

### Title: The People of the Philippines vs. Silvestre Liwanag alias Linda Bie

### Facts:

- 1942-1944**: The accused, Silvestre Liwanag alias Linda Bie, joined the Hukbo ng Bayan Laban sa Hapon (Hukbalahap) during WWII, intending to resist Japanese forces. He held the position of commander of Squadron 18-E in Lubao, Pampanga, and later became a military inspector.
- 1946**: Post-liberation, the Hukbalahap was revived before the national elections, and the accused was appointed provincial commander for Pampanga and later vice commander of the Central Luzon Regional Command (CLRC).
- 1948**: Liwanag attended a Communist Party of the Philippines (CPP) conference in Norzagaray, Bulacan, and was nominated to the Central Committee (CC), transitioning into the Hukbong Mapagpalaya ng Bayan (HMB).
- 1949-1958**: Liwanag, in various capacities, engaged in numerous armed activities against the government, including planning the capture of Orani, Bataan, and Camp Makabolos, Tarlac.
- February - March 1958**: Liwanag's forces encountered government troops multiple times, resulting in several casualties on both sides. He was later granted leave for health reasons but continued to provide advice.
- June 21, 1960**: Liwanag and his wife were captured by a Philippine Constabulary (PC) patrol led by Major Wilfredo Encarnacion in Barrio Kalungusan, Orion, Bataan.
- Preliminary Investigation & Trial**: The Court of First Instance of Bataan conducted a preliminary investigation, finding a prima facie case and issuing an arrest warrant. The defense motioned to quash the information claiming prior conviction and the retroactive application of the Anti-Subversion Act, which was denied.
- During the Trial**: Witness testimonies from the preliminary investigation were adopted with the provision for further cross-examination. The defense highlighted that Liwanag had already faced related charges of rebellion and murder, with varying outcomes.
- March 28, 1967**: The Court of First Instance of Bataan rendered a decision finding the accused guilty of subversion and sentencing him to reclusion perpetua.

### Issues:

1. **Right to Confront Witnesses**: Whether the acceptance of testimonies from the preliminary investigation violated the constitutional right of the accused to confront witnesses face-to-face.
2. **Two-Witness Rule**: Whether the conviction met the requirement of the two-witness rule stipulated under Republic Act No. 1700.
3. **Double Jeopardy**: Whether Liwanag's prior conviction for rebellion precluded prosecution for subversion based on the same acts.
4. **Venue of Promulgation**: Whether the decision should have been promulgated in Quezon City and whether the delegation by Judge Tito V. Tizon to Judge Pedro Navarro was appropriate.

### Court's Decision:

1. **Right to Confront Witnesses**: The Supreme Court held that Liwanag's right to confront witnesses wasn't violated. The testimonies from the preliminary investigation were taken in his presence and were subject to further cross-examination during the trial.
2. **Two-Witness Rule**: The Court determined that Republic Act No. 1700's two-witness rule had been satisfied. Multiple witnesses provided consistent testimony that the appellant was a high-ranking member of the CPP and HMB and had taken arms against the government.
3. **Double Jeopardy**: The court ruled that subversion was a distinct crime separate from rebellion, focusing on unlawful membership and leadership in subversive organizations. The timelines for the previous rebellion and the subversion charges did not overlap, thus no double jeopardy existed.
4. **Venue of Promulgation**: The Supreme Court upheld that the reading of the decision by Judge Tito V. Tizon in the sala of Judge Pedro Navarro was procedural and valid as the appellant was confined at Fort Bonifacio, Makati, Rizal, not Camp Crame, Quezon City.

### Doctrine:

- **Right to Face Accusers**: Reiterated that the right to meet witnesses face-to-face can be fulfilled if the accused has an opportunity to cross-examine those witnesses.
- **Two-Witness Rule**: Confirmed that convictions under Republic Act No. 1700 require

corroborative testimonies by at least two witnesses to the same overt act.

- **Distinctness of Crimes**: Clarified that subversion under Republic Act No. 1700 is distinct from rebellion and that double jeopardy cannot be claimed when prosecuted separately for these offenses.

**Class Notes:**

1. **Elements of Subversion under RA 1700**:

- Unlawful membership in a subversive organization.
- Failure to renounce such membership within the prescribed period.
- Engagement in activities against the government.

2. **Two-Witness Rule**:

- At least two witnesses must testify to the same overt act for a conviction involving prison mayor to death under RA 1700.

3. **Double Jeopardy Doctrine**:

- Not applicable if the crimes charged are distinct with differing elements and factual bases.

**Historical Background:**

- **Post-WWII Philippines**: Marked by socio-political unrest with entities like Hukbalahap transforming into anti-government forces.
- **Anti-Subversion Act (RA 1700)**: Enacted to counter the threats posed by communist insurgencies, criminalizing membership in such organizations.
- **Cold War Context**: Heightened efforts globally to suppress communist activities influenced the legislative and judicial approaches in the Philippines.