

EIGHTEENTH DIVISION

[CA G.R. SP NO. 05661, February 28, 2014]

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

D E C I S I O N

DIY, J.:

Before the Court is a Petition for Review^[1] under Rule 42 of the 1997 Rules of Civil Procedure filed by Bishop Martin P. Besañes (hereafter, "petitioner") against the Philippine Independent Church (hereafter, "respondent"), assailing the Decision^[2] dated July 27, 2010 of Branch 62, Regional Trial Court of Bago City (hereafter, "court a quo") in Civil Case No. 1656.

The antecedents are as follows:

The instant case originated from a Complaint^[3] for Unlawful Detainer filed by respondent against Fr. Ramon Dolloza^[4] before the Municipal Circuit Trial Court (MCTC) of Valladolid-San Enrique-Pulupandan, Valladolid, Negros Occidental.

Respondent, in its complaint, claimed that it is a religious corporation which owned a portion of a parcel of land designated as Lot No. 1204 covered by Original Certificate of Title No. RO-12808 (666). This portion of land (hereafter, "subject lot") has an area of 248 square meters, more or less. Sometime in 1903, Catalino Riego^[5] donated the subject land to respondent. The donation was formalized by the heirs of Catalino Riego when they executed the Declaration of Heirship and Deed of Donation on October 24, 2001. Respondent erected therein a church and a convent. Fr. Ramon Dolloza was a member of the faction of respondent. On account of a signed document by the members of the faction who submitted themselves to the legitimate authority of respondent, Fr. Dolloza and his predecessors were allowed by then Diocesan Bishop, Rev. Tipples, Jr., to remain as co-parish priest of St. Felomena in Pulupandan, Negros Occidental.

On October 1, 2003, a demand was made on Fr. Dolloza to vacate the premises of the church which proved futile. Hence, the filing of the unlawful detainer case.

On the other hand, Fr. Dolloza in his Answer^[6] contended that the complaint states no cause of action and that the MCTC had no jurisdiction over it. He claimed that he is not the proper party to the case. He alleged that respondent is not the owner of the subject lot because the alleged heirs who executed the Declaration of Heirship and Deed of Donation, which was pending litigation, were the illegitimate children of Catalino Riego, while the legitimate children are members of the Philippine Independent Catholic Church, who would later execute a Deed of Donation in the latter's favor. Moreover, it was posited by Fr. Dolloza that respondent is not a

registered corporation while the Philippine Independent Catholic Church of which he was a member, is a registered corporation. Fr. Dolloza asserted that the church site was established by the Philippine Independent Catholic Church way back before the Second World War and was never possessed by respondent.

Upon the the death of Fr. Dolloza, Msgr. Martin Basañes (hereafter, "petitioner") substituted as defendant in the original case.

On January 4, 2010, the MCTC of Valladolid-San Enrique-Pulupandan rendered a Decision^[7] in favor of respondent. The dispositive portion reads:

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

1. Ordering 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.

SO ORDERED.

Aggrieved, petitioner elevated the case to the court a quo which issued the assailed Decision.^[8] The dispositive portion of the Decision reads:

WHEREFORE, we find no cogent reason to modify or reverse the Decision of the Court a quo. As such, the same is hereby AFFIRMED.

APPEAL DENIED.

SO ORDERED.

Unfazed, petitioner filed a Motion for Reconsideration.^[9] But the same was denied by the court *a quo* via an Order^[10] dated December 5, 2010.

Hence, this Petition for Review^[11] wherein petitioner raises the following assignment of errors:

I

THAT THE HONORABLE REGIONAL TRIAL COURT A QUO, WITH ALL DUE RESPECT, ERRED IN AFFIRMING THE DECISION OF THE HONORABLE MUNICIPAL CIRCUIT TRIAL COURT A QUO IN BELIEVING THAT THE CHURCH WAS CONSTRUCTED AT PULUPANDAN, NEGROS OCCIDENTAL, DURING THE EARLY 1900'S WITHOUT SUPPORT OR EVIDENCE FROM PLAINTIFF AS AGAINST THE DECLARATION OF THE LEGITIMATE HEIRS OF CATALINO REIGO IN FAVOR OF DEFENDANT-PETITIONER.

II

THAT THE HONORABLE REGIONAL TRIAL COURT A QUO WITH ALL DUE RESPECT, ERRED IN AFFIRMING THE DECISION OF THE MUNICIPAL

CIRCUIT TRIAL COURT A QUO IN UPHOLDING THE VALIDITY OF THE DEED OF DONATION OF THE LEGITIMATE HEIRS OF CATALINO REIGO VIZ-A-VIZ [SIC] THE DONATION OF THE LEGITIMATE HEIRS ON THE 200 SQUARE METER LOT PORTION WHERE THE CHURCH IS SITUATED.

III

THAT THE HONORABLE REGIONAL TRIAL COURT A QUO, WITH ALL DUE RESPECT, ERRED IN AFFIRMING A DECISION OF THE HONORABLE MUNICIPAL CIRCUIT TRIAL COURT VALLADOLID-PULUPANDAN A QUO IN DECIDING THAT THE MERE AFFIXING OF SIGNATURE BY DEFENDANT-APPELLANT MARTIN P. BASAÑES IN THE SO CALLED JOINT STATEMENT FOR RECONCILIATION AND UNITY IMMEDIATELY AND AUTOMATICALLY EMPOWERED PLAINTIFF-APPELLEE TO ACQUIRE POSSESSION OVER THE STRUCTURE/CHURCH CONSTRUCTED ON A 200 SQUARE METER PORTION OF LOT NO. 1204 BY THE REIGO FAMILY THRU MILDRED YANSON ALAVA, LEGITIMATE GRAND DAUGHTER-DONOR.

