

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESSIE VILLEGAS MURCIA, ACCUSED-APPELLANT.

G.R. No. 182460. March 09, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

The subject of review is the Decision[1] of the Court of Appeals affirming with modification the Decision[2] of the Regional Trial Court (RTC), which found appellant Jessie Villegas Murcia guilty beyond reasonable doubt of the crimes of arson and frustrated homicide.

In an Information dated 6 April 2004, appellant was accused of the crime of arson committed as follows:

That on or about the 24[th] day of March, 2004, in the Municipality of Bauang, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by some evil motive, did then and there willfully, unlawfully and feloniously set fire and burn a residential house knowing the same to be inhabited by one FELICIDAD M. QUILATES burning and killing said FELICIDAD M. QUILATES as well as burning and damaging nine (9) other neighboring houses in the process, to the damage and prejudice of said house-owners in the aggregate amount of THREE MILLION PESOS (Php3,000,000.00), Philippines Currency, as well as to the damage and prejudice of the heirs of FELICIDAD QUILATES.

The charge is qualified by the resulting death of Felicidad M. Quilates.

CONTRARY TO LAW.[3]

Appellant was also charged in another Information for frustrated homicide, the accusatory portion reads:

CRIMINAL CASE NO. 2980-BG

That on or about the 24[th] day of March, 2004, in the Municipality of Bauang, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab with a knife one, Alicia Q. Manlupig inflicting upon the latter stab wounds, thus performing all the acts of execution which would produce the crime of homicide as a consequence, but nevertheless did not produce it be reason of causes independent of the will; that is, by the timely medical attendance rendered to said Alicia Q. Manlupig which prevented her death, all to the damage and prejudice of said offended party.

CONTARARY TO LAW.[4]

Upon arraignment, appellant pleaded not guilty to both charges. Trial on the merits ensued.

Based on the narration of prosecution witnesses, the facts follow. Eulogio Quilates (Eulogio) is the owner of a two-storey house in Paringao, Bauang, La Union. Among the occupants of his house were his sister Felicidad Quilates (Felicidad); another sister Alicia Manlupig (Alicia); and nephew Herminio Manlupig (Herminio). Appellant, who is the adopted son of Felicidad, occupied one room in the house. At around 3:30 p.m. of 24 March

2004, appellant was having a drinking spree with his cousin Herminio and brothers-in-law Joey Viduya and Ricky Viduya (Ricky) in front of their house. Appellant and Herminio were arguing over the matter of caring for Felicidad while the latter was confined in the hospital. Ricky tried to mediate between the two. Appellant was then seen going inside the house to get a bolo. When he emerged from the house ten (10) minutes later, he ran after Herminio but the latter managed to escape unscathed. Appellant again went back to the house. [5]

Meanwhile, after pacifying appellant and Herminio, Ricky resumed drinking. A few minutes later, he saw smoke coming from the room of appellant. As Ricky was about to enter the house, he met appellant at the door. Appellant apparently tried to stab Ricky but was unsuccessful. Ricky witnessed appellant stab Felicidad and Alicia.[6]

Herminio, who had since come back to the drinking table, also saw the smoke. He peeped through the small window of the house and witnessed appellant burning some clothes and boxes in the sala. Herminio immediately went inside the house to save his personal belongings. Upon emerging from the house, Herminio saw his mother, Alicia, bloodied.[7]

Alicia testifies that she was sitting on a chair near the toilet when she saw smoke coming out of appellant's room. Before she could react, appellant came charging at her and stabbed her. She sustained wounds on her upper thigh, arms, below her breast and on her ear. Alicia was still able to ask for help, and her daughter-in-law brought her to the hospital.[8]

Eulogio heard a commotion while he was cooking in the second floor of the house. When Eulogio went down, he already saw smoke coming from the room of appellant. He then saw Felicidad near the comfort room located outside the house and was bleeding from her mouth. As he was about to help Felicidad, he met appellant who was then holding a knife. Eulogio immediately ran away.[9]

Upon seeing Herminio, appellant immediately attacked him with a knife. However, Herminio and Ricky were able to pin appellant down. Before they could retaliate, the barangay captain arrived at the scene.[10] As a result, eight (8) houses were razed.

