

# FIRST DIVISION

[ G.R. No. 248372, August 27, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
AUBREY ENRIQUEZ SORIA, ACCUSED-APPELLANT.**

## R E S O L U T I O N

**PERALTA, C.J.:**

For consideration of this Court is the appeal of the Decision<sup>[1]</sup> of the Court of Appeals (CA), promulgated on April 30, 2019, which affirmed, with modification, the Decision,<sup>[2]</sup> dated November 16, 2015, of the Regional Trial Court (RTC), Branch 7, Cebu City, in Criminal Case No. CBU-95100 which found appellant Aubrey Enriquez Soria guilty beyond reasonable doubt of Qualified Arson as defined and penalized under Section 1, in relation to Section 5, of Presidential Decree (P.D.) No. 1613, otherwise known as the New Arson Law.

In an Information dated February 27, 2012, appellant was charged with Qualified Arson which reads:

That on or about the 22<sup>nd</sup> day of February, 2012, at about 2:06 o'clock (*sic*) dawn, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, did then and there set fire to an inhabited house owned and occupied by Mariano Perez Parcon, Jr. and his family located at Holy Family Village, Barangay Banilad this City [*sic*], causing the said house to be burned including the things inside the said house, and the burning to death of Cornelia O. Tagalog, a house helper of said Mariano Perez Parcon, Jr., as a consequence of the burning of the house.

CONTRARY TO LAW.<sup>[3]</sup>

During her arraignment, appellant pleaded not guilty to the charge. During pre-trial, appellant stipulated on the fact that she was hired by private complainant Mariano Parcon, Jr. and that the hiring was done through Arizo Manpower Services.<sup>[4]</sup>

The prosecution presented, as witnesses, Parcon, Eduardo Umandak, Juanito Octe, Erlyn Arizo, SPO4 Rey Cuyos, Guamittos Logrono and Ryan Christopher Sorote who established the following facts:

Parcon testified that on February 22, 2012, at around 2:00 a.m., he was awakened by the smell of smoke. He stood up and got a fire extinguisher, but when he opened the door, he was met by both heat and smoke. He awakened his wife and children, and they escaped the conflagration through the window fire exit. Subsequently, Parcon positioned himself over the room of the house helpers and called Cornelia Tagalog, but he heard no reply. Meanwhile, the occupants of the first floor were

aided by a village security guard and were able to get out. Firemen responded, but the house was totally burned, causing Parcon a damage in the amount of P2,649,048.72. The firemen recovered the dead body of Cornelia, a helper in the Parcon household. Later on, they noticed that appellant was missing.<sup>[5]</sup>

At around 6:00 a.m., Umandak, one of the neighbors of the Parcons, informed the latter that he recovered a travel bag from a woman who jumped over the fence, and whom he suspected of having stolen it. The woman was also carrying a shoulder bag.<sup>[6]</sup>

Thereafter, the police arrested appellant, and was brought before Parcon for identification. At the precinct, Parcon identified the items recovered from appellant which included a gray shoulder bag, a pouch, a wallet, ladies' things and two (2) cellular phones. Parcon recognized the two cellular phones to be his, while the shoulder bag belonged to Cornelia.<sup>[7]</sup>

Umandak, a resident of Holy Family Village I, testified that at around 4:00 a.m. on the day of the incident, his live-in partner woke him up and told him that there was a girl who was asking for help. When he went out, he saw a girl sitting on a step board of a multi-cab, carrying a black travel bag and gray shoulder bag. The girl, who was later on identified as appellant, informed Umandak that she came from Day-as, Cebu and that her mother asked her to go to Holy Family Village II. Appellant further informed Umandak that she arrived in the village onboard a taxi but disembarked at Tol Jalikan's place, a spot close to the house of Parcon. Appellant then asked Umandak's son to carry the bag and accompany her to Holy Family Village II. Umandak grew suspicious so he got the bag and told his son to go home. Meanwhile, appellant eventually climbed the stairs. Umandak tried to stop appellant, telling her that security guards might shoot her since she was carrying a bag. Appellant, however, still climbed and jumped over the fence to Holy Family Village II but left the black travel bag behind.<sup>[8]</sup>

