



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution on August 9, 2023, which reads as follows:

“G.R. No. 260771 (*People of the Philippines v. Mhar Casipi y Flores*).— Assailed in this appeal¹ filed by accused-appellant Mhar Casipi y Flores (Casipi) is the March 3, 2021 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12710 affirming the February 26, 2019 Decision³ of the Regional Trial Court (RTC) of Quezon City, Branch 215 in Criminal Case No. R-QZN-17-13522-CR, which held that Casipi is guilty beyond reasonable doubt of committing Simple Arson.

The Antecedents

In an Information⁴ dated November 8, 2017, Casipi was charged with Simple Arson, a crime defined and penalized under Article 320 of the Revised Penal Code (RPC), as amended by Section 3, paragraph 2 of Presidential Decree No. 1613 (PD 1613).⁵ The accusatory portion reads:

That on or about the 6th day of November 2017, in Quezon City, Philippines, the said accused, did then and there willfully, unlawfully, feloniously, deliberately, and maliciously set on fire his inhabited house located at No. 43 Kabalitang St., Brgy. Krus na Ligas, this City, a populated or congested area under circumstances which exposed to danger the lives of his neighbors MARVIN BAUTISTA y DEL ROSARIO, ELMER SALVACION y MUSWETO, HENORIO DIMSON y GESULA and EDGAR GARANIA y PASTOR and caused damages to their properties, to the damage and prejudice of the said parties.

¹ *Rollo*, pp. 3-5.

² *Id.* at 8-16. Penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Raymond Reynold Reyes Lauigan.

³ *Records*, pp. 86-99. Penned by Presiding Judge Rafael G. Hipolito.

⁴ *Id.* at 1-2.

⁵ Entitled “AMENDING THE LAW ON ARSON.” Approved: March 7, 1979.

CONTRARY TO LAW.⁶

On arraignment, Casipi entered a not guilty plea to the offense charged against him.⁷ Trial ensued.

The prosecution presented four witnesses.

Henorio Dimson (Dimson) testified that at around 12:00 noon on November 6, 2017, he and his workmates were eating at his house in *Barangay* Krus na Ligas, Quezon City, when he heard Casipi shouting "*susunugin ko ang mga tao dito!*" and "*damay damay na ito, susunugin ko ang lugar na ito.*" According to Dimson, Casipi and Elmer Salvacion (Salvacion) were having a drinking session inside Casipi's house. Since the houses of Dimson and Casipi are adjoining, Dimson can easily and clearly hear whatever commotion is happening in Casipi's house, including the latter's shouting.⁸ Thus, when he saw Casipi throw something at Salvacion, who was sweeping glass bottles broken by Casipi, Dimson decided to leave the house and go back to work to avoid trouble.⁹

At around 2:30 p.m., Marco, Dimson's nephew, rushed to where Dimson was working to inform him that his house was on fire. Immediately, they returned to Dimson's house where they witnessed the house in flames. When they inquired from the neighbors about the incident, Dimson discovered that Casipi set his own house on fire, which later on affected the nearby houses, including Dimson's house.¹⁰

Another neighbor of Casipi, Marvin Bautista (Bautista), narrated that he was with his children at the top level of their house on November 6, 2017 when he saw Casipi in the middle of what appeared to be a drinking session. Later on, when Casipi was already drunk, Bautista saw him breaking bottles. Fearing what could transpire next, he left with his children, only to find out upon his return that his house was ablaze. He also saw Casipi coming out of his own house which was already on fire.¹¹

To further corroborate the narration of the prosecution's witnesses, *Barangay* Peace and Security Officer Adrian Manuel (BPSO Manuel) recalled that at around 3:00 p.m. on November 6, 2017, he received a report that there was a commotion at Kabalitang Street, *Barangay* Krus na Ligas. BPSO Manuel proceeded to the area and upon arrival, saw several houses were on fire, including the house of Casipi. Firefighters responded to the incident, and were able to control and extinguish the fire. That night, BPSO Manuel and the *barangay* officials received another report of disturbance involving Casipi, who was allegedly found on board a fire truck attempting to escape from his angry

⁶ Records, p. 1.

