

AN ACT TO OUTLAW THE COMMUNIST PARTY OF THE PHILIPPINES AND SIMILAR ASSOCIATIONS, PENALIZING MEMBERSHIP THEREIN AND FOR OTHER PURPOSES.

REPUBLIC ACT NO. 1700, June 20, 1957

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WHEREAS, the Communist Party of the Philippines, although purportedly a political party, is in fact an organized conspiracy to overthrow the Government of the Republic of the Philippines not only by force and violence but also by deceit, subversion and other illegal means, for the purpose of establishing in the Philippines a totalitarian regime subject to alien domination and control;

WHEREAS, the continued existence and activities of the Communist Party of the Philippines constitutes a clear, present and grave danger to the security of the Philippines; and

WHEREAS, in the face of the organized, systematic and persistent subversion, national in scope but international in direction, posed by the Communist Party of the Philippines and its activities, there is urgent need for special legislation to cope with this continuing menace to the freedom and security of the country: Now, therefore,

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. This Act shall be known as Anti-Subversion Act.

SEC. 2. The Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the Government of the Republic of the Philippines for the purpose of establishing in the Philippines a totalitarian regime and place the Government under the control and domination of an alien power. The said party and any other organization having the same purpose and their successors are hereby declared illegal and outlawed.

SEC. 3. As used in this Act, the term "Communist Party of the Philippines" shall mean and include the organizations now known as the Communist Party of the Philippines and its military arm, the Hukbong Mapagpalaya ng Bayan, formerly known as HUKBALAHAPS, and any successors of such organizations.

SEC. 4. After the approval of this Act, whoever knowingly, wilfully and by overt acts affiliates himself with, becomes or remains a member of the Communist Party of the Philippines and/or its successor or of any subversive association as defined in section two hereof shall be punished by the penalty of arresto mayor and shall be disqualified permanently from holding any public office, appointive and elective, and from exercising the right to vote; in case of a second conviction, the principal penalty shall be prision correctional, and in all subsequent convictions the penalty of prision mayor shall be imposed; and any alien convicted under this Act shall be deported immediately after he shall have served the sentence imposed upon him: Provided, That if such member is an officer or ranking leader of the Communist Party of the Philippines or of any subversive association as defined in section hereof, or if such member takes up arms against the government, he shall be punished by prision mayor to death with all the accessory penalties provided therefor in the Revised Penal Code: And provided, finally, That one who conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions by force, violence, deceit, subversion or

other illegal means, for the purpose of placing such Government or political subdivision under the control and domination of any alien power, shall be punished by prision correccional to prision mayor with all the accessory penalties provided therefor in the same Code.

SEC. 5. No prosecution under this Act shall be made unless the city or provincial fiscal, or any special attorney or prosecutor duly designated by the Secretary of Justice, as the case may be, finds after due investigation of the facts, that a prima facie case for violation of this Act exists against the accused, and thereafter presents an information in court against the said accused in due form, and certifies under oath that he has conducted a proper preliminary investigation thereof, with notice, whenever it is possible to give the same, to the party concerned, who shall have the right to be represented by counsel, to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine witnesses against him: Provided, That the preliminary investigation of any offense defined and penalized herein by prision mayor to death shall be conducted by the proper Court of First Instance.

SEC. 6. Any person who knowingly furnishes false evidence in any action brought under this Act shall be punished by prision correccional.

SEC. 7. No person shall be convicted of any of the offenses penalized herein with prision mayor to death unless on the testimony of at least two witnesses to the same overt act or on confession of the accused in open court.

SEC. 8. Within thirty days after the approval of this Act, any person who is a member of the Communist Party of the Philippines or of any such association or conspiracy, who desires to renounce such membership, may do so in writing and under oath before a municipal or city mayor, a provincial governor, or a person authorized by law to administer oaths. Such renunciation shall exempt such person or persons from the penal sanction of this Act, but the same shall in no way exempt him from liability for criminal acts or for any violation of the existing laws of the Republic of the Philippines committed before this Act takes effect.

SEC. 9. Nothing in this Act shall be interpreted as a restriction to freedom of thought, of assembly and of association for purposes not contrary to law as guaranteed by the Constitution.

SEC. 10. This Act shall take effect upon its approval.

Approved, June 20, 1957.

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