



Mis-DC Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

Republic of the Philippines
Supreme Court
Manila

APR 26 2018

THIRD DIVISION

THE PEOPLE OF THE PHILIPPINES, G.R. No. 225730

Plaintiff-Appellee, Present:

VELASCO, JR., J.,
Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GISMUNDO, JJ.

- versus -

JULIA REGALADO
ESTRADA,
Accused-Appellant.

Promulgated:
February 28, 2018

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DECISION

MARTIRES, J.:

On appeal is the 20 August 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06771, which affirmed the 5 December 2013 Decision² of the Regional Trial Court of Manila, Branch 47, in Criminal Case Nos. 10-278205-07 and 10-278208, finding herein accused-appellant Julia Regalado Estrada (*Estrada*) guilty beyond reasonable doubt for Illegal Recruitment in Large Scale under Republic Act (R.A.) No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, and for three (3) counts of *Estafa* under Article 315(2)(a) of the Revised Penal Code (RPC).

THE FACTS

Estrada was indicted for the crime of Illegal Recruitment in Large Scale and *Estafa* under four (4) separate Informations, the inculpatory averments of which read:

¹ *Rollo*, pp. 2-13; penned by Associate Justice Japar B. Dimaampao, and concurred in by Associate Justices Franchito N. Diamante, and Carmelita Salandanan-Manahan.

² Records, pp. 227-245; penned by Presiding Judge Paulino Q. Gallegos.

Criminal Case No. 10-278205:

That on or about and during the period comprised between February 2009 and March 2009, inclusive, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud NOEL SEVILLENA, in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which she made to said NOEL SEVILLENA prior to and even simultaneously with the commission of the fraud, to the effect that she had the power and capacity to recruit and deploy the latter as Master Baker in Dubai, and could facilitate the processing of pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeded in inducing said NOEL SEVILLANA to give and deliver as in fact he gave and delivered to the said accused the total amount of Php61,500.00 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 total amount of Php61,500.00, which amount once in her possession, with intent to defraud, misappropriated, and misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the said NOEL SEVILLENA in the aforesaid total amount of Php61,500.00, Philippine currency.

CONTRARY TO LAW.³

Criminal Case No. 10-278206:

That on or about and during the month of March 2009, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud JANICE A. ANTONIO, in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which she made to said JANICE A. ANTONIO prior to and even simultaneously with the commission of the fraud, to the effect that she had the power and capacity to recruit and deploy the latter as Service Crew in Dubai, and could facilitate the processing of pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeded in inducing said JANICE A. ANTONIO to give and deliver as in fact she gave and delivered to the said accused the total amount of Php25,000.00 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 total amount of Php25,000.00, which amount once in her possession, with intent to defraud, misappropriated, and misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the said JANICE A. ANTONIO in the aforesaid total amount of Php25,000.00, Philippine currency.

CONTRARY TO LAW.⁴



³ Id. at 1.

⁴ Id. at 3.

Criminal Case No. 10-278207:

That in (sic) or about and during the period comprised between April 2009 and May 2009, inclusive, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud ALBERT M. CORTEZ, in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which she made to said ALBERT M. CORTEZ prior to and even simultaneously with the commission of the fraud, to the effect that she had the power and capacity to recruit and deploy the latter as waiter in Dubai, and could facilitate the processing of pertinent papers if given the necessary amount to meet the requirements thereof, induced and succeeded in inducing said ALBERT M. CORTEZ to give and deliver as in fact he gave and delivered to the said accused the total amount of PhP37,000.00 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 total amount of PhP37,000.00, which amount once in her possession, with intent to defraud, misappropriated, and misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the said ALBERT M. CORTEZ in the aforesaid total amount of PhP37,000.00, Philippine currency.

CONTRARY TO LAW.⁵

Criminal Case No. 10-278208 (Large Scale Illegal Recruitment):

That on or about and during the period comprised between February 2009 and May 2009, inclusive, in the City of Manila, Philippines, the said accused, representing herself to have the capacity to contract, enlist and transport Filipino workers for employment abroad, did then and there willfully and unlawfully for a fee, recruit and promise employment/job placement abroad to ALBERT M. CORTEZ, NOEL SEVILLENA and JANICE A. ANTONIO as Waiter, Master Baker and Service Crew, respectively, in Dubai, without first having secured the required license or authority from the Department of Labor and Employment, and without valid reason and without the fault of the said ALBERT M. CORTEZ, NOEL SEVILLENA and JANICE A. ANTONIO failed to actually deploy them and failed to reimburse expenses incurred by them in connection with their documentation and processing for purposes of their deployment.

