414 Phil. 113

SECOND DIVISION

[G.R. Nos. 135030-33, July 20, 2001]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MERCY LOGAN Y CALDERON, ACCUSED-APPELLANT.

D E C I S I O N

DE LEON, JR., J.:

Before us on appeal is the Joint Decision[1] of the Regional Trial Court of Quezon City, Branch 103, in Criminal Cases Nos. Q-96-66231 to Q-96-66234 convicting the appellant of the crimes of estafa and illegal recruitment in large scale.

The appellant, Mercy Logan y Calderon, was charged with three (3) counts of the crime of estafa, as defined and penalized under Article 315 of the Revised Penal Code, in three (3) separate informations which, save for the names of the private complainants and amounts involved,[2] are substantially worded, thus:

> **Criminal Case No. Q-96-66231:**
>
> That on or about and during the period comprised from January to August 1994 in Quezon City, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud Rodrigo Acorda y Javier in the following manner, to wit: the said accused, by means of false manifestation and fraudulent representations which she made to said Rodrigo Acorda y Javier to the effect that she had the power and capacity to recruit and employ factory and construction worker for Japan 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 Rodrigo Acorda y Javier and to give and deliver, as in fact gave and delivered to said accused the amount of P65,000.00 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 she did obtain the amount of P65,000.00 which amount once in possession, with intent to defraud wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit, to the damage and prejudice of said Rodrigo Acorda y Javier in the aforesaid amount of P65,000.00
>
> CONTRARY TO LAW.

On the other hand, the information charging the appellant Mercy Logan y Calderon with the crime of illegal recruitment in large scale, under Article 38(b) in relation to Article

39(a) of the Labor Code of the Philippines, reads:

> That in or about and during the period comprised from the year 1993 to August 1994, in Quezon City, Philippines, the above-named accused, without any authority of law, did then and there, wilfully, unlawfully and feloniously, for a fee, enlist, recruit and promise employment/job placement abroad to the following persons, to wit:
>
> | NAME | AMOUNT |
> |---|---|
> | 1. Rodrigo Acorda ------- | P65,000.00 |
> | 2. Orlando Velasco ------- | P145,000.00 |
> | 3. Florante Casia ---------- | P100,000.00 |
>
> Without first securing the required license or authority from the Department of Labor and Employment.
>
> That the crime described above is committed in large scale as the same was perpetrated against three (3) or more persons individually or as a group as penalized under Art(s). 38 and 39, as amended by P.D. 2018, of the Labor Code (P.D. 442).
>
> CONTRARY TO LAW.

Upon being arraigned on October 1, 1996, the appellant, assisted by counsel of her choice, entered separate pleas of "Not guilty" to each of the Informations in the instant criminal cases. Thereafter, joint trial on the merits ensued.

It appears from the evidence adduced by the prosecution that private respondent Rodrigo Acorda went to the office of the appellant, Mercy Logan, at 180-D Monterey Street, 15th Avenue, Cubao, Quezon City sometime in January 1994. Rodrigo was informed by the appellant who purported to do business under the name and style Logan Promotion of Arts and Talents,[3] that she could recruit or secure for him employment in Japan. After having communicated his desire to apply for work in Japan, Rodrigo was required by the appellant to pay a placement fee in the amount of One Hundred Fifty Thousand Pesos (P150,000.00). Rodrigo initially paid Ten Thousand Pesos (P10,000.00)[4] to the appellant on January 31, 1994 and he was required to fill up an application form.[5]

While his travel documents were allegedly being processed, Rodrigo was asked by the appellant to pay the additional amount of Twenty Thousand Pesos (P20,000.00) which the former did on February 7, 1994.[6] On April 27, 1994, Rodrigo paid her the amount of Thirty Five Thousand Pesos (P35,000.00)[7] this time allegedly for the processing of his working visa.[8]

