

Yamashita, Tomoyuki, 1895-1946, defendant  
"

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.  
9 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

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>GROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Gabriela M. Luz	1568	1573	1578	
Apolinaria Navarro	1579	1583		
Segundo Gube	1584	1585		
Jose M. Katigbak	1587	1604	1616	1617
Conchita Alas Tualhati	1621	1625		
Juanita Barrion	1628	1636	1639	
Miligros Barrion	1641			
Juan Vergara	1647	1649		
Simplicio Deomampo	1652	1653		
Hilario Laro	1655	1658	1659	1660
Ignacio Banawa	1661	1662		
Casimiro Garcia	1671	1673		
Juan K. Solis	1677	1680		
Armando Malay	1689			
Anatolio Litonque	1697			
Felix Gonzales	1702			
Cipriano de la Pena	1707	1708		
Valentina Rimo	1709	1712		
Leoradio Maulion	1714	1715	1718	
Ignacio Banawa (recalled by Commission)	1720			
Casimiro Garcia (recalled by Commission)	1727			
Elisa Magpantay	1736			
Augustin Lunar	1737	1738	1739	
Placido Chavez	1739	1740	1741	
Guillermo Aguila	1742	1745		
Timoteo Magsombol	1746	1749		
Augeniano La Rosa	1750	1759		

I N D E X

EXHIBITS

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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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 of the members of the Commission are present, the Accused and Defense Counsel are present. We will proceed.

I believe, sir, the first order of procedure this morning is the ruling by the Commission on the statement of General Koh which was offered in evidence yesterday.

GENERAL REYNOLDS: I will ask the Defense if there are any statements in this document to which they wish to object or to which they wish to invite the special attention of the Commission.

CAPTAIN REEL: Sir, the Defense wishes to object to the admission of the document. In addition to the grounds that are already before the Commission, there are two objections.

GENERAL REYNOLDS: Now, we will pause there. We went into that thoroughly yesterday and ruled that there would be no further discussion about the general admissibility of the documents, and I remind you of that ruling and statement.

CAPTAIN REEL: Sir, does that ruling go to additional objections that may apply to this document and which are different from any other documents? We haven't had a chance, sir, to --

GENERAL REYNOLDS: If there are additional objections other than the objection to the documents that are taken in the manner prescribed in the rules and regulations governing

this Commission, we will of course entertain and consider them.

CAPTAIN REEL: I have two such objections.

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: The first is that there is nothing on the face of this document that indicates that the person from whom it was taken was apprised of his rights not to give a statement and not to incriminate himself.

Secondly, the document is apparently a translation or an interpretation or it is based on a translation or interpretation. As we know, the difficulties of interpreting between the Japanese language and the English language are such that the way is open for many misunderstandings. For that second reason, sir, we object to this document and to any other document that is taken from a Japanese-speaking witness unless we also have the original Japanese which the witness saw and signed.

MAJOR KERR: If the Commission please, --

GENERAL REYNOLDS: Just a minute. We will now hear the Prosecution on the first objection which pertained to the point that there is nothing in the document to establish the fact that the affidavit was obtained with full knowledge of the signer to his rights.

MAJOR KERR: Sir, inasmuch as the Articles of War do not apply to this proceeding there is no requirement that in a statement of this sort the affiant be warned of his rights, because he has no such rights. I believe that is very clear, sir. If the Commission has ruled (and I believe it has) that the Articles of War do not

apply to this proceeding, then it necessarily follows that there are no rights against self-incrimination of which he need be warned before his statement is taken.

I assume, sir, that the Commission's function is to find the truth by whatever fair method may be employed for that purpose. I see no reason why it should not entertain an offer of proof --

GENERAL REYNOLDS: As to the second objection.

MAJOR KERR: Sir, as to the second point the Commission will note on page 245 of the statement the oath signed by the affiant to the effect that he had had read to him and he understood "the translation of the foregoing transcription of my interrogation and all answers contained therein . . . are true to the best of my knowledge and belief"; and also the affidavit of the interpreter to the effect that "I, Tadashi Yabe, at present interned at New Bilibid, Muntinlupa, Rizal, P.I., . . . state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively and that after being transcribed, I truly translated the foregoing deposition containing fifty-seven (57) pages, to the witness; that the witness thereupon in my presence affixed his signature thereto".

Now, sir, if the Defense contends that any part of this statement is not a correct translation or in any way wants to rebut any statement in this translation, it of course is free to bring the witness or his statement into the proceeding, present it to the Commission at the time they put on their own case. But if the Commission should

rule with the Defense in this matter it would simply mean that we would be foreclosed of bringing in any statement in English of any Japanese.

GENERAL REYNOLDS: As to the first objection of Defense, subject to objection by any member of the Commission the objection is not sustained.

As to the second objection a similar ruling applies except if there is any particular statement which Defense feels is material and should be considered in Japanese, the Commission will consider the necessity for such additional translation.

CAPTAIN REEL: Thank you, sir, but may I point out that unless we get the original Japanese we have no way of knowing whether there was any question of interpretation. If that may be furnished to us by the Prosecution, then we will be able to comply with the Commission's suggestion.

MAJOR KERR: Sir, the Defense has available a wealth of Japanese talent to interpret this back to General Koh. General Koh personally is available to the Defense. We see no reason why the Prosecution should be burdened with the necessity of translating this back into Japanese.

CAPTAIN REEL: I am afraid, sir, that the Chief Prosecutor does not understand. It isn't a case of translating back. It is a case of getting the original question and answer that General Koh gave, not of the translation back but of the original, so that we can see if this is correct and if there are any errors.

GENERAL REYNOLDS: Well, it is the opinion of the Commission that we have gone far enough. The bulk of

these statements do not pertain to the charges against the Accused. If there is some special statement which the Accused or his counsel questions with respect to the accuracy of the translation, if they will present the subject to the Commission we will then consider whether it is sufficiently material to take that additional time.

CAPTAIN REEL: Sir, we of course are satisfied with the conditions of the Commission's ruling, but we ask then at this time that the Prosecution during the course of its case produce the witness. By putting in this statement they have made General Koh their witness and we demand, therefore, the right to cross examine him on this statement.

MAJOR KERR: Sir?

GENERAL REYNOLDS: Does the Prosecution desire to introduce this entire affidavit? There is so much of this which is irrelevant to the purpose for which we are convened.

MAJOR KERR: Originally, sir, we had intended merely to identify the statement to the Commission and then read into the record certain portions of the entire statement, but I believe it was suggested yesterday that we should put in the entire statement. Now, either arrangement is entirely satisfactory to the Prosecution. Of course, there is this advantage with the entire statement: it does include quite a bit of material as to the background of this man and his connections with the Japanese High Command.

GENERAL REYNOLDS: The document will be accepted. Whether General Koh will be summoned as a Prosecution witness is at this time left wholly to the discretion of the Prosecutor.

The Commission will again inquire whether there are any specific statements to which the Defense wishes to call the attention of the Commission.

CAPTAIN REEL: Sir, at this time, until we know just what specific statements the Prosecution has in mind, we don't wish to avail ourselves of that privilege. We wish to state at this time that there are many statements in here which we wish to call to the Commission's attention, if not now, when the statements become material.

There are some that we will want to call to the Commission's attention now in all probability when we know just what parts of this are considered material by the Prosecution at this time. If we may hear from them first, then we will be in a better position to state which parts we are interested in at this particular moment.

GENERAL REYNOLDS: I think we are just killing time. The Commission has studied this document with great care. We find that there are material statements in it and many others which bear upon it whether or not material, and still other data which is not relevant to the issues involved. However, the Commission has extended the privilege to Defense pointing out these particularly-important matters and it has not been accepted.

The matter will be considered closed at this time and the Prosecution will proceed, with this one statement to Defense: that you may at a later time point out such statements as you may wish.

CAPTAIN REEL: Thank you, sir.

(Prosecution Exhibit No. 238  
for identification was re-  
ceived in evidence.)

GABRIELA M. LUZ

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

DIRECT EXAMINATION

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

A Gabriela M. Luz.

Q Where do you live?

A Lipa, Batangas.

Q Now, in March, 1945, did you go to Suluc?

A Yes, sir.

Q Now, on the 12th of March, 1945, did anything unusual happen there?

A Yes, sir.

Q Will you describe what happened there, please? Go ahead, do it in English.

A On March 12, about 11 o'clock in the morning, we were told to line up in --

Q Who told you that?

A The makapili, by order of the Japanese.

Q All right. How many of you lined up?

A About 500 people, men, women and children, were lined up.

Q Where did these 500 people go?

A About 300 people went near the bank of the river, because they were killed, and 150 went inside in the barrio of Suluc.

Q Who separated the 150 from the 350?

A The Japanese soldiers.

Q Did you go with the group of 350 to the bank of the river?

A Yes, sir.

Q What happened after you got to the bank of the river?

A Before we proceeded to the bank of the river we were searched, and 1,517 pesos coin was taken from me, and the jewels that they took from me is 1,500, also.

THE REPORTER: Will you repeat that, please?

THE WITNESS: Before we proceeded to the bank of the river, we were first searched by the Japanese soldiers, and the money that was taken from me was 1,517 pesos coin, and the jewels that they took from me is 1,500, also. When we were near the river, I saw a man, hand-tied at the back, and when I saw my son was already tied, I said, "My God! We will be killed, and -- (weeping) -- I cannot but have tears."

Q Were the men taken to the bank of the river ahead of the women?

A Yes, sir.

Q Did you see or hear what happened to them?

A I didn't see them exactly, but I heard their cries.

Q And then were the women and children led to the bank of the river? Were the women and children led to the bank of the river?

A Yes, sir.

Q Were you able to see what happened to them?

A I did not see exactly what happened to them, because they were covered with grasses.

Q How many were taken at a time?

A I don't know, because they were taken there in families.

Q One family at a time?

A Yes, sir, a family at a time.

Q Was your family the last family to be taken?

A Yes, sir, the last one.

Q What happened just before your family was taken?

Did an airplane come?

A Before my family was taken, all the people there were killed.

Q Yes, and then what happened when it was your family's turn?

A When it comes to our family, I saw my son, my brother, my brother-in-law, my uncle and my nephew hand-tied.

Q Were they taken to the river?

A They were taken very near the river. I told my son, Julio, to tell the Japanese that he is a nephew of Mayor Luz, who was the president at that time of Lipa.

Q Mayor Luz was a very close friend of the Japanese, is that right?

A Yes, sir.

Q He was one of the leading collaborationists down there?

A Yes, sir.

Q And you were married to his brother?

A Yes, sir.

Q Is that what you had your son go and tell the Japanese?

A I told my older son, Julio, to tell the Japanese

that he is a nephew of Mayor Luz, but the Japanese didn't mind him, and he said to him, "Kora!" which I don't understand what is the meaning of that "Kora!" Then the Japanese soldier took him and led him to the very bank of the river. At that time there were two American planes passing by, so the Japanese were very afraid of the airplanes. The Japanese told us to hide under the trees, so we went there; we were waiting for the American planes to pass by. I took my small boy, Maximo Luz, Jr., to tell the Japanese that he is a relative of the Mayor Luz. Then my boy, Maximo Luz, told the Japanese that he is a nephew of the Mayor Luz, and as I remember, he said, "Watash ojisan riba -- "

Q What does that mean?

A I don't know. He just told that way. He pointed out I was the mother and all of us were his relatives. So he took the boy from me about a meter away from me and he conversed with him, and in the meantime my son and my brother-in-law and my brother and the rest of the family were taken to the bank of the river, and they were being killed there, and the Japanese then took again the boy, and told me (making slapping motions) "Bakayaro! O.K. Go back." And then we went back to the barrio Sulac. When we walked -- after we had walked about half again a meter, the Japanese stopped us and he told me, "Why, you have American money. You must be supporting the guerrilla; you must be rich," the Japanese soldier told me. I didn't give him any answer, because I was very lonely; I told him, "What is life for me now, my son being killed? Whether you

kill me or not, that doesn't matter."

Q You were able to save 11 people and yourself by finally getting the Japanese to understand that you were the sister-in-law of Mayor Luz, is that right?

A Yes, sir.

Q And you told the Japanese that these other 11 people were also related to him?

A Yes, sir.

Q And they were all saved?

A Yes, sir.

CAPTAIN SANDBERG: We weren't able to understand the last long statement of the witness. May we have it read?

(The answer referred to was read by the reporter as follows: "I don't know. He just told that way. He pointed out I was the mother and 11 of us were his relatives. So he took the boy from me about a meter away from me and he conversed with him, and in the meantime my son and my brother-in-law and my brother and the rest of the family were taken to the bank of the river, and they were being killed there, and the Japanese then took again the boy, and told me (making slapping motions) "Bakayaro! O.K. Go back." And then we went back to the barrio Sulac. When we walked -- after we had walked about half again a meter, the Japanese stopped us and he told me, "Why, you have American money. You must be supporting the guerrilla; you must be rich," the Japanese soldier told me. I didn't give him any answer, because I was very lonely; I told him, "What is life for me now, my son being killed?

Whether you kill me or not, that doesn't matter.")

Q (By Captain Pace) There is one statement there, Mrs. Luz -- did you say that your son and your brother-in-law --

A My brother, my brother-in-law, my nephew and my uncle were being killed there at the bank of the river.

Q They were being killed there, not held?

A They were killed there.

Q Now, out of the 350 people that were taken to the river, were the only people who survived you and the 11 people who you talked the Japanese into letting leave?

A Yes, sir.

Q Were all these 350 people civilians?

A Yes, sir. They were men, women and children.

CAPTAIN PACE: You may inquire.

CROSS-EXAMINATION

Q (By Captain Sandberg) Now, you say you were taken to the river by the makapili, is that correct?

A No, sir, we were taken there by the Japanese.

Q Well, what part did the makapili play there?

A The makapili was the one who made the list of the ones to be saved and the ones to be killed.

Q And the Japanese simply followed the list made by the makapili?

A Yes, sir.

Q And whoever the makapili told them to kill, the Japanese killed?

A Beg pardon?

Q I say that whoever the Japanese -- whoever the makapili

told the Japanese to kill, they killed?

A Yes, sir.

Q Now, is that makapili the same organization that is headed by General Artemio Ricarte? Did you ever hear of him?

A I don't get that. I don't get your question.

Q I say, is this makapili you are talking about the same organization that is headed by General Artemio Ricarte?

A No. He is just the leader of the labor battalion.

Q Did you ever hear of Benigno Ramos?

A Yes, sir.

Q Is he also with General Ricarte in the makapili?

A But he was not there. I just heard his name.

Q They weren't there at that particular time?

A No, they were not there, and if they were there I have not seen them.

Q But they were leaders in the makapili?

A I don't know.

Q Now, the makapili was an organization consisting solely of Filipinos, wasn't it?

A I don't know exactly about the makapili organization, because we are not enlisted in that organization.

Q But your brother-in-law was one of the leaders of the makapili?

A No, he is not. And we were about to be killed, had it not been for my son, because he can speak in Japanese and he can write a little Kata Kana. But we have no makapili soldiers.

Q Well, didn't you testify here on direct examination

that your brother-in-law was one of the leaders of the Makapili?

A He was not on the list, but he was on the list to be killed.

CAPTAIN PACE: If the Commission please --

GENERAL REYNOLDS: The Prosecution will be heard.

CAPTAIN PACE: If the Commission please, I know the record will show that she testified he was one of the leading collaborationists.

GENERAL REYNOLDS: That is our recollection. Would you like to have it read back?

CAPTAIN SANDBERG: Well, I would rather do that, sir -- I will put the direct question to the witness.

GENERAL REYNOLDS: Will the reporter please find it?

It seemed quite clear to the Commission that the word is "collaborationist".

CAPTAIN SANDBERG: If the Commission please, that the Makapili was the leading collaborationists is the line of questioning we are following.

CAPTAIN PACE: Surely there is no testimony about that, sir.

(The questions and answers referred to were read by the reporter, as follows:

"Q Mayor Luz was the very close friend of the Japanese; is that right?

"A Yes, sir.

"Q He was one of the leading collaborationists down there?

"A Yes, sir.

"Q And you were married to his brother-in-law?

"A Yes, sir.")

CAPTAIN SANDBERG: And now, sir, I would like to ask the witness whether her brother-in-law, who was one of the leading collaborationists, was also in the Makapili.

GENERAL REYNOLDS: There is no objection to the question.

Q (By Captain Sandberg) Was your brother-in-law a member of the Makapili?

A I don't get your question.

Q Was your brother-in-law a member of the Makapili?

A I don't know whether he is a member of the Makapili or not, but I know that he is a collaborationist.

Q Were most of the members of the Makapili collaborators?

A I don't know the membership.

Q What did your brother-in-law's collaborations with the Japanese consist of? What did he do to help the Japanese?

A I don't know anything about that. I only know he, being the president of Lipa and he was the only man who accepted the presidency, he must be a collaborator. That's

the only way I know. I don't know anything about his membership in Makapili. I don't know anything about those.

Q Your brother-in-law was mayor of Lipa?

A Yes, sir.

Q Isn't it a fact that your brother-in-law, the mayor of Lipa, made a list which he gave the Japanese of people who were guerrillas?

A I don't know.

Q Do you remember your brother-in-law being kidnapped between October and November of 1944 by the guerrillas?

A I don't know, sir.

GENERAL REYNOLDS: The Commission interrupts. The line of questioning does not appear to be relevant. Is there some specific motive you have in mind with the questions?

CAPTAIN SANDBERG: If you please, sir, our purpose is to illustrate the exact circumstances surrounding this episode to indicate the morale of the Japanese troops as bearing upon the control of the Accused.

MAJOR KERR: Sir, that is precisely the question which the Commission excluded yesterday -- exactly the same question.

CAPTAIN SANDBERG: And I may add also, sir, that the specific Particular in this case describes the persons killed as "noncombatant civilians", and the purpose of this line of questioning is to ascertain whether or not they were in fact noncombatant civilians or combatant civilians.

GENERAL REYNOLDS: The Commission will permit a short continuation of this approach.

Q (By Captain Sandberg) Now, do you know who in the Makapili made up the list of people that were to be taken to the river?

A Yes, sir.

Q Who was it?

A Sergio Pasajol was the one who made the list of the people of those who would be killed and those who would be saved.

Q And he was a Filipino?

A Yes, sir.

Q Did you give any assistance to the guerrillas?

A No.

Q Did any of these three hundred people give any assistance to the guerrillas?

A No.

Q Did anyone of the Town of Lipa give any assistance to the guerrillas?

A I don't know. There are too many of them. How can I tell?

Q Do you know anything at all about any guerrilla activity in Lipa?

A I don't know.

Q You don't remember the incident in which your brother-in-law was kidnapped by the guerrillas?

A I don't know.

CAPTAIN SANDBERG: That's all.

REDIRECT EXAMINATION

Q (By Captain Pace) Mrs. Luz, how old was your boy who was killed?

A 13 years old.

Q Is he a guerrilla?

A No. He is not a guerrilla. He is very small.

Q Were there babies in that group of people?

A I beg your pardon?

Q Were there babies in that group of people carried by their mothers?

A Yes, sir.

Q Were there small children in that crowd, five and six years old?

A Yes, sir.

Q Were they guerrillas?

A No.

CAPTAIN PACE: Thank you.

(Witness excused)

CAPTAIN PACE: Mrs. Navarro.

APOLINARIA NAVARRO

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

DIRECT EXAMINATION

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

A Apolinaria Navarro.

Q Where do you live?

A In the town of Sulac.

Q How do you spell that?

A I do not know how to spell.

Q Were you in Sulac on the 12th of March, 1945?

A Yes, I was there.

Q Will you describe what happened to you on the morning of that day?

A Yes.

Q What happened?

A On the 12th of March about 6:00 o'clock in the morning we were taken by the Makapilis.

Q Where were you taken?

A In front of the house of Primo Tiento.

Q Where were you taken then?

A After that we were brought to the school.

Q How long did you stay there?

A When we were taken from there it was already 3:00 o'clock in the afternoon.

Q Where were you taken?

A We were taken back in front of the house of Primo Tiento once more.

Q Where were you taken then?

A We were separated by families.

Q How many of you were separated by families?

A We were 300 in the school.

Q Where were the 300 people who were separated by families taken then?

A Near the bank of the river.

Q Is Mrs. Gabriela M. Luz who has just testified and her family in the same group of 300 that you were in or was she in another group?

A No, she was not.

Q She was not in your group of 300?

A No, she was not.

Q What happened after you reached the river?

A When we arrived there I saw a family being killed yet.

Q Yes. And what happened then?

A A child was taken and was thrown to the air and then caught by the point of the bayonet.

Q How old a child?

A Six months old.

Q To whom did that child belong?

A Maximo Magabazon.

Q What else did you see happen?

A After they have killed that six months old child with the bayonet, then they continued killing six more of the children that were left with bayonet thrusts.

Q How old were these children?

A They were with their fathers or their parents.

Q How old were they, approximately?

A One of them was six years old and the other is 12 years old.

Q What happened to you and your child?

A I have two children, one on each hand. I was holding them one on each hand. We were near the river and the Japanese was dragging my child away from me, from my hand, and I was reluctant to give him.

Q Yes.

A When they could not snatch my child from me one of them held me by the back -- one of them held me by the shoulder and said and accused me that I was a guerrilla.

Q Yes.

A When they held me by the shoulder tightly they were able to get my child. After they have taken my children each one of them screamed. When I looked over at my girl child I saw that she was bayoneted right on the breast, which penetrated through the back. After I saw that my children were wounded, then I looked up to heaven and cried "God please forgive us! Have mercy on us!" Then I suddenly heard somebody at the back and then I fell bayoneted on my back.

Q How many times were you bayoneted?

A Many of them thrust their bayonets on me all at the same time.

Q How many bayonet wounds did you receive?

A Five.

Q Were your two children killed?

A Yes, they were killed.

Q How old was the boy?

A Ten years old.

Q How old was the girl?

A Six years old.

Q Was the child which you are now carrying born three months after this event?

A Yes.

Q Did you become unconscious after you were bayoneted?

A No, I never lost consciousness.

Q How many dead bodies did you see there on the river bank?

A Very many.

Q Were all of these people unarmed civilians?

A Yes.

Q And who killed the people whom you saw killed?

A They were the Japanese.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Did you see any members of the Makapili kill anybody?

A No, I did not see any.

Q Do you know that on that day and at that time the members of the Makapili did kill some of the people?

A No, I did not see.

Q The Makapili were the remnants of an old organization that existed in Lipa for a long time, were they not?

A I do not know.

Q Well, even before the war wasn't there an organization of outlaws and bandits in the Lipa area?

CAPTAIN PACE: If the Commission please, --

A I do not know of any.

CAPTAIN PACE: -- I can't conceive of how such a question can have any possible bearing on this case.

GENERAL REYNOLDS: It does seem to the Commission unnecessary consumption of time, unless the Defense has some real reason that is not apparent to the Commission.

CAPTAIN REEL: Sir, there are no further questions that the Defense wishes to ask of this witness because of her answers to the last two. However, may I state that the Defense does believe that this matter is material to the actual occurrences as well as to the charges against the Accused.

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: Thank you.

(Witness excused.)

CAPTAIN PACE: Segundo Gube.

SEGUNDO GUBE

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

DIRECT EXAMINATION

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

A Segundo Gube.

Q Where do you live?

A In Mataas-na-Lupa, Lipa, Batangas.

Q Were you in the City of Lipa on February 17, 1945?

A Yes, I was there.

Q That evening at whose home were you?

A I was in the house of Mr. Dominador Luz.

Q He was the Mayor of Lipa at that time?

A Yes.

Q Did a Japanese come to his house that evening?

A Yes. One Japanese went to his house at about 9:00 o'clock in the evening.

Q Did you subsequently find out the name of that Japanese?

A When the Japanese left.

Q What was his name?

A The Mayor told us he was General Fujishige.

Q And did he say who General Fujishige was?

A Yes. He said he was the highest commanding officer at our place.

Q Where were you when Fujishige and Luz were there?

A We were in the next room.

Q What did Luz and Fujishige do?

A They sat near a table and talked.

Q All right. What happened?

A When the General got drunk he threw things on the table and then he shouted "All Filipinos will be killed."

CAPTAIN REEL: Sir, we will ask that the answer be stricken. The answer in so far as the matter of drunkenness is concerned is opinion evidence and so it is inadmissible as a conclusion, and the answer as far as any conversation is concerned is hearsay two degrees removed.

GENERAL REYNOLDS: Will the reporter read the question and answer?

(Question and answer read.)

GENERAL REYNOLDS: The question and its answer will be stricken from the record.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: Is the ruling that the question and answer were to be stricken?

GENERAL REYNOLDS: Stricken from the record.

CAPTAIN REEL: Just one question, sir.

#### CROSS EXAMINATION

Q (By Captain Reel) Do you know whether Mayor Luz was kidnapped by the guerrillas?

A No.

Q Don't you know that he was kidnapped sometime about two or three months before you were at his house?

A No. I don't know of his having been taken from Lipa.

Q Mr. Gube, were you friendly to the Japanese? Were you a collaborator?

A No.

Q Were you friendly with Mayor Luz?

A Yes.

Q And wasn't Mayor Luz a collaborator?

A Yes.

Q And you knew that he was?

A Yes.

CAPTAIN REEL: That's all.

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

(Witness excused)

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(Short recess)

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

MAJOR KERR: Sir, prior to the recess, the Commission excluded certain answers of this witness. I assume, sir, for the guidance of the Prosecution, that that ruling was directed to that particular question and answer alone, and was not intended as a general ruling by the Commission against the introduction of hearsay testimony?

GENERAL REYNOLDS: That is correct, and the phraseology of the statement by the Commission would so clearly indicate.

MAJOR KERR: Yes, sir.

CAPTAIN PACE: Is the Defense through with this witness?

CAPTAIN REEL: Yes.

(Witness excused)

JOSE M. KATIGBAK

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 Jose M. Katigbak.

Q Where do you live?

A Lipa, Batangas.

Q What is your profession?

A Physician.

Q And in addition to being a physician, do you hold any other position?

A I am the acting mayor of Lipa, Batangas.

Q How long have you been the mayor of Lipa, Batangas?

A Since April 23, 1945.

Q During the Japanese occupation of Lipa and before their withdrawal from Lipa, did they do anything to the city?

A Before their withdrawal from Lipa, there was a preparation, a deliberate preparation for the destruction of the town.

Q What did they do in preparation for destruction of the town?

A All the big houses were provided with drums of gasoline. The small houses were also provided with bottles of gasoline.

Q With what?

A Bottles containing gasoline. This they placed in all houses. There was also a preparation for a sure destruction of the town by having some of the soldiers drill in throwing lighted bottles of gasoline on the walls, in order to break them and be sure of the flames that would get out of the bottles of gasoline.

Q What happened when the Japanese withdrew?

A Before they withdrew, it was somewhere around about the end of March, a portion of the town has been burned.

Q By whom?

A By the Japanese.

Q All right. What happened then?

A Then on the 27th of March -- that is, Tuesday of the Holy Week -- the whole town was set on fire.

Q By whom?

A By the Japanese.

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

Q Will you look at Prosecution Exhibit 259 for identification and state what that is.

A This a part of the town of Lipa, looking southward from the bell tower.

Q Is that a correct representation of the way the portion of Lipa shown in that photograph looked after the Japanese had burned the town?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

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

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

Q (By Captain Pace) Will you look at Prosecution Exhibit 260 for identification and state what that is.

A This is a picture of the portion of the town looking northward, after the destruction.

Q Does that correctly show the way that portion of the town looked after it was burned?

A Yes, sir.

Q There appear in that picture roofs that appear to be of a temporary nature, and several items like that. Have they been added since the fire?

A Yes, sir. These are the temporary buildings that have been erected by the inhabitants.

CAPTAIN PACE: I offer this in evidence.

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

(Prosecution Exhibit No. 260 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 261 for identification.)

Q (By Captain Pace) Will you look at Prosecution Exhibit 261 for identification and describe it?

A This is the portion of the town looking westward from the bell tower, after the destruction of the Japanese.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 261 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 262 for identification.)

Q (By Captain Pace) Did the Japanese do anything to prepare the Lipa Cathedral for burning?

A The convent which was located near the cathedral was also provided with drums of gasoline.

Q And did the cathedral and the convent burn?

A Both of them burned down.

Q Will you look at Exhibit 262 for identification, and state what it shows?

A This is the Lipa Cathedral after it had been destroyed, burned down.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 262 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 263 for identification.)

Q (By Captain Pace) Will you look at Exhibit 263 for identification and see if you can identify it?

A This is the inside of the Lipa Cathedral after it has been destroyed.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 263 for identification was received in evidence.)

Q (By Captain Pace) Now, was any other destruction to property done by the Japanese before they evacuated?

A Before the evacuation, the other destruction that was done was the confiscation of whatever belongings that were left behind by the people in their rush in going away; such as corinatas, automobiles, clothes, and all other animals -- for example, chickens and cows; all had been taken away by the Japanese.

Q Did they pay for them?

A No.

Q Was anything else destroyed?

A Destruction of lives.

Q How about municipal facilities?

A The municipal building, the electric light plant, was totally blown up, and also the water system was destroyed.

Q What destruction, if any, occurred in Lipa due to American bombing or shelling?

A There were around ten houses that were bombed by the Americans. Now, these houses that were bombed, were previously marked by the ROTC Hunters guerrilla unit, which has its headquarters in Lipa.

Q Nothing was destroyed other than the ten houses that were bombed after they had been marked by the guerrillas, is that right?

A That is what has been the report of the guerrillas.

Q Now, as municipal mayor for the municipality of Lipa, did you receive orders from the Governor of the Province of Batangas to conduct an investigation?

A Yes, sir.

Q What was the nature of the orders which you received?

A The orders were for the investigation of the destruction of property, property losses, the number of houses that has been burned, and the number of people that had been killed.

Q Now, has your office, under your supervision, made an investigation into the number of people killed?

A Yes, sir.

Q In the municipality of Lipa?

A Yes, sir.

Q Is that investigation complete yet?

A Up to this time it has not been completed, because most of the places are rather inaccessible at this time.

Q How does your staff investigate the people who were killed?

A By indulging -- giving the barrio lieutenants instructions to get the names of all the people in their barrio that have been killed.

Q And have the barrio lieutenants in your municipality, some of them, submitted lists?

A Yes, sir.

Q Pursuant to your orders?

A Yes, sir.

Q And have you compiled these lists?

A Yes, sir.

Q In connection with your official duties?

A Yes, sir.

(A list of names was marked Prosecution Exhibit No. 264 for identification.)

Q Will you look at Prosecution Exhibit 264 for identification, and tell me if you can identify it?

A Yes, sir. This is the list of the dead persons who dies by massacre under the Japanese hands, which has been compiled in our office, a partial list.

Q You say this is a partial list?

A Partial list.

Q Is that an official record of the deaths compiled by your office?

A Yes, sir.

Q Under your supervision?

A Yes, sir.

Q How many names does it contain?

A That list, I think, contains around 2164.

Q In addition to these 2164 dead people listed here, what is your estimate of the number of people who were residents of Lipa who were killed by the Japanese?

A The residents --

CAPTAIN REEL: Just a moment. Since the question adds the term "by the Japanese," we object to it; there has been no evidence of that at all. When the time comes when the Prosecution seeks to admit this, we will object to it on that basis; but since the question has been asked with those words, we will object to the question.

CAPTAIN PACE: I will withdraw the question, and at this time offer Prosecution Exhibit No. 264 for identification in evidence.

CAPTAIN REEL: Defense objects to the exhibit, sir, for the following reasons: In the first place, it is entirely beyond this witness' personal knowledge. In the second place, the list purports to be -- and I quote from it -- a list of persons massacred by the Japanese in Pangao, Lipa, Batangas. There is no evidence that this list of persons was massacred by the Japanese. It is beyond this witness' personal knowledge. In addition, this witness has testified that there were shellings by the American forces in that town; undoubtedly some people died from those shellings. This witness has further testified, sir, that Lipa was the headquarters of the Hunters

guerrillas, a pro-American guerrilla group. There has also been testified that the Makapili were operating in that area, an anti-American or pro-Japanese guerrilla group, and there is no way of ascertaining from this list how many of these people were killed in the bloody encounters between these guerrilla groups.

We feel that it is entirely unjustified, and we object to it, sir.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

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

GENERAL REYNOLDS: The objection of Counsel to the admission of the document in its present form is sustained. The list of names is accepted by the Commission as an official compilation by an appropriate civil agency of individual persons known to be missing from their customary abodes or in some cases known to be dead following the period in question.

Subject to this interpretation, the document is accepted by the Commission for such probative value as it considers appropriate.

(Prosecution Exhibit No. 264  
for identification was  
received in evidence.)

CAPTAIN REEL: Sir, may I ask that the reporter read back the first question and answer after the exhibit was first shown to the witness?

GENERAL REYNOLDS: Very well.

(The question and answer referred to were read by the reporter as follows:

"Q Will you look at Prosecution's Exhibit 264 for identification and tell me if you can identify it?

"A Yes, sir. This is a list of dead persons who died by massacre under the Japanese hands which had been compiled in our office -- a partial list.")

CAPTAIN REEL: Sir, because of the ruling of the Commission we ask that that question and answer be stricken from the record.

GENERAL REYNOLDS: The Commission directs that the question and answer be stricken from the record.

Q (By Captain Pace) Doctor, what orders did you receive from the Governor of the Province of Batangas in connection with the preparation of the list which is now Prosecution's Exhibit No. 264?

A The order that we received was to prepare a list of persons who were massacred during the Japanese regime.

Q Pursuant to that order what instructions did you give your subordinates?

A I told the subordinate lieutenants to take only the names of all persons that died under these circumstances.

Q What circumstances?

CAPTAIN REEL: May we ask that this examination be stricken or that its purpose be ascertained? We understood that the Commission had ruled that this exhibit is already in for a certain purpose. We don't believe that Prosecution should attempt now to change the ruling of the Commission by any other method.

CAPTAIN PACE: I submit, sir, that the document is worthless unless the method of its preparation, the purpose of its preparation, and the circumstances under which it was prepared are also in evidence.

GENERAL REYNOLDS: The Commission would have received and considered such testimony prior to the introduction of the document. The Commission has considered the points raised and it desires that further questioning as to the method used with regard to the document be omitted.

CAPTAIN PACE: Yes.

Q (By Captain Pace) What months or what period of time did the deaths in that list cover, Doctor?

A That list covered the deaths from February -- from November up to March of nineteen forty -- November, 1944, to March, 1945.

Q Does it contain the names of people who are known to have died natural deaths?

A No, sir; because of that we have a list in the municipality.

Q In the municipality of Lipa do you know how many people were killed due to the hazards of war, such as American or Japanese artillery fire?

CAPTAIN REEL: Sir, we object. We understood that the Commission had ruled on this subject.

GENERAL REYNOLDS: The objection of counsel is sustained.

CAPTAIN PACE: Am I to understand, sir, that we are allowed to show that the city records of Lipa, which supplement this list and their relation to it --

GENERAL REYNOLDS: As to the list which has been presented to the Commission on which this Commission has ruled, the matter is considered closed.

CAPTAIN PACE: Yes, sir.

Q (By Captain Pace) You stated, Doctor, that your investigation pursuant to the orders of the Governor of Batangas has not been completed. Is that correct?

A That is only a partial list that we have handed to the committee of -- War Crimes Committee.

Q How many people do you estimate in your official capacity were killed by the Japanese during the period in question?

CAPTAIN REEL: Sir, again we object.

GENERAL REYNOLDS: The objection is sustained.

MAJOR KERR: Sir, is the Prosecution to understand then, that the Commission will receive no testimony from this witness concerning who killed whom and how many in Batangas Province --

GENERAL REYNOLDS: The Commission --

MAJOR KERR: We are not seeking now, sir, to discuss the list in evidence, but I believe we qualified this witness to show how many people were killed by Japanese. That is the purpose of the line of questioning now.

GENERAL REYNOLDS: The Commission feels that the ruling announced was entirely clear and adequate. It has accepted this list as names of people who are known to be missing from the area and in some cases known to be dead. It does not seem to the Commission that after that ruling it is appropriate for the Prosecution to pursue the matter further. As far as that ruling governing on the presentation of any future documents, we will consider those future documents on their merits when they are presented to us for consideration.

MAJOR KERR: Then we are free, sir, to proceed with this witness outside of the list which is in evidence to show the deaths which did occur by Japanese action in his area? Is that correct, sir?

GENERAL REYNOLDS: It would seem to the Commission that if we were to do that he would testify as to his personal knowledge and not from the documents which have already been accepted by the Commission.

MAJOR KERR: Yes, sir.

CAPTAIN PACE: Will you read the question?

(Question read)

GENERAL REYNOLDS: That is an example of questions which the Commission considers inappropriate and will not be answered.

Q (By Captain Pace) Exclusive of the names contained in the Exhibit No. 264, how many additional people do you estimate were killed in the Municipality of Lipa by the Japanese?

A Around seven --

CAPTAIN REEL: Sorry. I object, sir. To those last words we object.

~~GENERAL REYNOLDS: If the witness is testifying~~  
by his personal knowledge, there is no objection to the question.

CAPTAIN PACE: I will ask a preparatory question, sir.

Q (By Captain Pace) Is any testimony you might give in that connection based upon information and reports and personal investigation on your part which was done in your official capacity pursuant to orders which you received officially from the Governor of Batangas?

A Yes, sir.

Q Will you state how many people you estimate to have been killed by the Japanese?

CAPTAIN REEL: We object, sir.

GENERAL REYNOLDS: I fear Prosecution is carrying this to an absurdity. If you wish to bring out questions

within the personal knowledge of this witness, the Commission will hear you.

CAPTAIN PACE: If the Commission please, I called this witness as an official and it is my understanding that in any court of law an official can testify to things which he has learned through subordinates which have been collected due to official instructions. If that is what the Commission means by "personal knowledge" I think that the witness is qualified to answer the question.

GENERAL REYNOLDS: As to the information he received by official investigation it is contained in this document. And once more the Commission announces the matter is closed.

CAPTAIN PACE: Yes, sir.

GENERAL REYNOLDS: This witness like any other person may testify as to his personal knowledge.

Q (By Captain Pace) How many residents of the Municipality of Lipa died between November, 1944 and April, 1945 from natural and other causes?

A From natural and other causes the number of people that died there is more than 10,000.

Q Of those 10,000 how many of them died from natural causes?

CAPTAIN REEL: Sir, we object unless there is some showing that this witness has personal knowledge, which the Commission has insisted upon.

GENERAL REYNOLDS: Objection is not sustained.

A I say there were more than 10,000 that died. Of this, according to the knowledge that we have in the

municipality, about 1,000 died of natural causes.

Q (By Captain Pace) Other than the people who were residents of the Municipality of Lipa did residents of other municipalities die there from other than natural causes?

A Yes, sir.

Q How many of those?

A There were more or less 1,000; between 500 and 1,000.

Q And how many of those died of natural deaths?

A There were less than a hundred, I think.

CAPTAIN REEL: Sir, we will ask that the answer be stricken. The witness obviously is not testifying from his personal knowledge. He said "less than 100, I think." This does not comply with the Commission's ruling.

~~GENERAL REYNOLDS: The objection is not sustained.~~

Q (By Captain Pace) Doctor, during the period of the liberation of the Municipality of Lipa and the period immediately preceding it was there any fighting between the American forces and the Japanese forces in your municipality?

A There was a very slight fighting took place there.

Q Well, will you give the scale of the fighting as you knew it?

A The Japanese withdrew to the mountains. There they did not venture to go out of their hiding place during daytime, so whatever fighting took place was the bombing of the Japanese concentrations in the foot of the mountains.

Q Were any of the residents of Lipa in the mountains with the Japanese where these bombings took place?

A A few, except those who are members of the makapilis, and those persons which they gathered from the foot of the mountains.

Q Approximately how many residents were there?

A There will be about 3,000 people down there.

Q From the municipality?

A From my municipality.

Q Have the figures you have given us included those people?

A From my municipality, that mountain is surrounded by three municipalities and some of these Filipino<sup>s</sup> down there are from other municipalities. From my municipality there were about 2,000 that were there.

Q Were you considering those people in the figures which you have given us?

A Pardon me?

Q The figures which you have given us, have they taken into consideration the people at the foot of the mountains with the Japanese?

A Those are the people of Lipa that were taken into the mountains.

Q Are you considering them when you give us these figures which you have testified to?

A In the killings?

Q Yes.

A No, sir.

Q How much bombing occurred in your municipality by either the Americans or the Japanese?

A There were plenty of bombings that we are unable to

account; also there were some shellings. Once in a while the Americans would shell them, so that practically we were never able to find how many were taking place.

Q Do you know how many people were killed by that?

A We were not able to get into the concentration camp.

CAPTAIN PACE: You may inquire.

CROSS-EXAMINATION

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

A During all my life except when I studied here in Manila.

Q And have you during that entire period been always in close touch with public affairs in Lipa?

A Yes, sir; after I graduated from the College of Medicine.

Q And would you say that you are well qualified to speak about everything that happened in Lipa?

A I am.

Q And would you also say that you are sure that nothing of public importance would occur in Lipa about which you would not know?

A I think so.

Q What was the population of Lipa in 1944?

A 1944 there was no census taken during that day -- that year.

Q As a man familiar with public affairs, what would you estimate the population?

A The population of Lipa with the census taken in 1939 was 45,000.

Q — I see. Do you know what the population of Lipa is now?

A According to our survey the population of Lipa, including all of those evacuees from other towns, is around 46,000.

Q That is, the population of Lipa now is 1,000 more than it was during the war?

A Including those evacuees that are still in Lipa from other towns.

Q You stated that the headquarters of the Hunters ROTC guerrillas was located in Lipa?

A Yes, sir.

Q How do you know that?

A Because my brother -- my younger brother is the Chief of the Intelligence Division of that guerrilla unit.

Q Would you repeat that answer, please?

A My younger brother is the Chief of the Intelligence Division of the ROTC guerrilla unit.

Q And did you know other people who were associated with the Hunters ROTC guerrillas?

A Yes, sir.

Q Were you yourself associated with them?

A Not exactly actively, but I am a supporter of it.

Q Will you describe to us exactly what your support consisted of?

A First support, I gave the lower part of my house as their headquarters and whenever they go to barrios, I either give them money or give them letters so that they may receive food and support from my friends in the barrios.

Q I see. And as a man familiar with public affairs in Lipa could you tell us what activities the Hunters ROTC guerrillas carried on?

A They were carrying an Intelligence Division, that is, working about the movements of the Japanese soldiers, the movements of their mechanized units, investigating the places where they were hiding their ammunition dumps, airplanes, parts of airplanes and other mechanical devices.

Q And as a man familiar with public affairs in Lipa would you say that their espionage activities were effective?

A I think so, sir.

Q Were the Hunters ROTC guerrillas armed?

A No, sir. Some of them are bearing only small arms like revolvers for self-protection when they go to the different towns.

Q Were any of them armed with bolo knives?

A Pardon me?

Q Bolo knives.

A "Bolo"?

Q Bolo knives?

A Some of them to disguise themselves as workers used these bolo knives.

Q Did the Hunters ROTC guerrillas wear a uniform or distinctive marking?

A No, sir.

Q Would you describe their activities generally as "clandestine" and "secret"?

A As secret.

Q Would you describe their activities as being of the type in which they operate against the Japanese from secret hiding places and at night?

A Not secret hiding places because the place, you may not call "secret" because it is right in the town; but their actions are all secret.

Q Would you describe the Hunters ROTC guerrillas as a military organization engaged in the war against the Japanese?

A These ROTC guerrillas, the one that is located in Lipa, Batangas, as I have said, is only for Intelligence Division. They are to detect all movements done by the Japanese, the soldier movement; they are to detect where the big guns are being placed and also the concentrations of their soldiers, ammunition dumps, and whatever is important that is asked by the headquarters.

Q As a man thoroughly familiar with public affairs in Lipa will you tell us what the strength of the Hunters ROTC was in February and March of 1945?

MAJOR KERR: If the Commission please, may I inquire as to the purpose of this cross-examination?

GENERAL REYNOLDS: It seems to be pertinent. We did caution the Defense yesterday that they would be permitted to develop the guerrilla activities during their presentation of the case. This is an unusual witness and the Defense may continue.

A The Intelligence Division that is located in Lipa, Batangas has more than a hundred members.

Q (By Captain Sandberg) I see. Was there also

operating at this time in Lipa the makapili?

A The makapilis during that time were rather inactive. They have not been in the field very much.

Q Well, do you remember an instance in which the makapili, as has been testified here this morning, made up lists of persons to be killed?

A Yes, sir.

Q And would you describe that as "inactivity"?

A Well, that's the only contribution that they have got. They don't venture out in the field, because this list was being compiled within the town limits or within their barrios.

Q So you would say that their sole activity was limited to informing the Japanese on the activities of the guerrillas?

A That was during February, but in March when they found out that the people were already going away, they increased their activity because most of the guerrillas were not there -- very few guerrillas were there already in town.

Q Were the makapili armed?

A Pardon me?

Q Were the makapili armed?

A Some of them were armed and some of them were not.

Q Returning to the Hunters ROTC, do you remember as a man familiar with activities in Lipa of a time when American airplanes dropped guns, machine guns and other supplies, military equipment for the use by the guerrillas around Lipa?

A In Lipa there was none of that.

Q Do you know of a guerrilla unit around Marauoy that amounted in strength to a full armed division?

A Marauoy, that is the P.Q.O.G.; President Quezon's Own Guerrillas. P.Q.O.G. guerrillas.

Q And that was an active military organization, was it not?

A Yes, sir.

Q Fully armed to the strength of one division?

A Not fully armed but well armed.

Q And do you remember a guerrilla unit around Lake Taal that had a strength of about 10,000?

A 5,000?

Q 10,000.

A There was no guerrilla unit that had 10,000 near Lake Taal. There was a guerrilla unit in the Islands of Lake Taal.

Q And what was the strength of that?

A Only about 250 to 300.

Q Do you know a guerrilla unit that was headed by Vicente Umali?

A That was the P.Q.O.G.

Q Was there opposition between the makapili and the President Quezon's Own Guerrillas?

A Plenty. They have everything against each other.

Q Do you remember the Hukbalajap? Did they operate down there?

A There was none in our locality .

Q Were there any operations by them in Batangas?

A There was none so far.

Q Do you remember when the Mayor of Lipa was kidnapped in November of 1944?

A Mayor of Lipa kidnapped?

Q Yes.

A The Mayor of Lipa that was supposed to be kidnapped is ex-mayor, not the mayor himself.

Q That is, he was the former --

A Mayor.

Q Mayor. And he was kidnapped by the guerrilla organizations?

A Not exactly kidnapped, but he run away and said that he was kidnapped in order to protect his family from the Japanese.

Q I see. As a man familiar with public affairs in Lipa will you tell us about the Japanese troops there?

How many were there in the town?

