

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.
8 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

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

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Elvessa Stewart	1435	1447	1453	
1st Lt. James P. Healey, Jr.	1485	1488		
Pamfilo Umali	1490	1500	1502	1503
Victor Manquiat	1506	1511		
Mabiling Briccio	1515	1527		
Eusebio Linatoc	1533	1545		
Cipriano Rodelas	1546	1554	1555	
Felix Javier	1556	1560		

E X H I B I T S

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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255	1544	1544
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257	1553	1553
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UNITED STATES OF AMERICA

1488
PUBLIC TRIAL
1500

TOMOYUKI YAMASHITA

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8 November 1945

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MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL HENRY S. REYNOLDS, Presiding Officer
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MAJOR GENERAL JAMES A. LEITCH
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MAJOR GENERAL ROBERT F. BULLOCK
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AS WITNESSES:

(None as heretofore noted)



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4 F 47

REPORTED BY:

F. D. CORLISS
J. M. WILSON

P R O C E E D I N G S

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

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

If the Commission please, first I should like to swear a new Spanish interpreter: Sergeant Riley.

(Whereupon, Sergeant Riley, Spanish interpreter, was duly sworn.)

ELVESSA STEWART

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

DIRECT EXAMINATION

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

A Elvessa Ann Stewart.

Q Where do you reside, Miss Stewart?

A At 1194 Jocson, Sampaloc District, Manila.

Q What is your nationality?

A American.

Q How long have you resided in Manila and the Philippine Islands?

A I came to the Philippine Islands in 1913.

Q Will you speak a little louder?

A I came to the Philippine Islands in 1913. I have resided in Manila since 1917.

Q Will you tell the Commission about your educational attainments prior to coming to the Philippines?

A I am from Nebraska, a graduate of the University of

Nebraska with upward of two years of post-graduate work, mostly in the University of Nebraska, some in the University of Colorado.

Q And after you came to the Philippine Islands in 1913 what occupation did you follow here?

A I came as a teacher. I was first stationed in the provinces as a teacher in the north in Cabanatuan, later in Cebu as a teacher and then in the Philippine Normal School as a teacher. Then I was transferred in 1919 to the general office in Manila. The general office is the central educational office. The school system here is centralized and the main office is in Manila. I had charge of the home economics work.

Q And when you taught at the Normal School here what was your specialty?

A When I taught at the Normal School I taught biology, but I was sort of an advisor to those teaching home economics.

Q And when you went into the Bureau of Education of the Philippines --

A That is in the main office, you mean?

Q -- in the main office and later into the Bureau, what branch of education did you specialize in?

A I had charge of the home economics work over the Islands.

Q And are you qualified as a dietician through your experience in that home economics work?

A I think I am. We put special stress in the Philippine Islands on nutrition because that is one of our problems.

Q And you have spent a number of years then working on the problems of nutrition here in the Philippine Islands?

A Yes, since 1919.

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

A I was visiting schools in Mindanao when Pearl Harbor was bombed. I attempted to return to Manila but only got as far as Dumagete in the Island of Negros. We were put off the boat there. Later we fled to the mountains and we were taken and returned as prisoners to Dumagete for two months. Then we were taken to Bacalod until March, 1943. Then we were brought, 119 of us, to Santo Tomas. We remained there until we were liberated.

Q While you were interned at Santo Tomas Internment Camp here in Manila what position, if any, did you hold there in the camp?

A All well persons were assigned some kind of work. I had two items that I worked at. One was repairing the men's clothing because their clothing was getting in pretty bad shape. I worked about three hours a day at that. And then I made a study of the food. Every month I made this study and it took me the best part of the, say, two weeks to do it. This was presented to the doctors so that they might know exactly what we were getting in the way of food.

Q And in your study of the food situation there at Santo Tomas did you work in conjunction with the medical staff?

A I worked in very close conjunction with one of them who came up from Bacalod with us, because he and I were

interested in the food in Bacalod and when he came to Santo Tomas we worked together a great deal.

Q In considering the value of food to the human body from the standpoint of heat and energy, tell the Commission what the measurement is.

A Food is usually measured in what we call "calories". A calorie is a measurement of heat. It represents the amount of heat that is required to raise one kilogram of water one degree centigrade.

Q And in your study of the food and nutrition situation at Santo Tomas did you make an accurate count of the calorie content of the diet there in the camp during the period of your study?

A I did.

Q Confining your testimony to the period from 9 October 1944 until the liberation, I wish that you would give the Commission the result of your study by months of the calorie content of the diet of the internees there in the camp.

A I will read this so that I --

Q Just a minute. Let me ask you a preliminary question. Do you have the figures showing the answer to the question which I have previously asked you?

A I have my original figures that I made.

Q When did you compile those figures?

A Immediately at the end of the month, and I have my original figures from which this is taken.

Q And those are the original figures which you propose to testify from?

A They are. These are copied from them.

Q Go ahead and answer the question, please.

A This is 1944, of course. In September, 1944 --

Q Start in October, please.

A I wanted to make the comparison. In October we had 1012 calories per person per day. That's less than we had previously. In November we had 997 calories per person per day. In December we had 960 calories per person per day. In January at the beginning we probably had about 700, but toward the end not more than 500 because the food dropped off very rapidly in January.

Q Now, how many calories per day does a normal white American adult person require, who is doing light labor?

A He requires 3000 calories. These calories must be derived from certain sources in order to make the diet properly balanced. About 70 grams of the food should be protein, and about 65 to 100 grams fat.

Q Now, in the computation of the calorie diet which you have given the Commission, did you take into consideration both the ration furnished by the Japanese and any other supplementary ration which was procured by the internees themselves?

A I took into consideration both of them. I kept them separate. The ones I am reading now are those furnished by the Japanese.

Q Now, can you give the Commission, for those same months, the calorie content of the diet there at Santo Tomas, including the ration furnished by the Japanese and those rations supplemented by the internees themselves?

A Yes, I have it here.

Q Please give it to the Commission.

A As I read, in October the Japanese furnished 1012 calories, the internees furnished 375; a total of 1387. In November, the Japanese furnished 997, the internees furnished 228; a total of 1225. In December, the Japanese furnished 960, the camp furnished 99, a total of 1059. In January, the amount we furnished was even less. I am not quite sure of the figures; probably between 75 and 100.

Q Now, even though a normal adult American persons receives the number of calories per day of food value, will

you tell the Commission whether or not that in itself is sufficient, or whether the amount received must contain certain of the vitamins in order to sustain that person?

A It is true that calories tell only a part of the story, because it is necessary that the calories be derived from certain foods in order that vitamins and minerals and what we call "high quality protein" may be provided. This diet did not provide it, as I may show. In December, I might say that the grams of rice might be of little interest -- in November we had 255 grams, but on November 12 we had 200 per day; on November 20 it was reduced to 187 grams per person per day. This grams per person per day reduced to calories would be about 635. I say "about", because I didn't go to the trouble to figure out exactly how much corn, how much rice -- the corn giving just a few more calories than the rice, having a little more fat. Now, this rice was supplemented with roots, a kind of native root called "gabi", sort of like the taro of the Hawaiian Islands, and along with white radishes it was not much for food, but a lot when you are starving. Then the cereals are supplemented with root, but a root is the same kind of food as a cereal, unless you have a carrot. In other words, it is largely starch. Therefore, I have added the calories obtained from roots and the calories obtained from cereals and get about 777. Now, the total calories in December was 960, with 777 from cereals and roots. That makes about 80 percent of the calories came from the cereals and roots. Now, the cereals and roots furnished practically no vitamins and minerals, so an ordinary -- a

good diet has about 20 percent of the calories derived from roots and cereals, but this had 80 percent of the calories derived from cereals and roots. So you see, the thing was just turned around, and we were very short of vitamins and minerals and good protein.

Q Which vitamins are necessary, Miss Stewart, in the human diet?

A They are all necessary.

Q Well, the most necessary.

A Well, I can't say; they are all necessary. The ones that would probably first show themselves, or the lack shows itself, is probably vitamins "C" and "B". That is, vitamin "C" prevents scurvy, and vitamin "B" prevents beriberi, because very little of these two vitamins are stored in the body. Vitamin "A" is stored in the body to a considerable extent, but these two are not stored in the body. Therefore, if you are cut short of these vitamins for a very long time -- well, it wouldn't need to be so long, either; say a month or six weeks or two months, depending on how much was in your body when you started -- there would be cases of scurvy or beriberi. This diet had no eggs and milk, and I mean to say that very little bit of vegetables and fruit could be had -- it was so small that it practically amounted to nothing. In October we only had 15 grams of fruits and vegetables, and in November about the same, but in December we only had about 3 grams per person per day. Now, if you can visualize 3 grams of fruit and vegetables, when I tell you that you can think of chopped cabbage; a tablespoon of chopped cabbage weighs about 11 grams, or grated carrots -- but we had only about

3 grams of fruits and vegetables combined, practically no fruit, practically none, but the fruits and vegetables combined only about 3 grams. So you can see we had very little vitamins and minerals. I figured the minerals in one month, then I can estimate for all the months from the one I figured here. In the month that I figured, which was a pretty good month, as months went, in May, I found that we were getting about one-fifth to one-fourth of the calcium that we needed. During that month we got many, many times more fruits and vegetables than we did in November and October, December and January. So that the actual amount of vitamins and minerals -- minerals, especially, I am speaking of now -- that we got in December and January was only about one one-hundredths of what we should have had. I am speaking now of the well adults.

In the adult line, there being children -- the children over 10 years ate on the adult line -- I mean, when they lined up for food, they were lined up with the adults -- but a child over 10 up to the time it has quit growing needs about 50 percent more calcium and other minerals -- of course, I am speaking now of the calcium -- than an adult, so you can see what the condition of the children was over 10 years old. Now, when the calcium is lacking, phosphorus is also lacking, because these foods are usually found in the same kind of food -- I mean, these elements. Also iron is likely to be lacking. Many persons were anemic, the doctors told me, from lack of iron and copper. I might say, also, about the vegetables, that we might have had a little more minerals or vitamins had the vegetables

been good, but these vegetables appeared to be the sweepings from the market. We got many white radishes, that I spoke of, long white radishes, which were not so bad; we always ate the tops, of course, to get a little bit of green and stuff, because we knew we had to get the iron. The tops were often so rotten and so wilted, actually rotting, that we picked over the tops and picked out the parts that were fit to eat and used them for cooking. Sometimes the women, when we were so short of food, they got a little careless there and put in food that ordinarily you couldn't eat -- certainly wouldn't eat and probably couldn't eat; but we ate it because we were starving.

Q Miss Stewart, how much did you weigh, if you know, when you entered Santo Tomas in 1943?

A I don't know exactly how much I weighed when I entered. Probably around -- this is more or less guessing now -- probably around 130. My normal weight is 145. Sometime in October, I am not just certain when --

Q Of what year?

A Of '44. I am not just certain now when it was, but I know it was October because we more or less budgeted our little food we had extra for October, hoping we would be liberated, and I know in October I weighed 119. My normal weight was 145.

Q And were you weighed at the time of your liberation?

A I wasn't weighed exactly at the time of my liberation, but probably about a week before I was weighed, and I weighed 82 pounds. That is 63 pounds less than my normal weight.

Q Were you able to supplement your ration that you received there at the camp, in any way?

A Well, yes.

Q Tell the Commission what you did in that regard.

A In the early days of the Santo Tomas internment, Filipinos were allowed to bring in a little food, and my Filipino friends sent me food that I kept, thinking to be starving later on, and I ate that in the days when food was very poor. Later that food was exhausted, but I knew what I needed and I went out along the drainage ditches and there was quite nice grass growing there, being a little bit damp, and I would pick out the best of the young shoots of grass. Also the hibiscus has quite a tasty leaf; we picked the green young leaves of the hibiscus. The hibiscus leaves can be eaten raw without perhaps any danger. We cut them up and made what we called a salad. But the grass, of course, is dangerous; I was afraid of amoebic dysentery. There were many cases of amoebic dysentery in the hospital. I tried to heat the grass when I could, but we needed charcoal to get it heated. I would try to get first in the line to get some of the hot food, because the food was pretty cold for the ones at the end of the line, and if I would get the hot food I could put the grass in it, and it wasn't quite so bad; it is better than nothing, but sometimes we couldn't do that. Sometimes we had to get the grass off the ground and wash it the very best we could. I had a little permanganate, some potassium permanganate, and I soaked it in that, but it was a little better than nothing.

Not only did I do that, but many others did it. The children or the mothers would see you along picking grass, and come along and ask you why you were picking grass. If you explained the grass was good food, the next day the mothers were out picking the grass, and the children were out picking grass; so pretty soon the grass was picked. I attempted on several occasions to get off limits to pick grass, but the Japanese guard threw me back with his bayonet and told me it is prohibited, and when I told him I was hungry, I wanted to get some grass, he laughed at me.

CAPTAIN HILL: You may cross-examine.

CROSS EXAMINATION

Q (By Captain Reel) Miss Stewart, could I see the notes that you made?

A (Handing notes to Captain Reel)

Q Were you also reading from these notes (indicating)?

A This is just an extract from those. You can look at it if you like. These are just personal notes.

Q Did you tell us that your weight upon entry into Santo Tomas was 130 pounds?

A Probably about that. I don't know just exactly what it was because we didn't have a good way of weighing in Bacolod. We didn't always have access to the scales. We had to get the permission of the commandant to use the scales in Bacolod.

Q I think you told us when you started to testify that in your work prior to the war you laid special stress on the problem of nutrition. Is that correct?

A Yes.

Q Because I think you said "That is one of the problems here in the Islands"?

A Yes.

Q Would you tell us in your own words just in what way the problem of nutrition is a problem in the Philippine Islands?

A In the Philippine Islands beriberi and tuberculosis and malaria are the three great causes of death. They sort of compete for first place, each one of them. Beriberi is a disease of nutrition. It has one cause and one cure. It is caused by lack of Vitamin B in the diet and it is cured

by putting back Vitamin B in the diet, that is, eating food that contains Vitamin B. It is generally recognized among nutritionists and the medical field that tuberculosis may not be a disease of malnutrition, but it is very closely related. So we consider that beriberi and tuberculosis is within our field in home economics and we prepare our courses of study with great stress on nutrition.

Q Can you tell us the rate of beriberi in the Philippine Islands?

A Pardon?

Q Can you tell us the rate of beriberi in the Philippine Islands?

A You mean the death rate?

Q Yes.

A I do not remember it.

Q Or tuberculosis?

A I do not remember. I only know that they are the high ones. I do not know their death rate but I do know that it is very high compared with the other nations of the world.

Q Yes.

A I have the tables but I do not have them in mind.

Q And this disease of beriberi that is caused by lack of Vitamin B, the foods that give Vitamin B are those for the most part that are other than cereals; isn't that right?

A If the cereal is unpolished it contains Vitamin B. That is, if the rice is unpolished it contains Vitamin B. But in polishing the rice the bran and the germ which contain Vitamin B is taken off. Since unpolished rice does not keep as long as the polished, most of the rice is polished

and the people eat white rice.

Q Which lacks Vitamin B?

A So it hasn't Vitamin B.

Q And foods that lack iron or copper or calcium are also responsible, that is, an overabundance of foods that lack iron, copper and calcium are also responsible for beriberi?

