

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
SOBANON KALIM, KAMAD, ANGANAN PALALISAN AND PALALISAN
TANIKI, DEFENDANTS AND APPELLANTS.**

G.R. No. L-1172. May 27, 1948

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4d3d0ee063aa/>

TUASON, J.:

The four appellants were prosecuted in the Court of First Instance of Cotabato for murder. Having been found guilty and appealed, they have made the following assignments of error:

-

The trial court erred in holding that the alleged crime was committed within its territorial jurisdiction;

-

The trial court erred in holding that the evidence was sufficient to establish the existence of the alleged victim;

-

The trial court erred in believing the witnesses for the prosecution and in refusing to believe the witnesses for appellants;

-

The trial court showed bias against appellants;

-

The trial court erred in interpreting unfavorably against three of the appellants their failure to testify on their behalf; and

-

The trial court erred in denying appellants' motion for a new trial and in convicting appellants.

Two witnesses who swore to having seen the commission of the crime gave evidence for the prosecution. Talib Gotum testified that on April 27, 1945, at about 4 o'clock in the afternoon, he went to the house of Malantawan Midsapac in Maridagao, taking along a bolo. Malantawan was working in the field and he sat under the house. Later the four accused arrived, took his bolo from him, told him to catch chickens, and called for Malantawan. When Malantawan appeared they told him to give them palay and Malantawan said he could not give them any because he had very little. Angered by Malintawan's refusal the accused surrounded and seized him, and one of them, Anganan, held and tied his hands, Malantawan cried out for help, and while he was struggling to free himself the accused Sobanon struck him on the left shoulder with the witness' bolo which sank down to the middle of the breast. Malantawan fell dead. The witness, who had stopped chasing chickens and hid behind

banana clumps, ran away after he saw Malantawan struck, to warn his foks that there were bad people around. At night he went to report the crime to Datu Tomindog in the latter's house.

The other witness, Malabong Bodad, said he lived in Maridagao near Malantawan Midsapac, and knew the accused. At about 4 o'clock in the afternoon on April 27, 1945, he saw the accused "wrestling with Malantewan." They succeeded in tying Malantawan, after which Sabanon slashed him at the base of the neck. Malantawan fell down upon which he (witness) ran with his wife and other members of his household to the house of Datu Tomindog and reported what he had seen.

Datu Sorotan Tomindog testified that at 7 o'clock p. m. of April 27, 1945, he met Talib Gotum running and trembling. Gotum told him that Sobanon had killed Malantawan and that he was afraid. After hearing this he went to see the deceased. He found Malantawan dead and buried him. Malabong Badad had arrived at his house before he met Talib Gotum. Malabong Bodad was trembling too when he came.

Sobanon Kalim and his cousin, Sastria de Falle, were put on the stand for the defense. The other three accused did not testify. Sobanon Kalim and Sastria de Falle testified in substance that the Americans returned to Pikit on April 20, 1945, at 2 o'clock p. m. In the morning of that date they evacuated from Pikit to Along because there were Japanese forces in Pikit and they wanted to get away from the fighting. With them were the defendants Kamad, Palalisan Tamiki and Anganan Pala-lisan. In Along they stayed two nights; as Japanese were patrolling, they moved on to Tacupan Creek on April 22 building a shack there. On April 24, 1945, they continued the work on the shack. On the 25th Sobanon and Anganan were attacked by malaria. On the 26th they were seriously ill. Their chill, complicated with "pasma", persisted on to the 27th. Until the 30th these two defendants were sick. On the 7th of May Sobanon and Anganan had recovered. The four accused then went out to see how conditions were.

Sobanon's land was not far from Tacupan Creek, the witnesses declared. They visited Sobanon's land in April and met Sobanon's half-sister who told them that Datu Tomindog had planted posts on that land with intention to build a house and grab the homestead. What Sobanon did was pull out the posts, after which they returned to Tacupan Creek with some bananas. On the 8th of May they went back to Pikit. At Maridagao crossing, the four accused were arrested and placed "in the compound". At 8:30 Datu Tomindog arrived and said to Sobanon, "I want to take revenge on you because you pulled out my posts. I can revenge because I am a datu. But, Sobanon, if you will give me your land I think I can help you. If not, you will rot in jail." They remembered these dates because they kept a handwritten calendar for April.

