

I N D E X

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PROCEEDINGS

GENERAL REYNOLDS: The Commission is in session, and we will resume the hearing in open session.

CAPTAIN PACE: If it please the Commission, at the close of the last open session Prosecution's Exhibits 96 to 107 for Identification were offered in Evidence, and the Court reserved decision on that until the Defense had an opportunity to examine them.

GENERAL REYNOLDS: Is the Defense ready to make any motion?

CAPTAIN REEL: Sir, have these exhibits been numbered?

CAPTAIN PACE: Yes; on the reporter's desk, there.

CAPTAIN REEL: Sir, we don't have the numbers, so I will refer to them by name. In the first place I wish to state that we don't have any objection other than the blanket objection already made; and secondly, to call the attention of the Commission to the first question and answer on the second page of the statement of Celestina de Antipolo.

GENERAL REYNOLDS: Let us have the affidavits in question.

(The affidavits referred to were handed to the Court.)

CAPTAIN REEL: The first question and answer, and the second question and answer.

GENERAL REYNOLDS: On the second page?

CAPTAIN REEL: On the second page.

GENERAL REYNOLDS: Why is the objection entered?

CAPTAIN REEL: No objection to that, sir, but merely calling the Commission's attention to it. The only

objection is the blanket objection.

GENERAL REYNOLDS: The documents are accepted in evidence.

(Prosecution's Exhibits Nos. 96 through 107, inclusive, for Identification, were received in Evidence and so marked.)

CAPTAIN PACE: That completes the Case No. 32, the St. Paul's College case.

If it please the Commission, the Prosecution would like to now present Bill of Particulars Case No. 20, the Gajo case.

MAJOR KERR: Just a moment, please. Did we have a ruling on the statements which were offered in evidence at the completion of the Bay View case?

GENERAL REYNOLDS: I question if the Defense has had an opportunity to look them over.

CAPTAIN REEL: We have, sir.

GENERAL REYNOLDS: They will be accepted in evidence.

(Prosecution's Exhibits Nos. 108 through 116, inclusive, for Identification, were received in Evidence and so marked.)

ENTIQUIO ANTIPOLLO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Entiquio Antipollo, sir.

Q Where do you live?

A I live at present -- my present address, I live at 422 Mabini Street.

CAPTAIN REEL: What was the name?

Q (By Captain Pace) Give your name, please.

A Entiquio Antipolo.

Q Where did you live in February 9, 1945?

A At that time I lived on Herran Street. The number is 422.

Q Were you a survivor of what happened at St. Paul's College on February 9th?

A Yes, sir.

Q Now, on the afternoon of February 10th, the next day, where did you go?

A I managed to -- I and my father -- the name is Dimas Antipolo; and the other two fellows, which were Angel Gajo and Feliciano Lumactud. And we managed to return to our place where we live, on Herran, 422.

Q After you returned to 422 Herran, where did you go then?

A We managed to get up to the attic of the building in order to hide from the Japanese.

Q Who was with you in the attic?

A Angel Gajo, Dimas Antipolo, my father, and Feliciano Lumactud.

Q There were four of you up there, is that right?

A Yes, sir.

Q What time did you go there?

A About two o'clock in the afternoon.

Q And what happened after that?

A One hour later I saw a Japanese soldier came inside of the house and threw a white phosphorus grenade that

caused the explosion, and that is how I get burned.

Q Where did he throw the white phosphorus grenade?

A Exactly where we were sitting, the four of us.

Q In the attic?

A In the attic, yes.

Q There were four of you there at that time, is that right?

A Yes, sir.

Q Did any of you suffer any injuries as a result of that?

A I have injuries.

(A photograph was marked
Prosecution's Exhibit No.
117 for Identification.)

Q I show you Prosecution's Exhibit No. 117 for identification and ask you if you can tell what it is.

A This is my picture taken of me by the Signal Corps Division.

Q Does that accurately represent the injuries that you received as a result of this white phosphorus grenade?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution's Exhibit No. 117
for Identification was received
in Evidence and so marked.)

Q (By Captain Pace) Was anybody else injured by that grenade?

A Yes, sir.

Q Describe the persons and the injuries that they

received.

A Angel Gajo was badly injured, burned; he also died later in the hospital. And my father received a burn slightly in the legs.

Q Who was burned in the legs?

A My father.

Q Yes?

A And the other fellow, which his name is Feliciano Lumactud, received his burn on both two hands, and a light burn on his face.

Q Who was that?

A Feliciano Lumactud, sir.

Q All four of you were injured, right?

A Yes, sir.

Q After you got out of the house, did it burn?

A I looked back, and it started burning after I left the house.

Q Did you ever see Angel Gajo after that occurrence?

A After the explosion that was the burning of us, we managed to go outside individually, so that is the last time I saw Angel Gajo and the rest of them.

CAPTAIN PACE: That is all.

CROSS EXAMINATION

Q (By Captain Sandberg) Do you know what branch of the service these soldiers belonged to?

A No, sir, in spite of the fact that I am not interested in the Japanese.

Q You don't know whether they were Army or Navy?

A I don't know, sir.

Q Are you sure they were Japanese?

A I am sure of it.

Q Have you ever seen a Formosan?

A I beg pardon, sir?

GENERAL REYNOLDS: May I interrupt to inquire the purpose of that question?

CAPTAIN SANDBERG: Sir, it is a fact that the Navy was made up largely of Formosans and Taiwanese, and if the witness could state that they were, these particular persons, Formosans, rather than Japanese, it would tend to establish that they were Navy personnel.

MAJOR KERR: The Prosecution, sir, has not granted that most of the Taiwanese or Formosans are in the Navy.

GENERAL REYNOLDS: The question appears to the Commission to be irrelevant, and the proceedings will continue.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

(A photograph was marked Prosecution's Exhibit No. 118 for Identification.)

DR. ALFONSO PARDO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A Alfonso Pardo.

Q Where do you live?

A Washington Street; 1258; Manila.

Q What is your profession?

A I am a physician.

Q You will have to speak louder.

A I am a physician.

Q Were you in the practice of medicine in Manila during February, 1945?

A Yes, sir.

Q During that month did you have occasion to treat a patient by the name of Angel Gajo?

A Yes, sir.

Q Can you give the approximate date?

A February 20th, I believe, or the 22nd. I am not very sure.

Q February 22nd?

A Yes.

Q And what did you treat Angel Gajo for?

A Angel Gajo came into the hospital with several burns, very extensive.

Q Could you tell what had caused the burns?

A Well, he must have been burned by something very powerful. Maybe gasoline, maybe something like that; phosphorus, anything like that.

Q Doctor, I show you Prosecution's Exhibit No. 118 for Identification and ask if you can tell what that is?

A That is the picture of Angel Gajo.

Q Does that accurately show the injuries for which you treated him?

A Well, it shows on the uncovered parts of the body the injuries that he was admitted for in the hospital, but

covered here are also burns that do not show in the picture.

CAPTAIN PACE: I offer Prosecution's Exhibit 118 in Evidence.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution's Exhibit No. 118 for Identification was received in Evidence and so marked.)

Q (By Captain Pace) And what happened to Angel Gajo?

A He died.

Q On what date?

A Two days after his admission, more or less.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

CAPTAIN PACE: Thank you, Doctor.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, that completes Prosecution's case on Bill of Particulars No. 20.

CAPTAIN SANDBERG: If the Commission please, the Defense moves that the entire testimony of the last witness be stricken as irrelevant.

GENERAL REYNOLDS: Not sustained.

CAPTAIN PACE: If it please the Commission, the Prosecution would like to present Bill of Particulars No. 12, the fortification of the Philippine Hospital.

Doctor Sison.

DR. ANTONIO G. SISON

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A Antonio G. Sison.

Q Where do you live?

A Philippine General Hospital, sir.

Q What is your profession?

A Physician, sir.

Q What position do you now have, Doctor?

A Dean of the College of Medicine, University of the Philippines, sir.

Q What position did you occupy before you were Dean of the College of Medicine?

A Director of the Philippine General Hospital, sir.

Q During the months of December, 1944, January and February of 1945, what was your position?

A Director of the Philippine General Hospital, sir.

Q During those months were you present at the Philippine General Hospital?

A Yes, sir.

Q How much of the time? How much of the time each day did you spend there?

A Oh, the whole day, sir.

(A diagram was marked Prosecution's Exhibit No. 119 for Identification.)

Q I show you Prosecution's Exhibit No. 119 for Identification and ask you if you can say what that is.

A This is a map of the Philippine General Hospital and buildings of the College of Medicine, University of the Philippines, sir.

Q Does that map accurately portray those buildings?

A Very clearly, sir.

CAPTAIN PACE: I offer this in evidence, sir.

GENERAL REYNOLDS: There being no objection, it is accepted in Evidence.

(Prosecution's Exhibit No. 119 for Identification was received in Evidence and so marked.)

Q (By Captain Pace) Will you describe whether or not any Japanese came to the Philippine General Hospital in 1945?

A On the latter part of January, 1945, one day I found a building of the dispensary, or the out-patients department, occupied by Japanese soldiers.

Q I show you Prosecution's Exhibit 119 and ask you to look at the building marked "A".

A That is the out-patient department of Philippine General Hospital, sir.

Q Is that the building you are referring to?

A That is the building I am referring to, sir.

Q You say the Japanese were there. Will you describe what they were doing?

A They had occupied the building, and they built a small trench just in front of that building, and another one at the south entrance of the Philippine General Hospital, another small trench with machine guns inside.

Q I show you Exhibit 119 again and ask you to look at the letters "D" and "E".

A This is the south entrance, sir, where a small trench was built (indicating), and another one here (indicating),

sir, near the middle of the front of this building where they put another trench.

Q Do the letters "D" and "E" approximately show where they put those trenches?

A Yes, sir.

Q What did they put in each of those trenches?

A I could see machine gun inside. I could see the -- (pause) -- the end of the gun.

Q In each trench?

A In each trench, yes, sir.

