

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO CRUZ Y PEÑA, DEFENDANT-APPELLANT.*G.R. No. 54183. February 25, 1985*

Ponente: CUEVAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-54183/>**CUEVAS, J.:**

This is an automatic review of the decision of the then Court of First Instance of Davao City-Branch I, in Criminal Case No. 2623, convicting REYNALDO CRUZ y PEÑA of the crime of ARSON defined and penalized under Article 326-A of the Revised Penal Code and imposing upon him the death penalty. Appellant was also ordered to indemnify the heirs of the victim in the amount of P48,000.00; to pay P100,000.00 representing damages to the properties of Gregorio Nacario and the other victims plus P20,000.00 moral damages.

Gregorio Nacario is the owner of a two-storey residential house situated at the corner of Bonifacio Street and Quezon Boulevard in Davao City. Pursuant to a verbal contract of lease, appellant Reynaldo Cruz occupied a portion of the ground floor of said house where he lived with his family. The second floor is utilized as the family residence of the Nacarios. Their grandchildren live with them there.

Sometime in the early part of July 1975, appellant's wife had a miscarriage. He was caught burning the fetus right at their kitchen where they do their cooking chores. Because of this, Gregorio scolded appellant.

Then again, sometime in January 1976, the toilet downstairs of Nacario's house was almost burned. Appellant was the last person seen using said toilet. He lifted no finger nor helped in putting out the fire. For his misdeed, again he was reprimanded by Gregorio Nacario.

Finally, sometime in April 1976, the grandchildren of Nacario, peeping through the wall, saw the accused inside his rented place in a compromising situation with one Lorna Ruiz. His wife Rosalinda Antalan was then in Manila attending a seminar. Upon knowing of the incident, Nacario called the attention of the appellant and warned him not to carry on with any further immoral activities within his premises.

Because of the foregoing incidents, Gregorio's and appellant's relationship became strained. They were not in talking terms with one another such that appellant had been avoiding Gregorio Nacario. On top of that, he also stopped buying his necessities from Gregorio's store.

At about four o'clock in the morning of May 9, 1976, Gregorio Nacario's aforementioned house was on fire. Upon reports relayed to and received by the Davao City Police Department, Corporal Edilberto Operiano of the Arson and Homicide Section, immediately responded by repairing to the scene of the fire. By the time he arrived at the fire scene, the ground floor of Gregorio's house was almost already eaten up by fire. The upper floor portion, however, was still intact.

Geronimo Mon of the Davao Fire Department also responded to the fire alarm by immediately proceeding to the fire scene. He was there at about 4:30 in the morning of that day, May 9, 1976. Analyzing the smoke and color of the fire, Corporal Operiano and Mon concluded that the same was caused by inflammable materials possibly

gasoline, kerosene or other petroleum products.

The fire that ran unabated for a couple of hours ate up the entire house of Gregorio Nacario. His daughter Perla Panal and two grandchildren, Rafael Panal II and Rafael Panal III, who were then staying with him upstairs together with May Maglunob, a housemaid of theirs, all perished in that calamity. Their bodies were found charred beyond recognition.

Investigation immediately conducted at the fire scene by the police showed that at about four o'clock in the morning of that day, May 9, 1976, appellant was seen by Dominador Olang, Jr. who was then fetching water from the house of Gregorio Nacario, standing at the back of Nacario's house. At first, Olang, Jr. smelled gasoline and on his way back to the bakery where he works, he was surprised to see the house of Nacario already burning. It was at that juncture when he saw the appellant coming out of the house where the latter was staying and ran towards Claveria Street. Modesto Alipio, a street sweeper of Davao City, who was then on his job that early morning, also saw appellant standing by the door of his place. He looked around and saw the house of Gregorio Nacario already burning. Coming out of the said house walking hurriedly towards Claro M. Recto Street, (formerly Claveria) is the herein appellant. Alipio shouted at Gregorio Nacario, telling him that his house was then burning.

