PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAXIMO C. ESCUADRO, JR., CARMELITA OBISPO ESCUADRO, A.K.A. AIDA SAKLOLO Y GABRIEL, MARY ANN ESCUADRO, ERLINDA ESCUADRO LINSANG...

Ponente: CRUZ, R.A., J.

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CRUZ, R.A., J.:

THE CASE

This is an appeal from the Joint Decision[1] dated December 7, 2011 rendered by the Regional Trial Court of Makati City, Branch 145, in Criminal Cases Nos. 04-3559-71, the dispositive portion of which reads, as follows:

> x x x
>
> "WHEREFORE, in view of the foregoing considerations, the Court hereby FINDS the accused CARMELITA OBISPO ESCUADRO, A.K.A. AIDA SAKLOLO y GABRIEL, GUILTY beyond reasonable doubt, of the crimes charged in the EIGHT (8) Information, one (1) for Illegal Recruitment in Large Scale, as defined and penalized, under R.A. No. 8042 and seven (7) Estafa, as defined and penalized, under Article 315, paragraph 2 (a) of the Revised Penal Code of the Philippines. Thus, this court hereby CONVICTS the accused, CARMELITA OBISPO ESCUADRO A.K.A. AIDA SAKLOLO y GABRIEL in the following Criminal Cases, with the corresponding penalties including the accessories thereof, as follows:
>
> Criminal Case No. Minimum Penalty Maximum Penalty
>
> 04-3560 Four (4) years, two
> (2) months and one
> (1) day Six (6) years
>
> 04-3561 Four (4) years, two
> (2) months and one
> (1) day Seventeen (17) years
>
> 04-3565 Four (4) years, two
> (2) months and one
> (1) day Twenty (20) years
>
> 04-3567 Four (4) years, two
> (2) months and one
> (1) day Twenty (20) years
>
> 04-3569 Four (4) years, two
> (2) months and one
> (1) day Seven (7) years
>
> 04-3570 Four (4) years, two

(2) months and one
(1) day Eleven (11) years

04-3571 Four (4) years, two
(2) months and one
(1) day Twenty (20) years

"With respect to Criminal Case No. 04-3559, for Illegal Recruitment in Large Scale, R.A. 8042 imposes a penalty of Life Imprisonment and a fine, and this court hereby sentenced and imposed the same, LIFE IMPRISONMENT to said accused, and a fine of FIVE HUNDRED THOUSAND (P500,000.00) PESOS, without subsidiary imprisonment in case of insolvency.

"Moreover, this court finds the accused civilly liable; and it hereby orders the accused to pay the private complainants, as follows:

Criminal Case No. Complainant

Amount to be paid

04-3560 Raquel R. Martinez

P 46,000.00

04-3561 Precila C. Calderon

158,000.00

04-3565 Consolacion D. Corral

185,000.00

04-3567 Ma. Lourdes S. Pineda

225,000.00

04-3569 Erlinda G. Maccay

60,000.00

04-3570 Chanda Estrella

100,000.00

04-3571 Nero A. Allao

350,000.00

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with interest at six (6%) per annum from date hereof until its finality and twelve (12%) per cent per annum from finality of this decision until fully paid. (Eastern Shipping Lines, Inc. vs. Court of Appeals, 272 SCRA 78).

"Furthermore, accused is hereby ordered to pay exemplary damage[s] to Mr. Nero A. Allao, in the sum of P350,000.00 for sending said Mr. Allao to Amsterdam with fake documents, hence Mr. Allao was put behind bar immediately upon his arrival at said place; and accused to pay more, Mr. Allao, moral damage[s] of P200,000.00, for the humiliation and trauma that Mr. Allao has experienced under the said incident.

"Finally, accused must pay a lump sum and one time attorney's fees of P100,000.00 to the complaining witnesses.

"It appears that these private complainants did not pay the required docket fees, the same shall be made liens upon this (sic) judgment debts.

"On the other hand, this court FINDS, the ACCUSED CARMELITA OBISPO ESCUADRO, A.K.A. AIDA SAKLOLO y GABRIEL, NOT GUILTY, in the following Criminal Cases:

Criminal Case No. Complainant

04-3562

Rosalina D. Fernandez

04-3563

Jonie D. Buyogan

04-3564

Maria Gracia B. Berces

04-3566

Yojimbo Lacambra y Ong

04-3568

Rose B. Onella

"For failure of the prosecution to prove and establish the guilt of the accused beyond reasonable doubt for the simple reason that there was no iota of evidence presented. Thus, accused is hereby ACQUITTED.

"Cost de oficio.

"SO ORDERED."
x x x

THE ANTECEDENTS

Accused Carmelita Obispo Escuadro, together with her co-accused Maximo C. Escuadro, Jr., Mary Ann Escuadro, Erlinda Escuadro Linsangan and Laura P. Hall, were charged with the crime of Illegal Recruitement in Large Scale, docketed as Criminal Case No. 04-3559, through an Information which reads, as follows:

x x x

"That in or about and during the period from April 4, 2002 up to December 5, 2003, in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused,

acting as a syndicate and representing themselves to have the capacity to contract, enlist, transport and refer workers for employment abroad, without however any license or authority to recruit workers for employment abroad, did then and there willfully, unlawfully and feloniously recruit for a fee the following complainants:

1. OJIMBO LACAMBRA y ONG;
2. ERLINDA G. MACCAY;
3. CHANDA ESTRELLA;
4. MA. LOURDES S. PINEDA;
5. ROSE B. ONELLA;
6. CONSOLACION D. CORRAL;
7. RAQUEL R. MARTINEZ;
8. MARIA GRACIA B. BERCES;
9. PRECILA C. CALDERON;
10. JONIE D. BUYOGAN;
11. ROSALINA D. FERNANDEZ; and
12. NERO A. ALLAO

individually or as a group, for employment abroad, but said accused failed to actually deploy without valid reasons said complainants and to reimburse the expenses incurred by them in connection with their documentation and processing for purposes of deployment, to the latter's damage and prejudice.

"CONTRARY TO LAW."[2]

The accused were also charged with twelve (12) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code, through separate Informations, to wit:

x x x

Criminal Case No. 04-3560

"That on or about the 20[th] day of March 2003 or sometime subsequent thereto, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and all of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously defraud complainant RAQUEL R. MARTINEZ in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior to or simultaneously with the commission of fraud, to the effect that they have the capacity to deploy complainant for overseas employment and could facilitate the necessary papers in connection therewith 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 P190,000.00 on the strength of said manifestations and representations which turned out to be false, but said accused were able to return, upon demand, the amount of P144,000.00 leaving the balance of P46,000.00, to the damage and prejudice of said complainant in the aforementioned amount of P46,000.00.