Q You also testified, Doctor, that the Japanese had occupied the building marked "A". What do you call that? The dispensary?

A The dispensary.

Q The out-patient department?

A The out-patient department, sir.

Q And the dispensary?

A That is the same one. We call it either "dispensary," or "out-patient" department.

Q When you say the Japanese occupied that building, what did they do?

A They built a trench there, and they were living there, sir.

Q How many Japanese were living in the dispensary?

A Around 50, sir; half a company.

Q This started in, you say, late in January, 1945. How long did it continue?

A That continued until the day we were liberated by the Americans on the 17th of February, sir.

Q Did the Japanese occupy any other buildings of the hospital?

A Later on we saw soldiers going to another building that we called a dormitory for the nurses, on the north side.

Q Will you look at this map and point out the building you call a dormitory for the nurses?

A Yes, sir. This one marked "B" (indicating).

Q How many Japanese moved into that building?

A I can't exactly say the number, sir. We see them only there over in the front part of the building. How many inside, sir, I cannot tell.

Q More than one?

A More than one, sir; several of them.

Q Did the Japanese do anything or put any weapons in any other buildings near the hospital?

A Yes, sir; over at the College of Pharmacy.

Q Can you point to where they put that, on Exhibit 119?

A Along this building, sir (indicating).

Q You are pointing to the letter "C"?

A Yes, sir.

Q And did you say what they put in there?

A Oh, that was fortified by them, first and second floor.

Q What did they do?

A Machine gun and trenches there. They put their sacks of sand on the windows of the building.

Q Did you talk to any Japanese officers about what they were doing to your hospital?

A Non-commissioned officers, sir.

Q Yes?

A The day I saw Japanese in the out-patient department, or what we call the dispensary, I inquire why they are there. He said, "Well, we got the permission to occupy this building from the military governor of this district."

Q The Japanese said that he had gotten permission from the military governor?

A That is what I was told by that non-commissioned officer, sir.

Q Was the hospital at that time marked in any way to distinguish it as a hospital?

A Yes, sir. A red cross painted on top of the roofs of the buildings of the hospital, and just opposite the administration building some corrugated iron with a big red cross painted, was right in front, sir.

Q You stated that you were liberated there on the 17th of February?

A Yes, sir.

Q About what day did the fighting start in that neighborhood?

A The fighting started after the third of February.

Q Now, during that period, about how many patients and refugees did you have in the hospital?

A More than 9,000, sir.

Q Will you repeat that, sir?

A More than 9,000, sir.

Q 9,000?

A Patients and refugees, sir.

Q Will you describe the fighting which led to your

liberation, which took place in the vicinity of the hospital?

A That night we could not only hear, but see the shots, incendiary bombs and shells --

Q In the hospital?

A In the hospital, yes, sir; and for that reason several of the buildings are ruined now, on account of the shots received there.

Q Several patients --

A Several patients wounded, and a few died, sir.

Q Did the Japanese garrisoned at that house defend that area against the Americans?

A Exactly inside of the hospital, no, sir.

Q How about in the yard of the hospital?

A Yes, right in front of the hospital, that big lawn there.

Q Will you look at Exhibit 119 and point to the area you mean?

A Yes, sir. We could see them right here (indicating), all along this --

CAPTAIN PACE: Just a moment.

(Whereupon Captain Reel approached the witness stand and examined Prosecution's Exhibit No. 119.)

A (Continuing) This part (indicating), sir. This is the lawn I was saying, in front of the administration building.

Q (By Captain Pace) You are referring to the area located between the letters "A" and "B", is that right?

A Yes, sir.

Q That is the area where the driveway goes in off of

Taft Avenue?

A Yes, sir.

Q What did you say happened there?

A They were there with their guns, their rifles; sometimes standing, sometimes lying with their guns pointed to the front.

Q And it was necessary for the Americans to come in and take the hospital area by actual fighting, right?

A Yes, sir.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) When were these trenches that you told about dug?

A Two of them inside of the hospital yard, one just opposite the dispensary building, and another one just at the south entrance of the Philippine General Hospital, sir.

Q I am afraid you misunderstood, or I didn't make myself clear. The question was, when?

A When? That was on the latter part of January, sir.

Q Can you place the date a little more accurately than the latter part of January?

A I can't remember the date, but I can say very well that it was just a few days before the seige of Manila. The seige of Manila started around the 3rd of February.

Q So it would be the very last days of January?

A Yes, sir.

Q That these trenches were dug?

A Yes, sir.

Q Now, when did the Japanese live in the dispensary?

Were they living there all during the occupation?

A I didn't get that, quite --

Q Did the Japanese live in the dispensary that is marked on this plan (indicating)?

A Yes, sir.

Q During the entire occupation?

A Yes, sir.

Q And I think you said there were some machine guns and sand bags over in the University of the Philippines, on the spot marked "C" on this plan?

A Yes, sir.

Q When were those put there?

A That was there before the occupation of the dispensary, sir.

Q Before the occupation of the dispensary?

A Yes, sir, a few days before.

Q Well, didn't you tell me that the occupation of the dispensary took place during the entire Japanese occupation?

A No. I say that they came there on the latter part of January, sir.

Q Well, --

A That is what I mean by the occupation; referring only to that period of time, sir.

Q There has been a misunderstanding. Let me ask you again, sir: Did the occupation of the dispensary, which was the building marked "A" on this plan, just start at the end of January?

A Yes, sir; January, 1945, sir.

Q All right. Now, in relation to that time, I think you said the machine guns and sand bags were put over here in the University of the Philippines just before the occupation of the dispensary.

A Yes, sir; a few days before, sir.

Q So that would place that also at the very end of January?

A Yes, sir, the latter part of January.

Q And these refugees that came to the hospital, did they come there after the digging of the trenches?

A They came there during already the fighting, the siege.

Q So the trenches were already dug there and the machine guns were there before the refugees came?

A Yes, sir.

Q Do you know whether these Japanese soldiers that were there were Army or Navy?

A They belonged to the Marines, sir.

Q And how do you know that?

A By the insignia, an anchor.

Q Do you know who was the military governor that was referred to in this conversation you had?

A Yes, sir.

Q What is his name?

A His name is Leon Ginto.

Q Leon Ginto?

A Ginto, yes, sir.

Q And he was a Filipino?

A A Filipino, sir.

Q And he was in charge of the civil affairs in the City

of Manila?

A He was, I understand, appointed the military governor of this district, sir.

Q And did that position, if you know, put him in charge of the civil affairs in Manila, the civilian affairs?

A That is what I understand, sir.

Q Now, the bombs and shells that fell in the hospital area came from airplanes and artillery?

A Not from airplanes, but came from some gun. Incendiary bombs, some of them, sir.

Q Incendiary?

A Incendiary bombs, yes.

Q And these were shells that flew in from the outside?

A From the outside, sir.

Q They weren't anything that were shot off by the Japanese soldiers that were there?

A Not set off.

CAPTAIN REEL: That is all.

CAPTAIN PACE: May I ask a few more questions, sir?

REDIRECT EXAMINATION

Q (By Captain Pace) Who appointed Ginto?

A He was appointed by the President of the Republic, I understand.

CAPTAIN REEL: Sir, I will ask that that question and answer go out as not within the witness' personal knowledge.

GENERAL REYNOLDS: Objection sustained.

Q (By Captain Pace) Were there patients in the hospital at the time the Japanese came and occupied it?

A If there are patients, sir?

Q Yes.

A Yes, sir.

Q Were there patients in the hospital all during the time the Japanese were there?

A Yes, sir.

CAPTAIN PACE: That is all I have.

Thank you very much, Doctor.

CAPTAIN REEL: Could I ask the witness one more question?

RECROSS EXAMINATION

Q (By Captain Reel) Did the Japanese in any way try to prevent the refugees from coming into the hospital?

A I can say that several that arrived there, they arrived already wounded; that on their way to the hospital when their houses had been burned -- I understand that they had been machine-gunned.

Q No. My question was this: Did the Japanese at the hospital try to prevent, keep them out of the hospital?

A The order given by this non-commissioned officer was that we shouldn't receive any refugees, but sometimes they are the ones that bring the refugees, because we closed the doors of the hospital, and they knocked the door, and then when we open we find a large number of people, sometimes accompanied by some soldier, sometimes unaccompanied.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you, Doctor.

CAPTAIN REEL: I don't want to bother the witness, but I have some information I would like to question him about.

Q (By Captain Reel) Do I understand that -- . What position did you hold during the Japanese occupation?

A I was the director of the Philippine General Hospital and President of the University of the Philippines.

Q All during the occupation?

A On the latter part of the occupation I was appointed as president of the University of the Philippines, in October, 1943.

Q And were you also the personal physician to Mr. Laurel, who was the President of the Occupation Government?

A I was one of the physicians of President Laurel, yes, sir.

GENERAL REYNOLDS: What is the purpose of such a question?

CAPTAIN REEL: Simply to show the Commission, sir, that the witness had collaborated with the Japanese while they were here.

GENERAL REYNOLDS: That is considered wholly extraneous to the point in issue, and will be stricken from the record.

CAPTAIN REEL: It was intended, sir, to go only to the question of credibility.

CAPTAIN PACE: May I ask a question, sir? Was that question and answer excluded?

GENERAL REYNOLDS: Excluded.

CAPTAIN PACE: In its entirety?

GENERAL REYNOLDS: Yes.

MAJOR KERR: Which one, sir? The collaboration, or the personal physician?

GENERAL REYNOLDS: The reporter will read the last four questions and answers.

(Record read by the reporter as follows:

"Q. (By Captain Reel) Do I understand -- .
What position did you hold during the Japanese occupation?

"A I was the director of the Philippine General Hospital and President of the University of the Philippines.")

GENERAL REYNOLDS: That question and answer will remain.
Read the following questions and answers.

(Record read by the reporter.)

GENERAL REYNOLDS: That portion of the record will be stricken.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, that completes Prosecution's case on Bill of Particulars No. 12.

