

THE SAN JUAN DE DIOS HOSPITAL, APPLICANT AND APPELLEE. THE GOVERNMENT OF THE PHILIPPINE ISLANDS, OPPOSITOR, VS. ROSENDO MARCOS ET AL., PETITIONERS AND APPELLANTS.

G.R. No. 46239. April 04, 1939

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46239/>

IMPERIAL, J.:

This is an appeal by the petitioners from the orders of the Court of First Instance of Bulacan dated March 23 and 30, 1938, wherein said court held that it had no jurisdiction to take cognizance of, decide, and grant petitioners' motions praying that the final decree issued in the land registration case, original certificate of title No. 335 and transfer certificate of title No. 19645 be cancelled and in their stead another certificate of title be issued in their favor covering the land they were soliciting.

During the proceedings for registration in the former Court of Land Registration, in G. L. R. O. Record No. 7972, the petitioners filed a motion entitled "Adverse Claim" in which, citing the provisions of section 112 of Act No. 496, they asked that original certificate of title No. 335, issued in favor of the San Juan de Dios Hospital, be set aside and another issued in their favor. This motion was subsequently amended by another in which it was alleged that the land covered by certificate of title No. 335 had been transferred by the San Juan de Dios Hospital to Arsenio de Castro and Tomas de Castro, in whose favor was issued transfer certificate of title No. 19645, and petitioners asked that this title be likewise cancelled and another issued in their favor. Described in the aforementioned titles is a parcel of agricultural land located in the barrio of Coloong, municipality of Polo, Province of Bulacan, having an area of 486,912 square meters. In support of their motions, petitioners alleged: that the San Juan de Dios Hospital is not, nor has ever been, a juridical person and therefore is without personality to apply for the inscription of the land in its name; that the land registered in the name of the San Juan de Dios Hospital was the property of the United States of America, under the administration of the Government of the Philippine Islands, and now belongs to the Government of the Commonwealth of the Philippines who administers it for the benefit of its inhabitants; that the petitioners are the absolute owners of said land having possessed it for more than fifty years openly, peacefully and publicly, building their homes on it and keeping it in constant cultivation; that their possession of the land since time immemorial has conferred upon them a title by prescription; and that the final decree and title in favor of the San Juan de Dios Hospital were issued erroneously through the ignorance and negligence of the public officials who intervened in the registration proceedings. The San Juan de Dios Hospital filed a special appearance in which it impugned the jurisdiction of the court to act upon the motions, review the final decree and set aside the title already issued. Both parties also filed other pleadings which are immaterial in the decision of the case. The incident thus raised having been submitted, and considering the grounds alleged in petitioners' motions, the trial court issued the appealed orders aforementioned, declaring itself without jurisdiction to grant the remedies asked in the motions.

- The petitioners contend in their first assignment of error that the lower court should have set their motions for hearing and should have permitted them to adduce evidence, instead of declaring itself without jurisdiction to

consider and decide the motions. They insist that the San Juan de Dios Hospital was not a juridical person and therefore had no legal personality to apply for the inscription of the land, which was later registered in its name. This point could be settled by merely pointing out that the same question was already squarely raised at the hearing in the registration proceedings, and the then Court of Land Registration held in its decision that the San Juan de Dios Hospital was a juridical person and was entitled to apply for the inscription of the land. Both the decision rendered to this effect and the final decree issued thereafter have become final. It is obvious, therefore, that the personality of the San Juan de Dios Hospital is *res adjudicata*.

But, as lack of personality is tenaciously insisted on the ground that the San Juan de Dios Hospital is not a juridical person, we cite the following legal provisions to prove the contrary:

Article 35 of the Civil Code provides in part:

"Art. 35. The following are juridical persons:

"1. Corporations, associations, and foundations of public interest recognized by law.

"Their personality begins from the very moment at which, in accordance with law, they have been validly constituted."

Counsel for the petitioners, on page 3 of his brief, cites Exhibit B presented by the San Juan de Dios Hospital at the hearing of the registration case, which shows that even the former regime, back in April 26, 1825, regarded the San Juan de Dios Hospital as a juridical entity, with properties and income of its own, among which is the land in question.

Section 19 of Act No. 496, as amended, provides that persons claiming, singly or collectively, to own a real estate in fee simple, may apply for the registration of their title in accordance with the Torrens system. The word "persons" includes both natural and juridical persons. Being a foundation of public interest, the San Juan de Dios Hospital is a juridical person, in accordance with article 35 of the Civil Code, and had rights and personality of its own to apply for registration and obtain a decree and title.

The Government itself recognized the legal personality of the San Juan de Dios Hospital when, it promulgated Act No. 1724 approving and ratifying the agreement entered into by the Secretary of War of the United States, as representative of the Government of the Philippine Islands, and the Archbishop of Manila, as representative of the Roman Catholic Church. Its pertinent provisions read as follows:

"Whereas certain controversies have arisen between the Roman Catholic Church and the Government of the Philippine Islands as to the title to various estates and properties and as to the right of possession and administration thereof; and

* * * * *

"Whereas, for the purpose of ending these controversies, William H. Taft, as Secretary of War of the United States, representing the Government of the Philippine Islands, and Jeremiah J. Harty, archbishop of Manila, representing the Roman Catholic Church in the Philippine Islands, and Jeremiah J. Harty, archbishop of Manila, representing and controlling a majority of the capital stock of the Banco Español-Filipino, did, on the eighth day of June, nineteen hundred and seven, enter into the following agreement determining and settling the controversies between the Roman Catholic Church and the Government of the Philippine Islands, and between the Banco Español-Filipino and the Government of the Philippine Islands, to wit:

"This memorandum of agreement, entered into by Archbishop Harty, archbishop of Manila, representing the Roman Catholic Church in the Philippine Islands, and the Secretary of War, representing the Government of the Philippine Islands, is intended to form the basis of a compromise of a number of controversies arising

between the Roman Catholic Church and the Government of the Philippine Islands, and to end all such controversies.

