

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA FULGENCIO BUSTILLOS, ACUSADO Y APELANTE.

G.R. No. L-1275. April 28, 1949

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1. DERECHO PENAL; TRAICION; PRUEBA; COARTADA COMO DEFENSA.—El acusado de Dagupan por ser guerrillero bajo el mando del Capitan McKenzie cuando ocurrieron los hechos que le imputan; pero las pruebas demuestran que el era entonces espia y no prisionero; que estaba armado cuando iba en compañía de soldados japoneses en el arresto de pobres ciudadanos; que maltrataba mas que los japoneses a los arrestados que no querian revelar los secretos de los guerrilleros. No hay la menor duda de que el acusado ayudo a los soldados japoneses en la obtencion de datos para capturar a los oficiales Coronel G y Capitan I del Ejercito Americano y a los miembros de la guerrilla, en daño y perjuicio de la guerra de resistencia que entonces sostenia el pueblo invadido.

Moran, Pres., Paras, Feria, Perfecto, Bengzon, Briones, Tuason, Montemayor, y Reyes, MM., estan conformes.

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