

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MATEO DEL CASTILLO, ET AL., DEFENDANTS, JOSE ESTRADA,
DEFENDANT-APPELLANT.**

G.R. No. L-16941. October 29, 1968

Ponente: ANGELES, J.

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ANGELES, J.:

This is a review, on appeal by accused Jose Estrada, of Criminal Case No. 213-G of the Court of First Instance of Quezon, wherein the death sentence was imposed upon the said accused by the court a quo in its decision dated February 11, 1960, the dispositive portion of which reads as follows:

"PREMISED on the foregoing considerations the Court hereby finds the accused Jose Estrada GUILTY beyond reasonable doubt of the crime of kidnapping for ransom as defined and punished by Article 267 of the Revised Penal Code, as ultimately amended by Republic Act No. 1084, with the aggravating circumstance of abuse of public office (he being then municipal councilor of Gumaca), without any mitigating circumstance to offset it, and hereby sentences him to die by electrocution as provided by law, ordering his heirs after his execution, to indemnify Elvira Tañada Principe or her heirs in case of her death, in the amount of 1050,000.00, and to pay the costs."

For a prefatory statement of the background facts of the case, the details of which shall be set forth later as We review the evidence, the following antecedents need be stated.

In the afternoon of February 27, 1956, Mrs. Elvira Tañada de Principe, a young, prominent matron of Gumaca, Quezon, a member of the rich, well known Principe family, was kidnapped by a band of Hukbalahaps, headed by one Commander Pepe Alcantara. She was de-tained for 18 days in the Huk lairs deep in the mountains of the Bondoc Peninsula, and was released only upon payment of a ransom of P50,000.00.

On Account of the kidnapping, three (3) cases, filed one after another, were instituted by the Govern-ment against the known suspects. We are presently con-cerned only with the last of these cases, which has culminated in this appeal. But for a better understanding of this case, We have to make mention of them all in passing. And for this purpose, the statement made by the trial court in the decision appealed from will suffice.

"(a) The First Case. - Criminal Case No. 137-G

The first charge was a complaint initiated on March 17, 1956, by Lt. Lucas B. Apolonio of the 38th PC Company stationed at Gumaca and lodged with the justice of the peace court Gumaca which upon, elevation to this Court became Crim. Case No. 137-G for the complex crime of rebellion with kidnapping in which the information was filed by Assistant Provincial Fiscal Severino I. Villafranca on April 24, 1956.

"On June 4, 1956, Fiscal Villafranca amended his first information to name Arcadio Talavera as Lt. Alcantara in the assumption that Lt. Alcantara was Arcadio Talavera.

"Later on and after the Luis Taruc case was decided by the Supreme Court to the effect that there was no such

complex crime of rebellion with kidnapping, Fiscal Villafranca moved the Court to permit him to amend his information and to charge the accused separately, one information for the crime of kidnapping for ransom.

"On June 26, 1956, a second amended information in Criminal Case No. 137-G was filed by Fiscal Villafranca charging all the accused headed by Arcadio Talavera alias Lt. Alcantara with the simple crime of rebellion.

"On August 26, 1956, a third information was filed by Fiscal Villafranca eliminating Arcadio Talavera from the information but adding Lt. Alcantara as one of the accused. The crime charged was still for the crime of rebellion.

"The record shows that this third amended information was provisionally dismissed by the Court on October 10, 1956, on the petition of Fiscal Villafranca and Special Prosecutor Capilitan on the ground that the evidence against the two accused Doroteo Edungan and Buenaventura Miel, who were then the only accused placed in the custody of the law for rebellion, were not sufficient to convict them of rebellion.

"The record further shows that the entire case was provisionally dismissed on the ground that the rest of the accused had not yet been arrested, subject to the proviso that any time the case may be revived for rebellion against those that might be arrested later. This Case No. 137-G is therefore a closed case, at least provisionally as a case for rebellion.

(b) The Second Case. - Criminal Case No. 164-G, for Kidnapping for Ransom.

"On June 26, 1956, Assistant Provincial Fiscal Villafranca filed a separate information for the kidnapping for ransom of Elvira Tañada de Principe, naming the thirty-three accused in Crim. Case No. 137-G as defendants. This case was docketed as Criminal Case No. 164.

"The record shows that on August 17, 1956, this Court upon petition of Provincial Fiscal Jose O. Lardizabal dismissed the case against Arcadio Talavera as Lt. Alcantara and Provincial Fiscal Lardizabal filed an amended information on August 16, 1956, against Lt. Alcantara and the thirty-two persons named in the first information. In other words, Arcadio Talavera alias Lt. Alcantara was eliminated but Lt. Alcantara was continued in his stead.

"The accused Antonio Companiero alias Nelson de Rosas was discharged from this information to be utilized as witness for the government in Crim. Case No. 213-G.

"The case against Buenaventura Miel was dismissed on March 19, 1957, for insufficiency of evidence.

"The case against Gonzalo Mallare alias Commander Rosy was dismissed on December 5, 1957, for insufficiency of evidence.

"On February 25, 1958, the case against Doroteo Edungan was dismissed upon petition of Special Prosecutor Victor Santillan and Artemio Alejo and of Assistant Provincial Fiscal Eufemio A. Caparros for insufficiency of evidence.

"On February 26, 1958, the accused Quirino Ravela alias de Leon pleaded guilty as accessory after the fact in the crime of kidnapping for ransom of Elvira Tañada and was sentenced accordingly.

"On February 1, 1960 the accused Clodualdo Camacho pleaded guilty as accessory after the fact and was sentenced accordingly.

"Isidro Alpay alias Commander Bulaklak Domingo America alias Laguimay, Ireneo Capisonda alias Erning alias Lope, Benjamin de Jesus @ Amin, Ben Ramirez @ Ben, Pedro Martinez @ Pedro, Santiago Napoles @ Nomver, @ Jaime @ Jimmy @ Jimay, @ Gelacio @ Elioso, @ Liwayway, @ Berna, @ Timoteo, @ Juan, @ De Guzman, @ Torres, @ Valencia, @ Bayas and @ Ladres have not yet been placed in the custody of the law. On February 27, 1958, the case against those who are still at large was dismissed provisionally.

"The accused Alfredo Reyes @ Commander Fred, Emiliano Blasco @ Commander Emy, Rodrigo @ Commander Tony, Victoriano Dayunot @ Torio and Panfilo Rosales @ Fredo @ Banaag are all reported dead.

"For all purposes therefore, Case No. 164-G may be considered a terminated case.

(c) The Third Case.- Crim. Case No. 213-G for Kidnapping for Ransom.

"On October 10, 1956, a third case was filed by a special prosecutor from the Department of Justice, Antonio O. Capilitan, after the surrender of some of the Huks who participated in the kidnapping of Elvira Tañada de Principe. In this third case, the special prosecutor accused Mateo del Castillo, Jose Estrada and Julio Ceribo and several others under assumed names or aliases of kidnapping for ransom and this case was docketed as Crim. Case No. 213-G. This is now the case under consideration of the Court in which the accused Jose Estrada was the only accused tried by the Court.

"The accused Jose Ceribo was discharged from this case to be utilized as witness for the government.

"The accused Mateo del Castillo has been reported dead.

"The accused Romaguerra Doe @ Romaguerra was identified as Francisco Rabi and Heling Doe @ Heling was identified as Angel Veran. They both pleaded guilty upon their arraignment on February 1, 1960, as accessory and were sentenced accordingly.

The accused Pete Doe @ Pete and William Doe @ William were identified as Francisco Lisay and Quintin Magdaong. They also both pleaded guilty as accessory and were sentenced accordingly.

"The accused Carding Doe @ Carding is reported dead.

"As to the other accused, Teddy Doe @ Teddy, Nato Doe @ Nato, Mike Doe @ Mike, Inso Doe @ Inso, Essi Doe @ Essi, Kaloy Doe @ Kaloy, Loring Doe @ Loring and John Doe, they are still at large and have not yet been placed under arrest.

"During the trial of this case No. 213-G, the defense of Estrada asserted that the accused Lt. Alcantara was already in the custody of the Philippine Constabulary and was subpoenaed as witness for the defense but notwithstanding the efforts of the Court this accused has not been produced by authorities. He is still charged in Crim. Case No. 213-G but his case has not yet been set for hearing."

The foregoing statement of the genesis of Criminal Case No. 213-G explains why the decision appealed from concerns only Jose Estrada (herein appellant).

