

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARILYN MALIGAYA Y SILANG, ACCUSED-APPELLANT.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

DECISION

Before this Court is an appeal from the Decision[1] dated October 12, 2004 of the Regional Trial Court, Fourth Judicial Region, Branch 84, Batangas City in Criminal Cases Nos. 12919-12924 entitled "The People of the Philippines, Plaintiff, versus Marilyn Maligaya y Silang, Accused.", the dispositive portion of which reads:

"WHEREFORE, finding the accused Guilty as charge, (sic) she is hereby sentenced to suffer:

IN CRIM. IMPRISONMENT To pay

CASE NO.

FINE

12919 life imprisonment Php500,000.00

To pay private

complainants

civil liability

12920 five (5) years, five (5) Php16,100.00

months and eleven (11)

days as maximum, with

a minimum of six (6)

months and one (1) day

each count, six (6) Php27,600.00

12921 years, eight (8) months 27,600.00

12922 and twenty-one (21) 26,500.00

12923 days as maximum with 28,600.00

12924 four (4) years, two (2)

months as minimum

said imprisonment to be served by her at the Womens Correccional Center, Mandaluyong City, Metro Manila.

SO ORDERED."

The facts are:

On May 13, 2003, six (6) Informations were filed charging accused-appellant Marilyn Maligaya y Silang ("Maligaya" for brevity) with the crimes of Illegal Recruitment and five (5) counts of Estafa docketed as Criminal Cases Nos. 12919, 12920, 12921, 12922, 12923, and 12924, allegedly committed as follows:

Criminal Case No. 12919 for Illegal Recruitment -

"That on or about January, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing that she is non-licensee nor holder of authority from the Department of Labor and Employment or any other authorized government entity, did then and there wilfully (sic), unlawfully and feloniously engage in a large scale recruitment and placement activities by enlisting, contracting, procuring, offering and promising for a fee to the following, namely:

1. Iluminada Frago de Duag
2. Deil M. de Castro
3. Jake A. Frago
4. Redentor L. Perez
5. Marvin A. Frago
6. Adsel M. Metrillo

job placements abroad and by reason of which, said Iluminada Frago de Duag, Deil M. de Castro, Jake A. Frago, Redentor L. Perez, Marvin A. Frago and Adsel M. Metrillo, relying on these misrepresentations, paid and/or gave the amount of of (sic) P16,100.00, P27,600.00, P27,600.00, P28,600.00, P9,390 and P26,500.00, respectively, with the total amount of ONE HUNDRED THIRTY FIVE THOUSAND SEVEN HUNDRED NINETY PESOS (P135,790.00), Philippine Currency, to said accused but said accused, without valid reasons and without the fault of said private complainants, failed to actually deploy them and fail to reimburse expenses they incurred in connection with their documentation and processing for purposes of their deployment, which acts constitute an offense involving economic sabotage.

CONTRARY TO LAW."

Criminal Case No. 12920 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Iluminada Frago de Duag, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Iluminada Frago de Duag to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Iluminada Frago de Duag, to give and deliver, as in fact the latter gave and delivered to said accused the sum of SIXTEEN THOUSAND ONE HUNDRED PESOS (P16,100.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P16,100.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and

converted to her benefit, to the damage and prejudice of the said Iluminada Frago de Duag in the aforementioned amount of P16,100.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12921 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Deil M. de Castro, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Deil M. de Castro to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Deil M. de Castro, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SEVEN THOUSAND SIX HUNDRED PESOS (P27,600.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Deil M. de Castro in the aforementioned amount of P27,600.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12922 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Jake A. Frago, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Jake A. Frago to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Jake A. Frago, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SEVEN THOUSAND SIX HUNDRED PESOS (P27,600.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Jake A. Frago in the aforementioned amount of P27,600.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12923 for Estafa -

"That on or about January 26, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Adsel M. Metrillo, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Adsel M. Metrillo to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Adsel M. Metrillo, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SIX THOUSAND FIVE HUNDRED PESOS (P26,500.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Adsel M. Metrillo in the aforementioned amount of P26,500.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12924 for Estafa -

"That on or about January 12, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Redentor L. Perez, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Redentor L. Perez to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Redentor L. Perez, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY EIGHT THOUSAND SIX HUNDRED PESOS (P28,600.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P28,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Redentor L. Perez in the aforementioned amount of P28,600.00, Philippine Currency.

CONTRARY TO LAW."

During the arraignment[2], accused-appellant Maligaya pleaded not guilty to all the charges. On June 23, 2003[3], the pre-trial conference was held. Thereafter, trial ensued.

The prosecution presented nine (9) witnesses, namely: Deil de Castro ("de Castro" for brevity), Jake Frago ("J. Frago" for brevity), Iluminada Duag ("Duag" for brevity), Marvin Frago ("M. Frago" for brevity), Severino

Maranan ("Maranan" for brevity), Adsel Metrillo ("A. Metrillo" for brevity), Donalyn Metrillo ("D. Metrillo" for brevity), Redentor Perez ("Perez" for brevity), and Von Ricardo Ongkiatco ("Ongkiatco" for brevity).

