Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

- versus -

MOISES DEJOLDE, JR. *y* SALINO,
Accused-Appellant.

G.R. No. 219238

Present:

SERENO, *C.J., Chairperson,*
LEONARDO-DE CASTRO,
DEL CASTILLO,
JARDELEZA, *and*
TIJAM, *JJ.*

Promulgated:
JAN 31 2018

x - x

RESOLUTION

DEL CASTILLO, *J.*:

This is an appeal filed by appellant Moises Dejolde, Jr. *y* Salino from the July 31, 2014 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04624, affirming with modification the April 3, 2010 Decision[2] of the Regional Trial Court (RTC) of Baguio City, Branch 60, in Crim. Case Nos. 27516-R, 27592-R, and 27602-R, which found appellant guilty beyond reasonable doubt of Illegal Recruitment in large scale defined and penalized under Article 13(b) in relation to Articles 38(b), 34, and 39 of Presidential Decree Nos. 1920 and 2018 and Republic Act (RA) No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), and two counts of Estafa under Article 315 of the Revised Penal Code (RPC).

The Factual Antecedents

Appellant was charged under the following Amended Informations:

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[1] *Rollo*, pp. 2-21; penned by Associate Justice Rodil V. Zalameda and concurred in by Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio Diy.

[2] CA *rollo*, pp. 23-35; penned by Judge Edlberto T. Claravall.

Criminal Case No. 27516-R (Illegal Recruitment Committed in Large Scale)

That sometime between the period from January, 2007 and March 2007 in Baguio City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously for [a] fee, recruit and promise employment/job placement as contract workers in United Kingdom to the herein complainants, namely:

1. Fraulein Edoc *y* Pacuyan
2. Naty Loman *y* Nabe[h]et
3. Jessie Doculan *y* Lingon
4. Olivia Gabol *y* Paquito
5. Rosieline Marcos *y* Pasi and
6. Jerry Diwangan *y* Nabadang

without said accused having first secured the necessary license or authority from the Department of Labor and Employment and [f]ailed to deploy said complainants for the promised jobs in United Kingdom.

Contrary to law.

Criminal Case No. 27602-R (Estafa)

That sometime in the month of January, 2007 and/or subsequent thereto, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, by means of false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud, did then and there willfully, unlawfully and feloniously defraud one JESSIE DOCULAN *y* LINGON, in the following manner, to wit: the accused has [represented] and led Jessie Doculan *y* Lingon to believe that the accused has the power, capacity, and influence to work for and secure valid travel papers and documents to enable Jessie Doculan *y* Lingon to enter the United Kingdom legally, which representations, and assurances were all false, and Jessie Doculan y Lingon misled by said false representations, handed the total amount of ₱450,000.00 to the accused as cost of procuring the necessary valid travel documents, which the accused misapplied, misappropriated and converted to his own personal use and benefit, to the damage and prejudice of JESSIE DOCULAN y LINGON in the aforementioned amount of FOUR HUNDRED FIFTY THOUSAND (₱450,000.00) PESOS, Philippine Currency.

Contrary to law.

Criminal Case No. 27592-R (Estafa)

That sometime in the month of January, 2007 and/or subsequent thereto, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, by means of false pretenses or fraudulent acts executed prior to or simultaneously with the

> commission of the fraud, did then and there willfully, unlawfully and feloniously defraud one NATY LOMAN *y* NABE[H]ET, in the following manner, to wit: the accused has [represented] and led Naty Loman *y* Nabe[h]et to believe that the accused has the power, capacity, and influence to work for and secure valid travel papers and documents to enable Naty Loman *y* Nabe[h]et to enter the United Kingdom legally, which representations, and assurances were all false, and Naty Loman *y* Nabe[h]et misled by said false representations, handed the total amount of ₱400,000.00 to the accused as cost of procuring the necessary valid travel documents, which the accused misapplied, misappropriated and converted to his own personal use and benefit, to the damage and prejudice of NATY LOMAN *y* NABE[H]ET in the aforementioned amount of FOUR HUNDRED THOUSAND (₱400,000.00) PESOS, Philippine Currency.
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> Contrary to law.[3]

Appellant pleaded not guilty to the crimes charged.[4]

