

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces,
Western Pacific

UNITED STATES OF AMERICA)

-vs-)

TOMOYUKI YAMASHITA)

PUBLIC TRIAL

High Commissioner's Residence,
Manila, P. I.
30 October 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSELL B. REYNOLDS, Presiding Officer
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted.)

I N D E X

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P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session.

Proceed with the case.

MAJOR KERR: Sir, all of the members of the Commission are present. The Accused and his counsel are present.

The Prosecution is ready to proceed.

MAJOR OPINION: Sirs, this case is called "Valdes-Guido," or Guido Valdes murders. It is cited in Paragraph 23 of the Bill of Particulars. It is a result of the merger of two cases: the Valdes case and the Guido case.

To avoid confusion, the Prosecution wishes to make of record that one of these two cases relates to the murder of Jose Guido and his three sons, and the other case relates to the murder of Alejo Valdes, his son, and his brother-in-law. Both cases include, also, the murder of 20 other civilians.

By way of remarks, sirs, it might be stated that in the course of the investigation of these two cases, the Prosecution has collected and perpetuated the testimony of 63 witnesses. However, in furtherance of a speedy trial and in the interest of a prompt administration of justice, the Prosecution has decided to call to the witness stand only five witnesses, in addition to the statements of witnesses who will not be called to testify. The testimony of these witnesses and the statements to be introduced in evidence will prove the following facts briefly stated:

On 6 February 1945, about 16 or 18 Japanese marines searched the house of Jose Guido, who was then and there a Lieutenant Colonel and Chief of the Intelligence Division of

the Philippine Army. The Japanese found, during the search, several uniforms of Colonel Guido. They burned them in front of the house. During the search they, the Japanese, ordered Mrs. Guido, the wife of Colonel Guido, to open the safe; and once opened, they took away therefrom 5,000 pesos in Commonwealth currency, and several jewels and other things. They they tied Colonel Guido and his sons - Jose, Justo, and Raymond - took them out from the house and led them down to an open field in front of a Japanese paper factory.

On the other hand, on the same day, 6 February 1945, about 20 or 30 Japanese marines or Navy searched the house of Alejo Valdes, who was then a lieutenant colonel, retired, from the Army, but then and there he was acting as chief of the Manila Harbor Police. They found in the search uniforms of Colonel Valdes. They burned the uniforms, and after burning them they left the premises, but on the following morning they came by and searched again the house, and in the search they found in the library room of Colonel Valdes a radio set, which was a sort of toy. They seized it, and believing that this radio set was a means of communication with American forces -- they seized and grabbed the radio set and threw it at the face of Colonel Valdes. Then they tied him and his son Ramon, and his brother-in-law, Ernesto Morillo, and led them out from the house and taking the direction toward the open field in front of the cigarette factory.

Both of these cases will also prove that more than 20 civilians were all buried in the same pit.

The first witness of mine, sir, will be --

GENERAL REYNOLDS (interposing): The Commission has

been given to understand that some other item of the Bill of Particulars is included with No. 23.

MAJOR KERR: No, sir; that is all one particular, sir. You will note that the names of both the Guido family and the Valdes family are included in that specification.

GENERAL REYNOLDS: With a view to saving time, labor and expense, it is the desire of the Commission that in appropriate cases stipulations will be agreed to between the Prosecution and the Defense, particularly as to unimportant or uncontested matters.

Are you prepared to shorten the interrogation in this case?

MAJOR KERR: No, sir; we have no stipulations for today, sir. Hereafter, we hope to be able to stipulate on matters that can be agreed upon. We have had no opportunity for today's cases, to reach any such agreement.

GENERAL REYNOLDS: Very well. Proceed.

MAJOR OPINION: Mrs. Guido.

JUSTA GUIDO

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, age, and other personal circumstances. Your name, please?

A Justa Guido.

Q Your age?

A 48 years old.

Q Where do you reside at the present time?

A 1185 Singalong Street.

Q What is your business or occupation?

A Well, I am a - I live with my property, I don't have any business. I am a widow.

Q You say that you are a widow; a widow of whom?

A I am the widow of Jose Guido.

Q Where is your husband now?

A Well, he is dead, and my three sons.

Q Was Colonel Guido holding a position in the Philippine Commonwealth Government prior to the war?

A He was the Chief of Intelligence Division, Philippine Constabulary.

Q Had Colonel Guido then been holding any position in the Japanese administration or under --

* (Interrupting) No.

Q (Continuing) -- the Philippine Commission or puppet Philippine Army?

A No, sir! He did not work with the Japanese!

Q Was Colonel Guido engaged in any kind of underground activities during the period of Japanese regime?

A Yes, he was underground in connection with Father Hurley, Major Cushing.

Q Where were you living on or about 6 February 1945?

A In my house, 1185 Singalong Street.

Q At any particular time of the day on 6 February 1945, had anything unusual happened in your house?

A Yes, sir.

Q Will you please state to the Commission what happened that day?

A Well, on the 6th of February at 8 o'clock in the morning

the Japanese Navy officer and four soldiers, they got my two sons, Justo Guido and Jose Guido, Jr.; they push me in the room because I was crying and telling that my sons weren't doing anything, they are quiet. Then they return me at 5 o'clock in the afternoon; on the 6th of February at 11 o'clock, I was in the kitchen of my house, we are preparing our dinner, and 13 soldiers surrounded our house. These soldiers are navy, I think they were - but then they knocked the door in front of our house, three officers with a Filipino spy, I think. And then we saw them with the army, I think, because the navy is with that anchor, but these officers with the stars, they are army, I think. They come in the house, and when we opened the door, well, the first thing that they said is, "All right, you Colonel Guido, waiting for the Americans." Well, we did not answer anything, and they hold my husband and they search all the house to the ceiling to under the house. They open all our doors. They took all our uniforms of my husband, they bring down; then one of the officers took one soldier and make me go up in the house and open the safe. Well, I opened it and they took all our jewels that I inherited from my grandfather; they are very antiques. And they took my money, 5000 pesos; everything valuable they had taken. The only valuable left in our family was this ring (indicating), I had turned only like that (indicating); that was why it was safe.

Q After they had taken away the money and jewels from the safe, what did the Japanese do?

A Well, they tied my husband, with my oldest son who was sick with a 39 degree fever --

Q (Interrupting) What was his name?

A Justo Guido. He was in his room with a very high fever. They took him and tied him with his father, and then he faint because he was scared. Even we cannot go to help the sick one, because they are with the bayonet, like that (demonstrating); they seem to like to kill everybody.

Q Who else --

A (Interrupting) Then they tied my Junior and my little son.

Q What was the name of that Junior?

A Jose Guido, Jr., and then this Raymond - I was telling that it was 12 years, but they don't know how to tell a lie, and he told me, "Mama, you are mistaken. 14." And they got the one 14 and tie also with the other one.

Q After tying your husband and your three sons, what did the Japanese do with them?

A Well, they went in my dining room, they take whiskey, they drink, they eat all the food; they took everything that we are going to eat. And when they finished eating, all that thing, they go down and bring my husband and my three sons. I did not see what they did then, because I fainted at that time.

Q How were your husband and sons tied, when you saw them tied by the Japanese?

A Well, they were tied like that (indicating) in the back.

Q Behind them?

A The arms behind. They tie like that, seem to like doing it.

Q You say that they had taken them out from your house?

A Yes, sir.

Q Do you know where they were taken?

A Well, my neighbor told me.

Q What place?

A My neighbor told me that they passed in the back - some of those people told me that they were bring in that factory.

Q Now, did the Japanese army or navy officers or soldiers come back to your house after that date?

A No, only the sentry. The sentry went in my house.

Q How about the machine-gunning of your house?

A Oh, yes, that is two days - maybe it is the 8th.

Q The 8th?

A Yes, sir. Well, the - I don't know if they are soldiers, or what, and I don't know if they are machine guns, because we are afraid; with my two daughters, with my small boy 8 years, we went down under our porch, because we have there our shelter, and we were like rats, because we are very afraid. They come and machine-gun the house, thinking that we are inside, to kill us, maybe.

Q What part of the house was machine-gunned?

A Well, all the glasses are broken, and some chairs. You can see, it is there in my house yet.

Q How do you know that your house was machine-gunned?

A Well, because we hear the shoots.

Q Where were you when the house was machine-gunned?

A Under my porch, in the shelter.

Q Was anybody hurt?

A No, because it is cement, and I think they did not machine-gun down (indicating); they did not think that we are under the house.

Q Did you recover the bodies of your husband and sons?

A Yes, sir, when the Americans liberated Singalong.

Q Do you remember the date, more or less, when you recovered them?

A I think it was between the 28th or 27th of February.

Q Who recovered them?

A My grandson, Juan Gonzales.

MAJOR OPINION: May I have this marked for identification?

(The photograph above referred to was marked Prosecution Exhibit 18 for identification.)

Q (By Major Opinion) Will you please state to the Commission if you know this?

A Yes, this is my poor late husband.

MAJOR OPINION: That is all. Your witness.

I offer Prosecution's Exhibit 18 as part of my evidence.

GENERAL REYNOLDS: Subject to objection, the photograph is accepted in evidence.

(Thereupon the photograph referred to was received in evidence and marked Prosecution Exhibit 18.)

CAPTAIN SANDBERG: What exhibit number is that, sir?

THE REPORTER: 18, sir.

CROSS-EXAMINATION

Q (By Captain Reel) Miss Guido - is that it?

A Yes.

Q Can you tell us what date this machine-gunning occurred? This machine-gunning?

A In my house, sir?

Q What day was that?

A Well, I could not tell you very well whether it was two

or three days, because we are in so panic. Those days are terrible.

Q It would be around the 10th of February, is that about right?

A Maybe; maybe in those days.

Q And at that time, there was some fighting going on in Manila?

A Well, we did not know that there was a fight, because --

Q (Interrupting) No, just answer the question: Was there, on the 10th of February, some fighting going on in Manila, so far as you know?

A Well, we did not know.

Q You don't know it?

A No.

Q I see. Had you heard any shooting at all before the machine-gunning?

A Oh, yes, sir; many shooting and burning houses.

Q Yes, and that shooting in apartment houses had been going on for a number of days, had it; two or three days?

A I beg pardon?

Q The shooting that you heard in the apartment houses had been going on for a number of days?

A Oh, yes, sir.

Q Now, you didn't see who did this machine-gunning; you just heard the machine-gunning?

A We saw it. They were Japanese.

Q Didn't you say you were under the porch?

A Yes, sir, but my house in front is with cement, but in the back is some wood, like this (demonstrating) with holes, and we can see in those holes who are coming in the yard.

Q Didn't you tell Major Opinion just now that you couldn't see the machine-gunning, but you just heard it?

A Yes, sir, we did not see the machine gun. The guns we did not see.

Q You didn't see that at all?

A But the feet of the Japanese, we saw.

Q You saw some Japanese soldiers, but you didn't see the machine gun?

A But we heard the shooting.

Q Just answer the question: But you did not see the soldiers using the machine guns, is that correct?

A Well, we supposed that they were the ones who were machine-gunning us.

Q You suppose; thank you. Now, as I understand it, Mrs. Guido, you said your husband was not a collaborator with the Japanese?

A Yes, sir; he did not collaborate.

Q He didn't help the Japanese at all?

A I beg pardon?

Q He didn't help the Japanese at all?

A No, sir.

Q And I think you said something about his going "underground"; is that your expression?

A Yes, sir.

Q Just what did you mean by that?

A Well, because he was supporting American officers in the mountains.

Q When you say "supported", what do you mean? Did he go to the mountains?

A No, sir. He has his contacts.

Q He what?

A He has his contacts made.

Q Do you know what these contact men did?

A Bring him food, medicine, clothing, for the American officers are hiding.

Q And did you see, during the course of the Japanese occupation, your husband meeting with these contact men?

A In my house there.

Q In your house?

A Yes, sir.

Q Was your husband connected with the Philippine Constabulary?

A Yes, sir, in the USAFFE.

Q Was he connected with the Philippine Constabulary during the period of the Japanese occupation?

A I beg pardon?

Q Was your husband connected with or a member of the Philippine Constabulary during the Japanese occupation?

A No, sir, he was offer to operate with this constabulary, but he refused. He told the general he preferred to plant bananas, than to co-operate with the Japanese!

Q Now, these uniforms that you spoke of; what kind of uniforms were they?

A These uniforms during the Commonwealth he was using.

Q And during this period, when he was making contact with the guerillas, did your husband wear a uniform?

A No, sir, he was civilian.

Q In civilian clothes?

A Yes, sir. He did not use any more uniform.

Q Did he wear any kind of a mark on his arm, an armband?

A No, sir.

Q No mark distinguishing that he was working with the guerillas?

A No, sir. He opened his law office, because he was a lawyer.

CAPTAIN REEL: I think that is all.

MAJOR OPINION: Sirs, I would like to request that I be allowed to propound some other questions, additional questions, on facts brought out in the cross-examination.

REDIRECT EXAMINATION

Q (By Major Opinion) You said you saw the Japanese, but you did not see the machine gun?

A Yes, sir, we did not see it.

Q How far were the Japanese from your house at the time you saw them?

A Well, they entered in the hall, because they put holes in my wall, in the inside; where they pass there we can see where they come inside, even we are under the house.

Q Did you say that the Japanese you saw were inside your premises?

A Come inside my yard, yes, sir; I saw them coming in.

Q What was that hole you are talking about?

A The hole that they put in, three of them, in my wall.

Q What kind of hole was that?

A My wall - my fence is a stone wall, and they put three holes in it. It is yet there.

Q Was it a broken (demonstrating) hole?

A Yes, sir, very big (demonstrating), so that one person can pass; even a machine gun can pass.

Q Before opening that hole, did they secure any permission from you?

A No, sir, they did not.

Q Did you see them --

A (Interrupting) I told them that all those "dorobo" can come inside the yard, then I tell them I do not speak Japanese, only I told them all the "dorobo" come in when they put in the holes.

Q Mrs. Guido, will you please tell the Commission if your husband was ever investigated by the Japanese military police, or in connection with his underground activities?

A Yes, sir.

Q Was he investigated by the Japanese?

A Yes, sir, since they come in January, they were always investigating and searching my house every two or three days.

Q Did they find any evidence?

A No, sir, because we used to burn any evidence, all the receipts, notes, and even the letters from the mountains; we used to burn them.

Q Had he been brought to trial for such activities by Japanese military government?

A Yes, sir, he was brought in July --

Q (Interrupting) Was there any trial, legal trial that he was given, where he was given a chance to defend himself, please?

A No, sir, they --

CAPTAIN REEL: (Interrupting) We object to this

question. I don't suppose this witness, of her personal knowledge can possibly testify to these things. The question has to do with what occurred, what was in the minds of other people; I don't think it is competent for this witness to so testify.

MAJOR OPINION: The question is very clear. The question relates to whether her husband has ever been brought to trial by the Japanese Government.

CAPTAIN REEL: The answer to that, we don't object to.

If the Reporter will read the last question --

(The question referred to above was read by the Reporter).

THE WITNESS: No, sir, the Japanese didn't give --

CAPTAIN REEL: (Interrupting) The question was improper and insofar as the answer was "no" it was proper, but we ask that anything else be stricken, so that this witness cannot give her impression of somebody else's ideas. We ask that that be stricken.

GENERAL REYNOLDS: Not sustained.

A No, he did not get any trial.

MAJOR OPINION: That's all.

RE-CROSS EXAMINATION

Q (By Captain Reel) Mrs. Guido, after your husband -- did you say your husband was-~~tried~~ or wasn't tried?

A No, he was not tried.

Q Did I understand you to say that your husband was in contact with a man named Cushing?

A Yes, sir, he was.

Q Then there was another man whose name I didn't get. Will you give us that other name?

A Father Hurley, Superior of the Jesuits.

Q H-u-r-l-e-y?

A Hurley.

Q Now, was Mr. Cushing down in Cebu?

A No, he wasn't, I think -- no, he was north, I think.
Major Cushing.

Q Did you, Mrs. Guido, understand that far from helping the Japanese, your husband was actually engaged in opposing the Japanese? Would you say that your husband was engaged in opposing the Japanese while they were here, being against them?

A Yes, sir, he was against the Japanese.

Q And would you say that he was, in your opinion, really taking part in the war against the Japanese?

A Yes, sir.

CAPTAIN REEL: Thank you.

MAJOR OPINION: Thank you very much.

(Witness excused.)

JUAN GONZALES

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Juan Gonzales.

Q Your age?

A 39.

Q Residence?

A 122 Interior, Loreto Street.

Q Your occupation?

A Laborer.

Q Do you know Mrs. Justa Guido, the witness who has just

left the witness stand?

A Yes, sir.

Q Did you receive any instructions from her sometime on the 31st of January, 1945?

(The question above recorded was propounded to the witness by Interpreter Pacifico S. Gojunco.)

A (Through the Interpreter) No.

Q Do you know Jose Guido?

A Yes, sir.

Q Do you know his three sons, named Justo, Jose, and Raymond?

A Yes, sir.

Q When was the last time you saw them?

A January 31.

Q What year?

A 1945.

Q Where did you see them?

A In the dining room.

Q Whose dining room? Whose house was that?

A The Guido family, sir.

CAPTAIN SANDBERG: What month was that, please?

MAJOR OPINION: 31st of January, 1945.

CAPTAIN SANDBERG: The 1st of January?

(No response.)

Q (By Major Opinion) Did you see them after that date?

A No, sir.

Q On 2 March, 1945, did you uncover any hole or sort of pit?

A Yes, sir.

Q Where was that hole or pit which you uncovered?

A It was in the backyard of the Japanese paper factory.

Q Where was that Japanese paper factory situated?

A Between the streets of Singalong and Pennsylvania.

Q Under whose instructions did you uncover that hole or pit?

A Mrs. Guido.

Q Under whose instructions? Who ordered you?

A Mrs. Guido.

GENERAL REYNOLDS: The Commission will interrupt the proceedings.

Move the witness closer to the center of the room. We can't hear. And instruct the witness to speak more directly into the microphone.

CAPTAIN SANDBERG: May we request that the last four questions and answers be read by the Reporter?

(Thereupon the record was read by the Reporter as above recorded.)

GENERAL REYNOLDS: There was a question of date that was not clear to the Commission, whether that date was the 1st or the 31st of January. Defense raised the point. I would like to verify that date.

Q (By Major Opinion) When did you unearth or uncover that hole? When?

A About March 2, sir.

Q What year?

A 1945.

Q Who ordered you to uncover that pit?

A It was pointed to us by the son of --

GENERAL REYNOLDS: (Interposing) It is pointless to continue unless you can instruct the witness to answer clearly and talk into the microphone.

Q (By Major Opinion) My question is, who ordered you to uncover that hole? Who ordered you?

A Mrs. Guido, sir.

Q When did she order you to uncover the hole? When?

A About March 1, sir.

Q When Mrs. Guido instructed you, on or about 2 March 1945, to uncover the hole, for what purpose did she tell you to uncover it?

GENERAL REYNOLDS: The Commission directs the Prosecution to arrange the amplifying equipment and instruct the witness to speak so that we can hear what is being said.

MAJOR KERR: Will the Interpreter speak up and give the answers in English? Just speak loudly in giving the answer.

GENERAL REYNOLDS: Repeat the last several questions, if the Reporter is able to read them; that will suffice. Otherwise, repeat the whole proceeding.

(Whereupon the record was read by the Reporter as above recorded.)

(The answers following were given by the witness through Interpreter Pacifico S. Gojunco.)

A Uncovered the remains of the Guidos to be buried in the cemetery.

Q (By Major Opinion) Did she mention to you the names of the Guidos whose bones were to be taken out from the hole?

A It is not necessary, because I know them all.

Q Now, proceed. Did you uncover the hole?

A Yes.

Q What did you find after uncovering it?

A While digging I found first about 20 remains; then I found the remains of the Guidos.

Q What was the condition of the bodies of the Guidos?

A When I found Jose Guido's body I saw the pants, the blue pants still intact -- khaki pants, blue polo shirt, and still with matches not decomposed. Justo Guido's remains still had the dress pajamas, and some hair and a scar. Raymond's body still has the pajamas, but judging from his size I can still recognize the body.

Q What did you do with the bodies that you had taken away for the witness?

A I took them with a spade, put them in a box.

Q What was the dimensions of that hole from which you extracted the bodies of the Guidos?

A It is about 8 meters long, 8 meters wide.

Q What was the depth of that hole?

A I could not estimate, because there are more dead bodies under.

Q Was there any cardboard covering the hole at the time you uncovered it? Was there any cardboard covering the hole?

A There are some burned cardboards covering the hole.

Q Now, after recovering the remains of the Guidos and placing them in a box, what did you do with the box?

A The following morning I brought the box to Gonzales.

MAJOR OPINION: That is all, sir; your witness.

CROSS-EXAMINATION

Q (By Captain Sandberg) Now, am I correct in saying that

the last time you saw these people was on the 5th of January 1945?

A No.

Q What was the date on which you last saw them alive?

A January 31, 1945.

Q And the date on which this hole was uncovered was the 1st of March; is that correct?

A When I saw the hole it was March 1.

Q Now, you have no idea what these people did or what was done to them during the month of February, 1945, do you?

A No.

Q How many bodies were there in the pit?

A After 20 bodies I have unearthed, if I can dig I will have more.

Q There were more than 20 bodies?

A If I will dig.

Q Do you know whether all of the bodies were those of Filipinos?

A Yes.

Q There were no American soldiers in the pit?

A I didn't see any American soldiers. I saw bodies with pajamas of civilians.

Q Did you see the bodies of any Japanese soldiers in the pit?

A No.

Q Now, is it true that there was a lot of fighting going on in the City of Manila during the month of February, 1945?

A When I arrived in Manila, shots I heard only from Intramuras.

Q Well, during what period were you in Manila?

A When I arrived in Manila, it was the 26th or 28th of February.

Q Do you know whether there was any heavy artillery fire in Manila during the month of February, 1945?

A Yes, I heard.

Q When you arrived in Manila the 26th of January - February, I am sorry - did you see a lot of dead bodies in the streets?

A Many.

Q So that you didn't only see them in this pit, but you saw them all over the city?

A What?

Q So you saw them not only in this pit, but all over the city?

A Yes.

Q Have you any knowledge as to how these dead persons met their death, those that were in the streets?

A According to the news I got from the passers-by, they were killed by the Japanese.

Q Were there any Japanese soldiers in the streets?

A No.

Q Any dead Japanese soldiers?

A I saw some dead Japanese at the paper factory.

Q Dead Japanese?

A Yes.

Q Now, did you know that Mr. Del Rosario of the Quiogue Undertaking Establishment, City Undertaker for the City of Manila, was given a contract by the United States Army to bury dead Japanese soldiers and dead civilians killed during the

street fighting in Manila?

MAJOR OPINION: If the Commission please, I would like to object to that question on two grounds: First, it is highly improper; second, the witness is incompetent to testify about the contract.

GENERAL REYNOLDS: Objection sustained.

MAJOR OPINION: Is that all?

Q (By Captain Sandberg) Do you know whether a city undertaker buried Japanese soldiers and Filipino civilians killed during the street fighting in Manila?

MAJOR OPINION: Same objections, same grounds, sirs.

CAPTAIN SANDBERG: If it please the Commission, this question is directly relevant as an explanation of the pit which the witness saw. Whether the witness has any knowledge of that fact, we won't know until he answers the question. At the same time, however, the circumstance that there was an organized burial of casualties during the street fighting in Manila is directly pertinent to the witness's testimony.

GENERAL REYNOLDS: The witness may answer the question.

A I didn't see anybody picking up bodies.

CAPTAIN SANDBERG: What was that answer?

(Whereupon the answer referred to was read by the Reporter.)

Q (By Captain Sandberg) Do you know whether there was, in the City of Manila, a procedure for burial of dead civilians and Japanese soldiers?

MAJOR OPINION: We object, sirs, to that question, because it is immaterial, incompetent.

GENERAL REYNOLDS: Objection sustained.

CAPTAIN SANDBERG: That is all.

(Witness excused.)

GENERAL REYNOLDS: The Commission will recess for five minutes. At the conclusion of the period the audience may fill up the seats in the front of the room, saving ten seats along the left front part of the public space.

(Short recess.)

GENERAL REYNOLDS: Proceed.

ANGELA LOPEZ VALDES

called as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified through Interpreter Zamora as follows:

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Angela Lopez Valdes.

Q Your civil status? Are you married, single or widow?

A Widow.

Q Of whom?

A Of Colonel Valdes.

Q What is his first name?

A Alejo Valdes.

Q Where do you live at the present time?

A In Paris Street.

Q What is your present occupation?

A Housekeeper.

Q On or about 7 February, 1945, and prior thereto, where were you residing?

A In Paris.

Q With whom were you residing in Paris?

A I live there with my husband, with the family and others.

Q Do you have any son by the name of Ramon Valdes?

A Yes, sir.

Q Where was he living during that period of time?

A In the Paris Street.

Q On 7 February 1945, did anything unusual take place in your residence in Paris Street?

A On the 7th of February we had been guarded outside incommunicado.

Q Who guarded you that day?

A At 4 o'clock they search the house; at least 40 among officers and soldiers searching the entire house.

Q Just a minute, Mrs. Valdes. You said that your house was guarded. By whom was it guarded?

A By the Japanese.

Q What Japanese were they? Were they soldiers or marines or members of the navy unit?

A The officers, it seemed to me that they were navy.

Q I am still referring to the guarding of your house. How many Japanese were guarding your house?

A Those who were guarding were guards.

Q You said that the Japanese searched your house. How many Japanese were there?

A There were about 40 or 50 among officers and soldiers.

Q What time of the day was it when these Japanese searched your house?

A On the 7th day.

Q Of what month?

A Of February?

Q What year?

A 1945.

Q What hour?

A At 4 o'clock in the afternoon.

Q How many Japanese searched your house that afternoon?

A About 40 or 50 among officers and soldiers.

Q What part of the house did the Japanese search that afternoon?

A The entire house.

Q How many Japanese searched the whole house?

A All except those few officers who were detailed to investigate.

Q Were they carrying with them arms or any deadly weapons?

A They were using revolvers, bayonets, guns and appearing that they were all criminals, pointing us with the arms.

Q Did they find anything in the search of your house?

A They had been searching, and then at the wardrobe of my husband they found uniforms.

Q What did they do with the uniforms of your husband?

A When they searched the wardrobe they found the uniforms and then they asked, "What are those uniforms?" My husband answered that "I was a constabulary, but I was working in the Customs House."

Q Proceed.

A They found with the uniforms of my husband two holsters without revolvers.

Q Please proceed.

A And then the officer asked, "Where have you the revolvers?"

"I delivered the revolvers to the military police.
In fact I have the receipts."

Then the officers said that, "You are not pertaining to the constabulary," they are going to burn all the uniforms.

Q Then your husband answered to that remark?

A "All right, you burn them."

Q Please proceed.

A The sword that he has there he asked the officer to retain as a souvenir. Then the officer who has been investigating considered and he say he can have it. But another officer took the sword and broke it into two and threw it to the fire.

Q After throwing at the fire the sword of your husband what did the Japanese do?

A After the search they went away.

Q Did the Japanese come back on the following morning or any subsequent day?

A Yes. About 8 o'clock in the morning the officer who investigated appeared and said that on the following day we have to --

Q Just a moment. Just a moment. Please repeat what you said so the interpreter may understand and interpret it correctly.

A On the following day the officer came home to tell us, because before that they told us that we have to evacuate, that we do not have to evacuate any more and we have to shut all the windows because the Americans were already in.

COLONEL CLARKE: If the Court please, the inter-

preter has been sworn to interpret correctly. We object to the Prosecution's counsel interpreting for the Court.

GENERAL REYNOLDS: Objection sustained.

MAJOR OPINION: Sirs, I am not interpreting, please.

GENERAL REYNOLDS: Objection is sustained.

MAJOR OPINION: I should like to ask the Commission to instruct the interpreter not to omit any word or expression given by the witness, because in many instances the interpreter forgot to interpret whole sentences.

GENERAL REYNOLDS: Proceed with the question of the witness.

MAJOR OPINION: Yes.

Q. By Major Opinion) After the Japanese told you not to evacuate because the Americans were already in, what did he do?

(Translated by Interpreter Zamora to the witness.)

MAJOR OPINION: Just a minute. If the Commission please, that interpretation is entirely wrong and contrary to the spirit of my question.

COLONEL CLARKE: If the Court please, if the Prosecution is not satisfied with the interpreter we suggest that another interpreter be there.

MAJOR OPINION: I would prefer, sir, if I may be allowed to select one interpreter.

GENERAL REYNOLDS: Very well. Another interpreter is available.

MAJOR KERR: We will get another interpreter, sir.

GENERAL REYNOLDS: How long will it require, Major Kerr?

MAJOR KERR: I beg your pardon?

GENERAL REYNOLDS: How long will it require?

MAJOR KERR: Just a moment. The other interpreter is in the room in the front of the building.

GENERAL REYNOLDS: Cause the record to show that this interpreter has previously been sworn.

MAJOR KERR: This is one of the official interpreters of the Commission, sir, and she has been sworn previously as interpreter.

(Whereupon Interpreter Zamora was replaced by Interpreter Rodas.)

Q (By Major Opinion) What did the Japanese do after he had left your house when in the morning he told you not to evacuate any more?

A It was only one official who told me from the street side. It was not many Japanese. It was only one official who told me from the street side.

Q After the Japanese officer had told you that what did he do?

A Nothing. I said, "All right."

Q Had any Japanese officer or soldier come back to your house on the morning of that day?

A Yes.

Q Who was that Japanese?

A The same official came back, and he brought the family census of the Valdes family.

Q Proceed, please.

A After this 4 o'clock on February 8th they came back to search our house again.

Q How many Japanese were there then?

A They were 40 or 50, just like the previous day. They all came with bayonets ready in their hands, and one of them was Escobar, who came with dark glasses.

Q What is the name of that Escobar and what is his nationality?

A I do not know. They told me it was Escobar, but he is a Filipino.

Q How do you know he was Escobar?

A When we went to take refuge in a church, after they told me there that he was Escobar and that he lives in Singalong.

Q What did the Japanese find, if they found anything, in the second search of your house?

A When they went over into the study room of my husband they found in one of the drawers two small, plain radio sets which he used only for sort of play, experiments.

MAJOR OPINION: Sirs, may I just request the interpreter to ask whether it was one set or two sets of radio as interpreted by her.

CAPTAIN SANDBERG: I suggest that any such question be put to the witness through the interpreter.

MAJOR OPINION: All right. I accept.

Q (By Major Opinion) How many radios did you say were found in the study room of your husband?

A Two radio sets, which were very small and which the Japanese took for radio transmitters.

Q After they had found the radios what did they do?

A They took the two radio sets and they threw it against

my husband.

Q After that what happened?

A After that they searched the house and they tied first my husband at the back, his two hands at the back, and then my son Ramon, and thirdly my brother-in-law, Ernesto Murillo,

Q After your husband, your son and your brother-in-law were tied, what did they do with them?

A Nothing. They brought the three away.

Q Where did they take them?

A I do not know. My head was all in confusion. Maybe they brought them elsewhere in places they only know.

COLONEL CLARKE: May we have the Interpreter speak into the microphone so we can hear over here?

Q (By Major Opinion) What was the dress of your husband, son and brother-in-law at the time they were taken out of the house by the Japanese?

A My husband went with pants and shirt which were little yellowish, and my son went with short pants, khaki and white shirt. My brother-in-law went in his pajamas because he came from the bathroom. They did not allow him to dress.

Q Did you notice the disappearance of any vital thing in your house during the search made by the Japanese?

A Yes.

Q Please tell us what it was.

A Everything that they found in the house which they took a liking to they pick up and place in their pockets.

Q How about the meal that you had prepared for that noon?

A After a while there was a knock at the door and there were two guards who came and they were asking a question,

because we have all our things packed up. When we packed up our things they found no canned goods, and they asked me, "Where are the canned goods here?"

What I did, or what we did was to point to them where the canned goods were, and they took most of it.

Q What was done with the food you had for that noon?

A I think that they have taken it with them for them to eat. I do not know. I cannot remember well.

Q After the Japanese had taken your husband, son and brother-in-law, did you see them back in your house on the following morning on the second day?

A The next day, the 9th, 10 o'clock, one Japanese appeared with a revolver in his hand pointed at us and separate my family. My family came to live with us because they took their house in Pasay and they have to live with me. This Japanese was asking for my father and my mother, but he knows my father already because he came the day before. And then he asked for the three. "Where are they?" And I told them that they have been brought away by the Japanese. And then he asked for my daughter. "How old is she?" And I answered, "She is 15 years."

Q What was the name of your daughter aged 15 years?

A Filomena.

Q After that what happened?

A And then the Japanese told us, "Leave the door open. Don't close it." And we left it that way. And about 11 o'clock he came back, and with the revolver pointed at us he shouted, "Kura!" "Kura!" and told us to go upstairs, and my daughter be left downstairs.

I did not like to leave them my daughter. All the rest of my family went up, but with his revolver pointed at us he told me to go up. And I was about in the middle of the stairs and I saw the Japanese dragging my daughter towards the study room of my husband, and my daughter was shouting. And there he wanted to do something to her.

Q After you had heard the shouts of your daughter what did you do while you were in the middle of the stairs?

A I went down right away because this beast has his sexual organ out, and my daughter was afraid. She was crying.

Q Did your daughter run towards you?

A Yes.

Q And you, yourself, did you run towards her?

A Yes.

Q And what happened?

A I went towards my daughter, grabbed her hand, put her at my back, and then faced the Japanese and told him, "Go on and kill me! Kill us!"

I was already desperate. And I told him in Spanish, in Tagalog and mixed language that, "If you have daughters would you like this thing happen to you?"

Q Proceed, please.

A And one of the Japanese saw that I was very angry. He became nervous, and with his revolver in hand trembling he just left in a huff or in a hurry.

Q Could you identify the Japanese that came to search your house for the first time?

A If I see him, yes, I can remember, recognize him.

Q To what unit did they belong, the first Japanese that

came to search your house for the first time?

A The official belongs to the navy, I think.

Q What about the others? Were they soldiers?

A They were navy.

Q How about the Japanese that searched your house the second time? To what unit did they belong?

A They belong to the army. They brought with them their flag.

Q Could you identify the officers of the first and second groups that searched your house?

A There were many; about 40 or 50.

Q My question is whether you could identify the Japanese officers of those first and second groups.

A The first time that my house was searched the officer, if I see him, I can point him; but the second time, no.

MAJOR OPINION: That's all, sirs. Your witness.

CROSS EXAMINATION

Q (By Captain Reel) I didn't quite understand the last answer. Could you identify the second group of Japanese as army or navy?

A The first group I know more or less they belong to the navy because their uniforms were dark green.

Q I asked about the second group. Will you ask that about the second group?

A The second time I think it was the army.

Q And why do you think it was the army the second time?

A Because of the color of their uniforms and because they brought with them the flag of the army.

CAPTAIN REEL: The what of the army?

INTERPRETER RODAS: The flag of the army.

CAPTAIN REEL: The flag of the army.

Q (By Captain Reel) Did this second group come carrying a flag?

A Yes.

Q Was it on a large staff? Were they carrying it on a large staff?

