

18 781  
Yamashita, Tomoyuki, 1885-1946, defendant.

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

UNITED STATES OF AMERICA )

-vs- )

TOMOYUKI YAMASHITA )  
----- )

PUBLIC TRIAL

High Commissioner's Residence,  
Manila, P. I.  
15 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>
Richard M. Sakakida (Exam. by Commission)	2253 2300	2279	2296	2299 2302
Edwin L. Booth	2303			
Angelina Aquino	2313	2322		
Francisco Realique	2326	2330		
Flora Lozano	2332	2335	2337	
Feliza Hufana	2338			
Jose Evangelista	2341	2342		
Mauricio Jacolon	2343	2344		
Felicidad Manuel	2352	2356	2360	2360
Genaro Jacinto	2361	2367		
Juan Etuijera	2369			
Primitivo Reyes	2374	2376		
Gavina Banasihan	2377			
Felicisimo Orilla	2381			
Loreta Montecillo	2384			
Fernando Silva	2386	2391		
Aurillio Almasan	2395	2397		
Eulogio Guzman	2404	2409		
Antonio Vasquez	2410			
Daniel Santiago	2413	2418		

EXHIBITS

<u>PROSECUTION'S EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
317		2244
319		2292
320	2274	2292
321	2276	2292
322	2278	2292
323	2344	2348
324		2348
325	2348	2350
326	2350	2351
	2421	

P R O C E E D I N G S

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

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

CAPTAIN CALYER: If the Commission please, at the conclusion of yesterday's session there was offered into evidence an affidavit of Major David V. Binkley, as Prosecution's Exhibit 317.

At that time the Commission requested the Item numbers from the Bill of Particulars as to the various paragraphs in that affidavit.

On the first page the paragraph beginning: "On 7 February 1945," that being the third paragraph and the two paragraphs immediately following refer to Item No. 93.

The last paragraph on that page beginning: "On 15 February 1945," refers to Item No. 101. On page 2, the paragraph beginning: "On 13 February 1945," refers to Item No. 17.

The next paragraph refers to Item No. 25.

The third paragraph on that page beginning: "At Fort Santiago," refers to Item No. 52.

On the third page the first paragraph refers to Item No. 60 and the next paragraph refers to Item No. 31.

Those are all of the paragraphs in which evidence of these various atrocities have been given.

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Sir, relative to the exhibit marked

317, the second full paragraph on page 2 is objected to by the Defense. The rest of the statement seems to be a statement as to what the deponent saw. But the second paragraph on page 2 is a statement as to what was told to him by some other person.

We object to the second paragraph on page 2 as being a statement that is incompetent and irrelevant.

GENERAL REYNOLDS: What words does the paragraph open with?

CAPTAIN REEL: The paragraph opens with:

"Accompanied by Francisco Del Rosario, Funeral Director of the City of -- " and so forth.

The first sentence is not objectionable, it merely tells of a visit. From there on there is a statement of a third party.

GENERAL REYNOLDS: The comments of counsel are noted. The statement will be permitted to remain in the record for such probative value as the Commission may award to it.

(Prosecution Exhibit No. 317 for identification was received in evidence.)

GENERAL REYNOLDS: Are there other comments?

CAPTAIN REEL: Do I understand that at this time we are to raise any question we may have relative to the report of investigation of the Intramuros atrocities, which was offered, I believe, in an exhibit yesterday afternoon?

GENERAL REYNOLDS: If you wish you may do so at this time.

CAPTAIN REEL: First, sir, I have a comment to make about the full substance of this exhibit. I might say that

the Defense objects to its admission. The exhibit consists in its body of a number of statements, some of those statements are of persons who have been on the stand in this hearing. The statements in some respects, although we have not had time to point out exactly the paragraph and page number, differ from the statements given on the stand which were subject to cross-examination. We feel that it is highly improper for the Commission to receive statements of persons who have been on the stand.

Secondly, we object in particular to the conclusions which are drawn in the document and in particular to the eight-page letter which, I believe, is the first thing in the document; the copy I have here is not the original. That is the letter: "Headquarters XIV Corps, Office of the Adjutant General, APO 453," dated 5 April 1945. No. AG 383.5.

This letter, sir, includes conclusions which are not supported by the testimony and which have not been supported by any testimony on the stand and which, I submit, is the function of the Commission to draw those conclusions.

It is not the function of any investigator. This letter is not in any sense a dispassionate report.

Now, the report of the War Crimes Commission, which has come in in the proof of a number of particulars, which we also objected to, nevertheless did have merit, appearing to be in some respects a dispassionate report.

It will be noted that this letter was written on 5 April, while the war was still on. It was written more than a month before VE Day. It will also be noted, as

typifying the spirit of the letter, that paragraph 34 speaks of the kind of a war that the Japanese High Command intends to fight and the entire spirit of the letter and purpose of it, I suppose, would come under the heading of I and E, Intelligence and Education, it would be propaganda, but not a dispassionate report.

Now, specifically, conclusions are drawn, for example, in paragraph 15 of the letter which is on page 3 and paragraph 15 says in part: "\* \* \* But the facts documented in this report are amply convincing to the investigating officer that the destruction of Intramuros, the slaughter of most of its male inhabitants over 14 years of age and the fiendish abuse of its women was not only countenanced by the Japanese command, but planned in advance and diabolically carried out under supervision of officers."

That is a conclusion which goes to the very essence of this case. It is a conclusion that the Commission is to draw and I submit that not only is it out of place here, but it is preposterous. There is nothing here to back up the rather astounding declaration that "fiendish abuse of its women was not only countenanced by the Japanese, but planned in advance and diabolically carried out under supervision of officers." There is nothing here to show that that actually was a part of a plan. It would seem to be, to put it mildly, physiologically difficult.

I might also point out, sir, that throughout the course of this report there is the tale of at least one Japanese soldier who was either drunk or crazy and who ran around waving his sword and even cutting himself up. To

say that is contemplated by the high command is a conclusion not supported by the evidence. Basically all the conclusions here are the functions of the Commission and not of any investigator.

Again, paragraphs 19, 20, 25, 31 and 34 contain not only in some cases conclusions, but in some cases conjecture as to the fact involved.

May I summarize it simply, sir, by saying this: We object, first, to the entire document on the grounds that it contains statements of witnesses who have been on the stand. If that objection is overruled, we object more strenuously to the inclusion in the document of the letter dated 5 April 1945, as stating conclusions and conjecture and opinion.

MAJOR KERR: If the Commission please, the Prosecution believes that this document is of special significance because as far as we know it is the first, the earliest authentic and rather thorough-going report on the atrocities which were committed in this city.

It must be borne in mind, sir, that is, the men who made this investigation and this report were men who were here on the ground when this area was liberated. Their conclusions are based not only upon the statements which are included in the investigation report, statements of others whom they interviewed, but also obviously upon their own observations, their own personal knowledge.

I submit, sir, this should be very helpful to the Commission and that the conclusions, as Counsel refers to them, of the Adjutant General who is making this official report

through the Commanding General of the XIV Corps, may be deemed conclusions of an expert witness because his men were here.

The XIV Corps was in this area and it appears affirmatively on the face of this document that it is based very largely upon the personal observations and experiences of the men who were making the investigation, the men who were here in the city.

GENERAL REYNOLDS: The document under discussion is a letter forwarded: "Headquarters, XIV Corps, Office of the Adjutant General, APO 453," which was signed by Colonel James T. Walsh, Adjutant General's Department, and approved by Lieutenant General O. W. Griswold, the Corps Commander.

It is an official report. The objections of Counsel are not sustained. The document is accepted into evidence for such probative value as the Commission may award to it.

CAPTAIN REEL: Sir, inasmuch as the document is now accepted into evidence we now have the prerogative of requesting that certain paragraphs of the letter be stricken or not considered by the Commission. We ask that paragraph 15 on page 3 be stricken from the evidence. It is apparently on the document as offered, it is page 4, it is a typewritten No. 3 but a pencilled written 4 in the right-hand corner.

MAJOR KERR: Sir, as I said a moment ago, the Prosecution believes that the conclusions stated by the investigating officer are of material value and they do have the weight of being the conclusions of men who saw the results firsthand on the scene of this diabolical butchery.

CAPTAIN REEL: Sir, there is no pretense on the part

of the signer of this letter to be any kind of an expert witness. It is purely a report of an investigation. It is the conclusion that should be drawn or should not be drawn, as the case might be, by this Commission.

Certainly there is nothing competent about it and it is prejudicial.

GENERAL REYNOLDS: The comments of counsel are noted. The paragraph in question, like all other evidence, must be weighed by the Commission for such probative value as it may deem to possess. The objection to this paragraph No. 15 is not sustained.

CAPTAIN REEL: Sir, may we call your attention to paragraph -- may I have the Commission's indulgence for a moment?

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Paragraph 19, pencilled number page 5, typewritten page 4, speaks of the foregoing official translations from an extract from an order of the Kobayashi group, dated 13 February 1945.

We wish to call the Commission's attention to the fact that in another place in this document, at least I am so informed; what I have here, sir, is a copy of the same document so far as I know, and under date of 10 March 1945, Lieutenant Colonel Fred D. Crowther, Signal Corps Officer, Headquarters, XIV Corps, certifies as follows:

"I certify that the message included in the attached text of broadcast Headquarters XIV Corps ATIS Advance Echelon, 6 March 1945, was transmitted on a radio circuit to the Japanese forces. The

transmission was on the frequency of the Japanese radio circuit and before transmission the XIV Corps radio operator exchanged operator's procedure with the Japanese station. Through this interchange of transmission and the fact that the message was sent in clear text there is reasonable assurance that the message was received."

Now, it is apparent, sir, that there is no clear evidence that this particular order came from the Kobayashi group (Heidan).

It is a well known fact that there has been or will be evidence that guerrilla units were using short-wave radios and other radios and were tuned in on the Japanese wave lengths. The paragraph 19 goes far beyond the exhibit which is on page 19 and is a conclusion entirely unsupported by the evidence.

We will ask that paragraph 19 on page 5 or on page 4 be deleted.

CAPTAIN CALYER: If the Commission please, may I point out that paragraph 19 on page 4 and page 19 referred to by Defense Counsel have absolutely no connection.

Paragraph 19 and paragraph 18 on page 4 typewritten, and page 5 pencilled, are supported by an extract which appears on page 17 and is a certified translation of a captured document referred to in paragraph 18 of page 5 pencilled.

It is a message referred to on page 19, referred to by Defense Counsel and is the message shown on page 16 of the document.

CAPTAIN REEL: I don't so understand it, sir, because page 19 says -- pardon me. Paragraph 19 says:

"The foregoing official translation," and the foregoing is quite obviously paragraph 18, which is simply a quote of the document which is on page 17 and which is referred to on page 19; I don't see any question about that.

CAPTAIN CALYER: Defense Counsel is correct, sir, in stating that paragraph 18 is the same as the document on page 17, but page 19 does not refer to page 17 but rather to page 16. The radio broadcast is what I am referring to .

GENERAL REYNOLDS: So it seems. It seems that it is a question of fact, as far as the Commission is concerned, and it is clearly established by a reading of paragraphs 18 and 19 and the document to which they refer, which appears later in this volume, that seems obvious from a reading of it.

The Commission interrupts to say that since this is a long document there is no need to settle all of it at this time. It seems wiser to suggest that counsel make a study of the entire document and provide the Commission a statement in writing of the specific comments they wish to have considered, which may be done at anytime.

CAPTAIN REEL: We will be glad to do so, sir.

CAPTAIN WEBSTER: Sir, at this time I would like to take up three items in the Bill of Particulars, paragraphs 77, 88 and 89; the reason for requesting those three items to be submitted at one time is that they will be established

by one witness. They are connected and I feel it would be quicker and more orderly to present them together.

GENERAL REYNOLDS: Very well.

RICHARD M. SAKAKIDA

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Richard Sakakida.

Q Your age?

A 25.

Q Your nationality?

A American.

Q Where were you born?

A Hawaii.

Q Were your parents of Japanese birth?

A Yes, sir.

Q Are you what is commonly known as a "Nisei"?

A Yes, sir.

Q Are you now in the United States Army?

A Yes, sir.

Q When did you join the United States Army?

A 13th of March, 1941.

Q Where did you serve in the United States Army at the time the Japanese invaded the Philippine Islands?

A In the Philippines.

Q Whereabouts in the Philippines?

A Corregidor.

Q What was your rank in the American Army at that time?

A Technical sergeant.

Q Were you captured by the Japanese forces?

A Yes, sir.

Q When you were captured by the Japanese forces, did you inform them that you were in the United States Army?

A No, sir.

Q Why didn't you inform them?

A My superior officers told me that they understood that all Nisei boys of Japanese ancestry caught in the United States Army will be executed.

Q And what did you tell the Japanese that you were?

A Civilian interpreter.

Q And was your name submitted to the Japanese by our forces in that capacity?

A Yes, sir.

Q What did the Japanese then do with you?

A They confined me at Corregidor for six months after surrender.

Q And then where did they take you?

A I was taken to Old Bilibid Prison.

Q Did they lodge any charges of any kind against you?

A Yes, sir.

Q What was that?

A They tried to put me through court martial for treason against the Japanese Government.

Q And why didn't they try you for treason?

A They found out that my citizenship was of an American citizen.

Q What did the Japanese thereafter do with you?

A They took me to the general headquarters and put me to work as interpreter.

Q When did they first put you to work as an interpreter?

A In February, 1943.

Q How long did you work as an interpreter for the Japanese?

A Until the surrender in September '45.

Q And in what headquarters were you working as an interpreter?

A The headquarters of General Yamashita.

Q In what section of the headquarters of General Yamashita?

A Judge Advocate's office.

Q Does that section correspond with what we call the Judge Advocate General's department of the American army?

A Yes, sir.

Q What was General Yamashita's headquarters known as?

A The 14th area headquarters.

Q Was it army headquarters?

A Yes, sir.

Q When did General Yamashita come to the Philippine Islands?

A In October, 1945.

Q Was it in the first part of October or the latter part?

THE WITNESS: I beg your pardon; October, 1944.

CAPTAIN WEBSTER: Will you read the question, please?

(QUESTION READ.)

A I can't remember the date exactly, but it was sometime before the 10th of October.

Q (By Captain Webster) How did you know that General Yamashita came to the Philippines at that time?

A Well, they had everyone of the general headquarters out

to welcome the general alongside the road.

Q Well, why did they gather everyone alongside the road?

A Well, it was the general's arrival, and they wanted the entire staff of the general headquarters to welcome the general.

Q Were you there?

A Yes, sir.

Q Did you see General Yamashita at that time?

A Yes, sir.

Q Now, as to your capacity with the Japanese, were you in their army?

A No, sir.

Q Were you a civilian?

A I was civilian attached.

Q How long did General Yamashita remain in Manila?

A Until December of 1945.

Q Do you recall the -- is that 1945 or 1944?

A '44; pardon me.

Q Do you recall the date in December?

A It was on the 28th of December.

Q How long did you remain in Manila at his headquarters?

A Until the same date, sir.

Q Where did you go?

A Up to Baguio.

Q Was the headquarters removed to Baguio at that time?

A The main section of the headquarters was removed to Baguio.

Q How long did the headquarters remain in Baguio?

A We were there until April of '45.

Q And then where did you go?

A From there we headed for Kiangan.

Q Did you remain there until the surrender in September of 1945?

A Yes, sir.

Q Now, with reference to your duties in the Judge Advocate's section of General Yamashita's headquarters, what were they?

A To interpret in various court martials.

Q Did you assist in and around the office in any other capacity?

A Well, I assisted them in mimeographing, mimeograph work and other ordinary jobs.

Q And what type of mimeographing was it?

A It was verdicts concerned in all cases, were mimeographed.

Q That is, court martial cases?

A Yes, sir.

Q Now, will you describe to the Court the procedure the Japanese used in court martial cases against American and Filipino civilians?

A Well, usually at first the investigation will be taken care of by the military police, which is called the kempei tai, up at Fort Santiago, and all the cases would be recorded, and a written record, together with the accused, would be sent over to the courts martial department, and there he is confined at Old Bilibid Prison until his trial is taken up. Before his trial is up, the Chief Judge Advocate and the Judge Advocate who is particularly assigned

to that particular case, go into conference and decide the verdict; and after this verdict is all settled, the trial will be taken up, the charges read to the accused, and the verdict will be given to him, except if the verdict is to be of capital punishment, which is execution or something of that sort, it won't be related to him until he is taken out to the cemetery.

Q Now, do I understand you to say that the investigation is first made by the military police?

A Yes, sir.

Q And then that investigation goes to the office of the Judge Advocate?

A Yes, sir.

Q And at the Judge Advocate's, they go over that record and determine on that investigation whether the man is guilty or innocent?

A Yes, sir.

Q And they then determine what the verdict shall be?

A Yes, sir.

Q Well, after they had done that, then they had the trial; is that right?

A Yes, sir.

Q Where did they have the trials?

A The trials were usually held either at the Judge Advocate's office located in general headquarters, or at the Old Bilibid Prisons.

Q Now, where was the Judge Advocate's office?

A In Fort McKinley, sir.

Q And do you know where General Yamashita's office was?

A In the same locality.

Q Fort McKinley?

A Yes, sir.

Q How far was it from the office of the Judge Advocate?

A We were two houses away from the general's office, sir.

Q Now, was there any difference in the procedure which was used against American and Filipino civilians, and the procedure which was used against members of the Japanese armed forces?

A Well, usually in the Japanese army, soldiers' cases, if they have any witness to stand for them the witness will be called in and will be asked several questions concerning the case.

Q In other words, they permitted witnesses to appear in the court on behalf of Japanese army men, is that correct?

A Well, it is not in a court, sir; it is before the trial is up, and before the court tries to take up the soldier; he calls in the witness to the office, and the Judge Advocate who works on that particular case will have a talk with him and will go over the case and how much he can give out for the good of the accused.

Q Did they permit the same thing to Filipino or American civilians?

A Not to my knowledge, sir.

Q Now, when these cases went to trial, will you describe what they did at the trial?

CAPTAIN REEL: Sir, could we have that made definite as to what is meant by "these cases"? The questions up to now have apparently divided two types of cases.

Q (By Captain Webster) With reference to that question, I am referring to the cases against American and Filipino civilians.

GENERAL REYNOLDS: Before the question is answered, will you read aloud the question on which it is based?

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

"Q Now, when those cases went to trial, will you describe what they did at the trial? With reference to that question, I am referring to the cases against American and Filipino civilians."

A Well, whenever Filipinos and Americans should be brought up to trial, first his charges would be read to him, and in some cases the prosecutor will ask the accused if he has anything to say for himself. Well, it doesn't make great -- much difference even if he should deny it, as not knowing anything of it, because the verdict is already set when the trial is taken up; and even if he doesn't answer, which means that he is not sure about all these charges read against him, he is dismissed from court.

CAPTAIN REEL: Sir, we will ask that that latter part of the answer -- I believe it started with the words "it doesn't make any difference," and so forth, be stricken as not responsive and not within the witness' knowledge. The question was answered in the first part of the answer. The last part is not responsive, and he knows nothing about the subject matter and cannot possibly.

CAPTAIN WEBSTER: Sir, this witness attended these trials.

GENERAL REYNOLDS: The objection is not sustained.

Q (By Captain Webster) Will you proceed, please?

A And they usually call a recess after the trial, just for procedure in the court's procedure, but they actually -- the judge does not come up with a verdict that shall be imposed to the accused; the recess is merely a recess where they take a cup of coffee or tea, and when the recess is over and the accused is sentenced to so many years of imprisonment, the verdict will be read to him. But if it is of capital punishment, he would not be called back to court after the recess, and the accused merely does not know about his verdict.

Q Well, what would they do with those that were cases that were to be executed?

A Well, usually about two or three days later, after the trial, they are taken out to the cemetery and will be executed.

Q Now, was there any method of appeal or any review in the Japanese court martial procedure which you have described?

A I don't understand your question.

Q Did the accused in these cases have the right to take the case to any higher authority?

A No, sir.

Q Did the accused have the right to have persons appear in his behalf?

A No, sir.

Q Did he have the right to be defended by counsel?

A No, sir.

Q Now, with reference to the month of December, 1944, can you state about how many court martial cases was held by General Yamashita's headquarters?

A They had a court martial open for about a week, sir.

Q Can you state how many cases that court martial handled?

A That covered about approximately 2000 Filipinos.

Q Were those persons accused of being guerrillas?

A Yes, sir.

Q Were those particular cases tried at Bilibid Prison?

A Yes, sir.

Q Were you present during the time that court was in session?

A Yes, sir.

Q Did you act as an interpreter for that court?

A Yes, sir.

Q Now, did the procedure that was used against those 2000 civilians differ in any way than the procedure which was used ordinarily against American and Filipinos?

A Well, in December the trial was taken up in a very hasty manner.

Q How did it differ from the other trials?

