



Republic of the Philippines
 Supreme Court
 Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 198012

Present:

- versus -

CARPIO, *Chairperson,*
 BRION,
 DEL CASTILLO,
 MENDOZA, *and*
 LEONEN, *JJ.*

ANGEL MATEO y JACINTO AND
 VICENTA LAPIZ y MEDINA,
Accused-Appellants.

Promulgated:

22 APR 2015

M. Sabalaga Jr.

x -----

DECISION

DEL CASTILLO, J.:

This is an appeal from the February 17, 2011 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 02366, which denied the appeal brought therewith and affirmed the May 31, 2006 Decision² of the Regional Trial Court (RTC) of Manila, Branch 40 in Criminal Cases Nos. 99-176598 and 99-176599 to 603. The RTC convicted Angel Mateo y Jacinto (Mateo) and Vicenta Lapiz y Medina (Lapiz) a.k.a. "Vicky Mateo" (appellants) of the crime of illegal recruitment in large scale under Republic Act No. 8042 (RA 8042), otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, and of five counts of estafa.

Factual Antecedents

Sometime during the period from January to March 1998, the five private complainants, namely, Abel E. Balane (Abel), Emilio A. Cariaga (Emilio), Victorio D. Flordeliza (Victorio), Manuel Oledan (Manuel) and Virgilio N. Concepcion (Virgilio), met appellants on separate occasions at Plaza Ferguzon,

¹ CA rollo, pp. 262-294; penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Isaias P. Dican and Rodil V. Zalameda.

² Records, pp. 408-469; penned by Judge Placido C. Marquez.

M. Sabalaga Jr.

Malate, Manila to apply for overseas employment. Appellant Mateo, representing himself to have a tie-up with some Japanese firms, promised them employment in Japan as conversion mechanics, welders, or fitters for a fee. Appellants also promised that they could facilitate private complainants' employment as direct hires and assured their departure within three weeks. However, after the private complainants paid the required fees ranging from ₱18,555.00 to ₱25,000.00, appellants failed to secure any overseas employment for them. Appellants likewise failed to return private complainants' money. This prompted Manuel to go to the Philippine Overseas Employment Administration (POEA) where he was issued a Certification³ stating that appellants are not licensed to recruit applicants for overseas employment. Thereupon, the private complainants filed their Complaint and executed their respective affidavits with the National Bureau of Investigation (NBI). The NBI referred the charges to the Department of Justice which subsequently found probable cause against appellants for large scale illegal recruitment and estafa⁴ and accordingly filed the corresponding Informations⁵ for the same before the RTC of Manila.

For their defense, appellants proffered denials. Mateo claimed that he is a legitimate car importer and not a recruiter. Lapiz, on the other hand, denied knowing any of the private complainants whom she claimed to have met for the first time at the Prosecutor's Office.

Ruling of the Regional Trial Court

The RTC disposed of the cases in its Decision⁶ rendered on May 31, 2006 as follows:

WHEREFORE, in Criminal Case No. 99-176598 for Illegal Recruitment, this Court finds both accused ANGEL MATEO y JACINTO and VICENTA LAPIZ y MADINA a.k.a. "VICKY MATEO" GUILTY beyond reasonable doubt of illegal recruitment in large scale and hereby sentences each of them to life imprisonment and to pay ₱500,000.00 fine each as well as to indemnify private complainants (1) Manuel Oledan the sum of ₱25,000.00, and (2) Emilio A. Cariaga, (3) Abel E. Balane, (4) Virgilio N. Concepcion and (5) Victorio D. Flordeliza the sum of ₱18,555.00 each.

This Court finds both accused also GUILTY beyond reasonable doubt in Criminal Cases Nos. 99-176599, 99-176600, 99-176601, 99-176602 and 99-176603 for five (5) counts of Estafa and each accused is hereby sentenced in each case to an indeterminate penalty of from four (4) years and two (2) months of prision correccional, as minimum, to six (6) years, eight (8) months and twenty one (21) days of prision mayor, as maximum.

³ Id. at 20.

⁴ Id. at 11-15.

⁵ Id. at 1-2, 44-45, 54-55, 64-65, 74-75 and 84-85.

⁶ Id. at 408-469.

The [Philippine] Overseas and Employment Administration (POEA) shall be furnished with certified copy of this Decision.

SO ORDERED.⁷

Ruling of the Court of Appeals

In their appeal before the CA, appellants essentially claimed that the prosecution failed to prove the elements of the crimes for which they were charged. They contended that Abel has not shown any receipt to prove that they received money from him; that there is likewise no proof that Virgilio borrowed money from a friend of his aunt which money he, in turn, gave to them; that the testimony of Emilio that appellants were holding office inside the van of Abel cannot be easily accepted; and that their transactions with Manuel and Victorio were limited to the processing of their travel documents.

