

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, V.
HERVASIO IRISUILLO (ALIAS GERVASIO ERRESSUELO), DEFENDANT
AND APPELLANT.**

G.R. No. L-1473. October 27, 1948

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bc0808f78908/>

BENGZON, J.:

Charged with the crime of treason in a four-count amended information, the herein accused was tried in the City of Iloilo in October, 1946, before a branch of the People's Court presided by Judges Fortunato V. Borromeo, Vicente Varela and Florentino Saguin. He pleaded not guilty and was assigned counsel de oficio in the person of Atty. Domitillo Abordo. After listening, in three court sessions, (October 9, 10 and 11) to the testimony of the witnesses for the prosecution Tigredia Esporas, Juana Egaran, Julia Uy, Patria Melliza, Nena Betia and Jose Gallenero, the accused finally broke down on October 15, 1946, announcing through counsel, his readiness to plead guilty. Whereupon the following took place, as reported by stenographer E. Matro:

"JUDGE SAGUIN to accused:

"Your counsel manifested that you are asking permission to withdraw your former plea of not guilty and substitute it with that of guilty; the Court desires to know if that is really your desire?

"ACCUSED:

"I admit.

"JUDGE,SAGUIN:

"Q . Before granting your petition, the Court desires to know if you are ready to suffer the necessary consequence of that plea of guilty which the Court will impose as provided by law for the crime charged in the complaint as proven by the evidence introduced so far by the prosecution.

"A Yes, sir, I could not do any other thing.

"MR..DEBUQUE:

"At this stage of the proceedings, I pray that the information be read again, count for count.

" JUDGE SAGUIN:

"Read the information.

"(Count 1 was read) "

Accused:

"I plead guilty because I have nothing more to do.

"(Count 2 was read)

"Accused:

"I plead guilty because I could not do any other thing else.

"(Count 3 was read) "

Accused:

"I plead guilty to all those as I have nothing more to do.

"(Count k was read) "

Accused:

"I cannot do any other thing, I plead guilty to that.

"MR. ABORDO:

I have nothing more to say. I request that I be relieved.

"JUDGE SAGUIN:

Case submitted."

The information that was read to the accused, after G. R. No. L-1473 — 3 alleging his Filipino citizenship, complained;

"1. That during the period comprised between August 1, 1943, and March 20, 1945, in the City and Province of Iloilo, Philippines, said accused, with the intent and purpose of giving aid and comfort to the enemy, did then and there willfully, feloniously and treasonably join and serve as an agent, informer and spy of the Japanese Armed Forces for the purpose of gathering information regarding the activities, identity and whereabouts of guerrillas, of arresting and apprehending guerrillas, guerrilla suspects and their civilian supporters; that as such agent, informer and spy for the enemy, the herein accused who always carried a firearm, in conspiracy with said enemy, led, guided and accompanied Japanese patrols in Iloilo City, Buenavista, Jordan, Igaras and other towns within the province of Iloilo during which patrols many Filipino civilians (names unknown) suspected as guerrillas were apprehended, detained, investigated and tortured by said accused and his Japanese companions.

"2. That on or about the 21st day of January 1944, in the municipality of Igaras, province of Iloilo, Philippines, the herein accused, with the intent and purpose of giving aid and comfort to the enemy, did then and there wilfully, feloniously and treasonably lead, guide and accompany a patrol composed of Japanese and constabulary soldiers and Filipino spies to apprehend guerrillas and guerrilla suspects; that the herein accused and his Japanese and Filipino companions, in barrio Lab-on, did arrest and capture Salvador Slechocon, Enrique Embalsado, Lourdes Elgario, Maria Erfe, Narciso Ebanag, Tigredia Esporas and Juana Slgaran upon the suspicion of being guerrillas, guerrilla relatives and guerrilla supporters; that after having hanged, maltreated and tortured brutally the aforesaid persons with the object of forcing them to reveal the whereabouts, identity, arms, radio installations, and activities of guerrillas, the herein accused and his Japanese companions finally killed Salvador Elechocon, Enrique Embalsado, Lourdes Elgario, Maria Erfe and Narciso Ebanag.