MAJOR KERR: Sir, does the Commission desire that we proceed with the next case?

GENERAL REYNOLDS: The Commission will be in recess until 1:30.

(Whereupon a recess was taken until 1330 o'clock, 1 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session, and the Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present, the Accused and Defense Counsel are present, and the Prosecution is ready to proceed.

CAPTAIN WEBSTER: Sir, the first case is paragraph 59 of the Bill of Particulars.

Please call the first witness.

WALTER K. FRANKEL

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A Dr. Walter K. Frankel.
- Q Your age?
- A 56 years.
- Q Your nationality?
- A German Jew.
- Q How long have you resided in the Philippine Islands?
- A Six and a half years.
- Q What was your occupation during that time?
- A I am a surgeon and urologist.
- Q Where were you living, Doctor, on the 12th day of February, 1945?
- A In Balagtas, 176-D.
- Q Is that also known as Pax Court?

A Yes, sir.

CAPTAIN WEBSTER: Will you mark that for identification?

(Sketch showing location of houses within Pax Court was marked Prosecution Exhibit No. 120 for identification.)

Q (By Captain Webster) Doctor, I hand you what has been marked Prosecution's Exhibit 120, and ask you if you will state what that is.

A Yes, that is a sketch of the Pax Court in the Balagtas Street.

Q Doctor, in which house did you live?

A I was living in 176-D; in this house (indicating).

Q Is that also numbered as 4 on that plaque?

A No. 4 in this plaque.

CAPTAIN WEBSTER: Sir, at this time I wish to offer in evidence Prosecution Exhibit No. 120.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 120 for identification was received in evidence.)

Q (By Captain Webster) Doctor, did you have any Japanese visit your home on or about the 12th day of February, 1945?

A No.

Q Who was living at your home about that date?

A In my home were living with me my wife and my sister.

Q What was your wife's name?

A The name of my wife is Gisela Frankel.

Q . And the name of your sister?

A Alice Frankel Stahl.

Q Do you recall the time that the property in Pax Court was burned?

A Yes.

Q What date was that?

A In the Pax Court it was about 4:15 in the afternoon of February 12th.

Q Will you state who came to your home about 4:15 on the afternoon of February 12th?

A Yes, sir.

Q Who?

A We were all -- We three, my wife, my sister and I, were sitting in our dining room around the coffee table, and suddenly somebody knocked at the door. A Japanese sergeant came into the house.

Q Did any more than one Japanese come into the house?

A No; only one.

Q What did that Japanese do?

A He make a sign to us to follow him, to come out. And I was the first who went out.

Q Where did you go?

A Nearly five or six steps before the entrance of my house, and then I was waiting. He let out my wife and then my sister.

Q Did any other civilians join you in the center of Pax Court in front of your house?

A At this moment I couldn't see it, only one minute later I was waiting. We have to stand, and I was waiting

until the two women came out, and then we were led in the center, and already in the center were a group of Filipinos and one family: Dr. Luhrse, his wife and his child.

Q Did any other people join the group?

A Yes.

Q Who were they?

A Justice Villa-Real, his wife, his two nieces, and also one house girl from the house in the rear of Pax Court.

Q Where did Justice Villa-Real live with reference to your home?

A He is living at the Vito Cruz. The entrance of the house is at Vito Cruz.

Q Will you state what number his home is on Prosecution's Exhibit No. 120?

A The house is Vito Cruz 176, and the house is this place here (indicating).

Q Is that No. 9?

A No. 9.

Q What did the Japanese do with those people after they were in the center of Pax Court?

A They tie our hands, of all the people from this place. They tied our hands on our backs.

Q After doing that what did they do?

A Then we were led in the house No. 168-B.

Q Of Pax Court?

A Pax Court. On the other side of the Pax Court.

Q Were all the people taken in there?

A All the people were taken in there.

Q How many Japanese were there with those people in

the center of Pax Court?

A Two officers.

Q Proceed.

A Two officers and 15 or 16 soldiers.

Q How do you know they were officers?

A I have never seen them before. They were very young men.

Q How do you know they were officers?

A Yes. From the insignia, and I was accustomed to make the difference between common soldier and non-commissioned officer and commissioned officer.

Q How were those two you thought were officers armed? What arms did they have?

A They have a saber; only sabers, the two officers.

Q How were those that you called "enlisted men" armed?

A Partly they have spears.

Q What do you mean by "spears"?

A Bamboo sticks with iron points on them. And partly they have guns and partly pistols.

Q Do you know what branch of the Japanese military forces those Japanese were in?

A I think it has been Japanese army. The officers, I am absolutely sure they have been from the army.

Q What did the Japanese do with you after they had the people tied up?

A They led us in the house No. 168-B in Balagtas Court; all of us.

Q Was that the home of Dr. Lührse?

A That is the home of Dr. Lührse.

Q What did they do with you there?

A After all the people have been in the parlor room 19, including me, we have to kneel down with the face against the wall. And I made a sign in behalf of my broken leg that I couldn't kneel down, and therefore I could lay on my left side. All the other people were kneeling down closely together in one corner.

Q Were they in sort of a semi-circle?

A In a semi-circle. And after they have knelt, then they put around this group all the furniture in the sitting room of Dr. Lührse.

Q Pardon me. Who did that?

A Two Japanese soldiers.

Q All right, sir. Proceed.

A Under the supervision of a non-commissioned officer standing in the sliding door in the house.

Q After they had piled the furniture in the center of the room what did they do?

A Two men were going upstairs with a hand grenade, and after some minutes I heard the noise of the explosion of hand grenades. And then the men came down and the non-commissioned officer has given these men a sign, and now from little bottle they were putting gasoline over the cushions, on the furnitures around us, and enflamed them. After the furniture and all those things were in flames, the non-commissioned officer took from his left breast pocket a hand grenade and make it ready, and after he has done that he threw it to this group, but not in the center of the group, but at the right side seen from

him. And at this side there was lying the Justice Villa-Real, and he was killed immediately by the shells of this hand grenade.

Q And then what happened after they threw the hand grenade?

A Yes. After that they have enflamed in the meantime with matches all the furnitures. After Mr. Justice Villa-Real has died Mrs. Villa-Real, lying beside him, jumped up and cried a Japanese word, "Tomodachi!", which means "fellow" or "friend," twice. And then from the two men, they have been upstairs and came down. One has a gun and one has a pistol. I can't remember whether the man with the gun or the man with the pistol shot her through the neck, and she fell down immediately before the staircase to the upper floor.

Q After Mrs. Villa-Real was shot, what then happened?

A Immediately after this my wife, lying on my left side, came up with her head and moved and said, "My God!"; and at this moment she got a shot through her neck and she was killed immediately, and all her blood was going over me. And the next moment Mrs. Lührse, lying on my knees, on my legs, was moving her head in this way (illustrating) and she got a shot through her head, some convulsions and then she was killed.

In this moment Dr. Lührse asked me, "Is she dead?"

I said, "Yes, she's dead." And he said, "Thank God! she is not to be burned alive."

In the meantime all the furnitures was very close to us, I think this distance (indicating distance between

witness chair and counsel table) were in full blast, and now in this moment the three Japanese, the non-commissioned officer and two men standing in the sliding door, they left. The room was full of smoke and fire and unbelievably hot.

At this moment one Filipino house girl, I'm not absolutely sure if it has been the house girl of Mr. Lührse or not, she was kneeling and I was lying on the left side. So our hands could touch each other, and she was able to free my hands. And in this moment my hands became free, I freed her hands, and said, "You jump upstairs! You are young. Perhaps you can go down from the balcony." So she and another girl jumped to their feet and they went upstairs, but they came down immediately like a living torch and collapsed before the staircase. And in this moment I took my sister. She was lying on the other side of my killed wife, and here was Dr. Lührse (indicating), and I said, "Come out! Better to be shot alive than to be burned alive!" And so we were jumping out to the sliding door, around the little porch in the garage of the house. This garage of the house was not so full of smoke like the whole place. No Japanese. I heard two small explosions, but I am absolutely not sure if they have given any attention to us. I didn't see anybody. So I was jumping through the kitchen -- through the garage to the kitchen. All the houses are absolutely identical. What is left on the right is left on the other house. So all the conveniences and all the conditions now in the house were in every house the same. And I jump in the kitchen, open the

drawer of the table, took out a kitchen knife and cut the bindings of my sister and this Dr. Lührse and his little daughter. She was -- He took her also and she jumped out alone, and she and I were not burned, but Dr. Lührse and my sister were awfully injured by the flames jumping in this moment over this barricade of the furnitures in fire around us. All the other people were burned alive.

We were standing in the garage perhaps two minutes, and then the smoke came in, and so we felt that the house will break down. And then we thought now to go over the court in the garden of the big house of the Justice Villa-Real, and we were able to go through the court. The court was absolutely filled with smoke like unto a smoke screen, and all the four double houses at the same time were enflamed by little parties of the Japanese. I have seen it in the moment we were waiting until all people were bound that in every house two or three men were going in and have thrown hand grenades and gasoline containers. And so the houses were burning all over in two minutes.

And so after we came out from the house after the murder had happened, then the whole court was full of smoke and we were able to escape along the house 168-C and D through a small gangway in the garden of the house situated in Vito Cruz 176. Firstly we took refuge in a little hole, but then Dr. Lührse said, "Oh, they must have air raid shelter in front of the big house to the Vito Cruz Street."

Q How long did you stay in the air raid shelter, Doctor?

A We were staying in the air raid shelter from the

afternoon around three-quarters to five until the next morning at three.

Q And you were rescued the next day by the American forces?

A In the afternoon around 4 o'clock the American forces came in.

Q I believe you stated that about 19 people were in the Lührse home at the time the fire started. You named Justice Villa-Real and his wife, your wife, Mr. Lührse and his daughter, together with one other person, yourself. Do you know the names of any of the other people who were in that house at that time?

