



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 248372

Present:

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

- versus -

AUBREY ENRIQUEZ SORIA,
Accused-Appellant.

Promulgated:

AUG 27 2020

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RESOLUTION

PERALTA, C.J.:

For consideration of this Court is the appeal of the Decision¹ of the Court of Appeals (CA), promulgated on April 30, 2019, which affirmed, with modification, the Decision,² dated November 16, 2015, of the Regional Trial Court (RTC), Branch 7, Cebu City, in Criminal Case No. CBU-95100 which found appellant Aubrey Enriquez Soria guilty beyond reasonable doubt of Qualified Arson as defined and penalized under Section 1, in relation to Section 5, of Presidential Decree (P.D.) No. 1613, otherwise known as the New Arson Law.

In an Information dated February 27, 2012, appellant was charged with Qualified Arson which reads:

¹ Rollo, pp. 5-18; penned by Associate Justice Gabriel T. Ingles, and concurred in by Associate Justice Edward B. Contreras and Associate Justice Dorothy Montejo-Gonzaga.

² CA rollo, pp. 30-42; penned by Acting Presiding Judge Macaundas M. Hadjirasul.

That on or about the 22nd day of February, 2012, at about 2:06 o'clock (*sic*) dawn, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, did then and there set fire to an inhabited house owned and occupied by Mariano Perez Parcon, Jr. and his family located at Holy Family Village, Barangay Banilad this City [*sic*], causing the said house to be burned including the things inside the said house, and the burning to death of Cornelia O. Tagalog, a house helper of said Mariano Perez Parcon, Jr., as a consequence of the burning of the house.

CONTRARY TO LAW.³

During her arraignment, appellant pleaded not guilty to the charge. During pre-trial, appellant stipulated on the fact that she was hired by private complainant Mariano Parcon, Jr. and that the hiring was done through Arizo Manpower Services.⁴

The prosecution presented, as witnesses, Parcon, Eduardo Umandak, Juanito Octe, Erlyn Arizo, SPO4 Rey Cuyos, Guamittos Logrono and Ryan Christopher Sorote who established the following facts:

Parcon testified that on February 22, 2012, at around 2:00 a.m., he was awakened by the smell of smoke. He stood up and got a fire extinguisher, but when he opened the door, he was met by both heat and smoke. He awakened his wife and children, and they escaped the conflagration through the window fire exit. Subsequently, Parcon positioned himself over the room of the house helpers and called Cornelia Tagalog, but he heard no reply. Meanwhile, the occupants of the first floor were alerted by a village security guard and were able to get out. Firemen responded, but the house was totally burned, causing Parcon a damage in the amount of ₱2,649,048.72. The firemen recovered the dead body of Cornelia, a helper in the Parcon household. Later on, they noticed that appellant was missing.⁵

At around 6:00 a.m., Umandak, one of the neighbors of the Parcons, informed the latter that he recovered a travel bag from a woman who jumped over the fence, and whom he suspected of having stolen it. The woman was also carrying a shoulder bag.⁶

Thereafter, the police arrested appellant, and was brought before Parcon for identification. At the precinct, Parcon identified the items recovered from appellant which included a gray shoulder bag, a pouch, a wallet, ladies' things

³ *Id.* at 30.

⁴ *Id.* at 30-32.

⁵ *Id.* at 32-33.

⁶ *Id.* at 33.



and two (2) cellular phones. Parcon recognized the two cellular phones to be his, while the shoulder bag belonged to Cornelia.⁷

Umandak, a resident of Holy Family Village I, testified that at around 4:00 a.m. on the day of the incident, his live-in partner woke him up and told him that there was a girl who was asking for help. When he went out, he saw a girl sitting on a step board of a multi-cab, carrying a black travel bag and a gray shoulder bag. The girl, who was later on identified as appellant, informed Umandak that she came from Day-as, Cebu and that her mother asked her to go to Holy Family Village II. Appellant further informed Umandak that she arrived in the village onboard a taxi but disembarked at Tol Jalikan's place, a spot close to the house of Parcon. Appellant then asked Umandak's son to carry the bag and accompany her to Holy Family Village II. Umandak grew suspicious so he got the bag and told his son to go home. Meanwhile, appellant eventually climbed the stairs. Umandak tried to stop appellant, telling her that security guards might shoot her since she was carrying a bag. Appellant, however, still climbed and jumped over the fence to Holy Family Village II, but left the black travel bag behind.⁸

