

1 Phil. 437

[ G.R. No. 976. October 22, 1902 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MAXIMO ABAD,  
DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**LADD, J.:**

The offense with which the defendant was charged and of which he has been convicted is that defined in section 14 of Act No. 292 of the United States Philippine Commission, which is as follows: "Any person who shall have taken any oath before any military officer of the Army of the United States, or before any officer under the Civil Government of the Philippine Islands, whether such official so administering the oath was specially authorized by law so to do or not, in which oath the affiant in substance engaged to recognize or accept the supreme authority of the United States of America in these Islands or to maintain true faith and allegiance thereto or to obey the laws, legal orders, and decrees promulgated by its duly constituted authorities and who shall, after the passage of this act, violate the terms and provisions of such oath or any of such terms or provisions, shall be punished by a fine not exceeding two thousand dollars or by imprisonment not exceeding ten years, or both."

The defendant is a former insurgent officer and is entitled to the benefit of the proclamation of amnesty if the offense is one of those to which the proclamation applies. Assuming, for the purposes of the present motion, that the defendant is guilty of the offense, there is no evidence in the record showing that it was committed pursuant to orders issued by the civil or military insurrectionary authorities, or that it grew out of internal political feuds or dissensions between Filipinos and Spaniards or the Spanish authorities, or that it resulted from internal political feuds or dissensions among the Filipinos themselves. If it is covered by the amnesty it must be because it is embraced within the words employed in the proclamation to designate the first class, of offenses amnestied, namely, "offenses of treason and sedition."

If these words are to be given a construction in accordance with their strict technical signification, there will be some difficulty in holding that they include the offense in question. Treason is defined in section 1 of Act No. 292 to consist in levying war against the United States or the Government of the Philippine Islands, or adhering to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere. Sedition is defined in section 5 of the same act as the rising publicly and tumultuously in order to obtain by force or outside of legal methods certain enumerated objects of a political character. A violation of an oath containing the comprehensive engagements of that in question may be committed without by the same act committing either the crime of treason or that of sedition as thus defined, as, for example, in the case of a conspiracy to commit these crimes or to commit the crime of insurrection. (Act No. 292, sees. 3, 4, 7.) And, conversely, the crime of treason or that of sedition may be committed, without a violation of the oath of allegiance when it is committed, as it, of course, may be, by a person who has never taken such oath. The act, therefore, by which the offense of violation of oaths of allegiance, as defined in section 14 of Act No. 292, is committed, is not necessarily identical, although it may be in particular cases, with that by which the technical crime of treason or that of sedition is committed. And in all cases the offense of violation of an oath of allegiance involves, in a sense, an element, namely, the breaking of an express promise, which may not be present in treason or sedition.

In the present case the act by which the defendant is found by the court below to have violated the oath was that of denying to an officer of the United States Army the existence of certain rifles, which had been concealed by his orders at the time of his surrender in April, 1901, and of the existence and whereabouts of which he was cognizant at the time of the denial. If this act was a violation of the oath, which upon the evidence in the case may be doubtful, it was probably also an act of treason, as being an act of adhering to the enemies of the United States, giving them aid and comfort, and if the element of breach of promise is to be regarded as merely an incidental circumstance forming no part of the essence of the crime of violation of oaths of allegiance, the offense in this particular case might, perhaps, be held to be covered by the amnesty as being, in substance, treason though prosecuted under another name.

We prefer, however, to base our decision upon a broader ground, and one which will cover all cases of prosecution for the offense of violation of oaths of allegiance.

There are a variety of offenses in the criminal codes of all countries which are not directed primarily against individuals, but rather against the existence of the state, the authority of

the government or the general public tranquillity. All or nearly all of the offenses created and denned in Act No. 292 are distinctly of this character. Among them are treason properly so called (section 1), misprision of treason (section 2), insurrection (section 3), conspiracy to commit treason or insurrection (section 4), sedition properly so called (sections 5 and 6), conspiracy to commit sedition (section 7), seditious words and libels (section 8), the formation of secret political societies (section 9), and finally the offense in question (section 14). The line of distinction between some of these offenses is often difficult to draw. They are all closely related and may all be embraced under the general description of offenses of a treasonable and seditious nature. When the framer of the proclamation used the words "treason and sedition" to describe the purely political offenses covered by the amnesty, we think it was his intention, without specially enumerating the political offenses defined in Act No. 292, to include them all under those two general heads.

Treason, in its more general sense, is the "violation by a subject of his allegiance to his sovereign or liege lord, or to the supreme authority of the state." (Century Dictionary. ) Sedition, in its more general sense, is "the raising of commotions or disturbances in the state." (Bouvier's Law Dictionary, title "Sedition.") Technical terms of the law whqñ used in a statute are ordinarily to be given their technical signification. But in construing an executive act of the character of this proclamation, as in construing a remedial statute, a court is justified in applying a more liberal rule of construction in order to effectuate, if possible, the beneficent purpose intended. Certainly a limitation of the words in question to their literal and technical signification would utterly defeat the unmistakable general object of the amnesty. Upon such a construction treason, the highest of all political crimes, a crime which may be punished by death under section 1 of Act No. 292, would be included in the amnesty, while insurrection, which is a crime of precisely the same nature and differs from it solely in being inferior in degree and punishable by fine and imprisonment only, would be excluded, A construction leading to such manifest inconsistencies could be accepted only when the language admitted of no other. We think the construction suggested as the true one though somewhat less restricted than the precise legal signification of the terms "treason" and "sedition?" might warrant, may be adopted without doing violence to the language of the proclamation, and there is no room for doubt in our minds that by adopting that construction we carry out the real intention of the President.

We hold, therefore, that the offense of violation of oaths of allegiance, being one of the political offenses defined in Act No. 292, is included in the general words "treason and seditibn," as used in the proclamation. The defendant is entitled to the benefits of the proclamation, and upon filing in this court the prescribed oath the cause will be returned to

the court below with directions that he be discharged. So ordered.

*Arellano, C. J., Torres, Cooper, and Willard, JJ., concur.*

*Smith and Mapa, JJ., did not sit in this case.*

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