

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GALICANO VILLANUEVA, DEFENDANT-APPELLANT.

G.R. No. L-2234. April 12, 1950

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/096f50e50619/>

PER CURIAM:

This is an appeal by Galicano Villanueva from a decision of the People's Court finding him guilty of the crime of treason on four counts and sentencing him to death, to pay a fine of twenty thousand pesos (P20,000.00) and costs.

During the trial, appellant Villanueva admitted his Filipino citizenship.

On or about January 10, 1945, an American plane was shot down over Lipa, Batangas, and its pilot bailed out over the barrios of Bugtong and Lumbang. Accompanied by appellant, who wore a Japanese uniform and was armed with a bayonet, the Japanese searched for the American pilot but could not find him. Appellant himself conducted inquiries from the barrio people after identifying himself as a Makapili but the people disclaimed knowledge of any information.

On February 17, 1945, the Japanese ordered a "zona" i.e. they gathered and concentrated the inhabitants of barrio Lumbang, about 2,000 of them, and took them to sitio Paguitan in the barrio of Suluk, municipality of Santo Tomas. In this "zona", the appellant was an active participant as he helped the Japanese in gathering and guarding the people. This concentration lasted for about two weeks.

Finally, in the evening of March 18, 1945, the Japanese, with the help of appellant and others, segregated the women and children from the men. The men were bound by the hands. Then, the Japanese started bayonetting the women and children, with the appellant taking direct part in the massacre in which about one thousand (1000) women and children were killed. The following were among those killed: the mother, wife and five children of Francisco Mendoza; the wives of Eustaquio Rocamura and Sixto Rocamura; and the mother of the Rocamuras.

Thereafter, the Japanese and their companions proceeded to kill the men who were tied together beside the river bank. Here again the accused took active part in the bayonetting. One of his victims is the witness Francisco Mendoza, who was stabbed in the left arm by the accused. Upon being wounded, Francisco Mendoza pretended to be dead and escaped further injury and death by sliding down the river bank. Near him during the massacre were two brothers, Sixto and Eustaquio Rocamura, who were 'also able to slide down the river bank even before they were wounded. More than five hundred (500) men died in that massacre.

This entire narration contains the four counts of treason on which appellant stands convicted.

The case for the prosecution rests on the testimony of two (2) witnesses, namely, Francisco Mendoza and Sixto Rocamura, both of whom are survivors of the massacre. Eustaquio Rocamura, another survivor, died before the hearing of this case.

Francisco Mendoza's testimony, in its important points, is as follows:

Q Do you know what those Japanese did after the bailing out of that pilot?

A I know.

Q What did they do?

A They searched for the pilot.

Q When they were searching for the pilot who were with them?

A He (witness points to the accused) was among them.

Q In how many occasions did you see the accused with the Japanese soldiers looking for the pilot?

A Several times although I cannot only say times; but each time we moved around I used to see him.

Q And whenever you used to see the accused he was in company with whom during that time?

A With Japanese soldiers.

Q During those occasions you saw the accused with Japanese soldiers what was he wearing?

A He was in Japanese uniform.

Q What was he carrying during those occasions?

A He was bearing a bayonet.

* * *

Q What was the accused doing, if you know, during the concentration of those about two thousand people of Lumbang, including you?

A We were being guarded by these persons. He was always in company with the Japanese and was riding on horses with them.

Q What was the accused actually doing in the concentration camp?

A That which I already told you, that he was guarding in order to avoid our escape as he said.

* * *

Q Do you know the organization known as the makaplli?

A Yes.

Q Can you tell whether or not this accused was connected with that organization?

A During the time they were looking for the pilot he was always In company with the Japanese soldiers. After that he told us he was a member of the makapili organization.

* * *

Q Whom do you refer by saying "them" who executed the women and children?

A The Japanese and he (indicating the accused) was with them in killing those women and children.

Q Was the accused at that time armed or not?

A Yes, he was and he had a bayonet.

Q During the time the women and children were being executed by them what was being done by the herein accused actually?

A He was helping in the stabbing.

Q Did you see him actually make use of his bayonet against women and children?

A Yes, because they had with them a lighted lamp.

Q What is the name of your wife?

A Agueda Amo.

Q Can you tell the court whether she was with those concentrated?

A Yes, she was,

Q, What happened with her?

A She was stabbed by these persons (indicating the accused).

Q When you say "these persons" as the ones who stabbed your wife whom do you refer to?

A Gallcano Villanueva was among those who made the stabbing.

Q What happened with your wife?

A She died.

Q Do you know the wife of Sixto Rocamura?

A I do.

Q What is the name of his wife?

A Dionisla.

Q Where is the wife of Sixto Rocamura?

A She was with my wife and both of them were killed.

Q Do you know the wife of Eustaquio Rocamura?

A I do not know her name. She was not from Lumbang.

Q At that time did you know her by face?

A Yes, until now I do.

Q What happened with her during the time said your wife was executed?

A She was also executed.

Q Did you see her executed also?

A Yes, sir.

Q What is the name of your mother?

A Petra Manalo.

Q Where is she now?

A She is dead.

Q When did she die?

A On that same occasion when women and children were killed in the concentration camp.

Q How was she killed?

A They were stabbed by these persons (indicating the accused).

Q Did you see your mother being actually stabbed on that occasion?

A Yes, because they had with them lighted lamp.

* * *

A We, men, were taken to the bank of the river and there we were stabbed by these persons (indicates the accused); and this person here (indicates again Galicano Villanueva) was the one who stabbed me right here on

my left arm (witness shows the scar appearing on the upper portion of his left arm which scar is calculated to be one-half inch long and half centimeter wide).

Q With what instrument did the accused stab you which caused that injury on your left arm?

A With a bayonet.

* * *

Q After you were bayoneted what happened to you?

A As he was about to deliver the bayonet thrust to me he said, "this is your end."

Q Who told you that?

A The accused (points to Galicano Villanueva).

Q Where was Eustaquio Rocamura then?

A He was also beside me but was able to escape also.

Q You said that when Sixto Rocamura was about to be bayoneted he was able to escape. Who was that one who was about to bayonet him?

A Those persons and this man (points to the accused) was among them.

Q Can you tell the court how many men, more or less, were bayoneted and killed on that occasion?

A I can't tell because of their great number.

Q Could it be 100, 500 or what?

A Not only 500, maybe more.

(Pages 3, 4, 5, 6, 7, 8, 9, 10 & 11, t.s.n.)

Sixto Rocamura, the other witness of the prosecution, gave clear and convincing testimony which matches and corroborates that of Francisco Mendoza. The vital portions of said testimony are as follows:

Q Did you recognize anyone of those Filipinos who were with the Japanese looking for that pilot?

A Yes, sir.

Q, Who is he?

A That Galicano.

Q If he is in Court will you point at him?

A Yes, sir, he is here (Indicating the accused)

Q When you saw Galicano in company with the Japanese looking for the pilot, can you tell the Court what was he dressed of?

A He was in soldier's uniform.

* * *

Q During those times was he carrying anything with him or not?

A He had a bayonet.

Q How big was that bayonet? Please demonstrate the length?

A This long (witness indicating a length of one-half meter).

Q From January 10, 1945, when that pilot fell in your barrio, how many times afterwards did you see Galicano in company with the Japanese looking for the pilot?

A I saw him often.

* * *

A A day came when we were all gathered in our barrio and they asked us for the whereabouts of that pilot but we did not tell them.

Q You said you were all gathered, who were those gathered?

A We were many, my parents,, my wife, the family of one Isco, and others in the West side of the river.

Q Those that were gathered were about how many people more or less?

A We were about 2,000 more or less.

* * *

Q And who gathered you or concentrated you from barrio Lumbang?

A The Japanese.

Q Who were in company with the Japanese who gathered you?

A Galicano was with them.

Q The accused herein?

A Yes, sir.

Q During the time that the Japanese were tying the hands of the men what was Galicano Villanueva doing, if you know?

A He was also tying.

Q Tying what?

A He was helping the Japanese in tying up the men.

* * *

Q You said that he was helping in stabbing; that is different from seeing him actually making the stab. Will you please explain to the Court what you actually saw with regard Galicano Villanueva on the occasion these women and children were killed?

A He was also stabbing.

Q Stabbing whom?

A I saw him stabbed the wife of Isco Mendoza.

Q You mean Francisco Mendoza who has just declared before this Court?

A Yes, sir.

Q You mean to say that his wife was the one you saw actually stabbed by Galicano Villanueva?

A Yes, sir.

Q What happened with the wife of Francisco Mendoza, did she survive or is she dead?

A She was killed.

* * *

Q What was the name of your wife?

A Dionisia.

Q Where is she now?

A She is dead now.

Q Where did she die?

A She died in that massacre.

Q Do you know the wife of your brother Eustaquio Rocamora?

A Yes, sir.

Q What is her name?

A Julita.

Q Where is she?

A She is dead now.

Q Where did she die?

A In that same massacre.

Q What is the name of your mother?

A Gabriela.

Q Where is she now?

A She is also dead.

Q Where did she die?

A In the same place.

Q Do you know the mother of Francisco Mendoza by face or by name?

A I do not know her name.

Q But by face do you know her?

A Yes, sir.

Q Where is she now?

A She is dead now.

Q Where did she die?

A In the same place.

Q Do you know the children of Francisco Mendoza?

A Yes, sir.

Q Where are they now?

A They are also dead.

Q When you said that women and children were massacred there, about how many women and children were massacred?

A They were many women there.

Q More or less how many women and children were there?

A Perhaps there were about one thousand women and children in that place.

Q Can you tell the court whether or not there were survivors among those women and children after the massacre?

A I do not know of any survivor.

* * *

Q You stated here that you saw Villanueva in company with the Japanese soldiers when they were in search of the pilot who parachuted in your place, that he was in company when the people were tied and they were massacred, do you know of any reason why Villanueva was in company with those Japanese?

A I know, sir.

Q What was the reason?

A Because he had long been asking from us that we divulge to him the whereabouts of the pilot, but inasmuch, as we did not tell him the whereabouts of the said pilot, he told us that we better tell him the whereabouts of the pilot because he was a Makapili.

Q When he told you that he was a Makapili, who were present?

A Isco Mendoza, Francisco Mendoza.

Q And who else?

A My mother, the members of my family and the mother of Francisco Mendoza.

(Pages 23, 24, 26, 29, 31, 32, 35 & 39, t.s.n.)

The clear and convincing evidence of the prosecution proves the guilt of appellant beyond reasonable doubt. On the other hand, the defense rests on the testimonies of eight (8) witnesses, testimonies which are full of contradictions, vague on many vital points and groundless in numerous assertions.

The evidence of the defense attempts to prove that certain witnesses did not see appellant in Japanese uniform, with Japanese soldiers, as a Makapili, or carrying arms as such that the crash of an American plane from which an American pilot bailed out happened in November, 1944; that the Japanese massacred civilians on March 4 and March 19 of 1945; that Francisco Mendoza and Sixto Rocamura had been brought to the mountains by the Japanese to do forced labor on March 4, 1945 and had not been seen returning therefrom by the defense witnesses; that Francisco Mendoza testified against appellant because appellant had caught him and beaten him up for stealing gabi; and that Sixto Rocamura testified against appellant because Sixto's wife had been "the paramour of appellant.

These allegations, besides being poorly supported by evidence, do not directly rebutt the case of the prosecution. The mere fact that some people did not see appellant adhering to the enemy does not necessarily mean that appellant did not so adhere. Even if appellant had been a member of the guerrilla', it does not mean that he did not commit the acts with which he has been charged. Even if an American pilot by the name of Lt. Boil bailed out over Lipa on November of 1944, this does not preclude that another or other American pilots bailed out over Lipa at some later date. Granting that there had been a massacre in Paguitan on March 4, 1945* this does not prove that there was no other massacre in such a place on March 18, 1945, specially when the defense also shows that there had been such a massacre on the 19th of March 1945.

Moreover, there are palpable contradictions in the testimonies of the defense witnesses. For example, while several defense witnesses testified that there was a massacre in Paguitan on March 4, 1945, Maximino Herrera claimed that there was no occurrence other than the gathering of men for forced labor. While Pablo Villanueva testified that he saw the incidents of the massacre because the Japanese were carrying lighted lamps, another witness, Marcelino Magaling, stated that such a night was moonlit and that the Japanese were not using lighted lamps. Appellant* s allegation that Sixto Rocamura testified against him for reasons of revenge because of his illicit relations with Sixto's wife, is not adequately established by evidence, is denied by Sixto Rocamura and clearly appears to be illogical and incredible. If the Rocamura brothers acted solely for revenge and wanted to kill appellant, they could very well have done so at the isolated place where they found and apprehended him where none could witness their deed of vengeance, instead of delivering him to a policeman. This Court, therefore, finds no valid reason for disturbing the findings of the People's Court.

FOR ALL THE FOREGOING, the judgment of the People's Court sentencing defendant-appellant to death, with the accessory penalties prescribed therein, and to pay a fine of twenty thousand pesos (P20,000) and costs, is hereby affirmed.

It is so ordered.

Moran, C.J., Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

Paras and Feria, JJ., no part.

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.