution witness, private complainant Nie Alvarez (Alvarez) was presented on March 18, 2008 and testified that: it was Amelita Nunez who introduced her to accused Violeta Alcantara further confirming that accused Alcantara was hiring applicants for deployment to Singapore as caregivers and if she is interested, she is required to submit documents such as passport, diploma, transcript of records, NBI Clearance and to pay a placement fee; Alvarez submitted all the required documents and her placement fee was paid on installment basis, viz: (1) 9 June 2006 in the amount on Php74,618.10; (2) second was in the amount of Php24,618.19 for a roundtrip ticket airfare to and from Singapore received by the accused as evidenced by a cash voucher dated 9 June 2006 (Exhibits "N" to "N-3"); and (3) 21 June 2006 in the amount of Php35,000.00, which amount was received by the accused as evidenced by the cash voucher Php117,118.19 (exhibits "O" to "O-1"); however, despite the payment of the total amount of Php117,118.19, and the submission of the required documents, accused failed to give her a working visa and an employment contract, instead, accused claimed that she would accompany Alvarez to Singapore with a tourist visa; on 24 June 2006, Alvarez together with accused Alcantara and three (3) other co-complainants, Vivian Cruz, Brigette Nunez and private complainant Anunciado, arrived in Singapore and were fetched by Liza Chua and a certain Beth; accused Alcantara introduce Liza Chua as their (l)andlady and Beth, a friend of the accused; during their stay in Singapore, they tried to look for employment, however, they failed for lack of working visa; on 19 July 2006, they arrived in the Philippines from Singapore and were fetched by the accused who offered her house for them to stay promising to shoulder all their expenses; Alvarez stay(ed) for almost two weeks in the house of the accused (at) 1420 2-B F. Yuseco St. Sta. Cruz, Manila. When she demanded for the return of her money, accused Alcantara reimbursed her only the (a)mount of Php22,900.00 and promised to return the rest of her placement fee which promise, however, to date, remains unfulfilled."[15]

The prosecution filed its Formal Offer of Evidence[16] dated 22 April 2008, consisting of Exhibits "A" to "Q." The said exhibits were admitted in the Order[17] dated 23 April 2008.

In an Order[18] dated 06 May 2008, the trial court denied the Urgent Motion to Post Bail.

In the Order[19] dated 18 June 2008, it was stated that the public prosecutor manifested that the prosecution was no longer presenting any witness and would be adopting the testimonies of the witnesses presented during the hearing on the petition for bail filed by the accused, as well as the prosecution's Formal Offer of Evidence.

The defense presented its evidence. The testimony of the accused was summarized by the trial court, viz:

> "She testified as follows:
>
> She knows the corporation Milenest General Management Services, Inc. and emphasized the primary purpose thereof, which is 'to act as manager and technical consultants (sic) to persons, corporations, partnerships and associations engaged in commerce and other enterprises; to manage direct or supervise the management and operation of such enterprises, to provide for business, industry and other entities, technical management and counseling services.
>
> She recounted that the three (3) private complainants were introduced by a friend of her, Amelita Nunez; the three (3) complainants together with Nunez were all victims of illegal recruitment committed by Ren-Glo Enterprises who went to her office at Rm. 230, Cityland Condominium 8 Gil Puyat Ave., Makati City, to apply for a job hunting in Singapore because they do not want their respective families to know what happened to them; she informed the three (3) complainants that her office is not a recruitment agency and that she will only help them in their job hunting by sending an e-mail to her friend named Liza Chua; it was her friend Liza Chua

