

**CLIMACO AMORA, Petitioner, vs. PEOPLE OF THE PHILIPPINES,
Respondent.***G.R. No. 154466. January 28, 2008*

Ponente: NACHURA, J.

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For review is the Decision[1] of the Court of Appeals (CA) dated January 28, 2002 and its Resolution[2] dated July 17, 2002 in CA-G.R. CR No. 23853. The assailed decision affirmed with modification the Decision[3] of the Regional Trial Court (RTC), Branch 47, Tagbilaran City finding petitioner Climaco Amora guilty of the crime of Destructive Arson defined and penalized under Presidential Decree (P.D.) No. 1613. The RTC sentenced petitioner to suffer the indeterminate penalty of 17 years, 4 months and 1 day of reclusion temporal, as minimum, to 20 years of reclusion temporal, as maximum. The CA, while affirming the conviction, modified the penalty imposed by the RTC, and sentenced the petitioner to an indeterminate penalty of 12 years, 5 months and 11 days of reclusion temporal, as minimum, to 18 years, 8 months and 1 day of reclusion temporal, as maximum.

Gleaned from the records, the facts are as follows:

On June 27, 1993, a fire broke out in the building used by petitioner as residence and as a bakery. The fire also gutted nearby houses.

Petitioner's edifice was constructed on a lot owned by Adelfa Maslog Tagaytay (Adelfa). Adelfa's father had earlier entered into a contract of lease with petitioner, whereby the latter was to use the lot and erect a building thereon for a monthly rental of P50.00, for a period of twenty (20) years. The lease contract provided that, upon the expiration of the contract on July 10, 1993, ownership over the building shall be transferred to the lessor.

On January 4, 1993, Adelfa informed petitioner that she would no longer renew the contract of lease.

On January 14, 1993, petitioner secured a fire insurance coverage over the subject building from the Malayan Insurance Company for P150,000.00, then obtained another fire insurance policy from Makati Insurance Company for P300,000.00. It appears that the amounts of insurance coverage were substantially higher than the building's market value (pegged at P52,590.00 in the 1985 Tax Declaration).

As found by the trial court, during the actual fire, petitioner was within the premises, heard shouts from his neighbor, ignored the same at first, and only later on did he finally stand up to see what was going on.

The authorities who conducted an investigation submitted an Investigation Report which concluded with the finding that: "(B)ased on the testimonies of witnesses available and after a meticulous study of the fire incident, the investigation concludes that the cause of fire was intentionally done."

Thus, petitioner was charged with the crime of Destructive Arson, in an Information[4] which reads:

That, on or about the 27th day of June 1993, in the City of Tagbilaran, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent of gain, that is, of claiming the fire insurance

coverage procured by accused over the building owned by him and located at CPG Ave., Tagbilaran City, and which fire insurance coverage is substantially more than the actual value of the building, did, then and there set the said building on fire, causing as a result the burning and complete destruction of the said building and in said manner also caused the complete burning and destruction of the residential houses owned by Adelfa Maslog Tagaytay, Fernando C. Maslog and Lucena C. Ganados to their damage and prejudice in the amount to be proved in court.

Act committed contrary to the provision of P.D. No. 1613.

to which petitioner pleaded “not guilty.”

After trial on the merits, the RTC found petitioner guilty as charged, and, as earlier stated, this finding was affirmed by the CA which considered the following circumstances as adequate proof of petitioner’s guilt:

First, there is motive on the part of [petitioner] to commit arson, as the contract of lease over the building would soon be terminated by owner Adelfa Maslog-Tagaytay, against his will. Settled is the rule that a key element in the web of circumstantial evidence is motive.

Second, [petitioner] insured the property despite the fact that the lease would soon be terminated and in fact, he had already been advised to vacate the place.

Third, the amount covering the fire insurance was substantially more than its market and assessed value. x x x.

Fourth, [petitioner] was seen in his residence immediately before the fire and subsequently in a neighbor’s shop during the fire.

Fifth, the Fire Investigators concluded in their report that the fire was intentionally done. In the absence of any showing that these investigators were ill-motivated in testifying against [petitioner], their testimonies are given weight and credit. x x x.[5]

Aggrieved, petitioner comes before us in a Petition for Review on Certiorari under Rule 45 of the Rules of Court, raising the sole question of whether the guilt of petitioner was proven beyond reasonable doubt.[6]

We deny the petition for lack of merit.

The applicability of P.D. 1613 is beyond cavil. The facts show that the crime was committed in a place where bakeries, barber shops, tailoring shops and other commercial and residential buildings were situated. In fact, other structures were razed by the fire that originated from petitioner’s establishment. It is clear that the place of the commission of the crime was a residential and commercial building located in an urban and populated area. This qualifying circumstance places the offense squarely within the ambit of Section 2(7) of P.D. 1613, and converts it to “destructive arson,”[7] viz.:

Section 2. Destructive Arson. The penalty of Reclusion Temporal in its maximum period to Reclusion Perpetua shall be imposed if the property burned is any of the following:

x x x x

7. Any building, whether used as a dwelling or not, situated in a populated or congested area.

It was also established that the subject building was insured against fire for an amount substantially more than its market value, a fact that has given rise to the un rebutted prima facie evidence of arson, as provided in Section 6 of P.D. 1613:

Section 6. Prima facie evidence of Arson. Any of the following circumstances shall constitute prima facie evidence of arson:

x x x x

4. If the building or property is insured for substantially more than its actual value at the time of the issuance of the policy.

