

SECOND DIVISION

[G.R. No. 109779, March 13, 1997]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NESTOR MANOZCA Y ALMARIO, ACCUSED-APPELLANT.

D E C I S I O N

REGALADO, J.:

The cynical note that a sucker is born every minute may well be the working code of illegal recruiters. For, despite official efforts and extensive media coverage, many gullible souls still fall prey to these human vultures and their obsession for material gain. With the second highest penalty in criminal justice as the punitive deterrent, a vigilant citizenry may hopefully be spared from what happened in the case at bar.

Accused-appellant Nestor Mañozca y Almario was charged in the Regional Trial Court, Branch 88, Quezon City with the crime of illegal recruitment in large scale in violation of Article 38(a) in relation to Article 39(b) of the Labor Code, as amended by Presidential Decree No. 2018; and with two (2) counts of estafa punished under Article 315, paragraph(2)(a), of the Revised Penal Code.

The indictments therefor respectively allege as follows:

Criminal Case No. 90-13962

"That during the period comprised from February, 1989 to March, 1989 in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, without any authority of law and for a fee, did then and there willfully, unlawfully and feloniously recruit and promise employment/job placement abroad to the following persons: FERDINAND TUAZON y AQUINO, ARNULFO CAAMPUED y CAMBA and NORLITO HULAR y TUMBADO without first securing the required license or authority from the Department of Labor and Employment in violation of the aforesaid law."^[1]

Criminal Case No. 90-13963

"That on or about the period comprised from February, 1989 to March, 1989 in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, wilfully and unlawfully and feloniously defraud NORLITO HULAR y TUMBADO in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations executed prior to or simultaneously with the commission of the fraud he made to the said complainant to the effect that he had the power and capacity to obtain a

visa and other travel papers for abroad if given the necessary amount to meet the requirements therefor, including the service fee and by means of other deceits of similar import induced and succeeded in inducing the said complainant to give and deliver, as in fact, the latter gave and delivered to said accused the total amount of P12,636.00 Philippine Currency, on the strength of said manifestation and representation said accused knowing fully well that the same were false and fraudulent and were made only to obtain, as in fact, he obtained the aforementioned amount which one in possession with intent to defraud the said accused misapplied, misappropriated and converted to his personal use and benefits, to the damage and prejudice of said offended party in the total amount aforementioned and in such amount as may be awarded under the provisions of the New Civil Code.”^[2]

Criminal Case No. 90-13964

“That on or about the period comprised from February, 1989 to March, 1989 in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously defraud ARNULFO CAAMPUED y CAMBA in the following manner, to wit: the said accused by means of false manifestation and fraudulent representation executed prior to or simultaneously with the commission of the fraud he made to the said complainant to the effect that he had the power and capacity to obtain a visa and other travel papers for abroad if given the necessary amount to meet the requirements therefor, including the service fee and by means of other deceits of similar import induced and succeeded in inducing the said complainant to give and deliver, as in fact, the latter gave and delivered to said accused the total amount of P14,500.00 Philippine Currency, on the strength of said manifestation and representation said accused knowing fully well that the same were false and fraudulent and were made only to obtain, as in fact, he obtained the aforementioned amount which once in possession with intent to defraud the said accused misapplied, misappropriated and converted to his personal use and benefits, to the damage and prejudice of said offended party in the total amount aforementioned and in such amount as may be awarded under the provisions of the New Civil Code.”^[3]

At his arraignment, herein appellant pleaded not guilty to the charges, and the trial thereafter proceeded. The prosecution presented the three complainants in these three cases as witnesses. They testified to their recruitment which led to the filing of these cases against appellant. Complainant Ferdinand Tuazon testified that he met appellant in their house in the first week of February, 1989 through a certain Fred, a compadre of his father, Renato. Appellant was using the name Mr. Santiago, introducing himself as a Singaporean citizen, and was recruiting workers for Singapore. He invited the Tuazons to work in Singapore. Ferdinand Tuazon was asked by his father if he wanted to apply and he indicated his desire to apply as a janitor. He was told by appellant to prepare the necessary documents, like his passport and clearance from the National Bureau of Investigation (NBI), and to undergo medical examination at the Philippine Medical Test System in Quezon Avenue, Quezon City.^[4]

Complainant Arnulfo Caampued testified that he first met appellant in the house of his landlord, Renato Tuazon, on the same date. Appellant introduced himself as a recruiter operating through direct hiring. He said that he had no permanent office in the Philippines but he was billeted at the Camelot Hotel in Quezon City.^[5] Arnulfo was asked by appellant to submit the necessary requirements, such as a medical certificate, residence certificate, NBI clearance, birth certificate, and his latest certificate of employment. He was supposed to work as a security guard. Appellant also told him and his companions that Singapore is a beautiful place and, if they could work there, they could improve their standard of living and help their respective families.^[6]

