

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ADRIANO BUELA, DEFENDANT AND APPELLANT.

G.R. No. L-1163. December 11, 1947

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is an appeal from a decision of the First Division of the People's Court, convicting Adriano Buela, Filipino citizen by his own admission, of the crime of treason, with the mitigating circumstance of lack of instruction and without any aggravating circumstance to offset the same, and sentencing him to suffer the penalty of 12 years and 1 day of reclusion temporal, with the accessory penalties provided by law, and to pay a fine of P5,000, and the costs.

About August of 1944, the industrial plant of the National Coconut Corporation in Sariaya, Tayabas, was taken over by the Japanese for the purpose of manufacturing sacks. Employment in this organization was limited to members of the Ganap Party, who carried identification cards signed by its head, Benigno Ramos. Thus, this organization came to be known as the Nacoco Garrison. The members thereof were armed by the Japanese and used as guards for the premises, especially towards the latter part of 1944. Adriano Buela worked in said company until March, 1945, as admitted by him. This admission is confirmed by the testimonies of Gregorio Gayta, Porfirio Salamanca, Rustico Quijano, Lucio Gutierrez, and several others—some of whom were his boyhood friends. These same witnesses testified to the fact that on many occasions, they saw the accused Buela, bearing arms in company of Japanese soldiers, in the streets of Sariaya and in the barrio of Mamala.

Sometime in January of 1945, the entire Nacoco Garrison, among them the accused, evacuated to the barrio of Mamala, in the Municipality of Sariaya. Here, the members of said organization, with Japanese soldiers, commandeered house for their own habitation and confiscated foodstuff. In these activities, defendant Buela wilfully participated, as amply proven by the testimonies of Rustico Quijano, Liberato Lagarile, Lucio Gutierrez and Francisco Comargo.

On the night of February 21, 1945, on the road leading to Lucena, Porfirio Salamanca and Amando Garcia saw the accused Buela, armed with a rifle, accompanied by his fellow-members of the Nacoco Garrison and Japanese soldiers, marching back to the garrison with two prisoners, namely, Hilarion de Villa, and Quirico Delica, whose hands were tied at their backs. From this night on, De Villa and Delica have completely disappeared.

In the barrio of Bucal, Municipality of Sariaya, in March 1945, the accused, with many other members of the Nacoco Garrison, armed and led by one Japanese, confiscated 15 sacks of palay deposited in the house of Francisco Comargo but owned by a certain Lorenzo Abuan. The seizure of this palay has been indubitably established by the testimony of Lucio Gutierrez, who was compelled by the accused and his companions to lead them to the house of Francisco Comargo where the palay was hidden. Both Gutierrez and Comargo were forced to measure out the 15 sacks which were carted away by the accused and his group to their garrison. Soon after, upon approach of the American forces, the Japanese and their cohorts retreated to the mountains, and Adriano Buela

went with them, as confessed by him in his sworn statement as well as in his testimony at trial.

The clear and uncontradicted testimonies of the witnesses of the prosecution definitely prove, in compliance with the two-witness rule, the adherence of the accused to the enemy and his wilfully and deliberately giving aid and comfort to the same. The defense consists merely in unsubstantiated denials of the acts and circumstances charged in the information or a lack of knowledge of them, or mere allegations of duress which without supporting proof whatsoever cannot, in the least, pale the hue of guilt presented by the prosecution.

In view of all the foregoing, judgment is totally affirmed, with costs.

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

PARAS, J.:

I reserve my vote.

MORAN, C. J.:

I certify that Mr. Justice Padilla concurs in this decision.

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