

THIRD DIVISION

[G.R. Nos. 104739-44. November 18, 1997]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, vs. ROSE REYES, ZENaida CAURES and RODOLFO CAURES, *accused*, RODOLFO CAURES, *accused-appellant*.

DECISION

PANGANIBAN, J.:

In the main, appellant belittles the factual findings of the trial court because they were based solely on the testimonies of prosecution witnesses, not on documentary evidence or on the testimonies of other witnesses. We hold however that the law prescribes only that degree of proof necessary to engender moral certainty and does not require any specific form -- whether oral or documentary -- to produce conviction beyond reasonable doubt. In general, the essential facts establishing the elements of a crime may be proven by pure testimony.

The Case

This is an appeal from the Decision^[1] of the Regional Trial Court of Manila^[2] convicting Appellant Rodolfo Caures of illegal recruitment and estafa and imposing upon him the penalty of life imprisonment plus five (5) indeterminate penalties ranging from one (1) year, eight (8) months and twenty one (21) days of *prision correccional* as minimum to five (5) years, five (5) months and eleven (11) days of *prision correccional* as maximum.

In an Information^[3] dated April 16, 1990 and docketed as Criminal Case No. 83386, Assistant Prosecutor Fernando David charged Rose Reyes, Zenaida Caures and Rodolfo Caures with violation of Articles 38 and 39 of PD 442^[4] as amended by PD 2018,^[5] allegedly committed as follows:

That in or about and during the period comprised between July 27, 1989 and July 31, 1989, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there wilfully and unlawfully, for a fee, recruit and promise employment/job placement abroad to Teresita D. Carillo, Amalia M. Salinas, Gloria M. Salvador, Pedro C. Regalado and Alvaro T. Monzon without first having secured the required license or authority from the Department of Labor.

As a result of the same incident, five informations docketed as Criminal Case Nos. 90-83387 to 90-83391 were also filed before the Regional Trial Court of Manila charging the same accused with five counts of estafa committed upon each of the five private complainants. The informations are worded almost identically, except for the name of the private complainant, as follows:

That in or about and during the period comprised between July 27, 1989 and July 31, 1989, inclusive, in the City of Manila, the said accused conspiring and confederating together and helping one another, did

then and there willfully, unlawfully and feloniously defraud TERESITA D. CARILLO in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which they made to said Teresita D. Carillo to the effect that they had the power and capacity to recruit and employ said complainant abroad and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said Teresita D. Carillo to give and deliver, as in fact she gave and delivered to said accused the amount of P13,000.00 on the strength of said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely to obtain, as in fact they did obtain the amount of P13,000.00 which amount once in their possession, with intent to defraud, they willfully, unlawfully and feloniously misappropriated, misapplied and converted to their personal use and benefit, to the damage and prejudice of said TERESITA D. CARILLO in the aforesaid amount of P13,000.00, Philippine Currency.^[6]

Only Appellant Rodolfo Caures was arrested. Upon his arraignment on August 29, 1990 before Branch XLII of the Regional Trial Court, Appellant Caures, assisted by counsel *de officio*,^[7] pleaded not guilty to Criminal Case Nos. 90-83387 to 90-83391. On October 26, 1990, appellant, this time assisted by counsel *de parte*,^[8] was also arraigned before Branch XLIX in Criminal Case No. 90-83386. He entered a plea of not guilty. On December 5, 1990, all the said criminal cases were consolidated and jointly tried before Branch XLIX.

After trial on the merits, the trial court convicted herein appellant of illegal recruitment in large scale and five counts of estafa, viz.:^[9]

WHEREFORE, judgment is hereby rendered in the following cases, as follows:

1. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83386, the Court found the Accused Rodolfo Caures guilty beyond reasonable doubt of the crime of violation of Articles 38 and 39 of the Labor Code, as amended, and hereby metes on him, pursuant to Article 38(b) in relation to Article 39(a) of the Labor Code, as amended, the penalty of LIFE IMPRISONMENT, and hereby condemns him to pay a fine of P100,000.00, without subsidiary imprisonment in case of insolvency.
2. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83387, the Court found the Accused Rodolfo Caures guilty beyond reasonable doubt of the crime of Estafa defined in and penalized by Article 315, paragraph 2(a) of the Revised Penal Code and, conformably with Article 315, first paragraph of the same Code, hereby imposes on said Accused an indeterminate penalty of from One (1) Year, Eight (8) Months and Twenty One (21) days of Prision Correccional, as Minimum, to Five (5) Years, Five (5) Months and Eleven (11) Days, of Prision Correccional, as Maximum;
3. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83388, the Court found the Accused Rodolfo Caures guilty beyond reasonable doubt of the crime of Estafa defined in and penalized by Article 315, paragraph 2(a) of the Revised Penal Code and, conformably with Article 315, first paragraph [sic] of the same Code, hereby imposes on said Accused an indeterminate penalty of from One (1) Year, Eight (8) Months and Twenty One (21) Days of Prision Correccional as Minimum, to Five (5) Years, Five (5) Months and Eleven (11) Days, of Prision Correccional, as Maximum.
4. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83388, the Court found the Accused Rodolfo Caures guilty beyond reasonable doubt of the crime of Estafa defined in and penalized by Article 315, paragraph 2(a) of the Revised Penal Code and, conformably with Article 315, first paragraph of the same Code, hereby imposes on said Accused an indeterminate penalty of from One (1) Year, Eight (8) Months and Twenty One (21) Days of Prision Correccional as Minimum, to Five (5) Years, Five (5) Months and Eleven (11) Days, of Prision Correccional, as Maximum;
5. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83390, the Court found the Accused

Rodolfo Caures guilty beyond reasonable doubt of the crime of Estafa defined in and penalized by Article 315, paragraph 2(a) of the Revised Penal Code and, conformably with Article 315, first paragraph [sic] of the same Code, hereby imposes on said Accused an indeterminate penalty of from One (1) Year, Eight (8) Months and Twenty One (21) Days of Prision Correccional as Minimum, to Five (5) Years, Five (5) Months and Eleven (11) Days, of Prision Correccional, as Maximum;

6. In People versus Rodolfo Caures, et al., Criminal Case No. 90-83391, the Court found the Accused Rodolfo Caures guilty beyond reasonable doubt of the crime of Estafa defined in and penalized by Article 315, paragraph 2(a) of the Revised Penal Code and, conformably with Article 315, first paragraph of the same Code, hereby imposes on said Accused an indeterminate penalty of from One (1) Year, Eight (8) Months and Twenty One (21) Days of Prision Correccional as Minimum to Five (5) Years, Five (5) Months and Eleven (11) Days, of Prision Correccional, as Maximum.

The Accused is hereby ordered to refund to the Private Complainants Alvaro Monzon, Pedro Regalado, Amelia Salinas, Gloria Salvador and Teresita Carillo the total amount of P64,000.00, with interests thereon, at the rate of 6% per cent per annum from July 31, 1989 until the same is paid in full by the Accused.

The period during which the Accused was detained during the pendency of these cases shall be credited to him in full provided that he agreed in writing to abide by and comply strictly with the rules and regulations of the City Jail of Manila. With costs against the Accused.

In view of the penalty imposed, *i.e.* life imprisonment, the appeal was filed directly with this Court.^[10]

The Facts

The facts of the case are summarized in the decision of the trial court,^[11] which appellant copied in his brief,^[12] as follows:

As culled by the Court from the evidence mustered by the Prosecution, it has been amply established that the Accused Rose Reyes, a resident of No. 2557 Callejo 9, Del Pan Street, Sta. Ana, Manila, was able to secure employment for Esmeralda Concepcion, in Taipei, as a factory worker for a contract period of two (2) years. After the completion of her contract of employment in Taipei, Esmeralda Concepcion returned to the Philippines. Sometime in June, 1989, Esmeralda Concepcion told her cousin, Lily Monzon, a public school teacher, that if the latter's son, Alvaro Monzon was interested for employment in Taipei, he can apply with the Accused Rose Reyes. Lily Monzon told Esmeralda Concepcion that her son was interested. Lily Monzon did not anymore inquire from the Philippine Overseas Employment Administration if the Accused Rose Reyes was a licensed recruiter because, after all, the Accused Rose Reyes was able to secure employment for her cousin Esmeralda Concepcion in Taipei. One afternoon, in the same month, Lily Monzon and Esmeralda Concepcion later went to the house of the Accused Rose Reyes and inquired from the latter if there was any vacancy for any job in Taipei and the Accused informed Lily Monzon that there were vacancies and she was accepting applicants for employment as factory workers in Taipei at a salary of US\$400.00 a month. The Accused Rose Reyes told Lily Monzon that if she had relatives to secure employment in Taipei, they can apply through her. The Accused Rose Reyes told Lily Monzon that she had an associate who could facilitate processing of applications for employment abroad and for the issuance of visas and that she, the Accused Rose Reyes, was connected with an employer in Taipei. The Accused Rose Reyes required that applicants submit their bio-data, Identification cards and 2 x 2 pictures pasted on their Identification cards, and the Accused even mentioned the name of a studio along Taft Avenue, Pasay City, where the pictures of applicants could be taken. Lily Monzon told her mother about the prospects of employment in Taipei and the prospects of employment in that country through the

Accused Rose Reyes, and the mother of Lily Monzon informed her other daughter, Teresita Carillo of the vacancies for employment in Taipei and the prospects of employment in that country through the Accused Rose Reyes. When they learned about the news, Pedro Regalado, the brother-in-law of Lily Monzon, Amalia Salinas, the niece of Lily Monzon, and Gloria Salvador, the cousin of Lily Monzon decided also to apply with the Accused Rose Reyes for employment in Taipei as factory workers. Lily Monzon, with the Private Complainants, Alvaro Monzon, Pedro Regalado, Amalia Salinas, Gloria Salvador and Teresita Carillo went to the house of the Accused Rose Reyes to apply for employment in Taipei with the Accused Rose Reyes. However, aside from the Accused Rose Reyes, the Accused Rodolfo Caures and Zenaida Caures, the brother and sister-in-law of the Accused Rose Reyes, respectively, and who were residing with the latter Accused, were present. The Accused Rodolfo Caures and Rose Reyes informed and assured the Private Complainants that the Accused Rodolfo Caures could facilitate the processing of their papers for employment in Taipei and for the issuance of their visas. The Private Complainants submitted their Bio-data, pictures and Identification cards to the Accused Rose Reyes, her brother, Rodolfo Caures and the latter's wife Zenaida Caures. The Private Complainants accomplished application forms for employment in Taipei. The Accused Rose Reyes interviewed the Private Complainants and told them that they will be employed as factory workers in a purefoods factory in Taipei. The Accused Zenaida Caures served refreshments to the applicants and Lily Monzon and told the Private Complainants to submit to her their applications already accomplished and their Bio-data and Identification cards and pictures. The Accused Rose Reyes told the Private Complainants to pay the amount of P15,000.00 each as placement fee and for the processing of their papers and the issuance of their visas for Taipei. However, the Accused Rose Reyes told the applicants that if they wanted to secure, themselves, their respective passports, they can do so in which case, the amount for their placement fees and the processing of their visas for Taipei will only be P13,000.00 each. The Accused told the Private Complainants that one-half of the amount will have to be paid upon the submission of the requisite application form, Bio-data, pictures and passports for the processing of the papers and the other half before their departure for Taipei. The Private Complainants will leave for Taipei as tourists because it was easier for them to leave as tourists. Anyway, the employers of Private Complainants in Taipei will take care of them the moment that they arrived in Taipei. The Private Complainants decided to personally secure their respective passports because it was cheaper and submitted the same to the Accused Rose Reyes, Rodolfo Caures and Zenaida Caures on July 27, 1989, in the house of the Accused. The Private Complainants decided to give one-half of the P13,000.00 demanded from each of them by the Accused through Lily Monzon because Lily Monzon was the oldest. The total amount entrusted to Lily Monzon by the Private Complainants amounted to P30,000.00. Lily Monzon, in the presence of the Private Complainants handed the P30,000.00 to the Accused Rodolfo Caures who, in turn, handed the money to the Accused Rose Reyes in the presence of the Accused Zenaida Caures. However, the Accused did not issue any receipt for the amount of P30,000.00. The Accused Rose Reyes told the Private Complainants that she will issue a Receipt after the Private Complainants shall have paid the balance of P35,000.00 to the Accused. The Private Complainants, on July 31, 1989, returned to the house of the Accused and paid the balance of their placement fee in the amount of P34,000.00. The Accused agreed to receive only P34,000.00 instead of P35,000.00, the difference of P1,000.00 being the discount given by the Accused to the Private Complainants. Lily Monzon gave the amount to the Accused Rodolfo Caures who first counted the money and then handed the amount to the Accused Rose Reyes. The latter then prepared and signed a Receipt for the amount of P64,000.00 (Exhibits A and A-1). The latter promised the Private Complainants that she will take care of everything and assured them that they will be able to leave for Taipei during the first week of September, 1989.

