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PROCEEDINGS

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

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

CAPTAIN CALYER: If the Commission please, the next incident to be presented is referred to in Bill of Particulars No. 48, and is known for convenience as the "Paco Massacre."

Jose Cabanero.

JOSE CABANERO

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

DIRECT EXAMINATION

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

A Jose Cabanero.

Q Where do you live, Mr. Cabanero?

A At the present time I am living at 494 New Antipolo.

Q In February, 1945, where did you reside?

A F. Munoz Street.

Q On or about the 10th of February, 1945, did you have an experience with some Japanese?

A Yes, sir.

Q Will you tell the Commission what happened?

A Between two o'clock -- between two and three o'clock in the afternoon of February 10th my brother, Felicissimo Cabanero, and my cousin, Jose Dicini, and myself, were digging out our shelter, when suddenly a group of Japanese

soldiers with fixed bayonets approached us.

Q Let me stop you there, please. How do you know that they were soldiers?

A (No response.)

Q How do you know that they were soldiers?

A They were dressed up in the uniform with the fixed bayonets.

Q Were there any markings on those uniforms?

A Well, the ordinary -- the ordinary uniform of the soldier.

Q All right. What happened?

A Camouflage netting.

Q What happened after that?

A The officer -- they were accompanied by an officer, and the officer called out, "Kura!" When we looked up we saw that the officer was there, and he says, "You fellows work! You work! Follow us! You work!"

So we followed the soldiers, and we were taken to an alley not far away on Remy Street.

Q What happened there?

A When we reached the place group after group came.

Q About how many men were taken to that place altogether?

A There were more than 200, and we were all assembled. There were more than 200.

Q What happened after the group was assembled?

A We were assembled within the two streets: the San Isidro Street, and Munoz Street. We were brought near the brook on the same street. There we found another

group of around 150.

Q And what happened there?

A We saw that those who were ahead of us had their hands tied up at our back.

Q Were you also tied?

A We were immediately tied when we reached the place.

Q Then what happened?

A Then there was heavy shelling at that place. We were moved back to the place where we were first assembled on the alley between Dart Street and Munoz Street.

Q Did there eventually come a time when you were assembled in an open field?

A I beg your pardon?

Q Did there eventually come a time when you were all assembled in an open field?

A Yes, sir.

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

A When we were assembled there was heavy shelling, and feeling, perhaps, that some of us may get loose, might escape, we were brought back.

Q Yes. And what happened?

A Nothing happened there.

Q Did there come a time when the Japanese took men from your group?

A Not then yet; not until after we were back.

Q Did there eventually come a time when that happened?

A Immediately after.

Q All right. Will you explain that, please?

A When we were assembled back to the place where I just stated, that is, in the alley between Dart Street and Munoz Street, they started pulling us up one at a time at the corner of Munoz Street, and that one was sent to a group where we heard a shot. Every time a fellow goes there he is shot, or at least we hear a shot -- a rifle shot.

Q Did any of those men who were taken return to the group?

A Return, never.

Q After several men had been taken did there come a time when you were called from the end of the line?

A I was finally called.

Q What happened at that point?

A But before I was called I managed to unloose my bonds and I had my hand half-way slipped from the bonds, but I never pull it out because I might arouse the attention of the sentries. So when my turn was called I stood up, turned around, and walked towards the brook. Around the corner there was a sentry, and at that point I slipped out my hands and dashed for freedom, zig-zagging as I went. I knew that sentry there where I turned around would shoot me, as in fact he did. He did shoot me.

Q Did he hit you?

A I was fired at twice: one from that sentry and another one from the group. But they missed me.

Q Then what happened?

A Unfortunately at the cross-section of the road where I was leading to there was a Japanese officer.

Q How do you know he was an officer?

A Well, he had the saber with him, and in all appearance he is an officer. An officer always carries a saber.

Q What happened?

A That officer is seeing me running from the group, and knowing that I escaped from the bunch, angled me with his saber in hand. I managed to side-step him, and I was able to outrun him for a little distance, but he overtook me with his long saber, and he hit me right at the back of my neck, and I stumbled down, face down, this way (illustrating). He approached me and with both hands gave me another blow with his saber. Here it is (indicating back of neck), four inches, one inch thick.

Not content with that he gave me a kick with his heavy boots while I was lying face downward, and that made me roll, and when I was facing upwards he gave me another blow right across the face, cutting my nose across like that (indicating). He almost hit my eye. He gave me two blows right over my ear, and he took off part of my ear. That is how I got this (indicating right ear).

When I was hit the second blow on my face I rolled down the grass. There he chased me -- he followed me, rather, and with the saber pointed downwards gave me two saber thrusts. I was laid prostrate, this way, and the saber thrust hit right here, and another one, as you can see (indicating). It went in there and came out here (indicating). Another one here (indicating). Do I have to show it?

Q You may if you wish, if the Commission will permit.

A There is another one went through there (indicating).

Not long afterwards the officer left, believing me dead. He left me for dead. And before I lost consciousness I grabbed my wound right at the back of the head. That was the one that was bothering me, and it was the one that was oozing more blood. I grabbed it as strong, as tightly as I could, to have it stop bleeding. Finally I lost consciousness, and when I came to it's about ten o'clock in the evening. I found myself with my eyes already closed because of the blood, coagulated blood, and I had to scrape the dried blood out of my eyes little by little and looked around. I found a sentry close by, and I had to wait until he turned the corner, and then when he turned the corner, with the remaining strength I had, I pulled myself with both hands and feet, clutching at the grass, until I reached the place where my family was. There they immediately pulled me in, washed my wounds, and bound it with clean cloths, and I remained in the shelter for three days, bleeding, without any medical attention.

Q I show you a photograph marked for identification as Prosecution's Exhibit 170, and ask you to state what that is.

A It is a picture of myself.

Q Showing what?

A Showing that I had a wound.

Q Wounds on the back of your head?

A On the back of my neck and in my ear and arm.

CAPTAIN CALYER: I offer this photograph in evidence.

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

(Photograph of wounds of witness was received in evidence and marked Prosecution's Exhibit No. 170.)

Q (By Captain Calyer) I show you another photograph marked for Identification as Prosecution's Exhibit 171.

A Yes, sir.

Q I ask you to state what that is.

A That is a picture of myself, the front view, showing that I had a wound right across my face; also in the arms. This is taken in the hospital.

Q Are the wounds shown in this exhibit and the previous exhibit the wounds which you sustained at the hands of the Japanese?

A Yes, sir.

CAPTAIN CALYER: I offer this picture in evidence.

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

(Photograph of front view of witness showing wounds was received in evidence and marked Prosecution's Exhibit No. 171.)

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Colonel Hendrix) You stated that the Japanese had on an ordinary uniform.

A Yes, sir.

Q Will you describe what that uniform consisted of?

A It is a light green uniform.

Q Did you notice any insignia on the uniform?

A I don't quite remember.

Q Do you recall any anchors on the uniform or the caps of any of the Japanese?

A Neither.

Q You stated that one of the Japanese was an officer?

A Yes, sir.

Q Can you explain why you thought that Japanese was an officer?

A Well, he had a saber with him.

Q Did he have on a Sam Browne belt?

A I beg your pardon?

Q What kind of belt was supporting the saber?

A Well, it's one of those thick belts.

Q Did the belt have a strap leading over the shoulder?

A Yes, sir.

COLONEL HENDRIX: That's all.

CAPTAIN CALYER: The witness is excused.

(Witness excused.)

CAPTAIN CALYER: Mr. Davantes.

FEDERICO P. DAVANTES

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

DIRECT EXAMINATION

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

A My name is Federico P. Davantes.

Q Where do you reside, Mr. Davantes?

A I used to reside at 1170 F. Munoz Street.

Q When did you live there?

A 1932.

Q Were you living there in February, 1945?

A Yes, sir.

Q Were you one of the group taken to an open field by the Japanese on the 10th of February, 1945?

A Yes, sir.

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

A At about three o'clock on that date the Japanese officer and soldiers knock at our door. My wife let the officer come in, and I met him right at the hallway. As he approached the table where I was standing he take off his revolver, put it on the table, and talked to me in Japanese and English this way --

Q Please tell us not what happened at your home, but rather, what happened after you got to the field.

A I beg your pardon?

Q Tell us what happened after you got to the field.

A To the field?

Q Yes. You were taken to a field, were you not?

A Oh, yes. We were taken to the bank of a river and tied our hands behind our backs, this way (illustrating).

Q What happened?

A And from there, when all our hands were tied, we were taken back to Remy Street, and there we were lined up and told to squat, and the lineup, I think, was four by four.

Q Then what happened?

A And from there we were told by the guards what it is going to be. We were going to be taken to some place for forced labor, and sometimes they would give us cigarettes, telling us that we should not be afraid, because nothing would happen to us.

Q Mr. Davantes, when you came to the point where you were assembled in the open field and you were taken from the line of men, what happened at that point?

THE WITNESS: I beg your pardon, sir?

CAPTAIN CALYER: Read it, please.

(Question read.)

A When we were lined up on Remy Street, it was about five o'clock when they started taking ten men at a time from one end.

Q And from the other end?

A Well, when we were about half were taken they started taking from the other end one at a time.

Q Which end were you on?

A I was on the river end.

Q I beg your pardon?

A I was at the river end.

Q Was that the end from which they took them ten at a time, or singly?

A Singly, sir.

Q About how many men had been assembled altogether?

THE WITNESS: Will you read that, please?

(Question read.)

A I figure out about 200 of them -- 200 of us.

Q (By Captain Calyer) Were there any women in the group?

A No, sir.

Q As they took the men singly from your end of the line did there come a time when you were taken from that line?

CAPTAIN SANDBERG: If the Commission please, the Defense objects to the extent to which the Prosecution is leading the witness. He is virtually testifying for the witness.

CAPTAIN CALYER: If the Commission please, I am simply trying to get the witness to come to the point that I want him to discuss.

GENERAL REYNOLDS: The objection of counsel is sustained. However, to reach the meat of the situation, there is no great objection to --

CAPTAIN CALYER: That is what I am trying to do, sir.

Q (By Captain Calyer) What happened after you had been lined up?

A After we had been lined up, about five o'clock they

started taking men from one end --

Q Just a minute, Mr. Davantes. You have told us about that already. Will you please come to the point where something happened to you?

A Well, when I was taken out of the line the Japanese guard came over to me and says, "'Shun!'", with his gun, telling me to stand up. And of course I stood up, and he showed me where I would go.

I approached a Japanese officer with saber in his hand. When I approach him I pleaded for mercy, in Japanese, saying, "Tomadachi! Tomadachi! Kodomo takusan!"

Q You say this person was a Japanese officer. How do you know that?

A He had a saber with him, and a revolver, too.

Q Did you notice his uniform?

A Yes, sir.

Q Were there any marks on it?

A Why, he was wearing cap with one star in front of it, and wearing boots.

Q You say a cap with a star on it?

A Yes, sir.

Q Yes. What happened after that?

A When I pleaded with him for mercy he just take off his saber and say, "Ugh! Ugh!," pointing towards me to the river. Well, I kept on walking. I passed by another guard. When I was approaching him he took out his bayonet and tried to play with the grass, and when I was about two feet from him he showed me the place where to go: towards the river.

Q Did you eventually get to the bank of the river?

A I pleaded with the guard, the same Japanese guard.

"Camaraderie! Tomadachi! Kodomo takusan!"

Q What does that mean?

A As far as I can understand, that means, "Friend!

I got too many children!"

That is all I could say in English.

Q What happened when you got to the river?

A Well, I keep on walking, and near the bank of the river I saw the Japanese with gun in front of us, this way (illustrating). I don't know what he was doing with it. When I approached him I pleaded him with the same words: "Tomadachi! Kodomo takusan!"

He goes, "Ugh! Ugh!," and he tried to shoot me, and he motioned me, to me, to kneel down.

Well, I walk around him this way (illustrating), and when I step on the bank of the river I slip.

Q Yes. And what happened?

A And I fell in the river.

Q What happened after you fell in the river?

A I fell down on top of those already dead and some are still waiting.

Q Go on.

A My foot up to ear had sunk and my head was on top of water lily, which allowed me to breathe. I pretended to be shot, and I heard the wailing of the rest of the friends that were waiting. I noticed that anyone that wails, the Japanese guard would shoot at them again.

"Bang!," like that.

Q Had you been shot at this point?

A I didn't feel it, sir. When I was falling down he shot at me.

Q Yes. Go ahead.

A When I noticed that everyone that wails, the guard would shoot them again, and I stopped wailing. The water lily where my head was sunk, and I could not breathe any more. I attracted the attention of the guard, and when I looked around this way (illustrating), trying to see what the guard was doing, when my head was that way I could see him. Another shot was coming to me. "Bang!" So what I did, because I noticed then that if I was still at the same place I would be shot, I kicked against the wall and I dived this way, with my hands tied (illustrating), and when I came up for breath in the river there were water lilies that would give me protection. So I came up for breath, and I think the water lilies moved and I had another shot, and then I made another dive. When I came up for breath again he shot at me again, and there I was already about in the middle of the river. The water was neck deep here (indicating). I stayed there thinking I was safe enough because of the water lilies that were about two feet from the surface of the water.

Q Did you eventually get out of the water?

A At midnight I crossed the other side of the river.

Q And you did get out of the water?

A Yes.

Q Subsequently did you return to that area?

A Yes, sir.

Q When you returned what did you see?

A When I return I saw dead bodies lying all around the place where I came from.

Q How many?

A I estimate about 200.

Q In what condition were those bodies when you saw them?

A Well, I really didn't investigate, because of the odor, and the place itself.

Q Were you able to notice anything about them?

A I noticed some of the heads were cut off.

Q Were you --

A That is what I see.

Q Were you able to identify the bodies that you saw?

A Yes, sir.

Q Will you tell the Commission whose bodies you saw that you could identify?

A I remember among the dead bodies were Major Pollard of the Philippine Army; Miguel Bonafacio; Doctor Celestino Capilla; Jose Cala.

Q Any others that you can remember?

A Engracio Santos; Dick Milarde; Ricardo Caballero.

I think that is all that I can remember.

Q Did you receive any wounds yourself?

A Yes, sir.

Q Will you describe those?

A Just here (indicating).

Q Other than that you received no wounds?

A No, sir.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Colonel Hendrix) You stated that you saw a star on the Japanese officer's cap?

A Yes, sir.

Q Describe what insignia was on the lapel of the officer's uniform.

A I don't remember, sir.

Q Can you state what insignia was on the sleeve?

A I don't remember, sir.

Q Do you recall any insignia on the shoulder of the officer's uniform?

A No, sir; I can't recall.

Q You mentioned the officer had a saber. How was that saber supported?

A Saber? It has got -- I don't know how you call that -- two parts. One is where you put the saber in.

Q At what side of his body was the officer wearing the saber?

A On the left side, sir.

Q That was fastened to a belt?

A Yes, sir.

Q And there was a strap leading over the shoulder from the belt?

A Yes, sir.

COLONEL HENDRIX: That's all.

CAPTAIN CALYER: The witness is excused.

(Witness excused.)

CAPTAIN CALYER: Natividad Bonifacio.

NATIVIDAD BONIFACIO

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

DIRECT EXAMINATION

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

A Natividad Bonifacio.

Q Where do you live, Miss Bonifacio?

A 1175 F. Munoz.

Q In February, 1945, where were you living?

A In 1175 F. Munoz.

Q On or about the 10th of February did some Japanese come to your house?

A Yes.

Q I beg your pardon?

A Yes.

Q Will you tell the Commission what happened?

A Three Japanese went to our house. I mean, this house is an apartment house that we transferred as they took this house in 1175 and buried a machine gun nest. So we had to transfer.

Q Where did you go then?

A To 1146 Dart.

Q What happened at that address?

A Two Japanese went to our place and took my father and two brothers-in-law and a friend.

Q Will you tell the Commission the names of those men, please?

A I beg your pardon?

Q Will you tell the Commission the names of those men?

A They were Miguel Bonifacio, my father; my two brothers-in-law, Major Charles Pollard and Marcelo Javier; and a friend, Ricardo Baja.

Q Do you know where they were taken?

A Yes.

Q Where?

A They were taken, I should say, a hundred yards from our place near the railroad tracks, and near the river, too, I should say.

Q Do you know what happened to them at that place?

A They were beheaded.

Q Have you ever seen them since?

A I saw them when I took the bodies of my father and brothers-in-law.

Q When did you see those bodies?

A February 14th. February 14th.

Q And in what condition were they at that time?

A Their bodies were decomposed.

Q Will you explain particularly about the body of Major Pollard?

A His ears were cut, and so was his nose, and his eyes were taken off.

Q I beg your pardon?

A His ears were cut off and his eyes were taken out, and with his nose, too. And there was a cut on his neck.

Q Did you see the Japanese that came to your house?

A Yes.

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

A I think they belonged to the Marines.

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions.

(Witness excused.)

CAPTAIN CALYER: If the Commission please, I offer in evidence a sworn statement of a witness, Godofredo G. Rivera, whom I have been unable to secure to testify in person. This statement is a part of the official report of the investigation of this case.

GENERAL REYNOLDS: Will you read it so we will all hear it?

CAPTAIN CALYER: I might state for the Commission's information that the purpose of this statement is simply to show one of the methods by which men of this group were treated. He is one of the group similar to the witness Davantes, who was taken singly from one end of the line and was shot.

Do you wish to have the whole statement read?

GENERAL REYNOLDS: Read the statement. It is quite long. It will save the time of the Commission.

The Prosecution may read only the key points, the things to which you want to call attention.

CAPTAIN CALYER: The witness' name is Godofredo G. Rivera, 31 years of age, of Filipino nationality, residing at Santa Lucia Street, San Fernando, Pampanga. He was living at 1177 Dart Street, Manila, and on or about

the 10th of February, 1945, he lived at 684 Extramadura.

About three o'clock in the afternoon of February 10th he was taken with his brother, Doctor Alfredo Rivera, his nephew, Aquilino Rivera, and his brother-in-law, Amando Tancuaco.

Now, quoting from the statement:

"The Japanese told us that we had to go and dig trenches for them. We came out of the house to go with them, and as soon as we got outside, our hands were tied behind us. They marched us off east from our house to an open field about 200 meters away. We saw already other captured Filipinos tied up, numbering approximately 250. The Japanese had them grouped together in a squatting position. The American planes were flying overhead at this time, so the Japanese took us to a nearby place where there were a lot of houses, trees, and bushes. We were lined up in one long row in a squatting position. About 5:00 o'clock in the afternoon of that day, the Japanese began to take the Filipino male civilians away in groups of ten from the opposite end of the line from where I was squatting. I heard later that all of those that they took away from that end of the line were beheaded, but I didn't see this. On our end of the line, the Japanese took us one at a time and took us to a place about twenty meters away and made us kneel down facing the sun and then shot us with a rifle. I was

kneeling on a bank, and the moment I was hit by a bullet, I toppled over the bank down into some water. I was unconscious for a time, but later revived and opened one of my eyes and the Japanese were still there waiting for another victim. I pretended I was dead so that the Japanese would not shoot me again. When it became dark, and after they had shot all of us, the Japanese left the place and then I began to crawl back and got to my home.

