

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANGUIGIN MACATANA, MACAPINTO MAUTE. AND MAGADAPA
PAPORO, ACCUSED. MAGADAPA PAPORO, APPELLANT.**

G.R. No. L-57061. May 09, 1988

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/01fcab17fb02/>

CORTES, J.:

More than merely involving the criminal liability of the accused, this case involves inter-tribal conflict — its sources and the customary modes of settling it — between the tribes of the Maranaos and the Maguindanaos of Muslim Mindanao.

The victim ALON AMAD, a Maguindanao, and the appellant MAGADAPA PAPORO, a Maranao, were former provincial agriculturists of Maguindanao province and Lanao del Norte, respectively. After Regional Director Rasuman Macalandong retired, AMAD was designated as officer-In-Charge of the Bureau of Agricultural Extension-Region XII in Cotabato City. However, through the efforts of several Maranao leaders, principally Governor Ali Dimaporo, PAPORO was appointed as Acting Regional Director of BAEX-Region XII, thereby causing the return of AMAD to his former position as provincial agriculturist of Maguindanao.

It appears that a keen rivalry existed between the Maranaos and the Maguindanaos in the matter of appointments to the different government offices in Region XII. The Maguindanaos looked upon offices headed by Maranaos with disfavor. This led to Maguindanao Directors, Chiefs of offices (among whom was Provincial Agriculturist AMAD), and other professionals "visiting" regional offices headed by Maranaos in Cotabato City. One such visit took place on July 25, 1978 when a group of Maguindanaos visited the BAEX Regional Office in Cotabato City during the absence of PAPORO. On that occasion, BAEX Supply and Property Officer MACAPINTO MAUTE (one of the accused) was slapped, while other Maranao employees were maltreated in the presence of AMAD. The firearm of security guard MANGUIGIN MACATANA (another accused) was forcibly taken from him. Similar incidents took place in the regional offices of the Bureau of Lands, the Bureau of Forest Development and the Bureau of Posts.

Because the above incidents intensified the already tense situation among the Muslims, a peace conference on July 31, 1978 was called jointly by Chairman Simeon Datumanong of the Regional Commission at Region XII, and General Delfin Castro, CENCOM Commander. During the conference, PAPORO, who was the representative of the Maranaos, read his letter [Exh. "61"] dated July 31, 1978 to Chairman Datumanong complaining against the raids initiated by the Maguindanaos. He suggested that AMAD should stop going to the BAEX regional office; otherwise, he would be charged of negligence of duty by leaving his official station without proper authority.

On the same date, PAPORO wrote a letter [Exh. "O"] to Datu Sangkula Baraguir, the provincial governor of Maguindanao province complaining about an attack made by an identified man on the BAEX office the night before, July 30, 1978. He expressed suspicion that AMAD was behind the attack. In this second letter PAPORO urged the governor to instruct ALON AMAD to stop frequenting the BAEX regional office compound because

AMAD "had maltreated one of my boys and we might lose control of our patience."

On August 1, 1978, a seminar on the subject of rural youth development was held at the BAEX compound in Cotabato City. Prior to the scheduled seminar, letter-invitations requesting for resource lecturers were sent out by Mrs. Matilde Filipinas, Chief of Section of Rural Youth Development, on July 27, 1978 to the different Chiefs of offices in Region XII. including AMAD in his capacity as provincial agriculturist of Maguindanao. Sekak, Asst. Provincial Agriculturist of Maguindanao, informed the seminar organizers that a certain Mr. Bago would be sent to give a lecture.

At the opening of the seminar on August 1, 1978, PAPORO delivered the opening remarks. After his speech he went to his office located at the second floor of the administrative building.

