

**UNITED CHURCH OF CHRIST IN THE PHILIPPINES, INC., PETITIONER,
VS. BRADFORD UNITED CHURCH OF CHRIST, INC., PATRIZIO EZRA,
GERONIMO V. NAZARETH, RUPERTO MAYUGA, SR., ROBERT
SCHAAR...**

G.R. No. 171905. June 20, 2012

Ponente: PEREZ, J.

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PEREZ, J.:

Before the Court is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure assailing the Decision[1] of the Court of Appeals in CA-G.R. SP No. 83159 which affirmed the Securities and Exchange Commission[2] (SEC) Decision[3] in SEC Case No. C-00194.

Petitioner United Church of Christ in the Philippines, Inc. (UCCP) is a religious corporation duly organized and existing under the laws of the Philippines. It is a national confederation of incorporated and unincorporated self-governing Evangelical churches of different denominations, devised for fellowship, mutual counsel and cooperation. It is the ecclesiastical successor of the Evangelical Church of the Philippines, the Philippine Methodist Church and the United Evangelical Church of the Philippines.[4]

Respondent Bradford United Church of Christ, Inc. (BUCCI), formerly known as Bradford Memorial Church, is likewise a religious corporation with a personality separate and distinct from UCCP. It was organized at the turn of the 20th century but it was incorporated only on 14 December 1979.

Respondents Patrizio Ezra, Geronimo Nazareth, Ruperto Mayuga, Sr., Robert Schaare, Henry Cariat, Reynaldo Ferrenal and other John Does are members of BUCCI.

The following historical background briefly summarizes the relationship between UCCP and BUCCI, viz:

On May 25, 1948, The United Church of Christ in the Philippines, Inc. was formally organized. The five ancestor churches were the Methodist Episcopal Church, the Presbyterian Church, the Church of Christ (Disciples) and the Congregational Churches. These churches traced their lineage back to the early Christian Church.

Early on, at the turn of the century, the proponents of these churches came as missionaries, spreading the faith as ardent offsprings of the Reformation. Aimed at converting Roman Catholics, Buddhists, Hindus and spirit worshippers to the Protestant faith, these missionaries had organized the Evangelical Union by 1901, until it was superseded by a forerunner of the National Council of Churches in the Philippines.

During th[o]se times, the precursor of Bradford Memorial Church, the Presbyterian mission came to the Philippines. It was organized by the early missionaries of the Presbyterian Church in the U.S.A. through its Board of Foreign Missions. In 1909, it was alleged to have acquired real properties in the Philippines funded by one Matilda R. L. Bradford from whom the congregation attributed its name, in recognition of her efforts for the church.

While not all churches in the Evangelical Union were equally strong in their desire for organic church union, such remained as a goal of the organization. In 1921, it seemed that the plans for the union of the five churches were not to materialize, so the movement widened its activities to include all the Presbyterian churches and the Congregational bodies in the Philippines.

After considerable negotiations, four churches- the Presbyterian, the Congregational, the United Brethren and the United Church of Manila were invited and an assembly was held in Manila. On March 15, 1929, the basis of Union was formally adopted and the United Evangelical Church came into being.

The new church grew in strength from year to year until the Second World War when a division was created in the newly formed Evangelical Church in the Philippines.

In 1946, immediately following the close of World War II, the Presbyterians and Congregationalist Churches in the Visayas and Mindanao region under the Rev. Leonardo Dia reconstituted the United Evangelical Church in the Philippines in those areas. In view of this development, the Bradford Memorial Church transferred its synodical connection to the newly reorganized United Evangelical Church in the Philippines, and thereafter, carried the name BRADFORD Evangelical Church.

A few years after the war, it was thought wise not to push through with the church union. However, on May 25, 1948, a total of 167 delegates from three church bodies met at Ellinwood-Malate Church. They were the Evangelical Church, a federation of evangelical churches operating in the Luzon area; the Philippine Methodist Church (a split from the United Methodist-Episcopal Church) and the United Evangelical Church in the Philippines, a federation of Presbyterian and Congregationalist churches operating in the Visayas and Mindanao area. Each body reported that its constituted divisions had voted to accept the basis of Union and to join the new church. So on May 23-25, 1945, these three major churches convened, organized and declared the new federation of evangelical churches.

