

**PHILIPPINE INDEPENDENT CHURCH, PETITIONER, VS. BISHOP MARTIN BASAÑES, RESPONDENT.***G.R. No. 220220. August 15, 2018*

Ponente: TIJAM, J.

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Assailed in this Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court are the Decision[2] dated February 28, 2014 and the Resolution[3] dated July 20, 2015 of the Court of Appeals (CA) in CA-G.R. CEB-SP No. 05661. Reversing the identical decisions of the lower courts, the CA held that petitioner Philippine Independent Church had no cause of action for unlawful detainer against respondent Bishop Martin Basañes, they being co-owners of the subject property.

**The Antecedents**

Petitioner Philippine Independent Church, also known as Iglesia Filipina Independiente, Iglesia Catolica Filipina Independiente, Iglesia Catolica Filipina or the Aglipayan Church, is a religious organization which existed since the 1900's. According to petitioner, as early as the 1900's, it built a church and a convent on a 248-square meter portion of a larger parcel of land located in Pulpandan, Negros Occidental, designated as Lot No. 1204, Valladolid Cadastre, and covered by Original Certificate of Title No. RO-12808 (666) registered under the name of Catalino Riego Magbanua (Catalino).[4]

Petitioner claimed that in 1903, this 248-square meter of land on which the church and the convent were built was donated to petitioner by Catalino. Said donation was formalized by Catalino's heirs under a Declaration of Heirship and Deed of Donation[5] dated October 24, 2001. The church and the convent were occupied by Fr. Daniel De Los Reyes who was then succeeded by Msgr. Macario V. Ga (Msgr. Ga).[6]

Sometime in the 1980's, a faction, separating from petitioner, was formed by Msgr. Ga.[7] Among those joining the faction of Msgr. Ga were Fr. Ramon Dollosa (Fr. Dollosa) and herein respondent Bishop Martin Basañes (Bishop Basañes). Petitioner claimed that because of an agreement signed by the members of the faction whereby they submitted themselves to petitioner's authority, Fr. Dollosa was allowed by then Diocesan Bishop Tipples, Jr., to remain as co-parish priest of the Parish of Sta. Felomena of the Philippine Independent Church of Pulpandan, Negros Occidental.[8]

However, due to an alleged violation committed by Fr. Dollosa, petitioner sent him on October 1, 2003 a demand letter[9] to vacate the premises of the church and the convent. When the demand went unheeded, petitioner filed against Fr. Dollosa a complaint[10] for forcible entry which was later on amended to one for unlawful detainer.

By way of answer, Fr. Dollosa countered that the complaint states no cause of action against him, and that in any case, petitioner is not the owner of the subject property since the heirs who executed the Declaration of Heirship and Deed of Donation in petitioner's favor were illegitimate children of Catalino.[11] On the other hand, Fr. Dollosa maintained that it was the legitimate heirs of Catalino who built the church and the convent in the 1980's

and who later on adhered to the Philippine Independent Catholic Church, which is separate and distinct from petitioner having been registered with the SEC on January 17, 2007.[12] He also added that Catalino's legitimate heirs, who are members of the Philippine Independent Catholic Church, had executed a Deed of Donation dated February 5, 2005 and amended in 2008, covering the subject property in the latter's favor.[13]

Fr. Dollosa passed away during the pendency of the unlawful detainer case. Bishop Basañes was substituted in his place.

The Municipal Circuit Trial Court (MCTC) of Valladolid-San Enrique-Pulupandan, Negros Occidental, rendered a Decision in favor of petitioner, the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, judgment is hereby rendered in favor of the plaintiff, as follows:

1. Ordering the defendant and/or Bishop Martin Basañes and all other persons claiming rights under him to vacate the premises of the subject lot, the church and the convent of the Philippine Independent Church in Pulupandan, Negros Occidental;
2. No pronouncement as to cost.[14]

This adverse ruling prompted Bishop Basañes to appeal to the Regional Trial Court (RTC).

#### The RTC Ruling

In appreciating the records before it, the RTC held that it was the petitioner which ran the Church, as well as the physical church and the convent built on the property. When the faction of Msgr. Ga separated from the petitioner, the faction continued to occupy the church and the convent.[15] Bishop Basañes, who belonged to Msgr. Ga's faction, later on formed the Philippine Independent Catholic Church, Diocese of Negros Occidental, Inc., but continued to occupy the church and the convent.[16] The RTC, thus, approved the MCTC's conclusion that petitioner's possessory right antedates that of Bishop Basañes and that his stay thereon was merely by petitioner's tolerance.[17] The RTC also noted Bishop Basañes' admission that his church, the Philippine Independent Catholic Church, does not owe any allegiance to the petitioner and, thus, concluded that Bishop Basañes' possession of the subject property is no longer authorized by petitioner.[18]

Aggrieved, Bishop Basañes went to the CA and claimed right to possess the subject property on the basis of ownership as evidenced by a Deed of Donation executed by the alleged legitimate heirs of Catalino in favor of the Philippine Independent Catholic Church.

