

THIRD DIVISION

[G.R. No. 117154, March 25, 1999]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ERNESTO A. BORROMELO, ACCUSED-APPELLANT.**

DECISION

PURISIMA, J.:

Appeal interposed by accused Ernesto Borrromeo from the decision^[1] of the Regional Trial Court, Branch 54, Manila, finding him guilty of Illegal Recruitment in Criminal Case No. 93-129374 and of Estafa in Criminal Case Nos. 93-129376 to 93-129384.

On November 9, 1993, Assistant Prosecutor Roy A. Cabatuando filed several Informations against the said accused, alleging:

In Criminal Case No. 93-129374 for Illegal Recruitment

"That in or about and during the period compromised from February 16, 1993 up to July 28, 1993, inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true name, identities and present whereabouts are still unknown and helping one another, representing themselves to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did and there willfully and unlawfully for a fee, recruit and promise employment to JOCELYNE DEVEZA Y GARCIA, DONNA PATRICIA V. ANTONIO, WESLEY PAJARILLAGA, EDWIN ORTIZ, LEONARD BROZO, ROBERTO PEREZ Y BROZO, EDUARDO NANA, LAMBERTO PINGA Y CONCEPCION, BENJAMIN G. FULGENCIO and NESTOR DIZON without first having secured the required license or authority from the Department of Labor and Employment.

CONTRARY TO LAW."^[2]

In Criminal Case No. 93-129375 for Estafa

"That on or about March 22, 1993, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another did then and there wilfully (sic), unlawfully and feloniously defraud DONNA PATRICIA V. ANTONIO in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to said DONNA PATRICIA V. ANTONIO to the effect that they had the power and capacity to recruit and employ DONNA PATRICIA V. ANTONIO as factory worker for 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, induce and succeeded in inducing said DONNA PATRICIA V. ANTONIO 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00 which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said DONNA PATRICIA V. ANTONIO in the aforesaid amount of P15,000.00, Philippine Currency.

CONTRARY TO LAW."^[3]

In Criminal Case No. 93-129376 for Estafa

"That on or about and during the period comprised from March 1, 1993 to July 28, 1993, inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another did then and there wilfully, unlawfully and feloniously defraud EDWIN M. ORTIZ in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to the said EDWIN M. ORTIZ to the effect that they had the power and capacity to recruit and employ EDWIN M. ORTIZ as factory worker for Taiwan and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirement thereof, and by means of other similar deceits, induce and succeeded in inducing said EDWIN M. ORTIZ to give and deliver, as in fact he gave and delivered to said accused the amount of P22,600 on the strength of said manifestations and representations, said accused well knowing that the same are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P22,600, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted (sic) to their own personal use and benefit, to the damage and prejudice of said EDWIN M. ORTIZ in the aforesaid amount of P22,600.00. Philippine Currency.

CONTRARY TO LAW."^[4]

In Criminal Case No. 93-129377 for Estafa

"That on or about and during the period comprised from February 22, 1993 to March 15, 1993 inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another and then and there wilfully, unlawfully and feloniously defraud LEONARD S. BROZO in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to LEONARD S. BROZO to the effect that they had the

power and capacity to recruit and employ LEONARD S. BROZO as factory worker for 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, induce and succeeded in inducing said LEONARD S. BROZO 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said LEONARD S. BROZO in the aforesaid amount of P15,000.00, Philippine Currency.

CONTRARY TO LAW."^[5]

In Criminal Case No. 93-129378 for Estafa

"That on or about and during the period comprised from February 22, 1993 and March 15, 1993, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another and then and there wilfully, unlawfully and feloniously defraud ROBERTO BROZO PEREZ in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to ROBERTO BROZO PEREZ to the effect that they had the power and capacity to recruit and employ ROBERTO BROZO PEREZ as factory worker for 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, induce and succeeded in inducing said ROBERTO BROZO PEREZ 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said ROBERTO BROZO PEREZ in the aforesaid amount of P15,000.00. Philippine Currency.

CONTRARY TO LAW."^[6]

In Criminal Case No. 93-129379 for Estafa

"That on or about and during the period comprised from March 1, 1993 to July 28, 1993, inclusive, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another did then and there wilfully, unlawfully and feloniously defraud LAMBERTO PINGA Y CONCEPCION in the following manner, to wit: the said accused by means

of false manifestations and fraudulent representations which he, she, they made to the said LAMBERTO PINGA Y CONCEPCION to the effect that they had the power and capacity to recruit and employ LAMBERTO PINGA Y CONCEPCION as factory worker for Taiwan and could facilitate the processing of the the pertinent papers if given the necessary amount to meet the requirement thereof, and by means of other similar deceits, induce and succeeded in inducing said LAMBERTO PINGA Y CONCEPCION to give and deliver, as in fact he gave and delivered to said accused the amount of P22,600 on the strength of said manifestations and representations, said accused well knowing that the same are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P22,600, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said LAMBERTO PINGA Y CONCEPCION in the aforesaid amount of P22,600.00. Philippine Currency.

CONTRARY TO LAW."^[7]

In Criminal Case No. 93-129380 for Estafa

"That on or about and during the period comprised from February 22, 1993 up to March 15, 1993 inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another and then and there wilfully, unlawfully and feloniously defraud NESTOR N. DIZON in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to NESTOR N. DIZON to the effect that they had the power and capacity to recruit and employ NESTOR N. DIZON as factory worker for 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, induce and succeeded in inducing said NESTOR N. DIZON 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said NESTOR N. DIZON in the aforesaid amount of P15,000.00, Philippine Currency.

CONTRARY TO LAW."^[8]

In Criminal Case No. 93-129381 for Estafa

"That on or about and during the period comprised from February 16, 1993 up to March 25, 1993 inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping

one another and then and there wilfully, unlawfully and feloniously defraud WESLEY PAJARILLAGA in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to WESLEY PAJARILLAGA to the effect that they had the power and capacity to recruit and employ WESLEY PAJARILLAGA as factory worker for 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, induce and succeeded in inducing said WESLEY PAJARILLAGA 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said WESLEY PAJARILLAGA in the aforesaid amount of P15,000.00, Philippine Currency.

CONTRARY TO LAW."^[9]

In Criminal Case No. 93-129382 for Estafa

"That on or about and during the period comprised from February 22, 1993 up to March 15, 1993 inclusive, in the City of Manila, Philippines, the said accused conspiring and confederating with others whose true names, identities and present whereabouts are still unknown and helping one another and then and there wilfully, unlawfully and feloniously defraud BENJAMIN G. FULGENCIO in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which he, she, they made to the said BENJAMIN G. FULGENCIO to the effect that they had the power and capacity to recruit and employ BENJAMIN G. FULGENCIO as factory worker for 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, induce and succeeded in inducing said BENJAMIN G. FULGENCIO 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 are false and fraudulent and were made solely, to obtain, as in fact they did obtain the amount of P15,000.00, which amount once in their possession, with intent to defraud, wilfully, unlawfully and feloniously misappropriated, misapplied and converted to their own personal use and benefit, to the damage and prejudice of said BENJAMIN G. FULGENCIO in the aforesaid amount of P15,000.00, Philippine Currency.

CONTRARY TO LAW."^[10]

In Criminal Case No. 93-129383 for Estafa

"That on or about and during the period comprised from February 22,