A Well, in the December trial they were brought in by groups and the charges would be read to them, and they would say "Yes" or "No"; ask the accuseds if they had any knowledge of all the charges read against them; and upon getting their answer they asked them to sign their name and give the thumb print, and that ended the trial.

Q Well, did the cases in December go through the Judge

Advocate's office, as you have previously described?

A Yes, sir, but the only difference is that in the ordinary trials, up to December, they had prosecutors, judges, clerks and everything, composing a complete court martial; but in December just the prosecutor and one interpreter assigned to that particular prosecutor will finish up the case.

Q Did they take, in December, the decision of the military police as being the verdict of the court?

A Yes, sir.

Q Now, about how long would that court spend with each individual?

A Not more than five minutes, sir.

Q They will bring these people before the court; is that right?

A Yes, sir.

Q They would ask them whether they were guilty or not guilty?

A First they will ask the name, the address, age, and read the charges.

Q Would they ask them to explain the case?

A To some they did, but to some they just read the charges and said "O. K. Sign here". That's all.

Q Of those two thousand people that were tried in December how many would you say pled not guilty?

A A good half of them, sir.

Q On those cases that pled not guilty what did the Japanese do with them?

A It didn't make any difference, sir.

Q Did they have any evidence in those cases?

A No, sir.

Q Introduce any witnesses?

A No, sir.

Q Did they have any lawyer?

A No, sir.

Q Did they have any counsel?

A No, sir.

Q Well, as soon as the person was brought in and this five or ten minutes elapsed, where would they take those

people?

A In December right after the trial they were just packed on trucks covered up with canvas and we drove out to the cemetery.

Q What cemetery?

A To the North Cemetery.

Q About how many people received the death sentence in December, 1944?

A I would judge about 1800, sir.

Q Were those 1800 taken out to the North Cemetery?

A Yes, sir.

Q Did you learn what the Japanese did with those people at the North Cemetery?

A Well, I heard from the guards of the Old Bilibid prison that they were all beheaded.

CAPTAIN REEL: I will ask, sir, that that go out. The question was, Did you hear? The proper answer would be "yes". But as to what was said, the Defense objects.

GENERAL REYNOLDS: The answer will be permitted to stay in the record for such probative value as the Commission will award to it. Accordingly the objection is not sustained.

Q (By Captain Webster) Who told you that?

A The guards of the Bilibid prison who actually took part in the execution, sir.

Q Those are the guards that went out in the trucks with the people?

A Yes, sir.

Q What notice, if any, was given to any government

by General Yamashita's Judge Advocates' Section concerning the execution of these people?

A None whatsoever, sir.

Q Was there any notice of any kind given to anyone?

A No, sir.

Q Did you have an occasion to act as interpreter for any American prisoners of war?

A Yes, sir.

Q Do you know who they were?

A I remember a few names, sir.

Q Will you state their names?

A It was Colonel Noble, Colonel Moses, Colonel Hugh Straughn, Colonel Nakarr.

Q May I interrupt a moment?

A Yes, sir.

Q Those were all before Yamashita's time?

A Yes, sir.

Q I am referring to after he came to the Philippines, not before.

A Well, I don't remember these Americans' names, sir.

Q Were they American flyers?

A American pilots.

Q Do you know where they were shot down?

A I understand that they were shot down here in the waterfront, sir.

Q Did you see them shortly after they were shot down?

A Well, I saw them when they were brought into the general headquarters.

Q Did you act as interpreter?

A Yes, sir.

Q That was in August of '44 when they were shot down?

A Yes, sir.

Q In what condition were those American flyers when you first saw them?

A The one I have talked to was in perfect condition except all of his clothings were taken away.

Q Did you thereafter see those American flyers?

A Yes, sir.

Q Where did you see them?

A The next I seen them was in Old Bilibid prison.

Q When did you see them?

A That was in November and December, sir.

Q What was their condition when you saw them at that time?

A Well, I could hardly recognize them.

Q Why couldn't you recognize them?

A Well, they were so thin and frail.

Q Did you have any conversations with them?

A Yes, sir.

Q What did they tell you?

A Well, they were always asking me if ever the Japanese were going to turn them over to the prisoners-of-war camp.

Q Did they have any trial for those Navy pilots?

A No, sir.

Q When did you last see them?

A I last saw them after the 15th of December, '44.

Q And were they still in Bilibid Prison at that time?

A Yes, sir.

Q Did you thereafter hear what happened to those American aviators?

A When I was out in Baguio about --

CAPTAIN REEL: Sir, if the witness is going to give any conversation we object to it. If he merely answers in the affirmative we shall not object. We will object to the conversation coming in.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

CAPTAIN WEBSTER: Proceed.

A (continuing) When I was out in Baguio in about February of '45 I met the guards of the Old Bilibid Prison and I asked them about the two American pilots and they told me that they were executed.

Q (By Captain Webster) Did you attend any executions during the time General Yamashita was in the Philippines?

A Yes, sir.

Q Where did those executions take place?

A In North Cemetery, sir.

Q How many were executed?

A I will say about a good fifty.

Q How many of those people were women?

A Five women, sir.

Q Do you know the names of any of those women?

A Yes, sir; a couple of them.

Q Will you give their names, please?

A Blanche Jurika and Mary B. Stagg.

Q Do you know the names of any of the men that were executed at that time?

A Juan Elizaldi.

Q Where were these people taken from before they went to the cemetery?

THE WITNESS: Pardon, sir?

CAPTAIN WEBSTER: Will you read it, please?

(Question read.)

A They were brought out from the Old Bilibid Prison.

Q (By Captain Webster) Did they have a trial?

A Yes, sir.

Q In the manner which you have previously described for trials?

A Yes, sir.

Q Did any of those people plead not guilty?

A Well, half of them didn't say a word.

Q You attended that trial?

A Yes, sir.

Q Were any of them afforded the opportunity to have any witnesses appear?

A No, sir.

Q Were any of them afforded the opportunity of having any defense counsel of any kind?

A No, sir.

Q Will you describe to the Court the execution?

A You mean the manner, sir?

Q Yes. Just what they did at the cemetery.

A Well, the prisoners would be loaded up in trucks or in buses --

Q I am speaking of those particular people that you saw executed.

A Yes, sir. They were taken out to the cemetery on the bus. All the windows were closed up so they won't be able to see the outside. They were driven up to the North Cemetery and there they were blindfolded and were unloaded from the truck and their hands tied in the back with rope. Then the verdict will be given or will be read to the accused by one of the judge advocate officers.

Well, after the verdict is given they are led to a hole which is about four feet deep and will be put to a sitting position with their knees bent and the head sticking out. Then either the -- Rather, the guards of the military prison, which is of the Old Bilibid Prison, will behead them with their swords.

Q Can you state how many of those people that you saw executed were Americans?

A You mean on General Yamashita's staff, sir?

Q No. The people as you have just described as having seen executed at the cemetery.

A I would say a good six or seven of them, sir.

Q Do you know whether Jurita or Jurika was an American?

A She was an American citizen.

Q I believe her son is a major in the United States Army.

A Yes, sir.

Q Who was the chief judge advocate of General Yamashita's headquarters during the entire time that he was here?

A It was Colonel Nishihara.

Q Do you know his first name?

A Yes. Hideo.

Q I believe you stated that you were at Baguio with that headquarters.

A Yes, sir.

Q Do you know anything concerning civilians in and around Baguio?

A Yes, sir.

Q What about those civilians?

A Well, most of the civilians evacuated to Baguio from the lowlands because Baguio was the only place where they didn't receive any bombings. Later when the general headquarters of the Japanese Army moved up to Baguio the civilians became afraid of bombings and they wanted to get back to the lowlands, but they were all stopped from being issued any passes to leave Baguio by the military police, but later in about February of '45 I heard from the men in the general headquarters as the general thought that the military police were issuing passes to the civilians who were eager to leave Baguio for the lowlands, but if they should take the route down to Rosario, which is at the foot of Baguio, they will be killed there by the Japanese Army.

Q Was that general --

CAPTAIN REEL: We will ask that the last part of that statement having to do with general conversation be stricken.

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

(Question and answer read)

GENERAL REYNOLDS: The objection of counsel is not sustained.

Q (By Captain Webster) Was that talk common talk in and around the headquarters at that time?

A Yes, sir.

Q Who was the head of the old Bilibid Prison?

A It was Lieutenant Tachikawa.

Q Do you know who was the head of the Military Police during General Yamashita's time, or part of his time?

A Colonel Nagahama.

Q Was he stationed in Fort Santiago?

A Yes, sir.

Q Was that part of General Yamashita's headquarters?

A I am quite sure the Military Police was under the command of General Yamashita.

Q Now, at the time you heard this common talk in and around Baguio was General Yamashita at Baguio at that time?

A Yes, sir.

Q Have you seen the Chief of General Yamashita's Judge Advocate Section recently?

A Yes, sir.

Q When did you see him?

A Last week Saturday.

Q Where did you see him?

A At P. W. Camp No. 1.

Q Did he stop you while you were there?

A Yes, sir.

Q What did he say to you?

CAPTAIN REEL: We object to that, sir, as being third

person hearsay.

GENERAL REYNOLDS: The objection is not sustained.

You may proceed.

Q (By Captain Webster) What did the Judge Advocate say to you?

A He asked me if I testified against General Yamashita or if I was going to try to. So I told him, "Frankly, not that I know of at present, because no one has asked me."

Then he told me, "Why, you better not, because the general" -- pardon, he said, "I have seen the general a few days ago and we had a conversation about you saying that the general was pretty much worried if you should testify against him at the trial," since I knew the activities of the Japanese Army during the occupation in the Philippines.

CAPTAIN REEL: Sir, we will ask that last be stricken as being hearsay. It is not only testimony of what was said to this man by another man, but what a third man told another man who told this man.

MAJOR KERR: This is evidence that parties close to the Accused were endeavoring to influence the Prosecution's witnesses not to appear in the case.

CAPTAIN REEL: If that is a statement of fact, we deny it. As far as our knowledge is concerned there has been no such an attempt made. General Yamashita has been in this building and the person referred to has not been here.

MAJOR KERR: The statement of this witness bears out my remark.

GENERAL REYNOLDS: The Commission will withdraw for deliberation and recess for ten or more minutes.

(Recess.)

GENERAL REYNOLDS: The Commission is in session.

The question under consideration is, substantially, as follows: "What did the Judge Advocate say to you?"

The answer is substantially as follows: "He asked me if I testified against General Yamashita, or if I was going to testify, so I told him, 'Frankly, not that I know of at present, because no one has asked me.'"

The remainder of that answer is stricken from the record, and the objection of counsel is sustained.

CAPTAIN WEBSTER: Sir, for the purpose of the record, I would like to state that the Prosecution is prepared to show that there was an American Army officer with the witness, Mr. Sakakida, at the time that conversation took place; that the conversation took place in Japanese at the time that the witness specified; and that immediately after that conversation this witness told the American Army officer the substance of that conversation, which is as related by the witness on the stand.

GENERAL REYNOLDS: The Commission will hear such witnesses as the Prosecution desires to present, but adheres to its ruling that the statement in question as presented by this witness at this time be stricken from the record.

(A document was marked Prosecution Exhibit No. 319 for identification.)

Q (By Captain Webster) I am handing you what has been

marked for identification as Prosecution's Exhibit No. 319, and I will ask you to state what that is.

A This is the case record of the accuseds, and also the verdict.

Q What is the name of the first person stated in that record?

A Estorito Alquino.

Q Is that the original Japanese court-martial record of that case?

A Yes, sir.

Q Was that one of the cases which was heard by the court-martial under General Yamashita's Headquarters in December of 1944?

A Yes, sir.

Q Referring to that same exhibit, I notice on the first page writing in Japanese. Can you state whether that writing on the first page is in handwriting or in mimeograph?

A Well, the address, name and age here, is written by longhand.

Q And the remainder is mimeographed?

A The remainder has all been mimeographed.

Q Is there any part of that, the remainder, which is not mimeographed?

A Yes, there is a blank here which is filled out with ink, the date and the organization to which the accused belonged to -- rather, the guerrilla organization.

CAPTAIN WEBSTER: Sir, at this time we would like to offer in evidence Prosecution's Exhibit No. 319.

GENERAL REYNOLDS: Read the part of the document

starting "This court-martial" --

CAPTAIN WEBSTER: Sir, if I may add, this exhibit is the original Japanese document, and we have a proposed translation of it. We would like to attach this to the original record and have the official interpreter check this to see that it is correct, and then read it to the Court.

GENERAL REYNOLDS: When do you propose to do that?

CAPTAIN WEBSTER: We would like to attach this at the present time and submit it to the interpreter at this time, sir.

GENERAL REYNOLDS: And then read the document to the Commission? Very well; you may do so.

CAPTAIN WEBSTER: At this time, sir?

GENERAL REYNOLDS: At this or a later time, as you like.

CAPTAIN WEBSTER: Then I submit these (handing documents to Lieutenant Commander Bartlett).

(A document was marked Prosecution Exhibit No. 320 for identification.)

GENERAL REYNOLDS: The Commission wishes to be informed how this document came into possession of the Prosecution.

CAPTAIN WEBSTER: Sir, these documents came to our office from some records from an investigation detachment, and we didn't know what they were. I showed them to this witness, and he stated that they were court-martial records in cases held in Bilibid Prison. I do not know where these records were originally found.

Sir, Major Kerr just informed me that we received these from ATIS. That was not within my personal knowledge.

MAJOR KERR: Sir, to my personal knowledge they were obtained from the Allied Translator and Interrogation Service in Manila by the Investigation Section of the War Crimes office.

Q (By Captain Webster) I hand you what has been marked for identification as Prosecution's Exhibit 320. Will you state what that is?

A It is the same thing.

Q Who is the first name appearing on that record?

A Herario Cruz.

Q And is that a record of a court-martial case held by General Yamashita's Headquarters at Bilibid Prison in December, '44?

A Yes, sir.

Q I hand you that exhibit again and ask you to state how much of that is in handwriting and how much mimeograph.

A The same as the previous one, sir.

Q That is, the names and addresses are in handwriting?

A Yes, sir; and the guerrilla organization and the date when they were taken in as members, also written in handwriting.

CAPTAIN WEBSTER: Sir, at this time we offer Prosecution's Exhibit 320, together with an attached proposed translation, to be submitted to the official interpreter.

GENERAL REYNOLDS: The Commission feels that verification of the translator will require time. Therefore, these documents should be presented to the Commission and

be accepted or rejected in evidence when we are informed by the chief translator as to his conclusion.

CAPTAIN WEBSTER: Sir, may I identify another exhibit and then submit it together with this?

GENERAL REYNOLDS: You may.

(A document was marked Prosecution Exhibit No. 321 for identification.)

Q (By Captain Webster) I hand you what has been marked for identification as Prosecution's Exhibit 321, and ask you what that is.

A The same thing, sir.

Q That is a court-martial record?

A Yes, sir.

Q And who are the defendants in that record?

A An American by the name of Macknal Hoover, and Henry Guy Lindobloom.

Q What is the date of that court-martial proceeding?

A December 13, 1944.

Q Is that one of the cases handled by the Court-Martial Section of General Yamashita's Headquarters at that time?

A Yes, sir.

Q I will hand you that again and ask you if that record is entirely mimeographed.

A Yes, sir.

CAPTAIN WEBSTER: Sir, at this time we offer Prosecution's Exhibit 321 in evidence, subject to the translation by the Court Interpreter.

GENERAL REYNOLDS: The decision of the Commission will be announced after receipt of the official translation.

Q (By Captain Webster) Mr. Sakakida, are you still in the United States Army?

A Yes, sir.

Q What is your rank?

A Master sergeant.

Q What is your serial number?

A 1010022.

CAPTAIN WEBSTER: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) You, Mr. Sakakida, were never a prisoner of war, then, were you? I mean, of the American Army?

A Well, I was treated as a prisoner of war, sir.

Q By the American Army?

A By the American Army?

Q Yes.

A No, sir.

Q You were treated as a prisoner of war first by the Japanese Army?

A Yes, sir.

Q But I am now referring to the time since the Japanese surrender. You have never been treated as a prisoner of war by the United States Army?

A Well, I gave them my identity, sir.

Q Well, I am not asking about that; I don't want any details as to your present work, or anything of that nature. I merely want to know whether you were treated as a prisoner of war at any time by the United States Army.

A No, sir.

Q And you never were interned in New Bilibid as a prisoner of war?

A No, sir.

Q Nor in any other prisoner of war camp?

A No, sir.

Q Now, this judge advocate, can you tell me his name?

Colonel Nishimura?

A Yes, sir.

Q The first time you saw him since the surrender was a week ago?

A Yes, sir.

Q Can you give us the exact date?

A It is the 10th of November, 1945.

Q So that between the surrender and the 10th of November, 1945 you never saw this man?

A Yes, sir.

Q So far as you know has he been a prisoner of war all this time?

A Yes, sir.

Q Now, I think you said that you were in the judge advocate office that was attached to General Yamashita's headquarters.

A Yes, sir.

Q And was that at Fort McKinley?

A Yes, sir.

Q While General Yamashita was in Manila?

A Yes, sir.

Q Were you in any other headquarters in Manila after General Yamashita got here?

A No, sir.

Q So far as you know was Fort McKinley his only headquarters in Manila?

A Yes, sir.

Q Have you ever been in General Yamashita's rooms

in the headquarters?

A No, sir.

Q You didn't see very much of General Yamashita yourself?

A Not in the office, sir.

Q Did you see him outside on the parade ground?

A Yes, sir.

Q Did you have much conversation with him?

A Not so intimately, sir.

Q Now, you are sure he had no office in the City of Manila?

A I doubt about it.

CAPTAIN REEL: What was the answer?

(Answer read.)

Q (By Captain Reel) So far as you know there was no office in the City of Manila?

A (Nodding negatively).

Q Instead of shaking your head, say the word so the reporter can get it.

A Oh.

Q Now, I think you said that in December you went direct to Baguio; is that right?

A I went to Baguio on the road to Ipo Dam, sir.

Q Did you stop at Ipo Dam?

A Yes, sir.

Q How long?

A Three days.

Q And then went right up to Baguio?

A Yes, sir.

Q Do you know whether General Yamashita stayed at Ipo Dam longer than three days?

A I presume he stayed about a week.

Q And you stayed in Baguio until April, 1945?

A Yes, sir.

Q You had been doing this interpretation work since when? When did you start doing it?

A February, 1943.

Q And the work was pretty much the same right out through to the time of surrender?

A Well, toward the end it wasn't as regular as the first part when I joined them, sir.

Q It wasn't as "regular." You mean there wasn't as much of it or --

A There was lots of it, but the procedure wasn't so quite the same as at the very beginning.

Q At the time you started this work was Colonel Nishimura the Judge Advocate? Nishimura, was he the Judge Advocate when you started your work?

A I think you have got the name wrong, sir.

Q What was the name?

A Nishihara.

Q Oh, Colonel Nishihara. I am sorry. Was Colonel Nishihara the Judge Advocate when you started your work?

A Yes, sir.

Q And he remained Judge Advocate right on through the whole time that you did the interpreting?

A Yes, sir.

Q He wasn't brought there by General Yamashita?

A No, sir.

Q Now, prior to the time General Yamashita came were there any trials of Filipinos for guerrilla activities?

A Yes, sir.

Q And were there trials of some Americans for guerrilla activities?

A Yes, sir.

Q And did the procedure and practice remain approximately the same during that period until December, 1945?

A Yes, sir.

Q Or '44. And in December '44 I think you testified that there were a good deal more trials during the month of December than there had been in the months before; is that right?

A Yes, sir.

Q Do you know whether guerrilla activity increased during the month of December?

A I don't know about it, sir.

Q You didn't know anything about that?

A No, sir.

Q All right. Now, as I understand the procedure of these courts martial, in the beginning there is an investigation by the military police; is that correct?

A Yes, sir.

Q And then the cases are recorded and sent to the court-martial department or the Judge Advocate General; is that right?

A Yes, sir.

Q Up to this point the procedure is precisely the

same whether the accused is a Filipino or a Jap; is that correct?

A Yes, sir.

Q And then after the Judge Advocate gets the matter he goes into conference; is that correct?

A Yes, sir.

Q Would he hear witnesses in his conference?

A No, sir.

Q So that right through that point the procedure is the same?

A Yes, sir.

Q I think you said that at the time of the trial there are no witnesses; is that correct?

A Yes, sir.

Q No matter whether the accused is a Filipino or a Japanese?

A Yes, sir.

Q So that up to this stage the procedure is the same?

A Yes, sir.

Q And then the verdict is read to the accused if it is less than capital punishment, but if it is capital punishment he is not yet told; is that right?

A That is correct.

Q And that is the same as if the accused is a Japanese, Filipino or American?

A No, sir.

Q What is the difference there?

A If he is a Japanese and the penalty is supposed to be imposed upon him, the verdict will be read to him.

