

THE ROMAN CATHOLIC APOSTOLIC CHURCH ET AL., PLAINTIFFS, VS. CERTAIN MUNICIPALITIES IN THE PROVINCE OF ILOILO ET AL., DEFENDANTS.

G.R. No. 3008. January 25, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

This is an original action brought in this court by virtue of the provisions of Act No. 1370. It is in all respects similar to the case of *The Roman Catholic Church vs. The Municipalities of the Province of Tarlac*.^[1]

[The formal part of the judgment is omitted.]

The plaintiffs in this action seek to recover the possession of a building in that part, of the pueblo of Iloilo which was formerly the pueblo of Jaro, and known as the Hospital of Jaro. The evidence shows that this building was constructed under the direction of the Roman Catholic bishop of Jaro and was used, up to the time of the revolution, as a hospital and that it is now in the possession of the municipality. Section 9 of Act No. 1370, under which this action is brought, provides as follows:

"The Supreme Court of the Philippine Islands is also given original jurisdiction to hear and determine all actions involving the title to any hospital, asylum, charitable institution, or other property of any description whatsoever, or the ownership, right of administration or possession thereof which may be brought by the Government of the Philippine Islands against the Roman Catholic Apostolic Church or any archbishop, bishop, priest or other lawful representative thereof, or which may be brought by such archbishop, bishop, priest, or other lawful representative of the Roman Catholic Apostolic Church against the Government of the Philippine Islands; and the procedure as set forth in the preceding sections hereof shall be followed, and the provisions of this act shall in all respects apply to such actions."

The building herein in controversy is not a church, convent, or cemetery and is not property used in connection with a church, convent, or cemetery. We, therefore, have no jurisdiction to make any resolution in regard to the ownership thereof unless such jurisdiction is given by section 9 above quoted. But that section says that this court has jurisdiction in reference to such buildings only in controversies between the Government of the Philippine Islands and the Roman Catholic Church. This is not such a controversy and the Government of the Philippine Islands is not a party to this action. It is a controversy between the Roman Catholic Church on one side and the municipality of Iloilo on the other. We therefore have no jurisdiction to make any resolution in regard to this building and as to the same the action is dismissed.

The plaintiffs claim the right to recover from the municipality of Passi the cemetery situated in the barrio of San Enrique of that pueblo. The evidence shows, however, that the plaintiffs, and not the municipality, are now in the possession thereof, and that the only acts which the municipality has done in reference thereto have been to place it in its inventory and to collect fees for the interment of bodies therein. These acts do not constitute an unlawful taking possession of the cemetery and it is therefore, adjudged and decreed that the municipality of Passi be

acquitted of the complaint, without costs.

So ordered.

Arellano, C. J., Torres, Mapa, and Tracey, JJ., concur,
Johnson and Carson, JJ., concur in the result,

[1] 9 Phil. Rep., 450.

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