

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CARMELITA ALVAREZ, APPELLANT.

G.R. No. 142981. August 20, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In illegal recruitment, mere failure of the complainant to present written receipts for money paid for acts constituting recruitment activities is not fatal to the prosecution, provided the payment can be proved by clear and convincing testimonies of credible witnesses.

The Case

Before us is an appeal from the January 28, 2000 Decision[1] of the Regional Trial Court (RTC) of Quezon City, Branch 93, in Criminal Case No. Q-94-58179. The assailed Decision disposed as follows:

“WHEREFORE, the foregoing premises, the court finds the accused CARMELITA ALVAREZ guilty of Illegal Recruitment committed in large scale constituting economic sabotage. Accordingly, the court sentences her to serve [the] penalty of life imprisonment and to pay a fine [of] P100,000.00. She is further ordered to indemnify the following complaining witnesses in the amounts indicated opposite their names:

Arnel Damian

P

16,500.00

Joel Serna

P

18,575 plus US\$50.00

Antonio Damian

P

6,975.00 plus US\$50.00

Roberto Alejandro

P

47,320.00”[2]

The July 18, 1994 Information[3] was filed by State Prosecutor Zenaida M. Lim. It charged Carmelita Alvarez with “illegal recruitment committed in large scale,” under Article 13(b) in relation to Articles 38(a), 34 and 39 of the Labor Code of the Philippines, as follows:

“That sometime between the period from November, 1993 to March, 1994, in Quezon City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously recruit the herein complainants, namely: JESUS G. ESMA, JR., JOEL G. SERNA, ARNEL C. DAMIAN, ANTONIO C. DAMIAN, RUBEN F. RIOLA, LORETA S. BOLOTAOLA, EDGAR R. BARCENAS, DENO A. MANACAP, JERRY NEIL D. ABANILLA, ROBERTO ALEJANDRO, ESTER S. BONDOC and JOSEPHINE LOMOCOSO as contract workers in Taiwan for and in consideration of the sum ranging from P12,300.00 to P48,600.00, as placement and processing fees, and x x x which the complainants delivered and paid to herein accused the said amount, without said accused first having secured the necessary license or authority from the Philippine Overseas Employment Administration.”[4]

On arraignment, appellant, assisted by Atty. Donato Mallabo, pleaded not guilty.[5] After trial in due course, the RTC rendered the assailed Decision.

The Facts

Version of the Prosecution

The evidence for the prosecution is summarized by the Office of the Solicitor General (OSG) as follows:

“Arnel Damian is one of the complainants in the case at bar. He testified that he was introduced to appellant by Reynaldo Abrigo, who was then the boyfriend of Teresita Gonzales (daughter of appellant Carmelita Alvarez) at appellant’s house in 25-B West Santiago St., San Francisco del Monte, Quezon City. During said meeting, appellant convinced complainant that if he could produce [t]wenty-[f]ive [t]housand [p]esos (P25,000.00), he would be deployed to Taiwan as a factory worker and would be receiving a salary of \$600.00.

“On December 27, 1993, complainant gave appellant [t]welve [t]housand [f]ive [h]undred [p]esos (P12,500) for which he was issued a receipt (Exhibit A) with the words ‘FOR PROCESSING FEE’ written therein by appellant herself. Aside from the processing fee, complainant also gave appellant [t]wo [t]housand [f]ive [h]undred [p]esos ([P]2,500.00) for medical expenses and one thousand five hundred pesos (P1,500.00) for the passport, but was not issued a receipt for said payments.

“According to complainant, while waiting for the results of his medical examination, he received a call informing him that appellant was arrested. Becoming suspicious, complainant then went to the Philippine Overseas and Employment Administration (POEA) to verify whether appellant had a license to recruit. As per Certification issued by the POEA on June 1, 1994, he found out that appellant was not licensed to recruit. Realizing that appellant would never be able to send complainant to Taiwan, he filed a complaint against appellant with the POEA.