Accused Jose Estrada was tried alone by the court below under the corresponding information, alleging as follows:

"That on or about the 27th day of February, 1956, in the municipality of Gumaca, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the aforementioned Accused, together with (1) LT. ALCANTARA, (2) ROMY DOE @ Comdr ROMEO, (3) JOSE MALUBAY @ Comdr PEPE, (4) GALICANO MANAOG @ Comdr BULAKLAK (6) DOMINADOR AMERICA @ LAGUIMAY, (7) ALFREDO REYES @ Comdr FRED, (8) EMILIANO BLASCO @ Comdr EMMY, (9) RODRIGO DOE @ Comdr TONY, (10) CLODUALDO CAMACHO @ EFREN, (11) VICTORIANO DAYUNOT @ TORIO, (12) IRINEO CAPISONDA @ ERNING, (13) DOROTEO EDUNGAN @ DOROT, (14) BUENAVENTURA MIEL @ TURA, (15) BENJAMIN DE JESUS @ AMIN, (16) BEN RAMIREZ @ BEN, (17) PEDRO MARTINEZ PEDRO, (18) SANTIAGO NAPOLES @ NOMER, (19) PAMFILO.ROSALES @ FREDO @ BANAAG, (20) ANTONIO CAMPANIERO @ NELSON DE ROSAS, (21) @ JAIME @ JIMMY @ JIMAY, (22) @ GELACIO @ ELIASO, (23) @ LIWAYWAY, (24) @ BERNA, (25) @ TIMOTEO, (26) @ JUAN, (27) @ DE GUZMAN, (28) @ MENDOZA, (29) @ DE LEON, (30) @ TORRES, already charged with Kidnapping in Criminal Case No. 164-G, under the same facts herein charged, conspiring and confederating

and mutually helping each other, did then and there wilfully, unlawfully and feloniously through force, threats and intimidation, kidnap ELVIRA TAÑADA DE PRINCIPE and CARMEN NOCETO, take and carry them away from their dwellings to an uninhabited far distant forest in the mountain of Bondoc Peninsula for 18 days confinement under their custody and control for the purpose of demanding ransom in the amount of FIFTY THOUSAND PESOS (P50,000.00) Philippine currency, which the said Accused did in fact receive on the 16th day of March 1956 in consideration of which amount said kidnapped persons were re-leased, to the damage and prejudice of the said offended parties in the said amount.

"That the following aggravating circumstances are present in the commission of the offense:

(1) Superior strength; (2) in band; (3) use of unlicensed firearms; (4) in an uninhabited place; and (5) use of Army uniforms and other insignias for disguise."

Upon arraignment on November 27, 1956, accused Jose Estrada refused to make any plea to the information against him; hence, the trial court entered for him a plea of "not guilty". His petition for bail had been denied; and since then, Jose Estrada has remained in confinement.

Our own examination of the record revealed that the case of the People was established thru the testimonies of 12 prosecution witnesses, namely: Elvira Tañada Principe and Carmen Noceto, the kidnap victims; Reynaldo Principe, Elvira's husband; Marciano Principe, Reynaldo's father; Petra Mañego, Basilio Angulo, Beato Glinoga and Jesus Letargo who all had something to do with the negotiations between the kidnappers and the family of the victims, which led to their subsequent release of the kidnapped victims; Antonio Campaniero and Julio Ceribo who were both discharged from the information to be utilized as state witnesses; Gonzalo Mallare, as against whom the case was dismissed for insufficiency of evidence; and Col. Francisco del. Castillo, Provincial Commander of Quezon at the time the information in this case was filed in court. Stripped of unessential details, the testimonies of the principal witnesses may individually be summarized as follows:

TESTIMONY OF ELVIRA TAÑADA DE PRINCIPE:

Elvira Tañada de Principe was inside her store on the ground floor of the house of her father-in-law in Gumaca, Quezon, at about 4:00 o'clock in the afternoon of February 27, 1956. She was busy estimating her laundry bills. Three (3) men wearing uniforms similar to those worn by soldiers in the army arrived and entered her store. One of them first inquired for the price of a pack of "Chelsea" cigarettes, and then asked for one. As Elvira reached for the pack of cigarettes, the other two suddenly grabbed her hands and pointed their pistols to her. They pulled her out of the store and dragged her towards the bodega of her father-in-law, Marciano Principe, and then on to the railroad track going to the direction of the elementary school of the town. The two uniformed men were later substituted by two others in civilian clothes who, after holding Elvira by the hand on each side, continued running with her through the coconut plantations toward the mountains. There were gun fires that followed, but the men continued running, taking Elvira Tañada de Principe along with them. They told her not to be afraid, as they were just making a "show". They stopped running, however, when the firing ceased; and soon other persons came running towards them and joined their group. One of them gave Elvira a pair of shoes and stockings. She put them on before they continued their way, deeper into the mountains. The leader ordered two of his men to buy bread for Elvira, but they were not able to buy any. Instead, she was given candy. Then they continued walking all through the night, stopping only at midday of the 28th of February when they reached a sawmill site. From there, they continued walking again at dawn of the following day until they came upon a copra kiln; and there the men prepared food. Thereafter, they continued hiking once again until they reached the Huk lairs. There were five huts at the place, all without walls. Elvira Tañada de Principe and Carmen Noceto were kept in the one located at the center for two weeks.

There were sixteen(16) men in the group that took Elvira and Carmen to the mountains, including the three(3) who originally took Elvira out of her store in Gumaca. Elvira came to know their names because they had nameplates on their breasts. The leader who earlier asked for a pack of "Chelsea" cigarettes at her store - was Lt. Alcantara, while those who dragged her out of the store were Gomez and Mendoza. Not long after their arrival at the place of the huts, the kidnappers divided into two groups. Lt. Alcantara soon left the place with seven (7) men, leaving the eight (8) others to guard Elvira Tañada de Principe and Carmen Noceto. These men left behind were Ladres, Bayas, Gomez, Torres, De Leon, Villazar, Delgado and Mendoza. Lt. Alcantara and Julio Ceribo came back to the place every now and then, bringing food and letters from Elvira's husband.

After the lapse of about two weeks, Lt. Alcantara finally told Elvira that she would be released. He showed her letters from her husband, her father and her brother. And on March 15, they left the huts at about 11:00 o'clock in the morning, with Carmen Noceto and others. They moved to another place where they waited for Lt. Alcantara's other companions. In due time, they arrived, and Elvira and Carmen Noceto were then taken to another place which they reached after about an hour's walk. There they met Angulo, Letargo, Erea and Francia who had come, all the way from Gumaca and brought the P50,000.00 ransom money. Elvira counted the money, then delivered the same to Lt. Alcantara. Thereafter, Elvira and Carmen Noceto were released. They were not accom-panied by anyone of the kidnappers. Lt. Alcantara merely instructed them to follow the course of a river until they could see a house, and there to find one who could guide them to Barrio Magisian, Lopez, Quezon. They fol-lowed these instructions and reached the road in said barrio, where they were picked up by a station wagon which took them back to Gumaca at about 5:00 o'clock in the afternoon of March 16, 1956.

TESTIMONY OF CARMEN NOCETO:

In the afternoon of February 27, 1956, Carmen Noceto was at the house of her sister near the elementary school in Gumaca. She saw two persons running on the railroad track, leading Elvira Tañada de Principe by the hands. Suddenly, a "soldier", also on the railroad track stopped and called her out of the house. Pointing his gun at her, the "soldier" pulled her by the hand and dragged her along, telling her that she would just accom-pany Elvira Tañada de Principe. She could not refuse; she was greatly terrified. Her father who was then present was stunned; for the "soldier" also pointed his gun at him. She was taken, along with the group of Elvira Tañada de Principe, to the far away mountains she had never reached before. They walked all night, then for two days more, resting only when they took their meals. They finally stopped walking, only when they reached a place where there were five huts without walls. She and Elvira Tañada de Principe were kept in one of these huts together during the eighteen days that they were held in captivity by their kidnappers. They were allowed to go home only after the arrival of the P50,000.00 ransom money which was brought by Manoling Letargo, Basilio Angulo and two others whom she did not know. Before their release, they were guarded by several men, among them. De Leon, Angel Veran Villazar, Antonio Campaniero @ Nelson and Julio Ceribo @ July.

Carmen Noceto did not know Elvira Tañada de Principe before the kidnapping. She came to know her only when they were kept together in one hut in the mountains. They became intimate with one another later, and Elvira allowed her to read the letters sent to her by her husband while she and. Elvira were held captives.

TESTIMONY OF BEATO GLINOGA:

Beato Glinoga was asleep in his house in Barrio Villa Tañada, Gumaca, on the night of March 4, 1956, when he was awakened by his barriomate, Leon Calvelo. The former was informed by the latter that some soldiers wanted to see him. Glinoga obliged, and went with Calvelo to the latter's place which was bout half a kilometer away, to meet the soldiers referred to by Calvelo. He did meet them at the place which was dark; so much so that altho he spoke with one of the supposed "soldiers", Glinoga was not able to recognize any of them. Neverthe-less, the

person with whom Glinoga spoke introduced himself as Lt. Alcantara, at the same time identifying himself and his companions as the ones who had kidnapped Elvira Tañada de Principe. Lt. Alcantara then asked Glinoga if he could deliver a letter to the Principes in Gumaca, to which Glinoga consented. Lt. Alcantara warned him not to reveal that he had seen them to anybody. He also instructed Glinoga to see accused Jose Estrada first before delivering the letter, so that he (Estrada) could accompany him to the house of the Principes, and then to the mountains in Villa Tañada where Lt. Alcantara would meet them later, for according to the letter, Estrada knew what it is all about. Glinoga was warned further, that should he fail to contact Estrada, he should not tell anybody about it, but should proceed directly to the house of the Principes in Gumaca, and then meet him (Lt. Alcantara) later in the mountains.

