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THIRD DIVISION

[G.R. No. 138431-36, September 12, 2001]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIOSCORA M. ARABIA AND FRANCISCA L. TOMAS, ACCUSED-APPELLANTS.

D E C I S I O N

GONZAGA-REYES, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Quezon City, Branch 102, finding accused-appellants Dioscora M. Arabia and Francisca L. Tomas both guilty of illegal recruitment in large scale and sentencing them to each suffer the penalty of life imprisonment and to each pay a fine of P100,000.00; and five (5) counts each of estafa for which both were sentenced to suffer an indeterminate prison term of 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 for each of the four counts. In another count of estafa, they were each sentenced to suffer an indeterminate prison term of two (2) years, eleven (11) months and eleven (11) days of *prision correccional* as minimum, to six (6) years, eight (8) months and twenty-one (21) days of *prision correccional* as maximum. They were further ordered to solidarily pay the complainants the following amounts by way of actual damages: (1) P23,000.00 to Rolando Rustia; (2) P16,000.00 to Noel de la Cruz; (3) P16,000.00 to Teresita Julva Lorenzo; (4) P16,000.00 to Violeta S. de la Cruz; and (5) P16,000.00 to Remelyn Nona Jacinto.

The Information for Illegal Recruitment in Large Scale docketed as Crim. Case No. Q-93-48585 alleged that Dioscora M. Arabia and Francisca L. Tomas, without the requisite license or authority from the POEA recruited six (6) individuals, namely, Violeta S. De La Cruz, Noel De La Cruz, Pelagia Dela Cruz, Remelyn Jacinto, Teresita Lorenzo and Rolando Rustia for employment abroad. It reads:

> "The undersigned accuses DIOSCORA M. ARABIA and FRANCISCA T. TOMAS of the crime of Illegal Recruitment in Large Scale (Art. 38 (a) in relation to Art. 39 (b) of the Labor Code of the Philippines, as amended by P.D. 2018), committed as follows:
>
> That on or about the period comprised from October 1992 to January 16, 1993, in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and mutually helping each other, by falsely representing themselves to have the capacity to contract, enlist and recruit workers for employment abroad, did, then and there willfully, unlawfully and

> feloniously for a fee, recruit and promise employment/job placement abroad to VIOLETA S. DE LA CRUZ, NOEL DE LA CRUZ, PELAGIA DE LA CRUZ, REMELYN JACINTO, TERESITA LORENZO and ROLANDO RUSTIA, without first securing the required license or authority from the Department of Labor and Employment, in violation of said law.
>
> That the crime described above is committed in large scale as the same was perpetrated against three or more persons individually or as group as penalized under Article 38 and 39 of the Labor Code as amended by PD 2018.
>
> Contrary to law."[2]

Five other informations for estafa were also filed before the same court each charging Dioscora Arabia and Francisca Tomas with estafa under par. 2, subpar. (a), of Art. 315, of the Revised Penal Code. Of the six (6) complainants in the case for Illegal Recruitment in Large Scale, only one, Pelagia de la Cruz, did not file a case for estafa.

The estafa cases (naming the complainants and stating the amounts therein involved) include: (1) Criminal Case No. Q-93-48584 (Rolando Rustia-P23,000.00); (2) Criminal Case No. Q-93-48586 (Noel De La Cruz-P16,000.00); (3) Criminal Case No. Q-93-48587 (Teresita Julva Lorenzo-P16,000.00); (4) Criminal Case No. Q-93-48588 (Violeta S. De La Cruz-P16,000.00); (5) Criminal Case No. Q-93-48589 (Remelyn Nona Jacinto-P16,000.00).

Except for the name of the offended party, the amount involved and the date of the commission of the crime, the following information in Criminal Case No. Q-93-48584 typified the other informations for the crime of estafa:

> "The undersigned accuses DIOSCORA M. ARABIA and FRANCISCA L. TOMAS of the crime of Estafa, committed as follows:
>
> That on or sometime in the month of October, 1992, in Quezon City, Philippines, the said accused, conspiring together, confederating with and mutually helping each other, did then and there willfully, unlawfully and feloniously defraud ROLANDO RUSTIA in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which they made to said Rolando Rustia to the effect that they had the power and capacity to recruit and employ Rolando Rustia 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 Rolando Rustia to give and deliver, as in fact he gave and delivered to said accused the amount of P23,000.00 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 P23,000.00, which amount once in possession, with intent to defraud Rolando Rustia,

> willfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said Rolando Rustia in the aforesaid amount of P23,000.00, Philippine Currency."[3]

As said indictments were founded on the same facts, the cases were tried jointly. On December 13, 1993, accused-appellants Dioscora Arabia and Francisca Tomas both entered a plea of not guilty to each of the charges,[4] whereupon trial commenced.

As can be gleaned from the Informations, accused-appellants Dioscora Arabia and Francisca Tomas promised employment to at least six (6) people, four (4) of whom, namely, Violeta De La Cruz, Remelyn Jacinto, Teresita Lorenzo and Pelagia de la Cruz, appeared in court to testify against them.

We adopt the following summary of the evidence for the prosecution by the Office of the Solicitor General, *viz*:

> "In October 1992, private complainants Violeta de la Cruz, Remelyn Jacinto, Teresita Lorenzo, Rolando Rustia and Noel de la Cruz were introduced by the latter's mother, private complainant Pelagia de la Cruz, to appellant Dioscora Arabia, a recruiter of job applicants for a factory in Taiwan.
>
> They all saw appellants at the residence of Arabia at Block 22, Lot 25, Villanova Subdivision, Quezon City (TSN, July 13, 1994, pp. 4-6). Then and there, appellants convinced them and other applicants to apply for jobs in Taiwan that would give them a monthly pay of P22,000.00 with two (2) months advance salary to boot. Service fees for processing and placement, private complainants were told by appellants Arabia and Tomas, would be P16,000.00 for each of them (Ibid., pp. 6-8).
>
> Three (3) days later, appellants themselves went to the Dela Cruz residence where they convinced private complainants to give the amount of P16,000.00 each so that they could leave for Taiwan by December 18, 1992. On November 6, 1992, each of the private complainants, except Roland Rustia who gave P23,000.00, gave P16,000.00 to Arabia at the latter's residence and in the presence of Tomas. Arabia, however, did not issue any receipt upon her assurance that she would not fool them (Ibid., pp. 8-10; August 31, 1994, p. 6).
>
> Private complainants were told to prepare for their departure and that the P16,000.00 placement fee would be reimbursed by their employer in Taiwan. Various requirements, such as pictures, passports and bio-data, were submitted by private complainants (Ibid., July 13, 1994, pp. 10-11).
>
> On December 18, 1992, however, private complainants were not able to leave for Taiwan because appellants told them that the person who was supposed to accompany them to Taiwan did not arrive. The departure date

was thus reset to January 16, 1993, but private complainants were still unable to leave because of the same excuse that appellants gave (Ibid., pp. 11-12).

Private complainants asked for the return of their money as they were no longer interested in working abroad. They were informed by Arabia's sister, however, that appellants were arrested by the NBI and detained at the Quezon City Jail (Ibid., p. 12). Records also showed that appellants were neither licensed nor authorized to recruit workers for overseas employment (Ibid., March 14, 1994, p. 4; May 4, 1994, p. 5).

Upon a joint complaint filed with the Quezon City Prosecutor's Office, the corresponding Informations were filed with the Regional Trial Court (RTC, Decision, pp. 1-4)."[5]

Upon the other hand, accused-appellants denied having recruited the complainants. Dioscora Arabia claimed that the complainants went to her house "para magpahilot." She denied that she got money from them and claimed that she herself was a victim of an illegal recruiter. She applied for employment abroad with a certain Rebecca de Jesus who was also the recruiter of the complainants. She paid Rebecca de Jesus P30,000.00, and consequently, she filed a complaint for estafa and illegal recruitment against Rebecca de Jesus in February 1993. Similarly, Francisca Tomas claimed that she was a job applicant and she met Dioscora Arabia at the house of Rebecca de Jesus. She also saw the complainants as applicants for a job there. At the time of their arrest in March 11, 1993, she was with living with Arabia. According to her, she also filed complaints against Rebecca de Jesus.

Assessing the evidence, the trial court gave full credit to the version of the prosecution and found unmeritorious accused-appellants' defense. The trial found accused-appellants guilty beyond reasonable doubt of illegal recruitment in large scale and of five counts of estafa. The court explained thus:

"After an evaluation of the evidence adduced by the parties, the court finds the evidence sufficient to prove the quilt of the accused beyond reasonable doubt.

As testified to by the complaining witnesses, accused Arabia convinced the complaining witnesses to apply for employment in Taiwan by making representations that they will be getting a salary of P20,000.00 a month, and upon arrival in Taiwan, they will be paid their two months salary in advance. Accused likewise told them that they will be leaving on December 18, 1992. It was also accused Arabia who demanded the payment of P16,000.00 placement fee from each complainant.

Undoubtedly, therefore, accused Arabia and Tomas were engaged in recruiting workers for employment abroad.

