

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

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
----- )

PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P. I.  
12 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer  
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
✓ Gemeniano M. Brual	1763	1770		
✓ Dr. Francisco Manigbas	1775	1778	1780	
✓ Godofredo Brual	1782	1786		
✓ Gemeniano M. Brual (rec.)	1792			
✓ Gliceria Meer Malvecino	1799			
✓ Soledad V. Lacson	1813			
✓ Leoncio Tolentino	1821			
✓ Felicidad Austria	1828			
✓ Ricardo A. Castillo	1837	1849	1850	
Lindsay Z. Fletcher	1859	1864		
Aurelio Almasan	1868			
Matilde Chu	1874			
Ang Kim Ling	1880			
Agapito Villaflor	1886			
Fernando Silva	1888			
Aurora Valencia	1891			
Daniel Lewis Albert	1912	1924		

EXHIBITS

<u>PROSECUTION'S EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
279	1783	1785
280	1793	1798
281	1798	1798
282	1839	1842
283	1852	1853
284	1853	1854
285	1854	1857
286	1857	1858
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289	1890	1891
290	1895	1896
291	1896	1897
292	1897	1897
293	1897	1898
294	1899	1906
295	1899	1907
296	1900	1907
297	1907	1907
298	1907	1908
299	1908	1908
300	1908	1910
301	1910	1910
302	1910	1911
303	1911	1911
304	1911	1912

P R O C E E D I N G S

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

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

If it please the Commission, at this time I should like to swear two additional Tagalog interpreters.

GENERAL REYNOLDS: Very well.

(Whereupon Nanciso E. Albano and Angelo R. Celis, Tagalog Interpreters, were duly sworn.)

CAPTAIN PACE: If it please the Commission, the Prosecution is now prepared to continue with the presentation of evidence on Bill of Particulars Paragraph No. 1 and to present the evidence on the case in Bill of Particulars Paragraph 42.

Mr. Brual.

GEMENIANO M. BRUAL

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 Gemeniano M. Brual; Bauan, Batangas.  
Q Where do you live?  
A I live, sir, in Bauan, Batangas.  
Q How old are you?  
A I am 21 years old, sir.  
Q Did you live in Bauan, Batangas on February 28, 1945?  
A Yes, sir.

Q What happened on that date?

A It was on February 28, 1945 at about 8:00 o'clock in the morning. After my breakfast I went downstairs and seeing and hearing the town crier telling all the people that women, men, children, young and old, should go down to the church to have a meeting, I at once rushed to the house and tell my mother. She tells my brother-in-law to go out of the town and evacuate the village for fear that there might be, or something might happen inside the church. So I decide, together with my three brothers, to stay in the house to watch our belongings.

As I was seating by the porch of my house I saw the Mayor -- the puppet mayor -- and he saw us sitting and told us "You go down there to the church".

I said "Mayor, what shall we do in the church?"

He told us "No, there will be no meeting. We are going to greet, I suppose, coming Japanese Colonel" or something like that.

So the brothers and I went down to the church and there gathered all the women, children, young and old, right inside the church.

Q Where were the men?

A What, sir.

Q Where were the men?

A The men? We, together with the men, women, children, young and old, arrived concentrated in the church.

Q Everybody was in the church?

A Everybody was in the church, sir.

Q All right. What happened then?

A Afterwards the Japanese get all the women and children, and I don't know where they placed them, but all the men were inside the church, concentrated right inside that place.

Q You mean the men and boys were still in the church?

A Yes, sir.

Q All right. Go on.

A And soon the Japanese told us to seat eight persons in a pew. That is, a pew is a chair that we use in the church. And we were told to seat eight there.

Q How many pews were there?

A There were around, I guess, 41; close to all in all we were 328.

Q 328 men and boys seated in the church?

A Yes, sir. But afterwards for about five minutes there came again another bunch of men, and I have the calculation that it is around or swelling the number to around 400.

Q 400 altogether, you mean?

A That might be. That is my calculation, because others came after the counting. After that the Japanese told us to line in single file and at the same time those international robbers resort to robbery right inside the church, right inside the house of God.

Q Wait a minute. Describe what they did.

A After that I have a --

Q Wait a minute. You say they committed robbery.

What do you mean? They searched the people?

A They searched the people and right from my own

self four thousand Japanese money of "Mickey Mouse money", as we call, were taken from me. Besides two pesos, 70 centavos Philippine currency. And those international robbers, as I say, getting those new clothes, hats, and what it is, that from the innocent people right inside the church. And they were all my friends.

Q What happened after they searched you?

A After they search us, we were very hungry and we couldn't get away out of the church because we were guarded by Japanese sentries armed with automatic rifles, with fixed bayonets, but that's all. And afterwards we were told to go out of the church, each bunch -- each bunch of men containing a hundred each.

Q Which group were you in?

A And I was the first hundred.

Q Where did you go?

A And I have in mind that we will be taken soon, and consequently I found out that we were taken down to the house about one hundred yards from the church right to the house of Mr. Senerino Bautista, a businessman and one of the richest families in town, and we were taken right beneath the house, below the house.

Q Underneath the floor of the house?

A Yes, sir; underneath the floor of the house.

Q How high off the ground was the house?

A It was around -- my height is around 5'2" and maybe it is twice, ten feet or something like that.

Q And the hundred persons in your group were put in underneath Bautista's house; is that right?

A Yes, sir.

Q And what happened after you went in there?

A It was very dark and I could see outside of the house and around the roads were Japanese sentries, all with fixed bayonets. As I was inside beneath the house, beneath the floor of the house, there soon followed another hundred men and soon we were crowded, and I have in mind that all the men in the church were now altogether right in the house of Mr. Senerino Bautista.

Q You estimated that there were four hundred men in the church; is that right?

A Yes, sir; swelling the number to four hundred.

Q And that all of those men were put under Bautista's house?

A Yes, sir.

Q All right. What happened after all the men got under there?

A As soon as the Japanese sentry locked the door, it was crowded. We were boxed like sardines, and it was about 1:00 o'clock daytime, 1:00 o'clock. It is more than lunch time and we were very hungry. When we were below the house I could hear the moving steps of the Japanese right above the house, and for about a few seconds I hear a command by the name of the Japanese Captain and soon came the running of Japanese boots inside the house. After that there was a sizzling sound.

Q What kind of a sizzling sound?

A It was a fuse, because I could hear and see it right beneath the -- beneath the floor of the house. And soon

there came -- there followed an explosion. Therefore I was unconscious when there was an explosion.

Q After you regained consciousness what did you see?

A When I regained my consciousness I found out that I was covered by human flesh, debris and full of wounds. I got my wounds on my ear and my head and my right breast and my ass, and the wound is through and through right on my right leg. I don't know what hit it. And after that I found myself full of blood and half naked, and I could see right from the place where I stayed -- that's why I don't run away, because there were Japanese still throwing hand grenades to us and soon came the splash of human flesh. After that there was shooting. Those who are able to escape right from the place where we were blasted, the Japanese were shooting those survivors. Then came Japanese entering the house, bayoneting the spreading ones. So what escape is there? I pretended, myself, I am dead and when the Japanese had gone away I stand up, but, oh, I found out a Japanese carrying a can of kerosene.

Q What did he do with the can of kerosene?

A Then after that I run away and I went down to the adjacent house and I find out that the Japanese carrying the can of kerosene were pouring it right to the human bodies. But there were still some live ones, only they don't have any strength to get away. But soon the Japanese pour the kerosene gas right to the human bodies, and afterwards there came a smoke and so it was on fire. And I could hear those crying for their mothers, for their beloved children and wives.

Q Did the house burn down then?

A No. The house where we were concentrated, it was ruined because of the blasting and after that they burn it.

Q Did everything that was left burn?

A Yes, sir.

Q Including the people underneath it?

A Yes, sir.

Q Were people killed outside the house?

A Yes. When I run away I could see people who were killed outside of the house. Maybe they were shot or bayoneted. And time come when I happen to evacuate in one of the air-raid shelters just to be welcomed only by my friends who are dead.

Q Were there more dead in the air-raid shelter?

A Yes, sir.

Q You don't know what happened to them, though?

A I don't know, but they were full of blood.

Q Let us go back to the church. Included in the 400 men that went there, were there anybody except civilians?

A There were civilians and four priests. One priest survived.

Q Three priests were killed and one lived?

A Yes, sir.

Q Out of the 400 people how many died and how many lived?

A As to my calculation we were around from 50 to 60 who survived and 350 died.

Q How many Japanese were present at this incident?

A I guess those Japanese sentries guarding the house of Senerino Bautista and the church was around 25 to 30, but besides the Japanese guarding the whole town, I don't know how many number of Japanese are they.

Q I mean right there; right there at the church and the house. You say there were about 30 or 35; is that right?

A Yes, sir.

Q And were there any officers in charge of them?

A Yes, sir. By the name of Captain Hagino or Captain Haguno.

CAPTAIN PACE: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Sandberg) Did these 400 people in the church constitute the entire male population of the town?

A Yes, sir. And some of them were -- I think about 35 are not from the town. They are just evacuees or happened to be right there.

Q But you would say that every man, boy and child was in the church?

A Yes, sir; every man, sir.

Q Boys?

A There is only one boy.

Q Only one boy?

A Only one small boy. The rest were their fathers.

Q I see. The rest were adult men?

A Yes, sir.

Q And under the house it is also true that the entire male population, that is, of adults, was under the house?

A All the men were under the house, sir.

Q Let me rephrase that. Was every adult male under the house?

A Yes, sir. All the males were under the house -- beneath the house.

Q Was Mr. Bautista under the house with you?

A Mr. Bautista?

Q Yes.

A No. He evacuated, sir, down in Mindoro.

Q Was this downstairs place enclosed?

A This --

Q This place under the house, was it an open place or was it closed up?

A It was closed up, sir.

Q Were there any doors?

A There was doors, sir.

Q How many doors were there?

A Two doors, sir; the front door, that is, the two doors only.

Q Just two doors in front?

A Yes, sir.

Q When you people were put in there was the door locked?

A Yes, sir. We were all locked and the windows are closed.

Q And after the explosion when you regained consciousness was the door still locked?

A No. There was a small gap, but the door was already ruined and there was a small gap where I intend to pass

through it.

Q And did you make your escape through the door?

A No, sir.

Q How did you make your escape?

A There was a small gap right -- that is, right the opposite of the front door. There was a small gap down there because the front door, that is, the road, and I might be seen by the Japanese. So I intend to pass through the back of the house.

Q How many Japanese came in after the explosion?

A There was about two Japanese who were bayoneting, bayoneting the bleeding ones.

Q And you saw them bayoneted before you left?

A Yes, sir. I saw the bayoneting.

Q And did the Japanese see you before you made your escape?

A I don't know, sir. He didn't see me or as if he see me, he should have bayoneted me.

Q Was that because it was dark?

A No. Because I was buried right and above me where I lay down flat there was a piece of board and at the same time flesh of human bodies, and I would say that I was right in an air-raid shelter made of human bodies. That is why when the bayoneting comes in and the throwing of grenades I was not able to be hurt.

Q Were the Japanese still there when you made your escape?

A No, sir.

Q They had already left?

A They had already left, but there is one who is coming to the place where there were dead people. So I intend to run away. He had no weapon because he was carrying a can of kerosene.

Q At the church were there any Filipinos who were helping the Japanese?

A There were Filipinos there -- what?

Q Who were helping the Japanese.

A I guess none, sir.

Q Well, wasn't the mayor helping the Japanese?

A Yes. There was the mayor, the puppet mayor.

Q And he was working with the Japanese in lining these people up in the church?

A Yes, sir.

Q Were there any other Filipinos?

A There was only the mayor together with this civilian M. P. of the mayor. But they were also killed right in that place.

Q The puppet mayor himself was killed?

A The puppet mayor was taken to another place, I don't know, and after the massacre I learn from the people that the mayor was killed in a special condition. He was tied up or something and I don't know what happened to him. But he was not killed right in the same place where the people were massacred.

Q Was the mayor or his policeman a member of the Makapili?

A I don't believe so. They are not, sir. We didn't have any Makapilis right in our town. And this M. P. -- they were caught, I think.

Q Did you have any guerrillas in the town?

A We didn't have, sir.

CAPTAIN SANDBERG: That's all.

CAPTAIN PACE: Thank you very much.

(Witness excused)

CAPTAIN PACE: The next witness, if the Court please, will be Doctor Francisco Manigbas.

DOCTOR FRANCISCO MANIGBAS

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

DIRECT EXAMINATION

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

A Francisco Manigbas.

Q Where do you live, Doctor Manigbas?

A Bauan, Batangas.

Q What is your profession?

A I am a physician.

Q Doctor, did you live in Bauan, Batangas on the 28th of February, 1945?

A Yes, sir, I lived in Bauan on February 28, 1945.

Q On that day were you taken to the church with the rest of the people in the town?

A I beg your pardon?

Q Were you taken to the church on that day with the rest of the people in the town?

A Yes, sir, I was.

Q And will you describe what happened at the church?

A On February 28, 1945, while we were taking our breakfast --

Q (Interrupting) Wait a minute. Start at the church and tell what happened.

A We went to church around 9:30 in the morning. When we were in the church a Japanese sentry told us that the women and children were excused; they could go home. Then

we were told to stand up and we were searched for weapons and money, Mickey Mouse money, and other things.

The Japanese sentries took the watches of the people and their money, also. Then we were told to go eight persons in each pew. Then afterwards a Japanese, I don't know whether he is an officer, asked our Mayor how many pews were there and the Mayor, our then Mayor, told us or told him that there were 41 pews. Then they counted all in all and they said they had in the church around 328 men.

Around, I think, around 1 o'clock we are told that we are going home. The first sentry told us -- the first hundred was told to go out and the second hundred was told to follow, in which I was one of them.

On my surprise we were going this way, which is not the way to my home, and I was surprised. We walked direct to the house of Mr. Bautista. We found right there at the door a Japanese sentry. We were already there when the last hundred came and later on we heard the Japanese on the steps upstairs. They were walking to and fro and later on a Japanese shouted very loudly and then --

Q (Interrupting) Excuse me, Doctor. Were all the people in the church under the house at this time?

A Yes.

Q You were in the second group?

A I was, yes.

Q And another group came after that, did they?

A Yes, that is right.

Q Then a Japanese upstairs shouted very loudly, is that right?

A Yes, he shouted very loudly. Then there was an explosion; I heard an explosion followed by another explosion;

Q Two explosions?

A Yes. After the second explosion I found myself lying on my back and then I managed to get up and get out of the building. I went out of the building without meeting any Japanese sentries, and that is the reason why I was lucky to be saved.

Q Now, when you went out of the building did you see the condition of things inside of it before you left?

A I just found out that the flooring had fallen already down and a fire was starting already.

Q What happened to the people in the building? Did you see the people that were in there?

A Somebody was lying down already; I don't know if they were dead or alive.

Q Were many people laying down on the floor?

A Yes, sir.

Q Did you go back to that house on the 20th of March?

A The 28th of March?

Q Well, did you go back later on?

A No, sir. I went about three kilometers from that place later on.

Q Several days later did you go back?

A Yes, sir.

Q When was that?

A It was on March -- I think it was on March 28th, sir, when I was appointed by an American Colonel to bury the dead persons.

Q How many dead persons did you find when you went back on the 20th of March?

A I think around 250 were buried.

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

A I can give the names, yes, sir.

Q Give the names of some of them.

A There were three Filipino priests, I know: Monsignor Cirilo Castillo, Padre Estanislao Gran, and Padre Segundo Isipin.

Some of the civilians were: Gregorio Contreras, Mr. Castillo, Anselmo Cordero, Sotero Marquez, Pablo Panopio, Severino Brual --

Q (Interrupting) That is enough, Doctor.

You may cross-examine.

#### CROSS\_EXAMINATION

Q (By Captain Reel) Now, Doctor, in this church that you were in, as I understand it, the women and children were sent out, is that right?

A Yes, sir.

Q And did the men just stay where they had been right at their pews?

A Yes, sir.

Q Didn't move around in the church, did they?

A They could go out with the permission of the sentry if they were going.

Q They didn't move around in the church, did they?

A No, sir, they stayed in their pews.

Q I think you said each pew holds eight people, is that

right?

A Yes, sir.

Q That is all that can sit in a pew, is it?

A I beg your pardon?

Q All that can sit in one pew is eight people?

A Yes, sir.

Q And no more than that?

A No more than that.

Q At least half of the people in the church during the service were women and children, weren't they?

A Yes, sir.

Q Weren't more than half the people in the church women and children?

A I think so, yes.

Q And when the women and children went out that left less than eight persons to a pew, did it not?

A Before we were to sit eight in a pew the women and children were sent out already.

Q After they were gone there were less than eight persons in a pew, is that right?

A Yes.

Q And there were 41 pews, is that right?

A Yes, sir.

Q Now, how many groups went to this house? How many groups of 100 went to this house?

A Three groups, sir.

Q You are absolutely sure there were three groups of 100?

A Yes, sir.

Q One thing more, Doctor: Were you helping the guerrillas?

A Pardon, sir?

Q Were you helping the guerrillas?

A The guerrillas?

Q Yes.

A In our town?

Q Anyplace.

A In our town there is no guerrillas.

Q Just answer the question. Did you help the guerrillas?

A No, sir, I did not help the guerrillas.

Q Why did the Mayor pick you out to go to Bautista's house?

A I do not understand you.

Q Do you know why the puppet Mayor picked you out to go to Bautista's house with the others?

A It was from the order by the high Japanese command.

Q Did you ever talk to the puppet Mayor?

A He told us that high-ranking officers or a high-ranking officer would be coming so we must go to church for a meeting.

Q That is all he said?

A Yes, sir.

Q Was he later killed by the guerrillas? Was the puppet Mayor later killed by the guerrillas?

A No, sir.

CAPTAIN REEL: That is all.

REDIRECT EXAMINATION

Q (By Captain Pace) You just testified on cross-examination that after the women and children left there

were not eight people in each pew, is that right?

A Yes.

Q You mean that each pew wasn't full then?

A Before?

Q At the time you were taken from the church, how many men were in each pew?

A Eight men, sir.

Q Each of the 41 pews, did they have eight men in them?

A In the back part of the church there were no more, there were no more pews there and there were probably more than eight men back there, but in our group there they were counted by eight; eight in each pew.

Q How many people do you say were there?

A There are around 328 altogether.

Q Now, you referred to the "Japs", do you mean the Japanese soldiers?

A Yes, sir.

CAPTAIN PACE: We have no further questions.

CAPTAIN REEL: No further questions.

CAPTAIN PACE: Thank you very much.

(Witness excused)

GODOFREDO BRUAL

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 Godofredo Brual.

Q Where do you live?

A Bauan, Batangas.

Q What is your occupation, Mr. Brual?

A Before the war I was a lawyer. Now, at the present time, I am a Municipal Mayor.

Q You are Mayor of the Municipality of Batangas?

A Yes, sir, of Bauan.

Q I beg your pardon. How long have you been Mayor of Bauan?

A I was elected in the year 1940, and then in the Japanese occupation I was appointed Mayor last December 4, 1943, and three months thereafter I resigned.

Q Yes. When did you become Mayor this time?

A I was appointed by the Philippine Civil Affairs Unit on April 11, and confirmed by the Commonwealth Government on the same date.

Q Now, pursuant to your duties as Mayor, and instructions which you received from the Governor of the Province of Batangas, have you made an investigation of the incidents which took place in the City of Bauan on February 28, 1945?

A Yes, sir. We made a census of the deaths which resulted from the Japanese brutalities in our town.

Q This census, what period does it cover?