CONTRARY TO LAW.⁶

On 28 September 2010, Estrada, with the assistance of counsel, was arraigned and pleaded not guilty to the charges against her.⁷ Trial on the merits thereafter ensued.



⁵ Id. at 5.

⁶ Id. at 7.

⁷ Id. at 63.

Evidence for the Prosecution

The three (3) private complainants, Noel Sevillaena (*Sevillaena*), Albert Cortez (*Cortez*), and Janice A. Antonio (*Antonio*), testified for the prosecution. Mildred Versoza, Labor and Employment Officer at the Philippine Overseas and Employment Administration (*POEA*), was also offered as a witness for the prosecution, but her testimony was dispensed with in view of the defense's admission of the genuineness and due execution of the POEA Certification⁸ stating that Estrada was not included in the list of employees submitted by ABCA International Corporation (*ABCA*) for acknowledgment.⁹ Their respective testimonies sought to establish that Estrada, without the necessary license or authority from the POEA, recruited them for overseas employment for a fee, as follows:

Private complainants separately met Estrada on various dates from February to April 2009.¹⁰ Sevillaena was encouraged by his father to seek the help of Estrada as he knew her to be recruiting for overseas work;¹¹ Cortez met Estrada through his aunt who also knew Estrada to be a recruiter for overseas work;¹² and Jacinto came to know Estrada after she chanced upon a tarpaulin advertisement for overseas work on which Estrada's number and address were posted.¹³

During their respective meetings, Estrada represented herself as having power and authority to deploy persons abroad for overseas employment.¹⁴ Cortez recalled that in their initial meeting, Estrada told him that she works for Worldview International Corporation (*Worldview*), a private recruitment agency for overseas employment. She later told him, however, that she changed agency because Worldview's license had expired.¹⁵

After their respective meetings, Estrada offered private complainants various jobs in Dubai. In particular, Sevillaena was offered a job as a baker after he refused the initial job offer in Saudi Arabia;¹⁶ Cortez was offered a job as a waiter;¹⁷ and Antonio was offered a job as a cashier after she refused the first job offer as a saleslady.¹⁸



⁸ Id. at 110; Exhibit "D."

⁹ TSN, dated 5 May 2011, pp. 3-5.

¹⁰ TSN, dated 8 February 2011, p. 4; TSN, dated 5 May 2011, p. 7-8; TSN, dated 26 May 2011, p. 3.

¹¹ Id. at 4-5.

¹² TSN, dated 5 May 2011, p. 7.

¹³ TSN, dated 26 May 2011, pp. 3-4.

¹⁴ TSN, dated 8 February 2011, p. 5; TSN, dated 5 May 2011, p. 8; TSN, dated 26 May 2011, p. 6.

¹⁵ TSN, dated 5 May 2011, p. 26.

¹⁶ TSN, dated 8 February 2011, pp. 5-6.

¹⁷ TSN, dated 5 May 2011, p. 26.

¹⁸ TSN, dated 26 May 2011, p. 6.

The private complainants transacted only with Estrada to whom they submitted all the documents necessary for their overseas placement and to whom they paid processing, placement, and other fees.¹⁹ Specifically, Sevillaena paid ₱8,000.00 as processing fee and ₱17,000.00 as placement fee;²⁰ Cortez similarly paid ₱8,000.00 as processing fee and ₱17,000.00 as placement fee;²¹ Antonio paid ₱10,000.00 as processing fee and ₱15,000.00 as placement fee.²² In addition to the fees they paid to Estrada, private complainants alleged incurring other amounts relative to their overseas placement. Cortez and Antonio paid the said fees personally to Estrada at her house in Canlubang, Laguna;²³ while Sevillaena paid the said fees personally to Estrada at his godmother's house in Calamba City.²⁴ Estrada did not issue a single receipt for the said fees.²⁵