Pursuant to such instructions, Glinoga left Villa Tañada early the following morning and proceeded to the town of Gumaca, to deliver Lt. Alcantara's letter to the Principes. He tried to locate Estrada when he reached the town, but he was not able to find him; so, Glinoga went directly to the house of Marciano Principe and delivered the letter to the old man in the presence of the other members of the family. Marciano Principe immediately prepared a letter in answer to Lt. Alcantara's note. He then gave it to Basilio Angulo who was at the house of the Principes at the time, requesting Angulo to go with Glinoga back to Villa Tañada and see Lt. Alcantara. Angulo agreed. He went with Glinoga to the mountains in Villa Tañada. They reached the Huk lairs at about 7:00 o'clock in the evening of that same day, and they were met by Lt. Alcantara after Glinoga had signalled three times with his flashlight. Basilio Angulo then had a conference with the Huk leader. Asked by one of Lt. Alcantara's men where accused Estrada was, Glinoga gave the information that he was not able to find him in town.

TESTIMONY OF ANTONIO CAMPANIERO @ NELSON DE ROSAS:

Antonio Campaniero joined the Hukbalahap organization on August 25, 1952, under the Huk name @ Nelson. He served under various Huk Commanders in the field. From 1955 up to the time of his surrender on July 18, 1956, he was under the command of Huk Comdr. Teddy Corazon, head of the Organizers Brigade (OB), operating near the mountains of Gumaca, Quezon.

Sometime during the first week of February, 1956, Comdr. Teddy ordered Nelson and another Huk, @ Fredo, to contact the accused, Councilor Jose Estrada of Gumaca, and inform the latter that Huk Lt. Alcantara (head of the "Tadtad Unit or G-Men") and Comdr. Teddy Corazon wanted to meet him (Estrada) in Barrio Biga. Nelson and Fredo complied with the order; Fredo talked with Estrada in Gumaca, as Nelson stood guard. Estrada showed up in Barrio Biga, three days later, at about 2:00 o'clock in the afternoon. Aside from Lt. Alcantara and accused Jose Estrada, there were other Huks present during the meeting, among them, Comdr. Teddy, Comdr. Emy, @ Romy, @ Fredo, @ July, @ Sonia and @ Nelson. Estrada was asked by Lt. Alcantara who the richest man in Gumaca was; and the former answered that "he would suggest the Principe family" (ang maimumungkahi ko po ay ang pamilya Principe). Asked by Lt. Alcantara if he was referring to Reynaldo Principe, Estrada answered that if Reynaldo Principe were the one to be kidnapped, it would be difficult for the family to ransom him for the reason that most of the properties of the Principes were in his name. Instead, accused Estrada recommended his wife, Elvira Tañada de Principe, who could easily be ransomed. Lt. Alcantara agreed to the suggestion of Estrada saying, "if that is the case, yes, and you will be informed when the kidnapping will take place", to which Estrada answered: "All the time you can depend upon me." Estrada then left the place that same afternoon at about 5:00 o'clock, after he and Lt. Alcantara had talked about politics.

Sometime thereafter, Comdr. Teddy informed Nelson that the latter, together with others in their Unit, would be "borrowed" by Lt. Alcantara to supplement the men of the "Tadtad Unit" and join them in the execution of the plan to kidnap Elvira Tañada de Principe. And thenceforth, Nelson began receiving orders directly from Lt. Alcantara.

In the afternoon of February 27, 1956, Lt. Alcan-tara and his men came down from Barrio Biga and entered the town proper of Gumaca, Quezon. Alias Essi, @ Loring and @ Nelson stood guard near the railroad station. After taking Elvira Tañada de Principe, they fled and went through the mountains for three days and three nights, with short stops to rest at some points on the way. They hid Elvira Tañada de Principe in Barrio Laguio, between the municipalities of Lopez, Gumaca and Macalelon. Carmen Noceto was also taken by them to the mountains with Elvira that same day.

On July 18, 1956, @ Nelson surrendered to the authorities. He did not know then what the penalty for kidnapping for ransom was. He was investigated in Camp Natividad on July 22. Having just surrendered then, he was afraid to be implicated in the Principe kidnap-ping therein. Later, he was investigated again in Lucena. He then decided to tell the truth and did not mind anymore the consequences. He gave his statement (Exh. X) wherein he revealed his participation in the Principe kidnapping case and the role played therein by accused Jose Estrada, on September 5, 1956. Having known the truth from the said statement, both the investigator and the prosecutor then told Nelson that he would be a witness against Estrada after his discharge from the information. He was later arraigned on November 20, 1956.

In the month of January, 1957, Antonio Nieva, brother of then Chief of Police, Ricardo Nieva of Pasay City, met @ Nelson near the house of Col. del Castillo, Provincial Commander of Quezon. They had a sort of conference. Nieva promised Nelson to work out his case with Malacañang, should he agree not to testify against Estrada in court. Nieva urged him to deny the truth of his statement (Exh. X) when the trial comes, and to testify that he had executed it only because he had been maltreated, rewarded and given promises. Nieva gave him P20.00 on that occasion.

Nelson at first denied having written Exhibit 2 (a letter signed by Nelson, addressed to Estrada, on January 24, 1957), wherein Nelson appears to be telling Estrada that they were then in a bad fix; that Col. Castillo had come to know that Cong. Roces of the CAFA was coming to see them, and he believed that Estrada was the one who had written the congressman, and then caused Nelson and his companions to make a "turn about"; that because of that suspicion of Col. Castillo, they were no longer permitted to talk with any visitors; that Nelson, Gregana and Pedro Masilungan Estrada's former adversaries in the Barretto case - have all agreed to make a "turn about"; and that the Fiscal had been informed that they really did not know Estrada. Later, however, he admitted that he was the one who wrote it. On January 25, 1957, Nelson sent Estrada another letter, Exhibit 3 (Nelson appears to be urging Estrada: to write and complain to the CAFA; to give them help so that they may be able to deny the truth of their "statements" which the PC investigators had forced them to sign; and to request Nieva to intercede in their behalf in Malacañang in order to put an end to the doings of the Provincial Commander in Quezon). On January 27, 1957, Nelson wrote another letter, Exhibit 10 (styled "to whom it may concern", Nelson appears to be declaring here that he and his companions knew nothing about the kidnapping of Elvira Principe, much less, the alleged conference with Estrada regarding the same; that they signed their "statements" only because they have been threatened, the investigators telling them that they would be prosecuted if they would not cooperate with the Government; that they had been required to drink plenty of water; that they had been made to testify against persons like Estrada, with the promise of a bright future and of money; and that Col. Castillo was really mad at Nieva. Nelson appears to be requesting Antonio Nieva also for "cigarette money", and for his letters to be returned to him). Nelson wrote another letter on the same date, which he signed with the name of Pedro Masilungan. (This letter, Exh. 11, purports to show that Pedro Masilungan had also been forced to sign his "statement" and to testify against Estrada by Capt. Zita). Nelson explained that he wrote to Estrada because he had been coerced by two insular prisoners who were allowed to enter his cell, warning him that his life would be in danger, should he fail to do so. He wrote Exh. 3 only after the said prisoners had talked to him and to Melchor Gregana and Julio Ceribo who were with him in the same cell at the time.

A few days thereafter, probably on January 31, 1957, Nelson, along with Julio Ceribo, @ Sonia, Pedro Masilungan, Antonio Batanes and others, was taken by Col. Castillo before Col. Yan at Camp Crame. He then affirmed the truth of the contents of his statements (Exh. X) before the said official. He did the same when he was taken before General Cabal who examined him on the said statement. He, likewise, affirmed the truth thereof before President Ramon Magsaysay before whom he was taken in the office of Secretary Balao at Camp Murphy. He did not mention the letters he had written to Estrada then, because the contents of said letters were false and he was afraid to tell any lies before the highest authority of the land. He stated in those letters that he did not know Estrada, because he merely wanted to make Estrada believe that he would really make a "turn about". But the same is false; it was only the idea of Antonio Nieva. Nieva had told them that Estrada was ever willing to give them help, that is why Nelson and his companions agreed to mulct him. Thus, in one of the said letters, Nelson had asked Estrada for "cigarettes money".

Nelson had been discharged from the information on March 20, 1957; but he was still under PC custody because he had demanded such protection pending the termination of the case.

