

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MARTIN AVILA ET AL., OPPONENTS. THE ROMAN CATHOLIC ARCHBISHOP OF MANILA, APPELLANT.*G.R. No. 11955. July 29, 1918*

Ponente: TORRES, J.

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Counsel for the Roman Catholic Archbishop of Manila, through bill of exceptions, appealed from the judgment of January 14, 1916, whereby the judge of the Court of First Instance decreed the inscription in the registry of property of the lots Nos. 584-A, 637, 751, 761, and 762, excepting the improvements thereon, in favor of the Cofradia de Jesus Nazareno of San Roque and of the lot No. 389 in favor of the members of the Archicofradia del Santisimo y Animas del Purgatorio de Cavite, and whereby the petition of the said Roman Catholic Archbishop of Manila was denied, without any special finding as to costs.

On October 6, 1913, these cadastral proceedings were instituted at the instance of the Director of Lands, praying for a judicial declaration of the ownership of 655 lots of land situated in the municipality of Cavite, Province of Cavite, in accordance with the provisions of the Cadastral Act, No. 2259, and the amendments thereof.

It appears from the record of the proceedings that lot No. 389 is claimed by the Archicofradia del Santisimo y Animas del Purgatorio and also by the Roman Catholic Archbishop of Manila; that lots Nos. 584, 637, 751, 761, and 762 were claimed by the Cofradia de Jesus Nazareno and by the said Archbishop; and that the court, by virtue of an agreement entered into by the parties, combined lot No. 584 with half of lot No. 919, calling them lot No. 584-A, and lot No. 1033 with lot No. 751, calling them lot No. 751-A.

At the hearing on March 9, 1915, by resolution of the court the members of the Cofradia de Jesus Nazareno were ordered to amend their answer in behalf of the association by specifying the names of all the members thereof, and that they themselves should present the petition. The counsel for the Cofradia made no objection to said order of the court, but the attorney for the Catholic Archbishop excepted thereto (pp. 3 and 4, sten. notes).

With the permission of the court, counsel for the Archicofradia del Santisimo y Animas del Purgatorio amended their answer by substituting the name of Andres Samonte with the names of the present members of the said Archicofradia mentioned on page 20 of said stenographic notes. In view of the evidence adduced, both documentary and oral, the court rendered judgment to which counsel for the Roman Catholic Archbishop excepted. A motion for a new trial having been presented by counsel for the said Archbishop and denied by the court, said counsel excepted to the order and presented the corresponding bill of exceptions which was approved and certified by the trial court and forwarded to the clerk of this court.

It appears to have been agreed upon by the parties that the Cofradia de Jesus Nazareno has been in possession of lot No. 751-A for more than a hundred years since it was donated to the Cofradia by Maria Gonzalez, according to a document executed in 1762 (pp. 13 and 14, sten. notes). It has also been agreed upon by the attorneys for both parties that lots Nos. 584, 637, 761, and 762 were donated to the said Cofradia, according to the evidence

presented to substantiate this fact (p. 19), and that lot No. 389 has been in the possession of the Archicofradia del Santisimo y Animas del Purgatorio for more than 50 years from the time that such lot had been acquired by donation from one of its members (p. 21, sten. notes).

It is therefore undisputed that the said Cofradia and Archicofradia are in possession as owners of the said lots of land, thus limiting the question for the decision of this Court as to whether the inscription of the said lots in the registry of property should be made in the name of the said Cofradias or in that of the Roman Catholic Archbishop of Manila.

Neither of the two associations named above is incorporated in accordance with the provisions of the law in force regarding corporations, although it appears proved in the records that the Cofradia de Jesus Nazareno is composed of members belonging to the Catholic religion and that the actual rector of the said Cofradia is the Catholic parish priest of the town of San Roque, Cavite. It is a fact agreed upon by the parties (p. 21, sten. notes) that the Archicofradia del Santisimo y Animas del Purgatorio is also a Catholic association whose rector is the same Catholic priest, and whose funds as well as the products of its property are destined to cover the expenses incurred in the celebration of the Holy Week and to preserve the building of the Roman Catholic Church.

Notwithstanding the petition of counsel for the Catholic Archbishopric of Manila the six lots involved in this appeal can only be inscribed in the registry of property in the name of the sole corporation, the Roman Catholic Archbishop of Manila, duly organized in accordance with the Corporation Law in force, it is certain that this objecting entity has not in this controversy presented any evidence whatever which tends to establish the fact that the Catholic Church which it represents is the owner of the lots in question, so that the inscription of these lands should be made in the name of the association which enjoys a legal existence and possesses the conditions of a juridical entity in accordance with the laws under which it has been established.

There is no doubt that the Cofradia de Jesus Nazareno, a Catholic association organized many years ago, has the right to inscribe as a legitimate owner in the registry of property the five lots of land, Nos. 584-A, 637, 751-A, 761, and 762, excepting the improvements thereon, because, as a Catholic corporation, it is included in section 19, No. 5 of Act No. 496, the provisions of which should be applied to the proceedings to be followed in compliance with the Cadastral Act, No. 2259, according to section 11 of the latter Act with regard to what the said paragraph 5 refers to corporations of the class in which the Cofradia de Jesus Nazareno is included.

It is true that the Cofradia organized under the old laws of the former regime is not incorporated in accordance with Act No. 1459, known as the Corporation Law, enacted subsequently to the said Land Registration Act, No. 496, amended by Act No. 809; but it is no less true that the said Registration Act, No. 496, has not declared that the corporations and associations created and established in accordance with the old laws of the former regime, to which class of corporations the said Cofradia belongs, can not be recognized nor can exist.

