

FOURH DIVISION

[CA-G.R. CR-H.C. NO. 02382, September 18, 2006
]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JANNETTE GARIN-BALDEVARONA, ACCUSED-APPELLANT.**

D E C I S I O N

BARRIOS, J.:

Because of another of the seemingly endless labor recruitment capers, the appellant Jannette Garin-Baldevarona (or Jannette) is in jail, her husband and co-accused Samuel Baldevarona (or Samuel) is in hiding, while their complainants Leslie Malasig-Bibat (or Leslie), Leovigildo Bibat (or Leovigildo), and Loida Juan-Bautista (or Loida) are still in the country and nowhere near the promised worker's paradise in Canada.

On complaints initiated by Leslie, Leovigildo and Loida, Jannette and Samuel were charged before the Regional Trial Court of Quezon City with *Large Scale Illegal Recruitment* under Art. 38 (a) in relation to Art. 39(b) of the Labor Code and the concomitant Estafa under Article 315, par. 2(a) of the Revised Penal Code. It was alleged that the spouses have acted in concert in committing the said offenses in Quezon City on or about the period comprised from August 1990 up to February 1991, by recruiting and promising employment and/or job placement abroad to the three (3) complainants without first obtaining the required license and/or authority from the Department of Labor and Employment, and by their fraudulent representations that they have the authority and capacity to facilitate their employment abroad and to complete the necessary papers for these if given the amounts to meet the requirements as well as their fees, induced and succeeded in taking from them moneys of P12,300.00 from Leslie, P122,096.00 from Leovigildo, and P57,350.00 from Loida. They made these misrepresentations and deceits knowing fully well that these were false and fraudulent, and made only to obtain said sums which once were in their possession they misappropriated and converted to their own personal use and benefit to the damage and prejudice of the said complainants.

All three (3) complainants testified. Leslie is a nurse and the first among them to know Jannette and Samuel whom she met while applying for a job placement abroad at the DRC Recruitment Agency in Malate, Manila. Jannette was always there and appeared to be familiar with and part of the people working there. Samuel told Leslie that his wife Jannette was herself recruiting workers for Canada, and Jannette confirmed this. By that time Leslie had noticed that the DRC Recruitment Agency was not too successful in job placement. Jannette convinced her to withdraw her application because she herself could send her abroad as a tourist and in three (3) months time she will work in a hospital as a nurse. The couple and Leslie by then have become close friends, and they started talking in earnest and this they did mostly in the house of Leslie in Cruz na Ligas, Quezon City where Jannette and

Samuel became frequent visitors. There they recruited workers for Canada and among those enticed were Leovigildo who was to be a janitor and his relative Loida who was promised a job as a teacher with travel papers for the other six (6) members of her family. The spiel of Jannette was that she had these influential connections as a former member of the Women's Auxiliary Corps assigned to Customs and having a relative married to a Canadian consul. Of course there was the little matter of fees and expenses which the spellbound complainants willingly paid to Jannette from time to time, and which totaled to P12,300.00 for Leslie, P122,096.00 for Leovigildo, and P57,350.00 for Loida.

Jannette promised the complainants that they will be able to leave for Canada by March 10, 1991. The day came and went, but they were unable to leave and Jannette did not even show up. The complainants went looking for her at her house in St. Jude Subdivision in Novaliches but failed to find her there. They proceeded to POEA and there learned that Jannette and/or Samuel is neither licensed nor authorized by this Administration to recruit workers for overseas employment (Exhs. "A" & "E").

The complainants went on to Camp Crame because of the lead that Jannette had told them that she was once a WAC. But she is not listed there as ever being one. As further recourse the complainants went to the Anti-Organized Crime Task Force at Camp Caringal and filed a complaint against Jannette and Samuel, and this started the successful prosecution of Jannette.

Jannette testified for her defense, and no one else. She denied all the charges, and asserted that it was only in court at the trial when she saw and met Leslie, Leovigildo and Loida for the first time. She alleged that the false charges were all the handiwork of Ponciano Bernardo to harass them. He is a Central Bank examiner with whom she and her husband were in dispute over the ownership and possession of a 50,708 square meters fishpond in Brgy. Salvacion, Rizal, Occidental Mindoro, which has reached the DAR and the local PNP. She submitted documents to show their ongoing legal dispute.

Jannette was found *Guilty* on all charges in the Decision the *fallo* of which reads:

WHEREFORE, the Court finds accused Jannette Baldevarona guilty beyond reasonable doubt of the crime of illegal recruitment on a large scale, and hereby imposes upon her the penalty of life imprisonment and fine of P100,000; and of three (3) counts of estafa in Criminal Case Nos. Q-91-25722, Q-91-25723 and Q-91-25724, for which accused Jannette Baldevarona is sentenced to an indeterminate penalty of TWO (2) YEARS, ELEVEN (11) MONTHS and TEN (10) DAYS of prision correccional as minimum to SIX (6) YEARS, EIGHT (8) MONTHS and TWENTY (20) DAYS of prision mayor as maximum; and to indemnify private complainant Leslie Bibat in the amount of P12,300.00; an indeterminate penalty of TWO (2) years, ELEVEN (11) MONTHS and TEN (10) DAYS of prision correccional as minimum to EIGHTEEN (18) YEARS of reclusion temporal as maximum and to indemnify private complainant Leovigildo Bibat in the amount of P122,096.00; and an indeterminate penalty of TWO (2) YEARS, ELEVEN (11) MONTHS and TEN (10) DAYS of prision correccional as minimum and ELEVEN (11) YEARS of prision mayor as maximum, and