

ELADIO ALONSO, PLAINTIFF AND APPELLEE, VS. TOMAS VILLAMOR ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 2352. July 26, 1910

Ponente: MORELAND, J.

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MORELAND, J.:

This is an action brought to recover of the defendants the value of certain articles taken from a Roman Catholic Church, located in the municipality of Placer, and the rental value of the church and its appurtenances, including the church cemetery, from the 11th day of December, 1901, until the month of April, 1904. After hearing the evidence, the court below gave judgment in favor of the plaintiff for the sum of P1,581, with interest at 6 per cent from the date of the judgment. The said sum of P1,581 was made up of two items, one of which, P741, was for the value of the articles taken from the church, and the other, P840, the rental value of the premises during the occupation by defendants. From this judgment the defendants appealed to this court.

It appears that the defendants were on the 11th day of December, 1901, members of the municipal board of the municipality of Placer, and that they on that date addressed to the plaintiff in this case, who was the priest in charge of the church, its appurtenances and contents, the following letter:

"PLACER, 11th December, 1901.

"R. P. ELADIO ALONSO, Benedictino, Surigao.

"ESTEEMED PADRE : After saluting you, we take the liberty of writing you to inform you that in the municipality of which we have charge we have received an order from the provincial fiscal, dated the 5th instant, which says: 'The cemeteries, convents, and other buildings erected on land belonging to the town at the expense of the town and preserved by it belong to the town, and for this reason the municipality is under the obligation of administering them and of collecting the revenues therefrom, and for this reason we notify you that from this date all of the revenues and products therefrom must be turned into the treasury of the municipality in order that the people may properly preserve them.'

"In the same way we notify you that the image of St. Vicente which is now in the church, as it is an image donated to the people by its owner, by virtue of said order is also the property of said people, and therefore the alms which are given it by the devotees thereof must be also turned into the municipal treasury for the proper preservation of the church and for other necessary purposes. We hope that you will view this in the proper light and that you will deliver to the bearer of this letter the key of the alms box of the said image in order that we may comply with our obligation in conformity with the dispositions of said order.

"We beg to remain as always your spiritual sons. Q. B. S. M.

(Signed)

"ANDRES OJEDA

"TOMAS VILLAMOR.

"ANDRES CALINAUAN.

"BERNARDINO TANDOY.

"EUSEBIO LIRIO.

"BLEUTERIO MONDAYA.

"MAXIMO DELOLA.

"SEGUNDO BECERRO.

"ONOFRE ELIMANCE."

On the 13th of December, 1901, the defendants took possession of the church and its appurtenances, and also of all of the personal property contained therein. The plaintiff, as priest of the church and the person in charge thereof, protested against the occupation thereof by the defendants, but his protests received no consideration, and he was summarily removed from possession of the church, its appurtenances and contents.

The only defense presented by the defendants, except the one that the plaintiff was not the real party in interest, was that the church and other buildings had been erected by funds voluntarily contributed by the people of that municipality, and that the articles within the church had been purchased with funds raised in like manner, and that, therefore, the municipality was the owner thereof.

The question as to the ownership of the church and its appurtenances, including the convent and the cemetery, was before this court on the 23d day of September, 1908, in an action entitled "The Roman Catholic Apostolic Church against the municipality of Placer." [1] Substantially the same facts were presented on the part of the defendants in that case as are presented by the defendants in this. The question there litigated was the claim upon the part of the municipality of ownership of said church and its appurtenances on the ground that according to Spanish law the Roman Catholic Apostolic Church was not the owner of such property, having only the use thereof for ordinary ecclesiastical and religious purposes, and that the true owner thereof was the municipality or the State by reason of the contributions by them, or by the people, of the land and of the funds with which the buildings were constructed or repaired. The court decided in that case that the claim of the defendants was not well founded and that the property belonged to the Roman Catholic Church. The same question was discussed and decided in the case of Barlin vs. Ramirez (7 Phil. Rep., 41), and the case of The Municipality of Ponce vs. Roman Catholic Apostolic Church in Porto Rico (28 Sup. Ct. Rep., 737, 6 Off. Gaz., 1213).

We have made a careful examination of the record and the evidence in this case and we have no doubt that the property sued for was, at the time it was taken by the defendants, the property of the Roman Catholic Church, and that the seizure of the same and occupation of the church and its appurtenances by the defendants were wrongful and illegal. We are also convinced, from such examination, that the conclusions of the court below as to the value of the articles taken by the defendants and of the rent of the church for the time of its illegal occupation by the defendants were correct and proper. While some objection was made on appeal by counsel for the defendants that the value of the articles taken and of the rent of the church and its appurtenances had not been proved by competent evidence, no objection to the introduction of the evidence of value was made at the trial and we can not consider that question raised for the first time here.

We have carefully examined the assignments of error made by counsel for the defendants on this appeal. We find none of them well founded. The only one which deserves especial attention at our hands is the one wherein the defendants assert that the court below erred in permitting the action to be brought and continued in the name of the plaintiff instead of in the name of the bishop of the diocese within which the church was located, or in the

name of the Roman Catholic Apostolic Church, as the real party in interest.

It is undoubted that the bishop of the diocese or the Roman Catholic Apostolic Church itself is the real party in interest. The plaintiff personally has no interest in the cause of action. Section 114 of the Code of Civil Procedure requires that every action must be prosecuted in the name of the real party in interest. The plaintiff is not such party.

