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FIRST DIVISION

[G.R. No. 131922. November 15, 2000]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **FELY LADERA a.k.a. FILOMENA LADERA,** *accused-appellant.*

SYNOPSIS

Several informations charging the accused Ladera with estafa were filed. Also filed against her was an information for illegal recruitment in large scale. The accused pled not guilty to all the charges. Trial thereafter ensued. After presenting several witnesses against the accused, Ladera testified for her defense. Ladera admitted that she did not apply for a license for recruiters with the POEA because she was not recruiting workers. She only received the money from the complainants as evidenced by receipts upon their request. She also testified that the complaining witnesses received their money back through her as shown by receipts. She did not receive any commission for the favors she granted to the complainants and to Baniquid. Baniquid, according to Ladera, was the real recruiter of the workers. Although she never participated in the recruitment of the complainants for abroad, they filed the cases against her because Baniquid could no longer be located. The trial court upheld the version of the prosecution and sentenced Ladera to various terms of imprisonment including life imprisonment for the Illegal Recruitment in Large Scale. Hence, this appeal by Ladera.

The Supreme Court affirmed the decision of the lower court. According to the Supreme Court, the accused's contention deserved scant consideration. It was precisely Ladera's false representation that she had the power and capacity to recruit workers abroad that induced complainants to part with their money to facilitate their employment abroad. As it turned out, however, she was not authorized by the POEA to recruit workers. The fact that accused Ladera returned a portion of the sum of money each complainant paid to her did not negate the crime of estafa.

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SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; LABOR STANDARDS; ILLEGAL RECRUITMENT; WHEN COMMITTED IN LARGE SCALE; ELEMENTS.** — Illegal recruitment in large scale is defined and penalized under Article 38 (b) and Art. 39 (a) of the Labor Code, ... Article 13 (b) of the Labor Code defines recruitment and placement... From the foregoing provisions, the essential elements of the crime of illegal recruitment in large scale are: "(1) The accused undertook a recruitment activity defined under Article 13 (b) or any other prohibited practice under Art. 34 of the Labor Code. (2) He did not have the license or the authority to lawfully engage in the recruitment and placement of workers. (3) He committed the same against three or more persons, individually or as a group."

2. **ID.; ID.; ID.; ID.; PRESENT IN CASE AT BAR.** — The factual backdrop clearly shows that the accused Ladera engaged in recruitment activities involving three persons. She promised to the private complainants Ramos, Libuit, and Cariño employment as seamen in Singapore with handsome remuneration. Along with a certain Maribeth Baniquid, the accused Ladera facilitated the complainants' departure for Singapore for a fee of ₱25,000.00 for Cariño, ₱28,000.00 for Ramos, and ₱29,500.00 for Libuit. As shown by the POEA certification presented in court and as admitted by the accused Ladera herself, Ladera did not have the license or authority to lawfully engage in the recruitment and placement of workers. . . .

3. **REMEDIAL LAW; EVIDENCE; TESTIMONY OF WITNESSES; POSITIVE IDENTIFICATION PREVAILS OVER DENIAL AND EXPLANATION OF THE ACCUSED; CASE AT BAR.** — The positive identification made by the complainants prevail over the accused Ladera's denial and explanation. The testimonies of the complainants and the receipts issued or signed by Ladera as witness all support the recruitment activities of the accused. Moreover, as held by the trial court, there is no showing that any of the complainants, all of whom were her neighbors, had ill-motives against the accused to impute the commission of such serious crimes against her if such imputations were not true.