Rodrigo visited the appellant at her office on several occasions to inquire about his employment application but he was told by the appellant to return each time inasmuch as his travel documents were allegedly not yet processed. After losing his patience, Rodrigo requested the appellant to return his money. The appellant then issued two (2) Bank of the Philippine Islands (BPI) checks, with Serial Nos. 276712 and 276713[9], in the total amount of Sixty Five Thousand Pesos (P65,000.00) payable to Rodrigo Acorda. Rodrigo attempted to deposit the two (2) BPI checks with the said drawee bank but he was informed that the account of the appellant with the bank was already closed.[10] The appellant failed to make good her subsequent promise to pay back the amount to him. Rodrigo discovered later that the appellant was not duly licensed to recruit applicants for overseas employment.[11]

Private complainant Florante Casia met the appellant at her office through a friend who was also a job applicant. The appellant required him to pay her the amount of One Hundred Fifty Thousand Pesos (P150,000.00) in consideration of an alleged employment as construction worker in Japan. After some haggling, they settled for the amount of One Hundred Thousand Pesos (P100,000.00) which Florante paid to the appellant in two (2) installments.[12] Thereafter, the appellant required Florante to fill up an application form and to submit his bio-data.[13]

After several futile visits to the office of the appellant, Florante likewise grew tired of her assurances for an employment in Japan. He filed a complaint with the police in Camp Crame, Quezon City when appellant failed to return his money despite her promises and after having learned at the Philippine Overseas Employment Agency (POEA) that the appellant was not licensed to recruit applicants for overseas employment.[14]

Private complainant Orlando Velasco applied for work at the office of the appellant in December 1993 after he was informed that the appellant could secure jobs and send job applicants to Japan for a fee of One Hundred Fifty Thousand Pesos (P150,000.00). He paid, without asking for a receipt, Five Thousand Pesos (P5,000.00) to the appellant as initial payment for the processing of his passport and other travel documents.[15] On February 8, 1994 he and his mother paid the balance in the amount of One Hundred Forty Five Thousand Pesos (P145,000.00)[16].

Like the other private complainants in the instant criminal cases, Orlando relied on appellant's promises of employment in Japan. After failing to receive his working visa, Orlando attempted to contact the appellant by telephone who, by then, had already disappeared. He realized his misfortune after learning at the POEA that the appellant was not a licensed job recruiter, thus prompting him to seek assistance from the police. [17]

Appellant Mercy Logan denied that she swindled the private complainants of their money nor promised them any overseas employment. Appellant disclosed that she maintained a dance studio at 180-D Monterey Street, 15th Avenue, Cubao, Quezon City that was available only to females, and that a certain Gloria de Leon used to refer women to the appellant who wished to practice dancing in her studio. Appellant claimed that the private complainants merely vented their anger on her after Gloria de Leon whose services were earlier engaged by them, absconded without fulfilling her undertaking to provide them overseas employment for a fee.[18]

Although she admitted having signed the two (2) BPI checks for the amounts of Fifty Thousand Pesos (P50,000.00) and Fifteen Thousand Pesos (P15,000.00), respectively, payable to Rodrigo Acorda, the appellant denied having actually received the said amounts inasmuch as, according to her, she merely accommodated Gloria de Leon who promised her that she (de Leon) would redeem the said checks. Anent the amount of One Hundred Forty Five Thousand Pesos (P145,000.00) paid by Orlando Velasco, she declared that the same was also actually received by Gloria de Leon in her office. Appellant denied having signed the receipts for the amounts of Seventy Five Thousand Pesos (P75,000.00) and Twenty Five Thousand Pesos (P25,000.00), respectively, evidencing payment by Florante Casia. However, on cross-examination, she admitted that the same were prepared with her approval.[19]

Lastly, the appellant declared that she had delivered her sala set to Orlando Velasco who agreed to withdraw his complaint against her in consideration thereof.[20]

After analyzing the evidence, the trial court rendered a decision on February 10, 1998, the dispositive portion of which, reads:

> ACCORDINGLY, judgment is hereby rendered finding MERCY LOGAN guilty beyond reasonable doubt as principal in all the four (4) cases at bench (3 for Estafa and 1 for Large- scale Illegal Recruitment), and she is hereby sentenced to suffer an imprisonment term of:
>
> 1. In Q-96-66231 (for Estafa involving P60,000.00), six (6) years of *prision correccional* as minimum to ten (10) years of *prision mayor* as maximum;
>
> 2. In Q-96-66232 (for Estafa involving P100,000.00), six (6) years of *prision correccional* as maximum (sic) to fourteen (14) years of *reclusion temporal* as maximum;
>
> 3. In Q-96-66233 (for Estafa involving P150,000.00), six (6) years of *prision correccional* as minimum to nineteen (19) years of *reclusion temporal* as maximum;
>
> 4. In Q-96-66233 (sic) (for Large-scale Illegal Recruitment), life imprisonment and the accused is also ordered to pay a fine of P100,000.00.

On the civil aspect, the accused Mercy Logan is ordered to pay the private complainants by way of restitution, the following sums:

1. To Rodrigo Acorda - P60,000.00[21]
2. To Florante Casia - P100,000.00
3. To Orlando Velasco - P115,000.00

No moral damages is awarded. The complainants checked with POEA only after the accused was not able to sent (sic) them to Japan.

This Court believes that legislation is needed so as not to make as estafa or illegal recruitment complaints of persons who do not first verify with POEA whether an alleged recruiter is duly licensed; or, at the very least, such prior verification should be made an element of these penal laws.

These activities proliferate because people provide a market for them ignoring all government efforts and expenses just to warn people not to deal with persons who are not duly licensed by POEA; and then, when they do not land any job abroad, they go to the government to help solve matters, in the process overloading the already overloaded court system. Some kind of penalty or disincentive should be imposed on people who ignore government's efforts to deter unauthorized recruitment for foreign placement from proliferating. After all, POEA operations are now computerized and it is so easy for plain citizens to reach it. Congress, the Court hazarding its humble opinion without meaning to be presumptuous, can gradually build the confidence of its citizens towards government by gently enacting statutes that would encourage citizens not to ignore our laws and placing some negative results when citizens do not, or they fail to give government due attention.

Let a copy of this decision be furnished POEA.

SO ORDERED.

In her appeal,[22] appellant Mercy Logan essentially claims that she did not represent herself as a job recruiter to the private complainants. According to her, the private complainants were the ones who went to her office in Cubao, Quezon City and pleaded with her to help them find jobs abroad. While she admitted having received money from the private complainants, the appellant turned the same over to Gloria de Leon who actually recruited them for overseas employment; and that Gloria de Leon reneged on her promise to the private complainants. Hence, they implicated her in these cases inasmuch as their transactions with Gloria de Leon took place in her office.

The appeal is not impressed with merit.

The essential elements of the crime of illegal recruitment in large scale which is punishable with life imprisonment and a fine of One Hundred Thousand Pesos (P100,000.00) under Article 39(a) of the Labor Code, as amended, are as follows: 1) the accused engages in the recruitment and placement of workers, as defined under

Article 13(b)[23] or in any prohibited activities under Article 34 of the Labor Code; 2) the accused has not complied with the guidelines issued by the Secretary of Labor and Employment, particularly with respect to the securing of a license or an authority to recruit and deploy workers, whether locally or overseas; and 3) the accused commits the same against three (3) or more persons, individually or as a group.[24]

It has been established that the three (3) private complainants met with the appellant on separate occasions in her office at 180-D Monterey Street, 15th Avenue, Cubao, Quezon City to apply for overseas employment. On the said occasions, she promised them employment either as construction workers or piggery helpers in Japan for a fee. Despite subsequent payment of her required fees, she failed to secure for the three (3) private complainants any overseas employment. Clearly, the appellant was engaged in large scale recruitment and placement activities which were illegal for the reason that she had no license nor authority from the Secretary of Labor and Employment.

