

AN ACT PROVIDING FOR THE SPEEDY DISPOSITION OF CONTROVERSIES AS TO THE RIGHT OF ADMINISTRATION OR POSSESSION OF CHURCHES, CONVENTS, CEMETERIES, AND OTHER CHURCH PROPERTIES AND A...

Act No. 1376, July 27, 1905

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Whereas controversies have arisen between the Roman Catholic Apostolic Church on the one hand and the association called "The Independent Filipino Church," certain municipalities, and other persons on the other hand, as to the right of administration or possession of numerous churches, convents, cemeteries, and real and personal property used in connection therewith, and as to the ownership thereof and title thereto; and

Whereas, if actions involving controversies as to said church property are brought in the Courts of First Instance, great and interminable delay by reason of the great number of properties involved and the fact that the Courts of First instance are fully occupied with ordinary litigation will result not only in the disposition of the actions so brought but also in the disposition of the ordinary litigation pending before said courts: and

Whereas frequent and angry controversies have arisen and continue to arise in numerous municipalities of the Philippine Islands between contending religious organizations, municipalities, and other persons as to the right to the possession of said properties, often culminating in illegal and forcible seizure thereof and in grave disturbances of the public peace and order, and it is believed to be in the interests of the Filipino people that such a condition of affairs should no longer continue and that all controversies of this character should be speedily settled in a legal and orderly way; and

Whereas there are several hospitals, haciendas, and other lands, some of which are in the possession of the Government of the Philippine Islands, but as in which the Roman Catholic Apostolic Church claims the right of administration or ownership, and others of which are in the possession of the Roman Catholic Apostolic Church but as to which the right of administration or ownership is claimed by the Government of the Philippine Islands, and it is also of general importance that these controversies should be speedily and finally determined: Now, therefore,

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The Supreme Court of the Philippine Islands is hereby given original jurisdiction and constituted the tribunal to hear and finally determine all actions which involve controversies between the Roman Catholic Apostolic Church and its representatives on the one hand and the Independent Filipino Church and its representatives or any municipality or other person on the other hand, as to the title to any and all churches, convents, or cemeteries in the Philippine Islands and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof.

SEC. 2. The Roman Catholic Apostolic Church, the Archbishop of Manila, or any bishop of a diocese, or other proper representative of the Roman Catholic Apostolic Church or any or all of them claiming the right of administration or ownership of any of the property or properties mentioned in the preceding section, or title

thereto, possession of which property or properties is withheld by the Independent Filipino Church or any representative thereof or by any municipality or other person, may file a petition in the Supreme Court of the Philippine Islands, setting forth in a succinct manner the particular piece or pieces of property or properties, the title to which, or the ownership, right of administration, or possession of which is claimed by the petitioner or petitioners and that the Independent, Filipino Church or its representatives or any municipality or any other person unlawfully withholds from the petitioner or petitioners the administration or possession of such property or properties or unlawfully claims ownership therein or title thereto, and praying that a decree be entered giving the administration and possession of such property or properties to the petitioner or petitioners and generally enforcing its or their rights as they may appear. It shall not be necessary to describe in the petition by exact metes and bounds the churches, convents, or cemeteries so claimed to be withheld, but it shall be sufficient to designate them as the church, convent, or cemetery in the municipality or the barrio of the municipality of the province in which they are respectively situated. In all actions in which the Independent Filipino Church or any representative thereof is in possession of any church, convent, or cemetery, or real or personal property used in connection therewith, the Obispo Maximo or the representative of the Independent, Filipino Church in possession of the property shall be made a party defendant, and in each and every action the municipality in which such church, convent, or cemetery is situated shall also be made a party defendant. Upon the filing of the petition a summons shall issue in the usual form against the party or parties defendant, accompanied by a certified copy or copies of the petition, commanding the defendant or defendants and each of them to appear and answer said petition within forty days after the service of said summons, and the same shall be served upon said defendant or defendants as speedily as possible by the officer of the court charged with that duty. In case a municipality is named as defendant, service shall be made in the manner prescribed in section numbered three hundred and ninety-six of Act Numbered One hundred and ninety. The officer who is charged with the duty of serving said summons shall immediately endeavor to serve the same upon the party and each of the parties defendant as provided in other actions for service of summons by said Act Numbered One hundred and ninety. The court may, in its discretion, when it is deemed necessary to facilitate service, appoint special officers for that purpose. Where the property in controversy is outside of the city of Manila, the summons shall be sent by the clerk of the Supreme Court to the governor or sheriff of the province in which the property is situated for service, and such officer shall be entitled only to the fees which would be allowed were the summons returnable in his own province. In case a special officer is appointed for the purpose of serving process, the process shall be sent or delivered to him by the clerk of the Supreme Court, and he shall be allowed the same fees as are hereby authorized for the governor or sheriff.

SEC. 3. It shall not be necessary to file separate petitions against each defendant alleged to be wrongfully in possession of each piece of property as above set forth, but all defendants holding several and distinct pieces of property in the same province may be embraced in one petition.

SEC. 4. Within forty days after service of the summons on the defendant or defendants, unless further time is given by the court, the defendant or defendants served shall file their several answers or a joint answer, as they may elect, succinctly stating the facts upon which they base their interest and deny the ownership or the right of administration or possession or claim of title of the petitioner or petitioners, and stating to what use the property claimed or held by such defendant or defendants has been put while in the possession of the defendant or defendants and for what period of time it has been so used and whether such property is used or ever has been used by the Roman Catholic Apostolic Church as a church, convent, or cemetery or in connection therewith, and if so, for what period of time. Upon the filing of such answer or answers no further pleading shall be necessary and the action shall be considered at issue. In the event that any defendant fails to file his answer to the petition within the time hereby prescribed, the allegations of the petition shall be taken as confessed and true as to him, and the court shall at once enter a decree directing the return of the personal property and ousting such defendant

from possession of the real property described in the petition and held by him and, if requested, shall issue a writ of possession in accordance with the decree. Whenever any complaint or petition filed in pursuance of this Act is under oath the answer or answers to such complaint or petition must also be under oath. The court shall have power and authority to appoint receivers, issue injunctions and other extraordinary process as provided by the Code of Civil Procedure.

SEC. 5. After an action shall be at issue the petitioner or petitioners shall have sixty days within which to take evidence in support of the averments of their petition, and the defendant or defendants shall likewise have sixty days after the time fixed for the taking of the petitioner's proof within which to take evidence to sustain the averments of their answer or answers, and thereafter the petitioner or petitioners shall have thirty days in which to take evidence in reply. In case either the petitioner or petitioners or the defendant or defendants shall have concluded the taking of evidence before the expiration of the time allowed herein for concluding the same, they may so notify the opposite parties in writing, and thereupon the time within which the latter are required to take their evidence shall begin to run. The court, in order to facilitate the taking of evidence, may appoint such special commissioners as may be necessary to that end. and, in its discretion, may appoint the clerk of any Court of First Instance as such special commissioner, and such special commissioner shall be allowed compensation not to exceed ten pesos per day for his services while actually engaged in taking the evidence. Any commissioner thus appointed shall have authority to issue process upon the application of either part, to summon witnesses to appear before him, and, if necessary, to compel their attendance by issuing attachments, and to administer oaths. Such commissioner shall make his report to the court within thirty days after the taking of evidence has been completed by him.

SEC. 6. The attorneys for the parties litigant, within seven days after any action shall be at issue, shall appear before the Supreme Court of the Philippine Islands and stipulate, so far as possible, what facts may be taken as agreed upon by the parties in interest so as to save the necessity of taking evidence, and these stipulations shall be reduced to writing and the facts therein agreed upon shall be taken and considered as established. At the conclusion of the taking of the evidence in any action the same shall be heard by the court as speedily as may be, and actions arising under the provisions of this Act shall be given precedence in their hearing over any other actions pending in said court.

