

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PEDRO SABIDO Y DELANTAR, DEFENDANT AND APPELLANT.

G.R. No. L-5170. March 16, 1953

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

PEDRO SABIDO y DELANTAR is appealing from the decision of the Court of First Instance of Manila finding him guilty of treason and sentencing him to reclusion perpetua, to pay a fine of P10,000.00 plus costs.

Appellant was charged with treason under five (5) counts but evidence was adduced only in support of counts 1, 2 and 3 which we are reproducing below:

"1. That during and about the period from 1942 to February 1945, in the City of Manila, Philippines, for the purpose of giving and with intent to give aid and/or comfort to the enemy, the above named accused, Pedro Sabido y Delantar, did then and there wilfully, unlawfully and feloniously act and serve as agent and informer of the Japanese Imperial Forces, and to further realize his intention to give aid and/or comfort to the enemy, the said accused, Pedro Sabido y Delantar, did then and there wilfully, unlawfully and feloniously join subsequently the "KALIPUNAN MAKABAYAN NG MGA PILIPINO", commonly known as 'MAKAPILI', a military organization created and conceived in the spirit of collaboration and to help Japan in her war efforts against the United States.

"2. That in or about April 1943, in the City of Manila, Philippines, for the purpose of giving and with intent to give aid and/or comfort to the enemy, the above named accused, Pedro Sabido y Delantar, together with a group of Japanese Military Police officers and soldiers, did then and there wilfully, unlawfully and feloniously raid the house of Recto Palma, a querillero and upon finding that said Recto Palma was not in his house the said accused, Pedro Sabido y Delantar, wilfully, unlawfully and feloniously rounded up all members of the family of said Recto Palma.

"3. That on or about December 5, 1944, in the City of Manila, Philippines, for the purpose of giving and with intent to give aid and/or comfort to the enemy, the above named accused, Pedro Sabido y Delantar, did then and there wilfully, unlawfully and feloniously aid and help the Japanese Military Police in the zonification of Domingo Santiago St., Sampaloc, City of Manila, as a result of which hundreds of Filipinos residing in said street were taken to the Japanese Military barracks and that at the gathering of said Filipinos in said barracks, the above named accused, Pedro Sabido Delantar, did then and there wilfully, unlawfully and feloniously help and assist the Japanese Military Police in picking out guerrilla suspects and in torturing and executing them, and that among those who were executed were Alejandro Samonte and Cornelio Hernandez for being guerrillas."

The trial court found him guilty under the above three counts, except that the two evidence presented to show that the accused was a MAKAPILI.

Under the second count Alicia Palma and her sister Isabel Palma and one Atilano Sosa testified that on April 23, 1943, the appellant accompanied by several Japanese soldiers went to the Palma home in San Nicolas looking for

Recto Palma, brother of Alicia and Isabel because he was said to be a guerrilla. Recto was not in the house and the appellant and his Japanese companions were about to take Alicia to the garrison but a Japanese officer arrived and evidently intervened and he through the accused told Alicia to tell her mother to see to it that Recto Palma surrendered himself to the garrison as soon as he arrived, otherwise his family would be taken to the garrison. After the Japanese patrol had left, the Palma family moved or evacuated to Sampaloc presumably to avoid being taken to the garrison because Recto never came home and in fact he was never heard from since that day.

Under counts 1 and 3 Ramon Samonte said that in the years 1943-1944 he used to see the appellant in Manila going with Japanese soldiers; that he saw him at the Wise Building, pushing people inside; that he wore an arm band with Japanese characters; and that Samonte considered him as a Japanese spy. He further declared that on December 5, 1944, about 2:00 a.m. hundreds of Japanese soldiers surrounded Domingo Santiago street in Sampaloc and proceeded to place it under what was then called "zona". All the men residing in that street were forced to go down from their homes and once in the street those who were suspected as guerrillas were separated from the rest and taken away. The accused pointed to Alejandro Samonte, son of witness Ramon Samonte as a guerilla, then going to the other side of the street he again pointed to Cornelio Hernandez as another guerrilla. Thereafter, the two guerrilla suspects Alejandro and Cornelio were taken away by the accused and the Japanese soldiers and were never heard from until the date of the trial, June 22, 1951. At that time, defendant carried a pistol and a carborata. In his testimony Ramon Samonte was corroborated by Ramon Galit who was at the time living in the same house with Alejandro Samonte and Cornelio Hernandez.

The evidence for the prosecution further proved that appellant was born in Balanhiga, Samar, over fifty years ago; his father and mother being Ignacio and Felipa respectively, and that he was a Filipino citizen.

Like the trial court, we are satisfied beyond reasonable doubt that appellant Pedro Sabido y Delantar has committed treason. His very counsel de officio who made a detailed statement of the evidence for the prosecution and the defense believes in his client's guilt and recommends affirmance of the decision of the lower court. We reproduce portions of his briefs.

"After a thorough study of the appealed decision, carefully analyzing and weighing the various testimonies of the witnesses for the prosecution and the conflicting testimonies of the witnesses for the defense, the undersigned counsel de officio for the defendant-appellant has arrived at the conclusion that the lower court has not erred in its appreciation of the facts and laws involved in the case at bar.

x x x

"The lower court in resolving the issues involved in the case at bar has unmistakably arrived at the conclusion in which the undersigned counsel de officio fully concurs, that the defendant-appellant committed the overt acts alleged in the information, particularly counts 1, 2 and 3." (Appellant's Brief, pp. 6 & 7).

The decision appealed from is hereby affirmed, with costs.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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