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CENTRAL INTELLIGENCE AGENCY

POSSIBLE DEVELOPMENTS RESULTING  
FROM THE GRANTING OF AMNESTY  
TO ACCUSED COLLABORATORS  
IN THE PHILIPPINES

CIA HISTORICAL REVIEW PROGRAM  
RELEASE IN FULL

ORE 11-48

Published on  
28 April 1948

COPY NO. 78  
FOR THE ASSISTANT DIRECTOR  
FOR REPORTS AND ESTIMATES

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POSSIBLE DEVELOPMENTS RESULTING FROM THE GRANTING OF  
AMNESTY TO ACCUSED COLLABORATORS IN THE PHILIPPINES

SUMMARY

President Roxas' proclamation of 28 January, granting amnesty to Filipinos accused of political and economic collaboration with the Japanese has, in effect, reversed a logical course of postwar justice: those who actively aided the Japanese occupation are now not only free but may well be in a position to regain control of the government; many of those who opposed the Japanese and aided the US in recovery of the Philippines are in effect subject to persecution despite — or even as a result of — these endeavors.

Several hundred Filipino guerrillas, who opposed the occupation under their own or US leadership, are now in custody and subject to prosecution in the Philippine courts for alleged acts of violence committed during the war as part of their anti-Japanese and anti-collaborationist activities. With the declaration of amnesty and thus the strengthening of power of the very elements against which most of these acts were perpetrated, it is obvious that Filipino testimony in behalf of accused guerrillas will be difficult to obtain. Testimony of US personnel who participated in Philippine guerrilla activities would require both the consent of US citizens to appear in the Philippines and Philippine Government acquiescence in their appearance.

The ultimate effect of the amnesty, therefore, may well be detrimental to US interests in the Philippines in that (a) elements suffering from its effects will believe themselves betrayed by the US and thus may reverse their previous loyalty to it; and (b) former collaborationists who play on extreme Philippine nationalism and are themselves secretly or avowedly anti-US are likely to achieve political and economic control.

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Note: The information in this report is as of 30 March 1948.

The intelligence organizations of the Departments of State, the Army, Navy, and Air Force have concurred in this report.

POSSIBLE DEVELOPMENTS RESULTING FROM THE GRANTING OF  
AMNESTY TO ACCUSED COLLABORATORS IN THE PHILIPPINES

1. Concurrence by the Philippine Congress in President Roxas' 28 January proclamation, which grants amnesty to those accused of political and economic collaboration with the Japanese, has provided the means for a legal settlement of one of the Philippine Republic's most critical issues. President Roxas' decision to sign such a proclamation was apparently made after a cautious assessment of its probable effect in both the United States and the Philippines. Although direct US intervention in the settlement of this issue had long been ruled out by events in the Philippines, it has been apparent for some time that President Roxas' real concern and the primary consideration weighing against an earlier amnesty proclamation has been the fear that unfavorable reaction in the United States might adversely affect the extension of additional US financial assistance to the Philippines. President Roxas, by issuing his 28 January proclamation, took the calculated risk that his action would not seriously jeopardize or embarrass his administration and that it would be followed by the minimum of unfavorable reaction in the US. The amnesty proclamation may be followed by two major developments adverse to US interests: (1) a realization by many Filipinos, who made significant contributions to US military success in the Pacific and who are currently being prosecuted in Philippine courts, that the US probably will be unable to facilitate testimony on their behalf; and (2) a strengthening of extremely nationalistic and avowedly anti-American elements which may achieve political and economic control of the Philippines.

2. The grant of amnesty goes contrary to the position of the United States as established in President Roosevelt's 1944 statement that "those who have collaborated with the enemy must be removed from authority and influence over the political and economic life of the country." Moreover, the Philippine Government has subsequently established no principles or judgments which would help to distinguish patriotism from treason. In any event, the effect of the amnesty will be to weaken US ability to protect those Filipinos who are being subjected to persecution as a result of the amnesty.

