

*Big Fish in Small Ponds: The Exercise of Power in a Nineteenth-century Philippine Municipality*¹

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The basic administrative unit in the Spanish Philippines was the *pueblo* or municipal township. The *pueblo* encompassed both settled and unsettled districts within its geographical boundaries. The town centre known as the *población* was the largest single residential zone within the municipality but was surrounded by smaller satellite communities. Beyond these areas of settlement were the sparsely populated regions of swamp, forest, plain or mountain. Size varied enormously both in geographical extent and population density from a few hundred families clustered in a single village or *barangay* in frontier areas to many tens of thousands of persons spread over a number of settlements in the lowland provinces of Luzon and the central Visayas.² The administrative boundaries of one *pueblo*, however, bordered upon another so that all areas under Spanish suzerainty fell within one or other of these municipalities.

The municipality exhibited in microcosm the same power structure

¹ This article is based on a paper delivered at the Asian Studies Association of Australia's 8th Biennial Conference at Griffith University, Queensland, between 2 and 5 July 1990.

² Onofre D. Corpuz, *The Bureaucracy in the Philippines* (Manila: University of the Philippines Press, 1957), 108. 'In this class of towns the most notable are the following: Tondo, with 13,424 souls; Binondoc, 22,570; Tambobo, 21,378; Pasig, 14,465; Malolos, 19,655; Vigan, 17,320; Pavay, 14,840; Lavag [Laoag], 25,242; Bacarra, 13,064; Balayan, 18,631; Taal, 23,526; Banan, 17,438; Batangas, 19,566; Cabatuan, 17,359; Xaro, 14,911.' Manuel Bernaldez Pizarro, 'Reforms needed in Filipinas', Madrid, 26 April 1827, in Emma Blair and James Alexander Robertson (eds), *The Philippine Islands, 1493–1898* (Mandaluyong: Cacho Hermanos, 1973), 51: 198–9. Steps were only begun during the 1830s to create new municipalities but many continued to be in excess of 20,000 even in the 1880s. Montero y Vidal recorded three *pueblos* in excess of 30,000 inhabitants: Laoag (Ilocos Norte) 36,639; San Miguel (Bulacán) 34,672; and Bauang (Batangas) 33,106. José Montero y Vidal, *El Archipiélago Filipino Y Las Islas Marianas, Carolinas Y Palaos. Su Historia, Geografía Y Estadística* (Madrid: Imprenta Y Fundición De Manuel Tello, 1886), 322.

as that of the colonial state. The pueblo constituted more than simply a political-administrative division: it also denoted both judicial and police jurisdictions and its area frequently corresponded to that of an ecclesiastical parish. The pacification of the Philippines was largely attributable to the evangelical endeavour of the regular orders whose missions often became parish churches and subsequently the sites of civil administration. There were 746 parishes in 1898 as compared to approximately 725 municipalities.³ The dual nature of the pueblo as both secular and spiritual seat of Spanish power was expressed in the stone and mortar of the población's principal buildings. The main square usually contained both the *Casa Tribunal*—the courthouse and seat of political, judicial and police functions—as well as the *convento* and church, the symbol of ecclesiastical authority.

The exercise of power in these communities mainly depended on access to either municipal or ecclesiastical office. The source of an individual's influence was either directly attributable and designated by a recognized office, or attributable but exceeding the authority designated by a recognized office, or unofficial and not directly attributable or designated by any recognized office. Even in this latter case, however, access to a recognized office was frequently a determining factor: nepotism depended on kinship relations with public officials; the ownership of capital was largely invested in the same social elite as those who held responsible municipal positions; even the bandit was often employed or depended upon the protection of local office bearers. Many individuals, of course, exercised more than one form of influence at any given moment. This paper will examine the exercise of power in a nineteenth-century Philippine municipality from the perspective of this typology: the authority of the municipal magistrate and, to a lesser extent, the parish priest was attributable and designated by the offices they held; the influence of their respective clerks and assistants exceeded any designated authority they held on account of their office; and, finally, the power of nepotism as manifested by the priest's mistress and family represented an unofficial source of authority. The paper will conclude by tracing the development of the village policeman from a mere adjunct of civil

³ There were 746 parishes, 105 mission parishes and 116 active missions in 1898 distributed between the five dioceses: 219 parishes, 24 mission parishes and 16 active missions in Manila; 166 parishes, 15 mission parishes and 32 active missions in Cebu; 144 parishes, 23 mission parishes and 33 missions in Jaro; 110 parishes, 20 mission parishes and 35 active missions in Nueva Segovia; and 107 parishes, 17 mission parishes and 17 mission parishes in Nueva Caceres. Pablo Fernandez, *History of the Church in the Philippines (1521-1898)* (Manila: National Book Store, 1979), 42-3.

authority until his emergence as a power base in his own right during the late nineteenth century with an influence disproportionately greater than those designated by virtue of his office.

The most senior civil official in a Philippine municipality whose authority was directly attributable to and designated by a recognized office was the *gobernadorcillo*. This official exercised both judicial and executive powers and was at one and the same time both judge and local administrator.⁴ The *gobernadorcillo* was an indigenous official elected on a limited franchise from among the local oligarchy and possessed both civil and criminal jurisdiction at the municipal level.⁵ He was vested with authority to settle all civil cases arising between *indios*, Chinese *mestizos* and Chinese that did not exceed 44 pesos, while his jurisdiction in criminal matters was limited to petty crimes involving less than ten days' imprisonment or a fine of five pesos.⁶ He was also charged with investigating all criminal offences committed within his municipality in the first instance and with delivering an initial report to the provincial judge within four days.⁷ His duties as municipal administrator included the supervision and allocation of corvée labour, the maintenance of public buildings and services, and

⁴ The *gobernadorcillo* was assisted by a number of subordinate officials drawn from families of the same social status as himself who exercised limited authority over certain aspects of municipal affairs. The *cabeza de barangay* whose jurisdiction was restricted to a particular village and the *jueces de sementeras*, *ganados* and *policia* who were responsible respectively for boundary disputes, the branding of livestock and police matters.

⁵ Election of municipal officials during the nineteenth century took place under article 79 of the *Ordenanza de Buen Gobierno* of 26 February 1768 and subsequent amendments. In the presence of the provincial governor or his delegate and the parish priest, twelve electors chosen by chance—six from among the incumbent *cabezas de barangay* and six from among former *gobernadorcillos* or *cabezas de barangay* of ten years' service—together with the presiding *gobernadorcillo* each cast a ballot on which was written the names of two candidates. A list or *terna* was then prepared comprising the names of the two candidates who had received the most votes with that of the present *gobernadorcillo* in third position. These names were then forwarded to the Governor-General who usually confirmed in office the first candidate on the terna. See: Manuel Artigas, *El Municipio Filipino. Compilación de cuanto se ha prescrito, e historia municipal de Filipinas desde los primeros tiempos de la Dominación Española* (Manila: Establecimiento Tipo-Litográfico de Ramirez y Compañía, 1894, segunda edición), 11–12.

⁶ Where their numbers warranted, mainly in Manila and other large population centres, separate *gremios* existed for both Chinese *mestizos* and Chinese. In such cases, members of these communities could appeal to have their suits tried by the *gobernadorcillo* of their own *gremio*, a procedure which gave rise to overlapping jurisdictions.

⁷ A further extension of eight days was granted if required. Diego de los Monteros Espinosa, *El Procedimiento Criminal. Compilación de disposiciones sobre enjuiciamiento en Filipinas* (Manila: Imprenta Litografía Partier, 1897), 65–6.

the construction and repair of bridges and roads. The *gobernadorcillo* also acted as the local agent of the *Hacienda*, responsible for the collection of tribute, proceeds from the sale of indulgences and exemption fees from personal service obligations. He also exercised direct control over the deployment of the local police force.⁸

The diverse duties of the *gobernadorcillo* provided many opportunities for self-enrichment and the evidence suggests that many misused their wide executive, administrative and judicial powers for their own benefit. But in a real sense the *gobernadorcillo* had little alternative. The inordinate liability incurred as an agent of central government, the huge financial responsibility of providing municipal services and the total inadequacy of municipal funding left the indigenous official with little recourse but to pilfer, bribe and embezzle to save himself from financial ruin, degradation and imprisonment. 'In other words,' wrote Cushner, 'the *gobernadorcillo*, who represented the central government on the village level, was reduced to practice fraud in order to support the ordinary running of village affairs.'⁹

The municipal official had recourse more to deceit and speculation rather than intimidation and extortion to achieve his ends. The reason

⁸ Juan Caro y Mora, *La Situación del País. Colección de artículos publicados por "La Voz Española" acerca de la insurrección tagala, sus causas principales, cuestiones que afectan a Filipinas* (Manila: Imprenta de "Amigos del País", 1897), 81-2, and Corpuz, *Bureaucracy in the Philippines*, 106-7. The attributes and duties of the office of *gobernadorcillo* were formidable. The following extract is taken from the formal document of appointment issued by the Governor-General in which the *gobernadorcillo* was charged '... with the necessary obligation of effectively ensuring that the town residents attended mass on days of holy obligation and observed the doctrine and yearly obligations of our Holy Mother Church, concerning which particular he will aid the parish priest; that there are no prohibited games, drunkenness, scandals or other public disturbances, maintaining the town in peace and justice; that no one uses weapons without a license; that everyone dedicates themselves to agriculture, or crafts and business, without permitting idleness or bad entertainments; that they raise cows, carabaos, horses, pigs, sheep, goats, chickens and other useful animals, and plant rice, wheat, maize, vegetables, sugarcane, coffee, pepper, cotton, indigo, white mulberry trees, cacao, coconuts and other fruit trees, as is advised by ordinances and repeated orders of the Governor-General: finally it will be one of their primary responsibilities to care for the maintenance of the high-roads and public ways, zealously repairing them or immediately reconstructing those that have been destroyed, to which he will strictly oblige all the town's inhabitants, both *indios* and *mestizo*, to work at in the terms that are so ordered: he will hear civil suits, according to the laws, and the same with criminal matters. He will observe what is ordered about security and the branding of livestock without delay, and pursue all types of thieves until caught. He will attend to the prompt and faithful collection of tributes and other taxes of the Royal Treasury, as well as local community funds...'. Caro y Mora, *La Situación del País*, 81-2.

⁹ Nicholas P. Cushner, *Spain in the Philippines* (Quezon City: Ateneo de Manila University Press, 1971), 218.

for this was twofold. In the first place, the presence in village society of the parish priest, often a Spanish friar, could never be overlooked. The priest was himself an agent of the Crown with extensive quasi-executive and administrative functions and unassailable moral authority, who acted as a check on the activity of indigenous officials. In the second place, there was a natural tendency on the part of *governadorcillos* to hide their corrupt practices from a state that was itself a principal victim of their activities. In comparison to the provincial governor who might brazenly extort money from those within his jurisdiction, the *governadorcillo* was more likely to be short-changing the central government and had need to be more circumspect.

The control and regulation of labour, the provision of services and the collection of taxation provided the *governadorcillo* with important sources of unofficial revenue. *Corvée* labour could be allocated according to the dictates of private or commercial interests, while prisoners represented an additional source of cheap labour available for hire.¹⁰ Exemptions from labour service, guard duties or military conscription proved a rich source of funds.¹¹ The obligation to provide travellers with suitable accommodation and fare for the night could always be turned to the advantage of local officials who fixed the price of such services, while money raised from the use of public amenities was difficult to trace.¹² Taxation was yet another area open to abuse: tributes collected in kind were undervalued or subject to dishonest measurements, additional taxes were often levied, or sometimes the money was blatantly sequestered.¹³ Furthermore, these practices were

¹⁰ Edilberto de Jesus, *The Tobacco Monopoly in the Philippines. Bureaucratic Enterprise and Social Change, 1766-1880* (Quezon City: Ateneo de Manila University Press, 1980), 120; Eliodoro Robles, *The Philippines in the Nineteenth Century* (Quezon City: Malaya Books, 1969), 82; and Cushner, *Spain in the Philippines*, 218.

¹¹ De Jesus, *Tobacco Monopoly*, 120, and Robles, *The Philippines*, 83. It seems that people were prepared to pay municipal officials to have the names of relatives or even servants removed from the list of those eligible for military conscription. Both the *governadorcillo* and a *cabeza de barangay* of the town of Barás in Morong were fined ninety and sixty pesos respectively for this offence in November 1888. See: 'Es muy delicado', *El Comercio*, 14 November 1888.

¹² Charges, it seemed, might be levied for crossing a bridge or erecting a stall in the market place. Cushner, *Spain in the Philippines*, 218, and Robles, *The Philippines*, 84.

¹³ De Jesus, *Tobacco Monopoly*, 120. Sinibaldo de Mas noted the practice in 1842 whereby *cabezas de barangay* demanded the additional payment of 'the stipend of the father', a religious tax that could amount to six *gantas* of rice per person, after the sum had already been included in what had previously been paid. Sinibaldo de Mas, 'State of the Philippine Islands in 1842', in Blair and Robertson (eds), *The Philippine Islands*, 28: 250. Miguel Casia Julian, *cabeza de barangay* of Narvacan in Ilocos Sur,

often supplemented by illicit trading activities. Gobernadorcillos frequently acted as the local commercial agents of provincial governors or were tempted to engage in ventures of their own, especially in frontier zones where they defied the law and carried on a lucrative trade with hill tribes.¹⁴ Funds so raised not only covered the deficit incurred by municipal government but gave ample opportunity for personal gain.

Local awareness of the gobernadorcillo's commercial interests and extortion practices did little to convince people of the impartiality of Spanish justice. Charges of impropriety were either unsubstantiated or dealt with in a manner that only highlighted the injustice inherent in the judicial system. Fear of retribution acted as a major deterrent to pressing charges against municipal officials or members of the local *principalia*. While investigating frauds in connection with the Tobacco Monopoly in Cagayan during 1831, José Ferrer found that indios were reluctant to give evidence against members of the *principalia* for fear of provoking reprisals.¹⁵ Cases involving official misconduct were theoretically heard in the first instance by the *Real Audiencia* but, in practice, most complaints were dealt with by the *alcalde mayor* in his capacity as provincial magistrate.¹⁶ Thus, cases appeared before a judge who was often the same man for whom the gobernadorcillo acted as commercial agent! Appeals to the Real Audiencia in Manila

was accused in 1855 of having his bondsman and agent collect tributes from certain persons who were not officially domiciled at all. 'Sumaria instruida contra el Cabeza de Barangay, Dn. Miguel Casia Julian sobre ocultacion de tributos por denuncia de Dn. Prospero Veloria', 3 Jan. 1856, Philippine National Archive (PNA), *Expedientes Gobernativos*, 1841-91.

¹⁴ Robles, *The Philippines*, 81, and de Jesus, *Tobacco Monopoly*, 119.

¹⁵ José Ferrer, 'Expediente en que se trata de promover las siembras de Cagayan hasta el grado de perfección posible; formar un reglamento que fije las respectivas funciones de los empleados de aquella colección y medios que pueden ponerse en planta para evitar en lo sucesivo las vejaciones á que han expuestos los naturales de dicha provincia por varios de sus colectores...', Pieza 2^a, 1831, PNA, *Tobacco Monopoly*.

¹⁶ Cases involving the misconduct of Spanish officials were originally heard in the first instance by the Governor-General with appeals to the *Real Audiencia* and subsequently to the Council of the Indies, but a law of 9 October 1812 gave jurisdiction for cases involving provincial magistrates to the high court in the first instance. Charles Henry Cunningham, *The Audiencia in the Spanish Colonies. As Illustrated by the Audiencia of Manila (1583-1800)* (Berkeley: University of California Press, 1919), 101-2. Complaints brought by individuals against magistrates were not admissible without sufficient corresponding evidence to substantiate the charges. The judge in question could not be suspended from his duties until the merits of the case had been determined by the high court, nor arrested unless the gravity of the case should demand such a course of action. 'Estudios Juridicos Filipinos: Audiencias', *El Comercio*, 11 September 1886. Needless to say, heavy penalties were imposed on those

were seldom successful: the tribunal had few facilities to investigate independently a case and was usually forced to refer the matter back to the provincial level for further information.¹⁷ Faced with the absurdity of bringing a case before an official who was both the judge, the local chief of police and a defendant in the matter, most people decided to defer making any complaint until the investigation that followed the end of an administrator's term of office.

While the Church as an institution was on the defensive during most of the nineteenth century, the power exercised by the parish priest was as pervasive as ever. His authority was directly attributable and designated by his office in some respects but also exceeded it in many others. The steps taken progressively by the state to expand its control over provincial and municipal administration and to delimit the extent of ecclesiastical jurisdiction over society, far from diminishing the influence of the priest in his parish, merely served to redefine his role. Administrative reforms during the second half of the century gave rise both to a new class of semi-professional official and to a need for local supervisory bodies able to co-ordinate and regulate their actions. Vaccinators, teachers, policemen and tax collectors were representative of the former, while boards of public works, health, revenue and education constituted some of the latter. The presence of the parish priest on these new boards more than compensated him for his loss of status as sole Spanish resident in the pueblo. The testimony of Fr. Juan Villegas before the Philippine Commission in 1901 reveals the extent of the parish priest's influence over municipal affairs. Apart from his purely spiritual responsibilities, the parish priest was also: president of the health board, the board of charities, urban taxation, public works, statistics, and census taking; censor of the municipal budget and arts written or performed in indigenous languages; inspector of primary schools and examiner of scholars; municipal councillor and member of the provincial board; and electoral supervisor of the local constabulary.¹⁸

making unsubstantiated charges. Cunningham, *The Audiencia*, 121.

¹⁷ Corpuz, *Bureaucracy in the Philippines*, 99.

¹⁸ While Fr. Villegas refuted the notion that priests exercised direct political or civil functions under the Spanish Crown in their parishes, he admitted that they did wield actual authority in many ways:

'The following may be mentioned as among the principal duties or powers exercised by the parish priest: He was inspector of primary schools; president of the health board and board of charities; president of the board of urban taxation (this was established lately); inspector of taxation; previously he was the actual president, but lately the honorary president, of the board of public works.

He certified to the correctness of cedulae—seeing that they conformed to the entries

The authority of the parish priest was also partly derived from the exercise of quasi-judicial powers. The judicial function of the parish priest in the nineteenth century was technically confined to purely minor ecclesiastical matters relating to Church rights and property, the exercise of sacerdotal office within the locality and the granting of dispensations from fasting or eating certain foods.¹⁹ The real extent of the priest's authority, however, depended upon his ability to

in the parish books. They did not have civil registration here and so they had to depend upon the books of the parish priest. These books were sent in for the purpose of this cedula taxation, but were not received by the authorities unless viséed by the priest.

He was president of the board of statistics, because he was the only person who had any education. He was asked to do this work so that better results could be obtained. It was against the will of the parish priest to do this, but he could only do as he was told. If they refused, they were told they were unpatriotic, and not Spaniards. If they had declined, they would have been removed from their charge. He was president of the census taking of the town.

Under the Spanish law every man had to be furnished with a certificate of character. If a man was imprisoned and he was from another town, they would send to that other town for his antecedents, and the court would examine whether they were good or bad. They would not be received, however, unless the parish priest had his visé on them. The priest also testified to the civil status of persons.

... By law he had to be present when there were elections for municipal offices. Very often the parish priest did not want to go, but the people would come to him and say, "Come, for there will be disturbances and you will settle many differences". He was censor of the municipal governor. A great many of the duties I am now enumerating were given to the priests by the municipal law of Maura.

He was also counselor for the municipal counsel [*sic*] when that body met. They would notify him that they were going to hold a meeting and invite him to be present. The priests were supervisors of the election of the police force. This also had to be submitted to the provincial governor.

He was examiner of the scholars attending the first and second grades in the public schools. He was censor of the plays, comedies and dramas in the language of the country, deciding whether they were against the public peace or the public morals. These plays were presented at the various fiestas of the people.

He was a member of the provincial board. Besides the parish priest there were two curates who served on this board. Before the provincial board came all matters relating to public works and other cognate matters. All estimates for public buildings in the municipalities were submitted to this board . . . In some cases the parish priests in the capitals of the provinces would act as auditors. In some of these places there would be only the administrator [of the Hacienda], and then the curate would come in and act as auditor.

Besides the above there were other small things which devolved upon the priest.'

'Testimony Taken by the Philippine Commission Relating to Religious Orders' in U.S. Senate, *Lands Held for Ecclesiastical or Religious Uses in the Philippine Islands*, Doc. No. 190, 56th Congress, 2nd Session, 25th February 1901 (Washington: Government Printing Office, 1901), 63-71.

¹⁹ Matias Gomez Zamora, *Regio Patronato Español Y Indiano* (Madrid: Imprenta Del Asilo De Huerfanos, 1897), 510.

denounce a person as morally or politically suspect and thus have him deported without trial or sentence to an agricultural colony on Mindanao or some other island. The priest, wrote Foreman, 'had simply to send an official advice to the Governor of the province, who forwarded it to the Governor-General, stating that he had reason to believe that the persons mentioned in the margin were disloyal, immoral, or whatever it might be, and recommend their removal from the neighbourhood'.²⁰ The parish priest of Ybaan and his coadjutor threatened their parishioners in 1881 'to have all those who didn't support them sent to Jolo'.²¹ Nor did priests hesitate to exercise their authority in this respect: six out of the seven residents of Cavite El Viejo mentioned in the 1870 index of suspect characters in Cavite province were denounced by men of the cloth.²²

The Laws of the Indies expressly forbade priests from imprisoning, confiscating, fining or condemning people to forced labour without civil authorization.²³ Yet parish priests frequently disregarded such injunctions. 'The point most worthy of consideration', wrote Pablo Francisco Rodriguez de Berdozido in 1742, 'is the subordination and reverence which these natives maintain towards their religious teachers, permitting the latter to flog them, impose penance on them, and rebuke them, when they incur blame in any omissions or faults, without their being offended at the minister.'²⁴ Such practices certainly continued well into the nineteenth century. The parish priest of Tagudin in Ilocos Sur was denounced in 1835 for the excessive use of corporal punishment. Over three hundred parishioners including the chief of police had been either flogged or slapped for the 'slightest shortcomings'.²⁵ The parish priest of Baligasag in Misamis was accused of whipping a choir boy so severely in May 1864 that he took

²⁰ John Foreman, *The Philippine Islands* (Mandaluyong: Cacho Hermanos, 1985), 205.

²¹ Antonio Rojas *et al.* to Governor-General, Manila, 15 Feb. 1881, PNA, *Patronatos*, 1864-98.

²² Mariano Riponga to Governor of Cavite, Cavite El Viejo, 21 Feb. 1870, PNA, *Cavite*, unreferenced.

²³ Laws 4, 6, 7 and 10, Title 10, Book 1 and Law 12, Title 7, Book 1 of the *Recopilacion de las Leyes de Indias*.

²⁴ Pablo Francisco Rodriguez de Berdozido, 'The ecclesiastical estate in the afore-said Philipinas islands', Manila, 1742, in Blair and Robertson (eds), *The Philippine Islands*, 47: 156.

²⁵ William Henry Scott, 'Colonial Whip: A Filipino Response to Flogging in 1835', in *Cracks in the Parchment Curtain and Other Essays in Philippine History* (Quezon City: New Day Publishers, 1982), 158.

shelter in the *Casa Tribunal*.²⁶ Women, too, were not exempt from physical abuse. Lt Charles Wilkes describes an incident he witnessed in 1842 involving a young girl accused of breach of promise. 'She was accordingly brought up before the padre . . . The padre first lectured her most seriously upon the enormity of her crime, then inflicted several blows on the palm of her outstretched hand, again renewing the lecture, and finally concluding with another whipping.'²⁷ The parish priest of Guimbal was accused in 1852 of beating various women on their arms and body with a rattan cane, including a woman seven months pregnant!²⁸ Sometimes, such floggings could have fatal consequences. The death of Don Andres Cabuniang, an *anciano* (elder) and *capitan pasado* of Tiaon in Tayabas, was directly attributed to the beating inflicted upon him two years earlier at the instigation of the parish priest.²⁹

Any person who crossed the wishes of the parish priest ran the risk of making himself and his family the targets of sacerdotal ire. Quite apart from the quasi-judicial power at his disposal, the priest's moral authority within the community endowed him with a social sanction that he could use both to disgrace and humble parishioners in the eyes of their peers and neighbours. Women and children seem to have been especially susceptible to this form of influence. A woman accused of stealing from the convento in Baligasag was forced to mount a carabao tethered at the door of the church and to remain thus in the public gaze throughout high mass. Young boys were left to stand in the midday sun while adolescent girls were made to perform the unpleasant task of mixing river sand with lime.³⁰ An example might even be made of an entire community: the parishioners of Paete in Laguna had their heads shaved on the instruction of the priest after the townspeople admitted falsely accusing the previous incumbent in 1831.³¹

²⁶ Alfredo Campos to Governor-General, Manila, 19 Feb. 1865, PNA, *Patronatos* 1864-67.

²⁷ Lt Charles Wilkes, 'Narrative of the U.S. Exploring Expedition', in *Travel Accounts of the Islands (1832-1858)* (Manila: Filipiana Book Guild, 1974), 60.

²⁸ 'Quejo de los del pueblo de Guimbal en Iloilo contra su Cura Fr. Ramon Alvarez', PNA, *Patronatos*, 1851-63.

²⁹ Alfredo Campos to Governor-General?, Manila, 1 Aug. 1861, PNA, *Patronatos*, 1860-61.

³⁰ Alfredo Campos to Governor-General, Manila, 19 Feb. 1865, PNA, *Patronatos*, 1864-67, and 'Quejo de los del pueblo de Guimbal', PNA, *Patronatos*, 1851-63.

³¹ 'Expediente creado, á solicitud de los Prales. del Pueblo de Paete de la Provincia de la Laguna, manifestando ser nulos los excesos atribuidos a su Cura Parroco Fr. Jose Casamayor, y que asi mismo sea restituido á su Ministerio', Paete, 4 May 1831, PNA, *Patronatos*, 1830-48.

Frequently a priest was tempted to abuse his public position for his own private ends. He might force his parishioners to pay an additional tithe ostensibly for repairs to parish buildings, a town fiesta or the purchase of some religious relic but then use the money for other purposes. The parishioners of Binangonon complained that no priest had presented the accounts for the local brotherhood of St Francis for the past thirteen years and that the funds raised to defray specific costs such as the annual fiesta and the monthly processions held in honour of the patron saint had been spent instead on church ornamentation.³² Some parish priests were known to have disappeared with substantial amounts of local and municipal funds. 'Within my recollection too', wrote Foreman, 'a friar absconded from a Luzon island parish with a large sum of parochial funds, and was never heard of again. The late parish priest of Mandaloyan and Iba did the same.'³³

Labour, too, proved another commodity open to misappropriation. Pedro Vertiz, appointed *Intendente Corregidor* of Cebu in 1786, described the types of personal services exacted by priests from their parishioners. Men were needed for the construction and maintenance of parish buildings and to row the boat. Women were required for general cleaning duties and to husk the rice. Anybody might be sent to catch fish or made to serve in the kitchen. Even boys from the parochial school were made to cut grass for the padre's horses.³⁴ Similar practices certainly continued well into the nineteenth century. Two women made to erect posts for fifteen hours at a stretch in the parish of Baligasag in Misamis subsequently moved their place of residence as neither wished to continue serving in the convento. The same priest forced *polo* labourers to build a house for his mistress after they had already fulfilled their personal service requirements repairing the church.³⁵ Sometimes, priests became directly involved in commercial transactions within their parishes despite repeated papal injunctions to the contrary.³⁶

³² 'Oficio del Provincial de San Francisco, pidiendo se apruebe la correccion que ha dada al R. P. Fr. Jose Soto Cura P. del pueblo de Binangonon de Bay provincia de la Laguna', 10. Nov. 1852, PNA, *Patronatos*, 1851-63.

³³ Foreman, *The Philippine Islands*, 203.

³⁴ The relation of Vertiz was written in 1788 as quoted in Cushner, *Spain in the Philippines*, 125.

³⁵ Alfredo Campos to Governor-General, Manila, 19 Feb. 1865, PNA, *Patronatos*, 1864-67.

³⁶ Urban VIII's breve *Ex debito* of 22 Feb. 1633 threatened clerics engaged in trading anywhere in the East Indies, China and Japan with excommunication, deprivation of office and a ban on public speaking. Similar penalties were applied by

The respective status of civil and ecclesiastical officials in the municipalities is exemplified in the revised Ordinances of Good Government issued by Don José Raón on 26 February 1768. Ordinance 87 admonished the provincial governors to ensure that *gobernadorcillos* were treated respectfully by parish priests and 'not allow the latter to lash, punish or maltreat them, nor leave them standing, or cause them to leave the baton at the street door when they go to see the father curas'.³⁷ Yet, municipal officials were often treated in a manner more befitting servants than civic dignitaries. The *principales* of Bacnotan in La Union were reportedly abused and insulted by their parish priest in 1858 for failing to remove their hats on his arrival at the convento.³⁸ Those municipal officials who had the temerity to complain of the manner in which they were treated often had to face the wrath of their parish priest. Don Anastasio Guzman, capitan pasado of Moriones in Tarlac, was physically assaulted by his parish priest after the local *principales* had complained of the latter's conduct to the diocesan authorities in 1890. An eyewitness account described how the infuriated priest rose from his seat 'like a Wolf pouncing on a Lamb', grappled poor Guzman round the neck and rained down blows on his defenceless body.³⁹

The 1768 Memorial of Governor Simon de Anda y Salazar complained that: 'it is a well-known fact that no *gobernadorcillo* of Indians carries out any mandate of the president, Audiencia, or alcalde without the permission of the religious father'.⁴⁰ The increas-

Clement IX's breve *Solicitud* of 17 June 1669, Benedict XIV's *Apostolica servitutis* of 25 Feb. 1741 and Clement XIII's *Encicliele cum primum* of 17 Sept. 1759. A priest did not even have to be personally involved in a commercial venture to become associated with one in popular imagination; the actions of family members wishing to capitalize on his social status in the community was often sufficient to condemn him in the eyes of both his parishioners and his superiors. Thus, Fr. Placido was deprived of his parish on Capiz and forced to retire to the provincial house of his order in Manila in 1857 on account of the business irregularities of his brother, Captain D. Telesforo de Alba. The court found Fr. Placido to be more at fault even than his brother because of the nature of his office and recommended that he 'should become the principal defendant, since the reported offences, were said to have been committed in his house and with his compliance'. Pedro Lacambre to Governor-General, Manila, 14 July 1857, PNA, *Patronatos*, 1759-1859.

³⁷ José Raón, 'Ordinances of Good Government', Manila, 26 Feb. 1768, in Blair and Robertson (eds), *The Philippine Islands*, 50: 257-8.

³⁸ Pedro Lacambre to Governor-General?, Manila, 15 July 1858, PNA, *Patronatos*, 1759-1859.

³⁹ 'Contra Fray Buenaventura Y., Padre Misionero de Mariones Sobre Faltas', 19 Aug. 1890, AAM, *Asuntos Criminales*, Box 1887-1895 and 1930, File 1890B.

⁴⁰ Simon de Anda y Salazar, 'Memorial to the Spanish Government', Madrid, 12 April 1768 in Blair and Robertson (eds), *The Philippine Islands*, 50: 151.

ing bureaucratization of the colonial administration during the early and mid-nineteenth century did not materially affect the subordinate status of municipal officials to the parish priest. The recent election of a sacristan as *governadorcillo* prompted the *principales* of Guimbal in Iloilo to complain in 1852 that their parish priest had repeatedly intervened in local affairs for the past seven years to ensure his dependants assumed municipal office.⁴¹ Even the administrative reforms of the late nineteenth century left the parish priest with the right to vet the moral character of all candidates for municipal office. The *governadorcillo* in the Moriones incident was described as an 'intimate friend' of the priest who had used his position to frustrate a previous attempt to complain of the latter's conduct.⁴² It was clearly the opinion of the U.S. administration that the parish priest was the most significant municipal official under the Spanish regime. 'He becomes,' according to the 1900 Report of the Philippine Commission, '...in virtue of his personal authority, influence, and training and by reason of the multifarious functions which he discharges, the most potent factor in the government of the municipalities.'⁴³

Yet beneath the visible structure represented by the parish priest in the *convento* and the *governadorcillo*, in the *Casa Tribunal* existed another, more shadowy level of administration whose existence is scarcely acknowledged in the official histories of the period. The *directorcillo* in the smaller municipalities, the court clerk and notary in the larger *pueblos*, and their ecclesiastical counterpart, the *fiscalillo*, functioned at the interface of the colonial state with the indigenous population and it was these officials who were largely responsible for the day-to-day practice of power under Spanish administration. While the source of these officials' influence was attributable to recognized offices, the authority they exercised far exceeded any designated by such positions.

The increasing complexity of colonial legislation during the course of the nineteenth century made it imperative that *governadorcillos* be

⁴¹ 'Quejo de los del pueblo de Guimbal', PNA, *Patronatos*, 1851-63. No less than four petitions were addressed to the *vicario foraneo* in 1852 (one in Feb., on 24 March, on 19 April and on 7 Sept.) and a letter to the Governor-General dated 1 Dec. 1852. The clerical faction in municipal elections is discussed at some length in: Glenn May, 'Civic Ritual and Political Reality: Municipal Elections in the Late-19th-Century Philippines', in *A Past Recovered* (Quezon City: New Day Publishers, 1987), esp. 40-51.

⁴² 'Contra Fray Buenaventura Y.' (see fn. 39).

⁴³ *Report of the Philippine Commission to the President January 31 1900* (Washington: Government Printing Office, 1900), I: 62.

literate in Spanish. However, many municipal magistrates continued to possess the most rudimentary language skills, making the employment of someone who could speak, read and write Spanish a necessity. The directorcillo was often either an ex-student who had failed to complete his university studies or a former non-commissioned officer in the army.⁴⁴ Known colloquially as a *papelista*, this official was employed by the gobernadorcillo at a minimal salary as his secretary and clerk. In practice, it was the function of the directorcillo to handle all municipal business transacted in Spanish, including official reports, replies to government orders and all communications with Europeans. But the influence of the directorcillo extended well beyond the ill-defined nature of his duties, allowing him to act as an intermediary between the townspeople and the gobernadorcillo. The directorcillo 'exercises a total influence on all affairs', wrote Montero y Vidal, 'making use of which, he sometimes commits abuses which the gobernadorcillo must tolerate, since here are towns where it would certainly be impossible to find someone else to replace him, through lack of knowledge of the Spanish language, all of which rebounds to the discredit of good government in the towns and also to the prestige of the Government'.⁴⁵

Court clerks and notaries, on the other hand, formed the foundation of the legal profession in the Philippines and were regarded with contempt by Filipino and Spaniard alike. The avarice of the court clerk, in particular, was legendary and only matched by his disregard for justice. For a price, it was said, he would falsify official documents, tamper with statements or render evidence invalid. 'If the magistrate be supposed incorruptible,' wrote an anonymous English traveller,

his notaries and clerks (*escribanos* and *escribientes*) are not so; and from their knavery, declarations are often falsified, or one paper is exchanged for another whilst in the act or before signing them. To such an extent does this exist, that few Indians even of those who can read Spanish tolerably, will sign a declaration made before a magistrate without threats, or without having some one on whom they can depend, to assure them they may safely do so. Nor is this to be wondered at, when it is known that declarations on which the life or fortune of an individual may depend are left, often for days, in the power of writers or notaries, any of whom may be bought for a doubloon.⁴⁶

The problem was twofold. In the first place, the men who occupied

⁴⁴ Corpuz, *Bureaucracy in the Philippines*, 113.

⁴⁵ Montero y Vidal, *El Archipiélago Filipino* (see fn. 2), 165-6.

⁴⁶ 'Remarks on the Philippine Islands, and on their capital Manila, 1819 to 1822. By an Englishman', in Blair and Robertson (eds), *The Philippine Islands*, 51: 94-5.

these positions were not appointed on merit but actually purchased their office, sometimes at public auctions where the post simply went to the highest bidder. Many were consequently unfit for employment of this nature and some were reputedly the domestic servants of presiding magistrates.⁴⁷ Few were willing to make such an investment without expectation of substantial returns, a problem which the lack of regular remuneration only compounded. Instead of a salary, court clerks charged civil litigants an assortment of fees based on services rendered. Criminal cases were supposedly performed without any recompense. The office of notary was even more lucrative. Literally every step in Spanish legal procedure involved the presentation of some form of written documentation, all of which had to be sworn to before a notary before being accepted by a court. Naturally, such a system was prey to the most blatant forms of abuse as clerks and notaries '... sought what they needed by recourse to illegal and reprehensible means trafficking with justice'.⁴⁸

The fiscalillo was an ecclesiastical official introduced into the Philippines from Mexico during the late sixteenth or early seventeenth century.⁴⁹ His ostensible duties combined those of a sacristan with those of 'a kind of deacon without orders'. But the real influence of the fiscalillo in his community reflected that of his master, the parish priest, and encompassed spiritual, clerical and most certainly disciplinary matters. The functions of fiscalillos often merged with that of the *magbapaheus* (literally ones who call on Jesus) in the more remote settlements far from the centres of population. These latter were a group of specially trained local residents who visited the sick with pious exhortations and devotional prayers and who helped the dying make a 'good death' in the absence of a priest.⁵⁰ Even in the towns and larger villages, the fiscalillo was charged with certain religious educational duties to do with catechetical instruction.⁵¹ Their more clerical duties pertained to those of sacristan and religious secretary. They were entrusted with the care and handling of sacred vessels and vestments, arranging the ornamentation of churches and

⁴⁷ *Ibid.*, 95.

⁴⁸ Caro y Mora, *La Situación del País*, 133.

⁴⁹ John Leddy Phelan, *The Hispanization of the Philippines. Spanish Aims and Filipino Responses 1565-1700* (Madison: The University of Wisconsin Press, 1959), 59. The Spanish often shortened the term *fiscalillo* to *fiscal* but I have chosen to employ only the former title so as to avoid confusion with other officials of the latter nomenclature.

⁵⁰ *Ibid.*, 83.

⁵¹ Vicente L. Rafael, *Contracting Colonialism. Translation and Christian Conversion in Tagalog Society under Early Spanish Rule* (Ithaca and London: Cornell University Press, 1988), 40.

the organization of patronal festivals in the villages. They also played a significant role in marriages: entering the names of men and women wishing to marry in the parochial register; advising the priest on the degree of consanguinity among couples; reading the banns at the beginning or end of masses; and often providing their homes as neutral ground on which the question of free choice in matrimony could be investigated.⁵² While these various spiritual and clerical duties were considered largely uncontroversial, civil authorities objected strongly to the *fiscalillos*' assumption of disciplinary powers.

Fiscalillos were not only the moral guardians of their villages but they also often acted as ecclesiastical beadles or constables. *Fiscalillos* admonished irregular behaviour in the community, checked that parishioners had valid reasons for not attending mass and saw to it that people obeyed Christian tenets in their daily lives. They also acted as the priest's henchmen, inflicting corporal punishment or other penances on those sentenced by the parish priest.⁵³ While the Crown tried to curtail their power in this respect, *fiscalillos* continued to act as intermediaries between the Spanish priest and his indigenous congregation throughout the seventeenth and eighteenth centuries, cushioning him from performing tasks that might otherwise have detracted from his sacerdotal office.⁵⁴

References to corporal punishment imposed by parish priests are not infrequent during the nineteenth century but no mention is made as to who actually inflicted these punishments. But there can be little doubt as to the continuing influence of *fiscalillos* within their community. As the priest's adviser on all local matters, they provided what information might be required on the character and reputations of parishioners.⁵⁵ Suspect or dubious villagers were reported to the priest who might then denounce them as suitable for deportation to the civil authorities. Traditionally, the office of *fiscalillo* was held by members of the *principalia*. 'The duty of inflicting this punishment',

⁵² Serapio Famayo y Pascual, *Idea general de la Disciplina Eclesiastica en Filipinas durante la dominacion española* (Manila: Establecimiento Tipográfico del Colegio de Santo Tomás, 1906), 81, fns. 3 and 4, 90, fn. 3, and 90-1.

⁵³ Horacio de la Costa, *The Jesuits in the Philippines, 1581-1768* (Cambridge: Harvard University Press, 1961), 479.

⁵⁴ Cushner, *Spain in the Philippines*, 79. Another ecclesiastical official with disciplinary powers was the lay administrator of the religious estates. Employees who absconded were subjected to corporal punishment and imprisonment supposedly within special estate prisons. Roth states that this practice had disappeared by the close of the eighteenth century. Dennis Morrow Roth, *The Friar Estates of the Philippines* (Albuquerque: University of New Mexico Press, 1977), 54-5, 59 and 72.

⁵⁵ Famayo y Pascual, *Idea general de la Disciplina Eclesiastica*, 90, fn. 3.

wrote a Jesuit missionary in 1682, 'is committed to two vergers or beadles who are high born natives of great standing in the community, who take care of the mission house by turns and who are also charged with supervising the affairs of the community and seeing to it that everyone lives in a manner worthy of his Christian profession.'⁵⁶ Such was still the case in rural areas during the nineteenth century. The fiscalillo especially empowered to arrest Seberina Candelaria for consorting with a diabolic familiar in 1808 was a *teniente pasado* of the municipality of Obando, while Famayo y Pascual refers to persons holding that office as 'honourable' at the close of the century.⁵⁷

Quite apart from gobernadorcillo, the parish priest or their secretaries or assistants, there were other individuals who exercised power in a municipality that was not directly attributable or designated by any recognized office. Close ties to someone who held a position of authority whether in the civil or ecclesiastical hierarchy often conferred a measure of influence in the local community. These bonds might be ones of kinship, marriage or even *de facto* relationships such as in the case of the priest's mistress. Some priests found it difficult to respect their vows of celibacy in parishes removed from the seat of diocesan authority or away from the discipline of their order. Many of the relationships formed between priests and local women were enduring, long-term unions, similar to morganatic marriages. The priest might either live quite openly with his spouse and their children in the convento or his family would be installed in a conveniently located near-by house.⁵⁸ Father José Soto and his mistress were apparently living together quite openly 'without bashfulness or secrecy' in the convento of Binangonom in Laguna during 1852. The couple and their children were to be seen walking up and down the

⁵⁶ Andreas Mancker to Constantin Schiel, Manila, 1682, as quoted in de la Costa, *Jesuits in the Philippines*, 468.

⁵⁷ 'Causa seguida contra Seberina Candelaria de Obando por Sociedad con un Diablo Familiar', AAM, *Asuntos Criminales*, Box 1808-1819, File 1801-1811A, and Famayo y Pascual, 81, fns 3-4. The situation in Manila and other urban centres may have been somewhat different: neither of the fiscalillos involved in the invalid marriage of a certain Domingo de la Concepcion with Hipolita Yn-Dingco in 1847 appear to have enjoyed particularly high social status, though both were evidently literate. Roberto Vocal was described as a 36-year-old married indio born in Binondo, while Marcos Flores was 27 years old and married. Neither name was preceded by the title don. 'Sumaria instruida contra Domingo de la Concepcion sobre el casamiento que contrajo en segundas nupcias con Hipolita Yn-Dingco, mediando entre ellos el impedimento de adulterio', Binondo, 28 June 1847, AAM, *Asuntos Criminales*, Box 1846-1855.

⁵⁸ Robert MacMicking, *Recollections of Manilla and the Philippines during 1848, 1849, and 1850* (London: Richard Bentley, 1851), 99-100.

town's streets or 'sitting from time to time in the shops, brazenly, perhaps as if the sacrilegious cord was a matrimonial bond, and looking at everyone with the most cold indifference'.⁵⁹ The mistress of the parish priest of Baligasag in Misamis also lived in the convento while the friar had a house built for her in 1865.⁶⁰ Catalina, the morganatic wife of the parish priest of Ybaan in Batangas, could be found at the convento at all hours of the day or night and was known to have passed the night there on occasions.⁶¹

The position of these women poses some intriguing questions about the nature and extent of their own and their families' influence in the municipality. Some priests' mistresses were evidently personages of considerable importance in local affairs. The mistress of Fr. José Soto was the right person to see about organizing baptisms, marriages, funerals and most Church matters in Binangon.⁶² The same Catalina of Ybaan in Batangas used her influence to have Bartolome Perez with whom she had quarrelled denounced to the civil authorities and deported as a suspicious character.⁶³ Other women misused their position to flout the law or make a profit: the sisters Petrona and Cesaria Villamin, the morganatic wives of Don Francisco Rosales, coadjutor of Ybaan, were known to run a gambling house 'with the indulgence of the local authority', while the mistress of Fr. José Soto was implicated in illegally trading in rice and lime.⁶⁴ The children of such unions often came to occupy positions of considerable social status. Foreman recounts how he personally knew the son of the late parish priest of Malolos who was a lawyer in the 1890s; the two sons of the late parish priest of Baliuag in Bulacán, one who was a doctor and the other a planter; and the daughter of an archbishop who could often be seen on the *Paseo de Santa Lucia*. 'I was closely acquainted', he continued, 'and resided more than once, with a very mixed-up family in the South of Negros Island. My host was the son of a secular clergyman, his wife and sister-in-law were the daughters of a friar, my host had a son who was married to another friar's daughter, and a

⁵⁹ 'Oficio del Provincial de San Francisco' (see fn. 32).

⁶⁰ Alfredo Campos to Governor-General, Manila, 19 Feb. 1865, PNA, *Patronatos*, 1864-67. The priest was said to visit her residence frequently at night between the hours of six and nine o'clock and to dance with her on feast days.

⁶¹ Antonio Rojas *et al.* to Governor-General, Manila, 15 Feb. 1881, PNA, *Patronatos*, 1864-98.

⁶² 'Oficio del Provincial de San Francisco' (see fn. 32).

⁶³ Antonio Rojas *et al.* to Governor-General, Manila, 15 Feb. 1881, PNA, *Patronatos*, 1864-98.

⁶⁴ *Ibid.*, and 'Oficio del Provincial de San Francisco' (see fn. 32).

daughter who was the wife of a foreigner. In short, bastards of the friars are to be found everywhere in the Islands.⁶⁵

The emergence of the village policeman as an independent agent able to exercise authority in his own right altered the binary nature of the power structure within a municipality during the course of the nineteenth century. The responsibility for law and order was initially entrusted to a locally raised force known as *cuadrilleros* who were recruited from among the young men conscripted for military service.⁶⁶ Cuadrilleros operated in squads of seven men under the overall command of a captain who was directly responsible to the *gobernadorcillo*. The woeful inadequacy, however, of this force to deal with the security problems posed by army deserters, prison escapees, vagrants and especially bandits was sufficiently alarming by the middle of the nineteenth century to prompt the government to create an essentially military force known as the *guardia civil*.⁶⁷ Sections of this force were deployed at strategic locations throughout Central Luzon, North and South Luzon, and the Central and Eastern Visayas between 1868 and 1880.⁶⁸ It was these sections of between approx-

⁶⁵ Foreman, *The Philippine Islands*, 202-3.

⁶⁶ Certain provinces of the Philippines were exempted from the rules governing the number of troopers. Provincial authorities in the provinces of Cagayan, Isabela, Nueva Ecija and La Union were allowed to keep *cuadrillero* numbers to the barest minimum so as to maximize the manpower engaged in tobacco growing. On the other hand, Visayan authorities were empowered in consultation with the Governor-General to maintain numbers in excess of the eighty troopers permitted per town to help combat Moro depredations.

⁶⁷ *Reglamento para la organización, régimen y servicio de la Guardia civil de las Islas Filipinas* (Manila: Imprenta Militar, 1868), vii-viii. Colonial officials were also concerned that the peasants' perception of personal insecurity was hampering agricultural production and effectively closing off some areas to cultivation.

⁶⁸ The first *tercio* covering the provinces of Central Luzon (Manila province, Cavite, Laguna, Batangas, Tayabas, Pampanga, Nueva Ecija, Bulacán and Pangasinan) was deployed in 1868; the second covering the provinces of North and South Luzon (Zambales, Bataan, Tarlac, Union, Ilocos Sur, Ilocos Norte, Abra, Nueva Vizcaya, Isabela, Cagayan, Camarines Sur, Camarines Norte and Albay) was deployed in 1872; and the third covering the Central and Eastern Visayas (Iloilo, Capiz, Antique, Cebu, Negros and Baratoc Viejo) was deployed in 1880. As of 1887, the strength of each *tercio* amounted to 1,170 men in the first *tercio*, 1,300 men in the second *tercio*, 1,040 men in the third *tercio*. *Exposición de Filipinas: colección de artículos publicados en el Globo: diario ilustrado, político, científico y literario* (Madrid: Establecimiento Tipográfico de El Globo, 1887), 154-5. The first *tercio*, for instance, was divided into eight companies and stationed accordingly: 1st company of 150 men in Manila province, 2nd company of 150 men in Manila province, 3rd company of 100 men in Pampanga, 4th company of 90 men in Cavite, 5th company of 140 men in Nueva Ecija and Pangasinan, 6th company of 140 men in Laguna and Tayabas, 7th

imately 20 and 35 men who formed the basic operational unit of the guardia civil within municipalities.⁶⁹ Commanders reported only to their immediate superiors who ultimately reported directly to the Captain-General. Municipal officials were expressly denied any authority to interfere with the personnel, administration, discipline or 'military movements' of the force.⁷⁰

The guardia civil gradually replaced cuadrilleros as the effective police force in many municipalities throughout the archipelago during the last decades of the nineteenth century. Cuadrilleros were increasingly relegated to support and guard duties while the guardia civil assumed the primary role in the pursuit of criminals. The responsibility for law and order within the pueblo largely passed out of the hands of municipal authorities and came to reside in the section and company commanders of the guardia civil who often favoured draconian methods. Worcester recounts an interview he had with a former officer in the guardia civil who told him: 'that having had *tulisanes* (bandits), whom he had been at much trouble to capture, released on several occasions, he changed his policy. Thereafter, while bringing them in, he ordered his men ahead, saying that he would watch the prisoners, and as soon as the soldiers were out of sight, got two of the worst rascals in line and put a bullet through them—reporting to his men, who of course came running back, that they had tried to escape.'⁷¹ According to the *ley fuga*, police were acting within their authority in shooting down anyone trying to escape custody. Nor does it seem really coincidental in the light of Worcester's observation that many a famous bandit was reportedly shot while attempting such an escape. The famous Panay bandit, Lazaro Cadolingara, was shot down in a field by his guardia civil escort on the way to the provincial

company of 100 men in Bulacán and the 8th company of 130 men in Batangas. 'Cuadro organico de la fuerza del tercio de Guardia civil' (see fn. 67), Appendix.

⁶⁹ The eight companies of the first tercio of the Guardia Civil were divided into sections accordingly: 1st company into 5 sections of 30 men on average; 2nd section into 6 sections of 25 men on average; 3rd company into 4 sections of 25 men on average; 4th company into 30 men on average; 5th company into 6 sections of approximately 23 men on average; 6th company into 6 sections of approximately 23 men on average; 7th company into 4 sections of 25 men on average; and the 8th company into 4 sections of approximately 33 men on average. 'Cuadro organico de la fuerza del tercio de Guardia civil', *Reglamento para la organización* (see fn. 67), Appendix.

⁷⁰ 'Reglamento Para El Servicio Especial De La Guardia Civil', articles 1 and 5, ch. 2, in *Reglamento de la Guardia civil* (Manila: Imprenta Amigos del Pais, 1880), 19–22.

⁷¹ Dean C. Worcester, *The Philippines: Past and Present* (New York: Macmillan Company, 1914), I: 378–9.

capital for trial in 1890.⁷² Five years later on the same island, the bandit chief Simeon N. was likewise killed while attempting to escape from the custody of the guardia civil. Simeon, it seems, was notorious for his many successful jail breaks and only shortly before his death had made good his escape from the prison of Potótan.⁷³

The lack of accountability to civil authorities encouraged the guardia civil to become a law unto themselves within municipalities. The police were supposedly constrained from entering private dwellings in pursuit of criminals without a warrant but many arrests made by the guardia civil were the result of extensive house-to-house searches known as *requisas domiciliarias*.⁷⁴ Similarly, section commanders of the guardia civil increasingly exercised the right to act on information received and arrest people without prior recourse to a magistrate.⁷⁵ The *denuncia reservada* or confidential denouncement permitted an informant to remain anonymous and, on receipt of such information, police were able to act without any prior legal formalities, merely turning over those arrested to the local magistrate after questioning.⁷⁶ Such legal safeguards as there were held little sway outside of the principal towns and cities. Effective municipal power in rural areas increasingly became concentrated in the hands of the local police commander during the last decades of the century.⁷⁷ 'The *guardia civil*', wrote Worcester,

had jurisdiction over all sorts of violations of laws and municipal ordinances.

⁷² 'Un malhechor', *El Eco De Panay*, 25 Feb. 1890.

⁷³ 'Criminal Famoso', *El Eco De Panay*, 27 July 1895.

⁷⁴ *Alcaldes* of the *hermandad* had been accorded such rights as early as 1476. Colin M. Maclachlan, *Criminal Justice in Eighteenth-Century Mexico. A Study of the Tribunal of the Acordada* (Berkeley: University of California Press, 1974), 11.

⁷⁵ Such as when a certain Sotero attempted to rape Catalina Lopez as she was walking in a *barrio* of Laspiñas de Manila on 17 June 1880. Catalina made good her escape and ran to the house of the settlement's *teniente de justicia* who immediately took her before the local section commander of the Guardia Civil. The latter registered her complaint and then dispatched a pair of guards to arrest Sotero. 'Violación Tentativa', PNA, *Varias Provincias*, Cavite.

⁷⁶ Just such an example occurred on the afternoon of 2 August 1887. The sergeant commanding a section of the Guardia Civil in or near Vigan in Ilocos Sur received a *denuncia reservada* that an illegal game of *monte* was taking place at the house of a certain Antonio Fabio. Immediately acting on this information, the sergeant led a detachment of guards to the house where, while still a short way off, he witnessed various individuals leaping from the windows and terraced roof of Fabio's house. The householder was arrested and questioned before being turned over to the courts. Captain José Capdepon to Civil Governor of Ilocos Sur, Vigan, 3 Aug. 1887, PNA, *Guardia Civil*, 1864-98.

⁷⁷ Theodore Grossman, 'The Guardia Civil and its Influence on Philippine Society', *Archiviana*, Dec. 1972, 6.

They made reports upon which were based the appointment of municipal officers, the granting of licences to carry firearms, and the determination of the loyalty or disloyalty of individuals. They were vested with extraordinary powers . . . The *guardia civil* could arrest on suspicion, and while the Spanish government did not directly authorize or sanction the use of force to exhort confessions, it was not scrupulous in the matter of accepting confessions so obtained as evidence of crime, nor was it quick to punish members of the *guardia civil* charged with mistreatment of prisoners.⁷⁸

Power in a Philippine municipality was exercised on at least three different levels. The source of an individual's influence was either directly attributable and designated by a recognized office such as in the case of the *gobernadorcillo* or parish priest, or attributable but exceeding the authority designated by a recognized office as in the case of the *directorcillo* and *fiscalillo*, or unofficial and not directly attributable or designated by any recognized office such as in the case of the priest's mistress. Office itself was dependent on access to either the executive-judicial or ecclesiastical hierarchies. However, the transformation of the village policeman from a mere subordinate of the civil administration to membership of a militaristic force receiving its orders directly from the Captain-General undermined the essentially binary nature of authority in the municipality. The *gobernadorcillo*, in particular, found many of his powers usurped and much of his authority thwarted by the local section commander of the *guardia civil*. Increasingly, during the last decades of the nineteenth century, Spanish colonialism was left dependent upon an uneasy alliance of the scapular and the carbine, the Church and the police.

⁷⁸ Worcester, *The Philippines: Past and Present*, I: 378.