

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAUL ACOSTA Y LAYGO, ACCUSED-APPELLANT.*G.R. No. 126351. February 18, 2000*

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-126351/>**QUISUMBING, J.:**

This is an appeal from the decision[1] dated August 25, 1996, of the Regional Trial Court of Kalookan City, Branch 127, convicting accused-appellant of the crime of Arson, and sentencing him to suffer the penalty of reclusion perpetua and to indemnify private complainant the amount of P100,000.00 as actual damages without subsidiary imprisonment in case of insolvency, and to pay the costs.

Appellant Raul Acosta y Laygo was a 38-year old mason, married, and a resident of Barrio Makatipo, Kalookan City, at the time of the offense charged. He used to be a good friend of Almanzor "Elmer" Montesclaros, the grandson of private complainant, Filomena M. Marigomen.[2] On February 27, 1996, a few hours before the fire, Montesclaros, in the belief that appellant and his wife were the ones hiding his live-in partner from him, stormed the house of appellant and burned their clothes, furniture, and appliances.[3] Montesclaros lived in the house owned by said complainant and located at Banahaw St., Mountain Heights Subdivision, Barrio Makatipo, Kalookan City. It was this house allegedly set on fire by appellant.

The pertinent facts in this case, as summarized by the Solicitor General, which we find supported by the records, are as follows:

"At about 4:00 to 5:00 o'clock in the afternoon of February 27, 1996, the nephew of prosecution witness Mona Aquino called the latter, simultaneously shouting that appellant Raul Acosta, their neighbor, was carrying a stove and a kitchen knife (TSN, May 22, 1996, pp. 3-4, 7). She went out of her house and approached appellant who, when asked why he was carrying a stove and a knife, replied that he would burn the house of complainant Filomena M. Marigomen. (Ibid., pp. 3-4)

Complainant's house is situated at Banahaw Street, Mountain Heights Subdivision, Kalookan City and adjacent to the house of prosecution witness Aquino. (Ibid., pp. 2, 18). Only a wall fence divides her property from that of the complainant. (Ibid., p. 18).

Owing to the fearsome answer of appellant to witness Aquino's query, she returned immediately to her house (Ibid., p. 7). A few minutes after closing the door, she heard the sound of broken bottles and the throwing of chair inside the house of complainant (Ibid., p. 8). When she peeped through her kitchen door, she saw appellant inside complainant's house, which was unoccupied at that time. (Ibid., p. 8). Thereafter, appellant poured kerosene on the bed (papag) and lighted it with cigarette lighter (Ibid., p. 10). The fire was easily put off by appellant's wife who arrived at the place. (Ibid., p. 10)

At around 1:00 o'clock in the morning of February 28, 1996, prosecution witness Lina Videña, likewise a resident of Mountain Heights Subdivision, was roused from her sleep by the barking of their dogs at the back portion of her house. (TSN, May 20, 1996, pp. 3-4). When she went out of her house, she saw complainant's house situated at the adjacent lot near the back portion of her garage burning. (Ibid., p. 4). When she peeped

through the holes of the GI sheets separating her lot from the adjacent lot, she noticed the presence of appellant standing alone in front of the burning house. (Ibid., p. 5) Appellant was just watching the blaze and not doing anything to contain it. (Ibid.)

Witness Videña immediately rushed back to her house and informed her husband about the fire at the nearby lot. (Ibid., p. 5). They called up the police detachment and alerted other members of her family to be ready for any contingency. (Ibid., p. 6). The fire truck arrived at around 2:00 o'clock in the morning, when the house was already razed to the ground. (TSN, May 20, 1996, p. 6; TSN, May 22, 1996, p. 11).

An on-the-spot investigation was conducted by Fire Investigator Raymundo Savare of the Kalookan Fire Department (TSN, May 27, 1996, p. 2). After the conduct of the investigation, the investigator did not find any incendiary device; hence, the cause of fire remained undetermined. (TSN, May 27, 1996, p. 5). In his Report, the investigator did not rule out the possibility of intentional burning, since there is no other source of ignition, unless otherwise somebody lighted an illuminating object and left it unattended. (TSN, May 17, 1996, p. 8).

x x x"[4]

On March 11, 1996, appellant was charged with the crime of Arson under the following Information:

"That on or about the 28th day of February, 1996 in Kal. City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, did then and there wilfully (sic), unlawfully and feloniously burn the house of one, FILOMENA MONTESCLAROS VDA. DE MARIGOMEN, located at Banahaw St., Mountain Heights Subdivision., Bo. Makatipo, this city, said accused knowing the same to be prohibited, by then and there setting fire to the said house thereby causing the same to be totally burned, to the damage and prejudice of herein complainant in the estimated amount of P100,000.00.

