

82 Phil. 668

[G.R. No. L-1288. January 25, 1949]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JACINTO PINEDA (ALIAS ISING PINEDA), DEFENDANT AND APPELLANT.

D E C I S I O N

TUASON, J.:

The appellant, Jacinto Pineda *alias* Ising Pineda, was prosecuted in the People's Court, charged with treason on six counts. The Third Division of that Court found defendant guilty of the charges in counts 1, 3, 4 and 5, and acquitted him of counts 2 and 6.

At least two eye-witnesses testified to each set of the following facts:

Count 3. Benjamin Rayola, a resident of Lucena, Quezon, who had joined the Panay guerrillas, visited his home town with two other guerrillas, De Leon and Aguile, on December 22, 1944. As they were counting guerrilla notes at the home of Benjamin's folks, on December 23, three Japanese and three Filipinos, one of whom was the appellant, arrested them with Benjamin's mother and brother Amado, and marched them to the Japanese garrison. The raiding party slapped Benjamin, De Leon and Aguile, asked them why they had so much money, and thoroughly searched the house for arms. In the garrison, the prisoners were lined up, their names and ages were taken down and they were maltreated. Mrs. Rayola and Arnado were released after a few days but Benjamin, Aguile and De Leon were not seen or heard of after the release of the first two.

Count 4. On December 21, 1944, in Lucena, after mass, several Filipinos, including the accused, and two Japanese came to Jose Unson's house and searched it thoroughly for firearms and radio. All of them were armed with pistols or revolvers. Not finding what they were looking for, they left. Later they came back and took Jose Unson to the garrison, releasing him on the night of that day. However, the next day, that is on the 22nd at noon, two Japanese came back and arrested Jose Unson again. After that arrest Jose Unson was

not seen alive anymore. His remains were exhumed on all Saints' Day in 1945 in Lukban, Quezon. The cause of Jose Unson's arrest and execution was that he had a radio and had been tuning in on foreign broadcasts for war news which he used to pass on to his acquaintances and friends.

Count 5. Federico Unson Jr. and his family resided in barrio Bocoban, Lucena, Quezon. On October 6, 1944 at about ten o'clock in the morning, Japanese soldiers and four Filipinos came, picked up Federico Unson, questioned him and maltreated him. One of the Filipinos was Jacinto Pineda. All of them, Japanese and Filipinos, were carrying arms. Pineda did most of the questioning and slapped Unson during the examination. The subject of the investigation was the location of the guerrillas and the bodies of two makapilis who had been kidnapped and killed two days previously by the resistance forces. Other people in the barrio were questioned, too. While the investigation was going on, guerrillas swooped down on the Japanese and their allies and the latter fled, Jacinto Pineda having been wounded above the eye. About two o'clock in the afternoon the Japanese and their Filipino cohorts including the accused came back. There were about eight in the party. This time, the accused had a bandage around his head. Federico Unson and two of his laborers were tied together "back to back" and beaten up. The laborers' names were Ruben Godoy and Isaias Perez. After Unson and his two laborers were punished, the whole barrio was razed to the ground. Then Godoy was marched by Japanese in one direction and Perez and Unson were marched by Japanese and Filipinos, including Pineda, in another direction. That was between three and four o'clock in the afternoon. The next day Unson and Perez were found dead. Unson was blindfolded and his body was almost suspended in midair from a coconut tree littered with wounds one of which was a gunshot wound in the chest. Perez's body was in a more dreadful condition, lying flat on the ground and covered with flies.

The appellant denied participation in any of the above arrests, beatings and executions. He denied having been a spy for the Japanese.

We are convinced beyond reasonable doubt of the truth of the evidence for the prosecution, and find no error in the trial judges' findings. If any error was committed, it was perhaps an error on the side of the accused—his exoneration from counts Nos. 2 and 6.

The deeds committed by the appellant were overt acts of treason, affording the Japanese aid and comfort. By inference they constituted evidence of adherence to the enemy charged in count 1.

The defendant has been properly sentenced to *reclusion perpetua* with the accessories of law and to pay, a fine of P20,00 and costs. This judgment is affirmed with costs of this appeal against the appellant.

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

Date created: October 03, 2017