

FIRST DIVISION

[G.R. No. 220220, August 15, 2018]

PHILIPPINE INDEPENDENT CHURCH, PETITIONER, VS. BISHOP MARTIN BASAÑES,RESPONDENT.

DECISION

TIJAM, J.:

Assailed in this Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court are the Decision^[2] dated February 28, 2014 and the Resolution^[3] dated July 20, 2015 of the Court of Appeals (CA) in CA-G.R. CEB-SP No. 05661. Reversing the identical decisions of the lower courts, the CA held that petitioner Philippine Independent Church had no cause of action for unlawful detainer against respondent Bishop Martin Basañes, they being co-owners of the subject property.

The Antecedents

Petitioner Philippine Independent Church, also known as Iglesia Filipina Independiente, Iglesia Catolica Filipina Independiente, Iglesia Catolica Filipina or the Aglipayan Church, is a religious organization which existed since the 1900's. According to petitioner, as early as the 1900's, it built a church and a convent on a 248-square meter portion of a larger parcel of land located in Pulpandan, Negros Occidental, designated as Lot No. 1204, Valladolid Cadastre, and covered by Original Certificate of Title No. RO-12808 (666) registered under the name of Catalino Riego Magbanua (Catalino).^[4]

Petitioner claimed that in 1903, this 248-square meter of land on which the church and the convent were built was donated to petitioner by Catalino. Said donation was formalized by Catalino's heirs under a Declaration of Heirship and Deed of Donation^[5] dated October 24, 2001. The church and the convent were occupied by Fr. Daniel De Los Reyes who was then succeeded by Msgr. Macario V. Ga (Msgr. Ga).^[6]

Sometime in the 1980's, a faction, separating from petitioner, was formed by Msgr. Ga.^[7] Among those joining the faction of Msgr. Ga were Fr. Ramon Dollosa (Fr. Dollosa) and herein respondent Bishop Martin Basañes (Bishop Basañes). Petitioner claimed that because of an agreement signed by the members of the faction whereby they submitted themselves to petitioner's authority, Fr. Dollosa was allowed by then Diocesan Bishop Tipples, Jr., to remain as co-parish priest of the Parish of Sta. Felomena of the Philippine Independent Church of Pulpandan, Negros Occidental.^[8]

However, due to an alleged violation committed by Fr. Dollosa, petitioner sent him on October 1, 2003 a demand letter^[9] to vacate the premises of the church and the

convent. When the demand went unheeded, petitioner filed against Fr. Dollosa a complaint^[10] for forcible entry which was later on amended to one for unlawful detainer.

By way of answer, Fr. Dollosa countered that the complaint states no cause of action against him, and that in any case, petitioner is not the owner of the subject property since the heirs who executed the Declaration of Heirship and Deed of Donation in petitioner's favor were illegitimate children of Catalino.^[11] On the other hand, Fr. Dollosa maintained that it was the legitimate heirs of Catalino who built the church and the convent in the 1980's and who later on adhered to the Philippine Independent Catholic Church, which is separate and distinct from petitioner having been registered with the SEC on January 17, 2007.^[12] He also added that Catalino's legitimate heirs, who are members of the Philippine Independent Catholic Church, had executed a Deed of Donation dated February 5, 2005 and amended in 2008, covering the subject property in the latter's favor.^[13]

Fr. Dollosa passed away during the pendency of the unlawful detainer case. Bishop Basañes was substituted in his place.

The Municipal Circuit Trial Court (MCTC) of Valladolid-San Enrique-Pulupandan, Negros Occidental, rendered a Decision in favor of petitioner, the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, judgment is hereby rendered in favor of the plaintiff, as follows:

1. Ordering the defendant and/or Bishop Martin Basañes and all other persons claiming rights under him to vacate the premises of the subject lot, the church and the convent of the Philippine Independent Church in Pulupandan, Negros Occidental;
2. No pronouncement as to cost.^[14]

This adverse ruling prompted Bishop Basañes to appeal to the Regional Trial Court (RTC).

The RTC Ruling

In appreciating the records before it, the RTC held that it was the petitioner which ran the Church, as well as the physical church and the convent built on the property. When the faction of Msgr. Ga separated from the petitioner, the faction continued to occupy the church and the convent.^[15] Bishop Basañes, who belonged to Msgr. Ga's faction, later on formed the Philippine Independent Catholic Church, Diocese of Negros Occidental, Inc., but continued to occupy the church and the convent.^[16] The RTC, thus, approved the MCTC's conclusion that petitioner's possessory right antedates that of Bishop Basañes and that his stay thereon was merely by petitioner's tolerance.^[17] The RTC also noted Bishop Basañes' admission that his church, the Philippine Independent Catholic Church, does not owe any allegiance to the petitioner and, thus, concluded that Bishop Basañes' possession of the subject property is no longer authorized by petitioner.^[18]

Aggrieved, Bishop Basañes went to the CA and claimed right to possess the subject property on the basis of ownership as evidenced by a Deed of Donation executed by the alleged legitimate heirs of Catalino in favor of the Philippine Independent Catholic Church.