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> who instructed the private complainants that they should submit their bio-datas, (sic) so, she (Alcantara) arranged their bio-datas (sic) and gave it (sic) to Liza; she admitted that she had no license to recruit because she is not involved in recruitment but she also admitted that she accepted money from the three (3) complainants which were used for their plane tickets, board and lodging in Singapore, food and extension of their tickets and also for the services rendered, processing fees; only complainants Ma. Morena Anunciado and Nie Alvarez were able to go to Singapore because complainant Janice Mellomida went home to Davao to prepare her resume or bio-data (sic); she accompanied complainants Anunciado and Alvarez in Singapore and she left after two (2) days; Anunciado and Alvarez stayed in Singapore for almost a month but failed to find jobs; when they failed to find jobs in Singapore, the complainants called and told her that they wanted to return to the Philippines; after returning to the Philippines, both complainants Anunciado and Alvarez does (sic) not want to go home because they are (sic) afraid and embarrassed so she offered her home located at (sic) Sta. Cruz, Manila; she did not defraud anybody, she is not an illegal recruiter but she is a consultant manager.
>
> xxx she was one of the incorporators of Milenest General Management Services, Inc., the primary function of which is to assist applicants in the preparation of their resumes, bio-datas (sic) to help them pass in their job hunting/ job fair; she only helped the three (3) complainants because they were victims of illegal recruitment by Ren-Glo and they sought her assistance; after receiving their bio-datas, (sic) she evaluated them for possible employment for job hunting in Singapore, she also facilitated their tickets, board and lodging and food and eventually accompanied them to Singapore; she told the complainants several times that she is not involved in recruitment and that she is only a consultant handling their money; she admitted that when the complainants returned to the Philippines for failure to find jobs in Singapore and demanded for the return of their respective monies, she failed to return their money because she used it; she don't (sic) have any connections with Ren-Glo; that complainants have no contact in Singapore and that they only went to Singapore because they were being assisted by the accused; accused spent Php72,000.00 for the complainants while in Singapore but admitted that she pocketed the rest of their money; that the complainants trusted her (Alcantara) such that the complainants allowed her to handle their money to pay their expenses during their stay in Singapore."[20]

Accused filed her Formal Offer of Evidence[21] dated 12 December 2012. In its Order[22] dated 19 December 2012, the trial court admitted Exhibits "1" to "14."

The assailed Decision[23] dated 14 February 2013 was promulgated[24] finding accused guilty beyond reasonable doubt in Crim. Cases Nos. 07-1697 to 07-1700, the decretal portion of which was earlier quoted.[25] An Order of Commitment[26] dated 27 February 2013 was issued by the trial court. Accused filed her Notice of Appeal[27] dated 01 March 2013, which was given due course in the Order[28] dated 10 April 2013. Accused was transferred to the Correctional Institute for Women, Bureau of Corrections, Mandaluyong City on 21 March 2013.[29] Hence, this appeal.

R U L I N G

Accused-appellant assigns the following errors, viz:

> "I.
> THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIMES CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HER GUILT BEYOND REASONABLE DOUBT.
>
> II.
> THE COURT A QUO GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE PRIVATE COMPLAINANTS' IMPROBABLE AND INCREDIBLE TESTIMONIES."[30]

Accused-appellant contends, inter alia, that: the prosecution failed to prove her guilt beyond reasonable doubt of the crime of illegal recruitment; Article 38 of the Labor Code provides the definition of illegal recruitment; the

crime of illegal recruitment has two elements (i.e. the offender is a non-licensee or non-holder of authority to lawfully engage in the recruit and placement of workers, and the offender undertakes either any recruitment activity defined under Article 13 (b) or any prohibited practice enumerated under Article 34 of the Labor Code); the prosecution failed to prove the second element; she is not engaged in the recruitment and placement of workers as she is not licensed by the POEA to engage in such activity; as a consultant of Milenest, she merely assisted in sending private complainants' biodata and other necessary documents, accompanied them in Singapore, and secured tickets as well as board and lodging and food for two (2) months; she even presented evidence showing how she used their money for their expenses; private complainants never bothered to verify her credentials and simply assumed that her job was in connection with their purported guaranteed work overseas; the prosecution also failed to prove her guilt beyond reasonable doubt for the crime of estafa under Art. 315, paragraph 2(a) of the Revised Penal Code; the trial court's imputation of fraud or deceit is without factual basis and only an inference drawn from a presumption; it should be proven that the representation is made prior to or simultaneously with the commission of fraud; she never made any representation that she could find employment for private complainants; she made it clear to them that her job as a consultant was merely to assist in sending her clients' biodata, examine their educational background, and determine if they are qualified to secure a job in Singapore; private complainants' testimonies cast doubt as to her alleged fraudulent representations; assuming arguendo that she falsely represented herself as being able to send them abroad, private complainant Mellomida stated that she refused to leave after she asked the latter to come to Singapore; it was impossible for her to accomplish her alleged promise to deploy her (Mellomida) abroad if she refused to leave and comply with the conditions of their alleged agreement; she intended to refund private complainant Mellomida's money but was only able to contact her after the complaint was filed; testimonies of private complainants are contrary to human behavior and suffers from material inconsistencies and engender doubt as to her guilt; their stay in her house is contrary to human experience; private complainants' testimonies are conflicting as to her whereabouts when they stayed in Chua's house in Singapore; private complainant Mellomida's testimony is full of inconsistencies as to the time when she received a call from her aunt (Anunciado) and as to the time of her first payment; the trial court ruled that the Affidavit of Desistance executed by Anunciado and Mellomida would not exonerate her from criminal and civil liability; however, Mellomida even testified as to the execution of said Affidavit, recanting her previous testimony; this should have exonerated her from civil liability; although affidavits of desistance are considered highly suspect, they should be admitted absent any showing that they were executed through intimidation or monetary consideration; Alvarez also admitted her reimbursements in the amount of Php22,900.00 which should be considered in determining her civil liability as well as the imposable penalty for estafa; although denial may be weak, courts should not at once look at them with disfavor especially when the prosecution's evidence itself is weak.

