

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GLORIA BARTOLOME, ACCUSED-APPELLANT.

G.R. No. 129486. July 04, 2008

Ponente: VELASCO JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-129486/>

VELASCO JR., J.:

On September 6, 1989, in the Regional Trial Court (RTC) in Naic, Cavite, the Office of the Provincial Fiscal of Cavite filed eight (8) separate Informations, four (4) for Illegal Recruitment and four (4) for Estafa, against accused-appellant Gloria Bartolome and Lidelia Capawan. Docketed as Crim. Case Nos. NC-354 to NC-361, the cases were eventually raffled to Branch 15 of the court. Except for the names of the offended party and/or the amount involved, the following informations in Crim. Case No. NC-354 for illegal recruitment and Crim. Case No. NC-358 for estafa, as hereunder indicated, typified the other informations for the crime of illegal recruitment and estafa, as the case may be:

For Illegal Recruitment -

That on or about the period from July to September 1988 or for sometime prior or subsequent thereto, in the Municipality of Indang, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with grave abuse of trust and confidence reposed on them, with deliberate intent to defraud, by falsely representing themselves to have the capacity to contract, enlist and recruit workers abroad, did, then and there, willfully, unlawfully and feloniously for a fee, recruit and promise employment/job placement in Bahrain to one Fe Rollon without first obtaining the required license and/or authority from the Department of Labor and Employment, thereby resulting damage and prejudice.

CONTRARY TO LAW.

For Estafa -

That on or about the period from July to September 1988 or for sometime prior or subsequent thereto, in the Municipality of Indang, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another with deliberate intent to defraud with grave abuse of trust and confidence reposed on them, with false manifestation and misrepresentation pretending themselves that they possessed power and influence to recruit workers for employment abroad, obligated themselves to seek and facilitate employment abroad of Fe Rollon as saleslady in Bahrain and pursuant to said obligation received from Fe Rollon the total amount of P16,500.00, given them in Indang, Cavite and Makati, Metro Manila on different dates but accused upon receipt and possession of the aforementioned amount of P16,500.00 and far from complying with their obligation, did, then and there, willfully, unlawfully and feloniously misapply, misappropriate and convert the aforesaid amount of P16,500.00 to their own use and benefits and despite repeated demands made to make good of their promise and/or return the amount taken and/or received from the said victim, accused failed and refused to do so, thereby resulting to the damage and prejudice of said Fe Rollon in the aforesaid amount of P16,500.00.

CONTRARY TO LAW.

Of the two accused named in the informations, only accused-appellant Bartolome was brought under the jurisdiction of the RTC, Capawan being then and still is at large. When arraigned, accused-appellant entered a plea of not guilty to all charges. Thereafter, by agreement of the parties, all eight (8) cases were tried jointly.

The four (4) private complainants, Fe Rollon, Raymundo Dimatulac, Esperanza Buhay, and Reynaldo Rollon, each charging accused-appellant with one count of illegal recruitment and one count of estafa, were all from Calumpang Lejos, Indang, Cavite, like accused-appellant.[1] Buhay, presented as common prosecution witness for all cases, testified seeing accused-appellant, her husband, and Capawan, sometime in July 1988, walking around Calumpang Lejos making it appear that they were badly in need of workers for overseas employment. When asked, Buhay evinced interest to work abroad and, upon being assured by accused-appellant and Capawan of the genuineness of their offer, later gave the two a sum of money to cover medical, processing, and passport fees. And very much later, Buhay paid accused-appellant and Capawan, in Makati City, PhP 13,000 as placement fee for which she was handed a pre-signed receipt. Buhay was given a photocopied plane ticket purportedly for a flight to Bahrain, but the promised job abroad never materialized.

Dimatulac, on the other hand, testified that he was given a run around about his departure for Bahrain. According to him, after signifying, when so asked, his desire to work in Bahrain as janitor, accused-appellant and Capawan told him to fill out a bio-data form and to pay the usual processing and placement fees which he did. Dimatulac was not able to leave and failed to get his money back, prompting him, like Buhay, to file a complaint with the Philippine Overseas Employment Agency (POEA).

With slight variations, complaining witnesses Fe and Reynaldo gave parallel accounts about their dealings with the reneging accused-appellant and Capawan, particularly with respect to personally meeting the latter two who offered overseas job placements in Bahrain, being asked to pay and paying the processing and placement fees, and being given a photocopy of a plane ticket.

Accused-appellant denied the accusations against her and disclaimed ever pretending to possess power and influence to recruit and secure overseas employment for private complainants. She claimed that the private complainants were only out to blackmail her because the wife of her brother-in-law is related to Capawan, who actually did the recruiting; and that her husband and her brother-in-law were themselves victims of Capawan's recruitment activities.

