

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
MARTIN LAUREL (ALIAS MARTINIANO LAUREL), DEFENDANT AND
APPELLANT.***G.R. No. L-2289. June 22, 1950*

Ponente: MONTEMAYOR, J.

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Martin Laurel was accused of treason in the People's Court under 15 counts. He is appealing from the decision of said Court finding him guilty under counts 2, 3, 4, 5, 6, 7, 8, 9, and 13, and sentencing him to life imprisonment, to pay a fine of P10,000, with costs, and crediting him with one-half of the preventive imprisonment already suffered by him.

Counts 11, 12, and 14 were abandoned by the prosecution while counts 1, 10, and 15 were found by the lower court not to have been substantiated. Besides appellant Laurel who was prosecuted in Criminal Case No. 127 of the People's Court, there were other persons accused in several separate cases, such as Criminal Cases Nos. 128, 137, 143, 146, and 148. A mass trial was held of all these cases including that of the present appellant. There was one Special Prosecutor but there were several defense attorneys for the different defendants. There being many counts common to the different accused, they were coordinated in "groups" wherein the evidence submitted in each group was to be used against each of the several defendants concerned. Each witness could be examined as many times as there were defendants involved in his testimony. It was not however, a joint trial and so there was a separate sentence or decision for each case and there were separate appeals.

After a careful review of the evidence in the present case we find the following facts to have been sufficiently established under the two-witness rule in treason cases. At the beginning of the trial (hearing of November 18, 1947), Martin Laurel admitted that he was a Filipino citizen.

Under count 2, regarding the arrest of Wenceslao Carpena it was established by the testimony of his widow Maxima Bato and his son Reynaldo Carpena that early in the morning of November 16, 1944, Martin Laurel in the company of a group of persons and a Japanese named Maykawa, went to the house of Wenceslao Carpena in barrio Ibabaga, Sta. Rosa, Laguna, arrested and tied his hands and legs and then took him to the Japanese garrison in the poblacion where he was thereafter killed. His remains were later exhumed from his grave behind the Japanese garrison and identified by his wife by means of his clothes.

Under count 3, regarding the arrest of Major Leopoldo F. Santos of the USAFFE, it was proven by the testimonies of his widow Candelaria Santos and his neighbor Pablo Alumno that early in the morning of November 16, 1944, the appellant accompanied by some Japanese soldiers and some Filipinos went to the house of Major Santos in barrio Pook, Sta. Rosa to arrest him. Santos apprised of the coming of the raiding party, . jumped out of the window and climbed an avocado tree in the yard. Unable to find him in the house, the raiders, particularly Martin Laurel and Higino Sigue looked for him downstairs and finally found him up in the tree where he was even bayoneted in the leg by Sigue. Santos was tied up, placed in a truck and taken to the Japanese garrison at Sta.

Rosa where he was later executed. On November 27, 1945. his remains were exhumed and identified by his wife by means of his teeth and the wedding ring which he wore.

Under count 4, it was proven that on November 16, 1944, Martin Laurel accompanied by several persons, all armed and dressed in Japanese uniform went to the house of Roque Lazaga in barrio Balibago, Sta. Rosa and arrested him, tied him up and took him to the Japanese garrison in the poblacion where he was later killed. His remains were later found and identified by his wife through his clothing and his teeth. life witnesses who gave this evidence were Julia Llinsod and Teofila Lazaga, his widow and daughter, respectively.

Under count 5, the People's Court found and we also find that early in the morning of November 16, 1944, appellant Martin Laurel accompanied by some Filipinos and a Japanese, went to the house of Adolfo Nepomuceno in calle Bonifacio, municipality of Sta. Rosa, Laguna, arrested him and after tying his hands and legs, loaded him in a truck and took him to the Japanese garrison where he was later executed. Later -when the guerrillas arrived in Sta. Rosa, his remains were exhumed and duly identified by his wife because of his teeth. Two witnesses testified under this count, namely, his widow Bibiana Nepomuceno and his neighbor Lorenzo Tiongco.

Under count 6, regarding the arrest of the Alumno brothers, it has been established that early in the morning of November 16, 1944, seven persons, among them Martin Laurel, raided the house of Antonio Alumno and his brother Jurado Alumno, four of the raiders passing through the window. They tied the Alumno brothers and took them to the Japanese garrison in the poblacion where they were later killed. Their arrest was testified to by Sancha Sayao, widow of Antonio, and Inocencio Alumno, father of the two brothers, while their death was testified to by Florencio Malapitan, a fellow prisoner who actually saw their bodies after they were killed by the Japanese behind the garrison.

Under count 7, the evidence shows that about November 24, 1944, appellant Martin Laurel accompanied by several Filipinos all dressed in Japanese uniform, apparently commanded by a Japanese named Maykawa, went to the house of Emiliano Concepcion in Sta. Rosa, Laguna, took him down from his house and carried him to the Japanese garrison where he was later killed. His remains were later exhumed from his grave behind the Japanese garrison and were identified by his wife. Amanda Batugan, his widow and Francisco Dichoso, Sgt. of police, testified under this count. There is a slight discrepancy between the testimony of these two witnesses, Amanda claiming that the arrest of her husband was effected on November 24, 1944, of October while Dichoso said that it was between the 23rd or 24th of October of the same year. We however, believe that the difference in dates is not very material. We are satisfied that the arrest of Emiliano Concepcion and his subsequent execution was sufficiently established although the two witnesses testifying under this count may have been mistaken as to the exact date it occurred.

Under count 8, the evidence shows that early in the morning of November 24, 1944. a raiding party composed of at least two Japanese and several Filipinos, among them appellant Martin Laurel, raided the house of Lucio Aguilar in barrio Tagapo, Sta. Rosa, Laguna, apprehended and tied him up, loaded him in a truck and took him to the Japanese garrison in the poblacion where he was later killed. His remains were later exhumed and identified by his wife through his teeth, Aguilar was evidently arrested and killed because of his resistance activities. During the raid, although appellant Martin Laurel did not go up the house, he remained near the truck because he was the one driving it. Under this count, Rosa Alinsod and Federico Aguilar, widow and son respectively of Lucio, testified.

Under count 9, it was proven that early in the morning of November 24, 1944, Martin Laurel and several other persons went up the house of Aurelio Lazarte in Sta. Rosa, Laguna, brought him down, tied him up and then took

him to the Japanese garrison where he was later executed. He was suspected of being a guerrilla and of having been listening to the radio broadcasts made by the allies. His remains were later exhumed and identified by his wife, Beatriz Lobregas de Lazarte and Buenaventura Lazarte, widow and brother respectively of the victim, testified under this count. Florencio Malapitan also gave evidence as to the death of Aurelio.

Under count 13, the evidence tends to show that on February 4, 1945, in barrio Aplaya, Sta. Rosa, while Augusto Ramirez was riding on a bicycle he was apprehended by Martin Laurel and his companions, among them Higino Sigue, Filemon Alitaptap and Tiburcio Alitaptap, tied up and taken to a yard opposite the house of Buenaventura Dichoso, where he was bayoneted to death by Martin Laurel and two of his companions. Two witnesses testified under this count, namely, Buenaventura Dichoso and Canuto Velandes. We, however, find material contradictions in the testimonies of these two men. While Dichoso claims that Martin Laurel was armed with a .45 caliber revolver; that he was the second in bayonetting Ramirez, and that in doing so he had to get the rifle with a fixed bayonet carried by Filemon Alitaptap, Canuto Velandes equally assured the trial court that Laurel was armed not with a revolver but with a rifle with which he bayoneted the deceased, and that Laurel was the third and last to stab Ramirez, the first being Tiburcio Alitaptap, and the second, Filemon Alitaptap. In view of the gravity of the charge under this count, especially since it involves the alleged killing of one suspected as a guerrilla, all of which would naturally render more grave the charge of treason, we feel that it is safer to hold and to find as we do that this count has not been sufficiently proven.

Under all the counts proven, there is evidence to show that in making the raids and arrests, the appellant was almost invariably dressed in a Makapili or Japanese uniform, and that the persons arrested were suspected as guerrillas. Moreover, oftentimes, the raiders including the defendant were accompanied or commanded by Japanese.

Counsel for the appellant in his brief asserts that the witnesses for the prosecution have incurred in material contradictions, although he fails to point out in what those alleged contradictions consist. In spite of said failure, we have taken pains to examine carefully the testimonies of the witnesses for the government and with the exception of count 13 which we find not to have been sufficiently proven because of the material contradictions incurred in by the witnesses therein, we find that as regards the witnesses on the other counts proven, such contradictions are not sufficient to impair their testimonies.

Appellant's counsel also contends that altho his client admitted during the trial that he was a Filipino citizen, there is no showing that he was a Filipino at the time that he committed the acts of treason imputed to him. Aside from the presumption that if he was a Filipino citizen at the time of the trial in 1947, he must have had the same citizenship in 1944, it is a fact established by the very defense that in 1944, or shortly before, he was a member of the Philippine Constabulary, and according to the law, then and now (sec. 844, Rev. Adm. Code), only citizens of the United States of America or of the Philippines may join the Philippine Constabulary as officers or enlisted men.

The defense of alibi put up by the appellant has in our opinion been correctly rejected by the trial court. We quote two paragraphs of the decision of the People's Court on this point of alibi and as to the credibility of the witnesses for both parties:

"The six witnesses presented in support of the defense of alibi, instead of helping the accused, actually did him harm. They wantonly contradicted themselves, and by the manner and way they testified, they showed themselves to be unreliable and unworthy of trust.

"On the other hand, the naturalness, simplicity, and straightforward manner in which the witnesses for the prosecution testified, their composure and demeanor while on the witness-stand, the logic and sequence of

their declaration, all lend support and conviction to the correctness and veracity of their testimony."

In conclusion, we find the guilt of the appellant of the crime of treason under counts 2, 3, 4, 5, 6, 7, 8, and 9 to have been proven beyond reasonable doubt. The Solicitor General recommends the confirmation of the sentence of the court below. Acting upon said recommendation, the decision appealed from is hereby affirmed, with costs.

Ozaeta, Paras, Pablo, Bengzon, and Tuason JJ., concur.

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