

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. BERNARDINO RAMOS, DEFENDANT AND APPELLANT.*G.R. No. L-1224. February 04, 1948*

Ponente: MORAN, C.J.

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This is an appeal from a decision of the Third Division of the People's Court, convicting Bernardino Ramos of the crime of treason on two counts and sentencing him to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law, to pay a fine of P10,000 and the costs.

At about three o'clock of early dawn on February 16, 1944, defendant Bernardino Ramos, with a certain Carlito Blanco, accompanied by Japanese Military police, raided several houses in San Juan del Monte, Rizal, in search of chambers of guerrilla forces. The raiding party first broke into the house of Fernando Cruz, dragged him from bed and brought him to the balcony of the house where the lights had been turned on and where he was grilled about his son Melchor Cruz. It was here that Fernando Cruz clearly and positively identified defendant Bernardino Ramos and one Carlito Blanco as the companions of the Japanese, both of whom wore Japanese uniforms and were armed with pistols. Thereupon, Borneo Cruz, also a son of Fernando, was brought out into the balcony and questioned as to his identity. When he denied that he was Borneo Cruz, the Japanese were about to release him, but defendant Ramos came forward and revealed the identity of Borneo Cruz. Thus, Fernando Cruz and his son Borneo were tied by the Japanese and together with Marcelina Ignacio, a resident of the same house, were brought down to the street and ordered to march along.

The entire group, raiders and captives, stopped in front of the house of Dr. Braulio Sto. Domingo, which was a short distance from the house of Fernando Cruz. While a guard remained with the prisoners, defendant Ramos and his other companions ascended the house of Dr. Sto. Domingo. Awakened by the pounding at his door, Dr. Sto. Domingo opened the door only to find himself under arrest. He was tied with hands at the back and with a loop around his neck by defendant Ramos and Carlito Blanco. Brought down to the street to join the rest of the prisoners, Dr. Sto. Domingo and Romeo Cruz were then tied together. The group proceeded towards the municipal building of San Juan, where the prisoners were kept up to about eight o'clock of that same morning.

Shortly afterwards, Fernando and Romeo Cruz, Dr. Sto. Domingo and many others, among whom were Johnny Harris, Ricardo Santos, Nicolas Ibona, Pedro Lavidez and Aquilino de Guzman, were herded into an open truck and brought to the Japanese garrison at Aviles street, Manila. Fernando Cruz was kept therein for several days, during which he was being constantly investigated regarding the guerrilla activities of his son, and cruelly maltreated throughout this period of incarceration.

Romeo Cruz was likewise investigated and tortured until his release one month later, a physical wreck.

Dr. Sto. Domingo was likewise questioned and beaten about during his imprisonment of three days. Johnny Harris and other victims of that same raid of February 16, have never been seen nor heard from again.

On July 31, 1944, Pelagio Caballes and his wife Leonides Trinidad were awakened by the arrival of a truck before their house at No. 327 Verdad street, Manila. Immediately thereafter, Japanese Military police accompanied by defendant Ramos and Carlito Blanco, entered the house and apprehended Pelagio Caballes and Teodorico Ramos, a friend of Pelagio. The prisoners were tied, carried down to the truck, which roared away into the dawn. This was the last seen of Pelagio Caballes and Teodorico Ramos, until October 13, 1944, when several Japanese went to Pelagio's house ordering his wife to pick up Pelagio's corpse at the Japanese garrison in the Far Eastern University building. Thus, Leonides Trinidad, accompanied by her husband's cousin Leonora Caballes, recovered the corpse of Pelagio Caballes and brought it to their house where, upon dressing it preparatory to burial, they dearly saw several marks of violence upon that lifeless form. At the time the two women went to pick up the corpse at the Far Eastern University garrison, they saw Teodorico Ramos in one of the cells, signalling for food. Ever since then, they never again saw Teodorico Ramos either living or dead.

These two narrations constitute the two counts of treason of which defendant Bernardino Ramos stands convicted in the people's Court. A thorough review of the evidence bears out the truth and facts of the conviction in full conformity with the requirements of the law as to the crime of treason.

The wilful and deliberate adherence of the defendant to the enemy has been completely established by the testimonies of at least six witnesses, namely, Fernando Cruz, Marcelina Ignacio, Braulio Sto. Domingo, Bonifacia Eustaquio, Leonides Trinidad and Leonora Caballes. By the dear and unsullied testimonies of these witnesses, defendant Ramos, on numerous occasions, was seen in Japanese uniform, with cap, pistol, and all in the company of Japanese Military police.

At the commencement of trial in open court, the accused admitted his Filipino citizenship.

The arrest of Fernando Cruz, Romeo Cruz and Marcelina Ignacio on February 16, 1944, has been clearly proven by the testimonies of two of the victims, namely, Fernando Cruz and Marcelina Ignacio. The arrest of Dr. Sto. Domingo on that same date has been dearly proven by the testimonies of Dr. Sto. Domingo himself and his wife Bonifacia Eustaquio. Both arrests having been continuing events, they are mutually corroborated by the witnesses of both incidents.

The event of July 31, 1944, involving the arrest, maltreatment, imprisonment and death of Pelagio Caballes and Teodorico Ramos, has been dearly proven by the testimonies of Leonides Trinidad and Leonora Caballes, wife and cousin respectively of Pelagio Caballes.

The People's Court found the testimonies for the prosecution to have been "given in a clear, straightforward manner, and the record discloses no fact or circumstance that could show directly or indirectly that they had any motive strong enough to make them falsify the truth or to cast any doubt upon their sincerity or veracity." On the other hand, the evidence for the defense consists mainly in establishing the allegations that defendant Ramos, during the occupation, was mainly engaged in the business of buying and selling jewelry, cloths, foodstuff and the like, both in Manila and in the provinces; that he was seen on many occasions in civilian clothes without firearms and not accompanied by, nor mixing with, Japanese soldiers; and that he changed his residence sometime in 1943, from San Juan, Rizal, to Intramuros, Manila. The trial court found the evidence for the defense to have been: "weak and not free from doubts, nor corroborated beyond question." And even if the testimonies of the witnesses for the defense were given full credence, the facts established thereby cannot in any way disprove the occurrences of February 16, and July 31, of 1944, which were dearly and positively established by the evidence for the prosecution. Any doubts, if any, created by the defense go off on a tangent and cannot chip the fullness of guilt of Bernardino Ramos.

In view of all the foregoing, the judgment appealed from is affirmed in toto, with costs.

Feria, Pablo, Perfecto, Padilla, and Tuason, JJ., concur.

Paras, J., in the result, appellant is guilty of murder.

Moran, C.J., I certify that Mr. Justice Hilado and Mr. Justice Bengzon voted for the affirmance of the judgment.

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