

JEREMIAH J. HARTY, PLAINTIFF AND APPELLEE, VS. FRANCISCO SANDIN ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4736. October 15, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

On the 4th of November, 1891, the Spanish Government granted a patent of the lands in controversy in this action. The patent recites—

"Whereas Don Pablo Zamora y del Corro, curate and rector of the parish of the Sagrario of this city, as administrator of the lands belonging to the hacienda of Nuestra Señora de la Guia, has petitioned for an adjustment with the Government for four parcels of land—"

and in the latter part thereof is found the following declaration :

"I issue this title, in order that, by virtue thereof, Don Pablo Zamora y del Corro may be regarded as the lawful owner of the above-mentioned parcels of land, as the administrator of the lands of the hacienda of Nuestra Señora de la Guia."

This grant did not make Don Pablo Zamora the owner of the property, but it did make owner thereof the person whose administrator he was. The evidence in the case shows that that person was the Parroquia del Sagrario de la Catedral de Manila, as is indicated in the patent itself, whose existence dates from 1587 and which, according to indications in the case, had been in possession of this land since the beginning of the eighteenth century.

This action was commenced against a great many defendants to eject them from the premises and for a declaration as to the ownership thereof. Judgment was rendered in favor of the plaintiff and certain of the defendants have appealed.

The appellants made no defense in the court below upon the merits of the case. No evidence was introduced by them which showed that they had any interest in the property except that of mere occupancy. They have, however, raised in this court several objections as to the form of the action and as to the personality of the plaintiff. The title of the action is as follows:

"Mgr. Jeremiah J. Harty, metropolitan archbishop of the Roman Catholic Apostolic Church of Manila, plaintiff, vs. Francisco Sandin et al., defendants."

The complaint contains the following allegations:

"That the plaintiff, Mgr. Jeremiah J. Harty, is the archbishop and the administrator of the property of the Roman Catholic Apostolic Church of the diocese of Manila, P. I., and he has, therefore, the right to represent, administer, and possess the said lands, including the one which is the subject-matter of this action, which he is entitled to institute in accordance with the law.

"That the parish of the Sagrario of Intramuros of the city of Manila is the absolute owner of several parcels of

land, and has been in possession of the same as such owner."

The prayer of the complaint is as follows:

"We request the court to render judgment declaring that the said tracts of land, which constitute the hacienda called Nuestra Señora de la Guía, being the sole and exclusive property of the Roman Catholic Apostolic Church, of the district of Intramuros, all and every one of the defendants should be sentenced to be ejected from the said lands illegally occupied by them, and to pay the costs of this suit, and we pray also this honorable court to grant us any other remedy which may be deemed just and equitable."

The appellants claim that this action is brought by Archbishop Harty as an individual. A reading of the foregoing quotations from the complaint is sufficient to answer this contention.

The appellants apparently claim, also, that the Roman Catholic Church is not a juridical person and can not maintain any action in the courts of these Islands, not having complied with the corporation law. This contention was made in the Supreme Court of the United States in the case of *Ponce vs. The Roman Catholic Apostolic Church of Porto Rico* (28 Sup. Ct. Rep., 737; 6 Off. Gaz., 1213), and was there overruled. See also *Barlin vs. Ramirez* (7 Phil. Rep., 41).

The appellants also apparently present the question as to whether the archbishop can maintain this action in his capacity as such, or whether it should not be brought in the name of the church, or in the name of the parish for whose benefit the grant of land was made. The Porto Rico case was commenced by the Roman Catholic Church in Porto Rico through the bishop of that diocese, and apparently was such an action as this one. In that case the Supreme Court said (6 Off. Gaz., p. 1216):

"The history of Porto Rico and its legal and political institutions up to the time of its annexation to the United States are matters which must be recognized by this court as the ancient laws and institutions of many of our States when matters come before it from their several jurisdictions.

"The court will take judicial notice of the Spanish law as far as it effects our insular possessions."

There was evidence in the case, moreover, that the archbishop was the supreme head of the church in his diocese and that, in accordance with the canonical law, he had the right to maintain such an action as this relating to the property of a parish in his diocese.

The judgment of the court below is affirmed, with the costs of this instance against the appellants. So ordered.

Arellano, C. J., Torres, Mapa; and Carson, JJ., concur.

TRACEY, J., dissenting;

I dissent on the ground that the action was improperly brought in the name of the archbishop.

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