



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated June 23, 2021, which reads as follows:*

**“G.R. No. 201782 (*Reynaldo Banag v. People of the Philippines*). - This Petition for Review on *Certiorari*<sup>1</sup> seeks to set aside the January 18, 2012 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 32788 which affirmed with modifications the July 30, 2009 Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 68, Camiling, Tarlac in Criminal Case No. 2000-88 finding petitioner Reynaldo Banag (Banag) guilty of Simple Arson punishable under Section 1 of Presidential Decree No. 1613 (PD 1613).<sup>4</sup>**

The facts are fairly straightforward.

Banag and his son, accused Michael Banag (Michael), were charged with the offense of Arson in the following Information:

That on or about May 31, 2000 at around 5:00 o'clock in the afternoon, in Barangay Burgos, Municipality of San Jose, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, said accused conspiring and helping one another, did then and there willfully, unlawfully and feloniously burn or set a kubo on fire, to the damage and prejudice of its owner Teofilo Rivera.<sup>5</sup>

Both accused entered a plea of not guilty.

The prosecution presented the testimony of private complainant Teofilo Rivcra (Teofilo) and the eyewitness account of Reynaldo Dela Cruz (Reynaldo), grandson of Teofilo.

<sup>1</sup> *Rollo*, pp. 8-26.

<sup>2</sup> *Id.* at 80-95; penned by Associate Justice Rodil V. Zalameda (now a member of this Court) and concurred in by Associate Justices Rebecca De Guia-Salvador and Normandie B. Pizarro.

<sup>3</sup> *Id.* at 42-54; penned by Judge Jose S. Vallo.

<sup>4</sup> Entitled “Amending the Law on Arson”.

<sup>5</sup> *Rollo* p. 42.

**Version of the Prosecution:**

On May 31, 2000 at around 5:00 p.m., from the vantage point of his house in Burgos, San Jose Tarlac, Reynaldo saw petitioner burn the *kubo* of his grandfather. During this time, accused Michael was with his father. The distance between Teofilo's *kubo* and Reynaldo's residence is about twenty-five (25) to thirty (30) meters.<sup>6</sup> According to Reynaldo, he did not attempt to approach the burning *kubo* as he was worried for his own safety. Instead, he simply informed his grandfather that the Banags had set his *kubo* on fire.

Admittedly, Teofilo was not at the *kubo* at the time it burned down and that he only learned of the incident from his grandson, Reynaldo. According to Teofilo, the *kubo* was not entirely gutted by fire since the roof remained intact. Teofilo testified that the value of his *kubo* was ₱20,000.00.

**Version of the Defense:**

In refutation, Banag denied that he set Teofilo's *kubo* on fire. He claimed that at the time of the fire, he was in the rice field located in Barangay Burgos, San Jose, Tarlac, tending to his carabao. Petitioner testified that on the morning of May 31, 2005, a certain Sheriff Arnaldo implemented a Temporary Restraining Order (TRO) issued by the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 1912 which restrained Teofilo from entering the property subject of the case.

Petitioner claimed that the TRO was implemented by the Sheriff until around 4:30 p.m. which Reynaldo witnessed from his house. According to Banag, what Reynaldo actually saw was the sheriff removing the fence installed by Teofilo on petitioner's land.

Michael corroborated his father's testimony on all points. Sheriff Arnaldo likewise corroborated Banag's testimony regarding his attempt to serve and implement the TRO at Teofilo's *kubo*. Sheriff Arnaldo testified that he tried to serve the TRO at 12:30 p.m. and left Teofilo's house around 3:00 to 4:00 p.m. The entire time, Teofilo was nowhere to be found. Lastly, Sheriff Arnaldo declared that on that date and time, he did not witness a burning or any other ugly occurrence.

**Ruling of the Regional Trial Court:**

After trial, the RTC rendered its Decision to wit:

WHEREFORE, accused Reynaldo Banag and Michael Banag are hereby found guilty beyond reasonable doubt of the crime of Simple Arson punishable under Section 1 of Presidential Decree No. 1613 and hereby sentences each of them to an indeterminate prison term of six (6) years of *prision correccional* as

<sup>6</sup> One of the Stipulation of Facts by the parties, TSN, June 7, 2007, p. 6.

Minimum to eight (8) years and one (1) day of *prision mayor* as Maximum, there being no attendant aggravating and mitigating circumstances.

Likewise, the accused are ordered to pay the complainant the amount of ₱3,000.00 as temperate damages and another amount of ₱5,000.00 as moral damages.<sup>7</sup>

### **Ruling of the Court of Appeals:**

On appeal, the CA acquitted Michael but sustained petitioner's conviction with modification on the penalty, and deleted the award of moral damages, *viz.*:

Accused-appellant Michael Banag's conviction by the court *a quo* is hereby **REVERSED AND SET ASIDE** and he is **ACQUITTED** of the crime of simple arson. On the other hand, accused-appellant Reynaldo Banag's conviction for the same crime is **AFFIRMED** but the penalty originally imposed on him by the court *a quo* is hereby modified to an indeterminate penalty of six (6) years and one (1) day as minimum to a maximum of eight (8) years and one (1) day.

