

THE ROMAN CATHOLIC BISHOP OF LIPA, PLAINTIFF AND APPELLEE, VS. THE MUNICIPALITY OF SAN JOSE, BATANGAS, DEFENDANT AND APPELLANT.

G.R. No. 9198. August 29, 1914

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9198/>

TORRES, J.:

This is an appeal prosecuted through a bill of exceptions by the provincial fiscal, representing the government of the town of San Jose, Batangas, from the decision dated May 12, 1913, whereby the Honorable Mariano Cui, judge, sentenced the defendant municipality to restore and deliver to the plaintiff corporation the two parcels of land in question, and held that there was no ground for the damages claimed by the plaintiff, and without special finding as to costs.

On September 29, 1911, counsel for the plaintiff filed a written complaint, amended on November 9 of the same year, alleging that it was and is the owner in fee simple of two parcels of land, known locally as "the lands of the Virgin," partly cultivated and coffee producing and partly uncultivated; that these parcels of land, the area and boundaries whereof are set forth in the said document, are at present occupied by the municipality of San Jose, which claims to be the owner thereof and which has refused to return them to the plaintiff despite the demands made; that this detainer has caused the plaintiff damages to the extent of P2,000; and therefore judgment was prayed for declaring that the real property described in the amended complaint belongs to the plaintiff and directing that the defendant deliver possession of said parcels of land and pay P2,000 as damages, and the costs of the suit.

The municipal president, representing the municipality of San Jose, in his answer admitted as true the first and second paragraphs of the complaint and absolutely denied the remainder thereof, requesting dismissal of the suit, with the costs against the plaintiff.

After a hearing and examination of the evidence adduced by the parties, the court rendered the judgment above referred to, and from which counsel for the defendant appealed and asked for a new trial, which motion was denied, with exception on the part of the appellant.

The defendant municipality of San Jose, which at the present time holds the two parcels of land claimed, flatly denied the claim contained in the action for recovery instituted by the Roman Catholic Church, represented by the Right Reverend Bishop of Lipa, without alleging any title or reason whereon to base the possession it now enjoys of the two parcels of land mentioned, which it now claims to belong to it.

Nor did it present at the trial of the case any proof justifying its right to possession of the lands in litigation, while the plaintiff exhibited two certificates issued by the register of deeds of said province, setting forth two possessory informations which were filed in the justice of the peace court of the said town, whereby its possession of the parcels of realty to which each refers is proven, and which, in view of the testimony of the owners of the adjacent lands, after citation of the *teniente de sementera* of that town, were approved by an order dated February 15, 1895,

issued in each case; and said informations were recorded in the property registry, as proven by the documents, Exhibits A and B. These documents were not objected to nor impugned as false when they were presented at the trial of the case.

For an action of recovery to meet with success it is indispensable that the party instituting it and claiming ownership of a parcel of realty prove fully not only the ownership it exercises over the realty that is the subject matter of the complaint but also the identity of the land.

The title consisting of a possessory information has the same legal efficacy as other titles recognized in law, and a possessory information inscribed in the property registry constitutes prima facie proof that the possessor of the land to which the information refers is the owner thereof, so long as no other title is presented evidencing and proving a better right. (*Inchausti & Co. vs. Commanding General*, 556 Phil. Rep.; *Baldovino vs. Amenos*, 9 Phil. Rep., 537; *Salacup vs. Rambac*, 17 Phil. Rep., 21; *Arcenas vs. Laserna*, post, p. 599.)

The defendant municipality has been unable to allege or exhibit any title to prove how and by what right it occupies these parcels of land; and therefore the allegation of the plaintiff must be sustained by virtue of the title, proving, if not ownership, at least the right of possession that pertains to it with reference to the land in litigation.

If a year and a day had not elapsed from the date when through the absence of the parish priests of the church of San Jose, as a consequence of the disturbances caused by the revolution, the representative of the church could have exercised the action provided for in sections 80 and 81 of the Code of Civil Procedure, still even though said period has elapsed the representative of the church is entitled to exercise, as he has done, the action for recovery, as he could also have exercised the plenary action of possession for the purpose of securing recognition of his right to possession of the lands in question and of obtaining restoration thereof.

The parish priest of San Jose, the legitimate representative of the Catholic Church in said town, has been in possession of the lands in litigation from time immemorial by virtue of the ownership vested in his principal, although he was forced to abandon said lands because of the revolution and the municipality of San Jose took advantage of this circumstance to occupy them without any right. The church could not lose its right of possession thereto on that account because article 444 of the Civil Code provides that acts executed clandestinely and without knowledge of the possessor of the thing, or by force, do not affect the right of possession the lawful owner or possessor enjoys, when it was physically impossible to possess or to hold the thing which he was forced to abandon by the circumstances that prevailed in the locality.

Without alleging in first instance any exception to the action for recovery tending to demonstrate the legal non-existence of the confraternity of the Lady of Consolation, in whose favor, according to said informations, the lands in litigation were donated, nor its incapacity to acquire ownership thereof, the appellant municipality sustains its appeal pending in this second instance by imputing to the trial court, as errors it incurred in its judgment, its recognition of the legal existence of said confraternity, its holding that the same legally acquired the ownership of said lands, its holding that they had become the property of the plaintiff corporation, and its rendition of judgment directing restitution and delivery to the plaintiff of the lands in question.

