

REPUBLIC OF THE PHILIPPINES (REPRESENTED BY THE DIRECTOR OF LANDS), PETITIONER, VS. IGLESIA NI CRISTO, WITH ITS EXECUTIVE MINISTER ERAÑO G. MANALO AS CORPORATION SOLE, AND HON. ...

G.R. No. 54952. March 05, 1984

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

The issue raised in this case involves the question of whether or not the Iglesia ni Cristo, as a corporation sole, is qualified to apply for registration of a 614 sq. meter parcel of land in its name in the light of the prohibition in Section 11, Article XIV of the 1973[1] Constitution the same issues raised in the identical case of Republic vs. Judge Candido P. Villanueva and Iglesia ni Cristo, 114 SCRA 875 (June 29, 1982)[2] , to which this Court has recently given a negative answer.

We can have no different answer in this instant case.

On August 7, 1979, respondent Iglesia ni Cristo (INC) filed with the defunct Court of First Instance of Ilocos Norte an application for registration of a 614 sq. meter parcel of land situated in San Pedro, Vintar, Ilocos Norte allegedly acquired by respondent by virtue of a deed of sale dated April 10, 1978 from a certain Carmen Racimo whose predecessors-in-interest, it was claimed, possessed the same for more than thirty (30) years.[3] The application was filed, as stated therein, under the provisions of the Property Registration Decree (P.D. 1529, July 11, 1978).

The Republic of the Philippines, represented by the Director of Lands, opposed the application, alleging, among others, that neither the applicant nor its predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (section 48(b), Commonwealth Act No. 141, as amended by P.D. 1073); that the claim of ownership in fee simple on the basis of Spanish title or grant can no longer be availed of by the applicant who had failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976 as required under Presidential Decree No. 892;[4] that the applicant is a private corporation disqualified under the Constitution to hold alienable lands of the public domain (Section 11 Article XIV); and that the parcel of land applied for is a portion of the public domain belonging to the Republic of the Philippines not subject to private appropriation.

On July 23, 1980 the respondent court rendered its decision adjudicating the land applied for registration in favor of the Iglesia ni Cristo, but with a reservation for road right of way purposes. Respondent stated, among others, that the Iglesia ni Cristo with its Executive Minister Eraño Manalo as a corporation sole is not within the contemplation of Section 11, Article XIV of the new Constitution but said corporation sole can qualify as applicant pursuant to the provision of Section 14 of Presidential Decree 1520.

From the decision, the Republic of the Philippines elevated the case to this Court in this petition for review which

We gave due course.

Reiterating its stand in the lower court, petitioner stresses private respondent's disqualification to hold lands of the public domain except by lease pursuant to Section 11 Article XIV of the 1973 Constitution.

Private respondent argues that Section 11 Article XIV of the 1973 Constitution is inapplicable to the land involved herein because the land sought to be registered is a private property or has ceased to be part of the alienable public domain by reason of acquisitive prescription for more than thirty (30) years, and its adverse, continuous possession in the concept of an owner; that private respondent is but a mere administrator of the land titled in its name for the benefit of its members, creating thus, a trust relationship in its favor; that as trustee or authorized representative of its members, private respondent can exercise their right to have the questioned land titled in its name under the Property Registration Decree (1529) by express mandate of the law.

We agree with petitioner's stand, following our decision in *Republic vs. Judge Candido Villanueva, et. al.*, 114 SCRA 875 (June 29, 1982) to which We have made reference at the threshold of this decision, as well as the subsequent cases of *Republic vs. Hon. Arsenio Gonong, et. al.*, G. R. No. L-56025 (Nov. 25, 1982); *Republic vs. vs. Court of Appeals, et. al.*, G. R. No.59447, and its companion case of *Republic vs. Judge Dominador Cendaña, et. al.*, G. R. No. 60188 (Dec. 27, 1982).

All that has been stated by this Court in the aforementioned cases in interpreting Section 48(b) of the Public Land Law (C.A. 141, as amended by R.A. 1942) applies with equal force in the instant case where the application for registration of the herein parcel of land was, in essence, sought on the basis of the alleged open, continuous, exclusive and notorious possession and occupation of the said land by respondent's predecessors-in-interest under a bona fide claim of acquisition pr ownership for at least thirty (30) years immediately preceding the filing of the application for registration on August 7, 1979.

