

SECOND DIVISION

[G.R. No. 158627, March 05, 2010]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MARITESS MARTINEZ Y DULAY, APPELLANT.

DECISION

DEL CASTILLO, J.:

No less than the Constitution ordains that labor - local and overseas, organized and unorganized - shall be given full protection. Further it mandates the promotion of full employment and equality of employment opportunities. Thus, if an individual illegally recruits another for employment abroad, he shall be meted the penalty of life imprisonment and fined. The same individual could also be held liable for the crime of Estafa.^[1]

This appeal assails the December 11, 2002 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR No. 24144 which affirmed with modifications the October 12, 1999 Decision^[3] of the Regional Trial Court (RTC) of Manila, Branch 3, finding appellant guilty of the crimes of Illegal Recruitment in large scale and four counts of Estafa.

Factual Antecedents

On June 21, 1995, herein appellant Maritess Martinez and her daughter, Jenilyn Martinez, were charged with seven counts of Estafa before the RTC of Manila. The cases were docketed as Criminal Case Nos. 95-143311,^[4] 95-143312,^[5] 95-143313,^[6] 95-143314,^[7] 95-143315,^[8] 95-143316,^[9] and 95-143317.^[10]

Except for the dates of commission of the crimes, the amounts defrauded, and the names of the complainants, the Informations for Estafa were similarly worded as follows:

That in or about and during the period comprised between _____,^[11] inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating and helping with one Julius Martinez who was previously charged [with] the same offense before the Regional Trial Court of Manila, Branch ____, docketed under Criminal Case No[s]. 94-139797 to 139803 did then and there willfully and feloniously defraud _____^[12] in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which she/he/they made to said _____^[13] to the effect that he had the power and capacity to recruit and employ as factory worker in Korea 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 _____^[14] to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of _____^[15] 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/he/they did obtain the amount of _____^[16] which amount once in her/his/their possession, with intent to defraud, willfully, unlawfully and feloniously misappropriated, misapplied and converted to her/his/their own personal use and benefit, to the damage and prejudice of said _____^[17] in the aforesaid amount of _____^[18] Philippine Currency.

Contrary to law.

On even date, appellant together with her children Jenilyn Martinez and Julius Martinez, were also charged with the crime of Illegal Recruitment in large scale which was docketed as Criminal Case No. 95-143318.^[19] The accusatory portion of the Information reads:

That in or about and during the period comprised between February 1993 and July, 1994, 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 willfully and unlawfully for a fee recruit and promise employment/job placement abroad to the following persons, to wit: NELSON LAPLANO, CRIZALDO FERNANDEZ Y MARTINEZ, WALTER ISUAN Y ORTIZ, NECITO SERQUINA^[20] Y TUVERA, DOMINADOR ILASIN^[21], ARNULFO SUYAT Y LOYOLA, and VIVENCIO^[22] MARTINEZ Y CORNELIO without first having secured the necessary license or authority from the Department of Labor and Employment (POEA).

Contrary to law.^[23]

The cases were raffled to Branch 3 of the RTC of Manila. Thereafter, warrants of arrest^[24] were issued against the three accused. However, the same were served only against appellant^[25] and Julius Martinez^[26] whereas accused Jenilyn Martinez remains at large.

During his arraignment on August 18, 1995, Julius Martinez pleaded not guilty to the charge of Illegal Recruitment.^[27] Meanwhile, appellant was arraigned on September 6, 1995 where she entered a plea of not guilty to the charges of Estafa and Illegal Recruitment in large scale.^[28]

The cases were consolidated upon motion of the prosecution.^[29] Trial on the merits thereafter ensued.

The following complainants were presented by the prosecution as witnesses, to wit: Dominador Ilacin, Necito Serquiña, Vivencio Martinez, and Arnulfo Suyat. However, complainants Walter Isuan, Nelson Laplano, and Crizaldo Fernandez failed to testify despite being given several opportunities.^[30] Thus, on February 14, 1996, the trial court issued an Order *viz*:

For failure of the complaining witnesses, Nelson Laplano y Malapit, Crizaldo Fernandez y Martinez, and Walter Isuan y Ortiz, to appear at today's trial, despite personal service of notice of this setting, as prayed for by the accused' counsel and without objection from the public prosecutor, insofar as Crim. Case No. 95-143312, 95-143314, and 95-143316 are concerned, the same are hereby PROVISIONALLY DISMISSED, with the express consent of accused Maritess Martinez y Dulay only. With costs de oficio.

SO ORDERED.^[31]

Ruling of the Regional Trial Court

On October 12, 1999, the trial court issued its Decision acquitting Julius

Martinez of the crime of Illegal Recruitment in large scale while finding appellant guilty of Illegal Recruitment and four counts of Estafa.

The trial court found that appellant was not a holder of a license or authority to deploy workers abroad; that appellant falsely represented herself to have the capacity to send complainants as factory workers in South Korea; that she asked from complainants various amounts allegedly as placement and processing fees; that based on said false representations, complainants parted with their money and gave the same to appellant; that appellant appropriated for herself the amounts given her to the damage and prejudice of the complainants; and that she failed to deploy complainants for work abroad.

