

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

G.R. No. 3015. January 23, 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. 1376. It is in all respects similar to the case of the Roman Catholic Church vs. The Municipalities of Tarlac and Victoria.[1]

It is by the court, adjudged and decreed that this action be dismissed, without costs, as to all of the defendants except Gregorio Aglipay and the municipalities of Ayuquitan, Dumaguete, Bais, and Tayasan.

It is further adjudged and decreed that all of the property described in the complaint be eliminated therefrom except that which is hereinafter described, and as to the property thus eliminated, this court makes no determination in regard to the rights of the parties to this action in relation thereto.

In the complaint the plaintiffs claim to recover, among other things, the following land in the municipality of Ayuquitan, to wit:

"A portion of the land occupied by the church and convent of said pueblo; it is planted with sixteen cocoanut trees."

Section 1 of said Act No. 1376 is as follows:

"The Supreme Court of the Philippine Islands is hereby given original jurisdiction and constituted the tribunal to hear and finally determine all actions which involve controversies between the Roman Catholic Apostolic Church and its representatives on the one hand and the Independent Filipino Church and its representatives or any municipality or other person on the other hand, as to the title to any and all churches, convents, or cemeteries in the Philippine Islands and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof."

The questions which this court is authorized to decide by virtue of the grant of jurisdiction contained in this section must relate to a church, a convent, or a cemetery, or to real or personal property used in connection therewith. An examination of the evidence relating to the tract of land above mentioned shows that it is used as agricultural land for the purpose of raising different kinds of crops. There is no evidence that it is used in connection with any church, cemetery, or convent. The evidence is conflicting as to whether the municipality or the representatives of the plaintiffs have been in possession thereof, but this question we have no jurisdiction to determine, for we hold that the land does not come within the terms of section 1 above quoted. We, therefore, make no decision as to the rights of the parties to this action in reference to this property, and it is adjudged and decreed that this action, so far as it relates to the municipality of Ayuquitan, be dismissed without costs.

[The formal part of the judgment is omitted.]

The plaintiffs in this action seek to recover a tract of land in that part of the municipality of Dumaguete which formerly constituted the pueblo of Sibulan, which tract of land is described as follows:

"The land whereon the church and convent of Sibulan are located; bounded on the north by the beach, a distance of 132 brazas; on the south by the plaza of the town of Sibulan, a distance of 132 brazas; on the east by a street which leads to the beach, a distance of 86 brazas; and on the west by a street which leads to the sea, a distance of 94 brazas."

At the hearing before the commissioner the plaintiffs limited their claim to that part of the tract of land hereinbefore described, which is described as follows:

"A tract of land bounded on the north by the beach, a distance of 32 brazas; on the south by one of the streets of the plaza of the town, a distance of 32 brazas; on the east by the church, a distance of 83 brazas; and on the west by the road which leads to the sea, a distance of 86 brazas"

An examination of the evidence relating to the tract of land last described shows that it is used as agricultural land for the purpose of raising different kinds of crops. There is no evidence that it is used in connection with any church, cemetery, or convent.

The evidence is conflicting as to whether the municipality or the representatives of the plaintiffs have been in possession thereof, but this question we have no jurisdiction to determine, for we hold that the land does not come within the terms of section 1, above quoted. We therefore make no decision as to the rights of the parties to this action in reference to this property. So ordered.

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

[1] Page 450, *supra*.

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