

## SECOND DIVISION

[ G.R. No. 198012, April 22, 2015 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANGEL MATEO Y JACINTO AND VICENTA LAPIZ Y MEDINA, ACCUSED-APPELLANTS.**

### D E C I S I O N

**DEL CASTILLO, J.:**

This is an appeal from the February 17, 2011 Decision<sup>[1]</sup> 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 Decision<sup>[2]</sup> 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 Lapid y Medina (Lapid) 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, Abe] 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, 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 P18,555.00 to P25,000.00, 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 Certification<sup>[3]</sup> 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 estafa<sup>[4]</sup> and accordingly filed the corresponding Informations<sup>[5]</sup> 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. Lapid, 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 Decision<sup>[6]</sup> 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 P500,000.00 fine each as well as to indemnify private complainants (1) Manuel Oledan the sum of P25,000.00, and (2) Emilio A. Cariaga, (3) Abel E. Balane, (4) Virgilio N. Concepcion and (5) Victorio D. Flordelizathe sum of PI 8,555.00 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.

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

SO ORDERED.<sup>[7]</sup>

### ***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 Decision<sup>[8]</sup> 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.<sup>[9]</sup>