

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. EXEQUIEL LACANLALE, DEFENDANT AND APPELLANT.

G.R. No. L-1838. January 07, 1949

Ponente: TUASON, J.

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TUASON, J.:

Exequiel Lacanlale was prosecuted in the People's Court, charged with treason on eight counts. The prosecution introduced evidence only on the first four counts the rest having been abandoned. The trial court pronounced the defendant guilty and sentenced him to reclusion perpetua with the accessory penalties and to pay a fine of P10,000 and the costs.

The four charges which were pushed through are to the effect that during the Japanese Military occupation, in the province of Pampanga, the accused served as agent of the Imperial Japanese Forces, and that on or about March 22, 1944, in the municipality of Arayat, Province of Pampanga, he arrested Capt. Jose M. Tinio, Filemon Pascual and Nicolas Dizon for being guerrillas or for guerrilla activities and maltreated the prisoners.

These charges have been substantiated by the testimony of two or more eye-witnesses. Other overt acts of the same character have also been established. Although the latter acts are not averred in the information, they are nonetheless material as proofs of adherence to the enemy and help to rebut the appellant's defense that his collaboration was a sham.

Following are the salient points in the evidence against the appellant:

On March 22, 1944, Japanese troops with the accused, who was carrying a cowhide, picked up at their homes about fifteen residents of itrayat and marched them to the local Japanese headquarters. Jose M. Tinio was one of the persons arrested. Addressing him "You," the accused asked him if he knew Jose Nuguid. When he said he did not, the defendant twice punched him with the hard end of his strap on the stomach. Lacanlale gave the prisoners a lecture and said that the good Lacanlale was dead but the bad Lacanlale was alive. The accused left after the lecture but soon came back, held Escolastico Salak, one of the prisoners, by the hair and knocked Salak's head against the concrete wall. Then he kicked Salak with the toes of his shoes on the stomach. Salak reeled on the floor and, as he was aprawled writhing in pain, the accused stepped on his breast with all his weight. Later, he stepped on Salak's neck and kicked him on the lips. Salak moved to the side of the wall and leaned against it whimpering and groaning. The accused left but afterward returned and asked Salak if he had enough. Salak did not answer and the accused held Salak's fingers and sarcastically said that they were nice fingers, good for pulling gun triggers. Then the accused told Salak to put his forefinger flat on the floor and knocked it twice with the butt of his .45-caliber pistol, smashing it. From Salak, the accused turned his attention to Captain Tinio and whacked the latter on the head.

Filemon Pascual, another prisoner was hit by the accused with his whip.

Leon Ramirez, also a prisoner, received a strong blow on the chest from Lacanlale.

Nicolas Dizon on being seized from his house greeted Lacanlale with "Good morning, Mr. Lacanlale". Defendant answered, "What good morning", squeezed Dizon's neck, and struck him with his cowhide or a piece of guava wood in the stomach and on the back, knocking him down.

Romeo Espino was "jiu-jitsued" by Lacanlale. Before Espino was brutally tortured by the Japanese the accused asked him if he knew Casto Alejandrino and when he said no, the accused told him that he had better tell the truth or he, the accused, would kill him.

On February 8, 1944, the Japanese with the accused, herded about 200 people to the chapel in barrio Lamit. Lacanlale read a list of persons who were wanted. Three of these persons were in the chapels. These three were taken out by Lacanlale and no one knew what happened to them except that their cries were heard. Later, Lacanlale came back to the chapel and picked out eight more people, whom he likewise took outside. Only three of the eleven victims were seen alive after that.

The appellant's brief does not dispute the truth of the foregoing facts but alleges that his collaboration was a mere front used to help the guerrillas. He has made only one assignment of error which is confined to the discussion of his motives.

The accused has not adduced reliable evidence to prove his alleged connection with the underground. His evidence comprises the testimony of two witnesses both of whom are his townmates.

Querubin D. Basilio, then a captain in the United States Army, stated that the defendant was a co-organizer of a guerrilla unit, according to his information. And Marcelino Bustos testified that the accused was a sergeant in the Luzon Guerrilla Forces in 1942; that the said accused was arrested by Japanese in Manila, whereupon he (witness), on instruction of one guerrilla Captain Hernandez, contacted the defendant and told him to remain with the Japanese. He further said that in 1943, after the defendant had been captured, the witness and others would have been caught in a cockpit by Japanese troops had not the defendant informed them, through the occupation mayor's brother, that the Japanese were coming to search them; and that in 1944 many people suspected as guerrillas were arrested but through the help of Lacanlale were released.

Basilio's testimony is hearsay. And no tangible evidence has been presented to corroborate Bustos'. The defendant's membership in the guerrilla forces, if it had existed, could have been proven in a more substantial manner by the testimony of more trustworthy witnesses possessing a neutral and disinterested background. Assuming Bustos' veracity, his testimony does not preclude the hypothesis that the appellant shifted his allegiance, and with a vengeance. The defendant himself announced to the prisoners that he was no longer the good, loyal Lacanlale they had known.

For the rest, the defendant's alleged saving of some of his townmates from arrest and obtaining the release of others are too trivial to counteract the treasonous inferences deducible from his excesses. His overbearing behaviour and barbarism do not square with his professed purpose of fraternizing with the Japanese to elicit secret informations from them. His brutalities only exposed too clearly an all-out, unconcealed loyalty to his masters who must have derived no little comfort and satisfaction from his assistance. He set about his task in a workmanlike fashion and displayed manifest enthusiasm and seeming pride in his diabolical performance. His aggressiveness and impetuosity had earned for him the unsavory sobriquet "Dumog". Persistent and long-continued tortures and killings of guerrillas and guerrilla suspects do not tie up with the plea that he was in secret league with a guerrilla organization. There were patriotic people who feigned collaboration with the invaders as a mask for a great cause, but we heard of no one who had to use as trappings fearful beatings and murders of the very people whose cause he pretended to advance.

In fine, the net results of defendant's showing of his "lofty" efforts and adventures were agonies and deaths. He cannot get away with these treasonous crimes by the simple expedient of seeking refuge behind lip patriotism in the hours of reckoning.

We are satisfied beyond reasonable doubt that the appellant is guilty of treason as charged. The judgment appealed from is therefore affirmed with costs against the appellant.

Moran, C.J., Paras, Feria, Pablo, Perfecto, and Bengzon, JJ., concur.

MORAN, C. J.:

I certify that Mr. Justice Briones voted for the affirmance of the judgment.

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