

DOMINADOR L. TARUC, WILBERTO DACERA, NICANOR GALANIDA, RENERIO CANTA, JERRY CANTA, CORDENCIO CONSIGNA, SUSANO ALCALA, LEONARDO DIZON, SALVADOR GELSANO AND BENITO LAUGO, PETITION...

G.R. NO. 144801. March 10, 2005

Ponente: CORONA, J.

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CORONA, J.:

This is an appeal under Rule 45 of the Revised Rules of Court of the decision of the Court of Appeals in CA-G.R. SP No. 45480 which reversed and set aside the decision of the Regional Trial Court of Surigao City, Branch 32 in Civil Case No. 4907 and ordered said case dismissed for lack of jurisdiction.

The antecedents show that petitioners were lay members of the Philippine Independent Church (PIC) in Socorro, Surigao del Norte. Respondents Porfirio de la Cruz and Rustom Florano were the bishop and parish priest, respectively, of the same church in that locality. Petitioners, led by Dominador Taruc, clamored for the transfer of Fr. Florano to another parish but Bishop de la Cruz denied their request. It appears from the records that the family of Fr. Florano's wife belonged to a political party opposed to petitioner Taruc's, thus the animosity between the two factions with Fr. Florano being identified with his wife's political camp. Bishop de la Cruz, however, found this too flimsy a reason for transferring Fr. Florano to another parish.

Meanwhile, hostility among the members of the PIC in Socorro, Surigao del Norte worsened when petitioner Taruc tried to organize an open mass to be celebrated by a certain Fr. Renato Z. Ambong during the town fiesta of Socorro. When Taruc informed Bishop de la Cruz of his plan, the Bishop tried to dissuade him from pushing through with it because Fr. Ambong was not a member of the clergy of the diocese of Surigao and his credentials as a parish priest were in doubt. The Bishop also appealed to petitioner Taruc to refrain from committing acts inimical and prejudicial to the best interests of the PIC. He likewise advised petitioners to air their complaints before the higher authorities of PIC if they believed they had valid grievances against him, the parish priest, the laws and canons of the PIC.

Bishop de la Cruz, however, failed to stop Taruc from carrying out his plans. On June 19, 1993, at around 3:00 p.m., Taruc and his sympathizers proceeded to hold the open mass with Fr. Ambong as the celebrant.

On June 28, 1993, Bishop de la Cruz declared petitioners expelled/excommunicated from the Philippine Independent Church for reasons of:

- (1) disobedience to duly constituted authority in the Church;
- (2) inciting dissension, resulting in division in the Parish of Our Mother of Perpetual Help, Iglesia Filipina Independiente, Socorro, Surigao del Norte when they celebrated an open Mass at the Plaza on June 19, 1996; and
- (3) for threatening to forcibly occupy the Parish Church causing anxiety and fear among the general

membership.[1]

Petitioners appealed to the Obispo Maximo and sought reconsideration of the above decision. In his letter to Bishop de la Cruz, the Obispo Maximo opined that Fr. Florano should step down voluntarily to avert the hostility and enmity among the members of the PIC parish in Socorro but stated that:

... I do not intervene in your diocesan decision in asking Fr. Florano to vacate Socorro parish....[2]

In the meantime, Bishop de la Cruz was reassigned to the diocese of Odmoczan and was replaced by Bishop Rhee M. Timbang. Like his predecessor, Bishop Timbang did not find a valid reason for transferring Fr. Florano to another parish. He issued a circular denying petitioners' persistent clamor for the transfer/re-assignment of Fr. Florano. Petitioners were informed of such denial but they continued to celebrate mass and hold other religious activities through Fr. Ambong who had been restrained from performing any priestly functions in the PIC parish of Socorro, Surigao del Norte.

Because of the order of expulsion/excommunication, petitioners filed a complaint for damages with preliminary injunction against Bishop de la Cruz before the Regional Trial Court of Surigao City, Branch 32. They impleaded Fr. Florano and one Delfin T. Bordas on the theory that they conspired with the Bishop to have petitioners expelled and excommunicated from the PIC. They contended that their expulsion was illegal because it was done without trial thus violating their right to due process of law.