“On cross-examination, complainant clarified that Reynaldo Abrigo did not actually introduce him to appellant, but merely gave appellant’s address and telephone number. Thereafter, complainant went to appellant’s house together with Ruben Riola and Michael Lumahan. In addition, complainant stated under cross-examination that appellant told him that according to the medical examination results, complainant was unfit to work. Consequently, he demanded the return of his money but appellant failed to do so.

“Antonio Damian is also one of the complainants in the case at bar. He testified that he is the brother of Arnel Damian and that when his brother failed the medical examination, his brother Arnel immediately demanded from appellant the return of the processing fee. However, appellant could not return the money to him

anymore. Instead, appellant asked Arnel to look for another applicant in order to save the processing fee. For which reason, Arnel asked his brother Antonio to apply in his stead. During his first meeting with appellant on January 4, 1994, complainant Antonio Damian was asked to pay [t]wo [t]housand [f]ive [h]undred [p]esos (P2,500.00) for medical examination. Subsequently, he also gave [n]ine [h]undred [p]esos (P900.00) for insurance; [s]eventy-[f]ive [p]esos (P75.00) for Pre-departure Orientation Seminar; [f]ifty [d]ollars (\$50.00) as part of the processing fee; and [t]hree [t]housand [f]ive [h]undred [p]esos (P3,500.00) for the birth certificate. All of these were personally given to appellant but no receipts were issued by appellant. As with all the other complainants, appellant promised Antonio that he would work as factory worker in Taiwan and that he would receive a salary of [t]wenty-[f]ive [t]housand [p]esos (P25,000.00). After waiting for two (2) months, Antonio learned that appellant was arrested. Hence, he filed his complaint with the POEA against appellant.

“Joel Serna came to know of appellant also through Reynaldo Abrigo. He met appellant at her house at 25-B West Santiago St., San Francisco Del Monte, Quezon City on February 8, 1994. Like the others, Joel was promised employment in Taiwan as factory worker and was also asked to pay various fees. Appellant gave him a list of the fees to be paid which included: Processing fee – P12,500.00; Medical examination – P2,395.00; Passport – P1,500.00; Visa fee - \$50.00; and Insurance – P900.00. Appellant’s telephone number was also included in said list. According to complainant Joel, said list was personally prepared by appellant in his presence. Complainant Joel paid the various fees but was never issued any receipt for said payment despite demands from appellant. Upon learning that appellant was arrested for illegal recruitment, he went to the POEA and filed his complaint against appellant.

“Roberto Alejandro testified that Onofre Ferrer, a provincemate, informed him that there were applicants needed for the job in Taiwan. On March 6, 1994, both of them went to appellant’s house where complainant Roberto was told by appellant that she had the capacity to send him to Taiwan but he must first undergo medical examination.

“Later, when Roberto was informed that he passed the medical examination, appellant told him to bring [f]orty [t]housand [p]esos (P40,000) as processing fee and other documentary requirements. A receipt was issued by appellant for the payment of said amount.

“On March 9, 1994 appellant advised him to pay an additional [f]ive [t]housand (P5,000.00) which he personally delivered to appellant on March 11, 1994. A receipt was also issued by appellant for said amount.

“After three (3) months of waiting and follow-up without any positive results, complainant filed his complaint against appellant with the POEA.

“David Umbao was presented on rebuttal by the prosecution and testified that on June 1, 1994, an entrapment operation was conducted against Carmelita Alvarez where Jerry Neil Abadilla and an agent by the name of Conchita Samones gave appellant the amount of P5,000.00 with a P500.00 bill marked as payment for the ‘renewal of the promise’ of deployment. After appellant took the money, she was immediately apprehended. Two witnesses were present during the entrapment operations, one from the barangay and one from the homeowner’s association. The affidavit of arrest setting out the details of the entrapment operation and the arrest was collectively executed by the entrapment team.”[6] (Citations omitted)

Version of the Defense

In her Brief,[7] appellant submits her own version of the facts as follows:

“CARMELITA ALVAREZ testified that sometime in 1991, she met Director Angeles Wong at the Office of the Deputy Administrator of the POEA, Manuel Quimson, who happened to be her ‘compadre’. Sometime in November 1993, Director Wong called her about a direct-hire scheme from Taiwan which is a job order whereby people who want to work abroad can apply directly with the POEA. The said director told her that there were six (6) approved job orders from Labor Attache Ellen Canasa. Seeing this as a good opportunity for

her son, Edelito Gonzales, who was then a new graduate, she recommended him and his son's friends, namely, Reynaldo Abrigo, Renato Abrigo and two others surnamed Lucena, for employment. Unfortunately, Director Wong called off the scheduled departure because the quota of workers for deployment was not met. To remedy the situation, she approached Josephine Lomocso and a certain recruiter named Romeo Dabilbil, who also recommends people to Director Wong with ready passports. When the thirty (30) slots needed for the direct-hiring scheme were filed up, Director Wong set the tentative schedule of departure on February 23, 1994. In view of the said development, Mr. Dabilbil contacted the recruits from Cebu who even stayed at her (Conchita's) place in Capiz Street, Del Monte, Quezon City for three (3) days to one (1) week while waiting to be deployed. On the night of their scheduled departure and while they were having their despedida party, Director Wong sent a certain Ross to inform them that a telex was received by him informing him (Director Wong) that the factory where the recruits were supposed to work was gutted by a fire. She was later advised by Director Wong to wait for the deployment order to come from Taiwan. While the people from Cebu were staying in her house waiting for development, the accused even advised them to file a complaint against Mr. Dabilbil before the Presidential Anti-Crime Commission at Camp Crame. Surprisingly, she was also arrested for illegal recruitment on May 31, 1994 and thereafter learned that on June 1, 1994, the Damian brothers filed a complaint against her before the POEA. After her apprehension, the accused further testified that there was some sort of negotiation between her lawyer, Atty. Orlando Salutandre, and the apprehending officer, Major Umbao, regarding her release. According to her, if she [would] be able to raise the amount of [t]hirty [t]housand [p]esos (P30,000.00), Major Umbao [would] not anymore refer her for inquest, but would only recommend her case for further investigation and then she would be released. Since she failed to raise the said amount, she was brought to the inquest fiscal.

"REYNALDO ABRIGO testified that it was Director Angeles Wong who was actually recruiting workers for deployment abroad because of a certain document which Alvarez showed to them bearing the name of the said POEA Official.

"EDELITO GONZALES' testimony merely corroborated the testimony of defense witnesses Carmencita Alvarez and Reynaldo Abrigo.

X X X X X X X X

"SUR-REBUTTAL EVIDENCE:

"MARITES ABRIGO testified that while she was in the living room and her mother, accused Carmelita Alvarez, was in her room inside their house on May 31, 1994, a group of persons arrived and asked where her mother was. After telling them that her mother was inside her room resting, a certain Major Umbao, together with some other persons, went straight to her mother's room and knocked on the door. When her mother opened it and peeped through the opening of the door, they immediately grabbed her. She was not able to do anything also, other than to tell them that she has to consult first her lawyer. When her mother was brought to the POEA office she was told that they have to produce P30,000.00." [8] (Citations omitted)

Ruling of the Trial Court

The trial court accorded full credibility to the prosecution witnesses. It held that complainants had not been impelled by ill motives in filing the case against appellant. They all positively identified her as the person who, without the requisite license from the government, had collected from them processing and placement fees in consideration of jobs in Taiwan.

The trial court was convinced that appellant had deceived complainants by making them believe that she could deploy them abroad to work, and that she was thus able to milk them of their precious savings. The lack of receipts for some amounts that she received from them did not discredit their testimonies. Besides, her precise role in the illegal recruitment was adequately demonstrated through other means.

Further affirming her illegal recruitment activities was the entrapment conducted, in which she was caught receiving marked money from a certain Jerry Neil Abadilla, to whom she had promised a job abroad.

Her defense that she merely wanted to provide jobs for her son-in-law and his friends was rejected, because she had subsequently retracted her allegation implicating Director Wong of the POEA in her illegal recruitment activities. As she victimized more than three (3) persons, the RTC convicted her of illegal recruitment committed in large scale.

