

THIRD DIVISION

[G.R. No. 180762, March 04, 2009]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CARLITO DE LEON, BIEN DE LEON, CORNELIO "AKA" NELIO CABILDO AND FILOTEO DE LEON, APPELLANTS.

DECISION

YNARES-SANTIAGO, J.:

This is an appeal from the Decision^[1] of the Court of Appeals dated May 21, 2007 in CA-G.R. CR No. 26390 which affirmed with modification the Decision of the Regional Trial Court of Nueva Ecija, Branch 35^[2] finding herein appellants guilty beyond reasonable doubt of the crime of arson and sentencing them to suffer the penalty of *reclusion perpetua* and to pay the heirs of the private complainant P2,000.00 as temperate damages and P20,000.00 as exemplary damages.

On June 14, 1989, an Information^[3] was filed charging Gaudencio Legaspi, Carlito de Leon, Bien de Leon, Cornelio Cabildo and Filoteo de Leon with the crime of arson. The accusatory portion of the Information reads:

That on or about the 5th day of April, 1986, in the Municipality of Peñaranda, Province of Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually aiding and helping one another, did then and there, wilfully, unlawfully and feloniously burn or set on fire the house of one RAFAEL MERCADO, an inhabited house or dwelling, to the damage and prejudice of said Rafael Mercado in an amount that may be awarded to him under the Civil Code of the Philippines.

CONTRARY TO LAW.^[4]

Gaudencio Legaspi died on February 5, 1987 prior to his arraignment.^[5]

Appellants Bien de Leon,^[6] Carlito de Leon,^[7] Filoteo de Leon^[8] and Nelio Cabildo^[9] were subsequently arraigned and they all pleaded not guilty to the charge.

The facts of the case are as follows:

At around 8:30 in the evening of April 5, 1986, Aquilina Mercado Rint (Aquilina) and her sister Leonisa Mercado (Leonisa), together with their nephew Narciso Mercado Jr., (Junior) were inside a hut owned by their father Rafael Mercado^[10] (Rafael) located on a *tumana* in Polillo, San Josef, Peñaranda, Nueva Ecija. The loud and

insistent barking of their dog prompted Aquilina to peep through the window and saw five men approaching the premises whom she recognized as Gaudencio Legaspi and herein appellants. Aquilina and Leonisa hurriedly went out of the hut and hid behind a pile of wood nearby while Junior was dispatched to call for help.

From their hiding place, they saw appellants surround the hut^[11] and set to fire the cogon roofing.^[12] While the hut was burning, Leonisa grabbed a flashlight from her sister and focused the same at the group in order to see them more clearly. Upon seeing a light focused on them, Gaudencio ordered the others to leave and the men immediately fled the premises.^[13] By the time Junior arrived with his uncles, the hut was already razed to the ground.

On April 6, 1986, Police Officer Lucio Mercado (Lucio) conducted an investigation at the scene of the crime and saw a big wood still on fire. A certain Julio took pictures of the remains of the hut.^[14]

Aquilina and Leonisa valued the hut at P3,000.00 and claimed that a pair of earrings, some beddings, rice, P1,500.00 in cash and plenty of wood were also lost in the fire.^[15] They also testified that prior to the incident, appellants had been to the premises, destroyed the plants, the fence and a hut which was first built therein. Appellants likewise physically attacked their father and issued threats that if he would not give up his claim on the land, something untoward would happen to him; and that their father Rafael filed several cases for Malicious Mischief, Forcible Entry and Serious Physical Injuries against appellants.

Appellants denied the charge against them.

Carlito alleged that on the day of the alleged incident, he was working in Cavite where he had been staying for a year with his family; that his uncle Gaudencio was originally in possession of the *tumana* contrary to Rafael's claims; that his uncle used to plant vegetables and make charcoal therein until 1975 when he took over upon the latter's request; and that when Gaudencio passed away in 1987, he applied for a patent over the *tumana* with the Bureau of Lands.^[16]

Carlito also alleged that there was actually no structure on the premises because Rafael's attempt to build a hut was foiled by his helper, herein appellant Nelio.^[17] On cross-examination however, he admitted that on March 12, 1986, he destroyed the first hut constructed by Rafael on the subject *tumana* when the prosecution confronted him with evidence which showed that he was found guilty of Malicious Mischief in Criminal Case No. 1985 filed against him by Rafael before the Municipal Trial Court of Peñaranda.^[18]

