

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. GUILLERMO CAPADOCIA ET AL., DEFENDANTS AND APPELLANTS.

G. R. No. 36276. October 26, 1932

Ponente: OSTRAND, J.

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OSTRAND, J.:

The accused, Guillermo Capadocia, Balbino Navarro, Lucio Pilopil, Cenon Lacamienta, Teofilo Espiritu, Urbano Arcega, Jose Ventura, F. Villanueva, Eduardo Donato, Catalino Monroy, Celestino Ramos, Enrique Torrente, Alfonso Pangilinan, Saturnino Brioso, and Remigio Tolentino, were charged in the Court of First Instance of Manila with a violation of section 8 of Act No. 292 upon the following information:

"That in and during the month of November, 1930, and for some time 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 leading members, promoters, and directors of a society, association, or organization called the Partido Komunista, sa Pilipinas (Communist Party in the Philippines) the principal object of which is to incite a revolt of the proletariat or 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 fought 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 perform 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 bourgeois 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 leading members, promoters, and directors of the said Partido Komunista sa Pilipinas conspiring and confederating with one another and with the three accused named Crisanto Evangelista, Jacinto G. Manahan, and Dominador J. Ambrosio in criminal case No. 41334 of this court, for the purpose of carrying out the objects of said society, association, or organization, did then and there willfully,

unlawfully, and feloniously, at various public meetings and gatherings held in different parts of the City of Manila, Philippine Islands, under the auspices of the aforesaid Partido Komunista sa Pilipinas, utter, make, and deliver seditious words and speeches, such as, urging the laboring class to unite by affiliating to the Communist Party in the Philippines, in order to be able to overthrow the present government and establish their own; stirring up enmity against the insular and local police forces by-branding the members thereof as the enemies of the laborers and as tools of the capitalists and imperialists for oppressing the said laborers, and other terms and expressions of similar tenor and import, and solicit subscriptions for membership in the aforesaid society, association, or organization; that the contents and spirit of the 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 Governments 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 stir and disturb and obstruct the lawful authorities in executing their office."

After trial the herein accused were convicted, with the exception of Andres Fabian, Mariano P. Balgos, and Hugo Retaga, who were acquitted, and Alfonso Paflgilinan and Saturnino Brioso, who died and as to whom the charges were dismissed. The other three accused, F. Villanueva, Eduardo Donato, and Celestino Ramos had not been arrested.

The record shows that on November 7, 1930, the 13th anniversary of the Union of the Socialist Republics of the Soviets, a mass meeting was held in the City of Manila to celebrate the said anniversary and inaugurate the Communist Party of the Philippines. At that meeting speeches were delivered, explaining the nature and purposes of the said Communist Party and of its constitution and by-laws, as well as pamphlets containing the manifesto of the Katipunan nang Tuanga Anak Pawis sa Filipinas.

The constitution and by-laws of the Communist, as well as the manifesto of the Katipunan nang manga Anak Pawis sa Filipinas may to some extent be found in the decision in case No. 36275, *People vs. Evangelista et al.*[1]

After thus launching the Communist Party of the Philippines its leaders, promoters, and organizers held meetings, almost daily, from November 17, 1930, to February 2, 1931. The herein appellants took part and intervened in said meetings either as organizers, promoters, or speakers.

Guillermo Capadocia's intervention is as follows: At several meetings held from November 21, 1930, to January 20, 1931, he spoke of strikes and stated that the principal 'Page 354, ante. purpose of the Communist Party was "to overthrow the thief and rotten government of the American imperialists". He advocated the Bolshevik ideas and attacked the educational system because it taught the youth to be faithful to the government, while they, the Communists taught them to fight the government. He finally said that it was high time to overthrow the government.

The participation of Balbino Navarro was limited to attacking religion in a speech delivered by him at the meeting held November 20, 1930, saying at the same time that they had many enemies, besides the police and the Constabulary, namely the burgesses. At the meeting held December 11, 1930, he began to preside, but later on left the chair to Rufino Ocampo.

Lucio Pilopil spoke at the meetings held November 22, and 26, 1930, and January 30, 1931. He urged the laborers to fight the American imperialists and the government and said that, if Philippine independence could not be obtained by peaceful means, they should revolt.

Cenon Lacamienta spoke at the meetings held November 22, 1930 and January 26, 1931. He urged the laborers to affiliate to Communist Party and said that they could not overthrow the government of "brigands, thieves, and

exploiters" unless they were united, and that the big moguls of the government should be killed. Finally he urged the laborers to unite and overthrow the government.

Teofilo Espiritu spoke at the meeting held November 26, 1930, and said that the government could only be overthrown through the union of the laborers, and urged them to affiliate to the Communist Party. At the meeting of December 10, 1930, he mentioned the strike of the laborers against the Pacific Commercial Company and said that the government, especially the police, helped the P.C.C. because it was composed of American capitalists. He again urged the union of the laborers to sweep away those who held offices in the government.

Urbano Arcega spoke at the meetings held November 27, December 12, and December 14, 1930, and January 30, 1931. He urged the laborers to unite and follow the example of Andres Bonifacio as the only way of obtaining independence. He also advised the audience to affiliate to the Communist Party in order to fight together for their freedom.

Jose Ventura spoke at the meeting of December 10, 1930, urging the laborers to unite and follow the steps of Andres Bonifacio. He further said that that was the occasion for them to join in order to seize the government.

Catalino Monroy spoke also at several meetings comparing the life of the laboring class in the Philippines with that in Russia, and said that while in Russia the laborers lived as in a paradise, in the Philippines they did not even have what they needed for their support; and he urged their union to cause the downfall of the present government and establish another in its place, whether by peaceful means or by force, for in case force was necessary the communists in Russia would help the Filipinos.

Enrique Torrente spoke at the meeting held January 23, 1931, advocating communism as the only means to relieve the sufferings of the people. He also distributed application blanks and many of the people filled them and returned them to him and to Jacinto Manahan. The same accused, Enrique Torrente, presided at the meeting of January 30, 1931, having sold before the meeting about thirty copies of the constitution and by-laws of the Communist Party.

Remigio Tolentino spoke at the meetings held December 15 and 16, 1930. He advocated communism and urged the people to uprising under the red flag, saying that the laborers of other countries would help them.

The speeches and the circumstances surrounding their utterances having been established, the guilt of the appellants is beyond doubt; and as the only difference is that here the appellants did not take part in the inauguration of the Communist Party, but only supported it subsequently by their acts and speeches, which for all legal purposes identifies them with the appellants in G. R. No. 36275, the solutions therein given to the questions presented by the appellants are applicable to this case and need not be repeated here.

The appealed judgment is affirmed, with one-sixteenth (1/16) of the costs against each of the appellants. So ordered.

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

[1]Page 354, ante

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