

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EUFEMIO AMPOLOQUIO, DEFENDANT-APPELLANT.*G.R. No. L-1991. April 29, 1950*

Ponente: MORAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7bade02942d9/>**MORAN, C.J.:**

Eufemio Ampoloquio appeals to this Court from a judgment of the Court of First Instance of Bohol finding him guilty of the crime of robbery with homicide and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the widow of the deceased in the sum of P7,210 (value of the money and articles taken) and ₱2,000 for the death of her husband, and to pay the costs.

At about midnight of April 22, 1947, while the spouses Pascual Montalban, also known as Insik Yama, and Valeriana Casicas were abed in their house in barrio Guinocot, municipality of Guindulman, Bohol, they heard a noise near the wall of their house. After a short while, the noise ceased and the spouses got out of bed to answer a call of nature. Then, Montalban took a flashlight and when he focused it around the yard, the spouses saw a man standing near the wall of their house. Montalban took his pistol and fired it in the air to scare away the person, and then, he and his wife returned to bed. Sometime later, they were awakened by a noise coming from the groundfloor and which sounded as if someone were prying open a cardboard box in which textile were kept. Montalban told his wife to keep still and he rose to get his pistol. Just as he was rising, a shot was fired from somewhere outside the house and Montalban slumped down to the floor. His wife cried out and as she was about to get up, three men rushed into the house thru a broken wall and one of them struck her in the face with the handle of a pistol, knocking her into unconsciousness. Upon recovering consciousness, Valeriana saw that her husband was dead and that one suitcase containing textile worth about P50 and coins in the sum of P2, her husband's pistol, and a pillow wherein was kept P7,000 in bank notes which the spouses had just counted that very same night, were all gone. Valeriana also found a spent bullet under the bed and the neighbors later found three empty shells outside the house.

The perpetration of the offense as above narrated has been established by the testimony of the widow, Valeriana Casicas, and is not disputed in this appeal. The case of the prosecution against appellant herein is based principally on an extra-judicial confession signed by him shortly after his arrest. The pertinent portion of said confession reads as follows:

".....In the evening we immediately went to Guinacot, Guindulman to rob the chinaman, The first time we went to house of chinaman, we were detected and we ran away as the chinaman fired his revolver. We stayed near the house waiting when the chinaman would sleep again. Then we went back to the house. Quirico was peeping thru the wall and he ordered me to throw stone to the ladder of the house and the chinaman was awoken and stood up and fight there he was shot by Quirico. Then Quirico destroyed the wall and he went inside thru the wall. When Quirico was in the house, he took the valise and threw it to me. I ran at once to the shore with Quirico following me. When we were in the seashore, we investigated the valise. The pillow was

taken by Quirico. When we opened the valise we found P800- and there was nothing in the pillow. After taking the money from the valise and we left it and we four, Quirico, and Ado Clarete went away. As we were far, we counted the money and we found out that there were P800-. Then we divided it and each of us received P200-. After dividing the money, Ado Clarete and Pany (Rafael Datahan) went away immediately and I did not know where they went. Quirico Pahilan and I went to Tagbilaran, Bohol. When we were at Tagbilaran, Bohol, we took a plane going to Cagayan, Oriental Misamis. When we were in Mindanao I went to the house of Quirico and I stayed there for two days and went to Pagadian, Zamboanga."

This extra-judicial confession is corroborated by evidence of corpus delicti consisting of the testimony of the widow and of the President of the Sanitary Division of Guindulman. The testimony of Valeriana Casicas, widow of Insik Yama (Pascual Montalban), as related above, matches appellant's confession on the important details of the crime.

Dr. Salvador Corpus, President of the Sanitary Division of Guindulman, who examined the cadaver of Yama, testified and issued a medical certificate that death was instantaneously caused by a bullet which entered thru the right side of the nose and came out on the left part of the occiput. The same doctor who treated Valeriana after the robbery, also testified that she suffered abrasion and contusion on the region of the right eye, which would take about a week to heal.

Evidence of appellant's guilt is corroborated by other evidence. Honorio Padillo testified that sometime before April 27, 1947, while he was in Mambajao, appellant and one Eufrosinio Clarete invited him to go to Guinocot to rob Insik Yama who had plenty of money; that appellant and his companion left for Bohol together; that when he went to Bohol at some later date, he saw appellant with plenty of money, betting heavily in the cockpit and sometimes carrying a .45 calibre pistol.