Version of the Prosecution

During trial, the prosecution presented the testimonies of private complainants Naty Loman (Naty), Jessie Doculan (Jessie), and Roseliene Marcos. They testified that the appellant recruited them to work as caregivers in the United Kingdom; that he charged them ₱450,000.00 each for the processing of their visas and cost of plane fares; that Naty paid appellant the amount of ₱400,000.00 while Jessie gave the amount of ₱450,000.00; that they later discovered that the visas were fake and that appellant was not authorized by the Philippine Overseas Employment Administration (POEA); that they demanded the return of their monies; and that appellant returned only the amounts of ₱50,000.00 to Naty and ₱10,000.00 to Jessie.[5]

Version of the Appellant

Appellant, on the other hand, denied that he recruited private complainants to work as caregivers in the United Kingdom. He testified that he was engaged in the business of processing student visa applications for those who want to study in the United Kingdom; that the sums of money he received from private complainants were for the payment of school tuition fees and the processing of the student visas; and that he was not able to process their applications or refund their money because he was arrested.[6]

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3 *Rollo*, pp. 4-6.
4 Id. at 6.
5 CA *rollo*, pp. 74-76.
6 Id. at 76-80.

Ruling of the Regional Trial Court

On April 3, 2010, the RTC rendered a Decision finding the appellant guilty of the charges against him, the dispositive portion of which reads:

> WHEREFORE, premises considered, the Court hereby renders as follows:
>
> 1) In Criminal Case No. 27516-R, the Court finds the accused MOISES S. DEJOLDE, JR. GUILTY beyond reasonable doubt of the crime of illegal recruitment in a large scale. He is sentenced to suffer the penalty of life imprisonment; and to pay a fine of Php100,000.00;
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> 2) In Crim. Case No. [27602-R], the Court finds the accused MOISES DEJOLDE, JR. GUILTY beyond reasonable doubt x x x of the crime charged against him. There being no aggravating and mitigating circumstances and applying the provisions of the Indeterminate Sentence Law, he is hereby sentenced to suffer the indeterminate penalty of imprisonment of 4 years, 2 months and 1 day of *prision correccional*, as minimum, to 20 years of *reclusion temporal*, as maximum. He is further ordered to pay unto Jessie Doculan y Lingon, the amount of Php440,000.00 by way of actual damages plus interest at the legal rate from the date the Information was filed until the said amount is fully paid; and
>
> 3) In Crim. Case No. [27592-R], the Court finds the accused MOISES DEJOLDE, JR. GUILTY beyond reasonable doubt x x x of the crime charged against him. There being no aggravating and mitigating circumstances and applying the provisions of the Indeterminate Sentence Law, he is hereby sentenced to suffer the indeterminate penalty of imprisonment of 4 years, 2 months and 1 day of *prision correccional*, as minimum, to 20 years of *reclusion temporal*, as maximum. He is further ordered to pay unto Naty Loman y Nabehet the amount of Php350,000.00 by way of actual damages plus interest at the legal rate from the date the Information was filed until the said amount is fully paid.
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> SO ORDERED.[7]

Ruling of the Court of Appeals

Appellant elevated the case to the CA.

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[7] Id. at 84.

On July 31, 2014, the CA rendered the assailed Decision, affirming the RTC Decision with modifications. The CA increased to ₱1,000,000.00 the fine imposed in the case of illegal recruitment in large scale pursuant to Section 7 of RA 8042 and *People v. Chua*,[8] as well modified the indeterminate sentence imposed in the estafa cases, to wit:

> WHEREFORE, the instant appeal is DENIED. Accordingly, the Decision of Branch 60, Regional Trial Court of Baguio City, dated 03 April 2010, is hereby AFFIRMED with MODIFICATION, thus:
>
> 'WHEREFORE, premises considered, the Court hereby renders as follows:
>
> 1) In Criminal Case No. 27516-R, the Court finds the accused MOISES S. DEJOLDE, JR., GUILTY beyond reasonable doubt of the crime of illegal recruitment in a large scale. He is sentenced to suffer penalty of life imprisonment and to pay a fine of one million (₱1,000,000.00) pesos.
>
> 2) In Criminal Case No. [27602-R], the Court finds the accused MOISES S. DEJOLDE, JR., GUILTY beyond reasonable doubt of the crime charged against him. There being no aggravating and mitigating circumstances and applying the provisions of Indeterminate Sentence Law, he is hereby sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. He is further ordered to pay unto Jessie Doculan *y* Lingon, the amount of Four Hundred Forty Thousand (₱440,000.00) pesos by way of actual damages plus interest at the legal rate from the date the Information was filed until the said amount is fully paid.
>
> 3) In Criminal Case No. [27592-R], the Court finds the accused MOISES S. DEJOLDE, JR., GUILTY beyond reasonable doubt of the crime charged against him. There being no aggravating and mitigating circumstances and applying the provisions of Indeterminate Sentence Law, he is hereby sentenced to

