

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ARULA (MORO) (ALIAS AGAPITO ARULA, ALIAS ARULA AGAPITO), DEFENDANT AND APPELLANT.

G.R. No. L-1976. April 27, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

From the judgment of conviction by the People's Court of Zamboanga finding Arula (Moro) alias Arula Agapito, alias Agapito Arula, guilty of the crime of treason and sentencing him to suffer the penalty of death, to pay a fine of P20,000, to indemnify the heirs of the deceased Moro Amin in the sum of P2,000 and to pay the costs, defendant Arula appeals to this Court.

Arula admitted his Filipino citizenship during the trial.

During the period of Japanese Occupation, in Tetuan, Zamboanga, there was an organization known as the Tetuan Volunteer Guards dedicated to helping and serving the Japanese Army. This organization was first commanded by a certain Roman Miguel and later by one Bruno Soriano when the former was killed in an encounter with the guerrilla forces. Arula was a member of this organization and on many occasions he accompanied Bruno Soriano and his followers. This was proven by the testimonies of three witnesses, namely, Jose Mendoza, Filomeno Gregorio and Filomeno Enriquez.

On February 24, 1943, at about noon, a certain Moro Amin, with his face profusely bleeding, was brought by one Boy Abrera in a calesa owned and driven by Filomeno Enriquez, to the San Bernardino Bridge in Tetuan where Bruno Soriano and his men were waiting, including defendant Arula. From there the group took Moro Amin to a nearby jackfruit tree where a pit had been dug. Moro Amin was then questioned for information regarding a guerrilla officer by the name of Lt. Celso Fernandez. When Amin disclaimed having any information, defendant Arula pushed him into the pit and fired at him twice with a rifle. Then Bruno Soriano also fired his revolver at Amin. Amin died inside the pit and his body was covered with earth. These facts have been established by the testimonies of Jose Mendoza, who witnessed the entire incident from the window of his house about 50 yards away, of Filomeno Gregorio, who had been taken along by Bruno Soriano's group and who saw the killing of Amin from a distance of about 50 meters; of Filomeno Enriquez, some sort of member and courier of the Japanese and Soriano's organization, who drove the calesa which took Amin to where Soriano and his men were waiting and who was about six or seven meters away during the killing; and above all, by the testimony of defendant Arula himself during the trial, who admitted the veracity of the bare facts of the occurrence.

The defendant, who was the only witness for his defense, denies having been a member of the Tetuan Volunteer Guards and claims that the shots which killed Moro Amin were not those fired by him but by Bruno Soriano. These mere denials of defendant, unsupported by other evidence, cannot in the least chip the clear and overwhelming case of the prosecution. However, the main point of the defense lies in the allegation of duress and recourse to the exculpatory benefits of Sections 5 and 6 of Article 12 of the Revised Penal Code. Again, on this

point, the defense rests merely on the word of defendant himself, as against the clear, logical and truthful testimonies of the witnesses of the prosecution whose accounts of the tragedy prove the voluntary participation of the defendant in the entire chain of events.

In view of all the foregoing, the judgment of conviction by the People's Court is affirmed, but the sentence of death is modified to life imprisonment due to the absence of sufficient votes on the imposition of the capital punishment; and the indemnity to the heirs of the deceased Moro Amin is raised to P6,000 as recommended by the Office of the Solicitor General, with costs against appellant. It is so ordered.

Paras, Feria, Pablo, Perfecto, Bengzon, Briones, Tuason, Montemayor, and Reyes, JJ., concur.

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