Petitioner's only real challenge against the CA decision is the absence of direct evidence to prove his culpability which ostensibly negates the appellate court's finding of guilt beyond reasonable doubt.

At the outset, it may be well to emphasize that direct evidence is not the sole means of establishing guilt beyond reasonable doubt.[8] Established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction. Indeed, rules on evidence and principles in jurisprudence have long recognized that the accused may be convicted through circumstantial evidence.[9]

Circumstantial evidence has been defined as such evidence which goes to prove a fact or series of facts, other than the facts in issue, which, if proved, may tend by inference to establish the fact in issue. Circumstantial evidence may be resorted to when to insist on direct testimony would ultimately lead to setting felons free.[10] But for circumstantial evidence to be sufficient for a conviction, the following requisites must be present, namely: (a) there is more than one circumstance; (b) the facts from which the inferences are derived have been proven; and (c) the combination of all the circumstances results in a moral certainty that the accused, to the exclusion of all others, is the one who has committed the crime.[11]

These requisites obtain in the instant case. The trial court found that the circumstances enumerated above sufficiently point to the petitioner as the author of the crime. Indeed, all these circumstances, taken together, are consistent with the hypothesis that petitioner is guilty, and at the same time inconsistent with the hypothesis that he is innocent.[12]

We find no cogent reason to disturb the findings of the trial court as affirmed by the appellate court. Case law states that findings of facts of the trial court, especially if affirmed by the appellate court, are given great respect, if not conclusive effect, by this Court unless the trial court ignored, misunderstood or misinterpreted facts and circumstances of substance which, if considered, would alter the outcome of the case. Having had the unique advantage of observing and monitoring at close range the demeanor and conduct of witnesses, the trial court is in a better position to pass judgment on the credibility of witnesses and the probative weight of their testimonies.[13]

As to the penalty to be imposed, the Court of Appeals correctly modified the same. Applying the Indeterminate Sentence Law, the maximum term of the penalty shall be that which, in view of the attending circumstances, could be properly imposed, while the minimum term of which shall be within the range of the penalty next lower to that prescribed by the Code for the offense.[14]

The penalty prescribed for the offense is reclusion temporal in its maximum period to reclusion perpetua. Considering that no mitigating nor aggravating circumstance attended the commission of the offense, the proper imposable penalty, and thus the maximum term of the indeterminate penalty, is 18 years, 8 months and 1 day to 20 years. In determining the penalty next lower in degree, Section 3, Article 61 of the Revised Penal Code applies:

Article 61. Rules for graduating penalties.

x x x x

- When the penalty prescribed for the crime is composed of one or two indivisible penalties and the maximum period of another divisible penalty, the penalty next lower in degree shall be composed of the medium and minimum periods of the proper divisible penalty and the maximum period of that immediately following in said respective graduated scale.

In the instant case, the penalty lower in degree is prision mayor maximum to reclusion temporal medium. Hence, the minimum term of the indeterminate penalty shall be within the range of the aforesaid lower degree.

The CA, therefore, correctly meted the indeterminate penalty of twelve (12) years, five (5) months and eleven (11) days of reclusion temporal, as minimum, to eighteen (18) years, eight (8) months and one (1) day of reclusion temporal, as maximum.

WHEREFORE, premises considered, the petition is DENIED. The Decision of the Court of Appeals, dated January 28, 2002, and its Resolution dated July 17, 2002 in CA-G.R. CR No. 23853, are AFFIRMED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Corona, and Reyes, JJ., concur.

[1] Penned by Associate Justice Mercedes Gozo-Dadole, with Associate Justices Salvador J. Valdez, Jr. and Juan Q. Enriquez, Jr., concurring; rollo, pp. 22-36.

[2] Rollo, p. 38.

[3] Penned by Presiding Judge Raineldo T. Son, CA rollo, pp. 15-32.

[4] CA rollo, pp. 13-14.

[5] Rollo, p. 28.

[6] Id. at 14.

[7] *People v. Omotoy*, 334 Phil. 801, 810 (1997).

[8] *Gan v. People*, G.R. No. 165884, April 23, 2007; *People v. Casitas, Jr.*, 445 Phil. 407, 417 (2003).

[9] *People v. Casitas, Jr.*, *supra*, id.

[10] *Gan v. People*, *supra* note 8.

[11] Id.; *People v. Casitas, Jr.*, *supra* note 8, at 417; *People v. Operaña, Jr.*, 397 Phil. 48, 68 (2000).

[12] *People v. Operaña*, *supra*, id.

[13] *People v. Gallego*, 453 Phil. 825, 846 (2003).

[14] Section 1, Act No. 4103 as amended by Act No. 4225.

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