Section 110 of the Code of Civil Procedure, however, provides:

"Sec. 110. Amendments in general. - The court shall, in furtherance of justice, and on such terms, if any, as may be proper, allow a party to amend any pleading or proceeding and at any stage of the action, in either the Court of First Instance or the Supreme Court, by adding or striking out the name of any party, either plaintiff or defendant, or by correcting a mistake in the name of a party, or a mistaken or inadequate allegation or description in any other respect, so that the actual merits of the controversy may speedily be determined, without regard to technicalities, and in the most expeditious and inexpensive manner. The court may also, upon like terms, allow an answer or other pleading to be made after the time limited by the rules of the court for filing the same. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard."

Section 503 of the same code provides:

"SEC. 503. Judgment not to be reversed on technical grounds. - No judgment shall be reversed on formal or technical grounds, or for such error as has not prejudiced the real rights of the excepting party."

We are confident under these provisions that this court has full power, apart from that power and authority which is inherent, to amend the process, pleadings, proceedings, and decision in this case by substituting, as party plaintiff, the real party in interest. Not only are we confident that we may do so, but we are convinced that we should do so. Such an amendment does not constitute, really, a change in the identity of the parties. The plaintiff asserts in his complaint, and maintains that assertion all through the record, that he is engaged in the prosecution of this case, not for himself, but for the bishop of the diocese - not by his own right, but by right of another. He seeks merely to do for the bishop what the bishop might do for himself. His own personality is not involved. His own rights are not presented. He claims no interest whatever in the litigation. He seeks only the welfare of the great church whose servant he is. He gladly permits his identity to be wholly swallowed up in that of his superior. The substitution, then, of the name of the bishop of the diocese, or the Roman Catholic Apostolic Church, for that of Padre Alonso, as party plaintiff, is not in reality the substitution of one identity for another, of one party for another, but is simply to make the form express the substance. The substance is there. It appears all through the proceedings. No one is deceived for an instant as to whose interests are at stake. The form of its expression is alone defective. The substitution, then, is not substantial but formal. Defect in mere form can not possibly prejudice so long as the substantial is clearly evident. Form is a method of speech used to express substance and make it clearly appear. It is the means by which the substance reveals itself. If the form be faulty and still the substance shows plainly through, no harm can come by making the form accurately expressive of the substance.

No one has been misled by the error in the name of the party plaintiff. If we should by reason of this error send this case back for amendment and new trial, there would be on the retrial the same complaint, the same answer, the same defense, the same interests, the same witnesses, and the same evidence. The name of the plaintiff would constitute the only difference between the old trial and the new. In our judgment there is not enough in a name to justify such action.

There is nothing sacred about processes or pleadings, their forms or contents. Their sole purpose is to facilitate the application of justice to the rival claims of contending parties. They were created, not to hinder and delay, but to

facilitate and promote, the administration of justice. They do not constitute the thing itself, which courts are always striving to secure to litigants. They are designed as the means best adapted to obtain that thing. In other words, they are a means to an end. (When they lose the character of the one and become the other, the administration of justice is at fault and courts are correspondingly remiss in the performance of their obvious duty.

The error in this case is purely technical. To take advantage of it for other purposes than to cure it, does not appeal to a fair sense of justice. Its presentation as fatal to the plaintiff's case smacks of skill rather than right. A litigation is not a game of technicalities in which one, more deeply schooled and skilled in the subtle art of movement and position, entraps and destroys the other. It is, rather, a contest in which each contending party fully and fairly lays before the court the facts in issue and then, brushing aside as wholly trivial and indecisive all imperfections of form and technicalities of procedure, asks that justice be done upon the merits. Lawsuits, unlike duels, are not to be won by a rapier's thrust. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. There should be no vested rights in technicalities. No litigant should be permitted to challenge a record of a court of these Islands for defect of form when his substantial rights have not been prejudiced thereby.

In ordering this substitution, we are in accord with the best judicial thought, (McKeighan vs. Hopkins, 19 Neb., 83; Dixon vs. Dixon, 19 Ia., 512; Hodges vs. Kimball, 49 Ia., 577; Sanger vs. Newton, 134 Mass., 308; George vs. Reed, 101 Mass., 378; Bowden vs. Burnham, 59 Fed. Rep., 752; Phipps & Co. vs. Hurlburt, 70 Fed. Rep., 202; McDonald vs. State, 101 Fed. Rep., 171; Morford vs. Diffenbocker, 20 N. W., 600; Costelo vs. Crowell, 134 Mass., 280; Whitaker vs. Pope, 2 Woods, 463, Fed. Cas. No. 17528; Miller vs. Pollock, 99 Pa. St., 202; Wilson vs. Presbyterian Church, 56 Ga., 554; Wood vs. Circuit Judge, 84 Mich., 521; Insurance Co. vs. Mueller, 77 Ill., 22; Farman vs. Doyle, 128 Mich., 696; Union Bank vs. Mott, 19 How. Pr., 114; R. R. Co. vs. Gibson, 4 Ohio St., 145; Hume vs. Kelly, 28 Oreg., 398.)

It is, therefore, ordered and decreed that the process, pleadings, proceedings and decision in this action be, and the same are hereby, amended by substituting the Roman Catholic Apostolic Church in the place and stead of Eladio Alonso as party plaintiff, that the complaint be considered as though originally filed by the Catholic Church, the answer thereto made, the decision rendered and all proceedings in this case¹ had, as if the said institution which Father Eladio Alonso undertook to represent were the party plaintiff, and that said decision of the court below, so amended, is affirmed, without special finding as to costs.

Arellano, C. J., Torres, Johnson, and Trent, JJ., concur.

[1] 11 Phil. Rep., 315.

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