A No, sir. Only the lack of Vitamin B is responsible for beriberi.

Q I see.

A Those that have iron in them would have to do with anemia, iron and copper; and calcium would have to do with the general health of the body and the teeth.

Q Did you find that one of your problems in the Philippine Islands was, for example, lack of calcium resulting in faulty teeth?

A To some extent.

Q And did you find also that lack of iron was a problem here?

A To some extent, but not like beriberi.

Q I see. But this situation, this problem of nutrition in the Philippine Islands that you have just told us about is a problem that has existed here during peacetime as well as wartime; is that correct?

A It has existed for thousands of years so far as we know, but it had become very much worse in the late years.

Q During the war?

A Yes.

Q But it has existed and it is due to the form of diet

used in the Philippine Islands as a normal proposition; isn't that it?

A Lack of Vitamin B in the diet.

CAPTAIN REEL: That's all.

GENERAL REYNOLDS: The Commission would ask a question. You spoke of receiving fruits from time to time and in small quantities. What were those fruits?

THE WITNESS: Pardon me. I didn't get it.

GENERAL REYNOLDS: You spoke of receiving fruits --

THE WITNESS: Fruit.

GENERAL REYNOLDS: -- from time to time in small quantities. What kind of fruit?

THE WITNESS: Whatever was available. Bananas nearly always because they are nearly always available. The other fruits that I received in small quantities, because we were not permitted only in small quantities, were a little fruit about this big (indicating), sort of lime. They call it calamanci. The persons who sent me the food were nutritionists themselves and knew what we needed, and they sent us little limes about this big (indicating). They are a sour sort of citrus fruit. It is a citrus fruit. It prevents scurvy. You have probably seen them.

GENERAL REYNOLDS: And had you been provided with a reasonable quantity of bananas would it have had any material effect on the beriberi or other diseases?

THE WITNESS: To some extent because bananas have some Vitamin B. Yes, it would have helped according to how many you have, of course. We received no bananas late, though; none to speak of; just maybe one a month. This

food that I speak of that came in came in early. It didn't come in after October.

GENERAL REYNOLDS: I am speaking --

THE WITNESS: In general.

GENERAL REYNOLDS: -- of the fruits furnished by the Japanese.

THE WITNESS: Oh, pardon me. The fruit that they furnished, we had practically no calamanci, the citrus fruit, and the other fruit was bananas. I thought you meant in general that was furnished to me. But I have the fruit and the vegetables. As I read the amount I combined the fruit and the vegetables. The fruit was so very small that I didn't attempt to separate it. I can separate it. I have notes from which I could separate it, but it seems so infinitesimal that I just combined it with the vegetables. By the "vegetables" I do not mean the root vegetables; I mean the succulent vegetables like yellow squash.

GENERAL REYNOLDS: Do you have any further questions?

CAPTAIN REEL: I have a question.

Q (By Captain Reel) Relative to bananas about which you just spoke, aren't they a starchy food?

A Yes. About 23 per cent of sugar.

Q And doesn't the constant consumption of bananas together with these cereals contribute to beriberi?

A No, because bananas contain Vitamin B.

Q But aren't they made up primarily of starch?

A Sugar largely.

Q Sugar?

A Yes. Which is the same thing as starches, of course.

The starch turns to sugar.

Q As a nutritionist in the Philippine Islands do you know whether there was much fruit raised within the confines of the City of Manila?

A No. There is no place in the City of Manila to raise fruit. Very small space. The fruit is sent in from outside. Great truckloads of it are brought in every day in normal times.

Q And the same is true of vegetables?

A Yes.

Q And so if transportation from the outside is cut off there wouldn't be any way of getting fruit or vegetables into Manila; is that correct?

A I don't know just what you mean by "transportation", because transportation could be by horse, you know. It wouldn't necessarily have to come by truck.

Q If transportation by truck, horse or any other way were cut off materially there would be no way of getting food or vegetables into Manila; isn't that correct?

A Maybe not adequate amount. There have been gardens around Manila for years but not in adequate amount.

Q And you had some gardens right in Santo Tomas, did you not?

A I beg your pardon?

Q You had some gardens right in Santo Tomas, did you not?

A Yes. The internees kept some gardens.

CAPTAIN REEL: That's all.

REDIRECT EXAMINATION

Q (By Captain Hill) Just one question, Miss Stewart. You have testified on cross examination to the effect that the problem on nutrition here in the Philippines has been the lack of the certain necessary foods. Do you mean to say that it is the lack of the proper food in the Philippines, the scarcity of it, or is it a matter of educating the people as to the kind of food that their system requires?

A It is the latter. It is educating the people. That's why we put all this stress on it in the Bureau of Education.

CAPTAIN HILL: That's all.

THE WITNESS: There is plenty of food produced.

CAPTAIN HILL: That's all.

(Witness excused)

CAPTAIN HILL: At this time, if the Commission please, I want to call your attention to Prosecution's Exhibit No. 7, which is the sworn statement of Major General Utsunomiya. I should like to read into the record a portion of that statement.

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: Sir, just to cover the situation, may the record show that this exhibit, I believe, is the subject of our original objection. The exhibit itself is in the record, being marked as an exhibit and a part of the papers in the case, and we object to any reading of portions of it. The entire exhibit is before the Commission and got there over our objection.

GENERAL REYNOLDS: Since the document is in the record and by reading it in whole or in part at this time

would merely save the Commission the trouble of going and hunting it up and reading it, what is the basis of the objection?

CAPTAIN REEL: Well, sir, I wanted to do two things by that: (1) remind the Commission that the document was in over objection; (2) to save the time of the Commission. It seemed to me that if we are going to read the excerpts from all these statements as we go along, this hearing is going to be unduly protracted. I presume the Commission will have the whole statement and will read the whole statement.

GENERAL REYNOLDS: The objection is not sustained. The Prosecution will proceed.

CAPTAIN HILL: Beginning with the third question and answer at the bottom of what is marked page 250:

"Q. You said you were in charge of general affairs at headquarters here in the military administration?

"A. This military administration was an organization coming under the jurisdiction of the headquarters and I held ex-officio position in the military administration while I was staff officer of the headquarters.

"Q. What were the duties of the military administration?

"A. There were organized in the military administration almost the same number of departments as the Philippine Executive Commission and each department had close contact with the corresponding department in the Commission.

"Q. Where was your headquarters located?

"A. Agriculture Building, Manila, where the Japanese military headquarters was located. The duties were divided into three departments; (1) Strategic Operation, G-1;

(2) Intelligence, G-2; and (3) Affairs relating to general administration, G-3.

"Q. Where did the war prisoners headquarters fit in?

"A. Under No. (3). In reality the war prisoners headquarters received direct instructions from the commanding general, and department No. (3) only gave advice and minor instructions.

"Q. How about the civilian internees?

"A. They were under the commanding general of war prisoners.

"Q. But that was not true before February, 1944, is that right?

"A. They were under the commanding general of war prisoners.

"Q. But that was not true before February, 1944, is that right?

"A. Yes.

"Q. You said G-3 gave minor instructions, what kind of instructions were they?

"A. In accordance with the directions of the commanding general in the Philippines. I don't think these instructions covered anything but administrative routine."

If the Commission please, I want to offer in evidence just a question and answer in the sworn statement of Lieutenant General Koh taken on 9 October 1945 before an investigating officer of the War Crimes Investigating Detachment. That question and answer which I desire to read into the record is on page 230 of the exhibit and is the seventh question and answer on that page.

CAPTAIN REEL: Sir, prior to the reading in of any particular question and answer the Defense would like an opportunity to study this entire lengthy document.

GENERAL REYNOLDS: Is it the intention of Prosecution now or at some later time to introduce this entire document?

CAPTAIN HILL: Yes, sir. I will offer it in evidence now, sir, if the Commission so desires and then ask permission to read into the record the question and answer which pertains to this particular incident.

GENERAL REYNOLDS: The introduction of the document in evidence at this time would appear to be to the Commission a better procedure.

CAPTAIN HILL: Yes, sir.

Mark this, please.

(Copy of statement of Shiyoku Koh taken on 1, 3, 4, 8 and 9 October 1945 was marked Prosecution Exhibit No. 238 for identification.)

CAPTAIN HILL: The Prosecution now offers in evidence its Exhibit 238, which is the sworn statement of Lieutenant General Koh taken on 9 October 1945 before Captain Jerome Richard, investigating officer of the War Crimes Investigating Detachment.

GENERAL REYNOLDS: In order that the Defense may have an opportunity to study this document which consists of 57 pages, the Commission will hear their comments at the beginning of the session tomorrow morning or at such later period as we find necessary at that time.

CAPTAIN REEL: Tomorrow morning will be satisfactory.

CAPTAIN HILL: Mark 239, please.

(Statement of testimony of Ralph Burdell Scheibley, Major, A.C., taken on 25 April 1945 was marked Prosecution Exhibit No. 239 for identification.)

CAPTAIN HILL: The Prosecution now desires to offer in evidence its Exhibit No. 239, which is the sworn statement of Major Ralph B. Scheibley, Major, A.C., taken at Crile General Hospital, Cleveland, Ohio on the 28th of February, 1945 by an investigator assigned to detail for that purpose.

GENERAL REYNOLDS: To save the time of the Commission and since we have only one copy before us, read the questions and answers.

CAPTAIN HILL: "For the WAR CRIMES OFFICE
"Judge Advocate General's Department -- War
Department

"United States of America

"In the Matter of the Misappropriation of Red Cross Parcels at Bilibid Prison, Luzon, P.I. "Perpetuation of testimony of Ralph Burdell Scheibley, Maj., A.C. O-300961.

"Taken at: Crile General Hospital, Cleveland, Ohio.

"Date: 20 April 1945

"In the Presence of: John S. Mortimer, 2nd Lt., O-2002502, 1510 S.C.U., 5th Svc.

"Questions by: John S. Mortimer, 2nd Lt.

"Q. State your name, rank, serial number and permanent home address.

"A. RALPH B. SCHEIBLEY, permanent rank of Captain, temporary rank of Major, ASN O-300961, Wellesly Drive, Toledo, Ohio.

"Q. Have you recently been returned from overseas?

"A. Yes, I returned 16 March 1945.

"Q. At what places were you held a prisoner and state the approximate dates.

"A. From August 1942 to February 1943, Bilibid in the Philippine Islands, near Manila; from February 1943 to June 1943, Cabanatuan, near Manila; from June 1943 to July 1944, Pasay in Manila; from July 1944 to February 4, 1945 in Bilibid, from which I was released by the American forces on the latter date.

"Q. When you were at Bilibid, how many Red Cross parcels did you receive?

"A. On Christmas, 1942, we each received 2½ (two and one-half) Red Cross Parcels. Each man received 1½ (one and one-half) American parcels and 1 (one) British Parcel. We

received about the same amount the following Christmas.

"Q. Can you account for the fact that you did not receive more?

"A. Yes, the Japanese were confiscating these parcels for their own use.

"Q. How do you know the Japanese were confiscating Red Cross parcels sent to American Prisoners of War?

"A. On one occasion, while at Bilibid, I was sent on a work detail to clean the quarters of General YAMASHITA, in his Headquarters at Manila.

"Q. Who was General YAMASHITA?

"A. He was the Japanese Supreme Commander in the Philippine Islands. His headquarters were in a large building in Manila in which there were several rooms. In the course of cleaning the room, I noticed one room in which were piled

to the ceiling American Red Cross parcels. Many had been opened, their contents rifled for the more desirable items, and the balance strewn about the room.

"Q. What were the more desirable items?

"A. The Japanese particularly liked American-made cigarettes. In this same Headquarters building in Manila, I noticed another room in which the door was slightly ajar. I peaked in there and found Red Cross parcels were similarly stacked, some opened and scattered about. I don't know, but I imagine many more rooms served as storehouses for similar packages.

"Q. How do you know these were American Red Cross parcels?

"A. They were plainly marked on the packages.

"Q. Could you estimate how many parcels were stored in the rooms which you viewed?

"A. I couldn't even make a conservative estimate, but I imagine the count ran into the thousands.

"Q. While at Bilibid, did you see any other evidence of Japanese confiscation of American or British Red Cross items?

"A. Yes, one evening while at Bilibid, I was sitting at the doorway when two Japanese soldier guards passed my quarters. They were going up the staircase a few feet away to their own quarters. They were carrying two cases of Camel cigarettes. After what I had already seen, it seemed logical to deduce that these two had been confiscated from items sent by the American Red Cross.

(signed) "Ralph B. Scheibley
Ralph B. Scheibley, Maj., A.C.

"State of Ohio" --

GENERAL REYNOLDS: The rest need not be read.

CAPTAIN HILL: We now offer in evidence Exhibit 239, sir.

CAPTAIN REEL: Sir, the Defense objects to the admission of this exhibit on the general grounds already stated and we wish to point out, sir, that here we have what purports to be a statement from a man who was apparently questioned by War Crimes investigator from the Prosecution. The Defense was not given any opportunity to file any cross interrogatories. The Defense was given no opportunity even to know that this statement was being taken. It is a statement that quite apparently on its face would open this witness, were he present, to cross examination that would be most material.

The statement is carefully drawn; the questions are carefully drawn to avoid all dates, anything that would properly place these occurrences. We strenuously object to this. And we want to add, sir, that it is the admission of this sort of statement that would be most damaging to any concept of a fair trial for an accused, who should have a chance to see the witnesses who accuse him, to cross examine them, at the very least to file cross interrogatories before anything like that has been introduced.

GENERAL REYNOLDS: The point has been thoroughly argued by the Defense on former occasions. The authority of this Commission to accept affidavits is clearly established in the rules and regulations by which this Court and its various agencies are guided. The Commission is not willing to entertain the further objections on the part of

counsel which have already been ruled upon and not sustained. The Commission, however, is willing to consider whether any specific point in a document should be stricken out or should receive the special attention of the Commission.

CAPTAIN REEL: Then, sir, we would call your special attention to the fact that this question relative to being in a purported headquarters of General Yamashita in Manila is a question that is asked without any reference to date. The answer was "On one occasion", and no date was fixed.

We also wish to point out that in the remainder of the questions and answers the witness relies on what he chooses to call his "imagination". He says "I don't know, but I imagine many more rooms were there" and "I imagine that count ran into thousands".

We simply want to point those things out to the Commission in addition to the objection which the Commission has ruled on.

GENERAL REYNOLDS: Is there any specific statement to which the Defense wishes to move that should be stricken?

CAPTAIN REEL: Yes, sir. Starting with the question "Can you account for the fact that you did not receive more" on page 1, the Defense asks that all the rest of that page be stricken. There is no basis shown in the statement for any of the information which the affiant purports to have; no basis for showing why he thinks parcels were confiscated; no basis for showing why he thinks he was in any headquarters, supposedly of General Yamashita; simply conclusions that have no basis, no support in fact in this statement.

GENERAL REYNOLDS: The motion of counsel is not

sustained, but the Commission on its own volition takes the following action:

At the top of page 2, the first answer, the final sentence reads as follows: "I don't know, but I imagine many more rooms served as storehouses for similar packages". That statement is stricken from the record.

In the third answer on the same page the statement ". . . but I imagine the count ran into the thousands" is stricken from the record. The answer would then remain: "I couldn't even make a conservative estimate".

With those exceptions the document is accepted in evidence.

(Prosecution Exhibit No. 239
for identification was re-
ceived in evidence.)

(Statement of Dr. Floyd Olin Smith was marked Prosecution Exhibit No. 240 for identification.)

CAPTAIN HILL: The Prosecution now offers in evidence its Exhibit No. 240, sir, which is the sworn statement of Dr. Floyd Olin Smith, taken by an officer on 13 August 1945, at Long Beach, California, and sworn to by the affiant.

GENERAL REYNOLDS: The Commission will be in recess for approximately 10 minutes, and will take up the document upon its return.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. We are now considering a document which was introduced. ~~Are there any specific points to which the Defense would like to invite attention?~~

CAPTAIN REEL: The Defense, sir, wishes to object to the admission of the document, in addition to the stated objection. It appears to be the statement of a physician, a doctor, who was at Santo Tomas. This Commission has already ordered the Prosecution to produce as a witness in person here at this trial, a doctor who is available, who was available. This statement seeks to prove simply the testimony, simply the facts that the Prosecution would seek to elicit from their witness. We believe that the Commission, having ruled that the Prosecution should produce a witness in person, that that should be done; and that this consequently, is improper, should not be admitted.

GENERAL REYNOLDS: The Commission feels about the

objection that it is only a repetition of the former objection as to the admissibility of affidavits, and since the Commission has stated that further objections of that nature would not be considered, the Defense is considered out of order, is overruled, and the document will be accepted.

However, the Commission again asks if there are any specific statements therein to which the attention of the Commission should be called.

CAPTAIN REEL: Sir, so that there be no mistake about this, our objection was different and we intended to make it different. The objection is based on the grounds that the Commission has already ordered the production of a personal witness. I might add that there is no particular part of the statement to which we wish to call attention.

GENERAL REYNOLDS: The document, therefore, is accepted in evidence.

(Prosecution Exhibit No. 240
for identification was
received in evidence.)

CAPTAIN HILL: I would like to read the questions and answers, sir, into the record.

GENERAL REYNOLDS: Very well.

CAPTAIN HILL: I will omit reading the caption and the signature and affidavit, and read only the questions and answers:

"Q State your name and permanent address.

"A My name is Dr. Floyd Olin Smith. My permanent address at present is 710 East Sixth Street, Long Beach,

-California.

"Q What is your occupation?

"A I am retained as Industrial Surgeon by the Insular Lumber Company, whose home office is 848 Land Title Building, Philadelphia, Pennsylvania.

"Q Have you recently been returned to the United States from overseas?

"A Yes, I arrived in the United States from the Philippine Islands on April 8, 1945.

"Q Were you an internee?

"A Yes, I was interned by the Japanese.

"Q At what places were you held and state the approximate dates.

"A I was taken into custody at Fabrica on the Island of Negros, Philippine Islands, in the latter part of May, 1942. I was interned from June 5, 1942 to March 7, 1943 at Bacolod, Island of Negros, P. I.; then at Santo Tomas in Manila from March, 1943 to September 9, 1943; then at Los Banos from September, 1943 to January, 1944; and finally, at Santo Tomas from January, 1944 until liberated in February, 1945.

"Q Did you hold any positions in the above internment camps?

"A Yes, at Bacolod Internment Camp, I was Chief Doctor; at Los Banos Internment Camp, I was assistant to the camp doctors and in charge of hygiene and sanitation; at Santo Tomas Internment Camp, I was in charge of hygiene and sanitation, Camp Medical Chairman for six months, i.e., March to September, 1944, and in charge of the contagious

hospital and Night Medical Officer.

"Q Did you witness or have you been told of any mistreatments of American citizens at anytime?

"A Yes, I am familiar with the failure of the Japanese to supply American internees at Santo Tomas Internment Camp with proper and sufficient food from February, 1944 to February, 1945.

"Q Doctor, because of your positions at Santo Tomas with reference to the health of the internees and your medical background, I am going to qualify you as an expert in this matter. You are presently a member of the medical profession?

"A I am.

"Q Where did you attend medical school?

"A At the University of Iowa.

"Q When did you graduate?

"A In 1911.

"Q When and where was your internship?

"A At the Iowa Methodist Hospital, Des Moines, Iowa, in 1911 and 1912.

"Q During that time you did what type of internship?

"A General rotating internship.

"Q Briefly state the positions you have held and the places you have practiced since your internship and up to the present time.

"A In 1913, I was an assistant to Dr. Fred Shepherd at Anitab, Turkey; in 1914 and 1915, I was with a medical mission in Diarbekir, Turkey; in 1916, I was with the Red Cross in Russia and Persia; in 1917, I was in the United

States; from 1918 to 1931, I did general medical work in various parts of the Philippine Islands, and from 1931 to 1941, I have been an industrial surgeon for the Insular Lumber Company at Fabrica on the Island of Negros, Philippine Islands. I was then interned by the Japanese.

"Q Doctor, will you now state from your own knowledge and also from a medical point of view, what you know of the food situation at Santo Tomas between February, 1944 and February, 1945.

"A Yes. On February 1, 1944, the Japanese military authorities at Santo Tomas Internment Camp changed their system of supplying food to the internees. Previous to this date, the Japanese paid a lump sum to the Internees Committee which was used for food and other expenses. Under

that system we bought what we considered necessary and had buyers go out to Manila. Under the new system the Japanese took over everything. It was with the inauguration of this new system that deprivations really commenced. The Japanese authorities promised us a diet consisting of rice, vegetables, meat or fish, fats and sugar amounting in all to approximately 1700 calories a day. In reality, for only the first three months (that is, February, March and April) until the time we were released did the daily diet supplied by the Japanese consist of 1700 calories. During the remaining time, that is, from May, 1944 to February, 1945, it was gradually reduced until in January and February, 1945, it amounted to about 600 calories daily. Actually, we did not live solely on this as the camp had some reserves, obtained prior to the new system,

with which we supplemented this diet for about eight months. As a general rule, we received for breakfast a small quantity of rice; lunch was abolished after September, 1944, except for those engaged in labor, and this consisted of a small amount of vegetable soup. The evening meal generally consisted of rice, vegetables and gravy. The malnutrition resulting from this insufficient food, especially the lack of proteins, commenced to take its toll in November, 1944. From the beginning of this system, that is, February, 1944, until we were rescued in February, 1945, at least eighty of the internees died of malnutrition or starvation. As night medical officer at the General Hospital in Santo Tomas, I was conversant with the various cases and witnessed the death of at least fifty of the above-mentioned eighty deceased. In signing the death certificates of these people, I, as well as the other American internee doctors, stated on these certificates that the primary or contributing causes were starvation or malnutrition. In January, 1945, Dr. Theodore D. Stevenson, who was Medical Camp Head, and I, as one of the camp physicians, were called in by a Captain Nogi, the Japanese Medical Officer in Charge of Civilian Internees. Captain Nogi told us that these starvation and malnutrition diagnoses would have to be discontinued because they were a 'reflection on the integrity of the Imperial Japanese Army'. In case of death, Captain Nogi stated, any other diagnosis would be acceptable to the Japanese, and that serious consequences would result if the practice of mentioning starvation and malnutrition as

causes of death continued on the death certificates. No reply was asked for at this time by Captain Nogi. Dr. Stevenson and I, on leaving Captain Nogi's office, discussed the matter, and it was decided that Dr. Stevenson would resign as Camp Medical Head in protest. He wrote a letter of resignation to this effect and for this, was sentenced to twenty days in jail. He actually served three days, as we were then rescued by the American forces.

"Q Doctor, what effect did this diet have on the other internees who did not die from it?

"A All lost considerable weight, strength and resistance to diseases. Some were mere skin and bones, others were swollen and edematous. Elderly, big-framed men were very hard hit. It was noticeable that women, children and smaller men stood the starvation better.

"Q What protests were made with reference to this insufficient diet?

"A In May, 1944, the Medical Staff of the camp, of which, at that time, I was chairman, wrote a letter of protest to the commandant, a Colonel Yoshie, and asked for an increase in food. This letter was delivered to Colonel Yoshie through the Internees Committee.

"Q What results followed this letter of protest?

"A It was badly received and Colonel Yoshie stated to us that he regarded it as a personal affront and could and would not do anything about it. Colonel Yoshie further stated that the food could not be increased because no extra food was available. Colonel Yoshie stated the above

to us in a meeting between himself, the Internee Committee, Dr. L. Z. Fletcher, one of the internee doctors and myself. No remedial steps were taken, and, as a matter of fact, the food situation became worse.

"Q Were any other protests made?

"A Yes, practically every month, in the camp monthly report to the Japanese authorities, protests were made in regard to the food situation. These protests were seemingly ignored.

"Q To your knowledge, was Colonel Yoshie's statement as to the lack of extra food correct?

"A To my knowledge, it was not. From the appearance of the Japanese soldiers and Japanese civilians stationed at the camp, they were well fed and well nourished.

Furthermore, there was an available supply of food outside the camp, which the Japanese could have obtained or at least allowed us to buy. As a matter of fact, when attempts were made by individuals outside the camp to supply us with additional food, the Japanese refused to consent to this. Immediately upon rescue, large amounts of food, including fruit, vegetables, eggs, fish and canned goods, were brought to the camp and sold by the Filipinos."

Signed, "Floyd Olin Smith, M.D." and sworn to.

We offer this in evidence.

CAPTAIN REEL: Sir, may we point out, not referring to any particular statements in the statement just read, that Colonel Yoshie who was there referred to, left the camp considerably before the time with which this trial

is supposedly concerned.

GENERAL REYNOLDS: The statement of the Defense is noted by the Commission.

(Statement of Dorothy Homan McDonald was marked Prosecution Exhibit No. 241 for identification.)

CAPTAIN HILL: The Prosecution now offers in evidence its Exhibit 241, sir.

GENERAL REYNOLDS: Read the questions and answers after identifying the document.

CAPTAIN HILL: The exhibit is a sworn statement by Dorothy Homan McDonald, of 123 Helms Avenue, Swedesboro, New Jersey, taken on 11 August 1945, before 2nd Lieutenant Thomas J. Fallon, Corps of MP, and is sworn to by the affiant.

GENERAL REYNOLDS: Proceed.

CAPTAIN HILL: (Reading)

"Q State your name, permanent home address and occupation.

"A Dorothy Homan McDonald, 123 Helms Avenue, Swedesboro, New Jersey. I was employed in the Finance Department of the United States Army in Manila, P. I.

"Q State the date and place of your birth .

"A I was born 5 February 1915 at Philadelphia, Pennsylvania.

"Q What formal education have you had?

"A I am a graduate of Swedesboro High School and Philadelphia Business College.

"Q Are you married or single?

"A I am married. My husband's name is William Douglas McDonald.

"Q Have you recently been returned to the United States from overseas?

"A Yes, I arrived at San Francisco, California 8 April 1945.

"Q Were you an internee?

"A Yes.

"Q At what places were you held and state the approximate dates?

"A I was an internee at Santo Tomas during the entire Japanese occupation except for the first four months during which time I was permitted to remain outside because I have two small children.

"Q Do you have any knowledge of the mistreatment of American citizens at Santo Tomas, Manila, P. I. from 19 April 1942 until February, 1945?

"A Yes.

"Q State what you know of your own knowledge of that incident.

"A For the first two years of the Japanese occupation the Diplomatic Corps was in charge of the camp, then the Military took over and a Lt. Abico was in charge. Lt. Abico was killed in action later. At Christmas of 1944 1,000 eggs were brought to the gates of the camp and the Japanese refused to take them in. These eggs were for the use of the internees. We were getting 900 calories in November and December of 1944 and 700 in January of 1945. We never did get enough to eat and the Philippine natives

told us that the Japanese were selling the relief supplies instead of giving them to us. Later in 1945 we got 200 grams of rice while the Japanese were getting 900 grams of rice.

"Q Do you know if anyone died as a result of the lack of food?

"A Yes, Sam Thompson, in charge of the Manila Trading and Supply Company died of starvation in the latter part of January 1945. I had seen him frequently until early January and saw his condition. Robert Ralston died of beriberi after the American soldiers arrived.

"Q Do you know of any others who suffered ill effects?

"A Yes, both of my children had rickets. They are, Lynn, six years old, and William, three years old. They were examined by Doctor Norman MacNeill in May, 1945 at the Jefferson Hospital in Philadelphia, Pennsylvania. They had also been examined by Army doctors while we were in camp. Also, my face was paralyzed on the right side for three weeks as a result of malnutrition.

"Q Who was the camp spokesman?

"A Earl Carroll was spokesman until about 1944 at which time Carroll Grinell and Sam Lloyd formed a committee together with Earl Carroll.

"Q Do you know if any of these men entered protest with the Japanese about the lack of food?

"A Yes, they complained constantly but were unable to get any results. Also Major P. Noell, U. S. Army doctor, continually complained without results.

"Q Is there anything else that you want to tell me about

this incident?

"A Yes, we never did get any mail; the housing conditions were always bad and for the first six months of our internment we got no food at all from the Japanese and were forced to buy it from outside the camp until the military authorities took over. After that we were prohibited from buying outside.

"Q Can you identify any Japanese who were in charge of the camp at any time?

"A Yes, while the Diplomatic Corps was in charge there was a man named Kodaki, another man named Tsurumi, and another named Yamaguchi. Following Kodaki, -- Kuruda was commandant."

Signed "Dorothy Homan McDonald".

We offer in evidence Prosecution's Exhibit No. 241, sir.

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

CAPTAIN SANDBERG: Sir, on page 2, the second answer, we ask that the statement "We never did get enough --", starting with the words "The Philippine natives told us that the Japanese were selling the relief supplies instead of giving them to us"; we ask that that be stricken. It is a matter obviously not within the knowledge of the deponent, and is double hearsay, incompetent.

GENERAL REYNOLDS: That part of the sentence reading as follows, is stricken from the record: "And the Philippine natives told us that the Japanese were selling

the relief supplies instead of giving them to us." The sentence will therefore read: "We never did get enough to eat."

CAPTAIN SANDBERG: And in the next answer, we ask that the statement "Yes, Sam Thompson, in charge of the Manila Trading and Supply Company died of starvation in the latter part of January 1945" -- that is a medical opinion, a diagnosis by a person not qualified, by a person not qualified to make such a diagnosis.

GENERAL REYNOLDS: Since the statement is clear to that effect, it is permitted to remain in the record. The Commission notes, however, that it is merely the observation of a layman.

CAPTAIN SANDBERG: We make the same objection to the last sentence of that answer.

As to the second answer from the bottom, we wish to make this observation: This statement illustrates, in our opinion, the misleading nature of this type of what might be described as "scuttlebutt" evidence --

GENERAL REYNOLDS: We have gone into that so many times, that the Commission charges the Defense Counsel to refrain entirely from such comments. The rules and regulations which guide this Commission. are binding upon the Commission and agencies provided to assist the Commission. We are faced with a probing behind the lines of our enemies during an extensive period, to find out what went on. We have been authorized to receive and weigh such evidence as we can consider to have probative value, and further comments by the Defense on the right

which we have to accept this evidence is decidedly out of order.

CAPTAIN SANDBERG: Sir, we have a specific objection to that sentence. We point out, as previously having been evidenced, that the purchases made on the outside were made with funds appropriated by the Japanese; that the internees were not forced to buy on the outside, but on the contrary regarded it as a privilege. For that reason we ask that that statement be stricken as being incompetent, opinion, and not within the knowledge of the witness.

CAPTAIN HILL: Sir, I think Counsel has made a misstatement.

Did I understand you to say that the funds used by the internees to buy from the outside were furnished by the Japanese?

CAPTAIN SANDBERG: That is my understanding of the evidence.

GENERAL REYNOLDS: That is also the understanding of the Commission, that up to a certain date funds were provided by the Japanese.

CAPTAIN HILL: A very small portion, sir, I believe the evidence will show, of the funds used to purchase on the outside were furnished by the Japanese. The majority of the funds came from the individual internees.

GENERAL REYNOLDS: And that may be the case. However, the Commission has accepted the statement that up to a certain date a money allowance was provided the internees for the purchase of food on the open market. The

question raised by the Defense is clearly understood by the Commission, and the point is well taken. If there is anything to be gained by striking any part of that sentence from the record, the Commission will do so.

CAPTAIN SANDBERG: Well, sir, we request that that portion of the sentence starting with the second line, with the word "and" and going through to the end of the sentence, be stricken.

GENERAL REYNOLDS: Very well. The sentence, then, would read as follows: "Yes, we never did get any mail; the housing conditions were always bad."

Proceed. The document is accepted in evidence.

(Prosecution Exhibit No. 241
for identification was
received in evidence.)

CAPTAIN HILL: Mark this for identification, please.

(Statement of Anna Louise Pardew
was marked Prosecution Exhibit
No. 242 for identification.)

CAPTAIN HILL: Sir, the Prosecution now offers into evidence its Exhibit No. 242, which is the sworn statement of Anna Louise Pardew, a first lieutenant, R-680, and sworn to on the 28th of September, 1945, at Portland, Oregon, before a Summary Court-Martial officer.

GENERAL REYNOLDS: You may read the questions and answers.

CAPTAIN HILL: "Q. State your full name, rank, serial number and permanent home address.

"A. Anna Louise Pardew, First Lieutenant, R-680, 11728 S. E. Powell Boulevard, Portland, Oregon. I am a dietitian.

"Q. Please state the history of your capture and internment, giving dates and places.

"A. I was taken by the Japanese on 8 January 1942 in Manila and brought to the internment camp at Santo Tomas. They released me at 8:00 P. M. that evening and I was allowed to live in Manila at the Embassy Apartments on Dakota Street until about the 17th of April, 1942. On that date I went to the Holy Ghost Convent which, about three weeks after my arrival there, was made an internment sub-camp for mothers of very young children. In June of 1942 I went to St. Luke's Hospital and was there as a patient until 15 August 1942 on which date I voluntarily went to Santo Tomas. I remained at Santo Tomas from that time until our liberation by American Forces on 3 February 1945.

"Q. What information have you regarding the failure of the Japanese to provide American prisoners of war and civilian internees with proper food, quarters and medical care?

"A. I can give a brief resume of the conditions at Santo Tomas from the beginning although I was not there during the first six months. I was working in the main camp kitchen and was present during most of the discussions with the Japanese regarding food conditions.

"Q. Would you state your qualifications as a dietitian with regard to degrees and experience?

"A. I received a Bachelor of Science degree from George Washington University in January of 1933 and in June of 1933 I received my Dietetic Certificate from Walter Reed Hospital in Washington, D. C. I worked with the Nestle Anglo-Swiss Milk Products Company of Manila in Manila, Philippping Islands, from 1934 to 1936 in the Consulting Nursing Department. That was under the Advertising Department and I made out recipes and supervised nurses. I was married in 1936 and did not work until August of 1941 when dietitians were badly needed in Manila. I went to work at Fort McKinley and worked there until a few days before I was taken to Santo Tomas. I was notified after our liberation that I had been commissioned and that the date of my commission was retroactive to May of 1944.

"In the early part of 1942, the first days of internment, the internees had a very difficult time and the Red Cross handled the food situation as well as

possible. The Japanese made no pretense whatsoever at that time to provide food for the internees, but despite that I don't believe that the shortage of food was so extreme as were the conditions under which it was prepared plus the fact that all of the internees were at that time still unaccustomed to the treatment at the camp. I can't give any information as to the identity of the Japanese responsible for the lack of food, but the camp was still under civilian administration at that time.

"About six months after the camp was opened in 1942 the Japanese allowed the front gate to be opened. At this same time they also permitted laundry to be taken in and out and packages to come in. The Japanese were providing 80 centavos per day per person for the maintenance of the camp. Feeding of the internees was handled as a camp project through three kitchens; the main kitchen which carried the largest burden, the annex kitchen which prepared food for the children and the hospital kitchen. Extra food and other commodities were available through canteens and an indigent fund which had been established to provide extra food for those people in the camp who were destitute. I don't know how much money was spent in the camp to supplement our allowance but we were constantly in debt.

"The main worry at this time in so far as food and diet was concerned were fats and Vitamin B. There were plenty of fats but they were inadequate because they were not the essential fats.

"Conditions cannot be considered too bad until

January of 1944 when the Japanese military took over control of the camp. The limiting factors at this time were increasing food prices and accessibility of food. The Japanese used these things as an excuse, for while food was scarce in Manila there was an over-abundance of it in the outlying provinces.

"The first act of the Military was to cut off all contact with the outside. All the gates and the markets were closed and by April practically all touch was lost with the outside, or at least so thought the Japanese. We were then unable to supplement the camp diet to any appreciable degree except through our camp gardens. The greatest difficulty with the gardens was the fact that ~~the physical condition of the internees did not allow~~ them to care properly for the gardens. By mid-October we were practically dependent upon the Japanese rations.

"Actually, the daily caloric content of our food was around or less than 400 calories per person, although as a morale factor we constantly told the people that it was higher. The correct figures are more accurate and more readily available in the camp records.

"From the very first we began serving a breakfast and an evening meal from the main kitchen. From the special kitchens, children's and hospital, an adequate noon meal was served in addition. Persons doing heavy labor work were also allowed a noon meal.

"For the first two and one-half years most of us cooked our own noon lunches. The supplementing of the child's diet consisted mostly of milk and fruits and as

a result the children's diet was almost adequate and was well prepared.

"In the last six months of the internment the inadequacy of diet was further complicated by the fuel situation and inadequate equipment for the preparation of our food. Much more could have been done by the main kitchen had there been proper facilities which to prepare the food.

"A typical daily menu in January of 1944, consisted of a breakfast of cereal, coconut milk and coffee, and a supper with rice or potatoes and a meat dish or stew and a vegetable. Usually we had fresh fruit about three times a week.

"By December of 1944 the main kitchen was serving a breakfast of about 80 grams of cereal with very little salt, and a noon meal of a vegetable broth, usually made of the parings. The evening meal, about 4:30 in the afternoon, consisted of a stew made of approximately 100 grams of rice, 80 grams of soybeans and any available vegetables.

"Societies on the outside such as the Swiss Community and the Catholic Women's organization tried to send food in to us but the Japanese assured them that we were being well fed and such was not necessary. At the time the American troops came in they found enough food in the Catholic Seminary next to the camp to feed all the internees for three days, and friends on the outside had been trying for weeks to get that food to us.

"Q. Can you give any information as to who was responsible

for this?

"A. No, I cannot. All through our internment we protested and made attempts to pin down certain of the Japanese in charge of the camp. It was impossible to find any of them with responsibility for any act committed and I know of no way to determine just who was responsible. Starvation seemed to be a deliberate policy dictated from higher authority.

"Anna Louise Pardew,

"First Lieutenant, ASN R-680."

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

~~CAPTAIN SANDBERG: We ask that the third paragraph on page 3 be stricken as not within the knowledge of the witness, and incompetent.~~

CAPTAIN HILL: Major Kerr just called my attention, sir, to an incorrect reading which I made, and which I should like to correct in the record.

GENERAL REYNOLDS: Very well.

CAPTAIN HILL: It is on the last page. The last part of the answer should read:

". . . At the time the American troops came in they found enough food in the Catholic Seminary next to the camp to feed all of the internees very well for three days, and friends on the outside had been trying for weeks to get that food to us."

Pardon me.

GENERAL REYNOLDS: The Commission notes the objection

to the paragraph on page 3 of this document and directs that it be stricken from the record. The paragraph starts: "Societies on the outside, such as the Swiss Community and the Catholic Women's organization", and so on.

Is that the place?

CAPTAIN SANDBERG: That's right, sir.

The Defense objects also to the last sentence of the statement, which is obviously improper, not based on knowledge; pure hypothesis, pure opinion.

GENERAL REYNOLDS: The Commission directs the final sentence in the document be stricken.

With those exceptions the document is accepted in evidence.

(Prosecution Exhibit No. 242 for identification was received in evidence and so marked.)

CAPTAIN HILL: Sir, the doctor that you requested yesterday I was unable to locate last evening, and I shall try to get him in here just as soon as I can, probably tomorrow or the next day, and with the Court's permission put him on the stand out of order.

GENERAL REYNOLDS: Very well.

CAPTAIN HILL: Thank you, sir.

CAPTAIN PACE: If it please the Commission, the Prosecution is now prepared to proceed with Bill of Particulars paragraph No. 1.

Paragraph No. 1 charges the destruction of human life and property in the Batangas Province. The first case presented will pertain more particularly to Bill

of Particulars No. 49: the destruction of life and property in the municipality of Lipa, Batangas.

Lieutenant James Healey.

FIRST LIEUTENANT JAMES P. HEALEY, JR.

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, rank, serial number, and present assignment, please?

A James P. Healey, Jr.; first lieutenant, O-2052588; War Crimes Investigating Detachment.

Q Have you been in charge of the team of War Crimes investigators who have been working in the Province of Batangas?

A Yes, I have.

Q And are you, as a supervisor of that team, familiar with the Province of Batangas?

A Yes. I have traveled through most of it for approximately a month.

CAPTAIN PACE: Mark this for identification, please.

(Map of Province of Batangas was marked Prosecution Exhibit No. 243 for identification.)

Q (By Captain Pace) Will you look at Prosecution's Exhibit No. 243 for identification and state whether or not that is an accurate representation of the area in Batangas which it purports to represent?

A It is most all of Batangas Province except a part of the northern part which appears on this map.

Q Does it appear correctly?

A It does.

CAPTAIN PACE: I offer Exhibit 243 for identification in evidence.

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

(Prosecution Exhibit No. 243
for identification was received
in evidence and so marked.)

Q (By Captain Pace) In your investigations down there have you assigned investigators to various cases?

A Yes, I have.

Q Has that assignment of investigators been based upon municipalities?

A Yes.

Q Will you explain the municipal setup in Batangas and in other provinces of the Philippine Islands, so that we will understand the geographical setup of those things?

A Well, a province is divided into several municipalities, a municipality being similar to an American county, and the townsite of the municipality is called the poblacion, and that is where the seat of the government for the municipality is located, and the other part of the municipality beside the town or poblacion are the outlying barrios, and they spread all around the town area.

In Batangas Province I believe there are about five or six different municipalities.

Q In the case of the murder of human beings and the destruction of property now being considered, that of

Lipa, does that include the town of Lipa, or the municipality of Lipa?

A It includes the municipality of Lipa, that is, including the town and the outlying barrios that compose the municipality of Lipa, the municipality of Lipa being equivalent to a large county.

Q And the cases involved occur both in Lipa and in the barrios surrounding Lipa?

A Yes. Most of them are in the barrios.

Q Did you have occasion during your investigation down there to study intelligence reports, interview many people, study many statements, and receive other information which would enable you to describe the military units which occupied that area during the Japanese occupation?

A Yes. I took approximately about 20 or 25 statements, informal interviews with at least 50 other people, and I have read every statement that has been taken in that area. I imagine there were well onto a hundred or a hundred and fifty statements, and I have made a report on each case, and I have had access to reports of the 11th Air Borne Division and the 7th Cavalry Division of the American forces that operated in that area; also G-2 reports, ATIS reports.

Q Based on the information which you gained in this way what Japanese military unit operated in that area during the occupation?

A The Fuji Heidan Headquarters, the commanding officer of that being Colonel Masatoshi Fujishige, and this

headquarters was in charge of the various garrisons operating in the Batangas Province, and also the Kempei-Tai, or military police.

Q What was Masatoshi Fujishige's command?

A Besides being in command of this Fuji Heidan, he was also commander of the 17th Infantry Regiment of the 8th Japanese Division.

Q What was the strength of that regiment as it was reinforced?

A I believe that it was approximately 6,000. I am not sure on that figure.

Q And was that regiment a part of the Imperial Japanese Army?

A It was.

CAPTAIN PACE: You may inquire.

CAPTAIN REEL: No questions.

Pardon me, sir, we would like to ask a question of this witness.

CROSS EXAMINATION

Q (By Captain Reel) In your investigations, Lieutenant, in addition to what you have told us, did you have occasion to investigate the guerrilla activities in that area?

A Well, in every statement that we took we would ask the witness what was the reason for the atrocity committed.

Q And that usually had to do with guerrilla activities?

A No. Usually, if you want me to give you the usual

answer, it was that the actions were taken as a pretense of guerrilla activities, because most of the witnesses were, or a lot of them were, women and children.

Q And as such claimed not to have anything to do with guerrilla activities?

A That's correct.

Q But the idea of guerrilla activities did appear in this picture pretty much, did it not?

A Well, we weren't -- . The people that we talked to, I don't believe any of them, according to the information we obtained from them, were connected with guerrilla activities.

Q You say "according to the information we obtained from them"?

A From the witnesses, yes.

Q Yes. In addition to that did you make any investigation on your own -- when I say "you," you understand that I don't mean personally, but I mean the War Crimes Branch --

A Yes.

Q (Continuing) -- relative to the actual guerrilla activities that did go on in that area?

A We didn't make any specific investigation of that at all. Naturally we heard certain things in the investigations.

Q Yes. You didn't investigate as to how many of the separate guerrilla bands were operating in this Lipa area?

A No, we didn't.

Q Nor the names of the leaders of the various bands?

A No, we didn't.

Q Nor their strength?

A No.

Q In your researches, your investigation, did you run across the so-called "Fil-American" unit of guerrillas?

A The investigation is not connected with Batangas. It is over in Santa Cruz, which is over in Laguna Province. We ran across a "Fil-American" outfit for American officers.

Q But not in Lipa?

A No, not that I remember.

Q In your investigation did you run across the name of "President Quezon's Own Guerrillas" as an operating band in Lipa?

A No, I never.

Q Or the name of the "Markings Guerrillas"?

A No.

CAPTAIN REEL: That's all.

(Witness excused.)

CAPTAIN PACE: Pamfilo Umali.

PAMFILO UMALI

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

DIRECT EXAMINATION

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

A Pamfilo Umali.

Q Where do you live?

A Barrio Talisay, town of Lipa.

Q Did you live in Pusil on February 15, 1945?

INTERPRETER LAVENGCO: I beg your pardon, sir?

CAPTAIN PACE: "Did you live in Pusil on February 15, 1945?"

A We were evacuees there.

CAPTAIN PACE: I didn't catch that.