Later, the Accused Rose Reyes called up Lily Monzon and told the latter that the Private Complainants will have to see her for further instructions. The Private Complainants went to the house of the Accused and the Accused Rose Reyes told the Private Complainants that she will accompany them to the Ninoy Aquino International Airport when they leave for Taipei and that each of them will have to bring with them their show money in the amount of US\$50.00 each consisting of some genuine US\$1.00 on top of a bundle, and Philippine currency notes underneath to prove to the authorities at the airport that the Private

Complainants had dollar currency with them in going to Taipei as tourists. The Accused Rodolfo Caures and Zenaida Caures were present. The Accused Rose Reyes told the Private Complainants that she was going to Taipei to work for the issuance of the visas but that the Accused Rodolfo Caures and Zenaida Caures were going to take care of the processing of their papers in her absence. Despite the assurances of the Accused, the Private Complainants failed to leave for Taipei during the first week of September, 1989. When the Private Complainants inquired from the Accused Rodolfo Caures why they failed to leave for Taipei on schedule, the Accused Rodolfo Caures told the Private Complainants that their visas had not yet arrived from Taipei. The Private Complainants had been going to the house of the Accused, Rodolfo Caures and Zenaida Caures demanding to [sic] them when they were going to leave for Taipei but, despite the promises of the Accused, the Private Complainants failed to leave for Taipei. The Private Complainants were alarmed when they returned to the residence of the Accused but that the Accused had flown the coop. The Private Complainants later learned that the Accused had abandoned their residence at No. 2557 Callejon 9, Del Pan Street, Sta. Ana, Manila and had transferred their residence to somewhere in Sampaguita Street, Pasay City. The Private Complainants inquired from [sic] the Philippine Overseas Employment Administration if the Accused were licensed recruiters and they were informed that the names of the Accused were not listed as licensed recruiters. The Philippine Overseas Employment Administration issued Certifications to the effect that the Accused were not licensed or authorized to recruit workers for employment abroad (Exhibits D and E). The Private Complainants thereafter proceeded to the Western Police District where they lodged their complaints against the Accused. Lily Monzon and the Private Complainants executed their respective affidavits (Exhibits B and B-1 and C and C-1). Up to the present, the Private Complainants were not able to leave for Taipei for their employment in that country or refunded their placement fees of P64,000.00.

When he testified before the Court, the Accused Rodolfo Caures denied the charges against him. The Accused further alleged that he never recruited any of the Private Complainants and that the first time that he saw the Private Complainants, except the Private Complainant Teresita Carillo and Lily Monzon, was when they testified before this Court. The Accused first saw Lily Monzon at the police headquarters after his arrest on August 19, 1990. The Accused further averred that he is the older brother of the Accused Rose Reyes. The Accused did not know why the Accused Rose Reyes whose real name is Rosalinda Caures was using the surname Reyes. The Accused Rodolfo Caures did not know where his sister was residing before May 16, 1989. On the other hand, as of said date, the Accused Rodolfo Caures and his wife, the Accused Zenaida Caures, were residing at No. 1114 Sampaguita Street, Pasay City. The Accused Zenaida Caures worked as a laundrywoman while the Accused Rodolfo Caures worked as a sidecar driver and finished only up to Grade VI in the elementary grades.

On May 16, 1989, the Accused Rodolfo Caures was fetched by Teresita Carillo and Ana Apilado from his house and was brought to No. 2257 Callejon 9, Del Pan Street, Sta. Ana, Manila. The Accused learned that the place was the office of his sister, the Accused Rose Reyes, and that Teresita Carillo, Ana Apilado and the Accused Rose Reyes were business partners engaged in recruitment of workers for employment in Taiwan. The Accused Rose Reyes, Ana Apilado and Teresita Carillo told the Accused Rodolfo Caures that they will help him secure employment abroad as a factory worker in Taiwan. The Accused was told by the three (3) women to come back the next day. The Accused did. The Accused filled up three (3) copies of application form for his employment abroad. The next day, May 17, 1989, the Accused was ordered to construct a bench. His wage for the construction of the bench was applied for the expenses for the issuance of his passport. On May 18, 1989, his brother, Rolando Caures, was able to leave for Taiwan, through the efforts of the Accused Rose Reyes, Teresita Carillo and Ana Apilado. Teresita Carillo later gave to the Accused his passport issued on June 8, 1989 (Exhibits 1 and 1-A).

The Accused never received any money from the Private Complainants on July 27 and 31, 1989. On July 27, 1989, the Accused was at the Iglesia ni Cristo palace in Diliman, Quezon City during the 75th anniversary of the Iglesia ni Cristo and the Accused managed to arrive home only at 9:00 o'clock in the evening because of the congested traffic. On July 28, 1989, the Accused was at the place of the Iglesia ni

Cristo the whole day. Earlier, on July 26, 1989, the Accused was given a t-shirt by the Iglesia ni Cristo as a memento of the 75th anniversary of the Iglesia ni Cristo (Exhibit 2). The Accused does not know whether the signature, on the Receipt, Exhibit A-1 is that of his sisters, the Accused Rose Reyes.

On September 15, 1989, the Accused Rodolfo Caures followed up his application for employment abroad with the Accused Rose Reyes, Teresita Carillo and Ana Apilado. On September 18, 1989, the Accused Rodolfo Caures went to the house of his sister, the Accused Rose Reyes, and the latter informed the Accused Rodolfo Caures that she was going to Taipei and will be back by August, 1990 and the Accused will be able to leave for his employment in Taiwan after her arrival from Taipei and asked the Accused Rodolfo Caures to stay in her house as a caretaker during her stay in Taipei and that Ana Apilado will take care of the processing of his papers. The Accused agreed. The Accused Zenaida Caures, the wife of the Accused, remained in their house at No. 1114 Sampaguita Street, Pasay City. However, the Accused Rose Reyes never wrote the Accused Rodolfo Caures a letter nor remit to him any money for the rentals and his subsistence. The Accused did not know the address of the Accused Rose Reyes in Taipei. The Accused was forced to vacate the house of the Accused Rose Reyes and returned to his house in Sampaguita Street, Pasay City on September 30, 1989.

The Accused was later arrested by the police authorities on August 19, 1990. At the police station, the Accused saw Teresita Carillo and Lily Monzon were present. Teresita Carillo demanded that the Accused divulged where the Accused Rose Reyes was and to return the money paid by the Private Complainants to the Accused. However, the Accused told Teresita Carillo that he did not know where the Accused Rose Reyes was and that they were even companions. Teresita Carillo then said: Bahala ka diyan. Mabulok ka diyan. The Accused never filed any complaint against Teresita Carillo and Ana Apilado. The Accused Rodolfo Caures does not know where his wife, the Accused Zenaida Caures, is now. The latter has not visited him at the City Jail.

The Prosecution presented Teresita Carillo as its rebuttal witness. Teresita Carillo averred, when she testified before the Court, that sometime during the middle part of July, 1989, she, Amalia Salinas, Alvaro Monzon, Pedro Regalado and Gloria Salvador applied for employment with the Accused Rose Reyes who, at the time, was known to the Private Complainants as Rose Caures and the Accused Rodolfo Caures and Zenaida Caures. According to the said Accused Rose Reyes, her husbands family name was Reyes. The three (3) Accused promised and assured the Private Complainants and Teresita Carillo that the Accused will be able to facilitate their departure for Taiwan. The Private Complainants and Teresita Carillo paid on July 31, 1989, the total amount of P64,000.00 to the Accused Rodolfo Caures who counted the money who, in turn, handed over the money to the Accused Rose Reyes for the placement fee and visas. The latter, in turn, prepared in her own handwriting a Receipt for the said amount (Exhibits A and A-1). Although the Private Complainants and Teresita Carillo were supposed to pay to the Accused the total amount of P65,000.00 as placement fee and for the issuance of their visa, the Accused gave them a discount of P1,000.00 because they applied with the three (3) Accused at the same time. Teresita Carillo knew Ana Apilado because she was one of the applicants with the Accused but who also failed to leave for her promised employment abroad. It was Ana Apilado, after July 31, 1989, who told the Private Complainants and Teresita Carillo that the real name of the Accused Rose Reyes whom they knew as Rose Caures, was Rose Reyes.

Teresita Carillo vehemently denied having been associated with the Accused Rose Reyes in any recruitment agency nor did she ever recruit the Accused Rodolfo Caures for employment abroad.

The Issue

In his brief, appellant raises a single issue:^[13]

The trial court seriously erred in finding herein accused-appellant guilty of the crimes of violation of articles 38 and 39 of the Labor Code, As amended, and of estafa.

The Courts Ruling

The appeal is devoid of merit.

Illegal Recruitment in Large Scale

In several cases, the Court enumerated the elements of the crime of illegal recruitment in large scale, viz.:

1. The accused undertook any recruitment activity defined under Art. 13 [b] or any prohibited practice enumerated under Art. 34 of the Labor Code.
2. He did not have the license or the authority to lawfully engage in the recruitment and placement of workers.
3. He committed the same against three or more persons, individually or as a group.^[14]

In the case at bar, the Court is satisfied that all these three elements have been proven beyond reasonable doubt.