Nelio testified that on the day of the incident, the appellants were in their respective homes and could not have gone to the *tumana* to commit the crime as charged; that the burnt parts depicted in the pictures presented by the prosecution were actually parts of tree trunks turned to charcoal; and that the cogon and bamboo shown in the pictures were materials brought by Rafael into the landholding during the latter's unsuccessful attempt to build a hut on the *tumana*.^[19]

Bien also vehemently denied the charges against him and attributed the same to

complainants' desire to grab the *tumana* which rightfully belongs to his mother. He testified that since 1982, he has been living in Rizal, Nueva Ecija which is about 35 kilometers away from Peñaranda.^[20] For his part, Filoteo corroborated the claims made by his co-appellants.^[21]

On December 14, 2001, the trial court rendered its decision, thus:

In the light of the foregoing, the prosecution had established the guilt of all the accused Carlito de Leon, Bien de Leon, Cornelio "aka" Nelio Cabildo and Filoteo de Leon beyond reasonable doubt for the crime of arson, and they are hereby sentenced to an indeterminate prison term of 10 years and 1 day of prision mayor, as minimum, to 14 years and one (1) day of reclusion temporal, as maximum, and to pay jointly and severally the heirs of Rafael Mercado the sum of P3,000.00 representing the value of the burned hut.

SO ORDERED.^[22]

Appellants appealed before the Court of Appeals which rendered the herein assailed Decision affirming with modification the decision of the court *a quo*, thus:

WHEREFORE, the appealed Decision is hereby AFFIRMED with MODIFICATION. Accused-appellants Carlito de Leon, Bien de Leon, Cornelio Cabildo and Filoteo de Leon are hereby sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of private complainant Rafael Mercado the sum of Php2,000 as temperate damages and Php20,000 as exemplary damages. Costs against accused-appellants.

SO ORDERED.^[23]

Hence, this appeal.

Section 3 of Presidential Decree No. 1613^[24] amending the law on arson provides:

Sec. 3. Other Cases of Arson. - The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed if the property burned is any of the following:

1. x x x
2. Any inhabited house or dwelling;

x x x x

Section 4 of the same law provides that if the crime of arson was committed by a syndicate, *i.e.*, if it is planned or carried out by a group of three or more persons, the penalty shall be imposed in its maximum period.

Under the following provision, the elements of arson are: (a) there is intentional burning; and, (b) what is intentionally burned is an inhabited house or dwelling. The appellate court correctly found that the prosecution was able to prove beyond reasonable doubt the presence of the two essential elements of the offense.

Although intent may be an ingredient of the crime of arson, it may be inferred from

the acts of the accused. There is a presumption that one intends the natural consequences of his act; and when it is shown that one has deliberately set fire to a building, the prosecution is not bound to produce further evidence of his wrongful intent.^[25] If there is an eyewitness to the crime of arson, he can give in detail the acts of the accused. When this is done the only substantial issue is the credibility of the witness.^[26]

In the instant case, both the trial court and the Court of Appeals, found the testimonies of witnesses Aquilina and Leonisa worthy of credence, thus:

The inconsistencies and contradictions presented in the case at bench do not detract from the fact that Rafael's house was intentionally burned by accused-appellants who were positively identified by witnesses Aquilina and Leonisa. In the face of these positive declarations, accused-appellants' puerile attempt to discredit them crumples into dust.^[27]

It is well-entrenched in this jurisdiction that factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would have affected the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial judge was in a better position to determine their credibility.^[28]

The testimony of Aquilina that she witnessed the burning of her father's hut by appellants is positive and categorical, thus:

ATTY. BAUTO:

Q. Where were you when according to you they burned the house of your father? that house where you were residing?

A. I was in the tumana, sir.

Q. In the house or outside the house?

A. Outside of the house, sir.

Q. Why were you outside of the house?

A. When they were arriving or entering the premises of the house of my father or the tumana, our dog barked and we peeped thru the window, sir.

Q. What did you see?

A. We saw that men are coming, sir.

Q. How many men are coming?

A. Five men, sir.

Q. Were you able to recognize them when they were approaching the house?

A. Yes sir we recognize them.

Q. What did you do?

A. We went outside of the house, sir.