

6 Phil. 345

[ G.R. No. 3007. August 03, 1906 ]

**THE ROMAN CATHOLIC APOSTOLIC CHURCH ET AL., PLAINTIFFS, VS. THE MUNICIPALITY OF BADOZ ET AL., DEFENDANTS.**

**D E C I S I O N**

**WILLARD, J.:**

The plaintiffs brought this action under the provisions of Act No. 1376 to recover the possession of certain churches, convents, cemeteries, and other real and personal property situated in different municipalities in the Province of Ilocos Norte. The complaint alleged among others things ownership of the property described therein by the plaintiffs and their right to the possession thereto. Within the time required by the act an answer was presented by counsel, who signed, themselves "abogados de la parte demandada." This answer contained a general denial of each and every allegation of the complaint and set out also several affirmative defenses.

In May, 1906, the plaintiffs made a motion in which they asked that the court declare admitted and true the allegations contained in the complaint, order the dispossession of the defendants, and that the possession of the property described in the complaint be returned to the plaintiffs on the ground that no one of the defendants had presented an answer in conformity with section 4 of the said act. That section is as follows:

"SEC. 4. Within forty days after service of the summons on the defendant or defendants, unless further time is given by the court, the defendant or defendants served shall file their several answers or a joint answer, as they may elect, succinctly stating the facts upon which they base their interest and deny the ownership or the right of administration or possession or claim of title of the petitioner or petitioners, and stating to what use the property claimed or held by such defendant or defendants has been put while in the possession of the

defendant or defendants, and for what period of time it has been so used and whether such property is used or ever has been used by the Roman Catholic Apostolic Church as a church, convent, or cemetery, or in connection therewith, and if so, for what period of time. Upon the filing of such answer or answers no further pleading shall be necessary and the action shall be considered at issue. In the event that any defendant fails to file his answer to the petition within the time hereby prescribed, the allegations of the petition shall be taken as confessed and true as to him, and the court shall at once enter a decree directing the return of the personal property and ousting such defendant from possession of the real property described in the petition and held by him and, if requested, shall issue a writ of possession in accordance with the decree \* \* \*.”

If this act allows the defendants to insert in their answer a general denial of the, allegations contained in the complaint, the” motion must be denied. There is nothing in section 4 which expressly prohibits such a denial. By the terms of the act the defendants are required to deny the ownership or the right of administration or possession or claim of title of the plaintiff, but that should not be so construed as to prevent them from denying other allegations of the complaint. In fact, if a general denial is not permissible under this section, then a specific denial of any particular fact alleged in the complaint would not be permissible with the exception of the limited denial mentioned in the section itself. For example, this complaint alleges that the plaintiffs are the owners of five lots situated in the pueblo of Dingras, not alleging that these tracts of land are in any way connected with any church, convent, or cemetery; it also alleges that these lots are in the possession of certain of the defendants. If no general or specific denial is admissible, the defendants would be precluded from denying that they were in possession of these tracts of land.

Every system of judicial procedure presupposes in the pleadings allegations on one side and admissions or denials on the other. The issues to be tried are necessarily raised by denials; there can be no issue unless something is alleged on the one hand and denied on the other, and no law establishing a special procedure for a certain class of cases should be so construed as to prohibit a denial by the defendant of allegations of the complaint, unless the law contains a distinct and unequivocal prohibition of that character. Section 9 of the act gives this court jurisdiction to determine actions involving the title to certain hospitals, asylums, and charitable institutions as to which the Government and the Roman Catholic Church make opposing claims of ownership. The same procedure is provided in such actions as is provided in this action. It can not be conceived that in an action brought to try the title

to any one of these hospitals or charitable institutions the legislative body intended that the only denial of the facts alleged in the complaint which the defendant was allowed to make was a mere denial of the ownership of the plaintiff and an allegation of his own right to possession. We hold that the general denial contained in the answer above referred to was and is sufficient.

Upon its face the answer above referred to is the answer for all of the defendants in this action. There are in the record, however, other answers presented by certain of the defendants. Whether these answers are all of them sufficient we have not stopped to inquire, for the reason that as we construe the motion of the plaintiffs it is a motion to strike out all the answers, and if any one answer is good the motion would have to be denied.

The answers are defective in not containing some of the allegations required by said section 4, but if the plaintiffs desired to secure the benefit of admissions which might result from compliance with that section, they should have made a motion requiring the defendants to amend their answers so as to comply with the law in that respect.

The defendant, Aglipay, and the municipality of Dingras made a motion in June asking that all the proceedings in the case be declared null and void and the said Act No. 1376 unconstitutional. This objection the defendants have set forth as a special defense in their answer. The question should, therefore, be tried and decided when the case is tried upon its merits and we decline to consider it now.

The motion of the plaintiffs, as well as the motion of the defendant Aglipay and the municipality of Dingras, is denied. So ordered.

*Arellano, C. J., Torres, Mapa, and Carson, JJ., concur.*

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*CONCURRING IN THE RESULT*

**TRACEY, J.:**

As I read Act No. 1376, the specification of allegations to be set forth in the several pleadings in these actions was inserted for the purpose of securing truth and precision in the issues to be tried. To sanction a general denial which is not in terms provided for does not seem conducive to that object. For instance, the defendant Aglipay in his answer denies generally not only the jurisdictional character of the plaintiff bishops, but also the fact that

he himself is the chief bishop of the Independent Filipino.. Church. To give formal effect to this denial, which appears not altogether consistent with the remainder of his pleadings not only beclouds the issue, but may work a result not contemplated by the pleader. Nor is such effect necessary. All the facts required by the statute to be stated in the petition would be put in issue by the form of answer prescribed by this law. Any other facts contained in the petition should be traversed specially rather than generally, so as to bring the dispute to a precise point, as designed by the statute.

There are, however, specific denials and affirmative allegations in some of the answers sufficient to raise issues, thereby defeating plaintiffs' motion and remitting the parties to trial upon the merits; such a trial is the result obviously aimed at by the law. The questions in controversy are too important to be disposed of on mere motion without adequate argument, briefs, or evidence.

For the foregoing reasons I concur in the result of Mr. Justice Willard's opinion.

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