

REBELLION COMPLEX A Historical Background

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MEN speak of revolutions as logical propositions. In a given set of circumstances, they say, as when a people can no longer tolerate the impositions of a tyrannical government, there is no other remedy than revolution.

However, if we grant that a revolution is a logical proposition, then we must admit that among its corollaries are death and plunder, misery, rapine and terror. Basically a violent clash of brutal arms, it becomes, at a certain stage, an inhuman situation where brothers kill brothers and mothers are left to weep disconsolately over their sons.

Less than six years ago, the Philippines was gripped in the throes of a brutal civil war, the undertones of which still resound in gradually fading echoes in our hinterlands.

The Huks (*Hukbo Ng Bayan Laban Sa Mga Hapon* or The People's Army of Liberation Against the Japanese), originally a peasant army of liberation with the avowed purpose of helping rid the country of Japanese invaders, had, after the Philippine Liberation of 1945, become a well-knit, gradually expanding armed organization of guerrilla fighters who shifted their harassing activities from the now-defeated Japanese *kempeitais* to the forces of the legitimate constitutional government of the Philippines.

The Huk-Politburo trials of August 1950 brought out into the open the real designs of the Huks. The tie-up of the local Huk movement with the Kremlin was conclusively proved. The ensuing revelations made manifest the long suspected fact that Karl Marx's theory of dialectical materialism had gained a firm foothold in our country's diverse intellectual and social circles. And the consequent requisites of the local communist expansion programs gave way to a brutal reign of terror. You only had to pick up any newspaper after the Liberation of 1945 in order to read about the heinous crimes committed by the Huks in their desire to establish in our country their Utopia of a "classless society, where a dictatorship of the proletariat shall hold sway, where the omnipotent state shall give to each according to his need, and religion, that opiate of the masses used by the

capitalist class to ensure their exploitation of the laboring class, shall become a meaningless entity."

At the head of this motley group of Filipino Marxist worshippers who had the effrontery to call their cause the cause of liberty and liberation, stood the gaunt and poignant figure of a disillusioned tailor named Luis Taruc. Past master of the uses of deceit and subterfuge, of the flattering lie and the mailed fist, he knew when to use force and when to cajole, when to murder and when to offer his friendship to best advantage. In his delicate fingers, now no longer calloused by tailor's tools but splattered by the blood of Mrs. Aurora Quezon, of Philip Buencamino and Baby Quezon and the nameless victims of countless other massacres, . . . in his delicate, blood-splattered fingers, the peasants of Central Luzon became the terrified and pliant supporters of his cause.

The catalogue of Huk crimes therefore, the murders, rapine and plunders committed in the name of liberty and equality of the nation's peasantry, became a mere eloquent statistical litany adding up to only one irrefutable objective: the destruction of the national will to resist. So that in time, perhaps, when the local Huk liberation army shall be joined by an external invading host singing the Communist *Internationale*, the terror-stricken populace would become an easy prey to communist domination.

With the ascendancy of Ramon Magsaysay to the presidency, the position to which he was elevated by the Filipino people in reward and recognition of his role in breaking the back of the Communist-Huk armed rebellion, the Huks shifted their struggle for power into the sphere of peaceful parliamentary infiltration.

The shift had become evident during the tenure of Ramon Magsaysay as Secretary of the Department of National Defense with the arrest of the Huk Politburo members in Manila. Among those arrested and subsequently charged with acts of rebellion complexed with murder, kidnapping and robbery, was former Manila councilor Amado V. Hernandez, city political leader and national president of the Congress of Labor Organizations. Hernandez was convicted and sentenced to life imprisonment by Judge Agustin P. Montesa of Manila. His crime: rebellion complexed with kidnapping, murder, arson and robbery.

And then, on July 18, 1956, the Supreme Court, in a decision of six-to-four, granted provisional release to Councilor Amado V. Hernandez. Stating that there is no such thing as rebellion complexed with common crimes, the Supreme Court granted bail to Hernandez, setting off one of the greatest legal controversies ever to rock Philippine legal circles.

The order of release on bail of the Supreme Court led Solicitor General Ambrosio Padilla, ordinarily mild-mannered and soft-spoken, to thunder before the Court sitting en banc that, "When we consider that Hernandez was one of the top men of the Politburo in charge of insidious propaganda in the communist organization and the common crimes committed in the

* LL.B., 1957.

barrios were done upon instructions of the Politburo in Manila, there is indeed a real and imminent danger for the resurgence of communist aggression." He then asked the Supreme Court to turn down the petition for liberty of the other members of the Congress of Labor Organizations accused of the same crime, rebellion complex, not necessarily to stifle individual liberties but to consider the interest and security of the state. Further explaining the danger posed by the Court's ruling unless it is reversed, the Solicitor General said: "The army of 50,000 can adequately protect the state and the public against disorder especially in thickly populated cities like Manila. But there can be no adequate protection against the intermittent raids, unexpected ambushes and other acts of pillage and plunder when dissidents strike when least expected. The farms laid idle by unwarranted acts of violence, including murders and kidnappings, which at enormous expense for pacification have been returned to normal, may again be left desolate."¹

While from Pangasinan, irrepresible Jesus P. Morfe, Judge of the Court of First Instance, charged that the Supreme Court indulged in "judicial legislation" when it ruled that rebellion absorbs the common crimes perpetrated as necessary means to its commission. He made the charge in a motion asking for the Supreme Court's permission to appear as *amicus curiae* in the controversy triggered by the Supreme Court resolution granting bail to indictee Amado Hernandez. Morfe said: "The majority of this Court and its members for that matter abhor judicial legislation as violative of the principle of separation of powers and hence undermining the foundation of our republican system. But when the majority opinion ruled that crimes perpetrated as necessary means of committing rebellion must be deemed as mere ingredients of said crime and that they are merged with it and result in plain or simple rebellion only and not a complex crime, the majority of this Court thereby actually indulged in judicial legislation."²

Newly-appointed Associate Justice Fred Ruiz Castro of the Court of Appeals joined the controversy by stating in a convocation of the College of Law of the University of the Philippines that barrio folks fear the High Court's ruling would generate the release of jailed dissidents and cause the resurgence of Huk depredations in rural areas.³

Former judge Quirino Abad Santos of Pampanga, a well-known apostle of social justice, wrote the Manila papers criticizing the Solicitor General's vehement stand. Wrote Judge Abad Santos, "Solicitor General Ambrosio Padilla should better stop criticizing the Supreme Court because his criticism might undermine the faith of the people in the highest tribunal of the country, the last bulwark of democracy. . . . Knowingly or unknowingly, the Solicitor General is helping the cause of dissidents and communists be-

cause when there is disturbance in the administration, dissatisfaction among the people increases. And this is the state of things the enemies of democracy want. Instead of wasting his valuable time criticizing the Supreme Court, the Solicitor General should better recommend to Congress to amend the existing law regarding rebellion in such a way that said crime could be complexed with murder and kidnapping."⁴

Meanwhile, Jose M. Crisol, Undersecretary of National Defense, also advocated, in the wake of the Hernandez controversy, the imposition of heavier penalties for communist-inspired dissidents whose main objective is to establish a communist order in the Philippines. In justifying his stand, Crisol, speaking before the students of the University of the East, stated that those familiar with the nature of the Huk rebellion have long been convinced that it has exceeded the scope provided for by present rebellion laws, both in prime motivations behind the rebellion and the gravity of the threat to the government. He said that the Huk movement is not merely aimed at seizure of governmental powers or an effort to improve conditions in the country but has for its objective the establishment of a communist order. "Therefore," Crisol ended, "the Huk movement becomes a form of rebellion more complex than what our present laws provide for and more complex than the promulgators of those laws envisioned."⁵

The history of the Huk movement is not yet fully written. But when it is finally put into print, we believe that a chapter will be devoted to the gallant defense made by the Solicitor General's office of the interest of state. Who knows but that in the end, more than anyone, we shall owe to them the blessings of postponing Arthur Koestler's 1984 in the Philippines, if not in this part of the world?

⁴ Abad Santos, *The Supreme Court*, The Sunday Times, Sept. 30, 1956, p. 4, col. 2.

⁵ See: The Manila Times, Aug. 16, 1956, p. 6, col. 8.

¹ The Manila Times, Aug. 3, 1956, p. 9, col. 4.

² The Manila Times, Aug. 14, 1956, p. 5, col. 3.

³ See: The Manila Times, Aug. 12, 1956, p. 8, col. 5.