

SOFRONIO HACBANG, BISHOP OF THE DIOCESE OF SAMAR AND LEYTE, APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS AND THE MUNICIPALITY OF LAOANG, OPPOSITORS AND APPELLEES.

G.R. No. 41918. July 31, 1935

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

The Roman Catholic Bishop of the Diocese of Samar and Leyte applied for the registration in his name, under the Land Registration Act, of two parcels of land situated in the municipality of Laoang, Province of Samar, indicated in the plan presented as lots Nos. 1 and 2. The application was opposed by the Director of Lands, in representation of the Government of the Philippine Islands, and by the municipality of Laoang, both alleging that a portion on the eastern part of lot No. 1 and the entire lot No. 2 are public plazas. The latter oppositor stated in its pleading that the public plazas were known by the names of San Miguel and Maria, respectively. After the hearing during which the parties presented their evidence, the court rendered judgment ordering the registration of lot No. 1 with the improvements thereon, except the eastern portion claimed by the oppositors, in favor of the applicant and declaring said eastern portion of lot No. 1 and the entire lot No. 2 public plazas. The applicant appealed.

The proven facts date further back than the year 1869. Long before said year the Roman Catholic Church of the town of Laoang with its belfry and the convent which served as the dwelling place for the parish priests were erected on lot No. 1. Said buildings were erected in the same places where now stand the present church, belfry and convent. In 1869 a great fire broke out in the town and besides many other buildings it consumed the entire roof and wooden materials of the church, belfry and convent, reducing them to ashes. Due to said damage a church, belfry and convent were provisionally constructed on lot No. 2 while the burnt buildings were being reconstructed. Five years later the church, belfry and convent were reconstructed on lot No. 1, in the same place where they now stand. To avoid a repetition of the disaster the then Governor Pablo Galza ordered the owners of various nipa shacks east of said land to refrain from rebuilding thereon but on another piece of land provided by the Government, where said persons finally erected their houses.

Fourteen (14) stone pillars, which represented the fourteen stations of the cross and serve as altars when the Way of the Cross was celebrated by the church and the members thereof, had been erected on lot No. 2 and along the same boundary lines thereof from time immemorial. On the upper part of each of these pillars there was a wooden cross and lights and small lamps used to be placed in a hollow thereof. Of the fourteen pillars only nine are in existence but the stumps of the other five are still visible. During Lent the Way of the Cross used to be celebrated invariably within lot No. 2 and the fourteen pillars served as stations and altars at the same time. This fact is admitted by the witnesses for both parties. It seems that during the Spanish regime there was a public school on the land in question and the rest had been used as a cemetery. Immediately after the American occupation in 1902, a municipal building and a school, both of which do not now exist, were provisionally erected on said lot No. 2. This land and the disputed portion of lot No. 1 were used by the American soldiers for their military exercises and

later as a place for recreation and sports by the public school children. Upon the abandonment of the belfry provisionally built thereon, there was erected on the same foundation thereof a stone pedestal and on the stone pedestal a big cross which stands to this day. This cross and the pedestal thereof seem to have been erected in 1925. A monument of Rizal was erected by the municipality on the north side of the land facing the public school building now existing across Yambent Street.

It is inferred from the foregoing facts which are held to have been indisputably established by the evidence, that the disputed portion of lot No. 1 as well as the entire lot No. 2 belongs to the Roman Catholic Apostolic Church of the Diocese of Samar and Leyte. It cannot be denied that said church, for more than half a century, was in the possession of said lands together with the church, belfry and convent which existed first on lot No. 1 and later provisionally on lot No. 2. The fact that the catholic cemetery was located on lot No. 2 and that the stone posts and pillars were later erected thereon, thereby converting it into a place for the celebration of the Way of the Cross, conclusively proves that the property belonged to the church and that the latter's possession has constantly been under claim of ownership. (City of Manila vs. Roman Catholic Church, 8 Phil., 763; Roman Catholic Apostolic Church vs. Municipality of Placer, 11 Phil., 315; Roman Catholic Apostolic Church vs. Several Municipalities of the Province of Occidental Negros, 13 Phil., 486; Municipality of Nueva Caceres vs. Director of Lands and Roman Catholic Bishop of Nueva Caceres, 24 Phil., 485; Government of the Philippine Islands vs. Roman Catholic Bishop of Nueva Caceres, 30 Phil, 338.)

The applicant's theory is that the disputed portion of lot No. 1 was acquired by the church through donations of the original owners thereof, the same persons whose houses were reconstructed on another lot provided by the Government, and thereafter the ownership thereof was vested in the church which was in the public, open and continuous possession of the entire portion in question. No documents were presented to evidence the donations but as they had taken place long before the Civil Code went into effect, said documents were unnecessary particularly if the ownership and the right of possession may be shown, as in this case, by means of a public, open and continuous possession under claim of ownership for more than half a century. If said donations did not exist, it must be presumed upon these facts that said portion formed part of the parcels of land assigned and adjudicated by the authorities to the Roman Catholic Apostolic Church in said town for the erection of the church, belfry, convent and cemetery, all of which, as everybody knows, are necessary for the practice and celebration of the cults of said religion.

Granting that said donations did not exist, the fact that several residents succeeded in erecting houses of light materials on certain portions of lot No. 1 and that Governor Galza, after the fire of 1869, prohibited them from rebuilding their dwellings thereon, the Government having provided them with other lands where they might rebuild their homes, does not mean that the church had lost its ownership thereof or that its possession was interrupted inasmuch as acts of possession of this kind exercised through tolerance or permission do not serve to acquire possessory title or title of ownership. (Arts. 444 and 447 of the Civil Code.)

During the Spanish sovereignty the public schools were under the direct supervision of the parish priests who received a Government subsidy and it is not strange therefore that a boys' school had been erected provisionally on lot No. 2. Due to the said official relation which existed between both powers, it was, neither impossible nor strange that a municipal building had been erected also provisionally on the land in question. However there is no question that lot No. 2 was not chosen or designated as a place for the public school and the town court building in accordance with the laws of the Indies. This idea is in conflict with the possession publicly and continuously exercised by the church and with the circumstance that it was dedicated to the cult of the Catholic Religion and used as a place for the celebration of the Way of the Cross. As to the monument of Rizal now standing thereon suffice it to say that the church not only protested but also brought an action for detainer in the justice of the peace

court when the construction thereof began. The bringing of the action has a deeper significance than a formal protest and although it lost the suit, there is no doubt that it exercised its right to prevent an attempt against its property. After all the decision rendered in Said detainer case is not res judicata in this registration case and the church was not thereby deprived of its right of ownership.

In view of the foregoing considerations, the appealed judgment is reversed and it is ordered that lots Nos. 1 and 2, as described in the application and plan attached to the record, with the improvements thereon, except the monument of Rizal, be registered in the name of the applicant and appellant, without costs. So ordered.

Villa-Real, Butte, and Goddard, JJ., concur.

MALCOLM, J.:

I concur in the result.

Judgment reversed.

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