

BETHEL TEMPLE, INC., PETITIONER, VS. GENERAL COUNCIL OF THE ASSEMBLIES OF GOD, INC., RESPONDENT.

G.R. No. L-35563. April 30, 1985

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

The petition in this case prays for a review of the decision which dismissed Civil Case No. 83276 of the Court of First Instance of Manila for annulment of judgment.

The antecedent facts are:

1. In Civil Case No. 64924 of the Court of First Instance of Manila, the General Council of the Assemblies of God, Inc., a corporation organized in the United States of America, sought to quiet title to two parcels of land which it had bought in its name. Judgment was rendered as prayed for and the judgment became final for lack of appeal. Bethel Temple, Inc., the petitioner in this case, was one of the defendants in the action to quiet title. On January 26, 1971, the General Council of the Assemblies of God, Inc. sought to execute the judgment which was granted over the opposition of Bethel Temple, Inc.

2. On May 25, 1971, Bethel Temple, Inc. filed Civil Case No. 83276 against the General Council of the Assemblies of God, Inc. to annul the judgment rendered in Civil Case No. 64924 on the ground:

"8. That said decision is null and void, on the ground that the court has no jurisdiction to award the same to the General Council of the Assemblies of God, Inc. considering that the latter is a foreign corporation based in Missouri, U.S.A., whose right to acquire property emanates from the Parity Amendment in the Constitution, giving American corporations the same right as Filipinos to acquire private agricultural land, including residential lots, but which Parity Amendment was never passed validly with the 3/4 vote of Congress voting separately, as required by the Constitution, as the eleven (11) members thereof were illegally excluded n counting the said 3/4 vote, hence, its ratification by the Filipino people in a plebiscite held for the purpose, is likewise null and void, and considering further, that there is no showing that the State of Missouri grants the same parity right to Filipinos, in said State, as required by the Laurel-Langley Agreement, and considering finally, that since an alien is prohibited from acquiring said lots under our Constitution, the Court was without jurisdiction or authority to award the property in question to the General Council of the Assemblies of God, Inc., and the latter never acquired valid title to said property, while on the other hand, since plaintiff has been in possession of the property continuously and in concept of owner, for more than ten (10) years, hence, has acquired title thereto by acquisitive prescription." (Rollo, p. 26.)

3. Because Civil Case No. 83276 for annulment of judgment was pending trial, Bethel Temple, Inc. sought to stay the execution of the questioned judgment but the motion to stay was denied by the trial court. The trial court's action was sustained by the Court of Appeals and this Court where it said in part:

"Prescinding from the decision in *Mabanag vs. Lopez Vito*, 78 Phil. 1, where such a question was raised and the contention rejected, thus in effect upholding the validity of the parity amendment, and from the people's subsequent act of having approved and ratified the amendment in a plebiscite duly held for the purpose, the

only issue at bar is whether respondent court gravely abused its discretion in denying stay of execution of its judgment which had been submitted by the parties and resolved by it on a question of statutory law, to wit, that 'under the provisions of the Land Registration Act, (private respondent) is conclusively the owner of the property herein involved.' Accordingly, it has not been shown that respondent court acted with grave abuse of discretion or beyond its just discretion and authority. If and when petitioners succeed in obtaining final favorable judgment in their pending case No. 83276 to declare parity an invalid constitutional amendment, then that would be the proper time for petitioners to assert their claimed right of control and possession of the properties, which right at present remains still purely speculative and contingent." (Bethel Temple, Inc., et al. vs. City Sheriff, et al., G.R. No. L-34456; Rollo, pp. 105-106.)

4. On July 6, 1972, Civil Case No. 83276 was dismissed in the following words:

"As aforesaid plaintiff's ground for annulment of the judgment in Civil Case No. 64924 is that, said decision was based on the Parity Amendment which was never passed validly by Congress; but now that the Honorable Supreme Court has recognized the validity of the Parity Amendment, plaintiff's complaint has no more leg to stand on." (Rollo, p. 60.)

The instant petition would have this Court set aside the decision which ordered the dismissal of Civil Case No. 83276.

The petition is not impressed with merit.

Lack of jurisdiction is imputed to the trial court to render judgment in Civil Case No. 64924. The imputation is erroneous for certainly the court, which was a court of general jurisdiction, had the power to try and decide the case under the law then in force, more particularly Sec. 44 (b) of the Judiciary Act of 1948.

Whether or not the court committed an error in relying on the Parity Amendment to the 1935 Constitution is another matter but such reliance did not affect its jurisdiction. And since the judgment had become final it resolved the litigation definitely albeit wrongly. For an erroneous judgment by a court of competent jurisdiction is not a void judgment. To illustrate: A person is accused of theft and is convicted accordingly although the material facts which were established during the trial made out a case of estafa. If the court which tried the case had jurisdiction its judgment would be valid despite the error and when it attains finality it is no longer subject to review. This is the status of the judgment in Civil Case No. 64924; the court which rendered the judgment had jurisdiction over the case and even assuming that it committed a legal error the mistake did void the judgment which became final and can no longer be questioned. On this ground alone the petition should be dismissed.

But We go deeper to clear the air.

The petitioner questions the application of the Parity Amendment to the 1935 Constitution in Civil Case No. 64924. It claims that the Parity Amendment was not validly adopted and even assuming that it was, then private respondent's title to the lands expired on July 3, 1974 as pronounced by this Court in Republic vs. Quasha, G.R. No. L-30299, Aug. 17, 1972, 46 SCRA 160.

The question whether or not the Parity Amendment to the 1935 Constitution was validly adopted has been set at rest in Mabanag vs. Lopez Vito, 78 Phil. 1 (1947).

And as to whether or not the General Council of the Assemblies of God, Inc. can keep title to the two parcels of land in question (stated otherwise, whether or not Bethel Temple, Inc. can claim them) is answered by the following provision of the 1973 Constitution:

"Sec. 11. The rights and privileges granted to citizens of the United States or to corporations or associations owned or controlled by such citizens under the Ordinance appended to the nineteen hundred and thirty-five

Constitution shall automatically terminate on the third day of July, nineteen hundred and seventy-four. Titles to private lands acquired by such persons before such date shall be valid as against other private persons only." (Art. XVII, Transitory Provisions.)

WHEREFORE, the petition is hereby dismissed with costs against the petitioner.

SO ORDERED.

Makasiar, (Chairman), Aquino, Escolin, and Cuevas, JJ., concur.
Concepcion, Jr., J., on leave of absence.

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