At around 9:30 that same morning. AMAD arrived at the premises of the BAEX, accompanied by his nephew and his driver. Once inside the compound, he asked the liaison officer to summon his assistant, Sekak. who was then inside the conference room. As Sekak went out to meet AMAD, he saw the latter in a heated argument with accused MAUTE. AMAD was asking MAUTE why he was not being allowed to enter the BAEX compound. Suddenly, Sekak saw accused MACATANA emerge from the Administration Building and shoot AMAD with a .45 caliber pistol. AMAD died of the gunshot wound. Whereupon, MACATANA. followed by MAUTE. ran to the second floor of the administrative building where they took cover as PC soldiers fired their automatic rifles towards the building.

Upon hearing the gunshots. PAPORO went out of his office and sought refuge inside the accounting office located on the same floor of the administrative building. When the shooting was over, MAUTE, MACATANA and PAPORO were escorted downstairs by PC soldiers, who then brought them to the PC Headquarters. The following day PAPORO was flown by army helicopter to Binidayan. Lanao del Norte from where he proceeded to Iligan City. He asked, and was granted permission by Agriculture Secretary Tanco to hold office at the BAEX Regional Sub-office at Iligan.

After conducting preliminary investigation, the City Fiscal of Cotabato filed an information charging PAPORO. MACATANA and MAUTE: with the crime of murder for the killing of AMAD. Arraigned of the charge against them, all three pleaded not guilty

While trial was going on, MAUTE and MACATANA escaped from detention, and have since then remained at large.

On January 15, 1979, a motion to quash the warrant of arrest was filed for and in behalf of PAPORO. Denying the motion, the trial court issued an alias warrant for his arrest which was ordered served through the different police and investigation agencies in Cotabato and Iligan Cities. When PAPORO's arrest could not be effected, the trial court sought the assistance of different national agencies. The record, however, shows that PAPORO was investigated by NBI Senior Agent Elpidio Nacua in Iligan City, and on August 24, 1979, he executed a sworn statement disowning any participation in the shooting incident.

On September 11, 1979, the trial court granted the motion of PAPORO to be committed to the official custody of Governor Muhammad Ali Dimaporo of Lanao del Sur.

After trial, the lower court convicted all three accused to life imprisonment and ordered them to pay damages. Basis of PAPORO's conviction was his alleged conspiracy with the two other accused. Only PAPORO filed the instant appeal.

Appellant contends that the lower court erred in:

- Finding that he had motive to kill the victim.
- Concluding that all three accused conspired to kill the victim.
- Concluding that the guilt of the accused can be inferred from his "flight" and approval to amicably settle this case.
- Convicting the accused Paporo beyond reasonable doubt without weighing all the evidence that was adduced during the trial.

The Solicitor General submitted a memorandum in lieu of brief recommending acquittal.

Appellant PAPORO's conviction rests on the trial court's finding that he had conspired with co-accused MACATANA and MAUTE in killing the deceased, on the basis of the following circumstantial evidence: (1) That the appellant intended to kill the deceased as shown by his two letters written a day before the shooting, one addressed to Commissioner Simeon Datumanong protesting against the acts of the Maguindanaos, and the other addressed to the Provincial Governor of Maguindanao Datu Sangkula Baraguir, urging him to instruct AMAD to stop frequenting the BAEX regional office compound because he (AMAD) maltreated one of his (PAPORO's) boys, and that "we might lose control of our patience (2) That appellant authorized Mrs. Filipinas to invite the victim to attend the seminar at the BAEX regional office ostensibly to lure him to the place where he was to be killed; (3) That the appellant must have heard the heated argument between MAUTE and AMAD moments before the latter was shot, and yet appellant did nothing to intervene and pacify the parties; (4) That the gun used by MACATANA in shooting the victim was issued to appellant, and it is very-likely that it was not really surrendered to MAUTE after its permit expired, and that MACATANA's possession of the gun on August 1, 1978 could have only been with the prior knowledge or consent of appellant; (5) That MACATANA came from the administrative building before the shooting and returned to the same place followed by MAUTE until the three accused were arrested at the second floor; (6) That the appellant did not demand an outright investigation of the shooting but simply insured his safety by going to the office of the PC Provincial Commander in Cotabato only to leave the following day in haste on board an army helicopter for Iligan City.