Hence, this appeal.[9]

Issue

Appellant submits this lone assignment of error:

“The court a quo gravely erred in finding accused-appellant Carmelita Alvarez guilty beyond reasonable doubt for illegal recruitment in large scale.”[10]

More specifically, appellant questions the sufficiency of the prosecution evidence showing the following: (1) that she engaged in acts of illegal recruitment enumerated in Article 38 of the Labor Code, (2) that she was not licensed to recruit, (3) that she received money from complainants despite the absence of receipts, and (4) that her acts constituted illegal recruitment in large scale.

This Court’s Ruling

The appeal has no merit.

Main Issue:

Bases for Her Conviction

Appellant denies that she engaged in any act of illegal recruitment and claims that she only recommended, through Director Wong of the POEA, her son-in-law and his friends for a direct-hire job in Taiwan.

We disagree. Prior to the enactment of RA No. 8042, the crime of illegal recruitment was defined under Article 38(a) in relation to Articles 13(b) and 34 and penalized under Article 39 of the Labor Code. It consisted of any recruitment activity, including the prohibited practices enumerated under Article 34 of the Code, undertaken by a non-licensee or non-holder of authority. It is committed when two elements concur: (1) the offenders have no valid license or authority required by law to enable them to lawfully engage in the recruitment and placement of workers; and (2) the offenders undertake either any activity within the meaning of recruitment and placement defined under Article 13(b) or any prohibited practices enumerated under Article 34.[11]

Under Article 13(b), recruitment and placement refers to “any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers[;] and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not.” In the simplest terms, illegal recruitment is committed when a person, who is not authorized by the government, gives the impression that he or she has the power to send workers abroad.[12]

It is clear from the testimonies of the prosecution witnesses that appellant recruited them. On direct examination, Arnel Damian testified thus:

“Q When was that when Reynaldo Abondo introduced you to the accused?

A Last week of November. I cannot remember the exact date.

Q Where were you when you were introduced to the accused?

A At 25 V. West Santiago St., San Francisco del Monte, Quezon City, in the house of Mrs. Alvarez.

X X X X X X X X

Q When you arrived at that place, whom did you see?

A Mrs. Alvarez.

Q What happened during your first meeting.

A We were recruited by her.

Q What did she tell you?

A That if we could come up with the amount of P25,000.00 but she was only asking for P12,500.00 as processing fee.

Q What else did she tell you?

A That we were to act as replacement of three persons who backed out.

Q Did she tell you where were you going?

A We were told to go to Taiwan as factory worker.

Q Did she tell you how much salary will you receive?

A \$600.00.”[13]

Appellant had also recruited for a similar job in Taiwan, Joel Serna who testified as follows:

“Q Will you please inform the Hon. Court why do you know Carmelita Alvarez?

A I came to know her when her daughter became the girlfriend of my friend and I was told that she is recruiting workers for Taiwan.

Q After knowing that she was recruiting workers for Taiwan, what did you do, if any?

A I inquired from her and I was assured that the employment was not fake and I was told to pay a processing fee.

Q When you said ‘kanya or her’ to whom are you referring to?

A Carmelita Alvarez.

Q Do you still remember when was that?

A February 8, 1994.

Q Where did you meet?

A In her house at No. 25-B West Santiago St., SFDM, Quezon City.

Q What other things did she told you, if there was any?

A I would subject myself to a medical examination and after this, I would give her a processing fee.

Q What was the purpose of that processing fee?

A So I could leave immediately for Taiwan.

Q Why are you going to Taiwan?

A I need a job.

Q If you give Mrs. Alvarez the processing fee, she will help you to go to Taiwan?

A Yes, sir.”[14]

Antonio Damian, brother of Arnel, also testified to the same effect.

“ATTY. DIGNADICE:

Q Will you please tell this Hon. Court the circumstances why you came to know Carmelita Alvarez?

A I met Carmelita Alvarez on January 4, 1994.

COURT: (to the witness)

Under what circumstances did you happen to know her?

A I went to her house.

ATTY. DIGNADICE:

Q Why did you go to her house?

