

SECOND DIVISION

[G.R. No. 150530, February 20, 2003]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX BAYTIC, ACCUSED-APPELLANT.

D E C I S I O N

BELLOSILLO, J.:

ALEX BAYTIC appeals from the decision of the Regional Trial Court of Quezon City^[1] finding him guilty of illegal recruitment in large scale and sentencing him to life imprisonment and to pay a fine of P500,000.00. Accused is further ordered to reimburse complaining witnesses Ofelia Bongbonga, Millie Passi and Nolie Bongbonga P3,500.00, P4,000.00 and P4,000.00, respectively, representing the amounts fraudulently taken from them.

On 24 September 1998 Kennedy Hapones accompanied by accused Alex Baytic went to the house of his aunt Ofelia Bongbonga at 514 Tabigo Street, Manggahan, Quezon City. There they found Ofelia, Nolie and Zenaida, all surnamed Bongbonga, together with Millie Passi, Yolanda Barrios and Elvira Nacario. Accused Alex Baytic told the girls that he was looking for workers willing to work in Italy as utility personnel. He explained that interested applicants should give him money for processing of their medical certificate, certificate of employment and other travel documents. Since the offer appeared to be a good opportunity to work abroad, Ofelia Bongbonga on the same day gave the accused P3,500.00, followed by Millie Passi with P4,000.00 the next day, and Nolie Bongbonga with P4,000.00 on 5 October as their placement fees. All these transactions were evidenced by receipts issued by accused Alex Baytic.

According to private complainant Ofelia Bongbonga, accused Baytic promised her and her two (2) co-applicants an interview by his cousin, a doctor from Italy, on 7 October 1998 at the Corinthian Gardens. However, on the appointed date of their interview, the accused failed to appear. Ofelia, Millie and Nolie frantically searched for him but he was nowhere to be found. Ofelia further testified that sometime in January 1999 they heard over the radio that accused Baytic was arrested in Pasig City for illegal recruitment activities. Upon inquiry from the radio station, she learned that the accused was already detained at the Pasig Provincial Jail, so she followed him there. Thereafter, she and her two (2) other companions, Millie and Nolie, who were likewise victimized by the accused filed the instant case against him.

On the witness stand, both private complainants Millie Passi and Nolie Bongbonga corroborated the testimony of Ofelia Bongbonga on every material point. In particular, Millie Passi recounted that she was also enticed to part with P4,000.00 when Baytic promised her a good paying job abroad. According to her, there was no reason for her to be suspicious of the identity of the accused as well as of his

representations since he was a good friend of her cousin Kennedy Hapones.

Like the two (2) other complainants, Nolie Bongbonga averred that the accused through misrepresentations persuaded her to give him P4,000.00 for the processing of certain travel documents. As proof thereof she presented a receipt dated 5 October 1998 purportedly signed and issued by the accused.

Accused Alex Baytic, testifying in his defense, not only denied the accusations against him but also insisted that it was actually Kennedy Hapones, a new acquaintance, who was the illegal recruiter. He recounted that sometime in November 1999, he went to the house of Hapones who was trying to recruit him for deployment abroad. According to the accused, Hapones told him to prepare P250,000.00 although the former eventually accepted an initial advance payment of P4,500.00. He again met Hapones the following month when the latter told him and a group of other applicants, including Ofelia Bongbonga, that their requirements were ready. That was the last time he saw Hapones who, he later learned, had already left for abroad. He was suspected of being in cahoots with Hapones because whenever the latter and the applicants talked, Hapones would always point at him, although he never had the opportunity to know what Hapones had actually said to them.

But the trial court sustained the complaining witnesses and gave more credence to their straightforward and consistent testimonies. It opined that all the essential requisites of the crime of illegal recruitment in large scale as defined in Art. 13, par. (b), of the Labor Code^[2] were present -

x x x x The accused made representations to each of the complainants that he could send them to Italy as janitor/utility aides through direct hiring, which constitutes a promise of employment which amounted to recruitment as defined under Article 13(b) of the Labor Code. The testimonies of the three prosecution witnesses that they were actually recruited for overseas employment by the accused and were induced by him to part with their money retain undiminished probative worth and weight. The receipts (Exhibits "A", "C", and "D") respectively issued to the complainants are sufficient proofs of his guilt as against accused's mere denial of the signatures appearing therein. The modus operandi of the accused was well established by the corroborative testimonies of the witnesses. ^[3]

Accused-appellant now prays that the Court to take a second hard look at his conviction in view of the alleged failure of the prosecution to prove his guilt beyond reasonable doubt. He takes exception to the finding of the trial court that all the elements of the crime of illegal recruitment in large scale are present. He argues that the first element, i.e., the accused engages in the recruitment and placement of workers, defined under Art. 13, or in any prohibited activities under Art. 34, of the Labor Code, is not present because he did not solicit any money from the complainants nor did he promise them employment in Italy. The truth of the matter, according to him, is that he himself was victimized by Kennedy Hapones, the real illegal recruiter. He explained that when Hapones could not be contacted, the complainants vented their anger towards him, being Hapones' constant companion.

Such being the case, accused-appellant insists that the second element, which is the