

EXALTACION CAÑETE, SOFIA CAVITE AND FATHER MANUEL V. GOMEZ, PETITIONERS, VS. COURT OF APPEALS, GENEROSA V. MAZO, CORNELIA FLORES, EUTROPIA GOBENCIONG, JACINTA ANIBAN, MERCEDES C...*G.R. No. L-45330. March 07, 1989*

Ponente: FERNAN, C. J.

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This is a petition for review on certiorari, seeking the reversal of the August 12, 1976 decision of the Court of Appeals in CA-G.R. NO. 57172-R entitled "Generosa V. Mazo, et al., plaintiffs-appellees v. Exaltacion Cañete, et al., defendants-appellants" affirming the decision of the Court of First Instance of Leyte Branch IV, in Civil Case No. 4929 entitled "Generosa Mazo, et. al., plaintiffs v. Exaltacion Cañete., et. al., defendants" for "Recovery of Personal Properties with Damages" which declared the plaintiffs (private respondent herein) as members of the Cofradia de Nuestra Señora de Belen of Tanuan, the true owners of the images, vestments, standarte and funds and ordered the defendants (petitioners herein) to pay jointly and severally private respondent, damages and attorney's fees and the Order of said appellate court dated November 24, 1976 denying petitioners' motion for reconsideration of said decision.

The findings of fact by the trial and appellate courts are as follows:

In the early 1900's a certain Inocenta de Veyra from Tanuan, Leyte founded the "Confradia de Nuestra Señora de Belen", a voluntary religious group of hermanos mayores. In 1919 and 1930, Inocenta denoted for the Conrardia the disputed images of the Holy Infant Jesus and of Blessed Virgin (de Belen) respectively. The Confradia is responsible for the material care of the religious icons, as well as for the ceremonies and rites which culminate in the annual observance of the fiesta. Said religious group has been largely governed through the years of the customs and traditions. It is not known if there are by-laws within the association.

It was the unbroken practice in the Confradia that the hermana mayor, during her incumbency, would keep on her custody as trustee, the two images, the vestments, garments and standarte, including the cash contributions of its members, with the tacit understanding that the said religious images and the unspent funds would be turned over to the next hermana mayor on the first day of the succeeding year.

In January of 1972, petitioner Exaltacion Cañete was elected as the hermana mayor and as such she took possession of the subject religious articles and funds of the Cofradia.

Because of the quarrel between the parish priest of Tanauan, Fr. Manuel Gomez and Bishop Salvador of the Diocese, resulting in the suspension and relief of the former, the Cofradia, an erstwhile cohesive group of women devotees, had been drawn into the controversy and was now split into two camps: one loyal to the ex-parish priest: Fr. Gomez, and the other, identified with the newly-designated parish priest Fr. Parilla. The Cofradia members with Fr. Gomez elected Sofia Cavite as the hermana mayor for 1973, replacing Exaltacion Cañete, while the

group with Fr. Parilla chose Bienvenida Casas. Exaltacion Cañete surrendered the images to Sofia Cavite.

Claiming to be members of the Cofradia and owners in common of its properties including the disputed images of the Blessed Virgin (de Belen) and the Holy Infant Jesus, respondents, originally twenty-one in number, brought an action against Exaltacion Cañete and Sofia Cavite for the "Recovery of Personal Properties with Writ of Attachment and Damages" before the Court of First Instance of Leyte, Branch IV (Civil Case No. 4929).

Petitioners countered that the subject images were ecclesiastical properties and therefore outside the province of the civil courts, and that respondents, as members of an unregistered organization, had no legal personality to sue. On the other hand, the plaintiffs (private respondents herein) maintain that these chattels are properties of their Cofradia.[1]

The complaint was later amended to include Fr. Gomez as additional defendant because according to defendants' answer, the image of the Blessed Virgin (de Belen) was in Fr. Gomez' custody.[2]

Pursuant to a writ of replevin issued by the trial court against petitioners, the latter delivered to respondents the possession of the chattels in question and the amount of P142.65 representing the funds of the Cofradia.[3]

On October 14, 1974, the trial court rendered its decision, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered declaring the plaintiffs, as members of the Cofradia de Nuestra Señora de Belen of Tanauan, the true owners with right to possession of the images, vestments, standards and funds in question; ordering the defendants to respect the ownership and possession of the plaintiffs of said chattels; ordering the defendants to pay, jointly and severally, the plaintiffs moral damages in the sum of Two Thousand Pesos (P2,000.00) and other sum of Two Thousand Pesos (P2,000.00) as attorney's fees and expenses of litigation; and pay the costs.

"SO ORDERED."[4]

Eleven days later and over petitioners' vigorous objection, the trial court allowed the immediate execution of the aforesaid judgment upon the filing by respondents of a bond in the amount of P4,000.00.[5]

On Appeal to the Court of Appeals, the findings of the lower court were substantially adopted by the appellate court except for the award of moral damages.[6]

Hence, this petition.