TESTIMONY OF JULIO CERIBO:

Julio Ceribo testified that he was a surrendered Huk; he joined the Hukbalahaps in 1946; he served under various Huk Commanders in the field; in 1953, he was assigned as a member of the unit - headed by Lt. Alcantara - with the old man Mateo del Castillo, the highest in command; he knew about the kidnapping of Elvira Tañada de Principe because he was with Lt. Alcantara when they kidnapped her; but even before the actual kidnapping, he already knew about it because there was a conference in Barrio Biga where it was agreed to kidnap her because she was the one pointed to by Estrada; first, Lt. Alcantara approached Comdr. Teddy Corazon, and then the latter ordered Huks Nelson and Fredo to contact Estrada in the poblacion; three days after, Estrada came to Barrio Biga and conferred with Lt. Alcantara, Comdr. Teddy Corazon, Comdr. Emy and others; Estrada was asked by Lt. Alcantara then as to who was the richest in Gumaca, and Estrada suggested Elvira Tañada de Principe because she could easily be ransomed; Estrada explained that if it were her husband to be kidnapped, it would be hard for the family to ransom him because the properties of the Principes were in the name of Elvira's husband, Reynaldo Principe; Lt. Alcantara agreed, and about one week after that conference, they came down to Gumaca and took Elvira; he stood guard in one of the streets in the town during the kidnapping; one of his companions took along Carmen Noceto on the way so that Elvira Tañada de Principe would have a companion; it was about 5:00 o'clock in the afternoon of February 27, 1956, when they kidnapped Elvira; there were 16 of them who executed the said kidnapping, among them, Lt. Alcantara, Nato, Mike, Heling, Nelson, Emilia, Carding Payat, Efren, another Efren and Del Moro; they took Elvira and Carmen to the mountains between Macalelon and Lopez, Quezon; they hid them there for two weeks in one of five huts they built; Elvira was later ransomed by her husband; Basilio Angulo and three other persons brought the ransom money of P50,000.00, after which both Elvira and Carmen Noceto were released; they kidnapped Elvira Tañada de Principe because they were in need of a large sum of money; on August 7, 1956, he was with the Huks that had an encounter with the government forces in Usiwan, Lucban, Quezon; there he was wounded in the right foot, and soon, unable to withstand the deprivations anymore, he decided to have a "new life"; he proposed to surrender to the Mayor of Majayjay, Laguna, thru the intercession of Juan Cuates of Barrio Botocan; he had no chance to talk with the Mayor, however, because when they came to get him, the BCT soldiers were the ones who got hold of him first, and they took him directly to their head-quarters in Majayjay, Laguna; from there, he was taken to Canlubang where he was questioned as to when he first joined the Huks; then he was transferred to Lucena City where he was investigated by Eddie Recuenco; after that he was brought to the Court of First Instance of San Pablo where he was charged of rebellion; but later he was discharged from the information thru the efforts of his brother who secured the services of Atty. Ribong; his brother showed to him his discharge papers, but he was still kept in the stockade at Lucena City, with

Nel son, he was not released; and when he was investigated there in connection with the kidnapping of Elvira Tañada de Principe, he had to admit; at first he wanted to deny it, but when Nelson pointed to him, he was frightened and had to tell the truth - that he was with the group that kidnapped Elvira - that is why he was included in the information in this case; but when he was arraigned, he pleaded "not guilty", assisted by one Atty. Gonzales; he pleaded "not guilty" to the charge because he knew that kidnapping is a very serious crime, for even up in the mountains they had been told that the penalty for kidnapping was severe and "we had better be dead than caught alive"; but the truth is, he was really with the kidnappers who took Elvira Tañada de Principe; he knew Atty. Franco, the latter introduced himself to him and told him that he was his counsel; they first met it Lucena City, then for a number of times later in Gumaca, Quezon, where they talked about his case; he told him (Atty. Franco) that he could not deny the circumstances because they were all true; they met again after that in the stockade in Lucena, when Atty. Franco brought some typewritten papers which he was asked to sign; the papers (Exh. 16) was shown to him, but he could hardly read it because it was held by Atty. Franco far from his face; they were in the kitchen of the stockade then, and Atty. Franco told him to sign it at once because the soldiers might come; he insisted that he should sign it because he was his lawyer, and it was for his benefit - for his acquittal; but he had no hand in the, preparation of that document, and its contents are not true; he met Atty. Franco again in Majayjay later when he was granted leave; Atty. Franco instructed him to go to Manila because he would prepare an affidavit, but he did not go there, he left Majayjay immediately even if he had not fully enjoyed his 19-day leave; he later told Capt. Alejo (government prosecutor) that Atty. Franco had made him sign Exh. 16; its contents, except for his age, are not true; for the truth is that he knew everything about the kidnapping of Elvira Tañada de Principe; the document was already prepared when it was shown to him by Atty. Franco, and the latter compelled him to sign it; when he was at the stockade in Lucena with Nelson, he knew that Nelson was writing letters, and that he (Nelson) was signing their names on the letters, but Nelson never showed the letters to him; he came to know the letters to accused Estrada only when the said letters were later discovered; he knew Col. Yan, he was taken before him at Camp Crame; Col. Yen asked him whether or not his declarations in his statement (Exh. H) were true, and he confirmed them; he was next taken before Gen. Cabal, before whom he declared that he had executed Exh. H voluntarily, i. e., that he was not maltreated by the PC; later he was taken before the late President Magsaysay in the office of the Secretary Balao, and there, he also affirm-ed the truth of his statement before the President.

TESTIMONY OF GONZALO MALLARE:

Gonzalo Mallare testified that he was a former Huk, he surrendered to the authorities on March 20, 1957; he joined the Huks in Manila, as early as April 1948; in December of that year, he was apprehended by the PC, and was maltreated; they released him, later, however, be-cause the Communist Party had then not yet been declared illegal; but after that he went up the mountains, and from the position of mere clerk in the Manila office of the Huks, he rose to higher positions; he was again apprehended by the PC in 1949, and again he was released in February, 1950; thereafter, he rejoined the Huks in the mountains; in 1955, he was educational chairman of RECO 4 - charged with the duty of indoctrinating the people with the tents of the HMB, which he learned from Dr. Jesus Lava - with jurisdiction in the province of Rizal, half of Laguna, and the whole province of Quezon; about May 1, 1954, as he and his men were passing thru Barrio Labnig, Gumaca, Quezon, he was introduced to accused Estrada by Huk Comdr.. Tony who was then operating in the Bondoc Peninsula; Estrada told him then that he was a friend of the Huks and the civilians, and that he was influential with the Army; Estrada told him further, that if he could be of help to him, he would do it; re-mem-bering that he was in need of a typewriter and a mimeographing machine then, he asked Estrada if he could help him procure them for him, and Estrada promised to do so; in the afternoon of that same day, he gave P650.00 - P500.00 coming from him, and P150.00 coming from Comdr. Onoy - to Comdr. Matta, for delivery to Estrada; he knew that Estrada received the money for, soon, he received

the typewriter and the mimeographing machine. Comdr. Matta informing him then that Estrada had sent him (Matta) a letter stating that the amount given was P43.00 short of the cost of the typewriter and the mimeographing machine, aside from the expenses of the two persons who had brought them; this typewriter and mimeographing machine he acquired thru Estrada's help, was delivered by him to the 26th BCT when he surrendered; he met Estrada again about a week before February 23, 1956, at noon, in Barrio Biga, Gumaca, Quezon; he was with Comdr. Teddy then, in his way to contact a certain teacher who had previously promised to help him buy some supplies; he failed to contact the teacher, and as he approached Lt. Alcantara to bid him goodbye, he heard the conversation between Lt. Alcantara and accused Estrada; Lt. Alcantara asked Estrada if Elvira Tañada de Principe was the richest woman in Gumaca who could be kidnapped, and Estrada answered that she was; that was all that he heard; Lt. Alcantara then borrowed some of his men and firearms; and when his men rejoined him later, they reported to him that they had participated in the kidnapping; he recalled that he came from Barrio Malimatik, Lopez, when he went to Barrio Biga, Gumaca; he was with Comdr. Emy; those present in that meeting in Barrio Biga, Gumaca, Quezon, were Estrada, Lt. Alcantara, Comdr. Teddy Corazon, Emy, Fredo and others; on March 20, 1957, he surrendered; the following day his affidavit was taken by an investigator; it was a very long one, but he purposely did not make any mention about the meeting in Biga, Gumaca, where he saw and heard the conversation during the meeting between Estrada and Lt. Alcantara, because he did not want his name linked with the latter; he wanted to avoid any mention about the kidnappings in the Bondoc Peninsula, because he feared that he would be included in it; that is why, when he was taken before Secretary Balao in Camp Murphy, he told him not to ask him about the kidnapping; but when he later met Antonio Campaniero Nelson, Melchor Gregana Rony and Julio Ceribo @ July who have knowledge of the secrets of these kidnappings, and the purchase of the typewriter and the mimeographing machine thru Estrada, and after knowing that Nelson, Ceribo and Angel Veran were already accused of the kidnapping, he decided to reveal the matter; and he believed that if the government were to be convinced of his loyalty, they would realize that he had nothing to do with all the kidnappings in the Bondoc Peninsula; that is why, since his surrender, he had been helping the Army in its campaign for peace and order; he had contacted his former companions in the Bondoc Peninsula so that they may return and live peacefully; on November 27, 1957, about 92 of them surrendered.

