

FIRST DIVISION

[G.R. No. 100699, July 05, 1996]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGAR GUTIERREZ Y CORTEZ, ACCUSED-APPELLANT.

DECISION

VITUG, J.:

The accused, Edgar Gutierrez y Cortez, appeals from the 28th February 1991 judgment of the Regional Trial Court (Special Criminal Court) of Kalookan City, Branch 131, convicting him of arson under Presidential Decree No. 1613, amending the Revised Penal Code, and imposing on him the penalty of reclusion perpetua (Criminal Case No. C-34173[89]), in an information, dated 16 December 1989, that reads:

"That on or about the 14th day of December 1989 in Kalookan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, motivated by a desire for revenge, with deliberate intent to cause damage, did then and there wilfully, unlawfully and feloniously set fire to the house of one JOSEFA ARROYO y ALANO, thereby causing damage to the front wooden-made walling located at the groundfloor thereof in the amount of P500.00, to the damage and prejudice of the latter in the amount of P500.00.

"Contrary to law."^[1]

The accused pleaded "not guilty" to the charge.

The evidence for the prosecution, briefly, is to the following effect:

In the evening of 14 December 1989, at around eight o'clock, while Felipe Enriquez, a barangay tanod, was in front of his house in Makabalo Street, Kalookan City, he noticed a commotion at a distance. Repairing to the place, he saw appellant, bloodied, being embraced by his mother Corazon Gutierrez. His neighbor Paul Polinga, a policeman of Valenzuela, was, by the time Enriquez arrived at the scene, already attending to appellant. Enriquez was told by some people around him that there had been a "fight" between appellant and a son of one Mario Alano.

Later that evening, at about 11:30, while Enriquez and appellant's brother Eric and sister Bolet, were conversing at the corner of Rajah Soliman and Makabalo Streets about the incident, appellant passed by carrying a bag containing what seemed to be "gasoline" ("parang gasolina"^[2]). Enriquez followed appellant. A few meters away, he saw appellant throw the bag at the house of Mario Alano and then lit it. The plea of appellant's mother, who screamed "Egay, Egay, huwag,"^[3] was ignored by the son. Enriquez yelled "Mang Mario, Mang Mario, nagliliyab ang bahay ninyo!"

[4] Forthwith, Enriquez saw Mario Alano pouring water on the ablaze portion of the house. Neighbors rushed in to help put the fire under control.

Mario Alano, testifying, said that he was at home in 104 Rajah Soliman Street, Kalookan City, watching the television program "Tell the People,"[5] when he heard appellant, whose voice he was familiar with, shouting that he (appellant) would blow-up the house. Mario then heard a sound resembling that of a piece of wet cloth ("basahan"[6]) being hurled at the wall of the house. Instantly, the wall was aflame.

The following morning, at approximately 8:30, Pat. Celerino Bertes, the desk officer of the Kalookan City's 6th Avenue police detachment, received a call on the "arson" incident in Makabalo Street. Police officer Nelson Ombao, together with Pfc. Briccio Fernando and Pat. Bertes, were dispatched to the place. The group was met by Mario Alano who pointed to appellant as being the author of the arson. The police officers invited appellant to the police headquarters. He was accompanied by his mother and an uncle.

P/Sgt. Reyes later conducted an ocular inspection. He took some fragments from the burnt portion of the house and referred them to the PC Crime Laboratory for examination.

The house, made of light wooden materials and galvanized iron, was owned by Mario Alano's sister, Josefa Arroyo, an overseas worker. According to Joselito Arroyo, Josefa's son, it was his eldest sister, Carolina, who lodged the complaint with the police. Carolina informed the witness that a carpenter placed the cost for the repair of the house at P500.00.

The defense interposed alibi.

Democrito Real, an optician and a member of the Lupong Tagapamayapa, residing at Barangay 36, testified that while he was on his way home at around 11:15 p.m. on 14 December 1989, he saw appellant with a bandaged head, contusions on his face and a shut eye. Appellant requested Real to allow him (appellant) to spend the night at the Real residence so as not to alarm appellant's ailing mother considering his physical condition at the time. Real agreed. Appellant thus stayed overnight with the Reals.

Attempting to narrate the events that took place during the evening of 14 December 1989, appellant said that, between 8:00 to 9:00, while he was on his way home, he lighted a "five-star" firecracker near the place where his brother and two friends were having a drinking spree. Apparently angered, appellant's brother stood up, raised his arm and took aim at appellant. Appellant tried to move away. In the process, he hit the table of the group of young Alano. The table was toppled and bottles of liquor and the finger food fell to the ground. Alano and company started hitting appellant on the head and face until his mother succeeded in freeing him away from the group. Paul Polinga, a policeman, brought appellant to the Jose Reyes Hospital for treatment. From the hospital, he boarded a tricycle and alighted at Bayani Street. He requested Real to allow him to pass the night in Real's house. The following morning, at around 7:15, he left the house to look for his brother. Instead, he met Mario Alano who asked him to admit having been responsible for setting the latter's house on fire. Later, at the police station, he wanted to relate what had

happened but the police took only the statement of Mario Alano. He was detained until noon when he was escorted to the office of Fiscal Villalon before whom he admitted having committed the offense.

In its 28th February 1991 decision, the trial court[7] found the accused guilty beyond reasonable doubt of the offense charged; it concluded:

"WHEREFORE, the Court renders judgment CONVICTING the herein accused EDGAR GUTIERREZ y CORTEZ for the crime of Arson punishable under the Revised Penal Code, as amended by Presidential Decree 1613 and sentences him to suffer the maximum penalty of RECLUSION PERPETUA; to pay the owner of the house Josefa Arroyo the sum of Five Hundred (P500.00) Pesos as actual damages and to pay the costs.

"SO ORDERED."^[8]

In this appeal, appellant contends that the corpus delicti of the crime of arson has not been established.^[9]

Proof of the corpus delicti, indeed, is indispensable in the prosecution of arson^[10] as in all kinds of criminal offenses as well. Corpus delicti means the substance of the crime; it is the fact that a crime has actually been committed.^[11] In arson, the corpus delicti rule is generally satisfied by proof of the bare occurrence of the fire and of its having been intentionally caused.^[12] Even the uncorroborated testimony of a single eyewitness, if credible, may be enough to prove the corpus delicti and to warrant conviction.^[13]

In this case, the charge against appellant was amply supported in evidence by the eyewitness accounts of Felipe Enriquez and Mario Alano. Also offered in evidence were copies of the police "blotters" of two barangays^[14] reflecting the report that appellant had thrown a bag of gasoline at the house of Mario Alano, then lit it and, after setting a portion of the house on fire, fled. As regards appellant's identity, Enriquez testified that he and appellant's brother and sister were near a Meralco post when appellant went past them.^[15] Enriquez followed appellant and saw how the latter threw the substance he was carrying at Alano's house. The conditions of visibility were favorable.^[16] Indeed, even the recognition by Mario Alano of appellant's voice could have sufficed^[17] to pin down culpability.

The evidence against appellant is simply too overwhelming for it to be easily overcome by an invocation of alibi. Besides, the essential requirements of distance and the impossibility of an accused being at the scene of the crime at the crucial time must be attendant so as to give this defense any serious consideration.

Appellant assails the credibility of Enriquez by an assertion that his testimony is "ill-motivated."^[18] The Court itself has reviewed Enriquez's testimony, and it is satisfied that his statements disclose frankness, cohesiveness, and an absence of any serious dissemblance or inconsistency.^[19] Moreover, the trial court's assessment on the credibility of the witnesses, which has had the opportunity of observing how they have comported themselves at the witness stand, cannot just be ignored.