

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JUANITO LABITAN VINDUA, DEFENDANT AND APPELLANT.

G.R. No. L-1213. April 06, 1948

Ponente: MORAN, C.J.

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MORAN, C.J.:

Juanito Labitan Vindua, a Filipino citizen by his own admission, was found guilty on four counts of the crime of treason by the People's Court, and was sentenced to suffer the penalty of reclusion perpetua, with the accessory penalties prescribed by law, to pay a fine of P10,000 and costs. From this judgment, he appeals to this Court.

On the night of September 27, 1944, and through the dawn of the next day, appellant Vindua accompanied by some members of the Japanese military police, raided the barrio of Kababae in the municipality of Olongapo, Province of Zambales. In this raid, appellant Vindua and the Japanese went searching from house to house and arresting numerous guerrillas who were subsequently imprisoned in the Japanese garrison at Olongapo. The full and wilful participation of appellant in this raid is clearly established by the testimonies of Francisco Habaluyas, Edward Johnson, Ricardo Lazaro, Marciana Tullo, Julita Ponseca, Irene Calapan, and many others. Those arrested and imprisoned as a consequence of the said raid, as proven by the testimonies of at least two witnesses to every incident, were the following: Ricardo Lazaro, Onofre Ramos, Jose Santiago and Antonio Arco.

On the following morning of September 28, 1944, while Felix Legaspi was in a fishpond at Barrio Kababae, appellant Vindua accompanied by Japanese soldiers, ordered Legaspi to ferry them across the river to Barrio Kalalake where, upon arriving, the group went from house to house arresting men whom they suspected of being guerrillas. Subsequently, Legaspi was ordered to ferry the raiding party to a locality called Paniqui. Upon landing, Legaspi saw Vindua leading the group and pointing at the house of Guillermo Redondo who, at that same moment, saw the approach of the group from a window with Vindua leading and pointing at his house. Guillermo Redondo was then arrested and beaten about as shown by the testimonies of Guillermo Redondo himself, his wife Adelaida Palma and the boatman Felix Legaspi. Redondo was finally brought to the Japanese garrison at Olongapo where he was kept in the same cell with Edward Johnson, Ricardo Lazaro and Esteban Redondo, his brother. Esteban Redondo eventually died in that cell from wounds sustained during his investigation and imprisonment, as proven by the testimonies of his three cellmates.

All those arrested on the night of September 27 and the early morning of September 28, 1944, were confined at the Japanese garrison in Olongapo, where they were subjected to severe questioning and torture as to their membership and activities in the resistance movement. During the investigations and tortures, the Japanese interrogators frequently went to an adjoining room to confer to appellant Vindua. This procedure was actually seen and testified to by four witnesses who underwent questioning, namely, Edward Johnson, Ricardo Lazaro, Francisco Habaluyas and Guillermo Redondo. These same four witnesses were the only ones who survived the ordeal of incarceration and maltreatment, for the other died and the fate of the rest remained unknown up to the time of the trial.

On November 28, 1944, while Catalino Altona and his wife Guillerma Mora were living in the mountains of Mabangat, municipality of Olongapo, hiding from the Japanese, appellant Vindua, with Japanese soldiers, came to the house of the spouses. Vindua then accused Catalino Altona of being a guerrilla, whereupon the Japanese soldiers held him, tied him, together with his wife, and brought both of them to the garrison where they were imprisoned. Subsequently, when the Japanese and their cohorts evacuated to the zigzag between Olongapo and Dinalupihan, the spouses were brought along and put to work. When the camp was finally abandoned due to constant American bombings, the spouses Altona were able to escape. Throughout the period of their stay under the Japanese, the spouses saw appellant Vindua attired in Japanese uniform and armed with a revolver. All the foregoing facts have been clearly established by the testimonies of said spouses, Catalino Altona and his wife Guillerma Mora.

