

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LINDA SAGAYDO, ACCUSED-APPELLANT.

G.R. Nos. 124671-75. September 29, 2000

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-124671-75/>

PARDO, J.:

The case is an appeal from the decision[1] of the Regional Trial Court, Baguio City, Branch 59 convicting accused Linda Sagaydo of illegal recruitment in large scale and of four (4) cases of estafa, and sentencing her as follows:

“WHEREFORE, premises considered, judgment is hereby rendered —

“(1) In Criminal Case No. 10838-R, finding the accused LINDA SAGAYDO GUILTY beyond reasonable doubt of violation of Article 38(b) of Presidential Decree No. 442, as amended by P.D. 1920 and further amended by P.D. 2018, and she is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of P100,000.00;

“(2) In Criminal Case No. 10839-R, finding the accused GUILTY of the crime of Estafa and she is hereby sentenced to suffer an indeterminate penalty of four (4) years of prision correccional as minimum to nine (9) years of prision mayor as maximum;

“(3) In Criminal Case No. 10840-R, finding the accused guilty of the crime of Estafa and she is hereby sentenced to suffer an indeterminate penalty of four (4) years of prision correccional as minimum to six (6) years, eight (8) months and twenty (20) days of prision mayor, as maximum;

“(4) In Criminal Case No. 10841-R, finding the accused GUILTY of the crime of Estafa and she is hereby sentenced to suffer an indeterminate penalty of four (4) years of prision correccional as minimum to nine (9) years of prision mayor as maximum; and

“(5) In Criminal Case No. 10837-R, finding the accused GUILTY of the crime of Estafa and she is hereby sentenced to suffer an indeterminate penalty of four (4) years of prision correccional as minimum to nine (9) years of prision mayor as maximum.

“The accused is further ordered to pay the private complainant Rogelio Tibeb the amount P39,000.00; Jessie Bolinao, the amount of P35,000.00; Gina Cleto, P15,000.00; and Naty Pita the amount of P38,500.00.

“SO ORDERED.”[2]

On December 15, 1992, Baguio City Prosecutor II Estrellita P. Bernabe filed with the Regional Trial Court, Baguio City, Branch 59, separate informations charging accused Linda Sagaydo with one (1) case of illegal recruitment in large scale, and four (4) cases of estafa.[3]

Upon arraignment on August 18, 1993, accused pleaded not guilty to all the five (5) charges against her.[4] Thus, trial ensued.

The complainants recounted their respective experience with accused Linda Sagaydo in this wise:

Gina Cleto, an AB Political Science graduate and community worker residing in No. 19-A Sumulong St., Holy Ghost Proper, Baguio City testified[5] that she knew the accused for almost a year as the latter also resided at Sumulong Street. Sometime in September, 1991, the accused went to Gina's house and encouraged her to work as a factory worker in Korea. Gina said she had to think it over first since she went back and forth to Tabuk and Baguio City. She and the accused met again in the house of the former in December, 1991, where the accused reiterated her offer of employment to Gina. When Gina asked her whether she was a licensed recruiter, and accused answered in the affirmative. Accused told Gina that she could not have the latter's travel papers and passport processed unless she gave an advance payment of P15,000.00.

Gina then went to San Gabriel, La Union to get the P15,000.00 required by the accused. They met again in the house of Gina in the last week of December, 1991, where she handed the P15,000.00 to the accused who assured Gina that she was leaving for Korea on January 6, 1992, provided Gina paid her the remaining balance of P30,000.00.

Gina then went to Lepanto to ask for money from her brother and sister. She returned to Baguio City on January 2, 1992, with P28,000.00 on hand. Gina and the accused met on January 5, 1992, where the latter informed her that her flight for Korea on January 6, 1992, was postponed. Accused then advised Gina to just hold the P30,000.00 balance until her flight pushed through.

About three (3) months later, or in April, 1992, Gina met the accused in Sumulong Street. Gina demanded from the accused the return of P15,000.00 advance payment she had given her, but the accused just answered that she would process her papers.

The next time they met was in November, 1992, where Gina again asked the accused to return the P15,000.00, to no avail. This prompted Gina to go to the Philippine Overseas Employment Agency (POEA) regional office in Baguio City to inquire whether the accused was a licensed recruiter. The POEA issued a certification dated November 25, 1992[6] stating that the accused was "not licensed nor authorized to recruit workers for overseas employment in the City of Baguio or any part of the region."

