

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. INTERMEDIATE APPELLATE COURT, ROMAN CATHOLIC BISHOP OF LUCENA, REPRESENTED BY MSGR. JOSE T. SANCHEZ, AND REGIONAL TRIAL COURT, BRANC...

G.R. No. 75042. November 29, 1988

Ponente: BIDIN, J.

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BIDIN, J.:

This is an appeal from the 1) decision[*] of the FIRST CIVIL CASES DIVISION of the then Intermediate Appel-late Court dated May 13, 1986, in AC G.R. No. 01410 entitled the ROMAN CATHOLIC BISHOP of Lucena, represented by Msgr. Jose T. Sanchez, applicant-appellee vs. Republic of the Philippines, et al., Oppositors-appellants, affirming the decision[**] of the then Court of FIRST INSTANCE of Quezon, 9th Judicial District, Branch 1, dated November 4, 1980 in Land Registration Case No. N-1106 entitled the ROMAN CATHOLIC BISHOP of Lucena, represented by Msgr. Jose T. Sanchez, applicant vs. the Director of Lands and the Director, Bureau of Forest Development, oppositors, ordering the registration of title to the parcel of land designated, as lots 1, 2 and 3 of plan PSD-65686 and its technical descriptions, and the parcel of land described in plan PSU-112592 and its technical description, together with whatever improvements existing thereon, in the name of the ROMAN CATHOLIC BISHOP of Lucena and 2) its resolution dated June 19, 1986, denying appellant's "Motion for Reconsideration for lack of merit."

The factual background of the case as found by the Intermediate Appellate Court are as follows:

"On February 2, 1979, the ROMAN CATHOLIC BISHOP of Lucena, represented by Msgr. Jose T. Sanchez, filed an application for confirmation of title to four (4) parcels of land. Three of said parcels, denominated as Lots 1, 2 and 3, respectively, of plan PSU-65686, are situated in Barrio Masin, Municipality of Candelaria, Quezon Province. The fourth parcels under Plan PSU-112592 is located in Barrio Bucal (Taguan), same municipality and province. As basis for the application, the applicant claimed title to the various properties through either purchase or donation dating as far back as 1928.

The legal requirements of publication and posting were duly complied with, as was the service of copies of notice of initial hearing on the proper government officials.

In behalf of the Director of Lands and the Director of the Bureau of Forest Deve-lopment, the Solicitor General filed an Oppo-sition on April 20, 1979, alleging therein among others, that the applicant did not have an imperfect title or title in fee simple to the parcel of land being applied for.

At the initial hearing held on November 13, 1979, only the Provincial Fiscal in representation of the Solicitor General appeared to interpose personal objection to the application. Hence, an Order of General Default against the whole world was issued by the Court a quo except for the Director of Lands and the Director of the Bureau of Forest Development.

The preliminaries dispensed with, the applicant then introduced its proofs in support of the petition, summed up by the lower court as follows:

With respect to Lots 1, 2, and 3, plan PSU-65686:

Lots 1, 2 and 3 of plan PSU-65686 respectively containing an area of 18,977, 6,910 and 16,221 square meters, are adjoining lots & are situated in the Barrio of Masin, Municipality of Candelaria, Province of Quezon (formerly Tayabas) (Exhibits F, F-1, F-2 and F-3). Said lots were surveyed for the Roman Catholic Church on November 3, 1928 (Exhibit P-5) and the survey plan approved on October 20, 1929 (Exhibit F-6).

Lot 1 was acquired by the Roman Catholic Church thru Rev. Father Raymundo Esquenet by purchase from the spouses Atanacio Yranso and Maria Coronado on October 20, 1928 (Exhibits G, G-1), portion of Lot 2 also by purchase thru Rev. Father Raymundo Esquenet from the spouses Benito Maramot and Venancia Descaller on May 22, 1969 (Exhibits M, N-1), while the remaining portion of Lot 2 and Lot 3 were already owned and possessed by the Roman Catholic Church even prior to the survey of the said three lots in 1928.

Records of burial of the Roman Catholic Church of Candelaria, Quezon showed that even as early as November 1918, Lot 3 has already been utilized by the Roman Catholic Church as its cemetery in Candelaria, Quezon (Exhibit N, N-1 to N-5).

These three lots presently constituted the Roman Catholic Church cemetery in Candelaria, Quezon.