Contrary to Law."[5]

On April 22, 1996, appellant, duly assisted by counsel de oficio Atty. Juanito Crisostomo, was arraigned and entered a plea of not guilty.

During trial, the prosecution presented the following witnesses (1) Mrs. Lina Videña, (2) Mrs. Mona Aquino, both neighbors of appellant; and (3) Fire Investigator Raymundo Savare. When the defense agreed to the proposed stipulation that the value of the burned property was P100,000.00, the State Prosecutor dispensed with the testimony of private complainant,[6] the owner of the house.

The defense presented the appellant himself, Ernesto Riolloraza and Marieta Acosta as witnesses. Appellant claimed that at the time of the alleged arson he was sleeping at his mother's home, some five houses away from the burned house.[7] Ernesto Riolloraza testified he lived in the house behind the home of appellant's mother; that at around 9:00 in the evening, he saw appellant and his family transferring their belongings to the house of appellant's mother; that at around 11:00 in the evening, he saw appellant watching TV; and that at around 1:00 AM, he was awakened by the sound of fire sirens; and that he and appellant stood by the roadside and watched the fire.[8] Marieta Acosta, common-law wife of appellant, corroborated appellant's testimony that they were sleeping in the home of appellant's mother at the time of the incident.[9]

On August 25, 1996, the trial court rendered its decision,[10] disposing as follows:

"WHEREFORE, the prosecution having established the guilt of the accused with moral certainty, this Court hereby sentences the accused to suffer the penalty of imprisonment of Reclusion Perpetua and to indemnify the offended party the amount of P100,000.00 as actual damages without subsidiary imprisonment in case of insolvency, and to pay the costs.

The period of the Accused's preventive imprisonment shall be credited in the service of his sentence if

qualified under Art. 29 of the Revised Penal Code.

SO ORDERED."

Appellant seasonably interposed the present appeal assigning the following errors:

- THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BASED MERELY ON CIRCUMSTANTIAL EVIDENCE.
- THE TRIAL COURT ERRED IN NOT GIVING WEIGHT TO THE DEFENSE OF DENIAL AND ALIBI OF THE ACCUSED.

Appellant centers his appeal on the insufficiency of the circumstantial evidence against him. He maintains that the fact that Montesclaros lived in the house which was razed to the ground was not duly proved by the Prosecutor, and that even the Fire Investigator could not determine the true cause of the fire. Appellant further assails the credibility of the prosecution witnesses Mona Aquino and Lina Videña since their respective testimonies as to his presence in the locus criminis before and after the incident remain uncorroborated, and therefore, wholly unreliable and insufficient to sustain his conviction.

For the State, the Solicitor General rebutted the factual submissions of appellant. First, appellant himself testified that he knew that Elmer Montesclaros lived in the house of private complainant.[11] Second, the testimony of prosecution witness Mona Aquino though uncorroborated does not impair her credibility since no ill-motive was ascribed to her to testify falsely against appellant. Third, any inconsistency in Lina Videña's testimony that she did not see appellant at the locus criminis could be explained by a reading of her entire testimony. She saw appellant inside the yard of the burning house during the fire, not after the fire. Further, the Solicitor General stressed that the determination of credibility of witnesses remains within the province of the trial court, whose finding is accorded due respect on appeal, absent any substantial circumstance which could have been overlooked in the decision.

Arson is defined as the malicious destruction of property by fire.[12] In this case, the alleged crime was committed on February 28, 1996, after R.A. 7659 already took effect. The trial court found appellant herein liable under Article 320, No. 1 of the Revised Penal Code, as amended by Section 10 of R.A. No. 7659, which provides as follows:

"Art. 320. Destructive Arson. - The penalty of reclusion perpetua to death shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, or committed on several or different occasions.

x x x"

Appellant's conviction rests on circumstantial evidence. Pertinently, Section 4 of Rule 133 of the Rules of Court provides:

"Section 4. Circumstantial evidence, when sufficient.- Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven;
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt."