The US decision to refrain from participation in the collaboration issue alienated groups of Filipinos that might otherwise have been friendly to the US. Aside from the antigovernment *Hukbalahap*, whose anti-US bias will be intensified by what will appear to them exceptional injustice, there are several hundred Filipinos who have been imprisoned on charges arising from specific acts committed under orders of US and Filipino guerrilla commanders during the war. Failure to include them in amnesty has left these Filipinos subject to prosecution under Philippine penal laws and unless some remedy is found for them, they will ultimately hold the US responsible for a miscarriage of justice. Their cases have not been handled expeditiously. With the consolidation of political strength in the hands of former collaborators, their position will be further weakened in that neither Philippine nor US personnel can safely or effectively testify in their behalf.

3. Meanwhile, those persons who served in key positions in the occupation government or who assisted the Japanese economically will benefit from the amnesty proclamation. Complete reentry of these persons, including José P. Laurel who was President of the Japanese-sponsored "Republic," into the political life of the Philippines will intensify a political struggle which will culminate in the 1949 presidential elections. While Roxas may be able to absorb many of these persons into his administration, there is a strong possibility that Laurel in particular is determined to vindicate his record by exploiting the easily aroused expressions of extreme Filipino nationalism and that he will be able to consolidate enough strength to challenge Roxas in 1949. Such a development would complicate US-Philippine relations: an openly anti-American and nationalistic group with strong political influence would be in a position to undermine Philippine support of US policy in the United Nations and, by intensifying their attack on US policies and programs in the Philippines, would thereby discredit the US in other Far Eastern countries.

4. An account of the events leading up to the amnesty proclamation is set forth in Enclosure "A"; the proclamation itself in Enclosure "B."

ENCLOSURE A  
COLLABORATION IN THE PHILIPPINES

1. BASIS FOR CHARGES OF COLLABORATION.

The loyalty of the great majority of the Filipino people was thoroughly demonstrated during the war. A widespread and active resistance movement developed in the Philippines and became the basis for an organized intelligence network which greatly facilitated the return of American forces and aided immeasurably in the defeat of the Japanese.

However, the Japanese secured effective support from small but important groups of Filipinos. Politically, the governmental instruments of collaboration were well defined. From January 1942 until October 1943 a Philippine Executive Commission under chairmanship of Jorge B. Vargas paralleled the organization of the Japanese Military Administration. Offers from Japan of "independence" were accepted and formalized. In October 1943 a Philippine Republic was inaugurated, with José P. Laurel as President. With few exceptions the leading political figures in the Philippines accepted and vied for positions of responsibility in the Philippine Executive Commission and the "Philippine Republic." One of the last acts of this Philippine Republic was to declare war against the United States and Great Britain. In the economic sphere, many leading businessmen assisted the Japanese by making matériel and supplies available to the Japanese Army and Navy. In addition a few Filipinos acted as Japanese agents or served in a Japanese-sponsored military organization known as the *Makapili*.

The motives of these individuals and groups and the extent to which they assisted the Japanese were questioned by both Filipinos and Americans. Public opinion in the United States and the Philippines demanded some means for establishing the guilt of those charged with collaboration.

2. UNITED STATES POLICY.

It was not until 29 June 1944 that a public declaration of policy was made concerning collaboration in the Philippines. On that date, President Roosevelt issued a statement in which he declared that "those who have collaborated with the enemy must be removed from authority and influence over the political and economic life of the country." This statement of policy was not further defined, nor were the methods designated by which it was to be carried out. However, it became the general policy of the United States Government and was transmitted in directives from the Joint Chiefs of Staff to General MacArthur's headquarters in Australia before the landings in the Philippines.