Positive and categorical statements of impartial eyewitnesses pointing to the appellant as the probable author of the fire having been obtained, a search was thereafter launched for his apprehension and arrest. The places where he used to be around in Davao City were searched but he could nowhere be found therein. Information later received by the Davao Integrated Police showed that appellant had gone to Manila where he was reportedly hiding. The Davao Police then sought the assistance of the National Bureau of Investigation (NBI) for his arrest and apprehension. Two NBI agents were assigned to track down the appellant: Attys. Isabela Cerña, Jr. and Fedencio Bisnar, who personally know the accused-appellant.

Discharging the mission assigned to them, the two aforementioned NBI agents proceeded to Manila. They conducted surveillance in different places where the appellant was believed to be hiding, one of which is the residence of appellant's parents in Sta. Monica St., Pasay City. After a couple of days of sleuthing, the NBI agents finally spotted accused-appellant coming out of his parents' house. But because he was then sporting a very long hair and a long mustache, and wearing a big and wide colored eyeglasses, NBI agent Bisnar although familiar with him, was a little bit confused as to whether he was really the man they were looking for. Hence, fearful that they might be arresting a wrong man, they did not proceed to effect his apprehension on that occasion. Accused, who, however saw him, ran away and then boarded a taxi.

Having successfully eluded them, they were apparently hopeless for a couple of days. They then devised a scheme whereby they could get hold of their target. A package was addressed by them to the accused with registry notice believing that accused upon receipt thereof will claim and pick up the package. When the postman however delivered the notice to the accused's parents' place, he was informed that the accused had left for Bicol. Hence, the package was returned to the sender unclaimed. Continuing with their hunt for the accused, the two aforementioned NBI agents tried several addresses of the relatives and friends of the accused in Metro Manila where he could possibly be found. They even went to the extent of mounting a telescope at the roof garden of a store as an observation post along the narrow Sta. Monica Street which is about 200 yards from the residence of appellant's parents.

Finally, the NBI agents spotted the accused for the second time at about 11:30 in the morning of October 25. He was then alighting from a sportscar bearing plate No. TN-802 in a very hurried manner and immediately proceeded inside his parents' house. With him in the car at that time was his father and a man who later turnout to

be Jimmy Batongbakal, an uncle of his. A little later, appellant in new and different attire came out and rode in the said sportscar that headed towards the Boulevard.[1] This time, he was already clean shaven and no longer sporting a mustache nor long hair. Pursuing the car bearing the accused, the NBI agents requested two motor cops to help them in the chase. The NBI agents, however, lost track of the car because of heavy traffic. The motor cops nevertheless caught up with the sportscar of the appellant while at a stop at a traffic light. Atty. Bisnar approached the accused who was then very pale and appeared nervous and served him the warrant for his arrest. Appellant was thereafter brought to the NBI office in Taft Avenue. When questioned about the burning of Nacario's house which he was renting in Davao City, appellant answered that Nacario thrice threatened him with a .45 Caliber Revolver because of a quarrel he had with him.[2]

The next morning of October 26, 1976, accused-appellant was reported by the guard at the NBI detention cell to have attempted to commit suicide in the evening of October 25, by slashing his wrist. He was found unconscious on the floor of the detention cell and was rushed to the Philippine General Hospital for emergency treatment. When asked by Atty. Bisnar why he attempted to commit suicide, accused replied that he was afraid to go back to Davao City. On October 30, 1976, accused-appellant was brought back to Davao City to face trial in the Arson case filed against him.

At the trial, Dominador Olang, Jr. and Modesto Alipio reiterated the same version of the incident they gave to the police authorities of Davao City right after the fire. Their story was further corroborated by Eugenio Sergoncillo, who also saw accused-appellant running towards Claveria Street, (now C.M. Recto Street) and who rebutted appellant's testimony that he stayed near the burning house for almost an hour.

All the aforementioned witnesses bear no relation to any of the victims nor to Gregorio Nacario. The evidence on record does not show that they testified in the manner they did because they were coerced nor were they promised anything, and much less because of any evil intent. They bore no grudge against the appellant. In fact, appellant could not even ascribe to any of them any evil motive in taking the witness stand against him. Against that backdrop, we find no reason to doubt their credibility and the authenticity of their story.

Appellant anchors his plea for acquittal on the following grounds:

- "1. That the conflagration was allegedly the result of an accident;
2. That granting that the same was caused by foul means, Rafael Panal, Jr., husband of Perla and father of the two (2) young boys who perished in that fire had a greater motivation than him in committing the crime; and
3. Assuming that the prosecution witnesses were truthful, the evidence adduced were merely circumstantial and did not meet the necessary standard of proof beyond reasonable doubt."

And his version of the case runs thus -

"In the evening of May 8, 1976, he was unable to sleep until about 11:30 in the evening. At dawn, he was awakened by the smell of the smoke and he saw that there was fire (368, t.s.n., Reynaldo Cruz). The smoke and the flames come from the wall near the ceiling. He rushed outside and called for Gregorio Nacario who was then sleeping at the store and when there was no answer from inside the store, he went back inside. The accused got hold of the container for drinking water and splashed the same on the place where there was fire (371-373, t.s.n., Reynaldo Cruz). When he realized that the fire was getting out of control, he went outside in order to call for the fire department. But before going outside, he again attempted to knock on the door of the sarisari store where Nacario was sleeping. The door was already open and he knew therefore that Nacario was already awake. He proceeded to the nearest neighbor who had a telephone (a botica, the owner and the name of which cannot be remembered by the accused), however, nobody responded to his call from inside the botica, in spite of his warning that there was fire next to their house. He proceeded to another neighbor, the house of Dr.

Palasi, which was only about fifteen meters from the burning house of the Nacarios. However, there was a barking dog that barred his entry, so he went to another establishment, the Ponsing upholstery. But before he could reach the said place, there were already many people who had alerted the fire department.

He came back to the house of Nacario in order to save some of his things, but he saw Nacario holding a gun (387, t.s.n., Reynaldo Cruz), swinging the same right and left, pointing to the people who were around in order to prevent their entry. Thus he failed to re-enter and recover some of his things because he was afraid that if he would attempt to get in, Mr. Nacario might not recognize him and fire at him (390, t.s.n., Reynaldo Cruz).

The fire trucks arrived. He could not do anything except watch the burning house. The fire department personnel drove away the people from the scene of the fire. He had to watch helplessly from a distance for a period of about one hour. When he realized that nothing could be saved of his properties, he left towards Claveria Street in order to see his friend. That evening he went to Kaputian, Samal Island to see his mother-in-law and inform her of the incident that befell on the house that they were residing. He stayed in the house of his mother-in-law for two days and on the third day left for Manila in order to follow his wife who had been staying there for more than a month. He told his mother-in-law to advise his wife about the incident in case they would miss each other as it happened, in fact, in this case.

It was upon his arrival in Manila that he was apprised by his parents and relatives that his wife had already gone back to Davao. When he went to Manila, he was not aware that he was a suspect in a case of arson involving the house of Gregorio Nacario (399, t.s.n., Reynaldo Cruz).

On October 25, 1976, he was riding in the car of his uncle, Jimmy Batongbakal, along Roxas Boulevard. His uncle was ordered to stop by the motorcycle policemen and requested to get out of the car. While his uncle was talking with the policemen, Atty. Bisnar approached him. He was asked why he burned the house of Nacario in Davao but he denied the same. The accused claimed that that was the first time that he knew that he was a suspect in the arson case (410, t.s.n., Reynaldo Cruz). He was brought to the detention center at Taft Avenue without his consent. He was not informed by Atty. Bisnar and his companion that he was under arrest.

He pleaded with the guards at the detention cell that he be allowed to notify his parents of being in jail, but the guard answered him that there was an instruction not to allow him to communicate with anyone outside the jail. He was, however, able to contact a visitor to communicate with his parents who were staying only about ten blocks from the NBI detention center. Said visitor consented to bring a written note addressed to his parents.

Because his parents failed to see him in the afternoon of the same day, he became extremely worried. He could not sleep the whole night. At around 11:00 o'clock in the evening, two men came to his cell and brought him upstairs for investigation. He was forced to sign a blank paper consisting of four sheets and when he refused, the two investigators started boxing him. The maltreatment did not last long because another man followed and told the investigators that he was to be brought to Davao City. He overheard one of them saying that he was going to be "salvaged" which he understood to mean that he would be secretly liquidated (415-418, t.s.n., Reynaldo Cruz).

He could not sleep when he was brought back to his cell because of the information that he was to be brought to Davao City without the knowledge of his parents. At dawn, he decided to break a glass and with the same, he slashed his wrist in order to compel the prison authorities to bring him to the hospital. He was certain that in the hospital he could find ways to contact his parents (421-422, t.s.n. Reynaldo Cruz). Because of loss of blood, he became unconscious and consequently brought to the hospital at about 6:00 o'clock in the morning. When he recovered consciousness at the hospital, he was able to talk with radiomen who offered to communicate with his parents. At ten o'clock in the morning of October 26, 1976 he was brought back to the detention cell. His parents visited him there and he informed them that he was detained without a warrant as a suspect in the burning of the house of Gregorio Nacario. His uncle, Jimmy Batongbakal, who was his companion when he was picked up by the NBI agents, visited him in the afternoon of October 26, 1976. Six

days later, he was brought to Davao City."[3]

There is no question that the evidence in the case at bar is purely circumstantial since no eyewitness who had seen accused-appellant set the house of Nacario on fire, was ever presented.

Circumstantial evidence to be sufficient for conviction requires: 1) that there is more than one circumstance; 2) that the facts from which the inferences are derived are proven; and 3) the combination of all the circumstances is such as to produce a conviction beyond a reasonable doubt.[4]

The reviewed and judiciously and evaluated evidence on hand establishes all aforementioned requisites. First, there is more than one circumstances, and they are -

- 1) Presence of the accused-appellant at the scene of the crime before and at the time the fire started;
- 2) Moving out hurriedly and running away from the burning premises;

both of which circumstances, as in herein earlier pointed out and discussed, appeared duly established and proven by the combined testimonies of Dominador Olang, Jr., Modesto Alipio and Eugenio Sergoncillio. In fact, Sergoncillio testified further that previous to the burning of Nacario's house, he called appellant once having intimated to him his resentment against Nacario because of the manner the latter had been treating him (appellant). On that occasion, appellant being in his off-guard moment, recklessly hinted that he will burn Nacario's house. Sergoncillio however dismissed the said settlement as a mere passing and casual treat made by one in heat of anger.

Standing alone, appellant's presence at the fire scene may have no meaning at all since he since he lives in the said place being the tenant of Nacarios. But taken together with the another succeeding with the circumstances enumerated and discussed hereunder, his presence and hurriedly running away from the burning premises acquire a different color and greater significance. It makes certain that his running away from the fire scene was not merely to seek sanctuary to a safer place. Otherwise, he would have come back in order to retrieve whatever belongings of his remained in his aforementioned rented place which may possibly be salvaged, or at least, determine and find out what happened to them. But he did not do so.

He insists that he attempted to go back of his place but allegedly seeing Nacario with a gun in hand and fearful that he might be fired upon, he did not persist. As correctly observe by the trial court, however, the vicinity where the fire occurred is thickly populated area. At the time, people by the hundreds, mostly residents of the neighborhood and for varied reasons, conglomerated at the fire scene. And yet, out of those hundreds of residents, not a single witness was presented by the appellant to corroborate his highly incredible story.

