

I N D E X

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P R O C E E D I N G S

GENERAL REYNOLDS: We will take a moment for those in the rear of the room to move forward if they choose to do so, saving only the front seats on the left.

The Prosecution will proceed.

MAJOR KERR: Sir, all the members of the Commission are present, the Accused is present together with his Defense Counsel, and the Prosecution is ready to proceed.

CAPTAIN PACE: If the Commission please, the Prosecution is ready to start on case Bill of Particulars No. 99, commonly known as the "Price House" case.

GENERAL REYNOLDS: One moment.

COLONEL CLARKE: If the Court please, the Defense requests the Commission to direct that sixteen additional copies of the record of the arraignment and sixteen additional copies of the court proceedings of each day be furnished to it.

GENERAL REYNOLDS: It will be taken under advisement. You may proceed.

CAPTAIN PACE: The first witness is Mrs. Carcereny.

GENERAL REYNOLDS: What number?

CAPTAIN PACE: 99, sir.

JOSE CARCERENY BARTA

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 Carcereny Barta.

Q In American use that would be Jose Barta Carcereny,

wouldn't it?

A That's right, sir.

Q Where do you live?

A I used to live until February 10th at Pennsylvania Avenue 552-A.

Q Where do you live now?

A In Santa Ana; Campaleros No. 46.

Q What is your business?

A I used to be in the advertising business as advertising agent.

Q Will you state again where you lived on February 10th?

A Pennsylvania 552-A.

CAPTAIN PACE: I ask that this be marked as Prosecution's exhibit next number in order.

(Photostatic copy of area surrounding Price house was marked Prosecution Exhibit No. 128 for identification.)

Q (By Captain Pace) I show you Prosecution's Exhibit No. 128 for identification and ask you if you can identify that.

A Yes, sir. This seems to be a plan of the block where my house used to be.

Q Does that accurately depict the neighborhood in which you used to live?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 128 for identification was received in evidence.)

Q (By Captain Pace) Will you describe where you were on February 10, 1945?

A On February 10, 1945 I was at my house, 552-A Pennsylvania Avenue. I was there with my family and about twenty friends and neighbors who had taken shelter in my house, because their homes had been burned the night before.

Q Your house is as shown by the name "Barta" on Exhibit 128; is that right?

A Yes, sir.

Q All right.

A Then about 1:00 o'clock in the afternoon we left the house because there was fire pretty close to it and we run to the Price house, which was just at the back of our home.

Q What time was that?

A In the afternoon.

CAPTAIN PACE: I ask that this be marked for identification.

(Photograph of Price house facing Colorado Street was marked Prosecution Exhibit No. 129 for identification.)

Q (By Captain Pace) Is the Price house located as shown on Exhibit 128?

A Yes, sir. That is right.

Q Now I show you Exhibit 129 for identification and ask you what that is.

A This is a picture of the Price house facing Colorado Street. No, no. Facing California Street. It is California Street.

Q The street which is in the foreground of the picture, what street is that?

A This is Colorado Street.

CAPTAIN PACE: I offer this picture in evidence.

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

(Prosecution Exhibit No. 129 for identification was received in evidence.)

Q (By Captain Pace) All right. Where did you go after you went to the Price house?

A We went first in an alley which faces California Street. We were there for a while and then a group of soldiers came in front of the gate and placed a machine gun. It was there for about 30 or 40 minutes. One of my companions, Mr. Arrastia and another one, Mr. Ezcurra, were trying to tell or show to the Japanese that there were plenty of women and children with us.

Q Where did you say the Japanese came with the machine gun?

A Through California Street. They didn't come into the house. They were just in front of the gate pointing the machine gun towards us.

CAPTAIN PACE: I ask that this be marked for identification.

(Photostatic copy of plan of Price house was marked Prosecution Exhibit No. 130 for identification.)

Q (By Captain Pace) I show you Prosecution Exhibit No. 130 for identification and ask you what that is.

A Yes. It was --

Q Wait a minute. What is this Exhibit 130 for identification?

A This seems to be a plan of the Price house.

Q Does that accurately show the arrangements in the yard of the Price house?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 130
for identification was re-
ceived in evidence.)

Q (By Captain Pace) Where was the Japanese with the machine gun?

A Right in front of this gate here (indicating). Our group was here and the machine gun was right here (indicating).

CAPTAIN PACE: Will the record show that the witness is indicating the gate marked "south main gate" on Colorado Street.

Q (By Captain Pace) What happened?

A The machine gun was there for quite a while and finally the soldiers left with the machine gun and then, thinking that the place was not safe, we went into the kitchen of the house.

Q Before you go further, why did you go to the Price house?

A The Price house seemed to be the strongest building in the block. There was a large garden all around and we thought it was the safest place, because there were plenty of fires going around and, besides, plenty of pieces of burning timber falling down. We thought that it was a

good protection for all of us.

Q Is that a very substantial mansion, that house?

A Yes, sir. It is built of concrete.

Q All right. You testified that you and your group of friends went into the kitchen of the house. What time was that?

A It was probably about 3:00 o'clock in the afternoon.

Q What happened then?

A We were there until about 4:00 or 4:30 and then soon we heard noises and shouts. We looked through the windows and we saw a group of about ten or twelve Japs coming in shouting and shooting in the air.

Q Where did they come in?

A That group came through the main gate in California Street.

Q Will you point on Exhibit 130 which gate you mean?

A This one here, sir (indicating); the one marked "south main gate" in the plan.

Q On Colorado Street?

A Yes.

Q What happened after the Japanese came in?

A Then they shouted "Out everybody!". And we had to get out from the kitchen. When we were right in the garden we saw one of them pointing to the garage. On our way to the garage they started shooting with the machine gun.

Q Just a minute. Did you come out of the house?

A Out of the kitchen; yes, sir.

Q That is in back of the house; right?

A Yes, sir; in back of the house.

Q And where did you go then?

A They were pointing to the garage.

Q Garage?

A Yes, sir.

Q And you went to the garage?

A We didn't have time to reach the garage.

Q Did you start to the garage?

A They started shooting before we reached the garage.

Q And you were between the back porch and the garage when they started shooting?

A Yes, sir.

Q How many of them were in your group?

A About 25 persons.

Q Will you look at Exhibit 130 and show where your group was when they started shooting?

A Right here (indicating). We were coming down through the staircase here and on our way here (indicating).

Q You are indicating the area between the word "porch" --

A "Porch".

Q -- and the garage?

A Yes, sir.

Q What were they shooting at you with?

A I beg your pardon?

Q What were they shooting at you with?

A First they started with machine gun; then there were three officers started shooting their pistols and some of the soldiers with their rifles.

Q What did you do then?

A Well, we fell all down, most of us wounded, some killed, and we remained there for quite awhile. While we

were on the ground there they shoot twice. Then they were going around kicking the bodies. Anybody moving was bayoneted or shot at.

Q Yes.

A We were there until about 7:00 o'clock. It was already getting dark. In the meantime the Japs found some liquor in the house.

Q What time did they first shoot at you?

A It was probably about a quarter to 5:00 or --

Q And from then until 7:00 o'clock you were laying there in front of the garage?

A Yes, sir; pretending to be dead. In the meantime I could hear other people shouting and crying. One of them was one of my sons.

Q Were these other people all in your group or were there other groups in the yard?

A There were plenty of other groups in the yard.

Another group of Japs came in through the Colorado gate and they started shooting at the other people over there. I think that there were about 300 people in the yard. When we came out we saw some of them laying around the wall dead or apparently dead; others around the air-raid shelter. The Japs were also shooting at them.

Q Yes.

A Then about 7:00 o'clock, as I was telling you, they found some liquor and I think they got drunk. They started singing these kind of Japanese songs with clapping hands.

Q Where did they find the liquor?

A Where did they find the liquor?

Q Yes.

A I think there was some in the Price house because later on I was looking for water for my daughter-in-law who was dying and I found a lot of broken bottles of Japanese whisky.

Q All right. Go on.

A Then they came out shooting and singing, kicking the people around. Anybody moving was bayoneted again. That is the way they finally killed one of my sons, George. And then they urinated on our bodies. And then they found a pig roaming around. They brought the pig there and they forced the pig to run over the bodies and to lick the blood on the floor.

Q How long did this go on?

A Oh, until about, it would be 7:00 or 8:00 o'clock. It was very dark and, I tell you frankly, I couldn't consider my mind.

Q How many Japanese did you see urinate on the bodies?

A I can't tell exactly. About three of them, because one was quite close to me.

Q What happened then?

A After all this we remained there very quiet because we were afraid that at any time they would come back. Finally it was quite dark. I don't know exactly what time, maybe 9:00 o'clock. We went to the chicken coop in the back of the house and we remained there until early in the morning. Then before sunrise we left that place and most of the group went into the ruins around. We found former air-raid shelter and we went over there and we were there until the Americans liberated us.

CAPTAIN PACE: I ask that this be marked Exhibit 131 for identification.

(Photograph of rear of Price house was marked Prosecution Exhibit No. 131 for identification.)

Q (By Captain Pace) Will you look at Exhibit 131 for identification and see if you can tell what that is?

A Yes, sir. This is the picture of the back of the Price house showing at the right the garage in front of which my four sons were killed.

Q Do you see that tin building in the foreground?

A Yes.

Q Was that there then?

A No, sir; it wasn't.

CAPTAIN PACE: I offer this picture, 131 for identification, in evidence.

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

(Prosecution Exhibit No. 131 for identification was received in evidence.)

Q (By Captain Pace) Will you give the names of the people that you know to have been killed in the Price yard during the period you have just described?

A Well, there were my children --

Q Give their names.

A Joseph Bover Carcereny; he was 25; my daughter-in-law, Dolores Bastida; their son, who was two years old, Jose Maria Carcereny; my other son, George, who was 15. I remember also of Mr. Ezcurrea, who was also killed; Mr. Enrico Arrastia. There were also two Indian gentlemen. I don't remember their

names.

Q Chandumal?

A Yes, that's right. They were from the Isadras family living just across the street. Mrs. Estela Carpi.

Q How about Doolamal?

A These two people were from the Isadras family.

Q Those were the Indians?

A Yes, sir. Mrs. Estela Carpi also.

Q These people that you have named were in your group of 25 or 30; is that right?

A Yes, sir.

Q Will you describe the shooting in the rest of the yard?

A The Jap soldiers came through Colorado Street and most of the people were around the wall. I suppose that they went over there to reach some kind of protection and they started shooting to them in the same way as they did to us.

Q In the whole yard how many people do you estimate were killed that afternoon?

A Oh, maybe 250 or 270.

CAPTAIN PACE: You may inquire.

LIEUT. COL. HENDRIX: No questions, sir.

GENERAL REYNOLDS: There were no questions by the Defense.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: Mrs. Soucheiron.

ROSARIA SOUCHEIRON

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 Rosaria Soucheiron.
- Q Where do you live?
- A 129 Legarda Street.
- Q Where did you live on February 10, 1945?
- A In Ermita. I don't know the number.
- Q What street was it?
- A Pennsylvania Street.
- Q Which one?
- A Pennsylvania Street.
- Q Between what streets?
- A (No response).
- Q You were on Pennsylvania Street between what other streets?
- A I was new there, so I can't say.
- Q All right.
- A That was not my home, you know.
- Q Do you know where the Price house is?
- A Yes.
- Q Did you go there on February 10, 1945?
- A Yes. I went there.
- Q About what time?
- A About 1:00 or 2:00.
- Q In the afternoon?
- A In the afternoon.
- Q What did you do after you got there?
- A We took shelter in the kitchen.
- Q Describe what happened after you went into the kitchen of the Price house?

A Around 6:00 o'clock there came some Japs at the door of the kitchen and knocked three times. At last we opened and came out.

Q Yes.

A They told us to go to the yard near the garage, and when we turn around they machine-gunned us.

Q Who did?

A (No response).

Q Who machine-gunned you?

A Those soldiers, but there was an officer.

Q One officer you saw?

A I saw one officer.

Q How many times did they machine-gun your group?

A Three times. First when we were starting and two when we were down.

Q And after they machine-gunned you what did you observe?

A They came three times to kill those that moved.

Q Well, --

A They came --

Q Why did they come the first time?

A They came to shoot the Carcereny -- Joseph Carcereny --

Q Why?

A (continuing) -- and his baby.

Q Yes.

A The baby was crying. And the second time they came when my niece, Mari Carmen, was crying for water.

Q Yes.

A And the third time they came when my baby sister was crying (witness sobbing bitterly).

Q Just one more question, please. How many members of your family were killed there then?

A Six.

CAPTAIN PACE: All right. Thank you very much.

COL. HENDRIX: No questions, sir.

(Witness excused)

CAPTAIN PACE: Mrs. Franco.

LORETO GAMBOA FRANCO

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 Loreto Gamboa Franco.

Q You will have to speak louder, Mrs. Franco.

A Loreto Gamboa Franco.

Q Where do you live?

A 554 Pennsylvania.

Q Where did you live on February 10th?

A 554 Pennsylvania.

Q Did you go to the Price house on February 10th?

A I went to the yard of the Price house. I did not go to the house.

Q What time was that?

A 4:30.

Q What happened after you went to the Price yard?

A After 15 minutes I saw several Japanese on California Street with machine gun in their hands.

Q What did they do?

A Machine gun. They fired the machine gun.

Q Where was the machine gun?

A On the left arm.

Q Where?

A A small machine gun.

Q Where was it?

A In the left arm.

Q The Japanese was holding it on his left arm?

A Yes.

Q And who was he shooting at?

A Everybody.

Q In the yard?

A Yes.

Q How many people were in the yard, do you think?

A More than 200 people in the yard.

Q How were they located in the yard? Were they in the middle or around the walls?

A The people around the walls, scattered all around the yard.

Q How long did the Japanese shoot at you with this small machine gun?

A About 30 minutes.

Q How long?

A I do not remember how long, but it was about 20 to 30 minutes.

Q Then what did they do after they shoot at the people around the wall?

A Two Japanese went around and shot one by one.

Q What did they shoot with one by one?

A Revolver.

Q How long did that last?

A They went around four times.

Q Four times?

A Yes.

Q How many people do you think the Japanese killed in that yard?

A 200.

Q Can you give the names of the people that you know were killed there?

A The Carcereny family.

Q Yes. How many were in that family?

A There were four killed in their family.

Q All right. And who else?

A My family, four.

Q How many in your family?

A Four.

Q Four in your family?

A Yes. Ledesma, three; Nograles, one; Altavas, one.

Q One?

A One.

Q Yes.

A Manuel Tuazon; Tanguan.

Q Yes. Anybody else?

A I don't know the others.

Q How about people that were wounded? Do you know anything about those who were wounded?

A I know Joaquin Maranon; Mrs. Nograles.

Q Yes. Anybody else?

A I don't know.

Q How many of your family were killed?

A Four.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Col. Hendrix) Were the Japanese Army or Navy or Marines?

A Marines.

COL. HENDRIX: No further questions, sir.

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

(Witness excused)

CAPTAIN PACE: Mr. Maranon.

JOAQUIN MARANON

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, Doctor?

A Joaquin Maranon.

Q Where do you live?

A At this time?

Q Yes.

A 651 Lipa Street, Sampaloc.

Q Where did you live in February, 1945?

A 552 Pennsylvania, Ermita.

Q Do you know where the Price house is?

A Yes, sir.

Q Did you go there on February 10, 1945?

A Yes, sir.

Q Describe where you went and what happened.

A In the afternoon of February 10th, because of the fire in the neighborhood of our house, I went with my wife to the house of Mr. Price at the back of my yard. At first we went into the kitchen of the house and then later with my wife we moved to the yard and rested against the wall. There we saw my house and other houses in the neighborhood under fire and after that we went into the air-raid shelter in the middle of the yard. While there and talking about the destruction we suffer, all of a sudden a girl of about 16 years old rushed inside the shelter and shouted "Japanese! Japanese!"

Q Will you look at Exhibit 130 and state whether or not the place marked "site of air-raid shelter" correctly shows where you were on that afternoon?

A Yes, sir. That is the air-raid shelter where we went inside.

Q What happened after the girl shouted "Japanese! "Japanese!"?

A A few minutes after that we heard shots and then later the Japs approached us and from the entrance of the air-raid shelter machine-gunned all those inside the shelter.

Q Yes. What happened then?

A All of a sudden I saw that several of those in the air-raid shelters were killed with their brains out -- with their skulls destroyed. Then I noticed that my face was somewhat paralyzed and I feel that blood was gushing from my face. I asked my wife whether she was wounded and I was surprised to find that she was wounded very severely in the leg.

Q Yes.

A Then the Japs lefts us and went around in the yards

shooting those that were resting outside. We heard these shots, and after that they came again and started to machine-gun those in the air-raid shelter.

Q This is the second time?

A That is the second time.

Q All right.

A What I did was to take shelter among the dead and I told my wife to lay low so that we would not be hit again. Then when they left, when it was almost dark, we started to leave the air-raid shelter and went outside of the shelter.

Q What did you see outside?

A Outside of the shelter we saw dead all around and some wounded.

Q How many dead and wounded did you see in the Price yard and the air-raid shelter?

A I could not count definitely, but to my estimate there must be about three hundred persons dead and wounded.

Q Will you give the names of any of the dead that you can identify?

A Mr. Pedro Franco and his children.

Q How many children?

A Two children.

Q All right.

A And his mother-in-law.

Q What is her name?

A Then the Carcereny children who were occupying the lower floor of my house.

Q Yes.

A] The Galans.

Q How many Galans?

A I think there are three: the wife, the child -- I mean, the son, and I think another one. There are also others like the wife of Mr. Altavas: Mrs. Concepcion Altavas.

Q Yes.

A The two servants of Mr. Carcereny.

Q Yes.

