

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ABRAHAM LOGO, DEFENDANT AND APPELLANT.

G.R. No. L-1317. February 27, 1948

Ponente: MORAN, C.J.

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MORAN, C.J.:

Abraham Logo, having been convicted of the crime of treason by the People's Court and sentenced to death, to pay a fine of P10,000, to restore to Teopista Coronado the sum of P3,900 and to pay the costs, interposes this appeal. At the commencement of trial in the lower court, defendant Logo admitted his Filipino citizenship.

On November 19, 1944, at the break of dawn, Abraham Logo and his two brothers Vicente and Gavino, together with two companions named Narvaez and Nava and several Japanese soldiers, raided Barrio Ulaño of Tanauan, Batangas. The raiding party forcibly broke into the house of the Leander family, grabbed all the residents therein, men, women and children, tied their hands at their backs and herded them out of the house. The victims were Felix Leander and his wife Teopista Coronado, their two children Manuel and Augusto, Tirso Coronado who was the father of Teopista Coronado and a tenant by the name of Pedro Ladra and his son Crispulo Ladra. Felix Leander and Pedro Ladra were separated from the rest of the men who were tied around a banana tree. Pedro Ladra was tied with hands at the back and a noose about his neck. Felix Leander was hanged from a mango tree, by his hands which were tied at his back. Both were brutally whipped and beaten. Pedro Ladra was prodded and stuck with the point of a bayonet. Defendant Logo fully participated in the tying as well as in the flogging and beating, even much more so than the Japanese themselves who were watching the entire occurrence.

Soon after, towards noon of that same day, the women and children were released and ordered to prepare food for their captors. All the while the torturing and the questioning of the prisoners continued unabated. After the meal, the Japanese and their companions, among them Abraham Logo, looted the house of the Leanders taking clothes and shoes; medicines worth about P100,000 then in Japanese currency; and P3,900 in cash, true Filipino currency.

The horses of the Leanders were taken and used to cart away the plunder. And immediately before departure, the raiding party set fire to the house across from that of the Leanders. The prisoners were then dragged to the town where they were beheaded by the Japanese, with the exception of Crispulo Ladra, who was spared from execution, perhaps due to his tender years.

Wilfull and deliberate adherence and the giving of aid and comfort to the enemy are palpably shown in the entire narration of raid, capture, torture, plunder and death, which has been conclusively proven by the clear and convincing testimonies of two witnesses, namely, Teopista Coronado and Crispulo Ladra, and corroborated by the testimony of Balbino Ladra. In giving credence to the testimonies of these witnesses for the prosecution, the trial court in its decision said: "never has the court been more convinced of the truth they speak." We see no reason for disturbing these findings of the trial court, even when considering the evidence presented by the defense. The accused was the only one who testified in his behalf, and his testimony appears to be a mere litany of denials, and an alibi, supported by nothing more than his word.

In view of all the foregoing, the majority of this Court votes for the affirmance of the judgment of the trial court. However, there being no unanimity on the imposition of the death penalty, appellant Abraham Logo is hereby sentenced to life imprisonment, to pay a fine of P10,000; and to return to Teopista Coronado the sum of P3,900. There being no proof as to the present value of the medicines which were taken from the Leander family by the defendant and his Japanese companions, the right to institute another action for the restitution of said loss is hereby reserved.

Feria, Pablo, Perfecto, Hilado, Bengzon, Briones, and Padilla, JJ., concur.

Paras, J., concurs in the result.

Tuason, J.: I vote for affirmance of the sentence.

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