General MacArthur's headquarters was prepared to carry out this general policy by taking into custody and turning over to the Commonwealth Government individu-

als who were accused of collaboration. In Leyte in late December 1944, after a preliminary attempt at prosecution by the Commonwealth Government, General MacArthur assumed control of those who had been interned. At the same time he announced that the Counter Intelligence Corps would continue to take into custody individuals charged with collaboration, but that they would be held by the United States Army until the defeat of Japan and then be turned over to the Commonwealth Government for prosecution. This action in effect established a policy of leaving the prosecution of those charged with collaboration entirely to the Philippine Government.

Subsequently, intervention by the United States apparently was considered. On 26 October 1945, shortly after a High Commissioner to the Philippines was appointed, President Truman addressed a directive to the US Attorney General requesting that a study be made of the status of those who collaborated with the enemy in the Philippines. However, on 16 March 1946, after receiving reports from the Attorney General, from the Secretary of War, and from High Commissioner Paul V. McNutt, President Truman announced that there was "no necessity for any change in our established policy of leaving the disposition of civil collaborationists in the Philippines to the civil authorities there."

The decision of the US to refrain from participation in the collaboration issue has alienated two groups of Filipinos which might otherwise have been friendly to the US. The first is the *Hukbalahap*, a leftist organization that effectively fought the Japanese and collaborationist groups. It has now emerged as both anti-administration and anti-American. Another group which has been alienated is composed of several hundred Filipinos who have been imprisoned on charges that specific acts committed under orders of US and Filipino guerrilla commanders during the war are subject to Philippine penal laws. The larger number of this group were in the Northern Luzon guerrilla force under the command of a US Army officer. Although an effort was made to provide amnesty for this group under a proclamation issued by President Roxas in September 1946, their cases have not been handled expeditiously. In addition, the burden of proof under this proclamation rested with the accused and it has been impossible, because of the strong influence exerted by collaborationist elements, to arrive at a satisfactory basis for obtaining the testimony of US officers in behalf of these guerrillas. They have continued to hold the US responsible for their predicament and have clearly indicated that the US policy toward collaboration would lead to a miscarriage of justice in their particular cases.

### 3. DEVELOPMENTS IN THE PHILIPPINES DURING THE OSMENA ADMINISTRATION.

During the war the Philippine Government-in-exile in Washington refrained from making any policy statements on the subject of collaboration. After the return of President Sergio Osmeña to the Philippines, the action of General MacArthur in Leyte relieved the Commonwealth Government of any immediate responsibility for the prosecution of those charged with collaboration. The political implications of the collaboration issue were recognized by President Osmeña, and he was reluctant to establish

any clear policy. He was endeavoring to secure specific guidance from Washington when an event in the Philippines irrevocably relegated the issue of collaboration to the judgment of Philippine politics.

Manuel Roxas, a leading figure and a former Secretary of Finance in the prewar Philippine Government, had participated in the government of the puppet Philippine Republic and was subject to internment. In company with other leading figures of the puppet regime he had left Manila and was in the Baguio area when contact was made with American troops. Roxas was brought to Manila, where it was announced from General MacArthur's headquarters that he had been "liberated" and the others "captured." Roxas assumed his prewar rank of Brigadier General, was later relieved from active duty, returned to the political scene as President of the Senate, and then announced that he would be candidate for President in the forthcoming elections.

With political control of the Philippines at stake and with the groups which represented considerable political strength in the Philippines demanding a public accounting of the issue, the Osmeña Administration sponsored the establishment of a People's Court in September 1945 to try all cases of offenses against Philippine national security during the war with Japan. By 18 March 1945, which was the deadline for filing cases, 5,553 cases had been filed before the court. By June 1946 decisions had been rendered in only forty cases; twenty-eight of these were convictions. The outstanding trial during this period in terms of the basic issue was that of Teofilo Sison, puppet Minister of Home Affairs, whose trial began on 27 October 1945 and was concluded on 7 March 1946. The verdict was strong and clear. Sison was found guilty of treason, and he was ordered to be committed to life imprisonment, fined \$7,500, and deprived of his civil rights. In the decision he was found guilty of treason on counts which were common to nearly all of the cases filed in the People's Court. His case was immediately appealed to the Supreme Court.

However, the election of Roxas to the Presidency in April 1946 strengthened the hands of those charged with collaboration and cleared the way for more determined efforts to effect abolishment of the People's Court or to secure general amnesty for those charged with collaboration.

#### 4. DEVELOPMENTS IN THE PHILIPPINES DURING THE ROXAS ADMINISTRATION.

In his inaugural speech on 28 May 1946, President Roxas stated: "Violations of the basic law will be tested and punished by law. Traitors will not escape their just deserts, but among the people, there must be no recriminations or malignancies. Errors of mind rather than of heart must be forgiven." This was interpreted as meaning that a general amnesty might soon follow. However, the issue was not yet to be resolved.

Just after the proclamation of Philippine independence, an attempt was made to dismiss charges in a number of cases before the People's Court on the ground that the Philippine Republic had no jurisdiction over alleged treasonous crimes against the Commonwealth Government and the United States. The proponents of this doctrine contended that: (1) the sovereignty of the legitimate government in the Philip-

pinas (and consequently the correlative allegiance of Filipino citizens) was suspended during the Japanese occupation; and (2) that there was a change of sovereignty in the Philippines upon the proclamation of the Philippine "Republic." This contention which became known as the "suspended sovereignty" theory was not upheld in the People's Court and was the subject of an appeal to the Supreme Court.

In July 1946 four leading figures of the puppet Republic who were subject to trial in the People's Court were returned to the Philippines from Japan where they had been held in custody. They were José P. Laurel, puppet President, Jorge B. Vargas, puppet Ambassador to Japan, Benigno Aquino, Speaker of the puppet Assembly, and Camilo Osias, puppet Minister of Education. In an interview early in August 1946, President Roxas stated that he was being urged by Filipinos as well as Americans to grant amnesty to these four and to others, but that he had decided against it. He is quoted as saying: "I find most of the persons under charges of collaboration wish to have the opportunity to attempt to clear themselves before the People's and Supreme Courts."

The appeal to the Philippine Supreme Court testing the theory of "suspended sovereignty" which, if upheld, would have resulted in the dismissal of all indictments, was rejected on 31 January 1947 by a vote of 9 to 2 and gave the People's Court a temporary lease on life. However, by 7 February 1947 the People's Court had disposed of only 523 cases of which 108 were convictions and was facing even greater difficulties in prosecuting its cases. With the exception of the early conviction of Sison, which remained on appeal to the Supreme Court, no prominent persons were among those convicted. Beginning with the acquittal in February 1947 of Rafael Alunan, Occupation Minister of Agriculture, and in June 1947 of Emiliano Tirona, Occupation Minister of Health, Labor and Public Welfare, it became clear that none would be convicted. Complicated legal maneuvering during 1947 repeatedly delayed the trials of Vargas, Laurel, Osias, and others. The resignation of Lorenzo Tañada, Chief Prosecutor of the People's Court, in order to run for Senator on President Roxas' Liberal Party ticket in the November 1947 elections reduced the possibility that convictions would be secured. The election of Tañada and Osias, who was the only Senator elected from the opposition ticket, as well as the death of Benigno Aquino undoubtedly speeded the 17 January 1948 Supreme Court decision which held that the mere holding of a policy-making position during the Japanese occupation was not in itself evidence of treason. This decision established a stronger legal basis for President Roxas' 28 January amnesty proclamation.

The Philippine Senate on 5 February voted 14 to 2 in favor of the proclamation. After a stormy debate the Philippine House of Representatives approved it on 13 February by a vote of 50 to 8. In the House there were two abstentions and 31 absentees. Steps were taken for the immediate clearance of the more prominent indictees.

