PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANICETA “ANNIE” MORENO, ACCUSED-APPELLANT.

G.R. No. 130067. September 16, 1999

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-130067/

PUNO, J.:

This is an appeal from the decision of the Regional Trial Court of Baguio City, Branch 6, finding accused-appellant, Aniceta “Annie” Moreno, guilty beyond reasonable doubt of illegal recruitment committed in large scale in Criminal Case No. 12190-R and for two counts of estafa by way of false pretenses in Criminal Cases Nos. 12191-R and 12192-R. Accused-appellant was sentenced to suffer the penalty of life imprisonment and pay a fine of one hundred thousand pesos (P100,000.00) in the illegal recruitment case. She was sentenced to an indeterminate penalty of six (6) months and one (1) day of prision correccional as minimum to six (6) years, eight (8) months and twenty (20) days of prision mayor as maximum for each charge of estafa, to indemnify the offended parties[1] and pay the cost of suit.

The information in Criminal Case No. 12190-R avers:

> “That on or about the 18th day of December, 1992, and subsequent thereto, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, representing herself to have the capacity to contract, enlist and hire and transport Filipino workers for employment abroad, did then and there willfully, unlawfully and feloniously collect fees, recruit and promised employment/job placement to the following persons:
>
> 1. Virginia S. Bakian
> 2. Florence P. Juan
> 3. Josephine Sotero
> 4. Felisa Bayani
>
> in Canada without first securing or obtaining license or authority from the proper governmental agency.
>
> “Contrary to law.”[2]
>
> The information[3] in Criminal Case No. 12191-R reads:
>
> “That on or about the 18th day of December, 1992, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable court, the above-named accused, did then and there willfully, unlawfully and feloniously defraud one VIRGINIA S. BAKIAN by way of false pretenses, which are executed prior to or simultaneously with the commission of the fraud, as follows, to wit: the accused knowing fully well that she is not [an] authorized job recruiter for persons intending to secure work abroad convinced said VIRGINIA S. BAKIAN and pretended that she could secure a job for her abroad, for and in consideration of the sum of P15,400 when in truth and in fact she could not; the said VIRGINIA S. BAKIAN deceived and convinced by the false pretenses employed by the accused parted away the total sum of P15,400.00 in favor of the accused, to the damage and prejudice of the said VIRGINIA S. BAKIAN in the aforementioned amount of FIFTEEN

THOUSAND FOUR HUNDRED pesos (P15,400.00) Philippine Currency.

"Contrary to law."[4]

Accused-appellant pled not guilty to the crimes charged and a joint trial of the cases ensued.

Prosecution evidence show that in December 1992, Virginia Bakian, Florence Juan, Josephine Sotero and Felisa Bayani were invited by Magdalena Bolilla at her daughter's birthday party in a house located at No. 34 Honeymoon Road, Baguio City. Accused-appellant who was present in the party was introduced to them by Bolilla as a recruiter for overseas employment.

Virginia Bakian applied as a baby sitter for Canada. Accused-appellant required Bakian to submit her transcript of records, license certificate and bio-data. She also demanded the payment of four hundred fifty dollars ($450) or fifteen thousand four hundred pesos (P15,400.00) as placement fee. Bakian paid the amount but was not issued any receipt.[5]

Felisa Bayani also applied as a baby sitter for Canada. Accused-appellant told her that she is connected with the immigration bureau and had sent workers abroad. Bayani submitted to accused-appellant a photocopy of her license, identification pictures and transcript of records. She also paid fifteen thousand pesos (P15,000), in instalment, as placement fee – three thousand pesos (P3,000.00) and one hundred fifty dollars ($150) on January 27, 1993, three thousand pesos (P3,000.00) on February 28, 1993, five thousand two hundred fifty pesos (P5,250.00) on March 7, 1993 and one thousand five hundred pesos (P1,500.00) for the processing of her passport. Payments were made at accused-appellant's house at Dr. Cariño Street.[6]

Josephine Sotero and Florence Juan applied as domestic helpers for Hong Kong. Sotero paid seven thousand pesos (P7,000.00) as placement fee and one thousand five hundred pesos (P1,500.00) for her passport. A handwritten receipt[7] for the money was signed by accused-appellant. Juan paid to accused-appellant six thousand five hundred pesos (P6,500.00) on December 29, 1992 and five thousand five hundred pesos (P5,500.00) on December 31, 1992.