The trial court also considered appellant's alleged flight and subsequent offer to compromise the case as warranting an inference of guilt.

To constitute conspiracy, there must be intentional participation in the transaction with a view to the furtherance of the common design and purpose [People v. Petenia, G.R. No. 51256, August 12, 1986, 143 SCRA 3611. There must be unity of purpose and unity in the execution of the unlawful objective. Mere knowledge, acquiescence or approval of the act, without cooperation or agreement to cooperate, is enough. [People v. Izort, 104 Phil. 690 (1958).] And in the absence of conspiracy, criminal liability is individual and separate, not collective. (U.S. v. Magcomot, 13 Phil. 386 (1909); People v. Mozar, 130 SCRA 568j.

Whereas, circumstantial evidence suffices to convict only if the following requisites concur: (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. [Rule 133, Section 5]. "No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. 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." [People v. Modesto, G.R. No. L-25484, September 21, 1968, 25 SCRA 37; People v. Ludday, 61 Phil. 216 (1935)]. From all circumstances, there should be a combination of evidence which in the ordinary course of things, leaves no room for doubt as to the guilt of the accused. Where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other

with guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to convict the accused. [Ibid.]

This Court has carefully gone over the entire record of the case. The evidence presented against appellant PAPORO does not evince belief beyond reasonable doubt that appellant. PAPORO conspired with MACATANA and MAUTE in the killing of AMAD.

- We first consider the two letters. Nowhere therein is there any indication of PAPORO's intention to kill AMAD. The two letters were no more than an expression of PAPORO's disgust and resentment over the acts of the Maguindanaos during the "visitations" and his concern for the safety and welfare of his employees. If indeed, appellant had plans of killing the deceased, he would not have written the letters at all, for no person in his right mind gives advance notice of his intention to commit a crime. In fact the letter suggesting that ALON AMAD be prevented from going to the BAEX compound indicates that appellant intended to protect the life of AMAD.

- The trial court's finding that AMAD was invited to the seminar at the BAEX regional office at Cotabato City to lure him to the place where he was to be killed is without support in the evidence. No less than prosecution witness Mrs. Matilde Filipinas testified that the letter-invitations she sent were signed by her on behalf of appellant without his knowledge and consent as he was out at the time, and that since she sent the invitations on July 27, 1973, she has neither seen nor talked to PAPORO until the morning of August 1, 1978. Moreover, the letter-invitations sent to provincial agriculturists (among whom was AMAD), was simply a request for resource speakers to lecture in the seminar. The Assistant Provincial Agriculturist of Maguindanao informed her that a certain Mr. Bago would be sent. The visit of AMAD to the BAEX regional office was therefore unexpected.

Besides, it would be sheer recklessness for a regional director like PAPORO, to plot the killing of one of his provincial agriculturists right inside the regional office during a working day while a seminar was going on with almost sixty (60) participants. Likewise, the presence of PC soldiers at said regional office was undoubtedly a deterrent factor to any murder plot.

- Nor can we draw any unfavorable inference from appellant's failure to intervene and pacify the victim AMAD and Supply Officer MAUTE who were then engaged in a heated argument outside the administrative building, moments before the shooting took place. Firstly, the evidence is inconclusive as to whether PAPORO actually heard the argument. At that time, appellant was busy inside his office attending to some paper work. Moreover, there was no reason for him to intervene, as he knew that there were PC soldiers, assisted by security guards, to maintain peace and order.

- The only link of appellant to the death of the victim was his gun which was used in the shooting. As to how this came about is explained by the defense.

The firearm was loaned to PC Lt. Maunting by the PC Firearms and Explosives Unit at Camp Crame. Quezon City for the official use of Regional Director PAPORO. as evidenced by a Memorandum Receipt [Exhibit "50"]. Appellant received the firearm from Lt. Maunting on February 7, 1978. When the permit was about to expire. Lt. Maunting advised the appellant to write a letter of renewal. The letter-request was timely filed on June 20, 1978 with the PC Firearms and Explosives Unit. Lt. Maunting also advised appellant to turn over the firearm to the property custodian of his (appellant's) office pending approval of his request for renewal, conformably with the practice of the PC Firearms and Explosives Unit. Hence, PAPORO deposited the gun with his Supply and Property Officer on July 19, 1978, as evidenced by a Memorandum Receipt [Exhibit "60"] of even date.

In this regard, Special Investigator Rafaela Cristobal of the PC Firearms and Explosives Unit testified that it is the practice of their office that when a permit expires, the person to whom the firearm is issued may deposit the same with the Provincial Commander or the property custodian of the office where the permittee belongs; that said

property custodian is allowed to keep the firearm pending action on the request for renewal; and that the firearm can only be re-issued to the permittee after the memorandum receipt is duly renewed.

Undoubtedly, the procedure followed by appellant in depositing the subject firearm with MAUTE in the latter's capacity as Supply and Property Officer of the BAEX by reason of the expiration of the permit, was regular in all respects. Appellant's responsibility over the said firearm had since ceased. If there was any negligence or infidelity in the custody of the firearm, appellant cannot be made liable therefor in the absence of proof that he directed and cooperated in the illegal transfer of the possession of the firearm to an unauthorized person for an unlawful purpose.

As to how MACATANA came to possess appellant's gun, the trial court surmises that "it was likely that said gun had not been surrendered to the Supply Officer even after the expiration of the permit ..." [Decision, p. 52]. This conclusion, besides being conjectural, is belied by the Memorandum Receipt [Exhibit "60"] showing that said gun was actually received by MAUTE. Besides, it would be preposterous to think that appellant would allow his firearm to be used in shooting the victim. Another gun could have been easily secured from other sources to deter discovery of its ownership.

As to how and when the firearm was deposited with MAUTE by appellant and the reason why it was borrowed by MACATANA are explained by them in their sworn statements, thus:

MAUTE's statement:

"A":

Here is how that happened: Every time Director Paporo goes out of his office, he would be leaving to me said gun. On July 20, 1978 Director Paporo left for Iligan City and he left his pistol to me. Because on July 25, 1978 the revolver of Manguigin Macatana issued to him by the PC was forcibly taken from him by a group of Maguindanao raiders who raided the BAEX offices, he requested that the Director's pistol be left to him until the former gets it back, or else he would be useless office security guard without an arm. I acceded to the request and that explained why the said pistol was in the possession of Manguigin Macatana at the time of the incident."

MACATANA 's statement:

5.

That the pistol I was then armed with was a .45 caliber pistol issued to and registered in the name of Director Paporo. During the absence of Director Paporo, and without his permission I borrowed the pistol issued to him which was then in the custody of the Supply Officer, Macapinto Maute. I explained to the latter when I borrowed it from him that a security guard who is not armed is not effective. I assured that I would lurn it over to him the moment the Director asks for its return:

5.

The fact that MACATANA came from the administrative building prior to the shooting of AMAD is only logical considering that he was then the guard on duty. His return with MAUTE to the same place after the

shooting, and their subsequent refuge to the second floor to seek cover as protection from the gunfire that was directed to the administrative building were natural human instincts of self-preservation.

6.

There was no reason for appellant to seek investigation of the shooting because the military authorities and the NBI had immediately taken over. He was actually escorted to the PC Headquarters after the shooting and requested to stay there as a precautionary measure, he being a potential target of a reprisal. His "flight" in an army helicopter the following day upon direct orders of the PC Provincial Commander was imperative to ease the deteriorating peace and order situation in Cotabato City at that time.

7.

In convicting the appellant, the trial court also took into consideration his alleged "flight." However, no evidence of flight was ever adduced during the trial. Neither was there any proof submitted to dispute the fact that appellant held office at Iligan City after being so authorized by then Agriculture Secretary Tanco, and that he later trained at the Development Academy of the Philippines in Tagaytay City. Instead, the record shows that the appellant's whereabouts were known to the authorities. He was even investigated by an NBI agent in Iligan City and he executed a sworn statement before him on August 24, 1979 — days before his actual arrest on September 11, 1979.

But even granting that appellant concealed himself after the incident, guilt cannot be inferred therefrom if we consider that he justifiably feared for his life then. This is evident from his motion submitting himself to the jurisdiction of the court provided he is committed to the official custody of Governor Dimaporo of Lanao Del Sur, which motion was granted by the trial.

8.

Finally, no implied admission can be drawn from the efforts to arrive at a settlement outside the courts, primarily because appellant did not take part in any of the negotiations. The efforts to settle the case, as well as the other cases occasioned by the "visitations" on July 24-25, 1978, in accordance with established Muslim practices, customs and traditions were initiated by acknowledged leaders of both the Maranaos and the Maguindanaos in an effort to prevent further deterioration of the relations between the tribes.

The testimony of prosecution witness Sandiali Sambulawan, governor of Maguindanao province, in this regard is most enlightening:

DIRECT QUESTIONS OF FISCAL TOMBO:

"Q":

Governor, considering that you are one of the big leaders here in Region XII, did you come to know that after the killing there were peace settlement again regarding this killing of the late Alon Amad?

"A":

Yes, sir, as a matter of fact I was one of the sub-mechanic in solving to this Maranao and Maguindanaos conflict specifically in that killing of Mr. Alon Amad.

"Q":

Is it true that Governor Ali Dimaporo of Lanao del Sur initiated the settlement particularly to the killing of the late Alon Amad?

"A":

Yes, sir, because as a leader like in the case of Chairman Datumanong and yours truly, we are not only worried about what is happening to the Maguindanaos, but we are also worried what is happening to our Maranao brothers. I believe we are all brothers and we do not like any untoward incident between and among them.

"Q":

You stated that Governor Ali Dimaporo of Lanao del Sur initiated the settlement of this case, for whom did you know, specifically for whom did the Governor, Governor Ali Dimaporo, initiate this peace settlement particularly the killing of the late Alon Amad?

"A":

The entire leaders of Maguindanao and the Maranaos of Lanao were sympathetic. Those who are not desirous of destruction (sic) of the peaceful and smooth relationship between the Maranaos and Maguindanaos are aiming to gather in all conferences and find ways and means by which we could settle this case that would lead to the vicinity and disruption (sic) of relationship between Maranaos and Maguindanaos, and several times we have met in a conference room at the instance of General Castro with Governor Dimaporo headed this settlement. And Governor Dimaporo represented the Maranaos and Chairman Datumanong and yours truly in the Maguindanaos side. In the first stage of the settlement Ex-Governor Datu Udtog Matalam and his son came and others on the part of the Maguindanaos, and I was able to meet Governor Dimaporo after several meetings in the conference room at the CHMCOM, including some of the leaders in Pagalungan. I was able to meet Ex-Governor Matalam and Governor Dimaporo when they talked about this case in our desire to end in a happy solution to this case. As a matter of fact, I was surprised why up to now you are litigating this case in Court because Governor Dimaporo, and I was present, when they agreed with Datu Udtog to settle this case amicably in accordance with our muslim customs and traditions. I heard that they have given the necessary thing in order to solve this case in accordance with our muslim customs and traditions.

"Q":

What is this necessary thing? Will you please tell before this Honorable court what is this necessary thing that was complied with by Governor Dimaporo in representation of the accused therein?