Other witnesses testified for the prosecution, but their testimonies deal largely on how the ransom money of P50,000.00 was finally agreed upon and delivered to Lt. Alcantara thru couriers. Thru them, the letters of Lt. Alcantara to the Principes and vice versa (Exhibits A to E) and the photograph of Lt. Alcantara (Exh. F) were identified. This picture and other exhibits, were admitted as evidence for the prosecution.

For his defense, accused Jose Estrada denied his complicity in the commission of the kidnapping of Elvira Tañada de Principe in the afternoon of February 27, 1956. He swore that he had never been to Barrio Biga, Gumaca, in the month of February, 1956, much less ever conferred with any Lt. Alcantara for the alleged purpose of pointing to Elvira Tañada de Principe as the best kidnap victim in Gumaca. His testimony may be reduced as follows: he knew Elvira Tañada de Principe; her family was his neighbors, and his younger brother, Fernando, was the godson of Elvira's father; he was elected councilor of Gumaca from 1948 to 1951; again he was elected councilor for the term 1956-1960; he was a recognized guerrilla and a pensioner of U.S. Government; he belonged to the following civic organizations: President, Gumaca Club 37; Worshipful Master of the Masons; Chairman, Boy Scouts Organization; President, PTA District League; President (twice), Purok Castillo; Vice President, Jaycees of Gumaca; Chairman, Civilian Affairs Organization; and Vice Chairman, Red Cross Campaign in, 1951 for Quezon Province; the barracks of the 8th BCT in Gumaca was constructed through him; he was the moving spirit in the construction of Camp Natividad in 1948, which now houses the 38th PC Company; he joined the pacification campaign in the towns of Quezon which brought about the surrender of several firearms; he exerted efforts for the construction of the Army Officers Quarters of the 26th BCT in Calauag,

Quezon; he is an informant of the Philippine Army; such informant, he had caused the arrest of several persons; and he was commended by Col. Baltazar for his efforts and cooperation with the Army; he came to know prosecution witness Antonio Companiero alias Nelson only in court, and it is not true that he and Huk Fredo came to his house to deliver the message of Lt. Alcantara; Nelson sent him letters during his confinement in the provincial jail of Quezon, and he had sent them to Congressman Roces Of the CAFA; he did not know also Huk Comdr. Teddy Corazon, for he came to know him only in court; Teddy Corazon told him in jail that it was not true that he had instructed Huks Nelson and Fredo to see him before; on November 25, 1956, he met prosecution witness Julio Ceribo in jail, and the latter confessed to him that he (Ceribo) did not know him (Estrada), and that Ceribo said he merely implicated him because the PC had forced him to include him; detained prisoners Gutierrez and Mangubat were present when Ceribo told him so; he likewise did not know Huk Gonzalo Mallare (prosecution witness) before the trial, and it is not true that they met each other before; there is no truth in Mallare's testimony that he (accused) purchased a typewriter and a mimeographing machine for him; in fact, when he learned that the said typewriter and mimeographing machine was loaded in one of his trucks for delivery to the Huks, he informed Captain Daza of the Army about it, only that Capt. Daza happened not to be there at the time; there is also no truth in the testimony of Beato Glinoga; this prosecution witness, as a matter of fact, begged his forgiveness after testifying against him; when they met in the office of the Chief of Police of Gumaca; at the time, Col. Castillo came along, and finding them together, threw out Beato Glinoga and then challenged him (Estrada) and his brother to a fight; in fact, Beato Glinoga became his own witness after the relief of Col. Castillo as provincial commander of Quezon; he was combat officer in the guerrilla forces; charges of murder were filed against him after liberation, but he had been given the benefits of the guerrilla amnesty; he was also accused in the Barretto kidnapping case, but his participation there was only that he had contracted the kidnappers at the behest of the family of the victims, for purposes of reducing the amount demanded by the Huks; on the day of the kidnapping of Elvira Tañada de Principe, he was at home; upon learning about it, he helped the family in raising the ransom money, he contributed P10.00; he was the largest copra dealer in Gumaca; his customers owed him not less than P60,000.00; Elvira Tañada de Principe's father-in-law, Marciano Principe, was also one of the largest copra dealers in the town, but there were other large copra dealers there; he knew, thru the newspapers, about the other kidnapping cases in the Bondoc Peninsula - the kidnapping of Ex-Mayor Yumul of Lopez, of Wee King of Catanau-an, of the Barretts of Gumaca, of De Leon of Catanauan and of Elvira Tañada de Principe of Gumaca; he (Estrada) had not been the victim of kidnapping. Asked by the court whether kidnappings disappeared in Gumaca after his arrest, accused Estrada refused to answer.

ELISEO RAMOS, a detained prisoner for rebellion in the provincial jail of Lucena City, testified that he knew prosecution witness Julio Ceribo; they were both Huks, and had occasion to meet each other in the mountains; the last time he met Ceribo was on November 25, 1956, when Ceribo was also confined in the provincial jail of Lucena; he asked him (Ceribo) then why he was detained, and the latter answered that he was being used as witness against accused Estrada; there were many detention prisoners at the time they talked to each other, among them were Hilarion Gutierrez, Juanito Bautista, Cenon Entiosco and Pedro Masilungan; during the course of their conversation, accused Estrada appeared, and he asked Ceribo if he knew him; Ceribo then told Estrada that he did not know him; asked why he was going to testify against Estrada when according to him he did not know the said accused, Ceribo answered that the investigators had promised to discharge him from the complaint, and that was the only way he (Ceribo) could save himself; and Ceribo told him: "Ikaw ang tumayo sa eking kalagayan, kulang lamang ako'y patayin sa bugbog"; Ceribo further confided to him that had he known such treatment would happen to him, "he would not have surrendered."

Other witnesses - PEDRO MANGUBAT, a co-accused of Estrada in the Barretto kidnapping case; CENON ENTIOSCO, a prisoner serving sentence for robbery with rape and physical injuries, and also for illegal

possession of firearm; and HILARION GUTIERREZ, another detention prisoner on charges of murder and robbery of which he was later convicted - testified that they were all in the provincial jail of Quezon when prosecution witness Julio Ceribo was brought in there; that they all heard the conversation between Ramos and Ceribo on the one hand, and between Ceribo and accused Estrada on the other hand, and that they knew that Ceribo had told accused Estrada then that he (Ceribo) did not know Estrada.

Col. ESTANISLAO BALTAZAR testified that in 1952, he was commanding officer of the 26th BCT, stationed in Calauag, Quezon; in one of the meetings he held in the town hall of Gumaca, asking the people to cooperate with the Army in its campaign against the dissidents, one of those present stood up and said, "How can you expect the people to help the Armed Forces when they do not treat the barrio people well, they are taken to the headquarters of the Army and there they are maltreated and compelled to admit crimes which they did not commit?"; he knew later on that that man who had spoken was Councilor Estrada; and soon he solicited his help; Estrada rendered valuable services to the Army then, for he had extensive connections with the barrio people and he supplied valuable information, as to the move-ments of the Huks in the place; and in recognition of his services, he gave Estrada a written commendation (Exh. 18). Col. Baltazar admitted tho that the Huks were very active in the place during his stay there as BCT Commander, and that they (the Huks) had an upper hand. He admitted further that the information supplied by Estrada was always late, that was why they had no encounter with the dissidents. They almost caught up with the Huks in a barrio when they went to the place to verify the report made by Estrada, for the residents informed them that the Huks had left only about an hour before their arrival.

Major FELIPE BRUAN declared that he was formerly stationed in Gumaca, and there he came to know Estrada. The latter gave the PC then valuable information regarding the movements of the Huks In May, 1954, Estrada reported to them the presence of Huks near the boundary of Lopez and Gumaca, and they went to the place to verify the report; unluckily, the Huks had left the day before when they reached the barrio they had visited. He was in command of the PC Detachment in Gumaca when Elvira Tañada de Principe was kidnapped. Estrada did not make any report then about the presence of the Huks in Gumaca before the incident. But after the incident, he (Bruan) received news about it and he immediately pursued the kidnappers. There was an en-counter that ensued when they had contact with the Huks at about 6:00 or 7:00 o'clock in the evening. There was firing for about 30 minutes, after which they re-turned to the town because they soon lost contact with them.

