THIRD DIVISION

[G.R. No. 229103, March 15, 2021]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICHARD PUGAL Y AUSTRIA, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

After a careful review of the records of the case and the issues submitted by the parties, this Court finds no error committed in the assailed Decision.[1] The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Richard Pugal is indeed guilty of the crime of Destructive Arson. The issues and matters raised before this Court, were the same as those raised in the Court of Appeals, which have been sufficiently addressed and correctly ruled upon.

Richard A. Pugal was charged with the crime of destructive arson, defined and penalized under Article 320 of the Revised Penal Code, in an Information that reads:

> That on or about the 1st day of January, 2009 and in the nighttime, in the city of Vigan, province of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully and feloniously set on fire the building FQ Store owned by FLORENCIO QUE y SY, an inhabited place and Storehouse of inflammable materials by using lighter mother rocket or 'kwitis' and directed it to the merchandise, thereby causing the immediate explosion and burning of the merchandise worth THREE MILLION PESOS (P3,000,000.00) more or less and the building which resulted to (sic) the death of FLORENCIO QUE y SY, and to the damage and prejudice of said owner and his family in the amount of P3,000,000.00 more or less.
>
> Contrary to law.[2]

Pugal pleaded not guilty during arraignment.[3]

During the pre-trial conference, the parties stipulated on the following facts:

1. The jurisdiction of the court is admitted.
2. The identity of the accused as the one who was charged and arraigned under the Information is admitted;
3. The accused is a resident of Barangay Capangpangan, Vigan City, Ilocos Sur;
4. The accused together with Benjieboy Vicente arrived at FQ store before the store was set on fire;
5. The accused was holding a mother rocket or kwitis when he arrived at the FQ store;

6. The accused lit the mother rocket;
7. The incident subject matter of the instant case happened on January 1, 2009 on or about 12:00 o'clock in the morning which was New Year's Day;
8. It was natural to see people holding firecrackers at the time because it was New Year;
9. The accused and the victim did not personally know each other;
10. The companion of the accused, Benjieboy Vicente, went inside the FQ store to buy cigarettes.[4]

Trial on the merits ensued.[5]

The testimonies of Ferdinand and Franklin Que, the owners of FQ Grocery Store; Reynante Rebamonte, a helper in the grocery store; and Police Officer 3 (PO3) Joseph Rivad[6] established the following facts:

At about 11:00 p.m. of December 31, 2008, the brothers Ferdinand and Franklin were attending to their store, FQ Grocery, along Salcedo Street in Vigan City, Ilocos Sur.[7] FQ Grocery was licensed to sell firecrackers and pyrotechnics devices.[8]

Two men, Benjieboy and Pugal, arrived on board a motorcycle. Benjieboy entered the store while Pugal, who was holding a mother rocket (kwitis), remained outside. [9]

Pugal, while holding the firework slanted towards the fireworks display in front of the store, lighted its fuse with his cigarette,[10] and said: "Happy New Year!"[11] Franklin tried to stop Pugal, but the device had already flown towards the mother rocket on display at the store.[12] The sparks coming from FQ Grocery's mother rocket caused explosion of the other fireworks displayed.[13] Since the building where FQ Grocery was located was made of wood, it was easily razed by fire.[14] Pugal attempted to escape, but was chased and subdued by Franklin and Rebamonte.[15]

Upon hearing the explosion, PO3 Rivad who was in the vicinity, proceeded to the area. [16] He saw Franklin restraining Pugal.[17] After informing Pugal of his constitutional rights, PO3 Rivad brought him to the police station for investigation, and later on to Gabriela Silang General Hospital for medical examination.[18] The charred remains of Florencio, the father of Ferdinand and Franklin, were recovered inside the store.[19]

For his part, Pugal waived his right to present evidence and merely opted to file a Memorandum.[20]

In a Decision[21] dated May 6, 2014, the Regional Trial Court, Branch 20, Ilocos Sur, Vigan City convicted Pugal of destructive arson. The Regional Trial Court ruled that intent was established from the external acts of the accused in lighting his firework and pointing its stick towards the displayed mother-rocket and many pyrotechnics at the store.[22] Also, instead of helping the victims, the accused tried to escape; and never returned, nor apologized to the Que family.[23]

The Decision disposed thus:

> WHEREFORE, premises considered, the court finds the accused RICHARD PUGAL y AUSTRIA, GUILTY beyond reasonable doubt of the offense charged in the Information, hereby sentencing him to ***RECLUSION PERPETUA without eligibility of parole***.
>
> He is hereby ordered to pay the heirs of Florencio Que in the amount of P100,000.00 as actual expenses for the deceased's funeral, P50,000.00 as moral damages and P100,000.00 as temperate damages.
>
> The Branch Clerk of Court is directed to prepare the ***MITTIMUS***.
>
> SO ORDERED.[24]

On Pugal's appeal, the Court of Appeals (Special Eighth Division) affirmed the Regional Trial Court's judgment convicting Pugal of destructive arson, but modified the award of damages by adding civil indemnity of P75,000.[25] The Court of Appeals held that "the prosecution was able to establish that Pugal intentionally caused the fire that burned FQ Grocery resulting in the untimely demise of Florencio."[26]

Accused-appellant filed a Notice of Appeal.[27]

In its Resolution dated February 3, 2016,[28] the Court of Appeals gave due course to appellant's notice of appeal and directed the elevation of the records to this Court for further review.

Both parties filed manifestations[29] that they would no longer file supplemental briefs.

