

MARTIN AGLIPAY, ET AL., PETITIONERS AND APPELLEES, VS. MONS. ISABELO DE LOS REYES, JR., AS OBISPO MAXIMO OF THE IGLESIA FILIPINA INDEPENDIENTE, OPPOSITOR AND APPELLANT.

G.R. No. 12776. March 23, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Direct appeal from the decision of the Court of First Instance of Ilocos Sur in Land Registration Case No. 93 (G. L. R. O. Rec. No. 20653), the dispositive portion of which reads as follows:

"WHEREFORE, as the opposition is supported by good and valid reasons, the petition is hereby denied.

The counter-petition of the oppositor is likewise denied because the adverse claim of the oppositor is already annotated in the title and as the questions seriously involve the controversial issue of ownership of the litigated lands, the same is not within the province of this Court in its capacity as a court of land-registration but should be litigated in an independent civil action."

The record is to the effect that on September 25, 1956, the petitioners-appellees, all surnamed Aglipay, filed with the lower court a petition alleging, among other things, that they, are the heirs of the late Monsignor Gregorio Aglipay who died intestate in the City of Manila on September 1, 1940, leaving nine parcels of land located in the municipality of Santa Cruz, province of Ilocos Sur, and covered by Transfer Certificate of Title No. 40; that the oppositor Monsignor Isabelo de los Reyes, Jr., as incumbent Obispo Maximo of the Philippine Independent Church, is in possession of the said certificate of title but that notwithstanding repeated demands, he has refused and still refuses to surrender the same to the petitioners. They pray, therefore, that the court issue an order requiring Monsignor de los Reyes to deliver to them the duplicate of Transfer Certificate of Title No. 40 pursuant to section 111 of the Land Registration Act.

By way of answer and opposition to this petition, oppositor-appellant alleged that the real properties described in the petition are owned by the "Iglesia Filipina Independiente" and registered in the name of Monsignor Gregorio Aglipay only in his capacity as the then. Supreme Bishop of said Church or as a corporation sole; that on May 17, 1956, the oppositor registered an adverse claim on behalf of the "Iglesia Filipina Independiente", pursuant to section 110, Act No. 496; that the oppositor church has always been in the possession of the properties, in question and has enjoyed the fruits thereof; and that the petitioners have been guilty of laches in allowing more than 16 years to elapse before presenting any claim on these properties. Upon these basis, oppositor de los Reyes filed its counter-petition for registration.

On October 23, 1956, the court urged the parties to submit memoranda "in support of the proposition that the Court, acting as land registration court, may, under section 111, Act 496, order the surrender of the Certificate of Title in question notwithstanding a question of ownership raised by the oppositor". After compliance with such mandate of the court, the contending parties were allowed to present their respective evidence, which had some bearing on the question of ownership. Thereafter, a decision was rendered dismissing both the petition and

counter-petition; but oppositor appealed to this Court insofar as that portion of the judgment that does not order the issuance of a new title in the name of the "Iglesia Filipina Independiente" is concerned.

The appellant insists (1) that the trial court has jurisdiction over the issue of ownership, (2) that the case was actually tried by the court not as a land registration court but as a court of general jurisdiction, passing upon the question of title with the acquiescence of the parties; and (3) that an independent civil action to resolve the question of ownership would be unnecessary and superfluous. Wherefore, appellant prays that judgment be rendered "ordering the Register of Deeds for Ilocos Sur to cancel Transfer Certificate of Title No. 40 and issue a new title in the name of the "Iglesia Filipina Independiente".

It appears that the parties were allowed merely to present evidence to enable the court below, acting as a land registration court, to rule intelligently on the propriety and merits of the petition and of the opposition. It was in that capacity and understanding that the court's jurisdiction was invoked and on that same score that the hearing on the case proceeded. The lower court apparently, did not view the evidence introduced as sufficient to apprise it fully on the issue of ownership between the contestants and enable it to settle finally the point of inquiry. Thus, it only decided that the opposition to the surrender of the certificates was supported by good and valid grounds and was not frivolous or Vexatious as to entitle the petitioners to the summary relief they sought. Note should be made of the fact that the court did not make any definite finding nor conclusion as to who owns the properties in dispute, and in the case we find no reversible error in such, abstention. We have held in *Director of Lands vs. Register of Deeds, 49 Off. Gaz., 937*, that—

"Section 112 authorizes, in our opinion, only alterations which do not impair rights recorded in the decree, or alterations which, if they do prejudice such rights, are consented to by all parties concerned or alteration to correct obvious mistakes."

True it is that there have been instances wherein this Court sanctioned deviations from the otherwise rigid rule that the jurisdiction of a Land Registration Court, being special and limited in character and proceedings thereon summary in nature, does not extend to cases involving issues properly litigable in other independent suits or ordinary civil actions (See *Government of the Philippine Islands vs. Serafica, 61 Phil., 93*; *Caoibes vs. Sison, 102 Phil., 19*; *Luna, et al., vs. Santos and Ariola, 102 Phil., 588*; *Gurbax Singh Pabla & Co., et al., vs. Reyes & Tantoco, 92 Phil., 177*; *Cruz vs. Tan, 93 Phil., 348*; *49 Off. Gaz., 2254*). From those cases, however, we may at once gather that the peculiarity of the exceptions is based not alone on the fact that Land Registration Courts are likewise the same Courts of First Instance, but also on the following premises: (1) mutual consent of the parties or their acquiescence in submitting the aforesaid issues for determination by the court in the registration proceedings; (2) full opportunity given to the parties in the presentation of their respective sides of the issues and of the evidence in support thereto; and (3) consideration by the court that the evidence already of record is sufficient and adequate for rendering a decision upon those issues. The latter condition is a matter that largely lies within the sound discretion of the trial judge, which we believe, has not been abused in the instant case.

That the court below should prefer that the issue of ownership be ventilated in an independent civil action, thereby placing the parties in status quo in the meanwhile, may not be said to be improper under the circumstances, especially in view of the conflicting claims of both parties (*Jimenez vs. De Castro, 67 Phil., 398*).

Wherefore, the order appealed from is affirmed. Costs against appellant.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Endencia, Barrera and Gutierrez David, JJ., concur.

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