A During that time the Japanese troops in Lipa, the exact number is not available because they moved from one point to another. Sometimes groups will come to Lipa numbering about 600 or 700. The same groups will disappear the night after.

Q Well now, if I tell you that there were about 40 or 50 air force men, members of the Japanese air force there, would that refresh your recollection?

A You mean air force?

Q Japanese air force, that is, the ground force of the Japanese air force.

A The ground force of the Japanese air strip in Lipa is not only 50. There are about 200 of them.

Q Do you remember that after the Americans landed in Tagatay that the Japanese caused the City of Lipa to be evacuated of its civilian population?

A At first they told the people to evacuate. Then after when all the people had gone away they asked the people to return again and get passes so that they may go to town without any molestation from the Japanese.

Q Isn't it a fact that the purpose of that evacuation was to protect the civilian population from the ravages of war and the internecine fighting between the various contending guerrilla factions?

A That was what they said, but that was not the fact because after the people had gone to the barrios they began their raids in the barrios.

Q Lipa is on the main highway from Batangas to Manila, is it not?

A Yes, sir.

Q And there was a considerable amount of Japanese military traffic on that highway?

A Yes, sir.

Q Do you recall that incident in which that traffic was harrassed by guerrillas?

A Not in the vicinity of Lipa.

Q But nearby?

A Maybe in other towns, but not in Lipa.

Q Do you know Eusevio Linatoc?

A Yes, sir.

Q Do you know him as a member of a guerrilla organization?

A He is not a member of the guerrilla organization.

Q Do you know Cipriano Rodelas?

A Cipriano Rodelas?

Q Yes.

A He is not a member of the organization.

Q And Felix Javier?

A Felix Javier is also not a member of the organization.

Q And you knew who the members of the organization were?

A Some of them; not all.

Q You have a pretty good idea who did belong, but you weren't a member yourself?

A I am a supporter.

GENERAL REYNOLDS: The Commission is quite well informed on the activities of guerrillas in Lipa. Is there anything to be gained by pursuing this discussion further?

CAPTAIN SANDBERG: Well, sir, I am just about finished with that phase of the cross-examination.

Q (By Captain Sandberg) In connection with the destruction of Lipa where were you personally at that time?

A I was in the barrio.

Q How far from the city?

A Not very far. I could see the city from the barrio. It is about 11 kilometers.

Q You were about 11 kilometers from the scene of destruction?

A Yes.

Q So that you didn't actually see what caused the destruction, did you?

A What I mean is that I am outside of the town , is that my family and myself were living outside of the town, but being a supporter of the guerrillas we are always venturing to get into the town, near the town. So that during that night when they set fire most of our members were very near and some of them actually were within the town limits.

Q But so far as you yourself were concerned as a witness in this case, you didn't actually see what caused the destruction of the houses in Lipa?

A I saw those which are on the outskirts of the town. That is near the town limit.

Q And did you actually see how those houses were destroyed?

A Yes, sir.

Q What exactly did you see?

A They throw bottles of gasoline, bottles containing gasoline with a wick that is lighted. Some of them in small houses, they just splashed gasoline on the walls and then they lit it with match.

GENERAL REYNOLDS: The Commission has already heard that same question and the same answer, and unless Counsel has some particular reason for re-asking the question which is already in the record, we prefer not to take that time.

CAPTAIN SANDBERG: Well, if you please, sir, cross examination has already elicited from the witness that so far as the destruction of Lipa proper was concerned, it was not within the witness' own knowledge, even though on direct examination the inference was given that it was. We regard that as extremely important, and the purpose of this cross examination is to elicit from the witness exactly how much he knew or knows, and how much is mere rumor or secondhand information.

GENERAL REYNOLDS: Very well.

CAPTAIN SANDBERG: Thank you.

Q (By Captain Sandberg) Now, you say the ROTC guerrillas marked certain houses for destruction. How do you know that?

A Because the members of the guerrilla division were separated into different sections of the town.

Q Yes. And how did the information come to you?

A When the chief compiled these different reports of the agents, so that they can get the statement at one time.

Q So that you know the basis upon which the houses were marked for destruction?

A Pardon me?

Q So you know the basis upon which these houses were marked for destruction?

A I know them by that report, and also after some of the houses were being burned.

Q Now, isn't it a fact that the houses which were marked for destruction were the houses which belonged to Japanese collaborators?

A Exactly not -- those houses which were being occupied by materials; for example, airplane parts and gasoline owned by the Japanese.

Q I see. Now, with reference to the fighting in Lipa, you were not there at the time, were you?

A I was in the barrio. There was nobody inside the town when there was fighting.

Q So that you don't know of your own knowledge what the extent of the fighting was?

A What we see only on account of the cannons and the airplanes that were making a dive into the town.

Q Now, you don't also know of your own knowledge to what extent American artillery fire destroyed property in Lipa, do you?

A Not the American artillery fire; it practically didn't destroy anything of importance in the town of Lipa.

Q Well, you don't know, do you? That is your conclusion, but you don't actually know; you weren't there?

A We were near, and we saw that the firing was not in the town, but outside the town; the shells were dropping outside the town.

Q Do you recall instances in which American airplanes dived over the town on strafing operations?

A Yes, sir.

Q You do. Did that do any destruction?

A There were about 7 or 8 houses that were bombed.

CAPTAIN SANDBERG: That is all.

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The Prosecution may proceed.

The Defense have announced they have no further questions of this witness.

REDIRECT EXAMINATION

Q (By Captain Pace) You testified on cross examination as to the existence of the Makapili in your municipality, is that right, sir?

A Yes, sir.

Q Were they part of the Japanese army?

A They are part of the Japanese army.

Q You have also testified that the population of Lipa in 1939 was 45,000, and that at present it is about 46,000?

A Yes, sir, including those evacuees from other towns.

Q How many evacuees in Lipa from other towns?

A There about 10,000 of them.

Q How many people, approximately, have evacuated from Lipa to other municipalities?

A This list contain mostly the people of Lipa that are in Lipa, and that is that their residence or houses are still in Lipa, although some of them may be merchants in other towns.

Q Now, you testified that about 10,000 people had evacuated to Lipa?

A Yes, sir.

Q How many people have left Lipa during that period, evacuated away from there?

A The people of Lipa? The residents of Lipa?

Q Yes.

A Very few.

Q How is the death rate in Lipa compared with the birth rate, over that period?

A The death rate in Lipa, compared to the birth rate, from 1939, you mean, to the present time?

Q Yes.

A Nearly equal. Sometimes there are months that the death rate is more than the birth rate.

Q Now, of the 100 ROTC guerrillas that you testified were in Lipa, how many of those were executed by the Japanese?

A I know of three.

Q Three?

A Three.

CAPTAIN PACE: That is all I have, sir.

GENERAL DONOVAN: I have a question. When you say "the population of Lipa," do you mean Lipa proper, or Antipolo or Anilao?

THE WITNESS: That is the whole municipality.

GENERAL DONOVAN: The whole business?

THE WITNESS: Yes.

#### RE-CROSS EXAMINATION

Q (By Captain Sandberg) Now, when you testified that the Makapili is a part of the Japanese army, am I correct in assuming that that statement is based on a pretty thorough knowledge by you of the organization of the Makapili?

A The Makapili used the same uniforms as the Japanese army.

Q Would you answer my question, please?

A Yes, sir.

CAPTAIN REEL: Will you read the question?

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

"Q Now, when you testified that the Makapili is a part of the Japanese army, am I correct in assuming that that statement is based on a pretty thorough knowledge by you of the organization of the Makapili?"

A Not a very thorough knowledge. I base my conclusion on the fact that they used the same uniform as the Japanese army.

Q (By Captain Sandberg) I see. And they continued to operate up until the very approach of the American forces in March of 1945?

A They have operated with the Japanese in their fight against the American forces.

Q Now, based on your knowledge of the Makapili, isn't it a fact and within your knowledge that General Ricarte was one of the heads of the Makapili?

A Not exactly one of the heads, but one of the organizers.

Q And do you know a man named Lopus, who was a member of this Makapili organization?

CAPTAIN PACE: I object to that, sir. The evidence before this Commission is that Lopus was not a member

of that Makapili.

GENERAL REYNOLDS: The objection is sustained.

Q (By Captain Sandberg) Do you know a man by the name of Narciso Lopus?

A In the newsprint; not personally.

Q Now, would it be a correct statement that the Makapili are as much a part of the Japanese army as the Hunters guerrillas were a member of the American army?

A The guerrillas were quite an independent unit, although cooperating with the Americans.

Q Well, this intelligence and espionage that they furnished, they furnished to the Americans, didn't they?

A Pardon?

Q I say the intelligence and espionage work they did, they did for the benefit of the United States Army, didn't they?

A Yes, sir.

Q In connection with the evacuees, based on your knowledge of public affairs, is there a considerable floating population in Batangas?

A Not Batangas, but in Lipa, because some of the evacuees are not from other towns of Batangas, but from the Province of Tayabas and Laguna.

Q And people have been uprooted from their homes and moved to other locations in considerable numbers?

A In Lipa?

Q That is right.

A There have been returned back to the town, and they built small shacks right in their own properties.

Q Well, how many evacuees are there in Lipa from other localities?

A There is around 10,000.

Q And are they from other places in Batangas?

A Some of them from other towns , like Rosario.

Q So that there is a pretty sizable floating population in Batangas?

A In Lipa.

Q That is, people who are uprooted from their customary homes and come to strange and unfamiliar places where they are not known?

A Not exactly not known, because most of them are people that have married -- that is, from Lipa have married to other girls from other provinces, so they are also practically known to us.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you, Doctor.

(Witness excused.)

CAPTAIN PACE: If the Commission please, that completes the Prosecution's evidence on paragraph number 49 of the Bill of Particulars.

The Prosecution is now prepared to continue with the presentation of evidence on the Bill of Particulars paragraph number 1, and to commence the testimony on Bill of Particulars number 43.

GENERAL REYNOLDS: The Commission inquires whether number 1, item number 1, is also related to item number 43?

CAPTAIN PACE: Yes, sir, that is correct. All of these cases will be related to number 1, but they are also

specific Bill of Particulars numbers.

CONCHITA ALAS TUALHATI

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) Will you give your name, please?

A My name is Mrs. Conchita Alas Tualhati.

Q Where do you live?

A I live in Taal, Batangas.

Q Do you live in the town of Taal, or in the barrio of Taal?

A I live in the town of Taal, but we evacuated to a barrio named Cubanba.

Q You mean on the 16th of February you were an evacuee to the barrio of Cubanba?

A Not on that date. Before that date we evacuated to that place.

Q You were in Cubanba on the 16th of February?

A On the 16th I was in Cubanba, with the rest of the family.

Q What happened on the morning --

A Shall I --?

Q I will withdraw that. Now, how far is the town of Canbanba from the town of Taal?

A It is about seven kilometers from the town.

Q Seven kilometers northeast of Taal?

A Yes.

Q Will you describe what happened on the morning of February 16, 1945, in Cubanba?

A It was about 8:30 in the morning when we heard a loud bomb. I don't know whether it was from hand grenade or a bomb. Then a certain man rushed to us and said a neighboring barrio is already burning, which is a little farther from our house. But then we thought that the burning would hold only in that place, so we were still calm, but after ten minutes we could see people running and men shouting "Japs! Japs! Japanese!", and then I called all my children, my mother and my husband, and we were trying to run. As we were running, we could hear them to be coming nearer and nearer to us.

Q Where did you run to, Mrs. Tualhati?

CAPTAIN REEL: Sir, could we have the answer read back? We cannot understand the witness.

---

GENERAL REYNOLDS: Will the reporter read the question and answer?

(Question and answer referred to read by the reporter as above recorded.)

Q (By Captain Pace) Where did you run to?

A We ran to a neighboring sugar plantation that is about 10 meters from the place where we were.

Q What did you do there?

A We tried to hide ourselves.

Q What happened then?

A Then we found out that we are nearer to the place where the Japanese went, and we could hear the screaming of women, children, and man, so what we did was to wait for some times. But then bullets could be seen near our side already, so what we did was to transfer again to

another sugar plantation that is near to the place.

Q Yes?

A We waited there for about an hour, then we could hear the same thing, the cracking of bamboos; we could see smoke and the screaming of women, and children.

Q Where did you go then?

A Then prayed, and asking God to help us, but then my husband got my baby from me, and when he stood up he saw that the sugar plantation near us is burning already.

Q Yes?

A Of course, my husband told me to get away from the place. We saw at distance tall grasses, bush, so we ran there. I was the first one. My husband could not run because he has my youngest child on his arm and hanging to the child on his knee, clinging to his knee.

Q Did you run to the tall grass?

A I went, I ran in, and I found myself to slide down in a deep ravine. When I was already down I look up and ask my husband to jump, but he was pointing to the baby and said, "He might get hurt." But then I saw him turn to the right, then I hear shots and the scream of my child. Of course, I could not go up, because I could hear the voices of the Japanese laughing --

Q Your husband child were on top of the ravine, is that right?

A They did not drop into the ravine --

Q They were on top?

A Yes, they were on top and I was down.

Q You had gotten inside of the ravine?

A Yes.

Q And what happened then?

A Then I waited for some tines. I could not go up, because I could hear still the trampling of the feet, the laughing of those Japanese men, and shots after shots, and the cracking of bamboos, because they are burning the village. It was already afternoon when I was able to go up, and my child, who is seven years old, came to me and said, "My father was killed by a Japanese, and also my sister" -- the little sister, one year old. And I went to the dead body of my husband, and I saw him dead, half burned, and my child with broken head and broken neck.

Q Mrs. Tualhati, did you see any more dead people in or around the ravine in which you were hiding?

A In the ravine where I hid, I did not see, but as I was looking around to look for someone to help us, because we were all girls -- I could not find any men at all -- and at a distance I saw some dead bodies lying down, and there are some that are wounded.

Q How many?

A We were helpless.

Q How many dead and wounded did you see?

A I cannot give you exactly the number, but I can calculate that it is more than 50 or more, just near our place.

Q More than 50, you say?

A Yes, but in some distances there may be more.

Q How many people did you see dead there that you could identify?

A I can't recognize even 20 of them, because most of

them are our tenants, our neighbors.

Q About how many of them did you recognize?

A I cannot recognize more than 20 of them.

Q I see.

A There was an old man who could not go down, so his two arms were cut and then his body was burned.

Q And your husband and baby were both killed, is that right?

A Yes, and my other child was wounded in her right ear, and I saw blood, of course, gushing and gushing out from her ear. We were helpless. We stayed in the place for about 56 hours without food, without water, without anything. All our things were burned, and they made us very poor. Our belongings were burned.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) At the end of the 56 hours, were the American troops there?

THE WITNESS: I beg pardon?

CAPTAIN REEL: Will you read the question?

(Question read.)

A No, not yet.

Q (By Captain Reel) How long after that was it that you first saw American troops?

A The Americans arrived in our place on March 6th.

Q March 6th, 1945?

A 1945.

Q What is the name of the town that you were in?

A Taal, Batangas.

CAPTAIN REEL: Sir, may we have the Prosecution help us to locate this place on the map? We are unable to find it.

CAPTAIN PACE: Cubanba is -- I don't have the coordinates on this map. If you will follow the main road east from Taal, about 5 or 6 kilometers to a town of Mojon, where there is an intersection with the highway running north, and follow that highway north about 3 kilometers, you will come to the barrio of Cubanba, about 2 kilometers from the lake.

CAPTAIN REEL: Oh, Cubanba?

CAPTAIN PACE: Yes, sir.

CAPTAIN REEL: Can you spell that?

CAPTAIN PACE: C-u-b-a-n-b-a.

GENERAL REYNOLDS: You have found it?

CAPTAIN REEL: Yes, sir.

Q (By Captain Reel) Now, just one more question. As I understand it, this started at 8:30 in the morning on February 16th, 1945, when you heard an explosion, is that right?

A . Yes, sir.

Q And then somebody said that the neighboring barrio was burning?

A Yes, sir.

Q Then people ran and men shouted, "Japs! Japs! Japanese!", is that right?

A Yes, sir.

Q Did you see any soldiers?

A I did not see, but I could hear.

Q Did you see any soldiers at any time?

A I saw, of course, when we were in the town.

CAPTAIN REEL: Will you read the answer?

(Answer read.)

Q (By Captain Reel) But after this explosion, when you started running, from then on you didn't see any soldiers?

A I did not see exactly, but I know that they are coming. I am not looking back any more, because I know that there are Japanese coming, from the trampling of their feet, with their voice, because they are speaking the Japanese language.

Q And you heard some shooting, is that right?

A Yes, shots after shots.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: Miss Barrion, Juanita Barrion.

JUANITA BARRION

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 My name is Juanita Barrion.

Q Where do you live?

A I live in 1125 Washington Street, Sampaloc, Manila.

Q Before you came to Manila, where did you live?

A I live in Taal, Batangas, before we came to Manila.

Q Now, early in 1945, did you evacuate Taal to another barrio?

A Yes.

Q What barrio did you go to?

A We evacuated to the barrio of Maabud.

CAPTAIN PACE: The Commission and Defense will find that about one kilometer north of Cubamba.

CAPTAIN REEL: Spell it, please.

CAPTAIN PACE: M-a-a-b-u-d.

Q (By Captain Pace) Were you at Maabud on the 16th of February?

A Yes.

Q Will you describe what happened on the morning of that day, please?

A On the morning of February 16, around 10:00 o'clock, we heard a great commotion around us, and after having learned from the people that the Japanese were burning a neighboring barrio, we left our house running as fast as

our legs would carry us. We were between the barrio of Maabud and Mulauin, when shot after shot sounded in the air. Machine-gun firing was so distinct that we guessed the proximity of the enemy and knew that we were surrounded. Exit was inevitable, so a nearby ravine proved inviting at this sublime moment of necessity, so one by one we descended that deep ravine, unaware that many of those other families that ran away followed us to the ravine --

Q How far is this ravine from Maabud?

A I don't exactly know how far, but I know it is between Maabud and Mulauin.

Q How do you spell Mulauin?

A M-u-n-a-l-u-i-n.

Q That is a very short distance from Maabud?

A Yes, not far from Maabud.

Q And this ravine to which you went was between those two barrios?

A Yes.

Q How many people in addition to your family went to this ravine?

A According to my calculations there were around 50.

Q What happened after these 50 people went to this ravine? Speak slowly, will you please?

A Well, we found out when we were down in the ravine that many people followed us. I could still remember that the men had their bigger children, because we women, with the little children carried to their breasts, were praying. During those moments there were nothing but suppressed whispers. We were in such suspense that about 2:00 o'clock

in the afternoon we heard an explosion above us and we heard some Japanese talking and giving orders, and then we became aware of the fact that we were discovered. Hand grenades were thrown at us, machine guns started firing; men tried desperately to escape. In short, there was chaos.

Then after a short while the firing stopped. Then I was very happy because I found that my family was still intact. The old men of the crowd that followed us were dead.

Q About how many people were killed in the ravine, do you know?

A I can't exactly tell because that was only due to the hand grenades. Only a few were dead.

~~Q What else happened there?~~

A Then afterwards I heard nearer and nearer the soldiers and then we knew that the enemy were being sent to finish us. Prayers burst from our lips and we were nervous because we knew that we were helpless and defenseless. Our escape was really hopeless. Then afterwards I turned my head and I was confronted with the ugly mess of machine guns and then shots were fired and the swinging of blades, and many of the people fled above me and I do not know what happened because I was wounded.

Then I could feel the flow of warm blood around me on all sides and I thought I was wounded somewhere and I was taken for dead. Afterwards the Japanese went farther inside the ravine, because that ravine, it is elaborate. It is a winding path inside. It is like a cave. Then they went further inside and I could hear crying, shouting,

shrieks from people inside. Then after a while I pretended as dead. I did not move. Then the Japanese passed me again. They left and I could hear more crying and shrieks and shouting. They were quite a distance away from us.

I tried to treat myself and I got up, and then I found my mother was mortally wounded. She was still holding my baby brother, four months old, wounded also by a bayonet in the head. Then I saw my father wounded by a bullet. He was shot in the back and the bullet entered near the armpit. My elder sister was bayoneted in the hips and two brothers and sisters were stiff dead, and the others -- the rest of us was unharmed.

Q How many people altogether were killed in the ravine?

A I think around 30 people were killed.

Q How many people of you escaped from the ravine then?

A Including my family were around 17 who went up that ravine.

Q Where did you go from the ravine?

A We did not move just then from the ravine because it was impossible for us to get up. And my sister and I carried the wounded, and besides we were afraid that the Japanese were still around. So we waited for some help. Luckily around 5:00 o'clock in the afternoon help came. Two of our distant relatives came and saw. After taking some bamboos and a sheet that they picked somewhere we were able to make an improvised stretcher, and we carried the wounded up the ravine. Finally we reached a mango tree near the base of Talang.

Q And where is this mango tree on Exhibit 243?

A It is around this place (indicating).

CAPTAIN PACE: Will the record show that the witness indicated a spot near the shore of Taal Lake which is generally northeast of Maabud.

GENERAL REYNOLDS: Very well.

Q (By Captain Pace) How many of you reached the mango tree?

A We were 17 who reached the mango tree and mostly children. They were mostly children. Other survivors were mostly children. I think seven or eight children.

Q And what did you do after you reached the mango tree?

A Well, nothing happened. We finished carrying the wounded around 2:00 o'clock in the morning and daytime came and still no help, because the place was totally abandoned.

I could not get any banca to carry the wounded, and the sick was unattended. My baby brother was crying. He was crying for milk. At first I was able to soothe him with the sugar cane juice. After a while he didn't like it any more. He was crying bitterly. So I made up my mind to get food somewhere and help for the sick. But my father opposed the idea because there was fighting still in the neighboring barrios of Pansipiti and San Nicolas and Talang. But I braved it in spite of his refusal. I left carrying my baby brother with me in order to seek for food and help.

Q When did you leave for help?

A Because I --

Q When? When?

A On the morning of February 17th around 10:00 o'clock.

Q What morning?

A February 17th.

Q You testified that you went to the ravine on the 17th.

A No, I did not go to the ravine on the 17th.

Q When did you go to the ravine?

A I was there on February 16th, and then after I went to help.

Q You went to the ravine on the 16th?

A Yes, I was there.

Q And when did you leave the mango tree?

A I left the mango tree on the 17th.

Q Whom did you take with you?

A I took my baby brother with me, five years old.

Q How many did you leave at the mango tree?

A Well, we were 17; two left, and so there were 15.

Q When did you return to the mango tree?

A I came back to the mango tree six weeks afterwards.

Q And what did you find when you returned six weeks later?

A I found the sugar cane still burned and on the branches of the mango tree I saw pieces of clothes hanging and I saw the dead bodies of my parents, my brothers and my sisters.

Q How many dead bodies did you see there?

A I can't say exactly how many because only small bones could be detected.

Q Approximately how many?

A I was only able to -- I think I was able to get all my family and other pieces of bones. I can't count, because I could not count because they were all pieces.

Q How many of your family did you get?

A Five, plus two servants; seven.

Q Did you go back to the ravine?

A Yes. I went that day to the ravine.

Q What did you find there?

A I found dead people.

Q About how many?

A About the number I gave you: around 30.

Q 30?

A Around 30.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of wound on left limb of Consolacion Mayuga was marked Prosecution Exhibit No. 265 for identification.)

Q (By Captain Pace) Will you tell what Exhibit 265 for identification is, please?

A I think this is Consolacion Mayuga. She was wounded.

Q What kind of wound is that, do you know?

A I don't know.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 265 for identification was received in evidence.)

CAPTAIN PACE: Mark this for identification, please.

(Photograph of wound of Janita de Sagun was marked Prosecution Exhibit No. 266 for identification.)

Q (By Captain Pace) Will you look at Exhibit 266 for identification and tell what it is?

A Yes. This is Janita de Sagun. She was with us also

in the ravine. She was wounded.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 266 for identification was received in evidence.)

CAPTAIN PACE: Mark this for identification, please.

(Photograph of Vicente Barrion, Jr. was marked Prosecution Exhibit No. 267 for identification.)

Q (By Captain Pace) Will you tell what Exhibit 267 for identification is?

A This is my brother, four months old, who was wounded.

Q How did he receive that wound on his head?

A Bayonet.

Q Japanese?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 267 for identification was received in evidence.)

CAPTAIN PACE: Mark this for identification, please.

(Photograph of wound on left front limb of Consolacion Mayuga was marked Prosecution Exhibit No. 268 for identification.)

Q (By Captain Pace) Will you look at Exhibit 268 for identification and tell what it is?

A This is Consolacion Mayuga.

Q Does that show the wound that she received there?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 268 for identification was received in evidence.)

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Sandberg) Now, Miss Barrion, you testified that when you were in the ravine you heard Japanese giving orders.

A Yes.

Q Can you tell us what those orders were?

A I am sorry. I don't know any Japanese. I just know that they were Japanese words, but I can't speak Japanese.

Q And did you hear a lot of talking by the Japanese?

A After that? After?

Q Yes, that's right.

A Yes, they were talking.

Q Loud voices?

A Yes, loud voices.

Q But you didn't see those Japanese?

A I saw them. They went down to the ravine.

Q Where did you see them?

A They were just a few paces from us when they set the machine gun.

Q You say you heard an explosion. Is that the first time you ever heard an explosion of that kind?

A No.

Q Where did you hear explosions of that type before?

A In the early part of that morning after 10:00 o'clock we heard explosions after explosions.

Q Where?

A In the vicinity.

Q Were those explosions coming from the nearby barrio?

A Nearby barrio and in the barrio itself.

Q I see. Well, were they coming from the direction of the nearby barrio where there was fighting going on?

A I don't know. I didn't know of any fighting.

Q Well now, what was this fighting that was going on in the nearby barrio?

A I didn't say there was fighting. There was great commotion and we heard that the Japanese were burning and killing people.

Q I want to refresh your recollection, Miss Barrion. You stated on direct examination that on the 17th your father came to the mango tree and said "Don't go to the neighboring barrio because there is fighting going on there".

A Yes.

Q Is that right?

A Yes.

Q Who was fighting whom?

A We didn't see actually the fighting. We heard only the explosions and fighting, and of course we could detect that they were burning.

Q Did it sound like artillery fire?

A Machine gun and hand grenade.

Q Did it sound like shelling?

A No.

Q And the explosion you heard above your head, was it of the same kind that you heard from that nearby barrio?

A Yes.

Q And you say that you do not know who was fighting whom in the neighboring barrio?

A No.

Q Do you think it is possible that the fighting in the nearby barrio may have been between the Japanese and the guerrillas?

A (Nodding negatively). I can't tell because I didn't see them.

~~Q Were you never curious as to who was fighting whom in the nearby barrio?~~

A No. I was so much engrossed with my wounds and the wounds of my family that I didn't notice. We just knew that it was fighting.

Q Do you think it possible that you people in the ravine were caught in the middle between the Japanese and guerrilla forces?

A No. We were in complete silence when the Japanese attacked us.

~~Q In Taal can you tell us whether there were any Japanese soldiers stationed?~~

A I don't know of any Japanese. I had no contact with any Japanese and I can't tell you.

Q You never saw any Japanese soldiers?

A I could see them passing back and forth in the streets;

that's all.

Q Well now, if I were to tell you that the total Japanese garrison in Taal amounted to eight soldiers, would that refresh your recollection?

A I didn't even reach the garrison in Taal.

CAPTAIN SANDBERG: That's all.

REDIRECT EXAMINATION

Q (By Captain Pace) When did the Americans come to Taal?

A I didn't know when the Americans liberated Taal because we were in the hospital at that time.

Q When was that when you were in the hospital?

A From February 20th we were in the hospital until one month and a half afterwards.

Q Do you know what that explosion was that you heard at the ravine?

A Yes. Hand grenades.

CAPTAIN PACE: That's all. Thank you.

(Witness excused)

GENERAL REYNOLDS: The Commission will be in recess until 1:30 this afternoon but wishes to announce that at the close of the session this afternoon there will be a recess until 8:30 Monday morning. That is to say, there will be no meeting of the Commission on Saturday or Sunday next.

(Whereupon at 1125 hours a recess was taken until 1330 o'clock, 9 November 1945.)

AFTERNOON SESSION

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

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

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

CAPTAIN PACE: Miss Miligros Barrion.

CAPTAIN REEL: Before beginning this session I should like to bring one matter to the Commission's attention. Upon going over the record of the first day of the hearing that followed the arraignment the Defense discovered that the motions, ~~three of which were argued and ruled upon on that~~ day, are not made part of the mimeographed record. They were filed in writing and for that reason were not read into the record.

Now, we should like to have the record corrected to that extent, to the point of having these motions at this time read into the record so that they do appear in the full draft. Rather than read them orally, which might take some time, I would suggest that I simply give copies to the reporter and let him at his leisure put them into the record at this session.

GENERAL REYNOLDS: Is there any reason they were omitted from the record?

MAJOR KERR: No, sir. Those were treated as part of the pleadings, so to speak, and were not put in the mimeographed record. They would be among the exhibits, in other words.

CAPTAIN REEL: Well, they weren't marked as exhibits, sir. That is what we thought, too, and we find that they were not marked as exhibits and we think that in order to have the meaning of the first day's proceedings clear these should appear sometime. This is as good a time as any.

GENERAL REYNOLDS: The Commission desires that they be incorporated into the record and we will give further consideration as to whether they can now be most properly attached as exhibits or read into the record, if it appears that the ends desired may be equally well served.

CAPTAIN REEL: Yes, sir; either method.

GENERAL REYNOLDS: We will announce that later.

CAPTAIN REEL: Thank you, sir.

MILIGROS BARRION

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

DIRECT EXAMINATION

THE WITNESS: Just as my sister testified this morning --

Q (By Captain Pace) Just a minute. I will ask you some questions. Give your name, please.

A Miligros Barrion.

Q Where do you live?

A 1125 Washington Street, Sampaloc, Manila.

Q Early in 1945 where did you live?

A Taal, Batangas.

Q And did you evacuate to a barrio in Taal earlier this year?

A Yes; February; about February.

Q What barrio did you evacuate to?

A Maabud.

Q On the 16th of February did you go with your sister who testified this morning and with the rest of your family to the ravine?

A Yes.

Q You did?

A (Nodding affirmatively).

Q "Yes"?

A Yes.

Q You will have to speak louder. And did the Japs come to the ravine there?

A Yes.

Q What happened when they came?

A They threw hand grenades, they set machine guns, and they began killing people.

Q And how many of you escaped from the ravine?

A About 17.

Q Where did you go then?

A We go near the lake under the mango tree.

Q You went to the mango tree near the lake?

A Yes.

Q And the next day did your sister Juanita and the baby leave?

A Yes.

Q And what happened the following day?

A After my sister left we prayed that she would be saved from disaster.

Q I beg your pardon?

A We prayed she would be saved from disaster. We

waited for her return but in vain. Nothing unusual happened that day. Still another day dawned. It was 18th of February when after breakfast we heard marching soldiers.

Q How many Japs came to the mango tree?

A About 25.

Q What did they do to you?

A Well, I moved the wounded inside the sugar cane and we laid still, but in spite of caution we were discovered.

Q What did they do after they found you?

A They took ropes and tied us all around the mango tree. At first I don't want myself to be tied up, but my father chided me to go in because there is no hope.

Q Did they tie all of you?

A Yes.

Q How many of you were there?

A We were 16 tied.

Q And how did they tie you?

A Tied us in our hands.

Q Did they tie you together then?

A Yes.

Q And where did they tie the group of you?

A Tied us under the mango tree.

Q To the tree?

A Yes.

Q What happened after they tied the 16 of you to the mango tree?

A I was the first one bayoneted. Then they started firing. We heard the crying of my brothers. Then I could feel the heat of the fire, for they set it. Then

all blackness.

Q How many times were you bayoneted?

A Two times.

Q Did you also suffer other wounds?

A Yes.

Q What were they from?

A 15 wounds from fragments of hand grenades.

Q Where are those 15 wounds from hand grenades on your body?

A I have six on the back, I have three here (indicating left shoulder), I have three here (indicating left breast), and I have three here on the abdomen (indicating).

CAPTAIN PACE: Will the record show that the witness indicated three on the left shoulder, three on the left breast and three on the left side of the abdomen.

Mark this for identification, please.

(Photograph of seven wounds on body of witness was marked Prosecution Exhibit No. 269 for identification.)

Q (By Captain Pace) Where were the two bayonet wounds?

A One here (indicating left side of chest) and the other here (indicating left elbow).

Q Indicating the left side of your chest?

A Yes.

Q And your left elbow; is that right?

A Yes.

Q Will you show the Commission the wound on your left elbow?

A It is here.

Q Will you look at Exhibit No. 269 for identification

and tell what that is?

A These six are from fragments of hand grenades and the other one bayonet wound.

Q They show the six hand grenade wounds on your back and the bayonet wound on your elbow; is that right?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 269 for identification was received in evidence.)

Q (By Captain Pace) After you were wounded did you become unconscious?

A Yes.

Q When did you regain consciousness?

A It was the first week of March when I regained complete consciousness. My left arm had been bandaged and I had scars all over.

Q Of the 16 people who were at the mango tree did anybody survive except yourself?

A No. I was the only one who survived.

Q How many members of your family were killed on the 16th and the 18th of February?

A Sixteen. Five were killed on the 18th of February.

Q Those are members of your immediate family?

A Yes.

Q How many other members of your family were killed other than your immediate family?

A What do you mean?

Q More distant relatives; were some of them killed?

A All of them are our distant relatives except two servants.

Q How many relatives altogether were killed on those two days?

A 30 were killed in the ravine and 16 were killed under the mango tree.

Q Those were friends and relatives?

A Relatives and friends.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

CAPTAIN PACE: Thank you very much.

(Witness excused)

JUAN VERGARA

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

DIRECT EXAMINATION

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

A (Through the Interpreter) Juan Vergara.

Q Where do you live?

A Cubamba.

Q Did you live in Cubamba on the 16th of February, 1945?

A I lived in Cubamba on February 16.

Q And what happened on that morning?

A 8 o'clock in the morning, we heard firing and we hide, with my family.

Q Where did you hide?

A We hide in lagnas.

Q Where?

THE INTERPRETER: "Lagnas".

CAPTAIN PACE: What is "lagnas"?

THE WITNESS: Ravine.

THE INTERPRETER: "Ravine".

CAPTAIN PACE: Will you ask the witness again where he and his family hid?

(Translated to the witness)

THE WITNESS: (Through the Interpreter) With my family, I went to the ravine.

Q (By Captain Pace) Where is this ravine located?

A (Through the Interpreter) The ravine is located on

the east side of our house.

Q How many people went there?

A We were 15 who went to the ravine.

Q What happened to you there?

A Four Japanese saw us and they shot us.

Q How many people did they shoot?

A All 15 were shot, but only 12 were killed. Two were wounded and one was not wounded.

(A photograph was marked  
Prosecution Exhibit No. 270  
for identification.)

(By Captain Pace) Will you look at Exhibit 270 for identification and tell what it shows?

A This picture shows the scar of my wound.

Q CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 270  
for identification was  
received in evidence.)

Q (By Captain Pace) After the 12 people were killed in the ravine and the two people wounded, at about 4 o'clock that afternoon did you go back to your house?

A Yes, 4 o'clock I went back.

Q What did you find there?

A I saw that my house was burned; my father, mother, one aunt and two sisters were dead.

Q How did your father, mother, aunt, and two sisters meet their death?

A My father had wounds; my mother, aunt and two sisters were burned.

Q All of them were dead?

A All of them were dead.

CAPTAIN PACE: You may inquire.

CROSS-EXAMINATION

Q (By Captain Reel) Now, as I understand it, at 8 o'clock in the morning of the 16th of February, you heard some firing, is that correct?

A Yes. I heard firing at 8 o'clock in the morning of February 16.

Q And where did you hear this firing coming from?

A I just heard the firing; that is all.

Q Do you know what kind of firing it was?

A I just heard firing; that is all.

Q Do you know what kind of firing it was, whether it was rifle, machine gun, artillery, or what?

A I just heard firing; that is all.

Q Had you ever heard firing before?

A Since the beginning I have heard firing.

Q Since the beginning of what?

A Since I lived in my house I have heard firing.

Q Well, did you hear any firing out there during the year 1943?

A I heard, but few firing.

Q Did you hear any firing there during the year 1944?

A I heard nothing.

Q Well, now, when after that, when after 1944 did you first hear firing out there?

A I heard again on February 16.

Q And prior to February 16, for at least one year, you

hadn't heard any firing, is that right?

A No.

Q Do you know who was firing?

A I know who fired on February 16, because Japanese fired on us.

Q But when you heard this firing, you didn't see who was doing the firing, did you?

A I knew and saw who fired when we were fired upon.

Q Well, didn't you tell us on direct examination that at 8 o'clock in the morning, before you went to the ravine, you heard some firing?

A I heard firing before we went to the ravine, but I did not see who were firing.

Q Yes. Now, do you know whether there were active guerrilla bands in that area on the 16th day of February, who might have been firing or fighting with the Japanese?

(Translated to the witness.)

CAPTAIN PACE: I object to the question, if the Commission please, because he has already testified that he doesn't know who was doing the firing in the neighboring barrio.

GENERAL REYNOLDS: Is there some particular point you are trying to reach with the question?

CAPTAIN REEL: There is, sir. I don't believe the question was directed to the firing; this question was directed to activity in that area. If the reporter will read the question back, I think the Prosecution will realize that it has misunderstood the question.

GENERAL REYNOLDS: The Reporter will read back the

question.

(Question read)

CAPTAIN PACE: The witness has already testified, sir, that he doesn't know who was doing the firing; he didn't see it.

GENERAL REYNOLDS: So it seems also to the Commission. Would Counsel like to have any specific answer read back?

CAPTAIN REEL: I will withdraw the question and rephrase it, so there will be no question about it, sir.

Q (By Captain Reel) Do you know whether on the 16th of February, 1945, there were active guerrilla bands in the area where you lived?

A (Through the Interpreter) I knew nothing about it.

Q As I understand it, it was because you heard firing that you ran to the ravine, is that the reason?

GENERAL REYNOLDS: She so testified. I wonder if you ought to pursue the question further.

CAPTAIN REEL: If the Commission understands that that was the reason, I don't wish to pursue it any further.

GENERAL REYNOLDS: Yes, we do so understand.

Q (By Captain Reel) When you were in the ravine, did you hear some more firing on the opposite side of the ravine?

A When I was in the ravine, I heard much firing.

CAPTAIN REEL: That is all.

(Witness excused)

CAPTAIN PACE: Mr. Simplicio Deomampo.

SIMPLICIO DEOMAMPO

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

DIRECT EXAMINATION

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

A (Through the Interpreter) Simplicio Deomampo.

Q Where do you live?

A Cubamba.

Q Were you in Cubamba on the 16th of February, 1945?

A I was in Cubamba.

Q What happened that morning?

A I heard firing.

Q What did you do then?

A I hid in a tree.

Q You weren't with Juan Vergara, were you?

A No.

Q All right. What happened after you hid in the tree.

A I heard Japanese, four of them. I had companions.

One was killed by the Japanese.

Q Were you injured?

A No.

Q Then at about 5:00 o'clock that afternoon did you return to your house in the barrio?

A I returned and I saw all the houses burned down and about 50 persons were burned.

Q How did these 50 persons that you saw in the barrio meet their death?

A They were killed by bayoneting, firing and burning.

Q And you testify that the 40 houses in the barrio had also burned; is that right?

A 40 houses were burned.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Now, do I understand that as soon as you heard firing you ran and hid in a tree; is that right?

A In the tree.

Q And you ran to the tree the minute the firing started; is that correct?

A Five of us went at one time.

CAPTAIN REEL: Will you read the question to the witness, please?

(Question read)

THE WITNESS: Yes, that's correct.

Q (By Captain Reel) Why didn't you stay home?

A Because the Japanese would kill me.

Q When you heard the firing did you see any Japanese?

A I saw but I cannot assert the number.

Q Did you see any Japanese before you left your home and went to the tree?

A Four Japanese with many more companions went to us.

Q Did they come into your house before you went to the tree?

A I don't know.

CAPTAIN REEL: I wonder if the witness understood the question. I will put it again.

Q (By Captain Reel) Did the Japanese come into your

house before you went to the tree?

A The Japanese saw us in the tree.

Q Yes, but could I have an answer to the question?

Did the Japanese see you in the house before you went to the tree?

A I did not know whether the Japanese went to my house or not.

Q As a matter of fact, you expected to hear some firing at about 8:00 o'clock in the morning of February 16th, didn't you?

A I heard firing.

CAPTAIN REEL: Will you please repeat the question? and you repeat it to the witness after the reporter gives it to you.

(Question read)

A Well, I just heard firing; that's all.

Q (By Captain Reel) As a matter of fact, -- strike that. Were you surprised when you heard the firing?

A Yes. I was surprised and I ran away.

Q Didn't you know before the morning of February 16th that at about 8:00 o'clock in the morning there would be a guerrilla attack and you were to run out of the house and hide?

A No.

Q Wasn't that generally known in the town?

CAPTAIN PACE: I object to counsel pursuing this. The witness said he didn't expect it and he said that he was surprised when he heard firing.

GENERAL REYNOLDS: The objection is sustained.

CAPTAIN REEL: No further questions.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: Mr. Hilario Laro.

HILARIO LARO

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

DIRECT EXAMINATION

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

A Hilario Laro.

Q Where do you live?

A Mahabangludlud, Taal, Batangas.

Q Will you repeat that, please? The name?

A Hilario Laro.

Q Where do you live?

A Mahabangludlud, Taal, Batangas. Mahabangludlud, Taal, Batangas.

Q Where did you live on February 16, 1945?

A In Pisa.

Q Is the barrio of Pisa located about halfway between the barrio of Cultihan and Luntal?

THE INTERPRETER: Repeat the name of the two barrios.

CAPTAIN PACE: Cuntihan and Luntal.

A (Through the Interpreter) Yes.

CAPTAIN PACE: For the information of all concerned, the map in evidence does not show the barrio Pisa. It shows the barrios Luntal and Cultihan, however.

Q (By Captain Pace) On the afternoon of February 16,

1945 did anything unusual happen at Pisa?

A Yes. I heard firing and I saw burning of houses, so I went to the ravine.

Q You went where?

A To the ravine.

Q Where is this ravine?

A In between the road of Pisa and Luntal.

Q How many people went with you to the ravine?

A 150 persons.

Q After you got there what happened?

A About a half hour afterwards Japanese came and told us to go out, and we were tied -- our hands were tied. These Japanese had fixed bayonets.

Q What did they do after they tied you?

A They told us to go about twenty meters away and then they fired outside and threw hand grenades to us.

Q Did they do anything else to you?

A Nothing more.

Q Out of the 150 people who were taken out of the ravine and tied how many were killed?

A 66 died and four were wounded, -- 46 died and four were wounded.

CAPTAIN PACE: I think you have misinterpreted that. Will you ask it again?

THE WITNESS (through the Interpreter): 46 died.

CAPTAIN PACE: May we have another interpreter, please?

THE WITNESS (through the Interpreter): 146.

Q (By Captain Pace) How many people were wounded?

A Only four were wounded.

CAPTAIN PACE: Mark this for identification, please.

Four or forty-four? How many?

THE WITNESS (through the interpreter): Only four were wounded.

(Photograph of witness showing wound was marked Prosecution Exhibit No. 271 for identification.)

Q (By Captain Pace) Will you look at Exhibit 271 for identification and tell us what that shows?

A This is my picture.

Q What is that mark on your left shoulder?

A Wound.

Q What caused it?

A Hand grenade.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 271 for identification was received in evidence.)

CAPTAIN PACE: Mark this for identification, please.

(Photograph of Arano Navarro was marked Prosecution Exhibit No. 272 for identification.)

Q (By Captain Pace) Can you tell me what Exhibit No. 272 for identification is?

A Arano Navarro.

Q What is the mark on his left arm?

A A wound.

Q Was he one of the four people who survived with you?

A Yes, he was one of us.

CAPTAIN PACE: I offer it in evidence, sir.

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

(Prosecution Exhibit No. 272 for identification was received in evidence.)

Q (By Captain Pace) 144 people were killed there at the ravine; is that right?

A 146 persons died.

CAPTAIN PACE: Thank you.

You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Do I understand that the minute you heard firing you ran to the ravine; is that right?

A We went there.

Q But you went there the minute this firing started; is that correct?

A We went there when we heard the firing.

Q And you thought it would be safer running outdoors into the firing and going to the ravine than staying in your house; is that correct?

A I went to the ravine to save my life.

Q Yes. As a matter of fact, you knew that if you stayed in your house you might be injured in the pitched battle between the guerrillas and the Japanese; is that the truth?

CAPTAIN PACE: I object to the question, if the Commission please.

GENERAL REYNOLDS: Objection sustained.

Q (By Captain Reel) Are you a member of any guerrilla unit?

A -No.

Q Do you know whether there was an active unit in that area?

A Not even one. I don't know any.

CAPTAIN REEL: Which was it? "Not even one" or "I don't know of anyone" or both? I am asking you what your answer was.

THE WITNESS (through the Interpreter): None.

Q (By Captain Reel) Are you sure of that?

A Yes.

CAPTAIN REEL: That's all.

GENERAL DONOVAN: I would like to know how they were tied up after they came out of the ravine. Were they tied hand and foot, thrown to the ground or what?

(Whereupon the Interpreter put the question to the witness)

THE WITNESS (through the Interpreter): Our left hands were tied -- left hands.

GENERAL REYNOLDS: Lapped?

THE WITNESS (through the Interpreter): No, only one hand. I was tied on the left hand but others were tied with both hands.

GENERAL DONOVAN: That is all.

#### REDIRECT EXAMINATION

CAPTAIN PACE: Ask him if they were tied together.

THE WITNESS (through the Interpreter): We were lined up and tied.

CAPTAIN PACE: Will you ask the witness to describe how each man was tied and if they were tied one to the other?

THE WITNESS (through the Interpreter): Only women were tied with both of their hands together, but the men were tied on their left hands.

CAPTAIN PACE: There is another interpreter here now, if we may use him.

CAPTAIN REEL: I have another question or two of this witness, sir.

GENERAL REYNOLDS: Very well.

RE CROSS EXAMINATION

Q (By Captain Reel) Had you lived in this barrio all during the Japanese occupation?

A When the Japanese arrived we hid in Pisa.

Q But during the major part of the occupation did you live in this barrio?

A We were in Pisa.

Q And during that period did you ever hear any firing before?

A None.

Q And had you ever had occasion to run and hide in the ravine during the year previous to February 16, 1945?

A I hid there only on February 16th.

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.  
The Prosecution will proceed.

IGNACIO BANAWA

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

DIRECT EXAMINATION

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

A (Through the Interpreter) Ignacio Banawa, sir.

Q Where do you live?

A At the barrio of Cultihan.

Q On February 16, 1945, did you live in Cultihan?

A I lived there, sir.

