

**THE PEOPLE OF THE PHILLIPINES, PLAINTIFF AND APPELLEE, VS. EUGENIO ESCOSURA, DEFENDENT AND APPELLANT.***G.R. No. L-1291. November 02, 1948*

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d91e7ebe7c5e/>**TUASON, J.:**

Charged with treason on six counts, the appellant was found guilty on counts 1 and 2, and sentenced to reclusion perpetua with the accessories provided by law, to pay a fine of P10,000, and the costs.

On count one, Jose de Castro, municipal policeman of Sta. Rosa, Laguna, testified that at about two o'clock in the afternoon of October 8, 1943, Japanese soldiers accompanied by Filipinos appeared all of a sudden at the municipal building and arrested the witness and six other policemen. There were about eight Filipinos who came with the Japanese and one of them was the accused Escosura. Some of the Filipinos were armed, including the defendant who was carrying a rifle. The policemen were loaded in a truck and taken to the Japanese garrison in Calamba. There the prisoners were questioned regarding their activities as guerrillas. At mne time, they were made to dig holes by the Japanese in which supposedly they were to be buried. After forty-one days of detention, they were set free. That was not the only time the witness saw Escosura with Japanese. He had seen him with Japanese soldiers on many other occasions also carrying arm. Escosura and the other Filipinos with him were makapilis. They used as headquarters Arsenio Batitis's house in barrio Aplaya, Sta. Rosa.

Adolfo Bascon, one of the other policemen arrested with De Castro, corroborated the latter. He added that he was questioned by a Japanese officer with a Japanese interpreter. Later he was questioned by a Japanese officer and Arsenio Batitis. All in all, he was subjected to questioning about five different times. He contradicted De Castro when he testified that Arsenio Batitis, Eugenio Escosura, Rafael Batitis and Victorio Gardoce came along to Calamba in the truck. The accused and other Filipinos, he said, were makapilis because they wore Japanese uniform and bore arms.

On the second count, Candelaria M. Santos testified substantially as follows:

Her husband, Major Leopoldo Santos, was arrested on November 16, 1944, at about three o'clock in the morning, in their house in barrio Pooc, municipality of Sta. Rosa, by Japanese troops accompanied by Fili- pinos one of whom was the accused. At that time, her husband was asleep and she woke him up. Two Japanese broke into the house through the window. Others followed the two Japanese and they searched the house for her husband. The Filipinos and other Japanese came into the house through the door which she had opened. Some of the Filipinos were in Japanese uniform and others in civilian attire. The accused was carrying a pistol. In the house, she saw the accused going about the room while she was guarded by Japanese and could not move. Her husband had shut himself up in a room and she did not know what he did until he called her from an avocado tree, which was about three meters from the house. Evidently, he had jumped out of the house from the window. Her husband called her to put trousers on him. He was naked from the waist down. She asked permission of the Japanese to dress her husband and they granted it. Her husband was wounded in several parts of the body with bayonet stabs and was

profusely bleeding. When she dressed him his hands were already tied. It was Filipinos who bound him. Once he was tied, he was taken to the truck which was parked in front of the house, at the gate. She did not see her husband until June 27, 1945, when his remains were exhumed. Her husband was suspected of being the founder of a secret underground organization in Sta. Rosa. He was a lieutenant-colonel in the guerrilla organization, having been promoted in March, 1942, but he was still called Major, the rank he had in the Philippine Army.

Pablo Alumno testified that he was a neighbor of Major Leopoldo Santos. At about two o'clock in the morning of November 16, 1944 he went home from a neighboring house where he had been conducting mahjong games and where Major Santos had played up to that hour since noon of the previous day. On reaching home, he smoked a cigarette, after which he saw a truck pull up right beside Major Santos' house. He peered through a window and saw a man leading a group of other men. He slipped down and watched from behind a gumamela shrub, At the gate of Major Santos' house, he saw the accused with other Filipinos whom he named. Two Japanese were left behind while Escosura led the rest to the house "When they reached the door, they knocked and called, "Major, Major". The door was opened and they entered. Then he saw Major Santos jump out of the window and climb up an avocado tree. The raiders came down the house, went around it and then toward the tree where Major Santos was hiding. Then he heard Major Santos shout in pain and saw him fall to the ground. The victim was tied and carried to the street by two men. These did not pass through the gate but broke part of the fence. The place was lighted with a 50-kilowatt electric bulb. He was about ten meters from the fence where those who carried Major Santos passed and saw Eugenio Escosura holding a rifle with fixed bayonet.