Estrada also required the private complainants to submit themselves to medical examination at the Holy Angel Medical Clinic (*HAMC*) in Manila. Again, the private complainants paid the fees for said medical examination personally to Estrada: Sevillaena and Cortez each paid ₱4,000.00;²⁶ while Antonio paid ₱3,500.00.²⁷ As in the processing and placement fees, no receipt was issued for the medical examination fees.²⁸

Estrada further required private complainants, with the exception of Antonio, to undergo the Pre-Departure Orientation Seminar (*PDOS*).²⁹ However, even after undergoing PDOS, payment of the fees required, and submission of the documentary requirements, Estrada still failed to deploy them abroad. Estrada repeatedly promised them that their plane tickets were still being processed. Estrada, however, failed to deliver on her promised deployment of the private complainants; thus, they were prompted to file criminal cases against Estrada.³⁰

Evidence for the Defense

The defense presented Estrada herself. The defense also presented as witness Emilia G. Cosmo-an (*Cosmo-an*), president of ABCA International Corporation (*ABCA*), another recruitment agency for deployment abroad. In

¹⁹ TSN, dated 8 February 2011, p. 7; TSN, dated 5 May 2011, pp. 9-10; TSN, dated 26 May 2011, p. 8.

²⁰ Id. at 9-10.

²¹ TSN, dated 5 May 2011, pp. 10-11.

²² TSN, dated 26 May 2011, pp. 9-11.

²³ TSN, dated 26 May 2011, p. 10; TSN, dated 26 May 2011, p. 11.

²⁴ TSN, dated 8 February 2011, p. 11.

²⁵ Id. at 11; TSN, dated 5 May 2011, p. 11; TSN, dated 26 May 2011, p. 11.

²⁶ TSN, dated 8 February 2011, p. 9; TSN, dated 5 May 2011, pp. 13-14.

²⁷ TSN, dated 26 May 2011, p. 19.

²⁸ TSN, dated 8 February 2011, p. 11; TSN, dated 5 May 2011, p. 30; TSN, dated 26 May 2011, p. 19.

²⁹ Id. at 14; Id. at 15; Id. at 18.

³⁰ TSN, dated 8 February 2011, pp. 15-16; TSN, dated 5 May 2011, p. 17-18; TSN, dated 26 May 2011, p. 12.

the course of Cosmo-an's testimony, however, the defense moved to declare her as a hostile witness, but the trial court did not act on the said motion.³¹ Their respective testimonies are as follows:

Estrada came to know the private complainants when they separately went to her house and asked her help for them to work abroad.³² Estrada insisted that she merely mentioned ABCA and Worldview to the private complainants because she knew their respective owners.³³ She explained that prior to her meeting with the private complainants, she worked as a secretary at a military hospital in Riyadh; that the owner of Worldview, Madam Juico, was her friend; that she also knew the owner of ABCA because the owner's daughter was her former co-worker at the Riyadh hospital; and that the complainants went first to Worldview where they got her number.³⁴

Estrada denied that her mobile number was posted on a tarpaulin advertisement for work abroad. She alleged that what was posted on the tarpaulin is the number of Worldview, and that the owner of Worldview merely gave Antonio her number.³⁵ She admitted that Antonio indeed went to her house but averred that the latter merely asked if she knew the owner of Worldview, to which she answered in the affirmative as Worldview is the agency which handles her documents every time she departs abroad for work. Antonio then left and went to Worldview.³⁶ Thereafter, Antonio's husband informed her that Antonio and her friends had already submitted their applications to ABCA.³⁷

With respect to Sevillaena and Cortez, Estrada averred that the two went to her house, together with their aunt,³⁸ to ask if she could deploy workers abroad to which she answered in the negative. While in her house, Sevillaena and Cortez met Antonio. The three went to ABCA together.³⁹

Estrada learned later from Sevillaena and Cortez's aunt, as well as from the owner of ABCA, that the two had already submitted their requirements to ABCA.⁴⁰ She also learned that despite completing all the requirements, the two failed to depart because, according to Cortez, they did not sign the contract because of the low salary offered.⁴¹ Subsequently, Sevillaena and Cortez went to her house to ask for the return of the money they paid to

³¹ TSN, 18 September 2012, p. 9.

³² TSN, 17 May 2012, pp. 3-4.

³³ Id. at 5.

³⁴ Id. at 5-6; TSN, 19 June 2012, p. 5.

