

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PEDRO ILUSTRE, DEFENDANT AND APPELLANT.

G.R. No. L-4082. January 30, 1953

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal from a decision of the Court of First Instance of Davao, finding the appellant Pedro Ilustre guilty of treason and sentencing him to reclusion perpetua and to pay a fine of P10,000.00, without subsidiary imprisonment in case of insolvency, plus the costs.

The appellant, soon after the occupation of Davao by the Japanese invaders, was appointed chief of police and head of the volunteer guards of the municipality of Mati, Davao, by the Deputy Governor, — a position which he held until April, 1943, when he was made liason officer of the Japanese military authorities of Mati and a member of the pacification committee of said municipality.

In the early part of August, 1942, the appellant reported to the Japanese commander of Mati that Dr. Angel Vizconde, Silvestre Lim, Pablo Quilab and Francisco Angsingco did not surrender their firearms and were supporting the guerrillas. These four persons were accordingly arrested on or about August 10, 1942. When Dr. Vizconde, Quilab, Lim and Angsingco were brought as prisoners by a motor boat to the wharf of Mati, the appellant, who was then on hand with four Japanese soldiers and a Japanese interpreter named Funacho, caused their hands to be tied behind their backs and later to be brought to the warehouse of Mrs. Marundan which was being then used as a garrison. In the morning of August 11, 1942, the appellant went to the office of Tomas K. Rodriguez, appellant's brother-in-law and mayor of Mati during the occupation, accompanied by Japanese interpreter Funacho, and called justice of the peace Arsenio Acurantes and municipal treasurer Catalino Tuvilla for a conference, at which the mayor's secretary, Conrado Serrano, and a visitor named Primitivo Papa were also present. Asked by Funacho about the conduct and behavior of Dr. Vizconde and the other three prisoners, the municipal officials answered that said prisoners were good people and law abiding-citizens. Whereupon the appellant was enraged and said: "You people are cowards, you are not telling the truth. You know that these people are bad people. If you are not telling the truth I will take the rest of this case." The appellant further exclaimed: "Had my son died due to the delay in the treatment given by Dr. Vizconde I would have shot him." Thereafter the appellant and Funacho left.

At about 11:00 o'clock in the evening of the same day, August 11, 1942, five Japanese soldiers and the appellant came in a truck to the garrison. With hands tied behind their backs, Dr. Angel Vizconde and Pablo Quilab, with three others, were brought out, loaded on the truck, and taken away by the appellant and his Japanese companions. Not long afterwards, the truck returned to the garrison with the appellant and the Japanese soldiers, but without the five prisoners. Dr. Vizconde and Quilab were subsequently never heard from or seen alive. Silvestre Lim and Francisco Angsingco, who had also been arrested, were released in the morning of August 11, 1942. These facts were testified to in substance by Tomas K. Rodriguez, Conrado Serrano, Primitivo Papa, Floro Morales, Felicisimo Cordeta, Braulio Nersa, Alberto Ravelo and Catalino Tuvilla.

Felicisimo Cordeta and Teodoro Salazar, testifying for the prosecution, stated that sometime in October, 1942, while out on patrol in barrio Tagabakid, municipality of Mati, Davao, the appellant ordered two Moro volunteer guards to burn the house of Augusto Samperi, on suspicion that the latter was helping the guerrillas in the mountains.

On or about January 3, 1943, George Calitas, a farmer of Mati, and his son-in-law Eleuterio Balente were arrested in the barrio of Limot, Mati, by the appellant who was then accompanied by ten of his policemen and some volunteer guards, then all armed. Calitas and Balente were investigated by the appellant for helping the guerillas and were kept in the municipal jail for eighteen days, after which they were released by the appellant, Calitas having given the appellant a bribe of fifty pesos. These facts are borne out by the testimony of Teodoro Salazar, George Calitas, Gorgonio Mosende and Andres Siarot.

On July 29, 1943, Faustino Bustillo, a volunteer guard under the appellant, was arrested with Alberto Ravelo by chief of police Duay of Manay. Bustillo and Ravelo were tied together by Japanese soldiers upon orders of the Japanese commander of Mati to whom they were brought. Taken to the seashore of Mati, Bustillo and Ravelo saw the appellant who struck Bustillo many times with a club, while Ravelo was tortured by the Japanese. The two were thereafter subjected to watercure by the Japanese and ordered to lie down, whereupon logs were placed over their bodies and on each end of the logs the Japanese soldiers see-sawed. During the second day of their detention in the municipal jail, Bustillo and Ravelo were brought out with their hands tied together and paraded around the municipality of Mati by the appellant and two Japanese soldiers. They were, however, released on August 7, 1943, on recommendation of the pacification committee. This count is established by the testimony of Felicisimo Cordeta, Braulio Nersa and the two victims Faustino Bustillo and Alberto Ravelo.

Appellant's defense consists mainly of denials which, after our review of the evidence, may not prevail over the positive testimony of the witnesses for the prosecution. The proof of appellant's guilt is indeed overwhelming, specially because the witnesses for the Government have not been shown to be biased. In fact, Tomas K. Rodriguez is appellant's brother-in-law, Catalino Tuvilla is appellant's compadre, and Felicisimo Cordeta, Braulio Nersa, Teodoro Salazar, Andres Siarot, and Faustino Bustillo were appellant's former subordinates during the occupation while he was chief of police of Mati. If, as alleged by the appellant, he was instrumental in the release of Faustino Bustillo and Alberto Ravelo, it is surprising and unnatural that the two would testify falsely against him.

The appealed decision, being in accordance with the facts and the law, is hereby affirmed, and it is so ordered with costs against the appellant.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador JJ., concur.

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