

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MATIAS ALMAZAN, DEFENDANT AND APPELLANT.

G. R. No. L-2323. January 09, 1951

Ponente: JUGO, J.

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JUGO, J.:

Matias Almazan was accused before the People's Court of the crime of treason on five counts. Count 5 was not deemed by the trial court specifically proved for lack of two witnesses to the overt acts, and the evidence on said count was considered only as proof of adhesion to the enemy. The appellant was found guilty on the first four counts and was sentenced to reclusion perpetua, with the accessory penalties of the law, to pay a fine of P10,000 and the costs. The defendant appealed to this Court.

The evidence for the prosecution established the following facts:

Count No. 1

The appellant was formerly a member of the subversive societies known as "Ganap" and "Sakdal." During the Japanese occupation, he became a member of the other society known as "Makabayang Kalipunan Ng Mga Pilipino" or "Makapili" for short. This association was founded under the auspices of the Japanese Imperial Army, its purpose having been to help the Japanese forces in their campaign against the United States and the Commonwealth of the Philippine Islands and to combat the guerrilla underground movement. The members of this society received military training from the Japanese and actually took part in the campaign against the resistance movement of the Fil-American forces. This charge was proved by documentary evidence and the testimony of numerous witnesses.

Count No. 2

On June 20, 1943, the appellant with one Marcelo Alatiit, accompanied several Japanese soldiers to the barrio of Malabar, Binan, Laguna, and there arrested three guerrilla suspects, named Gregorio Corrales, Macario Alzona, and Juan Romero, and took them to Calamba, Laguna, delivering them to the Japanese headquarters in that town. This is proved by the testimony of four witnesses.

Count No. 3

In the evening of August 9, 1943, the appellant Matias Almazan arrested in their house in barrio De la Paz, Binan, Laguna, Enrique Alcabasa and his sons Bernardo and Gregorio, who were members of the guerrilla corps under the command of Colonel Hugh Straughn and delivered them to the Japanese headquarters in Binan, where they were tortured by the Japanese, resulting in the death of Enrique two days afterward. This charge was proved by the testimony of Bernardo and Gregorio Alcabasa.

Count No. 4

In the month of November, 1943, at midnight, the appellant, armed, went with Marcelo Alatiit and a number of

Japanese soldiers to the barrio of Malaban, Binan, Laguna, and there arrested Felipe Capili, proceeding to the town of Siniloan where they apprehended three unknown Filipinos. All of these arrested persons were guerrilla suspects. They were surrendered by the defendant and his companions to the Japanese garrison in Calamba. This was proved by the testimony of Angeles Vicentina, Felipe Capili, and Valentin del Monte.

The appellant admitted that he was a Filipino citizen.

The appellant in his defense, although he admits his membership in the Ganap Party before the war, denies his affiliation with the Makapili. He denies having given aid or comfort to the enemy.

He admits that he was present when Corrales, Alzona, and Romero were arrested on June 20, 1943, but denies having had any participation in said arrest having been only a curious bystander.

He admits knowing Enrique Alcabasa, but says that he was even unaware that the latter had been arrested and learned of it only when he, the appellant, was arraigned.

The witness for the defense, Barsiliso Almazan, corroborating the defendant, testifies that he was present when Corrales, Alzona, and Romero were arrested, but the defendant Matias Almazan was not among those who arrested them.

Felix Kalayag, another witness for the defense, testifies that the appellant was not with the group that arrested Felipe Capili in November, 1943, and that the only civilian present on that occasion was the Japanese named Takama.

The membership of the appellant Matias Almazan in the Makapili association has been proved by the testimony of Angeles Vicentina, Pacifico Alzona, Bernardo Alcabasa, Marciano Gallo, Marcial Gomez, and Calixto Martina, who were barrio mates of the appellant and knew the latter well. They saw the appellant, fully armed when he was with the Japanese patrol on several occasions, and when he was drilled by the Japanese together with the members of the Makapili organization in Bifian. The appellant acted as a pro-Japanese and a leader of the Makapilis. The evidence is sufficient to establish the fact that he was an active member of the Makapili.

The contention of the appellant that he was a mere bystander when Corrales, Alzona, and Romero were arrested, is disproved by the testimony of Angeles Vicentina, Faustino Parao, Juan P. Romero, and Gregorio Corrales. There is no reason to believe that his own barrio mates would have testified against him if in fact he did not participate actively in the arrest of those persons. They had no motive to do so; Juana Amoranto and Barsiliso Almazan, who did not take part in the arrest, were not charged by said witnesses. The appellant himself admits that he had no quarrel with those witnesses.

The denial of the defendant that he took part in the arrest of Enrique Alcabasa and his sons Bernardo and Gregorio (Count No. 3) is disproved by the victims Bernardo and Gregorio Alcabasa. Enrique Alcabasa could not testify because he had been tortured to death by the Japanese.

With regard to the arrest of Capili (Count No. 4), the mere denial of the accused cannot prevail over the testimony of Angeles Vicentina, Valentin del Monte, and Felipe Capili himself, all of whom clearly identified the appellant as one of those who arrested Capili. The appellant says that Capili had a grudge against him because he refused to lend money to Capili at a gambling game. This alleged motive is insufficient to lead us to believe that for that reason Capili, the victim, testified falsely against him.

Furthermore, with regard to the respective credibility of the witnesses, we find no reason for disregarding the conclusions of the trial court; on the contrary, we find them fully supported by the evidence of record.

In view of the foregoing, the judgment appealed from is hereby affirmed, with costs against the appellant. It is

ordered.

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

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