

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE ARSENIO M. GONONG AND IGLESIA NI CRISTO, RESPONDENTS.

G.R. No. 56025. November 25, 1982

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The issue posed herein again revolves around the prohibition in Section 11, Article XIV of the 1973 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."

On March 17, 1980, the Iglesia ni Kristo, represented by its Executive Minister Eraño G. Manalo, a corporation sole (Iglesia, for short), filed with the Court of First Instance of Ilocos Norte an application, under Section 48(b) of the Public Land Law, for registration of a parcel of land with an area of 922 square meters, located in Bo. Binacag, Espiritu, Ilocos Norte. The land was acquired by the Iglesia on July 20, 1953 from Gregorio Gamet[1] who was allegedly in possession for more than thirty (30) years. The lot was declared for realty tax purposes in 1954 and taxes paid thereon since then. A chapel of the Iglesia stands on the land.

The Republic of the Philippines, through the Director of lands, filed an opposition on the grounds that the Iglesia, as a private corporation, is disqualified to hold alienable public lands and that the applicant and its predecessor-in-interest had not been in open, continuous, exclusive and notorious possession of the land since June 12, 1945 or prior thereto.

In a Decision dated November 21, 1980, the Land Registration Court granted the Iglesia application. The dispositive portion of the Decision reads:

"WHEREFORE, in view of all the foregoing, the Court finds the evidence of applicant more than enough to prove its ownership and possession of the lot applied for. Let the land, therefore, described in PSU-1-005441 containing an area of NINE HUNDRED TWENTY TWO (922) SQUARE METERS, more or less, be brought under the operation of the Land Registration Act and to have its title thereto registered and confirmed under the name of IGLESIA NI CRISTO, with its Executive Minister Eraño G. Manalo, as Corporation Sole, Corner Central and Don Mariano Marcos Avenue, Diliman, Quezon City, as its exclusive property.

"On the other hand, the opposition of the Government not having been substantiated is hereby DISMISSED.

"Once the decision becomes final, let the corresponding decree be issued in favor of the applicant Iglesia ni Cristo." [2]

Petitioner filed a Motion for Reconsideration on the sole ground that the applicant, as a private corporation, is disqualified to hold lands of the public domain. Respondent Judge denied reconsideration.

Hence, this appeal by Certiorari to which we gave due course.

Petitioner stresses applicant's disqualification to hold lands of the public domain except by lease pursuant to

Section 11, Article XIV of the 1973 Constitution.

On the other hand, the applicant argues that it does not suffer from any disqualification because a corporation sole is not the owner but a mere ad-ministrator of the property titled in its name for the benefit of its members; and that the constitutional ban is inapplicable to it because the property sought to be registered is not alienable public land but private property.

We find for petitioner, following our Decision in *Republic of the Philippines vs. Judge Candido P. Villanueva*, 114 SCRA 875 (June 29, 1982), penned by Mr. Justice Ramon C. Aquino, and which is squarely on all fours with the Petition under consideration. In so far as the nature of the property involved is concerned, our categorical pronouncement therein is that the same is public land:

"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."

And in respect of the disqualification of the *Iglesia* as a private corporation, which overrules the view of the Trial Court that it is a natural person, we explicitly held:

"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 *Re-register of Deeds vs. Ung Siu Si Temple*, 97 Phil. 58 and sec. 49 of the Public Land Law)."

WHEREFORE, respondent Judge's Decision, dated November 21, 1980, is hereby SET ASIDE and the application for registration of the *Iglesia ni Cristo* is hereby dismissed.

No costs.

SO ORDERED.

Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, (Chairman), dissents in a separate opinion.

[1] p. 32, Rollo.

[2] pp. 21-22, Ibid.

DISSENTING OPINION

TEEHANKEE, J.:

I am constrained to dissent from the majority decision which applies the precedent set forth in the case of Republic of the Philip-pines vs. Judge Candido P. Villanueva and Iglesia ni Cristo, decided on June 29, 1982, for the same grounds and considerations stated in my separate opinion therein which I herewith reproduce by reference for brevity's sake.

I maintain that the Iglesia ni Cristo as a private corporation (a religious corporation sole which is truly a Filipino church) is not disqualified under the provisions of the 1973 Constitution to hold lands such as the 922 square meter lot at bar where it maintains a chapel to gather its members in prayer to God. Herein, as held by established doctrine since the 1909 case of Cariño and the 1925 case of Susi to the 1980 case of Herico[1] pursuant to the Public Land Act, as amended, that where a possessor has held the open, exclusive and unchallenged pos-session of alienable public land for the statutory period provided by law (30 years now under amendatory Rep. Act No. 1942 approved on June 22, 1957), the law itself mandates that the possessor "shall be conclusively presumed to have performed all the conditions es-sential to a Government grant and shall be entitled to a certificate of title" and "by legal fiction [the land] has already ceased to be of the public domain and has become private property," and accord-ingly, the 1973 constitutional prohibition against corporations hold-ing lands of the public domain has no applicability.

As to the objection that under the Public Land Act only natural persons may apply for confirmation of title, I reiterate my stand that the ends of justice would be best served by considering the application for confirmation of title as amended to conform to the evidence, i.e. as filed in the names of the Iglesia ni Cristo's predecessors who as natural persons were duly qualified to apply for such confirmation of the title that they had acquired by conclusive presumption and mandate of the Public Land Act.

The Chief Justice in his separate opinion in the companion Meralco case[2] likewise expressed the same view that "By legal fiction and in the exercise of our equitable jurisdiction, I feel that the realistic solution would be to decide the matter as if the appli-cation under Section 48 (b) were filed by the (predecessors-in--interest) Piging spouses, who I assume suffer from no such dis-ability."

I further submit that it is premature to apply the Villanueva case as a precedent since the same is up to now pending resolution of the Iglesia ni Cristo's motion for reconsideration which raises a number of serious constitutional issues, viz, free exercise of re-ligion, as reflected in the dissenting opinion of the Chief Justice therein, inter alia, that "The right of the Roman Catholic Apostolic Administra-tor of Davao to register land purchased from a Filipino citizen was re-cognized in The Roman Catholic Apostolic Administrator of Davao v. Land Registration.[3] As I view it, therefore, the decision of respondent Judge is equally entitled to affirmance on equal protection grounds."

I, therefore, vote for the denial of the petition and to uphold the Iglesia ni Cristo's title over the 922 square meter lot located in Bo. Binacag, Espiritu, Ilocos Norte, where stands a chapel to minister to the religious needs of the members of the Iglesia ni Cristo in the said community. The small lot is thus held for the individual and collective

religious use and benefit of the Filipino members of the Iglesia ni Cristo. Such holding certainly does not come within the letter, intent nor spirit of the cited 1973 constitutional prohibition 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" - which was adopted to guard against the undue large scale control and exploitation of our public lands and natural resources by corporations, Filipino or multi-national.

[1] For the citations, please refer to my separate dissenting opinion mentioned hereinabove.

[2] G.R. No. L-49623 (June 29, 1982).

[3] 102 Phil. 596 (1957).

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