

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.  
16 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

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## P R O C E E D I N G S

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

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

At this time, sir, I should like to point out that, according to information given to me by the reporter, the exhibit, Prosecution Exhibit No. 326 for identification, which was offered at last night's session, was not expressly admitted into evidence by the Commission. That is the certificate of the Administrative Assistant to the President of the Philippines concerning the film that was shown last night.

GENERAL REYNOLDS: Prosecution's Exhibit No. 326, which is a statement from the office of the President of the Philippines, dated November 15, 1945, is accepted as part of the record in this case.

(Prosecution Exhibit No. 326 for identification was received in evidence and so marked.)

CAPTAIN SANDBERG: If the Commission please, the Defense realizes very keenly that no objection it can now make to the motion pictures shown last night will alter the fact that the Commission has already seen and heard them. That is a fact which cannot be undone. But we must protest very strongly that the showing of this film, with its highly inflammatory commentary, was highly prejudicial to the Accused, and is not at all conducive to the calm, dispassionate sifting of the facts which has always been

the cornerstone of American justice.

This film is of the type generally described as a "propaganda" film. At one time the commentator refers to the film as "evidence which will convict," and the Accused is specifically mentioned by name.

Despite all this, which we feel is gravely and unreasonably prejudicial, neither General Romulo nor David Griffin is even sworn or under oath.

We have objected throughout this hearing to the introduction of affidavits where no opportunity is given to cross examining, but we feel that this situation, where the persons whose testimony is accepted before this Court are not even sworn or under oath, is indeed a new departure.

In one scene an American soldier is shown looking at a piece of paper, and the commentary is "American soldier finds the 'order from Tokyo' for the destruction of Manila!"

The Prosecution has introduced in evidence no such "order."

And we make this statement: If the United States forces have such an order as the film says they have, it is the duty of the Prosecution to introduce the order into evidence, and if the United States forces do not have such an order it is most improper for the Prosecution to introduce into evidence a film whose sound track says they do.

The very title and theme of this film prove its irrelevancy. If there were in fact an "Order from Tokyo," its materiality would lie not in the trial of this Accused but of the Emperor of Japan.

The Defense moves at this time that in order that the

various reviewing authorities and the courts may have the full picture, the full text of the commentary which accompanied the film be read into the record.

MAJOR KERR: If the Commission please, in the first place there is no requirement in the regulations governing the proceedings of this Commission that any testimony be sworn. Secondly, the Commission is expressly authorized to accept into evidence such documentary evidence or other evidence as it may deem to have probative value in the mind of a reasonable man, or which, in the Commission's opinion, would serve the Commission in determining the issues of this case. Therefore, on technical grounds the documentary evidence which was produced last night and offered to the Commission is admissible.

Now, sir, the Prosecution knows of no possible evidence short of the Commission itself having been present when those films were taken, present when the victims of the Japanese, themselves were being removed from or being liberated from the scenes of the atrocities, no evidence short of the Commission's presence at that time and at those places, that could have as strong probative value as that film.

There is no question that the film shows scenes of the crimes which are covered by the charge in this case. And I ask the Defense how the Prosecution could possibly present evidence of stronger probative value than the scenic representation of the situs of the crime and of the victims themselves coming out from the ruins of the churches, homes, and the buildings where the crimes were committed.

So far as "Orders from Tokyo" are concerned, the Prosecution, of course, is not out of order in introducing evidence on one subject merely because it was not previously introduced into evidence on the same subject. If that were the rule, of course you never could start a trial. However, we do not contend that our case rests upon "Orders from Tokyo," or orders from any other source.

The charge is clear in and of itself, namely, that the Accused permitted these widespread, continuing atrocities to be committed.

With reference to the Emperor, the mere fact that an order from the Emperor, if it were the fact, or if we should establish it as a fact, did come down to the commanding officer here, and that he acted pursuant to that order, would not in any way absolve the person who acted under that order from the responsibility for the crimes which he thereby committed. That is well settled, I believe: that orders of the superior officer to commit an illegal act, either under the laws of the area where the act is committed or under international laws of the laws of war, is no defense.

We submit, sir, in all earnestness that that film is a documentary record pertaining to many of the atrocities which are in the Bill of Particulars, and that it should be accepted by the Commission as having probative value.

This Commission, I say again, is not a jury, and we feel sure it is fully competent to weigh that evidence, to give it such probative value as a reasonable man would

give it, to exclude therefrom those portions which it believes are not of probative value, and to take into consideration those portions which it believes to be helpful in determining the issues in this case.

CAPTAIN SANDBERG: If the Commission please, just one more word.

Our objection was not to the film. Our objection was to the commentary, the sound track which accompanied it. We feel that the same documentary effect could have been had if the sound track had been omitted, especially since the statements made were not made under oath. And it is for that reason that we ask that the sound track which accompanied it be made a part of the record.

As to the second point, the Defense urges again that if it is true, as stated in that picture, that the United States Army seized an "Order from Tokyo" for the destruction of Manila, it is the duty of the Prosecution, who is charged with the duty of bringing all facts before this Court, to produce that order in open court.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

(Whereupon the members of the Commission retired for executive session.)

GENERAL REYNOLDS: The Commission is in session. The Commission notes the comments of counsel. The Commission directs that the entire film, including the sound track, be placed in the record of this trial for such probative value, if any, as the Commission may decide to award to it.

CAPTAIN CALYER: If the Commission please, the first

item to be presented today has to do with the murder of people in Imus and Dasmariñas, towns in the Province of Cavite, as covered in Bill of Particulars by Items 66, 84, and 85.

ZOSIMO C. ELLA

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 Zosimo C. Ella.

Q Where do you live?

A Residing in Imus, Cavite.

Q How old are you?

A Thirty-eight.

Q What is your occupation?

A Before the war?

Q Now.

A I was a teacher.

Q What is your occupation now?

A Now, a business man, sir.

Q On the 16th of December, 1944, were you residing in Imus?

A Yes, sir.

Q Did you see some Japanese in Imus on that day?

A Yes, sir.

Q How many?

A Many; I could not count the number.

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

A From the speech they made inside the church they were M. P.'s from Manila.

Q Now, will you explain to the Commission what you saw in Imus on that day?

A Early on December 16, 1944, we saw Japanese soldiers in Imus at about seven o'clock. At about seven o'clock in the morning I reported to my office. At that time I was the manager in charge of the distribution of prime commodities given by the Japanese Government to be distributed to the people of the whole Province of Cavite.

At half-past seven that day an officer, a Japanese, and two soldiers, came up to my office on the first floor with Doctor Lazaro Ilano blindfolded. The Japanese officer asked me if I was in charge of the building. I told him yes, and I told him that I was the manager. He asked me for permission if he could use the building for purposes that they have in mind. I said, "Yes, sir." I said, "You may use the whole building," but he said they wanted to use the second floor.

Q Now, without going further into detail about the arrangements, what did you see done that day in Imus?

A After awhile Doctor Ilano was transferred to another building in the Imus Institute about 30 meters across from my building.

Shortly afterwards I saw passing in front of my building Doctor Modesto Mascardo, with blood dripping from his head, and he is worn out, and together with him is Mrs. Sapinoso. They were brought also to the Imus Institute.

Q During the day did you see a group of men from the

town gathered together?

A Yes, sir, shortly after that we were all ushered inside the Roman Catholic Church until about nine o'clock in the evening.

Q How many men were gathered there?

A I think about between one and two thousand was there.

Q What happened in the church?

A In the church, as soon as we were all gathered, we were asked to fall into line, single file, and pass through a person behind a temporary partition with a hood, or with his head covered, but with holes that he can see through, the person passing by.

We were required to stand in front of him one by one and there make a salute in Japanese, in a Japanese way, until we are commanded to proceed.

Q What happened as you passed before that person?

A As we passed before that person he makes a sign, and then the Japanese in charge tells us to go through to the other direction of the church, and inside the church that day there were persons that were picked up by this identifier.

Q What happened to those persons?

A They were brought out of the church as soon as they are identified and their names called.

Q Where were they taken?

A They were taken to the Imus Institute.

Q Do you know what happened to them there?

A I have no knowledge of it, but I know that they were taken there, because I had a chance to ask permission to

urinate outside, and I saw one of them going into the other building.

Q Do you know the names of any of the men who were taken from the church to the institute?

A Yes.

Q Who were they?

A They were Reynaldo Buenaventura, Alfredo Reyes, Mauricio Reyes, Benigno Manela, Jose Ramirez, and Doctor Jose Sapinoso.

Q Do you know why they pointed out these people who were taken into the institute?

A Yes, sir.

Q Why?

A According to the speech in the evening they were picked up because they were guerrillas.

Q Do you know whether any of those men were, in fact, guerrillas?

A I don't think so. I have no knowledge of guerrillas or a gun station in our town.

Q Now, you speak of a speech being delivered. When was that?

A That was about nine o'clock in the evening after we were confined inside the church from about eight o'clock in the morning.

Q Who made that speech?

A A certain superior officer who spoke in Japanese, translated by another officer to English, and then I translated from English to Tagalog.

Q Will you tell the Commission the substance of that

speech?

CAPTAIN REEL: We will object to that.

GENERAL REYNOLDS: The objection is not sustained.

Proceed.

Q (By Captain Calyer) You may go ahead.

A In brief, the speech, as I translated it, and as it was said in English by the Japanese officers, run thus:

"You very well know that in this town there is a Japanese garrison. You also know in Cavite City there is a Japanese M. P. garrison. But we all come a long way from the Manila M. P. office because we received reports that there were guerrillas in this town. We have picked up the men we wanted and I assure you that they will be punished severely and this is a warning to all of you here that if you do not stop this guerrilla business we will come back to you and give you more severe punishment.

"Now, you will be released, and you will have to go straight to your homes."

Then after that it was finished; we were all released.

Q Now, do you know of any guerrilla organization activities in Imus?

A No, I don't know anything about guerrilla organizations in my town.

Q And you have been there a long time?

A I have been there since the beginning of this war.

Q On the 18th of December, 1944, did you see the bodies of any of those persons who were taken from the church at Imus?

A Yes, sir; and I saw them in the cemetery.

Q At Imus?

A Yes, sir.

Q Will you describe the condition of the bodies when you saw them?

A Some of the bodies had contusions. One of them had a very swollen face. I saw bayonet wounds in their bodies as they were being undressed, because the dress was changed by the families. I saw also marks of heavy blows, possibly a piece of wood or bamboo. I saw also contusions in the head of one of two of them.

Q Whose bodies did you see on that day?

A Alfredo Reyes, Mauricio Reyes; only those two, I think.

Q Did you see those bodies buried?

A Yes, sir; right in Imus.

CAPTAIN CALYER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This person with the hood and holes in the hood so that he could see through it, was he a Filipino?

A I beg your pardon, sir?

CAPTAIN REEL: Read the question.

(Question read.)

A He has a somewhat white complexion. I could not positively say whether he is a Mestizo, a Filipino, or a Japanese, because the complexion is generally light.

Q Did you hear him say anything?

A Just the voice, but I could not distinguish the word, when I passed by through him.

Q You don't know what language he was speaking in?

A No, sir, I could not distinguish.

Q I think you said there was no guerrilla organization in Imus. Do you know of any guerrilla organizations in the hills of Cavite?

A Well, I came to know them from the newspapers or from news after the Americans have liberated our town, Imus.

Q You did not know anything about it until you read it in the newspapers?

A I beg your pardon?

CAPTAIN REEL: Read the question.

(Question read.)

A And until they came together with the liberators on February 4, 1945, Sunday.

Q (By Captain Reel) Before that you never heard of any guerrilla activities in Cavite?

A No, sir.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: That is all. Thank you.

(Witness excused.)

LUIS GAERLAN

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

DIRECT EXAMINATION

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

A Luis Gaerlan.

Q Where do you live?

A Imus, Cavite.

Q How old are you?

A 53 years of age.

Q What is your occupation?

A Agriculturist.

Q On the 16th of December, 1944, were you living in Imus?

A Yes, sir.

INTERPRETER RODAS: "Yes."

(The following answers were given by the witness through Interpreter Rodas.)

Q (By Captain Calyer) Did you see some Japanese in Imus on that day?

A Yes.

Q Will you explain to the Commission what you saw happen in Imus on the 16th of December?

A In the very early morning of the 16th of December, the people of Imus were zoned by the Japanese forces.

Q What do you mean by "zoned"?

A By "zoned" we mean that all the men of the town were taken and were placed inside the church of Imus.

Q What happened after that?

A After they were all gathered, arrested and placed in the church, at about 8 o'clock in the evening they were all released and asked to go home.

Q All of them?

A There were twelve who were detained, and these twelve were the twelve people who were brought to Dasmarinas in the truck, and I was the thirteenth -- I was one included -- rather, I was one in addition to the twelve.

Q Now, who were the twelve that were taken to Dasmarinas?

A They were Doctor Sapinoso, Doctor Dominguez, Doctor Mascardo, Doctor Ilano, Major Aguila, Reynaldo Buenaventura, Alfredo Reyes, Mauricio Reyes, Jose Ramirez, Gregorio Rodriguez, Modesto Virata; that is all.

Q There is one more. Can you recall the twelfth?

A I know all of them by heart a while ago, but this last one I cannot seem to remember.

Q I show you this paper and ask you if that will refresh your recollection, as to the twelfth man?

A The last one is Benigno Manela.

Q Now, what Japanese had you seen in Imus on that 16th of December?

A They were Military Police from Fort Santiago.

Q And was it that same group of Japanese who took the men to Dasmarinas?

A They are the same.

Q When you arrived in Dasmarinas, what happened?

A The twelve were placed in jail in the Provincial Jail of Dasmaringas, and because I was used as a guide, as a privilege I was jailed in front of the jail, in the house in front of the jail.

Q Were there other men brought to the same area at that time?

A They were. They were from Dasmaringas and were brought inside the church.

Q How many men from Dasmaringas did you see?

A There were many. All the men were placed inside the church.

Q Did you later see a man from Dasmaringas, and some of the men from Imus, taken away?

A When I was set free, I did not see anyone of them any more. They set me free at 5 o'clock in the afternoon.

Q Well, did you see what happened to the men from Imus and the men from Dasmaringas?

A Yes. Men from Dasmaringas I saw coming out of the church, hog-tied, and then later brought to the schoolhouse where they were tortured, beaten.

Q Did you see that yourself?

A Yes, I saw them, because where I was I could see the Domestic Science Building of the school where the people were hanged.

Q Now, will you explain what was done to those men?

A Yes. They were tied. Their hands were tied at the back, and then they were hanged to the ceiling, and when they are already dangling they are pushed back and forth and a piece of wood or club is taken to beat them. And the others

were placed under a fountain where the water is allowed to flow into their mouths and nostrils.

Q Now, did you subsequently see men from Imus and Dasmaringas taken away from the village?

A The ones that I saw were the people of Dasmaringas, and the people from Imus -- because the people from Imus were in jail at the time, and seven of them were taken out and were brought to church at 2 o'clock in the afternoon, and they were tied.

Q You mean seven of the men from Imus?

A Yes.

Q Do you know what happened to the other five from Imus?

A According to what they say, these five people were brought to Fort Santiago.

Q Who were those five?

A They were the four doctors and Major Aguila.

Q Will you name the doctors, please?

A Doctor Dominguez, Doctor Sepinoso, Doctor Ilano, Doctor Mascardo, and Major Aguila.

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

A Those five have never been seen, and nobody has seen them; neither have they gone home.

Q Do you know where the other seven from Imus and the men from Dasmaringas were taken?

A They were taken to the cemetery of Dasmaringas, and there they were killed, all of them.

Q On the 18th of December, 1944, did you see the bodies of some of those people?

A Yes. Six of them were taken to Imus and there they

were interred.

Q Who were those six?

A They were Reynaldo Buenaventura, Jose Ramirez, Alfredo Reyes, Mauricio Reyes, Modesto Virata, and Gregorio Rodriguez.

Q What was the condition of the bodies when you saw them?

A Their bodies were mutilated. Some of them bore marks of bayonet wounds, some had black eyes, and some had no teeth.

Q At any time while you were with the men from Imus or Dasmaringas, were they given a trial?

A No, they were not given a trial. They were all killed.

CAPTAIN CALYER: You may examine.

CROSS-EXAMINATION

Q (By Captain Reel) Did you see an informer pointing these persons out?

A When I saw that, they were already going out of the church; he was covered completely with his eyes only visible.

Q Was he a Filipino?

A I cannot tell, because there was a sack over his head.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: For purposes of the record, if the Commission please, I would like to ask one other question.

(The following answers were given by the witness in English.)

Q (By Captain Calyer) Do you understand English?

A Yes, sir.

Q And you speak English?

A A little.

Q But you speak Tagalog better than English?

A Better than English.

CAPTAIN CALYER: That is all.

(Witness excused)

CAPTAIN CALYER: Mr. Camerino.

DOMINADOR CAMERINO

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

DIRECT EXAMINATION:

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

A Dominador Camerino.

Q Where do you live?

A Imus, Cavite.

Q How old are you?

A 45.

Q What is your occupation?

A During that time I was a member of the provincial board.

CAPTAIN CALYER: Of what?

INTERPRETER LAVENGCO: Member of the provincial board.

Q (By Captain Calyer) Are you now holding any official position in Imus?

A I am also employed at the provincial board.

Q Will you speak a little louder, please, Mr. Camerino. On the 16th of December, 1944 were you in Imus?

A Yes, sir.

Q Did you see men of Imus rounded up and taken to the church on that day?

A Yes, sir. I was also inside the church.

Q Did you also see men taken from the church to the

institute?

A Yes, sir; I saw.

Q How many?

A I counted six there in the church.

Q Were there other men taken from other places to the institute?

A From the houses.

Q How many?

A Six also.

Q Did you see or hear anything after those men were taken to the institute?

A When they were taken to the institute from the church we could hear only the shrieks, showing that they were being tortured.

Q Who took them to the church and from the church to the institute?

A The Japanese.

Q Do you know to what branch of service those Japanese belonged?

A There were some officers and there were some soldiers.

Q Do you know to what branch of service they belonged?

A The Army and M.P. together.

Q Did you see those men taken away from Imus later in the day?

A When we were taken it was about past 7:00 at night.

Q I am talking about the men whom you said were taken to the institute.

A They were taken in a truck and taken to Dasmarinas.

Q On the 18th of December 1944 did you go to Dasmarinas?

A On the 18th of December in the morning we heard that the people there in Dasmarinas were killed. We went there to investigate.

Q What did you find?

A We saw 28 dead people tied together in a hole.

Q Who were those people?

A Those from Imus were seven, while those from Dasmarinas were 21.

Q Did you also find some other people from Dasmarinas nearby?

A Yes, sir; also there.

Q How many?

A 28 in all: 7 from Imus and 21 from Dasmarinas.

Q Did you find some other people from Dasmarinas who were not in that same hole?

A I didn't see the others except those inside the hole.

Q Who were the seven from Imus?

A Jose Ramirez, Reynaldo Buenaventura, Gregorio Rodriguez, Modesto Virata, Boniguo Mancla. There was also Mauricio Reyes and also another Reyes -- I couldn't identify his first name.

Q Seven altogether?

A Yes, sir.

Q Were those people alive?

A Dead, sir.

Q What did you do with the bodies?

A We took the six and left the seventh because we could not put him in any space, and the one left is

Bonigno Mancla.

Q Where did you take them?

A We took them to the cemetery in Imus.

Q Were they buried?

A Yes, sir.

Q Did the bodies show signs of mistreatment when you saw them?

A I saw them all because I was around and took charge for the burial, and the bodies bear marks of bayonet wounds; some two, some three. There were bruises and broken teeth.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

CAPTAIN CALYER: Thank you. That is all, Mr.

Camerino.

(Witness excused)

CAPTAIN CALYER: Teodoro Nadres.

TEODORO P. NADRES

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

DIRECT EXAMINATION

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

A Teodoro P. Nadres.

Q Do you understand English, Doctor?

A I understand but I prefer to declare in Spanish.

Q Well, Doctor, will you allow the interpreter to translate the questions also in Spanish, and we will get along better. Where do you live?

A Imus, Cavite.

Q How old are you?

A 44 years old.

Q What is your official position?

A The provincial doctor of Cavite.

THE WITNESS: District Health Officer.

INTERPRETER RILEY: District Health Officer.

Q- (By Captain Calyer) In December 1944 were you occupying that same position?

A (Without aid of interpreter) Yes, sir.

CAPTAIN CALYER: Will you ask him the question in Spanish.

Will you read it, please?

(Question read)

A (Through Interpreter Riley) Yes, sir.

Q On the 16th of December 1944 did you have occasion to go to the emergency hospital in Imus?

A Yes, sir.

Q What was the occasion of your going there?

A I had received a message from Dr. Gopez of the Emergency Hospital of Imus, Cavite.

Q And did you go to the hospital?

A Yes, sir.

Q When you got there what did you find?

A I found some Japanese officer and Japanese soldiers.

Q What was going on when you arrived?

A Dr. Gopez told me that the official had told him that he wanted to take all of the food supplies of the

hospital, including some personal effects and towels of his own.

Q Were there patients in the hospital at the time?

A Yes, sir.

Q Did you have a conversation with a Japanese officer?

A After having the conversation with Dr. Gomez I spoke to the Japanese official and asked him if it were not possible that he would not take the things mentioned.

Q And what reply did you receive?

A In very bad humor, he almost did not answer at all.

Q Did they take the things?

A He answered that "In times of war the Army comes first".

Q Did you have occasion on the 16th of December 1944 to see people taken from the church at Imus to the Imus Institute?

A Yes, sir.

Q Explain what you saw.

A The person who was chosen to pick out those people who were to go with him was Dr. Sapinoso.

Q Will you explain that, please?

A The Japanese called names. Among them was Mr. Ramirez, Mr. Buenaventura, Mr. Manela, Dr. Sapinoso. Afterwards these men were taken to the institute.

Q When you mentioned Dr. Sapinoso before, did you mean that he was taken to the institute by the Japanese?

A Yes, sir.

Q He did not point out any other Filipinos, did he?

A Dr. Sapinoso?

Q That's the man.

A No, sir. I don't remember that.

Q What did you see at the Imus Institute?

A The Japanese official told me that I did not need to be with the others, that I could be with my family as I was a doctor.

Q Will you please tell the Commission what you saw at the Imus Institute?

A I am going to explain why I did not go to the Imus Institute, because it was not allowed that I go there.

Q Will you please tell me only what you saw at the Imus Institute?

A What I saw at the Imus Institute was that they tortured a woman.

Q Anyone else?

A Also Dr. Ilano.

Q Do you know who the woman was?

A I can't say exactly who she was.

Q What did you see done to those people?

A They struck her; they slapped her face; they burned her with cigarette ends.

Q Where?

A In Imus Institute.

Q What parts of her body?

A In different parts of the body: in the arms and legs.

Q What did you see being done to Dr. Ilano?

A I saw that they struck him in the face, and after that I left. I didn't want to see any more. I was full of pity.

Q Do you know whether any of those people whom you

saw taken to the institute were given a trial?

A I could not say.

Q On the 18th of December 1944 did you go to Dasmarrinas?

A Yes, sir.

CAPTAIN CALYER: What was the last part?

INTERPRETER RILEY: "I went there".

Q (By Captain Calyer) Did you see some bodies exhumed there?

A Yes, sir. They called me to exhume seven bodies.

Q Were there more than seven?

A No, sir. I saw no more than seven.

Q You did not see bodies of people from Dasmarrinas?

A I have seen only those seven.

Q Were they all people from Imus?

A Yes, sir.

Q Were they alive?

A No, they were dead.

Q In what condition were the bodies?

A I saw Mauricio Reyes, who had his face swollen, his eyes out of their sockets, and his nose broken, and different contusions of the body and a deep wound in his chest that appeared in his back, apparently caused by a bayonet.

Q Did you see other bodies?

A Yes, sir. The body of Reynaldo Bucnaventura, Alfredo Reyes, Modesto Virata, Gregoria Rodriguez, Benigno Mancla, and Jose Ramirez.

Q Did those bodies also show signs of mistreatment?

A Yes, sir; all of them.

Q Did you on the 16th see some other men taken away from Imus?

A Yes, sir. I saw Dr. Mascardo and Dr. Ilano.

Q Were there other doctors taken that same day?

A I could not say exactly. I saw only those two.

Q Have you ever seen them since?

A I have never seen them again.

Q Who took them away from Imus?

A The Japanese.

Q Do you know anything about Dr. Dominguez and Dr. Sapinoso?

INTERPRETER RILEY: I didn't get the names, sir.

CAPTAIN CALYER: Dr. Dominguez and Dr. Sapinoso.

A Yes, sir. They were taken also.

Q (By Captain Calyer) The same day?

A I cannot say if they were taken the same day. I saw only Dr. Mascardo and Dr. Ilano.

Q Have you ever seen Dr. Sapinoso and Dr. Dominguez since that time?

A From that day I have never seen them again.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION.

Q (By Captain Reel) Was this person whom you said picked out people to go with him a Filipino?

A No, sir. They were Japanese.

Q I am referring to the single person who told the Japanese whom to take. Was that person a Filipino?

A I did not know of one person who chose.

Q You didn't see the man with the hood over his head?

A I saw someone with a sack over his head, with two holes for eyes.

Q And was that person a Filipino?

A I cannot say exactly but I believe he was.

CAPTAIN REEL: That's all.

(Witness excused)

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

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

BEATRIZ C. SAPINOSO

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 Beatriz Sapinoso.

Q Where do you live, Mrs. Sapinoso?

A Imus, Cavite.

Q How old are you?

A 34.

GENERAL REYNOLDS: The witness will have to speak louder.

Q (By Captain Calyer) What is your profession?

A Dentist.

Q What was your husband's name?

A Jose Ramirez Sapinoso.

Q When did you last see him?

A Before he went to church, last December 16th, 1944.

Q Now, on that day did you see some Japanese at your home?

A I beg your pardon?

CAPTAIN CALYER: Read the question.

(Question read.)

THE WITNESS: Yes, sir.

A (By Captain Calyer) How many?

A I cannot count them, but there are two squads, about 50 or 100.

Q Did you know what branch of the service they belonged to?

A They told us that they came from the Manila M. P.

Q Did some of those Japanese have a conversation with you?

A Yes, they had a long conversation with me.

Q What did they ask you?

A They asked me some questions. One is where my husband was and the next was the activities of the Provincial Governor and the District Commander.

Q Were you able to give them the information that they asked?

A I was not able to give them any information, not even a bit, so that is why they tortured me.

Q What did they do to you?

A The first thing they did to me was when they saw me they took me to the house of my father-in-law, which is three or four yards away from my house. They took me to the cellar. One of the Japanese officers and the other is an officer, but he acted as the interpreter who speaks English fluently. They took me to the cellar and asked me, began asking me questions. The first question they asked me was where was my husband. I told them that my husband happened to be in Manila.

Q Just a minute, please. What did they do to you there?

A They asked me if my husband was a guerrilla, and when I told them, "I don't know," they called the soldiers in the back and they began to torture me.

Q Will you explain in detail just what they did?

A The first thing they did to me was that they told me, "Stand up," that was in front of the two officers. One of the soldiers tied my hands at the back and then they began to ask me questions. When I didn't answer them, as I told them I don't know anything, they tied my two hands in the back first and then pulled it up, and I was kept with my knee on the floor and my forehead touching the floor, because they are pulling it up.

Q Did they do anything else before that?

A After that they asked me again if I won't say anything, and I told them I don't know anything; as I don't know anything.

Q Now, before that had they done anything?

A Yes, they stripped all my clothes off, everything; I was left bare, and they have their mockery laugh on me and say that if I won't tell anything they will do many things yet.

Q What did they do after that?

A The two officers, they are having their cigarettes and they were burning all my body, even burned the vital parts of my body. It was the two officers themselves that did it, and the rest of the soldiers were kicking and slapping me.

Q With what did they burn you?

A They burned all my parts of my body with the cigarettes, the vital parts of my body, too.

Q With anything other than cigarettes?

A Yes. Then after doing that they told me to lie flat on my back on the floor. They covered my face with

a towel and then poured water on me. At first I was resisting, and then I found out, I found when I was drowning they stopped it, and they asked me again. I told them I don't know anything. Then they poured again another basin of water, in which I collapsed the second time, and they stopped pouring water on me.

Q How long did that treatment last?

A The treatment, I think, it lasted around 30 to 40 minutes.

Q After that was completed what did they do?

A After that another soldier came with a bar, a big bar. He placed the big bar on my neck and two of these soldiers stepped on it.

Q What happened after that?

A After that they keep on asking me again, I don't know how I was able to survive the punishment, but after doing that they told me again to lay flat on the floor with my face upside down. Another soldier came, and with about half a meter of black rubber, about three or four inches wide, and they keep on beating my whole body and my back.

Q What happened after that?

A And after that they put me up and he says, "Are you really sure that you won't say anything?" I told them that I have nothing to say as I am very innocent and can't say even a word. After that they told me to stand in the corner of the room, and then one of the soldiers had his gun pointed me and said that he is going to kill me. I said, "Yes, I am ready."

Q Then what happened?

A Then after doing that, after they are ransacking the whole house with everything and they have gotten everything in the house, my brother-in-law, Dr. Mascardo, and myself were taken to the Imus Institute.

Q Did they say anything to you after they took you to the Imus Institute?

A They told me I will be brought to Fort Santiago,

Q But instead they took you to the institute, is that correct?

A I was brought to the Imus Institute.

Q Now, at any time that day were you given a trial of any kind?

A Nothing. They did not ask me anything, nor they have not given me anything.

Q At the Imus Institute what did you see?

A At first when I was in the institute I was brought to the third story with my brother-in-law. I could see my brother-in-law is sprawled on the floor because a Japanese is beating him very severely.

Q Is that Dr. Mascardo?

A Yes.

Q What else did you see?

A I was kept in the other room. Then at 4 o'clock, around 4 o'clock, I was brought down together with the rest of the prisoners they have taken. When I was there on the first floor I saw the rest of my companions, which were found dead the next morning. I saw them, I saw how they were tortured.

Q Who were those people?

A I saw Dr. Ilano, Dr. Dominguez, Buenaventura, Reyes, Manola, Virata, and the rest I do not know.

Q What did you see done to those people?

A What I saw is Japanese without coats or without anything, and they have big bars beating them. Some of them are beaten and they are already sprawling on the floor.

I saw some with their heads down. They are pouring water on them. Some were hanging on the ceiling with their feet not touching the floor and the soldiers have a fire, a big fire, in which they are burning those being hung.

Q Sometime later that day did the Japanese tell you anything about your husband?

A Around 6 o'clock in the afternoon another interpreter, who speaks fluent English, approached me. He called me in the other room and told me that, he told me, "Your husband came in and he came" -- (weeping)

Q Had they told you that your husband had come in?

A Yes, they told me my husband come in, but I did not see him.

Q Now, were your husband and these other people that you have mentioned Filipino civilians?

A I beg your pardon?

A Were they all Filipino civilians?

A I think most of them are ex-USAFFE men, because they collected all the ex-USAFFE men first.

Q They were civilians at the time they were taken?

A They were civilians when they were taken.

Q After that did the Japanese release you?

A I was released around 12 o'clock the night before they went to the other towns to massacre the rest.

Q While you had been in the custody of the Japanese that day had you been given any food?

A From the time they took me very early in the morning until 12 o'clock at night they did not give me not even a bite. I was asking them, and they won't give me anything.

Q Have you ever seen your husband since that time?

A I have never seen my husband but before he came in the interpreter told me that he surrendered himself in exchange for me so I can stay with my children.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

(Witness excused.)

(Statement of Elias Camutin  
was marked Prosecution Exhibit  
No. 327 for identification.)

CAPTAIN CALYER: If the Commission please, I offer in evidence Prosecution's Exhibit 327, a sworn statement of Elias Camutin, taken by investigating officers of the War Crimes Branch. We had hoped to have this witness in person, but he is confined with a serious illness and is unable to be present.

GENERAL REYNOLDS: You may read the significant parts of this affidavit.

CAPTAIN CALYER: It is fairly short. With your indulgence, I would like to read all of it.

GENERAL REYNOLDS: Very well.

CAPTAIN CALYER: (Reading)

"Q Please state your name, age, address and nationality.

"A Elias Camutin, 57 years old, Dasmariñas, Cavite Province, P. I., Filipino.

"Q How long have you lived at your present address?

"A Since birth.

"Q Do you expect to continue living at the same address?

"A Yes.

"Q On or about 17 December 1944, did any Japanese troops come near your house?

"A Yes.

"Q Was it daylight when the Japanese arrived there?

"A It was two o'clock in the afternoon when the Japanese passed by my house.

"Q About how many Japanese did you see?

A About fifteen.

"Q Can you tell what branch of service those Japanese came from?

A I was told that they came from the Military Police.

"Q Did you see any Japanese officers among this group?

A There were two Japanese who carried sabers and I believe they were officers.

"Q Can you describe those two Japanese officers?

A I did not observe them well enough to give any description.

"Q What did the Japanese soldiers carry?

A Bayonets fixed to their rifles and spades.

"Q Will you describe in your own words what you saw on 17 December 1944 beginning from the time you first saw the Japanese soldiers pass by your house?

A At about two o'clock in the afternoon, Japanese soldiers numbering about fifteen passed by my house and proceeded towards the municipal cemetery. They carried fixed bayonets and spades. Half an hour later, the same Japanese came back and not until about five o'clock in the afternoon did I see them again. At that time when they passed by my house, they escorted Filipino civilians whose hands were tied together in groups of four. They all stopped under the mango tree which was only about seven or eight yards from my house. They ordered the Filipino civilians to kneel down under the mango tree. The Filipino civilians

were blindfolded at this time. A few minutes after the arrival of the Japanese, they ordered me and my family to leave my house. While we were preparing to go, the Japanese threatened to kill me by pointing a gun at me and threw a stone at my wife. I believe they wanted us to go out of the house immediately. My son, my daughter-in-law, my wife and I, carrying my dead grandchild, ran out of the house as fast as our legs could carry us. In about fifteen minutes, I was back. I saw to it that the Japanese could not see me hiding behind the fence surrounding the place where my house was located. I came back because I wanted to know what they were going to do with my chickens. I saw, however, from my hiding place that the blindfolded Filipino civilians were being brought by the Japanese to a place about twenty yards away where there were bushes and small plants. I am sure that those Filipino civilians were brought to the place where the Japanese had dug a sort of a grave. I did not see the actual bayoneting of the Filipino civilians but I heard cries and screams coming from the very spot where the Japanese had dug the ground when they passed by my house the first time. I observed this procedure for about half an hour during which time all the Filipino civilians were killed. After that the Japanese soldiers returned to the municipal building. After the Japanese had left, I immediately went over to the spot where the shouts, screams and groans came from and I saw that the place which the Japanese had dug up was already covered with earth. In fact, I and two other people tried to dig up the bodies in order to secure the body of my brother-in-law, Conrado

Ferrer, who was one of the victims. However, I failed to identify the body of my brother-in-law because I could not recognize him in the dark. It was only the next morning, 18 December 1944, that I was able to get his body. I saw all the dead bodies of the victims, still blindfolded, with their hands still tied behind them and with about four to seven bayonet thrusts on each body. Most of them received three bayonet wounds.

"Q Can you identify any of the victims aside from your brother-in-law?

"A Yes. Faustino Moya, 40 years old; Zosimo Gille, 35 years old; Felicisimo Lara, 22 years old; Sinforoso Candado, 35 years old; Cayetano Aledia, 30 years old. They were all Filipinos and residents of Dasmaringas. I know of others whose names I cannot recall.

"Q Do you have any other witnesses to this atrocity?

"A Yes. Mrs. Rosario Evangelista and Teodosia Puspos.

"Q Do you have any other information that you can add to your statement?

"A No more."

Signed "Elias Camutin."

GENERAL REYNOLDS: Are there any comments by Defense on any portions of this statement?

CAPTAIN REEL: No comments.

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 327  
for identification was  
received in evidence.)

CAPTAIN CALYER: Mr. del Rosario.

JACINTO del ROSARIO

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 Rodas acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Calyer) Please state your name.

A Jacinto del Rosario.

Q Where do you live?

A Dasmarinas, Cavite.

Q How old are you?

A 42 years old.

Q You occupy some official position in Dasmarinas?

A Yes, sir.

Q What?

A Municipal Treasurer.

Q On the 17th of December, 1944, did you see some Japanese in Dasmarinas?

A Yes, sir.

Q About how many did you see?

A Very many. There were about one thousand.

Q Do you know what branch of service they belonged to?

A They told me they came from Fort Santiago.

Q Did they tell you whether they were Military Police?

INTERPRETER LAVENGCO: Will you repeat the question?  
(Question read)

A They only told me that they came from Fort Santiago.

Q (By Captain Calyer) Did you have occasion to go to

the Home Economics Building in Dasmarinas that day?

A Yes, sir.

Q Will you tell the Commission what you saw there?

A When I went inside the Home Economics Building, I saw people sitting on the floor, and some hanging who were subjected to beating.

Q Who were those people?

A They were Barzaga, Teodorico Sarosario, Ricardo Sarosario, Jose Bautista, Ruperto Espiritu, Faustino Moya, Felicisino Lara, Buenaventura Lumagui, Agapito Mangubat.

Q About how many did you see there altogether?

A We were there about twelve.

Q Were those people tied?

A Yes, sir.

Q In addition to the beatings that you have mentioned, did you see any other mistreatment?

A They were there hanging, and they were continually beating, and their faces were all swollen.

Q Later on, did you observe a Japanese talking with the former mayor, Barzaga?

A That was inside the church.

Q From your observation, were you able to determine what was being discussed?

A According to signs, notions, made by Francisco Barzaga, he was pointing to the cemetery where there will be burial.

Q Did you see any people taken to that place later?

A I did not see they were taken there, but the following day some told me that many people were killed there, so I

went there.

Q When you went to the cemetery the next day, what did you find there?

A I found many people digging dead bodies in the cemetery. I helped, and we separated the dead from Imus from the dead from Dasmarinas.

Q How many from Imus did you find?

A Seven.

Q How many from Dasmarinas?

A Twenty-three, but the two were not taken from the hole.

Q How many were taken from the hole?

A Twenty-eight.

Q And is that seven from Imus and twenty-one from Dasmarinas?

A Yes, sir.

Q Where were the other two found?

A The two were killed. One was near the church and the other was near the river.

Q How far was that from the spot where the twenty-eight bodies were found?

A The other two were reported to me that they were killed, and they were buried at the cemetery, and the distance of the cemetery from the hole is about 100 meters.

Q Did you observe the condition of the bodies, including the two that you have just mentioned?

A Only the twenty-eight I saw.

Q Did you make a list of the people whose bodies you saw that day?

A Yes, sir.

(List of names was marked  
Prosecution Exhibit No. 328  
for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution's Exhibit 328, and ask you if you can tell what that is?

A These are those who were killed in Dasmarinas.

Q And you actually saw those bodies on the 18th of December, 1944?

A Yes, sir.

Q And you prepared this list yourself?

A Yes, sir.

CAPTAIN CALYER: I offer the list in evidence.

CAPTAIN REEL: I don't think there is any testimony by the witness as to the cause of death, and we ask that that be stricken from the list.

CAPTAIN CALYER: Well, may I ask one other question then?

Q (By Captain Calyer) Do you know how these people were killed?

A Yes, sir.

Q How and by whom?

A These people were killed by means of bayonet, beating and torture.

Q And by whom?

A The Japanese soldiers.

CAPTAIN REEL: Could we ascertain if the witness saw this, or if this is something he is basing on what he has heard?

CAPTAIN CALYER: I will offer the document in evidence. Defense may cross-examine.

CAPTAIN REEL: We object to the document on the basis of the evidence that has been offered in support of it. That is, we object to the statement as to the cause of death.

CAPTAIN CALYER: If the Commission please, I submit that the witness has testified that he knew how these people were killed and by whom they were killed; that he saw the bodies and prepared the list himself.

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

(Prosecution Exhibit No. 328  
for identification was  
received in evidence.)

(A list of names was marked  
Prosecution Exhibit No. 329  
for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution's Exhibit 329, and ask you if you can state what that is?

A These are the people from Imus who were killed.

Q And do you know how and by whom those people were killed?

A Yes, sir.

Q Will you explain?

A The Japanese soldiers were the ones who killed these, by means of bayonet thrusts and beatings and by means of pouring boiling water on the knees.

Q Did you see those bodies?

A Yes, sir. One of those I cleaned, because one of those I took home and cleaned him; he was my first cousin.

Q Did you prepare this list yourself?

A Yes, sir.

CAPTAIN CALYER: I offer the list in evidence.

CAPTAIN REEL: Sir, we object to it on the same grounds as stated before, and also on the additional grounds that we did not press before, that this is a highly irregular way of bringing in these names. If the witness has any recollection, let him state what they are.

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

(Short recess)

GENERAL REYNOLDS: The exhibit is accepted by the Commission for such probative value as may be awarded to it.

(Prosecution Exhibit No. 329 for identification was received in evidence.)

CAPTAIN CALYER: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Mr. del Rosario, you have just testified that the persons listed in Exhibit 328 and Exhibit 329 were killed by the Japanese. I shall now ask you whether you saw any of those persons killed?

A I did not see when they were killed.

Q And the statement that you gave in answer to question by Prosecution relative to the killing of these people was based entirely on information you received from some outside sources; is that correct?

A I and those people in that list when they were taken, all of my family saw them when they passed by in front of my house. I was one of them in the Domestic Science place when they were subjected to beatings.

Q But you did not see any of them killed?

A No, sir.

Q Did you know all of these 30 people personally by name?

A I know a few of them, and I had to ask information about the rest.

CAPTAIN REEL: Sir, I shall now ask that on the present state of the record, it appearing that the lists were not made up from the witness' personal knowledge,

either as to cause of death or as to personnel, except in a few cases, Exhibits 328 and 329 be stricken.

GENERAL REYNOLDS: The motion of counsel is not sustained. The document will remain in the record for such probative value as the Commission may elect to award.

Q (By Captain Reel) Between what dates were you the municipal treasurer of Dasmaringas?

A Since March 1, 1938.

Q And you retained that position all through the Japanese occupation?

A Until now, sir, still I am.

Q Do you understand English?

INTERPRETER LAVENGCO: Question, please?

(Question read.)

A A little, sir.

Q (By Captain Reel) Do you understand Japanese?

A No, sir.

Q These Japanese who told you they came from Santiago, what language did they speak?

A Tagalog, sir.

Q The Japanese spoke in Tagalog?

A Yes, sir. They have with them interpreters.

Q So that the person who told you that they came from Santiago was an interpreter who came with them; is that right?

A Yes, sir.

Q Where were you when you were told that?

A On the stairs of the schoolhouse.

Q Was there some guerrilla activity in Dasmaringas?

A Yes, sir.

Q And were the Hunters guerrillas there?

A I don't know, sir. Before I was not related to the Fil-Americans until I was transferred to Colonel Castaneda.

Q Were the Fil-Americans active in the vicinity of Dasmarinas?

A At first they were active, but in November, 1943, we were told to surrender and I was caught in my home.

Q After November, '43, was there further guerrilla activity in Dasmarinas?

A Continuous.

Q Yes. And were there cases where Japanese soldiers were ambushed and killed by guerrillas?

A Yes; when the Americans were about to come -- when the Americans were about to come.

Q And were some of these guerrillas bolo groups?

A They had guns.

Q Were there cases where Japanese soldiers had their heads cut off by bolo knives?

MAJOR KERR: That, sir, is objected to as being immaterial and irrelevant; has nothing to do with the direct examination of this witness, and it is not material to the issues.

GENERAL REYNOLDS: The objection of Prosecution is not sustained. You may proceed.

CAPTAIN REEL: Will you read the question?

(Question read.)

A No, sir.

CAPTAIN REEL: That's all.

REDIRECT EXAMINATION

Q (By Captain Calyer) You have been asked about guerilla activity and about occasions when Japanese were ambushed and killed. Was that before or after the time that these people from Imus and Dasmarinas were killed?

A After the people were killed.

Q While you and the other people were in the school building in Dasmarinas did you see anyone given a trial?

A No, sir. Their trial was to kill and beat.

CAPTAIN CALYER: That's all.

RE-CROSS EXAMINATION

Q (By Captain Reel) Before the incident in December were there some cases where Japanese soldiers had been ambushed and killed in the Cavite region?

A I do not know of any happening.

Q Were these guerrillas about whom you have told us armed?

A Some of them; others do not have.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: Thank you. That's all.

(Witness excused.)

CAPTAIN CALYER: If the Commission please, that completes the testimony on this incident.

GENERAL REYNOLDS: Prior to the introduction of testimony on a new item, the Commission will make an announcement.

During the presentation of evidence on 15 November 1945, pertaining to Item 111 of the Bill of Particulars, Counsel pointed to the obvious fact that the date of

March, 1945, is far at variance from the dates mentioned in the evidence. The Commission cannot accept as proof of Item 111 the evidence under discussion. However, the Commission will consider the evidence to determine its probative value, if any, in connection with Item 72 of the Bill of Particulars, which is a general item covering in time the period 9 October 1944 to about 1 September 1945, and covering in area the Philippine Islands generally.

MAJOR OPINION: If the Commission please, the Dapdap Massacre is recited in the Bill of Particulars No. 11.

MAJOR KERR: If the Commission please, this Interpreter has not been previously sworn. I would like to swear her at this time.

(Interpreter Consolada Milan Lumontad was sworn as an Interpreter.)

NATIVIDAD LOPEZ BORINAGA

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Natividad Lopez Borinaga.

Q Your age?

A 24 years old.

Q Your address?

A It is San Juan, Pilar, Ponson Island.

GENERAL REYNOLDS: The Interpreter must talk louder.

Q (By Major Opinion) Where did you live on 29 December, 1944?

A In the Barrio of Dapdap.

Q The barrio of what municipality?

A In the Municipality of Pilar.

Q What town?

A In the Province of Cebu.

Q Where is the Municipality of Pilar located?

A In the Province of Cebu.

Q Is it located on an island?

A It is an island.

Q What is the name of the island?

A Ponson Island.

Q Does it belong to any group of islands?

A Yes.

Q What is the name of that group of islands?

A Camotes Islands.

Q You say you were living in Dapdap on 29 December 1944.

In the morning of that day about 9 o'clock where were you?

A I was in Dapdap on that very date. At around 9 o'clock in the morning the Japanese arrived.

Q Where were you when the Japanese arrived?

A I was in my home.

Q Now, how many Japanese arrived at Dapdap that morning?

A They must be around one hundred.

Q What did the Japanese do when they arrived that morning?

A When they arrived in Dapdap they asked for coconuts.

Q To whom did they ask for coconuts?

A From Emilio Angus and Sofio Itaas, they asked from them.

Q Were they given the coconuts they are asking for?

A They were given coconuts.

Q After awhile what happened?

A After they have eaten the coconuts we were told to go to the Plaza and to be asked where the three Americans were.

Q Who told you to assemble at the Plaza?

A The Japanese ordered, they told Emilio Angus and Sofio Itaas to let the civilians assemble in the Plaza because they will be given a pass.

Q Did you go to the Plaza?

A I was forced to go there because if we won't we will be killed, shot to death.

Q Who told you you will be killed if you don't?

A It was through the order of the Japanese given to Sofio Itaas and Emilio Angus.

CAPTAIN REEL: Will you read the answer?

(Answer read)

Q (By Major Opinion) Did you go to the Plaza as ordered?

A Yes, I went.

Q How many of the members of your family went to the Plaza?

A We were seven in the family.

Q Who were they?

A Hilarion Borinaga, Francisco Borinaga, Florencio Borinaga, Salustiano Borinaga, Romualdo Borinaga, and Natividad Borinaga.

Q When you arrived at the Plaza were there people assembled?

A There were so many people.

Q How many people were there, more or less?

A We must be around two hundred people.

Q Did anything happen while you were in the Plaza?

A From the Plaza we were ordered to march to the church.

Q What church?

A Dapdap Church.

Q Why were you ordered to go into the church?

A We were ordered to go to the church because we will be given pass in order that the Japanese will not molest us.

Q Was there any planes flying overhead while you were at the Plaza?

A There were airplanes, American airplanes.

Q Was that the reason why you were ordered to assemble in the church?

A Yes.

Q Now, how many people entered the church?

A According to my own calculation, the people there must be around three hundred.

Q Now, where were the Japanese when you were ordered inside the church?

A The two Japanese were stationed in front of the church while the others went around the church.

Q How many doors were there in the church?

A There are four doors.

Q Were these doors guarded?

A There were guards at each door.

Q Who were they, Japanese?

A They were all Japanese soldiers.

Q Were there machine guns there?

A They have machine guns.

Q Did they have an officer with them?

A There was one officer who sat near the altar of the church; he was on the altar near the center of the church.

Q That Japanese officer who was sitting on the altar near the center, did he address the people assembled in the church?

A Yes.

Q What did he say?

A It was spoken in the English and translated by Sofio Itaas in our language.

Q What was that translation made?

A We were asked the whereabouts of the three Americans who arrived in Dapdap.

Q What else?

A We are searching, they said, for them, but we have not seen those three Americans.

Q Any further questions made by the Japanese which was translated by Sofio Itaas?

A No more.

Q How long did you stay at the church?

A We were almost three hours.

Q Were you allowed to go out from the church?

A We were allowed to go out.

Q Who asked for the permission of the Japanese to go out?

A It was Sofio Itaas who asked for the permission to go out.

Q Who is this Sofio Itaas anyway?

A My neighbor.

Q Does he speak English?

A He knows English language.

Q And at that time was he acting as an interpreter

for the Japanese officer?

A On that very day he was just an interpreter for the Japanese to the civilians.

Q By whom was he employed?

A He asked to be the interpreter. He already asked to be the interpreter.

Q When Sofio Itaas asked the permission of the Japanese to go out, were you allowed to go out all at once?

A We were allowed but we were told to line up one by one.

Q Where were you lined up? Inside the church?

A We were told to line up outside the church and because there were so many people I was inside the church.

Q Now, did anything happen while you were going out?

A There was something happened.

Q Were these people allowed to go out by groups or altogether at once?

A One family from the rest. One family at a time.

Q Do you know the families that were allowed to go out?

A I do not know because I was there inside the church.

Q Now, do you know what happened to those people who were allowed to go out by families?

A The first family that went out I did not know yet what happened to them because they were so far from me.

Q Please proceed.

A When there were so many families who went out already that was the very time that I know what happened to them.

Q What did you know?

A I saw a person bleeding.

Q Where was that person bleeding?

A I saw already blood bleeding through the floor.

Q Where did that blood come from?

A It came from the house of Angus.

Q How far was the house of Angus from the place where you were?

A It must be around 20 meters from the church.

Q Where did you see that blood flow?

A From the floor because it was just in front of me.

Q Did you see any person bleeding?

A No, because the house was closed.

Q When you say there was blood on the floor, what did you suspect?

CAPTAIN REEL: Just a minute. Could we have the question read back?

(Question read)

CAPTAIN REEL: We will object to that.

GENERAL REYNOLDS: The objection is sustained.

Q (By Major Opinion) What happened after you saw the blood?

A The people were all machine-gunned and those who were not able to stand up immediately were bayoneted.

Q Just a minute, please. You said the people were allowed to go out of the church. How many people more or less were to go to the church or went out of the church?

A If the people inside would be divided into three parts, two-thirds is going out already.

Q And how many people were left inside the church when

two-thirds of these people had already gone out?

MAJOR OPINION: Will you read the question?

(Question read)

THE WITNESS: It must be around three hundred left.

Q (By Major Opinion) You said before that there were three hundred persons assembled in the church who were ordered, some of them were allowed to go out. Now, how would you explain that if two-thirds of these people, or two hundred of them had gone out, still there would remain inside the church three hundred?

A I asked -- those left were around, maybe, one hundred people.

Q Where were you? Were you with the people that were left inside the church or with the people that had already gone out of the church?

A I was with the people who were left in the church.

Q Now, please tell the Commission what happened with the people inside the church.

A We were all bayoneted.

Q By whom?

A By two Japanese soldiers.

Q You yourself, did you receive any bayonet wounds?

A I was bayoneted on my left back to my breast, reaching the child which I was holding.

Q Would you say the bayonet went through your body?

A Yes.

Q You have shown that the bayonet came out of your right chest and the bayonet having pierced on the back of your body. You say your baby was also touched by the

bayonet?

A Yes. I placed the child down and then I covered the child with my body.

Q What did you do in addition to covering the child?

A I laid down to cover the child which I was covering.

Q Would you say you covered the body of your small child?

A I covered my child with my body.

Q While you were at the church did you receive any wounds or any bayonet wounds?

A It was the only one I received.

Q And did the Japanese approach you while you were in that position, lying down?

A The Japanese approached me but because they believed I was already dead they went away.

Q How long did you stay in that church?

A I could not remember how I stayed, how long I stayed inside the church, providing that I went out around 5 o'clock in the afternoon.

Q Where was your husband when you went out of the church?

A While the Japanese were machine-gunning those people from out of the church my husband was able to escape with my eldest son.

Q After you had gone out of the church where did you go?

A I crawled, I went to the swamps.

Q How far was it from the church?

A It must be around a half a kilometer.

Q How about your daughter?

A I was taking her with me.

Q Now, what did you do in the swamp?

A I am resting because of the pain I am suffering in my back.

Q Now, how long did you stay in the swamp?

A It was not only hours I stayed there; I stayed about two days because I went out Monday morning already when the bodies of the dead was laying there.

Q You say you went to the swamp about 5 o'clock that afternoon. Do you remember what day that was?

A It was Friday afternoon, five o'clock.

Q And you came out or left the swamp on Monday morning. Now, when you went out of the church did you see any dead bodies around the church?

A I saw many.

Q Where were these bodies found?

A Outside of the church; some were tied up in the coconut trees.

Q Were there any dead bodies inside the church?

A There were also many dead bodies inside the church when I left.

Q How many dead bodies were there, more or less?

A I could not count them but more or less they must be around sixty.

Q And outside of the church or near the doors of the church was there dead bodies, too?

A There were some dead bodies outside of the church near the door.

Q Would you be able to state the number, more or less?

A I could not count them but there were many.

Q Where did you go when you left the swamp on Monday morning?

A I went to the Barrio of San Juan.

Q How far was it?

A It must be around four kilometers.

Q About what time did you arrive at San Juan?

A The night of Monday.

Q Is that Barrio of San Juan within the jurisdiction of Pilar, also?

A Yes, it is the Barrio of Pilar.

Q On your way from the Barrio to the swamp, did you see dead bodies?

A I saw many bodies.

Q Where were these bodies found?

A I saw these bodies in the swamps with their eyes blindfolded.

Q About the houses, were there any bodies there?

A Yes, I saw a houseful of dead bodies.

Q Could you identify and name, if you are able to identify the dead bodies you found?

A Yes, I can tell you.

Q Will you please name them?

A It was one by the name of Daniel Lambot.

Q Who else?

A It was only one house whom I saw that was full of dead bodies; the other houses was closed.

Q Who else? Can you remember some more?

A I could mention those people whom I saw dead. Antonio Jayo; Rosario Baninago and Anselma Baninago. Those are the only ones whom I know are dead, among the dead.

Q Please tell the Commission as to how many dead bodies, more or less, you were able to find inside the church, outside the church, and on your way to the Barrio of San Juan; more or less, how many dead bodies?

A From the church to my way to the swamp the dead bodies whom I saw, according to my own calculations, must be around three hundred bodies.

Q From the swamp to San Juan there must be around one hundred?

A Yes.

Q You say that you are from Pilar. Can you state to the Commission how many barrios are comprised within the Pilar jurisdiction?

A Yes, I know.

Q Will you please tell what these barrios are?

A Esperanza, Dapdap, Lanao, Cawit, San Isidro, and San Juan.

Q Now, from the Barrio of San Juan, where were you taken to?

GENERAL REYNOLDS: The Commission interrupts at this point. There will be a recess until 1:30 this afternoon.

(Whereupon a recess was taken until 1330 hours, 16 November 1945.)

AFTERNOON SESSION

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

GENERAL REYNOLDS: The Commission is in session. Proceed with the next order of business.

MAJOR KERR: All members of the Commission are present. The Accused and his Defense Counsel are present. At this time the Chief Interpreter desires to address the Commission.

COMMANDER BARTLETT: Further examination of Prosecution's Exhibit 319, 320 and 321 have disclosed certain subtle variations in meaning, of which 319 contains five; 320, seven; 321, four.

It is recommended that a list of these amendments or corrections be given to the Prosecution with instructions to prepare new copies of said translations incorporating the above changes and to substitute the new copies for those now in evidence.

The Defense has been apprized of said proposed changes and has expressed no objection.

GENERAL REYNOLDS: The recommendations of the Chief Interpreter will be carried into effect.

MAJOR KERR: Sir, at this time I would like the Commission's permission to have Mr. Banuvar to sit at the counsel table. He is our technical adviser on Japanese language matters. We will have a Japanese witness this afternoon and perhaps quite a few later on and his appearance here will be essential.

GENERAL REYNOLDS: The Commission grants the request

of the Prosecution.

MAJOR OPINION: We will continue the examination of the witness we had on this morning.

NATIVIDAD LOPEZ BORINAGA

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

DIRECT EXAMINATION (Resumed)

Q (By Major Opinion) Do you remember the last question?

MAJOR OPINION: Will you read the last question?

(The question was read as follows: "Q Now, from the Barrio of San Juan, where were you taken to?")

THE WITNESS: I went to Hilapnetan, of a place belonging to Baybay.

Q Were you taken to the Baybay Hospital?

A Yes, sir.

Q Were you confined in the hospital?

A I stayed there for around five months.

Q Under medical treatment?

A I was treated by a doctor in the Baybay Hospital.

Q During that five months --

A During the five months' stay I was treated by the same doctor.

Q While in the hospital has anyone shown you any photographs?

(Question read)

THE WITNESS: There was, yes.

Q (By Major Opinion) Would you be able to identify the Japanese that went to Dapdap?

A I know but one because by his clothing.

Q What was his clothing?

A The pants were black and the shirt was brown and the cap was also brown.

Q You mean to say khaki shirt?

A Yes, it was khaki shirt.

Q Was he an officer or not?

A He was not an officer; according to the people he was army man.

Q Was he carrying a saber?

A He was carrying with him the saber.

Q Did he have any revolver with him?

A There was also a revolver.

Q Was he wearing boots?

A He was wearing also boots.

Q How about the other Japanese, were they soldiers of the Army or of the Navy?

A They belonged to the Army.

Q Well, specifically, this Barrio of Hilapnetan, who did it belong to?

A Yes, it belongs to the municipality of Pilar.

Q How about the Barrio of Reynaldo?

A That belongs to Pilar.

Q How about the Barrio of San Isidro?

A The same.

Q How about the Barrio Esperanza?

A The same.

Q How about the Barrio of San Juan?

A Yes.

Q How about the Barrio of Lanao?

A Yes.

Q How about Cawit?

A Yes, it belongs to Pilar.

Q And Hilapnetan, how about that?

A Well, I am not sure.

MAJOR OPINION: I will have this marked Prosecution's Exhibit 330.

(A map was marked Prosecution Exhibit No. 330 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 330, please state to the Commission if you know it?

A Yes, I can tell.

Q This Exhibit No. 330 purports to be an over-lay of the original map and there are certain islands called Camotes Islands. Will you please tell the Commission what part is Ponson Island, where is that found?

A I can tell, yes.

Q Will you do so?

A This is Ponson Island (indicating.)

MAJOR OPINION: Sir, I offer this as Prosecution's Exhibit No. 330.

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

(Prosecution Exhibit No. 330 was received in evidence.)

Q (By Major Opinion) You say while you were in the hospital you were shown some photographs?

A Yes.

(A photograph was marked  
Prosecution Exhibit No. 331  
for identification.)

Q (By Major Opinion) Will you please state if you know this photograph which is marked as Prosecution's Exhibit 331?

A Yes, I can tell.

Q What does that place indicate?

A This is the inside of the church.

Q Of Dapdap?

A Of Dapdap, yes.

Q There are certain dead bodies shown in this Exhibit 331, would you be able to identify any of them?

A I can tell two bodies.

Q Can you name them?

A This one is Picong.

Q The one that is nearest to you is called Pincong?

A The body far from the door.

Q How about the other one which you said you knew, what is that?

A The body which is found by the door is Itaas.

MAJOR OPINION: We will offer this as our next exhibit.

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

(Prosecution Exhibit No. 331  
for identification was  
received in evidence.)

MAJOR OPINION: We will mark this as Prosecution's Exhibit No. 332.

(A photograph was marked  
Prosecution Exhibit No. 332  
for identification.)

Q (By Major Opinion) Showing you Prosecution's Exhibit 332, will you please tell us if you know the place indicated there?

A Yes, I know.

Q What is that?

A That is a place at the back of the church where I passed when I was going to the swamps.

Q Is that in the Barrio of Dapdap?

A Yes, it is in the Barrio of Dapdap.

MAJOR OPINION: Sir, I offer this photograph into evidence.

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

(Prosecution Exhibit No. 332  
for identification was  
received in evidence.)

MAJOR OPINION: Will you mark this 333 for identification?

(A photograph was marked  
Prosecution Exhibit No. 333  
for identification.)

Q (By Major Opinion) Please see this Prosecution's Exhibit 333 and tell the Commission if you know it.

A Yes, I can tell.

Q What is it?

A The place called Borinaza.

Q Is that one of the shacks which you saw as you went out of the church going towards Barrio San Juan?

A Yes.

MAJOR OPINION: We will offer this into evidence.

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

(Prosecution Exhibit No. 333 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit 334?

(A photograph was marked Prosecution Exhibit No. 334 for identification.)

Q (By Major Opinion) Showing you Prosecution's Exhibit 334, will you please state to the Commission if you know that house?

A Yes, I know it.

Q Whose house is that?

A That is the house of Albino.

Q Have you passed in front of that?

A Yes, I passed this house when I was going to San Juan.

Q This Exhibit 334 purports to show a big pile of bodies. Did you see the bodies when you went towards your barrio?

A I saw all these persons. That is why I am crying now.

MAJOR OPINION: Sir, we offer this as part of our evidence.

GENERAL REYNOLDS: Will the reporter please read the last answer?

(Answer read)

GENERAL REYNOLDS: There being no objection, the document or the photograph is accepted into evidence.

(Prosecution Exhibit No. 334 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit 335 for identification?

(A photograph was marked Prosecution Exhibit No. 335 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 335, will you please state to the Commission if you know it?

A I know it.

Q What is that door there?

A This is the door of the church at the back of which I was there.

Q There is a body lying just in front of that door, do you know whose body was that?

A I know this body to be the body of Itaas. I have given him a cup of water.

MAJOR OPINION: We offer this as part of our evidence.

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

(Prosecution Exhibit No. 335 for identification was received in evidence.)

MAJOR OPINION: Will you mark this Prosecution's Exhibit No. 336 for identification?

(A photograph was marked Prosecution Exhibit No. 336 for identification.)

Q (By Major Opinion) Showing you this Exhibit 336, will you please state if you know it?

A Yes, I know it.

Q What is that?

A I passed this place when I was going to San Juan.

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

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

(Prosecution Exhibit No. 336 for identification was received in evidence.)

MAJOR OPINION: Will you mark this as the next exhibit?

(A photograph was marked Prosecution Exhibit No. 337 for identification.)

Q (By Major Opinion) Showing you this Prosecution's Exhibit 337, will you please state to the Commission if you know that place?

A Yes, I know it.

Q There appears in this photograph to be a man tied to a tree. Did you happen to learn who that man was?

A Yes, I fully know him by the name of Morelos.

MAJOR OPINION: We offer this as part of our evidence.

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

(Prosecution Exhibit No. 337 for identification was received in evidence.)

MAJOR OPINION: That is all.

CAPT/ IN REEL: No questions. (Witness excused)

FABIANA MORELOS

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

DIRECT EXAMINATION

- Q (By Major Opinion) State your name and age.
- A Fabiana Morelos. 36. Married. San Juan, Pilar.
- Q At the present time where do you reside?
- A San Juan, Pilar.
- Q Were you living in the Barrio of Dapdap on December 29, 1943?
- A Yes, I live in Dapdap.
- Q Did you see Japanese soldiers in that place?
- A There were Japanese soldiers.
- Q Were you taken to the plaza?
- A I was brought to the plaza.
- Q While you were in the plaza, did you hear a plane?
- A There was.
- Q Were you taken afterward to the Dapdap Church?
- A I was brought to the Church of Dapdap.
- Q How many were you at the church?
- A There were many.
- Q What did you do inside the church?
- A We were kept in the church. We did nothing.
- Q By whom were you kept?
- A The Japanese.
- Q Who ordered you to go inside the church?
- A The Japanese soldiers.

Q While you were inside the church has any Japanese addressed to the people?

A There was.

Q Were you allowed to get out from the church?

A We were allowed to go out.

Q Will you please state to the Commission, in your own language and very briefly, as to what happened afterward?

A I can tell; yes, I can tell.

Q Please state.

A We were brought to the swamps. When we arrived in the swamps we were tied up. We were tied up in the swamps. I was struck by the saber, then I was thrown to the river. I was there in the river. I thought I was dead. All my children were all dead and killed.

Q You mean to say they were all killed?

A All killed.

Q By whom?

A The Japanese soldiers.

Q How many members of your family were killed?

A Seven.

Q Who were they?

A Marcelina.

Q What was he to you?

A A girl.

Q Was she related to you?

A My daughter.

Q How old was she?

A 22 years old.

Q Who else?

A Anastacio Morelos.

Q What was he to you?

A My son.

Q Who else?

A Epifanio Morelos, my son.

Q How old was he?

A 16 years old. Epifanio, 15 years old.

Q Was he related to you?

A My son Gregorio Morelos, my son.

Q How old was he?

A 5 years old.

Q Who else?

A Aurea.

Q What was he to you?

A My daughter.

Q How old was she?

A 3 years old.

Q Who else?

A Mario.

Q What was he to you?

A My son.

Q How old was he?

A 2 years old.

Q Who else?

A My father.

Q What name?

A Quintin.

Q Morelos?

A Quintin Morelos.

Q Now, were all of those persons you have just mentioned members of your family?

A These are all.

Q Were they all killed?

A They were all killed.

Q How about you? Were you wounded?

A I am wounded, I have been wounded.

Q How many wounds did you sustain?

A Seven wounds.

Q Where did you receive these wounds?

(The witness indicated various portions of her body.)

INTERPRETER LUMONTAD: Left and right breast of left front, right breast, three wounds at the back.

Q (By Major Opinion) Where were you when you were wounded?

A I was in the swamp.

Q Were you with these members of your family who were killed?

A I was with them.

Q Did you see how they were killed?

A I saw.

Q Who was wounded first?

A I was the first to be wounded.

Q Where were you when your youngest son was wounded?

A I was holding the baby when the baby was wounded.

Q And when you were wounded what happened to the baby?

A He was killed.

Q Why? Was he also struck by the bayonet?

A He was bayoneted.

Q Now, do you know what was done with your father,  
Quintin Morelos?

A I know.

Q What was done with him?

A He was bayoneted.

Q By whom?

A The Japanese.

Q Showing you this Prosecution Exhibit 337, in which  
there appears a man tied to a tree, do you know that man?

A Yes, I do.

Q Who was he?

A My father.

MAJOR OPINION: That is all, sir.

CAPTAIN REEL: No questions.

(Witness excused.)

MAJOR OPINION: Mark this for identification, please.

(Statement of Teofila Gorola  
was marked Prosecution  
Exhibit No. 338 for identi-  
fication.)

MAJOR OPINION: Sir, we offer as a part of our evi-  
dence as Prosecution Exhibit No. 338 a sworn statement  
of Teofila Gorola.

GENERAL REYNOLDS: The copy given to the Commission  
has no evidence that it is an affidavit. There are two  
pages. How many pages have you?

MAJOR OPINION: There are two pages here, sir.

GENERAL REYNOLDS: Let me see the original.

The document is not properly authenticated and cannot  
be accepted.

MAJOR OPINION: We may explain that, sir, if you  
please.

If the Commission please, I will explain, sir. This  
part of our record, sir, was the first case taken up for  
investigation by the War Crimes Branch and they were just  
all made by pages chronologically without separating one  
statement from another statement. But, however, at the  
end of the last page of the investigation record they have  
been properly certified, sir.

GENERAL REYNOLDS: In its present form the Commission  
declines to receive the exhibit in evidence.

MAJOR OPINION: Mark this for identification, please.

(Copy of investigation of  
civilian massacre at Dapdap,  
Ponson Island, Camotes Islands,  
Cebu Province, 29 December  
1944 was marked Prosecution  
Exhibit No. 339 for identi-  
fication.)

MAJOR OPINION: We offer as part of our evidence this Prosecution Exhibit No. 339.

GENERAL REYNOLDS: In view of the length of the document the Defense is accorded time sufficient to complete a study of it, and the matter will be considered tomorrow morning.

MAJOR OPINION: Mark this for identification, please.

(Copy of report of War Crimes Branch on investigation of alleged murder of Filipino civilians at Dapdap, Ponson Island, Canotes Islands, Cebu Province, 29 December 1944 was marked Prosecution Exhibit No. 340 for identification.)

MAJOR OPINION: We offer this as part of our evidence, namely, Prosecution Exhibit 340.

GENERAL REYNOLDS: In view of the length of the document the Defense is accorded sufficient time to make a study of it. It will be considered tomorrow morning.

MAJOR OPINION: For the record, sir, we would like to state that Exhibit 339 is the investigation conducted by the investigating officer of USAFFE on orders received 6 March 1945.

That's all, sir. That concludes our evidence, if the Commission please.

Juanito Alines.

JUANITO ALINES

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

DIRECT EXAMINATION

MAJOR OPINION: This case, sir, relates to the burning of Barrio Nanipil in Mountain Province and the murder of eight civilians and the wounding of others at Titig Mountain, Supplemental Bill of Particulars Nos. 114 and 115.

Q (By Major Opinion) If the Commission please, please state your name, age and other personal circumstances.

A Juanito --

GENERAL REYNOLDS: The witness must talk louder.

A (continuing) Juanito Alimes. 29 years old. My residence, Luneta Hill, Baguio, Mountain Province.

Q (By Major Opinion) Early in the morning of 15 April 1945 where were you?

A I was in Pacda.

Q What is that "Pacda"?

A It is the barrio of Mankayan, Mountain Province.

Q Did you leave Pacda that morning?

A Yes. I started from Pacda.

Q Were you alone or accompanied?

A I had companions. We were seven in all.

Q Where did you go from Pacda?

A We are going to Nanipil.

Q What is that "Nanipil"?

A It is the barrio of Mankayan, Mountain Province.

Q At what time was that, more or less, when you left Pacda for Nanipil?

A It was very early in the morning.

Q Did you arrive at Nanipil?

A No. We did not reach Nanipil on that date.

Q Why?

A No, because we reached the mountain of Gadagad and we met Japanese soldiers.

Q How many Japanese soldiers did you meet?

A In my own calculation they must be around one thousand Japanese soldiers.

Q What did the Japanese soldiers do with you?

A We were tied up by the Japanese soldiers.

Q All of you seven?

A We seven.

Q What happened after that?

A We were asked to tell where the guerrillas are. That was the only question by the question to ask.

Q What answer did you give to that question?

A I said "I do not know".

Q What did the Japanese do with you?

A I was boxed and slapped many times.

Q How about your companions? Were they boxed and slapped, too?

A Yes. My companions were also slapped.

Q What happened after a while?

A From there we were brought to the trees and tied.

Q By whom?

A The Japanese soldiers.

Q What happened after a while?

Please tell him to speak a little bit louder.

A We were -- Again we were asked by the same question to tell them where the guerrillas are.

Q How long did you remain tied to the trees?

A In my own calculation it must be around one hour we were tied.

Q You say that you were released from the trees?

A After they slapped and boxed us we were untied.

Q Completely untied?

A We were just untied from the tree but our hands were still tied.

Q Now, please proceed. Tell in your own language, in your own way of telling, what happened.

A We started for Nanipil with our carloads. Our hands -- One of our hands -- One of our hands was tied with the hands of the other. And then when we were near the barrio of Nanipil we were ordered to stop. We spent the night on that same Sitio.

GENERAL REYNOLDS: The Commission interrupts to ask the Prosecution to adjust the microphone so the interpreter has some chance of hearing the witness' statements.

Q (By Major Opinion) You say that you were marched by the Japanese. Were the Japanese with you when you were marched toward Nanipil?

A (No response)

Q How many Japanese were there?

CAPTAIN REEL: I think that counsel asked the question before the witness could answer the prior question.

GENERAL REYNOLDS: Obtain an answer to the question.

MAJOR OPINION: Please read the question.

(Question read)

A The Japanese were with us.

Q (By Major Opinion) Now, the other question: How many

Japanese were there?

A All of them.

Q Did you arrive at Nanipil?

A We arrived at Nanipil April 16, 1945.

Q In the morning or in the afternoon?

A In the morning.

Q All right. Please state to the Commission what happened.

A They machine-gunned the houses.

Q Who machine-gunned the houses?

A The Japanese soldiers.

Q Where were those houses machine-gunned by the Japanese?

A From the mountain.

Q Were there houses in the jurisdiction of Nanipil?

A There were many houses.

Q And what happened after a while? After they had machine-gunned the houses what happened?

A They put all the houses on fire.

Q How many houses were set afire?

A In my own calculation there were around 30 houses.

Q Where were you when the Japanese set fire to those houses?

A I was behind.

Q Could you see them?

A I saw them.

Q What did the Japanese do with you after they have set afire those houses?

A We were brought to the Titig Mountain.

Q Where is that Titig Mountain? Within what jurisdiction?

A Very near to Nanipil.

Q Now, what happened after a while?

A We were told to take off our clothes.

Q How were you able to take off your coats when you were tied?

A Our hands were untied.

Q After they have untied you did they tie you again?

A We were tied up again one by one.

Q What happened after a while?

A We were brought to the cliff and we were told to kneel. I let the Japanese soldiers hold my back and my shoulder. The Japanese soldier who was with saber sword was at my back. Then I was struck by the sword.

Q With what?

INTERPRETER LUMONTAD: With the sword.

MAJOR OPINION: Ask the witness.

(Translated by Interpreter Lumontad)

A Upon my neck. I was struck on my neck and then I fell on the precipice. I heard the voices of my companions who were dying.

Q (By Major Opinion) Were you able to identify the persons whose voices you heard?

A They were nixed up.

Q Was there any woman with you?

A There was one woman.

Q What was her name?

A Soledad Ramos.

Q Did you hear her voice while you were on the place where you have fallen down?

A I heard her voice.

Q Please proceed.

A I tried to untie my hands and then it was at last untied up.

Q Who untied you?

A I alone.

Q All right. Proceed.

A I crawled down to the lowland. There I stayed three days in the lowland. Then I tried to crawl up to the camp of the natives.

Q Proceed.

A I stayed there three days in the camp of the natives without eating.

Q Proceed.

A On the third day I climb up to the precipice where I fell. Then I saw the bodies of my companions.

Q Proceed.

A Then I tried to locate the members of my family.

Q You say that you saw the bodies of your companions. Where were the bodies that you found?

A On the precipice.

Q Do you know who were those Japanese whose numbers were about one thousand? Were they Army soldiers or Navy soldiers or Marines?

A I believe they were Army men.

Q Do you know about Tiger Unit of the Japanese Army?

A While I was recovering there I was told by my people that those soldiers who tied us, who massacred us, belong to the Tiger Unit.

Q Do you know who was the commander of that Tiger Unit?

A I heard from one of the Japanese soldiers calling "Major Saito".

MAJOR OPINION: You may cross examine.

GENERAL REYNOLDS: Does the Defense have any questions?

CAPTAIN REEL: Yes, sir.

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

(Short recess)

GENERAL REYNOLDS: You may proceed.

#### CROSS EXAMINATION

Q (By Captain Reel) Where is the Barrio Pacda with relation to Baguio? North, south, east or west?

A It is in the north of Baguio.

Q And how far from Baguio is it?

A 96 kilometers from Baguio.

Q And when you left Pacda did you go north, south, east or west?

A To the south.

Q And is Nanipil south of Pacda?

A Yes.

Q How far from Pacda is Nanipil?

A Ten kilometers.

Q Why did you leave Pacda?

A Because I was taking with me food to Nanipil.

Q Were there air-raids going on at that time?

A There was none.

Q No shelling or bombing on the 16th of April?

A None.

Q Were there guerrilla raids practically every day at that time?

A None.

Q Do you know of any guerrilla activity in that area in April?

A There were none except when we left Pacda. On our way we met the Japanese.

Q Do you know of any activities in that area in April, 1945 by the Volckman guerrillas?

A No.

Q How long after the 16th of April did you first meet the American troops?

A It was very long time before we see Americans.

Q More than a week?

A More than one week.

Q And where were you when the Americans first arrived, when you first saw them?

A I was in the hospital of San Gabriel.

CAPTAIN REEL: That's all.

MAJOR OPINION: That's all.

(Witness excused)

JOHN GILLIES

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A John Gillies.

Q Your age?

A Nineteen.

Q Where do you live?

A Suyoc, Mankayan.

Q Have you lived in Manipil on April 15 and 16, 1945?

A 16th. Yes, sir.

Q (Through Interpreter Albano) While you were in Manipil has anything happened?

A (Through Interpreter Albano) Early in the morning at five o'clock the Japanese raided Manipil.

Q What date was that?

A (Without aid of the Interpreter) In the 16th.

Q What did you mean to say, the Japanese raided Manipil? What do you mean by saying the Japanese raided Manipil?

A (Through Interpreter Albano) The Japanese raided Manipil and burned the houses there.

Q How many houses were burned?

A (Through the Interpreter) About 30 houses were burned.

Q How do you know that?

A (Without aid of the Interpreter) About 40 or 50 houses were burned.

Q When did you leave Manipil?

A The 16th of April.

Q The morning or the afternoon?

A In the morning.

Q And when did this burning of Manipil take place?

A When?

INTERPRETER ALBANO: He says on the 16th of April.

Q (By Major Opinion) At what time?

A (Through Interpreter Albano) Five o'clock in the morning.

Q And at what time did you leave Manipil?

A (Through the Interpreter) At the same time.

Q You said that the burning of the 30 houses at Manipil took place at five o'clock in the morning. At what time did you leave Manipil on the same day?

A On the same day we leave Manipil.

Q At what time?

A (Through Interpreter Albano) At the very hour we left Manipil.

Q You mean to say that while the houses of Manipil were burning you left Manipil?

A (Without aid of the Interpreter) We left Manipil..

Q Where did you go?

A We went to the creek, one kilometer away, to see a place where we can hide ourselves.

Q Did you have any companion?

A I have a companion, yes.

Q What was his name?

A Macario Sapino and family.

Q How long did you stay in that hiding place of yours?

A Two days.

Q Did you go back after awhile to Manipil?

A We proceeded to the other place.

Q Did you go back to Manipil afterwards?

A One week after the raid we went back to Manipil.

Q Were you alone, or were you accompanied?

A I was accompanied by Macario Sapino.

Q What did you do at Manipil?

A We went to see if our things are there, and we found three persons are killed by the Japanese in the field.

Q Did you know these persons?

A I know only one person.

Q Who was he?

A Alejo Pablonot.

Q Did you see any other body?

A The other body was the finger cut off of the person who was laying there.

Q Do you know this Alfonso Sunga?

A Yes, I know him.

Q Did you see him also that day when you came back to Manipil?

A Yes, I saw Alfonso.

Q And was he dead or alive when you saw him?

A He was dead; his head was cut off.

Q Do you know this man that I am talking about?

A Yes, I know him.

Q Did you see him when you came back to Manipil?

A Yes. His head was entirely cut off.

Q Did you know Jose Banez?

A Yes, I know Jose Banez.

Q How was he when you saw him?

A His head was entirely cut off.

Q Do you know Lino Gablad?

A I know him.

Q Did you see him when you came back to Manipil?

A Yes. His head was entirely cut off.

MAJOR OPINION: That is all.

CROSS EXAMINATION

Q (By Captain Reel) Did you say there was an air raid at Manipil?

A (Through Interpreter Albano) No; no, sir.

Q Were there any air raids at Manipil?

A None, sir.

Q Was there any shelling at Manipil?

MAJOR OPINION: I will object, sir. We object to this series of questions about shelling, sir, because we believe that it is absolutely irrelevant to the case. The mere fact that there may be shelling would not justify the killing nor the burning of houses.

GENERAL REYNOLDS: The objection is not sustained.

You may continue.

CAPTAIN REEL: Read the question.

(Question read.)

A (Through the Interpreter) None, sir.

Q (By Captain Reel) Was there any guerrilla raid at Manipil?

A None, sir.

Q Did you ever hear of any guerrilla activities in the vicinity of Manipil?

A None, sir.

Q Did you ever hear of the Volokman guerrillas?

A No, sir.

CAPTAIN REEL: That is all.

MAJOR OPINION: The Prosecution rests its evidence at this particular time.

(Witness excused.)

MAJOR OPINION: Sir, we would like to request that I be allowed to introduce one document in connection with the previous case, the Dapdap case, that I overlooked among the other documents we have here.

GENERAL REYNOLDS: Very well.

MAJOR OPINION: Will you mark this exhibit as the next Prosecution's exhibit?

(Copy of Report of John K. Blanche, Lt. Col., JAGD, was marked Prosecution Exhibit No. 341 for identification.)

MAJOR OPINION: This exhibit, Prosecution's Exhibit 341, is a copy of the report of Lieutenant Colonel Blanche, acting inspector general, which purports to show that he had received verbal orders from the commanding officer of the American forces detailing him to conduct an investigation of all the facts that have taken place in connection with the massacre of the civilians of Dapdap.

Particular attention, sir, is called, respectfully, to Paragraph 9 of said Exhibit 341, on this page here (indicating), to which there is attached a translation by the language officer of a captured Japanese document. These documents attached here are very illuminating.

GENERAL REYNOLDS: You may read the pertinent parts of the document.

CAPTAIN REEL: The Defense has not been given a copy of this document. We would like to see it before it is read.

GENERAL REYNOLDS: In view of the length of the document it will be considered after Defense has had an opportunity to study it, and it may be taken up at the beginning of the session tomorrow morning.

MAJOR OPINION: Yes, sir.

CAPTAIN PACE: If the Commission please, the Prosecution is prepared to offer additional evidence on Bill of Particulars paragraph number one.

Colonel Borbon.

FORTUNATO BORBON

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

DIRECT EXAMINATION

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

A Fortunato Borbon.

Q Are you a member of the Philippine Army?

A Yes, sir.

Q What is your rank, sir?

A Colonel of the Philippine Army.

Q What is your present assignment?

A I am the Acting Provincial Governor of Batangas Province.

Q Now, prior to that, when the Japanese came to the Philippines, where were you then?

A I was in Cebu City, in 1941 and 1942.

Q What was your assignment then?

A I was commanding the 83rd Infantry of the USAFFE.

Q Were you captured by the Japanese on Cebu?

A Yes, sir.

Q How long were you held as a prisoner of war?

A Five months.

Q Then did you return to Batangas?

A No, sir, I remained in Cebu a year, for almost -- I was captured after I had stayed in the mountains for

six months, in the mountains of Cebu and Bohol Island.

Q After you were captured, you were held a prisoner of war for five months; is that right, sir?

A Yes, sir.

Q And when did you return to Batangas?

A In 1943.

Q When were you appointed Governor of the Province of Batangas?

A I was appointed Governor on February 1, 1945, in Nasugbu, when the 11th Airborne arrived in Nasugbu Batangas Province, January 31, 1945.

(A document was marked Prosecution Exhibit No. 342 for identification.)

Q After you became Governor of Batangas, did you set about to organize the provincial government and the municipal governments there?

A Yes, sir.

Q Will you look at Exhibit 342 for identification and tell what that is?

A This is my memorandum to all municipal mayors and chiefs of police at Batangas Province to conduct a complete investigation of deaths and number of houses burned by the Japanese.

Q This is an official record of the Province of Batangas which was issued by you, sir?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

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

Q (By Captain Pace) In addition to instructing the mayors of Batangas to conduct investigations into the fatalities resulting from Japanese activity, did you personally go around the province, investigating?

A Yes, sir. I went around the province for the purpose of investigation of the conditions of the province.

Q Did you spend a great deal of time doing that?

A Yes, sir.

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

Q And as a result of the investigations conducted by you personally, and those conducted by subordinates who reported to you, did you gain a wide knowledge of the affairs of the people in Batangas, with particular relation to the crimes committed by the Japanese?

A Yes, sir.

Q Will you look at Exhibit 343 for identification and state what that is?

A This is my report to the Honorable Secretary of the Interior in Manila, about the conditions of the Province of Batangas.

Q Does that truly represent what you found to exist in your province?

A Yes, sir.

Q Is that an official report to the Secretary of the Interior of this Commonwealth?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

GENERAL REYNOLDS: In view of the length of the document, it will be considered tomorrow morning after Defense has had an opportunity to study it.

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

Q (By Captain Pace) Now, since you submitted those two reports to the Secretary of the Interior of the Commonwealth, have you compiled additional information and received additional reports from your mayors?

A Yes, sir, I received additional reports from the mayors.

Q Will you look at Exhibit 344 for identification and tell what that is.

A This is the consolidated report by municipalities of all the atrocities committed by the Japanese in the Province of Batangas.

Q Is that based on the records which you have in your office?

A Yes, sir.

Q And on the reports which you have received?

A Yes, sir.

Q And to the best of your knowledge is that a correct report of the number of people killed in Batangas?

A Yes, sir.

Q Is the figure two thousand --

A 25,709.

Q That is, in your opinion, the correct number of people killed by the Japanese in your province?

A Yes, sir.

CAPTAIN PACE: I offer Exhibit 344 for identification in evidence, sir.

GENERAL REYNOLDS: Is this a separate exhibit, or is it a part of the official report which was the last one considered?

CAPTAIN PACE: It is a separate one, sir. This is the most current information on that subject. The other report is more general and not as recent.

GENERAL REYNOLDS: Is this an amendment or an addition to some other exhibit which has been considered in this case?

CAPTAIN PACE: It represents figures which are similar to those testified to by others. It also contains new information, of which there is no evidence before the Commission.

CAPTAIN REEL: Sir, the Defense objects to this exhibit. Our objection will be on the same grounds as the objection that we will undoubtedly have to the prior exhibit. We haven't had a chance to read it yet, but from a cursory glance it is quite apparent that the two are related. Now, if it is the desire of the Commission, we can state the grounds of our objection to this paper at this time; otherwise, we can state the whole thing tomorrow morning.

GENERAL REYNOLDS: It is the desire of the Commission that the two documents be considered at the same time, and consideration on the exhibit in question is deferred until tomorrow morning.

CAPTAIN REEL: May I request, sir, that the reporter mark the questions and answers that precede the introduction of these two statements, because it may well be that tomorrow morning we will ask to have these stricken, and we will want to refer to them.

GENERAL REYNOLDS: Very well.

Q (By Captain Pace) Are you able to state how many people were killed in your province by the Japanese?

A More or less around 25,709, according to my records.

CAPTAIN PACE: Thank you, sir.

CAPTAIN REEL: Now, sir, we will ask that that be stricken. We haven't any foundation of this witness' statement. We don't know on what he bases his information. That again is a restatement of these two exhibits. If this is to be considered tomorrow, we ask that the entire matter be referred until tomorrow.

GENERAL REYNOLDS: The objection of counsel is sustained. The last question and the last answer are stricken from the record.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This investigation that was conducted, I think you said you personally went around investigating conditions of the province, is that correct?

A Yes, sir.

Q And between what dates did you personally go around and investigate?

A The dates?

Q Yes.

A I began investigations since the months of March and April; since the month of March I began going around inspecting the province and studying the condition of the province.

Q When did you finish your tour of investigation of conditions in the province?

A I have already finished the report, the submission of my report in the month of April.

Q In the month of April?

A Yes, sir.

Q So the whole investigation covered one month, March to April?

A Two months; March and April.

Q It started in the beginning of March?

A About the beginning of March. I am not very sure about the dates, exact dates.

Q Can you give us some approximation of the date when you finished?

A In the month of April. I was not very sure of the exact date when I was finished, but the entire month of April.

Q Well now, your report that you have offered as Exhibit 343 for identification, the first letter is dated 27 March 1945. Does that refresh your recollection as to when you completed your investigation?

A That was not completed yet, because I went around yet by the months of April, in the following month.

Q I see. All right. The second letter, supplementing the report of the 27th of March, is dated the 21st of

April, 1945. Does that refresh your recollection as to when you finished your investigation?

A Well, that is more or less the time when I finished my investigation.

Q You finished before you wrote that letter, is that right?

A Yes, sir.

Q And the order that you got out for the mayors and chiefs of police is dated April 2, 1945. Does that refresh your recollection as to when you started the investigation?

A Well, I issued that order in order to amplify more the reports of my mayors.

Q I see. Now, in your investigation, did you go to all of the barrios in Batangas?

A Only the barrios that I could reach; not all the barrios.

Q And how many did you go to?

A I went to one barrio in Lipa, Batangas.

Q One barrio in Lipa?

A Yes, in the month -- about in March, and I found about 300 or 400 Filipinos dead with their arms tied behind, at the back of the town of Lipa.

Q All right. Now, what other barrios, without going into details as to what you found in each one; I just want now to know the barrios that you went to. You went to one barrio in Lipa, is that right?

A Well, there are so many barrios there that I could not remember very well the name of the barrio, but the

only barrio that I remember very well was very significant for my inspection, is the one in Lipa.

Q Is that the only barrio in Lipa that you went to?

A The only place that I have been there.

Q Now, did you go to barrios in any other municipality in Batangas?

A I went around.

Q Well, can you tell us, without telling us the details of what you found, just which barrios you, personally, went to?

A Well, I simply passed through the barrios. I did not conduct more investigation, because the mayors themselves had done the other investigation.

Q Yes. Now, which barrios, if any, did you yourself conduct the investigation in, besides the one in Lipa?

A I could not remember very well now.

Q Well, were there any besides the one in Lipa, in which you personally conducted the investigation?

A I cannot remember now exactly all the barrios, because most of those other barrios are not passable by automobile or jeep.

Q And the information that you put into your report is based on what was told to you by the barrio lieutenants?

A That is the report that they rendered to me, so I took it for granted that that is the official report.

Q Yes. It is not anything you know of your own personal knowledge; it is what they told you, is that right?

A That is right.

Q Now, is it true that the entire Province of Batangas

was the center of warfare during the months of January, February and March of 1945; is that true?

A That is true.

Q And there was considerable bombing and shelling and combat destruction?

A There were, between the Americans and the Japanese.

Q Yes, and there were also some guerilla bands operating, were there not?

A Also the guerrillas.

Q And many buildings were destroyed in the course of the warfare?

A The Japanese burned the houses of many towns.

Q Didn't the Americans bomb some buildings, too, in Batangas?

A Not that I know.

Q No buildings at all were bombed by the American airplanes in the whole Province of Batangas?

A Maybe a few houses, but not much.

Q And there was some artillery shelling by both sides in Batangas, wasn't there?

A There were, but it did not destroy exactly the town; maybe one or two houses.

Q One or two houses; all right. And some people were killed in that warfare, were they not?

A I have not received any report to that effect.

Q You haven't any report on that at all. The only report you got is the report that is here as Exhibit 343 and Exhibit 344, is that right?

A That is the only report I got.

Q Now, about these guerrilla bands, were there some guerrilla raids in Batangas during this period?

A There were guerrilla raids against the Japanese.

Q And were you a member of the guerrillas?

A Guerrillas, against the Japanese -- (pause)

Q Were you a member?

A I was a member of the guerrilla myself.

Q And what organization were you a member of?

MAJOR KERR: If the Commission please, this is wholly beyond the scope of the direct examination of this gentleman.

CAPTAIN REEL: Sir, I know of no rule that limits cross examination to matters brought out on direct. Major Kerr may have reference to a rule that exists in a few of the states in the United States, but, as I think we pointed out early in the proceedings, he was the man who took the position that even the ordinary rules of evidence didn't apply, much less peculiar rules peculiar to certain states.

GENERAL REYNOLDS: The Commission desires to be liberal, both to the Prosecution and the Defense, in the examination of witnesses. It does not see why cross examination of this witness as to his guerrilla connections would serve any useful purpose. Could counsel explain?

CAPTAIN REEL: Yes, sir. We do not maintain that any examination of this witness as to his own guerrilla activities serves any useful purpose on the question of his direct testimony on these exhibits that have been

offered; we have covered that. It has to do only with the general picture of the case, and we feel it would be helpful to the Commission in deciding matters that have to do with other aspects of the case. This witness, incidentally, is on under specification number 1, which certainly covers the entire picture.

MAJOR KERR: Sir, if the Defense is to be permitted to use the Prosecution's witnesses for its own purposes, entirely without connection to the testimony which we adduce upon direct examination, certainly the Prosecution cannot be responsible for the time it takes to put before the Commission its case. Now, conceivably, according to Defense Counsel's own statement, he may now proceed to ask him any one of the questions which they might want to bring out on their own defense case.

GENERAL REYNOLDS: Well, the Commission well understands that. Let us exclude the details of this witness' connection with guerrilla activities. If he has any real knowledge of guerrilla activities in the area under question at this time, it should be presented quickly, and the Commission will hear it.

CAPTAIN REEL: Yes, sir. I will just ask the witness a few questions.

Q (By Captain Reel) Are you familiar with the guerrilla activities that were carried on in the Province of Batangas in the latter part of 1944 and the early part of 1945?

A I am.

Q Can you give us in brief the areas, the municipali-

ties in Batangas, where the guerrillas were especially active? Can you give us the list of those?

A Practically in all the province, the entire Province of Batangas, the guerrilla activities -- they were all active in the Province of Batangas.

Q Were they especially active in the neighborhood of Lipa?

A Also.

Q Santo Tomas?

A All parts of the Batangas Province.

Q All through the province. And did those activities consist of frequent raids upon the Japanese supply lines? Was that part of the activity?

A Part of the activity of the guerrillas.

Q And especially on the military roads, the roads that were used by the military?

A Yes.

Q Did it also consist, in part, of raids upon civilians who were friendly to the Japanese?

A Not that I know.

Q Do you know of any civilian homes that were burned by the guerrillas because the occupants were friendly to the Japanese?

A I do not know anything about that.

Q You don't know of any?

(The witness shook his head negatively.)

Q And in addition to the actual guerrilla activities, were the guerrillas supported in large part by the help of civilians in various barrios?

A Will you please clarify that question?

(Question read.)

A No.

Q Wasn't money donated by civilians in Batangas Province to the guerrillas?

A (Pause.)

CAPTAIN REEL: Will you read the question?

(Question read.)

A I do not know that now.

CAPTAIN REEL: Sir, I should like to ask the witness relative to the armor.

Q (By Captain Reel) Were the guerrillas armed?

A They were armed, some of them were armed.

Q And with what?

A Different kinds of arms, rifles, shotguns.

Q And many of them carried bolos?

A Bolos; all kinds of arms.

Q And were there persons in the barrios, civilians, who acted as intelligence units for the guerrillas, would inform the guerrillas as to where the Japanese were?

A Not necessarily, because the guerrillas themselves had their own intelligence sections in every unit.

Q That is right, but in addition to that, weren't they aided by civilians in the various towns?

A No, not necessarily.

Q They never got any aid?

(The witness hook his head negatively.)

CAPTAIN REEL: One more question, if I may.

Q (By Captain Reel) Did the guerrillas of which you

speaking wear uniforms?

A Not uniforms.

Q Did they wear any armbands?

A Some, in khaki uniforms like this (indicating); some wearing semi-military uniform, some in disguise, civilian uniform.

Q Did they wear armbands?

A No.

Q Any armbands?

A No.

CAPTAIN REEL: That is all.

CAPTAIN PACE: One more question, sir.

REDIRECT EXAMINATION

Q (By Captain Pace) You testified that a great number of people were killed in Batangas by the Japanese; is that right?

A Yes.

Q Were those people guerrillas?

A They were not guerrillas.

Q Could you estimate how many guerrillas were killed by the Japanese in Batangas?

A Maybe a few, three or four or five guerrillas that happened to be captured.

GENERAL REYNOLDS: The Commission interrupts and terminates the questioning of this witness, and we shall recess for ten minutes.

(Witness excused)

(Short recess)

GENERAL REYNOLDS: The Commission is in session and desires information from the Prosecution.

We had expected to complete the hearing in the case of the Prosecution today and the Commission inquires as to the status.

MAJOR KERR: Sir, on the basis of our present estimate of the situation we expect to complete our case tomorrow afternoon.

GENERAL REYNOLDS: There can be no doubt that you will complete tomorrow afternoon?

MAJOR KERR: Well, sir, I wouldn't want to bind myself by a definite promise, but that is our present intention. So much depends, sir, on the extent to which Defense uses our own witnesses for their purposes and the extent of cross-examination and the language difficulties, and so on. To the best of our knowledge now, we shall complete tomorrow.

GENERAL REYNOLDS: Well, on behalf of the Defense I don't think their cross-examination has consumed an undue amount of time today. Let us be sure to proceed swiftly to the meat of the situation and move as fast as we can.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: If the Commission please, the next witness will testify in relation to matters covered in Bill of Particulars Nos. 15 and 25.

Mr. Okoochi.

DENHICHI OKOOCHI

called as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified as follows through Interpreter Staff Sergeant Tad Yajima.

DIRECT EXAMINATION

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

A Denhichi Okoochi.

Q What is your nationality?

A Japanese.

Q Are you a member of the Japanese military forces?

A I am a Japanese soldier.

Q In what branch of the Japanese Imperial Forces are you?

A Navy.

Q What is your rank in the Imperial Navy?

A Vice-Admiral, Imperial Japanese Navy.

Q How long have you been in the Japanese Navy?

A 43rd year of Meiji. (Reporter's note: 1910).

Q When did you become a vice admiral?

A November of the fifteenth year of Showa (Reporter's note: 1940).

Q Are you willing to tell this Military Commission the truth about what you know of the case now in hearing?

A I do swear.

Q You are at present a prisoner of war of the American forces; is that right?

A Yes, sir.

Q When did you come to the Philippine Islands?

A 22nd of November, 1944.

Q What was your command when you came here?

A I was in command of the Southwestern <sup>SEA FLEET.</sup> ~~Pacific Area.~~ *S. L.*

Q What land bodies did that command cover?

A Java, Sumatra, Malay, French-Indo, Burma Area.

Q Did that include Singapore?

A Yes, sir.

Q You have named land bodies in that area. Did that include the adjacent waters?

A Yes, sir.

Q Where was your headquarters after you came to the Philippines?

A Chiefly at the Army and Navy Club.

Q In Manila?

A Yes, sir.

Q Do you know General Tomoyuki Yamashita?

A I know him well.

Q Was he here when you came?

A He was here.

Q What was his job here?

A He is the Commanding General of the Area Army.

Q What area did his command comprise?

A I think it is the Philippine Area.

Q Philippine Islands?

A Philippine Islands.

Q Prior to January 6, 1945 did you have command of all the navy troops in the Philippine Islands?

A Yes, I was in command.

Q Up until January 6, 1945 were you the supreme commander in the Philippine Islands when it came to naval

forces?

A Yes, sir.

Q Did you receive an order or instructions from the Imperial Headquarters concerning turning over certain naval forces to Yamashita?

A That is the case of army-navy combined operations, and where navy personnel were required to join the ground forces, that's how it used to be. They would serve under the army.

Q Under what circumstances --

GENERAL REYNOLDS: The answer to that question isn't clear and the Commission desires the last question to be read and, if necessary, broken down into simpler statements.

(Question read)

CAPTAIN PACE: Do you want the answer?

GENERAL REYNOLDS: Read the answer.

COLONEL CLARKE: May we have the witness answer that question again? We are not sure of the interpretation.

GENERAL REYNOLDS: The question will be reread and the Interpreter will reask the question of the witness.

(Question read)

THE WITNESS: I did not receive any special orders.

Q (By Captain Pace) Did you turn certain naval forces over to Yamashita in January, 1945?

A I did.

Q What authority did you have for doing that?

A In accordance with the policy from Tokyo I have carried on the responsibility of turning over certain

elements of the navy to General Yamashita.

Q Did your command include the shore-based navy troops as well as those afloat?

INTERPRETER YAJIMA: What is it?

CAPTAIN PACE: "Did your command include the land-based navy troops as well as those afloat?"

A Yes.

Q (By Captain Pace) What were the first troops which you turned over to Yamashita?

A Ground forces; only the ground forces.

Q Where were they located?

A Those who were under the command of the Manila area were sent to Manila.

Q You turned over your navy troops in Manila to Yamashita?

A Yes, sir; just for the ground operations.

Q When did these troops go to Yamashita's command?

A From the 6th of January, 1945.

Q What time on the 6th of January?

A Zero hours.

Q Did you notify Yamashita that you were transferring these elements to his command?

A After giving my orders to my subordinates I so notified to Yamashita's headquarters.

Q How did you notify his headquarters?

A By wireless.

Q When did you notify Yamashita's headquarters?

INTERPRETER YAJIMA: "Where" did you notify them?

CAPTAIN PACE: "When did you notify Yamashita's

headquarters?"

A 5th of January, 1945.

Q (By Captain Pace) How many naval troops did you turn over to him?

A Approximately 20,000 in the Manila area.

Q Were those all the navy troops who were located in the Manila area?

A That's right.

Q After zero hours, January 6, 1945, did you have command of any land-based naval personnel in Manila?

A I was not in command so far as the land operations goes.

Q Did you have command of any naval personnel operating in the Manila area after zero hours January 6, 1945?

A I was in command as far as naval administration went.

Q What do you mean by that?

A Regarding the administration outside of naval operations -- military operations.

Q What kind of administration?

A For instance, supply or personnel.

Q Of naval troops in Manila?

INTERPRETER YAJIM: What is that again?

Q (By Captain Pace) Did you take care of the administration of navy ground troops in Manila?

A I was in charge of the administration.

Q Who was in tactical command of those troops?

A The orders came from the army.

Q What orders?

A All the operational orders came from the army.

Q What did your message to Yamashita concerning these troops say?

A I do not remember the wording.

Q Tell me as closely as you can what it said.

A "I am putting herewith the Navy personnel for combat operations under the command of the Army," the Navy personnel in the Manila area.

Q When was that effective?

A Effective 6th of January.

Q Who wrote that message?

A My chief of staff wrote it and signed it.

Q Did you send it to anyone else except Yamashita?

A I am sure I sent one to General Yokoyama.

Q Who was Yokoyama.

A Lieutenant general.

Q What was his position here?

A He was in command of the military personnel in Manila, I believe.

Q When did you leave Manila, then?

A I left on the 5th of January.

Q Who did you leave in command of these naval troops?

A Rear Admiral Iwabuchi; that is for the Navy ground personnel in the Manila area were under the command of Iwabuchi.

Q Did you issue any orders to Iwabuchi before you left?

A Just those same orders.

Q Did you tell him who his new commander was?

A I did not say.

Q Did you tell him you were leaving?

A I said so to Iwabuchi, yes.

Q Did you tell him who to report to?

A I did not.

Q Did he already know?

CAPTAIN REEL: We object. We do not think this witness can testify to what is in someone else's mind.

GENERAL REYNOLDS: The objection is not sustained.

You may proceed.

Read the question.

(Question read.)

A He knew that I was leaving Manila.

Q (By Captain Pace) You testified that you issued orders to him, is that right?

A Yes.

Q What did those orders say?

A Regarding naval land operations to be under the command of the Army.

Q You told him Navy land operations from then on were to be under the command of the Army, is that correct?

A Yes, sir.

Q Who was in command of the Japanese Army here at that time?

A I think it is Lieutenant General Yokoyama.

Q You mean in the Philippine area?

A Yes.

Q Who was in command of the Japanese Army on that date in the Philippines?

A General Yamashita.

Q Where did you go when you left Manila?

A I went to Baguio.

Q On what day did you get there?

A The 6th of January.

Q Did Yamashita go to Baguio?

A He was there.

Q Do you know when he went?

A I don't know for sure. Maybe during the first part of January; I am not sure.

Q Did you talk to Yamashita after you got to Baguio?

A I did, yes.

Q How many times?

A I think it was about five or six times.

Q Now, how long did the Manila naval troops remain under Yamashita?

A Until the 24th of August, 1945.

Q Now, after you left Manila and went to Baguio, were you able to communicate with Iwabuchi in Manila?

A Yes.

Q Now, at any time during that period did the command of the Manila naval troops revert to you?

A Not concerning land operations.

Q When did you lose contact with Iwabuchi?

A I am not so sure, but it is about the 20th of February.

Q What happened to Iwabuchi, do you know?

A I understand that he had been killed in action.

Q Where?

A In Manila.

CAPTAIN PACE: You may cross examine.

GENERAL REYNOLDS: There will be questions by the Commission.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) In your testimony you stated that on about January 6, 1945, you turned over certain land troops in your command in the Manila area to General Yamashita?

A That is right.

Q And you so informed General Yamashita by wireless?

A Yes.

Q Did you receive acknowledgment of this information from General Yamashita's Headquarters?

A I did not receive any acknowledgment.

Q Did you discuss this question of the turnover of troops to General Yamashita orally?

A I never talked about it.

Q Did any members of your staff discuss this matter with the staff of General Yamashita?

A They may have, but I am not sure.

Q You stated --

A I believe there was, but I am not sure.

Q You spoke of having five or six interviews with General Yamashita after you had arrived in the region of Baguio.

A Yes.

Q At any of these conferences did the question come up as to the control of the naval land forces in the Manila area?

A I believe there were times that I talked about it.

Q What did you say when you talked about it?

A I do not remember the details.

Q Did you subsequently to January 6th issue any operational orders to the naval land forces in the Manila area?

A Not as far as the military operations goes.

Q What type of orders did you issue?

A I didn't issue any orders.

Q Did you receive any reports from these naval land forces in the Manila area that had been turned over to General Yamashita by wireless subsequent to January 6, 1945?

A There were times when I received notice regarding the military situation.

Q From what commander did you receive notice?

A From Iwabuchi.

Q That is, the naval admiral in Manila?

A Yes.

Q What was the nature of this information?

A I do not remember the details, but since there was no change of command, I occasionally received information regarding the military situation direct.

Q Did Admiral Iwabuchi ask you for any instructions relative to the conduct of the operations in the Manila area?

A There were no such requests for instructions.

Q How far was your command post in the Baguio area from that of General Yamashita?

A Approximately 50 meters -- 500 meters.

Q Did you receive any instructions from General Yamashita while you were in the Baguio area?

A I did not receive any direct orders. It is because I am not subordinate to General Yamashita.

Q What was your relationship to General Yamashita?

A There is no relation, sir.

Q You spoke of some five or six conferences that you had with General Yamashita subsequently to January 6, 1945. Please tell the Commission what subjects were discussed in each one of those conferences.

A Everything in general. We discussed everything in general, but we did not go into detail about military operations.

Q I want some subject matter specifically that was discussed.

A There is no specific topic that I can tell you about.

Q Is the admiral's memory so faulty that he cannot recall discussing the tactical situation in Manila?

A There are times when we talked about the military situation.

Q Then the admiral does not desire to discuss the details of these conferences, is that his attitude?

A It is not that I don't want to tell the story, but we talked about so many things, but I can't remember.

GENERAL LESTER: That is all.

Q (By General Donovan) Who commanded the Marines in the Manila area?

A Rear Admiral Iwabuchi.

Q They also were under the command of the Army?

A Yes, since the 5th of January.

(The witness made a statement in his own language.)

MAJOR KERR: I believe the witness said something just now. Will you interpret it?

INTERPRETER YAJIMA: "I just remembered something. I do not remember the date, but since I had no authority to command the land operation, I requested to Yamashita's headquarters to -- I asked Yamashita's headquarters the advisability of evacuating the navy land forces from Manila immediately. However, it was that the army has already given orders to evacuate Manila. That is all."

GENERAL REYNOLDS: Does the chief interpreter believe there would be a good purpose served by having a check interpreter, as we use in the case of Tagalog witnesses?

COMMANDER BARTLETT: I feel that I am doing it, and I am satisfied that the Commission is getting an accurate account of what the witness has said.

GENERAL REYNOLDS: Very well. Proceed.

#### CROSS EXAMINATION

Q (By Captain Sandberg) You have stated, Admiral, that you continued to have administrative supervision over the Manila navy forces after January 6th?

A (Through the Interpreter) Yes.

Q Will you tell us what that administrative control included?

A I had no occasion to give orders directly, but my administration consisted of such things as personnel, supply, supplies and so forth, and I had no control, no responsibility, over the land operation.

Q Now, after January 5, could General Yamashita have promoted a navy officer in Manila?

A No.

Q Could he have promoted a navy officer or non-commissioned officer in Manila?

A No such authority.

Q Could he have changed the assignment of any navy officer in Manila? I will rephrase the question.

Suppose General Yamashita had been dissatisfied with Admiral Iwabuchi; could he have removed him from command?

A Of course, in case I was dissatisfied with certain land operations, he could have done that through me. However, that is in fact impossible.

Q That is, he could have recommended to you a change in Admiral Iwabuchi's assignment?

A Well, as a matter of fact it is impossible, because during that time there were no other commander who could lead the navy land forces in Manila.

Q Now, could General Yamashita have court martialed navy personnel in Manila?

A I don't think so.

Q That power remained with you?

A If there were such occasions, I was to be notified, and I will punish them, and I would take necessary action.

Q Now, after January 5, could General Yamashita supersede any of your orders?

THE INTERPRETER: Will you repeat the question?

(Question read.)

CAPTAIN SANDBERG: You might make that "overrule."

A (Through the Interpreter) I have no authority to give orders for land operations.

CAPTAIN SANDBERG: Well, let me rephrase that.

Q (By Captain Sandberg) Could General Yamashita supersede any order of yours as to other than land operations?

A No. No, except those of land operations.

Q Now, would it be a correct statement that General Yamashita's jurisdiction was limited to the actual employment of troops in actual combat operations on land?

A Yes.

Q Now, is it correct that there was in existence, prior to the Lingayan landing, a comprehensive plan for the protection of the harbor and naval facilities of Manila?

A Yes.

Q Now, when was this plan or order issued?

A I don't remember the exact date, but it must be during the latter part of December.

Q Now, did this plan include the destruction of the harbor facilities of Manila, and the harbor and dock facilities?

A The destruction of those harbors, the destruction of naval piers, and destruction of harbors, harbor facilities.

CAPTAIN SANDBERG: Could we have the last answer read, please?

GENERAL REYNOLDS: Then please read the question

from which it developed.

(Question and answer read.)

Q (By Captain Sandberg) Now, did the plan include provision for disposition of naval supplies?

A I think so, but I don't remember the wording.

Q Now, who issued this order or plan?

A I did.

Q Was this order ever fully carried out?

A I think so, but because the majority have been killed in action I am not sure.

Q Do you know whether it had been fully carried out by January 6, 1945?

A No -- I didn't do such a thing prior to the 6th of January.

Q Now, the order was never revoked, was it?

A No.

Q In your opinion, on January 6th, 1945, when the naval troops came under General Yamashita, did the execution of this plan pass to the army?

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Defense may proceed with cross examination.

(The following answers of the witness were given through Interpreter Suco Ito.)

CAPTAIN SANDBERG: I will withdraw the last question.

Q (By Captain Sandberg) Now, is it true, then, that whatever destruction of harbor facilities or docks or

supply depots was done, was done in accordance with this navy order of December?

THE INTERPRETER: Will you repeat the question, please?

(Question read.)

A (Through the Interpreter) Yes, sir.

Q (By Captain Sandberg) Now, will you tell us why the destruction of the harbor facilities of Manila was important?

A It was important according to operations.

Q Was Manila one of the most important harbors in the Far East?

A Yes, sir.

Q And was it important to deny the use of that harbor to the American forces?

A Yes, sir. It was important for American forces to use the harbor and important -- convenient for the Japanese forces if the harbor was destroyed.

Q Now, the matters covered by this December order were all naval, rather than land operations, weren't they?

A Yes, sir.

Q Now, were you familiar with the general plan of strategy of General Yamashita for the defense of Luzon?

THE INTERPRETER: Will you repeat the question, please?

(Question read.)

A (Through the Interpreter) I did not know the details.

Q (By Captain Sandberg) Well, can you tell us in a

general way?

A I know the general plan.

Q Well, what was the general plan as to the City of Manila?

A The plan was to evacuate Manila as fast as possible and make a stand on the outskirts of Manila.

Q Now, do you happen to know how many army troops participated in the battle of Manila?

A I do not know the number.

Q Do you happen to know how many navy troops participated in that battle?

A Approximately 20,000.

Q Now, have you any explanation as to why these 20,000 navy troops did not evacuate Manila in accordance with General Yamashita's plan?

A The plan was to evacuate the navy troops as fast as possible, but due to bombings by planes the transportation facilities were destroyed, and we could not follow this plan.

CAPTAIN SANDBERG: If the Commission please, on the question before the last our translation differs from that of the official interpreter; and in view of the importance of it -- (pause)

Would you read back the question and answer?

(Question and answer read by the reporter as follows:)

"Q Well, what was the general plan as to the City of Manila?

"A The plan was to evacuate Manila as fast as

possible and make a stand on the outskirts of Manila."

THE INTERPRETER: Will you repeat the question now, please?

(Question read by the reporter as follows:)

"Q Well, what was the general plan as to the City of Manila?"

A (Through the Interpreter) Since the army did not have a policy to defend Manila, I heard that the army desired to avoid conflict in Manila, I made a plan to evacuate the majority of the naval troops that were in Manila as soon as possible, but because of bombings by plane the transportation facilities weren't as I expected. A considerable number of troops was left in Manila.

Q (By Captain Sandberg) And was it General Yamashita's plan that the fighting be in the mountain terrain?

A I heard that; that is what I heard.

Q And it was his intention that there be no street fighting in Manila?

A That is what I believe.

Q When you said "the outskirts" before, did you mean the mountain terrain around Manila?

A I believe so.

Q Now, do you know of your own knowledge that General Yamashita was very much concerned about the failure of the naval troops to evacuate Manila?

A I believe that the -- my staff, through the chief of staff, made a plan to evacuate Manila, and the army issued the plan for the evacuation.

CAPTAIN SANDBERG: May we have your indulgence for

a moment, sir?

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: Will you read back the last answer?

(Question and answer read.)

CAPTAIN SANDBERG: If the Commission please, we have this interpretation: "My chief of staff went to the army chief of staff to suggest the evacuation of Manila, and was told that the order for withdrawal had already been issued."

MAJOR KERR: Our interpreter has it the same way, sir.

GENERAL REYNOLDS: The statements in question are so similar -- does the official interpreter think there is any difference of opinion?

COMMANDER BARTLETT: I fail to see the difference between what the reporter read, in substance, and what the other parties are saying. My understanding is that they are all about almost exactly what the witness said: That his chief of staff, or his staff, went to the army staff and suggested the early evacuation of Manila and was told that such orders had been issued. I think that is what the reporter read, and I think that is what we have here, and I think that is what he said.

CAPTAIN SANDBERG: As stated by the reporter, it doesn't give the element of already having been issued. The implication is that it was issued after the navy chief of staff --

GENERAL REYNOLDS: Will the reporter read the answer

again?

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

"A I believe that the -- my staff, through the chief of staff, made a plan to evacuate Manila, and the army issued the plan for the evacuation."

COMMANDER BARTLETT: We stand corrected.

GENERAL REYNOLDS: Then we will wish to get it in the record in accordance with your present view as to the proper translation.

CAPTAIN SANDBERG: That is, the translation as read by me is accepted by the interpreter and by the Commission?

COMMANDER BARTLETT: Well, I would suggest you use the one that I made, sir.

Will you read the one I made?

(The portion of the record referred to was read by the reporter as follows:)

"That his chief of staff, or his staff, went to the army staff and suggested the early evacuation of Manila and was told that such orders had been issued."

CAPTAIN SANDBERG: That is agreeable.

CAPTAIN REEL: That is all right.

Q (By Captain Sandberg) Do you recall a radio message from Rear Admiral Arima, your chief of staff, to Rear Admiral Iwabuchi, concerning the evacuation of Manila?

THE INTERPRETER: Will you read the question, please?

(Question read.)

A (Through the Interpreter) I remember.

Q (By Captain Sandberg) Will you tell us what the gist of that message was?

A I don't know the details, but the message was -- well, the gist of the message was, "How about evacuating as soon as possible, and to execute a strong delayed action outside of Manila?"

Q Do you believe that Admiral Iwabuchi may have delayed his withdrawal because he had not yet completed the destruction of the harbors, docks and supplies?

A Maybe there was something to that. That is my opinion.

Q These five meetings you had with General Yamashita were mostly social, weren't they?

A Principally that.

Q And that is why you do not remember specific topics of conversation?

A I think that is unreasonable. What do you think about it?

Q You mean unreasonable to expect you to remember?

A It is a little difficult to remember things that were said among friends while eating, in these several meetings.

CAPTAIN SANDBERG: Your witness.

(The witness made a statement in his own language.)

INTERPRETER ITO: "I do not remember the contents of those meetings at all."

GENERAL REYNOLDS: There will be questions by the Commission.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) Admiral, to return to the turning over of the land troops of your command in the Manila area to General Yamashita, why did you turn these troops over to General Yamashita? I will rephrase the question.

Why did you turn over your land troops to General Yamashita on or about January 6th, 1945?

A (Through the Interpreter) Because I believed that battle would start in Manila.

Q Did you have full authority to take such action in a situation of this kind?

A It was not the authority, but the belief that battle will start in Manila presently; my estimation and belief.

Q Did you notify the Navy Department in Tokio of your action?

A Yes, I notified them.

GENERAL REYNOLDS: You may continue.

CAPTAIN PACE: While we are looking for something, sir, I will ask another question.

REDIRECT EXAMINATION

Q (By Captain Pace) Did you have authority to promote or denote any navy officer in Manila?

A To promote or denote officer is not my authority, but it is the authority of naval department. However, I have the authority to express my opinion to that naval administration.

Q Now, after January 6th, 1945, did you have authority to issue orders to the navy commanders in Manila?

A I did not have authority concerning land operations.

Q Did you ever regain that authority to issue orders over troops in Manila?

A I did not have.

Q Did you have authority to order the navy troops to evacuate Manila after January 6th?

A I did not have.

Q At any time did Yamashita request that you exercise disciplinary powers over any of the troops in Manila?

COMMANDER BARTLETT: Will you please rephrase the question?

Q (By Captain Pace) Did Yamashita have authority to exercise -- withdraw that, too.

Did Yamashita have the power to discipline troops in Manila after January 6th?

CAPTAIN SANDBERG: Sir, we object to that question as being very vague. What troops?

GENERAL REYNOLDS: The objection is sustained.

CAPTAIN PACE: In what respect, sir, is it vague?

GENERAL REYNOLDS: Let the Commission ask the question.

Who was responsible for the discipline of Japanese troops in Manila after January 6th, 1945?

THE WITNESS: (Through the Interpreter) It was General Yamashita's authority to, in matters pertaining to operation; but in matters not pertaining to operation it was my responsibility.

GENERAL REYNOLDS: One more question: Was the witness responsible for the control and discipline of Japan-

ese troops in Manila after January 6th, 1945?

THE WITNESS: (Through the Interpreter) I had the responsibility not pertaining to operations.

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: No further questions, sir.

CAPTAIN SANDBERG: We have one further question.

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: We will withdraw it.

GENERAL REYNOLDS: The witness may be excused.

(Witness excused.)

GENERAL REYNOLDS: What is your situation as to time at the moment, Major Kerr?

MAJOR KERR: Well, sir, so far as I can tell now, we can still finish tomorrow. We have no further witnesses for today.

Now, sir, in connection with the Palawan massacre, on Palawan Island, which we intend to put on tomorrow, we will have some motion pictures. These motion pictures are in the nature of a photographic interview, with sound track, of the survivors of that massacre; and we should like to show those photographs, that film, after the testimony on Palawan. I would suggest tomorrow evening, or, if the Commission prefers, it could be Monday evening, taking it out of order.

GENERAL REYNOLDS: The Commission will view the pictures Monday evening.

MAJOR KERR: At what time, sir?

GENERAL REYNOLDS: 8 o'clock.

MAJOR KERR: We have nothing further for today, sir.

GENERAL REYNOLDS: In that event, the Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 1725 hours, 16 November 1945, the trial was adjourned until 0830 hours, 17 November 1945.)