At around 5:00 a.m., Umandak went over to the burnt house where he learned that one of Parcon's helpers was missing. Umandak then recounted to Parcon his encounter with appellant. When asked to describe the girl, the description matched the description of appellant. Umandak likewise informed Parcon that he recovered a travel bag from the girl which he later on handed to Parcon. The latter then confirmed that the travel bag belonged to appellant. After appellant was arrested, the police showed Umandak a photograph of appellant for identification, who Umandak identified as the girl he spoke with on the day of the incident.⁹

The prosecution also presented the testimony of Octe, the common-law partner of Cornelia. He testified that the gray shoulder bag, as well as the transparent pouch, red wallet, perfume, coin purse with keys, handkerchief and lipstick, belonged to Cornelia.¹⁰

SPO4 Cuyos testified that during the investigation, Umandak came forward bringing with him a black travel bag which was later on positively identified by one of Parcon's household staff as belonging to appellant. He also testified that the information gathered pointed to appellant as the suspect as she was the only one who managed to pack her belongings and escape the fire. The police investigators proceeded to Dumlog, Talisay City for the arrest of appellant. Appellant was later on found in the house of her uncle in

⁷ *Id.*
⁸ *Id.* at 33-34.
⁹ *Id.* at 34.
¹⁰ *Id.* at 34-35.



Minglanilla, Cebu. When appellant spotted the police officers, she ran and hid at a nearby house where she was eventually arrested. The police were able to retrieve a gray shoulder bag from appellant which contained a red wallet, a coin purse, a perfume, five cellphones, a lipstick and a match.¹¹

Lastly, witness Sorote of TV5 Cebu and The Freeman News testified that he had covered the fire incident at the Parcons, and that he was able to interview appellant in person after the police arrested her. He testified that during the course of the interview, the appellant admitted to the crime.¹²

The appellant denied the offense charged. She narrated that in the morning of February 21, 2012, she wanted to go home because her children were sick. She sought permission from Parcon, but the latter refused. As a result, she escaped at about 9:00 or 10:00 p.m. of the same date through the assistance of Cornelia. As agreed with Cornelia, they told Parcon that they were going out for a snack, but that Cornelia would later return to the house, fetch appellant's things and send her a text message. At 11:00 p.m., appellant did not receive any text message from Cornelia, so she proceeded to Talisay City by riding a taxi.¹³

On November 16, 2015, the RTC promulgated its Decision convicting appellant of Qualified Arson. The dispositive portion of the Decision reads as follows:

WHEREFORE, finding the accused, AUBREY ENRIQUEZ SORIA, guilty beyond reasonable doubt of Qualified Arson as defined and penalized under Section 1, in relation to Section 5, of Presidential Decree No. 1613, she is hereby sentenced to suffer the penalty of *reclusion perpetua*, including all the accessory penalties attached thereto, and to pay Marciano P. Parcon, Jr. a temperate damage of P500,000.00 and exemplary damages of P50,000.00, as well as the heirs of Cornelia Tagalog P50,000.00 as compensation for the latter's death and exemplary damages of P50,000.00.

SO ORDERED.¹⁴

In convicting the appellant, the RTC held that the circumstantial evidence that was presented would prove that appellant was the one directly responsible for the burning of the house of the Parcons. *First*, there is no controversy about the fact that the subject house was razed by fire on February 22, 2012. *Second*, appellant made an admission to Sorote, a competent witness who testified thereon, when the latter interviewed her for The Freeman News

¹¹ *Id.* at 36.

¹² *Id.* at 38.

¹³ *Id.* at 39.