Rogelio Tibeb, a farmer and resident of San Gabriel, La Union, testified[7] that he was informed by his townmate Domaan Samanillo that the accused was engaged in recruitment. Sometime in December, 1991, Rogelio went to the residence of accused to inquire on the requirements for overseas employment. Accused replied that he needed to submit his 2 x 2 pictures and a passport. The accused then told him to secure P39,000.00 as placement fee. In the last week of December, 1991, Rogelio handed the P39,000.00 to the accused who told him to go home and wait for the date of his flight. Accused did not issue a receipt.

Rogelio waited for months but his flight never pushed through. He then went to the Baguio POEA office with his co-complainants Jessie Bolinao and Naty Pita where they found out that the accused was not a licensed recruiter, per certification dated November 25, 1992.[8]

Naty Pita, also a resident of San Gabriel, La Union testified[9] that sometime in November, 1991, she visited her sister-in-law who happened to be a neighbor-boarder of the accused at 19-A Sumulong Street, Baguio City. Upon being informed that the accused was a recruiter, Naty and her sister-in-law went to the room of accused where the latter recruited her as factory worker in Korea. The accused asked Naty to prepare P38,500.00 for the fare and travel documents plus P1,500.00 for the passport. Naty went home to look for money.

On December 26, 1991, Naty handed P38,500.00 to the accused who told her that she would be leaving for Korea on January 6, 1992. After that, Naty went home.

On January 4, 1992, Naty went to the boarding house of accused in anticipation of her January 6, 1992, flight. Accused told her that she could not leave because she had no visa. So Naty asked the accused to return her money. The accused instead offered her a placement in Taiwan to which Naty agreed. Naty was told to wait for the call of accused.

Days passed and Naty had not received any call from the accused. Naty then went to the Baguio POEA office where she, too, found out that the accused was not a licensed recruiter.

Jessie Bolinao, a farmer and resident of Lon-oy, San Gabriel, La Union recalled[10] that the accused was his neighbor in Lubnagan, Kalinga-Apayao until 1982, and was even a distant relative of his father. In the second week of December, 1991, Jessie went to the house of the accused and gave her P35,000.00 as placement fee for his employment to Korea as factory worker, on the assurance that he would be leaving on December 28, 1991. Jessie, however, was not able to leave on that date because according to the accused, his travel papers had not been processed.

Jessie returned to the house of accused more than ten (10) times thereafter to follow-up his papers, until he found out that accused was no longer residing there. He thereafter inquired at the Baguio POEA office whether the accused was a licensed recruiter, in answer to which the office issued a certification[11] stating that accused was not a licensed recruiter.

The accused denied having recruited any of the private complainants. She claimed that they came to her voluntarily after being informed that she was able to send her three (3) sons to Korea. While accused admitted having received money from complainants Gina Cleto and Naty Pita, she said she used their money to buy their plane tickets. Gina and Naty were not able to leave because the Korean government imposed a visa requirement beginning January, 1992. When asked why she was not able to return the money of Gina and Naty, accused said that she returned the plane tickets to the Tour Master travel Agency for refund but said agency did not make reimbursements. With respect to complainants Jessie Bolinao and Rogelio Tibeb, the accused denied having received any money from them.[12]

The trial court gave credence to the testimonies of the complainants and rejected the denial of accused. Thus, on October 25, 1995, the trial court rendered a decision convicting her of the charges of illegal recruitment and estafa, the decretal portion of which is quoted in the opening paragraph of this opinion.

Hence, this appeal.[13]

In this appeal, accused-appellant claimed that she was erroneously convicted of illegal recruitment and estafa because the trial court failed to consider that she only processed the travel documents of the private complainants as tourists, and that no recruitment for employment abroad took place.

We sustain accused-appellant's conviction.

"Illegal recruitment has been defined to include the act of engaging in any of the activities mentioned in Article 13 (b) of the Labor Code without the required license or authority from the POEA. Under the aforesaid provision, any of the following activities would constitute recruitment and placement: canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, including referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not. Article 13 (b) further provides that any person or entity which, in any manner, offers or promises for a fee employment to two (2) or more persons shall be deemed engaged in recruitment and placement. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons, individually or as a group." [14] "This crime requires proof that the accused: (1) engaged in the recruitment and placement of workers defined under Article 13 or in any of the prohibited

activities under Article 34 of the Labor Code; (2) does not have a license or authority to lawfully engage in the recruitment and placement of workers; and (3) committed the infraction against three or more persons, individually or as a group.”[15]

