

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR
OF LANDS, PETITIONER-APPELLANT, VS. JUDGE CANDIDO P.
VILLANUEVA, OF THE COURT OF FIRST INSTANCE OF BULACAN,
MALOLOS BRAN...**

G.R. No. 55289. June 29, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

Like L-49623, Manila Electric Company vs. Judge Castro-Bartolome, this case involves the prohibition in section 11, Article XIV of the Constitution that "no private corporation or association may hold alienable lands of the public domain except by lease not to exceed one thousand hectares in area".

Lots Nos. 568 and 569, located at Barrio Dampol, Plaridel, Bulacan, with an area of 313 square meters and an assessed value of P1,350 were acquired by the Iglesia Ni Cristo on January 9, 1953 from Andres Perez in exchange for a lot with an area of 247 square meters owned by the said church (Exh. D).

The said lots were already possessed by Perez in 1933. They are not included in any military reservation. They are inside an area which was certified as alienable or disposable by the Bureau of Forestry in 1927. The lots are planted to santol and mango trees and banana plants. A chapel exists on the said land. The land had been declared for realty tax purposes. Realty taxes had been paid therefor (Exh. N).

On September 13, 1977, the Iglesia Ni Cristo, a corporation sole, duly existing under Philippine laws, filed with the Court of First Instance of Bulacan an application for the registration of the two lots. It alleged that it and its predecessors-in-interest had possessed the land for more than thirty years. It invoked section 48(b) of the Public Land Law, which provides:

"Chapter VIII. - Judicial confirmation of imperfect or incomplete titles.

"x x x x x x x x

"SEC. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

"x x x x x x x x

"(b) Those who by themselves or through their predecessors--in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter." (As amended by Republic Act No. 1942,

approved on June 22, 1957.)

The Republic of the Philippines, through the Director of Lands, opposed the application on the grounds that the applicant, as a private corporation, is disqualified to hold alienable lands of the public domain, that the land applied for is public land not susceptible of private appropriation and that the applicant and its predecessors-in-interest have not been in the open, continuous, exclusive and notorious possession of the land since June 12, 1945.

After hearing, the trial court ordered the registration of the two lots, as described in Plan Ap-04-001344 (Exh. E), in the name of the Iglesia Ni Cristo, a corporation sole, represented by Executive Minister Eraño G. Manalo, with office at the corner of Central and Don Mariano Marcos Avenues, Quezon City.

From that decision, the Republic of the Philippines appealed to this Court under Republic Act No. 5440. The appeal should be sustained.

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 mentioned 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 sec. 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 in the *Susi* case was a parcel of land possessed by a Filipino citizen since time immemorial, as in *Cariño vs. Insular Government*, 212 U.S. 449, 53 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. An 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 incoativo" 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.

The lower court's judgment is reversed and set aside. The application for registration of the Iglesia Ni Cristo is dismissed with costs against said applicant.

SO ORDERED.

Barredo, Makasiar, Guerrero, Melencio-Herrera, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.
Fernando, C.J., and Teehankee, J., dissents in a separate opinion.
Concepcion, Jr., J., on leave.

Abad Santos, J., see separate opinion concurring in result.

De Castro, J., see separate opinion.

Plana, J., no part.

CONCURRING OPINION

ABAD SANTOS, J.:

I concur in the result for the same reasons I have already given in *Manila Electric Co. vs. Judge Florelana Castro-Bartolome*, G.R. No. L-49623.

DISSENTING OPINION

FERNANDO, C.J.:

It is with regret that unlike in the case of *Meralco v. Judge Castro-Bartolome*,^[1] where I had a brief concurrence and dissent, I am constrained to dissent in the ably-written opinion of Justice Aquino. I join him in according the utmost respect and deference to this provision in the Constitution: "No private corporation or association may hold alienable lands of the public domain except by lease not to exceed one thousand hectares in area; * * *."^[2] If the matter before us be viewed solely from the standpoint of respondent appellee *Iglesia ni Cristo* being a corporation sole, then I would have no hesitancy in sustaining the conclusion that if the land be considered public, its registration would have to be denied. For me, that is not the decisive consideration. It is my view that the Bill of Rights provision on religious freedom which bans the enactment of any law prohibiting its free exercise, the "enjoyment of religious profession and worship, without discrimination or preference, [being] forever * * * allowed."^[3] This is not the first time the Court has occasion to recognize the high estate that freedom of religion occupies in our hierarchy of values. Even as against the fundamental objectives, constitutionally enshrined, of social justice and protection to labor, the claim of such free exercise and enjoyment was recognized in the leading case of *Victoriano v. Elizalde Rope Workers' Union*.^[4] Here the *Iglesia ni Cristo*, as a corporation sole, seeks the registration. The area involved in the two parcels of land in question is 313 square meters. As admitted in the opinion of the Court, a chapel is therein located. It is that basic consideration that leads me to conclude that the balancing process, which finds application in constitutional law adjudication, equally requires that when two provisions in the Constitution may be relevant to a certain factual situation calls for the affirmance of the decision of respondent Judge allowing the registration.^[5] There is for me another obstacle to a partial concurrence. The right of the Roman Catholic Apostolic Administrator of Davao to register land purchased from a Filipino citizen was recognized in *The Roman Catholic Apostolic Administrator of Davao v. Land Registration*.^[6] As I view it, therefore, the decision of respondent Judge is equally entitled to affirmance on equal protection grounds.^[7]

Hence this brief dissent.

[1] G.R. No. L-49623.

[2] Article XIV, Section 11 of the Constitution.

[3] According to Article IV, Section 8 of the Constitution: "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and

worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights."

[4] L-25246, September 12, 1974, 59 SCRA 54.

[5] Cf. *De la Llana v. Alba*, G.R. No. 57883, March 12, 1982.

[6] 102 Phil. 596 (1957).

[7] According to Article IV, Section 1 of the Constitution: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

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