Then he details what happened after that with reference to his escape.

"Q Will you describe the wound you received when you were shot by the Japanese?

"A The bullet entered the back of my neck and came out the cheek on the right side of my face and it fractured my jaw."

Later he was asked:

"Q Can you give the names of any of those that you saw shot?"

His answer is:

"My brother, Arturo Rivera, and my brother-in-law, Amando Tancuaco, were shot and killed by the Japanese on February 10, 1945, but I did not see them killed.

"Q Do you know if the Japanese shot or wounded any other Filipino civilians at that time?

"A After the Japanese left I saw approximately 120 dead Filipino civilians in the immediate

vicinity. Some had been shot and some had been beheaded."

Those were the chief points to the statement with reference to what happened at that place.

I should like to call the Commission's attention to one other question and answer:

"Q Do you remember anything that was said by the Japanese before, during, or after you were shot?

"A There was one Japanese who went to the place where we were grouped. He had a sore foot. He told us that Americans and Filipinos are friends; Japanese and Filipinos, no. That was all I understood."

CAPTAIN SANDBERG: The Defense would like to read what the Defense regards as the key portions of the statement.

CAPTAIN CALYER: If the Commission please, may we have a ruling as to whether this statement is in evidence?

GENERAL REYNOLDS: We will hear the Defense.

CAPTAIN SANDBERG: On page 3, starting with the fourth question and answer from the top:

"Q How many members of the Japanese military forces did you see on the 10th of February, 1945?

"A There were approximately 20.

"Q To what branch of service did they belong?

"A They belonged to the Japanese Marines.

"Q How did you know this?

"A Well, by their uniform and besides the talk was that the marines were the ones who defended the city.

"Q Will you describe their uniform?

"A It was green in color, and they had an anchor on their collars, and also an anchor on Their hats."

GENERAL REYNOLDS: There being no further objection, the document is accepted in evidence.

(The statement referred to was received in evidence and marked Prosecution Exhibit No. 172.)

AQUILINO RIVERA

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

DIRECT EXAMINATION

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

A Aquilino Rivera.

Q How old are you?

A 17 years old.

Q Can you speak louder, please?

A 17 years old.

Q Just speak toward the Commission.

A Seventeen years old, sir.

Q In February, 1945, where were you living?

A 1177 Dart, Paco.

Q On about the 10th of February, 1945, did you have an experience with some Japanese?

A Yes, sir.

Q Will you tell the Commission what happened?

A About three o'clock in the afternoon, Japanese soldiers took us from our houses.

Q Whom did they take?

A Arturo Rivera, Amando Tancuaco, Nicolas Musni, and Godofredo Rivera.

Q Where were you taken?

A We were taken around 100 yards from our house. There were many people.

Q How many people were there?

A Around 12 or 15.

Q And where were you taken?

A They march us one block away from our house, where there were people held.

Q How many people were there at that point?

A Around more than 100.

Q What happened to you?

A They tied us at our backs, and they took our valuables and told us to stay the place where we were now.

Q Did anything happen to you personally after that?

A Yes, sir.

Q Will you tell the Commission what that was?

A They took me from the place where they take the people one by one, and march me near a fish pond, and make me kneel.

Q Near a fish pond, you say?

A Yes, sir. They make me kneel on the brink of the fish pond. The Japanese cut me on my neck with a saber.

Q What happened to you?

A After that, when I regained consciousness and moved my head up, they hit me with a bayonet in my cheek.

Q Where were you struck with the saber?

A On my neck.

Q Will you show the Commission, please?

(The witness rose and exhibited back of his neck to the Commission.)

Q Where was the other wound?

A Right on my cheek.

Q Will you indicate that to the Commission?

(The witness exhibited his cheek to the Commission.)

Q And did you ultimately escape from that area?

A Yes, sir, after the Japanese were gone.

Q Did you go back to that place at a later time?

A Back to the fish pond, sir?

Q Yes.

A No, sir.

(A sketch was marked
Prosecution Exhibit No.
173 for identification.)

Q I show you a sketch marked for identification as Prosecution Exhibit No. 173, and ask you if that fairly represents the area which you have been talking about?

A Yes, sir.

Q I call your attention to certain spots marked with the letters "F", "P", and ask you what they represent?

A The fish pond.

Q Can you indicate on this diagram the point where you received your wounds?

A Yes, sir (indicating); the one with the "FP".

Q Did you see any bodies lying at other places in the area?

A Yes, sir.

Q Are those places indicated on here?

A Yes, sir.

Q By what mark?

A "FP."

Q Pardon?

A "FP."

CAPTAIN CALYER: I offer this sketch in evidence.

GENERAL REYNOLDS: Where is the mark that indicates the dead bodies?

(Captain Calyer indicated on Prosecution Exhibit No. 173 for identification.)

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

(Prosecution Exhibit No. 173 for identification was received in evidence.)

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

BENJAMIN URRUTIA

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

DIRECT EXAMINATION

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

A My name, sir? Benjamin Urrutia.

Q Where do you live?

A Singalong, 1151.

Q Where were you living in February, 1945?

A Singalong Street.

Q On the 10th of February, 1945, did you have an experience with some Japanese?

A Experience? I do not have experience.

Q Did you see some Japanese on that day?

A I have seen, sir.

Q Will you tell the Commission what happened?

A I was cooking something in the afternoon, around 2 o'clock in the afternoon, and I needed sugar, so I went in my sister's house to take some sugar, and I have seen a Jap standing in the corner from our house. When I came back, and the sugar I was putting in where I was cooking, I just hear that he was calling me down. So I went down, and he searched my pockets and told me to go with him, that I was forced to labor, I was going to work.

Q Where did they take you?

A To the church.

Q Did there come a time when you were taken to a field?

A After that we were taken to a field.

Q What happened after that?

A They had a long rope, and cutting it into short pieces, about (demonstrating) -- I don't know -- about six inches, maybe; and started tying our hands in the back, and after that they told us to stay there in that field and kneel down there.

Q How many men were there?

A I think there were more than around 200.

Q What happened after that?

A After that, when we were all sitting around there, a shell struck besides our place where we were staying.

Q Yes?

A And the Japanese started shooting around, and after that they told us to move and told us to go to the street.

Q Did there come a time when you were separated from the group?

A When I was separated? We were brought then -- they brought us to Singalong Street, I think 1186, the number of the house, and there was a hole, a big wall and a hole. There was a hole. And they let us stand up in a long file. There were two Japanese; they had their pistols in their hands. And after that, when we were standing beside the hole in the wall, a Japanese from the inside of the house came up with some straps in the hand and put the strap on the face of the first one and told him that the Japanese --

Q Where were those straps placed?

A On the face, the eyes.

Q Yes?

A And told him the Japanese and the Filipines were friends. He said, "Tonodachi!" And after that he hold in the shoulder and brought him past to the hole, and I didn't know what happen. And after that the same Jap came out from the hole, put a strap on my eyes and told me the same thing: "The Japanese and Filipines are very good friends," and hold me in the shoulder and pass through the hole. When we were walking, I just received a hard blow in the face. When I fell down, there was a big hole where there were bodies moaning already; some, I think, were suffering. When I fell down, when I was there with them, blood came out from my nose and mouth. I could not breathe.

Q What happened at that point?

A At that point -- after that they started throwing high explosives; hand grenades, I think.

Q Where were those explosions?

A Hand grenades.

Q Where were the explosions?

A Inside the hole, sir.

Q Inside the hole?

A Inside the hole.

Q Did you receive any wounds?

A I received a wound in the arm (indicating), and here in the leg (indicating).

Q How were you wounded?

A What, sir?

Q How were you wounded?

A How was I wounded? By hand grenade, sir.

Q What happened after that?

A And after that I heard five shots, pistols, and they started about maybe around two or three minutes -- I could tell that they were shoving dirt and covering us. When they were covering us I could not breathe any more because the dirt was going inside my mouth, so I just had to swallow my blood with the dirt in my mouth.

Q Were there other people in the hole still alive at that time?

A Yes, sir. They were moaning and --

Q What happened after that?

A After that, they cover us with sand, and I could not breathe any more. So I did to my own self -- I did start moving around (demonstrating), because I cannot resist any more -- because I could not breathe any more, and I was suffering, and I did start moving around, and finally took my head out, and I thought I was blind because I saw it was dark around; it was dark already, it was night, almost dawn. I put my face to the side (demonstrating) to take off the strap, and finally the strap went down and I got a scratch in the face, and I look around and there was no Japanese around any more, and I did start moving around with my hands tied in the back, and finally I had to pull my leg -- when I pull my other leg I could hardly pull it because a body was laying my leg, so I had to kick the other one just to pull my leg, and finally I took off and ran under the house. And I see some bodies still around, and I just run under

the house -- I, myself. I was trying to cut the rope on my hands, at my back.

Q After you got out of the hole, about how many bodies did you see in the area?

A I could not see, but they are all piled up, and I think there were around 40 to 50; 40 or more.

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions, sir.

GENERAL REYNOLDS: The Commission will be in recess for at least five minutes. Upon the reopening of the Commission, the audience may move forward, saving only the front seats.

(Short recess.)

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

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

DIRECT EXAMINATION (Cont'd)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit 174, and ask you to state what that represents.

A This is the place where we were brought. There is the hole in the wall (indicating).

Q Indicating a spot on the right side of the photograph. Will you describe more particularly the appearance of that hole in this picture?

A This place besides the creek; around there, sir (indicating).

Q Will you indicate to the Commission the hole in the

wall?

(The witness indicated on Prosecution Exhibit No. 174 for identification.)

Q Is there anything unusual about that now, different from the way it was when you were taken there?

A No -- but it is closed; the hole of the wall is covered. It is closed. And I can see there the place where we were brought, in the corner.

MAJOR KERR: Will you speak louder, please?

CAPTAIN CALYER: I offer that in evidence.

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

(Prosecution Exhibit No. 174 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 175 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit No. 175, and ask you to state what that is.

A That is my picture, sir.

Q What does it show?

A The wound in my arm and my leg.

Q What are the marks on the leg in this picture?

A Hand grenade, sir.

Q What are the marks on the leg?

A Plaster; this one (indicating), sir.

Q Yes?

A It was plaster, sir.

GENERAL REYNOLDS: What was it?

THE WITNESS: Plaster, sir. The doctor put on plaster.

Q (By Captain Calyer) Bandage, you mean?

A Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Prosecution Exhibit No. 175 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 176 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution Exhibit 176, and ask you if you can state what that is.

A This is friend of mine, Pablo Martinez.

Q What is his name?

A Pablo Martinez.

Q Was he with you on that day?

A Yes, sir. I saw him there when we were brought there to the street.

Q Did you see him after he had been wounded?

A Yes, sir.

Q Do you know how he received the mark that appears in that picture?

A Saber, sir.

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

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

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

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions, sir.

CAPTAIN CALYER: The witness is excused.

(Witness excused)

CAPTAIN CALYER: Ricardo Esquerria.

RICARDO ESQUERRA

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

DIRECT EXAMINATION

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

A Ricardo Esquerria.

Q Where do you live?

A 1378 San Andres Street, Malate.

Q In February, 1945, where were you living?

A I was at 1378, same address.

Q On the 10th of February, 1945, did you have an ex-
perience with some Japanese?

A Yes, sir.

Q Will you explain to the Commission what happened?

A (Pause) It was on that day, a memorable day for
me, February 10, in the morning -- I will begin in the
morning. A troop of soldiers, American soldiers --
Japanese soldiers, came to my place begging me for
food. We gave them all what we have. We even gave the
food that we are going to eat the next morning. But
instead, in the afternoon, I was at home with my family,
and two soldiers -- and might be an officer -- came at

home and asked me to go with them.

"Why," I said.

"You are an undertaker; you bury dead, and you better come with us and work with us to bury dead."

Then my children beg me not to go with them, but how? I want also to help a little for my neighborhood. Then this Japanese forced me to go with him, and there I went.

CAPTAIN REEL: We can't understand any of this over here, sir.

GENERAL REYNOLDS: Would you like to have the record read back?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: Will the reporter read the last answer?

(Answer read.)

GENERAL REYNOLDS: Is the public address system not working?

CAPTAIN REEL: No, sir; I think it is loud enough. I think it is his difficulty with the English language. We can't understand him.

CAPTAIN CALYER: Will you try to speak slowly and distinctly, please, so that the Commission and Defense Counsel may hear your story?

THE WITNESS: Yes, sir.

Q (By Captain Calyer) Now, you say that some soldiers came to your house?

A In the morning.

Q How do you know they were soldiers?

A Because that is the color; they are dressed in all khaki.

Q Did you notice any marks on their uniforms?

A Some with their swords, with their sabers, and some with guns. Some have a rather -- on their clothes -- perhaps they are retreating.

CAPTAIN REEL: Will the reporter read the last part of the answer? Just after "perhaps."

(Record read as follows:)

"-- perhaps they are retreating."

Q (By Captain Calyer) Did you know any of these Japanese who came to your home?

A What hour? In the morning?

Q Yes.

A I don't know then.

Q What happened later in the day?

A Later in the day, about 5 o'clock in the afternoon they came to me. When we went away to the place where they ordered me to go, the Japanese officer even gave me a cigarette, because he usually and frequently come at home.

Q Did you know that Japanese officer?

A Yes, sir.

Q What was his name?

A His name -- I know him by the name of Yamamoto.

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

A As far as he told me, he is a lieutenant.

Q And what branch of the service?

A In the army.

Q He told you that?

A Yes, sir. He is in the army.

Q All right. Now, will you proceed with your story of what happened?

A As soon as we get to that small road -- that is San Pedro, what we call -- I saw plenty of men sitting down with their hands --

Q About how many men did you see?

A About 300 or more; 350.

Q Were there any soldiers in that group?

A Yes, sir.

Q What kind of soldiers?

A They are all army, Japanese soldiers.

Q Well, among the Filipinos who were assembled there, were there any soldiers?

A Well, I didn't pay an eye about them, because I was very nervous at the time; I even don't want to look at their faces.

Q What happened?

A Then the moment when we reached there, we were two -- I don't know the name of the other companion. When I was there a Japanese -- he is soldier -- he tied my hands back.

I said, "Why?" Well, they just tied me up. I had a pass in my pocket, and I told the Captain, "Pass! Pass! Tomodachi!", I said. Then the officer got the pass from my pocket and read it. After reading it, he threw it out.

"Why? That very good pass," I say, "O. K. O. K.," I say. Then the other officer get the pass and read it. After that he came near me and brought out a pistol in his hand and told me, "Your pass is good. You very good man," he said, "but you die."

"Why?", I said.

"Order," he said, "order from high officer; kill you, all you." Because he speaks a little English.

CAPTAIN REEL: If the Commission please, we ask that the last part of that answer go out as hearsay from an unidentified source.

GENERAL REYNOLDS: Objection not sustained.

Q (By Captain Calyer) Go ahead, please.

A Then another officer came and counted all the men. Then they laughed. He said, "Takusan, takusan." They say the word in Japanese; as far as I understand, that is "too many," they said.

GENERAL REYNOLDS: Will you read the answer?

(Answer read.)

Q (By Captain Calyer) What happened after that?

A Then we were told to stand, ten of us, we were told to stand, about ten of us, counted in files of ten. We were brought to a certain place in the house. That is as far as I remember. That is 1195 Singalong.

Q What happened on 1195 Singalong?

A As we reached the place, I saw there were four soldiers waiting at the door. As we reached the balcony -- the veranda, I mean -- some soldiers, some Japanese, are striking on the floor, or fixing something

on the floor. I got a peep in that room, and I saw that they were making hole in the floor. That is the second story building.

Q What happened after that?

A After that, another Japanese came and tied our eyes with wide clothes.

Q Yes, what then?

A But I was -- I said, "Why?" I even want to take it off. Then, after a few minutes, I was taken inside.

Q What happened then?

A They told me -- they even assist me to kneel in front of that hole, and then in a few moments I just felt a struck in my back.

Q Where?

THE WITNESS: (Exhibiting his back towards the direction of the Accused) You, first! See the scar!

Q After you were struck in the neck, what happened?

A I don't know any more until I woke up. Then I was under the house. Then I saw my companions -- they were two -- already near me, and one whom I recognized was Teodoro Valdez. I called him, even. "Teodoro!", I say, and pulled his head -- his feet, I mean, and I saw that his head was separated from his body. Then, because I was very weak and blood runs on my clothes on my breast, then I said to myself, "There will be plenty more to be killed," I said. Then I went to a certain place in the corner, just to protect myself from the ones who will fall.

Q Were there others?

A Plenty of them; until about 8 o'clock, when I woke again, I saw more and more. Frequently they were struck and fall in that hole.

Q About how many did you see?

A About 300 of them.

Q Did you eventually get out of that room?

A I waited until everything was finished. I heard those Japanese drinking, laughing, shouting, and they even say, "Banzai! Banzai!"

(Addressing the Accused:) What do you mean by

"Banzai"?

Q Did you get out of the room?

A Yes, sir.

Q How did you get out?

A I see, myself -- I needed to step on those dead bodies in order to get out of the place. First, I went and peeped in that hole and see that there are no more Japanese; they went out. Then as I get out, and step from that hole out, then I went to the kitchen, and then from that kitchen I jumped through a high wall, about four meters high. Then I crawled up until I reached home.

It is about 11 o'clock.

Q Now, will you tell me about how high the ceiling of the room in which you were lying was?

A It is about three meters.

Q And is it that ceiling in which the hole had been cut?

A Yes, sir.

Q Did I understand you to say that when you got out

you climbed up the pile of bodies?

A Yes, sir.

Q When you got to the top of the pile, where was the hole?

A When I got to the top of the bodies the hole was up here to me (indicating waist). And under the house, up to the corner, there are plenty of men.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Reel) This hole that you told us about; was that a shell hole?

A Pardon?

Q This hole in the ceiling that you just told us about, was that a shell hole?

A Shell hole, you mean?

Q Yes.

A No. It is a wooden hole.

Q I see. You don't know what made the hole there?

A That is a room, "sala", what we call. They cut the wood and make in the form of a hole.

Q I see. Now, I think you told us that you had a friend, a Japanese officer named Lieutenant Yamamoto; is that right?

A Yes, sir.

Q He was a pretty good friend of yours?

A He was a pretty good friend of mine when he asked something to me, but he never give.

Q Now, let us go back and just answer the question. How long had you known Lieutenant Yamamoto?

A One month.

Q Did he live at your house?

