

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HILARION VITRIOLO, DEFENDANT-APPELLANT.***G.R. No. L-2276. April 29, 1950*

Ponente: BENGZON, J.

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About the middle of December, 1941, Lieutenant Carlos Pangyarihan of the USAFFE and his company of more than 100 soldiers encamped in the warehouse of Pilang in Barrio Sto. Domingo, Sta. Rosa, Nueva Ecija. Retreating from Pangasinan, they intended to join the defense forces of Bataan; but it was too late, the enemy having occupied Pampanga province.

In that barrio there were many persons affiliated to the Ganap Party (later known as Makapili) among them the accused, who like his co-members, knew the presence of the military detachment. When the Japanese entered Nueva Ecija and Sta. Rosa, the Ganaps helped them in hunting down the disbanded members of the Philippine Army who had voluntarily assumed the role of guerrilla forces. The Japanese Military Police at Cabanatuan gave them arms. Thus it happened that on February 6, 1942, several Japanese soldiers led and accompanied by several Ganaps (among them the accused Hilarion Vitriolo) raided the Camp of Lt. Pangyarihan and during the encounter one of his soldiers, and a boy were killed. The lieutenant and the rest of his men saved themselves. Later in the day the same raiding party arrested ten residents of the barrio, because these were suspected or accused of having given food supplies to the band of Pangyarihan that presumably was already engaged in underground activities. Among these residents were Felipe Hipolito, Ricardo Hipolito, Augusto Perez, Fidel Discurso, Gabino Mendoza, Igmedio Atasa and Maximo Mateo. The latter claimed to be a Ganap and through the intercession of Vitriolo was immediately released. The others, after having been required to help pushing carts to haul away the things and arms captured by the raiders, were led to the backyard of Domingo Tayao, (Lt. Ingo) a well-known Ganap, in the same locality. The prisoners were all ordered to kneel on the ground. Suddenly a Japanese chopped off the head of one. And the rest fled in terror only to be shot down dead by the Japanese soldiers and Ganaps.

Parenthetically it should be stated that the foregoing account is taken mainly from the testimony of Sgt. Moises Talusa, Pedro Galang and Quirico Maglalang.

On the other hand, these same witnesses, together with Silverio Bautista and Apolonio Gonzales, declared that one day in May, 1942, while Lt. Pangyarihan and some of his followers were investigating, in sitio Abot, whether it was true that some USAFFE men had been captured by Ganaps in the Hacienda Tanjangco, they were suddenly confronted by a group of Ganaps, among them this appellant who carried a rifle, and Domingo Tayao previously mentioned herein; that the latter immediately pointed his gun at the lieutenant, even as the appellant tied the latter's hands; that adding insult to injury, Tayao hit the officer with the butt of his gun; and that thereafter the officer, together with Gabriel Bautista, Silvino Bautista and Sgt. Veluz, was brought to the municipal building of Sta. Rosa. According to Silverio Bautista (corroborated by Apolonio Gonzales) his father Gabriel, Lt. Pangyarihan and Sgt. Veluz were subsequently taken in a carretela to the Japanese Garrison in Cabanatuan. Silverio was left in Sta. Rosa; but he followed his father to Cabanatuan and managed unobtrusively to be on the

watch near the place where his father was kept incomunicado. On the third day, he saw his father, Lt. Pangyarihan and the sergeant conducted by four Filipinos and two Japanese to a place near the garrison, and horror-stricken he beheld the sad spectacle of the three captives being bayoneted to death while kneeling on the ground, tied and blindfolded.

For the above acts competently substantiated by the prosecution, the People's Court through Judges Jose Bernabe and Emilio Rilloraza held the herein appellant guilty of treason, he having helped the Japanese, and sentenced him to life imprisonment, with the accessories and to pay a fine of P10,000.00, plus the costs.

We have reviewed the evidence. We have carefully considered the arguments submitted against the findings of the lower court. We reach the conclusion that the verdict of guilt is sustained by the evidence at hand. Wherefore, as the penalty imposed is in accordance with law (Art. 114, Rev. Penal Code), the appealed decision is affirmed in toto, with costs. So ordered.

Moran, C.J., Ozaeta, Pablo, Tuason, Montemayor, and Reyes, JJ., concur.

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