A It covers from April -- I don't know the exact date, but it was the last days of April, we made the census.

(A list of names was marked  
Prosecution Exhibit No. 279  
for identification.)

Q (By Captain Pace) Did you investigate and determine the names of people who had died in Batangas?

A Yes, sir, we did, but I could not remember all of them.

Q Well, what day did these people die on, that you compiled the list on?

A I beg pardon, sir?

Q What period does this list cover?

A This list covers the deaths which resulted from the dynamite blasting and bayoneting outside the town .

Q You compiled a list of names, is that right?

A Yes, sir.

Q On what day did those people die?

A February 28, 1945.

Q Will you look at Prosecution's Exhibit No. 279 for identification and see if you can identify it?

A (After examining exhibit) Yes, sir; this is the one made by us.

Q That list contains the names of people who died on February 28, is that right?

A Yes, sir.

Q Is this an official city record of the Municipality of Bauan?

A Yes, sir.

CAPTAIN PACE: At this time I offer Exhibit No. 279 in evidence.

If the Commission please, I just got this last night, so we have no copies. If we may offer it now and withdraw it and have it photostated at a later date --

GENERAL REYNOLDS: Is this the same as the photo-stat?

CAPTAIN PACE: No, sir, this is an older list that you have. The later one is now being offered.

CAPTAIN REEL: Do we have the latest list?

CAPTAIN PACE: No, you will have to look at this one after the Commission has finished.

CAPTAIN REEL: Sir, our objection to this exhibit is addressed to the same matter as previous similar exhibits, namely, the statement as to the cause of death. We note in the statement presented to the Commission, as different from the statements previously handed to us, there is added a date when the deaths occurred. We feel that that has not been established, and we object to that as well.

MAJOR KERR: If the Commission please, the testimony of this witness shows that this is an official document of a city government. Therefore, it would be admissible even in a court of law, and I submit, sir, that without including that part of the official record or document or report which specifies the cause and date of death, the document would, of course, be meaningless.

I submit, sir, that it should be admitted in evidence by the Commission, and I submit that it does have high probative value.

CAPTAIN REEL: We take the position, sir, that there is no magic in the word "official"; almost anything can be called official. We believe there is actually nothing

official about this list, and we will attempt to point that out in cross-examination, as we have in previous cases.

MAJOR KERR: As far as that is concerned, sir, the document is identified as an official record of the city.

GENERAL REYNOLDS: The objection of Counsel as to the date which, I believe, is 28 February 1945, is not sustained.

As I understand it, the remainder of your objection is to the words "by the Japanese soldiers" in the caption of the document, page 1, is that correct?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: The words "by the Japanese soldiers" are stricken, which will cause the caption to read "Record of deaths in the Municipality of Bauan, Province of Batangas," and below it in parenthesis "February 28, 1945".

Subject to those changes, the document is accepted in evidence.

(Prosecution Exhibit No. 279  
for identification was  
received in evidence.)

Q (By Captain Pace) Mr. Brual, was there any fighting going on in Bauan on February 28, 1945?

A I could not tell you, sir, because I was not in Bauan.

Q What is the normal death rate in Bauan?

A As I understand, during the rainy season there are about four deaths to none a day.

CAPTAIN PACE: You may cross-examine.

CROSS EXAMINATION

Q (By Captain Reel) Did you say "four deaths to none"?

A Yes, sir.

Q And what do you mean by "none"? No births?

A Some days there are no deaths.

Q Oh, I see. You mean the deaths run as high as four a day?

A Yes.

Q And some days nobody will die?

A Yes, sir.

Q Well, how about the dry season?

A The dry season, sometimes there are deaths, but so far as I remember there are no four deaths a day in Bauan.

Q How many are there?

A Maybe one, two, as many as that.

Q One or two a day in the dry season?

A Yes, sir.

Q And up to four a day during the rainy season?

(The witness nodded affirmatively.)

Q Now, this investigation that you have made, as I understand it you were appointed Mayor on 11 April, 1945?

A Yes, sir.

Q And then you were told to have an investigation made of the number of deaths in the city, were you not?

A Yes, sir.

Q Did you personally go out and count the bodies?

A Yes, sir, we and the doctor appointed by the Colonel of the 11th Airborne and myself and other laborers, precisely buried the dead bodies that were dynamited by the Japanese.

Q You yourself went out and counted these bodies?

A We did not -- we counted -- we did not count the number of deaths -- the number of bodies we found, but we learned from the widows and the orphans of the deceased the number of deaths in Bauan.

Q So that your testimony as to the number of deaths is based on what widows and orphans told you, is that right?

A I believe -- yes, sir.

Q And based on what widows and orphans told you, you made a so-called official report to the Governor of Batangas, is that correct?

A Yes, sir.

CAPTAIN PACE: I object to the form of that question. It is not a "so-called" official report. The witness testified that it is an official report.

CAPTAIN REEL: I have no objection to the words "so-called" being withdrawn, if that makes any difference, sir.

GENERAL REYNOLDS: Very well.

Q (By Captain Reel) Now, how many people went out with you to count these bodies?

A The officials who were with me, were myself, the Doctor, the Chief of Police, and two policemen, and then the laborers, which I could not remember how many were they.

Q Well, about how many laborers?

A About ten of them.

Q So that these people and ten laborers came in with a compilation of the number of bodies that they found, is that right?

A Yes, sir.

Q They told you what that was and you put that into your report, is that correct?

A As I have said before, the orphans and widows who went to our office and told them of the deaths of their beloved ones, from reports of those people we based our report, because we could not recognize these dead bodies there.

Q I see. So that the whole thing is based not on any count, but on what widows and orphans told you?

A Yes, sir.

Q I see. Incidentally, was there an artillery barrage of the town when the Americans came?

A There was none, sir.

Q Was there any fighting in the town?

A There was none, sir.

Q Where were you in the town?

A I was in Mindoro, in the evacuation to Mindoro Island.

Q You weren't at or near the town?

A I was in the Island of Mindoro; we evacuated.

Q I just wanted to make that clear on the record. And do you have any record of the number of people who died as the result of any fighting that there might have been in the town?

A We don't have, sir.

Q Do you have any record of the number of people who might have died from natural causes during the Japanese occupation?

A We don't have, sir.

Q Do you have any record of the number of people who might have died from natural causes between the end of the Japanese occupation and the 11th day of April, 1945?

A Will you please repeat the question, sir?

Q Do you have a record of the number of people who died from natural causes between the end of the Japanese occupation and the 11th day of April, 1945, when you were appointed Mayor?

A Oh, it is the duty of the District Health Officer in Bauan to have that record.

Q Yes, and during that period before 11 April 1945, was there such an officer?

A There is, sir.

Q When was he appointed?

A The same date as myself.

Q 11 April 1945?

A Yes, sir.

Q What was the population of Bauan in February, 1945, early February?

A I could not tell, sir.

Q Can you give me approximately the population?

A I could not give you any number, sir, because before the war we made a census, that is the census ordered by the Central Government, and we have 47,000.

Q 47,000?

A Before the war.

Q That is men, women and children?

A Yes, sir.

Q Now, I think you said you were Mayor for a short time in 1943?

A Yes, sir.

Q What was the population of Bauan when you were Mayor in 1943?

A I don't know, sir. That is what I could not tell.

Q Well, I don't want the exact figure. Give us an approximation.

A I could not tell you, because there were many soldiers of the Philippine Army who were killed in Bataan and other battlefronts, and there were also soldiers from our place who died at the concentration camps.

Q I think you told us that you were Mayor for six months in 1943?

A Yes, sir.

Q Now, as Mayor for six months in 1943, didn't you have some idea of what the population of the town was?

A As I have told you, I could not answer your question. I could not give an approximate number, because I could not remember how many soldiers that were inducted into the Philippine Army and many of them died on the battlefronts, many of them died in the concentration camps.

GENERAL REYNOLDS: The Commission interrupts to say that unless Defense can give some real reason for pursuing this line of questioning, it will have to be stopped. It is completely foreign to the purpose for which we are assembled.

CAPTAIN REEL: Sir, the testimony in this case was that 300 and some odd -- I forget the number on this exhibit -- were found dead. Now, if the population of the town is

considerably larger, as apparently it was 47,000 before the war, it would stand to reason, sir, that if any count of the bodies was made, that any information on that count would be based purely on hearsay and not on an actual count; in addition to which, there were previous witnesses who testified the whole adult male population of the town, namely, 400, was involved in this incident. Now, we think it is material if the adult male population of the town was approximately one-half of 47,000, that that is considerably more than 400, of which there has been testimony.

CAPTAIN PACE: If the Commission permits Defense to go further into this matter, I believe some of the confusion would be avoided if a distinction was made between the Municipality of Bauan and the town of Bauan itself. There is probably a great difference in the population of those two places.

GENERAL REYNOLDS: The Commission does not understand that this line of questioning is material to the issue and, subject to objection by any member of the Commission, this line of cross-examination will be terminated.

CAPTAIN REEL: That, then, in turn ends the cross-examination. I wish to state that I neglected to add, in my previous statement, that of course another basis of it is the credibility of the witness, who said he was Mayor and doesn't know the population.

CAPTAIN PACE: Thank you very much, Mr. Brual.

(Witness excused)

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

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

The Prosecution may proceed.

GEMENIANO M. BRUAL

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

DIRECT EXAMINATION

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

A Gemeniano M. Brual.

Q I will remind you that you are still under oath in this proceeding.

A Yes, sir.

Q On February 28, 1945, or any day since then, has there been any fighting in the town of Bauan between the Japanese and the Americans, or between the Japanese and the guerrillas?

A There was not even a single fight right before February 28, 1945, and after that date. There was not even a single fight, any bombing, or any artillery fire.

Q No fighting there either; right?

A No, sir.

CAPTAIN PACE: You may cross examine.

Q (By Captain Pace) Are you referring to the 28th, now?

A Yes, sir.

Q And the period preceding the 28th?

A Yes, sir; preceding and right after February 28th.

CAPTAIN PACE: You may cross examine.

CAPTAIN SANDBERG: No questions.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

CAPTAIN PACE: If the Commission please, that completes the Prosecution's presentation on Bill of Particulars No. 42.

Continuing Bill of Particulars No. 1 and in specific proof of Bill of Particulars No. 57, the murder of 39 non-combatant civilians, the Prosecution now offers in evidence Prosecution's Exhibit 280 for identification, which is the official report of the investigators of the War Crimes Branch for this theater, also supported by the statements of witnesses.

(Official report of investigators of War Crimes Branch referred to hereinabove was marked Prosecution's Exhibit No. 280 for identification.)

GENERAL REYNOLDS: Does the Defense have specific comments to make on any part of this document?

CAPTAIN SANDBERG: If the Commission please, we should first like to inquire of the Prosecution whether this exhibit represents the sole evidence they intend to present on this specification.

CAPTAIN PACE: That is correct.

CAPTAIN SANDBERG: Sir, the Commission has stated previously that it had reversed its ruling and was going to permit the Prosecution to prove specifications solely by the evidence of affidavits. There was no occasion at that time for the Defense to state its objection to that procedure.

The Defense wishes at this time to make the state-

ment that it objects to the proving of any specification by the testimony of depositions alone. It feels that proof in any such manner changes the nature of this proceeding from a trial to a proceeding in the nature of an ex-parte investigation.

The Defense also objects to this exhibit for the following reason:

This is a report of the War Crimes Branch. It is a self-serving document of the Prosecution. It would be as logical to admit this document as it would be to prove the entire case by putting the Prosecution on the stand and hearing their testimony. It is full of conclusions, both of fact and of law. It is not only inadmissible for that reason; it, in effect, amounts to a usurpation by the Prosecution of the functions of the Commission to make the findings of fact in this case, and to make the conclusions of law.

For those reasons the Defense objects to this exhibit.

MAJOR KERR: If the Commission please, the Prosecution is not responsible to or a representative of the War Crimes Branch or the legal division of the Supreme Commander, Allied Powers. True, the Prosecutors do come from the staff of that agency, but they were loaned by the Supreme Commander to AFWESPAC for the purpose of serving as Prosecutors in this trial. We are not responsible to War Crimes; we do not represent War Crimes. We represent and are responsible to this Commission.

As to the other point, it might be an appropriate

time, sir, to point out to the Commission that the regulations prescribed by the Commander-in-Chief, Army Forces of the United States, Pacific, governing proceedings of Commissions, including this Commission, are not at all at variance with the regulations which have been prescribed by other governments for the military commissions established or to be established by those governments for the trials of war criminals.

I refer, for instance, to the Royal Warrant dated 18 June 1945 given at "Our Court of St. James this 14th day of June, 1945, the ninth year of our reign by His Majesty's command." In other words, the British Government, which sets forth the regulations for the trial of war criminals.

As a matter of fact, sir, these regulations are far broader than the regulations which have been prescribed by our own military commander for the regulation of this and other American military commissions in this theater. The rule of evidence which is prescribed by the British Government for its military commissions trying war criminals is very similar to the rule of evidence specified in General MacArthur's regulations. For instance (and I now quote from this Royal Warrant):

"At any hearing before military court convened under these regulations the court may take into consideration any or all statement or any document appearing on the face of it to be authentic, providing the statement or document appears to the court to be of assistance in proving or disproving the charge, notwithstanding that such

statement or document would not be admissible as evidence in proceedings before a field general court-martial and without prejudice to the generality of the foregoing in particular.

Then the Warrant specifies a number of types of documents and evidence which may be admitted in addition to that general rule.

The Commission will note that that general rule in its effect is precisely the same rule which is prescribed by the Commander-in-Chief of the United States Forces of the Pacific for this and other commissions.

I should like also to point out this further provision of the rule of evidence set forth in this Royal Warrant:

"If any witness is dead or is unable to attend or to give evidence or is, in the opinion of the court, unable so to attend without undue delay, the court may receive secondary statements of evidence made by or attributable to such witnesses."

" . . . made by or attributable to such witnesses"!

Certainly hearsay -- hearsay of the most flagrant type -- is admissible before the British commissions.

Furthermore, the Royal Warrant specifically provides that the rules of evidence, the rules of procedure, and the rules of law applicable to courts-martial under British law shall not be applicable to these commissions to try war criminals.

I submit, sir, that that refutes the frequent

innuendos and charges by Defense counsel that the regulations covering this Commission are unreasonable, unconscionable, and far broader than any other civilized government would prescribe. It is well known that the British Government is very particular about its method of administering justice, and its standards are extremely high in that field. And yet we find that, for the same and obvious reasons as govern here, they have seen fit to prescribe an even broader standard of evidence, an even broader set of regulations than this Commission is governed by. And certainly under the regulations now applicable to this Commission a report of this nature is admissible if the Commission believes that it has probative value, that it would serve the Commission in determining the issues before it here, disproving or proving the charges.

CAPTAIN SANDBERG: If the Commission please, we have never seen the document that the Prosecution refers to, but we note from Major Kerr's description of it that it does not sanction the introduction into evidence of reports and recommendations of the Prosecuting Branch, which is the issue involved here.

GENERAL REYNOLDS: The Commission interrupts to say that we have been favored by lengthy arguments on this matter from the beginning of the trial. The Commission has ruled upon them, and in this case, subject to objection by any member of the Commission, the objections of counsel are not sustained. The document will be accepted into evidence for such probative value as

the Commission may decide to award to it.

(Prosecution Exhibit No. 280 for identification was received in evidence and so marked.)

CAPTAIN PACE: May it please the Commission, continuing in the presentation of evidence on Bill of Particulars No. 1, and specifically in proof of Bill of Particular No. 45, the murder of 107 people in San Jose, Batangas, Prosecution's Exhibit No. 281, which is the report of the War Crimes Investigators, together with the testimony taken by them, is offered in evidence.

GENERAL REYNOLDS: In view of the length of this document, the Commission accepts it into evidence tentatively for such probative value as its further analysis may indicate that it possesses.

However, if the Defense chooses to do so at any later time they are at liberty to invite the attention of the Commission to any specific statement, or to point out any specific portions of it which in their judgment are objectionable.

CAPTAIN REEL: Sir, for the purpose of avoiding unnecessary interruptions, the Commission has been kind enough to grant us a standing objection on the introduction of affidavits. We ask the same privilege that we have on record: simply a standing objection, first, to the proving of a specification entirely by documents, because apparently there will be further cases of it; and also to the conclusions contained in the reports of the War Crimes Branch.

If that may be considered as a standing objection

it will obviate any further specific objections on those grounds.

GENERAL REYNOLDS: That procedure is agreeable to the Commission and will be followed.

CAPTAIN REEL: Thank you.

GENERAL REYNOLDS: The Prosecution may proceed.

MAJOR OPINION: If the Commission please, this case is called the Santo Tomas, Batangas, massacre. It is described in the Bill of Particulars, Particular No. 1 and 47.

GLICERIA MEER MALVECINO

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A My name?

Q Yes; state your name.

A My name is Glicería Meer Malvecino.

Q And how old are you?

A I am 41 years of age.

Q Your nationality? You are a Filipino?

A Yes.

Q What is your address?

A Santo Tomas, Batangas.

Q On 11 February 1945 where were you?

A I was at home.

Q Where is your home?

A In Santo Tomas; the town of Santo Tomas, Batangas.

Q The Province of Batangas?

A Yes, sir.

Q At about six o'clock in the morning what were you doing?

A I heard a noise, and when I looked out of the window I saw the Japanese soldiers, two of them.

Q Where were you?

A I was preparing my food for our breakfasts.

Q Were you at home?

A Yes, sir.

Q Did anything unusual happen that morning?

A That morning I heard a noise, and then when I seen --

Q What morning was that noise?

A I don't know what morning.

Q Well, what was that noise?

A I don't know what the noise is. I looked out of the window, and when I looked out of the window I saw the Japanese disorder, and they are talking some words, but those words I do not know, but the motions is made, and I understand that we must go down, and then when we were down --

Q Just a minute, please. By the motion of whom did you understand you had to go down?

A By the motion of the Japanese soldiers.

Q How many Japanese soldiers were there that made the motion.

A Only two.

Q What did they tell you?

A I don't know what they are saying.

Q Were they shouting?

A — They are shouting and motioning, and going like that (indicating), and we know that we must go down by the motion.

Q Were they calling you?

A They are doing motions, but they are speaking, but we don't know what they are saying.

Q How many persons were in your house during that time?

A During that time we were 16.

My mother -- I have my daughter 15 years of age, and my son 9 years of age.

Q When the Japanese told you or motioned to you to come down what did you do?

A We go down.

Q You came down?

A Yes.

Q What did you do downstairs?

A Then the Japanese soldiers told us to march in the village and we go to the house of Anselma Malcaman; we are marched by two guards.

Q You say the Japanese ordered you to go to the house of someone?

A Yes; Anselma Malcaman. They did not say the name of Anselma Malcaman, but they said go there, and they made the motion to the house of Anselma Malcaman. I know when I reached there the name of that house; I know the owner of that house is Anselma Malcaman.

Q How far was that house of Anselma Malcaman from your house?

A It was about 20 meters from my house.

Q When you arrived at the house of Anselma Malcaman, were there other people there besides your group?

A Yes, sir.

Q How many were there?

A There were more, but not less, than 50.

Q Were you acquainted with the people there?

A When we reached there I know them, but I did not go around to see everyone.

Q What part of the house were you in?

A Downstairs.

Q What did the Japanese do with you while you were in the house of Anselma Malcaman?

A The Japanese were tying persons up and I do not know where they are bringing them, but there are five persons tied together that they are tying like this (illustrating), and then there are five more.

MAJOR OPINION: I would like to have the testimony and the answers of the witness translated into English by an official interpreter, if it may please the Court.