The appellant cannot escape liability for her criminal acts by conveniently passing the blame on a certain Gloria de Leon who has allegedly escaped to Taiwan after reneging on her commitment to secure overseas employment for the private complainants. Like the trial court, we entertain serious doubts on this version of the appellant which is self-serving and lacks corroborative evidence to support it.

On the other hand, the testimonies of the private complainants that they transacted directly with the appellant who promised them overseas jobs after receiving money from them were found by the trial court to be honest and straightforward and thus worthy of full faith and credence, as compared to the evasive and ambiguous answers of the appellant to the questions propounded to her during the trial.[25] We accord great respect to the said finding of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial.[26]

Besides, we find it hard to believe that the three (3) private complainants would be so morally depraved as to maliciously impute grave charges against the appellant if she were not the actual perpetrator thereof. The records of these cases do not show that they had any ill motive to testify falsely against the appellant. They were not known to one another and did not have any previous transaction with the appellant before they met her at her office to apply for overseas employment. It is generally observed that it is against human nature and common experience for strangers to conspire and accuse another stranger of a most serious crime just to mollify their hurt feelings.[27]

The signatures[28] of the appellant appearing on the written receipts presented by the prosecution during the trial of the instant criminal cases acknowledging receipt of the corresponding amounts stated thereon undeniably support the testimonies of the private complainants that they transacted directly with the appellant. Significantly, the signature of Gloria de Leon does not appear on any of those written receipts. The appellant even issued two (2) BPI checks in the total amount of Sixty Five Thousand Pesos (P65,000.00) payable to Rodrigo Acorda. She also delivered to Orlando Velasco a sala set, as partial re-payment in kind, which Orlando admitted had an equivalent value of Thirty Thousand Pesos (P30,000.00). These acts of the appellant certainly militate against her claim that she did not actually receive and benefit from the amounts that she collected from the said private complainants.

The appellant cannot pretend having merely accommodated Gloria de Leon for the amount of Sixty Five Thousand Pesos (P65,000.00) which is the total amount of her two (2) BPI checks payable to Rodrigo Acorda inasmuch as her checking account in the BPI has already been closed when private complainant Rodrigo Acorda attempted to encash the checks in the said drawee bank. What appears clear then is that the appellant never really intended to settle her account with the said private complainant. Her issuance of the two (2) BPI checks was merely a ploy intended to dissuade the said private complainant from filing a case against her.

Consequently, in the light of these established facts, the appellant is guilty beyond reasonable doubt of the crimes of three (3) counts of estafa and one count of illegal recruitment in large scale. Under Article 39(a) of the Labor Code, the appellant should suffer, in the case of illegal recruitment in large scale, the penalty of life imprisonment and a fine of One Hundred Thousand Pesos (P100,000.00). In addition, she is liable to indemnify the private complainants in the amounts which they respectively paid to her.

It is well-settled that a person who has committed illegal recruitment may be charged and convicted separately of the crime of illegal recruitment under the Labor Code and estafa under paragraph 2(a) of Article 315 of the Revised Penal Code.[29] The reason for the rule is that the crime of illegal recruitment is *malum prohibitum* where the criminal intent of the accused is not necessary for conviction, while the crime of estafa is *malum in se* where the criminal intent of the accused is necessary for conviction. In other words, a person convicted under the Labor Code may also be convicted of offenses punishable by other laws.[30]

Article 315 of the Revised Penal Code provides that:

> Art. 315. Swindling (estafa).- Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:
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>> 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 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 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.
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>> 2nd. The penalty of *prision correccional* in its minimum and medium periods, if the amount of the fraud is over 6,000 pesos but does not exceed 12,000 pesos.