"Contrary to law."[3]

x x x

Criminal Case No. 04-3561
"That on or about the 4th day of April 2002 or sometime subsequent thereto, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and both of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously defraud complainant PRECILA C. CALDERON in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior to or simultaneously with the commission of fraud, to the effect that they have the capacity to deploy complainant for overseas

employment and could facilitate the necessary papers in connection therewith 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 P158,000.00 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 P158,000.00.

"Contrary to law."[4]

x x x

The Informations for Criminal Cases Nos. 04-3562 to 04-3571 are similarly worded with the aforestated Informations, except for the date of commission of the offense, the private complainant and the amount defrauded, to wit:

Crim.
Case No. Date of Commission of the
Offense Private Complainant Amount
Involved

04-3562

May 2003 to June 2003

Rosalina D. Fernandez

P87,000.00

04-3563

21st day of May, 2002

Jonie D. Buyogan

185,000.00

04-3564

21st day of May, 2003

Maria Gracia B. Berces

95,000.00

04-3565[5]

July 2003 to August 2003

Consolacion D. Corral

185,000.00

04-3566

July 2003 to August 2003

Yojimbo Lacambra y Ong

270,000.00

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04-3567[6]

August 2003 to September 2003

Ma. Lourdes S. Pineda

225,000.00

04-3568

September 2003 to October 2003

Rose B. Onella

50,000.00

04-3569[7]

September 2003 to October 2003

Erlinda G. Maccay

60,000.00

04-3570

November 2003

Chanda Estrella

100,000.00

04-3571[8]

November 2003 to December 2003

Nero A. Allao

350,000.00

Warrants of arrest were issued against all the accused.[9] Only Accused Carmelita Obispo Escuadro was arrested[10] while the rest of her co-accused remained at large.

When arraigned, Accused Carmelita Obispo Escuadro entered a plea of "not guilty" in all the above-stated Information, including Criminal Case No. 04-3559, for 12 counts of Estafa and Illegal Recruitment in Large Scale.[11]

During the pre-trial of these cases, the parties stipulated on the identity of the accused and that accused Maximo Ecuadro, Jr. is the owner of MCE Travel Consultancy. The defense further admitted the receipt of money representing acceptance of payment, but not as placement fees and that the same money were not reimbursed.[12] The defense also admitted that the accused issued ten (10) checks which were dishonored by the bank when presented for payment,[13] and that the venue of the offenses is at Makati City.[14]

The prosecution presented the testimonies of Raquel R. Martinez, Precila C. Calderon, Consolacion D. Corral, Ma. Lourdes S. Pineda, Erlinda G. Maccay, Chanda Estrella and Nero A. Allao, all private complainants in the criminal cases.

Precila C. Calderon,[15] the private complainant in Criminal Case No. 04-3561, testified that her friend Nina

Liwag, an agent of the Accused Carmelita Escuadro, convinced her to work abroad. She went to the office of accused in Pembo, Makati City where the accused and her co-accused husband Maximo Escuedro convinced her to apply with their agency for employment abroad, and to pay the necessary processing fee in order to facilitate her working abroad. Since it was her desire to leave, she went back to the accused's Makati office to pay. On April 10, 2003, Precila Calderon paid to the accused the sum of P25,000.00[16] at the office of the MCE Travel Agency in Makati City. On July 8, 2003, she returned to the office of the accused to pay another sum of P50,000.00 cash and P10,000.00 in the form of a check, in order that her papers will be processed.[17] After paying the amount of P60,000.00, she submitted all her documents to the accused and she was told to wait for two to three months before she can be deployed abroad. The period lapsed but nothing happened. She went back to the office of the accused located at Pembo, Makati City to inquire and she noticed that there were many applicants for employment abroad. She asked one of the applicants if there was anyone already sent abroad by the agency, and the answer given her was none. She then demanded from the accused the return of her money but the accused failed to return it. The witness instead received from the accused four (4) postdated checks, to wit:

Check No.

Date

Amount

0316875[18]

December 30, 2003

P 23,000.00

0316876[19]

January 10, 2004

50,000.00

0316877[20]

January 15, 2004

50,000.00

0316878[21]

January 20, 2004

35,000.00

On the checks' maturity dates, she went to the depository bank but the checks were dishonored by the bank for the reason of “closed account”. She and the other applicants for jobs abroad went to the Philippine Overseas Employment Administration (POEA) to verify the status of MCE Travel Consultancy Agency and found out that

it was already closed, as indicated in the Certification[22] dated March 12, 2004 issued to them the POEA. She then went to CIDG, filed her complaint and executed her Sinumpaang Salaysay.[23] When asked what damages she suffered as a consequence of accused's failure to deploy her for employment abroad, she answered that she lost a lot of money in the total amount of P160,000.00 and her family was forced to sell their Vesta Van model 1998 for P200,000.00 only, in order to source and fund their family subsistence. On cross-examination, she declared that she was convinced by the accused who called her by phone several times and she believed, and was under the impression that she can leave for abroad, so she did not bother to check the status of MCE Travel Agency with the POEA. She did not even get a visa that should have been procured by the accused for her.

Consolacion Dometita Corral, the private complainant in Criminal Case No. 04-3565, testified[24] that on June 19, 2003, a certain Johnny and Sally, applicants of the agency, went to her house and instructed her to go to Laura Hall, who informed her that the owner of the agency will be arriving and that she was able to deploy workers abroad. She was able to meet Accused Carmelita Escuadro and her husband Maximo Escuadro, Jr. who was in police uniform. The accused spouses told her that they were the ones responsible for deploying workers abroad, specifically in Italy and that their purpose in going there is to recruit applicants for employment abroad. They asked her if she was interested to apply as a domestic worker. She went to their office in Makati City where she was told that she would have to pay half of the full amount of P300,000.00 and the other half will be paid when she is already in Italy. She paid P50,000.00 on different dates, to wit: P20,000.00 on June 27, 2003, P20,000.00 on July 8, 2003 and P10,000.00 on July 9, 2003 and she was issued one receipt therefor.[25] She gave accused another P10,000.00 on July 14, 2003.[26] She gave another P10,000.00 to Laura Hall, duly receipted.[27] After giving the initial amount of P70,000.00, she asked Carmelita Escuadro when she could get her visa and the accused answered soon. The accused told her to resign from her job as a teacher in Julo Elementary School because she was sure that she could be deployed. She gave an additional amount of P20,000.00 on the morning of July 25, 2003[28] and another P20,000.00, which she was able to borrow from the loan shark, in the afternoon of the same day.[29] When she went back to the accused's office in Makati City, they were no longer there, so she called up her co-applicants and asked them where the two accused transferred and they informed her that they transferred to Taguig. When she went to their new office in Taguig, the accused told her that in order to expedite the processing of her papers, she needed to pay an additional amount. She paid another P20,000.00 on August 3, 2003.[30]

After one week, the accused informed her that her visa is already available and she needed to pay the balance in exchange for the visa that the accused will give her. She gave accused $1,000.00 (equivalent to P54,870.00) allegedly for the purchase of her plane ticket and in exchange of that amount, the accused gave her a receipt which includes the amount of P10,000.00 which she paid to Laura Hall dated August 14, 2003.[31] When she again asked for her visa, the accused instead gave her a passport where it was stated that she was bound for Bulgaria and not for Italy. When she saw that her visa was written through Chinese and Bulgarian countries and that she would have to obtain another visa upon arrival in Bulgaria, she told accused that she did not accede to that proposition. Accused told her that she would be submitting her papers to Portugal because it is easy to obtain a visa there going to Italy. Accused told her that she would have to go to Hong Kong first so that the next application for visa to Italy would be easier. She told the accused that her application is for Italy. All in all, she gave accused a total amount of P184,870.00. Nothing happened to her application so she decided to withdraw what she had paid and the accused conceded to her request to reimburse to her the P184,870.00. The accused issued to her three checks consisting of P43,000.00 each, for a total amount of P129,000.00.[32] She told her that the remaining amount were spent for the processing of her papers. She deposited the checks when their due dates fell but they were dishonored by the bank for the reason of “account closed”. She then executed a sworn statement at CIDG, Camp Crame, Quezon City.[33] They proceeded to POEA and found out that MCE Travel

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Consultancy is not registered or has no authority to recruit workers abroad. They looked for accused in the place where her registered office was located but they found out that she already transferred to another office and that she already went into hiding. They found accused's husband Maximo Escuadro, Jr. at Camp Crame who promised to pay them the amount the accused owed them within one month's time. Maximo Escuadro, Jr. executed a promissory note[34] promissing to pay: (1) Yojimbo Lacambra the amount of P135,000.00, (2) Chanda Estreller (Estrella) the amount of P50,000.00, (3) Consolacion Corral the amount of P92,500.00 and (4) Racquel Martinez the amount of P23,000.00. However, when they returned to Camp Crame, Maximo Escuadro, Jr. was already on Absence Without Official Leave (AWOL). When asked what damages she incurred, she answered that she incurred damages equivalent to ten (10) years of service being a teacher. She incurred a lot of indebtedness and she was forced to mortgage their properties in the province, which if she was to sum it up would amount to P840,000.00 all in all. She also incurred damages in the amount of P100,000.00 consisting of the time and effort she spent during the processing of her papers. She also engaged the services of a lawyer and she suffered sleepless nights just thinking about how she would pay all her indebtedness.

Ma. Lourdes Pineda, the private complainant in Criminal Case No. 04-3567, testified[35] that she came to know the accused through accused Laura Hall. On her first meeting with the accused Carmelita Escuardro, she was informed of the need of the sum of P350,000.00 for deployment to Italy. To produce the amount, and upon suggestion of Laura Hall, her parents mortgaged their house and lot in the amount of P250,000.00. She gave the accused the sum of P25,000.00.[36] She then received from accused a passport in her name with a Chinese visa in it. When she told accused that what she was promised was an Italian visa, accused told her that she needed more money, so she gave accused another sum of P200,000.00.[37] When nothing happened to her application, they tried to withdraw from accused the money they already gave her but the accused told her that if she really wanted to go to Italy, she would have to change her passport through "baklas". She consented, so accused told her to bring one bag on December 16, 2003. She waited in vain for accused for hours. When she came looking for accused in her house the following day, they found out that accused had already transferred. She then went to CIDG and executed her Sinumpaang Salaysay.[38]

Raquel Martinez, private complainant in Criminal Case No. 04-3560, also testified[39] that she executed an Affidavit dated May 8, 2007[40] wherein she averred that sometime in March 2003, she read over in the Jobfinder Magazine that Italy is in need of a caregiver. There was no company and local recruitment agent indicated in the ad but a telephone number was provided there. Since she was a graduate of a six-months caregiver training course, she called up the telephone number and was able to talk to a lady with the name Nena Liwag who informed her she is an the agent or recruiter of MCE Travel Consultancy and has a friend that deployed caregivers to Italy. She met Nena Liwag who introduced her to Carmelita Obispo Escuadro together with her husband SPO2 Maximo Escuadro, Jr., owners of MCE Travel Agency and who deploy caregivers to Italy. Accused Carmelita Escuadro represented that their agency was already approved by the POEA and bragged that she can deploy her within one month because she has a consul friend and many employer friends in Italy who needed caregivers. Accused told her that the placement fee is P250,000.00 which includes the plane ticket. Accused also told her that she can pay on staggered basis. On account of accused's convincing words, she agreed to pay the P250,000.00 placement fee on a staggered basis. She first gave the amount of P30,000.00 to accused in her house at Comembo, Makati City. Accused then promised her that she will have her visa within one month but when no visa was given to her after a month, accused told her that she have to pay an additional amount of P50,000.00. By August of that year, accused told her that her visa was already available but she had to pay the balance to claim it, so she gave another P30,000.00 to accused, and the remaining amount of P140,000.00 will be paid after she arrived in Italy. However, instead of a Schengen (Italy) visa as promised, the accused gave her a Chinese visa. She got angry but accused convinced her that it was necessary to travel to China first before going to Italy so it would be easier to

get an Italian visa. Accused threatened her that if she did not accede, she will pull out her application to Italy. So a group which includes Raquel Martinez left the country for China on August 15, 2003 and after touring for two (2) days, they proceeded to Cyprus Embassy for their interview so they could get a Schengen Visa. They were all denied. The interviewer told her that all their papers were the same and that they were all fake and no work was available for them in Italy. When they called accused, she told them that they had to give money to the embassy, but they already figured that she was a fraud and demanded the return of their money. Accused then promised to return their money upon their arrival to the Philippines. They arrived in the country on August 20, 2003 and accused met them and they threatened to file a case against her if she will not return their money. Accused pleaded that she will just return their money in staggered payment because she already spent their money for her own use. Accused was able to refund to her a total amount of P64,000.00, leaving a balance of P46,000.00 as of January 2004. Accused then issued to her a check dated January 28, 2004 covering the said P46,000.00.[41] Accused demanded that she return to her the index cards evidencing the payments which accused had already refunded. Raquel Martinez trusted accused and did as she asked. However, the check was dishonored by reason of "account closed". She was never paid the balance so she filed a case with the NBI and CIDG where she executed her Sinumpaang Salaysay.[42]