Respondents filed a motion to dismiss the case before the lower court on the ground of lack of jurisdiction but it was denied. Their motion for reconsideration was likewise denied so they elevated the case to the Court of Appeals.

The appellate court reversed and set aside the decision of the court a quo and ordered the dismissal of the case without prejudice to its being refiled before the proper forum. It held:

... We find it unnecessary to deal on the validity of the excommunication/expulsion of the private respondents (Taruc, et al.), said acts being purely ecclesiastical matters which this Court considers to be outside the province of the civil courts.

...

"Civil Courts will not interfere in the internal affairs of a religious organization except for the protection of civil or property rights. Those rights may be the subject of litigation in a civil court, and the courts have jurisdiction to determine controverted claims to the title, use, or possession of church property." (Ibid., p.466)

...

Obviously, there was no violation of a civil right in the present case.

...

Ergo, this Court is of the opinion and so holds that the instant case does not involve a violation and/or protection of a civil or property rights in order for the court a quo to acquire jurisdiction in the instant case.[3]

Petitioners appealed from the above decision but their petition was denied. Their motion for reconsideration was likewise denied, hence, this appeal.

The only issue to be resolved in this case is whether or not the courts have jurisdiction to hear a case involving the expulsion/excommunication of members of a religious institution.

We rule that the courts do not.

Section 5, Article III of the Bill of Rights of the 1987 Constitution specifically provides that:

Sec. 5. No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

In our jurisdiction, we hold the Church and the State to be separate and distinct from each other. “Give to Ceasar what is Ceasar’s and to God what is God’s.” We have, however, observed as early as 1928 that:

upon the examination of the decisions it will be readily apparent that cases involving questions relative to ecclesiastical rights have always received the profoundest attention from the courts, not only because of their inherent interest, but because of the far reaching effects of the decisions in human society. [However,] courts have learned the lesson of conservatism in dealing with such matters, it having been found that, in a form of government where the complete separation of civil and ecclesiastical authority is insisted upon, the civil courts must not allow themselves to intrude unduly in matters of an ecclesiastical nature.[4] (*italics ours*)

We agree with the Court of Appeals that the expulsion/excommunication of members of a religious institution/organization is a matter best left to the discretion of the officials, and the laws and canons, of said institution/organization. It is not for the courts to exercise control over church authorities in the performance of their discretionary and official functions. Rather, it is for the members of religious institutions/organizations to conform to just church regulations. In the words of Justice Samuel F. Miller[5]:

... all who unite themselves to an ecclesiastical body do so with an implied consent to submit to the Church government and they are bound to submit to it.

In the leading case of *Fonacier v. Court of Appeals*,[6] we enunciated the doctrine that in disputes involving religious institutions or organizations, there is one area which the Court should not touch: doctrinal and disciplinary differences.[7] Thus,

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. (*emphasis ours*)

We would, however, like to comment on petitioners’ claim that they were not heard before they were expelled from their church. The records show that Bishop de la Cruz pleaded with petitioners several times not to commit acts inimical to the best interests of PIC. They were also warned of the consequences of their actions, among them their expulsion/excommunication from PIC. Yet, these pleas and warnings fell on deaf ears and petitioners went ahead with their plans to defy their Bishop and foment hostility and disunity among the members of PIC in Socorro, Surigao del Norte. They should now take full responsibility for the chaos and dissension they caused.

WHEREFORE, the petition is herby DENIED for lack of merit.

Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), and Sandoval-Gutierrez, JJ., concur.

Carpio-Morales, J., on leave.

Garcia, J., no part.

[1] Rollo, p. 73.

[2] Rollo, p. 129.

[3] Penned by Associate Justice Bennie A. Adeguin-de la Cruz and concurred in by Associate Justices Cancio C. Garcia (now Associate Justice of the Supreme Court) and Renato C. Dacudao, Rollo, p. 82.

[4] *Gonzales v. R. Archbishop*, 51 Phil. 420, 434 (1928).

[5] In *Watson v. Jones*, 13 Wall. 679, 723; 20 Law ed., 666, quoted in *Gonzales v. R. Archbishop*, *supra*.

[6] 96 Phil. 417 (1955).

[7] Bernas, J., *The 1987 Constitution of the Republic of the Philippines, A Commentary*, 1996 ed., p. 322.

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