

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. BOTO BALONTO, ET AL., DEFENDANTS. BOTO BALONTO DEFENDANT AND APPELLANT.*G.R. No. L-11325. November 29, 1960*

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/849b196e2676/>**DIZON, J.:**

Boto Balonto, Antonio Lumbos, Montos Moso and Turing Moso were charged with murder in the Court of First Instance of Cotabato. Upon arraignment Turing Moso pleaded guilty and was correspondingly sentenced. After trial on a plea of not guilty Lumbos was acquitted, while Montos Moso was found guilty, by direct participation, , and Balonto, by induction, of the offense charged.

Balonto and Montos Moso appealed but the latter, on December 22, 1958, withdrew his appeal.

At noon on July 31, 1951, Emilio Suazo, Tony Mondares, Jesus Olarte and one named Sany were returning to San Jose, Buayan, Cotabato, in a jeep driven by Olarte, after spending the morning at Siguil looking for shrimps. At barrio Lobo, of the same municipality, Olarte stopped the jeep so that Mondares, who was seated beside him, could get off to remove a log placed across the road. At that juncture, shots were fired from the left side of the jeep, hitting Olarte on the breast. Suazo and Sany jumped out of the jeep and together with Mondares started running towards barrio Siguil. Upon reaching said place they told one Pedro Sanudo what had happened, so the latter, together with the three and other persons, went to Lobo where they found the dead body of Olarte in the jeep.

Soon after the incident, as a result of information furnished by Benito Flansal and Sanaon Onggi to the effect that Balonto, Lumbos, Montos and Turing Moso were most probably the killers because they hated the deceased, the Chief of Police of Buayan, D. Torcuator, investigated them. A few days later Balonto made the sworn statement Exhibit A, taken down in English and translated to him in Tagalog by the chief of police and sworn to before Justice of the Peace Yapchiongco. Among other things, he stated therein that his stepson Turing Moso was the one who shot Olarte and that he had quarreled with Olarte several times because the latter not only had grabbed his land but also had taken to his house the wife of his (affiant's) son; that prior to the incident he talked with Turing Moso of the plan to kill Olarte, their agreement being that Montos and Turing Moso would leave that night for Siguil to kill Olarte, affiant having given his carbine to them; that in the afternoon of July 31, 1951 he was informed by Montos that Olarte had already been killed.

Turing Moso also made the written statement Exhibit B taken down in English by the chief of police and translated in Tagalog by Judge Yapchiongco before Turing Moso swore to it and signed it. In said statement Turing Moso admitted having shot and killed Olarte by order of Antonio Lumbos and Boto Balonto.

Montos Moso also made a sworn statement (Exhibit C) under the same circumstances. Before he swore to it and signed it, it was translated to him in the bilaan dialect by one Pinis Bagotao. He also states therein that he and Turing were ordered by Lumbos and Balonto to kill Olarte.

The first contention of appellant Balonto is that his sworn statement Exhibit A is not admissible in evidence because he was virtually forced and intimidated into signing it. This contention is without merits. The prosecution evidence clearly shows that Balonto made and signed the statement voluntarily and freely. When, he appeared before the justice of the peace for that purpose he said nothing about the threats and intimidations now claimed. In fact, the prosecution evidence shows that the justice of the peace first inquired from him if he was aware of the contents of the statement, to which he gave an affirmative answer. The chief of police likewise testified not only that no threats were employed but that no promise of immunity was given to induce Balonto to sign the statement.

The second contention of appellant is that the trial court also erred in admitting against him the sworn statement of Montos Moso (Exhibit C), in spite of the fact that the same was hearsay because the interpreter alleged to have translated its contents to him was not presented as a witness.

This point is also without merit. While it might have been better if the prosecution had placed Bagotao, the interpreter, on the witness stand, that was not necessary to make the statement admissible, the testimony of the chief of police being sufficient to prove the fact that the same was translated to the affiant before the latter signed it in the presence of Justice of the Peace Yapchiongco. Moreover, it appears that the contents of the statements already mentioned are substantially corroborated by other facts established by independent evidence, such as the existence of the big log across the highway; the finding of two carbines used in the killing precisely in the place indicated by Montos-on a hilltop 200 meters from the house of Balonto; the fact that the circumstances under which the ambush was committed, as described by the prosecution witnesses, tally with those described by the, affiants in their statements.

Appellant also claims that he should be acquitted on the strength of the testimony of Turing Moso that he alone was responsible for the crime. The trial court chose not to believe such testimony because Turing testified for appellant after he had pleaded guilty, so he had nothing to lose by admitting all the blame, while by doing so he could save appellant, his stepfather, as well as his brother. His bias, or interest is, therefore obvious. Consequently, we find no reason to disagree with the lower court in this respect.

The penalty for the offense, committed is reclusion temporal in its maximum period to death, and there being in this case no aggravating nor mitigating circumstance to consider, the medium period thereof should be imposed, to wit reclusion perpetua. The penalty imposed by the trial court is modified accordingly. Similarly, the indemnity of P4,000.00 to be paid by Boto Balonto should be raised to P6,000.00. (People vs. Banlos, G.R. No. L-3413, Dec. 29, 1955).

Modified as above indicated, the decision appealed from is affirmed in all other respects, with costs.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Decision affirmed with modification.

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.