

SECOND DIVISION

[G.R. No. 180448, July 28, 2008]

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. BUDOY
GONZALES Y LACDANG, APPELLANT.**

D E C I S I O N

TINGA, J,:

Before us is an appeal from the Decision^[1] dated 31 July 2007 of the Court of Appeals,^[2] which affirmed with modification the judgment^[3] of the Regional Trial Court (RTC) of Sorsogon, Sorsogon, Branch 53,^[4] finding appellant Budoy Gonzales y Lacdang guilty of arson.

On 4 March 1997, an information for arson was filed against appellant.^[5] Two (2) days later, the information was amended to specify the charge as destructive arson under Article 320, Section 10, as amended by Presidential Decree No. 1613 and Republic Act No. 7659 committed as follow:

That on or about October 4, 1996, at Barangay Piot, Municipality of Sorsogon, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, willfully, unlawfully and feloniously did then and there burn the building/residential house of Salvacion Salvacion by setting fire on the anahaw roof of said house which was then inhabited, the same being used as the dwelling cum store and boarding house of said private offended party, her family and her boarders, and being then situated in a populated and congested area, which destruction caused damage amounting to P50,000.00 to the prejudice of the private offended party.

CONTRARY TO LAW.^[6]

Trial commenced following appellant's entry of a "not guilty" plea.

The prosecution presented Salvacion Loresto (Salvacion), private complainant and lone eyewitness, to give her account of the events that transpired on 4 October 1996. She lives with her family in a house a part of which is being rented out to boarders, and owns a store located in the same house. She narrated that on 3 October 1996, at around 1:15 p.m., appellant went to her store and threatened her with the following words: "[If] You did not stop reporting to the police, I am going to kill you and set your house on fire."^[7] The threats purportedly stemmed from a suspicion that Salvacion was the one reporting the *jueteng* operations in the area. Appellant apparently works for the suspected *jueteng* operator. After she was threatened, Salvacion sought assistance from the police. Captain Clet and two other policemen were dispatched to Salvacion's house to monitor the activities of appellant. At around 8:00 p.m., one of the policemen ordered Salvacion to close her

store because appellant was then at a drinking session few houses away. [8]

At 3:30 the following morning, Salvacion saw appellant emerge from the house where the latter was last seen drinking. She then saw him cross the street and proceed to her house. She claimed that appellant picked something up which he then wrapped inside an *anahaw* palm, left it by the corner of her store and set her house on fire. She immediately woke the occupants of the house and shouted for help. At that time, the policemen, who were positioned five (5) meters away from the house, ran after appellant [9] while the house was totally being razed by fire. The damage was estimated at P50,000.00. [10]

The other witness for the prosecution was PO3 Edgardo Balaoro (PO3 Balaoro), representing the chief of police, who brought the police blotter to the court. The blotter, however, was not formally offered in evidence.

In his defense, appellant denied having burned the house of Salvacion and having delivered threats against the latter. He accused Salvacion of holding a grudge against him because she suspected him of hurling stones at her house. He also presented pictures to show that Salvacion's house was not burned. [11]

After trial, appellant was found guilty by the trial court of arson in a decision dated 28 February 2001, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds accused Budoy Gonzales y Lacdang alias Manuel Jebulan guilty beyond reasonable doubt of the crime of Arson, defined and penalized under Article 320 of the Revised Penal Code as amended by Sec. 2 of P.D. No. 1613 and further amended by Sec. 10(1) of R.A. No. 7659, and there is no aggravating neither mitigating circumstance attendant thereto, accused is hereby sentenced to suffer the penalty of *Reclusion Perpetua* and to pay the sum of P50,000.00 as damages without subsidiary imprisonment in case of insolvency and to pay the costs.

Since the accused has been previously detained before he was bonded, his previous detention shall be taken in full in the service of his sentence.

SO ORDERED. [12]

The trial court gave full credence to the testimony of Salvacion on the grounds that it was corroborated by the police blotter and that there was no showing of any motive on her part to falsely testify against appellant.