A Because I applied to her for work abroad.

Q Why did you apply for work abroad to her?

A Because of a brother who applied to her but failed the medical examination.

X X X X X X X X

Q Arnel Damian applied for work abroad with Carmelita Alvarez?

A Yes, sir.

Q Was he able to leave for abroad?

A No, sir.

Q Why?

A Because he failed the medical examination.

X X X X X X X X

Q What happened next after that?

A Because my brother failed with the medical examination, Carmelita Alvarez cannot return the processing fee in the amount of P12,000.00 so she told my brother to look for another applicant.

ATTY. DIGNADICE:

Q Did your brother look for another applicant as his replacement?

A He asked me to take my place to save the P12,000.00.”[15]

Roberto Alejandro testified that appellant had also told him she could send him to Taiwan to work.

“Q When you reached that place whom did you see there?

A Mrs. Alvarez.

Q And what happened during that first meeting?

A She told me that she has the capacity of sending to Taiwan.”[16]

More telling is Ruben Riola’s testimony on appellant’s specific acts constituting illegal recruitment.

“Q Can you tell the Hon. Court what transpired with that first meeting of yours with Carmelita Alvarez at Capiz District?

A When I got there, I was with two companions, because we were replacements of the three others who backed out. We were asked by the mother if we were the friends of her daughter and son-in-law who is from the church?

Q What was your answer?

A I said yes.

Q Was there anything that transpired during that meeting?

A We were asked by her if we were interested to work as Factory workers in Taiwan.

Q What was your answer, if any?

A We said we are interested if it is true.

Q After knowing that you are interested to work as factory worker in Taiwan, what did Carmelita Alvarez do if there was any?

A We were shown a document stating that such person was receiving \$600.00 salary.

x x x x x x x x

Q After knowing that you will be receiving the same amount if you work as factory worker in Taiwan, what did you do, if any?

A We were told to immediately pay the processing fee.

Q Who told you to pay the processing fee?

A Mrs. Carmelita Alvarez.

Q This processing fee is for what?

A So that she could process the papers with the POEA, for the facilitation with the POEA[,] so that we could be included in the first batch.”[17]

“Q What happened on that date after paying the tax of P1,500.00.

A We were promised to leave on February 23, 1993.

Q Will you please elaborate more on the promise, what kind of promise was it, if you could remember?

A That would be the latest date that we could leave for Taiwan.

Q Would you somehow remember the words of Carmelita Alvarez?

x x x x x x x x

A ‘Na papaalisin niya kami’.

x x x x x x x x

Q Why did you celebrate a ‘dispededa’?

A Because we were about to leave.

Q Who told you?

A Carmelita Alvarez.

x x x x x x x x

Q Why were you celebrating this party?

A Because we will be leaving the following day.”[18]

Furthermore, appellant committed other acts showing that she was engaged in illegal recruitment. Enumerated in *People v. Manungas Jr.*[19] as acts constituting recruitment within the meaning of the law were collecting pictures, birth certificates, NBI clearances and other necessary documents for the processing of employment applications in Saudi Arabia; and collecting payments for passport, training fees, placement fees, medical tests and other sundry expenses.[20]

In this case, the prosecution proved that appellant had received varying amounts of money from complainants for the processing of their employment applications for Taiwan. Arnel Damian paid to appellant P12,500 for the

processing fee,[21] P2,500 for the medical fee and P1,500 for his passport.[22] Serna paid P12,000 for the processing fee,[23] P3,000 for his birth certificate and passport,[24] P75 for a “Departure and Orientation Seminar,”[25] P900 for the insurance fee and \$50 for his visa.[26] Antonio Damian paid P2,500 for the medical fee,[27] P900 for the insurance, P75 for the “Pre-Departure and Orientation Seminar” (PDOS) fee, \$50 for the processing fee and P3,500 for his birth certificate.[28] Roberto Alejandro paid P40,000 for the processing fee[29] and P5,000 for the insurance.[30] Riola paid P1,900 for his passport, P12,500 for the processing fee, P900 for the insurance fee, P75 for the PDOS fee, P1,500 for the insurance and \$50 for travel tax.[31]

The trial court found complainants to be credible and convincing witnesses. We are inclined to give their testimonies due consideration. The best arbiter of the issue of the credibility of the witnesses and their testimonies is the trial court. When the inquiry is on that issue, appellate courts will generally not disturb the findings of the trial court, considering that the latter was in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial. Its finding thereon will not be disturbed, unless it plainly overlooked certain facts of substance and value which, if considered, may affect the result of the case.[32] We find no cogent reason to overrule the trial court in this case.