In a consolidated decision[2] dated November 10, 1992, the RTC found accused-appellant guilty beyond reasonable doubt of the crimes charged and sentenced her, thus:

WHEREFORE, this Court finds accused Gloria Bartolome guilty beyond reasonable doubt of four (4) counts or offenses of illegal recruitment designated in Criminal Cases Nos. 354, 355, 356 and 357 under Art. 38, para. (b), Labor Code of the Philippines, as amended, and on each count or offense, sentences her with an imprisonment of eight (8) years and a fine of P50,000.00

Similarly, this Court finds said accused guilty beyond any shadow of doubt of four (4) counts or offenses of estafa under Art. 315, 2(A) [of the Revised Penal Code], and shall, for each count or offense designated in Crim. Case Nos. 358, 359, 360 and 361, suffer an imprisonment of prison correccional in its maximum period to prison mayor in its minimum period, or six (6) years, eight (8) months and 21 days to eight (8) years.

Additionally, the said accused shall indemnify:

Fe Rollon, P16,500.00

Esperanza Buhay, P16,500.00

Reynaldo Rollon, P16,500.00

Raymundo Dimatulac, P15,850.00

The services of the foregoing imposed penalties of imprisonment shall be successive pursuant to Art. 70, Revised Penal Code.

With costs.

SO ORDERED.

In due time, accused-appellant went to the Court of Appeals (CA) whereat her appellate recourse was docketed as CA-G.R. CR No. 14239. On February 19, 1997, the CA rendered a Decision[3] disposing as follows:

WHEREFORE, the appealed Decision of November 10, 1992 finding the accused guilty beyond reasonable doubt of four (4) counts or offenses of Illegal Recruitment and of four (4) counts of Estafa under Art. 315 of the Revised Penal Code is AFFIRMED subject to the MODIFICATION that appellant is hereby sentenced to suffer the penalty of Life Imprisonment and ordered to pay P100,000.00 as fine for the crime of Illegal Recruitment in Large Scale.

In view of the penalty of Life Imprisonment imposed on appellant Gloria Bartolome, the Division Clerk of Court is hereby ORDERED TO REFRAIN FROM ENTERING JUDGMENT and to forthwith elevate the records of the case to the Supreme Court for review, pursuant to Sec. 13, Rule 124 of the Rules of Court.

SO ORDERED. (Emphasis added.)

The appellate court predicated its modificatory action on the following premises:

Appellant was charged and convicted of illegally recruiting four people and her crime is classified as Illegal Recruitment committed in large scale, and as such it is considered as involving economic sabotage. Said crime carries with it the penalty of Life Imprisonment and a fine of P100,000.00. x x x

In view of the penalty of life imprisonment imposed in CA-G.R. CR No. 14239, the CA forwarded the records of the case to the Court which docketed the same as G.R. No. 128881.

In the meantime, accused-appellant moved for reconsideration of the CA's February 19, 1997 Decision, but her motion was denied in a terse CA Resolution[4] of June 5, 1997. Therefrom, accused-appellant interposed a petition for review of said decision and resolution, docketed as G.R. No. 129486.

Per Resolution[5] dated July 23, 1997, the Court ordered the consolidation of G.R. No. 129486 with G.R. No. 128881. Earlier, owing to the fact that accused-appellant was out on bail, the Court, inter alia, ordered, pursuant to Section 7 of Administrative Circular No. 12-94,[6] the bondsman to surrender accused-appellant within 30 days from notice to the court of origin, failing which her bond shall be forfeited and an order shall then issue for her arrest. The details of what then followed are not of crucial materiality to these proceedings, but the bottom line is that the Court declared accused-appellant as having jumped bail and is now at large.[7] Her withdrawing counsel and the new collaborating counsel are at a loss as to her whereabouts;[8] her bondsman, having failed to secure her surrender, had paid her bail bond; and both the National Bureau of Investigation (NBI) and the Philippine National Police (PNP) had, after several attempts, been unable to serve the corresponding warrants and alias warrants for the arrest of accused-appellant.

By Resolution dated October 22, 1997, the Court dismissed accused-appellant's petition for review in G.R. No. 128881 for, among other grounds, non-compliance with the requirements on making a deposit to answer for cost. The dismissal became final and executory with the issuance of the entry of judgment[9] for G.R. No. 128881. For all intents and purposes, the RTC's decision convicting accused-appellant for estafa is deemed affirmed with

finality.

This brings us to G.R. No. 129486, the case certified to the Court in view of the modified penalty of life imprisonment the CA imposed on, but did not enter against, accused-appellant for her conviction on the illegal recruitment in the large scale charge. It is over 10 years since accused-appellant jumped bail. The deferred judicial review of the certified case may now proceed without awaiting for her arrest.