"xxxxxxxxxxxxxxxxxxxxxx

"4. That on or about October 26, 1944, in Buenavista, province of Iloilo, Philippines, said accused, in conspiracy with, the enemy and with.the intent and, purpose of giving aid . ; and comfort to said enemy, did then and there, in company with a group of Japanese soldiers, wilfully, feloniously and treasonably apprehend

and capture Julia Uy and Ester Betia, guerrilla operatives, one man and his wife and their three children, (names unknown) as guerrilla suspects; that while the aforesaid seven persons were detained in a cave, the accused herein brutally tortured and later on killed the above-mentioned man, woman and their three children; that said accused by means of force, violence and intimidation had carnal knowledge with said Julia Uy and Ester Betia against their will; that after having abused the aforesaid two women, the accused herein delivered them to the local Japanese garrison where they were investigated and tortured by the said accused and the Japanese to force them to disclose their guerrilla activities, after which Ester Betia was made to walk naked before the public up to the wharf where she was finally killed by the Japanese."

After the accused had made the admission of guilt, the court did not pass judgment immediately. It took time to consider the evidence introduced; and in a decision dated March 20, 1947, unanimously sentenced the prisoner to the penalty of death, to pay a fine of P20,000.00 and to indemnify the heirs of the deceased Maria Erfe, Salvador Elechecon, Enrique Embalsado, Lourdes Elegario, etc. after setting out in clear and specific language the facts which in its opinion had been established by the incomplete evidence for the prosecution.

Pursuant to legal provisions applicable, the expediente was forwarded to this Court; and as the prisoner had no counsel of his own, counsel de oficio was appointed: Atty. Francisco Rodrigo. This gentleman in a motion attached to the records a few weeks later begged to be excused, upon the ground that after examining the case, he had found no error committed by the court a quo. The motion was denied, because this Court believes that attorneys assigned to defend the appellants in this Court are not necessarily expected to sustain the latter's innocence whenever they are otherwise convinced, and as a matter of fact in many instances counsel de oficio have asked for the affirmance of the trial court's verdict. However, to the credit of said attorney be it noted that he evidently examined the expediente anew, and discovered two points which he urged in a carefully prepared brief to save defendant from the gallows. He claims first that the record is not clear as to the circumstances surrounding the defendant's plea of guilty, it appearing that there are two separate transcripts, one by stenographer E. Matro and another by stenographer C. Jumapao, and whereas in the first the accused appears to be represented by Atty. Abordo, in the other he is represented by Atty. Domitillo. This argument must be overruled, because obviously when on October 15, 1946, the plea of guilty was made, both stenographers were present and took notes. Their transcripts as to what happened are substantially the same, except for the names of the attorneys. But this discrepancy is explained by the circumstance that counsel for the accused was Atty. Domitillo Abordo.

Again, taking up the defendant's answers made in open court, "I plead guilty because I have nothing more to do" "I cannot do any other thing, I plead guilty to that" etc. counsel expresses serious doubts as to whether the accused actually intended an unqualified confession of guilt. It is quite possible, he argues, that the accused made those manifestations "because he was detained, and therefore could not sufficiently prepare his defense; it might have been because he was so poor that he could not even get his own lawyer to defend him; it could have been due to a violent public opinion against him; and it could have been because he listened to witnesses testify to falsehood which were, nevertheless, hard to disprove."

These are mere conjectures. As to his pretended helplessness, the prisoner had counsel de oficio that apparently tried his best, and he was not so completely unable to go around and prepare his defense, because, as the record discloses, the fiscal protested that although the accused was "supposed to be detained in jail he was seen twice outside of the public market" "accompanied by his wife" and "talked to our witnesses in a sort of threatening manner". Anyway the courts are not concerned with the motives of the accused in confessing their guilt. And the People's Court's judges after listening to the testimony relating the treasonable and murderous deeds of the indictee had every reason to conclude that he gave up the fight because it was useless to fight in view of the overwhelming evidence for the prosecution (additional witnesses were scheduled to testify) that proved the following facts:

During the Japanese occupation the accused, who was a Filipino, belonged to the Coastal Defense Corps (CDC) a military organization whose members were armed and wore the uniform of Japanese soldiers whom they helped in the campaign against resistance forces in the province of Iloilo. He was known as a spy of the Japanese, by several operatives of the guerrilla organization in that locality.

In the morning of January 21, 1944, Tigredia Esporas, her daughter-in-law Maria Erfe and the latter's two sons prepared to escape from their home in barrio Tappo of Igaras, Iloilo, because they had been informed that a Japanese patrol was about. Unfortunately, however, some Japanese soldiers arrived, accompanied by two members of the CDC, one of them the accused Gervasio Eressuelo. A search of the house ensued. The occupants were asked the whereabouts of the menfolk (who pertained to the guerrilla). Tigredia Bsporas replied that they were in the fields taking care of their work animals. The answer was obviously unsatisfactory, and the above-named women and children were arrested and taken, together with Juana Egaran and her husband (Narciso Ibanag) , to the cottage of Victor in the sitio of Lab-on, same municipality. There they saw Salvador Elechecon, Enrique Embalsado and Lourdes Elegario. The first was undergoing torture by Japanese soldiers, who had hung him half a foot from the floor (the rope tied under his armpit) in an effort to extract from him information about the guerrillas, their ammunition and the Americans and one Gimperly, who was hiding in the place. He insisted he knew nothing about the matter, and was beaten with a pestle. As a last recourse the Japanese burned a mat under his feet and subsequently took him away to a nearby rice field where he was found dead later. A similar fate befell the youthful Enrique Enabalsado. Lourdes Elegario was likewise hung head down and beaten when she failed to give satisfactory answers to the questions "Where are the Army (guerrilla) ammunitions and leaders? Where are the Americans?" Finally Gervasio Eressuelo got a mat, rolled it around her body and set it on fire. Like Enrique Embalsado and Salvador Elechecon' she died as a consequence of the torture. Identical treatment was applied to Maria Erfe who was suspected of being the wife of a guerrillero. She also died a victim of torture.

All the above is in connection with Count No. 2.

With regard to count No. 4 there was evidence that on October 26, 1944, Japanese soldiers, accompanied by some Filipino members of the CDC (among the latter the herein accused) raided the command post (CP) of the guerrillas under one Lt. Locario in Dagasaan, Buenavista. They captured several persons, among them Ester Betia and Julia Uy. One of the raiders, Poping Mojica identified Ester as the sister of Nena Betia paramour of Lt. Locario, and Carlos Palraa another CDC said that she was a secret operative of the guerrilla forces. (In fact she was). The prisoners were marched to the town; but at night the party had to camp near the shore. That evening the herein accused and Carlos Palma raped Ester Betia. The accused also succeeded in having intercourse with Julia Uy after threatening her, saying he would let the Japanese kill her if she did not accede to his desires. The next morning the captives were taken to the poblacion and investigated in the Japanese garrison. Ester denied connection with the guerrillas, and denied acquaintance with Julia Uy (although they had worked together as secret operatives of the under-ground forces). Tired of her stubbornness, her captors finally brought her to the wharf and there decapitated her. To further strengthen his evidence as to the death of Ester the prosecutor announced that his other witness, Vicente Betia, who had seen the corpse of Ester would be presented at the next session.

But when on October 15 the trial of the case was resumed, the accused (as hereinabove related) requested to withdraw his plea of not guilty and substituted it with a plea of guilty.

There is no doubt therefore that this prisoner has committed treason in the most aggravated form i, e. with murder and rape (Art. 114, Rev. Penal Code). However, for lack of enough votes in this Tribunal, the capital punishment imposed on him may not be affirmed. Instead he will be imprisoned for life. With this modification the judgment of the court a quo will be affirmed in all other respects.

Moran, C.J., Paras, Pablo, Perfecto, Briones, Tuason and Montemayor, JJ., concur.

C O N C U R R I N G

OZAETA, J.,

I concur but desire to explain that the inability of the court to impose the death penalty in this case is due to the fact that only seven Justices, including myself, voted for the imposition of that penalty.

Judgment modified.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.