A No, sir. He frequently visit me there, go to my place.

Q He frequently visited your place. Where did you meet Lieutenant Yamanoto?

A At home.

Q At your house?

A My house.

Q So it started when he visited your house?

A Yes, sir.

Q Now, do you speak Japanese?

A I understand something.

Q You do understand Japanese?

A A little.

Q And you could understand Lieutenant Yamanoto when he talked to you?

A Because he can speak a little English, too.

Q Well, did he speak to you in English, or did he speak to you in Japanese?

A He speak English and Japanese mixed together.

Q And you could understand both English and Japanese?

A Some words in Japanese; but he cannot explain in English, that is what I can't understand.

Q Can you talk in Japanese?

A Some, sir.

Q Do you know what is the Japanese word for "pass"?

A "Pass"? They don't call that -- they just call it "pass" in English.

Q They use the English word. I see. Now, when did Lieutenant Yanamoto have this conversation with you in which he told you that he was in the army?

A Just before -- just the first day when he came home, came at my house.

Q The first day. Did he explain why he came to your house that first day?

A My house is a funeral home, is at the corner on San Andres, and there in our place usually Japanese soldiers guard the whole road, and he was the one ordering them. That is why he usually stayed our place, because we are in the corner.

Q Now, how long before the incident that you described, the 10th of February -- how long before that did you have this conversation with Lieutenant Yanamoto?

A Well, just in the afternoon.

Q The afternoon of that day?

A Yes, sir.

Q And that is the day he said, "I am in the army"?

A No, sir.

Q Well, I am asking about the conversation, when he told you he was in the army; how long before the 10th of February was that?

A It was about four weeks ago.

Q Four weeks before that?

A Yes, sir.

Q What kind of insignia did Lieutenant Yanamoto wear?

A He wear boots, first; he has a long saber. In his collar there are stars here (indicating).

Q How many?

A Two stars, with a stripe behind the stars. That is why -- and I ask him, "What insignia do you have?" He said, "Teniente," he said, "Teniente." That is Tagalog; "teniente," that means "lieutenant."

Q It is "lieutenant"?

A Yes.

Q What kind of a belt did he wear?

A A leather belt, as wide as that (demonstrating).

Q And did he have a strap from the belt through his shoulder strap?

A Sometimes he wear them; sometimes he doesn't.

Q Sometimes he wore one of the straps up through his shoulder strap?

A Yes, sir.

Q What is the business name under which your undertaking establishment operates?

A Victoria Funeral Home.

Q Victoria?

A Funeral Home.

CAPTAIN REEL: That is all.

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

REDIRECT EXAMINATION

Q (By Captain Calyer) I show you this photograph marked Prosecution Exhibit 177, and ask you to state what that is?

A This my picture.

Q How did you receive the scar shown in that picture?

How did you receive the scar?

A By the struck of a saber.

Q On the 10th of February?

A Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Prosecution Exhibit No. 177 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 178 for identification.)

Q (By Captain Calyer) I show you a photograph marked for identification as Prosecution's Exhibit 178, and ask you if you will state who that is.

A This is Angel Manalili.

Q Was he with you on the 10th of February?

A I saw when he was struck by the saber, on that same day.

Q Where?

A In that same place, 1195 Singalong.

Q You saw the wound he received?

A He received three wounds.

Q Does this picture fairly show his condition?

A Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Prosecution Exhibit No. 178 for identification was received in evidence.)

CAPTAIN CALYER: Any other questions of this witness?

CAPTAIN REEL: No questions.

CAPTAIN CALYER: The witness is excused.

(Witness excused)

CAPTAIN CALYER: If the Commission please, the next witness that I would call is one Eugene Bayot, for whom a subpoena was issued but the officer attempting to serve the subpoena has just informed me that he has been unable to get the man at this time, but will be able to get him at a later date. This particular witness is of some importance to the Prosecution's case and I should request an opportunity to present the testimony of that witness at some later date when he is available.

GENERAL REYNOLDS: Very well.

GO HONG

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

DIRECT EXAMINATION

- Q (By Captain Calyer) What is your name?
A Go Hong.
Q Where do you live?
A Paco.
Q Where did you live in February, 1945?
A In Paco.
Q On the 10th of February, 1945 did you have an experience with some Japanese?
A On February 10th, Saturday, I was caught by the Japanese.
Q Were there any other persons with you?
A We were 18 caught by the Japanese.
Q What nationality?
A All Chinese.

Q Will you tell the Commission their names, please?

A Go Hong.

Q That is you?

A Chang Bin Siong, Sy Sing Chiat, Sy Sing In, Sy Chi Chan, Sy Kiy, Lim Che, Go Che, Ku Chun, Ku Che, Ong Tiong, Ong Kien, Chua Suan, Su Bon Chok and Su Bon Chit. There are three persons whose name I don't know but I will recognize them if I see them.

Q Where were those eighteen Chinese taken?

INTERPRETER COJUNCO: I beg your pardon, please?

CAPTAIN CALYER: Where were those eighteen Chinese taken?

A They were all taken to a house in Singalong.

Q What happened there?

A They were first tied up with rope ten by ten and ten by ten. They were led into a place where they were slaughtered.

Q How many of those eighteen are still alive?

A Only four are alive.

Q Who are they?

A Sy Kiy, Ong Tiong, Sy Chi Chan.

Q What happened to the others?

A They were slaughtered.

Q About how many bodies did you see at this house that you describe?

A The number of people brought to the house was over 20, including the children and women.

Q What house are you talking about now?

A The house was a two-story house. The people were led

upstairs and their clothes were torn and they were slaughtered ten by ten.

Q Do I understand you to say that there were women and children there?

A Only males were taken over ten years of age.

Q Did you receive wounds yourself at that place?

A Yes. I had a wound on my neck four inches wide, two inches deep, the doctor told me.

Q Will you show it to the Commission, please?

A (Displaying back of neck).

Q I show you a photograph marked for identification Prosecution's Exhibit 179 and ask you to state what that is.

A This picture is my picture.

CAPTAIN CALYER: All right. I offer the picture in evidence.

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

(Photograph of witness Go Hong was received in evidence and marked Prosecution Exhibit No. 179.)

Q (By Captain Calyer) I show you another photograph marked Prosecution Exhibit 180 and ask you if you know who that is.

A I know the person but I don't know his name.

Q Did you see him in the group on the 10th of February?

A I know this person leave Singalong.

Q Did you see him with the group on the 10th of February?

A He was the first to escape. He was the first to.

escape. I saw him.

Q Had he been wounded before that?

A Of course. He was wounded and he could not walk.

Q Does this picture show the wound?

A Yes. On the neck I can see.

CAPTAIN CALYER: I offer the picture in evidence.

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

(Photograph of survivor was received in evidence and marked Prosecution Exhibit No. 180.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit 181 and ask you if you know who that is.

A I know this person also leave Singalong and he was the companion of the first man.

Q Did you also see this man on the 10th of February?

A Yes. I saw him caught by the Japanese.

Q Does this picture show the wound that he received?

A Yes. I can see it in the picture on the back of his head.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of another survivor was marked Prosecution Exhibit No. 181 and received in evidence.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit 182 and ask you if you can state who that is?

A This man's name is Ong Tiong.

Q Was he with you on that day?

A I came out from the air-raid shelter with him.

Q Was he one of the men whom you described as a survivor of the eighteen Chinese?

A Yes.

Q Do you know how he received the scar shown in the picture?

A His wound is also on his neck -- on the back of his neck.

Q How did he receive it?

A He was one of those persons beheaded, but I did not see how he was beheaded. But he was one of our group.

CAPTAIN SANDBERG: I ask that the witness' answer be stricken. It is hearsay.

GENERAL REYNOLDS: Will you read back the question and the reply thereto?

(Question and answer read).

GENERAL REYNOLDS: The objection is sustained.

Q (By Captain Calyer) Do you know by whom this man shown in Exhibit 182 was wounded?

INTERPRETER GOJUNCO: Am I to interpret?

CAPTAIN CALYER: Yes.

INTERPRETER GOJUNCO: I beg your pardon, please.

CAPTAIN CALYER: Will you read that question?

(Question read)

A He was wounded by the Japanese, because I was there.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of another survivor was received in evidence and marked Prosecution Exhibit No. 182)

Q (By Captain Calyer) I show you a photograph marked for identification Prosecution's Exhibit 183 and ask you to state who that is.

A He was one of our group. His name is Sy Kiy.

Q Was he also wounded by the Japanese?

A Yes.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of another survivor was received in evidence and marked Prosecution Exhibit No. 183.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit 184 and ask you to state who that is.

A I know this man. He was formerly in the market selling beef.

Q Do you know his name?

A I know the person but I do not know his name.

Q Was he in the group on the 10th of February?

A I saw he was tied by the Japanese, but he was not one of our group.

Q You mean that you were taken before he was?

A He was taken later.

Q But he was a member of the group that was tied?

A They were behind us but we were in one line.

CAPTAIN CALYER: I offer the photograph in evidence.

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

(Photograph of another survivor
was received in evidence and
marked Prosecution Exhibit
No. 184.)

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Col. Hendrix) State whether the Japanese were
Army, Navy or Marines.

A They were Navy, because they wore green clothes.

COL. HENDRIX: That's all, sir.

CAPTAIN CALYER: The witness is excused.

(Witness excused)

CAPTAIN CALYER: Cayetano Lagdameo.

CAYETANO LAGDAMEO

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

DIRECT EXAMINATION

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

A I beg your pardon, sir.

Q State your name, please.

A Cayetano Lagdameo.

Q Speak louder so these men will hear you.

A I am 19 years old, sir.

Q On the 10th of February, 1945 where were you living?

A In Singalong.

GENERAL REYNOLDS: Louder. You will have to talk
louder. Where were you living?

THE WITNESS: In Singalong, sir.

GENERAL REYNOLDS: Is that microphone working?

CAPTAIN CALYER: I believe so.

Q (By Captain Calyer) On the 10th of February, 1945 did you have an experience with some Japanese?

A I beg your pardon, sir.

CAPTAIN CALYER: Will you read it, sir?

(Question read)

A I was playing, sir, --

GENERAL REYNOLDS: Talk louder.

A (continuing) I was playing, sir, in the house of Mrs. Milanese, and Japanese came and took -- We were about ten of us there and then they took us in a row of houses near Remy Street. Then they put us all together, tie our hands and put us under the house.

Q Did there come a time when you were taken to a house on Singalong Street?

A 2:00 o'clock, sir.

Q What happened there?

A They told us that we are going to work for them. Then they give us rice.

Q What happened?

A Then afterwards they take us to Remy Street in a field there and they tie us and put us in a house.

Q Did they take you to a house on Singalong Street?

A I beg your pardon, sir.

Q Did they take you to a house on Singalong Street?

A Yes, sir.

Q What happened there.

A Then they tie us and put us in a line; then took ten by ten.

Q Yes. What happened?

A Afterwards they bring us near to Singalong Street, near the railroad, and then they bring me to the house and put a strap on my eyes. Then they took us in the room and pushed me on my shoulder, then strap me.

Q Did you see any of the Japanese who did this?

A Yes, sir.

Q Will you describe their appearance?

A He was about six-footer and with a flag in the center here.

Q What was on his head?

A A flag with the Rising Sun.

Q A "flag"? Is that what you are saying?

A Yes, sir.

Q Go ahead. What did he do?

A They cut -- I was hit by, I don't know; it was -- I think it was iron. When I was hit, then I pulled the strap from my eyes and I saw one of my friends was bayoneted.

Q Who was that?

A It was Milardi.

Q How many bodies did you see in the vicinity of that house?

A I beg your pardon, sir.

Q How many bodies did you see in the vicinity of that house?

A About a hundred, sir.

Q Did you see any other Japanese around that area?

A Yes, sir.

Q Did you notice any marks on the uniforms of any of

them?

A Yes, sir.

Q What were they?

A It was green, sir.

Q Did you notice any marks on the uniform?

A Yes, sir.

Q What?

A Red, white -- Red and in between there is white, sir, between three "stars".

Q Any other markings?

A Yes, sir. They have a saber and they have a leather belt here, sir.

Q And any markings on their hat?

A I don't remember, sir. It was a "star", sir. One star.

Q Where were you wounded?

A Here, sir (indicating right shoulder).

Q Will you show the Commission?

A (Displaying back of neck)

Q Will you be seated? I show you a photograph marked Prosecution Exhibit 185 and ask you if you can state what that is.

A I beg your pardon?

Q What is that?

A Picture.

Q Of whom?

A Of me.

CAPTAIN CALYER: I offer the picture in evidence.

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

(Photograph of witness was received in evidence and marked Prosecution Exhibit No. 185.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit 186 and ask you if you can tell who this is.

A This is Felix Plata..

Q Was he with you on that day?

A Yes, sir.

Q Was he also wounded?

A Yes, sir.

Q Does that picture show the wound he received?

A (No response).

Q Does that picture show the wound he received?

A Yes, sir.

CAPTAIN CALYER: I offer it in evidence.

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

(Photograph of Felix Plata was received in evidence and marked Prosecution Exhibit No. 186.)

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions, sir.

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

(Witness excused)

(Short recess)

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

JULIETA MILANES

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

DIRECT EXAMINATION

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

A My name is Julieta Milanés, sir.

Q Where do you live?

A I live at 1159 Dart Street, Manila.

Q How old are you, Miss Milanés?

A I am 17 years old.

Q On the 10th of February, 1945 did some Japanese come to your house?

A I beg your pardon, sir?

Q On the 10th of February, 1945 did some Japanese come to your house?

A Yes, sir. There were two Japanese who came to our house and they take my father and my brother when we were taking our lunch. It was 1:00 o'clock in the afternoon and they took my father and brother.

Q What were your father's and brother's names, please?

A When they --

Q Will you give the names, please?

A Names of what, sir?

Q Your father and your brother.

A My father's name is Arsenio Milanés and my brother's name was Orlando Milanés.

Q Do you know where they were taken?

A Yes, sir.

Q Where?

A When the Japanese came to our house they took my father and brother and they took them to Remy Street, and there their hands were tied at the back.

Q Did you see that?

A Yes, sir.

Q Where were you at the time?

A It was about 5:00 o'clock or 5:30 in the afternoon when we look on the dark street, and we saw my father -- I mean, Remy Street -- tied up with my brother and some of our neighbors.

Q What happened at that time as far as you were concerned?

A And while they are standing there we screamed and shout and called my father and my brother, but one of the officers, I think, tried to get a pistol and shot us, and we were still lucky that we turn our back and the bullet shot in the corner of the wall. That is why we were not shot. And after that we didn't look any more and we just sort of cross the dark street. After that we didn't see any more where they were taken.

Q Have you seen your father or your brother since that time?

A When the Americans arrived Monday afternoon, the next morning was Tuesday, and we tried to look for my father. But we first went to the river and we saw lots of bodies there in that place.

Q About how many?

A I beg your pardon, sir?

Q About how many?

A Well, in my estimation I saw about 30, because I don't

know how many dead bodies there are in the bottom of the river.

Q These that you saw were where?

A I beg your pardon, sir?

Q Where were the bodies that you saw?

A They were about 30; 30 bodies or more.

Q Where were they?

A They were at the river.

Q Did you later go to some other place?

A Yes, sir.

Q Where?

A After I have been from this river I went to Singalong Street where I looked for my father, and it was 1186 house located on Singalong.

Q What did you see there?

A I saw dead bodies, and in my estimation there were 30 -- 30 dead bodies.

Q Where did you see those dead bodies?

A In the house which is surrounded by walls.

Q What condition were they in?

A And then after going there I didn't see my father nor my brother.

Q Just a minute, please. Will you answer my question? In what condition were those bodies?

A I beg your pardon, sir?

Q In what condition were those bodies?

A They were all decayed already.

Q Were they on the ground?

A And then after that --

Q Just a minute, please. Will you answer the question?
Were they on the ground?

A I beg your pardon, sir.

Q Were those bodies lying on the ground?

A Yes, sir. They were lying. Some of them were buried
just not so deep.

Q How many groups did you see buried?

A There were about four groups in that place where I
saw dead bodies.

Q And then did you go to some other house?

A I went to just the same street.

Q Singalong Street, 1195. That was the house where
there was a beheaded man.

Q What did you see there?

A I saw dead bodies piled and there were about two
hundred or more.

Q I show you a photograph marked for identification
Prosecution's Exhibit 187 and ask you if you know who that
is.

A Yes, sir. This is Fidel Marino.

Q Was he one of the group taken by the Japanese that
day?

A One of the men beheaded. Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of Fidel Marino
was received in evidence
and marked Prosecution
Exhibit No. 187.)

Q Just a minute, please. Will you answer the question?
Were they on the ground?

A I beg your pardon, sir.

Q Were those bodies lying on the ground?

A Yes, sir. They were lying. Some of them were buried
just not so deep.

Q How many groups did you see buried?

A There were about four groups in that place where I
saw dead bodies.

Q And then did you go to some other house?

A I went to just the same street.

Singalong Street, 1195. That was the house where
there was a beheaded man.

Q What did you see there?

A I saw dead bodies piled and there were about two
hundred or more.

Q I show you a photograph marked for identification
Prosecution's Exhibit 187 and ask you if you know who that
is.

A Yes, sir. This is Fidel Merino.

Q Was he one of the group taken by the Japanese that
day?

A One of the men beheaded. Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of Fidel Merino
was received in evidence
and marked Prosecution
Exhibit No. 187.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit 188 and ask you if you know who that is.

A This is Vicente Alcid, sir.

Q Was he also one of the group?

A One of the group, sir.

CAPTAIN CALYER: I offer this photograph in evidence.

(Here followed remarks physically stricken from the record by order of the Commission.)

GENERAL REYNOLDS: Proceed.

CAPTAIN CALYER: If the Commission please, I believe I offered an exhibit which has not been accepted in evidence.

GENERAL REYNOLDS: Let me see it. Is it numbered?

CAPTAIN CALYER: Yes, sir. It is numbered on the back. 188, I presume.

GENERAL REYNOLDS: Does the Defense identify Prosecution's Exhibit 188?

CAPTAIN CALYER: I believe there was no ruling on that last exhibit offered.

GENERAL REYNOLDS: The person is wearing a cap with a paper.

There being no objection, it is accepted in evidence.

(Photograph of Vicente Alcid was received in evidence and marked Prosecution Exhibit No. 188.)

Q (By Captain Calyer) I show you another photograph, Prosecution's Exhibit 189, and ask you if you know who that is.

A This is Magtal. I forget the first name, sir.

Q I show you this paper and ask you if it will refresh

your recollection.

A This is Ubaldo Magtal.

Q Was he a member of the group taken by the Japanese?

A Yes, sir.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of Ubaldo Magtal was received in evidence and marked Prosecution Exhibit No. 189.)

Q (By Captain Calyer) Miss Milanes, do you know whether the bodies that you saw at the various places that you have described were bodies of civilians?

THE WITNESS: I beg your pardon, sir?

CAPTAIN CALYER: Would you read it, please?

(Pending question read)

A Yes, sir. I saw one of our neighbors whose name is Adriano Salinga. I saw his body in Singalong Street which is 1195.

Q Were all of the bodies that you saw civilians?

A Yes, sir.

Q Have you made a list of the names of persons who were wounded on the 10th of February by the Japanese?

A I have all the list here.

Q Will you give me the names of those people?

A The names of the persons wounded are: Vicente Alcid, 1178 Dart, Singalong; Fidel Merino, 1189 Dart, Singalong; Cayetano Lagdameo; Felix Plata, 1118 Dart Street, Singalong; Ubaldo Magtal, 1107 Dart, Singalong; Adolfo Papica, 1107 Dart, Singalong; Tito Urrutia; Ricardo Esquerria, 1378 San

Andres; Angel Manalili, 1441 San Andres; Virginio Suarez, 1029 Anakng Bayan; Romarico Portiza; Maxino Pingal; Sy Chia; Leonardo Espiritu; Sy Chuan.

Those are the names of the men wounded.

Q I show you a photograph marked Prosecution's Exhibit 190 and ask you who that is.

A I can't tell you who it is, but if I see the face I may know.

Q I show you this statement and ask you if that refreshes your recollection.

A Yes. Adolfo Papica.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of Adolfo Papica was received in evidence and marked Prosecution Exhibit No. 190.)

Q (By Captain Calyer) I show you a photograph marked Prosecution Exhibit No. 191 and ask you if you know who that is.

A I forget the name of this person, sir.

Q Will this refresh your recollection?

A Virginio Suarez.

CAPTAIN CALYER: I offer the photograph in evidence.

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

(Photograph of Virginio Suarez was received in evidence and marked Prosecution Exhibit No. 191.)

Q (By Captain Calyer) Miss Milanes, did you also make

a list of the names of persons killed on that day by the Japanese?

A I beg your pardon, sir?

Q Did you also make a list of the persons killed by the Japanese on that day?

A Those not living, sir?

Q Those not living.

A Yes, sir. I have a list of those. Shall I have to read them, sir?

Q Will you tell me those names?

A Regino Alcid, Alfredo Malit, Manuel Montano, Ricardo Montano, Artenio Montano, Alberto Inacay, Filimon de los Reyes, Lauro Dico Velarde, Estanislao Balleta, Simporiano Espena, Pedro de Chun, Balbino Talatala, Florencio Morillo, Ricardo Sisneros, Pedro S. Pangilinan, Lauro S. Factora, Francisco Lapira, Adriano Salinga, Apolonio Mabanta, Zoilo Oredina, Diogracias Santos, Benjamin Santos, Fausto Par-subigan, Placido Boado, Jose Santiago, Basilio Estacio, Bolando Estancio, Apolinar Ortega, Marcelino de los Santos, Rubin Williams, Agustin Islamado, Pedro Cruz, Calixta Baja, Guillermo David, David Canicosa, Miguel Bonifacio, Lauro Villarta, Carlos Pollard, Jose Herman, Jr., Marcelo Javier, Arsenio Escudero, Jr., Vinancio Calvitaza, Wong, Lu Yat, Chong, Crisanto Fernin, Marciano Cubic, Polinar Cortez, Ricardo Caballero, Ricardo Baja, Pascual C. Cala, Jose Cala, Castillo, Valentin Yabot, Cancoza, Alfonso Eglecias, Fausto Eglecias, Angel Serrano, Alberto Tomboc, Fernando Boado, Eugenio Balleta, Francisco Aniban, Sebastian Sabas, Antonio Nanija, Rosario Canlas, Ricardo Baja, Benito, Mr. and Mrs.

Esquerria, Mercedes de Ocampo, Tomas de Ocampo, Encarnacion Cortez, Jose Nava, Florencio Malabaq, Azucena Rebelleza, and Bruno Rebelleza.

Those are the list that I have here, sir.

Q Where did you obtain that list?

A I beg your pardon?

Q Where did you obtain that list?

A I got this list from those widows that are our neighbors, because when Mr. Cannon came to my house he told me that they were looking for those whose husbands were persecuted. Then I began to go from house to house, our neighbors, and ask them if they have a member of the family who were killed, and they gave me the names of those who were killed.

Q And --

A And then I begun listing the names, and the investigators told me to take the address, the names and the age.

CAPTAIN CALYER: You may examine.

CAPTAIN SANDBERG: The Defense requests that the witness' testimony as to the list of persons killed be stricken from the record. The list is pure hearsay. It is not within the witness' knowledge. It does not state any of the circumstances, either place or date of the death. The Defense would have no objection to the witness testifying to facts that are within her knowledge, but it is apparent that the witness does not have any such knowledge.

To illustrate this point, I should like to have the witness, now that her recollection has been refreshed, to give that entire list without the use of that document.

GENERAL REYNOLDS: It will not be necessary. The objection of the Defense will be sustained.

CAPTAIN CALYER: If the Commission please, may I be heard?

This witness does not have personal knowledge of the death of these individuals named. That is true. However, under the rules the Commission may accept such testimony if it sees fit, and I submit that the reason why the evidence was offered is simply that this witness of her own volition obtained this information from the persons in the neighborhood. The same testimony might be presented to the Commission by calling all of those persons, but in the interests of expedition we felt that it was better to offer it in this form.

GENERAL REYNOLDS: The objection of the Defense is sustained.

CAPTAIN CALYER: Thank you. The witness is excused.

COL. HENDRIX: No questions, sir.

CROSS EXAMINATION

Q (By Captain Sandberg) I show you Prosecution's Exhibit No. 187.

A This is Fidel Merino, sir.

Q You testified that you saw him "beheaded"; is that correct?

A No, sir.

Q You stated for the record that you saw him "beheaded".

A I didn't see this person.

CAPTAIN CALYER: There is no such testimony.

CAPTAIN SANDBERG: We may have misheard, if you please.

THE WITNESS: I didn't see this person after he was "beheaded", because at that time the Japanese don't allow anybody else to be walking the streets or anywhere else. But at the time when Mr. Cannon came -- the Americans came I saw them with wounds like this and they went to the hospitals, and I met them when the Americans arrived.

CAPTAIN SANDBERG: If the Commission please, it may be that we did not hear the testimony correctly, but I would request that the reporter read back the witness' testimony with reference to this exhibit. *Commission*

GENERAL REYNOLDS: The witness accepts that the witness did state "beheaded" and also there was probably language difficulty. The picture itself is sufficient as to the injury received.

Is that not acceptable to the Defense?

CAPTAIN SANDBERG: The substance of the Defense's point is that this witness apparently uses the term "beheaded" to refer simply to being "hit on the head". We wanted to clarify that, if that is in fact the case, because it is obvious that this person was not beheaded.

GENERAL REYNOLDS: Yes.

CAPTAIN CALYER: Any further questions?

COLONEL HENDRIX: No further questions.

CAPTAIN CALYER: The witness is excused.

(Witness excused)

FRANCISCO del ROSARIO

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

MAJOR KERR: You testified before in this proceeding, did you not?

THE WITNESS: Yes, sir.

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

DIRECT EXAMINATION

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

A My name is Francisco del Rosario.

Q And your residence?

A 1239 Azcarraga Street.

Q Your occupation?

A Funeral director, sir.

Q Did you have occasion to go to 1195 Singalong Street in February, 1945?

A Yes, sir. It was not in February, though; it was March 20, 1945, that we were informed that there were bodies located in this residence. We went over there and we found a big number, great number of bodies burned, and about a total numbering about two hundred persons. We estimated the amount of two hundred, since there were found approximately two hundred skulls. We could not say whether they were killed or beheaded or whether it was due to their burning, that the heads came off. But I counted the number of dead bodies; there were about 200.

Q Did you see any dead bodies at any other place in

that vicinity?

A Yes, sir. It was by the river there, kind of small river -- we call it "estero" here in Manila, and there were about -- I couldn't say exactly, but I estimated about 30 dead bodies in the river. That small river is filled with water lilies, and these dead bodies were lying down on top of this water. They had been soaked in water about a month from that time, and they were just coming apart. These dead bodies we moved out from the river, we fished them out. Their hands were tied behind their backs, leading up to the neck. We pulled them by a hook; we used a hook to pull this string leading up to the neck, to pull them out of the river. Since they were in a bad state of decomposition, we could not do otherwise with the rest, and since it was all filled with water lilies we couldn't find their exact location, couldn't find whether they were under or on top; but there were some more dead bodies which came from that river, because I saw crosses in the field in that sector, marked with crosses, and I understand that those bodies came from that river, taken out by the members of their own families.

CAPTAIN CALYER: You may examine.

COLONEL HENDRIX: No questions, sir.

(Witness excused)

CAPTAIN CALYER: If the Commission please, the testimony in this case has shown that there were a large number of persons killed and another substantial group of persons wounded. In the interests of saving time, and in order to establish the names of persons known dead and the persons

known wounded, the Prosecution offers in evidence the official report of the War Crimes Branch made to the Judge Advocate General in Washington with relation to this case, particularly that part containing the list of names of named dead and wounded.

GENERAL REYNOLDS: The Commission will withdraw to its chambers for deliberation, and stand in recess until 1:30 this afternoon.

(Whereupon a recess was taken until 1330 o'clock, 3 November 1945.)

AFTERNOON SESSION

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

GENERAL REYNOLDS: The Commission is in session.

Prior to the noon recess, the Commission took under advisement an official document that was offered by the Prosecution. Other than the standing objection which counsel have, do they have further objection to this document or do they wish to point out the significant passages therein?

COLONEL HENDRIX: Yes, sir. We have further objection, sir.

We object to this document, because it is an investigation and report of the opinion of the War Crimes Branch, and it contains on page 1 a summary of evidence; page 15, a discussion and conclusion; page 16, it renders an opinion, and on page 16 it makes certain recommendations. We object to this document going in evidence, because it renders opinions and because it has in it hearsay and, no doubt, hearsay upon hearsay, and it describes and refers to a sketch of a "Death Chamber" on page 14, and the names as submitted are names, apparently, gathered by the investigating officer.

We object to the document going in, on those grounds.

Now, sir, the witness that was on the stand, a Miss Julieta Milanes, had a list of certain names that she has gathered, and we made a motion that those names be stricken, and we feel that this particular document should likewise not be allowed in evidence.

GENERAL REYNOLDS: The ruling of the Commission is that the document will be accepted in evidence.

The Prosecution may proceed.

CAPTAIN CALYER: May I have that marked, sir, as Exhibit 192?

(The statement was received in evidence and marked Prosecution Exhibit No. 192.)

CAPTAIN CALYER: If the Commission please, that will complete the testimony with regard to this particular incident, with the exception of the one witness whom we have not yet been able to obtain, and which you gave us permission to present at a later time.

GENERAL REYNOLDS: Very well.

COLONEL HENDRIX: Sir, since this document has now been admitted by the Commission, I wish to call the attention of the Commission to page 14, under paragraph 5. I will read, sir:

"Nearly every one of the witnesses agreed that the Japanese who committed these murders and attempted murders were marines and were described as wearing green uniforms with an anchor on their collars and hats."

And according to one witness they were all navy, "I mean, because at the time, the army had all gone and left the navy in charge."

Further, sir, on page 16, "Recommendations: A. The perpetrators of these offenses, including Captain Sato and Nakahara and Yamamoto, whose ranks and first names are unknown, if and when ascertained, be tried for murder and attempted murder."

The reason I call that recommendation to the attention of the Commission is that no where in this document is there

a recommendation that the Accused in this case be tried for the incidents that are set out in this report.

GENERAL REYNOLDS: The comments of defense with respect to the document in question are noted by the Commission.

CAPTAIN WEBSTER: Sir, this case is contained in Paragraphs 3 and 10 of the Bill of Particulars.

IGNACIO B. LIZO

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Ignacio B. Lizo.

Q Your age?

A 36.

Q Your nationality?

A Filipino.

Q Did you have an occasion to be arrested by the Japanese during December, 1944?

A Yes, sir.

Q Do you recall the date?

A December 21, at exactly between 1 -- between 12 and 1 in the morning.

Q And where did the Japanese take you?

A They took me first -- I was -- they took me first in the truck. Then after loading me in the truck, after mangling and manhandling me in my house, giving me the water cure, they brought me to the truck, because they could not get anything from me. Later on they wanted me to tell them who were the ones throwing the flares at night whenever the air-

planes passes at night, the American planes.

Q May I interrupt a minute: Where did they take you in the truck?

A To Cortabitarte and Mabini, the garrison.

Q Is that the garrison commonly called the Cortabitarte Garrison?

A Yes, sir.

Q Can you state the location of that garrison?

A Is it right on the corner of Mabini and Cortabitarte, going to the compound as far as Mabini.

Q Do you know what headquarters that was?

A That was a Japanese military garrison, which, I believe, the way I understood, it is headquarters of Kempei Tai, the military police.

Q Will you state what they did to you at the Cortabitarte Garrison?

A During the first two nights they did not touch -- they did not give me -- even touch me a single bit. But on the third night they called our names, and then very early in the morning they started questioning us. Then we started -- we went out of the room, they tied us, and they started telling me to tell them what I know about the underground movement in the city. I just kept on -- but natural, to be silent; you cannot just talk like that. I just kept on telling them I do not know anything about any underground movement, because I am afraid of implicating my companions, so I just kept on silent until they gave me the works. The first time they tried to give me the -- not exactly the water cure, but they tried to place me, because I do not

talk, and there was a raid -- they took me again to the closet and it is quite an easy punishment, but even then anybody may laugh at it, but they let me down to my waist (indicating), they put me there in the closet and they put my face in the toilet, then put their feet on my head. Later on they took me away, they put me outside and they just take the water pump -- I mean, the rubber hose, and they pump my face just to clean the waste in my face.

Later on they put me again in the cell. Then the next day they called for my name again. Later on they changed their mind; they left me stay. Instead they took some of my companions inside of the cell.

But later on, then, the next day, about 9 o'clock they took me out to go with the others, so many of them, and that is the time when they started whipping me and they really gave me the real works. That is, the water cure, the whipping, and jujitsu.

Q Mr. Lizo, will you explain what you mean by "the water cure"?

A The water cure -- I mean, there are two kinds of water cure that they gave me. First, in the house. In the house they just put -- they tied my mouth with a piece of towel, then three or four, maybe about six of them were on top of me, and they pitcher or -- they just pour water in my mouth and my nose. I surely cannot breathe, and they are holding your hands and standing over you.

That was one kind of water cure they gave me, in the house. But the other water cure they gave me in the garrison itself is different.

Q What kind was that?

A They tied my hands together, with my two feet, and then they threw me in the big bathtub of the house of Dr. Ranos -- that is the garrison -- and they left me there inside until I could not move any more. Whenever I popped my head off the water, they just pushed with their feet until you could -- until you have already swallowed it so you cannot swallow. Then when you cannot move any more, they take you off and start getting water out of your stomach again.

Q How long did they keep that up at one time?

A The first time that they gave me the water cure, it took them one hour, from about 12:30 to 1:30, something like that.

Q How long did this other kind take?

A The other time they started from the morning, about 10 up to 12:30. They dip you, they take you out; they dip you, they take you out. When they could not get anything from you, they just -- maybe they are tired already -- they just take you back to the cell, then wait for another time again they will take you again out.

Q Now, did they have any other methods of mistreating you?

A The other method that they have given me only there is these whipping with a BX wire. The BX wire is sort of wiring you want to insulate the wires, the house, made of steel. Then they try to whip you with that.

Q Will you describe how they whipped you?

A The instrument that they used is almost a meter. Then they start whipping you, then it coils around your body until

they get tired of whipping you. When you do not answer him properly again, they do you another stuff: They make the jujitsu to you.

Q Describe that, if you will, please.

A The jujitsu that they do to you is just take hold your hands, then throw you to the ground again (demonstrating), then when you are ready up again, take you to the other side and give you the other works on the other side.

Q How many times did they do that to you?

A Maybe for half an hour.

Q During the time that they were beating you with this BX wire, were you tied in any way?

A Only my two hands, at the back.

Q How were they tied?

A Tied by the back (placing hands behind back).

Q How many times were you given the water cure altogether, at the Cortabitarte Garrison?

A At the Cortabitarte Garrison, one time, but it was a very long time, from 10 to almost 12:30.

Q How many times were you beaten at the Cortabitarte Garrison?

A Once.

Q How long did you stay at the Cortabitarte Garrison?

A From the night that I went there, they took me there, up to the 29th, when they released me in the afternoon.

Q The 29th of December, 1944?

A Yes, sir.

Q Did you, while there, see any other people mistreated in any manner?

A I did not exactly see them treated badly, but I have seen them from inside our cell with their bodies practically mangled. They could hardly move, they could hardly walk, with blood on their heads and blood on their knees.

Q How many people did you see out there in that condition?

A I have seen Sally Escarella, I have seen Mrs. Mencarini, I have seen Daleo, I have seen Captain Espero, in those conditions. The rest I have seen coming in outside our cell, but not bleeding, but with a scar -- with whipping marks on their body and on their faces.

Q Did you see any women at that garrison?

A I have seen Sally Escarella, a lieutenant in the Philippine Army; I have seen Pasita Arzaga; I have seen sister Trinitas of the Mary Knoll Sisters; I have seen Mrs. Enriquez, an American lady; also treated very badly. I have seen Mrs. Mencarini.

Q What was the condition of the lady you have described as Mrs. Escarella?

A Mrs. Escarella, the way I have observed her in the cell when I got there to the garrison, I have seen black marks on her hands, showing signs that she has been very tightly tied, and I have seen her with marks in the neck which really shows that she was hung by the neck.

Q What kind of marks?

A It was rope marks in the neck.

CAPTAIN REEL: If the Commission please, we ask that that remark relative to the witness's supposition or interpretation of what might have happened be stricken.

GENERAL REYNOLDS: Will you read back the question and answer?

(Question and answer read)

GENERAL REYNOLDS: Objection not sustained.

Q (By Captain Webster) Were you at the garrison when this lady left there?

A I beg pardon?

(Question read)

A Yes, sir.

Q When did she leave?

A I believe she was taken out from the garrison about three days before I left the place, before I was dismissed.

Q Do you know where she went?

A I do not exactly know, but the way I figure out, she was taken for a ride, a long ride.

CAPTAIN REEL: Sirs, we will ask that that also be stricken from the record, that last answer.

GENERAL REYNOLDS: The last statement will be deleted from the record.

Q (By Captain Webster) Do you know the names of any of the Japanese who questioned you at Cortabitarte Garrison?

A Corporal Harada.

Q Do you know what branch of the Japanese military forces he was in?

A He is connected with the Cortabitarte Military Garrison.