Nero A. Allao, private complainant in Criminal Case No. 04-3571, testified[43] that he is a resident of Tabuk, Kalinga Apayao. Sometime in September 2003, he went to Manila to apply as overseas contract worker. He texted his friend Jonie Buyogan to ask where to apply, to which the latter replied that he already has a flight schedule to Italy and that he will inquire from his agency if they need more applicants. Nero Allao and Jonie Buyogan both went to the house of the accused Carmelita Escuadro who told them that she is the owner of the agency that deploys overseas contract workers to Europe. She represented to him that she was already able to deploy so many Filipinos abroad and that Jonie Buyogan, Rosalina Fernandez, and others, already had visas and were just waiting for departure. Accused convinced him to apply soonest and she kept on calling him and texting him to apply, and they even visited him in the place he rented in Taguig. Accused and her co-horts convinced him to submit the requirements as soon as possible so that his papers could immediately be processed. He was told that he had to pay the amount of P350,000.00 as placement fee. After accused made him believe that she can deploy him to Italy, Nero Allao borrowed money from his siblings and gave accused P150,000.00 on November 18, 2003[44] and P200,000.00 on December 5, 2003,[45] totalling P350,000.00. After a few days, the accused asked from him a picture, passport and other documents necessary to process his Italian visa. The accused even told him to pack his things already and that he will be leaving within a month's time. After a month, accused called him and told him that he already have a flight schedule going to Italy on December 23, 2003. He asked accused if he could see his papers but she told him that there was no need as she would only bring everything in the airport. Accused also instructed him to bring "travelling allowance". On December 23, 2003, he went to the place of accused in Taguig and then he was taken to the airport by the accused and her husband. Accused instructed him that before he checks in, he had to meet a certain Josie who is holding all his travelling papers. As instructed, he met with Josie and the latter gave him his travel documents such as plane ticket, passport, "sojourno" or working permit as she explained to him. When he inspected the papers, Nero Allao was shocked to discover that the name in the passport is Mario de Leon instead of his name, but his picture was in the said passport. She asked the accused and Josie for an explanation, and they told him that he had to use the identity of the other person, which they called "baklas", and that it was a prevalent way to do things. Mario de Leon, now him, only spent his vacation in the Philippines and was returning to Italy for work. He got angry at accused and told him that he did not consent to "baklas" as it might risk his life but accused told him that there is no more time to back out. She assured him that everything will be alright. The plane ticket was also in the name of Mario de Leon and that his itinerary is Amsterdam with connecting flight to Malpenza. Accused instructed him that upon arrival in Amsterdam, he will exit from the country by train with a station near the airport. The train travels to Bolonia, Italy and from there,

somebody will pick him up to assist him. Again, he was assured by the accused that it was done by so many and they were successful. From the time he checked-in his luggage, he was assisted every step of the way by people inside, who apparently are accused's co-conspirators, allowing him to pass through the immigration and boarding area without any question at all. Upon his arrival at the Amsterdam airport, the airport police and immigration staff who inspected his documents confiscated his passport and other travel documents. He was then put into interrogation. They scanned his passport through a high-tech machine and declared that his passport and other documents are fake. He was arrested and put behind bars for five (5) days before he was deported to the Philippines. He then confronted the accused who claimed that he sent a lawyer from Amsterdam to assist him but he was already deported. He told her to just return his money but she told him that she will fix his papers and this time, she will use his real name so he can leave again soonest. After that, he was no longer able to locate the accused because so many applicants from whom she collected huge amounts of money were already hunting her. He filed a case with the CIDG where he executed his Sinumpaang Salaysay.[46] He suffered moral damages for his physical suffering and mental anguish, fright, serious anxiety and besmirched reputation as well as attorney's fees.

Chanda Estrella, private complainant in Criminal Case No. 04-3570, testified[47] that sometime during the first week of November 2003, Laura Hall told her that she had a friend who owned a travel agency and recruitment agency that will help her go to Italy to work as a domestic helper. Laura Hall accompanied her and her sister to the house of accused Carmelita Escuadro. The accused told them that she was able to send many Filipino workers in Italy and if she is interested, the accused can give her a “sojorno” or a working permit, as she explained, for Italy. Accused promised her that she can deploy her immediately if she can pay the placement fees in the amount of P100,000.00. Since she was convinced by the accused, she asked help from her sister, who then sold the taxicab they owned to pay for her placement fee. She paid accused the amount of P60,000.00 on November 19, 2003[48] and the amount of P40,000.00 on November 21, 2003.[49] Accused told her to wait for two (2) weeks for the processing of her papers, after which she could leave for Italy. After two (2) weeks, nothing happened. Every week thereafter, she followed up her application but she saw that many applicants were already hunting down accused and asking for the return of their money. The accused went into hiding, so she went to the CIDG and executed a Sinumpaang Salaysay.[50] She suffered damages in the form of attorney's fees, her expenses in finding the whereabouts of the accused and also moral damages.

Erlinda G. Maccay, private complainant in Criminal Case No. 04-3569, testified[51] that sometime in July 2003, Laura Hall, claiming to be the co-worker of her husband, called her on the telephone and asked her if she was interested to work in Italy. She then met up with Laura Hall who took her to Taguig City where accused Carmelita Escuadro, the owner of MCE Travel Consultancy, resides. Erlinda Maccay, together with other co-applicants, talked to accused who explained to them the process and the needed documents for the application of Italian visa. Accused also told them that she had connections in the Italian Embassy, making it easier to apply for Italian visa. Accused promised that she will send them to Italy to work as domestic helpers within fifteen (15) days to one month. Accused told them to pay P350,000.00 which they can pay in installment until their visa is released, after which they had to pay the remaining balance. Convinced by accused, Erlinda Maccay gave accused on August 6, 2003 the sum of P1,500.00 for renewal of her passport[52] and another sum of P40,000.00 on September 9, 2003 for the processing of her application and documents.[53] After 30 days passed with nothing happening to her application, accused called her and told her that she should give the amount of P20,000.00 for their Hong Kong tour, telling her that the said tour was necessary to make her application for an Italian visa easier. On October 8, 2003, she gave accused P19,000.00. Accused gave her a plane ticket to Hong Kong. She travelled to Hong Kong but nothing happened to her Italy application. She triedto reach accused but when she went to accused's place, all the applicants were waiting for their visa and application and she heard talks that accused was an illegal recruiter.

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Fearing that she also fell prey to accused's scam, she and her cousin went to the house of the accused. They told accused that they wanted a refund of their money but the latter, who was with two (2) armed men, refused to talk to them. They went to POEA where they verified that MCE Travel Consultancy was not licensed to recruit workers to be deployed abroad, as duly certified by the POEA.[54] She then went to CIDG where she executed a sinumpaang salaysay.[55]

After the prosecution's documentary evidence were admitted by the RTC, the defense presented the testimony of the accused Carmelita Escuadro.

The accused testified[56] that the private complainants in the cases were neighbors of Laura Hall. The latter was working in Italy and that the private complainants sought for her help to go to Italy. Laura Hall, who knew people who were previously helped by accused in going to Bolonia, Italy, referred to her all these applicants. She alleged that she assisted these people only for the procurement of visas and no employment was involved. Laura Hall brought the private complainants to their office at MCE Travel and Tours Consultancy, which is in the business of assistance, recommendation and ticketing for tourist, international and local. As Assistant Manager, she had the duty to process the visa, passport documentation and ticketing. The accused denied that she represented herself to private complainants as having the capacity to contract, transport and refer workers for abroad. She claimed that she told the private complainants from the very beginning that she was not engaged in recruitment but only with the processing of tourist visa. The private complainants told her that they are amenable to using tourist visas to enter Italy, specifically Precila Calderon, Consolacion Corral, Raquel Martinez.

Accused claimed that she was able to procure European visas on behalf of some of the private complainants, namely Precila Torres Cruz, Yojimbo Lacambra and Rosalina Fernandez. She claimed that she executed a Memorandum of Agreement with private complainant Yojimbo Lacambra that it is only a travel assistance and the down-payment given was non-refundable.

With respect to private complainants Consolacion Corral, Nero Allao, Raquel Martinez, Erlinda Macay, Chanda Estrella, Ma. Lourdes Pineda, Rosalina Fernande, Rose Onella, Yojimbo Lacambra, accused alleged that they were all issued visas and she was surprised when they wanted to ask for a refund. They told her that they were no longer interested in leaving even though they were already issued visas and some already had plane tickets.

Accused claimed that Consolacion Corral executed an agreement with her[57] that the former will pay the latter P110,000.00 for the processing of the latter's visa, passport and travel ticket to “Bulgary”[58]. The accused pointed out that the receipts she issued to private complainants indicated that the payments were for either documentation expenses, visa application or plane tickets. When asked why she secured Chinese visas for the private complainants Raquel Martinez and Lourdes Pineda instead of Schengen visas, accused averred that they were denied Schengen visas. Accused then returned to Raquel Martinez her payment in the amount of P10,000.00.

She admitted having two names: Carmelita Obispo Escuadro and Aida Saklolo, the latter name being her real and original baptismal name. Carmelita Obispo Escuadro was given to her when she went to Italy. Maximo Escuadro, her co-accused, is her live-in partner and her partner in MCE Travel Agency business. They had three places of office that they used in their operations: Mandaluyong City, Makati City and Taguig City. She admitted having helped people going to Italy. However, with private complainants, she averred that it was Laura Hall who helped them to go to Italy and she just processed their visa application. She admitted being the one who collected the processing fees and for visa documentation and others, on behalf of Laura Hall. For visa application fee, accused claimed to have collected P75,000.00.

On December 7, 2011, the RTC promulgated its Joint Decision finding Accused Carmelita Obispo Escuadro a.k.a. Aida Saklolo y Gabriel guilty beyond reasonable doubt of the crime as charged in eight (8) of the Informations,

one for Illegal Recruitment in Large Scale under R.A. No. 8042 and seven (7) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code of the Philippines, particularly in Criminal Cases Nos. 04-3560, 04-3561, 04-3565, 04-3567, 04-3569, 04-3570 and 04-3571.

The RTC gave due course to the Notice of Appeal filed by the accused,[59] hence this appeal.

ASSIGNMENT OF ERRORS

Accused, as the appellant before Us, raised a lone assignment of error, to wit:

> THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIMES CHARGED WHEN HER GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

The accused-appellant argues that it was Laura Hall who led the private complainants to Carmelita Escuadro, and the latter made it clear that she would only assist the complainants with regard to their visa applications and that she was not engaged in recruitment.

With regard to the charges of estafa, accused-appellant argues that the money given to her was for processing of the complainants' travel documents. Their failure to be deployed for work abroad was not her fault since her job is simply to process their documents. Her failure to refund the money did not constitute estafa because she made no representations that she was engaged in the recruitment business. At most, she is only civilly liable for damages but not criminally liable for estafa, absent fraudulent representation on her part.

On the other hand, the Solicitor General, on behalf of the People, avers that accused-appellant's guilt for the seven (7) counts of the crime of Estafa was duly proven beyond reasonable doubt.

OUR RULING

Accused-appellant is guilty beyond reasonable doubt of seven (7) counts of Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code.

Estafa under Article 315 paragraph 2 (a) of the Revised Penal Code is committed:

> 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 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.”
>
> x x x

Under this provision, estafa has the following elements: 1) the existence of a false pretense, fraudulent act or fraudulent means; 2) the execution of the false pretense, fraudulent act or fraudulent means prior to or simultaneously with the commission of the fraud; 3) the reliance by the offended party on the false pretense, fraudulent act or fraudulent means, which induced him to part with his money or property; and 4) as a result, the offended party suffered damage.[60]

The prosecution has duly proved the elements of estafa by deceit beyond reasonable doubt.