A I didn't know personally all the people who were on the place. They were mostly Filipino servants working in these places, but the names is only the four members of the Villa-Real family, the Justice, his wife, his two nieces and the family Lührse, with her house girl. Only the first name is known to me, Veronica. And we three and also two Filipino lavanderas. They were working in the houses 176-B and C, but I don't know their names.

Q Were any of those people that were in there small children?

A Yes. From this 19 people were 6, and I think 4 were under 5 years.

Q Did anyone escape besides yourself, your sister, Mrs. Stahl, Dr. Lührse and his daughter Jutta?

A No, nobody.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) I understood you to say that you thought that these soldiers were from the army. Is that correct?

A About the soldiers I can't say anything. Three of them I do know personally. They have been some days ago in my house. It is the last day of January the Japanese in the neighborhood have made a search in all the houses for cars, and so they came for the first time in our house, and then they find out that I am a doctor. And I think it is a Friday before this murder. This murder has been Monday, the 12th. On Friday there came two men in. They were absolutely soldiers.

Q Do I understand you to say that you do know that they were from the army or that you don't know whether they were from the army or from the navy?

A I know that the two officers after the insignia, they were from the army; and the three soldiers, they have been in my house, and they were also from the army. They came with sabers and in the uniform and were known to me.

Q Just a moment. We have here your statement that there were two officers and 15 or 16 soldiers.

A Yes.

Q Do I understand you to say that so far as the two officers are concerned you are sure that they were from the army?

A Yes.

Q But that so far as the 15 or 16 soldiers were concerned you are not sure?

A Not about all.

Q Not about all?

A No, I don't know.

Q Some were from the navy?

A I can't tell. Very young men partly.

Q Did the 15 or 16 soldiers all wear the same uniform or did some wear different uniforms?

A No. Some, they have no uniforms; only green-like working clothes.

Q Some of these men were wearing civilian clothes, do I understand?

A No, no. Like men, they were working on the streets here before from the armed forces.

Q Were they wearing military uniforms?

A Yes. Military uniforms it was.

Q But you can't state definitely whether they were army or navy military uniforms?

A Not from all.

Q I see. Referring to the two officers, did you state that they were commissioned officers or non-commissioned officers?

A Commissioned officers.

Q And on what did you base that?

A From their attire. They have a uniform like every lieutenant: long saber; high boots.

Q And what was the uniform which led you to believe that they were commissioned officers? Was it the saber?

A No. I have never seen in the last months non-commissioned officers with high black boots or brown boots. I

have never seen.

Q And what led you to believe that these officers were officers of the army?

A From their uniform and their insignia.

Q What was the insignia that led you to believe that they were from the army?

A It's the color of the uniform and they have had this usual Japanese sign for an officer.

Q What was the insignia that made you believe that they were from the army? Will you describe the insignia?

A I have seen only before army officers, and they were looking in the same way as all the army officers were looking.

Q Have you ever seen a Japanese navy officer?

A Yes.

Q Do you know what kind of uniform a Japanese navy officer wears?

A Never have I seen one with a long saber.

Q You have never seen a Japanese navy officer with a saber?

A I can't remember. I don't know.

Q Is it the fact that these officers had a saber that led you to believe that they were army officers?

A Both of them, they have had sabers.

GENERAL REYNOLDS: The Commission feels that we should interrupt this line of questioning. The witness is an educated man. He has given a frank and complete statement. He has lived here during the occupation of the Japanese armed forces. He has, of course, seen daily

members of the armed forces. He has stated again and again and again his conclusion that they were members of the armed forces.

The Commission would ask the Senior Defense Counsel if it is his judgment that it is at all necessary to continue this repetition of this type of cross examination.

COLONEL CLARKE: Please, sir, the question as to whether or not he has described the uniform and to show us that he does know that they are army officers. All he says is that he saw a uniform of the army officer, and we are trying to find out how he distinguished between an army officer and a navy officer, between enlisted men, the non-commissioned officer and the other officers to see whether he does know what he is talking about.

GENERAL REYNOLDS: You may continue your examination.

CAPTAIN SANDBERG: Will the reporter please read back the last question?

(Question read.)

A Yes.

Q (By Captain Sandberg) Suppose I were to tell you that Japanese navy officers also wear sabers. Would that change your opinion of the matter?

A No.

Q Didn't I understand you to say that the only reason you distinguish that they were army officers is because they were wearing a saber?

GENERAL REYNOLDS: The Commission interrupts. He said nothing of the kind. And again I ask the Senior Defense Counsel if he wishes to continue this interrogation?

COLONEL CLARKE: Sir?

GENERAL REYNOLDS: I say we will again ask the Senior Defense Counsel if he wishes to continue this form of interrogation?

COLONEL CLARKE: We wish to determine, sir, whether he can tell the difference between the various types of officers so that we know that he knows what he is talking about, sir.

GENERAL REYNOLDS: You may continue.

CAPTAIN SANDBERG: Will the reporter please read the last question?

(Question read.)

CAPTAIN WEBSTER: I don't believe that the witness stated that. That is not my recollection. I think he had other reasons besides that.

GENERAL REYNOLDS: The witness will continue.

Q (By Captain Sandberg) Let me ask the witness this question: On what concretely did you base your conclusion that these officers were army officers?

A Because they have had the uniform of the army officers, and I have had the opportunity to see them any time.

Q Will you describe for us exactly what that uniform was?

A The uniform was the same color like the uniform over there that the gentleman has on (indicating the defendant Yamashita) in this color, this green. They have not a shirt, but the collar was closed, and here on both sides of the collar they wear the insignia of a lieutenant. Then they have, both of them, a saber at the left side, and

a long one, and then they have had also what I mentioned already: black high boots.

Q What was the color of the insignia?

A The color of the insignia, I remember only that in the middle is a red stripe and on this stripe is a little insignia, but I am not sure which it is. But if you will show me a picture I will be able to see that that is the uniform that every Japanese officer has had on here during the time I have seen him for three and a half years in the same way as I would say that he is an American officer. Now, I know how he looks. But how can I base it that he is one?

Q Is there anywhere on the uniform an "anchor"?

A I didn't see any "anchor."

Q Did you see anywhere on the uniform a "star"?

A I believe on here (indicating) in this red stripe has been a small "star."

Q What color?

A The "star"?

Q Yes.

A I see --

GENERAL REYNOLDS: The Commission again interrupts.

In the opinion of the Commission this cross examination has been carried to an absurdity, and the Commission will accept that in the mind of this witness he believed the personnel he has been discussing were members of the Japanese army.

CAPTAIN SANDEERG: Do I understand, sir, that the Commission wishes this line of questioning terminated?

GENERAL REYNOLDS: In the case of this witness, yes.

(Witness excused)

HANS LUHRSE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Will you please state your name?

A Dr. Hans Luhrse.

Q Your age?

A 45.

Q Your nationality?

A German refugee.

Q Your occupation?

A Chemist.

Q Doctor, you were living in Pax Court with your wife and daughter on or about February 12th of this year?

A Yes, sir.

Q And were you taken from your home out in the middle of Pax Court and tied, along with other people, and then taken back into your home?

A Yes, sir.

Q They piled furniture in the center of the floor, set fire to it; is that right?

A Yes, we were sitting in one corner of the room and the furniture around us.

Q Starting from that point, Doctor, will you describe what happened?

A We were ordered to kneel down and after we have done that they put all my furniture, as much as was left of it, in a semi-circle around us and I saw one Japanese soldier putting some gasoline or alcohol, some liquid, on and set fire

to it. After that he put the gasoline on the floor -- hand grenade on the floor and then went quick out. The hand grenade went off, but I didn't see that anybody was killed by it except my housegirl, whose knee was taken away almost. She was very near me.

After that Mrs. Villa-Real, I remember, stood up with raised hands and got shot somewhere in the heart or the head, I don't exactly remember where, and fell down right away. Then I saw the Japanese standing outside watching us so that there would be no escape. Then I told Dr. Frankel and other friends around and my wife that it would be better to be shot than burned alive and we had better stand up. With that Mrs. Frankel got up and she was shot immediately. Then my wife got up. She was sitting very near the window like this, gentlemen (indicating court reporter) and here was the window (indicating) and got shot, too. But I don't think she was dead because a little bit later I talked to her.

I beg your pardon.

And she moved her lips, but she was not dead, so I believe she was burned alive because her hands were tied. Mine were not tied anymore. The child sitting behind me untied my hands a little bit before and I believe I untied the hands of Dr. Frankel, but I am not sure whether this was Dr. Frankel. It was somebody in front of me. Then Dr. Frankel and Mrs. Stahl went up jumping through the flames trying to escape.

Then I went up, took my child under my right arm, but I fell over the furniture in the flames and I was very severely wounded. I was for many months in the hospital.

And I let my child fall into the flames. Then I picked her up again and went out!

I found Dr. Frankel in the garage. He had a knife and untied my child, which I couldn't untie; I was too nervous. From there we went to the air raid shelter in the house of Justice Villa-Real near Vito Cruz. I don't know the number of the house. Then around one or two hours later my child died of suffocation and burns. Her heart failed her. I don't know what.

Q How old was your daughter?

A She was almost 9 years old.

Q How long were you hospitalized by virtue of your burns?

A From February 13th when the Americans -- No. February 14 they brought me to the hospital and I was released from the hospital on August 16th.

Q 1945?

A 1945.

Q Mr. Lührse, would you mind showing the Commission the present condition of your leg?

A Sure! I would not mind (displaying left and right legs and left arm and left hand.)

Q Is the present condition of your legs caused by the fire set by the Japanese in Pax Court, as you have described?

A Yes, sir. I was absolutely in good health before.

CAPTAIN WEBSTER: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Doctor, do you know whether these Japanese soldiers were from the army or the navy or the marines?

A I am not sure, sir. I remember that two of them had some crossed "anchors" on the left sleeve, but not all, I believe, especially one giving orders. I suppose he was an officer. I don't know how an officer of the Japanese army looks, but I think he was one. He gave orders. He had not crossed "anchors."