#### The CA Ruling

Departing from the findings of the MCTC and the RTC, the CA emphasized that both parties claim ownership over the disputed property. Petitioner claims it by virtue of a Deed of Donation executed by the heirs of Catalino with one Juana Jacinto; while Bishop Basañes claims that the Philippine Independent Catholic Church owns the same on the basis of a Deed of Donation executed by the heirs of Catalino with one Francisca Escaro. The CA, thus, assumed that all of Catalino's heirs are co-owners of the subject property and that being heirs, they may dispose of their ideal share in the co-ownership. The CA concluded that both sets of heirs have donated their pro indiviso shares in the subject property to the parties and thus, the latter are now co-owners thereof. As such, petitioner has no cause of action against Bishop Basañes and the members of the Philippine Independent Catholic Church since the latter is a co-owner with a right to possess the disputed property.[19]

In disposal, the CA held:

WHEREFORE, the Petition for Review is GRANTED. The Decision dated July 27, 2010 of Branch 62, Regional Trial Court of Bago City in Civil Case No. 1656 is REVERSED and SET ASIDE. The complaint of the Philippine Independent Church before the MCTC of Valladolid-San Enrique-Pulupandan, Valladolid, Negros Occidental in Civil Case No. 04-001-P is DISMISSED without prejudice.

SO ORDERED.[20]

Thus, the present petition.

The Issue

The pivotal issue to be resolved is who, between petitioner and respondent Bishop Basañes of the Philippine Independent Catholic Church, has the better right to the physical possession of the disputed property.

The Ruling of the Court

We grant the petition.

In order to resolve the contentions raised by the parties, the Court necessarily had to revisit the factual findings of the lower courts and the CA, as well as, to consider the factual matters raised by the parties. To emphasize, such route is improper in a petition for review on certiorari which should raise only questions of law, and not of fact.[21] By way of exception, the Court resolves factual issues when, among others,[22] the factual findings of the CA and the trial courts are contradictory, the judgment is based on a misapprehension of facts, or the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different legal conclusion. These exceptions are extant in the instant case.

The rule is settled that in an unlawful detainer case, the physical or material possession of the property involved, independent of any claim of ownership by any of the parties, is the sole issue for resolution. However, where the issue of ownership is raised, the courts may pass upon said issue in order to determine who has the right to possess the property. This adjudication is only an initial determination of ownership for the purpose of settling the issue of possession, the issue of ownership being inseparably linked thereto. Accordingly, the lower court's adjudication of ownership in the ejectment case is merely provisional and would not bar or prejudice an action between the same parties involving title to the property.[23]

Let it be emphasized that the provisional determination of ownership is not the primordial consideration in an ejectment case. If the courts can resolve the question of who has the better right of physical or material possession, the issue of ownership should not be touched upon, it being unessential in an action for unlawful detainer.

A careful perusal of the assailed CA decision shows that the appellate court precipitately concluded that petitioner and Bishop Basañes, as representing the Philippine Independent Catholic Church, are now co-owners of the subject property, being donees of the same, albeit under different deeds of donation executed by different sets of Catalino's heirs. Although this pronouncement as to ownership is admittedly provisional, such is not entirely accurate and misses key factual matters which, if considered, could have easily resolved the issue of the better right of physical or material possession.

We begin by examining the allegations in the amended complaint for unlawful detainer, which alleges:

x x x x

3. That the plaintiff is the owner of a portion of a parcel of land designated as Lot No. 1204, Valladolid Cadastre, covered by Original Certificate of Title No. RO-12808 (666), x x x;

4. That this portion with an area of TWO HUNDRED FORTY EIGHTY [sic] (248) SQUARE METERS, more or less, was donated to the plaintiff by the late Catalino Riego way back in 1903 and formalized by his heirs in a document known as Declaration of Heirship and Deed of Donation dated October 24, 2001 x x x;