On the other hand, the defense presented accused-appellant Maligaya as its sole witness.

Private complainants de Castro[4], J. Frago[5], Duag[6], M. Frago[7], A. Merillo[8], and Perez[9] testified in substance that: in January, 2003, accused-appellant Maligaya went to their place in Batangas City to recruit them as factory workers in South Korea with a monthly salary of U.S. \$1,300.00 and asked for the sum of P27,600.00 from each of them for the plane tickets, visas, and processing fees to which they assented by giving the said amount to the latter in three (3) installments, as evidenced by the listing[10] on a yellow pad paper sheet that they prepared; notwithstanding demands, accused-appellant Maligaya did not issue receipts for the amounts received from them; on January 14, 2003, they also gave their passports, NBI clearance, and photographs to accused-appellant Maligaya who assured them thrice that they would be leaving for abroad on a certain date, but the same did not materialize as scheduled either because their passports and plane tickets were purportedly not yet ready, or their departure was actually scheduled on February 2 or 9, 2006 and not on January 29, 2006; they began to doubt the legality of accused-appellant Maligaya recruitment activities; upon verification with the POEA and the NBI main office in Manila, they found out that accused-appellant Maligaya has no license to recruit workers for abroad, and several complaints regarding her recruitment activities were filed against her; they went to the NBI office in Batangas City to execute their complaint-affidavits; the operatives of the NBI arrested accused-appellant Maligaya in an entrapment operation in Manila, and brought her to the NBI office in Batangas City; where they demanded from accused-appellant Maligaya the return of their passports, NBI clearances, photographs, and the monies that they gave to her; and accused-appellant Maligaya has not returned to them what they gave her.

Maranan, who is assigned at the POEA Inspection Division which is tasked, among others, with the inspection of recruitment agencies, attending hearings, making reports, and monitoring of the transfers of agencies from one address to another, testified[11] on the genuineness and due execution of the certification[12] dated March 5, 2003, issued by Atty. Felicitas Bay, POEA Licensing Branch Director II, stating that accused-appellant Maligaya is not licensed by the POEA to recruit workers for overseas employment based on the information stored in their computer and the entries made on index cards.

D. Metrillo corroborated[13] the testimony of private complainant A. Metrillo on material points.

Ongkiatco testified[14] that: on January 23, 2003, accused-appellant Maligaya went to his house in Bolbok, Batangas City, while she was conversing with private complainants Perez, A. Metrillo, Duag, and his wife Gracela; accused-appellant Maligaya offered a job in Korea to his wife Graciela and to private complainants Perez, A. Metrillo, and Duag; Graciela did not accept accused-appellant Maligaya's offer as he wanted to think about it, while private complainants Perez, A. Metrillo, and Duag accepted the offer; on February 1, 2003, he, private complainants Perez, A. Metrillo, NBI Special Investigator Young Wa, and a driver were present during the entrapment of accused-appellant Maligaya in Buendia; he participated in the entrapment of accused-appellant Maligaya by pretending to be an applicant for job placement while Special Investigator Young Wa served the warrant of arrest issued by the RTC, Balayan, Batangas on accused-appellant Maligaya; and accused-appellant Maligaya was brought to the NBI main office in Taft Avenue, Manila, immediately after the arrest, and was finally brought to the NBI office in Batangas City.

Accused-appellant Maligaya testified[15] that: she is a holder of a multiple entry tourist visa and has gone to South Korea ten (10) times supplying items for sale; private complainants J. Frago and M. Frago are the brothers of her best friend, Normelinda Frago ("N. Frago" for brevity); when she was still in South Korea, N. Frago called

her up and asked her to help private complainants J. Frago and M. Frago secure a tourist visa to South Korea to which she agreed; she and private complainants J. Frago and M. Frago met and the latter brought her to their house in Batangas City where she was able to talk with the mother of private complainants J. Frago and M. Frago and her best friend N. Frago; when N. Frago called, she told them to prepare their passport and bank certificate because those documents are essential for tourist visa application; when the said documents were already prepared, private complainants J. Frago and M. Frago called her up, and they met in Makati City; the bank certificates, passports, and certifications of employment of private complainants J. Frago and M. Frago were submitted to the Korean Embassy; a week after, the Korean Embassy released the papers of private complainants J. Frago and M. Frago with a notation that they had to secure or purchase a two (2)-way ticket to South Korea; she accompanied the private complainants to the Parisian and Pioneer Travel and Tours to buy plane tickets for South Korea; the private complainants handed the money totalling P135,000.00 to her and she was the one who transacted for them at the travel agency and in their presence; the tickets were returned to the travel agency because the private complainants did not fully pay the tickets; the travel agency photocopied the said plane tickets, and their photocopies were submitted to the Korean Embassy; private complainants Duag and J. Frago told her that they would come back after one (1) week to pay the balance of the plane fare; after learning from the staff at the ticketing office that what they paid could only be refunded after three (3) to six (6) months, they got mad, and demanded from her to advance the refund of their plane fare; she did not have the money to advance the refund for the said tickets; she gave the plane tickets that were in her possession to her boardmates Cora del Mundo ("C. del Mundo" for brevity) and Susan del Mundo, who presented them to the ticketing office for refund; the ticketing office refused to refund payment because the private complainants whose names appear on the ticket should be the ones who should make the claim and sign the documents for refund; according to the travel agency, the unpaid plane tickets that were in her possession should not be given to the private complainants until they were fully paid; the private complainants asked the NBI agents to arrest her and she was detained at the NBI office; and, the tickets and the passports of the private complainants are now in C. del Mundo's possession.

