

FIRST DIVISION

[G.R. No. 128280, April 04, 2001]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALICIA A. CHUA, ACCUSED-APPELLANT.

D E C I S I O N

PARDO, J.:

Accused Alicia Chua has appealed from the decision^[1] of the Regional Trial Court, Manila, Branch V finding her guilty beyond reasonable doubt of illegal recruitment committed in large scale and sentencing her to life imprisonment and a fine of P100,000.00, and eight (8) counts of estafa sentencing her to various penalties therefor.

On October 05, 1993, Assistant City Prosecutor Leocadio H. Ramos, Jr. of Manila filed with the Regional Trial Court, Manila an information^[2] against accused Alicia A. Chua reading as follows:

Crim. Case No. 93-127418:

"That in or about and during the period comprised between October 29, 1992 and January 19, 1993, inclusive, 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 wilfully, unlawfully, for a fee, recruit and promise employment/job placement abroad to the following persons, namely: DOMINGO F. TERCENIO, MARTIN B. BERMEJO, EVANGELINE F. GAVINA, DANTE F. BALUIS, EDUARD V. ESTILLER, EDGAR B. ABONAL, VIOLETA F. REGALADO, GLORIA J. RICAFFRENTE and LONITO F. BALUIS, without first having secured the required license or authority from the Department of Labor.

"Contrary to law."^[3]

On the same date, the same prosecutor filed with the Regional Trial Court, Manila nine (9) other informations against the accused for estafa:

Crim. Case No. 93-127419:

"The undersigned accuses ALICIA A. CHUA of the crime of estafa, committed as follows: That on or about October 29, 1992, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud DOMINGO F. TERCENIO in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which she made to said DOMINGO F. TERCENIO to the effect that she had the power and capacity

to recruit and employ said DOMINGO F. TERCENIO 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 DOMINGO F. TERCENIO to give and deliver, as in fact he gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit, to the damage and prejudice of said DOMINGO F. TERCENIO in the aforesaid amount of P15,000.00 Philippine Currency.

"CONTRARY TO LAW."^[4]

Crim. Case No. 93-127420:

"That on or about November 21, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud MARTIN B. BERMEJO in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/they/she made to said MARTIN B. BERMEJO to the effect that she had the power and capacity to recruit and employ MARTIN BERMEJO in Taiwan 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 MARTIN B. BERMEJO to give and deliver, as in fact he gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said MARTIN B. BERMEJO in the aforesaid amount of P15,000.00, Philippine Currency.

"CONTRARY TO LAW."^[5]

Crim. Case No. 93-127421:

"That on or about November 6, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud EVANGELINE F. GAVINA in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/they/she made to said EVANGELINE F. GAVINA to the effect that she had the power and capacity to recruit and employ EVANGELINE F. GAVINA 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 EVANGELINE F. GAVINA to give and deliver, as in fact she gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said EVANGELINE F. GAVINA in the aforesaid amount of P15,000.00, Philippine Currency.

"CONTRARY TO LAW."^[6]

Crim. Case No. 93-127422:

"That on or about December 10, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud DANTE F. BALUIS in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/they/she made to said DANTE F. BALUIS to the effect that she had the power and capacity to recruit and employ DANTE F. BALUIS in Taiwan 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 DANTE F. BALUIS to give and deliver, as in fact he gave and delivered to said accused the amount of P11,000.00 on the strength of said manifestations and representations, said 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 P11,000.00 which amount once in her possession with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said DANTE G. BALUIS in the aforesaid amount of P11,000.00, Philippine Currency.

"CONTRARY TO LAW."^[7]

Crim. Case No. 93-127423:

"That on or about November 24, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud EDUARD V. ESTILLER in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/she/they made to said EDUARD V. ESTILLER to the effect that she had the power and capacity to recruit and employ EDUARD V. ESTILLER in Taiwan 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 EDUARD V. ESTILLER to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said EDUARD V. ESTILLER, in the aforesaid amount P15,000.00 Philippine Currency.

"CONTRARY TO LAW."^[8]

Crim. Case No. 93-127424:

"That on or about December 11, 1992, in the City of Manila, Philippines, the said accused, did then and therein wilfully, unlawfully and feloniously defraud EDGAR B. ABONAL in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/she/they made to said EDGAR B. ABONAL to the effect that she had the power and capacity to recruit and employ EDGAR B. ABONAL in Taiwan 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 EDGAR B. ABONAL to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said EDGAR B. ABONAL in the aforesaid amount P15,000.00 Philippine Currency.

"CONTRARY TO LAW."^[9]

Crim. Case No. 93-127425:

"That on or about, December 10, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud VIOLETA F. REGALADO in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/she/they made to said VIOLETA F. REGALADO to the effect that she had the power and capacity to recruit and employ VIOLETA F. REGALADO in Taiwan 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 VIOLETA F. REGALADO to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said VIOLETA F. REGALADO in the aforesaid amount P15,000.00 Philippine Currency.

"Contrary to law."^[10]

Crim. Case No. 93-127426:

"That on or about January 19, 1993, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously

defraud GLORIA J. RICAFFRENTE in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/she/they made to said GLORIA J. RICAFFRENTE to the effect that she had the power and capacity to recruit and employ GLORIA J. RICAFFRENTE in Taiwan 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 GLORIA J. RICAFFRENTE to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit, to the damage and prejudice of said GLORIA J. RICAFFRENTE in the aforesaid amount of P15,000.00, Philippine Currency.

"CONTRARY TO LAW."^[11]

Crim. Case No. 93-127427:

"That on or about October 29, 1992, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously defraud LONITO F. BALUIS in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representation which he/she/they made to said LONITO F. BALUIS to the effect that she had the power and capacity to recruit and employ LONITO F. BALUIS in Taiwan 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 LONITO F. BALUIS to give and deliver, as in fact he/she/they gave and delivered to said accused the amount of P15,000.00 on the strength of said manifestations and representations, said 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 P15,000.00 which amount once in her possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit to the damage and prejudice of said LONITO F. BALUIS in the aforesaid amount P15,000.00, Philippine Currency.

"CONTRARY TO LAW."^[12]

On November 8, 1993, the trial court arraigned the accused. She pleaded not guilty to each case.^[13] Trial ensued. The cases were consolidated and tried jointly.

The facts are as follows:

In September 1992, accused Chua received a facsimile message from Harmony Electronics Company in Taiwan.^[14] The message was written in Chinese characters except for the names of To-ong Zenon Tumenlaco and Tercenio Domingo Fornaliza. Harmony asked her to call up To-ong and Tercenio and tell them that they were needed in Taiwan. Accused Chua contacted To-ong and told him the message.^[15]