

## **FIRST DIVISION**

**[ G.R. No. 116626, July 10, 1998 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CELIA FLOR COSA Y VILLEGAS, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**VITUG, J.:**

Accused-appellant Celia Flor Cosa was charged in two separate informations with two counts of Illegal Recruitment in Large Scale and eleven counts of Estafa. At her arraignment, she entered a plea of "Not Guilty" to all the charges. A consolidated trial on the merits, the cases having related factual settings, was conducted by the Regional Trial Court of Manila, Branch 15, of the National Capital Judicial Region.

On 20 December 1993, the court a quo rendered its decision. In Criminal Case No. 92-111348, the trial court found the accused guilty of the crime of Illegal Recruitment in Large Scale and imposed upon her the penalty of life imprisonment pursuant to Article 39(a) of the Labor Code. In Criminal Case No. 92-111360, the court held the accused guilty of the offense punishable under Article 39(c) of the Labor Code and imposed on her an indeterminate penalty of four (4) years and one (1) day to five (5) years. In the estafa cases, the accused was acquitted in four (Criminal Cases No. 92-111349, No. 92-111359, No. 92-111361 and No. 111365), and convicted in seven (Criminal Cases No. 92-111350, No. 92-111351, No. 92-111352, No. 92-111355, No. 92-111357, No. 92-111358 and No. 92-111363) of the total eleven indictments. The dispositive portion of the decision, in its entirety, read:

"WHEREFORE, this court finds the accused Celia Flor Cosa guilty beyond reasonable doubt of the crime of Illegal Recruitment in large scale as charged in Crim. Case No. 92-111348 and hereby imposes upon said accused the penalty of life imprisonment as provided under Art. 39 (a) of the Labor Code of the Philippines.

"In the indictment under Crim. Case No. 92-111360 this court finds the accused guilty beyond reasonable doubt of the offense punishable under Art. 39(c) of the Labor Code of the Philippines and hereby imposes upon her an indeterminate penalty of 4 years and 1 day to 5 years.

"Acquitting the accused in Crim. Cases Nos. 92-111349, 92-111359 and 92-111361 where the offended parties are Reynaldo Ardan, Elenita Trajano and Francisco Sarmiento, respectively, on the ground that she had no participation in the commission of the offenses charged under the above-mentioned criminal cases.

"In Crim. Case No. 92-111365, where the offended party is Emmanuel Vasquez, accused is hereby acquitted on reasonable doubt.

"Convicting the accused in the following cases of estafas, namely Crim. Cases Nos. 92-111350, 92-111351, 92-111352, 92-111355, 92-111357, 92-111358, 92-111363 and imposing the following penalties, to wit:

"In Crim. Case No. 92-111350 an indeterminate penalty of 6 months and 1 day of prision correccional as minimum to 5 years 5 months and 11 days of prision correccional as maximum and to indemnify the offended party Vicente Reas the sum of P15,000.00.

"In Crim. Case No. 92-111351 an indeterminate penalty of 6 months and One (1) day of prision correccional as minimum to 5 years, 5 months and 11 days of prision correccional as maximum and to indemnify the offended party Edward Calaranan the sum of P26,000.00.

"In Crim. Case No. 92-111352 an indeterminate penalty of 6 months and One (1) day of prision correccional as minimum to 10 years of prision mayor as maximum and to indemnify the offended party Rolando Mendoza the sum of P50,000.00.

"In Crim. Case No. 92-111355 an indeterminate penalty of 5 months and 1 day of prision correccional as minimum to 8 years of prision mayor as maximum and to indemnify the offended party Ferdinand Aviso in the sum of P30,000.00.

"In Crim. Case No. 92-111357 an indeterminate penalty of 6 months and 1 day of prision correccional as minimum to 9 years of prision mayor as maximum and to indemnify the offended party Caruso Astibe in the sum of P37,000.00.

"In Crim. Case No. 92-111358 an indeterminate penalty of 6 months and 1 day of prision correccional as minimum to 5 years, 5 months and 11 days of prision correccional and to indemnify the offended party Jose Naval P20,000.00.

"In Crim. Case No. 92-111363 an indeterminate penalty of 4 months 1 day of aresto mayor as minimum to 1 year 1 day of prision correccional as maximum and to indemnify the offended party Fernando Roque in the sum of P5,000.00.

"The accused having been under detention since October 1992, up to the present, her detention shall be credited in the service of her sentence with four-fifths (4/5) of the time during which she has undergone preventive imprisonment.

"And for the accused to pay the cost in all these cases of conviction.

"SO ORDERED."<sup>[1]</sup>

The accused filed an appeal to this Court but solely from the decision<sup>[2]</sup> of the trial court in Criminal Case No. 92-111348 which had declared her guilty beyond reasonable doubt of Illegal Recruitment in Large Scale and where life imprisonment had been imposed on her. The information against her in Criminal Case No. 92-111348, particularly, averred:"That in or about and during the period comprised between August 5, 1992 and September 21, 1992, inclusive, in the City of Manila, Philippines, the said accused, conspiring and confederating with three others whose true names, real identities and present whereabouts are still unknown and helping one another, representing themselves to have the capacity to contract, enlist and

transport Filipino contract workers for employment abroad, did then and there wilfully and unlawfully, for a fee, recruit and promise employment/job placement for abroad to the following persons, namely: VICENTE REAS Y TISBE, JOSE NAVAL Y ESGUERRA, EFREN PINEDA Y LARDIZAVAL, CARUSO ASTIBE Y LAYNESA, FERDINAND AVISO Y ADIVISO, EDWARD CALARANAN Y ALHAMBRA, GREG ARIDA Y BEJASA, JESUS ADEL Y HERNANDEZ, REYNALDO ARDAN Y STA. MARIA, RONALDO MENDOZA Y OFIAZA AND ELENITA TRAJANO Y BARRIENTOS, without first having secured the required license or authority from the Department of Labor.

“Contrary to law.”<sup>[3]</sup>

In the instant appeal, accused-appellant contends that the trial court has erred in finding her to be the treasurer/cashier of Japs International Trading Corporation and to have been in connivance with the other corporate officers in illegal recruitment activities instead of her being held to be merely a “low-key employee” of the firm.

The appeal is bereft of merit.

Hardly controvertible were the declarations made by the prosecution witnesses who gave detailed accounts on how appellant had dealt with each of the complainants. The Solicitor General aptly described, indeed extensively, this evidence given by the witnesses before the trial court; viz:

“The prosecution presented the following witnesses, namely, Reynaldo Ardan, Ronaldo Mendoza, Edward Calaranan, Elenita Trajano, Fernando Roque, Jose Naval, Vicente Reas, Caruso Astibe, Francisco Sarmiento and Emmanuel Vasquez.

“Reynaldo Ardan testified that sometime in March, 1992, he was informed by his sister-in-law, Elenita Trajano, that she had a friend named Bing Domingo who worked at Japs International Trading, an agency engaged in the recruitment of workers abroad (TSN, January 26, 1993, p. 4).

“Sometime in July 1992, Ardan was accompanied by his sister-in-law to see Bing Domingo at the office of Japs International Trading. He was informed by Bing Domingo that their company was recruiting workers for the position of production staff or factory worker in Japan with a salary of P55,000 a month. He was informed of the requirements such as passport, medical fee of P1,500 and placement fee of P35,000 (Ibid, pp. 4-5).

“Ardan immediately filled up an application form and submitted his bio-data and a passport picture. He also gave P1,500 to Bing Domingo for the medical fee (Ibid, p. 5).

“After complying with the requirements, Ardan paid the initial amount of P20,000 to Bing Domingo. He was issued a receipt for said amount, bearing the signatures of Bing Domingo, accused-appellant and two others (Ibid, pp. 6-7).

“On September 11, 1992, Ardan paid the balance of P15,000 of the

placement fee. He was issued a memorandum of agreement wherein it stated that in case of failure to deploy him within sixty (60) days from receipt of the amount, the whole amount of P35,000 shall be returned to him (Ibid, p. 7).

"Ardan was not able to leave for Japan as promised. He demanded for a refund of the money he paid. He was not able to recover the amount of P35,000 (Ibid, pp. 7-8).

"Ronaldo Mendoza testified that he learned from a neighbor named Leonel Dimaganto that Japs International Trading was recruiting workers for employment abroad. He went to the office of said agency which was located at Quirino Avenue, Malate, Manila. He was able to talk to accused-appellant. He was informed that the available position was that of a factory worker. He applied for the position and was informed of the requirements such as passport, NBI Clearance, medical clearance, a picture and placement fee of P50,000 (Ibid, pp. 9-10).

"On September 6, 1992, Mendoza paid the placement fee to accused-appellant, upon the instruction of Floro Cosa. He was issued a receipt bearing the signature of accused-appellant. He failed to leave for Japan and failed to get his money back (Ibid, pp. 10-11).

"Elenita Trajano testified that sometime in March, 1992, she was introduced by her friend, Bing Domingo, to the other officers of Japs International Trading. Among them was accused-appellant, treasurer of the agency (TSN, January 28, 1993, pp. 2-3).

"On September, 1992, Trajano went to the office of Japs International Trading and saw the same persons. She was told that they were hiring for the position of production staff. She was also informed that, being a Computer Engineering graduate, she could be hired as a computer engineer (Ibid, p. 3).

"Trajano applied for the position and was required to have a medical examination, a passport and transcript of records. She complied with these requirements and submitted the same to Bing Domingo. She was also informed that the placement fee was P70,000 (Ibid, pp. 3-4). On August 5, 1992, she made an initial payment of P35,000 to Bing Domingo. The agreement was that the balance would be paid within two (2) days before her scheduled deployment. She was issued a memorandum of agreement for the amount she paid. She was told that she would be deployed within sixty (60) days. Before the lapse of sixty (60) days, she went to the office of Japs International Trading but could no longer find Bing Domingo and Floro Cosa. She was not able to leave for Japan (Ibid, pp. 4-6).

"Fernando Roque testified that sometime in June, 1992, he went to Japs International Trading Corporation to apply for a job. He was introduced to accused-appellant by Bing Domingo, the executive secretary of said company. After the introduction, he made inquiries from accused-appellant, Bing Domingo and Floro Cosa about the possibility of being