GENERAL REYNOLDS: Very well.

THE WITNESS: They tied them up; the Japanese soldiers were tying them up.

MAJOR OPINION: Just one second.

(Whereupon Interpreters Lavengco and Gojunco were called to interpret the witness' testimony.)

Q (By Major Opinion) How many were tied?

A (Through the Interpreter) Five persons were tied, five civilians; to one rope there are five persons tied,

and I don't know where they are bringing them. There is five persons tied and I do not know where they are bringing them.

Q How many Japanese tied each group of five persons?

A I did not count, and I did not send anybody to count, but in my estimation there were 50 only.

Q Fifty Japanese soldiers? I am asking you how many Japanese tied the civilians. How many Japanese soldiers tied the civilians?

A I saw eight.

Q Now, when you went into the house of Anselma Malcaman were there both males and females that were tied into different or separate groups?

A No, sir, there were no men. There were males, but small children.

Q You mean to say that in the house of Anselma Malcaman there were only females and small children?

A Yes. I just stayed around because I have children in front of me. I have five children around me, and I am tied.

Q Once you have been tied by the Japanese what did they do with you?

A We were taken by the river down the slope. We were taken down the river, down a slope.

Q What did he do with you there? What happened?  
Please tell the Commission. Please tell the Commission  
what happened while you were at the river.

A (Through the interpreter) While standing downslope  
at the river, I saw my son --

THE WITNESS: No, my daughter.

INTERPRETER LAVENGCO: "I saw my daughter and the  
Japanese holding the bayonet about to strike her".

Q (By Major Opinion) How was she held? How was your  
daughter held by the Japanese?

A (Through the interpreter) Like this, sir (demon-  
strating), holding with the right arm.

MAJOR OPINION: I should like to make a record that  
the right hand of the daughter was being held by the Japa-  
nese with his left hand.

INTERPRETER LAVENGCO: "And I was -- my eyes were  
covered".

Q (By Major Opinion) You say that your eyes were  
covered? What explanation, if you please?

A (Through the interpreter) The back part, lower part  
of my dress was torn and my eyes were covered with it.

Q Now, will you please straighten this out? You said  
that your daughter was held by the Japanese, and what did  
the Japanese do with her, if the Japanese did anything,  
after she was held by the Japanese in the way you have  
described?

A (Through the interpreter) She was bayoneted.

Q Bayoneted. Did you see what part of her body was  
bayoneted by the Japanese?

A (Through the interpreter) In different parts, but I did not see very well because I was about to lose consciousness.

Q How far were you away from your daughter when she was bayoneted by the Japanese?

THE WITNESS: Ten meters.

A (Through the interpreter) Ten meters.

Q (By Major Opinion) About what time was that, more or less?

A (Through the interpreter) I cannot tell the time exactly, because we were taken by surprise. About 10:00 o'clock.

Q In the morning?

A (Through the interpreter) In the morning.

THE WITNESS: In the morning, A. M.

Q (By Major Opinion) Now, you say that the Japanese blindfolded you. Please tell the Commission now what happened after they had blindfolded you?

A (Through the interpreter) After blindfolding me, my children used to hold tight my dress, were bayoneted, including my child who was -- who I am holding fast in my arm (demonstrating).

Q What was the age of that child of yours you were holding in your arms?

A (Through the interpreter) One year, sir.

Q What was the name of that boy?

A (Through the interpreter) Rafaelita Malvecino.

Q Is it a daughter or a boy?

A (Through the interpreter) A daughter, and I also

had a boy tied --

THE WITNESS: I am holding a girl tied, not a boy tied. I did not tell you that.

(The witness answered again to the interpreter.)

INTERPRETER LAVENGCO: "I was holding a boy tied, not girl".

THE WITNESS: Girl, not boy.

INTERPRETER LAVENGCO: "A girl tied, not boy tied".

GENERAL REYNOLDS: The Commission interrupts to ask if we wouldn't get better results to let the witness testify in English. She seems to speak quite well in English.

MAJOR OPINION: But those cases if she cannot express herself, I would like to suggest --

GENERAL REYNOLDS: If the witness desires to speak in Tagalog, she may do so.

MAJOR OPINION: You may speak in English now.

Q (By Major Opinion) What happened with Rafaelita, your daughter, after you were bayoneted by the Japanese?

(Translated to the witness by Interpreter Lavengco.)

GENERAL REYNOLDS: The Commission has already ruled. She will just speak directly.

Please answer in English now.

(The following answers of the witness were given in English, except where otherwise noted.)

THE WITNESS: What happened?

Q (By Major Opinion) Yes. What happened to your daughter Rafaelita after you were bayoneted by the Japanese?

A We fell down, and also my two small --

Q Just a minute, please. By parts, what happened with

your daughter, Rafaelita? Was she bayoneted by the Japanese?

A I fall down, and my child was crying, and then after awhile I hear no cry any more. It seems to me that --

Q Please. Did you see your daughter Rafaelita bayoneted by the Japanese or not?

A I did not see, because I --

Q Did you know afterwards whether she was bayoneted or not?

A Afterwards?

Q Yes.

A I fell, I hear only with my ears, I cannot see because I am blindfolded.

Q You were blindfolded. Now, then, what happened with you after that?

A I fall down, it seems to me that I fell down, and I heard also the cries of my two small boys.

Q What are the names?

A Vergilio Malvecino, nine years of age, and Antonio Malvecino, five years of age.

Q Where were these two boys?

A With me.

Q Where were they?

A They were with me.

Q When you fell down, where were these two boys?

A Near me.

Q Did you see them bayoneted by the Japanese?

A I did not see, but I hear only that they were shouting and crying, "Mother! Mother!".

Q Now, what happened afterwards?

A Then afterwards, it seems to me that I fell asleep; I do not know anything. Then --

Q You mean to say that you lost your consciousness?

A I lost my -- (pause)

Q Consciousness?

A Yes, sir.

Q Then afterwards?

A Then afterwards I heard again a noise, and I did not move. I did not move because I might be seen by the Japanese, and because I know that there are Japanese there, the Japanese words, they have to shout very, very loud; that is why I know that there are more Japanese there.

Q And what happened afterwards?

A Afterwards, when I almost already awakened, I am opening my eyes small (demonstrating), then opening my eyes wide, a little wider, and I see that "Oh", we are covered with leaves of cocoanut, and chairs. Many chairs they are bringing. Then afterwards I feel sore, I smell gasoline, and I feel sore to one of my arm, this arm (indicating). It seems to me that they sprinkled gasoline, that I feel sore in this arm (indicating left arm); then I said, "God, please don't let me see those Japanese. I do not liked to be burned, when I am alive. I like to die before I already burn". Then I like to die at that time.

Q Were your hands tied at the time?

A Huh?

Q Were your hands tied at the time?

A No, sir; no were tied.

Q Now, you say that you smelled gasoline?

A Yes.

Q Do you mean to say that the Japanese poured gasoline to the chairs and other furnitures?

A I only feel that my left arm is sore, I am not wet with gasoline, but I feel only that this is sore.

Q Was anybody burned after you were in that place?

A Burned?

Q Burned, yes.

A Yes, sir. Then I heard explosion -- it seems to me that it is burning already. Some are crying, "I am burning already; I am burning!"

Q You mean to say that you heard rolling flames?

A What do you mean by "rolling flames"?

(The question was translated to the witness by Interpreter Lavengco.)

INTERPRETER LAVENGCO: "I could hear the sound".

Q (By Major Opinion) Now then, what happened afterward?

A Then afterwards I hear no more noise of the Japanese, they are not speaking any more, and then I push my right hand up and say, "God, permit me to go away from this".

Q Yes, you have said that already. Were you able to escape?

A Yes, sir, I escape.

Q Were you alone when you escaped?

A Yes, sir, I am alone.

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

A When I stood up, I saw two Japanese soldier down, there near the river, and I saw there are Japanese soldier again.

Q You say that you were blindfolded by the Japanese?

A No --

Q How were you able to see these people?

A I am not -- I take off my blindfold at the time, because I stood up.

Q You mean to say that you had free hands and you took off the blindfold, the piece of cloth blindfolding you?

A Yes, sir.

Q With your hands?

A Yes, sir.

Q And you saw the flames there, fire?

A When I stood up I saw that it is burning already.

Q Burning?

A But I am apart from it --

Q Were bodies burning?

A Yes, bodies were burning, some dead but others are not dead yet.

Q How many more or less was the number of persons you saw burning and who had already died, and those who were not yet dead? How many?

A I cannot tell you how many, because I am not searching for that. I am afraid that I go at once, that I might be caught by the Japanese again.

Q When you came to that place, did you see dead bodies already, lying on the ground?

A Huh?

Q When you were taken to that place, did you see dead bodies already lying on the ground?

A Dead bodies, yes, sir.

Q How many more or less?

A More or less about 50, but less than 50.

Q To what unit or branch of service did these Japanese that bayoneted you belong?

A To what?

Q To what unit, do you know? Who are they? Were they M.P.'s or Army soldiers, or Navy soldiers? Those Japanese that bayoneted you.

A I saw one M.P. with long saber.

Q Was he an officer or a soldier?

A Officer, one only officer, with bars here (indicating left arm).

Q How do you know he was an officer?

A Because he has long saber, and very many say that it is officer with long saber.

Q How about the rest?

A The rest do not have.

Q Were they plainclothes soldiers, or civilian Japanese, Japanese civilians?

A Khaki uniform; they are khaki uniform.

MAJOR OPINION: That is all, sir.

GENERAL REYNOLDS: The Commission wishes to clear up a point.

Can you tell us the name and age of the youngest child who died on that day?

THE WITNESS: My youngest child? One year old.

GENERAL REYNOLDS: And the next youngest, please?

THE WITNESS: Five years old.

GENERAL REYNOLDS: Five years?

THE WITNESS: Yes, sir.

GENERAL REYNOLDS: And the next, please?

THE WITNESS: Nine.

GENERAL REYNOLDS: And the next?

THE WITNESS: Fifteen.

GENERAL REYNOLDS: Were there any others?

THE WITNESS: My mother.

GENERAL REYNOLDS: Your mother?

THE WITNESS: Yes, sir.

GENERAL REYNOLDS: In other words, there were four  
of your children and your mother who died on that day?

THE WITNESS: Yes, sir.

GENERAL REYNOLDS: That is all.

CAPTAIN REEL: No questions.

(Witness excused)

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

(Short recess)

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

MAJOR OPINION: Mrs. Soledad V. Lacson.

SOLEDAD V. LACSON

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

DIRECT EXAMINATION

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

A Soledad V. Lacson; Santo Tomas, Batangas; age of 27 years.

Q What part of Batangas do you live in, did you say?  
What --

A Our house is on Real Street, near the municipality.

Q In the morning at five o'clock of 11 February 1945, were you visited by Japanese soldiers in the vicinity of your house?

A Yes.

Q During that time what happened?

A During that time we were still sleeping on February 11, Sunday morning. At about 5:00 A. M. the Japanese opened our door and say that there is a meeting.

"Come out!"

Then we all come here and we were placed in a small house, at the house of Bathan.

Q What is the name of it?

A Bathan. Bathan. There were 60 or 70 men, women and children.

Q In the house of Bathan?

A The house of Bathan. When we entered the house of Bathan the Japanese sergeant tied all men at the back.

Q Tied their hands behind their backs?

A Yes.

Q How many men were there who were tied?

A About seven men.

Q Do you know them?

A Yes.

Q Can you name them?

A Yes. Artemio Tolentino, the first one; Octavio Tolentino, second; Leoncio Tolentino; --

Q Is Leoncio Tolentino here now?

A Yes, one of the witnesses. Then Conrado Tolentino; then Apolinario Tolentino; then Granada Tolentino and the last one is Vicente Tolentino. Seven in all.

After the men were tied, they were brought downstairs and tied again to the -- under the house. Some are on the tree. They are tied. The ropes were tied to the tree.

Q To the tree?

A Then the door was shut and then all --

Q What door was shut?

A The door where we enter.

Q The house, you mean?

A The house. The house.

Q Who were inside the house when the door was shut?

A All of us; women and children. The men were downstairs.

Q You mean to say that there were no men inside the house?

A Yes.

Q But only women and children when the door of the house was shut?

A Was shut.

Q By whom was it shut?

A By the Japanese.

Q How about the windows of the house?

A They were open. The door only was shut.

Q Please proceed.

A Then we were investigated by the Japanese and touching our bodies --

Q You mean to say that you were searched?

A Yes, searched.

Q By the Japanese soldier?

A By the Japanese soldier.

Q Who were searched by the Japanese soldier?

A The women and the children.

Q How about the men? Were they searched, too?

A Before that; before they were tied.

Q What did the Japanese do during the search?

A During the search whenever they find Japanese money they were tearing it, and when they see the Filipino money it was taken and put in their pockets.

Q How about valuable things?

A The valuable things that were taken from me was all my money. Our family money was placed in my girdle. There was taken more than two thousand paper money and

all our jewelry was taken by the Japanese soldiers.

Q Please proceed.

A Then after searching, the sergeant said, "All right. Come down. You will go home."

Q He said that to you, to the crowd?

A To the crowd.

Q That you would go home?

A That we would go home; right. Therefore, we were happy, and we thought we would be brought again to our place where they take. Then when we go down we are again divided. All the women were sent back to the house and we were brought to some nearby bushes.

Q How many were you when you were taken to the nearby bushes?

A Around 20.

Q 20?

A Yes. Then --

Q You were taken out to the nearby bushes?

A To the nearby bushes.

Q What happened while you were there?

A Lastly we were placed in the cemetery -- in the cemetery.

Q You mean that you were taken to the nearby bushes and then after a while you were transferred to another place?

A Transferred to another place, and lastly in the cemetery.

Q The cemetery?

A The cemetery. In the cemetery after a while it is

about half an hour --

Q Just a minute, please. Did you find any dead bodies?

A Dead bodies, none.

Q All right. Please proceed.

A Then when we were in the cemetery the Japanese soldiers separated again the three men -- Leoncio Tolentino, Joseph Tolentino with us, and the other man -- I don't know the name because it is only not with us. Then afterwards we were guarded by two Japanese inside the cemetery.

Q Were they armed?

A Yes, armed, and said, "Do not run! Do not escape! If you happen to escape you will be shot!"

Then we sat down, and just as we were talking with this other and telling my companion just to pray and give our last prayers, because all of us will be killed, then -- (pause)

Q Proceed. How about these three men you have mentioned? Where were they taken, do you know?

A I don't know where they were taken, but we heard the last word of my cousin shout and say, "Mother!" And then we heard a shot, and I suppose that he was killed during that time.

Q After that what happened?

A Then afterwards the Japanese returned -- the two Japanese returned to us with very heavily-sweating gun and bayonets.

Q Just a minute. Clarify that. Heavily-sweating gun?

A Heavily-sweating gun and bayonet.

Q What happened?

A And the bayonet was flowing with blood. Then again --

Q You mean to say that the bayonets of the two Japanese were stained with blood?

A Were stained with blood. Then we were brought again to another place and they bayonet again the small child, Orlando Malacaman.

Q Do you know the name of the small child?

A Yes.

Q Do you know it?

A Orlando Malacaman.

Q How about Anicia Tolentino? Do you know that girl?

A Yes, she was with us. We left in the cemetery three: Anicia Tolentino; Orlando Malacaman, the small child. When we were in the nearby bushes, near the cemetery, the Japanese sergeant shouted, just only by motion. We don't know the meaning. We don't know. We didn't understand what they are saying because it is Japanese. Nobody knows that Japanese language. Then, as we understand, we fall in one line. I am in front. The Japanese soldiers said a little Tagalog, "Me patay!" It means, "All of you will die, are going to be killed." Then he stabbed me by the bayonets and struck me here in my side. And I said to him that, "As we have not done anything," I say, "why will you kill us? Why will you kill us?" And he say another Japanese word, again I can't understand. Then the Japanese soldier, as I

look at him, sat down and struck me with the bayonets.

Q Where?

A Here in my knee. He happened when he struck me in my upper knee -- It happened that two Japanese come again and call the Japanese soldier and say, "Mate! Mate!" It means -- I don't know the meaning of that "Mate! Mate!" "Stay here! Don't go away!" The Japanese are saying those words -- are not saying the words, "Do not go away," but we understand the motion.

All right. As the soldiers go away I heard the voice of Anicia Tolentino of "Do not do something against our purity. If you like I will give you money, but do not do that."

Q Was she in the cemetery?

A In the cemetery only 50 meters away from us.

Q Was she among those left when you were transferred to the nearby bushes?

A Yes.

Q How far was Anicia away from you?

A About 50 meters away.

Q About 50 meters away. Yes. And you could hear distinctly her voice?

A Yes. Distinctly I could hear. And after a while I turned to my companions, that "Let us escape for the Japanese is not there already."

All right. Then each of us run to save our life.

Q How many of you ran away? How many of you ran away?

A We were about 20 in number, children and women. 20.

Q And what happened after a while?

A Afterwards then we went to the near barrios to hide from the Japanese soldiers.

Q How many wounds in all did you sustain that morning?

A About 20, including children.

Q Did you see any Japanese officer there?

A Yes, as I know that a Japanese officer has leggings, and also a saber, and the other two soldiers have two stars here on their breasts -- two stars. And I understand that they are soldiers.

MAJOR OPINION: That's all. You may cross examine.

CAPTAIN SANDBERG: No questions.

(Witness excused)

LEONCIO TOLENTINO

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

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Leoncio Tolentino.

Q And your age?

A 34.

Q Your address?

A Santo Tomas, Batangas.

Q Your nationality?

A Filipino.

Q Around 5 o'clock A.M., February 11, 1945, did you see some Japanese soldiers in front of your house?

MAJOR OPINION: If the Commission please, may I ask the Interpreters to interpret my question correctly. I was asking for the precise hour and the Interpreter was asking as to a time between hours. It is not correct.

INTERPRETER LAVENGCO: I beg your pardon. Will you please repeat the question?

MAJOR OPINION: Will the reporter read the question?

(Question read)

A I have not seen any but I can hear their shouts.

Q (By Major Opinion) What did you do when you heard the shouts?

A I peeped through the window.

Q What did you do after that?

A After peeping through the window I went near the door.

Q The door of what?

A The door near the ladder.

Q The door of the house or of the fence?

A It is the door of the house itself.

Q Now, please state to the Commission very briefly what happened that morning.

A Then the Japanese went upstairs and told us to come down and form a line one by one.

Q Please proceed.

A There was seven in all.

Q Seven Japanese?

A Yes, seven Japanese.

Q Was there an officer with them?

A There is an officer; one of them is an officer.

Q How do you know he was an officer?

A He has a saber.

Q Was he wearing an insignia?

A There are two bars and two stars.

Q Was that an officer of the army, an MP officer, or a marine officer?

A I cannot tell exactly, but I presume that they are army officers.

Q How about the Japanese soldiers, to what unit did they belong? Were they army, marine or navy?

A I cannot tell them. I think they belonged to the army.

Q Now, please state to the Commission very briefly what happened.

A After we went down to the ground we found out that

there were plenty of the Japanese soldiers surrounding our house.

Q Proceed.

A And then we were told to walk one by one to the town and they brought us to the house of Bathan.

Q When you left the house, your house, for Bathan's house, and when you arrived at the house of Bathan, were there any people inside the house.

A We found other people in the house.

Q Did the other people come to the house of Bathan after you arrived at that house?

A When we were imprisoned in the house there were some people that came there.

Q How many people were there in all at the house of Bathan?

A I think there are six persons in all.

Q Please proceed and tell us what happened there.

