

SANTIAGO A. FONACIER, PETITIONER, VS. COURT OF APPEALS AND ISABELO DE LOS REYES, JR., RESPONDENTS.*G.R. No. L-5917. January 28, 1955*

Ponente: BAUTISTA ANGELO, J.

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This case was instituted in the Court of First Instance of Manila by the Iglesia Filipina Independiente, represented by its Supreme Bishop Gerardo M. Bayaca, against Bishop Santiago A. Fonacier seeking to require the latter to render an accounting of his administration of all the temporal properties he has in his possession belonging to said church and to recover the same from him on the ground that he had ceased to be the Supreme Bishop of said religious organization. Bishop Isabelo de los Reyes, Jr., having been elected as Supreme Bishop after the filing of the original complaint, was later made a co-plaintiff in a supplementary complaint.

Mons. Fonacier claims as a defense that he has not been properly removed as Supreme Bishop; that his legal successor was Juan Jamias who had been elected in accordance with the constitution of the church; that he has already rendered an accounting of his administration to Bishop Jamias and turned over all the properties to the latter; that Bishop Isabelo de los Reyes Jr. formally joined the Protestant Episcopal Church of America and for this reason he has ceased to be a member of the Iglesia Filipina Independiente; and that Bishops De los Reyes and Bayaca having abandoned the faith, fundamental doctrines and practices of the Iglesia Filipina Independiente, they ceased to be members thereof and, consequently, have no personality to maintain the present action.

On May 17, 1950, the court rendered judgment declaring Mons. Isabelo de los Reyes, Jr. as the sole and legitimate Supreme Bishop of the Iglesia Filipina Independiente, and ordering Mons. Fonacier to render an accounting of his administration of the properties and funds of the church "from the time he began occupying the position of Secretario de Economia Temporal thereof until the present time."

When the case was taken to the Court of Appeals, the latter found the decision of the Court of origin in accordance with law and the evidence and affirmed the same in toto, and the case is now before us by virtue of a petition for review interposed by defendant Mons. Fonacier.

Petitioner assigns in this instance twelve errors as allegedly committed by the Court of Appeals which, in his opinion, merely involve or raise legal questions which can be looked into in the present petition for review, but this assertion is disputed by respondent who claims that the issues herein involved call for factual conclusions inasmuch as they require an examination of the oral and documentary evidence submitted by the parties. As to which of these contentions is correct, we are not in a position to determine at the moment, the only thing clear being that in a petition for review, "The judgment of the Court of Appeals is conclusive as to the facts, and cannot be reviewed by the Supreme Court. The entry of such judgment is the end of all questions of fact." (Moran, Comments on the Rules of Court, Vol. 1, 1952, ed., p. 952), or, as section 2, Rule 46 of the Rules of Court provides, "only questions of law may be raised in the petition and must be distinctly set forth", and conformably with this provision this Court has constantly ruled that it would not disturb the findings of fact of the Court of

Appeals in an appeal by certiorari (De Vera vs. Fernandez, 88 Phil, 668; Velasco vs. The Court of Appeals, 90 Phil., 689; Monfort vs. Aguinaldo, L-4104, May 2, 1952.) Considering the nature of the present appeal, we would therefore proceed to restate the facts as found by the Court of Appeals, limiting our function to ascertaining or determining if the conclusions drawn from said facts are in accordance with law or the constitution of the Iglesia Filipina Independiente which, in our opinion, is the key to the solution of the present controversy, and in our discussion of the issues as reflected in the various assignments of error, we will follow the same arrangement made in petitioner's brief without prejudice of discussing together or in a group those which we believe are interrelated and can be better elucidated than by discussing them separately.

The main facts which led to the present controversy as found by the Court of Appeals are: "It is not disputed that upon the death of Mons. Aglipay, the Supreme Head of the IFI since 1902, Mons. Fonacier was elected Obispo Maximo, on October 14, 1940, in accordance with the constitution of the church. The latter's successor should have been elected by the Asamblea Magna of the Church on September 1, 1943. However, due to the circumstances brought about by the Pacific War, it was agreed, on December 16, 1941, by the Bishops stationed in Manila and neighboring provinces that Mons. Fonacier should hold over as Obispo Maximo of the IFI, for the duration of the emergency created by the war. After the liberation of the Philippines, and on September 1, 1945, an attempt was made to convene the Asamblea Magna for the purpose of electing the Obispo Maximo, but owing to lack of quorum, the Bishops present agreed that Mons. Fonacier would continue for another year, or until September 1, 1946.

"On September 2, 1945, the Consejo Supremo de Obispos (Supreme Council of Bishops) of the IFI convened and approved the designation of bishops to their respective bishoprics. Here began the conflict which culminated in the division of the church into two groups. In that meeting Mons. Alejandro Remollino was assigned as bishop of the diocese of Cavite. Upon learning that the latter notified the priests of his bishopric regarding his assignment, Mons. Fonacier wrote him a letter dated September 18, 1945 enjoining him from assuming the duties of his office and from taking possession of the diocese of Cavite until he (Fonacier) had approved the appointment made by the Supreme Council as provided for in the constitution. To this letter Bishop Remollino replied explaining his side and adding that he was ready to defend his stand on the matter before the courts of justice. In view of this attitude, Mons. Fonacier ordered the expulsion of Bishop Remollino from the church and also of Bishop Manuel Aguilar (Exhibits 3 and 4) whom Mons. Fonacier suspected to be the instigator of certain acts of insubordination and defamation against him.

"On December 1, 1945, Bishop Manuel Aguilar filed charges (Exhibit B) against Mons. Fonacier as Supreme Bishop which were submitted to a meeting of the Supreme Council of Bishops, held on January 21, 1946, which decreed the forced resignation of appellant, and to the Asamblea Magna or Asamblea General of the church, held on January 22, 1946. This body approved the forced resignation of appellant (petitioner Fonacier) and elected Bishop Gerardo M. Bayaca as Supreme Bishop to succeed Mons. Fonacier.

"When notified of his removal as Obispo Maximo and required to turn over all the funds, documents and other properties of the church to his successor, appellant refused. Hence, the commencement of the instant action in the Court of First Instance of Manila.

On September 1, 1946 the Asamblea Magna convened and elected Mons. Isabelo de los Reyes, Jr. as Obispo Maximo (respondent herein). On the same date Mons. Fonacier and some of his followers met at the Manila Hotel and elected Mons. Juan Jamias as their Supreme Bishop. Thus two factions of the IFI were created.