Rafael Bernadas testified that when he was at a dance in the marketplace at Candijay on May 3, 1947, he met appellant Ampoloquio whom he had long previously known as a very poor man; that appellant asked him to hold a .45 calibre pistol and warned him to keep it well because it belonged to a chinaman who had been murdered in barrio Guinacot, Guindulman, Bohol; that he noticed on that occasion that appellant was richly dressed, spending and gambling heavily; that he went home and hid inside a trunk the pistol given to him by appellant and he later put said pistol among the bushes some distance from his house; and that after he was arrested as a suspect for the murder of Insik Yama, together with appellant and one Clarete, he revealed the hiding place of the pistol to Lt. Concepcion who retrieved it. During the trial, witness Bernadas identified a pistol which was presented to him for identification, marked "Exhibit A" for the prosecution, as the same one which appellant had asked him to keep during the dance at Candijay.

Cantalisio Datahan stated that he was at the dance referred to by Bernadas and that he was standing near the latter and he saw appellant Ampoloquio give the pistol to Bernadas.

Lt. Antonio Concepcion of the MFC corroborated the testimony of Rafael Bernadas concerning the recovery of the pistol.

Appellant's alibi is that during the month of April, 1947, and particularly on April 22, he was in Pagadian, Zamboanga, and that, never having left said municipality, he could not have committed the crime charged against him. In support of this defense, he relies on his own testimony and those of Teodula Artajo and Bernardo Sambrano. Teodula Artajo is appellant's sister, Artajo being her married name; while Bernardo Sambrano, an employee of Teodula Artajo, admitted that he used to travel with appellant and depended during said travels on appellant for wages. Regarding this defense, the trial court said -

"This defense does not deserve credence from the Court in view of the manner the accused testified during the trial". ' He was nervous" and could not face the court openly. He contradicted himself in many material points during the course of his declarations----the same thing happened with his witnesses....."

After reviewing the evidence, we find no reason for disagreeing with this conclusion of the trial court.

The second defense of appellant is that the confession signed by him ("Exhibit D" for the prosecution) was forced from him by means of threats, intimidation and violence. Other than appellant's mere word and that of Quirico Pahilan also charged with the same offense, there is nothing to substantiate this defense. On the contrary, the prosecution has amply proven that said confession was voluntarily and freely signed by appellant after its contents were read out to him.

Sgt. Jumangit testified, among other things, that appellant Ampoloquio freely and voluntarily admitted that he had participated in the crime against Insik Yama and that appellant's confession was freely and voluntarily made, without use of force, threat or intimidation. Witness Filemon B. E. Arias, Clerk of Court at Tagbilaran, Bohol, testified that he read out to appellant the confession which the latter freely and voluntarily signed, and that appellant was accompanied by his counsel, Atty. Marapao, when he signed said confession at the Clerk's office.

A motion for new trial was filed by appellant based solely on an affidavit of one Sinforoso Belignot, a co-accused of appellant Ampoloquio who escaped shortly before the trial of this case. In his affidavit, Belignot assumes full culpability, together with four others, for the robbery and homicide committed against Montalban, and completely exculpates appellant Ampoloquio. This does not provide sufficient ground for granting appellant's motion for new trial. In the first place, Belignot's word comes from a polluted source, he being a prisoner serving sentence for another crime of "Robbery with Murder" as he himself states in his affidavit, and he being guilty of the crime here charged as he himself admits. Secondly, Belignot's affidavit cannot affect the guilt of appellant as proven by the latter's own confession which is fully corroborated by evidence of corpus delicti and by other proofs. The motion for new trial, therefore, is hereby denied.

The aggravating circumstances of nighttime and dwelling having been proven, with no mitigating circumstances to offset the same, the maximum penalty of death as provided for by Article 294 of the Revised Penal Code, is imposable. However, there being an insufficient number of votes for the imposition of said penalty, the penalty of reclusion perpetua is hereby imposed. The indemnity of P2,000 for the death of Pascual Montalban is hereby raised to P6,000 to be paid to his heirs. With these modifications, the judgment of the trial court is hereby affirmed, with costs.

Ozaeta, Pablo, Bengzon, Tuason, Montemayor, and Reyes, 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.