~~Q What happened on the morning of February 16?~~

A The Japanese came at the crossing. They mounted machine guns. After mounting the machine guns, they came to our homes.

Q Did they fire the machine guns?

A They fired the machine guns.

Q What did they fire them at?

A They fired the machine guns at the different homes.

Q What else did they do?

A After firing the machine guns, they lit the different homes and burned them. There are people coming out; they could not reach them with bayonets, they fired at them.

Q Now, what did you do while the Japanese were doing this?

A I was laying low at a very dirty place in our town.

Q Did you leave your barrio and hide someplace?

A Yes, sir, I hid myself.

Q Did you go back to the barrio two days later?

A Yes, sir.

Q What did you find when you got back?

A When I returned after two days I found the homes burned and many people burned.

Q How many dead people did you find?

A More or less around 70 bodies.

Q How had these 70 people been killed?

A They were killed through bayonet thrusts and bullet wounds.

CAPTAIN PACE: You may inquire.

CROSS-EXAMINATION

Q (By Captain Sandberg) Now, I didn't understand just where you were when the Japanese mounted the machine guns.

A (Through the Interpreter) I was behind my home at a place where it is quite dirty.

Q You were behind your home. How far away were you from the machine guns?

A Around 20 meters.

Q And were you out of sight of the Japanese?

A Around the front.

Q You mean you were in front of your house?

A No, sir, around the back part of our home.

Q Well, now, were you in a position where the Japanese could see you if you were in back of your house?

THE INTERPRETER: Will you repeat the question?

(Question read)

A (Through the Interpreter) If the Japanese had come my place, they would see me.

Q (By Captain Sandberg) But the Japanese couldn't see you from where they were in the middle of the road with machine guns, is that correct?

A (Through the Interpreter) No, sir.

CAPTAIN SANDBERG: Now, I want you to translate to the Commission everything that you have said back and forth to this witness -- accurately.

THE INTERPRETER: You mean the conversation --

CAPTAIN SANDBERG: The conversation that you have just had with the witness; I want that to appear on the record.

THE INTERPRETER: Sirs, the Commission -- I want it understood that the witness did not get the question right direct, so I had to aid him, help him through with the meaning of words between us. Because you must understand, sirs, that Tagalog, though it is the general dialect of the Philippines -- Tagalog as spoken in certain provinces has words that mean different things in other provinces, as far as I understand, sir. The Tagalog, I learned under Professor Lope K. Santos, at the University of the Philippines -- Tagalog in Batangas is different than the Tagalog in other provinces. I want to be sure the witness gives the correct answer to the question.

CAPTAIN SANDBERG: If the Commission please, if this Interpreter can't translate our questions properly in the dialect of this witness, we ask that another Interpreter be gotten. We think it is most improper -- and, incidentally,

this has been going on for sometime -- for the Interpreter to engage in colloquies with the witness.

GENERAL REYNOLDS: Will the reporter read the last question and the last answer, so that we may see what really came out?

(The question and answer referred to were read by the reporter as above recorded.)

GENERAL REYNOLDS: I think we will continue with this Interpreter, but the Commission suggests that you phrase your questions with just as few words as possible, expressing only a single thought. That question may indeed have been quite difficult to express. The long additional sentences, especially, should be used with caution. Let us try it.

Q (By Captain Sandberg) Could the Japanese see you where you were standing?

A (Through the Interpreter) No, sir, they couldn't see me.

Q Could you see the Japanese?

A Yes, sir, I could see them.

Q How was it that you could see the Japanese if they couldn't see you?

A Because I was hidden.

Q Now, wasn't the house in between you and the Japanese?

A Yes, sir.

Q And you are asking us to believe that you looked through the house and saw the Japanese?

CAPTAIN PACE: If the Commission please, I object to such a question. The witness testified under oath that he

could see the Japanese, so I think that is equivalent to him saying that he is asking us to believe it.

GENERAL REYNOLDS: The objection is sustained.

Q (By Captain Sandberg) Now, did you stay there in this position?

A (Through the Interpreter) I stayed there for about one minute.

Q And then where did you go?

A I ran and hid myself.

Q And where did you hide?

A At the barrio of Bolboc.

Q And how far away is that from where the Japanese had the machine guns?

A Around one and a half kilometers, sir.

Q Do I understand then, that what you have described as having happened, all happened within the space of one minute while you were hiding behind your house?

(Translated to the witness.)

GENERAL REYNOLDS: This line of questioning doesn't appear to the Commission to lead anywhere, and does take a lot of time. Is there some purpose?

CAPTAIN SANDBERG: There very definitely is, sir. This witness testified on direct examination to a very elaborate and long series of incidents occurring in the crossroads, in his house; that the Japanese came to the crossing, mounted machine guns, came to the homes, fired at the homes, bayoneted various people, all of which couldn't be possibly have taken place in one minute; and the question is directed to the credibility of the witness.

GENERAL REYNOLDS: Will the reporter read back the early part of the witness's direct examination, after he has identified himself, so that we may see the period of the episodes more clearly?

(The portion of the record referred to was read by the reporter as follows:

"Q What happened on the morning of February 16?

"A The Japanese came at the crossing. They mounted machine guns. After mounting the machine guns, they came to our homes.

"Q Did they fire the machine guns?

"A They fired the machine guns.

"Q What did they fire them at?

"A They fired the machine guns at the different homes.

"Q What else did they do?

"A After firing the machine guns, they lit the different homes and burned them. There are people coming out; they could not reach them with bayonets, they fired at them.

"Q Now, what did you do while the Japanese were doing this?

"A I was laying low at a very dirty place in our town.

"Q Did you leave your barrio and hide someplace?

"A Yes, sir, I hid myself.

"Q Did you go back to the barrio two days later?

"A Yes, sir.

"Q What did you find when you got back?

"A When I returned after two days I found the homes

burned and many people burned.

"Q How many dead people did you find?

"A More or less around 70 bodies.

"Q How had these 70 people been killed?

"A They were killed through bayonet thrusts and bullet wounds.")

GENERAL REYNOLDS: And now will the reporter read back the last question?

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

"Q Do I understand, then, that what you have described as having happened, all happened within the space of one minute while you were hiding behind your house?")

GENERAL REYNOLDS: Do you want that question answered?

CAPTAIN SANDBERG: I will rephrase it.

Q (By Captain Sandberg) Do I understand, then, that the Japanese came to the crossing, set up their machine guns, fired their machine guns into the houses, and bayoneted the people there, all within the space of one minute?

A (Through the Interpreter) When I arrived, I found out that the people were bayoneted and they died of bullet wounds, after two days.

Q In other words, then, what you have testified here as to what happened, namely, as to the firing of the machine guns and the bayoneting and the burning of houses --

CAPTAIN SANDBERG (to the Interpreter): You might translate that.

GENERAL REYNOLDS: Let us start over again and translate it. The Interpreter can't possibly translate accurately if you

are going to do it in that way. Give it to him in phrases, so that he can get it.

Q (By Captain Sandberg) Is it a correct statement, then -- (translated to the witness) -- that the firing of the machine guns by the Japanese -- (translated to the witness) -- the bayoneting of the people -- (translated to the witness) -- and the burning of the houses -- (translated to the witness) -- is something that you did not see personally yourself -- (translated to the witness)?

A (Through the Interpreter) When I left the place to go to Tissan --

THE REPORTER: To what?

THE INTERPRETER: Tissan. Name of the place.

CAPTAIN PACE: What was that?

THE INTERPRETER: "Tissan."

CAPTAIN SANDBERG: Is that what the fellow answered?

THE INTERPRETER: Yes.

CAPTAIN SANDBERG: Will the reporter read back the question and see if we can't get an answer to it this time?

THE REPORTER: Sir, shall I read the question in phrases and have it translated as such?

CAPTAIN SANDBERG: Yes, it would be better.

(The question referred to was read by the reporter in short phrases, each phrase being then translated to the witness.)

A (Through the Interpreter) I saw, sir.

Q (By Captain Sandberg) And you saw that all in the space of one minute?

(Translated to the witness.)

THE INTERPRETER: May I add something to the question, sir, so he can answer direct? Because he is telling another story, far away from the question.

CAPTAIN SANDBERG: That is exactly what I am afraid of, sir. The question calls for a "yes" or "no" answer.

THE INTERPRETER: That's it; that is what we expect, "yes" or "no", but he is telling a longer story.

GENERAL REYNOLDS: You can get the answers so simply, if you will use straight questions: "Did you see the Japs fire the machine guns", "Did you see a Jap bayonet a person", and restrict his thought to a specific thing.

Let us try it, if the point is material.

CAPTAIN SANDBERG: All right, sir.

Q (By Captain Sandberg) Did you actually see the Japanese bayonet the people?

A (Through the Interpreter) I saw the three persons.

Q And did you actually see the Japanese fire the machine guns?

A Yes, sir.

Q And you actually saw the Japanese set fire to the house?

A Yes, sir.

Q And you actually saw all this while you were hiding behind your house?

A I saw that.

Q And you were hiding behind your house for only one minute?

A Yes, sir.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: Mr. Garcia.

CASIMIRO GARCIA

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

DIRECT EXAMINATION

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

A Casimiro Garcia.

Q Where do you live?

A Carsuche.

Q Where did you live on February 16, 1945?

A February 16th I was at the barrio Luntal.

CAPTAIN PACE: That appears on the map, Exhibit 243, about four or five kilometers notheast of Taal.

Q (By Captain Pace) What happened on February 16th, 1945?

A The Japanese arrived; they burned the houses; they killed two persons and bayoneted them.

Q Where were you when this happened?

A I was at the barrio, one side.

Q And then did you go and hide?

A I was hiding.

Q Did you return to the barrio on the 18th day of February?

A Yes, sir; I returned.

Q Where did you go in the barrio?

A I went to the barrio where there was an oven.

Q You mean sugar mill?

THE INTERPRETER: I beg your pardon?

CAPTAIN PACE: Ask the witness if he is saying that he went to the sugar mill.

A (Through the Interpreter) That oven is used for making sugar.

Q (By Captain Pace) Did you go to the sugar mill at barrio Luntal on the 18th of February?

A Yes, sir.

Q How many other people were at the sugar mill?

A Sixty-eight.

Q Did anything happen that morning?

A Yes, sir, something happened.

Q What was it?

A The Japanese returned and fired machine guns at them and those who ran were shot at.

CAPTAIN SANDBERG: May I have the last answer of the witness?

(Answer read.)

CAPTAIN SANDBERG: I would like to inquire if the witness didn't use the word "guerrilla."

THE INTERPRETER: The word?

CAPTAIN SANDBERG: Did he use the word "guerrilla"?

(Whereupon the Interpreter asked the question of the witness.)

THE WITNESS: (Through the Interpreter) No, sir.

Q (By Captain Pace) What else did the Japanese do?

A (Through the Interpreter) After killing the persons they burned them.

Q How did they kill the persons?

A They were bayoneted.

Q What else?

A I don't know. They were bayoneted.

Q Were any of them shot?

A Yes, they were shot.

Q Out of the 68 people whom you testified were at the sugar mill, how many of them were killed?

A They killed 63 of them.

Q How many people survived?

A Five, sir.

Q You were one of the five?

A Yes, sir.

Q You were at the barrio a lieutenant; is that right?

A That's right.

~~Q And it was your duty to count the people killed; is that also correct?~~

A Yes, sir. To report to the mayor the number.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) On the 16th of February, 1945, you were at home when something happened; is that right?

A When I went home, no; it was not when I went home. I was there in Luntal.

Q Where in Luntal -- is that the name of it? Luntal?

THE INTERPRETER: Yes.

Q (By Captain Reel) Where in Luntal were you before anything happened?

A I was at the barrio on that day, February 16th.

Q But where at the barrio?

A Somewhere at the east side.

Q In a house or outdoors?

A Outside, sir.

Q And what was the very first thing that you noticed that was unusual?

A The Japanese were burning the homes.

Q When did you see the Japanese?

A When I saw them it was on the 16th.

Q Yes. But did you see them before you saw any smoke or fire?

A Yes, sir.

Q And what were they doing when you first saw the Japanese?

A They were walking. They approached the homes, burned them and walked again.

Q And did you stand on the street and watch them burning those homes?

CAPTAIN PACE: If it please the Commission, the witness didn't say he was standing on the street.

CAPTAIN REEL: Excuse me, sir, but I don't think he said anything about it. I am trying to find out what happened.

CAPTAIN PACE: I think the record is clear as to what happened.

GENERAL REYNOLDS: The objection is not sustained. We will hear the answer to this question.

CAPTAIN REEL: Will the reporter read the question to the interpreter?

(Question read.)

THE WITNESS: (Through the Interpreter) I was behind

watching them, hiding.

Q (By Captain Reel) Where were you hiding?

A On the east side of the barrio.

Q What sort of a hiding place did you have?

A There was a grassy spot, and I laid there very flat.

Q And did you lay down in this grassy spot the minute you saw the Japanese coming?

A Yes, sir.

Q You had seen Japanese soldiers many times during the two or three years before this?

A Yes. I used to see them before this burning incident.

Q Yes. And when you saw them before did you always fall in the long grass and hide?

A No, sir. I used not to hide; only at that time when I know that they were killing.

Q In other words, on the 16th of February for the first time you hid when you saw Japanese soldiers, because you thought the people would be killed?

A Yes, sir.

Q And that was because you had heard that the guerrillas would be in town on the 16th of February; is that correct?

CAPTAIN PACE: If the Commission please, I might not have heard it, but I didn't hear any testimony to that effect.

GENERAL REYNOLDS: The objection is sustained. It has been repeated several times. The Commission has no objection to your seeking an answer to that particular question, but it does object to that manner of approach. There are statements in the question that you stated which are quite at variance with the witness' testimony.

CAPTAIN REEL: I realize, sir, that the witness said nothing about this. This being cross examination, I assumed that I had the liberty to ask a leading question. I will withdraw the question, however, in view of the Commission's ruling.

GENERAL REYNOLDS: I think perhaps it would be better if you can state it more simply. I know we will get better results from this witness.

CAPTAIN REEL: Yes, sir.

Q (By Captain Reel) You expected some people to be killed by Japanese on February 16th, is that correct?

A Yes, sir; because we heard from refugees from Bolboc, Cultihan and other towns that the Japanese were killing people.

Q Did you hear from the refugees from other towns that there were battles or fights between the Japanese and guerrillas?

A There was no fighting, but the news is that the Japanese were killing the persons.

Q Did you get news that the American forces had landed sometime previously and were close by?

A We have not heard yet about the Americans.

Q There was no talk about the American forces in Luntal at all; is that right?

A No, sir.

Q How long did you lay in this long grass that you have described?

A More or less two hours.

Q And then where did you go from there?

A From there I went to that oven for making sugar.

Q And why did you go to the oven for making sugar?

A In order to hide because I knew that the Japanese were killing.

Q Was it light or dark when you went from the long grass to the oven for making sugar?

A The time that day, more or less around 4 o'clock.

Q So that at 4 o'clock on the afternoon, daylight, you left one hiding place to go to another; is that correct?

A I went only as far as the oven for making sugar.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

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CAPTAIN PACE: Mr. Juan K. Solis.

JUAN K. SOLIS

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 Juan K. Solis.

Q Where do you live?

A In Taal, Batangas.

Q What position did you hold in Taal?

A Mayor of that municipality.

Q How long have you been mayor, Mr. Solis?

A I have been mayor since May 10th of this year.

Q And that is mayor not only of the town of Taal, but the municipality of Taal; is that right?

A Yes, sir.

Q Did you receive orders from the Governor of the Province of Batangas to conduct an investigation into events that took place in your municipality during the occupation of the Japanese troops?

A Yes, sir. I received a circular letter from the Provincial Governor asking me to report on the number of persons killed and number of houses burned by the Japanese in our municipality.

Q Pursuant to those orders did you issue orders to your subordinates?

A Yes, sir.

Q What subordinates and what orders?

A In compliance with that order I asked the barrio lieutenants of the area affected to submit the necessary report on the deaths and houses burned in their respective barrios.

Q And did you receive reports?

A I received up to this date partial reports.

Q You haven't heard from all the barrios; is that right?

A I beg your pardon, sir?

Q You haven't got reports from all the barrio lieutenants; is that right?

A I haven't got reports from all the barrio lieutenants.

Q About what percentage have you received?

A I think about 20 per cent, more or less.

Q 50?

A 20 per cent, more or less.

Q You have received 20 per cent?

A Yes.

CAPTAIN PACE: Mark this for identification.

(Copy of partial list of victims, Municipality of Taal, Batangas, was marked Prosecution Exhibit No. 273 for identification.)

Q (By Captain Pace) Will you look at Prosecution's Exhibit No. 273 for identification and tell whether you know what that document is?

A This is the partial report of the deaths in our municipality.

CAPTAIN PACE: If the Commission please, at this time I would like to offer Exhibit 273 in evidence. In view of the Commission's ruling of this morning, there are some corrections that will have to be made if it is to conform with my understanding of this morning's ruling.

On the second page at the top of the page is a statement, "Record of deaths and houses burned by Japanese . . .". So I suggest that the words "by Japanese" be deleted. And I think that is all I see in Exhibit 273 which is not in conformance with the Commission's ruling. I therefore offer it in evidence with that one change.

GENERAL REYNOLDS: Before the Commission considers this document we would like to have the time established more definitely, not as to the time of compiling it, but as to the time in which the deaths are alleged to have occurred.

CAPTAIN PACE: Yes, sir.

Q (By Captain Pace) This exhibit contains the names of many people; is that right?

A Yes, sir.

Q How many?

A More than 200, sir.

Q Those people are dead?

A Yes, sir.

Q During what period did they die?

A They died February 16, 17, up to 20 of this year.

Q February 16, 17, 18, 19, 20?

A 18, 19, 20.

Q In their reports which your lieutenants submitted to you only the deaths which took place during those four days have been reported; is that correct?

A Yes. Most of them on the 16th and 17th.

Q I beg your pardon?

A Most of them on the 16, 17 and 18.

CAPTAIN PACE: Yes, sir. Is that the information that the Commission desires, sir?

GENERAL REYNOLDS: Is there objection by the Defense?

CAPTAIN REEL: With the change suggested by the Prosecution to conform with this morning's ruling, there would be no further objection.

GENERAL REYNOLDS: The document is accepted in conformity with this morning's ruling on the paper similar in nature to the one just introduced.

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

CAPTAIN PACE: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) How do you know, sir, that the deaths reported were on the dates 16, 17, 18, 19, 20 of February?

A I beg your pardon?

Q How do you know that the deaths that were reported occurred February 16, 17, 18, 19, 20?

A Because those were the only days when the Japanese went to that municipality to massacre and burn several barrios of that place.

Q Now I will ask that you please answer the question. How do you know that the report covered only those days?

A Because the dead was stated in the reports submitted by the barrio lieutenants.

Q Didn't people die on any other days than those five days from any cause?

A There were some natural deaths.

Q And were there some deaths in the battles that occurred later?

A Only three occurred in the artillery battle between the American and Japanese forces.

Q Do you mean to say that during the artillery battles so far as you know only three persons died?

A Three persons.

Q Where did you get this information?

A I myself have gone to the place where those three died.

Q And you only saw the bodies of three dead after the artillery barrage?

A Yes, sir.

Q And did you look all over the town for bodies after the artillery barrage?

A Yes, sir, I inspected the burned area as a result of the battle.

Q You looked at every square inch of that town for bodies; is that right?

A Yes, sir.

Q Those reports that you got from your lieutenants were not based on any investigation that you personally made, were they?

A In some part I made my investigation.

Q But for the most part you relied on the statements of your lieutenants?

A Yes, sir.

Q When did you receive the statements from your lieutenants?

A I think I received that in the later part of the month of May.

Q So that in the later part of the month of May you received papers from your lieutenants relative to the number of dead persons in the barrio?

A Partial report.

Q And they told you that they made a list based on February 16, 17, 18, 19 and 20?

A Uh-huh (affirmative).

Q Is that right?

A That's right.

Q When were these lieutenants appointed to make this survey?

A They were -- Some of them were serving before the outbreak of war; some were appointed during the Japanese regime.

Q I am afraid you didn't answer my question.

A And some were appointed, sir, when I was already appointed mayor.

Q I am afraid you didn't answer my question. When were they told to make this particular survey?

A I received the provincial circular about the 15th of May, and immediately after I circularized that circular of the provincial Governor.

Q So on the 15th of May, or after the 15th of May you set in motion this machinery of your lieutenants to make this report?

A That is right, sir.

Q What position do you hold now?

A Mayor of Taal, Batangas.

~~Q And how long have you been mayor?~~

A Since May 10, 1945.

Q And did you live there before that, during the Japanese occupation?

A If I live in Taal? I beg your pardon? Do I live in Taal?

Q Did you live in the barrio of the town of which you are now mayor during the Japanese occupation?

A Yes, sir.

Q And are you familiar with everything that went on there?

A I think so. I can say so.

Q And can you tell us what guerilla units were active in that area?

A Guerrilla units? So far there was none in my municipality.

Q None in the municipality?

A (Nodding affirmatively.)

Q There were some close by the municipality, were there not?

A Yes, sir.

Q And can you tell us what those units were?

A In the nearby municipalities I am not sure whether there are some guerrilla units. However, there is a rumor that there are some.

Q Do you know the names of them?

A No, sir.

Q Or how strong they were?

A I don't know the names nor their strength.

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Q Do you know how many units there were?

A I do not know.

Q And nearby the municipality during January and February, 1945, there were frequent guerrilla raids on the Japanese soldiers, were there not?

A That is not true.

MAJOR KERR: If the Commission please, I object to that question. I submit that the same objection was made to a similar question yesterday and the question was directed withdrawn. It would lead us into a field rather far-fetched.

GENERAL REYNOLDS: We would prefer that the guerrilla activities be restricted to a part of the Defense presentation. We permitted the similar official at Lipa to testify this morning, and will do so as to this official if there is really a purpose to be served, but the nature

of the replies received so far from this witness appear to be utterly sterile.

CAPTAIN REEL: I will withdraw that line of inquiry at this point, sir.

GENERAL REYNOLDS: Very well.

Q (By Captain Reel) Just a question now about this artillery barrage. When was the American artillery barrage?

A On the night -- No. In the early morning following the arrival of the Americans on March 6th of this year.

Q January 6th?

A March 6th.

Q Oh, March 6th. How long did that artillery barrage last?

A I think it lasted for three hours.

Q And did it destroy most of the town?

A Only a section of the municipality of Taal and the commercial section of the neighboring municipality, Lemery.

Q And were certain houses marked for destruction by units friendly to the Americans?

A Pardon me?

Q Were certain houses marked for destruction by units friendly to the Americans?

A No, sir.

Q Was there airplane bombing of the town?

A There was none.

Q Just before the artillery barrage was there a raid by units friendly to the Americans?

CAPTAIN PACE: If the Commission please, "units friendly to the Americans" sounds like what we have been

talking about in the way of guerrillas all along.

CAPTAIN REEL: Sirs, this has reference merely to the guerrilla activity at the time of the artillery barrage.

GENERAL REYNOLDS: Will you read that question back, please?

(Question read.)

CAPTAIN REEL: That does refer, sir, to guerrillas just prior to the artillery barrage.

MAJOR KERR: If it please the Commission, may I point out that this line of questioning is directed to a period of time that is wholly irrelevant. The matters which have previously been testified to by this witness were in February. He has just stated that the barrage took place in March. I submit that it could have no connection whatever.

GENERAL REYNOLDS: The objection is sustained.

CAPTAIN REEL: That's all.

(Witness excused.)

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

(Short recess.)