"The faction under Mons. Isabelo de los Reyes, Jr. according to the statement (Exhibit EE) of the Director of National Library, issued on May 22, 1947, had nineteen bishops and 252 priests while the faction under Mons.

Juan Jamias had ten bishops and only 40 priests. Thus on June 23, 1947, the Secretary of Public Instruction promulgated an order to the effect that for administrative purposes, Mons. Isabelo de los Reyes, Jr., was recognized as sole head of the IFI and the applications of priests of said church for permits to solemnize marriages would be granted if it were shown thereon that they recognized Isabelo de los Reyes, Jr., as the Obispo Maximo of said church. The Supreme Court, however, denied the power of the Secretary to stop the Fonacier group from obtaining licenses to solemnize marriages.

"On January 22, 1948, the bishop and priests under Mons. De los Reyes, Jr., had increased from 252 to 293 while those under Mons. Jamias were only 64 (Exhibit 25) and Mons. De los Reyes, Jr. was duly registered as 'corporation sole for the administration of the temporalities of the Iglesia Filipina Independiente, pursuant to the provisions of Articles 154-164 of the Corporation Law.'"

I

The petitioner assigns as first error the following: The Court of Appeals erred "in holding that the ouster of Bishops Manuel Aguilar, Alejandro Remollino, Isabelo de los Reyes Jr., Gerardo Bayaca, Juan Quijano and Pablo Tablante decreed by the Supreme Council and the petitioner as Obispo Maximo was illegal," and the facts concerning the ouster of Bishops Remollino and Aguilar as narrated by the Court of Appeals are:

"At the meeting of the Supreme Council of Bishops held on September 2, 1945, Mons. Alejandro Remollino was appointed to the diocese of Cavite. He at once advised the priests of his bishopric of such appointment. Upon learning of this, appellant, Bishop Fonacier, wrote Bishop Remolino a letter, dated September 18, 1945 (Exhibit T) calling his attention to the fact that the latter had been quite hasty in returning to the diocese of Cavite without waiting for the approval by the Obispo Maximo of the Supreme Council's resolution of September 2, 1945 as provided for in the constitution of the church, which requires the approval of the Obispo Maximo to all resolutions of the Supreme Council before becoming effective and enjoining him from assuming the duties of his office and from taking possession of said diocese. Mons. Remollino answered appellant with a letter (Exhibit U) dated September 19, 1945, stating that he had been appointed Bishop of the diocese of Cavite by the late Mons. Aglipay; that said appointment was subsequently confirmed by the Supreme Council of Bishops; that he had ever since been the Bishop of said diocese; and that, therefore, he was ready to defend his stand on the matter before the courts of justice. Resenting such attitude of Bishop Remollino, taking it as a defiance and an insult, considering it as a direct contempt of the Supreme Head of the church, and suspecting Bishop Manuel Aguilar as the one who drafted said letter and as the instigator, among the priests and followers of the church, of what he considered as acts of insubordination, defamation and vilification against him, appellant prepared and signed a document, dated October 8, 1945, purporting to be a decree of expulsion, whereby he decreed the expulsion of Msgrs. Aguilar and Remollino from the church (Exhibit 3). This document was signed by appellant, countersigned by the Secretary General Bishop Isabelo de los Reyes, Jr. and agreed to by Bishops Juan Jamias, Martin Jamias, Gregorio Gaerlan, Leopoldo Ruiz, Gerardo Bayaca and Pablo Tablante. On October 16, 1945 the last-named six bishops approved a resolution decreeing the expulsion of Aguilar and Remollino from the church (Exhibit 4), which they signed and appears to have been countersigned by the Secretary General and approved by appellant as Obispo Maximo. It is claimed by appellant that due to the intervention of persons interested in settling the controversy within the church, said decree of expulsion (Exhibit 4) was not put into effect immediately and that he, appellant, agreed to consider the matter closed after receiving from Aguilar and Remollino a letter of apology which the latter promised to write. In other words, there was an understanding that if no letter of apology was written by Bishops Aguilar and Remollino, Exhibits 3 and 4 will become operative. Appellant also contends that having been informed by Bishop De los Reyes, Jr. that Bishops, Aguilar and Remollino refused to sign a letter of apology, appellant issued the communication (Exhibit BB) on November 20, 1945, whereby he declared the effectivity of the decree of ouster of the aforesaid two bishops, dated October 8, 1945. (Exhibit 3)."

The issue now to be determined is: Was the ouster of Bishops Manuel Aguilar and Alejandro Remollino legal and valid?

Petitioner contends that such ouster was legal and valid because it was decreed by him as Supreme Bishop and the act was sanctioned by the Supreme Council in accordance with the constitution of the church as a punishment for the action of said bishops in defying and slandering the Supreme Head of the church and in campaigning to destroy the unity of the church. Furthermore, petitioner contends that, under the constitution of the church Bishops Aguilar and Remollino had the right to appeal from the decree of expulsion to the Curia de Apelaciones which had jurisdiction to review and render final judgment thereon, but that they did not avail themselves of this remedy and, hence, his decree became final and executory and cannot now be attacked collaterally outside of the church, for the civil courts have no jurisdiction to review or revise it.

We find that this claim is but a reiteration of what petitioner has advanced when this case was brought before the Court of Appeals and the latter has already passed upon it after making a careful discussion of the evidence, oral and documentary, in connection with the pertinent provisions of the constitution of the Iglesia Filipina Independiente touching upon the powers of the Supreme Bishop concerning removal of bishops of the church, and in connection with pertinent authorities relative to the doctrine of interference which civil courts might have regarding ecclesiastical matters. And we find that the discussion made by the Court of Appeals on the points raised by petitioner is correct.

Take for instance the question relative to the authority of the civil courts to review or revise an action or decree of the ecclesiastical courts or authorities concerning which the Court of Appeals upheld the power of the civil courts to look into the propriety of the decree of ouster because of the plea of respondent that it was not issued in accordance with the procedure laid down in the constitution of the Iglesia Filipina Independiente. The Court of Appeals entertained the view that since it is claimed that the ouster was made by an unauthorized person, or in a manner contrary to the constitution of the church, and that the ousted bishops were not given notice of the charges against them nor were they afforded an opportunity to be heard, the civil courts, have jurisdiction to review the action regarding said ouster citing in support of its view some authorities from Vol. 45 of the American Jurisprudence which we believe to be pertinent and decisive of the issue under consideration (45 Am. Jur. pp. 751-754). And, for the purposes of this decision, it is enough for us to quote the following as a representative authority: "Where, however, a decision of an ecclesiastical court plainly violates the law it professes to administer, or is in conflict with the laws of the land, it will not be followed by the civil courts. * * * In some instances, not only have the civil courts assumed the right to inquire into the jurisdiction of religious tribunals and the regularity of their procedure, but they have subjected their decisions to the test of fairness or to the test furnished by the constitution and laws of the church. Thus, it has been held that expulsion of a member without notice or an opportunity to be heard is not conclusive upon the civil courts when a property right is involved." (45 Am. Jur., p. 77.)

The claim that the ouster in question was legal and valid because petitioner, as Supreme Bishop, could act alone pursuant to the constitution of the church wherein it is provided that the Supreme Bishop is the supreme head of the Iglesia Filipina Independiente and as such shall have full powers to impose the penalties of dismissal, confinement in the seminary, suspension, fine, transfer, etc, which, without contravening the penal laws of the constituted civil government, can be imposed upon the bishops, and that said power can be exercised even without the intervention of the Supreme Council, cannot be entertained in the light of the very provisions of the constitution of the church, it appearing that the alleged power of the Supreme Bishop under the constitution is not all-embracing but limited and, in any event, the final action shall be taken by the Supreme Council. Thus, the pertinent provisions of the constitution of the church are quoted hereunder for ready reference:

"Tendra omnimodas facultades para imponer las penas de separation, reclusion en el Seminario, suspension, multa, traslado y otras, que, sin contravenir las leyes penales del Gobierno civil establecido, se puedan imponer a los Apostoles * * *.

"Sin embargo el Obispo Maximo no podra castigar a nadie, sin oir al acusado y sin darle medios para justificarse, y aun asi, tendra que oir la opinion del Juez de la Curia de Apelaciones, y, en caso gravisimo, al Consejo Supremo de Obispos (Sec. VI, Cap. III, Parte II, p. 39, Reglas Constitucionales, Exhibit K).

"Los Obispos, en caso de delinquir, seran juzgados por el Consejo Supremo, bajo la sancion del Obispo Maximo (Sec. VII, id., p. 40).

"Los que se crean condenados injustamente podran apelar a la Curia de Apelaciones, la cual fallara inapelablemente.

"La Curia de Apelaciones dirimira las competencias y conocera en primera instancia de las condenas que dictare el Obispo Maximo, pudiendose apelar al Consejo Supremo de Obispos, en los casos en que se impongan exageradas penas." (Sec. VIII, Ibid., p. 40).

It can be plainly seen from a cursory reading of the foregoing provisions that the Supreme Bishop cannot punish an erring member without first giving him an opportunity to be heard and to defend himself, and, in any event, without first securing the opinion of the Judge of the Curia de Apelaciones, and in serious cases, the case needs to be referred to the Supreme Council of Bishops. With regard to a case where a bishop is involved, the action shall be submitted to the Supreme Bishop for approval. And in case of guilt, the accused may appeal to the Curia de Apelaciones, whose decision shall be final. Such is the procedure laid down by the constitution of the church when disciplinary action needs to be taken. against a delinquent member. It is not, therefore, correct to say that the Supreme Bishop can take action alone in connection with an erring bishop, even in disregard of the Supreme Council, in view of the over-all powers he claims to possess under the circumstances.

That the procedure above outlined is correct and apparently is in line with the practice consistently followed by the Iglesia Filipina Independiente against its erring officials, finds reaffirmation in the alleged ouster of Bishops De los Reyes, Jr., Bayaca, Quijano, and Tablante wherein it appears that, in effecting said ouster, the group headed by petitioner followed a procedure .which apparently is in accordance with the above quoted provisions of the constitution and which, as found by the Court of Appeal is as follows: "Formal charges were filed with the Supreme Council. This body convened on January 29, 1946, for the purpose of considering said charges. A President of the Supreme Council was elected. A bishop was appointed as judge of the Curia de Apelaciones. The charges were referred to the President of the Curia de Apelaciones for action, who reported that the same being so serious should be taken cognizance of by the Supreme Council. The Supreme Council resolved to notify the respondents of the charges requiring them to answer within 24 hours should they wish to plead any defense. Two bishops were commissioned to serve notices upon the respondents. Since propositions of an amicable settlement failed, the Supreme Council constituted itself into a tribunal to hear the charges. A hearing was held at which the respondents failed to appear or to present any defense. At said hearing the Supreme Council received evidence and, after hearing the opinion of the judge of the Curia de Apelaciones, approved and promulgated a decision ordering the ouster of the respondents."

Since, according to the Court of Appeals, no procedure similar to the one followed by the faction of petitioner in connection with the case of Bishop De los Reyes, Bayaca and others, was ever adopted as far as Bishops Aguilar and Remollino are concerned, or no formal charges were filed against the latter, nor an investigation or hearing ever held, it follows that the ouster of said two bishops was null and void, it being in violation of the constitution of the church.

Let us now take up the alleged ouster of Bishops De los Reyes, Bayaca, Quijano and Tablante which, according to petitioner, has been validly decreed by him as Supreme Bishop, and, as usual, let us refer to the facts as found by the Court of Appeals:

"After having been notified of his removal as Supreme Bishop of the IFI and required to turn over all the funds, documents and other properties of the Church he had in his possession to his successor by letter, Exhibit I, dated January 23, 1946, the appellant organized a group of rebels of the church which, on January 29, 1946, formed a Supreme Council composed of appellant himself, Bishops Jamias (J.) Jamias (M), Gaerlan and Ruiz and the bishops he illegally consecrated, namely, Evangelista, Elegado, Bergonia, Pasetes and Mondala. Said Supreme Council met in Pasay; elected Juan Jamias as President of the Supreme Council, who, in turn, appointed Gaerlan and Ruiz, as Juez de la Curia de Apelaciones and Secretary General, respectively; and took cognizance of the charges of Rev. Flaviano Lorenzo against Mons. Isabelo de las Reyes, Jr., Gerardo Bayaca, Juan Quijano and Pablo Tablante for alleged high treason to the IFI (Exh. 30). On January 30, 1946 the same Supreme Council met, constituted itself as a tribunal and rendered decision decreeing the separation of the above mentioned Bishops Isabelo de los Reyes, Jr. et al., from the IFI."

It should be noted that the action against the above mentioned bishops was taken after petitioner had been notified of his removal as Supreme Bishop of the Iglesia Filipina Independiente and required to turn over all the funds, documents, and properties of the Church to his successor by the Supreme Council of Bishops which decreed his forced resignation on January 21, 1946. If petitioner has ceased to be the Supreme Bishop when he took that action against the four bishops, then it would seem that he had no further authority to convoke a Supreme Council of Bishops or a meeting of the Asamblea Magna to sit in judgment of them in accordance with the constitution of the church and, therefore, whatever action his group might have taken leading to their ouster would necessarily be void and without effect. While apparently the ouster of said bishops was made in accordance with the procedure laid down by the constitution of the church wherein the four bishops were given an opportunity to be heard and defend themselves, the validity of the action taken will necessarily have to be premised on the legality of the forced resignation decreed against petitioner which is also one of the issues raised by petitioner in this appeal. This will be taken up in the latter part of this decision. In the meantime, suffice it to state that the Court of Appeals has found the ouster of Bishop De los Reyes and his companions to be without justification in view of the conclusion it has reached that petitioner has been validly removed as Supreme Bishop since January 22, 1946 and the Supreme Council of Bishops he had convened was illegal it being composed merely of himself and the bishops he had consecrated without the sanction of the legitimate members of the Supreme Council of the Iglesia Filipina Independiente. If this premise is correct, as will be discussed elsewhere in this decision, then the ouster of Bishop De los Reyes and his companions is unjustified and illegal.

II

In this second assignment of error, petitioner claims that it was a mistake for the Court of Appeals to consider Irineo C. de Vega as bishop and as member of the Supreme Council, the Asamblea Magna, and the Asamblea General of the church and this claim is predicated upon the fact that Bishop Vega has already severed his connection with the church by voluntary resignation because of his desire to engage in the practice of law.

We are afraid that this assignment of error raises a question of fact which was already resolved by the Court of Appeals against the petitioner. The only purpose of this assignment is to show that petitioner was not properly ousted as Supreme Bishop and that Monsignors Bayaca and De los Reyes were not duly elected as Supreme Bishops because Bishop Vega had no right to participate in the proceeding affecting them, but in justifying his stand, petitioner brings into play his own assumption of facts which have already been rejected by the Court of Appeals. Thus, in discussing the evidence submitted by both parties relative to the alleged resignation of Vega as

bishop of the Iglesia Filipina Independiente, the Court of Appeals made the following findings:

"Testifying, appellant averred that it was the Secretary General Mons. De los Reyes, Jr., who informed him that Vega did not want to continue as Bishop of the IFI and that he preferred to engage in the practice of law (p. 188, tsn, First Trial), but Mons. De los Reyes, Jr., testified that Bishop Vega did not actually resign but only asked for a vacation which the Supreme Council granted, the reason for such vacation being that his parish church in Paco had been burned during the war. And Bishop Vega himself testified that he never resigned as Bishop and that, in spite of the letter Exhibit 45 canceling his permit to solemnize marriages, he continued to exercise the other powers and privileges of his position; and that the appellant wrote a letter to the National Library for the cancellation of Vega's permit to solemnize marriages because of the differences between the two or the grudge of appellant since the election in 1940 when the former was the campaign manager of Bishop Castro who ran against the appellant for the position of Supreme Bishop.

"On the other hand, it appears that at the meeting on September 2, 1945 Vega was assigned or appointed by the Consejo Supremo to the diocese of Tayabas, Marinduque, Batangas and Mindoro (Exhibit M) and on October 18, 1945 the minutes of said meeting were duly approved by the Supreme Council (Exhibit A A) and appellant, although present in both meetings, never protested to such appointment of Bishop Vega.

"We hold, therefore, that the alleged resignation of Vega or the voluntary relinquishment of his position as Bishop, has not been established by clear and convincing evidence, and Error No. III assigned was not committed by the trial court"

Note that, after discussing the evidence in the manner above stated, the Court of Appeals held "that the alleged resignation of Vega or the voluntary relinquishment of his position as Bishop, has not been established by clear and convincing evidence", and this finding we cannot now disturb.

III

The third assignment of error refers to the finding of the Court of Appeals that Monsignors Apostol, Evangelista, Mondala, Pasetas, Bergonia, Ramos and Elegado have not been validly consecrated as bishops and therefore cannot be considered members of the Supreme Council, Asamblea Magna, and Asamblea General of the church.

In this connection, the Court of Appeals found that the aforementioned seven individuals were consecrated by petitioner without the approval of the Supreme Council and in violation of the constitution of the church for, according to said court, "In fact one of the charges filed against the (petitioner) which culminated in his forced resignation was the latter's having consecrated said bishops not only without the consent or approval of the Consejo Supremo but also over its express objection as in the case of P. Evangelista." And, in assailing this finding, petitioner merely makes the comment that the appointments of these bishops is an ecclesiastical matter which cannot be revised by the civil courts. We have already stated that while the civil courts will ordinarily leave ecclesiastical matters to church authorities, they may however intervene when it is shown, as in this case, that they have acted outside the scope of their authority or in a manner contrary to their organic law and rules (45 Am. Jur., 751, 754). This assignment, therefore, is without merit

IV and V

The fourth and fifth assignments of error read:

"IV. The Court of Appeals erred in not declaring that the so called Supreme Council and Asamblea General that met on January 21 and 22, 1946, respectively, upon the call of Aguilar, were illegally constituted, and that, therefore, their acts were null and void, more particularly, the ouster of the petitioner as Obispo Maximo decreed by them.

"V. The Court of Appeals erred in holding that the Asamblea General and the Asamblea Magna referred to and defined in the Church's constitution is one and the same body."

The fourth assignment of error is important because it calls for a determination of the validity of the ouster of petitioner as Supreme Bishop of the Iglesia Filipina Independiente. It involves an inquiry into the propriety of the meeting held by the Supreme Council of Bishops and Asamblea General on January 21, and January 22, 1946, respectively, upon the call of Bishop Aguilar. For the determination of the pertinent issues, it is necessary to make a review of the facts leading to the forced resignation of petitioner as Supreme Bishop as found by the Court of Appeals.

It appears that on December 1, 1945, Bishop Aguilar filed charges against petitioner as Supreme Bishop which he outlined in detail in a letter he addressed to him on said date and which appears copied verbatim in the decision of the Court of Appeals (Exhibit B). On December 4, 1945, Bishop Aguilar issued a call for a meeting of the Asamblea General to be held on January 22, 1946 (Exhibit D), and on January 2, 1946, he issued another call for a meeting of the Supreme Council to be held on January 21, 1946 for the purpose of hearing and considering the charges contained in the aforesaid letter. Petitioner answered the charges, through a counsel, in a written statement dated January 18, 1946 (Exhibit N) wherein he challenged the authority of Bishop Aguilar to summon the council of bishops for the purpose of hearing the charges and the authority of Bishop Remollino to attend the same on the ground that the two bishops had already been expelled by him from the church. The Supreme Council of Bishops convened on January 21, 1946 as scheduled and proceeded to deliberate on the charges against petitioner, and after finding them proven and substantiated, it approved a decree ordering the forced resignation of petitioner as Supreme Bishop of the church. The decree was submitted to the Asamblea Magna or Asamblea General which convened on January 22, 1946. Petitioner did not attend this meeting but sent a printed answer to the charges (Exhibit O). The assembly, after deliberating on the merits of the decree as well as the reasons and explanations advanced in petitioner's answer, unanimously approved said decree and immediately thereafter elected Bishop Gerardo Bayaca as Supreme Bishop in place of petitioner.

Petitioner claims that the meeting of the Supreme Council held on January 21, 1946 was illegal because (1) it was called by Bishop Aguilar, an unauthorized person, who already ceased to be a bishop and president of the Supreme Council by reason of his previous ouster, and (2) the bishops who were present did not constitute a quorum. Likewise, petitioner assails the legality of the meeting of the Asamblea General or Asamblea Magna held on January 22, 1946 for the reasons that (1) it was called by Bishop Aguilar alone and not by the Supreme Council as provided for in the constitution, and (2) the persons who attended said meeting did not constitute a quorum. Petitioner further contends that the Asamblea General and the Asamblea Magna are two different bodies, their differences being, to wit: the Asamblea General is called by the Supreme Council while the Asamblea Magna is called by the Obispo Maximo; the Asamblea Magna is composed of all bishops, one priest from each diocese elected by the parish priests of the same, and one layman from each diocese elected by the presidents of the parochial committee, while the Asamblea General is composed of all bishops, parish priests, and presidents of the parochial committees; and that the sole function of the Asamblea General is to try the Supreme Bishop, while the Asamblea Magna is called upon to elect the Supreme Bishop and to amend the constitution of the church.

The claim that Bishop Aguilar had no authority to convene the Supreme Council by reason of his previous ouster cannot now be sustained in view of our finding that said ouster was made in violation of the constitution of the church. The same thing may be said with regard to the claim that Bishop Vega had no right to participate in the meeting because of his voluntary separation from the church. It is only important to note in this connection that in the session of the Supreme Council held on September 2, 1945, (Exhibit M), Bishop Aguilar was elected president of said council and his designation has not been disputed by petitioner. It was in this capacity that he issued the

call for a meeting of the Asamblea General on January 22, 1946 and the call for a meeting of the Supreme Council on January 21, 1946.

As regards the existence of a quorum in the meeting held by the Supreme Council of January 21, 1946, the following is the finding of the Court of Appeals: "After examining the whole record, we believe, and so hold, that on January 21 and 22, 1946 there were only thirteen legitimate bishops of the IFI, namely: Fonacier, Jamias (J.), Jamias (M.), Gaerlan, Ruiz, De los Reyes, Jr. Bayaca, Kijano, Tablante, Felipe, Aguilar, Remollino and Vega. Buyser is not included because he was ill and never heard of. Seven out of these 13 attended the meeting of the Consejo Supremo held on January 21 1946, namely: De los Reyes, Jr., Bayaca, Kijano, Tablante, Aguilar, Remollino and Vega. It is, therefore, beyond question that there was a quorum present in that session." This finding we cannot now disturb.

On the question whether or not the Asamblea General and the Asamblea Magna are one and the same body, the Court of Appeals, after examining all the provisions of the constitution of the church (Exhibits K and L), found that the finding of the trial court in the affirmative sense was correct making its own the reasons advanced by the said trial court in support of said conclusion. This is now assailed by petitioner as erroneous because it ignored the amendment introduced in the original provision of the constitution as regards the composition of the Asamblea Magna.

While apparently the trial court overlooked the amendment pointed out by petitioner regarding the composition of the Asamblea Magna, we do not however consider material the nature of the change made as to affect the substance of the finding of the trial court it appearing that the change is merely nominal and does not make any reference to the composition of the Asamblea General. The ambiguity in the composition of the latter body is still there for it nowhere appears in the constitution any definition or explanation as regards its composition in the same manner as it does with regard to the Asamblea Magna. It is perhaps for this reason that the authorities of the church have involved themselves in a confusion as to the real body that should be called upon to act on the different problems of the church which accounts for their differences of opinion as to whether said two bodies are really one and the same. As the situation now stands, we do not feel justified in nullifying the actuation of the assembly called by Bishop Aguilar in his capacity as President of the Supreme Council of Bishops simply because it was called Asamblea Magna and not Asamblea General as now pretended by petitioner.

The legality of the meeting of the Asamblea Magna held on January 22, 1946 is also assailed because it was called by Bishop Aguilar alone and not by the Supreme Council of Bishops as a body as provided for in the constitution. While there is some merit in this contention, it cannot, however, have the effect of nullifying the actuation of said body for this reason alone considering the other factors that had intervened, namely: that the meeting was called by Bishop Aguilar in his capacity as President of the Supreme Council; that this body actually met in pursuance of that call and took action on the charges referred to it by Bishop Aguilar, and that the action taken by the council was submitted to the Asamblea General which the council well knew was to convene on January 22, 1946. All these acts of the council have the effect of ratifying the call made by Bishop Aguilar.

Petitioner also argues that there was no quorum in the meeting of the Asamblea General held on January 22, 1946 because of the thirty-one (31) persons present thereat, only nineteen (19) were qualified to attend it because the other twelve (12) were neither bishops nor parish priests, nor presidents of local committees. This issue was also resolved by the Court of Appeals in the affirmative sense, "the finding of the court on this matter is as follows:

"Pursuant to the Reglas Constitucionales the Asamblea Magna is composed of all the bishops, and one parish priest delegate and one layman delegate from each diocese. Accordingly, the total number of the members allowed to attend the Asamblea Magna is equal to the number of the dioceses multiplied by three. To find out how many delegates should be present in the session of the Asamblea Magna on January 22, 1946, the number

of dioceses into which the IFI was then divided should be ascertained. According to the minutes of the meeting of September 2, 1945 (Exhibit M) there were sixteen dioceses, two of which were vacant. In the minutes (Exhibit 12) of the meeting of the Asamblea Magna, formed by the faction of the appellant, on September 1, 1946 only fifteen dioceses were listed. The total number of members or delegates allowed to attend the Asamblea Magna on January 22, 1946, was, therefore, (48.) Only 25 of them were needed to constitute a quorum. Since there were thirty-one members or delegates present in that meeting, it is beyond question that a quorum was present."

As a corollary to the above findings, the Court of Appeals held that the Supreme Council and the Asamblea Magna that met on January 21, and January 22, 1946, respectively, were legally constituted and that the forced resignation and ouster of petitioner taken therein and the designation of Bishop Bayaca as Supreme Bishop, conducted on January 22, 1946, are valid. These findings, which involve questions of fact, cannot now be looked into, and, therefore, should be affirmed.

VI and VII

The next error assigned by petitioner refers to the legality of the election of Bishop De los Reyes, Jr., as Supreme Bishop of the Iglesia Filipina Independiente.

It appears that on September 1, 1946, upon the call made by Mons. Bayaca as incumbent Supreme Bishop, the Asamblea Magna held a meeting and elected Bishop Isabelo de los Reyes, Jr. as his successor. This election is now assailed on the ground that Mons. Bayaca had no authority to issue the call as he was not legally elected Supreme Bishop and had been ousted as member of the church by the Fonacier faction, and because there was no quorum present in that meeting.

With regard to the first ground, we have already seen that the election of Mons. Bayaca was found to be valid and his ouster by the Fonacier faction null and void so that it cannot be said that he acted outside the scope of his authority in calling the meeting in question. And with regard to the question of quorum, the Court of Appeals found that there was, and this finding cannot now be looked into.

Petitioner next takes up the legality of the election of Bishop Jamias as Supreme Bishop of the church contending that the Court of Appeals committed an error in declaring said election invalid and without effect.

On this point, the evidence shows that petitioner Fonacier, calling himself as Supreme Bishop of the Iglesia Filipina Independiente, issued a call to all those bishops and rebels belonging to his faction for a meeting to be held by the Asamblea Magna on September 1, 1946 for the election of his successor, and it was in that meeting where Bishop Jamias was elected to take his place as Supreme Bishop; but such election was found by the Court of Appeals to be illegal because, "It has been conducted not by a quorum of qualified and legitimate members of the IFI but by rebels thereof who were not authorized to organize the so-called Asamblea Magna", and so it concluded that Mons. Juan Jamias was not legally elected as Supreme Bishop of said church. This finding also involves a question of fact which we cannot now look into.

IX, X, XI and XII

Finally, petitioner contends that the Court of Appeals erred:

"IX. In holding that the abandonment of the constitution, restatement of articles of religion and abandonment of faith or abjuration alleged by petitioner are unquestionably ecclesiastical matters which are outside the province of the civil courts.

"X. In holding that the new declaration of faith and the abandonment of the constitution of the church were legally and validly adopted by the duly constituted Consejo Supremo and Asamblea Magna composed of

legitimate members of the IFI headed by respondent Isabelo de los Reyes, Jr., and duly empowered by the reglas constitucionales (Exhibits K, and L,) to take such actions.

"XI. In holding that the consecration of Reyes, Bayaca, and Aguilar as bishops by the American Protestant Episcopal Church was merely for the purpose of conferring upon them apostolic succession and there is no factual basis for their alleged abjuration or separation from the IFI.

"XII. In not holding that the respondent Isabelo de los Reyes, Jr., and Gerardo M. Bayaca, having abandoned the faith, fundamental doctrines and practices, as well as the constitution of the Iglesia Filipina Independiente, and having adhered to those of others, have automatically ceased to belong to said church, and consequently, have no personality to maintain the present action." (9th, 10th, 11th, and 12th assignments of error.)

The issues raised in the foregoing assignments of error were squarely met by the Court of Appeals whose decision on the matter, because of its lucidity and the interesting discussion made therein concerning the importance of the alleged abandonment of the Constitution, restatement of articles of religion, and abandonment of faith or abjuration on the part of Bishop De los Reyes, Bayaca and Aguilar in relation to the tenets of the original constitution of the church and the conclusions it has drawn in line with the authorities cited in support thereof, we can do no better than to quote in toto hereunder:

"Sometime in April 1947, Bishops De los Reyes, Jr., Gerardo Bayaca and Manuel Aguilar, upon their petition, were consecrated as bishops of the Protestant Episcopal Church of the United States. On August 5, 1947, the Obispo Maximo, the Supreme Council, the Asamblea Magna of appellee's faction amended the constitution of the IFI (Exhibit 55) and restated its articles of religion (Exhibit 54).

"On January 10, 1948, the appellant amended his answer by further alleging that: 'in or about the month of August, 1947, plaintiff Isabelo de los Reyes, Jr. as alleged Obispo Maximo of the plaintiff's Iglesia Filipina Independiente, formally joined the Protestant Episcopal Church of America, a duly existing religious corporation, and therefore, has ceased to be a member of the Iglesia Filipina Independiente, and has no legal capacity to sue, allegedly as Obispo Maximo of the last mentioned church.'

"On this point the court below took the view that the alleged doctrinal changes, abandonment of faith and acts of abjuration complained of are purely ecclesiastical matters and that since Bishop De los Reyes, Jr. allowed himself to be consecrated bishop of the Protestant Episcopal Church under the conviction that he was so authorized by the Supreme Council of the IFI and with the condition that he would not be bound by any obligation to the Episcopal Church, his consecration will not, affect his affiliation as member of the IFI unless the latter takes action against him and expels him, if found guilty.

"Appellant now claims that the trial court committed the first error assigned because it should have held that appellees De los Reyes, Jr. and Bayaca, having abandoned the faith, fundamental doctrines and practices, as well as the Constitution of the IFI, and having adhered to those of others, have automatically ceased to belong to said church, and consequently, have no personality to maintain the present action.

"The arguments of appellant may be summarized as follows:

(1) that the civil courts have jurisdiction to revise decisions on ecclesiastical matters where it is necessary to do so for the purpose of settling question of civil and property rights or when property rights are affected; (2) that the amendment of the constitution of the IFI approved in August, 1947, were illegal and ineffective, inasmuch as they were not approved by the duly constituted authorities of the church; (3) that said amendments introduced radical and substantial changes in the profession of faith and fundamental doctrines and practices of the church; and (4) that in view of said amendments and of subsequent consecration of plaintiffs-appellees as bishops by the Protestant Episcopal Church of the United States they have lost their rights to claim any participation in the properties and to use the name of the IFI.

"The position of appellant is that appellees having taken part in adopting and sanctioning amendments to the church's constitution which radically and substantially changed the profession of faith and fundamental doctrines and practices of the church, his faction cannot now be compelled to deliver to the appellees whatever property of the church are in its hands particularly because said faction continues to be loyal and faithful to the original doctrines and practices of said church. In support of this stand appellant cites several authorities (Watson vs. Jones, 20 L-ed. 666; 45 Am. Jur., 764, 765; Reorganized Church of Jesus Christ, L. D. S. vs. Church of Christ, 60 Fed. 937; Paranaque Methodist Episcopal Church, et al. vs. Methodist Episcopal Church, et al., 33 O. G. 534, and 54 C. J. 71) holding that in case of schism within a church its properties should remain with the faction that continues adhering to the original doctrines and practices of the church irrespective of whether it constitutes a majority or a minority of the members thereof.

"It is to be recalled that the forced resignation of appellant as Obispo Maximo of the IFI was ordered on January 22, 1946 and on the same day, appellee, Mons. Gerardo Bayaca was elected as Obispo Maximo to replace him. On January 23, 1946, appellant was notified of his removal and required to surrender and deliver all personal properties of the church still in his possession or under his control. Instead of doing so, he with a few members of the Consejo Supremo, with the help of some members of the laity, because of dissatisfaction with the action of the majority in removing the appellant as Supreme Bishop, erected themselves into a new organization formed a rump Consejo Supremo and a rump Asamblea Magna and claiming to speak for the church, decreed the ouster of Mons. Bayaca, De los Keyes, Jr., Kijano and Tablante on January 30, 1946. On February 9, 1946 this action was commenced by Mons. Bayaca and the IFI seeking to compel appellant to render an accounting of his management of the properties of the church and deliver the same to the plaintiffs. The alleged doctrinal changes took place in August, 1947. It is thus clear that the present action sprang out of a mere division not a schism in the church. Schism is 'a division or separation in a church or denomination of Christians, occasioned by diversity of opinions, breach of unity among people of the same religious faith (45 Am. Jur., 775), a division occasioned by diversity of opinion on religious subjects (38 Words and Phrases, Perm. Ed. 303), while division means 'no more than a separation of the society into two parts, without any change of faith or ulterior relations' (45 Am. Jur., p. 775). Such being the case, the doctrinal changes and abandonment of faith are irrelevant and immaterial in the case at bar and the invoked rule of doctrinal adherence does not apply.

"But assuming that there was a real schism in the IFI, the situation, under the facts of record, would not help appellant's contention because pursuant to the ruling in the case of Watson vs. Jones, 20 Law Ed., pp. 674-676, cited by both parties, the use of properties of a 'religious congregation' in case of schism, 'is controlled by the numerical majority of the members, such ruling admitting of no inquiry into the existing religious opinions of those who comprise the legal and regular organization.'

"The law is stated in that case as follows:

"The questions which have come before the civil courts concerning the rights to property held by ecclesiastical bodies, may as far as we have been able to examine them, be profitably classified under three general heads, which of course do not include cases governed by considerations applicable to a church established and supported by law as the religion, of the state.

'1. That first of these is when the property which is the subject of controversy has been, by the deed of will of the donor, or other instrument by which the property is held, by the express terms of the instrument devoted to the teaching, support or spread of some specific form of religious doctrine or belief.

'2. The second is when the property is held by a religious congregation which, by the nature of its organization, is strictly independent of other ecclesiastical associations, and so far as church government is concerned owns no fealty or obligation to any higher authority.

'3. The third is where the religious congregation or ecclesiastical body holding the property is but a subordinate member of some general church organization in which there are superior ecclesiastical tribunals with a general

and ultimate power of control more or less complete in some supreme judicatory over the whole membership of that general organization.

'The second class of cases which we have described has reference to the case of a church of a strictly congregational or independent organization, governed solely within itself, either by a majority of its members or by such other local organism as it may have instituted for the purpose of ecclesiastical government; and to property held by such a church, either by way of purchase or donation, with no other specific trust attached to it in the hands of the church than that it is for the use of that congregation as a religious society.

'In such cases, where there is a schism which leads to a separation into distinct and conflicting bodies, the rights of such bodies to the use of the property must be determined by ordinary principles which govern voluntary associations. If the principle of government in such cases is that the majority rules, then the numerical majority of members must control the right to the use of the property. If there be within the congregation officers in whom are vested the powers of such control, then those who adhere in the acknowledged organism by which the body is governed are entitled to the use of the property. The minority in choosing to separate themselves into a distinct body, and refusing to recognize the authority of the government body, can claim no rights in the property from the fact that they had once been members of the church or congregation. This ruling admits of no inquiry into the existing religious opinions of those who comprise the legal regular organization; for, if such was permitted, a very small minority, without any officers of the church among them, might be found to be the only faithful supporters of the religious dogmas of the founders of the church. There being no such trust imposed upon the property when purchased or given, the court will, not imply one for the purpose of expelling from its use those who by regular succession and order constitute the church, because they may have changed in some respect their views of religious truth.

'Of the cases in which this doctrine is applied no better representative can be found than that of *Shannon vs. Nelson*, 18 Vt. 511, which asserts this doctrine in case where a legacy was left to the Associate congregation of Ryegate, the interest whereof was to be annually paid to their minister forever. In that case, though the Ryegate congregation was one of a number of Presbyterian churches connected with the general Presbyterian body at large, the court held that the only inquiry was whether the society still exists, and whether they have a minister chosen and appointed by the majority and regularly ordained over the society, agreeably to the usage of that denomination. And though we may be of opinion that the doctrine of that case needs modification, so far as it discussed the relation of the Ryegate congregation to the other judicatures of the body to which it belongs, it certainly lays down the principle correctly if that congregation was to be treated as an independent one.' (*Watson vs. Jones*, 20 Law Ed., pp. 674-676).

