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declaring them as owners thereof. Considering, however, that the defendants in Civil Case No. 256 has appealed the judgment of the lower court, which appeal is pending before the now Intermediate Appellate Court, docketed as CA-G.R. No. 70195-R, and considering further that the records do not show whether the Order of the lower court dated August 14, 1981 declaring its judgment immediately executory pending appeal was executed or not, and it appearing that the parties had entered into an agreement dated November 22, 1982 whereby it is agreed that the landowner's share of the harvest be deposited with Ernesto Subia, owner of a bonded warehouse, to wait for the final outcome of the case, the remedy which appears best and reasonable under the circumstances is to direct the parties to abide with their above-mentioned agreement.

WHEREFORE, judgment is hereby rendered directing the private respondents, as the admitted tenants of the subject parcels of land, to deposit the landowner's share of their harvest with Ernesto Subia, as above indicated, to await the final disposition of the appeal in CA-G.R. No. 70195-R.

SO ORDERED.

Makasiar (Chairman), Aquino, Concepcion Jr., Guerrero, Abad Santos and *Escolin, JJ.*, concur.

SECOND DIVISION

[G.R. No. 61145. February 20, 1984]

REPUBLIC OF THE PHILIPPINES (Director of Lands), *petitioner, vs.* IGLESIA NI CRISTO and JUDGE DOMINGO M. ANGELES, Branch I, Court of First Instance of Camarines Norte, *respondents.*

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; PUBLIC LAND LAW; IGLESIA NI CRISTO NOT ENTITLED TO APPLY FOR REGISTRATION OF LAND UNDER SECTION 48(b)

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THEREOF.— The trial court found, and it is a matter of judicial notice, that the *Iglesia* "is a duly registered corporation sole". As the application is for confirmation of an imperfect or incomplete title, that application is necessarily subject to the provisions of Sections 48(b) and 49 of the Public Land Law, Commonwealth Act No. 141. Under the said provisions of law only Filipino citizens are entitled to apply for registration of lands of the public domain. The *Iglesia* is not a Filipino citizen. The lands in question are still public lands until registered.

2. CONSTITUTIONAL LAW; PATRIMONY OF THE NATION; IGLESIA NI CRISTO AS A CORPORATION CANNOT ACQUIRE ALIENABLE PUBLIC LAND.— Under Section 11 of Article XIV of the Constitution, the Iglesia ni Cristo is disqualified as a corporation to hold lands of the public domain except by lease. The *Iglesia* in its appellee's brief has not shown that it is not covered by the said constitutional and statutory provisions. Its statement on page 2 of its brief that it "is not a religious corporation" when it filed its application is belied by the facts.

3. MERCANTILE LAW; CORPORATION LAW; IGLESIA NI CRISTO, REGISTERED AS A CORPORATION SOLE, NOT AS A TRUSTEE; NOT QUALIFIED TO REGISTER LAND AS TRUSTEE IN THE CASE AT BAR.— Iglesia ni Cristo contends that it is entitled to register the lands as a trustee. This contention is erroneous. The unarguable fact is that it is a corporation sole governed by Section 109 *et sequitur* of the Corporation Code. It did not apply for registration as a trustee. As stated at the outset, the matter is subject to the governing principle of *stare decisis et non quieta movere* (follow past precedents and do not disturb what has been settled).

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Joaquin Ortega for private respondent.

D E C I S I O N

AQUINO, *J.*:

This case is about the same issue which was resolved against the Iglesia ni Cristo and is, therefore, *res judicata*: that, as a corporation sole, (1) it is not entitled to register lands under

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Section 48(b) of the Public Land Law, which refers only to Filipino citizens, and (2) that it is disqualified under Section 11, Article XIV of the Constitution to hold alienable public lands except by lease. (Republic *vs.* Villanueva, G.R. No. 55289, June 29, 1982, 114 SCRA 875; Republic *vs.* Gonong, G.R. No. 56025, November 25, 1982, 118 SCRA 729; Republic *vs.* Court of Appeals, G.R. No. 59447 and Republic *vs.* Cendaña, G.R. No. 60188, December 27, 1982, 119 SCRA 449 and Republic *vs.* Court of First Instance of Nueva Ecija, L-35273, July 25, 1983, 123 SCRA 516).