The Court resolves the issue of whether or not the intent to commit the crime of destructive arson was proven beyond reasonable doubt.

In his appeal, accused-appellant asserts that the prosecution has not established his intent to cause the crime charged.[30] He adds that the following circumstances, negating the presence of intent, were not considered by the Regional Trial Court.[31]

First, accused-appellant "aimed the rocket towards the fireworks display, which was not in the FQ grocery store[,]" but was "merely near the store."[32]

Second, accused-appellant apparently "did not know how to properly handle a mother rocket,"[33] which even exploded in his hands.

Third, "the act of lighting the rocket was a form of celebration," done a few minutes before midnight on New Year's Day with the accused uttering "happy new year."[34]

Fourth, Franklin's warning not to fire the rocket came too late as the rocket "had already flown towards the fireworks display."[35] Moreover, "there is no clear

evidence that the accused-appellant understood the warning made."[36]

Fifth, "there is no motive on the part of the accused-appellant to cause any damage or death to the private complainants."[37] Further, "none of the store owners and employees even knew the accused prior to his arrest."[38]

Sixth, the accused's act of running away from the fire, and his "failure to help the people inside the building, is a normal human reaction[.]"[39]

Seventh, the trial court's statement that "the accused may have thought he was starting a joke to welcome the New Year" is contradictory to its conclusion that there was intent to cause fire to the building and death.[40]

Accused-appellant contends that the foregoing circumstances show that the fire was an "unfortunate accident[,]" an unintended outcome.[41] Hence, he should be exempted from criminal liability under Article 12(4)[42] of the Revised Penal Code; or be meted a lower penalty as provided under Article 67[43] of the Revised Penal Code. Alternatively, accused-appellant asserts that under Article 13(3)[44] of the Revised Penal Code, the circumstance of lack of intent "to commit so grave a wrong as that committed may be considered to mitigate [his] liability."[45]

I

Article 320[46] of the Revised Penal Code, as amended by Republic Act No. 7659, considers as destructive arson the malicious burning of buildings and structures, both public and private, including a storehouse or factory of inflammable or explosive materials, by any person or group of persons. In arson, the *corpus delicti* rule is generally satisfied by proof of the bare occurrence of the fire and its intentional causation.[47]

Intent, being a mental act, is deduced from the external acts performed by a person. There is a presumption that one intends the natural consequences of his act.[48] Here, it was shown that accused-appellant deliberately lit a mother rocket, which was directed and flew towards the fireworks displayed at the store and caused an explosion that burned the building to the ground.

As found by the Court of Appeals:

> [T]here was intent on the part of appellant to cause the fire. He directed the mother rocket he was holding towards the other mother rocket which was on display at the grocery store. Naturally, when the mother rocket which he launched ignited the store's mother rocket, the sparks coming therefrom lit the other pyrotechnic devices such as the fountain, luces, small firecrackers, mother rocket and *bawang* which were all on display on the table just in front of the store. This caused the fire to spread easily in the store which was made only of wood.[49] (Citation omitted)

Accused-appellant's very act of lighting the rocket in front of the store and pointing it towards the mother rocket and other fireworks on display show a "reckless

disregard for human lives"[50] and property. The natural consequence of accused-appellant's act is the burning of anything remotely near such collection of dangerous and flammable materials.

Accused-appellant did not present any evidence from which the Court may consider the cause or motive that impelled him to act as he did. Neither did the circumstances allegedly overlooked by the Regional Trial Court sufficiently show his lack of intent to burn the store. Had it been true, as contended by accused-appellant, that the fire was an accident, he could have helped the store owners put out the fire.[51] Instead, he attempted to escape, but was restrained by Franklin.[52] The Court has held that although flight does not create a legal presumption of guilt, nevertheless, it is admissible in evidence against the accused. If not satisfactorily explained in a manner consistent with the accused's innocence, the same will tend to show his/her guilt for the crime charged.[53]

Accused-appellant is undoubtedly responsible for the burning of the store, which resulted in the death of Florencio.

II

For accused-appellant's claim of lack of intent to commit "so grave a wrong"[54] as a mitigating circumstance to be appreciated, there must be a "notable and evident disproportion between the means employed... and its consequences."[55]

In one case,[56] the Court refused to consider this mitigating circumstance because the *acts employed by the accused were reasonably sufficient to produce and did actually produce* the death of the victim. In that case, the single stab wound -- by reason of its location and severity - was found sufficient to kill the victim, as in fact it did kill him.

The act of accused-appellant in lighting the mother rocket was reasonably sufficient to cause fire to the building. The Regional Trial Court held:

> It was overwhelmingly established that Fugal arrived at FQ store holding his own mother-rocket and a cigarette. There was a big signboard "no testing no smoking" in front of the store to warn all customers that testing of firecrackers and smoking were strictly prohibited in the area. But despite the warning sign, and despite the very obvious fact that FQ store was full of firework merchandise on display, the accused still had the temerity of lighting his own firework and even pointing its stick towards the displayed mother-rocket and many pyrotechnics at the store. This act of the accused connotes no other meaning than malice and intention to cause fire. Unless the accused has no mind of his own or [is] as innocent as a three-year-old boy, there is no justification for his conduct of lighting a fire-causing firework within the surrounds of as much fire-hazard products. Also, the court notes the fact that the accused, instead of helping the victims while on panic to put out the flame, tried to escape if not caught by Franklin Que. He also never returned, not even apologized to the Que family for what he had caused. This all the more shows his intent to cause the fire that gutted the building and killed the store owner.[57]