



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 258187

Present:

– versus –

LEONEN, S.A.J., *Chairperson,*
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., *and*
KHO, JR., *JJ.*

RAYMUND CAMARSE y GIMOTEA,
Accused-appellant.

Promulgated:

OCT 19 2022 

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DECISION

M. LOPEZ, J.:

Circumstantial evidence that merely arouses suspicions is not sufficient to convict. The sea of suspicion has no shore, and the court that embarks upon it is without rudder or compass. On the other hand, circumstantial evidence, when sufficient, may validly sustain a conviction.¹ We review the strength of

¹ *People v. Asis*, 439 Phil. 707 (2002) [Per J. Panganiban, *En Banc*].



circumstantial evidence to convict the accused in the appeal assailing the Court of Appeals Decision² dated October 5, 2017 in CA-G.R. CR-HC No. 08510.

The facts follow.

On July 19, 2011 at 8:51 a.m., Raymund Camarse (Raymund) and Regine Fernandez (Regine) arrived at the Country Lodge Motel onboard a black Mitsubishi Super Saloon car with plate number CPR 255. Raymund and Regine checked in at Garage Room No. 30. At around 2:15 p.m., motel personnel Eliseo Briones, Jr. (Eliseo) noticed black smoke coming out of the window of Garage Room No. 30. Raymund then ran out shouting, “*Sunog, sunog!*” and uttering that his companion was still inside the room. Eliseo went inside the room but Raymund hurriedly boarded his vehicle. Eliseo became suspicious and tried to prevent Raymund from leaving. However, Raymund rammed the vehicle into the barricade and drove away. Eliseo asked help from the motel’s operations manager Eduardo Dapetillo (Eduardo) who, in turn, called the City Fire Station. Eduardo rushed into the burning room and saw Regine’s naked body lying facing down on the bed. The firefighters arrived at the motel and put out the fire.³

Meanwhile, the barangay officials and several motel personnel intercepted Raymund and brought him to the police station. The authorities recovered a 13 centimeter kitchen knife from the backseat of Raymund’s vehicle.⁴ At the motel, the fire officers observed that Regine’s body has multiple stab wounds on the neck, breast, and abdomen. The examining physician reported that Regine died of severe multiple traumatic injuries of the head with multiple stab wounds in the trunk.⁵ Moreover, the firefighters noted that highly combustible materials such as crumpled papers, bedsheets, clothing, sandals, and wooden chairs were piled on top of Regine’s body. The bed also emitted a strong smell of kerosene which led the operatives to conclude that the fire was intentionally set. Later, the Bureau of Fire Protection (BFP) confirmed that the debris and samples taken from the crime scene were positive for kerosene.⁶

Accordingly, Raymund was charged with the crimes of murder and destructive arson before the Regional Trial Court, Branch 71, Pasig City (RTC) docketed as Criminal Case Nos. 145883 and 145884, respectively,⁷ thus:

Criminal Case No. 145883 - Murder

On or about July 19, 2011, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, with intent to kill and with the use of a kitchen knife approximately measuring thirteen (13) centimeter[s] long including a color black handle, a deadly weapon, did then and there, willfully, unlawfully, and feloniously **attack, assault and stab one Regine A. Fernandez, hitting the latter in her chin and in different parts of her**

² *Rollo*, pp. 9-32. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Danton Q. Bueser and Renato C. Francisco of the Special Ninth Division, Court of Appeals, Manila.

³ *Id.* at 11; and 26-27.

⁴ *Id.* at 11-12; *Id.* at 27-28.

⁵ *Id.* at 28.

⁶ *Id.* at 12; *Id.* at 27.

⁷ *Id.* at 25-26.

body and thereafter set the body on fire, thereby inflicting upon her fatal injuries which caused her instantaneous death, the killing having been attended by the qualifying circumstances of treachery, evident premeditation and abuse of superior strength which qualify the killing to murder.

Contrary to law.⁸ (Emphasis supplied)

Criminal Case No. 145884 - Destructive Arson

On or about July 19, 2011, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, did then and there willfully, unlawfully and feloniously set fire the Country Lodge Motel Room No. 30 owned by White Marketing Corporation, represented by Eduardo Dapetillo y Hidas, by lighting clothes and room furnitures (*sic*) **for the purpose of concealing the dead body of Regine A. Fernandez**, murdered victim, thereby causing damage to the said motel room in the total amount of Php1,200,000.00, to the damage at (*sic*) prejudice of the aforementioned complain[an]t.

