

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PEDRO SANTOS BALINGIT, ACCUSED AND APPELLANT.

G.R. No. L-1298. May 31, 1949

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1ef3f1e18233/>

REYES, J.:

Pedro Santos Balingit was accused of treason on six counts. Count No. 1 was, after trial, declared not proved, while counts Nos. 4, 5, and 6 were previously withdrawn for lack of evidence. The remaining two counts (Nos. 2 and 3) read as follows:

"2. That on or about December 8, 1944, in the City of Manila, the above named accused, Pedro Santos Balingit, for the purpose of giving and with intent to give aid and/or comfort to the enemy, and with the abuse of confidence and of his public position, did then and there wilfully, unlawfully and feloniously point out to the Japanese Military Police Lorenzo Sandoval and Serafin Sandoval and their father, Felipe Sandoval, Urgel Simplicio, Mateo Cruz, and Alfredo Arangel as guerrillas, as a result of which they were all apprehended and taken by the Japanese Military Police, and since then, Serafin Sandoval and Lorenzo Sandoval have never been seen alive again, while Felipe Sandoval was tortured and detained for about two days; Urgel Simplicio tortured and detained for about twelve days; Mateo Cruz tortured and detained for about fifteen days; and Alfredo Arangel tortured and detained for about twelve days.

"3. That on or about December 16, 1942, in the City of Manila, for the purpose of giving and with intent to give aid and/or comfort to the enemy, the above named accused, Pedro Santos Balingit, did then and there wilfully, unlawfully and feloniously, with abuse of his public position, form part of a squad under Inspector Charles Strebel of the Intelligence Unit, Secret Service Division, Metropolitan Constabulary, which arrested and apprehended Leoncio Gonzales, Tomas Lapus, Eugenio Acosta, Luis San Agustin, Pedro Soriano, Leoncio Crespo and Realino Bartido, all members of the Metropolitan Constabulary, on suspicion of being guerrillas, and did bring and accompany them to Fort Santiago where they were investigated, maltreated, tortured and detained for a period of about one week."

The accused is a Filipino citizen. Before the war he was a member of the warrant unit of the secret service division of the Manila Police Department. Early in 1942 he joined the secret service division of the Metropolitan Constabulary and was assigned to the intelligence unit under Charles Strebel and later under Teofilo Alcantara. This unit operated directly under the supervision of the Japanese military police and was then also called the "Radical Unit" because it was charged with the arrest and investigation of guerrillas and guerrilla activities. Both Strebel and Alcantara were killed by the guerrillas, but the accused continued working with the "Radical Unit" and was seen not infrequently with agents of the Japanese military police.

With reference to count No. 2, the evidence for the prosecution shows that the accused was a cousin of the brothers Lorenzo Sandoval and Serafin Sandoval, a lieutenant and prospective member, respectively, of the guerrilla forces. As a close relative, he frequented the Sandoval home at No. 131 M. H. del Pilar Street in Manila and was able to learn from Lorenzo Sandoval that the latter was in the resistance movement and was leaving for the mountains on December 10, 1944. Before that date came, however, that is, in the evening of December 8,

1944, Japanese soldiers, accompanied by the accused, raided the house of the Sandovals. The accused had his eyes covered with a piece of cloth. After rounding up all the males in the house, namely, Simplicio Urgel, Alejandro Guiao, Sofronio Parinas, Alfredo Arangel, Mateo Cruz, Florencio Tolda and Felipe Sandoval, the Japanese proceeded to tie their hands, and once the hands of Felipe Sandoval had been tied, the accused pointed him out to the Japanese as the father of Lorenzo Sandoval. The Japanese then began asking Felipe where his son Lorenzo was, whereupon Felipe's wife, Basilia Carlos, fearing that her husband might be tortured, entreated him to reveal the whereabouts of their son. Having obtained the desired information, the Japanese, in company with the accused, took Felipe Sandoval with them and proceeded to the house of Perpetua Marigondon on A. Flores Street in Manila where the Sandoval brothers were then hiding. Breaking into the house, they seized Serafin Sandoval and Lorenzo Sandoval and tied their hands. They asked Lorenzo for his gun and guerrilla papers, and as he would not make any admission, he was tortured. Thereafter, Perpetua Marigondon, her brother, the Sandoval brothers and Felipe Sandoval were loaded on a truck and, together with the men who had been left tied at the Sandoval home, were taken to the house of Dr. Baldomero Roxas on Cortabitarte Street where they were confined. They were, however, later released with the exception of Lorenzo Sandoval and Serafin Sandoval, who were never seen alive again.

The above facts were established by the combined testimony of Basilia Carlos, Corazon Teruel, Felipe Sandoval and Perpetua Marigondon and substantially corroborated by the testimony of the accused himself. The latter admitted having accompanied the Japanese soldiers in making the raid and arrest in the above-mentioned houses but denied that he had his eyes covered. He declared that, on the night in question, the Japanese soldiers woke him up in his house and made him accompany them to the Sandoval home, presumably on the supposition that he knew where the Sandovals were because he was then investigating a shooting incident in which Lorenzo Sandoval was implicated.

As to count No. 3, the evidence for the prosecution shows that in the afternoon of December 16, 1942, the policemen Tomas Lapus, Leoncio Gonzales, Leoncio Crespo, Realino Bartido, Luis San Agustin, Eugenio Acosta and Pedro B. Soriano were in the detention cell on the fourth floor of the City Hall, having been previously arrested by the "Radical Unit" for their guerrilla activities. Going there at about 4 p.m. on that day, the accused ordered them out of their cells, lined them up and tied them in pairs. While tying the hands of Leoncio Gonzales, the latter begged him to loosen the string, only to receive the reply: "You sons of a. & . . ., you are guerrillas anyway; you deserve to die." Thereafter, they were loaded on a truck and taken to Fort Santiago by the accused, a Japanese named Cato and a police escort. In Fort Santiago they were tortured and investigated about their guerrilla activities but they were released several days afterward.

The above facts were established by the testimony of Leoncio Gonzales, Leoncio Crespo, Eugenio Acosta and Pedro B. Soriano. The accused admitted having been the one who tied the hands of the prisoners, but alleged that he had been ordered to do so by Charles Strebel, who was then present, and that it was also Strebel who uttered the offensive words attributed to him by the witnesses for the prosecution. He also denied having been the one who delivered the prisoners to Fort Santiago.

Upon the above evidence, the People's Court, with one member dissenting, found the accused guilty of treason and sentenced him to reclusion perpetua with the accessory penalties prescribed by law and to pay a fine of P10,000 and the costs. From this sentence the accused appealed to this Court.

There is not much dispute as to the facts. The accused admitted having accompanied the Japanese in the arrest of the Sandoval brothers, who were identified with the resistance movement, and although he claimed it was not true that he had his eyes covered at the time, the important fact is that, of his own accord, he informed the Japanese that Felipe Sandoval was the father of Lorenzo, which information enabled them to get to the hiding place of the

Sandovals. Connecting this with the other fact that, shortly before that incident, he was able, because of his relationship to Lorenzo Sandoval, to obtain the information that the latter was about to take to the mountains to join the guerrillas, it is hard to believe that the accused had an innocent part in the timely arrest of the Sandoval brothers. His testimony as to how the Japanese came to know that he had information about Lorenzo Sandoval is vague and unconvincing.

The incident in the City Hall where, while tying the hands of the detained policemen, he insulted them for being guerrillas, is very clearly proven and is an eloquent proof of the accused's adherence to the enemy.

The argument is made that the accused was, at the most, merely obeying superior orders in the suppression of guerrilla activities, which, in the opinion of his counsel, are outlawed by the rules of war. But the evidence is clear that he identified himself with the enemy's cause by acting as a spy and causing the arrest of even his close relatives to prevent them from taking part in the resistance movement, and while guerrilla warfare may be unlawful from the standpoint of the conqueror, it cannot be so regarded by those who, by natural right, are trying to drive him out of their invaded territory.

We find no merit in the appeal. We therefore affirm the judgment below, with costs against the appellant.

Ozaeta, Paras, Feria, Pablo, Perfecto, Bengzon, Tuason, and Montemayor, JJ., concur.

REYES, J.:

I hereby certify that Chief Justice Moran voted for the affirmance of the sentence below.

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.