

TENTH DIVISION

[CA-G.R. CR.-H.C. NO. 00899, October 23, 2006]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARILYN MALIGAYA Y SILANG, ACCUSED-APPELLANT.**

SALAZAR-FERNANDO, J.:

DECISION

Before this Court is an appeal from the Decision¹ dated October 12, 2004 of the Regional Trial Court, Fourth Judicial Region, Branch 84, Batangas City in Criminal Cases Nos. 12919-12924 entitled "The People of the Philippines, Plaintiff, versus Marilyn Maligaya y Silang, Accused.", the dispositive portion of which reads:

"WHEREFORE, finding the accused Guilty as charge, (sic) she is hereby sentenced to suffer:

IN CRIM. CASE NO.	IMPRISONMENT	To pay FINE
12919	life imprisonment	Php500,000.00 To pay private complainants civil liability
12920	five (5) years, five (5) months and eleven (11) days as maximum, with a minimum of six (6) months and one (1) day	Php16,100.00
12921	each count, six (6) years, eight (8) months	Php27,600.00 27,600.00
12922	and twenty-one (21) days as maximum	26,500.00
12923	with	28,600.00
12924	four (4) years, two (2) months as minimum	

said imprisonment to be served by her at the Womens Correccional Center, Mandaluyong City, Metro Manila.

SO ORDERED."

The facts are:

On May 13, 2003, six (6) Informations were filed charging accused-appellant Marilyn Maligaya y Silang ("Maligaya" for brevity) with the crimes of Illegal Recruitment and five (5) counts of Estafa docketed as Criminal Cases Nos. 12919, 12920, 12921, 12922, 12923, and 12924, allegedly committed as follows:

Criminal Case No. 12919 for Illegal Recruitment -

"That on or about January, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing that she is non-licensee nor holder of authority from the Department of Labor and Employment or any other authorized government entity, did then and there wilfully (sic), unlawfully and feloniously engage in a large scale recruitment and placement activities by enlisting, contracting, procuring, offering and promising for a fee to the following, namely:

1. Iluminada Frago de Duag
2. Deil M. de Castro
3. Jake A. Frago
4. Redentor L. Perez
5. Marvin A. Frago
6. Adsel M. Metrillo

job placements abroad and by reason of which, said Iluminada Frago de Duag, Deil M. de Castro, Jake A. Frago, Redentor L. Perez, Marvin A. Frago and Adsel M. Metrillo, relying on these misrepresentations, paid and/or gave the amount of of (sic) P16,100.00, P27,600.00, P27,600.00, P28,600.00, P9,390 and P26,500.00, respectively, with the total amount of ONE HUNDRED THIRTY FIVE THOUSAND SEVEN HUNDRED NINETY PESOS (P135,790.00), Philippine Currency, to said accused but said accused, without valid reasons and without the fault of said private complainants, failed to actually deploy them and fail to reimburse expenses they incurred in connection with their documentation and processing for purposes of their deployment, which acts constitute an offense involving economic sabotage.

CONTRARY TO LAW."

Criminal Case No. 12920 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Iluminada Frago de Duag, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Iluminada Frago de Duag to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the

necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Iluminada Frago de Duag, to give and deliver, as in fact the latter gave and delivered to said accused the sum of SIXTEEN THOUSAND ONE HUNDRED PESOS (P16,100.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P16,100.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Iluminada Frago de Duag in the aforementioned amount of P16,100.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12921 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Deil M. de Castro, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Deil M. de Castro to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Deil M. de Castro, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SEVEN THOUSAND SIX HUNDRED PESOS (P27,600.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Deil M. de Castro in the aforementioned amount of P27,600.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12922 for Estafa -

"That on or about January 10, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Jake A. Frago, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Jake A. Frago to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate

the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Jake A. Frago, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SEVEN THOUSAND SIX HUNDRED PESOS (P27,600.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Jake A. Frago in the aforementioned amount of P27,600.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12923 for Estafa -

"That on or about January 26, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Adsel M. Metrillo, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Adsel M. Metrillo to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could facilitate the necessary papers in connection therewith if given the necessary amount to meet the requirements thereof, including the service fee and by means of other deceit of similar import, induced and succeeded in inducing the said Adsel M. Metrillo, to give and deliver, as in fact the latter gave and delivered to said accused the sum of TWENTY SIX THOUSAND FIVE HUNDRED PESOS (P26,500.00), Philippine Currency, on the strength of such manifestations and representations, said accused, knowing fully well that the same are false and fraudulent and were made only to obtain, as in fact she obtained the said amount of P27,600.00, which amount once in her possession, with intent to defraud, she misapplied, misappropriated and converted to her benefit, to the damage and prejudice of the said Adsel M. Metrillo in the aforementioned amount of P26,500.00, Philippine Currency.

CONTRARY TO LAW."

Criminal Case No. 12924 for Estafa -

"That on or about January 12, 2003 at Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, through false pretenses and fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there wilfully (sic), unlawfully and feloniously defraud one Redentor L. Perez, as follows:

Accused, by means of false manifestations and fraudulent representation which she made to said Redentor L. Perez to the effect that she has the power, capacity and influence to recruit and gainfully employ her abroad and could