

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AIDA HONRADA, ACCUSED-APPELLANT.

G.R. Nos. 112178-79. April 21, 1995

Ponente: PUNO, J.

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PUNO, J.:

Accused-appellant AIDA HONRADA appeals from the judgment of the Regional Trial Court, Fourth Judicial Region, Branch 17, Cavite City, convicting her of illegal recruitment in large scale and four (4) counts of estafa.

The Information for illegal recruitment in large scale^[1] reads:

"That in (sic) or about and during the month(s) of January 1991 up to April 1991, prior and/or subsequent thereto, at Barangay Tejero Convention, Municipality of Rosario, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and by means of misrepresentation and false manifestation, by pretending herself (sic) that she has influence and power to recruit, contract and secure employment abroad to (sic) the following persons, herein stated to wit:

1. Susan Ramirez

P 8,650.00

2. Baby Ruth Pagkaliwangan

7,500.00

3. Rowena Leuterio

7,500.00

4. Angelize Porterta

8,500.00

5. Noralyn Paras

4,500.00

6. Felicidad Barreyro

6,500.00

7. Ciellane Gregorio

8,650.00

8. Romell Garcia

13,120.00

9. Rustico Narvaez

9,350.00

10. Frederico Dinco

9,350.00

11. Edwin Lallana

12,120.00

12. Enrico Sugatan

14,120.00

13. Celso Cesa

13,620.00

14. Ruel Ditan

9,350.00

as factory workers in Japan, accused herein, did then and there, wilfully, unlawfully and feloniously, for a fee of ONE HUNDRED THIRTY TWO THOUSAND EIGHT HUNDRED THIRTY (P132,830.00) PESOS, Philippine Currency, recruit and promise to secure employment abroad to the above-named persons, without first obtaining the required license and/or authority from the Department of Labor and Employment, thereby resulting to the damage and prejudice of the herein complainants/victims in the total amount of P132,830.00.

"CONTRARY TO LAW."

Upon the other hand, the four (4) separate Informations for estafa[2] were filed against appellant by individual private complainants, namely: Edwin Lallana, Celso T. Cesa, Enrico M. Sugatan and Rommel M. Garcia. Except with respect to the name, date and amount involved in each case, the Informations were similarly worded, representative of which is Criminal Case No. 131-91, which reads:

"That on or about January 23, 1991 to April 8, 1991, prior and/or subsequent thereto at Barangay Tejeros Convention, Municipality of Rosario, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to defraud and by means of deceit, with false manifestation and misrepresentation, by pretending herself (sic) that she has power and influence to recruit workers abroad (Japan), received and obtained from one ROMMEL R. GARCIA the amount of THIRTEEN THOUSAND ONE HUNDRED TWENTY (P13,120.00) PESOS, Philippine Currency, with an understanding and obligation that said ROMMEL GARCIA would be given an employment abroad as factory worker, but said accused, once in her possession the aforementioned sum of P13,120.00, far from complying with her obligation, did then and there, wilfully, unlawfully and feloniously, misapply, misappropriate and convert the aforesaid amount to her own use and benefit and despite demands made for the return of said amount of P13,120.00, accused herein failed and refused to do so, thereby resulting to non-employment of said ROMMEL GARCIA and to his damage and prejudice.

"Contrary to law."

The five (5) cases were tried jointly.

The prosecution presented only five (5) of the fourteen (14) private complainants, namely: Angelize Porterta,

Ciellane Gregorio, Rommel Garcia, Rustico Narvaez and Edwin Lallana. Each testified as follows:

ANGELIZE PORTERTA testified that she came to know appellant through her friend Ciellane Gregorio, also one of the complainants in this case. Gregorio learned that appellant was recruiting factory workers for Japan. Porterta asked Gregorio to accompany her to appellant's residence in Tejeros Convention, Rosario, Cavite. They went to appellant's house on the last week of December 1990.[3]

During their meeting, appellant confirmed that she recruit workers for Japan. She represented to Porterta that she was a coordinator of the Low Income Filipino Entrepreneurs (LIFE) Foundation which sends workers for employment in Japan. Appellant explained that as a coordinator, she facilitates the processing of the applicants' papers at the Philippine Overseas Employment Association (POEA) and the Japanese Embassy.[4]