Finally, the moral damages awarded to private complainant Teofilo Rivera is **DELETED** for lack of basis.<sup>8</sup>

### **Issue**

Hence, this appeal by *certiorari* of Banag maintaining his innocence of the charge of arson and raising the following issues:

I

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE PETITIONER'S CONVICTION BASED ON INSUFFICIENT CIRCUMSTANTIAL EVIDENCE.

II

EVEN ASSUMING *ARGUENDO* THAT THE PETITIONER IS INDEED GUILTY, *WHETHER* THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE PENALTY METED OUT ON HIM.<sup>9</sup>

### **Our Ruling**

The appeal is without merit.

Simple Arson, as defined and penalized under Section 1 of PD 1613, is essentially the destruction of property by fire that is not under the

<sup>7</sup> *Rollo* p. 54.

<sup>8</sup> *Id.* at 93-94.

<sup>9</sup> *Id.* at 16.

circumstances enumerated under Article 320 of the Revised Penal Code (RPC) classified as Destructive Arson. The distinction and classification is based on the kind, character and location of the property burned, regardless of the value of the damage caused. Article 320 contemplates the malicious burning of structures, both public and private, hotels, buildings, edifices, trains, vessels, aircraft, factories and other military, government or commercial establishments by any person or group of persons.

On the other hand, PD 1613 covers houses, dwellings, government buildings, farms, mills, plantations, railways, bus stations, airports, wharves and other industrial establishments.<sup>10</sup>

In both categories of 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.<sup>11</sup> In arson, the *corpus delicti* rule is satisfied by proof of the bare fact of the fire and of it having been intentionally caused.<sup>12</sup>

Here, the lower courts uniformly found the fact of fire and the burning of Teofilo's *kubo* which was witnessed by Reynaldo. The appellate court thus declared:

To be sure, this Court agrees with the court *a quo* that the prosecution was able to establish beyond reasonable doubt the **confluence** of the foregoing elements insofar as accused-appellant [Banag] is concerned.

Indeed, the prosecution, through its documentary and testimonial evidence, was able to prove that the *kubo* belonging to private complainant [Teofilo] was charred. Furthermore, [Reynaldo], the prosecution's eyewitness, categorically identified accused-appellant [Banag] as the one who set the said *kubo* on fire.

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In the instant case, we have no doubt that accused-appellant [Banag's] alibi that he had no idea of the fire and that he was somewhere else during that time cannot prevail over the positive testimony of [Reynaldo]. For, accused-appellant [Banag's] own testimony easily proves that he was actually at the scene of the crime on the day that the fire took place, he being a witness to the implementation of the TRO by Sheriff Arnaldo and company. As a matter of fact, accused-appellant [Banag] readily admitted that the implementation of the TRO ended at around 4:30 in the afternoon. It is not, therefore, far-fetched that he remained for several more minutes to execute the burning of private complainant [Teofilo's] *kubo* which, based on record, transpired at about 5:00 in the afternoon.

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x x x For instance, although [Reynaldo's] claim that the whole *kubo* was gutted by fire later turned out to be false, this did not eliminate the fact that part

<sup>10</sup> *Buebos v. People*, 573 Phil. 347, 353-357. (2008).

<sup>11</sup> *People v. Murcia*, 628 Phil. 648, 657 (2010).

<sup>12</sup> *People v. Gutierrez*, 327 Phil. 679, 685 (1996).

of the *kubo* was actually burned, which is enough to show the *corpus delicti*. It cannot also detract from the fact that [Reynaldo] was able to positively identify accused-appellant [Banag] as the culprit of such act.<sup>13</sup>

Undeniably, the elements of Simple Arson were established and proven by the prosecution and found to be so by the trial court and the appellate court.

Nonetheless, petitioner is adamant that as with Michael who was subsequently acquitted by the CA, the evidence against him was merely circumstantial based on the doubtful testimony of Reynaldo.

We are not persuaded.

Direct evidence of the commission of a crime is not the sole basis on which a court draws its finding of guilt.<sup>14</sup> Established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction. Indeed, resort to circumstantial evidence is sanctioned by the Rules on Evidence.<sup>15</sup>

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.

It is a long-settled principle that the probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence.<sup>16</sup> “The Rules of Court do not distinguish between ‘direct evidence of fact and evidence of circumstances from which the existence of a fact may be inferred.’ The same quantum of evidence is still required. Courts must be convinced that the accused is guilty beyond reasonable doubt.”<sup>17</sup> Rule 133, Section 4 of the Rules on Court sanctions resort to circumstantial evidence.

In fact, even the uncorroborated testimony of a single eyewitness, if credible, is enough to prove the *corpus delicti* and to warrant conviction.<sup>18</sup> 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.

<sup>13</sup> *Rolló* pp. 86-89.

