

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
AGATON MARTIN (ALIAS BORONG-BORONG),
DEFENDANT-APPELLANT.**

G.R. No. L-2232. April 25, 1950

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c1e53deef2a5/>

REYES, J.:

Appellant was charged with treason on thirty eight counts but, after trial, was found guilty by the People's Court on only seven counts (Nos. 1, 6, 7, 11, 12, 18, and 30), and sentenced to life imprisonment, P10,000 fine, and costs. From this sentence he appealed.

As contended by the attorney de oficio and admitted by the Solicitor General, count 1 has not been proved.

Count 6 refers to the arrest, torture, and killing of Teofilo Torres, a guerrilla suspect. To prove this count, the Government presented three witnesses, namely: Felipa Bernal, Gregorio Reyes, and Anastacio Cruz. The first testified that at about 2 o'clock in the morning of July 9, 1944, a Japanese captain and several Filipinos, among them Cirilo Tuason and the appellant herein, went up her house in barrio Maybunga, Pasig, Rizal, and lined up all the men (the three brothers leodegario, Gregorio, and Teofilo, all aurnaraed Torres). Cirilo Tuason then pointed to Teofilo Torres as a guerrilla, whereupon the Japanese captain tied his hands. Teofilo Torres was taken away by the appellant and his companions and has not been heard from since then. Anastacio Cruz who was himself arrested on the same day, but in a different house and by a different person, testified that he knew Teofilo Torres was arrested as a guerrilla suspect but that he saw him only when he was already downstairs with Cirilo Tuason and his companions; that he and Teofilo Torres were taken to the garrison of the Military Police in Pasig, that while there he heard Teofilo Torres being maltreated in the adjoining room.and he afterwards saw him with his face battered. Gregorio Reyes, who lived in the adjoining house and was himself arrested on the same occasion, declared that Teofilo Torres was arrested by several persons, among them the appellant herein, and that he saw Teofilo Torres being tied by the Makapilis and the military police as he was being led to the street.

It is contended that with the above evidence, appellant was not shown to have done anything in connection with the arrest of Teofilo Torres; that no two witnesses testified on the same overt act. While it appears that appellant was not the one who pointed to Teofilo Torres as a guerrilla suspect and tied his hands, there is no denying the fact that he was in the group that made the arrest and can not therefore escape responsibility in the absence of any exculpatory evidence.

Count 7 refers to the arrest of Guillermo Salandanan and is supported by the testimony of Antonia Santos (mother of the victim), Olivia Natividad, and Arcadio Cruz. According to this testimony the arrest took place in the afternoon of August 11, 1944, in barrio Pinagbuhatan, Pasig, Rizal, in front of the house of Olivia Natividad and was effected by a group of armed men lead by the appellant. Asked by Antonia Santos why they were arresting her son Guillermo Salandanan, appellant informed her that it was because her son was a guerrilla. After his arrest, Guillermo Salandanan was never heard from.

The defense contends that the proof on this count does not establish collaboration with the enemy, for it does not show that appellant was accompanied by any Japanese or that the person arrested by him was surrendered to the Japanese. But the fact that Salandanan was arrested because of his guerrilla activities clearly shows that appellant was acting for or collaborating with the enemy, and the insinuation that the said arrest may have been due to rivalry between guerrilla units has no basis in fact as there is no evidence that appellant was identified with any guerrilla unit.

Counts 11 and 12 refer to the arrest of Miguel Castillo, Candido Cruz, and one Takio. The arrest of these individuals on November 21, 1944, in barrio Ugong, Pasig, Rizal, by appellant and several companions was testified to by Leona Natividad and Rita Pascual. But there is no evidence as to the reason for the arrest other than what may be inferred from Rita's testimony that those apprehended were made to lug the bananas, oranges, and sugar cane which appellant and his companions had gathered in the place. Their hands were not even tied as in other cases. We therefore have to agree with counsel de oficio that the proof on these counts does not establish collaboration with the enemy.

Count No. 18 refers to the zoning of Tipas, Pasig, Rizal, for the purpose of apprehending guerrilla suspects. Several witnesses testified that the said zoning was staged on December 1, 1944, and some of them claimed having seen appellant there. They did not, however, mention any act of direct participation on the part of appellant, and much less have two witnesses testified on the same overt act. The evidence is obviously insufficient to hold appellant guilty on this count.

Count No. 30 refers to the arrest of Ernesto Buenviaje and is supported by the testimony of Mercedes Mendiola, Alfonso Benito, and Patricio Benito. Mercedes Mendiola was the wife of Ernesto Buenviaje and she testified that on December 30, 1944, her husband, who was a guerrilla, came down from the mountains to visit her in Sagad, Pasig, Rizal; that informed that he was being sought by appellant for his guerrilla activities, he took her to the house of their cousin, Zacarias, in sitio Caniugan, Maybuña, Pasig, Rizal; that hardly had they arrived at said house when appellant and his companions, including members of the military police, came upon them, arrested her husband and then tied and took him away. Thereafter, her husband was never heard from.

This testimony was corroborated by Alfonso Benito and Patricio Benito, who did not witness the actual arrest but later saw Ernesto Buenviaje with his hands tied pass in front of their house in the custody of appellant and several companions who were armed.

The defense finds contradiction between the testimony of Mercedes Mendiola, who said that the arrest took place at about 5:30 in the afternoon and the declaration of the two corroborating witnesses who said that they saw Ernesto Buenviaje being led by his captors already on the following morning. It should be noted, however, that both of these witnesses declared that they did not see the actual arrest although one of them said that he heard about it. What they did see was something that happened after the arrest and which therefore did not have to coincide in point of time with the actual arrest. It would appear that counsel merely surmised that from the house of Zacarias, where Buenviaje was arrested at about 5:30 in the afternoon, he was immediately led in front of the house of these two witnesses when there is no proof at all that he was not taken to some other place before that. As the Solicitor General observes, it is quite within the realm of possibility for Buenviaje's captors to have been detained for some reason or other in that neighborhood and that they did not leave until early the following morning when Alfonso Benito and Patricio Benito saw them pass by. Our conclusion is that this count has been sufficiently proven.

It should be stated in conclusion that, in connection with the counts on which we find appellant guilty, his defense of alibi has nothing to support it except the doubtful testimony of his prisonmates, which certainly can not prevail

over that of the witnesses for the prosecution who saw him commit the different treasonous acts attributed to him and by whom he was clearly identified.

And lastly, as to the contention that the prosecution has failed to establish appellant's Filipino citizenship as an essential element in the crime of treason imputed to him, it appears that the prosecution did present appellant's prison record, which sets out his personal circumstances, with the testimony of the chief of the identification section of the Bureau of Prisons that all the personal data contained in said record were supplied by appellant himself, and that although he was not the one who prepared said record, he, however, verified its contents after it was prepared. Said record shows appellant to be a Filipino citizen, and we think it is sufficient proof, of that fact in the absence of any evidence to the contrary.

Wherefore, we find appellant guilty of treason on counts 6, 7, and 30 but not on counts 1, 11, 12, and 18. This, however, necessitates no change in the sentence imposed below, which is in accordance, with law, so that the same is hereby affirmed, with costs against the appellant.

Moran, C. J., Ozaeta, Pablo, Bengzon, Tuason, and Montemayor, JJ., concur.

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.