A After that the Japanese soldiers closed the doors and the windows and three soldiers with ropes tied our hands backwards. After we were tied, after all of us were tied down, they brought us out of the house and we were tied to each tree; each man to a tree. We were all tied, all of us, and the Japanese officers were having a little caucus meeting which we cannot understand. We were all tied to the trees and the Japanese officers came and they were talking, they were talking with the other soldiers in a language we cannot understand.

After they were talking I and my brothers were released and they together with other people, we were

assembled together.

Q Will you please repeat your answer and will the Interpreter please listen to the statement so we can understand it?

A After they were talking together me and my brother were released and together with some women all in all around - we were all about 25 people and they were told to go with us.

Q Proceed.

A We were brought to the Malvar Elementary School.

Q How many of you were at the Malvar Elementary School?

A When we arrived there we were all about four in all.

Q Who were they?

A Artemio Tolentino, Lucia Tolentino, Alberto, and Luis Lebreá.

Q What part of the Elementary School were you taken to?

A We were taken to the Malvar Elementary School, in the western part of the Malvar Elementary School.

Q How many Japanese were in there at that time?

A There were three of them.

Q Now, please proceed.

A When we were there one of the Japanese was covering the eyes of my brother. After blindfolding the eyes of my brother the Japanese soldier was asking me what I can tell him where some men are. After my brother was blindfolded one of the Japanese soldiers was asking me where I can find Governor Malvar.

Q Please proceed.

A I said, "I don't know," and the Japanese soldier said that I am a liar. Afterwards he questioned me and wanted to

know about Mayor Maximino Maloles.

Q Please proceed.

A Afterwards he also asked me the Chief of Police's name and I answered, "I don't know." And the Japanese soldier was getting mad and he beat me and kicked me and slugged me. There is a soldier and they are going to bayonet my brother. I kicked the soldier backwards and crossed his path to the one who is going to bayonet my brother. I hit him in the stomach with my head.

Q Did you succeed in kicking the Japanese soldier and thrusting your head against the stomach of another Japanese?

A Yes, I did it.

Q Why did you have to do that?

A Because they said that they are going to kill us all.

Q What happened to the Japanese against whose stomach you thrust your head?

A I knocked him down.

Q What happened to the Japanese whom you kicked?

A He tumbled down himself.

Q What happened after that?

A When they tumbled down I also tumbled down. Then after they are on their feet again they took their rifle and they butt me in the face. After they butt me one of them tied my eyes and the other one stabbed me in the back. After the Japanese soldier stabbed me in the back in which the point of the bayonet came out my breast they -- what they did, they made just a plaything out of my breast; they moved it to and fro.

Q How many inches of the bayonet, more or less, came out of your breast?

A I cannot tell exactly but I can tell the point of the bayonet almost touched my face.

Q You mean to say the bayonet was twisted through your body?

A I don't mean it so but I feel the bayonet came out of my breast and touched my face.

Q What happened after that?

A After then the soldier pulled back the bayonet and give me another thrust to the right abdomen, to the right side of my back and then I fell down unconscious.

Q When you fell down were you unconscious or conscious?

A I can feel a little bit conscious when I fell down near the well.

Q What kind of a well was that?

A It is a latrine, a Japanese latrine.

Q Were you just right on the border of that latrine when you were bayoneted by the Japanese?

A We were on the front side of the Japanese latrine.

Q Now then, when you fell down the side of the latrine, what happened?

A When I fell to the latrine the Japanese almost stabbed me in the back.

Q How long did you stay there?

A It was a long time; around three hours.

Q Now, at what time did you get out of the latrine?

A It is about 2 o'clock in the afternoon.

Q You say that you were wounded, and that you had two wounds, bayonet wounds. Were they infected?

A Yes, sir.

Q Did you require any medical attendance? Did you inquire for medical attendance?

A I cannot find physician during this time, so I was the only one who attended to my wounds.

Q Did you see what were inside the wounds?

A I can see nothing but only the mucous of the wound when I was touching it. Some parts of the wound had some worm.

Q Now, Mr. Tolentino, before February 11, 1945, around 9 or 10 February, 1945, were you in the poblacion or in the town of Santo Tomas?

A No, sir.

Q Did you know about the burning of the town of Santo Tomas?

A I know the first part; that was on Friday night.

Q What was the date of that?

A February 9th.

Q Whose house was first burned?

A It is the house of Bibiano Meer.

Q Was it in the evening, or day time? Was it night time when it was burning?

A It happened at night.

Q How do you know it was the house of Bibiano Meer?

A Because someone went to my house and told me the house of Bibiano Meer was burning.

Q Of your own personal knowledge did you know whether

any part of the town of Santo Tomas was burned? Please state.

A I know. Where it leads to the lower part of the poblacion.

MAJOR OPINION: That is all.

GENERAL REYNOLDS: Has the Defense any questions?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: Witness excused.

(Witness excused.)

FELICIDAD AUSTRIA

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

DIRECT EXAMINATION

Q (By Major Opinion) On the morning of February 11, 1945, were you assembled in the house of Anselma Malacaman?

A Yes, sir.

Q How many were you?

A We were 50 persons.

Q How many men were there?

A I have seen three mens.

GENERAL REYNOLDS: Will the Prosecution please identify the witness?

MAJOR OPINION: I beg pardon, sir.

Q (By Major Opinion) Please state your name.

A Felicidad Austria.

Q Age?

A Twenty-six years old.

Q Nationality?

A Filipina.

Q Address?

A Santo Tomas, Batangas.

Q You say that there were three men; how about the other 47?

A The rest were women and children.

Q What happened in the house of Anselma Malacaman while you were assembled there?

A There the Japanese soldiers inspected our bodies if we have any firearms in possession. When they found that there were none, an officer came and talked with the soldier. Then after they have conversed, which we didn't understand, the soldier approached us and he begin to tie us in our hands, in groups, each group consisting of five persons. Then the first group was led to the open field, which was about 100 meters northwest of the house of Anselma Malacaman. We did not know what they were doing with the group.

Q Were you taken to that open field?

A I was in the fourth group -- I was about in the fifth group, and when I was already near to that place I have seen my sister being stabbed.

Q And did you see dead bodies?

A Yes, I have seen dead bodies lying in the field.

Q How many dead bodies, more or less?

A About 20 persons. Then our group was commanded by the soldier to stand in line, and each one of us have a soldier at our back, and through the sign of the officer all the soldiers that are back stab us all at the same time.

Q How many of you were stabbed all at the same time?

A We were five.

Q How many Japanese stabbed you?

A Five also, each one of us, by the soldier at the back.

Q Where did the Japanese stab you?

A Behind us.

Q Please proceed.

A Then when we fall on the ground another group -- many groups still come after me, and I feel heavy bodies were falling on my body. Then my poor body became right at the middle of the pile of dead bodies. Then I felt that gasoline was being poured and we were set afire. After several minutes I could already feel the heat, and I could no longer endure. Then I tried, myself, to leap from the pile, and I stood -- I found out there were no Japanese soldiers. But looking at the left side, I saw my sister, who was already in a serious condition.

Q Now, before you left the place, did you see how many dead bodies there were?

A There were about 20 when I arrived there, our group arrived; there were already about 20 persons lying there.

Q Now, when you left, how many dead bodies were there, more or less?

A More or less 50. All the groups that were there when I left. But I have seen my sister, and I called her by name, and --

Q How many of your group were able to survive?

A Two.

Q Who were they?

A Gliceria Malvecino and myself.

Q You said you were wounded, bayoneted at the back.

A Yes, sir.

Q What part of your back did you receive the bayonet?

A Yet on the left part of my back (indicating, yet in right here (indicating), right also there (indicating), and back here near the bone (indicating).

Q How many bayonet wounds in all did you receive?

A I received 12 bayonet wounds.

Q Were all these wounds centered in your back, or --

A No, only three -- one wound penetrated through my body.

Q Who bayoneted you?

A The Japanese soldiers, because --

Q When you say each of the five Japanese bayoneted each of the five persons that composed your group, how about these other wounds? Who bayoneted you? The same Japanese that bayoneted you in the back?

A No, sir, because when I got only wounded yet on the left side of my body, and as I could not endure the heat, I tried to escape. But as I was escaping I saw my sister, whom I was recognizing, and I told her to get up, to go with me, as there were no Japanese soldiers. But she could not; she had no strength any more to stand, and I lost also strength to carry her up, so I saw other girls who were also escaping, and I followed them. But as we were only about five meters

away from the group where the persons were being killed, we met three Japanese soldiers who came from other fields where they had killed other persons. We lie down on the ground and pretended to be dead. They approach us all and stab us in every direction of our body. That is where I got bayonet wounds. Then they left, and one of them returned with a spade and shovel and make a hole. We were buried there. But I was the last one. After half an hour I had not lost my consciousness, and I could hardly breath, and I tried to move. I tried to move my head continuously so that the ground covering me fell, so I could breathe easily. And then when I have not yet still lost my strength, I decided again to escape. I stood up, and through several stumbling in the field, I managed to cross the river and to get to the barrio where the doctor is.

Q Now, you say that gasoline was poured on you?

A Yes, sir.

Q Was there any furniture?

A Yes, sir, there were several furnitures.

Q Whose furniture was that?

A That is our house; our house is burning near to that place.

Q Was that furniture burned?

A Yes, sir.

Q How about the dead bodies?

A Some of them -- part of the dead bodies were burned.

Before I left, I look at the place to see if my sister was still living, and I found her already to be in the

pile of burned bodies.

Q Now, will you please tell the Commission whether there was any burning taking place on the night of February 9, 1945, around the town or poblacion of Santo Tomas?

A Yes, sir. The house of Bibiano Meer was being burned at eight o'clock that night. There was no other burning that --

Q How about the following morning?

A On the following morning there was no other burning in the town, but --

Q In the barrios?

A In the barrios there was one house being burned; the house of the brother of Governor Malvar.

Q How about the succeeding dates?

A On the next day, Sunday, several houses in the town were being burned, where those civilians were being killed; all the houses were burned.

Q More or less how many houses were burned in the poblacion or town, as well as in the barrios of Santo Tomas?

A Almost all houses in the barrios were burned, about less than 100 houses.

Q By whom were these houses burned?

A By the Japanese.

Q How do you know that?

A In our town there were only Japanese who went there. I have not seen any Filipinos.

Q Do you know how many platoons of Japanese soldiers

were there that morning?

A I don't know.

MAJOR OPINION: That is all, sir.

CAPTAIN REEL: No questions.

(Witness excused.)

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

(Whereupon, at 1120 hours, a recess was taken until  
1330 hours, 12 November 1945.)

AFTERNOON SESSION

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

GENERAL REYNOLDS: The Commission is in session.

Before the presentation of testimony begins for the afternoon there are some statements that the Commission wishes to introduce.

At a previous session of this trial Defense Counsel pointed out that the written motions filed with the Commission on behalf of the Accused are not included among the record of the sworn testimony. The Commission at that time stated that it would announce later the method by which such motions will be incorporated into the record of the trial. The Commission now directs that all such motions, whether or not read into the record at the time of filing, be included in a separate volume of the record to be devoted exclusively to the originals of the charge, the Bill of Particulars, Supplemental Bill of Particulars, Motion to Dismiss, and all other written motions or pleadings heretofore or hereafter filed with the Commission in this case.

The Commission also wishes to introduce the following statement:

The Commission will grant a continuance only for the most urgent and unavoidable reasons. The trial has now consumed two weeks of time. The Prosecution indicates that this week will be required to finish its presentation. Early in the trial the Commission invited Senior Defense Counsel to apply for additional assistants in such numbers

as necessary to avoid the necessity for a continuance. The offer has been extended from time to time throughout the trial. The Commission is still willing to ask that additional counsel be provided for we do not wish to entertain a request for a continuance. The Commission questions either the necessity or desirability for all members of counsel being present during all of the presentation of the case for the Prosecution. We feel that one or two members of the Defense staff in the courtroom is adequate and that the remaining member or members should be out of the courtroom performing specific missions for Senior Counsel. It directs both Prosecution and Defense to so organize and direct the preparation and presentation of their cases, including the use of assistants, to the end that need to request a continuance may not arise.

As a further means of saving time both Prosecution and Defense are directed to institute procedures by which the Commission is provided essential facts without a mass of nonessentials and immaterial details. We want to know (1) what was done, (2) where it was done, (3) when it was done, (4) who was involved. Go swiftly and directly to the target so the Commission can obtain a clear-cut and accurate understanding of essential facts. Cross examination must be limited to essentials and avoid useless repetition of questions and answers already before the Commission. We are not interested in trivialities or minutia of events or opinions. Except in unusual or extremely important matters the Commission will itself determine the credibility of witnesses. Extended cross

examinations which savor of fishing expeditions to determine possible attacks upon the credibility of witnesses serve no useful purpose and will be avoided.

The purpose of this statement by the Commission is to inform both Prosecution and Defense of our wishes and to direct prompt and effective steps be taken to carry them into effect.

A copy of this statement will be furnished both the Prosecution and the Defense at this time.

The Prosecution may proceed.

RICARDO A. CASTILLO

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

MAJOR KERR: For the benefit of the record, sir, I state that all members of the Commission are present, the Accused and Defense Counsel are present.

DIRECT EXAMINATION

Q (By Major Opinion) Please state your name.

A Ricardo A. Castillo.

Q Age?

A 39 years of age.

Q Address?

A Santo Tomas, Batangas.

Q Nationality?

A Filipino.

Q Are you at present municipal secretary of Santo Tomas?

A What?

Q Are you at present municipal secretary of Santo

Tomas?

A Yes, sir.

Q In the month of February and March, 1945 were you municipal secretary?

A Yes, sir.

Q As municipal secretary did you have anything to do about the compilation of data regarding deaths among the inhabitants of Santo Tomas?

A Yes, sir.

Q What was your specific duty?

A I was instructed by the mayor to compile reports on people massacred by the Japanese and houses burned by the Japanese, too.

Q And what did you do after you received that instruction?

A I wrote letters throughout the whole -- to all barrio lieutenants of the municipality of Santo Tomas to ask for data for this purpose.

Q When did you write that letter?

A That was about the month of February.

Q What year?

A 1945.

Q And did you receive reply or the data required in your letter?

A Yes, sir.

Q From the barrio lieutenants?

A Yes, sir.

Q What did you do with the data?

A I asked the clerk of the municipality to prepare

those lists for me out of those lists submitted by the barrio lieutenants.

Q Was the preparation made by your clerk under your direct personal supervision?

A Yes, sir.

MAJOR OPINION: Mark this for identification, please.

(Copy of partial report on war mortality between February and March, 1945, municipality of Santo Tomas, Batanga Province, was marked Prosecution Exhibit No. 282 for identification.)

Q (By Major Opinion) Showing you this Exhibit 282 of the Prosecution, will you please state what that list purports to be?

A This list are copies that were prepared by my clerk under my supervision.

Q When was that prepared, do you remember?

A This was prepared about the month of April.

Q Why was it prepared? Was it requisitioned by any officer?

A The War Crimes Investigator asked the mayor of Santo Tomas to furnish him with copies of -- with reports for this purpose. The War Crimes Investigator was so hurried that we were unable to prepare the -- to submit to them the whole -- all reports on this purpose. We have so far submitted a partial list.

Q So that this Exhibit 282 is only a partial list --

A Partial list.

Q -- of those killed in the municipality of Santo Tomas?

A Yes, sir.

Q Referring to the list, the first three pages thereof, it is captioned as being a "Partial Report on War Mortality Between February & March - 1945 (Poblacion)". What do you mean by "Poblacion" mentioned in this page?

A That is the -- "Poblacion", that is the -- the township.

Q Are barrios included in the Poblacion?

A The barrios are not included in the Poblacion.

Q These first three pages of the list which give the total number of 194 killed, plus 15, a total of 209, from what sources or data did you get and make the compilations thereof?

A These data were gathered by members of the municipal police force and under my supervision.

Q What was the procedure followed by the police force as well as the barrio lieutenants in the gathering of this data? Did they go from house to house?

A Yes, sir.

Q Was that the instruction which you had given them?

A Yes, sir.

Q To go and see house from house to house and ask every person of the family killed?

A Yes, sir.

Q Referring to this last page of this list, Prosecution Exhibit No. 282, there appears a total of 411 persons killed in the barrio of Santa Cruz, municipality of Santo Tomas. Where did you get this data from?

A These data were submitted by the barrio lieutenants of Santa Cruz.

Q Did you examine yourself the data furnished you by the barrio lieutenants?

A Yes, sir. Before asking them to prepare a final list I used to look at the reports.

Q Now then, are the numbers shown in these two places, Poblacion and Barrio Santa Cruz, correct?

A Yes, sir. They are partial lists.

Q Partial lists. How many barrios are there in the municipality of Santo Tomas?

A There are -- There were -- There are 25 barrios in the municipality of Santo Tomas.

Q You say that at the time these data were furnished by you to the War Crimes Investigators there were no reports received as yet from other barrio lieutenants?

A Yes, sir.

Q Did you receive them all now?

A I have received them already now in my office.

Q Did you make a compilation of these reports now?

A Up to the present the compilations are not yet finished.

Q How many more or less was the number of persons killed as shown by the reports that you received lately from the barrio lieutenants?

A I don't remember how many more.

Q How many more or less were killed?

A Well, my estimate is not less than 2000 people in Santo Tomas were massacred by the Japanese.

MAJOR OPINION: I offer this as evidence for the Prosecution.

GENERAL REYNOLDS: Any comment by Defense?

CAPTAIN REEL: Yes. Defense objects to the fourth column throughout this exhibit entitled "Cause of Death" as not being within the knowledge of the witness or the investigator. Outside of that there would be no further objection.

GENERAL REYNOLDS: The column on each page of the exhibit headed "Cause of death" is accepted by the Commission with the exception of the words "by Japs". The entry in this column after each name would remain "Killed". With that exception the document is accepted in evidence for such probative value as the Commission may attach to it.

(Prosecution Exhibit No. 282  
for identification was re-  
ceived in evidence.)

Q (By Major Opinion) Mr. Castillo, you have been residing in the municipality of Batangas --

A Santo Tomas.

Q I mean Santo Tomas. (continuing) -- until what date?

A I am still residing in Santo Tomas.

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

A In the municipality of Santo Tomas.

GENERAL REYNOLDS: A little louder, please. A little louder.

Q (By Major Opinion) On the 11th of February, 1945 -- Speak louder, please, and face the Commission.

A On the 11th of February I ran away from my home because the Japanese came in the town of Santo Tomas.

Q What time did you run away?

A About 6:00 o'clock in the morning.

Q Where did you go?

A I went to the other side of the river to escape from Japanese massacre.

Q Why did you run away?

A I was informed early in the morning -- I was informed by -- I was in the other house, in my neighbor's. I was at my neighbor's house and there I was followed by my house-girl and I was told that there were two Japanese in my home looking for me. I was afraid that they must be hunting me or he would get me and so I ran away.

Q Let me see. Let us straighten this out, Mr. Castillo. Where did you sleep the night of 10 February 1945?

A I slept at a small hut back of the yard of our home.

Q Within your own land or yard?

A Not within our yard but back of our yard.

Q How far was it from your house?

A About 500 meters from my home.

Q Your house borders on a street, does it?

A Yes, sir.

Q And you slept that evening of 10 February 1945 at the back --

A At the back.

Q -- part of your house in a small hut?

A Yes, sir.

Q At what time did you go to that hut?

A About 6:30 in the afternoon of February 10th.

Q Why didn't you sleep in your own home and instead you preferred to sleep in a small hut?

A Because we heard -- There was news to the effect

that the Japanese arrive in the municipality of Santo Tomas and that they are hunting men.