Appellant further informed Porterta that there were job openings for factory workers at Nissan Company in Japan, with a salary of \$700.00 per month. The contract would be for a term of two (2) years. However, appellant told her that if she wanted to apply, she must submit the necessary papers, such as passport, biodata, NBI clearance and physical examination results. She was also informed that she has to shell out P8,000.00. Five hundred pesos (P500.00) would cover her membership fee in the LIFE Foundation, P5,000.00 will be paid to the POEA, and the rest would be for the documentation of her papers.[5]

Porterta expressed interest in appellant's proposal. She asked her friend, Ciellane Gregorio, to submit her papers to appellant for processing. On the last week of January 1991, she received word from appellant that payment of the P8,000.00 should be made on February 5, 1991. On said date, Porterta, accompanied by her friends, Ciellane Gregorio and Susan Ramirez, gave appellant the P8,000.00 at the latter's house in Cavite. As proof of said payment, appellant issued to her a receipt.[6]

On the same date, appellant handed to her another receipt, dated January 1, 1991,[7] signed by one Lucita Baluran, as proof of her payment of the P500.00 membership fee with the Life Foundation.[8] When she noticed that the receipt was signed by Baluran, she inquired from appellant about the latter's identity. Appellant informed her that Baluran was one of the officers of the Foundation.

After paying the required fees, appellant promised she could leave for Japan on February 15, 1991. However, nothing came out of said promise. She went back to appellant's office and was told that the delay in her departure was due to the failure of the POEA to release her papers. Again, appellant promised her that she would be able to leave for Japan on the last week of February or on the first week of March 1991. Still, the promise was not realized. She demanded from appellant the return of her money and papers. Appellant gave back her biodata, passport, NBI clearance and the results of her physical examination. However, she did not refund her money. Appellant told her that the money was used in processing her papers. She was not swayed by appellant's explanation. She alleged that appellant made no effort at all to process her papers for she was able to immediately get them all back when she demanded for their return. Insofar as her passport was concerned, she already had one even before she applied for employment with appellant.[9]

To secure a refund, Porterta kept going back to the office of the Life Foundation in Tejeros, Cavite, where appellant was reporting for work. When her efforts failed, she filed a complaint with the National Bureau of Investigation (NBI).[10]

For her part, prosecution witness CIELLANE GREGORIO testified that her friend Rowena Leuterio, also one of the complainants in this case, introduced her to appellant. Leuterio, in turn, learned from her neighbor, Mrs. Palompo, that appellant was engaged in recruiting workers for employment abroad.[11]

Accompanied by Rowena Leuterio, Susan Ramirez, Baby Ruth Pagkaliwangan and Leonora Posadas, Ciellane

Gregorio went to appellant's residence. She personally sought appellant's confirmation regarding the latter's capacity to send workers for overseas employment. Claiming to be a coordinator of the LIFE Foundation, appellant represented to Gregorio that she could send them for work to Japan.[12]

As in the case of Angelize Porterta, appellant informed them that she was recruiting factory workers for Nissan Motors Company in Japan. They were promised a two-year contract with a salary of \$700.00 per month. They were also required to submit a passport, NBI clearance, biodata, pictures and to submit themselves to a physical examination.[13]

Gregorio inquired from appellant where exactly in Japan they were supposed to work. Appellant was ambivalent. She told them there were several Nissan companies in Japan and she was not sure of the exact address of their employer. Appellant assured them she would personally attend to the processing of their papers. She further guaranteed their money back should they change their mind.[14]

Prior to her application with appellant, Ciellane Gregorio has been a technical trainee in Japan. During her testimony, she disclosed that she did not find any reason to doubt appellant's representations because she demanded compliance with the same requirements her previous Japanese employer asked from her.

Appellant asked them to pay P8,000.00 to cover the expenses of their medical examination and for the processing and documentation of their papers. She initially paid the sum of P3,500.00 on January 16, 1991 and a receipt (Exhibit "C"), signed by appellant, was issued to her. For the P500.00 membership fee, appellant handed to her an undated receipt signed by Baluran. Appellant explained that Baluran was also a member of the Foundation.