The evidence adduced by the prosecution likewise shows that accused Arabia was neither licensed or authorized by the POEA to recruit workers for overseas employment as shown by the certification issued by the Chief Licensing Division, POEA, Veneranda Guerrero (Exh. A).

Neither is accused Francisca Tomas licensed nor authorized to recruit workers for overseas employment (Exh. B).

It was likewise sufficiently shown that both accused recruited more than three persons - the five (5) complaining witnesses in this case.

The only defense of the accused Arabia and Tomas is denial. They claim that, like the complainants, they too, accused Arabia and Tomas, were job applicants and their recruiter was one Rebecca de Jesus; that they were likewise victimized by Rebecca de Jesus. As a matter of fact, according to the accused, like them, complainants also filed a case against said illegal recruiter, Rebecca de Jesus.

However, accused Arabia and Tomas failed to present proof that they indeed filed a case against Rebecca de Jesus for illegal recruitment. Neither did they present proof that complainants also filed a case against said Rebecca de Jesus. Accused Arabia presented supposed complainant-affidavits against Rebecca de Jesus, however, it was not shown that herein complainants are among those persons who executed an affidavit-complaint.

Accused Arabia admits that sometime during the last week of November, 1992, the complainants went to her house. However, she claimed they went there not because they wanted to see her but because one Rebecca de Jesus, the alleged illegal recruiter told the complainants to meet her (Rebecca) there because Rebecca happened to be a client of accused Arabia as "manghihilot". Accused Arabia later on stated that she first saw these complainants during the last week of December 1992.

Accused Arabia further stated the case they filed against Rebecca de Jesus is with the sala of then Judge Costales of Br. 93 of Quezon City. However, the evidence showed that the case then pending in the sala of Judge Costales was the case filed by other complainants against herein accused Arabia and Tomas (Exh. G-1).

The allegation of accused witness, one Atty. Layaoen, who allegedly assisted herein accused in filing their complaint against Rebecca de Jesus with the Prosecutor's Office in Quezon City was belied by the prosecution's rebuttal witness, Mr. Ronald Feliciano, an employee of the City Prosecutor's Office, Quezon City, assigned at the Records Division of said office, who testified that based on their records, there are nine (9) cases of estafa and illegal recruitment filed in their office against Rebecca de Jesus, but not one of them was filed by herein accused Arabia and Tomas, and/or by complainants in the present case (against Arabia and Tomas).

Besides, if Atty. Layaoen indeed assisted the accused in filing the case against Rebecca de Jesus, how come he does not even know what happened to said case if there was really a case filed against said Rebecca de Jesus.

Witness Layaoen further stated that as far as he knows accused could not have been involved in any case of estafa or illegal recruitment. However, accused Arabia and Tomas admitted that they have already been convicted by an RTC court in Quezon City, then presided by Judge Costales, for the crimes of estafa and illegal recruitment filed by other complainants for which they are presently confined at the Women's Correccional.

While it may be true that complainants herein were not able to present receipts to prove that they in fact paid the placement fee of P16,000.00 each to accused Arabia with accused Tomas witnessing the payment, it has been ruled that the absence of receipts in a criminal case for illegal recruitment does not warrant acquittal of the accused and is not fatal to the case of the prosecution. As long as the witnesses had positively shown through their respective testimonies that the accused is the one involved in the prohibited recruitment, he may be convicted of the offense despite absence of receipts. (People vs. Goce 247 SCRA 780; People vs. Senden 228 SCRA 489; People vs. Naparan 225 SCRA 714; People vs. Pabala 262 SCRA 553)."[6]

The dispositive portion of the decision reads:

> WHEREFORE, the Court finds accused Dioscora Arabia and Francisca Tomas:
>
> (1) CRIMINAL CASE NO. Q-93-48584
>
> Guilty beyond reasonable doubt of estafa defined and penalized under Article 315 (2) (a) of the Revised Penal Code and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to suffer an indeterminate imprisonment from Two (2) years, Eleven (11) months and Eleven (11) days of prision correccional as minimum, to six (6) years, Eight (8) months and Twenty-one (21) days of prision correccional as maximum, and to pay the costs.
>
> Accused Dioscora Arabia and Francisca Tomas are solidarily liable to pay complainant Roland Rustia the sum of P23,000.00.
>
> (2) CRIMINAL CASE NO. Q-93-48585
>
> Guilty beyond reasonable doubt of Illegal Recruitment (in large scale) penalized under Article 39 of the Labor Code as amended by Pres. Decree No. 2018, and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to each suffer the penalty

of Life Imprisonment and for each one to pay P100,000.00 fine.

