

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GAVINO LOGO, DEFENDANT-APPELLANT.

G.R. No. L-2158. April 29, 1950

Ponente: BENGZON, J.

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BENGZON, J.:

The appellant Gavino Logo was prosecuted for treason in the People's Court. Of the eight counts described in the information only three were fully proven, and that court, holding the accused guilty of treason with murder, theft and/or with arson, sentenced him to death with the accessory penalties and costs.

It appears from the record that Gavino Logo, a Filipino citizen, was, during the Japanese occupation, an active member of the Makapili, a semi-military organization that this Court, in several decisions, has found to be pro-Nippon in its activities and aims. It also appears that he tried to induce the people of Tanauan, Batangas to join the said group, promising rice rations to those who would enroll. He was publicly heard challenging the guerrillas, (whom he considered as enemies of the Makapilis) to come out openly and fight.

The prosecution further proved that in the early morning of November 19, 1944, Sunday, Gavino Logo, accompanied by several fully armed Filipinos and Japanese soldiers, raided the house where Major Tirso Coronado of the pre-war Constabulary and his son-in-law Dr. Felix Lleander (dentist), together with their families, had evacuated in barrio Ulango, Tanauan, Batangas. It was the house where Pedro Ladra (the encargado of Dr. Lleander) resided with his family. The accused, gun in hand, ordered the inmates to raise their hands and to produce any firearms they possessed. The latter answered they had none, as they were mere evacuees. They told him they were peaceful people from Manila, who had gone there because food was becoming scarce in the city. Dissatisfied with their reply, the accused took a rope and, with the assistance of the Japanese Takasita, tied the hands of Major Coronado, of Pedro Ladra, and of Dr. Lleander and his two sons (Manuel and Augusto) and dragged them downstairs. (It turned out that these persons were thus treated because they were guerrilla suspects).

The women were ordered to climb down, and were bundled together with a cord, like firewood. Immediately thereafter Pedro Ladra and Dr. Felix Lleander were hanged, hog-tied, from a nearby mango tree. Next the accused led Mrs. Lleander near her husband to urge him to surrender firearms and to disclose the hiding place of Vicente Umali, Chief of the P. Q. O. G. (President Quezon's Own Guerrillas).

For denying knowledge of both matters, Dr. Lleander was flogged by appellant with a horse-whip. Pedro Ladra was equally punished. Thereafter appellant brought the woman to her father Major Coronado and required the latter to produce his firearm. Major Coronado explained that he had already surrendered it to the Japanese Government.

About noon some Japanese soldiers arrived bringing dogs with them. Presently the raiders began consuming food prepared by some of the women, who had for that purpose been untied. And after eating their meal, such raiders lowered Felix Lleander and Pedro Ladra from the mango tree, only to be marched together with other captives to an elevated place overlooking the road, where, close to a pit, Felix Lleander, Tirso Coronado, Pedro Ladra,

Manuel Lleander and Augusto Lleander were, one by one, beheaded with a sword by a Japanese soldier in the presence of Crispulo Ladra (son of Pedro, 15 years old), who was spared, to serve his captors, doing manual work in several places, for one week, until he escaped. This boy told the gruesome story before the People's Court. And his detailed account was confirmed by the discovery of the remains of the unfortunate victims.

The prosecution further proved that, before leaving, the accused and his companions searched and looted the dwelling, carrying away with them Philippine money and jewels worth P3,000.19, and some clothing and medicine, the value of which has not been clearly shown. They likewise took a pair of race horses, value undisclosed.

Establishing another count, the prosecution introduced evidence that in February, 1945, this accused Gavino Logo in company with other Filipinos and some Japanese soldiers burned almost all the houses and huts of barrio Ulango, for the reason that the residents thereof were guerrillas, who secretly held meetings in that locality. During the fire Balbino G. Ladra saw this appellant dragging a pregnant woman named Miling into the burning home of Alvaro Evangelista, and Fermin Lancheta witnessed Logo's act of throwing children into the flames.

The overt acts of treason of this appellant, namely, his having arrested and tortured with Japanese soldiers some guerrilla suspects on November 19, and his having participated in the destruction of almost the whole barrio of Ulango in February, 1945, have all been substantiated in accordance with the two-witness requirement. On the arrest and maltreatment Teofista Coronado (widow of Lleander), Rosario Coronado, Crispulo Ladra and Balbino G. Ladra declared in court. It is true that the decapitation was seen only by this youth, but that is not an essential ingredient of the treasonable offense, and therefore it needs no two-witness confirmation. The burning of the barrio, and appellant's participation therein, were described by Fermin Lancheta and Balbino G. Ladra.

The appellant swore that in the year 1943 he transferred to a barrio of Calamba, Laguna, and stayed there; that he worked in that place as a farmer; that he never joined the Makapilis nor the expeditions described by the prosecution; that he did not go to Ulango on the occasions above mentioned. But in the face of the positive assertions of the People's witnesses, who have no plausible reason to falsify, the defense of alibi presented by the appellant is necessarily unconvincing and must be rejected, as it was rejected, by the judges of the People's Court.

In accordance with previous rulings, the appellant's offense must be classified as treason, because he has actually and knowingly helped the Japanese invaders in their efforts to win the war by suppressing the underground activities of the guerrilla forces. Life imprisonment and a fine of P10,000.00 is the proper penalty (Article 114, Rev. Penal Code). However, as recommended by the Solicitor-General, the appellant is also sentenced to pay Mrs. Teofista Coronado Lleander the total sum of P3,000.19 which represents the proven value of the things looted from the evacuation place.

Thus modified, the appealed judgment is affirmed, with costs.

Moran, C.J., Ozaeta, Pablo, Tuason, Montemayor, and Reyes, JJ., concur.

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