Thus, the United Church of Christ in the Philippines, Inc. or UCCP was born from the union of these three major churches. Finally, on April 12, 1949, the UCCP was registered with the Commission.

Thus, by circumstance, the Bradford Evangelical Church transferred its synodical connection to and became a constituent Church of the UCCP.

Through the years the UCCP underwent major changes. Per its Constitution published in April of 1980, it was apportioned into several Conferences, delineated according to geographical areas as determined by the General Assembly. Most of its local congregations and conferences were also registered as separate entities for greater autonomy such as the Cebu Conference Inc. and Bradford United Church of Christ, Inc.

On December 14, 1979, Bradford United Church of Christ, Inc. (BUCCI) was incorporated as a personality separate and distinct from UCCP. Registered under SEC. Reg. No. 90225, its Articles of Incorporation declare Bradford United Church of Christ as a Protestant Congregation. Among its original incorporators are herein Respondents Patricio Ezra, Robert Schaare and Geronimo V. Nazareth. Furthermore, Article 3 of its original articles of incorporation provides:

That its incorporation is not forbidden by competent authorities or by the Constitution, rules, regulations or discipline of the United Church of Christ in the Philippines and that of the Bradford United Church of Christ.[5]

UCCP has three (3) governing bodies namely: the General Assembly, the Conference and the Local Church, each having distinct and separate duties and powers. As a UCCP local church located in Cebu, BUCCI belonged to the Cebu Conference Inc. (CCI) with whom it enjoyed peaceful co-existence until late 1989 when BUCCI started construction of a fence that encroached upon the right-of way allocated by UCCP for CCI and Visayas jurisdiction.[6]

UCCP General Assembly attempted to settle the dispute. On 7 April 1990, the Cebu Conference Judicial Commission rendered a decision in favor of CCI.[7] This unfavorable decision triggered a series of events[8] which further increased the enmity between the parties and led to the formal break-up of BUCCI from UCCP.[9]

In a Church Council Resolution dated 21 June 1992, BUCCI disaffiliated from UCCP. The effectivity of the disaffiliation was made to retroact to 16 September 1990 when BUCCI severed its ties from CCI. This disaffiliation was duly ratified by BUCCI's members in a referendum held on 19 July 1992.[10]

Consequently, BUCCI filed its Amended Articles of Incorporation and By-Laws which provided for and effected its disaffiliation from UCCP. SEC approved the same on 2 July 1993.[11]

Thereafter, UCCP filed before SEC a complaint/protest for rejection/annulment of Amended Articles and Incorporation and Injunction, docketed as SEC Case No. C-00194. UCCP also prayed for the disallowance of the continued use of BUCCI as corporate name.[12]

UCCP later on filed an Amended Complaint/Protest dated 8 March 1994, abandoning the original Complaint/Protest. The Amended Complaint/Protest added BUCCI as one of the respondents; alleged that the separate incorporation and registration of BUCCI is not allowed under the UCCP Constitution and By-laws; and sought to enjoin BUCCI and the respondents from using the name BUCCI, both in its Amended Articles of Incorporation and its dealings with the public, and from using its properties.[13]

On 27 January 2004, the SEC en banc dismissed UCCP's petition to declare as null and void the amendments made to the Articles of Incorporation of BUCCI. SEC summarized UCCP's arguments into three main issues, as follow:

- Whether or not the separation of [BUCCI] from [UCCP] is valid;
- Whether or not the amendments to the Articles of Incorporation and By-Laws of BUCCI made after it separated from UCCP are valid; [and]
- Whether or not private respondents are entitled to the use of the name "Bradford United Church of Christ, Inc." (BUCCI).[14]

SEC defended the right of BUCCI to disassociate itself from UCCP in recognition of its constitutional freedom to associate and disassociate. SEC also pointed out that since UCCP had used the fact of BUCCI's disaffiliation to consolidate its claim over the property subject of the unlawful detainer case against BUCCI before the RTC, UCCP cannot now deny the validity of said disaffiliation. Moreover, SEC found that UCCP is not the real party in interest to question the amendments made by BUCCI to its Articles of Incorporation and By-Laws. Finally, SEC upheld the right of BUCCI to continue using its corporate name.