The *Iglesia* on November 6, 1976 filed an application for *confirmation* and registration of its title over two parcels of land located at Barrio Calabaca and the poblacion of Capalonga, Camarines Norte with areas of 300 and 599 square meters used as sites of its chapels.

The town lot was purchased by the *Iglesia* on May 30, 1955 from Josefina Diezmo who in turn purchased it from Esteban Arcea who had used the lot for residential purposes since 1920. The realty taxes had been paid up to the time Diezmo possessed the lot.

The Calabaca lot was purchased by the *Iglesia* on July 18, 1973 from Basilio Parale who inherited it from his father Simeon. It used to be coconut land. Simeon possessed the lot since 1920 and used it for residential purposes. He paid realty taxes on the land.

The *Iglesia* and its predecessors claimed to have actual, public, peaceful, continuous and uninterrupted possession of the two lots in the concept of an owner for more than thirty years preceding the filing of the application. No realty taxes were paid by the *Iglesia* because it is an exempt corporation.

The Director of Lands opposed the application. The trial court in its decision of April 30, 1982 granted it, confirmed the title of the applicant and ordered the lands registered "*in the name of Iglesia ni Cristo, with its Executive Minister Eraño G. Manalo, as corporation sole,* with office and postal address at corner Central and Don Mariano Marcos Avenues, Diliman, Quezon City, Metro Manila."

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The Republic appealed under Republic Act No. 5440 in relation to Rule 45 of the Rules of Court. The trial court found, and it is a matter of judicial notice, that the *Iglesia* "is a duly registered corporation sole" (Exhs. E and F). As the application is for confirmation of an imperfect or incomplete title, that application is necessarily subject to the following provisions of the Public Land Law, Commonwealth Act No. 141.

"SEC. 48. The following described *citizens* of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefore, under the Land Registration Act, to wit:

(a) . . . . . .

(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter."

(c) . . . . . .

"SEC. 49. No person claiming title to lands of the public domain not in possession of the qualifications specified in the last preceding section may apply for the benefits of this chapter."

The *Iglesia* is not a Filipino citizen. The lands in question are still public lands until registered (Heirs of Pelagio Zara *vs.* Director of Lands, 127 Phil. 8). Moreover, under the aforecited Section 11 of Article XIV, it is disqualified as a corporation to hold lands of the public domain except by lease. (Manila Electric Company *vs.* Castro-Bartolome, L-49623, June 29, 1982, 114 SCRA 799; Director of Lands *vs.* Lood, L-32521, September 2, 1983, 124 SCRA 460).

The *Iglesia* in its appellee's brief has not shown that it is not covered by the said constitutional and statutory provisions. Its

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statement on page 2 of its brief that it "is not a religious corporation" when it filed its application is belied by the facts.

It contends that it is entitled to register the lands as a trustee. This contention is erroneous. The unarguable fact is that it is a corporation sole governed by Section 109 *et sequitur* of the Corporation Code. It did not apply for registration as a trustee.

As stated at the outset, the matter is subject to the governing principle of *stare decisis et non quieta movere* (follow past precedents and do not disturb what has been settled).

WHEREFORE, the trial court's decision is reversed and set aside and the Iglesia's application is dismissed with costs against it.

SO ORDERED.

Concepcion Jr., Guerrero, Abad Santos, De Castro and *Escolin, JJ.*, concur.

Makasiar (Chairman), J., I reiterate my dissent in the cited cases.

SECOND DIVISION

[G.R. No. 63122. February 20, 1984]

UNIVERSITY OF PANGASINAN FACULTY UNION, *petitioner, vs.* UNIVERSITY OF PANGASINAN and NATIONAL LABOR RELATIONS COMMISSION, *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATIONS; LABOR LAWS; PRESIDENTIAL DECREES ON EMERGENCY COST OF LIVING ALLOWANCE; REQUISITES FOR ENTITLEMENT TO ALLOWANCES PROVIDED THEREUNDER.**— The various Presidential Decrees on ECOLAs to wit: PD's 1614, 1634, 1678 and 1713, provide on "Allowances of Fulltime Employees