

**THE ROMAN CATHOLIC APOSTOLIC CHURCH ET AL., PLAINTIFFS,
VS. THE MUNICIPALITY OF LANGARAN ET AL., OF THE PROVINCE
OF MISAMIS, DEFENDANTS.**

G.R. No. 3356. October 21, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

This is an original action brought in this court under the provisions of Act No. 1370. It is similar to the case of the Roman Catholic Apostolic Church vs. The Municipalities of the Province of Tarlac (9 Phil. Rep., 450).

MUNICIPALITY OF LANGARAN.

It is hereby adjudged and decreed that the plaintiff church is the owner and is entitled to the immediate possession of the following-described property situated in the municipality of Langaran in the Province of Misamis, to wit—

"A church, a convent, a cemetery, and a plaza known as the church, convent, cemetery, and plaza of Langaran, and the chapels known as visitas of Baliangao, Itonella, and Biaton—"

and that neither the said municipality, nor the defendant Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, nor Jose de Luna has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the defendants, the municipality of Langaran, Gregorio Aglipay, Obispo Maximo of the Independent Filipino Church, and Jose de Luna in the manner and form prescribed by Act No. 190.

MUNICIPALITY OF CAGAYAN.

Among the properties described in the complaint as situated in the municipality of Cagayan is a tract of land in the barrio of Molugan. This tract of land contains cocoanut trees, and the evidence is that from the cocoanuts was obtained oil which was used in the church.

Our jurisdiction in this class of cases is limited to churches, convents, and cemeteries, and the real and personal property used in connection therewith. We do not think that the evidence in this case shows that this tract of land is used in connection with the church. It must, therefore, be eliminated from the complaint, as we have no jurisdiction to determine the questions between the parties relating thereto. (Roman Catholic Church vs. Municipalities of Oriental Negros, 9 Phil. Rep., 691; Roman Catholic Church vs. Municipalities of Iloilo, 10 Phil. Rep., 8.)

It is therefore adjudged and decreed that the tract of land situated in the barrio of Molugan in the municipality of Cagayan be eliminated from the complaint, and this court makes no determination in regard to the rights of the

parties to this action in relation thereto.

It is further adjudged and decreed that the plaintiff church is the owner, and is entitled to the immediate possession of the following-described property situated in the barrio of Gusa in the municipality of Cagayan, to wit—

"A church known as the church of Gusa—"

and that neither the municipality of Cagayan nor the defendants Gregorio Aglipay, Obispo Maximo of the Independent Filipino Church, nor Bernardino Carboñeros, nor Escolastico Carboñeros has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the defendants, the municipality of Cagayan, Gregorio Aglipay, Obispo Maximo of the Independent Filipino Church, Bernardino Carboñeros, and Escolastico Carboñeros, in the manner and form prescribed by Act No. 190.

MUNICIPALITY OF OROQUIETA.

It is further adjudged and decreed that the plaintiff church is the owner of and is entitled to the immediate possession of the following-described property situated in the municipality of Oroquieta in the Province of Misamis, to wit—

"A portion of the plaza belonging to the church of Oroquieta, commonly known as the plaza of the church of Oroquieta, and now in the possession of the defendant, Casimiro Dolalas, of the municipality of Oroquieta—"

and that neither the municipality of Oroquieta nor the defendant Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, nor Casimiro Dolalas has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the defendants, the municipality of Oroquieta, Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, and Casimiro Dolalas, in the manner and form prescribed by Act No. 190.

MUNICIPALITY OF JIMENEZ.

It is further adjudged and decreed that the plaintiff church is the owner and is entitled to the immediate possession of the following-described property situated in the municipality of Jimenez in the Province of Misamis, to wit—

"A convent and a cemetery known as the convent and cemetery of Jimenez—"

and that neither the municipality of Jimenez nor the defendant Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the defendants, the

municipality of Jimenez and Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, in the manner and form prescribed by Act No. 190.

MUNICIPALITY OF INITAO.

It is further adjudged and decreed that the plaintiff church is the owner of and is entitled to the immediate possession of the following-described real and personal property situated in the municipality of Initao in the Province of Misamis, to wit—

"1. A church in course of construction and made of timber and nipa, situated on the site formerly occupied by the old church, together with a convent or parish house, both erected on a lot 60 ares in extent and bounded on the N. by a street without name, on the E. by Government lands, on the S. by a street without name, and on the W. by the plaza of the pueblo.

"2. A newly erected parish house, made of stone and mortar and nipa roof, and including an adjoining yard, altogether measuring approximately 50 ares, and being bounded on the N. by land of Rafael Zalos, on the E. by the thoroughfare which leads to the capital town of the province, on the S. by land belonging to Lopez Zalsos, and on the W. by the sea.

"3. All the ornaments and other things belonging to the church, as per the inventory attached: * * *"

* * * * *

and that neither the municipality of Initao nor the defendant Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, nor Ramon Dadole nor Anastasio "Ragares has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the municipality of Initao, Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, Ramon Dadole, and Anastasio Bagares in the manner and form prescribed by Act No. 190.

MUNICIPALITY OF MISAMIS.

The complaint seeks to recover the possession of two tracts of land in this municipality. The evidence shows that they are not used in connection with any church, convent, or cemetery. They must, therefore, be eliminated from the complaint.

It is therefore adjudged and decreed that the two tracts of land described in the complaint as being situated in the municipality of Misamis be eliminated therefrom 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.

It is further adjudged and decreed that the plaintiff church is the owner of and is entitled to the immediate possession of the following-described property situated in the barrio of Tangob in the municipality of Misamis in the Province of Misamis, to wit—

"A chapel situated in the barrio of Tangob known as the visita de San Miguel Arcdngel—"

and that neither the municipality of Misamis nor the defendant Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, has any right, title, or interest therein.

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

It is further adjudged and decreed that a writ of possession issue out of this court against the municipality of Misamis and Gregorio Aglipay, as Obispo Maximo of the Independent Filipino Church, in the manner and form prescribed by Act No. 190.

It is further adjudged and decreed that this action be dismissed as to the defendants Apolinario Acol, Candido Baklehuesa, Alfonso Apduhang, Lucio Fabrica, and Cayetano Pacana.

No costs will be allowed to any party in this action. So ordered.

Arellano, C. J., Torres, Mapa, and Tracey, JJ., concur.

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