

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. GABINO R. TUASON, DEFENDANT AND APPELLANT.

G.R. No. L-1733. April 29, 1950

Ponente: MORAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fdf985d6f201/>

MORAN, C.J.:

Appellant Gabino R. Tuason was convicted by the People's Court of the crime of treason on counts 1, 2, 4 and 6, alleged in the amended information, and was sentenced to life imprisonment and to pay a fine of P10,000 and the costs.

The appellant is a Filipino citizen. Under counts 1 and 2, it has been proven that on April 22, 1944, appellant, with two Japanese and twenty Filipinos, went to the house of Cornelia Cruz in the barrio of Ugong Norte, Pasig, Rizal, at about 5 o'clock in the morning, and there they arrested and tied Sotero Historia. On the same occasion, they also arrested Mario, Faustino, Jose and Angel, all surnamed Fereyra and one Julian Javier. They later proceeded with their prisoners to barrio Rosario, Pasig, Rizal, and went to the house of the spouses Sixto Santos and Macaria Mendiola. They ordered said spouses to come down and inquired from them as to the whereabouts of the father and mother of Macaria Mendiola, suspected by the appellant of being members of the guerrilla forces. Since the spouses refused to give the desired information, they were tied and slapped and Sixto Santos was kicked and taken to a place under a mango tree where the other prisoners were, and Macaria Mendiola was thrown into a small bonfire thus suffering minor burns. The assailants took from the house of the spouses some clothes worth P20, and brought their prisoners to Pasig. Sotero Historia was never heard from again. Julian Javier and the Fereyras were allowed to go home that same day. Sixto Santos was released nine days thereafter. All these facts have been testified to by witnesses Cornelia Cruz (mother of Sotero Historia), Sixto Santos and Macaria Mendiola.

The arrest of Sotero Historia in his mother's house was testified to by his mother alone, Cornelia Cruz, but the spouses Sixto Santos and Macaria Mendiola saw also Sotero Historia arrested and tied together with the Fereyras and Julian Javier, under the mango tree above-mentioned. And said spouses testified to all the incidents that had happened after that occasion. This is a sufficient compliance with the two-witness rule.

The defense witnesses, Cirilo Tuason and Felipe Reyes, both treason detainees, testified that appellant was not among those who arrested Sotero Historia and Sixto Santos. This denial cannot, of course, prevail over the positive testimonies of the three witnesses for the prosecution. The same consideration applies to appellant's testimony to the effect that he had no participation in said arrest because since 1943 till liberation he has always been in the barrio of Calawaan.

Under count no. 4, the facts proven by witnesses Florencia Santiago, Lucia Santos, Maxima Javier and the victim himself, Celestino Reyes, are as follows:

In the first week of December, 1944, Celestino Reyes who was suspected by appellant of being a member of the guerrilla forces, was driving a carretela in the barrio of Rosario, Pasig, Rizal, going towards Mariquina. Appellant

and his companions stopped the carretela and forced Celestino Reyes to come down. Appellant hit him in the neck with the butt of a gun and Reyes fell unconscious on the ground. He was then taken to a nearby yard where he was tied and tortured by appellant. A .45 calibre revolver was aimed at his forehead 'to scare him, and upon his refusal to admit that he was a member of the guerrilla forces his torture was resumed. Later he was put back in the carretela which appellant and his companions also boarded and they all proceeded to Pasig. Celestino Reyes kicked appellant who was driving the carretela, grabbed from him a .45 calibre revolver, fell from the carretela and ran away, but he was overtaken and was knocked down. He got up again and ran away and a shot hit him on the right leg but he succeeded in making good his escape.

While it is true that witness Maxima Javier does not seem to have recognized the identity of the victim, yet the arrest and torture of Celestino Reyes are facts admitted by the defense. It is claimed, however, by appellant, that only Felipe Sanpedro and Eleno del Rosario were the authors of such arrest and torture, appellant having had absolutely no participation therein. But again this denial cannot prevail over the positive testimonies of the four witnesses for the prosecution who have no ill motive to falsely impute a serious crime to defendant-appellant.

As regards count no. 6, the facts proven by witnesses Cornelia Cruz and Icasiana Gimenez are as follows:

In the first week of February, 1945, at about 5 o'clock in the morning, appellant with some makapilis, arrested Sebastian Raymundo in the barrio of Bulao, and took him to barrio Rosario, Pasig, Rizal. Later in the afternoon, Sebastian Raymundo was brought back to barrio Bulao for the purpose of making him indicate the other members of the guerrilla forces who were hiding in that barrio. He was not able, however, to point out any guerrilleros, and for that reason, he was beaten up by appellant with the butt of a .gun and he fell unconscious on the ground. Sometime there- after, Sebastian Raymundo died.

Cornelia Cruz testified that the victim died three days after he was tortured, while Icasiana Gimenez testified that his death took place in the same afternoon he was maltreated. However, the fact remains that Raymundo died from the maltreatment inflicted upon him. Whether he died on the same day he was maltreated or three days thereafter, is immaterial. The testimony of Icasiana Gimenez on that point may be ascribed to an honest mistake, since Sebastian Raymundo might have seemed dead when appellant and his companions left him unconscious on the ground in that afternoon. The witness left barrio Bulao immediately that afternoon and went to the poblacion, so she could not have known that Raymundo died three days later.

Icasiana Gimenez testified that appellant personally struck Sebastian Raymundo with the butt of a gun; Cornelia Cruz, upon the other hand, testified that appellant did nothing though he was present when Sebastian Raymundo was tortured. Again, this apparent discrepancy does not necessarily imply falsehood on the part of the witnesses. Two witnesses admittedly present while a fact is taking place may not coincide in describing all the details of the occurrence. One may mention details which the other may not have observed or may not remember. The apparent conflict, therefore, may be due to differences in observation or memory.

In the instant case, the two witnesses coincide on a substantial detail, namely, the presence of the accused during the torture of Sebastian Raymundo. That, together with the other proofs, is sufficient to establish appellant's guilt.

Exhibit 3 was offered as evidence by the defense to prove that Eleno del Rosario and Guillermo Figueros pleaded guilty to a charge of homicide committed against Sebastian Raymundo, and that, accordingly, they were sentenced to an indeterminate penalty of six years and one day of prison mayor to twelve years and one day of reclusion temporal, to pay an indemnity of P2,000 to the heirs of the victim and the costs. It appears, however, that the guilt of Eleno del Rosario and Guillermo Figueroa is not at all inconsistent with and does not exclude appellant's guilt. According to the evidence in the instant case, Eleno del Rosario and appellant Gabino Tuason acted together and in mutual cooperation in the killing of Sebastian Raymundo.

We find no reason to disturb the findings of the trial court and the judgment appealed from, being in accordance with the law and the facts, is hereby affirmed with costs against appellant.

Ozaeta, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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.