³⁵ TSN, 19 June 2012, p. 3.

³⁶ Id. at 4.

³⁷ Id. at 6.

³⁸ Id. at 7.

³⁹ Id. at 8.

⁴⁰ Id. at 9-10.

⁴¹ Id. at 10.

ABCA. She insisted that she did not receive any money from the private complainants and that she did not recruit them for overseas work.⁴²

On her part, Cosmo-an testified that she did not really know Estrada having talked to her only once. She recalled that she met Estrada at the parking lot of her office sometime in March 2010. Estrada followed her and asked help for her relatives who were looking for work abroad, to which she responded that she may be able to help if there was a job order.⁴³ Estrada returned to ABCA's office later but they were not able to talk.⁴⁴

Cosmo-an also denied that her agency received money from the private complainants and claimed that her agency never required applicants to pay placement and other fees.⁴⁵ She insisted that Estrada was not and has never been connected with ABCA in any capacity.⁴⁶ In fact, after she heard unpleasant rumors about Estrada, she placed a newspaper ad/notice on 27 April 2010 that Estrada was not and had never been connected with ABCA.⁴⁷ Cosmo-an further denied knowing any of the private complainants.⁴⁸

The RTC Ruling

In its decision, the RTC found Estrada guilty beyond reasonable doubt of the crimes of illegal recruitment in large scale and three (3) counts of *estafa* under Article 315(2) (a) of the Revised Penal Code.

The trial court was convinced that the prosecution was able to establish Estrada's guilt by proof beyond reasonable doubt. It noted that the certification from the POEA confirmed that Estrada had never been licensed or authorized to recruit workers for overseas employment. This fact, coupled with her pretenses that she had the ability or influence to recruit private complainants for work in Dubai clearly made her liable for the crime of illegal recruitment.

The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered against Julia Regalado Estrada, as follows:



⁴² Id. at 10-11.

⁴³ TSN, 18 September 2012, pp. 5-6.

⁴⁴ Id. at 7.

⁴⁵ Id. at 10-12.

⁴⁶ Id. at 11.

⁴⁷ Id. at 14-15; Exhibit "C;" Records, p. 192.

⁴⁸ Id. at 8-9.

1. In Criminal Case No. 10278208, for the offense Illegal Recruitment in a large scale, the Court finds accused Julia Regalado Estrada GUILTY beyond reasonable doubt of the said offense and she is hereby sentenced to suffer the penalties of Life Imprisonment and Fine of Five Hundred Thousand Pesos (₱500,000.00);
2. In Criminal Case No. 10278205, for the crime of Estafa (Under Art. 315, 2(a) of the Revised Penal Code) the Court finds accused Julia Regalado Estrada GUILTY beyond reasonable doubt of the crime of Estafa and she is hereby sentenced to suffer the indeterminate imprisonment of Four (4) years Two (2) months and One (1) day of *prision correccional* maximum as minimum to Six (6) years Eight (8) months and Twenty Five (25) days of *prision mayor* minimum as maximum.

Accused is also ordered to indemnify private complainant Noel Sevilla the amount of Twentey Nine Thousand Pesos (₱29,000.00) representing the accused's civil liability therefor;

3. In Criminal Case No. 10278206, for the crime of Estafa (Under Art. 315, 2(a) of the Revised Penal Code) the Court finds accused Julia Regalado Estrada GUILTY beyond reasonable doubt of the crime of Estafa and she is hereby sentenced to suffer the indeterminate imprisonment of Four (4) years Two (2) months and One (1) day of *prision correccional* maximum as minimum to Six (6) years Eight (8) months and Twenty Five (25) days of *prision mayor* minimum as maximum.

Accused is also ordered to indemnify private complainant Janice A. Antonio the amount of Twenty-Five Thousand Pesos (₱25,000.00) representing the accused's civil liability therefor;

4. In Criminal Case No. 10278207, for the crime of Estafa (Under Art. 315, 2(a) of the Revised Penal Code) the Court finds accused Julia Regalado Estrada GUILTY beyond reasonable doubt of the crime of Estafa and she is hereby sentenced to suffer the indeterminate imprisonment of Four (4) years Two (2) months and One (1) day of *prision correccional* maximum as minimum to Six (6) years Eight (8) months and Twenty Five (25) days of *prision mayor* minimum as maximum.

