

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VIRGILIO SIGUIN Y NAVAROSA, VICTOR SIGUIN Y NAVAROSA AND RAMON SIGUIN Y NAVAROSA, ACCUSED, VIRGILIO SIGUIN Y NAVAROSA, APPELLANT.

G.R. No. 126517. November 24, 1998

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In resolving this appeal, the Court reiterates the following time-honored doctrines: (1) the factual findings of the trial court on the credibility of witnesses and their testimonies deserve great respect; (2) positive identification prevails over denial and alibi; and (3) despite the imputation of ill motive, the testimonies of prosecution witnesses will be sustained, provided they are clear, consistent and cohesive.

The Case

On May 23, 1994, an Information for arson[1] was filed before the Regional Trial Court of Quezon City against Virgilio Siguin, Victor Siguin and Ramon Siguin. The Information reads:

"That on or about the 27th day of February, 1994, in Quezon City, Philippines, the said accused, conspiring, confederating with and mutually helping one another did then and there wilfully, unlawfully and maliciously, with the use of kerosene, set fire to the houses of Peñaflor Bermudo y Gimpes, Daisy Ricafort y Lasala and Sylvia Gimpes y Prades, knowing it to be occupied and inhabited at the time by said complainants located at Purok 3, Sitio Payong, Old Balara, this City, thereby totally gutting down and destroying said residences including personal properties contained therein, said accused knowing fully well that the said houses were owned and inhabited by herein complainants and as a result, complainants Peñaflor Bermudo suffered losses and damages in the sum of P154,470.00, Daisy Ricafort, the sum of P205,800.00 and Sylvia Gimpes, P180,750.00 to the damage and prejudice of the said offended parties in the said amounts." [2]

Only Victor Siguin, who pleaded not guilty, was arraigned on September 12, 1994, because the two other accused were still at large.

Hence, trial in regard to him proceeded in due course. On October 22, 1995, after the termination of the trial but before the promulgation of the judgment, Appellant Virgilio Siguin was apprehended. Thereafter, the trial court proceeded to hear Virgilio's case and suspended the promulgation of its decision on the culpability of Victor, who thereupon waived his right to a speedy trial.

During his arraignment on October 27, 1995, Appellant Virgilio, assisted by Counsel Oscar L. Karaan, entered a plea of not guilty. Subsequently, the prosecutor and Appellant Virgilio's counsel stipulated the adoption of the evidence presented for and against Victor. However, additional evidence for and against the appellant was later introduced.

Subsequently, Judge Diosdado M. Peralta rendered the assailed 19-page Decision dated June 7, 1996 acquitting

Victor Siguin, but finding Virgilio Siguin guilty as charged. The dispositive portion of the Decision reads:

"WHEREFORE, judgment is hereby rendered finding the accused Virgilio Siguin y Navarosa GUILTY beyond reasonable doubt of the crime of "ARSON" defined in and penalized by Article 320 of the Revised Penal Code, as amended, and there being no qualifying circumstance to warrant the imposition of the death penalty, hereby metes on the said accused the penalty of "Reclusion Perpetua" with all the accessory penalties of the law and condemns him to pay Peñaflor Bermudo the amount of P157,470.00; Daisy Ricafort the amount of P205,800.00; and Sylvia Gimpes the amount of P180,750.00 by way of actual damages. The period during which the accused Virgilio Siguin was detained at the City Jail of Quezon City shall be credited to the said accused in full, provided that he agreed in writing to abide by and strictly comply with the rules and regulations of the City Jail of Quezon City. With costs against said accused.

"The accused Victor Siguin is hereby acquitted of the said charge for failure of the prosecution to prove the guilt of the said accused beyond reasonable doubt. The City Jail Warden of Quezon City is hereby ordered to release the accused Victor Siguin from detention unless he is being detained for another cause or charge.

"Let warrant of arrest issue against accused Ramon Siguin for his immediate apprehension."[3]

Hence, this appeal by Virgilio.[4]

The Facts According to the Prosecution

In the People's Brief,[5] the solicitor general presented the following facts:

"Appellant Virgilio and his co-accused Victor and Ramon, all surnamed Siguin y Navarosa, are brothers of the deceased Joventino Siguin. The Siguins and complainants Sylvia Gimpes and Peñaflor Bermudo [were] neighbors at Purok 3, Sitio Payong, Old Balara. Complainant Daisy Ricafort rent[ed] a room in the house of Peñaflor Bermudo (TSN, November 25, 1994, pp. 7,9).

