

PEOPLE OF THE PHILIPPINES, COMPLAINANT-APPELLEE, VS. EPIFANIO DE LOS AMANTES, ACCUSED-APPELLANT.

G.R. No. L-5878. June 29, 1953

Ponente: JUGO, J.

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JUGO, J.:

Epifanio de los Amantes was accused of treason before the Court of First Instance of Davao. After trial, he was found guilty and sentenced to suffer twelve years and one day of reclusion temporal, to pay a fine of three thousand five hundred pesos without subsidiary imprisonment in case of insolvency and the costs. From this decision he appealed to the Court of Appeals but the latter court, believing that the penalty should be raised to life imprisonment, forwarded the case to this Court.

The appellant, Epifanio de los Amantes, a Filipino citizen, was frequently seen in the Japanese garrison in the City of Davao, attending investigations of guerrilla suspects. This privilege was accorded by the Japanese only to their Filipino helpers. He boasted of his connections with the enemy, accompanying them in their trips to confiscate firearms and arrest guerrillas.

Salvacion Buyco, Jose de Ocampo and Soledad Librando testified that during the Japanese occupation of the City of Davao, the accused gave information to the Japanese police of the activities and movements of the guerrillas who had their headquarters in Davao City and of those who were guerrilla sympathizers.

Soledad Librando and Fernando Apura testified that on March 6, 1944, at about 4:00 o'clock in the morning, the accused, armed with a revolver, accompanied five Japanese soldiers who carried rifles, in raiding the house of Fernando Apura. The Japanese interrogated the inmates as to how many times they had fed the guerrillas. After searching the house, the Japanese took Fernando Apura, Rafael Apura, and Soledad Librando to the barrio of Tibungco of Davao City. There these people were investigated with reference to the charge that they had been helping the guerrillas. Soledad Librando was released, but Rafael and Fernando Apura were conducted to the Japanese garrison in Davao City where Fernando was severely maltreated for persisting in denying any connection with the guerrillas. In this investigation and maltreatment the appellant was present. Fernando was detained in the garrison for twenty-five days. Rafael was also severely maltreated and nothing has been heard of him since then.

At about 5: o'clock in the afternoon of March 25, 1944, the accused went to the house of the couple Filemon Buyco and Salvacion Buyco in Uyangueren street, Davao City. He started a conversation with the spouses during the course of which he asked them whether they had a copy of the magazine of General McArthur, entitled "I Shall Return", which was then circulating in Davao City. The spouses denied any knowledge of said magazine or that they had a copy of it. At midnight of the same day, the accused, accompanied by three Japanese soldiers, returned to the house of Filemon and took him to the Japanese garrison. The following day, the Japanese soldiers again went to the house of Filemon and took the inmates to the Japanese barracks and there they were subjected to another investigation, at which the appellant was present. The Japanese told Salvacion that they had killed her

husband, because he was a leader of the guerrillas. Upon request of Salvacion, the corpse of her husband was transferred from the barracks to her house. Salvacion and others, in dressing the corpse, noticed signs of torture in the face.

It is believed that the judgment of the trial Judge who had the opportunity to appraise the situation should be affirmed, considering that the appellant did not directly torture or kill anybody.

IN VIEW OF THE FOREGOING, the judgment appealed from is affirmed with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Reyes and Bautista Angelo, JJ., concur.

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