

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO BAGONAS, DEFENDANT-APPELLANT.*G.R. No. L-4072. September 22, 1952*

Ponente: BAUTISTA ANGELO, J.

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Charged with the crime of arson in the Court of First Instance of Batangas, Pedro Bagonas was found guilty and sentenced to suffer the penalty of reclusion perpetua, to indemnify the offended parties in the amount of P6,990, without subsidiary imprisonment in case of insolvency, and to pay the costs.

On February 28, 1950, at about 5:00 o'clock in the morning, Eleno de Castro woke up to transfer his carabao to another pasture, and while doing so he noticed that the house and the adjoining store of his father were on fire. As he approached the house to warn the people living there of the danger, a man emerged from the place, when he recognized as his nephew, the accused Pedro Bagonas, Eleno gave chase but failed to overtake him, and instead ran into one Marcelino Riego who was coming from the opposite direction who told Eleno that the man he was chasing as really the accused. Marcelino and Eleno then proceeded to the burning house and helped pour water into the fire.

In the afternoon of the following day, March 1, 1950, the accused went to the house of Marcelino Riego to ask for help in connection with the wrong he had done the day before. On this occasion, the accused admitted being the one who set on fire the house of Hilario de Castro, and as Marcelino told him that he was sorry not to be able to help him.

Three days thereafter, one Vivencio Hernandez met the accused not far from the house which was burned and on this occasion he asked Hernandez if his uncle Eleno de Castro had filed a criminal charge against him. Hernandez told him that he did, according to his information, and when Hernandez inquired whether he was really seen near the place of the fire, the accused answered in the affirmative. He urged Hernandez, on pain of death, not to disclose the information to anyone.

As to the motive of the crime, Hilario de Castro owner of the burned house, testified that, sometime before the occurrence, the accused sent his son over to his house to borrow rice, but when the boy was given palay instead of rice because Hilario was short of that commodity, the boy refused to receive the palay. The next day, the accused went to the house of Hilario to upbraid him for his selfishness intimating at the same time that it was only a question of one match stick to get even with him. The resentment was aggravated by the fact that, after that incident, the old man sent back to the accused one of the latter's children who was then living with the old man in the house.

The house and its contents as well as the adjoining store were a total loss. Their total value was 15,000.

The accused set up the defense of alibi. He said that in the night of February 27, 1950, he was at home. He and his wife slept after taking their supper, and, except for a short interruption because of the crying of their baby, they

did not wake up till the next morning. His testimony was corroborated by his wife.

Speaking of this defense of alibi, the lower court said: "In the first place, it is not unnatural of a wife to protect her husband. In the second place, the home of the accused is only one and a half kilometers from the scene of the crime, and this proximity does not preclude the possibility of his reaching the said place on the night in question. In the third place, the defense of alibi is met and overdone by the concurrent testimonies of Eleno de Castro and Marcelino Riego that they saw the accused in the vicinity of the burning premises. And in the fourth place, and most decisive of all, the testimonies of husband and wife clash and conflict in more respects than one. * * *. In fine, this Court is not favorably impressed by accused's veracity and fidelity to truth with respect to his defense of alibi."

We have carefully examined the evidence of record and have found nothing that may warrant disturbance of the above findings of the lower court. We have noted particularly that the accused is closely related by affinity with the victims. It appears the prosecution witnesses Hilario de Castro, Eleno de Castro and Juliana de Castro, are the grandfather, uncle and aunt, respectively, of accused's wife, Vicente Garcia. The accused and his wife, previous to this incident, seemed to have enjoyed the esteem and affection of their grandfather, Hilario de Castro, so much that Hilario once paid an indebtedness of the couple in Balayan and took them to live with him in his own house. While the accused claims that he was not in good terms with his in-laws because he refused to yield the possession of the land which was claimed by them, even if this were true, the same, in the opinion of the court, does not constitute a sufficient motive as would impel them to concoct such a serious charge thereby sacrificing not only the accused but his wife and children who are of their own flesh and blood.

We have taken notice of the efforts made by counsel to weaken and discredit the principal witnesses of the prosecution, Eleno de Castro and Marcelino Riego, by pointing out certain inaccuracies or improbabilities in their testimony, but after examination, we have found them to be of little importance as to render the testimony unworthy of credence. The inaccuracies pointed out can be explained and reconciled as was done by the Solicitor General in his brief.

There is no doubt that the unfortunate incident was brought about by the accused out of resentment born in him by the apparent refusal of his grandfather-in-law to give him the rice he was asking for as shown by the fact that shortly after such refusal he gave vent to his ill-feeling by recriminating him calling him selfish and mankind and intimating that it was only a question of one match stick to meet even with him, which resentment was aggravated by the attitude of his grandfather-in-law when he returned the son who was living with them in the unfortunate house. And this act is the more unfortunate, not only because of the relation of the parties, but because of its consequences. The victims lost their house and all their personal belongings, which are of sentimental value. We find no other alternative than to convict the accused.

Finding no error in the decision of the lower court, the same is hereby affirmed, with costs.

Paras, Pablo, Bengzon, Padilla, Montemayor, Jugo, and Labrador, JJ., concur.

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