5. That on this portion of the said lot is a church and a convent both belonging to the plaintiff;

6. That the defendant is a member of the faction of the Philippine Independent Church under the 1947 Constitution and Canons headed by Msgr. Macario V. Ga who in 1981 questioned the validity of the ratification of the 1977 Constitution and Canons of the Philippine Independent Church including the election of the Supreme Bishop under the said Constitution and Canons before the Securities and Exchange Commission (SEC);

x x x x

8. That on account of the signed document on November 16, 1994, whereby members of the faction headed by Msgr. Macario V. Ga submitted themselves to the legitimate authority of Philippine Independent Church under the 1977 Constitution and Canons, defendant Fr. Ramon Dollosa and his predecessors were allowed by then diocesan bishop, Rt. Rev. Tipples, Jr. to remain as co-parish priest of the Philippine Independent Church, Pulupandan, Negros Occidental, the parish of St. Felomena;

9. That even since the time of Fr. de los Reyes, the immediate predecessor of defendant Fr. Ramon Dollosa, the parish belonging to the faction headed by Msgr. Macario V. Ga have already violated the conditions of being co-parish priest in operating the above-named parish under the 1947 Constitution and Canons;

10. That on October 1, 2003 demand was made on the defendant by the Deputy Diocesan Bishop, Rt. Rev. Wenceslao Molato, to vacate the premises of the church as evidenced by the demand letter x x x;

11. That the defendant refused to vacate the premises within the time given to him in the demand letter and up to the present he is still illegally occupying the church and the convent including the parcel of land on which these are constructed to the damage and prejudice of the herein plaintiff.[24]

The rule on the matter is spelled under Section 1, Rule 70 of the Rules of Court which provides:

Section 1. Who may institute proceedings, and when. - Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

Consistently, case law[25] treats a complaint as having sufficiently allege a cause of action for unlawful detainer if it contains the following:

- (1) initially, possession of the property by the defendant was by contract with or by tolerance of the plaintiff;
- (2) eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession;
- (3) thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and
- (4) within one year from the last demand on defendant to vacate the property, the plaintiff instituted the

complaint for ejectment.[26]

Inasmuch as petitioner's amended complaint recites: that petitioner owns the 248-square meter portion of a parcel of land and built thereon a church and a convent, which property had been continuously used by petitioner and occupied by its authorized parish priests and co-parish priests; that the original defendant, Fr. Ramon Dollosa, violated the conditions of being a co-parish priest; that a demand to vacate the property was made upon Fr. Ramon Dollosa but to no avail; and, that within one (1) year from the date of last demand, the amended complaint for unlawful detainer was filed, petitioner has demonstrated a cause of action against Fr. Dollosa who was later on substituted by herein respondent Bishop Basañes.

Tellingly, respondent's answer to the foregoing allegations set forth in the amended complaint for unlawful detainer does not refute the fact of prior and continuous possession of the property by the petitioner through its authorized parish priests. Instead, respondent banks on the defense that in the 1980's, the heirs of Catalino built a church and a convent on the property and in 2005, amended in 2008, executed a donation covering the property in favor of the newly-registered Philippine Independent Catholic Church. It can, thus, be reasonably inferred that Bishop Basañes' and his predecessor's possession over the property was only by virtue of petitioner's prior authorization. However, such authority to possess the property ceased when Bishop Basañes' predecessor committed a breach of the conditions of being a co-parish priest in operating the Parish of Sta. Felomena of the Philippine Independent Church.[27]

That the Philippine Independent Catholic Church was later on caused to be registered under the leadership of Bishop Basañes further highlights the fact that the former seeks a personality separate from the petitioner. Bishop Basañes also claimed that the Philippine Independent Catholic Church does not owe any allegiance to the petitioner but only recognizes Bishop Basañes' and its officials' authority.[28] Notwithstanding this clear separatist movement, Bishop Basañes continued occupying the subject property. As correctly ruled by the RTC, these representations demonstrate that the occupation and possession by Bishop Basañes was no longer sanctioned by petitioner nor bear any color of authority from the latter.[29]

Given the foregoing, the issue of material possession is easily resolved in favor of petitioner even without delving into the issue of ownership raised as a defense. Hence, there is no need for the Court to delve into the issue of ownership which is better threshed out in an appropriate proceeding where such issue becomes properly justiciable.