"The controversies arising are as follows:

"First. The right of the Roman Catholic Church, on the one hand, and the Philippine Government, on the other, to administer certain charitable trusts, and to take possession of, and assume control of, the following estates, to wit:

* * * * *

"Second. The buildings, estates and hospital plant of San Juan de Dios, including all other estates or investments of said Hospital of San Juan de Dios.

* * * * *

"Now, therefore, for the purpose of ending all these controversies, the following informal agreement is entered into, to be subject to the approval of the Philippine Commission, and to be carried into effect by the entry of consent decrees, in the proper courts, in such form as to confirm the titles in the persons by this agreement to take the respective properties, and by such legislation of the Philippine Commission as may be necessary to further confirm and put into execution said agreement, and also subject to the approval of the Secretary of War, and of Archbishop Harty, through his agent, Festus J. Wade, of the statutes of the bank as they shall be revised, such revision to contain a restriction on the amount of money to be loaned by the Bank on real estate security.

"In consideration of the foregoing, and in the manner prescribed herein, the Archbishop of the diocese of Manila, for the Roman Catholic Church in the Philippine Islands, is to take possession, and hold in absolute title, free from all claims or demands of the Philippine Government, the land and property, real, personal and mixed, set forth and described under sections one, two, three, four, and five hereof, namely: Hospicio San Jose; San Juan de Dios; Colegio de San Jose; Hospital of San Jose in Cavite, and the Colegio Santa Isabela.

* * * * *

"Section 1. The said informal agreement so entered into on behalf of the Government of the Philippine Islands by William H. Taft, Secretary of War, with Jeremiah J. Harty, Archbishop of Manila, on behalf of the Roman Catholic Church, and representing and controlling a majority of the capital stock of the Banco Español-Filipino, is hereby confirmed, ratified, and approved in all its parts.

"Sec. 5. The Governor-General of the Philippine Islands is hereby authorized and directed, upon the entry of the judgments provided for in sections two and three of this Act, and upon the execution and delivery of the deed referred to in section four hereof, to execute proper conveyances of title to the Roman Catholic Church as represented by the Archbishop of Manila, conveying all the right, title, and interest of the Government of the Philippine Islands in and to the following described property, to wit: The buildings, foundation, and property, real, personal, and mixed, pertaining and belonging to the Hospicio de San Jose, the Hospital de San Juan de Dios, the Hospital de San Jose in Cavite, and the Colegio de Santa Isabel."

- The petitioners contend that it was the duty of the court to set their motions for hearing and receive evidence in support of their allegations. We hold that since a special appearance was filed, impugning the jurisdiction of the court, this could not proceed without first deciding, as it did, the question of law raised in the motion. The special appearance was equivalent to a demurrer, the resolution of which required an hypothetical admission of the allegations in both motions.

- The lower court did not err in declaring that it had no jurisdiction to grant the motions of the petitioners entitled "Adverse Claims". The motions asked for the review of the final decree and the setting aside of the titles that were subsequently issued, which is tantamount to annulling rights legally inscribed. The lower court had no jurisdiction

to do this.

- In their second assignment of error the petitioners allege that under the provisions of section 112 of Act No. 496, the lower court should have set the motions for hearing. Said provision of law reads as follows:

"Sec. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission, or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: Provided, however, That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

"Any petition filed under this section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

It is a settled question that under said section 112, a final decree issued in a registration case cannot be reviewed on the pretext of introducing amendments or authorized alterations (*Garcia vs. Reyes*, 51 Phil., 409). The remedy sought by the petitioners was evidently tantamount to a review of the final decree and the setting aside of the original certificate of title. The final decree issued in the case, after the lapse of one year allowed by law for its review on the ground of fraud, and the original, certificate of title issued, are incontrovertible and cannot now be successfully assailed by the petitioners (sec. 38, Act No. 496; *De los Reyes vs. Paterno*, 34 Phil., 420; *Reyes and Nadres vs. Borbon and Director of Lands*, 50 Phil., 791; *Clemente and Pichay vs. Lukban and Domingo*, 53 Phil., 931). Since the allegations in the motions are groundless and the petitioners are not entitled to the remedy prayed for, and the lower court, on the other hand, having no jurisdiction to take cognizance of the motions it committed no error in refusing to grant a hearing of said motions upon the merits.

- Counsel for the petitioners moved to strike out the special appearance filed by the San Juan de Dios Hospital, which the court denied. The petitioners assign this resolution as an error committed by the court. We hold that the motion to strike was correctly denied because, as has been said, the trial court was under a duty to determine the merits of the special appearance.

The appealed orders are affirmed, with costs of this instance against the petitioners and appellants. So ordered.

Avancena, C. J., Villa-Real, Diaz, Laurel, and Moran, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.