In this case, petitioners raised the following assignments of errors:

I. THE COURT A QUO ERRED IN ALLOWING THE PLAINTIFFS TO SUE UNDER THE NAME OF THE COFRADIA DE BELEN WHICH HAS NO CORPORATE PERSONALITY TO SUE AND TO BE SUED.

II. THE COURT A QUO ERRED IN TAKING COGNIZANCE OF THE SUBJECT MATTER OF THE LITIGATION BY TRYING AND DECIDING THE CASE SINCE THE ISSUE INVOLVED THE DETERMINATION OF THE OWNERSHIP OF CHURCH PROPERTIES AND THE COURT A QUO ERRED IN RECOGNIZING THE COMPLAINTS OF THE PLAINTIFFS-APPELLEES WHO HAVE NOT EVEN ESTABLISHED OWNERSHIP BEYOND REASONABLE DOUBT OF THE PROPERTIES SEIZED.

III. THE COURT EXCEEDED ITS POWERS, OR HAD NO JURISDICTION, WHEN IT TREATED AND DECIDED THE ISSUE ON THE VALIDITY OR NON-VALIDITY OF THE SUSPENSION OF FATHER MANUEL GOMEZ AND THE ISSUE AS TO WHO IS THE LAWFUL PARISH PRIEST OF TANAUAN, LEYTE, WHICH ACCORDING TO THE COURT WAS THE VERY ROOT OF THE PRESENT CONTROVERSY, THE MATTER HAVING BEEN ALREADY DECIDED BY ROME IN FAVOR OF

FATHER MANUEL GOMEZ.

IV. THE COURT A QUO ERRED IN REJECTING THE COUNTERBOND FILED BY, THE DEFENDANTS-APPELLANTS, THOUGH THE SAME WAS SUFFICIENT AS TO FORM AND SUBSTANCE AND WAS FILED WITHIN THE REGLEMENTARY PERIOD OF FIVE DAYS FROM THE DATE OF SEIZURE OF SUBJECT RELIGIOUS PROPERTIES, THUS PREVENTING THE RETURN OF THE SAME TO THE DEFENDANTS.

V. THE COURT A QUO ERRED IN JUMPING TO THE CONCLUSION THAT THE IMAGES ARE NOT CHURCH PROPERTY MERELY ON THE INCOMPLETE INVENTORY PRESENTED BY FATHER DENNY PARILLA, A NEWLY ORDAINED PRIEST, WHICH INVENTORY OMITTED THE OTHER PAGES WHERE OTHER IMAGES ARE MENTIONED INCLUDING THE CONTROVERSIAL IMAGES SUBJECT OF THE INSTANT CASE.

VI. THE COURT A QUO ERRED IN FAILING TO REALIZE THAT THE PROPERTIES IN THE INSTANT CASE ARE GOVERNED BY "ECCLESIASTICAL LAW, CUSTOM, AND RULE OF THE CHURCH." THE COURT A QUO ALSO ERRED IN CONSTRUING THE TESTIMONY OF SIMPLICIA CREER TO MEAN THAT BECAUSE SHE ADMITTED THAT THE IMAGES BELONGED TO THE COFRADIA THEREFORE THEY ARE NOT CHURCH PROPERTY. THE COURT A QUO ALSO ERRED IN ACCEPTING THE CLAIM OF THE PLAINTIFFS THAT THE PARISH PRIEST HAD NOTHING TO DO WITH THE COFRADIA AND ITS PROPERTIES.

VII. THE COURT A QUO ERRED APPLYING ARTICLE 559 OF THE CIVIL CODE TO THE INSTANT CASE, SINCE THE ORIGINAL OWNER, INOCENTA DE VEYRA, HAD DONATED THE IMAGES TO THE COFRADIA, AND THEREFORE HAD NOT BEEN UNLAWFULLY DEPRIVED OF HER PROPERTY. THE DEFENDANTS, WHO ARE BONA FIDE MEMBERS OF THE COFRADIA, CANNOT BE CALLED UNLAWFUL POSSESSORS OF THE IMAGES. NEITHER CAN THE COURT CONSIDER SEVERINA DE VEYRA AND GENEROSA MAZO, THE GRANDCHILDREN OF INOCENTA DE VEYRA, THE LAWFUL HEIRS, AND THEREFORE OWNERS OF THE IMAGES IN LIEU OF INOCENTA DE VEYRA.

VIII. THE COURT A QUO ERRED IN BUILDING UP ITS THEORY OF THE ORIGINAL OWNERSHIP, FIRST BECAUSE THERE IS NO QUESTION OF RESTORING IT TO THE ORIGINAL OWNER (OR THE HEIRS), AND SECONDLY, BECAUSE THOSE IN POSSESSION BECAME SO LAWFULLY.