The fact that MCE Travel Consultancy, co-owned by the accused-appellant and her husband and co-accused Maximo Escuadro, Jr., was not licensed by the POEA to recruit workers for overseas employment was unquestioned. There was a POEA Certification to the effect that they are not licensed to recruit workers for employment abroad, this is a fact admitted by her.

Despite such lack of license, accused-appellant, together with her co-horts, made promises to the private complainants that she was capable of sending them to Italy to work. The seven (7) private complainants who testified were one in claiming that accused-appellant promised them jobs in Italy, either as domestic helpers or caregivers. She even claimed that she was able to send other applicants to Italy and that they were all successful and earning big. As avouched by the private complainants:

x x x

“Atty. A. Garcia

Q

:

What happened when you went to the office of Carmelita Obispo in Makati, if any?

Precila Calderon

A

:

I was able to talk to the accused spouses and the were convincing me to pay the processing fee so that I can immediately leave and work abroad.

Q

:

Now, you said that you were able to talk to the spouses. To whom were you referring to as the spouses?

A

:

Maximo Escuadro and Carmelita Escuadro, ma'am.

Q

:

After your meeting in Makati, what happened next, if any?

A

:

After that I went home and they kept on calling me and convinced me to pay immediately the necessary processing fee in order to facilitate my working abroad. And since it is really my desire to leave, that is why I went back to their Makati office and pay.”[61]

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x x x

“Atty. A. Garcia

Q : What happened next after somebody told you that you go to the house of Laura Hall?

Consolacion Dometita Corral

A :

I was able to meet Carmelita Escuadro and his (sic) husband Maximo Escuadro, Jr. who was in police uniform.

Q :

What were they doing in the house of Ms. Laura Hall?

A :

Accused spouses informed me that they were the one (sic) who is responsible for deploying workers abroad specifically in Italy.

Q :

What else did they tell you, if any?

A :

They informed me that their purpose in going there is to recruit applicants for employment abroad and they asked me if I am also interested to apply.

Q :

To apply for what?

A :

As a domestic helper.

Q :

Where?

A :

In Italy.

Q :

What did you do after your first meeting with the accused?

A :

I was happy to be informed then because I was able to learn that they can deploy workers abroad. So I decided to get their address.”[62]

x x x

“Atty. A. Garcia

Q : What happened when you were about to meet accused Carmelita Escuadro?

Ma. Lourdes Pineda

A : When we talked to her, she informed us that we need the amount of P350 thousand in order for us to be deployed to Italy.

Q : What transpired after that conversation?

A : She informed us that there are lots of vacant position in Italy and we can easily recoup the amount of 350 thousand that we will spending (sic) for going (sic) in Italy[.]

Q : Were you with Escuadro at that time?

A : She was with us during that time.

Q : How about Mrs. Hall?

A : She also made a promise to us that she will help us to look for an employer in Italy.

Q : What else happened during that conversation?

A : Those were only the things that they told us and promised that they will be responsible for giving me a job there."[63]

x x x

Judicial Affidavit of Raquel Martinez

" Q :

What else transpired during your meeting in Farmers Cubao?

A :

During our meeting, I asked Carmelita Obispo Escuadro and her husband if they have an agency or office and she replied that she has an office MCE Travel Consultancy in Makati and that her recruitment agency is already approved by POEA. She told me that she sent applicant through direct hiring, so I do not have to worry. She even bragged to me that she can deploy me within one (1) month because she has a consul friend and many employer friends in Italy who needed Caregivers."[64]

x x x

Judicial Affidavit of Nero Allao

" Q :

What happen (sic) after you arrived in the house of the accused?

A :

I was able to meet and talk personally with the accused Carmelita "Baby" Escuadro. She told me that she is the

owner of theAgency that deploys overseas contract workers particularly in Europe.

Q :

What else did accused told you, if any?

A :

She told me that she had deployed so many Filipinos abroad especially in ITaly, she told me that they earn big salaries now, their live and their family improves. She told me further that my friends in the province - Jonie Buyogan, Rosalinda Fernandez and others, in fact, have their VISA already. They are just waiting for their departure. She further told me that if I am interested to apply, she can surely get me a visa immediately since she has connections. Accused is really a sweet talker and a good convincer."[65]

x x x

Judicial Affidavit of Erlinda Maccay

" Q :

What happened when you are already in the place of accused, Escuadro, if any?

A :

There were many applicants when we arrived there. From there, we had the chance to talk to accused Escuadro. She explained to us the proces and also the needed documents for the application of visa in the Italian Embassy. Carmelita Escuadro also told us that she has connections in the Italian Embassy, that's why she promised that it is easy for us to get a visa. She said after we can get a visa she will send us to Italy to work there as Domestic Helper."[66]

x x x

Judicial Affidavit of Chanda Estreller (Estrella)

" Q :

What happen (sic) after you were already in the house of the accused Escuadro?

A :

She introduced herself as the owner of the Travel and Recruitment agency and she told us that she was able to send many Filipino workers in Italy and in fact, they have good lives already and earning much for their family. She told me further that if I am interested she can process my papers immediately and give me "sojorno" a working permit as she explained for Italy."[67]

x x x

Accused-appellant's false pretenses that she can deploy workers abroad induced and convinced the private complainants to part with their money to pay for the processing fees that accused-appellant imposed on them to allegedly facilitate their deployment for Italy. The numerous receipts[68] issued by accused-appellant

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satisfactorily showed that she received large sums of money from private complainants in connection with their alleged deployment overseas for work. While accused-appellant claimed that the receipts clearly stated that the monies paid to her were only in connection with the visa requirements, documentation and/or plane tickets, We note that not all the receipts contained notations of the purposes of the sums of money she received or that they were truthful declarations of the sole purpose of the monies. We agree with the deduction of the RTC that if indeed accused-appellant was only receiving money for the processing of visas which she claimed required a fee of P75,000.00, then how come she received money way more than was necessary for the price of the alleged visa application fee for each private complainant?

