

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CANUTO CADIZ, DEFENDANT AND APPELLANT.

G.R. No. L-5039. March 19, 1953

Ponente: REYES, J.

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REYES, J.:

The defendant Canuto Cadiz was charged with treason in the People's Court in an information containing six counts. The substance of the accusation is that, being a Filipino citizen, defendant adhered to the enemy during the period from December, 1944, to May, 1945, by joining the Japanese soldiers and the makapilis in the apprehension and maltreatment of members of the guerrilla forces, specially Fundador Baltazar, Maximo Castro, Eric Broderick, Vicente Santos, Juan Serapio, and Jose Serapio.

There is no dispute that during the period above stated defendant was a Filipino citizen, and the evidence for the prosecution shows that, although at first he was a member of a guerilla unit, he later changed allegiance, defecting to the enemy early in December, 1944. Accompanying the Japanese and their ally, the makapilis, in their campaign against the resistance movement in Bulacan province, defendant participated in the apprehension of the above-named members of the guerilla forces and in the maltreatment of some of them.

But to comply with the two-witness rule, we have to confine discussion to the arrest of Fundador Baltazar, Maximo Castro, Vicente Santos, and Jose Serapio.

The arrest of Fundador Baltazar was testified to by himself. He declared that on December 6, 1944, he was arrested by defendant, who was accompanied by some Japanese soldiers and one Paulo Capa in Sapang Palay, San Jose del Monte, Bulacan. He also stated that his captors tied him with a rope, took him to the garrison and maltreated him because he was a member of a guerrilla unit. Baltazar was corroborated by Tranquilino Lucas, who was himself apprehended on the same day and in the same place, and also by Vicente Ponce, who was likewise arrested and even dealt a first blow by the defendant.

The arrest of Maximo Castro was also effected by the defendant during the same month. Castro was arrested while he and Antonio Desquitado were taking a pair of carabaos to the Japanese garrison in Tungan Manga, defendant suspecting that Castro and Desquitado were taking the animals to the guerrillas in the mountains. The arrest was testified to by Castro and Desquitado, with the corroboration of Vicente Nepomuceno, who saw Castro with hands tied being led by the makapilis to the poblacion.

The arrest of Vicente Santos is established by the testimony of himself and Jose Serapio, while that of Jose Serapio is established by the testimony of himself and Vicente Santos.

Testifying in his defense, the defendant claimed that he was drafted into the service of the enemy and joined the makapili organization against his will, having been told that all the members of his family would be killed if he did not accompany the Japanese patrols. He admitted being with the group that raided Sapang Palay and arrested Fundador Baltazar and three other guerrillas, but said that he had been forced to do so by Paulo Capa, the head of

the makapilis, and by one named Gubat. He also admitted being in the group that arrested Maximo Castro, but explained that he did not lead that group and was merely acting under orders from Paulo Capa. He said that some members of his group were able to escape from the Japanese and that he himself could have done so if he did not fear for the life of the members of his family. He, however, admitted that he had no children. He further declared that after the Americans had liberated San Jose del Monte on February 4, 1945, he and many other Filipinos headed for the mountains of Ipo, carrying supplies for the Japanese, who were then retreating, and that he finally managed to escape on May 15, 1945.

The trial court did not believe defendant's exculpatory statements, declared him guilty of treason and sentenced him to 10 years, 8 months and 1 day of reclusion temporal, a fine of P5,000.00 and the costs.

From this sentence defendant appealed to the Court of Appeals, but that court certified the case here, being of the opinion that defendant should be sentenced to life imprisonment.

The case hinges principally on the credibility of witnesses, and there being nothing in the record to show that those who testified for the prosecution had any reason to impute to the defendant a crime he had not committed, we have no justification for doubting their testimony.

The contradictions which the defendant claims to have noted in the testimony of the witnesses for the prosecution refer to mere matters of detail and do not affect their veracity. And while it is true that, due to lapse of time, some of the witnesses were not able to give the exact date of the arrest of Fundador Baltazar, Maximo Castro, Vicente Santos, and Jose Serapio, except to say that it took place in December, 1944, there is no doubting the fact that these arrests were actually made, for defendant has confessed to the apprehension of the first two and of three other guerrilla members whom he did not name.

From the evidence submitted, we find that the trial court did not err in declaring defendant guilty of treason, and the sentence imposed below being sufficient punishment for the treasonous acts perpetrated by him, the decision appealed from is affirmed, with costs.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo, and Labrador, JJ., concur.

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