

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PATRICIO ROSAS, DEFENDANT AND APPELLANT.***G. R. No. L-2958. March 16, 1951*

Ponente: TUASON, J.

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Patricio Rosas, the appellant at bar, was prosecuted for treason upon eight counts but was found guilty on Counts 1, 3 and 5 only, for which he was sentenced to life imprisonment, with the accessory penalties of the law, and to pay a fine of P10,000 and costs. These three counts may still be reduced to one. Counts 1 and 3 are general allegations of the same overt acts averred in count 5, except as to the charge of looting and arson, which is laid in count 3 but not in count 5. Counts 1 and 3 charged that the appellant was an agent and informer for the Japanese and a Makapili and, as such informer and Makapili, accompanied Japanese troops and participated in raids, patrols, arrests and apprehensions, looting and arson. Of the same tenor, except as to one point, noted above, and more specific is count 5 which reads as follows:

"On or about December 17, 1944, in the municipality of Calauan, Province of Laguna, the herein accused, with the help of a group of armed Japanese soldiers and Makapilis, who accompanying him, afforded him impunity, actually took part in the apprehensions and arrests of Felipe Rivera, Francisco Lalongiaip, Agapito Lalongisip, Agapito Areda, Placido Flores, Ruperto Dimasapit and Facundo Imperial, persons suspected of being guerrillas, and who on the strength of said suspicion, were taken to the Japanese garrison of the said locality and therein confined, tortured and then killed.

Two witnesses, Dionisia Igamin and Maria Empalmado, testified on this count, the rest of the prosecution witnesses' testimony having reference to counts 1 and 3.

Dionisia Igamin and Maria Empalmado testified that on December 17, 1944, the appellant, with Proceso Delgado, Ambrosio Delgado, other Filipinos and Japanese troops, arrested Facundo Imperial, Felipe Rivera, Agapito Lalongisip, Francisco Lalongisip, Agapito Areda, Placido Flores, Ruperto Dimasapit, and Dionisia Igamin's husband, Silvino Baldolin, for being guerrillas, and bound their hands or arms and herded them in front of one Jose Mapulong's house whence they were marched to town; that before leaving the barrio, the members of the raiding party, one of them Rosas, set fire to several houses belonging to the prisoners; and that after December 17 those persons had never been seen or heard of. They also declared that the appellant and his Filipino and Japanese companions were armed with pistols or rifles.

The defendant was the lone witness on his behalf. He denied affiliation with the Makapili or participation in the raids, arrests and arson mentioned by the witnesses for the prosecution. He admitted having witnessed those events but claimed that he was a mere bystander, being himself, he said, under the custody of the Japanese. He stated that prior to December, 1944, he had been arrested by Japanese soldiers on suspicion of being a guerrilla, and that on the day in question, December 17, 1944, he was taken by his captors to the electric plant to find out the cause of the plant's unsatisfactory service and to warn its owners that they would be held accountable if the service was not improved. It was on their way from the electric plant, he said, that he saw the arrests, etc. in

Prensa.

The court branded this testimony as childish and ridiculous and refused to give it any credence. This is our opinion also.

The evidence on the charge that the appellant was a Makapili has not been proved by the requisite two-witness rule. The witnesses have not corroborated each other on the material points of this feature of the accusation. The trial judge himself states that the evidence presented to show that the defendant joined and enlisted in the Makapili organization "falls short, strictly speaking, of the necessary legal requirement." Nevertheless, the testimony is valid and sufficient proof of adherence to the enemy.

Taken by and large, the trial court's findings and judgment are in accordance with law and the evidence, and the sentence is affirmed with costs.

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

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