That appellant, along with Accused Rose Reyes and Zenaida Caures, was not authorized or licensed by the POEA to engage in recruitment activities was clearly established. Private Complainants Alvaro Monzon and Katherine Calica testified that they and the other complainants went to the POEA and learned that appellant did not have a license to recruit for overseas employment.^[15] Appellant himself did not controvert this. In fact, Atty. Pablito Carpio, appellants counsel *de parte* during the trial,^[16] stipulated the admission of the certification issued by the POEA that appellant was neither licensed nor authorized by this Administration to recruit workers for overseas employment.^[17] Moreover, there are five private complainants in this case; thus, appellant is criminally liable for illegal recruitment in large scale.

Appellant contends, however, that the first element of the offense was not substantiated. He argues that the prosecution failed to prove that the three [a]ccused were conspiring and confederating together and helping one another in the commission of the crime of illegal recruitment and estafa.^[18] Further, appellant contends that the prosecutions evidence of the fact of recruitment consisted mainly of bare testimonies of the private complainants.^[19] Appellant nonetheless pleads for mercy, maintaining that [h]e himself ha[d] no idea that what he was doing was already defined under the law as illegal recruitment. x x x [T]he criminal intent wanting, [he] could have committed no crime.

Appellants contentions are unnoteworthy. The testimonial evidence of the prosecution proved beyond reasonable doubt the agreement among the three accused to recruit -- without license to do so -- the five private complainants for overseas employment. Appellant, his wife (Accused Zenaida Caures) and Accused Rose Reyes informed and assured the private complainants that appellant could facilitate the processing of their papers for employment in Taipei and for the issuance of their visas.^[20]

Private Complainant Alvaro Monzons testimony demonstrates the active participation of appellant in the recruitment:^[21]

FISCAL PERALTA:

Where were you suppose[d] to work as factory worker?

WITNESS:

I was told in Taipei, sir.

FISCAL PERALTA:

You said that you applied for a work on July 27, 1989 with this Accused Rodolfo Caures in Sta. Ana, Manila. My question is, who was the person to whom who talked to you when you applied for work abroad on July 27, 1989? (sic)

WITNESS:

Rodolfo Caures, sir, his sister and his wife, sir.

FISCAL PERALTA:

What is the name of the sister of Rodolfo Caures, if you know?

WITNESS:

Rose Reyes, sir.

FISCAL PERALTA:

What about the wife of Rodolfo Caures?

WITNESS:

Zenaida Caures, sir.

Monzons testimony, reiterated by the other private complainants, was sustained by the trial court which held:

In the case at bar, the evidence of the prosecution inscrutably shows that the three (3) Accused, assured and promised employment to the Private Complainants Alvaro Monzon, Pedro Regalado, Gloria Salvador, Amalia Salinas and Teresita Carillo as factory workers in a pure foods factory in Taipei, for a monthly salary of US\$400.00. The Accused required the Private Complainants to remit to the Accused the amount of P13,000.00 each for the placement fees for their employment in Taipei and for the processing of their applications for the issuance of the visas in favor of the Private Complainants. Relying on the assurances and promises of the Accused, the Private Complainants on July 27 and 31, 1989, paid to the Accused the aforesaid amount of P64,000.00, less the discount of P1,000.00 after which the Accused Rose Reyes prepared, in her handwriting, and signed a Receipt acknowledging receipt of the said amount of P64,000.00 in payment of said placement fee and for the issuance of the visas in favor of the Private Complainants (Exhibits A and A-1). Lily Monzon handed the money to the Accused Rodolfo Caures who even counted the money and, after counting the same, turned over the money to his sister, the Accused Rose Reyes. The Accused Rose Reyes promised and assured the Private Complainants that, although they were leaving the Philippines as tourists, they will be met at the Taipei airport by their employer who will take care of them at the airport. However, after the Accused received the money of the Private Complainants, the Accused Rose Reyes deceived and hoodwinked the Private Complainants and left for Taipei under the pretext of working for the issuance, in Taipei, of the visas of the Private Complainants, and to dispel any apprehension or doubts on the part of the Private Complainants, assured them that the Accused Rodolfo Caures and Zenaida Caures, who were present at the time, will work for the processing of the papers of the Private Complainant for their employment abroad during her absence. However, once the Accused Rose Reyes was out of the country, she never returned to the country or even communicated to the Private Complainants. The Accused Rodolfo Caures and Zenaida Caures, on the other hand, abandoned their residence at No. 2257 Callejon 9, Del Pan Street, Sta. Ana, Manila and, without any inkling on the part of the Private Complainants, transferred their residence to No. 1114 Sampaguita Street, Pasay City. The Private Complainants were never able to leave the Philippines for their promised employment in Taipei during the first week of September, 1989 or thereafter, nor were they refunded the

amount of P64,000.00 by any of the Accused. Worse, the Accused had not returned the passports of the Private Complainants after taking custody of them.