Melinda Cadio applied as an overseas worker for Canada. For her passport, she paid two thousand pesos (P2,000.00) to accused-appellant. She demanded another five thousand pesos (P5,000.00), allegedly for the Philippine Overseas Employment Agency (POEA). Cadio gave the money on December 31, 1992. She was assured that she could leave after six (6) months.

In all these cases, accused-appellant represented to the applicants that she was hiring on a direct basis and that their papers would be processed within a period of three (3) months. She promised that they would be deployed for overseas employment by May of 1993. She failed. Repeated follow-ups were made by the applicants, but in vain. Without the knowledge of the applicants, accused-appellant even transferred her residence to Asin Road.

The applicants waited to be deployed for overseas work up to October 1993. As they could no longer find accused-appellant, they reported their plight to the office of the POEA in Baguio. They learned that accused-appellant was not a licensed recruiter.[8] They obtained a certification[9] to this effect which was issued by Jose D. Matias.[10] They then executed a joint affidavit[11] for the prosecution of accused-appellant. The cases were filed on October 1993.

After the cases were filed, accused-appellant was able to pay the applicants some of their monies. Bakian was paid the amount of one thousand five hundred pesos (P1,500.00) and three hundred dollars ($300) through Naty Oasan. Bayani was paid her money through Virginia Bakian. Sotero was paid a check in the amount of seven thousand pesos (P7,000.00). Juan was also paid by check the amount of five thousand pesos (P5,000.00).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

A warrant for the arrest of accused-appellant was issued on November 5, 1993. It was returned unserved as she could no longer be located in Baguio. An alias warrant was issued for her arrest at Dimasalang, Manila where she reportedly transferred.[12] She was not likewise located in the said place. Thus, her cases were archived. It was only on April 11, 1996 that accused-appellant was arrested at Asin Road, San Luis, Baguio City.

Accused-appellant denied the charges. She said that she was an agent of Dynasty Travel Agency and that her work involved only the processing of papers for tourist visa. She denied recruiting the applicants for overseas employment. She pointed to Magdalena Bolilla as the one who promised the applicants overseas employment.

She declared that Virginia Bakian was introduced to her by Bolilla. Bolilla was helping Bakian to travel in Canada as a tourist. She merely helped Bakian prepare her papers for travel. She further said that the four hundred fifty dollars ($450) that Bakian paid was for her professional fee. This was given to her not by Bakian but by Bolilla. She clarified that Bolilla only gave her three hundred dollars ($300.00). She, however, stopped processing the papers of Bakian after Bolilla told her that the husband of Bakian did not want her to go abroad anymore. Thus, accused-appellant returned the three hundred dollars ($300) to Bolilla. Months later, she learned that Bolilla went to Texas.[13]

She said that Bayani, who also wanted to go to Canada, was accompanied to her residence by Bolilla. Accused-appellant specified to her the requirements needed and promised the return of her money in case she would not be admitted as a tourist. Bayani did not have any money to pay for her services at that time but Bolilla requested her to proceed with the processing of her papers. She complied but Bayani failed to submit all the requirements. She pointed to Bolilla as the one who delivered to her the money to be used for the processing of the papers of Bayani. She was paid ten thousand pesos (P10,000.00) in instalment. Bolilla took back the money as Bayani lost interest in going to Canada. Bayani saw accused-appellant again when she could no longer find Bolilla.[14]

She averred that she met Florence Juan only once during a birthday party at No. 34 Honeymoon Road. They did not talk to each other, for during this party, accused-appellant had a heated argument with Melinda Cadio. This was because Cadio and Bolilla wanted to send the relatives of the former to Hong Kong, using the visa that would be secured by accused-appellant. Upon reaching Hong Kong, someone would procure jobs for them. Accused-appellant rejected the arrangement. She denied collecting any money from Juan. The check delivered to Juan as payment for her placement fee was a demand draft purchased by Bolilla.[15]

She declared that Josephine Sotero asked assistance from her as she wanted to go to Hong Kong as a tourist. Allegedly, her sister-in law was waiting for her in Hong Kong. Accused-appellant collected seven thousand pesos (P7,000.00) from her for the plane ticket. She crumpled the receipt written by the husband of Melinda Cadio when she read that said amount was partial payment for the placement fee for employment in Hong Kong.[16]

Accused-appellant explained that she transferred residence when her husband came because they could no longer be accommodated at their previous house. They moved to a bigger place in Asin Road.

In convicting the accused-appellant of illegal recruitment in large scale, the trial court disbelieved her claims that she was merely assisting the applicants to go abroad as tourists and that the fees collected from them were her professional fees as an agent of Dynasty Travel Agency. It observed that no evidence was presented to prove that Dynasty Travel Agency exists, except for accused-appellant’s bare assertions. The trial court did not also give credence to her claim that the applicants were going abroad as tourists. It noted that two of the applicants are plain employees in the Baguio Health Center. The rest were even looking for overseas jobs. It also stressed the fact that accused-appellant disappeared and transferred residence when she failed to deploy the applicants for overseas work.[17]

In convicting accused-appellant of estafa the trial court pointed out that she employed false pretenses by representing herself as having the power, capacity and authority to deploy workers abroad.

In this appeal, accused-appellant assigns the following errors of the trial court:

> I
> THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF LARGE SCALE ILLEGAL RECRUITMENT.
>
> II
> THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF ESTAFA BEYOND REASONABLE DOUBT.
>
> III
> ASSUMING ARGUENDO THAT THE ACCUSED-APPELLANT IS GUILTY OF THE CRIME CHARGED, THE COURT A QUO ERRED IN NOT IMPOSING THE PROPER PENALTY.
>
> IV
> THE COURT A QUO ERRED IN AWARDING ACTUAL DAMAGES OF P15,000.00 FOR PRIVATE COMPLAINANT BAKIAN AND P15,000.00 TO PRIVATE COMPLAINANT FELISA BAYANI.

Accused-appellant argues that she can not be convicted of illegal recruitment or estafa as it was Magdalena Bolilla who initiated, facilitated and made representations that complainants can be deployed as overseas workers.

The appeal is without merit.

Illegal recruitment in large scale is defined and penalized in Articles 38 (b) and 39 (a) of the Labor Code, viz:

> "Art. 38. Illegal Recruitment.– (a) Any recruitment activities, including the prohibited activities enumerated under Article 34 of this Code, to be undertaken by non-licencees or non-holders of authority shall be deemed illegal and punishable under Article 39 of this Code. The [Department] of Labor and Employment or any law enforcement officer may initiate complaints under this Article.
>
> "(b) Illegal recruitment when committed by a syndicate or in large scale shall be considered as an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof.
>
> "Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.
>
> "Art. 39. Penalties.– (a) The penalty of life imprisonment and a fine of One Hundred Thousand pesos (P100,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein. xxx"
>
> Article 13 (b) of the Labor Code defines recruitment and placement as:
>
> "xxx any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contact 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."
>
> The essential elements of the crime of illegal recruitment in large scale are:
>
> "(1) The accused undertook a recruitment activity defined under Article 13 (b) or any other prohibited practice under Art. 34 of the Labor Code.

> "(2) He did not have the license or the authority to lawfully engage in the recruitment and placement of workers.
>
> "(3) He committed the same against three or more persons, individually or as a group."[18]

As aptly observed by the trial court, all the foregoing elements of illegal recruitment in large scale are present in the case at bar. It elaborated that:

> "First[ly], accused Aniceta Moreno has no license nor authority to recruit. This is shown by Exhibit A, the Certification issued by the POEA, Baguio and testified to by Jose Matias of the same office xxx."
>
> "Second[ly], accused Moreno undertook acts or activities coming within the definition of recruitment and placement defined in Article 13 (b) of the Labor Code as amended. She enlisted, canvassed, promised and recruited Virginia Bakian, Florence Juan, Josephine Sotero and Felisa Bayani and others in Baguio by representing [that] she has the capacity to recruit. She promised them work abroad or promised to deploy them for work abroad particularly in Canada or in Hong Kong for a fee. She failed ultimately to deploy complainants abroad despite their repeated follow-ups and being made to wait.
>
> "Third[ly], there were at least four (4) persons individually or as a group, xxx, who were recruited by the accused. The four declared in court that they were recruited for a fee by accused, actually paid their placement fees xxx, pointed to, and positively identified, accused Moreno as the one they transacted with xxx."[19]

In trying to exonerate herself, accused-appellant argues that it was Magdalena Bolilla who represented herself as having the capacity to deploy the complainants for overseas employment. She contends that the only promise that she made to complainants was to assist them in the processing of their tourist visa. Allegedly too, she had no criminal intent to commit estafa as she returned the fee collected to Bolilla as early as February 1993.

These arguments deserve scant consideration. The findings of the trial court that it was accused-appellant who undertook the recruitment activities at bar are well supported by evidence. The testimonial evidence of the complainants, the receipt signed by accused-appellant herself, and the other corroborative evidence all support the recruitment activities of accused-appellant. Equally proved beyond reasonable doubt is her lack of license to recruit. Her false pretenses or misrepresentations were executed prior to, or simultaneously with, her taking the amounts of fifteen thousand four hundred pesos (P15,400.00) from Bakian and fifteen thousand pesos (P15,000.00) from Bayani. Both Bakian and Bayani relied upon these false pretenses and misrepresentations to their damage and prejudice.

The fact that accused-appellant returned their money[20] will not negate the crime of estafa. As held in the case of People vs. Benitez,[21] "it is well settled that criminal liability for estafa is not affected by compromise or novation of contract, for it is a public offense which must be prosecuted and punished by the Government on its own motion even though complete reparation should have been made of the damage suffered by the offended party. [A] criminal offense is committed against the People, the offended party may not waive or extinguish the criminal liability that the law imposes for the commission of the offense."

Accused-appellant also contends that the penalty imposed on her in the two cases of estafa is erroneous. She asserts that her proper penalty is prision correccional in its minimum and medium periods of six (6) months, one (1) day to four (4) years and two months.

This contention is untenable. Estafa is defined and punished under Article 315 of the Revised Penal Code which provides that:

> "ART. 315. Swindling (estafa) – Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> "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 but does not exceed 22,000 pesos xxx.
>
> "xxx
>
> "2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
>
> "(a) By using fictitious name, or falsely pretending to posses power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.
>
> "xxx."

The Indeterminate Sentence Law provides that, in imposing a prison sentence under the Revised Penal Code, or its amendments, "the maximum term" of the penalty shall be that, which, in view of the attending circumstances, could be properly imposed under the rules of the said code, and the "minimum" shall be within the range of the penalty next lower to that prescribed by the Code for the offense.

Considering the amounts defrauded from Bakian and Bayani, the trial court correctly prescribed the penalty of accused-appellant, the minimum of which is prision correccional in its minimum and medium periods which has a range of six (6) months and one (1) day to four (4) years and two (2) months and the maximum period of which is prision correccional maximum to prision mayor minimum or imprisonment which has a range of four (4) years, two (2) months and one (1) day to eight (8) years.

However, the award of actual damages in the two cases of estafa must be deleted. Bakian admitted that the amount of one thousand five hundred pesos (P1,500.00) and three hundred dollars ($300) were returned to her.[22] Bayani was paid through Virginia Bakian the amount of fifteen thousand pesos (P15,000.00).[23]

In view whereof, the decision of the trial court finding accused-appellant guilty beyond reasonable doubt of the crime of illegal recruitment in large scale in Criminal Case No. 12190-R and for estafa in Criminal Cases Nos. 12191-R and 12192-R is affirmed with the modification that the award of actual damages in the two cases of estafa is deleted.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

---

[1] P15,000.00 to Virginia Bakian and P15,000.00 to Felisa Bayani.

[2] Records, Crim. Case No. 12190-R, p. 1.

[3] The information in Criminal Case No. 12192-R reads the same except that the offended party is Felisa Bayani and the amount is fifteen thousand pesos (15,000.00).

[4] Records, Crim. Case No. 12191-R, p. 1.

[5] TSN, May 14, 1996, pp. 12-14.

[6] TSN, May 16, 1993, pp. 3-8.

[7] Records, Crim Case No. 12190-R, p. 45.

[8] Ibid., pp. 8-9.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[9] Exhibit “A”, Records Crim. Case No. 12190-R, p. 10.

[10] TSN, May 14, 1996, pp. 4-5.

[11] Records, Crim Case No. 12190-R, p. 4.

[12] Ibid., pp. 13-14.

[13] TSN, November 5, 1996, pp. 4-13.

[14] Ibid., pp. 16-22.

[15] TSN, November 6, 1996, pp. 2-6, 9.

[16] TSN, November 27, 1997, pp. 14-15.

[17] RTC Decision, pp. 10-11.

[18] People vs. Bautista, 241 SCRA 216 (1995).

[19] RTC Decision, pp. 8-9.

[20] Accused-appellant is referring to the money collected from Virginia Bakian.

[21] 108 Phil. 920 (1960).

[22] TSN, May 14, 1996, p. 23

[23] TSN, May 16, 1996, p. 11.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.