Accused is also ordered to indemnify private complainant Albert M. Cortez the amount of Twenty-Nine Thousand Pesos (₱29,000.00) representing the accused's civil liability therefor.

SO ORDERED.⁴⁹ 

⁴⁹ Records, pp. 243-245.

Aggrieved, Estrada filed a Notice of Appeal.⁵⁰

The CA Ruling

In its appealed decision, the CA affirmed the RTC decision. The appellate court ruled that private complainants' categorical and unequivocal avowal that Estrada promised and assured them of work in Dubai, and their positive identification of Estrada as the person who recruited and demanded payment from them naturally prevails over her defense of denial. As such, the trial court aptly ruled that the prosecution evidence convincingly demonstrated the presence of the elements of illegal recruitment in large scale.

The appellate court further opined that a person who commits illegal recruitment may be charged with and convicted separately of illegal recruitment under R.A. No. 8042, in relation to the Labor Code; and *estafa* under Article 315(2)(a) of the RPC.

The *fallo* of the appealed CA decision provides:

WHEREFORE, the *Appeal* is hereby DENIED. The Decision dated 5 December 2013 of the Regional Trial Court of Manila, Branch 47 in Criminal Case Nos. 10-278205-07 and 10-278208, is AFFIRMED.

SO ORDERED.⁵¹

Hence, this appeal.

THE ISSUE

WHETHER THE TRIAL AND APPELLATE COURTS ERRED IN FINDING ESTRADA GUILTY OF ILLEGAL RECRUITMENT IN LARGE SCALE AND THREE (3) COUNTS OF *ESTAFA* DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ESSENTIAL ELEMENTS OF THESE CRIMES BY PROOF BEYOND REASONABLE DOUBT.

THE COURT'S RULING

The appeal lacks merit.



⁵⁰ Id. at 249.

⁵¹ *Rollo*, p. 13.

Elements constituting illegal recruitment in large scale sufficiently established

Under Section 6 of R.A. No. 8042, illegal recruitment, when undertaken by a non-licensee or non-holder of authority as contemplated under Article 13(f) of the Labor Code, shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring workers, and including referring, contract services, promising or advertising for employment abroad, whether for profit or not.

Further, to sustain a conviction for illegal recruitment under R.A. No. 8042 in relation to the Labor Code, the prosecution must establish two (2) elements: *first*, the offender has no valid license or authority required by law to enable one to lawfully engage in the recruitment and placement of workers; and *second*, the offender undertakes any of the activities within the meaning of recruitment and placement defined in Article 13(b) of the Labor Code, or any of the prohibited practices enumerated under Section 6 of R.A. No. 8042.⁵² Further, in case the illegal recruitment was committed in large scale, a *third* element must be established, that is, the offender commits the illegal recruitment activities against three or more persons, individually or as a group.⁵³

The Court is convinced that the prosecution was able to establish the essential elements of the crime of illegal recruitment in large scale.

First, it is not disputed that Estrada is not licensed or authorized to recruit workers for overseas placement. During the trial, the defense admitted the POEA Certification which stated that Estrada is not included among the list of employees submitted by ABCA for POEA acknowledgment. Therefore, Estrada is not authorized to recruit workers for overseas employment. This fact was not denied by Estrada in her defense anchored only on the allegation that she did not recruit the private complainants but merely mentioned ABCA and Worldview to them.

Second, the prosecution was able to establish that Estrada unlawfully engaged in activities which refer to recruitment and placement under Article 13(b) of the Labor Code and Section 6 of R.A. No. 8042. Specifically, the prosecution was able to sufficiently demonstrate that Estrada promised and recruited private complainants for employment abroad for a fee.

⁵² *People v. Ganigan*, 584 Phil. 710, 718 (2008).

⁵³ *People v. Baytic*, 446 Phil. 23, 29 (2003); *People v. Salvatierra*, 735 Phil. 383, 392 (2014).



This is amply supported by the testimonies of the private complainants who categorically testified that Estrada promised them employment and placement in Dubai as baker, waiter, and cashier. More particularly, the private complainants positively identified Estrada as the person with whom they transacted relative to their alleged deployment to Dubai; the person who instructed them to complete the documents necessary for their deployment and to undergo medical examination; the person to whom they submitted these documents; and the person to whom they directly paid the processing, placement, medical examination, and other fees.