The appeal is bereft of merit.

The law presumes that an accused in a criminal prosecution is innocent until the contrary is proven. This basic constitutional principle is fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Whether the degree of proof has been met is largely left to the trial courts to determine. However, an appeal throws the whole case open for review such that the Court may, and generally does, look into the entire records if only to ensure that no fact of weight or substance has been overlooked, misapprehended, or misapplied by the trial court.[31]

In this jurisdiction, the accused (is convicted) only when his guilt is established beyond reasonable doubt. Conformably with this standard, xxx an appellate court (is mandated) to sift the records and search for every error, though unassigned in the appeal, in order to ensure that the conviction is warranted, and to correct every error that the lower court has committed in finding guilt against the accused.[32] Proof beyond reasonable doubt does not

mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.[33] After a careful scrutiny of the records of the instant case, We find no compelling reason to reverse the trial court's conviction of accused-appellant in Crim. Cases Nos. 07-1697 to 07- 1700.

Article 13(b) of the Labor Code defines recruitment and placement as “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.” In the simplest terms, illegal recruitment is committed by persons who, without authority from the government, give the impression that they have the power to send workers abroad for employment purposes.[34]

Republic Act No. 8042 broadened the concept of illegal recruitment under the Labor Code and provided stiffer penalties, especially for those that constitute economic sabotage, i.e., Illegal Recruitment in Large Scale and Illegal Recruitment Committed by a Syndicate.[35]

The crime of illegal recruitment is defined and penalized under Sections 6 and 7 of Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), to wit:

> “SEC. 6. Definition. – For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee 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 any such non-licensee 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. x x x
>
> x x x x
>
> Illegal recruitment 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.
>
> x x x x
>
> SEC. 7. Penalties. –
>
> (a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two hundred thousand pesos (P200,000.00) nor more than Five hundred thousand pesos (P500,000.00).
>
> (b) The penalty of life imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One million pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.
>
> 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.”

In the instant case, private complainants identified accused-appellant in open court.[36]

To constitute illegal recruitment in large scale, three elements must concur: (a) the offender has no valid license or authority required by law to enable him to lawfully engage in recruitment and placement of workers; (b) 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 said Code (now Section

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6 of Republic Act No. 8042); and (c) the offender committed the same against three or more persons, individually or as a group.[37]

In her bid to exculpate herself, accused-appellant avers that the prosecution failed to prove the second essential element (i.e. engage in recruitment and placement of workers) to constitute the crime of illegal recruitment.

We are unpersuaded.

A judicious review of the records of the instant case shows that the above-mentioned elements were established by the prosecution beyond reasonable doubt.

The Certification[38] dated 12 March 2007 (Exhibit "A") issued by Yolanda E. Paragua, OIC-Licensing Branch of the Philippine Overseas Employment Administration (POEA), Licensing and Regulation Office states that "Violeta Alcantara xxx, in her personal capacity, is not licensed by this Administration to recruit workers for overseas employment. Any recruitment activity undertaken by the above-named person is deemed illegal". The Certification[39] dated 14 December 2007 (Exhibit "B") issued by Melchor B. Dizon, Director of Licensing and Regulation Office of the POEA, has the same tenor. These Certifications were duly identified in court by Severino S. Maranan, Senior Labor Employment Officer and authorized representative of POEA, who likewise confirmed the due execution of the same.[40] (T)his certification carried the presumption of regularity in its issuance and (accused-appellant) has the burden of overcoming this presumption. (Accused-appellant), however, failed to present any evidence to rebut that presumption.[41] In fact, accused-appellant admitted that she has no license to recruit.[42]

It is well-settled that to prove illegal recruitment, it must be shown that appellant gave complainants the distinct impression that she had the power or ability to send complainants abroad for work such that the latter were convinced to part with their money in order to be employed.[43] As testified to by private complainants, accused-appellant gave such impression through the following acts, to wit: in a briefing or orientation, accused-appellant told them that she needed thirty (30) applicants to be deployed to Singapore because she has a direct employer, and would work as call center agents with a monthly salary of Php50,000.00 for call center agents and Php39,000.00 for caregivers;[44] that there are placement fee and documents required (e.g. credentials, diploma, transcript of record, NBI clearance, and passport) to be submitted;[45] that they have to pay the placement fee immediately for her to process the working visa in Singapore and get the contract of employment which private complainants would sign;[46] accused-appellant represented herself as the Marketing Director, International of Ren-Glo Enterprises as evidenced by a calling card[47] (Exhibit "H"), given by accused-appellant to private complainants; private complainants Anunciado and Alvarez submitted their requirements;[48] private complainant Mellomida only submitted her passport; and accused-appellant received money from private complainants as payment for placement fee, service fee, visa processing fee, and roundtrip tickets as evidenced by the cash vouchers[49] (Exhibits "C" to "E", and "K" to "O" with submarkings), signed by her. In fact, accused-appellant admitted that she is aware that her acts of soliciting, collecting passports, biodatas and placement either in job hunting or job fair are parts and parcel of illegal recruitment.[50]

Accused-appellant's assertion that private complainants did not bother to verify her credentials with her co-workers or at the POEA and simply assumed that her job was in connection with their purported guaranteed work overseas, is inconsequential. She is utterly unrepentant. She engaged in illegal recruitment in large scale, then attempts to pass on the blame to the hapless private complainants for their credulity in not checking her credentials.

It has been settled that (i)t is not necessary for the prosecution to present a certification that (accused-appellant) is a non-licensee or non-holder of authority to lawfully engage in the recruitment and placement of workers. Section

6 of Republic Act No. 8042 enumerates particular acts which would constitute illegal recruitment "whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority."[51]

The three private complainants (Anunciado, Mellomida and Alvarez) executed and filed their joint Affidavit Complaint[52] (Exhibit “I”- “I-2”) dated 15 March 2007, against accused-appellant.

As aptly found by the trial court, “the prosecution's evidence clearly established all the elements to be present in this case. The prosecution adduced proof beyond reasonable doubt that Alcantara enlisted the three (3) complainants for overseas employment even without any license to do so.”[53] Clearly, We find no cogent reason to disturb the findings of the trial court that accused-appellant committed the crime of illegal recruitment in large scale which constitutes economic sabotage, in Crim. Case No. 07-1697.

In this jurisdiction, it is settled that a person who commits illegal recruitment may be charged and convicted separately of illegal recruitment under the Labor Code and estafa under par. 2(a) of Art. 315 of the Revised Penal Code. The offense of illegal recruitment is malum prohibitum where the criminal intent of the accused is not necessary for conviction, while estafa is malum in se where the criminal intent of the accused is crucial for conviction. Conviction for offenses under the Labor Code does not bar conviction for offenses punishable by other laws.[54] Article 315, paragraph 2(a) of the Revised Penal Code provides:

> “Art. 315. Swindling (estafa). - Any person who shall defraud another by any of the means mentioned hereinbelow x x x:
>
> x x x x
> 2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
>
> (a) By using a fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions; or by means of other similar deceits.
>
> x x x x”

The elements of estafa are: (a) that the accused defrauded another by abuse of confidence or by means of deceit, and (b) that damage or prejudice capable of pecuniary estimation is caused to the offended party or third person.[55]

Accused-appellant posits that the essential element of fraud or deceit imputed to her by the trial court is without factual basis and is an inference drawn from a presumption.

We are not convinced.

In this case, the prosecution was able to establish all the elements of estafa as discussed earlier, by the very same evidence proving accused-appellant's criminal liability for illegal recruitment in large scale, viz: falsely representing to them and making them believe that she has the capacity to deploy private complainants to Singapore because she has a direct employer; she could get a working visa in Singapore and a contract of employment which private complainants would sign; and she even represented herself as the Marketing Director, International of Ren-Glo Enterprises. Because of these deceitful acts of accused-appellant, private complainants were enticed or induced to part with their money in varying amounts (i.e. Anunciado-Php122,118.19,[56] Mellomida-Php81,600.00,[57] and Alvarez-Php117,118.19[58]) as placement and service fees to accused-appellant as evidenced by the cash vouchers signed by the latter.[59] Despite demands,[60] the said defrauded amounts were never returned by the accused-appellant, except for private complainant Alvarez who was given Php22,900.00 by the former,[61] thus, leaving an unrecovered amount of Php94,218.19 insofar as

Alvarez is concerned. Further, when accused-appellant testified, she admitted that private complainants were asking her for the refund of their money but she told them to wait, as she was able to use their money.[62] Consequently, the victims suffered damages as the promised employment abroad never materialized and the money they parted were never recovered.[63]

As aptly found by the trial court, viz:

> "Both elements (of estafa) are present (in this case). Violeta Alcantara's employment of deceit was evident in her false representation to private complainants Anunciado, Mellomida, and Alvarez that she possessed authority and capability to send the private complainants to Singapore for employments as call center agents, caregivers or sales representatives. Accused then carried on with the deceit by receiving bio-data (sic), passport, NBI Clearance as well as their placement fees. Clearly deceived by Alcantara's words and actions, the three (3) private complainants were persuaded to hand over their money to Alcantara to pay for their placement fees, plane tickets, etc. Unfortunately, although private complainant Nie Alvarez did leave for Singapore, she was not able to be employed in Singapore and neither did she recover her money from the accused. On the other hand, complainants (sic) Mellomida was timely advised by her aunt, complainant Anunciado of her unfateful experience in Singapore, thus, no longer left the country and accused Alcantara failed to return her money despite demand."[64]

As held in a catena of cases that (t)he findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, more so, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings. The reason behind this rule is that the trial court is in a better position to decide the credibility of witnesses having heard their testimonies and observed their deportment and manner of testifying during the trial.[65]

Accused-appellant discredits private complainants' testimonies for alleged material inconsistencies which engender doubt as to her guilt.

We are unswayed.

Given the natural frailties of the human mind and its capacity to assimilate all material details of a given incident, slight inconsistencies and variances in the declarations of a witness hardly weaken their probative value. It is well-settled that immaterial and insignificant details do not discredit a testimony on the very material and significant point bearing on the very act of accused-appellant. As long as the testimonies of the witnesses corroborate one another on material points, minor inconsistencies therein cannot destroy their credibility. Inconsistencies on minor details do not undermine the integrity of a prosecution witness.[66] If the cited inconsistency has nothing to do with the elements of a crime, it does not stand as a ground to reverse a conviction.[67]

In the instant case, the inconsistencies in the private complainants' testimonies, if at all, are only on minor details; they have nothing to do with the elements of the crimes charged; and they do not tend to diminish the probative value of their testimonies.

Accused-appellant asserts that the Affidavit of Desistance purportedly executed by private complainants Anunciado and Mellomida, at the very least, exonerated her of her civil liability to them.

We are not persuaded.

An affidavit of desistance is usually frowned upon by courts. Little or no persuasive value is often attached to a desistance.[68] Here, the Affidavit of Desistance[69] does not deserve a second look more so that, it is undated and that during the presentation of the said document, accused-appellant admitted in her testimony that the

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signatures of Anunciado and Mellomida appearing thereon was signed by only one person.[70] Even a cursory comparison of the signatures found in the Affidavit of Desistance shows that they are not the same as the signatures of Anunciado and Mellomida in their Affidavit-Complaint.

Accused-appellant merely denies any criminal liability. She claims that she just assisted in sending the private complainants' biodata and other necessary documents to Singapore and accompanied them to said country, and provided them with services in securing tickets as well as board and lodging which do not constitute as overt acts of recruiting, hiring or procuring workers.