At around 5:00 a.m., Umandak went over to the burnt house where he learned that one of Parcon's helpers was missing. Umandak then recounted to Parcon his encounter with appellant. When asked to describe the girl, the description matched the description of appellant. Umandak likewise informed Parcon that he recovered a travel bag from the girl which he later on handed to Parcon. The latter then confirmed that the travel bag belonged to appellant. After appellant was arrested, the police showed Umandak a photograph of appellant for identification, who Umandak identified as the girl he spoke with on the day of the incident.<sup>[9]</sup>

The prosecution also presented the testimony of Octe, the common-law partner of Cornelia. He testified that the gray shoulder bag, as well as the transparent pouch, red wallet, perfume, coin purse with keys, handkerchief and lipstick, belonged to Cornelia.<sup>[10]</sup>

SPO4 Cuyos testified that during the investigation, Umandak came forward bringing with him a black travel bag which was later on positively identified by one of Parcon's household staff as belonging to appellant. He also testified that the information gathered pointed to appellant as the suspect as she was the only one who managed to pack her belongings and escape the fire. The police investigators proceeded to Dumlog, Talisay City for the arrest of appellant. Appellant was later on

found in the house of her uncle in Minglanilla, Cebu. When appellant spotted the police officers, she ran and hid at a nearby house where she was eventually arrested. The police were able to retrieve a gray shoulder bag from appellant which contained a red wallet, a coin purse, a perfume, five cellphones, a lipstick and a match.<sup>[11]</sup>

Lastly, witness Sorote of TV5 Cebu and The Freeman News testified that he had covered the fire incident at the Parcons, and that he was able to interview appellant in person after the police arrested her. He testified that during the course of the interview, the appellant admitted to the crime.<sup>[12]</sup>

The appellant denied the offense charged. She narrated that in the morning of February 21, 2012, she wanted to go home because her children were sick. She sought permission from Parcon, but the latter refused. As a result, she escaped at about 9:00 or 10:00 p.m. of the same date through the assistance of Cornelia. As agreed with Cornelia, they told Parcon that they were going out for a snack, but that Cornelia would later return to the house, fetch appellant's things and send her a text message. At 11:00 p.m., appellant did not receive any text message from Cornelia, so she proceeded to Talisay City by riding a taxi.<sup>[13]</sup>

On November 16, 2015, the RTC promulgated its Decision convicting appellant of Qualified Arson. The dispositive portion of the Decision reads as follows:

WHEREFORE, finding the accused, AUBREY ENRIQUEZ SORIA, guilty beyond reasonable doubt of Qualified Arson as defined and penalized under Section 1, in relation to Section 5, of Presidential Decree No. 1613, she is hereby sentenced to suffer the penalty of *reclusion perpetua*, including all the accessory penalties attached thereto, and to pay Marciano P. Parcon, Jr. a temperate damage of P500,000.00 and exemplary damages of P50,000.00, as well as the heirs of Cornelia Tagalog P50,000.00 as compensation for the latter's death and exemplary damages of P50,000.00.

SO ORDERED.<sup>[14]</sup>

In convicting the appellant, the RTC held that the circumstantial evidence that was presented would prove that appellant was the one directly responsible for the burning of the house of the Parcons. *First*, there is no controversy about the fact that the subject house was razed by fire on February 22, 2012. *Second*, appellant made an admission to Sorote, a competent witness who testified thereon, when the latter interviewed her for The Freeman News which was published on February 24, 2012. And *third*, Umandak testified that he caught appellant escaping from the village by jumping over the fence, and the latter's own admission that she did escape, although giving a different reason therefor. As to whether or not the burning was malicious, the trial court held that the appellant's narration - that the fire spread throughout the entire house when she torched her employment documents and that instead of alarming the occupants, she escaped - is enough circumstantial evidence that the burning of the house was deliberate and malicious.<sup>[15]</sup>

Thus, appellant appealed before the CA. On April 30, 2019, the CA promulgated its assailed Decision which affirmed with modification the Decision of the RTC, thus:

WHEREFORE, the appeal is hereby DENIED. The Decision dated November 16, 2015 rendered by the Regional Trial Court, Seventh Judicial Region, Cebu City, Branch 7, in Criminal Case No. CBU-95100 is AFFIRMED with MODIFICATION ordering accused-appellant Aubrey Enriquez Soria to indemnify the heirs of Cornelia Tagalog the amount of P50,000.00 as moral damages, in addition to the damages already awarded by the trial court, and to impose interest at the rate of six percent (6%) per annum from finality of decision until fully paid on the temperate and exemplary damages awarded by the court.