[8] 695 Phil. 16 (2012).

> suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. He is further ordered to pay unto Naty Loman *y* Nabehet, the amount of three hundred fifty thousand (₱350,000.00) pesos by way of actual damages plus interest at the legal rate from the date the Information was filed until the said amount is fully paid.
>
> SO ORDERED.'

SO ORDERED.[9]

Hence, appellant filed the instant appeal.

The Court required both parties to file their respective supplementary briefs; however, they opted not to file the same.[10]

The Court's Ruling

The appeal is bereft of merit.

After a careful review of the records of this case, the Court finds that the prosecution, through its witnesses, was able to prove that appellant recruited private complainants for employment as caregivers in the United Kingdom and that he collected money from them in the process. Appellant's defense of mere denial could not prevail over the positive testimonies of the prosecution's witnesses as the Court often views with disfavor the defense of denial, especially if it is not substantiated by any clear and convincing evidence.[11] It is an inherently weak defense as it is a self-serving negative evidence that cannot be given more evidentiary weight than the affirmative declarations of credible witnesses.[12]

Moreover, it is a settled rule that factual findings of the trial courts are accorded great respect because they are in the best position to assess the

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9 *Rollo*, pp. 19-20

10 Id. at 27-28 and 40.

11 *People v. Monteron*, 428 Phil. 401, 409 (2002).

12 *People v. Nelmida*, 694 Phil 529, 564 (2012).

credibility of the witnesses having had the opportunity to observe their demeanor during the trial.[13] Thus, the Court finds no reason to disturb the factual finding of the RTC, which was affirmed by the CA, that appellant was guilty beyond reasonable doubt of the crimes charged.

However, in view of the recent enactment of RA 10951,[14] there is a need to modify the penalties imposed by the CA insofar as the two counts of estafa, docketed as Criminal Case Nos. 27592-R and 27602-R, are concerned. For committing estafa involving the amounts of ₱440,000.00 and ₱350,000.00, Article 315 of the RPC, as amended by RA 10951, now provides that the penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed if the amount involved is over ₱40,000.00 but does not exceed ₱1,200,000.00. There being no mitigating and aggravating circumstance, the maximum penalty should be one (1) year and one (1) day of *prision correccional.* Applying the Indeterminate Sentence Law, the minimum term of the indeterminate sentence is *arresto mayor* in its minimum and medium periods, the range of which is one (1) month and one (1) day to four (4) months. Thus, the indeterminate penalty for each count of estafa should be modified to a prison term of two (2) months and one (1) day of *arresto mayor*, as minimum, to one (1) year and one (1) day of *prision correccional*, as maximum.

In addition, an interest rate of 6% *per annum* is likewise imposed on the amounts of ₱440,000.00 and ₱350,000.00 from the date of finality of this Resolution until full payment.

WHEREFORE, premises considered, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of the Regional Trial Court as affirmed by the Court of Appeals. The July 31, 2014 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04624 finding appellant Moises Dejolde, Jr. *y* Salino guilty beyond reasonable doubt of the charges against him is **AFFIRMED with MODIFICATION** that, insofar as Criminal Case Nos. 27592-R and 27602-R, the indeterminate penalty of two (2) months and one (1) day of *arresto mayor*, as minimum, to one (1) year and (1) day of *prision correccional,* as maximum, is hereby imposed for each count of estafa. In addition, an interest rate of 6% *per annum* is likewise imposed on the amounts of ₱440,000.00 and ₱350,000.00 from the date of finality of this Resolution until full payment.

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[13] *People v. Tolentino*, 762 Phil. 592, 613 (2015).

[14] 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, August 29, 2017.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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