It is a settled rule that factual findings of the trial courts, including their assessment of the witnesses' credibility, especially when the CA affirmed such findings, are entitled to great weight and respect by this Court.⁵⁴ Further, in the absence of any evidence that the prosecution witnesses were motivated by improper motives, the trial court's assessment with respect to their credibility shall not be interfered with by this Court.⁵⁵ Thus, between the positive identification and categorical testimony by the private complainants and Estrada's unsubstantiated and uncorroborated denial, the Court finds the former more credible.

Finally, it is clear that Estrada committed illegal recruitment activities against the three (3) private complainants. Thus, the trial and appellate courts properly convicted Estrada of the crime of illegal recruitment in large scale.

Elements constituting Estafa sufficiently established

The Court also sustains Estrada's conviction for three (3) counts of *estafa* under Article 315(2)(a) of the RPC.

A conviction for illegal recruitment whether simple or committed in large scale would not preclude punishment for *estafa* under Article 315(2)(a) of the RPC.⁵⁶ This is because no double jeopardy could attach from the prosecution and conviction of the accused for both crimes considering that they are penalized under different laws and involved elements distinct from one another. Conviction under Article 315(2)(a) requires the concurrence of the following elements: (1) the accused defrauded another by abuse of confidence or by means of deceit; and (2) the offended party, or a third

⁵⁴ *People v. Nogra*, 585 Phil. 712, 724 (2008).

⁵⁵ *People v. Lo*, 597 Phil. 110, 125 (2009).

⁵⁶ *People v. Ortiz-Miyake*, 344 Phil. 598, 613-614 (1997); *People v. Bayker*, 780 Phil. 489, 505 (2016).

party, suffered damage or prejudice capable of pecuniary estimation. These are elements completely different from those required for illegal recruitment.⁵⁷

In this regard, the Court is convinced that the prosecution was able to prove, beyond reasonable doubt, that Estrada committed three (3) counts of *estafa* under Article 315(2)(a) of the RPC, which states that *estafa* is committed:

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.

In this case, testimonial evidence established by proof beyond reasonable doubt that Estrada falsely represented herself as possessing power to deploy persons for overseas placement. By these pretenses, Estrada deceived the private complainants into believing that she would provide them their desired jobs in Dubai. This active representation of having the capacity to deploy the private complainants abroad despite not having the authority or license to do so from the POEA constituted deceit – the first element of *estafa*. Moreover, because of her assurances, the private complainants parted with their money in order to pay Estrada the various fees which they thought were necessary for their deployment abroad resulting in damage to each of the private complainants – the second element of *estafa*.

From the foregoing, it is clear that the elements of *estafa* as charged have been established. Thus, the Court affirms Estrada's conviction for three (3) counts of *estafa* under Article 315(2)(a).

Penalties

Section 6(m) of R.A. No. 8042 considers illegal recruitment in large scale as an offense involving economic sabotage. In this regard, Section 7 of R.A. No. 8042 provides that the penalty of life imprisonment and a fine of not less than five hundred thousand pesos (₱500,000.00) nor more than one million pesos (₱1,000,000.00) shall be imposed upon any person who shall commit illegal recruitment involving economic sabotage.



⁵⁷ *People v. Bayker*, Id. at 56.

Accordingly, the Court affirms the trial court's imposition of the penalties of life imprisonment and payment of fine in the amount of ₱500,000.00 upon Estrada.

The Court, however, modifies the penalties imposed by the trial court with respect to the three (3) counts of *estafa* in view of the enactment of R.A. No. 10951 entitled *An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based and the Fines Imposed Under the Revised Penal Code Amending for the Purpose Act No. 3815 Otherwise Known as the "Revised Penal Code" as Amended* and became effective on 17 September 2017. As its title suggests, R.A. No. 10951 updated to the present monetary values some felonies listed in the RPC which penalties are dependent on the amount or value of damage involved, thereby effectively reducing the penalties for certain crimes, such as *estafa*.