Complainant Norlito Hular testified that he came to know appellant through Renato Tuazon, father of his co-complainant.^[7] During their first meeting, appellant introduced himself as Manolito Santiago and invited him to work abroad. Appellant showed them the job order, indicating the job openings, and let them sign it. Norlito was supposed to work as a bartender in a club in Singapore. The appellant also told him that their main office, Global Management of Singapore, is located in Singapore and all their papers will be forwarded to Singapore for authentication.^[8]

When the three complainants were in the process of preparing the necessary requirements, appellant asked for money from them on different occasions and for various purposes. Tuazon gave his first payment of P4,000.00, as placement fee, in the first week of February and in the presence of his parents, sister and the two other complainants. His second payment of P5,000.00 was given in the second week of February, and the last payment for processing fee of P3,000.00 in the first week of March, 1989.^[9]

Arnulfo Caampued gave his first payment of P5,000.00 in the first week of February for processing fee. Other payments of P5,000.00 was made in the first week of March, and P4,500.00 in the third week of March.^[10] Warlito Hular gave appellant the amount of P3,500.00 in the first week of February for processing fee, P2,500.00 in the last week of February for medical examination and passport fees, and P3,363.00 in the second week of March as placement fee.^[11]

The three complainants were not issued receipts and neither did they ask for the same because of their continuing trust in appellant and his assurance that they could leave by the last week of February. Another reason was their frequent meetings with appellant wherein they were repeatedly reassured of their placements abroad, aside from the fact that appellant assisted them in their medical examinations.

The three complainants were not able to leave on the scheduled dates of departure. When appellant met them for the last time, he informed them that they would be leaving on March 22, 1989. Appellant showed them a piece of paper with a reservation code number which could be counter-checked at the office of Singapore Airlines along T.M. Kalaw in Manila for their flight schedule. When they went to the Singapore Airlines office to verify, they were given a computerized document indicating their names, flight schedule and their status as "waitlisted" passengers.^[12]

Appellant was able to make them believe that the computerized documents would suffice for them to leave for Singapore. At this point, appellant was again able to collect money from the complainants. They were supposed to meet the day before their supposed date of departure but appellant failed to show up, hence the complainants decided to proceed to the airport to confirm their flight. They found out that their reservation was not confirmed and no plane tickets had been purchased for them.

Thereafter, appellant did not show up anymore. It was after about a year later when complainants learned that appellant had been arrested and was detained at the NBI. They went to the NBI office and identified appellant. As a consequence, a complaint was thereafter filed against the latter.^[13]

Appellant, as was to be expected, denied the charges. He interposed an alibi for his defense. He averred that he is a businessman engaged as a meat dealer, and that he had his own slaughterhouse. During the month of February, 1989, he was regularly buying meat from Batangas with four companions. They purchased cows and pigs in the morning and butchered them in the afternoon, and the meat was delivered the following morning to Divisoria. His usual routine started in the afternoon and ended at midnight. Sometimes, he also supervised the business of his aunt, Josephine Tan, who owns the stalls he was using in Divisoria.^[14]

He further claimed that on March 15, 1990, he was arrested while delivering live cows at Masilo, Malabon, and he was then detained at the NBI. On March 22, 1990, he was taken out from his detention cell for identification by the complainants.^[15] He denies having been engaged in recruitment for overseas employment, claiming that he did not know the three complainants until their confrontation at the office of the NBI in the National Capital Region.

The Court a quo eventually rendered its decision on August 18, 1992, finding herein appellant guilty of the charges beyond reasonable doubt, and disposing as follows:

“WHEREFORE, premises considered, accused NESTOR MAÑOZCA y ALMARIO is found guilty by this Court of Illegal Recruitment in Large Scale in Criminal Case No. 90-13962 and is hereby sentenced to suffer a penalty of life imprisonment and to pay a fine in the sum of P100,000.00. He is likewise found guilty of two counts of Estafa in Criminal Case No. 90-13963 and 90-13964 and is hereby sentenced to serve two prison terms of four (4) months and one (1) day of arresto mayor as minimum to four (4) years, two (2) months and one (1) day of prision correc(c)ional as maximum and to reimburse Norlito Hular the sum of P12,636.00 with legal rate of interest from (the) date (the) Information is filed in Court, to pay Arnulfo Caampued the sum of P15,000.00 in actual damages (with) the same legal interest from the date (the) Information is filed in Court and to pay the costs.”^[16]

Hence, this appeal, with appellant asseverating that the trial court erred in convicting him on the bases of the incredible testimonies of the prosecution witnesses, and in not giving credence to his testimony.^[17] The inquiry thus boils