¹⁴ *Id.* at 42.

which was published on February 24, 2012. And *third*, Umandak testified that he caught appellant escaping from the village by jumping over the fence, and the latter's own admission that she did escape, although giving a different reason therefor. As to whether or not the burning was malicious, the trial court held that the appellant's narration — that the fire spread throughout the entire house when she torched her employment documents and that instead of alarming the occupants, she escaped — is enough circumstantial evidence that the burning of the house was deliberate and malicious.¹⁵

Thus, appellant appealed before the CA. On April 30, 2019, the CA promulgated its assailed Decision which affirmed with modification the Decision of the RTC, thus:

WHEREFORE, the appeal is hereby DENIED. The Decision dated November 16, 2015 rendered by the Regional Trial Court, Seventh Judicial Region, Cebu City, Branch 7, in Criminal Case No. CBU-95100 is AFFIRMED with MODIFICATION ordering accused-appellant Aubrey Enriquez Soria to indemnify the heirs of Cornelia Tagalog the amount of P50,000.00 as moral damages, in addition to the damages already awarded by the trial court, and to impose interest at the rate of six percent (6%) per annum from finality of decision until fully paid on the temperate and exemplary damages awarded by the court.

SO ORDERED.¹⁶

The CA affirmed the findings of the trial court that the conviction of the appellant is justified upon circumstantial evidence. The appellate court held that the circumstances point to appellant as the author of the crime. As to appellant's contention that her admission of guilt made before news reporter Sorote should not be considered as it was not done intelligently and was made with coercion, the CA observed that appellant voluntarily agreed to take part in the interview and even provided details on how the arson was committed.¹⁷

Hence, this appeal wherein appellant raises the issue of whether the prosecution was able to establish her guilt beyond reasonable doubt.

OUR RULING


The Court affirms the conviction of appellant.

Section 3 of P.D. No. 1613, otherwise known as the New Arson Law, provides that the penalty of *Reclusion Temporal* to *Reclusion Perpetua* shall

¹⁵ *Id.* at 39-42.

¹⁶ *Rollo*, pp. 17-18.

¹⁷ *Id.* at 11-16.



be imposed if the property burned is an inhabited house or dwelling. Section 5 of the same law states that if by reason of or on the occasion of the arson death results, the penalty of *Reclusion Perpetua* to death shall be imposed.” As such, the elements of the crime are: (a) there is intentional burning; and (b) what is intentionally burned is an inhabited house or dwelling.

In *People v. Gil*,¹⁸ appellant therein was convicted of the crime of arson with homicide for willfully setting fire to a residential house by pouring kerosene on a mattress and igniting it with a lighter, directly and immediately causing the death of the person occupying the same. Here, we emphasize the death similarly caused by appellant in deliberately burning the inhabited house of Parcon. Thus, she should likewise be convicted of arson with homicide. According to the trial court, the prosecution positively proved that appellant deliberately set fire on the house owned and occupied by the Parcon family when she burned her employment papers at the home office thereof resulting in the death of the family’s house helper. The records reveal that the chain of events before, during, and after the fire established beyond reasonable doubt that the appellant committed the acts alleged in the information.

But contrary to the findings of the trial court, the appellant argues that the circumstantial evidence presented by the prosecution was insufficient to convict her for the crime charged. Appellant further posits that Sorote’s testimony, surrounding the interview wherein appellant admitted committing the offense, cannot be given credence because the purported admission was not done intelligently and knowingly, and not without improper pressure and coercion, as they were made while already detained at the Cebu City Police Office. Lastly, she contends that the testimony of Umandak that he caught appellant escaping the village should not be given weight because the same was not corroborated by the testimonies of the other witnesses.

On the other hand, the People counters that the prosecution witnesses sufficiently presented an unbroken chain of events that leads to the fair conclusion that appellant intentionally burned the house of the Parcons and, on the occasion of the fire, Cornelia died. As to appellant’s contention that her admission to the news reporter should be inadmissible as it was not done intelligently, the People argues that the interview was not done in the course of an investigation and that it was voluntarily given by appellant.

Circumstantial evidence is sufficient to identify appellant as the perpetrator of the arson



¹⁸

G.R. No. 172468, October 15, 2008, 590 Phil. 157-169.