(3) CRIMINAL CASE NO. Q-93-48586

Guilty beyond reasonable doubt of the crime of Estafa defined and punished under Article 315 (2) (a) of the Revised Penal Code, and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to each suffer an indeterminate imprisonment 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 and to pay the costs.

Accused Dioscora Arabia and Francisca Tomas are solidarily liable to pay complainant Noel de la Cruz the amount of Sixteen thousand (P16,000) pesos.

(4) CRIMINAL CASE NO. Q-93-48587

Guilty beyond reasonable doubt of the crime of Estafa defined and punished under Article 315 (2) (a) of the Revised Penal Code, and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to each suffer an indeterminate imprisonment 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 days of prision correccional as maximum, and to pay the costs.

Accused Dioscora Arabia and Francisca Tomas are solidarily liable to pay complainant Teresita Julva Lorenzo the sum of sixteen thousand (P16,000) pesos.

(5) CRIMINAL CASE Q-93-48588

Guilty beyond reasonable doubt of the crime of Estafa defined and punished under Article 315 (2) (a) of the Revised Penal Code, and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to each suffer an indeterminate imprisonment of 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, and to pay the costs.

Accused Dioscora Arabia and Francisca Tomas are solidarily liable to pay complainant Violeta S. de la Cruz the sum of Sixteen thousand (P16,000) pesos.

(6) CRIMINAL CASE NO. Q-93-48589

> Guilty beyond reasonable doubt of the crime of Estafa defined and punished under Article 315 (2) (a) of the Revised Penal Code, and both accused Dioscora Arabia and Francisca Tomas are hereby sentenced to each suffer an indeterminate imprisonment 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, and to pay the costs.
>
> Accused Dioscora Arabia and Francisca Tomas are solidarily liable to pay complainant Remelyn Nona Jacinto the sum of Sixteen thousand (P16,000) pesos.
>
> SO ORDERED.
>
> Done in Quezon City, this 31st day of August, 1998."

Accused-appellants seasonably filed their appeal. In their Appellants' Brief,[7] they impute to the trial court the following errors:

I

> THE TRIAL COURT ERRED IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE FOUR COMPLAINANTS WHO TESTIFIED IN THIS CASE AND IN DISREGARDING THE TESTIMONIES OF THE ACCUSED-APPELLANTS.

II

> THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS FOR ILLEGAL RECRUITMENT AND FIVE (5) COUNTS OF ESTAFA DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

In fine, accused-appellants question the credibility of the four complainants/witnesses and the sufficiency of the prosecution's evidence.

Accused-appellants argue that none of the four complaining witnesses ever presented a receipt to prove the alleged payment of a fee; that their testimonies do not corroborate one another as to the payment to the accused of such amounts on such a date and place; and that their testimonies that accused refused to issue receipts runs counter to the presumption that persons take ordinary care of their concerns (Rule 131, Sec. 5 (d), Rules of Evidence). Accused-appellants insist that the illegal recruiter is one Rebecca de Jesus and that they themselves are victims of the latter.

These arguments fail to persuade.

Large-scale illegal recruitment has the following essential elements:

> (1) The accused undertook [a] recruitment activity defined under Article 13 (b) or any prohibited practice 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.[8]

Article 13 (b) of the Labor Code defines recruitment and placement as follows:

> "xxx [A]ny act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers [which] includes referrals, contact services, promis[es] 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 engagement in recruitment and placement."

There is no doubt as to accused-appellants' guilt for all the essential elements of the crime of Illegal Recruitment in Large Scale have been established beyond reasonable doubt. Accused-appellants recruited at least four persons, giving them the impression that they had the capability to send them to Taiwan for employment. They collected various amounts allegedly for recruitment and placement fees without license or authority to do so. It is settled that "the fact that an accused in an illegal recruitment case did not issue the receipts for amounts received from the complainants has no bearing on his culpability so long as complainants show through their respective testimonies and affidavits that the accused was involved in the prohibited recruitment." [9] It has also been held that "the Statute of Frauds and the rules of evidence do not require the presentations of receipts in order to prove the existence of a recruitment agreement and the procurement of fees in illegal recruitment cases. The amounts may consequently be proved by the testimony of witnesses."[10]

The complainants were positive and categorical in their testimonies that they personally met accused-appellants and that the latter asked from them sums of money in exchange for the promised employment overseas. Complainants had no motive to testify falsely against accused-appellants. Needless to state, against the positive and categorical statements of the complainants, the mere denials of accused-appellants and their pinpointing of the crime to one Rebecca de Jesus who was never produced in court cannot prevail. As the Court held in another illegal recruitment case, "with the accused-appellant's failure to present the person who was allegedly responsible for the recruitment of the complainants, she risked the adverse inference and legal presumption that evidence suppressed would be adverse if produced."[11]

Large scale illegal recruitment is punishable by life imprisonment and a fine of P100,000.00 under Article 39 (a) of the Labor Code,[12] hence, the trial court imposed the proper penalty.