The defendant testifying in his behalf denied all the acts imputed to him by the witnesses for the prosecution.

Valentin de los Reyes testified that for six months from the middle of August, 1943) he was mayor of Sta. Rosa; that he had no knowledge of the arrest of the policemen in Sta. Rosa except "through information" ; that he was no longer the mayor at the time of the arrest.

Antonio Patapat declared that he was a constabulary soldier; that he left Sta. Rosa on March 16, 1943; and he denied that he was with the Japanese who seized Major Leopoldo Santos on November 16, 1944. He said nothing regarding Escosura.

Juan Barrera testified that he knew the accused since he was a kid in the barrio of Caingin; that during the Japanese occupation the accused was a neighborhood association president; that all that time the accused stayed in barrio Caiñgin, going to town only to get rations.

Angel Tiongco testified that he was mayor of Sta. Rosa from December 4, 1944 to February 6, 1945; that in December, 1944 to February 6, 1945 he met Benigno Ramos and had a talk with him; that Ramos told him that he wanted to establish a branch of the mateapili organization in Sta. Rosa; that he told Ramos that if he wanted to do that they had to release thirteen people who had been kidnapped in the month of November; that Ramos gave him a letter for the Japanese to release those thirteen men but none of them was found and so the makapili was never organized in Sta. Rosa.

The question raised goes to the credibility of the witnesses for the prosecution. We find no reason to disturb the findings of the People's Court. The contradictions pointed out in the witnesses' statements are not of the nature that would tend to impair their credibility. They were details which, in the confusions, excitement and fright the horrible incidents brought about, could very well have impressed the witnesses in different manners or escaped the attention of some but not of the others. The long time that had elapsed is another important factor that has to be considered. Far from being evidence of falsehood, these contradictions constitute a demonstration of good faith and a confirmation of the truth of the appellant's participation.

The alleged discrepancies between the witnesses' testimony in the case at bar and their testimony in another case can not be entertained. We do not have before us the latter testimony except counsel's summary of it in his brief in the case mentioned. Moreover, granting the alleged contradictions, the statements in the other case can not serve as basis for impeaching the witnesses' veracity unless their attention was directed to the discrepancies and they were given an opportunity to explain them. This has not been done.

One of the charges which the People's Court found not to have been proved under the two-witness rule is that appellant was a makapili or a scout battalion. However, although the evidence on this charge does not satisfy the two-witness principle, it suffices, as the lower court has held, for the purpose of establishing adherence to the enemy. Adherence, as differing from overt act, does not have to be substantiated by the oaths of two eye-witnesses. Oral testimony and defendant's conduct show beyond doubt that he was a member of a semi-military armed force called "Scout Battalion", the main purpose of which was to aid the enemy in suppressing and fighting the resistance movement. It was an organization supplied by the Japanese with uniforms, food and weapons, and which actively cooperated with the invaders in the apprehension, torture and assassination of guerrillas or suspected guerrillas. This adherence gives substance and shape and corroboration to the accusation that the appellant's intervention in the arrest of the policemen and the arrest and killing of Major Santos was motivated by treasonable intent.

The judgment of the People's Court is affirmed.

Moran, C.J., Ozaeta, Paras, Feria, Pablo, Bengzon, Briones, and Montemayor, JJ., concur.

---

### CONCURRING AND DISSENTING

#### **PERFECTO, J.:**

Adherence to the enemy, being an Attitude of the mind and of the will, is psychological and, unless proved by external manifestations, can only be known by the subject himself. External manifestations are facts. The adherence to the enemy by an accused can only be proved by evidence as to his action in which the adherence is manifested. Such acts of the accused are overt acts that, under article 114 of the Revised Penal Code, should be proved by the testimony of at least two witnesses.

Whether appellant was a Makapili or a Scout Battalion is a question of fact, involving his acts or actions as such Makapili or Scout Battalion. Such acts or actions are overt acts under the law, and should be proved by the testimony of two witnesses at least. We cannot agree to the dictum in the majority's opinion to the effect that the two-witness rule is not applicable to the question as to whether appellant was or was not a Makapili or a Scout Battalion. To two witnesses having testified that appellant was a Makapili or a member of the armed body called "Scout Battalion", the pronouncement has no legal basis to stand on.

In other respect, we concur in the decision.

**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.