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

CAPTAIN SANDBERG: If the Commission please, the Defense has been informed during the recess that the translations, interpretations by the Tagalog Interpreter, were false in a number of respects, in a manner that amounts to being scandalous. We are at a disadvantage, the Defense is, in that we do not have any Tagalog interpreter. We would like to move at this time that the last Interpreter be permanently disqualified from interpreting hereafter.

GENERAL REYNOLDS: Well, that is a very serious charge against a sworn interpreter who has, apparently, been able to give a conscientious performance of his duty. Before the Court could take such drastic action, which might have very serious effect on the future earning capacity of this individual, we would certainly have to sustain this charge against him.

CAPTAIN SANDBERG: Well, we don't mean to infer in any respect that the interpreter acted in anything other than good faith, but apparently the interpretation has not been correct; and, in a capital case of this sort, we urge most strenuously that there must be accuracy. We were told of one specific instance where the Interpreter stated that the direction was "east," when, in fact, the direction was west -- as an illustration.

GENERAL REYNOLDS: We will have to have tangible evidence that such inaccurate statements were submitted, before we would even consider taking such drastic action as to this man who is sworn to do his duty, and apparently,

has been sincere.

The Commission asks that counsel disclose in court the source of his allegations, so that we may weigh this most unusual and most serious charge.

CAPTAIN SANDBERG: We heard that from a number of members of the Philippine press section. I don't know their names, but we would like to make this suggestion: If the Commission does not wish to take action on such necessarily insubstantial grounds, as we can see, we ask if it would be possible for the Defense to be supplied with a Tagalog interpreter, so that we may have some check on the interpreter.

GENERAL REYNOLDS: The interpreters, of course, serve the Commission, the Prosecution, and the Defense. I see no objection to having an additional one to work directly with counsel.

But this is a most serious charge, which may have a very bad and harmful effect upon this young man's career, if he is a professional interpreter. He was carefully selected and, if I recall correctly, he is a university graduate and has specialized in the Tagalog language. And in fairness to him the Commission feels that we must take time right now to prove or disprove this most serious and unusual charge.

CAPTAIN SANDBERG: Sir, we have given the Commission all the information we have. If the Commission wishes to hear from the persons who told us that, that is a matter for the Commission to decide.

GENERAL REYNOLDS: Well, by all means; let us put

him on the stand.

Will the Prosecution swear the witness, please?

ARMANDO MALAY

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

GENERAL REYNOLDS: Qualify him as to his own knowledge of Tagalog.

Q (By Major Kerr) Do you speak Tagalog?

A Yes, sir.

Q Where did you learn Tagalog?

A I am a native born Tagalog.

Q Have you attended schools?

A No, sir.

Q What schooling have you had?

A In English I have had elementary, high school and college education.

Q And where did you attend college?

A University of the Philippines.

Q Did you graduate from the University of the Philippines?

A Yes, sir.

Q Where do you live?

A I live in Colocan, Rizal.

Q Where is that located?

A That is north of Manila.

Q In what province?

A That is the Province of Rizal. That is a Tagalog province.

Q Have you ever interpreted in court proceedings?

A Yes, sir. Not officially, but I volunteered my services in case an interpreter happens to be unavailable.

Q Will you tell the Commission in what courts or types of courts you have just volunteered your services?

A Well, in the last investigation of the National Development Scandal, I volunteered to interpret for the Chinese; in other words, I put questions in Tagalog to the Chinese from English.

Q Did you interpret from Tagalog into English?

A From Tagalog -- yes, sir.

Q And you have interpreted both from English into Tagalog and from Tagalog into English, is that correct?

A Yes, sir.

Q Have you had other experience?

A Well, I remember that in a certain case about five years ago, in a celebrated abduction case, I translated a song, the words of a song in Tagalog, to English, for the benefit of the Court.

Q Are there different types of dialects in Tagalog?

A Yes, sir. Certain phrases have different meanings in different localities.

Q What is the difference, for instance, in the phraseology of Tagalog in Batangas Province and in Manila?

A Batangas Province has phrases that have a meaning entirely known only in Batangas, but not known in other Tagalog provinces.

Q Are you familiar with those phraseologies used in Batangas Province?

A More or less, sir.

Q You are familiar with the dialect employed in Batangas?

A Yes, sir.

MAJOR KERR: All right, sir.

GENERAL REYNOLDS: General Lester, a member of the Commission, will interrogate the witness.

GENERAL LESTER: I would like for the reporter to read the allegation by the counsel for the Defense which, in effect, stated that the translation was false to such an extent that the testimony was "scandalous."

Will you read that in full?

(The portion of the record referred to was read by the reporter as follows:

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"CAPTAIN SANDBERG: If the Commission please, the Defense has been informed during the recess that the translations, interpretations by the Tagalog Interpreter, were false in a number of respects, in a manner that amounts to being scandalous. We are at a disadvantage, the Defense is, in that we do not have any Tagalog Interpreter. We would like to move at this time that the last Interpreter be permanently disqualified from interpreting hereafter.")

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) Will you state your name?

A Armando Malay.

Q Your residence?

A 142 A. Mabini, Colocan.

Q Profession?

A Newspaperman.

Q Do you understand that any question posed by this Commission to you which tends to degrade and incriminate you, you are at liberty not to answer? Do you understand that?

A Yes, sir.

Q In answering any questions that might tend to incriminate you, do you understand that you might be subject to punishment by a court of law, if subsequent to this case legal remedies for other persons were involved?

A Yes, sir.

Q Knowing that, you are willing to testify?

A Yes, sir, because I want the Defense and the Prosecution to get the full benefit of the testimony, and not --

Q Are you the source of information to the counsel for the Defense, which contains the allegation which has just been read from the record a second time?

A I and three other Filipino newspapermen talked about wrong translations we heard this afternoon, and I don't know how it happened to get to the ears of the Defense. They asked me, and I said "Yes."

Q Will you state specifically the case of a wrong translation, or as many as you know?

A Yes, sir. Right here this afternoon, sir, I heard a witness say twice --

Q Just a moment. Which witness?

A May I look at my notes?

Q Consult your notes. These were made at the time the witness was being interviewed, is that correct?

A Yes, sir.

(Referring to notes) It is either the Witness Ignacio Banawa or the Witness Casimiro Garcia, either one of them. I heard this witness say twice that he went to a barrio -- he used the word "Kanluran," of his own barrio. In other words, he means a barrio east of his own barrio, but the translation that the Commission got from the Interpreter was "west," which is the opposite direction.

Q Well, what bearing did that have on the issue at stake? Did it have any material bearing whether the witness went east or west? In what way did it invalidate the testimony?

A If a person -- if a witness says he went east, and the translator says he went west, I think the whole testimony becomes wrong, sir. A direction is a very important matter.

Q It might be in some case, but in this case what bearing did it have what the direction was?

A It has a very important bearing in my mind, sir, because if a man goes west, says he went west, and he testifies on events that happened in the direction which is west, but the Commission hears that he went east, and it subsequently turns out that there was nothing that happened in the east, don't you think, sir, that the whole testimony would be jumbled?

Q Do you recall to what barrio you were referring when this alleged translation was "east," instead of "west," or vice-versa?

A One witness, I believe, sir, said that after

escaping from his own barrio he hid in another barrio, which is east, he said, because he used the word "Silangan"; he used the word "Kanluran," which means "west" -- he went to a barrio west of the barrio where he originally lived. When the Commission heard the interpretation, it was "east." I think that was said twice, sir, and I called the attention of my colleagues to that and we passed notes.

Q Well, what was the correct translation?

A It should have been "west," sir.

Q Instead of "east"?

A Yes.

Q Were there any other wrong translations that you heard?

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A Yes, sir. Well, this is a phrase which I said might -- which is peculiar to Batangas, but I know that it is wrong, because -- one weakness of the fellow with the white hair, I think the last one, who said that he hid behind the house in a place, the adjective he used was "masukal." Now, in Batangas, sir, "masukal" means a place where there are shrubs and tall grass. The Interpreter gave the translation as "dirty." Do you remember that? He said, "A dirty place," which is entirely different. A dirty place is not necessarily a place where there is tall grass, and tall grass need not be a dirty place; it could be a clean place, although there is grass covering it. But the Commission got the impression he hid in a yard which is dirty, which is a wrong translation of the word "masukal." It means "weedy," sir, but --

GENERAL DONOVAN: I didn't get the impression he was in the yard; I got the impression he was in the carabao wallow.

THE WITNESS: There you are, sir.

GENERAL DONOVAN: That is a dirty place.

THE WITNESS: What the witness said, sir, was "masukal," a place which is not mowed, where there is tall grass.

Q (By General Lester) We have gotten that idea. Will you pass on to any other item that was a wrong translation?

A Today, sir, that is all that struck my attention, the three cases, but previous days I have not been satisfied with the translation. Right now I can't tell you, but I am sure that we have talked it over with the other reporters, and we are agreed that there is something wrong with the interpretation.

GENERAL LESTER: Has Defense counsel any questions to ask the witness?

CAPTAIN SANDBERG: No, sir.

GENERAL LESTER: You may stand down.

(Witness excused.)

GENERAL REYNOLDS: The Defense made a most unusual and most drastic charge against this interpreter. The Commission has now heard the complainant, and asks counsel if he considers these things material, even though the statements made by the complainant were wholly true? Did it have any material effect whatever on the substance of the testimony?

COLONEL CLARKE: In these two particular instances, yes, sir. We have guerrilla activities placed in various

barrios, various places. If he tells us that he went this way (indicating), and there were no guerrillas, he went west when he meant east, then we don't know where we are; we have these guerrilla bands placed there.

Now, not only as to these particular questions, sir, but throughout the translations -- the interpretations, rather -- by this one interpreter, we are not sure, when we know these things have happened, that any other part is or is not correctly translated. We cannot feel safe unless we have some assurance we are getting a correct and literal translation.

GENERAL REYNOLDS: The charge was made as "so erroneous as to be scandalous," which is a most unusual charge, and the Commission is unable to see anything scandalous, or any material effect it would have on the general picture.

CAPTAIN SANDBERG: I would like to explain, sir, that when I used the term "scandalous," I was thinking rather of the gravity of the proceedings here. This is a capital case; testimony is of the most extreme importance. And to have inaccurate interpretations in a matter of these proceedings I think would be scandalous. I was not referring, sir, and I should like to make myself very clear on this, to anything involving the Interpreter, to the good faith, or anything else connected with him, because I am sure he has acted properly in accordance with his own abilities. But we do feel that in the importance of this case, that it is a very serious matter.

GENERAL REYNOLDS: I would like the reporter to read

back the statement of counsel on which this matter was first introduced before the Commission.

(The portion of the record referred to was read by the reporter as follows:

"CAPTAIN SANDBERG: If the Commission please, the Defense has been informed during the recess that the translations, interpretations by the Tagalog Interpreter, were false in a number of respects, in a manner that amounts to being scandalous. We are at a disadvantage, the Defense is, in that we do not have any Tagalog interpreter. We would like to move at this time that the last Interpreter be permanently disqualified from interpreting hereafter.")

GENERAL REYNOLDS: Now, the witness who came before the Commission stated that there were three others with whom he conferred. The Commission would invite, since we do not know who they are, cannot summon them, those three additional persons to come forward, one by one, be sworn, and state what they know.

MR. ARMANDO MALAY: If the Commission please, this gentleman (indicating), representing the Manila Post, and this other one (indicating), knows Tagalog, -- the Manila Times.

GENERAL REYNOLDS: Very well. They may come forward one at a time and be sworn.

ANATOLIO LITONQUE

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

Q (By Major Kerr) What is your name?

A Anatolio Litonque.

Q And where do you live?

A I live at 463 Esmeralda, Manila.

Q What is your occupation now?

A I am a newspaperman.

Q What newspaper?

A For the Manila Times.

Q What schooling have you had?

A I finished B. A. and U. B. in the University of the Philippines.

Q You have the Bachelor of Arts degree from the University of the Philippines?

A Yes, sir.

Q You speak Tagalog, of course?

A I speak Tagalog.

Q Have you ever interpreted in a court or other proceedings?

A I have never.

Q You have never interpreted from English to Tagalog or from Tagalog to English?

A I did some translation when I was in the Philippine Herald, when I was on the staff of the Herald.

Q What was the nature of that translation?

A I translated -- I wrote some stories from Tagalog into English, because we had a Tagalog paper then, the B. D. P.

Q Are you familiar with the dialect of Tagalog spoken in the Batangas Province?

A (Pause) I am familiar.

Q You are generally familiar with that dialect?

A Generally, sir.

Q And you are familiar with the types of phrases they use there that are not used elsewhere in the Philippines?

A I am, although I admit that there are peculiar expressions that I hardly can understand.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) You understand that you are not required to answer any question by this Commission which would tend to incriminate you or degrade you or humiliate you; do you understand that?

A Yes, sir.

Q You have heard the allegations made by the Defense counsel as to translations having been false to such an extent that it was "scandalous." Did you hear that?

A I did, sir.

Q Did you make such a statement to the Defense counsel?

A I didn't.

Q Did you hear any grossly incorrect translations made by any witnesses this afternoon, before this Commission?

A I did, sir.

Q Will you state to the Commission what those incorrect translations were?

A Particularly --

Q And who was the witness?

A I would have to look up in my notes. I think it was one of the last two witnesses.

Q Was it an elderly gentleman?

A I think it was Banawa, if I am not mistaken; Ignacio Banawa; when he talked about machine guns being put up at the crossing.

Q Yes.

A And there was a particular word that the interpreter used, as the previous witness stated -- when the witness, when Banawa said he went "kanluran."

Q The same incorrect translation of the word "east" for "west", or vice-versa?

A Exactly, sir.

Q What other incorrect translation do you allege?

A That is the only translation I noted and talked about with the other fellow reporters.

Q Did you notice ~~any other witness this afternoon whose~~ testimony, in your opinion, was incorrectly translated?

A I have not, sir. What I noticed was that the translator had some difficulties, because sometimes the witnesses could not get the questioning of the Defense.

Q You noted the very involved phrases of past-perfects and conditionals, and various turned phrases which are difficult to translate in any other language?

A Yes, sir.

Q How many languages do you speak?

A I speak three languages.

Q You are thoroughly familiar, then, with the difficulty of any language whatever, what the French call the expression for "the phrase is turned," a difficult translation?

A Yes, sir; especially Tagalog.

Q You know when you are talking to a witness who is not too literate, slightly illiterate or not too well educated, the difficulty of explaining meaning?

A That is what I said, sir.

Q You know the necessity for circumlocution and re-phrasing to explain to the man?

A Yes, sir.

Q In guiding him?

A Yes, sir.

Q There is no other way for an interpreter to do, is there, from time to time? It is impossible for him to make a literal translation to a witness who cannot understand it, isn't it?

A I believe so, sir, although I believe, too, that the proceedings can be made to be conducted more expeditiously if better interpreters are chosen.

Q What other incorrect translation do you allege was made this afternoon? We have got the "east" and "west" one; now, what other?

A There were a number of -- I don't remember other phrases now.

Q Do you consider this one incorrect translation which you alleged, "east" for "west," or "west" for "east," to be false and scandalous?

A No, sir.

GENERAL LESTER: Has the Defense any questions?

CAPTAIN SANDBERG: No, sir.

GENERAL LESTER: Stand down.

(Witness excused.)

GENERAL REYNOLDS: The next witness may come forward.

FELIX GONZALES

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

QUALIFYING EXAMINATION

Q (By Major Kerr) Will you state your name?

A Felix Gonzales.

Q Where do you reside?

A 334 Santa Mesa.

Q What is your occupation?

A Reporter.

Q A newspaper reporter?

A Yes, sir.

Q With what paper?

A With the Manila Post.

Q What education have you had?

A Up to college. I didn't finish college.

Q How long did you attend college?

A Four years.

Q What college?

A University of The Philippines.

Q Do you understand Tagalog?

A A little, sir.

Q What do you mean by "a little"?

A Well, I am not an expert on Tagalog.

Q What language do you speak well?

A I speak Spanish better than Tagalog.

Q And of course you speak English?

A I speak English.

Q Any other language?

A No, sir.

Q Are you familiar with the language of Tagalog as generally used in Batangas Province?

A No, sir.

Q You are not familiar with that dialect?

A No, sir.

Q Do you consider yourself well qualified to translate Tagalog into English or English into Tagalog?

A Very much less.

MAJOR KERR: That's all.

GENERAL LESTER: Does the Defense Counsel care to ask this witness any questions?

COLONEL CLARKE: No, sir.

GENERAL REYNOLDS: Are there others who have made charges about the young man who served as Tagalog interpreter --

GENERAL LESTER: The witness may stand down.

GENERAL REYNOLDS: -- who desire to be heard?

(Witness excused)

GENERAL REYNOLDS: If not, the Commission will withdraw for deliberation.

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

GENERAL REYNOLDS: The Commission is in session.

The following question is directed to Senior Defense Counsel:

In view of the testimony presented to the Commission does Senior Defense Counsel desire to request the Commission

to recall either or both of the witnesses whose testimony was in question this afternoon for interrogation through another interpreter?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: The Commission will hear these witnesses at 7:30 tonight if they can be made available.

CAPTAIN PACE: I'm not quite clear, sir, who they were.

MAJOR KERR: Does Defense Counsel recall which witnesses were referred to?

GENERAL REYNOLDS: It is very easy to tell from the record. One is said to have used the word "east" when perhaps he said "west", and in the other case he testified to being in a "dirty" place when he may have said he was in a "grassy" or "bushy" place.

CAPTAIN PACE: Is that the witness who testified that from the position where he was behind the house he saw the Japanese put up a machine gun and fire it, and the one where so much discussion was had over what he was able to see in one minute?

CAPTAIN SANDBERG: That is correct.

CAPTAIN PACE: That witness is Garcia. He is the one who testified about escaping from his barrio and returning two days later to his sugar mill where 63 people were killed and 5 people were injured. The other one is Banawa, I believe.

GENERAL REYNOLDS: Are those the two witnesses? (No response).

The Defense made the allegation. It should be prepared

to state the identity of the witnesses whom they have requested be recalled.

CAPTAIN SANDBERG: We think that it was Casimiro Garcia and we suggest that the reporter would be able to definitely ascertain that fact.

GENERAL REYNOLDS: Very well.

After interrogation of the individuals whose statements led to this serious charge which caused Captain Sandberg of Defense Counsel to charge that translations were "so inaccurate as to be scandalous" or words to that effect, the Commission finds the serious charge against the official interpreter to be unfounded. On the contrary, the alleged inaccuracies of translation are considered by the Commission to have been immaterial.

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In future, whenever a witness who speaks Tagalog appears before the Commission and in view of the different meanings attached to words or expressions in the several regions of the Philippines, a second interpreter will be provided, if one is readily available and qualified, as a check on the accuracy of Tagalog translations.

The Commission expresses its regret to the interpreter for the charge made against him which the Commission considers to have been unjustified. The status of the interpreter will remain unchanged.

MAJOR KERR: Sir, I am just informed that both of those witnesses have been dispatched to their homes in Taal. If the Commission so desires we shall send another car to intercept them and endeavor to get them back.

GENERAL REYNOLDS: The Commission does so desire and

will now recess until 7:30 this evening to hear those two witnesses.

Does Prosecution have other witnesses available for interrogation at this time?

CAPTAIN PACE: It does, sir.

GENERAL REYNOLDS: Proceed.

CAPTAIN PACE: If it please the Commission, the Prosecution has finished the presentation of evidence on Bill of Particulars No. 43. It is now ready to begin the presentation of evidence in the case covered in Bill of Particulars paragraph number 44 and to continue with the presentation of evidence in the case with respect to Bill of Particulars No. 1.

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Cipriano de la Pena.

CIPRIANO de la PENA

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

CAPTAIN PACE: If it please the Commission, this case is dealing with the municipality of Cuenca, which is also in Batangas. On Exhibit 243 the town, the head of the municipal government of Cuenca, is located two kilometers east of the southern bay of Lake Taal.

GENERAL REYNOLDS: If this witness is to be interrogated through a Tagalog interpreter, the Commission desires a second interpreter to sit with him and to check on his interpretation.

(Whereupon Interpreter Gojunco was called upon to act as second interpreter.)

DIRECT EXAMINATION

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

A (Witness talking in native dialect.)

CAPTAIN PACE: Will the Interpreter stop the witness and --

THE WITNESS (through the Interpreter): Cipriano de la Pena.

Q (By Captain Pace) Where do you live?

A Barrio Dita.

CAPTAIN PACE: The Commission will find that about three kilometers northeast of the town of Cuenca.

Q (By Captain Pace) Did you live there on February 3, 1945?

A No, sir.

Q Where did you live on February 3, 1945?

A Barrio Butal east of Dita.

Q How far east?

A It was about one kilometer from Barrio Dita.

Q What happened on the morning of February 3rd?

A We were caught by the Japanese at Barrio Butal where we live. We were taken to Barrio Dita.

Q What happened to you in Dita?

A In the afternoon we were tied with hands behind.

Q How many of you were there?

A We were 21.

Q What happened to you then?

A We were taken to Binaglunang near the ravine. We were 21. We were shot. My companions who die were thrown into the ravine.

Q What killed your companions?

A Guns.

Q Were all 20 of them killed?

A Yes, sir.

Q Were you wounded?

A I fell down. Those who were dead fell on me. When I regained consciousness it was quite dark.

Q Were you injured?

A I was not injured but I fell. I lost consciousness.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) I think you said that on the third day of February you were caught by the Japanese at --

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I did not get the name of the province. Do you know the name of that province?

CAPTAIN PACE: Butal; B-u-t-a-l.

CAPTAIN REEL: Butal? B-u-t-a-l?

CAPTAIN PACE: Yes.

Q (By Captain Reel) I think you testified that you were caught by the Japanese at Butal. Is that correct?

A We leave the Barrio Butal. We were taken to Dita.

Q Will you tell us what you meant when you said you were "caught" at Butal?

A When we were caught we were taken there at that barrio at that time.

CAPTAIN REEL: Will you ask the witness again what he means when he says "caught"? Was somebody chasing him? Was he running? Let's find out what he means by the word "caught".

(Whereupon Interpreter Lavengco interrogated the witness.)

THE WITNESS (through Interpreter Lavengco): I was caught in Barrio Butal and we were taken to Barrio Dita and they caught us there.

Q (By Captain Reel) Were you engaged in fighting the Japanese?

A No, sir. We were driven there.

Q Were you at the time you were caught with any persons who were guerrillas?

A We not help guerrilla companions.

Q Were any guerrillas caught at Butal on that day?

A No, sir.

Q Do you know of guerrilla activity at Butal?

A I do not know of any.

Q Did you go into the ravine of your own accord?

INTERPRETER LAVENGCO: Will you repeat that, sir?

CAPTAIN REEL: Did you go into the ravine of your own accord, of your own volition?

A (Through Interpreter Lavengco) Yes, sir. We were pushed over.

CAPTAIN REEL: No further questions.

(Witness excused)

CAPTAIN PACE: Mrs. Pimo.

VALENTINA RIMO

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A (Through Interpreter Lavengco) Valentina Rimo.

Q. Where do you live?

A. Barrio Labac, Batangas. Barrio Labac, town of Cuenca, Batangas.

Q. That is right on the edge of the town of Cuenca; is that right?

A. Yes, sir; Cuenca.

Q. Did you live there on the 6th day of February, 1945?

A. Yes, sir; I did.

Q. Will you describe what happened at 9:00 o'clock that morning?

A. I and my child was taken by the Japanese and taken to a house where many people were assembled.

CAPTAIN PACE: Will the reporter read the answer?