Q So that the only difference between the treatment of the Japanese, the American and the Filipino is that if the verdict is capital punishment it is read at the time to the accused in the case of the Japanese, whereas in the case of Americans and Filipinos that information is withheld?

A Yes, sir.

Q And that is the only difference?

A Yes, sir.

Q During the time that you acted as interpreter do you know of any cases where Japanese soldiers or civilians were tried for mistreating prisoners of war?

A Not that I know of, sir.

Q Do you know of cases where they were tried for mistreating internees?

A No, sir.

Q Are you sure of that?

A Yes, sir.

Q Could there have been such cases and records of such cases among Japanese documents that you would not have seen?

A Yes, sir.

Q Do you remember the case where a Japanese civilian was tried and convicted of getting materials or jewelry from prisoners of war for which he did not pay? Do you remember of any such case?

A Not during my stay in the court-martial office, sir.

Q I think you told us that there is no right of counsel in the Japanese courts; is that correct?

A Yes, sir.

Q That applies to Japanese as well as to Americans

and Filipinos?

A Yes, sir.

Q And there is no right, as we understand it in America, to have witnesses appear in the Japanese court martial?

A That is true.

Q And that is true for Japanese as well as for Filipinos and Americans?

A Yes, sir.

Q And you say there is no appeal; is that true?

A To a higher court, sir?

Q Yes.

A Yes, sir.

Q And that is true for Japanese as well as for Filipinos and Americans?

A Yes, sir.

Q Well, you say there is no appeal to a higher court. Let's find out. Is there an appeal to any group as far as you know?

A Well, I heard from the court-martial members that in Japan they could appeal it to a higher court.

Q As far as you know, there is no appeal in the field or in the Philippine Islands?

A Yes, sir.

Q To any higher court?

A Yes, sir.

Q Was there any appeal in the Philippine Islands as to Japanese, Americans or Filipinos to anyone above that court-martial sentence?

A No, sir.

Q In other words, the word of that judge was absolutely final here in the Islands?

A Final; yes, sir.

Q Now, among these persons who were tried for guerilla activities, were you present at the trials of those persons whose names are listed on Exhibits 319, 320 and 321 for identification, those last three exhibits? Do you remember offhand? If not, I will read the names to you.

A Yes. I don't remember the names.

Q Were you present at the trial of Estorito Alquino?

A I could tell definitely if I should see the Japanese-written documents, sir.

CAPTAIN REEL: May we show those to the witness?

(Originals of exhibits above referred to were handed to the witness.)

Q (By Captain Reel) You will find them in there. I don't know in just what order.

A Yes, sir. I remember.

Q And did Estorito Alquino plead guilty?

A Well, to tell you the fact, none of these fellows said a word.

Q They didn't plead guilty, nor did they plead not guilty?

A Yes, sir.

Q In other words, they stood mute?

A Yes, sir.

Q When you say "none of these fellows", you are referring to this list of nine names on that page of

Exhibit 319?

A Yes, sir.

Q Were you present when those persons were interrogated in the investigation?

A You mean -- Pardon me. Does that concern this particular case?

Q Yes, sir. Exhibit 319.

A Well, these fellows were not interrogated by the Judge Advocate's office.

Q I see. So whatever interrogation there was was by the M.P.'s, and you were not present?

A Yes, sir.

Q You were never present at the interrogation by the military police?

A Yes, sir.

Q So that you don't know whether when interrogated by the military police these persons voluntarily made statements stating that they had enlisted in the R.O.T.C. guerrilla organization?

A I don't know about that, sir.

Q Now I will ask you the same questions on Exhibit 320. Were you present at the trials of any of those ten persons?

A May I have the name?

Q What is that?

A May I have the first name, please?

Q Oh. Herario Cruz, the first name on the list.

A No. I don't remember this case, sir.

Q You don't remember of being present at the trials

of any of those people?

A No, sir.

Q And of course you weren't present at the military police examination?

A I wasn't.

Q So that you could not tell us whether or not those persons pled guilty or whether they gave voluntarily statements admitting that they had joined the R.O.T.C. guerrillas?

A That's right.

Q I show you the original of Exhibit 321 for identification. Were you present at the trials of either of the two men mentioned there?

A Yes, sir.

Q And do you know whether they pleaded guilty or not guilty?

A I am pretty sure they were mute, sir.

Q They pleaded guilty?

A No, sir.

Q They pleaded not guilty?

A No, sir. They didn't say a word.

Q They stood mute. You were not present at the time they were interviewed by the military police?

A I wasn't.

Q So that the sentence on the second page, which is translated at the present time, reads: "The court recognizes the statements of the defendants". You cannot say whether that refers to statements admitting that they worked as charged for Major Holland's guerrilla organization?

THE WITNESS: Will you please --

CAPTAIN REEL: Will you read the question, please?

(Question read)

A Although it states here that they have consented to the charges, these accused said nothing; either they knew or they did not know about it.

Q (By Captain Reel) That is, at the trial?

A No, sir; at the interrogation, sir.

Q Were you present at the interrogation?

A Yes, sir.

Q By the military police?

A No, sir. By one of the Judge Advocates, sir.

Q But they had previously been interrogated by the military police?

A Yes, sir.

Q But you were not present at that interrogation?

A Not at the military police.

Q At any interrogation at which you were present nothing was said?

A Yes, sir.

Q And of course you don't know what was said at the military police investigation?

A Yes, sir.

CAPTAIN REEL: I think I had better take those back (referring to originals of Exhibits 319, 320 and 321.)

GENERAL REYNOLDS: Has the Chief Interpreter a statement to make at this time about the translation?

COMMANDER BARTLETT: On cursory examination of the documents marked for identification as Prosecution's Exhibits Nos. 319, 320, and 321, they appear to have been translated into English with substantial accuracy. It is respectfully suggested that the English translation be accepted into evidence as accurate, subject to later full verification and necessary correction.

GENERAL REYNOLDS: The recommendation of the Chief Interpreter is accepted. The documents are accepted into evidence.

(Prosecution Exhibits Nos. 319, 320, and 321, for identification, were received in evidence and so marked.)

CAPTAIN REEL: Do we understand, sir, that there will be latitude reserved for later objection pending correction of the exhibits?

GENERAL REYNOLDS: That was the intent of the rule.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Now, you told us about some pilots whom you talked to at the Old Bilibid Prison. Do you remember that?

A Yes, sir.

Q And I think you said you last saw them in December sometime?

A Yes, sir.

Q What date was that? Do you remember the date?

A I don't know the exact date, but it was after the

15th, sir.

Q You heard some conversation relative to what happened to them in February, 1945?

A Yes, sir.

Q You don't know whether or not, of your personal knowledge, these men were tried after the 15th of December, 1944?

A Well, I am definite about the 28th of December, that there were no trials for these pilots.

Q Prior to the 28th of December?

A Yes, sir.

Q You do not know if they might have been tried after the 28th of December?

A I do not think there was any trial, because the court-martial moved out from Manila.

Q You mean the 14th Army courts-martial?

A Yes, sir.

Q There were other groups in Manila, weren't there?

A But they were under the jurisdiction of the 14th Area Army Headquarters, sir.

Q Well, wasn't there a Shimbu Army?

A Yes, sir; I later found out they were organized here in Manila.

Q Do you know if they had their own court-martial system?

A I found that out in the latter part of January.

Q They were in charge of what Army men remained in this area, were they not?

A I don't know about that, sir.

Q They were organized at approximately the time you

left Manila, were they not?

A Not to my knowledge, sir.

Q Do you know when they were organized, the Shimbu Army?

A I think it was after the headquarters of General Yamashita moved out from Manila, sir.

Q Yes. Now, -- and you did say so far as -- strike that. You did say the Shimbu Army did have its own court-martial jurisdiction, is that correct?

A Yes.

Q You do not know whether these men might not have been, therefore, tried by the Shimbu Army?

A I was definitely told by the guard that they were executed, sir.

Q Yes. But you do not know of your own personal knowledge that they were not tried before their execution by the Shimbu Army?

A The guards told me when they evacuated Manila they took all the military prisoners out to the cemetery and executed them.

Q When did they evacuate Manila?

A In the early part of January.

Q The early part of January or February?

A January of 1945.

Q Did the guards tell you these men had had no trial?

A Yes, sir.

Q Do you remember the names of the men?

A Yes, sir.

Q What were they?

A A guard by the name of --

Q I don't mean the name of the guards. I mean the two pilots.

A I don't remember the names, sir.

Q Now, you told us about attending executions in the cemetery. Was that the first execution you had attended at the cemetery?

A I beg your pardon?

Q You told us about attending an execution where 50 persons were killed. Was that the first execution you had attended?

A I attended my first one in March of 1943, sir.

Q You attended others between March, '43, and this other you told us about?

A Yes, sir.

Q Now, I think you said of the 50 persons killed, one-half of them didn't plead guilty or not guilty, is that right?

A Yes, sir.

Q And did the other half plead guilty or not guilty?

A Some denied it, sir.

Q How many of them pleaded guilty?

A Very few.

Q Approximately how many?

A Oh, I would say only about ten, sir.

Q Ten pleaded guilty and approximately half said nothing, is that right?

A Yes, sir.

Q I think you told us a Colonel Nagahama was head of the Military Police, is that right?

A Yes.

Q Do you remember when he became head of the Military Police?

A I don't remember the exact date.

Q Do you remember when he stopped being head of the Military Police?

A I think it was sometime in January of 1945, sir.

Q And was his place taken by somebody else?

A Yes, sir.

Q Do you know whether he was removed from his position?

A Who, sir?

Q Colonel Nagahama.

A He was transferred, sir.

Q Do you know why?

A I don't know the reason, sir.

Q Now, these three exhibits that we saw just a moment ago, Prosecution's Exhibits 319, 320, and 321, those are all dated in December, 1944, as I recollect. Were there similar records prior to December, 1944?

A Yes, sir.

Q When did you see such a type of record?

A In February of 1943, sir.

Q And you saw them right along in February of '43 on?

A Yes, sir.

CAPTAIN REEL: That is all.

#### REDIRECT EXAMINATION

Q (By Captain Webster) With reference to the court-martial records which counsel for the Accused referred to, that portion of it relating to the statements of the

Accused are noted. Does that refer to the statement of the Accused made at the trial, or at any other previous investigation?

A Previous investigation, sir.

CAPTAIN REEL: We object to the witness' answering such a question. I don't suppose he could read what was in the mind of the person who wrote it. I don't think he is competent to testify as to the meaning of it.

GENERAL REYNOLDS: Will you read the question, please?

(Question read.)

GENERAL REYNOLDS: The Prosecution may develop how the witness obtained that information, and then we will decide.

Q (By Captain Webster) How did you obtain that information?

A Well, I saw this mimeographed sheet written up, by taking all this information which was contained in the Military Police investigation, sir. That is how I obtained that.

Q This record, that portion of the court-martial record was mimeographed ahead of trial, is that correct?

A Yes, sir.

Q And had that statement in it, is that correct?

A Yes, sir.

Q Now, was any notice of any kind given to any government on the trial of American prisoners of war?

A Not to my knowledge, sir.

GENERAL REYNOLDS: The Commission interrupts at this point.

Does the Defense still wish to object to the question and answer that we were discussing?

CAPTAIN REEL: Sir, there was no answer. We objected to the question. The question has never been put again, nor answered, and we have no objection standing. We do not object to it going in on that basis.

CAPTAIN WEBSTER: To clear the record, sir, I will withdraw the question.

Q (By Captain Webster) I believe you stated that there was a difference between the trial of Japanese and American or Filipino civilians. What was that difference?

A Well, if a Japanese soldier is convicted, either his company commander or the G-1 officer in charge of personnel will be called upon by the Judge Advocate and will study the problems of the particular one accused, and if there be any witness for that particular case he will be called upon and will be interrogated by the Judge Advocate.

Q Now, that took place at the Judge Advocate's office before trial, is that right?

A Yes, sir.

Q Was there any difference at the trial?

A In the trial we had no witnesses, sir.

Q No witnesses?

A No, sir.

Q They took their investigation that was held beforehand, is that right?

A Yes.

Q Now, did they have such investigations against American prisoners of war, or American or Filipino civilians?

A No, sir.

CAPTAIN WEBSTER: That is all.

RE-CROSS EXAMINATION

Q (By Captain Reel) You don't mean that there were no Military Police investigations of Americans or Filipinos, do you?

A Well, naturally it came from them, sir.

Q Yes. What you mean is simply, the only difference now, as I understand it, is where the Japanese is convicted, or to be convicted, that his company commander or G-1 officer is called in to study the problem of the Accused with the Judge Advocate, and to present any witnesses that may have to do with that problem, is that correct?

A Yes, sir.

Q That goes to the severity of the sentence, does it not?

A Yes, sir.

Q In other words, in both cases the sentence is already passed. Strike that out; that may be difficult to get.

In that case the sentence is already passed, is it not?

A I don't know about that, sir.

Q You have testified already as to the system used in both of these sets of trials. You don't wish to change that testimony in any way, do you?

A I don't exactly get you, sir.

Q You have just testified, both on direct and then again on cross, without going into it all as to the systems used in these trials. You don't now wish to change

any of that testimony, do you?

A No, sir.

Q One more thing. You have testified that no notice was given to foreign governments so far as you know. Do you know who would give such notice to the foreign governments involved?

A Well, I think that is taken care of by the personnel section of the Courts-Martial Department.

Q The actual notice to the protecting power is given by the personnel section of the courts-martial?

A Yes, sir.

Q And you have never known any such notice to be given, have you?

A No, sir.

Q Do you know whether or not the Government of Tokyo gave any such notice to the protecting power?

A I don't know about that, sir.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: The Commission has questions to ask this witness, which will be presented by General Lester.

EXAMINATION ON BEHALF OF THE COMMISSION

Q (By General Lester) While you served with the Japanese Army as an interpreter from October until the time of your liberation, did you receive ample food?

A Not as much as I am fed by the American Army, sir.

Q Did you lose weight during that time?

A Yes, sir.

Q Do you happen to know the value in calories of the food ration that you received while in the Manila area?

A No, sir.

Q What was the nature of your ration as to its balance?  
Did you have vegetables and fruits?

A It consisted of rice, soup, meat, fish, and a little green vegetables, sir.

Q Any fruits?

A Very seldom, sir.

Q Was the ration better or worse as you went to Baguio from Manila?

A It became worse.

Q It became worse?

A Yes, sir.

Q Did you see, while you were in the Judge Advocate General's office, the records of trial of any Japanese soldiers?

A Yes, sir, I have read several of them, sir.

Q Do you recall any cases where Japanese soldiers were tried or convicted of rape?

A Yes, sir.

Q Against Filipino women?

A Yes, sir.

Q What was a sentence in such case of rape?

A Well, as far as I know, if it is an enlisted man, a plain soldier, he will get about two and one-half years. If he is a non-com, about five years.

Q Were any capital cases, any executions of Japanese soldiers, brought to your attention while you were in the office of the Judge Advocate General?

A Only two, sir.

Q What were they charged with?

A For striking a superior officer, sir.

Q Do you recall the dates in which these convictions of rape took place, the dates when the offense was committed, or when the court passed the sentence?

A That was in '43, sir.

Q Do you recall whether there were any such convictions after October, 1944?

A Not to my knowledge, sir.

GENERAL REYNOLDS: Is there any further cross examination by the Defense on the Commission's questions?

CAPTAIN REEL: Yes.

RE-CROSS EXAMINATION

Q (By Captain Reel) Do you know of any robbery cases by Japanese soldiers that were tried?

A Yes, sir.

Q And were they quite frequent?

A On an average of about one a month, sir.

Q And that was all during the occupation?

A Yes, sir.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

EDWIN L. BOOTH

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

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name.

A Edwin L. Booth.

Q Your rank?

A First Lieutenant.

Q Your organization?

A Corps of Military Police, assigned to War Crimes investigation.

Q Were you at Prisoner of War Camp 1, on or about the 10th of November, with a person named Sergeant Sakakida?

A Yes, sir.

Q Were you present when a conversation was held between him and another Japanese at that camp?

A Yes, sir.

Q In what language did that conversation take place?

A Japanese.

Q Did you thereafter talk to Sergeant Sakakida concerning it?

A Yes, sir, immediately after.

Q What did he say that conversation was?

CAPTAIN REEL: We object, sir.

GENERAL REYNOLDS: Not sustained. You may proceed.

CAPTAIN REEL: Sir, may I have the indulgence of the Court to state the reasons for my objection?

GENERAL REYNOLDS: You may.

CAPTAIN REEL: Thank you, sir.

In the first place, the original question of the witness who had the conversation was ruled out, on the basis, apparently, because that was the only objection made, that it was hearsay twice removed. Now we have it attempted to be brought in as hearsay three times removed: The witness, who does not understand what was said, is told by a second party what a third party told him that a fourth party said.

In addition, I want to point this out, sir: On cross examination of the previous witness, it appeared first that he was not treated as a prisoner of war, was never at a prisoner of war camp, that he never saw this particular colonel until the 10th day of November, that it was at camp 1 since the 10th day of November; and the person who the original statement is supposed to come from has been right here, confined, as the accused. There has been no feasible or possible opportunity of a connection. And may I add this, sir: That neither Colonel Nishihara, or anyone else, could have known that the previous witness was an American soldier; otherwise he probably would have been executed as a spy, and certainly wouldn't have continued as an interpreter. Therefore, we feel that any statement made by this Nishihara to the previous witness in the presence of this witness, relative to what the accused may have said, is completely incompetent, meaningless, and highly prejudicial.

For both of those reasons, we object to testimony of this sort.

GENERAL REYNOLDS: The commission feels the Defense is asking the Commission to rule on the answer to a question before we know the answer. Therefore, the Commission does not sustain the objection of Counsel, but upon hearing the answer to the question you are free to object.

CAPTAIN WEBSTER: Will you read the question, please?

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

"Q What did he say that conversation was?"

A You want me to start from the beginning?

Q (By Captain Webster) Just state what the conversation was.

A This conversation carried on between Colonel Nishihara and Sergeant Sakakida was related to me by Sergeant Sakakida, that Colonel Nishihara was rather worried concerning Sergeant Skakida testifying against General Yamashita; and he said that inasmuch as Sergeant Sakakida had not testified that Colonel Nishihara preferred that he wouldn't testify against General Yamashita, as it would, in his own words, "put him in a tough spot."

Q When was that conversation?

CAPTAIN REEL: Pardon me. We will ask now that the answer be stricken, sir, for the reasons stated before.

GENERAL REYNOLDS: The objection of Defense Counsel is sustained. The answer will be stricken from the record.

CAPTAIN WEBSTER: That is all.

(Witness excused.)

CAPTAIN WEBSTER: Does the Commission at this time desire the reading of the interpretation of the court martial record?

GENERAL REYNOLDS: In order to maintain the continuity of the record, and since the chief interpreter has already stated that his cursory examination indicated the translation to be reasonably correct, we will hear the reading of the documents at this time. However, we will also hear from the chief interpreter later as to his final study and conclusions.

CAPTAIN WEBSTER: Reading from Exhibit 319:

"VERDICT

"ESTORITO ALQUINO 31, Farmer 152 Levelside St., San Juan, Manila.

Edwardo Christobal 24, Unemployed 24 Carriedo St., Manila.

Gonzalo Cruz 21, Laborere 46 Bonifacio St., Manila.

Godofredo Luna 18, Laborer 6 Rizal St., Barrio Onse, Manila.

Gomel Manuel 23, Watchman 26 Carriedo St., San Juan, Manila.

Edwardo Avilido 44, Farmer Barrio Balanca, Diliman, Manila.

Ernesto Perez 27, Buy and Sell 4 Rizal St., Barrio Onse, San Juan, Manila.

Pulaviano Alcantara 25, Clerk 4 San Fabian St., Manila.

Justado Mendoza 36, Laborer, Barrio Balala, Deliman, Manila.

"This Courts-Martial will carry out the decision of Acting Prosecutor Shigehiko Mera, Candidate J. A., for the above defendants' Guerrilla Membership.

"TEXT

"Each defendant is sentenced to death.

"REASON

"Defendants were all pro-Americans and held very

strong feeling of hatred to Japan and always believed and desired for the return of Americans to the Philippines. Thus when each of the defendants were approached and requested by others to enlist in guerrilla organization and to resist the Japanese Army by taking up guerrilla warfare, immediately agreed. From about January 1943 to about June 1944 enlisted in the R.O.T.C. Guerrilla Organization, planning for the annihilation of the Japanese Army as a unit of the American Forces in time of landing in the Philippines and was waiting for the opportunity.

"The above mentioned facts are recognized by this court on the statements given by the defendants voluntarily and also from the Army Judicial Policeman's statement.

"Trying the defendants on Provost Law, defendants actions falls under No. 1 of Section 1, Paragraph 2 of the Southern Army Provost Law and death penalties be imposed to defendants as of Paragraph 4 of the same Provost Martial Law.

"Thus the sentence is of the Text.

"22nd December 1944.