On October 12, 2004, the assailed decision convicting accused-appellant Maligaya was rendered. Hence, this appeal raising the following errors:

I. THE COURT A QUO GRAVELY ERRED IN RENDERING A DECISION WHICH DOES NOT COMPLY WITH THE REQUIREMENTS SET FORTH IN THE CONSTITUTION.

II. THE COURT A QUO GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ILLEGAL RECRUITMENT AND ESTAFA.

Accused-appellant Maligaya contends that she should be acquitted of the offenses charged because of the presence of reasonable doubt as to her guilt, and the decision rendered by the lower court does not clearly and distinctly state the facts and the law on which her conviction was based.

The Office of the Solicitor General agrees with accused-appellant Maligaya that the lower court failed to distinctly state the factual and legal bases for its decision leaving accused-appellant Maligaya in the dark as to how it was reached, and recommends the remanding of this case to the lower court for the rendition of judgment in accordance with the mandate of Section 14, Article VIII of the Constitution.

The appeal is meritorious.

"Faithful adherence to the requirements of Section 14, Article VIII of the Constitution is indisputably a paramount component of due process and fair play. It is likewise demanded by the due process clause of the Constitution. The parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of

X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to the higher court, if permitted, should he believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is precisely prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. More than that, the requirement is an assurance to the parties that, in reaching judgment, the judge did so through the processes of legal reasoning. It is, thus, a safeguard against the impetuosity of the judge, preventing him from deciding ipse dixit. Vouchsafed neither the sword nor the purse by the Constitution but nonetheless vested with sovereign prerogative of passing judgment on the life, liberty or property of his fellowmen, the judge must ultimately depend on the power of reason for sustained public confidence in the justness of his decision.

Thus the Court has struck down as void, decisions of lower courts and even of the Court of Appeals whose careless disregard of the constitutional behest exposed their sometimes cavalier attitude not only to their magisterial responsibilities but likewise to their avowed fealty to the Constitution.

Thus, we nullified or deemed to have failed to comply with Section 14, Article VIII of the Constitution, a decision, resolution or order which: contained no analysis of the evidence of the parties nor reference to any legal basis in reaching its conclusions; contained nothing more than a summary of the testimonies of the witnesses of both parties; convicted the accused x x x but failed to cite any legal authority or principle to support conclusions x x x; consisted merely of one (1) paragraph with mostly sweeping generalizations and failed to support its conclusion x x x"[16]

In this case, after reciting the pertinent portions of the Informations filed and the summary of the testimonies of the witnesses for the prosecution and the defense, the lower court declared the guilt of accused-appellant Maligaya by merely concluding that:

"The accused was not able to return the amounts that were given to her after she had solicited them on the basis of the promise of employment abroad."

Hence, the appealed decision failed to comply with the rudimentary requirements of due process and the constitutional provisions that vouchsafe the same.

WHEREFORE, premises considered, the Decision dated October 12, 2004 of the Regional Trial Court, Branch 84, Batangas City in Criminal Cases Nos. 12919-12924 is hereby NULLIFIED and SET ASIDE. The records are hereby remanded to the said RTC for further proceedings and for the rendition of judgment in accordance with the mandate of Section 14, Article VIII of the Constitution.

SO ORDERED.

REMEDIOS A. SALAZAR-FERNANDO
Associate Justice
Chairperson

WE CONCUR:

NOEL G. TIJAM
Associate Justice

ARTURO G. TAYAG

Associate Justice

- [1] Records, pp. 220-235
- [2] Records, pp. 23-24
- [3] Records, p. 25
- [4] TSN dated July 24, 2003
- [5] TSN dated August 6, 2003 and August 7, 2003
- [6] TSN dated September 4, 2003 and September 25, 2003
- [7] TSN dated October 2, 2003 and November 11, 2003
- [8] TSN dated January 13, 2004
- [9] TSN dated February 24, 2004 and April 14, 2004
- [10] Records, pp. 176-181
- [11] TSN dated October 28, 2003
- [12] Records, p. 173
- [13] TSN dated January 28, 2004
- [14] TSN dated April 15, 2004
- [15] TSN dated August 24, 2004
- [16] Yao vs. Court of Appeals, 344 SCRA 202

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