In order to justify a conviction upon circumstantial evidence, the combination of circumstances must be such as to

leave no reasonable doubt in the mind as to the criminal responsibility of the accused.[13] But no greater degree of certainty is required when the evidence is circumstantial than when it is direct.[14]

In this case, we find the trial court correctly held that the following circumstances taken together constitute an unbroken chain of events pointing to one fair and logical conclusion, that accused started the fire which gutted the house of private complainant. Although there is no direct evidence linking appellant to the arson, we agree with the trial court in holding him guilty thereof in the light of the following circumstances duly proved and on record:

First, appellant had the motive to commit the arson. It is not absolutely necessary, and it is frequently impossible for the prosecution to prove the motive of the accused for the commission of the crime charged, nevertheless in a case of arson like the present, the existence or non-existence of a sufficient motive is a fact affecting the credibility of the witnesses.[15] It was duly proved that at around 4:30 in the afternoon of February 27, 1996, private complainant's grandson, Elmer Montesclaros, stormed the house of appellant and his wife and burned their clothes, household furniture and appliances, like TV and karaoke.[16] When appellant arrived home at around 5:00 in the afternoon and was informed of the incident, he got mad, and as his common-law wife testified, appellant threw a tantrum ("nagdadabog").[17] Appellant had every reason to feel aggrieved about the incident and to retaliate in kind against Montesclaros and his grandmother.

Second, appellant's intent to commit the arson was established by his previous attempt to set on fire a bed ("papag") inside the same house (private complainant's) which was burned later in the night. Prosecution witness Mona Aquino testified that at around 5:00 in the afternoon of the same day, she saw appellant carrying a gas stove and knife. When she asked him what he was going to do with the stove, he answered that he was going to burn the house of private complainant.[18] Later, she heard the sound of somebody throwing a chair and breaking bottles next door. When she peeped in the kitchen, she saw that appellant entered the house of private complainant and started pouring gas on a bed ("papag") and then lighted a fire with a disposable lighter. Appellant's wife rushed in and extinguished the fire with a broomstick. The two later left the house at around 6:00 in the evening.[19]

While it is true that "evidence that one did or did not do a certain thing at one time is not admissible to prove that he did or did not do the same or similar thing at another time," it may be received "to prove a specific intent or knowledge, identity, plan system, scheme, habit, custom or usage, and the like." In *People v. Dadles*, 278 SCRA 393 (1997), we held that:

"In the early case of *United States v. Evangelista*, [24 Phil. 453 (1913)] the accused was convicted of arson after the trial court admitted evidence that he had earlier attempted to set fire to the same premises. Ruling on the admissibility of the said evidence, we said that:

"x x x While it was not the fire charged in the information, and does not by any means amount to direct evidence against the accused, it was competent to prove the intent of the accused in setting the fire which was charged in the information.

"x x x x x x x x x x

"x x x 'Where a person is charged with the commission of a specific crime, testimony may be received of other similar acts, committed about the same time, for the purpose only of establishing the criminal intent of the accused.'"

Shortly thereafter, at around 9:00 in the evening, defense witness Ernesto Riolloraza who lived behind the house of appellant's mother, saw appellant and his family transferring their belongings to said house of appellant's mother.[20]

Third, appellant was not only present at the locus criminis before the incident, he was seen inside the yard of the

burning house during the height of the fire. At around 1:00 in the morning of February 28, 1996, prosecution witness Lina Videña was awakened by the barking of their dog, so she went to the back of their house to investigate.[21] Through the holes of the GI sheets, she saw appellant standing alone inside private complainant's yard watching the house burning.[22] Appellant even looked happy with a canine smile and crazy-looking expression. ("Siya para bang ang mukha niya ay natutuwa na hindi naman humahalakhak, x x x para bang ngiting aso at mukhang nakakaluko, your honor").[23]

Fourth, appellant's actions subsequent to the incident further point to his culpability. At around 12:00 noon of the same day, private complainant went with prosecution witness Lina Videña to the place of Kagawad Tecson. They were about to leave when appellant arrived. Private complainant asked him why he burned her house and appellant answered, "So what if I burned your house?" Then appellant stared meanly at private complainant, who got nervous and had to take medications.[24] The following day, appellant threatened prosecution witness Mona Aquino, saying that if she would testify against him, he would also burn her house.[25]

All the foregoing circumstances were duly established by the evidence on record. Inseparably linked with one another, they point to no other conclusion than appellant's guilt beyond reasonable doubt. While nobody actually saw appellant light the match which set the house on fire, the facts and circumstances proved make a complete chain strongly leading to the conclusion that it was the appellant who perpetrated the crime.[26]

In prosecutions for arson, proof of the crime charged is complete where the evidence establishes (1) the corpus delicti, that is, a fire because of criminal agency; and (2) the identity of the defendants as the one responsible for the crime.[27] Corpus delicti means the substance of the crime, it is the fact that a crime has actually been committed. In arson, the corpus delicti rule is generally satisfied by proof of the bare occurrence of the fire and of its having been intentionally caused. Even the uncorroborated testimony of a single witness, if credible, may be enough to prove the corpus delicti and to warrant conviction.[28]

Appellant interposes the defense of alibi in his bid for acquittal. For the defense of alibi to prosper, it is axiomatic that the appellant must prove not only that he was at some other place at the time the crime was committed, but that it was likewise physically impossible for him to be at the locus criminis at the time of the alleged crime.[29] In this case, appellant himself testified that the house of his mother where he was staying on that fateful night was merely five (5) houses away from the locus criminis, hence considering the distance, it was not physically impossible for him to have perpetrated the crime and then gone home to his mother's home, appearing as innocent as a lamb.

Lastly, it would not be amiss here to point out that "[i]n the crime of arson, the enormity of the offense is not measured by the value of the property that may be destroyed but rather by the human lives exposed to destruction." [30] It is indeed a heinous crime that the law wisely seeks to suppress with the most serious penalty because of its grave anti-social character.

WHEREFORE, the decision of the Regional Trial Court finding appellant Raul Acosta y Laygo guilty beyond reasonable doubt of the crime of Arson and sentencing him to reclusion perpetua and to indemnify private complainant, Filomena M. Marigomen, in the amount of P100,000.00 as actual damages, without subsidiary imprisonment, is AFFIRMED. Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.

Buena, J., on official leave.

-
- [1] Penned by Judge Myrna Dimaranan Vidal.
- [2] TSN, May 28, 1996, p. 4.
- [3] TSN, May 28, 1996, p. 6; TSN, June 4, 1996, p. 4.
- [4] Rollo, pp. 68-72.4
- [5] Records, p. 1.
- [6] Order dated May 20, 1996, Records, p. 13; TSN, May 20, 1996, p. 22.
- [7] TSN, May 28, 1996, p. 4.
- [8] TSN, June 3, 1996, p. 8.
- [9] TSN, June 4, 1996, p. 8.
- [10] Records, pp. 53-60.
- [11] TSN, May 28, 1996, p. 6.
- [12] Reyes, Luis B., The Revised Penal Code, 1993 ed., p.736. See also P.D. No. 1613, which was amended by Section 10 of R.A. 7659, commonly known as the Death Penalty Law.
- [13] U.S. v. Rosal, 12 Phil. 135, 140 (1909).
- [14] People v. Ferras, 289 SCRA 94, 103-104 (1998).
- [15] People v. Pulmones, 61 Phil. 680, 684 (1935).
- [16] TSN, June 4, 1996, pp. 3, 6-7.
- [17] TSN, June 4, 1996, p. 6.
- [18] TSN, May 22, 1996, p. 4.
- [19] TSN, May 22, 1996, pp. 8-11.
- [20] TSN, June 3, 1996, p. 4; TSN, June 4, 1996, p. 7.
- [21] TSN, May 20, 1996, p. 3.
- [22] TSN, May 20, 1996, pp. 4-5, 10.
- [23] TSN, May 20, 1996, p. 16.
- [24] TSN, May 22, 1996, p. 14.
- [25] TSN, May 22, 1996, p. 26.
- [26] People v. Lomuntad, 65 Phil. 605, 607 (1938).
- [27] People v. Hidalgo and Gotengco, 102 Phil. 719, 731 (1957), citing Curtis, the Law of Arson, p. 526, section 486.
- [28] People v. Gutierrez, 258 SCRA 70, 75-76 (1996), citing other authorities.
- [29] People v. Castillo, 289 SCRA 213, 227-228 (1998).

[30] U.S. v. Zabala, 6 Phil. 431 (1906).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.