Sho Bu Unit Courts-Martial

"Presiding Judge:

Judge :

Judge : Shigemi, Yoshikatsu 1st Lt., J. A.

"No signatures of Presiding Judge Major Suzuki, or Judge Captain Uokoi, Kagio was obtained because of being absent.

"Shigemi, Yoshikatsu  
Judge  
1st Lt., J.A."

GENERAL REYNOLDS: In reading the first sentence under the names, I believe you stated "Candidate J. A.", which should be "Cadet J. A.", should it not?

CAPTAIN WEBSTER: I am sorry, sir.

Prosecution's Exhibit No. 320:

"Herario Cruz 35 Barber --"

GENERAL REYNOLDS: You may omit the names and addresses, since you have identified the list by stating the first name.

CAPTAIN WEBSTER: (Reading) "From August 1943 to September 1944.

Ramsay or R.O.T.C. Guerrilla Organization.

Date of trial: December 16th, 1944.

"This Courts-Martial will carry out the decision of Acting Prosecutor Shigehiko Mera, Cadet J.A., for the above defendants' Guerrilla Membership.

"TEXT

"Each defendant is sentenced to death.

"REASON

"Defendants were all pro-Americans and held very strong feeling of hatred to Japan and always believed and desired for the return of Americans to the Philippines. Thus when each of the defendants were approached and requested by others to enlist in guerrilla organization and to resist the Japanese Army by taking up guerrilla warfare, immediately agreed. From about January 1943 to about June 1944 enlisted in the R.O.T.C. Guerrilla Organization, planning for the annihilation of the Japanese Army as a unit of the American Forces in time of landing in the

Philippines and was waiting for the opportunity.

"The above mentioned facts are recognized by this court on the statements given by the defendants voluntarily and also from the Army Judicial Policeman's statement.

"Trying the defendants on Provost Law, defendants actions falls under No. 1 of Section 1, Paragraph 2 of the Southern Army Provost Law and death penalties be imposed to defendants as of Paragraph 4 of the same Provost Martial Law.

"Thus the sentence is of the Text.

"22nd December 1944.

Sho Bu Unit Courts-Martial

"Presiding Judge:

Judge

:

Judge

: Shigemi, Yoshikatsu 1st Lt., J.A.

"No signatures of Presiding Judge Major Suzuki, or Judge Captain Uokoi, Kagio was obtained because of being absent.

"Shigemi, Yoshikatsu  
Judge  
1st Lt., J.A."

Prosecution Exhibit 321:

"VERDICT

"Citizenship --- United States

Address --- Artegas St., Pasay, Manila.

"Mining Engineer Macknal Hoover 39

Citizenship --- United States

Address --- #6 Carrington St., Mondaluyong, Manila.

"Mining Engineer Henry Guy Lindobloom

"This Courts-Martial will carry out the decisions of

Prosecutor Yoshikatsu Shigemi, 1st Lt. J. A., for the above mentioned defendants' Guerrilla Membership.

"TEXT

"Both defendants are sentenced to death.

"REASON

"Both defendants came to the Philippine Islands as mining engineers in about 1933 from the United States and was connected with various mining companies and in Mindanao at the outbreak of the Greater East Asia War. Being unable to return to their families in Manila, defendants since January 1942 was working at American airfield, San Jose, on Mindoro as civilian employees. But as the Imperial Army advanced, in June 1942, defendants retreated to Tablas Island.

- Thus:
1. In about June 1942 defendant Mackno Hoover presented himself to Major Holland's guerrilla organization which was connected to Peralta, in Odjungan Town, Tablas Island and worked until Nov. of 1942 coding and decoding secret wireless messages.
  2. Defendant Henry Gai Lindobloom also about the same time entered the same organization at Barrio Lohock and until about the end of Nov. 1942 produced about 150 gallons of alcohol from coconut trees and presented it to the same guerrilla organization.

"The Court recognizes the statements of the defendants.

"The acts of both defendants falls under Par. 2 Sec.

No. 1 of the Southern Provost Martial Law and death penal-

ties be imposed to both defendants as of Par. 4 of the same Provost Martial law.

"Thus the verdict has been given as in the text.

"13th December 1944.

Sho Bu Unit Courts-Martial.

"Presiding Judge: Suzuki, Major.  
Judge : Katsuo, Katsuo Major, J. A.  
Judge : Yokoi, Kagio Captain."

Sir, that completes the evidence on those paragraphs in the Bill of Particulars.

GENERAL REYNOLDS: The Commission affirms its acceptance of these documents under the conditions stated.

MAJOR KERR: Sir, prior to going on with the next episode of our case I should like to request that the Commission permit the Prosecution to show a film this evening. We suggest a starting hour of 1930 or 7:30 this evening. The film which we should like to show at this time is entitled "Orders from Tokyo." It is a documentary film which is owned by, and I am informed constitutes a part of the documentary records of, the Commonwealth Government of the Philippines. The scenes which are portrayed there are those which were filmed immediately during and following the liberation of Manila by the American forces last February.

We believe that the Commission will be interested in the film and the photographic evidence which it constitutes. I would suggest that the Commission see the film; then, if the Defense desires to object to the film in whole or in part, such objection could be stated tomorrow morning when the Commission reconvenes and the decision could be made at that time. It would not be feasible at this time, of course, to go into the question of the admissibility of the film. We believe it is admissible and would have probative value to the Commission.

GENERAL REYNOLDS: The Commission will view the picture starting at 8:00 o'clock tonight unless otherwise directed at the close of the afternoon session, instead of the hour of 7:30 as recommended by the Prosecutor. The session will be open to the press and to the public.

CAPTAIN WEBSTER: Sir, the next case is an item offered in the proof of Paragraph 72 of the Bill of

Particulars.

GENERAL REYNOLDS: The Commission wishes to verify the item number in the Bill of Particulars and asks whether this is additional evidence submitted on No. 72.

CAPTAIN WEBSTER: It is, sir.

ANGELINA AQUINO

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

DIRECT EXAMINATION

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

A Angelina Aquino.

Q Your age?

A 15.

Q Your nationality?

A Filipina.

Q Did you say "Filipina"?

A Yes, Filipina.

Q Will you speak a little louder and to the Commission so that they might hear you?

A Yes, sir.

Q Do you go to school?

A Yes, sir. I go to school in the Baguio City High School; sophomore.

Q You are a sophomore?

A Yes.

GENERAL REYNOLDS: The Commission interrupts to ask the witness to verify the name of the high school that she attends.

Q (By Captain Webster) Will you repeat the name of

the high school which you attend?

A Baguio City High School.

Q Baguio City High School?

A Yes.

GENERAL REYNOLDS: Baguio City High School.

Q (By Captain Webster) Were you living in Baguio in April of this year?

A No, sir; we were in Balatoc.

Q And why did you go to Balatoc?

A We evacuated because of the bombing in Baguio.

Q Because of the bombing in Baguio?

A Yes, sir.

Q Who went to Balatoc with you?

A My mother, my father, my six brothers and sisters, my grandmother and my aunty.

Q Do you remember how long you stayed in Balatoc?

A Yes, sir. We stayed there about three to four months.

Q And then where did you go from Balatoc?

A We were intending to go to Dolores, and it was April 10th when we started from Balatoc.

Q You say April the 10th when you left Balatoc?

A Yes, sir.

Q And where did you go?

A We went to Samuyao.

Q You went to Samuyao?

A Yes, sir.

Q And how long did you stay there?

A We stayed there for one day.

Q And how many people left Samuyao with you?

A We were about 315.

Q How do you know there were 315?

A One person counted us and then I heard him say that we were 315 in all.

Q Were there men and women and children in the group?

A Yes, sir.

Q Did the group have any means of transportation?

A No, sir; we were just walking.

Q Now, where did you go after you left Samuyao?

A We started our journey to the lowlands.

Q All 315?

A Yes, sir.

Q And will you tell the Commission what happened on the journey to the lowlands?

A Yes, sir. At 4:00 o'clock in the morning we started our journey. We were all 315 in all. And then about 12:00 o'clock we passed through a sentry of the Japanese. They stopped us and then took all of our bolos and knives and weapons, jewelries and food, especially foodstuffs. They let us go. Then when everybody was searched one Japanese met us on the road and told us to go back.

Q Now, how long was that after you were searched?

A After we were all finished searched?

Q That's right.

A Then they told us to hide ourselves in the grasses because there were airplanes above us. After the airplanes stopped flying above us they told the men to go and they said that they would just investigate them.

Q At that time did they separate the men from the other people?

A Yes, sir. They separated the men from the women and small boys.

Q Where did they take the men?

A They took the men to the side of the mountain.

Q How far away, do you know?

A I do not know because they were hidden.

Q Did you hear any noises coming from where they took the men?

A None, sir, but a few minutes we heard shots of guns.

Q You heard guns being fired?

A Yes, sir.

Q What did they do after they took the men up to that place?

A They just told us to sit down and then they said that they were going to investigate the men. After that we heard shots, firing of guns, and one of the Japanese who knew how to speak English said that it was "the Americans; our enemies", he said. Then they went to the place where they were staying and they said that they were already killing.

After that, when maybe the men were through, they told us to go family by family.

Q Up the mountain?

A Yes, sir.

Q Did you go with your family?

A Yes, sir.

Q Did your father go with you?

A No, sir. My father was ahead because he went with the men.

Q He went with the men?

A Yes, sir.

Q And your family all went together; is that right?

A Yes, sir.

Q And will you tell what members of your family went together?

A My mother, my two brothers and four sisters and myself.

Q Were any of those children young?

A Yes, sir. I am the oldest.

Q You are the oldest of the children?

A Yes, sir.

Q Now, what did they do to your family when they took you up the mountain?

A They searched us first. While we were waiting for our turn, because the other group was not yet through, we asked the Japanese to set us free and then we were pleading and crying. But one of the Japanese who knew how to speak English said that "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill -- "

Q Said what?

A Said "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill all civilians".

Q Who said that?

CAPTAIN REEL: Just a minute. I ask that that last part of that last answer go out. What this witness said that another man said that a third man said is not evidence.

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

Q (By Captain Webster) Who told you that?

A The Japanese who knew how to speak English.

Q Was he a Japanese soldier?

A Yes, a Japanese soldier.

Q Did he have a uniform on?

A Yes, sir.

Q Was he one of the ones that was executing people?

A No, sir.

Q He was one of them standing there?

A The one who was leading the persons to go to the place where they executed.

Q Did he have a gun or a saber?

A He had a gun with a fixed bayonet.

Q I see. What did he do with your family?

A When we were not yet executed one of my brothers told the Japanese that if they kill him they had better shoot him than to be bayoneted. So after a few minutes they called me and I went there. While I was going I saw one Japanese bayoneting a woman.

Q Bayoneting a woman?

A Yes, sir.

Q Did you know the woman?

A I do not, sir. I don't know the name.

GENERAL REYNOLDS: The Commission interrupts and asks the reporter to read the last long answer given by the witness.

(Question and answer read)

GENERAL REYNOLDS: Very well. Proceed.

Q (By Captain Webster) Will you describe what kind of a place this was on the mountain?

A It was in the mountain. It was a sloping --

Q It was a steep slope?

A Not so --

Q But downhill?

A Yes, sir.

Q Did they take you to the edge of that downhill slope?

A Yes, sir.

Q What did they do with you when they took you there?

A They searched me first and then they took a piece of cloth from the ground and blindfolded me and they told me to sit down on the edge. Then I felt that they pushed down my head and something struck my neck and I fell down.

Q Something struck you in the back of the neck?

A Yes, sir.

Q Did you roll down the hill?

A I fell down.

Q You fell down?

A Yes, sir.

Q How long did you stay there?

A I stayed there until the execution was through, because there were Japanese and if they see you moving they will shoot you.

Q Were you the first one or the second one in your family to go to the edge of the mountain?

A I was the first one, sir.

Q Do you know what happened to the other members of

your family?

A Yes, sir. While I was down in the slope of the mountain I heard one of my brothers shouting, and I think it is my brother who was asking the Japanese to shoot him, because I could recognize his voice.

Q Do you know what happened to any of the other members of the family?

A No, sir; I do not.

Q Have you seen them since?

A No, sir; I have never seen them any more.

Q Did anyone ever tell you what they did with your baby sister?

A When we were through executed we were about 30 who did not die immediately, and one of the girls -- one of the women told me that she saw my seven-months' baby sister executed. She told that they grabbed her from my mother, tossed her up and caught her with a bayonet.

Q How long did you stay in that place?

A In the mountains, sir? In the mountains?

Q How long did you stay in the place where they executed the people? Will you talk to the Commission, please, and a little louder?

A I stayed there I don't know how many hours, but it was almost dark when we began walking, when the Japanese left us.

Q How many people walked away with you?

A We were about 30, sir.

Q How many?

A 30.

Q "13"?

A 30.

Q 30?

A Yes, sir.

Q How many survived of those 30?

A We are only four, sir.

Q What happened to the others?

A They died on the way.

Q Why did they die?

A Lack of food and of the wounds.

Q And the wounds that they had suffered?

A Yes. And some fell from the precipice.

Q Do you know whether or not those Japanese that stopped you and tried to execute you were in the Army or Navy?

A I think they are in the Army because their cap had a "star" on the top.

Q Was it a cloth cap or a steel helmet?

A It was a cloth cap.

Q Cloth cap?

A Yes, sir.

Q How many Japanese stopped you there?

A I don't know. I don't know approximately how many are they, but when they stopped us they were just a few and when they told us to go back I saw that there were many Japanese who surrounded the mountain with fixed bayonets already.

Q That is around the whole area where you were?

A Yes.

Q Could you tell about how many you saw?

A I do not know, sir, because I was too frightened and then I did not mind those things.

Q Did you suffer a wound on your neck as a result of being hit?

A Yes, sir; I have.

Q And will you show that wound to the Commission?

A (Witness displays wound on back of neck.)

Q You mentioned a conversation which you had with a soldier?

A Yes, sir.

Q About who ordered those people killed?

A Yes, sir.

Q Was that man in the Army?

A Yes, sir.

Q And he was right there at the time where they were killing the people?

A No, sir. We were a little bit farther.

Q That is before the execution?

A Yes, sir.

Q But it was on the way to the execution?

A Yes, sir.

CAPTAIN WEBSTER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Were you in Baguio while the bombing took place?

A Yes, sir.

Q And do you remember the cathedral being bombed?

A I remember, but we were already in Balatoc during that time.

Q You had already left Baguio?

A Yes, sir.

Q Do you remember being given food and clothing by the Japanese authorities while you were still in Baguio?

A Yes, sir.

Q You did get rice?

A Yes, sir.

Q When you went out here to the mountains you saw a Japanese soldier who could speak English; is that right?

A Yes, sir.

Q How many Japanese soldiers did you see who could speak English?

A I saw only one: that one who was guiding us to the place where they were executing.

Q And I think you said he had a gun and a bayonet?

A Yes, sir.

Q And no saber?

A None, sir.

Q And he said to you in English after you heard these shots that the Americans did that; is that right?

A Yes, sir.

Q Can you tell us exactly what he said as near as you can remember?

A He said when we were shouting -- He said "No. Do not shoot. American enemy", he said.

CAPTAIN REEL: Will you read that answer, please?

(Answer read)

Q (By Captain Reel) Is that all he said at that time?

A Yes, sir.

Q Did he say that the Americans were shooting those men?

A No, sir. He just said that the enemy is coming to them.

Q "The enemy is coming"?

A Yes, sir.

Q Now, sometime after that he said something about "executing everybody"; is that right?

A Yes, sir.

Q And was that the only other thing in English that he said?

A Yes, sir. That's the only thing.

Q So all he said in English were two things: (1) "Don't shoot! The enemy is coming!". And the other had to do with General Yamashita ordering execution; is that right?

A Yes, sir.

Q And he said nothing else in English?

A No more said because they called for us already. They called for me, you see.

Q Did he talk in Japanese?

A He talked also in Japanese with his companions.

Q Yes. Now, did he tell you when General Yamashita had told him this?

A No, sir. That's the only thing he said. "It was Yamashita's (pronounced Ya-ma-shee-to's) order to kill all civilians".

Q Did he say when there was such an order made?

A No, sir.

Q He didn't say anything except that?

A No; nothing, sir, because we were asking him "Why (they) are going to kill us" and "We don't have any fault", and that was his answer.

Q And did he say "Yamashita"(pronounced Ya-ma-shee-to), just like that?

A Yes, sir.

Q And nothing else was said in English except those two things that you have told us?

A Yes, sir.

Q You were pretty excited at the time, weren't you?

A Of course.

Q And you were frightened?

A Yes.

CAPTAIN REEL: No further questions.

CAPTAIN WEBSTER: May I ask one question?

GENERAL REYNOLDS: The Commission will recess until 1:30 this afternoon. (Witness excused)

(Whereupon at 1130 hours a recess was taken until 1330 hours 15 November 1945.)

- - -

AFTERNOON SESSION

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

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

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

CAPTAIN WEBSTER: This is a continuation of the case which was last being heard by the Commission this morning.

FRANCISCO REALIQUE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Angelo R. Celis, with Narciso E. Albano acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Captain Webster) Please state your name?

A Francisco Realique.

Q Your age?

A 32.

Q Your nationality?

A I am a Filipino.

Q Where is your home?

A Barnotan, La Union.

GENERAL REYNOLDS: Will the Prosecution also identify the location of that spot on the map?

Q (By Captain Webster) What town or place is your home near?

A The 5th Battalion, Concor.

Q How far is that from Baguio?

A I cannot deunt correctly how far it is from Baguio.

Q Is it near San Fernando, La Union?

A Yes, sir.

CAPTAIN WEBSTER: It is my understanding that San Fernando, La Union, is approximately in this area (indicating on map.)

Q (By Captain Webster) Where were you living on the 10th of April of this year?

A Samuyao.

Q How far is that from Baguio?

A I cannot calculate it, sir.

Q Do you know the direction from Baguio?

A I know it if I follow it from the street.

CAPTAIN WEBSTER: Will you read that, please?

(Answer read)

Q (By Captain Webster) Is it between Baguio and a place called Rosario?

A Yes, sir.

Q Where did you go from Samuyao?

A We went to the lowland.

Q With whom did you go?

A There were many civilians with me who were going to the lowlands.

Q How many?

A About 300.

Q Why were you going to the lowlands?

A Just because we have nothing more to eat in that place and besides the Japanese used to get our foodstuffs

if we stay there.

Q Did the Japanese stop you on the way to the lowlands?

A While we were a little bit away from Samuyao, a Japanese soldier halted us.

Q What did the Japanese do?

A They searched our pockets and they took our cigarettes, our money, belongings, clothes and rice.

Q Did the Japanese separate the men from the women and the children?

A Yes, sir.

Q What did they do with the men?

A They grouped us together by tens.

Q Which group of ten were you in?

A The second group, sir.

Q Were you tied with your hands behind your back?

A No, sir, but the Japanese was aiming his bayonet at me.

Q Where did they take your group?

A They brought us to a certain precipice far away from the women.

Q You say you were in the second group taken there?

A Yes, sir.

Q Did you see what the Japanese did with the first group?

A I saw it, sir.

Q What did you see?

A The first thing I saw was -- the first thing I know was that one from my group told me that the Japanese were killing those from the first group and then I took a look

at them and I saw that they were really starting to kill those from the group No. 1.

Q How many did you see killed?

A I saw only one while in the act of being killed.

Q How did they kill that one?

A They struck him by the neck.

Q Did you stay in that place?

A We were there and when we were brought to that place we stayed there.

Q How long did you stay there?

A Maybe about two hours, sir.

Q What did you do then? What did you do after that?

A I told my companions when I saw them that they were killing those from group No. 1, that we had better run away.

Q Did you run away?

A Yes, sir.

Q Were you shot at?

A Yes, sir.

Q Do you know how many times?

A Many bullets were aimed at me, but only one landed on my body.

Q Where did it hit you?

A In the right shoulder and the bullet went through .

Q Did you go back to the place of execution at a later time?

A No, sir, but we went near that place only where we were looking for our way; when we are looking for our way we go by that place.

Q What did you see near that place?

A On the river near that place I saw bodies, I saw dead bodies strewn by the river.

Q Did you recognize any of those bodies?

A Yes, sir.

Q Who were they?

A One is the grandmother of Angelina Aquino.

Q Is that the only one that you identified?

A There was one more by the name of Luis but I don't know his family name.

Q Now, who were the Japanese that stopped you and tried to kill those people?

A I don't know them, sir.

Q Were they in the army or navy?

A They are soldiers because they have rifles and uniforms.

Q Do they have stars on their uniforms?

A Yes, he had a star on his hat, on his cap.

Q Of the 315 people who left the town in that group, do you know how many survived?

A Only two, sir.

Q That is besides yourself?

A Yes, sir.

CAPTAIN WEBSTER: You may cross-examine.

#### CROSS-EXAMINATION

Q (By Captain Reel) When you left Samuyao had there been some bombing from American airplanes?

A There were, sir, but I don't know the place where they were bombing.

