

philippine studies

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

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Philippine Studies vol. 25, no. 2 (1977) 237–254

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Fri June 27 13:30:20 2008

Texts and Documents

Due Process and the Rule of Law: Three Unpublished Letters of Rizal

JOHN N. SCHUMACHER

The three letters of Rizal on behalf of his brother-in-law, Manuel Hidalgo, which we publish here for the first time may seem at first sight to have no extraordinary significance among so many hundreds of others written by that indefatigable letter-writer. But besides a certain contemporary relevance, seen in the context in which they were written, they provide at least two insights into the nationalist thought of Rizal and its development.

One of these is his insistence on the rule of law: he would ask no favors of the Spanish authorities, he would seek no "recommendations," as he was urged to do by Hidalgo and others.¹ Rather, he demanded that the human and civil rights every civilized nation accorded to its citizens should also be observed by Spain with regard to Filipinos. If Manuel Hidalgo was guilty before the law, let him be brought before the courts and proven guilty; but let him first be given the right to defend himself in open court. One finds here a concrete exemplification of the roots of the Filipino tradition of civil and political rights discussed by Bernas elsewhere in this issue.

The second major point of significance of these letters is that they mark a turning point in Rizal's approach to seeking the future happiness of his people. Hitherto he had accepted, though with misgivings and second thoughts, the political reformist approach to Philippine problems espoused by Marcelo del Pilar and

1. Hidalgo-Rizal, 1 Enero 1889, *Epistolario Rizalino*, ed. Teodoro M. Kalaw, 5 vols. (Manila: Bureau of Printing, 1930-1938), 2:95-96. (Henceforth referred to as *Ep. Riz.*)

others among the Filipino Propagandists in Europe and the Philippines.² With the failure of his efforts to secure that the law be applied equally to Spaniard and Filipino, Rizal will abandon further hope of obtaining the happiness of the Philippines from Spanish sources. The Filipinos are henceforth to hope only in themselves and in God, as Bonoan has pointed out in his paper in this issue. Even though he will continue for a short time his stay in Europe, it would not be with the intention of influencing Spanish politicians, but with that of uniting the Filipinos, and of directing their efforts toward the creation of a Filipino national community at home which will shape its own future destiny. This will be the message of his novel *El Filibusterismo*; this will be the purpose of his Liga Filipina. As I have argued in my study of the Propaganda Movement and elsewhere, it is not the alternatives of reform or independence which separated Rizal even from Bonifacio — both were agreed that the future prosperity and happiness of the Philippines could not come from Spain, and it was from Rizal that Bonifacio had chiefly learned this lesson.³ The eventual difference between them was to be over the opportuneness of the revolt, over the degree of national community which must be created before a truly liberating revolution could succeed. Otherwise, as Rizal put it through the mouth of Padre Florentino, "The slaves of today will become the tyrants of tomorrow."⁴

For an understanding of the three letters and their import, we may briefly recount here the events with which they are concerned. Shortly after the departure of Rizal from the Philippines in 1887, the relatively liberal and indulgent government of General Emilio Terrero was replaced by that of General Valeriano Weyler. Though the appointee of a Liberal government in Madrid which superficially at least had shown sympathy for reforms in the Philippines, Weyler was not the man to tolerate any weakening of Spain's authority in her colony. Not only did the circulation of Rizal's *Noli* in the Philippines, tacitly tolerated by his predecessor, attract his

2. For the differences in attitude and strategy between the two men, see John N. Schumacher, *The Propaganda Movement: 1880-1895* (Manila: Solidaridad Publishing House, 1973), chapters 7, 8, 10, 11, *passim*, and especially, pp. 221-35.

3. *Ibid.*, pp. 207-08, 271-72; and more extensively in the as yet unpublished paper, "The 'Propagandists' Reconstruction of the Philippine Past," presented to the colloquium on "Southeast Asian Perceptions of the Past," held at Australian National University in February 1976.

4. *El Filibusterismo*, reprint of the first edition of 1891 (Quezon City: R. Martinez & Sons, 1958), p. 284.

vigilance, but even more so the smoldering dispute between tenants of the Calamba hacienda, prominent among whom were the family of Rizal, against the Dominican owners. For Weyler, this was no private dispute, but an affair of state. Privately anticlerical, he considered the friar orders in the Philippines "a means of the government," and hence any Filipino challenge to their prestige was an attempt to destroy Spanish sovereignty.⁵ Eventually most of Rizal's family and in-laws were to suffer banishment from their homes to other parts of the Philippines as a result of their resistance to Weyler's orders. But the first among them was the activist Manuel Timoteo de Hidalgo, married to Rizal's sister, Saturnina. At the end of September 1888, Weyler ordered Hidalgo to "change his residence" to Tagbilaran, Bohol. Hidalgo immediately communicated with Rizal by telegraph (through the expatriate of 1872, Jose Ma. Basa in Hong Kong) and by letter, sending him authorization to represent him in demanding his return to his home because of the illegality of the banishment.⁶

The basis of Rizal's demand need some explanation. The Spanish Laws of the Indies had long provided for the banishment to a fixed place of *vagamundos*, persons with no fixed residence or occupation, undesirable characters, many of them Spanish adventurers who came to live off the land at the expense of the Indians. In nineteenth century Philippines, especially with the increasing corruption of the judicial process and its endless delays, governors resorted to rather widespread use of this administrative means to resolve both criminal charges and political ones. In 1887 the Penal Code of the Peninsula was extended to the Philippines, as part of the general policy of assimilation espoused by a number of Spanish Liberals. Relying on the new Code, a number of prisoners with criminal cases due to be deported "to the islands of the South" — usually military garrisons in Balabac, Jolo, or southern Mindanao — appealed their cases to the Audiencia of Manila, on the grounds that the old provisions of the Laws of the Indies had been derogated by the new Penal Code. The Audiencia referred the case to the Overseas Ministry, from which a ruling finally came which, though it denied that general laws applying to the Philippines (such as the Laws of the Indies) were de-

5. Schumacher, *Propaganda Movement*, pp. 91, n. 40, and 224–25. See also Weyler's letter to the Overseas Minister, 12 January 1889, in the Archivo Histórico Nacional (AHN) of Madrid, Ultramar, leg. 2253, exp. 55.

6. Hidalgo-Rizal, 15 October 1888, 1 January 1889, *Ep. Riz.* 2:56–58, 95–96.

rogated by the new Code unless specifically mentioned, nonetheless it restricted the power of administrative deportation from provincial governors to the Governor-General, and required that prior *expedientes* of information from various local and provincial officials be drawn up and sent to the Overseas Ministry for review. However, the final resolution of the question was not yet complete when Hidalgo was ordered by Weyler at the end of September 1888 to transfer his residence to Tagbilaran within 15 days. Since neither Hidalgo nor Rizal were aware of the maintenance of the validity of administrative banishment under certain conditions despite the provisions of the Penal Code, it was on the grounds of a violation of the Code as such that the first letter of Rizal demanded the release of Hidalgo.⁷

The Minister at the time of Rizal's first letter was Trinitario Ruiz Capdepón. As a matter of fact, he did order inquiries to be made to Manila from Governor-General Weyler.⁸ But by the time that Weyler answered on 12 January 1889, there was a new Overseas Minister, Manuel Becerra, former Grand Master of the Masonic Gran Oriente de España, and reputedly friendly to Filipino aspirations.⁹ In April 1889 Rizal wrote the second letter, reproduced here, to Becerra. Very shortly thereafter — so shortly, in fact, that it seems that it could not have been the result of the letter — Hidalgo was allowed to return to Calamba.¹⁰ However, the freedom

7. The documents on the law on administrative banishment from the original appeal to its final resolution by the Overseas Minister are to be found in AHN, Ultramar, leg. 2308, exp. 24; and leg. 5360, exp. "Deportaciones." Since the decree finally establishing the general principles was dated 9 October, it would not have reached the Philippines until sometime in November, while Hidalgo was already on his way to Bohol. Moreover, Weyler in his letter of 12 January 1889 defended his action by saying that he had not imposed "deportación a las Islas del Sur" (i.e., the military garrisons of Mindanao and Sulu) to which the restrictions applied, but had merely ordered a *change of residence* ("cambio de residencia") to Tagbilaran. (Weyler-Ministro de Ultramar, AHN, leg. 2253, exp. 55.)

8. On the original letter of Rizal, there is a notation, evidently by an official of the Ministry, dated 23 October 1888: "Pidanse informes al G. G. de Filipinas sobre el hecho que refiere esta carta."

9. Becerra had resigned as Grand Master in 1886 when the Gran Oriente de España was split by dissensions. Out of the schisms, however, came the Gran Oriente Español, headed by Miguel Morayta, to which were affiliated the lodges "Revolución" in Barcelona and "Solidaridad" in Madrid, principally composed of the activist Filipinos. Morayta was in close relations with Becerra, as well as being the principal Spanish patron of the Filipino Propagandists. See Schumacher, *Propaganda Movement*, pp. 157–60, and the article on Filipino Masonry cited here.

10. On 7 May 1889 Del Pilar wrote to Rizal congratulating him on Hidalgo's return to his home (*Epistolario de Marcelo H. del Pilar*, 2 vols., [Manila: Imprenta del Gobierno, 1955–1958], 1:114). Rizal wrote on 16 May from Paris to his family, saying that they had written him from Spain that the return of Hidalgo to his home had already been

did not last long, since the following November, on the ground that he had had sufficient time to harvest his crops, the order for change of residence was renewed and put into effect on Christmas day. Apparently this time, however, Hidalgo managed, perhaps in hiding, to stay in Manila.¹¹

Rizal, informed by telegram, once more wrote to Becerra, in a letter which has not been found.¹² On receiving no answer, he wrote from Brussels the third letter reproduced here on 13 April 1890. The letter betrays the scarcely suppressed anger of Rizal; he cannot be said to be petitioning a favor, he was demanding justice — the resolution hoped for from Becerra was unequivocally equated with simple justice. Moreover, whether he made that decision would be the criterion of the rectitude of his conscience — “confiando en la rectitud de su conciencia y esperando una justa decisión.”

The previous year when Del Pilar and the Filipino organization in Madrid had been emboldened by the apparent favor of Becerra to present a petition for the absolute prohibition of administrative banishment, Del Pilar had urged Rizal to make use of his Masonic connections in France to exert influence on high-ranking Mason

ordered some time back (“hace ya tiempo”), and that he supposed that he was there by then (*One Hundred Letters of Jose Rizal to his Parents, Brother, Sisters, Relatives* [Manila: Philippine National Historical Society, 1959], p. 360). Since Rizal's letter to Becerra from Paris, dated 13 April 1889, had only been received in the Overseas Ministry on 24 April 1889, as may be seen from the ministerial stamp on it, it does not seem likely that the order would have gone out from Madrid to Manila and thence to Tagbilaran, and news of it have been received already by Del Pilar by 6 May, even if it was all done by telegraph, given the notorious slowness of the Spanish bureaucracy. Moreover, had the order actually come from Becerra, it would be surprising that Weyler would have ordered on his own responsibility a new banishment the following November.

11. In his letter of 28 November 1889, Hidalgo told Rizal that he had information that he was being banished again to Tagbilaran, and the Manila bookseller, Manuel Arias y Rodríguez speaks of it as a fact in a letter of 31 January 1890. However, though his wife Saturnina, in a letter of 2 June 1890, speaks of his having been banished from Calamba on Christmas day of 1889, neither here nor in her letter of 6 September 1890 does she speak of him as being in Bohol. Moreover all the letters of Hidalgo to Rizal from the time of his second banishment, — 31 December 1889, 1 April 1890, 18 December 1891 — even after the other members of the family had been banished to Mindoro or Jolo, are sent from Manila, where he explicitly says he is staying in that of 1 April 1890. The most likely explanation seems that though the banishment to Bohol was officially decreed, Hidalgo after coming to Manila went into hiding and managed to escape the execution of the sentence. (*Ep. Riz.*, 2:250, 265; 3:3, 33, 49, 100.)

12. *Ibid.*, 2:265. The existence of this first letter to Becerra can only be deduced from the fact that Rizal's letter of 13 April 1890 speaks of having written “hace cuatro meses,” evidently on receiving the telegram from Hidalgo in November that he was being deported again to Bohol. No copy exists in the *expediente* on Hidalgo's case.

Becerra to obtain their petition.¹³ Rizal had refused, declaring that he did not want "to owe the tranquility of the Philippines to anyone except to the forces of the country itself."¹⁴ It is in that spirit that the last letter in favor of Hidalgo seems to have been written; it was a *demand* which Becerra had no right to refuse if he wished to maintain his reputation as a man of honor and justice.

The demand went unanswered, and two months later the cabinet itself fell from power, dragging down with it all the hopes which Del Pilar had so enthusiastically, and Rizal so skeptically, placed on it.¹⁵ Weyler would continue his relentless pressure and the Rizals, their unbreakable resistance. Soon most other members of the family would follow the path of banishment to Mindoro or Jolo.¹⁶ Rizal came to Madrid to fight the case in Spain's highest tribunal, and took advantage of the opportunity to try to direct Filipino efforts more toward building up the spirit of united self-reliance and resistance both among themselves and their compatriots at home. Neither his published articles during this period nor his private letters show any evidence that he placed any hope in the continued political maneuvers of Del Pilar and his associates, and the break with Del Pilar in January 1891 should be seen more as the consummation of a decision envisaged months earlier and made firm by his disillusionment with Becerra. Even his judicial battle for his family he entrusted to a Madrid lawyer, and as soon as his *Filibusterismo* was published, he set his sights on home — it was in the Philippines that the struggle must be carried on, and it must be on themselves that the Filipinos must rely.¹⁷ The

13. Del Pilar-Rizal, 18 May 1889, *Ep. Riz.*, 2:175–76. The petition appears in *La Solidaridad* 1 (30 Abril 1889): 58; and in the *Epistolario de Marcelo H. del Pilar*, 1:103–04. Though the petition asked for various reforms, it was the point of administrative deportation that he was really aiming at, as his letter to Rizal emphasizes. From the context of the letter of Del Pilar cited in n.14, it is clear that he already counted on the help of the Spanish Masons led by Morayta. Rizal, however, had become a Mason in France.

14. Felipeno [Del Pilar]-Ikazama [Pedro Serrano Laktaw], 27 June 1889, *ibid.*, p. 192.

15. Schumacher, *Propaganda Movement*, pp. 141–58, 166–84. As early as the issue of 31 March 1890, Rizal had made publicly sarcastic remarks in an article in *La Solidaridad* to the effect that Becerra was long on promises and short on fulfillment. After Becerra's fall, he wrote an even more severe indictment, and when the Filipino colony in Madrid feted Becerra in December 1890 with a banquet, Rizal refused to attend. See "Filipinas en el Congreso," *La Solidaridad* 2 (31 Marzo 1890): 69–71; "Una esperanza," *ibid.* 2 (15 Julio 1890): 153–54.

16. AHN, Ultramar, leg. 2308, exp. 10, 20, 23; leg. 2253, exp. 58; and Schumacher, *Propaganda Movement*, pp. 224–25, 243.

17. *Ibid.*, pp. 225–35. On 27 January 1891 he authorized Don José Castro y Quesada

task ahead, as he put it through the lips of Padre Florentino in the closing pages of the *Fili*, was "to suffer and to work." As for freedom, "we must win it by deserving it, raising up reason and the dignity of the individual, loving what is just, what is good, what is great, even to the point of dying for it. When a people reaches these heights, God supplies the arms, the idols fall, the tyrants collapse like a castle of cards, and liberty shines forth with the first dawn."¹⁸

Rizal's progress from seeking Spanish cooperation for Filipino liberation to the point of turning his back on Spain to help his fellow-Filipinos build their own future, unflinching in the face of colonial injustice, has been traced in general lines before. The letters here presented help to mark out the definitive turning-point in that evolution, and fill in the gaps in tracing that process.

The originals are to be found in the Archivo Histórico Nacional in Madrid, Sección de Ultramar, legajo 2253, expediente 55. A microfilm copy is in the Rizal Library of the Ateneo de Manila University, reel 350. Peculiarities of accents have been maintained as in the original.

to exercise the powers-of-attorney that the various members of his family had sent him to represent them (AHN, Ultramar, leg. 2253, exp. 55, 58).

18. *El Filibusterismo*, pp. 283-84.

FIRST LETTER

Al Excmo. Señor Ministro de Ultramar

Excmo. Señor:

En la seguridad de que hechos parecidos al que voy á referir llegan difícilmente á sus oídos, me permito poner en su conocimiento lo siguiente:

El 13 del corriente recibí un telegrama de Hong Kong, en que se me participa que mi cuñado, D. Manuel Hidalgo iba deportado á la isla de Bohol.

D. Manuel Hidalgo, padre de familia, dedicado al cultivo del azucar en los varios terrenos que posee en los pueblos de Los Baños y de Tanauan, es una de las personas mas /2/ respetables tanto en la provincia de la Laguna donde reside, como en Batangas, la suya propia, por sus estudios, por sus conocimientos, por su posicion social y por haber desempeñado cargos oficiales.

Atentar á la libertad del individuo, destruir la paz del hogar, obligarle á abandonar familia é intereses son castigos gravísimos que suponen grandes delitos, examinados y juzgados debidamente por autoridades competentes. Mi cuñado no se encuentra en este caso, pues ni se han observado con él las leyes, ni se le ha formado causa.

Esto no sucede por primera vez, Sr. Ministro; y extraña mucho que el caso del Sr. Fabié, resuelto por V. E. tan pronto como ocupó el poder no haya servido de lección á los que gobiernan en nombre de las leyes de España.¹⁹ V. E. entonces, dicen, declaró que no había un punto en toda la Legislacion Española que autorizase el /3/ estrañamiento de ningun súbdito sin previa formacion de causa; y si V. E. no lo hubiese declarado así, como no existe nacion culta, ni gobernante civilizado ni ciudadano ilustrado que no piense y obre así, V. E. piensa y siente seguramente de esa manera. Pues bien, si mi cuñado D. Manuel Hidalgo ha delinquido, que se le procese, que se le permita la defensa, y que los jueces juzguen y apliquen el castigo, determinado por nuestras leyes.

Pero á lo que veo, aquí no hay mas crimen que el de ser cuñado mío, como no había mas crimen en tantos otros que en estos pocos meses fueron presos, incomunicados y atropellados, que el de haber leído un libro que yo escribí, que ha merecido la buena acogida de sociedades científicas extranjeras, y de

19. A Spaniard, Joaquín González Fabié, arrested in Mindoro on various criminal charges in 1886, after having been set free by the courts had been banished to Jolo by the governor. On Fabié's appeal to the Overseas Minister, Ruiz Capdepón, the banishment had been declared illegal and rescinded, on the ground that it was an invasion of the judicial sphere. The lawyer handling the case was Pedro Govantes, a Filipino of Spanish blood, to whom Rizal likewise entrusted the case of Hidalgo, attempting to have the decree of banishment lifted on the same ground, namely, that no informatory *expediente* had been drawn up. See AHN, Ultramar, leg. 2251, exp. 117; Rizal-Del Pilar, July 1889 and Govantes-Rizal, 2 February 1890, *Ep. Riz.*, 2:206-97, 282.

FIRST LETTER

To His Excellency, the Overseas Minister

Your Excellency:

In the certainty that facts such as I am going to recount would be unlikely to reach your ears, I am taking the liberty of making known to you the following:

On the 13th of the present month I received a telegram from Hong Kong, communicating to me that my brother-in-law, Don Manuel Hidalgo, was being deported to the island of Bohol.

Don Manuel Hidalgo is the father of a family, and engaged in raising sugar cane in the various pieces of land which he owns in the towns of Los Baños and Tanawan. Both in the province of Laguna, where he resides, and in that of Batangas, from which he comes, he is one of the persons most respected for his education, his knowledge, his social status, as well as for having held official positions.

To violate the liberty of the individual, to destroy the peace of the home, to oblige him to abandon his family and his business interests, are very grave punishments, which suppose the commission of grave crimes which have been investigated and condemned through due process by the competent authorities. The case of my brother-in-law is not such, for neither have they observed the laws in his case, nor have charges been brought against him.

This is not the first time that this has happened, Sir, and it is surprising that the case of Señor Fabié, resolved by Your Excellency as soon as you took power, has not served as a lesson to those who are governing in the name of the laws of Spain.¹⁹ At that time Your Excellency, I am told, declared that there was no point in the whole body of Spanish law which authorized the banishment of any subject without first bringing charges against him in court. And even if Your Excellency had not made this declaration, inasmuch as there does not exist any civilized nation or civilized ruler or enlightened citizen who does not think and act in this fashion, certainly Your Excellency thinks and feels that way. This being so, if my brother-in-law, Don Manuel Hidalgo, has committed a crime, let him be brought to trial, let him be permitted to defend himself, and let the judges pass sentence on his case and apply the punishment determined by our laws.

But as far as I can see, in this case there has been no other crime than that of being my brother-in-law, just as there was no other crime in the case of so many others who have been imprisoned, deprived of free communication, and had their rights violated in these past few months than the crime of having read a book written by myself which has merited a favorable reception for its truthfulness and objectivity from foreign scholarly organizations, and

muchos periódicos de la Península por su veracidad é imparcialidad.²⁰ Yo, Señor Ministro, á los cinco meses de publicado /4/ el libro y conocido en Filipinas, dejando Europa, me presenté allá, dispuesto á responder á cuantos cargos me hiciesen; permanecí seis meses, y nada han hecho ni en contra mia, ni en contra de mi libro, y solo ahora, ausente y en el Estrangero, á los 16 meses de la publicacion escriben folletos prohibiendo su lectura, persiguen á los lectores, á los miembros mas lejanos de mi familia, creyendo tal vez que por este vil medio me han de hacer desistir de mi firme propósito de procurar que España y Filipinas se conozcan, para mejor comprenderse, diciéndoles la verdad, porque solo de esta manera juzgo que progresará mi pais y no se malograrán los esfuerzos de la Madre Patria en cuantas reformas quisiese /5/ plantear. Si en esto hago mal, que dirijan sus venganzas contra mí, pero no contra inocentes, pues con semejante proceder no se ganan las simpatías de un pueblo que vé sus derechos todos hollados, ni el respeto de las naciones extranjeras que han de saber que aun en este siglo se usan por un gobierno que se llama culto y liberal, procedimientos que se registran solo en los anales de los pueblos bárbaros y de los tiranos.

El Señor Ministro juzgará estos hechos y hará lo que su conciencia le dicte; al ponerlos en su conocimiento me limito solo á pedirle, dicte las oportunas medidas para que el hecho se aclare, el abuso se /6/ corrija, haciendo que entiendan en el asunto las autoridades á quienes corresponde, haciendo de manera que las leyes se cumplan, para revivir en el pueblo la alta idea que debe tener del gobierno de la Madre Patria.

Esperando su resolucion, tengo el honor, Señor Ministro, de ofrecerme su atento servidor que bsm.

Excelentísimo Señor!

[signed] José Rizal

37 Chalcot Crescent
Primrose Hill N.W.
Londres

Al Excelentísimo Señor Ministro de Ultramar en Madrid.

20. Actually, the charges communicated by Weyler to the Overseas Minister consisted in Hidalgo's being a propagator of the ideas of Rizal and his writings (separatist ideas according to Weyler), and of stirring up the tenants of Calamba to resist payment to the hacienda. (Letter of 12 January 1889, AHN, leg. 2253, exp. 55.)

from many newspapers in the Peninsula.²⁰ Sir, five months after publishing the book and when it was already known in the Philippines, I left Europe and presented myself there, ready to answer any charges which might be made against me. I remained there six months, and they did not do anything against me or against my book. Only now, when I am absent abroad, 16 months after the book's publication, they write pamphlets forbidding it to be read, they persecute its readers, and the most distant members of my family. Perhaps they think that by this despicable means they can make me turn away from my firm purpose of procuring that Spain and the Philippines come to know each other so as to better understand each other, by telling them both the truth. For it is only in this fashion that I believe that my country will make progress, and that the efforts of the Mother Country in whatever reforms it may wish to introduce may not fail. If I act badly in doing this, let them direct their vengeance against me, but not against innocent people. For this type of procedure does not gain the sympathies of a people which sees all its rights trampled underfoot. Nor does it gain the respect of foreign nations who will know that even in this century a government which calls itself civilized and liberal uses procedures only registered in the annals of barbarian peoples and of tyrants.

It is up to you, Sir, to pass judgment on these facts, and to do what your conscience may dictate. In bringing them to your knowledge, I limit myself to asking you to order that the appropriate means be taken to clarify the fact, to correct the abuse, by making the authorities whose duty it is take notice of the matter, and to see to it that the laws are complied with. Thus you may revive in the people the lofty idea which it should have of the government of the Mother Country.

Awaiting your resolution of the matter, I have the honor, Sir, to offer myself as your obedient servant who kisses your hand,

José Rizal

37 Chalcot Crescent
Primrose Hill N.W.
London

To His Excellency, the Overseas Minister in Madrid.

SECOND LETTER

Excmo. Sr. Ministro de Ultramar

Excelentísimo Señor:

Hace mas de seis meses que, confiado en la alta justicia de su antecesor, he tenido el honor de escribir dos veces²¹ a ese Ministerio, pidiendo se le devuelva á su familia á mi cuñado D. Manuel Hidalgo, natural de la Provincia de Batangas, deportado á Tagbilaran, en la isla de Bohol, sin juicio ni proceso alguno, sin ninguna circunstancia que autorizase en los mas mínimo tan violento castigo.

Yo pedía entonces se aclarase el hecho por el Ministro de Ultramar, se le sometiese á mi cuñado á los Tribunales y le permitiese la defensa, si es que de algo estaba acusado, se obedeciesen y cumpliesen las leyes que prohibían todo destierro fuera del radio de la provincia misma donde habitaba el acusado. Yo entonces citaba las leyes y mencionaba el hecho ocurrido al Sr. Fabié, análogo al de mi cuñado, /2/ hecho reprobado y resuelto favorablemente por su antecesor.

Ahora vengo de nuevo, confiado aun en la honradez y justicia de los altos gobernantes y seguro de la tranquilidad de mi conciencia, á pesar de cuantas acusaciones y calumnias de mis enemigos, á dirigirme una vez mas al Ministro de Ultramar, convencido de que el alto criterio de V. E. no se deja influir de pasiones mezquinas, sino solo de los altos intereses de la justicia y del buen nombre de España, para que D. Manuel Hidalgo vuelva á su hogar en donde deja familia, campos é intereses, todos abandonados y perjudicados por tan incomprensible procedimiento.

No hay acusacion ninguna formal contra mi cuñado; la única que se sospecha es la de ser cuñado mio! Dejo á la consideracion de V. E. el apreciar si este solo hecho de ser cuñado mio autoriza para que se atropellen las leyes, las personas, se turbe la paz del hogar, se dejen huérfanos á cuatro niños, de los cuales el mayor no cuenta siete años, se abandonen los cultivos, y se compromete así a los ojos del pueblo el prestigio de un gobierno, porque, como sabe muy bien V. E., la vida y la fuerza de todos los gobiernos estriban en su amor á la justicia, á los ojos de los gobernados.

Mis enemigos me acusan de ser filibustero y anti-español, pero sus acusaciones no han podido jamas aparecer ante el público, ni fundarse sobre /3/ alguna razon, ni sostenerse cara á cara. Mis enemigos ignoran que excitando

21. Only one letter of Rizal to the Overseas Minister during the incumbency of Ruiz Capdepón appears in the *expediente*. It is possible that, if there was another and if it was

SECOND LETTER

His Excellency, the Overseas Minister

Your Excellency:

It is more than six months since, confiding in the lofty sense of justice of your predecessor, I had the honor to write twice²¹ to that Ministry, asking for the return to his family of my brother-in-law, Don Manuel Hidalgo, a native of the province of Batangas. He was deported to Tagbilaran in the island of Bohol, without any trial or judgment of any kind, without any circumstance which would in the least authorize such an outrageous punishment.

At that time I asked that the Overseas Minister clarify the facts, that my brother-in-law be submitted to the courts and be permitted to defend himself if he was accused of anything, and that the laws which prohibited all banishment outside the boundaries of the province in which the accused dwelt be obeyed and executed. At that time I cited the laws and mentioned the act done against Señor Fabié, similar to what was done to my brother-in-law, an act which was condemned and rectified favorably by your predecessor.

Now I come once again, still confiding in the probity and sense of justice of high government officials and sure of the tranquility of my conscience, in spite of all the accusations and calumnies of my enemies. I come to address myself once more to the Overseas Minister, convinced that your lofty discernment does not allow itself to be influenced by miserable passions, but only by the lofty interests of justice and the good name of Spain. Hence I ask that Don Manuel Hidalgo be permitted to return to his home, where he has left family, fields, and financial interests, all abandoned and suffering damage by such an incomprehensible manner of proceeding.

There is no formal accusation against my brother-in-law; the only one of which there is suspicion is that of being my brother-in-law! I leave to the consideration of Your Excellency to evaluate whether this sole fact of being my brother-in-law grants authorization to trample underfoot the laws and the persons, to disturb the peace of the home, to leave four children orphans of whom the eldest is not yet seven years old, and thus to compromise in the eyes of the people the prestige of a government. For as Your Excellency knows very well, the life and the strength of all governments, in the eyes of the governed, are founded on their love for justice.

My enemies accuse me of being subversive and anti-Spanish, but their accusations they have never been able to present before the public, nor to base on any reason, nor to sustain when confronted face to face. My enemies

not lost, it was not included in the file because inquiry had already been made to Manila on the receipt of the first letter. See note 8 above.

ellos, como excitan, á los gobernantes á cometer abusos y atropellos, son los primeros enemigos de España, son los filibusteros inconscientes que precipitan al gobierno á una funesta vía, donde pueda atraerse todas las antipatías populares, haciendo aparecer á los ojos del país, en vez de un gobierno protector, justo, amparo del débil y freno del fuerte, un gobierno tirano, opresor, caprichoso y del cual el país nada hay que esperar. El ilustre Escosura,²² Comisario Regio que visitó las Filipinas, hace muy bien notar, que "al pueblo Filipino había que tiranizarle mucho, para despertar en él ideas de rebelion." Esto es, Sr. Ministro, lo que hoy sucede por desgracia. Cada correo que llega, el telégrafo, nos traen noticias de nuevos y nuevos atropellos que mantienen despierto el espíritu y el terror popular!

Esperando una resolución y respuesta favorables de V. E. tengo el honor de ofrecerte con muy profundo respeto y consideración de V. E. (cuya vida Dios guarde) seguro servidor

q b s m.

Paris 13 de abril de 1889
45 Rue de Maubeuge

[signed] José Rizal

Excelentísimo é Ilustrísimo Señor Ministro de Ultramar.

THIRD LETTER

Excmo. Sr. Ministro de Ultramar

Excmo. Señor:

Hace mas de cuatro meses²³ que he tenido el honor de dirigirme á V. E., invocando su rectitud en el asunto de mi cuñado D. Manuel Hidalgo, deportado á Bohol por denuncias cobardes é informes secretos de ocultos enemigos, apesar de estar la provincia en perfecta tranquilidad y apesar de los buenos informes del gobernador de la misma, el Sr. Mompeon.²⁴ D. Manuel Hidalgo es padre de cuatro niños, agricultor, y sin proceso ninguno, sin formación de causa, sin ninguno de los requisitos mas elementales para

22. Patricio de la Escosura was sent as Royal Commissary to the Philippines in 1863-64. His memorial was published with a prologue by Francisco Cañamaque under the title *Memoria sobre Filipinas y Joló redactada en 1863 y 1864 por el Excmo. Señor D. Patricio de la Escosura* (Madrid: Manuel G. Hernández, 1882), and later reprinted at least once.

23. See note 12 above.

are unaware of the fact that in stirring up the authorities as they do, to commit abuses and outrages, they themselves are the first enemies of Spain, they are the unconscious subversives who are driving the government headlong down a fatal road. There it may draw on itself all the antipathies of the people, making it appear in the eyes of the country a tyrannical, oppressive, arbitrary government from which the country can hope for nothing, rather than one which protects it, is just, guards the weak, and restrains the strong. Escosura,²² the illustrious Royal Commissioner who visited the Philippines, noted very well that "one would have to tyrannize the Filipino people a great deal to awake in it ideas of rebellion." It is precisely this, Sir, which is unfortunately happening today. Every mail, every telegram, bring us news of more and more outrages which keep aroused with terror the spirits of the people.

Hoping for a favorable solution and reply from Your Excellency, I have the honor to offer myself with the deepest respect and regard for Your Excellency (whose life may God keep) as your dependable servant who kisses your hand,

Paris, 13 April 1889
45 Rue de Maubeuge

José Rizal

To His Excellency the Illustrious Overseas Minister.

THIRD LETTER

To His Excellency the Overseas Minister

Your Excellency:

It is now more than four months²³ since I had the honor of addressing myself to Your Excellency, invoking your uprightness in the affair of my brother-in-law, Don Manuel Hidalgo, who had been deported to Bohol because of cowardly accusations and secret reports of hidden enemies, even though the province was in perfect peace and despite the favorable reports of the provincial governor, Señor Mompeon.²⁴ Don Manuel Hidalgo is the father of four children and a farmer. To deprive a man of his home, of his family,

24. See Hidalgo-Rizal, 31 Diciembre 1889, *Ep. Riz.*, 2:266, where Hidalgo speaks of those who gave false testimony against him in the secret informatory process, and by implication signifies the report of the governor of Laguna, Don Juan Mompeón, (whom he calls "antifraile") as favorable.

privarle á un hombre de su hogar, de su familia, y de sus medios de subsistencia, invoca la enérgica intervencion de V. E. para poner fin á tan incalificable abuso!

Habiendo esperado todo este tiempo, creyendo que V. E. había pedido razon de semejante proceder á Manila, y no habiendo hasta ahora tenido el honor de merecer de V. E. una contestacion, sospecho que mi anterior peticion ha ido á otras manos, pues no es /2/ posible deje V. E. de usar conmigo, por insignificante que pueda ser mi persona, de la urbanidad que usa con todos y de la justicia que caracteriza todos sus actos.

Reitero, pues, mi peticion: que se aplique la ley, que se haga justicia. V. E. que ha llevado á aquel pais tan útiles reformas, V. E., que ha llevado allá el Código Civil como complemento del Código Penal ya existente, no podrá permitir se eludan de esa manera las leyes, y ordenará la vuelta al hogar de mi cuñado D. Manuel Hidalgo, procesándosele, si es culpable, y permitiéndole defenderse ante los tribunales. V. E. que vela por la suerte de tantos millones de individuos, indefensos y desheredados, comprende la estricta justicia de esta peticion, que los gobernantes no pueden ni deben negar al último de los súbditos de su nacion. No pedimos gracia, no pedimos que se eluda la ley, sino que se cumpla.

Confiando en la rectitud de su conciencia y esperando una justa decision, Dios guarde á V. E. muchos años.

Bruselas 13 de Abril de 1890

38 Rue Philippe de Champagne

[signed] José Rizal

Excelentísimo Señor Ministro de Ultramar
En Madrid

and of his means of support without any trial, without drawing up any indictment, without any of the most elementary legal requirements, calls for the forceful intervention of Your Excellency to put an end to such an unspeakable abuse!

After waiting all this time in the belief that Your Excellency had asked from Manila for the reason behind such a manner of proceeding, and not having had up to the present the honor of meriting an answer from Your Excellency, I suspect that my earlier petition has passed to other hands. For it is not possible that Your Excellency should fail to show me, however insignificant my person may be, the courtesy which you show to all, and the justice which characterizes all your acts.

Hence, I repeat my petition: let the law be applied, let justice be done. Your Excellency, who has brought to that country such useful reforms, who has brought there the Civil Code as a complement to the already existing Penal Code, cannot permit that the laws be evaded in that fashion. You will surely order that my brother-in-law, Don Manuel Hidalgo, be returned to his home, bringing him to trial if he is guilty, and permitting him to defend himself before the courts. Your Excellency, who watches over the lot of so many million individuals, defenseless and deprived of their rights, understands the strict justice of this petition, which those who govern cannot and ought not deny to the least of the subjects of their nation. We do not ask for a favor; we do not ask to evade the law, but that it be executed.

With confidence in the rectitude of your conscience and awaiting a just decision, may God keep Your Excellency many years.

Brussels, 13 April 1890
38 Rue Philippe de Champagne

José Rizal

To His Excellency, the Overseas Minister in Madrid.