"It goes without saying that the properties of the IFI are held by a religious congregation; that said church comes under the second class described in the above-quoted decision; and, that the numerical majority is on the side of the faction of the appellees, because 7 out of the 13 bishops of the church went to them and according to the statement of the Director of National Library, issued on May 22, 1947, appellee's faction was composed of 19 bishops and 252 priests whereas appellant's faction had only 10 bishops and 40 priests, and on January 22, 1948 its bishops and priests were 293 as against 64 of appellant's group (Exhibit 25).

"The amendments of the constitution, restatement of articles of religion and abandonment of faith or abjuration alleged by appellant, having to do with faith, practice, doctrine, form of worship, ecclesiastical law, custom and rule of a church and having reference to the power of excluding from the church those allegedly unworthy of membership, are unquestionably ecclesiastical matters which are outside the province of the civil courts (45 Am. Jur. 748-752. 755).

"It appears that the main complaint of the appellant is that the appellees upon adopting their new declaration of faith and the amendments of the constitution of the church, as appears in Exhibits 54 and 55, they have repudiated

the Oficio Divino which is the definite statement of the doctrines and rites of the IFI and the official book of the church. But appellant admits that said Oficio Divino 'does not pretend to close the way for any change which the progress of religious science may in the course of time show to be true and acceptable/ (Appellant's Memorandum, pp. 28-29). Indeed, the Oficio Divino itself says that it was an 'ensayo' and that its purpose was merely to give definite forms to the then accepted doctrines of the church without however closing the doors to, or making impossible any future changes that the progress of religious science might demand. Thus the note on page 221 of the Oficio Divino (Exhibit 57) reads as follows:

'Con la publicacion del presente libro, damos formas definitivas a nuestras doctrinas, pero sin cerrar jamas el camino del progreso de la ciencia religiosa como si pretendieramos pasar por dogmas el resultado de nuestras investigaciones.'

"It cannot be gainsaid that since the establishment of the IFI in 1902 there have been some changes and revisions of some of its tenets and articles of faith. This is quite understandable in a church like the Aglipayan Church which is not an ancient one and has not had the opportunity to make any of its doctrines and tenets clear and dogmatic. And it is but natural and fitting that new doctrines in religious matters be subjected to investigation and revision or even rejection in harmony with the advancement of religious science.

"Appellant contends however, that any such changes should be adopted by the church (Memorandum supra). Without resolving whether the amendments in question (Exhibits 54 and 55) constitute repudiation of faith or involve wide departure from the fundamental and characteristic beliefs or policy of the IFI, we believe, and so hold, that the same were legally and validly adopted by the duly constituted Consejo Supremo and Asamblea Magna composed of legitimate members of the IFI, headed by Mons. Isabelo de los Reyes, Jr. and duly empowered by the Reglas Constitucionales, as amended (Exhibits K and L), to take such action. Appellant's insistence that Bishops Aguilar, Remollino, De los Reyes, Jr., Bayaca, Kijano and Tablante who took part in the adoption of said amendments having been ousted by appellant's faction were not authorized to act for the IFI, is untenable. We have already discussed and held somewhere in this opinion that the alleged ouster of the aforementioned bishops was null and void and the election of Bishop De los Reyes, Jr., as Obispo Maximo was valid and we did recognize him as the sole and legitimate head of the IFI.

"Anent the consecrations of Mons. De los Reyes, Jr., Bayaca, and Aguilar as bishops of the American Protestant Episcopal Church, we find that the preponderating weight of evidence reveals, as questions of fact, that the purpose of said consecrations was merely the conferring of apostolic succession upon said bishops; that the American Episcopal Church did not acquire any authority, ecclesiastical or otherwise over the IFI or over the bishops thus consecrated; and that the latter were not required to take oath nor were they accepted as bishops of the aforesaid episcopal church by virtue of their consecrations, according to the uncontradicted testimony of Bishop Norman Spencer Binstead, of the American Episcopal Church, who consecrated them and of Bishops Bayaca, Aguilar and De los Reyes themselves. Hence, there is no factual basis for the alleged abjuration or separation from the IFI of said bishops and, consequently, appellees Isabelo de los Reyes, Jr. and Gerardo M. Bayaca are still members of the IFI, and do not lack personality to maintain the present action."

We can hardly add to the above findings to which we agree. We wish only to make the following observations. The complaint in this case was filed on February 9, 1946 raising as the main issue whether petitioner should still be regarded as legitimate Supreme Bishop of the Iglesia Filipina Independiente or whether he has been properly replaced by Bishop Gerardo Bayaca. This has been recognized by petitioner himself who, in the brief he submitted to the Court of Appeals, maintained that the only issue was, "Who is the true and legitimate Obispo Maximo of the IFI?" The alleged abjuration of respondent De los Reyes and Bishops Bayaca and Aguilar and the alleged restatement of articles of religion and doctrinal differences between the new and original constitutions of

the church were never alleged directly or indirectly in the pleadings of the parties. These questions were raised for the first time on January 10, 1948 when petitioner filed a supplementary answer alleging that on August, 1947, the respondent "formally joined the Protestant Episcopal Church of America." The alleged doctrinal changes and abjuration took place therefore after this case was filed in court, and after the division of the church into two groups had occurred, and, consequently, they could not have been the cause of the division. Under these circumstances, it would seem clear that the allegation regarding the alleged changes in doctrinal matters or in matters of faith incorporated in the constitutions of the church are entirely irrelevant in the present case. And, on this matter, this observation of the Court of Appeals comes in very fittingly: "The amendments of the constitution, restatement of articles of religion, and abandonment of faith or abjuration alleged by appellant, having to do with faith, practice, doctrine, form of worship, ecclesiastical law, custom and rule of a church having reference to the power of excluding from the church those allegedly unworthy of membership, are unquestionably ecclesiastical matters which are outside the province of the civil courts." (45 Am. Jur., 748-752, 755.) To this we agree.

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Paras, C.J., Padilla, Montemayor, Reyes, A., and Reyes, J.B.L., JJ., concur.

Judgment affirmed.

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