Denial, essentially a negation of fact, does not prevail over an affirmative assertion of fact. Thus, courts – both trial and appellate – have generally viewed the defense of denial in criminal cases with considerable caution, if not with outright rejection. Such judicial attitude comes from the recognition that denial is inherently weak and unreliable by virtue of its being an excuse too easy and too convenient for the guilty to make. To be worthy of consideration at all, denial should be substantiated by clear and convincing evidence. The accused cannot solely rely on her negative and self-serving negations, for denial carries no weight in law and has no greater evidentiary value than the testimony of credible witnesses who testify on affirmative matters,[71] as in this case.

We now review the penalties imposed upon accused-appellant by the trial court.

Under Section 7(b) of Republic Act No. 8042, the penalty of life imprisonment and a fine of not less than P500,000.00 nor more than P1,000,000.00 shall be imposed if illegal recruitment constitutes economic sabotage, as in the instant case wherein the crime was committed in large scale. Thus, the trial court did not err in sentencing accused-appellant to suffer the penalty of life imprisonment and a fine of P500,000.00 in Crim. Case No. 07-1697.

As to the penalty for estafa, Article 315 of the Revised Penal Code provides:

> "Art. 315. Swindling (estafa). – Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:
>
> 1[st]. 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 pesos 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; but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be;
>
> x x x x"

In the instant case, We affirm, with modification, the penalties imposed upon accused-appellant by the trial court in Crim. Cases Nos. 07-1698 to 07-1700, for three (3) counts of estafa.

Here, the amounts defrauded are as follows:

Case Number

Persons Defrauded

Amounts Defrauded

Crim. Case No. 07-1698

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Ma. Morena J. Anunciado

Php122,118.19[72]

Crim. Case No. 07-1699

Janice A. Mellomida

Php81,600.00[73]

Crim. Case No. 07-1700

Nie R. Alvarez

Php94,218.19[74]

Applying the Indeterminate Sentence Law, the minimum term shall be within the range of the penalty next lower to that prescribed by the RPC, or anywhere within prision correccional in its minimum and medium periods or 6 months and 1 day to 4 years and 2 months.[75] In the instant case, the trial court correctly fixed the minimum period at 4 years and 2 months of prision correccional since this is within the range of prision correccional minimum and medium.

On the other hand, (f)or the maximum term under the (Indeterminate Sentence Law), xxx the maximum period of the prescribed penalty (is taken), adding one year of imprisonment for every P10,000.00 in excess of P22,000.00, provided that the total penalty shall not exceed 20 years. To compute the maximum period of the prescribed penalty, the time included is prision correccional maximum to prision mayor minimum shall be divided into three equal portions, with each portion forming a period. Following this computation, the maximum period for prision correccional maximum to prision mayor minimum is from 6 years, 8 months and 21 days to 8 years. The incremental penalty, when proper, shall thus be added to anywhere from 6 years, 8 months, and 21 days to 8 years, at the discretion of the court. In computing the incremental penalty, the amount defrauded shall be subtracted by P22,000.00, the difference shall be divided by P10,000.00, and any fraction of a year is discarded.[76]

In Crim. Case No. 07-1698, the amount defrauded against private complainant Anunciado is Php122,118.19, and there is an amount of Php100,118.19 in excess of Php22,000.00. Therefore there is an incremental penalty of 10 years which shall be added to the maximum period of the prescribed penalty ranging from 6 years, 8 months and 21 days to 8 years of prision mayor. There being no aggravating circumstance, We add the 10 years incremental penalty to the lowest of the maximum period which is 6 years, 8 months and 21 days. The maximum therefore of accused-appellant's indeterminate sentence is 16 years, 8 months, and 21 days of reclusion temporal. Thus, in Crim. Case No. 07-1698, accused-appellant is sentenced to suffer an indeterminate penalty of 4 years and 2 months of prision correccional, as minimum, to 16 years, 8 months, and 21 days of reclusion temporal, as maximum.

In Crim. Case No. 07-1699, the amount defrauded against private complainant Mellomida is Php81,600.00, and there is an amount of Php59,600.00 in excess of Php22,000.00. Therefore, there is an incremental penalty of 5 years which shall be added to the maximum period of the prescribed penalty ranging from 6 years, 8 months and 21 days to 8 years of prision mayor. There being no aggravating circumstance, We add the 5 years incremental penalty to the lowest of the maximum period which is 6 years, 8 months and 21 days. The maximum therefore of the accused-appellant's indeterminate sentence is 11 years, 8 months, and 21 days of prision mayor. Thus, in Crim. Case No. 07-1699, accused-appellant is sentenced to suffer an indeterminate penalty of 4 years and 2 months of prision correccional, as minimum, to 11 years, 8 months, and 21 days of prision mayor, as maximum.