Lots 1, 2 and 3 are declared for taxation purposes in the name of the Roman Catholic Church under Tax Declaration Nos. 22-19-02-079, 22-19-02-077 and 22-19-02-082 as 'cemetery site' (Exhibits S, V and T).

With respect to the parcel of land described in plan PSU-112592:

This parcel of land situated in the barrio of Bucal (Taguan), Municipality of Candelaria, Province of Quezon (formerly Tayabas) and more particularly described in plan PSU-112592 and its technical description with an area of 3,221 square meters (Exhibit 1) was formerly owned and possessed by the spouses Paulo G. Macasaet and Gabriela V. de Macasaet. Said spouses, on February 26, 1941, donated this lot to the Roman Catholic Church represented by Reverend Father Raymundo Esquenet (Exhibit J, J-1 to J-4). It was surveyed for the Roman Catholic Church on Aug. 16, 1940 as church site and the corresponding survey plan approved on Jan. 15, 1941 (Exhibits I-1, I-2, I-3).

Previously erected on this Lot was an old chapel which was demolished and new chapel now stands in its place on the same site.

For his part, the Fiscal in a Manifestation dated July 22, 1980, said 'the State will not adduce evidence in support of its opposition and will submit the instant case for decision.'

Evaluating the applicant's submitted proofs, the court *quo* concluded, on the basis of acquisitive prescription at the very least, that the former had adequately shown title to the parcels of land being claimed.

"Since the acquisition of these four (4) lots by the applicant, it has been in continuous possession and enjoyment thereof, and such possession, together with its predecessors-in-interest, covering a period of more than 52 years (at least from the date of the survey in 1928) with respect to lots 1 and 2, about 62 years with respect to lot 3, all of plan PSU-65686; and more than 39 years with respect to the fourth parcel described in plan PSU-112592 (at least from the date of the survey in 1940) have been open, public, continuous, peaceful, adverse against the whole world, and in the concept of owner."

Accordingly, the court ordered the registration of the four parcels together with the improvements thereon 'in the name of the ROMAN CATHOLIC BISHOP OF LUCENA, INC., a religious corporation sole duly registered and existing under the laws of the Republic of the Philippines.'

Against this decision, the Solicitor General filed a Motion for Reconsideration on the following grounds:

- Article XIV, Section 11 of the New Constitution (1973) disqualifies a private corporation from acquiring alienable lands for the public domain.
- In the case at bar the application was filed after the effectivity on the New Constitution on January 17, 1973.

which was denied by the lower court for lack of merit.

Still insisting on the alleged unconstitutionality of the registration (a point which, incidentally, the appellant never raised in the lower court prior to its Motion for Reconsideration), the Republic elevated this appeal." (Rollo, pp. 25-28)

On May 13, 1986, the First Civil Cases Division of the Intermediate Appellate Court rendered its Decision the dispositive part of which reads:

"WHEREFORE, finding the judgment a quo to be supported by law and the evidence on record, the same is hereby AFFIRMED. No pronouncement as to costs.

SO ORDERED." (Rollo, p. 30)

A reconsideration of the aforequoted Decision was sought by Appellant Republic of the Philippines, but for lack of merit, its motion for reconsideration was denied on June 19, 1986, by Resolution of the First Civil Case Division, Intermediate Appellate Court which resolution reads in full:

"Considering appellant Republic of the Philippines' "Motion for Reconsideration" filed on June 4, 1986; the Court RESOLVED to DENY the Motion for Reconsideration for lack of merit, grounds raised therein having all been considered in the decision." (Rollo, p. 31)

Hence, this petition.

The following are the assigned errors raised by the petitioner in its petition:

"1. The decision and the resolution in question are contrary to law and decisions of this Honorable Court in *Meralco vs. Castro-Bartolome and Republic*, 114 SCRA 799 (prom. June 29, 1982); *Republic vs. Judge Villanueva and Iglesia ni Cristo* 114 SCRA 875 June 29, 1982); and *Republic vs. Judge Gonong and Iglesia ni Cristo*, 118 SCRA 729-733 (Nov-ember 25, 1982); *Director of Lands vs. Hermosa Y. Hermanas, Inc.* 141 SCRA 21-25 (Jan. 7, 1986).

"2. The lands applied for registration were the subject of a previous registration case where a decree of registration was already issued.

"3. Respondent corporation failed to establish the identity of the lands applied for." (Rollo, pp. 14-15)

The issue raised in this case involves the question of whether the Roman Catholic Bishop of Lucena, as a corporation sole is qualified to apply for confirmation of its title to the four (4) parcels of land subject of this case.

Corollary thereto is the question of whether or not a corporation sole should be treated as an ordinary private corporation, for purposes of the application of Art. XIV, Sec. 11 of the 1973 Constitution.

Article XIV, Sec. 11 of the 1973 Constitution, in part provides:

"Sec. 11. 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; nor may any citizen hold such lands by lease in excess of five hundred hectares x x x."

Sec. 48 of the Public Land Act, in part, provides:

"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:

(a) x x x x x x x x

(b)

Those who by themselves or through their predecessor-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.

(c) x x x x x x x x."

In its Motion for Reconsideration, petitioner contends that the Roman Catholic Bishop of Lucena (private respondent herein) which is admittedly a corporation sole is disqualified to own and register its title over the parcels of land involved herein. (Rollo, p. 41)

In its petition it likewise argued that being a juridical entity, private respondent cannot avail of the benefits of Sec. 48(b) of the public land law which applies to FILIPINO citizens or NATURAL persons. On the other hand, private respondent in its MEMORANDUM espoused the contrary view.

There is no merit in this petition.

The parties herein do not dispute that since the acquisition of the four (4) lots by the applicant, it has been in continuous possession and enjoyment thereof, and such possession, together with its predecessors-in-interest, covering a period of more than 52 years (at least from the date of survey in 1928) with respect to lots 1 and 2, about 62 years with respect to lot 3, all of plan PSU-65686; and more than 39 years with respect to the fourth parcel described in plan PSU-112592 (at least from the date of the survey in 1940) have been open, public, continuous, peaceful, adverse against the whole world, and in the concept of owner.

Being disputed before this Court is the matter of the applicability of Art. XIV Sec. 11 of the 1973 Constitution to the case at bar.

Petitioner argues that considering such constitutional prohibition, private respondent is disqualified to own and register its title to the lots in question. Further, it argues that since the application for registration was filed only on February 2, 1979, long after the 1973 Constitution took effect on January 17, 1973, the application for registration and confirmation of title is ineffectual because at the time it was filed, private corporation had been declared ineligible to acquire alienable lands of the public domain pursuant to Art. XIV, Sec. 11 of the said Constitution. (Rollo, p. 41)

The question posed before this Court has been settled in the case of *DIRECTOR OF LANDS vs. Intermediate Appellate Court* (146 SCRA 509 [1986]) which reversed the ruling first enunciated in the 1982 case of *Manila Electric Co. vs. CASTRO BARTOLOME*, (114 SCRA 789 [1982]) imposing the constitutional ban on public land acquisition by private corporations which ruling was declared emphatically as *res judicata* on January 7, 1986 in *Director of Lands vs. Hermanos y Hermanas de Sta. Cruz de Mayo, Inc.*, (141 SCRA 21 [1986]). In said case, (*Director of Lands v. IAC*, *supra*), this Court stated that a determination of the character of the lands at the time of institution of the registration proceedings must be made. If they were then still part of the public domain, it must be answered in the negative.

If, on the other hand, they were already private lands, the constitutional prohibition against their acquisition by private corporation or association obviously does not apply. In affirming the Decision of the Intermediate Appellate Court in said case, this Court adopted the vigorous dissent of the then Justice, later Chief Justice Claudio Teehankee, tracing the line of cases beginning with *CARINO*,^[1] in 1909, thru *SUSI*,^[2] in 1925, down to *HERICO*,^[3] in 1980, which developed, affirmed and reaffirmed the doctrine that open, exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period *ipso jure* and without the need of judicial or other sanction, ceases to be public land and becomes private property. (*DIRECTOR OF LANDS vs. IAC*, *supra*, p. 518).

Nothing can more clearly demonstrate the logical inevitability of considering possession of public land which is of the character and duration prescribed by statute as the equivalent of an express grant from state than the dictum of the statute itself;^[4] that the possessor "x x x shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title x x x ." No proof being admissible to overcome a conclusive presumption, proceedings would, in truth be little more than a formality, at the most limited to ascertaining whether the possession claimed is of the required character and length of time, and registration thereunder would not confer title, but simply recognize a title already vested. The proceedings would not *ORIGINALLY* convert the land from public to private land, but only confirm such a conversion already effected by operation of law from the moment the required period of possession became complete. As was so well put in *Carino*, "x x x There are indications that registration was expected from all, but none sufficient to show that, for want of it, ownership actually gained would be lost. The effect of the proof, wherever made, was not to confer title, but simply to establish it, as already conferred by the decree, if not by earlier law. (*DIRECTOR OF LANDS vs. IAC*, *supra*, p. 520).

The open, continuous and exclusive possession of the four lots by private respondent can clearly be gleaned from the following facts on record: Lot 1 and portion of Lot 2 was acquired by purchase in 1928 and 1929, respectively. The remaining portion of lots 2 and 3 was already owned and possessed by private respondent even prior to the survey of said lots in 1928. In fact, records of burial of the Roman Catholic Church of Candelaria, Quezon showed that as early as 1919, Lot 3 has already been utilized by the Roman Catholic Church as its cemetery. That at present, said three lots are utilized as the Roman Catholic Church of Candelaria, Quezon. That said lots are declared for taxation purposes in the name of the Roman Catholic Church. The fourth parcel of land was acquired by donation in 1941 and same lot is utilized as church site.

It must be emphasized that the Court is not here saying that a corporation sole should be treated like an ordinary private corporation.

In *Roman Catholic Apostolic Administration of Davao, Inc. vs. Land Registration Commission, et al.* (L-8451, December 20, 1957, 102 Phil. 596), We articulated:

"In solving the problem thus submitted to our consideration, We can say the following: A corporation sole is a special form of corporation usually associated with the clergy. Conceived and introduced into the common law

by sheer necessity, this legal creation which was referred to as 'that unhappy freak of English Law' was designed to facilitate the exercise of the functions of ownership carried on by the clerics for and on behalf of the church which was regarded as the property owner (See 1 Bouvier's Law Dictionary, p. 682-683).

"A corporation sole consists of one person only, and his successors (who will always be one at a time), in some particular station, who are incorporated by law in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. In this sense, the king is a sole corporation; so is a bishop, or deans, distinct from their several chapters (Reid vs. Barry, 93 Fla. 849, 112 So. 846)."

Pertinent to this case is the provision of Sec. 113 Batas Pambansa Blg. 68 which reads as follows:

"Sec. 113. Acquisition and alienation of property. --Any corporation sole may purchase and hold real estate and personal property for its church, charitable, benevolent or educational purposes, and may receive bequests or gifts for such purposes. Such corporation may mortgage or sell real property held by it upon obtaining an order for that purpose from the Court of First Instance of the province where the property is situated; but before the order is issued, proof must be made to the satisfaction of the Court that notice of the application for leave to mortgage or sell has been given by publication or otherwise in such manner and for such time as said court may have directed, and that it is to the interest of the corporation that leave to mortgage or sell should be granted. The application for leave to mortgage or sell must be made by petition, duly verified by the chief archbishop, bishop, priest, minister, rabbi or presiding elder acting as corporation sole, and may be opposed by any member of the religious denomination, sect or church represented by the corporation sole: Provided, That in cases where the rules, regulations and discipline of the religious denomination, sect or church religious society or order concerned represented by such corporation sole regulate the method of acquiring, holding, selling and mortgaging real estate and personal property, such rules, regulations and discipline shall control and the intervention of the courts shall not be necessary."

There is no doubt that a corporation sole by the nature of its incorporation is vested with the right to purchase and hold real estate and personal property. It need not therefore be treated as an ordinary private corporation because whether or not it be so treated as such, the Constitutional provision involved will, nevertheless, be not applicable.

In the light of the facts obtaining in this case and the ruling of this Court in *Director of Lands vs. IAC*, (supra, 513), the lands subject of this petition were already private property at the time the application for confirmation of title was filed in 1979. There is therefore no cogent reason to disturb the findings of the appellate court.

WHEREFORE, the petition is Dismissed for lack of merit and the appealed decision and Resolution of the Intermediate Appellate Court is hereby AFFIRMED.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Cortes, JJ., concur.

[*] Penned by Justice RAMON G. GAVIOLA, JR. and concurred in by Justices Ma. Rosario Quetulio-Losa and LEONOR INES LUCIANO.

[**] Penned by Judge Delia P. Medina.

[1] *CARINO, vs. Insular Gov't.*, 41 Phil. 935, 944.

[2] *SUSI v. Razon*, 48 Phil. 424.

[3] HERICO v. Dar, 95 SCRA 437.

[4] Sec. 48(b), CA-No. 141.

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