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4. CRIMINAL LAW; ESTAFA; WHEN COMMITTED; PRESENT IN CASE AT BAR. — Undeniably, the crime of estafa was also committed by the accused Ladera against Cariño in Crim. Case No. Q-94-58849, Ramos in Criminal Case No. Q-94-58850, and Libuit in Criminal Case No. Q-94-58851. She falsely represented herself to possess the power and capacity to recruit workers for abroad to induce the complainants to repose their trust in her and pay her the money she asked to facilitate their employment abroad. Her promises of gainful employment in Singapore, however, turned out to be false as the complainants were either not given the job position she had promised; or not remunerated in the amount she had told them; or suffered under working conditions which were not according to what she had represented to them. These acts of the accused Ladera constitute estafa under Art. 315 of the Revised Penal Code. To exonerate herself from the charges of estafa, accused Ladera contends that she did not defraud and make false representations to the complainants. As she had represented to them, Cariño and Ramos were both able to go to Singapore and were employed as seamen. Libuit, on the other hand, although not employed as a seaman, was able to go to Singapore which was all that she told him. The accused's contention deserves scant consideration. It was precisely Ladera's false representation that she had the power and capacity to recruit workers abroad that induced the complainants to part with their money to facilitate their employment abroad. As it turned out, however, she was not authorized by the POEA to recruit workers. She even made her promise of employment more enticing by falsely representing to the complainants that they were going to get a good salary and work under pleasant conditions in Singapore, only for them to realize later that the accused had duped them.

5. ID.; ID.; COMPROMISE OR NOVATION OF CONTRACT, NOT A DEFENSE; CASE AT BAR. — The fact that accused Ladera returned a portion of the sum of money each complainant paid to her does not negate the crime of estafa. As this Court ruled in *People v. Moreno,* "it is well-settled that criminal liability for estafa is not affected by compromise or novation of contract, for it is a public offense which must be prosecuted and punished by the Government on its own motion even though complete reparation should have been made of the damage suffered by the offended party . . ."

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APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Public Attorney's Office for accused-appellant.

D E C I S I O N

PUNO, *J.*:

Trite though the saying that "promises are made to be broken," a broken promise may nevertheless cost a person her liberty for life. For failing to make good her promise to the herein private complainants of greener pastures in a foreign land, the accused Filomena Ladera will spend the rest of her life behind bars.

On September 15, 1994, several informations charging the accused Ladera with Estafa were filed, *viz*:

"That on or about the month of February, 1994 in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud Rodalino Cariño in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said complainant to the effect that she had the power and capacity to recruit and employ him 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 complainant to give and deliver, as in fact gave and delivered to said accused the amount of ₱28,000.00 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 ₱28,000.00 which amount once in possession, with intent to defraud said complainant willfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit, to the damage and prejudice of said complainant in the aforesaid amount of ₱28,000.00 Philippine currency.

CONTRARY TO LAW."[1]

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[1] Crim. Case No. Q-94-58849, *Rollo*, p. 11. The information in Crim. Case No. Q-94-58850 reads the same as the above information except that

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On the same day, an information charging the accused Ladera with Illegal Recruitment in Large Scale was filed, *viz*:

"That on or about the month of February, 1994, in Quezon City, Philippines, the above-named accused, without any authority of law and for a fee, did then and there, willfully, unlawfully and feloniously recruit and promise employment/job placement abroad to the following persons: GENARO M. LIBUIT, VIOLETO RAMOS and RODALINO CARIÑO, without first securing the required license or authority from the Department of Labor and Employment, in violation of the aforesaid law.

That the crime described above is committed in large scale as the same was perpetrated against three or more persons individually or as a group as penalized under Art. 38 & 39 as amended by P.D. No. 2018 of the Labor Code of the Philippines. (P.D. 442).

Contrary to law."[2]

The accused Ladera pled not guilty to all charges. Trial thereafter ensued.

The records show that in 1993, Rodalino Cariño and the accused Ladera occupied the same boarding house at #41 Santiago St., San Francisco Del Monte, Quezon City. The room of the Cariño family was next to Ladera's room. In October 1993, the accused Ladera and Rodalino Cariño talked about employment abroad. Ladera told Cariño that the salary abroad was good. Cariño applied to Ladera as a seaman. The latter asked for ₱25,000.00 as placement fee. Cariño paid this amount and was issued a receipt by a certain Letty Javillonar.[3] In Cariño's presence, Ladera signed the receipt as a witness. Subsequently, the accused introduced Cariño to a certain Maribeth Baniquid.

