

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.
6 November 1945

Met, pursuant to adjournment, at 0830 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

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

UNITED STATES OF AMERICA

PUBLIC TRIAL

-vs-

TOMOYUKI YAMASHITA

High Commissioner's Residence,
Hawaii, P. I.
8 November 1945

Met pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

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

MAJOR GENERAL LEO ROYOVAN
MAJOR GENERAL JAMES A. BESTER
BRIGADIER GENERAL MORRIS C. HANAWAY
BRIGADIER GENERAL ROBERT F. BULLIEN

ATTORNEYS:

(Same as heretofore cited)

REPORTED BY:

L. N. WINTERS
F. B. SOWELL



LL
5427F
4 F 47

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Gilbert B. Ayres	1126	1127	1128	1128
Benita Lahoz	1131	1150		
Sister Nelly de Jesus Virata	1151			
Rosalinda Andoy	1161			
Rosa Calalang	1169			
Sgt. Graciano Castro	1172			
Luis Gallent	1182	1192		
Sancho Enriquez	1193	1203		
Juan D. Palada	1206	1211		
1st Lt. Frank J. Shideler	1212	1215		
Major Gilbert B. Ayres (Recalled)	1218	1229		
Major Frank J. Middelberg	1234	1240		
Eugene Bayot	1242			
Father Belarmino de Celis	1247	1269		

E X H I B I T S

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
208		1180
209	1212	1213
210	1213	1214
211	1214	1215
212	1215	1215
213		1223
214		1224
215		1225
216		1225
217		1227

EXHIBITS (Cont'd)

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
218	.	1228
219	1243	1244
220	1245	1247
221	1249	
222		1267
223	1267	1267
224	1267	1268
225	1268	1268

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 is ready to proceed.

Before proceeding, however, I should like to point out two errors in the record. On page 603, line 6, the word "crosses" should read "crossed", and on page 642, line 9 --

GENERAL REYNOLDS: Hold it just a minute. 603?

MAJOR KERR: Line 6. The word "crosses" --

GENERAL REYNOLDS: Should be what?

MAJOR KERR: "Crossed". Page 642, line 9, the word "matter" should read "manner".

Sir, the Prosecution and Defense stipulate at this time that these changes may be made.

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: Major Ayres.

MAJOR AYRES: Major Ayres reporting as a witness, sir.

MAJOR GILBERT B. AYRES

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, rank, organization.

A Gilbert B. Ayres; major, Headquarters 37th Infantry Division.

Q What was your assignment, Major, during January and February of 1945?

A I was the assistant G-2 of the 37th Division.

Q Were you in the operation which resulted in the liberation of Manila?

A Yes, sir.

Q Where were you during that operation?

A Well, most of the time at the Division C.P. which moved around, depending on the tactical situation.

Q In your capacity as assistant G-2 were you familiar with the artillery missions of the Division Artillery and to some extent the Corps Artillery?

A Well, to a limited extent as to the general objectives of the Artillery.

Q I show you Prosecution Exhibit 193 in evidence and ask you if the American Artillery fired any missions into the area shown on that sketch.

A There were no artillery missions fired north of the Pasig River at any time.

Q By the American Artillery?

A By the 37th Division Artillery and by the Corps Artillery, to the best of my knowledge.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: May we have your indulgence for a few moments, sir.

CROSS EXAMINATION

Q (By Captain Reel) Will you tell us, sir, whether in your capacity as G-2 of 37th Division you had access to the records of G-2 of the 14th Corps?

A Yes, sir. We used to see the G-2 periodic reports daily.

Q And would you be able to identify certain material that appeared in those records and clarify it?

A I could probably identify some of the reports; yes, sir.

Q I am reading to you an extract from page 85 of the M-1 operations document of the 14th Corps. Are you familiar with that document?

A Is that the report after action or is that the operations order?

Q That is the report after action.

A I have not seen 14th Corps Report after action.

Q And you are not familiar with that?

A No, sir.

CAPTAIN REEL: No other questions, sir.

REDIRECT EXAMINATION

CAPTAIN PACE: May I ask one more question, sir.

Q (By Captain Pace) Do you know whether or not the Japanese strongly defended the area immediately north of the Pasig River?

A There was no very strong defense north of the Pasig River.

CAPTAIN PACE: Thank you.

RE CROSS EXAMINATION

Q (By Captain Reel) But did the terrain and situation that you found north of the Pasig River indicate a hasty withdrawal on the part of the war troops that had been there?

A Yes. There was some indication that they had gotten out of there rather rapidly.

Q Was there any mortar fire from the American side in that area?

A To the best of my knowledge we dropped no mortar fire in that area.

Q Was there any air bombardment?

A That is, no air bombardment immediately preceding our arrival. Now, some time before we may have bombed in the area, but I wouldn't know about that specifically.

Q Were areas immediately south of the Pasig River subject to artillery fire?

A At what time?

Q At any time.

A Subsequent to February 7th, yes, sir.

Q Any before that?

A On the 6th but not before the 6th.

Q Was there any aerial bombardment prior to the 6th of February south of the Pasig River?

A To my knowledge, none that we had gotten ourselves.

Q But you had --

A We were not permitted to use any air support south of the Pasig River.

Q But you wouldn't have any information relative to any aerial bombardment of the various Air Forces?

A By any of the strategic Air Forces bombardment I would have no knowledge of it.

Q Do you have in your possession a captured Order No. 43 dated 3 February from the Imperial Naval Defense Command relative to action north of the Pasig River?

A No. I do not have such an order in my possession.

Q Does the office of G-2 of the 37th Division have such an order?

A Any orders of that type we would have transmitted to higher headquarters had we captured them.

Q And do you know whether or not you did capture such an order?

A I don't recognize the number.

Q Well, if I tell you, sir, that the M-1 operations on the part of the 14th Corps states that there was captured Order No. 43 dated 3 February from the Imperial Naval Defense Command relative to demolitions north of the Pasig River, does that refresh your recollection as to whether any such order was captured?

A No, sir; it does not.

CAPTAIN REEL: That's all, sir.

FURTHER REDIRECT EXAMINATION

Q (By Captain Pace) Major, there was an order, was there not, put out by Corps that no artillery or tactical air support would be used north of the Pasig River; is that right?

A Yes, sir; we received such an order.

CAPTAIN PACE: Thank you.

CAPTAIN REEL: Nothing further.

(Witness excused)

CAPTAIN PACE: If it please the Commission, that completes a partial presentation on the part of the Prosecution of evidence in support of the Bill of Particulars Nos. 15 and 25.

MAJOR OPINION: If the Commission please, these two cases, which will be tried jointly, are known as "Santa Rosa College" described in Bill of Particulars, Paragraph 50, and "Santo Domingo Church," Bill of Particulars, Paragraph 53. In view of the close connection between the two cases, we submit them for trial to the Commission.

Mrs. Lahoz.

BENITA LAHOZ

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Mrs. Benita Lahoz.

Q Age?

A 31.

Q Address?

A Nurses' Home, Psychopathic Hospital.

Q Nationality?

A Filipina.

Q Where did you reside during the early part of February, 1945?

A I was in Intramuros.

Q What part of Intramuros did you reside in?

A San Juan de Dios Hospital.

Q When did you reside in that hospital?

A The early part of January.

Q Can you state the date, more or less?

A Well, I have been working there ever since. That is why we had been residing there the early part of January,

because of the forced labor. I cannot remember very well the date.

Q With whom did you reside?

A With my husband, who was a doctor in the San Juan de Dios Hospital.

Q Was your husband holding any position in the hospital?

A He was the resident physician in the hospital.

Q During the early part of February, 1945, was he holding any other position in addition to the one that you have stated?

A In the early part of February, you mean?

Q Yes.

A Well, he was appointed as acting director, because the director of the hospital was not there anymore.

Q On or about 2 or 3 February, 1945, did you try to get out from the Intramuros, you and your husband and your family?

A That was February -- (pause).

Q Yes, February.

A The 2nd?

Q Or 3rd.

A No, because we were not able to go out anymore, because the bombing started on February 2.

Q But did you have any intention of going out?

A We really intended to go out that time, because it was Sunday the next day, but we were not able to go out anymore.

Q Were you prevented by sentries from going out?

A Yes, because there were sentries all throughout the

gates of Intramuros.

Q On 3 or 4 February, 1945, did you hear any blastings in and around Intramuros?

A Around Intramuros, yes; it was the blasting of all the bridges across the Pasig River.

Q Do you mean to say that the Jones, Santa Cruz Bridge --

A Yes.

Q And the Ayala Bridge?

A Yes, and Quezon Bridge.

Q On 4 February, 1945, were you notified by a prison guard, I mean by a neighborhood guard, with reference to an order received from the City Hall?

A Yes.

Q What was that order?

A He told us that there was an order from the City Hall that all windows should be closed, and anybody who tried to peep would be shot, because they might be suspected that they are enemy or spy or something.

Q Did that guard tell you whose order was that?

A No, he just told that he came from City Hall, and being a neighborhood leader in Intramuros he had to notify us in the hospital.

Q On 5 February 1945 were you visited by two Spanish women in the hospital?

A They are not exactly visitors, but they tried to seek refuge to the hospital.

Q Did they tell you anything about the order, or any incident?

A They told us that that night all the men were taken

and the women were left in their houses, so they tried to come to the hospital, thinking that it would be safer for them to stay in the hospital.

Q Did they say where the men were taken to?

A They didn't exactly tell us where the men were taken.

Q Did they mention anything to you about Fort Santiago?

A I think -- yes, I think I remember that.

Q Did they mention to you anything about Santa Rosa?

A No, they did not tell us about it.

Q On 6 February, did you have any Japanese visitor in the hospital?

A Yes, a group of them came to us maybe around 20 to 25 Japanese.

Q Were there any officers with them?

A There was a medical officer, and I think one was a -- I don't know if he is a colonel or what of the army, who was stationed near the hospital; that was the Muralla.

Q What did he do in the hospital?

A They tried to inspect the hospital.

Q Did he ask permission from anybody with respect to the inspection of the hospital?

A They tried to ask my husband, then they asked my husband to go with them around the hospital.

Q Did he inspect the hospital?

A They inspected all the hospital and forced open all the closed rooms.

Q What was the purpose of inspecting the hospital?

A They said that after the inspection -- they told my husband that they received a message that the hospital was

trying to communicate with the Americans, that that is why their gun emplacement in Muralla was being the target.

Q The target of what?

A Of the shelling of the Americans.

Q Did they inspect the hospital?

A They inspected the hospital.

Q Did they find anything?

A Unfortunately they didn't find anything.

Q You say that there was among the officers, one officer who appears to be a medical officer. How do you know he was a medical officer?

A Because he told us that he was a doctor.

Q Did they tell you their rank?

A No, but I think he was an officer.

Q To what unit did he belong, if you know?

A I think they are in the army, Japanese army.

Q Now, please state, Mrs. Lahoz, anything that happened or took place since that date up to the date of 17 February, 1945. Please state to the Commission.

A It was February 6 when this group of Japanese officers and some soldiers came to the hospital. They tried to inspect the hospital, and even forced open all our private rooms, thinking that we had some radio communication with the Americans. That is why they tried to be very strict in inspecting our place. Even the antenna of the Sisters of San Juan de Dios, they thought it was working but they saw that it was not connected. So they told my husband to make a list of all the employees and all the nurses and all the patients, because we are under -- we are like

prisoners, and we cannot go out of the place without telling them. Then later in the afternoon, the fire in Intramuros already started, then this Japanese came back to us and he ordered us to prepare some medicine and food-stuffs and be ready to evacuate to Santa Rosa College. That was the ruins of Santa Rosa College. Then about 4 o'clock we started to go out of the hospital, and then the fire was already coming towards us. Then we went to Santa Rosa College. When we were there it was already about 7 o'clock; it was very dark --

Q Just a minute, please; pardon me. You say that you were ordered to evacuate. By whom were you ordered to evacuate?

A By the Japanese soldiers who came to us.

Q Was the evacuation for all the personnel, patients, interneers of the hospital?

A We don't know, because when we went to Santa Rosa we saw the civilians there already.

Q At the time you were ordered to evacuate, how many more or less patients, interneers, medical attendants, nurses and doctors, were living in the hospital?

A We were more than 100, I suppose; more than 100.

Q And when you were ordered to evacuate, you then went out of the hospital?

A Yes.

Q Were all the patients also taken out of the hospital in pursuance of that order of evacuation?

A Not all of the patients, because we could not carry them all. The weak ones were left and were burned in the

hospital.

Q How many patients were left in the hospital which you could not carry?

A About five of them.

Q Do you remember the names of them?

A I can't remember the names.

Q How did you know they were five?

A Because we already know that they were bed patients.

Q Did you ask the permission of the Japanese officer in command of evacuation to take out those five patients from the hospital?

A No. It was this -- before they told us to evacuate, they did not allow the patients to be carried, but my husband tried to plead with them to please allow even those who could walk, so that those that were not able to walk were left there and they were burned.

Q All right. Please proceed. When you were already in the Santa Rosa College, what incidents have taken place?

A When we were in Santa Rosa College -- that was February 6, in the afternoon -- there were already fires all over the place, and then we tried to seek shelter, but every now and then the Japanese would come to us and try to drive us away, but we cannot do anything; we have to stay inside. And then the next day -- that was February 7 -- we had to cook our breakfast early in the morning, so we tried to get water outside of Santa Rosa College. When I went outside I saw still two men tied on one of the posts near the warehouse. I don't know what that warehouse is, near Santa Rosa College --

Q How far was that post from Santa Rosa College?

A It is just the next block.

Q More or less how many meters?

A It was around about 10 meters from the gate of Santa Rosa College.

Q On what side of Santa Rosa College, as you enter Santa Rosa College?

A It is on the left side.

Q Do you know the Domingas Building, or the Gutierrez Building?

A I think it is the Gutierrez Building. I don't know very well the place there in Intramuros.

Q You mean to say only the next house immediately from the Santa Rosa College?

A Yes.

Q Please proceed.

A And then I saw that there were two men still tied and still half burning, and then we went to take water -- in coming back, I saw in the -- is that a street? No, it is not a street; that little plaza near Santo Domingo Church, the one in the back. There is a small plaza there.

Q Postigo Street, or Solana Street?

A It is in front of the YMCA, Navy YMCA, before. There is a plaza there, with an acacia tree. Then I saw several men tied with their hands at the back and without any clothes. And then I went back to Santa Rosa College to cook our breakfast --

Q Now, on 8 February, 1945, did the Japanese visit Santa Rosa College?

A February 8?

Q Yes.

A Yes, a group of them visited, including that medical officer that I saw that went to investigate in the hospital.

Q What time did they visit?

A That was about maybe between 9 and 10 o'clock in the morning.

Q What did he do there?

A They tried to see around if all the hospital persons are dead, and then afterwards they told my husband that they would have to get the internees.

Q Did they get the internees?

A They got all our internees.

Q When was that?

A That was February 8.

Q What time more or less?

A Between 9 and 10 o'clock in the morning.

Q Who were the internees taken out from the Santa Rosa College?

A One was Mrs. Ada Aplin, Mr. Leo Gump, Mr. Huebch, Mr. Kenneth Huebch, Mr. Benson, Father Von Russell, Mr. Mitchell, and there was another one -- I cannot remember his name.

Q What was the nationality of these persons you have mentioned? Were they foreigners or Filipino?

A They were foreigners.

Q Do you know where these persons were taken to?

A My husband tried to ask them where they would be taken, but they said they just take them somewhere and just

don't worry about them.

Q Specifically, you mentioned these names, Kenneth Huebch --

A "Huebch" is the pronunciation.

Q What was his nationality?

A He was an American.

Q How about this Mrs. Ada Aplin; what was her nationality?

A I think, so far as I can remember, she said she was French, born in France.

Q How about this Mr. Edgar Christensen? What was his nationality?

A Well, he was a civilian -- (pause)

Q How about this Leo Gump?

A He was an American.

Q And Father Von Russell?

A I don't know exactly the nationality.

Q Mr. Mitchell?

A American.

Q Among these internees who were taken out from the hospital, were there Filipinos?

A No, none of them.

Q Do you know Mr. Cuevas?

A He was Spanish, I suppose.

Q Was he taken too?

A He was taken with us. They thought he was an American.

Q How about this Mr. Benson?

A He is an American.

Q Were all these persons just mentioned internees who

were taken out of the hospital?

A Yes.

Q Now, please proceed. What happened after a while?

A That was -- (pause)

Q After these internees were taken by the Japanese, what did they do with them, if you know?

A We don't know what they did, but they just took them out and --

Q After they had taken these internees, what did the Japanese do in the ruins of Santa Rosa College?

A They go there once in a while to see us.

Q On February 14, have you been visited by a Japanese officer who was drunk?

A Yes.

Q What did he do?

A That was February 14 about 3 o'clock in the afternoon. He just came inside, and he ran after us with his bayonet, and we can't do anything but just run around that compound, because we cannot go out; otherwise we are going to be --

Q Would you say that he was chasing everybody inside the Santa Rosa College?

A Everybody, yes.

Q What happened with him afterwards?

A I don't know, but he just happened to go out, and then after that another officer came and asked --

Q Just a minute, please. Did that drunken Japanese officer fall down while he was chasing you?

A Yes.

Q Was he wounded or injured?

A I think he was wounded.

Q Now then, you saw that a Japanese officer came after a while?

A Yes.

Q When that Japanese officer came, was this drunken Japanese officer still there inside?

A No, he was not there anymore.

Q What did this Japanese officer do?

A He tried to ask us if anybody tried to hit this drunk officer, because he left us the cover of his bayonet inside the ruins.

Q What was the answer to that question?

A Well, we said we don't know, because he was drunk and he used to fall because he was chasing us; he used to tumble down.

Q On February 17, 1945, about 2 o'clock in the morning, what happened in the Santa Rosa College ruins?

A About 2 o'clock we heard shouts of women outside. I mean outside, because it is a little bit far from our house where we take shelter. Then afterwards one of our attendants came to us and he said, "Doctor, you are wanted by the Japanese."

Q The name of that attendant?

A I can't remember exactly what is her name, but she was one of our attendants. And then after that, I tried to wake up my husband and told him that the Japanese were here, trying to ask for him, so he put on his shoes right away, then he called his other companions and they went outside. And after that we did not see each other anymore, because

they were taken out of the ruins already.

Q When did that take place?

A February 17, about 2 o'clock in the morning.

Q Was your husband with companions or was he alone?

A He was with his companions.

Q What were the names of the companions?

A Doctor Noriega, who is another resident in our hospital, and Doctor Corrales, who is a private practitioner, a dentist who tried to seek refuge in the hospital, and three other attendants, boy attendants.

Q Do you know Mr. Urrutia?

A Yes.

Q What was he?

A He was the husband of one of our patients.

Q Was he an attendant or --

A He volunteered as an attendant during the -- when we were there in Santa Rosa already.

Q How about this Conrado Pili?

A He is a patient, but he volunteered as an attendant also.

Q And you said that the six of these persons, including your husband, were taken out. Who was that Japanese officer who took them out of the college? Was he the same one who has been visiting your place?

A No, I think they belonged to the navy, because they had a different uniform, black -- something like black -- and they had long beards.

Q Did not the Japanese tell those persons taken out by them where they were taking them to?

A No, they didn't tell us anything.

Q Now then, did your husband and his companions come back?

A No, only Mr. Urrutia was able to come to the Santa Rosa.

Q When did he come to Santa Rosa ruins?

A He came the next morning already, about 7 o'clock in the morning.

Q Was Mr. Urrutia wounded or unscratched?

A He was wounded. He had three bayonet wounds in the buttocks.

Q Did you have an opportunity to see him and talk to him?

A Yes, I was able to talk to him.

Q Where?

A In the ruins already.

Q Of Santa Rosa College?

A Santa Rosa College.

Q What conversation did you have with him?

A I asked him where they were taken, and he said that they were --

Q Speak a little louder; face the Commission.

A I asked him where they were taken, and he told me that they were taken to Santo Domingo Church. That is just in front of Santa Rosa College. And then I asked him also if he saw how my husband died, and he said, "Yes, I saw him, and he was bayoneted and he died instantly. Then afterwards, they bayoneted me also in the back and I fell because I fainted and they thought I was dead already, so they did not

come to bayonet me again." So that next morning he was able to crawl to Santa Rosa College and ask for treatment and give him water.

Q What did you do after you received this news from Mr. Urrutia, with respect to the death of your husband?

A Well, I tried to ask a favor from that Japanese by the name of --

Q Wait a minute, please. Did you yourself, or send somebody else to ascertain the death of your husband?

A That day I asked one of our attendants.

Q What was her name, or what was the name?

A I forgot the name.

Q Was it a female or male?

A A female attendant, because we had no more male at that time. I asked her to please go around and see if she can trace any blood or something that -- or she can see that they are all there inside the Santo Domingo Church, because I suspected already that they must be there, because before that we heard that several persons were killed inside the Santo Domingo Church.

Q And what did that female attendant do after she was requested by you?

A She went to Santo Domingo Church, then when she came back she told me, "Yes, Mrs; your husband is there. He is dead."

Q And on the 19th day of February, 1945, what did you do with regards to the body of your husband?

A I tried -- I asked the favor from that Lieutenant Takahashi to please accompany us to Santo Domingo Church to

take the body and be buried.

Q Who is that Lieutenant Takahashi?

A He was a frequent visitor to Santa Rosa College. He said he is an officer in the army.

Q Was he a pure-bred Japanese or a half-bred Japanese?

A He told us that his mother was a Filipina and his father was a Japanese.

Q Did he speak Tagalog or in English?

A He can speak Tagalog and English.

Q Was he sympathetic to you and to the hospital internees and patients?

A Not exactly sympathetic, but if we ask him something he tried to do also what he can for us.

Q You say you asked him for permission to bury your husband?

A Yes.

Q Did he grant that permission?

A He told us to wait and he will ask first his high officer, and then later on he came back and he told us to go with him.

Q And did he come back?

A Yes.

Q As promised?

A He did.

Q Were you given permission to bury your husband?

A Yes, we were.

Q What did you do then, after a while?

A On the 19th, in the morning, he came back and then he told us to bring along about 15 women with us to help in

burying our dead, so we went out and we took the body of my husband and the rest of his companions to be buried. Then after that he told us to bury all the dead that were dead near the compound of Santo Domingo, and we saw around 30 dead women and children. One was beheaded; one of the women that we saw was beheaded. She was around 20 to 25 years old.

Q You say one woman was beheaded?

A Yes.

Q Was her head entirely cut off from her body?

A Yes, it was separated from her body. And then we saw another woman that was with her clothes raised until the waist and her legs all swollen and her part was still bleeding. Then after that, we tried to bury all those dead --

Q You say that her "part" was bleeding?

A Yes.

Q Will you please state more specifically? You mean to say that her genital organs --

A Yes.

Q -- were oozing blood?

A Yes, her genital organs was oozing blood.

Q Was it wounded?

A I can't see, because it was swollen already.

Q Please proceed.

A Then after that, we tried to bury all the dead. We just put them inside the dugouts that were built by the Japanese around the compound of Santo Domingo. And after that, they told us to go back in the ruins.

Q How many bodies, more or less, were buried by you and

your companions that day?

A Oh, we buried around 30 bodies, women and children.

Q Were there still bodies still unburied when you left the premises?

A I don't know exactly if there were still bodies.

Q You mentioned about Santo Domingo Church; will you please state to the Commission how far was Santo Domingo Church from Santa Rosa College?

A It is just right in front of Santa Rosa College.

Q The entrance, the main entrance of the Santo Domingo Church -- to what building was it facing?

A It was facing the main street in Juan Luna, the main entrance of Santo Domingo.

Q On the right side of the Santo Domingo main entrance, in going out from the church, where was Santa Rosa College?

A On the right side.

Q Now, please proceed. After you had returned, what did you do?

A We stayed in the ruins. We stayed in the ruins for almost a week after that.

Q And Japanese visited you again during that time?

A Oh, they come now and then, especially at night.

Q Did they take out some women from the ruins of Santa Rosa College?

A They took several women already, and then they take by families.

Q Were there shelters inside the Santa Rosa College?

A Not exactly shelter, but those huts that were built by the women with galvanized iron.

Q Were there any females wounded inside Santa Rosa College ruins?

A Yes, there were many wounded.

Q Who wounded them and where were they wounded?

A They were wounded -- during that night that my husband was taken, there were several wounded, that were bayoneted also. They came to us for treatment, about ten of them, with bayonet wounds.

Q At the time your husband was taken, and his companions were taken, by the Japanese, how many Japanese were there?

A Where?

Q From Santa Rosa College ruins?

A I don't know exactly how many Japanese were there.

Q Were there many?

A I think so, because every now and then different groups come inside Santa Rosa.

Q Was there any Japanese officer with the group?

A Yes, that Takahashi was also there.

Q To what unit did this Takahashi belong?

A He said he was the artillery.

Q Was he an army officer or a navy officer?

A Army officer.

MAJOR OPINION: That is all. You may cross-examine.

GENERAL REYNOLDS: The Commission will be in recess for approximately 10 minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

Proceed.

CROSS EXAMINATION

Q (By Captain Sandberg) Was there any shell fire in Intramuros?

A There was continuous shelling.

Q There was shell fire?

A Yes.

Q Did you notice that the shelling was causing fires to start?

A Yes.

Q In the latter part of January did you hear that the Japanese were urging the civilians residing in Intramuros to leave that place?

A No. We did not hear anything like that.

Q During that time did the Japanese distribute rice to members of the civilian population?

A Do you mean when we were in Santa Rosa College?

Q Before that.

A No. They did not distribute any rice in Intramuros.

Q Do I understand that they distributed rice after you were in Santa Rosa College?

A When we were in Santa Rosa College this Takahashi tried to give us several sacks of rice to be given to the civilians.

Q And he did give you several sacks of rice?

A Yes, he did.

Q And you received no rice prior to that time?

A No.

Q Were you in Intramuros on the 25th of February?

A I was not there any more.

Q When did you leave Intramuros?

A February 23rd.

Q How did you get out?

A We were taken by the American soldiers across the river already.

Q On the 23rd of February?

A Yes.

Q While you were in Intramuros do you recall hearing a broadcast from the Americans to the Japanese inside Intramuros?

A No, we didn't hear anything.

Q I mean not a radio broadcast but loud speakers which broadcast an appeal to the Japanese to surrender.

A No, we didn't hear anything.

Q You say that the Japanese you saw were members of the Navy?

A Those that took my husband, I suppose, were from the Navy because they wore different uniforms. They wore black -- black suits and they had long beards.

CAPTAIN SANDBERG: That's all.

(Witness excused)

SISTER NELLY de JESUS VIRATA

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

DIRECT EXAMINATION

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

A My name is Sister Nelly de Jesus Virata, Sister Nurse of San Juan de Dios Hospital.

Q Age?

A 33 years old.

Q Address?

A My address is in 277 General Solano, San Miguel, Manila, Singian Clinic.

Q Nationality?

A Filipina.

Q Where were you residing on 7 February 1945 and prior to there?

A I was in Intramuros in San Juan de Dios Hospital.

Q You were then a Sister Nurse of that hospital during that time?

A Yes, sir.

Q And you were taken to the Santa Rosa College by order of the Japanese officers of the Japanese armed forces?

A Yes, sir. They went there early in the morning and ordered us to leave the hospital.

Q And you left the hospital?

A We didn't leave at once the hospital. We stayed the whole day then. They told us that only the employees of the hospital must leave the hospital, leaving the patients behind; but we fight for it. We told them that we were in that place not for anything but the patients.

Q How many patients were there there at the time?

A There were all around more than 120 in the hospital patients.

Q I am just speaking about patients alone. How many

more or less were there?

A I think the patients are around 90.

Q 90?

A Yes, sir.

Q And how about the hospital attendants? How many were there?

A We have more than 45 hospital attendants; between 45 and 50.

Q How many resident physicians were there in the hospital?

A We had two medical physicians, one dentist and one chemist.

Q How many patients who were foreigners?

A We had six in all national patients; I mean to say, those white patients.

Q Were there any internees in the hospital?

A There were internee patients. They came from Santa Tomas College.

Q Because of the order that was given to leave the hospital did you take all these patients, internees?

A We tried our best to bring them all, only in my department there were four bed patients left behind.

Q Were they tubercular patients?

A They were all tubercular patients.

Q What was the condition of their health at the time you left the hospital?

A They were all weak because they lacked food and medicines.

Q All of you left the hospital, did you?

A We did except the four bed patients that I have in my ward.

Q Can you name those four bed patients?

A I can't exactly now remember their names, but they are three males and one female.

Q You say that they were left there when you left the hospital?

A We didn't intend to leave them. We came back purposely for them because we wanted to carry our patients along with us. We carried two patients on our shoulder, but the Japanese in guard of the hospital didn't allow us to enter any more.

Q What happened with them?

A They were burned alive.

Q How do you know that?

A Because the next day after the hospital was burned we came back to look for something that we could get for the use of other emergencies. We found them all dark like charcoal, as a sign that they are burned.

Q When did you arrive at the ruins of Santa Rosa College?

A We arrive on the evening of February 6th between 5:30 and 6:00 in the evening.

Q What happened in the Santa Rosa College, if anything happened, while you were in that college?

A Leaving the hospital of San Juan de Dios we were guided by the Japanese to that ruin of Santa Rosa College and we were told to stay there. We were begging the guide if we could leave Intramuros, but he said we cannot and we have to stay inside. So we were taken and we stayed in the

ruins of Santa Rosa College.

Q While you were in Santa Rosa College did the Japanese take any group of persons who came from the San Juan de Dios Hospital?

A They did. They did come and they took -- First of all, it was noontime of February 8th. They took all our internee patients.

Q How many were they?

A They were seven in all.

Q Were they foreigners or Filipinos?

A They were all foreigners.

Q Showing you this statement marked Prosecution's Exhibit 207 for identification, will you please state if you know that statement?

A Yes, sir. I know this.

Q Whose statement is that?

A That is my statement.

Q There are lists of names of internee patients, attendants and helpers of the hospital numbering 40. Will you please read silently these names and tell if you still remember that they were forming a part of the group of evacuees of the San Juan de Dios Hospital?

CAPTAIN REEL: Sir, with due deference to the Commission and solely for the protection of the Defense, we wish to object to this. This witness is on the stand and counsel is attempting apparently to use a statement of the witness who is on the stand and through this indirect method putting portions of that statement into the record. We object to that, sir.

MAJOR OPINION: Sirs, we don't specifically know what is the legal objection of Defense Counsel.

GENERAL REYNOLDS: Is it your purpose merely to give her this list to enable her to refresh her memory?

MAJOR OPINION: No, sir. This exhibit will entirely be submitted as part of our evidence, but the question speaks exclusively on the listed names of patients and hospital attendants as well as interneers to refresh the memory of the witness, because it is her own statement given at a time when she had a fresh recollection.

GENERAL REYNOLDS: Do you propose to introduce the entire statement?

MAJOR OPINION: Yes, sir.

GENERAL REYNOLDS: We see no particular benefit to having her do it twice. Do you have some reason for doing so?

MAJOR OPINION: Sir, it is only for the purpose, as I said, of identifying names. That's why our question exclusively refers to the names listed on it.

CAPTAIN REEL: Sir, may I point out that the Commission has already ruled on this question in the case of a previous witness where a similar attempt was made and the Commission quite correctly ruled it out.

GENERAL REYNOLDS: If you are just seeking to refresh her memory there is no objection. You may proceed.

MAJOR OPINION: Yes, sir. That is the purpose, sir. Will you read the question, sir?

(Question read)

Q (By Major Opinion) Specifically, please, referring

to page 2 of Exhibit 207 on the upper portion of said page there is a list of names of internee patients, their ages and their nationalities. Were they taken out of the Santa Rosa College wings?

A Yes, sir. They were all taken out on the noontime of February 8, 1945.

Q By whom?

A By the Japanese.

Q Who were the Japanese?

A With an officer and four soldiers.

Q Do you know where they were taken to?

A We were not told where they were taken, but they were taken out of the wing of Santa Rosa College.

Q In the lower part of page 2 of said exhibit there is also a list of names of attendants and helpers of the hospital. You have just read their names. Will you please tell the Commission if the persons named therein had been taken out also from Santa Rosa College wings?

A These persons were all our hospital boys and helpers. They were all taken on the 10th of February, 1945.

Q At what time?

A In the morning after breakfast.

Q By whom?

A By the Japanese with an officer also. We asked the Japanese where they will be taken and they told us that they will use them only to dig up their trenches, but the whole day pass --

Q What trenches, please?

A The trenches of the Japanese. That's what they answered.

Being in charge of all the male patients I was interested what was going to be done to my patients. So I take the pain of asking the Japanese officer where those patients will be taken, because some of them are weak, some of them have vomited blood. But yet they were all taken instead.

Q Did you see these persons after a while?

A They didn't come back any more with the exception of the two patients, a Chinese and a Filipino, who came back the next day early morning around 5:00 o'clock.

Q What were their names?

A They came to me running with bayoneted wounds in their body. I asked them where they had been, because the Japanese took them. That was the day before they came. And they told me that they were all locked up in Fort Santiago, distributed in the different cells; some were bayoneted and others were burned. I don't know the rest they said.

Q After the conversation you had with these two patients what happened in the Santa Rosa College?

A The Japanese every now and then used to visit the vicinity. Sometimes they used to come from tents to tents, because we have no buildings at all. We used the galvanized iron in the buildings as our tents. We can't do anything. We have to submit. And then on the 17th of February at midnight our medical doctors were taken.

Q Who were the names? Who are they?

A They were Dr. Manuel Lahoz, being the chief physician, supposed to be the chief physician at the time; Dr. Cecilio Noriega, another assistant; Mr. Luis Urrutia, a dentist; Dr. Leandro Corrales and Lazaro Cordero, and one patient,

Mr. Conrado Pili.

Q Did you see them after a while?

A We saw them but they were dead, with the exception of Mr. Luis Urrutia who came to us the next day groaning with wounds in his body.

Q Did you help to bury the bodies of these physicians you have just mentioned?

A I did.

Q Did you see any other bodies besides the bodies of the hospital doctors or attendants?

A We saw plenty. We saw women and children dead, lying dead among the ruins of Santa Domingo Church.

Q Did you see any woman whose dress was raised up to the waist?

A We did see it.

Q How many women?

A Several.

Q On the 10th of February, 1945 did you see any civilians hanging by the neck from an electric light post?

A I saw four civilians, male. Some are naked, others were only in short carsoncillos, we call it. They were all hanging from the post dead.

Q Was it an electric post?

A No. They were tied by the rope. The post that they use is the electric post.

Q Were they still living or dead when you saw them?

A They were dead already when I saw them.

Q Did you see who hung them?

A I didn't see. I saw them only hanging.

Q On the 12th of February, 1945 did you see any Filipino civilians stripped of their clothing?

A Yes, sir. We were -- It was around 9:00 o'clock in the morning. I was accompanied by some girls and one sister. We were digging water in a dugout. It is not a well but it is a dugout where we could get some water for our drinking. On our way we saw two male civilians being overtaken by Japanese officers. They were caught, they were undressed, and then their hands were tied at the back and they were tied to the post of one of the burning buildings on the right side of the ruins of Santa Rosa College.

Q What happened to these two?

A They were burned alive.

Q How do you know that?

A We were there. We were watching until they were finished burning.

Q Was there any Japanese soldier?

A Yes, sir. They were watching with a fixed bayonet

Q Were the two Filipinos able to get out from the place of burning?

A They were not able because they were tied. Their hands were tied at the back, their body; their chests were tied to the posts.

MAJOR OPINION: That's all. We would like to introduce in evidence Exhibit 207.

CAPTAIN REEL: Sir, we object. We understood that when the examination was permitted to continue after our last objection counsel for the Prosecution stated in answer to a question from the Commission that the purpose of using

the statement was merely to refresh the witness' recollection. We object to the introduction of this statement, Sirs.

MAJOR OPINION: Sirs, please, our offer is just that 207 as a part of our testimony in support of the listed names.

CAPTAIN REEL: That is precisely what we object to. Apparently it is now stated that this is not offered merely to refresh the witness' recollection.

GENERAL REYNOLDS: Is there anything in this document which is material and which has not been covered by oral testimony of the witness?

MAJOR OPINION: Nothing, sir.

GENERAL REYNOLDS: There seems, then, to be no necessary purpose to its introduction and it is therefore excluded from the record.

MAJOR OPINION: That's all.

CAPTAIN REEL: No questions.

(Witness excused)

MAJOR OPINION: That concludes our evidence in so far as Bill of Particular No. 50 is concerned.

GENERAL REYNOLDS: Does the Defense have any cross examination?

CAPTAIN REEL: No questions.

ROSALINDA ANDOY

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

DIRECT EXAMINATION

MAJOR OPINION: Do you believe in God?

THE WITNESS: Yes.

MAJOR OPINION: Do you confess?

THE WITNESS: Yes.

MAJOR OPINION: Do you know that to tell a lie is a sin and it is punished by our Lord that you may be sent to jail?

THE WITNESS: Yes.

Q (By Major Opinion) What is your name?

CAPTAIN REEL: Sir, before we begin may we know upon what items of the Bill of Particulars this testimony is to be offered?

MAJOR OPINION: 53, sir.

GENERAL REYNOLDS: 53?

MAJOR OPINION: Yes, sir.

GENERAL REYNOLDS: Very well.

Q (By Major Opinion) Your name?

A My name is Rosalinda Andoy.

Q Age?

A 11.

Q Where do you reside?

A Torres Refugee Home.

Q Before Intramuros was burned where were you living?

A I was in our home.

Q Where was that?

A 53 Magallanes Street.

Q Intramuros?

A Yes, sir.

Q When did you leave your house on 53 Magallanos?

A I cannot remember.

Q Was it in the afternoon or in the morning?

A In the afternoon.

Q Where did you go?

A (No response)

Q Was that near a cathedral?

A At the church; Manila Cathedral.

Q Who ordered you to leave your house and go to the Manila Cathedral?

A The Japanese.

Q Did you go to the Manila Cathedral as ordered by the Japanese?

A Yes, sir.

Q Were you accompanied or alone?

A We were many.

Q Who were your companions?

A We were many. My mother, my father, and my aunties.

Q Did you have any brothers there?

A No, sir.

Q Sisters?

A No, sir.

Q And at what time did you arrive at the Manila Cathedral?

A It was during the afternoon, but I cannot remember the time.

Q Was it dark or clear day yet?

A Still quite clear.

Q How many days did you stay in the Manila Cathedral?

A Only one day.

Q From the Manila Cathedral where were you taken?

A At the Santa Rosa Church.

Q Please repeat again the answer. My question is, where were you taken from the Manila Cathedral?

A At Santa Rosa.

Q When did you arrive in Santa Rosa? Was it night time or day time?

A In the afternoon.

Q Who were your companions?

A Our entire family.

Q How about your father, was he with you?

A He was no more with us.

Q Why? Where was your father?

A He was killed by the Japanese.

Q Where was your father when he was killed?

(The witness began to weep.)

Q Where was your father when he was killed?

A He was killed in Fort Santiago.

Q From where was he taken?

A At the church, the Manila Cathedral.

Q When you were assembled with your mother and aunts in the Manila Cathedral?

A Yes.

Q From the Santa Rosa College were you taken out?

A Yes.

Q Where were you taken?

A We were taken to Santa Rosa College.

Q My question is, were you taken out from Santa Rosa College?

A Yes.

Q Where were you taken?

A We were ordered to go to Santo Domingo.

Q Who ordered you?

A The Japanese.

Q How many were these Japanese?

A I could not count them.

Q How many of you were taken to Santo Domingo?

A The entire family.

Q What happened while you were being taken to Santo Domingo?

A Our homes were burned.

Q Now, you say that you were taken out of Santa Rosa College and marched to Santo Domingo. Why were you taken out from that college and led to Santo Domingo?

A Because the houses of the village were already burned.

Q What happened in Santo Domingo when you arrived at that place?

A Right away we were thrown some grenades.

Q By whom?

A The Japanese.

Q Were you able to enter into the Santo Domingo Church as you were being led to that place?

A No more.

Q Did the Japanese tell you how to enter Santo Domingo?

A No.

Q Were you grouped by the Japanese?

A Yes.

Q Did the Japanese tell you how many must compose a

group?

A . No.

Q Did the Japanese tell you only three of you would get into the Santo Domingo Church?

A No, sir.

Q Where is your mother now?

A She is no more.

Q Why?

A She was killed by the Japanese.

Q Where was your mother when she was killed?

A Right there at Santo Domingo.

Q Inside or outside of the church?

A Inside.

Q How do you know she was killed by the Japanese?

A She was beside me.

Q How about you, were you wounded?

A Yes, sir.

Q Who wounded you?

A The Japanese.

Q With what weapon were you wounded?

A Bayonet.

Q How many wounds did you sustain?

A Thirty-eight wounds.

Q Who was the companion of your mother when she was bayoneted?

A We were three, including me.

Q What was the name of the third one?

A Salin.

Q Now, you say that you have sustained 38 wounds.

On what parts of your body were you wounded?

A In different parts of my body.

Q On your left arm did you sustain any wound?

A Yes, sir.

Q Will you please show to the Commission that left arm and tell the Commission how many wounds there are?

A (Exhibiting left arm) Ten wounds.

Q And how about your right arm, did you sustain any wound at that time?

A Yes, sir.

Q Do you have any scars on that arm?

A Yes, sir.

Q How many?

A Four.

Q Will you please show the Commission that right arm?

(The witness exhibited her right arm.)

Q Were you wounded in the chest?

A Yes, sir.

Q Will you please show the Commission the scars on your chest?

(The witness raised her dress and exhibited portions of her body.)

Q Did you count how many scars there are?

A I cannot remember now.

Q All right. On your abdomen did you suffer any wound?

A Yes, sir.

Q Will you please show to the Commission the scar of

your wound on the abdominal portions, region?

(The witness exhibited scars on her abdomen.)

Q As a result of that wound in your abdominal region, did your intestines protrude, or come out?

A Yes, my intestines came out.

Q Did you suffer any wound in your back?

A Yes.

Q How many wounds were there?

A Only one, sir.

Q Will you please show the Commission that wound in your back?

(The witness exhibited her back.)

Q And your legs, how many wounds did you sustain?

A Five, sir.

Q Before your mother died did she tell you anything?

A Yes, sir.

Q What did she tell you?

A She cautioned me to be always good.

Q Did she tell you that she was dying then?

A Yes, sir.

Q Where did you sleep that night?

A At Santo Domingo.

Q By the side of your mother?

A Beside my mother.

Q Was she dead already then, when you slept with her?

A Yes, sir.

Q Now, when did you get out from the Santo Domingo Church?

A Already in the morning.

Q While you were inside Santo Domingo Church and by the side of your mother, did you see any child tossed up in the air and received with the bayonet as it came down?

A Yes, sir.

Q Did you know who that boy or baby was?

A Yes, sir.

Q What was the name of the baby?

A Totoy.

Q How old was the baby?

A About three months, sir.

Q Who tossed him up in the air?

A The Japanese.

Q Who received him with the bayonet?

A The Japanese also.

Q The same Japanese who threw him up?

A Yes, sir.

Q Was the boy wounded?

A Yes, sir.

MAJOR OPINION: That is all.

CAPTAIN REEL: No questions.

(Witness excused)

ROSA CALALANG

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A (Through the Interpreter) Rosa Calalang.

Q Age?

A Thirty-two.

Q Address?

A 2462 Tindalo Street.

Q On the 14th of February, 1945, were you in Santo Domingo Church?

A Yes, sir.

Q Do you know Doctor Corrales?

A Yes, sir.

Q Did you see him in that place?

A Yes, sir.

Q Did you see him while he was wounded?

A We didn't see, but we saw him wounded, dead beside us.

Q Did you hear him utter a word at that time?

A Yes, sir.

Q What was he saying?

A "Please help me, rest my head. I could hardly breathe. Please help me, rest my head; I could hardly breathe."

Q Did you see him after awhile when he was dead -- or alive, still alive?

A I saw him dead already.

Q In the following morning of that day did you see a man tied to a post of a burning warehouse?

A Yes, sir.

Q Was he male or female?

A A male.

Q Was he dead?

A Already dead.

Q Who hanged him, do you know?

A The Japanese.

Q How do you know?

A I saw them.

Q When he was being hanged did you see the Japanese hang him?

A Yes, sir.

Q Did you see another man tied at the elbow, also hanging to a tree?

A Yes, sir.

Q Was he female or male?

A Male.

Q How old was he?

A He was in his teens, about 18.

Q Did you see any Japanese push a man toward a burning building?

A Yes, sir.

Q Do you know that man?

A No, sir.

Q Do you know the mother of that man?

A I know the mother of that man.

Q What happened with that man who was being pushed to the burning place?

A He died.

Q Of burning, or of wounds?

A He died because of burn.

MAJOR OPINION: That is all.

CAPTAIN REEL: No questions, sir.

(Witness excused.)

MAJOR OPINION: That concludes our evidence, sir, with respect to these charges in 53.

GENERAL REYNOLDS: That concludes your evidence on Items 50 and 53?

MAJOR OPINION: Yes, sir.

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

(Short recess.)

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

SERGEANT GRACIANO CASTRO

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

CAPTAIN CALYER: If the Commission please, we are now about to present testimony with reference to the items covered by Bill of Particulars No. 52 and Supplemental Bill of Particulars No. 68, both commonly referred to as "Fort Santiago."

DIRECT EXAMINATION

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

CAPTAIN REEL: Sir, might we have a moment to check on this Particular that is in the new Bill?

GENERAL REYNOLDS: You may.

CAPTAIN REEL: If the Court please, on 68 we have not yet prepared for that particular specification.

GENERAL REYNOLDS: The Prosecution is reminded the Commission directed there be coordination between the Prosecution and Defense with respect to the Bills of

Particular to be handled by date, so that this would not happen.

MAJOR KERR: Sir, I have been submitting a list to counsel for the Defense each day, concerning these cases which we intend to take up. These cases were on yesterday's list, that we did not reach yesterday; I had an agreement with counsel that this would be taken up. The two particulars both relate to Fort Santiago. One covers one period, and the other covers the end of that period on to the period covered by the change.

GENERAL REYNOLDS: When was notice given to counsel that Item No. 68 would be covered yesterday?

MAJOR KERR: I don't recall now, sir. I thought it was on last Saturday, was it not?

COLONEL CLARKE: We received a list marked "Monday, 5 November 1945," at which time I told Major Kerr I would check it over and then check up with him. We haven't had time to do that, sir. We came in late on it, then we ran into this Lopus witness on Saturday and we spent all the week-end working on that particular witness' testimony. We haven't had time to take any of these that are marked in this list: 68, 97, 77, 89, and 100.

MAJOR KERR: Well, sir, if the Commission so desires, we will take these cases up at a later time, although I am frank to say that there is a limit to the delay that we can bear on this. We can go ahead with other cases that are in the original Bill of Particulars.

GENERAL REYNOLDS: Is there any reason why you cannot proceed with No. 52?

MAJOR KERR: Well, sir, that breaks the case exactly in half, and I think it would be confusing to the Commission, and it would be unsatisfactory to the Prosecution to handle the case in that manner. We would like very much to present it all at one time.

COLONEL CLARKE: If the Court please, these Bills of Particular are broken in that way. Had they been in the original bill, we would have been ready for them, sir.

GENERAL REYNOLDS: How long now has the defense had this Supplemental Bill of Particulars? Is it not ten days?

COLONEL CLARKE: Friday before the 29th, sir.

GENERAL REYNOLDS: In order to avoid a condition such as this, the Commission authorized counsel two additional assistants. Have they been utilized?

COLONEL CLARKE: Sir? Yes, sir.

GENERAL REYNOLDS: In order to avoid a condition such as this the Commission authorized counsel two additional assistants. Have they been utilized?

COLONEL CLARKE: Yes, sir. One has been. The other one reported in and went to the hospital that afternoon, sir.

GENERAL REYNOLDS: The Commission would have provided a substitute.

COLONEL CLARKE: If the Commission please, I don't know whether you realize or not that we have been working on this night and day. We don't have time to do anything. When this man went into the hospital on us we found it out late that night. We sent the other man out to work and we haven't had time to request anybody to replace him. These men are not lawyers. They are taking the statements as best they can. They cannot take them as fast as some of the Defense Counsel would take them. If we were given a certain amount of time we would be ready and prepared to go through the entire testimony at that time, sir.

GENERAL REYNOLDS: The Commission will insist that counsel have adequate time to prepare the Defense and we are most eager to proceed expeditiously. If we eliminate

the two items you have placed before us for presentation today, do you have other witnesses with which you can proceed?

MAJOR KERR: Yes, sir. It does handicap us but we will proceed, sir. We had not anticipated doing so now, but we can do so.

May we inquire, sir, as to when the Defense will be ready to proceed with these other cases? Frankly, sir, it took the War Crimes Commission some three months to investigate these matters and I cannot conceive of the Defense undertaking a similar investigation with any less period of time.

GENERAL REYNOLDS: Let the Commission answer that. We realize the tremendous task which we placed upon the Defense and with which they are faced and it is our determination to give them the time they require. We ask that no time be wasted and we feel confident that you will not waste any, and we will see to it that you get time to prepare your Defense.

COLONEL CLARKE: Yes.

GENERAL REYNOLDS: Therefore the Prosecution is directed to proceed with other items.

MAJOR KERR: Could we have an understanding at this time as to when we may take up Fort Santiago?

COLONEL CLARKE: Which is that? Which number?

CAPTAIN CALYER: These two.

MAJOR KERR: I might say, sir, that we have American officers who are scheduled to leave with a Division, we understand very soon, who are essential witnesses in this

case. I should like to put it on just as soon as Defense Counsel can be prepared to their own satisfaction.

GENERAL REYNOLDS: The Commission is rather of the impression that you ought to be able to proceed with one item today. It may not be the smoothest way of presenting it, but the Commission can separate the two and later link them together. What would be the objection to proceeding with the first item today?

MAJOR KERR: Sir, the only thought was to avoid confusion and to make a continuous and clearer record. However, if it is the Commission's preference we would be very glad to proceed now with that portion of the Fort Santiago incidents which relate to or are covered by 52. We are prepared to do that now, sir.

COLONEL CLARKE: Satisfactory to us, sir.

GENERAL REYNOLDS: Proceed with Item 52.

CAPTAIN CALYER: If the Commission please, I would like to point out that Item 52 covers the latter part of the period which would have been presented with those items under consideration at this time.

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

A Graciano Castro.

Q How old are you?

A I am 32 years old, sir.

Q What is your position at the present time?

A I am Sergeant in the Philippine Army, sir.

Q Located in Manila?

A (No response)

Q Are you stationed in Manila?

A G-2 Section, Headquarters, Philippine Army, sir; APO 501.

Q I show you a document consisting of three pages marked for identification as Prosecution's Exhibit 208 and ask you if you can state what that is. First, the first page.

A This is the sketch of Fort Santiago, sir.

Q What is the second page?

A The second page is the index or the legend of the sketch, sir.

Q And the third page?

A The third page is the continuation of the details of the said sketch, sir.

Q By whom was that sketch made?

A This sketch, sir, was made by me.

Q Upon what information did you act when you drew that sketch?

A The information was gathered from my little stay in Fort Santiago for two days. A very great help was gotten by Captain Torres of G-2 Section and Lieutenant Salagisten who supplied maps and who told me he stayed there for seven months.

Q Did you also use a handbook?

A I also used -- I was also given a map which contains the City of Manila wherein the Fort Santiago is identified.

Q Does that sketch truly represent the condition of Fort Santiago as it was in February of this year?

A According to information, sir, according to those

who had been confined in the said place, Fort Santiago, this represents the place during 1944.

CAPTAIN CALYER: If the Commission please, I offer Exhibit 208 in evidence.

GENERAL REYNOLDS: There being no objection, it is --

CAPTAIN SANDBERG: If the Commission please, Defense Counsel has no objection to the first page, which is a chart of Fort Santiago. However, the second and third pages are most improper and we are indeed surprised that the Prosecution has offered them. Under the guise of a "legend" the Prosecution is attempting to put into evidence matters that have not yet been proved and may not be proved. I call the Commission's attention to the second page, sixth line from the top. It is most improper to offer this type of evidence. And I call the Commission's attention further to the fourth paragraph, subdivision (E).

GENERAL REYNOLDS: We will interrupt and let us handle these item by item.

In "(2)" at the top of the page in question we will exclude all except the words "Investigation Room" from the first and second lines.

CAPTAIN REEL: And subdivision (B).

Do I understand, sir, that you are excluding the entire second subdivision except those words?

GENERAL REYNOLDS: "(2)" will read as follows:

"Quarters - Cells - Investigation Room".

In the line which begins with a "B" the words "Water-Cure-Torture" are excluded.

In the line starting with a "G." the words

" & Torture Room" are excluded.

In "(4)" of the same page the matter within the parenthesis is excluded which reads as follows: "(Where alleged 3 assailants of Pres. Laurel were tortured to death)".

Also in "(4)" and the line starting with "E!" the words "Torture Chamber" are excluded.

CAPTAIN CALYER: If the Commission please, to save the time of going through the rest of this legend I shall be satisfied to withdraw the legend and offer only the sketch.

CAPTAIN SANDBERG: That is agreeable.

GENERAL REYNOLDS: That is agreeable. The entire legend is excluded from the exhibit in question, but the Prosecution is cautioned to make thorough check of these documents to be sure that such matters which are clearly not proper to be attached to an exhibit are excluded.

MAJOR KERR: Sir, may the record show that the Prosecution voluntarily withdraws that portion of the proffered exhibit which consists of a legend and that we may at a later time seek to re-introduce that portion.

GENERAL REYNOLDS: The comment of the Prosecution is noted by the Commission.

CAPTAIN CALYER: If the Commission please, may we have a ruling on the offer of the sketch itself?

GENERAL REYNOLDS: The sketch is accepted in evidence.

(Sketch of Fort Santiago was received in evidence and marked Prosecution Exhibit 208.)

CAPTAIN CALYER: You may examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

CAPTAIN CALYER: Luis Gallent.

LUIS GALLENT

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

DIRECT EXAMINATION

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

A Luis Gallent.

Q Where do you live?

A In Nagtahan Street, 78.

Q In February, 1945, where did you live?

A In Wall City. I live in 88 Postigo, Intramuros.

Q Sometime in the early part of February, 1945, did you have an experience with some Japanese?

A Yes, sir; we did.

Q Will you tell the Commission what happened beginning at about 5 February 1945?

A Early in the morning the Japanese came into the house and they wanted to find out if we had anything in the house.

Q What happened?

A They searched all the house and they wanted to take us, but they talk about it and finally they didn't get us. My brother was taken over to Fort Santiago at that time until next day they didn't bother any more.

Q Did there come a time when the Japanese returned to your house?

A I beg your pardon?

Q Did there come a time when the Japanese returned to your house?

A Yes. On the next day we were advised we had to go

over to the cathedral.

Q By whom were you so advised?

A We received the first advice by the man in charge of Wall City.

Q Who was he?

A Mr. -- I can't remember right now his name.

Q What did you do as the result of that information?

A As the result of that information we asked a favor to stay in our house, because according to these people there was going to be street fighting. I was advised by the gentleman not to stay in the house because it was quite dangerous, but finally he decided to let us in the house.

We moved to the neighbor's house. It was pretty heavy house. And while we were having our supper a Japanese came in and told us to go straight to the cathedral. He did not allow us to bring anything over to the cathedral.

Q Did you see that Japanese?

A I beg your pardon?

Q Did you see that Japanese?

A Yes, sir; I did.

Q Do you know what branch of the service he belonged to?

A No. I don't remember exactly.

Q Did you go to the cathedral?

A We went to the cathedral.

Q About how many people were assembled there?

A About from three thousand to five thousand, including women and children at that time.

Q Were they all civilians?

A All civilians.

Q Did there come a time when that group was divided?

A In the next morning we spent the whole night in the cathedral, and early the next morning before we had our breakfast the Japanese came in and assembled all the men in the outside of the church. Then he told us that we were going to work for the families to get some water. We stayed the whole day assembled until late in the afternoon.

Q What happened in the afternoon?

A Later in the afternoon they took us -- Instead of going to forced labor they took us to Fort Santiago.

Q How many were taken to Fort Santiago?

A From 2000 plus.

Q What happened after you got to Fort Santiago?

A They search us, they took everything we had, and they put us in different cells. In a cell of those were about 60 to 80 people inside. We couldn't sit down because it is too crowded.

Q How many people were in the cell in which you were confined?

A From 60 to 80 people in each.

Q All right. What else happened?

A We stay like that for almost half the night. Early in the morning they came up and take out 20 of the men inside the cell.

Q Were you included in that group?

A I was included when they were taking me outside, but they started counting on the outside, but I was turned back to the cell again.

Q Do you know what became of those others who were

taken away?

A We never heard from them any more.

Q You then went back to your cell; is that correct?

A Yes, sir.

Q What happened after that?

A After that we stay almost early in the morning. We had about from 40 more. The cell was so crowded we could not sit down any more. We had to stand.

Q Can you tell me the names of any people who were taken to Fort Santiago with you?

A My brother and my father, Mr. Felix Arlegui, Mr. Iturre, Mr. Fernandez, Luis and Alfredo, two brothers, Mr. Garcia, Fernando, and Mr. Garcia, Francisco.

Q Will you proceed to tell me what happened at the time that this additional group was put in your cell?

A Then we stay all crowded up there. We couldn't move any more until two days, without getting any water or any food.

Q What happened after that?

A After that one of the boys, a Spanish boy who was with us, he got so sick because of the conditions that he lay down. We called the sentry to give us some things to provide this boy with because he was so dizzy, and finally there was a soldier who brought inside a coconut shell of water. But we were not able to give it to the boy because everybody was so thirsty they jump all over it.

Q What sanitary facilities were provided in the cell?

A We had a little hole in the cell. That was the only thing we had.

Q What happened later in that day?

A Later in that day they took us -- After this gentleman came over at the place we were taken over to a new cell. We were only Spanish in the new cell that we were taken.

Q How many of them were you in that cell?

A About 9.

Q What happened after that?

A After that we lay down the whole night up to the next day. Nothing of importance came during that time.

Q On the following day what occurred?

A On the next day the sentries came in and pick us four and we were taken over to the fire station in Wall City to get some food.

Q What food was that that you were to get?

A That food was the food that the families were bringing. The families were bringing that food several days before.

Q And did you get any food?

A We had a few things that the Japanese left us, but no water.

Q When you say "things that the Japanese left us," what do you mean?

A I mean rice and dried fish and stuff like that.

Q Had these packages been prepared by your families?

A Yes. The packages were prepared by the families, but the best of them were not in there.

Q You mean to say that they had been opened when you got them?

A Yes, sir; they were.

Q After you got that food where did you go?

A After we got that food we went back to Fort Santiago.

Q And what happened then?

A Then the sentries told us to put this all food mixed up together and give to the boys. We didn't have any plates or things like that, so we provided one of an old book in Fort Santiago and we split it up and every page we use as a plate. We had two or three spoons.

Q How much food did each of you get as a result of that?

A The result of that, we got two or three spoons with a coconut shell of water.

Q Was that the only food you had while you were there?

A That was the only food we had in the place.

Q What happened after that?

A After that it was almost dark. Then we heard one of the boys shouting. There was a fire next to us.

Q Just a minute.

A Yes.

Q Before that did anything happen with reference to your cell?

A Not that I remember right now.

Q With reference to the door of your cell?

A Oh. Well, the Japanese came in and they started tightening all the doors of the cells.

Suddenly we saw a fire in one of the buildings perpendicular to our place.

Q Was there any fire in your building at that time?

A Not at that time.

Q What happened after that?

A After that one of the boys in the cell started shouting

that maybe they were going to put fire in our building. We conciliated him and the fire in about half an hour or an hour was out.

Q What happened after that in your cell?

A After that in my cell there was a couple of sacks of rice. The Japanese came in and told us to take out that rice. They untied the door and we wanted to bring the sacks down, but one of the sentries kicked one of the boys and shook him up and put him back in the cell, and he only told us to throw it away on the outside.

Q Was that done?

A That was done.

Q Was the door closed after that?

A The door was closed after that and tied up like it was before.

Q What happened next?

A Next the sentries went out, all of them, from the corridor and put the potlatch in the main gate.

Q About how many men were in the cell block altogether?

A In the cell were about 5000 people in all of them.

Q What happened after that?

A After that, suddenly we saw some of the sentries coming in and they all wear uniform, with helmets, and everything, and they started bringing some of these gasoline drums inside the building.

Q What did they do?

A When they put the drums, entered it through the corridor, and with his bayonet they make a hole in the drum and they spread all of the gasoline all around the building.

Q And then what?

A Then they suddenly put a torch and all the building was on fire.

Q And you were still in that building?

A We were still in that building and still in the cell.

Q What happened when the fire started?

A When the fire started we wanted to get out of that place through the door, unlock it; but we couldn't. There was shooting on the outside. We were not able to approach to the door. We took with another boy and we break two of the bars from the window, We try to escape, every one of us except two.

Q When you say "every one of us" you mean the ones in your own cell?

A Yes, the ones in my own cell.

Q And who were the two who did not get out?

A Mr. Iturre and Mr. Felix Arlegui.

Q What happened to those of you who did get out of the cell?

A Through all of us we reached another corridor and we wanted to look for some place to run away of the building.

Q Did you see other people in that corridor?

A Plenty of people.

Q About how many?

A About 3000 in that place.

Q And what happened after that?

A From that place we were running from one place to the other trying to see an escape to go out of the building.

We were not able to find it until three or five minutes running from one place to the other.

Q Did anything happen while you were running around these corridors?

A Many of the people die, especially one of them is my father.

Q And how did they die?

A The people all look like crazy and everybody was running from one place to the other. Some parts of the building were falling down on the heads of the boys and trying to get help from the others, he was pushed down and everybody step on him.

Q Was there any firing going on at that time?

A Plenty of fire already.

Q I think you misunderstood. Were there any shots fired?

A Oh, yes. Between the corridors, between the cells there were about three corridors. The Japanese on the end of the corridors were trying to shoot at the people crossing them.

Q With what weapon?

A With machine guns and rifles.

Q Did some of you succeed in getting out of the building?

A Some of us succeeded to get out of the building.

Q How did you get out?

A Through a window that was left open. This window was passing through a garage and in this garage there was installed four machine guns and a field rifle.

Q About how many got out through that window?

A I don't remember exactly the name.

Q Were shots fired at that time?

A Plenty of shots were fired.

Q By whom?

A By the Japanese.

Q Where were they located?

A They were located almost at the opposite part of the window.

Q Was your brother still with you at that time?

A My brother was still in the window, but when he saw those Japs over there he was frightened and finally I convinced him to jump, but maybe he was unable to do it.

Q Have you ever seen him since?

A I have never seen him any more.

Q What did you do?

A I cross up to the end of the garage and climb to the wall.

Q And after that what?

A After that I was trying to come down the wall. It was fixed up with nail wires. I tried to get away from that place, go down through the wall. Finally, I had a cut in my hand and I wanted to clean it on my trousers. While at the moment I was doing that a boy was shot on the top of the wall and fall on my back.

Q And what happened as a result of that?

A As a result of that I remain unconscious for a few seconds, but after that I was able to swim the river.

Q Just a moment, please. Were you injured when that

boy fell on your back?

A I was with a back fracture.

Q All right.

A Then I didn't cross the river. I just waded a little by going out from the Fort place. I remained there until the next morning because it was very dangerous to cross the river at that time. Many of the boys asked me to cross the river with them, but I was afraid like it happened --

Q All right. Just a minute, please. Did you eventually get across the river?

A Yes, sir; I did.

Q And were you eventually taken to a hospital?

A Yes, sir; I was.

Q How long did you remain in the hospital?

A A month and a half.

Q What treatment were you given?

A I was given a back fracture treatment.

Q What specifically was done to you?

A Oh. I was taken over to the Santo Tomas Hospital first.

Q Were you put in a cast?

A Yes, I was in a cast for a month and a half.

CAPTAIN CALYER: You may examine.

CROSS-EXAMINATION

Q (By Captain Sandberg) Do you know whether or not these soldiers were members of the army, navy or marines?

A I cannot tell it exactly. The only thing I know is they wear a khaki uniform with soldier's helmet and everything.

CAPTAIN SANDBERG: That's all.

CAPTAIN CALYER: All right. Thank you very much.

(Witness excused.)

CAPTAIN CALYER: Sancho Enriquez.

SANCHO ENRIQUEZ

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

DIRECT EXAMINATION

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

A Sancho Enriquez.

Q Where do you live?

A Now I live in 1138 Dapitan Street, Sampaloc, Manila.

Q How old are you, Mr. Enriquez?

A 49.

Q What is your occupation?

A I am working as a supervisor of schools in the Department of Instruction.

Q In February, 1945, where were you living?

A I was living in 188 Cabildo, Intramuros.

Q On the 5th of February, 1945, did you have an experience with some Japanese?

A Yes, sir.

Q Will you tell the Commission what happened at that time?

A In the afternoon of February 5, 1945, Japanese soldiers came to our house, rounded every man, woman and child living in my block and those living in the blocks adjacent to mine, and drove us away from our homes and herded us in the Manila Catholic Cathedral.

Q Did there come a time when the men were separated from

the women in the cathedral?

A Yes, sir. That was the following day.

Q Where were the men taken?

A We were taken to Fort Santiago direct from the cathedral.

Q Were you confined there?

A For three days and two nights and a half, because we escaped the last night.

Q How large was the cell in which you were confined?

THE WITNESS: Pardon me?

CAPTAIN GALYER: Read it, please.

(Question read)

A About 8 feet x 8 feet.

Q What was its construction?

A The walls were made of wood, the floors were made of wood, the bars were made of wood, too.

Q Was there an iron fence in the vicinity?

A This cell where I was in was in a long barrack. This barrack was divided into cells. Outside the barrack there was an iron fence. So my cell was in -- In front of my cell I could see an iron fence.

Q How many men were in that cell with you?

A We were 32.

Q What sanitary facilities were provided?

A There was none. We used this as our sleeping room and as our toilet room. In fact, we were so many in the cell we haven't even enough -- I mean, we haven't even enough sitting space. After the second day most of us slept in the cell standing on our feet leaning against each other. Many

of us collapsed the morning of the second day because of fatigue, hunger or nausea.

Q What provision was made so far as food is concerned?

A In my cell we haven't received any.

Q What about water?

A Neither water. We were clamoring for water, but we didn't get a drop.

Q On the afternoon of the second day did something unusual happen?

A Yes, sir. In the afternoon of the second day we were taken out of our cells and we were told to line up in front of this iron fence which was near our cell, which was in front of our cell. In front of the iron fence we were lined up and were taken to an open space. This open space was cemented; I mean, it is made of concrete. There was a box in the open space. We were told one by one to stand on this box and to face the fence. There was an iron fence on one side of the space -- not an iron fence. Pardon me. It was a fence made of galvanized iron sheets. We were told to stand one by one on the box and to face this fence made of galvanized sheet, and as we stood here we heard a voice from inside the fence that said either one of these two words "Room! Back!" Luckily I was one of those who were told to go back.

Q Where did you go then?

A I was sent back to my line near my cell and we were afterward taken into our cell, to the former cell where I was in.

Q Were you able to see the person who uttered those

words?

A No, sir. I think we call that the "magic voice". I think I saw it through a hole in the fence. He saw us in a hole through the fence.

Q Did you see what happened to those who were told "Room!"?

A Yes, sir. We were still in the court in this open space when those people who were told to go to the room the moment the voice came "Room!" Japanese soldiers started slapping this man, kicked him and shoved him into a room, then tied their hands behind their backs.

Q What happened after that?

A After that we were already in our -- We were sent back to my cell.

Q From your position in the cell were you able to see this room that you have mentioned?

A Yes, sir. I could see the room and this open space that I spoke of. I would like to speak about this open space because this is -- Our cell had a vantage position because it faced squarely the open space. Every crevice in our cell, every opening between bars and between doors that were warped were filled with eager eyes from inside the cell. First we heard a dialogue from the room. The first one who spoke was a Japanese. He said "Gerira Ka"?

Q What does that mean?

A "Are you a guerrilla?" I think that is the meaning of that. And the multitude shouted "No!" for a long time. Then we heard three shots. That silenced the crowd.

Q What happened after that?

A After that three men at a time were taken out of the room by Japanese soldiers. These men were blindfolded and their hands were tied behind their backs.

Q What was done with them?

A From my cell -- Before this I would like to say that before this it was already getting dark, so there were two Japanese soldiers that brought in two lanterns of the jet-type lanterns. They brought in two lanterns. Let's see! Two Japanese soldiers, one lantern each in their hand. Then they placed this lantern on the pavement, on the cement pavement. Then they went away. They came back. The one was bringing a stool and empty kerosene cans and the other was bringing with him a bucket and many empty kerosene cans. These men came out of the room by threes, they one by one -- I saw a Japanese soldier holding a sort of a two-pointed prong the ends of which looked as if they had just been removed from a hot furnace. They removed the blindfold one by one from these men and then placed these two-pointed prongs before their eyes about six inches away. Then they blindfolded the men again. I call this man "victim" so that I will not make a mistake.

After these victims were blindfolded again and their hands already tied on their back, they were made to kneel before that stool under which there was a bucket. Then I saw a Japanese soldier -- Not soldier now. This was not one dressed like a soldier but he had a cap wearing that of a soldier and he had a heavy weapon in his hand. He swung this weapon and dropped it on the neck of each victim.

Q What sort of weapon?

A I couldn't exactly tell what it was. I couldn't tell whether it was a saber, but I think it was sort of a heavy weapon, heavier than a saber. I saw heads on the pavement -- fallen heads. Some of the heads were dangling from their bodies. Then here were Japanese soldiers grabbed these corpses and grabbed these corpses passed in front of our cells to a place in the corner near Santa Clara, which we could not see because it was beyond our line of vision.

Q About how many men did you see treated in that manner?

A From 100 to 120 or 30. It took them about three hours to finish that execution. I would like to tell about this execution --

Q Just a minute, please.

A Yes, sir.

Q After these bodies were taken out of your range of vision, did anything else occur with reference to those men?

A I saw the fallen heads; I mean the --

Q After the bodies were taken away, you could no longer see them, could you?

A I couldn't see those bodies, because they were far beyond our reach, our eyes' reach.

Q Did you hear anything?

A We heard shots after that. What the shots were for, I could not tell. But I would like to tell of a very pathetic occurrence that happened in my cell. While the execution was going on, there was silence in all the cells. Suddenly there was a boy in my cell that screamed out loud. He said, "Tatay! Tatay!", which in English means, "Father! Father!", he says. Then he turned to us and said, "That is my father. They are killing my father." We tried to convince the boy that was not his father, but it seems that our words were futile, because nothing could assuage his anguish. He knew his father. So he screamed and screamed again, until at last our door -- the door of our cell was opened and he was dragged.

out, and that was the last we saw and heard of him.

Q Now, on the third day, were there other men brought into the cell block?

A On the third day, in the afternoon of the third day -- that was about 5:30 P. M., meridian time, because we were following that time, which was one hour ahead; it was already getting twilight. At 5:30 there was a group of men that entered the gate. We could see them from our cell. Their hands were tied behind their backs. Two of these men were priests; I could tell that, judging by the robes they wore.

Q What was done with those men?

A These men were placed inside this fence, the iron fence in front of our cell. It just happened to be the Filipinos -- these people were home guards, the Filipinos were home guards, and one of these home guards I recognized his voice, and I shouted from the cell; I said, "When are we going to leave the cell? When are we going home?" Then he answered. He said, "No, you are not going home, this is our end."

Q And what happened after that?

A After that the cells were opened by the Japanese guards, and they doused gasoline from buckets in our cells, in my cell; but judging from the shouts of the other people in the other cells, I believe they did the same there.

Q What did you see after that?

A After that the cells were set on fire.

Q By whom?

A By the Japanese, naturally.

Q And what happened?

A There was a stampede in my cell before the fire reached there. The fire started from one corner of the barracks, before the fire reached our cell there was a scramble toward the ceiling, and those who reached the ceiling ahead of me broke open a sheet of iron roofing, and most of us inside that cell were helping each other, lifting and pushing, and I was swung and thrown through this opening in the roof down to the ground.

Q At the time you were able to get out of the cell, were there still other people in the building?

A There were still people that we heard shouting inside the building, for help; cries that sounded like cries in agony, shouting for help, but we couldn't help. We wanted to escape from where we were.

Q Did that fire spread throughout the building?

A When I left the cell I remember there was already a cloud of heavy smoke that was hot. That is why everybody tried to leave the room, but the cell was not -- my cell was not yet on fire then.

Q After you got out through the ceiling, what did you see on the outside?

A There were those fugitives outside. Now, we were not yet free when we left the cell. There was still a high stone wall to scale, and to reach the stone wall there was an open space again. On one side of the open space there was a group of Japanese, armed Japanese soldiers carrying rifles and one machine gun. I have

seen my companions trying to cross this open space toward the wall, toward the stone wall; most of these companions fell on the ground, hit by bullets. When the fire ceased a while, I started crawling; all the rest of my companions were running.

Q Just a minute, now. What was the condition of these other people whom you saw running across the open space?

A Some of these men were on flames, were aflame like human torches, and then they fell flat, face down in the middle of the space, in the middle of that intervening space between the barracks and the stone wall.

Q Did you eventually get over the wall?

A Luckily, I was able to scale that wall by just inserting my fingers and my toes in the crevices, but when I reached the top of the wall there was -- at the top of the wall was full of barbed wire, crisscrossed with barbed wire. I have to crawl like a caterpillar below and under these barbed wire until I reached the edge of the wall facing the Pasig River.

Q Then what happened?

A Then I jumped into the Pasig River, feet first, and instead of landing in the water I fell on a mound of grass along the banks of the Pasig. It was here that I realized that I was naked. I forgot to tell that, that when we were doused with gasoline most of us removed our clothing, so that when I jumped from the top of the wall down to the water is when I realized that I was naked, and I found that my body was bleeding, full of cuts, probably from the barbed wire which I crossed on top of

the wall.

Q Were you later able to get across the river?

A Yes, sir, about 2 o'clock in the morning, until the fire inside the fort subsided. Then we, under cover of darkness, we swam, with a group of other fugitives whom I met along the bank of that river, and we reached the other bank at about dawn, near the Anda landing.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Now, when the Japanese rounded up every man, woman and child, did they say what was the purpose of that rounding up?

A Not to us.

Q Now, how long were you confined in Fort Santiago?

A Let's see -- we were taken from February 6th, 7th, on the evening of the 8th we escaped.

Q Were you taken there on the 6th?

A I stayed there on the 6th, in the morning, slept there on the 6th, slept on the 7th; on the 8th is when we were burned.

Q Now, did the Japanese give you any food during that time?

A We have not received in our quarters food, but we saw food outside from the bars, and we were shouting for food. It didn't reach our cell.

Q Did they give you any water?

A No, sir.

Q You mean that during this entire period you had no water?

A No water and no food. That is, my case.

Q For three days you had no water?

A For three days we had no water and no food.

Q Now, when these men were lined up on the box, what were the words you heard coming from the hole in the wall?

A "Room! Back!"

Q Those were the exact words?

A "Room," one word. The other word was, "Back."

Q Now, who were those words addressed to?

A There was a Japanese soldier that held a lighted candle in front of our face, before our face like that (demonstrating), and it was addressed probably to these other soldiers lined up behind the men standing on the box, who, after they said the word, "Room," his hands were tied behind his back and he is taken back to the room -- I mean, he is taken to a room.

Q These words, then were addressed to Japanese soldiers?

A Yes, sir.

Q Are you telling us that this magic voice, as you described it, was talking in English to Japanese soldiers?

A It was English, but it sounded as though it came from a Japanese,

Q In other words, it was a Japanese speaking with an English accent?

A Yes, because the "room" sounded like "doom."

Q But you are quite sure that these were two Japanese, one talking to the other, and yet they talked in

English?

A Pardon me?

Q I say, you are quite sure that what we have here is one Japanese talking to another Japanese, and yet we find them talking in English; is that correct?

A Well, that is the word that I heard, "Room" and "Back."

CAPTAIN SANDBERG: That is all.

(Witness excused)

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

(Whereupon a recess was taken until 1330 o'clock, 6 November 1945.)

AFTERNOON SESSION

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

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.

CAPTAIN CALYER: Mr. Palada.

JUAN D. PALADA

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Juan D. Palada.

Q How old are you, Mr. Palada?

A 36 years old.

Q Where do you live?

A I am living now in Welfareville, Mandaluyong.

Q In February, 1945 where did you live?

A Intramuros.

Q At what address?

A (No response).

Q On what street?

A Anda. 100 Anda.

Q Were you one of a group taken from that neighborhood to the Manila Cathedral on the 5th of February?

THE WITNESS: What, sir?

CAPTAIN CALYER: Will you read it?

(Question read)

A Yes, sir.

Q (By Captain Calyer) Will you tell the Commission what happened there?

A On the morning of February 6th, 1945 all men were lined up to Fort Santiago.

Q About how many men?

A About two thousand men.

Q Were you one of those taken to Fort Santiago?

A Yes, sir.

Q After you arrived at Fort Santiago what happened?

A They put us in a room about twenty feet square.

Q How many of you were placed in that room?

A About a hundred.

Q What conditions did you find there?

A Without food or water.

Q Were there any sanitary facilities provided?

A What, sir?

Q Toilet?

A Toilet?

Q Was there a toilet there?

A Yes, sir.

Q Where?

A At the corner.

Q What sort of toilet?

A At the corner of the room, both sides.

Q Would you describe it, please?

A About this wide, like this (illustrating).

Q Just a hole in the floor, you mean?

A Yes, sir.

Q Was there any ventilation in the room? Any windows?

A There is a small -- just a small window in the wall.

Q And you stayed there how long?

A What, sir?

Q How long did you stay in that room?

A I stay one day.

Q What happened in the evening of that day?

A What did you say?

Q What happened that evening?

A At the sunset they brought us out.

Q How many of you?

A All of those in the room.

Q All of you who were in the room?

A Yes, sir.

Q When they took you out where did they take you?

A They let us stand in front of the walk.

Q What happened there?

A Somebody said "room!"

Q Somebody said what?

A Somebody said "room!" and then say "Back!"

Q Where were you taken? What did they say to you?

A I was taken from the room.

Q And what happened when you were taken from that room?

A When the room is filled up the Japanese soldier came and took his bayonet and beat it on our head.

Q Did he say anything to you?

A What, sir?

Q Did he say anything to you?

A Yes, sir. He say "You're a guerrilla" and "Robber" and "You want the rescue of the Americans to come."

Q What happened after that?

A After that he brought us out two by two again and when there was about twelve I went out, too, and that is the time they tied our hands behind our backs.

Q And what did they do to you?

A And they brought us again to the room.

Q What happened then?

A And when we were in the room men were crying because of the way they tie our hands.

Q Did there come a time when they again took you outside?

A After a while they took us again two by two outside.

Q Who was taken out with you?

A Reymundo Victorio.

Q And what happened to Reymundo Victorio?

A We pass by the table and they took all the belongings from our pocket. When we were outside they bayoneted Reymundo Victorio.

Q Where did that happen?

A In a yard at Fort Santiago.

Q In a yard?

A Yes, sir.

Q Will you describe that yard a little more particularly, please?

A The yard was like a pit and they let us lay on the ground and bayonet us.

Q Did you actually see Reymundo Victorio bayoneted?

A Yes, sir.

Q By whom was he bayoneted?

A He was bayoneted at the back.

Q By whom?

A What, sir?

Q Who did it?

A A Japanese soldier bayoneted him at the back.

Q Where were you?

A And he fall down.

Q Where were you at that time?

A I was near him.

Q And what happened after he was bayoneted?

A They took me, too, and bayoneted me in my back.

Q And what happened to you after you were bayoneted?

A When I was bayoneted I fell on the face and I roll, and I fell down on the dead bodies and I rolled myself over the dead bodies.

Q About how many bodies did you see there?

A About 500, sir.

Q Did you see or hear anything after you landed in the pit?

A When I was in the pit a Japanese soldier went around to see if he can see the body, how many were alive, he will shoot or bayonet them again.

Q And you saw that done?

A Yes, sir.

Q Did you eventually get out of the pit and escape from Fort Santiago?

A After that an hour I escaped from that place.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Reel) Do you know whether these Japanese were soldiers, sailors or marines, or what they were?

A I think they are soldiers, sir.

Q Why?

A Because on their cap I saw a star.

Q How long did you stay in Intramuros?

A About eleven years.

Q No. I mean after this happened how long did you stay there?

A Ah! I stay one day only in Fort Santiago.

Q Were you in Intramuros as distinct from Fort Santiago?

Did you stay in Intramuros after that?

THE WITNESS: What is it, sir?

CAPTAIN REEL: Read it.

(Question read)

A No, sir. I stay -- when I escape from Fort Santiago I stayed outside the wall for 44 days.

Q Did you hear the announcement made by the American Army from the north side of the Pasig River to the forces defending Intramuros made over loudspeakers?

A No, sir.

Q Do you understand Japanese?

A Not so much, sir.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: All right. You may go.

(Witness excused)

FIRST LIEUTENANT FRANK J. SHIDELER

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

DIRECT EXAMINATION

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

A Frank Shideler, First Lieutenant.

Q Where are you stationed, Lieutenant Shideler?

A At present GHQ, AFPAC.

Q In February, 1945, where were you stationed?

A Regimental Headquarters, 129th Infantry.

Q On the 24th of February, or thereabouts, did you have occasion to take some pictures at Fort Santiago?

A Yes, sir. A sergeant took the pictures, and I supervised him.

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

Q I show you a photograph marked for identification as Prosecution Exhibit 209, and ask you if you were present when that picture was taken?

A Yes, sir.

Q What does it represent?

A It represents some dead civilians.

Q Found where?

A Who were found outside of a small building south of Fort Santiago, near the wall.

Q Do you remember the names of the streets?

A No, I don't recall those.

Q I show you Prosecution Exhibit No. 208, and ask you if you can point out on that exhibit where this building is that you have referred to?

A (Indicating) It is right around in this area right here.

Q Will you point that out so the Commission may see?

A Right in this corner (indicating).

CAPTAIN CALYER: Indicating an intersection of the street marked "Santa Clara" with the unnamed street at the lower portion of the sketch.

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

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

(Prosecution Exhibit No. 209 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 210 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit 210, and ask you if you were present when that was taken?

A Yes, sir.

Q What does that photograph represent?

A It represents dead civilians inside the building that the other picture shows were in front of the building.

Q You mean this is the interior of the same building that you just referred to?

A Yes, sir.

CAPTAIN CALYER: If the Commission please, I offer

this photograph in evidence.

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

(Prosecution Exhibit No. 210 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 211 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit No. 211, and ask you if you were present when that picture was taken.

A Yes, sir.

Q What does it represent?

A It represents dead civilians inside a cell, and that was in Fort Santiago.

Q I again show you the sketch, Prosecution Exhibit 208, and ask you if you can point out on that sketch where that cell that you now refer to was located?

A Approximately right up in this area (indicating).

Q Indicating the building marked "2", and at which end of that building?

A Now, there was a pathway we came up there (indicating), and there was just a cell on the side.

Q To the left or right?

A It would be on the left -- it would be on the right.

Q In the neighborhood marked "G"?

A Yes, right there.

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

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

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

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

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit 212, and ask you if you were present when that was taken?

A Yes, sir.

Q What does it represent?

A It represents another view of the preceding picture.

Q Taken where with reference to the previous picture?

A Well, it was taken approximately at the same spot.

However, this one was with the camera nearer to the door.

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

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

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

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Sandberg) What division is the 129th Infantry a part of?

A 37th.

Q And did the 129th Infantry participate in the battle for Fort Santiago?

A Yes, sir.

Q Was that a hard fought battle?

CAPTAIN CALYER: If the Commission please, I object to this line of questioning. It certainly is not a proper cross examination on the testimony elicited on direct.

GENERAL REYNOLDS: The Defense may proceed.

(Question read.)

A I was not present at the place where the battle was fought. I was back at the Regimental C. P. at the time.

Q Do you know how long the battle for Fort Santiago took?

A I believe they started at 8 o'clock on the morning of the 23rd.

Q And ended when?

A As I recall, it was secure that afternoon sometime.

Q Now, in the course of the battle in and around Fort Santiago, did the United States armed forces use flame throwers?

CAPTAIN CALYER: I object to that, if the Commission please. That is not proper cross examination.

GENERAL REYNOLDS: The objection is sustained, primarily on the grounds that the witness has stated he was not in the area of the battle.

CAPTAIN SANDBERG: Well, if the witness had actual knowledge of the conditions, I believe it would be proper. I would like to ask the witness one or two questions as to his knowledge, in view of his connection with the Regimental C. P. of the facts of the battle.

GENERAL REYNOLDS: Very well. Proceed.

Q (By Captain Sandberg) What was your position at the Regimental C. P.?

A I was a liaison officer.

Q And as liaison, did you have knowledge of the course of the battle?

A Yes, sir, in a general way.

Q Did you also have knowledge of the methods that were being used by the American forces to reduce the fort?

A In general, yes, sir.

CAPTAIN SANDBERG: May I continue, sir?

GENERAL REYNOLDS: Yes.

Q (By Captain Sandberg) Do you know whether the American forces used flame throwers to reduce Fort Santiago?

A I know they used flame throwers.

Q Do you know whether they poured gasoline down into the holes of the fort and ignited them?

A I heard that. However, this was after I was up there.

Q Do you know whether any Japanese soldiers were killed within Fort Santiago by being burned to death?

CAPTAIN CALYER: If the Commission please, I fail to see any relevancy of this line of questioning to the testimony now before the Commission.

CAPTAIN SANDBERG: If you please, sir, this is in direct relation to the pictures that have just been introduced by the Prosecution, showing civilians who were burned to death.

CAPTAIN CALYER: I beg your pardon. There is no

testimony at this point that there is any contention that these people were burned to death.

CAPTAIN SANDBERG: We believe the pictures speak for themselves.

GENERAL REYNOLDS: The Defense may proceed.

Q (By Captain Sandberg) Do you know if any Japanese soldiers were found within Fort Santiago burned to death?

A As I understood, they burned quite a number of them that were inside the walls and tunnels.

Q Now, are you familiar with a broadcast that was made by the American forces to the Japanese within Intramuras on the 25th of February, calling upon them to surrender?

A No, sir.

CAPTAIN SANDBERG: Thank you.

CAPTAIN CALYER: Is that all?

Thank you very much, Lieutenant.

(Witness excused)

MAJOR GILBERT B. AYRES

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was examined and testified further as follows:

MAJOR KERR: You testified previously at this proceeding, have you not?

THE WITNESS: Yes, sir.

MAJOR KERR: I will remind you you are still under oath.

DIRECT EXAMINATION

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

A Gilbert B. Ayres, Major, Headquarters 37th Infantry Division.

Q Were you a part of the 37th Infantry Division in February, 1945?

A Yes, sir, I was.

Q Did you enter the City of Manila with that division?

A Yes, sir.

Q When you came into the City of Manila, by what troops were you met?

A You mean enemy troops?

Q Yes, sir.

A Well, by the Manila defense force, the overall garrison.

Q Was that an army or navy group?

A Well, that was a heterogeneous force composed of both army and navy units.

Q As you first approached the city, from which direction did you come?

A We came from the north, slightly to the west of north.

Q And what troops did you encounter first?

A Well, to the northwest of the city, in the Obondo Dampalit-Malabon area, we ran into the troops there that were part of the Kobayashi Heidan, known as the "Gyoro Fishing" battalions.

Q And what branch of the service did they belong to?

A They were army units.

Q Do you know who commanded them?

A I believe it was a Colonel Noguchi.

Q Were they part of the Manila defense forces?

A Yes, sir.

Q As you continued into the city, what other units, if any, did you meet?

A Further into the city, particularly south of the Pasig River, they were largely a heterogenous force, composed of both army and navy units. It is pretty difficult to say any unit in particular.

Q When did the battle for the City of Manila begin?

A We crossed the Pasig River on the 7th of February. However, we entered the city from the north on the 3rd of February.

Q And your entrance on the 3rd of February, then, I presume, was the beginning of the action here in Manila?

A Yes, that would be the beginning.

Q Did there come a time when you entered Fort Santiago?

A Yes. We entered Fort Santiago on the 23rd of February.

Q And were you with the first echelon to go in?

A No, sir, I was not.

Q How soon after the first group had entered Fort Santiago did you arrive there?

A I did not go into Fort Santiago myself until the 24th.

Q When you went there on the 24th did you have occasion to observe various points around Fort Santiago?

A Yes, sir, I did.

Q I show you Prosecution's Exhibit 209 and ask you if you can tell what that is.

A That is a body of a dead Filipino which we found outside of a small building on the corner of, I believe it was, Arzobispo Street and Santa Clara Street.

Q Is there more than one body shown in that picture?

A There are three bodies shown in the picture: one in the immediate front and two to the rear. The two to the rear are covered with blankets.

Q Beyond those bodies to the rear does the picture show anything else?

A Well, directly in the far rear of the picture there is a small building directly on the corner of these two streets that I named. You can see it in the rear of the picture, with an iron gate standing open.

Q Did you enter that building on the 24th of February?

A Yes, sir, I did.

Q I show you Prosecution's Exhibit No. 210 and ask you what that is.

A That is a picture of the interior of that small building on the corner of the two streets that I mentioned.

Q When you went into the building what did you see?

A There were approximately 15 dead Filipinos on the floor, a large quantity of clothing and other items being strewn about.

Q Were they civilians?

A They were civilians.

Q Were there marks on the bodies?

A Yes, sir. On some of the bodies there were marks indicating that they may have met their death through small arms fire or through grenades, or possibly bayonet wounds.

Q Were any of the bodies burned at the time you were there?

A No, sir. The bodies were not burned, and all of the clothing and other paraphernalia showed no effects of having been burned.

Q I show you a photograph marked for identification 213 and ask you if you can state what that is.

A That is the inside of a part of the wall. I think it is the west wall of Fort Santiago.

Q Does that picture show the building to which you were recently referring?

A Yes, sir. At the extreme left, in the rear of the

photograph the rear end of that building is visible.

Q Is that the building just beyond what appears to be a white fence?

A Yes, sir, that is the building.

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

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

(Photograph of west wall of Fort Santiago was received in evidence and marked Prosecution Exhibit No. 213.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit 214 and ask you to state what that is.

A That is the outside of the Intramuros. I believe that is the west wall, the outside of that same area.

Q The area shown in the preceding picture?

A Yes, sir.

Q Referring for a moment to that previous picture, Prosecution's Exhibit No. 213, I call your attention to these archways and ask you if they appear in this picture in the same condition as they were when you saw them in February of '45.

A No, sir. There is actually very little similarity. At that time there were earthworks in front of these, sand bags were piled up high in front of these, and there was considerable rubble on what now appears to be a roadway in front of these caves.

Q Do you know for what purposes those caves were used?

A They were used for storage. At the time I was there there were some Japs inside, and there was some combat going on in the area.

CAPTAIN CALYER: If the Commission please, I offer this photograph as Prosecution's Exhibit No. 214 in evidence.

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

(Photograph of outside of Intramuros west wall was received in evidence and marked Prosecution Exhibit No. 214.)

Q (By Captain Calyer) Major, do you know whether there were Filipinos confined in any of those caves?

A In those caves along there I do not know whether there were any Filipinos confined or not.

Q I show you a photograph marked for identification Prosecution's Exhibit No. 215 and ask you to state what that represents.

A That is the view from the top of the wall around Fort Santiago. It would be the west wall looking generally northeast.

Q Let's get these directions straight. I show you again the sketch, Prosecution's Exhibit 208, and ask you if you will point out on the sketch about where this picture is taken from.

A This picture would be about in this general area in here (indicating).

Q In the neighborhood of the Figure 27?

A Yes, sir.

Q And looking in which direction?

A Well, looking in this direction here; (indicating) well, it is looking practically directly east.

Q Is that the interior of the fort?

A Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph from top of wall around Fort Santiago was received in evidence and marked Prosecution Exhibit No. 215.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit No. 216 and ask you to state what that is.

A That is the inside of the west wall of Fort Santiago.

Q Will you point out on the sketch, Prosecution's Exhibit No. 208, the section of the wall which that represents?

A It would be the section right along in here (indicating).

Q In the area marked "D", is that where you mean?

A That would be approximately the locality running in this direction (indicating).

CAPTAIN CALYER: The Prosecution offers this photograph in evidence.

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

(Photograph of inside of west wall of Fort Santiago was received in evidence and marked Prosecution Exhibit No. 216.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit 217 and ask you to state what that is.

A That would be the extreme south portion of this west wall where it turns and bears to the east.

Q Let's again get directions straight here. Will you point out on the diagram the spot shown in that picture?

A It would be approximately in here (indicating).

Q And the wall to which you refer is the wall coming in this direction (indicating)?

A Right along in there (indicating), yes, sir.

Q Which is in a westerly direction and then turns?

A Well, turns southeast.

Q Is it correct, then, to say this picture shows the northwest corner of the wall?

A That's right.

Q Where is the spot shown by that picture with reference to the preceding exhibit?

A That would be then at the extreme west portion thereof.

Q With reference to the preceding exhibit, Prosecution's Exhibit No. 216, where does this picture fit?

A Well, this would be away over to the left on this picture.

Q At the left of the Exhibit 216?

A Extreme left, yes, sir.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Photograph of extreme south portion of west wall was received in evidence and marked Prosecution Exhibit No. 217.)

Q (By Captain Calyer) Major, while you were in Fort Santiago did you have occasion to observe something in the area represented by Prosecution's Exhibits 216 and 217?

A Yes, sir, I did. On the 24th of February I went up onto the top of that wall, which at that time was covered with a considerable mass of rubble. On the west portion of that wall was a small hole in the top leading down inside. I went down inside of that wall down some stairs that were partly burned away and on a short incline and then came to a large cavernous space down there.

Q I show you a photograph marked Prosecution's Exhibit 218 for identification and ask you to state what that is.

A Well, that is a photograph of this cavern which I saw down at the foot of that incline.

Q Calling your attention to what appears to be an opening at the center of that photograph, can you state what that opening is with reference to Prosecution's Exhibit No. 217?

A That would be the opening at the extreme rear of this opening.

Q Do you mean that the opening shown in 218 is the same hole shown in 217?

A No, sir; it is the opposite end.

Q But it is the same hole?

A Yes, it is the same hole.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Photograph of cavern at foot of incline of wall was received in evidence and marked Prosecution Exhibit No. 218.)

Q (By Captain Calyer) Major, when you entered that room on the 24th of February was there any opening at that time?

A No, sir. The opening had been closed up with what looked to be rice straw bags filled with earth. The opening was completely blocked up.

Q When you got into that room what did you observe?

A On the floor of that room there were piled a considerable number of bodies.

Q Were you able to distinguish the condition of the bodies?

A Decomposition was pretty bad, and it was impossible to determine any marks on the bodies. They had apparently been dead for some little time.

Q Had the bodies been burned at that time?

A There was no evidence that they had been burned at that time.

Q Were they later?

A I believe that they were burned later as a sanitary precaution.

Q And do you know by what method?

A By pouring oil, gasoline, in there from the top.

Q Do you know of any other time when that method was used at Fort Santiago?

A Yes, sir. I believe there was one other occasion when that was done.

Q When was that?

A Well, this was somewhat later than February 24th at the time that I was there.

Q Was that done also for sanitary purposes?

A Yes, sir.

Q There was no such action as that during the fighting, was there?

A No, sir.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Reel) Major, where were you during the fighting for Intramuros?

A Well, at the time the assault on Intramuros was made, the morning of February 23rd, I was at the Division C. P.

Q So that you did not see the actual assault taking place?

A That is correct.

Q And you would not know of your personal knowledge what methods were used in the assault?

A From my personal observation I would not know what methods were used.

Q Yes. And the same is true, is it not, when you described for us the troops that were met upon entering Manila? You did not actually see them?

A I didn't actually see the troops, no, sir.

Q And when you give us your testimony you are relying on what you have been told, or what you have learned from

outside sources other than your own observation?

A No, sir. In such cases it was from my own observation, through the interrogation of prisoners of war, through the examination of captured documents taken from enemy dead, and from various installations.

Q But you are telling us what you learned from other sources, namely, prisoners of war, documents, or other persons, and not what you saw, isn't that correct?

A Correct.

Q When you went to Intramuros, I think you said on the 24th of February, did you see the bodies of any dead Japanese military forces?

A Yes, sir, I did.

Q And were there a large number of them?

A In Intramuros proper there were not a very large number that I saw.

Q Where was the large group that you saw?

A On the 24th of February, sir.

CAPTAIN CALYER: If the Commission please, I don't recall the witness testifying yet that he had seen a large group of dead.

CAPTAIN REEL: I am now asking him, sir, whether he did.

CAPTAIN CALYER: Then that is not the proper form of question, if the Commission please.

GENERAL REYNOLDS: The Defense may proceed.

CAPTAIN REEL: I shall rephrase the question so that there will be no question about it.

Q (By Captain Reel) Sir, did you see a large number

of enemy dead on the 24th of February?

A No, sir, I did not.

Q Did you at any time in your researches there in that area?

A In Intramuros at no time did I see a large number of enemy dead.

Q Well, where did you see the largest group of enemy dead that you did see at any time in Manila?

A In the vicinity of the Paco Railroad Station, for one place.

Q Yes.

A Harrison Park.

Q Any in the immediate vicinity of Intramuros, if not in Intramuros itself?

A In the Finance Building, which I believe is in the immediate vicinity of Intramuros.

Q Legislative Building?

A I did not go into the Legislative Building.

Q The City Hall?

A At the time I went into the City Hall there were very few dead enemy right in the City Hall. There were many outside of the building, however.

Q Post Office?

A Yes, many in the Post Office.

Q Do you know whether there were any Japanese prisoners of war taken who had been in Intramuros?

A Yes. I believe we got some prisoners of war who had actually been in Intramuros.

Q And how many, can you tell?

A I don't recall how many.

Q It is true, is it not, however, that most of the Japanese military force in Intramuros was annihilated?

A Yes, sir.

Q When you went to Intramuros did you see the effect of the American artillery and trench mortar fire?

A Yes, sir.

Q And can you tell us just briefly what was the severity of that?

A Well, the destruction of that was considerable. Many of the buildings had been completely demolished.

Q Yes. I think you told us when you were on the stand before that you were with G-2.

A Yes, sir.

Q 37th Division?

A Yes, sir.

Q It is true, is it not, that prior to the final reduction of Intramuros the American forces north of the Pasig River issued a proclamation over loud speakers to the men who were defending Intramuros?

A I believe that was done; yes, sir.

Q And are you familiar with the proclamation that was issued?

A I read it at the time that it was issued.

Q Yes. Do you remember whether or not it began as follows: "Attention all officers and men of the Imperial Japanese Navy"? Do you remember that?

A (No response.)

Q There was no mention in that proclamation relative

to the persons to whom it was directed of any group except "Imperial Japanese Navy," isn't that correct?

A I do not recall that the message was directed specifically at the Imperial Japanese Navy. That particular phrase is one that is commonly used to the officers and the soldiers of the Imperial Japanese forces, or Navy, or Army, but I don't recall that it was specifically Navy.

Q Perhaps a little more of this will refresh your recollection. Do you recollect whether or not that proclamation being addressed to the Imperial Japanese Navy made certain derogatory remarks relative to the Japanese Army?

A No, sir, I do not recall that.

Q I will just read one short portion to see if this refreshes your recollection from the proclamation that was issued to the forces defending Intramuros and addressed as "Officers and Men of the Imperial Japanese Navy":

"Your Army was going to attack from Novaliches, and then they were going to attack from Montalban and Marquina. They did neither. The Army was going to silence our artillery from the north. In each hour our artillery fires on you with ever-increasing fury."

Do you remember?

A Yes, sir.

Q And so far as you remember, is that a correct statement of a part of that proclamation?

A As far as I remember, sir, yes.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: Thank you very much, Major.

(Witness excused.)

MAJOR FRANK J. MIDDELBERG

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

DIRECT EXAMINATION

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

A Frank J. Middelberg; major, 129th Infantry.

Q Were you with the 129th Infantry in February, 1945?

A Yes, I was.

Q Did you come into the City of Manila with that unit?

A Yes, I did.

Q When did you enter the City?

A February 4th.

Q What troops were met when you entered the City?

A Enemy troops?

Q Yes, sir.

A I don't know the identification of them, but they should have been Army troops.

Q Well, were they?

A From the documents, interrogation reports, translations sent down to us by the division, yes.

Q Were you also with the 129th when an assault was made upon Intramuros?

A Yes, I was.

Q And when was that assault?

A That assault was made on the 23rd of February.

Q Did you enter Intramuros on that day?

A Yes, I did.

Q What troops did you find in Intramuros?

A I found both Army and Navy troops.

Q In Intramuros did you have occasion to observe any dead bodies of civilians?

A Yes, I did have occasion.

Q Will you describe the spot where you saw such a group?

A On the 23rd of February, inside Intramuros -- in fact, inside Fort Santiago, in a small concrete room of a large building which was destroyed, there were dead bodies inside this room; I would judge about 40. They were stacked up one upon the other, I would judge about four deep in spots.

Q I show you Prosecution's Exhibit 208 and ask you to point on that sketch to the spot where that building was located.

A The incident which I speak of now was located in a small squared-off area here which is marked with an "R" (indicating).

Q On the building marked "6", is it?

A On the building that is marked "6", yes, and approximately in the corner where the "R" is at.

Q What was the condition of the bodies which you saw at that place?

A These bodies had been dead for some time, and the hands of the top row of victims were tied behind their backs, and there were bullet holes in the rear of their heads, and some had bayonet wounds in their back.

Q Had the bodies been burned up to that time?

A These bodies were not burned.

Q Did you also see bodies at some other point?

A Yes. In a dungeon in the same vicinity there was another group of bodies.

Q Will you show on Prosecution's Exhibit No. 208 the location of the dungeon to which you now refer?

A The location of the dungeon was in the vicinity of the Numeral "2" (indicating).

Q And on which end of that building?

A That would be on the northeast end of the building.

Q In the vicinity of the letter "G"?

A Yes; between "F" and "G" there (indicating). In that general locality.

Q Will you describe what you saw there?

A This particular dungeon room had two steel doors, solid steel doors, which were bulged inwardly slightly, and we forced these open, and right directly behind the two steel doors was sort of a steel cage.

Q Just a minute, please. What was the condition of the doors, other than the fact that they were bulged?

A There was a bolt which was in place and fastened in place by a wire.

Q Yes. Then you say inside the door was what?

A Inside the door about two feet inward was this steel cage, you might call it, or prison.

Q Will you describe your experiences and your observations when you opened those doors?

A Well, it was quite a job opening the doors. We finally kicked them in, and then, upon kicking the doors in, there was a terrific stench came out which sort of knocked us back a bit, but upon venturing my head into

this door entranceway, you could see very plainly right there, grouped around the steel cage, a number of dead bodies. These bodies were piled around the door to this cage. It seemed as if they had been fighting to get out and that's where they were stopped.

Q About how many bodies did you observe in that spot?

A I would judge about 25.

Q In the entire area there in that dungeon how many did you observe?

A Well, in the entire dungeon I would estimate probably close to 300.

Q Were those bodies the bodies of civilians?

A Yes, sir. The bodies that I could observe were bodies of civilians.

Q Were you able to tell the sex?

A Of one; the person immediately in front, by the door, was a woman.

Q I show you Prosecution's Exhibit No. 211 and ask you to tell what that is.

A This picture shows the two steel doors thrown inward and the immediate view that reached the eye upon looking through the doors.

Q Does it also show the bolt to which you refer?

A Yes. It shows both the bolt and the wire which held the bolt into position.

Q Will you point out in that picture the body which you say was that of a woman?

A It is this body on the floor there (indicating).

Q The one at the extreme bottom of the picture?

A Yes.

Q I show you Prosecution's Exhibit No. 212 and ask you to state what that is.

A This is further inside this dungeon, which you can see by going further into the room itself.

Q And is that the condition in which you found that dungeon when you first opened those doors?

A Yes.

Q Had there been shelling in that vicinity?

A Yes. On the assault upon Intramuros there was direct fire artillery brought.

Q Could you tell from your observation of those bodies how they had met their death?

A Well, there were no visible signs that I could observe of the bodies being mutilated. However, they were in there, and in my opinion the bodies were placed in there alive and the victims starved to death.

Q Had they been disturbed at all by the shell fire?

A No. They couldn't possibly have been disturbed by the shell fire.

Q Do you know what happened to those bodies afterward?

A No, I do not.

Q I show you Prosecution's Exhibit 216 and ask you if you know what that is.

A This is a view of the north wall of Fort Santiago.

Q Calling your attention to the door shown at the extreme right of that photograph, did you at any time on the 23rd go in that door?

A No, I did not.

Q Do you know what was inside?

A Well, there were a few dead Japs in there.

Q Do you know how they had been killed?

A I believe it was by grenade fire.

Q Did you have occasion to interrogate prisoners who were captured at Fort Santiago?

THE WITNESS: Will you repeat that question?

CAPTAIN CALYER: Will you read it, please?

(Question read.)

A No, I did not.

Q (By Captain Calyer) Did you have occasion to interrogate prisoners captured anywhere in Intramuros?

A No, I did not.

Q Do you know whether there were prisoners captured in Fort Santiago?

A In our sector I don't recall capturing any prisoners.

CAPTAIN CALYER: You may examine.

CROSS-EXAMINATION

Q (By Captain Sandberg) What was your capacity with the 129th Infantry Regiment?

A I was Regimental S-2.

Q In that capacity, were you acquainted with the course of the battle at Fort Santiago?

A Yes, sir, I was.

Q If I were to say to you that the Japanese forces within Fort Santiago set fire to the Fort and then evacuated it, would that be a correct statement of what happened?

A I would say not.

Q If I were to say that the Japanese made a last-ditch stand inside of Fort Santiago, would that be a correct statement?

A Insofar as that the troops remaining in Fort Santiago did, yes.

Q Now, those troops who remained in Fort Santiago fought to the last ditch?

A Yes, they did.

Q And what were the methods that the American forces used to reduce the Fort?

A They reduced the Fort by the use of hand grenades, white phosphorus grenades, flame throwers, bazookas, direct tank fire; and I heard later that oil and gasoline was placed into the dungeon and ignited by the WP grenades.

Q And was that done during the battle?

A Well, during the mopping up stage.

Q Now, when you came into Fort Santiago, did you find any persons who had been burned to death as a result of the

ignited gasoline?

A No, I did not.

Q Would you say that that method was not an effective method?

A Well, the point was that I was taken out of the picture on the 24th, and these dungeons, they were burning at that time. And also, at that time when I left it was impossible to get into the inside because of the heat.

Q I see. So that your knowledge is simply limited to the methods used and not as to the effect of the method?

A Absolutely yes.

Q Now, did you in your capacity as Regimental S-2 know what units of the Japanese military forces had defended Intramuros?

A I don't recall them now.

Q Are you familiar with the M-1 report, 14th Corps?

A I have read it, yes.

Q Do you recall reading in the M-1 report of the 14th Corps that the personnel in Intramuros was personnel of the Japanese navy?

A Naval personnel were mentioned as part of the troops defending there, but I don't know if that was the only statement that was made.

CAPTAIN SANDBERG: That is all.

GENERAL REYNOLDS: The Commission will be in recess for approximately 10 minutes.

(Short recess)

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

CAPTAIN CALYER: If the Commission please, that concludes the testimony with reference to Bill of Particulars Item No. 52. With the permission of the Commission, I would like to call at this time a witness in the Paco case that we discussed the other day, and which at that time you said might be called later. He is here and is ready to testify.

GENERAL REYNOLDS: Which item in the Bill of Particulars was it?

CAPTAIN CALYER: That was Item 48, sir.

GENERAL REYNOLDS: You may go ahead.

CAPTAIN CALYER: Eugene Bayot.

EUGENE BAYOT

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Eugene Bayot, sir.

Q Where do you live?

A At present, sir?

Q Yes.

A Mandaluyong, sir.

Q How old are you?

A 21, sir.

Q In February, 1945 where were you living?

A On Dart Street, sir.

Q Were you one of a group taken by the Japanese on the 10th of February to a house at 1195 Singalong Street?

A Yes, sir.

Q What happened to you there, just briefly?

A I was taken by the Japanese on February 10th, and taken to a street, over on Ramos Street --

Q Never mind that. Just tell me what happened at the house on Singalong Street.

A A Japanese squad came up and took me for forced labor, and brought me to this Ramos Street and tied me up.

Q Now, what branch of service did the Japanese belong to who took you from your home?

A I think they were the Taiwan, sir; navy.

Q When you got to 1195 Singalong Street, what happened?

A There I was blindfolded and my shirt stripped off.

Q What was done to you?

A We were one by one taken to a room, and they behead all the men over there, sir.

Q Were you one of those who were struck?

A Yes, sir.

Q Did you receive a wound at that time?

A Yes, sir.

Q Will you show it to the Commission, please?

(The witness exhibited his neck to the Commission.)

(A photograph was marked
Prosecution Exhibit No. 219
for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 219 and ask you to tell what that is.

A That is me, sir.

Q What does that picture show?

A That is the scar of the saber wound.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Prosecution Exhibit No. 219 for identification was received in evidence.)

Q (By Captain Calyer) After you were wounded, what happened to you?

A I stay in the corner for a while, sir, and --

Q Where?

A In that small house there.

Q On the same floor on which you were struck?

A The first floor, sir.

Q Is that the same floor on which you were struck?

A No, sir. I was in the downstairs, sir.

Q How did you get down there?

A First I was brought to the room, then there I was cut by a saber and I was kicked twice in my back, then I fell down.

Q Through the hole?

A Yes, sir.

Q How long did you remain in that room on the first floor?

A About 10 minutes, sir.

Q How long did you stay there altogether?

A Downstairs?

Q In that room on the first floor, downstairs.

A Five hours, sir.

Q While you were there, did you have an opportunity to observe the conditions both in that room and in the room above you?

A Yes, sir.

Q How were you able to see?

A When I was downstairs, I crawled to a corner and I did my best to take off the rope from my hands and put my blindfold off.

Q You took the blindfold off?

A Yes, sir.

Q And from your position, were you able to see what was going on?

A Yes, sir.

Q What sort of troops were those whom you saw in the house on Singalong Street?

A Some army men and some were navy, sir.

Q How could you tell that some were army?

A By the uniforms, sir.

Q What, particularly?

A The navy is white, green uniforms, sir.

Q And what about these whom you say were army?

A They were brown and with stars on their hats, sir.

Q You saw some with stars on their hats?

A Yes, sir.

(A sketch was marked
Prosecution Exhibit No. 220
for identification.)

Q (By Captain Calyer) I show you this document marked for identification as Prosecution's Exhibit 220, and ask you to state what that is.

A It is this death chamber at 1195 Singalong Street, sir.

Q Who drew that?

A I did, sir.

Q Does that correctly represent the situation as you saw it on the 10th of February, 1945?

A Yes, sir.

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

CAPTAIN REEL: Sir, we object to this sketch as improper. It is not a photograph; it is simply this witness's own drawing; his testimony takes care of any of that sort of thing.

GENERAL REYNOLDS: The Prosecution is asked to develop the circumstances and timing of the preparation of this drawing to a greater extent.

CAPTAIN CALYER: Do you mean, sir, the time when the drawing was made, or the period during which the witness was able to observe what he later drew?

GENERAL REYNOLDS: The time when the drawing was made.

CAPTAIN CALYER: If the Commission please, the exhibit itself bears the date.

Q (By Captain Calyer) I will ask the witness when that drawing was made.

A March 25, sir.

Q Of what year?

A 1945, sir.

CAPTAIN REEL: What was the answer?

CAPTAIN CALYER: March 25, 1945.

GENERAL REYNOLDS: I will ask the reporter to read back all the statements that the witness has made with respect to this exhibit.

(Record was read)

CAPTAIN CALYER: If the Commission please, I might ask one other question.

Q (By Captain Calyer) At the time you drew this sketch, was your recollection of what you had seen on the 10th of February still clear and fresh in your mind?

A Yes, sir.

Q Is the sketch as you drew it an exact representation of what you had seen on the 10th of February?

A Yes, sir.

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 220 for identification was received in evidence.)

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you. That is all.

(Witness excused)

MAJOR KERR: Sir, the next cases we will take up are known as the St. Augustine Church cases and the McKinley Plaza air raid shelter massacre. They are Nos. 60, 61, 62, 63, and 64 in the original Bill of Particulars.

We call as the first witness, Father Belarmino de Celis.

Father, you understand English, do you not?

FATHER BELARMINO DE CELIS: Yes.

MAJOR KERR: But you do not speak it clearly, is that correct?

FATHER BELARMINO DE CELIS: Not clear.

FATHER BELARMINO DE CELIS

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

DIRECT EXAMINATION

- Q (By Major Kerr) Will you state your name?
- A (Through the Interpreter) Father Belarmino de Celis.
- Q Where do you reside?
- A In the St. Augustine Convent in Intramuros.
- Q What is your nationality?
- A I am a Spanish.
- Q And your age, please?
- A 37 years.
- Q What is your occupation?
- A I am a priest, Catholic.
- Q Connected with what organization, what church in particular?
- A Order of the Augustinians.
- Q Are you connected with the St. Augustine's Church in Manila?
- A I am connected with the St. Augustine Church, because it is the church of the Augustinian Fathers, and I have been residing there for all the time that the Japanese have been staying here.
- Q What is your position with the St. Augustine's Church?
- A I am what they call the supply officer.
- Q How long have you lived at the St. Augustine Church?
- A From the year 1939.
- Q That building is located within the Intramuros section

of Manila, is it not?

A Yes, sir.

Q Is a convent connected with the St. Augustine's Church?

A The convent is related to the St. Augustine Church, and the convent is built with the St. Augustine Church.

Q How long ago was the church and the convent built?

A The edification was constructed in the year 1989.

MAJOR KERR: Will you read that answer?

(Answer read)

THE INTERPRETER: Well, 1599.

MAJOR KERR: 1599; is that correct?

THE WITNESS: Yes.

(A sketch was marked Prosecution Exhibit No. 221 for identification.)

Q (By Major Kerr) I hand you what has been marked for identification as Exhibit No. 221, and ask you what that is?

A It represents the lower part of the convent and the Church of the Augustinians which I have just mentioned.

Q Where on that sketch is the church portion of the compound represented?

A It is the part that is shown along Gral Luna Street.

Q Then it is the large open area at the top of the sketch, is that correct?

A Only the church.

MAJOR KERR: If the Commission please, at this time I offer in evidence this sketch, as Exhibit 221.

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

(Prosecution Exhibit No. 221
for identification was
received in evidence.)

Q (By Major Kerr) Father, were you at that church on
the 5th of February, 1945?

A Yes, sir.

Q What happened at that time at the church?

A On February 5, 1945, the Japanese put together all
the majority of the inhabitants of Intramuros, inside the
church.

Q The Japanese then caused to be brought to the St.
Augustine Church, a large number of civilians from the
Intramuros, is that correct?

A Yes, sir.

Q Approximately how many men, women and children came
to the church at that time?

A I estimate the number to 6,000.

Q Did that include women and children?

A All of them are included, women and children.

Q Where, in the church or the convent, did these 6,000
people stay?

A They were on all the parts, or most of the church
and the convent, inasmuch as they were numerous. They
were all around the interior part of the convent and church,
and even in the patios.

Q Were they crowded there?

A Too crowded.

Q Did they bring with them food or other personal
possessions?

A As they were forced there by the Japanese at the last

hour, they were not able to take with them anything.

Q Did some of them bring baskets or articles of clothing with them?

A Yes, sir, some of them brought enough clothings.

Q How long did those people remain in the church and convent?

A Up to the 23rd of February, 1945, the women and children.

Q Then the women and children stayed within the church from February 5th to February 23rd, is that correct?

A Yes, sir.

Q How long during that time did you remain in the church?

A I remained there up to February 7, 1945. On February 7, 1945, I was taken to Fort Santiago, where I remained up to February 9, 1945, and from February 9, 1945, I was returned back to St. Augustine Church up to February 18, 1945.

Q Were other priests, or were lay brothers also in the church while you were there?

A We were a total of 40 fathers and priests of different orders.

Q Were there also some Catholic sisters in the church during that time?

A There were 10 Mothers from St. Isabel's College.

Q Did you see members of the Japanese armed forces in or around the church during that time?

A Every day since we were taken there, we had guards of the Japanese forces.

Q Were the people permitted to go outside the church?

A After they have been turned inside the convent and the church, no one was allowed to go out.

Q While you were in the church and convent, did you see any people mistreated by members of the Japanese armed forces?

A I have seen no mistreatment.

Q Did you see any women abused?

A Various cases.

Q Please describe that mistreatment of women, without giving any names.

A During the nights, the young ladies were taken to the rooms of the Fathers, and sometimes out of the convent, to abuse them.

Q Who took these young ladies up to these rooms?

A The Japanese.

Q Did you see that yourself?

A I saw it more than once.

Q Did the girls involved ever tell you what happened?

A They never mentioned, because it is natural that they were saving their own honor.

Q While you were in the church, Father --

CAPTAIN REEL: Just a moment.

May we now ask, sir, that any testimony as to what occurred as to these girls be stricken from the record? There isn't even a basis for hearsay; it is purely imagination.

MAJOR KERR: That is all he testified to, is what he saw; and certainly the Commission is interested in

that.

GENERAL REYNOLDS: The last question and the last answer will be stricken from the record.

CAPTAIN REEL: Sir, our objection did not go to the last question and the last answer. I believe the last question and answer show that this witness was not told what occurred. That we do not object to. He testifies that he saw these girls leaving the room with the Japanese, but what we do ask is that anything this witness has testified to that occurred not in his sight, that he was not even told about, that any such testimony be now stricken.

GENERAL REYNOLDS: I believe a striking of the last question and the last answer accomplishes exactly that. If there is any doubt about it, we will have it read back.

Will the reporter read the questions and the answers concerning this subject?

(The record was read by the reporter, beginning with:

"Q While you were in the church and convent, did you see any people mistreated by members of the Japanese armed forces?"

and ending with:

"A They never mentioned, because it is natural that they were saving their own honor.")

GENERAL REYNOLDS: I believe the ruling is adequate: that the last question and the last answer will be stricken.

CAPTAIN REEL: Sir, may we request, please, that the last question and answer stay in? Our objection was not addressed to the last question and the last answer. Our objection was addressed to the opinion evidence given by this witness which he heard not in his presence and what he was told about it. We earnestly desire the last question and last answer to stay in, but it was the previous question relative to his opinion that we ask be stricken.

MAJOR KERR: I submit, sir, that the answer of this witness may be judged by the Commission for itself.

GENERAL REYNOLDS: The Commission has ruled that the last question and the last answer will be stricken. The Prosecution will proceed.

Q (By Major Kerr) Father, while you were in the church did the Japanese at any time provide any food for the six thousand people there?

A They never gave anything. On the contrary, they always got whatever they were able to get from them.

Q Do you mean the Japanese came in and took food away from the people?

A Exactly that. They got into the convent and got whatever food the people had with them, and for that purpose they once asked the people to go out of the convent.

Q What happened when they asked the people to go out from the convent?

A They were held in the ruins of Intramuros for about three or four hours and in the meantime they have been

searching all them and taking part of the food that they found with the people.

Q Who were doing these things, that is, taking the food and searching the people?

A The Japanese.

Q Did the Japanese provide any medical care or medicine for those six thousand people?

A They never gave anything.

Q How did the people get along without food?

A Eating the roots and the grasses that were around, and many died of hunger.

Q Did you help to bury any of those who died with hunger?

A Certainly. We have buried all those that died in the gardens of the convent.

Q Do you recall about how many people died there in the church or convent?

A I don't remember exactly the number, but they were numerous. Some of them died of hunger, some sickness, and the others because of hand grenades.

Q Where did those hand grenades come from?

A From the shots, and some of them I believe were from the shots made by the Americans. I cannot be sure of the true facts about it.

Q What happened to you on the 7th of February?

A On the morning of February 9, 1945 the Japanese ordered us all out of the convent and the church -- ordered all the men; only all the men.

Q How many men did they order out of the church and

compound?

A I estimate them to be about two thousand.

Q About two thousand men. Did that include the Spanish priests and lay brothers?

A Everybody is included in the figure; priests and civilians.

Q What happened then, Father?

A Outside of the convent and the church they ordered the men to form lines by four and they held us there for half an hour receiving the shells from all directions, and the Japanese went to hide while they gave orders to us not to move and should anyone be found moving he would be shot.

Q Was that area under shell fire at that time?

A Completely under fire.

Q Where did the Japanese take you from there?

A Without telling us anything or where they were bound to they have taken us through the streets in Intramuros and we ended up at Fort Santiago.

Q How many Japanese soldiers or how many men in uniform were with you when you went to Fort Santiago?

A About ten or twelve.

Q Were any Japanese officers among them?

A I don't know. I don't remember if there was any officer.

Q Were all of these two thousand men taken to Fort Santiago civilians?

A I have already said that they were priests and civilians.

Q What happened at Fort Santiago?

A Once they are in Fort Santiago they search us again.

Q Did they take from you any of your personal possessions?

A Before entering the cells of Fort Santiago we were all searched one by one and taken from us all personal possessions we had with us.

Q Did they take any personal possessions away from you?

A They have taken away all personal belongings, including the watch, my money and everything I had with me.

Q Did they ever return any of that to you?

A They never returned anything.

Q How long were you at Fort Santiago?

A From February 7, 1945 in the morning up to February 9, 1945 in the afternoon.

Q During that time did you have any food?

A In the first night that I have been in on February 7, 1945 I have been given something. Thereafter I never was given anything.

Q What happened to you at Fort Santiago?

A We were first put all together and thereafter the Spaniards were separated from the Filipinos.

Q What did they do with the Spaniards?

A We were taken to a smaller room and were left there isolated from the rest.

Q How many Spaniards were there together there?

A 140 more or less, including all the priests.

Q Do you know what happened to the rest of the two thousand men who went there from St. Augustine Church?

A On February 9, 1945 when we were released we saw some

of them that they were still there. Thereafter we never knew anything about them.

Q When did you leave Fort Santiago?

A In the afternoon of February 9, 1945.

Q How many men left there with you?

A All those that were separated from the Filipinos; all the Spaniards, and we were about 140.

Q Father, when you went from St. Augustine Church to Fort Santiago had Intramuros area been destroyed?

A When we were taken to Fort Santiago Intramuros was still intact.

Q When you returned from Fort Santiago to St. Augustine Church was the Intramuros area still intact?

A When we were released that afternoon we saw that Intramuros was completely wrecked down.

Q Where did you go from Fort Santiago?

A We were taken back to St. Augustine Church.

Q How long did you remain at St. Augustine's Church?

A Up to the afternoon of February 8, 1945.

Q While you were at the church was any part of the church compound destroyed by fire?

A During all the time that we were secluded in Fort Santiago all the building of the convent and the roof of the church was burned.

Q Did you at any time see the Japanese install any guns?

GENERAL REYNOLDS: We will stand in recess for approximately ten minutes.

(Short recess)

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

MAJOR KERR: Will the reporter read the pending question, please?

(Pending question read)

MAJOR KERR: I shall complete it.

Q (By Major Kerr) -- in the church or convent?

Now will you read it, please?

(Question read)

A On February 12, 1945 they installed two machine guns within the circuit of the convent.

Q Did you see them fire those machine guns?

A I have seen them fire every day for about two days -- for eight days.

Q Where did they take you on the 18th of February?

A On February 18, 1945 the Japanese ordered all the men to gather inside the church. Once inside the church we were ordered to form lines by twos from the altar to the front gate. All the men were taken to the church, including the wounded and the sick.

Q How many were there altogether?

A The number of men that were put together in the church amounted to 132.

Q Where did you go from there?

A From the church we were taken through the ruins of Intramuros to a warehouse at the back of the convent of Santa Clara.

Q Who took you from the church to that warehouse?

A The Japanese.

Q Were there any officers among those Japanese?

A There was at least one who was giving the orders.

Q How were the other Japanese armed?

A All of them were armed with their guns and the bayonets on and with hand grenades in their hands.

Q Were any men at all left at the church at the time they took you to the warehouse?

A In the convent were left the wounded and the sick.

Q Name some of those who were left in the convent.

A Father Manuel Canseco, who is the Superior of all Augustinian Fathers; Franciscan Father who had dysentery at the time; Mr. Miguel Blanco, also sick of the dysentery.

Q Father, will you please tell the Commission what happened at the warehouse?

A Once inside the warehouse these officers told us not to worry about anything and that there was nothing wrong that would happen to us and that after two or three days we were going to be returned to our homes.

Q Were you returned to your homes?

A I came back to my home after I had escaped from their position.

Q How long were you at the warehouse?

A From February 18th to February 19th; about 24 hours.

Q Where did you go from the warehouse?

A In the night of February 9, 1945 one of the Japanese officers entered the warehouse. Thereafter he told all of the Spaniards to go out to the street to take us in a safer place.

MAJOR KERR: One moment, please. What is the date the interpreter gave?

THE REPORTER: February 9, 1945.

Q (By Major Kerr) What was the date of that again, Father, when you left the warehouse?

A February 19, 1945.

Q All right. Proceed, Father, please, and explain what happened from the time you left the warehouse until you returned finally to your home.

A Once on the street the Japanese ordered us to get in line by the side of the wall. Then they told us that they were taking us to a safer place. They put us in groups of 70 and the first group of 70 was separated from the other group. A friend was with me in the first group of 70 and we were marched with the group through Aduana Street. Across the Aduana Street we were taken to General Luna.

Then a group of Japanese came out of Fort Santiago. They rounded us and we were told that we had to get into shelter for our safety and they advised us to get into the shelter that was located at the corner of Aduana and General Luna.

Q Was that an air-raid shelter?

A It was an air-raid shelter of the Japanese.

Q I hand you what has been marked for identification Prosecution's Exhibit No. 222 and ask you whether or not that correctly shows the location of the air-raid shelter which you have just mentioned.

A The side where the raid shelter is marked in the

map with No. 1.

Q That was in the foundation of the old Governor's palace, was it not?

A In the very same place of the foundation of the palace of the Governor.

Q How many air-raid shelters were there there?

A I never have been there before and I just saw that time about three.

Q How many men were with you when you reached the air-raid shelters?

A About 70.

Q Were all of those civilians?

A No. We were priests and civilians mixed all together.

Q Now, Father, will you tell what happened from that point after you reached the air-raid shelters?

A Once after we were ordered inside the shelter we were left there for about a half an hour.

Q How many were put in the shelter?

A All of those of the first group, or about 70.

Q Proceed, please, with your experience from that time.

A The shelter was profound enough and big enough. Nevertheless, because we were 70 we were too crowded. We were then praying and preparing for our souls because we knew more or less what would happen next, and in half an hour while we were talking inside hand grenades fall inside the shelter. The shelter had two or three holes for the respiration and through those holes the hand grenades were thrown in.

The confusion inside was terrible and we were

colliding each other inside, each one trying to escape. Everybody was shouting and asking for help and we were all trying to run for liberty through the entrance. But a group of Japanese were waiting for us outside with their guns and bayonets and all those who intended to escape were at the spot fired. I myself was wounded by the hand grenades and I fell down inside the shelter and lost consciousness. After that we notice that the entrance of the shelter was being closed with some stones on the ground. They enclosed all the holes, and by that all those of us who were still living inside were buried alive.

Just as soon as I gained consciousness the first thing I did is to bandage my wounds because I was then very wounded. Then I thought of escaping from that place if it was possible. For that I approached the entrance which they have just closed, and in trying to open the entrance with my fingers and nails I was able to put a hole. Through that hole I breathed all the night. In the following morning a Japanese came to look inside and just as I notice I hide, and then he fired several shots through the hole I open and close that hole thereafter. After a moment I again approach the hole when I believe that the Japanese was no longer there for the purpose of reopening the hole, and through hard work I was able to open the hole.

Q What were the conditions of the other men in the shelter at that time?

A Many died inside the shelter, and the rest were shouting for help and asking for water.

Q Proceed, please.

A During the following day I continued breathing through that hole, but inasmuch as that hole was not big enough to permit the size of a man to get through it, I opened another hole. All this time I had to be lying over dead men and wounded people. In the night of February 22, 1945, unable already to bear the smell of the dead and the wounded and the hunger that I was feeling, I decided to escape, and I got out of that shelter in the night of February 22, 1945, after staying there for about 72 hours. I have been without eating nor drinking for five days. Then I helped a friend who was near me get out of the shelter.

Q What was the name of that friend, please?

A Rocamora.

Q Was Mr. Rocamora injured?

A He was very much injured.

Q Were any of the other men in the shelter at that time still alive?

A I could not easily distinguish, but not a sound could be heard any more.

Q What happened when you crawled out of the shelter?

A Stumbling down through the streets, I went from that place to the plaza.

Q What time of the day was this?

A It was about 12 o'clock midnight of February 22,

Q By "the plaza", do you mean McKinley Plaza?

A Exactly the same.

Q How did you go from the air raid shelter to the plaza; did you walk or did you roll?

A Rolling, because by then I didn't have enough strength with me.

Q Where did you go from the plaza?

A We went across, rolling also, from Juan Street to the Bureau of Justice Building.

Q Will you please explain, Father, where you went from there until finally you were rescued by the American forces?

A From that place, Fergusson, I went rolling to the Department of Justice Building.

Q Will you proceed from there?

A After resting a while at the Bureau of Justice, I went to the Convent of Santa Clara. At the entrance of Santa Clara I met the Fathers who were waiting to be taken to the Convent of St. Augustine. I told them I was a priest, and I asked them for food and water, but they replied that they had nothing because the convent was all wrecked now. They also told us that there were Japanese with them, and for fear that I would be seen by the Japanese I escape again. Then I returned to the Bureau of Justice. After resting a while, I decided to go around the lower part of the building to look for food or drink. In going around the building, I got into a latrine without noticing it. There I drank water. Then I look for a container, and I took some water to

my friend; who was also in the Bureau of Justice Building.

Q That is Mr. Rocamora?

A It was Mr. Rocamora.

Q Were you and Mr. Rocamora finally rescued by the American forces?

A We were liberated by the American forces.

Q How badly wounded were you, Father?

A I hurt my head, my face, my arms, badly wounded, and the biggest wound I had was in my body. And because of the sound of the hand grenades, I lose my sense of hearing.

Q Do you remember how many hand grenades were dropped down into the shelter through the air vents?

A I don't know how many, but I know there were many.

Q Were you and Mr. Rocamora the only men who escaped from the air raid shelter?

A From the shelter only myself and Mr. Rocamora were able to escape. I saw no one else.

Q Have you ever seen again any of the other men you knew who were in the large shelter with you?

A I never saw anyone.

Q How many men altogether were in that shelter?

A I don't know exactly the number, because it was dark, and I estimate the amount to be 70.

MAJOR KERR: At this time, sir, I offer in evidence as Exhibit 222 the sketch which was previously identified by this witness and marked for identification as Exhibit 222.

GENERAL REYNOLDS: Without objection, it is accepted in evidence.

(Prosecution Exhibit No. 222 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 223 for identification.)

Q (By Major Kerr) Father, I hand you what has been marked for identification as Prosecution Exhibit 223, and ask you to state what that is.

A The photograph shows a gentleman pointing to the shelter from which I was able to escape.

Q Are you that gentleman?

A Yes.

MAJOR KERR: Sir, I offer in evidence as Exhibit No. 223 the photograph just identified.

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

(Prosecution Exhibit No. 223 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 224 for identification.)

Q (By Major Kerr) I hand you what has been marked for identification as Exhibit 224, and ask you what that is.

A The photograph shows another shelter that was near the one I was put in.

Q That is one of the three air raid shelters you mentioned previously?

A Yes, sir, and in which some of the Spaniards were

also ordered in.

Q Were you present when this photograph was taken?

A I was present.

MAJOR KERR: Sir, I offer in evidence as Exhibit No. 224 the photograph just identified.

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

(Prosecution Exhibit No. 224 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 225 for identification.)

Q (By Major Kerr) Father, I hand you what has been marked for identification as Exhibit 225, and ask you to state what that is.

A The photograph represents the three shelters I have just mentioned. The two smaller ones are seen, and the other one is the bigger one.

Q On which side? The left side of the photograph is the shelter where you were?

A It was in the shelter that is shown in the center.

MAJOR KERR: Sir, I offer in evidence as Exhibit 225 the photograph just identified.

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

(Prosecution Exhibit No. 225 for identification was received in evidence.)

Q (By Major Kerr) Father, will you name some of the men who were in the shelter with you and who, so far as you know, did not survive?

A Those who survive were only myself and Mr. Rocamora.

Q Will you name some of those who did not survive?

A Father Melencio Polo, Father Anselmo Pinera, Father Pinedo, Father Herman Biurrun, Mr. Iguazuza -- I don't remember the other names.

Q The Fathers whom you have named, were they Augustinian Fathers?

A The ones I mentioned were Augustinians.

Q Did you ever see those men again?

A Never.

Q If they had survived would they have come back to the St. Augustine's Church?

A Certainly.

Q During the experiences which you have just related, Father, were you dressed as you are now?

A I was dressed in the way I am dressed at the present, until the time I was taken to the air raid shelter, but inside there I had to take off the uniform, because with it I had to bandage my wounds.

MAJOR KERR: Your witness.

CROSS EXAMINATION

Q (By Captain Reel) Now, as I understand it, the first half hour that you were in the air raid shelter nothing happened, is that correct?

A True.

Q And then somebody threw some hand grenades. Did you see who threw the hand grenades?

A Being inside the shelter, I could see -- I could not see the one who threw the grenades.

Q Yes; and after the grenades were thrown, somebody closed up the entrance to the shelter, is that correct?

A Also true.

Q And you couldn't see who was closing the entrance to that shelter, is that correct?

A I could not see who was closing the entrance, but I was able to see that it was the Japanese who was at the entrance at the time we escaped.

THE WITNESS: No.

A (Through the Interpreter) Before closing the entrance, someone fired inside the shelter, and I saw that they were Japanese.

Q Where did you see these Japanese firing into the shelter?

A At the entrance of the shelter.

Q Will you tell us whether they were army or navy or what branch of service they were in?

A I cannot tell whether they belong to the army or the navy.

Q Well, any of the Japanese that you saw during any of those procedures that you have told us about, starting with 5 February, can you tell us whether any of them were army or navy?

A I could not distinguish.

Q Now, during all this period that you have been relating to us, is it true that there was shelling going on?

A Almost continuously there were shelling.

Q Yes, and did some of these shells start fires?

A All the buildings were already wrecked down; the shelling did not set fire.

Q Well, didn't the shelling destroy some of the buildings?

A When I got out of the shelter, I saw all the buildings already wrecked now, and I didn't see the effect of the shellings.

Q Well, before you went into the shelter, didn't you see the shelling sometime between the 5th of February and the time you went into the shelter on the 18th of February?

A I could not see, because we were all secluded in the Augustinian Convent without being allowed to come out.

Q Well, didn't you tell us on direct examination, Father, that at one time you were with some other persons, exposed to shell fire?

A When we were taken out of the convent to be taken to Fort Santiago.

Q Yes, and at that time you saw shelling going on, is that right?

A Certainly.

Q Now, isn't it true that the church, St. Augustine's Church, is a very solid, well-built building?

A Certainly.

Q And it is much more able, better able to withstand the ravages of shellfire than the houses in Intramuras, is that true?

A Also true.

Q And is that also true of the warehouse the Father

described?

A To what warehouse do you refer?

Q The warehouse to which the Father referred in his testimony, when he said they were put into a warehouse.

A That warehouse is of too weak walls, and I don't know -- (pause) -- without any -- (pause) -- ceiling.

CAPTAIN REEL: Without any ceiling?

THE INTERPRETER: Yes.

Q (By Captain Reel) Just one more question, Father. When you were first in St. Augustine Church, I think you testified that some girls were taken out of the room and later came back. It is true, is it not, they did not tell you what had happened?

A (Through the Interpreter) They never told us anything.

CAPTAIN REEL: That is all.

MAJOR KERR: That is all with this witness, sir.

(Witness excused)

GENERAL REYNOLDS: The Commission will be in recess until tomorrow morning at 8:30.

(Whereupon, at 1630 hours, 6 November, 1945, the trial was adjourned until 0830 hours, 7 November 1945.)