3) Flight - It is not controverted that appellant could nowhere be found nor located in Davao City after the fire. Immediately thereafter, he left Davao City to the extent of abandoning his job and without leaving a word or so with anyone, not even to his employer, Antonio Castillo, as to where he was going and his reason for doing so. He immediately went into hiding in Manila where he continuously and successfully played hide and seek with the police authorities, thereby concealing his identity in the process, disguising himself by sporting a long hair and long mustache and wearing colored eyeglasses to confuse and mislead the police authorities thus avoiding arrest and apprehension for a period of almost six (6) months. Flight is considered as evidence tending to establish guilt.[5] It does not lend credence to and is in fact inconsistent with a plea of innocence.[6]

4) Indifference and unperturbed attitude towards the fate suffered by the victims - It is not disputed that appellant did not even commiserate nor condole with the bereaved family and relatives of the victims. He did not attend their wake nor paid them a visit while their remains lie in state at the funeral parlor in Davao City, much less attended their funeral. With the tragedy into which his housemates had fallen, the very least that is expected of him as a housemate, friend or acquaintance in keeping with the Filipino customs and traditions, was to commiserate and condole with the victims' family to assuage their grief in their hour of sorrow and

bereavement. But he did not do so and no explanation whatsoever for such a glaring omission appeared given by him on record. The feeling of guilt permeating his conscience then and fear of reprisals from the relatives of the victims must have prevented him from coming back to Davao City.

5) Motive - Serious misunderstanding, strained relationship undoubtedly exist between appellant and his landlord Gregorio Nacario. These were brought about by the unsavory incidents leading to confrontations between them prior to the fire of May 9, 1976, so much so that they have not been in speaking terms with one another. In short, a no-love-lost relationship existed between Nacario and the appellant. It is but natural therefore that appellant could not reasonably be expected to be good to the Nacarios, and considering all those previous incidents between them, it is not surprising for the appellant to take the law unto his hands in order to settle a score against the Nacarios. Enough motive supports such a reaction.

All the foregoing circumstances, as correctly found by the Trial Court, were duly proven by the evidence on record. Inseparably linked with one another, they point to no other conclusion but that accused is guilty beyond reasonable doubt of the crime with which he is charged.

By way of salvaging his lost cause, appellant claims that the fire was accidental; and that Rafael Panal, husband of Perla Nacario Panal and father of Rafael Panal II and Rafael Panal III, has a greater motive than him (appellant) to burn Nacario's house. Our examination and review of the records of this case, however, failed to show the existence of even a mere scintilla of evidence establishing said claims. Appellant did not present any evidence categorically establishing the same. He contented himself with merely attempting to discredit investigators Cpl. Operiano and Mon and nothing more. Both investigators, however, in conducting the investigation, proceeded with an open mind working on various theories and finally arrived at the conclusion that there was arson only after assessing the evidence gathered in that investigation.

And furthermore, the defense evidence is also totally bankrupt of any reason as to why the Nacarios would lay the blame on appellant's shoulder for such a detestable crime if Rafael Panal was really the author thereof, which make appellant's stance too unpalatable to be accepted as true.

The Trial Court found accused-appellant GUILTY of the crime of ARSON, defined and penalized by Article 326-A of the Revised Penal Code which reads:

"Art. 326-A - In cases where death resulted as a consequence of arson. - If death resulted as a consequence of arson committed on any of the properties and under any of the circumstances mentioned in the preceding articles, the court shall impose the death penalty."

and accordingly sentenced the accused to the capital penalty of DEATH.

In view, however, of the absence of the necessary votes, the penalty next lower in degree to that of death which is Reclusion Perpetua with all its accessories, is hereby imposed upon the appellant.

As regards the civil aspect, the award is hereby modified. Appellant is hereby ordered to indemnify the heirs of each victim in the amount of P30,000.00.

WHEREFORE and except as thus MODIFIED, the judgment appealed from is hereby AFFIRMED.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., and de la Fuente, JJ., concur.

[1] TSN, Volume I, page 210.

[2] Pages 215-216, TSN.

[3] Pages 11-14, Decision.

[4] Rule 133, Section 5 of the Rules of Court; *People vs. Ultrela*, 105 SCRA 497.

[5] *People vs. Samonte*, 64 SCRA 319; *People vs. Maranan*, 124 SCRA 716.

[6] *People vs. Ursal*, 121 SCRA 409.

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.