



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 242414

Present:

LEONEN, J.,
Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J. Y., JJ.

- versus -

MAE AL-SAAD y BAGKAT.
Accused-Appellant.

Promulgated:
March 15, 2021

MisadCBett

X ----- X

DECISION

HERNANDO, J.:

This ordinary appeal under Rule 44 of the Rules of Court seeks the reversal of the May 4, 2018 Decision¹ of the Court of Appeals (CA) in CA G.R. CR-H.C. No. 07502.

The CA Decision affirmed the April 29, 2015 Decision² of the Regional Trial Court (RTC), Branch 199 of Las Piñas City in Criminal Case No. 10-0771, finding accused-appellant Mae Al-Saad y Bagkat guilty of Arson with Homicide, defined and penalized under Presidential Decree No. 1613 (PD 1613) otherwise known as the New Arson Law, as amended.

¹ *Rollo*, pp. 2-22, penned by Associate Justice Maria Filomena D. Singh and concurred in by Associate Justices Sesinando E. Villon and Edwin D. Sorongon.

² CA *rollo*, pp. 60-92 penned by Presiding Judge Joselito dj. Vibandor.

In an Information³ dated September 20, 2010, accused-appellant was charged with the crime of Arson, as follows:

That on or about the 14th day of September, 2010, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by spite or hatred towards the occupants of the property burned, did then and there willfully, unlawfully and feloniously set fire to an inhabited house situated at Blk 37, Lot 18 Lennox Anne Black St., BF Resort Village, Talon 2, Las Piñas City, and by reason of or on the occasion of the arson, death results to Ameerah Nabil Al-Saad, fourteen (14) [years] old and Ibrahim Nabil Al-Saad, twelve (12) [years] old, and serious physical injuries to Sarah Nabil Al-Saad, sixteen (16) [years] old who are all her stepchildren with Nabil Al-Saad, and causes damage to properties in the amount of Php 1,500,000.00, to the damage and prejudice of the owner thereof.

CONTRARY TO LAW.⁴

Upon her arraignment on October 21, 2010, accused-appellant pleaded not guilty to the crime charged.⁵ Trial ensued.

The prosecution presented 12 witnesses, namely: (1) Nabil Al-Saad (Nabil), the husband of accused-appellant; (2) Sarah Al-Saad (Sarah), the daughter of Nabil and survivor of the fire incident; (3) Abdul Rahman Al-Saad (Abdul), the son of Nabil; (4) Grace Daligdig (Grace), house helper of the Al-Saads at the time of the fire incident; (5) Neri Abad, Jr., gasoline attendant of Optimus Shell Gasoline, Talon Dos, Las Piñas City; (6) Harold Glenn Michiano⁶ (Michiano), the manager of Optimus Shell Gasoline, Talon Dos, Las Piñas City; (7) Lemuel Tudio (Tudio), a tricycle driver; (8) Rolly Morillos (Morillos), a Barangay Tanod assigned in Parelab Subdivision; (9) Edward Oxemer⁷ (Oxemer), a neighbor of the Al-Saads; (10) Senior Forensic Chemist Salud Rosales of the National Bureau of Investigation; (11) Senior Fire Officer 4 Roberto Nullan, the lead Fire Investigator of the September 14, 2010 fire incident, from the Las Piñas Fire Department; and (12) Senior Fire Officer 1 Angelito Agniton,⁸ the Electrical Examiner of the Bureau of Fire Protection-Arson Laboratory Section.⁹

On the other hand, the defense presented accused-appellant as the lone witness.¹⁰

³ Records, p. 1.

⁴ Id.

⁵ Id. at 39

⁶ Spelled as Michiano in some parts of the records.

⁷ Spelled as Oximer in some parts of the records.

⁸ Spelled as Agniton in some parts of the records.

⁹ CA *rollo*, pp. 61-62.

¹⁰ Id. at 70.

Version of the Prosecution:

The version of the prosecution, as summarized in the CA Decision, is as follows:

On 14 September 2010, Abdul was at their house, together with Ibrahim Al-Saad (Ibrahim), Sarah, Ameerah Al-Saad (Ameerah), Leila Al-Saad (Leila), and Grace, the [Al-Saads'] househelp. At around 1:00 in the morning, Abdul was sleeping in his room with his younger sibling Ibrahim, when he was awakened by Grace who was asking money from him to buy milk for his youngest sibling, Leila. He gave the maid Php 1,000.00 and went back to sleep.

