

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. ANGELO MAGSILANG, DEFENDANT AND APPELLANT.*G.R. No. L-1764. December 09, 1948*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/932554815294/>**MONTEMAYOR, J.:**

This is an appeal by Angelo Lagsilang from a decision of the Court of First Instance of Tarlac, finding him I guilty of murder and sentencing him to reclusion perpetua and to indemnify the heirs of the deceased Bernabe Balatbat in the amount of P2,000.00 and to pay the costs.

We have carefully examined the record of this case, I particularly the sworn statement (Exhibit "A", "A-I") made by the defendant before the police authorities of Bamban, Tarlac in the course of his investigation, as well as the pictures (Exhs. "B" to "B-4") depicting his re-enactment [of the crime admitted to have been committed by him and the circumstances under which said pictures were taken, and we consider the present case of murder against the appellant, quite clear and as fully established. The facts of the case are simple and may be stated as follows:

During the Japanese occupation the appellant Angelo Magsilang became the leader or chairman of the Hukbalahap organization in the barrio of Anupul, municipality of Barnbin, Tarlac. Taking advantage of his leadership and position, he committed abuses, even atrocities, without any hindrance or effective opposition on the part of the barrio folk who were completely dominated by fear of him. He took a fancy for Valentina Mandal, the wife of Bernabe Balatbat who was living with her in the same barrio. And in order to facilitate his amorous but unlawful venture and to avoid any interference on the part of the husband, he continuously intimidated and threatened Bernabe Balatbat until the latter left his wife and home and went to live with his brother in the town of Mabalacat. Once the field was clear Angelo Magsilang pressed his suit, and exerted pressure, and Valentina who was equally dominated by fear, not only for her own safety but also for that of her husband and children, had to submit to the defendant's illicit desires, as a result of which, she became Angelo's unwilling mistress. After liberation and believing that peace and order and the reign of law had returned, Bernabe Balatbat left his temporary residence in Mabalacat and returned to live with his wife and children in his home in the barrio of Anupul. The appellant evidently was bent on continuing his illicit relations with Valentina Mandal. At the same time, he perhaps felt he was no longer in a position to resume his efforts in intimidating and threatening Bernabe to leaving his home again, and so he decided to dispose of him more effectively and definitely.

On January 15, 1947 at about midnight, the appellant went to the home of the deceased Bernabe Balatbat, where he was sleeping with his wife Valentina and their four children. From below he called and woke up Bernabe and told him to come down saying that he was wanted by three persons. In spite of the opposition of Valentina, perhaps suspecting that it was a trap, Bernabe afraid to disobey the order supposed to have come from a higher authority, presumably the Hukbalahap organization, went down the house and accompanied Angelo. The two men as far as she could see went in the direction of the mountains. From that time on Bernabe was never heard from nor was he seen alive.

That same night Valentina reported the kidnapping of her husband to the rural police and the next morning she herself went to the poblacion and reported the matter to the municipal police of Bamban. Seventeen days later or on February 2, 1947, because of the foul smell emanating from a well about 500 meters away from the house of the deceased, the police discovered and removed from said well the partly decomposed body of Bernabe Balatbat. His remains were duly identified by his wife Valentina and his half-brother Juan Sikat by the clothes he wore, the irregular alignment of the teeth in his left lower jaw and the scars on his forehead and on his chest just below the left nipple.

When Valentina first made the report of the kidnapping on the night it was committed to the rural police and then the next morning to the municipal police of Bamban, she did not mention the appellant as the author of the said kidnapping, she having been threatened by appellant with death should she make the revelation. But after the finding of Bernabe's body and because the appellant was already arrested in connection with the kidnapping of one, Carmen Canelas, Valentina felt emboldened and safer and denounced the appellant as the one who kidnapped her husband. Investigated, the appellant in his written statement (Exhibit "A") sworn to before the Justice of the Peace of Bamban admitted having kidnapped and killed the deceased by hitting him with a club from behind, near the well where the body was later on found and into which well he dumped his unconscious victim, the death having been precipitated by drowning because there was some water in the well at that time. At the suggestion of the police and with the full assent of the appellant, the latter re-enacted how he committed the crime, from the time that he led Bernabe from his house until he, the appellant clubbed him into unconsciousness with a blow from behind and then dumped him into the well.

