

[ Act No. 1376, July 27, 1905 ]

**AN ACT PROVIDING FOR THE SPEEDY DISPOSITION OF CONTROVERSIES AS TO THE RIGHT OF ADMINISTRATION OR POSSESSION OF CHURCHES, CONVENTS, CEMETERIES, AND OTHER CHURCH PROPERTIES AND AS TO THE OWNERSHIP THEREOF AND TITLE THERETO BY VESTING IN THE SUPREME COURT OF THE PHILIPPINE ISLANDS ORIGINAL JURISDICTION TO DECIDE SUCH CONTROVERSIES, AND FOR OTHER PURPOSES.**

Whereas controversies have arisen between the Roman Catholic Apostolic Church on the one hand and the association called "The Independent Filipino Church," certain municipalities, and other persons on the other hand, as to the right of administration or possession of numerous churches, convents, cemeteries, and real and personal property used in connection therewith, and as to the ownership thereof and title thereto; and

Whereas, if actions involving controversies as to said church property are brought in the Courts of First Instance, great and interminable delay by reason of the great number of properties involved and the fact that the Courts of First Instance are fully occupied with ordinary litigation will result not only in the disposition of the actions so brought but also in the disposition of the ordinary litigation pending before said courts: and

Whereas frequent and angry controversies have arisen and continue to arise in numerous municipalities of the Philippine Islands between contending religious organizations, municipalities, and other persons as to the right to the possession of said properties, often culminating in illegal and forcible seizure thereof and in grave disturbances of the public peace and order, and it is believed to be in the interests of: the Filipino people that such a condition of affairs should no longer continue and that all controversies of this character should be speedily settled in a legal and orderly way; and

Whereas there are several hospitals, haciendas, and other lands, some of which are in the possession of the Government of the Philippine Islands, but as in which the Roman Catholic Apostolic Church claims the right of administration or ownership, and others of which are in the possession of the Roman Catholic Apostolic Church but as to which the right of administration or ownership is claimed by the Government of the Philippine Islands, and it is also of general importance that these controversies should be speedily and finally determined: Now, therefore,

*By authority of the United States, be it enacted by the Philippine Commission, that:*

SECTION 1. The Supreme Court of the Philippine Islands is hereby given original jurisdiction and constituted the tribunal to hear and finally determine all actions which involve controversies between the Roman Catholic Apostolic Church and its representatives on the one hand and the Independent Filipino Church and its representatives or any municipality or other person on the other hand, as to the title to any and all churches, convents, or cemeteries in the Philippine Islands and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof.

SEC. 2. The Roman Catholic Apostolic- Church, the Archbishop of Manila, or any bishop of a diocese, or other proper representative of the Roman Catholic Apostolic Church or any or all of them claiming the right of administration or ownership of any of the property or properties mentioned in the preceding section, or title thereto, possession of which property or properties is withheld by the Independent Filipino Church or any representative thereof or by any municipality or other person, may file a petition in the Supreme Court of the Philippine Islands, setting forth in a succinct manner the particular piece or pieces of property or properties, the title to which, or the ownership, right of administration, or possession of which is claimed by the petitioner or petitioners and that the Independent, Filipino Church or its representatives or any municipality or any other person unlawfully withholds from the petitioner or petitioners the administration or possession of such property or properties or unlawfully claims ownership therein or title thereto, and praying that a decree be entered giving the administration and possession of such property or properties to the petitioner or petitioners and generally enforcing its or their rights as they may appear. It shall not be necessary to describe in the petition by exact metes and bounds the churches, convents, or cemeteries so claimed to be withheld, but it shall be sufficient to designate them as the church, convent, or cemetery in the municipality or the barrio of the municipality of the province in which they are respectively situate. In all actions in which the Independent Filipino Church or any representative thereof is in possession of any church, convent, or cemetery, or real or personal property used in connection therewith, the *Obispo Maximo* or the representative of the Independent, Filipino Church in possession of the property shall be made a party defendant, and in each and every action the municipality in which such church, convent, or cemetery is situate shall also be made a party defendant. Upon the filing of the petition a summons shall issue in the usual form against the party or parties defendant, accompanied by a certified copy or copies of the petition, commanding the defendant or defendants and each of them to appear and answer said petition within forty days after the service of said summons, and the same shall be served upon said defendant or defendants as speedily as possible by the officer of the court charged with that duty. In case a municipality is named as defendant, service shall be made in the manner prescribed in section numbered three hundred and ninety-six of Act Numbered One hundred and ninety. The officer who is charged with the duty of serving said summons shall immediately endeavor to serve the same upon the party and each of the parties defendant as provided in other actions for service of summons by said Act Numbered One hundred and ninety. The court may, in its discretion, when it is deemed necessary to facilitate service, appoint special officers for that purpose. Where the property in controversy is outside of the city of Manila, the summons shall be sent by the clerk of the Supreme Court to the governor or sheriff of the province in which the property is situate for service, and such officer shall be entitled only to the fees which would be allowed were the summons returnable in his own province. In case a special officer is appointed for the purpose of serving process, the process shall be sent or delivered to him by the clerk of the Supreme Court, and he shall be allowed the same fees as are hereby authorized for the governor or sheriff.

SEC. 3. It shall not be necessary to file separate petitions against each defendant alleged to be wrongfully in possession of each piece of property as above set forth, but all defendants holding several and distinct pieces of property in the same province may be embraced in one petition.