

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CASIANO CARDEÑAS, DEFENDANT AND APPELLANT.

G.R. No. L-1570. December 29, 1950

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7d8900086801/>

BAUTISTA ANGELO, J.:

Casiano Cardeñas was charged with treason in a four-count information before the People's Court. He was found guilty of counts 2, 3 and 4 and was sentenced to suffer 14 years of *reclusión temporal*, to pay a fine of P5,000, and the costs. On appeal to the Court of Appeals, the latter certified the case to this Court on the ground that it involves the penalty of *reclusión perpetua* (sec. 17, Republic Act No. 296, Judiciary Act of 1948).

Count No. 2. The evidence shows that Casiano Cárdenas is a Filipino citizen. During the Japanese occupation he joined the Bureau of Constabulary, having been designated as sergeant of that organization. On September 13, 1943, while Fernando Brillantes and a messenger were going, to Mandalagan from the Headquarters of Major Pineda of a guerrilla unit they were met at Hacienda Conchita by a Japanese patrol. The messenger tried to escape but was shot dead by the Japanese. Brillantes was arrested and taken to Bacolod-Murcia Milling Company where he was hanged and beaten by the Japanese. On November 1, 1943, he was taken to the provincial jail of Bacolod and on November 24, 1943, he was investigated by the accused, who was then acting as special investigator, as to why he joined the guerrilla organization. During the investigation the accused threatened Brillantes with a revolver to make him reveal their guerrilla activities in the mountains intimating that even in ten years the Americans would not return to the Philippines. He urged him to surrender to the Japanese and join the Philippine Constabulary. Because of the adamant attitude of Brillantes he was confined for five months. These acts were testified to by Jose Palma and Fernando Brillantes.

The accused admitted having seen Fernando Brillantes in the provincial jail of Bacolod on the occasion of his torture by the Japanese so much so that he felt pity for him because he was his relative, but denied having investigated him as to his guerrilla activities. He contends that he cannot be held guilty of treason because "the mere act of enlisting in the Philippine Constabulary is not treasonable in line with the doctrine laid down by our Supreme Court in the case of *People vs. Gavino*." While this claim is correct we find however that this is not the only act committed by the accused. He was charged and proven to have acted as an investigator of the Japanese relative to the activities of those engaged in the resistance movement, a function obviously foreign to his duties as a member of the constabulary. By exercising this function he adhered and gave aid and comfort to the enemy.

Count No. 3. On January 21, 1943, Sgt. Jose Esquillo, Luis Cayao, Alfonso Ubalde and Eriberto Flores, who were all engaged in the resistance movement, went to the house of Domingo Gargaritano at Pulo, Bacolod, Occidental Negros, to ask for food. Shortly thereafter, Sergeant Esquillo ordered Ubalde and Flores to deliver a receipt for a carabao which they had sacrificed for the use of their unit to a certain civilian then residing at Hacienda Gonzaga. On their return trip Ubalde and Flores met a group of armed men headed by Casiano Cárdenas, the accused, who commanded the two to approach but instead Flores ran away. Forthwith, the accused ordered his companions to fire, and upon hearing the shots Ubalde also ran away and hid himself in a rice field where he was later overtaken

by a companion of the accused. The accused then approached Ubalde and said: "You are guerrillas. You are making trouble here at Hacienda Gonzaga." The accused tied Ubalde's hands behind his back and questioned him regarding his residence. At first Ubalde refused to answer but upon being threatened he revealed that he was living in the house of Domingo Gargaritano where his companions can be found. Meanwhile, Flores was able to return, and informed his companions of the occurrence, whereupon Sergeant Esquillo and his companions left the house of Gargaritano and hid in a nearby bamboo grove. After a while the accused and his companions arrived with Ubalde as their prisoner. The accused questioned Gargaritano regarding the whereabouts of Esquillo, Flores and Cayao but replied that they were unknown to him. So they searched the house, broke open a trunk and took therefrom jewelry, clothing and some spare parts of a bicycle, with a total value of P500. Afterwards, Gargaritano and his wife, together with Ubalde, were brought to the provincial jail of Bacolod, where the latter was investigated by the accused as to why he was with Esquillo and what was he doing at Pulo. He was also questioned as to the arms he and his companions were using. Believing that Ubalde was not telling the truth, the accused slapped him and put him in jail for more than two months. Gargaritano was detained for twenty days but his wife was released. These facts were testified to by Alfonso Ubalde, Luis Cayao, Domingo Gargaritano and Expectación Guanzon.

