

**THE PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS.
ANTERO ANTILARES, DEFENDANT-APPELLANT.***G.R. No. L-2290. January 14, 1952*

Ponente: BENGZON, J.

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In a three-count information Antero Atilares was prosecuted for treason before the People's Court. After trial he was found guilty under the first count, and was accordingly sentenced to a term of years and to indemnify the heirs of the persons whose death resulted from his treasonous acts. He appealed to the Court of Appeals; but that court, believing him guilty and punishable with life imprisonment, forwarded the expediente to this Supreme Court for final adjudication.

In the morning of October 26, 1943, the accused Antero Atilares, then a police lieutenant of Pinamalayan, Mindoro, was given by the Mayor complete command of a team of 18 members of the police force which was directed to proceed to the barrio of Puyuhan to lend protection to persons harvesting palay therein. Chief of Police Juan Abarquez joined the team; but he was not apparently in the good graces of the Mayor, and was a figurehead. The peace officers accomplished their mission; but on the way back, they divided into two groups, one headed by Atilares and the other by the Chief of Police himself. Atilares' group passed by the barrio of Taberna, wherein was located the bouse of Gregorio Laceda, brother of Alfredo Laceda, a known guerrilla. Hearing that house at 3 o'clock in the afternoon, this appellant ordered his companions to surround it, which they did, and at a distance of about ten meters he told them to open fire upon the dwelling. As directed they fired with their rifles thereby instantly killing. Rosita Laceda, 17, and Nicasio Madrigal, inmates of the house. After discharging a few more volleys, the raiders entered Laceda's premises and discovered Gregorio Laceda among coconuts piled under the house. After asking Gregorio why he was hiding, the accused ordered Jose Medina, a corporal, to shoot him to prevent his escape. Complying with the order, Medina shot Laceda in the abdomen. Then Gregorio was questioned about his brother Alfredo, and when he replied he had not seen his brother for a long time, Laceda was cuffed and boxed, and the accused hit the unfortunate man with the butt of his revolver.

Deciding to return to the town, the raiders required Rosa Lozano (Gregorio's wife) to go with them; and as Gregorio Laceda was seriously wounded, and could not be carried, the appellant told his men it was better to do away with him, and his order was obeyed. Rosa Lozano heard this order and the fatal shot, although she could not identify the policeman who actually snuffed out the life of her wounded husband, at the appellant's bidding.

In the municipal building Atilares reported to the mayor about the death of Nicasio Madrigal, Rosita Laceda and Gregorio Laceda, explaining that the house of the deceased was fthe rendezvous of guerrilla operatives. On the way he had chided Rosa Lozano saying, "That is what you get by joining the guerrillas."

Apprised of the massacre, President Laurel of the wartime Republic removed Atilares and his companions from the police force of Pinamalayan.

The fact that appellant commanded the company of policemen that fired on the house is attested by Juan

Abarquez and Fermin Jalamanan. The deeds of actual violence for which Atilares must be held responsible, like the fusilade that killed Rosita and Micasio and the shot that finished Gregorio Laceda, were witnessed by Fermin Jalamanan and Rosa Lozano. It has not escaped our notice that the People's Court declined to accept the testimony of Fermin Jalamanan. But after a careful examination of the stenographic notes, we find no sufficient reason totally to reject his declarations.

Testifying on his behalf, the accused admitted having been a member of the party that raided Laceda's house, but denied having been the leader or having given orders to shoot. He said he had not fired a single bullet, and it was Abarquez who had led the expedition. And he swore that he had never directed the slaying of Gregorio Laceda. But as the lower court pointed out, none of his eighteen companions was presented to corroborate his protestations of innocence. And Rosa Lozano had no motives falsely to pick him out as the person responsible for three lives that had wantonly been destroyed.

The defendant tried to prove that before 1943 and after October 1944 he was connected with the guerrilla movement. However, we have heretofore ruled that such connection is no legal excuse for treasonable activities[1].

The result is that appellant, being a Filipino citizen no question about this nationality ordered the killing of his fellow citizens Gregorio Laceda and his daughter Rosita and Nicasio Madrigal, for the avowed reason that Gregorio's house was known as a guerrilla rendezvous, and Gregorio himself was suspected of underground connections. That is treason, downright, unmitigated. The murders committed in relation thereto do not need to be separately punished[2].

Wherefore, pursuant to article 114 of the Revised Penal Code the appellant should be and is hereby sentenced to reclusion perpetua to pay a fine of P10,000.00 and to pay the indemnities specified in the appealed decision to the heirs of the deceased persons. Modified as indicated, the appealed decision is affirmed with costs. So ordered.

Paras, Pablo, Padilla, Tuazon, Montemayor, Reyes, and Jugo, JJ., concur.
Feria, and Bautista Angelo, JJ., took no part.

[1] P. v. Victoria 44 Of. Gaz. 2230; P. v. Alvero G. R. No. L-820 April 11, 1950.

[2] P. v. Nava G. R. No. L-2256 July 6, 1950; P. v. Jardinico 47 Of. Gaz. 3508.

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