

THIRD DIVISION

[G.R. No. 127159, May 05, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REMEDIOS ENRIQUEZ Y AGUILAR, ACCUSED-APPELLANT.**

DECISION

ROMERO, J.:

Before us is an appeal by Remedios Enriquez from the Decision^[1] dated October 25, 1996 in Criminal Case No. 94-5890 rendered by the Regional Trial Court, Branch 117, Pasay City, convicting her of illegal recruitment in large scale under Article 38 (b) of the Labor Code of the Philippines, as amended. The decretal portion of the decision reads:

"WHEREFORE, in view of the foregoing, the Court finds the accused Remedios Enriquez y Aguilar GUILTY beyond reasonable doubt for the crime of illegal recruitment defined and penalized under Art. 38 (b) of the Labor Code of the Philippines (PD 442, as amended) and sentences her to a penalty of life imprisonment and to pay a fine of P100,000.00; to indemnify Alfredo Evangelista the amount of P3,370; Regina Evangelista the amount of P5,000; Josefino Mendoza the amount of P3,370; Redentor Teves the amount of P7,740; Sheila Lahay Lahay the amount of P5,000; Felix Azul the amount of P3,370 and Lorna Pasagui, the amount of P3,370, and to pay the costs.

SO ORDERED."

The accused-appellant was charged with the crime of illegal recruitment in large scale allegedly committed as follows:

"That on or about the period comprised from December 1993 up to May 1994, in Pasay, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Remedios Enriquez y Aguilar, John Doe and Jane Doe, conspiring, confederating and mutually helping one another, and by falsely representing themselves to have the capacity to contract, enlist, employ and recruit workers for employment in Taiwan, did then and there wilfully, unlawfully and feloniously for a fee, recruit Marcos Cabuyao y Barot, Pedro Cabuyao y Barot, Remegio de leon, Norman delos Reyes y Kuirulf, Lorna Pasagi y Versosa, Herminio Aquino y Kal, Jose Alcovendas y delos Santos, Emmanuel delos Santos y dela Cruz, Romeo Gahol y Makatangay, Leonel Balagtas, Rolando Vitug, Alexander Calderon, Vilma Oasay y Cajumban, Joey Mendoza, Ester Sayson, Pepito Francisco, Crisencia Quinia, Sonny Magbanua, Rogelio Obando y Caser, Jona delos Reyes y Kieruff, Shiela Lahay-Lahay y delos Reyes, Efren Reyes y Mangulabnan, Leonila Guiruela, Leonora Cusi, Felix Azul, Jr., Rosario Rusanto, Nikolas Nalla y Naobre, Regina Evangelista y

dela Peña, Carlos Solano, Jr. y Sunglao, Feliciano Ilano y Virata, Ramon Beltran y Ambran, Jose Evangelista y Landra, Alfredo Evangelista y Isorina, Nestor Ruiz y Perona, Jonald Madayag y Pedro, Manuel Talimongan y de Guzman, Antonio Morales y Corpuz, Francisco Sarmiento y Limpin, Danilo Cablay y Servano, Victorina G. Domino, Liezel G. Domino and Alexander G. Domino without first securing the required license or authority from the Philippine Overseas Employment Administration (POEA).

Contrary to law.^[2]

On July 4, 1994, accused-appellant was duly arraigned under the said Information. Then, on September 8, 1994, the prosecution filed an Amended Information impleading accused-appellant's common law husband, Reynaldo Enriquez, and daughter, Rowena Enriquez, as co-accused. However, it appears from the records that Remedios was not properly arraigned under the Amended Information. Thus, the case was decided on the basis of the original Information.

As can be gleaned from the Information, accused Remedios Enriquez promised employment in Taiwan to at least forty two people, six of whom appeared in court to testify against her. From the testimony of these complaining witnesses, the facts leading to her conviction by the lower court are as follows:

Complainants Alfredo Evangelista, Regina Evangelista, Josefino Mendoza, Sheila Lahay Lahay, Felix Azul, and Lorna Pasagui on different dates, went to the residence of Remedios Enriquez at 231 Libertad St., Pasay City after learning that she was recruiting workers for Taiwan. They were each asked to pay processing fees ranging from P3,370 to P5,000 for which no receipts were issued and to submit certain documents to facilitate their travel and subsequent deployment abroad. However, despite having complied with these requirements and after several follow-ups, they still were not able to leave for Taiwan. Having learned that Remedios was already in jail and under investigation for her recruitment activities, they too lodged a complaint against her for illegal recruitment.