Capt. JUAN DAZA testified that he was once stationed in Gumaca as commanding officer of Love Company, 26th BCT; even before he was stationed at the place, he already had news about the valuable services of Estrada to the Army; so, he sought Estrada's help when he moved to the place; and as expected, Estrada rendered valuable services; one time, Estrada informed him that there were three (3) amazons who were willing to surrender, and he soon brought them - Huk Amazons Liwayway, Leonor and Amy to his camp; these amazons were all wives of Huk Commanders; in 1954, they were able to kill a Huk named Absalon at Barrio Sastre thru the information supplied by Estra-da; on May 2, 1954, they received information from Es-trada that the Huks had loaded some things on one of his trucks, for delivery to Barrio Labnig; he sent men to verify the report and there was an encounter; they did not catch up with the Huks, however; and according to Estrada, the things loaded on his truck were a type-writer and a mimeographing machine.

The defense later placed the victim, Elvira Tañada de Principe, on the witness stand. From her testimony, the defense elicited the fact that during her confine-ment in the mountains, Lt. Alcantara inquired from her, if she was the wife of Teodosio Principe. Upon her answer that she was not the wife of Teodosio, Lt. Alcantara then asked her if she was the wife of Reynaldo Principe, to which question, she gave an affirmative answer.

QUIRINO RAVELA, one of the companions of Lt. Alcantara in the kidnapping of Elvira, and who had been sentenced already in this case upon a plea of "guilty" testified that while in the mountains, he overheard the

conversation between Lt. Alcantara and Elvira Tañada, wherein Lt. Alcantara asked the victim if she was "Doctora". To this question, Elvira answered that she was not the doctora; she cried then and said, "I am the poorest among the Principes".

MARCELO BARRAL, a resident of Gumaca who sells cop-ra to the Principes, testifies that he was in the house of Marciano Principe when Elvira arrived from the mountains after her release. He then heard Elvira talk to her sis-ter Consuelo and exclaim in Tagalog: "Ako pala Ate Consuelo ay pinagkamalan, at ang akala pala ay ako ang asawa ni Dosio".

In September, 1958 (after about one year and three months after he had testified for the prosecution), BEATO GLINOCA was placed on the stand by the defense. He then made a complete turn about regarding the previous instructions of Lt. Alcantara for him to see first accused Estrada before delivering the ransom note to the Prin-cipes for the reason that Estrada knew all about it. This time, he declared that he was not so instructed by Lt. Alcantara; that the truth is, that he was directed by Lt. Alcantara to proceed to the house of the Principes, without mention whatsoever of the name of Estrada; that he made mention of and implicated Estrada, upon orders of the PC investigators that he should mention Estrada in his affidavit, and which orders he followed, because they would not stop maltreating him; that on his way to the house of the Principes, he met Federico Caparros and another man, and together they boarded a truck going to the poblacion of Gumaca; that he even showed to them the letter he was to deliver to the Principes when they asked him where he was going; and that he alighted right in front of the house of Marciano Principe when the truck reached the town.

FEDERICO CAPARROS and TOMAS SOMBILLA both testified and corroborated the statement of Glinoga that they met Glinoga on March 5, 1956; that they asked him where he was going then, and Glinoga told them that he was going to the poblacion, showing to them a letter which he pulled out of his pocket; that Glinoga did not stop at any other place, but went directly to the house of Marciano Principe.

ATTY. ANDRES FRANCO, upon permission of Julio Ceribo, declared that he was the counsel of Julio Ceribo in this case, and another case for rebellion in Laguna; that he prepared Ceribo's statement (Exh. 16) at the instance of Julio Ceribo who had supplied the facts contained in the said statement; that he prepared the statement first and then took it to his place of con-finement, asking him to sign it only after he had read the statement and understood its contents; and that Julio Ceribo swore to it before Notary Public Rodolfo Garduque whom he (Franco) had requested to come along. (The trial court appears to have commented, after examining Exh. 16, that the same was not necessary in the defense of Julio Ceribo in the present case, considering that Julio Ceribo had already been discharged from the information when Atty. Franco secured the said statement of Ceribo).

The testimony of Atty. Franco was substantially corroborated by Atty. Rodolfo Garduque who declared that he ratified Ceribo's statement only after he was sure that Ceribo understood it; and that there were wit-nesses (brought along by Atty. Franco) who witnessed the signing of the document.

ANTONIO NIEVA testified that he was a former Army, Officer stationed in Pitogo, Quezon; Estrada was their informer when he was stationed there, and Estrada helped in the surrender of many Huks; he approached Col. Castillo regarding the case of Estrada because he believed that Estrada was innocent; he met Col. Castillo several times regarding the matter, and he told him that he was wrong in prosecuting accused Estrada; but Col. Castillo confided to him that his career was at stake in this case, for he had been instructed to get the "big shots" from the second district of Quezon; later, Col. Castillo also confided to him that he was interested in monetary considerations which he itemized as follows: for Estrada's involvement in the Barretto case, P20,000.00; in this case, P20,000.00; and for eight (8) other murder cases, P2,000.00 each; Col. Castillo then told him that if he could give him P50,000.00, he would still be eco-nomizing by P6,000.00; he then immediately went to see the President

and asked for the relief of Col. Castillo as Provincial Commander of Quezon, and President Magsay-say then gave him a note addressed to Gen. Cabal; when he met Gen. Cabal, however, accompanied by Gov. Stayana, Jardin and his (Antonio Nieva's) brother, then Chief of Police of Pasay City, he received the same answer as Col. Castillo's from Gen. Cabal, who told him further that "as long as he was Chief of the Philippine Constabulary, Col. Castillo will not be touched in Quezon Province; he never expected to hear from Gen. Cabal the same words which Col. Castillo had confided to him, and in exasperation he exclaimed: "it seems to me that I am not talking to the General"; in the note given by the President to Gen. Cabal, the President told the General that the Nieva brothers knew more of the peace and order conditions in Quezon, and should be left alone; he was told by the President to report to him the following Monday, but unluckily, the President died on the Sunday before their appointment; he recalled that he used to be in good terms with Col. Castillo before, but he became indifferent to him when he (Castillo) failed to stop him from taking interest in the Estrada case, telling him that P20,000.00 was not enough; he insisted on his demand for P50,000.00.

With the offer of various exhibits, including a copy of the decision of Court of First Instance of Quezon in the Barretto case, wherein accused Estrada and all his co-accused were acquitted, the defense rested its case. It appears that before the defense did so, they made an attempt to put back prosecution witness Julio Ceribo on the witness stand in order that he could explain why he allegedly had testified falsely against accused Estrada when he testified for the prosecution in this case, but the court below did not allow the defense to put back the witness. The trial appears to have been delayed also for a considerable time because the defense had made attempts to produce Lt. Alcantara in court, in which attempt they failed. Gen. Yen testified that a certain Pepe Alcantara working with the Army was still operating in the field, and that his whereabouts was un-known.

In rebuttal, the prosecution placed on the witness stand Col. Francisco del Castillo, who testified as follows: he was Provincial Commander of Quezon from May 2, 1956 to July 7, 1958; he was on a mission then - the prosecution of all the kidnapping cases in the Bondoc Peninsula, namely: the case of Wee King of Catanauan (1954); of Saturnino Barretto and his children of Gumaca (1952); of Ex-Mayor Yumul of Lopez (1955); of Rosita de Leon of Catanauan (1955); and of Elvira Tañada Principe (this case, 1956); he had no personal grudge against Estrada, for even before he came to Quezon as provincial commander, Estrada was already accused in the kidnapping case of Saturnino Barretto and his children; Antonio Nieva and many other persons came to him and asked that the case against Estrada be quashed, but he refused; he turned down the immoral proposals of Antonio Nieva; he did not prosecute him, however, on those immoral proposals because it was hard to prove, as there were no witnesses; Nieva used to approach him during the time of his rest near his house; later, he learned that Antonio Nieva had tampered with the witnesses for the prosecution; so, he ordered his men to put Nieva "off limits" in his camp; Nieva complained to higher authorities in Quezon City, that was why said higher authorities called him there to the PC Headquarters; he then brought along the witnesses of the government against Estrada, and they were investigated by the said higher authorities; these witnesses were the ones who revealed the participation of Estrada in this case; and he never demanded P50,000.00 as consideration for the quashing of the cases against Estrada.

