

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FEDERICO ALBA, DEFENDANT-APPELLANT.***G.R. No. L-2799. April 27, 1951*

Ponente: JUGO, J.

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Federico Alba was accused of treason before the Court of First Instance or Rizal after the dissolution of the People's Court, by means of an information containing four counts. Acquitted on counts 2 and 3 and convicted on counts 1 and 4, he was sentenced to suffer reclusion perpetua with the accessory penalties, to pay a fine of P10,000.00 and the costs, with credit of one-half of the preventive imprisonment suffered by him. He appealed. The accused is a Filipino citizen.

Count No. 1

One day in November, 1944, at about two o'clock in the morning, the defendant Federico Alba went with some companions to the house of Pablo Maranan in the barrio of Bulobulo, Pililla, Province of Rizal, and took away Antonio Maranan, son of Pablo, whom the defendant suspected of being engaged in guerrilla activities. After they had gone, Pablo and other members of his family, with Faustino Pilarion, followed them as far as the poblacion of Pililla. On their way they met Quirino Vidanes, who informed them that he had seen Antonio going on the road as captive with other persons. Later that same night the defendant was seen leading two other guerrillas, named Marcelo Bisco and Maximo Agencia, together with Antonio Maranan. The last named three persons had their hands tied. They have never been seen again, but their decomposed bodies were found in a common grave after liberation due to the information given by the defendant to Faustino Pilarion when the latter arrested and investigated him as to the whereabouts of said persons.

Count No. 4

On January 24, 1945, the Chief of Police of Tanay, Rizal, obeying the orders of the defendant, took Dr. Mamerto Anihin of Tanay and led him to a rice mill where Anihin was delivered to the defendant, who was wearing a maong uniform and carrying a firearm. Anihin saw in the same place the municipal mayor of Tanay, Teodulo Bernados, Dominador Jacinto who had been brought there by the chief of police, Julio Catulos, Julio Piging, and others. The defendant asked Aproniano Ferrer, one of the prisoners of the Makapilis in said mill, whether he knew Anihin, ordering him to name other guerrillas, as Ferrer was reluctant to answer the questions of the defendant, he was tortured by the Makapili soldiers upon orders given by the defendant and by one Marceliana. Ferrer then answered that Anihin was a captain in the medical corps of the American guerrillas and gave the names of other members.

On order of the defendant, the hands of the prisoners were tied at their backs and they were hit in the abdomen and other parts of the body. At about two o'clock in the afternoon of the same day, the prisoners, with their hands tied and weighted with coconuts, were taken to Pililla. Ferrer was at the head of the prisoners and was continually beaten by the Makapili soldiers, upon orders of the appellant, whenever he slackened his pace. Upon arriving at

Pililla the prisoners were confined in the Makapili garrison where Ferrer was again tortured in order to extract more information from him about Anihin and the other guerrillas. They were further taken to the churchyard of Pililla where they were investigated and tortured by Captain Carasig of the Makapilis and a number of Japanese soldiers to force them to reveal their guerrilla activities. Anihin was hit on the stomach and foil down unconscious. Early in the morning of the next day Ferrer died. After nine or ten days the other prisoners were released.

The overt acts narrated on the above counts were testified to by two or more witnesses.

The appellant assails the credibility of the witnesses for the prosecution by pointing out certain alleged contradictions in their testimony. Many of these alleged contradictions are more apparent than real and are easily explainable; the others are such contradictions that witnesses might have committed due to the length of time that had passed since the events occurred in January, 1944, to October 19, 1948, the date the trial began, and to their nervous tension when those events occurred. These contradictions, rather than weaken the credibility of the witnesses, reinforce it, for they show that there was no connivance between them. We find no reason for disturbing the findings of the trial court.

The appellant asks for mitigation of the penalty on account of the lack of education and human weakness. It is not necessary to be educated to be able to realize the perversity of the acts committed by the accused in torturing and putting to death people who were fighting for the liberation of their country from the invader.

In view of the foregoing, the decision appealed from is affirmed, with costs.

IT IS SO ORDERED.

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

Reyes, and Bautista Angelo, JJ., did not take part.

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