

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PABLO DESLATE, DEFENDANT AND APPELLANT.

G.R. No. L-1485. August 30, 1949

Ponente: BENGZON, J.

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BENGZON, J.:

Found guilty of treason and sentenced to life imprisonment plus fine of P10,000, Pablo Deslate, a Filipino citizen, appealed the decision of the People's Court.

The evidence of record proves beyond doubt, in accordance with the two-witness rule required in treason cases, that early in the morning of March 31, 1944, the appellant, armed with revolver and rifle, awakened the inmates of a bouse in Leon, Iloilo, namely, Alejandro Calaliman and his wife Primitiva Cabaluna and the spouses Jaime and, Modesta Cabaluna. He investigated them as to the guerrilla connections of Alejandro and Jaime and later took them to the Japanese garrison located in the town church, at about 100 meters from the house. In the garrison, Alejandro and Primitiva were confined in one room and the other couple in another. A Japanese captain, with the help of several Japanese and two soldiers of the CDC (Coastal Defense Corps),[1]one of them the appellant, investigated Alejandro and Primitiva. The investigation started with appellant giving Alejandro a blow in the stomach and telling him to admit he was a guerrilla and had a revolver. Alejandro denied the imputations. Appellant punched him again in the stomach. The Japanese captain beat him with a piece of wood in different parts of the body. Primitiva was also questioned about her husband's connection with the guerrilla. For giving negative answers she was likewise maltreated by the Japanese captain and by the defendant. The investigators later went to the room where Jaime and Modesta were confined. Alejandro and Primitiva heard Jaime's screams and defendant's loud voice calling Jaime and his wife liars. They also heard the sound of beatings and Modesta's desperate cry protesting against the corporal punishment. At about two o'clock, Alejandro and Primitiva were allowed to go home. On their way out they saw Jaime Cabaluna stretched on the floor face down and motionless, blood oozing from his head. Jaime and Modesta were never heard of again.

It was also proved that at about six o'clock in the morning of March 31, 1944, Dominador Camasuela, a guerrilla suspect, was arrested by appellant and four Japanese. All of them, after maltreating him, brought him to the Japanese garrison where he was seen by Alejandro and Primitiva Cabaluna being questioned and given blows on the stomach by appellant to force him to surrender his pistol. Not satisfied with the investigation of Dominador, the Japanese soldiers took his younger brother Salustiano, who was likewise maltreated by the investigators including defendant in the same garrison. Salustiano never saw his brother Dominador again.

There is also evidence to the effect that on May 2, 1944, defendant and several Japanese soldiers arrested Angel Cantara, Julita Calanuga and Federico Cabino, in connection with the alleged disappearance of a CDC member. They were brought to the Japanese garrison, tortured and investigated. Federico and Julita were never heard of since then. According to defendant himself, Federico Cabino was killed in the belfry by a Japanese sergeant upon orders of a Japanese captain, whereas Julita Calanuga together with one Gregorio Caluyo was liquidated the following morning. Angel Cantara was interrogated by defendant, tortured, and later released with orders to

search for Macario a member of the CDC who had disappeared.

There is also enough evidence to show that appellant and ten Japanese soldiers arrested Juan Cabalsin in Leon, Iloilo, charged as guerrilla and as one of those responsible for the kidnapping of CDC Macario Albia. Cabalsin was maltreated by two Japanese soldiers upon indication of defendant, but after two hours was released by the Japanese captain on condition that he should try to find the kidnapped CDC and bring his sister to the garrison as hostage.

Appellant tried to show that, although he joined as a member of the CDC, he did it involuntarily. This is unconvincing. He failed to explain why he remained in the organization for more than one year, notwithstanding his many opportunities to escape.

Finding no merit in this appeal and the penalty imposed being in accordance with law, we hereby affirm the decision of the court below, with costs. So ordered.

Moran, C.J., Ozaeta, Paras, Feria, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

[1] A military organization established by the Japanese army to suppress guerrillas.

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