He was awakened the second time around when the house was already on fire, there was smoke in their room and he saw blue and orange flames in the sala. He immediately woke Ibrahim up and held the latter's hand. But when they were trying to find a way out of their house, they got separated because Ibrahim went to the room of their other siblings. Abdul was finally able to find the door and get out of the house. There, Abdul saw Mae and Leila, his half-sister, and Grace watching their burning house. As a result of the fire, his siblings Ibrahim and Ameerah died, while his other sister Sarah suffered injuries.

Abdul and Mae were not on good terms because Mae was into drugs and was a drunkard. Abdul was the one in charge of the finances of the household because his father did not trust Mae with the handling of the finances of the household as Mae was into drugs.

Sarah testified that she was awakened by her siblings, Ameerah and Ibrahim. Sarah, Ameerah and Ibrahim ran to the comfort room of the house to get water. However, there was no water. At the time they went to the comfort room, their room was already very hot. Sarah saw flames about to enter their room and the door of the room was already burning. She sustained first degree burns on her body and she was treated at the Perpetual Help Rizal Medical Center.

At around 3:10 in the morning of the same day, Morallos was the guard-on-duty at Parelab Subdivision. He saw Mae and her child Leila aka Kokay, leave the village. After a few minutes, they came back and Mae gave him Zesto juice drink in tetra pack and five (5) sticks of Marlboro cigarettes. He noticed that Mae was hiding something when she gave him the Zesto tetra pack juice and five (5) sticks of Marlboro cigarettes. Mae told him that she noticed an electrical spark in the kitchen. Then, somebody told them that the house of the Al-Saads was on fire.

In the early morning of the same day, Mae together with a two (2)-year old baby girl, approached tricycle driver Tudio at the tricycle terminal, as he was the one next on queue. Mae requested him to pass by Optimus Shell Gasoline Station before proceeding to Lennox Street to pick up a 4-liter can at the Optimus Shell Gasoline Station, and later alighted a few meters away from their house.

Neri, a gasoline attendant at the Shell Gasoline Station, Talon Dos Branch, sold 4.189 liters of unleaded gasoline worth Php 175.00 to Mae at around 3:00 in the morning of 14 September 2014. Mae initially asked to buy

kerosene allegedly for her stalled vehicle. Neri told Mae that gasoline, not kerosene, is what a vehicle needs to run. So, Mae purchased unleaded gasoline instead. Neri asked Php20.00 deposit for the appropriate container since Mae only had with her a 1.5-liter plastic soda bottle.

At the time of the incident, Oximeri, a neighbor, was at his house when he saw the house of the Al-Saads on fire. He heard Abdul shout for help and peeped out of the door. Then, he saw the Al-Saads' house burning, in orange flames. The house was already engulfed in fire because he can no longer see the interior of the house, as the fire was coming from the floor. When Abdul told him that there was no way to go inside the house because the door was locked, he decided to go to the fire station.

Grace, the Al-Saads' househelp, testified that at around 1:00 in the morning, Mae woke her up and instructed her to buy diapers and milk for her child, Leila. Thereafter, she was also instructed to buy *pandesal*. When she returned at past 4:00 in the morning, the house was burned already. Grace saw Mae and her child, Leila, at the guard house.

Forensic Chemist Rosales testified that he received a bottle of ashes and debris taken from the house of the Al-Saads. Forensic Chemist Rosales found no flammable substances in the ashes and debris. Despite the absence of flammable substance, Forensic Chemist Rosales opined that it is still possible that the cause of the fire was a flammable substance. The absence of the flammable substance in the ashes and debris may have been caused by the fact that it was washed out by the water used by the firemen, or dispersed in vapor already and consumed by fire.

Miciano, the Manager of the Optimus Shell Gasoline Station, Talon Dos, testified that he was able to retrieve the 14 September 2010 close circuit television (CCTV) footage, which confirmed that Mae purchased gasoline from their Optimus Shell Gasoline Station on that day. Mae was accompanied by a child. The purchase receipts for the 4 liters of gasoline and the tetrapack juices bought by Mae were retrieved by him.

SFO4 Nullan, the Arson Investigator of the Las Piñas City Fire Department, investigated the fire. He saw a partially burned car parked inside the garage. He saw the burned victims, Ibrahim and Ameerah, at the kitchen area. He noticed spalling in some areas of the concrete wall, usually caused by flammable substance. He identified the dilapidated wiring installations at the dirty kitchen area which remained intact, which was reported by Mae to have sparked before the fire. The broken wire in the ceiling of the dirty kitchen was covered with cement and there was no line going to the ceiling. He collected the extension wire, the electrical motor and the television parts to determine the origin of the fire and submitted the same to the NBI. He also collected ashes and debris from the sala, the known place of the origin of the fire.

SFO1 Lagniton, the Electrical Examiner from the Bureau of Fire Protection, examined five (5) specimens, namely: one (1) electrical motor fan, television coil, electrical outlet and two (2) sets of electrical wires. He found no trace of electrical short circuit.¹¹

¹¹ *Rollo*, pp. 4-8.

Version of the Defense:

On the other hand, the version of the defense, as summarized in the appellate court's Decision, is as follows:

Mae denied the accusations filed against her. Mae narrated that sometime around 13 September 2010, she had a misunderstanding with Abdul because Abdul accused her of stealing his Ipad. At around 7:00 in the evening of the same day, Mae decided to spend time alone at the back of SM Mall of Asia in order not to aggravate the misunderstanding.

She went back home at around midnight. She went straight to her room. Thereafter, she performed her usual routine of checking the water pump and personal belongings. As she roamed around, she smelled burning electrical wire and verified the source of the burning electrical wire. She talked to Grace about what she smelled, but the latter replied that there was nothing.

She asked Grace to transfer her child, Leila, from the room of Sarah and Ameerah into her room. Then she asked Grace to get Php1,000.00 from Abdul to buy diapers and milk for her child. Grace returned at around 1:00 in the morning and she prepared the child's milk, changed the child's diaper, but the child cried and would not stop crying.

At around 3:00 in the morning, Mae decided to get out of the house to buy chocolates for her child at the convenience store at Optimus Shell Gasoline Station. Mae also bought Zesto juice, one (1) pack each of Philip and Marlboro cigarettes, and candies. They returned home at around 3:20 in the morning. She boiled water for coffee and instructed the maid to buy *pandesal* at the bakery.

After a while, Mae got bored waiting for Grace to come back and she followed her. She took shelter at the guard house because it was drizzling for fifteen (15) minutes. Thereafter, she saw a man running towards the guard house informing them that there is a house on fire. She went to their house and saw it was on fire. She helped put out the fire by fetching water from the faucet of their neighbor.¹²

Ruling of the Regional Trial Court:

In a Decision¹³ dated April 29, 2015, the RTC, Branch 199 of Las Piñas City found accused-appellant guilty beyond reasonable doubt of the crime of Arson. The dispositive portion of the Decision reads:

WHEREFORE, in light of the foregoing, this court finds accused MAE AL-SAAD y BAGKAT, GUILTY beyond reasonable doubt of the crime of Arson defined and penalized under PD 1613 and hereby sentence her to suffer the penalty of RECLUSION PERPETUA as during the occasion of Arson, two (2) individuals perished as a consequence.

¹² Id. at 8-10.

¹³ CA *rollo*, pp. 60-92.

Moreover, accused Mae Al[-]Saad is hereby directed to indemnify the heirs of the victims moral damages in the amount of ONE HUNDRED THOUSAND PESOS (Php 100,000.00) to EACH of the victims who perished during the commission of the crime.

Let a copy of this Decision be furnished the parties for their information and guidance.

SO ORDERED.¹⁴

Ruling of the Court of Appeals:

In its Decision¹⁵ dated May 4, 2018, the appellate court affirmed the trial court's Decision with modification as to the award of damages and interest. The dispositive portion of the CA Decision reads thus:

WHEREFORE, the appeal is hereby DENIED. The Decision dated 10 April 2015 in Criminal Case No. 10-0771 of Branch 199 of the Regional Trial Court of Las Piñas City is hereby AFFIRMED with the following MODIFICATION:

1. Civil indemnity *ex delicto* of Php 100,000.00 each is awarded to the heirs of Ibrahim Al-Saad and Ameerah Al-Saad, to be paid by accused-appellant Mae Al-Saad y Bagkat.

2. Exemplary damages of Php 100,000.00 each is also awarded to the heirs of Ibrahim Al-Saad and Ameerah Al-Saad, to be paid by accused-appellant Mae Al-Saad y Bagkat.

3. Interest at the rate of six percent (6%) per *annum* is imposed on all damages awarded, from finality of this Decision, until full payment.