On January 17, 1991, Gregorio paid an additional P150.00 for her medical examination. However, appellant, who was then in a hurry to leave, did not give her a receipt. Thereafter, Gregorio, together with the other applicants,[15] were accompanied by appellant to a medical clinic in Ermita, Manila, for their physical examination.[16]

On February 5, 1991, Gregorio made a final payment to appellant in the amount of P5,000.00 at the latter's residence.[17]

Initially, appellant promised them that they would be able to leave for Japan either on the last week of January or the first week of February 1991. However, appellant's promise did not materialize. Finally, appellant assured them that they would definitely be able to leave on the last week of February, at the latest. Again, they failed to leave on the day promised.[18] Gregorio kept visiting appellant at the latter's office in Cavite to follow-up her application. During her visits, Gregorio disclosed that appellant's place of work was the office of the LIFE Foundation in Cavite where a billboard hangs, indicating thereon that appellant was the coordinator of the Foundation.

Exasperated at appellant's repeated failure to keep her promise, they demanded that appellant return their money. Appellant, however, told them that their monies were spent for the documentation expenses of other applicants. They were asked to wait until these other applicants have paid in full. They decided to abandon their application and to get back their papers. Appellant was able to return only her passport. Gregorio thus filed a complaint with the NBI.[19]

The third prosecution witness, ROMMEL GARCIA, came to know appellant through his friend Cris Pascua. Pascua informed him that appellant was recruiting workers for Japan. He, together with Edwin Lallana, also a complainant in this case, asked Pascua to accompany them to appellant's residence.

When they met appellant at her house in Cavite, they sought confirmation from her if she was recruiting workers

for Japan. Appellant confirmed. She told them that there were positions open for technical trainee-mechanic at the Nissan Company in Japan. They then inquired about the requirements. She directed them to submit their biodata and pictures and pay P10,000.00.[20]

Garcia complied and made a total payment of P12,500 for the processing of his passport and documentation of his papers. All these amounts were paid to appellant at her house in Cavite. Except for the P1,620.00 he paid for travel tax, all his payments were evidenced by corresponding receipts issued by appellant.[21] On the third week of January 1991, he submitted himself to a physical examination at a clinic in Ermita, Manila.

Initially, appellant promised that he would be able to leave by February 15, 1991. The promise, however, did not materialize. Appellant claimed that there was a "problem" with his papers at the POEA. For more than two (2) months after his last payment, he followed-up his application with appellant at the latter's house and office. Weeks passed but Garcia still failed to leave for Japan. He never did.[22]

The fourth witness, RUSTICO NARVAEZ, testified that appellant was introduced to them by Tasya Palompo, a friend of appellant. Palompo told them that appellant was recruiting factory workers for Japan.

On January 8, 1991, Narvaez, together with his cousins Rowell Ditan and Federico Dinco, went to appellant's house, accompanied by Palompo. Appellant told them that she was recruiting workers for Japan.

Appellant also informed them that Nissan Motors in Japan was in need of factory workers. The monthly salary for said position was \$800.00, exclusive of food allowance. However, appellant required them to become members of the Foundation by paying the P500.00 membership fee. They were also asked to undergo a physical examination and submit their NBI clearance, passport, diploma and picture. Appellant also suggested that, to minimize their expenses, they should obtain their own passport and submit it to her.[23]

On January 21, 1991, he gave to appellant the money for the membership and physical examination fees. On the same date, appellant accompanied them to a clinic in Ermita where they underwent medical examination. For the payments he made, appellant issued to him a receipt,[24] dated March 6, 1991, for P8,850.00.

