

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ALFREDO CORPUZ, DEFENDANT AND APPELLANT.

G.R. No. L-4446. June 30, 1953

Ponente: BENGZON, J.

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BENGZON, J.:

An amended information in the court of Ilocos Norte charged Alfredo Corpuz with treason enumerated in six counts. After a regular trial, he was found guilty of two counts, and sentenced to reclusion perpetua, with accessories, and to pay a fine of P10,000 plus costs. He appealed.

As to count 4, the record shows that in the afternoon of January 30, 1945 two trucks loaded with Japanese soldiers arrived at Barrio #54 Laoag, Ilocos Norte. The military men were accompanied by the accused Alfredo Corpuz, then a member of the Constabulary, and his brother Jose. The people ran to their shelters or hiding places, knowing that the Corpuzes didn't like them for favoring the guerrillas, whom the brothers connected with the kidnapping of their mother, sister, and nephews.

Alighting from the trucks, the military men proceeded to burn the houses of the locality, after carting away some palay of the barrio. In this they were assisted by Alredo and his brother.

Destroyed were the dwellings of Benita Galacion, Andres Damaso, Eustaquio Ramos, Lorenzo Guillermo, Rufina Alejandro, Urbano Miguel, Alejandro Ramos, Ignacia Domingo and Rosalia Albano. The last three declared in court about the enemy's visitation and looting and the accused's participation therein. (By the way Jose Corpuz is charged in another case.)

As to count No. 5, Simon de la Cruz, Petronilo de la Cruz and Teodora Fermin testified to the following facts:

Early in the afternoon of January 30, 1945 Alfredo Corpuz and his brother Jose went to Barrio #28 and stopped in front of the house of Simon de la Cruz. Some Japanese soldiers accompanied them, but the latter remained on the street. On suspicion of sympathy with the resistance movement, Simon was taken by the company to the Japanese Military Police Headquarters in Laoag, where he was maltreated, by hanging upside down and beating.

That same afternoon and on the same occassion, Mariano Burgos and Petronilo de la Cruz, guerrilla sympathizers of Barrio #29, were rounded up and brought, together with Simon, to the same Police Headquarters in Laoag. Petronilo was tortured there by the Corpuzes and was beaten with a batibot chair, because he refused to give information about the disappearance of their mother and sisters, captured by the guerillas. Mariano Burgos was found with stab wounds the next day.

The defendant testified that when the Japanese invaded the Ilocos he was arrested, tortured, and then "forced" to join the Constabulary. He denied having taken part in the looting and raid in barrios #54, #29 and #28, declaring simply that he was taken by the Japanese in November 1944 and kept in prison until January 1945 when he was compelled to be their "cargador" during their retreat from the American forces of liberation.

His witnesses would prove that: advised of the disappearance of his mother and sisters, Jose Corpuz complained to the Japanese; the latter sent soldiers to barrio #54 in two trucks; failing to find the missing persons, and probably suspecting the barrio people, the Japanese started burning the houses; however Jose and Alfredo were not there.

We find that Alfredo's alleged imprisonment and alibi was contradicted by Rosalia Albano who swore to having seen him attending gatherings during January and February 1945.

And the persons who declared he had taken part in the looting, and the apprehension of Mariano Burgos and the De la Cruzes, had no unworthy motives to falsify.

There is no doubt in our minds that the raid and destruction in Barrio 54 was due to the suspicion of Alfredo and Jose Corpuz that the owners of the burned houses together with the other barrio people had helped the guerrillas, who were responsible for the kidnapping of their mother, sisters and nephews. The depredation in effect tended to weaken the resistance movement by terrorizing those suspected of connections with the guerrillas. It may be admitted that the accused and Jose acted partly in revenge for the disappearance of their near relatives. But they went much further, and gave vent to their resentment against the whole guerrilla outfit with the willing assistance of the Japanese. Therein they violated the laws of treason, because they joined hands with the invaders in harassing and suppressing the underground resistance movement.

Perhaps there is some ground to doubt that the connection of the guerrillas with the disappearance of defendant's relatives was a mere imputation, a convenient smokescreen, concocted by appellant and his brother to justify in some measure their active participation in the Japanese operations against the guerrillas and their sympathizers.

There being no question that Alfredo Corpuz was and is a Filipino citizen, the verdict of guilt must necessarily be upheld. And as the penalty imposed on him does not exceed the limits prescribed by law, (Art. 114, Revised Penal Code) the appealed judgment is hereby affirmed with costs. No ordered.

Paras, C. J., Pablo, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.
Feria and Reyes, JJ., no part.

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