

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. EUFRONIO VISAGAR, DEFENDANT AND APPELLANT.

G.R. No. L-1373. June 27, 1949

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bc2d53a7ec74/>

OZAETA, J.:

This is an appeal from the People's Court, which found the appellant guilty of treason on several counts and sentenced him to suffer life imprisonment and to pay a fine of P10,000.

Appellant, who was a member of the Ganap Party, admitted in open court that he is a Filipino citizen. Several witnesses for the prosecution testified to his adherence to the enemy by constantly accompanying members of the Japanese military police, wearing an arm band with Japanese characters and carrying a revolver, and causing the confiscation of personal properties belonging to Filipino civilians and the arrest of civilians and guerrillas. The following specific acts of the accused were proven by the prosecution by the testimony of at least two witnesses to the same overt act:

- In February, 1942, the accused accompanied several Japanese soldiers and some Filipinos to the barrio of Pineda, near Fort McKinley, Pasig, Rizal, and searched the houses of Regino Santa Ana, Marcelo Espiritu, and Emilio Leron for goods distributed by the United States Army before it left for Bataan, and seized and confiscated from them palay, canned goods, shoes, clothes, and other personal properties.

- One morning in the same month of February, 1942, the accused accompanied several Japanese soldiers to the house of Aurelio Cruz in Mandaluyong, Rizal, who arrested him, and brought him to the Japanese garrison located in the compound of the Insular Sugar Refining Corporation in the same municipality. There he was investigated by the Japanese soldiers regarding the possession of a firearm, which he denied.

- On or about September 25, 1944, Dr. Andres Torres of Mandaluyong, Rizal, was arrested by Japanese soldiers at the indication of the accused and brought first to the Insular Sugar Refining Corporation and then to the Japanese garrison at Wack Wack, where he was charged with being a guerrilla officer and spy of the USAFFE, and with treating sick or wounded guerrillas, and investigated as to who his companions were. During the several days that he was detained there, he was tortured and beaten with a club.

-

About midday on September 34, 1944, five Japanese soldiers accompanied by the accused raided the house of Atty. Saturnino Castillo in Mandaluyong, Rizal, and arrested the latter and brought him to the Japanese garrison at Wack Wack, where he was charged with being a guerrilla officer, tortured, and sentenced to death. He was, however, saved at the last hour by the intervention of his former Japanese client named Imamura.

- About ten o'clock one night in February, 1943, the accused accompanied by a Japanese officer and two soldiers arrested Edmundo (Eduardo) Chuakiko and Antonio Sta. Teresa in Mandaluyong, Rizal, and brought them to the Japanese garrison in the premises of the Philippine Hume Pipes, where they were investigated concerning

guerrilla activities.

- Felix Peralta, an enlisted man of the Philippine Army who was able to escape from the Death March of Bataan and found refuge in the house of his grandfather Joaquin Dimapili in Mandaluyong, Rizal, was arrested by the Japanese at the indication of the accused in the early dawn of April 29, 1942, and later sent to the concentration camp in Capas, Tarlac, where he remained confined for six months.

Testifying in his own behalf, the accused declared that during the early days of the occupation and up to the end of 1942 he was engaged in buying and selling cigarettes and other articles; that after that he obtained employment as a guard in the Insular Sugar Refining Corporation, of which Mr. Marciano Angeles was the superintendent; that he worked in that firm up to the end of 1943, after which he transferred to the Taiwan Pulp Factory, where he worked as a chauffeur until February, 1944, and then "came to Manila to deal in cigarettes." He denied having accompanied Japanese soldiers to confiscate goods and arrest civilians. He admitted having been Investigated by the CIG, in which office he signed a document. On cross-examination he was shown the document (Exhibit A) and he admitted that the signatures therein were his, although he claimed that he signed it without reading its contents "because I was afraid they would maltreat me." In Exhibit A, which was subscribed and sworn to by the accused on May 12, 1945, before Jose B. Ingojo, Second Lieutenant, QMC, Summary Court Officer, he gives his biographical sketch from the time he was born in Caibiran Leyte, on August 3, 1907, until January 6, 1945, when according to him he separated from Mr. Kawakami, the assistant manager of the Taiwan Pulp Factory, in Talavera, Nueva Ecija. Among other things the accused states the following in Exhibit A:

"That about February 1942, Mr. Hikigi, a Japanese carpenter of the Insular Sugar Refinery at Barrio Jolo, took me as driver for the Japanese garrison at Barrio Jolo, Mandaluyong. This garrison was located in the house of Mr. Marciano Angeles, Superintendent of the Insular Sugar Refinery at Jolo;

"That as driver of the Japanese Garrison, I was given by Capt. Ochuka a .38 caliber revolver and provided with an arm band with Japanese characters;

"That one night, at about eight or nine o'clock, in the month of February, 1942, I was ordered by Capt. Ochuka of the Japanese garrison to accompany the Japanese soldiers who arrested the chauffeur of Dr. Andres Torres. I was with the Japanese soldiers when they arrested Francisco, Dr. Torres' chauffeur, and was with them when they carried him to the garrison. I found out that Francisco was arrested as 'suspected ex-USAFFE soldier' who did not surrender to the Japanese Imperial Forces. Francisco was released that same night after investigation."

That statement of the accused, which we find from his testimony to have been signed by him voluntarily, is admissible to contradict or impeach his testimony during the trial.

The only other witnesses called by the defense were Marciano Angeles and Numeriano Roxas. The testimony of these witnesses, however, does not disprove that of the witnesses for the prosecution. Mr. Angeles testified that in the latter part of 1943 a Japanese by the name of Kizi (probably the same man referred to by the accused in his statement as Hikigi) recommended the accused to him for employment as a guard in the Insular Sugar Refinery, but that the accused left in the early part of 1944 and transferred to the Taiwan Pulp Kogyo Kaisha, which occupied a part of the compound of the Insular Sugar Refinery. Mr. Angeles admitted on cross-examination that he saw the accused going out with the Japanese, although he did not remember how many times.

Numeriano Roxas testified that in the latter part of December, 1943, he worked as a draftsman for the Taiwan Pulp Factory and that he saw the accused there working as a driver of the car used by the factory manager; that during his stay there he did not see the accused in the company of any Japanese soldier. On cross-examination he testified that he worked in the Taiwan Pulp Factory only until the first week of February, 1944, and that he of course did not know what happened there after he had left because he went to the provinces.

It will be recalled that the overt acts attributed to the accused by the witnesses for the prosecution were committed in February and April, 1942, February, 1943, and September, 1944, while the period covered by the testimony of Marciano Angeles and Numeriano Roxas was limited to the latter part of 1943 and the early part of 1944.

In this appeal the attack made by counsel de oficio in his lengthy brief against the decision of the People's Court is centered mainly upon the credibility of the witnesses for the prosecution.

After a careful examination of the evidence in relation to the errors assigned by the appellant, we find no sufficient ground upon which to reverse the findings of fact made by the trial court. We are persuaded that the appellant committed the treasonable acts of which he is accused.

The judgment appealed from is affirmed, with costs.

Moran, C. J., Paras, Feria, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

OZAETA:

I certify that Mr. Justice Perfecto and Mr. Justice Pablo voted to affirm the decision of the trial court.

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.