UCCP filed a petition for review with the Court of Appeals. On 17 June 2005, the Court of Appeals rendered a Decision affirming the SEC.

On 16 September 2005, UCCP filed a motion to drop BUCCI as respondent.[15]

Its motion for reconsideration having been denied on 21 February 2006,[16] UCCP filed the present appeal.

UCCP maintains that the issue on whether the disaffiliation of respondents is valid is purely an ecclesiastical affair. It asserts that it has the sole power and authority to declare and/or decide whether BUCCI or any of its local churches could disaffiliate from it.[17] UCCP likewise restates that individual respondents cannot validly effect amendments to BUCCI's Articles and By-Laws nor to continue the use of BUCCI's name after they have disaffiliated from UCCP. Moreover, UCCP asseverates that the stringent requirements of the Corporation Code to

effect amendments have not been satisfied.[18] UCCP also refutes the holding that BUCCI no longer forms part of UCCP because the latter had filed several cases against the former. UCCP explains that the above-mentioned cases had been filed against individual respondents, and not against BUCCI; and the inclusion of BUCCI's name in said cases were merely circumstantial because at the time those cases were filed, individual respondents were still acting and sabotaging the operation of BUCCI.[19] Lastly, UCCP criticizes SEC for its finding that UCCP has no legal personality to prosecute the case before it. UCCP asserts that individual respondents were its former members and BUCCI, the entity involved, is its member-local church.[20]

Respondents,[21] on the other hand, counter that UCCP's new theory—that the determination of membership to UCCP is a purely ecclesiastical affair—is not and cannot be allowed at this late stage of the proceedings.[22] They maintain that the Court of Appeals and SEC are correct in ruling that BUCCI had validly disaffiliated from UCCP and is entitled to continue in the use of its name.[23] As their third point, respondents assert that the Court of Appeals and SEC's finding that UCCP had no legal personality to question the validity of the amendments to BUCCI's Articles and By-laws, is in accord with law and settled jurisprudence.[24] Finally, they point out that the petition should be dismissed outright for failure to comply with the mandatory requirements of Rule 45 of the 1997 Rules of Civil Procedure.[25]

The Court denies the Petition.

The issue is not a purely ecclesiastical affair

Notably, UCCP invoked the jurisdiction of SEC when it submitted for resolution the following issues:

- Whether or not BUCCI is an organic component of UCCP subject to the latter's Constitution and By-laws;
- Whether or not the referendum conducted by respondents on July and November 1992 were valid;
- Whether or not the supposed separation of BUCCI from UCCP is valid;
- Whether or not the amendment of the Articles of Incorporation and By-laws of BUCCI is valid;
- Whether or not private respondents are entitled to the use of the name "BUCCI"; and
- Whether or not the use of the name "BUCCI" is confusingly similar with UCCP.[26]

Before the Court of Appeals, UCCP cited the following as grounds for review:

- The SEC committed serious reversible error in upholding as valid the amendments to the constitution and by-laws of BUCCI when there was absolutely no evidence proving that the strict requirements for amendments provided (sic) for under the new Corporation Code were complied with;
- The SEC committed serious reversible error in disregarding both testimonial and documentary evidence of the petitioner proving that respondent did not comply with the proper notice, deliberation of the issues and the 2/3 vote requirement for validity of the amendments of its articles of incorporation;
- The SEC committed serious reversible error in holding that petitioner UCCP does not have the legal standing to question the amendments made to BUCCI's articles of incorporation and by-laws after the latter's separation from the petitioner. Petitioner's legal standing to file the case had never been the issue of the case from the time of its filing, during the pre-trial conference, during the trial on the merits, and in the respective memorandum filed by the parties in this case; and
- The SEC committed serious reversible error in upholding respondents' continued use of the name BUCCI when in fact individual respondents by their very own acts have expelled themselves from membership of the UCCP and its local church the BUCCI.[27]

Failing to obtain favorable judgment from the SEC and the Court of Appeals, UCCP now comes before the Court posing ostensibly a question of law, that the determination of membership in UCCP is a purely ecclesiastical affair, which theory strips SEC and the Court of Appeals of any authority to rule on the issues voluntarily submitted to them by UCCP itself for resolution.

