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Yamashita, Tomoyuki, 1885-1946, defendant. 2

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.
5 November 1945

Met, pursuant to adjournment, at 0835 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL 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.)

REPORTED BY:

E. D. CONKLIN
L. H. WINTER

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Narciso Lopus (resumed)		952	1055	
Joaquin S. Galang	1058	1070	1092	
Dominador Santos	1094	1098		
Armando Alvarez	1101			
Vicente Arias	1106	1110		
Claude B. Patrick	1113			

EXHIBITS

PROSECUTION'S

FOR IDENTIFICATION

IN EVIDENCE

193		1095
194		1096
195	1103	1104
196	1108	1109
197		1114
198		1115
199		1116
200	1117	1119
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202	1120	1121
203	1121	1122
204	1122	1122
205	1122	1123
206	1123	1123

P R O C E E D I N G S

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

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

NARCISO LAPUS

the witness on the stand at the time of adjournment, having been previously duly sworn, was further examined and testified as follows:

CROSS EXAMINATION

Q (By Colonel Clarke) Mr. Lapus, you stated that you received no promises for any testimony which you might give in this case; is that correct?

A I beg your pardon?

Q You stated that you received no promises from anyone for any testimony which you might give in this case?

A No promises at all, sir.

Q What?

A No promises at all, sir.

Q Did you at any time contact any person with the request that they give you some immunity if you would testify?

A No, sir.

Q Did you contact any person in the CIC?

A No, sir. I sent a letter to the Chairman of the Honorable Commission to offer my testimony on this case because I believe I hold secrets relating to this question.

Q So you did make a request to some person to be

permitted to testify?

A I beg your pardon, sir?

Q So you did make a request to some person to be permitted to testify in this case?

A I sent a letter to the Chairman of the Commission, sir.

Q Offering your services?

A Offering my services to testify voluntarily.

Q In return for what?

A For nothing, sir.

Q You stated that you have known or did know General Ricarte for many years. When did you first meet the General?

A When I was very young yet.

Q When?

A That was in 1901.

Q How old were you?

A I am about 60 years now, sir.

Q How old were you then?

A I will be 60 years in March.

Q How old were you in 1901?

A I was about 14 years.

Q Where did you meet the General then?

A He was the Commander-in-Chief of our Division, sir.

Q Of what?

A He was the Commander-in-Chief of the Division that I belonged to as a revolutionary soldier.

Q Were you a member of that Division?

A Yes, sir.

Q And what was your rank?

A I was only private.

Q You met the General when you were a private?

A I did not meet him, but he was the Commander-in-Chief of our Division.

Q Were you personally acquainted with him then?

A I beg your pardon?

Q Were you personally acquainted with him then?

A We were not allowed to meet personally the Commander-in-Chief, as you know the military discipline would not allow that.

Q So that you did not know him intimately in 1901?

A I beg your pardon, sir?

Q So that you did not know him intimately in 1901?

A I have seen him very often as a soldier in this Division.

Q When did you first meet him to speak to him?

A I beg your pardon?

Q When did you first meet him to speak to him?

A I met him first personally -- I made a contact with him in 1922, sir.

Q Where was that?

A In Japan.

Q And what was the contact that you made? Why did you make the contact?

A I made a travel, the first travel I made when I went to the United States in 1922 and in my trip we had to stop in Yokohama and I went to give my respects to him.

Q That is the first time that you met General Ricarte?

In 1922?

A That was the first time I met him personally, but before that we had been exchanging correspondence on most every month.

Q So that you corresponded with General Ricarte?

A Yes, sir.

Q On what subjects?

A I beg your pardon, sir?

Q On what subjects?

A Oh, about the national problem; about Philippine independence.

Q And then in 1922 when you paid your respects to the General what did you talk about?

A We have talk several topics, sir. Among them is the Philippine campaign of independence.

Q And were you interested in the Philippine campaign for independence?

A I beg your pardon, sir?

Q Were you interested in the Philippine campaign for independence?

A I did not get that.

Q Were you interested in the Philippine campaign for independence?

A Yes, sir.

Q And in what capacity were you interested in this campaign? Were you an organizer or were you one of the members or what?

A As a Filipino I was interested in the freedom of my country, sir.

Q Was there an organized movement at that time?

A I beg your pardon, sir?

Q Was there an organized movement at that time for Philippine independence?

A I did not get you right, sir.

Q Was there an organized movement for Philippine independence?

A It was a political movement, of course.

Q Who headed that?

A The several parties in the Philippines.

Q And what relation did General Ricarte have with that campaign?

A Well, he was some sort of moral supporter of the campaign.

Q He was not actively engaged in that campaign at that time?

A He was not engaged in that at that time because he was in a foreign country, sir.

Q How long was General Ricarte in Japan?

A Well, he has been there as far as I know since 1914 at the outbreak of the first World War.

Q When did he leave the Philippines?

A The first time he left the Philippines was when he was exiled in 1903 and then the second time after the expiration of his convictions, it was in 1910.

Q Did he return to the Philippines between 1910 and 1941?

A No, sir.

Q Where did he live during that period of time?

A After 1914 he was in Hongkong, sir.

Q What did he do while he was in Japan?

A I beg your pardon, sir?

Q What did he do while he was in Japan?

A Well, he was there as an exile and as for living he was teaching in a college in Spanish in Japan.

Q What subjects did he teach?

A Spanish, sir.

Q What languages does General Ricarte speak?

A He speaks Spanish, English, Tagalog, Pampanga, and Ilocano and Japanese.

Q How well did he speak Japanese?

A Well, I am not an authority, sir, about that, but as far as I know he showed me lots of writing in Japanese.

Q Did he read it to you?

A I beg your pardon?

Q Did he read it to you?

A Even if he read it to me I could not understand, sir.

Q Did the General ever confide in you how well he could speak Japanese?

A Yes. He told me he speaks it.

Q Did he ever tell you how well he could speak it?

A He never told me that because he knows I am no authority on that subject.

Q You were his secretary?

A I beg your pardon?

Q You were his secretary?

A I was the private secretary.

Q Did you accompany the General anyplace where he

spoke in Japanese?

A No, sir. I have never been brought by him in the campaign he made about speaking, especially when he was accompanied by Japanese.

Q He was accompanied by Japanese?

A Yes, sir.

Q Do you know whether or not General Ricarte had an interpreter at that time with him when he spoke Japanese?

A I know when he was in his house he had his grandson, a small boy about 13 years who was brought up in Japan and educated there. That boy spoke better as regard to General Ricarte's -- spoke better in Japanese than Tagalog.

Q The boy spoke Japanese?

A Yes, sir. And in other gatherings he had an interpreter in Spanish who was acting as his official secretary: Mr. Ota.

Q Who was that?

A Ota.

Q Who was he?

A He was the official secretary of General Ricarte -- Japanese official secretary.

Q What rank did he hold?

A Well, as I remember he was, they say, Lieutenant Colonel.

Q Who said?

A General Ricarte.

Q General Ricarte said he was a Lieutenant Colonel?

A He told me, sir.

Q Did you ever see Mr. Ota?

A I beg your pardon?

Q Did you ever see Mr. Ota?

A Yes, I used to see him most every day.

Q And do you know from the times that you have seen him whether or not he was a Lieutenant Colonel in the Army, Navy or Marine Corps?

A At the time I saw him in uniform, I am not familiar with the insignias of all these Japanese military ranks -- The time I have seen him in uniform with saber when he went to Japan in nineteen thirty -- 1943 when General Ricarte was called to Japan. Colonel Ota accompanied him and I bid them goodbye at the airfield, and that was the time I saw Ota in full regalia of his military uniform.

Q He wore a saber at that time?

A Yes, sir. He had a saber and he had his insignia.

Q What else did he have on his uniform? You said "full regalia".

A I beg your pardon, sir?

Q You said that he was in "full regalia".

A Yes, sir.

Q What else did he have on his uniform?

A Well, he had the complete uniform of a military man.

Q Did he wear a cap or a hat?

A Yes, sir.

Q Will you describe that?

A Well, the usual cap they use, that officers of the Japanese have.

Q So he had the usual cap?

A Yes, sir; the officers.

Q Any markings on it?

A I did not pay any attention about the mark or anything else.

Q Did he wear any ribbons on his breast?

A I beg your pardon?

Q Did he wear any ribbons on the breast of his uniform?

A I think I saw some insignia on his breast or collar or something like that.

Q And you saw then Lieutenant Colonel Ota dressed in a Japanese officer's uniform?

A Yes, sir.

Q You stated that when General Ricarte was in Tokyo he became acquainted with the high officials of the Japanese government.

A Yes, sir.

Q How do you know that?

A Well, I have seen lots of highest officers coming from Tokyo here. In fact, when Premier Tojo came here in 1943 the first man he called was General Ricarte. All the highest ranking officers, including those highest advisors of the Emperor, they come here and visit him, like General Minami, the old man Oshu. All the advisors of the Emperor, they all come to him, and all the Generals. I have seen lots of Generals visiting him and giving their respects to General Ricarte.

Q When?

A During the Japanese occupation here.

Q Does that have anything to do with the high officials he became acquainted with in Japan? Do you know whether he knew them in Japan or whether they came down here and they

met him down here?

A Some of them they came here, sir, and when he went to Yokohama last time he brought to me lots of pictures. According to him they were the Ministers of War and Vice-Ministers of War and some of the higher-ranking officers of the Japanese staff.

Q According to whom?

A I beg your pardon, sir?

Q According to whom? According to General Ricarte? Did he tell you that?

A I beg your pardon, sir?

Q Did General Ricarte tell you that these pictures were pictures of high officials in Japan?

A Yes, sir. And corroborated by Ota.

Q What is that?

A Yes, sir. And corroborated by Lieutenant Colonel Ota.

Q Did you see the pictures?

A Yes. I have seen the pictures. They brought here copies of them.

Q Would you recognize any of the faces on the pictures?

A I don't know the highest-ranking officials because I am not acquainted with all this highest-ranking in Japan. I only know the high-ranking officers who visited his home when he was in his house.

Q Were there any officers' faces on those pictures?

A I beg your pardon, sir? I don't get you, sir.

Q You met these officers who came to his home?

A Yes, sir.

Q Where was his home?

A In Pasay.

Q Did you see any of their faces in this picture that General Ricarte showed you?

A I saw the picture of Mr. Oshu, the old man with the beard who attended the declaration of the Philippine Republic.

Q Any others?

A Well, that's one of the pictures that I recall now, sir.

Q Do you recall any others?

A I don't recall the others, because the others I don't see they came there.

Q So nobody in the picture that you saw then came to General Ricarte's house; is that correct?

A That is Mr. Oshu, sir.

Q Other than Mr. Oshu.

A He went to his house to give his respects after General Ricarte gave his respects to him.

Q Were any of the high officials whom you say were shown on the picture out to General Ricarte's house at any time?

A As far as I know, those pictures that he showed me, I only recall the picture of Mr. Oshu.

Q You never saw any of the other officers then or other persons in the picture at General Ricarte's home?

A I don't get you correctly, sir. I beg your pardon.

Q Did you see anybody whose face was shown in that picture other than Mr. Oshu at General Ricarte's home in Pasay?

A I don't quite remember, sir, all the pictures. Only I have seen the picture in the papers of some of those highest

officers -- they publish them -- that they belong to the Japanese Cabinet.

Q These pictures in the paper did not belong to General Ricarte, did they?

A I beg your pardon, sir?

Q These pictures in the paper did not belong to General Ricarte, did they?

A That picture -- What?

Q The pictures you saw in the paper --

A Yes, sir.

Q -- did they belong to General Ricarte?

A No; no, sir.

Q So that all the time you were with General Ricarte you met high officials and knew them?

A I did not meet them. I only saw them there, because General Ricarte never introduced me to the highest-ranking officers of the Japanese Army because it was not the custom and it was not included in the routinary discipline of the Army of Japanese to introduce a man who is not with the same rank, sir.

Q What was your rank?

A I have no rank but a private secretary.

Q Did you see General Ricarte between the years 1910 and 1941?

A I beg your pardon, sir?

Q Did you see General Ricarte between the years 1910 and 1941?

A Several times, sir.

Q How many times?

A No, I can't count because it is too much.

Q Do you have any idea how many times you saw him?

A I cannot give you exact counting, sir, because during the Japanese occupation I can count most every day I was with him.

Q Did you see General Ricarte before he came back to the Philippines while he was in Japan?

A The last time I saw him in Japan it was in 1930, sir.

Q And how many times had you seen General Ricarte in Japan?

A Five times, sir.

Q What were the occasions for these visits with General Ricarte?

A I beg your pardon, sir?

Q What were the occasions for these visits to General Ricarte?

A My visits, sir?

Q Yes.

A Well, mostly I have to pass by. When I get off of the boat instead of going to other place I go to him and sometime I take my lunch in his house instead of taking it in other places. And during the course of my stay we talk lots of things about the Philippines, remembering sometimes about the revolution, about the campaign for independence, about the people he knew, his friends and so on.

Q So that these visits were incidental to some trip you were taking which took you through to Tokyo, at which time you stopped to see the General to pay your respects?

A He was not in Tokyo, sir. He was in Yokohama.

Q All right. In Yokohama.

A Yes.

Q Where were you going on these trips?

A I beg your pardon, sir?

Q Where were you going on these various trips?

A I used to go to America, sometimes back to the Philippines. Two times I went around the world.

Q Were you on an official trip or were you on your own?

A I was on my own; private business, sir.

Q In what business were you?

A I was in the import and export business.

Q Do you know who paid General Ricarte while he was in Japan and at the University?

A I don't know exactly who paid, but he told me only that he was paid so much a month as a professor in Spanish.

Q During the time that General Ricarte was in Japan, did he continue his interest in the Philippine independence movement?

A I beg pardon, sir.

Q During the time that General Ricarte was in Japan, did he continue his interest in the Philippine independence movement?

A Yes, sir.

Q To what extent?

A Well, to support the campaign, not actively, but he used to write some statements, letters, to his friends, encouraging those people he knows that they were working for the Philippine freedom.

Q Did you write any articles on Philippine independence?

A Yes, sir.

Q Did you write any articles concerning any other subjects?

A Other subjects, too, like labor movements, socialist movement, woman suffrage, and all the topics; I don't remember exactly now, because I wrote lots of things during many years.

Q What political party were you affiliated with?

A I belonged to the Opposition Party.

Q Which one?

A In the Opposition.

Q When did you join that party?

A Since I was young, sir.

Q And do you still belong to that party?

A I resigned since 1938.

Q You resigned in 1938?

A Yes, sir.

Q Did you ever belong to the Socialist Party?

A Yes, sir; I was co-founder of the Socialist Party in the Philippines.

Q Did you ever belong to the Democratic Party?

A Yes, sir.

Q Did you ever belong to the Nationalisto Party?

A I never belonged to that party, sir. That was the governmental party.

Q What was that?

A The party of the government people, the Nationalisto Party.

Q What other parties did you belong to?

A I belonged to the Opposition Party, sir.

Q Any others?

A Then they changed the name, they make it "Popular Front".

Q Any others?

A That is all the parties.

Q Now, over what period of time did you belong to the various parties?

A From 1907, sir.

Q Until when?

A Until 1938.

Q You belonged, then, to approximately four or five or six different political parties during that time?

A Always in the Opposition, because they have change sometimes, the names, and they consolidated sometimes.

Q Did you switch your allegiance from one party to another?

A No, sir. It was always in the Opposition, because sometimes, for instance, the Socialist Party, the Democratic Party, and other parties, they fused like a Popular Front; they are different groups, but they belong to the same Opposition Party.

Q How many of these parties were anti-United States?

A I beg pardon, sir?

Q How many of these parties were anti-United States?

CAPTAIN PACE: If it please the Commission, I object to that question unless it is rephrased to show the meaning of "anti-United States". I believe that is ambiguous, as stated.

Q (By Colonel Clarke) How many of these parties worked against the interests of the United States and in the interests of Philippine independence?

A They are interested in the Philippine independence, but I don't recall they are against the interests of the United States.

Q Did you ever write any articles on the United States and its relation to the Philippine Government?

A I wrote about the Philippine independence, advocating Philippine independence.

Q In your articles were you anti-United States?

A I never antagonized the United States.

Q You never what?

A I never antagonized the United States. I wrote on the independence subject all the time.

Q Well, did you in any of your articles say anything detrimental to the policy of the United States in relation to --

A I don't recall, sir, unless my advocacy for independence is harmful to the interests of the United States.

Q Do you remember anything that you wrote in those articles relating to the Philippines, in relation to the United States?

A It was all related to the United States, because the Philippine independence was linked to the United States.

Q Did you state in any of those articles that your view was that the Philippines were for the Asiatics?

A I beg pardon?

Q Did you make any statements in your articles that in your opinion the Philippines should be for the Asiatics?

A I don't recall, in those articles about independence, that I made any connection about the Asiatics, if you mean in "Asiatic" about the considerations of the Japanese.

Q But you don't remember anything in the articles; you don't remember anything you wrote in the articles?

A I don't recall I connected that matter with the Philippine independence, sir.

Q But you do remember things that happened back in 1901, with relation to General Ricarte; things that happened in 1922, 1930, but you can't remember this?

A That is a well distinct date, sir.

Q Which date?

A That date that I recall General Ricarte, because it was one of the dates that a man sometimes engraves in his

memory, that cannot be erased.

Q Which date is that, now?

A That is the first time I have seen General Ricarte.

Q In 1922?

A No, sir.

Q When?

A In 1901.

Q That is the first time you saw him?

A Yes, the first time I saw him, when I was very young.

Q Now, when did General Ricarte return to the Philippines?

A I beg pardon?

Q When did General Ricarte return to the Philippines?

A Well, in the first place, he return here secretly in 1903, after his exile to Hong Kong on the first time, and the second time he return here in 1941.

Q When did you meet General Ricarte after his return in 1941?

A I beg pardon?

Q When did you meet General Ricarte after his return in 1941?

A About the middle of March, 1942.

Q Nineteen what?

A 1942, the middle of March of 1942.

Q About six months after he returned, or about five months after he returned?

A No, sir, he returned only here in December, I met him in March of the next year; that is not six months.

Q Well, four months. But you did meet him immediately when he came to the Philippines?

A No, sir, I did not meet him, because I was in the evacuation in my province.

Q How did you come to meet him in March, 1942?

A Well, I came to Manila in March, because I received some news that General Ricarte was looking for me.

Q And did you come direct to Manila and report to General Ricarte?

A I came to Manila and I did not know where he was, I have to look for his place, because in those days the situation in Manila was very delicate, and I had to go to several sources to find out how I could get in touch with him.

Q And how did you get in touch with the General?

A Well, I have to find some friends to show me how could I go there, because in those days the only mention of General Ricarte's name, they take you as a spy and they take you to the Japanese, so I have to be very careful.

Q And you were careful not to be seen with General Ricarte, because the Japanese might pick you up as a spy, is that right?

A Yes, sir.

Q And why would the Japanese pick you up as a spy because you went to see General Ricarte when, according to your statement, General Ricarte was a god of the Japanese?

A I beg pardon?

(Question read)

A Well, in those days, all those who were looking for General Ricarte, they considered as pro-American, as a spy.

Q They said what?

A In those days, most of those who were looking for General Ricarte were considered as a spy of the Americans.

Q As I understand, then, anyone who went to see General Ricarte in those days was considered pro-American by the Japanese?

A Yes, it was suspected all the time like that.

Q Who told you that?

A Well, I have confirmed myself, because I was submitted to rigid investigation before I got to the house of General Ricarte.

Q And why, if he were the god of the Japanese, would anybody be considered pro-American who went to see the General?

A I beg pardon?

COLONEL CLARKE: Will you read the question, please?

(Question read)

A Because precisely they know that Ricarte is very good friend of the Japanese, and all those who wanted to see him they suspect them of something they wanted to do with Ricarte.

Q When you came to Manila, then, you located General Ricarte, is that it?

A I located through the efforts of some friends.

Q Now, you had heard before you came to Manila that General Ricarte was looking for you?

A I received news that he was asking for me, looking for me.

Q From whom did you receive that news?

A Those people who come from Manila to the provinces.

Q Did they know where General Ricarte lived?

A I beg pardon?

Q Did they know where General Ricarte lived?

A They know that he was living in Manila, and the first

time they told me he was living the Avenue Hotel, Rizal Avenue.

Q The General was looking for you and sent for you?

A He did not send, precisely, but I received the news.

Q You received the news, and then you came down to look for him?

A I like to come down for the first time I received the news, but it was very hard to get to Manila in those days. They have to secure the passes, and so on, so you can't move from one place to another.

Q Did you finally locate General Ricarte?

A Yes, sir.

Q Then what?

A Well, I went to him and -- before I reach his house I was submitted to investigation by Japanese.

Q You were what?

A Investigated me first, before they let me go to his house; they examined me; they look all my body (demonstrating), to see if I have some arms, something like that.

Q Did they investigate your political affiliations, too?

A No, sir. They asked me how did I know General Ricarte, and so on; investigate my personal condition, how did I know, when I knew him, and so on.

Q Did you tell them that the General was looking for you?

A I told them that I had received news that the General was looking, was asking for me.

Q What did they say to that?

A Well, one of my companions who accompanied me to the house of General Ricarte had a pass, had a pass signed by General Ricarte. When they show that pass, they stop the investigation and let us go to his house.

Q So he permitted you to go into the General's house?

A I beg pardon?

Q So they permitted you to go into the General's house?

A Yes, sir.

Q What happened after you got in there?

A Well, when I went up there I said hello with him, and he told me he was looking for me and told me I was the first man he was looking, I was the first man in his thoughts, "but I thought you was dead. Nobody could give your whereabouts".

Q So that the General was looking for you above every other person in the Philippine Islands?

A I beg pardon?

Q The General said he was looking for you above any other person in the Philippines?

CAPTAIN PACE: I object to that question. I don't believe it is a correct quotation of what this witness has said, sir.

COLONEL CLARKE: I will phrase it in his own words.

Q (By Colonel Clarke) The General said you were the first man in his thoughts?

A Yes, sir.

Q That he was looking for you?

A Yes, sir.

Q And did he tell you why?

A He did not explain to me why.

Q Then what happened?

A Well, we talk over what was his plan, that is all; we talk many topics, and after a while I have to go, because the General had many visitors then, and I went away.

Q So you conversed on many subjects during that time?

A We took in general topics.

Q Did the General tell you why he had been looking for you?

A Well, we did not discuss that, because I was there only -- just presumed he wanted to see me, because we didn't see a long time.

Q So he was looking for you as the first person in his thoughts, for some mission, for some reason?

A That is what he told me, because you see, sir, my relation to General Ricarte is some sort of a spirit, deep, because when General Ricarte was about to starve in Japan in 1931, I was responsible to raise the public help to save him from starvation. And in 1923 when he was in Japan, in the earthquake, when he everything lost, I was also the one who invited my friends in the Philippines -- I send them telegrams and letters to make a drive to help General Ricarte. And General Ricarte never forgot those gratitudes. He was so good Catholic, Christian, that whatever good to him he would never forget it. And I think he took me as one of the Filipinos who had helped him.

Q And in this help to the General, did you raise funds for his support?

A I beg pardon?

Q Did you raise funds in the Philippines for the General's support in Japan?

A To help in his predicament.

Q Did you raise funds?

A Yes, sir; publicly, through the press, public contribution all over the country.

Q And you were the leader in the raising of funds?

A Yes, sir. I was the secretary-treasurer of the National Committee to help Ricarte in his predicament in Japan.

Q You were experienced, then, in the raising of public funds for public purposes?

A I beg pardon?

Q Were you experienced in the raising of public funds for public purposes?

A I was in business, sir; I was then in business.

Q You were? But you knew how to get the money from the public for certain purposes, is that correct?

A Not for all the purpose. I don't know what you mean, but in that purpose, at least, I knew how to do it, because I had asked the help of the press, and the press, all the press in the Philippine Islands, helped me.

Q Had you ever raised any funds before?

A No, sir.

Q Well, then when did you become the secretary to General Ricarte?

A Officially, sir, I became secretary, private secretary to General Ricarte, after the parole of the military police in Fort Santiago -- I mean, the Japanese military police.

That was in June of 1942. After that month he appointed me as a private secretary in writing.

Q Did he ask you at the first meeting, to become his secretary?

A He did not tell me so, but he asked me to help him.

Q What did you say?

A Well, of course, I do not refuse.

Q Did you accept?

A I accepted in a way.

Q What kind of a way?

A In a way I have to help him parttime, because I could not help him without -- I mean, neglecting my personal interests, as I know working with Ricarte you cannot live as you want to in those days, because he is a man of ideals, and puritan, and he does not care about materialistic.

Q You placed your personal interests above this interest that you had in the Philippine independence and in General Ricarte?

A I did not do that, sir.

Q Didn't you just say that the reason you only helped parttime was because of your own personal interests?

A Well, I did not put above my interests. I worked with him as a parttime; I help him. If I put my interests above that question, I would not accept those things even partially.

Q So that the Philippine independence movement, then, was not -- did not rank with your own personal interests, is that correct?

A I beg pardon?

CAPTAIN PACE: I object to that. The witness stated he was working on both his personal livelihood and the Philippine independence.

GENERAL REYNOLDS: Objection not sustained.

Proceed.

COLONEL CLARKE: Will you answer that?

Will you read the question?

(Question read)

A Not precisely. You cannot work on the independence if you not work also for your living. How could you work without living? So I have to dedicate also part of my time for my living, and most of the time for the cause of independence.

Q What was your business at that time?

A In the war I lost everything, sir. Before the war I was in business of import and export, and I also had a private school, vocational school.

Q Were you operating the school at this particular time that you went to see General Ricarte?

A No, sir. It was already gone by the war, the ravages of war.

Q Were you still engaged in the export and import business?

A When I met Ricarte?

Q Yes.

A No, sir.

Q Then what business did you have that you had to take care of?

A I beg pardon?

Q What business did you have that you said that you had to take care of your own personal business, rather than go with General Ricarte as his secretary?

A I had to make my living, try to sell this and this, try to make money this and that. In those days you could not fix any definite business during the Japanese, because everything was controlled by them.

Q What did you make and sell?

A Well, sometime I happened to grab a piece of real estate and sell it there and make a little profit.

Q Anything else?

A Sometime I get some jewelry, I can make a little money; I sell it and make a little profit.

Q Anything else?

A Sometime clothing.

Q What kind of clothing?

A Second-hand clothing.

Q Anything else?

A Well, those are the three items that I remember.

Q Did you have any rice?

A I beg pardon?

Q Did you sell any rice?

A No, sir.

Q Did you sell any foodstuffs?

A No, sir.

Q Were you implicated in any black marketing at that time?

A No, sir.

Q Do you know of black marketing being carried on at

that time?

A I know they carried a black market in those times.

Q So you were not in any way connected with the black market?

A I beg pardon, sir?

Q You were not connected with the black market?

A No, sir.

Q Was your son?

A Well, my son was engaged in buying and selling.

Q Buying and selling what?

A I don't know.

CAPTAIN PACE: If it please the Commission, I don't see what bearing this witness's son's occupation has on the credibility of this witness.

GENERAL REYNOLDS: Does Defense Counsel press the question as material to his cross-examination?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: You may proceed.

Q (By Colonel Clarke) Was your son arrested for black marketing?

A I beg pardon?

Q Was your son arrested for black marketing?

A Never, sir.

Q He never was arrested by the Japanese?

CAPTAIN PACE: If it please the Commission, I don't believe that an arrest or investigation affects the credibility of any person, particularly a second person and not the witness.

GENERAL REYNOLDS: It is the desire of the Commission

the Defense Counsel have wide latitude in his cross-examination. The objection is not sustained.

You may proceed.

(Question read)

A He was investigated several times by the military police.

Q (By Colonel Clarke) Was he ever placed in confinement?

A He was taken, if I remember, two times by the military police on some charges. They link him to the activities of the guerrillas, that he was giving money and giving support to the guerrillas movement.

Q What were the other arrests for?

A Beg pardon, sir?

Q Why was he arrested the second time?

A For the same charges, sir.

Q When was it?

A Well, it was -- I think in 1944.

Q Did you make any effort to have your son released from confinement?

A Yes, sir, of course.

Q In 1944?

A Yes, sir.

Q And he was in confinement?

A I beg pardon?

Q He was in confinement due to activities against the Japanese government?

A He was arrested and investigated by the military police of the Japanese army on the charge of giving aid to the guerrillas.

Q That is the only charge that he was ever arrested on?

A There are also some -- I think some linking about the revolver used by somebody who killed certain agents of the military police, and they link him that revolver that was used to kill that Japanese agent of the military police; it belonged to my son.

Q So what steps did you take to have your son released from confinement? Whom did you see?

A I see first Colonel Ota.

Q Why didn't you go to General Ricarte?

A I did not want to go first to General Ricarte until I asked Ota, because Ota was the liason to the Japanese, and I brought, of course, the matter to General Ricarte.

Q You didn't go to the General because you didn't want to bother him?

A I beg pardon?

Q You didn't go to the General because you didn't want to bother him? Is that it?

A No, sir. I wanted to go first to Ota, because that was the right step; I have to go to his secretary when it is a matter connected or related to the Japanese people, or the military Japanese people.

Q Weren't you such an intimate friend and in the confidence of the General to the extent that you could have gone to the General yourself?

A I beg pardon, sir?

(Question read)

A Yes, sir. My plan was first to go to Ota, because I wanted to rush the matter. I know that they might harm my

son and I wanted Ota to take immediate action, the same night, the same day he was arrested, and after a while I went to General Ricarte and I told him about the matter. I asked his help, and he told me to tell Ota to come to his house and he will give him personal instructions about this case of my son.

Q Would you say that the procedure was to go to Lieutenant Col. Ota first, in order to get to the General?

A No, sir, that was not my purpose. My purpose is to save time, so Ota could call the kempei tai garrison in order to advise them that was my son, they would not harm him, they would not hit him or would not do what they used to do with the other arrested people.

Q You were interested in having your son released, weren't you?

A Of course.

Q In the shortest possible time?

A Of course.

Q And you believed then that Lieutenant Colonel Ota had more influence with the Japanese Government than General Ricarte?

A No. I did not say that, sir.

Q Why didn't you go to the general first, then?

A Of course I went at the same time, because if I go first to General Ricarte he has to tell me also to go to Ota, and it would be a waste of time. So I went to Ota to save time.

Q So then you went to Mr. Ota first in order to save time?

A Yes, sir.

Q Wasn't it a fact that at that particular time you had been forbidden to go to the house of General Ricarte by the general?

A I beg your pardon, sir?

Q At that particular time hadn't you been forbidden to go to the general's house by General Ricarte?

A No, sir.

Q He never forbid you to come into his home all the time you were associated with him?

A No, sir.

Q Well, after you became the secretary of General Ricarte you stated that you learned that he was an agent of the Japanese War Minister. Is that correct?

A I didn't say he was an "agent," sir.

Q What was it?

A He was a special envoy.

Q A special employee?

A A special envoy to help in the pacification of the country and to prepare the ground for Philippine independence.

Q How did you know that he was a special employee?

A Because he read me into Spanish the papers which he carried translated by Mr. Ota, those documents.

Q And what did he read you from these documents?

A That General Ricarte was a special envoy by the Minister of War to help in the pacification of the Philippines, and to prepare the ground for Philippine independence.

Q Was that written in Japanese?

A The original was written, but it was translated by Mr. Ota into Spanish.

Q So that it was necessary for the general to have it translated into Spanish so he could understand?

A So I could understand, sir.

Q Do you speak Spanish?

A Yes, sir. I write, speak.

Q Do you read Spanish?

A Yes, sir. I was educated in Spanish.

Q So that you read the Spanish translation?

A Yes, sir. I read it and I know it.

Q And what type of paper was this document on?

A Well, it was white paper, sir.

Q Just plain white paper?

A Well, some sort of a difference than the ordinary paper.

Q How was it different?

A Pardon?

Q How was it different?

A Well, it is in a way thicker.

Q What?

A Thicker.

Q Thicker.

A The color is in a way different from the ordinary paper. It has a seal of this Japanese seal. I don't know; I cannot read it. It was a red seal.

Q A red seal?

A Yes, sir.

Q How was it different from ordinary paper?

A Well, in color and the thickness.

Q What was the color?

A It is not exactly pure white. It is not crystal white. It is not like that. It has some different color.

Q Well, what was the color?

A I cannot describe it exactly, sir, because I am not an expert in coloring and about papers.

Q So that you saw it, but you can't say the color. All right. What did you read in that document?

A Well, the document contains about the object, the purpose of the sending of General Ricarte as a special envoy of the Minister of War of Tokyo.

Q It was signed by whom?

A It was signed by Tojo.

Q It had a seal on it?

A That is the seal that was explained to me. "This

is the seal of the Minister of War."

Q And Lieutenant Colonel Ota had translated that into Spanish from Japanese?

A Yes, sir; for me.

Q Did you see him translate it?

A No, I did not see him, but I know the Spanish of Ota, I know how he speaks, how he writes; I know his mode and way of speaking and writing in Spanish; I know it was his translation..

Q But you did see the Japanese document in a Spanish translation?

A General Ricarte showed me the original in Japanese and also let me read the translation of Ota.

Q And that translation was prepared by Lieutenant Colonel Ota?

A Yes, sir.

GENERAL REYNOLDS: I wish to interrupt and declare a recess for approximately ten minutes.

(Short recess.)

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

Q (By Colonel Clarke) You went to work for General Ricarte because you were promised that the death sentence would not be executed if you did work for the general?

A That is what the implication of the parole that they made me sign, sir.

Q What do you mean, "implication"? Didn't you have a direct statement?

A That was one of the main conditions of the parole..

They made me sign I have to stick as aid to General Ricarte.

Q Why were you sentenced to death?

A I was taken by the military police at Fort Santiago on the charge of espionage and sabotage in favor of the Socialist Guerrillas of Pampango.

Q After you were taken to Fort Santiago --. Is that it?

A Fort Santiago.

Q You were taken at Fort Santiago, is that correct?

A Yes, sir.

Q Were you tried by any court of any type, military court or anything else?

A The first there, I was tried by about 14 sets of investigators of military police, and in the 22nd of June I was brought to a military court-martial presided over by Captain Koki.

Q How many members were on that court-martial?

A There were three, sir.

Q Who were the members?

A I remember Captain Koki and Captain Kikusaki, and he was, according to what they told me -- he was a lieutenant, the other fellow.

Q So that the court was composed of three members, presided over by a captain?

A Yes, sir.

Q After you had been tried and sentenced to death?

A Yes, sir. First I was tried by the military police and sentenced to death by the military police, which sentence was confirmed by the court-martial.

Q What type of court was this?

A I beg your pardon, sir?

Q What type of court did the military police use?

A The military police, they have no court. They are composed of a group of investigators, and then at the end of the six days' grilling they sentenced me -- I mean, at the end of four days' grilling they sentenced me to death.

Q They "sentenced" you, or did they recommend that you be tried and, if found guilty, sentenced to death?

A After that they just brought me to a court-martial and the sentence was confirmed.

Q Did the court-martial pass a sentence on you after you got before it?

A I beg your pardon, sir?

Q Did the court-martial pass a sentence of death after you came before the court-martial?

A When I was in front of the court-martial Captain Koki made me stand up and he pronounced the sentence of death.

Q How soon after the sentence had been confirmed was the proposition made to you that you could save your life if you were to perform some work for the Japanese?

A When I was standing before the court-martial, then those members of the court-martial, they were talking in Japanese. I did not understand. I think they were talking 15 or 20 minutes. And after that Captain Koki told me, "There is a way out. If you want to spare your life, there is a way out."

Then I asked him, "What is it, sir?"

And he told me, "Well, you have to sign a pledge pledging your cooperation to General Ricarte to the end."

Q What did you say?

A I asked him, "What kind of cooperation?" I told him, "Because if the cooperation you ask me means against my conscience and my convictions, I prefer to be executed."

Well, Captain Koki replied to me and said, "You know the mission of General Ricarte in the Philippines. He has to help in the pacification of the country, and you have to cooperate with him. You have to stick to him to the end."

After that he told me, "But don't you try to fool us. After you sign this and you try to evade and go to the mountains, because if we get you we will execute you summarily, and if we don't get you, all the members of your family will be executed without investigations."

And continuously they asked me the names, addresses of my families, my children, my brothers, my sisters, my nephews, and my nieces.

Q But before you were arrested by the Japanese you had been working part time for General Ricarte, hadn't you?

A I beg your pardon, sir?

Q But before you were arrested by the Japanese you had been working part time for General Ricarte?

A Yes, sir. Part time. I help him with part time work without any compensation at all.

Q And were you being paid at that time by the general?

A No, sir.

Q What were you doing at that time when you were working for the general? What was your position then?

A Well, the same work that I work after that, as I stated heretofore.

Q You knew then the type of work that the general was engaged in in the Philippines?

A Well, the majority of the work that he has done, of course I knew it.

Q Then when you were offered an opportunity to save your life they told you that you would have to pledge to cooperate to the end with General Ricarte?

A Yes, sir.

Q And you asked the chairman of the court-martial, "What kind of cooperation are you asking?"

A Yes, sir.

Q Was there anything to lead you to believe that General Ricarte was engaged in any type of work which would be against the Japanese and against your conscience?

A I took the precaution, perhaps, that they might force me to do something that I didn't like. For instance, if they tried to ask my help, or to be working with the military forces of Japan, I would not like to work with them.

Q Was General Ricarte doing any of those things?

A I beg your pardon, sir?

Q Was General Ricarte engaged in anything like that?

A No, sir; he was not engaged. That is why I wanted to be definite, and I wanted to be sure and positive that I wasn't going to be used as a tool for the --

Q But the pledge that you were to make was that you were to cooperate with General Ricarte and not to do anything else, wasn't it?

A No, sir. I was to cooperate with General Ricarte in the work for the Filipinos.

Q Right.

A For the Filipinos.

Q Right. And you were not to pledge to do anything other than that, were you, if you were to be released?

A That is what I had in mind. - I preferred to be executed if they forced me to work with them as a spy or as an agent.

Q Didn't they tell you that is one of the conditions of the pledge?

A They told me that I have to stick and help General Ricarte in his work of pacification.

Q What had you been doing before that, sir?

A Pardon?

Q What had you been doing for General Ricarte before that time, sir?

A Which time, sir?

Q Before they offered you the opportunity to save your life.

A Well, I was working for my living, and at the same time helping, part time, General Ricarte.

Q And you knew the type of work that General Ricarte was engaged in?

A I know not all, because I did not have the chance to do all what he wanted me to do.

Q Then he didn't take you into his complete confidence as to all the work he was doing; is that correct?

A Before my parole I believe he did not take me in full confidence yet.

Q Did he take you into his confidence at all before your parole?

A Before my parole I think he had some mental reservation about my loyalty to him and the Filipinos' resistance.

Q Mental what?

A Mental reservation.

Q Mental reservation as to your --

A As to my loyalty to American cause and Filipino underground resistance.

Q And with that mental reservation --

A That was, I believe, the mental reservation of General Ricarte to me.

Q Nevertheless he showed you a document from the Japanese Government appointing him to work for the War Minister?

A He did not show me that, sir. He showed me that at a later date. He showed me at a later date that document. He did not show me right away that document.

Q And you did not know at the time you met the general in March that he was appointed, according to your story --

A I didn't know exactly. I didn't know officially until he showed me the latest time that document.

Q So you did not see the document then, until after you had been released from confinement?

A A long time yet after my release. He did not show me immediately after my release.

Q And your statement, then, is that you didn't see it until after your release --

A I beg your pardon, sir?

Q And your statement, then, that you didn't see it until after your release from confinement, is true?

A I beg your pardon, sir.

Q Your statement that you didn't see it until after your release from confinement is true?

A I beg your pardon, sir, I didn't get your question.

Q Your statement that you did not see this document until after you were released from confinement is true?

A Yes, sir. He did not show me this document until after awhile of my being investigated at Fort Santiago.

Q You presumed that the general had mental reservations concerning your loyalty, is that correct?

A That is what I presumed he had mental reservation about my loyalty.

Q Yet you visited him five times in Japan during the years 1922 to 1930, is that correct?

A Yes, sir.

Q You had discussed the Philippine cause with him at those meetings?

A Yes, sir.

Q And when the general came to Manila you were the first man in his thoughts?

A Yes, sir.

Q To help him in his assignment?

A That's what he told me.

Q And yet he had mental reservations as to your loyalty, is that right?

A General Ricarte has a sort of Japanese trait in his way of thinking. This Japanese have -- you know, they are tricky. They never tell you the truth. Even if they treat you like a friend, they always have something in your back. That is the way that General Ricarte thought, also. Even if he showed me so much confidence at the beginning, I always saw that he has something he was always doubting, especially this important matter.

Q So you then believed he had mental reservations. Do you think that that was within the character of the general, to doubt any man whom you were looking for in the beginning, the first man?

A I did not believe in that way. Only I believe on account of his relationship with the Japanese, on account of his long years in Japan, he became more or less Japanese in custom and everything.

Q Do you think, then, that the general, when he had these mental reservations, was tricky?

A I did not say he was tricky, but I said the Japanese were tricky. He has some of that way of thinking to other people, especially on fundamental matters like these.

Q And didn't you state that due to the long time that General Ricarte spent in Japan, that he picked up the tricky traits of the Japanese?

A In a way he has some of these Japanese traits in

his way.

Q And those traits aren't honorable, are they?

A I beg your pardon, sir?

Q And those traits aren't honorable, are they?

A In our point of view they were not, but to them they were very honorable.

Q Now you have changed your opinion of General Ricarte, haven't you?

A I beg your pardon, sir?

Q You have changed your opinion of General Ricarte?

A I never change my opinion of General Ricarte.

Q Didn't you state on Saturday that you had never experienced any lie from that man, "for the long years that we have been related together"?

A Yes, sir. He never lied to me.

Q That he was honorable, and an upright man.

A I beg your pardon, sir?

Q That he was an honorable and an upright man?

A He is very honorable in the matter of personal integrity, honesty, personal convictions, and consistency. I think he is No. 1 Filipino.

Q And he can be all that even though he were imbued with the traits of the Japanese which, according to your statement, are tricky and lying?

A No, sir.

CAPTAIN PACE: If the Commission please, he is not quoting the witness correctly.

GENERAL REYNOLDS: The objection is well founded. The Commission advises counsel to rephrase the question.

COLONEL CLARKE: May we have it read back?

GENERAL REYNOLDS: The reporter will read the question back,

(The answer referred to was read by the reporter, as follows:

"A General Ricarte has a sort of Japanese trait in his way of thinking. This Japanese have -- you know, they are tricky. They never tell you the truth. Even if they treat you like a friend, they always have something in your back. That is the way that General Ricarte thought, also. Even if he showed me so much confidence at the beginning, I always saw that he has something he was always doubting, especially this important matter.")

COLONEL CLARKE: I submit that the question was in line with the answer, sir.

GENERAL REYNOLDS: The objection is not sustained.

You may proceed.

Q (By Colonel Clarke) Was it generally known between March and June that you were working for and with General Ricarte part time?

A Yes, sir.

Q Was General Ricarte held in good repute by the Japanese?

A I beg your pardon, sir?

Q Was General Ricarte held in good repute by the Japanese?

A Yes, sir. He was taken by the Japanese as No. 1

Filipino.

Q No. 1 Filipino. And you were working for and with him? You were arrested three months later for sabotage and espionage?

A Yes, sir.

Q Were you ever arrested by the military police after that time?

A I beg your pardon, sir?

Q Were you ever arrested by the military police after that time?

A I was not, sir, but I was called several times to Fort Santiago to explain some papers signed by General Ricarte about those passes, about credentials. Like, for instance, once they caught 158 credentials signed by General Ricarte in Pampango, and all of those were guerrillas, and they called me several times at Fort Santiago to explain. But General Ricarte told me -- he told me, "Whenever my name appears in a paper I sign, tell the military police or the military authorities that I assume responsibility and they should call me, not you."

Those questions several times arose, and I was the object of asking questions in Fort Santiago, and in all the military police garrisons after that.

Q So that the only time that you were called to the military police headquarters after you were released was in relation to the "passes," as you call them, that General Ricarte signed, is that correct?

A Yes, sir.

Q Were you ever called by the military police for the commission of any other offense?

A No, sir.

Q Were you ever called by the military police in relation to some offense which embodied a woman?

CAPTAIN PACE: I object to this question. Arrest does not go to the credibility of a witness. Counsel is basing all of these hundreds of questions upon information and belief. If it were a mere fishing expedition it would be all right; but these countless questions on these matters stated by an eminent officer give credence to the questions and to the idea even though the witness denies it. And I do request that counsel refrain from asking such questions unless they are based on information.

GENERAL REYNOLDS: Does counsel consider that question material to your cross examination?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: You may proceed.

COLONEL CLARKE: What was that last question?

(Question read)

A Exactly a woman; no, sir.

Q (By Colonel Clarke) Were you ever called by the military police for the commission of any offense or alleged commission of any other offense?

A When they investigated me about espionage and sabotage they mix certain matters, that I had certain affairs with woman, because the Japanese have that custom. When they investigated they investigated everything about your private life, where you were born and everything in your life.

Q That investigation was at the time you were charged with espionage?

A Yes, sir.

Q In June, 1943?

A Yes, sir. They mix in that --

Q 1942.

A They mix that in that question of espionage and sabotage.

Q From that time on after your release you never were investigated by the military police again for any offense or alleged offense?

A I was investigated but I was not held. Several times I was investigated on account of these papers that General Ricarte was issuing.

Q Were the military police then investigating your actions and General Ricarte's actions?

A They asked me questions about papers signed by General Ricarte in several instances, because some of those papers -- or the holders of those papers found out by the military police that they were guerrillas.

Q They were what?

A Members of the guerrillas activities.

Q So that the military police then doubted the papers signed by General Ricarte? .

A They did not question me about General Ricarte. They were imputing to me the blame because they told me I was responsible because General Ricarte did not know those people personally as certified by General Ricarte.

Q Then they did not believe that you were carrying out the work for which you were released from confinement?

A Yes, sir. They believed that I was sabotaging General Ricarte.

Q And you, whose loyalty was doubted by the military police, --

A Pardon, sir?

Q You, whose loyalty was doubted by the military police, --

A Of course.

Q -- received a commutation or, rather, I suppose a pardon of that life sentence to go to work for General Ricarte?

A Yes, sir. That was one of the -- That was the main condition of my parole. But all the time I was under surveillance. They were watching me. In fact, they told

me when I moved from one place to another -- They told me if I have to move from one place to another I had to report to Fort Santiago.

GENERAL REYNOLDS: There was one answer made while the plane was overhead. The Commission could not hear. Will you read back the question during that period?

(Questions and answers read)

GENERAL REYNOLDS: You may proceed.

Q (By Colonel Clarke) When you were questioned and quizzed as to the safe-conduct passes which had been issued by General Ricarte -- Is that correct?

A I beg your pardon, sir.

Q You were questioned and quizzed by the military police concerning the safe-conduct passes signed by General Ricarte?

A Yes, sir.

Q "No. 1 Filipino"?

A Yes, sir.

Q The man who came from Japan by direction of Tojo and the man who was the god of the Japanese, his loyalty was doubted by the military police?

A They never doubted General Ricarte but they doubted me, because they presumed that all those credentials, all the papers were my work and only I made Ricarte sign blindly. That is what they pursue.

Q Oh. You had General Ricarte sign a paper without reading it; is that it?

A I beg your pardon, sir?

Q You had the General sign the safe-conduct passes without reading them?

A Many of them. He had confidence in me and that is why many of those papers, sometimes he just signed them when I presented them.

Q But the military police didn't have confidence in you; is that correct?

A They have no confidence in me, of course.

Q But you received your life from the Japanese? They took you to General Ricarte to work with General Ricarte, yet they doubted you; is that correct? They had no confidence in you at all?

A I beg your pardon, sir?

Q The Japanese had no confidence in you at all?

A They had no confidence in me at all. That is why I was under continuous surveillance.

Q Now we will come back to some of these statements that General Ricarte made to you. Was it shown in these "papers", as you call them, that there was an understanding between General Ricarte and Premier Tojo that as soon as the Philippine independence was established he was to be the head of the state?

A That's why General Ricarte told me that as soon as the Philippine independence is established he was to be the head of the state.

Q What do you mean by "the head of the state"?

A The first man in the government.

Q The President?

A Something like that. Dictator or President or whatever it is.

Q Dictator?

A I think that was the original plan that they had agreed.

Q Who had?

A According to General Ricarte's revelation to me that he was asked before he left Tokyo in a banquet Tojo offered him -- he was asked what kind of government he was going to form in the Philippine Islands, and General Ricarte revealed before him that he was thinking to establish here a dictatorial form of government.

Q What kind?

A A dictatorial form of government.

Q He was identified with the independence of the Philippines --

A Yes, sir.

Q -- and democracy under an independent government, was he not?

A Independent government but a form of dictatorial government.

Q When the Philippine independence was established what happened to that promise of Premier Tojo?

A They used him to accept the presidency of the Philippine Republic, but General Ricarte revealed to me that he was not inclined to accept because the Japanese, he said, they were doublecrossing him.

Q Yet --

A He declined and he recommended Laurel instead.

Q Yet his agreement with the Premier of Japan when he came here was that something that he wanted, was to be the head of the Philippine independent government as a dictator?

A Yes, sir.

Q And he refused it when it was offered to him?

A Yes, sir. That was the original plan, but when he came here he found out what kind of independence the Japanese are giving. He thought it was not independence at all and he thought it was a double-cross. That is why he declined. "Under the circumstances I will not accept the position", he said.

Q And independence under a dictator would be different than that under the Japanese?

A Pardon?

Q And his idea was that as a dictator there would be more independence under the dictator than under the Japanese?

A The dictatorial form of government he want, it would be under the independent government of the Philippines but without the dictations of the Japanese.

Q But with the dictation of Ricarte?

A I beg your pardon?

Q But with Ricarte as a dictator not controlled by the Japanese?

A Yes, sir. That was the original plan in the mind of Ricarte.

Q Ricarte refused to swear allegiance to the United States throughout the period of 1903 on, didn't he?

A From the time of the revolution.

Q Always having in mind that some day he could head the Philippine government?

A He never told me that.

Q Oh, he didn't tell you that. And when he had an

opportunity to head the Philippine government he turned it down?

A Turned it down because it was against the form of government he was planning in his own way. He found out that this independent government given by the Japanese was not independence at all. It was what you call a "puppet".

Q What was the date of the Philippine independent government?

A I beg your pardon, sir?

Q What was the date of the organization of the Philippine independent government?

A In October 14, 1943.

Q General Ricarte having been offered the position as head of the state as dictator refused to accept because of what?

A Because the government they were offering, it was not in conformity with the government he had in mind in his ideas. He believed that this independence given by the Japanese was not independence at all, as he saw the rulings of the administration here during the Japanese occupation.

Q So then the independence was foreign to his ideas of what the independence should be?

A His idea was it should be a complete and absolute independence.

Q And he did not believe that the Japanese would give them that?

A He did not believe on account of the facts he had seen here during the Japanese occupation. It was not

independence at all.

Q And how did he know that on the 14th of October, 1943?

A Well, he know from the experience, because he was a member of the council of the state and the executive commission under Vargas. He know about the doings of the government and he know that everything done there must be dictated by the Japanese people and Japanese administration.

Q And yet he continued to work for the Japanese government after he was convinced that the Japanese government would not give independence to the Philippines in which he was interested?

A He tried at the last moment to change their ideas. That's why the motive of his continuance. That's why when he left on December, 1944 when I asked him "General", I said, "are you going to Tokyo?" he answer me "No", he said. "Now that I fail to my people because this man Yamashita refuse to cancel that general order of massacre and destruction of the Philippine -- now that I fail", he said, "to my duty to my country, at least I'm going to die here. I am going to share the fate of my people. I cannot do anything any more to the Japanese because it is too late and I cannot do nothing because I am a virtual prisoner of them".

That is what he confided to me when he went to Baguio.

Q When was that?

A He said "I am not going to Tokyo".

Q When was that?

A In 1944.

Q When did General Ricarte leave Manila for the last

time?

A It was in December, 1944.

Q What was his mission?

A He told me he was going to Baguio.

Q For what purpose?

A He said that he was going to be there because the High Command wanted him to be there.

Q Was he going up there to make any speeches as he had made before?

A He did not tell me offhand.

Q But he was going up with the Japanese High Command, as you say?

A That's what I said.

Q Working the same as he had been working before after he had learned of this so-called "general massacre order"?

A He did not tell me anything about the work that he was going to do.

Q What reason did General Ricarte give for agreeing to accept the head of the state at the time the Philippine independence was established? What reason did he give you that he had agreed with Tojo that he would take it?

A I did not get you, sir.

Q What was the reason for saying that he would take the head of the state back in 1941 if Philippine independence was established?

A He thought that he could establish a government of his ideals.

Q He had discussed those ideals at the time he agreed to come down here on that work; is that correct?

A I believe in the brief banquet they gave him he could not have the time to discuss the details. They discussed only the general form.

Q But he did not come down with the idea that at the time of the Philippine independence he could and would establish a dictatorship under him according to his ideals?

A Yes, sir.

Q And the Japanese had changed the type and form of that dictatorship?

A I think that's what his conviction. That's why he refused later to accept any position, official position in the Philippine government offered by the Japanese government authorities.

Q Do you know whether or not he had been told in the beginning by Tojo that he would be free of any Japanese control if and when he became the head of the state?

THE WITNESS: I beg your pardon, sir?

COLONEL CLARKE: Will you read it?

(Pending question read)

A At least that was the tendency of the revelation of General Ricarte or the understanding that he had with Tojo. That is what he mean when he explained to me that he had a sort of understanding with Tojo.

Q So he learned then later on that Tojo did not keep his word?

A I beg your pardon?

Q He learned later on that Tojo was not keeping his word in the form of government which should be established, that Tojo and the Japanese were double-crossing him?

A Yes, sir.

Q And he continued to work for and in the interest of the double-crossers?

A He could not do otherwise, sir. He was virtual prisoner of the Japanese.

Q In answer to the last question, you stated that after October 14, 1943, General Ricarte was a prisoner of the Japanese, did you?

A He was a virtual prisoner, not the same as prisoner -- but virtual prisoner; he was under them. He could not do anything but to do what they wanted him to.

Q Now, you stated on Saturday that General Ricarte was responsible, indirectly, to the Japanese Imperial Forces High Command in the Philippines, is that correct?

A Yes, sir.

Q Who was the Philippine High Commander in the Philippine Islands?

A Well, there were several from the beginning of the occupation. The last one was General Yamashita.

Q Who were the various High Commanders, chronologically?

A The first, as far as I know, was General Homma, General Kanaka, and after that General Kuroda, and General Yamashita.

Q General Yamashita came here at what time?

A The last time he came here, as far as I remember, was in October, before the landing of the American forces on Leyte in late 1944.

Q And he came here as the Japanese High Commander in the Philippines on that date, is that correct?

A I beg pardon, sir?

Q And when he came, he came in as the Japanese High Command?

A He was the highest commander, as far as General Ricarte told me; he was the highest commander of the Imperial Japanese armed forces in the Philippine Islands, and that includes everything.

Q And you are sure of that?

A That is what General Ricarte told me.

Q But General Ricarte knew what he was talking about, never told lies, and therefore that was the truth when he told you that, was it?

A He told me -- I believe what he told me.

Q He believed what he told you?

A As far as I was concerned, I don't doubt the word of Ricarte when he told me that Yamashita was the highest commander of all the Imperial Japanese armed forces in the Philippine Islands, including everything, that is, navy, air and army.

Q And General Ricarte told you that?

A Yes, sir.

Q And General Ricarte was in a position to know everything about the Japanese setup in the Philippines?

A As I understood, he was taken in confidence by the highest commander here.

Q So therefore he knew whether or not General Yamashita was the highest commander of the Japanese forces in the Philippines, including the navy and air force and other unattached troops?

A Yes, I think that is what he mean.

Q Did you ever hear or did General Ricarte ever tell you or mention a supreme southern command in Luzon?

A No, sir, he told me that there was a supreme high commander in the southern region; they call it the southern region, that belongs -- all the Asiatic region in Asia. That was, he said, Count Terauchi.

Q Was that command functioning in the Philippines?

A I think the division of Yamashita was under the strict supervision of that command.

Q You think now that he was under somebody else, he wasn't the high command?

A He was the highest commander here, but in the southern region, Terauchi was the highest commander, sir, according to General Ricarte, sir.

Q Do you know whether Count Terauchi was ever in Manila?

A He has been here sometime.

Q Do you know where he lived when he was here?

A He lived in the house of Quezon before Yamashita arrived.

Q Before Yamashita what?

A Before Yamashita arrived in the Philippines, arrived in the Philippines the last time in 1944.

Q Did he live there after Yamashita came to the Philippines?

A I don't believe so, because I think, according to General Ricarte's revelation in our conversation, when Yamashita came here Terauchi was no more in the Philippine

Islands.

Q You don't know whether he was here after Yamashita came?

A I cannot be sure, but only I depend on the revelation or information given to me by General Ricarte, because he was the only man. Very few Filipinos who knows the movement of the high command --

Q That information --

CAPTAIN PACE: Pardon me, Colonel; you are interrupting the witness.

COLONEL CLARKE: I am sorry.

Q (By Colonel Clarke) That information was that General Yamashita was the highest commander in the Philippines?

A Yes, sir.

Q Now, you have testified on Saturday, in answer to a question by Captain Pace, that your testimony was based upon orders and records that you saw in the possession of General Ricarte, which purported to be official documents?

CAPTAIN PACE: What page is that, sir?

COLONEL CLARKE: 919.

A I testified about the mission of General Ricarte here, based on those documents that he showed me.

Q So that was the only testimony that you have given, which is based on documents and orders that you saw; it was on his mission?

A It was his mission, his appointment by the Minister of War.

GENERAL REYNOLDS: The Commission interrupts. It will

take a brief recess, and ask that during the recess the Counsel consider how much further cross-examination is probable. The Commission feels that it is liberal in permitting the Defense to cross-examine the witness and is willing to permit additional cross-examination; however, there is some limit to the time we can grant for this purpose. So in the period of the recess, please go over carefully what essential parts are still uncovered, so we may economize on our time.

We will be in recess for at least five minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. Counsel may proceed.

Q (By Colonel Clarke) Now, you stated in your testimony before that General Ricarte had several meetings with General Yamashita?

A Yes, sir.

Q How many meetings?

A The latest meeting -- as far as I recall, four times.

Q Four times. When and where was the first meeting?

A The first time and the second time, in accordance with the revelation told to me by General Ricarte, was in the house of Quezon.

Q The house of whom?

A The house of President Quezon, in Pasay.

Q When was the first meeting?

A It was four or five days after the arrival of Yamashita in the Philippines, in October, 1944.

Q General Yamashita arrived on what date?

A Well, I don't know exactly the date, sir, but I think he arrived here before the landing of the American forces in Leyte in 1944, in October.

Q The early or the latter part of October?

A It was in the early part, I think, sir.

Q So that the first meeting, then, was sometime in the first two weeks of October, 1944?

A Between that, more or less.

Q Now, who was at that meeting?

A Beg pardon, sir?

Q Who was present at that meeting, besides General Yamashita and General Ricarte?

A General Ricarte told me that he was with Ota and General Yamashita, and I don't know who were the other Japanese.

Q At what time of the day was the meeting held?

A General Ricarte left his house before 10 o'clock in the morning of that first day he went to Yamashita.

Q Left before 10?

A Before 10 in the morning.

Q What time was the meeting?

A Well, it is presumably about 10 o'clock. He --

Q What time was it over?

A Beg pardon?

Q What time was the meeting over?

A General Ricarte came back to his house in the afternoon, after that.

Q So presumably the meeting lasted from 10 o'clock until the afternoon, is that correct?

A No, not 10:00 o'clock in the afternoon.

Q Until the afternoon?

A Until the afternoon, after he came back.

Q Didn't the General tell you what time he was to meet with General Yamashita?

A He told me always, he said 10:00 o'clock in the morning he have to go there.

Q And did he tell you what time the meeting broke up?

A Well, I didn't ask him that question any more, after it was -- (pause).

Q Now, under what circumstances did General Ricarte go to meet General Yamashita for the first time?

A Well, I stated in my statement on Saturday, it was for the purpose of discussing a certain general order, and also giving his respect to General Yamashita.

Q Discussing what?

A Certain general order issued by General Yamashita about the destruction and the massacre of the Philippine Islands.

Q And to pay his respects to General Yamashita?

A Yes, sir.

Q Who told you that it was to discuss this general order?

A I beg pardon, sir?

Q Who told you that the purpose of the meeting was to discuss the general order?

A That was General Ricarte.

Q Did the General go on his own initiative, or was he sent for by General Yamashita?

A He was sent through Colonel Ota to go to the place of

General Yamashita, to discuss this matter.

Q And General Ricarte, then, was directed by Colonel Ota to report to General Yamashita?

A He was not directed, sir; he was requested.

Q Requested?

A Yes, sir.

Q To report to General Yamashita?

A To go to General Yamashita because General Yamashita has to see him.

Q And the purpose that he was called to see General Yamashita was to pay his respects and to --

A Discuss --

Q (Continuing) -- to discuss a general order?

A Yes, sir; that is what he told me.

Q What general order? You are talking about the general order before he went there?

A This general order of Yamashita of the destruction of the Philippine Islands and massacre the civilian population of the Philippines.

Q And who told General Ricarte about that order?

A Beg pardon, sir?

Q Who told General Ricarte about that order?

A I believe he had it from Colonel Ota.

Q You mean you believe that Colonel Ota told the General that there had been an order issued?

A Yes, that is it.

Q When?

A I cannot tell you the date, but I think as soon as Yamashita came up here. That is why I think he was sent

here, as Yamashita was considered the iron-hand man of Japan, and they consider him the most ruthless general for his cruelty and sanguinary action in Singapore, as the orderer of the massacre in Singapore; they sent him here to crush the Philippine resistance movement and to finish the Filipinos whom they believed had betrayed Japan in this war.

Q And that was General Yamashita's reputation in Japan; is that correct?

A That is according to General Ricarte.

Q Now, when did Colonel Ota tell General Ricarte about this order?

A I do not know the date when he told it.

Q Was it one or two days after General Yamashita arrived, or was it three or four days, or five days?

A I cannot fix you the date, sir. I am afraid it is very hard to fix, but it is previous to the visit of General Ricarte to Yamashita.

Q So it is previous to the fifth day after the General came here?

A Yes, sir.

Q Now, when did you first learn of the existence of this order?

A Beg pardon?

Q When did you first learn of the existence of this order?

A At the eve of the first visit of General Ricarte to Yamashita in October, 1944, when he told me, he said, "Lapus, Yamashita is here. I am afraid," he said, "something terrible will happen to the country."

I asked him, "Why, General?"

"You know," he said, "this man is very cruel. He is sanguinary. He is a very hard man, and I am afraid he is going to repeat the history of Singapore in the Philippine Islands."

Q Now, when was this second meeting?

A I beg pardon, sir?

COLONEL CLARKE: Strike that last question, if you will, please.

Q (By Colonel Clarke) Who was present at the time General Ricarte told you what had happened at the meeting with General Yamashita?

A We were only two, in his private room upstairs.

Q Nobody else present?

A Nobody.

Q This order, you stated, was to the effect that all the people would be wiped out in Manila; is that correct?

A I beg pardon?

Q The order directed all of the Filipinos to be wiped out, those in Manila?

A Yes, sir. That was presumably the contents of the general order of massacre and destruction of the Philippines.

Q When was this carried out?

A As soon as the Americans come, if they notice some movement in a certain spot, any action of hostility of the Filipinos, or some sign to the American landing forces, they will be massacred in those places, destruction.

Q Where?

A In any spot where the Americans land, particularly

Manila. Manila was particularly mentioned to be destroyed totally, if possible.

Q So that in every spot in which the Americans had control, the Filipinos then were to be massacred by the Japanese soldiers?

A That is as far as the order, as far as General Ricarte told it to me.

Q Where was the second meeting, and at what time did it take place?

A Well, the second meeting, sir, was ten days after the date of the first meeting, and according to Ricarte it was also done in the same place where was had the first meeting.

Q Who was present at that meeting?

A Also Ricarte, Yamashita and Ota, and he did not tell me who were the others.

Q Did you know that Ota was there?

A Always.

Q Why?

A He had to be; the aide-de-camp, official secretary and liaison and interpreter of Ricarte.

Q Now, you are sure that Colonel Ota is or was a colonel in the Japanese army?

A General Ricarte told me he was given the military rank of lieutenant colonel to give dignity to his position as secretary and aide-de-camp to Ricarte.

Q Did he wear a uniform?

A Sometimes.

Q The uniform of the Japanese army officer?

A Yes, sir. Sometimes I have seen him, when they went

to Japan in 1943.

Q Now, what transpired at the second meeting between General Yamashita and General Ricarte, as told to you by General Ricarte when he returned?

A He told me that one of the topics they discussed -- because on the first meeting, when I learn about that order, I requested General Ricarte to do his utmost, in the name of humanity, to stop or do his best, if possible, to cancel that order, through supplication to General Yamashita. And he told me that they discussed that matter and Yamashita did not want to change it, and that Yamashita showed him that the Filipinos wanted the Americans to come here in the Philippines.

"Well," he said, "they will not see them anymore." And I asked General Ricarte, "What is the meaning?" He said, "They are going to be wiped out, so the Americans will come here without Filipinos."

Q Now, what other topics did they discuss?

A I did not ask the other topics, because I was not interested, sir; I was only interested in that general order because it affects the lives of my people and my country.

Q You knew everything concerning General Ricarte's activities; General Ricarte regarded you as a confidante, and he came back and told you everything that had happened?

A As far as to several important matters he confided to me. I think I was one of those very, very few people, sir, if not the only one, he confided in big matters, secret matters of state, that he never confided even to his wife.

Q What do you think they discussed then?

A Beg pardon?

Q What do you think they discussed at the second meeting?

A Well, one of the topics was the general order.

Q That is right; now, what else?

A I don't know more.

Q Do you know whether General Ricarte had other business with General Yamashita, other than these orders?

A He did not tell me nothing about other business, sir.

Q He just told you about the orders?

A Beg pardon?

Q He just told you about the order?

A Yes, sir. In the second meeting -- I beg your pardon, sir --

Q All right.

A I think General Ricarte told me also that they discussed the plans of the retreat of the Japanese forces to the mountains of Montalban, Bosoboso, San Mateo, Antipolo, to put there all the soldiers from Batangas, Cavite, Laguna, Manila, and to put all their heavy cannons in these mountains and reserves of airplanes, and let the Americans come in Manila; they put some little force here, serving as a snare for the Americans; as soon as they come here, they will make a general movement (demonstrating), a scissor movement and crush the Americans here, and they are going to make a blanket bombing of Manila, and if they succeeded in coming and wiping out the American forces they would come back to Manila and they will wipe out the whole Manila, including the whole population, without leaving a single person.

Q According to this order, that you state General Ricarte said General Yamashita issued, did you state that that order directed that the people of Manila should be wiped out after the American forces came?

A I beg pardon, sir?

Q Didn't the order direct that the Filipinos would be wiped out after American forces arrived in that particular area?

A Yes, sir, in that particular precisely Manila; after they have beaten the American forces, if they succeeded in beating them, they will come to Manila and finish the Filipinos, because they considered them as guerrillas, enemies; that is the phrases Ricarte told me that Yamashita told Ricarte.

Q Then according to that statement, it was not to be before the Americans came that the Filipinos were to be massacred, but was to be after the Japanese had retaken the territory?

A No, in certain -- in general ways, sir, the order was as soon as the Americans come, but in Manila they were trying to avenge their grudge against the Filipinos, particularly the population of Manila; they take them as one hundred per cent guerrillas, or directly or indirectly of the guerrillas, to the Japanese, all the population of Manila; that is, of the City of Manila, to finish the whole population of Manila, destroy the whole city.

Q This plan, then, changed the order which had previously been referred to in that respect, is that correct?

A Beg pardon?

Q This plan that you talk about now made a change in the direction contained in the order which you spoke about a while ago?

A No, there is no change, sir. It is a part of the general order, it is correlated with the general order, only it speaks a little bit with emphasis on the particular matter in Manila.

Q You mean it was a part of the general order?

A It was part of the general order.

Q But you didn't remember it as well as you remembered the general order a few minutes ago, did you?

A The general order was to the massacre of the population and destruction of the Philippine Islands.

Q When?

A That was the first order.

Q When was the massacre to take place?

A I beg pardon?

Q When was the massacre to take place?

A Well, that order has to take place as soon as the Americans landed in the Philippines, any spot where they land there is an order if they notice any movement or hostile movement or any sign of movement, or an American flag is displayed, the order is to wipe out the population of that spot or place or town, city, or province.

Q Now, can you tell me why General Yamashita told all this to General Ricarte?

A I beg pardon, sir?

Q Can you tell me why General Yamashita would call in General Ricarte and tell him all these things?

A Because General Ricarte was bringing up to him that question, and besides, General Ricarte is the only Filipino in whom they have confidence, the Japanese, including the highest officers in the Japanese government, because they believe he is the only true friend they have in the Philippine Islands, on account of his non-surrender, non-recognition of American sovereignty and the American flag. They only believed he is the only sincere friend they have. That is why they took him in confidence, all the highest officers of the Empire; they were friends of General Ricarte -- even Toyama, the man behind the throne of Japan, was a very good friend of Ricarte's.

Q So the information was given, then, between friends; as a good friend of the Japanese, of Yamashita, therefore he was given the information rather than any other person in the Philippines?

A In a way, in an official way, because Yamashita knows the rule of Ricarte here in the Philippine Islands, and he knows that Ricarte -- they take him as number one Filipino.

Q Did he then, having called Ricarte to his residence -- did he want Ricarte to help him in carrying out the general order?

A Beg pardon?

Q Did he want to get Ricarte's help in carrying out this general order?

A No, Ricarte never told me that. On the contrary, I think Yamashita wanted to make some point on Ricarte of his failure of making the Filipinos to swear in favor of Japan; I think that was the object of Yamashita telling him

this, to make suffer more Ricarte.

Q Now, when was this third meeting?

A Beg pardon?

Q When was the third meeting?

A Well, it was about the middle of November, 1944, if I am not mistaken.

Q Where was that meeting held?

A Well, they set in the general headquarters of Yamashita.

Q Where was that?

A You see, these Japanese, you can never learn where they have an office. Yamashita comes here and nobody knows but Ricarte and Laurel, no Filipinos know that; you can never tell, sometimes where his office was. In fact, in those days it was probably among very few circles in the Filipinos that they say the headquarters of Yamashita was the Agricultural Building. The other says it was in Manila Hotel, at the penthouse, Yamashita, the others said it was some place outside of Manila. They are very secretive, these people. They never --

Q But the meeting was held at General Yamashita's headquarters?

A That is what Ricarte told me.

Q You don't know where that was?

A I don't know.

Q General Ricarte didn't know where it was, or he would have told you?

A He knew it, but I did not ask him where.

Q You asked the general questions, then, instead of him coming back and telling you the things that happened?

A I did not think that -- because I was interested in that general order, I could not state why, only because it affects the life of my people and my country.

Q Who was present at this meeting?

A I never asked him about the others, but Ota and Yamashita and Ricarte, and, I think, some of his assistants.

Q Whose assistants?

A I don't know. Ricarte never told me.

Q Whose assistants? General Yamashita's assistants?

A General Yamashita's assistants.

Q Now, General Ricarte went to the meeting and came back and told you what happened, is that correct?

A Yes, sir.

Q What happened?

A Well, I asked him what was the main point of discussion. He told me one of the points was discussed about the moving of the staff of Yamashita to Baguio, and also the invitation of Ricarte to move to Baguio, and also he revealed to him the transfer of the Cabinet

of Laurel to Baguio; and I asked him, I said, "Did you not relate to General Yamashita about that order?"

"Aw," he said, "Yamashita is a hard man. I could not convince him, and he told me that the order is there and he would not change it, and I tried to appeal to him, even I appealed to his sentiment; I appealed to his heart, but this man has no heart, has no soul," he said.

Q After the meeting, General Ricarte came back and told you about the discussion of the movement to Baguio, an invitation for him to go to Baguio, a transfer of the Laurel government; he never mentioned the order or the effect of the order until you asked him about the order?

A Yes, sir, I asked him.

Q He had forgotten all about the order at the time he got back to you?

A I beg pardon?

Q He had forgotten all about the order until you recalled it to his mind?

A Perhaps he did not recall right away, until I called his attention about that.

Q That is right; you had to call his attention to it?

A I beg pardon?

Q You had to call his attention to it before he mentioned it?

A Precisely, I was interested in that subject.

Q Who was present when General Ricarte told you about this meeting?

A He never talk about this matter with other people. He always confide to me secretly in his house, because

General Ricarte never discuss important matters in the presence of other people, particularly when he wanted to convey to me certain matters of state of importance, like this.

Q So that on any of these meetings, or on any important subject, you were the confidante of General Ricarte; he talked to you alone, he talked to you in private and told you these things?

A Yes, sir, because he told me they are military secrets.

Q They are what?

A Military secrets.

Q And then there was nobody present, so that -- did you ever see any or hear any of these things at the meetings yourself? Were you there?

A I beg pardon?

Q Were you at any of the meetings?

A I never been brought to the Japanese confidence, because Ota has control in that matter.

Q Oh, your testimony is based upon what a dead man told you in private, with nobody else around to hear what was said?

A He told me that, he was not dead yet; he was alive.

Q Where was this fourth meeting?

A Beg pardon?

Q Where was the fourth meeting?

A It was in the house of Quezon, according to Ricarte's revelation.

Q When?

A It was five or four days after the arrival of Yamashita in the Philippines in October, 1944.

Q Is that the fourth meeting?

A That was the first.

Q No, the fourth?

A Oh, the fourth, you mean? The fourth was in December, 1944.

Q Where?

A I did not ask where.

Q What happened at that -- who was present at that meeting?

A As far as I know, as far as Ricarte told me, there were only Ota and some of the assistants of Yamashita, and Yamashita. They discussed routinary matters about the transfer to Baguio, about the invitation of the High Command -- or the persuasion of the High Command to Ricarte to move to Japan or Tokyo, and Ricarte refused to go to Japan, and he told him, as he failed in his efforts to cancel, to make Yamashita cancel and stop that order, at least he was going to have that privilege to share with his people, to die here in this country. He wanted to die here; that is why he did not want to move to Japan, despite the offer of everything, airplane transportation and facilities to send him to Japan; he refused to go.

Q So that this meeting was held sometime in December, concerning the movement to Baguio?

A Yes, sir; and also a discussion about the meeting -- the transfer of Laurel's Cabinet.

Q Did General Ricarte have any other meeting with

General Yamashita than those four?

A As far as I know after that, I could not tell you, because Ricarte left for Baguio on the 31st of December.

Q General Ricarte would tell you of every meeting he had had with General Yamashita, or intended to have?

A I asked him several times; I was interested all the time on that general order. I could not sleep sometimes; sometimes I feel like depressed, you know. In fact, I told him several times with tears, I said, "Why don't you do everything, General?" Even to Ota, the secretary, when Ota told me in Samanillo Building, he said, "Lapus, you, the Filipinos, are traitors to Japan." I told him, "Why?" "You know," he said, "the High Command has order, a general order, to finish the Filipinos, to destroy Manila, to kill the people of Manila," because the High Command said this, he said, "The Filipinos want the Americans to come back to the Philippines. Well, they will not see them, because Yamashita," according to Ota's corroboration of the declaration of Ricarte, he shoot that order all over the Philippines to all the commanders of the military posts, to wipe out the Filipinos, destroy the properties, particularly Manila. When I asked him, I said, "This is a crime Ota. Why don't you do your best," I said. I said, "This is a crime against humanity. You are going to have condemnation," I said, "by history on that."

He said, "Lapus, for that your neck is going to be cut. You know," he said, you are under parole from Fort Santiago. I can send you right away to Fort Santiago and have you executed." I told him, I don't

care for my life. I don't care," I said, "as long as you can stop that order, as long as you can do your best to stop that order, because what is one life?" I said, "You told me, 'Lapus, life is nothing; duty is everything.' I have the same conception in that matter, and my life is only one. If you could save the millions of lives," I said, "gladly I will offer my life, and even ten times. I don't care," I said, "for Fort Santiago." I even defied him. I said, "Why don't you bring me to Fort Santiago?" He said, "I am not going to do that, because your life is very important to General Ricarte."

COLONEL CLARKE: May we have the answer read?

(Answer read.)

COLONEL CLARKE: We move that the answer be stricken, sir, as not responsive to the question asked the witness.

GENERAL REYNOLDS: Not sustained.

COLONEL CLARKE: In addition, sir, it is new hearsay brought in to corroborate old hearsay.

GENERAL REYNOLDS: Not sustained.

The Commission will now interrupt and state that cross examination is now well in its third hour, and asks Counsel to explain to the Commission specifically what additional information is sought from the witness.

COLONEL CLARKE: We wish to get from the witness, sir, additional information as to certain statements which he had already made, to show whether or not, by the statements already made, he can bring into this picture certain persons who were present or supposed to be present at these times; to show whether his statements as made Saturday

are the truth or not, to attack the credibility of the witness, sir.

GENERAL REYNOLDS: But you have no specific points in mind to develop?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: He has stated over and over again whom he believes has attended these meetings.

COLONEL CLARKE: Sir?

GENERAL REYNOLDS: I say, the witness has stated over and over again in the case of each meeting, whom he believes attended the meetings.

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: Would anything be gained by asking the witness such questions again?

COLONEL CLARKE: Not on these particular meetings, no, sir. I want to know if he knows about any other meetings.

GENERAL REYNOLDS: The Commission will continue to be tolerant, but we do feel that this has gone on about long enough.

Proceed.

Q (By Colonel Clarke) Do you know whether or not General Yamashita and General Ricarte met at Malacanan back in October, 1944?

A What, sir?

Q Did General Yamashita and General Ricarte meet at Malacanan, at a dinner, a Laurel reception, back about the 20th or 22nd of November, 1944?

A Met at --?

Q At Malacanan.

A I don't recall that, sir.

Q What?

A I don't recall that, sir.

Q Do you know whether or not there was a meeting between General Yamashita and General Ricarte in December of 1944, at Fort McKinley?

A I remember that last meeting they had, before General Ricarte went to Baguio; it was in December, 1944.

Q So you have told us, then, about all the meetings that you know about; these four meetings; is that correct?

A Yes, sir, because I was interested in those four meetings.

Q And there could not have been any other meeting that you would not have known about, in your capacity as a confidential secretary of General Ricarte?

A In all those things I was interested; I was interested particularly in this order, sir. That is why I was very much anxious to know what happened at those meetings.

Q How intimately did you know Lieutenant Ota?

A I beg pardon?

Q How intimately did you know Lieutenant Colonel Ota?

A Very intimately, sir, on account of we are in the same service. He is official secretary of General Ricarte, Aide-de-camp and liaison, and I, as the Filipino private secretary in Filipino affairs. Of course, we have to have team work in all those works that Ricarte distribute among us, and we talk almost every day.

Q When did you first meet Mr. Ota?

A Beg pardon?

Q When did you first meet Lieutenant Colonel Ota?

A I met him first in 1942, in the house of General Ricarte.

Q Where?

A In 1942, in the house of General Ricarte.

Q And where was that house?

A The first house of General Ricarte was at the corner of Park Avenue and Loreta Street, Pasay.

Q Did you ever meet Lieutenant Colonel Ota before that time at the Bayview Hotel?

A I did not, sir.

Q You never met him at the Bayview Hotel?

A I never met him before that.

Q When you first met the Colonel, what was the conversation had between you and him?

A In the first meeting we had -- you know, the Japanese, they never talk much, particularly if they do not know you yet. That is the nature of the -- General Ricarte introduced me, he did not talk much, just, "How do you do;" that is all.

Q Did you request Colonel Ota to make any intercession on your behalf with General Ricarte, the first time you met Ota, regarding this movement of the General's, of General Ricarte?

A I did not get exactly the point, sir.

Q Did you make any overture to Lieutenant Colonel Ota, at the time you first met him, in which you requested him to use his good offices in having General Ricarte

placed?

A We did not discuss anything about that, sir.

Q Did you ever accompany General Ricarte on any of the tours that he made, speaking for the movement for the independence of the Philippines?

A I beg pardon?

Q Did you ever accompany General Ricarte on any of these speaking tours, when he went to Baguio and various places?

A During the Japanese occupation I did not go to him on his speaking tour. He was always accompanied by Ota and some military elements. The Japanese never trusted any Filipino for Ricarte; they kept him as a treasure, they don't want him to be mixed in all the Philippines.

COLONEL CLARKE: We ask that that be stricken as a prejudicial comment, not responsive to the question.

GENERAL REYNOLDS: Not sustained.

Q (By Colonel Clarke) Do you know the patriotic movement of the Makapili?

A I have no knowledge about that, sir.

Q You had no knowledge whatsoever of that particular movement?

A No, sir.

Q Was General Ricarte interested in that movement?

A He has association with Benigno Ramos, with which I had nothing to do, because Benigno Ramos and myself were political enemies.

Q Do you or do you not know the object of that movement?

A I don't know, sir.

Q Do you or do you not know who was associated with General Ricarte in that movement?

A Ricarte never brought up to me that matter, because he know that I could not get along with Benigno Ramos.

Q Do you know whether or not Pio Duran was a member of this movement?

A I beg your pardon, sir?

Q Do you know whether Pio Duran was a member of this movement?

A I did not get the other party.

Q Pio Duran.

A Pio Duran? Well, I heard that Duran was one of the high founders of that organization.

Q Do you know whether or not Ramos was a member of that group?

A I heard about it. I read in the papers, sir, that he was the supreme commander of that.

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

COLONEL CLARKE: Sir?

GENERAL REYNOLDS: What is the purpose of this particular line of questioning?

COLONEL CLARKE: The purpose of this line of questioning is to show that they had meetings, and that at one of these meetings, which is not discussed by this witness, this was discussed with General Yamashita, and that this was not told to him and that he was not in the full confidence of General Ricarte, and that General Ricarte after having talked with General Yamashita was affiliated with the patriotic movement to get laborers to work for the Japanese; that after this meeting he tells nothing about 100,000 pesos that were given to this triumvirate for that purpose under the patriotic

movement.

MAJOR KERR: Sir, the witness has already stated that he knows of no other meetings. The matter referred to by Defense Counsel might more properly be brought up in their own case in chief rather than through further cross examination of this witness.

COLONEL CLARKE: At the time the question was asked the witness volunteered the statement that he and the General didn't have anything to do with Ramos, who was a member of this triumvirate; that the witness knew nothing about Ramos; that they were "political enemies."

GENERAL REYNOLDS: Proceed.

Q (By Colonel Clarke) Did you yourself raise any money for the benefit of this patriotic movement?

A I beg your pardon, sir?

Q Did you raise any money for the benefit of this patriotic movement in which Duran, Ramos and Ricarte were engaged?

A I told you I had nothing to do with it. I told you that I had nothing to do with it. How could I raise any money for it if I had nothing to do with it?

Q The General did not say anything about that to you?

A Not at all, sir. The General did not talk to me about this thing.

Q Did you collect any moneys whatsoever for any activity in which General Ricarte was concerned?

A In what sense do --

Q Did you raise any money or collect money from people within the city on the basis of a movement in which

General Ricarte was concerned?

A No, sir.

Q Did you ever use General Ricarte's name in order to collect moneys from any person?

A No, sir.

Q Didn't General Ricarte forbid you to enter his house for three weeks on account of that fact?

A I beg your pardon, sir?

Q Didn't General Ricarte forbid you to enter his house and you were forbidden for a period of three weeks to come in because you used his name to collect moneys for that purpose?

A That is not true. There is nothing true about that. That is the first time I heard that.

Q Do you remember a rally on the 8th of December, 1944, which was held to start off this patriotic movement?

THE WITNESS: I beg your pardon, sir?

COLONEL CLARKE: Will you read it, please.

(Pending question read.)

CAPTAIN PACE: May I interrupt to inquire to what movement you refer?

COLONEL CLARKE: To this Makapili movement.

CAPTAIN PACE. I submit to the Commission that the witness has already said he doesn't know anything about this organization.

GENERAL REYNOLDS: The objection is sustained. There has been sufficient discussion of that point.

COLONEL CLARKE: The answer to the question is that he read about it.

Q (By Colonel Clarke) Did you read about this meeting in the paper?

A I beg your pardon, sir?

Q Did you read about the rally on the 8th of December, 1944?

GENERAL REYNOLDS: The Commission interrupts, and let us consider that phase closed. We will ask the Counsel to state what other subjects on cross examination you have in mind and the purpose thereof. We are near now the end of the third hour of cross examination.

COLONEL CLARKE: The purpose, sir, was to elicit certain information. The offer we made to prove is that on this particular date, 8 December '44, at a meeting to start off the Makapili organization Ramos, Ricarte and Duran were present at the rally with General Yamashita.

GENERAL REYNOLDS: Is there any question in the mind of Counsel with respect to the answer of the witness that he knows nothing about it?

COLONEL CLARKE: He said he read it in the papers.

CAPTAIN PACE: There is no testimony to that effect, sir.

COLONEL CLARKE: I believe he started to answer the question when he was stopped.

GENERAL REYNOLDS: Ask him the question. You may ask that question.

Q (By Colonel Clarke) Do you remember of a rally held on the 8th of December, 1944, which was the opening of that Makapili movement held in the Legislative Building?

A I read it in the papers, sir. It was public notice

all over.

Q What did you read concerning that meeting? Did you read who was there?

A I have seen the picture of Yamashita, Ramos, Duran, Laurel and Ricarte.

Q And Ricarte. At this meeting?

A That's it.

COLONEL CLARKE: May we have a five minute recess now, sir?

MAJOR KERR: Sir, may I inquire how much longer Defense Counsel intends to continue the cross examination so that we may arrange accordingly with respect to our witnesses for this afternoon's session?

COLONEL CLARKE: I shall not take much more time after we have a chance to go over it, if we get a five minute recess.

MAJOR KERR: You say you "will" or "will not"?

COLONEL CLARKE: "Will not."

GENERAL REYNOLDS: So that you may prepare your case thoroughly in order that you may handle it in an expeditious manner, we will recess until 1:30 this afternoon.

(Whereupon a recess was taken until 1330 o'clock, 5 November, 1945.)

AFTERNOON SESSION

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

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

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

GENERAL REYNOLDS: How much longer will the Defense require in the cross examination of this witness?

COLONEL CLARKE: The cross examination, sir, will be approximately fifteen or twenty minutes.

GENERAL REYNOLDS: Proceed.

NARCISO LAPUS

the witness on the stand at the time of recess, was further examined and testified as follows:

CROSS EXAMINATION (Continued)

Q (By Colonel Clarke) Mr. Lapus, in September 1944 did General Ricarte write and cause to be published an article favoring the declaration of war by the Philippine government upon the United States?

THE WITNESS: I beg your pardon? I didn't get the point clearly, sir.

COLONEL CLARKE: Read it.

(Pending question read)

A I don't remember, sir.

Q (By Colonel Clarke) You don't remember?

A I don't remember if he wrote an article or if he delivered a speech.

Q Did he either write an article or deliver a speech to that effect?

A I cannot point exactly which one, whether it was an article or a speech.

Q Do you know of any other movement in which General Ricarte was implicated?

A I beg your pardon, sir?

Q Do you know of any other movement which General Ricarte organized about that time?

A I don't know that he has organized any other movement.

Q Do you know of an independent movement which was organized after the declaration of war to raise a volunteer corps of Filipinos to fight against the United States?

A I heard in the paper that they had formed an organization; not General Ricarte. He was beneath Ramos and Duran.

Q That was Ramos and not Ricarte, according to you?

A I beg your pardon, sir?

Q That was Ramos and not Ricarte?

A Not Ricarte but Ramos and Duran. And, according to the information of all that was published in the paper, because he never approached me about those things. He knew that we had trouble between Ramos and myself, and Ricarte took care not to tell me anything about Ramos since we have been associated during the Japanese occupation.

Q Weren't General Ricarte and Ramos together in all these movements?

A Well, this movement, sir, it was by Benigno Ramos. I think they forced General Ricarte, the High Command, to be advisor of what they call "movement" -- you call it

"movement".

Q Didn't General Ricarte and Ramos work together?

A I beg your pardon?

Q Didn't General Ricarte and Ramos work together during this period?

A No, sir. It seemed the relation of Ricarte and Ramos was some sort of an advisor of Ramos, because I think General Ricarte knows that Ramos has some sort of radical idea. He wanted to coup the government. He wanted, I think, to make a coup d'etat, overthrowing Laurel and the Philippine government, and Ramos, he did not like to do that. And so he accepted the position as advisor.

Q Didn't you say this morning that you saw a picture in the paper where Ramos, Ricarte, Yamashita and Laurel were all together at a meeting?

A They were in that picture of the declaration of what you say was published in the press. They put all their picture there.

Q And that picture was published in connection with the organization which was to furnish labor for the Japanese forces?

A I cannot tell you exactly what it was, but I can tell you it was in the press. It is a public notice. They know that.

Q Did General Ricarte have an office on Taft Avenue?

A I beg your pardon, sir?

Q Did General Ricarte have an office on Taft Avenue?

A It wasn't an office. It was the headquarters of that Army that was organized by Ricarte in accordance with

the argument with Laurel to help Laurel maintain peace and order and also guard Malacanan.

Q When was that office opened?

A I beg your pardon?

Q When was that office opened?

A Oh, it was opened lately -- the latest part of November.

Q 1944?

A Yes, sir.

Q After the declaration of war?

A After Laurel had declared war.

Q And what was this organization then that General Ricarte had and for which he used this office?

A This organization, before it was created General Ricarte had conferences with Laurel, and when he came back he told me "Lapus," he said, "I speak to Laurel. He told me he wanted to quit and he said I must assume the power. I said 'Don't get out as president, because I am going to help you'.

"I'm helpless. There is nobody here to maintain peace."

The saboteurs had gone to the mountains and we were arrested by the military police.

So General Ricarte said "I am going to help you maintain peace and order. I am going to organize some sort of an organization to help the police work." That is why he intended to organize that peace army of the Philippines.

Q "Peace army"?

A Peace army of the Philippines.

Q Wasn't that in fact a volunteer corps which was to help fight the armies of the United States?

A No, sir.

Q You say it was a "peace army"?

A No, sir. That was a peace army. That had nothing to do with the war. It had a role of police duty.

Q But it was after the declaration of war that this Army was organized?

A I beg your pardon?

Q It was after the declaration of war that this army was organized or attempted to be organized?

A It was organized after the declaration of war of Laurel government.

Q Were you interested in that movement?

A I was not interested. I was connected with Ricarte. Whether I like it or not I have to be there.

Q Did you go to the Malacanan to request that money and rice be furnished to this organization?

A Ricarte appointed me as his executive secretary of the organization in charge of the administration. One of the duties is to get the rice and the funds and other material for the peace army of Malacanan, from Laurel.

Q And did you get them?

A I got them.

Q What became of this movement?

A It was in the process of organization, then suddenly came this. It was not -- It was not even organized full because, I remember, we had only about 60 or 67 recruits. We had not even started.

Q Who were these recruits?

A I beg your pardon?

Q Who were these recruits? What type of men were they? Army officers? Old army officers?

A No. They were volunteers from the masses.

Q Were they mostly revolutionary generals?

A No, sir.

Q This movement then disbanded; is that it?

A I severed my connection from that organization on January 30th, when I resigned, because I have to evacuate. The military police was after me and I had to get out.

Q So you severed your connections with the organization before it disbanded?

A I beg your pardon?

Q You severed your connections with the organization before it disbanded?

THE WITNESS: I did not get it clearly, sir.

COLONEL CLARKE: Read it.

(Question read)

A Yes, sir.

Q (By Colonel Clarke) Do you know then what became of the organization after you left?

A I didn't know, but when I came back here I went directly to the CIC. I didn't know any more what happened.

Q You went directly to whom?

A On February 21st the CIC took me for protective custody.

Q What date?

A February 21st.

Q Is it a fact that this organization which was known as a volunteer corps later became the Makapili?

A No, sir. This has nothing to do with the Makapili. This is -- This army of the Philippines has nothing to do with that. This is an entirely different organization. This is for police work, to maintain peace, to help Laurel and help him to guard Malacanan.

Q Where did General Ricarte have his home?

A I beg your pardon?

Q Where did General Ricarte have his home?

A I didn't get you.

Q Where did he live?

A Oh. He live -- When he was here in Manila he live in Pasay.

Q Who lived in the house with him?

A His wife.

Q Anybody else?

A And his grandson.

Q Anybody else?

A And the servants.

Q Did General Ricarte have any daughters?

A I beg your pardon?

Q Did General Ricarte have any daughters?

A Daughters?

Q Yes.

A He had daughters but they didn't live with him.

Q Where did they live?

A They live in the province of Cavite.

Q How many?

A He had three daughters.

Q When did General Ricarte go to Baguio?

THE WITNESS: I beg your pardon, sir?

COLONEL CLARKE: Read it.

(Question read)

A It was on the 31st of December, 1944.

Q (By Colonel Clarke) Did Mrs. Ricarte and a grandson accompany him to Baguio?

A No, sir.

Q Where did they go?

A They were left in the house.

Q You stated that you informed some of your friends of the proposed massacre; is that correct?

THE WITNESS: I beg your pardon, sir?

COLONEL CLARKE: Read it, please.

(Question read)

A Yes, sir.

Q (By Colonel Clarke) Who were those friends? What are their names?

A Some of them I remember. Pedro Vera, and another I remember is Colonel Jose Guido, and one of them was General Villeneuve; the other was Mr. Garillo, and I don't remember the others.

Q Were there many more?

A I think I informed about a couple of dozen -- my intimate friends.

Q About 24 of your intimate friends?

A Yes, sir.

Q Nobody else?

A Well, I told them they have to spread that secretly; they have to be careful, because if the Japanese will catch them they will be finished.

Q When General Ricarte left did he give you any instructions as to what was to be done with his wife and grandson in the event this alleged massacre were to take place?

A He never gave me any order about his family because he knows that his wife was very stubborn. Nobody could control that wife. Even himself, he could not control her.

Q You stated that you wrote a letter volunteering to testify at this trial, did you not?

A Yes, sir.

Q To whom did you write it?

A To the Honorable Chairman of this Honorable Commission, sir.

Q Which Commission?

A This Commission; this War Crimes Commission.

Q War Crimes Commission?

A Yes, sir.

Q When did you write that letter?

A I think I wrote the 10th of this month.

Q The 10th of what?

A The 10th of October.

Q When were you taken into protective custody?

A I was taken on February 21, 1945, sir.

Q So between February 21, 1945 and the 10th of October you mentioned this to no one? You offered to testify at no trial of any person until the trial had been in the

papers; is that correct?

A I didn't mention this because this is a secret confided to me by a man that I have only to divulge this at the right moment.

Q What secret?

A This is a secret confided to me by General Ricarte and I wanted to use it in favor of my country when the moment comes like this, for instance.

Q But you didn't tell anybody beforehand?

A I went to the CIC.

Q You didn't tell the CIC about anybody when you first were taken into protective custody?

A I didn't tell them because they didn't ask me.

Q Did they ask you when you wrote the letter or did you write the letter and volunteer to testify?

A I didn't write a letter to the CIC. I wrote a letter here to the Honorable Commission of War Crimes.

Q Who is that? Oh, the War Crimes Commission?

A Yes, sir.

Q When you wrote that letter what did you think? Did you have any hope that through that letter and your volunteering to testify your testimony would help you or any member of your family that is in jail?

A I didn't think of myself when I wrote that letter, sir. I have only one thing in my mind: to serve the justice and to help my country to be redressed of all these crimes committed by this man according to the facts that I have in my possession. I wanted to serve justice, that's all.

Q So this letter was written, then, with no thought of

your own safety or of your own advantage? There was no hope whatsoever that you would be treated leniently if you testified?

THE WITNESS: I beg your pardon, sir? I didn't get the question.

COLONEL CLARKE: Read it.

(Question read)

A I did not have nothing in mind about that. I just thought about my duty to my country, to my people and as I wanted to see that man punished, the cruelest man that ever produced history. I wanted him to be punished in accordance with the facts I have, and I am giving these facts so that that man will be punished.

Q Have your tendencies been anti-American?

A I beg your pardon?

Q Have you been anti-American?

A I have never been anti-American. I have been pro-independent all my life. If in my campaign for pro-independence they took it for anti-American, it is not my fault.

Q Didn't you challenge Nicholas Roosevelt to a duel if he ever set foot in the Philippines?

A I challenged that man because he wrote insults about my race. And I belong to that race. That does not mean that I was anti-American. Even in any nation there is some bad and good people, and I am always against those bad people no matter who he is.

COLONEL CLARKE: That is all.

REDIRECT EXAMINATION

Q (By Captain Pace) Ricarte hated the Americans, didn't he?

A Beg pardon?

Q Ricarte hated the Americans, didn't he?

A Exactly, no. He likes to be free and independent, and he did not like that this country be subjected by any other power.

Q Well, he was violently opposed to the American policy in regard to the Philippines, is that right?

A That is right; he did not swear, sir.

Q That is the reason the Japs had confidence in him, wasn't it?

A That is what they thought, because he was the only living Filipino that never surrendered to the American sovereignty, and they thought they could swear him and use him as their instrument?

COLONEL CLARKE: If the Court please, we ask that the last question be stricken, due to the fact that Prosecution's Counsel is leading his witness.

CAPTAIN PACE: I submit, sir, that is proper on redirect examination on matters brought out by Defense.

COLONEL CLARKE: Not to that extent, putting the words in his mouth.

GENERAL REYNOLDS: Will the reporter read the question and answer?

(Question and answer read.)

GENERAL REYNOLDS: That question does not appear to be material, and the objection is not sustained.

Now the Commission inquires of Prosecution: What is the purpose of this line of questioning?

CAPTAIN PACE: Yes, sir. There were many things brought out in cross examination -- I beg your pardon -- there were a few things brought out on cross examination which I do believe need clarification.

GENERAL REYNOLDS: We will accord the Prosecution a very few moments to bring them out.

Q (Captain Pace) What language did Ricarte speak? Do you remember testifying about that this morning?

A When he talked to some people, especially foreigners, they talked -- the foreigners -- in their own language, and he wanted to use his own language; that is, Tagalog, because he prides himself to have his own language.

Q When he talked to the Japanese, what language did he speak?

A Well, when he was with Ota, he used Spanish, because Ota was the translator in Spanish; but when he was in his home, he used his grandson as translator in Tagalog.

Q You say Ota, among his other duties, was an interpreter?

A Interpreter in Spanish.

Q You testified earlier today that persons who went to see Ricarte were carefully scrutinized because they were suspected of being spies; can you explain that?

A Yes. At the beginning of 1942, when I came to Manila, all persons that were asking for Ricarte, they were well investigated and scrutinized by the Japanese, because they were all scrutinized and investigated,

because they suspected them as a spy.

Q By "spy" what do you mean?

A Spy. They suspected as a spy of Ricarte, because they want too much the person of Ricarte.

Q You mean there were many people who disliked Ricarte?

A No, because they believe Ricarte was a friend of the Japanese; they believed that some Filipinos might do harm to Ricarte.

Q Is that the reason they investigated anyone before they let them see Ricarte?

A I think that is one of the reasons.

Q Now, you testified also this morning that you were tried by some Japanese investigations. Will you describe that trial?

A You mean, sir, in Fort Santiago?

Q Yes.

A Well, on June 16, 1942, on about 11 o'clock in the morning, I was taken by the military police --

Q Never mind that. Just describe the trial.

GENERAL REYNOLDS: The Commission will interrupt and terminate this part of the examination, and ask if there are any questions by Defense on these interrogations?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: Let us, then, dismiss this witness.

CAPTAIN PACE: Very well, sir. There is one thing, though: If the Commission has had an opportunity to read the record, it is not clear when Yamashita left Manila. On page 948 it says he left after the 15th, and

on page 949 it says that he left on the 3rd.

GENERAL REYNOLDS: You may clarify that point by suitable questions.

Q (By Captain Pace) Will you tell when Yamashita left Manila?

A He left on the 23rd of December for Baguio.

CAPTAIN PACE: Thank you.

(Witness excused)

JOAQUIN S. GALANG

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

DIRECT EXAMINATION

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

A Joaquin S. Galang.

Q Where do you live?

A (Through the Interpreter) In Muntin Lupa.

Q Where in Muntin Lupa?

A In New Bilibid Prison.

Q Why are you in New Bilibid Prison?

A They suspect me to be a collaborator.

Q Have any charges been preferred against you yet?

A I do not know of any.

Q Do you understand that you have a right to refuse to testify in this case, on any matter which might incriminate you?

A Yes.

Q Do you understand that some of your testimony given under oath here is apt to have a detrimental effect upon

the charges against you if you are brought to court?

A I do not care. I will just tell the truth.

Q Has any member of the Prosecution section, or any member of War Crimes, made any promise whatsoever to see that you receive any favor or consideration as a result of your testimony here?

A Nobody, no.

Q You are still willing to testify?

A Yes, because it is my duty.

Q Did you know General Ricarte?

A Yes.

Q How did you meet General Ricarte?

A In his house in Pasay.

Q What occasion did you have for meeting General Ricarte?

A Because of the case of my two children who were in prison in O'Donnell; two of my children fought in Bataan.

Q Your two sons were prisoners of war in O'Donnell, being held there as such by the Japanese?

A Yes.

Q Did you have a third son who also fought in Bataan?

A Yes.

Q What happened to him?

A One of them, because he was tortured by the Japanese, escaped and went to Bayombong.

Q Where are your three sons today?

A One of them is a "bensionado" in the army. He is in Maryland, Aberdeen.

Q What was that?

A One of them is a "bensionado" of the army, and he is at present in Maryland, America.

Q What rank does he hold in what army?

A Maybe the Philippine army, because he belonged to the Philippine army.

Q What rank?

A At first he was just a lieutenant, but then since he ~~became~~ a guerillero on October 3, 1943, he was raised to captain.

Q Where are your other two sons?

A One of them is in Bayombong, Luzon; one of them is in the signal company, Mandaluyong. I have two sons-in-law; both of them are guerrilleros. They are the husbands of my two daughters.

Q What do the two sons do? You testified you have one son in the Philippine army who is now in Aberdeen, Maryland. You testified you have two more sons here in the Philippines; are they in the army?

A They are serving the army.

Q What ranks do they hold?

A One is a second lieutenant; he is in Bayombong. One of the others -- the other one is also there, and he is a captain in the guerrillas.

GENERAL REYNOLDS: The Commission interrupts to inquire whether this interesting family history is relevant to the purpose for which we are assembled.

CAPTAIN PACE: I have finished it, sir. I didn't intend to have it take so long. It was introduced for the purpose of bearing on the character of this witness,

his family.

GENERAL REYNOLDS: And it is all finished?

CAPTAIN PACE: Yes, sir.

GENERAL REYNOLDS: Proceed.

Q (By Captain Pace) Now, you went to see Ricarte in regard to your two sons who were held by the Japanese in O'Donnell, is that right?

A Yes.

Q Why did you go to Ricarte?

A I heard that General Ricarte is the most influential Filipino with the Japanese, and that he has the fame of being able to take out or release prisoners from Camp O'Donnell.

Q Did he get your two sons out?

A Yes.

CAPTAIN REEL: Just a moment, sir. We object to that question, unless there is some ground stated for the witness' information. He is being asked what somebody else did, and certain circumstances which we don't know anything about.

CAPTAIN PACE: If the Commission desires, I can go into the details of the release of the two boys from O'Donnell, but it will take some time.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

Q (By Captain Pace) Did Ricarte get your two boys out of O'Donnell?

A Yes.

Q After that, did you have occasion to go and see

Ricarte many times?

A Yes. First, because I want to extend to him my personal gratitude or thanks. Then, too, many of my friends heard of what he had done for me, that is, releasing my two sons, and many of these friends have also sons who are in O'Donnell, and they asked my help to go and see Ricarte about it; and also, not only for the prisoners in O'Donnell, but for the people who were kept and tortured in the garrison.

CAPTAIN REEL: Sir, we will ask that all of that after the word "yes" go out, as not responsive to the question; certainly the last part is not responsive.

GENERAL REYNOLDS: Will the reporter read the question and answer?

(Question and answer read.)

GENERAL REYNOLDS: Not sustained. Proceed.

Q (By Captain Pace) Did you become friendly with General Ricarte?

A Yes, a very good friend.

Q Did you visit his house from time to time socially?

A It all depends upon the people who come and approach me for help. There were times when I was in his house every day, and there were times when I went there only twice a week, and there were even times when I went there only once a week. It all depends upon the needs of my friends.

Q Did you go to his house to parties and social gatherings?

A Yes, in every social gathering that there is in

General Ricarte's house I attended: His wife's birthday, for example; his birthday, or any birthday of the Ricarte family, and any other social occasions as Bonifacio Day, Rizal Day, and I go there like a member of the family.

Q Now, were you at Ricarte's house sometime in December, 1944?

A Yes, about the third week of December, 1944.

Q Will you tell who was there that day?

A The one that I saw there was General Ricarte, his wife, and a granddaughter of 12 years old.

THE WITNESS: Grandson.

THE INTERPRETER: Grandson. A correction.

Q (By Captain Pace) What time of day was this?

A (Through the Interpreter) On or about 5 o'clock in the afternoon.

Q Did anyone else come to the house after that?

A I went there with three names of people who were in the Far Eastern, kept as prisoners, and I went there to supplicate to him to have these people out.

Q Did anybody else come to the house after you got there?

A Yes, there were.

Q Who?

A General Yamashita.

Q Had you ever seen Yamashita before that day?

A No.

Q Have you ever seen him since?

A After that, I did not see him any more.

Q Is General Yamashita in the court room?

A Yes.

Q Will you point him out?

(The witness indicated towards the Accused.)

A That man with the eye glasses.

(Whereupon the witness left the stand and was taken to the table of the Defense.)

CAPTAIN PACE: Will you point to Yamashita?

(The witness pointed.)

CAPTAIN PACE: Will the record show that the witness indicated the Accused in this case, Yamashita.

Q (By Captain Pace) What happened after Yamashita came to Ricarte's house?

A (Through the Interpreter) He was offered a seat, and as soon as he entered General Ricarte, the wife of General Ricarte and myself stood, bowed at him with all respect.

Q Yes. What happened then?

A After that, General Ricarte winked at me and told me to get near him, and he whispered to my ear to go and get my grandson.

CAPTAIN REEL: Sir, we will ask that that be stricken as hearsay. And may I say, for the purpose of avoiding future objections, we should like to have a standing objection such as was allowed yesterday to hearsay, conversations by persons as told to this witness; that such things be excluded. In other words, that our objections to such conversations stand without our making the objection in each instance.

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: If it please the Commission, it is not

hearsay, and if it is, it is an exception to the hearsay rule, any conversation which takes place in the presence of a person who is being tried for that crime, if he engages in that conversation, and that is what this witness is purported to tell.

GENERAL REYNOLDS: The objection is not sustained.

CAPTAIN REEL: Sir, do I understand the objection is to be considered a standing objection, or are we to object each time?

GENERAL REYNOLDS: The objection may be and will be considered a standing objection.

Q (By Captain Pace) What happened after Yamashita came into the room?

A General Ricarte wanted me to get his grandson, so that he could interpret conversation between the two.

Q Did the grandson come?

A Yes, because I was the one who called him. I gave him a small chair between them.

Q How old is the grandson?

A About 12 years old.

Q Where was he raised?

A According to General Ricarte's wife, he was raised in Japan.

Q What language did he speak?

A He speaks Japanese very well and also Tagalog because they use Tagalog in the house.

Q Will you describe how the persons in the room were seated?

A Let us suppose this is the round table. This is the table. General Yamashita is in this place and General Ricarte here, and the child is here. And I went where the wife was to help her prepare something in case to present to General Yamashita.

Q There were just three people seated at the table at that time?

A Yes.

Q Had anyone come into the house with General Yamashita?

INTERPRETER RODAS: What is the first word, please?

CAPTAIN PACE: Had anyone come into the house with General Yamashita?

A (Through the Interpreter) When he came in he was alone and then when he left I saw he had companions in the car.

Q Where was the car?

A In front of the house of General Ricarte.

Q How was Yamashita dressed?

A In woolen suit; about greenish woolen suit with closed collar and three stars near the neck.

Q Anything else?

A I can't tell any more because I did not scrutinize him as I went to help in the kitchen.

Q Did he have a saber?

A Yes, sir.

Q You didn't know who he was at that time, did you?

A When he was coming we all look the way he was coming from and then we heard a knock and then General Ricarte said he is General Yamashita.

Q The man that you are talking about who came to the house is that same individual that you just now pointed out in this court room?

A Yes, and no other.

Q Did you come back to this room from the kitchen?

A After a few minutes after I prepared hot tea and cakes on a platter I very respectfully placed this platter on the table and then stood near the door.

Q How far were you from Yamashita?

A Not even two meters.

Q What took place in that room then?

A The child continued to interpret for the two.

Q What did they say?

A When he came in the child told me that General Yamashita said that "All Filipinos are guerrillas and even the people who are supposed to be under Ricarte".

MR. SANDBERG: Read the last answer, please.

(Answer read)

Q (By Captain Pace) Was he talking to you or was he interpreting for Ricardo?

A (Through Interpreter Rodas) For the two, but I heard because I was only very near and I was waiting for them to order me around.

Q .Then the nephew made this statement to Ricarte or did

he make it to you?

A About what?

CAPTAIN PACE: What?

INTERPRETER RODAS: He is asking, About what?

Q (By Captain Pace) The statement regarding "all the Filipinos (being) guerrillas".

A (Through Interpreter Rodas) According to my understanding this is what General Yamashita told General Ricarte as being interpreted by the grandson in Tagalog.

Q Was anything else said that afternoon?

A General Ricarte answered that "Nobody has the fault for the Filipinos turning guerrillas except the Japanese who get their food from them and they are the beastly Japanese, the ones who torture them".

Q Was anything else said?

A After General Ricarte said that General Yamashita said "Let us not talk about this any more. I know what really is happening".

Q What else was said?

A He said "The Filipinos were treacherous in the Philippines and hence our enemies are the Filipinos", according to the interpretation of the grandson.

GENERAL REYNOLDS: The Commission would be more satisfied with the interpretations if the interpreter would cause the witness to pause so that you won't have to carry such a long statement in your mind.

INTERPRETER RODAS: Yes, sir.

Q (By Captain Pace) What other conversation did you hear?

A (Through Interpreter Rodas) General Ricarte through the interpretation of the grandson said "I would like to take this occasion to ask you again for you to revoke your order to kill all the Filipinos and to destroy all the City".

Q What did Yamashita say?

A He stood. He was very angry. He was frowning. You could see it in his face and his hands were clinched, and he said "An order is an order, is my order. The order is my order. And because of that it should not be broken or disobeyed. It ought to be consumed happen what may happen".

Q What happened then?

A And then he left and he was accompanied by General Ricarte to the stairs.

Q You didn't see him after that; is that right?

A Only now.

Q You said some cake and tea had been brought into the room. What happened to that?

A They each took a sip of tea and then they lay down the cups and they did not touch it any more.

Q Who was present in the room during the conversations which you have just described?

A General Ricarte, General Yamashita, myself and the child.

CAPTAIN PACE: You may inquire.

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

(Short recess)

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

CROSS EXAMINATION

Q (By Captain Sandberg) How long have you been in jail?

A (Through the Interpreter) From the 17th of February of this year I was taken by the military police.

Q And you have been in jail since February 17th of this year until this time?

A From February 17th to June 12th I was in Bilibid.

Q And where were you after June 12th?

A After June 12th we were transferred to New Bilibid in Muntinlup.

Q And you have been there ever since?

A Yes.

Q When did you first tell this story to the American authorities?

A What story?

Q The story you have told the Commission this morning.

A The story that I just related now?

Q That very story.

A I have not told anybody yet about this story.

Q Do you mean to say that your testimony this morning in court is the first time you have ever told this story to anyone?

A Not yet.

Q You mean to tell us that you haven't told this story to the Prosecution before this afternoon?

A Yes, I told them. I thought you said to the people in Bilibid.

Q My question was very clear. I asked you if you had ever told this story to any person before this afternoon.

When did you tell this to the Prosecution?

A I did not tell a story. I told them I was going to testify against General Yamashita about the massacre of the Filipinos and the destruction.

Q When did you tell the Prosecution that?

A I told them that I was going to declare against the order -- about the order of General Yamashita's massacre of the Filipinos and the destruction.

Q My question was, When did you tell the Prosecution that? The date?

A When we saw each other.

Q That is very illuminating.

CAPTAIN PACE: I object to counsel criticizing the witness instead of asking questions.

CAPTAIN SANDBERG: If you please, sir, I am not criticizing the witness. I am trying to get responsive answers.

GENERAL REYNOLDS: The Commission would like to know if this is relevant to the cross examination. What is it you are trying to show?

CAPTAIN SANDBERG: It is, sir. We think it is of the utmost pertinence and direct relevancy. Where a witness has been in custody since the first of the year and doesn't tell his story to anyone or the Prosecution until he sees an opportunity eight months later, we think it bears directly upon his credibility as a witness.

GENERAL REYNOLDS: You may proceed.

CAPTAIN SANDBERG: Thank you.

Q (By Captain Sandberg) I want to repeat the question.

When did you tell the Prosecution this story?

A Last night; not the whole story but only the gist.

Q Do I understand that last night was the first occasion upon which you told this story to the American authorities?

A Yes.

Q In other words, then, you told this story to the Prosecution after you read in the press of the testimony of Mr. Lopus; is that correct?

A No. I do not rely on that. I have my own knowledge of the things.

Q But you knew last night that Mr. Lopus had testified on Saturday, didn't you?

A Yes, I know.

Q And you didn't tell this story, then, to anyone of the American authorities until after you learned and had read the details of Mr. Lopus' testimony?

A No. It is not because of that. This is the only opportunity I have of telling the truth. Otherwise I should have told it even before this or maybe sometime in the future when the opportunity presents itself.

Q Why didn't you tell this story during the eight-month period during which you have been in confinement?

A There was no chance or opportunity for me to tell this story. In Bilibid we cannot even write letters.

Q Haven't you received visits from investigators while you have been in Bilibid who have asked you about the activities for which you are being held there?

A When I was taken to Bilibid on the 17th of February,

1945 a member of the CIC came to see me and I talked to him for fifteen minutes. I was investigated for fifteen minutes but I cannot explain because it was not allowed, because he did not allow me to explain.

Q Do you mean to tell us that you tried to tell this story to the CIC investigator of the United States Army and that he wouldn't permit you to tell it?

A No, I don't mean to say that; but maybe he was hungry and I was very hungry at that time, so that we didn't have any chance to talk to each other. And from that time on he didn't see me any more.

Q In other words, then, you didn't tell the story at that time because you were both hungry?

A No. He did not allow me to explain. He didn't give me a chance to explain, to prove his charges that I am a collaborator. I am not.

Q What is the name of this investigator?

CAPTAIN PACE: If the Commission please, I don't like to interrupt but I don't see any purpose in pursuing this investigation by the CIC any further. It is news to me if it is their duty to get evidence against war criminals.

CAPTAIN SANDBERG: If it please the Commission, we feel that it is of vital importance that this witness didn't reveal this so-called "story" until after he heard and read the testimony that appeared before this Commission on Saturday, and we wanted to get the full details of it.

CAPTAIN PACE: Sir, I further object to counsel saying that this witness read this testimony in the newspapers. He has not so testified. The only thing in the record concerning

that has come from counsel.

CAPTAIN SANDBERG: The witness stated that he knew of the testimony.

GENERAL REYNOLDS: You may proceed along this line for an additional very brief period.

CAPTAIN SANDBERG: Thank you.

We have you for about eight months being unable to tell about this story.

Can we have an answer to that last question?

(Question read)

A No, I do not know. He did not tell me his name. He is a lefthanded fellow.

Q (By Captain Sandberg) All right. Now we have you trying for eight months to tell this story and being unable to. Will you tell us the circumstances under which you were finally able to tell it?

A I read it in the papers that there is such thing as the War Crimes Commission so that the war criminals can be tried, and one of these is General Yamashita. I who know something about him, it is my duty and as a help to the administration that I should declare or witness whatever I know about the case, because it is my duty.

Q When did you first learn about the existence of the War Crimes Commission?

A I really cannot tell. It may be about three weeks now. And I learn it from the papers. Maybe on or around October 10th of this year when I read it.

Q On October 10th, then, you learned about the existence of the War Crimes Commission. When did you first

do anything about telling this story?

A When Mr. Lopus read about the existence of the War Crimes Commission he wrote a letter addressed to the War Crimes Commission with the permission of the Director of Prisons, Eriberto Misa.

Q Now I asked you, What did you do?

A They did not answer his letter. Then he wrote again on the 16th.

Q Well, I asked you what you did.

A What I did was this: I told Mr. Lopus that if his letter is accepted, that for him to include my name and I will declare in the name of justice, and so that we can help in the administration.

THE WITNESS: Of justice.

THE INTERPRETER: Of justice.

Q (By Captain Sandberg) Then you told this story to Mr. Lopus?

A (Through the Interpreter) No, I did not.

Q You never told Mr. Lopus what you knew?

A No, I did not, because this is one thing that should not be told even to my own sisters and my family. I did not tell.

Q Did Mr. Lopus tell you what he knew?

A No.

Q You just told each other that you knew something, but you didn't tell each other what you knew?

A Yes.

Q Now, do I understand you to say that when you spoke to the Prosecution, you didn't even tell the Prosecution the story; is that correct?

A I did not tell them the case. All that I told is that I shall testify against General Yamashita about the massacre and destruction of Manila.

CAPTAIN PACE: Well, if the Commission please, I believe this would be helpful if some word other than "Prosecution" were used. I don't think the witness understands. If he would ask him if he told the story to Captain Pace --

CAPTAIN SANDBERG: I think the witness understands. Captain Pace is a member of the Prosecution.

CAPTAIN PACE: I will ask him myself, if you don't want to.

GENERAL REYNOLDS: You may proceed.

Q (By Captain Sandberg) Now, you did tell me you held back from the Prosecution these details. Did the Prosecution indicate any curiosity as to the details?

A No.

Q The Prosecution didn't want to know exactly what were the circumstances that you knew about in connection with General Yamashita?

GENERAL REYNOLDS: The Commission will interrupt. We want to give every opportunity to Defense to attack the credibility of the witness, which apparently you are doing, and the Commission is willing to listen to that, wants to know every detail which may bear upon it, but it is not clear that this is getting to that point. What is the purpose of this line of questioning as to how the Prosecution got the information, how much they got, and all of that? Will you explain?

CAPTAIN SANDBERG: Yes, sir, I shall be glad to. We have here a witness who, for eight months, cupped this story to his bosom, apparently, his own story, and didn't tell it to anyone. He was in several prisons, with the possibility of a charge against him of treason, which carries with it the death sentence. He is in that position, and so is the former witness, Mr. Lopus. They apparently are good friends, were good friends in prison.

and had discussions with each other. The witness testifies, in fact, that they talked to each other, and each of them tells the other that they know something about General Yamashita, but they don't tell each other what they know.

Then we have Mr. Lopus writing a letter to the Commission and offering to testify. He has never told this story before to anyone, although as a political internee in prison, not only has he an opportunity to tell these stories, but, in fact, it is the enthusiastic and eager desire of C. I. C. and other governmental agencies to get these facts; yet he has never told them. We feel, if the Commission please, the story this witness has told, even so far on the stand, combining in the elements of complete secrecy in his own self interests, disqualifies him as a competent witness before this Commission. And we feel that the same fact is true as to the previous witness, Mr. Lopus.

In addition to that, we have the witness expecting us to believe that when he talks to the Prosecution last night, he tells the Prosecution -- gives them the same deal that he gives Mr. Lopus: That he knows something about General Yamashita, but he won't tell, and he tells the Prosecution that he won't tell the Prosecution. And furthermore, the Prosecution, according to his statements, isn't even interested to know what he is trying to testify to here today.

We submit that that is a fantastic situation. That is why we wanted to get the details of this discussion with the Prosecution.

CAPTAIN PACE: Sir, I submit that it is even more

fantastic to conduct this line of questioning until it is established that this man knows what the Prosecution is.

GENERAL REYNOLDS: The Defense will proceed.

Q (By Captain Sandberg) Now, did I understand you to say that in your conversation with the Prosecution last night, the Prosecution didn't even ask you as to the details of your testimony today?

A (Through the Interpreter) No, they did not have any interest.

Q So that your testimony before this Commission this afternoon is the first time that Captain Pace ever heard the story that you told?

A Last night I told him the gist, but not the details.

Q Now, when you told us today the details, did you tell us everything?

A Maybe there are some details that I missed, but what I want to say I have said. And what I want the people to know. Maybe I have missed some details, but the real thing that I want to show, I have related.

Q Now, you haven't left out anything important, though?

A I cannot remember now.

Q You mean that there may be some important details that you don't remember?

A None that I want to say, but maybe there are some details that I have not said yet.

Q Well, is your memory clear on this?

A Very clear.

Q So that you do remember everything that occurred?

A For me, whatever I want to say, I have already said.

Q Well, I know that what you want to say you have already said, but I didn't ask you that. I asked you if you have said everything that you remember.

A All those that I should declare, I have already said.

GENERAL REYNOLDS: It seems to the Commission that what the witness tried to tell you was that there might be unimportant details that he hadn't stated, but he had covered all the material facts, and he answered the question. I believe it is time-consuming and unnecessary, but if you have material things to continue, why, by all means do so.

CAPTAIN SANDBERG: Well, that was the answer, sir, that I wished to elicit from the witness: Namely, that he had stated here every substance and important fact.

GENERAL REYNOLDS: Well, our point was that he had said that over and over again. So if the point is settled, why, O. K.; we will go on.

Q (By Captain Sandberg) Now, have you told us everything that was said in that room?

A I cannot remember the rest, because that has been long ago.

Q But you have told us all that you remember?

A Yes.

Q Now, what was the exact date of this incident?

A I cannot really tell the fixed date, but it is sometime before the 20th of December.

Q What day of the week was it?

A I cannot remember.

Q What was the time of day?

A In the afternoon.

Q What time in the afternoon?

A Maybe around 5 o'clock in the afternoon.

Q Now, how was the weather? Was the weather clear or cloudy?

A I cannot remember. I could see the people, still a little bright.

Q You don't remember whether the weather was clear or not?

A I do not remember.

Q Well, were you in the custom of traveling around the city freely in Manila, around the 28th of December, in view of the danger of air raids at that time?

CAPTAIN PACE: I object to that question, if the Commission please. There is no evidence in this record that this witness drove around the City of Manila on the 28th of December.

GENERAL REYNOLDS: The objection is not sustained, but the Commission must inform Counsel that we will have to get on with this, with the more important points in the cross examination. Really, these questions seem to have little bearing upon the credibility of the witness.

CAPTAIN SANDBERG: If you please, sir, in explanation of that question, it is a known fact that in Manila at that time the air raids were of such severity that no one went outdoors unless they had to during the daytime.

GENERAL REYNOLDS: Very well.

MAJOR KERR: Sir, is the Counsel asking the Commission to take judicial knowledge of that?

CAPTAIN SANDBERG: No, I am not, sir; it is simply an explanation.

GENERAL REYNOLDS: The question will be answered.

(The question was asked the witness by the interpreter.)

A (Through the Interpreter) I only walk from my house to Pasay. There was no transportation then.

Q (By Captain Sandberg) Now, when General Yamashita came into the room, did General Ricarte seem surprised to see him?

A I was the first one who saw him, and then they followed looking at him, and then he told me he is General Yamashita.

Q Now, will you answer my question as to whether General Ricarte evidenced any surprise at seeing him?

A I did not see, because we were placed like this: I am here (indicating), first, then they were on my back (indicating), and so when I looked through a window I was the first -- when I went through the passageway, I was the first one to look, and they followed where I look; so I did not see.

Q So that as far as you know, General Ricarte wasn't surprised at the visit?

CAPTAIN PACE: I object to that statement. That isn't what the witness said.

GENERAL REYNOLDS: The objection is sustained.

Q (By Captain Sandberg) Now, did General Ricarte greet General Yamashita cordially?

A Yes, like a friend and a famous man.

Q He greeted him like a friend, is that correct?

A He was greeted like a famous general.

Q And this occurred on the 28th of December, 1944?

A I did not say that.

Q Well, didn't you testify that it occurred approximately around the 28th of December?

A No. Before the 20th of December, 1944.

Q How much before?

A Maybe two or three days before.

Q So that several days before the 20th of December, 1944, this occurred?

A Yes.

Q Now, did General Yamashita come into the room alone?

A In the solid, yes, alone; in the solid.

Q Now, you testified that you looked out of the window and you saw some people in the car, is that correct?

A When they left, I saw that he has some companions in the car.

Q Now, how many companions were there in the car?

A I did not see how many, because there were some branches of trees and balustrades of the window that covered the window. I guess so, that there were people in the car.

Q But there were no people when General Yamashita left the house -- there were no people who were outside of the car?

A No, I did not see that.

Q There was no guard around the house?

A It may be that there was, but I did not see. He being a General, it may be that there was; but I did not see because I did not look.

Q You testified, though, that when you looked out you saw several people in the car, but you did not testify that you saw anyone outside; isn't that correct?

A Yes, I saw people in the car, but I did not scrutinize their faces so far.

Q When General Yamashita came into the room he was not accompanied by a staff officer?

A He did not have any companion.

Q Well, an aide?

A No, there was none.

Q In this conversation did I understand you to say that General Yamashita said that he was going to kill every person of the Filipino race?

A That's not what I said, but I heard that he said it, through the interpreter, the child.

Q Did he make any exception of General Ricarte?

A I do not know about that.

Q Did he make any exception of you?

A I do not know.

Q You didn't hear him make any such exception; is that right?

A No; just that he was going to kill the Filipinos.

GENERAL REYNOLDS: The Commission will announce a recess of approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. The Defense may proceed.

Q (By Captain Sandberg) Is it your testimony before this Commission that General Yamashita in the presence of strangers, and Filipinos at that, stated that he was going to kill every Filipino?

A He told it to General Ricarte, and I knew it because the child interpreted.

Q And do you mean to tell us that General Yamashita comes to this conference to tell about a massacre of an entire race and didn't even bring an interpreter with him?

A I do not have any idea about him. All that I am telling here is what I heard through the child. This is not my own idea. All that I said is what I heard through the child interpreter.

Q And the only interpreter there was a twelve-year-old child?

A Yes, about twelve years old.

Q Tell us what happened in the room after General Yamashita left.

A Nothing else. They all returned to their seats and I said goodbye to them because it was getting late. And here is what happened: When General Yamashita left, General Ricarte went to his seat. I told him, "Have a seat", and he said, "That man (referring to Yamashita) has no heart and has no god".

Q And then what happened?

A I told him, "It is getting late, General, and thank you for having received me. It is getting late. I am going

home now."

Q And that was all that was said after General Yamashita left?

A Yes. I left already. It was getting dark. I have to walk from Pasay to Dapitan near Quezon City.

Q Do you mean to tell us that you had just heard that a race of seventeen million people was going to be exterminated and you didn't even discuss it?

A I cannot give my own opinion because it is not my idea. It is not my own idea. It is not what I said.

Q I didn't ask you what your opinion was. I asked you whether you wanted the Commission to believe that after hearing a high-ranking General of the Japanese army saying that he was going to wipe out and exterminate every Filipino, you never said anything about it to the people in that room?

A The child said only that the Filipinos are going to be killed and massacred.

Q That was when he was interpreting what General Yamashita said, was it?

INTERPRETER RODAS: That was what the child said.

CAPTAIN SANDBERG: All right, withdraw that.

Q (By Captain Sandberg) So you then left the room and because it was getting late you went home. How long after that were you in Manila?

A No, I did not leave. I was taken on the 17th of February by the military police and taken to Bilibid.

Q In other words, then, you were in Manila from this time shortly before the 20th of December all the way through the time of your arrest on the 17th of February?

A No. We only transferred from Dapitan No. 1436 to Tondo on Gerona Street No. 1236.

Q Both of those addresses are in Manila?

A Yes.

Q So that you moved after hearing about this massacre and you moved from one place in Manila to another; is that correct?

A No. Yes. That's one of the courses.

Q Why didn't you run for your life to get away from this proposed massacre?

A Yes. I already went to hide in that place.

Q You went to hide in Manila?

A Yes. That is somewhere near Quezon City.

Q And you were hiding there?

A I chose that place because it is a good place. There was a chance for us to go to the province if the Japanese happened to get near it or to the mountains.

Q Now, did you tell anybody about this conversation that you overheard?

A Yes. I said -- I told this to many, to my friends to whom I have confidence, and also to my relatives.

Q Well, at the beginning of this examination, I asked you if you had ever told this story to anyone until you sat on that stand, and you said that this was the first time that you were telling that story.

CAPTAIN PACE: I object to that question. The questions that you asked this witness pertained to the time, the eight months, during which he was interned.

CAPTAIN SANDBERG: If the Commission please, I think that the question was not so limited.

GENERAL REYNOLDS: The other questions, however, asked at that time, as I recall, dealt with the period since his arrest, and their nature was why had he not disclosed them to some constituted authority; is that not your understanding of it?

CAPTAIN SANDBERG: My recollection, sir, is that my original questions were general, and asked whether or not he had told it to any persons; and then subsequently I referred to questions asked of constituted authority, and my recollection is that the witness testified that he had never told anyone, in answer to both questions.

GENERAL REYNOLDS: Considering the answer to that one question, I believe you are right, but the series of questions, as I recall them, dealt with the statements he may or may not have made after his arrest. We are perfectly willing to have it hunted up, but I have the feeling

that you may agree.

CAPTAIN SANDBERG: It is my impression, sir, that the first question was general and referred to any statement by him at any time -- which I understand is your impression also.

GENERAL REYNOLDS: Yes. If you wish, we will read it back. We would have to read back the whole series, however. If you wish to do so --

CAPTAIN SANDBERG: That is a matter for the Commission to decide.

GENERAL REYNOLDS: The reporter will find and read back the several questions involved.

(The record was read by the reporter beginning on page 1070, with:

"Q When did you first tell this story to the American authorities?"

to the answer: "Not yet," on the same page.)

GENERAL REYNOLDS: The key question on which I based my statements was asked and answered a little while back:

"When was the first time you told this story to American authorities?"

Then everything else builds up, or did in my mind.

Now you may go on.

(The record was read further by the reporter.)

GENERAL REYNOLDS: Is there need for any more?

CAPTAIN SANDBERG: No, sir, that is enough.

GENERAL REYNOLDS: That is enough. It seems to the Commission that the witness was justified in believing

that your question related to narrating the story to American authorities. Is that not it?

CAPTAIN SANDBERG: I will accept that, sir.

Q (By Captain Sandberg) Now, give us the names of the people to whom you told this story?

A (Through the Interpreter) I cannot tell all of them because they are many, but the first one is Salvadore Cibug; Benedicto Galang -- that person has a barber shop, and all the people in that barber shop I told the story to. Atieno Inchoski; he lives in San Sebastian. Michael Enriques -- and there are many more, and if I will tell all it will take a lot of time.

Q How many would you estimate that you told, very roughly?

A Maybe I told it to around 100 people, and I also told them to tell it to their friends so that the people can escape.

Q Now, if the fact is that you told it to 100 people, and you tried to get the story broadcast, why did you tell us earlier in your testimony that you considered it a secret?

A I don't know if it is the interpreter who made the wrong interpretation. What I want to say is --

(The witness added to his answer.)

CAPTAIN SANDBERG: Let the interpreter finish.

If the Commission please, I would ask that the Commission instruct the interpreter to interpret what the witness said and not permit the witness to interrupt.

GENERAL REYNOLDS: Will the interpreter finish; then

the witness resume.

A (Through the Interpreter) I don't know if it is the interpreter who made the wrong interpretation, but what I wanted to say is that I did not tell the story until I had an opportunity to.

Q (By Captain Sandberg) Well, didn't you tell us this morning --

(The witness continued with his answer.)

THE INTERPRETER: He said, "I thought you were referring to the story that happened, or the conversation that happened between General Yamashita and General Ricarte." He says, "Now, I thought it is about the story of my spreading the story that I heard."

Q (By Captain Sandberg) Now, just a minute. You stated this morning that the story of the Yamashita situation you regarded as a secret; isn't that right?

A (Through the Interpreter) Please understand that the conversation between General Yamashita and General Ricarte is a secret that I kept, and waiting for an opportunity like this to tell. Now, my spreading the news to the people, I made.

Q You regard this as such a secret that you wouldn't tell Mr. Lopus?

A We did not understand each other. I thought what you were referring to is my preferring or putting up my charges before the duty; is what you are referring to as the secret.

CAPTAIN SANDBERG: We understand.

Q (By Captain Sandberg) Now, did you ever see General

Ricarte after this incident?

A No. No, I don't remember if I have seen him or not.

Q Did you know that General Ricarte left Manila on the 30th of December, to go on a speaking tour for the Japanese?

CAPTAIN PACE: If the Commission please, I am convinced that there is no testimony in the record that Ricarte did leave Manila on the 30th of December.

CAPTAIN SANDBERG: If the Commission please, that is why I am asking the question of the witness.

GENERAL REYNOLDS: The question will be answered.

A (Through the Interpreter) What year was that, you are referring to?

Q (By Captain Sandberg) December 30, 1944.

A No, I do not know. I heard that General Ricarte left Manila on December 31, 1944.

Q Now, as a final question, just how did you get in touch with the Prosecution last night?

A They paid a visit there, the place where we sleep.

Q You didn't contact the Prosecution yourself?

A It has been my wish a long time ago to declare, and so I told Mr. Lopus if his letter is going to be answered, to include me as one of the witnesses.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: One question, sir.

REDIRECT EXAMINATION

Q (By Captain Pace) Were you picked up by two American army officers at New Bilibid Prison on Friday, November 2, this year?

A Yes.

Q And were you put in the witness stockade here at the Governor's Residence at that time?

A Yes.

Q And did I come and talk to you last night about the testimony that you have given in this case?

A No.

Q Did I see you last night?

A Yes.

Q Did I talk to you?

A I am the one who talked to you.

GENERAL REYNOLDS: The witness may be excused.

(Witness excused.)

DOMINADOR SANTOS

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, please.

A Dominador Santos.

Q You will have to speak louder.

A Dominador Santos.

Q Where do you live?

A No. 5 Cuesta, Manila.

Q What is your occupation?

A I am the deputy chief of the Detective Bureau, Manila Police Department.

Q In the early part of February, 1945, what was your occupation?

A I was the executive officer of the North Sector, Manila Police Department.

Q Did you see anything unusual happen on the morning of February 4, 1945?

A Yes, sir.

Q Will you describe it?

A Between 9 and 10 A.M. on February 4th while I was going to the office and the police station I saw a truck on Reina Regente Street, near Soler, stop in front of a building. Six Japanese soldiers left the truck and entered the building. Being suspicious that something may happen, I stopped and make observation for about 20 minutes. There was a sudden explosion and a fire. I did not proceed to my office anymore and I returned home.

Q I show you Prosecution's Exhibit No. 193 for identification and ask you if you can tell what that is?

A This is the place (indicating).

Q What is the whole paper?

A This is a map, sir.

Q Are you familiar with the area which that represents?

A I am familiar with the area, sir.

Q Does that accurately represent that area?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 193
for identification was received in evidence.)

Q (By Captain Pace) Will you point out on there the Singer Building about which you are talking?

A Right there, sir (indicating).

CAPTAIN PACE: Let the record show that the witness is indicating the letter "A".

Q (By Captain Pace) How long after the Japanese went into the Singer Building did you see and hear the explosion?

A About 20 minutes, sir, I heard the explosion.

Q Had the Japs left?

A Before the explosion the Japanese left.

Q What happened after the explosion?

A There was a fire, sir.

Q Did you return to that building after that?

A I was already -- The following day, Monday, February 5th.

Q What was the condition of that building and the other buildings in that block?

A They were all burned.

Q I show you Prosecution's Exhibit No. 194 for identification and ask you to tell me what each of these four pages is.

A This is a picture of the building behind the Singer Building.

Q It is a rear view of the Singer Building?

A Yes, sir.

Q Is that the way it looked after the fire?

A After the fire this is the way it looked.

Q Look at the next picture. What is that?

A This shows the picture of the Co Poe Building.

Q Is that the way it looked after the fire?

A Yes, sir.

Q Look at page 3.

A This is the picture of the Singer Building as it appears after some remodeling.

Q What remodeling has been done that shows in that picture that was not present after the fire?

A The roof and these windows, sir. They were not in that position when the fire ruined the place.

Q Look at page 4.

A This is the remodeled picture, also.

CAPTAIN PACE: I offer Exhibit 194 in evidence, sir.

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

(Four photographs of Singer Building and block were received in evidence and marked Prosecution Exhibit No. 194.)

Q (By Captain Pace) Was there any military fire that landed in that area at the time you saw the Japanese carrying something into the Singer Building?

A There was no artillery fire, sir.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: Could I have that last question read back, please?

(Question read)

CAPTAIN REEL: And the answer.

(Answer read)

CAPTAIN REEL: I will ask that that be stricken, sir. There was no testimony by this witness that he saw the Japanese carry anything into the building. It is a deliberately-framed question. We object to it and we ask that the question and answer be stricken.

CAPTAIN PACE: If Counsel were right I will agree with him. To make certain I will be sure to get something in the record at this time which I thought was already there.

GENERAL REYNOLDS: There seems to be agreement that the question and answer be stricken.

Q (By Captain Pace) What did the Japs do when they drove up in front of the Singer Building in a truck?

A They were bringing dynamites.

Q Where did they bring the dynamite?

A They took the dynamites inside the building.

Q And did they come out then?

A They came out.

Q Did they bring the dynamite out with them?

A They did not bring anything when they went out.

Q Were any artillery projectiles landing in that vicinity at the time you saw the Japanese do this?

A There was not.

CAPTAIN PACE: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Had there been artillery fire during that day?

A I beg your pardon?

(Question read)

A There was no artillery fire, sir.

Q (By Captain Reel) No artillery fire in the area in the vicinity of the Singer Building shown as "A" on this plan, Exhibit 193, on the 4th day of February, 1945? Is that your answer?

A Yes, sir. That is no lie. There was no artillery fire.

Q Were there some airplanes flying above the area?

A I did not observe airplanes flying during that time.

Q I show you the second picture of Prosecution's set of pictures on Exhibit 194, and ask you if this is not the damaged fuselage of an airplane in the lower lefthand corner.

A That is not.

Q Answer loud so he can hear.

A It seems to me that that is not an airplane fuselage.

Q And what do you think it is?

A That might be some -- some military -- military objects that are being left by the Japanese.

GENERAL REYNOLDS: Will you point out to the Commission that which you refer to?

CAPTAIN REEL: This instrument here, sir, on the second picture in the lower lefthand corner.

Q (By Captain Reel) How far away from the Japanese were you standing when you saw them go in the building?

A I was approximately at a distance of about 50 meters.

Q 50 meters. And at a distance of 50 meters, you saw how many Japanese go in?

A Six Japanese.

Q And what did they carry? What was the shape of the article they carried?

A They were carrying somewhat round objects.

Q And from 50 meters away you identified that round object being carried by six Japanese as dynamite, is that correct?

A Yes, sir.

Q Do you know what the Japanese were using the Singer Building for?

A I don't know what they are using that for, but that is the time that -- Before that time there was a Japanese sentinel in front of the building.

Q There was a Japanese sentinel in front of the building. Do you know whether they had naval stores in that building?

THE WITNESS: I beg your pardon?

(Question read.)

A I don't know.

Q (By Captain Reel) What branch of the service were these Japanese in that went in there, if you know?

A They are infantry men.

Q And how did you know 50 meters away?

A Because they were wearing leggings and puttees.

Q And because they were wearing leggings, you assumed that they were infantry men; is that right?

A Yes, sir.

Q And that was the only way you identify them, because of the leggings?

A Because of the leggings and the uniform that they are wearing.

Q Leggings and the uniform. Did you see the "anchors" on the uniform?

THE WITNESS: What is that?

(Question read.)

A I see the uniform.

CAPTAIN REEL: Repeat the question.

(Question again read.)

A (Continuing) Anchors? I saw the uniform of the Japanese soldiers.

Q (By Captain Reel) Could you see any insignia of an "anchor" on that uniform?

A (No response.)

Q Do you know what an "anchor" is?

A Oh! I did not see any "anchor."

CAPTAIN REEL: No further questions.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

CAPTAIN PACE: Mr. Alvarez.

ARMANDO ALVAREZ

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

DIRECT EXAMINATION

- Q (By Captain Pace) Give your name, please.
- A Armando Alvarez.
- Q Where do you live?
- A (Through the Interpreter) 2296 Juan Luna, Tondo.
- Q Where did you work in February, 1945?
- A At the Bank of the Philippine Islands.
- Q What did you do on February 5, 1945?
- A Between four and five o'clock on the afternoon of that day we were all ordered out by the guards, I, my companions, my wife and two children.
- Q Ordered out of the Bank of the Philippines Building?
- A Yes.
- Q Where did you go then?
- A Opposite the Bank of the Philippine Islands.
- Q Did you see anything unusual happen?
- A During the whole midnight nothing unusual happened except we heard shots being fired. The following morning, four o'clock, we were ordered out of the Bank of the Philippine Islands.
- Q What did you see then?
- A When we were ordered out, I first evacuated my two children, and with me is a guard, and we went to the opposite side. I took my children to Dasmariñas Street

and stopped at the corner of Rosario and Dasmariñas, and left my children there under the care of my companions; also the guard.

Q Did you see anything happen?

A When I returned to take my wife, I saw that all our property was scattered, and I saw on the other side a group of Japanese soldiers. Because I want to find out what this Japanese soldiers will do, I tried to recover my property and the articles they had scattered, slowly.

Q What did the Japs do?

A The Japanese were trying to break down door, but when they could not, they break down the glass windows.

Q The door of what building?

A The door of the Bank of the Philippine Islands.

Q Will you point out the location of the Bank of the Philippines Building on Exhibit 193?

(The witness indicated on Prosecution's Exhibit No. 193.)

CAPTAIN PACE: Let the record show the witness indicated the letter "G".

Q (By Captain Pace) What did they do after they broke the window?

A They were trying to break down the door again, but they could not because there is iron bar. I heard a voice order, give command, and I saw a soldier scurry away in the direction of Dasmariñas. He came back carrying rags. The soldier laid the rags in front of two cans of gasoline. One soldier pour gasoline on the rags, and with the help of the other soldiers they began throwing

the rags inside the edifice. When they finished throwing the rags inside the edifice, one soldier ran away carrying a long pole. At the tip of the pole seemed to be rags tied, and it smelled with gasoline. He went directly to an edifice adjacent to the bank, which is burning; he dipped the tip of the pole where is the fire that was lit, and he came back to the edifice of the Bank of the Philippine Islands and threw that pole with the burning tip inside, and suddenly fire spurted out as far as the door where the Japanese stood, so the Japanese ran away. I ran away to help quickly my wife, gather those things we had left, went back to the place where my two children were, took them, and we went away.

Q Was there anything on the end of the pole that he took across the street to set fire to?

A Yes, a white -- looks white. It is considered rags.

Q Was the Bank of the Philippine Islands burning when you left?

A Yes, the whole down part was burning.

Q Did you return in about a week?

A The following morning I tried to return, but I was prevented by the guards. I went back after one week and I found out the whole place was scorched, burnt down.

(A photograph was marked
Prosecution Exhibit No. 195
for Identification.)

Q I show you Prosecution's Exhibit 195 for Identification and ask if you can describe what the first page of that exhibit shows.

A Yes. This part is burned (indicating).

Q What is that a picture of?

A Picture of the Bank of the Philippine Islands.

Q Is that the way it looked when you returned and saw it?

A Exactly the appearance, after one week.

Q Will you look at page 2 and state what that is?

A This is the remains of the Bank of the Philippine Islands.

CAPTAIN PACE: I offer Exhibit 195 for Identification in Evidence, if it please the Commission.

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

(Prosecution's Exhibit No. 195 for Identification was received in Evidence and so marked.)

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) How many floors did the Bank of the Philippine Islands have?

A Two stories: one down- and one upstairs.

Q And was the entire building occupied by the bank?

A Yes.

Q And do you know whether the Japanese kept their funds, or any of their funds, in that bank?

A No.

GENERAL REYNOLDS: I don't understand --

Q (By Captain Reel) Were there some vaults in the basement of that bank?

GENERAL REYNOLDS: I don't understand --

A Yes, there are iron vaults.

GENERAL REYNOLDS: You asked if the Japanese kept funds in that bank. I did not understand whether the witness meant to answer he did not know, or that they had no funds in the bank. Will you clear that up?

CAPTAIN REEL: I will straighten that out, sir.

Q (By Captain Reel) When you answered the question relative to funds in the bank, did you mean by your answer that you don't know whether they have funds in there?

A Yes. But what I know is the Japanese Mickey Mouse money.

GENERAL REYNOLDS: Well, is it correct, then, when he said the Japanese did have --

CAPTAIN REEL: Did have funds in that bank.

GENERAL REYNOLDS: They did have. Very well.

Q (By Captain Reel) One more question: Did you see whether these Japanese were Army or Navy soldiers?

A I cannot tell exactly, but what I know, they are Japanese soldiers with caps.

Q Did you see any insignia of anchors on them?

A At that time it was very dark. I cannot tell.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: The Commission will stand in recess for just a short time, three or four minutes.

(Short recess.)

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

GENERAL REYNOLDS: You asked if the Japanese kept funds in that bank. I did not understand whether the witness meant to answer he did not know, or that they had no funds in the bank. Will you clear that up?

CAPTAIN REEL: I will straighten that out, sir.

Q (By Captain Reel) When you answered the question relative to funds in the bank, did you mean by your answer that you don't know whether they have funds in there?

A Yes. But what I know is the Japanese Mickey Mouse money.

GENERAL REYNOLDS: Well, is it correct, then, when he said the Japanese did have --

CAPTAIN REEL: Did have funds in that bank.

GENERAL REYNOLDS: They did have. Very well.

Q (By Captain Reel) One more question: Did you see whether these Japanese were Army or Navy soldiers?

A I cannot tell exactly, but what I know, they are Japanese soldiers with caps.

Q Did you see any insignia of anchors on them?

A At that time it was very dark. I cannot tell.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: The Commission will stand in recess for just a short time, three or four minutes.

(Short recess.)

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

VICENTE ARIAS

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

DIRECT EXAMINATION

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

A Vicente Arias.

Q You will have to speak louder than that. Where do you live?

A (Through the Interpreter) 211 Carriedo Street.

Q Are you the owner of the Arias Building?

A Yes, sir.

Q Will you look at Prosecution's Exhibit 193 and point out where your building is located?

(The witness indicated on Prosecution's Exhibit No. 193.)

CAPTAIN PACE: Let the record show that the witness is indicating the building -- or the block south of Rizal Avenue, and just to the east of the foot of Rizal Avenue, on Carriedo Street.

Q (By Captain Pace) On the morning of February 5, 1945, did you see anything unusual?

A Yes.

Q What was it?

A On about eleven o'clock in the morning a group of Army men set fire to the north of Carriedo Street.

Q What Army did they belong to?

A The Japanese Army.

Q Will you indicate on Exhibit 193 where you saw the

Japanese setting fires?

A The fire was set on the corner of Carriedo Street and Escolta, thereafter at the corner of Escolta and Rizal Street. From there they set fire to the building occupied by the Romanach music firm. The next building they set fire to was the one occupied by the Music Association, at the corner of Estero Cegado and Carriedo. The next was the Roces Building at the corner of Rizal Avenue and Carriedo.

CAPTAIN PACE: Will the record show that the witness has indicated the buildings on the north side of Carriedo Street, beginning with the unnamed street north and south at the extreme right of the photograph, and he pointed all the way along on Carriedo Street on the north side until he reached Rizal Avenue, to the point marked "L".

Q (By Captain Pace) Will you point out on this exhibit where the Roces Building is?

A It is where the letter "A" is shown.

Q You have mentioned the Romanach Music Store; is that correctly indicated by the letter "M" on this sketch?

A No, sir; it is in front.

Q You mean it is on the north side of the street, instead of on the south side as it is shown here?

A Yes, sir, it is in the north.

Q Now, will you describe how the Japanese set the fires in these five blocks that you have described?

A They started by breaking down the doors of the buildings at the corner of Carriedo, and they poured gasoline and set fire. And they continued with the same

procedure, with the other buildings.

(A photograph was marked Prosecution Exhibit No. 196 for Identification.)

Q Will you look at Prosecution's Exhibit No. 196 and tell what pages 1 and 2 show?

A The photograph I have before me shows the building on the corner of Estero Cegado and Carriedo, where the Romanach business was. The second photograph is of the same building.

Q What are those shacks that appear in the picture?

A One of the buildings is the one occupied by the night club, and the other buildings were occupied by other businesses.

Q Were the shacks that appear on pages 1 and 2 on the exhibit there after the fire, or have they been built since?

A It is after the fire that they were built.

Q And immediately after the fire were any buildings left in the area which you have described?

A The northern part of the night club building.

CAPTAIN PACE: The witness is indicating a concrete structure in the background of the second page of the exhibit.

Q (By Captain Pace) Look at pages 3, 4, 5, and 6, and tell what they are.

A They show part of the building of Roces and the other buildings that were right by the fire.

CAPTAIN PACE: I offer this, Exhibit 196 for Identification, in Evidence.

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

(Prosecution Exhibit No. 196 for Identification was received in Evidence and so marked.)

Q (By Captain Pace) The buildings which you have described were all on the north side of the street, is that right?

A Yes, sir.

Q Your building is on the south side of the street;
right?

A Yes, sir.

Q Did anything happen to your building?

A Yes, sir. It has been partially set on fire.

Q During the hours which you observed the Japanese
doing this, was any artillery being fired into the area
which you described?

A No, sir.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Did your building catch fire from
the others?

A A part of the building -- . A part of the fire that
burned my building was through the flames on the other
buildings.

Q Yes. Nobody set fire to the building you were in?
Nobody deliberately set fire to the building that you were
in?

A Yes, sir. The lower part of the building was set on
fire.

Q Was that deliberately set on fire by somebody, or
was that fire started by flames coming from the other
buildings?

A It was deliberately set on fire.

Q How many floors did the building have that you were
in?

A Four floors.

Q And was the Japanese Navy using some of that space?

A Those that set a military outpost at the corner of Rizal and Carriedo Streets were the ones who occupied the building.

Q Were these other buildings that you saw destroyed also occupied by military forces?

A The Roces Building was occupied by the Navy, and the other buildings were not.

Q Do you know what the other buildings were used for?

A The other buildings were not occupied by the Japanese military, but were occupied by their owners and some leases.

Q And were the other buildings warehouses?

A No, sir, they were not warehouses.

Q Did they have storage space in them?

A I don't believe they had warehouse space.

Q What floor of your building were you on when all this occurred?

A On the third floor.

Q And did you stay there and watch all those fires being set?

A We stayed until about three o'clock in the afternoon when we were only able to go out.

Q Did you leave your building before it started burning?

A No, sir.

Q So you were in the building when it was on fire?

A Yes, sir.

Q And was there pretty heavy fighting going on in the vicinity of these burning buildings at that time?

A There was no fire.

Q Didn't you hear any machine guns?

A No, sir, I didn't hear anything of a machine gun sound, but there was a machine gun at the lower part of my building, but I believe it was not used.

Q Did you see the American forces that day?

A Yes, sir. I saw only an American soldier at the corner of Plaza Goiti and Rizal after about ten o'clock in the morning.

Q And that was before these fires were set?

A Yes, sir.

Q Didn't you see some more American soldiers after ten o'clock in that area?

A No, sir. It was until after three o'clock in the afternoon at when we saw in the middle of Rizal Avenue some more Americans.

Q Yes. And by 3:30 in the afternoon that area was pretty well in the hands of the Americans, wasn't it?

A I don't believe the area was well controlled by American forces at that time, and there was no fire.

Q So that whatever American soldiers got there got there without a battle, is that right?

INTERPRETER GOJUNCO: Would you please repeat that?

CAPTAIN REEL: So that whatever American soldiers got there got there without a battle, is that correct?

A Yes, sir; without any resistance.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you, Mr. Arias.

(Witness excused.)

CLAUDE B. PATRICK

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

DIRECT EXAMINATION

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

A Claude B. Patrick.

Q Speak up.

A Claude B. Patrick.

Q What work do you do?

A I am an investigator in the office of the War Crimes Branch.

Q What is your rank in the American Army?

A First lieutenant.

Q And in connection with your work have you gone to various portions of the business district in Manila and caused photographs to be taken at designated buildings?

A Yes, sir; I have.

CAPTAIN PACE: At this time the Prosecution offers in evidence Exhibit 197 for identification, the sworn statement of Angel Dionzon.

GENERAL REYNOLDS: Does this affidavit pertain to the testimony of this witness?

CAPTAIN PACE: It describes a building, sir, which this witness caused photographs to be taken of, and I will offer the photographs in evidence if the statement is accepted.

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

CAPTAIN REEL: Well, sirs, so far as the Defense is

concerned, we shall not object to the photographs without having the necessity of this exhibit that has just been offered in evidence. If its only purpose is to identify photographs, it is unnecessary. We shall not object to the offering of the photographs.

CAPTAIN PACE: If it please the Commission, this statement is offered to prove that on February 4th four Japanese soaked sacks in gasoline and threw them into the China Bank Building, and then they lit it by throwing a grenade in the building, and that this caused a fire.

CAPTAIN REEL: Sir, I believe the Commission addressed the question to counsel as to what was the connection between this statement he now seeks to introduce and this witness. My understanding was that it was to lay the foundation for the introduction of photographs. That being so, this statement is unnecessary. We shall not object to the introduction of the photographs. We fail to see any connection between this statement and this witness.

CAPTAIN PACE: The photographs won't be particularly illuminating unless there is some evidence to show what the buildings were in the condition that these photographs show them to be in.

GENERAL REYNOLDS: The document will be accepted.

(Affidavit of Angel Dionzon
was received in Evidence and
marked Prosecution Exhibit
No. 197.)

Q (By Captain Pace) Lieutenant Patrick, will you look at Prosecution's Exhibit 198 for Identification and describe what each of the four pages of that exhibit

represents?

A The first photograph is a view of the fourth floor, one corner of it.

The second is also a picture of the fourth floor, the stairway.

The third picture is the exterior view of the China Bank Building.

The fourth one is the north side of the China Bank Building.

Q All four pages represent the views in and around the China Bank Building; right?

A That's right.

Q They correctly portray the way that looked?

A Yes, sir.

Q Will you indicate on Exhibit 193 the location of the China Bank Building?

A The China Bank Building is a building designated by the letter "C".

CAPTAIN PACE: I offer the pictures in evidence as Prosecution's Exhibit 198, sir.

GENERAL REYNOLDS: There being no objection, they are accepted in evidence.

(Four photographs of China Bank Building were received in evidence and marked Prosecution Exhibit No. 198.)

CAPTAIN PACE: At this time I offer Prosecution Exhibit 199 for identification in evidence. It is the sworn statement of You Cheng Pho, taken by investigators of the War Crimes office.

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

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

CAPTAIN REEL: Sir, relative to this statement, in addition to our standing objection to the statements and depositions, may we point out that on this line of testimony there has been certain cross examination which has brought out certain facts relative to the use to which these buildings were put. In this case we have a statement put in of a witness who makes certain remarks relative to the use of the buildings, and because it is a statement we are denied the privilege of cross examination. Cross examining the witness now on the stand would, of course, be useless.

We wish to object to this statement on those additional grounds.

GENERAL REYNOLDS: Your objection is based on the fact that you are unable to determine the use to which the building was placed?

CAPTAIN REEL: Yes, sir, and because the man who makes the statement makes certain remarks and statements in there, relative to what he thinks were the reasons why the buildings were picked out -- I think he said because they were concrete --

GENERAL REYNOLDS: Would you point out the particular

statement to illustrate your point, please?

CAPTAIN REEL: Yes, sir. Sir, 11 lines from the bottom of the first page of the statement, which is number 4, the witness says "bombs were not placed in every building, but it seems that the concrete ones were picked out." And further, at the top of the next page the witness says, "So far as I know, the Crystal Arcade Building had no military value." Those are both subjects on which cross examination might be illuminative.

CAPTAIN PACE: I submit, sir, that the Defense is in position to call witnesses and prove whatever they desire about these buildings, or to introduce statements to that purpose.

GENERAL REYNOLDS: Well, the Commission will strike out the sentence at the top of the page which is numbered 5, actually the second page in the document, which reads as follows: "So far as I know, the Crystal Arcade Building had no military value," and if the Defense wishes, the Commission will strike out the sentence on page 4, or the first page of the document, which reads, "Bombs were not placed in every building, but it seems that the concrete ones were picked out." With those exceptions, the document is accepted in evidence.

(A photograph was marked
Prosecution Exhibit No. 200
for identification.)

Q (By Captain Pace) I ask you to look at Prosecution Exhibit 200 for identification, and describe what the first four pages of that are.

A The first photo shows the front of the Yutivo Sons

Hardware Company. The second one is also a picture of the front of the building, and also one side. The third picture is one of the top floor. The third one is a photo of the rear part of the Yutivo Hardware Company. The fourth photo is a view of the west wall of the Arcade Building, Crystal Arcade Building. The fourth one is a view of the front of the Arcade Building. The next one is a view of the east side of the building.

Q How many pictures have you of Yutivo?

A There are four pictures of Yutivo.

Q The first four pages of the Yutivo Hardware, is that right?

A That is correct.

Q What are the remaining ones?

A The first picture is a view of the westwall of the Crystal Arcade Building. The second or the fifth picture -- the sixth picture, is a view of the front of the Crystal Arcade Building. That is on Escolta Street. The seventh picture is a view of the east wall of the Crystal Arcade Building. The eighth picture is a view of the interior of the Arcade Building. The ninth picture is a view of the northwestern corner of the Crystal Arcade Building. The tenth photo is a view of the front of the Arcade Building. The eleventh picture is a view of the interior of the Crystal Arcade Building. The twelfth is a view of the east side of the Crystal Arcade Building. The thirteenth picture is a view of the interior of the building.

Q Will you indicate on Exhibit 193 the location of Yutivo Building and the Crystal Arcade?

A The building is designated by the letter "I".

Q Which building?

A The Crystal Arcade Building, on Escolta Street.

Q How about Yutivo Hardware?

A The Yutivo Hardware Building is designated by the letter "F".

CAPTAIN PACE: At this time I offer Prosecution Exhibit 200 for identification in evidence.

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

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

(A statement was marked
Prosecution Exhibit No.
201 for identification.)

CAPTAIN PACE: At this time I offer another sworn statement in evidence, Prosecution Exhibit No. 201 for identification.

GENERAL REYNOLDS: We will ask the Defense if there are statements they wish to call to the attention of the Commission especially?

CAPTAIN REEL: No, sir; just the blanket objection.

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

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

CAPTAIN PACE: If it please the Commission, this statement is offered for the purpose of discussion of the Kiasco Habanera Building at 27 Escolta Street, and the Cu Unjien Building, 103 Escolta, and the destruction of

these two buildings caused fires which burned every building on the north side of Escolta between Nueva and T. Pinpin Streets.

(A group of photographs was marked Prosecution No. 202 for identification.)

Q (By Captain Pace) I show you Prosecution Exhibit 202 for identification, containing eight pages. Will you identify those?

A The first picture is a view of the south side of the Cu Unjien Building. The second picture is also a view of the south side of the Cu Unjien Building. The third picture is a view of the southeast corner of the Cu Unjien Building. The fourth picture is a view looking west from the Cu Unjien Building towards T. Pinpin Street, one block down. The fifth picture is also a view looking west from the Cu Unjien Building to T. Pinpin Street. The sixth building is a picture of the north and east walls of the Philippine National Bank Building. The seventh picture is a view of the east wall of the Philippine National Bank Building. The eighth picture is a view or partial view of the west wall of the Philippine National Bank Building.

Q What street are those buildings on?

A Escolta Street.

Q Which side of Escolta?

A The Cu Unjien Building is on the north side of Escolta.

Q How about the bank building?

A The bank building is on the south side of Escolta.

Q Where is 27 Escolta?

A 27 Escolta is the corner which is designated by the letter "H".

Q On the pictures you have been shown, it portrays the area generally between the area "H" and the letter "K"?

A That is right.

CAPTAIN PACE: At this time I offer Exhibit 202 for identification in evidence, sir.

GENERAL REYNOLDS: There being no objection, they are accepted in evidence.

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

(A statement was marked
Prosecution Exhibit No.
203 for identification.)

CAPTAIN PACE: At this time I offer Prosecution Exhibit 203 for identification in evidence. It is the statement of Michael Goldenberg, taken by the investigators of the War Crimes office and sworn to by the deponent.

GENERAL REYNOLDS: Is there any particular statement which the Defense wishes to invite attention to?

CAPTAIN REEL: No, sir, there is no additional objection. We wish to call the Commission's attention to the dates on which these statements that are introduced within this line of questioning were taken; merely pointing out that they are since the beginning of this hearing, since the arraignment, sir.

GENERAL REYNOLDS: Well, I don't see quite what you mean, but I grant that that is the case.

CAPTAIN REEL: Well, sir, there are statements relative to the branch of service that the various operatives were engaged, were members of, and we wish to point out

that the statements were taken after the arraignment in this case and after the subject was a matter of general discussion.

GENERAL REYNOLDS: There being no additional objection, the document is accepted.

(Prosecution Exhibit No. 203 for identification was received in evidence.)

(A group of photographs was marked Prosecution Exhibit No. 204 for identification.)

Q (By Captain Pace) I show you Prosecution Exhibit No. 204 for identification, and ask you to identify each of the three pages of that exhibit.

A The first picture is a view of the Chun Sing Building. It is also a view of the two buildings adjoining to the west. The second picture is a view of the Chun Sing Building. The third picture is a view looking east toward the Chun Sing Building.

CAPTAIN PACE: I neglected to state that the statement of Mr. Goldenberg was offered to prove the burning of the Chun Sing Building by Japanese carrying a five gallon can of gasoline.

At this time, we offer Exhibit 204 for identification in evidence.

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

(Prosecution Exhibit No. 204 for identification was received in evidence.)

(A statement was marked Prosecution Exhibit No. 205 for identification.)

CAPTAIN PACE: At this time, we offer Prosecution Exhibit No. 205 for identification in evidence.

GENERAL REYNOLDS: Is there any particular statement to which Counsel wishes to invite attention?

CAPTAIN REEL: No, sir.

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

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

CAPTAIN PACE: Sir, this last exhibit was offered to prove the destruction of the Goldenberg Building and the Fernandez Building by the Japanese.

(A group of photographs
was marked Prosecution
Exhibit No. 206 for
identification.)

Q (By Captain Pace) I show you Prosecution Exhibit No. 206 for identification, and ask you to describe each of the pages which it contains.

A The first photo is a view of the remains of the Goldenberg Building. The second picture is a view of the south wall of the Fernandez Building. The third photo is a view of the corner of the Fernandez Building, also the front of it. It is a corner building.

CAPTAIN PACE: I offer Exhibit 206 in evidence.

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

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

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

(Witness excused.)

GENERAL REYNOLDS: We will stop here; we will take no further witnesses tonight.

The Commission has an announcement to make. In the proceedings of 1 November, 1945, in the presentation concerning item number 22 of the Bill of Particulars, starting on page 641 in the record and continuing through page 643, the Commission ruled against the receipt of affidavits or depositions proffered by the Prosecution, on the grounds that they were not substantiated even in part by oral testimony.

After further consideration, the Commission reverses that ruling and affirms its prerogative of receiving and considering affidavits or depositions, if it chooses to do so, for whatever probative value the Commission believes they may have, without regard to the presentation of some partially corroborative oral testimony.

Therefore, the Commission directs the Prosecution again to introduce the affidavits or depositions then in question, and other documents of a similar nature which the Prosecution stated had been prepared for introduction. The Commission will rule upon the introduction of each of these affidavits according to their merits, as they are introduced.

We shall be in recess until 8:30 tomorrow morning.

(Whereupon, at 1735 hours, 5 November 1945, the trial was adjourned to 0830 hours, 6 November, 1945.)