

RUPERTO EDRALIN, PLAINTIFF AND APPELLANT, VS. GERMANA VIERNES ET AL., DEFENDANTS AND APPELLEES.*G.R. No. 8612. November 09, 1914*

Ponente: ARELLANO, C.J.

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Ruperto Edralin, instituted against Germana Viernes a suit for recovery of a parcel of land the description whereof is given therein and considered as here reproduced. Germana Viernes answered by alleging that the land claimed from her is not and never has been the plaintiff's, but belongs to the Roman Catholic Church in its parish of Bacarra, Ilocos Norte, to which constantly for over thirty years she, her husband, and their children have been paying a yearly rental on the lease by virtue whereof they have been possessing it. The parish priest of Bacarra intervened and was included as a defendant in the case.

This land originally belonged to Fausto Albano, who in July 1879, bequeathed it to the parish of Bacarra for a series of masses, as appears from the copy of his will, which is a valid document, not impugned either in or outside of this case. Moreover the witnesses presented by the defendants corroborate the fact and the title of possession, as well on the part of the lessor parish as on the part of the lessee family.

The plaintiff absolutely lacks an original title to the land he claims. It seems that he fabricated a title in the following way. He declared it for assessment, changing a boundary or two. He failed to pay the land tax, wherefore the land was put up at public auction. He bought it in himself with a bid of 49 centimos, and in a year there was executed in his favor an instrument of sale of said land, over 50 ares in area, for the price of 49 centimos. This is the title (Exhibit A) he has presented. This plaintiff was a half or uterine brother of the legator Fausto Albano, and was like him a Catholic, well informed about the church's property, as he was the agent for collecting the rental for the parish. But he went to the so-called Independent Church and it seems that his idea was, that between one church and the other it would be better for the independent one to enjoy it. It was so held in the judgment appealed from when the statement was made therein that the plaintiff "claims that the donation be now made to the Independent Filipino Church instead of the Roman, which is improper, for that church did not exist and he will must undoubtedly have referred to the Roman, which was at that time the only church in Bacarra, and with this claim Ruperto Edralin in 1909 made judicial demand for himself for paddy (the rental) and now for the land itself, bringing forward an instrument that does not refer to the land in question." (B. of E., 11.)

The claim must have arisen from the fact, attested by Germana Viernes and Luis Albano, that when the Spanish curates ceased to administer the parish of Bacarra they were succeeded therein by the Filipino curates Ignacio Noriega, Servando Castro, and Atanasio Albano, during whose administration, or at least that of the first two, he was the agent for the collection of the rental the lessees of the land paid, and he must have ceased to be a collector. If after 1903 (Exhibit A) he was the owner of the land that he had bought at public auction for the price of 49 centimos, it is inexplicable why he continued to act as collector of the rental in the name of the parish priests Noriega and Castro, who, as was proven at the trial, were Aglipayans, and it did not occur to him until December of 1910 to enforce that title of purchase for the price of 49 centimos, and not in 1909, to have brought an action to

recover the rental from the same defendant he now sues for ownership, an action which failed.

Such are the facts that have twice occupied the attention of this court by reason of that variation in the boundaries. It is a notoriously impudent claim, devoid of any basis.

The judgment appealed from, whereby the defendants are absolved from the complaint, is affirmed with the costs and it is held that the land claimed is the exclusive property of the Roman Church; with the costs of this instance moreover against the appellant.

Torres, Johnson, Carson, Moreland, and Araullo, JJ., concur.

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