Basic is the rule that a party cannot be allowed to invoke the jurisdiction of a court to secure affirmative relief and later on renounce or repudiate the same after it fails to obtain such relief.[28] After voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court. The Court frowns upon the undesirable practice of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse.[29]

The Court has likewise consistently rejected the pernicious practice of shifting to a new theory on appeal in the hope of a favorable result. Fair play, justice and due process require that as a rule new matters cannot be raised for the first time before an appellate tribunal.[30] Failure to assert issues and arguments “within a reasonable time” warrants a presumption that the party entitled to assert it either has abandoned or declined to assert it.[31]

In any event, the Court believes that the matter at hand is not purely an ecclesiastical affair.

An ecclesiastical affair is one that concerns doctrine, creed or form of worship of the church, or the adoption and enforcement within a religious association of needful laws and regulations for the government of the membership, and the power of excluding from such associations those deemed unworthy of membership.[32] Based on this definition, an ecclesiastical affair involves the relationship between the church and its members and relate to matters of faith, religious doctrines, worship and governance of the congregation. To be concrete, examples of this so-called ecclesiastical affairs to which the State cannot meddle are proceedings for excommunication, ordinations of religious ministers, administration of sacraments and other activities attached with religious significance.[33]

In the first place, relief from civil courts was sought when the incident of disaffiliation occurred, in the face of UCCP’s assertions that it continues to recognize BUCCI as one of its local churches and that it has the sole authority to determine the validity of the disaffiliation.

Secondly, intertwined with the issue of the validity of the disaffiliation is the question of whether BUCCI had the power under the law to effect disaffiliation such that it should be given legal consequence and granted recognition.

UCCP and BUCCI, being corporate entities and grantees of primary franchises, are subject to the jurisdiction of the SEC. Section 3 of Presidential Decree No. 902-A provides that SEC shall have absolute jurisdiction, supervision and control over all corporations. Even with their religious nature, SEC may exercise jurisdiction over them in matters that are legal and corporate.[34]

BUCCI, as a juridical entity separate and distinct from UCCP, possesses the freedom to determine its steps.

UCCP’s statement in its memorandum- “[w]here else can petitioner seek protection and relief x x x?”[35] – is particularly telling. That UCCP sees the need to turn to a body for relief is an admission that its authority over BUCCI is not absolute and is actually more tenuous than alleged.

Thus, UCCP cannot rely on the Court’s ruling as restated in *Long v. Basa*,[36] that “in matters purely ecclesiastical, the decisions of the proper church tribunals are conclusive upon the civil tribunals.”[37] If in the case at bar, even with its highest executive official’s pronouncement that BUCCI is still recognized as its member-church,[38] UCCP could not compel BUCCI to go back to its fold, then the alleged absolute

ecclesiastical authority must not be there to begin with.

In fact, Long may be viewed as supportive of respondents' case. Said case involved a church's sole prerogative and power to expel its individual members. Similarly, the case at bar concerns BUCCI's sole prerogative and power as a church to disconnect ties with another entity. Such are decisions, that may have religious color and are therefore ecclesiastical affairs, the Court must respect and cannot review. It is worth mentioning that in *Fonacier v. Court of Appeals*,^[39] the Court held that the amendments of the constitution, restatement of articles of religion and abandonment of faith or abjuration, 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.

Conversely, the Court owes but recognition to BUCCI's decision as it concerns its legal right as a religious corporation to disaffiliate from another religious corporation via legitimate means—a secular matter well within the civil courts' purview.

Respondents Validly Effected the Amendments

UCCP contends that respondents have severed their UCCP membership and consequently, have lost their BUCCI membership. As such, they have neither the power to bring about the amendments to BUCCI's Articles of Incorporation nor right to continue the usage of BUCCI's name.

The Church Council Resolution dated 21 June 1992, duly ratified by BUCCI's members in a referendum, carried out BUCCI's corporate act of disaffiliating from UCCP. By virtue of this disaffiliation, BUCCI members, including respondents, severed their ties from UCCP but maintained their membership with BUCCI. UCCP's contention that the severance of UCCP ties amounts to severance of ties to the local church does not hold water.

Local church autonomy takes precedence in the UCCP polity. Section 4 of the 1974 UCCP Constitution provides:

SECTION 4. The autonomy of the local church or congregation in matters pertaining to its life in its own particular community shall be respected, consistent with its relation to the Conference, Jurisdiction, and General Assembly.

According to respondent, UCCP adopted a "congregationalist" system where a local church has the right to govern itself by its own laws, rules and regulations for the furtherance of its own general welfare and the freedom to practice its own faith and polity of denominational origin.^[40] This "congregationalist" system was shown in the Basis of Union, the Declaration of Union and UCCP's Constitution and By-laws.

Article IV of the Basis of Union reads:

ARTICLE IV -- Church Practices and Worship: Congregations may follow their customary practices and worship.^[41]

Section 4, Article VI specifically outlines the duties and powers of the local church:

(a)

Subject only to the general laws and regulations of the Church, every local church or congregation, shall, with its pastor, be responsible for watching over its members, keeping its life pure, ordering its worship, providing Christian education and proclaiming the Gospel[;] (b) Call a Pastor[;] (c) Recommend candidates for the ministry[;] (d) Elect delegates to the Annual Conference.^[42]

Statement IV of Declaration of Union provides:

That by adoption of the name “UNITED CHURCH OF CHRIST IN THE PHILIPPINES” for this Church Union, no right, interest, or title in and to their respective names by which the uniting Churches have been identified and known, has been nor is surrendered, but all such rights are specifically reserved against the claims of all persons, associations and organizations whatsoever.[43]

As a matter of fact, the present UCCP Constitution[44] and By-laws continue to uphold this tradition of respecting local church autonomy. The 2005 UCCP Amended Constitution provides in Article II, Section 14:

Consistent with the heritage and commitment of the United Church of Christ in the Philippines, the autonomy of the Local Church shall be respected. The scope of such autonomy shall be defined in the By-Laws.

Section 28, Article III of the UCCP By-laws provides:

Section 28. Scope of Local Autonomy: The primary locus of mission is the Local Church. Hence, the UCCP upholds the autonomy of the Local Church particularly as to its right and power to conduct its ministry free from outside control, provided the same is in line with the Constitution, By-Laws and statutes of the Church, thereby enabling the Local Church to become effective instrument in the ministry and mission of the Church and ensuring its positive contribution to the unity and strengthening of the whole Church. Specifically, autonomy of the Local Church includes the authority to do the following:

- To call and support its Pastor and other Church workers, keeping in mind the basic policy of the Church to call to its ministry pastors and Church workers belonging to the UCCP, subscribing to the UCCP Statement of Faith and paying allegiance to the Constitution, By-Laws and statutes of the Church. Pastors, ministers and workers of other churches affiliated with the National Council of Churches in the Philippines (NCCP) may be requested to serve in the Local Church with the prior written permission of the General Assembly or the National Council, through the General Secretary;
- To administer, maintain, encumber or dispose of its personal or real properties pursuant to a resolution of its Board of Trustees and approved by its Church Council and, where real properties are involved, with the written consent of the General Assembly or the National Council, through the General Secretary;
- To invite pastors, ministers, workers and lay leaders of other churches to speak, preach or otherwise enter into fellowship with the Local Church, from time to time, in consonance with Article II, Section 6, of the Constitution, provided that the authority and integrity of the UCCP, as well as the unity of the Local Church, shall never be impaired or compromised;
- To nominate and elect its officers, in accordance with the Constitution and By-Laws, and hold annual and such special meetings as it may deem necessary and proper;
- To admit qualified persons into the membership of the Local Church, help ensure their nurture and spiritual development, and promote and develop among them the idea of loving service, stewardship and missionary outreach;
- To celebrate its worship services that are orderly and solemn, yet joyful and meaningful, reflective of the faith and life of the Church and responsive to the needs of the community in terms of witness, service and prophetic ministry;
- To support the ministerial and lay formation program of the Church and recruit, recommend and support candidates for the ministry;
- To adopt its own budget and financial program and fulfill its obligations to the wider bodies; and
- To do all things as it may deem wise, necessary and proper, without encroaching on the prerogatives of, and interfering with, the wider Church bodies, ensuring at all times that its action contribute to the unity and strengthening of the whole UCCP.

From the foregoing it can be gleaned that: UCCP's control and authority over its local churches is not full and supreme; membership of the local churches in the UCCP is voluntary and not perpetual; local churches enjoy independence and autonomy and may maintain or continue church-life with or without UCCP.

Thus, under the law and UCCP polity, BUCCI may validly bring about its disaffiliation from UCCP through the amendment of its Articles of Incorporation and By-laws.

Significantly, SEC approved the amendments on 2 July 1993, which approval has in its favor the presumption of regularity.[45] Government officials are presumed to have regularly performed their functions and strong evidence is necessary to rebut this presumption.[46] In the absence of convincing proof to the contrary, the presumption must be upheld.[47]

More importantly, well-settled is the judicial dictum that factual findings of quasi-judicial agencies, such as SEC, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but even finality. They are binding upon this Court which is not a trier of facts. Only upon clear showing of grave abuse of discretion, or that such factual findings were arrived at arbitrarily or in disregard of the evidence on record will this Court step in and proceed to make its own independent evaluation of the facts. No cogent reason exists in the instant cases to deviate from this settled rule.[48]

Anent the continued use by respondents of BUCCI, the Court likewise sustains the rulings of SEC and Court of Appeals. Pertinently, the Court of Appeals ruled as follows:

As held in *Philips Export B.V. vs. Court of Appeals* [206 SCRA 457, 463], to fall within the prohibition of the law, two requisites must be proven, to wit: (1) that the complainant corporation acquired a prior right over the use of such corporate name; and (2) the proposed name is either: (a) identical, or (b) deceptively or confusingly similar to that of any existing corporation or to any other name already protected by law; or (c) patently deceptive, confusing or contrary to existing law.

The respondent BUCCI's church history would show that it has a better right to use its corporate name on the ground of priority of adoption. As thoroughly discussed by the SEC in its assailed decision, the evolution of respondent BUCCI to what it is today undoubtedly establishes that it had acquired the right to make use of its corporate name.

As to whether or not BUCCI is confusingly or deceptively similar to UCCP, We find in the negative. In determining the existence of confusing similarity in corporate names, the test is whether the similarity is such as to mislead a person using ordinary care and discrimination.[49]

Furthermore, Section 2, Article I of the UCCP Constitution[50] states that, "All local churches and church-owned entities shall bear prominently the name: United Church of Christ in the Philippines." For this reason, BUCCI is evidently distinct from UCCP and from all other UCCP local churches and church-owned entities.

SEC and Court of Appeals correctly ruled that UCCP has no locus standi to question the amendments to BUCCI's Articles of Incorporation and By-laws.

The doctrine of locus standi or the right of appearance in a court of justice has been adequately discussed by this Court in a number of cases. The doctrine requires a litigant to have a material interest in the outcome of a case. In private suits, locus standi requires a litigant to be a "real party in interest," which is defined as "the party who stands to be benefited or injured by the judgment in the suit or the party entitled to the avails of the suit." [51]

A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. And by real interest is meant a present substantial interest, as distinguished from a mere expectancy, or a future, contingent, subordinate or consequential interest.[52]

A suit may be dismissed if the plaintiff or the defendant is not a real party in interest.[53]

After a review of the evidence on record, the SEC, which the Court of Appeals affirmed, correctly ruled that UCCP, not being a member of BUCCI, is not the proper party to question the validity of the amendments of the latter's Articles of Incorporation and By-laws. While UCCP stands to be affected by the disaffiliation, the same is admitted and accepted by UCCP's polity by the very establishment of its liberal structure.

Petition failed to comply with the mandatory requirements of Rule 45 of the 1997 Rules of Civil Procedure

We highlight the fact that when UCCP filed the original complaint before the SEC, only individual respondents were impleaded. UCCP then amended the complaint to include BUCCI, only to drop it as respondent after the Court of Appeals promulgated its Decision, purportedly to show that it was merely going after individual respondents. We agree with respondents that failure to implead BUCCI as respondent in the instant case constitutes a blatant disregard of Section 4(a), Rule 45 of the Rules of Court,[54] but also renders the assailed decision final and executory and all subsequent actions on the petition are void considering that BUCCI is an indispensable party.[55] We cannot countenance this disingenuous practice of shifting to a new theory on appeal in the hope of obtaining a favorable result.[56]

Essentially, the three main issues raised by UCCP before the SEC and the Court of Appeals[57] are the very same issues presented for our resolution. Finding no serious errors to warrant a reversal of the assailed Decision, We affirm.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated 17 June 2005 is hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Sereno, and Reyes, JJ., concur.

[1] Penned by Associate Justice Isaias P. Dicdican with Associate Justices Enrico A. Lanzas and Apolinario D. Bruselas, Jr., concurring. Rollo, pp. 39-48.

[2] Comprised of Chairperson Lilia R. Bautista and Commissioners Fe Eloisa C. Gloria and Joselia J. Poblador.

[3] Dated 27 January 2004. Rollo, pp. 60-74.

[4] Id. at 40.

[5] Id. at 61-63.

[6] Id. at 359.

[7] Id. at 63-64.

[8] First, Rev. Patricio Ezra, the Administrative Pastor and spiritual leader of Bradford was stripped of his authority to administer the sacraments. Second, An Unlawful Detainer Case was filed by UCCP and CCI against BUCCI and Ezra, et al. before the MTC-Cebu. On the other side of the conflict, a labor case was filed by Respondent Ezra against UCCP. Id. at 360.

[9] Id.

[10] Id.

[11] Id.

[12] Id. at 64.

[13] Id. at 363.

[14] Id. at 64-65.

[15] Id. at 173-174.

[16] Id. at 47-48.

[17] Id. at 22 and 24.

[18] Id. at 27-33.

[19] Id. at 35.

[20] Id. at 33-36.

[21] Memorandum dated 19 April 2007, id. at 347-410.

[22] Id. at 372-381.

[23] Id. at 381-391.

[24] Id. at 391-395.

[25] Id. at 395-409.

[26] Id. at 374.

[27] Id. at 375.

[28] *Huertas v. Gonzalez*, 491 Phil. 441, 454 (2005); *Atlantic Erectors, Inc. v. Herbal Cove Realty Corporation*, 447 Phil. 531, 548 (2003).

[29] *Cloma v. Court of Appeals*, G.R. No. 100153, 2 August 1994, 234 SCRA 665, 673.

[30] *Tan Chun Suy v. Court of Appeals*, G.R. No. 93640, 7 January 1994, 229 SCRA 151, 165.

[31] *Commissioner of Internal Revenue v. Seagate Technology (Philippines)*, 491 Phil. 317, 346 (2005).

[32] *Pastor Austria v. National Labor Relations Commission*, 371 Phil. 340, 353 (1999).

[33] Id.

[34] See 76 CJS 738 (as cited in Respondents' Memorandum, Rollo, pp. 377-378) which states that religious corporations has two entities: legal corporation and the religious association; See *Gonzalez v. Roman Catholic Archbishop of Manila*, 51 Phil. 420 (1928) citing the rule formulated by the Court of Appeals of South Carolina in the case of *Harmon v. Dreher* (Speers Eq., 87), to the effect that: Where a civil right depends upon some matter pertaining to ecclesiastical affairs, the civil tribunal tries the civil right and nothing more, taking the ecclesiastical decisions out of which the civil right has arisen as it finds them, and accepting those decisions as matters adjudicated by another jurisdiction. The proposition thus stated in *Harmon v. Dreher* has subsequently been considered from different points of view by many able courts, and it has uniformly been looked upon as a sound and correct statement of the law in cases where it is of proper application. Among decisions in which said rule has been quoted with approval are *Watson v. Jones* (13 Wall 679; 20 Law. ed., 666); *Lamb v. Cain* (129 Ind., 486; 14

L. R. A., 518; 29 N. E., 13); and *White Lick Quarterly Meeting of Friends v. White Lick Quarterly Meeting of Friends* (89 Ind., 136). This case also states that 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.

[35] Rollo, p. 331.

[36] 418 Phil. 375 (2001).

[37] *Id.* at 397 citing *United States v. Canete*, 38 Phil. 253 (1918).

[38] UCCP General Secretary Bishop Hilario Gomez stated that: The secession of BUCCI is not sanctioned by the national leadership of the UCCP and that the UCCP still recognizes BUCCI as its member but with a different set of officers led by Mr. Cedric Bao-as. Rollo, pp. 58-59.

[39] 96 Phil. 417 (1955) citing (45 Am. Jur. 748-752, 755); restated in *Taruc v. Bishop De la Cruz*, 493 Phil. 293 (2005).

[40] 66 Am. Jur. 2d Religious Societies § “[i]n a ‘congregational’ church polity, the local church is independent, autonomous, and the highest authority in all matters of doctrine and usage. Also, it is characterized by its freedom to act in any matter, in accordance with the will of a majority of its membership, conditioned only on rules and procedures prescribed by the internal law of its own constitution and by-laws.” See *Viravonga v. Samakitham*, 372 Ark. 562, 279 S.W. 3d 44 (2008); *Central Coast Baptist Ass’n. v. First Baptist Church of Las Lomas*, 171 Cal. App. 4th 822, 65 Cal. Rptr. 3d 100 (6th Dist. 2007), review granted and opinion superseded on other grounds, 68 Cal. Rptr. 3d 274, 171 P. 3d 2 (Cal. 2007) and dismissed, remanded and ordered published, 90 Cal. Rptr. 3d 701, 202 P. 3d 1089 (Cal. 2009); *Rector, Wardens and Vestrymen of Christ Church in Savannah v. Bishop of Episcopal Diocese of Georgia, Inc.*, 305 Ga. App. 87, 699 S.E. 2d 45 (2010), cert. granted, (Jan. 13, 2011); *Bridgeforth v. Thornton*, 847 N.E. 2d 1015 (Ind. Ct. App. 2006); *Seldon v. Singletary*, 284 S.C. 148, 326 S.E. 2d 147 (1985).

[41] Records, Folder 3, p. 1260.

[42] *Id.* at 1259-1260.

[43] *Id.* at 1256.

[44] As amended in 2005.

[45] Section 3(m), Rule 131 of the Rules on Evidence, provides:

SEC. 3. Disputable presumptions. — The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x

(m) That official duty has been regularly performed;

[46] *Autencio v. City Administrator Mañara*, 489 Phil. 752, 758 (2005).

[47] *People v. Roldan*, G.R. No. 98398, 6 July 1993, 224 SCRA 536, 543.

[48] *Columbus Philippine Bus Corporation v. National Labor Relations Commission*, 417 Phil. 81, 99 (2001).

[49] Rollo, pp. 44-45.

[50] UCCP 1996 Constitution.

[51] *Planters Products, Inc. v. Fertiphil Corporation*, G.R. No. 166006, 14 March 2008, 548 SCRA 485, 501-502.

[52] *Shipside Inc. v. Court of Appeals*, 404 Phil. 981, 998 (2001) citing *Ibonilla v. Province of Cebu*, G.R. No. 97463, 26 June 1992, 210 SCRA 526, 529-530.

[53] *Tanpingco v. Intermediate Appellate Court*, G.R. No. 76225, 31 March 1992, 207 SCRA 652, 656-567.

[54] Sec. 4. Contents of petition. - The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42. (Emphasis supplied).

[55] *Rollo*, p. 395.

[56] *Rizal Commercial Banking Corporation v. Marcopper Mining Corporation*, G.R. No. 170738, 30 October 2009, 604 SCRA 719, 731 citing *Big AA Manufacturer v. Antonio*, 519 Phil. 30, 39 (2006).

[57] (1) Whether the disaffiliation by BUCCI from UCCP is valid; (2) Whether the amendments made on the Articles and By-Laws by individual respondents are valid; and (3) Whether BUCCI may continue to use its corporate name. *Rollo*, pp. 64-65.

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