Records reveal that no application for confirmation of incomplete or imperfect title had been filed by respondent's predecessors-in-interest under Section 48(b) of the Public Land Law. Under the law, the questioned land retains its public character. The application for registration under Section 14 of the Property Registration Decree (P.D. 1529) which, among others, recognizes possession of alienable lands of the public domain in the manner and for the length of time therein required as basis for registration of title to the land, did not remove the land from the operational effect of Section 48(b) of the Public Land Law. It nevertheless strengthens the conclusion that the land never ceased to be part of the public domain. Apparently, the pertinent provisions of law relied upon by respondent in invoking Section 14 of P.D. 1529 provide:

"Section 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

"1). Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945 or earlier.

x x x x x x

"2). Those who have acquired owner-ship of private lands by prescription under the provisions of existing laws.

x x x x x x

"3). Those who have acquired ownership of land in any other manner provided by law.

x x x x x x

"A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust."

As indicated earlier, the issue raised is already a settled matter. In *Republic vs. Judge Candido Villanueva, et. al.*, *supra*, this Court made the following categorical pronouncement:

"As correctly contended by the Solicitor-General the Iglesia ni Cristo, as a corporation sole or a juridical person is disqualified to acquire or hold alienable lands of the public domain, like the two lots in question, because of the constitutional prohibition already men-tioned and because the said church is not entitled to avail itself of the benefits of Section 48(b) which applies only to Filipino citizens or natural persons. A corporation sole (an "unhappy freak of English law") has no nationality (*Roman Catholic Apostolic Adm. of Davao, Inc. vs. Land Registration Commission*, 102 Phil. 596. See *Register of Deeds vs. Ung Siu Si Temple*, 97 Phil. 58 and Section 49 of the Public Land Law).

"The contention in the comments of the Iglesia ni Cristo (its lawyer did not file any brief) that the two lots are private lands, following the rule laid down in *Susi vs. Razon and Director of Lands*, 48 Phil. 424, is not correct. What was considered private land possessed by a Filipino citizen since time immemorial, as in *Cariño vs. Insular Government*, 212 U.S. 449, 531 L. ed. 594, 41 Phil. 935 and 7 Phil. 132. The lots sought to be registered in this case do not fall within that category. They are still public lands. A land registration proceeding under Section 48(b) 'presupposes that the land is public' (*Mindanao vs. Director of Lands*, L-19535, July 10, 1967, 20 SCRA 641, 644).

"As held in *Oh Cho vs. Director of Lands*, 75 Phil. 890, "all lands that were not acquired from the Government either by purchase or by grant, belong to the public domain. As exception to the rule would be any land that should have been in the possession of an occupant and of his predecessors-in-interest since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain or that it had been a private property even before the Spanish conquest.

"In *Uy Un vs. Perez*, 71 Phil. 508, it was noted that the right of an occupant of public agricultural land to obtain a confirmation of his title under Section 48(b) of the Public Land Law is a "derecho dominical incoative" and that before the issuance of the certificate of title the occupant is not in the juridical sense the true owner of the land since it still pertains to the State." (114 SCRA 881-882)

Moreover, it may be observed that respondent relies strongly on the doctrine laid down in the 1925 case of *Susi vs. Razon*, 48 Phil. 424, reiterated in *Balboa vs. Farrales*, 51 Phil. 498, *Mesina vs. Vda. de Sonza*, 108 Phil. 361, *Manarpaac vs. Cabanatan*, 21 SCRA 743, *Miguel vs. Court of Appeals*, 29 SCRA 760, *Herico vs. Dar*, 95 SCRA 437, to the effect that lands of the public domain which, by reason of possession and cultivation for such a length of time, a grant by the State to the occupant is presumed, and the land thereby ceases to form part of the public domain, but is segregated therefrom as to be no longer subject to the authority of the Director of Lands to dispose under the public land laws or statutes. As pointed out in the separate opinion by the herein ponente in the cases, of *Meralco vs. Hon. Florelia Castro-Bartolome*, G. R. No. 49623 and *Republic vs. Hon. Candido P. Villanueva*, G. R. No. 55289 (June 29, 1982), to wit:

"I cannot subscribe to the view that the land as above described has become private land, even before title thereto, which is, as of this stage, said to be still "an incomplete or imperfect title," has been fully vested on the occupant, through the prescribed procedure known as judicial confirmation of incomplete or im-perfect title. This is the only legal method by which full and absolute title to the land may be granted, to convert the land into a truly private land. To secure such judicial title, only the courts can be resorted to. The Director of Lands has lost authority over the land, insofar as its disposition is concerned. His authority is limited to another form of disposition of public land, referred to as administrative lega-lization, resulting in the issuance of free patents, also based on possession, in which case, as in the issuance of homestead and sales patents, the land involved is undoubtedly public land. The possessor of a piece of public land would have the option to acquire

title thereto through judicial confirmation or administrative legalization. The difference is that in the latter case, the area disposable to a citizen-applicant by the Director of Lands is limited to 24 hectares. There is no limit to the area subject to judicial confirmation of incomplete or imperfect title, except possibly the limit fixed for a State grant under old Spanish laws and decrees, which certainly is much larger than that set for free patents.