After a careful evaluation of the evidence thus set forth, We find that the inculpatory facts proven by the testimonies of witnesses for the prosecution to establish the guilt of accused Jose Estrada are as follows: The Hukbalahaps in and around the mountains of the Bondoc Peninsula were the friends of accused Jose Estrada. With and through his help, the chairman of the educational committee of the HMB in the region, acquired a typewriter and a mimeographing machine on May 1 or 2, 1954.[1] About the first week of February,[2] or about a week before the actual kidnapping of Elvira Tañada de Principe on February 27, 1956,[3] Huk Lt. Pepe Alcantara met with other Huk Commanders in Barrio Biga, Gumaca, Quezon. Lt. Alcantara gave some instructions to Comdr. Teddy Corazon then, and the latter ordered huks @ Nelson and @ Fredo to contact councilor Estrada of Gumaca

in the poblacion and to tell him to see Lt. Alcantara in Barrio Biga.[4] Alias Nelson and @ Fredo were able to talk with Estrada in the town, and three days later, Estrada met with Lt. Alcantara and his companions in Barrio Biga.[5] During that meeting between them, Lt. Alcantara asked Estrada who (for purposes of kidnapping) was the richest man in Gumaca, and Estrada answered in Tagalog, "ang maimumungkahi ko sa inyo ay ang mga Principe". Lt. Alcantara inquired if it was Reynaldo Principe, to which question Estrada answered "no" because "it would be difficult for the family to ransom him for most of the properties were in his name." Lt. Alcantara then asked, "whom can we kidnap?" Estrada suggested Elvira Tañada Principe who "could easily be ransomed." Lt. Alcantara agreed to the suggestion of Estrada saying: "if that is the case, yes, let us kidnap Elvira Tañada Principe.[6] "it will be good for us to kidnap Elvira Tañada Principe." [7] The huk lieutenant told Estrada further: "you will be advised when the kid-napping will take place;" [8] and Estrada answered: "all the time you can depend upon me." [9] In the afternoon of February 27, 1956, Lt. Alcantara and his men came down from Barrio Biga to Gumaca and kidnapped Elvira Tañada Principe from the store on the ground floor of the house of her father-in-law, Marciano Principe. They took her, together with Carmen Noceto whom they picked up along the way, to the mountains near the boundaries of the towns of Gumaca, Lopez and Macalelon. The Huks kept them there for about two weeks.[10] Thereafter Lt. Alcantara and some of his men went to Barrio Villa Tañada, Gumaca, and contacted the barrio lieutenant, Beato Glinoga, on the night of March 4, 1956. Identifying himself and his companions, as the kidnapers of Elvira Tañada Principe, Lt. Alcantara asked Beato Glinoga to deliver his letter to the Principes. He instructed Glinoga to see Coun-cilor Estrada first in the town, so that the latter could accompany him to the house of the Principes, and then to the mountains where he (Lt. Alcantara) would later meet them.[11] The chosen courier followed the orders of the Huk Commander. He went to the poblacion of Gumaca the following morning. He looked for Estrada, but he failed to contact him. So, he went directly to the house of Marciano Principe and personally delivered the letter of Lt. Alcantara entrusted to him.[12] Marciano Principe read the letter of the Huk Commander, and then wrote an answer. He gave the same to Basilio Angulo, a compadre of his who was at the house at the time, and requested him to join Beato Glinoga back to Lt. Alcantara in Barrio Villa Tañada. The courier and the emissary went together and met Lt. Alcantara that same evening, in the mountains of Villa Tañada.[13] Basilio Angulo and Lt. Alcantara then had a conference. As they did, one of the huks present nudged Glinoga and inquired from him where Estrada was, and Glinoga explained that he was not able to see him.[14]

Basically, Estrada's defense is that the charge against him is but a pure concoction. Naturally, he vehemently denied the truth of the above inculpatory facts proven by the prosecution, by showing that he could not have been in Barrio Biga, Gumaca, nor conferred with Lt. Alcantara at the place in February, 1956, because he never left the town of Gumaca during the said month, but once - when he went to Lucena City to renew the plates of his trucks. He sought to destroy the credibility of the witnesses for the prosecution. He tried hard to convince the trial court that a man of his stature and character - an elective official of social prominence and with substantial income, and commended by a ranking PC officer for "his exploits and undertakings" as an "informer" of the Army - could not have been in league with the Huks in the mountains, and propose to them a neighbor and family friend as an object of the heinous crime of kidnapping for ransom. His version, however, failed to convince the trial court of his innocence of the crime imputed to him.

Accused Jose Estrada has appealed from the decision.

Appellant contends that the trial court had fallen into grave error in giving faith and credit to the testimonies of huks Antonio Campaniero Nelson, Julio Ceribo @ July, and Gonzalo Mallare @ Comdr. Romy. Attention is called to the fact that Nelson and Ceribo - former co-accused turned state witnesses - had no choice but to testify against appellant in consideration of the prosecution's promise to discharge them from the information and save their skin, while the case against witness Mallare was apparently dismissed, on motion of the prosecution for

alleged insufficiency of evidence, purposely to make him testify against herein appellant. Under the circumstances, it is argued, these witnesses had no option but to testify as the prosecution desired - to secure the conviction of the appellant at all cost.

There should be no quarrel that Nelson and Ceribo must have testified as state witnesses in consideration of the prosecution's promise to discharge them from the information in this case; but that is not true with respect to witness Gonzalo Mallare, who appears to have testified long after the case against him had been dismissed for insufficiency of evidence. But these circumstances alone - short of any showing that in consideration of the State's leniency, these witnesses had been ordered and had agreed, not only to testify for the pro-secution but also to prevaricate in their espousal of the Peoples cause - cannot detract from their credibi-lity. We have examined the testimonies of these witnesses with painstaking solicitude, in our sincere desire to find the usual signs of wavering and wobbling in declarations of lying witnesses, and We note that notwithstanding the fact that they have been subjected to extra-ordinarily long and searching cross-examinations - lasting several days of trial - by the brilliant lawyers for the defense, they never fell into serious contradictions in their long declarations, which could reasonably be ex-pected if they were merely concocting lies. On the contrary they withstood the ordeals of the lengthy cross-examinations, explaining every point on which the coun-sels for the defense dwelled, in a straight - forward and satisfactory way. The above contention of appellant, therefore, cannot be accepted.

Much emphasis is placed by appellant upon the cir-cumstance that during his confinement in the provincial jail in Lucena City, prosecution witness Nelson (then confined in the PC stockade) had written several letters addressed to him and his witness, Antonio Nieva, altoge-ther purporting to show that Nelson had been telling them that he and his companions who had previously given statements implicating herein appellant in the commission of the crime, before the government investigators, did not really know him (Estrada); and that they implicated herein appellant in their said statements because they were maltreated by the investigators into signing them. It is our considered opinion, however, after considering the surrounding circumstances under which the letters adverted to were written, that their contents are false. Nelson declared that Antonio Nieva talked with him before he wrote the letters. Nieva explained to him that by testifying as state witness, he cannot be relieved of his responsibility in the commission of the crime. Pointing out that he (Nelson) was not just a witness but an accused (Nelson had not been discharged from the informa-tion at the tine), Nieva warned Nelson that he would also be punished like Estrada, and perhaps go to the electric chair. With assurance of his close connection with Malacañang, Nieva promised Nelson that he could do something about this case in Malacañang, and Estrada would be willing to help them, provided they would not testify against the latter, otherwise, something bad would happen to them. And with this idea brought out to him by Nieva, Nelson wrote a letter (Exh. 2) to Estrada on January 24, 1957. The witness explained as follows:

"Sinabi po sa akin ni Tony (Antonio Nieva) na huwag lamang kalabanin si Jose Estrada ay siya ang bahalang hu-mango sa aming mga testigo at kung kakalabanin namin ay mapapasama kami, at binigyan po, kami ng P20.00 suhol. At sinabi pa niyang siya ang bahalang lumakad sa Malacañang at sa panahong kami ay bibistahan gaya nito ay tanggihan namin at sabihin na kung kaya kami nakapagsabi ng sa amin 'statement' ay kami sinaktan at ginantingpalaan at pinangakuan." [15]

Regarding his letter (Exh. 3), Nelson declared that he did not write it voluntarily. About noontime of January 25, day after he had written the first letter, two prisoners wearing yellow suits entered their cell in the stockade and asked who were the witnesses against Estra-da in this case; and the witnesses pointed to one another. One of the said prisoners then told Nelson that if he still valued his life, he should prepare a letter to Estrada and make him believe that they will not testify against him. Nelson explained that he believed this to be a threat on their lives, for he thought that they might have been bribed to liquidate them. So, he wrote the letter, in the presence of the said prisoners. With respect to a portion of another letter (Exh. 10), dated January 27, 1957 (letter was styled "to

whom it may concern"), Nelson asked Estrada to give him some amount for cigarettes, and herein appellant would capitalize on this apparent weakness of character of Nelson to destroy his credibility. We are more inclined, however, to disregard this theory because We found that the witness had frankly admitted that he did it because Antonio Nieva had assured them that Estrada was willing to help them, and while confined in jail they (the witnesses) had agreed to milk him. In fact, in another portion of the said letter, Nelson had asked Estrada to return his letter; and Nelson explained in court later that he wanted to destroy the letter because if Col. Castillo should come to know about the lies he had told therein, the more they would suffer (lalo kaming mahihirapan). Thus, he explained to the court below:

"Ang ibig ko pong sabihin ay lalo kaming kukulungin sa loob ng 'stockade' kung malalamang kami'y sumulat kay Estrada at magpapanday ng kasinungalingan. Yayamang kami na-stockade at kami halos incomunicado pa ay dahil nga sa pangyayari ng kami kausapin ni Tony Nieva na gawin namin ang lahat ng paraan sa pagsisinungaling, tanggihan namin ang mga 'statement' na nilagdaan naming kusangloob. Nangangahulugang babaligtad kami sa katotohanan tungo sa kasinungalingan."