The accused admitted having apprehended Alfonso Ubalde on January 21, 1943 under the circumstances narrated by the latter and having gone with his companions to the house of Domingo Gargaritano on the same day looking for the whereabouts of Sergeant Esquillo and his companions. He also admitted having arrested Gargaritano and his wife when they denied having knowledge of them. He likewise admitted, having searched the house of Gargaritano looking for firearms but he said that they only found empty cans of salmon, milk and sardines and did not see any other articles. He claimed however that the motive why he apprehended those persons was not because they were suspected of being engaged in the resistance movement but because he suspected them of being cattle rustlers. And to corroborate him he presented the testimony of Bernardino Yanzon, Jose Benares and Edmundo Cardenas, son of the accused. As regards the relative weight of the evidence of both parties, the trial court makes the following findings:

"Después de examinar cuidadosamente las pruebas aportadas por ambas partes en relación con el cargo que estamos considerando, estamos convencidos de que la versión dada por los testigos del gobierno de que el móvil del acusado al ordenar la captura de Alfonso Ubalde, al constituirse a la casa de Domingo Gargaritano y de lo que hicieron después en dicha casa, es más digna de crédito que las pruebas aportadas por la defensa. En el fondo, dichos testigos de la prosecución coincidieron en sus respectivos testimonios sobre hechos claros y verosímiles que podían haberlos visto y conocido bajo las circunstancias que habían relatado. Además, no se ha demostrado y ni siquiera se había sugerido que dichos testigos eran parciales y que tenían motivo para faltar a la verdad, y bajo este supuesto, a sus respectivos testimonios se le debe de dar el valor probatorio que se merecen. Sostenemos, pues, que el Cargo No. 3 de la querella enmendada está claramente probado." (Decision of the People's Court, page 9.)

We have carefully examined the evidence of record, but we have not found any fact or circumstance which would justify this Court to disturb the above findings of the court a quo. We are satisfied that the accused has committed the acts imputed to him which show that he really gave aid and comfort to the enemy.

Count No. 4. On July 2, 1944, a constabulary patrol headed by the accused went to Barrio Cango, Bacolod and while there they saw several persons under a house acting suspiciously. Upon seeing the soldiers they ran away and one of them hid some papers among pieces of firewood that were deposited under the house. That person was Florentino Camacho. The accused arrested him and seized the papers that he had hidden which turned out to be connected with some guerrilla forces. When Camacho was investigated he admitted that while it was true that he was a USAFFE soldier in 1942 he has however already-ceased to be. Camacho was then taken to the provincial

jail of Bacolod where he was again investigated by the accused as to his guerrilla activities. He took down his affidavit and was later released.

The accused tried to prove that he and his companions went on patrol as testified to by the witnesses for the prosecution for the sole purpose of looking for one Jose Ati who was denounced by Pedro Turquedo as having stolen two of his carabaos and that the arrest of Florentino Camacho was merely casual. He said that if his purpose was to apprehend Camacho because of his guerrilla activities he should have surrendered him to the Kempei Tai considering the papers found in his possession. But this claim cannot be sustained in the light of the evidence. It appears that the arrest of Camacho was due to the suspicion that he was a guerrilla as shown by the papers found in his possession so much so that soon after his arrival in Bacolod the accused reported his findings to his chief making a detailed statement of said documents which reveal his connection with some guerrilla officers. It is true that several days after Camacho's arrest he was released but this is due to the intercession made by Alfredo Tambasen, a friend of the accused, who intimated to the latter that if he would press action against Camacho his brother (of Tambasen) might be implicated. We are satisfied that the evidence on hand clearly establishes the acts imputed to the accused.

Counsel also contends that the counts under which the accused was found guilty come under the provisions of Proclamation No. 51 granting amnesty to some persons accused of collaboration with the enemy. But we find that the overt acts committed by the accused do not have any political color but come within the exceptions provided for in the proclamation. Said acts prove that he gave aid and comfort to the enemy in an effort to suppress the resistance movement in the Philippines, which are excepted therefrom. The contention that the decision appealed from should be set aside because the law creating the People's Court is unconstitutional is also unmeritorious, because its constitutionality has already been upheld by this Court in the case of *People vs. Carlos* (44 Off. Gaz., 4281; 78 Phil., 535).

The Solicitor General recommends that the penalty of *reclusión perpetua* be imposed. The acts committed by the accused are not so serious as to warrant the imposition of this penalty. They do not involve any killing or death or any serious torture. We have had occasion to express the view that in treason cases the penalty to be imposed should not be gauged by the concurrent circumstances but by the nature of the acts committed. (*People vs. Caña*, L-1673, promulgated on November 10, 1950; *supra*, p. 577.) Following that view we believe that the penalty imposed by the People's Court is reasonable.

Wherefore, the decision appealed from is affirmed, with costs against the appellant. So ordered.

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

MORAN, C.J.:

Mr. Justice Paras and Mr. Justice Feria voted for affirmance.

Judgment affirmed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.