Contrary to law.⁹ (Emphasis supplied)

Raymund admitted that he was with Regine at the Country Lodge Motel. Yet, Raymund denied killing Regine and setting the fire. Raymund narrated that he had difficulty breathing while he was sleeping in the motel room. Raymund then woke up and saw that the room was already engulfed in smoke. Raymund panicked and shouted for help. Raymund crawled towards the door and tried to move the car to safety because he only borrowed it. Raymund could no longer remember what happened after he started the engine.¹⁰

On June 16, 2016, the RTC convicted Raymund and held that circumstantial evidence showed that he killed Regine. However, Raymund is guilty only of homicide absent proof of the aggravating circumstances of treachery, evident premeditation, and abuse of superior strength. The RTC likewise ruled that Raymund committed destructive arson in burning the motel room,¹¹ to wit:

WHEREFORE, premises considered, in the absence of any modifying circumstance, judgment is rendered finding the accused **GUILTY** beyond reasonable doubt of the crime of **HOMICIDE** and is hereby sentenced to suffer a penalty of imprisonment ranging from eight (8) years and one (1) day of *prision mayor*, as minimum term, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum term of the indeterminate penalty. Accused is likewise found **GUILTY** beyond reasonable ground (*sic*) of the crime of **DESTRUCTIVE ARSON** and is hereby sentenced to suffer a penalty of imprisonment of *reclusion perpetua* to be served successively in accordance with Article 70 of the Revised Penal Code.

He is likewise ordered to pay victim's family the following sums, to wit: Fifty Thousand Pesos (P50,000.00) - as and for civil indemnity, Fifty

⁸ *Id.* at 25.

⁹ *Id.* at 26.

¹⁰ *Id.* at 28-29.

¹¹ *Id.* at 25-36.

Thousand Pesos (P50,000.00) - as and for moral damages and Twenty Five Thousand Pesos (P25,000.00) - as and for exemplary damages.

SO ORDERED.¹²

Aggrieved, Raymund elevated the case to the Court of Appeals (CA), docketed as CA-G.R. CR-HC No. 08510. Raymund argued that his conviction based on circumstantial evidence is erroneous, and that the RTC failed to consider his defense of denial.¹³ On October 5, 2017, the CA affirmed the RTC's findings with modification. The CA held that Raymund committed destructive arson and murder because burning Regine's body constitutes an act of outraging or scoffing her corpse,¹⁴ viz.:

Now then, in downgrading the killing to Homicide (from the original charge of Murder), the trial court opined that there was no direct evidence to prove the qualifying aggravating circumstances of treachery, evident premeditation and abuse of superior strength. While We hesitatingly agree with this observation, (notwithstanding the physical and object evidence – like the naked state of the victim lying on the bed; the severe multiple traumatic injuries on the victim's head; the fatal stab wounds on the breast, neck and abdomen; the fact that accused-appellant brought along a knife and kerosene, plus the fact that accused-appellant was as clean as a cat without any abrasion or contusion whatsoever that may have been sustained if the victim was able to defend herself – are abundantly indicative of evident premeditation, treachery and use of superior strength), **We nonetheless hold that under the extant circumstances, accused-appellant should be convicted for Murder, qualified by the additional modifying circumstance of outraging or scoffing at the victim's corpse.**

x x x x

WHEREFORE, foregoing considered, the appealed Decision dated 16 June 2016 of the Regional Trial Court, Branch 71, Pasig City, is **MODIFIED** as follows:

Accused-appellant Raymund Camarse y Gimotea is found **GUILTY** beyond reasonable doubt of:

(1) the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code, and he is sentenced to suffer the penalty of Reclusion Perpetua. In addition, accused-appellant is ordered to pay the heirs of the victim Regine A. Fernandez the sums of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages; and Seventy-Five Thousand Pesos (P75,000.00) as exemplary damages;

(2) the crime of Destructive Arson, defined and penalized under Article 320 of the Revised Penal Code, and he is sentenced to suffer the penalty of Reclusion Perpetua.

¹² *Id.* at 35-36. Penned by Judge Elisa R. Sarmiento-Flores of the Regional Trial Court, Branch 71, Pasig City.

¹³ *CA rollo*, p. 37-47.

¹⁴ *Rollo*, pp. 9-22; Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Danton Q. Bueser and Renato C. Francisco.

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SO ORDERED.¹⁵

Hence, the present appeal. The parties opted not to file supplemental briefs considering that all issues have already been exhaustively discussed in their pleadings before the CA.

The Petition is unmeritorious.

In the prosecution of criminal offenses, conviction is not always based on direct evidence. The Rules of Court allows resort to circumstantial evidence provided the following conditions are satisfied, to wit: (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.¹⁶ The Court explained that a judgment of conviction based on circumstantial evidence can be upheld only *if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person*. All the circumstances must be consistent with each other, compatible with the hypothesis that the accused is guilty and in conflict with the notion that he is innocent.¹⁷ Here, none of the prosecution witnesses testified having seen Raymund kill Regine and burn the motel room. Yet, the corpus of circumstantial evidence constitutes an unbroken chain of events pointing to Raymund's guilt.

A conviction for murder requires the confluence of the following elements, to wit: (1) a person was killed; (2) the accused killed the victim; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.¹⁸ In this case, the prosecution established these circumstantial pieces of evidence, thus:

First, Raymund and Regine checked in at the Garage Room No. 30 of Country Lodge Motel on July 19, 2011 at 8:51 a.m. No one else entered the room.

Second, the room attendant observed that black smoke was coming out of the room at around 2:15 p.m. Raymund came out of the room and informed the room attendant that Regine was still inside.

Third, Raymund fled despite the attempts of the room attendant to prevent him from fleeing.

Fourth, the room attendant entered the room and saw Regine's body lying face down.

Fifth, the barangay officials and room boys ran after Raymund and called the police.

¹⁵ *Id.* at 17–21.

¹⁶ Rule 133, Section 4 of the Rules of Court.

¹⁷ *People v. Geron*, 346 Phil. 14 (1997) [Per *J. Romero*, Third Division]. See also *People v. Dela Cruz*, 397 Phil. 401 (2000) [Per *J. Panganiban*, Third Division].

¹⁸ *People v. Ordon*, G.R. No. 204892, June 23, 2021 (Notice).

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Sixth, the police arrived and recovered a 13-centimeter kitchen knife at the backseat of Raymund's vehicle.

Seventh, the post-mortem examination revealed that Regine died due to severe multiple traumatic injuries of the head with multiple stab wounds in the trunk.¹⁹

To the unprejudiced mind, these proven facts, when weaved together, lead to no other conclusion but of Raymund's culpability for the crime. More telling is the short interval of time between the witnesses' accounts and the commission of the crime. This forecloses a host of possibilities that a person, other than Raymund, killed Regine. More importantly, the prosecution sufficiently alleged and proved the aggravating circumstance of outraging or scoffing the victim's corpse. The Information for murder explicitly stated that Raymund "*attack[ed], assault[ed] and stab[bed] one Regine A. Fernandez, hitting the latter in her chin and different parts of her body and thereafter set the body on fire.*"²⁰ In *People v. Brodett*,²¹ the Court affirmed the appreciation of the aggravating circumstance of outraging or scoffing the victim's corpse because the accused burned the victim's body and left it in the spillway to conceal the crime. Inarguably, Raymund burned Regine's body which constitutes an act of outraging or scoffing at her corpse.

Similarly, the Court finds that there is circumstantial evidence that Raymund is guilty of destructive arson. Under Republic Act No. 7659, the malicious burning of buildings and structures, both public and private, including a storehouse or factory of inflammable or explosive materials, by a person or group of persons is considered as destructive arson.²² The burning of a building for the purpose of concealing or destroying evidence of another violation of law likewise constitutes destructive arson.²³ The elements of the offense are as follows: (1) a fire was set intentionally; and (2) the accused was identified as the person who caused it.²⁴ Here, the prosecution established these circumstantial evidence sufficient to convict the accused, *viz.*:

First, Raymund and Regine checked in at the Garage Room No. 30 of Country Lodge Motel on July 19, 2011 at 8:51 a.m. No one else entered the room.

Second, the room attendant observed that black smoke was coming out of the room at around 2:15 p.m. Raymund came out of the room and informed the room attendant that Regine was still inside.

Third, Raymund fled despite the attempts of the room attendant to prevent him from fleeing.

¹⁹ *Rollo*, p. 11-13.

²⁰ *Id.* at 10.

²¹ 566 Phil. 87 (2008) [Per *J. Carpio, En Banc*].

²² *People v. Pugal y Austria*, G.R. No. 229103, March 15, 2021 [Per *J. Leonen*, Third Division].

²³ *Death Penalty Law*, Republic Act No. 7659, December 13, 1993.

²⁴ *People v. Dolendo y Fediles*, G.R. No. 223098, June 3, 2019 [Per *J. Lazaro-Javier*, Second Division].

Fourth, the Arson Investigation Unit of the Bureau of Fire Protection (BFP) examined the motel room and observed that highly combustible materials such as crumpled papers, bedsheets, clothing, sandals, and wooden chairs were piled on top of Regine's body. The bed also emitted the strong smell of kerosene.

Fifth, the BFP operatives remarked that the use of highly flammable materials indicates that the fire was intentionally set.

Sixth, the BFP confirmed that the debris and samples taken from the crime scene were positive for kerosene.

