

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CAYETANO MANGAHAS AND MARIANO DE LOS SANTOS MANGAHAS, DEFENDANTS AND APPELLANTS.

*G.R. Nos. L-5367 & L-5368. June 09, 1953*

Ponente: PADILLA, J.

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### PADILLA, J.:

Cayetano Mangahas and Mariano de los Santos Mangahas (Cases Nos. 742 and 744 of the Court of First Instance of Bulacan) were charged with treason. With their consent both defendants were tried jointly. After trial they were found guilty of the crime charged and sentenced to suffer 14 years, 8 months and 1 day of reclusion temporal, the accessories of the law, and each to pay a fine of P10,000 and the costs. Both have appealed.

At about 11 o'clock in the morning of 13 December 1944 (Saturday), Jose Perez, a runner of the guerrillas operating around Victory Hill in Norzagaray, province of Bulacan, appeared at the house of Martin de la Merced, commanding office of the guerrillas, and informed him that about 30 armed Makapilis raided Lawang, a section of the town of Norzagaray, and apprehended several guerrilla members. Upon hearing the report Martin went down, joined other guerrillas, ran toward the bushes outside the town to escape from Makapilis. While his wife Enriqueta was looking around the house a second runner by the name of Julian Payumo came and informed her that the house of Captain Basilio Leonardo had already been raided, and not long after a third runner by the name of Lucio Ocampo came and told her that the Makapilis were in front of the municipal building. She left her house and went to another across the street from where she could see what they were going to do in her house. The Makapilis, among whom were Cayetano Mangahas, Mariano de los Santos Mangahas and Francisco Castillo, arrived, surrounded the house, some of them went up; and took and brought to the garrison of the Makapilis near the municipal building foodstuff intended for the guerrillas at Victory Hill, consisting of 5 sacks of rice, 2 cans of salted beef, a basketful of camote and another of tomatoes, a small bag of salt and a half sack of sardines, salmon and corned beef.

Enriqueta B. de la Merced and Engracia de la Cruz testified to the foregoing overt acts.

On 30 December 1944 five persons, among whom were the two defendants, came to the house of Moises Legaspi at Norzagaray, apprehended and brought him to the garrison of the Makapilis. Three days after his arrest, or on 2 January, his wife Purita Ramos, together with her children the eldest of whom was Matias Legaspi, 11 years old, went to the garrison of the Makapilis and there saw her husband, but since then he has not returned and has not been seen.

Purita Ramos and Matias Legaspi testified to the foregoing overt acts.

The foregoing evidence supports counts Nos. 2 and 3 of the information against Cayetano Mangahas and counts Nos. 3 and 4 of the information against Mariano de los Santos Mangahas.

In the morning of 29 December 1944 a group of armed Makapilis, among whom were the two defendants, took

and carried away rice, shoes, helmet, clothes and anything they could get hold of in the house of Primo S. Cruz at Norzagaray, Bulacan, and at the same time apprehended him and, together with other persons whose hands were tied, was brought to the San Jose garrison where Japanese soldiers were stationed and since then he has not returned and has not been seen. A similar tragedy befell Artemio Nicolas who on 30 December 1944 was taken from his house in Norzagaray by the defendants, was tied up and brought to the poblacion and then to the San Jose garrison and since then he has not returned and has not been seen again.

By their own admission the defendants are Filipino citizen.

The arrest of Primo S. Cruz and Artemio Nicolas, who as alleged in the information was shot to death by the Japanese while attempting to escape at the time when the Americans began bombing, cannot be deemed sufficient to constitute treason for lack of two witnesses, because the arrest of Primo S. Cruz is established only by the testimony of his widow Maria S. Cruz and that of Artemio Nicolas only by the testimony of his widow Virginia Boluran. Nevertheless, it is a proof of adherence to the enemy.

There is no merit in the argument that because there is no evidence to show that the defendants acted as informers or that they were responsible for the arrest of Moises Legaspi (counts No. 2 against Cayetano Mangahas and No. 3 against Mariano de los Santos Mangahas), the evidence is insufficient to support a conviction for treason. There is no doubt that the two defendants were present when they arrested Moises Legaspi at his house on 30 December 1944. A mere denial by Cayetano Mangahas that he was with those who arrested Moises Legaspi is not sufficient to outweigh the testimony of Purita Ramos and Matias Legaspi who pointed to the appellants as among the five Makapilis who apprehended Moises Legaspi.

On the day his father was taken by the Makapilis from his house Matias Legaspi was eleven years old and was 16 years old when he testified and being then a fifth grade student his senses could perceive and transmit those perceptions to others. The trial court gave him credence. After reading the transcript of his testimony a disregard thereof would be unwarranted.

The claim that there is no proof of adherence to the enemy is without merit. The acts of arresting guerrillas, commandeering foodstuffs, doing sentry work, drilling in the plaza, going around the town carrying firearms, and the fact that before the outbreak of the war they were members of the Ganap Party and in the latter period of the Japanese occupation of the Makapili organization, are more than sufficient proofs of adherence to the enemy.

Cayetano Mangahas testifies that he and his brother Mariano de los Santos Mangahas were arrested by the Japanese on 25 December 1944 for they were suspected also of being guerrillas; and upon that it is argued that they could not have been among the group of 30 Makapilis that raided the house of Martin de la Merced on 13 December 1944. The uncorroborated testimony of Cayetano Mangahas cannot prevail over the testimony of Enriqueta B. de la Merced and Engracia de la Cruz who on that occasion saw the defendants among the raiders.

In *People vs. Predilla*, G. R. No. L-4407, 25 March 1952, we said:

In some cases lack of instruction was taken into account to mitigate treason;[1] in others it was not[2] In *People v. Cruz*, G.R. No. L-2236. 16 May 1951, lack of instruction was not taken into consideration to mitigate treason, but as it appeared that the defendants had not taken part in the killing of the victims the minimum period of the penalty provided by law was not disturbed. The evidence does not show that the appellant took part in the killing of the victims.

The judgment appealed from is affirmed, with costs against the appellants.

Paras, C. J., Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.  
Feria, J., no part.

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[1] People v. Marasigan, 47 O. G. 3529; People v. Santiago, G. R. No. L-2239, 30 October 1950. [2] People v. Lansanas, 46 O. G. 1531; People v. Menor, 47 O. G. 3532; People v. Magsino, G. R. No. L-3550, 27 December 1950; People v. Alba, G. R. No. L-2799, 27 April 1951.

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