

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROSARIO “ROSE” OCHOA, APPELLANT.

G.R. No. 159252. March 11, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

On June 10, 1998, an Information was filed with the Regional Trial Court (RTC) of Quezon City, Branch 104, convicting appellant Rosario “Rose” Ochoa of illegal recruitment in large scale. The case was docketed as Criminal Case Nos. 98-77300 to 98-77303. The inculpatory averments of the Information read:

That on or about the period covering the months of February 1997 up to April 1998 or immediately before or subsequent thereto in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above name[d] accused did then and there willfully, unlawfully and feloniously recruit Robert Gubat, Junior Agustin, Cesar Aquino, Richard Luciano, Fernando Rivera, Mariano R. Misleng, Helen B. Palogo, Jeobert Decolongon, Corazon S. Austria, Cristopher A. Bermejo, Letecia D. Londonio, Alma Borromeo, Francisco Pascual, Raymundo A. Bermejo and Rosemarie A. Bermejo, for a consideration ranging from P2,000.00 to P32,000.00 or a total amount of P124,000.00 as placement fee which the complainants paid to herein accused without the accused having secured the necessary license from the Department of Labor and Employment.

CONTRARY TO LAW.[1]

Based on the transaction subject of the Information in Criminal Case No. 98-77300, three Informations for estafa were filed in the said court against the same appellant. The first case for estafa was docketed as Criminal Case No. 98-77301. The accusatory portion of the Information reads:

That on or about March 3, 1998 in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above name[d] accused did then and there willfully, unlawfully and feloniously recruit and promise employment in Taiwan to one ROBERT GUBAT for a consideration of P18,800.00 as placement fee, knowing that she has no power, capacity or lawful authority whatsoever and with no intention to fulfill her said promise, but merely as pretext, scheme or excuse to get and exact money from said complainant, as she did in fact collect and received the amount of P18,800.00 from said Robert Gubat, to his damage and prejudice.

CONTRARY TO LAW.[2]

The two other Informations for estafa, docketed as Criminal Case Nos. 98-77302 and 98-77303, were similarly worded as the Informations in Criminal Case No. 98-77301, except as to the name of the private complainant and the amount allegedly collected by the appellant.

As prayed for by the State Prosecutor, the three cases for estafa were consolidated with Criminal Case No. 98-77300 before the RTC of Quezon City, Branch 104. After joint trial of the cases, the trial court rendered judgment convicting the appellant of the charges. The fallo of the decision reads:

WHEREFORE, judgment is hereby rendered as follows:

(1) In Criminal Case No. 98-77300, the Court finds the accused, ROSARIO “ROSE” OCHOA, guilty beyond reasonable doubt as principal of ILLEGAL RECRUITMENT IN LARGE SCALE, defined and penalized in Section 6 in relation to Section 7(b) of Republic Act No. 8042, and sentences her to life imprisonment and a fine of One Million Pesos.

(2) In Criminal Case No. 98-77301, the Court finds the accused, ROSARIO “ROSE” OCHOA, guilty beyond reasonable doubt as principal of the crime of ESTAFA, defined and penalized in Article 315, paragraph 2(a) of the Revised Penal Code, and sentences her to an indeterminate penalty of two (2) years, eleven (11) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and twenty (20) days of prision mayor, as maximum, and to indemnify complainant Robert Gubat in the amount of Eighteen Thousand Eight Hundred (P18,800.00) Pesos.

(3) In Criminal Case No. 98-77302, the Court finds the accused, ROSARIO “ROSE” OCHOA, guilty beyond reasonable doubt as principal of the crime of estafa defined and penalized in Article 315, paragraph 2(a) of the Revised Penal Code, and sentences her to an indeterminate penalty of two (2) years, eleven (11) months and eleven (11) days of prision correccional, as minimum to six (6) years, eight (8) months and twenty (20) days of prision mayor, as maximum, and to indemnify complainant Cesar Aquino in the amount of Seventeen Thousand (P17,000.00) Pesos.

(4) In Criminal Case No. 98-77303, the Court finds the accused, ROSARIO “ROSE” OCHOA guilty beyond reasonable doubt as principal of the crime of estafa defined and penalized in Article 315, paragraph 2(a) of the Revised Penal Code, and sentences her to an indeterminate penalty of two (2) years, eleven (11) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and twenty-one (21) days of prision mayor, as maximum, and to indemnify complainant Junior Agustin in the amount of Twenty Eight Thousand (P28,000.00) Pesos.

SO ORDERED.[3]

Although the penalty imposed by the trial court on the appellant in Criminal Case No. 98-77300 was life imprisonment, the latter filed a Notice of Appeal, stating therein that she was appealing the decision to the Court of Appeals (CA). The CA accepted the appeal. The appellant alleged the following in her brief:

The lower court erred:

- In admitting Exhibit “A” – the POEA Certification – when it was already excluded during the bail hearings;
- In shifting the burden on the accused to prove that there was no illegal recruitment;
- In finding there was estafa;
- By not limiting liability of the accused to civil liability only.[4]

The People of the Philippines, through the Office of the Solicitor General (OSG), prayed that the decision of the trial court be affirmed.

On June 17, 2002, the Special Fourteenth Division of the CA rendered judgment affirming the appealed decision of the RTC.[5] The appellant filed a motion for the reconsideration thereof. Opposing the said motion, the People alleged that the same was bereft of merit, and that the decision of the appellate court should be maintained.

In its Resolution dated August 6, 2003, the CA nullified its decision. According to the CA, considering that the appellant had been sentenced to life imprisonment in Criminal Case No. 98-77300, it had no jurisdiction over the appeal under Article VIII, Section 5(2)(d) of the Constitution, and Section 3, Rule 122 of the Revised Rules of Civil Procedure. However, instead of dismissing the appeal as mandated by Supreme Court Circular No. 2-90, the CA ordered the transfer of the case to this Court, citing its ruling in *Limpangog v. Court of Appeals*. [6]

The Court resolves to return the case to the CA for a decision of the appeal on its merits.

After the instant case was transferred by the CA, this Court promulgated *People of the Philippines v. Efren Mateo*,^[7] where it was held that appeals from decisions of the RTC, wherein the accused is sentenced to suffer life imprisonment or reclusion perpetua, should be made to the CA. Moreover, in *Administrative Matter No. 00-5-03-SC*, the Court resolved to revise Rule 122, Section 3(c) of the Revised Rules of Criminal Procedure, to read as follows:

Sec. 3. How appeal taken. - (a) The appeal to the Regional Trial Court, or to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction, shall be by notice of appeal filed with the court which rendered the judgment or final order appealed from and by serving a copy thereof upon the adverse party.

...

(c) The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua or life imprisonment or where a lesser penalty is imposed for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by notice of appeal to the Court of Appeals in accordance with paragraph (a) of this Rule.

This Resolution took effect on October 15, 2004.

IN LIGHT OF THE FOREGOING, the Court ORDERS the transfer of the records of this case to the Court of Appeals for a decision of the appeal on its merits. The appellate court is DIRECTED to raffle the instant case to any of its regular divisions.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Records, p. 1.

[2] Id. at 3.

[3] Id. at 226-227.

[4] Rollo, pp. 71-72.

[5] Penned by Associate Justice Romeo A. Brawner (now Presiding Justice of the Court of Appeals) with Associate Justices Jose L. Sabio, Jr. and Marino L. Guariña, Jr., concurring.

[6] 319 SCRA 341 (1999).

[7] G.R. No. 147678-87, July 7, 2004.

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