

FIRST DIVISION

[G.R. Nos. 115150-55, September 27, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYDANTE CALONZO Y AMBROSIO, ACCUSED-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

REYDANTE CALONZO Y AMBROSIO was charged with *Illegal Recruitment in Large Scale* and five (5) counts of *Estafa* by Bernardo Miranda, Danilo de los Reyes, Elmer Clamor, Belarmino Torregrosa and Hazel de Paula. On 5 April 1994 the Regional Trial Court of Pasig found the accused guilty as charged and sentenced -

1. In Criminal Case No. 98850 for *Estafa*, to suffer an indeterminate prison term of eleven (11) years, eleven (11) months and eleven (11) days of *prision mayor* to fifteen (15) years, eight (8) months and twenty-one (21) days of *reclusion temporal*, to reimburse the complainant-victim Bernardo Miranda in the amount of P120,000.00 and to pay the costs.

2. In Criminal Case No. 98851 for *Estafa*, to suffer an indeterminate prison term of eleven (11) years, eleven (11) months and eleven (11) days of *prision mayor* to fifteen (15) years, eight (8) months and twenty-one (21) days of *reclusion temporal*, to reimburse the complainant-victim Danilo de los Reyes in the amount of P120,000.00 and to pay the costs.

3. In Criminal Case No. 98852 for *Estafa*, to suffer an indeterminate prison term of eleven (11) years, eleven (11) months and eleven (11) days of *prision mayor* to fifteen (15) years, eight (8) months and twenty-one (21) days of *reclusion temporal*, to reimburse the complainant-victim Elmer Clamor in the amount of P120,000.00 and to pay the costs.

4. In Criminal Case No. 98853 for *Estafa*, to suffer an indeterminate prison term of nine (9) years, eleven (11) months and eleven (11) days of *prision mayor* to thirteen (13) years, eight (8) months and twenty-one (21) days of *reclusion temporal*, to reimburse the complainant-victim Belarmino Torregrosa in the amount of P100,000.00 and to pay the costs.

5. In Criminal Case No. 98854 for *Estafa*, to suffer an indeterminate prison term of eleven (11) years, eleven (11) months and eleven (11) days of *prision mayor* to fifteen (15) years, eight (8) months and twenty-one (21) days of *reclusion temporal*, to reimburse the complainant-victim Hazel de Paula in the amount of P120,000.00 and to pay the costs.

6. In Criminal Case No. 98855 for *Illegal Recruitment (Large Scale)*, to

suffer the penalty of life imprisonment, to pay a fine of One Hundred Thousand Pesos (P100,000.00) and to pay the costs.

In the successive service of his sentences, the accused shall be credited in full with the period of his preventive imprisonment.

The above terms shall also be subject to the application of the Three-Fold Rule.^[1]

Accused-appellant in this appeal assails his conviction by the trial court. He claims that the court below erred in disregarding the testimony of Nenita Mercado, an employee of the Philippine Overseas Employment Administration (POEA), who categorically stated that their records indicated that Calonzo never processed complainants' applications for employment abroad. He concludes from that fact alone that he cannot be deemed to have engaged in the recruitment of workers for employment abroad.

As regards the estafa cases, accused-appellant contends that the court *a quo* erred in giving credence to the testimonies of prosecution witnesses considering that the amounts claimed to have been collected by him did not correspond to the amounts indicated in the receipts presented by the complaining witnesses.

The antecedents: Sometime in February 1992 Danilo de los Reyes and his brother-in-law Belarmino Torregrosa met Reydante Calonzo in the house of Loreta Castañeda at No. 10 P. Burgos Street, Pasig, Metro Manila. In that meeting Calonzo lost no time in informing them that he could provide them employment abroad, particularly Italy, for a fee. Calonzo was so glib and persuasive that De los Reyes and Torregrosa were quickly convinced to cast their lot with him. Upon returning home they took stock of their assets and resources and came up with the figures sufficient for the processing of their applications for employment abroad. Two months after their initial meeting, or on 13 April 1992, De los Reyes gave Calonzo P50,000.00. He also pledged the Ford Fiera of his brother-in-law to Calonzo for P70,000.00 in order to come up with the P120,000.00 processing fee imposed by Calonzo. The latter then informed De los Reyes of his "scheduled" departure for Italy on 29 April 1992. However, despite the lapse of the period, De los Reyes and Torregrosa remained in the Philippines although their recruiter reiterated his promise to send them to Italy.