"It is because of the divestiture of authority of the Director of Lands to dispose of the land subject to judicial confirmation of incomplete and imperfect title that some statements are found in many cases, such as those cited to the effect that such land has ceased to be public land. What these statements, however, really mean is that the land referred to no longer forms part of the mass of public domain still disposable by the Director of Lands, under the authority granted him by the public land statutes. It, however, would not follow that the land covered by Section 48 of the Public Land Act has itself become private land. The fact that its disposition is provided for in the aforecited Act which deals With "public land" gives rise to the very strong implication, if not a positive conclusion, that the land referred to is still public land. Only when the court adjudicates the land to the applicant for confirmation of title would the land become privately owned land, for in the same proceeding, the court may declare it public land, depending on the evidence."

WHEREFORE, respondent Judge's decision dated July 23, 1980, is hereby SET ASIDE and the application for registration of the Iglesia ni Cristo is hereby dismissed. No costs.

SO ORDERED.

Aquino, Concepcion, Jr., Guerrero, Abad Santos and Escolin, JJ., concur.

Makasiar, Acting C.J., (Chairman), see dissent.

[1] Section 11, Article XIV, 1973 Constitution -

x x x No private corporation or association may hold alienable lands of the public domain except by lease not to exceed one thousand hectares in area; x x x.

[2] The same issue was resolved in the subsequent cases of Republic vs. Hon. Arsenio M. Gonong, et. al., G. R. No.L-56025 (November 25, 1982); Republic vs. Hon. Court of Appeals et. al., G. R. No..L-69447 and its companion case of Republic vs. Judge Dominador S. Cendaña, et. al., G. R No. L-60188 (December 27, 1982).

[3] p. 32, Rollo.

[4] Presidential Decree 892, "Discontinuance of the Spanish Mortgage System of Registration and of the Use of Spanish Titles as Evidence in Land Registration Proceedings" (February 16, 1976).

DISSENTING OPINION

MAKASIAR, J.:

I reiterate my dissent in Director of Lands vs. Hon. Guardson Lood, et al. (Sept. 2, 1983, 124 SCRA 460, 470, 5).

The parcel of land of about 614 sq. m. sought to be registered by the Iglesia ni Kristo under the Land Registration Act (Act No. 496) and P.D. 1529, is a private land, not a public land, originally owned by Florencio Recimo who acquired the same long before 1931. On February 18, 1931, Backrate Motor Co. acquired the same land by virtue of a deed of sale executed by the Provincial Sheriff of Ilocos Norte on October 23, 1937. Backrate Motor Co. sold the same to Pablo Agbayani who re-sold the same in May, 1945 to spouses Jose A. Racino and Carmen F.

Racino, who in turn sold the same on April 10, 1978 to private respondent Iglesia ni Kristo.

As above stated, private respondent Iglesia ni Kristo applied for a voluntary registration of the same land under the Land Registration Act and P.D. 1529, and not for a confirmation of its title under Sec. 48(b) of the Public Land Act. His application to title a private land was under the Land Registration Act (Act No. 496) and pars. 2 and 3 of Sec. 14, of P.D. 1529, not under Sec. 1 thereof on disposable land of the public domain.

Par. 2 of Section 14 of P.D. No. 1529 provides that the applicant must "have acquired ownership of private lands by prescription under the provision of existing laws" or under par. 3 must "have acquired ownership of land in any manner provided by law."

That the application of private respondent Iglesia ni Kristo, is for a private parcel of land acquired by prescription or in any other manner recognized by law, and not a parcel of land of the public domain, is emphasized by the fact that his application is based on both the Land Registration Act, otherwise known as Act 496, which relates to private lands only and never to lands of the public domain. The predecessors-in-interest of the Iglesia ni Kristo had possession of the same openly, continuously, exclusively and adversely against the whole world even before 1931. The parcel of land in question therefore, being a private land, is not governed by Section 11 of Article XIV of the 1973 Constitution.

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