Q Was there bombing in the place that you left?

A No, sir.

Q Was there shelling anywhere in that neighborhood?  
Was there shelling in the neighborhood of Samuyao.

A We could hear some, sir, but from a far distance.

Q And didn't you leave Samuyao to escape the bombing  
and shelling?

A Because we had no more provisions in that place,  
that is why we left.

Q And was it also to escape the bombing and shelling?

A No, sir.

Q Well, after you left did you see some airplanes?

A Yes, sir, we saw airplanes flying while we were on  
our way.

Q And did the airplanes shoot at the Japanese?

A We don't know, sir, because we don't know the place  
of the Japanese.

Q Well, did they shoot at the people, at the Japanese  
who stopped you?

A I don't know, sir.

Q Was there some guerrilla fighting going on at that  
time near Samuyao?

A I don't know of any, sir.

Q Was there any near Rosario?

A We don't know, sir.

CAPTAIN REEL: That is all.

CAPTAIN WEBSTER: That is all.

(Witness excused)

FLORA LOZANO

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Narcisco E. Albano, was examined and testified through Interpreter Albano as follows, with Interpreter Angelo P. Celis acting as "check" Interpreter:

DIRECT EXAMINATION

- Q (By Captain Webster) Please state your name.
- A (Through the Interpreter) Flora Lozano.
- Q Your age?
- A 30.
- Q Nationality?
- A Filipino.
- Q Were you in or around Samuyao on the 10th day of April of this year?
- A I was in Balatoc.
- Q Were you with a group of people who went from the mountains to the lowlands around that date?
- A I was, sir. I was one of them.
- Q Where did you join that group?
- A Balatoc, sir; I joined them at Balatoc.
- Q And you went with that group to Samuyao?
- A Yes, sir.
- Q And you left Samuyao with that group to go to the lowlands?
- A Yes, sir.
- Q How many were in that group?
- A We were more than 300, sir.
- Q How many of your family were in that group?

A We were more than 30.

Q Were any of your children in that group?

A There were, sir.

Q How many?

A There were three children, sir.

Q Were you in that group when they were stopped by the Japanese?

A I was one of them, sir.

Q Were you and your family tied by the Japanese?

A No, sir, but they bound our eyes, they blindfolded us.

Q Did they blindfold you near a slope on the mountain?

A Yes, sir.

Q What did they do to you and your family at that place?

A They began killing, killing the other civilians.

Q Who did they kill first?

A In my group, I was the first.

Q What did they do to you?

A They strike me.

Q Whereabouts?

A At my neck, sir.

Q What with?

A At the back.

Q Did you see them kill anyone else?

A Yes, sir.

Q Who else?

A My relatives, sir.

Q How many of them?

A Four of them, sir.

Q How did they kill those relatives?

A They cut their necks, sir.

Q What happened to you after they hit you in the neck?

A We rolled down from the precipice.

Q How long did you stay at the foot of that precipice?

A About one hour, sir.

Q And then what did you do?

A When it was already dark, we ran away.

Q Did you go back to the place where they tried to kill you?

A No, sir.

Q Did you ever try to find your children?

A I tried to.

Q Where did you try to find them?

A I went over those persons who have been killed.

Q When did you do that?

A After one hour, when we were about to leave.

Q And you went back then to try to find your children?

A Yes, sir.

Q Did you find your children?

A I was able to find only one.

Q Was that child living or dead?

A Dead, sir.

Q How many bodies were there at the place where you found your child?

A There were many, sir, but I didn't count.

Q Can you tell us about how many?

A Might be more than 200, sir.

Q Have you seen any of the members of your family since that day of execution?

A No, sir, only my sister-in-law.

Q Who was it that tried to kill you?

A The Japanese, sir.

Q Japanese soldiers?

A Soldiers, sir.

Q Were there many Japanese around there?

A There were many, sir.

Q Did you see any Japanese officers?

A I didn't see, but only those that were having arms.

Q How were they armed?

A Sabers.

Q Do you have a scar as a result of being struck by the Japanese on that day?

A I have, sir.

Q Will you show that scar to the Court?

A Yes, sir.

CAPTAIN WEBSTER: Just stand up.

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

CAPTAIN WEBSTER: That is all, thank you; you may sit down.

You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Did all of those Japanese soldiers have sabers?

A Not all of them, sir.

Q About how many of them?

A There were only four of them who have sabers.

Q And how many soldiers were there altogether?

A Might be there were more than 300.

Q More than 300 soldiers? Do I understand that means soldiers?

THE INTERPRETER ALBANO: She doesn't know whether they are soldiers or not.

Q (By Captain Reel) 300 soldiers and 4 with sabers; ask her if that is correct?

A (Through the Interpreter) Yes, sir.

Q Now, this town of Balatoc that you lived in, where is that with relation to Baguio; north, south, east or west?

A In the south of Baguio.

Q And approximately how many miles or kilometers south of Baguio is it?

A About 100 kilometers, sir.

Q Now, the place called Samuyao, was that south of Balatoc?

A Well, it is south of Balatoc.

Q And how many miles or kilometers south of Balatoc is Samuyao?

A I don't know, sir.

Q Is it as far from Balatoc as Balatoc is from Baguio?

A It is about that, sir.

Q Now, after you left Samuyao with the other group did you keep on going farther south?

A We continued south, sir.

Q Now, why did you leave Balatoc?

A Because we don't have anything to eat.

Q And was there also, besides the food shortage, some bombing and shelling?

A There were, sir; there were shellings.

CAPTAIN REEL: What was that?

INTERPRETER ALBANO: "There were shellings and bombings."

Q (By Captain Reel) And in your travels south, did you come across any guerrilla soldiers?

A None, sir.

Q Any American soldiers?

A None, sir.

Q And you left Balatoc the 10th day of April, is that right?

A Yes, sir.

CAPTAIN REEL: That is all.

GENERAL REYNOLDS: There is a question by the Commission.

GENERAL DONOVAN: Did the Japanese tell you why they were going to kill the civilians:

THE WITNESS: (Through the Interpreter) No, sir.

GENERAL DONOVAN: Why were you out of food? What happened to your food?

THE WITNESS: (Through the Interpreter) They were confiscated by the Japanese.

GENERAL REYNOLDS: No further questions.

CAPTAIN WEBSTER: One other question.

GENERAL REYNOLDS: Very well.

#### REDIRECT EXAMINATION

Q (By Captain Webster) Can you tell approximately where this place of execution was?

A Between Samuyao and Labayog, sir.

Q Do you know what province that is in?

A I don't know, sir.

CAPTAIN REEL: Can we have the spelling of that last name? We didn't get the spelling.

INTERPRETER ALBANO: L-a-b-a-y-o-g.

Q (By Captain Webster) Is that a barrio of some other town?

A (Through the Interpreter) It might be, sir; I don't know.

Q Can you tell me where it is with reference to Rosario?

A I cannot, sir.

CAPTAIN WEBSTER: That is all.

Sir, that completes the evidence on that paragraph.

(Witness excused.)

CAPTAIN PACE: Mrs. Hufana.

FELIZA HUFANA

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

DIRECT EXAMINATION

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

A (Through Interpreter Celis) Feliza Hufana.

CAPTAIN PACE: This is evidence on Supplemental Bill of Particulars No. 90: the killing of civilians and the destruction of property in San Juan and San Fernando, La Union Province.

Q (By Captain Pace) Where do you live?

A In the town of San Fernando, La Union.

Q Where did you live on January 18, 1945?

A In the barrio of Negros.

Q Is Negros also in San Fernando?

A Yes, sir.

Q What happened in Barrio Negros on the morning of January 18, 1945?

A The Japanese came and gathered people about the number of 135. When they gathered us 135 persons they brought them to our yard.

Q How do you know there were 135 people there?

A They counted them at our place and there were 135, plus the 17 of us whom they reach in that place.

Q Does that mean that there were 152 people in the group then?

A Yes, sir.

Q What were the ages and sexes of these people?

A Some of them were old men, old women, young ladies and children.

Q Where did they take the 152 men, women and children?

A In the same place but under the bamboo trees.

CAPTAIN PACE: Will you repeat her answer?

(Interpreter Celis about to translate to the witness.)

CAPTAIN PACE: No, yours. I didn't understand you.

INTERPRETER CELIS: "Under the bamboo trees," sir.

Q (By Captain Pace) What did they do to you after you got to the bamboo trees?

A They started killing and bayoneting some of us and by hitting others on their heads.

Q What did they hit you on the head with?

A Only the sabers and the bayonets were the ones they used.

Q You mean they hit some of the people on the necks with sabers?

A Yes, sir.

Q What happened to you?

A I also suffered from their bayonet thrusts by the left side of my body.

Q How many bayonet wounds did you receive altogether?

A There were seven wounds, sir.

Q Were your husband and your son killed there?

A Yes, sir.

Q Out of 152 people that you state were taken there, how many of them survived?

A Only three, sir.

Q Were all but three of the 152 persons killed by the Japanese soldiers?

A Yes, sir.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

JOSE EVANGELISTA

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Narciso E. Albano, was examined and testified as follows, through Interpreter Albano and "check" Interpreter Angelo R. Celis:

DIRECT EXAMINATION

- Q (By Captain Pace) Give your name, please.
- A Jose Evangelista.
- Q Where do you live?
- A I live in the poblacion of San Fernando.
- Q What province?
- A La Union.
- Q Now, on January 6, 1945, where did you go?
- A I went to the barrio of Dalayap.
- Q Is that also in La Union Province?
- A It is a barrio in the Province of La Union.
- Q What did you see when you went to that barrio?
- A I saw some dead bodies of about 600 persons.
- Q Can you tell what happened to those 600 persons?
- A Some of them have been beheaded, including my uncle, and those children have been bayoneted.
- Q Did you notice anything else about the bodies?
- A They were tied in the back; their hands were tied in the back.
- Q What about the houses in the town when you went there?
- A The houses were burned, sir.
- Q Did these 600 bodies, or can you tell us whether they were men, women, and children?
- A They were old men, old women, and children.

CAPTAIN PACE: You may cross examine.

CROSS EXAMINATION

Q (By Captain Reel) Were these bodies all in one place?

A Yes, sir.

Q Was there considerable guerrilla activity in the region at that time?

A There was not, sir.

Q Do you know of the Volckmann guerrilla activities at that time?

A They were not there, sir.

Q Do you know of any guerrillas that were there at that time?

A I didn't know of any, sir.

Q What day was this that you went to Dalayap?

A The 26th of January.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: There will be a recess for approximately ten minutes.

(Short recess.)

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

MAURICIO JACOLON

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Angelo R. Celis, was examined and testified as follows, through Interpreter Celis and "check" Interpreter Narciso E. Albano:

DIRECT EXAMINATION

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

A Mauricio Jacolon.

Q Where do you live?

A I live in the town of San Juan, barrio Casilogan.

Q Did you live in the barrio Casilogan, San Juan, on January 18, 1945?

INTERPRETER CELIS: Will you please read the question?

(Question read.)

A (Through Interpreter Celis) I was there, sir.

Q (By Captain Pace) Did the Japanese come there on that morning?

A They came, sir.

Q What did they do?

A They killed many persons, sir.

Q Did you help bury those persons that they killed?

A Yes, sir.

Q How many dead bodies did you count?

A Fifty, sir.

Q Were they men, women, and children?

A Yes, sir.

Q How had they been killed?

A They were killed by the Japanese, sir, by bayonet.

CAPTAIN PACE: Will you please read the answer?

(Answer read.)

Q (By Captain Pace) Did the Japanese do anything to the houses in your barrio?

A They burned the houses.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Do you know of any guerrilla activities in the vicinity of San Juan during January of 1945?

A There was none, sir.

CAPTAIN REEL: That is all.

(Witness excused.)

CAPTAIN PACE: If it please the Commission, that completes the testimony on Paragraph 90 of the Supplemental Bill.

At this time I would like to offer the evidence in Bill of Particulars Paragraph No. 40, the murder of Candido Jabson, and the attempted murder of his wife and sister.

(Statement of Mrs. Candido Jabson was marked Prosecution Exhibit No. 322 for identification.)

CAPTAIN PACE: At this time I offer in evidence Prosecution's Exhibit 322 for identification, the statement of Mrs. Candido Jabson, taken by investigators of the War Crimes Office.

GENERAL REYNOLDS: The Commission desires that you read the most significant parts of this document.

CAPTAIN PACE: Yes, sir.

"Q Please state your name, age and address.

"A Raymunda Lati Jabson, 27 years old, Calle M. H. del Pilar, Pulo, Pasig, Rizal.

"Q What is your occupation and nationality?

"A Housekeeper, Filipino.

"Q Where did you live on February 20, this year?

"A At Iloguin District, Pasig, Rizal.

"Q Did the Japs come to your house on that day?

"A Yes, sir, on 20 February 1945, in the morning.

"Q How many Japs came?

"A Thirteen.

"Q Were any officers with them?

"A Yes, sir; one. I knew that he was an officer because he had a sword.

"Q What branch of the service did they represent?

"A They were land soldiers, not marines.

"Q Did the Japs take hold of you?

"A Yes, sir. They held me by the hand, and my husband interposed, saying that I was his wife and that we had a child.

"Q How many of them held you?

"A Only one, sir.

"Q Was the officer present?

"A Yes, sir. In fact, he was the one who held me.

"Q And then what happened?

"A The Japs tried to force the women, but the women cried, and so the Japs left them without accomplishing their purpose.

"Q Did anything happen later that day?

"A Yes, sir. As night approached, the Japs tied my husband and me.

"Q How did they tie you?

"A Our hands were tied behind our backs.

"Q Then what did they do to you?

"A They separated us, and the Japs stabbed me

with a bayonet. My husband was also stabbed with a bayonet, although I did not see the stabbing.

"Q How many Japs stabbed you?

"A Only one, sir.

"Q Was the Japanese officer present?

"A Yes, sir.

"Q How many times were you bayoneted?

"A Three times.

"Q Did they say anything at that time?

"A No, sir. I was nervous."

GENERAL REYNOLDS: There are other significant pages on page three.

CAPTAIN PACE: Shall I start at the top, sir?

GENERAL REYNOLDS: Very well.

CAPTAIN PACE (reading): "Did you see the others bayoneted?

"I did not see, but that is what they say. My mother-in-law can tell you about it.

"Did any of the Japs fire their guns at any of the civilians?

"No, sir.

"When you were stabbed with a bayonet, what happened?

"They thought I was dead, and they covered me with grass. Then they left.

"Had the other people been taken away at that time?

"Yes, sir, but we were separated; that is why I can't give details about it. But my sister-

in-law, Delfina Jabson, was taken away. She was stabbed seven times. My husband was found dead after being stabbed, and my mother-in-law was left in the house.

"Have you ever seen your husband dead or alive from that day?

"No, sir, I have not seen him.

"Was your sister-in-law present when you were bayoneted?

"I was very far from her. I learned only about it later.

"What happened after they covered you with grass?

"My brother-in-law, Francisco Jabson, looked for me and found me. He then brought me to the evacuation hut of a doctor whose name I don't know.

"How long was this after you were covered with grass?

"Maybe about an hour.

"Were you conscious all that time?

"Yes, sir, but I could not move because I was wounded.

"Were you bleeding?

"Yes, sir, in my breast. I did not move because I might lose blood, which would make matters worse."

Is that sufficient, sir?

GENERAL REYNOLDS: Read the statement about the

brother-in-law being a guerrilla: "What is your brother-in-law's name?"

CAPTAIN PACE: Yes, sir (reading):

"What is your brother-in-law's name?"

"Francisco Jabson.

"Where does he live?"

"In Bambang, with my mother-in-law.

"Do you expect him to come home soon?"

"I am not sure. I don't know where he can be found at present, because he was a guerrilla."

GENERAL REYNOLDS: Are there any other statements to which the Defense wishes to invite our attention?

(No response.)

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 322 for identification was received in evidence and so marked.)

(Statement of Delfina Jabson was marked Prosecution Exhibit No. 324 for identification.)

CAPTAIN PACE: At this time I offer Prosecution's Exhibit 323 in evidence, the picture of the woman whose statement was just read.

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

(Photograph of Mrs. Candido Jabson was marked Prosecution Exhibit No. 323 in evidence.)

CAPTAIN PACE: That picture, by the way, is identified by the first question and answer on page 6 of the statement which was just received in evidence.

At this time I offer in evidence Prosecution's Exhibit No. 324 for identification, the statement of Delfina Jabson, the sister of the woman whose statement was just received.

GENERAL REYNOLDS: You may read significant parts of the statement.

CAPTAIN PACE: The only parts, sir, that are not cumulative, is the statement concerning when she was stabbed, starting at the bottom of page 8:

"What did they do?

"They brought us, Raymunda, Candido and I, downstairs.

"What did they do afterwards?

"They brought us to the fields.

"What did they do when you reached the fields?

"They separated us. Then the Japs bayoneted me and covered me with grass.

"Did you see what the Japs did to your brother Candido and your sister-in-law Raymunda?

"No, sir.

"How many times did they stab you?

"Seven times.

"Who found you?

"My brother, Francisco Jabson.

"Were you taken to a doctor?

"I was brought to a hut and the next day I was brought to a doctor.

"What position were you in when you were

bayoneted?

"I was lying down."

"Was any one holding you on the ground?"

"A Jap pushed me to the ground and stabbed me."

"Was the Jap officer there?"

"No, sir."

GENERAL REYNOLDS: Are there any other statements to which the Defense wishes to invite our attention?

(No response.)

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 324 for identification was received in evidence and so marked.)

(Statement of Francisco Jabson was marked Prosecution Exhibit No. 325 for identification.)

CAPTAIN PACE: At this time I offer as Prosecution's Exhibit No. 325 for identification in evidence, the statement of Francisco Jabson.

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

CAPTAIN PACE: Sir, I believe the Commission has all the evidence before it now. This statement simply corroborates what the other witnesses have said, and it tells of the finding of the body of Candido Jabson and the two girls wounded in the field.

GENERAL REYNOLDS: Does the Defense wish to invite the attention of the Commission to any particular statement?

COLONEL CLARKE: None, sir.

GENERAL REYNOLDS: The document is accepted in evidence.

(Prosecution Exhibit No. 325 for identification was received in evidence and so marked.)

CAPTAIN PACE: That completes the Prosecution's evidence on Paragraph 40 of the Bill of Particulars, sir.

CAPTAIN CALYER: If the Commission please, the next item to be presented is concerned with murders in Polo and Obando, Bulacan Province, covered in Bill of Particulars Nos. 72 and 82.

Mrs. Manuel.

FELICIDAD MANUEL

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 Felicidad Manuel.

Q What is your residence?

A No. 10 Kangkong, Manila.

Q Will you speak a little louder, please, and toward the Commission?

A No. 10 Kangkong, Manila.

Q What is your occupation?

A City Councilor, Manila.

Q Where were you living on September 10, 1944?

A Polo.

Q Did you see some Japanese coming on that day?

A Yes, sir.

Q About how many?

A Maybe 20 riding trucks.

Q How were they dressed?

A In khaki uniform.

Q Were there any marks on the uniform?

A "Stars" and --

Q Where?

A Sometimes here (indicating above right breast) and there (indicating head).

Q And on the cap?

A Yes, sir.

Q Now will you tell the Commission what you saw and heard on that day?

A I saw them getting out from the trucks and gather themselves in all these cross-sections of the streets surrounding all the barrios, and the whole municipality was surrounded. Then at 3:00 o'clock they were picking already the men from Polo. There was a man near my house, about three houses from me. I heard the moaning. It was Captain Aurelio Ramos.

Q This was at 3:00 o'clock in the morning?

A Yes, sir.

Q What happened at 6:00 o'clock in the morning?

A At 6:00 o'clock they began machine-gun the whole barrio, different barrios.

Q Did they round up the men in your barrio?

A Yes, sir. They round up all the men including my two sons-in-law.

Q About how many were gathered altogether?

A More than 500 men were gathered in the church of Polo, in the municipal building.

Q What weapons, if any, did the Japanese have with them?

A Machine guns; guns; I saw them with two tanks -- two tanks.

Q Did they have anything else with them?

A Many dogs; bloodhound dogs.

Q What happened?

A Well, after all men were rounded the city mayor and the chief of police were walking and shouting to the people and said that "Those who are hiding must go to the municipal building, because if you are found in your house you will be killed on the spot". So that those that are already hiding went and found the municipal mayor and the police.

Q Did you go to the municipal building that day?

A Yes, sir. We were bringing food. About a hundred women go with me, try to bring food in the municipality, but we could not go near the municipality.

Q Why?

A Because they were already weeping. I heard already the moaning, the weeping and the shouting of the Japanese. I heard "Oh God!" "Mother!" like that, and I know very well from the sound of the voice that something terrible was going on in the municipality.

Q What did you do with the food?

A About 10:00 o'clock we came back home to bring other hot food at noon.

Q Were you allowed to take that food to the men?

A No, sir.

Q What else did you see at the municipal building?

A I saw men coming out bleeding, with swollen faces, and the "magic eye" doing like this and doing like that (nodding).

Q What do you mean by "magic eye"?

A A man wrapped around the body with nothing but eyes.

Q What happened to those men whom the "magic eye" selected?

A They go to the church.

Q What did you see or hear there?

A The same thing, sir: the same MUCKING, shouting and clubbing of people by the Japanese.

Q How long did the men stay at the church?

A From 6:00 o'clock to about 8:00 o'clock at night; about 7:00 to 8:00.

Q You mean from 6:00 o'clock in the morning until 7:00 or 8:00 at night?

A Yes, sir.

Q And what happened in the evening?

A In the evening a handful of those were selected to be sent out and all the rest were tied up, brought in the truck. Some were brought to the cemetery and some we do not know where.

Q Did you hear anything after that in the direction of the cemetery?

A About 8:00 or 9:00 we heard shots in the cemetery -- continuous shots in the cemetery.

Q Did you see any of the men who were taken to the cemetery after they had left?

A Not until the next day, sir.

Q Then what did you see?

A I went to look for my two sons, the ones that were in the cemetery, but unfortunately I saw about a hundred of them piled. I could not count them because they were

all packed in one big graveyard there.

Q Did you see one man who escaped?

A Yes. Somebody told me that one of my sons-in-law was the one that was machine-gunned in the cemetery. He escaped when it was very dark and he crawl over.

Q Did that person tell you what happened?

A Yes, sir. The boys were allowed to dig and when it was very big and deep, then they were machine-gunned and they fell dead.

Q About how many bodies did you see at the cemetery?

A Well, I could not exactly count, but it is about a hundred according to the piles that we have seen.

Q Do you know how many who were in Polo on that day are now missing?

A About five or six hundred men.

CAPTAIN CALYER: You may examine.

#### CROSS EXAMINATION

Q (By Captain Reel) Let us go back to the beginning for a minute. I think you said that twenty truckloads of Japanese came to town on the 10th of December, 1944. Is that right?

A Yes, sir.

Q And something happened at 3:00 o'clock in the morning. What was that?

A They were picking the men.

Q Yes. But something else happened, didn't it?

A Yes, sir.

Q What was that?

A They were trying to round up all the places and put

themselves in the strategic points, shouting.

Q Who was Captain Aurelio Ramos?

A That was an ex-USAFFE man, surrendered already.

Q Yes. And what was his connection with this?

A I don't know. He was just taken.

Q On your direct examination you started to tell us something about him. Was he a guerrilla?

A I don't know if he was a guerrilla, but I know that he was an ex-USAFFE member from Bataan.

Q Was he taken by the Japanese?

A Yes, sir.

Q Did he tell the Japanese about other people in the town?

A I don't know, sir.

Q Was he the first one taken?

A Yes, sir.

Q First they took him before they took anybody else; is that right?

A No. I did not say, sir.

Q Why did you mention him in particular before you were cut off on your direct examination?

A Because he was the first victim that was taken from Polo.

Q How do you know he was the first?

A Because of the fact that until now, sir, no sign of him.

Q And that's the only reason why you know he was the first one?

A Yes, sir. Because the next -- I met the family

the next day. They were crying. They said that he was clubbed and beaten by the Japanese.

Q You told us that at 3:00 o'clock in the morning they first took this Captain Aurelio Ramos and that he was the first one. Now, I want to know how you know that he was the first one that was taken at 3:00 o'clock in the morning.

A As far as I know, sir. That is only as far as I know.

Q I know it is as far as you know, but how do you know? Did you see it?

A I heard it because he was only three houses from my house.

Q And nobody else was taken for three hours, until 6:00 o'clock in the morning; is that right?

THE WITNESS: I beg your pardon?

CAPTAIN REEL: Will you read the question?

(Question read.)

A I cannot tell anything, sir, except what I know.

Q (By Captain Reel) Well, isn't that what you know?

A I could easily tell you, sir, because I heard it. I don't want to say anything that I haven't seen.

Q Is it true or is it not true that aside from this Captain nobody was taken from that town until 6:00 o'clock in the morning?

A Many more were told that they were taken, but I do not want to give hearsay, sir.

Q You don't want to change any testimony that you gave for Captain Calyer?

CAPTAIN CALYER: I object to that characterization,

if the Commission please.

CAPTAIN REEL: I am not "characterizing" it, sir. I am merely asking the question.

GENERAL REYNOLDS: The Defense is entirely out of order and will phrase the question in a dignified manner and refrain from implied charges.

CAPTAIN REEL: I won't press the question, sir, if you overrule it; but I wish to explain that there was nothing to be implied. I merely wanted to know in light of the witness' present answers as to whether she did desire to make a change. I will not press that line of questioning.

Q (By Captain Reel) Now, there were many guerrillas in Polo, were there not?

A Yes, sir.

Q And they had been very active prior to this time, had they not?

A That's what I have heard, sir.

Q This "magic eye" that you tell about, was he a Filipino?

A Nobody could tell because of the eyes, but I know it is a Filipino.

Q You heard him talk?

A I did not hear him because we are -- the distance is from here to there (indicating width of courtroom), only he does not talk, only in that nodding and like that.

Q And you saw 100 bodies; is that right?

A Yes, sir.

Q Some of the people have moved away or evacuated

from Polo, have they not?

A Yes, sir. Some of them are evacuees; some are residents of Polo.

CAPTAIN REEL: No further questions.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mrs. Manuel, did you hear that there were other people taken about 3:00 o'clock in the morning?

A I have heard only, but I have not seen.

CAPTAIN CALYER: That's all.

CAPTAIN REEL: Well, I have another question in light of that testimony.

RE CROSS EXAMINATION

Q (By Captain Reel) Although you heard other people taken at 3:00 o'clock in the morning, before you heard anything else you heard about this Captain being taken; is that right?

A Yes, sir.

Q Now, how much time elapsed after the Captain was taken before you heard about anyone else being taken?

A The next day, sir.

CAPTAIN REEL: Thank you.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mrs. Manuel, you don't mean that no one else was taken until the next day, do you?

A No. I mean that I have heard it the next day.

CAPTAIN REEL: Well, --

GENERAL REYNOLDS: The Commission will interrupt to say that cross examination of this witness is terminated.

CAPTAIN CALYER: Thank you, Mrs. Manuel. That's all.

(Witness excused.)

GENARO JACINTO

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Genaro Jacinto.

Q Where do you reside?

A Obando.

Q Are you the Mayor of Obando?

A Yes.

Q Did you see some Japanese come to the Barrio of Paco, Town of Obando, on the 10th of December, 1944?

A Yes, there were some Japanese.

Q Will you explain to the Commission what happened that day?

A Yes. On the 10th of December, 1944, at 3 o'clock in the morning the Japanese came to the Barrio of Paco, riding in trucks and some of them in tanks. As soon as they arrived there they looked for me and they asked the people for me. They did not have to wait long before they arrested me. When they arrested me they hog-tied me right away. I was brought to the schoolhouse in Paco.

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

A I think they were both from the navy and the army.

Q What was that?

A I think they were both from the navy and the army.

INTERPRETER RODAS: According to the witness, they were mixed, some from the army and some from the navy.

CAPTAIN CALYER: Wasn't there something else he said?

INTERPRETER RODAS: And they also were accompanied by some Filipinos who pointed to the people, whose eyes were blindfolded.

Q (By Captain Calyer) Were there some who were military police?

A Yes, I think they were military police because they brought me to the Airport Studio.

Q What happened to you at the time they took you to the school?

A In the schoolhouse I was mistreated very much. I was beaten very much. My whole body was beaten by rod, an iron rod as big as my thumb and they made a good job of beating my legs and my knees.

Q What else did they do to you?

A They were not content with that but they tied me and hanged me. They asked me to stand on a chair and hanged me to the ceiling. When they hanged me they removed the chair and then took hold of my feet and they struck and with their force they struck me against the wall.

Q Did they do anything else?

A That is all they did and after that they asked me since when I became a guerrilla. And even if I were not a guerrilla because of my -- because of the pain -- I had to admit I was a Major in the Guerrillas of Obando, Bulacan Province.

Q Was that true?

A No, it is not true.

Q Did you see any other people mistreated?

A There were many who were mistreated inside the schoolhouse.

Q What was done to those other people?

A They also did always exactly what they did to me; they were beaten.

Q Anything else?

A They were beaten, some were hanged and then others were asked to lay flat on benches and were given the water cure.

Q How long did you stay at the school?

A From about 3 o'clock when I was brought to the schoolhouse until about 8 o'clock at night.

Q Did you have any food during that time?

A We went there without having taken any food and until 8 o'clock we were not given any food.

Q What else happened at the school?

A After I had admitted that I was the Major of the guerrillas in Obando I was removed from being hanged and they told me I was going to be shot. When I knew that they were going to shoot me, I, on my bended knees pleaded with them to spare my life because I had many children.

Q What did they do?

A They decided not to shoot me.

Q Did you see the men lined up and made to pass before someone?

A Yes.

Q Will you tell about that?

A I think he is the spy who points to people who are suspected of being guerrillas.

Q Were there some men pointed out?

A Many; he pointed to many.

Q Do you know whether those men were guerrillas?

A No, sir, I do not know.

Q What happened to those men?

A I think they were killed because I did not see any one of them anymore after that.

Q What did you see done to them while you were still there?

A They were mistreated and they were beaten.

Q Were they taken away from Paco?

A They were loaded into a truck about midnight.

Q Where were you taken?

A I was taken to the Airport Studio.

Q Is that in Manila?

A Yes, in Manila, Azcarraga Street.

Q Was that the MP headquarters?

A Yes, that is what I know of.

Q How long were you kept there?

A Nine days.

Q After you returned did you make an official investigation in the town?

A Yes.

Q And as a result of that investigation, how many men did you find had been killed?

A According to my official investigations, about 200 men were killed.

Q Now, in February of 1945, did the Japanese come again?

A Yes, sir.

Q And did they visit several barrios in the town during the month of February?

A Yes, February 25th they went to the barrio near the river in the Town of Paco, but they did not go to the town itself.

Q Do you know what happened on that day?

A Those Japanese who escaped from Intramuros found themselves or ran to that part of Obando, and that is where they caught my family.

Q What happened to your family?

A They were killed by the Japanese.

Q What members of your family were killed?

A My wife Pacita Payawal; my niece, Encarnita Payawal; my daughter, nine-years-old, Luz P. Jacinto; my daughter, three-years-old, Rosario P. Jacinto, and my maid servant. The only one who escaped in the family of mine is Tiburcia Reyes, who is now here with me, and who has a big cut across his back.

Q Do you know anything about what happened at the other barrios?

A Yes, in the Town of Panghulo.

Q What happened there?

CAPTAIN REEL: We will object to the question unless the basis of the witness' information is laid. It is purely rumor and hearsay and we object to it.

GENERAL REYNOLDS: The Prosecution may develop the

approach more fully.

Q (By Captain Calyer) When was this incident in Panghulo that you speak about?

A On February 7th, 1945.

Q How do you know about what happened there?

A From the reports of people who were able to escape from there.

Q Was that an official report made to you as the Mayor of the town?

A Yes.

Q Will you tell what happened?

CAPTAIN REEL: Sir, we object; this is taken from reports of other people and making them official reports just because he was Mayor and that does not make them official.

GENERAL REYNOLDS: The objection is not sustained. Proceed.

Q (By Captain Calyer) Will you tell what happened?

A On February 7th, in one part of the Barrio of Panghulo there is a small house that contained many people and the Japanese went to this house and the moment they arrived there they hog-tied the people and they killed them.

According to reports, the women were separated from the men and the women were raped and later on killed.

Q Do you know anyone who escaped in that barrio?

A Yes.

Q Who?

A Juan Etuijera and he was with me.

Q Do you know what happened in any of the other barrios?

GENERAL REYNOLDS: The Commission interrupts to say that further questioning of this witness along that line would be redundant and prefers discontinuing it.

CAPTAIN CALYER: All right, sir, we are finished with the witness.

CROSS-EXAMINATION

Q (By Captain Reel) Between what dates were you Mayor?

A 1938 until the present time.

Q Were you Mayor all during the Japanese occupation?

A Yes.

Q When Japanese came on the 10th of December didn't you tell them that you were the Mayor?

A I told them, yes.

Q And did you tell them you had been the Mayor all during their occupation?

A Yes.

Q And did they say anything about that?

A They were accusing me to be a guerrilla, head of the guerrillas in Obando.

Q Now, when these military personnel came, I think you said they were navy and army and MP's, the people who accompanied them and pointed out the others, were they Filipinos?

A I think they were Filipinos.

Q Do you know who any of them were?

A They were covered, their faces were covered. I cannot tell.

Q I see. About how many of these men were navy men?

A I did not count them.

Q How many men were there altogether?

A There were many; they go back and forth from one town to another. I cannot count them.

Q Were approximately half of them navy men?

A I cannot tell if they are, if one-half of them belong to the navy or not.

Q Can you give us some idea of how many of them were MP's?

A I cannot tell because they do not stay in one place; they go back and forth.

Q All right.

CAPTAIN REEL: Will you ask the witness if he knows that I am referring to the men who came on 10 December, 1944?

INTERPRETER RODAS: Yes.

A Yes.

Q (By Captain Reel) Now, this official information that you got from other persons relative to occurrences in other barrios, was it part of your official information that the soldiers or sailors, whoever they were that came there, were escapees from Intramuros?

A Yes.

CAPTAIN REEL: That is all.

CAPTAIN CALYER: That is all.

GENERAL REYNOLDS: There will be a recess for approximately ten minutes.

(Short recess)

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

CAPTAIN CALYER: Juan Etuijera.

JUAN ETUIJERA

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Juan Etuijera.

Q Where do you live?

A Obando, Katangalan.

Q How old are you?

A 60 years.

Q On the 7th of February, 1945, did you see some Japanese at Panghulo?

A Yes, in the place where we were.

Q How many did you see?

A Eight.

Q Do you know what branch of service they were from?

A According to what I know, they are army men.

Q How do you know that?

A Because of the uniform that they wore, khaki shirt and khaki pants.

Q Did you see any marks on the uniform?

A I know there is an officer, because he brings with him a sword.

Q Did you see any stars on the uniform?

A Yes, on the caps.

Q What happened on that day?

A On February 7, at about 4 o'clock in the afternoon, an officer came, and then later was followed by three soldiers.

Q What did they do to you?

A After the three soldiers came, four more followed, bringing with them ropes.

Q What did they do to you?

A Before February 7 we evacuated to that house, and on February 7 these Japanese came and they were looking around in the place, about the place.

Q What did they do to you?

A They asked us why we were there, and we answered that we were hiding in that hut, or cottage.

Q Did they round up the people of the barrio?

A We were not taken; we were driven away from the homes where we live.

Q On the 7th of December, did the Japanese collect the people?

A On what I remember, at Obando, the people were zoned on December 10.

Q We are now talking about February, 1945.

A I know; you said "December."

Q If I did that, that is my mistake. What happened to you on the 7th of February, 1945?

A On February 7, when these Japanese came to our house with ropes, they went up and maybe by the order of their commanding officer, they search our bundles and the places

where we kept our things.

Q Did they take the men, women and children from the town?

A No, we were there in that hut, 40 of us altogether.

Q Was that men, women and children?

A Yes.

Q Now, what did the Japanese do to the people in that hut?

A They tied all of us, all men and the old women were tied together. The children and the young girls were not tied, and they were separated from our group.

Q Now, what happened to the men?

A After men and the old women were tied, one by one were taken downstairs and were killed, and bayoneted. I saw one who was bayoneted and was thrown into the ditch.

Q Did you see more than one killed?

A I did not see, because as soon as they were taken down the doors were closed, but afterwards I found all my companions in that ditch, because I was the last one that was killed -- that was supposed to be killed.

Q Now, what did they do to you?

A I was taken downstairs, my hands were tied at my back, and I was asked -- I was pushed to the fish pond.

Q What happened there?

A He held the gun, and with full strength he hit me right here on my neck.

Q What part of the gun did he hit you with?

A The handle, the point.

Q Will you show the Commission the mark of that blow?

A Yes, sir.

(The witness exhibited the back of his neck to the commission.)

Q Now, what happened to you after that?

A They threw me into the fish pond, face down.

Q Were you struck again?

A I cannot tell whether they hurt me again. All that I felt was they stepped on me to see whether I was dead or alive.

Q Weren't you struck on the shoulder also?

A Yes, I was struck once more on my shoulder with the butt of the gun. And I will show the Commission.

Q Will you show it?

(The witness exhibited his shoulder to the Commission.)

Q While you were lying in the fish pond did you see anyone else?

A Yes.

Q Who?

A My niece, who is single, who happened to have fallen beside me on my right side.

Q What was her condition when you saw her there?

A She called to me. She did not have any -- she was not tied, and then I told her to untie me and that we are going to leave.

Q Had she been wounded?

A Yes, she has a wound in her abdomen.

Q Describe it.

A Yes, she was bayoneted in the abdomen and her intestines came out.

Q Did you and your niece get out of the fish pond and

go to a hut?

A Not in our hut, but into another place. We got away far from that place.

Q And did you have a conversation with your niece at that time?

A Yes. She was able to talk to me, and she was asking for water because she was already dying at that time.

Q Did she say what had happened?

A It is a sad story to tell, but she said that she was raped and then was bayoneted in the abdomen, and then thrown into the fish pond.

Q Did she say anything about other people who were with her?

A She told me that all -- she and all her companions there were raped.

Q How many were there?

A I know of nine, and two of them were married.

Q Do you know how many people were killed in the group that you were in?

A There were 29 killed.

Q Did that include women and children?

A Yes. One of them is a baby 19 days old.

THE WITNESS: 15 days.

CAPTAIN CALYER: You may examine.

CAPTAIN REEL: No questions.

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

(Witness excused.)

CAPTAIN CALYER: Primitivo Reyes.

PRIMITIVO REYES

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

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Primitivo Reyes, sir.

Q How old are you?

A 14 years old.

Q Do you remember seeing some Japanese last February?

A Yes, I remember.

Q Were you coming down a river in a boat?

A Yes.

Q How many people were with you?

A Around 50.

Q Do you know who some of those people were?

A Yes; I know some of them.

Q Who were they?

A Laurie; Carnita.

Q Were they girls?

A Yes.

Q How old were they?

A I do not know how old they are.

Q Were they big girls or little girls?

A Some of them were small.

GENERAL REYNOLDS: Encourage the witness to speak louder.

CAPTAIN CALYER: All right, sir.

(Translated by Interpreter Rodas to the witness.)

Q (By Captain Calyer) Were there any other people you knew?

A No more.

Q What did the Japanese do to you and the other people in the boat?

A We were passing by and they fired shots at us.

Q What happened to the people?

A Those who were fired at died.

Q And then what happened after that?

A After they fired at us one of the Japanese -- one of the Japanese came near us.

Q And what did he do?

A Those who were still living were bayoneted farther.

Q What did they do to the boat?

A They turned the banco over, upside down.

Q And what happened to you?

A When the Japanese saw me he told me to come out of the water, and then I was slashed here (indicating back of neck) by a bayonet.

Q Was it a bayonet or a sword?

A Sword.

Q Will you show the Commission the scar on your back?  
(Indicating scar on back at base of neck.)

Q How many of the people who were in the boat are still alive?

A Nobody else except myself.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Reel) When in February did this occur?

A 25th of February.

Q And where is this river?

A In Obando, near the canal.

CAPTAIN REEL: In Obando?

INTERPRETER RODAS: In Obando.

CAPTAIN REEL: That's all.

CAPTAIN CALYER: That's all.

(Witness excused.)

CAPTAIN HILL: If it please the Commission, the next incident which we will present under the Bill of Particulars is Item No. 72.

CAPTAIN REEL: If the Commission please, on two different occasions we have been told that Item 72 had been completed.

GENERAL REYNOLDS: Are you sure of the number?

CAPTAIN HILL: Sir, 72 is the paragraph reciting generally the terrorizing, brutalizing, massacring and exterminating non-combatant civilians, men, women and children in the Philippine Islands. Under that several incidents have already been presented. This is just another one of them.

GENERAL REYNOLDS: This coming incident will not relate to another item in the Bill of Particulars, will it?

CAPTAIN HILL: That is true, sir.

GENERAL REYNOLDS: According to my recollection, we have had evidence on this particular item on Nos. 13, 14, and 15. Is that correct?

MAJOR KERR: We have covered 13 and 15, sir.

GENERAL REYNOLDS: Proceed.

GAVINA BANASIHAN

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.

A Gavina Banasihan.

CAPTAIN REEL: May we have some indication as to when Item 72 will be completed so we may know for the purposes

of our preparation? It leaves us somewhat at a loss.

MAJOR KERR: When our case is completed, then 72 will be completed. Every case in the Philippines also relates to 72; I cannot give any particular time when we will be through with 72.