IX. THE COURT A QUO ERRED IN AWARDING DAMAGES TO THE PLAINTIFF-APPELLEES NOTWITHSTANDING THE FACT THAT THEIR SUPPOSED SUFFERINGS, MORAL OR SPIRITUAL WERE CLEARLY IMAGINARY AND INCONCEIVABLE, AND DESPITE THE FACT THAT THE DEFENDANTS-APPELLANTS WERE THE ONES WHO HAD REALLY, AND ACTUALLY SUFFERED FROM THE HARASSMENTS BY THE PLAINTIFF-APPELLEES.

X. THE COURT A QUO ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION IN GRANTING VERY PREMATURELY THE MOTION OF THE PLAINTIFFS-APPELLEES FOR EXECUTION PENDING APPEAL EVEN BEFORE THE DEFENDANTS APPELLANTS BECAME AWARE OF THE ADVERSE DECISION AND ALSO BEFORE THEY COULD AVAIL OF THEIR RIGHT TO APPEAL THE CASE WITHIN THE TIME ALLOWABLE BY LAW AND IN SPITE OF ABSENCE OF JUSTIFIED, VALID, AND SPECIAL REASONS STATED IN THE MOTION WHY EXECUTION SHOULD ISSUE PENDING APPEAL OF DEFENDANTS-APPELLANTS, ESPECIALLY WHEN THE OBJECTS OF PLAINTIFFS-APPELLEES ACTION FOR REPLEVIN WERE ALREADY SECURELY IN THE CUSTODY OF THE COURT, AND AFTER A FEW DAYS AWARDED THE SAME TO THE PLAINTIFFS-APPELLEES.[7]

Stripped to bare essentials, it will be observed that the issues raised herein such as: (a) competence of the civil

courts to rule on allegedly ecclesiastical issues; (b) ownership of the controversial images; and (c) respondents' legal personality to sue are but a reiteration of what petitioners have advanced before the Court of Appeals and the latter has already passed upon them after making a careful discussion of the evidence.

Thus, the Court of Appeals concluded:

"The plaintiffs are suing in their own behalf as co-owners of the images in question. They merely allege to be members of the Cofradia de Belen.

"The images in question are not church properties. They belonged to the founder of the Cofradia who donated said images to the members of said religious association.

"The suspension of the defendant Fr. Manuel Gomez is not relevant to the issue involved. The lower court simply mentioned the incident as a background of the case.

"The evidence justifies the award of attorney's fees and expenses of litigation to the plaintiffs. The defendants had no rights to retain the images in question. To recover said images and their vestments the plaintiffs had to go to court and employ counsel.

"However, the equity and circumstances of the case do not warrant any award of moral damages to the plaintiffs. As to other matters, the lower court did not commit a reversible error." [8]

Being based on substantial evidence, no cogent reason could be found to disturb the above findings of the Court of Appeals. As reiterated in a long line of decisions, the Supreme Court is not a trier of facts. In petitions for review of decisions of the Court of Appeals, the jurisdiction of the Supreme Court is confined to a review of questions of law, except where the findings of fact are not supported by the record or are so glaringly erroneous as to constitute a serious abuse of discretion. [9]

However, the crux of the controversy appears to be who of the two factions would be entitled to possession of the properties in litigation, all of them being members of the same association.

As correctly ruled by the trial court, the question which came before it concerns rights of property held by a religious society, strictly independent of the church. Hence, the rights of such an organization to the use of its property must accordingly be determined by the ordinary principles which govern voluntary association. [10]

Citing *Watson v. Jones* [11] in a similar case, this Court ruled that the use of properties of a "religious congregation" in case of schism, is controlled by the numerical majority of the members. 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 once had been members. [12]

WHEREFORE, the assailed decision of the Court of Appeals Is hereby affirmed, in toto.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin and Cortes, JJ., concur.

[1] Record on Appeal, p. 37

[2] Record on Appeal, p. 13

[3] Record on Appeal, p. 23

[4] Record on Appeal, pp. 44-45

[5] Record on Appeal, pp. 47-48

[6] Rollo, p. 32

[7] Rollo, pp. 7-10

[8] Rollo, p. 32

[9] *Lim v. C. A.*, 158 SCRA 308 (1988); *Samsom v. C. A.*, 141 SCRA 194 (1986); *Republic v. IAC*, 144 SCRA 705 (1986); *Municipality of Meycauayan, Bulacan v. IAC* 157 SCRA 640 (1986)

[10] Record on Appeal, p. 39

[11] 20 Law Ed., 674-676

[12] *Fonacier v. C. A.*, 98 Phil. 442-443 (1955)

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