

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIE VILLACORTA GIL (A. K. A. JULIE VILLASORCA GIL), ACCUSED-APPELLANT.

G.R. No. 172468. October 15, 2008

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before the Court for automatic review is the Decision[1] dated February 10, 2006 of the Court of Appeals (CA) in CA-G.R. HC CR No. 00253 which affirmed in toto the Decision[2] dated January 23, 2003 of Branch 41 of the Regional Trial Court (RTC) of the City of Manila, convicting accused-appellant Julie V. Gil of the crime of Destructive Arson with Homicide defined and penalized under Article 320 of the Revised Penal Code, as amended, sentencing her to suffer the penalty of reclusion perpetua and ordering her to pay the heirs of the deceased victim Rodolfo Cabrera the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity and Eighteen Thousand Nine Hundred Fifty Pesos (P18,950.00) Pesos for funeral and burial expenses. The accused-appellant and the plaintiff-appellee adopted their respective briefs before the CA and both manifested to this Court that they no longer intend to file any supplemental brief.[3]

The Information charging accused-appellant reads:

That on or about March 1, 1998, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully, feloniously, and deliberately set fire on a residential house located at No. 603 Sulucan St., Sampaloc, in said city, owned by ANGGE ARGUELLES, by then and there pouring kerosene on a mattress placed in a room of said house then occupied by the said accused and ignited it with a lighter, knowing it to be occupied by one or more persons, thereby causing as a consequence thereof, damage to the said house and adjacent houses in the amount of more or less P2,000,000.00, to the damage and prejudice of said owners in the aforesaid amount of P2,000,000.00, Philippine Currency; that on the occasion and by reason of said fire, one RODOLFO CABRERA, a resident/occupant of said house sustained burn injuries which were the direct and immediate cause of his death.

Contrary to law.

The accused-appellant pleaded not guilty upon arraignment[4]. The pre-trial conference followed and the RTC issued a pre-trial order[5] which contained the stipulation of facts and issue of the parties as follows:

In the pre-trial today, the parties stipulated that the residential house located at No. 603 Sulucan Street, Sampaloc, Manila, owned by Angge Arguelles was burned and that the same resulted into the burning of other adjacent houses causing damage in the amount of more or less Two Million (P2,000,000.00) and the death of a certain Rodolfo Cabrera.

The issue to be resolved is whether the accused is the arsonist and / or responsible for the said fire.

After trial, the RTC rendered its assailed decision convicting the accused-appellant of the crime charged. According to the RTC, the prosecution had presented sufficient circumstantial evidence, coupled with the written

confession of the accused-appellant, to sustain her conviction of the crime charged. The RTC admitted the oral and written confessions of the accused-appellant and found the prosecution witnesses more credible than the accused-appellant.

The motion for reconsideration or new trial of the accused-appellant was denied in the Order[6] dated April 3, 2003 of the RTC.

This case was directly elevated to this Court for mandatory review. In a Minute Resolution[7] dated January 11, 2005, we referred this case to the CA for proper disposition conformably with the decision rendered in *People v. Mateo*.^[8] On review, the CA rejected the assignments of error raised by the accused-appellant and affirmed her conviction of the crime charged.

A summary of the evidence adduced by the prosecution are quoted from the assailed decision of the CA as follows:

William Lim, a Kagawad of Barangay 395, Zone 41 of the 4th District, Sampaloc, Manila, testified that on March 1, 1998 while eating at their store located at 843 Quezon Boulevard, his former typist in the barangay, Jonah, called him to tell that a woman wanted to surrender to a barangay official. Jonah brought him to the woman who introduced herself as Julie Gil. The latter appeared to be a lesbian, drunk and very confused. She felt bothered by her conscience and admitted that she burned her residence. He called up precinct 4 to report the incident, and was told that there was indeed a fire that took place in the area. He requested for a mobile and the accused was brought to fire station No. 4 where she forcibly took the pen from a policeman in order for her to put in writing the actual incident. At first, Lim was hesitant thinking that her testimony might not be admissible in court, but since the accused was very insistent, she was allowed to reduce the incident in writing.

