

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FELICIANO MARASIGAN ALIAS KUBA, DEFENDANT-APPELLANT.***G.R. No. L-2648. June 30, 1950*

Ponente: REYES, J.

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This is an appeal from a judgment of the Court of First Instance of Quezon province convicting the defendant, Feliciano Marasigan, of treason and sentencing him to life imprisonment, with the accessories of the law, a fine of P10,000.00 and the costs.

Appellant was convicted on four counts. The first count charges him with having, during the period from 1944 to September 2, 1945, joined and served the Makapilis in Atimonan, Quezon province, a military organization formed for the purpose of giving aid and comfort to the enemy. In support of this count several witnesses testified, and from their combined testimony it appears that appellant did not only join the Makapili organization in Atimonan but he also performed specific overt acts as a ranking officer of the Makapilis. He was seen giving orders to Makapilis, drilling Makapili soldiers, and making a campaign to swell their ranks by inducing people to join the organization. At a time when it was forbidden for the ordinary citizens to bear arms, appellant went about armed with a revolver. He made people believe that he was a Makapili chief and he was variously referred to as "captain," "juez de cuchillo," and even "secretary of war." He was also instrumental in supplying the Japanese with foodstuffs commandeered from barrio folks.

Testifying as the only witness in his defense, appellant admitted that he was a Filipino citizen but denied that he had ever become a Makapili, saying, by way of emphasis, that there never was any Makapili in Atimonan. But this last statement does not accord with his admission that a Makapili organization was really established in that municipality, while his background as a Ganap and as secretary of the Sakdalista party, which is also admitted by him, marks him as a likely adherent to the cause of the Makapilis,

The evidence of record, in our opinion, proves beyond doubt appellant's identification with the Makapilis in Atimonan and his activities in favor of the enemy as a leader or chief officer of that organization.

The second count charges appellant with the arrest and maltreatment of Edmundo Villamiel and the latter's brother, Jose Castillo, in Atimonan on February 20, 1945, and the massacre on the same date of civilian detainees in the Japanese garrison of said town. The evidence on this count shows that on the date mentioned a group of Makapilis led by appellant made a search in the house of said Edmundo Villamiel in Atimonan, and having found in the premises some empty cartridges, they arrested Villamiel and put him in jail, and thereafter appellant ordered the prison cell to be sprayed with bullets, as a result of which the prisoners therein were all killed with the exception of four who were able to escape by feigning death. The evidence, however, falls short of the requirement as to the two-witness rule, so that we have to agree with counsel for the defense that appellant may not be convicted on this count. But appellant's acts in that connection may be taken into consideration as proof of adherence to the enemy, which is one of the elements of the crime of treason.

The third count refers to the raid alleged to have been staged by appellant and his Makapili followers in the house of Victor M. Degracia, a suspected guerrilla sympathizer, who during the raid was allegedly threatened with death should the raiding party find firearms in said house. On this count the prosecution introduced evidence to the effect that on February 20, 1945, appellant led a search party to the house of said Degracia in Atimonan and ordered his men to shoot the latter should any war materials be found in the premises, and that though the search yielded nothing, Degracia was arrested just the same. Here again we have to agree with defense counsel that the two-witness rule was not adhered to by the trial court when it convicted appellant on this count, for only one witness testified to the same overt act. The testimony may, however, be taken into account as proof of appellant's adherence to the enemy.

The fourth count charges appellant with having ordered the arrest and maltreatment of Manuel Villamiel and Isabel Reyes in the same town of Atimonan on March 2, 1945¹ and with having sentenced them to death. Evidence on this count shows that at about eight o'clock in the morning of March 2, 1945, Manuel Villamiel and his common-law wife, Isabel Reyes—two guerrilla suspects—were arrested by Makapili soldiers in the barrio of Tagbakin, Atimonan and brought to the poblacion, and there appellant ordered them to be tied and then paraded on the streets, proclaiming them as traitors whose example should not be followed by their compatriots, the couple being thereafter ordered by appellant to be slapped and whipped and stripped of their belongings and then told that they were to be executed at 4 p.m. on that day. Luckily for the couple, American planes bombed the town before the time set for the execution, and taking advantage of the confusion that ensued the couple managed to escape.

The evidence on this count measures up to the two witness rule and leaves no room for doubt. The testimony of the two victims—Manuel Villamiel and Isabel Reyes—is clear and emphatic and is not weakened by that of appellant, who, while disclaiming participation in the arrest and maltreatment of the couple, nevertheless admitted being present when the couple were paraded on the streets with their hands bound. There is not much to the contention that man and wife testified against appellant out of spite on account of business rivalry and also because appellant had mocked them by referring to them as "those love birds" when they were being paraded on the streets of Atimonan. For these petty reasons, it is not likely that the couple would have taken their revenge on the wrong man, considering the gravity of the outrage to which they had been subjected. In any event, the trial judge, who saw the witnesses testify, gave more credence to those of the prosecution, since, according to him, they declared "in a manner which engenders belief in their sincerity, truthfulness and lack of bias or ulterior motive." With soothing to rebut their testimony except appellant's bare denial, we see no reason for disturbing the lower court's findings of fact with respect to the fourth count.

In conclusion, we find that appellant has been correctly found guilty of treason on the first and fourth counts, and as the sentence imposed below is in accordance with law, the same is hereby affirmed, with costs against the appellant.

Ozaeta, Pablo, Bengzon, Tuason, and Montemayor, JJ., concur.

Moran, C.J., Paras, Feria, and Padilla, JJ., no part.

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