

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
PIO ANULAT, DEFENDANT AND APPELLANT.***G.R. No. L-1225. December 17, 1947*

Ponente: HILADO, J.

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In a well considered decision the Fourth Division of the People's Court under date of November 12, 1946, convicted appellant Pio Anulat of the high crime of treason without any modifying circumstance, and imposed upon him the penalty of reclusion perpetua, with the accessories of the law, and a fine of P10,000, plus the costs of the action.

About midnight of July 8, 1943, appellant, a Filipino citizen, unexpectedly and in company with two Japanese soldiers in plain clothes, entered a building called "nepa" in Biñan, Laguna, where people who had access therein used to gamble. Each of the three carried a revolver. Upon entering the building, revolver in hand, appellant asked the crowd. "Is Amado de Ocampo here? Don't run all of you, or else you would be killed." Amado de Ocampo, who was there, in turn inquired: "Why will you apprehend me? I have not done anything wrong." To which appellant retorted: "You are needed by our captain in Garrison No. 2," making evident reference to the schoolhouse in the poblacion of Biñan, which was then being utilized as a Japanese garrison. Forthwith, appellant and his Japanese companions arrested Ocampo and took him away. Ocampo was a member of the local ROTC guerilla unit, and of him nothing has ever seen or heard again. These facts have been duly and beyond reasonable doubt established under count 1.

Under count 2, the evidence proves also beyond reasonable doubt that in the month of December, 1944, a unit of the Makapili was organized in Biñan, Laguna, among the purposes of which the prosecution in this case specifically points to the following: "\* \* \* to fight the common enemies side by side with \* \* \* Asians on any front of the present war;" "to collaborate unreservedly and unstintedly with the Imperial Japanese Army and Navy in the Philippines in such ways and means as may in the joint judgment of the Imperial Japanese Forces and the Association be deemed necessary and fruitful", and otherwise to give every possible moral, material and military aid to the enemy for the attainment of his victory in the last war. (See also Exhibit A-1.) Appellant was one of the organizers of that unit, the headquarters of which was located in the old municipal building. He was the head of that unit and was called "captain" by his men, who were mostly recruited from the different barrios of the municipality. He conducted their military drills and exercises, giving his commands in the Japanese language. Armed with a revolver, he was constantly in the company of Japanese soldiers, some of whom would visit the Makapili headquarters, or of other Makapili members, armed like him, going around confiscating foodstuffs and other supplies from the civilians. He lead and accompanied patrol units for the apprehension and arrest of guerrilla suspects, among whom were Segundo Pagtakhan, Martin Austria, Gaspar Peña, and Martin Castila. And when the arrival of the American liberation forces in Biñan became imminent, appellant, with other Makapili members, retreated with the Japanese forces to the mountains.

In view of the above facts, which the Fourth Division of the People's Court, whose members saw and heard the

witnesses for the prosecution as well as those for the defense testify, found to have been established beyond reasonable doubt, with full compliance with the two-witness rule as regards the overt acts, said court passed sentence as above mentioned.

The defense, in our opinion, has not succeeded in showing any error of fact or of law in the judgment appealed from, and we find none in the record.

Judgment affirmed, with costs. So ordered.

Moran, C.J., Feria, Pablo, Bengzon, and Tuason, JJ., concur.

**PARAS, J.:**

In the result. Appellant is co-responsible for the disappearance of Amado de Ocampo.

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**CONCURRING AND DISSENTING**

**PERFECTO, J.:**

We concur in the decision in so far as it finds appellant guilty of treason under count No. 1 of the information, for his intervention in the arrest of guerrilla Amado de Ocampo. His guilt under said count is enough under the law to justify the sentence of the lower court, which we affirm.

We are not, however, in a position to agree with the majority decision finding appellant guilty under count No. 2 of the information, as the evidence on record is not sufficient to prove, beyond all reasonable doubt, that he joined the Makapili in December, 1944, as one of the organizers thereof, and as to his retreating with the Japanese forces to the mountains upon arrival of the American forces of liberation, the only evidence on record is the hearsay testimony of one witness.

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