

THE ROMAN CATHOLIC ARCHBISHOP OF MANILA, PLAINTIFF AND APPELLANT, VS. THE MUNICIPALITY OF ROSARIO, PROVINCE OF BATANGAS, DEFENDANT AND APPELLEE.

G.R. No. 4694. September 18, 1909

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 26th day of November, 1907, the plaintiff commenced an action against the defendant in the Court of First Instance of the Province of Batangas, by filing the following complaint:

"I. That the Catholic Archbishop of Manila is a corporation sole, legally existing and residing in the city of Manila, P. I.

"II. The defendant is likewise another corporation organized under the laws in force in these Islands.

"III. The plaintiff, as such corporation sole, is the administrator of the temporalities of the Roman Catholic Apostolic Church in the Archdiocese of Manila.

"IV. The municipality of Rosario, Province of Batangas, is comprised within the said Archdiocese of Manila.

"V. The Roman Catholic Apostolic Church is the owner of a rural estate devoted to the cultivation of rice and described as follows: Bounded on the N. by the land of Leonida Suno and Eugenio Maguita; on the S. by that of Sixto Rojas and Mariano Goyena; on the E. by that of Juan Gatchalian and Norberto Inandan and the Bantoc River; and on the W. by that of, the said Mariano Goyena and the Tumbol River; with a capacity of approximately 25 cavares of seed.

"VI. The defendant entity appropriated to itself nearly seven years ago the above-described land, and is in possession thereof, and alleges to have title to and interest in the said rural estate.

"VII. The church has been deprived ever since from receiving the fruits of the said land which were destined for the maintenance of the parish curate of said municipality, and which amounts approximately to the sum of P1,500, Philippine currency.

"Therefore, the plaintiff prays the court to enter judgment against the defendant municipality, or to hold that the land described in this complaint is the property of the Roman Catholic Apostolic Church, and that the defendant has no title or interest therein whatsoever; and at the same time that the latter be ordered to make restitution of the possession of the said land to the plaintiff, and to pay him the sum of P1,500 for fruits received, with the costs against the said defendant, or to grant to the plaintiff any other remedy which the court may deem to be in accordance with the law."

On the 27th day of December, 1907, the defendant filed the following answer:

"I. That it denies that the Roman Catholic Apostolic Church is the owner of the rural property described in Paragraph V of the complaint, inasmuch as it is the property of the defendant.

"II. That as the defendant is the owner of the land in question he can hardly have appropriated it as alleged in Paragraph VI of the complaint.

"III. That the defendant municipality has granted the usufruct of the land in question to the parish curate of the same for his maintenance; but as for the last seven years no parish curate has been stationed in said municipality, the said right, mistaken for that of ownership, has lapsed.

"IV. That in view thereof the defendant prays the court to absolve him of the complaint with costs."

After hearing the evidence adduced during the trial of the cause, the lower court rendered the following decision, after having made a resume" of the proof:

"Before the plaintiff could recover absolutely these lands, they, must show title and possession. They show none. Their only witness to show occupation says that the laymen were administering the land while he was on it, claiming to be the tenant of the plaintiff or its authorized agent. It is much more plainly shown that the laymen have administered the lands in dispute for a long period of years, except four or five years, when one of the curates refused to allow the laymen to have anything to do with them. It is certain that the laymen, after this curate's time, again took up the administration of the lands, for they returned them to the municipality, being no longer able, by reason of the unsettled condition of affairs in this country, to administer them. The one witness for the plaintiff says he left the land about 1896, about two years after the justice of the peace said one of the curates took out a possessory information, and even while this witness, Melecio, was on the lands as a tenant, he says, of the curate, these laymen, he says, were the administrators of the land also. The plaintiff has failed to show any right of title or possession to the lands in dispute, and the defendant should not be disturbed in its possession. Therefore I find for the defendant, with the costs of the suit."

From this decision of the lower court, the plaintiff, after having excepted thereto, and after having made a motion for & new trial based upon the grounds that the judgment was contrary to the weight of the evidence, appealed to this court and made the following assignments of error:

"1. Because the evidence shows that the Roman Catholic Apostolic Church, by means of its representatives, had been in possession of the land in question from time immemorial until the insurrection;

"2. Because the defense interposed by the defendant in his answer to the complaint is not substantiated by the evidence; and

"3. Because the evidence shows that the defendant had no right or interest therein whatsoever before he seized the land in question."

At the time the cause was called for trial in the Court of First Instance, the attorney for the plaintiff made the following statement, supposedly for the purpose of laying a foundation for proof of the contents of certain documents, in accordance with the provisions of section 321 of the Code of Procedure in Civil Actions:

"Before preparing this case I went to Rosario to hunt evidence. I inquired of several curates if they still had titles to these lands, and was told that during the revolution the church at Rosario was burned down and all of the records lost. I found no one who knew where the title was. I searched in the archives of the Archbishopric of Manila for documents and found some about Rosario, but none about the title to the lands in Rosario. He then said that no title could be found, but was lost."