The trial court did not lend credence to appellant's allegation that she merely assisted complainants in their applications with JH Imperial Organization Placement Corp. Instead, it held that complainants directly applied with the appellant, *viz*:

x x x Maritess was not licensed to recruit workers for overseas employment by the POEA. She is directly accountable to complainants as the recipient of the money. Besides, no one from Imperial Agency was even presented to show that it was the entity handling the recruitment. They relied on her representations that she could send them abroad to work. x x x^[32]

The dispositive portion of the trial court's Decision reads:

WHEREFORE, accused Julius Martinez is acquitted while accused Maritess Martinez is FOUND GUILTY of estafa on 4 counts and illegal recruitment.

She is hereby sentenced to an imprisonment of from 10 years, 8 months and 21 days to 11 years, 11 months and 10 days of prision mayor for 4 counts of estafa. Further, she shall suffer an imprisonment of from 5 years, 5 months and 11 days to 6 years, 8 months and 20 days of prision correccional for illegal recruitment.

Accused shall also indemnify private complainants for actual damages, as follows: P40,000.00 to Dominador Ilacin, P40,000.00 to Necito Serquiña, P55,000.00 to Vivencio Martinez, and P45,000.00 to Arnulfo Suyat; and to pay the costs.

SO ORDERED.^[33]

Ruling of the Court of Appeals

Appellant appealed to the CA arguing that no evidence was presented to show that she falsely represented herself as having the capacity to send complainants as factory workers in South Korea.^[34] She alleged that there was no proof that she personally undertook to deploy them for work abroad.^[35] She maintained that she merely assisted complainants in their applications with JH Imperial Organization Placement Corp. and that she was merely an agent of the latter.^[36] She claimed that there is no truth to the claim of the complainants that she was holding office in her residence considering its very limited space and that the same is occupied by her six family members.^[37]

On December 11, 2002, the CA rendered its assailed Decision denying the appeal for lack of merit. It found appellant guilty of Illegal Recruitment in large scale for having "committed acts of recruitment such as making promises of profitable overseas employment to complainants"^[38] and of "collecting from the complainants payment for their passports, placement fees and other sundry expenses".^[39] It likewise found that appellant "did not have the authority to recruit workers for overseas employment".^[40] The appellate court disregarded appellant's argument that she merely assisted complainants in their applications with JH Imperial Organization Placement Corp. The CA likewise affirmed appellant's conviction for four counts of Estafa.

The dispositive portion of the CA Decision reads:

Accordingly, the Court modifies the penalties imposed by the trial court, viz:

In Criminal Case No. 95-143311, the amount involved is P30,000.00 ([appellant] having returned to complainant Dominador Ilacin the amount of P10,000.00). The minimum term of the indeterminate sentence should be four (4) years and two (2) months of *prision correccional* and the maximum term should be eight (8) years of *prision mayor*.

In Criminal Case No. 95-143313, the amount involved is P40,000.00. The

minimum term of the indeterminate sentence should be four (4) years and two (2) months of *prision correccional* and the maximum term should at least be eight (8) years of *prision mayor* plus a period of one (1) year [one (1) year for each additional P10,000.00] or a total maximum period of nine (9) years of *prision mayor*.

In Criminal Case No. 95-143315, the amount involved is P39,000.00 ([appellant] having returned to complainant Vivencio Martinez the amount of P16,000.00). The minimum term of the indeterminate sentence should be four (4) years and two (2) months of *prision correccional* and the maximum term should be at least eight (8) years of *prision mayor* plus a period of one (1) year [one (1) year for each additional P10,000.00] for a total maximum period of nine (9) years of *prision mayor*.

In Criminal Case No. 95-143317, the amount involved is P29,000.00 ([appellant] having returned to complainant Arnulfo Suyat the amount of P16,000.00). The minimum term of the indeterminate sentence should be four (4) years and two (2) months of *prision correccional* and the maximum term should be eight (8) [years] of *prision mayor*.

In Criminal Case No. 95-143318, large scale illegal recruitment is punishable with life imprisonment and a fine of One Hundred Thousand Pesos (*Article 39, Labor Code*).

The amount of actual damages awarded to the three complainants is modified there being partial payments made by the appellant, viz:

- 1) Dominador Ilacin - P30,000.00
- 2) Vivencio Martinez - P39,000.00
- 3) Arnulfo Suyat - P29,000.00

WHEREFORE, considering that the imposable penalty in Criminal Case No. 95-143318 (Illegal Recruitment in Large Scale) is life imprisonment consistent with Section 13, paragraph (b), Rule 124 of the 2000 Revised Rules on Criminal Procedure, the Court hereby certifies this case and elevates the entire records to the Honorable Supreme Court for the mandated review.

SO ORDERED.^[41]

Hence, this appeal filed by appellant raising the following assignment of errors:

Issues

I.

THE COURT OF APPEALS COMMITTED PALPABLE ERROR IN NOT FINDING [THAT] THE PROSECUTION EVIDENCE IS INSUFFICIENT TO PROVE THE