

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PIO SORIQUEZ, DEFENDANT-APPELLANT.

G.R. No. L-3096. March 03, 1950

Ponente: OZAETA, J.

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OZAETA, J.:

Pio Soriquez appeals from the sentence of cadena perpetua (sic) and a fine of P10,000 imposed upon him by Judge Eusebio F. Ramos of the Court of First Instance of Mindoro for the crime of treason alleged to have been committed on or about January 22-23, 1945, by adhering to the enemy in that in company with Japanese soldiers he conducted and carried out a raid in search of guerrillas in the municipality of Calapan, Mindoro, as a result of which two Chinese and two Filipinos named Diosdado Ignacio and Manuel Bonilla were arrested and taken to the Japanese headquarters, where they were maltreated and tortured by the Japanese, as a result of which they were killed with the exception of Manuel Bonilla, who was seriously injured.

The main evidence for the prosecution consists of the testimony of Manuel Bonilla and one Rodrigo Echague. The former testified in substance as follows:

About 3 o'clock in the morning of January 23, 1945, I was in the house of my uncle Diosdado Ignacio in Calapan, Mindoro, when about twenty Japanese soldiers arrived there. My uncle heard somebody knocking at the door downstairs. He went down and I peeped thru the window and saw the accused pointing towards the right side of the house; "probably he was pointing or indicating the room of Rodolfo Ignacio." Rodolfo is the son of Diosdado Ignacio. After a few minutes Japanese soldiers came upstairs and asked me where Doctor Ignacio was, but without waiting for my answer they proceeded to the room of Doctor Ignacio, bringing me with them. Dr. Rodolfo Ignacio was not there. The Japanese soldiers ordered me to open the aparador, but I told them that I did not have the key and they did not insist. They took me to the garrison. When I got down the accused was at one side of the road, and when he saw me he turned his back.

The rest of the direct testimony of this witness does not concern the accused but refers only to the maltreatment and silling by the Japanese of their captives at the garrison, where the accused was not present. On cross-examination said witness declared that the accused was wearing a white shirt, khaki pants, and wooden shoes, with/hat, on the night in question.

The other witness, Rodrigo Echague, testified in substance as follows:

About 3 a.m. on January 23, 1945, I was in a mahjong party in the house of Mr. Agay. After playing mahjong I went home, and on my way I saw Pio Soriquez with Japanese soldiers at the corner of that small road, going to the house of Doctor Ignacio. I saw the Japanese knocking at the door of the house of Doctor Ignacio, and at that time the accused was at the corner of the road pointing the house of Doctor Ignacio where the latter was then living. I saw around ten Japanese soldiers who opened the door and went up the house, and I saw the

Japanese go down with Doctor Ignacio with them. They took Doctor Ignacio to the garrison.

The prosecution tried to strengthen the testimony of the two above-named witnesses by calling Francisco Infantado as a third witness. This witness testified that on or about January 10, 1945, he met a Japanese captain named Todosomi who asked him where the house of Pio Soriquez was and who referred to Pio Soriquez as "our spy". On cross-examination he testified that he had not seen any activity of Pio Soriquez that could convince him that he was a spy. "Once when I was playing mahjong in the house of Mr. Agay, Mr. Pio Soriquez was also there and he was telling everybody there about the victory of the Americans in the different battles, and I was telling them that the Americans will be coming as per information from the guerrillas, but Mr. Pio Soriquez did not report that to the Japanese. I was a member of the underground movement and everybody in Calapan knew of my activities at that time."

We find such evidence for the prosecution not sufficient to prove the guilt of the accused beyond reasonable doubt, specially if we take into consideration the testimony of the accused and his witnesses, which shows: That the accused had a son named Jose Soriquez and a brother named Maximino Soriquez, both of whom were guerrillas; that on the night in question the Japanese soldiers raided the house of the accused and arrested the latter in order to compel him to show the whereabouts of his brother Maximino Soriquez; that when the Japanese raided the house of Diosdado Ignacio, it was true that he was with them because he was under arrest by the Japanese; that he did not point to the house of Diosdado Ignacio; and that he was never a Japanese spy.

The evidence shows that the raid in question was made by the Japanese on the eve of the landing of the Americans in Calapan. The very accusation that the accused acted as a spy for the Japanese on one single occasion, and that on the eve of the landing of the Americans, was in itself unusual. If the accused was really a spy of the Japanese, the prosecution ought to have been able to allege and prove that he acted as such spy on occasions long previous to the landing of the Americans in Calapan. The fact that on the night in question the accused was not carrying any firearm but was wearing only wooden shoes, white shirt, and khaki pants, lends credibility to his testimony that he was with the Japanese soldiers at that time because he had been forcibly taken by them from his house to show the whereabouts of his guerrilla brother Maximino Soriquez. Even if we accept as true the testimony of the witnesses for the prosecution that the accused was with the Japanese and pointed to the house of Diosdado Ignacio, we believe that that would not be sufficient to prove the allegation that he adhered to the enemy by acting as a spy for the latter.

For lack of sufficient proof and upon reasonable doubt, the sentence appealed from is reversed and the appellant is acquitted, with costs de oficio.

Moran, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Torres, J., no part.

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