A The wife of Mr. Carcereny; the wife of Mr. Zebala.

Q Yes. Anybody else?

A Dr. Santo Domingo.

Q How about wounded?

A Wounded, there are several: Mr. Carcereny was one. I saw him on the ground wounded. And several others, but I could not give the names now.

Q How long were you in the hospital after this incident?

A I was in the hospital for two months and a half.

Q How long was your wife in the hospital?

A My wife stayed for three months and a half and is still -- when she came out she was not perfectly cured.

CAPTAIN PACE: You may cross examine.

COL. HENDRIX: No questions, sir.

CAPTAIN PACE: Thank you, Doctor.

(Witness excused)

FRANCISCO del ROSARIO

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 Francisco del Rosario.

Q You will have to speak louder than that.

A Francisco del Rosario.

Q Your address, please?

A 1329 Anacleto.

Q What do you do for a living now? Do you work?

A Yes, sir. I work for the funeral director of the Quiogue Funeral Parlor.

Q What were you doing in the month of February 1945?

A In the month of February 1945 I was working for the firm hired by the 37th Infantry Division.

Q What were you doing for the 37th Infantry Division?

A I was supervising the burial of civilians and enemy dead.

Q In your capacity of burying the dead, did you go to the Price yard at the corner of Colorado and California Streets in Manila?

A Yes, sir.

Q What did you find there?

A I found 15 bodies in a pigpen, and about 25 bodies in the air-raid shelter, and 50 bodies scattered all over the yard. There were about six or seven in the garage.

Q What was the condition of these bodies?

A Those bodies in the pigpen were not burnt, but they

were beyond recognition, because they were already decomposed and bloated up. Those in the air raid shelter were not burned, either, but those in the garage were burnt, and also those in the yard.

Q How many bodies do you estimate you found in the Price yard?

A We buried between 90 and 100 bodies, sir.

Q Were those civilian or military personnel that you buried?

A Those were all civilian, sir.

CAPTAIN PACE: You may cross examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused.)

CAPTAIN PACE: That completes the case on Bill of Particulars No. 99.

CAPTAIN HILL: May it please the Commission, the next incident to be presented will be Bill of Particulars Item No. 27, the German Club Massacre.

The first witness is Francisco Lopez.

Sir, I made a mistake. It is Bill of Particular Item 98.

GENERAL REYNOLDS: Is the Defense ready to proceed with the Item 98 in the Supplementary Bill of Particulars?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: You are ready?

FRANCISCO LOPEZ

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

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please, to the Commission?

A Francisco Lopez.

Q Where do you reside, Mr. Lopez?

A At 239 San Marcelino, I used to reside.

Q Where do you reside at this time?

A In Anacleto.

Q And in what business are you engaged in the City of Manila?

A I am the representative in the Philippines for Metro-Goldwyn-Mayer Pictures.

Q Where did you reside during the first part of February, 1945, with reference to the German Club Building and premises here in Manila?

A I resided just around the corner, near the intersection of San Luis Street and San Marcelino Street.

Q How far distant from the German Club would you say your residence was?

A I don't know very exactly, but approximately about 50 to 80 yards.

(A map was marked Prosecution's Exhibit No. 132 for Identification.)

Q I hand you Prosecution's Exhibit No. 132 and ask you to state what it is, if you know.

A This is an almost exact map of the district where we resided, showing the German Club, my house, the house of my mother, my aunt's house, and the other neighbors living around us.

Q Are each of the buildings around the German Club, including your home, designated in some manner on this exhibit?

A Yes, they are; all of them.

CAPTAIN HILL: I offer in evidence Prosecution's Exhibit No. 132, sir.

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

(Prosecution's Exhibit No. 132
for Identification was received
in Evidence.)

Q (By Captain Hill) During the first part of February of this year, Mr. Lopez, were you forced, with the other members of your family, to leave your home?

A Yes, we were.

Q Why were you forced to leave your home?

A First, because of the shelling that was taking place, and then because the Japs burned our houses.

Q And on what day did you leave your home?

A Approximately -- I don't know exactly, but it was shortly after the 4th; it must have been around the 5th or the 6th.

Q And how many members of your household accompanied you at the time you abandoned your home?

A Approximately between 12 and 14, several of us.

Q And when you left your home, where did you and the other members of your household go?

A We took refuge underneath the building of the German Club.

Q Now, I wish you would tell the Commission, briefly, about this refuge under the German Club; describe it to

them the best you can.

A This refuge underneath the German Club is between three and four yards -- I mean, feet -- high, and we had to stoop down; we couldn't stand up. We either had to crawl around or sit on our -- just sit down, because it was not high enough for us to stand up, and it was a large -- probably one and a half times the size of this room, and it was all in one piece, extending the whole area of the German Club Buildings.

While these other fellows were doing that, these Japanese were out facing us with their guns pointing at us. Naturally, with 1,500 people there, approximately, there was a big commotion. Women and the kids lost their heads and started screaming, yelling "Tomadachi! Tomadachi!"

Q What does that mean?

A "Friends! We are friends!" We tried to explain we were friends, not enemies; we were noncombatants who were civilians. And then, when we saw what was coming to us, somebody -- I can't remember who -- decided that maybe we could move them by having the women, some of them who had small kids who were still suckling, sir, go out and show them; but then Mr. Ohaus, the chief of the German Community there, who had asked us to stay there all those days, and had been having us there out of pity, because we had no shelter to go to during those days -- he told us to wait, and he went out and talked to the Japanese officer who was outside, and I know he tried to explain that that was the German Club, and we were all non-combatant civilians, neutrals, taking refuge there; that there was no

reason to harm us. But they pushed him in, just the same, and when he came back, naturally, the women volunteered with the little kids, those who had small kids in their arms, to go out. But when they went out over the fire and they knelt before those Japanese soldiers and the officers, what they did is with the bayonet to stick the kids and throw them out, and right there and then they grabbed most of them by the hair, tore off their clothes, and started to abuse them.

Q That is, the women?

A The women, yes.

Q Just tell the Commission what they did to the women there.

A We, then, inside -- some shouted "Tomodachi!" -- asked for mercy, and yelled "Tomodachi! Tomodachi!", still trying to beg mercy. They still went and abused them.

I remember one particular case of a girl who, I doubt very much if she was over 13 years of age, at least 20 of them took advantage of her, and some of them went so far as to not only abuse her, but cut off her breasts and make fun of it. Most of them enjoyed it, and they had fun while doing it!

At first I thought, in that flash of a moment -- I thought that they were drunk, that there was something wrong, because I couldn't understand how a human being could do that -- cut off the breasts of a young girl after she had been abused while she was naked there. And one of them even grabbed one of them in his hand (illustrating), and making fun to the others about it, and the others

laughed!

Then after that, in three cases at least, three girls I saw that when they were through with them and they were laying there -- I doubt whether all of them were still alive, but one of them, at least, I saw that she was still heaving -- they poured gasoline on their heads and set fire only to their hair, to let them die a lingering death that way. Some of us, during that time, naturally thought it was better to go out and get shot or stabbed, rather than be burned alive and be roasted inside. We had to decide that in the flash of a moment. My mother embraced all my brothers and sisters, and told them "We might as well stay in here, because you see what they are doing outside." But the fire was getting worse and worse, and the smoke and everything was getting unbearable, and my mother kept saying "Don't go out, because it will be worse outside. If we have to die, let's die all together in here."

Then I told her, "Mother they can't do those things to me. I am a man. And if you don't mind, I prefer to go out and get it over with once and for all. I don't have the courage to be roasted alive in here. I want to go out and die like the others who have ventured to go out," the men who had been stabbed and fired at, and they were laying all sprawled around there. I don't know how many of them, but several were scattered around the club.

So she said, "If you decide that, go ahead. You have my blessing. I will see you later, probably." Then my younger brother followed me, and a next door neighbor by the name -- a next door neighbor -- and the three of us

jumped over the fires, and while I was trying to put out the fire which my clothes had caught, they shot my brother right through the heart; and my next door neighbor, they shot him right through the head. But as I was jumping around to put out the fire that my clothes had caught, especially my pants, they fired at me, but probably because I was ~~writing~~ with pain they caught me only on the left foot. Then I fell down from the pain, and I half-way fainted from the pain and the shock, all the time thinking that that was a bad dream, that it was a nightmare, that I had to wake from it; because I couldn't see how anybody, at their worst -- I hadn't heard, in the worst of horror stories or horror pictures or books, anything like that! It couldn't be possible!

And I lay there dazed. And during that time I saw more women who had ventured to crawl over the barricade and escape outside, being abused; they were all abused. And while that was done to them, like sadists, they enjoyed it and they made fun of it! That is one thing that I can never understand and never forgive!

Q Now, what kind of a floor was in this shelter?

A The floor was made of rubble and dirt, and even some strayed dead cats that had taken refuge there, and I can see the refuse, cement and other things, that had been left there probably since the building was erected.

Q And what kind of a ceiling was there on this shelter?

A Partly cement and partly wood. The wooden floor of the building was over us, and also the cement arches that were supporting the building as trusses or beams.

Q Were there any trenches dug underneath the building?

A There was one that we had dug just to be able to get in more easily from the entrance, under one of the arches.

Q Do you recall the time of day on the 5th or 6th that you and the other members of your household went to this refuge?

A Yes, sir. It was -- the first time we went there was around two o'clock in the morning, because we found out that the Japs were coming to the houses and taking the women to the church right next door.

Q Which church was that?

A San Marcelino Church. And they were abusing them, sir, so I was the first to run in to the German Club, climb over the barbed wire fence with my mother and the other women, and I went to the German Club at two o'clock in the morning and begged them to please let me hide my women among them, because I didn't want them taken to the church for the same purpose.

CAPTAIN REEL: Pardon me, please.

If it please the Commission, we move that all of that part of the answer which had to do with what the witness heard from some unidentified source be stricken.

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

(Last two questions and answers read.)

CAPTAIN REEL: Sir, we ask that all of the answer except the part which was responsive to the question, namely, as to what time he went to the German Club, be stricken. I think the word "because" appears there;

starting with the word "because," and everything thereafter, we ask that it be stricken.

CAPTAIN HILL: I think it is entirely proper, sir, that he relate to the Court the reasons why he and the other members of his household sought this refuge.

GENERAL REYNOLDS: Objection is not sustained.

Q (By Captain Hill) When you arrived there at this refuge with the members of your household, can you tell the Commission about how many other civilians were in the refuge then?

A I couldn't say exactly, because it was very dark. I know there were other voices, and other people who were crawling in, but I couldn't tell you exactly how many. I know there were others, but it was so dark, and we couldn't even light a match for fear of being found out.

Q And you say that you went there on the 5th or 6th. For the few days following that, were you and the members of your household able to leave that shelter for purposes of relieving yourselves, or to get food or water?

A Yes, we were, for the most necessary things only. We used to sneak out.

Q For how long a period were you able to do that?

A Five or ten minutes.

Q I mean, for how many days did that privilege continue?

A Oh, for two or three days, that is all. I couldn't tell exactly, because those days were such to us that I couldn't count them, and I didn't have a calendar before me. It was two or three days, more or less.

Q Were you and the other members of your household

still underneath this shelter on the 10th of February, 1945?

A Yes, we were.

Q And on that date did you see any Japanese in the vicinity of the German Club Building, any members of the Japanese Imperial forces?

A Many of them.

Q How many would you say to the Commission that you saw there?

A Probably around 100 or more.

Q On this day, did these members of the Japanese Imperial forces do anything in the way of harming the civilian non-combatants that had taken refuge in this shelter?

A Yes, they did.

Q Just relate to the Commission the details of what took place there that day.

A On or about between twelve and one o'clock in the afternoon, some of us were just starting to have our lunch, whatever we had been able to get hold of to eat underneath that club, when all of a sudden some came back saying that they had been told they couldn't leave the premises under the club, not even for the most necessary things, like going to the bathroom. We were all surprised that all of a sudden they should restrict us in there, because all along we had not expected anything like that.

Then, before we knew it, and while we were commenting on it, all of a sudden a cordon of about 15 to 20 Japanese came down and knelt all around the building, facing us outside the building, but facing the openings we had all around us, just as if prepared to kill anybody who came

out of that place.

Q Let me interrupt just a moment. On the 10th, at the time the Japanese surrounded the building, can you give the Commission an estimate of how many civilians were gathered beneath the shelter?

A Approximately between 1,200 and 1,500 people.

Q Now, go ahead with your story.

A Then at the same time, while they were all around, surrounding us, some of them came down with the very stuff that we had left in the hall of the club upstairs, our clothing, packages containing some food, medicines, and those same things plus dirty rags which they picked I don't know where; they threw it down and formed with it a barricade around us, right up against the building, surrounding the openings we had through which we came in and out of. And then we saw them pour gasoline all over that barricade, and we smelled the smell of gasoline right over us, too, in the building, and in a matter of a few minutes they started putting fire to all that, and the fire started all around us.

Q Mr. Lopez, when you used the word "abused," do you mean raped?

A They were raped, absolutely.

Q And after you had gone outside of the shelter and were out there on the ground, did you see other women abused?

A Yes, I saw more of them abused.

Q Did you see other women's hair ignited?

A Absolutely.

Q What else did you see regarding these women?

A One of them was raped at least by 16 or 20 fellows, one after the other. And the others were the same way. All of them screamed for help, some were shouting, calling -- they were all Catholics -- they called on all the saints in Heaven to protect them. About that time, three American planes flew over us very, very low, and one of them yelled for help and asked, begged in the voice that was still left in her, that they drop a bomb to finish their suffering once and for all; and another one yelled, at the same time, "How about some parachutists?" She screamed and yelled for some parachutists to come down and save them, but neither parachutists or bombs came down to finish their tortures.

Q Now, when you left this shelter to go through this barricade of fire, do you have any idea how many people were underneath this shelter?

A About two-thirds of us still.

Q Two-thirds of the original group?

A Yes, sir, approximately.

Q Had the rest attempted to make their escape the same as you did?

A Yes, sir.

Q When you left the shelter was the floor, the wooden floor above you, burning?

A Yes, it was starting to burn, starting to crackle all over us.

Q Did any of that floor drop around on the ground?

A In some of the places it was starting to drop over us.

Q How long did you remain in your original position on the ground outside of your shelter, after you were shot?

A I don't know, because that was such a moment of torture and horror that I couldn't tell you. I only stayed there as long as I was trying to come back to myself, trying to figure out what I was going to do.

Q Do you think it was a matter of minutes, or several hours?

A A matter of probably several hours.

Q Were you conscious during that entire time?

A I was conscious. I came back to myself, and I was conscious enough to figure out that the only thing left for me, in so far as I couldn't get up and run, because they had shot me through the left foot, was to pretend I was dead so that they wouldn't shoot me again.

Q While you were on the ground there, near the German Club Building, did you see the building afire, and finally fall to the ground?

A Yes. I was aware that the building caught fire all around, all the woodwork of the building was on fire, and I heard my brother and my mother, and all my family, screaming inside; I have heard them and practically seen them burned alive inside, those of them that stayed.

Q Now, can you give the Commission your judgment of about how many people, how many civilians, lost their lives there at the German Club Building by gunfire, bayoneting, or by the fire from the building, on that day?

A I claim there must have been over 1,000, closer to about 1,500, including all the small kids, because all the

families from around, as they had burned all our houses -- we all had to take refuge in the only building which they hadn't taken for themselves, which was the German Club -- and most of our families had many small kids, so that including the small children, even as young as two or three months old, like some of them had, must have been as many as 1,500 people. I claim there must have been close to that.

Q Now, you have referred to the Japanese; were these Japanese that you saw around there members of the Imperial Japanese armed forces?

A Absolutely.

Q And the people who had taken refuge underneath this shelter, were any of them armed in any way?

A Yes, they were armed.

Q You mean the civilians that were underneath the shelter?

A { No, absolutely; not even a stone.

Q Did you see any of the 1,500 civilians that you have testified about in any way resist the members of the Japanese armed forces there at the German Club that day?

A None. No one resisted except -- I want to recount something else. My houseboy, when he did jump out of the fire with a small child --

Q How old was your houseboy?

A He must have been between 20 and 25.

Q Was he a Filipino?

A A Filipino.

Q And what was his name?

A A noncombatant. Bernardin Callo.

Q Go ahead and tell the Commission what you saw happen to your houseboy.

A He was carrying a small kid who was about two years old, and the Japs run after him, and one of them, who had only the arm that some of the Japs had, which was a spear at the point of a bamboo stick, with tusks coming out of it, something resembling the savages' spears which old time barbarians carried with them -- he went and stuck the kid right through with it. The father went -- and he is about the only one who put up a fight -- he fought the Jap, and I think he must have done harm, because they took it very badly on him. They grabbed him, and instead of killing him, they tied him against a pillar of my garage, and then one of them tore down his pants, and with something that I think was a bayonet they cut off his sexual organs and stuck part of it in his mouth. And then the three who were still around, they laughed and enjoyed it, just like sadists, dirty sadists, absolutely! Because they enjoyed it, and they showed it!

(A photograph was marked Prosecution's Exhibit No. 133 for Identification.)

Q Mr. Lopez, I hand you Prosecution's Exhibit No. 133 and ask you to state to the Commission what it is, if you know.

A This is a photograph of what is left, of what used to be the German Club.

Q Do you have any idea about when that was taken?

A When this picture was taken?

Q Yes.

A Sometime in the late months, after --

Q In the month of September?

A September, approximately.

Q This year?

A Yes.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 133.

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

(Prosecution's Exhibit No. 133 for Identification was received in Evidence and so marked.)

(A photograph was marked Prosecution's Exhibit No. 134 for Identification.)

Q (By Captain Hill) I hand you Prosecution's Exhibit No. 134 and ask you to state what it is, if you know.