Inspector Ferdinand Formacion responded to the fire incident and saw four (4) houses were already burned. After putting out the fire, he and the arson investigator conducted an ocular investigation and invited witnesses to the police station to submit their sworn statements. SPO2 Rodolfo Lomboy, chief investigator of Philippine National Police Bauang Police Station, was told by witnesses that appellant intentionally set the boxes on fire inside the house.[11]

Eulogio estimated the value of his house at P250,000.00,[12] while another sister of Felicidad, Pacita Quilates, presented a receipt covering the burial expenses for Felicidad, amounting to P10,000.00.[13]

An autopsy was performed on Felicidad, and it was disclosed that she died from "cardio-respiratory arrest secondary to third degree burns involving 90% of body surface to include underlying tissues and organs." [14]

Appellant was the lone witness for the defense. He stated that while he was having a drinking spree, he saw Felicidad go inside the house to get a glass of water. He followed her and gave her water. He noticed Felicidad light a gas lamp. He then went back to his friends and resumed drinking. He got into a heated argument with Herminio. The latter struck him in the head. He immediately went inside the house to get a weapon. He was able to get a bolo, went back outside and hit Herminio. The latter ran away and appellant chased him. Appellant met Alicia and confronted her about the actuations of Herminio. But Alicia cursed him. Appellant thereafter hit her with the knife. Appellant then fell on the ground and lost consciousness because, apparently, he was struck by something in the back.[15] Appellant denied setting the house on fire.[16]

On 30 May 2006, decision was rendered by the RTC, finding appellant guilty beyond reasonable doubt of arson and frustrated homicide, thus:

WHEREFORE, in Crim. Case No. 2979-Bg., the Court FINDS and DECLARES the accused JESSIE VILLEGAS MURCIA, guilty beyond reasonable doubt of the crime of arson as charged and defined under Art. 320 of the Revised Penal Code, as amended by R.A. No. 7659, and he is hereby sentenced to suffer the extreme penalty of death; to indemnify the heirs of the victim Felicidad Quilates, the amount of Php50,000.00 as moral damages; Php50,000.00 as death indemnity; Php10,000.00 as actual damages and another Php10,000.00 as temperate damages.

Further, the accused is ordered to indemnify Eulogio Quilates the amount of P250,000.00, representing the value of the burned house.

In Crim. Case No. 2980-Bg., the Court likewise FINDS and DECLARES the accused JESSIE VILLEGAS MURCIA guilty beyond reasonable doubt of the crime of frustrated homicide as charged and he is hereby sentenced to suffer the indeterminate penalty of FOUR (4) YEARS of prision correccional as minimum, to TEN (10) YEARS of prision mayor as maximum; to pay the victim Alicia Q. Manlupig the amount of Php10,000.00 as temperate damages; and to pay the costs.

In the service of his sentence, the accused shall be credited with his preventive imprisonment under the terms and conditions, provided for by Art. 29 of the Revised Penal Code, as amended.

Let the record of Crim. Case No. 2979-Bg. be sent to the Court of Appeals for automatic review. [17]

The trial court found that the corpus delicti in arson, as well as the identity of the perpetrator, were established beyond reasonable doubt by the prosecution. While there was no evidence to directly link appellant to the crime, the trial court relied on circumstantial evidence.

In view of the penalty imposed, the case was forwarded to the Court of Appeals for automatic review and judgment.

The Court of Appeals affirmed the trial court's findings but reduced the penalty from death to reclusion perpetua.

Appellant filed a notice of appeal, which was given due course by the Court of Appeals on 22 January 2008. In a Resolution[18] dated 7 July 2008, this Court required the parties to simultaneously submit their respective supplemental briefs. Appellant and the Office of the Solicitor General (OSG) both filed their manifestations,[19] stating that they would no longer file any supplemental briefs and instead adopt their respective briefs.

Appellant admitted to the crime of frustrated homicide, hence the review is limited to the crime of arson.

Appellant maintains his innocence of the charge of arson. He questions the credibility of some witnesses and specifically imputes ill-motive on the part of Herminio in testifying against him, especially after their fight.[20] Appellant submits that the testimonies of witnesses, which failed to turn into a coherent whole, did not prove the identity of the perpetrator.[21]

On the other hand, the OSG banks on circumstantial evidence, as relied to by the trial court, to prove the guilt of appellant.[22] The OSG vouches for the credibility of the prosecution witnesses and avers that their testimonies have proven the corpus delicti and warrant appellant's conviction.[23]

In the prosecution 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 defendant as the one responsible for the crime. In arson, the corpus delicti rule is satisfied by proof of the bare fact of the fire and of it having been intentionally caused. Even the uncorroborated testimony of a single eyewitness, if credible, is enough to prove the

corpus delicti and to warrant conviction.[24]

The photographs,[25] evidencing the charred remains of the houses, established the occurrence of the fire. In this case, however, there is no direct evidence to establish the culpability of appellant. At any rate, direct evidence is not the sole means of establishing guilt beyond reasonable doubt. 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.[26]

Section 4 of Rule 133 of the Rules of Court provides:

Section 4. Circumstantial evidence, when sufficient.â”€ 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; and
- (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.[27]

The appellate court considered the following circumstances to establish an unbroken chain of events pointing to the logical conclusion that appellant started the fire:

First, accused-appellant Murcia returned inside E. Quilates' house after chasing H. Manlupig with a bolo and after being pacified by R. Viduya and J. Viduya;

Second, during the resumption of their drinking session, R. Viduya and H. Manlupig saw a thick smoke emanating from E. Quilates' house particularly the window of accused-appellant Murcia's room in the ground floor;

Third, H. Manlupig peeped through the said window and saw accused-appellant Murcia throwing cartons of clothes into the fire. Meanwhile, E. Quilates, who was then cooking at the second floor, went downstairs and saw the fire coming from the room occupied by accused-appellant Murcia in the ground floor;

Fourth, R. Viduya saw accused-appellant Murcia stabbing F. Quilates and A. Manlupig, among other persons. E. Quilates saw his sister F. Quilates with blood oozing from her mouth. Accused-appellant Murcia met him at the ground brandishing a knife at him which prevented him from helping the wounded F. Quilates and forced him to run away for safety. E. Quilates' other sister, A. Manlupig, was also seen wounded and lying unconscious in the canal; and

Fifth, the houses of E. Quilates and his neighbors were razed by fire and the commission of the crime of arson resulted in the demise of F. Quilates whose remains were burned beyond recognition.[28]

Indeed, appellant was last seen inside the house before the fire started. Eulogio and Ricky saw smoke emanating from the room of appellant. Herminio testified that he saw appellant burning clothes in his room. Appellant then went on a stabbing rampage while the house was on fire. While nobody directly saw appellant burn the house, these circumstances would yield to a logical conclusion that the fire that gutted eight (8) houses was authored by appellant.

Necessarily, the issue narrows down to credibility of the witnesses. Worthy of reiteration is the doctrine that on matters involving the credibility of witnesses, the trial court is in the best position to assess the credibility of witnesses since it has observed firsthand their demeanor, conduct and attitude under grilling examination. Absent any showing of a fact or circumstance of weight and influence which would appear to have been overlooked and,

if considered, could affect the outcome of the case, the factual findings and assessment on the credibility of a witness made by the trial court remain binding on an appellate tribunal.[29]

In this case, We find no cogent reason to depart from the findings of the lower courts.

Appellant imputes ill-motive on the part of Herminio. This Court does not discount the fact that there was a fight between appellant and Herminio which preceded the occurrence of the fire. However, it cannot be presumed that Herminio will automatically give a false testimony against appellant. His testimony, having withstood cross-examination, has passed the scrutiny of the lower courts and was held to be credible.

The lower courts found appellant liable under Article 320(1) of the Revised Penal Code, as amended by Section 10 of Republic Act No. 7659. It may not be amiss to point out that there are actually two categories of arson, namely: Destructive Arson under Article 320 of the Revised Penal Code and Simple Arson under Presidential Decree No. 1316. Said classification is based on the kind, character and location of the property burned, regardless of the value of the damage caused.[30] Article 320 contemplates the malicious burning of structures, both public and private, hotels, buildings, edifices, trains, vessels, aircraft, factories and other military, government or commercial establishments by any person or group of persons. On the other hand, Presidential Decree No. 1316 covers houses, dwellings, government buildings, farms, mills, plantations, railways, bus stations, airports, wharves and other industrial establishments.[31]

A close examination of the records, as well as description of the crime as stated in the information, reveals that the crime committed is in fact simple arson because the burned properties are residential houses.

At any rate, the penalty for simple arson resulting to death, under Section 5 of Presidential Decree No. 1613,[32] is reclusion perpetua to death. With the repeal of the death penalty law through Republic Act No. 9346, the appellate court correctly imposed the penalty of reclusion perpetua.

This Court, however, takes exception to the trial court's award of damages.