It is doctrinal that the trial courts evaluation of a testimony is accorded the highest respect, for the trial court has an untrammelled opportunity to observe directly the demeanor of a witness on the stand and, thus, to determine whether he or she is telling the truth. Such assessment is generally binding on this Court, except when the same has been reached arbitrarily; or when the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could have affected the result of the case.^[22] In the instant case, we find no reason to modify, let alone overturn, the factual finding of the trial court.

Appellant deprecates the factual basis of the trial court ruling that he had engaged in recruitment, arguing that it consisted merely of the bare testimonies of the private complainants.^[23] We are not persuaded. The law prescribes only that degree of proof necessary to produce conviction; no specific form, whether testimonial or documentary, is required for such proof.^[24] Thus, the fact that the trial court based its ruling on the testimonies of private complainants does not detract from the evidentiary weight accorded thereto. As earlier observed, appellant has not given us sufficient reason to disregard the trial courts evaluation of the evidence.

Moreover, appellant was unable to prove any ill motive on the part of the prosecution witnesses that could have affected their credibility. Absent evidence to show any reason or motive why they would have testified falsely, we conclude that no such improper motive existed and that their testimony is worthy of full faith and credit.^[25]

In regard to appellants plea for mercy, further consideration of the matter is precluded by the axiom that ignorance of the law excuses no one from compliance therewith.^[26] In any case, his allegation of lack of criminal intent is unavailing. Illegal recruitment in large scale which is penalized by the Labor Code is *malum prohibitum*, not *malum in se*. The fact alone that a person violated the law warrants his conviction.^[27]

Five Counts of Estafa

Appellant contends that there was no intent or deceit on his part x x x to enlist workers for employment, and that he did not induce private complainants into paying them the fees as, in fact, it was not proved beyond reasonable doubt that accused-appellant charged or accepted fees.^[28]

The elements of *estafa* are as follows: (1) the accused defrauded another by abuse of confidence or by means of deceit; and (2) the offended party or a third party suffered damage or prejudice capable of pecuniary estimation.^[29]

In the case before us, it was proven beyond reasonable doubt that the five private complainants were deceived by appellant, his wife Zenaida Caures and his sister Rose Reyes into believing that there were jobs waiting for them in a factory in Taiwan. Because of the assurances of the three accused, each of the private complainants handed them P13,000 as placement fee. Some of them even borrowed money at usurious interests in order to raise the amount. It turned out, however, that the promise was just a ploy to extract money from private complainants. All in all, we find that the five counts of estafa were adequately proven. On this point, we cite the ruling of the trial court, with which we completely agree:

For the Accused to be liable, under the aforequoted provision of the Revised Penal Code, the confluence of the following essential requisites must be established by the Prosecution:

- a. That there must be a false pretense, fraudulent act or fraudulent means.
- b. That such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud.
- c. That the offended party must have relied on the false pretense, fraudulent act, or fraudulent means, that is, he was induced to part with his money or property because of the false pretense fraudulent act, or fraudulent means.
- d. That as a result thereof, the offended party suffered damage.

- Reyes, Comments on the Revised Penal Code, II, 1981 ed., page 747.

In these cases, the evidence of the Prosecution shows that the Accused, with his co-Accused Rose Reyes and Zenaida Caures, acted in concert and conspired by misrepresenting to the Private Complainants that they could facilitate the processing of the papers of the Private Complainants for the issuance of visas in favor of the Private Complainants and that the Private Complainants would be employed in Taipei, as factory workers in a pure foods factory at a monthly salary of US\$400.00 and that they will leave for their employment in Taipei during the first week of September, 1989 only to induce the Private Complainants into paying them the total amount of P64,000.00 but after the Accused received the money of the Private Complainants, they banished into thin air, so to speak. Patently then, the Accused is criminally liable for the crime of Estafa.

People vs. Bautista^[30] illustrates the appropriate imposable penalty for estafa:

The penalty for *estafa* depends on the amount defrauded. Article 315 of the Revised Penal Code provides: the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period (or imprisonment ranging from 4 years, 2 months and 1 day to 8 years), if the amount of the fraud is over P12,000.00 but does not exceed P22,000.00 pesos, and if such amount *exceeds* the latter sum, the penalty provided in this paragraph shall be imposed in its *maximum period* (6 years, 8 months and 21 days to 8 years), *adding one year for each additional P10,000.00 pesos*; but the total penalty which may be 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.