A They had it on their hands.

Q Will the witness please describe what she calls a "Japanese army flag"?

A The flag of the army is one that carries a red spot in the middle.

Q And has the witness ever seen a flag of the Japanese navy?

A Yes. It is different from the first one.

Q And how is it different from the first one? In what way?

A The navy comes with lines.

Q With lines? Where are these lines?

A I do not remember, but the lines are across. I do not remember well.

Q Just ask the witness when she saw what she calls a "Japanese navy flag".

A Well, before here and there.

Q All right. The witness said she believed that this second group of men that came were army men because they carried a flag. Does she have any other means of identifying those men as army men rather than navy men?

A All that I know is that the army wears a lighter uniform

than the navy.

Q A lighter uniform?

A Yes.

Q The same color?

A No.

Q What is the difference in color?

A The navy has a darker color.

Q Are they both green?

A Yes.

Q This one Japanese soldier --

MAJOR KERR: Just a moment, please. Let the answer of the witness be interpreted.

CAPTAIN REEL: I thought she said, "Yes." I am sorry. Will you interpret the answer?

INTERPRETER RODAS: "Yes."

Q (By Captain Reel) All right. This one Japanese soldier that came to the house alone and threatened your daughter, was he an army or a navy soldier?

A Army. He has a uniform like this (indicating court reporter).

Q Like the court reporter?

A Yes.

Q And the court reporter has a uniform that is similar to that of the United States Army; is that correct? That is just for the record.

A Khaki; lighter khaki.

Q Did that soldier come carrying a flag?

A No.

Q Will you ask the witness how old her son Ramon was?

A 24 years when they got him.

Q How old was her brother-in-law, Ernesto Murillo?

A I am not sure, but maybe he is 54 or 55 years old.

Q Did any of the three persons, either her husband, her 24 year old son or her brother-in-law collaborate with the Japanese when they were occupying the Philippines?

A No, not one.

Q Had all of them been members of the Philippine Constabulary?

A No.

Q Which were?

A My husband was the only constabulary man, and my son belongs to -- he is a flying cadet.

Q Flying cadet?

A Yes.

Q Of the Philippine Army?

A Si.

CAPTAIN REEL: "Si" is "yes", I take it?

INTERPRETER RODAS: Yes.

Q (By Captain Reel) Will the witness tell us whether her husband was opposed to the Japanese?

A Yes, sir, he is very much against them, and to prove it he never worked for them.

Q Did he ever work against them?

A This is one thing I cannot tell. He never told me anything about it.

Q He never told you anything about what?

MAJOR OPINION: Sir, I would like the question to be repeated, please.

CAPTAIN REEL: The question repeated?

MAJOR OPINION: Your question be repeated, please, so that the Interpreter may understand it.

CAPTAIN REEL: The witness said her husband never told her anything about "it". Now, I am asking what was it she refers to when she says her husband never told her anything about "it".

(Translated by interpreter to the witness).

THE WITNESS: I do not know. He has not told me anything whether he has worked against the Japanese or not.

Q (By Captain Reel) Did you know that he was working with the guerrillas?

A I don't know. He has not told me anything.

Q Did you ever suspect that he was working with the guerrillas?

GENERAL REYNOLDS: The Commission interrupts to ask the Defense of the purpose of this line of questioning.

CAPTAIN REEL: The purpose of this line of questioning, if the Commission please, is this:

We are trying to present here a picture as nearly as we can of what went on during these days in Manila when these occurrences took place. It is not by way, sir, of condoning atrocities or crimes, but it is by way of explanation of what are otherwise inexplicable deeds on the part of an individual.

It is apparent here, as it was in the previous case that we have heard, that there was an aid to the guerrilla forces; that the persons who aided them in this armed warfare did not wear uniforms or distinguishing marks, and that this

situation formed the background for the occurrences.

As a matter of law there is this situation:

The Philippine Islands were completely surrendered by General Wainwright --

MAJOR KERR: If the Commission please, is this gentleman under oath? Is he testifying?

CAPTAIN REEL: I am merely answering the question.

GENERAL REYNOLDS: Counsel will proceed.

CAPTAIN REEL: And there is a question of law as to the status after the surrender of armed activity and persons who gave aid. Here again this is a matter of law, and international lawyers argue about these things, but it seems to me that it is pretty well established under such a situation people who take part in guerrilla activities are war criminals. Naturally they are never held or tried as such unless they are on the losing side. If they win, it is a fait d'accompli. That being so, we do not say that there is any right on the part of any Japanese to execute such a person without a trial, but there has been no testimony here except hearsay as to whether or not such trials were had. These persons cannot possibly know. The previous witness testified that as far as she knew there was no trial. This witness has not so testified.

That is the purpose. I just want to present to the Commission a full picture of what is at this time very difficult to understand.

GENERAL REYNOLDS: The Commission is willing to hear any witness or any testimony which is truly relevant to the issues involved, but it seems to the Commission that some of

the questions asked are not relevant.

Counsel may proceed.

CAPTAIN REEL: Thank you, sir.

Will the Reporter read back the last question?

(Pending question read)

MAJOR OPINION: Sir, I object to that question as being irrelevant, immaterial.

GENERAL REYNOLDS: Objection sustained.

Q (By Captain Reel) Do you know whether your brother-in-law, Murillo, worked with the guerrillas?

A No.

Q Did your son Ramon ever tell you anything about his working for the guerrillas?

A No. I don't know anything.

Q And did I understand you to say that both of these small radio sets that were discovered were both receiving sets?

A No. The Japanese thought they were transmitters.

CAPTAIN REEL: Well, I don't suppose this witness can testify as to what somebody thought. My question was not what somebody thought, but what was the fact.

Q (By Captain Reel) Were they both receiving sets?

A No. They were only those small toy sets in the study room that cannot even be touched.

CAPTAIN REEL: What was that last answer? I did not get that.

(Answer read)

Q (By Captain Reel) Did your husband tell you that you were never to touch those two radio sets?

A No, he didn't say so. It is one of those things that were in the house a long time.

CAPTAIN REEL: That's all.

MAJOR OPINION: One question more, sir.

REDIRECT EXAMINATION

Q (By Major Opinion) Was your husband arraigned, prosecuted and tried before a Japanese military court or any other court under the Japanese regime?

A No.

MAJOR OPINION: No.

RECROSS EXAMINATION

Q (By Captain Reel) How do you know he wasn't tried?

A He has not told me anything about this.

CAPTAIN REEL: That's all.

REDIRECT EXAMINATION

Q (By Major Opinion) If he did not tell you would you have been told by other means?

A No.

CAPTAIN REEL: That's all.

May I have the question read back and the answer?

I didn't get it.

(Question and answer read.)

MAJOR OPINION: That's all.

(Witness excused)

MAJOR GENERAL BASILIO J. VALDES

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

DIRECT EXAMINATION

Q (By Major Opinion) Sir, state your name, age, and other personal circumstances.

A Basilio J. Valdez, 53 years old, married, major general and chief of staff, Philippine Army, residing in Manila, at 165 San Rafael.

Q Sir, where were you during the years 1942, 1943, 1944, and a part of 1945?

A Part of 1942 I was in Corregidor in Bataan, later in Negros, later in Mindanao, later in Australia; then from May, 1942, I was in the United States. In 1943 I was in the United States. In 1944 I was in the United States until September -- I don't quite remember exactly the date when I left for Australia.

Then General MacArthur sent me back to the United States on a mission, and then I returned to New Guinea on October, 1944, to join the convoy which attacked Leyte. I arrived in Leyte with the forces of liberation on the 20th of October, 1944, remained in Leyte until the 4th of February of this year, the date on which we left. By "we," I mean the President and the Members of his Cabinet. We left by plane for Luzon. Then we were at GHQ San Manuel Tarlac and I arrived in Manila for the first time since I left it in 1941, on February 6, 1945.

Q Sir, when you left for the United States, were you holding any position in the Commonwealth Government?

A Will you repeat that?

Q Were you holding a position in the Commonwealth Government when you left for the United States in March of 1942?

A I was secretary of national defense of the War Cabinet of President Quezon.

Q On what particular date did you arrive in the United States, when you left in May, 1942?

A We arrived in the United States on the 13th of May, 1942. We landed in San Francisco and proceeded by special train to Washington.

Q And you say that you arrived at Manila on February, 1945? What date was that?

A February 6th; on the morning of February 6th.

Q Do you know Colonel Alejo Valdes?

A Yes, sir. He is my older brother. He was a retired officer of the old Philippine Constabulary. He was a retired lieutenant colonel, and recalled to active duty -- I believe it was around 1936 -- and was later promoted to the rank of full colonel and was made commanding officer of the Harbor Police. It was in that capacity that he was found when the Japanese entered Manila in January of 1942.

Q Where was Colonel Valdes residing at the time you left for the United States?

A He was residing in Paris Street, which is a small street perpendicular to Pennsylvania Street.

MAJOR OPINION: May I have this marked for identification?

(The diagram referred to was marked Prosecution's Exhibit No. 19 for identification.)

Q — (By Major Opinion) Will you please indicate, on this Exhibit 19, the place where Colonel Valdes was residing then?

A It is in Paris Street, almost at the end of the street (indicating).

Q Is any number designated, please, and the place where --

A (Interrupting) No. 4, which can be found because it is just right at the end of the street. It was a blind street.

Q When you came to Manila on 6 February 1945 did you meet or see your brother, Colonel Valdes, or any member of his family?

A No, I did not see Colonel Valdes or any member of his family. They were residing on the south side of the Pasig River. At that time fighting was going on in the south side, and I had no means of communicating with him.

Q Do you know if your brother, Colonel Valdes, was engaged in any kind of underground activities during the Japanese time?

A When I arrived here on February 6th I immediately set out to inquire the whereabouts of my family, and in my investigations I discovered that Colonel Alejo Valdes had been consistently loyal to his oath as an officer and a gentleman, and had not served in any capacity, form, or manner, either with the Japanese or with the puppet government. When the Japanese came in, I was informed he was arrested and blamed for the burning of the United States Army warehouses in the port area, and blamed also for the looting that consistently -- I mean, that took place after

the United States Army officers left the port area, before the arrival of the Japanese. He was thrown into jail, which at that time I had been informed was in the Elks Club, and there was kept for several days, subjected to inhuman tortures, and bodily harm, during which period they tried to obtain from him information as to the strength of the Philippine Army, position of troops, and what-not. He was unable --

CAPTAIN SANDBERG (Interrupting): The Defense at this time asks that the witness' statements be stricken from the record, on the ground that it is incompetent, irrelevant; it is not within the witness' knowledge; that it is pure hearsay; and that it is prejudicial; and it has nothing to do with the Accused in this case.

MAJOR OPINION: Sirs, we are trying to establish the probable motive of the killing of Colonel Valdes. This portion of the testimony that is objected to is entirely in accord with the special procedure, under which any evidence that might be of probative value in the minds of the Commission may be admitted by the Commission. This is very important, sir, because this evidence will give you the whole picture of the situation under the Japanese regime, especially as to these persons who had the misfortune of staying in the Philippines during that time, and have served in the Philippine Army, or Government, or any other American military organization. This is also very material because he will just lay a foundation as to the other facts that would come up, in the testimony of General Valdes.

We submit, sir, that this portion of the testimony

to remain in the record.

GENERAL REYNOLDS: The Commission will withdraw to its chambers for deliberation.

(The Commission retired for executive session.)

GENERAL REYNOLDS: The reporter will read back the testimony of General Valdes, starting with the last question by the Prosecutor.

(Record read by the reporter.)

GENERAL REYNOLDS: Now, starting back, read the first sentence and stop.

(Record read by the reporter as follows:

"When I arrived here on February 6th I immediately set out to inquire the whereabouts of my family, and in my investigations I discovered that Colonel Alejo Valdes had been consistently loyal to his oath as an officer and a gentleman, and had not served in any capacity, form, or manner, either with the Japanese or with the puppet government.")

GENERAL REYNOLDS: That sentence will be allowed to remain in the record. All subsequent sentences will be stricken from the record.

The Prosecution will proceed.

Q (By Major Opinion) When you came to Manila did you inquire as to the whereabouts of your brother, Colonel Alejo Valdes?

A I did.

Q What inquiries did you make?

A I was told by the other members of my family that

Colonel Valdes was on the north side of Manila, on Friday, on February 2nd. That was the last time the other members of my family had seen him, as he had gone back to his home in the south side of the Pasig River.

Q Did you know about his death?

A On February -- on the morning of February 9, a note was brought over to the place where my wife was then residing. I opened the note -- it was written in French, by a certain Doctor Zollosi, a foreigner practicing medicine in Manila. In this note he informed that my brother, Colonel Alejo Valdes, my nephew, 24-year-old son of my brother, Alejo, by the name of Ramon, had been executed by the Japanese in an empty courtyard on Pennsylvania Street, and that he would be willing to show me the exact spot so that I could recover the bodies.

Consequently, I made arrangements immediately, and I obtained a weapons carrier and some canvas, and on the morning of February 10th I proceeded to the spot, met this doctor, who showed me the exact place where my brother had been executed. They had seen the execution from their home, which was not far from the place of execution. The place was full of debris, was next to a burned building, which I understand was the Japanese paper factory.

We started to dig, and we found many bodies there. We had to remove several bodies until we found the bodies of my brother and my nephew. Their skulls were practically destroyed, cremated. Apparently the heat of the fire of the building was so intense that it cremated a part of the bodies which were more near to the ground, which apparently at that time were the heads. The body, the legs, were still

intact.

I recognized both my brother and my nephew by their hands. They had their hands tied behind. My brother was dressed with a white cotton pant, trousers, and a cream-colored shirt, long pants, long trousers. My nephew had short khaki trousers and a white shirt.

My other nephew, the other son of Colonel Valdes, who is a lieutenant in the Philippine Army and at present in the provost marshal school in the United States, recognized them immediately, not only because of their clothing, but because of their belts and their belt buckles.

We removed the bodies -- part of the bones were already destroyed -- and we wrapped them up in this piece of canvas and transferred the remains to the north cemetery, where I gave them a Christian burial.

We tried to find the bodies of the brother-in-law, Mr. Murillo, who, according to the persons who showed me the place of the execution, was dressed in striped pajamas. I failed to find the body.

The odor emanating from that excavation was so disagreeable that I could not continue to impose on those persons working with me, so I gave up the search for the body of the brother-in-law of my brother.

Q Sir, will you be able to designate in this Exhibit 19 the place of the building which you said was burned, as well as the place where you recovered the bodies of your brother and his son, by stating the numbers?

A I came in through this small street here, which apparently has no name, and No. 14 (indicating) is the paper

factory, and No. 15, as marked here (indicating), is the place of execution.

MAJOR OPINION: I offer in evidence, sir, Exhibit 19.

May I have this marked for identification?

(The photograph referred to was marked Prosecution's Exhibit No. 20 for identification.)

Q (By Major Opinion) Showing you this Exhibit 20, will you please tell to the Commission in what part of said Exhibit 20 you found the bodies of Colonel Valdes and his son?

A In this area in front of this remaining wall (indicating), among this debris here (indicating), this raised debris here.

MAJOR OPINION: I offer it, sir, as a part of my evidence.

GENERAL REYNOLDS: Subject to objection, the exhibit is accepted as evidence.

(The photograph referred to was received in evidence and marked Prosecution's Exhibit No. 20.)

MAJOR OPINION: Sir, please, I would like a ruling on Exhibit 19.

GENERAL REYNOLDS: I do not understand.

MAJOR OPINION: I will ask you for a ruling on my Exhibit 19.

GENERAL REYNOLDS: You mean you wish to discuss the exhibit further?

MAJOR OPINION: No, sir; I am just asking a ruling, because no ruling has been made.

GENERAL REYNOLDS: The ruling was that, subject to

objection, the exhibit would be accepted. There is no objection; hence it may be included in the record.

(The photograph formerly marked Prosecution's Exhibit No. 19 for Identification was received in Evidence and so marked.)

MAJOR OPINION: May I have this marked for identification?

(The photostat referred to was marked Prosecution's Exhibit No. 21 for Identification.)

Q (By Major Opinion) Showing you Exhibit No. 21, please state, sir, if you have come across the original of that photostatic copy?

A Yes, sir, I have the original of this in my possession.

Q How did you obtain the original?

A A few days after I had recovered the bodies of my brother and my nephew I received information that certain guerrillas in the City of Manila had been able to apprehend the Filipino spies who were responsible for the arrest and execution of my brother, my nephew, my brother's brother-in-law, of Colonel Guido and his three sons. I directed these guerrillas to obtain signed statements from all these spies for future consideration. These are the statements made by those Filipino spies.

MAJOR OPINION: I offer, sir, as part of Prosecution's evidence, this Exhibit 21.

May I have this marked for Identification?

(The photostat referred to was marked Prosecution's Exhibit No. 22 for Identification.)

CAPTAIN SANDBERG: The defense objects to the introduction of this deposition, on the ground that the

introduction of depositions into evidence in a capital case is expressly prohibited by Act of Congress as to proceedings before a military commission, and the Defense states that this Commission has no authority to act in contravention of an Act of Congress.

MAJOR KERR: Sir, that question was ruled upon by the Commission yesterday, adverse to the position of the Defense.

GENERAL REYNOLDS: Is Santiago Escobar available for production as a witness?

MAJOR OPINION: No, sir.

GENERAL REYNOLDS: Why?

MAJOR OPINION: We could not find him now. He is supposed to be dead.

GENERAL REYNOLDS: What about the witness' signature that appears on the document?

MAJOR OPINION: The one who has taken this affidavit, sir, is very ill, and in lieu of his presence in court we have his statement taken by the investigating officer, and this statement is a part of our evidence.

CAPTAIN SANDBERG: Sir, the Defense would like to point out further that, unlike the statements received in evidence yesterday, this statement is not signed by an officer of the United States Army. There is a statement at the bottom, "Statement of Santiago Escobar, Taken on March 1, 1945, by Major Alberto de Joya, of the Philippine Guerrillas," unit unidentified.

I further point out that it is not signed by Major de Joya, and Major de Joya is not an officer of the United States Army.

MAJOR OPINION: Sir, for the information of the Commission, we would like to say that Major Alberto de Joya, who is responsible for the taking of these affidavits, is now in the United States. He is expected to return here in the last part of November.

GENERAL REYNOLDS: Will you repeat your answer to the question about the availability of the three individuals who have signed as witnesses?

MAJOR OPINION: All these three -- we have five other affidavits, five other depositions taken by Major de Joya, and none of these six persons is available at the present time. We have tried to locate the whereabouts, and we could not find them, simply because they have been Japanese spies, and our information was that they had been killed by the guerrillas.

MAJOR KERR: If the Commission please, may I refer to the regulations again, Clause 3 of Paragraph 16, on page 14 of the mimeographed copy. It provides that affidavits may be admitted in evidence. Counsel referred to a requirement that the statement must have been taken by an officer detailed for that purpose by military authority. The full reading is as follows:

"Affidavits, depositions, or other statements taken by an officer detailed for that purpose by military authority."

We construe that to mean that an affidavit may be received in evidence by the Commission, irrespective of who took it; and a deposition, likewise, may be received in evidence. But any other kind of statement, other than an

affidavit or deposition, has to be taken by an officer detailed for that purpose.

Furthermore, the major has stated that the officer who did take this was an officer -- I believe a USAFFE officer.

GENERAL REYNOLDS: Subject to objection by any member of this Commission, the exhibit is excluded from the record of trial at this time. Should the Prosecution be able to establish the authenticity of the circumstances surrounding the taking of the document to a greater extent, the Commission will consider the matter further at that time.

The case will proceed.

MAJOR KERR: Sir, for our guidance, may I inquire whether or not that means that in the future we may not offer an affidavit without testimony as to the circumstances under which it was taken? Because we have to be guided on that in view of our preparations.

GENERAL REYNOLDS: The Commission will rule on each case as it is presented, depending upon the circumstances.

MAJOR OPINION: May I have this marked for identification?

(Whereupon the photograph referred to was marked Prosecution's Exhibit No. 23 for Identification.)

Q (By Major Opinion) Would you please state if you know that Exhibit 23?

A Yes, sir. This is a photograph taken by myself during the excavation to remove the bodies of my brother, my nephew and possibly of Mr. Morillo. This photograph was taken by myself in that lot.

MAJOR OPINION: I offer this, sir, as part of the evidence of the Prosecution.

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

(Prosecution Exhibit No. 23 was received in evidence.)

MAJOR OPINION: That is all, sir.

Your witness.

CAPTAIN SANDBERG: No cross examination.

(Witness excused)

GENERAL REYNOLDS: The Commission will recess until 1:30 this afternoon.

(Whereupon, at 1125 hours a recess was taken until 1330 hours.)

AFTERNOON SESSION

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

GENERAL REYNOLDS: The trial is in session. The case will proceed.

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

ANTONIO J. BELTRAN

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name, age and other personal circumstances.

A Antonio J. Beltran; age 41.

Q Civil status, Mr. Beltran?

A Employee.

Q Married or single?

A Married.

Q What is your present address?

A 1456 Pasage Singalong.

Q Do you know the Guido family?

A I know Mrs. Guido, and I used to know Colonel Guido.

Q How about the members of the family?

A I didn't know any of the members of the family.

Q Do you know Alejo Valdes and his family?

A I do.

Q On February 7, 1945, in the afternoon, where were you?

A I was at my home. I was then residing at 1328 D

Pennsylvania.

Q Showing you this Exhibit 19, will you please state for the Commission by indicating with number the place of your residence then?

A Number 18.

Q At about 2 o'clock in the afternoon of that day did you see Colonel Guido and other members of his family?

A I saw Colonel Guido about 2 P. M. on the afternoon of February 7th, and three others, whom I later found out were three children, being led by five or six Japanese through the open field, marked in this place as number 16, in the direction of my house, when they were suddenly stopped in front of the house marked with number 19 and lined up. Immediately thereafter a Japanese officer coming out from the house marked number 17 talked to the officer in charge of the party, and soon thereafter the Japanese with Colonel Guido and his three sons were taken inside the paper factory.

Q Number, please?

A Number 14 in this sketch.

Q After they were taken inside of the building identified as number 14 of Exhibit 19, what was done with them?

A I could not see from my house. I can only say that about five minutes after they had been taken inside the paper factory I heard a scream, and soon after I heard shots. Then there was silence.

Q Were you able to identify whose scream was that?

A I was not able to identify the scream, although it seemed to me that it was from the youngest of the party, which turned out to be the youngest son of Colonel Guido. But I can't

state definitely whether it was the kid or not.

Q Where did Colonel Guido and three sons come from when you saw them?

A They came from the direction of Paris Street right through the open field until they stopped, as I said, in front of the house marked number 19.

Q Were they tied at the time you saw them pass in front of you?

A Colonel Guido was tied with his hands to his back, and so were the three others who composed the party tied. Colonel Guido was at the head of the party, and his three sons were following him.

Q How many Japanese were there?

A There were about four or five soldiers and one officer leading the party.

Q How do you know that he was an officer?

A He had leather boots on, which made me presume he was an officer.

Q What was their formation at the time they passed in front of your house?

A As I said, Colonel Guido was in front, his three sons were behind, and the Japanese were around them, while the one leading the whole party was the officer.

Q In the afternoon, the same afternoon, about 6 o'clock, did you hear anything unusual in or around the premises?

A About 6 o'clock on the same day, February 7th, I saw the same party of Japanese, the same officer leading them, bring eight persons. Amongst them I recognized Alejo Valdes and his son. I did not know the others who composed the

party.

Q What was the name of the son?

A His name was Ramon.

Q Were they tied as they passed in front of you?

A It seemed to me the three out of the eight persons that were leading the party, which was Alejo Valdes, his son and the other individual, were tied individually one from the other, while the rest of the party were tied together.

Q Where was the group of five with reference to Alejo Valdes and his son and the other individual?

A Excuse me. I didn't understand the question.

Q Were they behind Valdes or in front of Valdes?

A They were behind Valdes.

Q How many Japanese guards were there?

A There were four or five soldiers and the same officer.

Q The same officer?

A Yes, sir.

Q Where were they coming from at the time you saw them?

A From the same direction that I saw Colonel Guido coming from, from Paris through Pennsylvania Street, and they again stopped in front of number 19, and this Jap officer came out of the house marked 17 and again spoke to the leader of the Japanese, after which Colonel Valdes, his son and other members were taken inside of the paper factory.

I lost sight of them, but five minutes after I saw the same party coming out, heading in the direction of Pennsylvania and turning right, at which time I lost sight of the whole party. About 10 minutes or 15 after, I saw this very same party coming back, and they were headed by the Japanese

officer directly inside the paper factory.

Q Will you please indicate the number of the paper factory?

A Number 14. And soon after they were taken on the southwest side of the paper factory, which faced my house.

Q Is that indicated in Exhibit 19?

A It is indicated number 15, I believe it is.

Q 15. What did you see after they were taken to the place indicated by number 15?

A I saw Alejo Valdes, his son and the other gentleman were lined up facing the wall with their backs to the house. Immediately after that they had been lined up, I saw Alejo Valdes kneel down, bow his head and immediately stood up. Soon after I heard the shots, and the three who were lined up fell down. Immediately then the five other Filipinos who were tied together were lined up right beside the place where Alejo Valdes, his son and the other gentleman had been shot, and these five were also shot.

Q By whom?

A By the Japanese who were accompanying them. There were no others in the party except those Japanese.

Q After Alejo Valdes and his son and the other gentleman and the other five Filipinos were shot, what did the Japanese do?

A After they had been shot and were laying on the ground I saw one of the Japanese grab hold of a machine gun and started shooting two times over the bodies that were on the ground. See, when the party went inside the paper factory one Japanese was carrying a machine gun. After they had shot these eight persons with the machine gun they started

dumping some earth on the bodies.

Q You said that your house was indicated as number 18 on Exhibit 19, and the place of the execution indicated as number 15.

A Yes.

Q How were you able to see the shooting and the machine gunning of these eight persons?

A I was in the upstairs of my house, and through the crack in the window I witnessed the whole shooting.

Q Was there anything between your house and the place of execution which obstructed the view?

A There was absolutely nothing to obstruct my view.

Q You declared before that you saw Colonel Valdes kneel down. What was his purpose in kneeling down, if you know?

A Well, I couldn't say correctly what his purpose, but it seemed to me he knelt down, bowed his head and said a prayer. It took him only about a minute, and immediately he stood up, and very soon after it was when they were shot.

Q What was their position when they were shot by the Japanese?

A They were with their hands tied to their back and with their backs to the firing squad.

MAJOR OPINION: That is all, sirs.

Your witness.

CROSS EXAMINATION

Q (By Captain Sandberg) Would you state whether the military personnel was of the army or of the navy?

A I believe they were Marine Corps unit.

Q Marine Corps?

A. Yes, sir.

CAPTAIN SANDBERG: Thank you.

(Witness excused)

MAJOR OPINION: I rest my oral evidence, sirs, and I am just going to introduce now in evidence statements of witnesses who were not called to the stand.

I ask that this be marked Exhibit No. 24 for identification.

(Copy of affidavit of Gloria Ilillo was marked Prosecution Exhibit No. 24 for identification.)

MAJOR OPINION: I am offering, sir, in evidence this Exhibit No. 24 for identification. That exhibit is of one Gloria Ilillo. The purpose of presenting this evidence is to establish the fact that there were three groups of Filipino civilians taken to the open field in front of the Japanese paper factory; that these civilians were blindfolded and shot by the Japanese.

GENERAL REYNOLDS: Is this witness available to appear before the Commission?

MAJOR OPINION: Yes, sir.

CAPTAIN SANDBERG: The Defense objects to the introduction of this deposition in evidence on the same ground as stated this morning: that depositions may not be used against the Accused in a capital case in any proceeding before a military commission, and on the further ground that the deponent is available and may be brought before this proceeding.

MAJOR KERR: If the Commission please, the first point raised by counsel was ruled upon definitely, and, I assume,

finally by the Commission yesterday when it followed the opinion of the Judge Advocate General that the Articles of War do not apply to a proceeding of this nature.

As for the second point, as I pointed out this morning, the regulations governing the procedure of this Commission specifically authorize this Commission to receive in evidence affidavits. Now, sir, if we are to be required in each case where we propose to offer into evidence sworn statements to produce the oral testimony of that witness in lieu of the sworn statement, it merely means that we will unduly extend the period of the trial. The purpose of the provision of the regulations authorizing the acceptance of a statement of this sort certainly is to avoid that necessity. I see no reason why the Commission should hesitate to accept these sworn statements.

GENERAL REYNOLDS: Is this testimony material to the presentation of the Prosecution's case?

MAJOR KERR: Yes, sir, it is.

GENERAL REYNOLDS: The witnesses are available?

MAJOR KERR: I presume they are, sir.

I would like to point further that this is a part of an official report covering an investigation by War Crimes Branch Personnel. Therefore, it comes under a second classification of the regulations authorizing the Commission to receive such evidence.

CAPTAIN SANDBERG: Sir, whether it is part of an official report or not, it is nevertheless deposition. The Defense urges again that Congress has specifically prohibited the use of depositions against the accused in a

capital case.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the document will be accepted in evidence.

(Prosecution Exhibit No. 24 for identification was received in evidence and so marked.)

MAJOR OPINION: I ask that this be marked Exhibit No. 25 for identification.

(Copy of affidavit of Pedro Awad was marked Prosecution Exhibit No. 25 for identification.)

MAJOR OPINION: Exhibit 25, sirs, is a sworn statement of Pedro Awad. This testimony will prove that he had seen two groups, the first composed of four civilians whose hands were tied behind. He saw the beheading of two civilians and the shooting of another two. The second group was composed of 12 civilians, among whom was Colonel Valdes.

I offer this Exhibit 25 as a part of the evidence for the Prosecution.

CAPTAIN SANDBERG: We have the same objection, sirs.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the document is accepted in evidence.

(Prosecution Exhibit No. 25 for identification was received in evidence and so marked.)

MAJOR OPINION: I ask that this be marked Exhibit No. 26 for identification.

(Copy of affidavit of Baldwin Policarpio was marked Prosecution Exhibit No. 26 for identification.)

MAJOR OPINION: Exhibit 26, sirs, is a statement of Baldwin Policarpio. This statement will prove that he saw two groups of civilians, Filipinos, and one Bombay or Indian,

and a small boy coming out from Paris Street, and four civilians were blindfolded and a small boy beheaded. The three civilians of the second group were beheaded, too.

I offer this, sirs, as evidence for the Prosecution.

CAPTAIN SANDBERG: The Defense has the same objection.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the objection of the Defense is not sustained. The document will be accepted in evidence.

(Prosecution Exhibit No. 26 for identification was received in evidence and so marked.)

MAJOR OPINION: Sirs, Exhibit 27 is the statement of Etienne Szollosi. I ask that this be marked for identification.

(Affidavit of Etienne Szollosi was marked Prosecution Exhibit No. 27 for identification.)

MAJOR OPINION: Sir, this statement will prove that Etienne Szollosi had seen four groups of civilians being taken toward the Japanese paper factory. The first one, composed of four civilians, had been ordered to dig a hole while the Japanese were guarding them.

I offer Exhibit 27 as evidence for the Prosecution.

CAPTAIN SANDBERG: The Defense objects on the same grounds previously stated.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the objection of counsel is not sustained. The document will be accepted in evidence.

(Prosecution Exhibit No. 27 for identification was received in evidence and so marked.)

MAJOR OPINION: The Prosecution, sirs, rests its case.

MAJOR KERR: That remark, sir, applied only to the particular case then under consideration.

CAPTAIN CALYER: If the Commission please, the next incident to be taken up by the Prosecution is covered in Item No. 17 of the Bill of Particulars, and is referred to for convenience as the De LaSalle College case. I shall not take the time of the Commission to make a preliminary statement of the proof, but rather, call as my first witness, Father Cosgrave.

GENERAL REYNOLDS: We will pause briefly. The people who wish to do so may move forward in the room, saving the front row seats.

FATHER FRANCIS J. COSGRAVE

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

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name and address, please?

A Francis Joseph Cosgrave, Redemptorist Monastery, between Dewey Boulevard and Taft Avenue extension.

Q Your age, Father?

A Forty-eight years of age.

Q And you are a Catholic priest?

A A Catholic priest, yes.

Q In the early part of February of this year where were you living?

A I was living in the LaSalle College on Taft Avenue, Manila.

Q What other persons were living there at that time?

A There were 17 brothers at the De LaSalle College, and about 15 other people, families of -- Filipino and Spanish

families who had been given hospitality there because the Japanese had occupied their homes. In addition --

Q And do you know -- I beg your pardon, sir.

A In addition to that, there were the servants of the college and the servants of the families. About 70 altogether.

Q Do you know the family names of these various Filipino and Spanish families?

A There was the family of Judge Carlos, and the family of Doctor Cojuangco, and the family of Vasques-Prada, and another doctor, Uychico.

Q On or about the 7th of February, 1945, did anything unusual happen at De LaSalle College?

A At about 10:30 in the morning a Japanese officer, accompanied by a number of soldiers, some of them armed, some with spears, came to the college and lined all the people up, the brothers and the people, on the veranda at the rear of the college, and we were all searched. And Brother Xavier, the director of the college, and Judge Carlos, were taken off from the college. I understand they were taken to the Nippon Club next door.

Q Did you see them taken there?

A No. I only saw them taken to the Bremmer Hall at the end of the corridor.

Q Father, you mentioned these Japanese and described them as "soldiers." How did you reach that conclusion?

A Well, when I was living in the college, especially those last two or three weeks, the Marines were there, and these soldiers that came in were different from those. They

were Army soldiers.

Q Of that you are certain?

A Yes.

Q Was there anything else that happened on the 7th of February?

A On the 7th of February we were forbidden to go to the garden, and we depended on the well for our water supply. Only two girls, as far as I know, were permitted to go to draw water. We were forbidden to appear on the verandas or in the windows. As a matter of fact, from then on we were virtual prisoners.

Q Have you seen either Brother Xavier or Judge Carlos since that day?

A No, I have not.

Q Was there fighting in the vicinity of De La Salle College at that time?

A Yes, there was quite a lot of fighting going on. We could hear these shells exploding against the building, and we could hear the machine gun bullets from about Thursday or Friday, as far as my memory serves me. That would be from about the 8th of February. The fighting seemed to be coming closer and closer, and this state of affairs continued until Sunday, the 11th, the fighting seemed very close then, and on Monday, the 12th, we were all in the college gathered together at the foot of the stairs, and we were there reading for protection, because of the fighting going on outside. We deemed that the safest place in the building -- in our part of the building.

Q When you say "at the foot of the stairs," Father, do you

mean on the first floor of the college property?

A On the ground floor of the southern wing of the college.

CAPTAIN CALYER: Yes.

I ask that this be marked for identification as
Prosecution's Exhibit No. 28.

(The Photograph of the ground
floor at foot of staircase was
marked Prosecution's Exhibit
No. 28 for Identification.)

Q (By Captain Calyer) I hand you a document marked for
identification Prosecution's Exhibit 28, and ask you if you
know what that is?

A Yes. This represents the ground floor at the foot of
the staircase leading up towards the chapel in the southern
wing.

Q Will you indicate on that diagram the position in
which the people were gathered on the 12th, as you just
related?

A Many of the people were gathered inside of the wine
cellar. Many of us were just in this part here (indicating),
between the wine cellar and the landing of the stairs.

Q That is the section marked "Improvised Shelter"?

A Improvised shelter. We had mattresses on the ground
there, because we slept there the night before and we were
resting there during the day when there was a lull in the
fighting.

Q Now, Father, I ask you to tell the Commission the
position of that wine cellar with reference to the stairway.

A The wine cellar, as you come in the door from near
the dining room in LaSalle College, you enter the -- the
dining room is here (indicating). You come along through

here (indicating), and you enter turning to the right. The wine cellar is on your right, and then passing that you have the improvised shelter, and on the opposite side to the wine cellar is the staircase leading to the first and second floor.

Q Let me ask you again about the wine cellar. Where does that extend?

A The wine cellar goes back from the entrance from the dining room. It goes back about 12 feet, I would imagine, and then it swings back underneath the staircase, and it made an ideal air raid shelter.

Q In other words, it extends under the landing, and then to the left under the stairs?

A Yes.

CAPTAIN CALYER: If the Commission please, I offer this sketch in evidence.

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

(Prosecution's Exhibit No. 28
for identification was received
in evidence and so marked.)

Q (By Captain Calyer) Now, Father, will you tell the Commission what occurred in LaSalle College on the 12th of February?

A We had just taken our mid-day meal a little before 12:00, perhaps, and suddenly the door leading in from the dining room into that passage in front of the air raid shelter, or the cellar, a Japanese Marine officer with a number of Marines, entered, and the --

Q Let me interrupt you there a minute, Father. How do you distinguish these Japanese Marines from those that you

had seen on the 7th?

A Well, I was accustomed to see the Japanese officers during the time of the occupation, and I could distinguish at the time the difference between the Marine officer and the Army officer. The Marine officers were in the building at the time. The Marines were there, and I was accustomed to their uniform and the uniform of the Army, and I was able to distinguish at the time.

Q Was there any particular marking on the uniform of these men whom you saw on the 12th, that would designate them as Marines?

A No, except the color of the uniform. It was different from the color of the Army uniform.

Q Were there also Japanese stationed at the Nippon Club?

A Yes. There were Japanese in the Nippon Club.

Q Where is the Nippon Club with relation to the LaSalle College?

A It is immediately adjoining the south side of the La Salle College.

CAPTAIN CALYER: I ask that this be marked for identification as Prosecution's Exhibit No. 29.

(The photograph of the site of the Nippon Club was marked Prosecution's Exhibit No. 29 for Identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 29 and ask you if you can tell what that shows?

A That represents the site where the Nippon Club was before it was burned down.

Q Where, on that photograph, does the Nippon Club appear?

A The club is destroyed.

Q Yes. The remains of the club.

A The remains are here (indicating). Obviously, you can see in the picture.

Q Where, in that picture, sir?

A This, just here (indicating).

Q Would you describe it for the record?

A Yes. In the front of the picture, before those trees.

Q The lower left-hand corner?

A The lower left-hand corner, yes.

CAPTAIN CALYER: If the Commission please, I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 29
for Identification was received
in evidence and so marked.)

Q (By Captain Calyer) Do you know what branch of service the troops at the Nippon Club belonged to?

A No. I am not certain of that. I understand, though -- I understand since that they belong to the Marines, but I am not sure.

Q Will you tell us about the Japanese who came on the 12th of February to LaSalle College?

A Well, just as we finished lunch, as I remarked, this officer with, as far as I remember, about 20 men, Marines, entered, and they spoke in Nippongo. The officer spoke in Nippongo and seemed quite excited.

I learned afterwards, from one of the brothers,

Brother Maximin, who was killed, that the officer asked if there were snipers or guerrillas there, and he was assured that there were not, which was the truth. But he took off two of the boys, two of the servant boys. They were outside for a few minutes and we heard a shot, and a few moments later they were brought back again. I saw one of them brought back again wounded, and immediately the officer gave a command, and at once the soldiers, with their bayonets, began to attack us.

Q Where were you at this time?

A I was sitting with an old Irish brother at the entrance to the wine cellar.

Q And that brother's name, sir?

A The brother's name was Brother Leo.

CAPTAIN CALYER: I ask that this photograph be marked for identification Prosecution's Exhibit No. 30.

(The photograph of the entrance to the wine cellar was marked Prosecution's Exhibit No. 30 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 30 and ask you if you can state what that represents?

A That represents the entrance to the wine cellar.

Q Will you indicate to the Court the position in which you were sitting?

A I was sitting just near where those, they seem to be, water tanks, right at the entrance there to the wine cellar.

CAPTAIN CALYER: I offer this photograph in evidence.

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

(Prosecution's Exhibit No. 30
for Identification was received
in evidence and so marked.)

Q (By Captain Calyer) What happened, Father, when you and Brother Leo were sitting at the entrance to the wine cellar?

A The Japanese soldiers were bayoneting all around us, and Brother Leo looked up at me and said, "They are going to bayonet us," and he asked me to give him an absolution. And I raised my hand to give him an absolution and the bayonet of the Jap passed under my arm into his heart or his chest, and he immediately slumped down dead on my legs, on my knees. Before I could move I received two thrusts from the bayonet.

Q Where were you struck?

A One wound here, and the other one here (indicating on chest).

CAPTAIN CALYER: I ask that this be marked Prosecution's Exhibit No. 31 for Identification.

(The photograph of the upper part
of the body of the witness was
marked Prosecution's Exhibit No.
31 for Identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 31 and ask you if you can tell what that represents?

A That represents the upper part of my body showing the two wounds that I received on the 12th of February.

CAPTAIN CALYER: I offer this photograph in evidence.

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

(Prosecution's Exhibit No. 31
for Identification was received
in evidence and so marked.)

Q (By Captain Calyer) At whose hands did you receive those wounds, Father?

A From a bayonet of a Japanese Marine.

Q What happened to you after that?

A Immediately after that the Japanese continued bayoneting, the officer slashing with his sword. One poor woman there tried to defend her little child. Her husband was already killed, her two big boys were dead, and a boy about ten. She tried to defend the little boy. She was slashed across the shoulder, across the arm, and a big piece was taken out of her leg. She lived for two days -- she lived until the following day, as far as I remember, suffering intensely.

Q Do you know the name of that woman?

A The name of that woman was Mrs. Vasques-Prada.

The Japanese then followed some of the brothers and some of the people up the staircase. Some were able to run up. Shots were fired and others were bayoneted on the staircase. Others reached the top of the stairs to the entrance to the chapel and they were bayoneted or shot there. Those of us who remained at the bottom of the staircase were told by the Japanese if we were able to do so, to lie down on the floor. Those who were not able to do so were thrown down on the floor. We were thrown onto those mattresses that were there that we had been sleeping on the night before. And there I remained on those

mattresses from about, I suppose, a little after twelve, until eleven o'clock that evening. There were a couple of dead men lying over my feet and a dead woman on my head. I was unable to move because of loss of blood and because of the people around me.

Q Do you know the names of any of those persons whom you saw lying there dead?

A Yes. Brother Lucien; Brother Baptist; Brother Arcadius; the three elder sons of Mrs. Vasques-Prada; and there were others, but I cannot remember their names at present.

Q Were there others lying there who were only wounded?

A Yes. There was Miss Dionisia Carlos, and Miss Lourdes Cojuangco, and the wife of Doctor Uychico, and there were one or two children there still living, including that little son of Mrs. Vasques-Prada.

Q Do you know whether any of those people later went to the second floor?

A Yes. About eleven o'clock that night there was -- . As a Catholic priest I felt that I was not doing enough for the people, so I tried to make my way upstairs and to administer the last rites of religion to those who were still alive but dying. And I extricated myself and managed to administer the last sacraments to many of them, and I went upstairs, and I saw lying halfway up the stairs some dead bodies. When I reached the entrance to the chapel there were other bodies there, dead bodies, and a number of people who were wounded. And I made my way creeping into the chapel and there I saw inside the chapel some brothers lying in the passageway. I went up towards the

altar and there was one brother lying before the communion rails, dead. In the corner were two other brothers with a little boy, the second youngest son of Judge Carlos, lying with them, dead.

I was pretty exhausted when I reached near the altar, and I entered the sacristy there, and as far as I remember I must have collapsed, because when I awoke the sun was streaming in.

CAPTAIN CALYER: Let me interrupt you at that point.

I ask that this be marked Prosecution's Exhibit No. 32 for identification.

(Photograph of ground floor in front of wine cellar of De LaSalle College was marked Prosecution's Exhibit No. 32 for Identification.)

Q (By Captain Calyer) I show you this photograph marked for Identification Prosecution's Exhibit No. 32 and ask you if you can state what that is?

A This represents the ground floor in front of the wine cellar and in front of the entrance to the staircase, the south wing of the college.

Q Is that the spot that you have mentioned where the bodies were placed on the first floor?

A Yes. On the floor there against that wall the mattresses were, and we were thrown on top of those mattresses.

Q Can you tell me who the two men are pictured there?

A The picture of myself and a picture of Brother Anthony, and I think I am standing in about the place where I was lying for those eleven hours.

CAPTAIN CALYER: I offer that photograph in evidence.

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

(Prosecution's Exhibit No. 32 for Identification was received in evidence and so marked.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit No. 33 and ask you what that represents?

A This represents the staircase leading from the ground floor to the chapel of LaSalle College, and the picture shows here, do you call it? -- the intermezzo step, halfway between the two staircases. At the top of those stairs there I saw the dead body of a Filipino. As far as I remember now, it was the body of the wife of Ramon Cojuangco. A little further up was the body of the wife of Judge Carlos. Both of these were dead.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 33 for Identification was received in evidence and so marked.)

CAPTAIN CALYER: I ask that this be marked for identification as Prosecution's Exhibit No. 34.

(Photograph of entrance to chapel of De LaSalle College was marked Prosecution's Exhibit No. 34 for Identification.)

Q (By Captain Calyer) I show you this photograph marked for identification as Prosecution's Exhibit 34, and ask you to tell what that represents?

A This represents the entrance to the chapel of De LaSalle College.

Q On what floor of the building is this?

A This is on the second floor.

Q Can you tell me the names of the persons shown in this picture?

A There is myself, Brother Anthony, and this was an officer that came with us. I do not remember his name.

Q Is there anything particularly significant about the positions in which those persons are standing?

A Yes. Brother Anthony is standing approximately in the place where the wife of Mr. Aquino, Jr., died. I am standing in the place where I saw the body of the son of Dr. Cojuangco. This poor boy was recovering from typhoid, and he was sleeping in that room just behind my back, and I saw his dead body lying just where I am standing. Where the officer is standing I saw the dead body of Dr. Cojuangco, and also the body of one of the Carlos girls. I think her name was Asela.

CAPTAIN CALYER: I offer this picture in evidence.

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

(Prosecution's Exhibit No. 34 for identification was received in evidence and so marked.)

CAPTAIN CALYER: I ask that this be marked Prosecution's Exhibit No. 35 for identification.

(Diagram of chapel in De LaSalle College was marked Prosecution's Exhibit No. 35 for identification.)

Q (By Captain Calyer) I show you a diagram marked for identification as Prosecution's Exhibit No. 35, and I ask you if you can tell what that represents?

A This is a plan of the chapel in De LaSalle College.

Q That is the second floor?

A The second floor, yes.

CAPTAIN CALYER: I offer this in evidence.

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

(Prosecution's Exhibit No. 35 for Identification was received in evidence and so marked.)

Q (By Captain Calyer) Father, will you point out on that diagram the place where you saw the bodies in the chapel itself?

A Just inside the door about six or seven feet, a little to the left side of the main passageway, I saw the bodies of two brothers. Inside the -- . Between about the second and the last pew on the right side I saw the dead body of another brother. Right up in front of the pews before the communion rail, before those steps, a little to the left side, was the dead body of Brother Maximin, and on the right side -- I am taking right entering the church --

Q Yes.

A (Continuing) -- on the right side, in the corner over here (indicating), I saw the bodies of two brothers and the body of the second son, a small boy of nine, of Judge Carlos.

CAPTAIN CALYER: I ask that this photograph be marked as Prosecution's Exhibit No. 36.

(Photograph of portion of chapel of De LaSalle College was marked Prosecution's Exhibit No. 36 for Identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 36 and ask you what that represents?

A That represents the place where I saw the dead body of that brother, between the last two pews.

Q On which side of the chapel is that, sir?

A That is on the right side on entering.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 36 for Identification was received in evidence and so marked.)

CAPTAIN CALYER: I ask that this be marked Prosecution's Exhibit No. 37 for Identification.

(Photograph of top corner near sanctuary of De LaSalle Chapel was marked Prosecution's Exhibit No. 37 for Identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 37, and ask you what that represents?

A This represents the corner, the top corner near the sanctuary on the right side of the De LaSalle College, and that was the place where I saw the bodies of the two brothers and the body of young Carlos. There are marks on

the wall that show the blood that was spilt there.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 37 for identification was received in evidence and so marked.)

CAPTAIN CALYER: I ask that this be marked Prosecution's Exhibit No. 38 for identification.

(Photograph of passageway at rear of altar in De LaSalle College was marked Prosecution's Exhibit No. 38 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 38 and ask you to state what that represents.

A This represents the passageway at the back of the altar in the De LaSalle College, and this was the place where we hid during the intervening days after the massacre, until the rescue.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 38 for identification was received in evidence and so marked.)

Q (By Captain Calyer) Father, what do you mean when you say "we" remained there during the intervening days?

A On the Tuesday following the massacre, the day after the massacre, I was able to go down to the bottom of the stairs again, and I found there a number of survivors. Now,

some of these accompanied me to the chapel and some of them remained behind the altar with me. Others went up to the top room above the sacristy behind the altar, and most of the time we remained behind that altar, those few that were with me.

Q Calling your attention to the last exhibit which I showed you, does there appear in that picture a stairway?

A Yes.

Q Where does that lead?

A That stairway leads to the bottom of the chapel, above the sacristy. On the opposite side there is also a staircase leading to another room above that sacristy.

Q Are those the rooms to which these people went?

A The people went to the room on the left side.

Q What happened on succeeding days while you were still in LaSalle College?

A During those days the fighting was still going on around and it was either Tuesday or Wednesday, I am not quite sure which day, I saw two Japanese enter the chapel above the choir loft, and there spread gasoline and set fire to what was in the gallery. In the gallery there was much furniture and my library consisting of about 3,000 books. These were all burnt by that fire.

CAPTAIN CALYER: I ask that this photograph be marked Prosecution's Exhibit No. 39 for Identification.

(Photograph of organ gallery in De LaSalle College was marked Prosecution's Exhibit No. 39 for Identification.)

Q (By Captain Calyer) I show you a photograph marked

for identification Prosecution's Exhibit No. 39 and ask you to state what that represents?

A This represents the organ gallery in the De LaSalle College, and the discoloration on the wall marks the place where the fire actually occurred. All along that wall were books, pieces of furniture, and other things like that. These were all destroyed.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 39 for Identification was received in evidence and so marked.)

CAPTAIN CALYER: I ask that this photograph be marked Prosecution's Exhibit No. 40 for Identification.

(Photograph of passageway leading into gallery at back of church of De LaSalle College was marked Prosecution's Exhibit No. 40 for Identification.)

Q (By Captain Calyer) I show you a photograph marked for Identification Prosecution's Exhibit No. 40 and ask you if you can state what that represents?

A As far as I know this represents the passageway leading into the gallery at the back of the church, to the organ gallery on the top floor.

Q That would be the third floor?

A The third floor.

Q And what do the marks shown in that picture represent?

A The marks show the places where the fire had occurred.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 40 for Identification was received in evidence and so marked.)

Q (By Captain Calyer) What, if anything, happened subsequent to the fire?

A Well, I remained practically all the time behind the altar. I only went down once or twice to see if there was anyone still living and needing help, but for the most part I remained behind the altar.

Q Until what time?

A Until about 4:30 on the afternoon of Thursday, the 15th of February.

Q And what happened on that day?

A About a little before that time I thought that I heard American voices in the grounds of the college, but I wasn't quite sure and I did not like to tell those with me what I had heard. But about 4:30 I was quite certain of it, and those with me heard the voices. Then we looked around behind the altar and we saw three American soldiers in the organ gallery. I called out to them, but evidently I was weak, for I had to call three or four times before I could attract their attention. They asked me to stand up. I stood up. My sataan, a white sataan, was practically brown with blood. They asked me if I could come down to them and I managed to creep down through the church and told them what had happened and told them about my companions behind the altar and in the sacristy.

They took me at once to a piece of ground at the side of Santo Scholastica College, and there they treated my wounds and gave me a shot of whiskey and put me on the ambulance, assuring me that within a few minutes they would have rescued all my companions, which they did. I was taken first to a clinic in Santa Ana, and after that to the convent in Santa Ana. The next day I was taken to the military hospital in Santo Tomas University, and there I remained for about two weeks until my wounds were well enough to permit me to leave.

Q Going back, Father, to the time of the killing and wounding of persons in LaSalle College, will you tell the Commission the names of the persons whom you saw dead on the first floor of that building?

A I saw Brother Baptist dead; Brother Lucien; Brother Arcadius; the three sons of Vasques-Prada; Mrs. Vasques-Prada.

Q Were there others on the stairs?

A On the stairs, the body of Mrs. Cojuangco, Jr., and the body of Mrs. Carlos, the wife of Judge Carlos.

Q Any others on the stairs?

A I cannot remember the names of any others on the stairs at present.

Q And the names, please, of those whom you saw on the second floor?

A On the second floor I saw the body of Asela Carlos, the body of Antonio Cojuangco, the body of the wife of Aquino, Jr. That is as far as the entrance to the chapel is concerned. Inside the chapel I saw the dead bodies of

Brother Lambert, Brother Paul, Brother Maximin, Brother William, and there was some other brother whose name I cannot remember at present, and the body of the second son, the elder son of Judge Carlos.

Q From your observations of those bodies, Father, can you tell the manner in which they met their death?

A Certainly Mrs. Vasques-Prada's death was caused by the blows from a saber, and some of the others from bayonet wounds. I can't remember exactly anyone dead from a revolver shot. Some were wounded. I can't offhand place anyone dead from that.

Q Do you know the names of any of the persons present who survived this incident?

A Yes. Brother Anthony, Rosario Carlos, Dionisia Carlos, and the youngest son of Judge Carlos -- I don't know his first name -- and Lourdes Cojuangco, Ramon Cojuangco, Aquino -- I do not know his first name.

Q Were those persons wounded?

A All of them were wounded except Ramon Cojuangco. He escaped wounding. And -- I am sorry -- I just remember the little boy, the youngest son of Judge Carlos. I do not think he was wounded.

Q You mentioned Brother Anthony as a survivor. Do you know what happened to the other brothers?

A The bodies of the other brothers?

Q No. Do you know what happened to the other brothers?

A All the other brothers were killed, without exception.

CAPTAIN CALYER: Your witness.

CAPTAIN SANDBERG: No questions.

CAPTAIN CALYER: Thank you, Father. You may go.

(Witness excused.)

GENERAL REYNOLDS: The Commission will recess for
five minutes.

(Whereupon a short recess was taken.)

CAPTAIN CALYER: Brother Anthony.

ANTON HEITMANN

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

DIRECT EXAMINATION

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

A My name is Brother Anthony.

Q What is your civil name?

A Anton Heitmann.

Q What is your nationality?

A German citizen.

Q Where do you live at the present time, Brother Anton?

A At the present time in the hospital, Santiago Hospital.

Q Is that the one commonly known as the "Spanish" Hospital?

A Yes.

Q Why are you hospitalized at the present time?

A Because I am still suffering from the wounds I received.

Q What wounds are those to which you refer?

A I received 8 bayonet wounds.

Q When and where?

A I received those bayonet wounds on the 12th of February.

One is in my chest, two in my abdomen, and five in my arm.

Q And at what place were those wounds inflicted?

A At De LaSalle College.

Q By whom were they inflicted?

A By Japanese, marines.

CAPTAIN CALYER: May we have this marked for identification?

(A photograph was marked Prosecution Exhibit No. 41 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit 41, and ask you to state what that represents.

A Those represent my wounds in the arm, and one in the abdomen -- two in the abdomen, one in front and one in back.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution Exhibit No. 41 for identification was received in evidence and so marked.)

Q (By Captain Calyer) Will you describe for the Commission the particular place in LaSalle College where you received these wounds?

A I received the wounds in the chapel, on the left side.

Q In the front or the rear of the chapel?

A In front of the chapel.

Q I show you a diagram of the chapel which has been previously identified as an exhibit in this case, and ask you to point out the specific spots where you were wounded.

A I was here (indicating) in the left-hand side.

Q Will you show it to the Commission, so that they may see?

A This corner here (indicating).

CAPTAIN CALYER: Indicating a point at the extreme left of the photograph, immediately in front of the section marked "Pews".

(A photograph was marked Prosecution Exhibit No. 42 for identification.)

Q (By Captain Calyer) I show you a photograph marked Prosecution's Exhibit No. 42 for identification, and ask you to tell what that represents.

A That is the exact place where I was standing when I received the bayonet wounds.

Q Who is the person shown in that picture?

A That is myself.

CAPTAIN CALYER: I offer that photograph in evidence.

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

(Prosecution Exhibit No. 42 for identification was received in evidence and so marked.)

Q (By Captain Calyer) Where did you go after you were wounded?

A After I was wounded I went in the passage between there and the dormitory, and I had my bed there and slept the first night. The next day I went up to the third floor, in a little room up the staircase, and slept in a bed there.

Q And how long did you stay in that room?

A I stayed there until the liberation.

(A photograph was marked Prosecution Exhibit No. 43 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit 43, and ask you to state what that represents.

A This is a group photograph of the Brothers stationed in De LaSalle.

Q Do you know when this photo was taken?

A It was taken at the beginning of 1940.

Q Were all of the persons shown in this photograph still at LaSalle College on February 12, 1945?

A No. Some were interned in Los Banos, and one was in Hong Kong at that time.

Q Will you tell the Commission, by referring to the numbers which appear on the photograph, the names of the Brothers who were there on February 12, and what happened to each of them?

A No. 6 was there and he was killed. No. 7 also killed --

Q (Interrupting) Will you state their names?

A No. 6 was Brother Adolph, he was killed. No. 7, Brother Paul, was killed; No. 8, Brother Victor, killed; No. 9, Brother Hubert, killed; No. 10, Brother Lucien, killed; No. 12, Brother Leo, killed; No. 13, Brother Baptist, killed; No. 15, Brother Berthwin, killed; No. 17, Brother John, killed; No. 18, Brother Romuald, killed; No. 19, Brother Gerfried, killed; No. 22, Brother Maximin, killed; No. 24, Brother Arcadius, killed; No. 26, Brother Lambert, killed; No. 28, Brother William, killed.

Q I call your attention to the person identified by the No. 21, and ask you who that is.

A That is my own person.

Q I call your attention to the person indicated by the No. 3.

A Beg pardon?

Q No. 3.

A Brother Xavier. He had been taken before that and had been brought over to the Nippon Club, and we don't know what happened to him.

Q When was he taken?

A He was taken 4 or 5 days ahead, on February 7th.

Q You say he was taken to the Nippon Club?

A Yes.

Q Did you see that?

A Yes, we saw him and Judge Carlos being taken to the Nippon Club, having their hands tied behind their backs.

Q Did you ever see them after that?

A No.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(The photograph above referred to was received in evidence and marked Prosecution Exhibit No. 43.)

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you, Brother Anton. That is all.

(Witness excused.)

CAPTAIN CALYER: Mr. Hain.

MARTIN C. HAIN

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

DIRECT EXAMINATION

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

A Martin Hain.

Q Where do you live, Mr. Hain?

A Right now I am residing at De LaSalle College.

Q On the 7th of February, 1945, where were you living?

A I was living at De LaSalle College.

Q Were you employed there?

A Yes, sir.

Q In what capacity?

A As secretary.

Q In that capacity, were you familiar with the names of the Brothers of the La Salle College?

A Yes, sir.

Q Will you tell the Commission the names, both the religious names and the civil names of those Brothers, insofar as you can remember, their ages and nationalities?

A The first one, the director, was Irish, was about 50. His name was William Kelly. Then there was Brother Paul, he must have been about 35. He was German.

Q Do you remember his name?

A No, I don't. Then there was Brother Lambert, he was German, about 28. His name was Ernest Hammerling. And there was Brother William, otherwise -- he was about 34. Then there was Brother Leo; he was Irish. His name was Corcoran; that was his last name. He must have been close to 60. Then there was Brother Hubert -- I don't remember his family name.

Q What was his nationality?

A He was German. There was Brother Lucien. Then there was Brother --

Q (Interrupting) Do you remember his name?

A No, I don't. Then there was Brother Baptist; he was American. Then there was Brother Maximin; he was German, he was about 29.

Q Do you remember his name?

A No. I don't. Then there was Brother Antonios.

Q Who?

A Brother Antonios.

Q Was he there on the 7th of February?

A Yes. Then Brother Arcadius; he was German. And Brother Paul; he was German.

Q Perhaps I can help you. Do you remember Brother Victor?

A Oh, yes; Brother Victor, and Brother Adolph.

Q Can you tell me Brother Victor's nationality?

A Brother Victor was a German.

Q Can you remember his name?

A No, I don't.

Q Do you remember Brother Romuald?

A Yes, Brother Romuald.

Q And his nationality?

A German.

Q Do you remember his name?

A No. It is pretty hard to remember these German names.

Q Do you remember Brother Gerfried?

A Yes, Brother Gerfried; he was German.

Q Do you remember his name?

A No.

Q Do you remember Brother Adolph?

A Yes. He was German.

Q Brother Berthwin?

A Yes, Brother Berthwin was German.

Q Brother John?

A Brother John was German.

Q Do you know what happened to those Brothers whom you

have mentioned?

A Yes, sir.

Q Will you tell the Commission?

A I beg pardon?

Q Will you tell the Commission?

A About (pause) --

Q What happened to those Brothers?

A Well, when I came to LaSalle -- that was in February 15 -- I was so shocked to see all the dead bodies there, and they were stinking, the smell, and the bodies were all swollen, and the dead bodies was all over the place, the first floor and the second floor and the stairs and the chapel. I saw one girl, her hand cut off, the left arm; part of her dress was off. And I saw another lady on the stairs, her head was shot. Another Brother was upstairs with several bayonet wounds.

Q Let me interrupt you at this point. Do you know the name of the girl whom you saw with an arm wound, the wound that you described?

A Yes, sir. Her name was Asela Carlos.

Q Will you tell the Commission the position of her body when you saw it?

A Her legs were wide open, her dress was up. That was very near the top of the second floor.

Q Was she alive?

A No, she was dead.

Q Did you see the bodies of any other persons whom you recognized?

A Yes. I saw the bodies of Brother Maximin, Brother Leo,

Brother Arcadius, Brother Lucien, Brother Victor, and Mrs. Vasques-Prada.

Q Going back for a moment to the 7th of February, were you at De LaSalle College on that day?

A Yes, sir, I was at De LaSalle College.

Q Will you tell the Commission what you saw on that day, with reference to Judge Carlos and Brother Xavior?

A On that day the Japanese came -- about 7 Japanese -- came there and they started to search the place and they searched the place. Then they asked for the director, and we brought the director, Brother Xavior, and they tied him up, and Judge Carlos was taken, too, was tied. They took them to the Japanese Club, together with two Filipino civilians at the same time. It was about 11 o'clock.

Q Did you see those persons actually taken to the Japanese Club?

A Yes, sir, I did.

CAPTAIN CALYER: You may examine.

CAPTAIN SANDBERG: No questions.

(A photograph was marked
Prosecution Exhibit No. 44
for identification.)

CAPTAIN CALYER: If the Court please, I should have introduced these exhibits before I gave the Defense an opportunity to cross-examine, but if I may reopen my direct long enough to introduce these --

GENERAL REYNOLDS: You may do so.

Q (By Captain Calyer) I show you this photograph marked for identification as Prosecution's Exhibit No. 44, and ask you if you can tell what that is?

A That is the boy who used to be our cook at De LaSalle College.

Q Do you recall his name?

A Yes. Teofilio.

Q Do you recall his last name?

A No, I don't.

Q I show you this paper and ask you if that will refresh your recollection as to his last name?

A Yes.

Q What is it?

A Teofilio Candari.

Q Did you see him at De LaSalle College at any time subsequent to the 7th of February?

A Yes, I did.

Q Did you see him after he had been wounded?

A Yes, sir. When they took him to the hospital.

Q Can you state whether this photograph truly represents the wounds which he received?

A That is the actual wounds he got.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Prosecution Exhibit No. 44 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 45 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit 45, and ask you to state what that represents?

A That is the same fellow, Teofilio Candari, the cook at the LaSalle College.

Q A view taken from the other side of his person?

A Yes, sir.

Q Does that also truly represent the wounds which he received on February 12?

A It does.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution Exhibit No. 45
for identification was
received in evidence.)

Q (By Captain Calyer) Do you know how many wounds he received?

A Yes. He is shot in the chest.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you. The witness is excused.

GENERAL REYNOLDS: A question by the Commission.

GENERAL DONOVAN: What were the Japanese that you saw around there on the 7th? Soldiers, sailors, or marines, or what?

THE WITNESS: I think they were marines, sir.

GENERAL DONOVAN: Did you see any soldiers?

THE WITNESS: No, I don't recall any soldiers.

CAPTAIN CALYER: Thank you. The witness is excused.

(Witness excused.)

CAPTAIN CALYER: If the Commission please, at this time I wish to offer in evidence a sworn statement of Teofilio Candari. This statement is a part of the official investigation of this case.

CAPTAIN SANDBERG: The Defense objects to the introduction of this statement, on the same grounds as have been previously noted.

The Defense also wishes to point out that the Prosecution has had ample opportunity to bring forth the facts; that in the interests of an expeditious and orderly record, that this likewise be excluded.

GENERAL REYNOLDS: The objection is not sustained. The document will be accepted in evidence.

(The statement above referred to was received in evidence and marked Prosecution Exhibit No. 46.)

CAPTAIN CALYER: This statement is offered with particular reference to certain portions. I wish to call the attention of the Commission to the questions and answers at the bottom of the first page of this statement, in which the witness testifies that he saw Judge Carlos and Brother Xavier taken from the Nippon Club at about 5 o'clock in the afternoon of February 7 to the Rizal Memorial Stadium; from that point he later heard shots, and that those men have never been seen again.

I also call the Commission's attention to the witness's statement with reference to the death of certain named individuals whose bodies he saw and identified; and, finally, to his testimony wherein he relates the story of his own bayoneting at the hands of the Japanese, the description of the wounds that he received, and his statement that he had 33 wounds all over his body.

Rosario Carlos.

ROSARIO CARLOS

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

DIRECT EXAMINATION

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

A Rosario Carlos.

Q Your age?

A 21.

Q Where do you live, Miss Carlos?

A Right now I am living with my uncle, at 1109 La Torre Street.

Q Keep your voice up, please, so that the Commission might hear.

A I am living with my uncle, at 1109 La Torre Street.

Q In February of 1945, where were you staying?

A At De LaSalle College.

Q Who else was there with you at that time?

A My family. Shall I name them, one by one?

Q Will you name the members of your family, please?

A My father, Judge Carlos; my mother, Mrs. Juanita Carlos; myself; my sisters, Asela, Gloria, Dionisia, Cecilia; my brothers, Antonio, and Jose, Junior; and the servants, Isabel, Francisco, and Tamayo. Aside from our family --

Q Just a moment, please. Of those members of your family and the servants whom you have just named, how many are now alive?

A There are four of us in the family and two servants living.

Q Which are those in the family?

A My sisters, Gloria, Dionisia; my brother, Jose, Junior; and myself.

Q Which are the servants?

A Isabel and Francisco.

Q Was there also a Cojuangco family?

A The Cojuangco family were also staying with us at the De LaSalle College.

Q Who were the members of that group?

A My uncle, Doctor Cojuangco; my aunt, Mrs. Cojuangco; my cousins, Ramon and his wife; Natividad Cojuangco; Trinidad Cojuangco and her husband -- she is now Mrs. Aquino; Mr. Aquino; Antonio Cojuangco, Jr., Lourdes Cojuangco; and an adopted boy by the name of Ricardo; and the servants, Apolinario, Fortunata, Juana, Felisa, and a male nurse by the name of Filomeno, Rita, and Carlos.

Q How many of that group is still alive?

A Of the Cojuangco family there are two persons living; of the servants, there are four.

Q Do you know the names of the family who are alive?

A Ramon and Lourdes.

Q And the servants?

A The servants are Juana, Felisa, Filomeno, the nurse, and Rita.

Q Was there another family by the name of Uychico?

A Yes, sir.

Q Who were the members of that group?

A Doctor Uychico, Mrs. Uychico, Soledad, Ramon, Pacita, and the two servants, Clarita and Helena.

Q Are there any of that group now alive?

A Yes.

Q Which ones, please?

A Beg pardon?

Q Which ones?

A They are Mrs. Uychico, Soledad, Pacita, and two servants, Clarita and Helena.

Q Was there a family named Vasques-Prada?

A Yes, sir.

Q Who were the members of that group?

A Mr. Vasques-Prada, Mrs. Vasques-Prada, Enrique, Herman, Alphonso, Fernando; and the servants, Antonio and Armenia.

Q How many of that group are now alive?

A Only one son alive; and I don't know about the servants, if they live or not.

Q Which son?

A Fernando.

Q What is his age?

A Five.

Q Were there also some servants or employees of the College staying there at that time?

A There were six boys at the College, staying at that time.

Q Do you know their names?

A I know Anselmo, Ceferino, Julian, Pamfilo, Teofilio, Vicc.

Q Do you know if any of those persons are still alive?

A I know Vicente is living; I don't know about the others.

Q Do you know how many Brothers there were at the College on that date?

A There were 17 Brothers; including Father Cosgrave there

were 18.

Q How many of that group are now alive?

A One Brother and Father Cosgrave.

Q Do you know the name of that Brother?

A Brother Anthony.

Q Of the persons whom you have named as still alive, do you know any of them who were wounded?

A In my family, my sisters Gloria and Dionisia and myself were wounded.

Q Will you describe your own wound?

A I was shot in the left chest.

Q Yes? The bullet entered the chest?

A It entered the chest and went out the back.

Q Did you receive more than one wound?

A I was wounded later by a shell, a shrapnel hit me.

Q That was the only wound you received on the 12th?

A Yes, sir.

Q By whom was that wound inflicted?

A By a Japanese soldier.

Q How close was he to you when you were shot?

A I was standing face to face. He was right in front of me.

Q What happened to you after you were shot?

A I found myself falling, so I let go and I found myself under a chair.

Q And where were you at that time?

A I was on the second floor of LaSalle College, near the entrance of the chapel.

Q At a later time, was there something else that happened

to you at that place?

A Later on, why I heard that there were no more footsteps around the place, I decided to change my place because I was afraid of the shrapnels, they might hit me, because there was continued shelling; so I tried to move from my position. I was able to move about two feet from my place, and I found out that I couldn't go inside the chapel as there was a raised platform, and I couldn't raise myself. So I stayed there. Then I heard footsteps; some persons must have seen me moving, because I felt some persons come near me.

Q Do you know who those persons were?

A No, I didn't see.

Q Do you know whether they were Japanese?

A I think they were Japanese because they were talking in Japanese.

Q What happened?

A Well, I heard them talk and laugh. I felt my hands changed from the place where they were, and my legs parted. I felt them tearing the lower part of my underclothing, but I didn't move.

Q What happened after that?

A After that, all of a sudden I heard a voice and I felt my dress pulled down, and a little while later I felt somebody step on my stomach. After awhile the talk stopped and there was silence again.

Q On what day was that?

A On the 12th of February.

(A photograph was marked Prosecution Exhibit No. 47 for identification.)

Q I show you a photograph marked for identification as Prosecution's Exhibit 47, and ask you to state what that is.

A It is a picture of my cousin, Lourdes Cojuangco.

Q Does that show the wound received by her at the hands of the Japanese?

A Yes, it shows one of her wounds.

Q Well, did she have another?

A She received only one bayonet thrust, but was wounded three times.

CAPTAIN CALYER: I offer this picture in evidence.

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

(Prosecution Exhibit No. 47 for identification was received in evidence and so marked.)

(A photograph was marked Prosecution Exhibit No. 48 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Exhibit 48, and ask you to tell what that represents.

A This is also a picture of Lourdes Cojuangco, with another bayonet wound.

Q Does that also show the one seen in the previous picture?

A No, sir.

(Captain Calyer indicated on Prosecution's Exhibit No. 48 for identification.)

THE WITNESS: The one in the previous picture was the wound in the upper part; this is in the lower part of the body.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution Exhibit No. 48 for identification was received in evidence and so marked.)

(A photograph was marked Prosecution Exhibit No. 49 for identification.)

Q (By Captain Calyer) I show you a picture marked for identification as Prosecution's Exhibit 49 and ask you what that represents.

A It is a picture of my sister, with her wounds.

Q Which sister?

A Dionisia.

Q How and when did she receive that wound?

A She received it on February 12, by a bayonet.

Q Who had the bayonet?

A The Japanese.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution Exhibit No. 49 for identification was received in evidence and so marked.)

(A photograph was marked Prosecution Exhibit No. 50 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit 50, and ask you to state what that is.

A It is also my sister Dionisia, showing two of her bayonet wounds inflicted by a Japanese soldier.

Q At the same time?

A Yes, sir.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution's Exhibit No. 50 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 51 for identification.)

Q (By Captain Calyer) I show you a photograph marked Prosecution's Exhibit No. 51 for identification, and ask you to state what it is.

A It is a bayonet wound on the leg of my aunt, Mrs. Uychico.

Q When did she receive that wound?

A She received it by Japanese soldier, who wounded her in the leg on February 12.

CAPTAIN CALYER: I offer that photograph in evidence.

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

(Prosecution Exhibit No. 51 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 52 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's No. 52, and ask you to state what that represents.

A It is a picture of my sister Gloria with her one bayonet wound in the back, on February 12, 1945.

Q By the Japanese?

A Yes, sir.

CAPTAIN CALYER: I offer that.

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

(Prosecution Exhibit No. 52 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 53 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit 53 and ask you to state what that represents.

A This is a picture of myself, showing the bullet wounds that I received from the Japanese on February 12, 1945.

Q Does that picture show the point of entrance or exit?

A Exit.

Q Will you point to the position of your body where the bullet entered?

A Here (indicating chest.)

CAPTAIN CALYER: I offer that photograph in evidence.

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

(Prosecution Exhibit No. 53 for identification was received in evidence.)

Q (By Captain Calyer) At any time while you were at LaSalle College, subsequent to your wounding, did you have occasion to see Juanita Tamayo?

A Juanita Tamayo?

Q Yes.

A Yes. After my wounding, she was the one who gave me

water.

Q Had she been wounded?

A She was wounded in the hand. One of her fingers was taken off.

(A photograph was marked as Prosecution Exhibit No. 54 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 54 and ask you to state what that represents?

A It is a picture of the hand of Juanita Tamayo, with one of the fingers taken off because of her bullet wound inflicted by the Japanese, also on February 12.

CAPTAIN CALYER: I offer that photograph in evidence.

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

(Prosecution Exhibit No. 54 for identification was received in evidence.)

Q (By Captain Calyer) Subsequent to your wounding did you also see Filomeno Inolin at De LaSalle College?

A I beg your pardon?

Q Filomeno Inolin; did you ever see him at LaSalle College? The nurse?

A No, sir, but I would hear his voice.

Q Do you know whether he was wounded?

A He was wounded, because he told us that he couldn't walk, his legs were paralyzed because of a wound he received in the back.

Q Do you know where he is now?

A I think he is in the Psychopathic Hospital. I don't know.

Q Do you know why he is confined there?

A Because of his wounds that he received on February 12.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you, Miss Carlos. That is all.

(Witness excused.)

CAPTAIN CALYER: Servillano Aquino.

SERVILLANO AQUINO

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

DIRECT EXAMINATION

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

A Servillano Aquino.

Q Speak loudly, please, so the Commission will hear.

A My name is Servillano Aquino.

Q Your age?

A 25.

Q Where do you live?

A At 192 San Rafael.

Q In February 1945, where were you staying?

A We were at LaSalle College.

Q Calling your attention to the 7th of February, 1945, will you tell the Commission what happened?

A On the 7th of February, 1945, we were gathered, all the civilians were gathered together on the second floor of the LaSalle College, where we were lined up and searched.

Q Will you describe for the Commission the method of that search?

A In the search we were put in one single file, and the

men were searched for firearms and the females were searched maliciously.

Q What do you mean by that?

A They were being searched in their breast pockets. I don't think you could hide a gun in the pocket where a dime couldn't be hidden.

Q What else happened at that time?

A After the search they asked for the head of our group, which happened to be Judge Carlos, and the head of the Brothers, Brother Xavier.

Q Were they taken away?

A Yes, they were.

Q Have you ever seen them since?

A No.

Q Were there other persons taken from the building on the 7th?

A Not that I know of.

Q Where were you on that date?

A In the morning of the 7th we were on the ground floor. After the search we stayed most of the time on the second floor until we had to take our belongings back again to the ground floor and make our shelters on the stairs.

Q Now, after the 7th, did anything unusual happen between that time and the 12th of February of this year?

A Nothing much, except we were told not to go out of the school; we were not even allowed to get water from the well, until the 12th.

Q Was there fighting in the vicinity?

A I didn't see anybody. We heard a lot of shelling.

Q Were the shells falling near the College?

A Not until the 12th.

Q On the 12th were they?

A On the 12th there were a few shells that dropped by. I remember them.

Q Now, will you tell the Commission what you observed on the 12th of February, 1945?

A On February 12, 1945, after we had our breakfast, and then made preparations, then shortly after that we had our lunch. Right after lunch the massacre took place.

Q Did you see any Japanese at that time?

A Yes.

Q About how many?

A There were four Japanese that I saw on the second floor. If there were more I didn't see them.

Q Do you know to what branch of service those Japanese belonged?

A From what I know and what I saw, the officer was wearing a cap with an anchor insignia in front. But I couldn't tell very well the distinction between the uniforms.

Q Did you remain on the second floor throughout the incident of the 12th?

A Yes, I did.

Q Will you tell the Commission what you saw?

A Right after lunch we were in the room of Antonio Cojuangco, Junior, my brother-in-law, who was sick of typhoid.

Q Where was that room located?

A That room is located on the north side of the entrance to the chapel. Together in the room was my father-in-law,

the nurse, the sick boy, and my wife. All of a sudden we heard shots downstairs. We decided to see what was going on. However, on my way downstairs, I was motioned to go up again by one of the people down there, who motioned me to go back to the room.

Q What did you do?

A I went back to the room and waited there and told my father-in-law that I was asked to go back -- rather, summoned to go back.

Q Did you later see some Japanese on the second floor?

A I beg pardon?

Q Did you later see some Japanese on the second floor?

A Yes, I did. After that shot we waited in the room for awhile, then we heard another shot which was very close and I presume took place on the second floor, then another, and we heard the screaming of the girl Asela.

Q Her last name, please?

A Asela Carlos.

Q What happened after that?

A After that we heard a Japanese voice asking us to come out, sort of like that the demand was.

Q Did you leave the room?

A Well, we didn't want to go out immediately, but we had no choice.

Q Who went out first?

A The first one was the nurse, Filomeno is his first name. I don't remember his last name.

Q Filomeno Inolin?

A Yes. I know he has been at the Psychopathic Hospital.

That might be him.

Q Who followed him?

A He was followed by my father-in-law.

Q Yes?

A Then I was next.

Q Now, when you got out of the room, what did you observe?

A Right after coming out of the room, I saw, across to the center of the pathway to the chapel, Asela Carlos.

Q What was her condition at that time?

A She was sitting down and bleeding. Her arm was shot and it was dangling, hardly connected to her body, and the blood was all over her.

Q Did you see any other person there?

A I saw other persons; I don't know who, but I saw the persons there.

Q Who were the other persons whom you recognized?

A Well, there was Filomeno, who was already stabbed -- that is the nurse. I saw my little maid.

Q What is her name?

A Fortunata Salonga. We call her "Ponting".

Q Is her name Salonga, her last name?

A Salonga, that is right.

Q What was her condition?

A I couldn't say. She was laying down. But I knew she was alive, eventually, but right then I thought she was dead.

Q Had she been wounded?

A Yes, sir.

Q Did you observe the wounds?

A No. I saw the blood on the floor.

Q All right. Now, will you describe the wounding of the nurse, Filomeno?

A I was just coming out when they started on him. They summoned him to turn back in this manner (indicating), and as soon as he was facing backwards they stabbed him in the back.

Q How many times?

A I saw one good stabbing. He fell after that.

(A photograph was marked
Prosecution Exhibit No. 55
for identification.)

Q I show you a photograph marked for identification as Prosecution's Exhibit 55 and ask you to state what that is?

A I think this man is Filomeno. The wound is very close to what he pointed out to us. I think it affected his spinal column, because he was paralyzed for quite some time.

Q Do you know where he is now?

A The last time I saw him he was at the Psychopathic Hospital.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Prosecution Exhibit No. 55
for identification was
received in evidence.)

Q (By Captain Calyer) After Filomeno was wounded, what else did you see?

A My father-in-law was next in the line.

Q Who is that?

A That was Dr. Antonio Cojuangco.

Q What happened to him?

A He tried to run inside the chapel. However, they overtook him there, and what we heard was only a howl, "Ow!"

Q What happened as far as you were concerned?

A At that moment I was being summoned to turn back, too. After seeing that it does really hurt a lot to be stabbed, I decided I would like to get killed faster, so I decided I might as well fight one of them. I tried to lunge at him, tried to hit him. I missed him and he stabbed me.

Q Where?

A Right in the left side, below my nipple here (indicating) and came out through my back. After that stab, he jerked me loose, and at the same time pulling me down. I fell on my side, on my left side, and he stabbed me again right here (indicating).

Q Indicating on the right side of the body?

A The right side, the middle part. After that side, I was crouching towards him, trying to get hold of his legs, and again he stabbed me at the base of my neck, right here (indicating), where the bayonet didn't go quite full inside. It went in, I would say, about 7 inches. However, after that first stab he decided to push me just like a broom from the wall towards the other end of the corridor, and that is when it really hurt, because that bayonet went in with all its slack. Now, my wife, she was seeing all of these things.

Q Where was she at that time?

A She was behind me. She tried to run towards me. However, they shot her in the back. She lost her balance and

fell close to the gate of the chapel. The Japanese followed her there and stabbed her again and again in the back. I couldn't help but stare at the guy. After stabbing her he came back to me. I suppose he was sore because I was looking at him. He stabbed me twice in the right side, then after that they left me for dead.

Q Did you see what happened to Antonio Cojuangco?

A Yes, Antonio was dragged out of bed, because he could hardly walk; he was sick. As a matter of fact, he couldn't even walk. They drug him until he was about close to the center of the corridor and stabbed him twice.

Q What happened to him after that?

A After the stabbing, they kept shooting around, and then went into the room where Antonio Cojuangco was and opened up what little canned foods we had left. That we could hear; I couldn't see that. I just heard them opening cans and tearing up papers.

Q What happened after that, that you saw?

A After she -- (pause)

Q After the stabbing?

A Well, after the stabbing she didn't have any chance. She died.

Q What happened to you after that?

A I was just right there listening to what they were doing.

Q Was there anything taken from you?

A Yes, that was the following day.

Q What was taken?

A The following day one of the Japanese soldiers who was

passing by saw me with my watch and ring, shoes, and deprived me of my watch, my ring, and my shoes.

Q Will you speak into the microphone?

A I think the wire is dead.

MAJOR KERR: You will have to speak louder.

Q (By Captain Calyer) You say he deprived you of your watch, your ring, and your shoes?

A That is right.

Q Now, going back to the 12th, what persons did you see alive in front of the chapel that night?

A That night Asela asked for water, and she managed to get up. However, after drinking water, she died. I know that for a fact. After that my little maid, who was also asking for water, and after drinking she died, too.

Q Is that the person known as Fortunata Salonga?

A Yes.

Q You called her what?

A Ponting.

Q When did she die?

A She died very close to the middle of the corridor.

Q When?

A Oh. Right after drinking -- I would say not more than 30 minutes after drinking the water, she died.

Q Was that on the night of the 12th?

A Yes.

Q Do you know approximately what time?

A It was dark; that is all I know.

Q Were there several other people who died there, also that night?

A No, but I knew for a fact that my father-in-law was alive there and Rosario Carlos, and the nurse.

Q Those people were around where you were?

A Yes.

Q And were still alive?

A They were alive.

Q Now, the next day, the 13th, what did you observe outside of the chapel at the LaSalle College?

A On the day of the 13th, that morning, there were two Japanese soldiers or marines -- I couldn't tell from the uniform. At any rate, two soldiers.

Q Did they have the same sort of uniforms as those you had seen on the preceding day?

A They had the same uniforms as the one who bayoneted me. Not the officer, though.

Q Now, what did these two do, that you saw on the 13th?

A They were passing by, looking around. They saw this little girl, Ponting --

Q That is Fortunata Salonga?

A Yes. She died rather in an exposed way. Her dress was raised up.

Q Was she dead at this time?

A Yes, she is very much dead. She died on the evening of the 12th.

Q And this was when?

A This was on the 13th.

Q At about what time?

A It was in the morning.

Q Now, will you continue to tell the Commission what

happened?

A One of them tore her panties out. At the same time, he was rather trying to rape her, only the poor kid had been dead for quite some time; she was pretty stiff. When they couldn't part her legs open, they decided to leave her.

Q What did they do after that?

A After leaving her, I don't know. All I knew was that I wished Ponting was out of the place.

Q Did you see anything with reference to Rosario Carlos?

A Yes, I did.

Q Will you tell the Commission what you saw?

A I wouldn't be sure if they are the same people, because there was a lapse of time between the two incidents, but Rosario Carlos was laying farther north than Ponting. Another two Japanese came and tried to open -- I think they tried to take off her panties. At that moment they heard the voice of one of their officers, I think, and they immediately stood up, and sure enough, the sergeant was coming and called them, and before leaving, one of them even stepped on the stomach of Rosario Carlos.

Q Was there anything else of particular interest that happened on the 13th?

A Well, the shelling was continued. That is all there was to it.

Q And other people died on that day?

A There were a lot of people died, ever since we were stabbed. Some of the Brothers. The Brothers were inside the chapel, and we couldn't see all of them, but we could hear them say, "Brother so-and-so just died. Let us pray for him."

That kept on going on the following day.

Q Did there come a time when you moved from your position outside the chapel?

A. Yes. That was on the dawn of the 14th. My brother-in-law had me move from the place where I was. That was at the entrance of the chapel. He had me placed behind the altar. He was afraid that if the Japanese came back the following morning and saw us still there, they would be suspicious and find out we were alive, because we were supposed to be dead, and the place was burned.

Q Did you see it burned?

A I saw the toilet burned.

Q When was that?

A That was on the night of the 14th.

Q By whom was it burned?

A The Japanese soldiers.

Q Was there anything else in connection with that fire that you recall?

A Yes. The first time they attempted to start the fire, they were successful, and left immediately after the fire had started. There was a Brother who was close to us who --

Q Do you remember his name?

A Yes. Brother Hubert.

Q What did he do?

A He tried to get up. We thought it was impossible for him to get up, because he was weaker than any one of us; we thought he was the next one to die. However, he managed to get up, looked for the two bottles of carbon tetrachloride, which he had hidden. He found this bottle and put out the fire, then came back to us and laid down. However, shortly after that the Japanese came back and saw that the fire was extinguished, so they started it over again. For the second

time, Brother Hubert got up, put the fire out. During his second attempt at putting it out, he was caught when the Japanese returned.

Q And what happened?

A All we heard was him saying "Ugh!", just like that -- twice.

Q Did you see him after that?

A No.

Q Did you remain behind the altar until the Americans arrived?

A Yes, I did.

Q When did they come?

A They came on the 15th, about 5:30, I would say.

Q At that time were you and the other persons still alive rescued?

A Father Cosgrave was close to me --

CAPTAIN CALYER: Just a moment. I don't think you understood the question.

Will you read the question, please?

(The question referred to was read by the reporter as above recorded.)

A Those that were rescued were alive, naturally.

Q (By Captain Calyer) I think you still have it a little bit reversed. Those who were alive were rescued, is that correct?

A Yes.

Q Now, subsequent to your leaving the LaSalle College did you at a later time have occasion to look for bodies of members of your family?

THE WITNESS: I beg your pardon?

CAPTAIN CALYER: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A After leaving De LaSalle, I was back on my feet, we tried to identify the bodies where they were buried.

Q And where was that?

A That was in the district of Pazo, close to the factory there.

Q Were you able to identify any bodies at that place?