This Cofradia was organized under the provisions of Law 25, Title IV, Book 1 of the compilation of the laws of the Indies and of the Real Cedula of October 15, 1805. Its by-laws were approved by the Royal Order of February 25, 1895, upon a previous information by the Council of the Indies. From that time the said Cofradia has had a legal existence and has been performing its functions as a Catholic association duly organized with a right to possess and administer property, applying the products of its property to the purposes provided for in its by-laws, and, in enjoying the attributes and privileges corresponding to an entity created by law, it is undisputed that, as owner of the said five lots of land, it has a right to inscribe in its name, as a juridical entity, the titles to the said property which it possesses. Without the reasons above stated the present Corporation Law could have a retroactive effect, for, while the said law recognizes the associations constituted under the prior legislation, it has not declared in any of its provisions that the said Cofradia became nonexistent since the said Corporation Law

became operative.

As regards the so-called Archicofradia del Santisimo y Animas del Purgatorio, this association has no right to invoke the provision of section 19, paragraph 5 of the Land Registration Act, because it was not proven that said association was constituted in accordance with the laws in force during the former regime, neither was it shown that it was incorporated in accordance with the provisions of the Corporation Law in force. For these reasons, said association is lacking those requisites which would make it a juridical entity, notwithstanding that the said Archicofradia appears actually as owner and legitimate possessor of lot No. 389. If the said Archicofradia, for lack of personality, is not entitled to inscribe the said lot in the registry of property, much less can the sole corporation, The Roman Catholic Archbishop of Manila, inscribe the said lot in its name, since it has failed to prove that the said lot was the property of the Catholic Church of the Philippines.

Aside from this, it is undisputed that the Catholic Archbishop of Manila, as head and representative of the Catholic Church, has and enjoys the right of intervention and supervision over the existence and *modus operandi* of such Catholic associations and Cofradias as that of Jesus Nazareno, the actual rector of which is the parish priest of the town which is the legal residence of the Cofradia, but said supervision or intervention does not imply concentration or assumption of taie right of ownership which the Cofradia de Jesus Nazareno enjoys over the real property which it possesses, nor can such intervention deprive the members of the Archicofradia del Santisimo y Animas del Purgatorio of the ownership of the five lots which they possess in common and under title of the members of an association, although such association is neither legally constituted nor incorporated in accordance with the law in force regarding corporations.

In view of the foregoing considerations, whereby the pertinent errors assigned to the judgment appealed from are deemed to have been refuted, it should be, as it hereby is, ordered, that, upon a previous declaration of general default, the inscription in the registry of property of lots Nos. 684-A, 637, 751-A, 761, and 762, excepting the improvements thereon, be made in favor and in the name of the Cofradia de Jesus Nazareno of San Roque, Cavite; that the petition to inscribe the same in the name of the sole corporation, The Roman Catholic Archbishop of Manila, be denied; that the petition for the inscription of lot No. 339, made by the members of the Archicofradia del Santisimo y Animas del Purgatorio as well as by The Roman Catholic Archbishop of Manila, be denied, without any special finding as to the costs of both instances. The judgment appealed from is affirmed in so far as it conforms with this decision and reversed in that part which is not in accordance therewith, So ordered.

Johnson, Street, Malcolm, Avanceña, and Fisher, JJ., concur.

RESOLUTION ON MOTION FOR REHEARING

November 9, 1918.

PER CURIAM:

In an additional printed brief, counsel for the Archbishop of Manila petitioned for a reopening and a new trial of the case in order that, by virtue of the evidence adduced, a judgment be hereon rendered, or that the case be remanded to the lower court so that judgment may be entered therein in conformity with the evidence of record and with the resolution adopted by the members of the Cofradia del Santisimo y Animas del Purgatorio, with regard only to that part of the prior decision of this court which denies the inscription of lot No. 389 in favor of the appellant, and of the said Cofradia with relation to what has been said by the counsel for the members of the

other Cof radia de Jesus Nazareno.

Considering that, upon the grounds given in the said decision, there exists no plain terms in law in order that, by means of a change or a modification of the said decision, the inscription of the five lots of land belonging to the Cof radia de Jesus Nazareno might be granted, inasmuch as the inscription in the registry of property under the Torrens system constitutes a sure guaranty that the title which the owner of real property possesses is perfect, absolute, and indefeasible, and free from all encumbrances and from any claim, courts are not authorized to inscribe title to property in favor of persons and entities that have not proven that they were owners of the real property they allege to be owned by them, although no opposition thereto has been presented.

With respect to lot No. 389, which is claimed by the Cofradia del Santisimo y Animas, the assertions of counsel for the Archbishop of Manila contained in their written statement of the 21st of August last are not supported by evidence which would justify the inscription sought as regards the said lot No. 389, for the certificate issued by the hermano mayor (person in charge), rector and secretary of the said Cofradia or Archicofradia, is not itself sufficient, for the authenticity and truth of the facts which it expresses should have been made to appear in the lower court and in a trial which can be initiated anew in accordance with Act No. 496.

The motion for a reconsideration and a new trial in behalf of the appellant is therefore denied, with the costs against the said appellant. So ordered,

Arellano, C. J., Torres, Johnson, Street, Malcolm, Avanceña, and Fisher, JJ.

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