

THE ROMAN CATHOLIC ARCHBISHOP OF MANILA, APPLICANT AND AMICUS CURIAE; THE MUNICIPAL COUNCIL OF PARANAQUE, RIZAL, PETITIONER AND APPELLANT, VS. EL MONTE DE PLEDAD Y CAJA DE AHORRO...

G.R. No. 45496. May 05, 1939

Ponente: MORAN, J.

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MORAN, J.:

On September 30, 1911, the Roman Catholic Archbishop of Manila, a corporation sole, filed with the then Court of Land Registration an application for the registration of three (3) parcels of land in Paranaque, Rizal, alleging that the property had been acquired thru donation from Doña Ana Maria de Araujo for religious purposes. On December 1, 1911, the court rendered judgment granting the application. On January 19, 1912, decree No. 6443 was issued and later the corresponding certificate of title. Thereafter, the property was transferred to "El Monte de Piedad y Caja de Ahorros de Manila" and to the Asiatic Petroleum Co. (P. I.), Ltd., except one portion occupied by the "Padres Redentoristas" and another which was expropriated by the Province of Rizal for public road purposes.

Twenty-four years after the issuance of the original certificate of title in favor of the Roman Catholic Archbishop of Manila, the municipality of Paranaque, Rizal, filed in the registration proceedings with the Court of First Instance of Rizal a petition seeking, under sections 110 and 112 of Act No. 496 and sections 750 and 751 of the Code of Civil Procedure, a declaration of escheat in its favor on the property in question. The court ordered the parties concerned to show cause why the petition should not be granted, and "El Monte de Piedad y Caja de Ahorros de Manila," the "Tadres Redentoristas," the Asiatic Petroleum Co. (P. I.), Ltd., and the Roman Catholic Archbishop of Manila filed their respective oppositions to the petition. After hearing, the court, in an order dated November 28, 1936, denied the petition on the ground that the same could not be entertained in the registration proceedings. From this order the municipality appealed.

The municipality holds the view that the property had not been really donated by Dona Ana Maria de Araujo to the Roman Catholic Archbishop of Manila but that she merely constituted, on November 13, 1677, a chaplaincy allotting one hundred pesos (P100) yearly for masses to be said for the repose of her and her parent's soul; that this amount should be taken from the rents of the property in question and given to Bachiller Felipe de los Reyes who, after being ordained as priest and later as a chaplain, may say the masses above mentioned; and that as the chaplain died without heirs, the property should escheat in favor of the municipality.

It should be noted that Doña Ana Maria de Araujo and the chaplain Felipe de los Reyes died more than two hundred fifty (250) and one hundred fifty (150) years ago, respectively. The right then to escheat claimed by the municipality has existed long prior to the registration proceedings instituted by the Roman Catholic Archbishop of Manila, and, as the same has not been asserted in said proceedings, it is deemed to have been completely waived.

Under the Torrens system of registration, claims and liens of whatever character, except those mentioned by law,

existing against the land prior to the issuance of the certificate of title, are cut off by such certificate if not noted thereon, and the certificate so issued binds the whole world including the Government (sees. 38, 39 and 47, Act No. 496; *Aldecoa & Co. vs. Warner, Barnes & Co.*, 30 Phil., 153, 209; *Snyder vs. Provincial Fiscal of Cebu and Avila*, 42 Phil., 761, 765).

Appellant seems to contend that as the property over which the Roman Catholic Archbishop of Manila has acquired a certificate of title has never been really transferred to him by Dona Ana Maria de Araujo, an implied trust has been created which may be enforced against him in favor of the successors in interest of said Dona Ana Maria de Araujo. This contention is completely untenable; and, even assuming it to be right, the appropriate remedy is not a petition in the land registration proceedings but a separate action. This rule is especially applicable where, as in the instant case, there are third persons affected, i. e., "El Monte de Piedad y Caja de Ahorros de Manila," the Asiatic Petroleum Co. (P. I.), Ltd., and the "Padres Redentoristas." It is argued that the transfers made to these entities are null and void. Be that as it may, the nullity of such transfers cannot be determined by a motion in the registration proceedings but in a separate action.

Order is affirmed, with costs against appellant.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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