

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. BENITO TUASON, DEFENDANT AND APPELLANT.

G.R. No. L-2162. September 30, 1949

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4987fee443c1/>

PADILLA, J.:

Benito Tuason was charged with treason in the People's Court, and after trial was found guilty and sentenced to suffer 20 years of reclusion temporal and to pay a fine of P7,000 and costs. He appeals from said judgment.

In the morning of 21 November 1944, about 7 o'clock, in the barrio of Ugong, municipality of Pasig, province of Rizal, the appellant and several companions, some of them carrying rifles, arrested Miguel Castillo, Candido Cruz, one Daniel, and another unidentified individual. After their arrest, Miguel Castillo, Candido Cruz and the other two have not been seen again.

In the morning of 24 November 1944 in the same barrio, the appellant and several Japanese and Filipino companions, who were known to be Makapilis, all armed with rifles and pistols, arrested Bibiano Azores, Eustaquio Santos, Elpidio Cruz, Valentin Cruz, Pedro Cruz, Rafael Bernardo, one Victoriano, Rafael Raymundo, Daniel Santos, Cirilo Jose and Salvador San Pedro, who were suspected of being guerrillas. After their arrest they were exposed to the sun, tortured, tied and loaded in a banca. Since their arrest they have not been seen again, except Valentin Cruz and Rafael Raymundo who were released.

On 10 December 1944, about 8 o'clock in the evening, the appellant and several other persons, known to be Makapilis, all carrying firearms, arrested Pedro Natividad because they suspected him to be a guerrilla. The appellant and his companions demanded the surrender of the key to the wardrobe for the avowed purpose of searching for firearms. Instead, they found jewelry, clothing and money which they took away. The value of the jewelry was P500. Pedro Natividad was brought to the house of the mayor used as garrison and there maltreated. That was the last time he was seen by his wife. The following morning Teodora Silverio saw Pedro Natividad and several companions with swollen faces being dragged away. He could hardly walk. That was the last time Teodora Silverio saw her brother-in-law Pedro Natividad.

The appellant is a Filipino citizen. Several witnesses testified that they had known the appellant to be a native of the Philippines, born of Filipino parents. The appellant admits that he was a "Ganap."

The arrest of Miguel Castillo and Candido Cruz was witnessed by Leona Natividad and Rita Pascual. The house of the former is adjoining that of the latter and the arrest was made in front of the house of Rita Pascual. The arrest of Bibiano Azores, Eustaquio Santos and Elpidio Cruz is established by the testimony of eyewitnesses Pedro Santos and Eleuteria Bautista, parents of Eustaquio Santos, and Fidela Bonifacio, a neighbor of Eustaquio Santos and Bibiano Azores. The arrest of Daniel Santos, Cirilo Jose and Salvador San Pedro is proved by the testimony of eyewitnesses Leona Natividad and Fidela Bonifacio. The latter saw the arrested persons at the ferry already tied. And finally, the arrest of Pedro Natividad is proved by the testimony of eyewitnesses, his widow, Ceferina Raymundo, and his son, Deogracias Natividad.

Counsel for the appellant contends that his client is not guilty of treason but at most of illegal detention as that crime is defined in article 267 of the Revised Penal Code. There is no merit in the contention, because the arrest of the victims constitutes not only adherence to the enemy but also it gave him aid and, therefore, is treason as defined in article 114 of the Revised Penal Code. It is clear that the crime committed by the appellant does not come under the amnesty, because it was not in furtherance of the resistance movement. It was just the reverse. The claim or theory that sovereignty of the legitimate government was suspended during the occupation of the country by the enemy has been rejected in this jurisdiction as unsound principle of unwholesome consequences (Laurel vs. Misa, L-409, 44 Off. Gaz., 1176[1]).

Appellant denies having taken part in the arrest of the victims. He claims that from the 1st to the 20th day of December he was in Manila. If that were true, the only arrest in which he could not have taken part was that of Pedro Natividad in the morning of 10 December 1944. But the testimony of Ceferina Raymundo, widow of Pedro Natividad, and that of his son, Deogracias Natividad, prove beyond doubt that the appellant was with the arresting party on that occasion. In another part of his testimony the appellant also claims that he was in Manila on 21 November; but again the testimony of Leona Natividad and Rita Pascual, in front of whose houses Miguel Castillo and Candido Cruz were arrested, proves that the appellant was in Ugong on 21 November 1944.

Appellant admits that Rita Pascual entertained no ill-feeling towards him but believes that Leona Natividad was resentful, because when she requested him to find means by which her husband could be released, the appellant told her that he knew no Japanese at that time. If that were a fact, Leona Natividad could not feel resentful as there was no reason for such resentment. It was not sufficient motive for her to testify against the appellant. The imputation to Fidela Bonifacio being the same as that attributed to Leona Natividad should also be disregarded. It was not sufficient motive for her to incriminate the appellant.

Counts 12, 13 and 15 of the information filed against the appellant have not been proved in accordance with the two-witness rule. The testimony of Leona Natividad and that of Fidela Bonifacio refer to two different stages of the arrest.

Counts 8, 9, 10, 14, 16 and 22 of the information filed against the appellant having been established by competent evidence and in accordance with the two-witness rule, the judgment rendered by the People's Court should be, and the same is, affirmed. The principal penalty, however, is modified and that of reclusion perpetua, with the accessories of the law, is imposed upon the appellant, with costs against him.

Moran, C.J., Ozaeta, Paras, Feria, Bengzon, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

[1] 77 Phil., 856.

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.