

THIRTEENTH DIVISION

[CA-G.R. CR-HC No. 06107, December 17, 2014]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VIOLETA ALCANTARA Y DETUBIO, ACCUSED-APPELLANT.**

DECISION

LIBREA-LEAGOGO, C.C., J.:

Before this Court is an appeal from the Decision^[1] dated 14 February 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 142, Makati City, in the case entitled "*People of the Philippines v. Violeta Alcantara*," docketed as *Crim. Case No. 07-1697* and *Crim. Cases Nos. 07-1698-1700*, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing, accused **VIOLETA ALCANTARA y DETUBIO** is found **GUILTY** beyond reasonable doubt of the crime of *Illegal Recruitment in Large Scale in Criminal Case No. 07-1697* and is hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine of **Five Hundred Thousand Pesos** (Php500,000.00).

Accused is also found **GUILTY** beyond reasonable doubt on three (3) counts of the *Crime of Estafa*, defined and penalized under Article 315, paragraph 2 (a) of the Revised Penal Code. Applying therefore the Indeterminate Sentence Law, the accused is hereby sentenced as follows:

1. In Criminal Case No. 07-1698 – to an indeterminate penalty of four (4) years, two (2) months as minimum to sixteen (16) years, eight (8) months and twenty one (21) days as maximum.

2. In Criminal Case No. 07-1699 – to an indeterminate penalty of four (4) years, two (2) months as minimum to six (6) years, eight (8) months and twenty one (21) days as maximum.

3. In Criminal Case No. 07-1700 – to an indeterminate penalty of four (4) years, two (2) months as minimum to fifteen (15) years, eight (8) months and twenty one (21) days as maximum.

with all the accessory penalties imposed by law.

Moreover, the accused is hereby ordered to reimburse and pay the private complainants, as follows:

Ma. Morena J. Anunciado – the sum of **One Hundred Twenty Two Thousand One hundred Eighteen Pesos and Nineteen Centavos** (Php122,118.19).

Janice A(.) Melomida (sic) – the sum of **Twenty Four Thousand One Hundred Pesos** (Php24,100.00)

Nie R. Alvarez – the sum of **One Hundred Seventeen Thousand One Hundred Eighteen Pesos and Nineteen Centavos** (Php117,118.19).

with interests thereon at the rate of six (6%) percent per annum from the date hereof until finality of this decision and thereafter, twelve (12%) percent per annum from finality of this decision, until the monetary obligations are fully settled/paid (*Eastern Shipping Lines, Inc. vs. Court of Appeals, 234 SCRA 78*).

Costs against the herein accused in all the aforestated Informations.

SO ORDERED.^[2]

Accused-appellant filed his Brief^[3] dated April 21 2014. Per JRD verification,^[4] dated 27 October 2014, no appellee's brief was filed as per docket book entry. Thus, the appeal is submitted for decision.

FACTUAL ANTECEDENTS

Accused Violeta Alcantara y Detubio ("Alcantara," for brevity) was charged with the crime of illegal recruitment in large scale in an Information^[5] dated 27 July 2007, before the Regional Trial Court, National Capital Judicial Region, Makati City, docketed as *Criminal Case No. 07-1697*, the accusatory portion of which reads:

Criminal Case No. 07-1697

"That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, representing herself to have the capacity to contract, enlist, transport and refer workers for employment abroad, for a fee did then and there willfully, unlawfully and feloniously, and without any license or authority to do so, recruit and promise overseas employment to the following complainants, to wit:

MA. MORENA J. ANUNCIADO

JANICE A. MELLOMIDA
NIE R. ALVAREZ

thus in large scale amounting to economic sabotage, but said accused failed to deploy said complainants and likewise reimburse to return the expenses incurred by them in connection with their documentations and processing for papers of deployment which did not take place without their fault.

CONTRARY TO LAW.”^[6]

Accused was likewise charged with three counts of estafa under Article 315, paragraph 2 (a) of the Revised Penal Code, in three (3) Informations,^[7] all dated 27 July 2007, docketed as *Criminal Cases Nos. 07-1698, 07-1699 and 07-1700*, the accusatory portions of which read:

Criminal Case No. 07-1698

*“That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant **MA. MORENA J. ANUNCIADO** in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant gave and delivered to said accused the total amount of Php122,118.19 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount of Php122,118.19.*

CONTRARY TO LAW.”^[8]

Criminal Case No. 07-1699

*“That in the month of May 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant **JANICE A. MELLOMIDA** in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant*

gave and delivered to said accused the total amount of Php24,100.00 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount of Php24,100.00.