At any rate, the deed of donation allegedly covering the subject property which the heirs of Catalino executed in favor of the Philippine Independent Catholic Church to which Bishop Basañes claims to belong could not tilt the issue of material possession in the latter's favor. As aptly observed by the RTC:

In contrast to the Deed of Donation executed in favor of the plaintiff-appellee x x x, the Deed of Donation executed much later, on February 5, 2005 by the alleged heirs of Catalino Riego in favor of the Philippine Independent Catholic Church, which was later on amended in 2008 x x x, merely stated the location of the lot and the Tax Declaration Control Number covering the same. The lot number and the certificate of title covering the lot donated were not stated therein. Further, the Court noted that the later Deed of Donation was executed one (1) year after the present case was filed before the court a quo. Moreover, it was sufficiently established that the church to which the defendant-appellant belongs came into existence only sometime in the late 1980's when there was a split in the national level brought about by the division of the Iglesia Filipina Independiente into two (2) factions, i.e. those that follow the 1947 Constitution and Canons under the late Msgr. Macario Ga and those that follow the duly approved Constitution and Canons of 1977. The Philippine Independent Catholic Church (PICC) was later on organized. Its Articles of Incorporation and By-Laws was approved by the Securities and Exchange Commission on January 17, 2007. How then could the defendant claim that his group had been in possession of the premises of the lot subject matter of this case and the church

and convent standing thereon for twenty-nine years already when in truth and in fact it came into existence only later. It is the mainstream church, the Philippine Independent Church that existed a long time ago.[30] (Emphasis ours)

Without necessarily making a pronouncement as to the validity and binding effect of the deed of donation executed in favor of the Philippine Independent Catholic Church, it appears that such deed was executed only as a belated cure which should not have been the determining factor to decide the issue of material possession.

WHEREFORE, the petition is GRANTED. The Decision dated February 28, 2014 and the Resolution dated July 20, 2015 of the Court of Appeals in CA-G.R. CEB-SP No. 05661 are REVERSED and SET ASIDE. The Decision dated January 4, 2010 of the Municipal Circuit Trial Court-Valladolid-San Enrique-Pulupandan, Negros Occidental, affirmed in toto by the Regional Trial Court, is REINSTATED.

**SO ORDERED.**

Peralta,[\*] (Acting Chairperson), Del Castillo, Jardeleza, and Gesmundo,\*\*] JJ., concur.

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[\*] Designated as Acting Chairperson per Revised Special Order No. 2582 dated August 8, 2018.

[\*\*] Designated as Acting Member pursuant to Revised Special Order No. 2560 dated May 11, 2018.

[1] Dated September 23, 2015; rollo, pp. 10-40.

[2] Penned by Associate Justice Maria Elisa Sempio Diy, and concurred in by Associate Justices Edgardo L. Delos Santos and Pamela Ann Abella Maxino; id. at 42-52.

[3] Id. at 55-56.

[4] Id. at 12, 105.

[5] Id. at 282-283.

[6] Id. at 13.

[7] Id. at 205.

[8] Id. at 13.

[9] Id. at 292.

[10] Id. at 120-124.

[11] Id. at 126.

[12] Id. at 205.

[13] Id. at 117.

[14] Quoted from the RTC, Branch 62-Bago City Decision dated July 27, 2010; id. at 109.

[15] Id. at 114.

[16] Id. at 115.

[17] Id.

[18] Id. at 115-116.

[19] Id. at 49-52.

[20] Id. at 52.

[21] See *Dr. Serina v. Caballero*, 480 Phil. 277, 284 (2004).

[22] These exceptions as cited in *Land Bank of the Phils, v. Monet's Export & Mfg. Corp.*, 493 Phil. 327, 338-339 (2005) are when:

"(1) the factual findings of the Court of Appeals and the trial court are contradictory; (2) the findings are grounded entirely on speculation, surmises or conjectures; (3) the inference made by the Court of Appeals from its findings of fact is manifestly mistaken, absurd or impossible; (4) there is grave abuse of discretion in the appreciation of facts; (5) the appellate court, in making its findings, goes beyond the issues of the case and such findings are contrary to the admissions of both appellant and appellee; (6) the judgment of the Court of Appeals is premised on a misapprehension of facts; (7) the Court of Appeals fails to notice certain relevant facts which, if properly considered, will justify a different conclusion; and (8) the findings of fact of the Court of Appeals are contrary to those of the trial court or are mere conclusions without citation of specific evidence, or where the facts set forth by the petitioner are not disputed by respondent, or where the findings of fact of the Court of Appeals are premised on the absence of evidence but are contradicted by the evidence on record."

[23] *Sps. Pascual v. Sps. Coronel*, 554 Phil. 251, 359-360 (2007).

[24] Id. at 120-122.

[25] *Zacarias v. Anacay, et al.*, 744 Phil. 201 (2014).

[26] Id. at 208-209.

[27] *Rollo*, p. 111.

[28] Id. at 115-116.

[29] Id.

[30] Id. at 205.

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