In the present case, the amount defrauded in each count of *estafa* was P13,000. Pursuant to Article 315 of the Revised Penal Code, the maximum penalty is *prision correccional* in its maximum period to *prision mayor* in its minimum period and, applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision correccional* in its minimum to medium period. Therefore, we sustain the penalties imposed by the trial court.

WHEREFORE, premises considered, the appeal is hereby *DISMISSED* and the assailed Decision is *AFFIRMED in toto*.

SO ORDERED.

Romero, Melo, and Francisco, JJ., concur.
Narvasa, C.J., (Chairman), on leave.

^[1] *Rollo*, pp. 25-47.

^[2] Presided by Judge Romeo J. Callejo, now a Justice of the Court of Appeals.

^[3] *Rollo*, p. 4.

- [\[4\]](#) Otherwise known as the Labor Code of the Philippines.
- [\[5\]](#) Further Amending Articles 38 and 39 of the Labor Code by Making Illegal Recruitment a Crime of Economic Sabotage and Punishable with Life Imprisonment.
- [\[6\]](#) This is the Information in Criminal Case No. 90-83387; *Rollo*, p. 6.
- [\[7\]](#) Atty. Santiago R. Hernandez.
- [\[8\]](#) Atty. Pablito A. Carpio.
- [\[9\]](#) Decision, pp. 21-23; *Rollo*, pp. 45-47.
- [\[10\]](#) The case was deemed submitted for resolution upon receipt by the Court of the Appellees Brief on May 15, 1996.
- [\[11\]](#) Decision, pp. 7-13; *Rollo*, pp. 31-37.
- [\[12\]](#) Appellants Brief, pp. 1-3; *Rollo*, pp. 107-109. Because appellant adopted the trial courts statement of facts, there is no more need to present separately the Defenses Version of the Facts.
- [\[13\]](#) Appellants Brief, p. 8; *Rollo*, p. 114.
- [\[14\]](#) *People vs. Mildred Villas*, G.R. No. 112810, August 17, 1997, per Panganiban, *J.*, citing *People vs. Bautista*, 241 SCRA 216, 220, February 9, 1995; *People vs. Coronacion*, 237 SCRA 227, 239, September 29, 1994; *People vs. Comia*, 236 SCRA 185, 193, September 1, 1995; *People vs. Sendon*, 228 SCRA 489, 497, December 15, 1993; *People vs. Naparan, Jr.*, 225 SCRA 714, August 30, 1993.
- [\[15\]](#) TSN, March 14, 1991, p. 21; TSN, March 26, 1991, p. 15. See also TSN, January 8, 1991, p. 23.
- [\[16\]](#) In this appeal, appellant is represented by Counsel *de Oficio* Lucieden G. Raz.
- [\[17\]](#) Records, pp. 53. See also TSN, March 14, 1991, pp. 31-33.
- [\[18\]](#) Appellants Brief, p. 10; *Rollo*, p. 116.
- [\[19\]](#) *Ibid.*, p. 11; *Rollo*, p. 117.
- [\[20\]](#) TSN, April 25, 1991, p. 12; TSN, March 26, 1991, pp. 42-43.
- [\[21\]](#) TSN, March 14, 1991, pp. 7.
- [\[22\]](#) *People vs. Atuel*, 261 SCRA 339, 349, September 3, 1996, citing *People vs. Sabellina*, 238 SCRA 492, 498, December 1, 1994; *People vs. Eduardo de la Cruz*, 229 SCRA 754, February 8, 1994.
- [\[23\]](#) Appellants Brief, p. 11; *Rollo*, p. 117.
- [\[24\]](#) *People vs. Gapasan*, 243 SCRA 53, 62, March 29, 1995 citing *People vs. Bacalzo*, 195 SCRA 557, March 22, 1991.
- [\[25\]](#) *People vs. Malazarte*, 261 SCRA 482, 491, September 6, 1996, citing *People vs. Pacapac*, 248 SCRA 77 (1995).
- [\[26\]](#) Article 3 of the Civil Code.
- [\[27\]](#) *United States vs. Go Chico*, 14 Phil. 128, September 15, 1909.
- [\[28\]](#) Appellants Brief, p. 13; *Rollo*, p. 119.
- [\[29\]](#) *People vs. Bautista*, *supra*, p. 222.
- [\[30\]](#) *Supra*, at p. 223, per Puno, *J.*