> x x x
>
> "x x x Moreover, she further declared that the fee for visa application is P75,000.00 only. However, accused has collected more than P75,000.00 from these complaining witnesses except for complainant Maccay, who paid only P60,000.00. Thus, this court hereby concludes that indeed accused has collected more than P75,000.00 from these witnesses, what she claimed as visa application fee only, in order to fund the processing fee for employment to Italy."
>
> x x x

We give more credence to the testimonies of the seven (7) private complainants who claimed that accused-appellant solicited large amounts of money from them for their supposed deployment to Italy. The defense has not shown any ill motive for these witnesses to falsely testify against accused-appellant if it were not true that she and her co-horts represented themselves to have the capacity to secure gainful employment for them abroad, particularly Italy. It would be against human nature and experience for strangers to conspire and accuse another stranger of a most serious crime just to mollify their hurt feelings.[69] As observed by the RTC:

> x x x
> “The testimonies of the seven (7) complaining witnesses appeared to be straightforward, hence they are credible and trustworthy. Their declarations and statements in court became even more credible and trustworthy when these witnesses testified on those documents that came from the accused in support of their payments of the processing fees for employment abroad. x x x”
>
> x x x

Lastly, as a result of accused-appellant's false pretenses, the private complainants suffered damages, as the accused-appellant failed to return to them the money they have paid to her after their deployment abroad did not materialize. The accused-appellant promised to return their money, was able to partially refund some and even issued checks to cover the refunds, but all the checks bounced. These private complainants were merely seeking jobs abroad to ameliorate their lives through the help of the accused-appellant but the fraud committed by the accused-appellant to them left them in a direr situation. Nero Allao was even put behind bars for five (5) days in Amsterdam for possessing fake documents and was subsequently deported.

Accused-appellant is guilty beyond
reasonable doubt of the crime of
Illegal Recruitment in Large Scale.

Article 13(b) of the Labor Code defines recruitment and placement as:

> x x x
> “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."

x x x

Republic Act (R.A.) No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, broadened the concept of illegal recruitment 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. Under the said Act, illegal recruitment is defined as:

x x x

"Section 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. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:
(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;

(b) To furnish or publish any false notice or information or document in relation to recruitment or employment;

(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;

(d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;

(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

(h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;

(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial

considerations other than those authorized under the Labor Code and its implementing rules and regulations;

(l) Failure to actually deploy without valid reason as determined by the Department of Labor and Employment; and

(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.

"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

Illegal recruitment is committed when the two essential elements concur: (1) that the offender has no valid license or authority required by law to enable him to lawfully engage in the recruitment and placement of workers, and (2) that the offender undertakes any activity within the meaning of "recruitment and placement" defined under Article 13 (b), or any prohibited practices enumerated under Article 34 of the Labor Code. There is illegal recruitment in large scale if there is illegal recruitment of three or more persons, whether individually or as a group.[70]

The first element is present, as accused-appellant admitted that MCE Travel Consultancy had no valid license or authority to engage in recruitment and placement of workers. The second element is also likewise established beyond reasonable doubt by the prosecution evidence.

Illegal recruitment is committed when it is shown that the accused-appellant gave the private 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.[71] To be engaged in the practice and placement, it is plain that there must at least be a promise or offer of an employment from the person posing as a recruiter whether locally or abroad.[72]

Accused-appellant made such promises to deploy private complainants to Italy but failed to, and when asked to return the money paid to her, she likewise failed to return the same, as evidenced by the bounced checks she issued to private complainants.

There being seven (7) private complainants for illegal recruitment against accused-appellant, i.e., Precila C. Calderon, Consolacion Corral, Ma. Lourdes Pineda, Erlinda Maccay, Chanda Estrella and Nero Allao, it qualifies as an offense involving economic sabotage, it being done in large scale.

We uphold the findings of the RTC when it held that:

x x x

"This court is convinced that the complainants were promised by the accused of employment to Italy, hence the prosecution has established and proved the guilt of the accused for Violation of the Labor Code of the Philippines of the crime of illegal recruitment in large scale.

"At any rate, the element of intent is not necessary in crimes punishable by special law. The fact that accused has no authority to recruit workers from the Department of Labor; and accused has no license to deploy workers from POEA plus the admitted, established and proven facts of accused receiving money from the complainants for processing and application fees for deployment abroad, would comprised (sic) the elements

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of this crime punishable by R.A. No. 8042. (citation omitted). x x x”

x x x

While both the accused-appellant, through her counsel, the Public Attorney's Office, and the plaintiff-appellee, represented by the Office of the Solicitor General, did not question the penalties imposed upon the accused-appellant, We re-examined the same and found the penalties imposed by the RTC with respect to the estafa cases to be erroneous.

Article 315 of the Revised Penal Code provides for the penalties to be imposed for Estafa, to wit:

x x x

Article 315. Swindling (estafa). -- Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:
1st. 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; (emphasis supplied)

x x x

x x x

The amounts defrauded from each of the private complainants were correctly found by the RTC, to wit:

Criminal Case No. Complainant

Amount to be paid

04-3560 Raquel R. Martinez

P 46,000.00

04-3561 Precila C. Calderon

158,000.00

04-3565 Consolacion D. Corral

185,000.00

04-3567 Ma. Lourdes S. Pineda

225,000.00

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04-3569 Erlinda G. Maccay

60,000.00

04-3570 Chanda Estrella

100,000.00

04-3571 Nero A. Allao

350,000.00

Since all the amounts exceeded P22,000.00, the penalty prescribed by law therefor is prision correccional maximum to prision mayor minimum, to be imposed in its maximum period, which is six (6) years, eight (8) months and 21 days to eight (8) years. Applying the Indeterminate Sentence Law, the penalty next lower in degree is prision correccional in its minimum and medium periods, or six (6) months and one (1) day to four (4) years and two (2) months of prision correccional, and the maximum penalty therefor is six (6) years eight (8) months and twenty one (21) days to eight (8) years, plus an additional one (1) year for every P10,000.00 in excess of P22,000.00.

Criminal
Case No. Amount
Defrauded Amount in
Excess of
P22,000.00 Number of
Years to be
Added to
penalty

04-3560

P 46,000.00

P 24,000.00

2

04-3561

158,000.00

136,000.00

13

04-3565

185,000.00

163,000.00

16

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04-3567

225,000.00

203,000.00

20

04-3569

60,000.00

38,000.00

3

04-3570

100,000.00

78,000.00

7

04-3571

350,000.00

328,000.00

32

Because the total penalty that may be imposed shall not exceed twenty years, the correct penalty that should be meted upon the accused-appellant are as follows:

Criminal
Case No. Minimum Penalty Maximum Penalty

04-3560 Four (4) years, two (2) months Ten (10) years

04-3561 Four (4) years, two (2) months Twenty (20) years

04-3565 Four (4) years, two (2) months Twenty (20) years

04-3567 Four (4) years, two (2) months Twenty (20) years

04-3569 Four (4) years, two (2) months Eleven (11) years

04-3570 Four (4) years, two (2) months Fifteen (15) years

04-3571 Four (4) years, two (2) months Twenty (20) years

We also uphold the penalty imposed for Illegal Recruitment in Large Scale, since the imposable penalty if illegal recruitment constitutes economic sabotage is 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).