"A":

In accordance with our established practice, customs and traditions, some of our big people usually, in a case like this, where one of the parties have suffered death we handle some cause of specifically to the bereaved families of the deceased, and at time, in the form of cash, some materials.

"Q":

In this particular settlement led by Governor Dimaporo, will you please specifically inform this Honorable Court this sample of settlement for the case as you stated:

*** **

COURT: Do you have personal knowledge as to whether the agreement has been implemented between the parties?

"A": I do not know if that was implemented.

COURT: Have you talked to the widow about this alleged settlement?

"A": I had not talked to the widow.

FISCAL TOMBO (continuing)

"Q":

During the initial stage of this settlement of the case, will you please inform the Honorable Court what was arrived at as settlement?

"A":

They asked me to talk to the widow. / talked with the widow about the settlement and the widow said she can not. So what happened, Dalu Udtog Matalam and governor Dimaporo agreed that they will help the widow and the family in the form of material assistance. (Italics Supplied)

"Q": This material assistance, will you please be specific, Governor, what is this material assistance?

"A": They will give money.

"Q": Will you please inform this Honorable Court the amount of money that Governor Dimaporo will give to settle this case?

"Q": They have agreement?

"A":

They agreed at least P-40,000.00 as to whether or not that is not followed today, I do not know. (pp. 27-32, TSN, February 23, 1981)

CROSS EXAMINATION OF ATTY. BRAVO:

"Q":

Governor, you stated that the purpose of the conference that was called for in relation of another case, that is the killing of the late Alon Amad, was ostensibly to maintain the peaceful relationship and unity among the Maranao and Maguindanao tribes, is that correct?

"A": What conference?

"Q": The conference after July 31, 19781 (*Italics Supplied*)

"A": Yes, to preserve the unity.

"Q":

And during the conference Governor, was the subject matter of the guilt or innocence of the accused. Director Magadapa Paporo and Macapinto Maute and Manguigin Macatana taken up during those conferences?

A:

No, because in a settlement of the case we do not take that because if we take that is not settlement that is trial. We do not result to trial.

"Q:

You want to impress this Honorable Court now. Governor, that the accepted practice conformable of your noble tradition as Maguindanaos and Maranaos in the matter of settling dispute between the two tribes for differences and not particularly this particular incident where Mr. Alon Amad was the victim, was done primarily to assuage the feeling of the family of the deceased who happened to be a Maguindanao?

"A": Please make the question short.

ATTY. BRAVO

In order to settle this matter without any recrimination between the two tribes?

"A":

Yes, as a matter of fact our tradition allows settlement of cases whether the accused is guilty or not because we love our brotherly relationship between us.

"Q":

When you speak of material consideration that was being planned to be offered, was this mainly for the purpose of helping the family of the deceased?

"A":

Naturally, that is the purpose in amicable settlement of cases of this nature among muslims in accordance with our tradition to show sympathy because we believe that best termination of cases is peaceful settlement where both parties are satisfied. No recrimination.

"Q":

Did you say, Governor, that you as one or among those designated by your tribe, and Commissioner Datumanong, and with Governor Dimaporo and General Castro, have done your level best to settle this case?

"A": I had done to the level best. I had done extraordinary efforts to settle this case and even up to this time we will stick to pursue that.

"Q":

When you had this impression in the light of the accused. Governor, are you trying to implement also the desire of the President that peace and order condition of this area will be sustained?

"A: Certainly, we want that whether or not the President will tell us — we know that is very necessary in our life today.

COURT: Has this case reached the attention of the President?

"A":

I really do not know personally. Your Honor, but the conflict between the Maranaos and the Maguindanaos of July, 1978. it has reached somehow to the President.

(pp. 27-36. TSN. February 23. 1981.)

WHEREFORE, the guilt of accused-appellant not having been proved beyond reasonable doubt, he is hereby ACQUITTED. No costs.

SO ORDERED.

Fernan (Chairman), Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.