Appellant promised that they would be able to leave for Japan on March 30, 1991. On said date, however, they were informed by appellant that the coming elections in Japan affected their departure. Appellant thus committed that they would be able to leave on April 15, 1991. Again, nothing came out of said promise. They tried to get in touch with appellant but she was nowhere to be found. Neither were they able to get a refund of their payments.[25]

Narvaez's two (2) cousins, Ruel Ditan and Federico Dinco, also applied for work in Japan. Narvaez testified that he saw his cousins pay appellant for the processing of their papers. His cousins paid on the same dates he did and for the same amounts.[26]

EDWIN LALLANA came to know appellant through his friend Cris Pascua who asked him whether he wanted to apply for an overseas job with appellant. Wanting to work abroad, he went to appellant's house, together with Pascua's wife and his friend Rommel Garcia.[27]

Appellant informed them about the requirements for employment abroad. Representing that she was a coordinator of the LIFE Foundation, appellant directed them to prepare P4,500.00 for the processing of their papers. She promised them jobs as technical trainee at Nissan Motors, Japan, with allowance and free board and lodging. As with the other applicants, appellant required that they be members of the LIFE Foundation before their applications could be entertained.[28]

Lallana paid the total amount of P12,500.00 to appellant for the processing of his papers.[29] Despite his payment

of the fees, appellant failed to fulfill her promise of employment abroad. Hence, he filed a complaint with the NBI.[30]

SOCORRO LANDAS, senior overseas employment officer of the POEA, identified the Certification issued by their agency, attesting that neither appellant nor the LIFE foundation was licensed to recruit workers for employment.[31]

Upon the other hand, appellant totally disclaimed liability. She denied recruiting or promising private complainants employment in Japan. She claimed that she herself was an applicant with the LIFE Foundation for an overseas job and that private complainants were her co-applicants. Allegedly, Mrs. Lucita P. Baluran, the manager of the Foundation, convinced her to become a member. She was told that the Foundation could lend her money and help her start a small business. Baluran also promised that her money would be returned if she could not get a job abroad.[32]

Appellant further testified that her sister, brother and two cousins also applied with the Foundation. She herself was asked to pay the P500.00 membership fee. She paid a total of P7,500.00. Her brother also paid the same amount.[33] Significantly, no receipt was presented by appellant to prove her alleged payment.[34]

Appellant admitted that the complainants gave her some money to answer for the service fee.[35] She admitted that she received the payments made by complainants but claimed that she turned them over to Noralyn Paras, who in turn remitted the money to Mrs. Baluran. Appellant further testified that Mrs. Baluran was serving a sentence of life imprisonment at the Correctional after having been convicted of illegal recruitment.[36] Appellant charged that Mrs. Baluran was the one engaged in illegal recruitment and that private complainants filed the cases against her when they failed to get a refund from Mrs. Baluran.[37]

On cross-examination, appellant insisted that she was asked by Mrs. Baluran to coordinate with the other applicants in her province and to receive the payments to be made by complainants. As a coordinator, appellant claimed that she did not receive any remuneration or allowance. She remitted the money she received from the other applicants to Mrs. Basilia Manzano and Mrs. Baluran. She recalled that it was in December 1990 when she applied with the Foundation as factory worker.[38] She was then with her sister, brother and two cousins who also applied for the same position.[39] Appellant also declared that Noralyn Paras was with her when she remitted the money to Mrs. Baluran.[40]

During her re-direct examination, appellant stood pat on her claim that she remitted the money she received from complainants to Mrs. Manzano and Mrs. Baluran. She presented two (2) receipts[41] signed by the two. She also presented her certificate of membership (Exhibit "9") at the Foundation, signed by Mrs. Baluran.[42]

Appellant thereafter sought to present Mrs. Lucita Baluran as her witness. The court asked the defense about the nature of Baluran's testimony. The defense declared that its purpose was to prove that appellant remitted the money and payments made by complainants to Baluran. To dispense with her presence,[43] the prosecution agreed to stipulate on her testimony.

After trial on the merits, Presiding Judge Rolando D. Diaz rendered a decision,[44] dated June 18, 1993, finding accused-appellant guilty of the crimes charged. The dispositive portion reads:

WHEREFORE, in view of the foregoing, the Court finds the accused Aida Honrada guilty beyond reasonable doubt of Illegal Recruitment on a (sic) Large Scale as defined in Sec. 38 of the Labor Code, as amended by Presidential Decree Nos. 1920 and 2018 in Crim. Case No. 117-91 and she is ordered to suffer life imprisonment, to pay a fine of P100,000.00, to indemnify the offended parties in the following amounts:

1. Susan Ramirez

.....

P 8,650.00

2. Baby Ruth Pagkaliwangan

.....

7,500.00

3. Rowena Leuterio

.....

7,500.00

4. Angelize Porterta

.....

8,500.00

5. Noralyn Paras

.....

4,500.00

6. Felicidad Barreyro

.....

6,500.00

7. Ciellane Gregorio

.....

8,650.00

8. Rustico Narvaez

.....

9,350.00

9. Frederico Dinco

.....

9,350.00

10. Edwin Lallana

.....

12,120.00

11. Enrico Sugatan

.....

14,120.00

12. Celso Cesa

.....

13,620.00

13. Ruel Ditan

.....

9,350.00

In Crim. Case No. 131-91, she is found guilty of the offense of Estafa as defined and penalized under Art. 315, paragraph 1 and she is hereby sentenced to an indeterminate term of Six (6) months of arresto mayor, as minimum to Four (4) years, two (2) months and one (1) day of prision correccional as maximum, to indemnify the offended party Rommel Garcia in the amount of P13,120.00, without subsidiary imprisonment in case of insolvency. Costs in both instances. In Crim. Cases Nos. 128-91, 129-91 and 130-91, accused is hereby ACQUITTED, with costs de oficio.

"SO ORDERED."

Hence this appeal. Appellant avers that the trial court erred:

"I

IN FINDING "THAT ALL THE COMPLAINANTS HEREIN WERE ENTICED WITH THE PROMISE OF A JOB IN THE NISSAN MOTORS FACTORY IN JAPAN TO SEEK THE HELP OF HEREIN ACCUSED AND TO GIVE HER THE MANDATE."

II

WHEN IT CONCLUDED THAT THE "FACT REMAINS THAT SHE (THE ACCUSED) IS THE COORDINATOR OF LIFE FOUNDATION, THAT SHE ENTICED THE POOR COMPLAINANTS TO PART WITH THEIR HARD-EARNED MONEY FOR THE PROMISE OF A BETTER LIFE AND JOB IN JAPAN."

III

IN ADOPTING FOR JUDGMENT OF CONVICTION THE POEA CERTIFICATION "THAT NEITHER THE LIFE FOUNDATION NOR THE ACCUSED ARE (SIC) REGISTERED RECRUITERS AND THEREFORE ALL THEIR (SIC) ACTUATIONS IN THE INSTANT CASE ARE ALL FRAUDULENT."

IV

FOR WRONGLY AND INCORRECTLY APPLYING AGAINST THE ACCUSED AIDA HONRADA ITS FINDINGS OF ILLEGAL RECRUITMENT AND PLACEMENT, ALTHOUGH SHE WAS BUT A SIMPLE MEMBER OF LIFE FOUNDATION, INC., THE DULY-REGISTERED "FOUNDATION" ALLEGEDLY RESPONSIBLE FOR ENTICING COMPLAINANTS TO BE MEMBERS THEREOF FOR POSSIBLE EMPLOYMENT ABROAD.

V

IN FAILING TO APPRECIATE THAT THE SUMS OF MONEY WHICH COMPLAINANTS ALLEGEDLY GAVE TO ACCUSED AIDA HONRADA WERE ALL TURNED OVER TO AND

RECEIVED BY LUCITA BALURAN, CHAIRPERSON OF LIFE FOUNDATION.

VI

IN FINDING THE "ACCUSED AIDA HONRADA GUILTY BEYOND REASONABLE DOUBT OF ILLEGAL RECRUITMENT ON A LARGE SCALE AS DEFINED IN SEC. 38 OF THE LABOR CODE, WHICH FINDING IS NOT SUPPORTED BY EVIDENCE.

VII

IN FINDING THE ACCUSED HONRADA GUILTY OF THE OFFENSE OF ESTAFA UNDER ART. 315, PARAGRAPH 1, OF THE REVISED PENAL CODE."

We affirm the conviction, with modifications.

"Recruitment and placement" is defined under Article 13 (b) of the Labor Code as "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." Recruitment is deemed illegal when carried out by a person or entity not licensed to engage in such activity. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons, individually or as a group.[45]

In this appeal, appellant basically reiterates her defense that she was merely a coordinator of the LIFE Foundation and that it was Mrs. Lucita Baluran who was responsible for the recruitment of herein complainants. Further, she stresses that she herself was an applicant for a job in Japan.

Her defense is unmeritorious. The prosecution demonstrated with proof beyond reasonable doubt the systematic scheme developed and adopted by appellant to lure her victims to apply for a sham overseas job. The testimonial and documentary evidence showed that appellant advertised in her province her capacity to send workers for overseas employment. Appellant reported for work at her office in Rosario, Cavite where a billboard hangs promoting the name of the Foundation and announcing her position therein as coordinator.[46] Private complainants, all residents of Cavite, transacted only with appellant in relation to their application for work in Japan. It was appellant who gave them the details of the job opportunities in Japan. She was the one who decided on the work each of the complainants would be assigned to perform there. She informed complainants about the nature of the job, their salary and the other terms of their contract. Appellant even accompanied some of the complainants to a clinic in Ermita for their physical examination. Appellant provided all the particulars relative to their possible employment and informed them about the required fees. All the foregoing acts of appellant constitute recruitment as defined under Article 13(b) of the Labor Code. She held herself out as capable of sending them abroad for overseas employment. None of the complainants ever met Mrs. Baluran or Mrs. Manzano whom appellant points as the persons responsible for recruiting complainants. All throughout the recruitment period, complainants transacted only with appellant. Their recruitment would not have been consummated were it not for the direct participation and assistance of appellant in the recruitment process.

Appellant's defense is unworthy of credence. She maintains that she herself was merely an applicant at the Foundation and that her sister, brother and two cousins joined her in applying for a job abroad. Noticeably, however, none of these people came forward to corroborate her testimony.

Appellant also claims that she herself was an applicant for an overseas job with the Foundation and that she paid a total of P7,500.00 for the processing of her papers.[47] However, throughout the whole trial, no mention was made that she exerted any effort to seek a refund of her money. Nor was it alleged that she filed a complaint for

illegal recruitment and/or estafa against the alleged recruiter Mrs. Baluran. Her omissions and inactions do not bespeak of someone who had been duped into believing that a job awaits her abroad, paying the necessary fees therefore. Indeed, the evidence shows that appellant was a co-conspirator and active participant in the deceitful scheme adopted by Baluran and company to lure innocent applicants for a fictitious overseas job.

Appellant maintains that the trial court failed to appreciate in her favor the fact that she turned over to Mrs. Lucita P. Baluran and Mrs. Basilia Manzano the money she received from complainants. She alleged too that she did not receive any remuneration or compensation for the services she rendered. However, the fact alone that she did not keep the money in her possession is of no moment. The evidence disclose that she actively and directly participated in the recruitment of complainants and that, for her efforts, she was promised a service fee in the amount of P26,000.00.[48] Moreover, by her actions and declarations, appellant, beyond doubt, gave private complainants the impression that she was capable of providing them work abroad, which is basically the essence of the crime of illegal recruitment.[49]

Appellant, in her cross-examination, admitted that she told complainants she was the coordinator of the Foundation and has the capacity to send workers abroad. In the next breath, however, she declared that when her friend, Taciana Palompo, learned that she was applying for work abroad, Palompo asked her if some of her friends could join her in her application with the Foundation. Appellant recounted that she vehemently declined for she was afraid and instructed Palompo to just go directly to Baluran.[50] This portion of appellant's testimony shatters her pretensions. For while appellant maintained she was afraid (the reason not being readily apparent) she, nevertheless, accepted the position of coordinator of the Foundation and received the money paid by the other applicants.

Finally, appellant argues that of the fourteen (14) complainants in the illegal recruitment case, only five (5) testified. Nevertheless, the trial court found her guilty of illegally recruiting the other nine (9) complainants. Appellant urges that by holding her guilty of illegal recruitment and liable to indemnify the other nine (9) complainants, the trial court violated her constitutional right to confront the witnesses against her.

We do not agree. In the case of *People v. Feist*, [51] the Court held that "(t)here is no law making compulsory the presentation of a complainant as witness. Confrontation applies only to witnesses who actually testify in a trial against the accused." [52] Moreover, appellant overlooks that the charge against her is illegal recruitment in large scale. Under Article 39 (a) and (b) of the Labor Code, as amended, this crime can be proved if committed against three (3) or more persons, individually or as a group. The evidence shows that five (5) complainants testified how they were illegally recruited by appellant. Ciellane Gregorio categorically testified that she, together with her friends and co-complainants (viz: Rowena Leuterio, Susan Ramirez, Baby Ruth Pagkaliwangan and Leonora Posadas), personally went to appellant's residence and were induced by appellant to apply for overseas employment.[53] In other words, as per the testimony of Ciellane Gregorio, complainants Leuterio, Ramirez, Pagkaliwangan and Posadas were recruited by appellant under the same circumstances. Thus, any other testimony would only serve to corroborate the testimony already made by complaining witness Ciellane Gregorio.

Be that as it may, the evidence also shows that, of these four, only SUSAN RAMIREZ presented receipts[54] proving the payments she made to appellant (totaling P8,500.00) to facilitate the processing of her papers. As regards complainants BABY RUTH PAGKALIWANGAN, ROWENA LEUTERIO and NORALYN PARAS, there is no proof to show how much damage each sustained. No receipt was presented to prove their alleged payments to appellant.

We come to the case of private complainants RUEL DITAN and FREDERICO DINCO. Complaining witness Rustico Narvaez testified that his cousins Ditan and Dinco went with him to appellant's house and likewise

applied for possible work in Japan. Narvaez further declared that his cousins paid the same amounts he did and on the same dates. However, this declaration cannot be given any probative weight. There was no receipt presented proving the payments allegedly made by Ditan and Dinco. Hence, for insufficiency of evidence, appellant could not be held liable to indemnify Ditan and Dinco the amount of damage allegedly sustained by them.

We also take note of the case of complainant FELICIDAD BARREYRO. Although complaining witness Ciellane Gregorio testified that she saw Barreyro hand over the amount of P3,500.00 to appellant for the processing of her papers,[55] there was no testimony on record as to how precisely Barreyro was recruited by appellant. Hence, there could be no basis for finding appellant guilty of illegally recruiting complainant Barreyro.

The same observation holds with respect to the case of complainants ENRICO SUGATAN and CELSO CESA. There is insufficient evidence, both testimonial and documentary, as to the exact circumstances under which they were allegedly induced by appellant to apply for work in Japan and the amounts each paid for said purpose.

Finally, in the estafa case (Criminal Case No. 131-91), we rule that the evidence on record[56] supports only the payment by the offended Party ROMMEL GARCIA to appellant of the sum of twelve thousand five hundred pesos (P12,500.00).

In sum, appellant was proven to be guilty beyond reasonable doubt of the crimes of illegal recruitment in large scale and estafa. However, he could be held to indemnify only the following parties for the following amounts:

1. Angelize Porterta
P 8,000.00
2. Ciellane Gregorio
P 9,000.00
3. Rustico Narvaez
P 9,350.00
4. Edwin Lallana
P12,500.00
5. Susan Ramirez
P 8,500.00

IN VIEW WHEREOF, we affirm appellant's conviction of the crimes of illegal recruitment in large scale and estafa, subject to the following modifications as to the penalty:

1. In the illegal recruitment case, appellant shall be sentenced to suffer life imprisonment, to pay a fine of P100,000.00, and to indemnify the following parties in these amounts:

- a. Angelize Porterta
P 8,000.00
- b. Ciellane Gregorio
P 9,000.00
- c. Rustico Narvaez

P 9,350.00

d. Edwin Lallana

P12,500.00

e. Susan Ramirez

P 8,500.00

2. In the estafa case (Criminal Case No. 131-91), appellant is hereby sentenced to suffer the indeterminate sentence of six (6) months of arresto mayor as minimum, to four (4) years, two (2) months and one (1) day of prision correccional as maximum, and to indemnify the offended party, ROMMEL GARCIA, the sum of TWELVE THOUSAND FIVE HUNDRED (P12,500.00) PESOS, without subsidiary imprisonment in case of insolvency.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Mendoza, JJ., concur.

[1] Criminal Case No. 117-91; Rollo, p. 18.

[2] Criminal Case Nos. 128-91, 129-91, 130-91 and 131-91.

[3] TSN, September 24, 1991, pp. 4-5.

[4] Id., p. 6.

[5] id., pp. 7-9.

[6] Exhibit "A", Original Records, p. 234.

[7] Exhibit "B", Original Records, p. 235.

[8] This receipt was already filled up when it was handed to Porterta. Appellant erased the name "Leonora Posadas" originally appearing on said receipt and placed the named of Angelize Porterta instead. The changes were made by appellant on the receipt in the presence of Porterta and her two (2) companions, Susan Ramirez and Ciellane Gregorio; id, pp.15-16.

[9] id., pp. 9-19.

[10] id., p. 23.

[11] TSN, September 30, 1991, p. 10.

[12] id., p. 12.

[13] id., p. 13.

[14] TSN, October 21, 1991, pp. 13-15.

[15] Susan Ramirez, Rowena Leuterio, Noralyn Paras, Felicidad Barrero, Coralyn Barrero, among others.

[16] TSN, September 30, 1991, pp. 20-21.

[17] TSN, October 21, 1991, p. 10.

[18] TSN, September 30, 1991, pp. 14-22.

[19] *id.*, pp. 23-25.

[20] TSN, October 28, 1991, pp. 3-4.

[21] *Id.*, pp. 5-7; Exhibits "F"-"J", Original Records, p. 239.

[22] *id.*, pp. 8-11.

[23] *id.*, p. 4.

[24] Exhibit "M", Original Records, p. 241.

[25] *id.*, pp. 5-9.

[26] *id.*, pp. 14-15.

[27] TSN, March 17, 1992, p. 7.

[28] *id.*, pp. 8-11.

[29] Exhibits "P"-"S", Original Records, pp. 244-245.

[30] *id.*, pp. 12-25.

[31] TSN, May 25, 1992, pp. 2-4.

[32] TSN, January 25, 1993, pp. 3-6.

[33] *id.*, pp. 9-12; TSN, March 2, 1993, pp. 18-19.

[34] TSN, March 2, 1993, p. 10.

[35] TSN, January 25, 1993, pp. 11-12.

[36] *id.*, pp. 19-20.

[37] *id.*, pp. 13-14.

[38] *id.*, pp. 23-28.

[39] TSN, March 2, 1993, p. 19.

[40] *id.*, p. 27.

[41] Exhibits "3" and "4".

[42] TSN, March 16, 1993, pp. 8-12.

[43] Baluran was then serving a sentence of life imprisonment at the Correctional and being a maximum security prisoner, she was prohibited to leave her detention cell and testify outside the premises of the Correctional.

[44] Rollo, pp. 31-43.

[45] Article 39 (a) and (b).

[46] TSN, September 24, 1991, p. 22; TSN, September 30, 1991, p. 22; TSN, October 28, 1991, p. 8.

[47] No receipt was ever presented by appellant to prove her payment of this amount; see also TSN, March 2, 1993, p. 10.

[48] See Exhibit "U".

[49] *People v. Manungas, Jr.*, G.R. Nos. 91552-55, March 10, 1994, 231 SCRA 1.

[50] TSN, March 2, 1993, pp. 21-22.

[51] No. 12203-R, July 16, 1955, 51 O.G. 12, 6264.

[52] See also *Criminal Procedure*, Justice Ricardo C. Francisco, 1993 edition, at p. 289.

[53] TSN, September 30, 1991, pp. 10-25.

[54] See Exhibits "A" and "C" and the testimony of Ciellane Gregorio and Angelize Porterta.

[55] TSN, September 30, 1991, p. 17.

[56] Exhibits "F"-"J".

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