

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FAUSTO AVILA (ALIAS FAUSTINO M. AVILA), DEFENDANT AND APPELLANT.

G.R. No. L-944. May 26, 1949

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8bb831e69cac/>

BENGZON, J.:

The fifth division of the People's Court, declaring that defendant Fausto Avila was a traitor, sentenced him to life imprisonment and to pay a fine of twenty thousand pesos, plus costs.

Before the Pacific War, Avila was a policeman of Dumaguete, Oriental Negros. During the Japanese occupation he continued in his post until he was assigned, as sergeant, to the provincial guard service under Governor Villanueva in a division named "Public Opinion Office" headed by Teodorico Lajato. The division sought information about the activities of the guerrillas in the locality, and was publicly known as Japanese spy corps. Avila did the work, went to different parts of the province and imparted all the intelligence he obtained to his immediate superior Lajato, who in turn transmitted it to the Kempei Tai (Japanese Military Police). He even led Japanese soldiers in the apprehension of such of his countrymen as were suspected of guerrilla connections or were known to be members of the resistance movement. For instances:

- On March 7, 1944, four Japanese in civilian clothes guided by Avila arrested Socorro Cariño in his house on Santa Catalina Street, Dumaguete. From there the party again led by Avila, proceeded to the residence of Jose Patrimonio and arrested the latter. Both these persons, guerrilla operatives, were marched to the Japanese garrison (Kibitai) where torture was their lot. They were additionally tied to a post one whole night. Luckily they were released five days later.

- In the early part of the same month, one evening at about ten o'clock two Japanese soldiers picked Marcelino Gallardo and his brother Jose from their house in the poblacion of Dumaguete. On the street in front of their home the Gallardos saw Avila in the company of other soldiers of the raiding party, his face half-covered with a handkerchief. The brothers were questioned about their guerrilla connections. Marcelino was at that time serving as garden inspector, but actually he was a guerrilla under Major Galvez. He successfully denied any "subversive activities" and both were allowed to go home.

- Again on March 17, 1944, a Japanese soldier fetched Tomas Arrieta from the hospital of Dumaguete and brought him to a waiting car where Avila, armed with a revolver, was sitting beside the Japanese driver. When Avila saw the captive and said "okay" Arrieta was hauled into the conveyance, which after picking Socorro Cariño (for the second time) proceeded to the Kibitai (Silliman Hall, Silliman University Campus). There Arrieta was grilled about his friends in the mountains (guerrillas) and the whereabouts of Pepe Martinez, member of the Provincial Board. Cariño was particularly questioned about a letter from Major Iluminado; but after eleven days of punishment he was freed through the intervention of Mayor Perdices of the town.

- In the latter part of October 1944, Fausto Avila, Teodorico Lajato and other members of their circle of informers

arrested Angeles Catan at sitio Ubos, Dumaguete, and took him to the aforesaid Japanese garrison. Since that time Catan was never heard of.

- One morning of December 1943, Fausto Avila who was then armed with a revolver apprehended Alfredo Marino on San Jose Street, Dumaguete. Marino who was a "runner" i.e. messenger of the guerrillas, under Captain Ridad, had reportedly killed a Japanese undercover. With constabulary men and Japanese soldiers he escorted Marino whose hands were tied behind his back to the head-quarters. The prisoner never returned alive.

During the trial of this case in Dumaguete the accused proved to be the only witness for the defense. He denied having been a spy. He admitted having worked under Lajato and having taken part in the apprehension of Angeles Catan; but he claimed that prisoner had been placed in charge of Lajato. He said he accompanied the Japanese that arrested Tomas Arrieta and Socorro Cariño; however he asserted he had been ordered by the governor to do so.

There is no doubt in our minds that this appellant was a Japanese informer. So many persons have known him as such that his mere denial is unavailing. One of them, Calixta Serna was brazenly invited by him and Lajato to join their spy organization. As to the alleged order to accompany the Japanese, he was not corroborated; and if it were true, there is no reason why the arrested persons should indicate him as the leader of the party. Above all, he failed to explain his participation in the capture of Marcelino Gallardo, Jose Patrimonio and Alfredo Marino, all of them guerrilla operatives, resulting in the death of the last.

It is therefore established beyond reasonable doubt that appellant Fausto Avila voluntarily gathered information about the underground forces, imparted it to the Japanese and effectively helped the latter in the arrest of several guerrilleros, arrest that resulted in the liquidation of two secret operatives (Catan and Marino) of the resistance movement. He was consequently guilty of treason. Inasmuch as the penalty imposed on him by the trial court is in accordance with law (Art. 114 Revised Penal Code) the appealed judgment is hereby affirmed, with costs. So ordered.

Moran, C. J., Ozaeta, Paras, Feria, Pablo, Perfecto, Tuason, Montemayor, and Reyes, JJ., concur.

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.