SO ORDERED.¹⁶

Hence, this appeal wherein accused-appellant raises the issue of whether the appellate court gravely erred in convicting her of Arson with Homicide even though her guilt had not been proven beyond reasonable doubt.

Our Ruling

The Court affirms accused-appellant's conviction but with modification as to the amount of damages awarded. Her guilt for the crime of Arson with Homicide was proven beyond reasonable doubt. Section 3(2) and Section 5, of PD 1613, read:

Section 3. *Other Cases of Arson.* The penalty of Reclusion Temporal to Reclusion Perpetua shall be imposed if the property burned is any of the following:

¹⁴ Id. at 92.

¹⁵ *Rollo*, pp. 2-22.

¹⁶ Id. at 21-22.

x x x

2. Any inhabited house or dwelling;

x x x.

Section 5. *Where Death Results from Arson.* If by reason of or on the occasion of the arson death results, the penalty of Reclusion Perpetua to death shall be imposed.

Arson is present when: (a) there is intentional burning; and (b) what is intentionally burned is an inhabited house or dwelling.¹⁷

In the case at bar, the trial court, as affirmed by the appellate court, found that the prosecution positively proved that accused-appellant deliberately set fire to their house which resulted in the deaths of its two inhabitants. The case records clearly showed that accused-appellant's acts before, during, and after the fire established beyond reasonable doubt her guilt of committing the acts alleged in the Information. The prosecution sufficiently established an unbroken chain of events which led to the fair and reasonable conclusion that she intentionally set the house on fire.

Accused-appellant argues that the *corpus delicti* rule in arson was not satisfied and that the circumstantial evidence presented by the prosecution was insufficient to convict her of the crime charged. In her Brief,¹⁸ she posits that:

26. 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. Granting *arguendo* that the accused-appellant indeed purchased gasoline, still there is no arson if evidence is lacking to prove that it was the accused-appellant who intentionally ignited the gasoline inside the house. No evidence was presented to connect and complete the circumstances which would lead to a conclusion that the accused-appellant INTENTIONALLY ignited the alleged gasoline or caused the fire.¹⁹

We are not persuaded. We affirm the findings of the trial court and the appellate court. Resort to circumstantial evidence is sanctioned by law, particularly Rule 133, Section 4 of the Rules on Evidence which provides:

- (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.

¹⁷ *People v. Soria*, G.R. No. 248372, August 27, 2020.

¹⁸ *CA rollo*, pp. 42-59.

¹⁹ *Id.* at 55.

The Court concedes that there is no direct evidence to link accused-appellant to the alleged act, there being no eyewitness as to how the fire started. However, jurisprudence holds that direct evidence is not the sole means of establishing guilt. The lack or absence of direct evidence does not necessarily mean that the accused-appellant's guilt cannot be proved. Circumstantial evidence, if sufficient, can supplant the absence of direct evidence and therefore, also prove guilt beyond reasonable doubt.²⁰

People v. Soria,²¹ a similar arson case wherein circumstantial evidence was proven to be sufficient to identify and convict the accused, further elaborated on this kind of evidence, to wit:

[F]or 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. 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.** 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 inferred."²² (Emphasis supplied)

We agree with the findings of both the trial court and the appellate court that the following combination of circumstances pointed to the logical conclusion that accused-appellant commenced and caused the fire as to support a judgment of conviction beyond reasonable doubt against her:

[F]irst, at 12:00 in the morning of 14 September 2010, Mae went home from SM Mall of Asia; *second*, Mae arrived at their house in Lennox Anne Black Street, BF Village, Talon Dos, Las Piñas City at 1:20 in the morning; *third*, Mae instructed Grace to get her child, Leila, from the room of Ameerah and Sarah; *fourth*, Mae bought four (4) liters of gasoline from Optimus Shell Gasoline Station, Talon Dos Branch at around 2:59 in the morning of 14 September 2010; *fifth*, Mae and her child rode a tricycle driven by Tudio going home to Lennox Street and picked up something at Optimus Shell Gasoline Station, Talon Dos Branch; *sixth*, when Mae alighted from the tricycle Tudio noticed a liquid substance on the floor of his tricycle and when he wiped it, it smelled of gas; *seventh*, at around 3:20 in the morning of 14 September 2010, Morillos saw Mae come back to B.F. Las Piñas and she handed to him a Zesto tetra pack and five (5) sticks of Marlboro cigarettes; *eighth*, at the time Mae gave Morillos the Zesto tetra pack and five (5) sticks of Marlboro cigarettes, he noticed Mae was hiding something; *ninth*, Mae instructed Grace to buy *pandesal* at 3:00 in the morning; *tenth*, Mae was admittedly at the guard house when the fire was ongoing, on the pretext that she was looking for Grace, who had taken long in coming back, but since it was drizzling, she supposedly took shelter in the guard house; *eleventh*, Miciano retrieved the CCTV of the gas