In the case at bar, there is no direct evidence to link appellant to the commission of the offense, there being no eyewitness as to how the fire commenced. However, the lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. Direct evidence is not the sole means of establishing guilt beyond reasonable doubt because circumstantial evidence, if sufficient, can supplant the absence of direct evidence.¹⁹

Resort to circumstantial evidence is sanctioned by Rule 133, Section 5 of the Revised Rules on Evidence.²⁰ To sustain a conviction based on circumstantial evidence, three requisites must be established: *first*, there is more than one circumstance; *second*, the facts from which the inferences are derived are proven; and *third*, the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.²¹

In several instances, this Court had appreciated circumstantial evidence to sustain convictions for the crime of arson. In *People v. Abayon*,²² none of the prosecution witnesses actually saw the accused start the fire, but this Court held that the circumstantial evidence presented by the prosecution, taken in its entirety, all pointed to the accused's guilt. Moreover, in *People v. Acosta*,²³ although there was no direct evidence linking the accused to the burning of the house, we sustained the conviction of the accused and ruled that the circumstantial evidence was substantial enough to convict the accused. The accused had motive, and he was present at the scene of the crime before and after the incident.²⁴

However, for circumstantial evidence to be sufficient to support a conviction, all the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.²⁵ Thus, the circumstances proven should constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of others, as the guilty person.²⁶ Moreover, it must be remembered that the probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence. 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

¹⁹ *Bacolod v. People*, 714 Phil. 90, 95 (2013).

²⁰ *Buebos, et al. v. People*, 573 Phil. 347, 358 (2008); citation omitted.

²¹ *People v. Ariel Manabat Cadenas, et al.*, G.R. No. 233199, November 5, 2018.

²² 795 Phil. 291 (2016).

²³ 382 Phil. 810, 820 (2000).

²⁴ *Bacerra v. People*, 812 Phil. 25, 37 (2017).

²⁵ *People v. John Sanota y Sarmiento, et al.*, G.R. No. 233659, December 10, 2019.

²⁶ *People v. Ariel Manabat Cadenas, et al.*, G.R. No. 233199, November 5, 2018.

inferred." The same quantum of evidence is still required, that is guilt beyond reasonable doubt.²⁷

Both the trial and appellate courts held that the following circumstances point to the logical conclusion that appellant commenced and caused the fire:

1. February 22, 2012, at about 2 a.m., Parcon, Jr. and his family were sleeping in their house at Holy Family Village I, Banilad, Cebu City;
2. After having been roused from his sleep by [the] smell of smoke, Parcon, Jr. leaped from his bed and slightly opened the door of his room to check outside;
3. Parcon, Jr. saw a thick cloud of smoke on the second floor and fire spreading on their stairs;
4. Parcon, Jr. opened the fire exit by the window of their bedroom and his family passed [through] it to jump onto the roof of their garage, away from the fire;
5. The firemen recovered the burned remains of Cornelia Tagalog and noted that accused-appellant was missing;
6. At early dawn on even date, Parcon, Jr.'s neighbor, the witness Umandak spoke with accused-appellant who had with her a bag which later turned out to be owned by the deceased Cornelia Tagalog, and that appellant had fled the village by climbing over a fence and jumping over to the adjacent Holy [F]amily Village II;
7. At about 6:00 a.m., another resident of Holy Family Village I, witness Umandak, told Parcon, Jr. that he saw and spoke with a woman, later identified as the appellant;
8. After the appellant was arrested following a hot pursuit operation, police investigators recovered from the appellant two cellular phones that belonged to Parcon, Jr. as well as a handbag, cash and personal effects belonging to the deceased Cornelia Tagalog as identified by Parcon, Jr. and Cornelia (*sic*)[.]
9. Appellant admitted to a news reporter that she burned employment documents inside Parcon, Jr.'s house and that she was willing to face the consequences of her actions.²⁸

We find that the CA did not err in finding that the prosecution witnesses realistically described a chain of circumstances which leaves no doubt that appellant perpetrated the arson. The appellate court aptly observed:

What the evidence on record tells us is this – accused-appellant, who had just been hired the day before the incident, had stolen the cellular

²⁷ *Antonio Planteras, Jr. v. People*, G.R. No. 238889, October 3, 2018.