The CA, however, denied appellants' appeal in its Decision⁸ dated February 17, 2011, viz:

WHEREFORE, premises considered, the instant appeal is hereby DENIED for lack of merit. Accordingly, the assailed Decision of the Regional Trial Court of Manila, Branch 40, dated May 31, 2006 is AFFIRMED.

SO ORDERED.⁹

Hence, the present appeal.

Per Resolution¹⁰ dated September 19, 2011, the Court required both parties to file their respective supplemental briefs. Appellants filed their Supplemental Brief,¹¹ while appellee People of the Philippines, through the Office of the Solicitor General, opted not to file any and just adopted the appellee's brief it filed before the CA.¹²

The Court's Ruling

The appeal utterly lacks merit.

⁷ Id. at 468-469.

⁸ CA *rollo*, pp. 262-294.

⁹ Id. at 293.

¹⁰ *Rollo*, pp. 41-42.

¹¹ Id. at 72-76.

¹² Id. at 44-48.

The offense of illegal recruitment in large scale has the following elements: (1) the person charged undertook any recruitment activity as defined under Section 6 of RA 8042; (2) accused did not have the license or the authority to lawfully engage in the recruitment of workers; and, (3) accused committed the same against three or more persons individually or as a group.¹³ These elements are obtaining in this case. First, the RTC found appellants to have undertaken a recruitment activity when they promised private complainants employment in Japan for a fee. This factual finding was affirmed by the CA. “The time-tested doctrine is that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge.”¹⁴ And when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon the Supreme Court.¹⁵ Second, the Certification issued by the POEA unmistakably reveals that appellants neither have a license nor authority to recruit workers for overseas employment. Notably, appellants never assailed this Certification. Third, it was established that there were five complainants. Clearly, the existence of the offense of illegal recruitment in large scale was duly proved by the prosecution.

Appellants’ argument that there was no proof that they received money from the private complainants deserves no credence. Suffice it to say that money is not material to a prosecution for illegal recruitment considering that the definition of “illegal recruitment” under the law includes the phrase “whether for profit or not.” Besides, even if there is no receipt for the money given by the private complainants to appellants, the former’s respective testimonies and affidavits clearly narrate the latter’s involvement in the prohibited recruitment.¹⁶

Anent the charge for estafa, “[w]ell-settled is the rule that a person convicted for illegal recruitment under the [law] may, for the same acts, be separately convicted for estafa under Article 315, par. 2(a) of the [Revised Penal Code]. The elements of estafa are: (1) the accused defrauded another by abuse of confidence or by means of deceit; and (2) the offended party or a third party suffered damage or prejudice capable of pecuniary estimation.”¹⁷ All these elements are likewise present in this case. As aptly held by the CA:

Here, the appellants Mateo and Lapiz committed deceit against the private complainants by making it appear as though they had the authority and resources to send them to Japan for employment; that there were available jobs for them in Japan for which they would be hired although, in truth, there were none; and, that by reason or on the strength of such assurance, the private complainants parted with their money in payment of the placement fee, documentation and hotel accommodations. All these representations were

¹³ *People v. Temporada*, 594 Phil. 680, 710 (2008).

¹⁴ *People v. Cardenas*, G.R. No. 190342, March 21, 2012, 668 SCRA 827, 844.

¹⁵ *People v. Baraoil*, G.R. No. 194608, July 9, 2012, 676 SCRA 24, 32.

¹⁶ *Romero v. People*, G.R. No. 171644, November 23, 2011, 661 SCRA 143, 154-155.

¹⁷ *People v. Temporada*, supra note 13 at 713.

actually false and fraudulent and thus, the appellants must be made liable under par 2(a), Art. 315 of the Revised Penal Code.¹⁸

With this ratiocination, Lapiz's defense of not knowing any of the complainants must necessarily fail. As noted by the RTC and the CA, she was present in all of the transactions, serving as runner of Mateo and was even the one keeping the money entrusted by the private complainants to appellants. She would also often pacify the private complainants' uneasiness about the absence of receipts for each of the amounts given and repeatedly assure them they would be deployed to Japan. In short, she was an indispensable participant and effective collaborator of Mateo in the illegal recruitment of the private complainants.

In view of the foregoing, the Court sustains the lower courts' conviction of appellants for the crimes charged.

It must be noted, however, that both the RTC and the CA failed to award interest on the money judgment in Criminal Case No. 99-176598 for Illegal Recruitment in Large Scale. Following prevailing jurisprudence, the Court, therefore, imposes interest at the rate of 6% *per annum* on each of the amounts awarded from the date of finality of this Decision until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated February 17, 2011 of the Court of Appeals in CA-G.R. CR-H.C. No. 02366 is **AFFIRMED with the MODIFICATION** that the amounts ordered restituted in Criminal Case No. 99-176598 shall each earn an interest of 6% *per annum* from the finality of this Decision until fully paid.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson

¹⁸ CA rollo, p. 292.



ARTURO D. BRION
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice

ATTESTATION

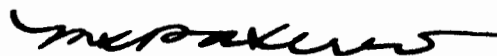
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice