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the offended party is Violeto Ramos and the amount involved is ₱28,500.00 (*Rollo*, p. 13). The information in Crim. Case No. Q-94-58851 is similarly worded save for the offended party, Genaro M. Libuit and the amount involved, ₱29,500.00 (*Rollo* p. 15)

[2] Crim. Case No. Q-94-58852, *Rollo*, p. 17. The above cases were consolidated, raffled, and assigned to Branch 90 of the Regional Trial Court of Quezon City.

[3] Original Records, p. 232; Exhibit "A", Criminal Case No. 94-58849.

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Baniquid, the accused and Cariño discussed the latter's employment abroad. Cariño then left for Singapore. When he arrived there, he met Baniquid again. The latter helped him find employment as a seaman in Singapore. He boarded a Taiwanese sea vessel of the Oregon A. Marine shipping company from January 3, 1994 until March 28, 1994 when he was mauled in the vessel. He disembarked from the vessel and was left in Argentina for one month. While there, he was brought to the hospital. He then came home to the Philippines and filed the instant case.[4]

Violeto Ramos also took the witness stand. He met the accused Ladera in September 1993. He applied to her for employment as a seaman in Singapore because he earlier learned from Ladera's daughter, his friend, that the accused Ladera was recruiting workers for abroad. Ladera told him that his salary was $400.00 plus bonus. Ladera asked for ₱28,000.00 from Ramos to facilitate his employment overseas. Ladera then went to Ramos' house at 33-C Pat. Senador St., San Francisco Del Monte, Quezon City on February 16, 1994 and collected ₱6,500.00 in payment of Ramos' airfare. She issued a receipt for the said amount and signed the same in Ramos' presence.[5] Ramos paid the balance in installments but Ladera did not issue receipts and told him that the receipts for the balance would follow. Ladera later on issued him another receipt for ₱2,000.00 but he lost it. On February 18, 1994, the accused introduced Ramos to Maribeth Baniquid. Two days after, Ladera accompanied Ramos to the airport for his flight to Singapore. When Ramos arrived in Singapore, Baniquid met him and accompanied him to the Step-up Employment Agency. A certain Victor Lim employed him beginning February 20, 1994 until three months thereafter as a seaman on board the ship TEFU No. 3. While employed, he was mauled by some Taiwanese and Indonesians. Also, instead of working for eight hours as

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[4] *Id.*, pp. 351-364; TSN, Rodalino Cariño, November 17, 1995, pp. 2-8; February 23, 1996, pp. 1-7.

[5] Original Records, p. 233; Exhibit "B", Criminal Case No. 94-58850.

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he was told, he was made to work for twenty hours for a measly pay of two Singaporean dollars. Ramos was confined at the Singapore Mental Hospital. Ramos then decided to come home and arrived in the Philippines on May 29, 1994. The employment agency paid for his fare. Two days after he arrived, he had his injuries photographed.[6] The accused Ladera went to Ramos' house and asked for forgiveness for what she had done to him. He told her that he would forgive her if she paid for his medical expenses. She promised to shoulder the expenses but did not do so. As she did not give Ramos money to buy medicine, Ramos submitted himself for examination at the Philippine General Hospital in preparation for a suit he would lodge against the accused Ladera. He also obtained a certification from the Philippine Overseas Employment Agency (POEA) that the accused Ladera was not a licensed recruiter.[7] He then demanded Ladera to return the ₱28,000.00 he paid her, but she paid back only ₱5,000.00.[8]

Genaro Libuit also testified. He met the accused Ladera, his neighbor, in December, 1993 at her house at #41 Santiago Street, San Francisco del Monte, Quezon City. Libuit resides at #52 of the same street and coming from work, he would pass by Ladera's house where his friends would hang out. When he learned from his friends that accused Ladera was a recruiter, he applied to her for the position of a seaman in January 1994. The accused Ladera told him that she would find him a good destination in Singapore and that he would earn $450.00 monthly. The accused asked for ₱29,500.00 to facilitate Libuit's trip to Singapore. Libuit paid the amount to Ladera. Ladera issued a receipt dated February 24, 1994 for ₱10,000.00.[9] Ladera signed the receipt in the presence of Libuit. Libuit asked from Ladera

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[6] Original Records, p. 235; Exhibit "A-1" to "A-7", Criminal Case No. 94-58850.

[7] Original Records, p. 234; Exhibit "C", Criminal Case No. 94-58850.

[8] Original Records, pp. 309-314; TSN, Violeto Ramos, December 1, 1994, pp. 2-7; December 8, 1994, pp. 1-5.

[9] Original Records, p. 236; Exhibit "A", Criminal Case No. 94-58851.

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a contract covering his job application with her, but the latter said that he would get an employment contract in Singapore. On February 28, 1994, the accused Ladera accompanied Libuit to the airport to leave for Singapore. He arrived in Singapore about 6:00 p.m., then called up a certain Maribeth Baniquid to pick him up from the airport. The accused Ladera gave Baniquid's telephone number before Libuit left for Singapore. When Baniquid met Libuit, she asked him why Ladera sent him and his companions to Singapore when she (Baniquid) did not request for workers. But since Libuit was already in Singapore and Baniquid could no longer do anything about it, she got his plane ticket and together with some other companions headed for the Step-up Employment Agency. The owner of the agency asked Libuit if he wanted to board a vessel as a fisherman, but he refused because he was a marine engineer, not a fisherman. Libuit then decided to come home to the Philippines. However, since his plane ticket was with Baniquid, he went to his cousin, a certain Roman Villasenor, and asked for financial assistance for his airfare. He stayed in Villasenor's house for 21 days until his cousin finally bought his plane ticket for 450 Singaporean dollars or about ₱8,000.00. Upon arrival in the Philippines, Libuit confronted Ladera and asked her why she fooled him but she answered that she did not know. He demanded the return of the ₱29,500.00 he paid Ladera. Ladera assured him that she would pay him that amount, but she paid him only ₱20,000.00, leaving a balance of ₱9,500.00 and another ₱8,000.00 for Libuit's plane ticket in coming home to the Philippines. Libuit went to the POEA and secured a certification that Ladera was not a licensed recruiter.[10]

The prosecution also presented Ruben De Castro, an employee of the POEA in the Licensing and Regulation Division. He produced a certificate signed by his supervisor stating that the accused Ladera is not authorized to recruit workers.

The lone witness for the defense was the accused Ladera. She testified that she did not know Maribeth Baniquid, but she

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[10] Original Records, pp. 319-330; TSN, Genaro Libuit, December 8, 1994, pp. 5-16; March 15, 1995, pp. 1-10.

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had known her sister, Rosalinda Baniquid, for six to seven years as her regular customer in her fruit and vegetable business. On cross-examination, however, she testified that she had also known Maribeth for more than a year. She testified that Ramos, Libuit, and Cariño all went abroad but denied promising them work abroad, recommending them to Baniquid for recruitment, or helping Baniquid in recruiting them. Instead, she narrated that Cariño's mother, Luzviminda, asked her if she knew anybody who could help her son go abroad. She told her that Maribeth Baniquid, the sister of her regular customer, was helping workers go abroad. She gave her Maribeth's address. It was also Luzviminda who brought to her the other two complainants, Ramos and Libuit, begging for assistance for them to also go to Singapore because her son Rodalino called from Singapore telling Luzviminda that more workers were needed in Singapore. It was Luzviminda who spoke directly with Maribeth Baniquid.

The accused Ladera denied that she received ₱25,000.00 from Cariño and testified that she only witnessed Cariño pay the said amount to a certain Leticia Javillonar, a friend of Maribeth Baniquid. She, however, admitted receiving ₱6,500.00 from Ramos upon his request, but claimed that she immediately remitted the same to Maribeth Baniquid. She produced a petty cash voucher issued in favor of Ramos, and signed by Baniquid for the amount of ₱13,500.00. Although not stated in the document, she explained that part of that amount was the ₱6,500.00 she turned over to Baniquid.[11] At the back of the voucher, she signed as witness. The voucher shows that Ramos paid ₱2,000.00 for escort fee. As shown by a receipt, Ladera gratuitously gave Ramos ₱3,000.00 for his pocket money and escort fee.[12] On cross-examination, however, Ladera testified that the ₱2,000.00 for payment of the escort fee was lent at an interest. When Ramos returned to the Philippines, the accused again gave Ramos another ₱5,000.00 as financial assistance for his medical check-up at the Philippine General Hospital because Ramos' mother

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[11] Original Records, p. 287; Exhibit "1".

[12] *Id.*, p. 290; Exhibit "4".

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went to her asking for help for her son who came home sick from Singapore. This was evidenced by a receipt dated June 30, 1994.[13] On cross-examination, however, the accused Ladera claimed that she lent Ramos this ₱5,000.00 at an interest.

The accused Ladera also admitted receiving ₱10,000.00 from Libuit upon his request, but again claimed that this was turned over to Maribeth Baniquid. Subsequently, Baniquid refunded the amount to Libuit when the latter begged Baniquid to return the money when he gave up his job in Singapore. The money was returned through the accused Ladera as evidenced by a receipt she produced. During this time, Maribeth Baniquid was out of the country but her sister Rosalinda Baniquid was in the Philippines. Yet, Maribeth requested the accused Ladera and not her sister Rosalinda to return the money to Libuit. Apart from this amount, Baniquid also refunded Libuit, through the accused Ladera, another ₱5,000.00 on May 13, 1994 and another ₱5,000.00 on June 6, 1994, bringing the refunded amount to a total of ₱20,000.00. Receipts showing these refunded amounts were issued by the accused Ladera.[14]

The accused Ladera admitted that she did not apply for a license for recruiters with the POEA because she was not recruiting workers. She only received the money from the complainants as evidenced by receipts upon their request. She also testified that the complainants received their money back through her as shown by receipts. She did not receive any commission for the favors she granted to the complainants and to Baniquid. Although she never participated in the recruitment of the complainants for abroad, they filed the instant case against her because Maribeth Baniquid could no longer be found.[15]

The trial court upheld the version of the prosecution and ruled, *viz*:

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[13] *Id.*, p. 291; Exhibit "5".

[14] *Id.*, p. 289-289; Exhibits "2" and "3".

[15] Original Records, pp. 374-410; TSN, Filomena Ladera, November 15, 1996, pp. 5-28; November 21, 1996, pp. 1-6; December 6, 1996, pp. 1-7.

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"WHEREFORE, this Court finds the accused Fely Ladera, also known as Filomena Ladera:

A. In *Criminal Case No. Q-94-58849*, guilty beyond reasonable doubt of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code as amended, without any mitigating or aggravating circumstances, and this Court hereby sentences the accused to suffer the indeterminate penalty of imprisonment of four (4) months of *prision correccional as minimum* to three (3) years, eleven (11) months and eleven (11) days of *prision correccional as maximum*, and to indemnify or to pay the complainant Rodalino Cariño the amount of ₱25,000.00, with interest thereon at 12% per annum reckoned from the date of the filing of this case until fully paid with costs against the said accused.

B. In *Criminal Case No. Q-94-58850*, guilty beyond reasonable doubt of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code as amended, without any mitigating or aggravating circumstances, and this Court hereby sentences the accused to suffer the indeterminate penalty of imprisonment of four (4) months of *prision correccional as minimum* to three (3) years, eleven (11) months and eleven (11) days of *prision correccional as maximum,* and to indemnify or to pay the complainant Violeto Ramos the amount of ₱20,500.00, with interest thereon at 12% per annum reckoned from the date of the filing of this case until fully paid, with costs against the accused.

C. In *Criminal Case No. Q-94-58851*, guilty beyond reasonable doubt of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code as amended, without any mitigating or aggravating circumstances, and this Court hereby sentences the accused to suffer the indeterminate penalty of imprisonment of four (4) months of *prision correccional as minimum* to three (3) years, eleven (11) months and eleven (11) days of *prision correccional as maximum,* and to indemnify or to pay the complainant Genaro Libuit the amount of ₱17,500.00, with interest thereon at 12% per annum reckoned from the date of filing of this case until fully paid, with costs against the said accused.

D. In *Criminal Case No. Q-94-58852*, guilty beyond reasonable doubt of Illegal Recruitment in Large Scale as defined and punished under Article 38 (b) in relation to Article 39 (a) of the Labor Code of the Philippines as amended, and this Court hereby sentences the accused Fely Ladera, also known as Filomena Ladera, to suffer the penalty of life imprisonment and to pay a fine of One Hundred Thousand Pesos (₱100,000.00).

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Being a detention prisoner, the accused Fely Ladera, also known as Filomena Ladera, shall be entitled to the benefits of Article 29 of the Revised Penal Code as amended.

SO ORDERED."[16]

Hence, this appeal by the accused Ladera with the lone assignment of error, *viz*:

"THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY OF THE CRIME CHARGED DESPITE THE INSUFFICIENCY OF EVIDENCE TO WARRANT CONVICTION BEYOND REASONABLE DOUBT."

The appeal is bereft of merit.

Illegal recruitment in large scale is defined and penalized under Article 38 (b) and Art. 39 (a) of the Labor Code, *viz:*

"ART. 38. Illegal Recruitment. — (a) Any recruitment activities, including the prohibited activities enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority shall be deemed illegal and punishable under Article 39 of this Code. The [Department] of Labor and Employment or any law enforcement officer may initiate complaints under this Article.

(b) x x x x x x x x x

. . . Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

ART. 39. Penalties. — (a) The penalty of life imprisonment and a fine of One Hundred Thousand Pesos shall be imposed if illegal recruitment constitutes economic sabotage as defined herein. x x x"

Article 13 (b) of the Labor Code defines recruitment and placement as follows:

"x x x any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contact services, promising or advertising for employment, locally or abroad, whether for profit or not: provided, That any person or entity which,

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[16] *Rollo*, p. 100.

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in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement."

From the foregoing provisions, the essential elements of the crime of illegal recruitment in large scale are:

"(1) The accused undertook a recruitment activity defined under Article 13 (b) or any other prohibited practice under Art. 34 of the Labor Code.

(2) He did not have the license or the authority to lawfully engage in the recruitment and placement of workers.

(3) He committed the same against three or more persons, individually or as a group."[17]

The factual backdrop clearly shows that the accused Ladera engaged in recruitment activities involving three persons. She promised to the private complainants Ramos, Libuit, and Cariño employment as seamen in Singapore with handsome remuneration. Along with a certain Maribeth Baniquid, the accused Ladera facilitated the complainants' departure for Singapore for a fee of ₱25,000.00 for Cariño, ₱28,000.00 for Ramos, and ₱29,500.00 for Libuit. As shown by the POEA certification presented in court and as admitted by the accused Ladera herself, Ladera did not have the license or authority to lawfully engage in the recruitment and placement of workers.

In a bid to exculpate herself from the charge of illegal recruitment, accused Ladera denied that she participated in any recruitment activity involving the three complainants. She claims that her participation in the application for employment of the three complainants in Singapore was only limited to referring the mother of Cariño to Maribeth Baniquid when the former went to her begging her to help her son Rodalino seek employment abroad. She also explained that her name appeared in the receipts issued for the amounts paid by the complainants

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[17] *People v. Moreno,* G.R. No. 130067, September 16, 1999, citing *People v. Bautista,* 241 SCRA 216 (1995). See also *People v. Ariola, et al.,* G.R No. 131777, November 16, 1999.

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in connection with their employment in Singapore only because she was requested by the complainants to accept their payment for subsequent turn-over to Maribeth Baniquid. Likewise, she claimed that after complainants' ordeal in Singapore, accused Ladera returned to the complainants their money as a favor to the complainants who sought her help for the return of their money and also as a favor to Maribeth Baniquid.

We are not persuaded. The positive identification made by the complainants prevail over the accused Ladera's denial and explanation.[18] The testimonies of the complainants and the receipts issued or signed by Ladera as witness all support the recruitment activities of the accused.[19] Moreover, as held by the trial court, there is no showing that any of the complainants, all of whom were her neighbors, had ill-motives against the accused to impute the commission of such serious crimes against her if such imputations were not true.[20]

Undeniably, the crime of estafa was also committed by the accused Ladera against Cariño in Crim. Case No. Q-94-58849, Ramos in Criminal Case No. Q-94-58850, and Libuit in Criminal Case No. Q-94-58851. She falsely represented herself to possess the power and capacity to recruit workers for abroad to induce the complainants to repose their trust in her and pay her the money she asked to facilitate their employment abroad. Her promises of gainful employment in Singapore, however, turned out to be false as the complainants were either not given the job position she had promised; or not remunerated in the amount she had told them; or suffered under working conditions which were not according to what she had represented to them. These acts of the accused Ladera constitute estafa under Art. 315 of the Revised Penal Code, which provides as follows:

Art. 315. *Swindling (estafa)*. — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

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[18] *People v. Mercado*, 304 SCRA 504 (1999).

[19] See *People v. Moreno, supra.*

[20] See *People v. Banzales*, G.R. No. 132289, July 18, 2000.

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1st. The penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period, if the amount of the fraud is over ₱12,000 but does not exceed ₱22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional ₱10,000 pesos . . .

x x x x x x x x x

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business, or imaginary transactions, or by means of other similar deceits. x x x"

The fact that accused Ladera returned a portion of the sum of money each complainant paid to her does not negate the crime of estafa. As this Court ruled in *People v. Moreno,*[21] "it is well-settled that criminal liability for estafa is not affected by compromise or novation of contract, for it is a public offense which must be prosecuted and punished by the Government on its own motion even though complete reparation should have been made of the damage suffered by the offended party . . ."

To exonerate herself from the charges of estafa, accused Ladera contends that she did not defraud and make false representations to the complainants. As she had represented to them, Cariño and Ramos were both able to go to Singapore and were employed as seamen. Libuit, on the other hand, although not employed as a seaman, was able to go to Singapore which was all that she told him.[22]

The accused's contention deserves scant consideration. It was precisely Ladera's false representation that she had the power and capacity to recruit workers abroad that induced the

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[21] *Supra*, citing *People v. Benitez*, 108 Phil. 920 (1960).

[22] *Rollo*, pp. 88-89; Appellant's Brief, pp. 10-11.

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complainants to part with their money to facilitate their employment abroad. As it turned out, however, she was not authorized by the POEA to recruit workers. She even made her promise of employment more enticing by falsely representing to the complainants that they were going to get a good salary and work under pleasant conditions in Singapore, only for them to realize later that the accused had duped them.

Anent the damages to be paid by the accused Ladera, while it is true that not all of the monetary claims of the complainants are supported by receipts because either they have been lost or receipts were not issued to evidence payment, we have ruled that even lacking a receipt, a claim for damages may be sustained if the complainant is able to prove by his testimony that the accused was involved in the recruitment process and that she got the money claimed.[23] Therefore, the accused Ladera must pay the following unrefunded amounts to the complainants: ₱25,000.00 to Rodalino Cariño, ₱20,000.00 to Violeto Ramos, and ₱17,500.00 to Genaro Libuit representing the unpaid balance and the cost of the return plane fare; all with interest at the rate of 12% per annum reckoned from the date of filing of the instant cases until fully paid.

