

Title

****People of the Philippine Islands vs. Antonino Hernandez (54 Phil. 122)****

Facts

On the night of February 3, 1929, Miguel Dayrit, his children, and their house in the barrio of Duque, Mabalacat, Pampanga, became the center of the case. After Miguel had retired for the night, he noticed that the thatched roof of his house was on fire. Upon looking out of the window, he saw the appellant, Antonino Hernandez, near the house holding a stick (Exhibit A). Miguel shouted for help and managed to extinguish the fire after a portion of the roof had burned.

Artemio Tanglao responded to Miguel Dayrit's cries and witnessed Antonino Hernandez fleeing from the scene. Daniel Mallari, on his way to the location, also encountered the appellant. Hernandez knew Miguel Dayrit and his children were residing and present in the house that night.

Investigating the fire, authorities found the stick Hernandez was seen carrying leaning against the house, its end burnt, and a rag soaked with petroleum attached. Daniel Mallari confirmed that the stick was the same one Hernandez used to pick guava fruits. Additionally, hostility existed between Miguel and Antonino due to Miguel's suspicions that Antonino had stolen paddy from him. Miguel enlisted the barrio lieutenant to air his suspicions, leading to a confrontation wherein Antonino threatened them with a bolo (machete). This aggressive behavior was also evident during Antonino's arrest as he refused to surrender without resisting.

Procedural Posture

The trial court initially convicted Antonino Hernandez of frustrated arson and sentenced him to eight years and one day of presidio mayor, with legal accessories and costs. Dissatisfied, Hernandez appealed the decision, arguing procedural and substantive errors.

Issues

1. ****Whether the crime was consummated arson or merely frustrated arson.****
2. ****Whether the penalty imposed was appropriate given the aggravating circumstances and Hernandez's age.****

Court's Decision

1. **On the Consummation of Arson**

The Supreme Court disagreed with the trial court's characterization of the offense as frustrated arson. The Supreme Court clarified that since the fire was intentionally set and a part of the house roof was burnt, the crime had been consummated. It referenced the precedents set in **United States vs. Go Foo Suy and Go Jancho (25 Phil., 187)** and **United States vs. Po Chengco (23 Phil., 487)**, asserting that the extent of the damage does not impact the consummation of arson once the fire has ignited the structure.

2. **On the Penalty Imposed**

According to Article 549 of the Penal Code, given the crime's consummation and the presence of aggravating circumstances (particularly nighttime, likely used by Hernandez to ensure the crime's execution), the penalty should fall within the maximum degree—life imprisonment. The Court imposed life imprisonment rather than the original sentence, accounting for the aggravated terms under which the crime was committed.

However, recognizing Hernandez's advanced age (85 years) and the minimal damage caused, the Court aligned with the Attorney-General's recommendation. The Court ordered the Clerk to forward details of the clemency considerations to the Governor-General under Article 2 of the Penal Code, seeking executive clemency.

Doctrine

- **Consummation of Arson**: The crime of arson is consummated once a fire has been initiated, regardless of the extent of the resultant damage. The crucial factor is the intentional setting of the fire (**United States vs. Go Foo Suy and Go Jancho**; **United States vs. Po Chengco**).
- **Penalty Aggravation**: The presence of aggravating circumstances, such as nighttime, mandates the imposition of the maximum degree of penalties prescribed under Article 549 of the Penal Code.

Class Notes

- **Elements of Consummated Arson**: Intentional setting of a fire, presence of the fire on the property involved, irrespective of damage caused.
- **Article 549, Penal Code**: Governs the penalties for crimes involving arson.

- **Aggravating Circumstances**: Elements such as nighttime should be factored into penalty determination.
- **Judiciary Recommendation for Clemency**: Courts can recommend executive clemency based on age or extenuating circumstances under Article 2 of the Penal Code.

Historical Background

This case from 1929 occurs within the early American colonial period in the Philippines, under the established Penal Code inherited from Spanish law. It reflects the judicial stance on arson during a time when Philippines' legal precedents were significantly influenced by American jurisprudence. Additionally, the case illustrates the governance practice where judicial decisions on severe penalties were communicated to executive authorities for clemency considerations due to humanitarian concerns related to age and minor damage.