CONTRARY TO LAW.^[9]

Criminal Case No. 07-1700

*"That in the month of April 2006 and thereafter, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, defraud complainant **NIE R. ALVAREZ** in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations made prior and simultaneously with the commission of fraud, to the effect that she has the capacity to deploy complainant for overseas employment and could facilitate the necessary papers if given the necessary amount, and by means of other deceit of similar import, induced and succeeded in inducing complainant to give and deliver and in fact the complainant gave and delivered to said accused the total amount of Php117,118.00 on the strength of said manifestations and representations which turned out to be false, to the damage and prejudice of said complainant in the aforementioned amount P117,118.00.*

CONTRARY TO LAW.^[10]

The above numbered cases were jointly tried.^[11]

When arraigned on 20 November 2007, accused entered a plea of not guilty.^[12] On even date, accused filed an Urgent Motion to Post Bail,^[13] to which the prosecution filed an Opposition etc.^[14] dated 14 December 2007.

Hearing on the motion to post bail ensued.

The prosecution presented four witnesses, namely: Mr. Severino Maranan, Philippine Overseas Employment Administrator (POEA) representative, and private complainants Ma. Morena Anunciado ("Anunciado," for brevity), Janice Mellomida ("Mellomida," for brevity) and Nie Alvarez ("Alvarez," for brevity). Their testimonies were summarized by the trial court, viz:

"Prosecution witness Severino Maranan, Senior Labor Employment Officer, was called to the witness stand on February 5, 2008 and testified on the POEA Certification dated March 12, 2007 signed by Yolanda Paragua and on the Certification dated December 14, 2007 issued and signed by Atty. Melchor Diaz, both POEA Officers, whereon stated that the accused is not licensed by the Philippine Overseas Employment Agency (POEA) to recruit workers for overseas employment. No cross

examination on the POEA witness was conducted by accused (sic) collaborating counsel, Atty. Wenceslao Galendez, Jr.

Private complainant Ma. Morena Anunciado, (Anunciado) testified on the following: that she first met accused Violeta Alcantara through a certain Ms. Amelita Nunez in the office of Ren-Glo located at Guanzon Street, Poblacion, Makati City, sometime in April 2006; accused represented herself as the Marketing Director of Ren-Glo Enterprises and told Anunciado that she needs thirty (30) applicants for Singapore for immediate deployment as call center agents; Anunciado was told that there is a placement fee and she also needs to submit documents such as diploma, transcript of record, NBI Clearance and passport; she then submitted to the accused the documents required and paid the amount of One Hundred Twenty Two Thousand (Php122,000.00) Pesos in three installments, viz: (1) 15 May 2006 in the amount of Php40,000.00, as evidenced by a cash voucher showing receipt by accused (Exhibits "E" to "E-1"); (2) 5 June 2006 in the amount of Php50,000.00, as evidenced by another cash voucher paid to Milenest General Management Services, Inc., and received by the accused (Exhibits "C" to "C1"); and (3) 9 June 2006, in the amount of Php22,118.19 (Exhibits "D" to "D-2"); Anunciado and with other applicants attended three (3) seminars, one (1) conducted at Ren-Glo office and the other two (2) were conducted at the office of the accused at Ponce Law Office, City(l)and Condominium, Gil Puyat St., Buendia, Makati City; in all occasions, it was the accused who conducted the seminars; accused promised to Anunciado (sic) process her visa and employment contract and would even accompany her to Singapore, her place of work; on 4 June 2006, she departed for Singapore together with the accused and three (3) other co-applicants namely: private complainant Nie Alvarez, Vivian Cruz and Brigitte Nunez; upon their arrival in Singapore, they were fetched by a certain Liza Chua; she started entertaining the idea that the accused is an illegal recruiter because she remembered being told by the accused that the employer in Singapore is one Liza Chua but who was later on introduced to them by the accused as the landlady (Liza Chua) of the house where all of them will stay while they were in Singapore; Anunciado found out that there was no employment available for them in Singapore(,) contrary to what was promised by the accused, instead they were made to personally apply for a job, unfortunately however, they were not accepted for want of working visas; after three (3) weeks of stay in Singapore, they were brought to the Philippine Embassy by Mr. Chua, the husband of Liza Chua, and on 19 July 2006, they were able to return to the Philippines; upon their arrival, accused offered Anunciado to stay in her house at 1410 2-B F. Yuseco St., Sta. Cruz, Manila until she can be deployed again, an offer which she accepted because her family does not know what happened to her; however, accused Alcantara's promise of deployment never materialized.

On cross-examination xxx, Anunciado testified that it was Amelita Nunez who referred her to the accused but it was accused xxx who promised her a sure employment in Singapore. She further testified that Milenest General Management Services is owned by Violeta Alcantara. She further testified that the accused only accompanied them to Singapore but she