A This is a photograph of part of the German Building, German Club Building, showing an entrance, one of the archways underneath the building which we used as the easiest way to get in and out from underneath the building.

Q I call your attention to the front and left-hand side of this photograph. Is that the front porch which you testified about?

A Yes, that is the front porch.

Q And you will notice an opening on the side of that front porch. Is that one of the openings that was used by the refugees to go in and out of the shelter?

A Yes, sir.

Q And I call your attention to the other openings

along the side of the building. Were those openings likewise used as a place of ingress and egress to this refuge?

A They were.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 134.

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

(Prosecution's Exhibit No. 134 for Identification was received in Evidence.)

(A photograph was marked Prosecution's Exhibit No. 135 for Identification.)

Q (By Captain Hill) I hand you Prosecution's Exhibit No. 135, and ask you to state what it is, if you know, Mr. Lopez.

A This shows the mound where I think most of the bodies that were recovered after the massacre have been buried.

Q Where is that mound, or mass grave, located?

A That is in the ground around the German Club.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 135.

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

THE WITNESS: May I say something else? I forgot it.

CAPTAIN HILL: Ask the Commission.

The witness --

GENERAL REYNOLDS: You may proceed.

THE WITNESS: There was one special incident that I forgot to tell you about, that I think is very important. There were two sisters of Filipino nationality who were

also with us under that building. I would rather not give their names out here, unless you need them -- I would give them in writing, then, -- because I wouldn't like the press, or anybody, to give out the news, because I know they still have very close relatives, probably in this same building, who would be very hurt and grieved to know how they died, because I only gave them an account of it in the best way I could, to just let them know that they died in that massacre, without telling them an incident that was particularly cruel.

These two sisters rushed out from underneath the building, and one of them was attacked; the younger one was attacked by several Japs right away. The other one, who is elder and much stronger, an extraordinarily large girl for her age -- she put up a fight with the others. They succeeded in tearing off her clothes, but they couldn't lay her down on the ground like the other one, like they had done with her younger sister, and because she fought tooth and nail to defend herself one of them hit her right between the head and shoulders with something I couldn't see -- in the flash of that moment I couldn't see whether it was a bayonet or something else -- but I know this: That she fell to the ground practically decapitated. Probably her head was attached by only a very little flesh, or something like that. But right after that, although she was dead, more than dead, this fellow right away jumped on her and abused that dead body; he raped her, although she was already dead.

Q (By Captain Hill) Mr. Lopez, I will ask you if there is any other incident relative to the murders at the German

Club, which you desire to relate to this Commission.

A Any other murders?

Q Any other incident which you haven't told the Commission about, that you desire to relate to them.

A Yes. After a few hours -- it must have been that I was laying there conscious that everything was going on, and after I had seen most of the building collapse in fire over my family and the other families that were in there, and their screams died out little by little, and the screams and yells of the girls around me, and their moans also died, I finally crawled to an air raid shelter that belonged to one of the neighboring houses there. It was covered, partly, with the ruins of the house that had collapsed over it.

So, thinking that was the safest place for me to hide in, I crawled inside inch by inch until I got in there, and I stayed in there. And while I was there and the night fell, others crawled in little by little. Some were women, and among them a few men; all of them hurt, either by bullet wounds, bayonet wounds, and very bad burns.

We were about in there -- that was a shelter that could take care only of about five people, sitting down. So, being ten of us, we had to squeeze in. We could hardly even sit comfortably, and every time one of us moved a little someone else would yell "Look out for my wound, my burns," so that we were all in suffering in there; ten of us, exactly.

When the next day came, and a little ray of sunshine

and light could come in through, we looked at each other and we verified that we were exactly ten.

We stayed there for two or three days. The bombs were raining around us, and we couldn't even sneeze nor cough, because the Japanese were still around us, over us, walking even right over us, but they didn't find us. We stayed very quiet. We were getting hungrier and thirstier each time, and finally when the night came again -- I think on the second day, it was -- one of us found a piece of burned iron right inside that shelter, and between all of us, when we noticed that the Japs were a little farther from us, we dug a little well which was a few inches deep by the time a little water came out of it. And that muddy water we drank to keep alive.

But on the third or fourth day a bomb or a shell fell quite close to the air raid shelter where we were hiding, so that a hole was opened, and knowing the Japanese around it would see us through it and catch us, probably, we ran out of the shelter for the first time.

Two of them were dragging me, because I couldn't walk on my feet, nor much less, still, run, because my foot had swollen up, my foot was swollen, and I could only crawl. We all run towards, first, the church, but we saw that they were right at the very tower of the church, firing towards the other side of the river. Every building around had Japanese in it, and they were all firing, seemingly towards the northern side of the river. The only place we thought they had deserted, because we didn't see any of them in it, was the neighboring

building of the St. Teresa's Academy. Some one of us yelled, "Let's run to it. They have abandoned the St. Teresa's Academy." So all of us went toward that building, but when we were about to enter it, a few yards from the main entrance, which was piled and barricaded with sand bags, we saw that all of a sudden several heads of those Japanese jumped out from under cover, and they fired at us again.

Q Did they kill any of this group of ten?

A Five fell down dead. Or, at least everybody except the two that were holding me by the hand, and who had helped me get that far. Then we naturally fell down from the shock and from the firing, we automatically and instinctively fell down with the others. The others we saw had been struck and killed. Then the two who were right beside me and had been holding me -- one, who was an old man by the name of Joaquin Navarro, a Filipino citizen, aged between probably 70 and 80 years old, and his daughter-in-law who was wounded from the massacre on the 10th, but was still alive -- both of them were lame, each one on one side of mine. They told me, while we were pretending to be dead, "This is worse than death itself. What do you say if the three of us get out and take the last chance left? Let's raise a handkerchief to them to show them that we are non-combatants, that we don't want to fight them. Let's kneel before them and just plead for mercy, that they let us go to the hospital," because my foot was getting worse and her bayonet wounds were getting unbearable, "and if they kill us, that is better than

living this way. Anyway we die of hunger or thirst, because it looks as if the Americans will take a little longer than we expected for them to cross the river and rescue us."

So I told them, "Well, if both of you are of that opinion, let's do it."

So the girl on my left-hand side, who was Mr. Navarro's daughter-in-law, she said, "I will untie the handkerchief around my burn on the left hand and I will raise it before we even get up, and as soon as I count three, let's the three of us get up and walk towards them."

And I said, "All right."

She raised the handkerchief, and they didn't fire then. She counted three, and both of them got up at the same time and were raising me up to walk with them, when the Japanese in the St. Teresa's Academy fired again, and both of them fell mortally wounded, by my side. There was blood spurting out of the neck of the girl, and old man Navarro had been hit right in the kidneys; there is where he said he felt the pain. Both of them yelled for water, they kept asking for water, but I couldn't get up; by myself, I couldn't get up.

Q How long did they live after they were shot this time?

A She died in a matter of a few minutes, and he lived, I think, a few hours, because I lay there again in agony, in mental agony, not knowing whether I should get up and let them shoot me and have it over with once and for all, and I told old man Navarro, who could still talk, "I think I will get up, even on my knees, and put up my hands, so that they will fire at me. I don't want to live. I have

lost all my family, all my possessions, my home, everything I had in the world. What is the use of living without anybody, not anything?"

And he told me, "Don't do that. When for the third time they haven't hit you, there must be a mission for you in this world" -- and there is -- "to tell the truth of what they have done to us. Try to live, just to tell whoever gets to this side from the Americans, to tell them what has been done to us. You have to live if nothing else than for that, because if you don't, as we can see you are the only survivor, maybe the only survivor on this side, the Americans will come in and believe what this Japanese wants them to believe: that in their strenuous effort to regain this side of the river, their shelling has destroyed everything and killed us," which would be a terrible lie, because the Japs had done it all ahead of the Americans coming on that side.

Q How many members of your family were killed at the German Club?

A I didn't count them, but it was my mother, my brothers --

Q How many brothers?

A Two brothers. My sister, a cousin who is just like a sister because we had just adopted her; my old aunt, my uncle, my cousins -- I don't know how many of them.

Q How many Filipino servants were killed in your house?

A Between five and six.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

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

(Short recess.)

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

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

The Commission has received a motion from the Chief Defense Counsel for additional copies of the record. This motion is not allowed by the Commission, but Counsel is advised that, if they wish to do so, they may apply to the appointing authority.

CAPTAIN HILL: The first witness, please.

HELENA RODRIQUEZ

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

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name to the Commission, please?

A Helena Rodriguez.

Q Can you speak a little louder and speak for the Commission so that they can hear you.

A Helena Rodriguez.

Q How old are you?

A 21.

Q What is your nationality?

A I'm a Filipina.

Q Where do you reside?

A At present?

Q At present?

A 6 Manga Street, Santa Mesa.

Q Are you employed now?

A Yes, sir.

Q Where?

A At the General Engineer District.

Q Are you married or single?

A I am single.

Q Where were you living during the first part of February, 1945?

A At 278 Zobel Street, Ermita.

Q How far distant was your home at that time from the German Club Building?

A About a couple of blocks.

Q A couple of blocks?

A Yes.

Q Were you forced with the other members of your household to leave your home during the early part of February of this year?

A Yes, sir.

Q Will you relate to the Commission the reason and circumstances for your leaving your home?

A Well, it was on February 6th, Tuesday, that the --

Q Speak up a little louder.

A It was on February 6th, Tuesday, that the Japanese in our district ordered everybody to evacuate the place, and they told everybody that they were going to burn the place and it was very dangerous for civilians to stay there. So we were told to go south toward San Luis Street, and that is where we were heading for with all the neighbors and everybody carrying and evacuating the place. And then when we reached San Luis Street I saw my eldest brother waiting for us there because he couldn't get home. The Japanese

wouldn't allow him to cross the small bridge that was on San Marcelino Street. So my brother was staying for three days in the house of a friend of my mother, and that is where we stayed until the 8th of February.

Q And on the 8th of February where did you and the other members of your household go?

A On the afternoon of the 8th we transferred to the shelter of the German Club, because that same afternoon a shell struck the living room of the house of Mrs. Bereciarde, the house of my mother's friend. So on the afternoon of February 8th we transferred to the shelter of the German Club.

Q When you transferred to the shelter near the German Club, Miss Rodriguez, what members of your family or your friends accompanied you there?

A My mother, my four brothers.

Q And any other friends that accompanied you?

A Yes. There were two other ladies.

Q I hand you the Prosecution's Exhibit No. 132, which is a plat showing the location of the German Club and the buildings surrounding, and ask you to point out on this plat for the Commission where you and the other members of your family took refuge there in the German Club yard.

A This shelter here (indicating).

Q That is the object marked on the plat as "Air Raid Shelter" and to the left and a little below the German Club Building on this plat; is that right?

A Yes.

Q When you arrived there at this shelter on the 8th,

how many persons were in the shelter?

A Well, that afternoon there were very few people there because the other neighbors were still in their houses, but we stayed the whole night there and the next day there were more people coming in.

Q That was the day of the 9th?

A Yes, sir.

Q And how many people came to that particular shelter where you were on the 9th?

A Well, I counted them and there were around 50 persons.

Q And did all of those 50 persons, together with your family, remain there on the night of the 9th and were there on the day of the 10th?

A That's right, sir.

Q Then on the 10th of February did you see any Japanese members of the Japanese Imperial forces in the vicinity of this shelter and the German Club grounds?

A Yes. It was on the 9th we saw Japanese around.

Q When you first saw them?

A Yes, sir.

Q How many did you see there on the 9th?

A Well, I saw several of them guarding the San Marcelino Church.

Q Were there any there in the German Club grounds on the 9th?

A Yes, sir. They were walking around there.

Q Then on the 10th did you see members of the Japanese Imperial forces there in the German Club grounds?

A Yes, sir, I saw them and I spoke with them.

Q On the 10th did you see these Japanese harm or molest any of the civilians that were gathered there?

A The Japanese, you mean, were they armed?

Q Did you see any of the Japanese harm any of the civilians?

A No, sir; I didn't.

Q On the 10th?

A Well, on the morning, no. It was in the afternoon when they started killing everybody.

Q Of these 50 people that were in your shelter in the yard there, were they all civilians?

A That's right, sir.

Q Were any of them armed in any way?

A No. Nobody was armed.

Q And were they men, women or children?

A They were men, women and children.

Q Just tell the Commission what transpired there on the German Club premises on the afternoon of the 10th as you see it from the air raid shelter where you were.

A Well, it was on the afternoon of the 10th and we were inside the shelter with my mother, my two brothers. All of a sudden we heard screams and cries outside and also we heard some explosion and we didn't know what it was, and after that we saw several things lying at the entrance and exploding, and then we knew that they were hand grenades. And when the hand grenades exploded, the shelter was very small and it was filled with smoke and it made everybody cough. Well, they kept on throwing hand grenades, and I remember two people inside were hurt, and I remember there

was a baby about a month and a half there who was half dead with the smoke.

Well, everybody was crying; children were running about in confusion. There were several who pleaded "Let the children go out! Let the children go before the Japanese!" because we knew that the Japanese were "soft" on children. So they made the suggestion that several of the children go out and among them was my brother of 11 years old. So he and four other boys went out, and I don't know what happened. After that I saw my mother crying and she told me that my brother -- She said, "Your youngest brother" -- his name was Augusto -- "he is out there on the ground. He is dead. They have shot him."

Q What happened to the other four boys that left the shelter with your brother?

A They were killed, too. My mother saw them. She was near the entrance.

Q Then after that tell the Commission what happened there in the shelter.

A Well, after that more grenades landed at the entrance. There was horrible smoke that made everybody cough. And then my mother, I think she couldn't breathe anymore and I was right beside her. She went out to the entrance and she was already almost out of the shelter and she pleaded before the Japanese, and when she saw that the Japanese were going to kill her she stepped back, but she didn't have time to hide herself. And then I saw a hand grenade thrown at her and it killed her.

Q Were any other people killed at the same time as your

mother?

A No, sir.

Q Go ahead and tell the Commission what else happened there in that particular shelter.

A For the moment I just sat there and stared at her. I couldn't believe what I saw. Well, again -- So I went inside the shelter and I stayed there in the corner and I got hold of a piece of cardboard and started fanning myself, because I could hardly breathe anymore with the smoke, and then more hand grenades were thrown in, and then after that everything was quiet and everybody was quiet, too. Then a Japanese went inside with a candle --

Q Came inside of the shelter?

A Yes. He even had the nerve to ask if we had any firearms or pistols or guns, and we told him that we had nothing, that we were civilians, that we were Spanish. And you should have heard the children pleading before the Japanese, asking to have mercy on them.

Well, after that the Japanese went out -- (pause) -- and then everything was quiet for a moment, and then again I heard a very strange noise outside, something like paper burning or dried grass. And then there was another man inside the shelter. The man and I went to the entrance to see what was going on, and then we saw both entrances were covered with fire. There were many people inside the shelter. So we were trapped in with fire at both entrances. Then everybody began screaming.

Well, my sudden impulse was to jump out. The man was the first one to jump out and I followed him through the

flaming entrance to the shelter.

Q Were you burned at that time?

A Yes, that is how I got my burns.

Q Where were you burned?

A Here on the arms (indicating), there on the legs (indicating).

Q Will you show the Commission the burns that you received on your leg at that time?

A I have this one here, then another here, too, and then another on the knee (indicating). And also my face was burned, my hair, and all my arm was burned, too.

Q Did you receive any other wounds or injuries at that time?

A Yes, sir. I have shrapnel wounds in my leg.

Q Just tell the Commission where the shrapnel wounds are.

A Right here on the leg (indicating). I got those several days later.

Q You did not get those that day?

A No.

Q At the time you left the air raid shelter and ran through the fire to the entrance, do you know what happened to the other people that you left in the shelter?

A Well, yes. When we jumped out, right outside of the shelter was a foxhole and I fell into the foxhole and the man who jumped with me fell into the same foxhole, and then a little while later two other people fell on top of me. It was another girl, my companion, and the other survivor and another man.

Then we just pretended to be dead. We lay there. The Japanese were walking around, and after a while we heard screams, and I guess it was people who remained in the shelter who were being burned alive. There was screaming and crying for help. Oh, I don't know! And I had one of my brothers inside!

After that we just pretended to be dead. We didn't move at all. The Japanese were walking around. Then I guess the first man who jumped out with me, he must have been so scared that he stood up and run away. I don't know what happened to him. I think he was shot by the Japanese.

Q Did you see his body later?

A No, I didn't see him anymore.

Q Do you know what happened to the people who remained in this shelter where you were?

A I guess they were burned alive, because they were screaming. And the next day I saw the shelter and everything was burned.

Q Do you think that there were 50 people in that shelter?

A Well, a little less.

Q A little less?

A Yes, because several walked out and several were killed outside.

Q When you first went in this air raid shelter on the German grounds, did you see other people gathered in other places around the German Club?

A Yes, sir. There were many people in the shelter. The German Club, it was a very big shelter there.

Q Were you close enough to that to have an opinion as to

how many people had taken shelter underneath the German Club?

A Well, my estimate would be about 800 people.

Q Did you see the German Club Building?

A Yes.

Q Did you see it burn?

A Yes, sir; I saw it burn.

Q Did you see any people attempt to escape from there?

A No, I didn't see it because all the time we were inside the shelter and we didn't dare to go out. Sometimes I used to peek out of the entrance there. It was then when I saw the German Club burning and I saw the Japanese around.

Q When you left your particular refuge or shelter had the German Club Building burned at that time?

A Yes, sir; it was burned already.

Q And when you left the shelter did you see any dead bodies around the premises?

A Well, yes. There were dead bodies. After that there was still the man and the other girl and myself there in the foxhole, and then I guess the Japanese must have known that the man was alive, because we heard them coming towards our foxhole. The man was right beside me and I heard them talking, and then I saw how they lifted the man from the foxhole, and I guess -- There were two Japanese. They bayoneted him in the chest one after the other and I heard the slashes he received on the chest, and the man kept screaming and asking for help.

Well, my companion and I, we just laid there pretending to be dead. And so after having done with the man, they just left him lying there agonizing and I thought I was going to

be next. So I guess I said my last prayers and after a while, well, I didn't hear the Japanese anymore. It was probable they left. So we just remained there without moving, my companion and me.

Well, our foxhole was practically covered by a roofing sheet and a mattress. After a while we heard the Japanese coming toward our foxhole again. I didn't know what they were talking, but I heard them say something about "gasoline". That is what they did. They poured gasoline on the roofing sheet.

Q Did you smell the gasoline?

A Yes. They poured gasoline on the roofing sheet and on the mattress, and some of it fell on my body and my clothes.

Well, after that they set it afire. The mattress caught fire and the fire was several feet high, and it was a miracle that my clothes didn't catch any fire. So we just stayed there right under the fire for about 20 minutes. I don't know how we lost consciousness. So that is how we stayed. And then while the roofing sheet and mattress were burning, the Japanese were still around. They wanted to see if we were dead, but we just lay there and didn't move at all, just like that.

So little by little the fire was put down, but we took no chances and remained like that until dark.

Q And then were you able to make your escape from the grounds there?

A Not yet, sir. We stayed in the German Club for about four or five days. Well, when it was dark I heard voices of boys calling for someone, and then it was so dark I thought

maybe it was safe for me to look around. So I got out of the foxhole with my companion and we looked around. It was surrounded by dead bodies. Right inside the foxhole was the baby's charred body black all over. Then we saw the man. He had his chest full of holes and I saw him covered with blood, and my dress was covered with blood.

Then we heard a moan from the other foxhole. We went to the next foxhole and I saw a girl who was agonizing, asking for water. I don't know who she was, but I couldn't give her any water because I didn't know where the water was. So we saw so many dead bodies around, they were black all over and burned. Then we called them and we went to the foxhole that was right beside ours, so we asked them what happened. One of the boys was crying beside the dead body of his mother. It was there lying beside him. Then the boys told me how they were lucky to escape the Japanese. I don't know how they did it. But when we went to the foxhole of the boys we stepped on a body and we looked and saw that it was the body of the husband of my companion.

Q Could you tell how he had been killed?

A Yes, sir. He had his back full of holes, too. He was bayoneted.

Q Could you recognize any of the other bodies that you saw there?

A Yes, I saw another body that was burned, I guess. It was all black and it was a body of one of the boys who got hurt inside of the shelter, received by a grenade.

Q Did you recognize any of the other bodies there besides the two that you have mentioned?

A No. We didn't see anymore. We wanted to look further but we were afraid the Japanese would see us.

Q Will you tell the Commission how many members of your family and their names who lost their lives at the German Club Building?

A Well, I lost four brothers and my mother. My mother's name was Remedios Rodriguez. My eldest brother was Alvarez Rodriguez; the second one was Vicente Rodriguez; and then Alfonso Rodriguez, and the youngest of 11 years was Augusto Rodriguez.

CAPTAIN HILL: You may cross-examine.

CROSS-EXAMINATION

Q (By Colonel Hendrix) Would you state whether the Japanese were army, navy, or marines?

A I guess they were marines, because they had olive uniform.

COLONEL HENDRIX: That's all, sir.

CAPTAIN HILL: That is all, Miss Rodriguez.

(Witness excused)

CAPTAIN HILL: Mr. Losa.

ENGRACIO LOSA

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

DIRECT EXAMINATION

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

A Engracio Losa.

Q Where do you reside, Mr. Losa?

A Now, sir?

Q Yes.

A I am residing at 6 Uli Uli Street; Aviles, San Miguel.

Q And what is your occupation or job at the present time?

A I am a harbor pilot.

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

A I was residing at 267 San Marcelino.

Q Where was that with reference to the location of the German Club premises?

A That's not far from the German Club. It's about two or three hundred meters.

Q Did you have occasion, together with the other members of your family, during the first part of February to go to the German Club Building?

A During the first of February? No, sir.

Q The first part? The first 10 days of February?

A Yes, sir.

Q And will you tell the Commission the occasion for you and your family going to the German Club Building?

A It was on the 8th of February in the afternoon when the shelling was active and in our shelter we thought that we couldn't stay any longer because a shell hit the roof, and naturally we had to look for another shelter. So we all decided to go out from our shelter, and finally we landed at the German Club as we knew that there were shelters on the premises.

Q Were other people in the neighborhood taking shelter at the same place at that time?

A Yes, sir.

Q And when you arrived at the German Club what part of

the building or grounds did you and your family go to?

A We went under the main building.

Q Under what part of the main building?

A That about underneath of the porch of the main building.

Q And was there a concrete ceiling over the part of the shelter that you and your family were in?

A Yes, sir.

Q You were not under the wooden part of the structure?

A No, sir.

Q How many people would you say were gathered there under the shelter of the German Club on the day that you got there?

A Approximately around not less than 500.

Q And after that did other people come to the shelter?

A Yes, sir.

Q Did they continue to come there until the 10th?

A I couldn't tell exactly, but I thought they must have come there.

Q And on the 10th do you have a judgment as to the number of people that were under the building, both in the part that you were in and the part under the wooden structure?

A I couldn't tell you exactly, but I think a little bit more than 500.

Q And were you in that shelter when the building was set afire?

A Yes, sir.

Q And what did you do when the building was set afire?

A The building was burning. I took hold of my two boys and my wife and went out of the side and went to the ruins

of the next building.

Q Are your wife and children alive now?

A No, sir; they are all dead.

Q And how were they killed?

A I can't tell you exactly because I haven't seen them, because I separated from them when there was panic all over.

Q Were they killed there at the German Club?

A Yes, sir.

Q On the 10th of February?

A On the 10th of February, 1945.

Q Do you know the names of any other persons who were killed there at the German Club on that date?

A I know several of them.

Q Will you give those names to the Commission?

A There were the Bueno family: that's the mother, Mrs. Bueno; Mr. Bueno; two daughters, and one son. The Ortez family: Mr. Ortez, Mrs. Ortez, one daughter, one son. The Levy family: Mr. Levy, Mrs. Levy, Ernesto Levy, Rene Levy, and Angela Gayaso. There were the Navarro family: Mr. Navarro, Mrs. Navarro, three daughters, his son, with a wife. The Lopez family: Mrs. Lopez, Mario Lopez, Cecelia Lopez, Bernardo Lopez, and the wife, Mrs. Lopez. I don't remember some of the names.

Q Do you have a judgment as to the approximate number of people that lost their lives there at the German Club Building on the 10th of February, 1945?

A As I told you, more than 500.

Q Were any of the civilians that you saw in your part of the shelter armed in any way?

A I haven't seen nobody armed.

Q Did you see any of the civilians there that day resist in any way the members of the Japanese armed forces?

A I haven't seen nobody.

Q Do you know who set fire to the German Club Building?

A The Japanese.

CAPTAIN HILL: You may cross-examine.

COLONEL HENDRIX: No questions.

(Witness excused)

CAPTAIN HILL: Miss Marbas.

ASUNCION R. MARBAS

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

DIRECT EXAMINATION

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

A Asuncion R. Marbas.

Q And where do you live, Miss Marbas?

A 145 Burgos Street, Cabanatuan, Nueva Ecija.

Q How old are you?

A 25.

Q What is your nationality?

A Filipino.

Q And prior to February of this year what was your profession or occupation?

A I was a practicing nurse.

Q And during the first part of February of this year where were you nursing?

A I was taking care of General Nathorst.

Q What was General Nathorst's first name?

A I don't quite remember.

Q Was he a Filipino?

A He is an American.

Q And did he live here in Manila?

A Yes.

Q Do you know what his profession or occupation was?

A He is a retired general of the Philippine Constabulary.

Q Of the Philippine Constabulary?

A Yes.

Q But he was an American?

A Yes.

Q Do you know how old General Nathorst was?

A He was 82 years old.

Q And were there other members in his family?

A His wife and daughter.

Q What were their names?

A His wife was -- I have forgotten the name. I think it was Charlotte.

Q Charlotte?

A Yes.

Q And where was the Nathorst home in February of this year?

A It was one of the Lopez Apartments near the San Marcelino Church.

Q And about how far was that from the German Club premises?

A One house was in between.

Q And were you there with General Nathorst and his family on the 8th or 9th of February, 1945?

A Yes, I was.

Q Were you and the Nathorst family forced to leave the home on that day?

A We were not forced to leave our own house, but we left it because the Japanese one night tried to enter, and we were so frightened -- all the girls --

Q Speak to the Commission.

A (Continuing) -- that we decided to leave with the Nathorst family for extra protection.

Q And where did General Nathorst and the rest of the household go?

A We went to the Castanagas house.

Q And how long did you remain there?

A For about two days. Then we took shelter in the German Club.

Q Did any others accompany your group of four to the German Club?

A The General, the mother, the daughter, and me.

Q And when you arrived at the German Club what time of the day was it?

A It was before lunch.

Q That was on the 9th of February?

A Yes, on the 9th.

Q And where did you go in the German Club Building?

A General Nathorst and myself didn't go directly to the building, but we went to the air raid shelter in the yard because the General was too weak and he would have been forced into those crowded places at once without preparing where he was to stay. The mother and the daughter prepared a place

for him and later in the afternoon about 6 o'clock we transferred him to the first floor of the German Club.

Q How long did the General and yourself remain there on the first floor of the German Club?

A The first night he stayed on the first floor and I stayed with him with the mother and daughter. The next morning we transferred him downstairs because the shelling were getting quite bad.

Q Underneath the building, you mean?

A Yes, in the shelter.

Q And then during the day of the 10th were you and the three members of the Nathorst family underneath the shelter when the building was set afire?

A We were underneath.

Q And what did you do when the building caught fire, if anything?

A In the first confusion everybody tried to rush out, but I didn't because I knew it would be quite fatal for me, and I tried to take refuge behind the mattresses that were lying about. I took refuge behind the mattresses because the first time I saw a grenade hit a mattress it exploded, just the cotton part of it. Then I took refuge behind several mattresses. Afterwards the hand grenades were thrown at me.

Q Inside the shelter?

A Yes. About six times.

Q Did you see anybody killed by those grenades?

A Not killed, but wounded.

Q How long did you remain underneath the shelter after

the building was set afire?

A I would say for about 30 minutes more.

Q And then you left the shelter?

A Yes, then I left the shelter.

Q And in leaving the shelter were you injured in any way?

A No, I just got a few first degree burns, I suppose.

Q Were you injured later that day?

A Yes, I was.

Q Tell the Commission how you were injured later that day.

A When I -- Right after I was under the German Club then, I decided to run towards the stone wall towards the church. I found a hole by the stone wall and I inserted myself in between the wall to get extra protection. I stayed about 30 minutes, and the building was burning furiously. I couldn't move or do anything to get out, because there was a sentry right at the corner and farther away.

Q Was this sentry a Japanese?

A He was a Japanese.

Q A member of the Japanese Imperial forces?

A Yes.

Q Go ahead.

A And then he took pot shots at any moving object, and I thought it would be not wise to move right then. And then after a few minutes he left the place. After a while, when he was quite far from the place he left, I went to that same spot and in a few minutes after I started looking for other sentries. I found none were about, and then I took shelter in a foxhole next to the German Club and then I pretended

that I was dead. About 30 minutes later 3 Japanese talking gaily with themselves found me and just poked at my buttocks three times. They didn't do it quickly, but they just sort of edged the bayonet little by little.

Q They bayoneted you three times?

A Yes.

Q Go ahead.

A I felt so mad and so bitter and so full of hatred that I didn't show it, I didn't scream; I just crunched my jaw and pressed my little saint and prayed so hard that I didn't give a little bit of sound. Then they thought maybe I was dead. Then later they took pieces of rags soaked in gasoline and then tried to surround my head.

Q Where did they place these rags with reference to your head?

A Near my head about this high (illustrating), near my hair.

Q On the ground near your hair?

A Yes. Then they struck several matches, but it wouldn't light. So they threw the whole box at me in disgust. Then later, after that, about 3 minutes after, they come back with the choicest part of chicken and rum and then put it right over my head, thinking that I was quite hungry and that I would grab it and drink it. But I didn't. Then after a while they left me in peace.

Q When you left the shelter underneath the German Club was General Nathorst there?

A I didn't particularly notice because there was quite great confusion and everybody was stepping on everybody,

and, you know --

Q Was Mrs. Nathorst and the daughter there?

A They tried to get out immediately and I lost track of them.

Q Was the General able physically to move about?

A He was not.

Q And do you know what happened to the General and Mrs. Nathorst and their daughter Charlotte?

A I don't know what happened to them.

Q Have you seen them since that day?

A No.

Q Have you heard anything about them since that day?

A No.

Q And the last that you saw them was underneath the shelter of the German Club?

A Yes.

CAPTAIN HILL: You may cross-examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

MAJOR OPINION: If the Commission please, sirs, this case is called the "Shell Service Station Massacre," described in Supplemental Bill of Particulars paragraph 101.

GENERAL REYNOLDS: Is the Defense prepared to proceed with item number 101 in the Supplemental Bill of Particulars?

(No response.)

Is the Defense prepared to proceed with item number 101 in the Supplemental Bill of Particulars?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: Hereafter, then, unless there is no objection by the Defense, the Commission will assume that you are prepared to proceed with any items in the Supplemental Bill.

MAJOR KERR: Sir, our practice has been and will be to notify Defense Counsel in advance of the cases in the Supplemental Bill which we desire to take up the following day.

ANG BE

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

DIRECT EXAMINATION

Q (By Major Opinion) Please give your name.

A (By Interpreter) Ang Be.

Q Age?

A 38.

Q Address?

A She lives in Soler, 34 Soler Street.

Q Nationality?

A She is Chinese.

Q Married or single?

A She is married.

Q Where were you living, or where did you reside on February 11, 1945?

A Isaac Peral Street, Paco District.

Q Do you remember the number of the street?

A She does not remember.

Q Do you know this Dee Cho Lumber Yard?

A She knows them.

Q Were you living in that yard?

A She resides in the upper apartment.

Q On 11 February 1945, between 3 and 4 o'clock in the morning, where were you?

A Between 3 and 4 she was in the air raid shelter.

MAJOR OPINION: I would like, sir, to suggest to the interpreter to use the pronoun "I" instead of "she."

THE INTERPRETER: All right. Thank you.

Q (By Major Opinion) With whom were you in the air raid shelter?

A (Through Interpreter) I was with my relatives, my immediate family, and a few persons that took refuge in our lumber yard.

Q Who were the members of your family who were with you?

A I was with my husband, my sister-in-law and brothers-in-law, and my mother-in-law.

Q Can you mention the names of your children and your

husband's name?

A My husband's name is So Ting, eldest daughter
So Shao Hsiu.

Q What was her age?

A Eldest daughter 17 years.

Q Proceed.

A The second child is a son, his name is So Shao Ching,
13 years old.

Q Who else?

A A son three years old.

Q What is his name?

A So Shao Pi.

Q While you were in the air raid shelter on that morn-
ing, has anybody visited you?

A I was with my immediate family and nobody came,
and the enemy came in.

Q How many were you inside the shelter?

A Approximately 50 persons.

Q What was the nationality of those persons?

A The greater majority are Chinese, and a few Fili-
pinos with us.

Q Has any armed force come to visit you that morning?

A The armed forces with their arms, came into the air
raid shelter.

Q Who?

A Japanese soldiers in their fatigues.

Q How many were they?

A About 15 or 16 of them.

Q Was there any officer with them?

A I saw only one officer with a sword.

Q What did these soldiers do with you?

A They did nothing except to drive us out of the air raid shelter.

Q Has any Japanese soldier gone inside the shelter where you were?

A Yes. The Japanese came into the air raid shelter.

Q How many soldiers were they?

A I saw there were only two.

Q How about the rest? Where were they?

A The rest -- as I came out, I saw the rest standing in the doorway of the air raid shelter.

Q What did the Japanese soldiers say, if they said anything to you, inside the air raid shelter?

A They said nothing, but to drive us away.

Q Did you all go out of the shelter?

A Everybody came out of the air raid shelter.

Q The 50 more or less persons who were inside the shelter?

A Nobody stayed in the air raid shelter.

Q Where were you taken?

A We were first driven out of the air raid shelter, and they made us stand at the doorway. Later on we were driven to the gasoline station nearby.

Q All of you were taken to the gasoline station?

A Everybody was taken to the gasoline station.

Q What did you do at the gasoline station?

A We were made to stand, the boys in one section and the women in another section.

Q How many were there in your section?

A More than 20. The women were more than 20.

Q How about men and boys; how many were they?

A The boys were about more than 30.

Q After you had grouped into sections, where was the female section taken?

A I personally was in the gasoline station, whereas my companions were taken to the banana trees, near to the banana trees.

Q Where were these banana trees with reference to the gasoline station?

A The banana trees were at the back of the gasoline station.

Q Was that across the street?

A It was just -- the banana trees were near the station at the corner, near the house where they stayed.

Q How many persons were taken to the banana trees?

A I have no definite knowledge of the number.

Q How about your section? Where was your section taken?

A All in all there were 12.

Q My question is, where were you taken from the gasoline station?

A We were driven to the back of our house.

Q Where was that situated?

A The house was just back of the gasoline station.

Q Has there anything happened to your section?

A Nothing happened except that a Japanese started to stab the people.

Q Who were these people? Who were these people who were stabbed by the Japanese?

A I did not see who the Japanese stabbed, but I heard the cry of my mother-in-law and the other children.

Q Where was your mother-in-law with relation to the place you were?