"In the early evening of February 27, 1994, appellant Victor and Ramon learned that their brother Joventino was fatally shot within the compound of the Bermudos. The suspected assailants were the husbands of complainants Sylvia Gimpes and Peñaflor Bermudo. Joventino was rushed by his relatives to nearby General Malvar Hospital and later transferred to East Avenue Hospital where he expired.

"Later, between 9 [and] 9:30 in the evening of the same date, fire broke out in the house of complainant Sylvia Gimpes. The conflagration which lasted until 11:00 p.m. completely gutted the houses of complainant Sylvia Gimpes and Peñaflor Bermudo. Complainants Sylvia Gimpes and Peñaflor Bermudo saw appellant Virgilio set their houses on fire, while complainant Daisy Ricafort saw Ramon Siguin together with another person pouring kerosene around the walls of the house of Peñaflor Bermudo (tsn, November 25, 1994, p. 3, 4). Having set the houses on fire, appellant and his co-accused fled.

"On February 28, 1994, complainants Sylvia Gimpes, Daisy Ricafort and Peñaflor Bermudo executed their statements regarding the incident before the police authorities. (Exh. A, E and S, tsn, December 19, 1994, p. 19)."[6]

According to the Defense

Appellant interposed alibi, asserting that at the time of the alleged arson, he was in the hospital with his injured brother, Joventino. In his 20-page Brief,[7] he presented the following version of the facts:

"For the defense, witness Nestor Soriano, a resident of Purok 3, Sitio Payong, Old Balara, Quezon City, in his Sinumpaang Salaysay, stated that he heard two gunshots and heard also Joventino Siguin shouting "hindi ako lalaban." He also saw Bartolome Gimpes shoot Joventino Siguin while Tomas Bermudo struck him with a bolo and "Butsok" struck him with "yantok." (Sinumpaang Salaysay, April 1, 1994).

"Thereafter, he (Nestor), went to the house of the Siguins and informed the father of Joventino about the incident.

Upon learning of the incident, the three brothers Ramon, Victor and Virgilio, who were also resting there at night, immediately went to the house of their Uncle Eddie in order to inform him of the incident. Thereafter, [U]ncle Eddie, Ramon, Virgilio and Victor went to the place of the incident and saw Joventino lying and moaning at the Bermudo Compound. Upon seeing their brother Joventino, accused-appellant, together with his brothers Ramon and Victor, called a tricycle and rushed their dying brother to General Malvar Hospital. Joventino was later transferred through an ambulance to East Avenue Medical Center for proper treatment. Victor and [U]ncle Eddie were at the ambulance, while Virgilio and Ramon, together with their neighbors followed them at the East Avenue Medical Center. Victor, Virgilio and Ramon waited outside while their Uncle Eddie went with the victim [to] the emergency room. It was 12:00 o' clock [midnight] when their brother was pronounced dead by the doctor. Then the body was brought to the Prudential Funeral Homes for autopsy. It was only at around 3:00 a.m. (Feb. 28, 1994), when they were able to go back [to] Sitio Payong, Old Balara, Quezon City and found out that the houses of the Bermudos were already burned. (tsn, pp. 3-10, August 22, 1995)."[8]

Ruling of the Trial Court

In finding the appellant guilty of arson, the court a quo upheld the testimonies of prosecution witnesses identifying him as one of the perpetrators of the crime. It ratiocinated as follows:

"xxx xxx xxx

"However, as far as the other accused[,] Virgilio Siguin[,] is concerned, the evidence against him is strong and passes the test of reasonable doubt. Although it may appear that there were inconsistencies in the testimonies of Sylvia Gimpes and Peñaflor Bermudo, the Court can still make use of the same as against Virgilio Siguin, there being positive identification of Virgilio Siguin. The maxim "falsus in uno, falsus in omnibus" is not mandatory for the court to follow. The Court may consider a part and discredit another part of the testimony of the prosecution witnesses."[9]

The lower court likewise noted that appellant was arrested by the authorities a year after the case against him was filed. In regarding his apparent flight as an indication of guilt, the court a quo explained:

"Coupled with this positive identification was the fact that accused Virgilio Siguin was only arrested on October 22, 1995 or more than a year after the case was filed against him. Albeit accused Virgilio Siguin presented evidence that he did not go into hiding, his explanation does not merit consideration. His uncorroborated testimony that he did not go into hiding deserves scant consideration, no less. How can he convince the Court that he did not go into hiding when as early as the filing of the case on May 23, 1994, he already knew that he was one of the accused? Even assuming, for the sake of argument, that he was arrested in his house and not in any other place, the Court is still not convinced that he did not go into hiding. More than a year is too long a period for the accused to remain silent and to profess innocence. He could have easily surrendered to the police officers or to the Court from the time he learned of the pendency of the case against him just to show his innocence. This he failed to do. xxx

"xxx xxx xxx

"Moreover, as borne out by the records, a warrant of arrest was issued as early as May 26, 1994, but the same was returned unserved for the reason that he could not be located in his given/known address. The accused Virgilio Siguin's assertion therefore that he was always in his house is belied by said return of the warrant of arrest. Furthermore, as testified to by the arresting officer, starting September 1995, he went to the residence of the accused Virgilio Siguin for about ten (10) times in order to arrest him but failed to find him. It was only on October 22, 1995 that the accused Virgilio Siguin was arrested xxx."[10]

Appellant's alibi was debunked by the lower court in this wise:

"Neither can the court accept the defense of the accused Virgilio Siguin that he could not have been in the

place of the burning incident at the precise time that he was seen by the prosecution witnesses because he was attending to his dying brother Joventino Siguin. It should be remembered that Virgilio Siguin himself testified that it took him only fifteen (15) minutes to travel from the place of the incident to the Malvar General Hospital where his brother was brought for treatment. If this were so, it cannot be said that it was physically impossible for him to go back to the place of the incident in a short period of time and burn the houses of the victims. Alibi, as consistently held by the Honorable Supreme Court, is a weak defense especially when it was not physically impossible for the accused, as in this case, to be present at the place of the incident xxx"[11]

In all, the court a quo ruled that the prosecution evidence had sufficiently established Siguin's culpability for the crime charged.

The Assigned Errors

Appellant Virgilio Siguin cites the following errors:

"I. The lower court gravely erred in finding that the accused Virgilio Siguin y Navarosa was positively identified by the prosecution witness as one of the [perpetrators] of the crime of arson.

"II. The trial court erred when it failed to consider the fact that the accused was not present at the scene of the crime when it was committed.

"III. The trial court gravely erred in finding that the prosecution was able to establish the guilt of the accused Virgilio Siguin y Navarosa beyond reasonable doubt.

"IV. The trial court erred in finding the accused Virgilio Siguin y Navarosa liable for damages in the amount of PHP 180,750.00 for the destruction of the house of Sylvia Gimpes, PHP 157,470.00 for the loss of the house of Peñaflor Bermudo, and PHP 206,600.00 for the loss suffered by Daisy Ricafort."[12]

Essentially, the appellant raised questions revolving around two points: first, the credibility of witnesses; and second, the sufficiency of the evidence against him. Additionally, we shall take up the penalty imposed as well as the civil liability meted out on him.

The Court's Ruling

The appeal is devoid of merit.

First Issue: Credibility of Witnesses

The crux of the case lies in the credibility of Prosecution Witnesses Peñaflor Bermudo, Sylvia Gimpes and Daisy Ricafort, upon whose testimonies the appellant was convicted. As a rule, the trial judge's assessment of the credibility of witnesses and their testimonies is not disturbed on appeal in the absence of any clear showing that some facts or circumstances of weight and substance, which would have affected the result of the case, have been overlooked, misunderstood or misapplied. This is because the trial judge, having seen and heard the witnesses themselves and having observed their behavior and deportment and manner of testifying, is in a better position to decide the question of credibility.[13]

The appellant vigorously contends that the lower court erred in considering the testimonies of Prosecution Witnesses Bermudo, Gimpes and Ricafort. Because Witnesses Bermudo and Gimpes were, in the trial court's own words, "ill-motivated," he argues that their identification of him as one of the culprits was tainted. He likewise points out that Ricafort's testimony, in regard to the number of perpetrators of the arson, contradicted her sworn statement and, as such, should have been disregarded by the court.

We sustain the trial court's conclusion upholding the identification of the appellant as one of the malefactors. True, their husbands were the suspects in the killing of Joventino Siguin, the appellant's brother, but such fact

alone would not disqualify Bermudo and Gimpes as witnesses or discredit their identification of the appellant. It should be emphasized that Bermudo and Gimpes were victims of the arson, and it would have been quite unnatural and illogical for them to impute the crime to an innocent person and let the real culprit escape prosecution.[14]

Besides, Joventino Siguin's death had been brought to the attention of the authorities concerned even before the alleged arson, and the incident was being pursued and investigated separately.[15] In other words, one case could not have been used as a "trump card" in the other, as both cases had been brought before the lawmen.

The identification by Bermudo and Gimpes of the appellant as one of the culprits was consistent and cohesive, both in their sworn statements hours after the incident and in their testimonies before the court. Bermudo narrated appellant's participation in this wise:

"xxx xxx xxx

Q

Why did you [go] out of your house?

A

Because I [smelled] kerosene gas, sir.

Q

Now, [after] you [had gone] out, what transpired next?

A

I saw victim [sic], Ramon and Virgilio pouring gas around my house and the front door of my store, sir.

"xxx xxx xxx

Q

What happened to your house [after] you saw the accused pouring gas?

A

I saw our house being burned.

"xxx xxx xxx[16]

Gimpes substantially corroborated the above-quoted testimony as follows:

"xxx xxx xxx

Q

On February 27, 1994, between the hours of 9:00 [and] 10:00 in the evening, where were you particularly?

"xxx xxx xxx

A

In our house, Ma'am, located at Bermudo Compound, Sitio Payong, Old Balara, Quezon City.

Q

And do you recall any unusual incident that happened on that date?

A

Yes, ma'am. While I was inside our house, male persons came and they were shouting "lumabas ka, Bartolome, papatayin ka namin."

Q

And do you know who were these people shouting?

A

Yes, ma'am. They were Virgilio Siguin, Victor Siguin and Ramon Siguin, ma'am.

Q

Who in particular is the Bartolome they were referring to, if you know.

A

He is my husband, ma'am.

Q

After you heard them shouting those words, what did you do?

A

I peeped through the window and saw three persons, ma'am.

Q

Who were those persons again?

A

Virgilio Siguin, Victor Siguin and Ramon Siguin, ma'am.

Q

When you peeped through the window, what did you see outside, if any?

A They were pouring gasoline around the house, ma'am.

Q

How did you know that it was gasoline that they were pouring outside?

A

I can smell it, ma'am.

Q

When you saw them pouring gasoline around your house, what did they do next, if any?

A

They lighted it with "gasera," ma'am.

Q

What happened to your house, if any?

A

Our house was burned, ma'am.[17]

"xxx xxx xxx

Q

During your testimony earlier, you stated that sometime on February 27, 1994, three (3) persons, namely, Victor Siguin, Ramon Siguin and one Virgilio Siguin were the ones who set fire on the houses of Peñaflor Bermudo, Daisy Bermudo and your house. Now if you see this Virgilio Siguin, will you be able to identify him?

A

Yes, sir.

Q

If he is inside this court/room, madam witness, can you point to him?

A

Yes, sir.

Q

Please point to him [the witness pointed to a person dressed in a yellow t-shirt who identified himself as Virgilio Siguin]

Q

And would you kindly tell this Honorable Court, madam witness, what particularly [was] the participation of this Virgilio Siguin during that fire that accrued on February 27, 1994?

A

I saw him going around the houses carrying a "gasera" and [he was even shouting], calling Bartolome to come out of the house.

Q

[At what point], madam witness, did you see this Virgilio Siguin holding a "gasera" and even shouting the name of Bartolome, [was it] before or after the conflagration?

A

Before the conflagration.

"xxx xxx xxx

Q

Alright, when for the last time did you see Virgilio Siguin after the conflagration, madam witness?

A

The last time I saw him was the when the houses were burned, sir.

"xxx xxx xxx[18]

The appellant likewise insists that the testimonies and sworn statements of Bermudo and Ricafort are full of inconsistencies and contradictions as regards material points in the case -- the time the alleged arson occurred and the number of its perpetrators.

The argument does not persuade. A scrutiny of the transcript of stenographic notes reveals that Bermudo was more perplexed than inconsistent in her testimony. This is not an unusual behavior, considering that the witness was a poor old woman, unschooled and inexperienced in the ways of lawyers and criminal proceedings. What matters is that she was consistent on the essential facts -- that the shooting of Joventino Siguin preceded the arson, and that the appellant was among those responsible for the fire that gutted down two houses at approximately eleven o' clock in the evening.

The alleged conflict between the testimonies and the sworn statements of Bermudo and Ricafort does not denigrate the credibility of said witnesses. The rule is that "an affidavit taken ex parte is judicially considered to be almost incomplete and often inaccurate, sometimes from partial suggestions and sometimes from want of suggestions and inquiries, without the aid of which the witness may be unable to recall the connected circumstances necessary for his accurate recollection of the subject." [19]

Besides, Ricafort explained on the stand that she was still in shock and nervous when she gave her sworn statement; thus, the discrepancy. However, she was emphatic in stating that there were really three men who were responsible for the arson. Granting arguendo that there was indeed an inconsistency, it does not detract from the fact that the houses of Bermudo, Gimpes and Ricafort were set on fire, and that the first two mentioned victims resolutely identified the appellant as one of the perpetrators thereof. If Ricafort's testimony corroborated anything at all, it was the fact of burning and the certitude that more than one person were responsible for it.

Second Issue: Sufficiency of Evidence and Defense of Denial

The appellant vehemently denies any participation in the arson, insisting that he was attending to his dying brother in a hospital at the time. He claims that the evidence presented by the prosecution has failed to prove his guilt beyond reasonable doubt. We are not convinced.

The conflagration that gutted down the houses of Bermudo, Gimpes and Ricafort was proved,[20] and appellant's identity as one of the arsonists was sufficiently established by Peñaflor Bermudo and Sylvia Gimpes, whose testimonies were clear, direct and consistent, notwithstanding the ill motive and bias imputed to them. Furthermore, it is apparent that appellant had a motive to commit the crime -- his brother Joventino was allegedly shot by the husbands of Bermudo and Gimpes near the houses of these two witnesses.

The appellant's denial and alibi are weak. That he brought his wounded brother to a hospital does not necessarily prove his absence at the locus criminis, which was just fifteen minutes away from the hospital. As the court *quo stated*, "it cannot be said that it was physically impossible for him to go back to the place of the incident in a short period of time and burn the houses of the victims." [21] His alibi is not effectively corroborated by his uncle, Ricardo Siguin, who testified to the effect that the two of them proceeded together to the East Avenue Medical Center from the General Malvar Hospital. This witness revealed that while he stayed with the injured Joventino in the emergency room for almost two hours, the appellant remained outside.[22] This fact, which even the appellant admitted,[23] bolsters the prosecution's theory that he was indeed at the scene of the crime when the arson occurred. In light of the positive identification of the appellant as one of the perpetrators of the crime, his defense of denial and alibi cannot be sustained.[24]

The foregoing considered, we find no reason to reverse the trial court's ruling that appellant's guilt was proven

beyond reasonable doubt.

Crime and Punishment

The crime committed was arson, penalized under Republic Act 7659.[25] The said law provides that the penalty of reclusion perpetua to death shall imposed "when the arson is perpetrated by two (2) or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission of another violation of law." [26] The lower court was correct in sentencing the appellant to reclusion perpetua, considering that the evidence shows that there were at least two persons responsible for the arson, and considering further that no generic aggravating circumstance was proven to have attended the crime.

The trial court was also correct in awarding actual damages of P154,470 to Bermudo, P205,800 to Ricafort, and P180,750 to Gimpes. An examination of the records shows that the award is duly supported by evidence.

WHEREFORE, the appeal is hereby DENIED and the assailed Decision is AFFIRMED. Costs against the appellant.

SO ORDERED.

Davide, Jr. (Chairman), Vitug, and Quisumbing JJ., concur.

Bellosillo, J., No part, Did not participate in deliberation.

[1] Dated May 5, 1994 and signed by Asst. City Prosecutor Perpetuo L.B. Alonzo.

[2] Rollo, p. 5.

[3] Decision, pp. 18-19; rollo, pp. 49-50.

[4] Notice of Appeal, signed by Atty. Oscar L. Karaan, was filed on June 21, 1996. The case was deemed submitted for decision on July 6, 1998, upon the Court's receipt of the Appellee's Brief. The filing of a reply brief was deemed waived, as none was submitted during the reglementary period.

[5] The Appellee's Brief was signed by Solicitor General Ricardo P. Galvez, Assistant Solicitor General Antonio L. Villamor and Solicitor Derek R. Puertollano.

[6] Ibid., pp. 4-6; rollo, pp. 152-154.

[7] The Appellant's Brief was signed by Atty. Nicolas P. Lapeña Jr.

[8] Appellant's Brief, pp. 4-6; rollo, pp. 94-96.

[9] Decision, p. 11; rollo, p. 42.

[10] Ibid., pp. 13-16; rollo, pp. 44-47.

[11] Ibid., p. 18; rollo, p. 49.

[12] Appellant's Brief, p. 6; rollo, p. 96.

[13] People v. Daraman et al., GR No. 126046, August 7, 1998; People v. Sta. Ana, GR No. 115657-59, June 26, 1998; People v. Betonio, GR No. 119165, September 26, 1997; People v. Gutierrez, 258 SCRA 71, July 5, 1996.

[14] People v. Gazmen, 247 SCRA 414, August 16, 1995.

[15] TSN, June 27, 1995, pp. 5-7.

[16] TSN, April 3, 1995, pp. 3-4. Italics supplied.

[17] *People v. Marollano*, 274 SCRA 84, July 24, 1997, per Panganiban, J.; cited in *People v. Andres et al.*, GR No. 122735, September 25, 1998.

[18] Exhibits "C" and "C-1," records, p. 16.

[19] Decision, p. 18; rollo, p. 49. See *People v. Omotoy*, 267 SCRA 143, an arson case, in which the Court, per Narvasa, CJ, ruled: "The Court has invariably held that for the easily concocted defense of alibi to prosper, the relevant factors of time and place should be taken into account."

[20] TSN, July 7, 1995, p. 8.

Testimony of Ricardo Siguin:

"Q Where were Ramon Siguin, Virgilio and Victor Siguin at that particular time that you brought Joventino Siguin [to] the EAMC?

A They were outside."

[21] TSN, January 17, 1996, pp. 5-6. Testimony of Virgilio Siguin:

"Q And did you actually see your brother brought to the East Avenue Medical Center?

A Yes, sir.

xxx xxx xxx

Q Were you able to see personally your brother Joventino inside East Avenue Medical Center?

A I did not see him anymore inside the said hospital because we were not allowed to enter said hospital.

xxx xxx xxx"

[22] *People v. Kulais et al.*, GR Nos. 100901-08, July 16, 1998; *People v. Bajar*, GR No. 118240, October 28, 1997; *People v. Daquipil*, 240 SCRA 314, January 20, 1995; *People v. Jimenez*, 235 SCRA 322, August 15, 1994; *People v. Arbolante*, 203 SCRA 85, October 17, 1991.

[23] This law, which took effect on December 31, 1993, applies to the case at bar, because the arson was committed on February 27, 1994.

[24] The complete text reads as follows:

"xxx xxx xxx

Sec. 10. Article 320 of the same Code is hereby amended to read 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, committed on several different occasions.

2. Any building of public or private ownership, devoted to the public in general or where people usually gather or congregate for a definite purpose such as, but not limited to official governmental function or business, private

transaction, commerce, trade workshop, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyances or stops/terminals, regardless of whether the offender ha[s] knowledge that there are persons in said building or edifice at the time it is set on fire and regardless also of whether the building is inhabited or not.

3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or conveyance, or for public use, entertainment or leisure.

4. Any building, factory, warehouse installation and any appurtenance thereto, which [is] devoted to the service of public utilities.

5. Any building the burning of which is for the purpose of concealing or destroying evidence of another violation of law, for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated circumstances, the penalty of reclusion perpetua to death shall likewise be imposed when the arson is perpetrated or committed by two or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission of another violation of the law.” (Italics supplied.)

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