

SECOND DIVISION

[G.R. No. 204063, December 05, 2016]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. DR. DAVID A. SOBREPEÑA, SR., DR. MONA LISA DABAO, DR. POLIXEMA ADORADA, DEOBELA FORTES AND LIRIO CORPUZ, RESPONDENTS.

D E C I S I O N

DEL CASTILLO, J.:

Before us is a Petition for Review on *Certiorari* seeking to reverse and set aside the Decision^[1] dated January 31, 2012 and Resolution^[2] dated October 3, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 116733 filed by People of the Philippines (petitioner) against Dr. David A. Sobrepeña, Sr., Dr. Mona Lisa Dabao, Dr. Polixema Adorada, Deobela Fortes and Lirio Corpuz (collectively respondents).

The factual antecedents as synthesized by the CA are as follows:

Respondents are officers and employees of Union College of Laguna, an educational institution in Santa Cruz, Laguna. They were charged in several informations for allegedly committing Estafa and Large Scale Illegal Recruitment before the Regional Trial Court (RTC) of Santa Cruz, Laguna. By reason thereof, respondents were incarcerated. Invoking the provisions of Section 13, Article III of the Constitution and Section 7, Rule 114 of the Rules of Court^[3] and in their belief that the evidence of their guilt is not strong, respondents filed a Petition for Bail.

In opposition to the Petition, the prosecution presented Adelfo Carandang who testified that:

x x x [S]ometime in June 2008, he saw an advertisement with the phrase "*Work, Earn and Live in Canada*" printed on a tarpaulin placed on the walls of Union College. Thereafter, after consulting with his wife, he visited the said institution and inquired about the said advertisement. He met private-respondent Deobela Fortes who introduced herself as the Director for Career and Placement of Union College. The latter told him that Union College is engaged in Careers and Enhancement Program and it is offering seminars, trainings and workshops and that through its Canadian partner known as Infoskills Learning Incorporated of British Columbia (INFOSKILLS) it is offering high-quality certification classes endorsed by the British Columbia Ministry of Health and Tourism, Worksafe British Columbia and the Canadian Red Cross, INFOSKILLS is delivery partner of British Columbia Ministry of Health and Tourism, Canadian Red Cross, Construction Safety Network, Enform and it is the training agency of Worksafe British Columbia. Also, he was informed that

GDX Visa and Immigration Incorporated of British Columbia will be providing work and immigration assessment program for all participants. Fortes allegedly assured him that the graduates of the program will be hired as restaurant host, hostess, food and beverage service banquet server and a host of other jobs in food and beverage industry in Canada with a monthly fee of 1,500.00 Canadian Dollars; that he can soon become an immigrant of Canada and be able to bring his family with him after becoming such; that the program is on a first come first served basis. Thus, enticed with this promise of a bright future, he immediately paid the fees and enrolled himself for the first batch. These include the \$2,500 USD for visa and placement fees plus Php15,000.00 for English Language Proficiency (ELP) fee.

Carandang also testified that the other private-respondents were also very much active in luring him to join the program. In fact, Dr. Dabao and Dr. David Sobrepeña told him to wait for his employment contract. But none was forthcoming, hence the filing of Estafa and Large Scale Illegal Recruitment cases against the herein petitioners.

Upon cross-examination, Carandang testified that he is a college graduate, having finished Bachelor of Science in Marketing and Commerce. He confirmed that he knew Union College to be a school in Santa Cruz for a long time and that its officers and employees never had cases for illegal recruitment. He further attested that in the particular flyer that he got the actual statement was not quoted in full. The complete statement in the flyer being that: *"INVEST IN YOUR FUTURE GET THE SKILLS YOU NEED TO WORK EARN AND LIVE IN CANADA., x x x*

x x x x

With respect to the registration form that he signed, Carandang admitted that although in his judicial affidavit he stated that the \$2,500 USD he paid was for visa processing fees or job placement fees, however, the registration form that he actually signed does not contain words of such import. In fact, the \$2,500 USD, as stated in the registration form was for the courses in entry level in food and hospitality which he admitted to have actually attended under the tutelage of two Canadian instructors who served as their professors. Furthermore, Carandang testified on cross that while he mentioned in his judicial affidavit that the alleged victims paid 12 Million pesos, such conclusion is his mere estimate and he has no personal knowledge of the actual amount.

On re-direct, Carandang adamantly alleged that herein petitioners were saying things different from what the flyers and advertisement purported. He alleged that the petitioners assured him that he will be working in Canada and though he was part of the 37 persons who were alleged to have been hired 100% by "dairy cream franchisers", he was, however, not able to go abroad.

Prosecution also presented Sherlene G. Furiscal, Jaypee P. Sarmiento and Jaymalyn R. Jabay who identified their judicial affidavits and affirmed the

contents thereof. They also corroborated the testimony of Adelfo D. Carandang.^[4]

Ruling of the Regional Trial Court

After a summary hearing conducted and based on the summary of evidence, the RTC in an Order^[5] dated September 9, 2010, denied the Petition to Bail, viz.:

From the foregoing, after the requisite hearing on the Petition to Bail and based on the obtained summary of evidence from the exhibits presented by the prosecution, this Court finds that there is evident proof against all the accused. This Court holds that the evidence of guilt for all the accused is STRONG.

WHEREFORE, premises considered, the Petition to Bail filed by all the accused is hereby DENIED.

SO ORDERED.^[6]

The Motion for Reconsideration filed by the respondents was denied in an Order^[7] dated October 18, 2010.

Ruling of the Court of Appeals

Unsatisfied, respondents filed before the CA a Petition for *Certiorari* under Rule 65 of the Rules of Court. Respondents assailed the Orders of the RTC for having been issued with grave abuse of discretion amounting to lack or in excess of jurisdiction in ruling that the evidence of guilt is strong despite the presence of evidence to the contrary. They attacked the propriety of the RTC rulings on the ground that the prosecution's own documentary evidence negates the claim that Union College promised employment abroad for a fee.

The CA was convinced that the RTC acted with grave abuse of discretion amounting to lack or in excess of jurisdiction in rendering the assailed Orders. According to the CA, there is doubt as to whether there is strong evidence against respondents for the charge of estafa or large scale illegal recruitment; that the evidence available on record merely showed that Union College provided the venue and the English language training course; that the trial court failed to appreciate the fact that the prosecution purposely took out of context the statement appearing in the flyer *i.e.*, "INVEST IN YOUR FUTURE GET THE SKILLS YOU NEED TO WORK, EARN, AND LIVE IN CANADA"; that there were no statements to the effect that Union College is acting as a job placement agency; that there is no direct evidence to show that Carandang was illegally enticed by respondents to enroll at Union College; that there is no direct evidence showing that respondents overtly represented that they have the power to send the trainees abroad for employment; and finally, there is no evidence that respondents are flight risk.