With respect to the heirs of Felicidad, We modify the amount of temperate damages from P10,000.00 to P 25,000.00, and accordingly delete the amount of actual damages, in line with the ruling in *People v. Villanueva*. [33] In said case, the Court held that when actual damages proven by receipts during the trial amount to less than P25,000.00, the award of temperate damages for P25,000.00 is justified in lieu of actual damages of a lesser amount.[34]

Anent the actual damages awarded to Eulogio amounting to P250,000.00, as indemnification for the burned house, We note that said amount representing the value of the burned house was merely given by Eulogio as an estimate. It was not substantiated by any document or receipt. For one to be entitled to actual damages, it is necessary to prove the actual amount of loss with a reasonable degree of certainty, premised upon competent proof and the best evidence obtainable by the injured party.[35]

Instead, We award temperate damages in accordance with Art. 2224 of the Civil Code, providing that temperate damages may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proven with certainty.[36] It is thus reasonable to expect that the value of the house burned down amounted to at least P200,000.00.

WHEREFORE, the appealed decision finding appellant JESSIE VILLEGAS MURCIA guilty beyond reasonable doubt of the crime of arson and sentencing him to reclusion perpetua is **AFFIRMED** with **MODIFICATIONS**:

- Appellant is ordered to indemnify the heirs of Felicidad Quilates the amount of P50,000.00 as moral damages; P50,000.00 as death indemnity; and P25,000.00 as temperate damages.

- The award of P10,000.00 as actual damages in favor of the heirs of Felicidad Quilates is deleted.
- Appellant is ordered to pay Eulogio Quilates the amount of P200,000.00 as temperate damages.

The award of P250,000.00 as actual damages in favor of Eulogio Quilates is deleted.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Abad, JJ., concur.

[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Rosalinda Asuncion-Vicente and Enrico A. Lanzas concurring. Rollo, pp. 2-15.

[2] Presided by Judge Rose Mary R. Molina-Alim. Records, pp. 207-217.

[3] Id. at 1.

[4] Id. at 207-208.

[5] TSN, 12 July 2004, pp. 3-4.

[6] Id. at 6-8.

[7] Id. at 17-20.

[8] TSN, 27 July 2004, pp. 7-9.

[9] TSN, 14 September 2004, pp. 6-8.

[10] Id. at 20-21.

[11] TSN, 20 September 2004, p. 10.

[12] TSN, 14 September 2004, p. 8.

[13] Records, p. 173.

[14] Id. at 29.

[15] TSN, 12 July 2005, pp. 4-11.

[16] TSN, 26 July 2005, p. 9.

[17] CA rollo, p. 107.

[18] Rollo, p. 22.

[19] Id. at 24-25 and 29-30.

[20] CA rollo, pp. 90-91.

[21] Id. at 93.

[22] Id. at 126-127.

[23] Id. at 125.

[24] *People v. De Leon*, G.R. No. 180762, 4 March 2009, 580 SCRA 617, 627; *Gonzales, Jr. v. People*, G.R. No.

159950, 12 February 2007, 515 SCRA 480, 486-487; *People v. Oliva*, 395 Phil. 265, 274-275 (2000).

[25] Records, p. 178.

[26] *People v. Gonzales*, G.R. No. 180448, 28 July 2008, 560 SCRA 419, 424.

[27] *People v. Delim*, G.R. No. 175942, 13 September 2007, 533 SCRA 366, 375-376; *People v. Sevileno*, 469 Phil. 209, 220 (2004); *People v. Acosta*, 382 Phil. 810, 823 (2003).

[28] Rollo, pp. 12-13.

[29] *People v. Gonzales*, *supra* note 25 at 424-425; *Bricenio v. People*, G.R. No. 157804, 20 June 2006, 491 SCRA 489, 496.

[30] *People v. Malngan*, G.R. No. 170470, 26 September 2006, 503 SCRA 294, 327.

[31] *Id.* at 328.

[32] Sec. 5. Where Death Results from Arson. - If by reason of or on the occasion of arson death results, the penalty of reclusion perpetua to death shall be imposed.

[33] 456 Phil. 14 (2003).

[34] *Id.* at 29.

[35] *People v. Dela Cruz*, G.R. No. 168173, 24 December 2008, 575 SCRA 412, 446-447.

[36] *People v. Berando*, G.R. No. 177827, 30 March 2009; *People v. Almoguerra*, 461 Phil. 340, 362 (2003).

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