> 3rd. The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period, if such amount is over 200 pesos but does not exceed 6,000 pesos; and
>
> 4th. By *arresto mayor* in its medium and maximum periods, if such amount does not exceed 200 pesos, provided that in the four cases mentioned, the fraud be committed by any of the following means:
>
> xxx xxx xxx
>
> > 2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
> >
> > > (a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions; or by means of other similar deceits.
>
> xxx xxx xxx

The elements of the above mode of committing estafa are: 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, *i.e.*, he was induced to part with his money or property because of the false pretense, fraudulent act or fraudulent means; and, d) that as a result thereof, the offended party suffered damage.[31] The acts of the appellant of deliberately misrepresenting herself to the private complainants as having the necessary authority or license to recruit applicants for overseas employment so that she could as she did collect money from them allegedly for processing fees and travel documents only to renege on her promise to get them overseas employment and for failure to return the money she collected from the private complainants, despite several demands, clearly amount to estafa punishable under Article 315, paragraph 2(a), of the Revised Penal Code.

However, there is a need to modify the indeterminate penalty imposed by the trial court on the appellant in Criminal Cases Nos. Q-96-66231 to Q-96-66233, for three (3) counts of estafa, in accordance with our ruling in the case of *People v. Gabres.*[32] Our ruling in said case is to the effect that in the determination of the indeterminate penalty for the crime of estafa, the fact that the amount involved exceeds Twenty Two Thousand Pesos (P22,000.00) should not be initially considered; instead the matter should be taken as analogous to a modifying circumstance in the imposition of the maximum term of the full indeterminate sentence. That interpretation of the law is in accord with the rule that penal laws should be construed in favor of the accused.

In Criminal Cases Nos. Q-96-66231 to Q-96-66233, since the penalty prescribed by law for the charge of estafa involving more than Twenty Two Thousand Pesos (P22,000.00), is *prision correccional* maximum to *prision mayor* minimum, the penalty next lower would be *prision correccional* minimum to medium. In accordance with our ruling in *People v. Gabres*, the minimum term of the indeterminate sentence would be anywhere within six (6) months and one day to four (4) years and two (2) months of *prision correccional* while the maximum term of the indeterminate sentence would be at least six (6) years and one day of *prision mayor* plus an additional one year for each additional Ten Thousand Pesos (P10,000.00), but the total penalty shall not exceed twenty (20) years; and the maximum term of the indeterminate sentence shall be *prision mayor* or *reclusion temporal* as the case may be.

Hence, in Criminal Case No. Q-96-66231, where the amount involved is Sixty Five Thousand Pesos (P65,000.00), the minimum term of the indeterminate penalty should be reduced to four (4) years and two (2) months of *prision correccional* (which is the maximum of the allowable minimum period of the indeterminate sentence) while the maximum term is at least six (6) years and one day of *prision mayor* plus an additional one year for each additional Ten Thousand Pesos (P10,000.00), or a maximum term of ten (10) years and one day of *prision mayor.*

In Criminal Case No. Q-96-66232, where the amount involved is One Hundred Thousand Pesos (P100,000.00), the minimum term of the indeterminate penalty should be reduced to four (4) years and two (2) months of *prision correccional* while the maximum term should be at least six (6) years and one day of *prision mayor* plus an additional one year for each additional Ten Thousand Pesos (P10,000.00) or a maximum term of fourteen (14) years and one day of *reclusion temporal.*

In Criminal Case No. Q-96-66233, where the amount involved is One Hundred Fifty Thousand Pesos (P150,000.00), the minimum term of the indeterminate penalty should be reduced to four (4) years and two (2) months of *prision correccional* while the maximum term should be at least six (6) years and one day of *prision mayor* plus an additional one year for each additional Ten Thousand Pesos (P10,000.00) or a maximum term of eighteen (18) years and one day of *reclusion temporal*.

WHEREFORE, the assailed Joint Decision of the Regional trial court of Quezon City, Branch 103 in Criminal Cases Nos. Q-96-66231 to Q-96-66234 is AFFIRMED with the following modifications:

(1) In Criminal Case No. Q-96-66231 (for estafa involving Sixty Thousand Pesos [P60,000.00]), the accused-appellant is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to ten (10) years and one (1) day of *prision mayor*, as maximum.