Q Now, from the street where your house was located could this small hut where you slept be seen?

A No, sir.

Q So that you slept that evening in a small hut?

A Yes, sir.

Q And the following morning you went out of the hut?

A Yes, sir.

Q For what purpose?

A I was intending to see whether there wasn't still Japanese in town, and if the Japanese are all gone I would take my family back to my home in order to settle again peacefully.

Q What did you find out when you went out of the hut?

A (No response)

Q What did you find out?

A I did not see any Japanese then, but when I was in my neighbor's home to inquire if there was really Japanese my housegirl told me that there were two Japanese looking for me. And so I ran away.

Q That they had been in your house? The two Japanese had been in your house?

A Yes, sir.

Q And what did you do then?

A I ran away to escape from being caught by the Japanese.

Q To what place did you go?

A The first time I ran intending to go the mountain

where I believe that I would be safe. When I reached a house along the highway I was told by the people in the house near the highway that there were Japanese along the streets, and so I was advised to run away. I ran across the river. While I was in the middle of the river two shots were fired at me and I thought and I believed that those shots were coming from the Japanese already.

Q When you left the hut who were the members of your family who were in the hut?

A My wife, --

Q Name?

A Paciencia Castillo, age 36.

Q Children? Did you have any?

A Two children.

Q Names?

A Feodoro Castillo, about five years old, and my girl child about three years old, Adolfo Castillo. My uncle and his wife were also with me in the hut.

Q Did you have any mother-in-law there?

A My mother-in-law was left at my home to watch our home because everything, all our belongings, all our food, clothing and everything, was in our home and we believed that if the Japanese saw that there were no people in the house, we were afraid that our house would be burned. That was the belief during those days: that when the Filipinos are out of the house the Japanese had to burn them.

Q Mr. Castillo, you left and crossed the river?

A Yes, sir.

Q Did you come back to see your family or the members

of your family who were left in the hut?

A Yes, sir.

Q Where?

A The next day.

Q Did you find them?

A I was informed that they were already massacred by the Japanese.

Q And you did not find them, therefore, in the hut?

A I did not find them in the hut.

Q None of them. At what time that following morning, say, 12 February 1945, --

A Excuse me. I did not have a chance to go to -- to go back to our home, because there were Japanese there in the town the next day. When I returned back to near my home I was at the river where the Japanese -- where there was no Japanese. I was informed by my friends and relatives that my wife and the whole members of our family were killed by the Japanese.

Q Now, Mr. Castillo, how many members, all the members, of your family were killed by the Japanese?

A The members of our household -- 13 members of our household were killed by the Japanese. The immediate members of the family -- that means my wife, three children -- that means four; my mother-in-law -- that means five; my niece, that means six; and my housegirl. We are seven.

Q Seven?

A Seven members.

Q Were there evacuees in your house at that time?

A There were four evacuees from our home and three

evacuees from Santo Tomas.

Q What happened to these 13?

A All of them were massacred by the Japanese.

Q How many other relatives of yours who were killed?

A Well, most of my relatives were massacred by the Japanese because --

Q Just give us the total, please.

A It cannot be less than 13.

Q Now, did you stay in the Poblacion or town of Santo Tomas since that day when you came back February 12, 1945 or did you leave Santo Tomas again?

A I was unable to go back to Santo Tomas. The other side of the river was the municipality of Taiwan, and I confined myself to this place because there were no Japanese.

Q You mean to say on the 12th as soon as you received the information about the killing of your family you left and went back again to the other side of the river?

A Yes. Yes, sir.

Q And did you come back again after that?

A Well, the third week I managed to go to my home and visit what had happened.

Q Were you able to visit your home?

A I was able to visit my home with the helps of my friends and relatives who look for my safety.

Q Now, did you bury any dead bodies?

A Well, after a week I was unable to bury the dead bodies. I just saw the dead bodies on my way, because along my way I found one of the places where the massacre was done -- is along my way going to the other side of the

river.

Q You said you saw so many dead bodies after a week. How many dead bodies more or less you saw?

A Well, in the place along my way it cannot be less than fifty -- fifty people.

Q Now, when the American liberation forces came at Santo Tomas where were you?

A I was with the -- The first time I heard of the liberation of the municipality of Santo Tomas I managed my way to go home with the purpose in view to bury all these dead bodies, because I pictured out that it would be impossible for me to identify my immediate members of my family and everybody.

Q Now, when was that?

A That was about the month of -- about the end of the month of March.

Q Were the liberators already in Santo Tomas?

A The liberators were already in Santo Tomas.

Q You went there?

A Yes, sir.

Q Were you able to bury the --

A Yes, sir. With the help of those who were -- whose families were also massacred by the Japanese we were able to bury them all.

Q Now, those bodies that you said you saw, were they the dead bodies of civilians or military men or armed forces?

A Civilians. There is no doubt that they are civilians because there are skulls still with long hairs, and that must be women. Clothings of women are there, too.

Q Were they male or female or adult or children?

A Well, most of them are those, because I was unable to find the bones of children. It is very hard to identify the bones of children.

Q Mr. Castillo, have the Japanese been burning the town of Santo Tomas?

A Yes, sir.

Q When?

A On the 11th of February.

Q What part of the Santo Tomas municipality was burned?

A The barrio of San Rafael, Santiago, and Santa Anastacia.

Q How do you know these barrios were burned?

A Because I saw from the place where I run to hide from the Japanese on the 11th.

Q Were all houses therein razed to the ground?

A All houses were razed to the ground except one which I found. I said "except one" because when the liberator forces were already in Santo Tomas and I went with them I found out that there was but one house left.

Q How about the Poblacion of Santo Tomas? Was it burned, too?

A The Poblacion of Santo Tomas -- not all of the houses there was burned by the Japanese.

MAJOR OPINION: That's all, sir. Cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Did you see anybody killed in Santo Tomas?

A (No response).

Q Did you see anybody killed in Santo Tomas?

A I did not see the killing.

Q Did you see any buildings burned in Santo Tomas?

A Yes, sir.

Q You saw the burning of fire?

A Yes, sir.

Q Where were you?

A I was on the other side of the river. That was two days before the general massacre of the civilians. And on the 11th of February when I ran away on the other side -- on the other side of the river, that was the municipality that was under the jurisdiction of the municipality of Taiwan. I also saw the burning of the houses along the road going to Colombo. That was the barrio of Santiago, San Rafael, and Santa Anastacia.

Q Do you know whether there was any fighting in Santo Tomas when the Americans came?

A Yes, sir; there was.

Q And was there some artillery shelling?

A Yes, sir; there was.

Q And air bombardment?

A Yes, sir.

CAPTAIN REEL: That's all.

#### REDIRECT EXAMINATION

Q (By Major Opinion) Just one question, please. When was that fighting referred to in the cross examination questions?

A That was in the later date.

Q When?

A That was in the later date. That was in the later date.

Q Later date?

A Later date.

Q You mean to say it was after 11 February 1945?

A Yes, sir.

Q How many days more or less or how many weeks more or less?

A The liberation of Santo Tomas took place about March 29th and about two weeks before the liberation there was a constant bombing of the municipality of Santo Tomas.

Q You mean to say constant bombing took place or might have taken place around March 14th or 15th?

A Yes, sir; March 15th.

MAJOR OPINION: That is all, sir.

GENERAL REYNOLDS: The witness is excused.

(Witness excused)

MAJOR OPINION: We will ask to have this statement marked Prosecution's Exhibit 283.

(Statement of Simeona Yu was marked Prosecution Exhibit No. 283 for identification.)

MAJOR OPINION: We offer as part of our evidence in this case this Exhibit 283, which is a sworn statement of Simeona Yu, taken by the investigating officer.

GENERAL REYNOLDS: To save the time of the Commission will you read the essential parts of it, please, so we may all hear it together?

MAJOR OPINION: Yes.

"Q Did you find others in the house of Mateo Tolentino when you arrived there?

"A Yes. We found nine people there; they were all kneeling. They were: Juana Molino, 65; Maximina Robles, 28; Purification Oliva, 4; Rolando Oliva, 7; the others I don't remember their names, but all were Filipinos and residents of Barrio San Roque, Santo Tomas, Batangas.

"We were ordered to kneel down and our hands were tied behind our back. Then the Japanese asked us where the guerrillas were. We told them we did not know anything about guerrillas. We were then told to wait. Then they took away 3 men and I never saw them again. My husband and I were then taken to the dugout, blindfolded, bayoneted and thrown into the dugout. I lost consciousness. When I recovered I saw the bodies of the other six persons sprawled on top of me. I climbed from under the pile of bodies and made my escape. I was the only survivor."

That is the most important part of the statement, if the Commission please.

GENERAL REYNOLDS: Are there any parts of this affidavit which the Defense wishes to invite the special attention of the Commission to?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: It is, therefore, accepted into evidence.

(Prosecution Exhibit No. 283 for identification was received in evidence.)

MAJOR OPINION: We will ask to have this statement marked as Prosecution's Exhibit No. 284.

(Statement of Maximo M. Malvar, was marked Prosecution Exhibit No. 284 for identification.)

MAJOR OPINION: We will now introduce Prosecution's Exhibit No. 284 as part of the evidence here.

GENERAL REYNOLDS: That is the statement of Maximo M. Malvar?

MAJOR OPINION: Yes.

GENERAL REYNOLDS: Read the essential parts of this affidavit.

MAJOR OPINION: The essential part of this statement is:

"A During that time there were three units of Japanese forces stationed here, namely, the garrison, the Kempei-tai of Lipa and the Kempei-tai (Japanese Military Police) of San Pablo, Laguna. Members of the garrison stayed here for only a short time and went to some unknown destination. The Military Police of Lipa and San Pablo were under

the Kempei-tai Headquarters stationed in San Pablo, Laguna. Colonel Hibi and his executive officer, Captain Okuda, were in charge of this organization."

Then there is the description of Colonel Hibi and a description of Captain Okuda.

GENERAL REYNOLDS: Is there any part of this statement to which the Defense wishes to invite the attention of the Commission?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: It is, therefore, accepted into evidence.

(Prosecution Exhibit No. 284 for identification was received in evidence.)

MAJOR OPINION: We will next ask to have the statement of Marcelina Endaya marked for identification.

(Statement of Marcelina Endaya was marked Prosecution Exhibit No. 285 for identification.)

GENERAL REYNOLDS: This is the statement of Marcelina Endaya?

MAJOR OPINION: Yes.

GENERAL REYNOLDS: Will you read the essential parts of it, please?

MAJOR OPINION: Page 2, sir, covers the essential portions of it.

GENERAL REYNOLDS: I think you should start with the first long paragraph on page 1 and then answer that question.

MAJOR OPINION: "Q Please tell us in your own words

what you saw in the way of mistreatment of Filipino civilians by the Japanese.

"A On Sunday morning, 11 February 1945, while we were hiding near the house of Tiburcio Cumba, west of San Juan River, Santo Tomas, we saw six Japanese soldiers. They saw us too and ordered us to come out of our hiding place. Then they tied our hands, the left hand, with a rope in the manner of a chain gang. The first ones who were caught by the Japs were led to a place about 120 meters north of the house of Tiburcio Cumba. We too were marched to that place, where our left hands were loosened from the rope that tied us. I was bayoneted about 4 times in the back, and 3 times in front. The last thrust went through my right wrist to the body of my 5 months old son, Reynaldo, and killed him.

"When we were all stabbed, we were thrown into one pile and gasoline was poured on us. The Japs also gathered dry sticks and piled them on tops of our bodies and then set us on fire. When my hair was being burned, such was the pain that I put my hands to my throat and tried to choke myself and end it all. But this was of no avail, so I jumped from the burning pile. There were still Japanese soldiers around so I pretended to be dead. They did not see me. When they went away, I got up and went to the house of Tiburcio Cumba. About 8 o'clock in the evening, my mother and sister found me in that house.

"Q Who were these "we" that you refer to?

"A The 24 persons hiding near the house of Tiburcio Cumba, 2 men and 22 women and children, including myself.

"Q When you arrived at the place of the killing,

were there any people there?

"A Yes, there were other people there when we arrived, and together with our group, numbered about 50 people in all.

"Q How many Japanese soldiers participated in the killing?

"A I saw only one doing the killing and also another one untying the rope of those victims to be stabbed.

"Q What were the other four Japanese soldiers doing?

"A They were walking around, guarding us lest we escape.

"Q Were there any survivors besides you?

"A In our group I was the only survivor, but I believe there were other survivors in the other groups.

"Q Can you give us the names, ages, nationalities and addresses of those people who were killed at that place?

"A Yes. Trinidad Sanchez, 22; Julita Sanchez, 20; Soledad Sanchez, 12; Elvira Sanchez, 7; Urbana Sanchez, about 51; Benigna Cumba, 35; Veronica Genteno, 55; Patricia Medina, 27; Jose Endaya, 4; Proceso Endaya, 8; Dominga Comia, 25; Estela Endaya, 4; and Jose Medina, 6. These are the only ones whose names I immediately remember. All are Filipinos and residents of this town of Santo Tomas, Batangas."

GENERAL REYNOLDS: Is there any additional part of this document that the Defense wishes to invite the attention of the Commission to?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: It is, therefore, accepted into evidence.

(Prosecution Exhibit No. 285  
for identification was  
received in evidence.)

MAJOR OPINION: We will ask to have this statement  
marked Prosecution's Exhibit 286.

(Statement of Agripino  
Calabia was marked Prosecu-  
tion Exhibit No. 286 for  
identification.)

MAJOR OPINION: The Prosecution offers as part of  
its evidence this Exhibit 286.

GENERAL REYNOLDS: You may read the essential parts  
of this document.

MAJOR OPINION: The only essential and substantial  
part of this exhibit is the last question on page 1:

"Q Tell us the names of the Japanese officials that  
you know from San Pablo City.

"A Major Uno. He arrived in San Pablo City in  
December 1944 and stayed until March 1945. Captain Yamaguchi  
was the Chief of the Kempei-tai (Japanese Military Police)  
in San Pablo City. Sergeant Major Odaki, Jui was Assistant  
to Captain Yamaguchi. First Sergeant Ubai was next in  
command to Odaki. I also know Sergeant Sakudaki, Sergeant  
Uihara, Sergeant Kawakami, and Sergeant Hirosi."

If the Commission please, that is the descriptions  
of each one of them.

GENERAL REYNOLDS: The Commission notes the question  
and answer on the bottom of page 3 of the document which  
is numbered page 48:

"Q Who do you think gave the order to massacre the  
people in Batangas?"

Then the answer is given as:

"A I believe it was Major Uno."

Are there any specific statements in the document to which the Defense wishes to invite the attention of the Commission?

CAPTAIN SANDBERG: I bring it to the attention of the Commission that the affidavit was taken at the New Bilibid Prison, Muntinglupa, Rizal Province, and the third group of questions and answers which read as follows:

"Q How long do you think you will remain here?

"A I do not know. I am detained for collaboration but no formal accusation has yet been filed against me.

"Q Where did you reside during the Japanese occupation?

"A In San Pablo City."

We invite the Commission's attention to that certain portion of the statement.

GENERAL REYNOLDS: Very well. The Commission notes that and the document is accepted into evidence.

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

MAJOR OPINION: That completes the presentation of this portion of the case.

CAPTAIN HILL: May it please the Commission, on Thursday of last week, the Commission expressed a desire to have some medical testimony relative to the Santo Tomas internment camp.

This is Bill of Particular item number 2, sir.

Dr. Fletcher.

LINDSAY Z. FLETCHER

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

DIRECT EXAMINATION

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

A Lindsay Z. Fletcher.

Q How old are you?

A Fifty-five.

Q Where do you reside?

A Manila.

Q Speak a little louder.

A Manila.

Q How long have you resided in Manila, Philippine Islands?

A Since 1928.

Q What is your business or profession?

A Physician.

Q Will you give the Commission your educational attainments, and also your experience in the practice of your profession?

A I have a B. A., a Ph. D., M. D., and F. A. C. S.; in the practice of medicine since 1916.

Q Have you during the course of your practice served, in the United States Army?

A I have.

Q As a member of the Medical Corps?

A Yes, sir.

Q For how long a period of time, Doctor?

A For 11 years.

Q During the occupation of Manila by the Japanese where did you reside?

A I was in Santo Tomas internment camp.

Q As an American internee?

A An American internee, yes, sir.

Q There has been evidence introduced in this trial to the effect that during the last part of the internment, particularly between 9 October 1944 until the liberation, that the caloric content of the daily ration of each individual was from about 1000 calories per day in October and November, to between 550 and 650 in January of 1945. Doctor, I want you to tell the Commission the effect of that diet upon the internees of that camp. Generally, during that period of time.

A Why, the effect was a gradual starvation. It was a slow starvation process, and the internees became very weakened, emaciated, and many of them lost their lives.

Q Do you recall, Doctor, of signing any death certificates during the month of November, 1944, and reciting as the cause of death "malnutrition" or "starvation"?

A Yes, sir.

Q Will you tell the Commission about those instances?

A About the 1st of November, I think there were three or four deaths on the one day, and I felt that those were all due to slow starvation processes, and I thought that the proper thing to do was to diagnose them, the cause of death, as "starvation", or due to 'starvation' and due to malnutrition. That is what I put on the death certificates.

Q Subsequent to that time, Doctor, were you or any of the other internee physicians permitted to enter upon the death certificates the word "malnutrition" or "starvation" as the cause of death?

A No, sir; we were not permitted to.

Q Will you tell the Commission why you were not permitted to enter those causes upon the death certificates?

A Well, they told us it was -- not to put them down, because the Japanese authorities did not want that as a diagnosis.

Q Do you recall, Doctor, one of your fellow physicians during the month of January, violating that order of the Japanese and entering upon a certificate the cause of death as "malnutrition" or "starvation"?

A I do.

Q And who was that doctor?

A Dr. Stephenson.

Q What are his initials?

A I really couldn't tell you. I do not know his initials.

Q And as a result of this act on his part, what, if

anything, happened to Dr. Stephenson?

A I think he was placed in confinement for several days.

Q And wasn't he still in the jail at the time of the liberation?

A He was in jail at the time of the liberation, yes, sir.

Q I wish you would give the Commission your best judgment as to the number of internees that died during the period 9 October 1944 to the date of the liberation, from malnutrition or starvation.

A I think that practically all of the deaths were due to starvation or malnutrition.

Q And about how many deaths occurred in the camp during that period of time, if you know?

A I can't say exactly, but there were along in January and December about one or more dying every day, so we were losing about 30 a month, I think.

Q During that period of four months?

A Yes, sir.

Q Do you know whether any of the internees died after the liberation, as a result of starvation or malnutrition?

A Many of those that were left in the hospital under treatment died, died of starvation after they were liberated. In other words, they did not recover.

CAPTAIN HILL: You may cross examine.

GENERAL REYNOLDS: Before you cross examine:

Doctor, it would be helpful to the Commission if

you would explain the status of your medical supplies, your surgical facilities, and your hospital facilities, especially during the final six months of your stay in Santo Tomas.

THE WITNESS: Why, our supplies were all very limited. We were able to do most of the surgery that was necessary in the camp, and we were able to take care of most of the people, except we were limited in medical supplies as well as food, and we were greatly limited. We would ask for medical supplies and they would send in supplies -- I guess as they could be obtained -- from the outside. But we were handicapped with a lack of supplies.

GENERAL REYNOLDS: How about the care of the seriously ill?

THE WITNESS: How is that, sir?

GENERAL REYNOLDS: What facilities were available for the care of the seriously ill?

THE WITNESS: Well, we had hospitals in camp, and we had nurses and doctors, and we gave them the best care that we could under the circumstances. They were all given hospitalization if it was needed.

