

**THE ROMAN CATHOLIC APOSTOLIC CHURCH ET AL., PLAINTIFFS,
VS. THE MUNICIPALITIES OF CUYAPO, ALIAGA, SAN ANTONIO, SAN
ISIDRO, CABANATUAN, TALAVERA, AND LICAB, PROVINCE OF
NUEVA ECI...**

G.R. No. 3133. January 02, 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 Apostolic Church et al., vs. The Municipalities of Tarlac and Victoria, in the Province of Tarlac, et al.*[1]

The complaint was duly served upon all the defendants, and an answer was filed on behalf of Gregorio Aglipay, and other answers were presented by some of the municipalities who were made defendants. After the evidence was taken in the case, there was the same agreement made therein between the plaintiffs and the Attorney-General in reference to the public squares and streets as was made in the case above cited, relating to the municipalities of Tarlac.

In the brief filed by the plaintiffs they say that the matter in dispute in the case is reduced to the church, convent, and cemetery of Cuyapo, the church and cemetery of Zaragoza in the municipality of Aliaga, and the cemetery of the municipality of Talavera.

As to the property in Cuyapo, the municipality made an answer in which it disclaimed any interest whatever in any of the property described in the complaint, stating, however, that it was occupying certain apartments in the convent by permission of the priest of the Independent Filipino Church, who was in possession of the whole thereof. The evidence offered at the trial also showed that the municipality made no claim in its own right to any of the property in question, but that it was occupying, as stated in its answer, certain parts of the convent. The only defendants interested in this property in Cuyapo are, therefore, the municipality of Cuyapo and Gregorio Aglipay.

The municipality of Aliaga filed an answer relating to the church and cemetery of Zaragoza in which it disclaimed any interest whatever therein and expressed its willingness to deliver the property to anyone to whom the court might direct its delivery.

As to the cemetery in the municipality of Talavera, that municipality filed an answer claiming to be the owner thereof.

It appears that the only persons, therefore, interested in any of the property now in controversy in this case are the three municipalities of Cuyapo, Talavera, and Aliaga and the defendant, Gregorio Aglipay.

The evidence in this case is similar to the evidence presented in the case referred to relating to the municipalities

of the Province of Tarlac, and it shows that the plaintiff church had been in possession of the property for many years when it lost its possession about 1902. As to the church property in Cuyapo, the evidence shows that it is in the possession of the Independent Filipino Church.

There are the same reasons for entering judgment for the plaintiffs in this case as appeared in the case above mentioned.

It is therefore by the court adjudged and decreed that this action be dismissed, without costs as to all the defendants except Gregorio Aglipay, the municipality of Cuyapo, the municipality of Aliaga, and the municipality of Talavera.

It is further adjudged and decreed that all of the land described in the complaint, as amended, be eliminated therefrom except that relating to the church, convent, and cemetery of Cuyapo, the church and cemetery of Zaragoza, barrio of Aliaga, and the cemetery of Talavera; and as to the property thus eliminated, this court makes no determination in regard to the rights of the parties to this action thereto.

It is further adjudged and decreed that the plaintiff, the Roman Catholic Apostolic Church, is entitled to the immediate possession of the following-described property, situated in the municipality of Cuyapo, in the Province of Nueva Ecija, to wit:

The church and the convent built of strong materials and with corrugated iron roof, known as the church and convent of Cuyapo.

The cemetery known as the cemetery of Cuyapo.

In the municipality of Aliaga, in the said Province of Nueva Ecija the following-described property, to wit:

A church building situated in the former municipality of Zaragoza, now a barrio of Aliaga, and known as the church of Zaragoza.

A cemetery situated in the former municipality of Zaragoza, now a barrio of Aliaga, and known as the cemetery of Zaragoza.

And in the municipality of Talavera, in said Province of Nueva Ecija, the following-described property, to wit:

The cemetery known as the cemetery of Talavera.

It is further adjudged and decreed that neither the said municipality of Cuyapo, nor the said municipality of Aliaga, nor the said municipality of Talavera, nor Gregorio Aglipay, obispo maximo of the Independent Filipino Church, has any right, title, or interest in or to any of the property hereinbefore described.

It is further adjudged and decreed that the property hereinbefore mentioned be returned to the plaintiffs and that the said defendants be ousted from the possession thereof and that said possession be awarded to the plaintiffs.

And it is further adjudged and decreed that a writ of possession issue out of this court against the defendant Gregorio Aglipay, obispo maximo of the Independent Filipino Church, in the manner and form prescribed in Act No. 190, for the recovery of the church, cemetery, and convent hereinbefore described as situated in the municipality of Cuyapo, and against the municipality of Cuyapo for the recovery of the possession of the convent in said municipality, hereinbefore described; and against Gregorio Aglipay, obispo maximo of the Independent Filipino Church, and the municipality of Aliaga for the recovery of the church and cemetery of Zaragoza; and against Gregorio Aglipay, obispo maximo of the Independent Filipino Church, and the municipality of Talavera for the recovery of the cemetery in Talavera. No costs will be allowed to either party in this court. 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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