IV

THAT THE HONORABLE REGIONAL TRIAL COURT A QUO, WITH ALL DUE RESPECT, ERRED IN FAILING TO TAKE INTO ACCOUNT THE SEPARATE PERSONALITY OF A PARISH PRIEST AND THE PARISHIONERS AS REPRESENTED BY THE PARISH COUNCIL AS A POLICY MAKING BODY AND THAT THE PARISH PRIEST IS ONLY A SPIRITUAL STEWARD AND CANNOT BIND THE PROPERTY OF HIS PARISH.

V

THAT THE HONORABLE REGIONAL TRIAL COURT A QUO, WITH ALL DUE RESPECT, ERRED IN GIVING UNDUE WEIGHT AND IMPORTANCE ON THE SPLIT ALLEGED RECONCILIATION [SIC] OF THE PHILIPPINE INDEPENDENT CHURCH AND ENTIRELY DISREGARDING THE RIGHTS OF THE PARISHIONERS WHO ACTUALLY OWN THE PROPERTY.

The pivotal issue is who between the parties has the better right to possess the subject lot together with the church and the convent erected therein.

Petitioner, in his Memorandum,^[12] claims that the church was constructed by the Riego family sometime in 1980, headed by their granddaughter Mildred Yanson Alava (hereafter, "Alava") for the exclusive use of their congregation and members of the Aglipayan Church to which they belong. Since then, it had been in the possession of said members, and that respondent never possessed the same. In fact, Alava executed an affidavit to attest to the same. Petitioner questions the Declaration of Heirship and Deed of Donation executed by the alleged heirs of Catalino Riego and Juana Jacinto considering that Catalino Riego was married to Francisca Escaro. It was further posited that said document was never annotated to OCT No. 12808 (666). Petitioner asserts that Lot 1204 (of which the subject lot was a portion) is owned by Catalino Riego and Francisca Escaro as borne out by the Decision of Branch 62, Regional Trial Court of Bago City in Cad Case No. 1 LRC (GLRO) Rec. No. 25 for Reconstitution of Title. Petitioner alleges ownership over the subject lot with the Deed of Donation executed by the heirs of Catalino Riego

married to Francisca Escaro in favor of the Philippine Independent Catholic Church Diocese of Negros Occidental, Inc. Petitioner contends that although he signed the Joint Statement for Reconciliation and Unity, nothing therein shows that the church shall be automatically turned over to respondent. Moreover, petitioner has actually no authority to make such turnover because he is not the owner but merely the administrator of the church. Besides, it is posited that said Joint Statement is not a contract but merely a proposal and was repudiated by Fr. Basañes. Petitioner further alleges that said Joint Statement is not self-executory considering that the dispositive portion thereof shows that there is still process and transition to be done.

Respondent, in its Memorandum,^[13] counters that the subject church and convent were built in the early 1900's when the Aglipayan Church was still united and under the leadership of the Obispo Maximo. The lot and its improvements belong to the mainstream church, the respondent. Respondent claims that petitioner is a leader of Philippine Independent Catholic Church Diocese of Negros Occidental, Inc., which is separate and distinct from respondent. Respondent further asserts that petitioner left the faction formerly headed by Msgr. Macario Ga and formed his own faction in 2003 and calls it the Philippine Independent Catholic Church Diocese of Negros Occidental, Inc. Respondent contends that petitioner is bound by the Joint Statement when he signed and endorsed the same. Petitioner's act of signing the Joint Statement, signified that he would follow one church which is respondent Philippine Independent Church or the Iglesia Filipina Independiente. Lastly, respondent alleges that because petitioner signed the Joint Statement, he was permitted to continue possession of the subject lot. And since Fr. Dolloza violated the conditions set forth for him to be a co-parish priest in operating the Parish of St. Filomena, it was decided that he be ousted from said church located on the subject lot owned by respondent. Respondent alleges that petitioner has appropriated the church for his own use and his faction, the Philippine Independent Catholic Church Diocese of Negros Occidental, Inc.

The Ruling of the Court

There are three (3) kinds of actions available to recover possession of real property, namely: (a) *accion interdictal*; (b) *accion publiciana*; and (c) *accion reivindicatoria*.

Accion interdictal, or an ejectment proceeding, which may either be for forcible entry (*detentacion*) or unlawful detainer (*desahucio*), is a summary action for the recovery of physical possession where the dispossession has not lasted for more than one year. Such action should be brought before the proper inferior court.^[14]

In forcible entry, one is deprived of physical possession of real property by means of force, intimidation, strategy, threat, or stealth; whereas in unlawful detainer, one illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied.^[15] The two are distinguished from each other in that in forcible entry, the possession of the defendant is illegal from the beginning, and that the issue is which party has prior *de facto* possession; while in unlawful detainer, possession of the defendant is originally legal but it has become illegal due to the expiration or termination of the right to possess.^[16]

Notably, Article 434 of the Civil Code provides that "[i]n an action to recover (ownership), the property must be identified, and the plaintiff must rely on the