During their examination in court, the complaining witnesses corroborated each other's testimonies to the effect that it was, in fact, Remedios Enriquez who promised them employment in Taiwan and that it was she who dealt with them each time they went to her house in Libertad Street to follow up on their application for overseas employment. According to the witnesses, Remedios was the one who told them about the job prospects in Taiwan and the requirements for their deployment. She was also the one who received the "placement fees" paid by the complainants.

The first prosecution witness, Alfredo Evangelista, testified that he learned from a friend that accused-appellant was recruiting workers for Taiwan so he went to the latter's residence in Libertad and was told by Remedios to pay the processing fee of P3,370. After paying said amount for which no receipt was issued and submitting the necessary documents, he kept on following up on his application only to be met by promises from Remedios that he would be deployed soon. Her promises proved to be empty, however, as he later discovered that Remedios was already in jail.^[3]

Complainant Regina Evangelista, for her part, testified that she came to know accused-appellant through her brother-in-law and co-complainant, Alfredo

Evangelista. After meeting Remedios at the latter's Libertad residence, Regina was told by the accused-appellant to complete the necessary papers and to pay a processing fee of P5,000. In Regina's case, she was given a receipt for the amount she paid. Remedios likewise told her that Regina was scheduled to leave for abroad on June 22, 1994. However, on June 15, 1994, Regina found out that accused-appellant was already detained by the Pasay City Police for her recruitment activities.^[4]

Josefino Mendoza was similarly lured by Remedios to part with his hard-earned money in exchange for the promise of a good job in Taiwan. Josefino testified that he went to accused-appellant's house in Libertad to inquire about the application requirements for overseas employment and it was Remedios herself who informed him about the necessary papers and the P3,370 processing fee. During the trial, Josefino presented a receipt signed by Remedios which reads: "Received from Josefino Mendoza and Redentor Teves the amount of P6,740."^[5] Redentor Teves was the son of Josefino's "compadre" and also a co-applicant. Josefino testified that he was also required to attend a seminar at Aurelio Hotel together with other applicants. He also received P1,500 as salary advances from the accused-appellant. According to Josefino, Remedios promised him that he would be deployed on the first week of April 1994 but this did not materialize as Remedios told him that there were some problems regarding his papers. She again promised that he would be deployed in late May of the same year but this too was unrealized as his departure was repeatedly re-scheduled for some reason or another until he decided to file a complaint against Remedios for illegal recruitment and estafa.

Sheila Lahay Lahay, the bestfriend of Rowena Evangelista, accused-appellant's daughter, testified that Rowena talked her into applying for work as a company nurse abroad and introduced her to her mother, Remedios, who told Sheila about the documents to be submitted and the P5,000 processing fee. Having completed her papers and paying the amount required, she was not given any receipt. Like the other witnesses before her, Sheila too was never deployed abroad but of the P5,000 she paid as processing fee, P3,000 was returned to her supposedly as advance salary.^[6]

Prosecution witness Felix Azul learned about Remedios through his neighbor, Leonor Cusi, who was also being recruited by accused-appellant. Felix applied for the position of security guard and submitted the necessary papers. He likewise paid P3,370 as processing fee for which he was not given a receipt. He was also required to attend the seminar at Aurelio Hotel during which, he said, Reynaldo Enriquez introduced Remedios Enriquez to the participants as the "overall general manager."^[7]

Like complainant Sheila Lahay Lahay, Lorna Pasagui was recruited by the accused-appellant who was introduced to her by Rowena Enriquez. She was promised a job as factory worker in Taiwan on condition that she submit certain papers and pay the P3,370 processing fee. Despite having met these requirements, however, she was never deployed abroad.^[8]

From the records, it appears that Remedios was not alone in carrying out her nefarious recruitment activities. Her common-law husband Reynaldo Enriquez and daughter Rowena were likewise actively involved in the "business," turning it into a