<sup>14</sup> *Bacerra v. People*, 812 Phil. 25, 35-36 (2017).

<sup>15</sup> *Buebos v. People*, *supra* note 10 at 358.

<sup>16</sup> *Bacerra v. People*, *supra* at 35.

<sup>17</sup> *Id.*

<sup>18</sup> *People v. Murcia*, *supra* note 11.

In this case, the appellate court considered the following circumstances to establish an unbroken chain of events pointing to the logical conclusion that Banag started the fire: *first*, Reynaldo actually testified to being within the scene of the crime while Sheriff Arnaldo implemented the TRO in DARAB Case No. 1912; *second*, the *kubo* was burned around 4:30 p.m., after Sheriff Arnaldo had left; *third*, the parties stipulated on the distance of Reynaldo's place to Teofilo's *kubo*; and *fourth*, from the safety of his home, Reynaldo witnessed Banag burn Teofilo's *kubo*. Plainly, there is no other reasonable version of the events which can be held with reasonable certainty.

Reynaldo could have actually seen up-close Banag burn the nipa hut by going there. However, behavioral responses of individuals when confronted with strange, startling, or frightful experiences vary. Where there is a perceived threat or danger to survival, some may fight, others take flight.<sup>19</sup> Reynaldo's decision to remain inside his house while his grandfather's *kubo* was ablaze with fire is not contrary to human behavior. It did not affect his credibility as a witness.

The assessment of the credibility of witnesses is a function of the trial courts.<sup>20</sup> It is a factual matter that generally cannot be reviewed in a Rule 45 petition, as in this case.

Petitioner failed to prove, much less allege, any of the exceptions to the general rule that only questions of law may be raised in a petition for review brought under Rule 45 of the Rules of Court. Hence, we are hard pressed to disturb the trial court's, as affirmed by the appellate court, factual findings.<sup>21</sup>

On the proper penalty to be imposed, petitioner assails the penalty imposed on him by the appellate court modifying that of the trial court's from "an indeterminate prison term of six (6) years of *prision correccional* as Minimum to eight (8) years and one (1) day of *prision mayor* as Maximum" to "an indeterminate penalty of six (6) years and one (1) day as minimum to a maximum of eight (8) years and one (1) day.

The penalty imposed by the trial court is precise. It is undisputed that what was gutted by fire was a *kubo* which Teofilo usually used to rest during planting season. Section 1 of PD 1613 thus applies:

SECTION 1. *Arson.* Any person who burns or sets fire to the property of another shall be punished by *Prision Mayor*.

The same penalty shall be imposed when a person sets fire to his own property under circumstances which expose to danger the life or property of another.

<sup>19</sup> See <https://www.health.harvard.edu/staying-healthy/understanding-the-stress-response> last visited September 7, 2020.

<sup>20</sup> *People v. Murcia*, *supra* note 11 at 659.

<sup>21</sup> *Bacerra v. People*, *supra* note 14 at 39.

We clarify that the Indeterminate Sentence Law is applicable considering the prescribed penalties in PD 1613 are lifted from the RPC.<sup>22</sup> The penalty for Simple Arson under Section 1 of PD 1613 is *prision mayor*. There being neither aggravating nor mitigating circumstances to consider, the maximum penalty is taken from the medium period of *prision mayor* or from 8 years and 1 day to 10 years.

Applying the Indeterminate Sentence Law, the minimum imposable penalty is *prision correccional* in any of its periods, or from six (6) months and one (1) day to six (6) years.

Thus, the trial court correctly imposed on the petitioner the indeterminate penalty of six (6) years of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.

Finally, we emphasize that the purpose of the law on Simple Arson is to prevent the high incidence of fires and other crimes involving destruction, protect the national economy and preserve the social, economic and political stability of the nation. PD 1613 tempers the penalty to be meted to offenders. This separate classification of Simple Arson recognizes the need to lessen the severity of punishment commensurate to the act or acts committed, depending on the particular facts and circumstances of each case.<sup>23</sup>

**WHEREFORE**, the appeal is **DENIED**. The January 18, 2012 Decision of the Court of Appeals in CA-G.R. CR No. 32788 which affirmed with modifications the July 30, 2009 Decision of the Regional Trial Court (RTC), Branch 68, Camiling, Tarlac in Criminal Case No. 2000-88 finding petitioner Reynaldo Banag (Banag) guilty for Simple Arson is **AFFIRMED** with **MODIFICATION** that petitioner Reynaldo Banag is sentenced to suffer the indeterminate penalty of six (6) years of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.

**SO ORDERED.**"

By authority of the Court:

*Misael C. Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court  
*7/14/21*

<sup>22</sup> *People v. Simon*, 304 Phil. 725, 761-764, (1994).

<sup>23</sup> *People v. Macabinda*, 715 Phil. 666, 675 (2013); *People v. Soriano*, 455 Phil. 77 (2003).

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The Presiding Judge  
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(Crim. Case No. 2000-88)

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