SEC. 7. After reaching a conclusion upon the issues presented in any action the court shall render its decree accordingly. If it find in favor of granting the prayer of the petitioner or petitioners in toto, it shall enter a decree directing the return to the petitioner or petitioners of the personal property and ousting the defendant or defendants from possession of the real property mentioned in the petition and awarding possession of such real and personal property to the petitioner or petitioners, or such of them as may be entitled thereto, and directing a writ of possession to issue against the defendant or defendants in the manner and form prescribed by Act Numbered One hundred and ninety. If it shall find in favor of the defendant or defendants, it shall decree accordingly and direct that the petition be dismissed. In the event that the court shall find that the petitioner or petitioners or any of them are entitled to some of the properties mentioned in the petition and not entitled to others mentioned therein, it shall decree in accordance with its finding, granting the prayer of the petitioner or petitioners or any of them as to the property or properties to which such petitioner or petitioners or any of them are entitled and decreeing that the defendant or defendants or such of them as are wrongfully in possession of the personal property return the same to the petitioner or petitioners, that the defendant or defendants or such of them as are wrongfully in possession of real property be ousted therefrom and that a writ of possession to that effect be issued, and dismissing the petition in so far as it seeks to recover possession from the defendant or defendants or any of them of any property to which none of the petitioners is entitled.

SEC. 8. Whenever any municipality claims to be the owner of any church, convent, cemetery, or real or personal property used in ' connection therewith which is in the possession of the Roman Catholic Apostolic Church or of any bishop or priest or other proper representative thereof, such municipality may in like manner bring its action in the Supreme Court of the Philippine Islands against the party or parties in possession, making the Roman Catholic Archbishop or bishop of the diocese in which the property or properties are situate a party defendant thereto, and the same procedure as is set forth in the preceding sections of this Act shall be followed and the provisions of this Act shall in all respects apply to such actions: Provided. That no municipality shall institute such suit without first submitting its claim of title to the Attorney-General for the Philippine Islands and receiving his approval to the bringing of such suit: And provided further. That when such approval has been had it shall be the duty of the Attorney-General to direct and control the litigation when begun, utilizing the services of the provincial fiscal so far as in his judgment may be necessary in the preparation and conduct of the action: Provided, however,. That nothing in this Act contained shall prohibit the Roman Catholic Apostolic Church, the Independent Filipino Church, or any municipality or other person not taking advantage of the provisions of this Act from instituting actions in the Courts of First Instance, or in the Court of Land Registration, in accordance with existing provisions of law, to recover the possession and control of churches, convents, cemeteries, or other property.

SEC. 9. The Supreme Court of the Philippine Islands is also, given original jurisdiction to hear and determine all actions involving the title to any hospital, asylum, charitable institution, or other] property of any description whatsoever, or the ownership, right of administration or possession thereof which may be brought by the government of the Philippine Islands against the Roman Catholic Apostolic Church or any archbishop, bishop, priest, or other lawful representative thereof, or which may be brought by such archbishop, bishop, priest, or other lawful representative of the Roman Catholic Apostolic Church against the Government of the Philippine Islands; and the procedure as set forth in the preceding sections hereof shall be followed, and the provisions of this Act shall in all respects apply to such actions.

SEC. 10. All costs of the several actions begun in accordance with the provisions of this Act, including compensation to special commissioners, but exclusive of counsel fees, shall be borne by the Government of the Philippine Islands, and from time to time, as may be necessary, the Philippine Commission shall make appropriation therefor as in other cases of obligations against the Government of the Philippine Islands, but the costs herein provided to be paid shall be those lawfully and necessarily accruing in the Supreme Court of the Philippine Islands only.

SEC. 11. No municipality becoming either a party plaintiff or defendant under the provisions of this Act shall appeal from the decision of the Supreme Court of the Philippine Islands to the Supreme Court of the United States save upon the approval and by the direction of the Attorney-General for the Philippine Islands.

SEC. 12. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 13. This Act: shall take effect on its passage.

Enacted, July 24, 1905.

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