A study of the Philippine government during the Spanish regime

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A STUDY OF THE PHILIPPINE GOVERNMENT
DURING THE SPANISH REGIME

by

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The Spanish regime in the Philippines has not been treated impartially by many writers on Philippine history, for they either condemned it or glorified it according to their religious prejudice. This monograph is an attempt to show the spirit in which Spain administered the affairs of the Philippines; but no pretensions are made to an exhaustive treatment of the subject.

It needs no discussion that the administration of political affairs was not designed to educate the Filipinos in government. Popular government was unknown to them at the close of the Spanish rule. The administration was honey-combed by contests between the church and state and by financial corruption. But whatever defect there was was due to the administrative officials who disregarded the royal orders and executed their duties for personal gain.

On the whole the Spanish regime was not a loss to the Philippines, although what was accomplished for three centuries was not as much as could be wished for. To one tenth of the population she gave her beautiful language; to all, she gave the Christian family life. The Filipinos are the only oriental people who belong to the Christian population of the world, and this alone has prepared them for political and social life. To the devoted friars are eternally indebted the Filipino leaders of to-day. The work of the church in education, in religion, and in charity can not be over-estimated.
The study of Philippine history should be of singular interest to Filipino students of political and social sciences. The unexplored region of human knowledge awaits the initiative and enterprise of those who wish to render a patriotic and loyal service to their country.

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Iowa City, Iowa
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The history of the Philippine Islands is divided into three periods: the period prior to the Spanish conquest in 1521, the period under the Spanish rule from 1521-1898, and the period under the American rule which began in 1898.

In the study of Philippine history one faces an obstruction impassable to the majority of students. This is the matter of sources of information. In the colonial enterprises of Spain in the sixteenth century its conquistadores (conquerors) showed a spirit of Vandalism which scholars should regret about. In their conquests in South America and in the Canaries, the conquerors showed a greed in destroying all evidences of civilization within their reach. In the Canaries, the conquerors destroyed the relics of the Guanches; in Peru the civilization of the Incas yielded to the sword of the Spaniards, and in Mexico, the civilization of the Aztecs crumpled behind the triumphant march of the conquerors. In like manner all relics of early civilization, all records of manners and customs and traditions of the Filipino race prior to the Spanish discovery were crushed out of existence leaving only bits of fragments which escaped the "inquisition" and found a shelter in the hands of a few who were interested in the preservation of materials. Even the priests who were the historians of the time became instrumental in the destruction of history materials. They feared
not civilization itself, but the evils of civilization which might prove an obstacle to the progress of their holy mission of gaining converts into the Catholic faith. Undoubtedly, one could find ample sources in political and social history of the Philippines but these are inaccessible for two reasons: rarity of publication and if published at all they are in a language little understood by a great many students.

This in short is the situation as a student will find as he proceeds in his study of Philippine history, and what is here presented in the few pages that follow is a mere glimpse of a vast field of knowledge which covers a long period from the earliest days of the Filipino race to the discovery of the Philippines by the Spaniards in 1521. Furthermore, it treats only of the two largest groups of the Filipino race, viz., the Tagalogs and the Visayans. These groups represent the civilized and the cultured, and it is their history which constitutes the greater part of the history of the Filipino race. Being the low-landers, they were exposed to foreign civilization from China, Japan, India, Moluccas and other neighboring countries.

Origin of the Filipino Race

As there are no written records regarding the Filipino race, its origin is more or less traditional profusely colored with
inferences drawn from the movements of nearby peoples. Philippine historians are of the opinion that the Filipinos are descendants of the Malay race, the history of which people is almost wanting. It is, however, generally conceded that the Malayans are a stock by themselves separate from the Mongolians, Caucasians or Ethiopians. Since an early date, the Malay race drifted on their boats to Japan and ocean currents carried them south to the island of Formosa. It is inferred that in their commercial enterprises, the Malayans reached the Philippines from Borneo or the Malay Peninsula. Many centuries ago when Brahman Hindus conquered Java, his sway must have extended afterwards to the Philippines and secured a foothold on the island of Mindanao where even to-day the Mohammedan religion still claims many followers. When Juan Salcedo came to take Manila about 1570, some districts of the city were under Rajah chiefs who were afterwards converted into the Catholic faith and received baptism.

The primeval tribes of the Filipino race are the Tagalog, and Visayan. Their origin is little known, but it is believed that they were derived from the coasts of Malabar and Malacca from whence they drifted in small vessels under the pilotage of a dato or chief. After landing, they settled together in a group. The dato maintained his chieftainship and gradually became the sole authority over a village. The village composing
of from fifty to one hundred families was designated as barangay and the chief was called cabeza (head), hence the title cabeza de barangay. The barangay was the earliest social organization among the Filipinos and therefore the first political unit upon which the Spaniards built the local government of the Philippines.

It is believed by Philippine historians that when the Tagalog and Visayan tribes came they had to contend with the Aetas who were supposed to have once occupied the lowlands. This theory seems to be supported by the fact that when Juan Salcedo came to conquer Luzon he had to face serious opposition from the lowlanders and highlanders who were hostile to each other themselves. The Aetas were driven into the interior where they remained in seclusion and maintained their independence throughout the Spanish regime.

Social Classes

To determine how did the Filipinos stand socially when the Spaniards came to the islands is a matter which should be of singular interest. Commenting upon his every-day observation in the Philippines a writer once said, "Both men and women were cleanly and elegant in their persons and dress, and of a goodly mien and grace; they took great pains in their hair, rejoicing in its blackness, washing it with the boiled
bark of a tree called kolog, and anointing it with musk oil and other perfumes." The Filipinos had learned to love ornaments and to wear them long before the Spanish conquistadores came. The upper class made an every-day display of velvet shoes embroidered with gold, of white robes and silks of crimson and of ear pendants made of fine workmanship. Rings of gold and silver were worn not only on the fingers but also on the ankles.

Among the Tagalogs and the Visayans tribes were divided into three classes: the chiefs and nobles, the commons and the slaves. Each social group had its own title, the name varying in different tribes. Among the Tagalogs, the chief was called Magunao, bagani among the Manobos, and dato among the Bisayans. The chief was the only authority known and he assumed the functions of the departments of government. He was the supreme military authority. His government was despotic, imposing heavy tributes upon his subjects whom he reduced to slavery at will. His power was absolute not only over the disposal of his property but also over his children.

Slaves were divided into two classes -- the aanguihinleras were in entire servitude, and so were their children, while the namahayas enjoyed certain degree of freedom. They lived in their own homes and were not required to work for their master except on special occasions such as building his house or harvesting his crop. The half-bond system of slavery was not
unknown. If a free man marries a slave and have only one son, he would be half free and half slave. His time was equally divided between his master and himself. Thus, he would work one month for his chief and another for himself. If there was more than one child, the first would be free and the second slave, and so on. In case of even number, the last born became half free and half slave.

The theory of the origin of man is of immediate interest in connection with the social classes just mentioned. The first man and woman originated from two bamboos which were cast ashore at the feet of a bird. The bird, vexed with the logs, began to pick at them when from one log sprang a man and from the other a woman. The man succeeded in winning her affection, and they lived as husband and wife and introduced at the same time the institution of monogamy. The primeval couple became the parents of many children, and, ultimately, of the races of mankind. Races were the result of a family quarrel in which the father cudged his many children. Terrified, they fled in all directions. Some hid themselves in the house and from these descended the chiefs; some ran out and became the fathers of the freemen. From those who took refuge in the shed and under the house descended the slaves, while those who were banished became the fathers of distant peoples. When the Spaniards came to the Philippines, they were thought to be descendants of the banished.
Modes of Living

When the Spaniards came, they found the lowlanders past the clan stage. They had their own local government under a chief who exercised all functions of government although there was a council of old men who administered the system of laws and customs. The chief's office was hereditary and was maintained by warlike prowess. In the Bisayas, judicial matters were brought before the dato who settled the complaints according to established rules and customs. Fees were recovered by seizing the property of the vanquished party and of the witnesses. While trial by jury was unknown, trial by ordeal was practiced in all cases of doubt about the guilty. Punishment was imposed without restraint, and it was not uncommon to reduce the guilty to practical servitude. Theft was sometimes punishable by death, and verbal insults incurred severe penalty. Social manners were very courteous; the superior was always addressed in the third person adding po (sir) to every sentence. The bulk of the people in the lowlands was intelligent but the practice of slavery was extensive.

Warring is an inevitable result of many divisions of tribes. Such was the case in the Philippines. Interisland forays were not suppressed until the American occupation. It seems that the tribes were prepared for war all the time, as they showed skill in making weapons and warring vessels. Besides bows
and arrows, lance, long curved knives were used in warfare. In southern islands blow pipes for propelling poisoned darts were extensively used. The poison was obtained from some certain tree as it was claimed from the saliva of a green lizard. The armour plates used covered the warrior from head to foot. The wooden shield was carved and lined with tortoise shell and mother of pearl. It is not clear whether the natives manufactured artillery or not but when the Spaniards landed in Mindanao, the natives defended themselves with cannon. Fortifications consisted of earthworks and stockades sometimes surrounded with moat. The town of Rahamoya in Luzon had such fortifications when Legazpi entered the Island of Luzon. The town consisted of some four thousand houses which were completely destroyed. This is the place where now stands the city of Manila.

With respect to religion, it was more or less a body of superstitions. While among the more advanced tribes a dim idea of a Supreme Being was acknowledged as the maker of all things, as a whole, nature worship predominated. This Being they called Bathalang Meicapal. Among the Bisayas heaven and hell were called Ologan and Solad. The soul was said to pass to the mountain of Medias in the district of Oton. The sun, moon, rainbow, animals, birds and even trees of peculiar appearance were objects of worship. Tikbalan was the forest demon treated with great respect. So high was the respect for him that in
passing beneath a tree a native would say, "Tabê pô", that is, "By your leave, sir". It was a belief among the Bisayans that all those who were killed in battle became _anitos_ were represented in idols of gold, wood, ivory or stone. There were _anitos_ for many things. There was an _anito_ for cultivation, for the rain, for the sea, for the cocoanut trees, and for the new born. Likewise there was a household _anito_ which was esteemed sacred among the natives. Only magnificent temples and sacred days were lacking among the natives but at the entrance of the towns close to their house they had a small chapel dedicated to the _anito_ for which sacrifices and offerings of perfume and food were generously made. Illness was believed to be caused by the spirit who was insulted or displeased in some way or other and offering must be made to him to regain his good will and take away the sickness. The ordeal followed in offering sacrifices to the spirit is as follows:

It is supposed that the house in which the patient takes ill is ill-fated, being built over the invisible mansion of the spirit. He, therefore, causes illness in some member of the household in revenge of the intrusion. It is, then, only natural for the family to build a new house and there remove the patient. This is at once done and the ceremony of the offering follows.
Sacrifices were made according to the wealth of the offerers. The choicest chickens and hogs were the common victims of the sacred occasion in addition to many dishes specially prepared for the ceremony. In some places of the archipelago, a tortoise was considered a good offering, probably because of its rarity. It is even said that slaves were offered to the spirit. The hall is filled with tables and refreshments are placed for the guests which include relatives, friends, and immediate neighborhood. The priest purifies the victim by performing a sacred dance. Then, the victim is slaughtered and its warm blood sprinkled over the most distinguished guest of the occasion. To the rest of the guests, copper bells are distributed. The sentence of death or recovery is not pronounced until the priest has examined the entrails of the victim in the fashion of the Roman augers. During this time he is believed to be in direct communion with the spirit and he makes all grotesque contortions and foams in the mouth. Sentence of health is announced by songs in praise of the family and the valor of its ancestors. If the patient was doomed to death, his thought was diverted to the thought of the gods who wished to remove him to the other world that he might attain perfection and become an anito. This announcement consisted of dancing, drinking, and singing.
With respect to future life, the belief was that the soul went through a series of incarnation and transmigration in a cluster of a hundred and fifty rich islands. In these isles reside the souls of the dead and they enjoy perpetual youth. The trees bear fruits in abundance, their roots being of gold. Abundance of food, clothing and ornaments characterize the isles. Ornaments are of gold; bells, ear-pendants, clothes, and many other luxuries to the satisfaction of the soul's desires, while the sea of milk washes on the shores of the purest rice.

Death is an inheritance of a punishment imposed upon the forefathers. Far back in the dawn of time the god Laon possessed the most beautiful fish, the delight of his heart, and also a tree which bore the most delicious fruit. The offenders destroyed the fish and plucked the fruit. For this great offense, the god inflicted the eternal penalty of death upon man.

Omens and superstitions were not wanting, and these elements were the units of which the religion of the ancient Filipinos consisted. To every occupation, a superstition was attached. Thus, in a fisherman's house, new nets were not to be spoken of until tested and found reliable. Among hunters, merits of their dogs were not to be mentioned before they proved successful in bringing game to their masters. Dreams were of great significance; happenings in life not seldom interpreted by them. Belief in the invulnerability of a person was
common and such person was always looked upon as the chief of a community. Before embarking, the boat was caused to oscillate and observed carefully which side it inclined the most. If to the right, the voyage would be good, if to the left the omen was evil. Animals or land birds should not be allowed on board the ship, neither things which pertained to land be mentioned. Likewise, things which pertained to sea should not be mentioned during a journey on land.

No less interesting than this was their geogony. The creators were the sky and the sea, and the dry land was the result of a quarrel between the two on account of a bird which had nowhere to alight on. The sky sympathized with the bird and caused it to throw huge rocks to subdue the sea. Upon reaching the water, the rocks became islands and the earth generally.

The custom of marriage presents a singular interest. The man who wished to marry lived in the house of his prospective father-in-law and became a member of the family. This was the period of "courtship" in which the man must show his ability as a supporter. All his time was devoted to helping support the family. This period of probation lasted for several years, and unless the man proved satisfactory he was dismissed. Marriage was an affair between the parents of both parties, and as a rule the bride was as young as twelve years. The young
couple did not oftentimes say their first word to each other until they came to the marriage altar.

It was a custom with marriages for the groom to provide a home for his young wife as a prerequisite before marriage. His father-in-law gave the specifications; how large the house must be depended upon the popularity of the bride. Nor was this all, for with the house must be secured a work animal or so much money or both. All these are supposed to be the man's guarantee to his father-in-law that he had a home for his daughter and something to start life with. Then, marriage followed with its festival which lasted several days. Eating, drinking, and dancing to their heart's content featured the event. Honeymoon was unknown and so was divorce. While polygamy was condemned, concubinage was not uncommon.

Foreign Relations

Whether the early natives of the Philippines learned their trade and occupation from foreigners is not fully ascertained, but relation of some sort existed between the archipelago and immediate countries as China, Japan, Siam, and the Malay Peninsula. When the Spaniards came in 1521, they found the natives engaged in agriculture. Work animals were not in use. They adopted the system of terrace cultivation and raised sweet potatoes, rice, bananas, cocoanuts, sugar-cane, palms, vegetables,
and fibrous plants from which they obtained clothing material. No corn was grown in the Philippines before the Spaniards came. While the implements used were crude, they showed skill in manufactured articles from mother-of-pearl. Cutlery, spears, shields, and fishing implements were made with skill. Jewelry of gold, silver, and copper was manufactured for ornamental purposes. The inhabitants were clad in silk and cotton clothing imported from China. They were expert in the art of weaving. For meat, they hunted buffalo and wild boar. The only way of preserving meat was by drying it in the sun. Dried bief was called tapa. Houses were lightly built with bamboos and thatched roofs and sides and always raised from the ground. While the chiefs' houses were of better construction and well fortified from enemies, there were other houses built on trees to escape easy assault by the enemy.

It has already been suggested that the Hindus from India entered the Philippines by the southern islands. Brahmanism was just gaining ground when Miguel López de Legazpi came to the Philippines in 1565. Furthermore, it is claimed by historians that Sanskrit elements found their way into the Tagalog dialect through the Malay language. The advent of Hindu culture Malay civilization made an advance and since the Tagalog dialect contains a large percentage of Malayan, it is quite probable that Hindu elements can be found in the dialect.
Following the Hindus came the Arab priests who taught Mohammedanism. Had time been allowed, the Mohammedan faith would have spread all over the Philippine archipelago. The Spaniards did not lose time in destroying the songs and chronicles together with the alphabet used by the Tagalogs, Bisayans, Pangasinans, Pangasinans, Ilocano, and other tribes the dialects of which are among the leading in the Philippines.

For a long period before Magellan discovered the Philippines in 1521, commercial relations had existed between the archipelago and the Chinese Empire. When the Spaniards came the natives had already learned to dress in silk and cotton goods imported from China. Juan Salcedo found Chinese vessels harbored in Manila Bay. The Chinese traded clothing materials, needles, and other manufactured articles with gold dust, sapan wood, skins, etc. It is inferred by Philippine historians that the Chinese were the first to give the natives the notions of trade industry and gainful occupation. Manufacture of sugar, the extraction of saccharine juice from sugar cane, and the working of wrought iron were learned from Chinese traders who settled in the archipelago. The first sugar mill with stone crushers, and iron boiling pans were introduced from China.

So important were the Chinese in the economic progress of the Philippines that the first Governor-General of the Philippines, Miguel Lopez de Legazpi took immediate measures in encouraging trade with China. One of these measures went even as far as
providing a large building called Aloayeeria in which the Chinese were assigned stores and dwelling apartments. This square was established in 1850 at a cost of $48,000. The rapid increase of Chinese immigrants made it necessary to provide them another building, and the Parian, a Mexican word for a market place, was erected.\(^1\) In 1638 there were in the Philippines some 33,000 Chinese, most of whom were in Manila.\(^2\)

Japan's dream of extending her vast empire beyond China to the islands in the south dates back to the sixteenth century when under the expansion policy of Toyotomi-Hideyoshi some three hundred vessels braved the unexplored seas into the yet unknown world in search of wealth. Toyotomi conceived the plan of establishing a government at Ningpo, South China, and from there away not only to the southeastern part of the continent of Asia but also to the Philippines, Borneo, and Java. The ambitious Japanese emperor even intimated to carry his expedition into India. His intention to occupy the Philippines was soon made manifest when he bluntly told the Spanish Viceroy at Manila to surrender at once. The Viceroy took it as an affront but on account of some intricate relation which then existed between Spain and Holland he was compelled to make a corteous but non-committal reply to the Japanese conqueror. This negotiation lasted for a long time without arriving at any definite conclusion. Meanwhile, the Philippines sent missionaries not only to China which the Church wanted to
christianize, but also to Japan where the priests claimed some eight thousand converts in a few years. It should not be omitted here to mention that all this time ships plied between the two countries, thus maintaining commercial intercourse.

At this moment a peculiar incident happened. A Spanish vessel called San Filippo was wrecked off the coast of Tosa Province, Japan, and the pilot who survived told the Toyotomi emissary that the secret of Spain's territorial expansion depended upon the skillful employment of religion. The conqueror who never suspected any ulterior motive on the part of the missionaries was much enraged and immediately ordered their execution. This made Toyotomi all the more anxious to conquer the Philippines. His big program was, however, arrested upon his death in 1598. Before the doors of Japan were closed to the world, Toyotomi ordered a shipload of Japanese lepers to the Philippines, and stated in his letter to the Spanish government that in as much as the Spanish priests were so anxious to help the poor and the needy, he was sending one hundred and fifty desolate souls. The lepers were taken ashore and housed in the San Lazaro Hospital which has been the hospital for the lepers ever since. Had not Toyotomi's successors adopted a strict restriction in excluding foreign civilization from Japan and prohibiting Japanese emigration, the Philippines might have been a portion of the Japanese Empire.
These are, in brief, the foreign influences which conditioned the Philippines before the Spaniards took possession of the archipelago. Commercial relations of some sort had long existed between the Philippine Islands and China, Japan, Siam, Borneo, and the Moluccas. The Hindoos and Arabs brought their religion which would have made the entire archipelago Mohammedan had not the Spaniards come on time to check its spread from Mindanao. Traces of Hindu culture have been discovered in the Tagalog dialect which is considered a thorough Malay language. The Chinese brought with them knowledge of trade and commerce which the native Filipinos learned. Among the relics which travellers discovered in Luzon was a Chinese jar pronounced to be of great antiquity. It was said to be the only kind of jar which would preserve a drink of great delicacy and was very highly prized by Japanese. One of these jars was said to be worth $3,500. A relic of this kind suggests how long the Chinese people were in contact with the ancient Filipinos. Gold and copper had been worked. Gold dust was the medium of exchange and copper was smelted into various utensils. The use of bonds was recognized in Luzon. Tribes from the mountains brought gold dust to the lowlanders in exchange for coveted articles.

The history of the Philippine Islands to 1521 is doubtless long and full of singular interest but unfortunately most of
the materials in the field have been destroyed. It is gratifying, however, that there were few who were interested in the matter and preserved some of the many records of the primitive Filipino race. The Filipino people are a descendant of the Malayans whose history is little known if not altogether unknown. They are, however, generally conceded to be a different stock from the Mongolians, Caucasians or the Ethiopians. The Malayans found the Philippine shores inhabited by Negritos or Aetas who were in time driven into the interior.

Juan Salcedo found these two races hostile to each other themselves. There were three social classes among the Tagalogs and the Bisayans. These classes were the chiefs and nobles, the common people, and the slaves. The system of "all slave" and "half slave" was known and practiced. From the many divisions of tribes resulted warring between each other, and inter-island forays were very common, the ships being constructed for the purpose.

With respect to the religious life of the primitive Filipino, the belief was that the air was full of spirits as it is full of disease-bearing animals to a scientist. Nature was the god of the Filipino and he worshipped his ancestors. His religious life was permeated by superstitions by which his daily occupations and undertaking were influenced. While in some instances the existence of a Supreme Being as the Creator
of all things was acknowledged, the belief was not strong enough to overcome the worship of the sun, the moon, and the stars. Disease was caused not by germs but by the spirits and the only way to recovery was to please them by making liberal offerings of food. Monogamy was recognized as an institution and polygamy was condemned.

Had the Hindus and Arab priests been given time and had Toyotomi's great plan of a Japanese Empire been carried out, the history of the Philippine Islands would have had a different story to tell. The Filipino race would have been Mohammedan as the Malay people are, and its ideals, institutions, and aspirations would have doubtlessly been different.
The discovery of the Philippines was an event incidental to the colonial exploitation of Spain in her endeavor to extend her commercial world. During the period, 1486-1532, Spain and Portugal had succeeded to extend their commercial sway around the globe. By this time, the Portuguese sailors under the leadership of Prince Henry, the Navigator, had accomplished the most unparalleled achievement in the discovery of new lands. The west coast of Africa were explored and voyages were made to the East and the West Indies. In their commercial efforts, Spain and Portugal realized the obstruction which Egypt and Turkey naturally played. To an ambitious navigator, was, therefore, open the discovery of an all-sea route to the Spice Islands. In 1492, Columbus revealed the Indies of the West.

It was at this time when the Iberian Powers appealed to Pope Alexander VI for definition of their territorial claims. While Portugal desired to continue her exploits in Africa and in the East, her rival, Spain, was seeking to establish a colonial empire upon unquestionable claims. To settle the matter Pope Alexander VI issued Bulls which divided the globe into two. Two of these, dated May 3rd and 4th, 1493, granted to Spain the right of discovery and exploitation of all lands in the West discovered or yet to be discovered provided no Christian
prince layed claim to them. The line which divided the globe ran north and south one hundred leagues west of the Azores and Cape Verde Islands. The Bull of September 25, 1493, practically annulled all previous concessions made to Portugal. In this Bull Spain was authorized to make exploits in the East including India. Portugal, remonstrated at once and the Treaty of Tordesillas June 7, 1494, was made in which a new line of demarcation two hundred and seventy leagues farther west than that of Pope Alexander VI was established. The last action of the Holy See in this matter was made in November 3, 1514, in which Leo X conceded to Portugal all rights and privileges in the East. The Treaty of Tordesillas partially solved the dispute, for even the Pope himself was unable to determine the meridian which defined the spheres of influence of the two countries on the other side of the globe. Another dispute arose, this time over the ownership of the Moluccas. This was settled in the Junta de Badajoz to which Spain and Portugal sent delegates. The line of demarcation was at this time moved to a point three hundred and seventy leagues west of San Antonio, the most westerly of the Cape Verde Islands. The settlement did not prove effectual and in the Treaty of Zaragoza dated April 22, 1529 Portugal obtained the Moluccas while Spain retained the Philippines, although in the treaty the Islands were outside its jurisdiction.
Accordingly, the Iberian Powers conducted their discoveries to the best of their interests. For Portugal, Brazil was discovered by Cabral, and Pinzon sailed along the coast into the Orinoco. Furthermore, the Portuguese discovered the Moluccas wherein they settled. The possession of this productive land excited the jealousy of Spain. This feeling seemed to have been justified when Fernando de Magallanes, a Portuguese sailor of note, presented his bold plan to Charles I of Spain and claimed that the Moluccas belonged to the hemisphere of Spain and that they could be reached by sailing west.

Between the King and Magellan a contract was made. Magellan pledged himself to discover the spice islands for His Majesty while Charles I furnished the ships, the crew and officials needed in the daring enterprise. Accordingly, the following ships were fitted and their captains appointed: La Trinidad under the command of Magellan; the San Antonio under the command of Juan de Cartagena; the Victoria commanded by Luis de Mendoza; the San Diago commanded by Juan Rodriguez Serrano; and the Concepcion commanded by Gasper de Quesada. Small as they were only from sixty to one hundred and thirty tons, the vessels raised anchor and sailed from Port San Lucar de Barameda August, 1519. In the fall of the year following the strait which now bears the name of the Strait of Magellan was reached. Only three ships remained by this time: one was completely wrecked and the other, the San Antonio deserted the
expedition. These three remaining vessels crossed what seemed to Magellan a limitless expanse of water. On March 16, 1521, only a few months after reaching the Strait of Magellan the expedition arrived at the Island of Homonhon, near Surigao, touching at the island of Limasaguna, south of Leyte. From thence Magellan proceeded to Cebu. On the shore were some two thousand men in battle array with lances and shields to "welcome" the visitors. Upon explanation that the foreigners brought peace in search of provisions they were permitted to land. The King, Hamabar, of Cebu conceded to the treaty of the Spaniards and it was ratified according to the custom of the times. The Spaniards called it Pacto de Sangre (blood compact) for each party drew blood from his breast, one drinking that of the other. Upon this contract the Cebu King swore allegiance to the King of Spain. A hut was immediately built and the first mass in the Philippines was celebrated. The love of the Cebuans for form and religious rites was at once made manifest when the King, queen, and prince accepted baptism. This was the beginning of the triumphant progress of the catholic religion in the Philippines. It was not long when the princes and head-men of the district received baptism and swore allegiance to the King of Spain. Magellan, therefore, declared Charles I the King of the islands discovered and yet to be discovered.

A few days afterwards, Magellan and his expeditionary force crossed the water to the little island of Mactan which was not
far distant from Ceβa. In a battle with the inhabitants, the illustrious explorer received a mortal wound from an arrow. Thus, he left his lustrous career to be finished by others.

The command of the expedition fell upon Duarte de Barboea who was treacherously assassinated with twenty-six of his men while at a banquet given them by King Hamabar. Fatalities in battle, murder, and sickness reduced the expeditionary force to one hundred all told. This was less than one half of the original number which left Port San Lucar de Barγamaedα. The number was not sufficient to man the ships and so it was resolved to destroy the most dilapidated one, the Concepción. Under the command of Juan Carballo the Trinidad and the Victoria sailed for the Moluccas where in barter with the inhabitants the explorers obtained the coveted spices. Suspicion of the inhabitants' conduct warranted the explorers to set sail, leaving the Trinidad which had sprung a leak. There was one survivor out of the five ships — the Victoria under the captainship of Juan Sebastian Elcano. With fifty-three Europeans and about a dozen natives of the Moluccas the only survivor left for the home port early in the year, 1522. Through toils and pain and narrow escapes from the Portuguese, the Victoria rounded the Cape of Good Hope and in September of the same year proudly entered the San Lucar de Barγamaedα. Thus, in a little over three years the essential object of the expedition was accom-
plished — a western route was discovered and the world was for the first time circumnavigated. The cargo of the Victoria consisted of twenty-six and a half tons of cloves, some cinnamon, nutmegs, sandalwood, and other oriental things. Elcano and his seventeen survivors were given a royal reception. Honor and life pension were granted the daring captain, Juan Sebastian Elcano.®

Thus, in the search for cloves and nutmegs the Philippines were incidentally discovered. No further attempt was made until 1525. From 1525 to 1550 three expeditions were made for the Philippines. The first was commanded by Fray Garcia Jose Loaiza who succumbed from fatigue and privations while crossing the Strait of Magellan. Elcano succeeded him as a captain of the fleet but he, too, died soon after. The surviving vessel Capitana, a member of the fleet, only touched the coast of Mindanao for a terrific storm drove her to the Moluccas.

The second expedition was undertaken by Alvaro de Saavedra. Mindanao was reached about 1528 and from thence proceeded to the Moluccas.

It was not until 1543 when Villalobos raised anchor at Navidad, Mexico, for the coveted islands. The expeditionary force reached Mindanao from whence it proceeded north. To the group of islands already discovered Villalobos gave the name Filipinas in honor of Filipe, the Crown Prince of Spain.
Later the name included all the islands of the archipelago, hence Islas Filipinas. Prior to this "baptism" the archipelago was known to the Spaniards/Western Islands, because they were reached by sailing. In some histories it was known as Islas del Poniente while the Portuguese called the Philippines Islas del Oriente.

The remnants of this expedition reached the home port seven years later. From 1513 to 1564 four expeditions were made to the Philippines. All these were expensive on life and treasury but of no tangible results except the widening of geographical knowledge.

In 1564, Charles V ordered another expedition to be made. Accordingly, in the fall of the same year a flotilla of four ships and one armed frigate left Navidad, Mexico, under the command of Miguel Lopez de Legaspi. His army consisted of four hundred men and Fray Andres de Urdaneta who had been in the Loaisa expedition but in the meanwhile had taken the vows of an Augustinian monk. So successful was their voyage that in February, 1565, the fleet was visiting the shores of Mindanao, Bohol, and Leyte. It finally cast anchor at Cebu, island of Cebu, which city Legaspi captured and declared the capital of the Philippines. Amidst the intermittent assaults of the inhabitants who were themselves not infrequently disturbed by Portuguese sailors Legaspi at once erected a fort and
built houses in the capital city. However, the colonists did not find Cebu a very suitable place to remain until the first good conversion into the Catholic faith had been made. This was the baptism of the niece of Tupas, the régulo of Cebu. The young convert was subsequently married to a Spaniard, the first event of the kind in the Philippines. To comply with the royal order, a ship was at once fitted and Friar Urdaneta was dispatched to Acapulco, Mexico, with the news of what had been accomplished.

With the good will of the inhabitants obtained without loss of life, Miguel Lopez de Legaspi, who, in accordance with the royal decree, is now governor and captain-general for life of all lands he occupies and will occupy, finds ample opportunity to enlarge his territory. In the summer of 1566, Legaspi and Juan de Salcedo, two nephews of Legaspi arrived from Mexico. Four years later Captain Martin de Goite accompanied by Juan de Salcedo undertook the expedition for the conquest of Luzon. Ninety arquebusiers and some forty-five sailors constituted the invading army. The Spanish troops found Manila behind strong breastworks on the Pasig River where now stands Fort Santiago. Twelve cannons responded to the attacks of the Spaniards whose arms proved superior to those of the inhabitants and the city was captured. Salcedo continued his conquest to the north capturing the territory now occupied by
the provinces of Zambales, Pangasinan, Ilocos Sur and Ilocos Norte. Exhaustion and want of provisions compelled Salcedo to return, and erecting a fort at Vigan, he stationed some soldiers there, leaving with the others for Manila. By this time, Legaspi had been informed of Manila — its location and natural advantages — whereupon preparations at once were made to take possession of the city. On April, 1571, Legaspi left Panay, where he had established himself by this time, for the coveted city. Twenty-seven boats and two hundred and eighty soldiers constituted his expeditionary force. The inhabitants of Manila offered no resistance and, burning their houses, they took to the interior. In a short time, Legaspi had won to his cause the vecinos of Manila. Rajah Soliman, the Indian ruler in Manila received baptism and was called Felipe in honor of Filipe II of Spain. On June 24, 1571, Miguel Lopez de Legaspi solemnly founded the city of Manila, making it the capital of the Philippine archipelago. To provide for government, Legaspi appointed two alcaldes (magistrates), twelve councilmen, one alguacil mayor (chief constable), and other officers. The religious and other Spaniards were allotted land so that they could build their houses in the city. The missionaries immediately began their divine mission by teaching catechism. Two governments have been organized in the Philippines: that of Manila and
that of Cebu, the city which Legaspi first made the capital. The government of Cebu was entrusted to the following appointees: a regidor (governor) of Cebu, Guido de Lavezares, who was at the same time treasurer, and a municipal council consisting of six concejales (councilmen), a secretary, and two alguaciles (constables). As for royal instruction, the inhabitants were divided into encomiendas. Each encomienda was assigned to a deserving Spaniard.

All this time, Juan de Salcedo who, by his tact and prudence had won the affections of the Filipinos, was making conquests in the north. So illustrious was the young conqueror that, as a reward for his unselfish services, his uncle, Legaspi, granted him the big encomienda of Vigan. When he died he distributed his possessions to the Filipinos who belonged to the encomienda. Legaspi, however, died before his grandson, leaving the charge of the Philippines in the hands of Guido de Lavezares in accordance with the royal order from Mexico. By this time, the authority of Spain had been extended to all parts of the archipelago except the Province of Cagayan which was taken afterwards; the islands of Batanes which surrendered much later; and the Sulu archipelago which never submitted to the authority of Spain until the last days of her regime in the Philippines in the latter part of the nineteenth century.
The conquest of Legaspi was not undisturbed for in the fall of 1574 a Chinese outlaw by the name of Limahong attacked Manila after destroying villages and towns in the north. With 2,000 soldiers, 2,000 sailors, 1,500 women, some artisans and other persons necessary to establish a kingdom of his own, Limahong's fleet of sixty-two ships entered the Manila Bay and landed his troops under the command of his Japanese Lieutenant, Sioco, to demand the surrender of the city. Several bloody engagements followed against Salcedo's army, resulting ultimately in the defeat of the Chinese invaders. Finding himself in critical danger, Limahong escaped to Pangasinan where he proclaimed himself the ruler. The Chinese leader had already built dwellings, fortress and other structures before Salcedo learned of his enterprise. With great haste to repulse the foe, Salcedo left for Pangasinan with an army of 250 Spaniards and 1,500 Filipinos. Rajah Soliman and two priests accompanied the expedition. In the meantime, the Viceroy Fokien heard of the daring enterprise of His Majesty's old enemy. A warship was at once commissioned to capture the outlaw. Limahong perceived the impending danger and he made his escape. The remnants of his forces fled to the mountains beyond the reach of the Spanish government. The envoy from China was officially received in Manila.
Chapter III

THE ENCOMIENDA SYSTEM

The term encomienda belongs to the military orders from which appointments to colonial offices were made. The word probably corresponds to "commandery". Mr. Helps defines the term as "a right conceded by royal bounty (a merced y voluntad del Rey) to well-deserving persons in the Indies, to receive and enjoy for themselves the tributes of the Indians who should be assigned to them, with the charge of providing for the good of those Indians in spiritual and temporal matters, and of inhabiting and defending the provinces where these encomiendas should be granted them." 14

The system of granting encomienda made its first appearance during Columbus' time. Lands discovered did not always prove bountiful as was expected and so, in order to make the possessions pay and attractive, the system of parceling out lands to lay conquerors was instituted. The system attracted many adventurers from the Mother Country who undertook expeditions either for private interest or for some governor who later recompensed the services with a grant of land. The reward was not infrequently accompanied by offices and other benefits. Later, grants of encomiendas were made not only to individuals who participated in the conquest of territory, but also to civilians who would settle in the newly conquered colony.
Theoretically, peace and order was to be established in the colony before it could be parceled to the victors, but in the colonization of Spain she peopled her ultramarine possessions soon after they were entered. The individual who received an encomienda was called an encomendero, and being the medium between the King and the native inhabitants living on his allotment, he was as much responsible for their spiritual and material welfare as raising the best crop on his land. In 1513, provisions were made to the effect that residence of four years on land and cultivating it all that time entitled the settler to ownership. It appears, however, that lands were acquired in some other ways, for in 1578 the audiencias were ordered to designate days in which land titles should be presented for examination. The Spaniards adopted "a method by which the State enabled an individual who held its lands without legal title thereto to convert his mere possession into a perfect right of property by virtue of compliance with the requirements of law." This method was designated as "composición", a Spanish term which had a technical meaning as applied to land titles.

The Encomienda System in Mexico

The encomienda system was introduced in Mexico after its conquest by Cortes. Cortes was a statesman as well as a soldier.
His life in Cuba and the West India Islands afforded him an opportunity to acquaint himself with the Indians. While it appeared to him a poor thing to compel the Indians to labor for the Spaniards, Cortes believed that the colonists must be rewarded. He designed to dispense with personal services by the Indians but his plan was not executed. This was the beginning of the *encomienda* system in Mexico. According to the preamble of a law of 1554, "The origin and motive of the *encomiendas* was the spiritual and worldly good of the Indians."\(^{16}\) Cortes laid his plan before Pope Adrian, then Cardinal and Regent of Spain, and in spite of Bishop Burgos' opposition pronounced it sound. The plan was referred to the Council of the Indies which named Cortes Governor and Captain-General of New Spain, and authorized him to divide New Spain into *encomiendas*. Accordingly, parcels of land were granted to Spanish civilians as well as to soldiers. Where a Spanish settlement was to be made land for the houses and pasture land were set apart for the Spaniards. There was also a distribution by *caballería* and *peonía*. A *caballería* was a grant to a horse soldier and a *peonía* was a grant to a foot soldier. A *caballería* was "a space of land in which two hundred thousand mounds (montones) could be set out: a *peonía*, that space of ground which contained a hundred thousand montones."\(^{17}\) Originally, an *encomienda* was a grant to one life
only and upon the death of the *encomendero* his encomienda re­verted to the Crown. In Peru and Mexico, however, it was passed even to the fifth life.

**Repartimiento**

*Repartimiento* in New Spain was a system employed by which a certain portion of the native inhabitants living in an *encomienda* was used in labor in addition to the tribute for themselves and for the rest of the village. It has been defined as follows: "*Repartimiento*, in New Spain, is that which is made every week of the Indians who are given for mines and works by the judges for that purpose (los Jueces Repartidores), for which the *pueblos* contribute, throughout twenty weeks of the year, what they call the *dobra* (a Spanish coin), at the rate of ten Indians for every hundred; and the remainder of the year what they call the *sencilla* (another Spanish coin), at the rate of two Indians for every hundred. The above rate was for works, and cultivation of land. When it was for mines, to work at which particular *pueblos* were set aside, it was a con­tribution for the whole year, at the rate of four Indians for every hundred."

Originally, the term meant the partition of the Indians after conquest by some authority commissioned from Spain. Later it assumed a new meaning. It meant not
only division of the native inhabitants to work for their tribute at certain period of the year, but also partition of the inhabitants to work at all times. 20

The conditions resulting from the repartimiento system are a stain to the colonial system of administration of Spain. While direct evidences on this matter are wanting, letters addressed to the King from the clergy throws some light on the situation. In his letter dated 1550, Father Santo Tomas says that after ten years of the system in Peru 'one half, or even two-thirds, "of men, cattle, and works of men" had been destroyed' . . . . "The poor creatures die like masterless and neglected animals." 21 Again, another priest describes the condition as the "ninth plague". The Indians had to come some seventy leagues from their homes, bringing their provisions with them. Upon arrival at the mines they were engaged in preliminary occupation as building a house or blasting rocks. Then, they were put to work in the mines which always proved fatal to the Indians. Their provisions would run out; they had no money to buy food, neither anybody would bring them any: they starved. Some died on the way to the mines, others in the mines; some died on the way home, and others died after reaching home. Father Motolinia reports "that the deaths were so great that for half a league around the mine and for a great part of the road to it dead bodies or bones of men
The Encomienda System in the Philippines

One of the ships which followed the expedition of Legazpi carried an order from the Crown to the effect that the islands discovered and occupied be divided into encomiendas among the well-deserving Spaniards who conquered them. On January 1, 1571, Legaspi organized the government of Cebu and apportioned the residents to his captains and soldiers according to the royal formula. The number of Indians assigned to officers varied with the rank. To master-of-camp, 8,000 Indians; to captain, 4,000; and to men of rank, 3,000. Later, grants were made to cities, churches, schools and colleges, hospitals, benevolent institutions, and what not. For instance the city of Santisimo Nombre de Jesus, Cebu(?), had an encomienda yielding 287 tributes. The cabildo (municipality) of Mexico had an encomienda as a source of its income. A hospital for the Spaniards in Manila was given an encomienda; so was the College of San Jose, the College of St. Joseph, The San Juan de Letrán, a Spanish college which still stands, used to be supported by native tributes. The Santa Clara Monastery for nuns used to be supported by tributes from an encomienda.
The holy church of Cebu had an **encomienda** yielding 1783 1/2 tributes for its "material and spiritual" support. These were not all the grants made for the King had **encomiendae** as did private individuals. A royal obligation was once paid with a grant of **encomienda**. In 1531, twenty years after the introduction of the system in the Philippines, there were 267 **encomiendae**. Thirty-one of these belonged to the King; the others belonged to private individuals. What the Filipinos had to do in payment of the tribute imposed upon them was revealed in the "Report of the **Encomiendae** in the Islands in 1591." In Manila a cathedral and the bishop's palace were established. The Austinians, Dominicans, and Franciscan Friars were provided with stone monasteries. A hospital for Spaniards and one for Filipinos were erected in Manila; The **Parian** for the Chinese population of Manila was constructed and a convent for Franciscans and another for Dominicans were built in which the missionaries (**ministros de doctrina**) gave instruction to Chinese converts. In Manila and its suburbs 9410 tributes were collected annually, representing some thirty thousand souls under the religious instruction of thirteen missionaries. Estimates have been made to the effect that there were altogether some six hundred and sixty thousand inhabitants paying an aggregate tribute of not less than one hundred sixty-six thousand per year. A large part of these tributes were collected in Luzon provinces although there were other **encomiendae**
From the Visayas and southern islands represented by Panay, Leyte, Néros, Mindanao, and Jolo. In Spanish American colonies not more than 300 Indians were allowed to any one encomendero, but in the Philippines four times as many were not unusual.

The Encomendero: his Duties

The encomendero was a Spaniard lay conqueror who was granted an encomienda or charge of a territory as a reward for the services rendered for the King. He was authorized to collect tribute from the residents of his settlement and after turning some to the royal treasury he could keep the rest. The fund thus collected was to be used for the religious education of the residents. With regard to succession to the encomienda the law provided that it should descend to son or daughter, or on default of either to the mother and there cease. In the Philippines this law was not complied with for the encomienda descended to the second husband of the encomendero's widow and to the family resulting therefrom. It took, therefore, unusual circumstances to see an encomienda unclaimed. Furthermore, for an encomendero to have two encomiendae was not very uncommon.

In the very early days of Spain in the Philippines, the encomendero was a recognized civil authority who was obliged to maintain order and the well-being of the residents on his settlement. As a representative of the Crown, the encomendero
was to execute the laws pertaining to his encomienda. He was the attorney, tutor and protector of every resident and as such it was his duty to protect the person and property of his client, and to see that he was in no way aggrieved. As a whole, the encomendero was to provide for the material and spiritual good of the people assigned to him. Failure from compliance with these duties resulted in the confiscation of encomienda. In the colonial administration of Spain, however, it is revealed that a royal decree was one thing and its execution was another. Thus, in the encomienda system, the encomendero was said not only to oppose the government but to proceed according to his desires. For many grievances and injuries which the encomendero committed on his people he was never punished. 32

Tribute and Its Collection

What the encomienda system really did for the Filipinos could only be ascertained through a consideration of the exactions made by the encomendero upon his people on the encomienda. The tribute of eight reales (about a dollar) a year for each family was afterwards raised to ten reales. The increase was expended for the support of soldiers on the camp at Manila and for benevolent purposes such as religious instruction and hospitals for the poor. The eight reales were
divided between the encomendero and the priest — six reales for the encomendero and two for the priest who gave instruction to the inhabitants of the settlement. Four reales were paid in kind and four in cash. The payment of tribute in kind always brought about the greatest inconvenience to the taxpayers, for there was no uniformity on the exactions made. For instance, in one encomienda the encomendero would demand 110 gantas of rice for three reales and two fowls for a real. In another it was 60 gantas of rice and one fowl. Sometimes tribute was paid in home-woven materials. In such a case, a blanket three and a half yards long and three quarters of a yard wide was taken for two reales. A piece of cloth of fine make and suitable for cover on the altar was taken for five reales. Still in another encomienda the four reales of tribute paid in produce brought to the encomendero fifty-five gantas of rice half of which was cleaned already for cooking and one fowl. The priest received in addition to his two reales one hundred peaces a year, one hundred fanegas of rice, and one arroba of good wine for sacramental purposes.

These were the exactions which the Filipinos who lived in an encomienda had to meet. Taking into consideration the conditions of living, the tribute was an intolerable burden upon the taxpayers who had to live on roots part of the year and could not even afford to clothe themselves. However, the
tribute was paid but for what reason no taxpayer ever knew. Furthermore, the tribute was not confined to the encomiendas for the people in the interior like Ilocos, Los Camarines and others which were remote from any Spanish settlement were taxed. When the collectors came the village would take to the mountains and the Spaniards set the houses on fire. Lack of system in the collection of tribute always brought about many difficulties and much oppression. The specifications regarding payment in cash and in produce were carried out only as the encomendero wished it. For instance, when produce was scarce he would require the payment of tribute in kind, or if money was more scarce, he would demand it. Whatever was demanded had to be produced in order to escape imprisonment. Consequently, in the case of payment the tribute in kind, the taxpayers were not seldom compelled to purchase produce from other districts and paid from fifteen to thirty reales for it. 38

Conditions Resulting from the Encomienda System

The collection of tribute was made by the encomendero himself who was accompanied by soldiers to oblige the chief of each locality to pay the tribute of its inhabitants. If the payment was not made the chief was subjected to whippings and otherwise punishment from which death often resulted. If the tribute was paid, the encomendero left the village never to see
it again until the next collection came. The encomendero was limited by law as to the amount of service which he could require of the residents. Notwithstanding this and the instructions issued by the King to punish the encomendero who abused the people, he treated them in the most shameful manner. So great was the abuse that in 1573, two years after the introduction of the encomienda system, Governor Lavezares had to adopt measures restricting the abuses then existing in the Visayan Islands. The Filipinos reacted by frequent revolts and uprisings which characterized the year 1583. In 1588, the Pampangos and Tagalogs united in an open revolt against the slave owners.

In his memorial to the King, in 1583, Bishop Domingo de Salazar described the conditions of the inhabitants in the encomiendas. The bishop asserted that when the Spaniards first came in the Philippines, rice, beans, fowls, deer, swine, buffaloes, fish, fruits, cocoanuts, wine, and honey were plenty and could be purchased at small cost. For instance a Spanish coin called tostón (about 50 cents) would buy 400 santas of rice, or 300 litres of wine or from 13 to 16 fowls. These prices continued for a long time and then food stuffs became scarce. Bishop Salazar assigned the reason to the policy of Governor Don Gonzalo Ronquillo who took a great many men away from their homes and sent them to the mines. The men were kept there for six months under the most unsanitary conditions, putting long hours and little food. Inevitably,
many of them died in the mines, some were physically disabled and others who were lucky enough to see their homes again needed more rest than work. The Bishop stated that in some cases he went to a village to administer confirmation, but he was compelled to return without having administered it to any one for the residents were sent away to labor by some Spanish authority.

The conditions were anything but desirable. While some men were employed in felling trees and conveying them to shipyards, others were made to row in the galleys in time of expedition and when the governor dispatched a ship on official errand. The news of a coming expedition always drove the men to the interior in order to escape the toils at the oars. Bishop Salazar told of an instance in which a deputy official dragged a husband to row in the galley. His wife who was to give birth to a child pleaded the officer to leave her husband. In return, the deputy cudgelled the wife in spite of her tears and supplications and took her husband away. In other cases, wives were left behind at their death bed, the men being compelled to row in the galley. Flogged and put in irons on the galleys the Filipinos labored like slaves at four reales (50 cents) a month. This was very irregularly paid and not many of them ever saw their wages.

Thus, made to labor in the mines, in the forest, and tied to the oars in the galleys, the Filipinos were made slaves to
the Spaniards whose interests were wholly in wealth. Kept in these toils for from four to six months, agriculture was neglected, crops fell to its lowest ebb and starvation carried its victims to their graves. At home the *encomendero* took the last grain for tribute; abroad, the wages, law as it was, very rarely or never appeared at all. 39

In His orders issued for the care of the Filipinos on the *encomienda*, the King always showed great sympathy and humanity. For instance, the Crown ordered that no Filipinos be distributed in *repartimiento* whether for private or public purpose. Except they volunteered Chinese and Japanese should furnish the labor. In case labor was scarce and Filipinos must be employed just wages must be paid, and could be employed only during such times as not to retard their agricultural pursuits. The governors in provinces and priests were instructed to keep an oversight over the execution of this decree and cruelty on the part of the *encomenderos* be justly punished. 40

The same spirit was shown in the royal orders affecting the Indians in the Spanish colonies in America. The royal decrees prohibited the *encomenderos* from employing the Indians in addition to their tribute. Furthermore, the laws purposed to keep the inhabitants in the *encomienda*. Thus, they should not be employed in pearl-fisheries, in sugar mills, woolen
manufactures, or vineyards. While employment in the mines was allowed, regulations regarding it were strict. Among some was one prohibiting the Spaniards to impose a load of over fifty pounds to an Indian.

Protector of the Indians

So intolerable were the conditions resulting from the encomienda system that the King realised the necessity of creating an office which would protect the native inhabitants from oppression. The incumbent of the office was designated as the "Protector of the Indians" having the power to appear before the Audiencia in defense of Indian clients. Originally, the "Protector of the Indians" was appointed by the King from among the bishops, but unable to attend to the task, the King directed the Governor-General to make appointment for the office from the non-clergy. The bishop, however, still reserved the privilege of defending a native client. The compensation of the Protector was fixed by the executive power and was paid out of tributes.

The first Protector and defender appointed for the Philippines was Friar Urdaneta who accompanied the Legazpi expedition in 1565 and bore the title of a prelate and "protector of the Indians". It appears that this office was not maintained all the time for in 1583 Friar Domingo de Salazar urged the King to appoint a protector and defender of the Indians.
who should see that they were not in any way abused. Another plea for the creation of the office was made by Santiago de Vera and other prominent citizens of Manila when in 1586 they sent a "Memorial to the Council" in which it was advocated to create the office separate and independent of any other royal office in the Philippines. As proposed the Protector had a voice and vote in the Audiencia, had power to prosecute and even deprive the encomendero of his encomienda. In 1586, Bishop Salazar of Manila was appointed the "Protector of the Indians".

Such in brief is the history of the encomienda system as it was applied in Philippine Islands. Officially introduced by Cortes in New Spain, the scheme was carried across the seas to the Philippines. In 1571, when Miguel Lopez de Legazpi organized the government of the city of Cebu, the governor parcelled the lands to his officers as ordered by the King. This was the beginning of the encomienda system in the Philippines. Twenty years later the encomiendas numbered 267. These included over 660,000 Christian Filipinos paying over 166,000 tributes a year. The tribute of ten reales paid by each household supported the encomendero, the priest who was the instructor on the encomienda, the camp for soldiers in Manila, and some charitable institutions. Had all these been carried out as originally designed, the Filipinos would have been compensated for the tribute they paid. It should be
regretted, however, that the Filipinos never received what was coming to them in return. The religious instruction on the encomienda could not prove satisfactory. Some reasons would explain this. First, there were too few missionaries to occupy the vast field and what they did occupy was too big for them. This was true particularly in the case of the encomienda where one priest was the only instructor for the from 400 to 1200 people. Instruction in this field could not consist much more than holding mass. Second, the abuse which the repartimiento brought about made it practically impossible for the people to even attend mass. Dragged from their homes, the men were taken to work in the mines, to fell trees in the forest. They were chained at the oars in the galleys, and in this way kept from four to six months. At home even their meal was taken away from them for the tribute; abroad, their wages, low as it could be, rarely appeared.

These desolate conditions brought about two results. One was frequent uprisings, and another was the creation of the office of "Protector of the Indians". The encomienda system continued in full force until the reign of Charles III from 1759-1788 when it was annulled entirely. Thus for over two hundred years, or about two thirds of the entire period of Spanish regime in the Philippines, the Filipinos were subjected to some of the most oppressive measures ever imposed upon by any colonizing power.
Chapter IV

THE GENERAL GOVERNMENT

During the three hundred years of Spanish rule in the Philippines, the government of the islands underwent frequent changes. This was the case with the colonial ministries of Spain, with the supreme government in the Philippines, and with the provincial and local governments. It should be noted, however, that notwithstanding the numerous changes a highly centralized system of colonial administration was maintained, a feature which characterized the Spanish policy. What is, therefore, presented here is mainly that government of the Philippines which was in operation a few years immediately preceding the cession of the Philippine Archipelago to the United States.

The Colonial Department in Madrid

The colonial department in Madrid was subjected to many changes. Established at one time, it was suppressed at another until again established under a different name or a new administrative body created in its place. Through all the changes of the colonial department, it maintained the character of a commercial executive.

Originally, the administrative affairs of the colonial possessions of Spain were entrusted to the admiral. Gradually,
his power waned and the supervisor of trade, then Juan Rodríguez de Fonseca, began to exercise jurisdiction over colonial matters in connection with his duties of maintaining trade between the colonies and the Crown. His duties became numerous and pressing and to assist him the Casa de Contratación was established. This was the first administrative body which Spain created to assume the power over the new discoveries in America. The Casa de Contratación was at first a purely commercial organization whose main function was to maintain trade between the colonies and the Crown. Situated at first in the Atarazanes or arsenal of Seville it kept in its warehouses merchandise and naval stores of every description. Its officers were expected to keep in close touch with the Indies and to keep watch over colonial affairs in general. Close attention was given as to things most seasonable for shipping. Whenever most advantageous to the Crown the Casa de Contratación had the power to buy and sell. By degrees, mainly on account of its knowledge of colonial matters, the Casa de Contratación assumed the jurisdiction of a court over the ultramarine possessions of Spain and sat as such. Its jurisdiction extended from the consulates of Spanish merchants in Burgos, Barcelona, and other cities to the political affairs which directly concerned the colonies. In later years there were in the Casa de Contratación a secretary for civil and criminal suits and lawyers employed
as counsellors to its officials. What means of enforcement the House of Trade had is not known but it is presumed that for the execution of its orders it had to depend upon other authorities such as the municipalities.

The creation of the Casa de Contratación was largely due to the initiative of Juan Rodriguez de Fonseca, the supervisor of trade, who continued to be the colonial minister until the Council of the Indies was formally instituted. In 1514, Fonseca called some members of the Council of Castile such as Dr. Zapata, Dr. Palacios Rubios, and Licenciados Santiago and Sosa, in consultation on some colonial matters of rare importance. This group of men formed the nucleus of the future Council of the Indies which assumed supreme jurisdiction over the colonial possessions of Spain. In 1511 the great Ferdinand established the Consejo Supremo de Indias. As amended it was composed of a president, a number of ministers, and a host of counsellors. It was not until 1524 when the Council of the Indies was definitely established. Upon the death of Ferdinand VII, his infant daughter Isabela II ascended the throne under the regency of her mother, Maria Cristina. When the third Cortes of Spain, 1834-1837, were called the Liberal Party demanded some concessions among which was the suppression of the Consejo de Estado (Council of State) and in its place was established the Tribunal Superior de España é Indias to
remain in operation during the minority of the queen. The Council of the Indies as established took under its control the Casa de Contratación or House of Trade.49

It appears that the administrative affairs of the colonies were once entrusted to the ministerio de la gobernación (ministry of the government). About 1836, the affairs were taken over by the ministerio de marina (ministry of the navy) which was afterwards known as the secretaría del despacho de marina, comercio y gobernación de ultramar (department of the navy, commerce, and colonial government). After various changes, the ministerio del ultramar (ministry of the colonies) was established in May 20, 1863.

The Ministry of Ultramar

The Ministry of Ultramar was the department in which the administration of the colonies was entrusted since 1863. It was, therefore, the body which had charge of the Philippine Archipelago. The chief executive of the ministry was called the Minister of Ultramar and in the execution of his duties as such he was assisted by the cabinet of the Crown of which he was a member and by the Consejo de Filipinas (council of the Philippines). These bodies served as the legal advisers to the minister who sought their advice on matters pertaining to the colonies. The Consejo de Filipinas was permanent body sitting at Madrid
and was composed of members ex-officio — the subsecretary, 
the directors of the ministry of ultramar, and twelve members 
with specific qualifications.

Qualifications of the Members

The twelve elective members of the Consejo de Filipinas 
must have at least one of the following qualifications:

(a) Four years' residence in the provinces, two years of 
which at least must have been spent as an official not inferior 
to that of chief administration of the first class;

(b) A brigadier of the army and navy;

(c) President or district attorney-general of the Supreme 
Court;

(d) Professor in one of the universities of Spain or of 
the Philippine Islands;

(e) Director of the hydrographic bureau;

(f) A consul-general of Spain to a government near the 
Philippines, and having rendered fifteen years' service;

(g) One who had devoted himself to scientific explorations 
in Africa and had produced work which had been approved and 
published by the Geographic Society of Spain;

(h) A member of the board of directors of the Geographic 
Society of Spain;

(i) A member of the Academy of History;
(j) A dignitary of the church or a leading counsel to the monastic orders of the Philippines.51

Duties and Functions of the Consejo de Filipinas

The twelve members of the Consejo de Filipinas were assigned to eight departments as follows: two represented the marine; one represented the war department; one represented the clerical body of the Philippines; one solicitor for the monastic orders of the Philippines; one represented the department of grace and justice; two represented the treasury department; two represented the home office; and two represented the department of administration and public works.

The council served as advisor to the minister of ultramar, and it was consulted on matters of general nature and whenever the minister deemed it necessary. While the council could propose changes and reforms on the administration of the Philippines, it could be directed by the Supreme Government to frame such bills as deemed expedient.

The duties of the council were numerous but they are briefly as follows: the council had the power to modify the administration or organization of the colonies; the making of budgets and of appropriations belonged to the council; it was also its duty to dispose of the surplus products of the colonies, and to adopt regulations relative to the suppression of imports. The council proposed persons for the offices of governor and captain-
general, intendants and regents of the Audiencia and to grant titles to persons in the colonies as reward for their services. Furthermore, the council drew up measures affecting the government of the church. Lastly, the council transmitted communications of the ministers of state, of war, and of the navy to the proper authorities in the provinces. Communications of the provinces went through the council and from there delivered to the proper departments. Decisions on matters regarding the colonies were entrusted to the council, and on giving judgment the opinion of the minister of ultramar was always given first consideration. Besides these, it was the duty of the council to grant leave to Spaniards intending to depart for the Philippines as the Governor-General of the Philippines gave them leave to return to Spain. The treasurer of the royal exchequer submitted his report to the ministry of ultramar. One of the most important duties of the council, as directly affecting the Filipinos, was that of determining how far the natives be given positions in the government of their own country.52

The Philippines in the Corte of Spain

Incidental to a consideration of the general government in Madrid as having charge of the affairs of the Philippines, it would be well to briefly review the Corte53 of Spain as it took charge of Philippine questions. During their entire history
of three hundred and fifty years under the rule of Spain the
Philippines gained only three representations in the national
Corte. The first representation was in the Cortes of 1810-
1813 about three hundred years after Spain had occupied the
Philippine Archipelago, and only about eighty years prior to
the American occupation. The other Cortes in which the Philip-
pines were represented were the Cortes of 1820-1833 and the
Cortes of 1834-1837.

The Cortes of 1810-1813

During the five years' imprisonment of Ferdinand VII in
France, Joseph Bonapart established a government which he
wanted recognized in Spain. The Nationalist Party of Spain
led the opposition and set up a provisional government known
as the Junta Central (Central Assembly). This Junta re-
habilitated the Consejo de España on June 25, 1809, and on
January 29, 1810, the Consejo de Regencia (Council of Regency)
was constituted. It was resolved to convene the Corte of
Spain and to receive representations from the colonies. The
Corte was summoned in 1810 and it was deemed advisable to se-
lect substitutes who would act as representatives of the Philip-
pines until the duly elect came to Madrid. Accordingly,
appointments were made from among the Spaniards in Spain who
had been residents in the Philippines. This resulted in the
election of Pedro Perez de Tagle, a Spanish officer in the
Royal Guards; and of Dr. José Manuel Conte, a prebendary.

The election of a delegate held in Manila on February 14, 1810, was conducted by a board composed of the governor, the archbishop of Manila and four other members. It resulted in the appointment of Ventura de les Reyes, a wealthy Spanish merchant in Manila. Later, the Corte provided for the election of deputies from the Philippines. One delegate for every 60,000 inhabitants was to be elected by a provincial board. The elective body consisted of the senior alcalde, the senior regidor (alderman), the syndic procurator general, and two others elected by the board itself. Manila, itself, was entitled to a delegate. Only one thing is on record which the Philippine representative did in the Cortes of 1810-1813. Representative Reyes moved that the Philippines be granted a special election on account of the distance and at least two delegates be elected. This motion failed from adoption on account of the strong opposition by the delegates from America who feared that their representation might eventually be reduced.

The Corte of 1810-1813 was held in different places in Spain. It was holding its session in Madrid when Ferdinand VII was released from prison. The King at once issued a decree abolishing the Corte and declared all its acts null and void. Absolutism reigned all over Spain and its colonies, and inquisition
again established. In the Philippines, the inhabitants responded with a revolt directed to the principalia (the electorate). Churches and cathedrals were sacked and public documents destroyed. Thus, ended the Cortes of 1810-1813 and nothing was accomplished.

The Cortes of 1820-1823

Seven years elapsed before Ferdinand VII called the Corte in session. On March 7, 1820, the King took an oath on the Constitution of 1812 and the Corte was called, lasting for three years. A royal decree re-established the Secretaría del Despacho de la Gobernación, a department of government which was instrumental in promulgating the Constitution of 1812. When the Corte was formally opened on July, 1820, the Philippines and the Spanish colonies in America were again represented by substitutes, pending the arrival of the elect. José María Arnedo and Manuel Felix Camus y Herrera represented the Philippine Islands. In the Cortes of 1820-1823, the Philippines were entitled to twenty-five representatives. Only four were elected but only three are known. The three delegates were Vicente Posada, a magistrate in the Audiencia at Manila; Francisco Bringas y Taranco, a Spanish official and ex-alcalde-mayor of Ilocos; and Manuel Saëuz de Vizmanos, a senior accountant of the Tribunal de Cuentas of the Philippines. An obstacle
befell upon Representative Posada. When he appeared in the Corte, he failed to produce credentials certifying that he had resigned his office as magistrate of the Audiencia in Manila. On the ground that no government official could at the same time become representative in the Corte, the Committee on Credentials refused Posada admission into the Corte. He was afterwards given seat in the Corte, although his eligibility was contested.

The Cortes of 1820-1823 terminated in a sad fate. Like the Cortes of 1810-1813, they were dissolved by Ferdinand VII and all acts and organisms passed and instituted were declared null and void. Absolutism again reigned all over Spain and its possessions, and Representative Posada of the Philippines was condemned for his liberal ideas. Thus, closed the Cortes of 1820-1823 without accomplishing anything.

The Cortes of 1834-1837

No Corte was not called in session for eleven years until Ferdinand VII died. At this time the Liberals again demanded a constitutional government, and it was mainly through their efforts that the Cortes were called again. The Santa Ana which was despatched to the Philippines to herald the news of the Cortes did not reach her destination until the end of the year 1834. The election of delegates in Manila in March, 1835,
resulted in favor of Brigadier Andres Garcia Camba and Licentiate Juan Francisco Lecaros, a Filipino lawyer, who did not arrive in Spain until September, 1835. The Corte had been in session for over a year already and since there was no provision for substitutes as in previous Cortes the Philippines were unrepresented. An election law under the consideration of the Corte brought about a deadlock and the house was dissolved. On March, 1836, it was called in session again until May, 1836. Only one resolution was passed in this session which concerned the Philippines before it was dissolved again. It was resolved that the provinces in the Ultramar elect their delegates. Accordingly, election was held in Manila resulting in the re-apointment of Camba and Lecaros. The Corte convened again on August, 1836, when in one of its secret sessions it was voted that the colonies be governed by special laws and representation in the national Corte be discontinued. Evidently, this news did not reach Manila on time for the delegates elected in 1837 came to Spain only to find that their services were no longer needed. Until the close of Spanish regime, the Philippines were never again represented in the national Corte of Spain.57

Results

It would be beyond reason to look for much accomplishment if the Cortes were held in the face of royal absolutism of
Ferdinand VII who not only abolished the Cortes declaring all acts passed null and void but also established inquisition and condemned the colonial representatives. With regard to enactments which were passed for the Ultramarine provinces there were few which directly or indirectly concerned the Philippine Islands. In the law of October 15, 1810, all the Spanish colonies were declared equal before the Mother Country. On January 26, 1811, a law was enacted abolishing the monopoly of quicksilver and in the year following the Consejo de Estado (Council of State) was provisionally created consisting of twenty delegates six of whom were from the oversea possessions. There were others of the same nature but the law of February 23, 1813, suppressed the dreadful inquisition and another enacted on November, 1813, abolished personal services rendered by the Indians. A measure which was of considerable importance to the commerce of the Philippines was the law which abolished the Acapulco galleon. Up to this time the Spaniards had the monopoly of trade between Acapulco, Mexico, and Manila, but the law gave the Filipino merchants right to ship goods in Spanish bottoms to the value of 750,000 pesos ($375,000) to Acapulco as well as to all ports of Spanish possessions including the northwest coast of America and all ports in the Spanish monarchy. This was the beginning of free trade and the opening of direct mail service between Spain and Manila -- about three hundred years after Spain had occupied the Philippines.
A bill appropriating 50,000 reales for mission work in the Philippines aroused much opposition from the delegates from America. Their contention was that the missionaries (ministros del evangelio) did more harm than good and the fund could better be invested in the establishment of normal schools in the provinces of Ultramar. It was carried through and on June 29, 1821, public schools and universities were provided for by law; Manila was to have a university. In the Cortes of 1837 no colonies were represented for it was resolved that the territorial possessions overseas were to be governed by special laws. The Philippines were never represented ever since.

The brief constitutional government of Spain during the first part of the nineteenth century was characterized by its liberal policy of colonial administration. The outbursts of liberalism during this period decisively changed the history of the Filipino race, tearing down the walls which for three centuries excluded foreign relations from the Philippines. This period marked the end of the untiring efforts of the Spanish friars to shut the Filipino people from all possible influences outside the Philippine shores. This period marked the beginning of economic, political, and intellectual awakening which swept the entire archipelago, and all these tended to revolutionize the whole social structure of the Filipino race. Some events which led to its realization deserve notice.
When Mexico obtained her independence from Spain in 1820, all its commercial relations with the Philippines came to an end. Trade between Spain and the Philippines was carried on by galleons sailing around the Cape of Good Hope. In 1835, the Royal Philippine Monopoly was dissolved without having accomplished any lasting economic benefit to the islands. Two years later the port of Manila was declared open to foreign commerce. This event marked the beginning of economic progress of the Philippines, and other ports in the islands raised their doors to foreign commodities. Sual (Pangasinan) opened its harbor for the exportation of the surplus rice; and it was followed by Iloilo, (Panay), Zamboanga, (Leyte), and Cebu in the island of Cebu. How significant this sudden change of policy was upon the trade and commerce of the Philippines was revealed by some statistical figures of the time.

In 1810 the imports of the Philippines amounted to 5,329,-000 pesos, ($2,664,500), 175,000 pesos of which came from the United States and Europe including Spain, but over half of the total import came from Mexico. In the same year the Philippines exported 4,795,000 pesos, ($2,397,500), making a balance of about a million pesos against the islands. Of the total export, over a million and a half pesos was Mexican silver for China, and only about 25,000 pesos went to the United States and Europe. In other words, the Philippines exported practically none of their staple products such as rice, sugar, tobacco,
and hemp. How rapidly production grew was indicated by the export of hemp. In 1831 hemp export was only 346 tons. In 1837, 2,585 tons left the Philippine ports and by 1858 its total export reached 27,500 tons. By this time there were in the Philippines fifteen foreign commercial establishments seven of which were English and three American.

A great impetus was immediately shown in the production of staple products. Hemp fields rapidly multiplied in number, cocoanut groves bordered the shores of the island of Luzon; and sugar haciendas rose one after another in Pampanga and Negros. From the fertile valleys of Cagayan and the Ilocos provinces were reaped some of the best crops of tobacco, while Batangas turned its attention to the cultivation of coffee.

In the commercial and agricultural progress of the Philippines two things should be noted. First, the capital invested in agricultural enterprises was not a foreign investment for it was made in the Philippines. Second, the wealth which came in enriched only certain Spanish families and mestizos and the aristocratic class in the native populace, the principia. This fact was of a great significance for it was one of the causes which later developed into the revolution of 1896.

Of much more significance to the history of the Filipino race than the economic and commercial progress of the Philippines
was the intellectual awakening which characterized the early years of the nineteenth century. When the Corte of 1810 declared that the natives in the colonies were on equal footing with the Peninsulars in as far as rights and privileges were concerned, the Filipinos felt well satisfied as they never did before. It was a news which received a heart-felt welcome from the greater mass of the Filipino people. The Christian Filipinos who at this time numbered about 7,000,000 presented a uniform culture as a result of the long tutelage of the Spanish friars. So uniform was the culture imparted to them that the inhabitants in northern Luzon dressed the same way as those of Mindanao. The two extremes of the archipelago presented the same grade of architecture and in all the pueblos similar characteristics in plans were to be found.

The Filipinos had arrived at a stage when to keep them ignorant of the outside world was practically an impossible task. From among them rose the educated few who became leaders of their people, and having communicated their ideas and aspirations to the greater mass, even the most humble fisherman came to entertain the idea of social reform and advancement of his children. About the middle of the nineteenth century a public school system was introduced in the Philippines. This brought a primary school to every organized pueblo — a blessing for which the Filipino people had been striving for
three hundred years. It was also during this period when the Jesuits came back to the Philippines and resumed their work in higher education. When all these liberal measures were taken into account as against the oppression which the Filipinos in the encomiendas had to bear for over two hundred years, it was not an unexpected thing to find them in arms in 1896.

These were some of the results of the liberal policy of the constitutional government of Spain during the first part of the nineteenth century. It was a period of economic and commercial progress of the Philippines; it was a period of intellectual awakening in which the Filipinos sought a means of attaining what they always believed would bring about happiness and contentment through the enjoyment of freedom of thought and conscience and a voice in their own government.
Chapter V

THE GOVERNOR-GENERAL

The governor-general of the Philippines presents a unique character in the Spanish system of government of the Philippine Islands. His authority over the government was practically unlimited, an assumed prerogatives which constantly produced contention and discontent on the part of the ruled, and jealousy or envy on the part of the ecclesiastics. A consideration of his portfolio as the supreme power resident in Manila should, therefore, be fitting.

Origin and History of the Office of Governor-General

The office of the governor-general was a creation of the Crown in recompense to the services rendered in discovering new lands for the King. Thus, to the valiant Magellan the Crown promised the office of admiral and governor over the lands discovered in addition to five per cent of all profits derived therefrom. He would be the adelantado (promoted) of the newly discovered lands, to which office his children would be legal heirs. 63 Had Magellan lived long enough, he would undoubtedly have enjoyed the office of the governor-general of the Philippine Islands as did Legazpi who followed him forty years later.
A few years after Legazpi had settled in Cebu he proceeded to establish the first form of Spanish system of government in the islands declaring the city of Cebu as the capital city. This was done in accordance with the royal order authorizing the conqueror to administer the oath of allegiance to all officials and good men in cities and towns discovered or to be discovered, and to appoint officials subordinate to himself and whom he could remove or banish at will and appoint new ones in their places. His title would be captain-general with all rights and interests pertaining thereto. He had the duties of a judge and as such power was conferred upon him to hear and examine civil and criminal cases and to impose fines. Thus, reads a portion of the royal decree: "We give you power and authority to enjoy and exercise your office, and to administer and execute our justice in the said island and in the settlements that have been and shall be founded in the cities, towns, and villages of the said island, and its boundaries, by you and your subordinates." In short, Legazpi enjoyed all honors, favors, licenses, liberties, exemptions, preeminences, prerogatives, immunities and what not. This was the nucleus which later developed into an immense and extensive power of the governor-general. As such Legazpi received the compensation of 2,000 ducats ($4,570) a year.
The instruction which followed Legazpi embodied the spirit and attitude of the home government in Madrid toward the Filipinos in the encomienda. In parcelling out the lands the property of the native inhabitants were to be respected and the Spaniards living in the villages must exercise all mildness and moderation. With respect to the education of the Filipinos the governor-general was instructed to choose some of the most virtuous Christians who would live in the villages to teach the inhabitants Christian doctrine.  

So, as a personal representative or viceroy of the Crown, the governor-general was endowed with high powers over practically all phases of governmental actions. He was under the immediate control of the Minister of Ultramar with whom he maintained a close relationship. As the only supreme authority in the Philippines, the governor-general was the delegate of the ministry of state, the ministry of war, and the ministry of marine, looking after the interests which pertained to each of these departments. The governor-general was the commander of the army and navy in the Philippines; his power as such was limited by the rules and regulations of the army and navy of Spain.
Residence and Titles of the Governor-General

The titles of the governor-general of the Philippines were the most numerous as a result of his multitudinous duties as chief executive of practically all departments of government. Beginning with a simple title of adelantado, his titles rapidly multiplied as his duties increased. As a military commander his titles were captain-general, commander of troops; commander of the naval forces; teniente general de los ejércitos nacionales (lieutenant-general of the national armies); and director e inspector general de todas las armas e institutos militares de esto ejército (general director and inspector of arms and military institutes). His other titles were Presidente del Consejo de Administración y del Ayuntamiento (president of the council of administration and of the tribunal); Protector de Banco Filipino y de la Sociedad Económica de Amigos del País (protector of the Philippine bank and of the economic society of friends); sub-delegate; chief administrator and judge of the revenue from the post office. In connection with his duties in the Audiencia, his official titles were President of the Audiencia, Lord governor, and royal rice-patron.

These were the official titles of the chief executive of the Philippines. During the last decade of Spanish regime he was known as the governor-general. The governor resided
in Manila, the seat of the archbishop and cathedral, at the Audiencia building which was erected to house the chief officials. 68

Qualifications of the Governor-General

The matter of qualifications of the governor-general was for the Ministry of Ultramar to determine. On account of the remoteness of the Philippines and of ignorance of the authorities in Spain of Philippine affairs, the Ministry of Ultramar had only for its guide in determining as to who would be fit for the responsible office the letters and reports of the Church and officials in the Philippines. In this respect the church played an important role and its reports to the King were not always free from jealousy and envy with the governor-general. At one time the government was highly commended, at another it was assailed to the limit exposing all the short-comings and undesirable qualities of the governor-general. It should be borne in mind that the church and the governor-general were the two contending powers in the Philippines, and from the standpoint of the clergy the fitness of the governor-general to his high office was measured by the support he gave to the cause of the church. For this reason the church always made every effort to get the Ministry of Ultramar to appoint the governor-general
who would be on the side of the clergy. This was done by setting forth a set of qualifications incidental to the reports. Some of these qualifications may be noted. For instance, the governor-general should be a good public man, of morals, kind to foreigners and winful of the affections of all. He should be such a man whom the people would look upon as a father as well as the governor. In other words, the governor-general should be a good Christian, a servant of God who was zealous for His honor and service to the King. While he must understand judicial and legislative matters, he should be a prudent soldier well with weapons, but not a selfish merchant trader.

Appointment and Term of Office of the Governor-General

Like all high officials of all other colonies, the governor-general of the Philippines was an appointee of the Crown and not popularly elected. The Crown appointed the governor-general upon recommendation of the Minister of Ultramar and with the assent of the council of ministers.

As was the case of all other high officials in the Spanish system of government, the governor-general held office for no certain period. His term lasted during the pleasure of the Crown and from available data this ranged from a few
months to life. For instance, Governor Ronquillo de Peñalosa received governorship for life. Rafael María de Aguilóar y Ponce de León held the office for thirteen years when death removed him from office.71

Perhaps it was the uncertainty of office which demoralized and discouraged the governor-general of the Philippines. Hardly had he made a survey of his field and marked out his course when he was flung aside like a weed. In the English system of colonial government the governor was appointed for a term of six years, and it took extraordinary circumstances to remove him from office.72 This system had a decidedly different moral effect upon the high executive from the Spanish system.

Removal and Vacancy

The governor-general was removed by the same authorities who appointed him to office. He was removed from office by the Crown upon recommendation of the Minister of Ultramar and with the consent of the council of ministers.73

The manner of filling vacancy in the office of the governor-general was subject to many changes. In the days of Magellan and Legazpi the Crown made the office hereditary. This was done as a reward for one reason and for the sake of avoiding delay for another. While the King of Spain assumed the authority of appointing the governor-general for
the sake of expediency this power was exercised by the viceroy of New Spain all the time the Philippines were a dependency to Mexico. Sometimes, the governor-general himself was allowed to appoint his successor. This was done by Governor Gomez Perez Dasmariñas. After the establishment of the Royal Audiencia in Manila in 1583 the order of succession to the office was changed. In case of vacancy in the office of the governor-general the Audiencia assumed the civil and political duties while the senior auditor became acting president of the Audiencia and also the commander-in-chief of the army and navy. This arrangement lasted until the appointee arrived. Some more changes were made later. After the assassination of Governor Bustamante in 1719 the Archbishop in Manila was made the legal successor to the office of governor-general. In 1762 when the English took Manila under the regency of the archbishop the office of cabo segundo (second head) was created to succeed into the office of the governor-general upon his death. As an appointee of the Crown the cabo segundo held office only during the pleasure of the King who strictly prescribed his duties. The cabo segundo was also known as lieutenant-general, and teniente rev. The last change in the order of succession entitled the general of the army to the office or upon his default the admiral of the navy.
The Nature and Character of the Authority of the Governor-General

As the delegate and representative of the King of Spain the privileges, grandeur and superiority which the governor-general enjoyed were unparalleled in any other dependency of Spain. In theory, his powers were prescribed by the Crown and no action could be taken without permit from the home government. In practice, the governor-general was absolute and superior to all other officials of the Crown in the Philippines. His authority extended to the most humble hamlet; including the church, schools, and tribunals of justice. Originally, the authority of the governor-general reached the Moluccas, Formosa, and India and all that lies between the Cape of Singapore and Japan. As the only high viceroy of the King the governor-general maintained foreign relations with the Kings of Cambodia, Japan, and China, accepting favors from them and establishing friendly relations in the name of the Crown. The first was his ally, while the two were his friends.

The official conscience of the eighteenth century was certainly different from what it is to-day. Taking advantage of the distance from the home government, and interpreting the privileges bestowed upon him from the standpoint of personal advantage and grandeur, the governor-general of the Philippines proved too feeble to resist the temptation to
profit of his prerogatives. One of these was particularly important. All royal decrees for the Philippines required the official approval of the governor-general before they could go into effect. To do this the chief executive attached his signature beneath the official term "cumplase" that is, let it go into effect. While this privilege was designed to eliminate laws not fitted for the changing conditions in the Philippines it was not seldom employed to retard the execution of important laws which some way or other would tend to diminish the authority of the governor-general. So the laws for the Philippines were one thing and their execution was another.

From this brief sketch it is obvious that there was no official nor institution in the Philippines over which the governor-general had no supreme authority. There was no check on him. The Audiencia which was supposed to serve as a check on the chief executive's absolutism proved a mere puppet under his hand. It is, therefore, impossible to enumerate and describe the powers of the governor-general in detail, but an attempt upon his duties and some of his most important powers may be made here in order to show the spirit of the regime.

General Duties of the Governor-General

The duties of the governor-general fall into three classes: — duties as the representative of the Crown; duties as the chief
of administration; and duties as commander-in-chief of military and naval forces.

As the representative of the King the duties of the governor-general were as follows:

1. To promulgate and execute all decrees, laws, and orders from the ministries in Spain and to see that all international obligations were duly observed;

2. To report to the respective ministries in Spain on branches of public service;

3. To exercise the prerogative of pardon in certain special cases;

4. To suspend the execution of laws for the Philippines, or laws made by any official in the province whenever the governor-general deemed it wise for the sake of public welfare. A report on this action must immediately be made to the Crown.78

As chief administrator, the governor-general had the following duties: —

1. To maintain the integrity of the administrative system according to law;

2. To issue orders necessary for the enforcement of laws and for the administration;

3. To propose to the home government measures or policies necessary for the promotion of moral and material welfare of the islands;
4. To suspend associations or corporations discovered in directo;
5. To authorize, when necessary, the provincial governors to impose certain fines on public officials and corporations;
6. To suspend public officers appointed by the Crown whenever such action was necessary, and to fill by appointment the vacancy thus created. Of this an immediate report to the King must be made.79

As commander-in-chief of military and naval forces the duties of the governor-general were as follows: --

1. To direct and inspect all military bodies, arms, and equipments. The Urban Militia of Manila which was composed of Spaniards was subject to call by the commander-in-chief to perform special services or in case of emergency.

2. The governor-general had the powers accorded to the captain-generals of the Peninsula. To this class belonged a host of military duties too many to mention. He disposed of troops, made assignments to superior officers, and many other duties.80

Military Powers

The Spanish regime in the Philippines was characterized by wars, tumults, and insurrections which upset the govern-
ment every so often to the close of the Spanish rule. The wars with the Dutch, with the Portuguese, with the Chinese, and with the English placed the government of the Philip­pines at stake. Besides these inter-island forays with the Moros who made the waters unsafe for commerce persisted for a long time. To meet these exigencies it was necessary that the governor-general be clothed with absolute military powers in order that he could act with promptitude. Accordingly, the Royal Audiencia was, on November 4, 1606, in­structed not to oppose the governor-general on matters of government and war. If there should be any doubt about his action due notice should be made to the King for the Council of the Indies to consider. The governor-general sent em­bassies to neighboring kingdoms, received delegates and treated with Kings in the name of the Crown. He was authorized to declare and make war for defence against the enemy and drastic means could be resorted to for vengeance or against disturbers of peace. To strengthen these powers the governor-general could erect fortifications upon permission from the King and make provisions for their upkeep.

Powers over Officials

These powers were practically absolute, including the power of appointment, of removal, and of promotion. The
appointees of the governor-general included even the lowest employees such as the warden or the alferez (standard bearer). The encomendero was the first appointee of the governor-general but later on other officials became his appointees. For instance, the governor-general appointed alcaldes (justice of peace), military and naval officers, alcaldes-mayor (magistrates), instructional staff and dean of colleges in the Philippines, correderos, deputies, and protector of the Chinese in Manila. The King always reserved the power to make appointments when he so desired. To do this the governor-general was required to send a list of names with their qualifications. From this the Council of the Indies made the selections and instruction was transmitted to the governor-general to place the appointees in their respective offices. Sometimes the King would simply instruct the governor-general to fill the vacancies stating what sort of men should be placed in office.82

Automatically, the power of appointment was coupled by the power of removal. This was made even more extensive for as already noted the governor-general could remove the officials appointed by the Crown when such action was necessary. The governor-general could even imprison them as did Governor Anda with his predecessor in 1770. The governor sent many judges, a colonel and other officials to prison after removing them from office. The Audiencia was at the mercy of the
governor-general. If it opposed his policy it was suppressed or the auditors suspended. All promotions in public offices were made by the governor-general. 83

Commercial Privileges and Powers

The commercial history of the Philippines presents a subject of singular interest. It is a subject by itself sufficiently big and important for a dissertation. So important was commerce that in the code of Spanish colonial legislation some eighty laws were devoted to the subject of commerce. During the first thirty years of Spanish rule in the islands there was no restriction in commerce, and the country witnessed a very rapid progress. Then came a system of restrictions which limited the market and the amount of exports and imports. The only legitimate market for Philippine commodities was New Spain to which exports to the value of $350,000 annually could be sent and imports of $500,000 be received. This restriction afforded an opportunity to monopoly. It discouraged individual enterprise and retarded the economic development of the Philippines. In the regulation of commerce between Mexico and the Philippines, the country witnessed some of the most popular corruptions among Spanish officials. 84

In the enforcement of royal decrees on trade and commerce between Mexico and the Philippines, the viceroy of Mexico and
the governor-general of the Philippines cooperated. They were, however, forbidden from engaging in commerce and so were other civil officials and friars and missionaries, although they were obliged to execute the laws. It appears, however, that the officials were engaged in commerce just the same through intermediaries. The governor-general had a reserved space in every vessel which left Manila and the enormous profits contributed to religious endowments. The governor-general had the duty of constructing galleons and boats for trade, man them and make provisions for necessary officers and arms for self-defense. Furthermore, it fell upon his lot to regulate prices and control fares between Manila and New Spain. It was not, therefore, unexpected for Governor Gomez Perez Dasmariñas to set low price on Chinese goods and to require of Chinese traders extraordinary demands in lieu of import duties. For instance, it was at one time required of every vessel from China or East Indies to deliver gratis to the government of the Philippines five hundred living shrikes as license to sell goods in Philippine ports. Shrikes were birds which were useful in destroying insects on crops. No vessel came and no shrike was delivered. The duty of inspecting the ships before departure belonged to the senior auditor of the Audiencia.
The relation of the church and government is a subject of peculiar interest. The entire history of the Philippines under the Spanish regime was honeycombed by struggles between the ecclesiastics and the governors, resulting in petty contests between Popes and Emperors.

Like all other institutions and like all other Spaniards in the Philippines the church and the ecclesiastics were wholly dependent upon the captain-general. The Holy Office could not act without the consent or cooperation of the governor-general who was wholly responsible for the support of the church and institutions organized under its direction. Besides settling controversies between various orders the governor-general was called upon in a thousand other ways. He appointed the chapters of the church and ordered the compensation of the bishop and archbishop. All the King's vassals, all seculars and ecclesiastics were subject to removal from office, punishment or exile as the captain-general might deem best. No Spaniard could leave the Philippines without permission from the chief executive, and no friar could perform his holy mission in foreign land without leave from the governor-general. All communications with the home government must pass through the hands of the governor-general.
Until the middle of the nineteenth century there was no public school system in the Philippines and what schools there were were those directly connected with the church, and the teaching staff consisted of ordained priests and sisters. Here again the governor-general was in direct relationship with the clergy.

The school system in the Philippines was under the direction and control of the governor-general. All the powers of its administration and maintenance were vested upon the captain-general. He was responsible for the construction of schools according to instructions from Madrid and to him belonged the power to appoint the directors, deans, and other teaching staff of schools and colleges. Likewise was the governor-general responsible for the enforcement of all orders and regulations emanating from the home government. He was also chief administrator of school revenue and the raising of funds for schools was assigned to him. All school necessities were referred to the captain-general for solution. The governor-general also issued teachers' certificates, fixed the number of attendants in normal schools and fixed the compensation of instructional staff. In 1863, the governor-general was made the Chairman of the "Superior Commission of Primary Instruction." This commission composed of the chief executive, the archbishop, and seven others appointed by the chairman, had
the duty of supervising the schools in the entire archipelago. To this commission were responsible the provincial and local school inspectors.

Compensation of the Governor-General

The salary of the governor-general was never a fixed amount. The first governor of the Philippines, Miguel López de Legazpi received, the compensation of 2,000 ducats ($4,570) per year. Later on it was increased to $8,000, to $12,000, reaching its maximum amount of $40,000 in 1890. The body guard of the governor-general consisted of twelve halberdiers at six pesos ($3.00) per month and their captain at fifteen pesos a month. As a whole civil and military officers in the Spanish government were inadequately paid, but tipping, a practice which received sanction in official conscience at the time, largely augmented their income.

Councils to the Governor-General

The problem of instituting an effective means by which the governor-general could be checked remained unsolved through the Spanish regime in the Philippines. Cortes introduced the Audiencia in Mexico in 1527 to counterbalance the absolute power of the viceroy, but the system was not carried across the Pacific until 1582. The establishment
of the Audiencia in Manila was for two purposes: to lend counsel to the chief executive and to act as the court of appeals including those on actions of the governor-general. The Audiencia was clothed in certain preeminences in order to make the purposes effective and decisive. It could communicate with the Crown without the intermediary of the governor-general and when two auditors joined against his opinion it was killed. Furthermore, in the absence of the governor-general, the Audiencia took charge of the general government. The power of the Audiencia as a check and council to the governor-general never proved effective for pretenses were always made whereby its counteraction would be evaded. For instance, the governor-general would oftentimes send the auditors away on a commission to take census or investigate some matters for the government. To imprison the auditors for opposing his opinion was not very unusual. In 1784, the office of the intendente (treasurer) was created. This deprived the governor-general of his absolute control over the revenues for the intendente acted only upon royal orders.

About the middle of the nineteenth century the powers of the Audiencia as a legal council to the governor-general were transferred to the board of authorities and to the consejo de administración (council of administration). The board of authorities was the cabinet of the governor-general created by royal order in April 18, 1850. It was composed
of directors and heads of executive departments represented by the lieutenant-general, the commander of the navy, the intendente, the director-general of civil administration and the attorney-general. The Archbishop represented the church and the governor-general was the chairman. The board of authorities gave advice to the governor-general on matters of vital importance. The chief executive remained always responsible for all his actions.

Pursuant to the royal decree of 1861, the consejo de administracion was created in the Philippines in 1863. It was a representative body composed of the members of the board of authorities in addition to the president of the chamber of commerce, the president of the society of friends (amigos del pais), and the reverend fathers of superior religious orders. Besides these there were six delegates from Luzon and the Visayas and four delegates appointed by the Crown. The governor-general was the chairman of the council of administration and he reserved the privilege of conferring with it on matters of ordinary importance. There were other administrative councils to the governor-general, one was the Junta Central de Agricultura, Industria y Comercio.

The Residencia System

The residencia was a system of investigating the career of an executive official at the expiration of his term of
office or at malfeasance at any time. In the former it was a survey of his official record, in the latter it was a process of impeachment. *Residencia* means residence, and it was so called because the official had to remain in his official residence while the investigation was being conducted. A *residencia* held during the term of office was called *pequisia* and the investigator was called the *pequisidor*. He was commissioned by the Council of the Indies from Spain or from New Spain. In the case of minor official the captain-general of the Philippines would appoint a *pequisidor* to conduct the *residencia*. Practically all officials were subject to *residencia* -- *encomenderos*, *alcaldes-mayores*, * oidores*, captains of the galleons, generals, admirals, viceroy, and captains-general. The *residencia* for provincial officials lasted four months while for the viceroy or captain-general six months were required although delay sometimes extended the period to twelve years. The investigation was conducted along two main lines: first, a consideration of all complaints brought in by any citizen; second, a thorough examination of official records and documents especially those which concerned with funds. Along these two main lines the successor of the viceroy or of the captain-general confined his most critical attention.
The system of residencia was inherited from the principle of a Roman law which gave a citizen the right to bring an accusation against an official. It rested on the principle that the official was guilty until he proved himself honest. The trial included a general survey of his official career and the official was given opportunity to defend himself. If he proved clear, he was given a recommendation; if guilty of misdeeds, he was punished accordingly.

The residencia was for the first time applied in the Philippines when an investigation was made about the official career of Governor Salcedo. This governor was removed by the commissioner of the Inquisition in 1668. Francisco Coloma was appointed to conduct the residencia but the audiencia protested the appointment on the ground that Coloma was the governor's aeeor. Coloma was, therefore, incapacitated and the investigation was not resumed until three years after the death of Governor Salcedo.

As a rule the residencia was made before the official left the colony but in the case of Philippine officials an exception was made to this rule. On account of slow traffic they were allowed to depart for Spain and their residencia were conducted in their absence. In 1776 a system of withholding a portion of the viceroy or governor's salary as a deposit for probable expenses of the residencia was introduced. If the official proved honest the deposit was
refunded and the royal treasury bore the expenses. In the case of provincial officials their last year's salaries were withheld until their trial was over. These were returned to them if they proved honest but in case of guilt all back salaries had to be paid back, their bonds forfeited and in addition heavy fines imposed.

The residencia in the Philippines was never said to have been conducted in an impartial way. Prejudice, spite, personal ambition and hatred of the malcontents corrupted the system to a degree most degrading. The glaring posters heralding the residencia of an official was a reward to his enemies who awaited the day with eagerness. These announcements were in both Spanish and native dialect and they opened the opportunity for any one to bring his accusations before the successor. The ecclesiastics, the office seekers and all others who thought had a cause for vengeance filed their complaints. Furthermore, having the zeal and ambition of inaugurating a successful administration the successor to the office was tempted to make his investigation very stringent. During the first two hundred years of Spanish regime in the Philippines, the residencias of governors were especially stringent. They were deprived of their offices, imprisoned and exiled in some distant land where they could not be heard again. Their families and dependents were reduced to extreme
poverty and want. Some were fortunate enough in securing release or modification of penalty through the influence of friends in Spain, but in most cases death intervened before they could be reached. The long and horrible residencia itself was strenuous enough to sap the vitalities of life and many governors died from the strain resulting from the trial. An Itatian traveller, Careri, who witnessed a residencia in Manila described it as a "dreadful Trial" 'the strain of which' "would sometimes break their hearts."

This was the nature and character of residencia, a means of keeping an executive official within bounds of his privileges by the thought that some day he would have to give an account of all his deeds. It was an exclusively Spanish institution peculiar to modern times. It was noted for its universality as well as for its ineffectiveness. Ineffective, because it sought to punish rather than to correct. The residencia could have been avoided by a more careful selection of officials who had the idea to serve rather than to amass wealth.
Chapter VI
THE PROVINCIAL GOVERNMENT

Some islands in the Philippines are divided into provinces each of which has its capital city, the seat of government of the province. For instance, the island of Luzon consists of twenty-six provinces, each having its capital city, while the islands of Mindoro, Leyte, Cebu, Bohol, etc. have remained undivided. It should be of interest to note that in many cases provinces have natural boundaries which isolated the peoples for a long time. Consequently, their dialects vary and so does their culture and civilization to a certain extent. This fact is well illustrated in the islands of Panay and Negros. In the former a range of mountains divided the island into three divisions which are the provinces of Iloilo, Capiz, and Antique. While each of these provinces understand each other their dialects vary to a more or less degree. Likewise is the island of Negros divided into two by a range of impassable mountains running from north to south, and so there are Oriental Negros and Occidental Negros. To show that water is easier to cross than mountains, is shown by the fact that Occidental Negros and Iloilo in Panay island have a common dialect while in Oriental Negros an entirely different tongue is spoken. It can be inferred, therefore, that since the early days the western part of Negros and the province...
of Iloilo must have had direct intercourse with each other. The divisions of islands into provinces were, then, based upon the native dialects and the degree of civilization. Those provinces which were more civilized were placed under the alcalde mayor who were civilians while those which were not so far advanced were placed under military officers, and in some cases under naval officers. Thus, the government in the provinces was either civil or military. Strictly speaking there was no provincial government for whatever officials were created in the provinces had the function of supervising the government and administration of the pueblos of which they were composed.

Civil and Military Governments in the Provinces

At the beginning there were only four provinces in the Philippines. These were the provinces of Pampanga, Pangasinan, Ilocos, and Cagayan in Luzon. Dialects and culture of the inhabitants were used as bases for the division. Upon these bases new provinces were established from time to time and by 1850 there were thirty-four provinces and two political commandancies. Upon American occupation there were seventy-seven provinces and districts in the Philippine archipelago. Sixteen or nineteen of these were under civil governors who were generally civilians, and some sixty were under politico-military officers. The province of Ilagan (Mindanao) was unclassified.
Provinces under civil governors were said to have civil government and those under politico-military officers were said to have military government. Civil government was established in Luzon only where some four million people resided. In this island thirty administrative districts and provinces were established twenty of which were under civil governors and included some three million people. The other regions of the islands where the people were not so far advanced were placed under military officers. The provinces under civil government were divided into three classes. To the first class belonged Albay, Batangas, Bulacan, Pampanga, and Pangasinan; to the second belonged Ambos Camarines, Ilocos Norte and Ilocos Sur, Laguna, Nueva Ecija, and Tayabas; and to the third class belonged the provinces of Batan, Cagayan, Isabela, Sorsogon, Tarlac, La Union, and Zambales. The province of Cavite was under a colonel; Morong, Abra and Nueva Viscaya each had a major; and Tigian was under a lieutenant. Each of the provinces and districts of Catanduanes, Lepanto Bontoc, Benguet, Principe, Infante, Binatagan, Ambuniyan, and Cayapa, was under a captain.

In the Visayas no civil government was ever established although there were some provinces in Negros and Panay which were as far advanced in civilization and culture as those in Luzon. For instance, the Iloilo Province was under the ad-
administration of a general and so was Cebu. To Occidental Negros was assigned a colonel while Oriental Negros, Samar, Bohol, Capiz and Antique each had a major as administrator of government. Other military officers administered the government in Mindoro, Romblon, Masbate, Ticao, Calamianes, Palawan, and Balabac.

Mindanao and Sulu were likewise placed under the control of military officers. Mindanao, an island of about the size of Luzon, were divided into the districts of Zamboanga, Misamis, Surigao, Davao, Cotabato and Basilan each of which had an army officer. Four provinces — Corregidor, Balabac, Isabela de Basilan and Puerta Princesa were under naval officers.96

The Provincial Executive

Originally, the civil government in the provinces was entrusted to a corregidor or alcalde-mayor who was generally a political favorite of the governor-general. The alcalde-mayor performed the functions of the chief executive and of the chief justice of the province. This situation created a strange anomaly for an appeal to his measure had to be made to himself and if brought before the governor-general it was sent back for particulars. To remedy this dual function the office of the gobernador-civil was created in 1886. The alcalde-mayor lost his executive duties and
maintained only his functions as justice of the court. The gobernador-civil was under the direct control of the captain-general who directed him what he should do. 97

Appointment of the Gobernador-Civil

The office of the gobernador-civil was filled by appointment. While the King always reserved the power of appointment, the governor-general in most cases filled the offices by putting relatives or political favorites into the office. It was not, therefore, surprising that many of the appointees were not fit for the high position. With the power of appointment was the power of removal and both were used in illegitimate ways. 98

Qualifications of the Gobernador-Civil

The office of the gobernador-civil was always filled by a Spaniard who was supposed to have one of the following qualifications:

(1) He must have held an administrative position of the first class (this refers to Spanish civil service classification), or an administrative position of the second class for over a year, or that of the third or fourth class for over two years;
(2) He must have served in some public office for over fifteen years provided the last office held was above the "chief of Negociado" (a third class office);

(3) He must have served as a deputy to the Spanish Corte or a senator in the Spanish legislature for a whole term;

(4) He must have served as a member of the provincial council for two terms;

(5) A magistrate of a superior court, or an attorney-general for over two years, or must have held some judicial office equivalent to these;

(6) Mayor of the capital of a province for over two years;

(7) Secretary of the governor for over two years, or a member of the provincial council for equal length of time. 99

A province under a military authority had a lieutenant-governor who must be a lawyer.

Duties and Functions of the Gobernador-Civil

The duties and functions of the gobernador-civil were multifarious but they fell into two classes: duties as the representative of the governor-general; and duties as chief of administrative in the province. As the representative of the governor-general the gobernador-civil had the following duties:
(1) To promulgate all laws, orders and decrees of the governor-general;

(2) To maintain public peace and order and protect persons and property;

(3) To protect the state religion and to punish acts hostile to it or contrary to public morals. The governor was authorized to impose a fine of not over fifty dollars or imprisonment of not more than thirty days. This authority pertained to breaches, inferior to crime or misdemeanor;

(4) To grant license to carry arms;

(5) To command the civil guard (guardia civil) and in case of emergency to call for aid of military forces;

(6) To suspend ten days' salary of subordinate officials when it was necessary to do so for penalty, and to suspend from office those who proved unfit for the service;

(7) To suspend the decree of the governor-general when by so doing the public would be safeguarded. A consultation with provincial authorities was necessary for this action and an immediate notice to the governor-general must be dispatched with reasons for such action;

(8) To suspend the mayor of a city when it was necessary to do so, or any other official in the pueblo;

(9) To preside at the meetings of the provincial council or at elections of mayor;

(10) To submit to the action of the judiciary delinquent municipal officials;
(11) To enforce ordinances against gambling and to issue permit for performance of public nature;

(12) To act as captain pro tempore of the port or delegate of the navy when there was no official for the post;

(13) To propose to the governor-general dissolution of the town council when such action was deemed necessary.

As the chief of administration system in the province, the duties of the gobernador-civil were as follows:

(1) To supervise public instruction and to encourage the teaching of the Spanish language in the Philippines;

(2) To propose to the governor-general concessions of royal lands and to issue license for cutting timber according to law;

(3) To supervise collection of taxes and to execute the delinquents;

(4) To make municipal budget and to certify payments made thereby. This duty included a report on the financial status of the town once a month;

(5) To supervise public works;

(6) To propose to the governor-general improvements on public welfare.

One of the important duties of the gobernador-civil was to supervise the municipal councils in his province. All his
other duties including those which pertained to postal service, telegraph, prisons, charities, public health, public works, forests, mines, and agriculture were granted either by law or by the governor-general. Only in cases of emergency could the gobernador-civil exercise the powers of the governor-general, but an immediate notice must be forwarded to the supreme authority.

Compensation of the Gobernador-Civil

During continuance in office the gobernador-civil received a compensation which varied with the class of the province. During the last decades of the Spanish regime in the Philippines the civil governor of the province of the first class received $4,500 a year; that of the second class $4,000, and that of the third class $3,500. At first the alcaldes were forbidden from making investments in trade and commerce, but the royal decree of June 17, 1754, allowed all public officials to engage in commerce upon payment of a fine. This fine ranged from $20 in Zambales to $150 in Calamianes and Caraga. It was claimed that commercial privileges enlarged the annual income of the provincial governors to $25,000.

The Provincial Council

The provincial council (junta provincial) was a consultative body sitting at the capital of each province. It was
under the jurisdiction of the governor-general and met only when the provincial governor summoned it.  

Composition of the Provincial Council

The provincial council was composed of nine members, five of whom represented the different interests of the province. In the order of their rank they were as follows: the gobernador-civil as chairman representing the State; the attorney-general the law; the administrator of the treasury finance; the foreign vicar and the parish priest religion; the doctor public health; and four principales representing the general interests of the community. The four members were elected by the captains of the pueblos and served for six years unless they could offer excuses accepted by law. The principales must be residents of the capital city, free from debts, not a convict or have a law suit in court, and, furthermore, he must not be in the pay roll of the government. Men of education were excluded except they paid a land tax of fifty dollars a year. All principales were ineligible to reelection.

Duties of the Provincial Council

The duties of the provincial council were grouped under four headings -- consultation, administration, inspection, and election. Practically, its duties were only of two classes -- consultation and inspection.
The duties of inspection pertained to the administration of municipal funds. The provincial council supervised the municipal treasury and kept account of its receipts and expenditures of which it made a report to the governor of the province from time to time. Under these duties were also included inspection of villages and towns in the province. The council had charge of roads, lights, bridges, cleaning of streets and whatever pertained to municipal life, and recommended measures to the governor for their improvements.

As a consultative body, the provincial council gave advice to the governor whenever so asked. In the following cases the governor had to confer with the council before taking any action: approval of elections; levying a new impost not provided for by law; where property owners protested against tax; in public works costing over $400; approval of accounts submitted by municipal tribunals; in including with permanent expenditures extraordinary expenses agreed upon by municipal tribunals; filling vacancies; in questions involving the addition or subtraction of territory or in incorporating a pueblo; where two municipal tribunals considered about uniting in some association for the benefit of the inhabitants; and lastly in all other cases in which the governor took a notion to call the council. The duty on elections pertained to the choosing of three delegates from the Visayas as members of the council of administration sitting at Manila.
It may be asked whether there was any provincial government in the Philippines. Judging from the duties of the provincial council it appears that its functions consisted of supervising municipal affairs, and of making recommendations to the governor of the province. There was no provincial government except the gobernador-civil or the governor-general under whose jurisdiction he came. The name provincial council was, therefore, a misnomer. While the composition of the provincial council suggested popular government in which community interests were represented by the four principales elected by the municipal captains it went no farther for the council was purely consultative body the resolutions of which were not binding upon the gobernador-civil. The provincial council itself was under the direct jurisdiction of the governor-general.
Chapter VII
LOCAL GOVERNMENTS

The municipal government in the Philippines was the most important unit for in it the Filipinos enjoyed a certain degree of popular government. Prior to the occupation of the Spaniards, the Filipinos had a despotic government by the cabeza de barangay. Upon the establishment of pueblos with independent government the barangayes or barrios became suburbs and under the jurisdiction of the pueblos. The cabeza de barangay was clothed with specific powers and duties. Being the only form of government known to the primitive people of the Philippine Islands, a brief account of the nature and character of the barangay would be fitting.

The Barangay

The Malayans who drifted on their small boats to the Philippine shores maintained their group after settling on land. Their village which was composed of from fifty to one hundred families was called barangay and their dato or chief who maintained his chieftainship by war the Spaniards called cabeza de barangay. He constituted the only authority in the village, settling quarrels among his people and imposing fines according to their usages and customs. His family
formed the aristocratic class in the barangay and his office was hereditary. If the litigants represented different barangayee arbiters were chosen to settle the dispute. Punishment was very severe, death or heavy fine being popular. Imprisonment seemed to be unknown. 108

When Legazpi organized the first government in the city of Cebu, he appointed a regidor (governor), alcalde (magistrates), concejales (councilmen), secretary, and alguaciles (constables). The land was divided into encomiendas and assigned tax to Spaniards. The barangay remained a political unit and its chief was given specific powers and duties specially designed to attain the purposes of the government. This was the reason why the barangay system existed until the American occupation. 109

Cabeza de Barangay: His Election

Clothed in specific powers, duties, and privileges, the cabeza de barangay became the most important official in the civil service for it was this class which constituted the electorate in the Philippines. As modified later, the office of the cabeza de barangay was elective for a term of three years after which the chief became an elector and assumed the title of Don. It was said that, originally, the
cabeza de barangay was elected by the municipal captain who personally interviewed the candidate, and the municipal tribunal simply consented to his nomination. As practiced to the close of the Spanish rule in the Philippines three candidates were nominated in a joint session of the municipal tribunal and twelve delegates elected by the principedia (electorate). Approved by the tribunal and the delegates the three names with their respective qualifications were submitted to the governor of the province. The list was officially known as terna and from it the provincial executive made his choice. A cabeza de barangay could be re-elected indefinitely.

Qualifications

A candidate for the office of the cabeza de barangay must be at least 35 years of age; a native Filipino or mestizo de Sangley; resident of the pueblo at least two years immediately preceding the election; and must have the honor of being known as a man of repute in the pueblo.

Duties and Privileges

The most important duty of the cabeza de barangay was to collect the taxes in his village and to remit them to the
municipal captain every so often. He was in duty bound to reside in the village and maintain peace and order among the residents. Where disputes arose the cabeza acted as judge. It was his duty to apportion labor required for public works. In short, the cabeza executed whatever a superior official directed him to do. For these services he was entitled to a commission of five per cent of the tax collected and the services of two polistas who assisted him in his work. The cabeza, himself, and his eldest son who assisted him in the collection of taxes for the State were exempted from taxation.

The Electorate: Duties and Qualifications

The privilege of voting was enjoyed by a limited few natives who constituted the aristocratic class in the pueblo. In each town there were only thirteen electors who were collectively termed the principalia. All these must have held some office previously or were land tax payers. To become an elector at least one of the following qualifications was necessary: once a gobernadorcillo, lieutenant of justice, cabeza de barangay, or a municipal lieutenant. A payer of land tax amounting to fifty dollars a year also became an elector.
The political privilege of the *principalia* was exercised in an indirect way for it appointed twelve delegates who performed all its functions. These delegates were composed of six *cabezas de barangay*, three *capitanes pasados*, and three from the class which paid a land tax of fifty dollars. The delegates served for four years without compensation but their duties were compulsory. Briefly, their duties were as follows:

1. To choose by majority vote the five members of the municipal tribunal;
2. In conjunction with the tribunal the delegates levied taxes and imposed and made account of permanent resources of the town. The parochial priest assisted in this duty;
3. To assist the tribunal in the construction of a public enterprise where it cost less than $400;
4. To decide with the tribunal and the parochial priest necessary changes in the expenditures of the town, and likewise to approve extraordinary expenditures;
5. To revise whenever necessary with the tribunal the accounts which the captain submitted on February 15th;
6. To nominate with the tribunal three candidates for the office of *cabeza de barangay*;
7. Two of the senior delegates assisted in public auction sale.
The Municipal Executive

The mayor of the pueblo was called gobernadorcillo (petty governor). He represented the governor of the province from whom he received orders. Like the delegates, the gobernadorcilloship was compulsory to the elect. His duties were many and responsibilities great and all had to be performed at a remuneration which was almost insignificant. Were it not for its social prestige the office would not have been sought for. In 1890 a reform was effected which changed the title to capitan municipal with extensive powers. One of them was that he could undertake public works without first making a request to the capital. Likewise, his secretary and interpreter who was originally called directorcillo assumed the title of secretario. So indispensable was this assistant to the capitan who did not speak Spanish that he would oftentimes tolerate the abuses rather than discharge him. Generally, the secretary was a student in the university of Madrid or Manila who never finished his course. His duty was to answer official orders from the provincial capital.114

Qualifications of the Capitan

The capitan must be a native born Filipino or mestizo de Sangley; over 25 years of age; four years' resident of
the pueblo in which he was the capitan; able to speak and write the Spanish language; a cabeza de barangay for six years or at the time of his election cabeza having served four years; free from debt and of honorable standing in the pueblo. Furthermore, he must not be one of the twelve delegates or be drawing compensation from the government. His official record must be clean.

Election of the Capitan

The capitan was elected once a year but the date varied in different localities, the purpose being not to interfere with farm work. Jagor who witnessed an election described the process in the following words:

"It took place in a town house. At the table sits the Governor or his proxy, on his right the pastor and on his left the secretary who is the interpreter. All the Cabezas de Barangay, the Gobernadorcillo and those who have formerly been such have taken their places on the benches. In the first place six of the Cabezas, and six of the ex-Gobernadorcillos respectively are chosen by lot to serve as electors. The Gobernadorcillo in office makes the thirteenth. The rest now leave the room. After the chairman has read the rules and exhorted the electors to fulfil their duty conscientiously, they go one by one to the table and write three names on the
ballot. Whoever receives the largest number of votes is forthwith nominated for Gobernadorcillo for the ensuing year, if the pastor or the electors make no well-founded objections subject to the confirmation of the superior court in Manila, which is a matter of course since the influence of the pastor would prevent an unsuitable choice. The same process was followed in the election of the other local officials except that the new Gobernadorcillo was called in that he might make any objections to the elections. The whole transaction was very quiet and dignified."

The election was always a cause for a big celebration. It was a day of drinking and feasting at the expense of the elect. At the city ball he occupied a lofty seat gorgeously adorned with the arms of Spain.

Duties of the Capitan

The duties and obligations of the capitan were numerous and not seldom burdensome. He had duties as an agent of the governor and he had duties as an agent of the parish priest.

His official duties were to preside over the municipal tribunal and to publish and execute all its acts and resolutions, and to suspend their operation when such action was necessary; to direct the administration of the pueblo and give orders to the city and rural police. In conjunction
with the parish priest and his two appointees the capitán inspected schools and presided the annual examinations. In accordance with the law he appointed and suspended officials and assistants. Above all, the capitán had the power to order prompt payment of taxes. This was his principal duty for unless he could shift the responsibility to the cabeza de barangay he would be cast in prison. As a judge, the capitán imposed a pecuniary fine or issue a writ of injunction to any person committing a crime within the town limits. To the chief of Guardia Civil the capitán was responsible for the capture of a criminal in his pueblo.

The capitán was always under the jurisdiction of the parish priest. It could be well said that the capitán was as much responsible to the priest with respect to religion as to the governor with respect to government — perhaps more. He was always obliged to lend assistance to the priest in whatever he might require. On Sunday and holidays the capitán and the cabezas de barangay assembled in the tribunal to march to church. This was made upon order of the priest and failure to attend incurred penalty. In their official garb and carrying their scepter they marched to church. Some capitanea had so high an estimate of the ceremony that they would sometimes hire a band to lead the procession. After the mass they repaired to the convent and on bended knees paid respect to the priest by kissing
Then, discussion on town affairs followed in which some were chided while others were commended.

The official courtesies which the capitán had to extend to his superiors oftentimes strained his credit. While some capitaneas were well-to-do others were very poor and in order to escape from the many burdens they made pretexts of all sorts such as ill-health, legal incapacity, and so on as a means to leave the office. It should be remembered that the capitán received only two dollars a month and an allowance for clerks equal to one fifth of what he had to pay them. The cabeza de barangay received a commission of five per cent on the taxes he collected; the capitán received none although he sometimes had to abandon his work to collect taxes. Entertaining the superior officials who passed through the town always put the capitán at a big expense. To cover all these, loss of his time, and presents to his chiefs in order to maintain their good will, the capitán was compelled to exact tribute from the town. These were not all the expenses he had to meet for whenever he was quoted in the capital city he had to report personally. There was no allowance for his travelling expenses and he had to meet them himself. Furthermore, if he did not speak Spanish he had to hire an interpreter. "Capitán" was a very dignified title and it was for this reason which made the office attractive.
The Municipal Tribunal: Its Composition

The municipal tribunal was the legislative and executive agency of the pueblo or town. It was one of the most important corporations for outside of it the Filipinos never had a popular participation in their government. Each town of Luzon and in Visayan Islands had a tribunal except Iloilo, Cebu, and Manila. It was once defined as "the legal association of all the people living within the limits of a pueblo, and was charged with the administration of its affairs and interests."

The tribunal was composed of a capitan municipal who was the mayor and four lieutenants. Their official titles were: capitan municipal, chief lieutenant of fields, and lieutenant of livestock. These offices were honorary but compulsory upon the elect. By virtue of his supreme authority, the governor-general was the chairman ex-officio of the tribunal.

Duties and Functions of the Municipal Tribunal

At its first meeting the municipal tribunal had to formulate estimates of receipts and expenditures for the coming year. This was done with the aid of the twelve delegates and the parochial priest. A copy of the estimates must be
forwarded to the provincial council which reviewed them and then forwarded them to the provincial governor. The executive could make any changes which he deemed necessary. Any changes proposed by the tribunal could be effected only with the concurrence of the delegates and the parochial priest but no such changes could operate until a year afterwards. The provincial governor must be informed about the changes.

In every-day affairs, the functions of the tribunal were divided into two classes. One class pertained to the detailed work of taxation and included the organization of a *pueblo*, its government, schools, sanitation, agriculture, industry and commerce, policing, roads, care of municipal buildings, *et cetera*. The other class of functions included the collection of all rents and revenues from public property, administration of public works and investment of all taxes and imposts to defray the expenses of the town.

**Duties of the Lieutenants**

Each of the four lieutenants had charge of a department for which he was held responsible. The municipal captain was the general director of public affairs. When absent the chief lieutenant took the authority and as such he exercised all the powers and privileges pertaining to the office. In his ordinary duties the chief lieutenant signed and approved all bills and accounts with the *capitán*. 
To the lieutenant of police was entrusted the duty of policing the pueblo and duties which belonged to a public health officer. As chief of police it was his duty to maintain peace and order in the town, permitting only those amusements sanctioned by law. As a health officer he inspected houses, bridges, stables, yards, parks, and saw to it that streets were kept clean and were ornamented on special occasions.

To the lieutenant of fields belonged the important duty of encouraging agriculture and of improving rural conditions. He also had charge of timber forests and executed orders which the tribunal might make relative thereto.

The lieutenant of livestock had the important duty of overseeing ownership of livestock, transfers of the same, and inspection of slaughter houses. He passed on all credentials of ownership and whenever sales or exchanges were made he gave notice of the same to the municipal tribunal.

Executive Control over the Municipal Tribunal

While each pueblo was independent of each other, they were all under the jurisdiction of the provincial governor and ultimately of the governor-general. As president ex-officio of all municipal tribunals, the governor-general exercised the supreme and ultimate authority over them and
their actions. Upon recommendation of the council of administra-
tion, the governor-general exercised exclusive power in expelling a member of the tribunal and even dissolving the entire council. While the provincial governor could suspend a lieutenant the governor-general could overrule the act provided it had not already taken effect fifteen days. In short, the governor-general had jurisdiction over any municipal affair.

As the representative of the governor-general, the provincial governor exercised disciplinary jurisdiction over the tribunal. He warned, admonished, and imposed a fine of not over $12 upon the captain and a fine of not more than $6 upon a lieutenant whenever such action was warranted. With the consent of the provincial council, the governor could suspend the tribunal for three months, and upon the concurrence of the same he filled vacancy in the tribunal by appointment.

Control of the Provincial Council

It has already been stated that the main function of the provincial council pertained to the administration of municipal funds in particular and the administration of municipal affairs in general. The provincial council supervised the municipal treasury and checked its expenditures according to estimates submitted by the municipal tribunal.
All municipal funds were kept in the provincial treasury at the capital city. Once each week the cabezas de barangay and agents they might designate to collect taxes turned in their collection to the capitan who deposited it with the provincial treasury once in three months. The deposit must be accompanied by a detailed account of the sources of taxation. At this time the capitan also drew from the treasury the expenditures for the next quarter.

The way the municipal fund was kept was very peculiar but revealed the spirit which honey-combed the Spanish system of administration. It was a practice which found a great favor among Spaniards to appoint officials to act as detectives for other officials. In the case of municipal fund three persons were held responsible for it. Each had the key and the three were responsible to all mishaps. These officials were the provincial attorney, the administrator of the treasury, and a principal. A member of the provincial council could at any time demand a statement of the fund and these officials must immediately make the report accordingly. The other class of duty of the provincial council embraced anything which had to do with municipal life.
A consideration of the local affairs of government in the Philippines would not be complete unless a statement regarding the influence of the priest was made. The parochial priest participated in every affair of municipal life, and his duties and functions were very numerous. Some of his important duties were as follows: to assist in the selection of members of the municipal tribunal; to supervise elections and to certify their certificates. This duty included supervising the drawing of lots to determine which of the delegates went out of office. When there was no foreign vicar in the province, the parochial priest became a member of the provincial council. He assisted in settling questions relative to taxation of which he was a supervisor and also in matters of public enterprise. Estimates of municipal expenditures could not be valid unless the priest approved them and in cases of extraordinary expenditures he gave his opinion. The priest's presence was necessary in almost every session of the tribunal and he oftentimes determined the hour of meetings. Being about the only person who had education in the pueblo he became the inspector of public schools and president of the board of statistics. The tribunal had no civil registration and the registry of the church was the sole authority. Consequently, the priest certified the cédula seeing that it
conformed to his record. He was the censor of plays, comedies, and dramas; president of the board of health and of charities; and inspector of prisons. Sometimes the priest in the capital city would act as auditor, and upon the request of the chief judge he recommended persons for justice of the peace.  

With Respect to Chinese

Because of their large number in the Philippines the Chinese had affected not only the labour problem of the islands but also their local government. In 1876 there were in the Philippines 30,797 Chinese and a decade afterwards the number had grown to 99,153. In Manila alone there were between fifty and fifty-five thousand Chinese. To facilitate administration they were permitted to elect their own gobernadorcillo and other officials from among their Christian number in every town where their entire number was sufficiently large. In Manila the Chinese officials consisted of a gobernadorcillo, first lieutenant, and alguacil principal (bailiff). Other minor officials called bilangos were appointed by the gobernadorcillo. Collection of taxes was commandeered by the alcalde-mayor and not left to the Chinese officials. Besides the ordinary taxation the Chinese paid what was called patente industrial a sort of occupation tax.
Chapter VIII
THE COURTS

The courts deserve a special attention because they formed a part of the executive for sometime. Since the days of Legaspi the chief administrator of the Philippines constituted the all-judiciary and the all-executive in the land. This was made a legal position by the royal decree of August 14, 1569, which confirmed the title of Legaspi as the captain-general of the Philippine Islands. The decree authorized him "to administer our civil and criminal justice in company with the officers of justice who may be appointed in the said island and settlement", and to "hear, examine, and decide any civil or criminal suit or case that may arise in the said islands". Furthermore, Legaspi was authorized to "appoint to the offices of governor, captain-general, constables, and other offices annexed and suitable to your government." A legal adviser who was officially known as the lieutenant-general of the governor and captain-general heard cases which did not exceed a thousand ducate of Castile.130

This should be sufficient to suggest that within the shores of the Philippine Archipelago there was only one sovereign -- the captain-general -- whose utterances were practically final. Appeals from his judgements could be made to the audiencia in Mexico but the process involved long delay and entailed considerable expenses. Forgetting the
noble purposes of their offices, the captain-generals used their prerogatives as a means of exploiting the Filipinos. They suffered from oppression and maltreatment by the Spanish officials who became the peril of society. To institute an organ which would counterbalance the absolute powers of the governor-general was, therefore, the dire need, and the Audiencia in Manila was accordingly established.

In all, there were four classes of courts in the Philippines — the audiencia and chancellería, the courts of first instance, the justice of the peace courts, and the special courts.

The Audiencia: Its Origin

The audiencia in the Philippines was modelled after the audiencia of Valladolid and Granada which realised itself into a court through gradual development. Originally, the court of Spain was constituted in the person of the King who gave out decisions with the aid of some learned persons. This body was called curia or cort and was not always composed of the same personnel. No organized court was known until the thirteenth century when in 1274 King Alfonso X established a supreme court of twenty-three alcaldes de corte. Nine of
these came from Castile, eight from Leon, and six from Etre-

eradura. Some of these resided in the royal palace to admin-
ister justice any time. Besides, there were three judges
who understood perfectly well the law of the land. The
decree which established this court defined its jurisdict-
ion. In some cases the King had original jurisdiction
which he was to attend to once a week. Royal duties, how-
ever, prevented him from regular attendance and during his
absence the court sat with the adelantado del rev or sobre-
juéz as chairman. In this way the advisory body gradually
assumed the functions of a supreme court. When King Al-
fonso died the court went out of existence but was revived
upon the reign of Henry II and his son, John I. It was
then known as the Audiencia or Chancillería composed of
learned men and representatives from the clergy. In 1433,
the audiencia was divided into two branches — one for civil
cases and the other for criminal cases. There was also a
special court which was called sala de los hijos-dalgoa. 132

The Audiencia in Manila

In pursuance of the royal decree of May 5, 1583, the
Audiencia of the Philippines was established in the capital
city for "the interests of good government and the administration
of our justice' . . . [and] 'shall have the same authority and preeminence as each one of our royal audiencias which sit in the town of Valladolid and the city of Granada'.

Its territorial jurisdiction included the "island of Luzon and other Filipinas islands of the archipelago of China, and the mainland of the same, whether discovered or yet to be discovered." As established the audiencia was composed of a president, who was the governor-general, three oidores or auditors, a prosecuting attorney, and the necessary auxiliary officials. The first president was Dr. Santiago de Vera of the high court of Mexico who came to Manila on May 29, 1584. To house the officials of the Audiencia the audiencia building was constructed which provided for their residence apartments and court rooms.

The decree which established the audiencia prescribed a multitude of executive and judicial duties and functions which the court had to perform, so that in the audiencia were combined the three departments of government. The church, consequently, came under its jurisdiction. With the governor-general as president dissatisfaction soon arose for his power became dominant. The auditors desired a definition of their duties, for example as to whether certain offices should be filled by the audiencia or by the president alone. A contest arose also between the audiencia and the bishop as to the wording of a certain prayer and
which side of the altar the auditors should occupy in the church. Opposition to the audiencia persisted until it took a definite shape. On April 20, 1586, only three years after the audiencia had been established by law, an assembly consisting of officials, religious orders, and citizens met in Manila and framed a lengthy statement of their grievances for which the audiencia was responsible. On July 26, the "Memorial to the Council" attested by every person of the assembly, was formally delivered to Father Alonzo Sanchez, the special envoy to the King of Spain. In consequence of this opposition the audiencia was abolished by the royal decree of August 9, 1589. Gomez Perez Dasmariñaz was appointed governor of the Philippines, while the licentiate, Herver del Coral, exercised judicial functions as the lieutenant assessor. Governor Dasmariñaz was noted for his brilliant career as the chief executive but it was soon felt that the reestablishment of the audiencia was necessary. Through the efforts of Bishop Salazar the audiencia was reestablished on November 25, 1595, and resumed its functions two years afterwards. From this time on the audiencia underwent many changes.

As reconstituted the audiencia was composed of a president, four associate justices, a prosecuting attorney who was the "protector of the Indians", the assistant prosecuting
officers, and auxiliary officials. These officials continued in office until 1776 when the personnel again changed.
The audiencia was composed of the president, one regent, five associate justices, one assistant to the head chancellor, two prosecuting attorneys and his two assistants, five minor officials and two reporters. Some more changes which affected the personnel of the audiencia took place but the last of these was in 1885. According to the royal decree the audiencia was composed of one president. Each chamber had a chairman and four associate judges. Auxiliary judges were appointed by the home government upon petition of the audiencia.

Some other changes should be noteworthy in this connection. In 1840 the irremovability of judges was sanctioned by royal decree and in 1861 the governor-general ceased to be the president of the audiencia, and the real acuerdo was suppressed. In 1879 the audiencia was divided into two halls — sala de lo civil, which took charge of civil cases, and sala de lo criminal, which took charge of criminal suits.

Territorial Audiencias

In addition to the audiencia and chancillería in Manila, the territorial audiencia of Cebu was established by the royal decree of February 26, 1886. It was composed of a chief judge, a presiding judge of chamber, four associate
justices, a prosecuting attorney and his assistant, a deputy, assistant prosecuting attorney, two secretaries and auxiliaries. Its territorial jurisdiction included the islands of Cebu, Negros, Samar, Panay, Paragua, Masbate, Calamianes, Ticao, Leyte, Jolo, and Balabac. In 1883 the audiencia of Cebu ceased to be territorial but remained an audiencia for criminal suits only. The territorial audiencia of Manila established by the decree of 1881 continued to function as such. In 1893 a criminal audiencia was established in Vigan, Ilocos Sur.

All these auxiliary audiencias were in operation until the Filipino rebellion in 1896.

Jurisdiction of the Audiencia

The supreme audiencia in Manila served as a court of appeals only except in cases in which large amounts and persons of dignity were involved. Over these cases the audiencia had original jurisdiction. The modes of trial were the same as those of Valladolid and Granada and decisions were to be rendered accordingly. Decisions were passed by majority vote but in case of a tie an impartial judge advocate was appointed to render decision. The decisions of the audiencia were final although a case involving a large value could be appealed to the Council of the Indies. Such an
appeal must be presented within a year but in the meantime the decision of the audiencia would be enforced. The winning party was required to give a bond large enough to cover the suit should the decision be reversed.

The quorum in the audiencia consisted of two auditors and they could transact business and render a decision. In case of disagreement an impartial advocate was called upon to decide the case. One auditor could hear a case and order arrest provided the value involved did not exceed 200 pesos. No auditor was permitted to hear a case in which any relation of his was a party; neither could he place any of his relatives to a position in the audiencia. An auditor could act as a witness in a suit before the audiencia.

With respect to absences, an auditor forfeited half day's salary for each absence provided no legitimate reason could be offered. During the session of the court all officials must be in their offices at least four hours a day to hear cases. When there were no cases before the court the president and the auditors must be in office at least three hours a day.

Some Administrative Duties of the Audiencia

Within the brief compass of this monograph an enumeration of all the executive duties and functions of the audiencia is impossible. A few may be worthy of notice.
In case of absence of the governor-general the audiencia exercised his duties while its senior auditor became the military commander and president of the audiencia. The president of the audiencia was required to make a report to the Council of the Indies on the salaries, payments, fees, and allowances paid from the royal treasury. A report on his appointments alone and others made in accordance with royal orders was also submitted. With the aid of two auditors, the president examined the accounts of the royal treasury. This task must be done not later than February of each year or the auditors lost the 25,000 maravedis apiece. The president was forbidden from granting leave to any auditor to go home on furlough.

When directly concerned with the case pending in court, the audiencia was authorized to grant repartimientos, and with the consent of the cabildo of Manila lots or agricultural land could be granted within the city limits. The audiencia kept a record of all citizens in the islands and in time of urgent need they could be summoned. Once a year the auditors took turn in inspecting the villages and towns, determining their needs and wants and making recommendations accordingly.
Courts of First Instance

The court next in rank to the territorial audiencia was the court of first instance of each province. As has already been described the judiciary was for a long time a part of the executive. This was true even in the case of the most local government in which the cabeza de barangay administered justice. When provinces were established, the alcaldes-mayor, who were the governors exercised at the same judicial functions, and in the pueblos the gobernadorcillos constituted the judiciary. This situation created a strange anomaly for appeals on their decrees had to be made upon themselves.

It was not until 1870 when the judiciary was divorced from the executive. For judicial purposes the colonies of Spain were classified into distritos, partidos (judicial districts), and términos municipios (municipal districts). Each distrito was entitled to an audiencia, and the Philippines as a district received one. In each judicial district was placed a court of first instance, and each municipal district was entitled to a justice of the peace.

When the eighteen provinces were established in 1886 so many courts of first instance were created at the same time. These courts had jurisdiction over all civil and criminal cases which involved not over 200 pesos.
The _alcaldes_ were grouped into three classes -- entrance, promotion, and final. Judgeship was granted only to lawyers who had had ten years' practice, but later lieutenant-governorship was added. The lieutenant-governor was an ex-officio assessor in a politico-military province where he had original jurisdiction as the judge. Like the _alcaldes_ the lieutenant-governors were of three categories, and three years' service in one was sufficient qualification for promotion. Judicial service in the Philippines was limited to ten years. The _alcaldes mayor_ was appointed by the governor-general. In his absence the nearest justice of the peace filled his position.

Justice of the Peace Courts

In accordance with the royal decree of May 29, 1885, in each judicial district of the city of Manila, and in every municipality a justice of the peace court was established. It was made independent of the executive. The justices of the peace were appointed by the governor-general upon recommendation of the audiencia. Appointments were made from lawyers, from persons with some academic title, or from those "whose position and circumstances" gave sufficient warrant. When no such person could be found the lot fell upon the _gobernadorcillo_.

The jurisdiction of municipal courts was at first confined to cases involving not over 44 pesos and to other minor offenses whose penalty did not exceed ten days' imprisonment or a fine of five pesos. By the royal order of February 3, 1888, its jurisdiction covered all civil and criminal cases of not more than 200 pesos in value.  

Special Courts

In addition to the courts just outlined there were special courts which were created to aid the regular courts. There were five special courts — ecclesiastical courts, army and navy courts, treasury courts, commercial courts, and contentious court.

Ecclesiastical courts — Foremost of these special courts were the ecclesiastical courts which had jurisdiction over cases the clergy or the cannon law was affected. The judges were called ecclesiastical judges who were taken from the bench of judges of first instance. In 1835 it seemed advisable that these courts be not given jurisdiction over all criminal cases which affected the clergy and in accordance with the royal order certain crimes committed by the clergy came under the jurisdiction of the civil courts.
Toward the close of the Spanish regime the ecclesiastical court in Manila was composed of one provisor and vicar-general, one ecclesiastical prosecuting attorney, one notary, and other officials who were taken mostly from the clergy. In Nueva Cáceres, Cebu, and Jaro (Panay) the bishops had similar courts.

Army and Navy courts — As the name suggests, these courts had jurisdiction over all civil and criminal cases in which soldiers or persons with military privileges were involved. When appealed to the audiencia suits were taken care of by the army and navy judges sitting in the civil chamber of the audiencia.

The Treasury court — The charge of the royal treasury was at first entrusted to an official called Intendente who represented the department in all matters in which it was a party. The Intendente was an enlightened economist "capable of creating and promoting the great wealth of which that virgin country is capable."

In 1813 the office of the Intendente was abolished and his powers were transferred to civil judges of the final category. These were the personnel of the treasury court in Manila.

The Commercial court — This court was established in 1832 in Manila to succeed the tribunal de consulado. Its
members consisted of a prior, two consuls, and two substitute consuls who were appointed by the governor-general. All matters of controversy arising out of the trade and commerce of the islands were settled in the commercial court.

The evils and defects of so many special courts soon became apparent. In 1869 a royal decree was proclaimed unifying the jurisdiction of the special courts into one. Consequently, the commercial court and the treasury court were abolished, but for political reasons the ecclesiastical court practically remained in operation.

The Contentious court -- The contentious court was once a part of the council of administration, that representative body which acted as the legal council to the governor-general. Originally the court consisted of a president and two judges taken from the audiencia. The King appointed two judges to represent the Crown in this court.

All complaints against the administration of government were made in the contentious court. It was afterwards abolished but again established in 1888. As reconstituted it was called tribunal contencioso administrativo. It remained independent for two years after which it became a part again of the council of administration.
The Department of Public Prosecution

The department of public prosecution was something similar to the department of Attorney-General in the United States. It was composed of the fiscal of the audiencia as chief executive and the prosecuting attorneys of the inferior courts. These were all appointees of the chairman and they must be Spaniards, at least 25 years of age and graduates of some state university.

The department of public prosecution was responsible for the execution of laws and decrees. It represented the interests of the state in all matters in which it was a party. As public defender the department furnished defense to the litigants who were unable to hire a lawyer.

These were the courts and administrative agencies which enforced law and justice in the Philippines. Two things are worthy of notice. The first is the procedure. Modeled after the judicial system of Spain its civil and criminal codes were followed very closely. As far as procedure was concerned, the Spanish system was characterized by long delay and enormous expense which always prevented even the wealthy from further pursuit of justice. Impartial and speedy administration was lacking in the judicial system in the Philippines and unnecessary confinement was not a rare complaint.
In the second place the personnel of the courts were generally incapable of their office. They were appointed by the governor-general for political reasons rather than for proficiency, and as a result they ignored the good laws and administered justice according to their desires. Moreover, the remuneration of the judges consisted mainly in fees and such favors as litigants might offer. The judges of the court of first instance received very little salary and local judges received none at all. On this fertile soil corruption flourished to such an extent that the poor were fully justified in believing that the laws were not for their protection.
Chapter IX

THE MATTER OF TAXATION AND REVENUES

Of all the functions which the government exercises, the function of taxation is perhaps one of the most exacting and more keenly felt than any other. Taxes are levied and collected for public welfare; outside of this purpose the government has no right in taking property.

In the Philippines taxes were levied and collected to enrich the royal exchequer, although pretensions were made that they were solely for public purposes. To collect revenue was one thing and its use was another. Originally, a tribute was levied upon all native inhabitants as a recognition of their allegiance to the King. The system of taxation as employed by the Spanish government was honeycombed by corruption and dishonesty on the part of administrative officials who knew as little of the law as the tax-payers themselves. Their appointments were made for political reasons as favorites of the governor-general, and their compensation was too small to give them the average livelihood. Consequently, the officials had to rely on "caidas" ("droppings") which they always collected in the performance of duty. It was a belief that officials were entitled to "tips" and its application received the approbation of the public and doubly so by the officials themselves. This was the
nature of the official conscience of the times. Some taxes never found their way into the public treasury. The decrees which were proclaimed on the subject of taxation were never compiled until about 1867, some thirty years before the capture of Manila Bay. This fact explained the ignorance of the taxpayers about the laws on taxation. To be true some laws were posted but they were in the language little understood by the greater mass of population. The home government itself was ignorant of Philippine conditions and many a decree was innocently proclaimed which was not suited to existing conditions.

Another factor which caused confusion in the financial system of Spain was the church. In return to the promise that the Crown would defray the expenses of the catholic mission, Pope Alexander VI granted to Ferdinand and Isabella and to their successors the right to retain the tithes and other church fees in their distant possessions. This persistently gave rise to a great confusion in state and church funds.

The sources of revenue in the Philippines were: (1) direct taxes which included personal tax and income tax; (2) indirect taxes or customs and duties; (3) taxes on monopolies; (4) taxes on lotteries; (5) taxes on public domain; (6) miscellaneous taxes.¹⁴⁶
It is the purpose of this monograph to show the spirit which was made obvious in the exercise of the power of taxation rather than to present the methods and machinery of taxation.

Direct Taxes

The direct taxes were perhaps the most keenly felt as a burden of all the others. This class consisted of personal taxes and income tax. The personal was made up of tribute, tithe and other surtax. The poll tax afterwards replaced the personal tax.

Personal tax -- This tax consisted of tribute, tithe, community fund (caja de comunidad), and sanctorium. The oldest of these was the tribute the collection of which was started by Legaspi in Cebu. In the encomiendas the tribute was paid once a year a part in gold dust and another in produce, either rice or woven cloth. So many fowls were always prescribed with each tribute. As collected this way, the tribute was paid, supposedly, for the religious instruction of the residents, for the support of the instructor, for the support of the encomendero, and for the royal treasury. In other words, the tribute was a token of allegiance to the King and his conquerors. Begun at first at eight reales the tribute was collected for over
three hundred years. When it was abolished it was about $1.10, paid annually by every person between 16 and 60 years of age.

In addition to these there were the tithe of one real, the community fund, one real, and sanctorium, three reales, making five reales in all. The tithe was theoretically paid by all residents irrespective of class or nationality.

There were some exemptions from payment of tribute. All Spaniards and other foreigners were exempted except the Chinese. The cabeza de barangay, that is the electorate, and the gobernadorcillos were also free from taxation, and for reasons which the governor-general determined himself some village or town was granted collective exemption from taxation.

For special purposes additional taxes were levied whenever deemed necessary. In 1635 a tribute of half a real was collected for the conquest of Jolo. This exaction was known as donato de Zamboanga. Moreover, some provinces in Luzon imposed tribute for building ships to protect the coast against invasion.

It should be borne in mind that every man gave forty days of free labor to the State. This was supposed to be every man's contribution to public works. Upon payment of three dollars this requirement was evaded. As has already been described this practice was very much abused in the
repartimiento. Men were taken from their homes to work in the mines, to fell trees, and row on the galleys like slaves for six months.

To keep a check on the taxes due a padron de tasas (tax list) was made every two years, and each cabeza de barangay received the list for his cabecería. The tax list contained the names of persons, their age, and occupation. All tribute submitted by the cabeza must be in accordance to the list.

The Poll tax -- In 1884 the time honored tribute was abolished and with it was buried the tithe, the caja de comunidad, and the sanatorium. In their places was instituted the cédulas personales (poll tax) after the fashion of the Peninsula. The poll tax was paid by every person, native or otherwise, between the age of 18 and 60, and who had resided in the Philippines at least one year. There were sixteen classes of poll tax paid by nine classes of the population, and the tax varied all the way from 1.50 to 25 pesos a year. Any person could purchase any higher denomination of poll tax if he so desired. The tenth class of the population was a privileged exempt from the tax. They were the clergy, soldiers, and privileged classes. This class was exempt until 1894 when a capitation tax of two pesos was levied upon them, and at least fifty cents from infidel and heathen. It was calculated that only about five per cent of the population paid taxes.
Every person who paid his poll tax received a receipt called cédula which must be presented on certain occasions and at any time upon demand. This was employed as a means of enforcing the law. To defray the expenses for collection a surtax of 6% was levied. Of this three percent went to the cabeza de barangay, one per cent to the governor of the province, one per cent to the treasurer, and one per cent to the gobernadorcillo.

Income tax -- The income tax was introduced in the Philippines in 1878. It consisted of two taxes. One was called contribución directa sobre la propiedad urbana ("urbana" tax); and the other was called contribución directa sobre la industria, el comercio, las profesiones y las artes (industrial tax). The rate of the income tax was approximately 5% strictly on net profits.

"Urbana" tax -- The "urbana" tax was a tax levied on the annual rental value of urban real estate. Buildings of bricks, of masonry, of wood, or of bamboo were taxed five per cent on the net rental value. The rental value was determined by deducting an allowance of forty per cent for repairs from the gross rentals were the building rented. In the case of buildings of wood and bamboo the allowance for maintenance was fifty per cent.

There were some exemptions from the "urbana" tax. All structures used for schools or charity work were exempted
provided the proprietor furnished them free. Likewise were the residence of the clergy, the possessions of the church exempted. Furthermore, residence of consuls was also exempted from taxation provided it was owned by the government represented and when the said government granted similar privileges to representatives of Spain. These and government buildings were permanently exempted.

Temporary exemptions were granted to buildings destroyed by earthquake, flood, and the like for a year after completely rebuilt. Nipa houses occupied by the owners were temporarily exempted.

The "urbana" tax was paid by every proprietor with no respect of class or nationality. There was only one exception. Native inhabitants who paid tribute were exempted provided their "urbana" tax did not exceed four pesos a year. If their tax exceeded this amount but under twelve pesos exemption from tribute was granted. At twelve pesos this exemption was extended to their legitimate children living under patria potestas, and at twenty-five pesos they and their sons were exempted from public personal service -- a local tax. Since it was the purpose of the Spanish government to foster agriculture in the Philippines agricultural lands were permanently exempted from taxation, and also vacant lots in cities as long as they remained vacant.
Some changes were effected in 1889. First, the classes of buildings were abandoned and all those the annual tax of which was less than one peso were exempted. Second, the allowance for repairs was reduced to twenty-five per cent and was made uniform to all classes of structures. To defray the expenses for assessment and collection a surtax of five per cent of the tax was added. The "urbana" tax was due quarterly and delinquency incurred a penalty of ten per cent more. In case of forced collection the cost of collection was added.

Industrial tax — This tax was by far the most important and the most remunerative. Its origin dated back to the Spanish excise called alcabala, which, although known in the Philippines, was said to have never been collected in the islands. In the Philippines, its application was conceived of in connection with taxation of Chinese trade. It would be impolitic to raise the capitation tax on Chinese and leave that on Filipinos the same, and so in order to make those Chinese who were able to pay pay more a tax was imposed on their shops, their industry, and even the lowest occupation.

To determine the tax on Chinese shops they were divided into four classes as follows: (1) those shops having one main room and interior rooms and which dealt in "manufactures
of cotton, linen or silk, fancy goods, books, papers, and other things used by the rich and the well to do; (2) one-room shops which carried only European and Chinese goods and effects; (3) grocery stores, silversmith shops, blacksmith shops, repair shops of any sort, junk shops, and all others. So much was imposed on each class. First class shops paid 100 pesos a year; the second 60 pesos; the third 30 pesos; and the fourth 12 pesos. In 1878 two more classes were added which included stock companies, corporations, banks, factories, and all other establishments by whomsoever managed. A tax of 300 pesos for one class and 200 pesos for the other was collected every year.

In the determination of industrial tax a peculiar thing should be noted. The tax was determined purely on superficial features of the shop such as its size, location, and the kinds of goods carried. Only in very few cases was it required to make declaration on the net profits, but it is claimed that as a whole the industrial tax was five per cent of the net income. Likewise all occupations were taxed. All taxes were due quarterly and delinquency incurred a fine of 25 per cent plus 25 cents for each day of delay.
Indirect Taxes

Indirect taxes consisted of customs duties on imports and exports. On account of so many exclusive grants of privileges and exemptions the growth of commerce of the Philippines was very much retarded. Customs duties did not prove remunerative to the Spanish treasury.

Taxes on Monopolies

Monopolies brought perhaps the largest income to the royal treasury. There were a few monopolies but the most remunerative was the tobacco monopoly.

The Tobacco monopoly — Introduced by missionaries in the sixteenth century, the Filipinos learned to raise the best brands of tobacco on the fertile valleys of Cagayan and Isabela. The monopoly on the crop was arranged by Governor Basco y Vargas in pursuance of the royal decree of February 9, 1780. It was established in the Philippines in 1782. To obtain the largest income to the royal treasury the government undertook to control the production and export of the coveted produce. The crop should be raised in certain districts alone as prescribed by government authorities and production in other places was limited. This compelled the Filipino cultivation to work in the said districts. The government inspected the crop, classified the
harvest, and after fixing the price purchased the entire produce. The manufacture of cigars and cigarettes was done in government factories in Manila where some 30,000 people were employed. Exportation was conducted exclusively by government authorities, and contraband sales were prohibited. The product found a big market in China, Japan, East Indies, United Kingdom, Australasia, and Spain, and brought the sum of about 3,500,000 pesos a year.

There was no little opposition to the tobacco monopoly. It deprived many of their most remunerative occupation, and the church realizing this fact became the spokesman of the producers. The monopoly lasted until 1884. In 1854 the monopoly in La Union was repealed and all over the Philippines in 1881. The royal decree to that effect was not applied until 1882, and the monopoly was not completely suppressed until 1884.

Lotteries — A monopoly which netted a profit of 800,000 a year for the Crown was the monopoly in lotteries ordered to be established in the Philippines by Queen Isabela in 1850, although the gambling had been patronized already since 1833. This monopoly lasted until the close of the Spanish regime.

Playing cards — This was a monopoly on the sale of playing cards as ordered by Philip II in 1552. Their
manufacture was sold to Hernando de Caserea in 1578 who paid a two per cent tax on each pack. All cards bore the stamp of the royal arms in the back. This monopoly was established in the Philippines in 1591 by Governor Gomez Perez Dasmariñas, and the tax was first used in the construction of the walled city in Manila.

Opium — The sale of opium was declared a state monopoly in January 1, 1844 after much controversy as to its effects upon health and morality. This controversy was evaded by selling the drug exclusively to male Chinese. The right of importation was granted to a sole contractor who had to deposit the article in the Custom House. A tax of forty pesos per chest was imposed in addition to the regular duty. Furthermore, upon withdrawal from the warehouse the contractor paid a tax of 25 per cent on the price current in China. But by the contractor all other import or sale was declared contraband. The right of opening smoking joints was sold at public auction for a period of two years, but the law was so laxly enforced that even native residents smoked it in their own homes. In 1893-1894 the monopoly on opium yielded a net income of 500,000 pesos.

Cockpit (Gallera) — A tax on the favorite Filipino sport of cockfights was sold to the highest bidder who had to comply with the government regulations. Cockfighting opened after mass on Sundays and on religious holidays.
continuing until the gamblers stopped. This monopoly netted a revenue of between 100,000 and 200,000 pesos per annum.\textsuperscript{158}

Stamp taxes -- This was a royal monopoly on the sale of stamped paper used for all public and legal documents. The paper sold from a cuartillo (\textsuperscript{\textfrac{1}{4}} real) per sheet to 24 reales.\textsuperscript{159}

Papal bulls -- These were indulgences sold for the support of the church. As sold it was called "bull of the sacred crusade" (bula de la Santa Crusada), an indulgence granted by the Pope to those who fought with the infidels for the extension of Spanish Kingdom. The prices ranged from two reales to fifteen pesos and yielded a handsome revenue to the royal treasury. In 1890 the sale of papal bulls was transferred to the church, continuing until the American occupation.\textsuperscript{160}

Miscellaneous -- Other monopolies which netted a fair income to the royal treasury were those on gunpowder, quicksilver, copper, cacao, dye stuffs, buyó and bonga, tuba, and salt. Public domain constituted an item of royal revenue.\textsuperscript{162}

Taxes on the Chinese

With respect to taxation the Chinese deserve a separate consideration, because they were always a subject of legislative discrimination.
Taxation on the Chinese in the Philippines began as early as 1614 when a license tax of eight pesos per capita was collected for acquiring residence in the islands. Upon conversion into the Catholic faith no tax was collected from the Chinese for ten years after which they paid the regular exactions paid by the Filipinos. Down to about 1775 when the Chinese trade and commerce was an essential element in the progress of the Philippines, a residence was especially built for them within the city wall of Manila. Down to 1790 the poll tax for the Chinese was six pesos per year, but the Spanish government recognizing that this was not sufficient compared to the privileges and profits which they obtained determined to raise the tax. In 1828 a new padrón was made for all Chinese residents in the islands. They were to be organized into cabezerías and have their own cabezas to whom they paid tribute. They were classified into three classes: merchants, shopkeepers, and all others. The merchants paid a tax of ten pesos a month, the shopkeepers four pesos, and all the rest two pesos. The unmarried were given six months to leave the islands if they so desired. Those who were delinquent for three months must work for the State and two pesos deducted from the wages every month until the tax was paid up.

The padrón was satisfactorily completed in 1831 and showed some 5700 Chinese. Of these 7 belonged to the first class,
166 to the second, and 4509 to the third. To the fourth class which was added belonged 830. These paid one peso a month. In addition to this there were some 200 over sixty years old, and therefore exempt. The plan was beset by an unforeseen difficulty. The Chinese refused to be reduced to cabeceñas and of the total number some 800 went home, about 400 were compelled to work, and over a thousand fled to the interior to escape taxation and punishment.

As a result, the government was compelled to levy more taxes this time in the form of special tax on industry, commerce, and occupation of the Chinese. In 1850 some special privileges were granted to those who went into agricultural pursuits. Those who undertook to raise tobacco were exempted from taxation for five years.

In 1890 an extensive revision of the law regarding exactions on the Chinese was effected. As revised all Chinese in the Philippines, male or female over fourteen years of age were required to an annual tax known as the cédula de capitación personal. There were eight classes of this poll tax, the price varying from three to thirty pesos. The eighth class constituted the youths under fourteen and the physically incapacitated for work. A receipt called cédula was given to all those who paid their tax for the year. This served as identification at the same time.
must be presented upon demand. Altogether the Chinese paid taxes ranging from 4.89 pesos (7th class) to 48.90 pesos (1st class). Cédula was issued gratis to the eighth class and to gobernadorcillos, their wives and lieutenants.\textsuperscript{165}

The Chinese Mestizos

On account of their sparse number the Chinese mestizos were not at first subjected to discriminative legislation. The first action upon their taxation was taken in Vigan, Ilocos Sur, when the people of the city made a protest against exemption of the mestizos from paying tax. The result was that since the Chinese mestizos were to the natives as 1:6 they should pay to the natives' six.\textsuperscript{166}

This in brief was the Spanish system of raising revenue in the Philippines. The sources were numerous which filled the royal treasury and afforded a handsome living to Spanish officials. On account of so many exemptions and special privileges the poor class had to shoulder the rest of the revenue. The tribute system and the poll tax were very unpopular. Surtaxes were many especially designed to the Chinese.

From all appearances the government of the Philippines was short of funds for a long time, for until 1784 an annual subsidy of $250,000 was allowed from the treasury of Mexico.
In addition to this, Mexico made special grants for the construction of a cathedral and for the support of charitable institutions such as hospitals. 167

To cite an illustration of how some fund was spent. Between 1880 and 1898, special surtaxes and customs duties were levied in order to raise funds for the improvement of the harbor of Manila. During the last five years alone a sum of $3,500,000 was realized. Upon American occupation, the work done and the materials in hand were estimated to value at $1,000,000. It is said that some of the money was spent for the campaign against the Moros.

Furthermore, in 1863 an earthquake visited Manila and reduced many of the population to extreme poverty and want. For the sufferers subscriptions were collected in Spain as well as in the islands, amounting to some $450,000. Record showed that by 1870 only $30,000 of the money was distributed, and no other aid was recorded, but $80,000 of the fund was loaned to some charity work in 1880, and $15,000 spent for cholera relief in 1888. About fifty years later Governor-general Ide issued an order demanding the return of the $80,000 and that as soon as $50,000 was collected distribution to the sufferers of 1863 would be commenced. 168
Chapter X
CONCLUDING REMARKS

In general the colonial policy of Spain with respect to the Philippines was monastic. The political administration was never designed to permit the Filipinos to participate in the affairs of their government. At the close of the Spanish regime the Filipinos were in a state of ignorance as to popular government. They knew they should take an active part in their government for this was one of the causes of the revolution of 1896 but no experience was available on this line.

The Theocratic Influence

The theocratic element in the colonial policy of Spain is as old as the policy itself. So, the colonies of Spain were united by a common faith -- the catholic religion. In regard to the Philippines the friar was perhaps more influential in the administration than anywhere else in the Spanish dominion. In fact, the conquest of the Philippines was effected by the cross rather than by the sword. So true was this, that the viceroy of Mexico used to say, "In every friar in the Philippines the King had a captain-general and a whole army." Were it not for the apostolic zeal of the
friar who headed the expedition Legaspi's conquest would not have been as bloodless as it was. The Spaniards found the Filipinos easily impressed by the beauty and imposing character of the mass and the baptism of the native chief was followed by the whole village. This was what made the Spanish Crown loved and respected. Accordingly, every effort was bent upon conversion to the holy faith and the success of the enterprise was measured by the number of souls saved. The encomienda system which was introduced by Legaspi in 1565 was for teaching convenience as well as for assessment. Since then the friar lived among the Filipinos, learning their language, manners, and traditions. In the course of time he became the authority on affairs pertaining to the country and its people. Spaniards coming into the islands came to him for information and advice and he told them whatever he thought best to tell. In his community he was the only educated man, being the teacher and father. Consequently, the elders of the town sought his counsel on town affairs. He had a seat in the town council and in the provincial council as an adviser only but his influence grew to such an extent that, practically, he was the ruler. In the town his civil duties were many. For example, the friar was president of the board of health and president of the board of charity; inspector and president of taxation; president of the board of public works; and
and inspector of primary schools. He was the legal adviser and inspector of elections and his approval was necessary to make their returns valid. The fact was that the power of the friar was unlimited. As the father of the town his advice extended into family affairs. In the province, he was looked upon as the instrument to quiet the public mind when danger was imminent and the provincial governor always called upon him for such aid. Furthermore, when the friar was the landowner the Filipinos had to submit to his wishes for fear of deportation, and this was no less true in case the Filipinos were the landowners. For this reason nothing could be said against the friar.170

Thus, in the town and in the province the friar became the dominating factor. In the government at Manila the archbishop was no less influential. Against the influence of the church energetic governors rebelled. The archbishop sought power of his church, the friar sought wealth for his order, and the colonial administration of the Philippines was honeycombed by contests between the officials and the members of the clergy. More than once was the governorship of the Philippines held by the archbishop. 171

The relation of the church and state was indeed complex. One could not be dealt with independent of the other.
The Friar and Education

As a teacher, the friar was the most faithful servant of God, devoting his undivided effort in the education of the Filipinos. To him all well educated Filipinos to-day owe their education and training. Not too much could be said of the friar in this respect for he was the pioneer, building upon what little the Filipinos already had. Throughout the Spanish regime the friar was so jealous of his holy mission that he thought it best to quarantine his pupils from foreign civilization. He feared not civilization itself but its evils which might place an obstruction to his aim — the conversion of the Filipinos into the Catholic faith.

To the order of the Dominicans must be given the honor of founding the College of Santo Tomás in 1611. It is older than Harvard or Yale and is doing work at the present time. To this college and others such as the Colegio de San Felipe, Colegio de San Ignacio, and Colegio de San José Likewise were normal schools for men and women opened to train teachers. 172

With respect to work of charity the friar was also instrumental. Some notable institutions were founded in the Philippines. Some of them were the orphanages of San Andres and Santa Potenciana. The Franciscans had charge of the Royal Hospital, and to the care of the sisters was entrusted the Mercy Hospital. The hospital of San Juan de Dios for
the natives who could not afford to pay was noted for its many cures.  

The friar gave the Filipinos a Christian education which no other people of Asia have. Monotheism, monogamy, Christian family life with its love for children and high respect for old age are essential superstructure for political and social life.

The Present Form of Government of the Philippines

What political progress the Filipinos have made since the close of Spanish regime, can perhaps be best shown by presenting a brief summary of the present system of government which became effective on August 29, 1916.

By act of Congress of August 29, 1916, the Philippine government is vested in the Philippine Legislature which is composed of the Senate and the House of Representatives. Except those which represent the non-Christian provinces of the Mountain Province, Baguio, Nueva Vizcaya, and the Department of Mindanao and Zulu, all senators and representatives are popularly elected. The Senate consists of twenty-four members -- two from each senatorial district, and the House of Representatives consists of ninety members -- one from each province or representative district as specified by law. There is no American in either house. Representatives from the non-Christian provinces are appointed by the Governor-General.
The right to vote for all public officials is enjoyed by every male person at least twenty-one years of age, resident in the Philippines for one year and in the municipality where he desires to cast his vote for six months immediately preceding the election, provided he is not a subject or citizen of a foreign power, and, if he belongs to one of these classes:

(a) "Those who under the laws in force in the Philippine Islands upon the twenty-eighth day of August nineteen hundred and sixteen, were legal voters and had exercised the right of suffrage."

(b) "Those who own real property to the value of five hundred pesos, or who annually pay thirty pesos or more of the established taxes."

(c) "Those who are able to read and write either Spanish, English, or a native language."  

The executive control of the Philippine government is vested in the Governor-General who is appointed by the President of the United States with the advice and consent of the Senate. His relation to the Philippine Legislature is similar to that of the President of the United States to Congress, and exercises his executive power either in person or through the secretaries of the executive departments.

The Vice-Governor is elected in the same manner as the Governor-General. He exercises the authority of the chief
executive in case of vacancy, removal, or otherwise. The Vice-Governor is also the Secretary of Public Instruction in addition to such duties as the Governor-General may wish him to perform.

There are five other executive departments: the Department of Interior, the Department of Finance, the Department of Justice, the Department of Agriculture and Natural Resources, and the Department of Commerce and Communications. All these departments are under the charge of Filipinos appointed by the Governor-General.

Thus, for only twenty years under the American rule the Filipinos have assumed positions of high executive responsibility. Practically they run their own government. This is a decisive contrast to the Spanish system in which the capitan-general swayed his iron sceptre from one extreme of the Philippine Archipelago to the other, and in which no Filipino ever held an office superior to that of capitan municipal.
1 For lack of proper term in the English language "slave" has to be used. Authors on Philippine history have used the term without exception, but the writer always questions the propriety and accuracy of the term. The term "slave" itself suggests all the historical prejudices and other attendant horrors which the institution of slavery brought about, for example, in the United States. In the author's dialect, "ulipon" is used for "slave" in English. The "ulipon", however, while he may be in debt to his landlord and for that he must render his services is not in any way similar to a slave in the South. If the "ulipon" is employed in his landlord's residence, he eats the same food and uses the front door. He is in every respect treated humanely and his position should arouse sympathy rather than prejudice. The "ulipon" has his wife, his children, and his home of his own make. An author once made a remark that "the Indians treat their slaves as relations and vassals, the Christians as dogs."

What made "slavery" hereditary in the Philippines was the debt which a father incurred. For instance, a man with a wife and children is obliged to work for his landlord in order to pay up his debt. His meagre wages, however, are
too small to support his family and at the same time pay his debts by installments. While he pays at one time, he is compelled to borrow at another. This loan is in produce most of the time. A wise landlord can in this way keep the man in debt to him all his life. If the man has a boy or girl he is an asset and as soon as he is able to work he either takes his father's place or works with him to pay up the debt. Usually, the father seeks a better employment leaving his boy or girl with the landlord. The boy, of course, is not entitled to the wages of his father and so he is paid less. His own personal needs and his people's over-balances his wages and he incurs debt. In spite of his wretchedness, the boy may marry and the same process is repeated.

1a This building was demolished under government order in 1860, but the entrance to the city of Manila to that quarters is still known as Puerta del Parian.

2 Although seemingly welcome, the Spaniards always treated the Chinese as unwelcome guests. As early as 1745 a petition was presented to the Council of the Indies in Madrid to authorize the Archbishop in Manila in expelling the immigrants from the islands. Ten years later, it was resolved to expel all Chinese who did not profess the Catholic faith,
and two per cent of the Chinese were banished and the Philippine ports closed against them. To evade the order, 515 Chinese submitted to baptism and some one thousand others were allowed to remain as students of Christianity.

Foreman's *The Philippine Islands*, p. 118.

3 Most of the content of this chapter was taken from Elision Best's *Pre-historic Civilization in the Philippines* in *Journal of the Polynesian Society* (1892), Vol. I, pp. 118-125, 195-201. Other works of note on the subject are the following:

- Dr. C. Sumper's *Die Philippinen und ihre Bewohner*.
- Jagor's *Travels in the Philippines* in Craig's *The Former Philippines thru Foreign Eyes* (1916).
- De Morga's *Sucesos de las Islas Filipinas* and his *Discov-brimiento de las Islas de Salomon*.

See also the following:

- Foreman's *The Philippine Islands*, pp. 116-118;
- Kawikami's *Japan in World Politics*, pp. 208-211.

4 *Negrito* is a diminutive of Negro. These people are as dark as the American Negroes only much smaller, hence the
name. They never intermingle with the lowlanders and never surrendered to the Spanish rule. The race is becoming more extinct and will in time disappear altogether on account of their isolated life.

5 The original documents on this matter are found in Blair and Robertson's *The Philippine Islands*, Vol. I, pp. 97-139, 135-138, 165-221, 222-239. See also pp. 89, 90, 91 in the same volume and Craig's *The Former Philippines thru Foreign Eyes*, p. 3; Collingridge's *The Discovery of Australia*, p. 127; Van Meter's *The Truth about the Philippines*, p. 15.

6 Magellan, whose native name was Fernao de Magalhaes, was a Portuguese subject who had some naval education during his early days. After having distinguished himself in long naval service for his King, he applied for promotion. Contrary to the custom of the times, his application was not favorably considered. Magellan resigned his allegiance to His Majesty, the King of Portugal, and sought assistance from the King of Spain.

Collingridge's *The Discovery of Australia*, pp. 125, 127.

7 In other histories of his voyage, Magellan is said to have touched first at Mindanao where the expeditionary force secured provisions and then proceeded to Cebu with a dato serving as guide and interpreter.
See Pardo de Taverna's *Discovery and Progress* in the Census of the Philippine Islands (1903), Vol. I, p. 310.


10 *A régulo* was a kind of petty ruler.

11 The Philippine Islands were a dependency to Mexico from the foundation of Manila in 1571 to 1819. Van Meter's *The Truth about the Philippines*, p. 52.


13 Foreman's *The Philippine Islands*, pp. 45-49. For a detailed account of Limahong and his piratical enterprises see Blair and Robertson's *The Philippine Islands*, Vol. VI,
The Chinese population in Manila revolted twice during the Spanish regime. One revolt took place in 1603 and another in 1639. See Foreman's *The Philippine Islands*, pp. 102, 122, 133, 134; Barrows' *History of the Philippines*, pp. 182, 183.

These are not all the counteracting disturbances which shook the government of the Philippines during the Spanish rule. In 1762, during the war of the Bourbon succession, an English fleet suddenly appeared in Manila Bay and took the city of Manila almost without resistance. The city was held for two years and when peace was declared an indemnity of $4,000,000 was demanded by the British.

Again, in 1823 the government was in danger when Novales, a Creole by birth, started a revolution with the aim of securing more liberal institutions. His reign was, however, a short one for he was executed with his ringleaders on the same day he proclaimed himself emperor. In addition to these, piratical attacks molested the Visayan islands for a long time. *North American Review*, Vol. LXXVIII, p. 71; Foreman's *The Philippine Islands*, pp. 94-110; Craig's *The Former Philippines thru Foreign Eyes*, pp. 349, 350; Blair and Robertson's *The Philippine Islands*, Vol. LII, p. 55.

14a A Spanish tribunal exercising legislative, executive, and judicial functions.


17 The measurement was based upon the area necessary to cultivate a plant called *yuca*. It was cultivated on mounds a foot and a half high and from eight to ten feet in circumference. Helps' *The Spanish Conquest in America*, Vol. III, pp. 93, 94, 95; Vol. IV, pp. 263, 264.

18 In the case of fifth life the *encomienda* was allowed to pass to a stranger. "If such *encomenderos* have no children and should wish the succession to pass to a stranger, they shall pay for the (fifth) life and have recourse to the Council to compound for his favor." Cited from Antonio de Leon's *Confirmanencias Reales*, Part I, Ch. IV, in Helps' *The Spanish Conquest in America*, Vol. IV, p. 240; see also Vol. IV, p. 237ff.

20 The repartimiento system as described leads to some inquiry: For instance, in the case of working in the mines, how far did the men have to go? Were there enough men left to till the soil for the support of the village? Was the tax capitation tax or was each *pueblo* assigned its quota? Then, how was the system managed so that no one man had to go all the time? Helps' *The Spanish Conquest in America*, Vol. III, pp. 91-93.


23 It appears that an *encomienda* was a grant of so many native inhabitants irrespective of the land, for in the documents regarding the system the concern is with the number of tributes rather than the land. Barrows' *History of the Philippines*, pp. 160, 161.
25 When the Spaniards came to the Philippines, they found two contrasted groups of people which were hostile to each other — the Malay and the Negrito. After the introduction of the Catholic religion they were classified into Indians (Christian natives), Moors (Mohammedans), and Heathens (Gentiles) or Infidels. In the laws, Filipinos were designated as Indians. Blair and Robertson's *The Philippine Islands*, Vol. I, p. 38.


27 Each tribute represented a family. A tribute was eight reales, about a dollar. Later it was raised to ten reales. The two reales were collected by the encomendero from Christians and non-Christians in his encomienda and then deposited in the royal treasury for the following purposes: one and a half real for the maintenance of the camp in Manila, and one half real for benevolent work such as religious instruction, building churches, hospitals, et cetera. Blair and Robertson's *The Philippine Islands*, Vol. XVI, pp. 160, 161.


33 A *ganta* is a dry measure equivalent to two quarts.

34 A *peso* is a Mexican dollar.
35 A fanega is a dry measure containing one and a half bushels.

36 An arroba is a liquid measure equivalent to 4.2 gallons.


39 For a full account on this subject see Bishop Salazar's Affairs in the Philippines in Blair and Robertson's The Philippine Islands, Vol. V, pp. 210-255.

40 Blair and Robertson's The Philippine Islands, Vol. XVII, pp. 79, 80, 81.


42 Blair and Robertson's The Philippine Islands, Vol. VIII, pp. 304, 305.


47 See Haring's *Trade and Navigation between Spain and the Indies*, (Harvard Economic Studies), Chapter II.


50 This statement refers to the classification of civil service in Spain.


It was not an easy matter to secure a hearing from the Ministry of Ultramar. The steps were numerous and the process expensive for the council considered it a waste of time to hear an appeal without favor. Blair and Robertson's *The Philippine Islands*, Vol. XIV, p. 93.
Originally, the Corte of Spain was composed of three divisions. The Corte here mentioned was unicameral. Blair and Robertson's *The Philippine Islands*, Vol. LI, pp. 279-280.


For the provisions of this decree see Blair and Robertson's *The Philippine Islands*, Vol. LI, p. 290.


Blair and Robertson's *The Philippine Islands*, Vol. I, pp. 271, 282. The contract between Magellan and Faller as
party of the first part and the King of Spain as party of the second part is found in Blair and Robertson's *The Philippine Islands*, Vol. I, pp. 251-253.

Inheritance to the office of governor-general became effective when Legazpi's son, Melchor, was made adelantado of the Ladrones Islands. Blair and Robertson's *The Philippine Islands*, Vol. XXIII, p. 138.


Sometimes the governor-general got into office by self-appointment. For instance, during the battle with the English, Anda, one of the judges in the Audiencia, proclaimed himself governor of the Philippines. Blair and Robertson's The Philippine Islands, Vol. XXXVII, p. 32; Bowring's A Visit to the Philippines, p. 62.

Up to 1828 jacks of all trades were represented in the office of governor-general of the Philippines. Private gentlemen, magistrates, sailors, military men, and ecclesiastics were suddenly made governor-generals. They exercised the functions to suit their own desires. Blair and Robertson's The Philippine Islands, Vol. XVII, p. 335.

Bowring's A Visit to the Philippines, p. 313. The Spanish regime in the Philippines lasted 333 years -- from Legazpi's first settlement in Cebu in 1565 to the acquisition
of the Philippine Islands by the United States in 1898. During this period, 97 governors served with an average term of three years. In addition to these there were some twenty governors ad interim who served from one day to a year. Sometimes the term "proprietary governor" was used to distinguish the regularly appointed from the governor ad interim. Blair and Robertson's The Philippine Islands, Vol. XV, p. 39; Vol. XVII, p. 310; Vol. L, p. 74.

73 Report of the Philippine Commission, Vol. I, p. 73. There were cases when the King sent the governor-general to prison after removal from office. Bowring's A Visit to the Philippines, pp. 56, 57.

74 Under this law the Audiencia assumed the duties of the governor-general seven times while the senior auditor acted as president of the Audiencia and as captain-general. Census of the Philippine Islands, Vol. I, p. 363 (note). See also Blair and Robertson's The Philippine Islands, Vol. XVII, pp. 285-314, 385, 391, 313, 314.


81 Craig's *The Former Philippines thru Foreign Eyes*, pp. 348, 484; Blair and Robertson's *The Philippine Islands*, Vol. VIII, pp. 200, 201; Vol. XVII, pp. 317, 318; Vol. XVIII, pp. 271, 272; Vol. XXXV, p. 188.


84 See Blair and Robertson's *The Philippine Islands*, Vol. I, pp. 61-64.


92 The asesor was the governor's legal advisor and was responsible for the governor's actions and their consequences. He also furnished the necessary data to the governor and for him to conduct the residencia would be to make a survey of his own records.

93 For illustrations of some of the characteristic phases of the residencia, see Cunningham's *The Residencia in the Spanish Colonies* in *The Southwestern Historical Quarterly*, Vol. XXI, pp. 363-370.

95 Census of the Philippine Islands, Vol. I, p. 365; 
Report of the Philippine Commission, Vol. I, pp. 87, 88. According to Mr. Foreman there were in 1886 nineteen provinces under civil governors, four military general divisions, forty-three military provincial districts, and four provinces under naval officers, making a total of seventy divisions and sub-divisions. Foreman's The Philippine Islands, pp. 231, 232; 
Cuña Oficial de Filipinas, p. 148.

96 Report of the Philippine Commission, Vol. I, pp. 63, 64. See also Foreman's The Philippine Islands, pp. 232-235; 
Cuña Oficial de Filipinas, pp. 148-151.

97 Census of the Philippine Islands, Vol. I, pp. 366, 402; 
Foreman's The Philippine Islands, pp. 231, 232; Blair and Robertson's The Philippine Islands, Vol. XVII, p. 334; Craig's 
The Former Philippines thru Foreign Eyes, p. 484.

98 Census of the Philippine Islands, Vol. I, p. 366; 
Report of the Philippine Commission, Vol. II, p. 5; Craig's 
The Former Philippines thru Foreign Eyes, p. 484; MacMicking's 
Recollections of Manila and the Philippines, pp. 49, 50.

100 Bowring's A Visit to the Philippines, p. 88.


114 Foreman's The Philippine Islands, pp. 244, 249; Blair and Robertson's The Philippine Islands, Vol. XVII, pp. 330, 332, 333.


118. To kiss the priest's hand was considered a sacred duty and it was done at all times everywhere.


131 Bishop Salazar, the "Protector of the Indians" gave an account of these oppressions to the Crown. See *Census of the Philippine Islands*, Vol. I, pp. 389-391.


135 The Memorial to the Council is found in Blair and Robertson's *The Philippine Islands*, Vol. VI, pp. 157ff. See also p. 18.

136 *Real acuerdo* (royal resolution) was a term used to designate the function of the audiencia as an administrative or advisory body.


160 Plehn's *Taxation in the Philippines* in the *Political Science Quarterly*, Vol. XVII, pp. 140, 141. In the Philippines the church sold the santa bula as a "license" to eat meat on Fridays.
161 Chewing limed buyo, bonga, and tobacco is a habit which is very popular in the Philippines. It takes the place of smoking tobacco although some prefer one to the other. The European nations supplied China with bonga for over a century. Its monopoly in the Philippines yielded a revenue of $300,000 per annum. Blair and Robertson's The Philippine Islands, Vol. LI, p. 150 (note).

Tubâ is a drink obtained from cocoanut blossom. It contains about five per cent alcohol.


166 Blair and Robertson's *The Philippine Islands*, Vol. LII, p. 73 (note).


175 *Administrative Code of the Philippine Islands*, Secs. 431, 432.

176 *Administrative Code of the Philippine Islands*, Sec. 58.

177 *Administrative Code of the Philippine Islands*, Sec. 59.

178 *Administrative Code of the Philippine Islands*, Secs. 75, 76, 77, 78.