²⁰ *People v. Soria*, supra note 12, citing *Bacolod v. People*, 714 Phil. 90, 95 (2013).

²¹ *Id.*

²² *Id.*

station and it showed Mae together with Leila purchasing gasoline, cigarettes and chocolates in the early morning of 14 September 2010.²³

The testimonies of the other credible witnesses, all of whom were assessed and observed firsthand by the trial court, corroborated the above findings. They all point to the fact that accused-appellant was the one who started the fire which gutted the Al-Saads' house, resulting to the deaths of Ameerah and Ibrahim and causing serious physical injuries to Sarah, all of whom are accused-appellant's stepchildren.

The gasoline attendant of Optimus Shell Gasoline Station, Talon Dos Branch, positively identified accused-appellant as having purchased gasoline from their store.²⁴ The lead Fire Investigator also testified that the dirty kitchen area where accused-appellant reported to have seen a spark and smelled something burnt was not even damaged by the fire.²⁵

Thus, absent any circumstance which could affect the outcome of the case, the findings of the lower court, as affirmed by the appellate court, remain binding on the Court. In fine, accused-appellant's guilt for the offense of Arson with Homicide has been proven beyond reasonable doubt. The trial court and the appellate court thus correctly convicted her of the offense and sentenced her to *reclusion perpetua*.

However, there is a need to modify the awards of damages pursuant to *People v. Soria*²⁶ and *People v. Jugueta*.²⁷ Consequently, the awards of civil indemnity, moral damages, and exemplary damages are each reduced from ₱100,000.00 to ₱75,000.00 payable to the heirs of the victims, Ameerah Nabil Al-Saad and Ibrahim Nabil Al-Saad. The legal interest at the rate of six percent (6%) per *annum* from the date of finality of this judgment until fully paid²⁸ is retained.

WHEREFORE, the appeal is hereby **DISMISSED**. The Decision of the Court of Appeals dated May 4, 2018 in CA G.R. CR-HC No. 07502 finding accused-appellant Mae Al-Saad y Bagkat guilty beyond reasonable doubt of the crime of Arson with Homicide, and sentencing her to suffer the penalty of *reclusion perpetua* since two persons perished on the occasion of the Arson, is hereby **AFFIRMED** with **MODIFICATION** in that she is **ORDERED** to pay the heirs of Ameerah Nabil Al-Saad and Ibrahim Nabil Al-Saad civil indemnity in the amount of ₱75,000.00, moral damages in the amount of ₱75,000.00, and exemplary damages in the amount of ₱75,000.00. All damages awarded shall bear interest of six percent (6%) per *annum* from finality of this Decision until full payment.

²³ *Rollo*, pp. 12-13.

²⁴ *Rollo*, pp. 13-15.

²⁵ *Id.* at 15-16.

²⁶ *Supra* note 12.

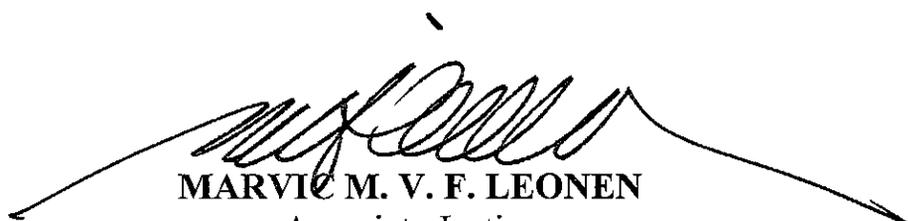
²⁷ 783 Phil. 806-856 (2016).

²⁸ *People v. Cabungan*, 702 Phil. 177-190 (2013).

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

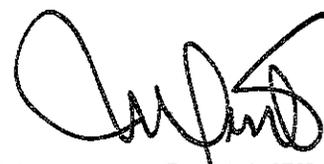
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision 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