

6 Phil. 360

[G.R. No. 2535. August 09, 1906]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN ABAD, DEFENDANT AND APPELLANT.

D E C I S I O N

WILLARD, J.:

The defendant was convicted in the Court of First Instance of the Province of Batangas of the violation of section 8 of Act No. 292, the law defining and punishing treason and sedition. He is the author of the Tagalog drama "*Tanikalang Guinto*" (The Chain of Gold). This drama he produced in a theater at Batangas on the 10th day of May, 1903. The Government claimed and the court below held that the drama was seditious.

The story of the play is as follows: The heroine, Liwanag, is promised in marriage to the hero, K. Ulayaw. Liwanag is living with her uncle and adoptive father, Maimbot, who has given consent to this promise of marriage. During the progress of the play he withdraws his consent, forbids K. Ulayaw to come to his house, and by gifts among others of a gold chain, attempts to induce Liwanag to abandon her lover. He takes into his employ Nagtapon, a brother of K. Ulayaw, whom he directs to act as a spy upon the movements of Ulayaw. Another of the characters in the play is Daiita, the mother of K. Ulayaw and Nagtapon. Nagtapon disowns her, and she dies in the first act. The gifts of Maimbot to Liwanag not producing any result, he resorts to harsher measures, binds her to a tree, and places Nagtapon as a watch over her. K. Ulayaw, searching for her, finds her in this condition, and is killed by Nagtapon. The play ends with the translation of Liwanag to the heavens.

This play on its face seems to be an ordinary love story with an unfortunate termination. It is claimed by the Government, however, that it was intended to represent the relations between the Government of the United States and the Philippines, the claim being that Maimbot represents the United States, Nagtapon those Filipinos friendly to the United States, K. Ulayaw the Filipinos who desire independence, Liwanag the Philippines, and

Daiita the mother country. It is said that this significance can be given to the play by reason of the meaning of the names of the characters. The word "Liwanag" in Tagalog means "light" or "dawn of day" (*luz o aurora*); "Daiita," "punishment, grief;" "K. Ulayaw," "lover" (*amante*) "Nagtapon," "spendthrift, renegade" (*prodigo o renegado*); "Mainibot," "ambitious or avaricious" (*ambicioso o avaro*). It is not apparent, however, how the seditious character of the play can be derived from the names of the characters.

In the play itself there are but few passages which in any way indicate that the play is anything more than it purports to be upon its face. The word "independence" or "independent" occurs five times in the course of the play, but always in connection with the marriage of Liwanag and K. Ulayaw, and with their maintenance of a house separate and apart from the house of her uncle. The word "pueblo" occurs three or four times in the play, and there is a scene in which Maimbot and Nagtapon are becoming intoxicated, and in which the former says that they must accustom themselves to this and sleep in the streets.

This is practically all there is in the play which tends to support the theory of the Government, and we think it is very far from doing so. It is possible to give to almost any play a different meaning than that intended by the author. To the writings of the greatest dramatists have been given meanings of which the author never thought.

That the public who witnessed this performance at the theater in Batangas did not understand the play as meaning what the Government claims it means is apparent from the testimony of some of the Government's own witnesses. Jose Villanueva, one of those witnesses, testified as follows on cross-examination:

"Q. Could the audience understand the symbolism used by the author to represent his play?—A. I can not say exactly, but I think that only a few understood the purpose of the play."

Alfredo Cantos, another of the Government's witnesses, testified as follows:

"Q. What political effect was produced by the drama among the audience?—A. I heard but few of the spectators comment upon the symbolical references to the relation of the United States with the Philippines.

"Q. What was your impression as to the purpose of the drama considering the

class of people who attended the performance?—A. Many of them were glad to see it, but I can not tell whether it was because of the eloquent and poetical phrases used or because they were aware of the fact that the play dealt with the relations between the Philippines and the United States.”

Simeon Luz, another witness for the Government, and the governor of the province, testified as follows:

“Q. Could the public understand the meaning of the drama?—A. The intelligent part of the audience probably understood it, but I do not think the masses—that is, the great majority Of the spectators—understood the same, unless the characters of the play were explained to them.

“Q. You, as the highest official of the province—did you have an opportunity to judge of the effect produced by the play upon the audience?—A. I did not, because I did not see the drama myself. All I can say is that apparently it was very much applauded, although I can not tell whether it was applauded because of its dramatic value or because of its real significance. In my opinion, I should say that the drama in question is one of the best plays written in Tagalog.”

It was proved at the trial that this drama, prior to its presentation at Batangas, had been presented more than twenty times in different theaters of Manila, La Laguna, and Cavite, the first of these representations commencing in October, 1902. The defendant, the author, testified that after three representations in Manila, he had read in a newspaper that an order had been issued by the public authorities requiring that all plays, before their presentation, should be submitted for examination to the division of information. He thereupon took his play to the office of John F. Green and left it there for examination. It was returned to him the next day, with authority to present it. There was no evidence to contradict this statement, although there is some evidence to show that one day was not a sufficient time for a proper examination of the work. However this may be, it is apparent that the play was not considered seditious by the authorities of Manila.

An examination of the dramas which were considered in the cases of the United States vs. Tolentino,^[1] No. 1451, decided March 6, 1906, and of the United States vs. Cruz,^[2] No. 2128, will show that anyone reading these dramas or seeing them presented could not fail to

understand their seditious tendencies, something which, according to the witnesses of the Government in this case, a great majority of the spectators of this drama could not see.

The judgment of the court below is reversed and the defendant acquitted, with the costs of both instances *de officio*. At the expiration of ten days judgment should be entered in accordance with this decision and the case remanded to the court below for execution of said judgment. So ordered.

Torres, Mapa, Carson, and Tracey, JJ., concur.

^[1] 5 Phil. Rep., 682.

^[2] Not reported.
