

THE REGISTER OF DEEDS OF RIZAL, PETITIONER AND APPELLEE, VS. UNG SIU SI TEMPLE, RESPONDENT AND APPELLANT.

G.R. No. L-6776. May 21, 1955

Ponente: REYES J.B.L., J.

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REYES J.B.L., J.:

The Register of Deeds for the province of Rizal refused to accept for record a deed of donation executed in due form on January 22, 1953, by Jesus Dy, a Filipino citizen, conveying a parcel of residential land, in Caloocan, Rizal, known as lot No. 2, block 48-D, PSD-4212, G.L.R.O. Record No. 11267, in favor of the unregistered religious organization "Ung Siu Si Temple", operating through three trustees all of Chinese nationality. The donation was duly accepted by Yu Juan, of Chinese nationality, founder and deaconess of the Temple, acting in representation and in behalf of the latter and its trustees.

The refusal of the Registrar was elevated en Consulta to the IVth Branch of the Court of First Instance of Manila. On March 14, 1953, the Court upheld the action of the Rizal Register of Deeds, saying:

"The question raised by the Register of Deeds in the above transcribed consulta is whether a deed of donation of a parcel of land executed in favor of a religious organization whose founder, trustees and administrator are Chinese citizens should be registered or not.

It appearing from the record of the Consulta that Ung Siu Si Temple is a religious organization whose deaconess, founder, trustees and administrator are all Chinese citizens, this Court is of the opinion and so hold that in view of the provisions of the sections 1 and 5 of Article XIII of the Constitution of the Philippines limiting the acquisition of land in the Philippines to its citizens, or to corporations or associations at least sixty per centum of the capital stock of which is owned by such citizens adopted after the enactment of said Act No. 271, and the decision of the Supreme Court in the case of Krivenko vs. the Register of Deeds of Manila, the deed of donation in question should not be admitted for registration." (Printed Rec. App. pp. 17-18).

Not satisfied with the ruling of the Court of First Instance, counsel for the donee Uy Siu Si Temple has appealed to this Court, claiming: (1) that the acquisition of the land in question, for religious purposes, is authorized and permitted by Act No. 271 of the old Philippine Commission, providing as follows:

"Section 1. It shall be lawful for all religious associations, of whatever sort or denomination, whether incorporated in the Philippine Islands or in the name of other country, or not incorporated at all, to hold land in the Philippine Islands upon which to build churches, parsonages, or educational or charitable institutions.

"Sec. 2. Such religious institutions, if not incorporated, shall hold the land in the name of three Trustees for the use of such associations; * * *". (Printed Rec. App. p. 5.)

and (2) that the refusal of the Register of Deeds violates the freedom of religion clause of our Constitution [Art. III, Sec. 1(7)].

We are of the opinion that the Court below has correctly held that in view of the absolute terms of section 5, Title

XIII, of the Constitution, the provisions of Act No. 271 of the old Philippine Commission must be deemed repealed since the Constitution was enacted, in so far as incompatible therewith. In providing that,—

"Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations or associations qualified to acquire or hold lands of the public domain in the Philippines",

the Constitution makes no exception in favor of religious associations. Neither is there any such saving found in sections 1 and 2 of Article XIII, restricting the acquisition of public agricultural lands and other natural resources to "corporations or associations at least sixty per centum of the capital of which is owned by such citizens" (of the Philippines).

The fact that the appellant religious organization has no capital stock does not suffice to escape the Constitutional inhibition, since it is admitted that its members are of foreign nationality. The purpose of the sixty per centum requirement is obviously to ensure that corporations or associations allowed to acquire agricultural land or to exploit natural resources shall be controlled by Filipinos; and the spirit of the Constitution demands that in the absence of capital stock, the controlling membership should be composed of Filipino citizens.

To permit religious associations controlled by non-Filipinos to acquire agricultural lands would be to drive the opening wedge to revive alien religious land Holdings in this country. We can not ignore the historical fact that complaints against land holdings of that kind were among the factors that sparked the revolution of 1896.

As to the complaint that the disqualification under article XIII is violative of the freedom of religion guaranteed by Article III of the Constitution, we are by no means convinced (nor has it been shown) that land tenure is indispensable to the free exercise and enjoyment of religious profession or worship; or that one may not worship the Deity according to the dictates of his own conscience unless upon land held in fee simple.

The resolution appealed from is affirmed, with costs against appellant.

Pablo, Acting C.J., Bengzon, Montemayor, Reyes, A. Bautista Angelo, Labrador, and Concepcion, JJ., concur.

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