In view of the doctrine espoused in Nacar v. Gallery Frames[73] to the effect that when the judgment of the court awarding a sum of money becomes final and executory, the rate of legal interest, whether or not it was a loan or forbearance of money, shall be six (6%) percent per annum from such finality until its satisfaction, the interest

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rate of twelve (12%) percent per annum imposed in the assailed Joint Decision from finality to payment should be reduced to six (6%) percent per annum.

WHEREFORE, in view of the foregoing, the appeal is hereby DISMISSED for lack of merit. The Joint Decision dated December 7, 2011 rendered by the Regional Trial Court of Makati City, Branch 145, in Criminal Cases Nos. 04-3559-71 is AFFIRMED with modification, in that the Accused-Appellant Carmelita Obispo Escuadro a.k.a. Aida Saklolo y Gabriel is imposed the following penalties, with their corresponding accessory penalties, to wit:

Criminal Case No.	
04-3560	An indeterminate penalty of four (4) years, two (2) months as minimum and ten (10) years as maximum
04-3561	An indeterminate penalty of four (4) years, two (2) months as minimum and twenty (20) years as maximum
04-3565	An indeterminate penalty of four (4) years, two (2) months as minimum and twenty (20) years as maximum
04-3567	An indeterminate penalty of four (4) years, two (2) months as minimum and twenty (20) years as maximum
04-3569	An indeterminate penalty of four (4) years, two (2) months as minimum and eleven (11) years as maximum
04-3570	An indeterminate penalty of four (4) years, two (2) months as minimum and fifteen (15) years as maximum
04-3571	An indeterminate penalty of four (4) years, two (2) months as minimum and twenty (20) years as maximum

Furthermore, the interest rate of twelve (12%) percent per annum that accrues from the finality of the decision until it is fully paid shall be reduced to six (6%) percent per annum.

All the other dispositions in the assailed Joint Decision stands.

SO ORDERED.

Gonzales-Sison, M., Acting Chairperson, and Diamante, F.N., Cruz, R.A., JJ., concur.

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[*] Acting Chairperson per Office Order No. 72-15-RDC dated March 6, 2015.

[**] Acting Senior Member per Office Order No. 72-15-RDC dated March 6, 2015.

[1] Rollo, pp. 59-73.

[2] Record, PP. 2-3.

[3] Record, p. 6.

[4] Id., p. 10.

[5] Id., p. 26.

[6] Id., p. 34.

[7] Id., p.42.

[8] Id., p. 50.

[9] Order dated November 10, 2004, at Record, p. 115.

[10] Order dated September 14, 2006, at Record, p. 179.

[11] Order dated October 26, 2006, at Record, pp. 181-182.

[12] TSN dated November 7, 2006, pp. 5-7.

[13] Id., p. 7.

[14] Id., p. 8.

[15] Who testified on November 23, 2006.

[16] Exhibit “A” and series.

[17] Exhibit “B” and series.

[18] Exhibit “D” and series.

[19] Exhibit “C” and series.

[20] Exhibit “E” and series.

[21] Exhibit “F” and series.

[22] Exhibit "G", Formal Offer of Evidence Prosecution's Folder, p. 15.

[23] Exhibit “H”.

[24] On December 7, 2006, January 9, 2007, March 6, 2007.

[25] Exhibit “I” and series.

[26] Exhibit “J” and series.

[27] Exhibit “K” and series.

[28] Exhibit “L” and series.

[29] Exhibit “M” and series.

[30] Exhibit “N” and series.

[31] Exhibit “O” and series.

[32] Exhibits “P”, “Q” and “R” and series.

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[33] Exhibit “S”.

[34] Exhibit “T”.

[35] On April 17, 2007.

[36] Exhibit "V".

[37] Exhibit "W".

[38] Exhibit "X".

[39] On June 21, 2007.

[40] Exhbit “BB”.

[41] Exhibit “Y”.

[42] Exhibit “Z”.

[43] On July 3, 2007.

[44] Exhibit “CC”

[45] Exhibit “DD”

[46] Exhibit “EE”

[47] On July 24, 2007.

[48] Exhibit “GG”

[49] Exhibit “HH”

[50] Exhibit “II”

[51] On September 11, 2007.

[52] Exhbit “KK”.

[53] Exhibit “LL”.

[54] Exhibit “G”

[55] Exhibit “NN”.

[56] Who testified on May 22, 2008, February 24, 2009, July 17, 2008, December 15, 2010.

[57] Exhibit “1”.

[58] Must be Bulgaria.

[59] Rollo, p. 70.

[60] Ma. Gracia Hao and Danny Hao v. People, G.R. No. 183345, September 17, 2014, citing RCL Feeders Pte., Ltd. v. Hon. Perez, 487 Phil. 211, 220-221 (2004).

[61] TSN dated November 23, 2006, p. 8.

[62] TSN dated December 7, 2006, pp. 9-10.

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[63] TSN dated April 17, 2007, pp. 11-12.

[64] Judicial Affidavit of Raquel Martinez, pp. 2-3.

[65] Judicial Affidavit of Nero Allao, p. 2.

[66] Judicial Affidavit of Erlinda Maccay, p. 2.

[67] Judicial Affidavit of Chanda Estreller, p. 2.

[68] Exhibits "A", "B", "I", "J", "K", "L", "M", "N", "O", "CC"", "DD", "GG", "HH", "KK", "LL" and "MM" at Formal Offer of Evidence Prosecution's Folder, pp. 13, 18-21, 28-29, 44-45, 54-55, 62-64.

[69] People v. Malapit, et al., G.R. Nos. 140067-71, August 29, 2002, citing People v. Reichl, et al.,G.R. Nos. 141221-36, March 7, 2002.

[70] People v. Malapit, supra.

[71] People v. Malapit, supra., citing People v. Angeles, G.R. No. 132376, April 11, 2002.

[72] Id.

[73] G.R. No. 189871, August, 13, 2013.

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