In Crim. Case No. 07-1700, the amount defrauded against private complainant is Php94,218.19, and there is an amount of Php72,218.19 in excess of Php22,000.00. Therefore, there is an incremental penalty of 7 years which shall be added to the maximum period of the prescribed penalty ranging from 6 years, 8 months and 21 days to 8 years of prision mayor. There being no aggravating circumstance, We add the 7 years incremental penalty to the lowest of the maximum period which is 6 years, 8 months and 21 days. The maximum therefore of accused-appellant's indeterminate sentence is 13 years, 8 months, and 21 days. In Crim. Case No. 07-1700, accused-appellant is sentenced to suffer an indeterminate penalty of 4 years and 2 months of prision correccional, as minimum, to 13 years, 8 months, and 21 days of reclusion temporal, as maximum.

The trial court also ordered the accused-appellant to indemnify private complainants the amounts of Php122,118.19, Php24,100.00 and Php117,118.19 with interests thereon at the rate of 6% per annum from date of the assailed Decision until finality thereof and thereafter, 12% per annum from finality of the decision until fully paid.

We modify.

As earlier discussed, private complainants Anunciado, Mellomida and Alvarez, were defrauded by accused-appellant in the amounts of Php122,118.19, Php81,600.00, and Php94,218.19, respectively. It is incumbent upon accused-appellant to indemnify private complainants for the said defrauded amounts, with legal interest at the rate of 6% per annum, from the time of demand, which, in this case, shall be deemed as the same day the Informations were filed on 17 September 2007 against accused-appellant, until the said amounts are fully paid.[77]

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 14 February 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 142, Makati City, in Crim. Case No. 07-1697 finding accused-appellant Violeta Alcantara y Detubio guilty beyond reasonable doubt of the the crime of Illegal Recruitment in Large Scale and sentencing her to suffer the penalty of life imprisonment and to pay a fine of Php500,000.00 is AFFIRMED.

In Crim. Cases Nos. 07-1698, 07-1699 and 07-1700, finding accused-appellant Violeta Alcantara y Detubio guilty beyond reasonable doubt for three (3) counts of the crime of estafa under Article 315, paragraph 2 (a) of the Revised Penal Code, the same is AFFIRMED with MODIFICATIONS, as follows:

- In Crim. Case No. 07-1698, accused-appellant is sentenced to suffer the indeterminate penalty of imprisonment of 4 years and 2 months of prision correccional, as minimum, to 16 years, 8 months, and 21 days of reclusion temporal, as maximum, and ordered to indemnify private complainant Ma. Morena J. Anunciado in the amount of Php122,118.19 as actual damages, with legal interest at the rate of 6% per annum from 17 September 2007, until the said amount is fully paid;

- In Crim. Case No. 07-1699, accused-appellant is sentenced to suffer the indeterminate penalty of imprisonment of 4 years and 2 months of prision correccional, as minimum, to 11 years, 8 months, and 21 days of prision mayor, as maximum, and ordered to indemnify private complainant Janice A. Mellomida in the amount of Php81,600.00 as actual damages, with interest at the rate of 6% per annum from 17 September 2007, until the said amount is fully paid; and

- In Crim. Case No. 07-1700, accused-appellant is sentenced to suffer the indeterminate penalty of imprisonment of 4 years and 2 months of prision correccional, as minimum, to 13 years, 8 months, and 21 days of reclusion temporal, as maximum, and ordered to indemnify private complainant Nie R. Alvarez in the amount of Php94,218.19 as actual damages, with interest at the rate of 6% per annum from 17 September 2007, until the said

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amount is fully paid.

SO ORDERED.

Diamante and Sadang, JJ., concur.

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[1] Rollo, pp. 103-117; penned by Hon. Dina Pestaño Teves

[2] Id. at 116-117

[3] Id. at 69-101

[4] Id. at 133 (dorsal side)

[5] Record, p. 2

[6] Id.