This jibes with the other evidence of the prosecution of record, and admitted by the witness for the defense concerned, that Antonio Nieva, for having shown extra-ordinary interest in this case, had thereafter been ordered "off limits" inside the PC camp. Finally, there is another circumstance that adds a ring of truth to the testimony of Nelson. Col. Castillo testified that Antonio Nieva had complained to higher authorities about him. This is admitted by defense witness Nieva who declared that he went to see the late President Magsaysay and General Cabal, and asked for the relief of Col. Castillo as provincial commander of Quezon province by reason of his actuations in this case. As a result of Nieva's complaint, Col. Castillo was called by higher authorities to Quezon City; and Col. Castillo brought along the witnesses of the government before Col. Yan, General Cabal, and then to the late President Magsaysay. Nelson testified that when he was taken to Col. Yan in Quezon City, the said official asked him if the contents of his affidavit (Exh. X, wherein he had implicated appellant Estrada) were true, and he affirmed the contents thereof. The witness also declared that he was cross-examined (binabaligtad ng tanong sa aming 'statement') on his statement by General Cabal before whom he likewise, affirmed the truth thereof, explaining to the General that he was not threatened, harmed, or promised any reward when he voluntarily affixed his signature on the document. Nelson made the same affirmation before Pre-sident Magsaysay on the same occasion. And when asked why he did not mention about the letters (Exhibits 2, 3, 10, 11 & 12) now heavily relied upon by herein appellant, Nelson declared outright in court that the contents of the said letters were not true, and he was afraid to tell any falsehood to the highest authority of the land. Such explanations, considered in the light of the surrounding circumstances, leave no iota of doubt that the witness had told the truth in court.

Again herein appellant would capitalize upon the circumstances that both witnesses Ceribo and Mallare have made apparently contradictor statements (affidavits) at different times during their confinement. More specifically it is pointed out that Mallare had disclaimed any knowledge about the kidnappings in the Bon-doc Peninsula in his statement (Exh. 17) which is contrary to his later declaration in court that he heard the conversation between Lt. Alcantara and herein appellant in Barrio Biga, Gumaca, regarding the kidnap-ping of Elvira Tañada Principe. This witness explained that he did not mention in exhibit 17 about the participation of Estrada, because he did not want his name linked with the name of Lt. Alcantara. At the time, he had not met Nelson, Ceribo and Gregana. He learned later, however, that these persons were already accused in this case, and knowing that they knew all the secrets of the kidnapping, he decided to reveal his knowledge thereof. At any rate, it will be noted that Mallare's testimony regarding the involvement of appellant in this case was merely cumulative in nature, a disregard of which would not affect at all the testimonies of Nelson and Ceribo regarding the same point. And so with the alleged contradiction between the statement of Ceribo before the PC on September 12, 1956, and his

subsequent affidavit prepared by his counsel on April 16, 1957. It is true that in the one (Exh. H) Ceribo had inculpated Estrada, while in the other (Exh. 16) he had exonerated him; but Ceribo explained that the contents of the latter are false. He declared that when the said document was taken to him inside the PC stockade, it was already prepared. His counsel had manifested to him that it was necessary for his acquittal, for which reason he signed it without first reading its contents. We believe this explanation of the witness is sufficient, for We find no reason for his counsel to prepare the latter affidavit when We consider the fact that Ceribo had long been discharged from the information before it was prepared. And as the trial court had aptly observed, the said affidavit was no longer necessary for the acquittal of the witness. Add to this suspicious character of Exh. 16 the unshaken testimony of the witness that its contents are false and the fact that he had affirmed the truth of his other statement not only before the highest officers of the Army, but also before the Chief Executive of the land, that the value of Exhibit 16 soon fades into nothingness.

But appellant charges that the trial court had abused its discretion when it denied the defense the right to call back witness Ceribo who, it is claimed, was then ready to retract his previous testimony for the prosecution, and the testify for the defense. This, it is pointed out, was a denial of herein appellant's right to due process. We cannot agree. Section 14, Rule 132 of the Rules of Court explicitly provides that the court may grant or withhold leave to recall a witness, in its discretion, as the interests of justice may require; and We believe that it was the better part of discretion and caution on the part of the trial court to have denied as it did, the request of the defense to recall Ceribo. The record is loaded with circumstances tending to show insidious attempts, too obvious to be overlooked, to tamper with the witnesses for the prosecution. Under the circumstances, to allow such a procedure would only encourage the perversion of truth and make a mockery of court proceedings.

A certain alleged statement attributed to Lt. Alcantara, is here also relied upon by appellant to show that, he (appellant) did not really suggest Elvira Tañada Principe to be the kidnap victim. It appears that soon after Elvira was taken to the mountains, she was asked by Lt. Alcantara if she was the wife of Teodosio Principe. Elvira answered the question in the negative. Thereafter, Lt. Alcantara asked her if she was the wife of Reynaldo Principe, and this time she answered in the affirmative. We believe not much may be made out of this circumstance, for it merely shows that Lt. Alcantara was not even sure if the woman they had kidnapped was the wife of Teodosio or Reynaldo. It does not necessarily follow, however, that herein appellant did not really make the suggestion to kidnap Elvira, in the light of positive evidence that he did so. Neither may We sustain the charge that the prosecution in this case was guilty of suppression of evidence, on account alone of the circumstance that the highest authorities of the Army had failed to produce Lt. Alcantara in court, as desired by the defense. It is true that the prosecutor in this case was a captain in the Army, but it cannot be denied that he had prosecuted this case not as such officer, but as a special prosecutor under the Department of Justice; nor do We find any evidence of record that will justify an inference that he had prevailed upon his superior officers in the Armed Forces not to obey the orders of the trial court to produce Lt. Alcantara. Herein appellant claims that Lt. Alcantara, was already in the custody of the Army at the time. Col. Yen testified, however, that the Lt. Alcantara in the service of the PC was at the time "in the field of operation and his whereabouts was unknown." We see no reason then why the blame should be attributed to the prosecution.

With the foregoing conclusions, We have to sustain the finding of the court below that herein appellant is guilty of the crime imputed to him in this case. There could be no question that appellant had knowledge of the criminal intention of Lt. Alcantara and his men to kidnap somebody from Gumaca for ransom. It seems, however, that they had no definite person in mind in the beginning. So much so, that they had to call for herein appellant, a councilor and prominent citizen of the place, for his cooperation in the matter of selecting and pointing to the prospective victim. Appellant suggested the Principes as the most suitable object of their criminal design, pinpointing Elvira, wife of one of the Principes, as the ideal victim, with the explanation that the Principe family would not meet

with any difficulty in producing the ransom money for her release. Lt. Alcantara and his men became convinced of appellant's suggestion and reasoning, and then and there they decided to kidnap Elvira Tañada Principe. The Huk leader told appellant that he (appellant) would be in-formed accordingly when the kidnapping was to be effect-ed and the latter answered that Lt. Alcantara could count upon him all the time. Appellant knew, and must have realized the frightful consequences of being kid-napped by the Huks. He was not unaware of previous other kidnappings of prominent citizens in the Bondoc Peninsula - the kidnapping of Ex-Mayor Yumul of Lopez, of Wee King of Catanauan, of the Barretos of Gumaca, and of De Leon of Catanauan - which had invariably re-sulted in either the loss of honor of the victims, payment of huge amounts for ransom by their families, or the horrible deaths of the victims. With that knowledge, nevertheless, herein appellant agreed and conspired with Lt. Alcantara and his men in the kidnapping of Elvira TanadaPrincipe.who, was not only detained by Lt. Alcantara and his men in the mountains for eighteen (18) days, but was only released after the payment of a P50,00.00 ransom. These circumstances, to the mind of the Court, altogether show that appellant enjoyed such ascendancy of the mind over that of Lt. Alcantara to the extent that his suggestion was the efficacious inducement which led the latter and his men to proceed with the criminal design, thus making herein appellant a principal by inducement. However, for failure to obtain the necessary number of votes to affirm the death sentence in the decision appealed from, the penalty next lower should be imposed.

WHEREFORE, appellant is hereby sentenced to reclusion perpetua. With this modification, decision is affirmed by way of ordering appellant to pay the civil liability and the costs. On equitable considerations, no costs in this instance.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, Fernando, and Capistrano, JJ., concur.
Zaldivar, J., on official leave of absence.

[1] TSN, pp. 939, 941.

[2] TSN, p. 378.

[3] TSN, p. 965.

[4] TSN, p. 379.

[5] TSN, p. 379.

[6] TSN, pp. 380, 586, 587, 588.

[7] TSN, p. 380.

[8] TSN, Id.

[9] TSN, Id.

[10] TSN, pp. 383, 581, 582.

[11] TSN, pp. 278, 280, 281, 287, 302, 303, 307, 308.

[12] TSN, p. 288.

[13] TSN, p. 290.

[14] TSN, p. 291.

[15] TSN, p. 430.

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