

THIRD DIVISION

[G.R. Nos. 145734-35, October 15, 2002]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. VICENTA MEDINA LAPIS, ANGEL MATEO, AIDA DE LEON (AT LARGE) AND JEAN AM-AMLAW (AT LARGE), APPELLANTS.

D E C I S I O N

PANGANIBAN, J.:

Illegal recruiters prey on our gullible and impoverished people by inveigling them with false or fraudulent promises of attractive employment in foreign shores. Such vultures deserve the full sanction of the law.

The Case

Vicenta Medina Lapis and Angel Mateo appeal the March 6, 2000 Joint Decision^[1] of the Regional Trial Court (RTC) of Makati City (Branch 138), finding them guilty beyond reasonable doubt of illegal recruitment and estafa. The dispositive portion of the Decision reads as follows:

"WHEREFORE, the Court rules –

"1. In Criminal Case No. 99-1112[,], accused Vicenta Medina Lapis and Angel Mateo are pronounced guilty of violating Section 6, of Republic Act No. 8042, the Migrant Workers and Overseas Filipinos Act of 1995 and they are both sentenced to suffer life imprisonment. Pursuant to the last paragraph of Section 7, Republic Act No. 8042, considering that both accused are non-licensors or non-holders of authority, they are both sentenced to pay fines of One Million Pesos (P1,000,000.00) each. Both accused are ordered to indemnify both complainants jointly and severally of the amount of P118,000.00, the net amount after deducting the recovery of P40,000.00. They are likewise ordered to pay both complainants jointly and severally the amounts of P24,000.00 as reimbursement for traveling expenses; P4,000.00 as rental for boarding house, and P100,000.00 as unrealized income;

"2. In Criminal Case No. 99-1113[,], accused Vicenta Medina Lapis and Angel Mateo are guilty of violating Article 315 (2) (a) of the Revised Penal Code and they are both sentenced to suffer imprisonment of twenty (20) years of reclusion temporal.

"No civil liability need be imposed considering that in Criminal Case No. 99-1112 the same was already provided.

"Let the case as against Jane Am-amlao and Aida de Leon be sent to the archives to be revived upon arrest, surrender or acquisition of jurisdiction over their person.

"SO ORDERED."^[2]

Two separate Informations,^[3] both dated April 20, 1999, charged appellants with syndicated illegal recruitment under Republic Act (RA) 8042^[4] and estafa under paragraph 2 (a) of Article 315 of the Revised Penal Code.^[5]

In Criminal Case No. 99-1112, they were charged as follows:

"That on or about March, 1998 and thereafter in Makati City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there willfully, unlawfully and feloniously recruit the herein complainants, MELCHOR F. DEGSI and PERPETUA L. DEGSI for employment as an office worker and as a cook or mechanic in Japan, for and in consideration thereof, they were required to pay the amount of P158,600.00 as alleged placement and processing fees, which the complainants delivered and paid the amount of P158,600.00 Philippine Currency, without the accused having deployed the complainants despite the lapse of several months, to their damage and prejudice."^[6]

In Criminal Case No. 99-1113, the Information reads:

"That on or about March, 1998 and thereafter in Makati City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there, willfully, unlawfully and feloniously recruit and promise employment to spouses MELCHOR and PERPETUA DEGSI in Japan for a total consideration of one hundred fifty eight thousand and six hundred pesos (P158,600.00) as placement and processing fees, knowing that they have no capacity whatsoever and with no intention to fulfill their promise, but merely as a pretext, scheme or excuse to get or exact money from said complainant as they in fact collected and received the amount of P158,600.00 from said MELCHOR and PERPETUA DEGSI to their damage, loss and prejudice for the aforesaid amount."^[7]

With the assistance of their counsel *de officio*,^[8] appellants pleaded not guilty to the charges during their arraignment on July 27, 1999.^[9]

The Facts

Version of the Prosecution

The Office of the Solicitor General (OSG) relates how appellants, despite their lack of authority or license, represented themselves as persons who had the capacity to send the victims abroad for employment. We quote its version of the facts as follows:

"The prosecution presented three witnesses, namely, Melchor Degsi and Perpetua Degsi ('Complainants' for brevity) and Priscilla Marreo (or Priscilla Marelo).