The CA Ruling

Departing from the findings of the MCTC and the RTC, the CA emphasized that both parties claim ownership over the disputed property. Petitioner claims it by virtue of a Deed of Donation executed by the heirs of Catalino with one Juana Jacinto; while Bishop Basañes claims that the Philippine Independent Catholic Church owns the same on the basis of a Deed of Donation executed by the heirs of Catalino with one Francisca Escaro. The CA, thus, assumed that all of Catalino's heirs are co-owners of the subject property and that being heirs, they may dispose of their ideal share in the co-ownership. The CA concluded that both sets of heirs have donated their *pro indiviso* shares in the subject property to the parties and thus, the latter are now co-owners thereof. As such, petitioner has no cause of action against Bishop Basañes and the members of the Philippine Independent Catholic Church since the latter is a co-owner with a right to possess the disputed property.^[19]

In disposal, the CA held:

WHEREFORE, the Petition for Review is **GRANTED**. The Decision dated July 27, 2010 of Branch 62, Regional Trial Court of Bago City in Civil Case No. 1656 is **REVERSED** and **SET ASIDE**. The complaint of the Philippine Independent Church before the MCTC of Valladolid-San Enrique-Pulupandan, Valladolid, Negros Occidental in Civil Case No. 04-001-P is **DISMISSED** without prejudice.

SO ORDERED.^[20]

Thus, the present petition.

The Issue

The pivotal issue to be resolved is who, between petitioner and respondent Bishop Basañes of the Philippine Independent Catholic Church, has the better right to the physical possession of the disputed property.

The Ruling of the Court

We grant the petition.

In order to resolve the contentions raised by the parties, the Court necessarily had to revisit the factual findings of the lower courts and the CA, as well as, to consider the factual matters raised by the parties. To emphasize, such route is improper in a petition for review on *certiorari* which should raise only questions of law, and not of fact.^[21] By way of exception, the Court resolves factual issues when, among others, ^[22] the factual findings of the CA and the trial courts are contradictory, the judgment is based on a misapprehension of facts, or the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different legal conclusion. These exceptions are extant in the instant case.

The rule is settled that in an unlawful detainer case, the physical or material possession of the property involved, *independent* of any claim of ownership by any of the parties, is the sole issue for resolution. However, where the issue of ownership is raised, the courts may pass upon said issue in order to determine who has the right to possess the property. This adjudication is only an initial determination of ownership for the purpose of settling the issue of possession, the issue of ownership being inseparably linked thereto. Accordingly, the lower court's adjudication of ownership in the ejectment case is merely provisional and would not bar or prejudice an action between the same parties involving title to the property.

[23]

Let it be emphasized that the provisional determination of ownership is not the primordial consideration in an ejectment case. If the courts can resolve the question of who has the better right of physical or material possession, the issue of ownership should not be touched upon, it being unessential in an action for unlawful detainer.

A careful perusal of the assailed CA decision shows that the appellate court precipitately concluded that petitioner and Bishop Basañes, as representing the Philippine Independent Catholic Church, are now co-owners of the subject property, being donees of the same, albeit under different deeds of donation executed by different sets of Catalino's heirs. Although this pronouncement as to ownership is admittedly provisional, such is not entirely accurate and misses key factual matters which, if considered, could have easily resolved the issue of the better right of physical or material possession.

We begin by examining the allegations in the amended complaint for unlawful detainer, which alleges:

x x x x

3. That the plaintiff is the owner of a portion of a parcel of land designated as Lot No. 1204, Valladolid Cadastre, covered by Original Certificate of Title No. RO-12808 (666), x x x;

4. That this portion with an area of TWO HUNDRED FORTY EIGHTY [sic] (248) SQUARE METERS, more or less, was donated to the plaintiff by the late Catalino Riego way back in 1903 and formalized by his heirs in a document known as Declaration of Heirship and Deed of Donation dated October 24, 2001 x x x;

5. That on this portion of the said lot is a church and a convent both belonging to the plaintiff;

6. That the defendant is a member of the faction of the Philippine Independent Church under the 1947 Constitution and Canons headed by Msgr. Macario V. Ga who in 1981 questioned the validity of the ratification of the 1977 Constitution and Canons of the Philippine Independent Church including the election of the Supreme Bishop under the said Constitution and Canons before the Securities and Exchange Commission (SEC);