⁷ Id. at 26. Certificate of Arraignment dated December 8, 2017.

⁸ Rollo, p. 9.

⁹ Id.

¹⁰ TSN, August 1, 2018, pp. 2-30. Records, pp. 14-15.

¹¹ TSN, June 18, 2018, pp. 3-12. Records, pp. 12-13.

neighbors who were pointing to him as the person responsible for the burning of their houses. This led to the arrest of Casipi as the suspect in the arson case filed against him by his neighbors.¹²

The last witness offered by the prosecution was Edgar Garania (Garanía) who testified that at around 12:00 noon on the day of the incident, he was on his way home when he saw a drunk Casipi breaking glass bottles outside his house. Garania heard Casipi shouting "*Damay-damay na ito, susunugin ko ito!*" Afterwards, Garania proceeded to the Teachers Village's Barangay Hall. Upon arrival, he heard several fire truck sirens. He followed the fire trucks' route which led him to the burning houses in the No. 43 compound in Kabalitang Street, the same compound where he resided. Immediately, Garania entered the house and saw his neighbors trying to extinguish the fire.¹³ Later on, he learned from his neighbors that Casipi caused the fire which spread to the adjoining houses after the latter put his own house on fire.¹⁴

Casipi denied the accusations against him and averred that in the afternoon of November 6, 2017, he was having a drinking session with his friend, Salvación. He then left his house and went to his brother's house at UP Amorsolo in Quezon City. He was shocked to see his house in flames when he returned. Casipi recalled that his neighbor, Dimson, suddenly punched him and then blamed him for starting the fire. Subsequently, the officers of the Bureau of Fire Protection apprehended him and eventually turned him over to Police Station No. 9.¹⁵

Ruling of the Regional Trial Court

In its February 26, 2019 Decision,¹⁶ the RTC found Casipi guilty of Simple Arson. The *fallo* reads:

WHEREFORE, judgment is hereby rendered finding accused MHAR CASIPI y FLORES, GUILTY beyond reasonable doubt for Simple Arson and is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from Eight (8) years and One (1) Day of *Prision Mayor*, as minimum, to Twenty Years of *Reclusion Perpetua* as maximum; and to pay the cost.

SO ORDERED.¹⁷

Aggrieved, Casipi filed an appeal before the CA alleging that the trial court erred in finding him guilty beyond reasonable doubt of the crime of Simple Arson based on insufficient circumstantial evidence. Casipi maintained that he is innocent and that the evidence submitted by the prosecution failed to prove his guilt beyond reasonable doubt.¹⁸

¹² TSN, March 26, 2018, pp. 3-9.

¹³ TSN, August 1, 2018, pp. 2-30. Records pp. 14-15.

¹⁴ *Id.*

¹⁵ TSN, November 20, 2018, pp. 3-17.

¹⁶ Records, pp. 86-99.

¹⁷ *Id.* at 99.

¹⁸ *Rollo*, p. 12.

Ruling of the Court of Appeals

In its March 3, 2021 Decision,¹⁹ the CA denied the appeal. The dispositive portion reads:

FOR THESE REASONS, the appeal is DENIED. The assailed Decision dated February 26, 2019 of the Regional Trial Court, Branch 215, Quezon City in Criminal Case No. R-QZN-17-13522-CR is AFFIRMED.

SO ORDERED.²⁰

The CA found no cogent reason to disturb the findings of the RTC and held that the rules of evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. Circumstantial evidence is that evidence “which indirectly proves a fact in issue through an inference which the fact-finder draws from the evidence established.”²¹ Conviction may be warranted on the basis of circumstantial evidence, provided that: (1) there is more than one circumstance; (2) the facts from which the inference derived are proven; and, (3) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.²² A careful review of the records reveals that the circumstances as narrated by the prosecution’s witnesses establish an unbroken chain of events leading to the logical conclusion that Casipi started the fire which burned his house and affected the adjoining houses. First, at around 12:00 noon on November 6, 2017, Casipi was engaged in a drinking spree with Salvacion at his house at No. 43 Kabalitang Street, in Krus na Ligas; second, his neighbors Dimson and Garania heard a drunk Casipi throwing bottles, shouting “*Susunugin ko ang mga tao dito,*” and “*Damay damay na ito, susunugin ko ang lugar na ito;*” third, while the fire in Casipi’s house was blazing, Bautista saw Casipi come out of his house; fourth, it was only after the fire was extinguished that Casipi returned to his house; and, fifth, during trial, Casipi raised an alibi but failed to present any witnesses to corroborate his defense.²³