GENERAL REYNOLDS: Were hospital facilities outside the compound available to you for the seriously ill?

THE WITNESS: They were up until the last -- I would say up until the last two months. If we had a very seriously ill case we could get them out, down to an outside hospital.

GENERAL REYNOLDS: What were the principal illnesses during the period, other than beri beri and other diseases

of malnutrition?

THE WITNESS: During those last four months?

GENERAL REYNOLDS: The last four to six months.

THE WITNESS: I think ordinary fevers and colds.

We had no epidemics to speak of in those last four months.

CROSS EXAMINATION

Q (By Captain Sandberg) Would you tell us, Doctor, what is the distinction between "malnutrition" and "starvation" as a medical matter?

A Well, starvation, I would say, is the loss or inability to have enough food to sustain life; it is a gradual process. And malnutrition is loss of weight, loss of energy.

Q Would you say that in malnutrition the situation is that the patient receives sufficient quantity of food to sustain life, but lacking in certain vitamins or other qualities which are necessary? In other words, does malnutrition go to quality of diet rather than quantity?

A Not necessarily, no.

Q Well, is there really any distinction, then, between the two?

A The quality and the quantity?

Q As you have used the term "malnutrition" and "starvation", do you really distinguish between them as two different terms?

A Well, they are two different terms, but there is probably not a lot of difference.

Q Now, you state that in your opinion all the deaths

at Santo Tomas were caused by malnutrition or starvation, at least to some extent?

A Not all of them. I say a great proportion of them were due to starvation, yes.

Q Do you mean by that, that the lack of proper food elements impaired the patients' resistance to a particular disease?

A I do.

Q And would you tell us what some of the diseases were in which you felt malnutrition paid a part?

A We had lots of beri beri, and we had other conditions.

Q Well, were there many cases where patients have died of ordinary common diseases, but in which you nevertheless feel that a lack of adequate diet was a factor?

A I feel that many of these people that died of cardiac conditions, nephritis, renal conditions, various conditions, would probably have lived if they had had food. I think their death was hastened maybe many years -- it might have been hastened only a few months -- for lack of food.

Q Now, in the course of your practice here in the Philippines, have you made any study of nutrition conditions here?

A Not particularly, no. We have had occasion to know a great deal about the nutritional conditions, but I would say I haven't specialized in it.

Q Well, would you say, Doctor, as a medical man, that nutrition represents one of the main health prob-

lems in the Philippines?

A It is one of the big factors, the big problems, yes; but not entirely, no.

Q Why, Doctor, is nutrition a big factor in the Philippine Islands, a big problem?

A I presume on account of it being in a tropical country.

Q Isn't it true, Doctor, that in the Philippine Islands, the tendency of the population to an unbalanced diet has been a major problem for many years?

A You mean with Americans here or with the Filipinos?

Q With the Filipinos.

CAPTAIN HILL: I object to that as immaterial, sir.

GENERAL REYNOLDS: Sustained.

Q (By Captain Sandberg) Now, did you cause to be made any caloric count of the diet at Santo Tomas?

A I think there were many made. Not that I had any of them made myself, but I do know about the conditions.

Q Do you know what the caloric count was at Santo Tomas in the month of September, 1944?

A I could not tell you now. I know it was very inadequate.

Q Do you know what the caloric count for any other month was?

A I couldn't tell you that now.

CAPTAIN HILL: I object to that as not proper cross examination, sir. That was not covered in direct examination at all.

GENERAL REYNOLDS: Not sustained. Counsel may

explore the point.

CAPTAIN SANDBERG: Will you read the question?

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

CAPTAIN SANDBERG: That is all.

CAPTAIN HILL: Thank you, Doctor.

(Witness excused.)

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

(Short recess.)

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

CAPTAIN HILL: The next item that the Prosecution desires to present as to the Bill of Particulars is Item No. 58.

AURELIO ALMASAN

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

DIRECT EXAMINATION

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

A My name is Aurelio Almasan.

Q Where do you reside, Mr. Almasan?

A I reside at Los Baños, Laguna.

Q How old are you?

A I am 47 years old.

GENERAL REYNOLDS: Is this linked with Item No. 1 also?

CAPTAIN HILL: No, sir; this is the massacre of the Chinese at Los Baños.

Q (By Captain Hill) What is your nationality?

A Filipino citizen.

Q Are you a former member of the Philippine Congress?

A I was a member of the Philippine Legislature.

Q During February and March of this year what official position, if any, did you hold at the municipality of Los Baños?

A I was Mayor of Los Baños.

Q In what province?

A Laguna Province.

Q Of the Philippine Islands?

A Laguna Province, yes, of the Philippine Islands.

Q Were you acquainted with a Chinese family in Los Banos, the head of the family being Ang Kai?

A Yes, sir.

Q Was he a merchant in the City of Los Banos?

A He was a merchant at the City of Los Banos, yes.

Q How long had you known Ang Kai?

A Well, I was born in Los Banos, and he was born in Los Banos, and I have known him ever since.

Q Did you know the other members of his household?

A I don't know them, except one.

Q Which one was that?

A We call him Kai.

Q Is that his son?

A Yes, it is his son.

Q Do you recall during the first part of March or the latter part of February having a conversation in Los Banos with any Japanese relative to the Chinese in that city?

A In February, somewhere around February 10th, I did.

Q Will you relate that conversation -- just a minute. With whom did you have that conversation?

A I had that conversation with a member of the Kempei Tai, the Military Police of the Japanese.

Q What was the man's name with whom you had the conversation?

A It was with Captain Sato.

Q Go ahead and tell the Commission the substance of

that conversation.

A They told me -- they asked me where the Chinese lived and how many of them there were in Los Banos, and I told them that there were about, as far as I know, about 30 or 40 of them; also that they have houses in Los Banos. They asked me about that.

I asked them why they wanted to know. They asked me where the Chinese were living, and they told me they were going to be killed.

Q Did he, Captain Sato, tell you why they were going to be killed?

A They told me that they were pro-American, and all pro-Americans would be killed.

Q Were the Chinese in Los Banos all civilians to your knowledge?

A They were all civilians to my knowledge, yes, sir.

Q Was there anything else to this conversation which you have told us about?

A Yes. I told them they should not kill the Chinese in Los Banos because the Chinese in Los Banos were good people. They were peaceful people and noncombatants. That is what I told them.

Q Now, after that and prior to, or on the 6th of March, 1945, did you have any other conversation with any members of the Japanese armed forces relative to the Chinese in Los Banos?

A We had a conversation -- I had a conversation with a member of the Kempei Tai, by the name of Mr. Kinoshita.

Q Do you know what his rank was?

A No, I don't, because he has never worn any military clothes.

Q He wore civilian clothes, did he?

A Yes, he wore civilian clothes.

Q Relate that conversation.

A He told me about eleven or twelve o'clock, he told me that the Chinese would be rounded up at one o'clock. At one o'clock all the Chinese would be rounded up and killed.

Q And what day was that?

A That was March 6th. And then I told him -- I reminded him of what I told him last February, that the Chinese were all good people and noncombatant, but he told me that was the order of the garrison commander up on the hill. The garrison commander was living in the hills at that time.

Q Do you know the garrison commander's name that was living in the hills?

A His name, as I know it, was Saito.

Q Now, later that day did you see any activity in regard to the rounding up of the Chinese in your community?

A I haven't seen any except that about three o'clock a Filipino came over to my house and asked me to go where the Chinese were, and that they were with the Kempei Tai at that time. That was between two and three o'clock.

Q Did you go there?

A Yes, I went there.

Q Tell the Commission what you found when you arrived

at the Kimpei Tai Headquarters.

A I found in a room, the Kampei Tai, the M. P.'s. I think two members of the Kampei Tai, two or three members of the Kimpei Tai were there. Later, about two or three minutes, they took me into a room with a family of Chinese.

Q What is their Chinese name, if you know?

A I don't know.

Q Were you in the Ang Kai house at this time?

A I was at the Ang Kai house at that time, yes.

Q Tell the Commission what you saw, or what took place with reference to the family known to you as the Cosmos family. You know that family, do you?

A Yes. They took in eight of them, I think seven or eight of them, all members of the Cosmos family. We know the family by the name of Cosmos in Los Baños. The M. P. told me, Mr. Kinoshita is the one that told me, that I would take responsibility for the Chinese family, the Cosmos family; that if they were given to me permanently, and that if any one of them goes away or does any act that is against the Japanese Government, that is construed to be against the Japanese war effort and Army, he told me that if that happened I was to die. And I told him yes, I would take the responsibility.

Q Did you take the Cosmos family away with you that day?

A No. I was ordered to go home, and then they told me that they were going to send the Cosmos family to my home at about seven o'clock.

Q While you were in the home of Ang Kai did you see any other Chinese there besides the Cosmos family?

A No, sir.

Q Were you in any other part of the house at that time, or were you just in one room?

A I was only in one room.

Q Was the other part of the house shut off?

A It was shut off, yes.

Q Did the Cosmos family later that day come to your house?

A Yes, sir; about six or seven o'clock, something like that.

Q Now, were you later that day again in the neighborhood or the vicinity of the Ang Kai home?

A I was, sir.

Q What time was that?

A About seven or eight o'clock.

Q Was it dark?

A Very dark, yes.

Q Tell the Commission what, if anything, you saw in that vicinity at that time.

A Well, we were there for the purpose of putting away some supplies for the Japanese that came there, -- about 30 of them came, and where they came from I do not know. They asked us to put away some supplies and something else.

Q Were you performing forced labor at that time?

A Yes, forced labor at that time.

Q Go ahead.

A So we were in that vicinity. About 10 or 20 yards from us on the crossroad we heard some Chinese talking. I believe they were marching the Chinese off in the direction of east.

Q Would that be in the direction of the barrio of Los Baños -- you say it was east?

A Yes.

Q Could you see at this time whether there were any Japanese soldiers accompanying this group of Chinese?

A It is rather hard to see them, because it was dark. I heard them, and that was all.

CAPTAIN HILL: Well, you may cross examine.

CAPTAIN REEL: No questions.

(Witness excused.)

MATILDE CHU

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

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Matilde Chu.

Q And where do you live?

A Los Baños, Laguna.

Q How old are you?

A I am 19 years old.

Q What is your nationality?

A My nationality is Chinese.

Q Were you residing in Los Baños in the early part of March of this year?

A Yes.

Q Do you recall going to the house of Ang Kai on the 6th day of March, 1945?

A Yes, sir.

Q Tell the Commission the occasion for your going there and who accompanied you.

A It was March 6th, and it was maybe between one and two o'clock in the afternoon, and a Filipino man by the name of Eduardo Gil came to our house and told us the Japanese officer wanted our family to go to a certain house just maybe a hundred yards away from the house where we lived. We thought the Japanese would do harm to us, because there was no reason to ask a good family to go to that house. So what we did, we left the house, and we began crying and crying, and my small sisters and my mother, too. When we reached the house we found a Japanese officer sitting on a high stool and maybe with ten private soldiers and maybe six Filipino civilians.

Q Just a minute. Who accompanied you to the house of Ang Kai on that occasion?

A Two Japanese accompanied us.

Q What members of your family were with you?

A We were with my mother, my father, and myself, and five more sisters and brothers.

Q All right. Go ahead and tell the Commission what took place there at the house after you got there.

A You mean at Ang Kai's house?

Q Yes.

A When we reached Ang Kai's house we found already the Ang Kai family in that house, and when we reached the

house we were separated from my father, because they said he was a guerrilla, and the girls were separated from the boys, and we were led to the room just opposite the room where my father was kept, and I found my father was tied in the back, his hands were tied in the back. And when we reached that house we were afraid, and we were crying and groggy, and after awhile a Japanese entered the room, and when he entered the room he closed all the windows, and there were several Japanese guards at the door. And what he did was to bar all the windows with wires, and he was trying to see if he could open it or not, or whether we could escape from the house or not.

Then he left and the Japanese Military Police came again and entered the room. He spoke with my mother and asked her whether my father is a guerrilla or not. He was asking whether my mother and myself were guerrillas, too. We told them, to save our lives, that we are not guerrillas.

He became angry, and he told Mother we might not be guerrillas, but Father might be. Once we answered him in the wrong way we knew he would slap our faces and beat us up.

Q Just let me interrupt you a minute. In this room where they took your mother and you and your sister were there any other civilians there?

A There were civilians, yes.

Q How many?

A Maybe around four or five.

Q And did you know any of them?

A I know only the Ang Kai family that was in the room

with us.

Q Were the members of the Ang Kai family in that room?

A Yes.

Q The women members of the family?

A The women, and the children, too.

Q How many of that family did you know or recognize?

A Oh, maybe more or less than 20.

Q You think there were about 20 women and children in there?

A I think so, yes.

Q Now, go ahead and tell the Commission what took place.

A Then we went to Ang Kai's house maybe at two o'clock, and then at four o'clock the Japanese Military Police talked to my mother, and he just went downstairs, and when he came back upstairs he was with the Mayor, and when the Mayor was there the Japanese told us to follow them, and told just our family to follow them, and then the Japanese led us to the house next, where the Ang Kai family was kept, and when we arrived at that house a Japanese told us to sit on the floor, and when we were seated I just heard and just saw the Japanese Military Police just whispering something to the Mayor, and then the Japanese spoke loudly and asked the Mayor whether our family are good people or not, and whether my father is a guerrilla or not.

Q Did this Japanese speak English or Tagalog?

A Tagalog. The Mayor, just to save our lives, told the Japanese that we are good people, and my father is not

a guerrilla, and the Japanese talked to my father and to my mother, that we are not to be killed that day, and told us that we should live in the Mayor's house and not leave the house until the order comes, and we didn't know -- and our lives were still not sure whether we would be alive or not, because the Japanese told us not to leave the house unless the orders come.

Q Now, did you see any of the male members of the Ang Kai family in the house there?

A No.

Q They were in a separate room from where the female members were?

A Yes.

Q Did you have a conversation, before you left the house, with one of the Japanese officers?

A He is not an officer, but he is a Military Police.

Q Do you know what his name was?

A Yes, I know.

Q What is his name?

A His name is Konisi.

Q Tell the Commission the conversation you had with him.

A When the Japanese led us downstairs to the separate house away from Ang Kai's family, the Japanese asked me whether I knew him or not, and to tell you the truth I really didn't know him, and he told me that he had stayed several months in the College of Agriculture and was in the concentration camp where the Americans are located. He told me he is responsible for giving the food or not

giving the food to the American internees. He told me he is responsible and goes with the other soldiers in killing the people of Los Baños. That is all he said.

Q Then were you and the other members of your family released from the Ang Kai house that afternoon?

A Yes, we were released.

Q About what time?

A Maybe five o'clock.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

(Witness excused.)

ANG KIM LING

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

DIRECT EXAMINATION

Q (By Captain Hill) What is your name?

A (Through the Interpreter) Ang Kim Ling.

Q How old are you?

A 10 years old.

Q Where do you live?

A Los Banos.

Q Are you living there now or are you living with some of your relatives somewhere else?

A I am living somewhere else.

Q What is your nationality?

A Chinese.

Q What was your father's name?

A Ang Kawa.

Q And what was your mother's name?

A Tee Chian.

Q What was your grandfather's name?

A Ang Kai.

Q What was your great grandmother's name?

A I don't remember her name.

Q Were you living in Los Banos with your grandfather in his house several months back?

A Yes.

Q Do you remember any Japanese soldiers coming to your grandfather's house?

A Yes.

Q How many do you remember coming there?

A More than 20.

Q Will you tell the Commission what these Japanese did after they got to your house that day?

A We were taken upstairs and the men were taken to a different room and the children and my mother were taken to a separate room.

Q What time of the day was it that these Japanese came there?

A 12 o'clock midnight.

Q 12 o'clock midnight?

A 12 o'clock noontime.

Q And did you see what they did with your daddy and your grandfather there in the house?

A Yes, I saw.

Q What did they do with them?

A They tied them.

Q How did they tie them?

A They used rope to tie them.

Q Did they tie anyone else besides your father and your grandfather?

A Yes.

Q Do you know the names of the other ones that were tied?

A Yes.

Q What were their names?

A A Mr. Sy. I don't know the first name. And another couple.

Q Do you know about how many Chinese the members of the family were in the house when these Japanese came?

A 24 persons in the house.

Q And were they all related to Ang Kai?

A Yes.

Q How long did these Japanese stay in the house?

A They came from noon and stayed until 8 in the evening.

Q And when they left did they take anyone with them?

A Yes.

Q Whom did they take with them?

A A Mr. Sy and some other people -- some Cantonese.

Q Did they take you with them?

A I was with them.

Q Did they take your grandfather and all of the members of his family?

A Yes.

Q And where did they take you?

A They brought us to a hillside.

Q Was that near Los Banos?

A Yes.

Q And what did they do when they got you all to this hillside?

A They took us four or five at a time and killed us.

Q Did they take you in one of those groups of four or five?

A Yes.

Q And what other persons did they take in the same group with you?

A My mother, my great-grandmother and my sister.

Q And did you see what these Japanese did to your mother and your great grandmother and your little sister?

A I don't know.

Q Did they do anything to you?

A Yes.

Q What did they do to you?

A They bayoneted me.

Q Will you show the Commission where they bayoneted you?

A (Witness indicates upper left arm.)

Q Was that the only place they bayoneted you?

A I have another wound; in leg (indicating).

Q Show the Commission where they bayoneted you in the leg.

A (Witness indicates left front leg.)

Q And what did you do when they bayoneted you?

A I lay down.

Q Were you the first one in the group to be bayoneted?

A No.

Q Did you see any others in the group bayoneted?

A No. After I was stabbed I closed my eyes.

Q Did you go to sleep then?

A I slept a little.

Q And when you woke up did you see any of the other members of your family there?

A Yes.

Q Tell the Commission which ones you saw.

A I saw a head, a few legs and arms laying on the ground.

Q And were these people dead?

A They were dead.

Q Was there anything placed over your head when you awakened?

A Yes; a galvanized sheet; iron sheet.

Q What did you do then after you awakened?

A When I woke up I called for help and I only saw my sister.

Q And what is your sister's name?

A Elisa Ang.

Q And is that the little girl who is standing there by your chair?

A Yes.

Q And when you saw your sister there had she been bayoneted by the Japanese?

A Yes. She was already bayoneted.

Q Do you know how many times?

A Sixteen times.

Q Will you have your little sister come around and show the Commission where she was bayoneted?

A (Sister of witness approaches witness stand.)

Q You show the Commission where your sister was bayoneted.

A (Witness indicates on sister's body left arm, breasts, back of neck and back.) Sixteen wounds.

Q What did you do then after your sister answered you when you called?

A I put her out.

Q Where did you go?

A I just walked out with my sister and tried to locate anybody who would help us.

Q Did you find your father or your mother there?

A No.

Q Did you find your grandfather?

A No.

Q Did you find any of the other members of your family that you recognized?

A No. I just saw that head. I don't know whose head it was.

Q And where did you and your sister go?

A We walked in the streets.

Q Did you go back to Los Banos?

A We walked out and then the Japanese caught us again.

Q Did they try to bayonet you anymore?

A No.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

AGAPITO VILLAFLOR

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

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Agapito Villaflor.

Q Where do you reside?

A 361 Ilang - Ilang, Manila.

Q Is that in Manila?

A Yes, sir.

Q How old are you?

A 19, sir.

Q What is your nationality?

A Filipino.

Q Are you any relation to Ang Kai, who lived in Los Banos?

A Ang Kai is my uncle.

(A document was marked Prosecution Exhibit No. 287 for identification.)

