

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. BERNABE GALO, DEFENDANT AND APPELLANT.

G.R. No. L-1305. June 24, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

Bernabe Galo has been convicted of treason by the Third Division of the People's Court, and sentenced to reclusion perpetua with the accessories of the law, to a fine of P10,000, and to pay the costs. From this judgment he appealed to this Court.

The facts proven by at least two witnesses are as follows:

On May 23, 1943, the herein appellant, together with Japanese and constabulary soldiers, went to the respective houses of Jose Quevedo, Juan Baldos, and Teofilo Duran, in the barrio of Cariñayan, municipality of Manaoag, Province of Pangasinan, and brought them down for investigation as to their guerilla activities. Upon their refusal to disclose their connection with the resistance movement, he maltreated them in the following manner: Jose Quevedo was hit with fist blows and later was made to lie down on his back and water from a jar was poured on his face, mouth and nose by appellant until the jar was emptied. Juan Baldos suffered a similar torture and Teofilo Duran received a blow on his jaw, all from appellant's hands. These facts were testified to by Jose Quevedo, Juan Baldos, and Geronimo Quevedo. Appellant admitted his presence at the time these punishments were inflicted but denied any participation therein.

On July 2, 1944, accompanied by two members of the police force of Manaoag, Pangasinan, and by eight Japanese soldiers, appellant went to the house of Antonio Repoldo, a guerilla officer, in the Barrio of San Juan, Municipality of San Manuel, Province of Pangasinan. He slapped the face of Antonio Repoldo thrice, tied his hands behind his back, brought him downstairs to a guava grove nearby, and forced him to dip his face in a basin of water. Then he asked Repoldo whether he was a member of the guerrillas, pointing his pistol at him, and upon his refusal to admit his guilt, Repoldo was hanged by his hands which were tied behind his back, to a sampaloc tree and he was whipped by appellant. As he insisted upon his refusal, he was again beaten by appellant in a place near a Japanese garrison. A week later he was released. There are three witnesses who testified to these facts, namely, Antonio Repoldo, Maria Quiniones and Dominador Soriano. Appellant admitted his presence at the arrest and torture of Repoldo, but denied any participation therein.

On February 23, 1944, Tomas Velasquez, a guerrilla leader in Manaoag, Pangasinan, was arrested by the chief of police accompanied by appellant and was taken to the municipal jail of Manaoag. He was taken later, with others, by Japanese soldiers to Dagupan, Pangasinan, where he was maltreated. Tomas Velasquez and Vicente Velasquez testified to these facts.

Appellant's membership in the police force of Manaoag does not in itself constitute treason; but his having accompanied the Japanese soldiers to the places of abode of guerrilla leaders and the several illtreatments which he personally inflicted upon them because of their refusal to disclose their connection with the guerrilla forces,

constitute treason.

Appellant's allegation that he was forced by Japanese soldiers to accompany them, cannot be accepted considering the acts of violence which he himself personally performed and which conclusively show his alliance with the Japanese forces.

For all the foregoing, the judgment is affirmed with costs against appellant.

Ozaeta, Paras, Feria, Perfecto, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

MORAN, C. J.:

Mr. Justice Pablo voted for affirmance.

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