

Title

People v. Silvestre and Atienza, 56 Phil. 353 (1930)

Facts

- **March 1930**: Romana Silvestre cohabits with Martin Atienza in Masocol, Paombong, Bulacan.
- **May 16, 1930**: Domingo Joaquin, Silvestre's second husband, files an adultery complaint supported by affidavits.
- **May 16, 1930**: Silvestre and Atienza are arrested and released on ₱6,000 bail each.
- **May 20, 1930**: The municipal president mediates, and Joaquin agrees to dismiss the complaint if the accused promise to move out and cease cohabitation.
- **May 20, 1930**: The adultery case is dismissed; defendants relocate to Santo Niño, Paombong.
- **November 20, 1930**: Silvestre visits her son, Nicolas de la Cruz, in Masocol under the pretext of asking for nipa leaves and stays in his house. Atienza follows and joins them.
- **November 25, 1930**: After supper, Atienza threatens to burn Nicolas's house to exact revenge on Masocol residents for the adultery charge. Nicolas and his wife, Antonia, leave to inform the authorities.
- **November 25, 1930**: Shortly after, the house is on fire. Silvestre is seen leaving the burning house.
- **Consequence**: The fire spreads, destroying 48 houses.

Procedural Posture

- The Court of First Instance of Bulacan convicts Atienza (principal) and Silvestre (accomplice) for arson according to Article 550, paragraph 2, Penal Code.
- **Sentence**: Atienza is sentenced to 14 years, 8 months, and 1 day of cadena temporal; Silvestre to 6 years and 1 day of presidio mayor. Both are ordered to pay damages to the victims.
- Silvestre appeals the conviction on grounds of insufficient evidence and reasonable doubt, while the counsel for Atienza does not contest his conviction.

Issues

1. **Sufficiency of Evidence against Silvestre**: Whether the lower court erred in convicting Silvestre as an accomplice in the crime of arson.
2. **Nature of Participation**: Whether Silvestre's passive presence and failure to give an alarm during the crime constitutes complicity according to Article 14 of the Penal Code.

Court's Decision

- **Atienza's Conviction**: The court affirms his conviction. The evidence firmly established that Atienza willfully set fire to the house to seek revenge.
- **Silvestre's Involvement**:
 - The court finds that mere passive presence and failure to protest or alarm does not amount to complicity in arson.
 - There was no evidence of moral or material cooperation, nor any agreement or conspiracy between Silvestre and Atienza.
 - Hence, the court finds Silvestre's actions insufficient for a conviction as an accomplice under Article 14 of the Penal Code.

Doctrine

The court reiterates the requirement for complicity:

- Mere passive presence at the scene of a crime and silence do not constitute the necessary cooperation needed for complicity.
- Without evidence of a prior agreement or acts encouraging the crime, a person cannot be considered an accomplice merely by being present or failing to alert authorities.

Class Notes

- **Key Concepts**:
 - **Complicity (Article 14 of the Penal Code)**: Cooperation through previous or simultaneous acts, whether moral (advice/encouragement) or material (external actions).
 - **Passive Presence**: Merely witnessing a crime and failing to report it does not suffice for complicity.
 - **Arson (Article 550, Penal Code)**: The elements include willfully setting fire to an inhabited house, knowing or not knowing if it is occupied, causing extensive damage.
 - **Lesser and Greater Degrees of Arson**: Consequences of arson depend on knowledge of occupancy and resultant danger.

Historical Background

- Set in the 1930s Philippine judicial system under American colonial influence.
- Reflects the era's legal principles and the significant role of local community leaders in mediating personal disputes.
- The decision sheds light on the judicial standards for establishing involvement in criminal activities, particularly complicity and its required proof.