(2) In Criminal Case No. Q-96-66232 (for estafa involving One Hundred Thousand Pesos [P100,000.00]), the accused-appellant is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to

fourteen (14) years and one (1) day of *reclusion temporal*, as maximum.

(3) In Criminal Case No. Q-96-66233 (for estafa involving One Hundred Forty-Five Thousand Pesos [P145,000.00]), the accused-appellant is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to eighteen (18) years and one (1) day of *reclusion temporal*, as maximum.

(4) In Criminal Case No. Q-96-66234 (for large scale illegal recruitment), the accused-appellant is sentenced to suffer the penalty of life imprisonment, to pay a fine of One Hundred Thousand Pesos (P100,000.00) and to pay the private complainants in the following amounts: (a) Rodrigo Acorda, Sixty-Five Thousand Pesos (P65,000.00); (b) Florante Casia, One Hundred Thousand Pesos (P100,000.00); and (c) Orlando Velasco, One Hundred Fifteen Thousand Pesos (P115,000.00).

Costs against accused-appellant.

SO ORDERED.

Bellosillo, (*Chairman*), *Mendoza*, and *Buena, JJ.*, concur.
Quisumbing, J., on official business.

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[1] Penned by Judge Jaime N. Salazar, Jr. Rollo, pp. 54-60.

[2] In Crim. Case No. Q-96-66232: Complainant: Florante Casia y Catahom; Amount: P100,000.00. In Crim. Case No. Q-96-66233: Complainant: Orlando Velasco y Baluyot; Amount: P145,000.00.

[3] Exhibit "G".

[4] Exhibit "A".

[5] TSN dated October 24, 1996, pp. 4-6.

[6] Exhibit "B".

[7] Exhibit "C".

[8] TSN dated October 24, 1996, pp. 7-9.

[9] Exhibits "D"; "E".

[10] Exhibits "D-2"; "E-2".

[11] TSN dated October 24, 1996, pp. 9-12; 16-17.

[12] Exhibits "J"; "K".

[13] TSN dated October 24, 1996, pp. 21-24.

[14] TSN dated October 24, 1996, pp. 24-25.

[15] TSN dated October 24, 1996, pp. 29-30.

[16] Exhibit "M".

[17] TSN dated October 24, 1996, pp. 31-33.

[18] TSN dated August 7, 1997, pp. 4-8.

[19] TSN dated August 7, 1997, pp. 12-18.

[20] TSN dated August 7, 1997, pp. 9-12.

[21] Should be P65,000.00 per Exhibits "A"; "B"; "C".

[22] Appellant's Brief, Rollo, pp. 39-53.

[23] Article 13. Definitions -

xxx xxx xxx

(b) "Recruitment and placement" refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: 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.

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[24] People v. Mañozca, 269 SCRA 513, 523 (1997); People v. Sadiosa, 290 SCRA 92, 101 (1998); People v. Ariola, 318 SCRA 206, 209-210 (1999); People v. Mercado, 304 SCRA 504, 515-516 (1999).

[25] Decision, Rollo, pp. 54-60.

[26] People v. Aquino, 284 SCRA 369, 376 (1998); Metro Transit Organization, Inc. v.

NLRC, 284 SCRA 308, 314 (1998).

[27] People v. Guevarra, 306 SCRA 111, 125 (1999).

[28] Exhibits "A-1"; "B-1"; "C-1"; "J-1"; "M-1".

[29] People v. Yabut, 316 SCRA 237, 246-247 (1999); People v. Mercado, *supra*., p. 529.

[30] People v. Sadiosa, *supra*, 103, citing People v. Bautista, 241 SCRA 216, 222 (1995).

[31] People v. Juego, 298 SCRA 22, 33 (1998).

[32] 267 SRCA 581, 595-596 (1997).
