

# Supreme Court Decision- Extent of Supervisory Power Over Local Government

*Carmen Planas, petitioner, vs. Commissioner of Civil Service, respondent,*  
G. R. No. 46440, January 18, 1939, LAUREL, J.

1. **CONSTITUTIONAL LAW; SEPARATION OF POWERS; JUDICIAL REVIEW OF OFFICIAL ACTS OF PRESIDENT.**—The acts of the Chief Executive performed within the limits of his jurisdiction are his official acts and courts will neither direct nor restrain executive action in such cases. The rule is non-interference. But from this legal premise, it does not necessarily follow that the Court is precluded from making an inquiry into the validity or constitutionality of his acts when these are properly challenged in an appropriate legal proceeding.
2. **ID.; ID.; INTERDEPENDENCE BETWEEN DEPARTMENTS.**—There is more truism and actuality in interdependence than in independence and separation of powers, for as observed by Justice Holmes in a case of Philippine origin, the Court cannot lay down “with mathematical precision and divide the branches into watertight compartments” not only because “the great ordinances of the Constitution do not establish and divide fields of black and white” but also because even the more specific of them are found to terminate in a penumbra shading gradually from one extreme to another.”
3. **ID.; ID.; ALLOCATION OF CONSTITUTIONAL POWER; DUTY OF SUPREME COURT.**—As far as the judiciary is concerned, while it holds “neither the sword nor the purse” it is by constitutional placement the organ called upon to allocate constitutional boundaries, and to the Supreme Court is entrusted expressly or by necessary implication the obligation of determining in appropriate case the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation. (Sec. 2 (1), Art. VIII, Constitution of the Philippines.) In this sense and to this extent, the judiciary restrains the other departments of the government and this result is one of the necessary corollaries of the “system of checks and balances” of the government established.
4. **PARTIES; ADMINISTRATIVE INVESTIGATION; PLEA OF HAVING ACTED UNDER SUPERIOR ORDER: CONCLUSIVENESS UPON COURTS.**—A mere plea that subordinate officer of the government is acting under orders from the Chief Executive may be an important averment, but is neither decisive nor conclusive upon the Court.
5. **ID.; ID.; ID.; ID.**—Like the dignity of his high office, the relative immunity of the Chief Executive from judicial interference is not in the nature of a sovereign passport for all the subordinate officials and employees of the Executive Department to the extent that at the mere invocation of the authority that it purports the jurisdiction of the Court to inquire into the validity or legality of an executive order is necessarily abated or suspended.
6. **PROHIBITION; CONTROL OF JUDICIAL OF QUASI-JUDICIAL FUNCTIONS; ISSUANCE.**—While, generally prohibition as an extraordinary legal writ will not issue to restrain or control the performance of other than judicial or quasi-judicial functions, its issuance and enforcement are regulated by statute and in this jurisdiction it may issue to any inferior tribunal, corporation, board, or person, whether exercising functions judicial or ministerial, whose acts are without or in excess of jurisdiction.
7. **WORDS AND PHRASES; “JU-**

- DICIAL" AND "MINISTERIAL", SCOPE OF TERMS.—The terms "judicial" and "ministerial" used with reference to "functions" in the statute are undoubtedly comprehensive and include investigation which, if unauthorized and is violative of the Constitution, is a *fortiori* without or in excess of jurisdiction.
8. PROHIBITION; SCOPE OF OPERATION OF WRIT.—The statutory rule in this jurisdiction is that the writ of prohibition is not confined exclusively to courts or tribunals to keep them within the limits of their own jurisdiction and to prevent them from encroaching upon the jurisdiction of other tribunal, but will issue, in appropriate cases, to an officer or person whose acts are without or in excess of his authority. Not infrequently, "the writ is granted, where it is necessary for the orderly administration of justice, or to prevent the use of the strong arm of the law in an oppressive or vindictive manner, or a multiplicity of actions."
  9. CONSTITUTIONAL LAW; POWERS OF THE CHIEF EXECUTIVE; EXTENSIVE GRANT UNDER CONSTITUTION.—Extensive authority over the public service is granted the President of the Philippines. Article VII of the Constitution begins in its section 1 with the declaration that "The Executive power shall be vested in a President of the Philippines." All executive authority is thus vested in him, and upon him devolves the constitutional duty of seeing that the laws are "faithfully executed."
  10. ID.; ID.; IMPLIED POWERS.—In addition to these specific and express powers and functions, he may also exercise those necessarily implied and included in them.
  11. ID.; ID.; NATIONAL ASSEMBLY WITHOUT POWER TO DIMINISH AUTHORITY.—The National Assembly may not enact laws which either expressly or impliedly diminish the authority conferred upon the President by the Constitution.
  12. ID.; ID.; EXECUTIVE POWER OF CONTROL AND SUPERVISION; EXERCISE THRU DEPARTMENT HEADS.—The Constitution provides that the President "shall have control of all the executive departments, bureaus and offices" (Art VII, sec. 11 (1), first clause) and shall "exercise general supervision over local governments as may be provided by law" (Ibid, second clause). This power of control and supervision is an important constitutional grant. The President in the exercise of the executive power under the Constitution may act through the heads of the executive departments.
  13. ID.; ID.; ACTS OF SUBORDINATE OFFICIALS; PRESUMPTION.—The heads of the executive departments are the President's authorized assistants and agents in the performance of his executive duties, and their official acts, promulgated in the regular course of business, are presumptively his acts.
  14. ID.; ID.; ADMINISTRATIVE CONTROL THROUGH POWER OF REMOVAL.—The power of removal which the President may exercise directly and the practical necessities of efficient government brought about by administrative centralization easily make the President the head of the administration.
  15. ID.; ID.; POWER TO ORDER INVESTIGATION; BASIS OF POWER.—Independently of any statutory provision authorizing the President to conduct an investigation of the nature involved in this proceeding, and in view of the nature and character of the executive authority with which the President of the Philippines is invested, the constitutional grant to him of power to exercise general supervision over all local governments and to take care that the laws be faithfully executed must be construed to authorize him to order an investigation of the act or conduct of the petitioner herein.

