

philippine studies

Ateneo de Manila University • Loyola Heights, Quezon City • 1108 Philippines

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Philippine Studies vol. 46, no. 1 (1998): 46–72

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Fri June 27 13:30:20 2008

The Trial of Rizal

Miguel A. Bernad, S.J.



The trial of Rizal that led to his execution was marked by three qualities. The first was haste. The second was a meticulous observance of legal formalities that gave the impression of legality and justice. The third, in contrast to the observance of legal forms, was a disregard for the demands of real substantive justice. The records of Rizal's trial, kept in the military archives in Segovia, were brought to Madrid where Wenceslao Retana carefully transcribed them. The transcript was sent to Epifanio de los Santos in Manila who published them in 1913. The Retana transcript came to the possession of Gabriel A. Bernardo, who placed them at the disposal of Father Horacio de la Costa S. J., who published the Spanish text with English translation and notes in *The Trial of Rizal* (de la Costa 1961). This article will appear in a book to be published later.

Haste

In the beginning there was nothing remarkable about the speed of the proceedings of the trial of Rizal. The process began with what might be called (to borrow a phrase from the United States Supreme Court) deliberate speed. Arrested on board ship on his way to Spain and shipped back to the Philippines, Rizal arrived in Manila on 3 November 1896 and was confined incommunicado in Fort Santiago. There he was to remain until his death. It was not until three weeks after his arrival that, on the twentieth and twentyfirst of November, he was subjected to a preliminary investigation. The investigating officer (Francisco Olivé) took four days before sending the transcript of the investigation, together with supporting "evidence," to Governor and Captain General Ramon Blanco. Blanco took a week before

endorsing the case to a *juez instructor* (Rafael Dominguez) for the formal beginning of the judicial process proper. This was on 2 December 1896.

The pace, though not lagging, had not been over-hasty. But at this point there was a change of pace, and Blanco gave the cue. He instructed Dominguez to begin the judicial process "with all possible speed" [con la mayor actividad].¹ Why the change of pace? We can only conjecture. The revolt that had begun in August 1896 in the outskirts of Manila had now spread to the province of Cavite, necessitating the sending of military reinforcements from Spain. A whole division of some eleven thousand soldiers was arriving in early December, and with them a new governor to replace Blanco. Was this change of pace in the trial of Rizal related to those events? Did Governor Blanco feel the need to dispose of the Rizal case before being relieved of office?

That is merely a conjecture, but perhaps not an implausible one. In any case, there was now a greater urgency in the proceedings. Taking the cue, Rafael Dominguez as *juez instructor* formally opened the case against Rizal on 3 December, the day after he had received the documents. Two days later he submitted his report (5 December). He noted that certain documents were not yet available but that, "because of the need for haste," he was submitting his report without them. He also noted (perhaps apologetically) that his report was somewhat hurried because he had had little time to prepare it.²

A look at the chronology will show the almost breakneck speed with which the proceedings were rushed from that point onwards:

- | | |
|------------|---|
| 2 December | Blanco endorses the case to Dominguez. |
| 3 December | Dominguez formally opens the case. |
| 5 December | Dominguez submits his report. |
| 5 December | (Same day). Blanco endorses the case to the Auditor General de Guerra Nicolas de la Peña. |
| 7 December | Peña submits his <i>dictamen</i> . |
| 8 December | (Feast of the Immaculate Conception: official and religious holiday). Blanco appoints Enrique de Alcocer <i>fiscal</i> (prosecutor). |
| 9 December | Alcocer submits his judgment on the merits of the case. |
| 9 December | (Same day). The fiscal instructs the juez instructor to prepare all materials for the trial. |
| 9 December | (Same day). A list is drawn up of 106 officers below the rank of captain who are considered eligible to become Rizal's defense counsel. |

PHILIPPINE STUDIES

- 10 December The list is shown to Rizal who chooses Luis de Taviel.
- 10 December (Same day). Taviel accepts.
- 11 December The juez instructor (Dominguez) decides that it is "unnecessary" for Rizal to confront his accusers.
- 11 December (Same day). Rizal is formally arraigned.
- 11 December (Same day). The procedure begins for the confiscation of Rizal's properties and other assets to "reimburse" the government in the amount of one million pesos for the "damage" that Rizal had inflicted on the nation.
- 12 December The juez instructor declares the case ready for trial.

At this point there was a change of administration. Blanco was relieved of his post and the new governor and captain general assumed office. This was the newly arrived Camilo de Polavieja, Marquis of Tenerife and former governor of Cuba. But the change of governors did not break the speed with which Rizal's case was rushed through. On the same day that he assumed office (12 December 1896) Polavieja endorsed the case to Auditor General de Guerra Nicolas de la Peña for final action.³ The remaining events were as follows:

- 17 December Peña's decision.
- 21 December Alcocer (fiscal) submits his Brief for the Prosecution.
- 22 December The prosecutor's Brief is shown to Rizal and his defense counsel.
- 24 December (Christmas Eve). The judges of the court martial are appointed.
- 25 December (Christmas Day). Rizal is shown the list of judges.
- 26 December The court martial is held. The judges listened to the prosecutor's Brief, the defense counsel's Brief, and Rizal's "Adiciones a mi defensa."
- 26 December (Same day). Sentence of death is pronounced.
- 26 December (Same day). The death sentence is communicated to Polavieja.
- 26 December (Same day). Polavieja endorses the death sentence to Auditor General de Guerra Peña for comment.
- 27 December Peña recommends approval of death sentence.
- 28 December Polavieja orders the death sentence to be carried out. He specifies the day, the hour, the place, and the manner of death. (30 December at 7 a.m. in Bagumbayan field, by firing squad.)
- 29 December The death sentence is read to Rizal. He is placed "en capilla."
- 30 December Rizal is shot.

The pace had been so precipitate that not even a great religious and national festival like the feast of the Immaculate Conception on 8 December, and not even Christmas Day itself, were allowed to give a pause to the proceedings. They were treated as ordinary working days as far as the Rizal case was concerned. Meanwhile the search, assessment, and confiscation of Rizal's goods for confiscation continued into the new year, 1897.

The ultimate irony in this breakneck haste to have Rizal executed was the fact that some of the documents that had been considered necessary for his trial had not yet been obtained. On 28 June 1897, six months after Rizal had been executed, it was noted that the documents and testimonials that had been required from his native province of Laguna had not yet been received. Some of them were not ready until the beginning of August 1897. The final papers were obtained in April 1898, when Rizal had been one year and four months in his grave.

That was the first and most obvious characteristic of the Rizal trial: its haste. But that haste was not entirely unprecedented. Precipitate haste had also characterized the execution of the three priests, Burgos, Gomez and Zamora, in 1872.

Despite this precipitate haste, there was meticulous compliance with legal formalities. For example, in the two-day preliminary investigation, at the end of each day a transcript of the questions and answers was shown to Rizal for his corrections and his signature. At his arraignment he was asked if he questioned the court's jurisdiction. Did he plead guilty? Did he agree with the statements made by witnesses whose testimonies were shown him? Did he wish anyone reexamined? And he was asked to sign the paper containing his answers to these questions. Rizal was shown a long list containing 106 names from which he was free to choose his defense counsel. It could therefore be claimed that he was defended by counsel of his own choice. Before the trial the prosecutor's Brief was shown to him and his counsel. And at the trial he was allowed to read his "additional notes" to his defense. The governor never acted without first consulting the appropriate official. At every stage of the process these officials' opinions or verdicts were recorded in writing. The governor general, asked to approve the sentence of death, did not do so until after he had heard the assessment by the auditor general de guerra. And the governor pronounced the final sentence "in conformity" with the auditor's verdict. In short, who could complain that the legal formalities had not been complied with? Who could say that what is now called "due process" was not followed?

Justice

But it is possible to comply with all the external requirements of the law and still perpetrate a grave injustice? Adherence to the letter of the law can hide the serious violation of its spirit. Four examples may suffice: the right to confront accusers; the right to choose one's defense counsel; Rizal's request to issue a manifesto disavowing the armed revolt which he was accused of having caused; and the confiscation of his properties before he was pronounced guilty of any crime.

On 11 December, the same day that Rizal was arraigned, the juez instructor (Dominguez) decided that there was "no need" for the prisoner to confront the witnesses who had accused him.⁴ On the surface, this was a perfectly legal decision because it was in conformity with Section 469 of the Código de Justicia Militar. According to that article, the confrontation with accusers was not to be done except in cases where there was no other way of proving the crime. In the case at hand, the "crime" was believed to have been sufficiently proved by the allegations of witnesses.

But were those witnesses telling the truth? Were they in a position to know the facts? Where did they get their information? How relevant to the case was their testimony? And so on. These points could only be verified if the accused or his counsel were allowed to cross-examine the witnesses.

There was an added special reason why it was necessary for Rizal to confront his accusers or for his counsel to cross-examine them. As his defense counsel pointed out, these witnesses were Rizal's co-accused. Their own necks or their liberty were at stake. This calls in question their reliability, "for if (a witness) had anything to gain by his testimony being accepted, he became by that very fact a partial witness, for partiality is nothing more than self-interest."⁵

To accept the testimony of those "witnesses" and deny to Rizal or his counsel the right to cross-examine them, was in effect to deny justice to the defendant.

A list of 106 officers, from all the branches of the Spanish military services (infantry, cavalry, artillery, navy, etc.) was shown Rizal, and he was free to choose any of them as his defense counsel. On the surface, that seems like a very generous concession to a prisoner accused of treason. But was it?

To begin with, the list contained only the names of officers of the rank of first or second lieutenant.⁶ No matter which of them was

chosen, the defense counsel would be grossly outranked by the prosecutor and the judges. In any action involving the military, a confrontation between a lowly lieutenant and a colonel or a brigadier general can never be biased in favor of the low-ranking officer.

But there was an even greater injustice. All 106 on the list were soldiers. It was decided that Rizal could not be defended by a lawyer, but only by a military officer.⁷ What does a military officer know of the law? When a prisoner's life may depend on the proper legal construction or interpretation of a statute, how can a low-ranking military officer with no legal background help the prisoner?

True, the decision to deny the services of a lawyer could be justified by citing an article of the military code, but that is where the external legality is a cloak for a grave injustice.

On 10 December 1896, one day before he was to be arraigned, Rizal sent a petition from Fort Santiago to the juez instructor (Dominguez). In it he stated that he had learned (doubtless from the preliminary investigation) that his name had been used as a rallying cry for the Katipunan and the armed revolt. This to him was a grave injustice not only to himself but to those who were thus deceived. He had expressed very clearly his opposition to an armed revolt which he considered self-defeating. He was therefore not only indignant at the unauthorized use of his name, but he also felt it his duty to tell people that he was in no way urging them to take up arms. Hence his request to be allowed to issue a manifesto publicly disavowing such an unauthorized use of his name.⁸

Although addressed to the juez instructor, the petition was sent to Governor Blanco, who endorsed it that same day (10 December) to the auditor general de guerra for his judgment. The latter replied the following day that in his opinion the prisoner should be allowed to issue such a manifesto. Although Rizal had been held incommunicado until then, the auditor saw *ningun obstáculo* (no objection) to the governor allowing the prisoner to address a manifesto to his sympathizers, since it dealt with reestablishing peace.⁹

It was Polavieja, the new governor, who on 13 December ordered the juez instructor to comply with that recommendation of the auditor general. Gen. Blanco on 10 December endorsed Rizal's petition to Peña, who submitted his dictamen the following day (the same day as the formal arraignment of Rizal). Polavieja assumed office the next day, and the day after that, 13 December, instructed Dominguez (juez instructor) to carry out Peña's decision to allow Rizal to write a manifesto. Rizal was not informed until 15 December, but he wrote

out his Manifesto that same day. On 18 December Polavieja endorsed it to Peña, who rendered his unfavorable verdict on 19 December (de la Costa 1961, 22-29)

Rizal was informed that he was allowed to write a manifesto, and he wrote one, dated 15 December. But it was never published. De la Peña (the auditor general de guerra) rejected it as unsatisfactory. His reason was that the proposed manifesto lacked the ardent expression of loyalty to Spain that all true sons of Spain should show. Rizal condemned the armed revolt as premature and bound to fail for lack of the necessary means to insure success, but he failed to condemn all future efforts to obtain Philippine independence. The manifesto's publication was therefore forbidden, not because it did not prove that Rizal was not behind the present rebellion, but because Rizal seemed sympathetic to the idea of future independence from Spain.¹⁰

But Rizal was being tried, and the penalty of death was being demanded, precisely because, allegedly, he was the "primary cause" of the present rebellion, yet he was not allowed to prove that he did not approve of it.

On 7 December, four days before Rizal was formally arraigned, Nicolas de la Peña, auditor general de guerra, handed down a verdict which included three points. The case against Rizal was to proceed to trial. Meanwhile he was to remain in prison, and his properties and assets were to be confiscated, so as to reimburse the government for the damage inflicted upon it by the crimes of which Rizal was accused. The damage was assessed by de la Peña as amounting to one million pesos.¹¹ The process of confiscation started on 10 December, the day before Rizal was formally arraigned, and continued after his death.¹²

In other words, before he was even tried or even formally arraigned, Rizal was already declared guilty and his goods ordered confiscated.

But beyond these various procedural acts, there was even more basic injustice. It consisted of two things: the nature of the trial, and the nature of the evidence.

The trial was basically unjust because it was a court martial. The Spanish Code of Military Justice (so meticulously followed in this case) presupposed that the accused was a soldier, or at least connected with the military establishment. It speaks, for instance, of the criminal having to be in uniform at his execution. But Rizal was not, and never had been, a soldier. He was a civilian, a university graduate, a

doctor of medicine. Why not try him in a civilian court where he would be defended by lawyers who knew the law, and where the judges would be similarly conversant with the law? There was an even more basic injustice. Rizal was condemned to death on the basis of evidence that did not prove his guilt.

The Evidence

In any decent trial of criminal cases, the *onus probandi* rests with the prosecution. The State must prove, beyond reasonable doubt, that the defendant is in fact guilty of the crimes of which he is accused.

In Rizal's case the alleged crime was twofold—rebellion and illegal association, in both cases "in the concept of author" or primary agent. The fiscal, Enrique de Alcocer, formulated the indictment in these words:

First: The facts on which this case is based constitute the crimes of rebellion in the form defined by Article 230 in relation with Article 229 paragraph I of the Penal Code in force in these Islands, and of organizing illegal associations as defined in Article 119 paragraph 2 of the same Code, the latter crime being a necessary means for the commission of the former.

Second: The accused Jose Rizal Mercado appears to be guilty of these crimes in the capacity of principal author.

Third: The Prosecution considers further inquiries unnecessary.¹³

In the concrete, by "rebellion" was meant the armed revolt that was then raging, started by Bonifacio in August, and now entrenched under Aguinaldo in Cavite. It was the task of the prosecution to prove that Rizal had instigated or organized this particular armed revolt as "principal agent" or "author."

By "illegal association" was meant the Katipunan which had plotted the revolt, and of which Rizal was said to be the head. Also the Liga Filipina that was claimed by the Spaniards and their witnesses to be "one and the same" as the Katipunan. The task of the prosecution in the case of the Katipunan was to prove Rizal's active connection with it in the capacity of organizer or leader.

The Liga Filipina was something else, since Rizal freely admitted that he had drawn up its statutes. In this case it was the prosecutor's task to prove that those statutes, as Rizal had drawn them, were in fact subversive.

Those were the points that the prosecution had the task of proving beyond reasonable doubt. None of those points was actually proved. Rizal was pronounced guilty and condemned to death, despite the lack of convincing proof. The evidence brought against Rizal may be grouped under two headings: the irrelevant and the inconclusive.

Irrelevant Material

Examples of irrelevant material were the two excerpts from Rizal's poems, one a *kundiman*, the other a stanza from his "Himno a Talisay." The *kundiman* (in translation) was as follows:

Kundiman [Verse]. In the fair Eastern region where the sun rises, a beautiful enchanted land lies prostrate under the heel of tyrants. Alas, she is my country, the country I love. She languishes, a slave laden with chains; happy the man who can set her free.—Manila, 12, 9, 91.—J. P. R. [Jose Rizal].

The Spanish text of the *kundiman* was published by Retana and reproduced in Appendix A (de la Costa 1961, 149). The entire poem of which it is a part is in the Appendix (p. 156) of the centenary edition of *Poesías de Rizal* (1961). In a footnote it is said that at his trial Rizal "emphatically denied" authorship of the *kundiman*. That is not exactly true. Rizal acknowledged authorship of some letters and of the "Himno a Talisay." He did not mention the *kundiman*. Was that an oversight? Or was it a denial of authorship? Some scholars attribute the *kundiman* to Pedro Paterno.

The "Hymn to Talisay" was composed by Rizal in Dapitan as a kind of school-song for his pupils. The following stanza was brought as "evidence" of guilt by the prosecution. In translation:

To Talisay [Verse], by Laonglaan [Rizal]. We are children, we are the latest born. But our hearts beat high, and tomorrow we shall be full-grown men who will know how to defend their hearths and homes. We are children, yes, but nothing daunts us, neither wave nor storm nor thunder. With strong right arm and unclouded brow we shall know how to fight in the hour of danger. Our hands shall take up in turn those instruments of sovereign Reason: the sword, the pen, the spade.¹⁴

The irrelevance of those two poems to an indictment of treason is only too obvious. They are proofs of Rizal's love of country and of

his desire to see his people's lot improved. They do not prove complicity in armed revolt.

Equally irrelevant were some of the letters brought in evidence, in particular those that were not written by Rizal or to him, but by other people and addressed to third parties. For example: an unsigned letter to the editor of the Hong Kong Telegraph deplores Rizal's deportation to Dapitan. Another letter to that same paper deploring the deportation of Doroteo Cortes and Ambrosio Padilla to distant provinces. The letter, dated Manila 17 September 1893 (while Rizal was in Dapitan) is signed by a person who calls himself "Rizal Segundo." A letter from Antonio Luna from Madrid, 17 October 1888, addressed to Mariano Ponce suggests that the latter should discuss with Rizal as to whether the newspaper (*España en Filipinas*) should be edited by Lete or by Lorente. "Rizal knows them both...Talk it over with him." Marcelo H. del Pilar writes to Deodato Arellano from Madrid, 7 January 1891: "Yesterday, feast of the Three Kings, we treated Rizal and company to a *merienda*. Rizal wants to tie down La Solidaridad to the Filipino community here. I was against it. Regards to all."¹⁵

In what way can such letters be considered "proofs" of guilt in an indictment of rebellion and illicit association?

There was one letter that did prove that Rizal belonged to a secret society, at least in an honorary capacity, namely the masons. While Rizal was in Hong Kong, a letter was written from Manila on 9 February 1892 by Pedro Serrano Laktaw, using his masonic name of "Panday Pira." It was on masonic stationery, and it informed Rizal that, in recognition of his services to his country, Rizal was awarded the title of Honorary Venerable member of the "Central Grand Lodge Nilad of Ancient and Free Masons, affiliated with the Spanish Grand Orient" (de la Costa 1961, 15).

Rizal himself never denied that he was a mason, although he affirmed that he had nothing to do with the masonic lodges in the Philippines. But Masonry, although condemned by the Catholic Church and therefore illicit on the religious plane, was never declared illicit in the legal sphere by the Spanish government, and many of the Spanish officials both in the colonies and in the Peninsula were themselves masons.

Among the letters that should be considered irrelevant to the case were two letters written by Rizal and two addressed to him. One of the latter category has already been discussed, namely the one from Serrano ("Panday Pira") informing Rizal of the honor accorded him

by the masonic lodge Nilad by making him an "Honorary Venerable" member.

The other letter was from Ildefonso Laurel, dated Manila 3 September 1892, expressing regret that Rizal had been exiled to Dapitan. It then went on to say:

Your father told me, however, one evening when I dropped in at the house, that you might be pardoned shortly. How happy we would be if this were true! There is a strong undercurrent of feeling among the people; they await you as their redeemer and savior. Have no doubt of the loyalty of your fellow countrymen. They all lament the way you have been betrayed, and all stand ready to shed their blood for your salvation and that of our country. All send their respects through me, and embrace you in patriotic love in which we all desire to live and die together.—ILDEFONSO LAMET [sic].—PS. Our friend Deodato Arellano tells me that he has received two letters from Madrid addressed to you but has no means of forwarding them at present. I await your instructions (de la Costa 1961, 17–18).

The two letters by Rizal were both written from Hong Kong in 1892, one in May, the other in June, shortly before his return to the Philippines and deportation to Dapitan. Both were signed "Dimasalang," one of his pseudonyms. The earlier one (24 May) was addressed to "Brother Tunluz" (Juan Zulueta). In it Rizal deplored the publication in Spain of an article by Eduardo Lete which Rizal judged to be inopportune and harmful to the Filipino cause. "Why say that our first need is money? This goes without saying, and it doesn't do to wash our dirty linen in public."

The other letter (June 1) was addressed "To My Countrymen." It explains his project of starting a Filipino settlement in Borneo (where the tenants and their families that had been evicted by the Dominican friars from Calamba could find a home). He asks for cooperation from the Philippine Committee in the project (de la Costa 1961, 18–19).

As is obvious, none of these letters is really relevant to the issue which the prosecution had to prove: namely that Rizal was the principal organizer and instigator of rebellion and illicit association.

But the height of irrelevance was the matter of the *brújula* (small compass). Among Rizal's effects the investigating officer found a small compass with a note attached to it that said (in translation):

IHS.—The small compass of Father Sanchez has an instrumental error of about 3 degrees. The deflection is toward the West.—Taking into consideration the declination of Dapitan, we conclude that for the North-South line of the compass to point exactly North, the needle should be at 1°40' W.—R.C. S.J. (flourish)¹⁶

At the preliminary investigation, Rizal had been asked what this was all about. He answered that the compass had been given to him by Father Sanchez in Dapitan, and the note was from Father Cirera (de la Costa 1961, 12–13).

When Rizal was exiled to Dapitan in 1892, the Jesuit superior in Manila (Father Pablo Pastells) took Father Francisco de Paula Sanchez from his teaching at the Ateneo and sent him to Dapitan. Sanchez had been Rizal's favorite teacher when he was a student, and it was under Sanchez that he had developed his love for literature. It was therefore thought that Sanchez's presence in Dapitan might help assuage Rizal's exile, and possibly bring him back to the practice of his religion.¹⁷

Sanchez brought with him to Dapitan some scientific instruments, among them the surveyor's transit that proved useful in Rizal's survey of the town plaza where he and Sanchez constructed a relief map of Mindanao. The small compass was among the instruments Sanchez brought. Desiring scientific accuracy, he had it inspected previously by a young Jesuit scholastic, Ricardo Cirera S. J., who was on the staff of the Manila Observatory assigned to the Magnetic Section. Cirera noted the instrumental error and wrote the note which the investigating officers were later to regard as suspicious and incriminating. The irrelevance of this compass to the crimes of rebellion and illegal association was not only obvious: it was ludicrous, and it showed amazing ignorance on the part of high-ranking Spanish military officers.

Inconclusive Evidence

By inconclusive evidence we mean the material that might be construed as showing the existence either of rebellion or at least of rebellious intent, but which does not prove conclusively Rizal's personal and active involvement in it. Belonging to this category were three kinds of material available to the prosecution: letters, the testimonies

of witnesses, the official dossier on Rizal furnished by the office of the governor and captain general.

Excluding those already mentioned as irrelevant to the indictment, some letters were produced which the prosecution considered incriminating but which really were not, or were at most inconclusive.

A letter of Marcelo H. del Pilar, dated Madrid, 1 June 1893 (while Rizal was an exile in Dapitan) and addressed to Juan Zulueta under the latter's nom-de-guerre of Don Juan Tunluz, mentions del Pilar's disagreements with Rizal in the past and deplors the "misappropriation" of masonic funds by Serrano. Del Pilar then says:

Spanish Masonry serves as a means of propaganda. But if the masons over there [i.e. in the Philippines] are trying to make Masonry an instrument of action to achieve our aims, they are sadly mistaken. What is needed is a special organ designed specifically for the Philippine cause. Its members, or some of them, may be masons, but it is important that the organization itself should be independent of Masonry. It seems that this is what the L. F. [Liga Filipina] is going to bring about. So much for now and regards.—Marcelo.¹⁸

From that letter the suspicious minds of government officials might hastily infer that therefore the Liga Filipina was intended for direct action (i.e. armed revolt) and that Rizal, who wrote its statutes and encouraged people to join it, was therefore the principal author of the armed revolt. But such an inference is unjustified.

From del Pilar's letter a historian might justifiably draw the following conclusions. Del Pilar wants to see an association organized distinct from freemasonry and intended to promote direct action. What that direct action is, is not specified. It could be economic and cultural cooperation. It could be armed revolt. There is no indication either way. Del Pilar thinks that the Liga Filipina is the proper vehicle for that direct action. Del Pilar, writing in the middle of 1893 (when Rizal had been in exile in Dapitan for almost a year) must have been referring, not to the Liga Filipina envisioned by Rizal in 1892 and which had quickly expired, but the one that was reorganized in 1893, with which Rizal was not associated as he was away from the scene. Del Pilar at this stage did not yet know of the existence of the Katipunan, which was indeed a society intended for direct action.

That is what a historian might justly infer from that letter. But in a court of law, where a man's life was at stake, that letter cannot be

produced as proof of his guilt. First of all, it is not written by Rizal, but by someone else and addressed to a third party. Second, it makes no mention of subversion or subversive intent. If by "direct action" the government understood "armed revolt," that was a conclusion which cannot be considered evidence. A similar analysis could be made of other letters in the prosecution's dossier.

The witnesses did not make their statements in open court. Rizal never saw the witnesses, and in most cases did not know them. They had been rounded up shortly after the discovery of the Katipunan and the start of the revolution in August 1896, and their testimonies were made in prison. It is not impossible (certainly not implausible to suppose) that their statements were extracted under torture. This fact (as the defense counsel pointed out) made them "co-accused" with Rizal and an element of self-interest may have influenced their testimonies, rendering them unreliable.

Apart from that, the procedure was basically flawed. Both the prosecutor (fiscal) and the defendant (and his defense counsel) were shown only extracts of the testimonies. The judges never saw even those extracts: they merely heard the Briefs for the prosecution and the defense (and Rizal's additional notes). They rendered their verdict on the basis of these extracts.

But there was an even more basic flaw in the testimonies: most of it was hearsay evidence that a modern court of law would have considered inadmissible. For example: Antonio Salazar stated that Timoteo Paez went with Rizal's sister to Singapore to hire a ship that would take Rizal from Dapitan to Japan where Marcelo del Pilar and Doroteo Cortes were awaiting him.¹⁹

That is hearsay evidence, and it was not supported by the facts. Timoteo Paez stated that he went to Singapore on other business, not to hire a ship. Marcelo del Pilar did not go to Japan. As for Doroteo Cortes, Rizal said that those who concocted this story were obviously ignorant of the fact that he and Cortes were not on good terms, and to expect him to go to Japan to meet Cortes was ludicrous. There was only one thing in Salazar's testimony that was true: the fact that a subscription had been initiated to raise funds to enable Rizal to escape from Dapitan. Not only was much of the testimony unreliable because it was hearsay, it was also conflicting. For instance, Deodato Arellano stated that Timoteo Paez received the statutes of the Liga Filipina from Rizal. Others said that it was Moises Salvador to whom they were sent. Paez himself said he got them from Salvador, and Salvador himself said he received them from Rizal

who was in Hong Kong. But Jose Reyes said that Moises Salvador "came from Spain with instructions from Rizal to organize a Liga Filipina, of which Rizal had drawn the statutes."²⁰ From what Rizal himself said, none of that was true. He drew up the statutes in Hong Kong at the suggestion of Jose Ma. Basa, and he gave them to Basa. To whom they were sent after that, he did not know (de la Costa 1961, 8ff.).

Despite the unreliability of all this conflicting testimony, the army officials seem to have taken them seriously. In the preliminary investigation Rizal was asked about each one of them. Did he know Martin Constantino Lozano? Aguedo del Rosario? Jose Reyes Tolentino? Was he related to any of them? etc. Rizal replied that he knew no one with such names. In the case of del Rosario, he said he knew no one by that name, but that it was possible he may have known the person himself. (In Masonry, they went by assumed names.)

Regarding Antonio Salazar, the man who had testified that Paez and Rizal's sister had gone to Singapore to hire a ship to bring Rizal from Dapitan to Japan, Rizal said that he knew of a person surnamed Salazar who owned a shop called Bazar Cisne where Rizal bought his shoes, but he did not know him personally, and was not certain whether his first name was Antonio (de la Costa 1961, 5ff.). These were the men, unknown to Rizal, whose hearsay and conflicting testimony was taken seriously as a proof of Rizal's guilt.

A piece of evidence considered important by the prosecution was the report on Rizal provided by the governor general's office, describing the character, background and activities of Rizal. Prominent among those activities were his novels and other writings. In modern journalistic language such a document might be called a profile.

A profile, of course, might be informative and would show how the government officials viewed Rizal's activities. But, as the defense counsel pointed out to the court, it had no probative value as evidence of guilt.²¹

Particular Issues

The flimsiness of the evidence brought against Rizal may be seen when particular issues are examined. Five such issues stand out: Rizal as "head" of the Katipunan, The Liga Filipina as a subversive

organization, the Valenzuela trip to Dapitan, the project to have Rizal escape from Dapitan, and Rizal's Borneo project.

Martin Constantino, a native of Bulacan and a soldier in the Manila municipal corps, recounted how he became a member of the Katipunan, and declared that other soldiers were also members. The object of the Katipunan, he said, was to massacre all the Spaniards and declare Rizal Supreme Leader who would then come to establish himself within the (Walled) City.²²

Aguedo del Rosario, a bookbinder in Manila but originally from Boa in Mindoro, declared that Rizal was the Honorary President of the Katipunan and that his portrait hung in the session hall of that society's High Council. He further stated that Pio Valenzuela informed Rizal (in Dapitan) that the people were "constantly clamoring for an armed revolt" and that the Junta Magna (High Council) of the Katipunan, "composed of the moneyed aristocracy," were giving their full moral and material support to such an enterprise. The decisions of the High Council (he said) were communicated (to the membership) through either Ambrosio Salvador or Andres Bonifacio. In the future Philippine Republic, he (the bookbinder Aguedo del Rosario) would be a Minister of Government.²³

Much of the two testimonies quoted above are mere hearsay evidence. To the extent that they recount things from personal knowledge, they prove two things: that the Katipunan was a subversive organization; and that Rizal was held in such high esteem that the organizers of the Katipunan felt it important to name him honorary president and hang his portrait in their meeting place, though Rizal himself was far away in Dapitan and probably knew nothing of all of this. In no way does either of these testimonies establish Rizal's active participation in the Katipunan or in its decision-making procedures.

In the preliminary investigation, Rizal had been asked if he knew that his portrait hung in the Katipunan's meeting place. He replied that a photograph had been taken of him in Madrid and anyone could have obtained a copy of it.²⁴ As for his being the head of the Katipunan and the chief of the revolution, Rizal said pointedly in his defense at the trial: "What kind of chief is he who is left out of account in the planning of an enterprise, and who is notified only that he might sneak away? What kind of chief is he whose followers say 'yes' when he says 'no?'"²⁵

There were two stages in the history of the Liga Filipina: the first in 1891-92, the second in 1893. Regarding the first stage, the following

facts were beyond question as Rizal himself admitted them: The idea of a Liga Filipina was conceived in Hong Kong during Rizal's stay there in 1891-92, and it was Rizal, at the suggestion of Jose Ma. Basa, who drew up the proposed statutes. There was conflicting evidence as to who in Manila had received the statutes and from whom. Some claimed that Rizal had sent them to Paez, others to Salvador. Rizal himself said that he gave the statutes to Basa and did not know to whom Basa sent them. The only fact that was certain was that someone in Manila got a copy of those statutes. When Rizal arrived in Manila from Hong Kong in mid-1892, he attended several meetings at which the organization of a Liga Filipina was discussed, and in one of those meetings an election of officers took place. Very soon thereafter Rizal was exiled to Dapitan, and the Liga either expired or became dormant. Rizal called it "still-born."²⁶ A second stage of the Liga took place when it was reorganized or revived in 1893, while Rizal was in Dapitan.²⁷

Those were the facts. The task of the prosecution with regard to this particular issue was twofold. With regard to the first stage, since Rizal admitted that he had drawn up the statutes, the prosecution had to prove that those statutes were subversive or contained subversive elements. This was never done, and no copy of the statutes was produced.²⁸ With regard to the second stage, the government had to prove, not only that the Liga, as reorganized, was subversive, but also that Rizal was actively involved in this reorganization. Neither point was proved.

Failing to prove that the Liga in 1891-92 was subversive, the prosecution could of course have raised the technical point that the Liga was illegal because no permit had been obtained for it in accordance with Article 189 of the Penal Code (cited by the prosecution). But according to that same Article, the penalty would not have been death, but *prisión correccional* (imprisonment). Furthermore, as Rizal explained in the preliminary investigation, he had not organized those meetings. He was invited to lunch, and some of those luncheons turned out to be meetings.

In his defense at the trial, Rizal explained his position with regard to the Liga as follows:

It is true that I framed its statutes. It is also true that its aims were to promote commerce, industry, the arts, etc. by means of cooperation. This is the clear testimony of witnesses who are far from being well affected towards me.

The Liga died stillborn. After the first meeting, nothing more was said about it. It ceased to exist because a few days afterwards I was deported to Dapitan.

If others reorganized it nine months later, as they now claim, it was without my knowledge.

That the Liga was not a subversive organization is proved by the fact that they had to abandon it in order to organize the Katipunan, which was possibly better adapted to their aims. If it could have been in any way useful to the rebellion they would not have abandoned it altogether. They would simply have changed its structure. For if I were the chief, as one of the witnesses claim, they would have kept the name Liga in deference to me and to attach the prestige of my name to it. But they cast it aside, name and all, and created the Katipunan; clear proof that they were not counting on me and that the Liga did not serve their purposes. Nobody forms a new association when the one required already exists.²⁹

At Rizal's preliminary investigation he was asked if he knew Pio Valenzuela. Was he related to him; etc. Rizal answered guardedly at first. He said he knew a person by that name who had gone to Dapitan to bring him a patient. He had previously not known either person.

On further questioning, Rizal admitted that Valenzuela had also brought him a gift, a medical kit (an appropriate present from one physician to another, for Valenzuela was also of the medical profession). Upon more insistent questioning, as to what he and Valenzuela talked about, Rizal must have realized that the investigators knew all about the Valenzuela visit and that therefore there was no point in denying its real import. (Rizal at that point did not yet know that Valenzuela and many others had long before been rounded up and subjected to questioning.)

In any case, Rizal decided to tell everything. Don Pio Valenzuela, he said, told him that there was a plan to stage an armed revolt, and they wanted his opinion concerning such an enterprise. Don Pio also said that they were anxious as to what might happen to Rizal in Dapitan in the event of such an uprising.

To this Rizal answered that an armed revolt would be a mistake. "The time was not opportune for such a risky enterprise" [la ocasión no era oportuna para intentar aventuras]. How could such an uprising succeed? It would be self-defeating. They had no arms, no ships. The people were not sufficiently educated; etc. Rizal cited the case of Cuba, where the people were much more ready and where they

had the support of a great Power (the United States) and yet the revolution failed.

Rizal, in his own defense at the trial, was to cite this episode of the Valenzuela visit as a clear proof that he was not the head either of the Katipunan or of the armed revolt.³⁰

Rizal's defense counsel, Luis de Taviel, also pointed to the Valenzuela trip as a proof that Rizal had nothing to do with the rebellion:

Finally, no charge can be adduced against him on the basis of the interview which he had with Pio Valenzuela earlier this year. On the contrary the incident is altogether in his favor. For if he disapproved of the uprising, if he tried to dissuade its plotters from going ahead with it, this is conclusive proof that he had no part in it and no sympathy with it. Otherwise, if Rizal had indeed been the director and promoter of the whole business, no one, granted his prestige, would have dared to go ahead in contravention of his orders.³¹

Antonio Salazar's testimony, cited above, was mere hearsay evidence. He was obviously repeating the rumors he had heard, which made his testimony worthless. Rumors must have been flying about, with the usual embellishments that such reports acquire in the process. "Rizal's sister and Timoteo Paez had gone to Singapore to hire a ship. They would bring Rizal to Japan where he would meet with *del Pilar* and *Cortes*." And so on. Shorn of the embellishments, there was a grain of truth in the rumor. Friends and acquaintances were concerned about Rizal's condition in his Dapitan exile, and they were especially apprehensive as to what might happen to him should an uprising take place in Luzon. For instance, would the authorities kill him in retaliation? Hence the proposal that he be enabled to escape, and contributions were solicited to make that possible. Pio Valenzuela, who like others had been subjected to questioning, testified that at a meeting held in Pasig, it was agreed to have Rizal escape to Japan, but that they would have to get Rizal's consent (*de la Costa* 1961, 22).

At the preliminary hearing Rizal was asked if he knew about a project to help him escape. He said he had heard of it. He had also heard that contributions were being solicited in his behalf. This he did not like and expressed his desire that it be stopped. He needed no financial subsidy from anyone (he said) as he had sufficient funds for his needs, earned from his medical practice and other sources

(de la Costa 1961, 12). As for the plan to escape, he was against it, unless they took him by force. If he was to leave Dapitan (he said), it would have to be by legitimate means.

To that clear statement at the preliminary investigation he added details, in his defense at the trial, which was very revealing:

In Dapitan I owned a number of vessels and was permitted to take trips along the coast and to the surrounding villages. I could spend as long as I wished on those trips. Sometimes I was away a week. If I still wanted to engage in political agitation, I could easily have escaped....I certainly would not have started a small hospital, nor purchased land, nor sent for my family to live with me there.³²

Among the things that Deodato Arellano is said to have "admitted" (though it was mere hearsay evidence) was that in mid-1892 Rizal had intended to go back to Hong Kong "because he was awaiting the Government's permission to establish a Filipino settlement in Sandakan." The impounded letters of Rizal that we have quoted above mentioned this Borneo project. The one written on 24 May 1892 said, "I am now preparing for our fellow countrymen a safe refuge in case of persecution...." The other, dated 1 June 1892, also mentioned the plan and asked for the cooperation of the Philippine Committee.

There was nothing secret about those plans regarding a settlement in what is now Sabah (at that time called British North Borneo). He had openly gone there from Hong Kong to speak to the British authorities. He then explained the project in a letter to Governor Despujol in Manila. Receiving no reply he went personally to Manila to discuss the matter with the governor.

In the preliminary investigation of 21 November 1896 the question was asked, "What object did the prisoner (Rizal) have in desiring to form a Filipino Settlement in Sandakan, and what steps did he take toward that end?" His answer is recorded as follows: "The prisoner did not propose to establish a Filipino settlement in Sandakan but simply to take his family to settle in that British colony, as he explained to His Excellency General Despujol both in a letter written from Hong Kong and by word of mouth when the prisoner came to Manila" (de la Costa 1961, 12).

The background of that project was as follows. When Rizal's family were evicted from their home and lands in Calamba by the

Dominican friars, their tenants were likewise evicted. Rizal was informed of those evictions while he was in Europe, and the plight of the dislocated tenants preyed on his mind. When he rejoined his family in Hong Kong, he got the idea of bringing the family and the evicted tenants to British North Borneo, which at that time was sparsely populated. He traveled to Borneo and discussed the project with the British authorities there, who received the idea favorably. Returning to Hong Kong, Rizal wrote to Governor General Despujol in Manila asking for permission for the landless tenants to leave the Islands. When no reply was received, Rizal decided to go to Manila and speak to the Governor in person. Despujol actually treated him well, receiving him in private audience several times, but he did not approve of the Borneo project. In his diary Rizal recorded the incident: "The following day, Thursday, we spoke about the Borneo question and the General seemed opposed, very much opposed to it."³³

In Dapitan the plight of the dispossessed farmers from Calamba, without land and without means of livelihood, continued to prey on Rizal's mind, and he took steps to acquire sufficient lands in that area where they could be resettled. It was to be called Nueva Kalamba. The settlers were to be brought to Dapitan, a few families at a time. The events of August 1896 put an end to the project. The Borneo Project was an act of humanitarian concern for his family and for their dispossessed tenants and their families. In no way could it be construed as a step towards armed revolt.³⁴

The Formal Trial

The formal court martial was held the day after Christmas, 26 December 1896. The seven judges listened to the Brief for the prosecution and that for the defense. They also listened to Rizal's own additional statement in his defense. Then, on the same day, they gave the verdict:

The Ordinary Court Martial of the Post declares that the fact in question does constitute the crimes of founding illegal associations and of promoting and inciting to the crime of rebellion, the first being a necessary means to the commission of the second, and that the accused Don Jose Rizal is guilty of said crimes in the capacity of principal agent.

The Court then proceeded to give the sentence:

In virtue of which the Court declares that it ought to condemn, and does condemn, the said Don Jose Rizal to the pain of death.³⁵

The Court added that, in case the death penalty should be commuted, the penalties provided in the Code should take affect, namely, "absolute and perpetual deprivation of civil rights and liability to surveillance by the authorities for life."

The Court did not mention the "aggravating circumstance" urged by the prosecution, that the defendant was an indio (de la Costa 1961, 61). Also, the Court mitigated the auditor general de guerra's assessment of damages, from one million to one hundred thousand pesos, adding that this obligation to reimburse the State passed on to the defendant's heirs.

That verdict, signed by all the seven judges, was transmitted to Governor Polavieja on the same day (26 December), who on that same day endorsed it to the auditor general, Nicolas de la Peña, for his opinion. De la Peña submitted his opinion the next day, 27 December. It was not a sober objective assessment of the verdict. It was a summation of the "evidence" and equivalently a plea that the death sentence be imposed.³⁶

The next day, 28 December, "in conformity with" de la Peña's recommendation, Polavieja gave the order to have the sentence carried out:

In conformity with the attached opinion, I approve the sentence passed by the Ordinary Court Martial of the Post in the present case, in virtue of which the penalty of death is imposed on the prisoner Jose Rizal Mercado. Sentence shall be carried out by means of execution by firing squad at seven o'clock in the morning of the 30th of the present month on Bagumbayan Field, with the formalities required by law.³⁷

The 30th was only two days away. No time was to be lost before Rizal was to be killed.

The next day, 29 December, that order was read to Rizal in Fort Santiago and he was then placed "en capilla," the term used for the immediate preparation for death. Members of his family were allowed to see him, and also several priests, all of them Jesuits.³⁸ The next day, 30 December, Rizal was shot. The instruction originally given by Governor Blanco, that everything should be done *con la mayor actividad* (with all possible speed), had been carried out to the last.

Conclusion

Included in the material gathered by the investigating judge as evidence of Rizal's complicity as author of the revolution, were the concluding sentences of two speeches delivered at a meeting held in Santa Cruz, Manila, on 23 June 1893. One was by Emilio Jacinto, one of the top leaders of the Katipunan and considered by many as its "brains":

In the meantime, let us keep our spirits up with these battlecries: Long live the Philippines! Long live liberty! Long live Dr. Rizal! Unity!³⁹

The other was the conclusion of a speech on the same occasion by Jose Turiano Santiago:

Let us all shout with one voice: Long live the Philippines! Long live liberty! Long live the great Dr. Rizal! Death to the Nation of the oppressors!⁴⁰

Rizal was far away in Dapitan when those cries were raised. Yet his name was invoked. In his absence and without his consent he was declared honorary president of the Katipunan. His portrait was on the wall of their meeting place.

This was the real reason why Rizal was sentenced to death. Not because (as alleged in the indictment) he had anything to do with the Katipunan or the Revolution, but because without him, there might not have been any revolution. Without his doing anything, he was (as the prosecution accurately said) "the very soul" of the movement that led to the revolution.

In 1887, shortly after the *Noli me tangere* was printed in Germany, Rizal returned for the first time to the Philippines to find that he was a marked man. He was followed everywhere by a military officer. The novel had been condemned by the Church-and-State establishment, and while it was highly prized by Filipinos (some of whom went to great lengths to obtain a copy), among the Spaniards only the Jesuits defended the novel, notably Father Francisco de Paula Sanchez, Rizal's former teacher. But another Jesuit, the scientist, Father Federico Faura, Director of the Manila Observatory, said something that disturbed Rizal for a long time afterwards. He mentioned it in his letters. Father Faura told him, "Because of that novel, you will eventually be put to death."⁴¹

That remark rankled Rizal. Why did Father Faura, who seemed to like him, say that? Faura did indeed like Rizal. He was one of those who visited Rizal in Fort Santiago the day before the latter's execution. That visit and the effort it took cost Father Faura his life, for he died a few days later.

But Father Faura was right. Rizal was put to death, not because (as alleged) he was the principal author of the revolution, but because he wrote novels and essays that opened the eyes of his countrymen to the true state of affairs in their country, and thus paved the way for a revolution. That was the real reason why Rizal was executed and why his judicial process was rushed through with break-neck speed. Not because he was an armed rebel, but because he was a thinker and a writer, whose ideas nourished the revolution.

What were their motives in wishing to kill him?—their real motives, not those that are recorded so meticulously in the court proceedings? Did they kill him out of vindictiveness? Because the revolutionists revered him, so he must be put to death? Or was it the mistaken idea that by killing the spiritual leader of the movement, the movement itself would die out? If so, they were sadly mistaken. Rizal's death did not quench the revolutionary fire. It added fuel to it.

The Spaniards had not learned from their own experience. Only twenty-four years earlier, they had rushed through the execution of three priests, Burgos, Gomez and Zamora, hoping thereby to make an example of them and thus intimidate the Filipinos into submission. But you can kill a person: you cannot kill an idea by firing squad or strangulation.

One of the young poets of the Revolutionary period, Cecilio Apostol, put it very well. He used the metaphor of a sealed jar containing the attar of roses or some other fragrant essence. As long as the jar is sealed, no one smells the fragrance. Break the jar and the entire atmosphere is impregnated with the perfume.

Cual si, al romper el ánfora de tierra
La esencia que en el ánfora se encierra
No hubiera acaso de impregnar el viento.

The real achievement of Rizal was that his death crowned his life-work. He had dedicated his life to the task of enlightening his countrymen and thus work towards their eventual liberty. His death made that liberty certain. As Cecilio Apostol, in the same poem, put it:

Si una bala destruyó tu cráneo,
Tu idea en cambio destruyó un imperio.

[If a bullet shattered your skull,
your idea shattered an empire.]

Notes

1. Oficio del gen. Blanco, 2 dic. 1896; de la Costa 1961, 4; The references are to the Spanish documents. The translations used here are those of de la Costa with some slight modifications.

2. Resumen del Juez instructor, 5 dic. 1896; de la Costa 1961, 20-23.

3. (Decreto) 12 dic. 1896: "Pase al dictamen del Sr. Auditor General de Guerra.—Polavieja"; de la Costa 1961, 27.

4. Diligencia omitiendo careos, 11 dic. 1896; de la Costa 1961, 26.

5. Defensa de Rizal por D. Luis Taviel de Andrade; de la Costa 1961, 52.

6. Lista de defensores (consta de ciento seis nombres de primeros y segundos tenientes de infantería, caballería, artillería, e ingenieros); de la Costa 1961, 25.

7. "El mismo instructor tendrá presente que la obligación de defensor no puede recaer en abogado, sino precisamente en oficial de Ejército."—dictamen del Auditor, 7 dic. 1896; de la Costa 1961, 23-24.

8. Rizal's formal petition, like the subsequent Manifiesto, are among the autograph documents in the trial records; de la Costa 1961, 27-28.

9. Nicolas de la Peña's dictamen is also in autograph; de la Costa 1961, 28.

10. Both Rizal's Manifiesto and Peña's negative verdict were published by Retana in Volume IV of his series, *Archivo del bibliófilo Filipino* (266-69). They are reproduced in Appendix A of de la Costa 1961, 149.

11. (Dictamen del Auditor, 7 dic. 1896; de la Costa 1961, 23-24). The exorbitant sum of one million pesos was later reduced by the court martial to one hundred thousand.

12. Diligencia de abrir pieza separada de embargos, 10 dic. 1896; de la Costa 1961, 25.

13. Autograph document dated 9 dic. 1896 and signed with the fiscal's full name, Enrique de Alcocer y R. Vaamonde; de la Costa 1961, 24.

14. Retana also published this stanza, reproduced in de la Costa (1961, 149). The entire "Himno a Talisay" consisting of six stanzas and a chorus is in *Poesías de Rizal* (134-35), and was dated Dapitan, 13 Oct. 1895.

15. The letters and extracts in the investigator's dossier are in de la Costa (1961, 15-21).

16. Cirera's note in autograph is dated 18 Aug. 1892 (de la Costa 1961, 14).

17. On the joint activities of Rizal and Sanchez in Dapitan, see *Rizal and Spain* (Bernad 1986, 76-91).

18. The text is in de la Costa (1961, 19-20).

19. Resumen del Juez instructor; de la Costa 1961, 22.

20. The juez instructor (Dominguez) includes all this material in his resumé, apparently without adverting to their contradictory testimonies (de la Costa 1961, 20-23).

21. The "Informe" (we are calling it a Profile) was dated 22 Dec. 1896 and signed by Enrique Abella (secretary of government). But Retana in a marginal note says,

"Después he sabido que redactó este informe D. José Martos O'Neale" (de la Costa 1961, 39-46).

22. Constantino's testimony is dated 9 Sept. 1896, not long after the outbreak of the revolution at the end of August (de la Costa 1961, 39-46).

23. Aguedo del Rosario's testimony is undated (de la Costa 1961, 13-14).

24. "Preguntado: Como explica el declarante que su retrato estuviera entre los afiliados de dicha Asociación (Katipunán), Dijo: Que respecto al retrato, como el declarante se hizo uno en Madrid de regular tamaño, pueden haber adquirido alguna reproducción" (de la Costa 1961, 11).

25. "Alguno ha dicho que yo era el jefe. Qué clase de jefe es ese con quien no se cuenta para los proyectos, y solo se le avisa para que se escape? Qué clase de jefe es ese que, cuando dice no, ellos dicen si?"—Adiciones a mi defensa, quinta (de la Costa 1961, 59).

26. "La Liga no llegó a vivir ni a establecerse, pues después de la primera reunión, no se volvió a tratar de ella, muriéndose porque fuí deportado días después."—Adiciones, séptima (de la Costa 1961, 59).

27. The above-mentioned points were all brought out in the preliminary investigation (de la Costa 1961, 5-13).

28. The Statutes of the Liga drawn up by Rizal in Hong Kong are published in *Escritos de Jose Rizal* (1961, 303-9).

29. Adiciones a mi defensa, sexta, séptima, octava, novena (de la Costa 1961, 59).

30. The Valenzuela trip is discussed in the preliminary investigation (de la Costa 1961, 7 ff.) and in Rizal's *Adiciones a mi defensa, primera, segunda, tercera* (de la Costa 1961, 57-58).

31. Brief for the defense (de la Costa 1961, 55)

32. Adiciones a mi defensa, cuarta (de la Costa 1961, 58-59).

33. "Diario de Rizal sobre su breve estancia en la capital, a su llegada de Hong Kong hasta su deportación a Dapitan" (Kalaw 1936).

34. On the Borneo project the following writings of Rizal, published in *Escritos de Jose Rizal*, are relevant: "Sobre los sucesos de Calamba" (pp. 291 ff.) and "Proyecto de colonización" (pp. 318 ff.). For a discussion of his efforts in Dapitan to relieve the distress of the dislocated tenants of Calamba, see M. A. Bernad (1986, 112 and 131-38).

35. The prosecutor's Brief is in De la Costa (1961, 30-39). Taviel's Brief for the defense, followed by Rizal's *Adiciones a mi defensa* are in de la Costa (1961, 57-61). The sentence of death is on pages 60-61 and was signed by the presiding judge (Jose Togores) and by the six associate judges (*vocales*).

36. The key paragraph in Peña's dictamen is as follows: "Está pues bien calificado Rizal como promovedor del delito de rebelion consumado por medio del de Asociación ilícita; y es justa la sentencia que por sus propios fundamentos procede aprobar, disponiendo que se ejecute pasando al repetido Don Jose Rizal y Mercado Alonso (sic) por las armas en el sitio y hora que Vuestra Excelencia tenga a bien designer...." (de la Costa 1961, 62-64). (The correct name was José Rizal Mercado y Alonso.)

37. Decreto, 28 dic. 1896; de la Costa 1961, 64-65.

38. On Rizal's last day, see M. A. Bernad, (1986, 162-66).

39. "Mientras tanto, alentemos nuestros corazones con estos gritos: Viva Filipinas! Viva la Libertad! Viva el Dr. Rizal! Unión!" (de la Costa 1961, 20).

40. "Gritemos de una voz: Viva la Libertad! Viva la Libertad! Viva el eminente Doctor Rizal! Muera la Nación opresora!" (de la Costa 1961, 20)

41. Rizal to Blumentritt from Brussels, 2 Feb. 1890. *Ep. Riz. V*: 529ff

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