Accused-appellant's underlying position is set forth in her "PETITION"[10] urging this Court to acquit her of the crimes of illegal recruitment and estafa. In it, she alleges that the CA erred "in affirming the decision of the lower court finding her guilty beyond reasonable doubt of four (4) counts of illegal recruitment and four (4) counts of estafa under Article 15 of the Revised Penal Code."

In fine, accused-appellant assails the credibility of the four (4) private complainants and the adequacy of the plaintiff-appellee's evidence. Even as she denies making representation about having the authority and capacity to recruit and deploy workers abroad, accused-appellant insists that Capawan, confederating with a Thai national, was the illegal recruiter.

The Court is not convinced.

Illegal recruitment is committed when two (2) elements concur: First, the offender does not have the required license or authority to engage in the recruitment and placement of workers. Second, the offender undertook (1) recruitment and placement activity defined under Article 13(b) of the Labor Code or (2) any prohibited practice under Art. 34 of the same code. Illegal recruitment is qualified into large scale, when three or more persons, individually or as group, are victimized.[11]

Art. 13(b) of the Labor Code defines recruitment and placement, as follows:

x x x [A]ny 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.

After a circumspect review of the records, the Court is fully convinced as to accused-appellant's guilt of the crime of illegal recruitment in large scale. The first element is present. Accused-appellant had not shown any license to recruit or engage in placement activities. As found by the trial court, the POEA no less initiated the filing of the complaints against accused-appellant, a reality which argues against the existence of such license or authority.

The second element also obtains. On separate occasions, accused-appellant approached and recruited at least four (4) persons at the same place and at about the same time, giving them the impression that she and Capawan had the capability to send them to Bahrain for employment. All four testified that accused-appellant promised them employment for a fee. Their testimonies corroborate each other on material points, such as the amount exacted as placement fee, the country of destination, and the photocopied plane tickets.

The private complainants were positive and categorical in their testimonies that they personally met accused-appellant and that she asked for, among others, placement fee in consideration for the promised employment in Bahrain. They had no motive to testify falsely against accused-appellant. In fact, accused-appellant admitted personally knowing them since childhood, describing them to be "not misbehaving or perjurious people." [12] The absence of evidence as to improper motive actuating the principal witnesses of the prosecution augurs well for their credibility. To be sure, the RTC and the CA found their testimonies to be worthy of full faith and credence. The testimonies of credible witness meet the standard of proof beyond reasonable doubt.[13]

Accused-appellant cannot plausibly escape liability for her criminal acts by conveniently pointing to and passing the blame on Capawan as the illegal recruiter. Like the trial court, we entertain serious doubts on this self-serving and gratuitous version of accused-appellant. What is more, her denials cannot prevail over the positive declaration of the prosecution witnesses. It is basic that affirmative testimony of persons who are eyewitnesses of the events or facts asserted easily overrides negative testimony.[14]

The crime of illegal recruitment in large scale is punishable under Art. 39(a) of the Labor Code, as amended, with life imprisonment and a fine of PhP 100,000. The CA, accordingly, imposed the right penalty.

IN VIEW OF ALL THE FOREGOING, the Court hereby AFFIRMS the Decision and Resolution dated February 19, 1997 and June 5, 1997, respectively, of the CA insofar as it convicted accused-appellant of illegal recruitment in a large scale and sentenced her to life imprisonment and to pay a fine of one hundred thousand pesos (PhP 100,000).

Let copies of this Decision be furnished the NBI and the PNP which are hereby commanded to arrest accused-appellant Gloria Bartolome whose last known address is at Bacao 2, Gen. Trias Cavite and commit her in the Correctional Institution for Women.

Costs against accused-appellant.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Brion, JJ., concur.

[1] Rollo, p. 38.

[2] Id. at 29-46. Penned by Judge Enrique M. Almario.

[3] Id. at 48-53. Penned by Associate Justice Maximiano C. Asuncion and concurred in by Associate Justices Artemon D. Luna and Ramon A. Barcelona.

[4] Id. at 67.

[5] Id. at 7.

[6] No person charged with a capital offense or an offense punishable by reclusion perpetua or life imprisonment when evidence of guilt is strong shall be admitted to bail regardless of the stage of the criminal prosecution.

[7] Rollo, pp. 131-134, per Resolution dated February 8, 1999.

[8] Id. at 162.

[9] Id. at 166-189.

[10] Id. at 9-25.

[11] *People v. Dela Piedra*, G.R. No. 121777, January 24, 2001, 350 SCRA 163, 183.

[12] Rollo, p. 34.

[13] *Dela Piedra*, supra at 184.

[14] Id.; citing *People v. Santos*, G.R. No. 113344, July 28, 1997, 276 SCRA 329.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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