A My mother-in-law was about a few meters away from me.

Q Did you see her that morning?

A I saw her.

Q Was she dead or alive when you saw her?

A I saw her dead.

Q Has anybody or any member of your family been injured?

A All my immediate members were killed except myself and my little daughter.

Q What is the name of your daughter that was killed?

A Aurora is her name, So.

Q How about this son of yours, So Shao Pi?

A That is my youngest son. He is dead.

Q How old was this son of yours?

A Three years old.

Q How was his death? Who killed him?

A The Japanese.

Q How was he killed?

A The child was bayoneted -- was bayoneted four times in my presence.

Q Where was your son when he was bayoneted?

A The boy was in my arms, and the Japanese pushed him aside and stabbed him.

Q How about your other son, aged 17 years, named So

Shao Ching?

A That is my son. He was killed also.

Q Who killed him?

A The Japanese killed him.

Q Where was he when he was killed?

A He was with me.

Q How was he killed? By bayonet or gunshot?

A He was bayoneted.

Q How about this So Shao Hsiu, one of your daughters; what happened to her?

A She was also killed by the Japanese.

Q Where was she killed?

A She was with me.

Q About this Tan Yen; who was she?

A She is my mother-in-law.

Q You say that she died; where did you see her body?

A I saw her body about two meters away from the gaso-
line station.

Q Could you identify the names of the other persons killed in that location, who were not members of your family?

A There was Chua Hee, So Lue, Pedro, Maria So, Lena So, Ko Ton. Also I saw Ko Ton.

Q These names you have just mentioned were all members of your family?

A These are the people that live with us, but they are not members of my family.

Q How many persons, more or less, did you see at that location who were dead? Just give us the names.

A I saw 12. I saw 12 dead bodies.

Q Would you be able to identify and name them, if you are required to name them?

A Yes, I can identify their names.

Q Your daughter Aurora So, what happened to her, if anything happened?

A She was only slightly injured by the Japanese.

MAJOR OPINION: That is all.

CROSS EXAMINATION

Q (By Colonel Hendrix) State whether the Japanese were army, navy or marines?

A They appeared to be of the navy.

COLONEL HENDRIX: That is all.

(Witness excused)

SO PENG

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A (Through the Interpreter) So Peng.

Q Age?

A 41.

Q Address?

A 34 Soler Street.

Q Nationality?

A Chinese.

Q Early in the morning of February 11, 1945, between 3 and 4 o'clock, were you inside a shelter situated at the Dee Cho Lumber Yard?

A I was in there.

Q How many were you in the air raid shelter?

A More than 50 persons.

Q Were they all Filipinos and Chinese?

A A few Filipinos were with us. Most of us were Chinese.

Q Have you been visited by Japanese armed forces?

A Yes, the Japanese came to see us.

Q What did the Japs do?

A They told us to go out.

Q Out of the air raid shelter?

A Of the air raid shelter.

Q What did you do when you were ordered to go out?

A We were driven out of the air raid shelter with our hands tied at the back.

Q Who tied your hands?

A The Japanese.

Q All of you?

A Men and women were all tied up except those with their babies in their arms.

Q How about the men; were they tied always with their hands behind them?

A All men were tied up.

Q As soon as you were out of the air raid shelter, what did the Japanese do with you?

A They just told us to kneel down with our hands up.

Q When did they tie your hands? Before you knelt down or after you knelt down?

A As we were driven out of the air raid shelter, we

were asked to raise our hands. When once out we were made to kneel down, then our hands were tied in back of us.

Q Please tell the Commission everything that had taken place from that occasion in which you were made to kneel down and your hands were tied behind your backs, up to the killing that has taken place.

A From the place where we knelt, we were taken to the Tabacalera Building. The men were separated from the women. Upon arriving at the Tabacalera Building the men were separated from the women. Once the men and women were separated, the Japanese started the stabbing. After stabbing the victims, we left there and our own people untied our hands, those that survived.

Q And in what part of the Tabacalera compound were the men killed?

A Within the wall of the Tabacalera fence.

Q How were the men killed, by group or all at once?

A About three or four at a time.

Q Who killed the men?

A The Japanese.

Q What happened to you?

A I was stabbed three times.

Q Where?

A Chest; right chest.

Q Who stabbed you?

A The Japanese.

Q After having been stabbed, what happened to you?

A I was stabbed three times while I was lying down, then I was weakened, but then later somebody helped me to

get up.

Q Who was that?

A A Mr. Yu Ton helped me.

Q How long have you been in that compound, the Tabacalera compound?

A About three or four hours, until the Americans came and took me to the hospital.

Q What time did they take you?

A About 7 o'clock in the morning.

Q Of that day, February 11, 1945?

A On the same day, February 11.

Q Where were you when the Americans came?

A I was inside, near the wall of the building.

Q Did you see dead bodies there in the place where you were?

A I only saw two dead bodies.

Q How about the other men?

A I did not see the others, but I saw two as I came out of the building.

Q Were you able to identify those two?

A I can identify them.

Q Do you know anything about what happened to the females and boys?

A I know that they were at the back of the gasoline station, and some of them were killed.

Q Did any member of your family die in that location?

A About three or four of my immediate members died.

Q Will you name them?

A A Mr. Cho Lin Tan, So Leng Ben, Tan Hung Chee. These

are my three immediate members.

Q How about Tan Wood?

A Those are the employees of the lumber yard.

Q Where are they now, if you know?

A Tan Wood is now dead.

Q How do you know he is dead?

A Because I saw him as I came out of the Tabacalera Building.

MAJOR OPINION: Your witness.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

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

(Whereupon, a recess was taken until 1330 hours, 2 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: All the members of the Commission are present, the Accused and Defense Counsel are present and the Prosecution is ready to proceed.

FRANCISCO del ROSARIO

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

DIRECT EXAMINATION

Q (By Major Opinion) Mr. del Rosario, you have already been sworn as a witness in previous cases; is that correct?

A Yes, sir.

Q Your profession is that of undertaker?

A Funeral director, sir.

Q Showing you this photograph marked for identification purposes 136 for the Prosecution, will you please tell the Commission who is that man photographed therein?

A This is a picture of myself taken by the Signal Corps photographer, indicating the location of graves of 5 or 6 Chinese members found in the location of the Shell Service Station. They were found along the driveway looking at this photograph to the right of it. That driveway leads up to a certain garage.

This cement which you can see that I am pointing out is about the location of the dead bodies.

Q There is shown on this Exhibit 136 concrete pavement which does not seem to be the same as other portions of the driveway that you have just mentioned. Will you please state to the Commission as to who made the pavement?

A A shell made the hole about 6 feet deep and 4 feet side. Shell had this pavement here which was formerly cemented -- you can see it is obviously not the same as the rest. It was enough room for proper burial of the 5 or 6 members of the Chinese that were found there and we put 5 or 6 in a common grave and covered them up with the same dirt that came from the hole.

Q You mean to say that you used that hole produced by a shell as common grave for various persons?

A Yes, sir.

Q How many persons were buried in that hole?

A 5 to 6, because our verbal instructions of the sanitary inspector of the 37th Division was to bury the bodies in the nearest shell hole, because the reason for burying them was to get the flies away from the bodies and prevent any diseases from spreading.

Q From what place did you get those bodies which you buried in that hole?

A They were about 5 or 6 meters away from this hole, as they were to the right of this photograph in the driveway.

Q Showing you this Exhibit 137, please state if this Exhibit 136 is found in that Exhibit 137?

A Yes, sir. The former exhibit you have just shown me is the corner of this. There is a jeep to the right of this picture here and it is about that exact location where you

can see a boy standing there and the driveway I am mentioning is to the right of this jeep at the corner of this Shell station.

Q I notice on Exhibit 136 a wall behind you. Will you be able to identify or state what portion of Exhibit 137 is this wall found?

A Yes, sir. It is exactly behind the jeep to the right, sir.

Q There is a boy or a small kid right behind the jeep and in front of this wall. You mean to say that that wall in which the boy is giving his back is the same wall presented in this Exhibit 136?

A Yes; the boy to the right, sir.

Q Will you please state from what part of Exhibit 137 you removed bodies which you buried in Exhibit 136.

A There were about 15 bodies which I found in this driveway to the right, and these bodies, 5 or 6 of them, were buried in that shell hole which I just mentioned, and the rest were buried behind the Shell Service Station to the left facing the street to the left there, as it is now a military reservation. Formerly there were banana trees located there. The rest of the bodies were buried behind those since there were trenched places dug by the Japanese. The rest of the bodies which I found, which numbered about 20, were found behind the Shell Station under the banana trees. There were men, women and children in that location either bayoneted or shot. As to the state of decomposition, we could not recognize them; they were shot by the Japanese or bayoneted. They were buried in that area nearest to the

trench holes.

Q How many bodies in all were you able to bury?

A There were about 20 in that Shell Service Station -- behind the Shell Service Station, rather; there were 15 in the driveway of the Shell Service Station; there were about 10 to 15 across the street.

Q In the area where the banana trees were found, how many bodies did you bury?

A There were about 20 there, sir.

Q All in all, how many bodies did you bury?

A I estimate from 45 to 50 bodies I got from two corners.

Q Do you happen to know where the persons whose bodies you buried came from?

A I did not know until late this month.

Q When did you come to those places to bury the bodies?

A I beg your pardon?

Q When did you go to the place?

A I went there about February 20, 1945.

Q Showing you Exhibit 138, will you please state if you know it?

A This is the gate on the corner of Marques de Comillas Street and Isaac Peral. This gate is the entrance and the location where this person is pointing at is where the bodies were supposed to have been located.

MAJOR OPINION: Sirs, I offer these three exhibits, 136 to 138, as part of the evidence for the Prosecution.

GENERAL REYNOLDS: There being no objection, they are accepted in evidence.

(Photographs hereinabove described were received in evidence and marked Prosecution Exhibits Nos. 136, 137 and 138 respectively.)

COLONEL HENDRIX: No questions, sir.

(Witness excused)

HARLOW G. CLARK, JR.

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name, age, address.

A Harlow G. Clark; 24 years old. Do you want my home address?

Q Yes.

A My home address is Savannah, Georgia.

Q Your present address?

A 129 Infantry, 37th Division.

Q Were you a member of the American armed forces that liberated the Isaac Peral Street?

A Yes, I was.

GENERAL REYNOLDS: A little louder, please.

THE WITNESS: Yes, I was.

Q (By Major Opinion) Were you the first Americans among the American soldiers who came to the Malate and Ermita Districts?

THE WITNESS: Will you repeat that again?

MAJOR OPINION: Will you read it, please?

(Question read)

A Yes.

Q (By Major Opinion) What was your position there in the army?

A Sergeant.

Q Do you know where the Tabacalera Cigar and Cigarette Factory is?

A Yes, I do.

Q Have you been in that place?

A Yes, I have.

Q When?

A On or about the 12th, 13th of February.

Q What year?

A Until the 15th, 1945.

Q What year was that, sir?

A '45.

Q Have you been in the premises of the Tabacalera Cigar and Cigarette Factory?

A Yes, I have.

Q Showing you this photograph which has been marked as Exhibit 139 for the Prosecution, will you please state if you know that photograph?

A Yes, I know it.

Q Where is that photograph taken?

A It is taken on the north side of Isaac Peral just in front of this tobacco factory that you were speaking of.

Q When was it taken, do you remember?

A On the 12th or 13th of February; I don't remember which.

Q By whom was it taken?

A A division photographer.

Q Where were you when it was taken?

A I was standing in back of him.

Q Did you see the bodies portrayed in that exhibit?

A Yes, I did.

Q Showing you also this photograph marked for identification purposes as Exhibit 140 for the Prosecution, will you please state if you know that photograph?

A Yes, I know it.

Q Where was that photograph taken?

A This was taken at a filling station near the old Manila Police Station on Isaac Peral.

Q By whom was it taken?

A The same photographer that took the other one.

Q Were you present when it was taken?

A Yes, I was.

Q Showing you this photograph marked Exhibit 141, please state to the Commission if you know it?

A Yes, I know it.

Q Where was it taken?

A This was taken in the filling station, too.

Q Were you present when it was taken?

A Yes.

Q Was it taken by the same photographer?

A Yes.

Q How about this Exhibit 142?

A Yes, sir, I have seen it.

Q When was it taken?

A The same photographer that took the rest of them.

Q Where was it taken?

A This was taken just in front of the cigar factory along with the first one you showed me.

Q How about this Exhibit 143?

A Yes, I have seen this. It was taken in front of the cigar factory, too, just before you cross the street to the station.

MAJOR OPINION: I offer, sir, these exhibits as part of the evidence for the Prosecution.

GENERAL REYNOLDS: There being no objection, they are accepted in evidence.

(Photographs hereinabove described were received in evidence and marked Prosecution Exhibits Nos. 139, 140 and 141, respectively.)

Q (By Major Opinion) You said that you have stayed in and around the premises of the Tabacalera Cigar and Cigarette Factory from the 12th to 15th of February, 1945?

A That is correct.

Q With respect to the dead bodies photographed in these exhibits which you have just identified, what was the condition of the bodies when you found them?

A Well, the bodies had not started to decay. I should think they had been dead over 24 hours -- 24 to 36 hours. You could recognize them if you knew the persons easily enough.

Q Could you see what was the cause of death of those bodies?

A Yes.

Q What was it?

A Bayonet wounds and some had been shot.

Q Did you find the gun shot and bayonet wounds on the bodies?

A Yes, I did.

Q Was there anything unusual that took place during the time you were around the vicinity?

A Anything unusual?

Q Yes. Any Japanese snipers?

A Oh, yes, there were Japs there.

Q Did you have an encounter with them?

A Oh, yes; I did. Just the other side of the filling station there were more dead civilians, but we couldn't reach them on account of the fire.

MAJOR OPINION: That's all.

COLONEL HENDRIX: No questions.

GENERAL DONOVAN: I would like to ask a question.

Did your unit capture any Japanese prisoners during the fighting in Manila during the latter part of February?

THE WITNESS: No, sir, not that I know of.

GENERAL DONOVAN: Did you see any dead Japanese?

THE WITNESS: Yes; quite a few.

GENERAL DONOVAN: What did they belong to, the army, navy, or marine corps, or what?

THE WITNESS: The ones that I saw, General, were some that I took to be army and some that I took to be navy, because the uniforms differ.

GENERAL DONOVAN: Thank you.

(Witness excused)

MAJOR OPINION: Sir, I offer this Exhibit 144, a sworn statement of So Luan, taken by the investigating detachment

of the War Crimes Branch. Also another exhibit, 145, a sworn statement of --

GENERAL REYNOLDS: Take them one at a time.

MAJOR OPINION: Pardon me, sir.

GENERAL REYNOLDS: The Commission finds on page 46, the first page of the document, in the fourth question, the answer thereto, a statement or series of statements which it does not wish to accept. The answer in question starts as follows: "On the morning of February 11, 1945, about 57 civilians of Chinese and Filipino nationalities, the majority of whom worked at the Dee Cho Lumber Yard, were taken by the Japanese. I did not see this because I was sleeping", and so forth. All of that part down to the statement, exclusive, which reads as follows: "After finding these persons were gone", and so forth, is excluded.

Is there further objection by the Defense?

CAPTAIN SANDBERG: We are still reading it, sir.

If the Commission please, the Defense objects to the introduction of this entire statement. At the close of yesterday's session the Commission ruled that depositions or affidavits would not be admitted into evidence as the sole proof of the specification, but would be admitted only in conjunction with testimony. In the case of the instant specification there has been testimony. However, the testimony has only been to the fact that persons were found dead. There has been no testimony as to the manner in which they met their death or as to the persons who killed them, or as to who those persons were. The basis underlying the Commission's ruling of last night must have been that depositions

of this sort do not have probative value or, in any event, do not have sufficient probative value when standing alone to support the specification. And it is submitted that if that is true, in the instant case where the testimony or proof simply went to the point of showing that there were deaths without in any way linking up those deaths with members of the Japanese armed forces, in such case the deposition must be ruled out.

MAJOR KERR: If the Commission please, if counsel's position correctly interprets the ruling of the Commission it would mean, sir, that the only written statements that we could offer in evidence after having put on oral evidence concerning a case mentioned in the Bill of Particulars would be purely corroborative, and I am sure that that was not the intention of the Commission.

GENERAL REYNOLDS: The Commission will withdraw for deliberation and stand in recess until the Commission's return.

(Whereupon a recess was taken by the Commission for the purpose of executive session.)

GENERAL REYNOLDS: The Commission wishes to inquire of Prosecution if the affidavit in question pertains to Item 101.

MAJOR OPINION: Yes, sir.

GENERAL REYNOLDS: And also to verify the fact that the taking of evidence on Item 101 has started before the noon recess.

MAJOR OPINION: Yes, sir.

GENERAL REYNOLDS: In that case, the objection is not sustained. The document is accepted, with the reservations noted by the Commission.

(Prosecution Exhibit No. 144 for identification was received in evidence.)

MAJOR OPINION: Sir, I also offer, as part of the evidence for the Prosecution, Exhibit 145.

GENERAL REYNOLDS: Is there objection by the Defense?

COL. CLARKE: To Exhibit 145? No, sir.

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

(Prosecution Exhibit No. 145 for identification was received in evidence.)

(A statement was marked Prosecution Exhibit No. 146 for identification.)

MAJOR OPINION: This is all, sir, of the evidence of the Prosecution in connection with this case.

CAPTAIN REEL: Sir, there was an offer of Exhibit 146, which we have not finished reading yet.

GENERAL REYNOLDS: 146 has not been offered to the Commission, so far as I know.

MAJOR OPINION: I just omitted that, sir; I did not want to present any more as evidence.

GENERAL REYNOLDS: I have here an affidavit of Mariano del Rosario; is that the one to which counsel refers?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: You do not wish to introduce that?

MAJOR OPINION: We do not wish to introduce that, sir.

GENERAL REYNOLDS: The Prosecution will proceed.

CAPTAIN HILL: Sir, the next incident which we desire to present is listed in Supplemental Bill of Particulars, Paragraph 104, the Moreta house case.

JOSE MANUEL MALDONADO

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

DIRECT EXAMINATION

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

A Jose Manuel Maldonado.

GENERAL REYNOLDS: A little louder, please.

Q (By Captain Hill) Where do you reside, Mr. Maldonado?

A Now?

Q Now.

A 337 Perez Street, Paco.

Q How old are you?

A 38.

Q What is your nationality?

A Spanish.

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

A In San Carlos Street, in a house known as "San Carlos

Apartment#.

Q Where was the San Carlos apartment house with reference to the home of Dr. Moreta?

A It was about two blocks, south.

Q Can you give the address of the Dr. Moreta house?

A Sir, it is in Isaac Peral Street.

Q To refresh your recollection, was it located at 417 Isaacs Street?

A I think so, sir.

Q Did you have occasion, during February of this year, to go to the house of Dr. Moreta?

A Yes, sir, after my house was burned.

Q Speak a little louder to the Commission.

A Excuse me; my English is a very poor.

Q Will you just repeat in detail to the Commission the incidents surrounding your going to the house of Dr. Moreta.

A Yes, sir. When my house was burned, I tried to travel with my family from my house, to go away, because it was all in flame. But the soldiers, Japanese soldiers, were in the corner with machine guns. When the house was already burned, we try, all the group -- we go into the streets very near our house. There the soldiers came again. They tried to -- I don't know -- kill, bayonet with massacre, and we were to Moreta's house to the shelter in Moreta's house.

Q Was Dr. Moreta's house standing at that time?

A Yes. It was burned already, the first floor; we stay on the first floor.

Q What time did you reach Dr. Moreta's house that day?

A At 2:00 o'clock in the morning.

Q And when you reached that house, were there other persons there?

A No, we were the first to arrive.

Q Go ahead with your story; just go ahead with your story to the Commission.

A Well, as soon as we arrived there in Moreta's house, we were going to the shelter, and we stay there for about three or four hours in the shelter. About 8:00 o'clock in the morning, early, 8:00 o'clock in the morning, two officers, Japanese officers, came, and say we needed to leave the house, and they offer a pass, write in Japanese. They invite us to go in the street, say with this pass we were safe. As soon as we arrive, my family and myself, in the corner of Florida and Padre Faura Street, one machine gun started against the house and I take my sister-in-law and my wife -- it was a little in back, the rear -- and I take her, my wife and my son, three months old -- I keep my wife and bring to the -- another shelter in the street. My sister was very hurt, all the leg cut, and after one day in the shelter they asked for water, for all the family has fever, and the soldiers smile while we asked for water. I get my son, because he was near there, and my wife, and go again to Moreta's house.

Q What date was that, that you got to Moreta's house?

A The 15th.

Q And give the names of the persons that accompanied you there to Dr. Moreta's house?

A Well, when I get to the shelter, when I go in shelter from the street in Moreta's house I was with my wife. At

the same time, my son, Felices Maldonado; Mr. Asuncion Cedrun, a girl named Pelagia -- I don't know the name -- and I think Mrs. Gonzales. We spend there in Moreta's house about one day, all the 15th and 16th. I attempted twice -- I asked permission of the soldiers to take water, to bring to my sister-in-law -- she was in the shelter -- but twice they shoot me, soon as I was in the corner. Well, I go back home to take care of my wife, and the 17th, in the morning, one soldier --

Q Let me interrupt you here just a moment. By the 17th of February, how many persons had gathered there in the Dr. Moreta house?

A Well, I think about 60 persons.

Q And were they men, women or children?

A Yes; men, women and children.

Q And were they civilians?

A All the people were civilians there.

Q Were any of them armed in any way?

A No, not at all.

Q Go ahead; tell what happened on the morning of the 17th at Dr. Moreta's house.

A On the morning of the 17th, one soldier came -- first came two soldiers. One of these was officer, and he asked for census of all the persons who lived there, were in the house. We tried to make a census, and they left. They asked for only -- (unintelligible).

THE REPORTER: Will you repeat that last?

CAPTAIN HILL: Speak louder so the Defense Counsel can hear you, please.

THE WITNESS: Later, about nine o'clock in the morning --

CAPTAIN REEL: Pardon me. There was something said we didn't get.

GENERAL REYNOLDS: The reporter will read back the last question and answer.

(Question and answer read.)

A (Continuing) They asked for photo of -- (unintelligible).

THE REPORTER: Of what?

CAPTAIN HILL: What was that?

(The witness repeated the word.)

Q (By Captain Hill) Was it a photo or a painting?

A A painting of (unintelligible).

CAPTAIN HILL: Spell that name.

THE WITNESS: Shanghai.

THE REPORTER: Shanghai?

THE WITNESS: Shanghai, in China.

Q (By Captain Hill) Do you know who owned that painting?

A I don't know -- they looked about ten minutes, and smiled; it looked like they live in Shanghai before. They talk about the river and everything. May I proceed?

A Yes, sir.

A At nine o'clock, one soldier came and asked me for womans, and I tell him that is impossible now because we are Christian and I don't give womans for a soldier. And he say, "Well, if you don't give me woman now, I will kill you." I say they can kill me, but I can't. Twice it was

the same thing, with a revolver (demonstrating). Finally I said "Well, kill me now, but I can't give you woman. One is my daughter, another my sister," and he say, "Well, if I can have no woman, give me watches, fountain pens". Well, somebody have watches or fountain pens, give to this soldier. Then he took about four watches and three fountain pens and he left. Two hours later the same soldier came with about 20 more. One of them, he was officer.

Q Were these Japanese soldiers?

A Japanese soldiers, yes, sir.

Q Were they armed? Did they carry rifles or pistols?

A Three of them have a saber, and all the rest have a revolver, rifles, and things they make with bamboo with knife on the point.

Q Did any of them have bayonets on the rifles?

A All the rifles had bayonets.

Q Go ahead and tell the Commission what happened then?

A Well, they separate the womens and men. They put the men in the bathroom. They were about 20.

Q Now, can you give the names of those men that were in the bathroom?

A Some of them, yes, sir.

Q Well, just those that you can.

A Mr. Prudencio Chicote, Mr. Luis Zabaljauregui, Mr. Carlos Garcia, and a small boy named Joaquin Gonzales, and a Mr. de la Paz, Filipino; and many Chinese and Filipinos --

Q All were men in the room?

A All men in the bathroom, less that small boy.

Q Did you see what they did with these women and children?

A Not at this moment.

Q Go ahead and tell the Commission just what happened in the bathroom.

A In the bathroom we were about five minutes, less than five minutes, and they -- excuse me. I forgot to tell you the name of my father-in-law who was there, Tirso Lizarraga. Well, they took one man -- I don't know the name -- and five minutes later, or one minute later, we heard one shot. This moment we all say "Well, they want to kill us here!" and we then tried to escape the bathroom, but in the door were two soldiers with revolvers. Later they come and they pick another man. This man was Mr. Julian. One minute later they took my father-in-law, and another one, Mr. Carlos Garcia. But two minutes after they took them they bring again in the room Carlos Garcia, with handkerchief on the eyes, and I tried to go from the bathroom but one soldier pushed me back with a rifle. I fall, and at this moment they threw the first hand grenade in the bathroom. The first hand grenade come just over me and I pushed the hand grenade with my foot (demonstrating); it exploded and I was very wounded, and then jumped to the bath -- (pause)

Q Bathtub?

A Bathtub. There were five or six persons wounded, and I heard then the noise they make against -- I don't know, like a hammer at the door (knocking), a noise like that -- how they count the time on the hand grenade, and they drop the second hand grenade. After the second hand grenade I was deaf, stunned. I think they shoot about nine hand grenades in the bathroom.

Q How many people were killed in the bathroom from these hand grenades?

A I saw many of them. I can't tell exactly the number.

Q Well, maybe it would be easier for you to tell the Commission how many survived out of the bathroom.

A About five -- I know five of the ones, we left, from the bathroom; five.

Q Were any of these five besides yourself wounded in any way?

A Excuse me, sir?

Q Were any of the five besides yourself wounded in any way in the bathroom? I mean the five that left with you?

A Yes, all were wounded. Everyone in there, in the bathroom. I stayed there in the bathroom, still deaf with the commotion, and I saw my wife who came in the bathroom to tell me the Japanese are leaving already; then she fall. I held my wife and she held me, and we go into the dining room and we stay there in the dining room for about all the afternoon.

This happened in the morning -- no, the afternoon, about 6:00 o'clock in the afternoon, when the Japanese come again and look if everybody was dead. My wife was very gone with all her front of blood, and everybody make like they are dead, you know (demonstrating). These Japanese look and they go. They repeated that about six times during the night and the next morning early.

Q Now, when you and your wife left the bathroom, you went to the dining room?

A To the dining room.

Q And did you see the dead bodies or any wounded persons in that part of the house?

A Oh yes, sir, a big pile of woman died there.

Q Women?

A Woman, women; and small boys.

Q Do you have any idea how many female bodies you saw in the dining room?

A More than 15.

Q More than 15?

A More than 15.

Q Do you have a judgment as to the number of persons that were killed in Dr. Moreta's house on the 17th of February by the Japanese?

A I think about 40 persons.

Q And you have a judgment as to the number of persons that were wounded in the house?

A All the people who were there, and I think when we were transferred to another house later everybody was wounded. Only one boy, this Gonzales, was unwounded.

Q Can you tell the Commission about how many were wounded? Was it five or six or ten?

A Well, I saw 12 person alive.

Q And were they all wounded except the 2-year-old boy?

A Yes, all except the small boy, the one 11 years old.

CAPTAIN HILL: That is all.

CROSS EXAMINATION

Q (By Col. Hendrix) Approximately how many Japanese came on each trip?

A First, before the bombs?

Q Yes.

A In the morning there come two first. They took one; later they come about twenty.

Q Can you tell the Commission whether these Japanese were in the Army, the Navy or the Marines?

A I know the Marines -- maybe I'm wrong, because I don't know -- I think the Marines have an anchor in the cap.

COLONEL HENDRIX: That is all.

CAPTAIN HILL: That is all, Mr. Maldonado.

GENERAL REYNOLDS: I don't think the witness answered the question. If so, the Commission did not understand it.

CAPTAIN HILL: Shall I have the reporter read the question back?

(Question and answer read).

GENERAL REYNOLDS: Still the witness did not answer the question. The Commission desires him to continue.

CAPTAIN HILL: Will you read the question?

(Question read)

A I saw many of the soldiers' caps with an anchor in the caps, and many of them officers -- I call officers because the only thing I know, they have two yellow bars and stars, the cap with star; one star in the caps.

COL. HENDRIX: That is all.

REDIRECT EXAMINATION

Q (By Captain Hill) How many officers did you see with stars on their caps?

A Three.

CAPTAIN HILL: That is all.

(Witness excused)

MARIA ELENA MALDONADO

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

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please, to the Commission?

A Maria Elena Maldonado.

Q Face the Commission and speak to them, if you will. You are the wife of Jose Maldonado who just testified before the Commission?

A Yes.

Q How old are you?

A 22.

Q And what is your nationality?

A Spanish.

Q Where do you reside?

A 337 Perez.

Q You resided, in February of this year, with your husband in the San Carlos Apartments?

A Yes.

Q And you went with your husband, leaving the San Carlos Apartments, when they caught fire, did you, in February?

A Yes.

Q And eventually ended up at the Dr. Moreta house?

A That is right.

Q Now, do you recall the date, 17 February, 1945, when you were there at the Moreta house?

A Yes, I do.

Q Can you recall the Japanese, members of the Japanese armed forces, coming there to the house that day?

A I do, yes.

Q Now, from the time that the Japanese separated the women from the men there in the house, tell the Commission just what happened so far as the group of women were concerned?

A We were all taken into the kitchen.

Q Speak a little louder.

A We were all taken into the kitchen, and we stayed there. Some of the women got a bit nervous, so they shot two shots; one hit me here on the neck (indicating). Then one person next to me was a bit nervous and she asked for medicine, and a Jap called me out and said he would give me medicine. He took me to the hall, and as I was walking down he bayoneted me twice in the back, and I fell, and from there I saw everything that happened. I saw all

the women and children, come one by one and the same thing done to them.

Q Do you know how many women were in the kitchen?

A About 35 or 40, I guess. I am not quite sure.

Q Were there children among the group?

A Lots of children.

Q Does that number include the women and children?

A Yes.

Q And were you one of the first to be taken out and bayoneted?

A I am not quite sure. When I got into the hall, I didn't see anybody else there. So I am not quite sure.

Q Did you retain your consciousness after you were bayoneted?

A Yes.

Q And give the Commission your best judgment as to the number of women and children that you saw these Japanese bringing to the dining room and bayonet.

A I am not quite sure of the number, but about 30 or 35, I am sure. And they came in one by one and were all bayoneted, and the more they struggled the more they stuck the thing into you.

Q Prior to the time that they took any of the women out of the kitchen, did they take anything away from you?

A Oh, gold things we had.

Q Tell the Commission about that.

A They took my wedding ring off, and another ring I had.

Q Did they take personal belongings from the women in the kitchen there?

A I don't know any. I don't know any who did lose any of their things.

Q How many Japanese, how many members of the Japanese armed forces were in the house there at the time these murders took place?

A About 20.

Q And can you tell the Commission to which branch of the Japanese armed forces they belonged?

A Well, I am not very sure. Some had caps on; you could see the insignia on their hats, but others had no caps, so I don't know, really.

Q How many officers did you see there?

A One.

Q Only one?

A Yes.

Q Did you notice any insignia that he wore?

A Well, he had a white shirt on and had sort of stripes here (indicating left breast).

Q Did you notice any insignia on his cap?

A A star.

Q Did you notice any others there with insignia on them?

A Navy.

Q And they were both army and navy there in the house?

A Yes.

CAPTAIN HILL: You may cross examine.

COLONEL HENDRIX: No questions, sir.

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

DIRECT EXAMINATION (Cont'd)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 147; and ask you to state what it is, if you know?

A The picture?

Q Yes.

A That is me.

Q And what does that picture show?

A Two bayonet wounds on my back, a bullet on my leg, and shrapnel in the other.

Q And are those the wounds that you received in the Moreta house?

A Plus the shot on my neck.

CAPTAIN HILL: We offer in evidence, sir, Prosecution Exhibit 147.

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

(Prosecution Exhibit No. 147 for Identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 148 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit 148, and ask you to state what it is, if you know?

A It is my young sister.

Q And what is her name?

A Rosa Marie Lizarraga.

Q Is she alive now?

A She is dead.

Q Where did she die?

A The Moreta house.

Q She was one of the victims at the Moreta house?

A She was.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 148, sir.

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

(Prosecution Exhibit No. 148 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 149 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 149 for identification, and ask you to state what it is, if you know?

A My husband's foot.

Q A picture of your husband's foot?

A Before the last operation.

Q And is that the result of the injuries which he received at the Moreta house?

A That is right.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 149.

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

(Prosecution Exhibit No. 149 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 150 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 150, and ask you to state what it is, if you know?

A That is the back of Moreta's house.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 150, sir.

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

(Prosecution Exhibit No. 150 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 151 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 151, and ask you to state what it is, if you know?

A That is where part of the bodies were buried in Moreta's house.

Q That is a common grave on the premises of Moreta's house, is it?

A Yes.

Q Do you know how many bodies were buried there?

A I am not sure. I know my father was there, I think.

Q Your father is buried there and others besides him?

A Yes, lots of others.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit 151, sir.

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

(Prosecution Exhibit No. 151 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 152 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No.

152, and ask you to state what it is, if you know?

A That is where my sister is buried now.

Q Anyone else buried there besides your sister?

A I think so. But it isn't the quite my sister; just a few remains of her.

Q Is that the sister whose picture you identified a minute ago?

A That is right.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 152.

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

(Prosecution Exhibit No. 152 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 153 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 153, and ask you to state what it is, if you know?

A Dr. Moreta's house.

Q That is the ruins of Dr. Moreta's house?

A That is right.

Q From which side of the house; front or back?

A Part of the side and part of the front.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 153, sir.

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

(Prosecution Exhibit No. 153 for identification was received in evidence.)

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

Q (By Captain Hill) I hand you Prosecution Exhibit
No. 154, and ask you to state whether what it is, if you
know?

A Dr. Moreta's house.

Q That is from another view?

A Another view.

Q Do you know which side that is from?

A One of the sides, I think.

CAPTAIN HILL: We offer in evidence Prosecution
Exhibit No. 154, sir.

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

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

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

Q (By Captain Hill) I hand you Prosecution Exhibit
No. 155, and ask you to state what it is, if you know?

A That is part of the kitchen in Dr. Moreta's house.

CAPTAIN HILL: We offer in evidence Prosecution
Exhibit No. 155, sir.

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

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

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

Q (By Captain Hill) I hand you Prosecution Exhibit No. 156, and ask you to state what it is, if you know?

A That is the bathroom.

Q That is the ruins of the bathroom in the Moreta House?

A That is right.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 156, sir.

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

(Prosecution Exhibit No. 156 for identification was received in evidence.)

CAPTAIN HILL: You may cross examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused.)

MARY GONZALEZ

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

DIRECT EXAMINATION

Q What is your name?

A My name is Mary Gonzalez.

Q And how old are you, Mary?

A I am 10 years old.

Q And where do you live?

A I live in 111 Beuncamino.

Q Do you know what it means to hold up your right hand and take an oath?

A Yes. To tell the truth.

Q To tell the truth?

A Yes.