The appellant during the trial claimed that Exhibit "A" was obtained from him thru force and duress, and that his re-enactment of the crime, shown on the pictures Exhibits "B" to "B-4", was not voluntary. The lower court rejected this claim and said court in our opinion was fully warranted in doing so. According to the police authorities of Bamban who conducted the investigation and who prepared Exhibit "A", the statement of Angelo contained therein was made voluntarily and without any pressure, much less intimidation or force; and when Angelo was taken before the Justice of the Peace of Bamban before whom it was sworn to, the Justice of the Peace read and explained the contents of the document in his native dialect and asked him if the contents were true and correct, to which he assented and when asked further if it was voluntary, he answered in the affirmative. Besides, it will be observed from Exh. "A" that he did not assume full responsibility for the killing. He implicated Valentina, the widow of the deceased, saying that he merely obeyed her orders. This circumstance is indicative of the voluntariness of the statement 3xh. "A", for, had there been force and intimidation used on him, the likelihood was that he would have assumed full responsibility instead of seeking to shield himself with the alleged more guilty participation and order of Valentina, which the latter duly and emphatically denied in court. In this connection we may quote with favor a portion of the decision of the trial court regarding the probability or improbability of the appellant having been compelled and forced by the police while under detention and investigation, to do anything against his will:

"It was also proved by the prosecution that the defendant voluntarily reconstructed the crime as may be seen in the photographs Exhibits "B", "B-1" to "B-5". The defendant alleged that this reconstruction of the crime was forced on him by the sergeant of police, Romulo Lumboy. But the Court thinks that such an allegation is unbelievable. The Court has been observing the defendant Angelo Magsilang. He is not the kind to be intimidated. His look and demeanor speak of a courageous individual. In fact it was proved that he was a Huk commander in the locality. He was at ease in his trial and did not show any sign of worry except, at the closing of the testimony of Valentina Mandal when their amorous relations were divulged by her, that the accused began to be serious and gloomy, (pp. 4-5. decision of trial court.)

The trial court found the circumstances of premeditation, treachery and nocturnity as having attended the

commission of -the crime but held them to be inherent in the offense. The Solicitor General excepts to this ruling and claims that premeditation was not fully established but that the two circumstances of treachery and nocturnity were present and should be considered, one to qualify the killing as murder and the other as aggravating circumstance, thereby warranting the penalty of death. We agree with the Solicitor General except on the point of separating the circumstances of nocturnity and treachery. Except in special cases, these two circumstances always go together and are absorbed in the same offense and in the present case we believe that although there is reason to believe that nighttime was purposely sought by the appellant in committing the crime and that in dealing the blow from behind, there was treachery, the two circumstances may well be regarded as complementing each other and to be considered as one circumstance only, to qualify the killing as murder. (U.S. vs. Salgado, 11 Phil. 56).

In view of the foregoing, and finding no reversible error in the decision appealed from, the decision is hereby affirmed in all respects with costs against the appellant.

So ordered.

Moran , C. J., Paras, Feria Pablo, Bengzon, Briones, and Tuason, JJ., concur.

DISSENTING

PERFECTO, J.,

PROSECUTION

Valentina Mandal, 30, widow, Barnban, Tarlac.— On the night of January 15, 1947, her husband Bernabe Balatbat was taken by the accused from their hone in barrio Anupul, Bamban. At about twelve o'clock in the evening, the accused, "came to our house and waited up my husband. Then he waked me up too."When the accused called, Bernabe "did not talk because he was also afraid." (12). The accused went up to the house, which has no window shutter. "Angelo Magsilang told my husband that he is being called by three persons. My husband asked him what was the desire of those three men. Angelo Magsilang told him that he did not know but those 3 men were waiting for my husband. My husband lighted our lamp." (3). "I. do not know whether he (Magsilang) was armed." Her husband was brought to the mountains. "I was looking at them but when they were already in the bushes, I lost sight of them." Her husband did not return. She saw him after 17 days already dead in the cemetery. She recognized him by his clothing. (4). Also by the abnormal growth of his teeth, and a scar in the left nipple.. On February 3, 1947, she was informed by the municipal police of Bamban about the death of her husband. She reported the disappearance of her husband to the rural police and the municipal police of Bambang. (5). "I did not mention that it was Angelo Masilang who took my husband because Angelo Masilang told me that if I will report it that he was the one who took my husband, he; will liquidate us all." Magsilang told her so "when I "was running after them and I was preventing my husband not to follow them." The next morning she reported the matter to Romeo Lomboy, policeman of Bamban. "I told him that the outsiders took my husband." (6). She meant the Hukbalahaps. She did not inform Lomboy as to who got her husband. She informed him when her husband was already dead in February, 1947. She knows Magsilang "for a long time, because he was our neighbor and barrio mate." (7). "The next morning I asked Angelo Magsilang the whereabouts of my husband, but he told me that he was brought to the poblacion of Bamban, Tarlac. Then I reported the matter to the authorities." (8) . She reported to the authorities that Magsilang kidnapped her husband "when the body of my husband was found." At that time

Magsilang had already been apprehended. She does not remember having subscribed an affidavit before the Justice of the Peace Miguel Navarro. She recognized her signature in Exhibit I. (10). The day following the kidnapping, the witness went to the house of Pedro Tolentino and there she was asked by the defendant who kidnapped her husband, but she did not point at him "because I was afraid of him." (11). "After I reported the matter I went to live in Mabalacat." While defendant was in jail, the witness, by request of the municipal police, scaled the tinapa which defendant ate, because defendant was then handcuffed. (12). She knows the accused as a Hukbalahap since a long time. "During the Japanese occupation he was one of the chairmen of the Hukbalahaps in barrio Anupul." (15). In the conversation she had with Atanacio Garcia regarding the kidnapping of her husband she did not mention the accused because he is the brother-in-law of the accused. She reported the matter to Pedro Tolentino on the same night of January 15, 1947. (17). The body of her husband was retrieved from a well of the Santos family. (88). It was retrieved in separate parts. (90). On January 16, 1947, Angelo Magsilang was already arrested. (92). Because ordered by the police, she fed the accused in jail. "After feeding him I went away." I was not the one who ordered to kidnap my husband." (94). As for the motive of the kidnapping, the witness said "Perhaps, Angelo Magsilang Wanted the advantage of ray womanhood. Because during the Japanese occupation, he could do whatever he likes. He just wanted to satisfy his carnal desire with me." He had carnal intercourse with her. "I cannot tell how many times; it was a long time ago, sir, many times." (This revelation was made by the witness after the trial court told her it has noticed that she was not telling the whole truth.) (94-95). The accused "spoiled" her during the Japanese occupation. "I do not remember the date." She does not know if it was in 1942. "I do not know, if: it was in 1943. My husband tried to hide because of fear of Angelo Magsilang." She came to live again with her husband immediately after liberation. (96). Her husband returned to her "because perhaps Angelo Magsilang cannot do again the things which he was doing during the Japanese occupation." She reunited with her husband in 1945 and her relation with Angelo Magsilang stopped completely. Since then the defendant never bothered her. When she separated from her husband she was living in her own house. Magsilang was living in his own house. He used to go to her house only. Her husband went to his brothers. Her husband left during the Japanese occupation because Magsilang was threatening him all the time. Since then and up to the liberation, her husband has not visited their children. (93).

Romulo Loraboy, 38, married, policeman, Bamban, TarlacValentina Mandal reported to him on January 16, 1947 the kidnaping of Bernabe Balatbat. "She reported to me that her husband was kidnaped by the Hukbalahaps." At three o'clock of the same day, we went to barrio Anupul and gathered all the male persons. We investigated them as to whether they knew of the kidnapping of Bernabe Balatbat." He did not find out who was the author. He asked, Valentina Mandal who were the Hukbalahaps who kidnapped her husband. (17). In an affidavit taken from him the accused stated that he was the one who ordered the kidnapping of Bernabe Balatbat "and then struck him in the neck and clumped him in the well." Exhibit A is the affidavit. (13). The affidavit was sworn to before the Justice of the Peace. (20). The witnesses are clerks of the municipal treasurer. The corpse was found because in his affidavit Magsilang pointed that it was in. a well.(21). In Exhibit A the accused stated that the body was dumped in the well. Two civilians from sitio Tete told the witness that they were smelling a bad odor from the well "and we went to find out and we retrieved and ordered the! appearance of the wife." (23). Exhibit A was executed after the body of Bernabe Balatbat was retrieved. (24). Exhibit B-1 and B-2 are pictures of the reconstruction of crime. (25). B-1, B-2, B-3, B.4 and 3-5. (25-26). Magsilang "told me that the wife of Bernabe Balatbat was the one who ordered him to kidnap her husband." (27). The body of the deceased was retrieved on February 3,1947. (28).

Miguel Navarro,32, married, lawyer, Justice of he Peace, Bamban.—"Angelo Hagsilang went to my house and I gave him a copy of the affidavit (Exhibit A) to read it; and asked him if he was maltreated in the sighing of the affidavit arid he said no and he signed it" (32). The accused said that the contents of the affidavit were true. (33).

When the accused signed Exhibit A, Sgt. Romulo Lomboy was one meter from him. (34).

Gabriel Mercado, 31, married, physician, Bamban.— He knows Bernabe Balatbat since the second year of the Japanese occupation. He examined the corpse of a body found in a well on February 2, 1947. Exhibit G is his report. (37). When the body was shown to the wife at the cemetery, she recognized it already. "By that examination it is impossible to recognize the person because it was already in the stage of decomposition, but in my opinion, it was the body of Bernabe Balatbat. The cause of the death was drowning. The blunt instrument with which the deceased was hit did not cause serious harm." (38). "The body was already in the stage of decomposition and it was already beyond my power to identify it. The body was already disarranged." I could not find any scar on the body of the deceased, because the body "was already sloppy." (39). He concluded that it was the body of Bernabe Balatbat "after the information from the wife." (40).

Juan Sikat, 43, married, laborer, Mabalacat.—He is the maternal brother of Bernabe Balatbat. After the kidnapping he saw the body of Bernabe Balatbat in the cemetery in Baaban. (41). He recognized it by the irregular growth of his teeth and the scar on the left of his nipple. "I found also the scar in his forehead which he suffered in his student days." (42).

DEFENSE

Pedro Tolentino, 20, laborer, Bamban.—On January 1, 1947, at midnight, Valentina Manual reported to him that her husband was kidnapped. She did not tell who were the kidnapers. (46). The witness was a rural policeman and the next morning he reported the matter to the authorities in Bamban. (47).

Atanacio Garcia, 39, married, laborer, Maraatigan, Bamban, Tarlac.—On January 6, 1947, Valentina Mandal "Went to my house." She was asking me for her husband and I told her that I had not seen her husband." She told him that her husband was taken by the Hukbalahaps.(55)

Teodora Tolentino, 50, married, Bamban.—On the night of January 15, 1947, "somebody came to our house calling and then I waked up my husband." They were three and they were asking for the house of Bernabe Balatbat. "I showed the house." They ordered the husband of Valentina Mandal to come down. (58). The one who ordered was being called as Pabling. why husband went with them." (59). They went to the house of Bernabe Balatbat. "My husband returned but I did not see any more those people." (60). The witness is the wife of the accused. The distance of the house of the witness from the house of Bernabe Balatbat was about 30 meters. (61). Because those people did not know the house of Bernabe Balatbat, her husband pointed it. (62).

Angelo Magsilang, 47, married, farm laborer, Bamban.—"On the night of January 15, 1947, somebody came to the house to wake me up." (66). "My wife was awakened first, and she told them what they wanted. They asked my wife whether she has a male companion. My wife told them "yes, my husband is here," and after telling that to them they ordered me to come down. They asked me the house of Bernabe Balatbat. I brought them to the house of Bernabe Balatbat. "When I came down they took him. After their conversation, they went away and I also went away. They were three." They were armed. He was ordered by the three to go home. (68). He went home to sleep. The next morning he had occasion to talk with Valentina Mandal. She did not tell him anything about the kidnapping of her husband. (69). I met Valentina Mandal in the house of her brother-in-law. When Valentina said that her husband was threatening to kill her, She requested Pabling to reprimand her husband. (70). The signature in Exhibit A is his. "On February 3, They brought me out from the jail and they brought me stairs of the municipal building and covered my eyes and tied my hands on the back. While I was tied Romulo Lomboy took the declaration." He was asked whether he knows how Bernabe Balatbat was kidnapped. And when he answered no "they began to box me until I fell to the floor almost unconscious." "He was boxed in the belly. (72). The investigation lasted one hour. The answers in Exhibit A was not given by him. He consented to sign because

Romulo Lomboy told him that if he did not sign the CID would come in the evening and maltreat him again. (74). The reconstruction appearing in Exhibit B-2, B-3, B-4, and B-5 was made because "they ordered tne only to do that." (75). The evidence do not show the guilt of the appellant all reasonable doubt.

No other witness has been called to testify about the alleged taking of Bernabe Balatbat but his widow who has not been corroborated by any other witness. According to her, although appellant said that her husband was needed by three men, she did not say having been any other man taking her husband except appellant, In whose possession she did not see any arms. When the deceased and appellant were going away, she even followed them, so much so that appellant had the opportunity of telling her not to report the matter, because he will liquidate "us all." She has been looking at then until they were lost in the bushes from her sight. It is credible that appellant, without arms, could have singlehandedly kidnapped Bernabe Balatbat, without the after offering any resistance, as it is mace to appear his widow, when he had the advantage of the help that his wife could have offered him. The help could not have been neglible because she was 30 years old, which is about the prime of life. Under the circumstances, it could have been easy for Bernabe Balatbat and his wife to resist the Kidnapping, if not to have completely overpowered the kidnaper. There is nothing in the record to show why a single unarmed man could overpower a couple of persons in normal health.

The fact that Valentina Mandal, in denouncing the kidnapping of her husband, did not disclose that it was appellant who effected it is inconsistent with her testimony that it was appellant who was the author of the kidnapping. Her explanation that appellant menaced her with liquidation if she reported the matter is no acceptable explanation for her failure to point the appellant as the guilty one. She defied the menace by reporting the kidnapping right on the same night of the incident. In reporting it, she could have only two purposes, to have her husband rescued and the culprit punished. Either or both. And the most logical move for her to attain either or both purposes was to point right away who the kidnaper was, if she has identified him. Her failure then to mention the accused, at least, gives strong ground to doubt her claim that it was the accused who kidnapped her husband.

Furthermore, as to her allegation that she decided to point the accused as the kidnaper it v:as because the accused was already arrested, way did she not have him arrested immediately, if not on the same night of I the kidnapping, the next morning when she .act him in the house of Pedro Tolentino, the rural policeman, or when, she reported the kidnapping to the municipal police of Bamban? Then her alleged fears could have been easily been allayed. And it was easy for appellant to have/arrested because he continued living in his house at a short distance from the house of Valentina.

Accepting her claim that, during the Japanese occupation, she became the paramour of the appellant for two years, during which her husband had to leave her and to Stay with his brothers, while the accused continued living with his wife and only used to go to the house of Valentina, who was living along with her children, depicts a moral character highly suspicious as source of truth. No sensible explanation was given why Valentina and her children could not have followed him and thus completely elude the amorous advances of the accused. The fact that she yielded to the accused and endured two years of life of shame with him, without exerting efforts to free herself from such opprobrium necessarily would taint her veracity as a witness, because it takes less compunction to tell what is not true than to betray her husband and to endure or two long years of shame.

Once discarded the testimony of Valentina Mandal only evidence that regains against appellant is th written statement taken from him by policeman Romulo Lornnoy, but appellant testified that he compelled to affix his signature in Exhibit A due to his being maltreated, and this weakens the evidence to the extent of naming it insufficient as a basis to on a man for life.

We vote to acquit appellant.

Judgment affirmed.

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.