(Answer read)

Q. (By Captain Pace) Is that near your house?

A. Very near, sir.

Q. What happened after you got to this other house?

A. All the men were taken by the Japanese.

Q About how many men were taken from the house by the Japanese?

A More or less 50.

Q Were your father and brother in that group?

A Yes, with them.

Q After the men were taken out of the house, what happened then?

A Three women were taken. Three women were taken out of the house. The three were taken out of the house with two soldiers, other soldiers.

Q What time were they taken out of the house?

A Three women were taken by two Japanese soldiers, told that they would be taken to their homes.

Q What time were they taken out of the house?

A About 5 o'clock in the afternoon.

Q Did these three women return?

A The three women returned and they were told to return because they were told that the hole was not yet ready.

Q What kind of a hole was it?

A The three women said the Japanese were digging the hole.

Q The Japanese told the women to go back, because it wasn't ready?

A Yes, sir.

CAPTAIN REEL: Sir, we object to that question, sir, what the unnamed Japanese persons told other women who may have told this witness.

GENERAL REYNOLDS: Not sustained. Proceed.

CAPTAIN PACE: Did the witness answer the question?

INTERPRETER LAVENCO: Yes, sir.

CAPTAIN PACE: What was the answer?

THE REPORTER: The answer was "Yes, sir".

Q (By Captain Pace) Will you tell what the women said the Japanese told them?

A (Through Interpreter Lavengco) The Japanese told the girls to return because the hole was not ready, and the women told me that we would be taken to the hole.

Q So what did you and your son do then?

A When we learned that the Japanese will kill people, I and my child escaped.

Q Now, have you ever seen any of the 50 men who were taken from the house, since that date?

A We have not seen any of them, from that time until now.

Q How many women and children were in the house when you and your son escaped?

A More or less 100.

Q Have you ever seen a single one of those women or children since that date?

A From that time until now, we don't see any. We have not seen any, from that time until now.

Q You knew most of those men and most of those women, did you?

A I know some. I do not know the others.

CAPTAIN PACE: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) Have many people evacuated or been

evacuated, sent away -- so the Interpreter will understand --  
have many people been evacuated from the Town of Mambog?

INTERPRETER LAVENGCO: Will you repeat the question?

A (By Captain Reel) Have many people been evacuated  
from the town or barrio of Mambog?

CAPTAIN PACE: He will understand better if you will  
call it "sitio"; it is smaller than a barrio.

CAPTAIN REEL: I understand she lived in barrio  
Mambog, Town of Cuenca; if I am incorrect, I appreciate the  
correction.

CAPTAIN PACE: I am told they call it "sitio."

Q (By Captain Reel) To put the question with the correc-  
tion, have many people been evacuated from the sitio of Mambog?

A (Through Interpreter Lavengco) Only two families were  
not there. That is why they were not with the others.

Q I mean, since the incident referred to, during the  
warfare, were many families evacuated, sent away, from sitio  
Mambog?

A Only those two families. I and my child were able  
to escape.

Q Do you mean that since the war, and after this in-  
cident, only two families have moved away from sitio  
Mambog?

A Yes, sir.

Q Now, you didn't see any hole yourself?

A No, sir.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you.

(Witness excused.)

CAPTAIN PACE: Mr. Maulion.

LEORADIO MAULION

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

DIRECT EXAMINATION

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

A Leoradio Maulion.

Q Where do you live?

A Barrio San Felipe in the town of Cuenca, Batangas.

Q Did you live in San Felipe on 14 February, 1945?

A Yes, sir.

Q Will you tell what happened about noon of that date, please?

A On February 14, Wednesday, at noon I was caught by six Japanese.

Q What happened to you then?

A I was caught at the barrio of San Felipe. My hand was tied behind me.

Q Yes?

A Afterwards I was taken to barrio Taisan, west of the town of Cuenca.

Q How far west?

A One-half kilometer.

Q What happened to you when you got to that barrio?

A When I was there I saw 24 civilians tied. I was the 25th .

Q What happened to the 20 people?

A At 8 o'clock in the evening, we were taken to barrio

San Juan, west of Taisan.

Q What happened to you at San Juan?

A When we arrived near the hole, we were bayoneted.

Q How many of you --

A I was the last. Then I received two bayonet wounds, one in the arm and the other on the side.

Q How many men were bayoneted ahead of you?

A 24.

Q Where were your bayonet wounds?

A On my arm and at my side.

Q What happened after you were bayoneted?

A After bayoneting, we were covered by dirt, but I was not covered.

Q You were all in the hole, weren't you?

A Yes, I was in the hole, but I wasn't covered because I leaned against the wall.

Q Were the other 24 men covered?

A Yes, sir.

Q Did they die?

A Dead.

Q Did you escape?

A After covering the hole, the Japanese left. I untied myself and then I left.

CAPTAIN PACE: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Reel) Will you ask the witness what he meant when he said that on the 14th of February, 1945, at noon, he was "caught" by six Japanese?

A (Through Interpreter Lavengco) I was caught at

barrio San Felipe by the six Japanese.

Q What were you doing when you were "caught"?

A I came from the fields.

Q Were you alone?

A We were two.

Q Who was your companion?

A My cousin.

Q What had you been doing in the fields?

A I have taken care of a cow.

Q Were you a guerrilla?

A No, sir.

Q Did you help the guerrillas?

A No, sir.

Q Was your cousin a guerrilla?

A No, sir.

Q Did he help the guerrillas?

A No, sir.

Q Did you run when you saw the Japanese?

A I was not running.

Q Well, what do you mean, then, when you say you were "caught"?

A I was caught.

Q Now, was there any fighting going on in San Felipe?

A No, sir.

Q Did you hear any shooting at San Felipe?

A No, sir.

Q I think you said you went to barrio Taisan, which is about half a kilometer west of Cuenca, is that correct?

A I was taken to barrio Taisan.

Q And what time did you get there?

A It was noon when I was caught.

Q What time did you get to barrio Taisan?

A It was not yet 1 o'clock. The sun was just inclined.

Q And was there any fighting going on in Taisan when you got there?

A No, sir.

Q Now, this hole that you told about; how big a hole was it?

A Round.

Q How big?

A The hole is reached like this (demonstrating).

CAPTAIN REEL: May the record show that the witness reached his hands out approximately one yard?

GENERAL REYNOLDS: Very well.

Q (By Captain Reel) And it was a round hole, did you say?

A (Through Interpreter Lavengco) The hole is round.

Q How deep was the hole?

A 15 meters.

Q 15 meters deep. Now, 24 people were put into that hole, is that right?

A 25, including me.

Q And were you standing in the hole when you were in it?

A When I fall -- when I fell, I was in standing position.

Q And how much space was there between the top of your head and the opening of the hole above you?

A About 5 meters.

Q About 5 meters. And you stood against the wall, the top of your head 5 meters from the opening, while dirt was thrown in, is that right?

A Yes, sir.

Q And no dirt was thrown on you?

A No, sir; I was not covered.

CAPTAIN REEL: That is all -- just a moment; one more question.

Q (By Captain Reel) When you were standing in the hole, were you standing on the bottom of the hole, your feet on the ground?

A I was standing on the covered bodies of the people.

Q So that before you got into the hole, the bodies were covered, is that right?

A There were a little covering the hole. I was not covered because I was at the side. Unless I stay covered, I tried to lift my feet now and then.

CAPTAIN REEL: Could we have an answer to the question?

(The last question was read by the reporter and translated to the witness.)

A (Through Interpreter Lavengco) Not yet.

CAPTAIN REEL: No further questions.

#### REDIRECT EXAMINATION

Q (Question by Captain Pace) Is there any doubt in your mind that the Japanese drove a bayonet into your body two times?

INTERPRETER LAVENGCO: Beg pardon?

Q (By Captain Pace) Is there any doubt in your mind that the Japanese drove a bayonet into your body two times?

A (Through Interpreter Lavengco) I was bayoneted twice, one in the arm and one in the side.

Q Will you stand up and show this Commission where you were bayoneted?

THE WITNESS: This (indicating) and this (indicating).

CAPTAIN PACE: The witness has indicated two wounds on his left arm, and another on his left side.

Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: Does Prosecution have further witnesses?

CAPTAIN PACE: Yes, sir, we have more out here.

GENERAL REYNOLDS: We will recess until 7:30 this evening, and hear such witnesses as you had scheduled for this afternoon; and, if the witnesses whose translation is requested are available, we will hear them tonight.

The Commission is now in recess.

(Whereupon at 1735 hours, a recess was taken until 1930 hours, 9 October 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 1940 hours.)

GENERAL REYNOLDS: The Commission is in session.

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

GENERAL REYNOLDS: The first order of business will be the repetition of certain testimony taken in this afternoon's session. The procedure will be for the reporter to read the question exactly as it appears in the record; the Interpreter will then procure the answer from the witness, and the reporter will record at this evening's session the question read from this afternoon's proceeding and the new answer elicited from the witness.

Is that clear to the reportorial staff?

REPORTER WINTER: Yes, sir.

GENERAL REYNOLDS: All right.

Remind the witness he is still under oath.

IGNACIO BANAWA

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

GENERAL REYNOLDS: Remind the witness he is still under oath.

MAJOR KERR: I remind you that you are still under oath, having been sworn when you previously testified today.

(Translated by Interpreter Gojunco to the witness.)

GENERAL REYNOLDS: Proceed.

(Interpreter Jesus W. Villa-Real was called upon to act as second Interpreter.)

MAJOR KERR: May the record show that the Interpreter now functioning at this evening's session is not the same interpreter who functioned at the time that this witness was on the stand this afternoon?

GENERAL REYNOLDS: Let the record also show the name of this witness.

MAJOR KERR: It will, sir. Yes, sir.

GENERAL REYNOLDS: Very well. Proceed.

REPORTER WINTER: "DIRECT EXAMINATION"

"Give your name, please."

A (Through Interpreter Gojunco) Ignacio Banawa.

REPORTER WINTER: "Where do you live?"

A 70 Cultihan.

REPORTER WINTER: "On February 16, 1945, did you live in Cultihan?"

A I live in Cultihan.

REPORTER WINTER: "What happened on the morning of February 16?"

A The Japanese arrived, and when they reached the crossing they fix their machine guns.

REPORTER WINTER: "Did they fire the machine guns?"

A They fired at the houses.

REPORTER WINTER: "What did they fire them at?"

A At the houses.

REPORTER WINTER: "What else did they do?"

A They burned my house and two people ran away. One was shot and the other was bayoneted.

REPORTER WINTER: "Now, what did you do while the Japanese were doing this?"

A I was hiding in a place where tall grass was located.

REPORTER WINTER: "Did you leave your barrio and hide someplace?"

A I went to Bolboc, Pisa, to hide.

REPORTER WINTER: "Did you go back to the barrio two days later?"

A I went back after two days to see conditions, and I saw the place was burned. Some were standing burned and some were dead.

REPORTER WINTER: "What did you find when you got back?"

A Dead people and burned houses.

REPORTER WINTER: "How many dead people did you find?"

A More or less 70.

REPORTER WINTER: "How had these 70 people been killed?"

A Some were bayoneted; some were shot.

REPORTER WINTER: "Now, I didn't understand just where you were when the Japanese mounted the machine guns."

INTERPRETER GOJUNCO: May I beg your pardon?

GENERAL REYNOLDS: Let us show that this comes by cross examination, please.

REPORTER WINTER: "Now, I didn't understand just where you were when the Japanese mounted the machine guns."

A I was behind the house.

REPORTER WINTER: "You were behind your home. How far away were you from the machine guns?"

A Around 20 meters.

REPORTER WINTER: "And were you out of sight of the Japanese?"

A My house was between the Japanese and me.

REPORTER WINTER: "You mean you were in front of your house?"

A A little inclined; a little bit inclined; a little bit inclined.

REPORTER WINTER: "Well, now, were you in a position where the Japanese could see you if you were in back of your house?"

INTERPRETER GOJUNCO: May I beg your pardon, please?

REPORTER WINTER: "Well, now, were you in a position where the Japanese could see you if you were in back of your house?"

A The Japanese could not see me.

REPORTER WINTER: "But the Japanese couldn't see you from where they were in the middle of the road with machine guns, is that correct?"

A I could see them.

GENERAL REYNOLDS: The Commission will interrupt and go back to the question which reads, "Well, now, were you in a position where the Japanese could see you if you were in back of your house?", and ask the Interpreter to secure a new answer to that question.

REPORTER WINTER: The question is: "Well, now, were

you in a position where the Japanese could see you if you were in back of your house?"

A The Japanese could not see me.

GENERAL REYNOLDS: Then ask the witness if this statement is correct, which is his former answer: "If the Japanese had come my place, they would see me."

INTERPRETER GOJUNCO: May I beg your pardon, please?

GENERAL REYNOLDS: His former answer was: "If the Japanese had come my place, they would see me." Ask him if that answer is correct.

(Translated by Interpreter Gojunco to the witness.)

A The answer I gave was, If the Japanese went to my place they could see me.

GENERAL REYNOLDS: Proceed.

REPORTER WINTER: "Could the Japanese see you where you were standing?"

A The Japanese could not see me.

REPORTER WINTER: "Could you see the Japanese?"

A I could see the Japanese.

REPORTER WINTER: "How was it that you could see the Japanese if they couldn't see you?"

A I was peeping through a hole.

REPORTER WINTER: "Now, wasn't the house in between you and the Japanese?"

A The house was a little bit inclined.

REPORTER WINTER: "And you are asking us to believe that you looked through the house and saw the Japanese?"

A Yes, I saw the Japanese.

REPORTER WINTER: "Now, did you stay there in this

position?"

INTERPRETER GOJUNCO: I beg your pardon, please?

REPORTER WINTER: "Now, did you stay there in this position?"

A I went away to hide.

REPORTER WINTER: "And then where did you go?"

A To Bolboc, Pisa.

REPORTER WINTER: "And where did you hide?"

A At Pisa.

REPORTER WINTER: "And how far away is that from where the Japanese had the machine guns?"

A One kilometer; one and a half kilometers.

REPORTER WINTER: "Do I understand then, that what you have described as having happened, all happened within the space of one minute while you were hiding behind your house?"

A The machine gun was mounted in one minute before firing.

REPORTER WINTER: "Do I understand, then, that the Japanese came to the crossing, set up their machine guns, fired their machine guns into the houses, and bayoneted the people there, all within the space of one minute?"

A The machine gun was mounted in one minute.

REPORTER WINTER: "Is it a correct statement, then, that the firing of the machine guns by the Japanese, the bayoneting of the people, and the burning of the houses, is something that you did not see personally yourself?"

A I saw the firing and the burning of the houses.

GENERAL REYNOLDS: The reporter will hold up just a

moment.

REPORTER WINTER: Yes, sir.

GENERAL REYNOLDS: I don't seem to find the question.

It may be --

REPORTER WINTER: It is on page 1668, sir.

GENERAL REYNOLDS: 1668. And which question is it?

REPORTER WINTER: The first question, sir, by Captain Sandberg.

GENERAL REYNOLDS: "Is it a correct statement," and so forth?

REPORTER WINTER: Yes, sir.

GENERAL REYNOLDS: Very well. Proceed.

REPORTER WINTER: "And you saw that all in the space of one minute?"

A I was not hiding only one minute.

REPORTER WINTER: "Did you actually see the Japanese bayonet the people?"

A I saw.

REPORTER WINTER: "And did you actually see the Japanese fire the machine guns?"

A I saw.

REPORTER WINTER: "And you actually saw all this while you were hiding behind your house?"

A I saw.

REPORTER WINTER: "And you were hiding behind your house for only one minute?"

A I hide there only one minute.

GENERAL DONOVAN: I would like to ask him a question.

On page 1662, the fourth question down, "How many

dead people did you find?", what answer have you got there?

REPORTER WINTER: The question is, "How many dead people did you find?" The answer is, "More or less around 70 bodies."

GENERAL DONOVAN: I understood him to say "30," when you went through before. Did you understand "70"?

GENERAL REYNOLDS: What answer do you have in this record?

REPORTER CONKLIN: "More or less 70."

GENERAL DONOVAN: "70"?

REPORTER CONKLIN: "70."

GENERAL REYNOLDS: With the exception of the use of the word "tall grass," instead of "very dirty place," the Commission finds the repetition of the testimony substantially identical with the testimony recorded this afternoon, and directs that we proceed with the next witness.

(Witness excused.)

CAPTAIN PACE: Mr. Garcia.

CASIMIRO GARCIA

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

MAJOR KERR: I remind you that this afternoon you swore to tell the truth, and that you are still under oath.

(Translated by Interpreter Gojunco to the witness.)

REPORTER WINTER: The following questions were asked on direct examination:

"Q Give your name, please."

A (Through Interpreter Gojunco) Casimiro Garcia.

REPORTER WINTER: "Where do you live?"

A Carsuche.

REPORTER WINTER: "Where did you live on February 16, 1945?"

A In the town of Luntal.

REPORTER WINTER: "What happened on February 16th, 1945?"

A The Japanese came and burned the houses.

REPORTER WINTER: "Where were you when this happened?"

A West of Luntal.

REPORTER WINTER: "And then did you go and hide?"

A I was hiding.

REPORTER WINTER: "Did you return to the barrio on the 18th day of February?"

A Yes, sir.

REPORTER WINTER: "Where did you go in the barrio?"

A In the same place where I hid: the west side.

REPORTER WINTER: "You mean sugar mill?"

A I went to the sugar mill about four o'clock in the afternoon.

GENERAL REYNOLDS: The Commission will interrupt.

Going back to the question, "What happened on February 16th, 1945?" The answer given tonight was substantially, "The Japanese arrived; they burned the houses."

The Commission will ask the witness whether he saw anything else take place at that time of any importance.

(Translated by Interpreter Gojunco to the witness.)

A I saw the killing by the Japanese.

GENERAL REYNOLDS:—And describe it more fully.

(Translated by Interpreter Gojunco to the witness.)

A They bayoneted those people whom they could reach, and those whom they could not reach they just fired them.

GENERAL REYNOLDS: How many persons were killed?

A (Through Interpreter Gojunco) On February 16th two were killed in Luntal.

GENERAL REYNOLDS: Very well; proceed.

REPORTER WINTER: "Did you go to the sugar mill at barrio Luntal on the 18th of February?"

INTERPRETER GOJUNCO: Did you go where?

REPORTER WINTER: "Did you go to the sugar mill at barrio Luntal on the 18th of February?"

A Yes, sir; afternoon, four o'clock.

REPORTER WINTER: "How many other people were at the sugar mill?"

A Sixty-eight.

REPORTER WINTER: "Did anything happen that morning?"

A About ten o'clock on February 16th Japanese came.

REPORTER WINTER: "What was it?"

GENERAL REYNOLDS: That won't work. He has his days mixed now. The answer to the question, Did you go to the sugar mill at barrio Luntal on the 18th of February?, is "Yes, sir."

"How many other people were at the sugar mill?"

And he said, "Sixty-eight."

Then the question, "Did anything happen that morning?"

And I understood him to go back to the happenings of February 16th.

Ask the witness to direct his attention to events after his arrival at the sugar mill on the 18th of February. Will you tell him that first, please?

(Translated by Interpreter Gojunco to the witness.)

A (Through Interpreter Gojunco) On February 16th people were hiding.

GENERAL REYNOLDS: It is the 18th, you see, that we have reached.

GENERAL DONOVAN: After he got to the sugar mill.

THE WITNESS (through Interpreter Gojunco): February 18th.

GENERAL REYNOLDS: Then the question, "Did anything happen that morning?" He replied, "Yes, sir, something happened."

And then the question, "What was it?"

(Translated by Interpreter Gojunco to the witness.)

A (Through Interpreter Gojunco) Those whom the Japanese could reach were bayoneted; those whom they could not reach were machine-gunned and hand grenades were thrown at me.

GENERAL REYNOLDS: Proceed.

REPORTER WINTER: "What else did the Japanese do?"

A When the people were dead they burned the houses and the people.

REPORTER WINTER: "How did they kill the persons?"

A They were bayoneted.

REPORTER WINTER: "What else?"

A Some were shot.

REPORTER WINTER: "Were any of them shot?"

A There were many who were shot, and they were killed.

REPORTER WINTER: "Out of the 68 people whom you testified were at the sugar mill, how many of them were killed?"

A Sixty-three.

REPORTER WINTER: "How many people survived?"

A Five.

REPORTER WINTER: "You were one of the five?"

A Yes, sir.

REPORTER WINTER: "You were at the barrio a lieutenant; is that right?"

A I was barrio lieutenant.

REPORTER WINTER: "And it was your duty to count the people killed; is that also correct?"

A Yes, sir.

REPORTER WINTER: The following questions were asked on cross examination by Captain Reel:

"Q On the 16th of February, 1945, you were at home when something happened; is that right?"

A On February 16th I was not at home; I was hiding, and people informed me that Japanese were in Cultihan and were killing the people.

REPORTER WINTER: "Where in Luntal were you before anything happened?"

A North of Carsuche.

REPORTER WINTER: "Where in Luntal were you before anything happened?"

A I was on the west of the place.

REPORTER WINTER: "But where at the barrio?"

A On the west side.

REPORTER WINTER: "In a house or outdoors?"

A I was on the west of the houses.

REPORTER WINTER: "And what was the very first thing that you noticed that was unusual?"

A The Japanese were burning the houses.

REPORTER WINTER: "When did you see the Japanese?"

A On February 16th.

REPORTER WINTER: "But did you see them before you saw any smoke or fire?"

A I saw the Japanese before I saw the fire.

REPORTER WINTER: "And what were they doing when you first saw the Japanese?"

A They were starting the fire.

REPORTER WINTER: "And did you stand on the street and watch them burning those homes?"

A I was looking at them.

REPORTER WINTER: "Where were you hiding?"

A On the west.

REPORTER WINTER: "What sort of a hiding place did you have?"

A I was in the grasses; in the tall grasses.

REPORTER WINTER: "And did you lay down in this grassy spot the minute you saw the Japanese coming?"

A I was lying flat.

REPORTER WINTER: "You had seen Japanese soldiers many times during the two or three years before this?"

A I saw the Japanese when they arrived earlier.

REPORTER WINTER: "And when you saw them before did

you always fall in the long grass and hide?"

A No, because they were not committing atrocities during those times.

REPORTER WINTER: "In other words, on the 16th of February for the first time you hid when you saw Japanese soldiers, because you thought the people would be killed?"

A Yes, sir.

REPORTER WINTER: "And that was because you had heard that the guerrillas would be in town on the 16th of February; is that correct?"

A There were no guerrillas.

REPORTER WINTER: "You expected some people to be killed by Japanese on February 16th, is that correct."

A I was informed that the Japanese were killing the people at Bolboc and Cultihan. That is why we hid.

REPORTER WINTER: "Did you hear from the refugees from other towns that there were battles or fights between the Japanese and guerrillas?"

A There was no information.

REPORTER WINTER: "Did you get news that the American forces had landed sometime previously and were close by?"

A No.

REPORTER WINTER: "There was no talk about the American forces in Luntal at all; is that right?"

A No, sir.

REPORTER WINTER: "How long did you lay in this long grass that you have described?"

A More or less two hours.

REPORTER WINTER: "And then where did you go from there?"

A I went to the sugar mill.

REPORTER WINTER: "And why did you go to the oven for making sugar?"

INTERPRETER GOJUNCO: I beg your pardon?

REPORTER WINTER: "And why did you go to the oven for making sugar?"

INTERPRETER GOJUNCO: The "oven"?

REPORTER WINTER: ". . . the oven for making sugar?"

A We were hiding.

REPORTER WINTER: "Was it light or dark when you went from the long grass to the oven for making sugar?"

INTERPRETER GOJUNCO: I beg your pardon, please?

REPORTER WINTER: "Was it light or dark when you went from the long grass to the oven for making sugar?"

A It was light, west side of the woods.

REPORTER WINTER: "So that at four o'clock on the afternoon, daylight, you left one hiding place to go to another; is that correct?"

A No. I did not transfer.

GENERAL REYNOLDS: With the exception of using the word "east," when it should have been "west," which appears on page 1673 in the last line and 1675 in the third line, and, further, the use of the word "east" on page 1671, which had not been used in his testimony this afternoon, the record is substantially identical.

With reference to the final point of difference,

the question was, "Where were you when this happened?"

His answer, "I was at the barrio, one side."

Tonight the witness said he was on the west side.

The differences, in the opinion of the Commission, are in no way material, and the case will proceed.

(Witness excused.)

ELISA MAGPANTAY

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

DIRECT EXAMINATION

Q (By Captain Pace) Where do you live?

A (Through Interpreter Gojunco) Sitio Longos, Barrio of San Felipe, Cuenca, Batangas.

Q Where did you live in February, 1945?

A Sitio Longos, Barrio San Felipe, Cuenca, Batangas.

Q Did the Japs come to your place?

A Yes, sir.

Q On February 19?

A Yes, sir.

Q Tell what happened, please.

A They went up and told us to go down, to go to the yard.

Q And after you went to your yard, what happened then?

A We were bayoneted there, stopped.

Q Did you escape?

A Yes, sir.

Q What time in the evening was this?

A 7 o'clock.

Q When did you return to your barrio?

A On the fourth day.

Q On the fourth day after February 18?

A On the fourth day after February 19.

Q What did you find when you returned?

A I saw that all my companions were dead.

Q How many of them were there?

A 11.

Q Were they members of your family?

A All of them.

Q How had they been killed?

A By bayonet.

CAPTAIN PACE: You may cross examine.

COLONEL CLARKE: No questions on this witness.

(Witness excused)

AUGUSTIN LUNAR

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A (Through Interpreter Gojunco) Augustin Lunar.

Q Where do you live?

A Longos, town of San Felipe, Batangas.

Q Did you live there on February 19, 1945?

A Yes, I lived.

Q Will you describe what happened that evening?

A On February 19, evening, Japanese arrive.

Q What did they do?

A Some went up and the others remained down and killed the people.

Q Some went up where?

A Went up the house.

Q What did you do?

A I ran away.

Q When did you return?

A The next day.

Q What did you find in your house?

A My house was burned and my mother and nephew were killed.

Q How had they been killed?

A By bayonet wound.

Q Did you look in any other houses?

A I saw dead people in other houses.

Q How many?

A One of the houses had three were dead, and in the other, four -- seven.

CAPTAIN PACE: Will the interpreter please repeat the answer?

INTERPRETER GOJUNCO: In one of the houses three were dead; in the other, seven.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Mr. Lunar, were you active with the guerrillas?

A No, sir.

Q Did you ever help the guerrillas?

A No, sir.

Q Do you know whether any of the other people involved in this episode were guerrillas?

A I knew nobody.

Q Well, did you know of guerrilla activities in Longos at about this time?

A None.

GENERAL REYNOLDS: The Commission will interrupt to terminate that line of questioning further.

CAPTAIN PACE: One more question, sir.

REDIRECT EXAMINATION

Q (By Captain Pace) Were these Japanese soldiers who burned the houses of your barrio?

A (Through Interpreter Junco) Japanese soldiers.

CAPTAIN PACE: Thank you very much.

(Witness excused)

PLACIDO CHAVEZ

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A (Through Interpreter Gojunco) Placido Chavez.

Q Where do you live?

A Sitio of Longos, Barrio of San Felipe, Batangas.

Q Did you live in San Felipe on February 19, 1945?

A Yes, sir.

Q Tell what happened on the evening of February 19.

A Japanese came and killed the people in the houses and then burned the houses.

Q Will you describe more in detail what you saw the Japanese do, please?

A What the Japanese did was to kill and to burn.

Q Where were you at the time?

A Behind the house.

Q When did you go back into your house?

A The next morning.

Q What did you find when you went back in?

A I saw eight dead bodies and burned houses.

Q Who were these bodies?

A One of them was my mother, the other was brother-in-law, and the others were my brothers and sisters.

Q How old was your brother?

A I cannot say how old they are.

Q Tell me approximately how old your brother was when he was killed?

A Perhaps five years old.

Q Approximately how old were your five sisters?

A They are, respectively, one year old, three years old, six years old, ten years old, twelve years old, and fifteen years old.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) Did the Japanese burn every house in San Felipe?

A No.

Q How many houses did they burn?

A What I know, was two.

Q Do you have any knowledge of why they picked those two houses to burn?

A I don't know.

Q How many Japanese soldiers were there?

A I could not tell the number.

Q Did you see them?

A No.

Q You didn't see the Japanese burn the houses?

A I did not see, because I was hiding behind the house.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Pace) What did you hear while you were hiding behind the house?

A I heard shouting of people, and then I saw houses burning.

Q Did you hear anything else?

A Nothing more.

Q Had you seen the Japanese earlier that day?

A No.

Q You don't know who came to your barrio that evening?

A No.

Q Who burned the houses there?

A The Japanese.

Q How do you know?

CAPTAIN SANDBERG: If the Commission please, the witness has already testified that he didn't see who burned the houses. I think that is objectionable.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

Q (By Captain Pace) How do you know the Japanese burned the houses in your barrio?

A (Through Interpreter Gojunco) I heard their voices when they were in the houses.

Q What did you hear when you heard voices?

A They were shouting.

Q Did you recognize these voices as speaking Japanese?

A Yes, sir.

Q Was this the same time you heard people screaming inside of the houses?

A Yes, sir.

CAPTAIN PACE: I have no further questions.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, the reporter tells me that the record does not show the name of the first witness in the Cuenca case who was called this evening. May I state for the record the name of that witness?

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: Elisa Magpantay, E-l-i-s-a M-a-g-p-a-n-t-a-y.

GUILERMO AGUILA

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A (Through Interpreter Gojunco) Guillermo Aguila.

Q Where do you live?

A Barrio Labac, Cuenca, Batangas.

Q Did you live at barrio Labac on the 7th day of March, 1945?

A Yes, sir.

Q Will you describe what happened on that date, please?

A On the morning of that day, one Japanese came and took

me and my companions.

Q How many companions were with you?

A 18.

Q Where did they take you?

A We were brought to Dita, Barrio of Cuenca.

Q What happened when you were taken to Dita?

A We were asked to cut grasses in the afternoon. At 3 o'clock we were tied.

Q How long did you cut grasses for the Japanese?

A From 8 o'clock until 3 o'clock.

Q 8 o'clock in the morning until 3 o'clock in the afternoon?

A Yes, sir.

Q Then how many of you were tied?

A We were 13 who were tied.

Q What happened to the 13 of you who were tied?—

A We were brought in the ravine and then we were bayoneted at the back.

Q Were you bayoneted?

A Yes, sir.

Q How many times?

A Two times.

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

Q Will you look at Prosecution Exhibit 274 for identification and state what that is?

A This is my picture.

Q Does that mark on the lower part of the right-hand side of your back show your bayonet wound?

A Yes, sir.

CAPTAIN PACE: I offer that in evidence.

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

(Prosecution Exhibit No. 274 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 275 for identification.)

Q (By Captain Pace) Will you please look at Exhibit 275 for identification and state what that is?

A A wound on the breast and on my hand.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 275 for identification was received in evidence.)

Q (By Captain Pace) What happened to your other friends?

A My friends died.

Q How many of them died?

A 11 died.

Q Who killed them?

A Persons in soldier's uniform killed them.

Q Who were they?

A Japanese.

Q Japanese soldiers?

A They were dressed in uniform, soldier's uniform.

Q Do you know what nationality they were?

A No.

Q Were they Filipinos?

A No.

Q Were they Americans?

A No.

Q Do you know what uniform they had on?

A Khaki uniform.

Q Do you know what army that uniform was issued by?

A No.

Q Have you ever seen a Japanese soldier?

A I saw. I don't know what they were.

Q Were these Japanese soldiers?

A Japanese soldiers.

(2 photographs were marked  
Prosecution Exhibit No. 276  
and 277 respectively for  
identification.)

CAPTAIN PACE: You may cross examine.

CAPTAIN REEL: Is this exhibit being offered?

CAPTAIN PACE: No, it isn't.

#### CROSS EXAMINATION

Q (By Captain Reel) These persons in soldier's uniforms, might they have been members of the Ganaps?

A (Through Interpreter Gojunco) I don't know.

Q Might they have been members of the Makapili?

A I don't know.

CAPTAIN REEL: That is all.

(Witness excused.)

CAPTAIN PACE: Mr. Magsombol.

TIMOTEO MAGSOMBOL

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

DIRECT EXAMINATION

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

A Timoteo Magsombol.

Q Where do you live?

A Sablay sitio, City of Cuenca.

Q Is that near Cuenca?

A More or less two kilometers.

Q Were you living there on the 11th day of March, 1945?

A Yes, sir.

Q What happened on that day?

A About 9:00 P. M. three Japanese came and took me.

Q Where did they take you?

A They brought me into their tunnel, City of Cuenca, Batangas.

Q How many other men did they take there?

A 40 persons.

Q How many people did the Japanese take to the tunnel which you have spoken of?

A They brought there 40 persons in all.

Q And what did you do after you got to the tunnel?

A We were told to work day and night and we were not permitted to go out.

Q What kind of a tunnel was it?

A At the side of the tunnel water passed and the tunnel

was excavated.

Q How long did you work on this tunnel for the Japanese?

A It lasted eight days.

Q What were you fed during these eight days while you were working on this tunnel for the Japanese?

A A bowl of rice sometimes; that's all.

Q What happened on the 19th day of March, 1945?

INTERPRETER GOJUNCO: I beg your pardon, please?

CAPTAIN PACE: "What happened on the 19th day of March, 1945"?

A (Through Interpreter Gojunco), March 19th, 5:00 o'clock in the afternoon, the Japanese told me to go out from the tunnel about five meters from the tunnel.

Q (By Captain Pace) What happened then?

A 15 meters.

Q What happened then?

A I was told to lie flat on my stomach and I was bayoneted.

Q How many times?

A When I regained consciousness the next morning I found out that I had eight wounds.

Q Will you look at Exhibit 276 for identification and state what that is?

A I see one wound on my right breast originating from the back and another wound on the left part of my breast originating also from the back.

Q Do you mean that the mark on your right breast and the mark on your left breast came as a result of bayonet thrusts that began on your back? Is that right?

A I received the four wounds on my breast when I was bayoneted at the back when I was laying flat on my stomach.

Q Will you point out the four wounds on your breast?

A (Indicating wounds on breast on Exhibit 276 for identification.)

CAPTAIN PACE: The witness has indicated three dark spots on the right side of his chest just inside of his shoulder and one spot just inside of his left shoulder.

I offer this exhibit in evidence.

GENERAL REYNOLDS: The picture is so unclear the Commission would ask the witness to raise his shirt and show us the wound.

Q (By Captain Pace) Will you stand up, please, and pull your sweater up?

A (Displaying wounds on chest and left shoulder.)

CAPTAIN PACE: Let the record show that the witness has a scar on his left shoulder and three scars on his right breast.

Q (By Captain Pace) Will you turn around now?

A (Indicating wounds on back.)

CAPTAIN PACE: Three wounds on his back about the center of the right side and one on the left side at about the center.

GENERAL REYNOLDS: Very well. The document is accepted in evidence.

(Prosecution Exhibit No. 276 for identification was received in evidence.)

CAPTAIN PACE: At this time Exhibit 277 for identification is offered in evidence.

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

(Prosecution Exhibit No. 277 for identification was received in evidence.)

Q (By Captain Pace) After you were bayoneted did you become unconscious?

A Yes, sir.

Q When did you regain consciousness?

A The next morning.

Q What did you see when you woke up?

A I found out that I had the wound.

Q Did you see anybody else around there?

A I saw ten dead bodies, my friends.

Q What happened to them?

A I saw them lying flat on their stomach, some with bayonet wounds and others were fired upon.

Q Were they all dead?

A They were all dead.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) How long did you lay in the grass before you were wounded?

A I don't know.

Q Well, was it -- Go ahead.

A When I was bayoneted I was unconscious.

Q Before you were bayoneted how long did you lay down in the grass?

A Less than five minutes. Then I was bayoneted.

Q Were you lying face down?

A My face is facing the ground.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: Mr. Eugenio La Rosa.

EUGENIANO LA ROSA

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

INTERPRETER GOJUNCO: I think he speaks English.

MAJOR KERR: Do you speak English?

THE WITNESS: Yes.

DIRECT EXAMINATION

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

A Eugenio La Rosa; Cuenca, Batangas.

Q Where do you reside?

A Lawyer by profession and mayor of Cuenca, Batangas.

Q How long have you been mayor of Batangas?

A I was appointed on May 11, 1945.

Q In your capacity as mayor of Cuenca did you receive orders from the governor of the Province of Batangas to investigate the deaths that took place in your municipality during the Japanese occupation?

A Yes, sir.

Q Pursuant to those orders did you issue orders to persons who work for you and who are under you?

A Yes, sir.

Q To collect such information?

A Yes, sir.

Q And as a result of the orders which you received

from the governor of Batangas and as a result of the orders which you issued have you compiled in the course of your normal duties the names of certain people who died in Cuenca, Batangas?

A Yes, sir.

Q During what period?

A During the period from February 3 up to April, 1945.

CAPTAIN PACE: Mark this for identification, please.

(Copy of partial list of Filipino civilians killed by Japanese - February and March, 1945 - Municipality of Cuenca was marked Prosecution Exhibit No. 278 for identification.)

Q (By Captain Pace) Will you look at Exhibit 278 for identification and tell what that is?

A This is a copy of the report I submitted to the office of the provincial governor sometime in May -- about the early part of June, 1945.

Q Does it contain the names of people who died in the municipality of Cuenca during the period you have just described?

A It contains the names of persons who died due to the Japanese atrocities, not by natural death.

CAPTAIN REEL: Sir, we will ask that the answer be stricken as not responsive and not within the witness' personal knowledge. We will not object to the admission of the exhibit under the conditions prescribed for the similar exhibits in other localities.

MAJOR KERR: Sir, I submit that a report of this nature would be admitted even in a court of law. It has been identified as an official governmental report, and the

purpose, the nature, the reason for the report certainly should be admitted along with the gist of the report. It is meaningless otherwise, frankly.

CAPTAIN REEL: Sir, the witness has testified that this report covers deaths from February 5th to April, 1945. Presumably there was much activity during that period which has not yet been brought out.

THE WITNESS: Your Honor, may I say, it has been verified --

CAPTAIN REEL: If I may continue, sir.

We feel that under the circumstances the categorizing of this exhibit according to cause of death is objected to. The mere fact that it is called an "official" exhibit, that that word is used, has no bearing on the case whatsoever.

GENERAL REYNOLDS: Subject to objection by any member of the Commission, the objection of counsel is not sustained.

Q (By Captain Pace) You stated, then, sir, that this is an official document of the City of Cuenca; is that right?

A Yes, sir.

CAPTAIN PACE: If it please the Commission, at this time I offer this Exhibit 278 for identification in evidence. I realize that there is language in it which might be objectionable.

CAPTAIN REEL: At this time, sir, we wish to object to the exhibit in its present form with the language as it exists in the present form in the exhibit.

GENERAL REYNOLDS: On page 1 of the document, in the first line the words "killed by Japanese" or, rather, the words "by Japanese" are stricken from the record. That

portion would then read "Partial List of Filipino Civilians Killed February and March, 1945". And in the certificate, which the Commission notes is somewhat different than similar affidavits which have been received, in the second line we strike out the words "by the Japanese", which would cause those lines to read: "We certify that the following exhibit is a true list of victims, killed . . . in", and so forth.

On the second page at the top which reads "Partial list of Filipino civilians killed by Japanese" the words "by Japanese" are stricken.

Does the Defense wish to point out anything else?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: Subject to the objections stated, the document is accepted in evidence.

(Prosecution Exhibit No. 278  
for identification was re-  
ceived in evidence.)

Q (By Captain Pace) How many names does this official document, Exhibit No. 278, contain?

A As far as I could remember, it contains 358 names.

Q Is that a complete or a partial list?

A That's a partial list.

Q Does this list contain the names of any persons who, according to your official records, died natural deaths during that period?

A It did not contain persons who died natural death.

Q Does it contain the names of persons who died due to the hazards of war during that period?

A No, sir.

CAPTAIN REEL: Sir, we object. There is no foun-

dation laid for the answer that is sought to be elicited by this question.

GENERAL REYNOLDS: The objection of counsel is sustained.

Q (By Captain Pace) Were you in the vicinity of Cuenca during the period of February 5th through April, 1945?

A I arrived in the municipality of Cuenca on March 19, 1945. Prior to that date I was outside the vicinity of Cuenca. I was in the neighboring municipality.

Q What were you doing?

A I was hiding from the Japanese.

Q Were you able to tell what was going on in the municipality in which you were located and in Cuenca at that time?

A In the municipality where I was the Japanese used to come there and get cattle and horses and provisions from the people where I was.

Q Well, since you have become mayor of Cuenca has it been your duty to find out what happened in Cuenca during the entire period of the Japanese occupation?

A It was my duty imposed by my superior, the provincial governor.

Q In your capacity as mayor and in pursuance of your official duties have you made an investigation and have you made inquiry as to what happened in your municipality during the period 5 February 1945 through April 1945?

A I ordered my secretary to make a census of all deaths according to the municipality of Cuenca from February 3 up to the time -- (pause)

Q And did your secretary make such a census?

A Yes, sir. And that is a copy of his report. It was submitted to the office of the provincial governor.

Q Does it contain the names of any persons who died due to the actual combat between the Japanese and the Americans?

CAPTAIN REEL: Sir, the witness has stated that the secretary was ordered to make a census of all dead. I believe that that answers the question. I object to further questioning to get the witness to change his testimony.

GENERAL REYNOLDS: The Commission desires that the Prosecution establish more definitely the instructions which the witness received from the provincial governor.

CAPTAIN PACE: Yes, sir.

Q (Captain Pace) Will you describe exactly what instructions you received from the governor of the Province of Batangas?

A The instructions -- A form was furnished my office and in the form it is headed "Deaths Due to the Japanese" --

Q Excuse me, sir.

A -- "Deaths Caused by the Japanese". That is the only information being asked by the circular of the provincial governor.

Q Excuse me. Did you receive orders from the Governor of Batangas?

A Yes, sir.

Q Will you tell on what date or dates you received what orders, and exactly what each one of these orders said in relation to this investigation?

A I could not exactly remember the exact date, but I received the orders in May, and one of these orders also included that the number of houses burned by the Japanese must be -- I must submit a separate report on the number of houses burned by the Japanese, and in the other form it is prescribed there "Deaths caused by the Japanese."

Q Well, you received this form. What instructions and orders went with that form?

A To investigate and get the names of the persons that were killed by the Japanese and submit a report in conformance with that form. That form had to be filled out. The form is --

Q And in the normal performance of your duty was it necessary to keep records of everyone who died from natural causes in your municipality?

A It is not my duty. The local registrar has to attend to that.

Q Who does that?

A The local registrar.

Q So the only duty you had was to determine the names of the people who were killed by the Japanese?

A That is in pursuance to the specific orders of the Provincial Governor.

Q And have you quoted the orders which the Governor gave you?

A I cannot quote you verbatim, but that is the tenor. I was required to make an investigation, and the form is furnished with names, and so forth, that they are killed by the Japanese. The title was very clear: "Killed by the Japanese." It does not call for any deaths by other causes except killed by the Japanese.

Q And in this exhibit which is now in evidence and which you identified, that is the form which was prescribed by the Governor of Batangas, is that right?

A Yes, sir, that is the form.

CAPTAIN PACE: Does that suffice?

(No response.)

Q (By Captain Pace) Will you state if there are any names included on that list of those who died due to the fighting between the Americans and the Japanese during the liberation of the municipality of which you are Mayor?

CAPTAIN REEL: Sir, we object to the question on two grounds:

1. The foundation questions have shown conclusively that it is not within the witness' knowledge;
2. The foundation questions have shown that, although he may have orders from above to get certain information, the information he ordered his secretary to get was a census of all the dead.

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Pace) Will you answer the question,

please? Do you remember it?

A What? I beg your pardon?

Q Do you remember the question?

A Please repeat the question.

Q Are the names of any persons on that list who died due to the fighting between the Americans and the Japanese during the liberation of your municipality?

A I don't remember names having been included there.

Q I beg your pardon?

A I don't remember names having been included in there who died from fighting between the Americans and the Japanese.

Q Will you please repeat your answer more slowly?

A I say I don't remember having included in the report names of persons who have died as a result of fighting between the Americans and the Japanese.

Q How many people, if you know, died due to the fighting between the Americans and the Japanese in your province?

A So far there are only very few.

Q About how many?

A I think I didn't get -- . I wasn't required to submit a report on that, and I did not order my secretary to make an investigation as to how many were killed as a result of the fighting between the Americans and the Japanese. But I know it is very few.

Q By "very few," what do you mean?

A It is just around ten, or a little bit over ten.

Q So that even if they were in this report it would

not be more --

A It would be insignificant.

Q It would not be more than ten?

A Yes, sir.

GENERAL REYNOLDS: The Commission feels the subject has been exhausted. Are there other material things that you wish to take up with this witness?

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Was there an artillery barrage at Cuenca?

A I beg your pardon, sir?

Q Was Cuenca subject to an artillery barrage?

A Yes, sir.

Q And how long did that last?

A It started in March 9th up to April.

Q April what?

A April, 1945.

Q Do you know the date in April?

A I cannot recall exactly the date in April.

Q You said that it wasn't your duty to count natural deaths. You named somebody else, and I didn't quite get that office. Whose duty was it to count the natural deaths?

A Under the laws of the Philippine Islands the municipal treasurer is also the civil registrar.

Q I beg your pardon?

A Under the laws of the Commonwealth of the Philippine Islands the municipal treasurer is also the civil registrar,

and that is his duty, -- one of his duties.

Q While the Japanese were occupying there was no civil registrar or treasurer, was there?

A When the Japanese was --

Q Yes.

A -- under occupation?

Q That's right.

A There was.

Q Do you have his report?

A The municipal treasurer has his report, but now I tell you that he has none because our municipal building was burned.

Q So you don't have any report made of deaths by natural causes during the Japanese occupation?

A There was, but if there was it is no longer existing now because of the burning of the municipal building and all the contents of it.

Q And was the building burned during the barrage?

A Well, I cannot tell you that, because I was not in Cuenca at the time. Only when we arrived there the municipal building was gone.

Q And during that artillery barrage was there a register for the city treasurer on duty in Cuenca?

A During that time there was no government existing, because chaos was reigning -- disorder.

Q One more question: What time of the year, day and date as near as you can remember, did you give your order to your secretary to make the census of all the dead in Cuenca?

A Yes. Immediately upon the receipt of the circular or order from the Provincial Governor in the early part of May, 1945.

Q Can you place that date a little more exactly?

A In the early part of May, 1945. If I had the circular I can give you the exact date.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, that completes the evidence for the Prosecution on Paragraph 44 of the Bill of Particulars. We have no other witnesses here this evening, sir.

GENERAL REYNOLDS: The Commission will recess until 8:30 Monday morning next.

(Whereupon, at 2120 hours, 9 November 1945, the trial was adjourned until 0830 hours, 12 November 1945.)