"The prosecution and appellants stipulated that appellants are not licensed or authorized to recruit workers for employment abroad, in lieu

of the testimony of Senior Labor Researcher Johnson Bolivar of the Philippine Overseas Employment Administration (POEA).

"Complainants are husband and wife, residents of Baguio City. They made a living earning an average of P20,000.00 a month by selling fish and vegetables in a rented stall in said City, at least until March 24, 1998 when they closed shop for reasons of attending to the demands of the promised jobs for them in Japan. Both categorically identified Jane Am-amlao (or Jean Am-amlaw), their co-vendor in Baguio City Market, as the person who approached them and assured them that she knew a legal recruiter, an ex-POEA employee, who had the capacity to send them both abroad. Jane Am-amlaw (or 'Am-amlaw' for brevity) recruited complainants and personally accompanied them on March 24, 1998 to meet the person she earlier referred to, or Aida de Leon (or Alma de Leon), in the latter's apartment at No. 7280 J. Victor St., Pio del Pilar, Makati.

"Complainants likewise categorically identified Aida de Leon ('de leon' for brevity) as the person who arranged a meeting in her apartment on March 24, 1998 between complainants and appellant Angel Mateo ('Mateo' for brevity) whom de Leon introduced as their contact person for Japan-bound workers. In said meeting, Mateo represented himself as having the capacity to send people abroad and showed complainants various documents to convince them of his legitimate recruitment operations. Convinced that Mateo had indeed the capacity to facilitate their employment as an office worker and as a cook or mechanic in Japan, complainants, on that same day, handed Mateo P15,000.00 which Mateo required them to pay for their processing fees. This was to be the first of a series of sums of money to be extracted from complainants.

"Complainants were able to positively identify Mateo in court as the contact person of de Leon and who collected from them, from March 24, 1998 to June 23, 1998, sums of money for the alleged necessary expenses relative to the promised jobs awaiting them in Japan in the total amount of P158,600.00. Complainants likewise categorically identified Mateo as the same person whose authorization was needed for the recovery of P40,000.00 of the P45,000.00 they gave Mateo who in turn deposited it to Sampaguita Travel Agency under his own name.

"Complainants likewise positively identified appellant Vicenta 'Vicky' Lapis ('Lapis' for brevity) in Court as the person introduced to them by Mateo as his wife on April 29, 1998 at Max's Restaurant in Makati when Lapis required complainants to pay P49,240.00 for their plane tickets and travel taxes. Lapis is, in fact, only the live-in partner of Mateo. Lapis told complainants that she was helping to speed up the process[ing] of their papers relative to the promised jobs awaiting them in Japan. Complainants met again Lapis, who was with Mateo on May 2, 1998 at the Makati Restaurant, annex of Max's Restaurant, when Lapis assured them that Mateo could really send them abroad and even wrote in a piece of paper appellants' address at Phase I, Lot 14, Blk 13 Mary Cris Subd., Imus, Cavite. On May 17, 1998, complainants once more met Lapis who was with Mateo, de Leon and de Leon's husband in Baguio City at the house of Priscilla Marreo's daughter. Both appellants updated

complainant as to the status of their paper and reiterated their promise that complainants would soon be leaving for Japan, then collected from complainants unreceipted amount of P20,000.00. Complainants met again with Lapis, who was again with Mateo, on May 19, 1998 at the Sampaguita Travel Agency. Mateo extracted P45,000.00 from complainants and deposited it under his name. On that occasion, Perpetua wanted to ask from the Sampaguita Travel Agency's employees where to pay the P45,000.00 but failed to do so because Lapis took her attention away from asking while Mateo asked Melchor to hand over to him said sum.

"Priscilla Marreo ('Priscilla' for brevity) is the sister of Melchor who loaned complainants part of the P158,000.00 which appellants extracted from complainant[s]. Thus, she made herself present in most of the meetings between complainants and appellants together with the two other accused where she witnessed the assurances and promises made by appellants relative to complainants' immediate departure for Japan and their corresponding demands of sums of money. The testimony of Priscilla underscored the testimony of complainants showing that Amamlaw, de Leon, Lapis and Mateo indeed corroborated and confederated in the commission of illegal recruitment.

"The prosecution presented documentary evidence, such as varied unofficial receipts all bearing the signature of Mateo; 'Sinumpaang Salaysay' of Perpetua L. Degsi executed on July 21, 1998; Affidavit executed by complainants on July 21, 1998; Requirement for Guarantee Letter of Visa bearing the names of both private complainants; Request for Certification of POEA-CIDG, Team to Mr. Hermogenes Mateo, Director II, Licensing Branch of POEA as represented by Johnson Bolivar, Senior Labor Researcher of POEA, and the various documents that complainants alleged to have been shown to them by Mateo to prove the legality of his recruitment operations."^[10] (Citations omitted)

Version of the Defense

For their part, appellants deny that they were engaged in recruitment activities, and that they promised foreign employment to the victims. Below is the version of the facts presented by the defense:

"VICENTA MEDINA LAPIS testified that she is the live-in partner of her co-accused Mateo. They have been living together for almost three (3) years. According to her, she first met both complainants at Max's Restaurant in Makati when they talked to accused Mateo. She was there only to accompany her live-in partner. The subject of the conversation between the complainants and accused Mateo was a contract in Baguio City. She did not see complainant deliver money to accused Mateo while they were in that meeting. She also has no knowledge about the transaction between complainant and accused Mateo. She admitted that she went to Baguio City together with accused Mateo to talk to the City Mayor. She likewise admitted that the handwriting appearing in Exhibit 'F' is hers but the reason why she gave it was only to comply to the request of the complainant Perpetua Degsi regarding a matter to be followed up at the National Bureau of Investigation (NBI). The result of her follow-up

rendered was that complainant Perpetua Degsi has a pending case of estafa.

"ANGEL MATEO averred that he is engaged in the importation of heavy equipment and containers but he has never been engaged in recruitment. To prove that he was really engaged in the delivery of heavy equipment, he presented a document of Import Service signed by a certain Alexander Arcilla addressed to Honorable Timoteo Encar Jr., City Mayor, Cavite City dated March 14, 1997 and were marked as Exhibit '1' and '1-a'. He also presented another document of Import Services issued by the Department of Trade and Industry addressed to Honorable Mayor Maliksi as Municipal Mayor of Imus, Cavite; a photocopy of a Bill of Lading from Trade Bulk cargoes by Eastern Shipping Lines, Inc.; and Invoice of used vehicles, airconditioners and washing machines and the packing list which were all marked as Exhibits 3 to 5. Sometime in March 24, 1998, he met the complainants at Pio del Pilar, in Makati City at the apartment of accused Aida de Leon. He went there to follow-up their transaction about heavy equipment with Mayor Binay because, it was accused de Leon who entered the transaction with Mayor Binay. While he was there, the complainants were introduced to him by accused de Leon. He admitted meeting the complainants on April 29, 1998 at Max's Restaurant but the reason was for him to meet Mrs. Marero in person and also because complainant Perpetua Degsi has a pending case for large scale estafa and she needed a clearance. He denied having signed Exhibit 'B'. He further claimed that the topic of their meeting was to supply heavy equipment in Baguio City. He denied having asked for P50,000.00 on May 6, 1999. He likewise denied signing the receipt showing the total amount of P158,600.00."^[11]

The Trial Court's Ruling

The trial court held that the evidence for the prosecution sufficiently established the criminal liability of appellants for the crimes charged. It ruled in this manner:

"Evidence for the prosecution clearly established that both complainants were enticed by accused Mateo and were led to believe that the latter has the capacity to send them for employment to Japan. Complainant Melchor Degsi and his wife Perpetua Degsi both testified to this fact. Acting on their belief that indeed accused Mateo can deploy them to Japan, amounts were disbursed by both complainants to accused Mateo to cover the processing and placement fees. x x x The Court finds the evidence presented by the prosecution sufficient to establish that accused Mateo violated Section 6 of Republic Act No. 8042 when he demanded amounts for placement and processing fees but he failed to deploy both complainants. The Court has a similar conclusion insofar as the accusation for estafa is concerned as the evidence shows accused Mateo knew beforehand that he has no capacity to deploy both complainants abroad and that the enticement to work abroad was merely a scheme or plan to exact money from both complainants. Deception was proven.

"Insofar as the accused Lapis is concerned it is to be noted that the theory of the prosecution is that she acted in conspiracy with her co-