

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FRANCISCO MORENO (ALIAS BALBINO MORENO), DEFENDANT AND APPELLANT.

G.R. No. L-2335. March 07, 1950

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3ee6dc160efb/>

MONTEMAYOR, J.:

This case is here on appeal brought by Francisco Moreno alias Balbino Moreno seeking to reverse the decision of the Court of First Instance of Pangasinan, wherein he was found guilty of murder and sentenced to reclusion perpetua with the accessories of the law, to indemnify the heirs of the deceased Manuel Artates in the amount of P6,000, and to pay the costs.

During the Japanese occupation appellant Francisco Moreno alias Balbino Moreno and his brother Domingo Moreno were members of a guerrilla organization led by Lt. Crispin Sinlao and one Modesto Tabaqueri, operating in the municipalities of Mangatarem, Aguilar and other neighboring towns in the province of Pangasinan. It seems that Sinlao and Tabaqueri were subsequently killed by the Japanese and defendant Francisco Moreno and one Eufemiano Artates took their places as leaders or commanding officers of the organization. Because of this change in command and because of the death of the former leaders, it seems that many of the followers lost much of the loyalty and interest that they had before. For the purpose of disciplining and bringing them back to the organization, Moreno and Eufemiano began rounding up and threatening and punishing these supposed deserters or renegades, some of whom were even suspected of transferring their sympathies if not their loyalty to the Japanese.

In the evening of December 25, 1944, the appellant and his brother Domingo accompanied by a number of their men went to the house of Manuel Artates, in the barrio of Pogoncile, Aguilar, Pangasinan. Several armed men, evidently, by order of appellant went up the house and brought down Manuel. As he came down the stairs he was met by the appellant and his brother Domingo both of whom immediately beat him up with a piece of wood and with the butt of a gun, and when he fell down, the defendant kicked him. Manuel Artates pleaded with the two brothers and begged that before they did anything to him, he first be investigated, but the Moreno brothers told him that it was not necessary.

That same evening the group took Manuel Artates with his hands tied behind his back, to the Marapudo mountains in Mangatarem, which seems to be the hideout or headquarters of the organization. There a hole was dug. A captive named Jose Jasmin who had previously been taken by other members of the organization was first beheaded by the executioner named Patricio Gerardo. His dead body was dumped into the hole and lightly covered with earth. Then came the turn of Manuel Artates. He was made to sit inside the hole with his hands still tied behind his back, and he was similarly beheaded by the same executioner. The execution was witnessed by the appellant who stood nearby, watching. After the hole was completely covered with earth the defendant Francisco cautioned all the men who took part in or witnessed the execution as well as the kidnaping of the two men not to

reveal to anyone what they had done and what they had seen that night under penalty of punishment.

Sometime in 1946, Isidoro Torio, one of those who had witnessed the execution and the burial of Manuel Artates, met Carlota Collado, widow of the deceased and told her that she need not look for her husband anymore for he was killed and buried in the mountains. He later accompanied the party which at the instance of Carlota exhumed the body and he (Torio) together with the widow duly identified the remains exhumed as that of Manuel Artates not only by the clothing worn but also by a missing tooth. On the same occasion, after the remains of Manuel Artates were recovered from the shallow grave, those of Jose Jasmin which lay beneath, were also exhumed and were identified by his family. The killing was denounced to the authorities and those who participated in it, including Domingo Moreno were charged with murder in Criminal Case No. 17366 of the Court of First Instance of Pangasinan. Because appellant Francisco Moreno was still at large, he was accused later in the present case (Criminal Case No. 17493) of the same court.

Appellant Moreno does not deny his presence on the night in question in or near the house of the deceased Manuel Artates, the taking of said Manuel Artates to the mountains and his execution, although he claims that when Manuel was killed, he (Francisco) was some distance away detailed as guard by Eufemiano Artates, his superior. He further asserts that he was merely obeying orders of Eufemiano, he being a mere private in the guerrilla organization, and that when Manuel Artates was brought down from his house and ill-treated by his brother Domingo Moreno, he (Francisco) interceded, saying that Manuel should not be punished before he was duly investigated. In this he was corroborated by his brother Domingo who testified as a witness for him.

This claim of the appellant is completely belied and disproved by the evidence on record. In another Criminal Case No. 16728 where members of the same guerrilla organization to which the appellant belong were prosecuted for murder based on the killing of Jose Jasmin who as already stated, was beheaded the same night by Patricio Gerardo and buried ahead of Manuel Artates in the same grave, the accused therein in their testimonies unhesitatingly pointed to Francisco Moreno, the appellant herein as the leader of the organization who had Jose Jasmin arrested and executed for being suspected as a Japanese spy. In Criminal Case No. 17366 already mentioned where Domingo Moreno together with others were accused of murder for the killing of Manuel Artates, the accused therein testifying as witnesses, also pointed to Francisco, the herein accused-appellant as the leader whose orders they were obeying in the kidnaping and killing of Manuel Artates. Even Domingo Moreno, brother of appellant testified in said case that his brother Francisco, the herein appellant was the leader, but he (Domingo) tried to exculpate himself saying that when Manuel Artates was taken down from his house he was far away from said house. Naturally, we cannot now believe Domingo when testifying for his brother he says that Francisco was a mere private in the guerrilla organization obeying orders of Eufemiano Artates, the leader, and that when he (Domingo) proceeded to maltreat Manuel Artates as he was brought down from his house, Francisco interceded for him.

There are other proofs to support the finding that appellant Francisco was the leader or was one of the leaders, if not of the organization that operated in the towns of Mangatarem and Aguilar, at least of the group of men which forcibly took Manuel Artates from his home, took him to the mountains and there killed him. The maltreatment of Manuel Artates by appellant as the former came down from his house was witnessed and testified to by two witnesses including the widow Carlota Collado. Isidoro Torio another witness for the Government told the court that on the night in question he was sent for by herein appellant, and once in the Marapudo mountains, he was investigated by Francisco Moreno and even threatened with an unsheathed bolo, and when Torio assured the defendant that he was not a Japanese spy, appellant said, that his life would be spared. In answer to a question, Torio assured the court that the appellant was one of the commanding officers at the guerrilla headquarters in the Marapudo mountains. Lastly, the fact that Francisco was present at the execution and burial of Manuel Artates

and later cautioned those who kidnapped Manuel Artates and those who witnessed the execution and helped in covering the grave with earth, including witness Torio not to reveal what they had done and seen that evening, shows that he (the appellant) was the one in charge of all that took place that fateful night and whose orders were obeyed. As the person who had ordered the kidnapping and killing of Manuel Artates, the appellant herein is necessarily guilty of the crime with which he is charged.

As to the motive for the killing, we are at a loss, unless, we draw an inference or conclusion from some incidents that took place that night and prior thereto. As already stated Isidoro Torio was, by order of the appellant taken from his house and investigated and threatened by him for being suspected as a Japanese spy; and when satisfied that the suspicion was unfounded, appellant spared his life. At the beginning of this decision we stated that after the death of Lt. Sinlao, Francisco Moreno and Eufemiano Artates took over the command of the organization and because many of the followers appeared to have lost interest in the activities of the organization and some were even suspected of developing sympathy for the Japanese, said followers were ordered arrested, taken to the headquarters and investigated. The inference is that Manuel Artates was killed because he was suspected of being a Japanese spy, or that he refused to recognize the leadership of the appellant, or that he had deserted the organization or lost interest in it assuming of course that he belonged to it, or that he refused to help or cooperate with the organization. Or, the motive may have been purely personal, altho there is no evidence on that point.

In conclusion we find the appellant guilty of murder as charged in the information and as found by the trial court. The decision appealed from is hereby affirmed with costs.

Moran, C.J., Ozaeta, Pablo, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

Moran, C.J.:

Mr. Justice Ricardo Paras and Mr. Justice Luis P. Torres voted for the affirmance of the judgment of the lower court, but, on account of their being on leave at the time of the promulgation of this opinion, their signatures do not appear herein.

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.