Ronnie Gallardo declared that he was present during the incident. He and his mother occupied the room next to that of the accused. On March 1, 1998 at around 12:30 p.m. while lying in bed inside their room, he heard a thud ("kalabog") coming from the room of the accused. He also heard the accused crying. He went out of his room and when he found the accused' door open, he peeped through the door where he noticed the latter standing. When she saw him, the accused pointed to him the fire on her folding bed made of plastic with foam. At that time the fire was getting bigger. She then told him "xxx pabayaan mo na iyan. Damay-damay na tayo. At hinatak na niya ako." They went out but he tried to get back to get their belongings. He, however, failed to get anything from their room because the entire house as well as the other adjacent houses was already burning. With the help of their neighbors, they tried to put off the fire which lasted for about two (2) hours, while the accused remained standing, watching it. Since the incident he never saw the accused until the latter appeared in court.

Rodolfo Lorenzo, a Kagawad of Barangay 457, Zone 45 which covered the area of Sulucan Street, Sampaloc, Manila, met the accused two (2) days before the incident at around 9:00 p.m. According to him, somebody called for his help, informing that the accused was making trouble. He immediately responded by proceeding to the house of the accused at corner Sulucan and Earnshaw Streets, Sampaloc where he saw the accused in front of her house. She was drunk, and there were two (2) broken bottles of gin scattered along Earnshaw Street. He was told by the accused' mother that the accused broke the bottles because she had problems with her live-in partner. He first swept the pieces of broken bottles before approaching the accused and her mother, Aling Lita. The accused told him that her live-in partner, Trining, wrote her two (2) break-up letters, which obviously she could not accept. He told the accused to stay calm, but she refused to be pacified. She even told him "xxx manggugulo ako at manununog." He talked to the accused' mother who confirmed to him that she had problems with her live-in partner. Again, the accused told him "manununog daw po siya at damay-damay na lang daw po lahat ng mga kapitbahay niya." To appease, he told her: "Julie, baka hindi mo alam ang gagawin mo magpakahinahon ka. Isipin mo muna ng makasampung beses bago mo gawin ang iniisip mo, hindi basta bastang kaso iyan." The accused just ignored him. He noticed, however, that her eyes were red and she

was gnashing her teeth. He then thought she was on drugs. The following day at around 11:00 a.m., Rodolfo chanced upon her near the basketball court. He tried to talk to her and convinced her not to do anything bad, but again she ignored him. The next day, March 1, 1998 at around noon time, while talking with a neighbor in the basketball court, his attention was called on the alleged fire that broke near the squatter's area. He proceeded to the place and saw Aling Lita outside her house. He immediately looked for the accused whom he saw walking very fast along Earnshaw Street going towards Recto or España. He tried to chase her, but she was very fast. It would seem he was out of his mind as she was even smiling when she saw the fire. She told, "xxx damay-damay na tayo diyan, huwag ninyo ng patayin ang sunog." When he felt that he could no longer chase her, he stopped chasing her and instead helped put off the fire as he was concerned with his constituents.

Unfortunately, Rodolfo did not give any statement before the police after the incident.

It was SFO1 Redentor Alumno who investigated the fire incident. Upon receipt of the alarm, his team proceeded to the crime scene and conducted on the spot investigation. He talked to witnesses particularly Amparo Cabrera and Ronnie Gallardo, who gave their respective statements on the incident. At around 1:10 p.m. of the same day, March 1, 1998, Barangay Kagawad William Lim turned-over to their office the accused informing them that the latter voluntarily surrendered to him (Lim). A letter written by the accused was also handed to him. After conducting an investigation, SFO1 prepared a Crime Report in connection with the incident. On March 2, 1998, the accused was subjected to inquest.

SFO1 Alumno estimated the damage caused by the fire to be P2 Million Pesos, more or less, as shown by the pictures he took after the incident. There were more or less 15 to 20 houses destroyed, one (1) man by the name of Rodolfo Cabrera died, and a certain Marites Cabrera was injured.

Dr. Ma. Cristina B. Freyra of the Central Police District Crime Laboratory examined the cadaver of victim Rodolfo E. Cabrera on April 8, 1998 at around 1000H upon request of the Office of the Barangay Chairman of Barangay 411, Zone 42. Her examination shows that the cause of the victim's death was third degree burn of his entire body.

As a result of the untimely demise of victim Rodolfo Cabrera, his surviving family suffered damages. According to his surviving spouse, Anaclea Cabrera, during the wake of her husband, she spent P3,175.00 for food. She also incurred expenses for his funeral and burial amounting to P7,700.00 and P5,475.00, respectively. She also paid P2,600 for the burial lot.

At the time of his death, Rodolfo Cabrera was living in the same house with his common-law wife, Amparo Cabrera, for almost five (5) years.

The written statement[9] executed by the accused-appellant admitting responsibility for conflagration before Kagawad William Lim reads:

Voluntary Statement of Julie Gil y Villacorta, 24 years old single, stell bed worker, 1[st] year high school 603 Sulucan St., Sampaloc, Manila, given to Kagawad William Lim y Bedor, of legal age, Barangay 395 Zone 41, Sampaloc, Manila, this 1 March 1998 on or about 1:10 P.M.

Ako po ay si Julie V. Gil ay boluntaryong sumuko kay Kagawad William Lim sa salang Panununog sa inuupahang bahay ko sa No. 603 Sulucan St., Sampaloc, kaninang mga bandang 12:00 ng tanghali. Sinunog ko po ang tinitirhan ko dahil sa Pambabastos sa akin ng mga taong kamaganak ng live in partner ko na si Trinidad Domingo 25 y old kaya ang ginawa ko ay kinuha ko ang kalan di bomba at pagkatapos ibinuhos ko and laman kerosene gas sa kutson perso bago ko sinindiha bumaba muna ako, at saka ko sila sinabihan na lumabas na sila lahat sa iskinita dahil susunogin ko na at damay damay na tayo at saka ako uli umakyat upang sindihan ang lighter at saka uli ako bumaba at saka umalis, napadpad ako sa isang barangay at kusang sumuko sa Kagawad William Lim. Nakokonsensya ako kaya sinabi ko sa kanya ang aking nagawang kasalanan. Wala ako sa sarili kong pagiisip ng sinunog ko ang aking tinitirhan dahil nakagamit po ako ng shabo.

(Sgd.)
Julie Gil

CERTIFICATION

Ang salaysay na ito ay kusang isinalaysay sa akin ng isang babaeng nangangalang Julie V. Gil at ito ay aking pipirmahan upang sa gayon ay magamit sa kung anumang usapin.

Kagawad
(Sgd.) William B. Lim
March 1, 1998

On the other hand, the accused-appellant relied on her lone testimony in her defense. While she admitted the authenticity of her above-quoted written confession, she denied on the witness stand that she voluntarily wrote this confession. The accused-appellant related her version of the fire incident which is quoted hereunder from the assailed decision of the CA:

According to [accused-appellant], the fire resulted from her defective gas stove which suddenly caught fire while she was boiling water. When the stove caught fire, she got flustered and poured water on the stove. To her surprise, the fire got bigger. Ronnie, who was also renting a room next to her with his mother, came and they helped each other to put off the fire. When their efforts seemed unsuccessful, she told Ronnie: "xxx hindi na natin kayang patayin ang apoy, baba na lang po kami para humingi ng tulong". When they went out, people were already helping each other to contain the fire. She then left the place passing through an alley.

The accused averred that a day prior to the incident she was very tired. She reported for work as a spring bed maker as early as 6:00 a.m. and went home 2:00 a.m. the following day, March 1, 1998. Again, she woke up at 6:00 a.m. on the same day to report for work.

According to the accused, it was William Lim who took custody of him for reasons unknown to her. Thereafter, they gave her a paper with something written on it and they instructed her to copy the same in another paper. Confused, she did what was told of her because they told her that it would be good for her.

The accused-appellant[10] assails her conviction on the following grounds:

I

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ARSON WITH HOMICIDE BASED ON CIRCUMSTANTIAL EVIDENCE.

II

THE COURT A QUO GRAVELY ERRED IN CONSIDERING AS EVIDENCE THE ALLEGED EXTRAJUDICIAL CONFESSION OF THE ACCUSED-APPELLANT.

The accused-appellant contends that the circumstantial evidence of the prosecution failed to produce the required quantum of proof to hold her criminally liable for the charge. She explained that prosecution witness Ronnie Gallardo saw her mattress already on fire but never saw her deliberately burn her mattress. Ronnie Gallardo neither saw nor identified any overt act which would suggest that the accused-appellant intentionally put her mattress on fire. The accused-appellant claimed that Ronnie Gallardo might have gotten anxious after he saw the raging fire and misunderstood her remark "pabayaang mo na yan, damay-damay na tayo" when what she meant to say after all was "pabayaang mo na yan, madadamay tayo." She would not have pulled out Ronnie Gallardo from the burning house had her intention been to cause injury to others. The accused-appellant also disputed the trial court's reliance on the testimony of Kagawad Rodolfo Lorenzo that she intentionally burned her residential house

because of personal problems. She rhetorically questioned the credibility of the said prosecution witness when, as a person in authority, he failed to report to the police his supposed knowledge of what the accused-appellant was planning to do two days prior to the fire that occurred in their neighborhood.

The accused-appellant also argues that her written confession is inadmissible in evidence. She claims that she was not assisted by counsel at the time she executed the same; and that she was merely led to believe, without apprising her of its legal significance, that it would help her.

We find the arguments adduced by the accused-appellant untenable.

This Court agrees with the plaintiff-appellee[11] that the RTC has passed upon enough circumstantial evidence to hold the accused-appellant guilty beyond reasonable doubt of the crime charged. The plaintiff-appellee correctly cites the ruling in *People v. Gallarde*,[12] which distinguished the two types of positive identification of a perpetrator of a crime and discussed their legal importance, thus:

Positive identification pertains essentially to proof of identity and not per se to that of being an eyewitness to the very act of commission of the crime. There are two types of positive identification. A witness may identify a suspect or accused in a criminal case as the perpetrator of the crime as an eyewitness to the very act of the commission of the crime. This constitutes direct evidence. There may, however, be instances where, although a witness may not have actually seen the very act of commission of a crime, he may still be able to positively identify a suspect or accused as the perpetrator of a crime as for instance when the latter is the person or one of the persons last seen with the victim immediately before and right after the commission of the crime. This is the second type of positive identification, which forms part of circumstantial evidence, which, when taken together with other pieces of evidence constituting an unbroken chain, leads to the only fair and reasonable conclusion, which is that the accused is the author of the crime to the exclusion of all others. If the actual eyewitness are the only ones allowed to possibly positively identify a suspect or accused to the exclusion of others, then nobody can ever be convicted unless there is an eyewitness, because it is basic and elementary that there can be no conviction until and unless an accused is positively identified. Such a proposition is absolutely absurd, because it is settled that direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt. If resort to circumstantial evidence would not be allowed to prove identity of the accused on the absence of direct evidence, then felons would go free and the community would be denied proper protection. [Emphasis supplied]

The circumstantial evidence of the prosecution consisted of the following: the testimony of Kagawad Rodolfo Lorenzo about the behavior and remarks of the accused-appellant at the time she caused a public disturbance and threatened to cause chaos and arson[13] and to drag her neighbors into this turmoil,[14] two days prior to the conflagration; the testimony of Ronnie Gallardo that, when he saw the burning mattress in the room of the accused-appellant, the latter said to him in the vernacular: "Pabayaan mo na iyan. Damay-damay na tayo."[15] the testimony of Kagawad Rodolfo Lorenzo that, at the time he tried to chase the accused-appellant during the fire incident, he again heard her utter a nonchalant remark: "Damay-damay na tayo diyan, huwag ninyo nang patayin ang sunog."[16] and the testimony of Kagawad William Lim that the accused-appellant approached and admitted to him immediately after the incident that she was the person responsible for the conflagration.[17] The aforementioned circumstantial evidence would constitute positive identification of the accused-appellant as the perpetrator of the crime charged, to the exclusion of others. She was the person who had the motive to commit the crime, and the series of events following her threat to cause chaos and arson in her neighborhood -- the fire that started in her room, and her actions and remarks during, as well as immediately before and after the fire-- sufficiently points to the accused-appellant as the author of the said crime.

We are not persuaded by the bare and uncorroborated allegation of the accused-appellant that the fire was accidental, and that she was arrested and forced by Kagawad William Lim to copy the contents of her written

confession from a piece of paper handed to her by the said barangay official.

To quote a well-entrenched legal precept, the "factual findings of the trial court, its calibration of the testimonies of the witnesses and its assessment of their probative weight are given high respect, if not conclusive effect, unless it ignored, misconstrued, misunderstood or misinterpreted cogent facts and circumstances of substance, which, if considered, will alter the outcome of the case" and the said trial court "is in the best position to ascertain and measure the sincerity and spontaneity of witnesses through its actual observation of the witnesses' manner of testifying, demeanor and behavior while in the witness box." [18]

In this case, the trial court found that the prosecution witnesses testified consistently and truthfully. The chain of events before, during, and after the fire - - as narrated by the prosecution witnesses - - established beyond reasonable doubt that the accused-appellant committed the acts alleged in the information, which constituted the crime of arson with homicide. The accused-appellant failed to show any "misconstrued, misunderstood or misinterpreted cogent facts and circumstances of substance" that could alter the outcome of the case. She also did not show any credible motive why the prosecution witnesses testified against her. Thus, this Court finds conclusive the findings and observation of the trial court that the testimonies of the prosecution witnesses were candid and trustworthy, and that the testimony of the accused-appellant was not impressed with candor and honesty.

Regarding her extrajudicial confession, the plaintiff-appellee correctly adverted to the ruling in *People v. Andan* [19] as to the admissibility of the verbal confession made by the accused-appellant, which she made not only to Kagawad William Lim but also to Kagawad Rodolfo Lorenzo while the fire was in progress. Moreover, as correctly held by the CA, even if the written extra-judicial confession is disregarded, the evidence presented by the prosecution is more than sufficient to prove the guilt of the accused-appellant beyond reasonable doubt.

WHEREFORE, in view of the foregoing, the Decision dated February 10, 2006 of the Court of Appeals in CA-G.R. HC CR No. 00253 affirming the Decision dated January 23, 2003 of Branch 41 of the RTC of Manila is hereby AFFIRMED. No costs.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Brion, JJ., concur.
Corona, J., on leave.

[1] Penned by Associate Justice Jose L. Sabio, Jr. with Associate Justices Jose C. Mendoza and Arturo G. Tayag concurring. Rollo, pp. 3-18.

[2] CA rollo, pp. 23- 34.

[3] Rollo, pp. 22, 23 and 25-26.

[4] Records, p. 13.

[5] Id. at p. 24.

[6] Id. at pp. 36-38.

[7] CA rollo, p. 128.

[8] G.R. No. 147678-87, July 7, 2004, 433 SCRA 640.

[9] Id. at pp. 231-232.

[10] CA rollo, pp. 55-71.

[11] Id. at pp. 105-124.

[12] G.R. No. 133025, February 17, 2000, 325 SCRA 835, 849.

[13] Records, TSN dated January 25, 2000, p. 9.

[14] Id. at p. 10.

[15] Records, TSN dated July 28, 1999, p. 9.

[16] Records, TSN dated January 25, 2000, p. 14.

[17] Records, TSN dated June 2, 1999, pp. 9-16.

[18] People v. Alabado, G.R. No. 176267, September 3, 2007, 532 SCRA 189, 206-207.

[19] G.R. No. 116437, March 3, 1997, 269 SCRA 95, 109-110.

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