

SECOND DIVISION

[G.R. No. 185282, September 24, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENJAMIN BRAVO Y ESTABILLO, ACCUSED-APPELLANT.**

D E C I S I O N

PEREZ, J.:

Before us is an appeal from the Decision^[1] dated 27 May 2008 of the Court of Appeals, which affirmed the judgment of the Regional Trial Court^[2] (RTC) of Bauang, La Union, Branch 33, finding appellant Benjamin Bravo y Estabillo guilty of arson.

On 17 August 1989, an Information was filed against appellant charging him with Arson with Double Murder, committed as follows:

That on or about 9:30 P.M. of August 10, 1989, at Brgy[.] Magungunay, Municipality of Naguilian, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused motivated by anger, hatred and other evil motive and with intent to destruct (sic) life and property, did then and there wilfully, unlawfully and feloniously set on fire the house of MAURO CAMACHO, which causes (sic) said house to be razed to the ground and during the occasion thereof, one Mrs. Shirley Camacho and her four month old son Jerickson Camacho was trapped during the fire which causes (sic) their instantaneous death, and also the house of Dominador Camacho was also gutted down by the fire which comes (sic) from the house of Mauro Camacho, with a total losses of damages (sic) amounted to FOUR HUNDRED THOUSAND PESOS (P400,000.00) Philippine Currency, to the damage and prejudice of the offended parties.^[3]

Mauro Camacho (Mauro) was a resident of *Barangay* Magungunay, Naguilian, La Union. He lived in a two-storey house with his three (3) children: Merlita, Mauro, Jr. and Fidel; daughter-in-law Shirley, and grandson Jerickson. Mauro's bedroom occupied the southwest portion of the second floor; Merlita's room was on the north beside the stairs; Shirley and Jerickson on the northwest corner, and Mauro, Jr. slept on the *sala*, directly opposite Merlita's room.^[4] The ground floor of the house contained a pile of tobaccos, lumber, container of *palay*, and water pump.^[5]

On 10 August 1989 at around 9:30 p.m., Mauro, now deceased, was lying in bed inside his bedroom on the second floor of the house when he heard gunshots.^[6] He then heard appellant calling for him to come down.^[7] When Mauro did not heed

appellant's call, the latter went up the stairs, pointed a gun at Mauro, and demanded that he bring out the *akusan*, apparently an object used in witchcraft. Appellant was accusing Mauro of putting a curse on the latter's father, who at that instance, was sick.^[8] Mauro remained tight lipped prompting appellant to turn around. On his way down the stairs, appellant supposedly uttered: "I will burn you all. All of you will die." About fifteen (15) seconds thereafter, Mauro saw a big fire on the second floor coming from the northwest, in particular, the room of Shirley and Jerickson. While the fire was spreading, Mauro, together with his children Merlita and Mauro, Jr. were able to jump out of the window in the south.^[9]

Fidel Camacho (Fidel), the husband of Merlita, was attending a wake of his brother-in-law at the adjacent barrio located one kilometer away from *Barangay* Magungunay, Naguilian, La Union when he heard gunshots at around 8:30 p.m. Fidel immediately ran home and saw the house burning. He was met by his father, Mauro, who informed him that his wife and son perished in the fire.^[10]

Alejandro Marzan (Alejandro), Mauro's brother, was also attending the same wake when he heard gunshots. When he went out of the house, he already saw the fire razing in the north. While running towards the direction of the fire, Alejandro saw appellant who was holding a gun and running towards him. Instead of heading towards appellant, Alejandro changed his path and passed through a ricefield. Alejandro reasoned that he intentionally avoided appellant because not only was the latter carrying a gun, but that he had knowledge that appellant was accusing Mauro and his family of practicing witchcraft.^[11] When Alejandro reached the house of Mauro, he saw it was already razed to the ground while the house of Dominador Camacho was still burning. He asked Mauro about the fire and the latter pointed to appellant as the one who came to the house pointing a gun at him and threatening to burn them.^[12]

Fidel presented a list of the burnt personal belongings amounting to P27,000.00;^[13] a receipt covering the burial expenses for his wife and child amounting to P10,800.00;^[14] a tax declaration of the burnt house;^[15] and photographs of the house razed by the fire and the charred remains.^[16]

In his defense, appellant denied burning the house and interposed *alibi*. He narrated that on 10 August 1989, he was at *Barangay* Magleva, San Fabian to accompany his father for treatment by a faith healer. He spent the night with his father, mother, and cousin at the convent. He arrived at Naguilian only on the following day at around 12:00 p.m. The police came to appellant's house at 1:00 p.m. to arrest him. On the way to the municipal hall, they passed by the burnt house and he helped in carrying the remains of the burnt victims.^[17]