No License

Appellant denies that she engaged in acts of recruitment and placement without first complying with the guidelines issued by the Department of Labor and Employment. She contends that she did not possess any license for recruitment, because she never engaged in such activity.

We are not persuaded. In weighing contradictory declarations and statements, greater weight must be given to the positive testimonies of the prosecution witnesses than to the denial of the defendant.[33] Article 38(a) clearly shows that illegal recruitment is an offense that is essentially committed by a non-licensee or non-holder of authority. A non-licensee means any person, corporation or entity to which the labor secretary has not issued a valid license or authority to engage in recruitment and placement; or whose license or authority has been suspended, revoked or cancelled by the POEA or the labor secretary.[34] A license authorizes a person or an entity to operate a private employment agency, while authority is given to those engaged in recruitment and placement activities.[35]

Likewise constituting illegal recruitment and placement activities are agents or representatives whose appointments by a licensee or holder of authority have not been previously authorized by the POEA.[36]

That appellant in this case had been neither licensed nor authorized to recruit workers for overseas employment was certified by Veneranda C. Guerrero, officer-in-charge of the Licensing and Regulation Office; and Ma. Salome S. Mendoza, manager of the Licensing Branch -- both of the Philippine Overseas Employment Administration.[37] Yet, as complainants convincingly proved, she recruited them for jobs in Taiwan.

Absence of Receipts

Appellant contends that the RTC erred when it did not appreciate in her favor the failure of Complainants Serna and Antonio Damian to present, as proofs that she had illegally recruited them, receipts that she had allegedly issued to them.

We disagree. The Court has already ruled that the absence of receipts in a case for illegal recruitment is not fatal, as long as the prosecution is able to establish through credible testimonial evidence that accused-appellant has engaged in illegal recruitment.[38] Such case is made, not by the issuance or the signing of receipts for placement fees, but by engagement in recruitment activities without the necessary license or authority.[39]

In *People v. Pabalan*,^[40] the Court held that the absence of receipts for some of the amounts delivered to the accused did not mean that the appellant did not accept or receive such payments. Neither in the Statute of Frauds nor in the rules of evidence is the presentation of receipts required in order to prove the existence of a recruitment agreement and the procurement of fees in illegal recruitment cases. Such proof may come from the testimonies of witnesses.^[41]

Besides, the receipts issued by petitioner to Arnel Damian and Roberto Alejandro already suffice to prove her guilt.^[42]

Illegal Recruitment in Large Scale

Since only two complainants were able to show receipts issued by appellant, petitioner claims that the prosecution failed to prove illegal recruitment in large scale.

We disagree. The finding of illegal recruitment in large scale is justified wherever the elements previously mentioned concur with this additional element: the offender commits the crime against three (3) or more persons, individually or as a group.^[43] Appellant recruited at least three persons. All the witnesses for the prosecution categorically testified that it was she who had promised them that she could arrange for and facilitate their employment in Taiwan as factory workers.

As for the defense that appellant had only referred complainants to Director Wong, her public apology and retraction^[44] belied her denials. After examining the transcripts, we concur with the RTC that her averment that she was being prosecuted for her refusal to give grease money to Major Umbao in exchange for her freedom does not disprove the fact that she was caught in flagrante delicto in an entrapment operation.

We find appellant's conviction for the crime charged sufficiently supported by evidence; therefore, it should be sustained.

WHEREFORE, the appeal is DENIED and the assailed Decision AFFIRMED. Costs against appellant.

SO ORDERED.

Puno, (Chairman), and Carpio, JJ., concur.
Sandoval-Gutierrez, J., on leave.

[1] Penned by Judge Apolinario D. Bruselas Jr.

[2] Rollo, p. 46.

[3] *Id.*, pp. 19-20.

[4] *Ibid.*

[5] Records, Vol. I, p. 65. The trial court, in its September 6, 1994 Order, denied the Urgent Motion to Defer Arraignment of petitioner's counsel de parte, Atty. Carlomagno R. Uminga; *id.*, pp. 63-64.

[6] Appellee's Brief, pp. 3-9; rollo, pp. 95-101. This Brief was signed by Asst. Sol. Gen. Carlos N. Ortega, Asst. Sol. Gen. Maria Aurora P. Cortes and Associate Solicitor Arturo C. Medina.

[7] Signed by Attys. Arceli A. Rubin, Ramon E.A. Gatchalian and Pastor A.P. Morales of the Public Attorney's Office.

[8] Appellant's Brief, pp. 7-10; rollo, pp. 62-65.

[9] This case was deemed submitted for decision on October 30, 2001, upon this Court's receipt of appellant's Reply Brief, signed by Attys. Amelia C. Garchitorena, Elpidio C. Bacuyag and Pastor A.P. Morales of the Public Attorney's Office.

[10] Appellant's Brief, p. 1; rollo, p. 56. Original in upper case.

- [11] *People v. Diaz*, 259 SCRA 441, 450, July 26, 1996; *People v. Señorón*, 267 SCRA 278, 284, January 30, 1997; *People v. Gabres*, 267 SCRA 581, 594, February 6, 1997.
- [12] *People v. Diaz*, *supra*, p. 456.
- [13] TSN, October 26, 1994, p. 4.
- [14] TSN, November 9, 1994, p. 4.
- [15] TSN, December 12, 1994, pp. 3-4.
- [16] TSN, February 20, 1995, p. 4.
- [17] TSN, September 4, 1995, pp. 4-6.
- [18] *Id.*, pp. 12-14.
- [19] 231 SCRA 1, 6, March 10, 1994.
- [20] *People v. Tan Tiong Meng*, 271 SCRA 125, 134, April 10, 1997.
- [21] TSN, October 26, 1994, p. 5.
- [22] *Id.*, p. 8.
- [23] TSN, November 9, 1994, pp. 8-9.
- [24] *Id.*, p. 12.
- [25] *Id.*, p. 13.
- [26] *Id.*, p. 14.
- [27] TSN, December 12, 1994, p. 4.
- [28] *Id.*, p. 6.
- [29] TSN, February 20, 1995, pp. 6-7.
- [30] TSN, March 6, 1995, p. 9.
- [31] TSN, September 4, 1995, p. 16.
- [32] *People v. Pabalan*, 262 SCRA 574, 587, September 30, 1996; *People v. Buemio*, 265 SCRA 582, 595, December 16, 1996.
- [33] *Id.*, p. 588; *People v. Diaz*, *supra*, p. 454.
- [34] *People v. Diaz*, *supra*, p. 451.
- [35] *People v. Benemerito*, 264 SCRA 677, 691-692, November 21, 1996.
- [36] §1, 2nd par., Rule X, Bk. II, POEA Rules and Regulations Governing Overseas Employment of 1991.
- [37] Exhs. “B” and “N,” records, Vol. II, pp. 351 & 364.
- [38] *People v. Ong*, 322 SCRA 38, 54, January 18, 2000; *People v. Saley*, 291 SCRA 715, July 2, 1998.
- [39] *People v. Señorón*, *supra*, p. 284.
- [40] *Supra*, p. 585.
- [41] *Ibid.*
- [42] Exhs. “A” and “H,” records, Vol. II, pp. 350 & 357.
- [43] *Id.*; *People v. Diaz*, *supra*, p. 452; *People v. Benemerito*, *supra*, p. 692; *People v. Buemio*, *supra*, p. 597.
- [44] Exhs. “S” and “T,” records, Vol. II, pp. 542 & 543-544.

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