²⁸ *Rollo*, p. 14.

phones of her employer Parcon, Jr., as well as the belongings of her co-worker, the deceased Cornelia Tagalog. To cover her tracks, she burned her employment papers at Parcon, Jr.'s home office, which fire turned into a conflagration that burned the entire Parcon house down and resulted in the death of Cornelia Tagalog. That accused-appellant had in her possession the two cellular phones of Parcon, Jr. and the personal effects of Cornelia Tagalog places her at the scene of the crime.

Even if the trial court disregarded the accused-appellant's confession made before [the] police beat reporters, the testimonies of Parcon, Jr., Umandak and Octe are sufficient to convict as they are "*consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.*"²⁹

Indeed, the circumstances constitute an unbroken chain of events which points to the appellant as the one who started the fire which gutted the house of the Parcons, and eventually killed Cornelia. This Court notes that the evidence was adequate to prove that appellant was present at the scene of the crime before the incident and was the one who started the fire. This is clear when she narrated during her interview with Sorote that she burned her employment papers at the home office of Parcon, and that the fire turned into a conflagration that burned the entire Parcon house. Moreover, sufficient evidence was also presented to prove that appellant was in close proximity to the gutted Parcon house after the incident. Umandak, a neighbor of the Parcons, positively identified appellant as the one he spoke with two hours after the incident.

Necessarily, the issue narrows down to credibility of the witnesses. Worthy of reiteration is the doctrine that on matters involving the credibility of witnesses, the trial court is in the best position to assess the credibility of witnesses since it has observed firsthand their demeanor, conduct and attitude under grilling examination. Absent any showing of a fact or circumstance of weight and influence which would appear to have been overlooked and, if considered, could affect the outcome of the case, the factual findings and assessment on the credibility of a witness made by the trial court remain binding on an appellate tribunal.³⁰

Admissions made by appellant to news reporter Sorote are admissible in evidence against her

We likewise reject appellant's contention that her admission to news reporter Sorote should be struck down for being inadmissible. Appellant posits that the admission was given under intimidating and coercive

²⁹ *Id.* at 14-15; citations omitted.

³⁰ *People v. Murcia*, 628 Phil. 648, 659 (2010); citation omitted.

circumstances since the same was made when she was already detained at the Cebu City Police Office. In this wise, our ruling in *People v. Dacanay*³¹ is instructive:

The fact that the extrajudicial confession was made by Antonio while inside a detention cell does not by itself render such confession inadmissible, contrary to what Antonio would like this Court to believe. In *People v. Domantay*, where the accused was also interviewed while inside a jail cell, this Court held that such circumstance alone does not taint the extrajudicial confession of the accused, especially since the same was given freely and spontaneously[.]

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Following this Court's ruling in *People v. Jerez*, the details surrounding the commission of the crime, which could be supplied only by the accused, and the spontaneity and coherence exhibited by him during his interviews, belie any insinuation of duress that would render his confession inadmissible.³²

Here, Sorote interviewed appellant in person after she was arrested by the police investigators. As correctly observed by the CA, appellant had not only agreed to be interviewed; she also provided details on why and how she perpetrated the offense, thus the admission of guilt made before Sorote is admissible in evidence against her. Sorote testified that:

Q: Now Mr. Witness, can you recall the interview with Soria?

A: During the interview, she said she needed money, and that her live-in partner was already asking for money and asked her to stop being a nanny and go home so that they could be together. So, as far as I could remember, the nanny said, "wala nako toyoa ang pagsunod, nanguha ko ug mga butang sa familya Parcon, and on my way out of the house, I thought of burning the employment documents which were in the office of Mr. Parcon, Jr."

However, when she torched the documents, the fire spread throughout the room and to the entire house.

Q: And was there any other statements coming from the accused, Mr. Witness?