## ENCLOSURE B

## PROCLAMATION NO. 51

## A PROCLAMATION GRANTING AMNESTY

WHEREAS, the occupation of the Philippines by the Japanese armed forces during the last war and the organization by them of a government administered by citizens of the Philippines but subject to their direction and control have given rise to charges of collaboration with the enemy against such citizens of the Philippines who occupied positions in that government, as well as against those who traded with the enemy;

WHEREAS, as a result of those charges, indictments have been filed against a large number of Filipino citizens for alleged treasonable collaboration with the enemy before the People's Court, which was established especially to hear and try these cases;

WHEREAS, these trials have been held for more than two years now but no final judgments convicting any one of the accused have been rendered;

WHEREAS, the Supreme Court has declared that the mere holding of a position in the government established by the enemy does not per se constitute the crime of treason under the laws of the Philippines;

WHEREAS, with respect to those who are at present indicted for alleged trading with the enemy, it appears that because aside from the requirements of the two-witness rule in treason trials, it has been declared necessary to prove specifically that the materials involved in the trading were essential to the prosecution of the war, no final judgments of conviction have been entered so far in such cases and, on the contrary, several verdicts of acquittal have been rendered and orders of dismissal issued;

WHEREAS, the majority of the Filipino people now realize that the alleged acts attributed to political collaborators either were not voluntary on their part or, in effect, were performed by them in the sincere belief that it was their patriotic duty to execute them in the interest of the safety and well-being of their countrymen who were then at the mercy of the enemy;

WHEREAS, with the lapse of time there has come a better understanding on the part of the Filipino people of the motives which actuated the persons who held positions under the occupation government, and there is evidence that a majority of the people have fully vindicated the accused, convinced that in the discharge of their functions as public officials they did everything in their power to minimize the atrocities of the enemy and to prevent the carrying out of his purpose to induce or compel the Filipino people to arm themselves against the Allied nations;

WHEREAS, under the laws of the Philippines and the doctrines laid down by our courts, the prosecution of the cases now pending appears unjustified with regard to alleged political collaborators and futile as to those charged with economic collaboration;

WHEREAS, the question of collaboration has divided the people of the Philippines since liberation in a manner which threatens the unity of the nation at a time when

the public welfare requires that said unity be safeguarded and preserved;

WHEREAS, the question of collaboration is essentially political in nature and should be settled in accordance with the conscience of the majority of the people;

WHEREAS, it appears that the overwhelming sentiment of the people of this republic is now in favor of resolving this question as speedily as possible by the grant of amnesty to all persons who have been accused or may hereafter be accused of treason through alleged collaboration with the enemy;

WHEREAS, this public sentiment does not extend to persons who voluntarily took up arms against the allied nations or the members of the resistance forces, or acted as spies or informers of the enemy, or committed murder, arson, coercion, robbery, physical injuries or any other crime defined and punished in our penal laws, for the purpose of aiding and abetting the enemy in the war against the Allied nations, or in the suppression of the resistance movement in the Philippines;

NOW, THEREFORE, I, Manuel Roxas, President of the Philippines, by virtue of the power in me vested by Article VII, Section 10 (6) of the Constitution, do hereby proclaim and grant full and complete amnesty to all persons accused of any offense against the national security for acts allegedly committed to give aid and comfort to the enemy during the last war;

PROVIDED, HOWEVER, that this amnesty shall not extend to persons who are now, or may hereafter be accused of treason for having taken up arms against the Allied nations or the members of the resistance movement, for having voluntarily acted as spies or informers of the enemy, or for having committed murder, arson, coercion, robbery, physical injuries, or any other crime against person or property, for the purpose of aiding and abetting the enemy in the war against the Allied nations or in the suppression of the resistance movement in the Philippines.

All cases now pending before the courts for alleged offenses coming within the terms of the amnesty herein granted shall be dismissed by the respective courts on their own motion or upon petition by the prosecution or the accused.

This proclamation shall take effect upon the concurrence therewith by the Congress.

In witness whereof, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done at the city of Manila, this 28th day of January, in the year of our Lord, 1948, and of the independence of the Philippines, the second.

(SGD.) MANUEL ROXAS  
President of the Philippines

By the President:

(SGD.) N. ROXAS  
Acting Executive Secretary

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