Q And so far as you recollect, these soldiers and the officer looked about the same as far as their uniform was concerned as all of the other Japanese soldiers and officers that you had seen around there for the last few days?

A I think so, yes.

CAPTAIN REEL: That's all.

CAPTAIN WEBSTER: That's all.

(Witness excused)

CAPTAIN WEBSTER: Sir, that concludes that case. The next one will be under Paragraph 21 of the Bill of Particulars.

GENERAL REYNOLDS: The Commission will recess briefly to permit the audience to move forward, if they choose to do so, saving only the seats in the front row.

(Short recess)

GENERAL REYNOLDS: You may proceed.

CAPTAIN WEBSTER: Sir, Paragraph 21 of the Bill of Particulars.

JOSE M. COJUCOM

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name?

A Jose M. Cojucom.

Q Your age?

A 48.

Q Your occupation?

A Attorney at law.

Q Where were you living on or about February 11th of this year?

A 1791 Donada.

CAPTAIN WEBSTER: Please mark this for identification.

(Map of Compound in which 1791 Donada is situated was marked Prosecution Exhibit No. 121 for identification.)

Q (By Captain Webster) I will hand you a paper which has been marked for identification as Prosecution's Exhibit No. 121. Will you please state what that is?

A I prepared that exhibit. It represents the compound where house 1791 Donada was.

Q I notice that these various blocks are lettered. Will you state what home Letter A represents?

A Letter A represents the house where Mr. Henry Daland lived on that day.

Q And Letter B?

A B is the house that belonged to Mr. Daland, but it was rented to Mr. Mendez, Mr. De la Vara, and the family of Mr. Barrena.

Q C?

A C was the garage of both houses marked A and B.

Q And Letter D?

A D represents the house of Mr. Manuel Elizalde, where I lived.

Q Letter E?

A Letter E represents the garage and stables of Mr. Elizalde.

Q I believe that that is a swimming pool; is that right?

A That was a swimming pool.

CAPTAIN WEBSTER: Sirs, at this time I would like to offer in evidence Prosecution's Exhibit No. 121.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 121
for identification was
received in evidence.)

Q (By Captain Webster) Were you at home on the 11th of February, 1945, when Japanese came into the Daland Compound?

A Yes.

Q Will you describe what took place?

A The Japanese came in from the Leveriza side. This compound had two entrances: one on Donada and one on Leveriza. The Leveriza was marked numeral 190, if I am not mistaken.

Q Will you speak a little louder, please?

A Oh, yes. The Japanese soldiers, they were in uniform. They came in about between 3 and 4 o'clock. I couldn't exactly state the time, but it was about that time. They got into Mr. Daland's house. We could see it from where I was standing. And they set fire to the house, Mr. Daland's house.

Q Did you see them set fire to it?

A No, not exactly I didn't.

Q How long did you see the fire after the Japanese went into that house?

A Oh, about 10 or 15 minutes, I would say.

Q Will you proceed, please?

A Then after they had set fire to the house, to Mr. Daland's house, they came into our compound. The two blocks where the three houses were had an entrance in between. They came through that back entrance of Mr. Elizalde's house, about 8 or 12 of them. Then they rounded up all the people that were in Mr. Elizalde's compound; about 25 people or maybe more. And they herded us into the basement of the house. Then they asked us men to step out and they removed all the jewelry we had -- watches -- the Japanese soldiers. Then they asked the ladies, the women and the children who were already in the basement, to step out. Then they set fire to our house.

When the house was already burning they told us that we could get some of our stuff, which we did. Our stuff was already in suitcases and bags, because we expected such a thing to happen, because all around the neighborhood they were setting the houses on fire.

When our house was on fire we saw a boy jump from Mr. Daland's place into our place and he was shot right there and then by the Japs. Then I saw Mr. De la Vara jump and he was fired upon, and then he fell down face up and then he died. He gave a shout and he didn't move anymore.

About 5 o'clock, an hour after they set fire to our house, the Japanese left. So I moved over to Mr. Daland's place and I saw Mr. Daland dead, face down, near a well next to his house, and I saw Mr. De la Vara also dead.

Q What was Mr. Daland's first name?

A Henry.

Q And Mr. De la Vara?

A Jacinto De La Vara.

Q And did you know the name of the boy whom you stated was shot?

A I think it was Caferino or Ceferino.

Q Were there any other persons killed?

A Yes; two more. There was a maid and a son of Mr. Daland.

Q They were killed within that same compound?

A In the same compound, yes.

Q Do you know how they were killed?

A Well, they were up on the house of Mr. Daland and as they came out of -- They set the house on fire while they were inside and they tried to break open the door. They come out through the front door, the maid and the boy. They killed them right there and they rolled down the stairs and they were burned in the house.

Q Did you see that, sir, or is that something that you heard?

A I saw them after the house was burned, I saw them under the stairs.

Q I believe you stated a number of Japanese soldiers came into the compound. Can you state whether any of them were officers?

A I couldn't, but one of them had a saber.

Q Can you state whether they were army or navy?

A They were both.

Q How do you know that, sir?

A Well, some of them had "anchors" on their caps and

some had "stars".

CAPTAIN WEBSTER: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Mr. Cojucom, were you helping the guerrillas in any way at that time?

A Not at that particular time, no.

Q But you had helped them before?

A In a way, yes.

Q And do you know whether Mr. Daland had been also helping the guerrillas?

A I don't.

Q You don't know?

CAPTAIN REEL: That's all.

CAPTAIN WEBSTER: Sir, may I ask two other questions?

GENERAL REYNOLDS: Very well.

REDIRECT EXAMINATION

Q (By Captain Webster) What did the Japanese do with the watches which you stated they took?

A Well, the first watch they took was my watch; a pocket watch. Then they took Mr. Elizalde's wristwatch, then Mrs. Elizalde's wristwatch, which was a man's watch, and in exchange they gave her a ladies' watch with some girls' name on it, and then they came to me and returned my pocket watch. Apparently they had no use for pocket watches.

Q Did they take anything else?

A No, sir.

Q Were all the people within the Daland compound civilians?

A All of them.

Q Do you know what nationality they all were?

A Well, they were Filipinos, some Spaniards.

Q Were any of them members of any military forces?

A None of them.

CAPTAIN WEBSTER: That is all.

GENERAL REYNOLDS: ~~Does~~ the Defense have anything further?

(No response)

GENERAL REYNOLDS: Very well.

(Witness excused)

MANUEL ELIZALDE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name?

A Manuel Elizalde.

Q Your age?

A 41.

Q Your nationality?

A Filipino.

Q Where did you live on or about February 11th of this year?

A 1791 Donada.

Q Is that within what is called the "Daland Compound"?

A Yes.

Q And you are related to Mr. Daland?

A Yes, by marriage.

Q Your father-in-law?

A No. He is my mother-in-law's brother.

Q Upon that day I understand you were visited by Japanese soldiers who caused the people to go out of the house and have them brought in the yard. Is that correct?

A Correct.

Q Will you state whom you saw the Japanese shoot within that compound on that day?

A I saw the servant who was the brother of my own servant, a girl; he was killed in my home. His name was Ceferino. He was shot right across the fence. I could also see a man called De la Vara, a Spanish citizen whom I knew very well. He was shot and killed right in our own view.

Q Those are the two you saw?

A Killed.

Q And was there anyone else killed there?

A Very many. I should think about 5 or 6.

Q Within the compound?

A Some of them died in my home a while later.

Q Can you name them?

A Mendez, a Spanish citizen, too, who was shot in the Deland compound. We took him over to my place and put him in the garage of my house.

Q What was his condition?

A Very bad. He died there the day after.

Q Did he tell you how he happened to be shot?

A Yes, he said that the Japanese shot at him. The Japanese soldiers shot at him.

CAPTAIN SANDBERG: I ask that the question and answer be stricken as hearsay.

GENERAL REYNOLDS: Will the reporter read the last

question and answer?

(Question and answer read)

GENERAL REYNOLDS: Under the circumstances, the objection is not sustained.

Q (By Captain Webster) Will you state whether the Japanese who came in the compound at the time you described were army or navy?

A Some of them were navy. Some I couldn't say. They could have been army just as well as navy from what I know of the Japanese.

Q Did you notice any insignia on their uniforms?

A They had several insignias, but I wasn't in the mood to watch.

Q Can you state whether any of them were officers?

A Yes.

Q How many were officers?

A At least two of them were.

Q What makes you think they were officers?

A They were carrying their sabers and they had several insignias here (indicating). One of them had a cap, which certainly indicated that he was not a soldier.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) The reason that you can't tell us whether these were army or navy officers, or officers and men, is because from your knowledge of the Japanese uniform you couldn't tell the difference; is that correct?

A I wouldn't say that. I would be positive that some of them were navy. I would not be positive that they were army,

although my belief is that they were.

Q I see. And so far as you know, the navy and the army uniform are practically the same?

A It isn't, sir. As far as I could make out then, the army used a lighter uniform than the navy.

Q I see. But you did see some "anchors" on the uniforms?

A I wouldn't say "anchors". They were wearing all sorts of insignia here (indicating). I don't know what they were.

Q But whatever it was made you think that they were navy?

A Those fellows were army, precisely.

Q The ones about which I am asking you is the navy. What made you think that they were navy?

A They were wearing blues.

Q Dark blues?

A I wouldn't say that they were dark blues. I would say that they were wearing blues.

CAPTAIN REEL: That is all.

(Witness excused)

GENERAL REYNOLDS: The Commission will be in recess for five minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. The Prosecution will proceed.

BENIGNO TODA Y. TOLEDO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A My name is Benigno Toda Y. Toledo.

Q Your age?

A 44 years.

Q Nationality?

A Filipino.

Q Where were you living on or about February 11th of this year?

A I was living in my house in Leveriza Street, 140.

Q Where is that home with reference to the property known as the "Daland Compound"?

A That is near Mr. Daland's home.

Q Adjoining property?

A Adjoining property.

Q Did you see any Japanese at the time they entered the Daland Compound from Leveriza Street?