The trial court did not give credence to the testimony of Sobanon and Sastria de Falle pointing out flaws in said testimony which it considered fatal to its veracity. On the otherhand it gave full credit to the testimony of the witnesses for the prosecution which it said is positive and clear.

Quite apart from the respect to which the findings of the trial Judge are entitled, the relation of the prosecution witnesses to the deceased and the defendants and the tenor and quality of their story, reveal no circumstance which impeaches their credibility. Their statements are consistent, cogent, and ring with naturalness, frankness and sincerity. Granting that Tomindog had a grudge against Sobanon - a commonplace formula resorted to to discredit a witness - the defendants have not so much as attempted to show that the other two witnesses had any improper motive to perjure themselves. Nor have they tried to explain why Tomindog included in his "revenge" his enemy's co-accused with whom Tomindog had not had any unpleasantness.

The insinuation that Malantawan Midsapac was a fictitious person and that this prosecution is a fabrication out of whole cloth is even more unreasonable. The defendants would have us believe that unlettered, untutored country folks as are the government witnesses, utterly inexperienced in the ways of the courts, they succeeded in putting over the prosecuting attorney and the trial court a hoax which not many able lawyers could put through.

It is said that "the only evidence presented to establish the existence of the alleged victim is the oral testimony of the witnesses for the prosecution" and that "neither a death certificate nor a burial certificate of the alleged victim was presented in evidence" The absence of death or burial certificate ought not, In the least, to put in doubt the reality of the killing. Malantawan Midsapac was killed and buried in a country place far from the seat of the district or municipality and at a time when, to judge from the defendants' evidence, the battle for liberation of the province was just about to begin or had just begun. The province of Cotabato was declared liberated on November 11, 1945. As a matter of practice and procedure, death certificate is not indispensable. If it were, numerous murders would go unpunished. Corpus delicti is the fact of the commission of the crime which may be proved by the testimony of eye-witnesses who saw it. The testimony of Talib Gotum, Malabong Budad and Datu Tomindog is, legally and factually, overwhelmingly sufficient to establish the death of the offended party.

With reference to the venue there is abundant evidence to prove that the place of the crime is in the province of Cotabato. Talib Gotum and Malabong Budad lived in Maradigao, and Datu Tomindog styled himself as mayor of that barrio or sitio. The court correctly took cognizance of the fact that Maradigao, as alleged in the information, is in the municipal district of Balatican, in the province of Cotabato. It is said, without a scintilla of proof, that there are other places called Maridagao in Lanao and Bukidnon. But the witnesses for the defense themselves have shown by their testimony that they lived in Pikit, the jurisdiction of whose justice of the peace comprised the municipal district of Balatican; they spoke of "Maridagao crossing" as the place where the four defendants were arrested; and they accused Datu Tomindog of trying to usurp the land of Subanon. These details induce the inference that the accused and the witnesses for the prosecution lived not far from one another in the province of Cotabato. There is not the slightest suggestion in the record that the crime at bar may have been perpetrated outside that province.

The unfavorable comment made by the trial court on the failure of the three defendants to testify is not a reversible error, supposing without deciding, that it was error. This comment does not destroy or weaken the evidence against the accused.

The alleged bias of the trial judge does not appear on the record. Anyhow, there is no showing that the conduct of the trial judge has prejudiced in any manner the appellants' constitutional right to a fair hearing.

The appellants were properly found guilty of murder. The killing was qualified by treachery. Sobanon Kalim who had attended school up to the 7th grade was sentenced to reclusion perpetua. The rest of the defendants were sentenced to an indeterminate penalty of from 12 years of prision mayor to 20 years years of reclusion temporal, the court having appreciated in their favor the mitigating circumstance of lack of education. The four accused were also sentenced to pay jointly and severally P2,000 to the heirs of the deceased as indemnity and each to pay one-fourth of the costs.

The judgment is correct and the same is affirmed with costs of this appeal against the appellants.

Parás, Feria, Perfecto, and Bengzon, 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.