All the aforementioned requisites were present in this case. The accused-appellant made representations to each of the private complainants that she could send them to Korea to work as factory workers, constituting a promise of employment which amounted to recruitment as defined under Article 13 (b) of the Labor Code. From the testimonies of the private complainants that the trial court found to be credible and untainted with improper motives, there is no denying that accused-appellant gave the complainants the distinct impression that she had the power or ability to send them abroad for work such that the latter were convinced to part with their money in order to be employed.[16] As against the positive and categorical testimonies of the complainants, mere denial of accused-appellant cannot prevail.[17]

We thus defer to the factual findings of the trial court on the credibility of the complainants as there is no showing that any of them had ill motives against accused-appellant other than to bring her to justice for the crime of illegal recruitment and estafa. Their testimonies were straightforward, credible and convincing.[18]

As to the license requirement, the record showed that accused-appellant did not have the authority to recruit for employment abroad, per certification issued by the POEA Regional Extension Unit in Baguio City, [19] stating that “...the name LINDA SAGAYDO per existing and available records from this Office is not licensed nor authorized to recruit workers for overseas employment in the City of Baguio or any part of the Region.” It is the lack of the necessary license or authority that renders the recruitment unlawful or criminal.[20]

Anent the last requirement, accused-appellant engaged in illegal recruitment against four (4) persons, namely, complainants Gina Cleto, Jessie Bolinao, Rogelio Tibeb and Naty Pita.

A person who is convicted of illegal recruitment may, in addition, be convicted of estafa under Art. 315 (2) (a) of the Revised Penal Code. There is no double jeopardy because illegal recruitment and estafa are distinct offenses. Illegal recruitment is *malum prohibitum*, in which criminal intent is not necessary, whereas estafa is *malum in se* in which criminal intent is necessary.[21]

Estafa under Article 315, paragraph 2 of the Revised Penal Code is committed by any person who defrauds another by using a fictitious name, or falsely pretends to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of similar deceits executed prior to or simultaneously with the commission of the fraud. The offended party must have relied on the false pretense, fraudulent act or fraudulent means of the accused-appellant and as a result thereof, the offended party suffered damages.[22]

Such is the case before us. The complainants parted with their money upon the prodding and enticement of accused-appellant on the false pretense that she had the capacity to deploy them for employment abroad. In the end, complainants were neither able to leave for work abroad nor get their money back.[23]

The fact that private complainants Rogelio Tibeb and Jessie Bolinao failed to produce receipts as proof of their payment to accused-appellant does not free the latter from liability. The absence of receipts cannot defeat a criminal prosecution for illegal recruitment.[24] As long as the witnesses can positively show through their respective testimonies that the accused is the one involved in prohibited recruitment, he may be convicted of the offense despite the absence of receipts.[25]

With respect to the penalty, accused-appellant having been found guilty of illegal recruitment in large scale in Criminal Case No. 10838-R, was aptly meted out the penalty of life imprisonment and to pay a fine of P100,000.00 under Art. 39 (a) of the Labor Code.[26]

As to the estafa cases, the pertinent provision of the Revised Penal Code is as follows:

“ART. 315. Swindling (estafa).- any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

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 pesos but does not exceed 22,000 pesos; and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which maybe imposed shall not exceed twenty years. In such case, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be;

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.”[27] “The penalty next lower should be based on the penalty prescribed by the Revised Penal Code for the offense, without first considering any modifying circumstance attendant to the commission of the crime. The minimum of the indeterminate penalty is left to the sound discretion of the court, to fix from within the range of the penalty next lower without reference to the periods into which it may be subdivided. The modifying circumstances are considered only in the imposition of the maximum term of the indeterminate sentence.”[28]

In Criminal Case No. 10840-R, where complainant Gina Cleto was defrauded of P15,000.00, there being no modifying circumstances, the accused may be sentenced to an indeterminate penalty ranging from two (2) years and four (4) months of prision correccional, as minimum, to six (6) years and one (1) day of prision mayor, as maximum.[29]

In Criminal Case Nos. 10837-R, 10839-R and 10841-R where the respective amounts defrauded from complainants Rogelio Tibeb, Jessie Bolinao and Naty Pita exceeded P22,000.00, the penalty prescribed by law therefor is prision correccional maximum to prision mayor minimum, to be imposed in its maximum period. The penalty next lower in degree is prision correccional in its minimum and medium periods, or six (6) months and one (1) day to four (4) years and two (2) months of prision correccional, and the maximum penalty therefor is six (6) years eight (8) months and twenty one (21) days to eight (8) years, plus an additional one (1) year since the three (3) amounts had an excess over P22,000.00, of only P17,000.00, P13,000.00 and P16,500.00.[30] Thus, accused-appellant may be sentenced to an indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years and four (4) months of prision mayor, as maximum, in each case.[31]

WHEREFORE, we AFFIRM the conviction of accused-appellant LINDA SAGAYDO for illegal recruitment and estafa, subject to the MODIFICATION that:

- (1) In Criminal Case No. 10840-R, she is sentenced to an indeterminate penalty of two (2) years and four (4) months of prision correccional, as minimum, to six (6) years and one (1) day of prision mayor, as maximum, and
- (2) In Criminal Cases Nos. 10837-R, 10839-R and 10841-R, she is sentenced to an indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years and four (4) months of prision mayor, as maximum, in each case.