A Yes, we were able to identify my father-in-law.

Q Dr. Cojuangco?

A Yes, Dr. Antonio Cojuangco. And Asela Carlos, Mrs. Antonio Cojuangco, Dr. Uychico, my wife, Antonio Cojuangco, Jr., and the body of Mrs. Ramon Cojuangco. They were all at the same time.

Q What was done with those bodies?

A We covered them up and put them in caskets, lowered them down again and buried them where they were to start with.

Q And are they still there?

A They are still there, and we have a monument there for them.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

(Witness excused)

CAPTAIN CALYER: If you please, that completes the testimony in this incident.

CAPTAIN PACE: If the Commission please, this is case

number 28. The first witness is Alfred Lagmay.

ALFRED V. LAGMAY

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

DIRECT EXAMINATION

Q (By Captain Pace) Give your name and address.

A 412 Espana Street, Sampaloc, Manila.

Q What is your name?

A Alfred Lagmay.

Q What do you do?

A I am at present not working, but I used to be a student.

(A photostat was marked
Prosecution Exhibit No. 56
for identification.)

Q Will you look at Prosecution Exhibit No. 56, and say whether or not that is an accurate description of the area bounded by Taft Avenue, Oregon Street, San Marcelino Street and Padre Faura Street?

A Yes, it is an accurate description of the place.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 56
for identification was
received in evidence.)

Q (By Captain Pace) Now, on the evening of February 10th, will you tell us where you were?

A About between 7 o'clock and 7:30, we were at the vacant lot. We were supposed to be fleeing from a burning home.

Q By a "vacant lot", you mean the area marked "Vacant lot" on Colorado Street in Exhibit 56?

A Yes.

Q What were you doing there?

A We were supposed to be taking refuge from our burning homes there, since there was no other place to go, since all around us were Japanese; we had to stay there.

Q You will have to speak louder.

A We were supposed to be taking refuge from our burning homes, and since the whole area was surrounded by Japanese and there was no other place to go to, we had to stay in that vacant lot there.

Q All right. And what happened there?

A We stayed there for about between 15 minutes and a half hour. Then we had some Japanese beckon to us to go toward Padre Faura.

Q Padre Faura Street?

A Yes.

Q What time was that?

A That was about quarter to eight.

Q Quarter to eight in the evening?

A Yes.

Q How many people were in this area that you speak of as a "vacant lot"?

A I figure there must have between 50 and 70 people.

Q What did you do after the Japanese instructed you to go toward Padre Faura Street?

A We immediately got a few of our belongings and we started coming toward Padre Faura Street, and in Padre Faura

Street there was a line of soldiers and officers there, all with rifles and fixed bayonets, sir, and they were leading us to the corner of Padre Faura Street and Taft Avenue.

Q You say you went to the corner of Padre Faura and Taft Avenue?

A Yes, sir.

Q And what happened there?

A The Japanese separated the women and the children from the men and the older boys, sir, and in the meantime they were unloading a trucks of Japanese soldiers there.

Q What did the women do?

A They were led towards the Philippine General Hospital.

Q What did the men do?

A They had to stay behind, because the Japanese forced them to stay in that spot there.

Q By "that spot", you mean the corner of Taft Avenue and Padre Faura Street?

A Yes, in front of the Corona Restaurant.

Q Will you look at Prosecution Exhibit No. 56 and indicate where you mean?

A Here (indicating). This place marked "J".

Q Can you describe, a little more accurately -- is that in the middle of the street?

A It is in this area covered by a white rotunda, on the corner of Padre Faura and Taft Avenue, right in front of that (indicating).

Q In front of the building marked 9?

A Yes.

Q And that building marked 9; what is that?

A That was the Corona Restaurant.

Q What did the men do there?

A For a while, the Japanese started shoving us towards the front of the restaurant, and for a moment we thought that we were being told to proceed and go ahead, but apparently they were trying to put us in a more orderly line. There were about a little over a hundred people there I figure.

Q A hundred men and boys?

A A hundred men and boys.

Q In front of the Corona store?

A Yes, sir.

Q Will you describe how they were lined up?

A It wasn't exactly an orderly line. It was rather -- more or less confused and disorderly, but I think it must have been about a little over 20 men long, most probably 25, and four or five men deep.

Q You mean the line was 20 men long and about 5 men deep, is that right?

A Yes.

Q All right. What happened then?

A The Japanese asked us whether we had any arms or pistols, sir, and we told them we never had any.

Q Did they find any arms or pistols in the group?

A No, they didn't even search us, sir. They just simply asked us whether we had any arms, sir.

Q Yes?

A Then the soldiers were forming a semi-circle around the group, and then before we knew it a machine gun, which

was placed right at the very center of that semi-circle broke loose -- rather, fired --

Q Excuse me. Where was the semi-circle of soldiers? On Taft Avenue?

A Yes.

Q And the machine gun was set up on Taft Avenue?

A Yes, sir. As a matter of fact, there were two semi-circles: An inner and an outer one, the inner composed of about 10 to 15 soldiers, and the outer one composed of about the same number.

Q You say the machine guns started firing, is that right?

A Yes, sir.

Q Go on from there.

A Then everybody fell, those who were hit by the machine gun and those who were not, both, so as not to expose themselves to the fire. Then there was moaning, screaming and crying; then the soldiers closed in with their bayonets, including the officers, who drew their broad swords, and then the officers hacked right and left, up and down the line.

Q They did what?

A They struck with their sabers, sir, and the soldiers joined in with their bayonets and with their iron pointed poles, sir; kept on thrusting up and down the line.

Q Had you been wounded up to this time?

A I wasn't hit by the machine gun, but an officer -- I was at the end of the line, and an officer came along and tried to hit me with his sword. I rose astride on my knees, sir, and then when the broad sword went down I was

able to swerve to the left, and it missed me. I grabbed the sword and tried to push him away, but he drew it. When I released the broad sword, simultaneously an officer took his gun and shot me point blank. He was about three meters away from me only. Then I fell backwardss.

Q What kind of a gun?

A A pistol.

Q Where did that hit you?

A Right here (demonstrating).

Q Will you stand up and face the other way, so the Commission can see that?

A It is a compound fracture (indicating arm).

CAPTAIN PACE: Is it stipulated that the witness is indicating a scar on his left elbow, for the sake of the record?

CAPTAIN SANDBERG: Yes.

Q (By Captain Pace.) All right. What happened then?

A Then I fell backwards. Then when I was falling backwards the officer again struck me with the broad sword, and it hit me right here in the leg (indicating). For a moment I wasn't conscious, only for a few seconds, sir. Then when I tried to open my eyes a little, so I could see what was going on around me, the officers and the soldiers kept on. The officers were striking with their broad swords up and down, and the soldiers with their bayonets and iron pointed poles, sir.

Q Now, you testified that you were lined up at about 8 o'clock in the evening of February 10th, is that right?

A Yes, sir.

Q How long did the machine gun fire into the group?

A For a brief moment only, but the officers and the soldiers kept on striking with their broad swords and thrusting with their bayonets for about 10 minutes or so.

Q Then what happened?

A Then the officers stopped striking with their sabers and wiped them on the backs of the dead and then put them in their -- put their sabers back in their sheaths, sir.

Q You mean they wiped the blood off of them on the backs of the dead?

A Yes, sir. Then after about five minutes after the officers finished striking with the sabers, the soldiers probably got tired already and they were satisfied that everybody was dead, and stopped. Somebody was apparently calling them from the direction of Padre Faura --

Q I beg pardon?

A Somebody was calling them from the direction of Padre Faura. Then the soldiers moved over -- I mean went away, leaving about two or three soldiers behind them, and those who were still alive and could get up fled for their lives, sir.

Q Were you one of the group who fled?

A Yes, sir.

Q Out of the 100 people that you approximate were there, will you give the names of any that you know to have been killed?

A Mr. Jose Lazaro, age 27, my closest companion.

Q Yes?

A Professor Delfin De La Paz, Sr., professor at the

University of the Philippine Islands. Justice Anacleto Diaz.

Q Supreme Court Justice Diaz?

A Yes. And Luis Samanillo.

Q Yes?

A That is all.

Q Do you remember James Woo, Sr.?

A Oh, yes.

Q A Chinese?

A Yes, James Woo, Sr.

Q Did you see Justice Diaz before he was killed?

A Yes, sir.

Q Under what circumstances?

A He was being brought over to that corner, carried over by some others, and he was laid down on the sidewalk. I presumed then that he was sort of an invalid.

Q He was unable to walk himself, is that right?

A Yes.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Sandberg) You have referred to these Japanese a number of times as "soldiers." Can you state definitely whether they were members of the Japanese Army or of the Japanese Navy?

A You mean these people who took part in the massacre?

Q That is right.

Q I cannot say definitely whether they were of the army or navy.

CAPTAIN PACE: Thank you very much. You are excused.

(Witness excused.)

CAPTAIN PACE: Delfin De La Paz, Jr.

DELFIN DE LA PAZ, JR

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

DIRECT EXAMINATION

MAJOR KERR: Be sure to speak loudly.

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

A Delfin De La Paz, Jr., 849 Don Quijote Street, Sampaloc.

Q How old are you, Delfin?

A 15.

Q Do you remember February 10th, 1945?

A Yes, sir.

Q What happened to you on that date?

A About 7 o'clock in the night, when the neighborhood was burning, we went to a vacant lot, where the Japanese took us and told us to go to the hospital, Philippine General Hospital.

Q I show you Prosecution Exhibit No. 56, and ask you if the vacant lot you refer to is the same one marked on there?

A Yes, sir.

Q What happened after you were taken to the lot?

A The Japanese told us to go to the Philippine General Hospital, and when we were in the corner of Padre and Taft Avenue they separated the men from the women, and they told the women to proceed to the hospital, and we were lined up in the corner in front of the Corona Res-

taurant.

Q The Corona store?

A Yes, restaurant.

Q At the corner of Taft and Padre Faura?

A Yes, sir.

Q Who was with you then?

A My father.

Q What was his name?

A Delfin De La Paz, Sr.

Q Did you see anybody else being taken there?

A Yes, sir.

Q Who was that?

A Justice Anacleto Diaz.

Q How was Justice Diaz being taken from Padre Faura?

A He was being carried by his two sons.

Q Do you remember the names of the sons?

A No, sir.

Q Was he able to walk at all?

A No, sir.

Q Do you know what was wrong with him?

A No, sir.

Q You saw him carried by his two sons to the Corona store, is that right?

A Yes, sir.

Q What happened after you were all gathered at the store there?

A The Japanese lined us up and they asked us if we wanted to die. Then they started talking to each other, and they began to shoot.

Q What were they shooting with?

A Machine guns.

Q Yes?

A And they also had rifles.

Q Yes?

A And when the people were starting to fall down, they stopped shooting and went near us and started bayoneting. Then after 10 minutes they went out, and I tried to escape, but the Japanese saw me and shot me.

Q Where did they shoot you?

A In the feet.

Q Whereabouts?

(The witness indicated.)

CAPTAIN PACE: The record will show that the witness is indicating his left ankle.

Q (By Captain Pace) And what happened then?

A I tried to escape, and they did not touch me. I went to the house of a doctor, where he treated my wounded, and that house was then burned. We went to Padre Faura again, where the next morning the Americans got us there.

Q The Americans what?

A The Americans liberated us.

Q What happened to your father?

A He was killed.

Q Could you give me the names of anybody else that you know who was killed on that corner?

A Eustacio Jimenez.

Q Eustacio Jimenez?

A Yes. Felino Angeles, James Woo, Sr., and James Woo,

Jr.

Q How about Justice Diaz and his two boys?

A Yes, they were there.

Q Anybody else?

A And Jose Lazaro.

Q How many people do you estimate were killed there that you don't know the names of?

A About 50.

Q 50?

A 50 men.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

(Witness excused)

CAPTAIN PACE: Dr. Diaz.

DR. MOSES Z. DIAZ

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

DIRECT EXAMINATION

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

A 649A Galicia Street.

Q What is your name?

A Moses Diaz.

Q What is your profession?

A Physician.

Q You will have to speak louder.

A I am a physician.

Q Who is your father?

A My father was Associate Justice Anacleto Diaz.

Q And about February 10th, will you describe what the physical condition of your father was?

A I did not see my father on that date.

Q I mean, in that general period of time, prior to February 10th, 1945.

A On that particular day I did not see my father, sir, because I was living on the other side of the river near the university, Tomas.

Q What was his physical condition during the early part of February?

A He was developing paralysis about a month and a half or two months before the Americans arrived.

Q Was he able to walk by himself?

A No. He couldn't move both legs, especially his right leg.

Q Now, you didn't see your father on February 10th, did you?

A I did not, sir.

Q When did you see your father for the first time after February 10th?

A I saw him when I went to the intersections of Taft Avenue and Padre Faura Street, because my mother told me that she left my father for the last time in that place. I went there with two servants and a caretaker, and we picked the dead bodies off my two brothers and my father.

Q I show you Prosecution Exhibit No. 56, and ask you to indicate where you found your father's and two brothers' bodies.

A This place (indicating).

Q You are indicating building number 9?

A It must have been that place.

Q Is that where you are pointing?

A Yes.

Q What are your two brothers' names?

A One is Teodoro, and the other one is Carlos Diaz.

Q And you identified your father and those two brothers, is that right?

A I was able to identify those two brothers because they were whole and intact, but my father was -- I just found his charred body.

Q Did you see any other bodies there?

A I saw also the bodies of 16 persons, and I took all these bodies and buried them.

Q What was the condition of the sidewalk in front of the building there at that time?

A The sidewalk close to the wall of the house, the restaurant, is cemented, but part of it is not.

Q What?

A It is cemented, I say, but part of it, the part close to the street -- part of it is not cemented.

Q Yes?

A And in this place I picked up one body, a Chinese by the name of James Woo.

Q Was there any debris on the sidewalk?

A There was none that I remember.

Q How about the roof of the building?

A Well, the roof of the building covered part of the sidewalk, had fallen.

Q You didn't look under there to see if anybody --

A I tried my best to see if any other bodies were inside of the roof, but I couldn't see under.

Q You couldn't?

A I couldn't see under.

Q You don't know whether there were any bodies under there?

A I left one, just one body that I wasn't able to recover, because he was so under several little pieces of wood and iron; I thought it would take me one whole day to remove the body, so I didn't take any more.

Q On February 16th, did you find anything unusual?

A February 16th? I don't remember.

Q That is two days after you found your father's body. Did you see anybody else's body in that neighborhood?

A I went -- after I buried the bodies of my father and two brothers and the rest of the people there, I went to Colorado to recover some bodies they left there, and as we were digging and removing the debris one of the servants told us that a person by the name of Papa, they found him dead on the other side, the back yard in the lot behind the house.

Q You found the body of James Papa, is that right?

A Yes.

Q He is an American citizen?

A I do not know about that.

(A statement was marked as
Prosecution's Exhibit No.
57 for identification.)

CAPTAIN PACE: At this time I would like to offer in

evidence Prosecution Exhibit No. 57 for identification, which is the sworn statement of Tina Jensen Camboa, to offer further evidence as to the death of James Papa whom the witness just stated he found. I can further state that this witness, to the best of my knowledge, is in the United States at this time.

GENERAL REYNOLDS: It will be accepted in evidence --

CAPTAIN SANDBERG: We expect to object, sir; we are still studying it.

CAPTAIN PACE: May I read the last two questions on this statement?

CAPTAIN SANDBERG: It hasn't been received in evidence.

CAPTAIN PACE: I beg your pardon.

CAPTAIN REEL: If the Commission please, we object to the admission of this offered exhibits for the reasons that have already been given in connection with all of the other depositions and statements in this hearing. I might add that this exhibit probably shows as well as anything the sense and the reason and the intelligence behind the rule that does not permit this sort of thing in any ordinary hearing. If the Commission will notice, the questions and answers are quite naturally so phrased as to be of benefit to the Prosecution. The Defense has had no opportunity to file similar questions or different questions, and we have had no opportunity to find out what questions and answers that the Prosecution didn't like were removed.

But more than that, I want to call the Commission's

attention to the last question and answer, which is not only double hearsay, but double hearsay based on a conjecture, of which the witness could not possibly have any knowledge; which, I think you can see at a glance, is extremely prejudicial, that it is put in for prejudicial purposes.

We strongly object to this statement.

GENERAL REYNOLDS: The final question and its answer will be stricken from the record and from this document. With that exception, it is accepted as evidence.

(Prosecution Exhibit No. 57
for identification was
received in evidence.)

CAPTAIN PACE: May I read the last two questions and answers on the bottom of the first page, sir? That is page 2 of four pages.

"Q During the time that the Japanese occupied Manila did you witness any atrocities inflicted by the Japanese upon civilian or military personnel?

"A I witnessed the execution of James Papa, who lived in the YMCA located at the corner of Oregon and Pennsylvania Streets.

"Q Will you please describe what you saw?

"A The Japanese had set fire to the YMCA building, and James Papa was shot while fleeing from the burning building. He was shot directly in front of my home."

No further questions.

CAPTAIN REEL: No questions.

(Witness excused)

CAPTAIN PACE: May I have these documents marked for identification?

(Prosecution Exhibits Nos. 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 marked for identification.)

CAPTAIN PACE: If it please the Commission, at this time I would like to offer Prosecution Exhibit Nos. 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68, which are statements of witnesses which were taken by the investigators in this case, which are offered for the purpose of identifying the bodies of the 39 victims that it is alleged were killed in this case.

CAPTAIN SANDBERG: The Defense will have to examine these documents and requests time for that purpose.

GENERAL REYNOLDS: The Commission will recess until 8:30 A. M. tomorrow morning.

(At 1635 hours, 30 October 1945, the trial was adjourned to 0830 hours, 31 October 1945.)