Seventh, the motel room is among the structures enumerated in Article 320 of the RPC and that Raymund started the fire to conceal or destroy evidence of the murder.²⁵

Corollarily, Raymund's defense of denial cannot prevail over the positive declaration of the prosecution witnesses. This negative defense is self-serving and undeserving of weight in law absent clear and convincing proof.²⁶ On this point, we stress that the CA and the RTC's assessment on the credibility of the witnesses and the veracity of their testimonies are given the highest degree of respect,²⁷ especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood, or misapplied, which could affect the result of the case.²⁸ To be sure, the prosecution witnesses harbored no ill motive to falsely testify against Raymund.²⁹

Under Article 248 of the RPC, the penalty for murder is *reclusion perpetua* to death. Absent other modifying circumstance, the lesser penalty of *reclusion perpetua* shall be applied.³⁰ Thus, the CA properly sentenced Raymund to *reclusion perpetua* for the crimes of murder and destructive arson. The CA likewise correctly awarded the heirs of Regine PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages. Also, the Court deems it proper to grant PHP 50,000.00 temperate damages when no evidence of burial or funeral expenses is presented.³¹ All these awards shall earn interest at the rate of 6% per annum from date of finality of this Decision until fully paid.

Whereas, the penalty for destructive arson under Republic Act No. 7659 is also *reclusion perpetua* to death. Again, since there are no other modifying circumstance, the lesser penalty of *reclusion perpetua* should be applied. Under Article 2224 of the Civil Code, temperate damages may be awarded when there is a finding that "*some pecuniary loss has been suffered but its amount [cannot], from the nature of the case, be proved with certainty.*" The amount of temperate damages

²⁵ *Rollo*, pp. 11–13.

²⁶ *People v. Togahan*, 551 Phil. 997 (2007) [Per J. Tinga, Second Division].

²⁷ *People v. Matignas, et al.*, 428 Phil. 834 (2002) [Per J. Panganiban, *En Banc*].

²⁸ *People v. Orosco*, 757 Phil. 299 (2015) [Per J. Villarama, Third Division].

²⁹ *People v. Abierra*, 833 Phil. 276 (2018) [Per J. Reyes, Jr., Second Division].

³⁰ *People v. Antiado*, G.R. No. 247755, February 3, 2021 <<https://sc.judiciary.gov.ph/247755-people-of-the-philippines-vs-otelio-antiado-y-grecia/>> [Notice, Special Third Division].

³¹ *People v. Narvasa*, G.R. No. 249942, May 5, 2021 [Notice, First Division].

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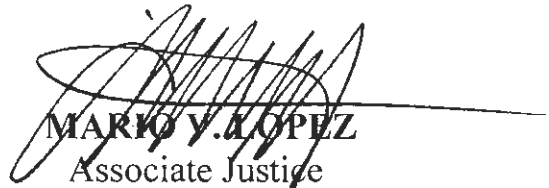
to be awarded in each case is discretionary upon the courts as long as it is “reasonable under the circumstances.”³² Here, the Country Lodge Motel clearly suffered some pecuniary loss as a result of the burning of its room. However, Country Lodge Motel failed to substantiate the actual damages it suffered. Nevertheless, Country Lodge Motel is entitled to be indemnified for its loss. The award of temperate damages amounting to PHP 50,000.00 is proper and reasonable under the circumstances. The award shall earn interest at the rate of 6% per annum from date of finality of this Decision until fully paid.

ACCORDINGLY, the appeal is **DENIED**. The Court of Appeal’s Decision dated October 5, 2017 in CA-G.R. CR-HC No. 08510 is **AFFIRMED** with **MODIFICATION**.

In Criminal Case No. 145883, accused-appellant Raymund Camarse y Gimotea is found guilty of murder and is sentenced to suffer the penalty of *reclusion perpetua*. The accused-appellant is also **DIRECTED** to pay the heirs of the victim the amounts of PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, PHP 75,000.00 exemplary damages, and PHP 50,000.00 temperate damages, all with legal interest at the rate of 6% per annum from the finality of judgment until full payment.


In Criminal Case No. 145884, the accused-appellant is found guilty of destructive arson and is sentenced to suffer the penalty of *reclusion perpetua*. The accused-appellant is also **DIRECTED** to pay Country Lodge Motel the amount of P50,000.00 temperate damages, with legal interest at the rate of 6% per annum from the finality of judgment until full payment.

SO ORDERED.


MARIO Y. LOPEZ
Associate Justice

³² *Bacerra v. People*, 812 Phil. 25 (2017) [Per J. Leonen, Second Division].

WE CONCUR:



MARVIC M.V. F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice




JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
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
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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.



ALEXANDER G. GESMUNDO
Chief Justice