Appellant's father, Agripino, and cousin Carolino Estabillo, corroborated his statement.^[18] *Barangay* Captain Wilfredo Gundran testified as to appellant's good moral character. He knew appellant since birth and attested that appellant is a law abiding citizen, of good moral character and a reliable person in the *barangay*.^[19] Jimmy Sabado, the school principal at Magungunay Elementary School stated that appellant was the President of the school's Parents Teachers Association and that he has not observed any wrongful action on the part of appellant in the eight (8) years

that he knew him.^[20]

After trial, appellant was found guilty by the trial court of arson in a Decision dated 16 July 2002, the dispositive portion of which reads:

WHEREFORE, the prosecution having established the guilt of the accused with moral certainty for the crime of ARSON punishable under Section 5, P.D. No. 1613, the Court hereby sentences the accused BENJAMIN BRAVO Y ESTABILLO, to suffer the penalty of Reclusion Perpetua; to indemnify the offended party Fidel Camacho the following amounts:

- a) Php20,000.00 as nominal damages;
- b) Php100,000.00 as death indemnity;
- c) Php100,000.00 as moral damages.

To Mauro Camacho, the amount of Php50,000.00 as nominal damages; to Dominador Camacho, the amount of Php30,000.00 likewise as nominal 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 prescribed under Art. 29 of the Revised Penal Code, as amended.^[21]

The trial court relied on circumstantial evidence to convict appellant of arson.

The appellate court affirmed the factual findings of the trial court and agreed that the circumstantial evidence proved beyond reasonable doubt that appellant had set the houses on fire. In addition, the appellate court awarded exemplary damages of P50,000.00 to Fidel for the death of his wife and child. The dispositive portion of the Decision reads:

WHEREFORE, the DECISION DATED JULY 16, 2002 is AFFIRMED subject to the MODIFICATION that in addition to the monetary damages decreed the accused is ordered to pay exemplary damages of P50,000.00 to Fidel Camacho, the surviving heir of Shirley Camacho and Jerickson Camacho.

^[22]

On 19 January 2009, 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 stating that they would no longer file any supplemental briefs and instead adopt their respective briefs before us.^[23]

Appellant for his defense capitalizes on *alibi* as supposedly supported by numerous witnesses. He dismisses the prosecution's evidence as merely circumstantial and not enough to convict him of the crime imputed. Citing *People v. Ochate*,^[24] appellant parroted the guidelines in the appreciation of circumstantial evidence without however offering any explanation as to how these guidelines were disregarded.

On the other hand, the OSG enumerated the chain of events which established the elements of the crime of arson and lead to the identification of appellant as the arsonist. The OSG also assails appellant's *alibi* as weak and corroborated by partial witnesses.

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.^[25]

The occurrence of the fire was established by the burnt house,^[26] the charred bodies of the two fire victims^[27] and testimonies of prosecution witnesses. As to the identity of the arsonist, no direct evidence was presented. However, direct evidence is not the sole means of establishing guilt beyond reasonable doubt. Section 4 of Rule 133 of the Rules of Court provides:

Section 4. *Circumstantial evidence, when sufficient.*- 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.

The reason for this rule was highlighted in *People v. Gallarde*^[28] and reiterated in *People v. Gil*,^[29] thus:

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.

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.^[30]

We fully agree with the Court of Appeals that the following circumstances form an unbroken chain that point to no other than that appellant is the arsonist, to wit:

First: Prior to the burning incident, the Bravo family, including the accused, had denounced Mauro Camacho and his wife of engaging in witchcraft. The Bravos blamed the witchcraft to be the cause of the illness of the father of the accused.

Thus:

Q: Namely, who are these members of the family of Bravos who are blaming Mauro Camacho and his wife as witches?

x x x

[x]

A: That one sir (the person pointed to by the witness standing up and when asked by the Interpreter, said person gave her name as Lourdes Bravo); that one also, sir (the witness pointing to the man who also stood up and when asked by the Interpreter, he gave his name as Agrifino [sic] Bravo); that one, sir, (the witness pointing to the accused Benjamin Bravo who also stood up); and that one sir (the witness pointing to another woman who stood up and when asked by the Interpreter, she gave her name as Leticia Bravo).

Second: A week after the rumors had spread that Mauro Camacho, Sr. and his wife had subjected the father of the accused to their witchcraft, their house got burned downed.

Thus:

Q: How many days before August 10, 1989 that you were informed that you were - that the father of Ben Bravo was blaming you as the one who employed witchcraft on him?

A: Less than one (1) week, sir.

Third: The accused was present at the scene of the crime at about 9:30 pm on August 10, 1989, daring Mauro Camacho, Sr. to go down from his house. The accused himself even went up the house of the Camachos and pointed his long firearm at Mauro[,]
Sr.

Thus:

Q: On August 10, 1989 at around 9:30 O'clock [sic] in the evening, where were you?

A: I was in our house, sir.

x x x

[x]

Q: On that particular date[,], time and place, what were you doing in your house at *Barangay* Magungunay, Naguilian, La Union?

A: I was already lying down about to sleep, sir.

Q: And while you were lying down what happened if any?