A: Yes, she said that she did not intend to do the incident, and she would like to ask forgiveness from the family, as well as from the family of her dead co-worker in the house, and because the incident was already done, she is willing to accept the penalty and imprisonment of what she did.³³

Clearly, appellant's confession to the news reporter was given free from any undue influence from the police authorities. Sorote acted as a member of

³¹ 798 Phil. 132 (2016).

³² *Id.* at 144-145; citations omitted.

³³ *Rollo*, p. 9.

the media when he interviewed appellant, and there was evidence presented that would show that Sorote was acting under the direction and control of the police.³⁴ More importantly, appellant voluntarily supplied the details surrounding the commission of the offense.

Penalty and the awarded indemnities

P.D. No. 1613 imposes the penalty of *reclusion perpetua* to death if by reason or on the occasion of the arson, death results. The lower courts correctly sentenced appellant with *reclusion perpetua* only considering that there was no aggravating circumstance alleged in the information.³⁵

Anent the award of damages, the CA included an award of moral damages in favor of the heirs of Cornelia in the amount of Fifty Thousand Pesos (₱50,000.00). In view of our ruling in *People v. Jugueta*,³⁶ we increase this award to Seventy-Five Thousand Pesos (₱75,000.00). We are also modifying the award by the trial court of civil indemnity, as compensation for death, and exemplary damages to Cornelia's heirs, by increasing them to Seventy-Five Thousand Pesos (₱75,000.00). Also, the award of exemplary damages in favor of Parcon must also be increased to Seventy-Five Thousand Pesos (₱75,000.00).³⁷ Finally, these amounts shall earn six percent (6%) interest per annum from finality of this Resolution until fully paid.³⁸

WHEREFORE, the Court **AFFIRMS** the Decision of the Court of Appeals, dated April 30, 2019, in CA-G.R. CEB CR. HC. No. 02503, finding appellant Aubrey Enriquez Soria **GUILTY** beyond reasonable doubt of the crime of Arson with Homicide, with the following **MODIFICATIONS**:

- (1) The awarded civil indemnity to the heirs of Cornelia Tagalog is **INCREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (2) The award of moral damages in favor of the heirs of Cornelia Tagalog is **INCREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (3) The award of exemplary damages in favor of the heirs of Cornelia Tagalog is **INCREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (4) The award of exemplary damages in favor of Mariano Parcon. Jr. is **INCREASED** to Seventy-Five Thousand Pesos (₱75,000.00); and

³⁴ *People v. Andan*, 336 Phil. 91, 112 (1997).

³⁵ *People v. Nestor Dolendo y Fediles*, G.R. No. 223098, June 3, 2019

³⁶ 783 Phil. 806 (2016).

³⁷ *Id.* at 851.

³⁸ *People v. Nestor Dolendo y Fediles*, G.R. No. 223098, June 3, 2019.

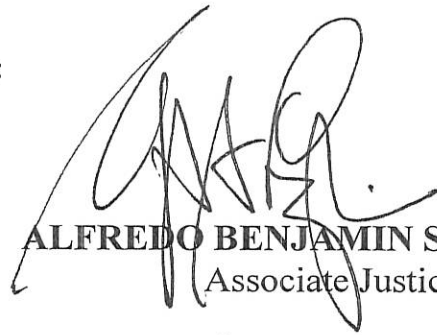
- (5) Appellant is also ordered to pay interest on these amounts at the rate of six percent (6%) per annum from the time of finality of this Resolution until fully paid.

SO ORDERED.

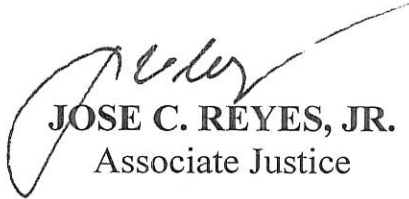


DIOSDADO M. PERALTA
Chief Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



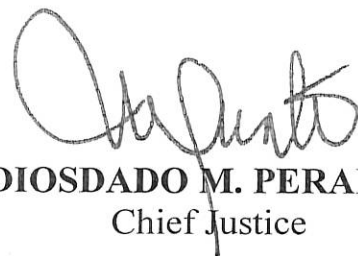
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice

