

Human Rights and Justice Issues in the 16th Century Philippines

James Loreto C. Piscos, Ph.D.
San Beda College

Abstract: *In the 16th century Philippines, the marriage of the Church and the State was the dominant set-up by virtue of Spain's quest for colonization and evangelization. Civil administrators and church missionaries were called to cooperate the will of the king. In most cases, their point of contact was also the area of friction because of their opposing intentions.*

The early Spanish missionaries in the 16th century Philippines were influenced by the teachings of Bartolome de Las Casas and Vitoria that ignited them to confront their civil counterparts who were after getting the wealth and resources of the natives at the expense of their dignity and rights.

Since the King showed interest in protecting the rights of the Indians, Churchmen used legal procedures, reports and personal testimonies in the Royal Court to create changes in the systems employed in the islands. The relationship between the Spaniards and the natives cannot be reduced to a monolithic relationship between the two races. The power dynamics should be viewed within the plethora of groups who were engaged in the discourse including the bishop of Manila, governor-general, encomenderos, adelantados, soldiers, religious orders, native leaders and even the common indios. Given the canvas of conflicting motives, the proponents of conquests and missionary undertakings grappled to persuade the Spanish Royal Court to take their respective stand on the disputed human rights and justice issues on the legitimacy of the conquest, tributes, slavery and forced labor.

Keywords: *Justice, Human Rights, Evangelization, Colonization, Bishop Domingo Salazar, Bartolome de Las Casas, Vitoria, Legitimacy of the Conquest, Tribute, Slavery, Forced Labor, Church, Encomenderos*

Introduction

The issues of human rights and extra judicial killings have been lingering the contemporary Philippine society. There are news about police brutalities and disappearance of individuals be it due to drugs or petty crimes. The Human Rights

Watch World Report in 2017 revealed that an estimated 4800 people were killed and the number is increasing (Human Rights Watch World Report 2017).

Human rights and justice issues are not new topics since even during the beginnings of evangelization and colonization in the country these were much debated between the conservative Spanish civil authorities who wanted to get their needed booties and wealth, and the progressive religious leaders defending the oppressed natives.

In the 16th century Philippines, the marriage of the Church and the state was the dominant set-up by virtue of Spain's quest for colonization and evangelization. The opposing lines of colonization and evangelization converged in the quest for dominance. Both civil and ecclesiastical administrators were called to cooperate the will of the king. Their point of contact was also the area of friction.

The justice issues associated with colonization and evangelization disturbed the conscience of many Spaniards since it was wrought with violation of human dignity and rights. The Church had to find convincing arguments to refute the invasion of the islands and to assuage their scrupled conscience. In the midst of finding justification and purpose of the two-edged sword of colonization and evangelization, the clash of powers was inevitable among the key figures in the Church and the State.

The Influences of Francisco Vitoria and Bartolome de Las Casas

The 16th century church evangelizers in the Philippines were advocates of justice who were developed from the changing intellectual landscape in Europe. Most of them were followers of the popular fighter for human rights, Bartolome de Las Casas (b. ca. August 1474; d.ca.17 July 1566), and the progressive professor and theologian at the University of Salamanca, Francisco Vitoria (b.1486; d.12 August 1546).¹

Most early missionaries came from the University of Salamanca, and were trained through dialogues, discussion and conferences from the two great masters. The memorials and letters from those working in the New World updated them with

¹Donovan, "Las Casas Bartolome" ELAH Vol. 3, 1996, p. 385.

rich source of information concerning the issues and problems in the New World.²

The first debated subject that affects the issue of justice was the universal dominion of the Pope in the whole world. The conservatives argued that the papacy had direct jurisdiction over the infidels for he was considered to possess universal temporal authority. This was used to justify the conquest in the New World where the Pope attributed political authority to the King over those territories. A manifesto was read before waging a war stating that the king of Spain, by the gracious concession of the Pope, Lord of the earth, was the right Lord of those countries.³

Vitoria was considered as the father of international law because he visualized the whole area of international relations within ethical boundaries, and urged political leaders to act in accordance with what is morally right. For him, mutual dealings among states should be based on the code of laws and in the light of ethics.¹ This means that he acknowledged the character of civil power as complete and perfect in itself, self-sufficient, independent and directed to its own immediate purpose. It should be distinct from the spiritual authority of the Church, an idea that was contrary to the authors of the medieval times who thought of political society and public power as a mere property or under the ministry of the Holy See.⁴

In the University of Salamanca, every year a theology professor should give an extra lecture for two hours on any problem of public concern as part of the statutes ordained by the institute. This was referred to as “Relecciones” meaning readings. Vitoria was a prima (senior) professor in this university from 1526 to 1546. The records showed that Vitoria had 13 Relecciones. However, what caught the attention of scholars were the two readings that pointed to the conquest in America which stirred controversies in the Royal Court of Spain. These were the De Indis I or Prior (1537/38) and De Indis II or De Jure belli (1538/39).⁵

De Indis Prior examined the illegitimate title of the pope as having universal temporal authority as well as the authority

²Gutierrez, Domingo Salazar, 2001, pp. 10-11.

³Munoz, Vitoria and Conquest of America, 1938, p. 71.

⁴Cabezon, An Introduction to Church and State Relations According to Francisco Vitoria, 1964 p. 23.

⁵Burkholder, “Vitoria, Francisco de”, ELAHC Vol.5 1996 p. 429.

to conquer the lands owned by the natives. De Jure belli on the other hand expounded the theory of war, its cause, means and results.⁶

Ironically, a number of progressive students who will later become missionaries embraced the ideas presented by the great master of Salamanca. The advocates for justice and human rights in the New World affirmed Vitoria's arguments. In 1537 this was shown when the bishop of Mexico Juan de Zumarraga, a Franciscan wrote to the emperor asking to study the problems faced in the new lands and desired that the king would send the disciples of Vitoria to help establish the university he was planning to erect.

In response, the emperor wrote two letters to Vitoria, one on 31 January 1539 and the other in April of the same year. On the first letter, the king asked Vitoria to gather other scholars and deliberate the matter raised by Zumarraga.⁷ In his next letter, the emperor requested him to choose twelve learned persons to be sent to the New World.

The influence of Vitoria's ideas was widespread. It served as "beacons of light for many missionaries and evangelizers to guide their troubled conscience." Most of his dedicated disciples sailed to the New World to plant the said liberating ideas.⁸ Even the king who was disgusted in the beginning by his views appeared to be influenced in the end. The tension between them did not last long. In March 1541, the king personally sent him consultations on how to address some problems in the discovered territories, a move being done following the dictates of his conscience.⁹ The second issue debated in the royal court was about the nature of the natives in the New World. The conservative side was represented by Don Juan de Quevedo and Juan Gines de Sepulveda while Bartolome de la las Casas stood for the progressives.

The conservatives had two major arguments. First, by nature the inhabitants of the New World are slaves, thus incapable of governing themselves. Second, all the oppressions including the wars waged against the natives were completely justified with

⁶Munoz, Vitoria and the Conquest of America, 1938, p. 44.

⁷De Indis, Letter of Emperor Charles V to Francisco Vitoria, Toledo, 31 January 1539 in Gutierrez, Salazar, 2001, p. 12.

⁸De Indis, Letter of Charles V to the prior of San Esteban of Salamanca, Madrid, 10 November 1539 in Gutierrez, Salazar, 2001, p. 11.

⁹Munoz, Vitoria and the Conquest of America, 1938, p. 63.

such kind of situation.

The progressives had the major arguments. Las Casas refuted the defenders of the conquest by stating that the natives are rational, sharp of mind and apt to receive the Christian faith. Las Casas bitterly rejected the concept of natural inferiority for it is a complete justification of the encomienda system and life in the colony will be based on natural inequality.¹⁰

Las Casas was considered the protector of the natives of America and “Father” of the New World. He articulated strong statements influencing the Royal Court in the need for justice in the discovered territories. His written works, *Historia de las Indias* (3 vols.), *Brevisima relacion de la destruccion de las Indias*, *Del Unico modo de atraer a los pueblos a la verdadera religion* and *Apologetica Historia* attested his relentless fight against the oppressors.¹¹

Las Casas carried his struggle for justice since he started sailing in the West Indies in 1502 up to his last breathe. The debate was alive during his time concerning the legitimacy of the conquest and the treatment of the natives. However, he proved to be a very capable person in handling his activities in the Royal Court. He designed protracted battle in the legal arena where his ideas became the most influential in shaping the 1542 New Laws that forbade the Indian slavery and sought to end the encomienda system within a generation by abolishing their transfer through family inheritance.¹²

The third issue in the royal court debate was legitimacy of the conquest and just wars in the natives of America. The conservatives led by Juan Gines de Sepulveda defended by stating the sins committed by the natives against nature, especially idolatry. Since they were rude and savage, men of inferior race, they have to submit themselves to more civilized and superior people like the Spaniards. The submission of the natives to the dominion of the Spaniards was the best and the fastest way to achieve the conversion of the people of the New World and the expansion of Christianity. The natives were cannibals. For their own defense, and the protection of the weak and the innocent war

¹⁰Gutierrez, Salazar, 2001, pp. 47-53.

¹¹Gutierrez, Domingo Salazar, 2001, pp. 16-19.

¹²Donovan, “Las Casas Bartolome” ELAHC Vol. 3, 1996, p. 385.

would be made against them.¹³

Las Casas challenged it by refuting that the Church never used force or any repressive methods against idolaters. He considered the inhabitants of America as equals and brothers and never as servants or inferior to him. He rebutted the third argument that conquest was the fastest way of preaching the gospel by citing quotations from the bible and the history of the early church. He emphasized that nobody had seen Jesus accompanied by soldiers in his ministry. The apostles only trusted God's protection and the power of the word of the Master and greater evils would come in promoting war. In such method, natives would just hate the Christian religion.¹⁴

Spain became careful in carrying the task of colonization and evangelization for the royal court knew that it will be a burden to their conscience to violate human rights and life of the natives, and at the same time they were aware that there were defenders of justice watching their undertakings according to the moral standards.

The progressive elements reminded the royal court the history of evangelization starting from the time of Jesus where there was no use of force. However, certain compromises were made to accommodate certain situations in the New World where waging war was necessary. This was articulated by Vitoria specifying that wars could be done when all means had been exhausted, if violation of justice necessitated in appealing to do such exercise and if it is for the intention of restoring peace.

Human Rights and Justice Issues

Human rights and justice issues of the 16th century Philippines were a continuation of the debates happening in the royal court. There are three issues raised were: the question on the legitimacy of the conquest, tributes, slavery and forced labor.

¹³Burkholder, Sepulveda, ELAHC Vol.5, 1996.

¹⁴Gutierrez, Salazar, 2001, pp. 47-53.

The Question on the Legitimacy of the Conquest

In the 16th century, there was the rivalry of Spain and Portugal in their territorial claims in the New World. To stop the impending war, the Church, led by the Spanish Pope Alexander VI published the 1494 Treaty of Tordesillas which stipulated the authority of the Pope, the Vicar of Christ on earth, to divide the world into two: the west, he granted to Spain, and the east to Portugal. It must be noted that the two contending superpowers were partners in the holy wars against Islam in the Middle Ages. Thus, the division of the world was a tactical move to avoid disintegration of Christianity.¹⁵

The dispute on Spain's legitimate conquest of the Philippines was brought out by Fray Andres de Urdaneta. It could be recalled that Urdaneta questioned the Spanish presence in the Philippines since it violated the 1529 Treaty of Zaragoza. On 8 October 1566, Urdaneta and the members of the successful return route expedition were summoned to Philip II's court. They had to sit down with the Royal Court's great cosmographers, Alonso de Santa Cruz the chief leader, Pedro Medina, Francisco de Falero, Hieronimo Chaves and Sancho Guterrez to discuss and find a definite answer to the questions:

1. Are the Moluccas, the Felipinas Islands (Leyte-Samar) and the island of Cebu the territory of our sovereign, His Majesty of Castille – or the territory of the king of Portugal according to the Treaty of Tordesillas in 1494?

2. Are the Felipinas and Cebu Islands included in the mortgage made over by his Majesty Charles the Emperor to the king of Portugal for the sum of 350,000 gold ducats in the year 1529?¹⁶

Urdaneta's first question was discussed in the 1524 Badajoz Conference, but remained unanswered. Where was the line of demarcation located in the East? The second query was about practical politics. In the mind of the mortgagee were the Felipinas islands, Cebu and nearby provinces part of the negotiation?¹⁷

Fray Urdaneta started his presentation by answering the second question simply that Felipinas and Cebu were inside the

¹⁵Treaty of Tordesillas, 1494 in B & R Vol 1, pp. 115-129.

¹⁶Gutierrez, Salazar citing "Opinion Submitted by the Cosmographers in Madrid..." etc in Navarette Vol. XVII, doc.25 while Urdaneta's opinion is located in Doc.22.

¹⁷Gutierrez, Salazar, pp. 44-45 citing "Opinion Submitted by the Cosmographers in Madrid..." etc in Navarette Vol. XVII, doc.25 while Urdaneta's opinion is located in Doc.22.

mortgage line, and they belonged to the territory of Portugal. However, cosmographers Medina and Sta.Cruz presented their own arguments in defense for Spain. Medina clamored for Urdaneta's stand that unless expressly stated in the wording of the document of the Zaragoza Treaty, the king of Portugal cannot validly claim Felipinas as part of the mortgage.¹⁸ The debate on the geographical location of the Philippines was relevant in deciding whether the Philippines was a Spanish territory or not. Philip II being a politician was determined to keep Magellan's discoveries. He honored the mortgage agreement giving Moluccas to Portugal, but his will was the occupation of Felipinas, an island that bore his name.¹⁹

The issue of legitimacy of the conquest in the Philippines was brought again during the time of the first bishop of Manila, Domingo Salazar. The progressive bishop imbued with the teachings of Las Casas convened the Synod of Manila in 1581 to discuss issues that plagued the country including abuses of conquistadores, encomenderos and the situation of poverty in the islands.²⁰

The 1581 Synod of Manila was a Trisectoral Council composed of the representatives from the Church, the state and prominent citizens. The Acts of the Synod discussed circumstances that would validate conquest. These conditions should not be present to claim Spanish legitimate presence in a territory which were the given structure of government followed the natural law, and not opposed to the gospel values, a higher cultural level that would guarantee the growth of Christianity and well-behaved people who could be trusted and left alone to govern themselves, without a suspicion that they would try to destroy the Catholic faith. It would be a plain tyranny if all these conditions were fulfilled since the preaching of the gospel means not to dispossess rightful owners but to defend the rights of all individuals. But if it was lacking or missing, then the Spaniards had reason to rule over the Indians.²¹

¹⁸Gutierrez, Salazar, pp. 346 citing "Opinion Submitted by the Cosmographers in Madrid..." etc in Navarette Vol. XVII, doc.25 while Urdaneta's opinion is located in Doc.22.

¹⁹Gutierrez, Salazar, pp. 346 citing "Opinion Submitted by the Cosmographers in Madrid..." etc in Navarette Vol. XVII, doc.25 while Urdaneta's opinion is located in Doc.22.

²⁰Document 84, Memorial of the Manila Citizens to the Council of the Indies, Manila, 26 July 1586, DSPH Vol. 3, pp. 59-82. Also see B & R Vol. 6, pp. 200-228.

²¹Acts of the Synod Concerning the Duties and Rights of the King as examined and quoted by Jose Luis Porras, The Synod of Manila of 1582, 1990 pp. 132-140.

After series of long deliberations, the Synod legitimized the conquest in the Philippines primarily due to their low perception on the culture of the natives. The Synod concluded that Christianity would be endangered if Spaniards would abandon the Philippines since the inhabitants had primitive form of government. They engaged in petty and destructive wars thus putting into risk the greater number of candidates for baptism. To give up the islands means a step backward, and a terrible blow to the agenda of Christianity.

However, not all the participants were agreeable to the stand of the whole Synod. They claimed that the Spaniards lost their right to take charge of the islands because of their oppression and the injustices done to the natives. Most Augustinians led by Fray Rada supported this assertion, and pushed for the idea that inhabitants had not opposed the evangelization process.²²

Unluckily, Rada's view did not get the popular support among the participants. The majority claimed that from the beginning the natives were treacherous and repeatedly betrayed the Spaniards. In contrast, they said that the colonizers followed the proper procedure.²³ Hereafter referred as Reply to Rada, B & R Vol. 3). The treacherous deeds were recalled citing how the Cebuanos revolted, killed Duarte Barbosa, Juan Serrano and thirty companions after the death of Magellan.²⁴ Legazpi fulfilled the spirit of the Requerimiento where he gave the final ultimatum to Tupas before a war was waged. Later, a peace treaty was established after the tribal chief surrendered.²⁵

Bishop Domingo de Salazar had ambivalent position on the case. Before coming to the Philippines, he wrote a treatise rejecting the conquests done by the Spaniards in Mexico.²⁶ But when he was in the Philippines, the pressure was too strong for him to resist in disagreeing the position of the majority.

²²Rada Opinion, B & R 3, p. 254.

²³Reply to Fray Rada's Opinion, Manila, June 1574, B & R Vol. 3, pp. 260-261.

²⁴San Agustin, Chapter IV, The Cebuanos Revolt, and Kill Juan Serrano and Thirty Spaniards, *Conquistas de las Islas Filipinas*, 1565-1615, trans. 1998, pp. 136-137.

²⁵San Agustin, Chapter XXXII, The Peace Negotiations Between the Admiral and Governor, Miguel Lopez de Legazpi and the Natives of Cebu, *Conquistas de las Islas Filipinas*, 1565-1615, trans. 1998 pp. 387-393.

²⁶The title of the treatise was *De Modo quo Rex Hispaniarum et eius locum tenentes haberentur in Regime Indiarum*, in Alonzo de Zorita, *Historia*, pp. 13-14 as quoted by Gutierrez, Salazar, p. 141.

Justice Issues on Tributes

Church and States friction aggravated in the dispute concerning tributes. The payment of annual tribute by subjugated people was a symbol of vassalage to Spain. Charles V issued the first royal decree about it on 23 June 1523, and later re-issued by Philip II in 1573.

In the Philippines, Legazpi prescribed the natives to pay eight reales (one peso) to be given in cash or in kind (gold dust, rice and other products). One fifth of the collection should go to the king.²⁷ Church-State politics on the tribute controversy was intrinsically bound up with the difficult times the Spaniards encountered in their early contact with the natives and the encomienda system. The conflict arose due to diverse interests of the missionaries, secular authorities, encomenderos and soldiers. Their point of contact where their cooperation was needed was both an attraction and repulsion. There were three heightened episodes for the said conflict between the secular and ecclesiastical authorities namely: Lavezaris vs. the Augustinians, Ronquillo vs. Domingo de Salazar and the Synod of Manila and, and Dasmariñas vs. Bishop Domingo de Salazar.

Lavezaris vs. the Augustinians (1572-75)

When Spanish conquistadores arrived in the country, they were expecting to get rich. They thought that the conditions in the country were similar in Latin America. Unluckily, the islands had no source of wealth they were looking for like the gold of Mexico and the silver of Peru, the silk of China or the spices of the Moluccas. What they got was a subsistence economy based on the primitive cultivation of rice. Due to their long voyage and investments, they had to extract anything from colony. There were three possible ways to do it: exploit the natural resources, use the place as a base in their commerce with China and put the burden to the natives. Since the first option was not yet developed in terms of technical ability and the second was on its initial stage, the third was the best alternative to get the desired results.²⁸

²⁷Annotation of Zaide, DSPH Vol. 2, p. 132.

²⁸De la Costa, Jurisdictional Conflicts, 1951, p. 16.

Gradually, putting a heavy strain on the already marginal economy became a focal point of the debate between the missionaries shouting for justice on the abuses committed against the Indians, and the secular authorities clamoring their needs and rights. The Augustinian Memoranda formulated during Fray Diego Herrera's term as first Provincial Superior refuted the flamboyant report of Governor-General Guido de Lavezaris, condemning the unjust wars done by the colonizers. In his correspondence to the king, Lavezaris reported the affairs in the Philippines after the death of Legazpi enumerating the progress, the assignment of repartimientos in towns pacified and their hardships that need to be compensated.²⁹

In contrast to the account of Lavezaris, the Augustinians in their Memoranda denounced the abuses of the Spaniards most of which were related to the tributes. The document revealed how the colonizers took for granted their duty of protecting the natives and the manner tributes were collected. The procedures in establishing an encomienda were not properly followed. An encomendero went to a village and announced the following: "Take heed that I am your master, and that the governor has given you to me to protect you from other Spaniards who annoy you." There was no mention of God and king.³⁰ Raids were conducted at least twice a year to extract more tributes like the one experienced in the coast of Bolinao and Ylocos. The homes of people from Banton, Guimbar and Marinduque were destroyed after the natives killed Mena and three other soldiers who forced the inhabitants to pay tributes. In contrast to its objectives, instructions for the Christian faith and protection for the Indians were not given importance. Indeed, justice was not served since many Spaniards remained unpunished for the crimes they committed. The aggrieved islanders cannot present their pleas and complaints, or had no one to help them solve the case.³¹

Fray Martin de Rada was elected the Provincial Council on 3 May 1572. As the head of the Augustinian Order, Rada wrote a

²⁹Affairs in the Philippines after the Death of Legazpi, Guido de Lavezaris, 29 June 1573, B & RVol.3, pp. 179-180. Also see Document 56 DSPH Vol. 2, pp. 136-137. Document XXXVICCP, pp. 223-224; AGI 67-6-6 quoted in CCPS, p. 229.

³⁰Affairs in the Philippines after the Death of Legazpi, Guido de Lavezaris, 29 June 1573, B & RVol.3, p.279 Also see Document 56 DSPH Vol. 2, pp. 149. Document XXXVICCP, pp. 235.

³¹Affairs in the Philippines after the Death of Legazpi, Guido de Lavezaris, 29 June 1573, B & RVol. 3 280-285 DSPH Vol. 2, pp. 147-151; CCPS pp. 235-238.

letter to Governor Lavezaris concerning his opinion on the tribute issue. The Augustinian's position was a result of the consultation conducted from individuals and group conferences. The document exposed the abuses of the conquistadores on the manner they collected tributes from the natives.³²

Governor Lavezaris together with his officials responded to Fray Rada's Opinion on the cruelty and injustices brought by the excessive tributes in June 1574. It was notarized by Fernando Riquel, and addressed to king Philip of Spain. The reply denied the accusations. Lavezaris pointed out that the points raised in Rada's Opinion were harsh, harmful to the whole community and very prejudicial to the progress of the archipelago. It was very erroneous since from the time of adelantado Legazpi, the Indians came to the ships from the shore to make friends with the Spaniards. He claimed that the natives volunteered to become vassals of His Majesty. Lavezaris' answers quoted the incidents in Calayan, Ybabao, Bohol and Butuan where the inhabitants were not persuaded, but surrendered on their free will. The governor cited Fray Diego de Herrera and Fray Andres de Urdaneta who witnessed those friendly gestures. He quoted Urdaneta's statement that war could be waged to Cebuanos who shoot them with their arrows after a peace pact was exercised. But Legazpi kept his cool and patience. Furthermore, the governor testified that all reports given to the king were true, and rebutted Rada's Opinion stating that all lands were named before the power of the king for they came to the districts with his majesty's order. Lavezaris' reply also argued from the legal point of view, that being not lawyers, missionaries and conquerors should stop talking about justice, titles or rights.³³

Sande vs. The Encomenderos and the Augustinians (1575-1580)

The squabble during Guido de Lavezaris' administration prompted the Royal Court to replace him with Francisco de Sande who took over his position from 1575-1580. Lavezaris'

³²Opinion of Fray Martin De Rada on the Tributes Collected From the Natives, Manila, 21 June, 1574, B & R Vol. 3, pp. 253-259; Document 61 DSPH Vol. 2, pp. 164-169. Hereafter to be quoted as Rada's Opinion on Tributes.

³³Reply of Governor Lavezaris and Other Spanish Officials to Father Rada's Opinion, Manila, June 1574, B & R Vol. 3, pp. 260-271. Also see Document 62 DSPH Vol. 2, pp. 170-175. Hereinafter to be quoted as Lavezaris' Reply to Rada's Opinion.

replacement could be considered a victory for the missionaries in the power play about tributes. Immediately, Sande established reforms in the land. Following the practice of *residencia*, the current governor investigated the accounts of his predecessor and officials. Sande mentioned in his *Relacion de las Islas Filipinas* that he revoked all the *repartimientos* given and owned by Lavezaris and allotted them to the crown.³⁴ He further attacked the Lavezaris' administration for being extravagant and careless. The treasury had little income at the beginning of his term and to improve the situation, he discontinued the habit of giving charities. For him, only the poor shall receive support. He was strict on the duties of the *encomenderos*, and to those who neglected their functions.³⁵

Certainly, his moves elicited various reactions, and most of them were against his decision of depriving them power and wealth. The bickering that Sande had created with former officials and the *encomenderos* became a major issue in the exchange of letters sent to Philip II lobbying and trying to influence the king to take their side. As early as 1576, a letter of complaint was already sent by Lavezaris, Cauchela, Mirandaola and Aldave concerning the untoward behavior of the governor.

The Augustinians also submitted reports to the Viceroy of New Spain about how Sande badly managed the islands. This prompted Sande to request the King to send another group of missionaries, the Franciscans. It implicitly counter-attack the Augustinians by mentioning that this group has the tradition of living with the natives. The King in one of the portions of his letter to the City Council of Manila cited that "some of the discaled of the order of San Francisco are going there".³⁶ However, due to the overwhelming complaints and disturbance of peace during Sande's term, in 1580 he was finally removed from office, recalled and sent back to Mexico to work again as *oidor* of the Royal Audiencia.³⁷

The case of Governor Sande was an example of failure

³⁴Francisco de Sande, *Relation of the Filipinas Islands*, Manila, 7 June 1576, B & R Vol. 4, p. 74.

³⁵Francisco de Sande, *Relation of the Filipinas Islands*, Manila, 7 June 1576, B & R Vol. 4, p. 85.

³⁶(Philippines) Document 55 Royal Decree to the City Council of Manila in answer to their Letters, Aranjuez, 13 May 1577, PUS Vol. 3 All the King's Men, p. 205.

³⁷Zaide's Annotation of Document 71 Governor Sande's Letter to the Sultan of Borneo, DSPH Vol. 2, p. 252.

of governance due to the lack of recognition on the power and capacity of various interest groups in the country to affect and effect mechanisms in the colonial life. His leadership was devoid of tact and diplomacy, thereby igniting conflicts to all sectors of society. Sande's dictatorial tendency pushed rivals of power like Lavezaris and the religious to enter into an alliance against him. They connived with the encomenderos, military officials and native leaders to petition for his ouster. When the bickering in the islands was too much to handle, Philip II finally decided for the governor's replacement. Such experience proved that power in the colony was not a monolithic process between the representative of the king and his dependents. It should be recognized that power struggle existed among different camps who in one way or another advanced their motives in the best possible way they can.

Bishop Domingo de Salazar vs. Ronquillo (1580-1583)

In 1580's, the maladies that beset the colony had gone from bad to worst. Spaniards found themselves settling a territory unable to provide wealth and threatening their survival. Starvation was widespread from the unpaid and mutinous Spanish soldiers, ordinary colonists and bewildered Filipinos. Only those in the top position got rich by extracting capital out of the provinces and invested it with the increasing China trade.³⁸

Bishop Salazar who arrived the islands in 1581 along with the Jesuits (Society of Jesus) blamed Governor-General Gonzalo Ronquillo for the greater intensity of the economic crisis in early 1580's. In 1578, Gonzalo Ronquillo requested his Majesty to work in the Philippines at his own expense with 600 men.³⁹ It was a practice in Spain to have *asiento*, the buying of public offices. This was allowed by the Royal Court to increase the income of the royal treasury to support their projects and missions. Ronquillo got his post through this means.⁴⁰ In exchange, Philip II gave him the position of governor for life, granted *encomienda* in most

³⁸Sanchez, Alonso, Summary of these Conditions and Causes, Pastells, *Historia General Catalogo III*, xvii-xx quoted in De la Costa, *Jurisdictional Conflicts*, pp. 18-19.

³⁹Book 2 Chapter XXXV The Arrival of Governor Gonzalo Ronquillo de Penalosa on these Islands, *Conquistas*, p. 825.

⁴⁰In the 1582 unsigned document there was the report of the offices saleable in the Philippines shown in *Report on the Offices Saleable in the Philippines, 1582*, B & R Vol. 5, pp. 202-204.

important towns and allowed freedom to name officials to any administrative post in the country.⁴¹

The prospect of becoming rich overnight was not the case. Ronquillo's expectation of recouping his investments upon his arrival in the islands did not materialize. Instead, he was paralyzed by royal ordinances that did not allow wars of booty and conquest.⁴² He was under the surveillance of Bishop Salazar who was guarding the rights of the inhabitants. Nevertheless, he still managed to find his fortune by allowing his men to rob and exploit anything they can get from the poor natives. He built the Chinese Parian and required three percent duty on Chinese merchandise, "although he was censured for having done this without his Majesty's orders", they "remained in force, and continued to be imposed thenceforward."⁴³ To generate more revenues he decided to raise the rate of levy to five percent for merchants in the Philippines and seven percent for those in Mexico. He extended trade by sending goods to Panama and Peru and reported to his Majesty the increasing commerce between Philippines and New Spain.⁴⁴ As shown in his narrative, most of the ships were for the benefit of the private individuals who utilized their influence to get back the money they spent in the practice of *asiento*.⁴⁵

In his report to the king, Bishop Domingo de Salazar highlighted the evils happening in the collection of tributes. The decree stipulated for *encomienda* stated that *encomenderos* should provide instruction on matters for the Christian faith. Instead, an *encomendero* had with him eight to ten soldiers with arquebuses and weapons, ordered the chief to be called, and demanded that he should give him the tributes for all the natives in the village.⁴⁶ In 1584, Governor Diego Ronquillo transferred his power to Dr. Santiago de Vera, President of the Royal Audiencia, to be the next governor-general. It was through his time that there was the collaborative politics between the Church and State working together in an attempt to solve the injustices happening in the land.

⁴¹Morga, *Sucesos*, B & R Vol. 15, 1609, pp. 12-13.

⁴²Guterrez, *Domingo de Salazar's Struggle for Justice and Humanization in the Conquest of the Philippines*, *Philippiniana Sacra* 14, 1579: 244.

⁴³Morga, *Sucesos*, B & R Vol. 15, 1609, pp. 12-13.

⁴⁴Preface, B & R Vol. 5, pp. 10-11.

⁴⁵Penalosa to Felipe II, B & R Vol. 5, p. 30.

⁴⁶Affairs, Salazar, B & R Vol. 5, pp. 223-224.

Bishop Salazar vs. Gov. Dasmarinas on Tributes

The justice issue on tributes reached its height during the Dasmarinas-Salazar debate in the last decade of the century. Salazar's radical ideas generated more progressive moves on how taxes and legitimacy on the conquest were intrinsically connected. Salazar started his militant concern on tributes by establishing an arancel within the Church. An arancel is a tariff paid to priests for the administration of sacraments. Bishop Salazar in 1588 wrote a treatise on arancel in the Philippines known to be the first in the country. In his dissertation about Domingo Salazar, Gutierrez described it a "documentary jewel of the first magnitude" for it brought into light the affairs of the Church at that time.⁴⁷

The arancel was Salazar's attempt to concretize justice on matters related to money. The bishop's initiative to form guidelines on alms and donations that could be a venue for abuses brought direction to what he fought for- justice and respect for the rights of the Indians. The arancel was a moral persuasion in a form of witnessing justice on money matters within the bishop's area of jurisdiction.

The issue of tribute was not just a political problem but a multi-faceted one since it was interlocked with evangelization. The Spaniards had the right to collect and the natives had the duty to pay in view of supporting the missionary endeavors. Salazar saw tributes as help rather than as right. Salazar's premise was grounded on justice in tributes. His treatises on tributes, the rights of natives, and regulations on the encomienda could be likened to bombs thrown at the encomenderos.⁴⁸

For Salazar, there were two kinds of encomienda, those that received evangelization, and those previously or in the present have not received any. For the first type, a tribute was necessary for the maintenance of the ministers and the missionary undertakings. For the second type, it was classified according to circumstances. For encomiendas without doctrine and without administration of justice, tributes collected were declared illegal, and should not be allowed.

⁴⁷Gutierrez, Salazar, p. 267 As cited by Gutierrez, the arancel is found in the Archivo de la Provincia del Santo Rosario (APSR), Ms., Tomo 3, doc.1.

⁴⁸Gutierrez, Salazar, 2001, pp. 277-280.

The next circumstance were encomiendas that had no doctrine but encomenderos had prepared them for the Christian faith through their efforts of indoctrination, securing the natives and administering justice. For this instance, tributes can be collected to support the expenses since the encomienda was prepared the ministers to come. For a large encomienda, one-third can be collected of the required amount while the smaller ones will pay half. Encomenderos could ask tributes with the following conditions: they should be diligent to set up Christian instruction, and write to His majesty to send him one. If the ministers are absent, they should reside in the encomienda. However, they should not continue their practice of maltreating and asking the natives to serve them in their houses without giving them proper indoctrination. Those encomiendas banned shall receive new encomenderos recommended by the bishop and commissioned by the king who will be entrusted to set up the place for the coming of the minister type.⁴⁹

The bishop's influence was through his treatises and conclusions to remind his confessors not to absolve any encomendero who will not abide with him. The conclusion was a pastoral guideline to be read in all the Churches under his domain. The most difficult part of the conclusion was the restitution wherein the encomenderos had to return the amount collected from the natives if the area received no doctrine, no justice and did not qualify the criteria set by the bishop.⁵⁰

In response to the conclusions written by the the bishop, Governor Dasmarias took a stand. In his reply to the bishop, the governor defended that if the Indians ceased to pay tributes, everything that they had started would be imperiled. The governor was alarmed that if the bishop's will would be taken seriously, the encomenderos will abandon the country, jeopardizing the whole process of Christianization and Spanish presence in the islands.⁵¹

In his letter to the bishop, he raised the following arguments: If there were no Christian instructions in the encomienda due to the lack of ministers, "some tributes shall be collected if only in recognition of the services rendered" and to sustain the

⁴⁹Document 6, Treatises and Conclusions of Bishop of Manila about the Matter of Tributes, 12 January 1591, PUS Vol. 5, pp. 36-37.

⁵⁰Gutierrez, Salazar, 2001, pp. 282-283.

⁵¹The Governor's Reply on the Collection of Tributes, 1591, B & R Vo. 7, p. 296

encomenderos since it was only their means of survival.

Governor Dasmarinás refuted the arguments of the bishop on the importance of tributes:

Therefore the King does not want an exemption but that something should be collected. With all this, to be sure I do not order to collect from them except in encomiendas in revolt without any cause as I will explain later. Therefore the King says that since the Indios do not receive any spiritual nor temporal benefit from such encomiendas there is no reason for them to pay tribute. From this it therefore obviously follows that if the Indios receive some temporal benefit like justice and others that are proposed the tribute can be collected.⁵²

The encomenderos were accessories to the gospel, and should be supported by the tributes of the Indians like what ministers received. If the 4th part of the tribute shall be for the erection of the Church, ornaments and other accessories of religious instructions or if not be remitted to the Indians, he suggested that it will be considered a deposit for three years to assist in the expenses related to later religious instructions.⁵³

Salazar argued that the collection of tributes shall be done with gentleness and without the presence of soldiers and firearms. In response, Gov. Dasmarinás claimed that there were no reasons to discriminate large and small encomienda. The same procedure held for each one, the head shall be collected 10 reales.

For Salazar, the principal aim of tributes was the fruits of the gospel. Taxes asked even from unpacified territories shall be directed to this end. It became justifiable in the pretext of the administration of justice, maintenance and defense of the islands.⁵⁴ Governor Dasmarinás further challenged this position of Bishop Salazar:

I see that without justice nothing can be gained because the Indio does not receive anything useful to benefit from. But Sire, not providing justice is no longer the fault of the encomenderos. When there is a lack of religious is it a fault for me to set up justice ordering them and the good lay persons to teach the Indios our Holy Faith the best way they can and by their exemplary lives and good examples

⁵²Document 16 Letter of Governor of Filipinas Gomez Perez Dasmarinás to Bishop of Manila, 6 March 1591, PUS Vol. 5: Church VS. State Bishop Domingo Salazar and Gomez Perez Dasmarinás, p. 112.

⁵³The Governor's Reply on the Collection of Tributes, 1591, B & R Vol. 7, p. 294.3.

⁵⁴Document 16, PUS Vol. 5: Church VS. State Bishop Domingo Salazar and Gomez Perez Dasmarinás, pp. 296-297

with love and charity drawing them through kind treatment? In the long run, these means will prove more effective, than leaving them alone by themselves, unreconciled, and in two days they will rebel and take up arms. Your Lordship not only fails to provide Religious to administer to the Indios because you do not have them but neither do you want to allow these aforementioned good Christian lay persons to perform these functions while there are no religious. Although the encomenderos have requested this many times since I came, your Lordship answered that you do not want any secular even to teach the Indios how to make the Sign of the Cross.⁵⁵

Dasmarinas raised a dilemma to Salazar, and that was which of the two evil is less. If encomenderos will be deprived of tributes, it would mean depopulation and mass departure from the islands.⁵⁶ The tribute controversy that embittered the relationship between the two key figures at the time was aggravated when majority of the religious, the Jesuits and Augustinian took side with the stand of the governor. In his letter to the King, Dasmarinas claimed that: “these two orders I say, hold (in entire agreement, nemine discrepante) that the encomenderos can, with good conscience, collect the entire tributes from the encomiendas which have instruction, from both the believers and the infidels. Where there is justice, but no instruction, they may collect three-fourths of the payment, the remaining fourth being left to the Indians, the believer and the infidel paying equal shares.”⁵⁷

It is interesting to note the Church-State politics between the religious orders and the bishop, and the Religious Orders among themselves. The Augustinians and Jesuits sided with Dasmarinas while the Dominicans supported Salazar. The Franciscans tried to maintain their diplomatic silence. Dasmarinas told the King that the bishop and the Dominican friars excommunicated him for not letting them go to Spain. The Franciscans joined their force because they were also forbidden to go to China, Japan and Spain. The governor complained to the King on the excessive freedom of movement and speech that these religious had, shown in how they confronted him of being “most cruel, intolerable and wicked.”⁵⁸

⁵⁵Document 16, PUS Vol. 5: Church VS. State Bishop Domingo Salazar and Gomez Perez Dasmarinas, p. 120.

⁵⁶Document 16, PUS Vol. 5: Church VS. State Bishop Domingo Salazar and Gomez Perez Dasmarinas, p. 120

⁵⁷Letter from Governor Dasmarinas to Felipe II, 20 June 1591, B & R Vol. 8, pp. 156-157.

⁵⁸Three Letters From Governor Dasmarinas to Felipe II, 20 June 1592, B & R Vol. 8, pp.

In June 1591, Salazar departed for Spain to settle the controversy in the Royal Court. But such dispute on tributes left a mark in the history of justice struggle in the colony. After all we could claim that in the face of colonization, hope still springs in the humanitarian spirit of those who defended unpopular causes and had the political will to fight for it till the end. After succumbing to old age, on 4 December 1594, Salazar died but his spirit lingered and lived in the memories of people who championed the cause of justice.⁵⁹

To conclude this tribute controversy, Bishop Salazar produced and employed techniques of control ranging from religious ideology, conscience, confession, excommunication and diplomatic relations. Dasmariñas produced power by creating his own sphere of influence. He found strength in the religious ideology supplied by the dissenting religious orders, the Jesuits and Augustinians. Using Fr. Acosta's conclusions, he argued that it was lawful to collect tributes to recognize the efforts of those who facilitated the Christian instructions, and in effect considered the natives vassals of the Spanish king.

Justice Issues of Slavery

It was apparent that the practice of pre-hispanic slavery among Indians were carried on where the 1586 Memorial of the Council vehemently confronted it stating "that the enslavement of Indians by other Indians be regulated." The Trisectoral Council urged Philip II to act immediately on the issue so that there will be no more slaves, and "hencefort, children born to those who are now slaves, or appear to be slaves, should be born free; that those that wish to redeem themselves may do so at a price adjudged reasonably by arbitrators; and that those held at present may not be sold to pagans, or to Indians not subject to his Majesty".⁶⁰

Although the law abolished slavery, in the context of the Philippine subsistence economy mostly based on the cultivation of rice, slavery persisted and continually practiced by the colonizers

271-272.

⁵⁹Document 19, Letter of the Bishop of Manila to the governor and captain general of Filipinas Gomez Perez de Dasmariñas in an answer to his letter of the 8th and 19th instant, 21 March 1591, PUS Vol. 5, pp. 138-159.

⁶⁰Memorial to the Council, B & R Vol. 6, p. 193.

and wealthy Indians. The existence of the Galleon Trade rendered a difficult task to give it up since it was an important component of the industry. In his dissertation which was published into a book entitled, *A History of the Manila-Acapulco Slave Trade (1565-1815)*, Fr. Josemaria Luengo narrated that the Galleon was not just a business enterprise of gold and exotic oriental goods. It was also an embarrassing deal of human cargos of over 4,000,000 Indio slaves from 1521 by Sebastian Del Cano to the last ship in 1821 bound for Cadiz, Spain.⁶¹

Therefore towards the end of the 16th century, it was not a surprise that the Royal Audiencia issued an edict that when settling an estate, slaves should not be divided but sold and the purchase price partitioned, or “if one of them retains a slave, he should pay the other heirs for their share.”⁶² But the following year saw its ambiguity when they reconsidered and directed that it was “fitting that the advocates and attorneys of this Royal Audiencia follow the customs of the said natives, observed formerly...”⁶³

To recapitulate, slavery continued to be a practice since Spaniards felt it was a universal tradition among the natives long before they came. The 1581 Synod of Manila aggressively brought the royal cedula to Governor Ronquillo for its abolition. Ronquillo strategized and convened his secular officials to petition the king for its suspension. While waiting for the response of Philip II, the custom shall be continued, a plain method of delaying justice. In 1586 Trisectoral Council, it was picked up again but apparently due to the demands of subsistence economy and Galleon Trade, it was still there. The Church and the State clashed or at times collaborated (Trisectoral Council) to solve the problem, but the needs of the situation did not allow for changes to happen.

Slavery was a focal point of Church-State politics since there were exercises of power involved which included religious ideology, juridical norms and confession. According to the Spanish law, a baptized individual should not be a slave. The Royal Court issued decrees to abolish the practice of slavery. Charles V promulgated the law in 1526. Philip II reiterated it twice in 1574 and 1589. In 1591, the pope threatened to excommunicate

⁶¹Luengo, *A History of the Manila-Acapulco Slave Trade (1565-1815)*, 1996, p. iv.

⁶²Ordinance: An Act Relating to Slavery, 2 October 1598, B & R Vol. 10, pp. 303-304.

⁶³Ordinances Enacted by the Audiencia of Manila on Slavery, 1599, B & R Vol. 11, pp. 31-

anybody who violated the king's order to liberate Filipino slaves. In other words, the colonial system did not lack theologico-juridical ideology as a reminder to abhor the existence of slavery.

However, the problem of slavery was situated in the context of ambiguities and dilemmas considering the different circumstances the Philippines had as a Spanish colony. Primarily, the country's financial system was based on subsistence agriculture. Pre-hispanic societies in the archipelago fought wars to increase their labor force. Slavery has been a practice among the natives, and for a long time it was the life blood of its economy.

When the Spaniards came, the existence of slavery was used to their advantage especially in the Galleon Trade. The implementors of the law both secular and ecclesiastical authorities were faced with a crisis on the reiteration of the king to emancipate Filipino slaves. The royal mandate insisted on the abolition of slavery. But in practice, the law was difficult to actualize since it could mean economic dislocation and rebellion. Defenders of slave practices argued that there were theological arguments to keep its operation. They used the Middle Ages Thomistic ideological justification based on the Politics of Aristotle which argued that nature did not create all men equal. Thus, the inferior might be enslaved by the superior ones.

It could be inferred that various religious ideologies and schools of thought on the nature of the natives in the New World caused the ambivalent character of the issue. For Las Casas, Vitoria, Salazar and those who championed the cause for justice, it was a question of equality. For the defenders of the conquest, it was the issue of power and tactical moves to keep one's interest. The Church was not also consistent on its stand on slavery. Those who enjoyed the services of slavery would maintain the system stating the ideology presented by Aquinas. The Church held slaves who served as porters, musicians, personal attendants and other needed services. Bishops Juan Fernandez de la Gama and Tomas Mallar were prominent exporters of slaves. The Church also tolerated the practice where documents supported the fact that slaves remained slaves and died with requiem masses paid by their masters. Thus, the diverse religious ideologies on slavery weakened the position to abolish its existence. Even the royal cedula of the king was ignored. It was the might of conscience

that the problem of slavery may be stopped, but the justification to keep its exercise from within the Church was a hindrance to implement the ideal intent of the law.

Resistance in the implementation of the king's order to abolish slavery represented how power circulated in favor of certain interests. Since most ecclesiastical and civil authorities enjoyed the practice, the task to fight its existence fell in the hands of the Churchmen's advocates of justice.

A look at the origins of power in sustaining the practices of slavery was a topic of concern that stirred the movements of Church-State politics. Slavery problem faced practical difficulty. When the 1581 Synod of Manila took a bold stand on slavery it declared the principle that "the freedom of the Indians could not be deferred, as it was a matter of natural and divine right and clear justice."⁶⁴ Clearly, this was in continuity with the radical stand of Bartolome de las Casas on the nature of the natives in the New World. Unfortunately, the local conditions threatened the immediate implementation of such principle given the realities that the colony's life blood was on human resources and labor. Governor Ronquillo, aware of the king's order to abolish Filipino slaves, compromised the issue by pushing the citizens of Manila to petition the monarch to suspend its execution, and while waiting for the decision, Salazar proposed that slave owners could be received in the sacrament of confession provided that they promised to free their slaves after two year.⁶⁵ Also see Lucio Gutierrez original compilation of primary sources on Domingo de Salazar's Memorial of 1582 on the Status of the Philippine Islands: A Manifesto for Freedom and Humanization, *Philippiniana Sacra* Vol. 21 No.63).

In the king's court, Philip II in 1589 re-issued the royal cedula abolishing the existence of Filipino slaves. It was a confirmation that his former orders were not followed. The actual situation of slaves in the 1590s as reported by Morga in 1598, slightly improved since they were not asked anymore to work to death. This was greatly attributed to the China trade that enhanced the living conditions of the colony.⁶⁶

⁶⁴Council Regarding Slaves, Tondo, 17 October, 1581, B & R Vol. 34, p. 330.

⁶⁵Salazar, Memorial of 1583, Archivo, III, pp. 33-34 as cited by De la Costa, *Jurisdictional Conflicts*, pp. 23-24.

⁶⁶Morga, *Sucesos de las Islas*, pp. 253-254

Slavery was indeed difficult to stamp out. Both the Church and State administrators were engaged in perpetuating the system. It was a pity that after Salazar in the mid 1590s, the dynamics and balance of power between civil and ecclesiastical authorities were diminished in favor of collaborative politics. Most religious enjoyed the benefits given by the State, from material to a secured position in the government. For instance, during the term of Governor Francisco Tello, the Dominicans served as his advisers. The struggles for justice gradually waned. It was not a surprise that the 16th century ended but not slavery. This was well demonstrated when Archbishop Serrano reported to the king that a friar in charge of a parish in Manila had 1,970 slaves under his care compared to 1,640 free indios and few freedmen in his locality.⁶⁷ In a sad note, Salazar's spirit to fight the rights of the Indians was sacrificed in the context of collaborative power-relations. Certainly, slavery had deeply penetrated the colonial society. The need for human labor was a demand not only for subsistence but for more profits in the rapidly growing economic life of the islands.

Justice Issues of Forced Labor

The Spanish colonial code known as *Recopilacion de Leyes de los Reinos de las Indias* legalized the Philippine labor in its Law 40 of Title 7, Book VI which states that all male Filipinos 18 to 60 years old were subject to statute labor or polo for 40 days.⁶⁸ All healthy men residents in the islands including Spanish vagabonds and mestizos legally had obligation to do public services.⁶⁹

Polo became a venue for Church-State politics because it was also a source of friction between the ecclesiastical authorities who advocated for justice and the abusive secular officials and encomenderos. The Church repeatedly told colonial administrators that the polo was not for their personal benefit, but the admonition was persistent pointing to the fact that it was not observed. Encomenderos and secular officials saw the polo an opportunity to amass wealth and took advantage of their privileges by forcing

⁶⁷Pastells, "Historia General," Catalogo, VII/1. lxxv as quoted in De la Costa, *Jurisdictional Conflicts*, p. 42

⁶⁸*Recopilacion de Leyes de los Reinos de las Indias*, Law 40, Title 7 Book VI.

⁶⁹Arcilla, *Spanish Conquest*, 1998, p. 61.

Indians to work in their businesses and trade. Anticipating the possible abuses of the polo, the law stipulated that polistas should receive salary and food rations. They were not ask to toil in far away places and beyond their capacities. During planting and harvest seasons, it was prohibited to recruit workers.⁷⁰

Various types of labor were given to the polistas ranging from the lighter jobs where they could served as mail couriers, night sentinels or cleaners in the offices to some exhaustive forms such as cutting lumber for the construction of ships for the galleon, duties in the shipyards or forests. Like any other requirement, the polo could be paid to do away with it through a *topa*, a fee given to the *alcalde mayor*. Again, another venue for corruption. According to the law, the polistas should receive 8 reales (1 peso) a month. This was a miserable condition given the fact that a worker needed 40 reales or 5 pesos a month to survive.⁷¹

Abuses connected to forced labor ranged from coercing natives to do heavy work beyond their capacities, asking them to toil during planting or harvest season and low or non-payment of salaries. Due to these, the supply of food had greatly diminished. Bishop Salazar attributed the economic difficulties that plagued the country in the 1580s to Governor Ronquillo's drive for more people to go into mining, shipbuilding and working in one family's enterprise.

Indeed owners of *encomienda* invested revenues generated from their laborers. The governor and the officials on various commissions systematized shipbuilding, rowing the galleys and mining at the expense of depopulation and hunger. These "miserable creatures" Salazar described will be absent from their farm four to six months to work to their masters, and many of them died there. Many inhabitants preferred to escape and hide in the mountains than to do the force labor imposed upon them. Due to the demand of cutting trees for the galleon ships, many Indians were not allowed to rest and have no more opportunity to attend the religious instruction.⁷²

Bishop Salazar complained that the priority of the *encomenderos* were to attend to their business interests rather

⁷⁰Arcilla, *Spanish Conquest*, 1998, p. 61.

⁷¹Arcilla, *Spanish Conquest*, 1998, p. 74.

⁷²Affairs in the Philipinas Islands, Fray Domingo de Salazar, Manila, 1583, B & R Vol. 5, p. 212.

than to fulfill their duties to evangelize the natives. He cited a case how this was even reinforced by an ordinance in a particular village commanding inhabitants to cut wood and those who were receiving religious instructions to stop it. The bishop reported to the king and the Council of the Indies the injuries inflicted to the Indians in forcing them to be rowers in the galley or in a fragata with a meager amount of salary. The bishop lamented the evils of greed for it caused thousands of Indians to remain unconverted and those who were converted becoming so more through force than choice.⁷³

Salazar received support from the religious orders through the 1581 Synod of Manila. In their crusade against the injustices occurring in the land, the Synod tackled forced labor with serious consequences of not absolving the colonists in the confession of their sins unless proper restitution was implemented. The topic was one of the most debated problems that included the situation of oarsmen, cutters of wood and mining.⁷⁴

The Synod provided guidelines to confessors in examining and absolving the sin of the colonists. Their arguments showed that only in extreme necessity where colonizers may recourse to native service. The recruitment should be done by individuals of right conscience who will not use force or violence on their families. Furthermore, the Synod of Manila maintained the position of keeping humane treatment a priority, where the primary concern was providing workers with food supplies during the practice of the polo. The confessor should strictly study how secular officials dealt with the natives in terms of how often the latter was not given the just wage, and the maltreatment they received. The synod told secular authorities that Indians should toil within their territory, and discouraged the practice of calling them to Manila, which deprived them to do farming, thus losing more money and time. Most of all, justice should be rendered to the Indians by paying them the right amount.⁷⁵

The Memorial of the Trisectoral Council of Manila did not talk much about forced labor issue compared to tributes and slavery which were well highlighted by the convention. However, indirect

⁷³Affairs in the Philipinas Islands, Fray Domingo de Salazar, Manila, 1583, B & R Vol. 5, p. 234

⁷⁴Porras, Synod of Manila, 1990, p. 167.

⁷⁵Porras, Synod of Manila, 1990, p. 167.

linkages with it were shown in the encouragement of Spaniards and natives alike to engage in farming and stock raising. Farmers from Spain were enticed to come and share their knowledge to the Indians. In fact, it endorsed that “all the Indians who aid or accompany them to their farms, should be exempt from war or other personal labor in boats or on buildings, or anything else that might hinder or fatigue them.”⁷⁶

During the 1590 Salazar-Dasmariñas debate, the problem of forced labor was put to the sideline in favor of settling the issue of tributes. The problem remained since labor provided the economic lifeblood of the colonists, and it was here where they could acquire wealth. Indeed, forced labor was a continuing struggle where even the government caught in the difficult situation of not able to pay its debts to the *polistas*. In 1617, this debt reached 6, 643 pesos and in 1660 the Pampangos unable to stand it any longer rose to revolt.⁷⁷

Labor or polo like tribute and slavery was a source of wealth. Like slavery, the admonition was never heeded because that was their way to keep the colonists’ business be it in the galleon, mining or any other trade. The situation caused depopulation, and it was in this context that the bishop complained to the king on the wrong priority of the Spaniards. Salazar claimed that the harassment and inhuman ways shown in treating the *polistas*, caused many inhabitants to remain unconverted, and preferred to hide in the mountains than to suffer working in the galleys or mines.

However, the intensity of forced labor in the Philippines was not as heavy as the *mita* or any other form of labor in Latin America. Certainly, the colonizers had learned their lessons. In the Philippines, the polo was an obligation to do public service, and most often than not the natives were given jobs according to their capacities. The Church’s call for the proper implementation of polo created a strong impact to secular authorities because it could mean depriving them an important source of income.

In the mid 1570 and early 1580, abuses related to labor caused hunger and death. Hence in the 1581 Synod of Manila it was one of the most debated items. The Synod took a stand that

⁷⁶Memorial to the Council, B & R Vol. 6, 170-171; DSPH Vol. 3, pp.38-39.

⁷⁷Arcilla, Spanish Conquest, 1998, p. 74.

only in extreme necessity a colonizer may recourse to a native service. The 1586 Trisectoral Council supported the claims of the Synod and encouraged many Indians to engage in farming, and be exempted from war or anything that fatigued them if they cultivated their land. Moreover, the abuses on forced labor grew intense since it was one of the sources of revolts in the early 17th century. The State was unable to pay the *polistas*, and the Church gradually became numb about it. After the Salazar era most of them enjoyed the benefits it entailed.

Conclusions

There was a marriage of the Church and the State in the 16th century set-up. It was clear that the issues of human rights and justice were well discussed in the Spanish Royal Court who would like to clear their conscience if what they did in the New World was rational and legitimate. It was fortunate that there were champions for it namely, Vitoria and Las Casas who influenced the early missionaries to fight the welfare of the natives.

In today's context where there is a separation of the Church and the State can the same debate be pursued?

While in the democratic system, there is a demarcation line between the Church and the State, it is also clear that they are not isolated from each other since they serve the same people. In the bill of rights enshrined in the Article 3 of the 1987 Philippine Constitution, the civil, political, socio-economic and rights of the accused are well articulated. On the ideal level, all our rights are protected.

But like the situation of the 16th century Philippines, the reality to protect rights and promote justice is painted differently. Political leaders can manipulate the implementation of the law or short cut it through extra judicial killings for practical purposes. The Church serves as a conscience and should assert its moral authority to keep reminding the society that life is the highest priority.

In the case of the 16th century Philippines early missionaries and Bishop Salazar fought for dignity and welfare of the natives. Their concern was to fight the abuses and to seek the benevolence of the King to stop all forms of violence.

The fight for justice and human rights was both in the legal and moral battle. The examples set by Vitoria and Las Casas showed their passion as protectors of human rights to engage into a discourse with those who are in power.

Today legal battle can be shown in the balance of power among the branches of government. But the Church although separated in function with the government cannot remain silent in the midst of killings and human rights violations. But like the 16th century battle for human rights who did dialogues and discourses about it, can top leaders of both Church and State do the same thing where each side listen to each other, and manage to do collaboration for the benefit of the people?

The issues of human rights and justice will remain as long as those in position abuse their authority and power. The Church has the greater task to instill education and values that promote dignity, rights and justice. To witness and advocate them in its various rituals is another greater challenge to take.

Bibliography

Primary Documentary Sources

- Anales Ecclesiasticos de Philipinas: 1574-1682. Volume 1. Manila: Archdiocese of Manila Archives, 1994.
- Arancel. Quezon City: Archivo de la Provincia del Santo Rosario (APSR), MS Tomo 3, Doc.3.
- Blair, Emma Helen and Robertson Alexander, eds. at annots. The Philippine Islands, 1493-1898: Explorations by Early Navigators, Descriptions of the Islands and Their Peoples, their History and Records of the Catholic Missions, as related in Contemporaneous Books and Manuscripts Showing the Political, Economic, Commercial and Religious Conditions of Those Islands from Their Earliest Conditions with European Nations to the Close of the Nineteenth Century. 55 Volumes. Cleveland: Arthur H Clark, 1903-1909. Hereinafter referred to as B and R. The following primary documents were used in this dissertation: Colin-Pastells. Labor Evangelica I. Historical Conservation Society. The Christianization of the Philippines. Manila: Historical Conservation Society, 1965.
- Keen, Benjamin, Editor. Latin American Civilization: History and Society, 1492 to the Present. London: Westview Press, 1986.
- Las Casas, Bartolome. Historia de las Indias. Mexico, 1951.
- _____. The Spanish Colonie. University Microfilms Inc., 1996.
- Licuanan, Virginia Benitez and Mira Jose Llavador, eds and annots. Philippines

Under Spain. 6 Volumes.

- Manila: National Trust for Historical and Cultural Preservation of the Philippines, 1996.
- Munoz Text of Alcina's History of the Bisayan Islands (1668). Translated by Paul S. Lietz. Chicago: Philippine Studies Program, 1960.
- National Historical Commission, Coleccion de Documentos Ineditos de Ultramar, Madrid, 1887.
- Navarette, Martin Fernandez D. Coleccion de los Viajes y descubrimientos que Hicieron por mar los espanoles desde fines del siglo XV. Madrid: 1825-1837.
- Pastells, Pablo. Historia General de Filipinas in Catalogo de los Documentos Relativos a las Islas Filipinas. Barcelona, 1925.
- Recopilacion de Leyes de los Reynos de las Indias. Tomo I. Madrid, 1943.
- San Agustin, Gaspar de. Conquistas de las Islas Filipinas: 1565-1615. Translated by Luis Antonio Maneru. Bilingual Edition. Manila: San Agustin Museum, 1998.
- Zaide, Gregorio, eds. at annots. Documentary Sources of Philippine History. 14 Volumes. Manila: National Bookstore, 1990.

Secondary Sources

Books

- Chan, Manuel T. The Audiencia and the Legal System in the Philippines (1583-1900). Manila: Progressive Printing Palace, Inc., 1998.
- Cunningham, Charles Henry. The Audiencia in the Spanish Colonies: As Illustrated by the Audiencia of Manila 1583-1800. Berkeley: University of California Press, 1919.
- Cushner, Nicolas P. The Isles of the West: Early Spanish Voyages to the Philippines, 1521-1564. Quezon City: Ateneo de Manila Press, 1966.
- _____. Spain in the Philippines: From Conquest to the Revolution. Aberdeen: Cathay Press Ltd., 1971.
- De la Costa, Horacio. Jesuits in the Philippines. Cambridge: Harvard University Press, 1961.
- De la Rosa, Rolando V. Beginnings of the Filipino Dominicans. Manila: UST Press, 1990.
- Fernandez, Pablo. History of the Church in the Philippines. Manila: National Bookstore, 1979.
- Gutierrez, Lucio, O.P. Domingo Salazar, OP First Bishop of the Philippines: 1512-1594. Manila: University of Santo Tomas Press, 2001.
- Haring, C.H. The Spanish Empire in America. New York: Harcourt, Brace and World Inc., 1963.
- Keen, Benjamin. A History of Latin America, 5th Edition. Vol.1. Boston: Houghton Mifflin Company, 1996.
- Keller, Albert Galloway. Colonization. Boston: 1908.
- Luengo, Josemaria. A History of Manila-Acapulco Slave Trade (1565-1815). Bo-

- hol: Mater Dei Publications, 1996.
- Munoz, Honorio. *Vitoria and the Conquest of America: A Study on the First Reading on the Indians*. Manila: UST Press, 1938.
- _____. *Vitoria and War: A Study on the Second Reading on the Indians or on the Right of War*. Manila: UST Press, 1937.
- Noone, Martin. *The Islands Saw It. 1521-1581*. Ireland: Helicon Press, 1982.
- Pitrie, Sir Charles. *Philip II of Spain*. London: Eyre and Spottiswoode, 1963.
- Porras, Jose Luis. *The Synod of Manila of 1582*. Translated by Barranco, Carballo, Echevarra, Felix, Powell and Syquia. Manila: Historical Conservation Society, 1990.
- Rafael. Vicente. *Contracting Colonialism*. Quezon City: Ateneo de Manila Press, 1998.
- Santiago, Luciano P.R. *To Love and To Suffer: The Development of the Religious Congregations for Women in the Spanish Philippines, 1565-1898*. Quezon City: Ateneo de Manila Press, 2005.
- Scott, J.B. *Francisco de Vitoria and His Law of Nations*. Oxford, 1934.
- Scott, William Henry. *Slavery in the Spanish Philippines*. Manila: De la Salle University Press, 1991.
- Shumway, David. *Michel Foucault*. Virginia: G. K. Hall and Co., 1989.
- Simpson, Lesley Byrd. *The Encomienda in New Spain: The Beginning of Spanish Mexico*. Berkeley: University of California Press, 1966.
- Sitoy, Valentino Jr. *The Initial Encounter: a History of Christianity in the Philippines*, Vol. 1. Quezon City: New Day Publishers, 1985.
- Zafra, Nicolas. *Readings in Philippine History*. Manila. University of the Philippines, 1947.
- Zaide, Gregorio F. *The Pageant of Philippine History Vol. 1*. Manila: 1979.

Articles

- Arcilla, Jose S. S.J., *The Spanish Conquest*. Kasaysayan: The Story of the Filipino People Vol. 3. Hongkong: C & C Offset Printing Co., Ltd, 1998.
- Bernal, Rafael. "Introduction." *The Colonization and Conquest of the Philippines by Spain: Some Contemporary Source Documents*. Manila: Filipiniana Book Guild, 1965.
- Burkholder, Mark A. "Sepulveda, Juan Gines de." *Encyclopedia of Latin American History and Culture Vol.5*. Edited by Barbara A. Tenenbaum. New York: Macmillan Library Reference, 1996.
- Burkholder, Susanne Hiles. "Vitoria, Francisco de." *Encyclopedia of Latin American History and Culture Vol.5* Edited by Barbara A. Tenenbaum. New York: Macmillan Library Reference, 1996.
- De Jesus, Edilberto. "Christianity and Conquest: The Basis of Spanish Sovereignty Over the Philippines." *The Beginnings of Christianity in the Philippines*. Manila: Philippine Historical Institute, 1965.
- Donovan, William. "Las Casas, Bartolome." *Encyclopedia of Latin American History and Culture Vol.3*. Edited by Barbara A. Tenenbaum. New York:

Macmillan Library Reference, 1996.

Gutierrez, Lucio. "Domingo de Salazar's Struggle for Justice and Humanization in the Conquest of the Philippines." *Philippiniana Sacra* 14, 1975.

_____. "Domingo de Salazar, OP, First Bishop of the Philippines (1512-1594): Defender of the Rights of the Filipinos at the Spanish Contact" *Philippiniana Sacra* XX, 1979.

_____. "Domingo de Salazar's Memorial of 1582 on the Status of the Philippines: A Manifesto for Freedom and Humanization." *Philippiniana Sacra* Vol. 21, No. 63, 1986.

_____. "Opinion of Fr. Domingo de Salazar, O.P. First Bishop of the Philippines and the Major Religious Superiors Regarding Slaves." *Philippiniana Sacra* Vol. 22, No. 64, 1986.

_____. "The Synod of Manila: 1581-1586." *Philippiniana Sacra* Vol. XXV, No. 74, 1990.

Keith, Robert G. "Encomienda, Hacienda and Corregimiento in Spanish America: A Structural Analysis." *Hispanic American Historical Review* 51: pp.110-116.

Kirkpatrick, F. A. "Repatriamiento-Encomienda." *Hispanic American Historical Review* XIX: pp.373-379.

Pastrana, Apolinar. "The Franciscans and the Evangelization of the Philippines (1578-1900)." *Boletin Eclesiastico de Filipinas*, 29, Jan-Feb 1965: pp.83-85.

Quirk, Robert E. "Some Notes on a Controversial Controversy: Juan Gines de Sepulveda and Natural Servitude." *Hispanic American Historical Review* Vol. XXXIV No.3 August 1954: 358.

Ramirez, Susan S. "Encomienda." *Encyclopedia of Latin American History and Culture*, Vol.2 Edited by Barbara A. Tenenbaum. New York: Macmillan Library Reference, 1996.

Schwaller, John F. "Patronato Real". *Encyclopedia in Latin American History and Culture*, Vol.4. Edited by Barbara a. Tenenbaum. New York: Macmillan Library Reference, 1996.

Scott, William Henry. "Why did Tupas betray Dagami?" *Philippine Quarterly of Culture and Society* 14 (1986): p.24.

Villaroel, Fidel. "The Church and the Philippine Referendum of 1599." *Philippiniana Sacra* Vol. XXXV 2000: pp.89-128.

Internet Source

Hyperdictionary. <http://www.hyperdictionary.com/dictionary/politics>, accessed on 18 December 2004.

Human Rights Watch World Report for Philippines, 2017 <https://www.hrw.org/world-report/2017/country-chapters/philippines>.

General References

Encyclopedia of Latin American History and Culture, Volume 1-5. Edited by

Barbara A. Tenebaum. New York: Macmillan Library Reference, 1996.
Kasaysayan: The Story of the Filipino People ,Vol. 3 The Spanish Conquest.
Hongkong: Asia Publishing Company Limited, 1998.

Unpublished Materials

Cabezon, Antonio. An Introduction to Church and State Relations According to Francisco Vitoria. Unpublished Thesis: University of Sto. Tomas, 1964.
De la Costa, Horacio. Jurisdictional Conflicts in the Philippines During the XVI and the XVII Centuries. Harvard: Unpublished Dissertation, 1951.