A Yes, sir.

Q How many entered?

A There were about 15 or 16.

Q And what did they do when they entered that compound?

A What I saw was when I was in the window of my house. I saw this Mr. Daland with his hands like this (raising hands). He was besides the gate of his compound and accompanied by one Japanese. The Japanese was calling another Japanese in the street. So they came, about 15 or 16, and they all went with Mr. Daland inside his compound.

Q What did the Japanese do to Mr. Daland?

A After that I didn't see any more.

Q Did you thereafter see the body of Mr. Daland?

A Yes, sir, I saw the body of Mr. Daland near the well;

near the well of Mr. Daland.

Q How long after that?

A That was maybe about 15 minutes -- 15 minutes or -- 15 minutes.

Q Did you see any Japanese in the property of -- Mr. De la Vara?

A Yes, sir.

Q Is that property immediately adjoining your property?

A Yes, that is the property of Mr. Daland's house, but rented by Mr. De la Vara, Mr. Mendez, and Mr. Barrera.

Q What did you see the Japanese do in that home?

A I saw these Japanese burn the house.

Q How were they burning it?

A With matches. They were taking the curtains, some pillows, and they were putting them in the fire.

Q Was the home destroyed by that fire?

A Yes, sir, the home was destroyed by that fire.

Q The same day?

A The same day.

Q Were any other homes destroyed within that compound on that same day by fire?

A Yes, sir.

Q What other homes?

A The other house of Mr. Daland was destroyed on the same day.

Q Any other homes besides those two?

A Yes, sir. The right side of my home, another neighbor; they also burned that house, too.

Q Did you assist in gathering the bodies of people within

the Daland compound?

A Yes, sir.

Q How many bodies did you collect?

A There were six bodies.

Q Can you name them?

A Mr. Daland; the son of Mr. Daland; the lavandera of Mr. Barrena; Mr. Jacinto de la Vara; Mr. Mendez; the cook of Mr. Mendez, and De La Vara's.

Q You buried those bodies?

A Yes, sir.

Q Within the Daland compound?

A Yes, sir. I buried them where I found them dead.

Q Do you know what branch of the armed forces those Japanese were in that came to the Daland compound that day?

A I don't understand.

Q Do you know whether those Japanese were army or navy?

A They were navy.

CAPTAIN WEBSTER: You may cross-examine.

CAPTAIN SANDBERG: No cross-examination.

CAPTAIN WEBSTER: That's all.

(Witness excused)

CAPTAIN WEBSTER: That concludes this case, sir.

MAJOR OPINION: If the Commission please, this case is described in paragraph 35 of the Bill of Particulars.

EULOGIO MALIBIRAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Major Opinion) What is your name?

A Eulogio Malibiran.

Q What is your age?

A 33.

Q Your address?

A At the present time I live at 320 San Lazaro.

Q Manila?

A Manila.

Q What is your nationality?

A Filipino.

Q On or about the first part, early part of February, 1945, where were you residing?

A I am residing at 1343 Leveriza Street, Malate.

Q Do you know the home of the Canillas family?

A Yes, sir.

Q Where was the home of the Canillas family with relation to your home?

A The home of the Canillas family is situated in the southern part of my home.

Q Were you neighbor to Canillas?

A Close neighbor.

Q You mean to say that your house is just next to his house?

A Next to his house.

Q Do you know if anything unusual has taken place in the Canillas home sometime during the first ten days of February, 1945?

A Yes, sir.

Q Will you please state it to the Commission?

A Well, the first night that the Japanese went out to our place, these Japanese soldiers first went to my home. They knock at the door and asked who was living that house, and I told them that I am living out there. They asked me if there were any Americans or white people around the place. I told them that I don't know. They left and they went out to the Canillas home, next door, next house. They surrounded the house of the Canillas family and two or three Japanese soldiers or Japanese navy men went inside the house. Finally I heard the breaking of furnitures and the ransacking of the house. After that all be quiet.

Q About what time was that?

A That is around 10 or 11 o'clock in the evening.

Q Can you state the date?

A Well, during that time there were lots of shelling and things like that, we are too nervous to roam around; I lost track of the date.

Q But was it during the first day, or sometime during the first ten days of February, 1945?

A Yes, sir.

Q How many Japanese surrounded the home of the Canillas family?

A Around 15 of them.

Q How many Japanese entered the house of Canillas family?

A Three,

Q While the Japanese were inside the Canillas family, did you hear, in addition to the noise caused by the breaking of the furniture, any screaming?

A That first night there is no screaming.

Q How long had the Japanese been in the house?

A Some 20 minutes.

Q What did the Japanese do, if they did anything, inside the house?

A Well, that night I practically don't know what happened, but the next morning when Mr. Felipe came --

Q What time was that?

A Around 6 o'clock in the morning.

Q Proceed.

A Mr. Felipe Canillas approached me and asked me if I can look after his two sons and two daughters that were taken out by the Japanese to the Rizal Memorial Stadium.

Q When were these children of Canillas taken out?

A That is the previous night.

Q Do you refer to the same evening when you heard the ransacking?

A Yes, sir.

Q Inside the house of Canillas family?

A Yes, sir.

Q Please proceed.

A That morning he asked me if I am going out to work in the Rizal Memorial.

Q Why? Were you working there at the time?

A I was working as a kitchen boy out at the Rizal Memorial kitchen.

Q Who were the occupants of the Rizal Memorial?

A Japanese soldiers -- Japanese navy.

Q Why do you know they were navy?

A Oh, they got their anchor insignia on their caps.

Q You mean to say that you were the assistant of the cook in the kitchen?

A Yes, sir.

Q And that kitchen was for the Japanese navy?

A Yes, sir.

Q Do you know the officer of that navy stationed at the Rizal Memorial?

A Yes, sir.

Q What was his name?

A He was Captain Susuki.

Q You may proceed.

A That morning I was hesitating to go out to the Memorial Stadium, because there are lots of shellings. By 10 o'clock in the morning the cook went out to my place and brought me out there to the Memorial. Now, in going inside the Memorial we were met by a sentry. This sentry, I happened to recognize him, because he was one of the raiding party the previous night.

Q You mean to say that he was one of the 15 Japanese?

A That went out --

Q That went to the house of Canillas?

A Canillas, yes. And he told me that all the people

that they took that night were all killed.

Q How many people were there?

A There were around 30.

Q Did you see those people?

A I saw them lined up in the streets.

Q In front of what house?

A In front of my house and the Cañillas house.

Q Were they lined up while the three Japanese were inside the house of Cañillas?

A Yes, sir.

Q On the evening of that day, after the Japanese had told you, the Japanese sentry had told you that these 30 people were all killed, had anything unusual taken place in the house of Cañillas?

A Yes, sir, there is something that happened that night. These same soldiers, or same navy men, they went out to our place again. They tried to push my door, but I put a barricade on my door and they can't enter. Then they went out to the next house again. They surrounded it, the same as the previous night, and those Japanese -- there were around four of them that went up --

Q To the house?

A To the house, Cañillas home. They began breaking furnitures, ransacking the house, and lastly I heard that one of the Cañillas daughters crying, "Mama! Oaking Dios!" as if she was in pain.

Q What does that mean?

A Well, that is, "Mother! Oh, my God!"

Q Please proceed.

A They were all running around the house; seems as though those soldiers were chasing the girls. They were screaming. And finally it be quiet again. At the same time I saw a house in front of mine was already burning, and we took shelter 'already, went out of the house.

Q How long had the Japanese been in the house of the Canillas family that evening?

A That evening around 30 minutes, 20 to 30 minutes.

Q How many times did you hear screaming or exclamations?

A Two times.

Q Were they of the same voice or different voices?

A Different voices.

Q After you saw the house in front of your home was burning, you say that you went to the shelter?

A Yes, sir.

Q Did you see the Canillas family, or any member of his family, that evening?

A During those burnings we went out to the shelter, and afterwards we went to an open area.

Q Where was that open area?

A That is around 15 meters back of my house.

Q Where was that open area in relation to the Canillas home?

A It was in back of the house.

Q Did you see Canillas there, in that place?

A I saw him sitting in a chair. He was calling names, calling the names of his son, some of the neighbors. I saw him clutching his right abdomen (indicating), in the stomach; a big wound, blood is all over, part of his intes-

tines were hanging out, protruding out of that wound.

Q How far were you away from him that morning?

A Around five meters or so.

Q What time of the morning was it?

A That is around 11 o'clock in the evening. That was nighttime, when the place was burning.

Q Did you have any conversation with Canillas?

A No, sir.

MAJOR OPINION: Your witness.

CAPTAIN REEL: No questions.

(Witness excused)

(A photostat was marked
Prosecution Exhibit No.
122 for identification.)

EDUARDO DE LOS REYES

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Eduardo de los Reyes.

Q Age?

A 19.

Q Address?

A 1343 Leveriza Street, Malate.

Q Nationality?

A Filipino.

Q Showing you this exhibit which has been marked for identification purposes as Prosecution Exhibit 122, will you please state to the Commission, if you know, what it represents?

A No. 1 (indicating) is the home of Felipe Canillas. No. 2 is Miss Wilson. No. 3 is Felipe Canillas. No. 4 is Benjamin Llave. No 5 is my home.

Q What number is that that you said your home was?

A No. 5.

Q And what is the number of the house of Felipe Canillas?

A No. 3.

Q Please proceed.

A No. 3 is the house of Felipe Canillas. No. 4 is the house of Benjamin Llave. No. 5 is our home. No. 6 is Zoilo Llave's house. No. 9 is the grave of Zoilo Llave, and Canillas.

MAJOR OPINION: I introduce, sir, this Exhibit 122 as a part of our evidence for the Prosecution.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 122 for identification was received in evidence.)

Q (By Major Opinion) On the night of February 9, 1945, between 10 and 11 o'clock, where were you?

A I was peeping out my window.

Q Which was just, according to Exhibit 122, at the rear part of the Canillas home?

A Our house is at the west part of the Canillas home.