Q Did any officers take part in the questioning or mistreatment of you?

A In my house it was Lieutenant Nakano, the chief, himself,

of the garrison was there. There were about 15 of them that gathered to my house, and my house was surrounded by several military police.

CAPTAIN WEBSTER: You may cross-examine.

CROSS-EXAMINATION

Q (By Captain Reel) You didn't see Mrs. Escarella hung by the neck, did you?

A I did not see Mrs. Escarella hung by the neck.

Q All right. Now, after all this that occurred at the garrison, or at any time during all this, did you tell the Japanese, did you answer, give them any of the information they wanted?

A I beg pardon?

(Question read)

A No, sir.

Q (By Captain Reel) And do you know whether any of the others who were there gave them any information?

A I do not, sir.

GENERAL REYNOLDS: The Commission interrupts to inquire the purpose of this line of questioning.

CAPTAIN REEL: Sir, that will lead up to the questions that are to come, relative to the guerrilla activities of the persons who were apprehended.

GENERAL REYNOLDS: Does Defense believe that that has any bearing on the questions at issue?

CAPTAIN REEL: The Defense believes that it is necessary to give the Commission the complete picture.

GENERAL REYNOLDS: Very well. Proceed.

Q (By Captain Reel) Were you engaged in giving aid to

the guerrillas?

A Every time a guerrilla outfit comes to my office, I used to give them a couple of hundred pesos, two hundred pesos, something like that.

Q Did that occur quite often?

A Beg pardon?

Q Did that occur quite often?

A Very often.

Q Did you send up any flares when the American planes came?

A No, sir.

Q But did you know who did that?

A We just see it in the evening, whenever there is an American plane coming at night; we could just observe that there are flares shooting in the air.

Q Yes. Now, without stating any names, do you know the persons who sent up those flares?

A I do not know the persons shooting those flares.

Q Now, of the persons whom you saw, whose names you have given to the Prosecution, at the garrison, do you know whether they were engaged in aiding the guerrillas?

A I only learn about their giving aid to the guerrillas when we were there inside already.

Q They told you that?

A They did so, some of them.

Q And I think you said there was one guerrilla lieutenant there?

A Yes, sir.

Q Now, were you dressed in a uniform?

A No, sir.

Q Were any of the others dressed in uniforms?

A Nobody, sir, because when I came inside most of us were in short pants, or -- we were just dressed in any way we were taken from the house. Some were in plain polo shirts.

Q And the guerrilla lieutenant, did that person have a uniform on?

A The girl? You refer to Sally Escarella?

Q Is that the guerrilla lieutenant?

A Yes, sir, the lieutenant.

Q Did she wear a uniform?

A No, sir.

Q Or any distinguishing mark showing she was a guerrilla?

A No, sir.

Q I believe you told us on direct examination that your reason for not answering the questions of the Japanese was that you did not wish to implicate your companions.

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q And what did you mean by that?

A My companions -- you must understand that in my office I had Mr. Carlos Natividad, as my secretary-treasurer of my office, and as such I know very well that he is a judge advocate of the guerrilla outfit in Rizal. In fact, he was beheaded; and the way I figure out, he was killed, with his father, his brother, his cousin, with Mayor Natividad of his home town; the entire Natividad family were killed.

Q They were alive at the time you were in the garrison, and that is why you didn't want to implicate them, is that correct?

A They were still alive. Later on, when I went out, I found out that they were all dead.

Q Now, by not implicating them, you mean you didn't want to tell the Japanese of any guerrilla activities that went on in your office, is that correct?

A Yes, sir.

CAPTAIN REEL: That is all.

MAJOR KERR: If the Commission please, the Prosecution moves at this time, sir, that all of the questions of Defense Counsel relating to guerrilla activities in connection with this witness, or any other person, and all of the answers of this witness thereto, be stricken; on the grounds that it is entirely immaterial whether or not the persons tortured were guerrillas or had any guerrilla connections. I believe it is well settled, sir, that it is a violation of the Law of War to torture even a guerrilla.

GENERAL REYNOLDS: The comments of Prosecution are accepted by the Commission, but there seems to be no reason for excluding the statements from the record. They will be allowed to remain.

The Defense will confine its cross-examination to adhere to points that are material to the issue. Some of the matters referred to are recognized by International Law as being clearly outside the scope of modern civilization.

CAPTAIN REEL: Sir, we don't state that the rules of land warfare, the rules of International Law, permit of

torture; but we do state that the rules of International Law and rules of land warfare do permit of actual execution of proved guerrillas, where there has been, as here, a complete surrender.

Now, relative to the question of torture, as I stated when I began the cross-examination, we feel it is necessary for this Commission to get the full picture here, and the fact that there were guerrilla activities certainly throws some light on the occurrences that have been brought out in the evidence.

GENERAL REYNOLDS: Very well.

(Witness excused)

MAJOR KERR: If the Commission please, the interpreter whom we desire to use now has not been heretofore sworn. Therefore, with the Commission's consent, I shall proceed to swear the interpreter.

(Whereupon Jesus E. Villa-Real was sworn as interpreter.)

BENIGNO DEL RIO

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

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A Benigno del Rio.
- Q Your age?
- A 39 years.
- Q Your nationality?
- A Spanish; Filipino citizen.
- Q Were you placed under arrest by the Japanese during December of 1944?
- A Yes. December 23rd, 1944.
- Q Where were you taken by the Japanese?
- A To the espionage branch of the Japanese Military Police Headquarters located at Cortabitarte and Mabini Streets, Manila.
- Q Is that what is commonly known as the "Cortabitarte Garrison"?
- A Yes, sir.
- Q Do you know what branch of the military forces operated that garrison?
- A Yes, the military police.

Q How long did they keep you at that garrison?

A Seven days.

Q Will you describe to the Commission in your own words what the Japanese did to you while you were there?

A On December 25th, at half past eleven, they call me, and they ask me to tell the truth, and they told me that I am an officer of the American intelligence division. I denied it. And then they told me, if I am not telling them the truth, they are going to keep me that night.

Well, I denied that I am an intelligence officer, because it wasn't true. Then they tie me in my back with an electric wire and then brought me to the garden of that home and lay me down on the ground, tie my two feet, and then one Japanese was standing on my foot, another one here on my leg, and another one was sitting on my stomach, another one on my chest, and another was pulling my head straight (illustrating). And then they began to pour me water with a bottle of, I think, one litre. In the meantime three or four M. P.'s began to --- They began to put cigarette butts on my back, partly on my back, because I was laying down, and on my hands. Then after the second bottle they began to jump on my chest and my stomach and asking me if I know Ernest Johnson. I told him that I don't know him. It wasn't true because I never met him in my life or I never hear his name. So they pour me with more bottles. I think up to 12 or 13 bottles they poured in me. And then I cannot resist because my heart was beating very, very fast, and I cannot resist that water, because I was

drowning.

So I told them that I will tell the truth. And then they pour me three more bottles, and after a while I told them lie, because, really, I don't know the name of that American. I never saw him in my life.

After a while they released me, and two or three M. P.'s told me to go to the cell, but before I had been for five minutes sitting down on one empty box two or three Japanese M. P.'s had been hitting me with sticks on my neck. They told me that that night they are going to kill me because I was an American spy. That was December 25, 1944, about 12 o'clock, and I think that half an hour was my torture.

Q How long did this so-called "water cure" last at that time?

A Half an hour.

Q Did you thereafter receive the water cure?

A No.

Q Did you thereafter receive any other mistreatment by the Japanese?

A Yes, yes. The next day.

Q What did they do at that time?

A At that time they tie my hands on my back again, and they ask me if I was the chief of the Spanish Communists in the Philippines. I denied it, because I told them that my father lost in this war more than two million pesos. So how can a rich man be a Communist? It is true that we have been sympathizers of the Republicans in the war in Spain, but we are not Commu-

ists.

So they told me that the Spanish Consul in the Philippines was the one to denounce me, and the Spanish Consul cannot lie, that the one to be lying was I.

Then with a baseball bat they began to hit me in my head, but before they make me kneel down, and they began to hit me five times, and then another question. I denied that I was a Communist, neither the chief of the Communists of the Spanish Colony, because I am a Filipino citizen, and the only thing that I have done here before this war is to write articles against Franco and against the Axis and for democracy, because I have been raised in a democratic country and I read many books on the United States. So I am a true democrat.

They hit me again, up to 25 times. They nearly make me knock out, because it was terrible the pain I have. And then they were convinced that really I cannot be a Communist.

So another two M. P.'s told me to go to the cell. And that was all for that day.

Q How long did that beating and questioning last?

A An hour.

Q Did they thereafter mistreat you?

A Yes. The next day on the 27th.

Q What did they do to you on that day?

A They tie me again and they ask me if I am helping guerrillas. I told them, "Yes, it was true; I give them money once." They insist, and I told them to read a paper that they take from my hand the night they arrested me.

That paper was prepared by me a year before -- one and a half years before, and an anonymous letter threatening my life if I was not helping the guerrillas. And when I told them that paper was in the office of the Military Police, the torturer go to the office and took that paper, and probably they were convinced that it was the truth, and they asked me that if another day some guerrillas are going to my home to ask me for money, they gave me two telephoné numbers to call them as soon as possible and tell the men who come for the money. And that was all for that morning.

Q Did they mistreat you that morning in any way?

A Well, they tie my hands and my feet and lay me down on the floor and cover me with a mattress, I think one-inch, and they began to jump -- two of them, the interpreter and the torturer, the one who was asking me the questions.

Q You mean they were jumping on you?

A Yes, on my body.

Q And how long did that last?

A 20 minutes, I think.

Q And after that is when you told them that they had this paper, or was that before?

A No. That was -- that was before they took that paper.

Q Did they thereafter mistreat you in any way at that garrison?

A Well, that night they call me at nine and they tie on my left or right hand an electric wire and they plug

into the light of that room, and when they intend to open the electric light -- Well, first they asked me about Johnson again, and I was lucky that night, because a few minutes after they hear the noise of an airplane. So they pulled the wires and told me to go to the cell, and then later on to the shelters. But unfortunately that was not an American airplane, but a Japanese airplane. They were mistaken.

Q Did they thereafter mistreat you in any way, Mr. del Rio?

A No. That was the last time.

Q While they were questioning you were there any Japanese officers present?

A Well, the investigator and the one who tortured me was a Japanese officer. Harada is the name.

Q What did you say his name was?

A Harada.

Q Do you know his rank?

A I think it was a corporal.

Q Did you see anyone else mistreated at the Cortabitarte Garrison?

A Yes; two or three times. It was Colonel Pastor Martelino of the U. S. Army. I saw him from a window. He was hanged. The first time I saw him he was hanged from the feet.

Q What was he hanged to?

A They hang first the feet, and the head was toward the floor, and then two Japs hitting him with a piece of electric wire.

Q How long did they keep that up?

A Well, I saw that for three minutes, because I was going to be tortured that night. I think that it was the second day.

Q And did you see this same person mistreated at another time?

A Yes, the second day.

Q Will you describe that, please?

A Well, also I saw in the window that the Pastor Martelino was tied on his back and pulled with a rope, and he was hanged for one or two minutes, and then they drop him to the floor. He told me after that he was dropped to a small tank of water, and they left him, as he told me, two or three minutes -- yes, two or three minutes after -- and they questioned him.

Q Did you see them drop him more than once?

A Well, it was only for two minutes, because, as I told you before I have that chance when they called me to be questioned and tortured.

Q Did you see anyone else mistreated or tortured at that same garrison?

A No. Only Pastor Martelino.

Q Who?

A That Colonel of the U. S. Army.

Q The same man. Did you observe the condition of any of the other people there at the garrison?

A Yes. I have seen Salud Escarella, a woman who had been tortured several times. I saw the scars on the neck and the hands and on the chest also.

Q Anyone else?

A Yes. Ben Arzaga, a boy of ten years.

Q What did they do to that ten year old boy?

A They tortured him.

CAPTAIN REEL: May we have the witness instructed by his counsel to state what he saw and what he heard?

Q (By Captain Webster) Did you see the ten year old boy tortured?

A No. I saw him after.

Q What marks or bruises, if any, did he have on his body when you saw him afterwards?

A He had some marks on the chest, probably made with cigarette butts.

CAPTAIN REAL: Sir, I will ask what "probably occurred" according to the testimony of the witness be stricken from the record.

GENERAL REYNOLDS: The objection is sustained, and that part of the statement after the statement of "burning" will be stricken.

Q (By Captain Webster) What other marks did you see on this ten year old boy's body?

A I seen on the hands, both hands, because he had been tied with electric wires.

CAPTAIN REEL: The same objection, sir.

Q (By Captain Webster) Will you just state what you saw with reference to any wounds on the boy's body?

A I know positively that those wounds are made by cigarette butts and by electric wire, because I have the same marks on my body.

CAPTAIN REEL: Sir, I will ask that that go out.

GENERAL REYNOLDS: Very well. That remark will be stricken from the record.

CAPTAIN WEBSTER: Was that stricken, sir?

(No response.)

Q (By Captain Webster) Were the marks that you saw on the boy's body similar to the marks that you had on your own body?

A Exactly the same.

Q Did you observe the wounds or marks on any other person?

A Yes. I have seen Mr. Lizo; I have seen the wounds on Pastor Martelino; I have seen the same marks on a Chinese, whose name is Vicente Dy; I have seen the same marks on Enrique Albert; I have seen the same marks on Angustias Mencarini, a woman; I have seen the same marks on Julia Enriquez, an American woman married to a Filipino; I have seen the same marks on Braulio Espejo, Captain of the USAFFE, and I have seen the same marks on other companions whose name I don't remember now.

Q Did you see Dr. Enriquez at the garrison?

A Yes, he was close to me.

Q Did you observe any marks or wounds on him?

A Yes.

Q Would you describe what you saw on him?

A I saw the marks of the electric wires, not only on the hands, but also on the chest and on the back, because he had been beaten.

Q I believe you mentioned a Mrs. Enriquez. Do you mean his wife?

A Yes. His wife was there and the son, Jose Enriquez, Jr.

Q While there at the garrison did you hear any noises that led you to believe that people were tortured?

A Almost day and night.

Q What noises did you hear?

A I heard the screaming in English, in Tagalog, Spanish, Pampango, and many dialects.

Q Did you hear the voices of women?

A I hear several times at least for whole days.

Q Did you hear any voices that you thought were children?

THE WITNESS: Excuse me. I don't hear.

CAPTAIN WEBSTER: Will you read the question?

(Pending question read.)

A Yes. The voice of Ben Arzaga, that boy of ten years old.

Q (By Captain Webster) Mr. del Rio, you mentioned an U. S. Army officer who was there, and I did not clearly understand whether you gave his rank as a corporal or colonel. Will you clear that point for me?

A A corporal. Harada. He was the one who tortured me.

Q A Japanese corporal?

A A Japanese corporal.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Sandberg) You have stated that the Japanese told you that you had been denounced by the Spanish Consul. Is that right?

A Yes, sir.

Q Do you have any reason to believe that this is true, that the Spanish Consul denounced you to the Japanese?

A Yes, sir. Because on the afternoon when I was released, a few minutes before I was freed, the chief or captain of that place called me, and his first question to me was if I know who was the one to denounce me to the M. P.'s. So I told him, "Yes, it was the Spanish Consul." "Ah! So you know who was the one that denounced you?"

"Yes."

"And why?"

"Well, because, well, your man told me that."

Then he answered me, "It is true, and now I like to question you about some Spaniards."

Q Did you know the Spanish Consul personally?

A I never saw him in my life.

Q Do you know what charge the Spanish Consul made against you?

A In 1942 he denounced me to the military police because I wrote many articles against the Axis and against Franco, and I saw him in the hall, in the place where I had been arrested for two months.

Q Well, do you know what was the charge he made against you in 1944?

A As the investigator told me, he denounced me as being the chief of the Spanish Communists in the Philippines.

Q Now, did the Japanese make any charge against you?

A Well, they told me if I was a Republican or a sympathizer of the Republican cause in Spain I must be a Communist.

Q Did the Japanese charge you with being a guerrilla?

A Yes. They charged me.

Q Did they ask you whether you had ever given any assistance to the guerrillas?

A Yes. They asked me.

Q And what was your answer?

A Well, my answer was that once I gave 100 pesos to the guerrillas, and they laughed at me, because they told me that that was a very small amount.

Q What, in fact, was the assistance that you had given to the guerrillas?

A During those three years of war I have given to the guerrillas more than a hundred thousand pesos, medicines, quinine, iodine, and I also gave them for a newspaper or small magazine one mimeograph, paper, ink, and one bicycle to distribute that newspaper.

Q Was the guerrilla organization to which you gave this money? The Hukbalajap?

A No. It was not the Hukbalajap. And, really, I don't know what the guerrillas are them, because since the first day I refuse to know anything about the guerrillas, because I had been arrested in 1942, and I know that the Japanese are shadowing me, and I don't like to be seen with anyone connected with the guerrillas.

Q Well, now, is the contribution of 100,000 pesos the only assistance you gave to the guerrillas?

A And the medicines.

Q And the medicines?

A And the mineograph and the bicycle and other things I don't remember now.

Q When you gave this sum of money to the guerrillas, was it your intention that this sum should be expended for the purpose of killing Japanese?

A Exactly. That was my purpose.

CAPTAIN SANDBERG: Exactly. That is all.

GENERAL DONOVAN: You stated that the people who tortured you were military policemen. Were they army, navy, marine corps or what?

THE WITNESS: Army.

GENERAL DONOVAN: That's all.

GENERAL REYNOLDS: Do you wish to ask further questions?

(No response.)

CAPTAIN WEBSTER: The next witness.

(Witness excused)

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

(Short recess)

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

NICANOR JACINTO

Called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Jesus E. Villa-Real as follows:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Nicanor Jacinto.

Q Your age?

A 59 years.

Q Your nationality?

A Filipino.

Q What is your profession?

A Medical.

Q How long have you been engaged in that profession?

A 34 years.

Q Were you put under arrest by the Japanese in December of 1944?

A Yes, sir.

Q On what date?

A 23rd of December.

Q And where were you taken by the Japanese?

A To Cortabitarte.

Q Was that the Japanese Military Police garrison?

A Yes, sir.

Q Were you mistreated by the Japanese while at that garrison?

A Yes, sir.

Q Please state very briefly how you were mistreated.

A On the 25th of December in the afternoon I was asked to sit on the ground in the garden in the residence of Dr. Ronas, with my niece, and a Japanese with leather shoes was seated in front of me. And he kicked me with his shoes on my two legs for about three hours. On the following day in the same garden of Dr Ronas, with a piece of bamboo stick they had been beating me all around my

body for more than two hours. On the 27th, in one of the rooms of the house I was then beaten on the face for about two hours until I thought my teeth were taken away and my mouth was pouring blood.

Q With what did they beat you on the face?

A With the hands.

Q How long was the bamboo stick which you stated they beat you with?

A It's about two and a half inches wide; the width of the bamboo stick.

Q And how long?

A About two meters long.

Q When were you released from the Cortabitarte Garrison?

A On December 29, 1944.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Colonel Hendrix) Did anyone denounce you to the Japanese?

A I don't know.

Q Did you take any active part in assisting the guerrillas?

A No, sir.

Q Did you contribute any funds to the movement of the guerrillas?

A No, sir.

CAPTAIN REEL: Wait a minute. What was the word before "directamente"?

INTERPRETER VILLA-REAL: "Directly."

COLONEL HENDRIX: Sir, we would like for the inter-

preter to give literal translation of the word the witness just used.

INTERPRETER VILLA-REAL: The witness means he did not actually give directly contribution. He might have given a contribution through someone, but with his statement he means he did not directly or personally give the contribution.

CAPTAIN WEBSTER: Sir, I move that that be stricken from the record as to what the interpreter believes he said. We would like to have in the record what the witness actually said.

COLONEL HENDRIX: Will you excuse me, sir? We would like also for the witness to explain what he means.

GENERAL REYNOLDS: Let's strike all of that from the record, and the Commission will ask the question itself.

Did the witness give any funds or assistance to the guerrilla movement indirectly?

(Question translated to the witness by the interpreter.)

INTERPRETER VILLA-REAL: He did not give a direct answer, sir.

GENERAL REYNOLDS: The Commission considers the discussion immaterial to the case, and let us proceed.

COLONEL HENDRIX: Ask the witness in what manner he did give any assistance to the guerrillas?

(Question translated to the witness by the interpreter.)

THE WITNESS: (Through the Interpreter) I have some real estate in the provinces, and according to my care-

takers there some of the properties have been taken by the guerrilleros.

COLONEL HENDRIX: Will the reporter read back the last question.

(Question read.)

COLONEL HENDRIX: Will you state that question to the witness, please. (Addressing the Interpreter.)

THE WITNESS: (Through the Interpreter) I have said that inasmuch as the province of my real estate have been taken by the guerrillas, I have contributed in that form to their cause.

Q (By Colonel Hendrix) Have you given any medical treatment to any guerrillas?

GENERAL REYNOLDS: The Commission interrupts to say that in no sense are we trying this witness, and it is unable to see what possible bearing the questions could have on the case.

COLONEL HENDRIX: Sir, we feel that in view of the fact the witness did infer that he had indirectly given some assistance we would just like to know what that was, whether it was major or great or whether it was of material assistance or professional.

GENERAL REYNOLDS: For the purpose of discussion, suppose it was extremely material and very, very great assistance, indeed. What possible connection would it have on the case?

COLONEL HENDRIX: Then, sir, we come back to the statement made by Captain Reel a few minutes ago: that guerrillas in the eyes of international law are criminals

themselves, and that as such they can be executed. We do not say that they can be mistreated and tortured until they are finally dead.

MAJOR KERR: Nor, sir, can they be mistreated or tortured at all.

GENERAL REYNOLDS: It is on the last point that the Commission raises the issue. We devoted a good bit of time to such line of questioning. The Commission grants that in the eyes of the rules of land warfare and international law guerrillas, if captured, can be tried and sentenced, but under no condition can they be tortured.

The Commission desires that the Defense do its best to acquaint us fully with all the facts bearing on the case, but questions the necessity of this approach. Let us submit that he might indeed have helped the guerrillas.

COLONEL HENDRIX: Sir, may I make this remark: that assuming for argument's sake the witness was a guerrilla, an arrest by the Japanese might have been and could have been a legal arrest; that in questioning this particular witness by the Japanese such third degree procedure and methods might have been administered to this particular witness, maybe others, to try to obtain information from them, because probably they were guerrillas, or indirectly aided guerrillas, and that in a way may explain our position.

GENERAL REYNOLDS: Unless the Defense is suggesting to the Commission that torture and third degree is a proper defense of the Accused in this case, which

I am sure you do not mean to do, why, still it would be immaterial to the presentation of the case.

COLONEL HENDRIX: Sir, we have no further questions to ask the witness, but we do not believe in third degree tactics. However, in view of the fact that the witness was arrested, and in view of the fact that he was arrested, as we see it, because he indirectly aided the guerrillas, we take the view that this mistreatment was probably by virtue of the fact that he had been arrested.

GENERAL REYNOLDS: The Commission accepts all that. The only point at issue is the propriety of torture, which for centuries back has been condemned by civilized nations, and, hence, could not be a defense. The arrest may indeed have been well founded and the questioning well founded. I believe the Defense understands that. We appreciate your zeal and effort to inform the Commission of the facts.

COLONEL HENDRIX: Yes, sir.

CAPTAIN WEBSTER: That is all.

(Witness excused)

FERMIN MIYASAKI

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Fermin Miyasaki.

Q Your age?

A 26.

Q Your nationality?

A Filipino citizen.

Q Are you a Filipino citizen of Japanese descent?

A Yes, sir.

Q Were you born and reared in the Philippine Islands?

A Yes.

Q Were you employed in any capacity by the Japanese between October of 1944 and December of 1944?

A Yes, in the Southern Manila Branch of the Military Police.

Q And where was that Southern Branch of the Japanese Military Police located?

A It was located in Fort Santiago, and in October it was transferred to Cortabitarte.

Q Was that the MP garrison commonly known as the "Cortabitarte Garrison"?

A Yes.

Q In what capacity were you employed by the Japanese at that garrison?

A I was employed as interpreter.

Q What languages did you translate?

A I translated both English and Tagalog.

Q I believe that you are now held at the New Bilibid Prison. Is that correct?

A Yes.

Q Who was the commanding officer of the Japanese Military Garrison which we have referred to as the Cortabitarte Garrison?

A The commanding officer was Major Tohei.

Q What branch of the Japanese Military forces was he in?

A It was called the Southern Manila Branch of the Japanese Military Police.

Q During your work as an interpreter, were you present during the questioning of any civilians?

A Yes, in some of them.

Q Will you state to the Commission what methods the Japanese used at that garrison in questioning civilians?

A The most common used method was to tie both hands of the person being questioned behind his back, and to hang him on a piece of wood extended to the ceiling, and beat him up.

Q Well, what was the other popular method used?

A And the other one was the so-called "water cure." They tie up the person to be questioned, lay him flat on his back, put a piece of cloth over his mouth and nose, and pour water, usually from a water hose.

Q How long did they usually give a person the water cure?

A From one to two hours.

Q And the beatings which you have described?

A From one to three; in some cases more.

Q Would they give those treatments to various individuals

a number of times?

A Yes.

Q How many times have you seen civilians given the water cure at that garrison?

A I saw about 30 of them.

Q During what period of time was that?

A From October to December, 1944.

Q How many times did you see people beaten as you have described?

A I saw about 50 of them.

Q Were any of them women?

A I remember two women.

Q Do you recall their names?

A One of them was Mrs. Sally Escarella. I don't remember the other one.

Q Were there any children at that garrison mistreated in your presence?

A I don't remember any children.

Q About how many people went through the Cortabitarte Garrison in this interview which you have described, during the time in which you were there?

A I think no less than 400.

Q Were they all civilians?

A They were all civilians.

Q During the questioning of these people were any officers present?

A Most of the cases, none; sometimes there were officers.

Q Do you know, or did you know a Dr. Jose Enriquez?

A Yes, sir.

Q Did you see him at the Cortabitarte Garrison?

A Yes, I saw him.

Q Did you see any other members of his family?

A I saw his son and his wife and his daughter.

Q Were you present during the questioning of any of the Enriquez family?

A Yes, I took part in the questioning of Dr. Jose Enriquez and his son.

Q What treatments did they give Dr. Enriquez and his son?

A I didn't see Dr. Enriquez being hung up and beaten up, but I saw him given the water treat.

Q By "water treat," you mean water cure?

A Yes, sir.

Q Did you see them do anything to his son?

A His son was given the same method.

Q What did they accuse Dr. Enriquez of?

A They accused him of being a member of the guerrilla unit.

GENERAL REYNOLDS: The Commission will interrupt to say that we will proceed without the charges lodged against Dr. Enriquez.

CAPTAIN SANDBERG: Will the Commission repeat that last statement? We didn't hear the last statement of the Commission.

GENERAL REYNOLDS: In effect, we stopped at the last question, which again sought to inquire on charges lodged against Dr. Enriquez.

Q (By Captain Webster) Do you know what was done to

Dr. Enriquez?

A I heard that Dr. Enriquez' son and his wife were killed.

Q Who told you that?

A One of the military police who went to the execution.

Q Where did it --

CAPTAIN SANDBERG: I ask that the last answer of the witness be stricken as being purely hearsay and a matter not within the personal knowledge of the witness. We object to it.

GENERAL REYNOLDS: Objection not sustained.

Q (By Captain Webster) Where did this Japanese MP tell you that?

A At the garrison.

Q The Cortabitarte Garrison?

A Yes, sir.

Q And how long after the so-called execution did he tell you that?

A It was between either the next day or two or three days later.

Q Did you, while at that garrison, meet a General Polocarpio?

A Major Polocarpio.

Q Major? When was he brought to that garrison?

A Sometime late in November or early in December, 1944.

Q What did the Japanese do to him?

A He was executed.

Q When was he executed?

A Around the 10th of December.

Q In what year?

A 1944.

Q How did you find out that he was executed?

A I was also told.

Q By whom?

A By one of the military police who went to the execution.

CAPTAIN SANDBERG: Same objection. I ask that the answer be stricken as not within the knowledge of the witness.

GENERAL REYNOLDS: Objection is not sustained.

Q (By Captain Webster) Now, was the method of questioning the people who came there, as you have described, continued with every person that came there?

A Most of the persons were given the third degree.

Q Were they given the third degree until they confessed to what the Japanese wanted them to confess to?

A Yes, sir. Some of them did not confess.

Q Were you at any time, during December of 1944, among those who were called into a group in the Cortabitarte Garrison?

A I beg pardon?

(Question read)

A Yes, sir.

Q When were you so called?

A There was two occasions that I remember: On December 8th, the day when the war was declared, we had a ceremony there; and on another occasion, when the garrison received a word of commendation from General Yamashita on the work that they had done in suppressing guerrilla activities.

Q When was it that General Yamashita commended the Cortabitarte Garrison for the fine work they had done?

A I don't exactly remember the date, but it was sometime early in December.

Q 1944?

A 1944.

Q Who called you together in that group?

A There was a notice given to us to gather in the morning.

Q And who put up the notice?

A I don't know who put up the notice, but it was put on the bulletin board.

Q And then who presided at the meeting which was held?

A The commanding officer, Major Tohei.

Q Will you describe what Major Tohei did at that meeting?

A He read the commendation given by General Yamashita.

Q Were you one of the group that was so assembled?

A Yes, sir.

Q Did you see that commendation?

A Yes, sir, I saw it.

Q Who had signed that commendation?

A It was signed "Yamashita, Tomoyuki".

CAPTAIN WEBSTER: You may cross-examine.

GENERAL REYNOLDS: The Commission will grant a recess to the Defense, unless you are ready to proceed.

CAPTAIN SANDBERG: No, it isn't necessary, sir, if the Commission will indulge us for 30 seconds.

CROSS-EXAMINATION

Q (By Captain Sandberg) Now, you stated that you are

at present in confinement at New Bilibid Prison, is that correct?

A Yes, sir.

Q Isn't it a fact that you are now being held there in confinement pending charges for treason against the Philippine Government?

A No, I am confined there as an internee.

Q Repeat that please.

A As a civilian internee, in protective custody.

Q Isn't it a fact that charges have been filed against you for treason?

A As far as I know, there is no charge filed against me.

Q Have you discussed your testimony with the Prosecution before this hearing?

A May I have that read?

(Question read)

A Sometime before.

Q Has any promise been made to you that in consideration of your testifying, you will be given light treatment in connection with the charge?

A None whatsoever.

Q Now, you have testified that during the time that you were at this Military Police Station, 400 civilians passed through there, is that correct?

A Yes, sir.

Q And you testified also that 50 civilians were subjected to third degree methods, is that correct?

A I saw 50 of them, but I think all of them were subjected to the same method.

Q I didn't ask you what you thought; I asked what you saw.

A I saw 50, around 50.

Q Now, this letter that was read at the meeting -- I understand that you are an interpreter?

A Yes, sir.

Q Are you familiar with the Japanese language?

A Yes, sir.

Q And you read this letter?

A I just saw the signature.

Q You didn't see the body of the letter?

A I saw the first part and the signature.

Q Which part of the letter didn't you see?

A I began reading it, but I didn't continue, and I looked at the signature.

Q You say you read only the first part?

A Yes, but it was read to us in the ceremony.

Q Now, what did the letter say; what did the part of the letter which you read say?

A It said, that "As Commander-in-Chief of the Armed -- of the Japanese Armed Forces in the Philippines, I commend the Southern Manila Branch of the Military Police for the activities in suppressing the guerrilla activities in various parts around Manila."

Q Now, you speak Japanese, you said?

A Yes, sir.

Q What was the word in the letter which you now say was "guerrilla"? Will you give it to us in Japanese?

A Gerira.

Q What was the Japanese word?

A It was "gerira".

Q It was "guerrilla" in the letter?

A Yes, sir.

Q And the rest of the letter was in Japanese?

A It was in Japanese.

Q Is there such a word in the Japanese as "guerrilla"?

A They don't pronounce it "guerrilla"; it is pronounced "gerira".

Q Is there such a word as "guerrilla" in the Japanese vocabulary?

A I think there is.

Q Suppose I were to tell you that there is no such word as "guerrilla" in the Japanese vocabulary; would that change your answer?

A No. That word is commonly used.

Q And you stick by your statement that the word used in the letter was "guerrilla"?

A Yes, sir.

Q Did this letter refer to this particular garrison?

A Yes, it referred to the particular garrison.

Q How did it describe the garrison which it referred to?

A It commended it for its arrest and suppression of the guerrilla activities in San Pedro, Makati, Guadalupe, Maysilo and Rizal.

Q And which of those was this garrison?

A The Southern Branch of the Military Police.

Q Well, that is not one of those you just mentioned.

A They arrested guerrillas from San Pedro, Makati,

Guadalupe, Maysilo, and Rizal.

Q But your particular garrison was not referred to in this letter?

A The Southern Manila Branch of the Japanese Military Police was referred to in the commendation.

Q Was your garrison the only one in the southern district of the Military Police?

A Yes.

Q Didn't that include Fort McKinley?

A Beg pardon?

Q Didn't that denomination include the garrison at Fort McKinley?

A I don't know, sir.

Q You don't know, then, whether this reference in the letter included only your garrison or other garrisons?

A It included only the Southern Manila Branch.

Q Were you a paid employee of the Japanese during this period?

A Yes, sir.

GENERAL DONOVAN: When did you cease to work for the Japanese?

THE WITNESS: On January 9, 1945.

GENERAL DONOVAN: During the time that you were employed there, what branches of the services were identified?

THE WITNESS: The Japanese Military Police.

GENERAL DONOVAN: What?

THE WITNESS: The Japanese Military Police.

GENERAL DONOVAN: What were they, army, navy, marine corps?

THE WITNESS: Army, sir.

GENERAL REYNOLDS: Does the Prosecution have further questions?

CAPTAIN WEBSTER: No, sir.

(Witness excused)

CAPTAIN WEBSTER: Sir, that concludes that case.

GENERAL REYNOLDS: In that case, the Commission will be in recess for approximately five minutes.

(Short recess)

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

CAPTAIN PACE: If it please the Commission, the Prosecution is now prepared to present the evidence in Bill of Particulars Nos. 15 and 25. The Commission will note that those are both broad charges involving the devastation of Manila and the murder and maiming of the population of Manila. The Prosecution's evidence at this time, the small portion which I will present to prove these two charges, will present the broad plan conceived by the Japanese High Command, being headed by Yamashita, to prove the plan of executing the murders and destruction of property involved in these two charges, and will present a few instances of the destruction of property in a one particular locality; it being impossible, of course, to present all the mass of evidence that would be necessary to prove all of the destruction.

However, the Prosecution intends to rely, in proving both of these counts, on the cases which have been presented which have shown the killing of human beings and the

destruction of property, and also the cases which will be presented to the Commission which involve these two elements.

Mr. Lopus.

NARCISO LAPUS

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 Narciso Lopus.
- Q What is your address?
- A My present address now is Munting lupa, Rizal.
- Q Where?
- A Munting lupa.
- Q Whereabouts?
- A I am a political internee there, sir.
- Q In New Bilibid Prison?
- A Yes, sir.
- Q How old are you?
- A 59, sir.
- Q How long have you been at New Bilibid Prison?
- A Since February 21, 1945, sir.
- Q You have a right to refuse to testify to any matters which would incriminate you; do you understand that?
- A Yes, sir.
- Q You have a right to refuse to testify to anything; do you understand that?
- A Yes, sir.
- Q Has anybody connected with the Prosecution of this

case ever promised you anything in return for testifying?

A Nothing.

Q Have you ever been told that you would receive any consideration in the political charges which may be preferred against you, if you do testify in this case?

A No, sir.

Q Have you ever been told that the Prosecution in this case would do anything in your behalf?

A No, sir, no promise at all.

Q You are willing to testify freely --

A Voluntarily, sir.

Q You say you are a political internee?

A Yes, sir.

Q How did you become associated with activities which caused you to become an internee?

A I was a private secretary of General Artemio Ricarte.

Q When did you first meet General Ricarte?

A Since my young years, sir, during the Philippine, Spanish and American Revolution.

Q What was General Ricarte's title, and what did he do in the early nineteen hundreds?

A His rank, military rank in the revolutionary army was Captain General.

Q Was he a Philippine General?

A Yes, sir.

Q What happened to him?

A Well, the Philippine Army in those days -- I mean, the Philippine Revolutionary Army -- was divided into two divisions. The boundary of the division was the Pasig River.

The northern part of the Pasig River, from the northern bank up to Aparri, was called the Northern Division, under the command of General Antonio Luna.

And the southern bank of the Pasig River, up to Mandaluyong, was called the Southern Division under the direction or the jurisdiction of General Ricarte.

Q Now, was General Ricarte captured by the Americans?

A Yes, sir, he was captured in 1901.

Q What happened to him after the Americans took him?

A When they captured him, he was exiled, together with some 80 Philippine patriots, to Guam.

Q What happened to him in Guam?

A He was there until General Aguinaldo surrendered and made a proclamation to the fact that the armed forces of the revolutionary armies should surrender, should cease the armed resistance. Many of those, of course, who were exiled in Guam, they submitted to the sovereignty of the United States, except General Ricarte and Apelario Mabini.

Q What happened to Ricarte when he refused to take the American oath of allegiance?

A Well, when they brought them back here from Guam, together, Ricarte and Mabini, Mabini, due to the physical impossibility -- he was a paralytic, sir -- he swore allegiance to the American sovereignty. Ricarte refused to swear allegiance, and he was exiled then to Hong Kong.

Q How long was he in Hong Kong in exile?

A Well, that was the first exile -- in that year 1903, but he came back as a stowaway in the same boat. He came back to the Philippines with the purpose of establishing a

second revolution here, but he was capture, and he was brought to the court and was convicted for conspiracy and rebellion. He was convicted for six years in Bilibid Prison.

Q After he served his six years in New Bilibid for conspiracy, what happened to him?

A Well, they asked him, sir, to swear allegiance. He refused again, so he was exiled again to Hong Kong in 1910.

Q How long did he stay in Hong Kong the second time?

A From 1910 to the outbreak of the First World War in 1914, when the English Government ordered that all political exiles in the English territory should get out. Ricarte was one of those affected, and he moved to Japan in that time, 1914.

Q Then how long did he live in Japan?

A Since then up to 1941. At the outbreak of the Second World War he lives in Japan, in Yokohama.

Q Between 1914 and 1941, what did he do in Japan?

A Well, he was there as a professor of Spanish in a college in Tokyo. At the same time, he was taking charge of some Spanish correspondence of different import and export houses to the Latin American countries.

Q And while he was there, did he become acquainted with the high officials in the Japanese Government?

A Yes, sir. He is one of the few Filipinos that got the best relationship with the highest ranking officers of the government of Japan, and also the military elements.

CAPTAIN REEL: Sir, we will ask that the answers, the last two questions and answers, be stricken as hearsay.

What this general did and whom he knew in Japan are not within the personal knowledge of this witness.

CAPTAIN PACE: If it please the Commission, I can show that this witness saw General Ricarte in Japan, if the Commission desires.

CAPTAIN REEL: I submit it still isn't within the personal knowledge of this witness.

GENERAL REYNOLDS: Objection is not sustained.

Q (By Captain Pace) Did you have occasion to visit General Ricarte in Japan?

A Yes, sir, from 1922 up to 1930, I had the privilege to visit him about five times.

Q You had conversations with him about what he was doing there each time you visited him?

A Of course, we always had some conversation about the Philippine problem, Philippine independence, about the Filipinos.

Q During the time that Ricarte was in Japan, did he continue his labors toward the obtaining of the Philippine independence?

A Yes, sir.

CAPTAIN REEL: Sir -- pardon me. We object to that. Apparently this answer is going to be based on conversations, we can gather from the previous question and answer; inasmuch as it is apparently based on conversations, we object to it.

GENERAL REYNOLDS: Not sustained.

Will the reporter read the last question?

(Question and answer read)

Q (By Captain Pace) Were you also associated in that

movement?

A Yes, sir.

Q What other political affiliations and pursuits were you engaged in during the period of time which we are talking about?

A Well, at that time, sir, I was not affiliated with any definite political parties, but, of course, I used to write lots of articles, and I deliver some lectures and speeches about the Philippine independence campaign.

Q Who did you write for?

A Well, mostly I wrote for the press, sir.

Q Were you also active in writings concerned with Left Wing and labor movement activities?

A Yes, sir.

Q Now, when did General Ricarte next come to the Philippines?

A He came on December 18, 1941.

Q Where did he land?

A He landed in Aparri.

Q In what capacity did he come here?

A According to the papers and documents he had shown me -- I think he had shown me only those papers, because he had no confidence in anybody and he took me to his confidence as his own son. He was commissioned -- I mean, sent here as a special envoy by the Minister of War, who was then the Prime Minister, at the same time, with Premier Tojo. He was sent here as a special envoy to help in the pacification campaign of the Philippine Islands, and at the same time prepare the ground for the Philippine independence; and I

understand also, in those papers that he had an understanding with Premier Tojo that as soon as the Philippine independence was established, he was going to be the head of State.

Q Did he come with his title of General?

A Yes, sir.

Q Who was his immediate superior?

A Well, of course, as I understood, it was the Minister of War.

Q In the Tokyo Government?

A Yes, sir.

Q Under Tojo?

A Yes, sir.

Q Was he responsible or in any way under the Japanese High Command in the Philippines?

A Well, in a way; not directly, but under -- in a certain way he was also under the supervision of the Japanese Imperial Forces High Command in the Philippine Islands.

CAPTAIN REEL: Sir, we ask that the last answer be stricken again, based apparently on hearsay, and this time we don't even know what kind of hearsay.

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

(Question and answer read)

GENERAL REYNOLDS: The objection is sustained and the Commission will inquire of Prosecution the purpose of it?

CAPTAIN PACE: The Prosecution intends to prove, through this witness, certain conversations, certain directions,

that were issued by this Accused to General Ricarte; and in order to place these conversations in their correct light, so that they will appear to be reasonable and probable under the circumstances, it is necessary to show the relationship between Ricarte and Yamashita, whether one was a subordinate of the other, whether they were equals, or what the status between them was, sir.

CAPTAIN REEL: Sir, any such evidence would be completely incompetent. The Prosecution has just stated that the evidence intends -- the so-called evidence he intends to bring in now, is evidence apparently from the mouth of this witness as to what another man told him as to what a third man said. I submit, sir, that is beyond all the realm of competence.

GENERAL REYNOLDS: The Prosecution will continue.

CAPTAIN REEL: Sir, may the record show that a definite objection was made and not sustained?

GENERAL REYNOLDS: The record will always show that.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Pace) Who was Ricarte responsible to?

A He was responsible to the Minister of War in Tokyo.

Q This testimony of yours, you have stated, have you not, is based upon orders and records that you saw in the possession of Ricarte, which purported to be official Japanese documents?

A Yes, sir.

Q Now, what was Ricarte's relation to the people's government in the Philippines?

A Well, he was sort of a liason between the Japanese

highest commander and the Filipino people and the Philippine
Government.

Q The management of civilian affairs in the Philippines?

A Yes, sir.

Q Who was the leading Filipino?

A Well, it was lately the President of the Philippine Republic under the Japanese. That was Laurel.

Q Who was superior? Laurel or Ricarte?

A In accordance with the conception of the Japanese there as I have experienced and witnessed, they put Ricarte above all the living Filipinos in the Island; they took him as No. 1 Filipino.

CAPTAIN REEL: I don't mean to interrupt the answer. I am going to ask that it be stricken. I did not mean to interrupt the witness. I thought the witness was through.

GENERAL REYNOLDS: Proceed.

Q (By Captain Pace) Go ahead.

A In fact, in one of those conversations when I was present General Nagasaki, who was then the Director of the military administration in Luzon, I remember very distinctly that he said in the course of the conversation -- He said to General Ricarte "You are not a human being. You are God, because", he said, "you could not endure so much suffering for over 40 years if you are a human being".

Well, that is the general conception they have, most of the higher-ranking Japanese on General Ricarte.

CAPTAIN REEL: I am going to ask that the answer be read back. We have had it in several parts.

GENERAL REYNOLDS: The last answer and the last question will be read. The last question and the full answer.

(Question and answer read)

CAPTAIN REEL: Sir, that answer started "according to the conception of the Japanese". First of all, in the first part of that answer we have the witness attempting to give not anything he knows of personal knowledge but his conception, his idea and his conclusion about something. Later on in his answer he apparently states, or I think he is intending to state, the grounds of that conception. And that is hearsay: a statement of General Nagasaki, about whom we do not know, to this General Ricarte saying simply "You are a God because you can endure hardship".

I say in all reasonableness that entire answer is incompetent and should be stricken.

CAPTAIN PACE: If it please the Commission, even in a court of law under the strictest rules this testimony could go in because it is the type of testimony that a witness has to give based upon discussions and opinions drawn from his affairs in public life.

GENERAL REYNOLDS: The objection of the Defense Counsel is not sustained.

THE WITNESS: Can I continue, sir?

Q (By Captain Pace) You were active in the public life of the Philippines during the Japanese occupation; is that right?

A Yes, sir.

Q You were very familiar with everything that went on in the political circles here?

A Yes, sir.

Q Also in the military circles; is that right?

A In a way, sir.

Q These answers that you have given are based upon discussions you have had with many people; is that right?

A Yes, sir.

Q Will you describe in detail what Ricarte's duties were in the Philippines during the Japanese occupation?

A In the first place, General Ricarte's role in the Philippine Islands during the Japanese occupation was to help in the pacification all over the country. He has delivered speeches, lectures, and helped all those Filipinos who needed the help, particularly those who have been arrested all over the country by the military police of the Japanese Army, and also many of those civilians who needed some certain documents, credentials, some sort of a safe conduct so that they can move from one place to another in their daily pursuit of their life in order not to be molested by the military elements all over the country. Ricarte furnished them more than one hundred thousand of those credentials all over the country, and if I did not lose all my records now on account of the burning of my house I could produce more than ten thousand of those copies of the cases who have been arrested and taken by the military police of the Japanese Army and were helped by General Ricarte through his signature and my work.

CAPTAIN REEL: Sir, we ask that that answer with all of its various ramifications go out. The original question had to do with the "role" that this particular man was playing. There is no evidence as to how the witness arrived at his conclusions. They are obviously hearsay, obviously incompetent.

CAPTAIN PACE: If it please the Commission, the witness

has already testified that he was Ricarte's private secretary and that, I presume, is where he gets his information.

CAPTAIN REEL: Sir, I do not think counsel for the prosecution may make a presumption for the witness.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Pace) When did you go to work for Ricarte?

A It was -- I went to work with him officially as a private secretary after I was paroled by the military police.

Q Under what circumstances were you paroled?

A You see, sir, in 1942 at the beginning of the first quarter of 1942, I was still in the evacuation in my province, Pampanga. I heard that Ricarte was looking for me and I tried my best to come to Manila, and I reached Manila by the middle of March of the same year.

Well, since then I look for him and I found him in his residence and I used to go to his place once in awhile until June 16th of that year I was arrested by the military police of Fort Santiago on the charge, apparently, according to the case that they brought against me, of espionage and sabotage in favor of the socialist guerrillas in Pampanga. They brought together those things because I was co-founder of the Socialist Party in the Philippines before and I was one of the prominent members of that party, and in 1931, '32 and '33 I used to write in the press condemning the party in power and its conduct and the Manchurian incident, and they brought together all those articles.

Q Were you sentenced to death by the Japanese?

A Yes, sir. I was sentenced to death by the military police on June 19, 1942 and such sentence was confirmed by

the court-martial of Fort Santiago in the same month, 22nd of June.

Q How did you get out of that death sentence?

A When they pronounced the sentence the court-martial chairman was Captain Khoki. He told me after a while -- He said "There is a way out if you want to spare your life."

I asked then, "What is it, sir?"

"Well," he said, "you have to pledge that you have to cooperate to the end with General Ricarte and sign that pledge."

CAPTAIN REEL: Sir, the same objection to that last testimony.

GENERAL REYNOLDS: And what is the nature of the objection?

CAPTAIN REEL: Again we have hearsay two times removed in this case.

GENERAL REYNOLDS: Not sustained.

Q (By Captain Pace) Go ahead.

A And I asked the chairman of the court-martial what kind of cooperation he was asking. I told him that if it was against my conscience the kind of cooperation that was asked of me, I preferred to be executed. And the chairman answered me and said, "The cooperation we are asking of you is that you have to help General Ricarte, you have to stick to him to the end. You know," he said, "that the mission of General Ricarte was to help in the pacification of the Philippines. You have to stay with him to the end. But don't fool us," he said, "because if you sign now that pledge and then you have to evade and go to the mountains,

when we get you we will execute you summarily, and if we don't get you we will get all your families, the members of your family".

They asked me all the members of my family, my children, my sisters, my brothers, my nephews, and my nieces.

Q Had Ricarte interceded for you with the Japanese after you were sentenced?

A On the morning of that June 22nd after I was released I found out that Ricarte has been in Fort Santiago in the morning, because I was released between 3:00 to 4:00 o'clock in the afternoon.

Q And you went to work with Ricarte?

A Yes, sir.

Q Who worked for Ricarte?

A Well, we were two secretaries, sir. One is a Japanese secretary by the name of Lieutenant Colonel Ota. He was in charge of the Japanese affairs of Ricarte and also acting as liaison officer in military matters between Ricarte and the high command in the Philippines.

Q Who appointed Ota?

A According to the papers he showed me, his appointment was approved by the Minister of War. It was then Premier Tojo.

Q He was not appointed by the Japanese High Command in the Philippines?

A No, sir.

Q And he was responsible to Ricarte rather than the high command?

A Yes, sir.

Q Who else worked there?

A Well, I was one of those -- of the secretaries. I was the private secretary taking charge of all the Philippine affairs of General Ricarte and also serving as a liaison to the Philippine government and General Ricarte.

Q And then he had a Japanese Lieutenant Colonel who was his secretary in military matters and liaison between him and the High Command in the Philippines; is that right?

A Yes.

Q And he had another secretary, which was you, who was in charge of civilian affairs and his liaison to the Laurel government?

A Yes, sir.

Q And what did you do in your job?

A Well, I had to write all the communications, mostly to the Commander of the different military garrisons, particularly about those arrested people; and also to write those credentials; some communications also to the Philippine officials of the Philippine government, and I had to help sometime personally those persons to go to the offices of the Philippine government.

Q Did you personally have authority to help people or did you interview them and present the matters that came to your attention to General Ricarte?

A Well, when General Ricarte was here in Manila, he was not in the province, as a rule the procedure followed by my office was to bring always to General Ricarte first the person who is asking his help before I do the papers or draw the documents, and whatever he says, he directs me

or orders me, I have to do it.

Q I see. Were you working in this same capacity when Yamashita came to the Philippines for the second time?

A Yes, sir.

Q When was that?

A I remember it was in October before the landing of the American forces in Leyte.

MAJOR KERR: What year?

THE WITNESS: 1944.

Q (By Captain Pace) In what capacity did he come to the Philippines?

A Well, General Ricarte, at the beginning of --

CAPTAIN REEL: We object to that question. This witness can't possibly know of his personal knowledge.

GENERAL REYNOLDS: Will you restate the question, please? (No response)

Will the reporter read that question?

(Question read)

GENERAL REYNOLDS: And the answer before.

(Answer read)

GENERAL REYNOLDS: The Commission does not clearly understand the nature of the objection.

CAPTAIN REEL: Sir, the question was, In what capacity did General Yamashita come to the Philippines? This witness, not being General Yamashita, cannot answer or, not being somebody who sent General Yamashita, there is nothing in this witness' personal knowledge which would enable him to answer such a question.

GENERAL REYNOLDS: Before receiving an answer to that.

question, the Prosecution will explore to see whether or not the witness is in position to answer the question, and then we will decide the point.

Q (By Captain Pace) General Ricarte was your immediate superior, was he not?

A Yes, sir.

Q And it was one of General Ricarte's duties to maintain liaison contact with the Japanese High Command in the Philippines?

A Yes, sir.

Q Would it have been possible for him to perform his duties unless he knew who was the High Command in the Philippines?

A I think it would not be possible to do that, because --

Q Did he have occasion to --

CAPTAIN REEL: Pardon me. The witness was answering when you interrupted him. The last word was "because".

Q (By Captain Pace) Go ahead.

A -- because he could not possibly know who he was until he knows definitely who is the man in charge in the Philippines.

Q With whom did Ricarte deal on important matters?

A He always deal with the High Command, sir.

Q By the "High Command" you mean the Commander-in-Chief?

A They call it then the highest command of the Imperial Japanese Forces.

Q Did you have very close contact with him many, many times?

A Yes, sir.

Q Did Lt. Col. Ota have occasion to have dealings with the Japanese High Command every day?

A Yes, sir. He was the direct liaison of General Ricarte to the highest commander of the Japanese Imperial Forces in the Philippines.

Q And after having conversations with Ota and after having conversations with Ricarte, are you prepared to say in what capacity Yamashita was in the Philippines?

A Yes, sir.

CAPTAIN REEL: Apparently the answer now to be elicited is based upon conversations having to do with something not even within the personal knowledge of those who made the statements. We object to it, sir.

GENERAL REYNOLDS: The Commission rules that the question may be answered. The objection is not sustained.

Q (By Captain Pace) In what capacity did Yamashita come to the Philippines?

A The conversation I had with General Ricarte the last time of the arrival of General Yamashita here, he was the highest commander of the Imperial Japanese Forces in the Philippine Islands.

Q Do you refer to the time when he came in October, 1944?

A Yes, sir.

Q During the period between October, 1944 and December 31, 1944 did Ota and Ricarte continue to deal with Yamashita as the Commander-in-Chief of the Japanese forces in the Philippines?

A Yes, sir.

Q After Yamashita came here did Ricarte see him?

A Yes, sir. About four or five days after the last arrival of General Yamashita in the Philippines in October, 1944 General Ricarte told me -- He said --

(Remainder of answer physically stricken from the record by order of the Commission.)

GENERAL REYNOLDS: The Commission interrupts and directs that the last statement be deleted from the record.

CAPTAIN PACE: Yes, sir.

Q (By Captain Pace) Refrain from any comments on what Ricarte told you about Yamashita concerning events which happened prior to his coming to the Philippines in October of 1944. Do you understand that?

A Yes, sir.

Q I asked you earlier, did Ricarte see Yamashita after he came here in October?

A Yes, sir.

Q Will you describe the circumstances?

A Well, he told me that he was called --

CAPTAIN REEL: Sir, may we at this point have the last question and answer that is coming and request that, if this answer is to be based on what Ricarte told him, it be stricken, that it not be allowed to be answered. If the Prosecution seeks to elicit information as to what this witness saw and he was present at any such meeting, then we do not object to what he saw when he was present at a meeting. But I think that that should be made clear before the question is put to the witness.

GENERAL REYNOLDS: There have been so many objections

from the Defense under the hearsay rule that the Commission is impelled to inquire whether Defense contends that all hearsay evidence, regardless of its nature, is normally excluded from any court of law.

CAPTAIN REEL: Sir, we do contend that hearsay evidence, properly hearsay, is excluded in any court of law. There are certain exceptions to the hearsay rule, which is merely to say that in those particular cases it is not hearsay. But wherever there is hearsay it is excluded in a court of law and, as we, I believe, pointed out in a motion made the very first day of this hearing on the 29th of October, the rules of evidence that in our opinion are to apply here under the Articles of War and Acts of Congress are the rules of evidence applicable to the Federal District Court.

In addition, however, I want to say this, sir: we have not objected to a good deal of hearsay that has gone in because we felt that in most cases it was immaterial and not prejudicial, but in this particular case we have a peculiarly aggravated form of hearsay. It is double hearsay and we certainly do object to having it enter here.

GENERAL REYNOLDS: The Commission declines to rule on a question and its answer prior to hearing it.

Proceed.

CAPTAIN PACE: I will withdraw that question at this time.

Q (By Captain Pace) Where is Ricarte?

A According to the information, he died already in the mountain province in the month of August this year.

CAPTAIN REEL: Sir, we will ask that that answer be stricken. It is based on "according to the information." We don't even know what the information was.

THE WITNESS: I got --

CAPTAIN REEL: If Ricarte were dead, that can be shown in the proper way, but not through information that this witness says he had.

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Pace) Did Ricarte have occasion to see Yamashita after Yamashita came to the Philippines in October, 1944?

A Yes, sir.

Q When was that?

A It was five -- four or five days after the arrival of General Yamashita in October, 1944.

Q And how did he come to go to see General Yamashita?

A Well, you see, sir, every afternoon -- I have to describe first the way how General Ricarte confided to me many things that were very important. Every day I have to go to the house of General Ricarte in the afternoon to report my work of the day, and in the morning coming to my office downtown I have to pass also to his house to receive orders, and at night.

Q Excuse me. Where was your office?

A It was downtown.

CAPTAIN REEL: Just a moment. If that is the end of that answer, sir, we ask that the answer be stricken.

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

(Question and answer read.)

CAPTAIN REEL: Apparently the witness did not finish, and what he gave was not responsive. I will withdraw my objection. I merely ask that the answer given be stricken as not responsive.

What I was driving at, sir, I think is quite apparent. The witness is going to base whatever he says on confidences and conversations, as he calls them, with General Ricarte. We submit, sir, that those are inadmissible.

CAPTAIN PACE: If it please the Commission, we are still trying to show the relationship between this witness and Ricarte, because it will later prove important in conversations between this witness and Ricarte, and the likelihood and the credibility of the idea that these conversations took place, and their contents, are dependent upon the personal relationship between this witness and Ricarte.

GENERAL REYNOLDS: The Commission understands that counsel has lodged an objection against the admissibility of the answer given to the last question. The objection is not sustained.

Q (By Captain Pace) Before you continue, where was your office?

A It was in down town, sir, on Carriedo.

Q And where was Colonel Ota's house?

A It was in the Samanillo Building.

Q And where did General Ricarte conduct his affairs?

A He had his house in Pasay.

Q Was it necessary for you and Ota to make frequent trips to Ricarte's house?

A Yes, sir. Every day we have to go there.

Q The question was whether or not Yamashita saw Ricarte in October, 1944.

CAPTAIN REEL: Sir, so that this matter may be straightened out and we shall not have to be getting mixed up on objections here, the question just asked was a definite question as to whether General Ricarte saw General Yamashita. Now, there is no basis in that question as to what is the basis of the witness' information. If the witness was present at any such meeting, we have no objection to his testifying. Apparently, gathered by the statements and answers that he has made thus far, he is going to testify entirely on the basis of conversations of General Ricarte. To prevent a continued objection which will only take up time, I shall now ask that the record show that the Defense has a standing objection to all evidence based on any conversation that this witness had with General Ricarte, and particularly on any conversation that this witness had with General Ricarte as to what a third party might have said.

GENERAL REYNOLDS: The Commission will recognize a standing objection by the Defense to all forms of hearsay evidence, but the Commission declines to rule in advance upon the admissibility or non-admissibility of any

anticipated question.

Proceed. There is one other thing. The Commission feels that this evidence is properly admissible, but in any case, whether covered by the blanket statement as made, if the Defense feels that a statement is not properly admissible the Commission not only invites, but directs the objection be stated.

Q (By Captain Pace) Four or five days after Yamashita arrived in the Philippines in October of 1944 did Ricarte see him?

A Yes, sir.

Q Will you state under what circumstances Ricarte went to see Yamashita?

A He was called.

Q How.

A By Yamashita, through the Japanese secretary, Mr. Ota.

Q How was he called through Ota?

A By personal message, sir. In fact, on the eve of that night of his going to Yamashita General Ricarte told me he was going to see Yamashita, and I asked him what was the point. He told me, "I have to talk first," he said, "to General Yamashita about the" -- . What I have heard him said, he has a general order in the Philippines --

Q This was the night before Yamashita went --
CAPTAIN REEL: Sir?

A That's the night.

CAPTAIN REEL: Just a moment.

I understand, sir, from your previous statement, that the time to raise the objection would be now, after the answer to the question is in. We do object and ask that it be stricken from the record.

GENERAL REYNOLDS: The point is considered important.

Place the microphone where it can be effective, and the reporter will read slowly and clearly the last question and the answer thereto.

(Question and answer read.)

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Pace) This conversation with Ricarte took place on the evening before Ricarte went to see Yamashita?

A Yes, sir.

Q Where did it take place?

A In the house of General Ricarte at Pasay.

Q Where were you the following morning?

A Well, I was at his house in the following morning, because he --

Q Never mind "because." You were at his house?

A Yes, sir.

Q Were you in Ricarte's house when he left?

A Yes, sir.

Q What time did he leave that morning?

A Before ten o'clock, sir, in the morning.

Q Were you in his house when he returned?

A Yes, sir. I waited for him, because I wanted to know the news about his interview with General Yamashita.

Q And at what time did General Ricarte return?

A It was in the afternoon, sir.

Q Will you describe and relate exactly what Ricarte said when he returned to his house?

CAPTAIN REEL: Objection to that question.

GENERAL REYNOLDS: Not sustained.

A Yes, sir. General Ricarte, as soon as he arrived from the conference with General Yamashita, he said, "Lapus, this is terrible!" I told him, "Why, General?"

He said, "There is a general order issued by General Yamashita all over the commanders of the military posts in the Philippine Islands to wipe out the whole Philippines, if possible."

I asked him, "Why, General?"

"Because General Yamashita," he said, "was very sore. He said to me," he said, "before the first stage of the war we, the Japanese," he said, "-- we did not take the Filipinos as enemies, because we considered their political status as only an instrument to the American people. That is why they fought us. But now," he said to General Ricarte, "we take the Filipinos 100 percent as our enemies, because all of them, directly or indirectly, they are guerrillas, or helping the guerrillas," according to revelation from General Ricarte to me. That is why he said, "In a war with the enemies we don't need to give quarters. The enemies should go."

Q Did Ricarte say anything --

CAPTAIN REEL: Pardon me. I ask that the answer be stricken as hearsay -- double hearsay.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Pace) Did Ricarte say anything else that Yamashita told him at this meeting?

A Well, he said, sir, this: The revelation of Ricarte told me that Yamashita was going to move all the troops of the Japanese forces in the mountains of Montalban, San Mateo, Bosoboso, and going to the mountains in Antipolo and put there the heavy guns, and also they will put there the airplanes they have. They said that they have plenty of airplanes. And then they will let the Americans come into Manila, and as soon as the Americans come in they will make a movement of considerable force, and there will be blanket bombing, and if they wipe the Americans that will enter Manila, there will come to Manila the Japanese forces, and there will not be a single Filipino living in the City of Manila.

CAPTAIN REEL: I ask that that be stricken, sir, for the same reason.

GENERAL REYNOLDS: Not sustained.

Q (By Captain Pace) Was there a holding force to be left in Manila?

A Yes, sir. He also revealed -- . General Ricarte said that Yamashita told him that they were going to leave only here enough forces to be the key forces near to the American forces, and he had instruction also to destroy Manila, particularly the most populated and commercial district of the City.

CAPTAIN REEL: We ask that that be stricken for the same reason.

GENERAL REYNOLDS: Not sustained.

Q (By Captain Pace) Did Ricarte tell you anything else?

CAPTAIN REEL: Objection to the question; the same reason.

GENERAL REYNOLDS: The Prosecutor will frame the question so that a specific answer with respect to it may be had.

Q (By Captain Pace) You mentioned a general order that Yamashita told Ricarte he had issued, is that right?

A Yes, sir.

Q Will you tell what Ricarte told you Yamashita said that general order contained?

CAPTAIN REEL: The same objection, sir.

GENERAL REYNOLDS: The objection is not sustained.

A Well, Ricarte revealed to me, sir, that the order of Yamashita was this, to all the commanders of the military posts all over the Philippines: that whenever the Americans succeeded in landing at certain points, and the population gives signs of pro-American movement or actions, the whole population of that part or place or town or barrio should be wiped out.

Q Did Ricarte tell you --

CAPTAIN REEL: I ask that that be stricken.

GENERAL REYNOLDS: Not sustained.

Q (By Captain Pace) Did Ricarte tell you anything else that took place at this meeting between Yamashita and himself?

CAPTAIN REEL: The same objection, sir.

GENERAL REYNOLDS: The Prosecutor will phrase his question so more definite answers will be elicited.

Q (By Captain Pace) Did this order apply to all the forces in the Philippines?

CAPTAIN REEL: The same objection, sir; hearsay.

GENERAL REYNOLDS: Not sustained.

A Yes, sir.

Q (By Captain Pace) You have spoken of an order, and you have also spoken of a plan. Were those two separate things?

A Well, the plans correlated with the order, of course. There was a definite relation to the strategy that have to do with relation to that order.

Q The destruction of property and the defense of Manila, was that part of the order or part of the plan?

CAPTAIN REEL: The same objection. The witness is being asked, may I point out, not only hearsay, but this time it is hearsay four degrees removed: an order; Yamashita; Ricarte; and the witness.

GENERAL REYNOLDS: Will the reporter read back the question?

(Question read.)

GENERAL REYNOLDS: The objection is not sustained.

CAPTAIN PACE: Will you answer the question, please?

A It was part of the order, because it correlates with the order. This order was also corroborated. This order of destruction of particularly Manila was corroborated later. Ota, in one of our conversations, when I was pleading to him, I said, "This is inhuman." I told him --

Q You are speaking of a later conversation now, are you not?

A Yes, sir.

CAPTAIN REEL: Sir, whatever conversation it was, if that is the end of the question, we ask that it be stricken.

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Pace) What was Ricarte's appearance when he returned home that day?

A He was in tears, sir. He told me, "Lapus, I am very, very sorry." He said, "I fail because Yamashita was very determined not to change his order of massacre."

CAPTAIN REEL: I will ask that everything in that answer after the word "tears," be stricken.

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

(Question and answer read.)

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Pace) After this visit in October was there a second visit by Ricarte to Yamashita?

A Yes, sir.

Q When was that?

A It was ten days after the first visit, sir.

CAPTAIN REEL: Sir, if that answer is based on the same hearsay, which it apparently is, there is no evidence that the witness was there, and we ask that it be stricken.

GENERAL REYNOLDS: Not sustained.

Q (By Captain Pace) Will you tell how Ricarte happened to go to see Yamashita ten days after the first visit?

A Yes, sir.

CAPTAIN REEL: The same objection.

GENERAL REYNOLDS: The objection is not sustained.

A (Continuing) Yes, sir. He went to Yamashita also. One of the purposes is this trying to stop that order of massacre in all the Philippine Islands, and secondly, because they were talking about the plan of Yamashita to move the general headquarters to Baguio and to bring Ricarte, or to convince Ricarte to be in Japan.

CAPTAIN PACE: All right.

CAPTAIN REEL: Sir, even if the question is not objectionable, the answer is, and we ask that it be stricken.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Pace) Did Ricarte go to see Yamashita?

A Yes, sir.

Q Were you at his house when he left?

A Yes.

Q Were you at his house when he returned?

A Yes, sir.

Q What time did he leave?

A He leave before ten o'clock.

Q What time did he get back?

A He got back after twelve o'clock, sir.

Q Where was he seeing Yamashita these first two times?

A The first two times Ricarte told me that he saw Yamashita in the house of President Quezon in Pasay.

Q What was Yamashita using the house of President Quezon for?

CAPTAIN REEL: Objection for the same reason.

GENERAL REYNOLDS: Not sustained.

A According to the revelation Ricarte told me, it was one of the residences used by Yamashita.

CAPTAIN PACE: All right.

CAPTAIN REEL: I move that that answer be stricken upon the ground that it is hearsay. In addition to the objection to the question, the answer is clearly based on hearsay. The question might have been based on some knowledge that this witness has. The answer clearly is not.

GENERAL REYNOLDS: Objection is not sustained.

Q (By Captain Pace) What did Ricarte say when he got back from this second visit to Yamashita?

CAPTAIN REEL: Objection.

A Well, --

CAPTAIN PACE: Wait a minute.

A (Continuing) -- he told me --

CAPTAIN REEL: The same objection.

GENERAL REYNOLDS: Again the Commission cannot rule in advance of hearing the answer.

CAPTAIN REEL: At this time, sir, I am objecting to the question as calling for hearsay. That has been the basis of the objections to the questions.

CAPTAIN PACE: If it please the Commission, --

CAPTAIN REEL: I was about to say, sir, that is the basis of the objection to the question, as distinct from

the motion to strike the answer.

CAPTAIN PACE: If it please the Commission, this is not a trial before a jury, where anything which might be prejudicial has to be kept from the triers of fact. This is a military commission which is entitled to listen to things without constant interruption and, after hearing them, deciding whether to give them weight or not. I submit that this witness is entitled to tell his story without interruption.

CAPTAIN REEL: Sir, we --

GENERAL REYNOLDS: The Commission will now speak.

This is a most unusual witness, who is alleged to have been present behind the lines of our enemies at a time when we could not possibly obtain the evidence in the ordinary sense. I will ask the senior Defense counsel if he feels that the objection to this evidence on the grounds of hearsay rule is a sound objection.

COLONEL CLARKE: I do, sir. We have not ourselves admitted that hearsay is admissible in this particular military commission. As a basis of one of our motions our contention is that in this particular Commission, they are bound by the rules of the courts back in the United States, the District Courts. There has been nothing said by the President of the United States which would change those rules, and therefore that is the basis for our argument before, and it is the basis upon which we make these objections.

GENERAL REYNOLDS: Does the senior counsel contend that under no circumstances hearsay evidence may be

accepted in a court?

COLONEL CLARKE: Under no circumstances, sir, except in those cases where exceptions are made to the hearsay rule.

GENERAL REYNOLDS: The current objection is not sustained.

Q (By Captain Pace) What did Ricarte tell you when he returned from his second visit to Yamashita?

A Well, I asked him, sir, what was the situation of the order; if he talked it over with Yamashita. He told me, "I talked it over again, but Yamashita told me he could do nothing; that the order was given and he was sorry." He said, "War is war, and the enemy should not be given quarters."

CAPTAIN REEL: Sir, I ask that that be stricken.

GENERAL REYNOLDS: In order that we not interrupt and delay the trial, as is being done, the Commission reverses itself and states that unless there is an objection on a new point, the Commission will assume that there is an objection in all cases.

Q (By Captain Pace) Was there a third visit between Ricarte and Yamashita?

A Yes, sir. It was about the middle of November, sir, 1944.

Q Did you see Ricarte when he returned from that visit?

A Yes, sir.

Q What did he say?

A He said, when I asked him what was the important

matters about his visit -- he said that they talked it over, in the first place, the trip that they are going to do, Ricarte and his Japanese secretary, to Baguio, and then they talk over also the matter about the -- they talk about the transfer of the Philippine Cabinet under Laurel.

Q Where to?

A I beg your pardon, sir?

Q Where to?

A To Baguio.

Q Yes.

A And I asked General Ricarte if he talk over again to General Yamashita his order, because it involves the lives of my countrymen. I could not help it.

Q Yes.

A And I told Ricarte -- I said, "General, you have to do the best you could, because it involves the life of our countrymen." And he told me, "I did everything." He said, "I appealed to the heart of this man, but he has no heart," he said. "He would not listen," he said. He said, "The order was given and he could not change it."

Q Was there a fourth meeting between Yamashita and Ricarte?

A The fourth meeting was routine about the trip, and about bidding goodbye to Yamashita regarding the work he left.

Q When was that meeting?

A Well, I think that was about the half of December, 1944.

Q You mean after the 15th of December?

A Yes. Something like that, sir.

Q Did you talk to Ricarte about that meeting when he returned?

A Yes, sir. He told me that he was going to Baguio on the 31st of December.

Q Who was going?

A Ricarte and Ota. And he told me also that Yamashita and his staff will go to Baguio and Laurel will follow after a few days.

Q When was Yamashita going?

A He told me that he was going very soon after that conversation. I do not know exactly. I do not remember exactly the date, sir.

Q Soon after the 15th?

A Yes, sir.

Q When was Laurel going?

A Laurel, if I am not mistaken, sir, went there on the 25th or 26th of December.

Q When was Ricarte going?

A He left Manila there on the 31st of December, 1944.

Q Is what you have just testified to what Ricarte told you Yamashita said?

A I beg your pardon?

Q You have just testified to certain matters. Is that what Ricarte told you Yamashita said at the fourth meeting?

A Yes, sir. I believe Ricarte, all what he was, because I never experienced any lie from that man for the long years that we have been related, sir.

Q Did Yamashita leave Manila?

A He left on the 3rd.

Q Who assumed command of the military area?

A Ota told me that if I wanted to go, he delegated it to the chief of staff and the assistant chief of staff of Yamashita.

Q Who was that?

A General Muto, and then Colonel Usumochiya.

Q Were they to maintain Japanese Army headquarters in Manila?

A Yes, sir. They had the headquarters, of course, in Manila.

Q And after Yamashita left did Ota continue to carry on his military business with the high command with the headquarters which had been left behind in Manila?

A Yes, sir.

Q Where were you when the Americans came?

A I was in one of the barrios of Pasig Rizal.

Q When did the Americans get there?

A They got there, if I am not mistaken, about the 14th of February.

Q Ricarte had left you behind, is that right?

A Yes, sir.

Q You closed your office?

A Yes, sir, I closed my office when he left.

Q When was that?

A Well, it was in December 31st.

Q Were you interned?

A I was interned on the 21st of February, 1945, sir.

Q After you had these conversations with Ricarte about the plans of the Japanese high command did you give your friends any warning?

A I beg your pardon?

Q Did you warn your friends as to the plans of the Japanese?

A Yes, sir. I told Ota after our conversation with Ota, after I could not persuade Ota to intervene with the high command in the name of humanity, I was convinced that there was no hope. And I risked even my life. I know if they caught me that I was spreading that news, they would cut my neck. I went to my friends, and I told them secretly that this order is going to be carried out, and that they should get out of Manila, because it is a sure death, I told them.

CAPTAIN PACE: You may cross examine.

GENERAL REYNOLDS: Before the Defense starts to cross examine you may have the option of cross examining now, or upon the resumption of the Commission's hearings on Monday morning, as you prefer.

CAPTAIN REEL: Sir, inasmuch as it is growing late, our cross examination may take a considerable length of time and we would request Monday morning to start.

GENERAL REYNOLDS: The Commission will stand in recess until 8:30 in the morning, Monday next.

(Whereupon, at 1645 hours, 3 November 1945, the trial
was adjourned until 0830 hours, 5 November 1945.)