As regards the conviction of accused-appellants for estafa on five (5) counts in Criminal Cases Nos. Q-93-48584, Q-93-4858, Q-93-48587, Q-93-48588 and Q-93-48589, we have ruled in a number of cases that a person convicted of illegal recruitment under the Labor Code can be convicted of violation of the Revised Penal Code provisions on estafa, provided the elements of the crime are present. The elements of estafa are: (a) that the accused defrauded another by abuse of confidence or by means of deceit, and (b) that damage or prejudice capable of pecuniary estimation is caused to the offended party or third person.   In relation thereto, Art. 315 of the Revised penal Code provides for the penalty thus-

> "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 P12,000 but does not exceed P22,000, 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 P10,000; but the total penalty which may be imposed shall not exceed twenty years. In such a case, and in connection with the accessory penalties which may be imposed and for the purpose of the other provision of this Code, the penalty shall be termed *prision mayor* or *reclusion temporal*, as the case may be.

We are convinced that accused-appellants defrauded complainants/witnesses Violeta de la Cruz (Criminal Case No. Q-93-48588); Remelyn Jacinto (Criminal Case No. Q-93-48589); and Teresita Lorenzo (Criminal Case No. Q-93-48587) through deceit. A scrutiny of their testimonies in court reveal that they were misled into believing that accused-appellants could provide them employment in Taiwan. As a result, the three complainants/witnesses each parted with P16, 000.00 in search of greener pastures to improve their lot.

The RPC imposes 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." The amount involved in each of the said three cases for estafa is within the above range. Under the Indeterminate Sentence Law, the maximum term of the penalty shall be "that which, in view of the attending circumstances, could be properly imposed" under the Revised Penal Code, and the minimum shall be "within the range of the penalty next lower to prescribed" for the offense.[13] In the absence of mitigating and aggravating circumstances, the trial court correctly imposed an indeterminate prison term of "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 for each of the three counts of estafa."[14]

We also sustain the award of actual damages by the trial court to complainants Violeta de la Cruz, Remelyn Jacinto and Teresita Lorenzo even if they were unable to produce receipts, as they were able to prove by their testimonies that the accused-appellants were involved in the entire recruitment process and that they got their money.[15]

However, accused-appellants should be acquitted of the two counts of estafa, namely, in Criminal Case No. Q-93-48584 with Rolando Rustia as complainant involving P23,000.00 and Criminal Case No. Q-93-48586 with Noel De La Cruz as complainant involving P16,000.00. Both Rolando Rustia and Noel de la Cruz did not appear in court to testify against accused-appellants. After Rolando Rustia and Noel de la Cruz signed the "Joint Complaint Affidavit" accusing Dioscora Arabia and Francisco Tomas of Illegal Recruitment in Large Scale and Estafa, nothing more was heard from them. The prosecution did not present any testimonial or documentary evidence to prove the estafa committed by accused-appellants against Rolando Rustia and Noel de La Cruz.

WHEREFORE, the judgment of the trial court finding accused-appellants Dioscora M. Arabia and Francisca L. Tomas guilty of Illegal Recruitment in Large Scale in Crim. Case No. Q-93-48585 and Estafa in Criminal Cases Nos. Q-93-48588, Q-93-48589 and Q-93-48587 is hereby **AFFIRMED.** However, accused-appellants are **ACQUITTED** of the two (2) counts of estafa in Criminal Cases Nos. Q-93-48584 and Q-93-48586 for insufficiency of evidence.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and *Sandoval-Gutierrez, JJ.,* concur.

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[1] Per Judge Perlita J. Tria Tirona.

[2] *Rollo*, pp. 12-13.

[3] pp. 10-11.

[4] Original Records, p. 29.

[5] *Rollo*, pp. 124-126.

[6] *Rollo*, pp. 48-50.

[7] *Rollo*, pp. 72-98.

[8] People vs. Ariola, 318 SCRA 206 (1999).

[9] People vs. Yabut, 316 SCRA 327 (1999).

[10] People vs. Mercado, 304 SCRA 504 (1999).

[11] People vs. Enriquez, 306 SCRA 739 (1999).

[12] People vs. Banzales, G.R. No. 132289, July 18, 2000.

[13] Sec. 1, Act No. 4103, as amended.

[14] People vs. Saley, 291 SCRA 715 (1998).

[15] Banzales, supra.
