

AN ACT TO AMEND ARTICLES THREE HUNDRED TWENTY-ONE AND THREE HUNDRED TWEN-TY-SIX OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, (RE: OTHER FORMS OF ARSON.)

REPUBLIC ACT NO. 5467, May 12, 1969

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SECTION 1. Article Three hundred twenty-one of Act numbered thirty-eight hundred and fifteen is hereby amended to read as follows:

"Art. 321. Other forms of arson.—When the "arson consists in the burning of other property and under the circumstances given hereunder, the offender shall be punished:

"1. By reclusion temporal to reclusion perpetua: (a) If the offender shall set fire to any building, farmhouse, ware-house, hut, shelter, or vessel in port, knowing it to be occupied at the time by one or more persons;

(b) If the building burned is a public building and the value of the damage caused exceeds 6,000 pesos;

(c) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in instituting prosecution for the punishment of violators of the law, irrespective of the amount of the damage;

(d) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in any legislative, judicial or administrative proceedings, irrespective of the amount of the damage: Provided, however, That if the evidence destroyed is to be used against the defendant for the prosecution of any crime punishable under existing laws, the penalty shall be reclusion perpetua;

(e) If the arson shall have been committed with the intention of collecting under an insurance policy against loss or damage by fire.

"2. By reclusion temporal:

(a) If an inhabited house or any other building in which people are accustomed to meet is set on fire, and the culprit did not know that such house or building was occupied at the time, or if he shall set fire to a moving freight train or motor vehicle, and the value of the damage caused exceeds 6,000 pesos;

(b) If the value of the damage caused in paragraph (b) of the preceding subdivision does not exceed 6/000 pesos;

(c) If a farm, sugar mill, cane mill, mill central, bamboo groves, or any similar plantation is set on fire, and

(d) If grain fields, pasture lands, forests, or planting are set on fire, and the damage caused exceeds 6,000 pesos."

"3. By prision mayor:

(a.) If the value of the damage caused in the cases mentioned in paragraphs (a), (c) and (d) in the next preceding subdivision does not exceed 6,000 pesos;

(b) If a building not used as a dwelling or place of assembly, located is a populated place, is set on fire, and the damage caused exceeds 6,000 pesos;

"4. By prision correccional in its maximum period to prision mayor in its medium period:

(a) If a building used as a dwelling located in an un-inhabited place is set on fire and the damage caused exceeds 1,000 pesos;

(b) If the value of the damage caused in the case mentioned in paragraphs (c) and (d) of subdivision 2 of this article does not exceed 200 pesos."

"5. By prision correccional in its medium period to prision mayor in its minimum period, when the damage caused, is over 200 pesos but does not exceed 1,000 pesos, and the property referred to in paragraph (a) of the next preceding subdivision is set on fire; but when the value of such property does not exceed 200 pesos, the penalty next lower in degree than that prescribed in this subdivision shall be imposed.

"6. The penalty of prision correccional in its medium and maximum periods, if the damage caused in the case mentioned in paragraph (b) of subdivision 3 of this article does not exceed 6,000 pesos but is over 200;

"7. The penalty of prision correccional in its minimum and medium periods, if the damage caused in the case mentioned in paragraph (b) of subdivision 3 of this article does not exceed 200 pesos.

"8. The penalty of arresto mayor and a fine ranging from fifty to one hundred per centum of the damage caused shall be imposed, when the property burned consist of grain fields, pasture lands, forests, or plantations when the value of such property does not exceed 200 pesos."

Sec. 2. Article Three hundred twenty-six of Act Num-bered Thirty-eight hundred and fifteen is hereby amended to read as follows:

"Art. 326. Setting fire to property exclusively owned by the offender.—If the property burned shall be the exclusive property of the offender, he shall be punished by arresto mayor in its maximum period to prision correccional in its minimum period, if the arson shall have been committed for the purpose of defrauding or causing damage to another, or prejudice shall actually have been caused, or if the thing burned shall have been a building in an inhabited place."

"Art. 326-A. In cases where death resulted as a consequence of arson.—If death resulted as a consequence of arson committed on any of the properties and under any of the circumstances mentioned in the preceding articles, the court shall impose the death penalty.

"Art. 326-B. Prima fade evidence of arson.—Any of the following circumstances shall constitute prima facie evidence of arson:

- If after the fire, are found materials or substances soaked in gasoline, kerosene, petroleum, or other inflammables, or any mechanical, electrical, chemical, or electronic contrivance designed to start a fire or ashes or traces of any of the foregoing;
- That substantial amount of inflammable substance or materials were stored within the building not necessary in the course of the defendants business; and
- That the fire started simultaneously in more than one part of the building or locale under circumstances that cannot normally be due to accidental or unintentional causes: Provided, however, That at least one of the following is present in any of the three abovementioned circumstances:
- That the total insurance carried on the building and/or goods is more than 80 per cent of the value of such building and/or goods at the time of the fire;
- That the defendant after the fire has presented a fraudulent claim for loss."

"The penalty of prision correccional shall be imposed on one who plants the articles above-mentioned, in order to secure a conviction, or as a means of extortion or coercion."

Sec. 3. This Act shall take effect upon its approval.

Approved, May 12, 1969.

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