

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. LEANDRO DIMAPILIS, DEFENDANTS AND APPELLANT.

G.R. No. L-5360. January 30, 1953

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0cfedcc6290e/>

BAUTISTA ANGELO, J.:

Charged with treason on four counts before the Court of First Instance of Batangas, Alejandro or Leandro Dimapilis was found guilty on count three and sentenced to fifteen (15) years of reclusion temporal, to pay a fine of P5,000, plus costs. The other three counts were dismissed. From this judgment he appealed.

The evidence for the prosecution shows that sometime in December 1944, on one market day, the accused, accompanied by a group of makapilis and Japanese soldiers, went to the market of Tanauan, Batangas, and approaching the store of Mrs. Amelia Laurel, wife of Dr. Brigido Carandang, he pointed to said doctor as the physician and supplier of the guerrillas, whereupon the Japanese soldiers placed him under arrest and took him to the garrison in Tanauan. Since his arrest, Dr. Carandang never returned home and was never seen ever since. These facts are borne out by the testimony of Moises Carandang and Porfirio Laurel.

The accused denied this imputation. He testified that during the enemy occupation he lived peacefully in barrio Sulpok, Tanauan, Batangas, where he worked a piece of land belonging to his father and another belonging to other persons; that he gave aid and comfort to the guerrillas on several occasions specially to Rufino Natividad and Colonel Bayani; that after liberation, he worked as policeman in Canlubang Sugar Estate from April 1945 to April 1947; that in the later part of April 1945, he was arrested by an agent of the CIC of the United States Army and was investigated for his supposed makapili activities; that after his investigation he was released as evidenced by the document Exhibit "4"; that after his release he resumed his job as policeman in Canlubang, Laguna; that his prosecution was due to the resentment of his personal enemy Alejandro Austria who, while he was detained in the municipal jail of Tanauan, Batangas, asked from him P1,000 and when he was not able to give him said amount, Austria looked for witnesses to testify against him; and that the authorities who effected his arrest did not have trouble in doing so because he was willing at any time to surrender because he had not committed any wrong.

There is no doubt that the accused was not a guerrilla nor gave aid to those engaged in the resistance movement as claimed by him but a makapili who engaged in activities tending to further the war effort of the enemy. This is borne out by the testimony of Moises Carandang and Porfirio Laurel, aside from other testimonial evidence appearing in the record which proves the acts of adherence of the accused to the enemy. This is what the lower court found: "Moises Carandang was corroborated by Porfirio Laurel who testified that when the Japanese came to the stall of Dr. Brigido Carandang's wife with the defendant and one Domingo Narvaez, defendant pointed Brigido Carandang to his Japanese companions as a doctor of the guerrillas; that thereupon, they grabbed and took Brigido to the Japanese garrison with him following at some distance behind; that after a while, Dr. Carandang was brought down and his face was swollen and disfigured beyond recognition, evidently from torture; that the doctor was thrown into the truck in front of the garrison, whereupon it drove away and he was never seen thereafter; that when the doctor was apprehended, the exact words of the defendant pointing to the former were:

'Here is the doctor and supplier of the guerrillas.'"

The above finding clearly marks the accused as one who gave aid and comfort to the enemy. Counsel for the accused, however, tried to discredit these two witnesses by pointing out certain supposed discrepancies. Thus, on cross-examination, Moises Carandang declared that he did not hear the accused say that Dr. Brigido Carandang was a doctor of the guerrillas when he pointed him to the Japanese and that he merely presumed that he made that statement, and this circumstance is now availed of as proof of weakness of his testimony. But this shortcoming was readily explained by the witness saying that he was not able to discern what the accused had uttered because he was twenty meters away from him. It cannot be gainsaid that this witness actually saw the accused denounce the poor doctor which led to his arrest.

Again, Porfirio Laurel testified: "Immediately three makapilis told the Japanese this way: 'that man is the doctor of the guerrillas' and at the same time indicating Doctor Carandang. They were the ones supplying the guerrillas. I recognized Alejandro Dimapilis and Domingo Faus because they are from Tanauan". Because Laurel did not categorically state that it was the accused who denounced Dr. Carandang to the Japanese, counsel now contends that this testimony is contradictory to that of Moises Carandang. But this apparent ambiguity was also explained later by this witness saying that the accused is one of those makapilis who pointed Dr. Carandang to the Japanese as the doctor and supplier of the guerrillas.

The claim of counsel that the present indictment is but the product of resentment which Alejandro Austria harbored against the accused because of his refusal to give him the sum of P1,000 he asked from him while he was confined in the jail of Tanauan, Batangas, can hardly deserve any consideration, not only because of its inherent incredibility, but because the burden of proof which gravitates against the accused rests, not upon the testimony of said Alejandro Austria, but upon the testimony of the main witnesses for the prosecution, Moises Carandang and Porfirio Laurel. These two witnesses deserved full credence from the lower court and we find no justification to disturb this finding.

The claim that the lower court erred in not giving any weight to exhibit "4" of the defense does not also hold water not only because said exhibit does not exonerate the accused from liability but because it is obvious that any finding that may be made by the CIC of the United States Army cannot have any binding effect upon the courts of Justice. This case has to be determined on the strength of the evidence herein obtained.

Finding no error in the decision of the lower court, the same is hereby affirmed, with costs.

Paras, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo and Labrador, 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.