

THE PEOPLE OR THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JACINTO SORTIJAS, DEFENDANT AND APPELLANT.*G. R. No. L-3216. September 18, 1951*

Ponente: REYES, J.

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Convicted of treason for having aided the Japanese soldiers in their campaign to suppress the guerrillas and their activities and sentenced to life imprisonment, a fine of P10,000 and costs, Jaeinto Sortijas has appealed to this Court.

The evidence shows that early in the morning of July 28, 1943, Japanese soldiers came to barrio Amaya, in the municipality of Tanza, Cavite in order to identify and apprehend guerrilla suspects through a procedure known as "zoning." They were accompanied by appellant (a Filipino citizen) and one Fernando Manuzon, a captain of the Makapilis. After rounding up the inhabitants, the Japanese soldiers lined up the men and made them pass one by one in front of a house where appellant was posted. As they filed before him, appellant indicated those whom he believed to be guerrillas, and these were immediately seized and bound by the Japanese soldiers. Among those thus indicated were Teodoro Hernandez, Federico Vitobina, Cenon Cervana, Mariano de Ocampo, Leoncio Corporal, Eduardo Penafior, Pablo Timpoc, Pedro Reyes, and Primo Bocalan, who were thereafter investigated and tortured, and while some of them were able to escape, the others were never heard from again, except Primo Bocalan who was released after investigation.

The above facts were testified to by some of the abovenamed victims, with the corroboration of various eyewitnesses, and are in a general way confirmed by appellant's affidavit, Exhibit "B". In this affidavit appellant declares that he agreed with the aforementioned Fernando Manuzon to work for the Japanese military authorities; that for that purpose Manuzon gave him a pistol and told him to go with him and the Japanese "to zonifications and there point out to the Japanese, people who were thought to be guerrillas or pro American;" that he went with Manuzon and the Japanese to the "zoning" of Amaya and Calibuyo; and that at Amaya he pointed out six persons whom he thought were guerrillas. This affidavit appears to have been made voluntarily by appellant although he says he does not remember having thumbmarked the same.

Despite appellant's denials at the trial, the defense does not now dispute the legal sufficiency of the evidence presented by the prosecution to establish the overt act of giving aid and comfort to the enemy, which consists in appellant's pointing out to the Japanese soldiers persons suspected of being in the guerrillas. But it is contended that it was error to convict him without specific and direct proof of adherence as well as of criminal intent. There is nothing to this contention. Criminal intent may be deduced not only from the testimony of witnesses but also from the nature of the overt act proved (*Cramer vs. U. S.*, 65 Sup. Ct. 1918), and the same is true of adherence to the enemy (*People vs. Adriano*, 44 O. G. 4300;[1] *People vs. San Juan*, 89 Phil., 359; *People vs. Alitagtag*, 79 Phil., 138.) Thus in the case last cited, this Court declared that "the actual giving of aid and comfort, unless induced by compulsion or duress, is also proof of treasonable intent or hostile designs." There being no proof of appellant's acting under compulsion or duress when he accompanied the Japanese to Amaya and indicated to them

those believed or suspected to be in the guerrillas, the trial court merely followed well-established precedents in declaring that those same acts show appellant's adherence to the enemy and manifest intention to betray his country.

As against the suggestion that appellant may have merely performed "an act of verification of identities, that is, identifying persons from the identities of their names," we have the testimony of Teodoro Hernandez that he was pointed out by appellant because he was a guerrillero and appellant knew him to be such, and also the declaration of Federico Vitobina to the effect that when he was pointed out by appellant the latter told the Japanese that he was a guerrillero.

The judgment appealed from, being in accordance with law, the same is hereby affirmed, with costs.

Paras, C J., Feria, Pablo, Bengzon, Padilla, Tuason and Jugo, JJ., concur.

[1] 78 Phil., 561.

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