Q That's fine! Where were you living in February, the first part of February of this year?

A I was living in San Carlos Apartment.

Q And do you know where Dr. Moreta's house is?

A Yes.

Q And did you go to Dr. Moreta's house sometime in February?

A Yes, we went.

Q Who went with you?

A My mother and my brothers and other friends.

Q And why did you go to Dr. Moreta's house?

A Because San Carlos Apartment was burned.

Q And were there other people at the Moreta house when you got there?

A No.

Q You were the first ones to get there?

A Yes.

Q And then after that did other people come to the Moreta house?

A Yes.

Q And do you remember on the 17th of February when some Japanese came to that house?

A Yes.

Q About what time of day was that?

A In the morning.

Q And where were you when they came in the house?

A We were in the salon.

Q You were with your mama?

A And other friends.

Q And what did these Japanese do to you?

A They bayoneted --

Q No. First did they take you to the kitchen?

A First they took the men and put them in line. They brought them to the bathroom and they brought the women to the kitchen. Then they called one by one.

Q Did they take you to the kitchen?

A Yes.

Q And did they take you out of the kitchen then?

A Yes.

Q Were you the first one to be taken out of the kitchen?

A No.

Q When did they take you out?

A I was almost the last.

Q And where did they take you to?
A To the dining room.
Q And what did they do there?
A They bayoneted me.
Q Show the Commission where they bayoneted you.
A Here (indicating right arm).
Q Anywhere else?
A The back.
Q How many times in the back?
A Three times.
Q And then what did you do?
A I fell down and I was fainted.
Q And then when you regained your consciousness were the Japanese still there?
A No.
Q And did you leave the Moreta house then?
A We went out at night.
CAPTAIN HILL: You may cross-examine.
COLONEL HENDRIX: No questions, sir.

(Witness excused)

PRUDENCIO CHICOTE

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

DIRECT EXAMINATION

Q (By Captain Hill) Will you please state your name to the Commission?
A My name is Prudencio Chicote.
Q And where do you reside?
A At present?

Q Yes.

A At 53 Ortega, San Juan del Monte.

Q And how old are you?

A 31.

Q What is your nationality?

A Spanish.

Q And what is your occupation or business?

A In normal times I was a chemist.

Q What are you doing now?

A I am working for Ammunition Section Base X Headquarters.

Q Are you one of the survivors of the killings that took place at Dr. Moreta's house on February 17th of this year?

A Yes, sir.

Q Were you hurt or wounded in any way at the Moreta house on that day?

A I was wounded; yes, sir.

Q Where were you wounded?

A On the right leg, right here (indicating).

Q How were you wounded?

A By a hand grenade.

Q In which part of the house were you when you were wounded by the hand grenade?

A In the bathroom.

Q How many members of the Japanese Imperial forces did you see there in the house that day?

A When they came in they were about, I would say, 20 or 25.

Q How long did they remain in the house?

A Just how long they remain, I don't exactly remember.

It must have been about an half an hour before they committed the atrocities. It was probably about an half hour or something like that.

Q After the Japanese left, Mr. Chicote, did you have occasion to go into other parts of the house?

A Yes, I did.

Q And did you go into the kitchen?

A Yes, I did.

Q Will you describe and tell to the Commission just what you saw there in the kitchen?

A May I tell you before that that I was hurt; I was wounded; I had to walk on one leg. I tendered first aid to my nephew, Carlos Garcia, and then I said, "I will tender aid to other victims". I went to the other parts of the house and I went to the kitchen. Do you want me to tell what I saw in the kitchen, sir?

Q Yes. You don't need to mention any names, but just tell the Commission what you saw there.

A In the kitchen were three dead bodies.

Q Were they male or female?

A Female.

Q And will you describe to the Commission the condition of these bodies?

A Apparently they had been raped.

Q After you left the Moreta house did you make a list of those persons known to you to have been killed and wounded in the Moreta House?

A Yes, sir, I made it together with one other survivor, Mr. de la Paz.

Q Do you have that list with you now?

A Yes.

Q Will you take that list and read to the reporter the names of the persons that you know to have been killed or wounded there?

A Maria Luisa C. de Chicote.

Q First give the names of those that were killed.

A She is one of them. Prudencio Chicote, Jr. That is my son. Maria Rosa Lizarraga, Maria Umpad. Amparo Tolosa, Emiliano Umpad, Jr., Rosie Umpad, Pilar Julian, Vicente Julian, Teresa B. Vda. de York, Jose Samson, Tirso Lizarraga, Maria Cuevas, Carlos Garcia Buck, Pasquita Chicote de Garcia, Carmina Garcia, Alejandro Regala. Mrs. Regala. There was an old woman, the mother of Mr. Regala. Felisa de la Paz, Feliciano Dizon, Renato de la Cruz, Carlitos de la Cruz, Aurora de la Cruz, Lolita de la Cruz, Ramon Fernandez, Celina Samson, Carolina Chicote de Zabaljauregui, and Ana Mari Zabaljauregui.

Besides these I mentioned there were six more Chinese whose names I don't know, sir.

Q Now give the reporter the names of those that you know to have been wounded in the Moreta house.

A Emilio de la Paz, Emilio de la Paz, Jr., Vicente Serrano, Irene G. de Serrano, Jose Samson, Conchita . de Samson, Rosario Kabil, Florentina E. H. Gonzalez, Mary Gonzalez, Luis Zabaljauregui, Carlos Garcia, Jr., Jose' de Maldonado, Maria Elena L. de Maldonado, Tirso Maldonado, Pelagia Laraya, Emiliano Umpad, Maria Umpad, Feliciano Oxabello, and four more Chinese whose names I don't remember, and myself.

Q Now, Mr. Chicote, with reference to the three female bodies that you saw in the kitchen and about which you have testified, were these bodies bayoneted?

A Yes, sir; they were.

Q Will you tell the Commission where these bodies had been bayoneted?

A They were bayoneted in this part here; the sexual organs.

Q And tell the Commission in what manner they had been bayoneted.

A I saw one of the women had a cross bayoneted like this (illustrating); another woman had two: one here and another one here (indicating).

CAPTAIN HILL: You may cross-examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

MARIA GALIDO V. TAN CO

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 Hill) State your name, please.

A Maria Galido V. Tan Co.

Q How old are you?

A 50 years.

Q What is your nationality?

A Filipina.

Q Do you know where the home of Dr. Moreta was located on Isaac Peral Street?

A Yes, I know.

Q Did you have occasion to go to the home of Dr. Moreta on the night of February 17, 1945?

A Yes.

Q At what time that evening or that night did you go to that house?

A Between 9 and 10 o'clock.

Q And when you got to the Moreta house what did you see there, if anything?

A When I arrived at Dr. Moreta's house I saw many Japanese. One of them had a leather strap across his shoulders to his hips and he had a long sword.

Q Did you see any dead bodies there in the Moreta house that night?

A Many I saw.

Q And did you remain there all night that night of the 17th?

A I was there the whole night.

Q During the night did members of the Japanese armed forces come to that house from time to time?

A There were many Japanese who came with flashlights.

Q And what did they do when they came with flashlights?

A They got many beautiful women and brought them upstairs.

Q Did those women who were taken out by the Japanese or taken upstairs return?

A No, they did not return.

Q After these women were taken upstairs did you hear any noise of any kind coming from the upstairs part of the house?

A They were all screaming.

CAPTAIN HILL: You may cross-examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

CAPTAIN HILL: That is all of this incident.

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

(Short recess)

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

CAPTAIN HILL: The next incident, sir, is Bill of Particulars No. 36.

UMBERTO De-POLI

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

DIRECT EXAMINATION

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

A Umberto De-Poli.

Q Where do you reside?

A I live at 478 Luis Francisco Street, Pasay, Rizal Province.

Q How old are you?

A 60.

Q What is your nationality?

A Italian.

Q How long have you resided in the Philippine Islands?

A 35 years.

Q Did you know Albert Delfino during his lifetime?

A Yes, sir.

Q Will you tell the Commission what official position,

if any, he held here in the Philippine Islands?

A He was the Consul of Venezuela.

Q Consul for Venezuela?

A Venezuela.

Q How long had you known Albert Delfino?

A Not less than 30 years. We used to work together in the Customs House when I arrived in the Philippine Islands.

Q You had known him for 30 years?

A At least.

Q Did you have occasion to see Mr. Delfino on the 13th of February, 1945?

A Yes, sir.

Q Will you relate to the Commission where and under what circumstances you saw Mr. Delfino on that day?

A I will. I was called by the Japanese sentry at Vito Cruz, corner of Domingo. After, he took away all the provisions I had in my basket. I was on my way to bring provisions to my wife in Malate. He took away my passport and he took away my eyeglasses.

Q Speak just a little louder and speak to the Commission.

A They took away everything I had. They slapped me left and right. I suppose it was part of their barbarity. Then they tied me up. No, they did not tie me up at that time. They brought me to the corner of Vito Cruz and Taft Avenue, where the White Dove Cafe is. There I saw right away Mr. Delfino.

Q And who was with Mr. Delfino when you saw him?

A He was talking to a lady and a young man, whom I surmized was the wife.

Q And this was at the White Dove Cafe?

A Yes.

Q On Taft Avenue?

A On the corner of Taft Avenue and Vito Cruz.

Q And were any other people with the Venezuelan Consul at that time besides those you have mentioned?

A Yes.

Q How many others?

A At least 9 or 10.

Q And was the Venezuelan Consul tied in any manner when you saw him?

A They were all tied, those that were there.

Q Tell the Commission how they were tied.

A They were tied in the back with rope on different sides and then the seven were tied together, first individually and then together with the rope. And then they tied myself with this half-an-inch thick rope very tight. It was painful. And they put me in the last row where there was a Filipino and a very distinguished looking Chinese -- No. I was the last one. Then the three Delfinos, then the Chinaman, and finally the Filipino. I was the last one.

Q At what time of the day did you first see the Venezuelan Consul there at this place that you have described?

A About 9 o'clock. I did not have any watch because they took it away from me, so I could not find out.

Q And were there any Japanese around this group of people?

A There were. There were three sentries and an officer. I mean, the three sentries brought me to the officer. The

officer inspected my passport. I had some what is called "Kickey Mouse" money. He gave it back to me, put it in my pocket and then he sent me to the White Dove.

Q Were these Japanese armed in any way?

A They had rifles and bayonets and the officer had the long sword.

Q And what did these Japanese do with this group of people, if anything?

A There they did nothing. They just started to drive us south.

Q Talk to the Commission.

A They just sent us to the right side of the Taft Avenue for about, say, a hundred or two hundred meters. All the houses there were in one compound. I remember very well there were four houses, painted more or less in a reddish color. Three of the houses had completely burned to the ground.

Q How far was this house where the group was taken to from the White Dove Cafe?

A As I say, about 200 meters.

Q And when you arrived there at that house, was it on fire?

A The house was started to be on fire. They threw on top a bucket of gasoline and then they send us upstairs in the room facing Taft Avenue.

Q Did they take the entire group upstairs?

A All the group, and they put us in front of a very tall mirror, two rows; first my row and then the other with the women and children.

Q Were all of the members of the group standing?

A All standing at that time.

Q And tell the Commission what, if anything, you saw the Venezuelan Consul do in that room?

A The Venezuela Consul started to kiss his wife and they kissed each other and say to each other endearing words, asking forgive this if during the lifetime they have said something wrong to each other -- and nothing else.

Q And what did the Japanese do then, if anything?

A From the door a little distance they started to unload their rifles.

Q You mean they started to shoot?

A From about a meter where I was. They were about a meter from me. And immediately after they shot I saw blood coming out from the shoulder of Delfino, because he was about half a foot from me.

Q From Mr. Delfino's back, you mean?

A Yes.

Q And did you see anyone else shot there by the Japanese?

A Four. Delfino, his wife, his foster-son and the Chinese. And we collapsed with them. Their weight dragged us because we were also tied with that rope.

Q Did the Japanese remain there in the room?

A When they saw that we were all on the floor they started just to beat us with the butt of their gun to see -- or their rifle, to see if we were dead or alive. Well, I played dead and I think the others did the same thing. So then they went out of the room and closed the door, leaving us there to burn alive.

Q Did they lock the door?

A They locked the door, because I know that I tried to break it down.

Q Then after these Japanese left, what did you do, if anything?

A The women started to scream. I told them, "There is no use to scream now. You had better pray." And they started to pray in Tagalog. I could see that they could not untie themselves. So I waited a little, and it is a little tragic what I say. I have been born a Catholic, but I have never been a good church-goer, but on the floor near to me there was a little statue of the Virgin Mary with the baby, and I remembered the prayer of my mother. I say, "They say you are so good. If you can do something at least for these children, please do it." Almost immediately one of the girls untied herself and she untied practically all the others.

We threw down the door, which was already burning. There was a little corridor leading to Taft Avenue. I saw outside the Japanese were very far up to the corner of Taft and Vito Cruz, and in turning around I saw that there was a border of about so wide (illustrating) and 5 or 6 meters away there was a papaya tree reaching practically the corner. I was the only one who could reach it. I went downstairs, led the papaya tree to the wall and then they all crept down.

Q And how many from that group were able to make their escape from that burning house?

A 9 or 10.

CAPTAIN HILL: I ask that this be marked for identification.

(Photograph of entrance to compound was marked Prosecution Exhibit No. 157 for identification.)

Q (By Captain Hill) I will hand you Prosecution Exhibit No. 157 and ask you to state what it is, if you know.

A That is the house of the compound where we were. The house that was burning was right here. (Indicating)

Q That is the entrance to the house?

A This is the entrance of the compound of the four houses. Two houses were on one side and two houses on the other.

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit No. 157, sir.

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

(Prosecution Exhibit No. 157 for identification was received in evidence.)

CAPTAIN HILL: You may cross-examine.

CROSS EXAMINATION

Q (By Colonel Hendrix) State how far 1609 Taft Avenue is from Rizal Stadium.

A I am not very much of an engineer with measuring, but considering the time that we took to go there I would say about two or three hundred meters, not more.

Q As a matter of fact, it is just around the corner at the street intersection?

A There is no intersection there. You mean by "intersection", Vito Cruz is not less than 200 meters from 1609 Taft Avenue.

Q There were some Japanese stationed at the Rizal Stadium?

A I could not say that. I did not pay any attention.

Q Did you ever see any Japanese over at the Stadium?

A No. I know that the Japanese were on the corner of Vito Cruz and Taft Avenue, because the officer, before he tied me, he went to go out to see what he should do with me.

Q The Japanese that came to 1609 Taft Avenue, were they the same that you have been testifying about?

A You mean those that brought us to the burning house?

Q Yes.

A I could not state.

COLONEL HENDRIX: That is all.

(Witness excused)

CAPTAIN HILL: We wish to introduce, sir, Prosecution's Exhibit No. 158, which is the sworn statement of Beatriz Teodora Amigo, taken on the 27th of June, 1945, before an investigating officer of the War Crimes Investigating Detachment.

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

(Statement of Beatriz Teodora Amigo was received in evidence and marked Prosecution Exhibit No. 158.)

CAPTAIN HILL: I hand you Prosecution's Exhibit No. 159, which is a photograph identified in the statement, marked Prosecution's Exhibit 158, which we desire to offer into evidence.

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

(Photograph referred to in Prosecution Exhibit No. 158 was received in evidence and marked Prosecution Exhibit No. 159.)

CAPTAIN HILL: We offer in evidence Prosecution's Exhibit 160, which is a sworn statement of Igmidio Ramos, taken before an investigating officer of the War Crimes Investigating Detachment on 7 July 1945. This is offered only for the purpose of identifying a picture which we shall seek to introduce as the next numbered exhibit; otherwise it is cumulative. Page 28, sir, is where the photograph is identified.

We will offer in evidence Prosecution's Exhibit No. 161, which is the photograph identified by the statement shown in Exhibit 160.

GENERAL REYNOLDS: There being no objection, the affidavit and photograph presently under consideration are accepted in evidence. Is there objection?

COLONEL HENDRIX: Sir, I wish to call the attention of the Commission to page 27 of this statement.

CAPTAIN HILL: Which statement is that?

COLONEL HENDRIX: Exhibit 160. It will be the fourth page.

I would like to read, sir, the question and answer appearing at the 18th line from the bottom, sir.

"Q Do you know what unit any of those Japanese belonged to?

"A I only know that they were all in the Navy."

CAPTAIN HILL: Sir, I offered only that part of the affidavit or statement showing the identification of the exhibit which followed, being Exhibit 161.

COLONEL HENDRIX: Sir, we would like for the question and answer just read to also go in with the record.

GENERAL REYNOLDS: The Commission notes the request of the Defense and grants it.

(Statement of Igmidio Ramos and photograph of bayonet wound received by Igmidio Ramos were received in evidence and marked Prosecution Exhibits Nos. 160 and 161, respectively.)

CAPTAIN HILL: That is all of that incident, sir.

The next Bill of Particular number which we desire to present is No. 41.

FLORENCIO HOMOL,

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

DIRECT EXAMINATION

Q (By Captain Hill) Will you state your name, please, to the Commission?

A Florencio Homol.

Q How old are you?

A Thirty-five years old.

Q And what is your nationality?

A Filipino.

Q Where do you reside now?

A 1200 Interior, 18G Tuazon Street, Manila.

Q And during the first part of February, 1945, where did you reside?

A 151 Balagtas.

Q And whose home was that?

A It was Mr. Fox's home.

Q And where was the Fox home with reference to the home of Mr. Carlos Perez Rubio, sir?

A Mr. Fox's house was just back of Mr. Carlos Perez Rubio's home.

Q Were you employed by Mr. Fox at that time?

A Yes, sir.

Q Do you recall on the 12th of February, 1945, any members of the Japanese armed forces coming to your quarters at the Fox home?

A Yes.

Q About what time of the day was that?

A About twelve o'clock noon.

Q And how many Japanese came there to your quarters at the Fox home?

A The first time those Japanese appeared there were only three in number.

Q And what did these three Japanese do?

A They asked for the master, and at the same time searched all the rooms of the house.

Q Did they leave after that?

A They leave for about a quarter of an hour and come back with increased number.

Q How many came back with the three?

A When they came back they were eight.

Q Eight altogether?

A Yes.

Q And were they members of the Japanese armed forces?

A Yes.

Q And what did these eight Japanese do when they returned?

A They asked us all to stand and raise our hands and

come in line, and bring me downstairs, and asked us to march to 150 Vito Cruz where Mr. Rubio's house was.

Q And how many were with you at the time you were taken into custody by these Japanese?

A All of those eight Japanese --

Q No. How many other Filipinos were with you?

A We were only three Filipinos and one Chinese.

Q And what were the names of the other two Filipinos and the Chinese?

A The Chinese was known to me only as Ambrosia, and the other two was Alfredo, and the other one is Marino.

Q And where did the Japanese take you to in the Carlos Perez Rubio home?

A We were taken to 150 Vito Cruz in Mr. Perez Rubio's house.

Q To what part of the house were you taken?

A We were taken to the back part of the house, in the garden.

Q In the garden?

A Yes. We form a line in the garden first.

Q Were there any other persons in the garden when you arrived there?

A All of Mr. Rubio's family and the servants and some other people there around the house.

Q About how many people were there at the time you arrived?

A There were about 20.

Q And what did the Japanese do with all of you there in the garden?

A When we were forming a line then with our hands up, they search us of all that we have and then order us to go upstairs.

Q Did you go up to the first floor?

A Yes, right on the first floor on the left.

Q And did the Japanese tie any of you in any way?

A No. They did never tie any one of us there.

Q When they took you from the garden into the house how many Japanese guarded you?

A There were -- . The first Japanese were six.

Q And were they armed in any way?

A They were armed with bayonets.

Q And did they have rifles?

A Yes, sir.

Q Were there any officers among that group?

A Among that group I found only two officers.

Q Two officers?

A Yes.

Q How could you tell that they were officers?

A Because whenever those Japanese who were the soldiers talked they always asked the two men what to do, and those two men always give the orders before the others do anything.

Q After the Japanese took this group into the house, tell the Commission what they did, if anything.

A We were there in the house. They search us. They took our watches, bracelets; anything that they wanted, and then after that they pick up all the rugs and everything they can find there and pile it in one room.

Q Which room in the house was that?

A It was in the hall.

Q The what?

A The hall.

Q The hall?

A Yes.

Q In the front part of the house?

A Yes.

Q And then what did the Japanese do?

A When the Japanese finish piling those rugs there they pour gasoline on those rugs and light it.

Q Did they lock the doors?

A Yes. They took the key with them.

Q And they lighted the rugs after pouring gasoline on them before they left the house, is that right?

A Yes, sir.

Q And could you see where the Japanese went after they went out of the door?

A When they left the house they went to the garden. They were divided in a group. It is Group No. 6 and 6.

Q Did they leave the premises, or did they surround the house?

A They surround the house.

Q Tell the Commission what took place inside the Rubio home after the Japanese left.

A When the Japanese left the fire was already very big and we could hardly breathe because of the smoke, and we were locked in. Mr. Perez Rubio, the owner of the house, told us it would be better to die by a single shell than to

die in the burning house. So we rushed to the door and kicked it as hard as we could. Then it opens and we rush out. We cannot see where to go on account of the fire.

Q Who rushed out with you?

A It was Mr. Rubio and her daughter.

Q "His" daughter, you mean?

A His daughter. And there was another woman, but Mr. Rubio's daughter turned back to the room where we were locked and Mr. Rubio and me proceed to escape.

Q Did you see what happened to Mr. Rubio, then, if anything?

A When I come out from the gate five Japanese met me and bayoneted me there. Then I pretended to be dead, lying flat on the ground. A few minutes later one of my companions followed me there, and the Japanese paid attention to that other fellow and hoping that I am already dead. And then I heard somebody shouting in the garden. I raised up my head and found some children and women bayoneted by other Japanese soldiers. Then for fear that those Japanese will turn back to me, I rise up and run as fast as I could. Then when I was on the back of the house I saw Mr. Rubio shouting, raising his hand, and those Japanese, about six of them, were shooting him.

Q Did you see what happened to Mr. Rubio after he was shot?

A I do not know, because I escaped already from that place where he is dead.

Q Did you see any other persons leave the house or attempt to leave the house after it caught afire?

A No, I did not see anybody.

Q How many times were you bayoneted by the Japanese?

A I have been bayoneted often times, but I was wounded four times.

Q Where are those wounds? In what part of your body?

A I have two in my back, one here and one here (indicating).

Q And were you able to make your escape from the Rubio premises without being killed by the Japanese?

A Yes. When I stand up to finally make my escape those Japanese were trying to catch me there. They shot me, but they missed, and the Japanese soldiers were coming after me, but I was able to escape them.

Q Do you know how many people were killed that day in the Perez Rubio home?

A The last time I -- . How many persons were dead with me? We were about 38, but at least five of us escaped.

Q At least five escaped?

A Yes.

Q And of that five do you know how many were wounded?

A I know there were two Joses, Ignacio, Garcia, Tamonto, and another one, but I cannot tell you the name.

CAPTAIN HILL: Take the witness.

CROSS EXAMINATION

Q (By Colonel Hendrix) Will you state if any of the Japanese about whom you have testified were Army, Navy, or Marine?

A What is that?

Q You have testified about certain Japanese coming to

these various houses, have you not?

A (No response.)

Q How were the Japanese dressed?

A They were dressed like the uniforms of Americans, not the khaki, but the other one; almost like that.

Q Did the uniforms have any certain insignia?

A I cannot tell the insignia of the soldiers who enter Mr. Rubio's house.

Q By looking at the uniform could you tell whether they were Army or Navy?

A According to one of my companions in Mr. Rubio's house he told me that they were Marine. At the time when the war start he was serving in the Navy, and this fellow told me that they are Marines.

COLONEL HENDRIX: That is all.

CAPTAIN HILL: That is all.

(Witness excused.)

JOSE BALBOA

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

DIRECT EXAMINATION

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

A (Through Interpreter) Jose Balboa.

Q How old are you?

A 35.

Q What is your nationality?

A Filipino.

Q Where do you reside?

A Vito Cruz.

Q During the first part of February of this year, where were you employed?

A In the house of Perez Rubio.

Q And what was the street number of that house?

A 550 Vito Cruz.

Q What did you do for Mr. Rubio?

A Guard; night guard.

Q A night guard for his premises?

A Yes.

Q Do you recall the 12th day of February, 1945, when members of the Japanese armed forces took you from your quarters to the Perez Rubio home?

A I remember.

Q What time of the day was that?

A 10 o'clock in the afternoon.

Q How many people were taken with you in the same group to the Rubio home?

A Four.

Q And when you got to the Rubio home where did the Japanese put you?

A They locked us up in a room.

Q In what part of the house?

A In the second floor.

Q And how many were located in the room with you?

A Eight people.

Q Did you know anything about a much larger group being located in a different part of the house that day by the Japanese?

A There were many, but I did not see, because we were the ones who were locked last.

Q After you were locked in this room upstairs with the other seven people, what, if anything, did the Japanese do?

A They fired at us in the room, and they burned the room.

Q When the Japanese fired at the group in your room, did they kill or injure anyone?

A Yes, my aunt was shot and killed.

Q Was anyone else shot and killed there in the room?

A There was no other except my aunt.

Q Were all of the people that you saw there in the Rubio home that day civilians?

A They were civilians.

Q And were any of those civilians armed in any way?

A They have none.

Q Did you see any of those civilians resist the Japanese in any way?

A I did not see.

Q After the Japanese shot the one person in your room and the house was on fire, what, if anything, did you do?

A I forced the window open and fled.

Q Were you able to make your escape from those premises that day?

A Yes, I ran.

Q Were you wounded or hurt in any manner, in attempting your escape?

A Yes, on my thigh I was hurt.

Q How were you hurt on your thigh?

A By a bayonet.

Q Other than the injury which you received and the person you have told us that you saw killed, did you see any others killed or injured there at the Rubio home that day?

A Yes, I saw others.

Q How many others?

A One.

Q Who was that person?

A Perez Rubio.

Q Did you see what the Japanese did to Perez Rubio?

A I saw.

Q What did they do to Perez Rubio?

A He came from the scene of the fire. He came from the scene of the fire with his hands up. He was killed --

he was shot by the Japanese.

Q Was he killed by the Japanese?

A Yes, he was shot at five times before he fell down then.

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

Q I hand you Prosecution Exhibit No. 162, and ask you to state what it is, if you know.

A Yes, I recognize it.

Q What is it?

A The house of Perez Rubio.

Q As it stands today?

A No, not like that any more. It is already destroyed.

Q Is that a picture of the Rubio house after the fire?

A Only the posts remain.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 162, sir.

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

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

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

Q (By Captain Hill) I hand you Prosecution Exhibit No. 163, and ask you to state what it is, if you know.

A Yes.

Q What is it?

A This is the place where Perez Rubio's son was buried.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit

No. 163, sir.

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

(Prosecution Exhibit No. 163 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 164 for identification.)

Q (By Captain Hill) I hand you Prosecution's Exhibit No. 164, and ask you to state what it is, if you know.

A Yes, I know.

Q What is it?

A This is the graveyard of Perez Rubio.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 164, sir.

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

(Prosecution Exhibit No. 164 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 165 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 165, and ask you to state what it is, if you know.

A Yes.

Q What is it?

A This is the grave of Mr. Pahodpod.

Q Are the graves which you identified so far all graves of victims of the Japanese buried at the Rubio house, which you have testified about?

A Yes.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 165, sir.

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

(Prosecution Exhibit No. 165 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 166 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 166, and ask you to state what it is, if you know.

A This is Perez Rubio.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 166, sir.

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

(Prosecution Exhibit No. 166 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 167 for identification.)

Q (By Captain Hill) I hand you Prosecution Exhibit No. 167, and ask you to state what it is, if you know.

A No, I do not know this.

Q Can you identify that as one of the bodies which you saw at the Perez Rubio home, after the fire on the 17th?

A I can only recognize Rubio.

CAPTAIN HILL: Cross examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

MANUEL EGONA

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

DIRECT EXAMINATION

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

A (Through the Interpreter) Manuel Egona.

Q Where do you live?

A 55 Balagtas.

Q How old are you?

A 47 years.

Q What is your nationality?

A Filipino.

Q During the first part of February of this year, for whom did you work?

A I was working for the Perez Rubio.

Q After the home of Perez Rubio was burned, did you have occasion to go to those premises and see the ruins of the home?

A Yes.

Q Do you recall on what date you first went to the Rubio home after the fire?

A Yes, I remember.

Q What date was that?

A Friday.

Q What date?

A 17th of February.

Q And for what purpose did you go to the Rubio home

at that time?

A I wanted to find out if they are still alive or whatever happened to them.

Q When you got to the Rubio home, tell the Commission what you saw there?

A I saw that they were all dead.

Q Tell the Commission about how many bodies you saw there on the Perez Rubio premises?

A Yes.

Q How many?

A 28 persons in all.

Q Were you able to identify any of these bodies that you saw there?

A I recognized most of them except three. I know the rest.

Q Did you subsequently bury or help bury the bodies that were left there in the Rubio premises?

A Yes.

Q And at that time, did you make a list of the persons, of the bodies which you were able to identify?

A Yes, I did.

(A list of names was marked Prosecution Exhibit No. 168 for identification.)

Q (By Captain Hill) I will hand you Prosecution Exhibit No. 168, and ask you if that is a true and correct copy of the list of persons, the list of bodies that you were able to identify at the Rubio premises.

CAPTAIN HILL: You had better come and read it to him.

(The Interpreter read to the witness the names contained on Prosecution Exhibit No. 168 for identification.)

Q (By Captain Hill) Did you identify any bodies at the Rubio premises other than those contained on this list?

A (Through Interpreter) The three that I indicated, which I said I do not know; their names do not appear here.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 168, sir.

COLONEL CLARKE: May we have an explanation of the word "alive" on there, please?

q (Captain Hill) I call your attention to the name "Jose", after which appears the word "alive"; will you please explain that to the Commission?

A (Through Interpreter) I thought he was dead. When I tried to search the house, I thought he was dead because he was not there. Then I found him alive.

Q Then his name should be stricken from that list of identified bodies that you found on the Rubio premises, is that right?

A Yes.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 168, sir.

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

(Prosecution Exhibit No. 168 for identification was received in evidence.)

(A statement was marked Prosecution Exhibit No. 169 for identification.)

CAPTAIN HILL: You may cross examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

CAPTAIN HILL: We offer in evidence, sir, the sworn statement of Commander Charles Parsons of the United States Navy Reserve, taken on 4 June 1945 by an investigating officer of the War Crimes investigating detachment.

This is offered only for the purpose of identifying the photograph heretofore offered as Prosecution Exhibit No. 167. That is the photograph the witness couldn't identify.

CAPTAIN SANDBERG: If the Commission please, it doesn't appear how this statement could in any way identify Exhibit No. 167. It simply refers to a photograph listed as Exhibit "N". We don't know that it is Exhibit "N".

CAPTAIN HILL: The original exhibit which we introduced here is marked Exhibit "N".

CAPTAIN SANDBERG: The expression "Exhibit N" is written in by typewriter, is not part of the picture. In other words, there is nothing in this report which indicates that it is associated with this particular picture; it can't identify it.

GENERAL REYNOLDS: Does the Defense object to its introduction?

CAPTAIN SANDBERG: It does, sir.

GENERAL REYNOLDS: Objection sustained.

CAPTAIN HILL: That is all we have, sir, at this time.

GENERAL REYNOLDS: Are there further witnesses in this item?

MAJOR KERR: No, sir; that completes that particular

case.

GENERAL REYNOLDS: The Commission will inquire of Prosecution which items will be presented tomorrow?

MAJOR KERR: Sir, we propose to present tomorrow items number 3, 10, 74 and 77. Defense Counsel objected this afternoon, or this noon, to our taking up anything above 64.

Furthermore, we intend to take up number 48, number 50, number 51, number 97, number 53, number 52, number 68 and 15. Now, number 97 and number 68 are both, of course, above number 64; we are agreeable to eliminating, so far as tomorrow is concerned, number 97, which pertains to the Manila Cathedral. We would like to take up numbers 68, 74, 77, as they do have a direct connection to the other cases, tomorrow.

GENERAL REYNOLDS: Are you proposing that you cover all those tomorrow?

MAJOR KERR: Unless, sir, our reporters have difficulty. They are keeping up with the Commission's record, and actually getting us the record by 8 o'clock in the morning, but there are only two of them, and the others from the States did not arrive. I understand the reporters are forced to work 18 hours a day to cover the schedule.

Other than that, I propose to cover all of these cases tomorrow.

GENERAL REYNOLDS: Do all of them pertain to episodes alleged to have occurred in Manila?

MAJOR KERR: Yes, sir. Tomorrow a large part of it will be the Intramuros and Santiago incidents, which are

very large.

GENERAL REYNOLDS: Does that complete the Manila episode?

MAJOR KERR: No, sir. We have three other cases to take up on Monday, on Manila. They are major cases. Then on Monday we will take up the Provincial cases. We will complete Manila on Monday, probably Monday morning.

GENERAL REYNOLDS: Senior Counsel for the Defense has an objection to considering numbers 77, 97 and 68 tomorrow. Would you have objection to taking them up Monday?

COLONEL CLARKE: We are not prepared, sir, to take up 74, 77, 97 and 68 tomorrow, sir.

GENERAL REYNOLDS: You will be prepared Monday, sir?

COLONEL CLARKE: I am not sure, sir. We may have 97 prepared by Monday, sir.

GENERAL REYNOLDS: I will ask the Defense to make every effort to be prepared to handle it on Monday, and direct the Prosecution to delay the presentation of the items in question until Monday.

MAJOR KERR: May I point this out, sir: Number 68 covers Fort Santiago from 9 October 1944 until 10 February 1945. Number 52 covers the same subject from 10 February to 23 February. Rather than break the two apart, we will present them on Monday, too.

COLONEL CLARKE: What was that?

MAJOR KERR: Numbers 68 and 52 will be presented on Monday.

COLONEL CLARKE: We are going to try to be ready, but I don't think we will be ready by Monday. We are

trying to work this new Bill of Particulars up at nighttime, and at the same time keep on with the trial. And we are doing the best we can, sir.

GENERAL REYNOLDS: I am sure you are. The Commission will accord you every opportunity to prepare yourself, but it does ask, if it is reasonably possible, to prepare it by Monday.

MAJOR KERR: Sir, may I inquire of Defense Counsel whether or not, if the Commission did not sit on Saturday afternoon, it could use that time in becoming prepared on these cases for Monday?

COLONEL CLARKE: It will help us out. We may have it ready.

MAJOR KERR: That would assist the reporters, I know.

GENERAL REYNOLDS: Well, the Commission will not commit itself on early closing tomorrow afternoon; it wishes to get on with the case as rapidly as possible.

However, for the benefit of everyone, announcement will now be made that from the time the Commission recesses tomorrow afternoon there will be no sessions until 8:30 Monday morning, and you may plan accordingly.

Are there any other matters of business that either Prosecution or Defense wishes to bring up?

(No response.)

The presiding officer would like to see the Senior Counsel for the Defense and Senior Prosecutor briefly.

The Commission will stand in recess.

(Whereupon, at 1625 hours, 2 November 1945, the trial was adjourned until 0830 hours, 3 November 1945.)