

SECOND DIVISION

[G.R. No. 129486, July 04, 2008]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GLORIA BARTOLOME, ACCUSED-APPELLANT.**

D E C I S I O N

VELASCO JR., J.:

On September 6, 1989, in the Regional Trial Court (RTC) in Naic, Cavite, the Office of the Provincial Fiscal of Cavite filed eight (8) separate Informations, four (4) for Illegal Recruitment and four (4) for Estafa, against accused-appellant Gloria Bartolome and Lidelia Capawan. Docketed as Crim. Case Nos. NC-354 to NC-361, the cases were eventually raffled to Branch 15 of the court. Except for the names of the offended party and/or the amount involved, the following informations in Crim. Case No. NC-354 for illegal recruitment and Crim. Case No. NC-358 for estafa, as hereunder indicated, typified the other informations for the crime of illegal recruitment and estafa, as the case may be:

For Illegal Recruitment -

That on or about the period from July to September 1988 or for sometime prior or subsequent thereto, in the Municipality of Indang, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with grave abuse of trust and confidence reposed on them, with deliberate intent to defraud, by falsely representing themselves to have the capacity to contract, enlist and recruit workers abroad, did, then and there, willfully, unlawfully and feloniously for a fee, recruit and promise employment/job placement in Bahrain to one Fe Rollon without first obtaining the required license and/or authority from the Department of Labor and Employment, thereby resulting damage and prejudice.

CONTRARY TO LAW.

For Estafa -

That on or about the period from July to September 1988 or for sometime prior or subsequent thereto, in the Municipality of Indang, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another with deliberate intent to defraud with grave abuse of trust and confidence reposed on them, with false manifestation and misrepresentation pretending themselves that they possessed power and influence to recruit workers for employment abroad, obligated themselves to seek and facilitate employment abroad

of Fe Rollon as saleslady in Bahrain and pursuant to said obligation received from Fe Rollon the total amount of P16,500.00, given them in Indang, Cavite and Makati, Metro Manila on different dates but accused upon receipt and possession of the aforementioned amount of P16,500.00 and far from complying with their obligation, did, then and there, willfully, unlawfully and feloniously misapply, misappropriate and convert the aforesaid amount of P16,500.00 to their own use and benefits and despite repeated demands made to make good of their promise and/or return the amount taken and/or received from the said victim, accused failed and refused to do so, thereby resulting to the damage and prejudice of said Fe Rollon in the aforesaid amount of P16,500.00.

CONTRARY TO LAW.

Of the two accused named in the informations, only accused-appellant Bartolome was brought under the jurisdiction of the RTC, Capawan being then and still is at large. When arraigned, accused-appellant entered a plea of not guilty to all charges. Thereafter, by agreement of the parties, all eight (8) cases were tried jointly.

The four (4) private complainants, Fe Rollon, Raymundo Dimatulac, Esperanza Buhay, and Reynaldo Rollon, each charging accused-appellant with one count of illegal recruitment and one count of estafa, were all from Calumpang Lejos, Indang, Cavite, like accused-appellant.^[1] Buhay, presented as common prosecution witness for all cases, testified seeing accused-appellant, her husband, and Capawan, sometime in July 1988, walking around Calumpang Lejos making it appear that they were badly in need of workers for overseas employment. When asked, Buhay evinced interest to work abroad and, upon being assured by accused-appellant and Capawan of the genuineness of their offer, later gave the two a sum of money to cover medical, processing, and passport fees. And very much later, Buhay paid accused-appellant and Capawan, in Makati City, PhP 13,000 as placement fee for which she was handed a pre-signed receipt. Buhay was given a photocopied plane ticket purportedly for a flight to Bahrain, but the promised job abroad never materialized.

Dimatulac, on the other hand, testified that he was given a run around about his departure for Bahrain. According to him, after signifying, when so asked, his desire to work in Bahrain as janitor, accused-appellant and Capawan told him to fill out a bio-data form and to pay the usual processing and placement fees which he did. Dimatulac was not able to leave and failed to get his money back, prompting him, like Buhay, to file a complaint with the Philippine Overseas Employment Agency (POEA).

With slight variations, complaining witnesses Fe and Reynaldo gave parallel accounts about their dealings with the reneging accused-appellant and Capawan, particularly with respect to personally meeting the latter two who offered overseas job placements in Bahrain, being asked to pay and paying the processing and placement fees, and being given a photocopy of a plane ticket.

Accused-appellant denied the accusations against her and disclaimed ever pretending to possess power and influence to recruit and secure overseas employment for private complainants. She claimed that the private complainants

were only out to blackmail her because the wife of her brother-in-law is related to Capawan, who actually did the recruiting; and that her husband and her brother-in-law were themselves victims of Capawan's recruitment activities.

In a consolidated decision^[2] dated November 10, 1992, the RTC found accused-appellant guilty beyond reasonable doubt of the crimes charged and sentenced her, thus:

WHEREFORE, this Court finds accused Gloria Bartolome guilty beyond reasonable doubt of four (4) counts or offenses of illegal recruitment designated in Criminal Cases Nos. 354, 355, 356 and 357 under Art. 38, para. (b), Labor Code of the Philippines, as amended, and on each count or offense, sentences her with an imprisonment of eight (8) years and a fine of P50,000.00

Similarly, this Court finds said accused guilty beyond any shadow of doubt of four (4) counts or offenses of estafa under Art. 315, 2(A) [of the Revised Penal Code], and shall, for each count or offense designated in Crim. Case Nos. 358, 359, 360 and 361, suffer an imprisonment of prison correccional in its maximum period to prison mayor in its minimum period, or six (6) years, eight (8) months and 21 days to eight (8) years.

Additionally, the said accused shall indemnify:

Fe Rollon,	P16,500.00
Esperanza Buhay,	P16,500.00
Reynaldo Rollon,	P16,500.00
Raymundo Dimatulac,	P15,850.00

The services of the foregoing imposed penalties of imprisonment shall be successive pursuant to Art. 70, Revised Penal Code.

With costs.

SO ORDERED.

In due time, accused-appellant went to the Court of Appeals (CA) whereat her appellate recourse was docketed as CA-G.R. CR No. 14239. On February 19, 1997, the CA rendered a Decision^[3] disposing as follows:

WHEREFORE, the appealed Decision of November 10, 1992 finding the accused guilty beyond reasonable doubt of four (4) counts or offenses of Illegal Recruitment and of four (4) counts of Estafa under Art. 315 of the Revised Penal Code is AFFIRMED subject to the MODIFICATION that appellant is hereby sentenced to suffer the penalty of Life Imprisonment and ordered to pay P100,000.00 as fine **for the crime of Illegal Recruitment in Large Scale.**

In view of the penalty of Life Imprisonment imposed on appellant Gloria Bartolome, the Division Clerk of Court is hereby ORDERED TO REFRAIN FROM ENTERING JUDGMENT and to forthwith elevate the records of the