[7] Id. at 4-9

[8] Id. at 4

[9] Id. at 6

[10] Id. at 8

[11] Id. at 386

[12] Id. at 118

[13] Id. at 121-128

[14] Id. at 141

[15] Id. at 386-389

[16] Id. at 161-164

[17] Id. at 192

[18] Id. at 193-197

[19] Id. p. 200

[20] Id. at 389-401

[21] Id. at 361-366

[22] Id. at 381

[23] Id. at 384-407

[24] Id. at 383

[25] Supra, note 2

[26] Record, pp. 409-410

[27] Id. at 408

[28] Id. at 413

[29] Id. at 411-412

[30] Rollo, p. 71

[31] Cf. People of the Philippines v. Antonio Baraoil, G.R. No. 194608, 09 July 2012

[32] Cf. Rogelio S. Reyes v. The Honorable Court of Appeals, G.R. No. 180177, 18 April 2012

[33] Cf. People of the Philippines v. Jose Clara y Buhain, G.R. No. 195528, 04 July 2013

[34] People of the Philippines v. Angelita I. Daud, et al., G.R. No. 197539, 02 June 2014

[35] Id.

[36] TSNs, 05 February 2008, pp. 23-24; 27 February 2008, p. 4; and 18 March 2008, p. 6

[37] People of the Philippines v. Angelita I. Daud, et al., supra

[38] Record, p. 165

[39] Id. at 166

[40] TSN, 05 February 2008, pp. 4-6

[41] Cf. Heirs of Luis A. Luna and Remegio A. Luna, etc. v. Ruben S. Afable, et al., G.R. No. 188299, 23 January 2013

[42] TSN, 30 July 2008, p. 5

[43] People of the Philippines v. Rosario "Rose" Ochoa, G.R. No. 173792, 31 August 2011

[44] TSN, 05 February 2008, p. 44

[45] TSNs, 05 February 2008, p. 10; 27 February 2008, p. 6; and 18 March 2008, p. 8

[46] TSNs, 05 February 2008, p. 10; 18 March 2008, p. 10

[47] Record, p. 172-A

[48] TSNs, 05 February 2008, p. 10; and 18 March 2008, p. 10

[49] Records, pp. 167-169, 185-189

[50] TSN, 18 February 2009, p. 7

[51] People of the Philippines v. Dolores Ocden, G.R. No. 173198, 01 June 2011

[52] Record, pp. 173-175

[53] Id. at 402

[54] People of the Philippines v. Angelita I. Daud, et al., supra citing People v. Cortez and Yabut, 374 Phil. 575, 586 (1999)

[55] People of the Philippines v. Angelita I. Daud, et al., supra

[56] Exhibits “C”, “D”, “E”, and “G”

[57] Exhibits “K” and “L”; TSN, 27 February 2008, p. 30

[58] Exhibits “M”, “N”, “O”; TSN, 18 March 2008, p. 39

[59] Record, pp. 167-169, 185-189

[60] TSNs, 05 February 2008, p. 47; 27 February 2008, p. 31; 18 March 2008, p. 39; record, p. 175

[61] TSN, 18 March 2008, p. 40-41

[62] TSN, 18 February 2009, p. 8

[63] The People of the Philippines v. Mildred Salvatierra y Matuco, G.R. No. 200884, 04 June 2014

[64] Record, p. 405

[65] People of the Philippines v. Vicente Rom, G.R. No. 198452, 19 February 2014

[66] Cf. People of the Philippines v. Marcelino Dadao, et al., G.R. No. 201860, 22 January 2014, citing Avelino v. People, G.R. No. 181444, 17 July 2013, further citation omitted

[67] Cf. People of the Philippines v. Jose Clara y Buhain, supra

[68] Cf. Albert Tison and Claudio L. Jabon v. Sps. Gregorio Pomasin and Consorcia Ponce Pomasin, et al., G.R. No. 173180, 24 August 2011

[69] Record, p. 380

[70] TSN, 15 May 2012, p. 7

[71] People of the Philippines v. Ma. Harleta Velasco y Briones, et al., G.R. No. 195668, 25 June 2014

[72] Exhibits “C”, “D”, “E”, and “G”

[73] Exhibits “K” and “L”; TSN, 27 February 2008, p. 30

[74] Exhibits “M”, “N”, “O”; TSN, 18 March 2008, p. 39-41

[75] The People of the Philippines v. Mildred Salvatierra y Matuco, supra

[76] People of the Philippines v. Nestor Tuguinay, G.R. No. 186132, 27 February 2012

[77] Cf. People of the Philippines v. Angelita I. Daud, et al., supra

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