Section 85 of R.A. No. 10951 modified Article 315 of the RPC in this wise, to wit:

SEC. 85. Article 315 of the same Act, as amended by Republic Act No. 4885, Presidential Decree No. 1689, and Presidential Decree No. 818, is hereby further amended as follows:

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

“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 Two million four hundred thousand pesos (₱2,400,000.00) but does not exceed Four million four hundred thousand pesos (₱4,400,000.00), 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 Two million pesos (₱2,000,000.00); but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed under the provisions of this Code, the penalty shall be termed *prision mayor* or *reclusion temporal*, as the case may be.

“2nd. The penalty of *prision correccional* in its minimum and medium periods, if the amount of the fraud is over One million two hundred thousand pesos (₱1,200,000.00) but does not exceed Two million four hundred thousand pesos (₱2,400,000.00);

“3rd. The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period if such amount is over Forty thousand pesos (₱40,000.00) but does not exceed One million two hundred thousand pesos (₱1,200,000.00); and



“4th. By *arresto mayor* in its maximum period, if such amount does not exceed Forty thousand pesos (P40,000.00), xxx”

In this case, the prosecution proved that Estrada’s fraud resulted in the damage to Sevillaena, Antonio, and Cortez in the respective amounts which did not exceed P40,000.00. Thus, applying the penalties under Article 315 of the RPC, as amended by Section 85 of R.A. No. 10951, Estrada should be sentenced to suffer the penalty of *arresto mayor* in its maximum period for each count of *estafa*.

The Court further modifies the sums awarded to Cortez and Antonio. With respect to Cortez, he testified that Estrada paid P5,000.00 as partial reimbursement for the amounts he paid to her.⁵⁸ This amount shall thus be deducted from his total monetary award. As regards Antonio, it would seem that the trial court failed to consider the P3,500.00 she had paid to Estrada for her medical examination. The trial court may have overlooked that Sevillaena and Cortez had each paid for their medical examination which amounts were not deducted from the final monetary awards. Thus, the total monetary awards to the private complainants shall be as follows: P29,000.00 for Sevillaena; P28,500.00 for Antonio; and P24,000.00 for Cortez.

WHEREFORE, premises considered, the appeal is hereby **DISMISSED**. The 20 August 2015 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 06771, which affirmed the 5 December 2013 Decision of the Regional Trial Court of Manila, Branch 47, in Criminal Case Nos. 10-278205-07 and 10-278208, is **AFFIRMED with MODIFICATION** as follows:

1. In Criminal Case No. 10278208, the Court finds accused-appellant Julia Regalado Estrada **GUILTY** beyond reasonable doubt of the crime of Illegal Recruitment committed in large scale. She is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00);

2. In Criminal Case No. 10278205, the Court finds accused-appellant Julia Regalado Estrada **GUILTY** beyond reasonable doubt of the crime of *Estafa* and sentences her to suffer the penalty of six (6) months of *arresto mayor* and to indemnify private complainant Noel Sevillaena the amount of Twenty-Nine Thousand Pesos (P29,000.00);

3. In Criminal Case No. 10278206, the Court finds accused-appellant Julia Regalado Estrada **GUILTY** beyond

⁵⁸ TSN, dated 05 May 2011, pp. 21-22.

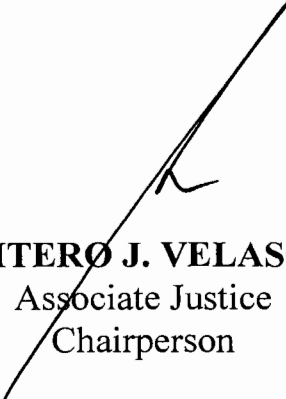
reasonable doubt of the crime of *Estafa* and sentences her to suffer the penalty of six (6) months of *arresto mayor* and to indemnify private complainant Janice A. Antonio the amount of Twenty-Eight Thousand Five Hundred Pesos (₱28,500.00);

4. In Criminal Case No. 10278207, the Court finds accused-appellant Julia Regalado Estrada GUILTY beyond reasonable doubt of the crime of *Estafa* and sentences her to suffer the penalty of six (6) months of *arresto mayor* and to indemnify private complainant Albert M. Cortez the amount of Twenty-Four Thousand Pesos (₱24,000.00).


SO ORDERED.


SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO

Chief Justice

CERTIFIED TRUE COPY

Mis. PDC Batt
MISAEEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

APR 26 2018