Although this court is not obliged to take into consideration or to pass upon such errors, because no exception to the complaint was taken in first instance with regard to those points, for it is proper only to examine and consider, in second instance the errors arising from questions raised in first instance and decided by the trial court according to the allegations and the evidence at the trial, still we will consider them in this decision in order to demonstrate in an irrefragable manner the justness and correctness of the foregoing complaint.

While the defendant in its reply to the complaint absolutely denies the truth of paragraphs 3 to 6 thereof, it does

not appear to deny either expressly or tacitly the existence of the confraternity entitled "of the Lady of Consolation" which from time immemorial has operated in said town of San Jose, Batangas, and so witnesses of both parties testify, wherefore it is to be presumed that it implicitly recognizes the existence of said confraternity, as well as the fact that the same has been legally constituted. A confraternity is a kind of association of devotees formed for the purpose of carrying on with greater solemnity and pomp the adoration of the Virgin Mother of the Savior, as authorized by the rites of the Catholic Church, and therefore as such legally established association, it is a juridical entity with rights and obligations and can' validly acquire real property, as shown by said certificates of possessory annotations.

Moreover, it is beyond dispute that the said lands, donated to the confraternity of the Virgin in the said town of San Jose, are property dedicated to the Catholic religion and the operation of said confraternity was suspended by force majeure in consequence of the revolution and of the profound and general upheaval nearly all the towns in these Islands suffered. It is to be noted that the lands in question, which have always been administered by the parish priests of that town and, in spite of their temporary absence from the parish of San Jose, have not ceased to belong to the faith nor have they lost the character they had from the instant when they passed into possession of the church in charge of the persons who directed and administered the Catholic worship in the parish of that town.

The lands in question were apparently abandoned for the space of some years during the revolution, but the church did not thereby lose its right of possession and administration thereof, as intended and devoted to maintaining the faith, especially when it does not appear of record that they were duly alienated according to law.

In the case of the Roman Catholic Church vs. Santos (7 Phil. Rep., 66), after affirming that the ruling in the case of Barlin vs. Ramirez (7 Phil. Rep., 41) is applicable thereto, it is stated that to the authorities cited in that case may be added the following statement by the Supreme Court of the United States in the case of the Mormon Church vs. The United States (136 U. S., 53):

"By the Spanish law, whatever was given to the service of God became incapable of private ownership, being held by the clergy as guardians or trustees; and any part not required for their own support, and the repairs, books, and furniture of the church, was devoted to works of piety, such as feeding and clothing the poor, supporting orphans, marrying poor virgins, redeeming captives, and the like. When property was given for a particular object, as a church, a hospital, a convent or a community, etc., and the object failed, the property did not revert to the donor, or his heirs, but devolved to the Crown, the church, or other convent or community, unless the donation contained an express condition in writing to the contrary.

"It follows that the Roman Catholic Church is entitled to the exclusive possession and occupancy of the property mentioned in the complaint."

Three laws are cited in the foregoing quotation from Title 28 of the Third Partida, of which Law 12 is here quoted as' the most pertinent, reading thus:

"No sacred, religious, or holy thing, devoted to the service of God, can be the subject of ownership by any man, nor can it be considered as included in his property holdings. Although the priests may have such things in their possession, yet they are not the owners thereof. They hold them thus as guardians or servants, or because they have the care of the same and serve God in or with them. Hence they were allowed to take from the revenues of the church and lands what was reasonably necessary for their support; the balance, belonging to God, was to be devoted to pious purposes, such as the feeding and clothing of the poor, the support of orphans, the marrying of poor virgins to prevent their becoming evil women because of their poverty; and for the redemption of captives and the repairing of the churches, and the buying of chalices, clothing, books, and other things which they might be in need of, and other similar charitable purposes."

It is a fact proven in the record that the lands in litigation, as property devoted to the faith by their original owners,

were placed at the disposition and under the administration of the parish priest of San Jose, as the representative of the Roman Catholic Church in the town of San Jose and administrator of the parish church thereof, and it is also proven in the case that the representative of the church in said town has continued to possess and administer the said lands for many years, applying the products thereof to supporting the Catholic worship in that town; and yet in spite of all this the municipality of San Jose, in view of the upheavals the revolution brought about after the year 1896 and of the fact that the parish priest of said town was absent, took possession of the lands in question without the consent of the church's representatives and without right or title that would legalize and justify its possession, which is nothing more than a mere detainer or usurpation; and therefore no legal reason or ground exists whereby it ought to be maintained therein, for it has not exhibited or presented any title to demonstrate a better right than that pertaining to the representative of the church, which in strict justice must be restored to possession of the said lands, either as the lawful owner thereof or at least as possessor with perfect right to continue to use the said fields, so that the products thereof may be employed in supporting the worship for which they were intended.

For the foregoing reasons, whereby the errors assigned to the judgment appealed from are deemed refuted, and finding that it is correct according to the law and the merits of the case, affirmation thereof is proper, as we do affirm it, with the costs against the appellant.

Arellano, C. J., Johnson and Araullo, JJ., concur.

Moreland and Carson, JJ., concur in the result.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.