

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SIA LIANTING AND QUIENG KET (ALIAS TUÑGA), DEFENDANTS. SIA LIANTING, APPELLANT.

G. R. No.. 25336. August 17, 1926

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-25336/>

STREET, J.:

This appeal has been brought to reverse a judgment of the Court of First Instance of the Province of Occidental Negros, finding the appellant, Sia Lianting, guilty of the offense of arson with homicide, and sentencing him to undergo cadera perpetua, with the accessories prescribed by law, to indemnify (jointly and severally with Quieng Ket) various persons, who had been damnified by the fire, in the following amounts, to Wit, Quieng Bungco in the amount of P18,000, Enrique Magalona in the amount of P12,000, Rufo Yorac in the amount of P11,000, Jose Sajo in the amount of P20,000, Gregorio Sajo in the amount of P15,000, and Wong Hang On & Co. in the amount of P10,000, and requiring him to pay one-half of the costs of prosecution. The coaccused, one Quieng Ket, (alias Tuñga), pleaded guilty in open court and was sentenced before the proof against the present appellant was submitted. Quieng Ket did not appeal.

It appears that at about 1 o'clock a. m. on the night of November 19, 1925, a fire of incendiary origin broke out in the house of Quieng Bungco, located in the municipality of Saravia, Province of Occidental Negros. The building was so quickly consumed that a son of Quieng Bungco, Tuñga by name, of the age of 11 years, was unable to make his escape and was burned to death. The fire also spread to adjacent properties and destroyed various buildings, of ownership and value as indicated in the indemnifying clause of the appealed decision.

Quieng Bungco, prior to this fire, was a prosperous Chinese merchant in Saravia. In times past the appellant, Lianting, had been associated in business with Quieng Bungco, but several years ago they severed relations, since which event Lianting has not prospered. Owing to some misunderstanding between the two, mingled perhaps with envy, Lianting entertained deep resentment against Quieng Bungco and on more than one occasion had threatened to take vengeance upon him. One Florentino Javellana testified that Lianting offered him money to burn Bungco's store. Rufo Yorac, a councillor of the municipality, testified that shortly before the fire the appellant had made threats in Yorac's presence against Bungco, with the result that Yorac's fears were aroused and he began to observe the doings of Lianting with suspicion. Among the Chinese subjects living in Saravia prior to the fire was Quieng Ket (alias Tunga), an indolent and worthless creature, who lived with his brother-in-law, Alfredo Pedrajas. Just a short while before the fire, Yorac says he had seen Lianting in the company of Tuñga and Pedrajas under suspicious circumstances, a fact which he called to the attention of the police. The proof shows that Lianting had a devoted querida, named Isabel Jamilaren, at whose house Lianting was a frequent visitor. Two or three days before the fire occurred Lianting called upon Isabel and told her that a can of gasoline would be brought there by Pedrajas, and that later it would be taken from the place by Quieng Ket. The proof further shows that at about that time Pedrajas was sent to the tienda of Lianting upon an errand for Quieng Ket. Upon the arrival of Pedrajas at the store of Lianting, the latter gave Pedrajas the sum of P5 and told him to go to the store of Yap

Tico and purchase a can of gasoline to be taken by him to the house of Isabel Jamilaren. This errand was performed, the gasoline being placed on the upper porch (azotea) of Isabel's house. On the day preceding the fire, Lianting again called upon Isabel in order to ascertain whether the can of gasoline had been taken there by Pedrajas according to instructions. Finding it there Lianting told the woman that Quieng Ket would call for it. Accordingly on the night of the fire Quieng Ket came and removed the gasoline. Although Isabel did not see Quieng Ket when he came on this mission, she recognized his voice. After the fire had been set, Quieng Ket carried the empty can with him from the scene of action, and as he ran away he was seen by a policeman who recovered the empty can.

After the fire occurred Rufo Yorac, remembering Lianting's threats against Bungco, came to the conclusion that Lianting was probably the author or instigator of the fire. Yorac accordingly went to Lianting's place of business and charged him with the offense, with the result that a personal encounter between the two resulted. After Lianting had been arrested and while Quieng Ket was yet at large, Lianting, being in jail, spoke to a policeman, named Gabriel Arcangel, and proposed to pay him a reward in money if he would convey to Pedrajas a message to the effect that Pedrajas should inform Quieng Ket to get away.

When Quieng Ket was arrested he made a confession in which he told precisely how he had perpetrated the crime at the instigation of Lianting and upon promise of a reward by the latter, which he said had not been paid. After Quieng Ket had been convicted upon his separate plea of guilty, the attorney for the prosecution placed him on the stand as a witness against Sia Lianting. His testimony, however, was disappointing to the prosecution as, though still admitting his own guilt, he said that the crime had been committed on his own initiative, and without his being moved thereto by anyone.

The confession of Quieng Ket is of course not admissible in evidence against the appellant, but it is proper to say that Quieng Ket's story, as told upon the witness stand, with respect to the manner in which he got the P5 to purchase the gasoline, is a manifest fabrication, as the trial judge declared.

Upon the facts above stated, we have no hesitancy in saying that the guilt of the appellant as joint principal and coauthor by induction of this crime is fully established. We concede full credence to the testimony of Isabel Jamilaren, given under circumstances extremely trying to her, since she was speaking the words that would consign to prison a man who was the father of her children and to whom she was evidently devoted. The conduct of Lianting in procuring and placing the gasoline where it would be accessible to his agent is incompatible with the possibility of his innocence. His anxiety to get Quieng Ket out of the community before he should be arrested, as shown by the message which Lianting attempted to send through Gabriel Arcangel, indicates his guilty conscience. The enmity entertained by Lianting against Bungco supplies the necessary motive to the crime.

It results that the lower court committed no error in finding the appellant guilty; but as to the qualification of the offense, we are of the opinion that the judgment entered by the lower court requires modification.

The offense of arson committed in this case would have been punishable under article 549 of the Penal Code, if all of the ingredients of the offense there defined had been stated in the information. The information, however, contains no allegation that at the time the fire was set the accused knew it to be occupied by one or more persons. Knowledge of this fact on the part of the incendiary is a qualificative element in the offense defined in article 549, and without an allegation of such fact, conviction under said article cannot be sustained (*People vs. Macalma*, 44 Phil., 170). The offense of arson charged in the information must therefore be penalized, in view of the amount of damage done, under subsection 2 of article 550 of the Penal Code. But the proof shows that the same act of arson resulted in homicide, as one of the occupants of Bungco's house was burned to death. This homicide is sufficiently charged in the information and the situation resulting from the concurrence of the two offenses must

be dealt with under article 89- of the Penal Code, which prescribes that, in a combination of two or more crimes, when one offense is a necessary means for committing the other, only the penalty for the more serious crime shall be imposed, the same to be applied in its maximum degree. In accordance with this provision, the appellant can only be sentenced to imprisonment for twenty years, cadena temporal, with the accessories prescribed in article 56 of the Penal Code,

The appealed judgment must therefore be modified by substituting twenty years, cadena temporal, with accessories for the cadena perpetua imposed by the lower court.

With respect to the obligation of the appellant to indemnify the injured parties, the judgment will be affirmed, with costs, So ordered.

Avanceña, C. J., Villamor, Ostrand, Johns, Romualdez, and Villa-Real, JJ., concur.

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.