We come now to the penalty to be imposed upon the accused Ladera. The amounts involved are ₱25,000.00 in Criminal Case No. Q-94-58849, ₱28,000.00 in Criminal Case No. Q-94-58850, and ₱29,000.00 in Criminal Case No. Q-94-58851. All these amounts are in excess of the ₱22,000.00 provided in the first paragraph of Art. 315 of the Revised Penal Code, but the excess is less than ₱10,000.00 for each case, hence, does not warrant the imposition of an additional one year imprisonment. There being no modifying circumstances attending the commission of the crimes, the correct penalty in each of the three estafa cases should be the indeterminate sentence ranging from six (6) months and one (1) day to four (4) years and two (2) months of *prision correccional* as minimum to six (6) years and one (1) day of

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[23] *People v. Banzales*, G.R. No. 132289, July 18, 2000, citing *People v. Comia, 236* SCRA 185 (1994); *People v. Mercado*, 304 SCRA 504 (1999).

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prision mayor as maximum.[24] With respect to Criminal Case No. Q-94-58852, the trial court correctly imposed the penalty of life imprisonment and a fine of One Hundred Thousand Pesos (₱100,000.00).[25]

IN VIEW WHEREOF, the impugned decision with respect to the three estafa cases is *AFFIRMED* with modification, *viz*:

A. In Criminal Case No. Q-94-58849, the accused Ladera is sentenced to suffer the indeterminate penalty of six (6) months and one (1) day to four (4) years and two (2) months of *prision correccional* as minimum to six (6) years and one (1) day of *prision mayor* as maximum, and to pay the complainant Rodalino Cariño the amount of ₱25,000.00, with interest thereon at 12% per annum reckoned from the date of the filing of this case until fully paid with costs against the said accused.

B. In Criminal Case No. Q-94-58850, the accused Ladera is sentenced to suffer the indeterminate penalty of six (6) months and one (1) day to four (4) years and two (2) months of *prision correccional* as minimum to six (6) years and one (1) day of *prision mayor* as maximum, and to pay the complainant Violeto Ramos the amount of P20,000.00, with interest thereon at 12% per annum reckoned from the date of the filing of this case until fully paid with costs against the said accused.

C. In Criminal Case No. Q-94-58851, the accused Ladera is sentenced to suffer the indeterminate penalty of six (6) months and one (1) day to four (4) years and two (2) months of *prision correccional* as minimum to six (6) years and one (1) day of *prision mayor* as maximum, and to pay the complainant Genaro Libuit the amount of ₱17,500.00, with interest thereon at 12% per annum reckoned from the date of the filing of this case until fully paid with costs against the said accused.

With respect to Criminal Case No. Q-94-58852, the decision of the lower court is *AFFIRMED*. The accused Ladera is found guilty of Illegal Recruitment in Large Scale and sentenced to

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[24] *People v. Gabres*, 267 SCRA 581(1997).

[25] *People v. Meris*, G.R Nos. 117145-50 & 117447, March 28, 2000.

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suffer the penalty of life imprisonment and to pay a fine of One Hundred Thousand Pesos (₱100,000.00).

Being a detention prisoner, the accused Ladera is entitled to the benefits of Article 29 of the Revised Penal Code as amended.

SO ORDERED.

Davide, Jr., C.J., (Chairman) Kapunan, Pardo, and *Ynares-Santiago, JJ.*, concur.

THIRD DIVISION.

[G.R. No. 132671. November 15, 2000]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **CRISANTO BAULA, RUBEN BAULA, ROBERT BAULA and DANILO DACUCOS,** *accused-appellants.*

SYNOPSIS

Appellants were found guilty of murder for hacking to death one Patrocinia Caburao. Allegedly, the son of the victim saw the crime and the criminals, but failed to immediately reveal the same because of fear. Investigation, on the other hand, revealed that before the victim was killed, she has been at a store where appellants were also having a drinking spree; and after the victim left the store, appellants also left the store. That after discovery of the crime, the policemen went to the houses of the appellants and there recovered bloodstained clothings and *bolo* which after laboratory examination thereof were found to be type "O" as that of the victim.

The Court reversed the conviction of appellants. As the case was heard by one judge and the decision penned by another, assessment on the credibility of witnesses would have to be