

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

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )

PUBLIC TRIAL )

High Commissioner's Residence,  
Manila, P. I.  
14 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

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Sister Angelica Teruel	2097			
Sister Paz San Buenaventura	2098	2102	2103	
Cucufate Adlawan	2104	2109		
Teodoro Sanchez	2112	2123		
Teodoro Sanchez (recalled)			2125	
1st Lt. Simeon J. Larkins	2129	2136		
Miguel Ocampo	2138	2149		
Fermin Miyasaki	2151	2153	2155	
Vicente T. Ardenio	2157	2161		
Jose Lacson	2165	2169	2170	
Ricardo San Juan	2171	2174		
Justina Manlisik	2184	2186		
Joaquin Mendoza	2186			
Isidoro Magnaye	2189	2191	2194	2195
Juan Zamosa	2196	2198		
Jose M. Corona	2198	2201	2202	
Ricardo Trinidad	2204	2207		
Beato Vitan	2208			
Paz B. Ramirez	2209			
Sister Mary Trinita	2212	2218	2219	
Ko King Hun	2221	2229		

E X H I B I T S

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
310	2126	2129
311	2133	2134
312	2134	2135
313	2135	2136
314	2174	2174
315	2199	
316 (omitted in numbering)		
317	2234	
318	2235	2240

P R O C E E D I N G S

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

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

CAPTAIN CALYER: If the Commission please, the first item to be presented this morning concerns the murder of two American flyers and five Filipinos at Cebu City, and is covered in the Bill of Particulars Item No. 109.

GENERAL REYNOLDS: The Commission will interrupt briefly to hear a statement by the senior interpreter.

COMMANDER BARTLETT: In the testimony of Reynaldo Burdios, on page 2034 of the record for 13 November, there is a name given as Captain Hanchu -- H-a-n-c-h-o.

The Commission's attention is invited to the fact that the word "hanchu" is the commonly used word for squad leader. Also that the word "Hanchu" does not appear in the dictionary of Japanese proper names.

GENERAL REYNOLDS: All right. The Prosecution may proceed.

CAPTAIN CALYER: We will call Sister Angelica Teruel.

SISTER ANGELICA TERUEL

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 Sister Angelica Teruel.

Q Where do you reside, Sister?

A Concordia Convent.

Q Will you repeat that?

A I live in the Concordia Convent.

Q On the 21st day of March, 1945, where were you living?

A I was living at Mandaue, Cebu.

Q On that day did you have an occasion to see an American?

A Yes, sir.

Q Will you explain to the Commission the circumstances under which you saw him?

A On March 21st I saw an American flyer dressed in khaki with burned arms and legs in our convent in Mandaue, Cebu.

Q Did you have a conversation with him?

A My interview with him was about him telling me that he was an American flyer of Italian descent by the name of Paul Mansella. He was a machine gunner.

Q Was that the complete conversation that you had with him?

A Yes, sir.

CAPTAIN CALYER: You may cross examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

SISTER PAZ SAN BUENAVENTURA

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 I am Sister Paz San Buenaventura.

Q On the 21st of March where were you living?

A I was in our summer house at Mandaue, Cebu.

Q On that day did you have an occasion to see an American?

A Yes.

Q Will you explain the circumstances under which you saw him?

A At about 8:00 o'clock in the morning after the first air raid I was called to give first aid. I rushed for some medicine and some bandages, and when I came down I saw a young American soldier sitting in a chair surrounded by three or four Sisters of Charity, -- many of them were from our camp, and a good number of men and children were there that came from the shore.

Q Will you explain the condition of the American as you saw him?

A He was breathing with difficulty, evidently had pain on his breast and both arms and legs were burned.

Q Do you recall how he was dressed?

A Yes.

Q How?

A He was wearing short white pants and a khaki shirt.

Q Do you know who he was?

A I know it from the conversation which I overheard between a Sister and he. He said he was Paul Mansella.

Q Did you treat him?

A I did. I rubbed his arms with picric acid, though

I found from the Sisters who went first that he had been given, already, an application of water and olive oil.

Q Sometime later that day did you see some Japanese at your compound?

A Yes. The first Japanese I saw was accompanied by another fellow by the name of David Rosal, a Makapili.

Q Who was the Japanese with the Makapali?

A I don't know the name, but I think he should be an M. P. officer because of his arm band.

Q What was the arm band?

A It said "M. P."

Q Now, what happened at that time between the Japanese and the American?

A The Japanese officer accompanied by the under-cover immediately asked for an American flyer, and they threatened the Mother Superior and all the Sister with violence, and a pistol. We had -- we were forced to show where he was, and they found him along under the house.

Q What happened after they found him?

A They immediately bound his arms behind him, his hands, I mean, and asked him to tell where he had placed his uniform. Then he could not recall because he was dazed and he was unconscious when he came to the camp.

By the way, more Japanese came, and they brought him out of our camp.

Q Did they later bring him back to your camp?

A Sometime later he left the camp and more groups of Japanese, by twos and by threes and by fours came, and more came all the time, searching for his uniform and

weapons, and any traces whatsoever.

Q Were those other Japanese who came there also M. P.'s?

A There were a good number of under-covers, and some constabulary men.

Q Were some of them M. P.'s?

A I beg your pardon?

Q Were some of them M. P.'s?

A Most of them were M. P.'s, as I could see from the arm band.

Q Did there come a time when the American was taken away from your compound?

A I remember at around 10:30 or 11:00 a group of M. P.'s, Japanese M. P.'s and under-covers came back with the American flyer, who was still tied up. His hands were still tied up behind him. He was walking with more difficulty, and they had to push him and force him to retrace his steps, because they wanted at all costs to find his uniforms, and he did retrace his steps until almost to the beach he came from, or rather, where he was brought from by the fishermen. But failing to do that, they brought him out of our camp, failing to get the uniform, I think. That should be around 12:00 or 12:30, I suppose.

Q Who was with him when he left your camp the last time?

A Both M. P.'s, M. P. officers, and under-covers.

Q Where did they go at that time?

A I just saw them leave the camp.

Q And in what direction were they going?

A To a direction of the Provincial road, but I knew

from the same under-cover who accompanied the first Japanese M. P. officer who came, that he was probably brought to the Kempei Tai.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) When was it that the American took off his uniform?

A Evidently it was just before I came, because I still saw the bundle, a bundle of his uniforms.

Q And where did he hide the uniforms?

A He did not hide the uniform, but there was a Filipino who offered to bring not only his uniform, but to bring him to the mountains. I overheard the conversation. The American flyer was smiling and thanking him, and he said that he was too weak to be moved out, and so the Filipino just brought his uniform, thinking and expecting to be able to see him back. He was going to wash the uniforms for him.

Q Did the Filipino take the uniform away to the mountains? Do I understand that the Filipino took the uniform away from your place and to the mountains?

A Away from our place, but I learned a little after lunch time he came back with the uniform already laundered and ironed, and thinking he could give them back to the flyer, but the flyer had already gone away.

Q When the Japanese first saw the flyer then, he was wearing civilian clothes?

A He was, yes.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Calyer) Were they civilian clothes, or was it just that his uniform was removed?

A The one who was wearing it?

Q The American, was he wearing other clothes that had been put on, or was it just that his outer garments were removed?

A It was not his outer garments. They put -- I learned later that the short white pants and the khaki shirt I saw him wearing belonged to a friend; I don't know the name of the friend, but he was one of the many evacuees from our camp.

CAPTAIN CALYER: That is all.

(Witness excused)

CUCUFATE ADLAWAN

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?

A Yes, I speak English.

Q Will you state your name?

A Cucufate Adlawan.

Q Where do you reside?

A Mandaue, Cebu.

Q Are you now in custody?

A Yes, I am in custody.

Q Where?

A The North Harbor Stockade.

Q Are you being held as a collaborator?

A Yes, as a collaborator.

Q Have you discussed this situation with me previous to today?

THE WITNESS: I beg your pardon, sir?

(Question read)

A I have discussed this to a certain man, but it is not you.

Q Didn't you talk with me one day last week in the T & C Building?

A I talked with a certain man, but I forget his face.

Q All right. In any conversations that you have had with anybody with reference to this case, has any promise been made to you with regard to treatment that you may expect to receive as a result of your testifying?

A Yes, it was discussed there that we are not promise of something. We are here to state what we know, and not -- without any good to be -- without any benefit for the future.

Q Do you understand that you do not have to testify unless you wish to do so?

THE WITNESS: I beg your pardon?

(Question read)

A I testify because I wish to do so.

Q Do you understand that you do not have to testify to anything which would show that you were guilty of any wrongful act?

A I don't understand the question; I beg pardon.

Q Do you understand that you do not have to say anything which would show that you had done anything wrong?

THE WITNESS: I beg your pardon again?

GENERAL REYNOLDS: The Commission feels that we would get better results through an interpreter.

CAPTAIN CALYER: I think, sir, after we have passed these preliminary questions -- I didn't anticipate it at this point either.

(The following answers of the witness were given through Interpreter Zosa, unless otherwise indicated.)

CAPTAIN CALYER: Will the reporter please read the last question for the interpreter?

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

"Do you understand that you do not have to say anything which would show that you had done any-

thing wrong?"

(Question translated to the witness by the interpreter)

A (Through the interpreter) I understand, that I haven't done anything wrong.

Q (By Captain Calyer) Are you still willing to testify in the matters that you know about in this case?

(Translated to the witness through the interpreter.)

A (Through the interpreter) I am very willing to testify, as they say "without reservation".

Q In 1945, in March, were you working for the Japanese?

(Translated to the witness through the interpreter.)

A (Through the interpreter) Yes, I worked for the Japanese.

Q What did you do for them?

(Translated to the witness through the interpreter.)

A (Through the interpreter) I always wait for their order. Sometimes I am used to go out patrolling areas outside and inside the City of Cebu.

CAPTAIN SANDBERG: May we have the answer read?

(Answer read)

CAPTAIN CALYER: Is that the end of the answer?

INTERPRETER ZOSA: Yes, sir.

Q (By Captain Calyer) On the 25th of March 1945, did you see an American in Cebu City?

THE WITNESS: Yes, I have seen.

Q Where?

THE WITNESS: In the house -- in our former office where Tsuruyama was residing, the chief of the Japanese

military police of Cebu.

Q What was Tsuruyama's rank, do you know?

THE WITNESS: He is a captain and -- he is a captain.

Q Where did you see this American at Tsuruyama's house?

THE WITNESS: Under the building.

Q And will you describe his condition at that time?

THE WITNESS: He was standing tied -- his hands were tied -- his one hand was tied up to a chair, and he was guarded by one Japanese which was armed with rifle and fixed bayonet.

Q Do you know the name of that guard?

THE WITNESS: Yes, I know him.

Q Who was it?

THE WITNESS: Kaji.

Q How was the American dressed?

THE WITNESS: He was dressed in faded khaki.

Q What was that?

THE WITNESS: He was dressed in a uniform, faded khaki.

Q A complete uniform, shirt and trousers?

THE WITNESS: It was a shirt and pants without any insignia.

Q Did you have a conversation with that American?

THE WITNESS: Yes, I have a short time to interview with him.

Q What was that conversation?

THE WITNESS: I ask his name and where he came from.

Q What answer did you receive?

THE WITNESS: He told me his name. His name was

Scott, and his rank was Sergeant. He told me that he was a machine-gunner of a twin engine, and his landing base was in San Jose, Mindoro.

Q Will you describe his appearance?

THE WITNESS: He was tall, about five feet and eleven inches, and his hair is -- was light color. His face was red.

Q Do you know when he was captured?

THE WITNESS: I was only informed by the commander of our detachment that he was arrested about two days prior to my conversation. That was on or about March 23, 1945.

Q Have you ever seen that American since that date --

THE WITNESS: No, I have not seen him.

Q Do you know where they took him?

THE WITNESS: I beg pardon?

Q Do you know where the Japanese took him?

THE WITNESS: I only -- I was only informed by Sergeant Yoshida, the commander of our detachment, that he was arrested by the Japanese garrison in Talisay, and he was brought to the Kempei Tai headquarters, Japanese military police headquarters.

Q Where?

A In Figueroa Street, where Tsuruyama was living.

Q That is Tsuruyama's house?

THE WITNESS: His house.

Q Do you know where he was taken from that house?

THE WITNESS: I don't know where it was.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Do you know whether there was any prisoner-of-war camp in Cebu City?

THE WITNESS: I beg your pardon?

Q Do you know whether there was any prisoner-of-war camp in Cebu City?

(Translated to the witness by the interpreter)

A (Through the interpreter) Yes, I know there are several camps.

Q Are there any prisoner-of-war camps, that is, camps where large numbers of prisoners-of-war are held?

(Translated to the witness by the interpreter)

A (Through the interpreter) The biggest headquarter camp was at the normal school.

Q That wasn't a prisoner-of-war camp, was it; that was simply a Japanese garrison?

(Translated to the witness by the interpreter.)

A (Through the interpreter) There were prisoners and also Japanese guards.

Q Were there large numbers of American soldiers held as prisoners of war in Cebu City?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether there were many or not, but I only saw one American prisoner

Q That is this Sergeant Scott that you just testified about?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I only saw that American

CROSS EXAMINATION

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A (Through the interpreter) There were prisoners and also Japanese guards.

Q Were there large numbers of American soldiers held as prisoners of war in Cebu City?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether there were many or not, but I only saw one American prisoner

Q That is this Sergeant Scott that you just testified about?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I only saw that American

Sergeant.

Q That is the only American prisoner of war you have ever seen in Cebu City?

(Translated to the witness by the interpreter.)

A (Through the interpreter) Yes, the only one prisoner, American.

Q Now, do you happen to know under what circumstances Sergeant Scott was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I was only informed by that chief in charge of that prisoner, that he was -- I saw him, the prisoner, and under guard.

Q Do you know the circumstances under which he was captured?

(Translated to the witness through the interpreter.)

THE WITNESS: Certainly I know, because it is sure he is an American.

Q Do you know whether he was hiding when he was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) I am not so sure whether he hid somewhere, but he was captured by the Japanese in the town of Talisay, Province of Cebu.

THE WITNESS: That was according to Yoshida.

INTERPRETER ZOSA: "That was according to Yoshida".

Q (By Captain Sandberg) Do you know whether he was wearing a full American uniform when he was captured?

(Translated to the witness by the interpreter.)

A (Through the interpreter) He was in uniform without

insignia.

CAPTAIN SANDBERG: That is all.

CAPTAIN CALYER: That is all.

(Witness excused)

CAPTAIN CALYER: Teodoro Sanchez.

TEODORO SANCHEZ

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Zosa, with Interpreter Ajero acting as "check" Interpreter:

DIRECT EXAMINATION

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

A (Through Interpreter Zosa) Teodoro Sanchez.

Q Where do you reside?

A Consolacion, Cebu.

Q Are you now held in custody?

INTERPRETER ZOSA: I beg your pardon?

CAPTAIN CALYER: Will you read it, please?

(Question read)

A (Through Interpreter Zosa) Yes. I am in custody.

Q (By Captain Calyer) Where?

A With the Japanese prisoners.

Q Have you discussed this situation with me before today?

A Yes.

Q Has any promise been made to you of any treatment that you might expect as a result of your testifying?

A I have to tell the truth of what I had seen.

Q Have you been told that if you do testify you could expect any different treatment than if you do not testify?

A I was not told. I do not know.

Q Do you expect any different treatment if you testify than you might expect if you did not?

A I don't expect.

Q Were you not told that the testimony that you might give would have no bearing upon whatever treatment might be given to you?

A Yes, I know that if I have to tell something wrong I would have to be punished. I have to tell the truth and verify it. I have to be given consideration.

CAPTAIN CALYER: Will you repeat that, please?

THE WITNESS: (Without aid of the Interpreter) I did not say that I would be "given consideration".

INTERPRETER ZOSA: Yes, but to tell the truth and to know that if we tell the truth we will be given justice in what you tell.

CAPTAIN CALYER: May I examine this witness directly? I think he can understand English sufficiently well.

GENERAL REYNOLDS: The Commission wishes to ask the witness a question. Were you promised clemency if you would testify in this case?

THE WITNESS: What?

INTERPRETER ZOSA: I beg your pardon?

If you can speak in English, you testify in English.

THE WITNESS: I could speak in English, but the way they talk to me I cannot understand.

INTERPRETER ZOSA: I can speak in English, but the way the Americans talk I cannot understand. They talk too fast.

GENERAL REYNOLDS: Ask the witness this question:  
Were you promised clemency if you testified in this case?

(Translated by Interpreter Zosa).

THE WITNESS: (Through Interpreter Zosa) Yes, I can.

GENERAL REYNOLDS: The Prosecution may try it again.

CAPTAIN CALYER: Thank you, sir.

Q (By Captain Calyer) Sanchez, when I talked with you before was any promise made to you that you would be given any consideration, any better treatment if you testified than if you did not testify?

A (Without aid of Interpreter) No, sir.

Q No promise was made to you at all; is that correct?

A No.

Q You understand that you do not have to testify unless you wish to do so?

A Yes, sir.

Q Do you also understand that you do not have to testify to anything that would show that you have done anything wrong?

A Yes, sir.

Q With that understanding are you willing to tell your story?

A Yes, sir.

Q And that is voluntary?

A Yes.

Q Nobody has threatened you?

A Yes.

REPORTER CONKLIN: The answer was "yes."

Q (By Captain Calyer) Well, has anyone threatened you?

A No.

Q In March, 1945 were you working for the Japanese?

A Yes, sir; I was working for the Japanese.

Q Where?

A In Cebu City.

Q Had you previously been arrested by the Japanese?

A Early in 1943 I was captured by the Japanese Military Police for suspicion that I was a guerrilla because my cousin being a Lieutenant Colonel of guerrillas in Province of Cebu.

Q Were you a guerrilla?

A I am not a guerrilla, but they suspect me as a member of the guerrillas.

Q How did it happen that you were released from the Japanese?

A I was released on the condition that I would have to work for the Japanese.

Q For whom did you work?

A I worked for Captain Tsuruyama of Military Police in Cebu City.

Q In what capacity?

A What?

Q What did you do for him?

A I drove the car.

Q Were you still driving the car for him in March of 1945?

A Yes, sir.

Q Who was in charge of the Military Police on the Island of Cebu?

A Lieutenant Colonel Morimoto.

Q Did you ever see him at the Cebu Normal School?

A Yes, I have seen him, sir.

Q Many times?

A Many times.

Q On the 21st of March, 1945, did you have occasion to drive Captain Tsuruyama's car someplace?

A I beg your pardon?

CAPTAIN CALYER: Will you read it?

(Question read)

A On about March 21st at one o'clock I drove Captain Tsuruyama toward Mandaue. I stopped the car at Carrieta.

Q Just a minute, please. Was there anyone else in the car besides Captain Tsuruyama and yourself?

A Yes, sir.

Q Who?

A There was one interpreter -- Japanese interpreter.

Q Do you remember his name?

A Yes.

Q What was it?

A Moisi.

Q You drove toward Mandaue, you say?

A Yes.

Q You stopped where?

A In Carrieta.

Q What happened at that point?

A He told me to wait for him.

Q Who did?

A Captain Tsuruyama.

Q How long --

A To wait for him until he came back.

Q How long was he gone?

A I had been waiting for him about three hours.

Q When he came back who was with him?

A When he came back, I saw that he was walking up the road with one American prisoner and Interpreter Moisi.

Q Will you describe that American?

A The American was wearing short pants and a faded shirt, khaki.

Q Did you notice anything about his physical condition?

A I beg your pardon, sir?

Q Did you notice anything about the American's physical condition?

A He was burned. He got a burned leg, I don't remember which one.

Q Was he having difficulty walking?

A He was burned legs.

Q Was it hard for him to walk?

A Yes. He walked lamely.

Q What happened to that American?

A When they got in the car I drove the car to Cebu Normal School and when we arrived at the Cebu Normal School they bring the American inside the building while I stay outside.

Q Now, on the 25th of March, 1945 did you see another American?

A On 25th of March I was required to drive a different American.

Q Where?

A To B. Aranas Street Station.

Q And what happened?

A When I drove that American to B. Aranas I came back to Cebu Normal School.

Q Was the American brought back to Cebu Normal School?

A On the same day I was required again to go back and take that American to B. Aranas and bring him back to Cebu Normal School.

Q Do you know the name of that American?

A I don't know the name.

Q Will you describe him?

A He wear a complete United States Army uniform -- khaki uniform.

Q How tall was he?

A About six feet.

Q What color hair?

A I could not describe the color very well, sir.

Q All right. Now, on the following day, the 26th of March 1945, did you see something that happened with reference to some Filipinos?

A Yes, sir.

Q Will you tell the Commission what you saw?

A On March 26, on about 9:00 or 10:00, I was sitting at a table in the air raid shelter.

Q Where?

A In the Cebu Normal School.

Q And what did you see?

A And I saw two Japanese guards, Corporal Wada and Sergeant Saito, bring five Filipinos from the building.

Q What was the condition of those Filipinos?

A They were tied up by their hands in one straight line and they go outside in the ground.

Q Did you know any of those Filipinos?

A I know three of these Filipinos.

Q Who were they?

A They were -- The last name Lucente.

Q Yes.

A And Castillo, and the other one Roberto Tan.

Q What happened to those Filipinos?

A I saw these Filipinos was brought into a foxhole and they were cut by their necks.

Q Will you describe in a little more detail what was done to them?

A Sergeant Saito brought one Filipino to the foxhole and there were two Japanese, Lieutenant Sakai and Sergeant Higashi, who were waiting in the foxhole, and Sergeant Higashi was holding a large Japanese sword.

Q When the Filipinos were taken to the foxhole what became of Wada?

A Wada was staying with the Filipino prisoners as a guard.

Q What became of Saito?

A Saito brought that Filipino to the next foxhole and afterward he came back.

Q And did both Wada and Saito remain in the vicinity?

A Yes. They were in the building.

Q "In" the building?

A Outside the building.

Q Both of them?

A Yes.

Q And the two who were near the foxhole, you say, were Sergeant Higashi and Sakai?

A Yes, sir.

Q What happened to the Filipinos?

A They put them in the foxhole in the kneeling position and they cut their head.

Q By whom?

A By that Sergeant Higashi.

Q Where was Sakai?

A Sakai was also in the foxhole.

Q You mean alongside the foxhole?

A Alongside, yes.

Q Was there anybody else there?

A There was a Japanese Kempei Tai around the school building.

Q I am talking now about the area around this foxhole. Was there anyone else who saw what happened there?

A Yes, sir.

Q Who?

A It was Captain Tsuruyama, Lieutenant Sakai, Sergeant Higashi, Corporal Wada, Sergeant Saito, Sergeant Kawai, Sergeant Mori.

Q Now, you have said that they took one Filipino to the foxhole and you have described what happened to him. What happened to the other Filipinos?

A They brought all Filipinos one after the other and they kill all of these five Filipinos.

Q After they had been struck what happened to them?

A They fall down to the foxhole.

Q Do you know whether any of those Filipinos had been given a trial?

A They were not given any trial.

Q Later that same morning did you see something else happen with reference to an American?

A Ten minutes after they killed the five Filipinos I saw this American which has burned legs carried by Japanese whose name is Corporal Wada.

Q Was this American with the burned legs the same one that you had picked up on the 21st?

A Yes, sir.

Q What happened to him?

A He was brought to the foxhole by Japanese over the shoulders and placed the American into a foxhole, and the Sergeant Higashi hold shoulders of this American and place him in a kneeling position, and when that American was in kneeling position I saw the Sergeant Higashi hold the Japanese sword over his head and swung it down hard back on the neck of the American.

Q What happened after that?

A It was I saw that this American who was cut by the neck fall down into the foxhole.

Q Who else was in the vicinity at the time?

A I beg your pardon, sir?

Q Who else was around there when that happened?

A It was Sergeant Higashi and Lieutenant Sakai and Captain Tsuruyama.

Q Where was Tsuruyama?

A Captain Tsuruyama was standing at the door of the air raid shelter.

Q Were there any other Japanese there who saw what happened?

A There were other Japanese who saw this.

Q Who were they?

A They were seven: Lieutenant Sakai, Sergeant Higashi, Captain Tsuruyama, Corporal Wada, Saito, Mori, and Kawai.

Q After the American was struck and fell into the foxhole did you see anything else?

THE WITNESS: I beg your pardon, sir?

CAPTAIN CALYER: Will you read it?

(Question read)

A When they finished killing this American I drove Captain Tsuruyama to B. Aranas Station.

Q Before you left there, after Higashi struck the American and the American fell into the foxhole, did you see anything else done?

A I saw one American flier.

Q Did you see Sakai do anything?

A Yes, I saw Sakai. After Sergeant Higashi cut the head of the American flier I saw Lieutenant Sakai drew his revolver and shot three rounds.

Q Where were those shots fired?

A It was in the foxhole where the American was fall down.

Q Then after that you saw you drove Tsuruyama's car away?

A Yes, sir.

Q At the time you drove Tsuruyama's car away did you see any other American there?

A The last time when we left Cebu Normal School I saw one American.

Q Where was he?

A He was standing in the main gate of the Cebu Normal School.

Q Was there anyone with him?

A There was a guard, a Japanese guard.

Q Was he tied at the time?

A No, but he was in position -- his hand was at the back.

Q Was that the American that you had seen on the 25th?

A Yes, sir. That is the American I drove.

Q Do you know what happened to him?

A When I arrived at Provincial Jail on May 6th I was told by several Filipinos who were with the Philippine Constabulary that this American was also killed.

Q On the same day?

A On the same day.

CAPTAIN CALYER: You may examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) You say that your brother or brother-in-law was a Lieutenant Colonel in the guerrillas. Was he working with Harry Fenton?

A Yes, sir.

Q And were these five Filipinos whom you saw killed also working with the Harry Fenton guerrilla organization?

A I did not remember the five Filipinos, sir, but I

have seen them sometime in the city;

CAPTAIN SANDBERG: Will you read that, please?

(Answer read)

Q (By Captain Sandberg) You don't know whether they were guerrillas or not?

A I beg your pardon?

Q Do you know whether they were guerrillas?

A (No response)

Q Were they guerrillas?

A This is what the Interpreter told me: that the Americans in Pasay, sir, and they contacted the guerrillas.

Q That the Americans contacted the guerrillas?

A No. The Filipinos were being prisoners as being Americans because Lucente say that the Americans were coming now.

Q Did they say that they were killed because they were guerrillas?

A They were not guerrillas. They were civilians.

Q Now, you say that there was no trial. How do you know that?

A I happen to know that there will be no trial because I had been working for two years in the Military Police and I did not see that there would be a trial in Japanese in Cebu.

CAPTAIN SANDBERG: That's all.

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

(Witness excused)

(Short recess)

GENERAL REYNOLDS: The Commission is in session, and will make an announcement before proceeding.

During the session on Monday of this week the Commission distributed to both the Prosecution and the Defense a paper prepared by the senior interpreter on the art of questioning witnesses through an interpreter, as well as witnesses who expressed themselves with difficulty in English. Unnecessary delay is being caused because the principles furnished by the Commission are not being followed. A careful re-study of this paper is directed. Short simple sentences are necessary. The Commission again directs interrogators to go swiftly to the essentials.

The Prosecution may proceed.

CAPTAIN CALYER: We will call back Teodoro Sanchez.

TEODORO SANCHEZ

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

REDIRECT EXAMINATION

Q (By Captain Calyer) With reference to the American flyers about whom you have testified, were either of them given a trial?

A No, they were not given a trial.

CAPTAIN CALYER: You may cross examine.

CAPTAIN SANDBERG: No questions.

CAPTAIN CALYER: Thank you. That is all.

We will call Lieutenant Larkins.

FIRST LIEUTENANT SIMEON J. LARKINS

called as a witness on behalf of the Prosecution, being

first duly sworn, was examined and testified as follows:

CAPTAIN CALYER: At this time I would like to have Prosecution's Exhibit No. 310 marked for identification.

(A document was marked Prosecution Exhibit No. 310 for identification.)

CAPTAIN CALYER: If the Commission please, I offer into evidence an affidavit of Francisco Narrido, dated 31 March 1945, and sworn to before the investigating officers.

GENERAL REYNOLDS: Read the essentials of the affidavit so that we may all hear it at the same time.

CAPTAIN CALYER: The affidavit refers in the third paragraph to certain testimony of the witness, saying that he saw the execution of one of these Americans and one Filipino on the 26th of March.

Then beginning with the last paragraph on the first page numbered 17:

"I returned to the Normal Building about 1 o'clock P. M. of the same day at the instructions of the Japanese as they needed me to help load other things to be carried away. When I had reached a point some 75 yards from the foxhole where I had seen the one American killed, I saw one of the American soldiers sitting on the ground near the foxhole looking at the planes in the sky. I hollered to him to crawl down in the foxhole as if he were dead because the Japanese would be returning. He appeared to be very weak and unable to turn his head in my direction but with his hands and feet turned his entire body around so as to be facing me. He motioned something to me as if wanting me to bring him water but I told him I was afraid the Japanese would see me. I did not go closer than 75 yards to him but am con-

fidient that he was the American that had been wounded in the leg. In addition to having seen him on the porch with his arms around the Filipino, I had carried food three times to the two Americans. Fearing that the Japanese might see me talking to the American, I ran home.

"The following morning around 11 o'clock on the 27th, I returned to the Normal for the purpose of trying to get rice that might have been left by the Japanese. I again saw the American at the same location but he was attempting to wave at the planes overhead and did not seem to hear me when I again hollered for him to lie in the foxhole so that the Japs wouldn't see him. I did not see any Japanese around at the time but buildings and gas dumps were burning all around nearby and I was still afraid I might be seen by the Japanese if I helped him. I then went into the main building and found that there was rice in a room and then went on to the front gate where I met two Japanese, one of which was Higasi who had executed the other American on the previous morning. Being given permission by them to get the rice, I went to get two companions one of which was Marcus Arpon. Upon returning to the Normal and getting the rice, we went to a point near the kitchen to get a cart with which to move the rice to our home and, while getting the cart, I noticed Higasi and the other Japanese carrying wood over toward the foxhole where the American had been sitting and pile it into the foxhole. They even took chairs over there and broke them up and placed them in the foxhole. The American was not seen by me at this time so I believe

Higasi and the other Japanese had found him and thrown him either dead or alive into the foxhole.

"Instead of accompanying my companions to our home with the rice, I went around the road to a point where I could see the location of the foxhole and saw the two Japanese pour gasoline into the foxhole and light it. A huge fire then burned in the foxhole. I then went home and knew nothing else about what happened to the bodies of the Americans."

Those are the essential points.

GENERAL REYNOLDS: Are there additional comments or statements by the Defense?

CAPTAIN SANDBERG: Yes, we ask that the last sentence of the paragraph which was just read be stricken as not being within the knowledge of the affiant and as being pure speculation.

GENERAL REYNOLDS: You refer to the sentence which reads: "I then went home and knew nothing else about what happened to the bodies of the Americans."

CAPTAIN SANDBERG: No, the first paragraph on the second page, the last sentence, reading as follows:

"The American was not seen by me at this time" -- which is objectionable, and then: "-- so I believe Higasi and the other Japanese had found him and thrown him either dead or alive into the foxhole."

We ask that portion of the sentence be stricken.

GENERAL REYNOLDS: The sentence to which the Defense objects is stricken from the record.

CAPTAIN SANDBERG: We ask also that the first sen-

tence of the third paragraph be stricken, which reads as follows:

"The two Americans had been prisoners about a week before they were executed and I understand that they were flyers that had been shot down."

In view of the striking of the previous sentence there is proof only of one execution, and we ask that that sentence be stricken.

GENERAL REYNOLDS: The sentence is left in the document for such probative value as the Commission may choose to award it.

CAPTAIN CALYER: Is the statement otherwise accepted?

GENERAL REYNOLDS: The statement is otherwise accepted into evidence.

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

#### DIRECT EXAMINATION

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

A Simeon J. Larkins.

Q Your rank?

A First Lieutenant, QMC.

Q Your organization?

A 110th QM Grave Registration Platoon.

Q In March of 1945, where were you stationed?

A At the Island of Cebu.

Q On the 26th, or rather the 28th of March, 1945, did you have occasion to go to the Cebu Normal School?

A I did.

Q Did you see a boy by the name of Adelberto

Capanjpanjan?

A I did.

Q Did you have a conversation with him?

A I did.

Q What was that conversation?

A He told me that he was an internee there at the Cebu Normal School, which was the Jap M. P. headquarters, and that he and five companions were working for the Japs there, and the five companions were taken out and killed and he escaped.

He hid over there in some bushes, which is about 100 yards from the Normal School. While he was hiding in the bushes, he saw two Americans brought out and they were forced to kneel by a foxhole and they were struck in the back of the neck with swords, and they both fell in the foxhole. Later one of the Americans got out of the foxhole and he sat on the edge of it and asked for water or cried for water, but he was afraid to go over and give the American water. Some time later the Japanese soldiers came back and put this other American back into the foxhole and this was right near about ten yards from a gasoline dump there. They got some gas out of this dump and poured it into the foxhole and lit the gasoline that burned them up.

Q That was after they put the Americans back in the foxhole?

A That is right, sir.

Q Now, on the 28th of March, did you have occasion to examine certain foxholes in the premise and vicinity of

the Cebu Normal School?

A I did.

Q Will you tell the Commission what you found?

A Well, about 30 feet from the southeast corner of the Normal School I came upon two foxholes. The first foxhole, there was two Filipinos, and the other foxhole there was three Filipinos. Their hands were tied behind their back, and from their appearance they died from some manner of wound on their back. I did not investigate them, because at that particular time I was not interested in civilians.

Q They were civilians?

A Yes, they were dressed in civilian clothing.

Q You saw wounds on their backs?

A Well, I didn't closely examine them, but from the appearance of the blood and so forth around it looked like the wounds were in the back.

Q Had those bodies been burned?

A No, sir, they had not been burned.

Q Did you remove those bodies?

A No, I didn't touch them. I didn't bury them or anything.

Q Did you see anything else there?

A Yes, we went over to a third foxhole then and we saw two horribly charred bodies in the bottom of the foxhole, and I wanted to make sure that they were Americans, and that is when I had this conversation with this Adelberto.

Q What did you do with reference to those bodies?

A Well, we removed them from the foxhole and carried

them back to the Cebu cemetery No. 1.

Q Before you removed them will you explain the position of the bodies as you first saw them?

A One body was laying on its back down in the bottom of the foxhole, and the other body was laying over the top of the first body.

Q And in what condition were they?

A Well, they were charred. There wasn't a whole lot left to the top body. It was about three or four feet long, possibly, weighing 30 or 40 pounds.

Q Were you able to observe any wounds?

A On both bodies you could see the wounds in the back of the neck.

Q Had their hands been tied?

A Yes, their hands had been tied behind them. The body underneath had pieces of rope on the hands.

Q Was there anything by which you were able to identify the bodies?

A No, there was no articles of identification on the bodies, other than the bottom body had a belt buckle on and he had parts of cotton khaki clothing on, and it looked like he had a pair of navy blue dungarees over the khaki pants.

Q Will you describe the belt buckle?

A Well, it looked like a buckle possibly from a military school that had the date 1942 on it.

Q And did it have anything on it that would indicate whether it was American?

A Other than this American looking insignia I couldn't

say definitely whether it was American.

Q What sort of insignia was it?

A It looked like an eagle.

Q Now, what did you do with the bodies?

A Well, we removed them from the foxhole and loaded them on a truck, and on the way back to the cemetery I stopped at the CIC Detachment, Americal Division, and informed them that I thought I had an atrocity. They told me to take the bodies to the cemetery and they would send the photographer to take pictures of it.

Q Was that done?

A It was.

Q Were you there when the pictures were taken?

A I was, yes.

CAPTAIN CALYER: I would like to have this photograph marked.

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

Q (By Captain Calyer) I will show you a photograph marked for identification as Prosecution's Exhibit No. 311, and ask you if you can state what that is.

A That is a photograph of the neck and the head and shoulders of the body that was uppermost in the foxhole.

Q Does that show the condition of the body as it was when you found it?

A It does.

Q What does the white piece in the center of the photograph purport to show?

A That is a piece of paper that I placed there so that

the notch of the wound could be distinguished on the photograph because the grass underneath would have photographed black.

Q Where does the wound appear?

A Right in this upper right-hand corner.

Q At the edge of the paper to the right?

A Right.

Q What is this part of the body that is lying on the paper?

A That is what remained of the skull and the scalp.

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

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

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

CAPTAIN CALYER: I will ask to have this photograph marked as Prosecution's Exhibit No. 312.

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

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit No. 312 for identification, and I will ask you if you can state what that is.

A That is a picture of the body that was on the bottom of the foxhole.

Q Does that represent the condition of the body as it was when you found it?

A It does, yes.

Q Calling your attention to what appears to be clothing

on the back of the body, was that there when you found it?

A It was, yes.

Q What sort of clothing was that?

A Well, as I mentioned before, it was pieces of cotton khaki clothing and parts of what appeared to be blue dungarees.

Q Does that picture also show the wound that you found on that body?

A It does, yes.

Q Where?

A On the back of the neck.

Q Would you indicate to the Commission the position of the wounds?

A Right there (indicating).

Q Indicating a spot right below the skull?

A Yes.

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

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

(Prosecution Exhibit No. 312 for identification was received in evidence.)

CAPTAIN CALYER: Will the reporter mark this photograph the next exhibit?

(A photograph was marked Prosecution Exhibit No. 313 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit 313, and ask you if you can state what that is?

A That is a photograph of the body that was at the bottom of the foxhole.

Q Is that the same body that appeared in the previous exhibit numbered 312?

A It is.

Q A close-up picture of the same body?

A Yes.

Q Calling your attention to the hands seen in that picture, does that show the condition of the hands as they were when you found the body?

A It does, yes.

Q What is that around the hands?

A That is rope.

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

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

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

CAPTAIN CALYER: You may cross examine. Just one other question, please.

Q (By Captain Calyer) What was done with the bodies after they were photographed?

A They were buried in the cemetery No. 1; we have the cemetery unknown No. 1, and unknown No. 2.

CAPTAIN CALYER: You may cross examine now.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did Aldelberto tell you he had worked with the guerrillas?

A He said he was interned by the Japanese because they suspicioned him; he didn't say definitely.

Q Did he say the five men who were executed worked with the guerrillas?

A Yes, sir, he said they were his companions.

CAPTAIN SANDBERG: That is all.

(Witness excused)

CAPTAIN CALYER: If the Commission please, that concludes the testimony in this case.

MAJOR OPINION: If the Commission please, we will present the murders in the Province of Cavite described in General Charge Paragraph 72 of the Supplemental Bill of Particulars.

GENERAL REYNOLDS: The Commission wishes to verify the item number, which we understood to be 72 but which was presented to the Commission yesterday. Is this further evidence on No. 72, or did we misunderstand the item number?

MAJOR OPINION: Further evidence, sir.

GENERAL REYNOLDS: Proceed.

MIGUEL OCAMPO

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

Q (By Major Opinion) Please state your name.

A Miguel Ocampo.

Q Age?

A 35.

Q Address?

A Mendoz, Cavite.

CAPTAIN SANDBERG: If the Commission please, we understand that this testimony that is about to be given is under paragraph 72. 72 is simply a general specification that between the 9th of October of '44 and the 1st of September 1945, a period of almost entirely a year, in the Philippine Islands generally without specification

of locality, general acts of "terrorization and brutalization," and so forth, took place. Now, if the purpose is to bring this in under that specification, the Defense must object as not having had notice of the charge that is to be made. It is much too vague to give any indication of what the specification is, unless it is the Prosecution's intention to bring this in under some specific charge in addition.

MAJOR KERR: If the Commission please, I don't know how else we would establish that general charge unless we did so by bringing in individual emphasis. The general plan and purpose and execution of that plan and purpose in the Philippine Islands certainly can be established only by showing what occurred in various parts of the Island.

Now, so far as notice is concerned, may I cite to the Commission the practice as approved and applied by the four principle powers of the world: United States, Great Britain, France and Russia, with respect to war criminal trials in Europe. And I submit, sir, that the requirements under the official regulations here are certainly no less broad in this particular than they are under the agreement which covers the European trials.

For instance, in the indictment of the Germans now being tried in Europe, they have as one of their charges, "Throughout the period of their occupation of territories overrun by their armed forces, defendants for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians and ill treated

them and imprisoned them without legal processes". That is certainly a very general charge.

And furthermore, they say that --

GENERAL REYNOLDS: The Commission interrupts. The motion of Defense is not sustained.

Proceed.

Q (By Major Opinion) What is your nationality?

A (Through the interpreter) Filipino.

Q What is your occupation?

A Farmer.

Q In the morning about 9:00 o'clock of January 29, 1945, where were you?

A I was at Tagatay.

Q What part of Tagatay were you?

A East.

Q What did you do at that time?

A I was walking.

Q To what place?

A Going to the work of my nephew.

Q Where was your cousin -- Was it nephew?

INTERPRETER LAVENGCO: "Nephew".

Q (By Major Opinion) Where was your nephew working there?

A Eastern part of the crossing.

Q Was he working in the field?

A Yes.

Q Were you able to arrive at the place where your nephew was working?

A Yes, sir.

Q While you were in the place where your nephew was working, were you visited by any Japanese?

A The Japanese came near me.

Q Was the Japanese alone or accompanied?

A He was alone when he caught me.

Q How was that Japanese dressed?

A He wears long pants.

Q Did he make himself known to you who he was?

A I did not recognize who he was.

Q Did he tell you what he was going to do?

A He told me to go with him to the house.

Q Did he tell you whether he was an M.P. or Army soldier or marine?

A Seems he was an M.P.

Q Did he tell you that or not?

A I look at him; I saw "M.P.", because he has a pistol.

Q What did he do with you, if he did anything?

A I was brought to the house, and there I was tied by his companions.

Q Whose house was that?

A The surname of the owner is Padilla.

Q How far was that house from the place where you were taken by the Japanese?

A More or less around 100 meters.

Q When you arrived at the house of Padilla were there other persons inside the house?

A There is.

Q How many persons were there?

A About 15.

Q How long have you stayed in the house of Padilla?

A From nine o'clock in the morning to four o'clock in the afternoon.

Q You would say that you arrived at the house of Padilla at nine o'clock in the morning?

A About 9:10.

Q And during the time which you were in the house of Padilla, were there other persons brought, or did other persons come to that place?

A There is.

Q How many persons in all were found inside the house of Padilla during the time that you were there?

A Between 50 to 60.

Q While you were in the house of Padilla, how many Japanese were there?

A There were four who we saw there, and one more who brought me.

Q How were these other four dressed?

A They were in khaki.

Q Civilians, or Army dress?

A Two were in white dress, the other two were in khaki.

Q Those two dressed in khaki, were they soldiers?

A Soldiers, sir.

Q Now, what did the Japanese do with the people in the house of Padilla?

A Nothing but tie them tightly.

Q Who were these people? Were they all men, or women and children?

A They were women, men, children.

Q Were they all civilians?

A Yes, sir.

Q Now, you say that the people were tied. Who tied them?

A The Japanese who were in khaki.

Q How were the people tied?

A Tied behind the back.

Q How about the children's hands, were they tied, too?

A They were also tied behind the backs.

Q You mean to say that every one of that group of about 55 to 60 were tied?

A Yes, sir.

Q And they were all tied while you were inside the house of Padilla?

A Yes, sir.

Q Now, what did the Japanese do after they had tied everyone who --

A One by one was called.

Q By whom was he called?

A Japanese who was in black.

Q What was done with one called?

A I do not know what is done with them, because we could not see.

Q But you mean to say that one of the group was called and taken out of the house?

A Yes, sir.

Q Now, you did not know where the one called was taken to?

A No, sir.

Q You were called out and taken out of the house, too?

A Yes, sir.

Q What was your number?

A 46.

Q Please repeat. What number? What was your number?

A 43.

Q Now, where were you taken?

A At the cellar of the house I was investigated.

Q What was the investigation?

A I was asked if I was a guerrilla.

Q What did you say?

A I answered "No."

Q What happened afterwards?

A I was taken out down to the stairs.

Q Where were you taken after you came out of the stairs?

A I was taken by the edge of a ravine, and I was met by two more.

Q Now, where were you taken afterward?

A Beside the ravine, or the cliff; ravine or cliff.

Q How far was that border of the ravine where you were taken from the house of Padilla?

A About 20 meters, sir.

Q When you arrived at the ravine what was done with you?

A I was undressed, asked to lay down, and pounded by a club three times.

Q You say that you were undressed. Who undressed you?

A They.

Q How were they able to undress you when you had your

hands tied?

A They pulled away my dress.

Q Did the Japanese succeed in taking off your shirt?

A Yes, sir.

Q Now, how were you able to lay flat on the ground when you had your hands tied?

A They held me and lay me flat.

Q You mean to say that it was the Japanese who laid you down on the ground?

A Yes, sir.

Q And you were face downward?

A Yes, sir; and there is an object under my forehead.

Q Now, you say that you were pounded in the back. With what did the Japanese pound on your back?

A They have something that is used for pounding, but I don't know exactly what it was, because I was lying flat on my stomach, head down.

Q Was it made of wood or iron?

A Seems to be wood.

Q Was it a thick wood?

A Seems so, because it was very heavy.

Q Now, while you were laying flat on the ground with face downward they pounded, you said, three times. What did you feel as a result of the pounding?

A I felt that my chest was pressed and seemed it was crushed.

Q Now, what did the Japanese do after they had pounded you in the way you described?

A I was boloed.

Q How many times were you boloed?

A Two.

Q What was your position when you were boloed?

A I was lying down on my stomach, flat.

Q Now, why do you say that you were boloed? Was it a bolo that was used, or a sword?

A A bolo.

Q Was it a sharp bolo?

A Sharp, sir.

Q Can you show to the Commission the scar of the bolo wound that you sustained?

MAJOR OPINION: If the Commission please, I would like to request that I be allowed to order the witness to take off his shirt.

(The witness removed his shirt and exhibited his back to the Commission.)

Q (By Major Opinion) Now, you say that you were boloed. Where were you boloed? Just right at the base of your neck?

A (Witness indicates base of neck.)

(Through the Interpreter) Yes; there.

Q Now, you say that you were pounded with a wooden piece -- what did you call it?

INTERPRETER LAVENGCO: Wood.

Q (By Major Opinion) How about this scar, here (indicating), was it produced by that pounding?

A (Through the Interpreter) Because of the pounding, sir.

Q Now, after you had been boloed, what did the Japanese

do with you?

A Three Japanese lifted me up. After swinging me three times, threw me in the depth.

Q You mean to say "precipice"?

A Precipice.

Q How deep was that precipice?

A I reach a level of about 30 meters deep.

Q You mean to say that you did not reach the depth of the precipice?

A No, sir.

Q How did it happen that you fell only a depth of about 30 meters?

A I happen to fell on a level where there are many dead persons.

Q Now, what happened to you when you were just in that place?

A I was able to rise.

Q Had anybody approached you while you were in that position?

A There was one.

Q What was his name?

A Elicero Nuestro.

Q What was the condition of Elicero Nuestro when he approached you?

A He was undressed, with wounds, bolo wounds, and spattered with mud.

Q What did he do when he approached you?

A He pitied me; he untied me.

Q After having untied you, what did he do?

A We walked going up.

Q You mean to say that you climbed?

A We climbed on the side.

Q You say that there were bodies -- that there was a pile of bodies there. How many bodies, dead bodies, more or less, that you found?

A I don't feel very normal that time, but more or less from 43 to 45.

Q Now, you say that you climbed up, and were you able to reach on the plane of the border of the precipice?

A Yes, sir.

Q At what time, more or less?

A About two o'clock, early in the morning.

Q Of the following day?

A Yes, sir.

Q Now, you say that you were about 55 to 60 persons inside the house of Padilla. How many of these persons were able to survive?

A About nine.

Q Do you know Vicente Landicho?

A Yes, sir.

Q Was she the same woman who was here yesterday?

A Yes, sir.

Q Where is she now?

A She went home and -- she told the major -- because she cannot sleep here.

Q Repeat your answer.

A She went home to Mendoz because her child was sick and nobody can take care of her.

Q Was she one of those in the group, who was also tied up and wounded and thrown to a precipice?

A Yes, sir.

MAJOR OPINION: That is all, sir.

CROSS EXAMINATION

Q (By Captain Sandberg) Now, you say these men had bolo knives, is that correct?

A (Through the Interpreter) Yes, sir.

Q They had no bayonets?

A No, sir.

Q They had no pistols?

A Yes, sir, there is.

Q They had pistols?

A There is.

Q And you are sure they were Japanese soldiers?

A Yes, sir.

Q Did you ever see guerrillas in that area carrying bolo knives?

A No, sir.

Q Did you ever see Japanese soldiers before that time, carrying bolo knives?

A I did not see, but the Japanese who caught me had bolo.

Q But you never saw a Japanese before that time with bolo knives, is that correct?

A Not yet, but only that time.

CAPTAIN SANDBERG: That is all.

MAJOR OPINION: That is all the evidence we have, sir.

(Witness excused.)

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

(Short recess.)

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

CAPTAIN WEBSTER: Sir, the next case is contained in Paragraph 80 of the Bill of Particulars.

Mr. Miyasaki.

FERMIN MIYASAKI

recalled as a witness on behalf of the Prosecution, being again duly sworn, was further examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Fermin Miyasaki.

Q Are you the same Fermin Miyasaki who previously testified in this case?

A Yes.

Q And your testimony at that time related to the Cortabitarte garrison?

A Yes.

Q Do you know anything concerning the execution of persons at the North Cemetery?

A Yes. I went there once with the execution party.

Q When was that?

A It was around the middle of November.

Q How many people were executed?

A There were 27.

Q Where did those people come from?

A They came from the Cortabitarte garrison.

Q How long had they been at the Cortabitarte garrison?

A A little more than a week.

Q What treatment was accorded them at that place?

A They were questioned and tortured.

Q Do you know the names of any of those 26 people?

A No.

Q Where did the execution take place?

A At the North Cemetery.

Q Will you describe to the Commission what took place at the North Cemetery?

A One afternoon in the middle of November between four and five o'clock the 27 prisoners were all tied together and they were loaded into a truck. I was asked to go with the execution party. When we arrived at the cemetery there were three Filipinos who were digging a big hole. They hadn't finished digging, so we waited about a quarter of an hour. When the hole was finished, which was about five feet in depth, all the prisoners were unloaded from the truck. They were made to kneel before the hole one by one, and I knew I couldn't stand the sight. So I went back to the truck, which was parked about 50 meters away. From there I saw that each of them had their heads cut off. It took about 40 minutes.

Q How many Japanese accompanied those 26 people?

A I don't exactly remember, but I think there were seven or eight of them.

Q Do you know the names of any of those Japanese?

A I remember the names of three of them.

Q Will you please state their names?

A They were 3rd Lieutenant Tachibana, Sergeant Kataoka, and Private 1st Class Akiyama.

Q Were those three men you have named part of the Cortabitarte garrison?

A Yes.

Q And was that the same garrison which was later commended by General Yamashita for its good work?

A Yes, sir.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Now, how long did you work at the Military Police garrison?

A I worked from August, 1944, to January 6, 1945.

Q And would you say that you are thoroughly familiar with the general affairs of the garrison?

A I am not thoroughly informed, but I know what was going on in the garrison, except those that were going on in the officers' room.

Q In your capacity as an interpreter did you have occasion to become generally acquainted with the procedures and methods of the Military Police garrison?

A Yes.

Q Will you describe for us what was the procedure in the case of a court-martial of a prisoner?

A When a prisoner is sent to the court-martial a paper with the result of his investigation and the recommendation of punishment was written in, and it was sent, together with the prisoner.

Q This recommendation was made by the Military Police?

A Yes, sir.

Q And to whom was that recommendation made?

A To the presiding officer of the court-martial.

Q Was it made to the Judge Advocate of the Japanese Army?

A Yes, sir.

Q Am I correct in stating that thereafter a trial would be had by officers of the Judge Advocate's Department?

A I don't know what method they used in the court-martial, because I had never been there myself.

Q It is your statement, then, that the courts-martial were not held in the Military Police --

A No, sir.

Q (Continuing) -- but by another department?

Now, after the court-martial had reached its verdict did the Military Police then receive notification?

A I don't know about that.

Q Well now, in your capacity as an interpreter, did you have occasion to know that the Military Police was charged with the duty of executing the sentences of the court-martial?

A Only those people who were to be given prison sentence were sent to the court-martial. Those who were released, being found innocent, or those who are going to be executed, were never sent to the court-martial.

Q Well now, after a court-martial reached a verdict for an execution, who executed that sentence?

A I think the court-martial did.

Q The Military Police did not execute that sentence?

A Those prisoners who are going to be executed were never sent to the court-martial.

Q Are you telling us that no court-martial ever sentenced a prisoner to death?

A As far as I know, during the time I worked with the Military Police I never saw any prisoners with the recommendation of death sentence sent to the court-martial.

Q Now, just to clear up that point, you say that you do not know whether the Military Police was charged with the duty of executing sentences of death by court-martial?

A I don't know about that.

Q All right. In your capacity in the Cortabitarte garrison did you ever see a man by the name of Narciso Lopus?

A No, I never saw him.

Q Did you ever see a man by the name of Joaquin Galang?

A Will you please repeat the name?

Q Joaquin Galang.

A No, sir.

Q This commendation that you spoke of, was that commendation addressed to the Military Police command of the Japanese Army?

A It was addressed to the South Division of the Southern Manila Division of the Military Police.

Q And the Cortabitarte garrison was part of that command?

A It was the command itself.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: One other question, please.

REDIRECT EXAMINATION

Q (By Captain Webster) Were these 27 who were

executed Americans or Filipinos?

A: They were all Filipinos; one woman.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

CAPTAIN WEBSTER: Sir, that completes the evidence on that particular paragraph. The next paragraph is 123.

VICENTE T. ARDENIO

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Vicente T. Ardenio.

Q Your age?

A 42 years old.

Q Nationality?

A Filipino.

Q Where were you living in January of 1945?

A In Barrio Anilao, Pavia, Iloilo.

Q On what Island is that?

A The Island of Panay.

Q Do you know a Filipino civilian by the name of Juan or nicknamed Goling?

A Yes, I know Juan Goling.

Q Will you state what happened to him?

A Yes. Last January 8, 1945, at 3 o'clock in the afternoon some Japanese soldiers arrested Juan Goling, the 50-year-old man.

Q What did the Japanese do with him?

A The Japanese soldiers tied his hands to his back and talked to him. Then the Japanese soldiers tossed him up and as he landed on the earth they kicked Juan Goling and he yelled and hollered, "Have mercy, save me." Then these

Japanese soldiers took Juan Goling the distance of 50 yards away from the place where he was mistreated. These Japanese soldiers bayoneted Juan Goling brutally then they pushed him into a hole where they buried him there.

Q How many times was that man bayoneted?

A We saw him bayoneted many times and we saw also Juan Goling fall to the ground dead.

Q Do you know why the Japanese did that?

A Yes, I saw it with my very own eyes.

Q Can you state what the Japanese were questioning Juan Goling about?

THE INTERPRETER: Will you repeat the question?

CAPTAIN WEBSTER: Read the question.

(Question read)

THE WITNESS: They talked Japanese to Juan Goling and I cannot understand Japanese.

Q (By Captain Webster) Do you know a man by the name of Crispino Umadhay?

A Yes, sir.

Q Will you state what the Japanese did to him?

A Last January 10th, 1945, at 11 o'clock near noon some Japanese soldiers took him to the place where we worked, they took Crispino Umadhay where we worked.

Q What did they do with that man?

A When he was brought there he was asked to work repairing roads and piling stones.

Q Please describe what happened there?

A At about 11:30 we went with Crispino to a house where we used to eat our lunch every day. When we reached near

the place where we used to eat Crispino stopped at a Japanese Captain's house but I and the other laborers proceeded to the house where we ate our lunch. We had no sugar and nothing else for our lunch so we went to the Captain's house to ask for some sugar. At the Japanese Captain's house I saw Crispino and he asked for some sugar for me. Then this Japanese Captain saw me and he angrily stared at me. Then I went to the house where I ate my lunch. After lunch we sat on a bench under the house.

Q Well let me interrupt right there. Is Crispino Umadhay living now?

A He is dead.

Q When was he killed?

A He was killed last January 10th, 1945.

Q Who killed him?

A It was the Japanese.

Q How was he killed?

A Then these Japanese soldiers took Crispino into the back of the house where he was brutally bayoneted. There he died.

Q Do you know a man by the name of Masiiong?

A Yes.

Q Is he living?

A No, he is dead.

Q When was he killed?

A Last January 13th.

Q How was he killed?

A He was also bayoneted.

Q By whom?

A Those Japanese soldiers.

Q Did you know a man by the name of Imay?

A Yes, he works together with me.

Q Is that man living now?

A He is dead.

Q When was he killed?

A He died together with Masiiong.

Q Was he killed in the same way as Masiiong was killed?

A Yes, they were killed the same time and the same way.

Q Did all those killings take place in and around Iloilo?

A Yes, in the place called Iloilo.

Q Did you know a person who was a son of a certain other Crispino?

A I beg your pardon?

CAPTAIN WEBSTER: Will you please read the question?

(Question read)

THE WITNESSES: Yes.

Q (By Captain Webster) Did you see that person killed?

A Yes.

Q When was he killed?

A March 21st, 1945, at 7 o'clock in the morning.

Q Who killed him?

A Japanese soldiers.

Q How did they kill him?

A Last March 21st in the morning when the Americans entered Iloilo City some Japanese soldiers escaped from the city. When they reached the city, when they came out from the city, we shouted "Victory Parade". Not knowing that

the man, that man thought they were guerrilla men and he ran out of his house into the street. The Japanese soldiers saw him and shot him through the stomach. The Japanese soldiers shot him and when he came to consciousness he found that part of his intestines came out. He supported his intestines coming out with both hands and he walked slowly home. He died at 6 o'clock in the morning the same day.

Q Do you know the names of any of the Japanese who killed any of those people?

A I know their faces but I do not know their names.

Q Were they in the army or navy?

A Army men.

CAPTAIN WEBSTER: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) When was Masiang killed?

A January 13th, 1945.

Q And where?

A Barrio Tacas in the Town of Iloilo.

Q Barrio Tacas, Town of Iloilo?

A Yes.

Q Did you see him killed?

A Yes, I saw him killed.

Q Do you live in the Barrio of Tacas?

A No, but I lived near that place.

Q How did you happen to be there at that time?

A Last January 2nd, 1945, some Japanese soldiers came out from Iloilo City and went to Barrio Tacas to confiscate the rice which the people had harvested. Then I was selling two bottles of Filipino beverages and then I was arrested.

Q Were you arrested on January 2nd? Were you arrested on January 2nd?

A Yes.

Q And were you still under arrest on the 13th of January?

A He held me until January the 15th.

Q Where were you being held?

A Yes.

Q Where were you being held?

A We were kept in a house, all civilians.

Q And was Masiiong killed in that house?

A He was killed in another place.

Q Another place?

A Yes.

Q If you were in that house under arrest how did you see him killed in another place?

A We slept in the house where civilians are kept but we are working and we are taken to another place and then I saw Masiiong killed.

Q You saw him killed while you were being taken from the house to the place where you worked?

A Yes, sir, I saw him.

Q Were you under guard when you were being taken?

A No, but we are laborers and we can see because it is very near.

Q But you were under arrest at that time?

A Yes, since January 2nd, 1945 to January 15th.

Q Now, where was Crispino Umadhay killed?

A Just near the place where we stayed.

Q In the Barrio of Tacas?

A Yes.

Q What was the date?

A January 10th.

Q And you saw him killed, too?

A Yes, we saw him tied, both hands tied to his back and taken to the house near our place.

Q And were you also on your way to work when you saw that happen?

A We were at the house because we had just finished our lunch under the house.

Q Was he killed in the house?

A He was killed in the other house, in the back of the other house.

Q And how could you see it from the house you were in?

A Because the house where he was taken can be seen from the place where we stayed.

Q Where was Juan Goling killed?

A I beg your pardon?

Q Where was Juan Goling killed?

A He was killed in the same Barrio, Tacas.

Q And what date?

A January 8, 1945.

Q And where was he killed with relation to the house where you were being held by the Japanese?

A He was taken to the place where we worked and then taken to the place about 50 yards away where he was killed, bayoneted.

Q And you saw that?

A He was bayoneted.

Q And you saw that? Did you see that?

A Yes.

Q And where was I may killed?

A He was killed together with Masiiong.

Q At the same time and place?

A Yes, sir, the same time and place.

Q And on the 15th of January were you released by the Japanese?

A Yes, they released us.

Q Do you know a man by the name of Tomas Confessor?

A Yes.

Q Do you know a man by the name of Colonel Peralta?

A Yes.

Q And are they both the leaders of the guerrilla movement on the Island of Panay?

A Yes, sir.

CAPTAIN SANDBERG: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused)

CAPTAIN WEBSTER: Sir, that completes the evidence under that paragraph.

The next is paragraph 93.

GENERAL REYNOLDS: Before the Prosecution starts, is this not the item which was linked with number 16 and number 25? As I recall, Defense objected to proceeding with item number 93, which was linked with 16 and 25. The Commission directed the Prosecution to proceed with 16 and 25, and defer taking the testimony on item number 93; is that correct?

CAPTAIN WEBSTER: That is correct, sir.

GENERAL REYNOLDS: In other words, we should study the record here in conjunction with the former testimony?

CAPTAIN WEBSTER: That is correct, sir.

GENERAL REYNOLDS: Proceed.

JOSE LACSON

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Jose Lacson.

Q Your age?

A 27, sir.

Q Nationality?

A Filipino, sir.

Q Where were you living in the first part of February of this year?

A I am in 28 Zarágosa.

Q City of Manila?

A Yes, sir.

Q How far was that from the Dy-Pac Lumber Company?

A I can estimate about half a mile, sir.

GENERAL REYNOLDS: A little louder, please.

THE WITNESS: It is about half a mile from the Dy-Pac to the place where we are living.

Q (By Captain Webster) Will you speak towards the Commission, so that they might hear you clearly, please.

A It is half a mile away from the house where I am living to the Dy-Pac Lumber, sir.

Q On or about the 2nd day of February were you taken from your home?

A Yes, sir, by the Japanese.

Q How many people did they take from your home?

A We are two, sir.

Q Where did the Japanese take you?

A We are taking to the Isabelo de los Reyes school.

Q What was the Reyes school used for?

A Beg pardon, sir?

(Question read.)

A They used it for -- they used it for camps.

Q Were there Japanese in that school?

A Yes, sir.

Q Do you know what branch of the service those Japs were in?

A Yes, sir.

Q What was it?

A Army, sir.

Q How long did they keep you at the school?

A A whole day, sir.

Q Were there other civilians at the school?

A Yes, sir.

Q How many?

A We had about 17 or 18 women and childrens and men.

Q What did the Japanese do with you when you left the school?

A They bring us to the Barcelona Building, where it is an M. P. building, sir; Japanese M. P. building.

Q What did they do with you there?

A They tied us there.

Q How many did they tie?

A We are about 21 men.

Q And what did they then do with you?

A They bring us to the Dy-Pac Lumber, sir.

Q All 21?

A Yes, sir.

Q Were all 21 tied?

A Yes, sir.

Q When did you reach the lumber company?

A It is about 8 o'clock in the evening, sir.

Q Of February --

A Third.

Q Third?

A Yes, sir.

Q What did they do to the 21 when they reached the lumber company?

A They pick us one by one and take to the place of the killing.

Q Who did they take first?

A I don't know, sir, because I cannot recognize that place because it is too dark, sir.

Q Well, how far down the line were you?

A We were separated, we are put in the middle of the lumber yard and taken one by one, sir.

Q Well, how many did they take before you?

A I was in the middle, sir.

Q What did they do with you when they took you?

A They just -- one of the Japanese took me out with -- there are two, sir; one is officer and one is the killer. They took me up and just told me to stand up, and then I just heard a hit of the handle of the rifle on my back, and I fell down on the ground and they struck me two times at my back with the bayonet, sir.

Q Did the bayonet go all the way through you?

A No, sir.

Q What did you then do?

A I lost my mind, sir, when they struck me with bayonet.

Q How long did you lie there on the ground?

A It is about three hours more.

Q How long did you stay in the lumber company yard?

A Until the 4th of February, sir.

Q What time on the 4th?

A It is about sometime 5 o'clock or 6 o'clock, sir, that day.

Q In the evening?

A Yes, sir, in the evening.

Q When you awakened what did you see at the lumber

company?

A I see lots of womans, men and childrens in the lumber yard.

Q About how many?

A About 20 or 30 womans and children.

Q Did you observe any wounds on their bodies?

A They are covered with bodies -- they are covered with blood, sir, and I can't recognize them, but one of my nephew and one of my father-in-law.

Q What is the name of your neighbor and the name of your father?

A The name of my father-in-law is Hilario Quia; and the name of my nephew, sir, is Florencio Cudala.

Q You saw those bodies there?

A Yes, sir.

Q On the next day?

A Yes, sir.

Q What did the Japanese accuse you of?

A They get me as suspect of guerrilla, sir.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Do you know for sure what branch of the armed forces the Japanese in the lumber yard were?

A It is army, sir.

Q How do you know that?

A Because they have a star in the cap, sir.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Webster) Did they give you any trial  
of any kind?

A No questions, sir.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: Ricardo San Juan.

RICARDO SAN JUAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Lavengco, with Interpreter Dionisio acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Webster) What is your name?

A Ricardo San Juan.

Q Your age?

A 25.

Q Your nationality?

A Filipino.

Q Were you taken by the Japanese to the Dy-Pac Lumber Company in February?

A Yes.

Q What time were you taken there?

A 11 o'clock at night.

Q Who else was taken with you?

A Many.

Q How many?

A We were 67 in all.

Q Were any of those members of your family?

A Only four.

Q What relation were they to you?

A The three were my children.

Q And the other?

A My wife.

Q How old were your children?

A One five years, the other is three years, and the third is only five months.

Q What did the Japanese do to you when you got to the lumber yard?

A They took us there, and as we entered, as we were inside, we were lined up.

Q Were you tied?

A Yes, sir.

Q How many were tied with you?

A All of us, 21 men, were tied together.

Q What did they do with you?

A I was asked to kneel down.

Q And then what happened?

A I was boloed.

Q What with?

INTERPRETER LAVENGCO: I beg your pardon?

CAPTAIN WEBSTER: What with?

INTERPRETER LAVENGCO: Will you read that, please?

(Question read.)

A Bayonet.

Q (By Captain Webster) Where were you bayoneted?

A At the neck.

Q What happened after you were bayoneted?

A I fell down and was thrown flat on the ground.

Q How long did you lie on the ground?

A About ten minutes. About ten minutes.

Q Did you see anyone else killed by the Japanese at the lumber yard?

A I saw my wife.

Q How was she killed?

A She was stabbed.

Q Did you see any of your children killed?

A Yes, sir.

Q How were they killed?

A My child who was five months old was tossed up and caught by a bayonet.

Q Did you see any other persons killed besides those you have mentioned?

A There are some more.

Q Will you please name the others you saw killed at that time?

A Fructuoso Viri; Faustino Fajardo; Dominador Antonio. Those only.

Q How long did you stay at the lumber yard?

A Three nights, two days.

Q Did you see any bodies the following day in the yard of the lumber company?

A When I crawled I stepped on so many dead bodies.

Q About how many dead bodies did you see?

A I could not number them.

Q Do you know why the Japanese tried to kill you?

A I know. They suspected us as members of the guerrillas.

Q Did they give you a trial of any kind?

A We were given a chance of fresh trial, but the captain told us that "the real judgment must come from above."

Q Do you know of any "judgment coming from above"?

A That was the only thing he could do. According to

the captain, if his wish be followed, he would set us all free because we had no faults; there was no basis. But because there was an "order from above" they had to follow.

Q Did they suspect your wife and three children as being guerrillas?

A I do not know if they suspected my children and my wife as guerrilla members, but when they arrested me they arrested also my wife and my children.

CAPTAIN WEBSTER: Mark this for identification, please.

(Photograph of witness was marked Prosecution Exhibit No. 314 for identification.)

Q (By Captain Webster) I hand you what has been marked Prosecution's Exhibit 314 for identification. Will you state what that is?

A This is my picture.

Q Does that show the wound which was inflicted upon your neck by the Japanese?

A Yes, sir.

CAPTAIN WEBSTER: Sir, we shall offer at this time this Exhibit 314 in evidence.

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

(Prosecution Exhibit No. 314 for identification was received in evidence.)

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Do you know whether the Japanese soldiers were members of the army, the navy or

the marines?

A Army.

Q And how do you know that?

A They were in khaki.

Q And is that the only basis upon which you have come to the conclusion that they were members of the army?

A They have a star insignia on their pockets.

Q On their pockets?

A On their pockets.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

CAPTAIN WEBSTER: Does the Commission wish to hear another witness?

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

MAJOR KERR: Sir, it has just come to my attention that two witnesses we had intended to put on today decline to testify in open court because of the nature of their testimony. It relates to the raping of women in the Tanquan-Batangas case. I, therefore, make request that we have a closed session, and I would suggest that it be from 1330 to 1345 this afternoon. That would afford ample opportunity for us to get in the testimony of those two women.

GENERAL REYNOLDS: In view of the statement by the Prosecution, the Commission will open in closed session at 1:30 this afternoon, and continue for such brief period as it is necessary to complete the testimony of the two

witnesses in question.

MAJOR KERR: Thank you, sir.

GENERAL REYNOLDS: The Commission is in recess.

(Whereupon, at 1140 hours, 14 November 1945, a recess was taken until 1330 hours, 14 November 1945.)



I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Fausta N. Espiritu	2178	2180		
Corazon A. Burgos	2181			

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is open in closed session.

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

At this time we would like to put on the case of the Tanauan massacre in Batangas Province, which is Item No. 54 in the Bill of Particulars. The first two witnesses are testifying in closed session.

The record, I am informed, does not show that this interpreter was sworn as a Tagalog interpreter, so at this time I would like to swear him.

(Whereupon Interpreter Dionisio was sworn.)

CAPTAIN PACE: This testimony will also be offered in proof of Bill of Particular No. 1, the Batangas case.

Mrs. Espiritu.

FAUSTA N. ESPIRITU

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Dionisio acting as "check" interpreter:

DIRECT EXAMINATION

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

A (Through the interpreter) Fausta N. Espiritu.

Q Where do you live?

A Tanauan, Batangas.

Q What barrio?

A Bongkalot, Tanauan, Batangas.

Q What happened on the morning of February 28, 1945?

A On the morning of February 28, 1945, four Japanese came from the fields. These four Japanese arrested us in the fields. After we were arrested, my husband was hog-tied. After he had been tied, the Japanese asked where the other people are, and my husband answered "There are no more, no more people". Because of the way he answered, because of this answer of my husband, his tongue was cut off.

Q What did they do after they cut your husband's tongue off?

A After his tongue was cut off, he was bayoneted.

Q What did they do to you then?

A After they have killed my husband, they got my child from me, wrested my child from me, and placed the baby on the ground.

Q What happened then?

A After the child was placed on the ground, I was assaulted by one -- by the Japanese.

Q What kind of an assault was it?

A He raped me.

Q Did he have any weapon while he raped you?

A He had his bayonet pointed at my breast; that is why I consented, even if I did not like to.

Q How many men did the Japanese kill in the fields besides your husband?

A Two more men besides my husband.

Q Did you see them rape any other woman?

A I saw one more.

Q What was her name?

A Damiana.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Did he hold the bayonet while he was raping you?

A (Through the interpreter) Yes.

Q During the entire time?

A Yes, right on top of my breast, near my heart.

Q Will you show us how he was holding the bayonet while he raped you?

THE WITNESS: Like this (demonstrating).

Q (By Captain Sandberg) And what did he do with his other hand?

A (Through the interpreter) He was holding my hand, pinning it down, and forcefully, with great strength.

Q Did he hold both your hands?

A Yes.

Q Did he lift your dress while he was raping you?

A Yes, he lifted it.

Q How?

A Up.

Q I mean, did he use his hand?

A Yes.

Q Well, did he use the hand with which he was holding the bayonet?

A No, the other hand which did not hold the bayonet.

Q Then he let go of your two hands, then?

A He was holding my two hands tightly.

Q Now, you say that he used that hand to raise your

dress; didn't he then have to let go of your hands?

A When he lifted my dress, he held my hand with the hand that held the bayonet.

Q So that he held the bayonet and both of your hands and your dress at the same time?

A Yes.

Q Did he hold your hands behind your back?

A No, he held my hand right here on my breast, because his bayonet is also in his hand.

Q And with the same hand he held the bayonet and two of your hands?

A Yes.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you very much, Mrs. Espiritu.

(Witness excused)

CAPTAIN PACE: Miss Burgos.

CORAZON A. BURGOS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified through Interpreter Rodas as follows, with Interpreter Dionisio acting as "check" interpreter:

DIRECT EXAMINATION

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

A Corazon A. Burgos.

CAPTAIN PACE: Testify in Tagalog to the interpreter.

Q (By Captain Pace) Where do you live?

THE WITNESS: I speak English.

(The question was translated to the witness by the interpreter.)

A (Through the interpreter) I live in the town of Tanauan, Batangas.

Q How old are you?

A I am 17 years old.

Q How old were you on February 10, 1945?

A 16 years.

Q Will you tell what happened on the morning of February 10, 1945?

A On the morning of February 10, 1945, eleven Japanese accompanied by a Japanese officer went up our house.

Q What did they do in your house?

A They knocked at our door, and they forced us to open the door and they all went in.

Q Did they take your mother and sister out of the house?

A No, they were taken to our yard.

Q What happened to you after your mother and sister were taken to the yard?

A Before they took my sister and my mother into our yard, first they slapped and kicked my sick sister.

Q What happened to you?

A When they were already down, one officer was left inside the house. He began to slap me, and then pointed his bayonet on my stomach.

Q What did he do then?

A After they have slapped me, I was raped.

Q By the Japanese officer?

A Yes.

Q Now, did you see your mother and sister after that?

A No more.

Q Did you see their bodies?

A After I came from the hideout, from the dugout, I saw their bones.

Q What had happened to them?

A When I saw them, my mother had got a hole in her skull, but my sister -- I don't know what happened to her.

CAPTAIN PACE: You may cross examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

CAPTAIN PACE: That concludes the women witnesses who were raped, sir.

GENERAL REYNOLDS: The Commission will be in recess for a time sufficient to permit the public and press to re-enter the court room, and we will thereupon reopen in open session.

(Whereupon at 1345 the closed session was concluded.)

- - -

(The trial was resumed in open session at 1350 hours, following closed session.)

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

CAPTAIN PACE: We will call Justina Manlisik.

JUSTINA MANLISIK

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) State your name.

A Justina Manlisik.

GENERAL REYNOLDS: Is this still Item No. 93?

CAPTAIN PACE: 54, sir, and 1.

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

A Justine Manlisik.

Q Where do you live?

A I live in Tanauan, Batangas.

Q Were you living in Tanauan, Batangas, on February 10, 1945?

A Yes, sir.

Q Were you living in Tanauan, Batangas, on February 10th, 1945?

A Yes, sir.

Q On that morning at about 5 o'clock did the Japanese come to your house?

A Yes, the Japanese come to our house about 5 o'clock in the morning.

Q Tell the Commission what happened.

A They bring with them a piece of rope to tie the hands of my parents; tie the hands of all of us. When I see that the Japanese are going upstairs I went down and I hid inside the toilet. Well, I am already hidden in the toilet and I saw my parents were already tied, especially the small children, too.

Q How many people were tied by the Japanese?

A 34.

Q Are they all in your family?

A Yes, all our family.

Q What did they do with the 34 members of your family?

A They strike with their bayonets in their chest.

Q Did they take them out of the house?

A Yes.

Q When did you next see the members of your family?

A At about 4 o'clock I went out and I saw that my parents are already dead; all of them are dead.

Q All of them dead?

A Yes.

Q What happened? How had they been killed?

A They strike with their bayonets.

Q All of your family had been bayoneted?

A Yes.

Q When you say all of your family, do you mean that all 34 of them died?

A Yes, 19 children and 15 older people.

Q 19 children?

A Yes.

Q What were their ages?

A Their ages, the youngest is 2 years, and the oldest is 10 years old.

Q What else did you see?

A One of my sisters is pregnant and they slashed her stomach open and when the baby come out they cut its head off. (Weeping)

CAPTAIN PACE: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Sandberg) Do I understand --

GENERAL REYNOLDS: Is cross-examination of this witness considered essential?

CAPTAIN SANDBERG: We will waive the cross-examination.

CAPTAIN PACE: Thank you very much.

(Witness excused)

JOAQUIN MENDOZA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

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

A Joaquin Mendoza.

Q Where do you live?

A In the Barrio of Bilogbilog, Tanauan, Batangas.

Q Were you living there on the 21st of February, 1945?

A Yes, sir.

Q What happened on that morning?

A In the early part of the morning it was very dark;

suddenly there were Japanese that came around.

Q What did the Japanese do with you?

A All of us were arrested.

Q How many of you were arrested?

A We were 38.

Q What did they do with you then?

A They ordered us to carry the rice.

Q They ordered you to carry the rice?

A Yes, they ordered us to carry the rice.

Q Where did you carry the rice to?

A In the mountains, to Mt. Gonzali.

Q After you had carried the rice to Mt. Gonzali what happened to you?

A After reaching that mountain they took the rice from us and placed it in their granary.

Q What happened then?

A They took us and we went back to where we came from.

Q What happened to you?

A After walking about two kilometers they told us to rest for a while.

Q What happened when you were resting?

A We were sitting down resting there with three or four soldiers that surrounded us.

Q What did they do to you?

A One of them shouted and ordered and the very instant they killed almost all of us.

Q How many people did they kill?

A 36. 36 were killed.

Q How many survived?

A There were only six of us left alive.

CAPTAIN PACE: You may inquire.

CAPTAIN SANDBERG: No cross-examination.

(Witness excused)

CAPTAIN PACE: Mr. Magnaye.

ISIDORO MAGNAYE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Dionisio, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION

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

A Isidoro Magnaye.

Q Where do you live?

A In Tanauan, Batangas.

Q What barrio?

A In the Poblacion.

Q Where did you live on the 21st of February, 1945?

A In the barrio of Bilogbilog, Tanauan, Batangas.

Q Did you see the Japanese come on the 21st of February and take Joaquin Mendoza and 37 other men away from the town?

A Yes, sir.

Q Is he the man who just testified before you?

A Yes, sir. He is Joaquin Mendoza.

Q Will you tell what happened on the following day, the 22nd of February?

A On that morning of February 22nd that guy Mendoza went to the town and told us that the Japanese were rounding the men.

Q Did you see the Japanese come to the town on February 22nd?

A In that morning of February 22nd I can see by the

far distance the Japanese ordering the people, telling them something.

Q What did the Japanese do in your barrio on the 22nd?

INTERPRETER DIONISIO: Will you repeat, please, sir?

CAPTAIN PACE: What did the Japanese do in your barrio on the 22nd?

A After the Japanese gave the order, suddenly two shots were fired and at the very instance the Japanese soldiers began raping -- began doing havoc to the town.

Q What did the Japanese do?

A They began shooting people and burning houses until they went to the house of Sixto Mercado.

Q How many people were in the house of Sixto Mercado?

A There were about 40 persons. Most of them are women.

Q Did they kill those 40 persons?

A Yes, sir.

Q How?

A The four Japanese, with ready bayonets, went around the house, two of them staying before the window and two went upstairs and began bayoneting the people inside the house.

Q How many other people did they bayonet in the houses other than that of Sixto Mercado?

A All the people inside the house of Mercado were bayoneted and killed and the houses burned afterwards.

Q Did they kill any other people in other houses?

A They kill in the house of Mercado. They also kill people in the other houses.

Q How many?

A I think there were around 15 of them.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Sandberg) Did you see them bayonet people in the house of Sixto Mercado?

A Yes, sir.

Q Were you in the house?

A I wasn't there, but I can see by through a distance of 100 meters away in my hiding place what the Japanese were doing.

Q You were a hundred meters away. Where did the bayoneting take place?

INTERPRETER DIONISIO: Will you repeat that, please?

CAPTAIN SANDBERG: Where in the house of Sixto Mercado did the bayoneting take place?

A Inside the house of Sixto Mercado the people were bayoneted.

Q (By Captain Sandberg) And did you see it through the window?

A The house was open. The windows were open, so I can see it.

Q How many Japanese did you see?

A There were four Japanese soldiers that went to the house and killed people, but there were plenty of Japanese soldiers in that place.

Q Were there any Filipinos with the Japanese?

A There were none.

Q Were there any Makapili operating that day?

A There was none.

Q Did you give assistance to the guerrillas?

INTERPRETER DIONISIO: What is that?

CAPTAIN SANDBERG: Did you give assistance to the guerrillas?

A Yes, sir.

Q (By Captain Sandberg) What guerrilla organization were you a member of?

A I am not an official member of any guerrilla unit, but I go with them any time they want me to.

Q And did this guerrilla organization have its headquarters in the town of Tanauan?

INTERPRETER DIONISIO: Will you repeat that?

CAPTAIN SANDBERG: Did this guerrilla organization have its headquarters in the town of Tanauan?

A There is no headquarters in the town of Batangas, but there is some there in the remote barrios because the Japanese are shooting the guerrillas.

Q In what activities did you help the guerrillas?

A There was about four Japanese soldiers that were ambushed by guerrillas, of which I was one of them.

Q You were one of the four who ambushed the Japanese soldiers?

A Yes, sir.

Q What method did you use to kill the Japanese soldiers?

CAPTAIN PACE: If it please the Commission, this witness hasn't testified that the Japanese injured him and I don't see how his guerrilla activities could bear on his testimony, and certainly membership in the guerrillas doesn't go to your credibility.

CAPTAIN SANDBERG: If the Commission please, these questions are not directed to credibility. It is the position of the Defense that there was open warfare in Batangas and that these deaths occurred as the result of open combat operations. And that is the purpose of these questions.

GENERAL REYNOLDS: You may proceed.

CAPTAIN SANDBERG: Will you read back the question?

(Question read)

A Rifle.

Q (By Captain Sandberg) Were all of the members of the guerrilla organization armed?

A Most of them they have no weapons, but because there were only a few of us who have them.

Q Did most of them carry bolos?

A Yes, sir.

Q Do you know whether any of the people who were killed in the house of Sixto Mercado were also guerrillas?

A I know nothing.

Q Do you know of your own knowledge that other Japanese soldiers than those four you mentioned were killed by the guerrilla organization?

A The only four I have said.

Q Did you wear a uniform?

A I have none.

Q Can you tell us what the name of the guerrilla organization of which you were a member was?

A It is known as the Markings organization.

Q And would you describe yourself as engaged in the war against the Japanese?

INTERPRETER DIONISIO: Will you please, sir, repeat the last question?

CAPTAIN SANDBERG: Did you regard yourself as having been engaged in war against the Japanese?

INTERPRETER DIONISIO: Repeat that again, please.

CAPTAIN SANDBERG: Did you regard yourself as having been engaged in war against the Japanese?

A I cannot regard myself as a member, only I was one of them during this time.

CAPTAIN SANDBERG: That's all.

#### REDIRECT EXAMINATION

Q (By Captain Pace) Were some of the 55 people who were killed women and children?

INTERPRETER DIONISIO: What?

CAPTAIN PACE: Were some of the 55 people who were killed women and children?

A There were men, women and children, too.

Q Were the women and children guerrillas?

A No, sir.

Q Did they give these men and women and children a trial before they bayoneted them to death?

A No, sir.

CAPTAIN PACE: Thank you very much.

CAPTAIN SANDBERG: Just one more question.

GENERAL REYNOLDS: One more question for the Defense.

RE CROSS EXAMINATION

Q (By Captain Sandberg) Do you know of any cases where children over the age of 10 carried hand grenades?

A I don't know nothing, sir.

Q Do you know of any cases where women were guerrillas?

A There were no one in our town.

CAPTAIN SANDBERG: That's all.

CAPTAIN PACE: Thank you.

(Witness excused)

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Dionisio, was examined and testified through Interpreter Dionisio as follows, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION

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

A (Through the Interpreter) Juan Zamosa.

Q Where do you live?

A In the Barrio of Tunauan, in the Town of Tanauan.

Q Did you live there in Tanauan on February 10, 1945?

A Yes, sir.

Q Tell what happened on the morning of February 10th.

A In the morning of that day, there were two soldiers that came. After the two soldiers came to our house, they took me and brought me to the house of the mayor.

Q How many people did they take?

A There were many, around 50 persons.

Q What happened then?

A When we arrived there, we saw 50 other persons tied together.

Q Where did you go then?

A We were all hog tied, and the men were separated from the women, who were placed under the house.

Q Were the women tied?

A The women were tied, but the children were not, and the men were also tied.

Q What did they do with the men?

A After they were tied they asked us if we were all

Filipinos.

Q What did they do to you?

A We answered that we were Filipinos.

Q What did the Japanese do to you?

A After we were questioned we were released one by one, and we were bayoneted one by one.

Q How many men were bayoneted before your turn came?

A I think there were around 25 who were already bayoneted.

Q How did you escape?

A When my turn came, which was -- I am number 26 -- I ran away with the hope that I won't really be killed.

Q How many men were in the group?

A There were around 100, including men and women.

Q How many men?

A There were around 50.

Q Have you ever seen any of those men alive since that date?

A I saw no one survive, even until now I have seen no one.

Q What did you see, if anything, happen to the women?

A I saw a pregnant woman who was assaulted by a Japanese officer, and I saw also the child inside that came out of the stomach and was thrown away.

Q What made the child come out of the woman's stomach?

A Perhaps it was due to the slashing of her stomach.

Q Who slashed her stomach?

A A Japanese officer, if I am not mistaken.

Q What did he slash it with?

A A sword.

Q Have you ever seen any of those women or children alive since that date?

A I have seen no one survive, even until now.

Q These Japanese that you have spoken of, are they soldiers or sailors?

A I am not quite sure, sir, whether they are members of the navy or army, but what I know they are soldiers.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Did you give any assistance to the guerrillas?

A I did not give any.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you.

(Witness excused.)

JOSE M. CORONA

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

DIRECT EXAMINATION

Q (By Captain Pace) What is your name, please?

A My name is Jose M. Corona.

Q Where do you live?

A Tanauan, Batangas.

Q What is your position there?

A My position now is mayor of Tanauan, Batangas.

Q How long have you been mayor of Tanauan?

A Since April 10, 1945.

Q What is your occupation?

A Now I am mayor and a business man at the same time.

Q Now, as mayor of Tanauan, Batangas, did you receive an order from the Governor of Batangas Province to investigate and report the number of persons killed by the Japanese and the number of houses burned by the Japanese in your municipality?

A Yes, sir, soon after the reorganization of our municipality I received such an order from the government.

Q After receiving that order did you conduct an investigation?

A Yes, through the police department and the barrio lieutenants.

Q Did you compile the information which was requested by the Governor of Batangas?

A Yes, sir, I did.

CAPTAIN PACE: We would like to have this book marked as the next exhibit.

(A book or ledger was marked  
Prosecution Exhibit No.  
315 for identification.)

Q (By Captain Pace) Can you tell me what Prosecution's Exhibit 315 is?

A That is the book where we keep the records of all the members massacred by the Japanese and the houses burned.

Q Is this an official record of the municipality of Tanauan, Batangas?

A Yes.

Q Are you responsible for the custody and keeping of this record?

A Yes, directly responsible.

Q How many names appear in this record?

A The number of persons massacred by the Japanese is 826.

Q How many houses burned?

A 1602.

CAPTAIN PACE: If the Commission please, at this time I offer Exhibit 315 into evidence. It is the official record, and, therefore, I request permission to reproduce and withdraw the original record and substitute in the record a duplication of what is in that.

GENERAL REYNOLDS: In view of the size of this document the Commission feels that the Prosecution should prepare the extract and submit the extract itself as an exhibit.

CAPTAIN PACE: Yes, sir. That does mean the record is received in evidence, but you would desire an extract prepared as we have in the case of other records of that sort?

GENERAL REYNOLDS: That is correct.

CAPTAIN SANDBERG: May we see it, sir, before there is a ruling made on it?

GENERAL REYNOLDS: You may. It is the intention of the Commission to state that no ruling would be announced until we receive the extract.

CAPTAIN PACE: Yes.

CAPTAIN SANDBERG: In that event we will wait until the extract is prepared.

Q (By Captain Pace) When did these deaths occur which

you have listed in your record?

A Well, a few of them, those who were killed by the Japanese occurred sometime before February 10th, 1945. Some of them occurred after February 10th, 1945, but most of them were massacred on February 10th, 1945.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) How long have you lived in Tanauan?

A I beg your pardon?

Q How long have you lived in Tanauan, Batangas?

A Since my birth.

Q Do you consider yourself well acquainted with public affairs in that city?

A Yes, sir, I do.

Q We have had evidence this morning - this afternoon, rather - of a case in which members of the Markings guerrillas ambushed four Japanese soldiers. Are you familiar with that incident?

A No, sir.

Q Do you, as a man familiar with the affairs of Tanauan, know about the activities of the Markings guerrillas in and around Tanauan?

A I have often heard of guerrillas, but I don't know if they are Markings guerrillas or not.

Q Were you yourself a guerrilla?

A No, sir, I was not.

Q Did you ever give any assistance to the guerrillas?

A I beg your pardon?

Q Did you ever give assistance to any guerrillas?

A In some cases; at that time I was keeping a radio with a short wave, and I was giving information to guerrillas, some information with regard to the development of work in some areas of the Pacific.

Q Now, did you, as a man familiar with public affairs in Tanauan, ever hear of an incident in which a Japanese medical officer was ambushed by guerrillas and his head cut off?

A In Tanauan?

Q Yes.

A No, I did not hear anything about that, sir.

Q Was Tanauan subjected to an artillery barrage?

A When?

Q Before the arrival of the American forces?

A I did not know, because we were no longer in Tanauan after the massacre of February 10th.

Q When did you leave Tanauan?

A On February 9th, a day before the massacre.

Q Did you get advance information that the Japanese were coming to the town?

A No, sir, I did not. Otherwise I would have taken my family, but my wife was also massacred by the Japanese, and also my 15 year old boy.

CAPTAIN SANDBERG: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Pace) When were those houses burned?

A When we were in the barrio that day already, that was on February 10th. After that time we see in the barrio

the burning of our houses in the town.

Q What day was that?

A After February 10th.

Q Do you remember the date?

A I don't remember the date, but on several occasions we see houses burning in the town, and in some places in the barrio we see the big fires.

CAPTAIN PACE: That is all, thank you very much.

(Witness excused)

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

(Short recess.)

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

CAPTAIN PACE: That completes the evidence on Case No. 54, sir.

CAPTAIN WEBSTER: Sir, I should like to complete Paragraph 93, which was interrupted this morning.

GENERAL REYNOLDS: Very well.

RICARDO TRINIDAD

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Ricardo Trinidad, sir.

Q Your age?

A Twenty-three.

Q Your nationality?

A Filipino.

Q Were you among those who were taken by the Japanese about the 3rd of February of this year?

A Yes, sir.

Q Where were you when you were taken?

A I was sleeping at home.

Q Who was taken with you?

A My nephew, Florencio Cudala, and my uncle, Faustino Reyes.

Q And did the Japanese take you to the Reyes Elementary School?

A Yes, sir.

Q How long did they keep you there?

A They keep us until the night of -- until Saturday, the 4th -- no, the 3rd, sir.

Q February?

A We were taken from our house February 3rd, two o'clock midnight.

Q Where did the Japanese take you from that place?

A About four o'clock in the afternoon we were taken to Barcelona Building, just opposite the Dy-Pac Lumber Company.

Q Will you talk to the Commission, and a little louder, please? How long did they keep you at that building?

A We were kept there about two hours.

Q And where did the Japanese then take you?

A After that place we were taken to the Dy-Pac Lumber.

Q Will you describe in your own words what the Japanese did to you at the Dy-Pac Lumber Company?

A I was the sixth from the line when the Japanese took me away from my companions. The first was Dominador Antonio and one of our neighbors, Maximino, which I don't know the last name, and my nephew, Rudolph Antonio, and Mauro Salvacion. I was the sixth from the line. When they have killed the five I was taken away from my companions, five meters away from them. Then one officer -- one officer bring me near the tall grasses, and one Japanese soldier was right behind my back. The Japanese right at my back stabbed with the bayonet. Then I fell down. To make sure that I was dead they strike me again. They strike me in my right arm. Thinking that I was dead the Japanese went away and go back to where they left my companions.

Well, I thought that they were far away from me. I

began to creep away from the place and go about ten meters away where I was -- where I lay down.

Q Just a moment, please. Were there 21 of you, or about 20, in the line?

A About 21 men in the line.

Q And you were the sixth one taken?

A Yes, sir.

Q Were the 21 tied together?

A Yes, sir.

Q How many times were you struck with a bayonet?

A I was struck two times: one which passed from my back night out through my chest, and the other one entered my right arm.

Q Did you see the Japanese kill anyone else at that time?

A I don't see any Japanese kill any of my companions at that time because it was so dark in the lumber yard.

Q Did you hear any people screaming or groaning in the lumber yard at that time?

A We heard some women scream, and my nephew scream.

Q How long did you stay in the lumber yard after they bayoneted you?

A I stayed there until the next day.

Q What did you see in the lumber yard the next day?

A I didn't see anything, but I heard some of the Japanese going in the lumber yard with some of the Filipino civilians, which I heard them scream when they are being shot.

Q Were those Filipinos being taken there by Japanese?

A Yes, sir.

Q Can you state whether the Japanese that took you there were in the Army or Navy?

A They were in the Army, sir.

CAPTAIN WEBSTER: You may cross examine.

GENERAL REYNOLDS: The Commission will interrupt and ask the witness if he will show his wounds.

(The witness removed his shirt and displayed wounds on his back, chest, and upper right arm.)

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did any of the Japanese have sabers?

A They don't have, sir.

Q None?

A None.

Q Did any of them wear Sam Browne belts, that is, a belt that comes down across the chest?

A One did wear such a belt.

Q One did wear such a belt?

A Yes.

Q And did you notice an anchor on his cap?

A No, sir.

CAPTAIN SANDBERG: That's all.

CAPTAIN WEBSTER: That's all.

(Witness excused.)

BEATO VITAN

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Beato Vitan.

Q Your age?

A 41 years.

Q Your nationality?

A Filipino.

Q Did you go to the Dy-Pac Lumber Company shortly after February 3 of this year?

A Yes, sir.

Q Do you know the date that you went there?

A Yes, sir; February 5.

Q What did you see when you went to the Lumber Company?

A When I entered the Dy-Pac Lumber Company I saw many dead bodies lying on the ground, and on my way out that leads to the railroad station I found four bodies lying in the bushes.

Q About how many bodies did you see there?

A I didn't know just exactly, but according to my calculation there were 30 of them lying dead on the ground and 5 of them in the bushes.

Q Did you recognize any of those bodies?

A Yes, sir, I could recognize some of them, but some of them I couldn't recognize.

Q Can you give the names of those you did recognize?

A I beg pardon?

(Question read)

A They are Danilo Fajardo, Faustino Fajardo, Venancio Pamintin, Fructuoso Viri, Maximo Maniti -- that is all I can recognize.

Q Were those bodies, bodies of civilians?

A Yes, sir, they are civilians.

Q How many of them were men?

A Well, according to my calculation there are about 10 men.

Q How many women?

A About 10 of them.

Q About how many children?

A About 15.

CAPTAIN WEBSTER: You may cross-examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

CAPTAIN WEBSTER: Sir, that completes the evidence on the Dy-Pac Lumber Company.

CAPTAIN CALYER: If the Commission please, the next matter to be presented is the continuation of the testimony with reference to Fort Santiago, begun last week under Bill of Particular Item No. 52, and now being continued including Item No. 68.

Mrs. Ramirez.

PAZ B. RAMIREZ

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) State your name, please.

A Paz B. Ramirez.

Q Where do you live?

A I live in Santa Mesa.

Q What was your husband's name?

A Alfredo Ramirez.

Q Was he confined by the Japanese in Fort Santiago?

A Yes, sir.

Q When?

A That was October 6.

Q Of what year?

A 1944.

Q Had he been confined there previously?

A Yes, sir.

Q In other words, this was the second time that he was there?

A I am telling of the second time.

Q What happened to him on this second occasion that he was in Fort Santiago?

A Last October 6 my husband was sent to Fort Santiago; we were both prisoners. Last October 6 my husband, in the morning, my husband was sent to Fort Santiago as a prisoner.

Q Did you ever see him again after he was taken to Fort Santiago on October 6?

A No, sir.

Q Did you see his body?

A Yes, sir.

Q When?

A That was November 27th.

Q Where did you see it?

A A man came to me and told me that my husband was killed.

Q Did he say where he had been killed?

A Yes, sir.

Q Where?

A He said that he was killed in Fort Santiago and brought him to the San Lazaro Hospital to register him.

Q Where did you see the body?

A The next morning I saw the body in the Luzon Funeral Parlor; I went out to find out if he is the one.

Q Were you able to recognize the body?

A Sure, it is my husband. I can recognize it right away.

Q Will you describe the condition of the body when you saw it?

A Yes, sir, I found out that they burned the eyes.

Q Were there other marks on the body?

A One of the eyes was broken and it was different than the other one; one of his eyebrows was burned and they burned another part of the head and also the other side and beat him also in his face and also in his neck. I did not see the body any more after that.

CAPTAIN CALYER: That is all. You may examine.

THE WITNESS: I could not stand to see it. He was burned by them. They burned him and beat him (weeping).

CAPTAIN SANDBERG: No cross examination.

(Witness excused)

SISTER MARY TRINITA

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 Sister Mary Trinita.

Q And where do you reside, Sister?

A Espana Extension and Sixth Street, Quezon City.

Q Of what order do you belong?

A Mary Knoll; Foreign Mission Sisters of St. Dominic.

Q Were you confined by the Japanese at Fort Santiago?

A I was from April 11th, 1944 to December 1st, 1944.

Q During that period were you confined at several different places in Fort Santiago?

A Do you mean different cells?

Q Yes.

A Yes, I was.

Q During the period beginning in October of 1944, where were you confined?

A In October of 1944, the beginning of October, I was in Cell No. 14.

Q And after that?

A The first week of November I was transferred to Cell No. 16.

Q Was that in the same building as the cell that you had been in before?

A Yes, it was in the same row of cells.

Q I will show you a diagram previously marked Prosecution's Exhibit 208 and ask you to point out on that diagram the building in which you were confined.

A (Indicating).

CAPTAIN CALYER: The witness is indicating Building No. 12.

The Commission may recall this diagram.

Q (By Captain Calyer) Now, will you explain, Sister, the type of cell in which you were confined?

A You mean the last cell?

Q Yes.

A The last cell was one of the small cells. It measured about 6 feet by 15 or 16 feet deep. There was a door and a small window through which food was passed.

Q How many people were confined in that cell?

A The largest number was 14. At other times there were less, but there were 14.

Q Now, during the period from October on, in Cell 14 and Cell 16, will you describe the sanitary facilities available?

A In Cell No. 14 we had a water faucet that was below the floor level and on the other side of the cell was a latrine. In Cell 16 we had the same accommodations, that is in 16, we did not get water during the day. They said it was on account of it being at the end of the line and the pressure was low. We only got water in the evening after we were supposed to be in bed.

Q What time were you supposed to be in bed?

A 7 P.M.

Q Were you able to get water then in the evening?

A Sometimes the guards would permit us to stay up later; others would not.

Q When they would not did you get any water?

A No, we did not. We did without it.

Q With reference to the latrine that you mentioned, will you describe that, please?

A Well, it was a native Japanese latrine sunk into the floor. It was supposed to be emptied after each meal, three times a day, but towards the end there were two or three days that elapsed before it was emptied.

Q Now, will you describe the people who guarded those cells?

A Well, they changed. When I first went to Fort Santiago we had, I believe, regular army men. They worked in groups, I think of four, and they took turns at one hour at a time guarding the cells.

Q Were there also Military Policemen there?

A One Military Policeman was in charge of what they called the office.

Q And during the latter part of your time there what was the circumstances or what were the circumstances there?

A Then the guards, those guards, those particular guards and regular men from the Military Police guarded the sections. After that another group of soldiers came in.

Q When you say "soldiers" do you mean men from the army?

A I mean men from the army, yes; as far as I could determine they were from the army.

Q How could you tell they were army men?

A Well, the army men, as I distinguished them from the Military Police, wore the regular army uniform with the brown cloth legging. The military police, I think, in all

cases wore leather puttees or leather boots and each of the Military Policemen carried his own revolver. The other men, there was one gun or revolver to each group and as they changed each hour they would pass the revolver over to the next one relieving him.

Q How were those men whom you have described as army men dressed when they came to Fort Santiago?

A Well, they were in what I recall to be the army uniform. Towards the end we could see them coming in with packs on their backs, regular soldiers, tin hats and rolls and rifles with fixed bayonets.

Q Do you know the names of any of the Japanese who were at Fort Santiago while you were confined there?

A Do you mean the guards or the Military Police?

Q Either.

A Well, we knew the name of some of the guards, yes.

Q Who were they?

A Wada; in fact, there were two by the name of Wada, Big Wada and Little Wada they were called.

Q Any others whose names you knew?

A Nishiwaki.

Q How about the Military Police?

A Well, my investigator was named Mori. He had as an interpreter a man by the name of Kim. The man in charge of the Espionage Section to which I was committed was named Nomiki.

Q Sister, will you describe the food that you were given while you were there?

A You mean from October on?

Q Yes, please.

A Well, beginning the last three months the conditions changed to the worse. Previous to that we had three meals a day. When I say "meals" I mean rice with a little vegetable. After that we came down to two meals a day and finally to camotes twice a day.

Q Did you always get two meals a day during that period?

A No, we didn't. When we had the two meals a day the first was served between 9 and 10 and the second between 4 and 5. If the air raid signal sounded before the first meal we only got one that day.

Q Now, during the period you were in Fort Santiago, this latter period in October of 1944, did you ever see men brought into Fort Santiago who showed evidence of having been beaten?

A I saw them being beaten. In addition to seeing men who had been beaten outside I saw them.

Q Now, will you describe the beatings which you actually observed?

A Right outside the cell there is an open court and the men would be brought in there and beaten with any kind of a stick or a bar that seemed to be available.

Q Were they tied at that time?

A Usually their hands were tied behind their backs. Sometimes they were beaten so they couldn't stand and had to be dragged back to the cells.

Q At the time that you observed those beatings did you see any others being mistreated?

A I saw them also administering the water treatment to

two other men right outside my cell.

Q How was that performed?

A The men's hands were tied behind their backs. They were stretched on the floor and water from a rubber hose, about an inch in diameter, was put over their face and they were supposed to consume as much water as possible.

Q This would continue for some time, would it?

A This would continue for about two minutes when the prisoner would be again questioned. If the answer was not to the liking of the investigators, the treatment would be resumed and this lasted, I would say, for about 15 or 20 minutes in each case.

Q How many times did you see that done?

A Twice.

Q Did you see evidence of any other sort of mistreatment?

A Well, I also saw a man tied in the corridor, tied by the wrists to a grill, as if in the sign of the cross. When we woke up in the morning he was tied there; he was tied there all day. He was tied there when we went to sleep at night but in the morning he had disappeared. During that time he had no food or water.

Q Did you ever see any Japanese administering jujitsu treatment?

A Yes, I did, to some Chinese prisoners.

Q What treatment had they been given prior to that?

A Beatings with bars or wooden -- we call them four by fours or two by twos. Then after that they would be just tossed in the air and thrown to the ground.

Q What would happen to them after that treatment was

completed?

A Then the Filipino orderlies usually would be asked to take them back to their cells.

Q Was there also an occasion on which you saw a group of men brought into the corridor in front of your cell?

A Yes, there was.

Q What happened to that group?

A That group was kept in the corridor for two days without any sanitary conveniences at all.

Q Were they given food during that period?

A No, they were not.

Q That occurred immediately in front of your cell, is that right?

A That is right.

Q Now, Sister, will you tell us how much weight you lost while you were at Fort Santiago?

A Between 50 and 60 pounds.

CAPTAIN CALYER: Thank you, Sister. You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) What was the charge against you, Sister?

A The charges against me were espionage, guerrilla activities, and keeping up the spirit of the Filipinos.

Q And which, if any, of these charges were you guilty of?

A I denied the first two.

Q You admitted the third?

A I said nothing.

Q You say you denied the first two? You admitted the third?

A I said nothing.

Q You say you denied the first two. My question was, were you guilty?

A I was not guilty.

Q Will you tell us the circumstances of your release from Fort Santiago?

A Well, they just opened the door and told me to come with them. That was on December 21st and they took me to Cortabitarte. I thought then I was going to be released. Instead of that, they put me into a cell where there were already four or five women and there was another woman companion with me and 13 boys all put in the same cell at Cortabitarte.

Q When were you finally released from the prison?

A December 31st, 1944.

Q Do you know why you were released?

A I do not, except that I was innocent of any charges.

CAPTAIN SANDBERG: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Calyer) While you were at Fort Santiago or at any other time were you given a trial?

A No, not like this. I was simply investigated and they didn't think I was telling the truth so they told me to go back to the cell and sit. The persons to whom I had or rather the persons whom I had been working with would tell what I was doing. They evidently could find no such person.

Q Did you have a conversation with any Japanese with

reference to a trial?

A Yes, I asked one of the investigators toward the end, that was about the beginning of December, why I was being kept there. I asked if they would kindly notify Nomiki to have my case reopened so I could find out why they were holding me there. He said that I would be given an opportunity in three days to do so. Nothing happened until I was taken out on the 21st of December, taken to Cortabitarte, and on the 31st of December, I was released by Nomiki without any further questioning.

CAPTAIN CALYER: That is all. You may examine.

CAPTAIN SANDBERG: No further questions.

CAPTAIN CALYER: Thank you, Sister, that is all.

(Witness excused)

CAPTAIN CALYER: Mr. Ko King Hun.

KO KING HUN

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Ko King Hun.

Q Where do you live?

A 407 Rizal Avenue.

Q How old are you?

A 34.

Q Were you confined by the Japanese in Fort Santiago?

A Yes.

Q When?

A From August 24, 1943 to December, 1944.

Q During the period beginning in October, 1944 did you witness any tortures in Fort Santiago?

A Yes.

Q Will you describe what you saw?

A Previous to October, 1944 the atrocities committed in Fort Santiago were terrible, but after October 1944 they were worse.

Q Will you explain what you saw?

A I was a faculty member of the Chiang Kai-shek School and I was also an editor of the Chiang Kai-shek Press. So what I say now is the truth and I am going to proceed.

Q Will you tell us, please, what you saw at Fort Santiago?

A On October 6, 1944 a Chinese by the name of Lim Chiu Pho was taken into Fort Santiago and placed inside a big tank. On the walls of these tanks were nails and this fellow was put inside covered up. Because of the hard situation inside the tank the victim moved about and he was hurt by the nails of the wall sticking out inside the tank.

Three days afterwards this victim died.

Also a Filipino was taken to Fort Santiago and he was placed on two tables put together lengthwise. On the four corners of this space were set up four poles and the legs of this victim were tied and also his hands were tied on the other end and two little posts set up from the location where the head was placed which thrust under the chin, and as the man was placed on these two tables the two tables were sprung aside in order to cause pain to the victim.

Q Did you ever see any Americans tortured at Fort Santiago?

A Yes.

Q Will you explain that?

A Towards the end of October three American pilots were taken to Fort Santiago. When these three pilots were taken in they were safe and sound. One was enclosed in No. 12 room and the other two were enclosed in No. 15 room.

Q What was done to them?

A One of them was brought out for interrogation and after he was interrogated he was brought in again. He

had no more clothes on except his underclothes and his head was covered with a bandage. His body was bruised by burns.

Q What kind of burns were they?

A I can't exactly tell how he was burned, but I heard from a Formosan in Fort Santiago that the victim was burned by the use of gasoline.

Q What else did you see?

A Another victim was also tortured. By what means I can't tell, but I saw his body black and couldn't move as he lay on the floor.

Q Did you ever see any persons hanged in Fort Santiago?

A I haven't seen.

Q Did you ever see any people whose hands were tied and whose bodies were then strung up by the hands?

A No.

Q Did you ever see a Chinese hanged by the feet?

A Yes.

Q What happened to him?

A This Chinese had his hands and feet tied and with a piece of strong wire it was stuck into the anus of the body.

Q What happened to the Chinaman?

A This man died.

Q How did you happen to see all of these things?

A Because I was an orderly in that place. I had to sweep the floor, the yard, and sweep around the place. I had to bring food to the prisoners and I had to clean the place after the prisoners had been tortured.

Q Did you ever see any other types of torture being

inflicted at Fort Santiago after October 9, 1944?

A I saw 11 persons were brought out and executed.

Q How was that done?

A As to how they were killed I can't tell, but I saw them brought out with their hands tied at the back.

Q And did you later see their dead bodies?

A No, I didn't see.

Q Did you ever see any people burned?

A No.

Q Did you ever see people who were made to stand with candles under them?

A Yes.

Q Will you describe that?

A I saw two persons, a Filipino and a Chinese, tied on a staircase, their legs on one end and their hands on the other end, and as they lay there on the staircase they were burned with candles under their knee, the joint of their leg.

Q Did you ever see any other forms of torture inflicted upon people at Fort Santiago by the Japanese?

A I also saw 575 persons killed in the fourth house in Fort Santiago.

Q When was that?

A That was within the month of December.

Q 1944?

A 1944.

Q Will you explain what happened on that instance?

A Since I was the orderly there I had to bring the food to all these prisoners, but on that morning as I was

bringing the food to these prisoners the Japanese forbade me to go forward.

Q And what did you do?

A Then I returned.

Q What did you do with the food that you were carrying?

A I don't know what happened to the food, but the next morning I saw six trucks standing outside.

Q Outside of where?

A In front of House No. 4 in the street.

Q And what happened?

A I saw the bodies placed on these trucks and banana leaves were used to cover up these bodies together with some canvas cloths. At noontime I was about to bring food again to these prisoners but I was told not to go. From that time I suspected that something must have happened.

Then I asked the Formosan there what happened to these men and he told me that they were dead. There were about 700 of them.

The next day I went into House No. 2. I recognized some persons from House No. 4 present in House No. 2. I asked them, when were they moved to House No. 2, and they answered, "last night". I asked them "How many of you were transferred to House No. 2?" The answer: "125. All the rest were in House No. 4". Then I concluded that since there was nobody any more present in House No. 4 that there must have been 575 killed, because out of the 700 only 125 were left.

Q Did you see those bodies taken away in trucks?

A Yes.

Q How many truckloads?

A Six of them.

Q Were those trucks filled?

A All filled.

Q Do you know where they were taken?

A I don't know.

Q When were you released from Fort Santiago?

A 6th of December, 1944.

Q Will you describe the circumstances of your release?

A On that day at 2:00 o'clock a Japanese military police called me and told me that I was to be interrogated again. They told me to tell the truth and if I had any complaints, to ask.

I told them that all that I shall have said is the truth and what I ask only is to be released. They answered that I could not be released. And aside from my petition to be released they asked me if I had any other petition to ask of them. I asked them that if I could not be released I should at least be given a chance to see my family, because I have not seen them for over a year. They answered that my petition could not be granted; neither could I be released, nor would I be given a chance to see my family; I will be tortured again, they told me.

Q What happened after that?

A Then I told them "If I could not be released, I should then be given a chance to work outside". And they answered, It was all right; I should wait outside.

Q Then after 15 minutes the Japanese officer returned

and asked me if I had any clothes to be given away. Then I went in to take my clothes to give them away and brought out a pair of pants for myself, and I asked them if they wanted to release me or do otherwise. He said "I can't tell. The order comes from higher power".

Then afterwards a truck with two Japanese soldiers came and took me with them. At first I was made to sit down. Then after a while I was made to lie in the truck, not to be seen by the bystanders.

Q Where were you taken?

A I was taken to General Luna Street.

Q And what happened there?

A I was kept in a steel cage.

Q How long?

A From 5:00 to 9:00 o'clock.

Q This is on the 6th of December?

A In the afternoon of December 6th.

Q What happened after that?

A After 9:00 o'clock somebody came to take me out from the cage and took me into the garden. He told me to tell the truth and to explain everything. And I answered that "I have already told the truth and there is nothing else I need to explain".

Q Did there come a time when they brought your wife there?

INTERPRETER UY: Repeat that.

CAPTAIN CALYER: Will you read it?

(Question read)

INTERPRETER UY: I am sorry. I didn't get you

either.

(Question read again)

A The Japanese told me that since I asked to see my wife I would be given the opportunity just once to talk to my wife. I saw my wife and my wife hugged me. The Japanese told me that I could do what I wanted and tell everything to my wife and that in the meantime they would leave the two of us together.

Q Did they leave you alone?

A After a few minutes I was taken back to the room.

Q Were you and your wife left alone for a time?

A The two of us were left in the room.

Q Where were the Japanese?

A The Japanese went outside.

Q When you came out of the room what did the Japanese say to you?

A The Japanese told me that I had to tell everything I wanted to my wife because that was the only chance given me.

Q After you came out of the room what did the Japanese say to you?

A After I left the room I was released.

Q Did they say anything to you before you were released?

A They told me to inform them about guerrilla elements or any anti-Japanese elements present in Manila.

Q And what did you do?

A I did nothing.

CAPTAIN CALYER: You may examine.

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

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

CROSS EXAMINATION

Q (By Captain Sandberg) You testified to having seen a considerable amount of torture at Fort Santiago. Are you sure you have told us everything?

A (Through the Interpreter) Yes.

Q And there was no torturing activities carried on at Fort Santiago that you know about that you haven't told us about?

A There are still a few minor ones I didn't tell.

Q Well, will you tell us about those?

A There was a Chinese who was taken in and put on the electric current, and with two feet of a pig stuck through the nostrils, water was put into his mouth. This was previous to October, 1944.

Q And any others?

A Another kind of torture was the tying of the toes and the hands, and by use of a pulley the victim was strung upwards and left to fall down on a board stuck up with nails.

Q Now, have we got it all now?

A Another torture was the use of soapy water given to the victim, and when the victim was overfed with water the Japanese stepped on the stomach of the victim. Another torture was the use of iron bars to roll over the toes of the victim. I was one of these victims.

GENERAL REYNOLDS: The Commission interrupts to say that the witness has been rather well drained. Proceed, please, to other subjects.

Q (By Captain Sandberg) And you saw all this because you were an orderly there, is that right?

A (Through the Interpreter) Yes.

Q And you were permitted to walk all around the prison?

A Yes.

Q And nobody questioned your movements around the prison?

A In the first days of my imprisonment I was usually accompanied by a Japanese M. P., but later it was only a Formosan that accompanied me around.

Q And after you had been there a while, the Japanese came to trust you?

A I can't tell whether they had confidence in me or not, but they let me go around on my honor, as to my likes and dislikes.

Q And you went wherever you wanted to go?

A Whenever I was ordered, I always follow the order.

Q Now, did you become an orderly immediately after coming to the prison?

A No.

Q How long after?

A I was taken in August, 1943, but I was not given this work as an orderly until in 1944, June.

Q Now, on cross examination you did not describe any of this torture as having been used on you.

A I underwent only the torture of the iron bars rolled over my toes and the pinching of my fingernails, and some wounds on my body. But the others were seen by me.

Q Now, what offenses were you charged with?

A The Japanese accused me of having joined the Chinese

guerrillas.

Q And did the Japanese try to get you to describe the activities of the Chinese guerrillas?

A I didn't tell them anything, even if I had known them.

Q And it was after you had refused to tell them anything that they made you an orderly?

A Not because of that.

Q Well, it was afterwards, wasn't it?

A The practice of the Japanese was to make a prisoner the orderly after some time of imprisonment.

Q Now, that orderly job was a pretty good job, wasn't it?

A With reference to the prison conditions, the work of the orderly was the best in that place.

Q Now, the orderly got plenty to eat, didn't he?

A Yes.

Q You didn't lose any weight in Fort Santiago, did you?

A Yes, I lost a few pounds.

Q And the Japanese didn't torture you after you became orderly?

A No.

Q Your relations with the Japanese were pretty good, then?

A While I was inside, I did all that they asked me to do, because if I didn't do it I would be tortured.

Q Did you do any spying for them while you were there?

A No, and you can inquire the Chinese community in Manila.

Q Now, in December when you asked them to let you go,

you said you would like to work on the outside, is that correct?

A No, I didn't say that.

Q Well, didn't you testify here on direct examination that if the Japanese wouldn't let you go, they should at least let you work on the outside?

A When I asked to let me go, the Japanese would not, and I told them I should be given the right to do the work there -- excuse me. I said I should be given a chance to work in the garden.

Q Now, after you became orderly, did the Japanese make any more attempts to get information from you about the guerrillas?

A No.

Q And how long were you an orderly?

A From June to December.

Q And in December, you say they put you in an iron cage?

A Yes.

Q Now, how do you account for the fact that during the entire time you were an orderly you had the complete run of the prison, and then they put you in an iron cage?

A It was because on that day they intended to release me, so they brought me to the cage.

Q And do you know why they wanted to release you?

A I don't know.

Q And you never told them anything about the guerrillas?

A No.

Q And they released you without harming you, at that

time?

A No.

Q Well, tell us how you came to be released.

A On that afternoon, I asked to be released, the Japanese answered that I could not be released. Then I ask that I should be given a chance to see my family. They answer that it was not possible. Then I told them that -- then they brought me to a room, and I asked them if they could not release me, I should be given a chance to work in the prison.

Q Tell the witness we have already had this story, and I want to know whether they did release him then.

A After having kept me for five hours in that cage, and after giving me the chance to talk to my wife, I was released.

CAPTAIN SANDBERG: That is all.

CAPTAIN CALYER: Thank you. That is all.

(Witness excused.)

CAPTAIN CALYER: Can we have this marked as the next exhibit?

(Affidavit of David V. Binkley was marked Prosecution Exhibit No. 317 for identification.)

CAPTAIN CALYER: I offer into evidence as Prosecution's Exhibit 317 an affidavit of Major David V. Binkley, Division Surgeon of the 37th Division, which relates to a number of incidents, all of which have been testified to by witnesses before this Commission, and particularly that section at the bottom of the last paragraph of page 2 relating to Fort Santiago, which reads:

"At Fort Santiago, within the Walled City, approximately six hundred Filipinos were discovered in three dungeons. One hundred bodies of men and women were found within one thick-walled dungeon-like building, and a closely estimated five hundred bodies were found within a nearby dungeon having inner doors of massive iron bars, and outer doors of iron plate on wood. The appearance of the bodies suggested starvation and possible suffocation."

The other items contained in this affidavit are related to various items in the Bill of Particulars which have been previously discussed.

GENERAL REYNOLDS: Are there any comments by counsel?

COLONEL CLARKE: This is introduced in its entirety, is it?

CAPTAIN CALYER: Yes, sir.

GENERAL REYNOLDS: The Commission inquires whether

Prosecution is able to identify by item number each of the statements in this affidavit.

CAPTAIN CALYER: I believe we can, sir.

The Dy-Pac Lumber case referred to in Paragraph 2 is the one that was presented this afternoon, No. 93, I believe. In the last paragraph on that page there is reference to the Tabacalera Shell Service station, which was presented earlier.

GENERAL REYNOLDS: Unless you have them immediately available you may identify them and present the document tomorrow morning, at which time we will hear comments from the Defense.

CAPTAIN CALYER: 101 was the Shell Service station. De LaSalle College was the one presented on the second day of the trial; I believe I presented that one myself. That was the one in which Father Cosgrave testified.

GENERAL REYNOLDS: We would like to have them by number.

CAPTAIN CALYER: We may be able to give that to you before we leave this afternoon. That one was 17, sir.

And we would like to have this marked for identification.

(Report of Investigation of Atrocities was marked Prosecution Exhibit No. 318 for identification.)

CAPTAIN CALYER: If the Commission please, I offer into evidence at this time Prosecution's Exhibit 318, a report of investigation of atrocities committed by Japanese Imperial forces in Intramuros (Walled City),

Manila, P. I., during February, 1945.

This report has been compiled by James T. Walsh, Colonel, Adjutant General's Department, Headquarters XIVth Corps, APO 453.

I call your attention to a letter of transmittal accompanying the report dated 6 April 1945, addressed to The Commanding General, USAFFE, APO 501, Thru: Commanding General, Sixth Army, APO 442. This transmits the report made by the XIVth Corps.

I wish to call the Commission's attention to the fact that in the reading and in the photostating of this document that letter of transmittal was inadvertently placed after the first page. It should not be in that position. It actually accompanied the complete report. What appears here as page 3, having two pictures on it, was actually the back page of the original report, which is the copy I have in my hand, and is marked in evidence.

Those matters simply go to the arrangement of the thing, which was rebound at the time of its being photostated.

I would like to call particular attention of the Commission in this report to a section dealing with Fort Santiago, to page No. 4, specifically Paragraph 18:

"1. The Americans who have penetrated into Manila have about 1,000 Artillery troops, and there are several thousand Filipino guerrillas. Even women and children have become guerrillas.

"2. All people on the battlefield with

the exception of Japanese military personnel, Japanese civilians and Special constructions (Ganaps in the Filipino language) will be put to death. Houses (TN order breaks off here.)"

"19. The foregoing official translation of an extract from an order of the Kobayashi group (Heidan) dated 13 February 1945 (Exhibit A-2a) seems as good a place as any to begin the discussion of the wholesale atrocities committed against civilians in Intramuros. It was not the beginning. . . ."

Then the story continues with reference to specific incidents occurring in Fort Santiago.

I wish also to call attention to Exhibit A-2a, which is found further along in the document, and is an extract headed:

"HEADQUARTERS XIV CORPS

"XIV Corps ATIS Advanced Echelon

"4 March 1945",

being a translation of that same order referred to in Paragraph 18, and that here is certified as a true and correct translation of that document.

GENERAL REYNOLDS: Will you hold up a minute until we can find it? I have one that bears "Exhibit 'K'".

CAPTAIN CALYER: That is the one; it is marked on the bottom "A-2-a" and certified by Major Fisher.

I would like also to call attention to the next page.

GENERAL REYNOLDS: Will you read that, please?

CAPTAIN CALYER: "HEADQUARTERS XIV CORPS

"XIV Corps ATIS Advanced Echelon

"2 March 45

"Batch #719. CAPTURED MANILA, LUZON I, BY 37th DIV.

28 Feb 45. Recd XIVCAE 2 Mar 45.

Extracts:

"ITEM 13. Notebook-diary presumably belonging to a member of AKATSUKI 16709 Force, covering period 31 Jul 44 - 21 Feb 45. Extracts:

"7 Feb 45 - 150 guerrillas were disposed of tonight. I personally stabbed and killed 10.

"8 Feb 45 - Guarded over 1,164 guerrillas which were newly brought in today.

"9 Feb 45 - Burned 1,000 guerrillas to death tonight.

"10 Feb 45 - Guarded approx 1,000 guerrillas.

"13 Feb 45 - Enemy tanks are lurking in the vicinity of BANZAI BRIDGE. Our attack preparation has been completed. I am now on guard duty at Guerrilla Internment Camp. While I was on duty, approx 10 guerrillas tried to escape. They were stabbed to death. At 1600 all guerrillas were burned to death.

"I certify that the above translation is true and correct, to the best of my knowledge and belief.

"William H. Fisher

"Major, Cavalry."

There are many other items to which I might call attention, but let me close with just one more.

Somewhere toward the middle of the document there

is a report marked "Exhibit B-4" in the lower left-hand corner and entitled "Report of Atrocities at Fort Santiago, Luzon, Philippine Islands."

That is a report made to the commanding general of the Sixth Army, through the commanding general, 37th Infantry Division, and it has the name of "J. D. Frederick, Colonel, 129th Infantry, Commanding," on it.

It is a report consisting of several pages.

Have you been able to find that one?

GENERAL BULLENE: What is the page number?

CAPTAIN CALYER: Not all of them are marked by page number.

Yes, there is in the lower right-hand corner a penciled page number, marked 35. 34 is the one where the letter of transmittal appears, and 35 the beginning of the report. That report continues with a series of affidavits made by members of the 37th Division, some of whom have already testified in this case, and ends with a page of pictures, pictures which have already been introduced as exhibits.

Those items referred to cover specifically incidents with relation to Fort Santiago.

The Prosecution offers the entire document as relating to incidents occurring in Intramuros, which have previously been described by other witnesses, into evidence.

GENERAL REYNOLDS: This document is an official investigation, Headquarters XIVth Corps.

CAPTAIN CALYER: If I may interrupt, sir, this copy which has been marked in evidence is the original copy

from which those photostats were made.

GENERAL REYNOLDS: It is accepted in evidence.

(Prosecution Exhibit No. 318 for identification was received in evidence and so marked.)

GENERAL REYNOLDS: When the Defense completes its study of the document the Commission will be glad to hear any comments, or to consider any specific statements to which the Defense wishes to invite our attention.

CAPTAIN CALYER: If the Commission please, that concludes the testimony with reference to this item.

GENERAL REYNOLDS: Does the Prosecution have additional witnesses?

MAJOR KERR: No, sir. That concludes our presentation for this day, sir.

GENERAL REYNOLDS: Are we on schedule?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: The Prosecution mentioned the possibility of a night session tomorrow night. Is that correct?

MAJOR KERR: We had under consideration, sir, asking the Commission to view some motion pictures tomorrow night. However, we have some additional pictures which we have just received today, and which have been called to my attention today, and we have not as yet previewed them, which we intend to do tonight. So I cannot tell definitely at this time whether or not it would be feasible to have a session tomorrow night for that purpose. Tomorrow morning I can inform the Commission definitely.

GENERAL REYNOLDS: The Commission is in recess

until 8:30 tomorrow morning.

(Whereupon, at 1630 hours, 14 November 1945, the trial was adjourned until 0830 hours, 15 November 1945.)