Further, the CA gave much weight to the Crime Report issued by the Investigation and Intelligence Section of the Bureau of Fire Protection, Quezon City Fire District. The said report pointed out that there were traces indicating that the fire originated at the ground floor of Casipi’s house where he was seen burning his clothes with the use of a lighter, and that the second floor of his house was totally gutted by fire which affected the three adjoining residential houses of Dimson, Bautista, and Garania.²⁴

Casipi filed a Notice of Appeal to this Court, arguing that the findings of the CA are contrary to facts, law, and jurisprudence.²⁵

¹⁹ Id. at 8-16.

²⁰ Id. at 15.

²¹ Id. at 13.

²² Id.

²³ Id.

²⁴ Id. at 13-14.

²⁵ Id. at 3-5.

The Issue

The sole issue for this Court's resolution is whether Casipi is guilty beyond reasonable doubt of Simple Arson.

Our Ruling

The appeal is devoid of merit.

In criminal cases, proof beyond reasonable doubt does not mean such degree of proof, excluding the possibility of error, that produces absolute certainty; only "moral certainty" is required, or that degree of proof which produces conviction in an unprejudiced mind.²⁶

Courts have relied on both circumstantial and direct evidence to establish criminal responsibility. Circumstantial evidence does not carry a weaker persuasive quality than direct evidence.²⁷ The Rules of Court makes no distinction between direct evidence of fact and evidence of circumstances from which the existence of a fact may be inferred. Hence, no greater degree of certainty is required when the evidence is circumstantial than when it is direct. In either case, the trier of fact must be convinced beyond a reasonable doubt of the guilt of the accused.²⁸

The Rules allow the conviction of an accused through circumstantial evidence alone, given that the following conditions concur:

Section 4. *Circumstantial evidence, when sufficient.* – Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one (1) 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.²⁹

Circumstantial evidence is "proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience."³⁰ Here, the testimonies of the prosecution witnesses all played a significant role during the incident. The witnesses were the authority in the *barangay* where the incident took place and the neighbors of the accused-appellant in the compound.

The Court thus affirms the apt conclusion of both the RTC and the CA that Casipi is guilty beyond reasonable doubt of committing Simple Arson. The testimonies of the prosecution's witnesses corroborate each other and when compounded together, provide a complete and factual narration of the events

²⁶ *People v. Gerola*, 813 Phil. 1055, 1066 (2017).

²⁷ *People v. Magbitang*, 787 Phil. 130, 136 (2016).

²⁸ *Id.*

²⁹ RULES OF COURT, Rule 133, Sec. 4.

³⁰ *Musahamat Workers Labor Union-I-ALU v. Musahamat Farms, Inc. Farm I*, G.R. No. 240184, July 6, 2022.

which transpired on the day of the incident. We find that the circumstantial evidence extant in the records is sufficient to identify Casipi as the author of the burning of his own house, as follows:

1. At around noon on November 6, 2017, Casipi and Salvacion were engaged in a drinking spree;
2. When Casipi was already drunk, he started shouting "*Susunugin ko ang mga tao dito*," and "*Damay damay na ito, susunugin ko ang lugar na ito*" and also started breaking bottles;
3. Salvacion saw Casipi on the ground floor of the latter's house burning clothes by using a lighter;
4. At around 2:30 p.m., one of the witnesses' nephew made a distress call notifying Dimson that the latter's house was on fire;
5. At 3:00 p.m., the *barangay* authorities received a report that there was a commotion at Kabalitang Street, *Barangay* Krus na Ligas;
6. Upon arrival of the *barangay* officer on the site, he saw that there was indeed a big fire burning the houses in the neighborhood;
7. The *barangay* received another disturbance report around nighttime of the same day involving Casipi, who was allegedly found on board a fire truck attempting to escape his angry neighbors who were pointing to him as the person responsible for the burning of their houses; and
8. It was only after the fire was extinguished that Casipi returned to his house.

