

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RICARDO BEATO, DEFENDANT AND APPELLANT.***G. R. No. L-2316. March 05, 1951*

Ponente: JUGO, J.

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Ricardo Beato was accused before the People's Court of treason under eleven counts.

Counts 2 and 8 were dismissed on the ground that only one witness testified on the alleged overt acts of the accused. With regard to counts 9 and 10, two witnesses testified, but the court below did not believe the testimony of one of them, leaving the testimony of the other insufficient for being alone. Consequently, counts 9 and 10 were also dismissed.

The court found the defendant guilty on counts 1, 3, 4, 5, 6, 7, and 11 and sentenced him to suffer reclusion perpetua, with the accessory penalties of the law, and to pay a fine of P10,000 and the costs. The defendant appealed.

Count No. 1.—At about 6 o'clock in the afternoon of August 2, 1943, the defendant, accompanied by a number of Makapilis and a Japanese soldier by the name of Mayikawa, repaired to the house of the couple Roman Malapitan and Maxima Dedicatoria in Malusak Street, Santa Rosa, Laguna. The Makapilis were armed. They entered the house and arrested Roman Malapitan. The defendant and a Makapili by the name of Jose Dizon tied the hands of Malapitan, and the group took him away. Malapitan has not been heard of since. These facts were established by the testimony of Buenaventura Dichoso, Maxima Dedicatoria, and Concha Pascual.

Count No. 3.—While the spouses Leopoldo F. Santos and Candelaria N. de Santos were sleeping at about 3 o'clock in the morning of November 16, 1944, in their house in barrio Pook, Santa Rosa, Laguna, several Makapilis, one of whom was the defendant, wearing Japanese uniforms and accompanied by several Japanese soldiers, arrived at said house and called in a loud voice for Major Santos, who was a Philippine Army officer suspected by the Japanese and Makapilis as having organized a guerrilla company in Santa Rosa, Laguna. Two Japanese soldiers entered the house through the window, while the others entered by the door. They searched the house, looking for Major Santos. The Major jumped through the window and climbed up a nearby avocado tree. The Japanese and the Makapilis, finding him on a branch of the tree, thrust their bayonets at him. The Major received several wounds and fell to the ground. The group tied him up and took him to a truck nearby. Major Santos had never been heard of nor seen again until the following year when, upon information received from Florencio Malapitan, his grave was excavated and his remains were recovered. The above facts were established by the testimony of Angel Moldes, Pablo Alumno and Candelaria M. de Santos.

Count No. 4.—At about 4 o'clock in the morning of November 16, 1944, Teofila Lasaga and Julia Alinsod were awakened by a call of the policeman Pedrong Ocho at the door of their house in barrio Balibago, Santa Rosa, Laguna. When the door was opened, the defendant, together with Arsenio Batitis and Martin Laurel, entered the house while the rest of the party stayed outside. Those who entered lifted Roque Lasaga from his sickbed. He was

suspected as a guerrilla. The defendant and his companions, all armed and wearing Japanese uniforms, tied Roque and took him away. Roque was not heard of or seen again. The above facts were established by the testimony of Teofila Lasaga and Julia Alinsod.

Count No. 5.—At about 2 o'clock in the morning of November 16, 1944, the defendant wearing a Japanese uniform and carrying a rifle, with a company of armed Makapilis and Japanese soldiers, entered the house of Inocencio Alumno in the barrio of Masiit, Santa Rosa, Laguna. Inocencio and his sons Antonio and Conrado climbed up the roof of the house, but the Filipinos and Japanese seeing them, climbed up after them and caught them. Inocencio surrendered to the group, and was brought down to the ground where he was tied. While going to the waiting truck, Inocencio in the darkness succeeded in loosening the rope with which he was tied, and ran away. Noticing that Inocencio was missing, the group of Japanese and Makapilis including the defendant returned to Inocencio's house and took away his sons Antonio and Conrado. The latter were never heard of nor seen again until their remains were identified by Inocencio when they were exhumed after the liberation. These facts were established by the testimony of Sancho Sayao Alumno and Inocencio Alumno.

Count No 6.—On November 24, 1944, the defendant, with the Japanese officer Mayikawa and other Filipinos dressed in Japanese uniforms, went to the house of Emiliano Concepcion in Santa Rosa, Laguna, and arrested, tied, and placed him on a truck. Concepcion was not heard of or seen afterwards. These facts were established by the testimony of Amanda Batungal and Francisco Dichoso.

Count No. 7.—In the early morning of November 24, 1944, the defendant accompanied by several persons went to the house of Aurelio Lagarte in Santa Rosa, Laguna. Three of the group arrested Aurelio and brought him down. The other members of the group tied him and placed him on a truck. Aurelio has never been heard of nor seen thereafter. The above facts were established by the testimony of Francisco Dichoso, Buenaventura Legarte, and Beatriz Cabrijas.

Count No. 11.—During the Japanese occupation, the defendant was an active member of the Makapili organization and the Scout Battalion in charge of seizing food from the civilian population for the maintenance of the Japanese army. Defendant likewise took active part in the apprehension of guerrillas in Santa Rosa, Laguna. After February 4, 1945, when the American army had landed, the defendant joined the Japanese in their retreat to Rizal Province. Canuto Velandres, Francisco Dichoso, and Ruben Caro testified to the above facts.

Counsel for appellant attacks the credibility of the witnesses for the prosecution alleging that they testified prompted by their interest, grudge, and resentment, and are "morally incompetent." It is unbelievable that the seventeen witnesses for the prosecution testified falsely against the accused just to satisfy their alleged interest, grudge, and resentment. Other than the harm done by the accused against the victims and some of the witnesses, no possible motive was shown why these numerous witnesses should testify falsely against the defendant. It is true that some of these witnesses were themselves the victims of the accused and some were relatives of the several persons who have disappeared or have been killed through the acts of the accused in cooperation with the Makapilis and the Japanese soldiers. But, why should they have testified against the accused if the latter was not instrumental in committing these evils against their relatives and friends? It cannot be imagined that all

these seventeen witnesses perversely conspired and connived against the defendant if he had not committed those acts. They had no possible motive for doing so.

Counsel for appellant maintains that Commonwealth Act No. 682, which created the People's Court is unconstitutional; that the provisions of the Revised Penal Code regarding treason were suspended during the Japanese occupation; that the allegiance to the United States or the Government of the Philippine Islands was likewise suspended during the occupation; that allegiance to a sovereignty is conditioned upon the protection

given by it, and, inasmuch as it was suspended in these Islands during the occupation, the act of collaborating with the enemy did not constitute treason.

It would be a waste of time for us to take up those questions as they have already been decided adversely to the appellant in the cases of *Laurel vs. The Director of Prisons*, (77 Phil., 856, 44 Off. Gaz. [No. 4] 1176), and *People vs. Apolonio Carlos* (78 Phil., 535, 44 Off. Gaz. [No. 11], 4281).

In view of the foregoing, the decision appealed from is affirmed in all its parts, with costs against appellant. So ordered.

Moran, C. J., Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor and Reyes, JJ., concur.

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