

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MARCELO ALMAZORA, DEFENDANT AND APPELLANT.

G. R. No. L-2959. May 28, 1951

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/85cdf33a2931/>

MONTEMAYOR, J.:

The appellant in the present case and the defendant-appellant in the case of *People vs. Alejandro Almazora*, G. R. No. L-2954, promulgated November 16, 1950, were brothers, both tried for and convicted of treason by the same Court of First Instance of Laguna in the mass trial. The penalty imposed by the trial court in the case of Alejandro Almazora was only fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, and in order to explain why the appeal in said case was decided directly by this Court, we had the following to say:

"This is one of several treason cases originally filed in the People's Court but which, with the abolition of said Tribunal, were subsequently indorsed to the Court of First Instance of Laguna where the Acts of treason charged were allegedly committed. The appellant Alejandro Almazora was found guilty and sentenced by the Court of First Instance of Laguna to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal with the accessory penalties provided by law, and to pay a fine of P5,000, with costs. Half of the period of his provisional imprisonment was credited to him.

"Because of the nature of the penalty imposed, the appeal should ordinarily go to the Court of Appeals. Appellant Alejandro Almazora however, was tried with several treason indictees in a mass trial applies under different and separate indictments. The evidence presented during the mass trial applies to all the treason defendants including the appellant. What is more, the acts of treason charged against the several accused were supposed to have been committed on or about the same time or occasion. At least one of those defendants was sentenced to reclusion perpetua and his appeal including the record of the evidence naturally came to this Tribunal. That is the reason why the appeal of Alejandro Almazora also found its way to this Court, under the provisions of Section 17 of Republic Act 296 otherwise known as the Judiciary Act of 1948."

Marcelo Almazora, appellant in the present case, was also sentenced to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal by the trial court and his appeal is being decided directly by us for the same reasons stated in that part of the decision in the case of his brother Alejandro Almazora above-quoted. Hence, the quotation for purposes of explanation.

Appellant Marcelo was charged under six (6) counts, was found guilty of treason under counts 1, 3 and 4, and as already stated, was sentenced to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal with the accessories of the law, to pay a fine of P5,000, plus costs. As correctly stated by the trial court, appellant admitted in open court that he was a Filipino citizen at the time that the several acts of treason imputed to him were committed.

Under count 1, it has been established through the testimony of several witnesses that the defendant joined and served in the organization "Makabayang Katipunan Ng Mga Filipino" otherwise known as the Makapili, a chapter of which, was organized in the town of Calauan, Laguna, by one Proceso Delgado, sometime in December, 1944;

that Marcelo together with some members of that organization, including his brother Alejandro Almazora,' armed with rifles, used to accompany Japanese soldiers in raids against guerrillas and guerrilla suspects, and that on several occasions the appellant and his companions who were acting as spies and informers for the Japanese forces actually arrested said guerrilla suspects, thereafter turning them over to the Japanese. The trial court although it found the appellant guilty under this count, nevertheless held that the evidence regarding his affiliation with the Makapili organization was not sufficient because it was based merely on the observation of several prosecution witnesses. In this, we believe the lower court committed error. We repeat what we said in the case of Alejandro Almazora, *supra*, where we also found him to have joined the Makapili organization, regarding the sufficiency of evidence to establish that charge:

"* * * In the case of *People vs. Alitagtag*, G. R. No. 1[^]924; August 80, 1947, we have held that appointment to enemy forces need not be proven by any enlistment or appointment, but may be inferred from circumstances. We are satisfied that from the acts of the accused in being seen frequently at the headquarters of the Makapili organization at Calauan, associating with well-known Makapili members, joining them in their raids against the guerrillas either by themselves or in company with Japanese soldiers, being armed with a rifle like the other Makapili members and otherwise conducting himself like any other member of that military organization, we can infer and find as we do find that he joined the Makapili organization."

Under count 3, two witnesses testified. Matias Mendoza declared in court that as a member of the guerilla organization he was ordered by his officer to go to the poblacion of Calauan on December 23, 1944, to observe the movement of the enemy; that to cloak his presence in the town he entered a movie house, but while there he was arrested by a group of armed Makapilis, including the appellant and his brother Alejandro. On the way to the Japanese garrison he witnessed the arrest of Norberto Ongkiatco by the same group of Makapilis; that he and Ongkiatco were taken to Makalauang Spring, then being used as a Japanese garrison, and that there they were investigated by the persons who arrested them and that after five days of confinement he was released.

Ongkiatco in his testimony said that he was a member of the ROTC guerrillas; that he was arrested on December 23, 1944 by the same group of Makapilis described by Mendoza, including the appellant, and that the two of them were taken to the Makalauang Spring where they were investigated and tortured by one of the Makapilis named Proceso Delgado; that as a result of this torture practised upon him, he lost some of his teeth and one of his ribs was fractured, and that after a week's confinement he was released.

Under count 4, Aurora Azucena testified to the effect that on January 15, 1945, a group of Makapilis, one of whom was the appellant, all armed with rifles and accompanied by Japanese soldiers went to the barrio of San Isidro, Calauan; that one of the Makapilis named Proceso Delgado ordered her husband Andres Ramos to come down from their house, .and that upon coming down Delgado immediately struck him on the back of his head with the butt of his revolver, inflicting a wound; that Andres Ramos was taken away by them and was never heard from thereafter.

Crispin Aniceta, another witness told the court that on the same day and occasion he was also arrested by the same raiding party that arrested Andres Ramos, the group including the appellant being armed with rifles; that the two of them, Ramos and himself, including other barrio residents who had likewise been arrested were taken to the convent in the pobiaci&n of Calauan, then occupied by the Makapilis and their families; that after some investigation, he (Crispin) was released but that Andres Ramos was retained in the convent and was never heard from up to the date of the trial.

We have carefully examined the evidence and we agree with the trial court that the guilt of the accused under the three counts already mentioned have been established beyond reasonable doubt.

In his defense appellant denied the acts of treason imputed to him. Together with his witness Godofredo Mercado, he tried to convince the trial court that on December 23, 1944, when Ongkiatco and Mendoza were arrested, he was in Bay, Laguna, delivering coconuts, having left Calauan at about four o'clock in the morning, returning to that town only late in the afternoon. He also said that on January 15, 1945, when Andres Ramos and Crispin Aniceta were arrested, he was in the Catholic convent of Calauan, and that he could not therefore have taken part in the arrest of those two persons. The trial court correctly rejected this defense of alibi, and we quote with favor the observation of that trial court on this point:

"The defense put up by the accused merits no consideration. He limited himself to deny all and every one of the charges against him, and took refuge in the expeditious claim that, at the time of the arrest of the persons, in which he is charged with having taken part, he was somewhere else. The defense of alibi, unless supported by positive and convincing proof by reliable, trustworthy and unbiased witnesses, is not acceptable in our Courts. The claim that the witnesses for the prosecution testified against the accused, because they had a grudge against his father, for being a Sakdal, and that, because his father was dead, they turned over their grudge against him, is childish, to say the least."

Finding no reversible error in the decision appealed from, the same is hereby affirmed, with costs.

Paras, C. J., Feria, Pablo, Bengzon, Tuason and Jugo, JJ., concur.

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.