

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CRISANTO EVANGELISTA, JACINTO G. MANAHAN AND DOMINADOR J. AMBROSIO, DEFENDANTS AND APPELLANTS.

G. R. No. 36275. October 26, 1932

Ponente: OSTRAND, J.

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OSTRAND, J.:

Crisanto Evangelista, Jacinto G. Manahan, and Dominador J. Ambrosio were charged in the Court of First Instance of Manila with a violation of section 8 of Act No. 292 of the Philippine Legislature upon the following information:

"That on and during the month of November, 1930, and for sometime prior and subsequent thereto up to the date of the filing of this information, in the City of Manila, Philippine Islands, the above-named accused were the founders, organizers, promoters, directors and leading members of a society, association or organization called the Partido Komunista sa Pilipinas (Communist Party of the Philippines), the principal object of which is to incite a revolt of the proletariat or the laboring class and which advocates, urges and preaches, among other things, the following: "

"The Philippines, as a subject nation, in order to establish an independent government, has to revolt under the leadership of the laborers.

" '* * * It is clear that the different political parties of the burgesses (Nacionalista-Consolidado, Democrata, etc.) are no different from one another. They have but one aim; to rise into power and exploit, with independence or not; to enrich themselves and strengthen the control of a government which is precapitalist and proimperialist.

" 'Because of these, we need a Communist Party, one that is not, reformist but revolutionary. Only by revolutionary means can we demolish the slavery of one man by another and of one nation by another nation * * *.

" 'The principal ideal of the C. P. P. (Communist Party of the Philippines) in its desire to head the Philippine Government is different from that of the burgess political parties. Its aim is not to strengthen the capitalist government but to engender-as it cannot be avoided-the war of the classes and to bring about its downfall. Therefore, the aims of the C. P. P. are the following:

" '1. To lead the movement for the immediate and complete independence of the Philippines;

" '2. To fight and bring about the downfall of American imperialism which oppresses the Philippines;

" '3. To stop the exploitation of the laborers and defend their rights and interests;

" '4. To establish in the Philippines a Soviet government under the laborers;

" '5. To bring about the downfall of capitalism.

" '6. Under the dictatorship of the laborers, to emancipate and redeem the laborers and farm hands,-to embrace communism.

" 'With these high ideals the Communist Party of the Philippines will be established, And inasmuch as these

ideals are the same as those of the C. I. (Communist International), the C. P. P. will extend its full help for the redemption and welfare of the laborers.

" '* * * Here in the Philippines, American imperialism is being feught also. The reluctance of the Moros in paying taxes to the Government, the disorders in the large haciendas, the farmers resisting the owners and the Constabulary, the strike of the high-school students, the uprising of the colorums, and the oppression of the imperialists and capitalists of the laborers, are symptoms of a movement, which if carried on with unity, will perforce bring about the downfall of American imperialism and the obtaining of Philippine independence.

" 'Before achieving this ultimate ideal of the C. P-P. we will have you take other steps. First, to overthrow American imperialism which oppresses the Philippines; second, to overthrow capitalism and feudalism; third, to seize the power in the government; fourth, the establishment of labor dictatorship; fifth, the bringing about of class consciousness and class struggle and the prompt establishment of communism.

" 'Under this state of affairs, a struggle is indispensable. This struggle may be peaceful or violent, but just the same it will be a bitter struggle, where life and death will be staked.

" 'For the prompt overthrow of the institutions of capitalism, and for the purpose of opening the eyes of the people that the imperialists are not really in earnest about giving subject peoples their independence-because independence is an enemy of oppression and exploitation-unless their downfall is brought about, it is necessary to struggle, not only during elections.

" 'The difference of the revolutionary movement advocated by the C. P. P. is not found only in its principal ideal but in the steps that it will take. While the reformists advocate understanding and cooperation with the burgesses or capitalists, the movement of the laborers is based on the principle of class struggle. Instead of cooperating with the enemy we should muster our own strength and fight our enemies. And in order to achieve this union, strong and powerful, it is necessary that we should counteract every move that will tend to prejudice the laborers.

" 'In view of the revolutionary campaign of the C. P. P. for the sake of the laborers and farm workers, the capitalists and imperialists will become more violent and antagonistic toward them. And inasmuch as the capitalists and imperialists have control of the government, it is not impossible that they will use their power to more violently oppress us; in such a case they will make it clear that their ideals are inconsistent with those of the laborers. When that day comes, the class struggle and the revolution will redouble their force, for they will be forced to defend themselves by rising in revolt against the oppression they are being subject to by means of the power of the state.

" 'For the obtaining of the partial demands to be made by the C. P. P., it is necessary that all the laborers and farm hands, now divided by their different industrial organizations, be united. * * * If the factory laborers and farm hands organizations are already established, and ready for the struggle, and if their movement is already under the leadership of the proletariat thru the C. P. P., it will endeavor to make the movement more vigorous for the purpose of obtaining its partial demands until the time comes when the factory laborers and farm hands are able to wrest the control of the Government from the capitalists and imperialists and place it in the hands of the sons of the sweat.'

"That the said accused as such founders, organizers, promoters, directors and. leading members of the said Partido Komunista sa Pilipinas, conspiring and confederating together and helping one another for the purpose of carrying out the objects of said society, association or organization, did then and there willfully, unlawfully, feloniously, and at various public meetings or gatherings held in different parts of the City of Manila, under the auspices of the aforesaid Partido Komunista sa Pilipinas, utter, make and deliver seditious words and speeches, such as, that the laborers in the Philippines had a common cause with the revolting peoples of the colonies of the different nations and they must prepare to fight in getting the Government into their hands and to run it by themselves and for themselves like the poor people in Kussia; that it was time for the poor and laboring class to

realize that the present administration was for the rich people only, neglecting the welfare of the poor and the laboring class, and the said laboring class should stand as the Russian laborers did; that when the laborers were united, neither the Constabulary, nor the United States Army, nor the Imperialist Governor-General could stop them when they rose up as one body in order to free themselves from slavery by the capitalists; that America was cunning and coward, as evidenced by the fact that when she entered the World War, her enemies were already weak; that the Philippine Government was an institution for the rich and for the higher-ups and not for the laborers and the poor; that the Constabulary and the police were the ones who made troubles to the laborers because they were the agents of the American Imperialists in the Islands and they were used as instruments by the American Imperialist Government; that uniting together the laborers could down the American Imperialist Government, and other terms and expressions of similar tenor and import;

"That the said accused read and caused to be read to the crowd attending their public meetings or gatherings, the constitution and by-laws of the said Partido Komunista sa Pilipinas and solicited subscriptions for membership in their said society, association or organization;

"That the contents and spirit of said constitution and by-laws of the said Partido Komunista sa Pilipinas as well as the words and speeches uttered, made and delivered by the said accused as hereinabove stated constitute scurrilous libels against the Government of the United States and of the Philippine Islands, and are highly seditious in that they suggest and incite rebellious conspiracies, and tend to instigate others to cabal and meet together for unlawful purposes ; to stir up the people against the lawfully constituted authorities, and to disturb the peace of the community and the safety and order of the Government, as well as to disturb and obstruct the lawful authorities in executing their "office."

The assignments of error relate only to questions of fact. It appears that on the night of November 7, 1930, a large meeting was held in the City of Manila to celebrate the 13th anniversary of the Union of Socialist Republics of the Soviets. The herein accused Dominador J. Ambrosio read the constitution and by-laws of the Communist Party of the Philippines. From the documents it appeared among other things, that the purpose of the Communist Party of the Philippines is to promote the struggle and antagonism of classes, and to establish an independent Philippine Government; that a revolution like that initiated by Andres Bonifacio is necessary; that the State was created to serve as a tool for tyranny; that through the laws the people are compelled to submit to the wicked means of exploitation of the capitalists; that the duty of the Communist Party is to teach the people to fight and overthrow the government established in the Philippines; and that in order to seize the power of the State by the use of force, the laborers must be united.

At the same meeting the accused Crisanto Evangelista also spoke. He explained the advantages of the Russian Government and the means which had been employed by the laboring class of Russia to establish its present government, citing certain insurgent colonies of different nations as other examples.

At the same meeting pamphlets were distributed, and in one of them, which is the manifesto of the Katipunan ng mga Anak Pawis sa Filipinas, appear the following statements:

"Due to the success of Soviet Russia, revolutions were incited in the whole world. * * * The idea of revolution spreads itself, struggles become more and more serious but the labor movement continues on the path travelled by the Russian laborers-the Bolsheviks. What is that path? The seizure of the power of the government from the hands of the burgesses and the establishment of a government by the laborers. * * *

"* * * Only in this way we would be victorious in the revolutionary movement of the laborers. * * *"
Subsequently to that date, November 7, 1930, and up to February 2, 1931, several meetings were held under the auspices of the said Katipunan ng mga Anak Pawis sa Filipinas, whereat Crisanto Evangelista delivered speeches advocating revolution as a means for improving the condition of the laboring class. Thus at the meeting held November 17, 1930, he said, among other things, "All the laboring classes of the country

should organize themselves into unions, and said unions must form another bigger association, so that when that is accomplished, no armed force could prevent them from uprising. No Constabulary would be able to prevent us from uprising, if we are united as one single body." At the meeting held November 26, 1930, he said that, if a laborer is dismissed by his employer and he has nothing with which to support his family, he could rob; that robbery is not against the law. He further said: "It is necessary to overthrow the government of the capitalists, imperialists and burgesses, and substitute it by another government like that of Soviet Russia. How can we do so? By our union through the Katipunan nang manga Anak Pawis and the Communist Party because if we are united, we would not fear any cannon, gun, or sword, and they could not prevent us from doing so because of our union and force." The same revolutionary tendency is noted in all his speeches delivered at the other meetings.

As to the accused Jacinto Manahan, the evidence shows that at the meeting held December 14, 1930, he delivered a speech, challenging any other person to a discussion as to what form of government is good, wherein he would defend the Soviet Government of the Bolsheviks.

The facts above stated clearly constitute a violation of section 8 of Act No. 292, as amended by Act No. 1692,, which reads as follows:

"SEC. 8. Every person who shall utter seditious words or speeches, or who shall write, publish or circulate scurrilous libels against the Government of the United States or against the Government of the Philippine Islands, or who shall print, write, publish, utter or make any statement, or speech, or do any act which tends to disturb or obstruct any lawful officers in executing his office or in performing his duty, or which tends to instigate others to cabal or meet together for unlawful purposes, or which suggests or incites rebellious conspiracies or which tends to stir up the people against the lawful authorities, or which tends to disturb the peace of the community or the safety or order of the Government, or who shall knowingly conceal such evil practices from the constituted authorities, shall be punished by a fine not exceeding two thousand dollars United States currency or by imprisonment not exceeding two years, or both, in the discretion of the court."

The appellants have circulated pamphlets containing the constitution and by-laws of the Communist Party of the Philippines, and delivered speeches, advocating the ideas of the Communist Party of the Philippines, which are highly seditious and revolutionary, as expounded in said constitution and by-laws and their speeches themselves.

The defense contends that the expressions attributed to the appellants cannot be held to be accurate reproductions or extracts of their speeches because the agents who made the extracts were proven at the trial to be incapable of making an extract of the message of the Governor-General. This contention is clearly untenable, because to make a report of the substance of a speech delivered in popular meetings on simple matters such as revolution, fight, over-throwing of government by violence and the like, there is no need of any skill at all. The orators themselves, knew that the audience understood them and they spoke in the manner the common people could understand. Besides, if those extracts were not accurate, it was not difficult for the appellants to present evidence to contradict them; on the contrary, the testimony of some of the accused confirmed said extracts and none of them denied the same.

The defense made by the appellants that section 8 of Act No. 292 was not violated because no disturbance or disorder took place is clearly untenable in view of the doctrine laid down in the case of *People vs. Perez* (45 Phil., 599). It is not necessary that there should be any disturbance or breach of the peace in order that the act may come under the sanction of the Penal Code. It is sufficient that it incites uprising or produces a feeling incompatible with the permanency of the government. Nor can the acts charged be considered as mere expositions of doctrines in abstracto, coming within the exemption set out in *Gitlow vs. People of New York* (268 U. S., 652).

Another point set up by the defense in support of the proposition that the accused did not advocate armed

revolution is the fact that they presented themselves as candidates in the past elections. This defense is also untenable. The evidence is conclusive that when the appellants and the Communist Party advocated revolution, they did not mean any peaceful revolution, but specifically said that they meant revolution like that initiated by Andres Bonifacio which led the Katipunan to take arms, against the advice of Doctor Rizal who advocated peaceful means in the fight for independence.

The appellants finally contend that they should be acquitted because the acts charged in the information do not constitute any crime under the Revised Penal Code. This is also untenable. Article 142 of the said Code punishes the act of inciting sedition by speeches, manifestos, emblems, caricatures, and other means. And sedition, according to article 139 of the same Code, is the public and tumultuous uprising to attain by force any of the purposes therein enumerated, among which, is the act of preventing the government from freely exercising its own functions.

The expressions contained in the constitution and by-laws of the Communist Party, as well as the utterances made by them in their meetings, incite the people to uprising and overthrow the Government by force and arm, therefore, under the sanction of the Revised Penal Code. Nor can the appellants claim any other benefit under the new Code because the penalty under article 142 of said Code, which is prison correctional in the maximum degree, is higher than the penalty provided in section 8, of Act No. 292, as amended by Act No. 1692, which cannot exceed two years' imprisonment.

The appealed judgment is affirmed, with one-third of the costs against each of the appellants. So ordered.

Avanceña, C. J., Street, Malcolm, Tillamor, Villa-Real, Hull, Vickers, and Imperial, JJ., concur.

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