Accused-appellant is further ordered to indemnify the private complainants the following amounts: Gina Cleto -

P15,000.00; Rogelio Tibeb - P39,000.00; Jessie Bolinao - P35,000.00; and Naty Pita - P38,500.00, without subsidiary imprisonment in case of insolvency, and to pay the costs.

With additional costs in this instance.

SO ORDERED.

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

[1] In Criminal Cases Nos. 10837-R to 10841-R, dated October 27, 1995, Judge Abraham B. Borreta, presiding, Rollo, pp. 35-43.

[2] RTC Decision, Rollo, pp. 35-43.

[3] In Criminal Case Nos. 10837-R, for estafa; Criminal Case No. 10838-R, for illegal recruitment in large scale; Criminal Case No. 10839-R, for estafa; Criminal Case No. 10840-R, for estafa; and Criminal Case No. 10841-R, for estafa. Rollo, pp.15-24.

[4] RTC Record, Criminal Cases Nos. 10837-R-10841-R, p. 17.

[5] TSN, November 5, 1993, pp. 2 - 11.

[6] RTC Record, Criminal Case No. 10837-R, p. 6.

[7] TSN, November 9, 1993, pp. 6-14.

[8] RTC Record, Criminal Cases Nos. 10837-R-10841-R, p. 6.

[9] TSN, November 16, 1993, pp. 3-13.

[10] TSN, May 16, 1994, pp. 3 - 13.

[11] RTC Record, Criminal Case No. 10837-R, p. 6.

[12] TSN, July 8, 1994, pp. 2-14; May 18, 1995, pp. 2-11; June 1, 1995, pp. 2-13.

[13] Rollo, p. 44.

[14] People v. Mercado de Arabia, G. R. No. 128112, May 12, 2000, citing Article 38 (a) Labor Code.

[15] People v. Meris, G. R. Nos. 117145-50 and 117447, March 28, 2000; People v. Chowdury, G. R. Nos. 129577-80, February 15, 2000; People v. Mercado, 304 SCRA 504, 515-516 [1999] .

[16] People v. Ong, G. R. No. 119594, January 18, 2000; People v. Goce, 247 SCRA 780 [1995].

[17] People v. Ong, supra; People v. Hernandez, 304 SCRA 187 [1999] ; People v. Mercado, supra, Note 15.

[18] People v. Gharbia, 310 SCRA 685 [1999] ; People v. Tan Tiong Meng, 271 SCRA 125 [1997].

[19] RTC Record, Criminal Case No. 10837-R, p. 6.

[20] People v. Ong, supra; People v. Borromeo, 305 SCRA 180 [1999]; People v. Sanchez, 291 SCRA 333 [1998] ; People v. Senoron, 267 SCRA 278 [1997] .

[21] People v. Saley, 291 SCRA 715 [1998] ; People v. Sadosa, 290 SCRA 92 [1998] ; People v. Guiang, 285 SCRA 404 [1998] .

[22] *People v. Juego*, 298 SCRA 27 [1998].

[23] *People v. Meris*, supra, Note 15.

[24] *People v. Villas*, 277 SCRA 391 [1997] .

[25] *People v. Gomez*, G. R. Nos. 131946-47, February 8, 2000; *People v. Tabalan*, 262 SCRA 574 [1996] .

[26] *People v. Meris*, supra, Note 15.

[27] Act No. 4103, as amended by Act No. 4225 and R. A. No. 4203, Section 1; *People v. Moreno*, G. R. No. 130067, September 16, 1999; *People v. Borromeo*, supra, Note 20.

[28] *People v. Borromeo*, supra, Note 20, at p. 203-204.

[29] *People v. Meris*, supra, Note 15.

[30] *People vs. Gabres*, 267 SCRA 581, 595-596 [1997] ; *People vs. Meris*, supra, Note 15.

[31] Cf. *People vs. Borromeo*, supra, Note 20.

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.