SO ORDERED.<sup>[16]</sup>

The CA affirmed the findings of the trial court that the conviction of the appellant is justified upon circumstantial evidence. The appellate court held that the circumstances point to appellant as the author of the crime. As to appellant's contention that her admission of guilt made before news reporter Sorote should not be considered as it was not done intelligently and was made with coercion, the CA observed that appellant voluntarily agreed to take part in the interview and even provided details on how the arson was committed.<sup>[17]</sup>

Hence, this appeal wherein appellant raises the issue of whether the prosecution was able to establish her guilt beyond reasonable doubt.

### **OUR RULING**

The Court affirms the conviction of appellant.

Section 3 of P.D. No. 1613, otherwise known as the New Arson Law, provides that the penalty of *Reclusion Temporal* to *Reclusion Perpetua* shall be imposed if the property burned is an inhabited house or dwelling. Section 5 of the same law states that if by reason of or on the occasion of the arson death results, the penalty of *Reclusion Perpetua* to death shall be imposed. As such, the elements of the crime are: (a) there is intentional burning; and (b) what is intentionally burned is an inhabited house or dwelling.

In *People v. Gil*,<sup>[18]</sup> appellant therein was convicted of the crime of arson with homicide for willfully setting fire to a residential house by pouring kerosene on a mattress and igniting it with a lighter, directly and immediately causing the death of the person occupying the same. Here, we emphasize the death similarly caused by appellant in deliberately burning the inhabited house of Parcon. Thus, she should likewise be convicted of arson with homicide. According to the trial court, the prosecution positively proved that appellant deliberately set fire on the house owned and occupied by the Parcon family when she burned her employment papers at the home office thereof resulting in the death of the family's house helper. The records reveal that the chain of events before, during, and after the fire established beyond reasonable doubt that the appellant committed the acts alleged in the information.

But contrary to the findings of the trial court, the appellant argues that the circumstantial evidence presented by the prosecution was insufficient to convict her for the crime charged. Appellant further posits that Sorote's testimony, surrounding the interview wherein appellant admitted committing the offense, cannot be given

credence because the purported admission was not done intelligently and knowingly, and not without improper pressure and coercion, as they were made while already detained at the Cebu City Police Office. Lastly, she contends that the testimony of Umandak that he caught appellant escaping the village should not be given weight because the same was not corroborated by the testimonies of the other witnesses.

On the other hand, the People counters that the prosecution witnesses sufficiently presented an unbroken chain of events that leads to the fair conclusion that appellant intentionally burned the house of the Parcons and, on the occasion of the fire, Cornelia died. As to appellant's contention that her admission to the news reporter should be inadmissible as it was not done intelligently, the People argues that the interview was not done in the course of an investigation and that it was voluntarily given by appellant.

*Circumstantial  
evidence is sufficient  
to identify appellant as  
the perpetrator of the  
arson*

In the case at bar, there is no direct evidence to link appellant to the commission of the offense, there being no eyewitness as to how the fire commenced. However, the lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. Direct evidence is not the sole means of establishing guilt beyond reasonable doubt because circumstantial evidence, if sufficient, can supplant the absence of direct evidence.  
[19]

Resort to circumstantial evidence is sanctioned by Rule 133, Section 5 of the Revised Rules on Evidence.<sup>[20]</sup> To sustain a conviction based on circumstantial evidence, three requisites must be established: *first*, there is more than one circumstance; *second*, the facts from which the inferences are derived are proven; and *third*, the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.<sup>[21]</sup>

In several instances, this Court had appreciated circumstantial evidence to sustain convictions for the crime of arson. In *People v. Abayon*,<sup>[22]</sup> none of the prosecution witnesses actually saw the accused start the fire, but this Court, held that the circumstantial evidence presented by the prosecution, taken in its entirety, all pointed to the accused's guilt. Moreover, in *People v. Acosta*,<sup>[23]</sup> although there was no direct evidence linking the accused to the burning of the house, we sustained the conviction of the accused and ruled that the circumstantial evidence was substantial enough to convict the accused. The accused had motive, and he was present at the scene of the crime before and after the incident.<sup>[24]</sup>

However, for circumstantial evidence to be sufficient to support a conviction, all the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.<sup>[25]</sup> Thus, the circumstances proven should constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the