

FIRST DIVISION

[G.R. No. 132376, April 11, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SAMINA ANGELES Y CALMA, ACCUSED-APPELLANT.**

DECISION

YNARES-SANTIAGO, J.:

Accused-appellant Samina Angeles y Calma was charged with four (4) counts of estafa and one (1) count of illegal recruitment in the following informations:^[1]

Criminal Case No. 94-140585 (Estafa).

That on or about September 8, 1994 in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud MARIA TOLOSA DE SARDEÑA Y TABLADA in the following manner to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said Maria Tolosa de Sardeña y Tablada to the effect that she had the power and capacity to recruit and employ her as domestic helper in Paris, France, and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said Maria Tolosa de Sardeña y Tablada to give and deliver, as in fact she gave and delivered to said accused the amount of P107,000.00 on the strength of said manifestations and representations, accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact she did obtain the amount of P107,000.00 which amount once in her possession, with intent to defraud, willfully, unlawfully and feloniously misappropriated, misapplied and converted the same to her own personal use and benefit to the damage and prejudice of said Maria Tolosa de Sardeña y Tablada in the aforesaid sum of P107,000.00 Philippine Currency.

Criminal Case No. 94-140486 (Estafa).

That on or about September 8, 1994 in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud MARCELIANO T. TOLOSA in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said MARCELIANO T. TOLOSA to the effect that she had the power and capacity to recruit and employ him as contract worker in Paris, France and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in

inducing said Marceliano T. Tolosa accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact she did obtain the amount of P190,000.00 which amount once in their possession, with intent to defraud, willfully, unlawfully and feloniously misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of said Marceliano T. Tolosa in the aforesaid sum of P190,000.00, Philippine Currency.

Criminal Case No. 94-140487 (Estafa)

That on or about September 9, 1994 in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud PRECILA P. OLPINDO in the following manner to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said Precila P. Olpindo to the effect that she had the power and capacity to recruit and employ her as contract worker in Canada and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said Precila P. Olpindo to give and deliver, as in fact she delivered to said accused the amount of \$2,550.00 on the strength of said manifestations and representations, said Precila P. Olpindo accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact she did obtain the amount of \$2,550.00 which amount once in her possession, with intent to defraud, willfully, unlawfully and feloniously misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of said Precila P. Olpindo in the aforesaid sum of \$2,550.00 or its equivalent in Philippine Currency of P61,200.00.

Criminal Case No. 94-140488 (Estafa)

That on or about the first week of September 1994 in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud VILMA S. BRINA in the following manner to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said Vilma S. Brina to the effect that she had the power and capacity to recruit and employ her as contract worker in Canada and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceits, induced and succeeded in inducing said Vilma S. Brina to give and deliver, as in fact she gave and delivered to said accused the amount of \$2,550.00 on the strength of said manifestations and representations, accused well knowing that the same were false and fraudulent and were made solely, to obtain, as in fact she did obtain the amount of \$2,550.00 which amount once in her possession, with intent to defraud, willfully, unlawfully and feloniously misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of said Vilma S. Brina in the aforesaid sum of \$2,550.00 or its equivalent in Philippine Currency of P61,200.00.

Criminal Case No. 94-140489 (Illegal Recruitment).

The undersigned accuses SAMINA ANGELES y CALMA of violation of Art. 38 (a) Pres. Decree No. 1412 amending certain provisions of Book 1, Pres. Decree No. 442 otherwise known as the New Labor Code of the Philippines in relation to Article 13 (b) and (c) of said Code, as further amended in a large scale, as follows:

That sometime during the month of September 1994 in the City of Manila, Philippines, the said accused, representing herself to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment/job placement abroad to the following persons:

1. Marceliano T. Tolosa
2. Precila P. Olpindo
3. Vilma S. Brina
4. Maria Tolosa de Sardeña y Tablada

Without first having secured the required license or authority from the Department of Labor and Employment.

The five (5) cases were consolidated and tried jointly by the Regional Trial Court of Manila, Branch 50.

Maria Tolosa Sardeña was working in Saudi Arabia when she received a call from her sister, Priscilla Agoncillo, who was in Paris, France. Priscilla advised Maria to return to the Philippines and await the arrival of her friend, accused-appellant Samina Angeles, who will assist in processing her travel and employment documents to Paris, France. Heeding her sister's advice, Maria immediately returned to the Philippines.

Marceliano Tolosa who at that time was in the Philippines likewise received instructions from his sister Priscilla to meet accused-appellant who will also assist in the processing of his documents for Paris, France.

Maria and Marceliano eventually met accused-appellant in September 1994 at Expert Travel Agency on Mabini Street, Manila. During their meeting, accused-appellant asked if they had the money required for the processing of their documents. On September 8, 1994, Maria gave P107,000.00 to accused-appellant at Expert Travel Agency. Subsequently, she gave another P46,000.00 and US\$1,500.00 as additional payments to accused-appellant.

Marceliano, on the other hand, initially gave P100,000.00 to accused-appellant but on September 28, 1994, he gave an additional P46,000.00 and US\$1,500.00 to accused-appellant at the United Coconut Planters Bank in Makati.