CAPTAIN REEL: We presume that everything has to do with 72; nevertheless there are 122 other particulars. There must have been some purpose in filing them. They might just have well only filed one.

GENERAL REYNOLDS: The point does not seem important. You may proceed.

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

A Gavina Banasihan.

Q Where do you reside?

A Los Banos, Laguna.

Q How old are you?

A 27.

Q What is your nationality? Are you a Filipina?

A Yes.

Q Where did you reside during February of this year?

A Los Banos.

Q In what barrio of Los Banos?

A San Antonio.

Q In which direction is that from Los Banos?

A North.

Q And that is in the neighborhood of the Agricultural College, is it not?

A Yes.

Q I will ask you if you recall the day of February 25th,

1945, when Japanese soldiers came to your barrio?

A Yes.

Q Will you tell the Commission briefly exactly what happened there on that occasion?

A Yes. That happened about February 25th, Sunday morning about 4:30 and we were awakened and we found that we are already surrounded by about 60 Japanese that were well-armed.

Q Were these members of the Japanese armed forces?

A Yes.

Q Japanese soldiers?

A Yes.

Q Go ahead.

A After that they told us to stand up quickly. We stand up and they tied all of us, each of the small children. After they had tied us they spanked us, all of us.

Q You mean they slapped you?

A Yes.

Q And after that what happened?

A After that they told us to walk and cross the river and after we are across the river the officer shouted and we found that other soldiers got pieces of wood and after that the officer shouted again. He told us to stay around and they separated the boys from us. After we have stayed around the children are separated also and this officer shouted again and they begin to bayonet us. After they bayoneted us, one of the soldiers pulled my hair and turned me around and looking to see whether I am alive. I just laid there and after a few minutes I just opened my eyes

slowly and looked where these Japanese soldiers are, whether they are still there and I found that I am alone, the lone survivor.

Q How many civilians were taken into custody that day in your barrio by the Japanese?

A We are about 37.

Q And were they men, women and children?

A Yes, sir.

Q How many times were you bayoneted?

A Two times.

Q Indicate to the Commission what part of your body.

A Through and through here and here (indicating).

Q Did you see the other members of your group bayoneted, also?

A Yes, sir.

Q Can you tell the Commission how many members or how many persons survived that occasion?

A About five wounded in my family and I am alone who survived; the lone survivor.

Q You are the only survivor in your family?

A Yes.

Q But in the group of 37 there were five?

A Five wounded.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

THE WITNESS: Tandaan mo! Yamashita!

(Witness excused)

FELICISIMA ORILLO

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 to the Commission, please. Will you state your name, please?

A Felicisima Orillo.

Q Where do you reside?

A Los Banos, Laguna.

Q How old are you?

A 25 years old.

Q What is your nationality?

A Filipina.

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

A Los Banos, Laguna.

Q In what barrio of Los Banos did you reside?

A The Barrio of Malinta.

Q Where is that from the Town of Los Banos?

A Between the college and the town.

Q About how far from the town?

A One kilometer.

Q Do you recall any members of the Japanese armed forces coming to your barrio on the 6th day of March, 1945?

A No, sir.

Q Did any Japanese come to your barrio that day?

A March 6th?

Q Yes.

A Yes, sir.

Q Will you tell the Commission just what happened when these Japanese came to your barrio?

A March 6th, Tuesday, about 2 o'clock in the afternoon 15 Japanese came and then -↓

Q Pardon me just a minute. Were they Japanese soldiers or sailors?

A Soldiers.

Q They told us to come down from our houses and then form a line. We were brought to the Barrio of Anos. When we reached there the men were separated from the women and then they were tied two by two and was bayoneted.

So to tell you the rest, the first two who was bayoneted was my brothers.

Q How many people were taken into custody that day? How many civilians were taken into custody by the Japanese in your barrio?

A More or less we are 49.

Q And were you bayoneted?

A I was bayoneted once.

Q Will you indicate to the Commission where on your body you were bayoneted?

A I beg your pardon?

Q Will you indicate by pointing to your body where you were bayoneted?

A In the back.

Q Did you see any of the other civilians bayoneted that day?

A Yes, sir.

Q Do you know how many persons survived that particular

incident?

A Eight persons.

Q Does that include yourself?

A Yes, sir.

Q And then there were 41 civilians killed there at the Barrio of Anos?

A Yes.

Q How many of your relatives were killed there?

A Five. My mother, and my four brothers and that is all.

GENERAL REYNOLDS: What was the age of your brothers?

Find out from the witness the age of her brothers.

Q (By Captain Hill) State to the Commission the age of your brothers that were killed there.

A One is 18 and then the other 20; the younger one is 6 years old.

GENERAL REYNOLDS: There is one other brother that you haven't given the Commission his age. Will you do that, please?

THE WITNESS: 12 years old; I forget.

CAPTAIN HILL: You may cross-examine.

CAPTAIN REEL: No questions.

(Witness excused)

LORETA MONTECILLO

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, sir? Loreta Montecillo.

Q And where do you reside?

A Los Banos, Laguna.

Q How old are you?

A Thirty.

Q Where did you reside during the month of February of this year?

A Barrio Tadalac, Los Banos, Laguna.

Q How far is your barrio from the town of Los Banos?

A One kilometer from Los Banos to that barrio.

Q Which direction from Los Banos?

A Direction?

Q Yes. Is it north, east, south, or west?

A North, sir.

Q North?

A Yes.

Q Do you recall the date of 21 February 1945, when a group of Japanese came to your barrio?

A Yes, sir.

Q How many Japanese came to your barrio on that occasion?

A The 21st of February, six o'clock in the morning, eight Japanese went to our homes, and they pick up the

mens and bring them in another house. They say they will give them a meeting. After that, at one o'clock in the afternoon, they go to our homes again, the Japanese, and tell to the wives of these mens to follow their husband so that they will be given by-pass. Then all the womens and kids follow. After that, one hour we stay in that place, and we are sent home. But we are so crowded; all womens and kids are all together in a house. We stay there from 1:30 until 5:30, with closed window and guarded by three Japanese. After that, around six o'clock, we were transferred in a big house; we are also crowded. One lady who is there three days show her kids to the Japanese and tell to pity her small baby, but the Japanese begin to bayonet us.

Q Did they bayonet you?

A Yes, sir.

Q How many times?

A Three times, sir.

Q Did you see any other civilians bayoneted there?

A Yes, sir, I have seen plenty.

Q How many civilians were rounded up and taken to this house in your barrio by the Japanese that day, if you know?

A Mens -- maybe mens is around 80. Womens, in the place where we are bayonet, we are more than 40, children and womens.

Q And do you know how many persons in your barrio of those two groups that you have told us about survived or are living now?

A Yes, sir. In the mens I don't know, because I have

not seen until now. But in womens, we are three; two womens and one small kids.

Q Were any of your relatives killed there by the Japanese that day?

A Yes, sir. I got three kids and one husband.

Q How old were your children that were killed?

A One is eight years old, one is four, and my small baby four months -- she got five strike.

Q Have you seen or heard of any of the men that were taken away by the Japanese that day, since then?

A No, sir.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions.

(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) Will you state your name to the Commission, please?

A Fernando Silva.

Q Speak louder, please.

A Fernando Silva.

Q And where do you live?

A Los Banos, Laguna.

Q What official position, if any, did you hold in the municipality of Los Banos, Laguna?

A Chief of Police.

Q And during April of this year did you hold that same

position?

A Yes, sir.

Q Did you have occasion on or about the 3rd day of April to go to the College Church?

A Yes, sir.

Q Near Los Banos?

A Yes, sir.

Q Will you tell the Commission what you saw there on the College grounds in the ruins of the church?

A On the 3rd of February I went to the College of Agriculture, to the chapel there. When I reached the chapel I see more or less 300 bodies who were burned, and I see only the skeletons and bones of the people who was massacred in that place.

Q Now, how did you estimate 300 bodies?

A Because I see the skull.

Q And tell the Commission where these skulls and charred bones were.

A They were scattered inside the church there, inside the church.

Q Inside the church itself?

A Yes, sir.

Q Now, did you reside down in Los Banos in February of this year?

A Yes, sir.

Q Do you recall on the 28th of February a group of Japanese coming to your home?

A Yes, sir.

Q Tell the Commission about that.

A It was on February 28th, at about 11:30 in the evening. Thirty Japanese come to my house, and then open the door by force --

Q Were there any other people gathered in your house at that time?

A Yes, sir; we are about 50 people in that house, sir.

Q Were they all civilians?

A Yes, sir.

Q Were they men, women, or children?

A Yes, sir.

Q Go ahead.

A Then the Japanese forced the door, and then one of my companions by the name of Sebero Seguerra tried to stand, and then the Japanese just stab him, bayoneted him, and he was killed. Then he bayoneted me three times, but I was not killed, because I jumped to the window, and then after three minutes I went back to the house and tell the Japanese that I was a "ganap", because there was a Kempei Tai who understood how to speak English, at that time. Then after that he told me if the people were "ganaps," all the people living there were "ganaps," and I said they were all "ganaps," and then he told me that nobody will come down, and they leave us and take the body who was killed.

After that they went to the house near my house, and then the Kempei Tai called the men inside, because he knows how to speak English, and he said, "I want all the men outside," and when the men come out -- there was a small child who come out first, and they run near my place, and then two Japanese followed that small child and then

bayoneted him, and I saw him bayoneted three times.

After that they went back -- at the back of my house, and there they again called the men inside the house, and when the women and men are coming out they started bayoneting the men without any question at all.

Q How many civilians were killed there at your house that night?

A In my house one civilian was killed.

Q How many were killed there in your yard?

A In our yard there are about 50 men.

Q About 50 men?

A Yes, sir.

Q Were there any women or children killed there that night?

A Yes, sir; that is including women and children.

Q Go ahead, if there is anything else that you want to tell the Commission about.

A The next morning the Japanese picked all the men in that nearby house, and then told us to bury all the men that was massacred. The first body we buried was the body of David Gardner, the son of an American oficionado. He has also a son who is still alive on that morning. A Japanese captain -- I am not sure if he was a captain, but he was often called a captain -- Captain Konishi -- who assigned us a Japanese to get the bayonet and then stab the boy who was still alive in the morning, that was the survivor of the massacre during the night time.

Q Were you bayoneted, yourself?

A Yes, sir, but I was not killed.

Q How many times were you bayoneted?

A Three times, sir.

Q Indicate to the Commission, by pointing on your body, the places where you were bayoneted.

A The first time I was bayoneted right in that place (indicating), and I jumped in the corner of the house, and then another Japanese bayoneted me, and when I was standing at the window another Japanese bayoneted me right here (indicating), and I jumped to the window.

Q Now, your house was located right in the town of Los Banos, was it not?

A Yes, sir.

CAPTAIN HILL: You may cross examine.

GENERAL REYNOLDS: Show the Commission the wounds.

CAPTAIN HILL: The Commission would like to see your wounds.

THE WITNESS: I was not killed, sir.

Q (By Captain Hill) I thought you said you were bayoneted three times.

A I was bayoneted three times, but I was not hit.

Q You mean you don't have any wounds from it?

A Yes, sir; I was bayoneted, but I was not hit.

GENERAL REYNOLDS: He may have meant that the Japanese attempted to bayonet him and he jumped away, and one member of the Commission understood it that way in direct testimony.

CAPTAIN HILL: I understood he was wounded, and he told me last night that he was, three times.

THE WITNESS: Bayoneted three times, but not hit.

Q (By Captain Hill) They didn't actually jab the bayonet into you?

A Yes, sir.

Q But they attempted to?

A They attempted to bayonet me three times.

Q Did you see any of these other civilians bayoneted there, killed?

A Yes, sir.

Q How many of them did you actually see bayoneted and killed?

A About 15 of them.

Q About 15?

A Yes, sir.

Q And did you see, besides those 15 -- did you see other bodies the next morning that had been bayoneted and that were dead?

A Yes, sir; there were about 50, sir.

Q Altogether?

A All together.

CAPTAIN HILL: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) You told the Japanese that you were a member of the "ganap"?

A Yes, sir; that was after I was bayoneted.

Q Well, was that true? Had you been a member of the ganap?

A No, sir.

Q Were there many ganaps in that area?

A None, sir.

Q None at all? What made you tell the Japanese that you were a member of the ganap?

A Again, sir?

Q What caused you to tell the Japanese that you were a member of the ganap?

A Because during that day, sir, the day before that day, Aurelio Almazan told the people to get an armband for the ganap.

CAPTAIN REEL: Will the reporter give me that name he mentioned?

THE REPORTER: Aurelio Almazan.

Q (By Captain Reel) Who was he?

A He was former Mayor of Los Banos, Laguna.

Q Now, did you know what the ganap was?

A Yes, sir.

Q Were there guerrillas active in that town?

A I beg pardon.

Q Were there guerrillas active in or near Los Banos?

A I don't understand.

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

THE WITNESS: There was no guerrilla in the town, sir.

Q (By Captain Reel) Were there some nearby?

A From the mountains, I hear there are guerrillas in the mountains.

Q Do you know of any guerrilla attacks that occurred near Los Banos?

A I just hear, sir, but I don't know anything.

Q You did hear of some?

A Yes, sir.

Q You didn't see any dead Japanese soldiers?

A I beg pardon?

Q You didn't see any dead Japanese soldiers?

A No, sir, I didn't see.

Q Did you hear of any?

A No, sir.

Q When you went back there on the 3rd of April you found some bodies in the church, is that right?

A Yes, sir.

Q And was the church damaged?

A It was burned, sir.

Q Were there holes in it?

A What is that?

Q Were there holes in the wall?

A Holes?

Q Yes.

A It was -- the windows are all burned, sir, and it was open during that day.

Q And were there big holes in the walls of that church?

A I beg your pardon?

CAPTAIN REEL: Will you read the question?

(Question read.)

A The window itself, sir, is open.

Q (By Captain Reel) Was the roof damaged?

GENERAL REYNOLDS: Try it through the Interpreter.

CAPTAIN REEL: Will you read my question to the Interpreter?

(The question referred to was read by the reporter

as follows:

"Q And were there big holes in the walls of that church?"

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

A (Through Interpreter Rodas) There were no holes in the walls; only the holes were the windows itself.

Q (By Captain Reel) And was the roof damaged?

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

A (Through Interpreter Rodas) Yes.

Q (By Captain Reel) And is it true that there had been considerable shelling of Los Banos before the 3rd of April?

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

A (Through Interpreter Rodas) Yes, right in the town.

CAPTAIN REEL: That is all.

(Witness excused.)

GENERAL REYNOLDS: How many more witnesses does the Prosecution have?

CAPTAIN HILL: I have one more in this incident, sir, and I have two witnesses each in two other incidents, which will be very brief.

GENERAL REYNOLDS: Are you through with this witness?

CAPTAIN HILL: Yes, sir.

GENERAL REYNOLDS: The Commission will recess briefly, and continue.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

CAPTAIN HILL: Mr. Almasan.

AURILLIO ALMASAN

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

DIRECT EXAMINATION

CAPTAIN HILL: Speak loudly, Mr. Almasan, and in the direction of the Commission, please.

THE WITNESS: Yes, sir.

Q (By Captain Hill) State your name to the Commission.

A Aurillio Almasan is my name.

Q And you reside at Los Banos, Laguna, P.I.?

A Yes, sir.

Q You are a Filipino by nationality. And how old are you?

A I am 47 years old.

Q During the month of February of this year did you hold any official position in the municipality of Los Banos?

A I was mayor of that municipality.

Q Do you recall on 19 February 1945 having a conversation at Los Banos with an officer of the Japanese Army?

A Yes, sir.

Q Will you relate that conversation to the Commission, please?

CAPTAIN REEL: We object, sir.

GENERAL REYNOLDS: Not sustained. Proceed.

CAPTAIN HILL: Go ahead. Relate the conversation,

please.

A I was at the residence of the garrison commander.

Q (By Captain Hill) The Japanese garrison commander?

A The Japanese garrison commander. And there was a Japanese gentleman there who was in civilian clothes.

Q How old a man was he?

A He was pretty near my age: about 40 or 47, something like that. And he told me that the --

Q Did he identify himself to you in any way?

A At that time he did not, but I am going to that.

Q Go ahead.

A He told me that the Filipinos were doublecrossers; that they did not have any stated belief; that they were doublefaced, because when they are in the presence of Japanese they were pro-Japanese, they say, and when they are in the presence of Americans they say they are pro-Americans. "And so you deserve to be killed. All of you Filipinos will be killed anyway. You prepare a list", they told me -- he told me, "of about fifty persons in the municipality of Los Banos that is good Filipino citizens, that is pro-Japanese elements, and all the rest, all those people who are not in the list, will be killed".

Q Did you have any further conversation with him?

A Then two days later I was called to a house -- a Japanese house, too -- a Japanese property -- by the same gentleman, and told me that, in his words as far as I can remember -- he say "I am a member of the general staff".

Q Was this the same man who told you to prepare the list?

A The same man.

Q Go ahead.

A "I am a member of the general staff. I have important duty here. I am going to stay here until victory. You are not to reveal this to anyone".

I say "Yes, sir".

Q Did he tell you on whose general staff he was?

A He did not, sir.

Q Did you learn anything more about his identity?

A I did not, sir.

Q And how long did he stay there in Los Banos that you know of?

A He was off and on until about -- I saw him on February 19th and about two weeks later. I did not see him any more.

CAPTAIN REEL: Sir, the testimony of the conversation is now completed. We at this time move to have it stricken. Hearsay from an unidentified source.

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

Q (By Captain Hill) Did you have any other further conversation with this general staff officer?

A No more, sir.

CAPTAIN HILL: You may cross examine.

#### CROSS EXAMINATION

Q (By Captain Reel) This man was a civilian?

A He wore civilian clothes, sir.

Q So he was not an officer. Is that right?

A Whether he was or he was not I do not know, but he

told me that he was a member of the general staff.

Q And when the Prosecution asked you just now about conversations with an "officer" of the general staff you don't mean to tell us that, so far as your personal knowledge is concerned, that this man was an officer, do you?

A As far as I am concerned I do not know whether he was an officer. He told me he was an officer.

Q He said he was an officer?

A He was a member of the general staff.

Q Now, which was it? Did he say that "I am a member of the general staff" or that "I am an officer".

A He told me that he was a member of the general staff.

Q Now, when were you mayor of the municipality of Los Banos? Between what dates?

A That was February 12th when I was placed in there by the people themselves, not by the puppet government.

Q February 12th?

A 1945, sir.

Q And where are you living now?

A In Los Banos, sir.

Q Are you out on bail?

A I am not the mayor any more.

Q What is that?

A I am not the mayor any longer.

CAPTAIN REEL: Will the reporter read that answer, please? I did not get it.

(Answer read)

Q (By Captain Reel) My question was, Are you now out on bail?

A No, sir.

Q After you were told this statement, that everybody except the fifty persons that you would list were going to be killed, what did you do?

A Well, certainly I did not know first -- At first I did not know what to do. And then the second day I told them -- I went to the commander of the garrison and told him that I could not give the list because everybody was a cooperator in that place --

Q Yes.

A -- in an effort to save the people of Los Banos.

Q Yes. Did you do anything else?

A Yes, sir.

Q What else did you do?

A We told them that we were going to -- I gathered all the leaders of the town and told them that we were ready to cooperate with them.

Q Told whom?

A The garrison commander, sir.

Q Told the garrison commander that you and the leaders of the town were ready to cooperate?

A Yes, sir.

Q What else did you do?

A Well, you mean -- you mean day after day, sir?

Q Well, I will rephrase the question. Outside of talking to the garrison commander twice, once telling him that you couldn't prepare a list and once telling him that you had the leaders of the town all ready to cooperate, did you have any other conversation with the garrison commander?

A With the garrison commander no more.

Q Did you tell any of the people of the town about this?

A Yes, sir.

Q Did you tell them that they were all going to be killed?

A I did not, sir.

Q Did you warn anybody to get out of town?

A I warn -- I told the -- I wrote a letter already -- On that day, the 19th of February, I wrote a letter to some guerrilla unit in Pila asking them to help me, because I thought we would be killed.

Q You wrote a letter to whom?

A To a guerrilla unit under the command of General Avancena.

Q And where was that unit?

A In Pila, sir.

Q Was it a very large unit?

A I don't know, sir.

Q What did you do about it?

A Well, I knew him to be a guerrilla all the time. That is why I asked help from him.

Q Did you send anybody out of town?

A Yes, sir.

Q Whom did you send out of town?

A One --

CAPTAIN HILL: I object to that as not proper cross examination. I think he has been permitted to go at great length in the examination of this witness.

GENERAL REYNOLDS: Not sustained. You may proceed.

CAPTAIN REEL: Thank you, sir.

Will the reporter please read the last question?

(Question read)

THE WITNESS: Shall I answer?

CAPTAIN HILL: Yes.

A (continuing) A man by the name of -- He was called "Rencio" in my place. Florencio de Borja.