Q I will hand you Prosecution Exhibit 287 and ask you to state what it is, if you know.

A This was all the members of my uncle's family who was massacred by the Japs on March 6 in Los Banos.

Q Now, I notice there is at least one, or maybe more, that you have marked here "alive," living in China.

Were those that you have so marked living in the household of Ang Kai at that time?

A No, sir.

Q But were all of the other persons shown here on

this paper members of Ang Kai's household and living , there?

A Yes, sir. There is one of them there was an old man there who was their cook, employed.

Q What was his name?

A His name is Ang Sua.

Q Now, how many members of Ang Kai's family were living there in his household on the 6th of March, if you know?

A There are 22 of them.

Q And in addition --

A In addition there is two who were killed.

Q Were they employees? Were there any employees living there besides the ones you have already named?

A No, sir.

Q Have you seen any of the members of Ang Kai's family since the 6th of March, 1945, with the exception of the two grandchildren that have been here in court?

A No, sir.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit 287, sir.

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

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

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

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

Q (By Captain Hill) I hand you Prosecution Exhibit No. 288 and ask you to state what it is, if you know.

A This is the picture of my uncle's whole family.

Q Is that the family of Ang Kai?

A Yes, sir.

Q Were all of the members of the family shown in that picture, with the exception of the two that were here in court, killed at Los Banos?

A There are two here who were in China.

Q Which two are they?

A These two, sir (indicating).

Q Give their names, please.

A They are Ang Kien Guan and Ang Han Ke.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 288, sir.

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

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

CAPTAIN HILL: That is all.

(Witness excused)

FERNANDO SILVA

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

DIRECT EXAMINATION

Q (By Captain Hill) State your name, please.

A Fernando Silva.

Q Where do you reside?

A Los Banos, Laguna.

Q What is your nationality?

A Filipino.

Q What official position, if any, do you hold down at Los Banos now?

A Chief of Police, Los Banos.

Q And how long have you been Chief of Police?

A Since April, 1945.

Q Did you know Ang Kai during his lifetime?

A Yes, sir.

Q And any of the other members of his family?

A Not all of them, sir.

Q Did you have occasion, after you became Chief of Police to go to the barrio of Anos for the purpose of recovering some bodies there?

A Yes, sir.

Q Tell the Commission just what you did with reference to the recovery and identification of these bodies.

A There are plenty of Chinese come to my place, as Chief of Police; they told me that if I know the place where the Chinese are massacred, and I told them I had been looking for those Chinese and some of the people that were massacred, and I found them in barrio Anos, about 200 yards more or less from the town hall.

Q And what, if anything, did you do after you discovered these bodies in the barrio of Anos?

A We buried them, sir.

Q Could you tell the number of dead bodies that you found there?

A I didn't count the number, sir.

Q Will you tell the Commission the condition of those bodies?

A They were all rotted, sir, and some of the bodies were eaten by the pigs and dogs.

Q And what date was it that you went out there to recover these bodies?

A It is in the month of March, but I can't tell exactly.

Q Were you able to identify any of the bodies?

A Yes, sir.

Q Which ones, if any?

A Ang Kai, sir.

Q How could you identify the body of Ang Kai?

A Because of his clothing, sir.

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

Q How far is the barrio of Anos from Los Banos?

A About 200 yards, sir, more or less.

Q I hand you Prosecution's Exhibit 289, and ask you to state what it is, if you know.

A This is the place where Ang Kai's family was massacred, sir, and was buried.

Q That is where you helped bury them?

A Yes, sir.

Q Were they all buried in one grave?

A Yes, sir.

CAPTAIN HILL: We offer in evidence Prosecution Exhibit No. 289, sir.

GENERAL REYNOLDS: There being no objection, it is

accepted in evidence.

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

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

(Witness excused.)

AURORA VALENCIA

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

MAJOR KERR: You speak English, do you?

THE WITNESS: I do.

CAPTAIN WEBSTER: Sir, this is contained in paragraph 56 of the Bill of Particulars.

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Aurora Valencia.

Q Your age?

A 17 years.

Q Your nationality?

A Filipina.

Q Miss Valencia, will you speak a little louder, please, so that everyone might hear?

A Yes, sir.

GENERAL REYNOLDS: Very much louder.

Q (By Captain Webster) Where is your home?

A Paete, Laguna.

Q Where were you living on or about the 9th day of April, 1945?

A We were there in the mountains; we were going to

barrio Pakil.

Q With whom were you living?

A With my parents and other relatives.

Q How many families were living in your home?

A We were composed of five families in that house.

Q How many people composed those five families?

A We are composed of 24.

Q Well, on that day did you have any Japanese visitors come to your home?

A It was April 9, early in the morning.

Q How many Japanese came to your home?

A Three Japanese came in our home that morning.

Q Were they Japanese soldiers or sailors?

A They were all soldiers. They were all wearing a khaki uniform.

Q Were those men armed with anything?

A They had rifles and bayonets.

CAPTAIN WEBSTER: Can the Commission hear the witness?

GENERAL REYNOLDS: A little louder will be necessary.

Q (By Captain Webster) Well, what did those Japanese do at your home at that time?

A They confiscate all the goods, clothes, and all the things that they like to take with them.

Q Did they do anything else?

A The other Japs trying to rape me. He was trying to put my dress up and lay me down, but I just pray and ask for mercy to the Virgin Mary.

Q What did they do to the people that were living in

the home?

A They tied us one by one.

Q How did they tie you?

A They tied the others around the waist, and others around their hands.

Q And what did the Japanese then do with you?

A They slapped my mother, and they used to push me down and trying to put my dress up so I would allow him to -- (pause)

Q Did they take you any place?

A I beg your pardon, sir?

Q Did the Japanese take you and the other people any place that day?

A Yes, sir. They brought us down the foot of the mountains.

Q What did they do to the people at the foot of the mountains?

A They just let us stay there for a long time under the sun.

Q About how long?

A About a few minutes only.

Q Now, was the group that was out there the same people who were living in your home?

A I beg your pardon, sir?

CAPTAIN WEBSTER: Will you read the question, please?

(Question read as above recorded.)

A We got two persons, Inong Galabok and Itang Dans.

Q Did those two persons join that group at a later

time?

A They were with us that time.

Q And how many Japanese were there at the foot of the mountains at that time?

A All in all they were 60 Japanese.

Q Were any of those Japanese officers?

A I know of one. He is a captain.

Q Do you know his name?

A It is Captain Daika; the following words, which I could not pronounce very well -- (pause)

Q Well, what did the Japanese then do to you?

A They tied us, and afterwards they bayonet all of us.

Q How many people did you see bayoneted by the Japanese at that time?

A The whole family, the five families.

Q Can you name any of those that you saw bayoneted?

A The first one who had been stabbed was Pedro Caidic. He is my uncle. And Galabok and his wife. They were the first ones to be stabbed. The second was my mother, and then I myself.

GENERAL REYNOLDS: Will you speak louder? We are unable to hear at all.

CAPTAIN WEBSTER: Speak a little louder.

Q (By Captain Webster) Was there anyone else that you saw bayoneted by the Japanese at that time?

A No more. Five families only.

Q Did the Japanese bayonet you?

A Yes, sir.

Q Where did they bayonet you?

A Here in my upper chest (indicating), through and through, and one on top of my left foot.

Q Any other wounds besides the one in your chest and one in your leg?

A No more, sir.

Q What did you do after you were bayoneted?

A I just stayed there for a few minutes to let the Japs go away and remove my tying.

Q Now, of the people who were bayoneted by the Japanese at that time how many escaped?

A We were only two. We were able to go down to the barrio to get first aid, the Americans.

Q Who was the one who escaped with you?

A He is Ernesto Balquiedra.

Q And was he wounded?

A No, he was not wounded.

Q Was he struck with a bayonet?

A No, sir.

Q Was he one of the group that was with you at the foot of the mountains when the others were bayoneted?

A Yes, sir.

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

Q Miss Valencia, I will hand you what has been marked for identification as Prosecution Exhibit 290, and will you state what that is, please?

A This one is my mother. This is my aunt (indicating); this one is also my aunt.

Q Is that a picture of the place where the people

were bayoneted at the time you have described?

A I was in this place when it is the time we were massacred.

Q And the bodies that are shown on that picture are bodies of people who were with you at that time?

A Yes, sir.

Q How many bodies do you recognize on that picture?

A Ten.

CAPTAIN WEBSTER: Sir, we will offer this as Prosecution Exhibit 290 in evidence.

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

(Prosecution Exhibit No. 290 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 291 for identification.)

Q (By Captain Webster) Miss Valencia, I will hand you what has been marked for identification as Prosecution Exhibit 291, and will ask you to state whose body that is.

A This is Crisanta Balquiedra and her daughter.

Q You say that is her daughter who is the body under here (indicating)?

A Yes, sir.

Q Was that lady and her daughter with you at the time the people were massacred by the Japanese?

A Yes, sir.

CAPTAIN WEBSTER: Sir, we will offer this in evidence.

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

(Prosecution Exhibit No. 291 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 292 for identification.)

Q (By Captain Webster) Miss Valencia, I will hand you what has been marked for identification as Prosecution Exhibit 292, and will ask you to state what that is.

A This is Pedro Caidic.

Q That is a picture of the body of Pedro Caidic?

A Yes, sir.

Q Was he one of the ones who was living in your vicinity?

A Yes, sir.

CAPTAIN WEBSTER: Sir, the Prosecution offers Exhibit No. 292.

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

(Prosecution Exhibit No. 292 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 293 for identification.)

Q (By Captain Webster) Miss Valencia, I will hand you what has been marked for identification as Prosecution Exhibit 293, and ask you to say what that is.

A This is Virginia Adao.

Q How old is that girl?

A I think six years old.

Q Is that one of the children who were with you at the time the people were massacred by the Japanese?

A Yes, sir.

CAPTAIN WEBSTER: Sir, the Prosecution offers Exhibit 293 as part of the record.

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

(Prosecution Exhibit No. 293 for identification was received in evidence.)

CAPTAIN WEBSTER: You may cross examine.

CAPTAIN REEL: No questions.

(Witness excused.)

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

CAPTAIN WEBSTER: We will ask to have this statement marked for identification.

(Statement was marked  
Prosecution Exhibit No. 294  
for identification.)

CAPTAIN WEBSTER: Sir, at this time the Prosecution offers into evidence Exhibit 294, which is a statement taken by an investigator of the War Crimes Branch, Edward O'Brien.

GENERAL REYNOLDS: Will you read, please, the significant parts of this document?

CAPTAIN WEBSTER: Sir, the purpose of this exhibit is to identify certain photographs which were taken in the area on or about the 11th day of April, 1945.

We will ask to have this photo marked for identification.

(A photograph was marked  
Prosecution Exhibit No. 295  
for identification.)

CAPTAIN WEBSTER: The first picture is identified on the third page of the statement, the fifth question and answer, which is a picture which is marked Exhibit 1 and SWPA-Sig C-45-13947. I have had that picture marked as Prosecution's Exhibit 295 and offer that picture into evidence as identified by the statement.

Sir, the second picture identified is in the following question and answer. It is marked as Exhibit 2 and also marked SWPA-Sig C-45-13957.

Now we would like to mark another photo as Prosecution's Exhibit 296.

(A photograph was marked  
Prosecution Exhibit No. 296  
for identification.)

CAPTAIN WEBSTER: We now offer those photos in  
evidence.

GENERAL REYNOLDS: There being no objection, the  
photos are accepted into evidence.

CAPTAIN REEL: Which exhibit is that? Is that the  
statement you are now offering?

GENERAL REYNOLDS: No, it is the pictures.

CAPTAIN WEBSTER: It is the picture identified by  
the statement.

CAPTAIN REEL: Has the statement been offered?

CAPTAIN WEBSTER: It has been offered in evidence  
and the Commission asked for me to point out the purpose of  
the statement, the purpose of which is to identify the  
photos.

CAPTAIN REEL: The only thought I would present before  
the pictures are accepted is that we find out whether the  
statement is to be offered and accepted. Apparently it has  
to do with the pictures.

GENERAL REYNOLDS: The statement has not been ac-  
cepted into evidence. Does the Prosecution offer the state-  
ment into evidence at this time, the statement of Edward  
O'Brien?

CAPTAIN WEBSTER: It does, sir.

GENERAL REYNOLDS: Are there any significant parts  
of it to which the Defense wishes to object?

CAPTAIN REEL: Might we have the indulgence of the  
Commission for a few minutes to read this?

GENERAL REYNOLDS: Yes.

(Short recess)

GENERAL REYNOLDS: I will ask the Prosecution to read this statement, starting with the sixth question and answer on page 1 and continuing through all of page 2.

CAPTAIN WEBSTER: "Q Will you please state in detail what you saw there?

"A In the area I saw approximately thirty-two bodies. Most of them were bayoneted five or six times. There was one group that I saw in a mudhole of a passing stream. There were about fifteen in that group. Then we found bodies in groups of two or three dispersed all over the area off the trails that led down to the barrios.

"Q Did you see any evidence of cannibalism?

"A Yes. I saw the body of a little boy about four years old. The meat of the upper left thigh of the leg of the boy had been sliced as if cut by a bayonet or a sharp knife.

"Q Did you see any evidence of decapitation?

"A No, sir.

"Q Did you find any of the survivors?

"A At the scene there were no survivors but later investigation revealed that there were some survivors in the 1st Portable Surgical Hospital which was located outside the town of Mabitac, Province of Laguna.

"Q Can you tell me the names of the survivors, sex, nationality and approximate ages?

"A Aurora Valencia, female, Filipino, 16 years old, and a native of Pingas, Laguna Bay, Luzon, P. I.; Mateo Ades,

male, Filipino, 70 years of age, and a native of Pingas, Laguna Bay, Luzon, P. I.; Patricio Adao (who, I learned later, died as a result of bayonet wounds), male, Filipino, 9 years old, and a native of Pingas, Laguna Bay, Luzon, P.I.

"Q Were you able to take down the statements of the above-mentioned survivors?

"A Yes.

"Q When did the atrocities occur according to their statements?

"A Approximately 7 April 1945, at about ten o'clock in the morning.

"Q Did they state any reason why the Japanese committed such atrocities?

"A No. In fact, they said that there was no resistance offered by the civilians. They seemed to think that the Japanese were given orders to kill them.

"Q Did these survivors witness the commission of the atrocities by the Japanese?

"A From the affidavits taken from them, they witnessed the Filipino civilians being bayoneted by the Japanese in isolated places so that the bodies of the persons we found were scattered all around the area. There was one affidavit taken from a boy, whose name I do not recall, who said that although he did not see all of the victims being bayoneted by the Japanese, yet he could deduce the killing from the moans and cries of the people that were there.

"Q Do you know the Japanese Unit that was responsible for these atrocities?

"A Affidavits taken from the survivors indicated that

the commanding officer of the group was the former commander of the Japanese Army garrison in the town of Paete, Laguna.

"Q Do you know what Japanese Units were in the town of Paete, Province of Laguna?

"A Offhand I don't.

"Q What Japanese Unit was in your sector at that particular time which was opposing your group?

"A I don't recall, but I believe that can be checked with headquarters or somewhere.

"Q Did you see any victims whose hands were tied behind them?

"A Yes, sir, there was one.

"Q Do you know the name of the person whose hands were tied behind him?

"A I don't know but it can be found in the Atrocities Investigation Report I wrote on 11 April 1945 which went directly through CIC channels.

"Q Who was with you when these victims were discovered?

"A T/5 John J. Jepson was with me. He was a member of the 161st Signal Company attached to the 43rd Division.

"Q Was there anyone else with you aside from T/5 Jepson?

"A Yes, a Filipino guerrilla by the name of Felix Astronimo. He was one of the survivors of the atrocities.

"Q Do you know the present whereabouts of Felix Astronimo?

"A He was working with the units of the Division

there. His family, wife and children, were victims of the said atrocities. I don't know his present address but I believe you can find him in the town of Paete, Laguna."

GENERAL REYNOLDS: And the first question at the top of the next page.

CAPTAIN WEBSTER: "Q What outfit or unit actually discovered these bodies?

"A Company L of the 103rd Infantry Regiment. They were members of the security patrol. They left the base camp in the afternoon of 7 April 1945. They brought down the survivors I had just mentioned; namely, Aurora Valencia, Mateo Ades and Patricio Adao."

GENERAL REYNOLDS: Are there any specific points of the document to which the Defense wishes to invite our attention?

CAPTAIN REEL: Yes, sir. The following parts of the document are objected to. Starting at the bottom of the first page, page No. 6 -- I will withdraw that. Starting at the second page, page No. 7, the first four sentences, the questions and answers are objected to. Apparently we have here a statement relative to matters taken from other statements which are not here and which also deal with much conjecture and now quoting from the second answer on the second page: "They seemed to think --"

GENERAL REYNOLDS: The Commission will interrupt to say that that answer is stricken from the record. It is the final sentence in the second answer on the second page, which is numbered page 7. Proceed.

CAPTAIN REEL: And the first question and answer, sir,

"According to their statements."

GENERAL REYNOLDS: Which question and answer will be allowed to remain for such probative value as it may be deemed to possess.

CAPTAIN REEL: I presume that is true of the second question and answer with the exception of the last sentence.

GENERAL REYNOLDS: That is correct.

CAPTAIN REEL: The third question and answer, we also object to that, sir.

GENERAL REYNOLDS: The answer will be allowed to remain in the record for such probative value as it shall be deemed to possess.

CAPTAIN REEL: The fourth question and answer.

GENERAL REYNOLDS: The same ruling as was just given for the preceding question and answer.

CAPTAIN REEL: The remainder of the statement seems to be the identification of photographs which is not objected to except on page 9, the fourth page of the exhibit, the fifth answer on the page, relative to the picture marked Exhibit 9, wherein the answer, the last line states: "That is strong evidence of an act of cannibalism committed by the Japanese." There being no foundation for any such deduction as that stated in the statement, we object to that. Those are the last four words when it comes to the specific objection as to what we are objecting to.

GENERAL REYNOLDS: The statement will be permitted to remain in the record for such probative value as the Commission may decide.

CAPTAIN REEL: There is one more question and answer

on the next page, page No. 10, the sixth question and the seventh answer on the page referring to a picture of Mateo Ades.

CAPTAIN WEBSTER: I do not intend to offer the picture of that survivor.

GENERAL REYNOLDS: In other words, the question and the answer under which it is based should be stricken from the record?

CAPTAIN WEBSTER: That is right, sir.

GENERAL REYNOLDS: The sixth question and the seventh answer thereto appearing on the fifth page of the document, which is numbered page 10, is stricken from the record. Other than that the document is accepted into evidence.

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

CAPTAIN WEBSTER: Sir, I heretofore had marked for identification Prosecution's Exhibits 295 and 296, which were the pictures referred to on the page marked 8 of the statement.

GENERAL REYNOLDS: Their acceptance as evidence is affirmed.

(Prosecution Exhibits Nos. 295 and 296 for identification were received in evidence.)

CAPTAIN WEBSTER: Mark this with the next number, please.

(Photograph identified as SWPA-Sig C-45-13948 was marked Prosecution Exhibit No. 297 for identification.)

CAPTAIN WEBSTER: Sir, on the bottom of page 8 of the statement:

"Q I show you a picture which is marked Exhibit 5 (also marked SWPA-SigC-45-13948) . . ."

That picture I have marked for identification as Prosecution's Exhibit No. 297. At this time I wish to offer it in evidence.

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

(Prosecution Exhibit No. 297 for identification was received in evidence.)

CAPTAIN WEBSTER: Mark this with the next number, please.

(Photograph identified as SWPA-SigC-45-13953 was marked Prosecution Exhibit No. 298 for identification.)

CAPTAIN WEBSTER: Sir, the first question at the top

of page 9:

'Q I show you a picture which is marked Exhibit 6 (also marked SWPA-SigC-45-13953) . . ."

I have marked that picture for identification as Prosecution's Exhibit No. 298 and I now offer it in evidence.

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

(Prosecution Exhibit No. 298 for identification was received in evidence.)

CAPTAIN WEBSTER: Mark this for identification, please.

(Photograph identified as SWPA-SigC-45-13950 was marked Prosecution Exhibit No. 299 for identification.)

CAPTAIN WEBSTER: Sir, the fourth question and answer on page 9 of the statement:

"I show you a picture which is marked Exhibit 9 (also marked SWPA-SigC-45-13955) . . ."

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

CAPTAIN WEBSTER: I would like to point out to the Court, sir, that this exhibit as contained in the picture does not have the number "13955" as marked in the statement. It is picture number 13950.

GENERAL REYNOLDS: The Commission notes the statement.

CAPTAIN WEBSTER: Mark this for identification, please.

(Copy of photograph identified as SWPA-SigC-45-13955 was marked Prosecution Exhibit No. 300 for identification.)

GENERAL REYNOLDS: The Commission wishes to reverse itself on this exhibit. In view of the fact that it is numbered "13950" whereas the statement to which it is related refers to it as "13955", the Commission rejects the photograph; at least until it is accurately and clearly identified with that statement.

CAPTAIN WEBSTER: Sir, the same question and answer refers to Picture No. 13955 and at this time I have marked for purposes of identification Prosecution's Exhibit No. 300, which is marked SWPA-SigC-45-13955.

GENERAL REYNOLDS: On the copies handed to the Commission the number cannot be read. Have you a copy where it can be identified?

CAPTAIN WEBSTER: Yes, sir.

GENERAL REYNOLDS: The Prosecution is asked to read the statement to which this photograph pertains. Read the statement to which this photograph is alleged to pertain.

CAPTAIN WEBSTER: "Q I show you a picture which is marked Exhibit 9 (also marked SWPA-SigC-45-13955) and ask you if you can identify it.

"A This is a photograph of a boy about four years old who was bayoneted several times and had the flesh of his left side cut off. Evidently it was severed by some sharp knife. He was found in the pineapple grove approximately fifty feet from one of the huts. That is strong evidence of an act of cannibalism committed by the Japanese."

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

(Prosecution Exhibit No. 300  
for identification was re-  
ceived in evidence.)

CAPTAIN WEBSTER: Mark this with the next number,  
sir.

(Photograph identified as SWPA-  
SigC-45-13952 was marked Pro-  
secution Exhibit No. 301  
for identification.)

CAPTAIN WEBSTER: Sir, the next question on page 9  
is:

"I show you a picture which is marked Exhibit 10  
(also marked SWPA-SigC-45-13952) and ask you if you can  
identify it.

"A. This is a picture of a man who was found with  
his hands tied together. Evidently he must have been tied  
before being bayoneted to death."

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

(Prosecution Exhibit No. 301  
for identification was re-  
ceived in evidence.)

CAPTAIN WEBSTER: Mark this 302, please.

(Photograph identified as  
SWPA-SigC-45-13956 was marked  
Prosecution Exhibit No. 302  
for identification.)

CAPTAIN WEBSTER: Sir, the next question and answer:

"Q I show you a picture which is marked Exhibit  
11 (also marked SWPA-SigC-45-13956) and ask you if you can  
identify it.

"A It is a picture of a victim that I saw whose  
hands and legs were tied with the rope around his neck.  
He was bayoneted several times."

I have marked that picture as Prosecution's Exhibit No. 302 and now offer it in evidence.

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

(Prosecution Exhibit No. 302 for identification was received in evidence.)

CAPTAIN WEBSTER: The last question, sir, on page 9:

"I show you a picture which is marked Exhibit 12 - (also marked SWPA-SigC-45-13946) and ask you if you can identify it".

Mark this for identification, please.

(Photograph identified as SWPA-SigC-45-13946 was marked Prosecution Exhibit No. 303 for identification.)

CAPTAIN WEBSTER: "A It is a picture of a man that I saw who had been bayoneted several times, stripped to the waist and apparently was strangled by the rope which was tied around his neck."

I have had that picture marked as Prosecution's Exhibit No. 303 for identification and now offer it in evidence.

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

(Prosecution Exhibit No. 303 for identification was received in evidence.)

CAPTAIN WEBSTER: Mark this for identification, please.

(Photograph identified as SWPA-SigC-45-13958 was marked Prosecution Exhibit No. 304 for identification.)

CAPTAIN WEBSTER: Sir, the second question and answer on page 10 of the statement:

"I show you a picture which is marked Exhibit 14 (also marked SWPA-SigC-45-13958) and ask you if you can identify it.

"A It is the picture of a woman striving to protect her child. She had been bayoneted in the back several times. Underneath her body lies her child who had also been bayoneted to death."

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

CAPTAIN WEBSTER: Sir, that was offered as Prosecution Exhibit No. 304.

(Prosecution Exhibit No. 304 for identification was received in evidence.)

CAPTAIN WEBSTER: Sir, that completes the evidence on that paragraph of the Bill of Particulars.

CAPTAIN CALYER: If the Commission please, the next items of the Bill of Particulars to be presented refer to conditions at the Los Banos Internment Camp and to the execution of one Patrick Held and one George James Louis. They are found in Items Nos. 13, 69 and 122 of the Bill of Particulars.

GENERAL REYNOLDS: Was the final item 132 or 122?

CAPTAIN CALYER: 122, sir.

DANIEL ALBERT

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 Daniel Lewis Albert.

Q How old are you, Mr. Albert?

A 38 years.

Q Where do you live?

A 146 V Mapa, Manila.

Q In January and February 1945 where were you?

A I was interned in Los Banos Internment Camp until February 23, 1945.

Q When had you been interned in that camp?

A On May 14, 1943.

Q During the period from the 9th of October 1942 until the time of your release what were the conditions in that camp, first of all with reference to housing?

A The housing was at most poor; definite firetraps, roofs of nipa shingles, which is a native product, and walls of sawale.

Q How large were the buildings?

A 30 feet by 200.

Q How many people were living in each of those buildings?

A Approximately 96.

Q Did you have some official capacity there?

A I was monitor of Barracks 12.

Q How many people were there in your barracks?

A 100.

Q What conditions were there with reference to sanitation?

A The sanitation conditions were most meager, if anything.

Q Will you explain that more fully, please?

A At the time we were transferred to Los Banos there were no facilities, toilets or drinking water; there were no disinfectants, and through our own efforts we were able to build septic tanks and install showers. At no time did we have disinfectants.

Q And by that you mean at no time until the liberation?

A That's right.

Q What about medical supplies?

A Medical supplies were likewise very meager.

Q Were there people who were affected with diseases?

A A considerable number of people were affected by diseases as a result of no medicines.

Q What types of disease were prevalent?

A The cases that come to my mind particularly were diabetes, where no insulin was obtainable; none was furnished. Dysentery, which struck practically everyone in the camp at one time or another, was not treated in the manner in which it should have been; that is, by furnishing the proper medical supplies.

Q What treatment, if any, was given?

A Isolation we found was the best, that is, for dysentery.

Q Was there a hospital in connection with the camp?

A Yes. We had a hospital: one we called the "main" hospital and the other we called the "annex".

Q Were there medical supplies furnished for those

hospitals?

A To the smallest extent, yes; some that we received through the American Red Cross in about December '43.

Q Did you ever receive any other medications through the American Red Cross?

A We received in about the middle of 1944 two cases which were transferred to us from the Santo Tomas Internment Camp.

Q Was there any other source of medication in the vicinity of the camp?

A If there was we never utilized it or were never permitted to utilize it. There was a Japanese military hospital within about two or three miles of the camp, but we had no intercourse with that hospital whatsoever.

Q Were any of the internees sent to that hospital for treatment?

A None.

Q During the period from October until the time of your liberation were there people who died in the camp as a result of disease?

A Definitely.

Q Do you recall about how many?

A Well, I think in our cemetery we had 45 to 60 graves.

Q Do you recall the names of any of those persons?

A Yes. There was Reverend Magill; there was Captain Williams; there was a fellow by the name of Edwards; a fellow by the name of Moke; a fellow by the name of Fonger; a fellow by the name of Gewald. I could go on indefinitely.

Q Do you know the cause of the deaths of those people?

A I would say as a layman that the deaths were caused as a result of not the right kind of medicines and malnutrition, which contributed to general debility.

Q Had they been ill for some time prior to their death?

A In some cases the malnutrition hit them rather suddenly; in other cases they lingered for a considerable length of time.

Q Will you tell the Commission what conditions existed there with reference to food?

A Well, I would say up until about October we had a minimum diet, that is, a diet, providing there weren't other complications, that would enable one to live.

Q And after that?

A After that the food situation in camp became gradually worse until such time as it didn't exist any longer.

Q What sort of food were you given in the period from October on?

A Principally rice, cracked corn, green vegetables, and some meat.

Q How many meals a day were you fed?

A From October on we got two meals a day until the 8th of January, 1945 at which time we enjoyed a week of freedom and we fed ourselves three meals a day until the 14th day of January.

Q Will you describe what you mean by that "week of freedom"?

A On the night of January 7th there was noticed to be a considerable amount of commotion in the Japanese

quarters. It took us some time to figure out what was taking place. From observation it seemed pretty certain the Japanese were leaving the camp. And that proved to be true.

They called the committee together, told them that they were turning the camp over to them as a committee. And the Japanese departed early in the morning of January 8, 1945.

Q What did you and the other internees do at that time?

A Well, it was an occasion for great hilarity.

Q Yes. And what happened after that?

A Our first word was that we would have breakfast, and our breakfast was quite good.

Q Did you stay there?

A Absolutely.

Q Why?

A We felt that the camp -- I should say that I stayed there because of the decision reached by our committee wherein they felt that our camp was known, the location of it was known to forces of both sides: Japanese and the Americans.

Q Were there American troops in the vicinity at the time?

A We have no way of knowing other than the fact that the shelling that we did hear and the planes that passed in the vicinity of the camp seemed to come from the southwest. So we felt that there must be some activity off in that area.

Q And why, then, did you decide to stay there?

A We thought that the forces must know the location of the camp; thought that they were aware of the locality in which the camp was situated, and that if we left the camp we were liable to encounter a considerable amount of difficulty, and perhaps a great many people would unnecessarily lose their lives.

Q So you remained there, is that correct?

A That is correct.

Q What conditions existed during that period, with reference to food, as compared with the period preceding?

A Well, one great difference, and that is we had everything that we could eat. We immediately went on to the three-meal-a-day basis, and we maintained that up until dinner time of December 13th.

Q What happened on January 13th?

A That was the last meal, and during that night, the night of the 13th and the morning of the 14th, the Japanese returned to the camp.

GENERAL REYNOLDS: Are you speaking of January now?

THE WITNESS: January of '45.

GENERAL REYNOLDS: I understood you to say December in a recent answer.

Will the reporter read back the last two questions and answers?

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

"Q What conditions existed during that period, with reference to food, as compared with the period

preceding?

"A. Well, one great difference, and that is we had everything that we could eat. We immediately went on to the three-meal-a-day basis, and we maintained that up until dinner time of December 13th.

"Q. What happened on January 13th?"

GENERAL REYNOLDS: Stop right there.

THE WITNESS: It should be "January 13th."

Q. (By Captain Calyer) Had there been any statement made to you by the Japanese prior to their leaving, with reference to the availability of food in the area?

A. Yes. The Japanese continually maintained that the entire world was suffering from privations and lack of food, and in that way they attempted to convince us that no food was available; that, in short, they were doing the best they could by us.

Q. But you were able to get it after they left?

A. When they left the camp, everyone in the camp had all they could eat all the time.

Q. How did that week of adequate food supply affect you, personally?

A. I personally put on ten pounds.

Q. In that one week?

A. In that one week.

Q. Now, going back to the earlier period, prior to the time that the Japanese left, what was the ration per day that you were given?

A. Just prior to the departure of the Japanese we were

on approximately 250 grams of rice a day.

Q Did you receive that much?

A In no case did we. Reports show that the actual food received was much below 250, perhaps as low as 150.

Q Were there days on which you had only one meal?

A There were days when we had only one meal, and they were in January and February of '45.

Q Was there some sort of canteen system set up in the camp?

A Yes, we organized a canteen to supply items that would supplement diet and daily necessities.

Q Were you connected with that canteen?

A I was a member of the board of directors of the canteen.

Q Will you explain how it operated?

A We were all given tickets and were permitted to shop on days by those numbers. That is, one to five hundred shopped on Monday, and again on a Thursday. Five hundred one to some other figure had other shopping days.

Q Well, what was provided for sale in the canteen?

A The general run of local native produce: vegetables, fruits, duck eggs, occasionally chicken eggs, some soap, thread, needles, some drugs; the general run of things that were what we considered basic necessities.

Q Now, with reference to the food items particularly, how were they obtained?

A They were purchased at the gate.

Q By whom?

A By the Japanese, with money supplied by the camp. We had our own operating capital, which we borrowed from among the internees.

Q Was there any control exercised by the Japanese over the items which could be provided for the canteen?

A Everything that was permitted in the camp came in at the discretion of the Japanese.

Q Was there ever a time when they refused to allow things to come in?

A They definitely refused to allow everything that came to the gate to come in. It seemed to be a question of their mood. Some days everything came in that came to the gate; other days nothing was admitted, was turned back.

Q Now, I understand that you had a garden there, is that correct?

A Yes, we did.

Q Will you tell the Commission about that?

A Well, when we arrived at Los Banos the idea was that we were to establish gardens and become as self-sufficient as possible, and up until about August of 1944 we had gradually increased the area and permitted gardens to the extent of about ten acres. Along about August or September the Japanese moved us out of the area, that is, one of the areas, and forbade us to go back into it, and that decrease in garden space was from something over ten acres to something just over four.

Q How much garden space did you have then from the period of October on?

A Not over four and one-half acres.

Q Were you able to grow anything in that area?

A Yes, but with the lack of insecticides and the lack of fertilizer, and the lack of water, and the looting by people other than ourselves --

Q Whom do you mean when you say people other than yourselves?

A The Japanese guards made themselves at home in the gardens.

Q Now, did there come a time when no food at all was provided by the Japanese?

A As near as I can recall, about the middle of February, 1945, we received our last ration, which was what we called "Palay," we called it palay, and it was unhulled rice.

Q What did you do with that?

A It was to last us until the next ration came into the camp, and we were told that would be within the next three days, and we were told we had approximately 150 grams per meal, I think it was. We had no equipment. We had to put it through different processes, and we took it in the kitchen to see if we could put it through a grinder and grind it fine enough so the hull of the rice would not be too harsh on the system, and that proved to be a failure. So we distributed the rice among the internees, every person getting 500 grams for an adult, or half of that for children under ten. We tried to roll the stuff under bottles and put it between two boards, and some people went so far as to try to pick the hull

of the rice out with their fingers.

In hulling rice if you get a recovery of more than 60 percent by weight you are doing well.

Q Was that the only food that you had at that time?

A That was the only food that the Japanese made available or permitted to come into camp.

Q Did you receive any other food from the Japanese after that?

A No. On the night of February 23rd they took 17 of us out of the camp and had us bring in 34 bags of palay, and we were rescued the next day and didn't need them.

Q So from the period beginning on the 16th of February until the 23rd of February how much food per person were you given?

A Well, 500 grams -- seven days is a pretty good average, and that is in palay.

Q And that was the only food you had at that time?

A That was the only food, yes.

CAPTAIN CALYER: You may cross examine.

GENERAL REYNOLDS: Before the Defense continues, let us have more information about this garden. You stated it was ten acres, and subsequently reduced to something over four acres?

THE WITNESS: Yes.

GENERAL REYNOLDS: Were these five and a fraction acres that remained or that were taken away, were they planted?

THE WITNESS: They were planted.

GENERAL REYNOLDS: Do you know what use was made of

the products of the garden after it was taken away from you?

THE WITNESS: No, we didn't see on that side of the fence after that.

CAPTAIN CALYER: If I may clarify that a bit more. May I ask one more question?

GENERAL REYNOLDS: Yes.

Q (By Captain Calyer) Where was that garden, or that section of the garden of which you were deprived, with reference to your location?

A Well, it was really the north end of the camp following the road that ran to the gymnasium which housed the most of the internees.

Q Were you allowed in that area after you were transferred?

A That was out of bounds, and we couldn't even go up to the cemetery, which was also in that area.

CAPTAIN CALYER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This garden space was cut in August of 1944, just about August, was it?

A Yes, about August.

Q Was that about the same time that the food situation was deteriorating generally?

A Definitely.

Q So that you did not mean to give the impression that starting in October things had begun to deteriorate; they had been deteriorating before then?

A You must realize that there was at no time in the

camp a condition that could be called good.

Q All right. Now, you are not a physician, are you?

A No.

Q Your diagnosis as to the diseases and causes of death, and so forth, is not your own personal diagnosis, is it?

A Well, you cannot lock people up without them learning a lot about self-preservation.

Q You might just answer the question. Was that your own diagnosis, or did you get that from someone else?

A I was well acquainted with the entire medical staff. In fact, I worked at the hospital.

Q On the 7th day of January, when the Japanese left camp, were you present at any meeting with the Japanese officials of the camp when they announced that they were leaving?

A No, I was not.

Q You were not on the committee that met with them?

A No, sir.

Q Do you know if there was such a meeting?

A There was a meeting, yes.

Q Can you tell us whether or not anything was stated at that meeting relative to the food supply that would be left to the internees?

A No.

Q Did you hear that the Japanese stated at that meeting that they were leaving a certain quantity of food to last until the expected liberation?

A I don't understand that; I don't believe they put

it that way.

Q Do you know how they did put it?

A They abandoned what food happened to be in the camp at the time.

Q They said whatever food was left in the camp would be left to the internees to last them until the liberation, is that it?

A The Japanese were withdrawing from the camp, and we were on our own.

Q And this food that you then got, which is as you stated, which gave you three meals a day, was food that you found?

A We found the food, secured the food from friends on the outside of camp, too.

Q Did you consume the food that was abandoned in the compound?

A Partially.

Q At the end of the week you still had some of that food left that was abandoned in the compound?

A Yes, sir.

Q Were you there when the Americans came in?

A I was, yes.

Q Was there any attempt to prevent your delivery to the American forces?

A There was a good deal of firing.

Q There was firing between the two sides. Was there an attempt made to prevent your delivery to the American forces?

A I wasn't up there and I wouldn't know.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: We will pause at this point and ask the Prosecution when you would finish the presentation of your case at the rate of progress that we have made today.

MAJOR KERR: I think, sir, at this rate we can finish the last session on Friday.

GENERAL REYNOLDS: Are we on schedule for today, according to your plan?

MAJOR KERR: No, sir.

GENERAL REYNOLDS: Are we ahead or behind schedule?

MAJOR KERR: We are behind, sir, approximately two cases, but I have anticipated that and made arrangements to make it up. We have a short schedule on Thursday, and I had hoped, frankly, to be able to complete our testimony on Thursday, but at this rate I figure we will complete it on Friday.

GENERAL REYNOLDS: The Commission would like to observe that the rate of progress this afternoon was very satisfactory, conducted very, very smoothly, and we wish to commend both the Prosecution and the Defense accordingly.

We will recess until 8:30 tomorrow morning.

(Whereupon, at 1630 hours, 12 November 1945, the trial was adjourned until 0830 hours, 13 November 1945.)