On 1 May 1992, instead of sending them to Italy, they were billeted at Aloha Hotel along Roxas Boulevard. The following day, or on 2 May 1992, they boarded a plane that was supposed to take them to Italy. But Calonzo had another destination in mind. They landed in Bangkok instead where their visas for Italy, according to Calonzo, would be processed. They stayed at *P.S. Guest Hotel* for one and a half months. While in Bangkok the accused again collected money from them purportedly to defray the expenses for their visas. They also incurred expenses for food and accommodation, and for overstaying, De los Reyes had to pay 2800 bahts to the immigration authorities only to discover to their utter dismay that Calonzo had already returned to the Philippines.

In their helplessness in a foreign land they sought the help of Loreta Castañeda by calling her up in Manila. Castañeda promptly fetched them from Bangkok and brought them back to the Philippines. The day following their arrival they went to

the office of Calonzo on Padre Faura. Despite their frustrations in Bangkok Calonzo still insisted that he would send them to Italy as he promised. In their naivetè which was no match to the unmitigated audacity of Calonzo, De los Reyes and Torregrosa still clung to the promises of Calonzo hoping against hope that the latter would still fulfill them. However the promises remained unfulfilled so they looked again for Calonzo. But this time their quarry had already absconded.

They verified from the POEA whether Calonzo or his *R. A. C. Business Agency* was duly authorized and licensed to recruit people for employment abroad. The POEA certified that *R. A. C. Business Agency* was not licensed to recruit workers for overseas employment.

Torregrosa substantiated the above account. He testified that he gave Calonzo a total of P100,000.00. On cross-examination however he stated that he gave such amount on 27 April 1992 and not on 13 April 1992 as testified to by De los Reyes. But the date appearing on the receipt marked Exhibit A is 13 April 1992. Torregrosa also claimed that while in Bangkok he gave Calonzo an additional amount of US\$100.00.

On her part, Hazel de Paula testified that she first met appellant and the other complainants at the house of Loreta Castañeda at No. 10 P. Burgos Street, Pasig, Metro Manila. Convinced that she would eventually be employed in Italy as a domestic helper she gave Calonzo P120,000.00. Unlike the other complaining witnesses, she was not able to fly to Bangkok on 2 May 1992 as her passport was not yet available. She left only on 6 May 1992 where she was met by Calonzo at the airport and brought to the *P.S. Guest Hotel* where her companions who had arrived earlier were already billeted. She said that while in Bangkok Calonzo asked money again from her.

Elmer Clamor, a 28-year old resident of Gen. Trias, Cavite, was similarly situated with Hazel de Paula. Clamor narrated that he gave Calonzo P120,000.00 for the latter's commitment to send him to Italy, and in fact while in Bangkok he gave Calonzo US\$250.00 more.

Bernardo Miranda, a construction worker from Talisay, Batangas, was another victim of Calonzo. Lured by the latter's assurances that he would be sent to Italy, he gave Calonzo a total of P120,000.00 for the processing of his application for work in Italy. But, like all the rest of them, Miranda only reached Bangkok. The promised job, his hard-earned money and Calonzo himself eventually disappeared.

Senior Labor Employment Officer Nenita Mercado of the POEA confirmed that neither Reydante Calonzo nor his *R. A. C. Business Agency* was authorized to recruit workers for employment abroad.

Reydante Calonzo tells us his own story. He admits being engaged in the consultancy business through his *R. A. C. Business Agency* but denies any involvement in recruitment activities. He admits knowing Loreta Castañeda and Leticia Solis as the two have sought his assistance regarding their real estate business. He denies knowing the complaining witnesses except Danilo de los Reyes and Belarmino Torregrosa who once visited him in his office. While he disclaims the receipts presented by the prosecution as official receipts of his *R. A. C. Business Agency* he admits that the signatures thereon were similar to his.