

THIRD DIVISION

[G.R. No. 185614, February 05, 2010]

**ANGELITA DELOS REYES FLORES, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

R E S O L U T I O N

NACHURA, J.:

This petition for review on *certiorari* under Rule 45 of the Rules of Court, filed by petitioner Angelita delos Reyes Flores, assails the Court of Appeals (CA) Decision^[1] dated July 10, 2008 and its Resolution^[2] dated December 9, 2008 in CA-G.R. CR No. 30105.

The facts of the case are as follows:

Sometime in 2000, private complainants Felix Cornejo (Felix), Jonathan Caibigan (Jonathan) and Blesilda Caibigan (Blesilda) met petitioner through Simon Onda (Simon). Petitioner told private complainants that, as a member of Club Panoly Resorts International (Club Panoly), she could sponsor them in going to Italy to work as domestic helpers or drivers. She, thus, required each of them to produce P100,000.00 as processing fee; P50,000.00 for plane ticket; and \$3,000.00 as show money.^[3]

After raising enough money, private complainants met with petitioner on three separate occasions, at which Felix paid P100,000.00;^[4] while Jonathan and Blesilda paid a total amount of P168,000.00 (or P84,000.00 each).^[5]

Petitioner, however, failed to make good her promise. This prompted private complainants to inquire at Club Panoly about the status of their applications. They were informed by Club Panoly that it did not allow or authorize its members to use their membership to recruit workers for possible placement abroad.^[6] Upon further inquiry with the Philippine Overseas Employment Administration, private complainants learned that petitioner was not a licensed recruiter of workers for overseas employment.^[7] They forthwith demanded from petitioner the return of their money and documents.^[8] As their demand remained unheeded, private complainants filed criminal cases against petitioner.

In separate Informations, petitioner was charged before the Regional Trial Court (RTC) of Pasay City^[9] with four (4) counts of *estafa* for acts committed against private complainants and Simon. The cases were docketed as Criminal Case Nos. 01-2318 to 01-2321. When arraigned, petitioner pleaded "Not Guilty" to all the charges.

To the charges, petitioner interposed the defense of denial, alleging that she never

promised them employment abroad. She, likewise, denied having received money from them.^[10]

After trial, the RTC rendered a decision finding petitioner guilty beyond reasonable doubt of three (3) counts of *estafa*. In Criminal Case Nos. 01-2318 and 01-2319, petitioner was sentenced to suffer the indeterminate penalty of 12 years of *prision mayor* as minimum to 14 years of *reclusion temporal* as maximum, for each count; and in Criminal Case No. 01-2321, she was meted the indeterminate penalty of 12 years of *prision mayor* as minimum to 15 years of *reclusion temporal* as maximum. Petitioner was, likewise, ordered to indemnify Jonathan and Blesilda P84,000.00 each, and Felix P100,000.00, as actual damages.^[11]

Earlier, in an Order dated June 27, 2003, the case filed by Simon^[12] was dismissed for lack of sufficient evidence.

On appeal, the CA affirmed petitioner's conviction but modified the minimum and maximum terms of the indeterminate penalties imposed by the trial court.^[13]

Petitioner now comes before this Court on the sole issue of:

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN FINDING PETITIONER GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HER GUILT BEYOND REASONABLE DOUBT.^[14]

Petitioner insists that she did not make any false pretense or fraudulent act, nor did she employ any means to induce private complainants to part with their money. She explains that she only promised that she could help them facilitate their visa applications, but did not misrepresent that she could deploy them for work in Italy. Finally, in her attempt to exculpate herself, she points to a certain Glenda Pesigan who made such misrepresentations and received money from private complainants.

We find no reason to reverse petitioner's conviction. Hence, we affirm, but with modification.

Findings of fact of the trial court on the credibility of witnesses and their testimonies are generally accorded great respect by the appellate court. The assessment of the credibility of witnesses is a matter best left to the trial court because it is in a position to observe that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied the appellate court.^[15]

Article 315(2)(a) of the Revised Penal Code (RPC) punishes *estafa*, committed as follows:

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud: