

G. R. No. L-1922

[G. R. No. L-1922. April 27, 1922]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. TEODORICO MATIAS, DEFENDANT AND APPELLANT.

D E C I S I O N

REYES, J.:

Teodorico Matias, a Filipino citizen, was charged before the People's Court with the crime of treason on four counts. But no evidence was presented on Count No. 3, and the court found him guilty only on the remaining three counts and sentenced him to 15 years of reclusion temporal, a fine of P2,000 and the costs. From this sentence he has appealed.

The first count charges appellant with having adhered and given aid and comfort to the enemy. This charge has been clearly established by the combined testimony of various witnesses to the effect that during the period stated in the complaint appellant joined the *Kaigun Jutai*, a military organization founded and sponsored by the Japanese and having for its purpose the apprehension and suppression of guerrillas and their sympathizers; that the organization had its headquarters in Lamitan, Zamboanga, and its members were all Filipinos headed by one Captain Moreno and armed with pistols and rifles and wearing a uniform made of blue denim and topped off with a cap with an anchor insignia on it, all furnished by the Imperial Japanese Navy; and that armed and accoutered like the other members of the organization, appellant drilled and performed guard duty with them and participated in their campaign for the suppression of the underground movement against the Japanese. Appellant did not deny his membership in the *Kaigun Jutai*, and the testimony against him furnishes such convincing proof of his adherence to the enemy that we do not see how the defense could maintain that such proof is inadequate. In hinting that the formation and objectives of the *Kaigun Jutai* and appellant's membership therein could only be proved by means of the charter and by-laws of that organization and the declaration of its officers and members, the defense would want the prosecution hamstrung with the requirement that it put in evidence documents that may no longer be available or put on the

stand witnesses that would naturally be hostile.

The second count refers to the apprehension and maltreatment of guerrillas by appellant and other members of the *Kaigun Jutai* in the afternoon of August 11, 1943, in one of the barrios of Lamitan, Zamboanga. The evidence on this count shows that, at the time and place mentioned, appellant, with other members of the *Kaigun Jutai*, raided the houses of Maximo Sardan and Bernabe Adela, who were in those days engaged in guerrilla activities. Surrounding the house of Maximo Sardan first, the raiders ordered him to come down, and once on the ground they seized and maltreated him in an effort to make him reveal the whereabouts of the other guerrillas. After giving him fist blows and felling him with a blow on the back of the head with the butt of a gun, they tied his hands and loaded him on a truck. Then they moved on to Bernabe Adela's place, about 30 paces away. But Adela was no longer in the house because when he saw what was done to Sardan he hid in the bushes. Informed by Adela's wife that her husband had gone out to buy dried fish but not allowing themselves to be deceived, the raiders made a pretense of leaving the place and then returned about 20 minutes later just as Adela was coming back to his house. Unable to escape, Adela was captured, tied, investigated and maltreated by appellant and his companions, after which he and Sardan were taken to the Japanese garrison and there subjected to further investigation in the course of which he, Adela, was again maltreated. But ten days later, the two were released to the custody of the Mayor of Lamitan at the request of the latter.

The evidence on this count satisfies the two-witness rule and leaves no room for doubt. There is nothing to the suggestion that the witnesses may have mistaken appellant for someone else, for they were positive about his identity. Their impartiality is not in issue, nothing having been proved to show that they had any personal reason for testifying falsely against him, and the trial judge took occasion to observe that he was convinced of their veracity from the manner they testified.

The last count charges appellant with having participated in the attack staged by soldiers of the *Kaigun Jutai* and some Japanese against a concentration of guerrillas in Lamitan at about 3 o'clock in the afternoon of June 17, 1943. The charge is established by the testimony of Bernabe Adela and Nicolas Colasio, members of the guerrilla group attacked, both of whom affirmed having seen appellant on that occasion fighting on the side of the Japanese. This affirmation is not weakened by the insinuation that, put to the necessity of taking cover from enemy fire, Adela and Colasio could not have recognized appellant, who was 100 to 150 yards away. It is to be gathered from the testimony of the two that, though they had to

duck or hide behind trees or bushes, they also came out occasionally to take their aim, and that because of the creek and flat terrain separating the two forces they had a clear view of the enemy.

In addition to his denial of the second and last counts, appellant for someone he had treated for a wound in the effect that during the period covered by those two counts he was confined in a hospital in Zamboanga on account of a gunshot wound. But his bare denial cannot prevail against the positive declaration of impartial witnesses, and his alibi cannot but arouse suspicion, because, while he said that his confinement in the hospital was due to a gunshot wound below the knee, the physician who tried to corroborate him stated that the wound was in "the glottal region." Most likely, the physician had mistaken appellant for someone he had treated for a wound in the neck.

The whole case hinges on the credibility of the witnesses, and the record shows nothing that would warrant reversal of the findings of fact of the trial court. Appellant's conviction for treason is justified by the evidence, and it appearing that the sentence imposed is sufficient for the treasonous acts committed by him, the judgment appealed from is affirmed. With costs against the appellant.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tttason, Montemayor and Jugo JJ., concur.
