

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF LANDS AND THE DIRECTOR OF FOREST DEVELOPMENT, PETITIONER, VS. HONORABLE COURT OF APPEALS AND IGLESIA NI CRISTO, REPRE...

G.R. No. 59447. December 27, 1982

Ponente: PLANA, J.

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PLANA, J.:

These are two land registration cases instituted by the Iglesia Ni Cristo (INC), a corporation sole, under Section 48 (b) of the Public Land Act which reads:

"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 ...

"xxx xxx xxx

"(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 or 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. x x x ".

In both cases, the applications for land registration were granted by the lower courts, impelling the Republic to elevate the cases to this forum on this basic legal issue: whether the lands applied for may be registered in the name of INC in the light of the Constitutional provision that "no private corporation or association may hold alienable lands of the public domain except by lease." (Article XIV, Section 11). An ancillary question refers to the nature of the lands subject of registration proceedings - whether they are private or public.

The issues are not new. In at least two decisions, (*Meralco vs. Judge Castro-Bartolome, et al.*, 114 SCRA 799; *Republic vs. Judge Candido P. Villanueva*, 114 SCRA 875), this court has ruled on the questions. Specifically, in *Republic vs. Judge Villanueva*, this court, speaking thru Justice Ramon C. Aquino, said:

"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 (*Ro-man 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, 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. 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." (114 SCRA 881 - 882)

Following the above cases, this court sustains the stand of the Republic, without need to inquire into the veracity of the allegation in G.R. L-59447 that the evidence presented therein do not prove INC continuity of possession of the land for the period prescribed by law.

The appealed decisions of the lower courts are hereby set aside and the INC applications for registration are hereby dismissed. No costs.

SO ORDERED.

Melencio-Herrera, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.
Teehankee, (Chairman), dissents in a separate opinion.

Philippines vs Court of Appeals : L-59447 : December 27, 1982 : J. Teehankee : First Division : Dissenting Opinion
Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

Dissenting opinion

TEEHANKEE, J.:

I am constrained to dissent from the majority decision which applies the precedent set forth in the case of *Republic vs. Villanueva and Iglesia ni Cristo*[1] and the companion case of *MERALCO vs. Castro-Bartolome*[2], both decided on June 29, 1982, for the same grounds and considerations stated in my joint dissenting opinion therein which I herewith reproduce by reference for brevity's sake[3], as well as in my dissenting opinion in *Republic vs. Gonong and Iglesia ni Cristo*. [4]

I just wish to add that it is premature to apply the *Villanueva* case as a precedent since the same as well as the *Gonong* case are not yet final and the Court en banc is up to now considering the *Iglesia ni Cristo's* pending motion for reconsideration filed in the *Villanueva* case which raises a number of serious constitutional issues, among them the constitutional guaranty of free exercise of religion which as stressed in *Basa vs. Federacion*

Obrera[5] is a fundamental personal right and liberty and has a preferred position in the constitutional system and hierarchy of values, and the Iglesia ni Cristo's constitutional right to equal protection of law in the light of the precedent in Roman Catholic Apostolic Administrator of Davao, Inc. vs. Land Registration Commission[6] which recognizes the right of therein petitioner Roman Catholic Apostolic Administrator as a corporation sole to register lands purchased from Filipino citizens. As contended by respondent Iglesia ni Cristo in the case at bar, to "require (it) to establish its chapels on properties already titled is an emasculation of its right to equal treatment before the law." [7] Such serious constitutional issues should be referred to the Court en banc for proper determination, since our Division is incompetent to rule thereon.

What was held by the Court in the above-cited case of Roman Catholic Apostolic Administrator is equally applicable to the Iglesia ni Cristo in the case at bar, mutatis mutandis, as follows: The provisions of the Corporation Law (section 157 of the old Corporation Law and section 112 of the new Corporation Law) "leave(s) no room for doubt that the bishops or archbishops, as the case may be, as corporations sole are merely administrators of the church properties that come to their possession, and which they hold in trust for the church. It can also be said that while it is true that church properties could be administered by a natural person, problems regarding succession to said properties cannot be avoided to rise upon his death. Through this legal fiction, however, church properties acquired by the incumbent of a corporation sole pass, by operation of law, upon his death not to his personal heirs but to his successor in office. It could be seen, therefore, that a corporation sole is created not only to administer the temporalities of the church or religious society where he belongs but also to hold and transmit the same to his successor in said office. If the ownership or title to the properties do not pass to the administrators, who are the owners of church properties? x x x Considering that nowhere can we find any provision conferring ownership of church properties on the Pope although he appears to be the supreme administrator or guardian of his flock, nor on the corporations sole or heads of dioceses as they are admittedly mere administrators of said properties, ownership of these temporalities logically fall and devolve upon the church, diocese or congregation acquiring the same," and "indeed it is absurd to conceive that while the corporations sole that might be in need of acquiring lands for the erection of temples where the faithful can pray, or schools and cemeteries which they are expressly authorized by law to acquire in connection with the propagation of the Roman Catholic Apostolic faith or in furtherance of their freedom of religion, they could not register said properties in their name. As professor Javier J. Nepomuceno very well says 'Man in his search for the immortal and imponderable, has, even before the dawn of recorded history, erected temples to the Unknown God, and there is no doubt that he will continue to do so for all time to come, as long as he continues 'imploring the aid of Divine Providence' (Nepomuceno's Corporation Sole, VI Ateneo Law Journal, No. 1, p. 41, September, 1956)."

There appears no justification, therefore, to consider religious corporations sole such as the Iglesia ni Cristo as disqualified from filing the corresponding applications for registration of the parcels of land acquired by them from private persons on the ground that they are not natural persons when the real owners and beneficiaries of such lands are in fact the members of the said church and congregation who are natural persons.

I therefore vote for the denial of the two petitions at bar and to uphold the questioned decisions granting the Iglesia ni Cristo applications for land registration and upholding its title to the lands involved.

[1] 114 SCRA 875.

[2] 114 SCRA 799.

[3] 114 SCRA at pages 813 - 826 and 887 - 899.

[4] G.R. No. 56025, prom. on November 25, 1982.

[5] 61 SCRA 93 (1974).

[6] 102 Phil 596 (1957).

[7] INC comment in G.R. No. 60188; Record, p. 42.

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