

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ELEUTERIO ICARO, DEFENDANT AND APPELLANT.

G. R. No. L-2956. May 23, 1951

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0179a451c87d/>

PARAS, C.J.:

This is an appeal by the defendant, Eleuterio Icaro, from a judgment of the Court of First Instance of Laguna, finding him guilty of treason and sentencing him to life imprisonment, with the accessory penalties provided by law, and to pay a fine of P10,000 plus the costs.

In a nutshell, the facts upon which the appellant was convicted by the trial court are stated in the appealed decision as follows: "The evidence clearly shows that, during the latter part of 1944, and early in 1945, while the United States of America, the Philippines, and the Allied nations were at war with the Japanese Empire, defendant herein, Eleuterio Icaro, a Filipino citizen, owing faith and allegiance to both America and the Commonwealth of the Philippines, openly adhered to the enemy, and gave it aid and comfort. Armed with a rifle, and in company with other Filipinos and Japanese soldiers, also armed, he took part in raids against guerrilla suspects, and in their arrest. Among those arrested, because of their underground activities, by the defendant and his companions, were Norberto Ungkiatco, on December 28, 1944, Emilio Biscocho, Santiago Nipal, Victor Vergara, Valentin Vergara and Vicente Ele, on January 3, 1945, and Andres Ramos, on January 15, 1945. With the exception of Emilio Biscocho, none of the other persons mentioned above has been seen again."

The brief for the appellant stresses the criticism that the evidence for the prosecution utterly fails to prove appellant's guilt in conformity with the two-witness rule required in treason cases. We find, however, from an examination of the record that the arrest on December 28, 1944, of Norberto Ungkiatco in the municipality of Calauan, province of Laguna, by the appellant in company with Japanese soldiers and other Filipinos, on suspicion of being a guerrilla, was testified to by prosecution witnesses Norberto Ungkiatco and Matias Mendoza. With respect to the arrest on January 3, 1945, by the appellant in company with Japanese soldiers and other Filipinos, of Emilio Biscocho, Santiago Nipal, Victor Vergara, Valentin Vergara and Vicente Ele, on suspicion of being guerrillas, prosecution witnesses Emilio Biscocho, Anselmo Maranan and Tranquilino Martinez testified substantially in unison. The arrest on January 15, 1945, by the appellant accompanied by Japanese soldiers and other Filipinos, all armed, of Andres Ramos, a guerrilla suspect, is confirmed by prosecution witnesses Aurora Azucena and Crispin Aniceta.

We have no reason to doubt the truthfulness of the prosecution witnesses who are appellant's townmates. The only explanation given by appellant why all the prosecution witnesses incriminated him is that they concentrated in him their hatred against his "compadre" Roman Amatorios. It is improbable that said witnesses would have done so, especially because of the lapse of time between the date of the commission of the crime and the date of the trial. In the ordinary course of things, the fact that said witnesses testified in the way they did during the trial is a fairly safe indication that they were telling the truth being impelled undoubtedly by a desire to let justice take its course, and undeterred by any impulse to forget and to forgive as a result of the passage of time. The defense that

the appellant and his family moved from Calauan to Santa Maria, Laguna, where they resided continuously until June 15, 1945, cannot prevail over the positive testimony of the prosecution witnesses. Much less can his denial of the imputations by eyewitnesses be given credit.

The trial court found that there is no direct and conclusive proof that the appellant was a Makapili, and this finding is assailed by the Solicitor General on the ground that while there is no documentary evidence to show that appellant had joined the Makapili organization, the witnesses for the prosecution are unanimous in alleging that appellant was in fact a Makapili. The point becomes unnecessary, since adherence to the enemy may be inferred from the overt acts of treason committed by the appellant, consisting in the arrest of persons suspected of being guerrillas who, with the exception of Emilio Biscocho, were never seen again, especially because the appellant was armed and in company with armed Japanese soldiers and other Filipinos.

Wherefore, the appealed judgment is affirmed with costs.

So ordered.

Feria, Pablo, Bengzon, Padilla, Tuazon, Montemayor and Jugo, 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.