Q (By Captain Reel) "Barnjo"?

A "Borja".

Q "Bordjo"?

A "Borja".

CAPTAIN REEL: Do you know what that is, Mr. Reporter?

REPORTER CONKLIN: B-o-r-j-a.

THE WITNESS: B-o-r-j-a.

Q (By Captain Reel) Yes. Anybody else?

A And Melencio Lapus.

Q Anybody else?

A I don't know his real name, but Melencio. We call him "Malen". Melencio Lantiga.

Q Anybody else?

A Those are about all, those two.

Q And you didn't give any list at all to the Japanese garrison?

A I beg your pardon?

Q You didn't give any list at all to the Japanese garrison?

A No, sir.

Q Did you tell them that you were cooperating?

A Yes, sir.

Q Do you speak Japanese?

A I don't, sir.

Q Did this man speak in English?

A He spoke in English well, sir.

Q With no interpreter there?

A No interpreter that time.

Q Was anybody there besides this civilian who said he was a member of the general staff and yourself at the time of that conversation?

A The garrison commander, sir, and some petty officers -- Japanese petty officers.

Q Anybody else?

A No more, sir.

Q He didn't tell you with what general staff he was connected?

A He did not, sir.

Q Now, you were mayor of the entire municipality of Los Banos?

A Yes, sir.

Q What is the population of the entire municipality of Los Banos?

A About normally, in normal times we were about from twelve to thirteen thousand, but at that time I think it dwindled to about ten thousand.

Q So there were about ten thousand people in Los Banos at that time?

A Yes, sir; about ten thousand.

Q And you were told to prepare a list of fifty?

A Yes, sir.

GENERAL REYNOLDS: The Commission interrupts to say that the cross examination does not appear to be productive and to inquire of counsel the purpose of continuing.

CAPTAIN REEL: Well, sir, the cross examination goes to the credibility of the witness. The purpose of the cross examination is to aid the Commission to enable it to decide the credibility of this witness. The witness has testified that he was told to make a list of fifty persons. That leaves 9,950 who were going to be wiped out. And he has testified that he told two, Florencio de Borja and Melencio Lantiga, to leave town.

GENERAL REYNOLDS: The Commission understands it and permits you to continue. It is pointed out that he has mentioned at least four times that he was ordered to make a list of fifty people. The Commission is willing to accept that without further questions along the same line, but you may continue.

CAPTAIN REEL: Thank you, sir.

Q (By Captain Reel) Do we understand that you don't know the name of this civilian who talked to you?

A I don't, sir.

Q Had you ever seen him before?

A Before that time? No, sir.

CAPTAIN REEL: That's all.

CAPTAIN HILL: That's all.

(Witness excused)

EULOGIO GUZMAN

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

CAPTAIN HILL: Sir, this is a new incident, covered by item 111 of the Supplemental Bill of Particulars.

DIRECT EXAMINATION

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

A Eulogio Guzman.

Q Where do you reside, Mr. Guzman?

A Bayombong, Nueva, Vizcaya.

Q How old are you?

A I am 29 years of age.

Q What is your nationality?

A Filipino.

Q During the month of December, 1944, where did you reside?

A Bayombong, Vizcaya.

Q During the month of December, '44, were you a prisoner of the Japanese army at Bayombong Garrison?

A Yes, sir.

Q Do you recall being sent on a detail during that month by the Japanese to dig some graves?

A Yes.

Q Will you relate to the Commission what occurred at that time?

A On that part of December, 1944, I was detailed to dig holes for those prisoners to be executed.

Q How many besides yourself were detailed to dig these holes or graves?

A We were around six.

Q And did you dig these holes or graves?

A Yes, sir.

Q Where did you dig them?

A Just back of the municipal government of Bayombong.

Q And after you had completed this detail, then what, if anything, took place?

A Yes, sir. Before the victims are to be executed one of those in charge of the Japanese soldiers said a few words to the Filipinos to be executed. He say they were Filipinos and they are no good, "You Batay"; you "Campi, Americano. No good." Then one of the soldiers thrust his bayonet through the victim and pushed him to his grave.

Q Where did they take him to execute him?

A I beg your pardon?

Q Where did the Japanese take these victims to be executed?

A From the garrison.

Q Did they take them to these graves that your detail had dug?

A I beg your pardon?

Q Did they take these prisoners to the graves where you had dug these holes?

A No, sir.

Q When they killed them where were they killed?

A Just back of the government.

Q Where you had dug these holes?

A Yes, sir.

Q And tell the Commission just how they proceeded to

kill each one of these victims?

A Before the killing took place they were questioned. Then after the questions they are tortured.

Q Did you see them tortured?

A I have seen others so tortured.

Q You did not see these tortured?

A No, sir.

Q Tell what they did to these men that they killed.

A They undressed the fellow and then tied him around his body to a table and got a whip and whipped him.

Q You are testifying about the torture. I want you to tell how they killed these people there behind the municipal building.

A Yes. They had to line up. Then they had to go one by one to face their graves, but before the killing took place the one in charge had to say a few words to them, to the men executed. He said, "You Patay; no good Filipino; you Campi, Americano." He said, "No good."

Q After that did they kill him?

A Yes.

Q How did they kill him?

A They thrust a bayonet.

Q Did you see them killed?

A I was only about three meters away.

Q How many did you see killed there that day?

A During that execution I have witnessed 30 of them.

Q Were they all killed the same day?

A Yes, sir.

Q And did you know any of the people that were killed?

A Yes, sir.

Q How many of them did you know?

A I know only one.

Q What was his name?

A Leoncio de Leon.

Q Was he from Bayombong?

A No, sir.

Q Where was he from?

A I think he is from Isabela.

Q All of those that were killed had they been in the garrison as prisoners like yourself?

A Yes, sir.

Q Now, during the time that you were in that garrison as a prisoner did you see anyone tortured?

A Yes, sir.

Q Well, I want you to tell the Commission briefly just how you saw the Japanese torture prisoners there at the garrison.

A You know, sir, at the same time I was detailed as a cook, and the boiling water for boiling purposes is used for the officers. In that building there is a room for torture. Of course I can peep. There is a small hole where you can peep and see the victim being tortured. I have seen one being tortured, all dressed out, a rope tied around his body, and they poured a can of water; first of all they placed a wet blanket on his face, cover his mouth and nose, and they pour a can of water on his face until he say, "Yes," to answer the questions.

If he says, "No," they pour again another can of water.

Q You mean they poured it in his mouth?

A Yes, sir.

Q Go ahead.

A Because the victim could not endure the torture he died. I have seen him drug out of the torture room.

Q Did you see them do anything else to them besides pour water down their mouths?

A By using clubs, beating any part of the body whether it is face or any part.

Q Did you see them kill any persons that way by torturing them?

A That fellow only; one person while I was there.

Q Only one person while you were there?

A Yes, sir.

Q Did you know his name?

A Yes, sir.

Q What was his name?

A Vivencio de Leon, the brother of the other one.

Q Among the 30 that you have testified you saw killed at one time, were they all men?

A Yes, sir.

Q And was this garrison a Japanese army garrison?

A Yes, sir.

Q And were the Japanese that killed these 30 in the Japanese army?

A Yes, sir.

Q Were there any officers around that garrison?

A Yes, sir.

Q How many officers did you see or know around there?

A I know only one of them.

Q What was his name?

A Captain Nosino.

Q Did he have charge of these killings there?

A He was the one responsible for the killings.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: May we inquire as to what specification this witness is testifying under?

CAPTAIN HILL: Specification 111.

CAPTAIN REEL: There seems to be some discrepancy. The testimony had to do with the date of December, 1944. The specifications which have been prepared are for March of 1945.

CAPTAIN HILL: Apparently there is an error in dates, sir. That is the incident referred to, however.

CAPTAIN REEL: The opinion of the defense is that the entire matter is irrelevant as to the charge before the Commission.

CAPTAIN HILL: If there is any argument about that, we would like permission of the Commission to present it under item number 72, the general paragraph.

GENERAL REYNOLDS: The Commission will take this matter under advisement and render an opinion on it tomorrow morning.

CAPTAIN HILL: Yes, sir.

CAPTAIN REEL: I have one question of the witness only, and I might as well ask him now, since he is here.

#### CROSS EXAMINATION

Q (By Captain Reel) Was this an M. P. garrison, a

a military police garrison?

A No, sir.

CAPTAIN REEL: That is all.

(Witness excused.)

ANTONIO VASQUEZ

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

DIRECT EXAMINATION

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

What is your name?

A Antonio Vasquez.

Q Where do you live?

A Bayombong, Vizcaya.

Q What is your nationality?

A Filipino.

Q How old are you?

A 58 years old.

Q During the month of December of 1944, were you a prisoner in the Japanese garrison at Bayombong?

A Yes, sir.

Q Were you on the detail during December, I believe on the 11th or shortly thereafter, that dug some graves there behind the municipal building?

A I was, sir.

Q Did you see the 30 persons killed there by these graves?

A Yes, sir, because we were the ones who dug up the

hole.

Q Did you know any of the 30 men that were killed there?

A I don't know them. I could not recognize any of them, sir, because it was getting late and dark.

Q Were any of the other members of your family held as prisoners in the Japanese garrison at the same time you were?

A There was, sir.

Q What member of your family?

A Fortunata Vasques, my daughter.

Q How old was your daughter?

A 17.

Q Did you see the Japanese abuse or mistreat your daughter while she was held as a prisoner there in the garrison?

A I saw, sir, they took her by force inside the garrison and then they bring her out.

Q Do you know what they did to your daughter there?

INTERPRETER CELIS: According to the witness he says that he cannot say because women are by nature weak, and then she is taken by night and I don't know what they do to her.

Q (By Captain Hill) How many times did he see the Japanese take his daughter at night out of the garrison?

A Three times, sir.

Q And did they always take her by force?

A Yes, sir, they always take her by force.

Q Did your daughter ever tell you what the Japanese did to her when they took her out?

A She used to tell me when she comes home.

Q What did she tell you?

A She told me that they try to abuse her chastity.

Q Did they abuse her chastity?

A She was really abused, because she told me so, and besides she cannot refuse the Japanese because she was afraid of them.

Q Now, when the Japanese abandoned this garrison at Bayombong, did they take any of the civilians with them?  
Withdraw the question.

When the Japanese left Bayombong, did they force any civilians to go with them?

A They transferred the women prisoners to Caoayan Isabela.

Q Did they take your daughter with them?

A Yes, sir.

Q And did they take any other women besides your daughter?

A There were five others.

Q And do you know what happened to those five women?

A I don't know, sir, because I was also confined to the garrison.

CAPTAIN HILL: You may cross examine.

CAPTAIN REEL: No questions. That is all.

(Witness excused.)

CAPTAIN HILL: I have one witness, sir, that I wish to present, another matter in Item No. 72.

DANIEL SANTIAGO

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

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

A My name is Daniel Santiago.

Q Where do you reside?

A I reside in the barrio of Duau, municipality of Bayombong.

Q How old are you?

A I am 32 years old now.

Q What is your nationality?

A Filipino.

Q Were you living in that same barrio in December of 1944?

A No, sir.

Q Where were you living then?

A We live in the barrio of Baretbet; that is what we call Bagabag Ferry.

CAPTAIN REEL: Could we have that identified?

CAPTAIN HILL: B-a-g-a-b-a-g; Bagabag.

CAPTAIN REEL: Where is that?

CAPTAIN HILL: It is up near Bayombong, in that neighborhood.

Q (By Captain Hill) Do you recall on 17 December 1944 being taken by the Japanese to Bagabag Ferry?

A Yes, sir, I remember that date. That was Sunday.

Q You go ahead, now, and briefly tell the Commission

just what transpired at that time.

A It was early in the morning of December 17th, it was Sunday, 1944, when we were advised by the garrison in charge of Bagabag, or Bagabag Ferry, that there will be a meeting held at Bagabag Bridge, and at that time for a few minutes. The garrison in charge advise us that we shall wait for the garrison commander from Bayombong, because he is going to deliver some speech to the people. But afterward when we arrived in the place where we were supposed to held the meeting, here comes the garrison commander with his companion, Jose Rumbawa.

Q Who was he?

A One of the collaborationists.

Q Go ahead and tell what they did.

A And upon arriving at our place, they just point anybody they want to massacre.

Q Now, how many people had gathered there at the ferry, do you remember?

A All mens at the age of 15 and above.

Q All men in the barrio over the age of 15 were gathered there?

A Yes, sir.

Q All right. Go ahead and tell what this officer from Bayombong and the collaborationist did.

A They just selected the men they want to kill, sir.

Q And how many did they select?

A We were 25 in all, but only four of us were left.

Q Go ahead and tell the Commission what they did, if anything, toward the killing of these civilians.

A After tying the 25 men, they brought us to the bank of the river, and that is the place where they made the killing.

Q How did they kill these people?

A They use their bayonet and gun.

Q And how many people were killed there at that time?

A There were 21 people killed.

Q Were all of these 21 persons civilians?

A Yes, sir, all of them were civilians.

Q And were these Japanese in the Army or the Navy?

A They are Army, sir.

Q Were they Military Police, do you know?

A No, sir.

Q They were regular Japanese Army?

A Yes, sir.

Q Do you have a list of those people that were killed in your barrio that day, by the Japanese?

A Yes, sir, I have a list.

Q Do you have it with you?

A It is with my companion.

Q I wish you would read the list of names into the record, of those persons killed. Give the reporter the names of those you can think of, then you can read from the list the balance. Can you tell the reporter those you remember?

CAPTAIN REEL: Well, sir, if the Commission please, we wish the witness would tell those that he can remember. We object to his reading from a list, unless it refreshes his recollection.

CAPTAIN HILL: I will have him identify that list.

Q (By Captain Hill) Tell the Commission what the list is that you hold in your hand and propose to read from.

A This list is the names of those people who were killed. No. 1 is Crispin Dumlao --

Q Wait just a minute. Did you help prepare that list?

A I prepared this list, sir, but --

Q You prepared the list?

A Yes, sir.

Q And you may read from it, with the permission of the Commission, to refresh your recollection, the names of those that were killed.

GENERAL REYNOLDS: We will want more information about it.

THE WITNESS: All of these 21, sir, were killed.

Q (By Captain Hill) When did you prepare that list?

A Before we came here, sir.

Q Just before you came down here to testify, you mean?

A Yes, sir.

Q And you prepared the list yourself?

A Yes, sir, I prepared myself.

Q From your memory of those persons that you knew were killed?

A Yes, sir. I know them very well.

GENERAL REYNOLDS: The list contains names of people who, from your own knowledge, were killed at the time in question, is that correct?

THE WITNESS: I beg your pardon?

GENERAL REYNOLDS: Is this a list prepared from your

own knowledge of events, or a list prepared by later investigation?

THE WITNESS: I prepared this myself, sir.

Q (By Captain Hill) Did you prepare it from your own knowledge?

A Yes, sir.

GENERAL REYNOLDS: Is he using that list only to refresh his memory?

CAPTAIN HILL: That is right, sir.

CAPTAIN REEL: If the list is used to refresh his recollection, we do not object to it, but it will have to be taken away from him, and he can't read from it. I would suggest, sir, if just before this witness came down here his memory was sound enough to make out the list, certainly it is sound enough now to state the names without having access to the list.

GENERAL REYNOLDS: The Commission would, itself, feel happier about it, in view of the circumstances, if you would ask him to name some people from memory, and let us see whether he can do so.

Q (By Captain Hill) Without using the list, will you give the reporter the names of all those that you can remember who were killed there that day by the Japanese?

A Yes, sir.

Q Go ahead.

A No. 1 is Cerilo Rico; second is Crispin Dumlao; Juen Soriano; Esteban Soriano; Catarina Soriano; Amelio Nollada; Pablo Domingo; Toribeo Manuel -- (pause) --

CAPTAIN HILL: I thought, sir, that this list would

possibly save time, with him stopping to think of these names. I think if we give him time he can think of it. He told them to me last night after considerable thought.

Q (By Captain Hill) Can you think of any others?

A I could not quite remember the names, sir.

CAPTAIN HILL: For the purpose of refreshing his recollection, may he use the list now?

GENERAL REYNOLDS: Ask the witness how many more individuals are involved whose names he cannot now recall, and see what he says.

Q (By Captain Hill) In addition to those persons that you have named, how many others were killed there that day, do you know?

A I remember only the 21 men, sir.

Q And did you at that time know all of these 21 men personally? Were they people that lived there in the barrio where you lived?

A Yes, sir.

Q And people that you saw and knew there every day in the barrio?

A Yes, sir.

CAPTAIN HILL: We would request again that he be permitted to use his list to refresh his recollection.

GENERAL REYNOLDS: The Commission feels that is sufficient. Defense may cross examine, unless you have more testimony other than names that you wish to bring out.

CAPTAIN HILL: No, I don't have.

#### CROSS EXAMINATION

Q (By Captain Reel) Will you give us the name of the

collaborator who came with the garrison commander?

A Beg pardon?

(Question read.)

THE WITNESS: Jose Rumbawa.

Q (By Captain Reel) R-u-m-b-a-w-a?

A Yes, sir.

Q Oh, the way it sounds. And did this collaborator, Jose Rumbawa, point out all of the persons who were to be taken?

A Yes, sir.

Q And the only ones who were taken were the ones that he pointed out?

A Beg pardon, sir?

Q The only persons who were taken were ones that were pointed out by this collaborator; nobody else?

THE WITNESS: I don't get him.

Q (By Captain Reel) I will ask you again. The collaborator pointed out certain persons. All I wanted to know is if any persons were taken who were not pointed out by the collaborator. Did they take any persons whom the collaborator said to let go?

A I can't get you, sir.

Q I will try again. The collaborator, Jose Rumbawa, --

A Yes, sir.

Q (Continuing) -- pointed to certain people, is that right? He pointed out people in the crowd to the Japanese?

A The garrison in charge -- the garrison commander in Bayombong, with his technician, or what we call the interpreter, together with Rumbawa -- three of them.

Q Yes. What did Rumbawa do?

A He pointed some.

Q Yes. And those that he pointed to were taken by the Japanese?

A Yes, sir.

Q Now, were any people taken by the Japanese that he did not point to?

A Some; some people, sir, were taken also that was not pointed by Rumbawa.

CAPTAIN REEL: Will you read that answer?

(Answer read.)

CAPTAIN REEL: That is all I wanted to know. No other questions.

CAPTAIN HILL: That is all.

(Witness excused.)

GENERAL REYNOLDS: Does the Prosecution have further witnesses ready for this afternoon?

CAPTAIN HILL: I have a case that I will present by statements, sir, if the Commission is ready to adjourn.

GENERAL REYNOLDS: But there are no witnesses?

CAPTAIN HILL: No others.

GENERAL REYNOLDS: In that event we will recess until approximately eight o'clock this evening to see the motion pictures, and ask that you be ready to go ahead at eight o'clock.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: And our announcement has already been made as to this evening's session being open to the public and, of course, to the press.

(Whereupon a recess was taken until 2000 o'clock, 15 November 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 2005 hours.)

CAPTAIN CALYER: If the Commission please, all members of the Commission are present; the Accused and the Defense Counsel are also present.

Mark this for identification, please.

(Certification by Office of the President, Commonwealth of the Philippines, of "Orders from Tokyo" was marked Prosecution Exhibit No. 326 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence Exhibit No. 326 reading as follows:

OFFICE OF THE PRESIDENT  
OF THE PHILIPPINES

"Manila, November 15, 1945

"I hereby certify in my official capacity as Administrative Assistant, Office of the President, Commonwealth of the Philippines, that the film entitled, 'Orders from Tokyo' and identified by the markings, 'Reel 1 A Prod. No. 2852, Title-Orders from Tokyo-Version Domestic' was produced under official license of the Commonwealth of the Philippines and for it; that the film is itself further identified by the introductory wording: The Philippine Commonwealth in Cooperation with the Office of Strategic Services presents, Orders from Tokyo. A Prologue by Brig. Gen. Carlos P. Romulo, Resident Commissioner of the Philippines to the United States; 'that the film was photographed and narrated by James C. Griffin, Captain U. S. Marine Corps; that this film so identified is a copy from the

16 mm original; and is an official document of the Commonwealth of the Philippines, consisting of 2 reels of 35 mm technicolor sound film with English dialogue.

(signed) "Amador Buenaseda  
AMADOR BUENASEDA  
Administrative Assistant

"This is to certify that Mr. Amador Buenaseda is the Administrative Assistant in the Office of the President, Commonwealth of the Philippines, and that his signature appearing on the foregoing certificate is genuine.

(signed) "Jose S. Reyes  
JOSE S. REYES  
Secretary to the President

"Manila, November 15, 1945 "

(Here followed exhibition of film entitled "Orders from Tokyo" hereinabove described more particularly).

GENERAL REYNOLDS: Recess until 8:30 in the morning.

(Whereupon, at 2030 hours, 15 November 1945, the trial was adjourned until 0830 hours, 16 November 1945.)

- - -