16. ID.; ID.; NATURE OF POWER OF SUPERVISION.—Supervision is not a meaningless thing. It is an active power. It is certainly not without limitation, but it at least implies authority to inquire into facts and conditions in order to render the power real and effective. If supervision is to be conscientious and rational, and not automatic and brutal, it must be founded after careful study and investigation.
17. ID.; ID.; SUPERVISORY POWER OVER THE LOCAL GOVERNMENTS; EXTENT.—General *supervision* referred to in the Constitution is distinct from the *control* given to the President over executive departments, bureaus and offices.
18. ID.; ID.; EXTENT OF EXECUTIVE POWERS; DELIBERATION OF CONSTITUTIONAL CONVENTION AS GUIDE IN INTERPRETATION.—The deliberations of the Constitutional Convention show that the grant of the supervisory authority of Chief Executive was in the nature of a compromise resulting from the conflict of views in that body, mainly between the historical view which recognizes the right of local self-government and the legal theory which sanctions the possession by the state of absolute control over local governments.
19. ID.; ID.; EXECUTIVE POWER UNDER SECTION 64 OF ADMINISTRATIVE CODE HELD IN FORCE.—Section 64 of the Administrative Code of 1917 which was in existence before the taking effect of the Constitution, still subsists. It is not inconsistent with the Constitution and has not been abrogated or repealed by the National Assembly.
20. ID.; ID.; CHARGES INVOLVING MATTERS OF PUBLIC INTEREST; POWER OF PRESIDENT TO ORDER INVESTIGATION; BASIS OF POWER.—Under the facts of the case, held: The investigation of the petitioner in the case at bar would still be in order if for no other purpose than to cause a full and honest disclosure of all the facts so that, if found proper and justified, appropriate action may be taken against the parties alleged to have been guilty of the illegal acts charged. This is essential to render effective the authority vested in the President by the Constitution "to take care that the laws be faithfully executed."
21. ID.; ID.; DUTIES TO PRESERVE AND DEFEND CONSTITUTION AND TO FAITHFULLY EXECUTE THE LAW; SCOPE.—The declaration that the President should "take care that the laws be faithfully executed" is more an imposition of an obligation than a conferment of power. His oath requires him to "faithfully and conscientiously fulfill" his duties as President, "preserve and defend" the Constitution and "execute" the law. This duty of the Executive to see that the laws be faithfully executed is not limited to the enforcement of legislative acts or the express terms of the Constitution but also includes the due enforcement of rights, duties, obligations, prerogatives and immunities growing out of the Constitution itself and of the protection implied by the nature of the government under the Constitution.
22. ID.; FREEDOM OF SPEECH; EXTENT AND LIMITATIONS OF PRIVILEGE.—An investigation ordered to enable petitioner to substantiate charges involving public interest is not a denial of the right of free speech nor is such investigation ordered because of her exercise of that right. Petitioner has a perfect right to criticize the Government, its administration, its policies and officials, but she may not, on the plea of freedom of speech and of the press, impute violations of law and the commission of frauds and thereafter hold her arms and decline to face an investigation conducted to elicit the truth or falsity of the charges formulated by her. Otherwise, the guarantee which, in the language of Wendell Phillips, is "at

once the instrument and the guarantee, and the bright consummate flower of all liberty" would degenerate into an unbridled license, and render the Government powerless to act.

#### ORIGINAL PROCEEDINGS. Prohibition.

The facts are stated in the opinion of the court.

*Juan Sumulong, Godofredo Reyes, Vicente Sotto, Lorenzo Sumulong, Wenceslao Q. Vinsons and Jose de Leon* for petitioner.

*Solicitor-General Roman Ozaeta* for respondent.

#### DECISION

This is an original action of prohibition instituted in this Court by which the petitioner seeks to enjoin the respondent Commissioner of Civil Service from conducting the investigation ordered by authority of the President of the Philippines. The case arose as a result of the publication in one of the local dailies of a statement in which the petitioner, then and now a member of the Municipal Board of the City of Manila, criticized the acts of certain government officials in connection with the general election for Assemblymen held on November 8, 1938. The statement as published in the issue of *La Vanguardia* of November 17, 1938, is translated as follows:

"All opposition efforts in the country are useless just as all movement toward the unification of the opposition as long as in the opposition group there are people who present their candidacies and then speculate on these candidacies, offering them to the highest bidder. In Manila, the opposition should have won the November 8 elections, but lost instead because of a disastrous division due to people who commercialized their candidacies.

"The Constitution prohibits the reelection of the President precisely so that the President may devote all his time to the administration of public affairs for the welfare of the people, but the President was the first to play politics, publicly expressing his preference for candidates of his liking; and with the President all other officials of the government also moved, taking part in electoral campaigns.

"With the government machinery feverishly functioning to flatten the opposition and prevent candidates supported by the people

from going to the National Assembly, and with frauds and violations of all rules of the civil service to push to victory the candidates of the Nacionalista Party and the administration, all constructive opposition in the country is useless. In past elections, all the municipal and city mayors have been mobilized to insure the victory of the candidates of the administration, depriving the people of their right to vote for the candidates of their own choosing.

"Even members of the cabinet moved, one of them, the Hon. Eulogio Rodriguez going to the extent of speaking at meetings in the province of Rizal to counteract the avalanche of votes for the opposition, instead of staying in his office in the government. The opposition is struggling within the law, but the party in power uses means that are not worthy of gentlemen in order that it may predominate in the government forever, never has it tried to fight fairly.

"It may be said that the President of the United States is also making electoral campaigns, but the situation in the United States is different. There the President is allowed to run for reelection while in the Philippines the Constitution wisely provides against the reelection of the President. It is reasonable to believe that the President is from this moment paving the way for his reelection. It is to be feared that the new National Assembly will change this wise provision of our Constitution to permit the reelection of President Manuel L. Quezon."

On November 18, 1938, the day following the publication of the foregoing statement, the petitioner received a letter, Annex A, signed as follows: "By authority of the President: Jorge B. Vargas, Secretary of the President," in which letter the statement is quoted in full and the petitioner is informed thus:

"In the above statement, you appear to make the following: (1) That the President of the Philippines has violated the Constitution in that he has taken part in politics, expressing his preference for the candidates of the Nacionalista Party; (2) That the whole government machinery has been put in action to prevent the election to the National Assembly of the candidates of the people; (3) That the candidates of the Nacionalista Party and of the administration have won the election through frauds and violations of the civil service rules;

(4) That the administration does not permit the people to freely elect the candidates of their choice.

"You are hereby directed to appear before the Commissioner of Civil Service either alone or accompanied by counsel, at 9:00 o'clock a. m., on November the 22nd to prove the statements made by you. Failure to sustain your charges or to prove that they have been made in good faith will be considered sufficient cause for your suspension or removal from office."

At the appointed time, the petitioner, accompanied by her counsel, appeared at the Office of the respondent and delivered to him a letter, Annex B, in which she voiced objection to the authority of the respondent to conduct the investigation. The respondent Commissioner did not desist from proceeding with the investigation, but announced before adjourning the hearing of November 22nd that he would decide the question raised as to his jurisdiction on November 26, 1938. It was at this state of the investigation that the petitioner filed in this Court her original petition for prohibition of November 25, 1938, in which she at the same time prayed for the issuance of a writ of preliminary injunction enjoining the respondent Commissioner from continuing with the investigation. The petition for the issuance of a writ of preliminary injunction was denied by resolution of this Court dated November 25, 1938. The next day the petitioner requested the respondent, in writing (Annex D), to refrain from making any ruling on the question of his jurisdiction to investigate the petitioner and to abstain from taking any further step in connection with said investigation until the jurisdictional issue could be finally passed upon by this Court. On the same day, the request of the petitioner was denied and the respondent ruled that he had jurisdiction to proceed with the investigation (Annex E). The respondent also notified the petitioner to appear before him on Saturday, December 3, 1938, and to testify in her behalf and produce such other evidence as she might desire to present in support of the charges contained in her statement of November 17, 1938. The original petition of November 25th was amended by another

of December 2nd. The amendment was allowed by this Court. The Solicitor-General filed his amended answer accordingly.

Petitioner contends in her amended petition:

"(a)—That the respondent is absolutely without jurisdiction to investigate petitioner with a view to her suspension or removal in connection with her statement of November 17th;

"(b)—That the said investigation with a view to petitioner's suspension or removal is against Art. VII, sec. 11(1) of the Constitution of the Philippines and is not warranted by any statutory provision;

"(c)—That even under the statutes in force before the approval of the Constitution of the Philippines, petitioner, as councilor of the City of Manila, cannot be investigated administratively with a view to her suspension or removal except for acts or conduct connected with the discharge of her official functions;

"(d)—That petitioner as an elective official, is accountable for her political acts to her constituency alone, unless such acts constitute offenses punishable under our penal laws, and not to executive officials belonging to a party opposed to that to which petitioner is affiliated;

"(e)—That petitioner's statement of November 17th made by her as a private citizen and in the exercise of her right to discuss freely political questions cannot properly be the subject of an administrative investigation had with a view to her suspension or removal, and is only cognizable by our courts of justice in case the contents of said statement infringe any provision of our Penal Code;

"(f)—That if petitioner's statement of November 17th, as asserted in the Vargas letter of November 21st Annex 'C', constitute sedition or any other criminal offense in that said statement 'tends to create general discontent, and hatred among the people against their government, to make them lose faith in the effectiveness of lawful processes to secure a change in the control of the government, and to present the next National Assembly as an illegal body, constituted by men who have been elected through wholesome frauds and violations of the civil service rules, 'then petitioner's responsibility is a matter that should be heard and decided by the competent courts in a trial publicly and impartially conducted, and should not be the subject of an administrative investigation with

a view to suspension or removal held behind closed doors, with the power of final decision resting in the hands of the very officials imputing seditious or other criminal utterances to the petitioner;

"(g)—That the authority sought to be conferred on respondent by means of the two letters Annex 'A' and 'C' both signed 'By authority of the President: Jorge B. Vargas, Secretary to the President' is without any force or effect, since the powers and prerogatives vested in the President of the Philippines by our Constitution and by our laws can be exercised by the President alone, and cannot be delegated to Mr. Jorge B. Vargas or to any other person;

"(h)—That the proposed investigation with a view to petitioner's suspension or removal by this Honorable Court, would constitute an exercise of arbitrary, inquisitorial unlawful, and oppressive powers on the part of respondent, tending to the suppression of the constitutional right of petitioner, as a citizen, to express freely and without fear of political persecution her honest opinions concerning the policies and political conduct of government officials."

Petitioner prays:

"(1)—That a writ of preliminary injunction be forthwith issued directing the respondent Commissioner of Civil Service to desist from the investigation sought to be conducted by him of petitioner, with a view to her suspension or removal, in connection with her statement published November 17th, until further orders of this Honorable Court;

"(2)—That upon due hearing the respondent be permanently prohibited from proceeding further in connection with said investigation;

"(3)—That the orders contained in the two letters of Mr. Jorge B. Vargas (Annexes 'A' and 'C' and the respondent's resolution dated November 26, 1938 (Annex 'E'), under which respondent seeks to undertake the investigation so many times referred to herein, be declared arbitrary and unconstitutional and therefore without any force or effect;

"(4)—For costs of the petitioner and for such other remedy as to this Honorable Court may seem just and equitable."

Upon the other hand, the Solicitor-General contends in his amended answer:

(a) That respondent not only has jurisdiction but is in duty bound to investigate the charges contained in the petitioner's statement published on November 17, 1938,

by virtue of and pursuant to the order of His Excellency, the President of the Philippines (par. 3);

(b) That the power to order an investigation is vested in the President of the Philippines by section 11(1) of article VII of the Constitution and section 64 (c) of the Revised Administrative Code (Id.);

(c) That the question of whether or not the good of the public service requires the investigation in question is a matter on which the opinion of the Chief Executive is conclusive and not subject to review by the courts (par. 4, (b) );

(d) That an administrative investigation of any act or conduct of any person in the government service is independent and exclusive of any judicial action that the interested parties may institute arising from the same act or conduct (par. 4, (c) );

(e) That petitioner's theory that an elected provincial or municipal official is accountable to his or her constituency alone and is not subject to any administrative investigation but only to a criminal prosecution in court, has no basis either in law or in precedent (par. 5, (a) );

(f) That such investigation is neither arbitrary nor unlawful nor inquisitorial because it is sanctioned by the Constitution and statutory provisions (par. 5, (b) );

(g) That the petition does not state a cause of action nor does it appear that petitioner has suffered any grievance that calls for the Court's intervention, for it is not alleged that petitioner has been removed or suspended from office or that she has in any way been deprived of any civil or political right par. 7, (a) );

(h) That the present action is premature and that there is no justification for the Court to entertain the same (par. 9); and

(i) That this Court has no jurisdiction over the case under the doctrine of separation of powers (par. 10).

The Solicitor-General under the last paragraph (par. 10) of his amended answer, raises the question of jurisdiction of this Court over the acts of the Chief Executive. He contends that "under the separation of powers marked by the Constitution, the Court has no jurisdiction to review the orders of the Chief Executive, evidenced by Annex 'A' and Annex 'C' of the petition, which are of purely administrative character."

Reliance is had on the previous decisions of this Court: *Severino v. Governor-General* (1910) 16 Phil. 366; *Abueva v. Wood* (1924) 45 Phil. 612; and *Alejandrino v. Quezon et al.* (1942) 46 Phil. 83. Although this is the last point raised by the Government in its answer, it should, for reasons that are apparent, be first to be considered. If this Court does not have jurisdiction to entertain these proceedings, then, the same should be dismissed as a matter of course; otherwise, the merits of the controversy should be passed upon and determined.

It must be conceded that the acts of the Chief Executive performed within the limits of his jurisdiction are his official acts and courts will neither direct nor restrain executive action in such cases. The rule is non-interference. But from this legal premise, it does not necessarily follow that we are precluded from making an inquiry into the validity or constitutionality of his acts when these are properly challenged in an appropriate legal proceeding. The classical separation of governmental powers, whether viewed in the light of the political philosophy of Aristotle, Locke, or Montesquieu, or of the postulations of Mabini, Madison, or Jefferson is a relative theory of government. There is more truism and actuality in interdependence than in independence and separation of powers, for as observed by Justice Holmes in a case of Philippine origin, we cannot lay down "with mathematical precision and divide the branches into watertight compartments" not only because "the great ordinances of the Constitution do not establish and divide fields of black and white" but also because "even the more specific of them are found to terminate in a penumbra shading gradually from one extreme to another." (*Springer v. Government* (1928) 277 U. S. 189; 72 L. ed. 845, 852.) As far as the judiciary is concerned, while it holds "neither the sword nor the purse" it is by constitutional placement the organ called upon to allocate constitutional boundaries, and to the Supreme Court is entrusted the determination of the constitutionality or

in appropriate cases the constitutionality or validity of any treaty, law ordinance, or executive order or regulation. (Sec 2 (1), Art. VIII, Constitution of the Philippines.) In this sense and to this extent, the judiciary restrains the other departments of the government and this results is one of the necessary corollaries of the "system of checks and balances" of the government established.

In the present case, the President is not a party to the proceeding. He is neither compelled nor restrained to act in a particular way. The Commissioner of Civil Service is the party respondent and the theory is advanced by the Government that because an investigation undertaken by him is directed by authority of the President of the Philippines, this Court has no jurisdiction over the present proceeding instituted by the petitioner, Carmen Planas. The argument is far-fetched. A mere plea that a subordinate officer of the government is acting under orders from the Chief Executive may be an important averment, but is neither decisive nor conclusive upon this Court. Like the dignity of his high office, the relative immunity of the Chief Executive from judicial interference is not in the nature of a sovereign passport for all the subordinate officials and employees of the Executive Department to the extent that at the mere invocation of the authority that it purports the jurisdiction of this Court to inquire into the validity or legality of an executive order is necessarily abated or suspended. The facts in *Severino v. Governor-General*, *supra*, *Abueva v. Wood*, *supra*, and *Alejandrino v. Quezon*, *supra*, are different, and the doctrines held down therein must be confined to the facts and legal environment involved and whatever general observations might have been made in elaboration of the views therein expressed but which are not essential to the determination of the issues presented are mere *obiter dicta*.

While, generally prohibition as an extraordinary legal writ will not issue to restrain or control the performance of other than judicial or quasijudicial

jurisdiction. (Secs. 516 and 226, C. C. P.) The terms "judicial and ministerial" used with reference to "functions" in the statute are undoubtedly comprehensive and include the challenged investigation by the respondent Commissioner of Civil Service, which investigation if unauthorized and is violative of the Constitution as contended is a *fortiori* without or in excess of jurisdiction. The statutory rule in this jurisdiction is that the writ of prohibition is not confined exclusively to courts or tribunals to keep them within the limits of their own jurisdiction and to prevent them from encroaching upon the jurisdiction of other tribunal, but will issue, in appropriate cases, to an officer or person whose acts are without or in excess of his authority. Not infrequently, "the writ is granted, where it is necessary for the orderly administration of justice, or to prevent the use of the strong arm of the law in an oppressive or vindictive manner, or a multiplicity of actions." (*Dimayuga & Fajardo v. Fernandez* (1922) 43 Phil. 304, 307; *Aglipay v. Ruiz* (1937) XXXV O. G., No. 121, p. 2164.) This Court, therefore, has jurisdiction over the instant proceedings and will accordingly proceed to determine the merits of the present controversy.

As is seen from the foregoing relation of facts, various legal questions are propounded. Reducing, however, the issues to what is considered as the fundamental legal proposition presented, we are asked in these proceedings to prohibit the respondent Commissioner of Civil Service from conducting or continuing with the investigation ordered by authority of the President of the Philippines. It is not denied that the President did authorize the issuance of the order, but it is contended "that the said investigation with a view to petitioner's suspension or removal is against Art. VII, sec. 11(1) of the Constitution of the Philippines and is not warranted by any statutory provision." (Par. XV (b), amended petition.) It, therefore becomes necessary to inquire into the constitutional and legal authority of the President to order the investigation which has given rise to the present controversy.

A perusal of our Constitution will show that extensive authority over the

public service is granted the President of the Philippines. Article VII of the Constitution begins in its section 1 with the declaration that "The Executive power shall be vested in a President of the Philippines." All executive authority is thus vested in him, and upon him devolves the constitutional duty of seeing that the laws are "faithfully executed." (Art. VII, sec. 11, subsec. 1, last clause.) In the fulfillment of this duty which he cannot evade, he is granted specific and express powers and functions. (Art. VII, sec. 11.) In addition to these specific and express powers and functions, he may also exercise those necessarily implied and included in them. (*Myers v. United States* (1926) 272 U. S. 52, 71 L. ed. 160, 47 Sup. Ct. Rep. 21; *Willoughby*, Constitution of the United States, sec. 953, citing *Taft's Our Chief Magistrate and His Powers*, 139.) The National Assembly may not enact laws which either expressly or impliedly diminish the authority conferred upon the President by the Constitution. (*Cf. Concepcion v. Raredes* (1921) 42 Phil. 599.) The Constitution provides that the President "shall have control of all the executive departments, bureaus and offices" (Art. VII sec. 11 (1), first clause) and shall "exercise general supervision over local governments as may be provided by law" (*Ibid*, second clause). This power of control and supervision is an important constitutional grant. The President in the exercise of the executive power under the Constitution may act through the heads of the executive departments. The heads of the executive departments are his authorized assistants and agents in the performance of his executive duties, and their official acts, promulgated in the regular course of business, are presumptively his acts. (*Runkle v. United States* (1887) 122 U. S. 543, 30 L. ed., 1167, 7 Sup. Ct. Rep. 1141; See also *U. S. v. Eliason* (1839) 16 Pet. 291, 10 L. ed. 968; *Jones v. U. S.* (1890) 137 U. S. 202, 34 L. ed. 691, 11 Sup. Ct. Rep. 80; *Wolsey v. Chapman* (1880) 101 U. S. 755, 25 L. d. 015; *Wilcox v. Jackson* (1836) 13 Pet. 498, 10 L. ed. 264). The power of removal which the President may exercise directly and the practical necessities of efficient government brought about by administrative cen-



trallization easily make the President the head of the administration. (Willoughby, Constitution of the United States, Vol. II, 2nd ed. sec. 959.) Independently of any statutory provision authorizing the President to conduct an investigation of the nature involved in this proceeding, and in view of the nature and character of the executive authority with which the President of the Philippines is invested, the constitutional grant to him of power to exercise general supervision over all local governments and to take care that the laws be faithfully executed must be construed to authorize him to order an investigation of the act or conduct of the petitioner herein. Supervision is not a meaningless thing. It is an active power. It is certainly not without limitation, but it at least implies authority to inquire into facts and conditions in order to render the power real and effective. If supervision is to be conscientious and rational, and not automatic and brutal, it must be founded upon a knowledge of actual facts and conditions disclosed after careful study and investigation.

Viewed from the totality of powers conferred upon the Chief Executive by our Constitution, we should be reluctant to yield to the proposition that the President of the Philippines who is endowed with broad and extraordinary powers by our Constitution, and who is expected to govern with a firm and steady hand without vexatious or embarrassing interference and much less dictation from any source, is yet devoid of the power to order the investigation of the petitioner in this case. We should avoid that result.

Our attention has been directed to the fact that, with reference to local government, the Constitution speaks of general *supervision* which is distinct from the *control* given to the President over executive departments, bureaus and offices. This is correct. But, aside from the fact that this distinction is not important insofar as the power of the President to order the investigation is concerned, as hereinabove indicated, the deliberations of the Constitutional Convention show that the grant of the supervisory authority to Chief Executive in this regard was in the nature of a compromise resulting from the con-

flict of views in that body, mainly, between the historical view which recognizes the right of local self-government (People Ex rel. Le Roy v. Hurlbut et al. (1871 24 Mich. 44) and the legal theory which sanction the possession by the state of absolute control over local governments. (Booten v. Pinson, L. R. A. (N.S.) 1917-A, 1244; 77 W. Va. 412 (1915)). The result was the recognition of the power of supervision and all its implications and the rejection of what otherwise would be an *imperium in imperio* to the detriment of a strong national government.

Apart from the constitutional aspect, we find that section 64 of the Administrative Code of 1917 provides as follows:

"In addition to his general supervisory authority the Governor-General (President) shall have such specific powers and duties as are expressly conferred or imposed on him by law and also, in particular, the powers and duties set forth in this chapter.

"Among such special powers and duties shall be:

\* \* \*

(c) To order, when in his opinion the good of the public service so requires, an investigation of any action or the conduct of any person in the Government service and in connection therewith to designate the official, committee, or person by whom such investigation shall be conducted."

This provision of the law, in existence before the taking effect of the Constitution, still subsists. It is not inconsistent with the Constitution and has not been abrogated or repealed by the National Assembly. (See sec. 2, Art. XV, Constitution.)

It is next urged that assuming the power of the President to order the investigation, that investigation should be in accordance with law; that the petitioner as an elective official can be proceeded against administratively only on the grounds specifically stated in the law, namely, disloyalty, dishonesty, oppression, misconduct, or maladministration in office; and that as an elective official she is responsible for her political acts to her constituency alone. At the risk of repetition, it should be observed that in the letter addressed by Secretary Vargas, by authority of the President, to Miss Planas, the latter is informed as

follows: "In the above statement, you appear to make the following charges:

(1) That the President of the Philippines has violated the Constitution in that he has taken part in politics, expressing his preference for the candidates of the Nacionalista Party; (2) That the whole government machinery has been put in action to prevent the election to the National Assembly of the candidates of the people; (3) That the candidates of the Nacionalista Party and of the administration have won the election through frauds and violations of the civil service rules; (4) That the administration does not permit the people to freely elect the candidates of their choice"; and in that letter she is directed to appear before the Commissioner of Civil Service to prove the statement made by her. In the letter designating the respondent Commissioner as investigator of the petitioner, it is stated: "The charges contained in the foregoing statement tend to create general discontent, and hatred among the people against their government, to make them lose faith in the effectiveness of lawful processes to secure a change in the control of the government, and to present the next National Assembly as an illegal body, constituted by men who have been elected through wholesale frauds and violations of the civil service rules. The interest of the public service requires that these charges be investigated, so that, if found to be true, appropriate action may be taken against the parties alleged to have been guilty of illegal acts, and if found untrue and made without justifiable motives, the party making them may be proceeded against in accordance with Section 2440, in connection with Section 2078, of the Revised Administrative Code." Assuming that this is not one of the grounds provided by law for which the petitioner may be investigated administratively (Sec. 2078, Rev. Adm. Code), there is weight in the argument that the investigation would still be in order if for no other purpose than to cause a full and honest disclosure of all the facts so that, if found proper and justified, appropriate action may be taken against the parties alleged to have been guilty of the illegal acts charged. This is essential to

render effective the authority vested in the President by the Constitution "to take care that the laws be faithfully executed." (Sec. 11, par. 1, Art. VII.) The enforcement of the law and the maintenance of peace and order are primarily an executive obligation. The declaration that the President should "take care that the laws be faithfully executed" is more an imposition of an obligation than a conferment of power. His oath requires him to "faithfully and conscientiously fulfill" his duties as President, "preserve and defend" the Constitution and "execute" the law. This duty of the Executive to see that the laws be faithfully executed is not limited to the enforcement of legislative acts or the express terms of the Constitution but also includes the due enforcement of rights, duties, obligations, prerogatives and immunities growing out of the Constitution itself and of the protection implied by the nature of the government under the Constitution. (Cunningham vs. Neagle, 135 U. S. 1, 34 L. ed. 55.)

Petitioner contends that she has not abused the right of free speech, and in this connection directs our attention to the provisions of section 1 (pars. 1 & 8) of the bill of rights. She also urges that "in the supposition that the statement in question is libelous \* \* \*—, the corresponding criminal or civil action should be brought in the courts of justice at the initiative, not of the government, but of the individuals claiming to have been defamed by the state ments." (p. 11, printed memorandum of the petitioner.) We are vigilantly alive to the necessity of maintaining and protecting the constitutional guaranty of freedom of speech and of the press, no less than the right of assembly and petition which, according to Stimson (*The American Constitution As It Protects Private Rights*, 152), is its origin rather than its derivation. We do not forget that when repression of political and religious discussion became intense --when censorship of the press was resorted to most vigorously by the Long Parliament in England—John Milton, the great historiographer of Cromwell, in his *Areopagitica*, denounced the suppression of truth and appealed for "the liberty to know, to utter, and to argue freely accordingly to conscience, above

all liberties (Areopogitica, 73, 74, Am-  
bler's Reprint). And this Court has  
had occasion to vindicate this right,  
and it is not a settled doctrine that the  
official conduct and the policies of pub-  
lic officials can be criticized (U. S. v.  
Bustos, 37 Phil. 731), and that criticism  
of the Constitution and legislation, of  
government measures or policies cannot  
be suppressed or prevented (U. S. v.  
Perfecto, 43 Phil., 225), unless the in-  
tention be to incite rebellion and civil  
war (Cooley, Constitutional Limita-  
tions, 614). In the present case, how-  
ever, the petitioner is not denied the  
right, nor is she being investigated be-  
cause she had exercised that right. She  
has a perfect right to criticize the Gov-  
ernment, its administration, its policies  
and officials, but she may not, on the  
plea of freedom of speech and of the  
press, impute violations of law and the  
commission of frauds and thereafter  
fold her arms and decline to face an  
investigation conducted to elicit the  
truth or falsity of the charges formu-  
lated by her. Otherwise, the guaran-  
tee which, in the language of Wendell  
Phillips, is "at once the instrument, and  
the guarantee, and the bright con-  
summate flower of all liberty" would  
degenerate into an unbridled license,  
and render the Government powerless  
to act.

The petition is hereby dismissed, with  
costs against the petitioner.

So ordered.

JOSE P. LAUREL

WE CONCUR: *Ramon Avanceña, An-  
tonio Villa-Real, Carlos A. Imperial,  
Anacleto Diaz, Pedro Concepcion.*

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## Executive . . . .

(Continued from page 601)

appointed, the power to make such ap-  
pointment being vested in the Presid-  
ent. The absence of the Provincial  
Governor from the province on official  
business, as in this case, does not  
create a temporary vacancy and, there-  
fore, there is no vacancy to fill. Be-  
fore going out of the province on of-  
ficial business, the Governor should,  
however, authorize a provincial offi-  
cial or employee, pursuant to standing  
instructions, preferably the Provincial  
Secretary, to dispatch routine matters  
in his office and should designate a  
member of the Provincial Board to pre-  
side over such regular and/or special  
meetings as may be held by the Board  
during his absence. Please be guided  
accordingly.—*1st Ind., May 31, 1946,  
of Undersecretary of the Interior; DIF  
147.02, Abra.*

—oO—

## TRUST THYSELF

TRUST thyself: every heart vibrates  
to that iron string. Insist on your-  
self; never imitate. That which each  
can do best, none but his Maker can  
teach him. There is a time in every  
man's education when he arrives at the  
conviction that imitation is suicide;  
that he must take himself for better,  
for worse, as his portion. The power  
which resides in him is new in Nature,  
and none but he knows what that is  
which he can do, nor does he know un-  
til he has tried.—*Ralph Waldo Emer-  
son.*

—oO—

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# REVISED ADMINISTRATIVE CODE OF THE PHILIPPINES

ACT No. 2711

Approved March 10, 1917

(As amended by the Congress of the Philippines)

Edited by

JUAN F. RIVERA

(Member of the Philippine Bar And Pensionado of the Republic of the Philippines in the University of Wisconsin U. S. A. on "Municipal Government Administration")

## FOURTH (PHILIPPINE LEGISLATURE

First Session

begun and held at the City of Manila on Monday the sixteenth day of October, one thousand nine hundred and sixteen

## AN ACT AMENDING THE ADMINISTRATIVE CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

For the purpose of adapting it to the Jones Law<sup>1</sup> and the Reorganization Act,<sup>2</sup> Act Numbered Two thousand six hundred and fifty-seven, known as the Administrative Code, is hereby amended in certain particulars; and said Act shall hereafter read as follows:

1. The Act of Congress of the United States of August 29, 1916.

2. Reorganization Act No. 2656 of the Philippine Legislature; see Executive Order No. 94, s. 1947.

## BOOK I

## ORGANIZATION, POWERS, AND GENERAL ADMINISTRATION OF PHILIPPINE GOVERNMENT

### Title I.—MATTER OF GENERAL NATURE

Preliminary Chapter.—Title of Act

SECTION 1. *Title of Act.*—This Act shall be known as the Administrative Code.

[2657—1.]

## Chapter 1. — DEFINITIONS AND GENERAL PROVISIONS

### ARTICLE I.—Definitions

SEC. 2. Words and phrases defined

### ARTICLE II.—General principles

SEC. 3. Relation of Administrative Code to prior laws.

SEC. 4. Authority of officer to act through deputy.

SEC. 5. Exercise of Administrative discretion.

### ARTICLE III.—Form and effect of laws in general

SEC. 6. Form of enacting clause.

SEC. 7. Form of resolving clause.

SEC. 8. Clauses not to be repeated.

SEC. 9. Numbering and frame of sections.

SEC. 10. Manner of referring to statutes.

SEC. 11. When laws take effect.

SEC. 12. Ignorance of law.

SEC. 13. Computation of time.

SEC. 14. No implied revival of repealed law.

SEC. 15. Language that should prevail in the interpretation of laws.

### ARTICLE IV.—Jurisdiction and distribution of powers of Government

SEC. 16. Territorial jurisdiction and extent of powers of Philippine Government.

SEC. 17. Distribution of powers of government.

### ARTICLE V.—Arm and Great Seal

SEC. 18. Arms and Great Seal of the Commonwealth of the Philippines.

SEC. 19. Custody and use of Great Seal.

### ARTICLE VI.—Administration of oaths in general

SEC. 20. Solemn affirmation in lieu of oaths.

SEC. 21. Officials authorized to administer oaths.

SEC. 22. Duty to administer oaths.

### ARTICLE VII.—Oaths of office

SEC. 23. Oath of office for (insular) national and provincial employees.

SEC. 24. Oath of office of municipal official.

SEC. 25. Occasions for administration of official oath.

SEC. 26. By whom oath of office may be administered.

SEC. 27. Preservation of oaths.

SEC. 28. Swearing of interpreters and stenographers.

#### ARTICLE VIII.—*Legal holidays*

SEC. 29. Legal holidays.

SEC. 30. Special holidays declared by (Governor-General) President of the Philippines.

SEC. 31. Pretermission of holiday.

#### ARTICLE IX.—*Weights and measures*

SEC. 32. Standard weights and measures in (Philippine Island) Philippines.

SEC. 33. Requirement as to use of metric system.

#### ARTICLE X.—*Official Gazette*

SEC. 34. Reporter of Supreme Court as editor of Official Gazette.

SEC. 35. Contents of Official Gazette.

SEC. 36. English and Spanish issues of Official Gazette — Printing and distribution.

#### ARTICLE I.—*Definitions*

SEC. 2. *Words and phrases defined.*

—The following expressions shall be taken in the sense herein below indicated, except as a different meaning for the word or phrase in question may be given in a particular statute or is plainly to be collected from the context or connection where the term is used:

“The Government of the (Philippine Island) Philippines”<sup>1</sup> is a term which refers to the corporate governmental entity through which the functions of government are exercised throughout the (Philippine Islands) Philippines, including, save as the contrary appears from the context, the various arms through which political authority is made effective in (said Islands) the Philippines, whether pertaining to the central Government or to the provincial or municipal branches or other form of local government.

“(Insular) National Government” refers to the central government as distinguished from the different forms of

local government. “Philippine Government” refers to the Government of the (Philippine Islands) Philippines.

“Specially organized province” includes Batanes, (Mindoro,) Mountain Province, Nueva, Vizcaya, and Palawan.<sup>2</sup>

“Regularly organized province” includes all provinces except the specially organized provinces and the provinces of the Department of Mindanao and Sulu.<sup>3</sup>

“Municipality” refers to municipalities proper and except as otherwise specially provided does not include chartered city, (township) <sup>4</sup> municipal district, or other local political division.<sup>5</sup>

“Chartered city,” “city incorporated under special charter,” and similar expressions refer to cities, like Manila and Baguio, incorporated under special laws.<sup>6</sup>

“Citizen of the (Philippine Island) Philippines” includes not only those who acquire the status of citizens of the (Philippine Islands) Philippines by birth or naturalization, but also persons who have acquired the status of Filipinos under Article IX of the Treaty of Paris, on the tenth of December, one thousand eight hundred and ninety-eight.<sup>7</sup>

“Employee,” when generally used in reference to persons in the public service, includes any person in the service of the Government or any branch thereof of whatever grade or class.

“Officer,” as distinguished from “Clerk” or “employee” refers to those officials whose duties, not being of a clerical or manual nature, may be considered to involve the exercise of discretion in the performance of the functions of government, whether such duties are precisely defined by law or not.

“Officer,” when used with reference to a person having authority to do a particular act or perform a particular function in the exercise of governmental power, shall include any Government employee, agent, or body having authority to do the act or exercise the function in question.

The word "person" includes both natural and artificial persons.

[2657—2.]

1. The term "Government of the Philippines" is used in subsection 2, Section 1, Article XVII, Constitution of the Philippines.

2. Section 1 of Act 2824, as amended by section 1 of Act 2887, extended the provisions of Chapters 63 and 64 of the Revised Administrative Code to Batanes, Mindoro, and Palawan. Later Mindoro was made a regularly organized province by Act 2964. The same chapters of said Code have been extended by Act 2798, as amended by Act 2913, to the Mountain Province and the Province of Nueva Vizcaya.

3. The Department of Mindanao and Sulu has been abolished and discontinued as a special political division. (See Sec. 1, Act 2878).

4. Abolished by Act 2824 Sec. 2.

5. See C. A. No. 581, re former special municipalities of Romblon.

6. Cities of Zamboanga (C. A. 39, as amended by C. A. 208 and 250; *Davao* (C. A. 51 as amended by C. A. 209 and 462); *Iloilo* (C. A. 57 as amended by C. A. 158 and Rep. Act (276); *Cebu* (C. A. 58 as amended by C. A. 129 and Rep. Acts 67, 244); *Bacolod* (C. A. 326 as amended by C. A. 404) *Tagaytay* (C. A. 338 as amended by C. A. 397); *Quezon City* (C. A. 502 as amended by C. A. 659); *San Pablo* (C. A. 520); *Cavite* (C. A. 547); *Lipa* (Rep. Act 162); *Dagupan* (Rep. Act 170); *Ormoc* (Rep. Act 179); *Rizal* (Rep. Act 183); *Basilan* (Rep. Act 288); *Naga* (Rep. Act 302); *Legaspi* (Rep. Act 306); *Dumaguete* (Rep. Act 327); *Calbayog* (Rep. Act 328);

7. The following are citizens of the Philippines: (1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution; (2) Those born in the Philippine Islands of foreign parents who before the adoption of this Constitution, had been elec-

ted to the public office in the Philippine Islands; (3) Those whose fathers are citizens of the Philippines; (4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship; and (5) Those who are naturalized in accordance with law.—Sec. 1, Art. IV, Constitution of the Philippines; See Republic Act 106 providing for the ways in which Philippine citizenship may be lost or reacquired.

#### ARTICLE II.—*General principles*

SEC. 3. *Relation of Administrative Code to prior law.*—Such provisions of this Code as incorporate prior laws shall be deemed to be made in continuation thereof and to be in the nature of amendments thereto, without prejudice to any right already accrued.

[2657—3.]

SEC. 4. *Authority of officer to act through deputy.*—A ministerial Act which may be lawfully done by any officer may be performed by him through any deputy or agent lawfully created or appointed.

[2657—4.]

SEC. 5. *Exercise of administrative discretion.*—The exercise of the permissive powers of all executive or administrative officers and bodies is based upon discretion and when such officer or body is given authority to do any act but not required to do such act, the doing of the same shall be dependent on a sound discretion to be exercised for the good of the service and benefit of the public, whether so expressed in the statute giving the authority or not.

#### ARTICLE III.—*Form and effect of laws in general*

SEC. 6. *Form of enacting clause.*—The enacting clause of all statutes passed by the (Philippine Legislature) Congress of the Philippines shall be conceived in the following terms: *Be it enacted by the Senate and House of Representatives of the Philippines in (Legislature) Congress assembled:*

1. See Sec. 1, Art. VI, Constitution of the Philippines.

SEC. 7. *Form of resolving clause.*—The resolving clause of all (joint) resolutions passed by the (Philippine Legislature) Congress of the Philippines shall be conceived in the following term: *Be it Resolved by the Senate and House of Representatives of the Philippines in (Legislature) Congress assembled and by the authority of the same.*

[2657—2]

SEC. 8. *Clauses not to be repeated.*—The enacting clause shall be written before the whole body of the Act, and the resolving clause shall be written before the whole body of the (joint) resolution and neither shall be repeated in each section of the Act or resolution.

[2657—3.]

SEC. 9. *Numbering and frame of sections.*—Every Act shall be divided into sections, each of which shall be numbered and shall contain, as nearly as may be, a single proposition of enactment.

[2657—7.]

SEC. 10. *Manner of referring to statutes.*—Statutes passed by the (Philippines Legislature) Congress of the Philippines shall, for purposes of formal reference, be denominated Acts (Republic Acts) and may be identified by their respective serial numbers; but where a special title is supplied for a particular statute, it may also be referred to by such title.

[2657—8.]

SEC. 11. *When laws take effect.*—A statute passed by the (Philippine Legislature) Congress of the Philippines shall, in the absence of special provision, take effect at the beginning of the fifteenth day after the completion of the publication of the statute in the Official Gazette, the date of issue being excluded. For the purpose of fixing such date the Gazette is conclusively presumed to be published on the day indicated therein as the date of issue.

Resolutions will have effect from the date of passage, unless otherwise declared.

SEC. 12. *Ignorance of law.*—Ignorance of the law does not excuse from compliance therewith.

[2657—10.]

SEC. 13. *Computation of time.*—In computing any fixed period of time, with reference to the performance of an act required by law or contract to be done at a certain time or within a certain limit of time, the day of date, or day from which the time is reckoned, is to be excluded and the date of performance included, unless otherwise provided.

“Month” shall be understood to refer to a calendar month; “day,” to a day of twenty-four hours; and “night,” to the period from the setting to the rising of the sun.

[2657—11]

SEC. 14. *No. implied revival of repealed law.*—When a law which expressly repeals a prior law is itself repealed the law first repealed shall not be thereby revived unless expressly so provided.

[2657—12]

SEC. 15. *Language that should prevail in the interpretation of laws.*—In the interpretation of a law officially promulgated in English and Spanish, the English text shall govern, but in case of ambiguity, omission, or mistake, the Spanish may be consulted to explain the English text. The converse rule shall, however, be applied if so provided in the particular statute: *Provided, however,* That in the interpretation of laws enacted by the Philippine Legislature after October sixteenth, nineteen hundred and sixteen, the language of the text used by the House that finally passed the same shall prevail, and in case of ambiguity, omission, or mistake, the official translation filed in the office of the Secretary of said House may be consulted.

[2657—13; 2717—1.]

ARTICLE IV.—*Jurisdiction and distribution of powers of government*

SEC. 16. *Territorial jurisdiction and extent of powers of Philippine Government.*—The territory over which the Government of the Philippine Islands exercises jurisdiction consists of

the entire Philippine Archipelago and is comprised in the limits defined by the treaties between the United States and Spain, respectively signed in the City of Paris on the tenth day of December, eighteen hundred and ninety-eight, and in the City of Washington on the seventh day of November, one thousand nine hundred.]<sup>1</sup>

[2657—14.]

1. See Sec. 1, Art. 1 of the Constitution of the Philippines, published in Vol. 1 No. 7, L. G. R.

SEC. 17. *Distribution of powers of government.*—The executive, legislative, and judicial powers of the Philippine Government are distributed, respectively, among the executive, legislative, and judicial branches, severally exercising the functions and powers conferred on them by law.

The executive authority is vested in the following agencies: The (Governor-General of the Philippine Island) President of the Philippines, as Chief Executive; the several Departments and Bureaus of the (Insular) National Government, with their lawful instrumentalities; and the provincial and local government with their subordinate-functionaries, in the exercise of the administrative powers conferred on them.

The legislative power is vested in the (Philippine Legislature) Congress of the Philippines, consisting of two Houses, to wit, the Senate and the House of Representatives.

The judicial power is vested in the Supreme Court, the Court of Appeals, Courts of First Instance, Courts of justices of the peace, and in such municipal and other inferior courts as may be created by law.

[2657—15; Constitution of the Philippines Art VI, sec. 1; Art VII, sec. 1; Art 1, Sec. 1.]

of our liberty, and we shall no longer be rulers in our native land.

Our religion is in danger and our prophetesses warn us not to let a Spaniard set foot on Philippine soil, for already they have given a name of their own to the country of the Bisayans.

## THE GRATITUDE OF AN ANCIENT MANILA KING

*(Speech to the men of Magellan's fleet, off the Bornean coast, July 29, 1521; according to Pigafetta and Aganduru Moriz.)*

You find me just returning from the punishment of a rebellious city which chose rather to pay tribute to the Maharajah of Java than to its rightful lord, the Sultan of Bruney, my grandfather, whose captain-general I am.

My father was ruler of the great island of Lusung to the north but after his death, while I was still a child, my mother was unable to guard the throne of Maynila for me against my powerful cousin who rules in nearby Tonduk. So she sent me here to Borneo and I have been learning war in my grandfather's service. The fleet which you mistakenly thought was intending to attack you has been gathered to recover my inheritance.

You captured my flagship but you have released me and my ship because of the kindness shown you at my grandfather's court. Let me show that we of this land are equally capable of gratitude. Here is the Koran, the sacred scriptures of my religion, and upon it, I, Mahomet-ben-Suleiman, swear that should at any future time you or any other Spaniards meet me I will remember this day and not make war upon you for any cause, but receive and treat you or them as friends who have been my benefactors.

---

## CEBU'S KING EXHORTS HIS FOLLOWERS TO DEFEND THEIR LIBERTY

*(From the address to the Cebuans, at Cebu, April 27, 1565; recorded by the Augustinian chronicler Medina)*

Let us, then, arm ourselves and repel these invaders. We must defend our country.

We can make an end of them as the men of Magtang did of their predecessors who came here in the days of our grandfathers.

Get a store of darts, prepare your lances, sharpen your kampilans, and bring forth your largest war shield, the kasarag. Here, in the boats and on the shore, we shall make our stand.

These strangers are not here to benefit us. Instead they will deprive us