At about 3 o'clock in the afternoon of January 25, 1945, while Adriano Valdez was in his house at an evacuation camp in Asinan, municipality of Subic, Zambales province, with two of his neighbours Candido Saleaga and Tranquilino de la Rosa, a group of Japanese soldiers accompanied by appellant Vindua came upon them. One of the Japanese asked Valdez if he had any fish and upon receiving a negative answer, the group left. However, they immediately returned and took the three men with them, namely, Valdez and his two neighbours. When the Japanese inquired as to who might have some fish, Valdez suggested that Cecilio Esteban, an ex-mayor, might have, since he had gone fishing. Whereupon the group went to the house of Cecilio Esteban, who was also apprehended and all four were brought to the Olongapo garrison where they were investigated regarding guerrilla activities. All these facts are supported by the testimonies of Adriano Valdez and Cecilio Esteban.

The events narrated heretofore constitute the four counts of treason under which appellant Juanito Labitan Vindua stands convicted by the People's Court. The prosecution also offers documentary evidence, Exhibit B, which is a signed confession of the appellant made before a United States Army officer in the course of a CIC investigation, in which document the appellant appears to have admitted acting as a spy and informer of the Japanese. All the four counts of treason, amply supported by the required quantum of proof for treason cases, together with the testimonies of the mothers and widows, among them, Marciana Tullo, Julita Ponseca, Dolores Gloria, Lucila Arco, who testified to the death or disappearance of their menfolk as a consequence of the latter's arrests and imprisonments in which appellant participated, conclusively remove all doubt as to the guilt of appellant Vindua.

The defense presented several witnesses to prove that lawlessness was rampant in the province of Zambales thus giving the inference that the arrests of guerrillas by the Japanese were due to such crimes as robbery, rape, and others. This allegation, even if accepted, cannot disprove the convincing proof of appellant's participation in the charges contained in the indictment. Moreover, one of the witnesses for the defense (ex-mayor of Olongapo) stated that the Japanese did not interfere with the handling of civil crimes. Witnesses were also presented who testified that they did not see or did not know of appellant's association with the Japanese and his participation in their military activities. This defense carries no weight at all as against the clear, direct and multiple evidence of the prosecution to prove the full culpability of appellant in four counts of treason.

The defense also attempts to prove guerrilla work done by appellant Vindua. Besides being vague and contradictory, such evidence tends to show guerrilla activities only up to about July of 1943 which was some time before his commission of the acts of treason. The testimonies to this effect are given only by his relatives unsupported by testimony of unprejudiced witnesses which could easily have been available if his allegations were true. Not one American or guerrilla whom he claims to have helped or work with, favourable testified in his behalf.

The strongest defense of appellant seems to be that from September 26, 1944, up to about December, 1944, he was arrested by the Japanese military police and imprisoned; hence he could not have committed the acts imputed

to him. Loreta Vindua, cousin-in-law of appellant, testified that Vindua was arrested and kept a prisoner in her house with his family and that he was "being watched". On the other hand, Vindua himself claimed that he was kept a prisoner in the garrison until the American bombings in December of 1944 and that during that time he was not allowed to communicate with anybody or even "to peep" out. And yet in the same examination at the witness stand he claims to have seen one of the prosecution witnesses working with the Japanese. Another witness of the defense, Florencio Caja, claims to have seen the accused tied as a prisoner of the Japanese and being brought to the garrison, but this witness is also detained on charges of treason. It is significant that the arrests and imprisonments in which Vindua participated are more than amply supported by many witnesses, while the alleged arrest of Vindua is supported only by the obscure and contradictory testimony of relatives or fellow-detainees of appellant.

In his testimony, Vindua attempts to prove that some of the witnesses for the prosecution testified against him in order to cover crimes allegedly committed by them during the occupation, and yet not one of these witnesses stands charged with any crime whatsoever. One of the witnesses for the defense testified that the prosecution witnesses wanted to wreak vengeance on Vindua because he reported them to the Japanese. With regard to some of the widows who testified to the imprisonment and disappearance of their husbands due to the arrests effected by Vindua and the Japanese, Vindua claims that he does not know why they testified against him. The entire evidence of the defense is biased, as in the case of his relatives, polluted, as in the case of his fellow-detainees, vague and contradictory, as in the case of Vindua's own testimony and that of his other witnesses.

Judgment is affirmed, with costs against appellant.

Paras, Pablo, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

Perfecto, J., in the result.

Paras, J., I hereby testify that Mr. Justice Feria voted to affirm the judgment.

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