Analyn Olpindo met accused-appellant in Belgium. At that time, Analyn was working in Canada but she went to Belgium to visit her in-laws. After meeting accused-appellant, Analyn Olpindo called up her sister, Precila Olpindo, in the Philippines and told her to meet accused-appellant upon the latter's arrival in the Philippines because accused-appellant can help process her documents for employment in

Canada.

Precila Olpindo eventually met accused-appellant at the Expert Travel Agency on September 7, 1994. Accused-appellant asked for the amount of \$4,500.00, but Precila was only able to give \$2,500.00.

No evidence was adduced in relation to the complaint of Vilma Brina since she did not testify in court.

Accused-appellant told Precila Olpindo and Vilma Brina that it was easier to complete the processing of their papers if they start from Jakarta, Indonesia rather than from Manila. Thus, on September 23, 1994, Precila Olpindo, Vilma Brina and accused-appellant flew to Jakarta, Indonesia. However, accused-appellant returned to the Philippines after two days, leaving behind Precila and Vilma. They waited for accused-appellant in Jakarta but the latter never returned. Precila and Vilma eventually came home to the Philippines on November 25, 1994.

When she arrived in the Philippines, Precila tried to get in touch with accused-appellant at the Expert Travel Agency, but she could not reach her. Meanwhile, Maria and Marceliano Tolosa also began looking for accused-appellant after she disappeared with their money.

Elisa Campanianos of the Philippine Overseas Employment Agency presented a certification to the effect that accused-appellant was not duly licensed to recruit workers here and abroad.

In her defense, accused-appellant averred that, contrary to the prosecution's allegations, she never represented to the complainants that she can provide them with work abroad. She insisted that she was a marketing consultant and an international trade fair organizer. In June 1994, she went to Paris, France to organize a trade fair. There she met Priscilla Agoncillo, a domestic helper, and they became friends. Priscilla asked her to assist her siblings, Maria and Marceliano, particularly in the processing of their travel documents for France. Accused-appellant told Priscilla that she can only help in the processing of travel documents and nothing more. It was Priscilla who promised employment to Maria and Marceliano. She received money from complainants not in the form of placement fees but for the cost of tickets, hotel accommodations and other travel requirements.

According to accused-appellant, she met Analyn Olpindo in Belgium while she was organizing a trade fair. They also became friends and it was Analyn who asked her to help Precila. Just like in the case of Maria and Marceliano, accused-appellant explained that her assistance shall only entail the processing of Precila's travel documents to Canada.

After trial on the merits, the trial court found accused-appellant guilty of illegal recruitment and four (4) counts of estafa and correspondingly sentenced her as follows:

WHEREFORE, in view of the aforementioned premises the accused SAMINA ANGELES is hereby declared:

In Criminal Case No. 94-140489 for the crime of Illegal Recruitment, GUILTY (Art. 38 Labor Code) and is hereby sentenced to suffer the penalty of life imprisonment and a fine of One Hundred Thousand Pesos (P100,000.00).

In Criminal Case No. 94-140485 for the crime of Estafa the accused is hereby declared GUILTY and is hereby sentenced to suffer the penalty of from twelve (12) years and one (1) day to twenty (20) years. In addition the accused is ordered to reimburse the amount of One hundred seven thousand pesos (P107,000.00) to complainant Maria Tolosa de Sardeña. With costs.

In Criminal Case No. 94-140486 for the crime of Estafa the accused is hereby declared GUILTY and is hereby sentenced to suffer the penalty of from twelve (12) years and one (1) day to twenty (20) years. In addition the accused is ordered to reimburse the amount of One hundred ninety thousand pesos (P190,000.00) to complainant Marceliano T. Tolosa. With costs.

In Criminal Case No. 94-140487 for the crime of Estafa the accused is hereby declared GUILTY and is hereby sentenced to suffer the penalty of from twelve (12) years and one (1) day to twenty (20) years. In addition the accused is ordered to reimburse the amount of Two thousand five hundred fifty dollars (US\$2,550.00) or its equivalent in Philippine currency of Sixty one thousand two hundred pesos (P61,200.00), to complainant Precila P. Olpindo. With Costs.

In Criminal Case No. 94-140488 for the crime of Estafa the accused is hereby declared GUILTY and is hereby sentenced to suffer the penalty of from twelve (12) years and one (1) day to twenty (20) years. In addition the accused is ordered to reimburse the amount of Two thousand five hundred fifty dollars (US\$2,550.00) or its equivalent in Philippine Currency of Sixty one thousand two hundred pesos (P61,200.00) to complainant Vilma S. Brina. With costs.^[2]

Accused-appellant is now before us on appeal, arguing that the prosecution failed to prove her guilt for estafa and illegal recruitment by proof beyond reasonable doubt.

Accused-appellant points out that not one of the complainants testified on what kind of jobs were promised to them, how much they would receive as salaries, the length of their employment and even the names of their employers, which are basic subjects a prospective employee would first determine.

In sum, accused-appellant posits that the prosecution did not present a single evidence to prove that she promised or offered any of the complainants jobs abroad. Illegal recruitment is committed when two (2) elements concur: 1) that the offender has no valid license or authority required by law to enable one to lawfully engage in recruitment and placement of workers; and 2) that the offender undertakes either any activity within the meaning of recruitment and placement defined under Article 13(b), or any prohibited practices enumerated under Article 34.^[3]