Q In other words, your house is west of the rear part of the Canillas home?

A Yes.

Q How far was your house from the Canillas home?

A Five yards.

Q Has there anything unusual taken place in the house of Canillas that evening?

A Well, I was peeping out our window, I heard someone knock at the door of the Canillas home, and Mr. Canillas went to the door and opened it and see that the Japanese were knocking at the door.

Q Who of the Canillas family?

A Felipe Canillas.

Q Was that the father of the Canillas children, or the head of the family?

A The father of the Canillas children.

Q And the head of the Canillas family?

A Yes, sir.

Q Is it?

A Yes, sir.

Q Please proceed.

A While Mr. Canillas opened the door the Japanese talked to him, but I didn't understand.

Q What?

A The Japanese talked -- I heard the Japanese voice talking to Mr. Canillas, but I can't understand the words. A few minutes later I saw the one Japanese strike Canillas with his bayonet in the stomach. Then after that Mr. Canillas fell down on the floor, and the Japanese went inside and searched the room. After that, I see that the Japanese are searching the room and went to the bedroom of the children. When they come out, I saw that the Japanese was holding Canillas' sisters.

Q What else?

A And then the Canillas' sisters were dragged to the Rizal.

Q How many of the Canillas' sisters?

A Two of them.

Q You saw them?

A Two of them, I saw.

Q Now, you say that Felipe Canillas was stabbed at the stomach, by bayonet?

A Bayonet.

Q Where did he fall?

A On the floor there, near the door.

Q And how about Mrs. Canillas?

A No, sir.

Q Do you know the wife of Felipe Canillas?

A Yes, sir.

Q What is her name?

A Mrs. Trinidad Canillas.

Q Did you see her that evening?

A No, sir.

Q How long had the Japanese been in the house of Canillas?

A Around half an hour, sir.

Q Did you see the Japanese leave the Canillas home?

A No, sir.

Q What did you do after you had seen all the things you have just related?

A After that, sir, I went down to the shelter.

Q Do you know this man by the name of Zoilo Llave?

A Yes, sir.

Q Do you know another man by the name of Fortunato Baredo?

A Yes, sir.

Q Did you see him that evening?

A I saw Zoilo Llave, sir.

Q What was Zoilo Llave doing when you saw him?

A While the house was burning, our neighbors, and I am taking the things in our house, I see Zoilo Llave going to the house of the Canillas, to the house of Mr. Canillas.

Q Was he accompanied or alone?

A He was alone. But suddenly I heard a shot, and I see that Zoilo Llave fell down.

Q Now, what happened after a while?

A When Zoilo Llave fell down, the Japanese came close to him and struck him with bayonets several times.

Q That evening did you see Felipe Canillas after he was stabbed?

A Yes.

Q Where?

A 50 yards away from his home.

Q Was it an open field?

A Yes, sir.

Q How did he arrive at that place?

A I just see him -- I just saw Mr. Canillas sitting on a chair.

Q Do you know who took him there?

A No, sir.

Q How far were you from him?

A I came near him, and when he called the name of my brother, my brother came to him with me.

Q What was the name of your brother?

A Ruperto de los Reyes.

Q Did he have a conversation with your brother?

A I just heard Mr. Canillas saying, "I think my sons are all gone."

Q Where is Zoilo Llave now?

A After that, I saw Zoilo Llave in the morning.

Q Did you see, after that conversation of Canillas with your brother, Canillas again? Did you see him again?

A Yes, sir.

Q How was he when you saw him?

A It was about between 5 and 6 o'clock in the morning I saw Felipe dead already.

Q Did you bury him?

A I attended the Felipe Canillas burial.

Q Where was he buried?

A 75 yards away from his home.

Q In what number on Exhibit 122 was he buried?

A No. 9.

Q Was anybody else buried with Felipe Canillas at the same grave?

A Zoilo Llave, sir.

MAJOR OPINION: That is all.

CROSS EXAMINATION

Q (By Captain Reel) Do you know whether Mr. Canillas or anybody in the Canillas house was helping the guerrillas?

A I beg pardon?

Q Do you know whether Mr. Canillas or anyone in the Canillas house was helping the guerrillas?

A No, sir.

Q You don't know?

A No, sir.

CAPTAIN REEL: That is all.

(Witness excused)

FORTUNATO BAREDO

called as a witness on behalf of the Prosecution, being first duly sworn through an interpreter, was examined and testified as follows through the interpreter:

DIRECT EXAMINATION

Q (By Major Opinion) What is your name?

A (Through the Interpreter) Fortunato Baredo.

Q Age?

A 26 years.

Q Address?

A 1359 Leveriza Street.

Q What is your present occupation?

A Sailor.

Q Of what boat?

THE WITNESS: "MAKDAN."

Q (By Major Opinion) Where was your residence during the early part of February, 1945?

A (Through the Interpreter) On Leveriza.

Q At the same place where you are residing now?

A Yes.

Q Do you know the Canillas home?

A Yes.

Q On what side of the Canillas home was yours?

A Other side of the street.

Q Showing you Exhibit 122 of the Prosecution, will you please indicate or read the number which will show your home.

(The witness indicated on Exhibit 122.)

THE WITNESS: No. 4.

Q (By Major Opinion) Did you enter the house of Canillas sometime during the first ten days of February, 1945, in the nighttime?

A I did not enter their home.

Q Do you know Zoilo Llave?

A Yes.

Q Did you see Felipe Canillas that evening?

A Yes, I saw him.

Q Where was Felipe Canillas when you saw him?

A The upper part of his home.

Q Was he wounded or not when you saw him?

A Wounded.

Q Were you accompanied by any person when you saw Canillas in the upper part of his home?

A Yes.

Q What was the name of your companion?

A Zoilo Llave.

Q Where were you when you saw him?

A Up in the house.

Q In the house of Canillas?

A Yes. Up in the house of Canillas.

Q You mean you were with Zoilo Llave in the house of Canillas when you saw him in the upper part of the house?

A Yes.

Q Who invited you to go to the house of Felipe Canillas?

A Zoilo Llave.

Q So on the invitation of Zoilo Llave, you went to the house of Felipe Canillas?

A Yes.

Q At what hour was that, more or less, when you went to the house of Felipe Canillas?

A About 12 o'clock, midnight.

Q What was Felipe Canillas doing when you saw him?

A He was laying down (demonstrating), at the kitchen.

Q Kitchen of the house of Canillas?

A Yes.

Q What else did you see, if you observed anything?

Please state to the Commission all that you saw.

A When I went there I saw the wife of Felipe Canillas with the head severed from the body.

Q Where was the body lying?

A I saw the body near the door of the room.

Q What room was that? Sleeping room or dining room?

A Sleeping room.

Q You say that the body of the wife of Canillas was completely severed from her body -- I mean the head of the wife of Felipe Canillas was completely severed from her body; where was the head?

A I cannot see the head.

Q So then what you saw near the door of the sleeping room was the body only of the wife of Felipe Canillas?

A Yes, sir.

Q How far was the body of Mrs. Canillas from the body

of -- from Mr. Canillas?

A About this far (demonstrating).

Q About four meters?

A About six meters.

Q Did you see other bodies inside the house that evening?

A No more.

Q Have you seen any bodies of the daughters of Felipe Canillas?

A No, only the one.

Q Who is that?

A The wife of Felipe Canillas.

Q How long did you stay in that house of Felipe Canillas?

A About two minutes only.

Q What did you do there?

A We took the body of Mrs. Canillas, placed her on the chair and carried her away, outside to the ditch.

Q In what part of the premises of the house did you carry the person of Felipe Canillas, Mr. Canillas?

A The back of our house.

Q What did you do with him there?

A We just let him sit there for the time being.

Q Was Felipe Canillas wounded?

A Yes.

Q Where was his wound?

A He has three wounds.

Q In what part of his body were the wounds?

THE INTERPRETER: He is pointing.

MAJOR OPINION: May I make of record, sir, that the

witness pointed out a wound on the stomach, on the left chest, and on the right chest of Felipe Canillas.

GENERAL REYNOLDS: Very well.

MAJOR OPINION: You may cross examine.

CAPTAIN REEL: No questions.

(Witness excused)

FRED F. CANILLAS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Fred Canillas.

Q Age?

A 38.

Q Address?

A 14 Leveriza Street.

Q Nationality?

A Filipino.

Q What is your present occupation, Mr. Canillas?

A I am a civilian employee of the United States Army, an investigator.

Q Please state to the Commission if you know this Exhibit No. 122?

A Yes, sir. This is a copy of my house in relation to my father and his neighbor.

Q Will you please indicate on that Exhibit 122 where your house is?

A No. 1 is my house.

Q And your father's house?

A No. 3 is my father's house, and No. 2 is the house of Mrs. Wilson.

Q And you mean to say that your home is just across the street on Leveriza?

A Yes, sir.

Q From the home of your father?

A Yes, sir.

Q In the morning of February 9th, 1945, did you have a conversation with your father, Felipe Canillas?

A Yes, sir, about 6 o'clock in the morning. He came to my house with one of my sisters and told me that the night before the Japanese were up in the house and took my two sisters and my two brothers to the Rizal Stadium.

Q Will you please state the names of your two brothers and your two sisters that were taken to the Rizal Stadium?

A Robert Canillas, Charles, Africa and Aparro, were taken to the Stadium.

Q Did he tell you who took them to the Rizal Stadium?

A He told me it was the Japanese, but I tried to find out how he know that the boys were taken and the girls were taken to the Stadium, and he told me that he recognized some of the faces of the Japanese, the Japanese that had been coming to the house on the routine search that they used to make around the houses.

Q Did he tell you about the time when your brothers and sisters were taken?

A About 10 o'clock at night.

Q The previous night?

CAPTAIN SANDBERG: If the Commission please, the

Defense objects and asks that the last answer be stricken as double hearsay. Neither the witness nor his father knew where the persons had been taken.

GENERAL REYNOLDS: The reporter will read back the last four questions and answers.

(Record read.)

GENERAL REYNOLDS: The objection of Defense to the last question and the last answer, is that correct?

CAPTAIN SANDBERG: Yes, sir.

MAJOR OPINION: May I be allowed, sir, to answer that objection?

GENERAL REYNOLDS: Yes.

MAJOR OPINION: We maintain, sir, that this is a part of what is known in English rule of evidence, or American rule of evidence, as res gestae. Any statement which bears connection with a startling occurrence, prior to or succeeding thereto, in which legal significance is given, with reference to circumstances of the facts, may be admissible to the evidence. And that is precisely the reason why on this general rule, res gestae evidence has been founded, this special procedure of allowing it according to the regulations of the trial, sirs.

I would like to insist that the objection be not sustained.

GENERAL REYNOLDS: The Commission will withdraw to its chambers and we will take a recess until about 25 minutes of 4.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The objection of Defense is not sustained.

Proceed.

Q (By Major Opinion) After you had that conversation with your father, what did you do?

A I went to my father's home to see my mother, how they were taking this thing, and I saw when I got to the house -- I saw my mother and sisters crying, and I saw the whole house was practically a wreck. Every wardrobe and every trunk was open, everything was thrown all over the house, clothes, everything that was in the wardrobes there. My mother told me that they took with them the watches of my two brothers and the five watches of the five girls, and some earrings, and they took my brother's cadet Sam Browne belt.

Q What was the name of your mother?

A Trinidad Canillas.

Q What were the names of your sisters who were crying with your mother when you went to your house?

A Rosario, Elvira and Socorro.

Q What did you do after that?

A I went back to the house, and I went across several times that day trying to see if my brother would come back, and consoling my mother and sisters.

Q Did you take possession of any personal belongings of your brother Charles, who was taken with the other three to the Rizal Memorial?

A Yes, I did. Fearing that they might torture my brothers over there and make them talk, I knew my brother had a .45 army revolver in the house, and that my father

and brother were both having an unreconditioned radio operating during the three years of Jap occupation, so I went over there and got their revolver and this radio and Sam Browne belt.

Q What is that Sam Browne belt you are talking about?

A That is a Sam Browne belt my brother had as a cadet in the college, R. O. T. C. cadet.

Q You mentioned an unreconditioned radio?

A Yes, sir.

Q What do you mean by "unreconditioned radio"?

A A radio that could operate on short wave, because the Japs picked up all the radios in the city and cut off the short wave. Somehow my father was able to keep this one.

Q You mean this was one of the radios not given up to the Japanese for reconditioning?

A Yes, sir.

Q And the reconditioning was that the Japs were taking out all radio connections through short wave?

A Yes, sir.

Q From that day, did you see again your father and your mother and three sisters?

A The last I saw of my father and sisters and mother was about 6 o'clock in the evening of February 9th when I went home, because the Japs were shooting anybody that was crossing the street from their homes.

Q Do you know what happened to them after that?

A Not until the morning of February 10, when Mr. Llave, a neighbor of my father, who was with them, was able to cross the street and came to my home while we were sheltered

over there, and told me he was not sure, but he believed my father and mother and sisters had all been killed by the Japanese. That is the first news I got about them.

Q Did he tell you what was the reason for his believing that?

A Yes. He heard the neighbors, that they bury my father the night before -- early in the morning.

Q Did you manage to see your father in order to verify the information you had received?

A I tried to, but I could not cross. There was too much Japanese gun fire going on, machine gunning around the street.

Q Was anybody allowed, during that period of time, to cross the streets?

A Nobody was allowed even to stand up where we were.

Q Why?

A The Japanese snipers were all around us.

Q And what did you do then, after a while?

A I just hang around the compound, where I was with my wife and two kids, and about February 11th is when the son of Zoilo Llave came to my place, bringing me the ring of my father and telling me he was one of the boys who buried my father, and they saw my mother beheaded and the rest of the kids killed.

Q What did you do then, after having that information?

A I could not do much. I just had to hang around, because we could not move from there. The Japanese were on four sides, shooting at anything that stood up or anything that moved around.

Q Did you manage to see them?

A I did not at all. I went back to the place, to the house where my mother and family was murdered, about a month later.

Q Were you able to reach the place where the home of your father was situated then?

A Yes, sir.

Q When was that?

A Oh, it is around the first week of March.

(A photograph was marked Prosecution's Exhibit No. 123 for Identification.)

Q Showing you this photograph which has been marked as Exhibit 123 for the Prosecution, will you please state what it purports to represent?

A That is the grave of my father, Felipe Canillas.

Q Who directed the making of that grave?

A I, myself.

Q How about this exhibit --

(A photograph was marked Prosecution's Exhibit No. 124 for Identification.)

Q How about this Exhibit No. 124, do you know what it is?

A That is the ruins of the house of my father.

Q You said that this Exhibit 123 represents the grave of your father?

A Yes, sir.

Q Was that the grave of his remains?

A Yes, sir.

Q And how did you find the home of your father when you

went to see that home?

A Well, I know the place, even if it was completely wrecked, because I have lived around this neighborhood for 20 years. I know the exact location.

Q How did you find it?

A All burned down, nothing; the whole district burned down, including this house.

Q Did you find the bodies of your father, mother and sisters, among the debris?

A Yes. I accompanied -- I was accompanied by some of these boys who helped me pick up the burned roof from the house. I recovered bones of my mother and three sisters, supposed to be; bones in four different places on the grounds.

Q What was the condition of the bones that you found?

A Just burned bones; just plain bones.

Q How were you able to identify them?

A I did not identify them, only by the position of the bodies according to the boys who went to the house and told me they saw my mother by the bedroom. I found a vertebra, and bones from the feet and arms, and I found bones of two bodies in another spot about two meters away, and I found the bones of another body in the boys' bedroom, a little down there (indicating).

MAJOR OPINION: That is all, sir.

I offer as part of my evidence these Exhibits 123 and 124.

GENERAL REYNOLDS: There being no objection, the documents are received in evidence.

CROSS EXAMINATION

Q (By Captain Reel) Do you know whether your father was engaged in giving help to the guerrilla movement?

A No, sir.

Q You don't know, or he wasn't?

A No, sir.

Q You mean you don't know?

A I don't know.

Q Do you know whether your brother was engaged in giving help to the guerrillas?

A My brother was in the USAFFE, Philippine Army officer.

Q And was he a guerrilla?

A I can't tell you that; I don't know.

Q You don't know that?

A No, sir.

Q This radio that was in the house, was that a transmitting set?

A No, sir; a receiving set.

Q And was there more than one revolver in the house, that you know of?

A That I know of, I only pick up one.

Q Just one?

A Yes, sir.

Q And was the revolver loaded?

A No, but it had ammunition.

CAPTAIN REEL: That is all.

MAJOR OPINION: Sirs, that is all of our evidence in

connection with this particular case.

The Prosecution, sirs, wishes to offer as part of its evidence the sworn statements of Dolores Llave and Francisco de los Reyes, taken by the investigating examiners of the War Crimes Branch.

(The statements referred to were marked Prosecution's Exhibits Nos. 125 and 126 for Identification.)

MAJOR OPINION: The statement of Dolores Llave is Exhibit 125, and will prove, among other things, the bayoneting of Socorro Canillas while lying in bed.

The statement of Francisco de los Reyes, marked as Exhibit 126, will prove that Felipe Canillas and the second oldest daughter and two other daughters were bayoneted by Japanese soldiers.

GENERAL REYNOLDS: There being no additional objection, the documents are accepted in evidence.

(Prosecution's Exhibits Nos. 125 and 126 for Identification were received in Evidence.)

GENERAL REYNOLDS: Is the Prosecution ready to proceed?

CAPTAIN HILL: Yes, sir. I did not know you were ready, sirs.

The next incident which I shall present is the Bill of Particulars Paragraph No. 22.

Please mark this for Identification.

(Statement of Ida Braun was marked Prosecution's Exhibit No. 127 for Identification.)

CAPTAIN HILL: I desire to offer in evidence

Prosecution's Exhibit No. 127, which is a sworn statement of one Ida Braun taken by an investigating officer of the War Crimes Investigating Detachment.

GENERAL REYNOLDS: It appears to be more appropriate to the Commission to offer the affidavits after the Commission has heard the oral testimony.

CAPTAIN HILL: There will be no oral testimony in this particular incident. I have four incidents now that I desire to present in this manner.

GENERAL REYNOLDS: The Commission is unwilling to accept affidavits as the sole proof of an item in the Bill of Particulars. Therefore, unless you have witnesses to introduce, this exhibit is rejected by the Commission.

CAPTAIN HILL: Would the investigating officer who took the statement be sufficient to identify it, or do you want the witness to appear personally?

GENERAL REYNOLDS: Is there some reason why the witness cannot appear personally?

CAPTAIN HILL: We thought, sir, that we could cut down, possibly, the time that it would take to present all of these matters by presenting some of them this way.

GENERAL REYNOLDS: I think the Prosecution should consider the desirability of striking certain items. The Commission feels that there must be witnesses introduced on each of the specifications or items. It has no objection to considering affidavits, but it is unwilling to form an opinion of a particular item based solely on an affidavit. Therefore, until evidence is introduced, these particular exhibits are rejected.

MAJOR KERR: If the Commission please, we are then through for the day, because the balance of our cases for today would have been presented purely through documentary evidence. That will be true, sir, as to quite a large number of the particulars in the two Bills of Particular. It has been our understanding that under the regulations prescribed by General MacArthur statements would be admissible, and we had assumed that the Commission would receive them. So we had prepared on that basis in order to expedite the trial. We are not prepared at this time to produce any oral witnesses on any of the other cases that we had intended to take up this afternoon.

GENERAL REYNOLDS: Very well.

The Commission will stand in recess until 8:30 tomorrow morning.

CAPTAIN HILL: May I withdraw this for the time being?

(Whereupon, at 1555 hours, 1 November 1945, the trial was adjourned until 0830 hours, 2 November 1945.)