In view of the penalty imposed, the case was elevated to this Court for review. However, conformably with our decision in *People v. Mateo*, [13] the case was transferred to the Court of Appeals for appropriate action and disposition. [14]

The appellate court affirmed the factual findings of the trial court and held that the prosecution's lone witness was positive and direct in identifying appellant as the assailant and in narrating the circumstances surrounding the case. [15] The appellate court also did not give weight to the pictures presented by the defense to prove that the house of Salvacion was not burned. It explained that there was no

proof off when the pictures were taken. Neither was the person who took the picture presented as witness.^[16] The appellate court however deleted the award of actual damages for failure of the prosecution to prove the actual amount of loss.^[17]

On 13 February 2008, this Court resolved to accept the present case and to require the parties to simultaneously submit their respective supplemental briefs. Appellant and the Office of the Solicitor General both filed their manifestations stating that they would no longer file any supplemental briefs and instead adopt their respective briefs.^[18]

Appellant argues that the trial court should not have completely disregarded his defense of alibi and denial considering that he was able to prove that Salvacion's house was not burned by the photographs he presented during the trial. Moreover, the conflicting testimonies of Salvacion relating to the fire weakened the case for the prosecution as they were not corroborated by any witness.^[19]

Essentially, appellant maintains that his guilt has not been proven beyond reasonable doubt.

The Office of the Solicitor General, avers that the evidence established the *corpus delicti* as well as the identity of the perpetrator, *i.e.*, that a fire gutted the house of Salvacion and that it was intentionally set on fire by appellant.^[20]

Proof of the *corpus delicti* is indispensable in the prosecution of arson, as in all kinds of criminal offenses. *Corpus delicti* means the substance of the crime; it is the fact that a crime has actually been committed. In arson, the *corpus delicti* rule is generally satisfied by proof of the bare occurrence of the fire, *e.g.*, the charred remains of a house burned down and of its having been intentionally caused. Even the uncorroborated testimony of a single eyewitness, if credible, may be enough to prove the *corpus delicti* and to warrant conviction.^[21]

In the instant case, the trial court found the testimony of Salvacion worthy of credence, thus:

Resultantly guided by the jurisprudence laid down by the Supreme Court in many cases including the above-mentioned cases, this Court is inclined to give credence and weight to the testimony of the private offended party, Salvacion Loresto that she saw the accused that early morning of October 4, 1996 crossed the street and went near their house and got something and placed it inside the anahaw palm and set their house on fire. Thereafter, she woke up the occupants of the house and her neighbors and shouted for assistance. The two policemen detailed in her house that night ran after the accused and he was apprehended and brought to the police station.^[22]

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.^[23]

Appellant has utterly failed to convince this Court to depart from the rule stated above. Indeed, the testimony of Salvacion that she saw appellant set her house on fire is positive and categorical. She testified in a straightforward manner:

Q: Madam witness, on October 4, 1996 at around 3:30 o'clock in the morning, do you remember where you were?

A Yes, sir. I was in my house.

Q What were you doing then?

A I was guarding the accused, because he had already threatened me to commit the said crime.

Q You said you were threatened by the accused, where were you threatened by the accused?

A October 3, 1996 at around 1:15 in the afternoon.

Q Where were you when the accused threatened you?

A I was then inside my house taking my meal.

Q How did the accused threaten you?

A He went to the store and uttered to me in this manner "You did not stop in reporting to the police, I am going to kill you and set your house on fire."

Q Do you want to say that the accused personally talked to you?

A Yes, sir.

Q Now, if the accused is around in this court room, can you point to him to us?

A He is there.

INTERPRETER:

Q Witness pointed to a man in court seated in the front row, wearing a red T-shirt who identified himself as Manuel Jebulan.

x x x x

Q At around 3:30 in the morning of October 4, 1996, do you remember of an unusual incident that happened?

A Yes, sir. There was.

Q What was that incident?

A At around 3:30 I had seen the accused emerged from the place where they were having their drinking session, and the policemen were just five (5) meters from my store.

Q Where were you when you saw the accused?

A I was just at the corner of our house observing whatever action he will do.