



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 20, 2023**, which reads as follows:*

“G.R. No. 261541 – ARNEL JACOBЕ y VILLANUEVA, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.

The Court resolves to **DISPENSE** with the elevation of complete records of this case by the Clerk of Court, Court of Appeals, Manila, as required in the Resolution dated December 5, 2022.

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated September 13, 2021 and the Resolution² dated June 14, 2022 of the Court of Appeals³ (CA) in CA-G.R. CR No. 43543. The facts, as borne out by the records, sufficiently support the conclusion that petitioner Arnel Jacobе y Villanueva (Jacobе) is guilty of violating Section 1 of Presidential Decree (PD) No. 1613.⁴ The issues and matters raised before the Court, the same as those raised in the CA, were sufficiently addressed and correctly ruled upon by the CA.

Jacobе assails his conviction, essentially claiming that the prosecution failed to prove the essential elements of intentional burning and the identity of the perpetrator of the crime of arson.⁵

The Court resolves to deny the Petition⁶ for failure to show that the CA committed any reversible error in affirming Jacobе’s conviction. It is well-settled that factual findings of the trial court, when affirmed by the CA,

¹ *Rollo*, pp. 32-38. Penned by Associate Justice Edwin D. Sorongon, with Associate Justices Perpetua Susana T. Atal-Paño and Angelene Mary W. Quimpo-Sale concurring.

² *Id.* at 40-41.

³ Eleventh (11th) Division and Former Eleventh (11th) Division.

⁴ AMENDING THE LAW ON ARSON, March 7, 1979.

⁵ *Rollo*, p. 15.

⁶ *Id.* at 11-30.

are generally binding on this Court, which is not a trier of facts and will not review the sufficiency of the evidence presented by the parties.⁷

Further, the prosecution's evidence was able to establish Jacobe's guilt beyond reasonable doubt. To recall, the provision which Jacobe alleged to have violated provides:

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.

Simple arson under Section 1 of PD No. 1613 is essentially the destruction of property by fire that is not under the circumstances enumerated under Article 320 of the Revised Penal Code (RPC), which refers to Destructive Arson, as amended by Republic Act No. 7659.⁸ The distinction and classification is based on the kind, character, and location of the property burned, regardless of the value of the damage caused.⁹

For both categories, arson requires the following elements: (1) a fire was set intentionally; and (2) the accused was identified as the person who caused it. The *corpus delicti* rule is satisfied by proof of the bare fact of the fire and that it was intentionally caused.¹⁰ Even the uncorroborated testimony of a single eyewitness, if credible, may be enough to prove the *corpus delicti* and to warrant a conviction.¹¹

The records reveal that Jacobe admitted to burning "waste materials" which were part of the copra kiln that he dismantled within the property of his former employer, Sol Magomles Tang (Tang).¹² Since the *koprahan* was within Tang's real property, and Jacobe failed to substantiate his claim that he paid for the materials that were used to build the copra kiln, Jacobe's own testimony that he intentionally burned the copra kiln is sufficient to find him guilty of simple arson under PD No. 1613.¹³

Jacobe's admission is further corroborated by the testimonies of Gil Dasco (Dasco) and his son, John Raffy Paul Dasco (Raffy). Although Dasco

⁷ See *People v. Sota*, 821 Phil. 887, 899-900 (2017).

⁸ See *People v. Abayon*, 795 Phil. 291, 296 (2016).

⁹ *Banag v. People*, G.R. No. 201782, June 23, 2021, p. 4 (Unsigned Resolution).

¹⁰ *Id.*

¹¹ *People v. Gutierrez*, 327 Phil. 679, 685 (1996).

¹² *Rollo*, pp. 36-37.

¹³ *Id.* at 37.

did not see Jacobe set fire to the copra kiln itself, he saw the latter setting fire to the nipa and bamboo portion of the *koprahan*. Raffy, on the other hand, testified that he saw Jacobe, who was around five (5) meters away from the burning *koprahan* or the *locus criminis*, throw wood, bamboo and nipa to the fire. Moreover, the witnesses were able to take photos and a video recording of Jacobe during the incident on Raffy's cellular phone.¹⁴

As for the penalty, the Indeterminate Sentence Law was correctly applied since the prescribed penalties in PD No. 1613 are lifted from the RPC. Under Section 1 of PD No. 1613, the penalty for simple arson is *prision mayor*. After applying the Indeterminate Sentence Law and in the absence of any aggravating or mitigating circumstances, 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. Hence, the CA correctly reduced the penalty to one (1) year of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum, considering that what Jacobe burned was only a copra kiln.¹⁵

WHEREFORE, premises considered, the Petition is hereby **DENIED**. The Decision dated September 13, 2021 and the Resolution dated June 14, 2022 of the Court of Appeals in CA-G.R. CR No. 43543 affirming the conviction of petitioner Arnel Jacobe y Villanueva for violation of Section 1 of Presidential Decree No. 1613 is hereby **AFFIRMED**.

SO ORDERED."

By authority of the Court:

MisDcBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

JB 3/20/22

Atty. Richard Emersun L. Almiron
Special & Appealed Cases Service
PUBLIC ATTORNEY'S OFFICE
DOJ Agencies Building
East Avenue cor. NIA Road
Diliman, 1104 Quezon City

COURT OF APPEALS
CA-G.R. CR No. 43543
1000 Manila

¹⁴ Id. at 32-33, 72, and 73.

¹⁵ Id. at 37.

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]
LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

G.R. No. 261541

juls



URES