With reference to the first assignment of error, to, wit, that the proof shows that the plaintiff, by means of its representatives, had been in possession of the land in question from time immemorial up to the time of the revolution, the proof seems to show, beyond question, that this is true. The evidence adduced during the trial on this particular question is as follows:

Juan Magtibay, a witness called for the plaintiff, said that he was 51 years of age and a farmer; that he had been a

justice of the peace of the pueblo of Rosario for a period from 1892 to 1895; that he knew the priest of Rosario; that the priest obtained a possessory information for the lands in question; that the possessory information had been taken in the name of the priest Mariano Peña; that the possessory information had been taken in the name of the priest Mariano Peña for the reason that the land belonged to the parish.

Upon cross-examination the same witness testified that Mariano Pena had been the priest of the said pueblo for about eight years; that the priest, Mariano, administered the said land; that he saw the fruits of the land in the convent of the church; that the municipality of Rosario was now in possession of the land.

Melecio Delgado, a witness called for the plaintiff, testified that he was 56 years of age and had cultivated the land in question for sixteen years; that he got permission to cultivate the land from the priest Pedro Catalan; that he gave one-half of the products of the land to the priest while he cultivated the same and that he did not remember when the priest Pedro Catalan left the pueblo; that he had always heard that the land belonged to the Church; that he had seen the members of the cofradia working the land; that the members of the cofradia were the ones sent by the priest to the land at the time the harvest was to be divided; that he had been acquainted with the land before the time of the priest Pedro Catalan, during the time of the priest Pedro Leybas; that he carried the products of

the land to the convent; that he understood that any priest who was in charge of the church administered the land and took the products; that the priest had administered the lands since the witness was a boy; that the land in question is now in the possession of the municipality of Rosario.

Pedro Launcing, a witness called for the defendant, testified that he was 59 years of age; that he knew the land which was claimed by the Catholic Church; that he had known the land since the time he had use of his reason, because it bounded the land of his father; that on the second Sunday in October of each year there was a fiesta of the cofradia and the products of the land were used there; that those who administrated the property were the twelve members (of the cofradia); that the product was carried to the convent, because it was used as a depot or storehouse for the product; that these members (Hermano Mayor) always administered and cared for these products; that they administered the land for thirty years, and when the revolution came the lands were delivered to some of the revolutionists; that he knew the priest Pedro Catalan and the priest Mariano Pena, who succeeded him; that the only thing he knew was that these twelve members administered the land and carried the products to the convent; that the products of the land, according to his understanding and according to what everybody in the town said, were used for the cofradia and for the vestments of the Holy Virgin and the wagon floats used in the processions; that in the time of the priest Leybas the products were also used for those who worked about the church; that the twelve members were a kind of helpers to the priest to get the fiesta ready; that they could not dispose of the products without the consent of the priest; that in the time of the priest Leybas the members administered the land, but when the priest Catalan came he refused to let the members have anything to do with it; that the priest Leybas took the products from the members or they were carried to the convent by them and in this way he became connected with the administration; that the products were used for the fiesta.

Florencio Velasco, a witness for the defendant, was called and testified that he was 44 years of age and that he had known the land in question as long as he could remember; that the members (Hermano Mayor) had possession of the land when he first knew it; that the members (Hermano Mayor) were then all dead; that they made use of the land to sustain the fiestas and for the food of the people at the fiesta of the cofradia; that the priests administered the land; that the products from the land were taken to the convent to be disposed of by the twelve members.

Anastasio Recto was called as a witness for the defendant, and testified that he was 55 years of age and a farmer; that he had known the land in dispute since he was 12 or 13 years of age; that when he was 12 years old he was

studying with the priest of the church; that he saw in the warehouse of the convent some rice which had been harvested upon the land in question; that in those times the authorities supported twelve of the oldest and most honest men to administer the land; that the priest Leybas was the priest at that time; that he left the town of Rosario in 1870 for fifteen years; that he began to study with the priest Cipriano Tomas in 1866; he returned to Rosario in 1885 and Pedro Catalan was priest then.

It would seem clear that from this testimony the church had been in possession of the land in question through its priests, its representatives in the municipality, for a period as long back as any of the witnesses could remember, covering a period certainly from forty to fifty years. There was no proof to show that any other person or entity had been in possession of the land before that time, excepting the plaintiff.