The facts from which the circumstances arose have been proven through positive testimony. These circumstances form an unbroken chain of events leading to the sole fair conclusion – that it was Casipi who burnt down his own house. The Court is convinced that the circumstances, taken together, leave no doubt that Casipi committed arson. The accused-appellant in this case failed to substantiate his arguments to persuade this Court that both the trial and appellate courts erred in their appreciation of the evidence presented before them which ultimately led to the finding of his guilt beyond reasonable doubt.

With regard to the imposable penalty, under PD 1613, the penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed if the property burned is an inhabited house or dwelling. The appellate court affirmed the imposition by the trial court of the indeterminate penalty of imprisonment ranging from eight (8) years and one (1) day of *prision mayor*, as minimum, to twenty years of *reclusion perpetua* as maximum; and to pay the cost.

Under the Indeterminate Sentence Law, the penalty shall be imposed on the accused, the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the RPC, and the minimum term of which shall be within the range of the penalty next lower to that prescribed by the Code for the offense without first considering any modifying circumstances attendant to the commission of the crime. The determination of the

minimum penalty is left by the law to the sound discretion of the court and can be anywhere within the range of the penalty next lower in degree without considering the periods into which it might be subdivided.³¹ We find no cogent reason to disturb the penalty imposed by the lower courts. Nonetheless, the designation of the penalty should be corrected to eight (8) years and one (1) day of *prision mayor*, as minimum, to 20 years of *reclusion temporal*, and not *reclusion perpetua*.

Regarding damages, the Court has consistently held that proof is required to determine the reasonable amount of damages which may be awarded to the victims of arson. As a rule, actual or compensatory damages must be proven.³² The records of this case do not show nor allege concrete proof of the amount of actual damages suffered by the complaining witnesses. Hence, the Court has no basis to grant actual damages.

On the other hand, temperate damages may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot from the nature of the case be proved with certainty.³³

Based on the foregoing, We find it reasonable to grant to the complaining witnesses, Dimson, Bautista, Salvacion, and Garania, the amount of ₱50,000.00 each as temperate damages. In addition, exemplary or corrective damages should be awarded as a way to emphasize that any future conduct of this nature is condemned so as to correct the behavior detrimental to the society. The complaining witnesses, Dimson, Bautista, Salvacion, and Garania are further awarded ₱25,000.00 each as exemplary damages.

WHEREFORE, the appeal is **DISMISSED**. The assailed March 3, 2021 Decision of the Court of Appeals in CA-G.R. CR-HC No. 12710 is hereby **AFFIRMED with MODIFICATIONS**.

Accused-appellant Mhar Casipi y Flores is hereby sentenced to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum, to twenty years of *reclusion temporal*, as maximum.

He is likewise ordered to pay temperate damages in the amount of ₱50,000.00 each to Henorio G. Dimson, Marvin Bautista, Elmer M. Salvacion, and Edgar P. Garania, as well as exemplary damages in the amount of ₱25,000.00 to each of them. No pronouncement as to costs.

SO ORDERED."

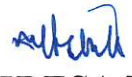

³¹ *People v. Cacho*, 818 Phil. 1002, 1018-1019 (2017).

³² *Gonzales, Jr. v. People*, 544 Phil. 409, 418-419 (2007).

³³ *Id.*

SO ORDERED.”

By authority of the Court:


MARIA TERESA B. SIBULO
Deputy Division Clerk of Court and
Acting Division Clerk of Court 

745

AUG 24 2023

The Office of the Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
1000 Manila
(CA-G.R. CR-HC No. 12710)

The Hon. Presiding Judge
Regional Trial Court, Branch 215
1100 Quezon City
(Crim. Case No. R-QZN-17-13522-CR)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
5/F, DOJ Agencies Building
NIA Road cor. East Avenue
Diliman, 1104 Quezon City

Mr. Mhar F. Casipi
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

The Director General
Bureau of Corrections
1770 Muntinlupa City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

Judgment Division (x)
Supreme Court

UR