INTERPRETER LAVENGCO: "We were evacuees there."

Q (By Captain Pace) Where is the barrio of Pusil?

A Barrio Pusil.

Q I said where is it?

A It is in the upper part of the town of Lipa.

Q Is it about five kilometers north of Lipa?

A More or less.

Q Describe what happened in Pusil on the morning of February 15, 1945.

A At that time the Japanese came and found us in our homes. They grouped us men together and tied us. They did the same with the women.

Q What time did the Japanese come?

A They came more or less about seven o'clock in the morning.

Q How many men did they tie together?

A We were about 700 men tied together.

Q Seven hundred men. And how many women and children?

A I could not count the number of women, but they were many.

Q What did they do with the men?

A They tied the men. They tied them by fives and by

six.

Q Yes. Proceed.

A They took us near a pit and they used to dump us there.

Q Where did they take you?

A They took us in the vicinity of the town of Pusil.

Q Where in the vicinity of the town of Pusil did they take you?

A In the northern part of the town of Lipa.

Q Where did they take you in the northern part of the town of Lipa?

INTERPRETER LAVENGCO: I beg your pardon?

CAPTAIN PACE: "Where did they take you in the northern part of the town of Lipa?"

A In the upper part of the town of Lipa, in the barrio named Pusil.

Q (By Captain Pace) Did they take you to a well?

A At the well, sir.

Q What happened after you got to the well?

A When we arrived there the Japanese ordered us to jump, and we jumped.

Q Where did you jump?

A I was afraid the Japanese will bayonet me, so when they ordered me to jump I jumped.

Q Where did you jump?

A Into the well.

Q How many men jumped in the well ahead of you?

A More or less 200 men preceded me.

Q And how many men jumped into the well after you did?

A More than 100.

Q After the 300 men had jumped into the well what happened then?

A The Japanese dropped over us Singer machines and big stones used for construction.

CAPTAIN PACE: Will you repeat that answer, please?

(Whereupon Interpreter Lavengco repeated the answer to the witness.)

CAPTAIN PACE: No, not to the witness. I want to know what you said.

INTERPRETER LAVENGCO: "The Japanese dropped over us Singer machines, sewing machines, and big stones used for construction work."

Q (By Captain Pace) What happened then?

A After that they covered us with Sawale covers, three sheets of Sawale covering.

Q At this time how many men out of the 300 in the well were still alive?

CAPTAIN REEL: Sir, I may have misunderstood. Over here we thought that the witness said 100. Could we have that established? One hundred in the well. The question had to do with 300.

GENERAL REYNOLDS: The testimony was 300 were in the well and one remained alive, as the Commission understood.

Is that correct?

CAPTAIN PACE: No, sir. I believe that either the record, or further questioning, will show that 200 jumped in, and then the witness' group jumped in, and then 100

additional jumped in after the witness did, making a total of about 300.

GENERAL REYNOLDS: 300. The last question you asked was the number remaining alive, was it not?

CAPTAIN PACE: Yes, sir.

GENERAL REYNOLDS: And the reply to that was 100?

CAPTAIN PACE: The witness has not answered that question yet, sir, I don't believe.

CAPTAIN REEL: Well, the only difficulty, sir, is that I am afraid that the record is confused. Inasmuch as counsel for the Prosecution said that further evidence would bring out these figures, I would suggest, if I might, sir, that the Prosecution bring out those figures first, before going into these other matters.

GENERAL REYNOLDS: Very well. Let us establish the numbers.

CAPTAIN PACE: Yes, sir.

Q (By Captain Pace) How many men jumped into the well ahead of you?

A Two hundred men.

Q How many men jumped into the well after you and the 200 were in there?

A More than 100.

Q Out of the 300 men who jumped in the well how many were alive after the Japanese had finished?

A We were seven, and six really survived.

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

(Short recess.)

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

Q (By Captain Pace) Will you describe the scene at the well, when you were taken to it?

A (Through the Interpreter) When we were taken there at the well it was very clean, but now it is quite dirty.

Q What kind of dirt?

A Plenty of grass, sir.

Q How many Japanese were at the well?

A When I arrived there, there were four. The fifth was the one who took us there.

Q How many did they take at a time to the well?

A First time, more than 200.

Q When your group was taken to the edge of the well, how many were there?

A We were four, tied together.

Q Where did they have the four of you stand before you went into the well?

A We were instructed to stand about the edge of the well, then we jumped in.

Q What did the Japanese do when you were standing at the edge of the well?

A I did not wait for him to do anything; I jumped right away.

Q What kind of arms did the five Japanese that you have just mentioned have?

A They carry guns with bayonets, and they have a star insignia.

Q Will you describe how deep the well was?

A According to my estimate, the depth is about 20 meters.

Q Was that to the bottom or to the water line?

A As to my estimate, it is up to the very bottom.

Q And how much water was in this well which is 20 meters deep?

A As to my estimate, the water level is about three meters from the very bottom.

Q When you jumped into the well, how much water did you land in?

A Very little water.

Q What were you standing on?

A Over dead human beings.

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

Q Will you look at Prosecution Exhibit 244 for identification and state what that is?

A This is the picture of the very well where they jumped in.

Q Who are the five men shown in the picture?

A They are Teodora Algana, Eugenio Latina, and the brother of one called Tapay -- I don't know the name.

Q Were these the five men who survived this incident at the well?

A We were six. One of our companions is not included in the picture; that is why there are five there.

CAPTAIN PACE: I offer Exhibit 244 in evidence.

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

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

Q (By Captain Pace) What was the diameter of this well?

A The top part is quite narrower than the bottom, but the top part, the diameter is approximately more than one meter.

GENERAL REYNOLDS: Will the reporter repeat the answer to that question?

(Answer read.)

GENERAL REYNOLDS: Will the Prosecution establish the diameter of the well at lower levels, please?

CAPTAIN PACE: Yes, sir.

Q (By Captain Pace) At the point where you were standing on human bodies in a small amount of water, what was the diameter of the well?

A The water level, the diameter is more or less two meters.

Q And does it taper gradually from the top at one meter down to a point at two meters?

THE INTERPRETER: Will you repeat, sir?

Q (By Captain Pace) Does the well taper gradually from one meter at the top to two meters at the point where you landed on the human bodies?

A (Through the Interpreter) Yes, sir.

Q How did you and these other five men whom you have mentioned escape from the well?

A While we were there inside the well, some women lowered ropes to us. We held the rope and the women pulled us out.

Q And did everybody else in the well die?

A There were many.

Q Other than the people you have mentioned as survivors, did anybody else escape from that well?

A There is more.

Q There is more what?

A There is one more who survived besides us.

Q How many survived?

A We were six in all.

Q Did everybody else die?

A They were all dead.

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

Q Will you state what Exhibit 245 for identification is?

A This is one of our companions.

Q What is the mark which appears upon his back?

A This is mark of a bullet shot.

Q How did he receive that?

A He was shot inside the well.

CAPTAIN PACE: I offer this in evidence.

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

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

Q (By Captain Pace) Did the Japanese shoot at you while you were in the bottom of the well?

A They shot at us, but I was not hit.

Q They did fire shots into the well, is that right?

A Yes, they did, shot at us.

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

Q Will you look at Exhibit 246 and tell us what that is?

A This one was also my companion.

Q What is the wound on his back?

A That was also the result of a bullet shot.

CAPTAIN PACE: I offer Exhibit 246 in evidence.

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

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

Q (By Captain Pace) What happened to the women whom you say were taken from barrio Pusil and lined up and tied at the same time the men were?

A The women, after we were tied, were sent away. We don't know what happened to them.

Q Have you ever seen a woman or a child who was in that group, since that day?

A After I have come from the well, I saw some of them already in the vicinity of the town.

CAPTAIN PACE: Where?

(The interpreter translated to the witness.)

CAPTAIN PACE: (To the Interpreter) What did you say?

(The interpreter translated to the witness.)

THE INTERPRETER: "After I come out of the well, I have seen some of the women outside the barrio of Pusil."

Q (By Captain Pace) Do you know what happened to

them the next day?

A (Through the Interpreter) I could hardly tell because I left the place.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Sandberg) After you were taken to the well, how long did you stand before the well?

A We stay there not later than five minutes.

Q And after five minutes, you jumped into the well, is that right?

A I jumped right in.

Q Now, I am clear that you jumped after you had been there five minutes? Let's get that straight.

A After about five minutes, I jumped in.

Q Now, did you arrive at the well in a group?

A We were all the four tied together, brought there.

Q And when you got to the well, there was no one else there? When you got to the well there was no one else standing there?

A Many were already there.

Q How many others were there when you got there?

A More or less 200 men were already there.

Q And these 200 men jumped before you did?

A Yes, sir.

Q Then I am correct, then, in saying that all these 200 men jumped in the space of five minutes, is that right?

THE INTERPRETER: Beg pardon, sir?

(Question read)

CAPTAIN PACE. If the Commission please, the witness testified that there were 200 men ahead of him, and then he said he was taken to the well and it was five minutes before he jumped, after his small group was taken there.

CAPTAIN SANDBERG: If it please the Commission, the witness testified on direct that 200 men jumped ahead of him.

GENERAL REYNOLDS: That is correct. You may proceed.

CAPTAIN SANDBERG: May I have the witness answer the question?

(The Interpreter translated the question to the witness.)

A (Through the Interpreter) I know they jumped, just 200 men before me.

Q (By Captain Sandberg) And you want us to believe that 200 men jumped into that well in the space of five minutes?

A As far as I am concerned, those 200 men jumped there ahead of me.

Q Did they jump in the space of five minutes?

A I know, sir.

CAPTAIN SANDBERG: Is that all the witness said?

THE INTERPRETER: Yes.

Q (By Captain Sandberg) Now, you testified that the Japanese threw sewing machines into the well. Will you describe these sewing machines?

A (Through the Interpreter) That machine has a pedal on the bottom, with boxes on the right side, about opening, you have to pull out (demonstrating). Looks

like a sewing machine.

Q How many of these sewing machines did the Japanese throw in?

A I saw only one.

Q What was the size of the sewing machine that you saw?

A More or less, it is one yard high and one yard wide.

Q One yard wide. Now, in view of that fact, do you still want to stand by your testimony that the diameter of the well was only one meter?

CAPTAIN PACE: The witness testified, if the Commission please, that the diameter was one meter more or less; I think the record will show that.

GENERAL REYNOLDS: The Defense may continue.

(The last question was read.)

A (Through the Interpreter) Yes, sir.

CAPTAIN SANDBERG: That is all.

GENERAL DONOVAN: How long did he stay in the well?

(Translated to the witness by the interpreter.)

THE INTERPRETER: A whole day until midnight.

REDIRECT EXAMINATION

Q (By Captain Pace) What time was your group taken to the well?

A (Through the Interpreter) More or less around 10 o'clock in the morning.

Q How long was it after that before it was your turn to jump into the well?

A About five minutes.

Q Were there any Japanese officers present at this well?

A I do not know whether they are officers.

RECROSS EXAMINATION

Q (By Captain Sandberg) Now, were you a guerrilla sympathizer?

CAPTAIN PACE: I object to that question, if the Commission please. A "guerrilla sympathizer" is a very broad term, and I don't think it has any bearing on this case.

GENERAL REYNOLDS: The objection is sustained, but Defense may seek to obtain the information by a different approach, if it chooses to do so.

Q (By Captain Sandberg) Did you ever give any assistance to the guerrilla forces?

A I was able to give little aid.

Q What was the assistance you gave?

A Sometimes somebody ask for a chicken, but I was not the one who delivered it.

Q And is that all you did for the guerrilla forces?

A Only that.

Q Now, who was the guerilla organization to which you made this contribution?

A I do not know.

Q You don't know the name of the leader of the guerrilla organization?

A I do not know.

Q Do you know of your own knowledge that there were extensive organized guerrilla activities in the region of Lipa?

A I do not know of any guerrilla in our place.

Q Do you recall an instance in which 12 Japanese soldiers were found beheaded by bolo knives?

MAJOR KERR: If the Commission please, we object to that question as incompetent, irrelevant, immaterial; it has nothing to do with the issues involved in this case. The question of whether or not Japanese were found beheaded would certainly not offer excuse or justification for the mistreatment or murder of the people, as testified to by this witness. It is absolutely irrelevant.

GENERAL REYNOLDS: The objection is sustained.

Q (By Captain Sandberg) How many Japanese soldiers were stationed in your township?

A I can't tell the exact number, but there were many.

Q Well, approximately how many?

A The only thing I can say, there are many. I did not know how many.

Q Well, were there as many as 50?

A I cannot tell, because I did not count them directly, but what I can tell is that there are many.

Q You haven't the faintest idea of how many there were?

A I cannot tell exactly how many, but in my presence there are many.

Q How many Japanese soldiers did you see on the day of the incident of the well?

A Four were already there when I arrived, and the fifth was the one who accompanied me.

Q So that we know there were at least five Japanese soldiers?

A There were five, including the one who took me there.

Q Now, were these five Japanese soldiers the same ones who were stationed at the town?

A The only thing, they were the five who took charge of tying us. I don't know if they were stationed there.

Q Do you know what branch of the Japanese armed forces they belonged to?

A I can say they are soldiers.

Q You don't know whether they were connected with the air force, do you?

A What I know is that they are soldiers.

CAPTAIN SANDBERG: That is all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

CAPTAIN PACE: Victor Manquiat.

VICTOR MANQUIAT

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

DIRECT EXAMINATION

Q (By Captain Pace) Will you give your name, please?

A Victor Manquiat.

Q Where do you live?

A Barrio of Pusil.

Q On the morning of February 15, 1945 were you in Barrio Pusil?

A Yes, sir; at Pusil.

Q What happened on that morning?

A The Japanese came. We were gathered and tied and taken at one end of the Barrio Pusil.

Q What happened after you got there?

A We were tied in groups of fours and fives.

Q What happened then?

A After we were tied one Japanese soldier took us group by group, and I don't know where they were taken.

Q Do you know Pamfilo Umali who just testified here?

A I know him.

Q Was he in one of those groups you now describe as being taken away?

A I did not see him at that time.

Q What happened to your group?

A Before the Japanese used to take group by group.

After he has taken about -- After 300 had been taken

the rest were taken at the same time.

Q Were you with the rest?

A I was with the rest.

Q How many were in your group?

A More or less we were also about 300.

Q Where were these 300 people taken?

A We were taken outside the Barrio Pusil.

Q Where to?

INTERPRETER LAVENGCO: I beg your pardon?

CAPTAIN PACE: Where to?

A At the northern part of the town of Pusil.

Q (By Captain Pace) What was located there?

A There were Japanese there.

Q Was there a well there?

A There is also a well.

Q Where is this well in relation to the one that Pamfilo Umali was thrown into?

A It was the second well.

Q Where is this in relation to the first well?

A In the northern part of the first well.

Q How far north of the first well?

A More or less it was one kilometer away from the first well.

Q What happened after the 300 of you got to the second well?

A We were stationed there at the point about 50 meters from the well.

Q What happened?

A From that point we were taken by groups, fives by

fives. I don't know where the first groups were taken. I only discovered when I was taken to that place.

Q What place?

A At the well.

Q What happened when you were taken to the well?

A While being taken to the well I endeavored to untie myself and, finding I will be killed, I dashed for safety.

Q How many men were taken to the well before you were?

A Preceding me going to the well were about 250 men.

Q 250 out of this second group of 300 men?

A Yes, sir.

Q When you ran after you got to the edge of the well what did the Japanese do?

A I didn't know because I hid right away.

Q What were you hit with?

INTERPRETER LAVENGCO: I didn't get you, sir.

CAPTAIN PACE: Did you say that he was "hit"?

INTERPRETER LAVENGCO: "Hid".

CAPTAIN PACE: Oh.

Q (By Captain Pace) You escaped from the Japanese; is that right?

A Yes, sir. I escaped.

Q Did they do anything while you were trying to escape?

A I was shot.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of Witness Manquiat was marked Prosecution Exhibit No. 247 for identification.)

Q (By Captain Pace) How many times did they shoot at you?

A About seven shots were fired at me. Only two hit me.

Q Will you look at Exhibit 247 for identification and tell what that is.

A This is my picture.

Q Does that show your two wounds?

A Yes, sir.

CAPTAIN PACE: I offer it in evidence.

GENERAL REYNOLDS: Let me see the one you have.

There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 247 for identification was received in evidence.)

CAPTAIN PACE: Mark this, please.

(Picture of well was marked Prosecution Exhibit No. 248 for identification.)

Q (By Captain Pace) Will you look at Exhibit 248 for identification and state what it is?

A This is the well.

Q You mean the second well to which your group of 300 men was taken?

A Yes, sir; that very well.

CAPTAIN PACE: I offer this Exhibit 248 in evidence.

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

(Prosecution Exhibit No. 248 for identification was received in evidence.)

Q (By Captain Pace) Since the day that your second group of 300 men were taken to the second well in Pusil have you ever seen any one of those men alive?

A No more.

Q Did you have occasion to return to that well four days later?

A After four days I returned to my family before going to the well.

Q Did you go to the well?

A Yes, sir. I went to the well.

Q What did you find there?

A Dead bodies.

Q Were they men or were they women and children?

A They were also women.

Q When you went back to the Barrio Pusil were some of the women from the Barrio missing?

A Yes, sir.

Q How many?

A I cannot tell exactly how many, but there were many women and children missing.

Q Have you ever seen them alive since that day?

A No more. I didn't see any.

Q In the group of Japanese which took you to the well that morning were there any officers?

A I cannot tell exactly, but there were officers.

Q Where were the bodies you saw when you returned to the well four days later? In the well or around the well?

A Inside the well.

CAPTAIN PACE: You may inquire.

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

(Whereupon a recess was taken until 1330 o'clock, 29 October 1945.)

AFTERNOON SESSION

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

GENERAL REYNOLDS: The first order of business this afternoon will be the consideration of the affidavit of Shiyoku Koh who was for a time in charge of the internees and prisoners of war.

CAPTAIN REEL: Sir?

GENERAL REYNOLDS: Or did we say tomorrow morning?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: Then we will defer this until tomorrow morning.

MAJOR KERR: Sirs, all the members of the Commission are present, the Accused and his Defense Counsel are present, and the Prosecution will proceed.

VICTOR MANQUIAT

the witness on the stand at the time of recess, having been previously duly sworn, was further examined and testified as follows through Interpreter Rodas:

MAJOR KERR: You will remind the witness that he is still under oath.

(Interpreter so cautions the witness)

CROSS EXAMINATION

Q (By Captain Reel) I show you this map, Exhibit 243, and ask you to point out the town of Lipa.

A (Witness indicating town of Lipa on Exhibit 243.)

Q It is true, is it not, that through Lipa passes the only road that leads from Batangas to the north?

A I do not know.

Q Well, showing you Exhibit 243, is this Batangas down here?

A Yes, it is Batangas.

Q And the only road that leads north at all from Batangas goes through Lipa, does it not?

A I do not know.

Q You do know, however, that there is a road leading up through Lipa from the south through to the north?

A What I know is that there is a road from Batangas going to Manila which passes Lipa.

Q Yes. And that road during this period in January and February, 1945 was used considerably by the Japanese forces, was it not?

A I do not know.

Q Didn't you see Japanese military vehicles passing through Lipa on that road?

A Yes. I see trucks, military trucks of the Japanese passing going to Manila.

Q And you saw many trucks with Japanese soldiers also?

A Yes, I saw.

Q And is it not true that in the vicinity of Lipa there were frequent night attacks by guerrillas on the Japanese forces going up that road?

A I do not know about that.

CAPTAIN REEL: Sir, at this time the Defense wishes to ask a number of questions on guerrilla activities including one which was ruled out this morning. In other words, sir, we are asking the Commission to reverse its ruling. Our reason is simply this:

We feel that this matter is material to the issues, to the charges of the Batangas activities. The charge in this case charges the Accused with having failed to discharge his duty to control his troops.

In so far as this Accused is concerned, going to the gravamen of that charge, we feel it is important to throw light and to explain some of these occurrences. It is a well-known psychological phenomenon that when a soldier or group of soldiers finds that their companions and fellow soldiers have been killed and in many cases mutilated, their reaction is difficult if not impossible to control. And it goes to the very basic element, sir, of this charge.

Therefore I ask at this time to be permitted to examine this witness and to have the Defense examine future witnesses on this subject of guerrilla activities.

MAJOR KERR: If the Commission please, the Prosecution takes the position that all consideration of guerrilla activities is irrelevant; that no matter what the guerrilla activities may have been in a particular area they could not possibly justify or explain or serve as a defense against the charge concerning the gross atrocities, the massacre of men, women and children.

Now, sir, if we are to be required to go into the entire subject of guerrilla activities in the Philippine Islands we shall have embarked upon a most extensive enterprise, and I submit that it would unduly and unnecessarily and unjustifiably extend the period of the trial.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

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

GENERAL REYNOLDS: The Commission is in session.

During the presentation of the case by the Defense the Commission is willing to entertain and consider a limited amount of testimony regarding guerrilla activities for the sole reason of determining more clearly the situation behind the Japanese lines. However, the Commission cannot accept such activities as justification of acts of cruelty. Since counsel will have a sufficient opportunity to develop this phase of the Defense by his own witnesses and since this witness is not the best source of the information, the objection of the Prosecution is sustained.

Q (By Captain Reel) When you were taken to this well that you have described was that during the daytime or was it at night?

A Daytime.

Q Can you tell us the diameter of this well that you have described?

A Yes, I can tell.

Q And what was it?

A More than a meter in diameter.

Q Do you mean that it was just a little bit more than a meter or that it was two, three or four meters?

A I cannot say. I cannot tell.

Q Was it as wide as one and one-half meters?

A I cannot tell right now.

Q You have told us that you knew it was more than a meter. Try to describe just a little more precisely what

you mean when you say "more than a meter".

A I cannot tell right now.

Q Will you show us with your hands?

A No, I cannot.

CAPTAIN REEL: That's all.

(Witness excused)

MABILING BRICCIO

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

DIRECT EXAMINATION

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

A Briccio, Mabiling.

Q Where do you live?

A Lipa, Batangas.

Q Where did you live on February 21, 1945?

A In Lipa.

Q Is that in the town of Lipa?

A Yes.

Q What happened on the afternoon of February 21?

A We are in a big house and we were playing poker. At about 4 o'clock in the afternoon, many Japanese came. They had bolos and bayonets with them, and they had also guns, many guns, and we were asked to get down one by one and we were all tied. We were asked to go to a big house.

Q Where was the big house?

A Inside the town. We were asked to get inside the apartment downstairs. When we were inside the apartment downstairs, they did not remove the rope that tied our hands.

Q How many people were there?

A About 700.

Q Were they all tied?

A Yes, all of them.

Q How long did you stay at this house?

A Until 7 o'clock that night.

Q What happened then?

A They untied us at about 7 o'clock at night, and they told us to go upstairs one by one. Then as soon as we reached upstairs, they told us to look at a big bulb.

Q What kind of a bulb?

A 500 bulb -- watts, rather.

Q An electric bulb?

A Yes.

Q Was the bulb lit?

A (No response)

Q Was the bulb lighted?

A Yes, sir, it was lighted.

Q What else did you see there?

A They told us to look at that lighted bulb, and there was one Filipino on this (indicating) side of the stairs, and when the right hand is raised he was brought to the room; and if the hand is not raised, then we were brought down in the garden.

Q Just a moment. Were you men one by one led past this light?

A Yes.

Q As you were led by, was there a man sitting by the light who looked at you?

A Yes.

Q Was he the man who raised either his right or his left hand when the men passed by?

A If he recognizes a man, he raises his hand; and if not, no.

Q What happened to the men who passed this hooded figure and he raised his hand?

CAPTAIN REEL: Sir, we object to the question. There has been no testimony that this figure was hooded.

CAPTAIN PACE: I will withdraw the question and establish that definitely, if it isn't in the record.

GENERAL REYNOLDS: Very well.

Q (By Captain Pace) How was the man dressed who was sitting under the light?

A He is not seated; he was standing.

Q How was he dressed?

A His face is covered with a mask.

Q Did he raise his hand when you passed him?

A I did not see, because my back was turned to him.

Q Were the men divided into two groups?

A When the man raised his right hand, those men were taken into the cellar of the house; and when not, the men were led to the garden.

Q Were you led to the garden or to the cellar?

A In the garden.

Q Out of those 700 men who were taken there, how many were led to the garden with you?

A Maybe we were around 300.

Q About how many men were taken to the cellar?

A Maybe 400.

Q What happened to those of you who were taken to the garden?

A We were hanged. We were hanged by three Captains, Japanese Captains, and aided by his soldiers who were watching us.

Q How did they hang you?

A They said they were beating up the bad ones and they are leaving the good ones behind.

Q Which group were you in, the good ones or the bad ones?

A I knew that I was with the good group, because they called us to a meeting.

Q What happened to the group that were left behind in the cellar?

A I did not know anything about them anymore.

Q Have you ever seen any one of those 400 men who were left behind in that cellar, alive, since that night?

A No, none.

Q Have you ever talked to anybody since that date who has ever seen one of those men alive?

A No, I did not see anyone of the 400 anymore.

Q What happened to you after you left the garden?

A I went home.

Q What time was it when you went home?

A 11 o'clock at night.

Q When did you see the Japanese again?

A On February 22.

Q That is the following day?

A The next day.

Q What time did you see the Japanese?

A Maybe around 4 o'clock in the afternoon.

Q What happened to you?

A I went to my brother, and I was asking for something.

When I reached there, his house, he was not there. I was waiting for him, because he was going to come and the children ran and they cried, "There are Japanese! There are Japanese!"

Q What time was this?

A Between 4:15 and 4:20 in the afternoon. I did not mind them, because I thought they were children playing.

Q Did the Japanese pick you up on the 22nd?

A Yes. That afternoon when I peek out of the window, I saw some Japanese with guns pointed at me, and they told me not to run.

Q Where did they take you?

A In the garrison.

Q What garrison is that?

A Japanese garrison.

Q In Lipa?

A In Lipa.

Q What happened to you after you got to the Japanese garrison?

A When I arrived there, I saw -- we were 60 together taken there, and we also saw that there were many people there who were caught before us.

Q How many people altogether were at the garrison?

A About 600.

Q What happened there at the garrison that night?

A When we were there that night, we were all tied very tightly.

Q Yes?

A At 11 o'clock at night we were taken, six by six.

Q Where were you taken?

A We were brought at the back of the garrison, near the bamboo trees.

(A photograph was marked
Prosecution Exhibit No. 249
for identification.)

Q Will you look at Exhibit 249 for identification and state whether or not that is a photograph of the bamboo trees back of the garrison to which you were taken?

A Yes, it is.

Q Is that you in the picture?

THE WITNESS: Yes, sir.

THE INTERPRETER: "Yes."

CAPTAIN PACE: I offer this exhibit in evidence, sir.

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

(Prosecution Exhibit No. 249
for identification was
received in evidence.)

Q (By Captain Pace) How many people were taken to the bamboo trees?

A We were 17 groups of 6 people, 6 people each.

Q How many groups were taken ahead of you?

A If it is not 10, it is 11.

Q Do you know what happened to those people?

A Yes.

Q What happened to them?

A One group of six each is taken one by one, and they were taken at our backs, and when they are taken to our backs the Captain shouts, and after the Captain shouts, we hear screams of the Filipinos. They said, "It hurts! It hurts!"

Q And there were 10 or 11 groups of Filipinos, six in a group, taken around where you couldn't see them, and in each case did you hear those screams and shouts?

A Yes, I heard.

Q What happened then?

A After I heard the shouts of the Filipinos, there was a Japanese who shouted in front of the garrison. The soldiers ran in front of the garrison when they heard this shout. When they arrive at the garrison where that Japanese shouted, the Japanese who went there made their guns ready, had their guns ready to fire. While they were there, the Japanese who ran to this man who shouted, took advantage of trying to remove the ropes that tied my hands and successfully; I was able to untie myself and broke my way in the canal. Then I crept and tried to get farther and farther away.

Q You were successful in escaping from the bamboo grove, located back of the Japanese garrison, is that right?

A Yes.

Q Before you escaped, 10 or 11 groups of six each were taken away, is that right?

A Yes.

Q And it was then that the Japanese left the scene, after some other Japanese had yelled something, is that right?

A Yes.

Q Were these people who were taken to the bamboo grove civilians?

A Yes, they are civilians.

Q When you escaped on the night of February 22nd where did you go?

A I went home.

Q Were you at your home on February 24, 1945?

A Yes, I was.

Q What happened on February 24th?

A The Mayor of Lipa told us to go away.

Q Who was the Mayor of Lipa?

A Dominador Luz.

Q Where did he tell you to go?

A He asked the policemen to go around and tell us to go to the municipal building, and when we arrived --. We all went to the municipal building, and when we arrived there he told us to get away.

Q Where did he tell you to go?

A He didn't tell us where to go, but he just said, "Get away!"

Q Where did you go?

A I went home first and prepared all my belongings that I could carry preparatory to going away.

CAPTAIN PACE: Wait a minute. Interpret what he just said and then we will start over again.

INTERPRETER RODAS: Pardon?

CAPTAIN PACE: Interpret what he was just saying.

A (Through Interpreter Rodas) My companions went ahead and I was left in the house to get some rice.

Q (By Captain Pace) Did you see the Japanese on February 24th? If so, where did they take you?

A Yes, I saw.

Q Where did they take you?

A They got me from my home. He was with a Filipino -- Filipino and Japanese. One of them told me to go away, and the Filipino said if I will go away I will be killed.

Q Where did the Japanese take you?

A He brought me to church.

Q Is that the Lipa Cathedral?

A Church of Lipa.

Q How many other people were taken to the church at Lipa?

A When I arrived there there were already many people inside, and once you are taken there you are tied very tightly.

Q How many men were there?

A Maybe around 500.

Q How many women and children?

A Children were around 50, and women, old and young, were around 200.

Q Where were the men put?

A At first the men were inside the church.

Q Where were they taken then?

A When the women were taken in we were asked to go out and we were led to the grounds.

Q You mean the churchyard?

A Yes, the churchyard.

Q How many men were in the churchyard?

A All of the men were led there.

Q How many men?

A Around 500.

Q What time were the men taken to the churchyard?

A We were caught about nine o'clock in the morning and we were taken to the grounds about twelve o'clock.

Q How long did you stay in the grounds of the churchyard?

A We were there until one o'clock. That was the time when I escaped. Until one o'clock midnight.

Q That would be one o'clock in the morning of February 25th?

A Nine o'clock in the morning when I was apprehended, caught.

Q You were in the churchyard at 12:00 noon, February 24th, with 500 men, is that right?

A Yes.

Q How long were you there before you were molested by the Japanese?

A Four o'clock in the afternoon.

Q What did the Japanese do at four o'clock in the afternoon?

A On four o'clock in the afternoon Japanese came with fixed bayonets and they pierced us with their bayonets because we were sitting then, and they wanted us to stand.

Q What did they do to you with their bayonets?

A I was pierced by the Japanese bayonet.

Q Did they bayonet everybody in the churchyard?

A All those that were sitting down, and they were

able to reach, they bayoneted, but those who were already standing, they were not.

Q What did they do to those who were standing?

A We were lined up one after the other in lines of two.

Q What happened then?

A At about seven o'clock at night more Filipinos came. We don't know where they came from. And then trucks came, and when the trucks came they picked up some Filipinos and they loaded them into the trucks.

Q Were they live Filipinos or dead Filipinos?

A Alive. They were alive Filipinos who were loaded in the trucks.

Q How many Filipinos were bayoneted in the churchyard?

A I cannot tell how many.

Q How many were taken away from the churchyard?

A I cannot tell, because it was night time.

Q How many truckloads were taken?

A If it is not seven, it's eight.

Q How many people did they put on each truck?

A It is between 30 and 40. It all depends on the size of the truck.

Q Were you taken?

A No.

Q Do you know of anybody else who was not taken who was in the churchyard?

A After I escaped, I don't know, because I have not seen them since then.

Q Have you ever seen the people who were put on the

— trucks alive since the day they were put on those trucks?

A No.

Q Do you know of anyone else who has ever seen those people since that day?

A No.

Q They were residents of Lipa, were they?

A Most of them were from the barrio.

Q And have you been in the municipality of Lipa since that day?

A From that time I escape I went to Lipa on May 16th.

Q Since then have you been in Lipa?

A Yes.

Q You have never seen those people since, is that right?

A I have not seen any one of those people I knew.

CAPTAIN PACE: You may inquire.

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

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

Proceed.

CROSS EXAMINATION

Q (By Captain Sandberg) Now, you have told us about this man who was wearing a hood. Was he a Filipino?

A (Through the Interpreter) Yes.

Q And he was selecting which men would go to the garden and which men would go to the cellar, is that correct?

A Yes.

Q Now, you said that when he recognized the man he raised his hand, I believe?

A He raises his hand for every person he wants placed in the room.

Q Well, what did you mean when you said on direct examination, "when he recognized the man"?

A The one he knows and the ones he wants to -- he chooses, he leads him to the room.

Q Well, do you know what basis he was using to choose these men?

A No.

Q Now, you stated on direct examination that you were taken to the garden and "hanged" there?

A Not "hanged," but he tied my hands very tight.

Q You mean that your hands were tied behind your back in the garden?

A When we were in the garden already, we were not tied any more.

CAPTAIN SANDBERG: If the Commission please, I am simply trying to check up on an interpretation. The Interpreter stated that the witness said he was hanged, which was obviously ludicrous.

GENERAL REYNOLDS: Apparently it is a misunderstanding in translation. The Commission would like to have the point cleared, exactly what was meant.

CAPTAIN SANDBERG: I would like to ask the Interpreter what the witness said, when he said he was "hanged", on direct examination.

THE INTERPRETER: The witness used one word -- he

said "maigting," because in Tagalog, by "bitin," we mean "hang."

CAPTAIN SANDBERG: Hanged by the neck?

THE INTERPRETER: Yes, but he say he said in Tagalog, "mahigpit," which I mistook for "bitin," which means "hang." But now he says -- in fact, he reminded me when he came in that what he was telling was --

THE WITNESS: "Maigting."

THE INTERPRETER: Which means the hands tied together very tightly.

CAPTAIN SANDBERG: I see.

Well, now I just understood the witness to testify that his hands were not tied in the garden. Will you ask him whether they were tied in the garden, or if they were not?

(Whereupon the Interpreter translated to the witness in Tagalog.)

THE INTERPRETER: "No. When I was in the garden my hands were not tied."

CAPTAIN SANDBERG: Now, frankly, if the Commission please, I am completely at sea. The Interpreter just stated that on direct examination he said something that might have been "hanged by the neck," but on closer examination it means his hands are tied, and now --

GENERAL REYNOLDS: I believe that point is clear. The witness meant his hands were tied, but it is not clear when they were untied. He just testified that in the garden his hands were not tied. The Commission is also unclear, and you can attempt to clear it up.

Q (By Captain Sandberg) When you were taken into the garden, were you assembled there?

A Yes, we were assembled there.

Q Did you say on direct examination that you were assembled in the garden?

A Only us who were called to a meeting were assembled together.

CAPTAIN SANDBERG: If the Commission please, I believe that it is a misinterpretation of the word "assemble." At least, that is the indication we got from a person who speaks Tagalog in the audience.

Q (By Captain Sandberg) Now, at this meeting, what did the Japanese tell you?

A ~~They said that they were selecting the good ones and the bad ones; the good ones, they will allow them free, and for them to go home, and the bad ones would be taken.~~

Q And they told you that you were one of the good ones, is that right?

A Yes.

Q Now, did they tell you what they meant by a "good" Filipino, as distinguished from a "bad" Filipino?

A No, they did not tell me what a good Filipino is, and a bad one.

Q Did they use the word "guerrilla" at any time?

A No, they did not use.

Q Now, who conducted the meeting?

A A Japanese captain.

Q And did he speak in Japanese?

A He spoke in Japanese with a Tagalog interpreter.

Q Now, did he say anything in addition to the fact that the "good" Filipinos would be permitted to go home?

A The only thing he said is that all good Filipinos will be sent to their homes.

Q Now, coming to the 24th of February, when you were in the church, you testified that the Japanese bayoneted some of the Filipinos who were sitting, is that correct?

A Yes.

Q And they didn't bayonet any of the Filipinos who were standing, is that also correct?

A Yes.

Q Was the purpose of the bayoneting, as you described, simply to indicate to you to stand up?

I will rephrase that.

Did the Japanese use their bayonets in order to indicate to the people who were sitting down that they wanted them to stand up?

A I do not know.

Q Now, were you pricked by a bayonet?

A Yes.

Q Now, can you tell us the names of the people who were put on the truck?

A I do not remember.

Q You can't remember the name of even one of the people who was put on the truck?

A One only.

Q Only one?

A One only.

Q Now, you testified on direct examination that you

had never seen any of the people who were put on the truck alive again.

A I have never seen them.

Q Was it dark when they were put on the truck?

A Dark.

Q If you only know the name of one of the people who were put on the truck, how can you say that you have never seen any of them alive?

A I do not see. I have not seen anyone.

CAPTAIN SANDBERG: That is all.

(Witness excused.)

CAPTAIN PACE: Eusebio Linatoc.

EUSEBIO LINATOC

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

DIRECT EXAMINATION

MAJOR KERR: Tell the witness to sit down and speak loudly and talk to the Commission.

(Witness so instructed by the Interpreter)

Q (By Captain Pace) What is your name, please?

A Eusebio Linatoc.

CAPTAIN PACE: I wonder if the Interpreter could sit over here (indicating near witness stand). He was bayoneted through the throat and his voice is affected.

Q (By Captain Pace) Where do you live?

A In Antipolo, Lipa, Batangas.

Q How do you spell Antipolo?

A A-n-t-i-p-o-l-o.

Q Is that about two kilometers south of Lipa?

A Yes.

Q Did you live there on the 27th of February, 1945?

A In the morning at about 6:00 o'clock I was there at home.

Q What did you see in the morning at about 6:00 o'clock?

A The people from Anilloa were going to the town accompanied by the Japanese.

Q How do you spell Anilloa?

A A-n-i-l-o-a.

Q Is that about two kilometers south of Anipolo?

A Yes.

Q How many people from Aniloa did you see go through Antipolo?

A I cannot give the exact number but there were so many -- very many.

Q Approximately how many?

A Maybe they were around 700.

Q This happened after 6:00 o'clock. Did anything happen to you later in the morning?

A Nothing else, but we were asked by the Japanese to go to town --

Q What town?

A About 7:00 o'clock.

Q What town were you asked to go to?

A We were asked to go to the town, but we didn't reach the town. As soon as we reached the seminary we were asked to get inside by the Japanese.

Q To what town were you asked to go?

A In Lipa.

Q Who was asked to go to Lipa? The men of Antipolo?

A Yes.

Q Did you start to Lipa?

A We were not able to reach the town of Lipa.

Q Did you leave Antipolo to go to Lipa?

A Yes.

Q Did you proceed down the same road that you had seen the 700 men from Aniloa take an hour earlier?

A Yes.

Q How close to Lipa did you get?

A Maybe about one-fourth mile.

Q How many men of Antipolo reached that point?

A When we reached the seminary and were asked to get inside we were given numbers, and my number was 406.

Q Of what seminary are you speaking?

A Minar Seminary.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of ruins of Minar Seminary was marked Prosecution Exhibit No. 250 for identification.)

Q (By Captain Pace) Is the Exhibit 250 a picture of the ruins of Minar Seminary?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 250 for identification was received in evidence and so marked.)

Q (By Captain Pace) When you passed through the gate of Minar Seminary you testified that you had received a number. What was that number?

A 406.

Q Does that mean that 405 men from Antipolo had gone through that gate ahead of you?

A Yes.

Q And did each man receive a number?

A Yes.

Q And after you received the number 406 did some more people come in behind you?

A Many more.

Q How many men do you think then arrived at Menor Seminary?

A Do you want to know if it is only men from Antipolo or from Aniloa?

Q Antipolo.

A When I saw the number of my uncle it was already more than 500.

Q And he was from Antipolo, too?

A Yes.

Q Did you see any of the men from Aniloa, any of the 700 men from there at the seminary when you got there?

A Yes.

Q How many of them were there?

A Maybe more than 80.

Q There were 80 there out of the 700 which you had seen earlier; is that right?

A Yes.

Q What happened after you reached the seminary and were given your number?

A We were grouped by twenties; then were given cigarettes.

Q Were the groups selected numerically, the 1 through 20 made the first group and 21 through 40 the second group, and so on?

A Yes.

Q And before anything happened to your group were the remaining men from Aniloa taken from the seminary in groups of 20?

A Yes.

Q And then did they start taking your people away in groups of 20?

A Yes.

Q And what time was it by the time they reached your group?

A Maybe it is about 11:00 o'clock.

Q 11:00 o'clock in the morning?

A In the morning.

Q What happened to you at 11:00 o'clock then?

A We were to be taken to the town, but we didn't reach the town. We passed by a house which is empty. We were taken inside the house and when we were all inside the Japanese closed the doors and the windows.

Q Yes.

A When we were already locked inside they opened the door again, and many Japanese went in and we were all tied.

Q Yes.

A When we were all tied we were taken near the back of the river and there we were asked to kneel.

Q How far did you go from Minar Seminary until you were taken into this house?

A Maybe around 800 meters.

Q And is this second house you were taken to just south of the town of Lipa?

A Yes.

Q Were you searched after you went into this house?

A When we were tied we were searched.

Q Did they take your valuables?

A Yes.

Q And then did they start taking your people away in groups of 20?

A Yes.

Q And what time was it by the time they reached your group?

A Maybe it is about 11:00 o'clock.

Q 11:00 o'clock in the morning?

A In the morning.

Q What happened to you at 11:00 o'clock then?

A We were to be taken to the town, but we didn't reach the town. We passed by a house which is empty. We were taken inside the house and when we were all inside the Japanese closed the doors and the windows.

Q Yes.

A When we were already locked inside they opened the door again, and many Japanese went in and we were all tied.

Q Yes.

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Q How far did you go from Minar Seminary until you were taken into this house?

A Maybe around 800 meters.

Q And is this second house you were taken to just south of the town of Lipa?

A Yes.

Q Were you searched after you went into this house?

A When we were tied we were searched.

Q Did they take your valuables?

A Yes.

Q Then you said you were taken to the river. How far is that from the Antipolo-Lipa road?

A Maybe around 800 meters.

Q East of the road?

INTERPRETER RODAS: I beg your pardon?

CAPTAIN PACE: East of the road?

A Yes.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of house referred to was marked Prosecution Exhibit No. 251 for identification.)

Q (By Captain Pace) Is Exhibit 251 for identification the house where you were taken and where your hands were tied?

A In this house we were asked to kneel.

Q This is the house you were taken to after your hands were tied?

A Yes.

Q Is this house at the bank of the river?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 251 for identification was received in evidence.)

Q (By Captain Pace) Did all twenty of you kneel there?

A Yes.

Q What happened after you kneeled?

A We were taken two by two.

Q Where were you taken?

A To the Japanese who kill people.

Q How far were they from where you were kneeling?

A Maybe about 20 meters.

Q What happened when you were taken there?

A To the Japanese?

Q What happened to you when you were taken to where the Japanese were?

A We were pushed in the middle -- towards the middle of twelve Japanese.

Q Yes.

A And we were bayoneted.

Q Two at a time?

A Yes.

Q Were you bayoneted?

A Yes.

Q Will you describe the place?

A On my thigh; at my back; on my hands; on my legs; on my neck, and at the nape of my neck.

Q Did the bayonet go clear through your neck?

A No. It did not go through.

Q Is the bayonet wound in your neck the reason you are unable to talk loudly?

A Yes.

Q How many bayonet wounds did you receive?

A I did not count because I shudder whenever I remember.

Q How many scars do you have today?

A I did not count.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of witness showing bayonet wounds was marked Prosecution Exhibit No. 252 for identification.)

Q (By Captain Pace) Will you look at Exhibit 252 for identification and state if that correctly shows the number of bayonet wounds you have in the back.

A (No response).

Q How many?

A Fifteen.

Q Does this picture correctly show the way the back of your body looks?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 252 for identification was received in evidence.)

(A photograph was marked
Prosecution Exhibit No. 253
for identification.)

Q (By Captain Pace) Does Exhibit 253 for identification correctly show the wounds that you have on the front of your body?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

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

Q (By Captain Pace) How many wounds did that picture show on the front of your body?

A Two.

Q What happened to you after you received the bayonet wounds?

A I did not say anything else. I pretended to be dead.

Q When the Japanese bayoneted you, what happened to you after you were bayoneted?

A They left me.

Q On top of the bank, or did you fall down the bank?

A Down.

Q When did you regain consciousness?

A I never lost consciousness.

Q What did you see when you got to the bottom of the bank? Anything?

A Dead people.

Q Approximately how many dead people were down there?

A So many.

Q About how many?

A When I left, maybe it is 1000.

Q Did you see people there from Aniloa?

A Alive?

Q No; dead.

A No.

Q Were all the people you saw from Antipolo?

A From Aniloa and from Antipolo.

Q The people you saw dead were from both Aniloa and Antipolo?

A Yes.

Q Were they in the two groups which you have referred to earlier, one the group of 700 people from Aniloa and the group of over 406 from Antipolo?

A Yes.

Q How were they wounded, do you know?

A I did not see.

Q Were they all dead?

A Yes.

Q Did they have blood on them?

A I did not see.

Q Did you see any blood on the dead people?

A Yes.

Q Do you know if anybody survived from Aniloa?

A Yes.

Q How many?

A One.

Q One out of the 700?

A Yes.

CAPTAIN REEL: Sir, we wish to point out at this time that the questions that are being asked relative to numbers have no basis in the testimony. The witness never testified that there were 700; the witness testified there were many, and when pressed for a figure said maybe 700. We believe it is misleading for a question to assume there has been any definite figure in the answer.

GENERAL REYNOLDS: It is a sound objection. The Prosecution is cautioned to make the point clear.

CAPTAIN PACE: I beg your pardon, sir?

GENERAL REYNOLDS: The objection by Counsel is sound, and the witness has been most indefinite about the numbers and did make it very clear it was an estimate, and Prosecution should be governed accordingly.

Q. (By Captain Pace) Were all these people you have spoken of, except the Japanese, civilians?

A Civilians.

Q How many people from Antipolo survived?

A 13.

THE WITNESS: 3.

THE INTERPRETER: Only 3; correction.

Q (By Captain Pace) You are one of the three, right?

A (Through the Interpreter) Yes.

Q What happened to the other two?

A They are alive.

Q Were they wounded?

A Yes.

(A photograph was marked
Prosecution Exhibit No. 254
for identification.)

Q (By Captain Pace) Does Exhibit 254 for identification -- is that a picture you recognize?

A Yes.

Q What is it?

A This is the place where we were killed -- this is the place of the killing, and this is the person that has been saved. His name is Santo Batista.

Q Was this survivor standing there, standing approximately where you were when you were bayoneted?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 254 for identification was received in evidence.)

(A photograph was marked Prosecution Exhibit No. 255 for identification.)

Q (By Captain Pace) What does Exhibit 255 for identification show?

A These are the skulls of the persons who were killed and who were our companions.

Q Is that all of them, or just part of them?

A This is not all.

CAPTAIN PACE: I offer it in evidence, sir.

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

(Prosecution Exhibit No. 255 for identification was received in evidence.)

CAPTAIN PACE: You may inquire.

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

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

Proceed.

CAPTAIN REEL: Just one or two questions.

CROSS-EXAMINATION

Q (By Captain Reel) Were you a guerrilla?

A (Through the Interpreter) No.

Q Do you know whether any of the others were guerrillas?

A No.

Q You don't know?

A I don't know.

CAPTAIN REEL: That is all.

CAPTAIN PACE: Thank you very much .

(Witness excused)

CAPTAIN PACE: Cipriano Rodelas.

CIPRIANO RODELAS

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

Q DIRECT EXAMINATION

Q (By Captain Pace) What is your name?

A Cipriano Rodelas.

Q Where do you live?

A In the barrio of Lodlod.

Q How do you spell that?

A L-o-d-l-o-d.

Q Is Lodlod about three kilometers southwest of Lipa?

A Yes.

Q Did you live at Lodlod on 28 February 1945?

A Yes.

Q Where did you go on the morning of 28 February?

A I did not go anywhere. I stayed at home.

Q Did you stay home all day on the 28th of February?

A No.

Q Where did you go on the 28th of February?

A The Japanese told us to go home because we were going to be given passes.

Q Where did you go to get the passes?

A In the town.

Q What town?

A Lipa.

Q What time did you go to Lipa?

A About 7 o'clock in the morning.

Q How many people from Lodlöd went to Lipa?

A About 400 people.

Q Were they all male civilians?

A Yes.

Q Were they all males in Lodlöd?

A Not all of them are from Lodlöd. Some of them were evacuees.

Q Did all the males in Lodlöd on that day go to Lipa at the same time you did?

A Yes.

Q Describe where the 400 people went.

A When we were on our way we reach the Church of Divine Love, and that is about in the western part of the town.

Q What is the name of the church?

A Divine Amour or Divine Love.

Q What happened after you reached there?

A We were asked to line up two by two.

Q Yes.

A And we were given numbers.

Q What was your number?

A 136.

Q What happened after everybody had received numbers?

A After we were all given numbers we were asked to walk towards the seminary.

Q What seminary?

A Seminary for the Fathers.

Q And after you got there what happened?

A We were asked to sit down on the floor.

Q Yes.

A And while we were sitting on the floor the numbers were called from 1 to 20 and so on. We were going to be -- They told us that we were going to be returned to the town, and that is the place where we are going to be given the pass.

Q Is this seminary of which you speak the Minar Seminary, located just south of Lipa on the Rosario Road?

A Yes.

Q Do you know what day the residents of Antipolo and Anilloa were taken to the Minar Seminary?

A No, I do not know.

Q Do you know if they were taken there?

A No.

Q Were they there the same day you were?

A They were not there.

Q All right. Did they start taking people from the seminary?

A Yes.

Q In groups of 20?

A Yes.

Q How many people from Lodi were in the seminary at the time this started?

A Maybe 400.

Q What time did they take your group?

A Maybe about 10:30.

Q All right. What happened after you were taken?

A We were lined up towards the town.

Q Yes.

A We were taken towards the town and after reaching an empty and dilapidated house on the road we were stopped by the two Japanese who were with us.

Q These two Japanese soldiers had taken you from the seminary; is that right?

A Yes.

Q What did the Japanese M. P. do when he stopped you?

A We were asked to go to the side, because they say there are airplanes.

Q What happened then?

A We were on the side of the river bank. When we were asked to go to the side the Japanese told us to get inside the apartment downstairs of the house.

Q Where is this house?

A It is on the end of the road to Lipa.

Q What happened there?

A Where?

Q In the house.

A We were tied.

Q What happened then?

A After we were tied we were then led to near the river bank.

Q What happened there?

A We were then asked -- . Upon reaching the river bank we were then asked to go down two by two.

Q Is this river bank the one about one kilometer south-east of Lipa?

A Yes, down south of Lipa.

Q What happened after you were at the river bank?

A We were bayoneted.

Q How many at a time?

A We were brought two at a time and two, together, at a time, were bayoneted.

Q Describe how they bayoneted you.

A When I reached the place where the Japanese who bayonet us was I was right away bayoneted.

Q How many times?

A Once.

Q How many Japanese soldiers bayoneted you?

A One.

Q Where was that?

A Near the river bank.

Q Where did the bayonet enter your body?

A On my left back. On the back side of my back.

CAPTAIN PACE: Mark this for identification, please.

(Photograph of witness showing wound was marked Prosecution Exhibit No. 256 for identification.)

Q (By Captain Pace) Will you look at Prosecution Exhibit No. 256 for identification and tell what it is?

A This is my picture.

Q Is the mark on your body where you were bayoneted?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 256 for identification was received in evidence and so marked.)

Q (By Captain Pace) What happened after they stuck

a bayonet in you?

INTERPRETER RÓDAS: I beg your pardon?

CAPTAIN PACE: "What happened after they stuck a bayonet in you?"

A I didn't know anything more, because I fainted.

Q (By Captain Pace) When did you regain consciousness?

A After awhile I regained consciousness.

Q What did you see there?

A I saw many scars of the dead.

Q Did you see the dead bodies of the people who had left Lodlod with you?

A Yes.

Q Were there Japanese still there?

A Yes, they were still there.

Q What happened then?

A There were still Japanese there who threw stones at those who are still alive -- or who were still alive.

CAPTAIN PACE: (To the Interpreter) You are sure it was "throwing stones"?

(Translated to the witness)

THE INTERPRETER: "They were throwing stones at us."

Q (By Captain Pace) What happened then?

A (Through the Interpreter) After a while, why, I felt my hands were numb, and then a dead body fell on my feet, and I tried to wiggle my feet away from it. After hitting many times, my feet were free and my head was up, and the tie of my hands I was able to reach with my teeth. I bit it hard with my teeth, and after a while the tie on my hands was free, and then after that I left.

Q Were the Japanese still there when you left?

A There were none there. Maybe they are out to lunch.

Q How were the Japanese who bayoneted you dressed?

A They were dressed in faded khaki, soldiers.

Q Did they have anything else on?

A Nothing else, except that.

Q How about aprons?

A The only one who kills, is the one who only has a covering here (indicating), an apron.

Q Now, how many people from Lodlod survived?

A I am the sixth, I am one of the six.

(A photograph was marked
Prosecution Exhibit No. 257
for identification.)

Q (By Captain Pace) Will you look at Exhibit 257 for
identification and tell what that is?

A This is one of my companions, Francisco Rodelos.

Q Did he survive the massacre?

A Yes.

Q Does this show the wound that he received there?

A Yes, sir.

CAPTAIN PACE: I offer this in evidence.

GENERAL REYNOLDS: There being no objection, it is ac-
cepted in evidence.

(Prosecution Exhibit No. 257
for identification was
received in evidence.)

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

Q (By Captain Pace) Can you tell me what Exhibit
258 for identification is?

A This is one of my companions, one named Magsino.

Q Does that show a wound that he received on that day?

A Yes.

CAPTAIN PACE: I offer it in evidence.

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

(Prosecution Exhibit No. 258
for identification was
received in evidence.)

Q (By Captain Pace) Now, out of the 400 people, the
six of you were all that survived, is that right?

A Yes.

CAPTAIN PACE: You may inquire.

CROSS-EXAMINATION

Q (By Captain Sandberg) Do you remember when the Japanese evacuated all the civilians from Lipa?

A No, I do not remember.

Q Do you remember that there was such an evacuation of all civilians from Lipa?

A I do not remember.

Q Did you have a resident's certificate?

A I left it in my home.

Q Were you asked by the Japanese to show your resident's certificate?

A No.

Q Did you know that the way by which the Japanese distinguished the guerrillas was by whether or not they had a resident's certificate?

A I do not -- they do not ask anything.

Q Well, you generally kept this resident's certificate on your person, didn't you?

A No, I don't have.

Q You mean you didn't have a resident's certificate?

A When?

Q At the time of this occurrence?

A No, I did not have a resident's certificate.

Q And you say that the Japanese at the time of this incident didn't ask you whether you had a resident's certificate?

A No, they did not ask.

Q Were you in fact a guerrilla?

A I am not a guerrilla.

Q How long after this occurrence did the American forces arrive in your town?

A It is still took quite a long time.

Q Several days?

A I do not remember, because at that time I was suffering.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Captain Pace) You had a resident's certificate at your home, did you not, in Lodlod?

A When?

Q The day you left with the Japanese on February 28.

A No, I didn't have.

Q Were you told that you were being taken to Lipa to get those certificates?

A No.

Q What were you being taken to Lipa for?

A We were going to be given passes so that we can work.

CAPTAIN PACE: That is all.

(Witness excused)

CAPTAIN PACE: Felix Javier.

FELIX JAVIER

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

DIRECT EXAMINATION

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

A Felix Javier.

Q Where do you live?

A Suluc.

Q How do you spell it?

A S-u-l-u-c.

Q Are you sure it is S-u-l-u-c, or S-u-l-a-c?

A S-u-l-u-c.

Q Will you point it out on Exhibit 243, please?

A (Witness attempting to locate barrio of Sulac.)

Q Do you see it?

A No.

Q Is the place I am indicating the place you mean?

A Yes.

CAPTAIN PACE: Will the record show that the witness indicated the barrio of Sulac, which is about seven kilometers northeast of the town of Lipa?

Q (By Captain Pace) Did you live in Sulac on March 10, 1945?

A Yes.

Q Did the Japanese take you to a house in Sulac at about seven o'clock in the morning?

A Yes, they took.

Q How many other men were in this house?

A Three.

Q All right. What happened then?

A We were taken by the Japanese.

Q Where were you taken?

A In the eastern part of the house.

Q Yes.

A We were taken there, and I saw the men were tied.

Q How many men were tied?

A Those that were tied were twelve.

Q Civilians?

A They were civilians.

Q Where did they take the 12 of you?

A In the eastern part of the house.

Q After you were in the house where did they take you?

A Near the bank of the river.

Q What is the name of the river?

A It is called Water of Sulac.

Q How close to Sulac is that?

A Maybe around 30 meters.

Q What direction?

A On the right side of Lipa and Santo Tomas.

Q What did they do to you there?

A When we arrived there we were chained together, three of us. Three of us tied together were placed near the bank of the river, three at a time, and after that we were bayoneted and three of us were bayoneted. And after the three fall down the next three will be bayoneted and the three will fall down next.

Q Were all 12 of you bayoneted?

INTERPRETER RODAS: I beg your pardon?

CAPTAIN PACE: "Were all 12 of you bayoneted?"

A Yes.

Q (By Captain Pace) How many wounds did you receive?

A Seven.

Q Will you stand up with your back toward the Commission and lift your shirt up, please?

A (Witness arises and displays bayonet wounds.)

CAPTAIN PACE: Will the record show that the witness' back on the left side has one, two, three, four, five, six scars?

Q (By Captain Pace) Where is the seventh wound?

A It is on my left arm.

Q How many of the 12 people there died as a result of the bayonet wounds?

A We were all 13. I saw 12, and I was the thirteenth.

Q How many died and how many lived out of the 13?

A I am the only one who survived, and 12 died.

Q At the time you were taken to the river by the Japanese did you know where your wife was?

A I know.

Q Where was she?

A In the water.

Q Do you know how she got there?

A She was washing clothes.

Q And what has happened to her?

CAPTAIN REEL: Sir, could we have the foundation for this witness' information? If he saw this, that is

all right; otherwise we object.

CAPTAIN PACE: I shall withdraw the question if the Commission desires.

GENERAL REYNOLDS: Very well.

Q (By Captain Pace) After you were bayoneted did you find your wife's body in the water?

A When I came from the place where people were killed I went to our neighbor.

Q Yes.

A And when I arrived at this house I saw that the place where the 12 men came from was burned, and this house contained women and children.

Q How many women and children?

A I don't know. All that I know is that I heard the screams of the children and women.

Q Where were the Japanese?

A They were around the house.

Q What happened then?

A After the house was set on fire the Japanese left.

Q Did they leave before the people inside had burned to death?

A There were no more people when the Japanese left. All of them were already burned.

Q Did you see your wife that day?

A When I went -- . When I passed by our house I saw blood, because she was bayoneted right there when she was hanging clothes.

CAPTAIN PACE: You may inquire.

GENERAL REYNOLDS: Will your cross examination be

brief?

CAPTAIN REEL: Very short.

CROSS EXAMINATION

Q (By Captain Reel) Were you a guerrilla?

A No.

Q Did you help the guerrillas?

A No, I never helped them.

Q Do you know whether any of the other people involved in this series of events you have described were guerrillas?

A No, I do not know.

Q You don't know anything about any guerrilla activities in that area?

A No, I do not know.

Q And you are as sure of that as you are of the other things that you have testified here today?

A Yes.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you very much.

(Witness excused.)

GENERAL REYNOLDS: There will be no more this afternoon. At the close of the session tomorrow afternoon the Commission will recess until 8:30 Monday morning.

The Commission will now recess until 8:30 tomorrow morning.

(Whereupon, at 1635 hours, 8 November 1945, the trial was adjourned until 0830 hours, 9 November 1945.)