With reference to the second assignment of error, to wit, that the defense interposed by the defendant in its answer was not sustained by the proof, it will be remembered that the defendant alleged that it was the owner of the land in question and the only proof introduced by the defendant during the trial to sustain that allegation was proof to the effect that it had been in possession of the land in question only from the time of the insurrection (some time between 1896 and 1898).

The defendant introduced no documents to support its claim of ownership. The proof shows that the defendant obtained possession of the land in question, after the priest in charge of the church had left the municipality by reason of the insurrection, from the tenant of the land, and that the tenant who delivered the land to the defendant was, and had been for several years prior thereto, the tenant representing the priest of the parish in the management and cultivation of the said land. At the time the tenant turned the land over to the defendant he said that by reason of the insurrection then existing in the country, he could not remain upon the land longer, evidently believing that the municipality or the president of the municipality would be able to protect the property, thereby saving to the church its vested rights.

The result of the proof then seems to us to be clear that-

First. The plaintiff, by its representatives, the parish priest of the pueblo of Rosario, had been in possession and control of the land in question for a time immemorial. No person seems to have been found in the pueblo who could remember when the land in question had been in the possession of any other person or entity;

Second. That the parish priests had been obliged to leave the municipality of Rosario by reason of the existence of an insurrection and thereby were obliged to give up the actual possession and control of their lands and property; and

Third. That under these circumstances and during the enforced absence of the real possessor of the property, the defendant obtained possession.

The question presented by these facts is, Can the defendant, having obtained possession of the land under these circumstances, continue to keep the plaintiff out of the possession of the property, the period of prescription not having run? Did the plaintiff, by reason of being driven out of the municipality, lose its right to its property or to the possession of the same? Suppose, for example, that the defendant, the municipality, had driven the plaintiff out of the possession of the property in question, and without any further right than the mere possession of the property, could it maintain its possession against the plaintiff in an action properly brought in the courts? It is not believed that the courts or the Government will permit one person to forcibly take possession of the property of another by intimidation and then retain the possession as against the person driven out, if the latter seeks to enforce his right within the period prescribed by law. The right to be repossessed of the property, under these conditions, does not depend upon whether one or the other is the owner of the property. The action is one to

recover a right which had been temporarily lost by force and intimidation. If the action had been brought within a period of one year, then it should have been brought in the court of the justice of the peace. If it is not brought until after the expiration of one year, then it must be brought in the Court of First Instance. (*Espiritu vs. Deseo*, 1 Phil. Rep., 225; *Simpao vs. Dizon*, 1 Phil. Rep., 261; *Alonso vs. The Municipality of Placer*, 5 Phil. Rep., 71.)

Every possessor of property is entitled to be respected in his possession and to be protected therein or restored there to by the means established by law when he is by force or intimidation deprived of his possession. (*Endencia vs. Loalhati*, 9 Phil. Rep., 177.)

In an action to obtain the possession of property lost under the circumstances in the present case, the question of ownership is not one of importance. (*Ty Laco Cioco vs. Muro*, 9 Phil. Rep., 100.)

One who has been improperly and by force and intimidation deprived of the possession of real property, can recover such possession if the action is brought within the period prescribed by law, and before some other person or persons have acquired title thereto by prescription. (*Barlin vs. Ramirez*, 7 Phil. Rep., 41.)

A question very analogous to the question presented in the present case was presented to this court in the case of *The Bishop of Cebu vs. Mangaron* (6 Phil. Rep., 286.) In that case this court discussed at length the form of an action existing prior to the present Code of Procedure in Civil Actions and held, in effect, that one who had been in possession of real property for a period of twenty years, more or less, and who had been illegally deprived of such possession, could properly maintain, under the provisions of the present Code of Procedure, an action for the possession of such property. We deem it unnecessary here to repeat the discussions with reference to the former practice found in that case. It is sufficient to say that the doctrine established in the case of *The Bishop of Cebu vs. Mangaron*, with reference to the right of one who has been deprived of the possession of this property by force and intimidation, may maintain an action for the possession of such property as against any one who may be found possessing the same.

We believe by virtue of our conclusions with reference to the first and second assignment of error, that it is unnecessary to discuss the third assignment of error made by the appellant.

Our conclusion is, therefore, that in view of the facts and circumstances of the present case, and in view of the fact that the plaintiff had been in possession of the land in question for an immemorial period, and in view of the fact that it had been driven out by forces over which it had no control, and in view of the fact that the defendant went into possession after the plaintiff had been so driven out, and without discussing the question whether the plaintiff or the defendant is the real owner, of the property in question, that the plaintiff is entitled to the possession of the property described in the fifth paragraph of the complaint, above quoted, and that, therefore, the judgment of the lower court is hereby reversed, and without any finding as to costs, it is so ordered.

Arellano, C. J., Torres, Carson, and Moreland, JJ., concur.

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