We do not agree with petitioner.

As appearing in Webster's Third International Dictionary, "chapel" is defined as follows:

> "1. (a) small house or subordinate place of worship; A Christian sanctuary other than a parish or cathedral church.
> (b) a church subordinate to and dependent on the principal parish church to which it is a supplement of some kind.
>
> "2. A private place of worship.
> (a) a building or portion of a building or institution (as a place, hospital, prison, college) set apart for private devotions and often also for private religious services.
> (b) a room or recess in a church that often contains an altar and is separately dedicated and that is designed especially for meditation and prayer but is sometimes used for small religious services.
> x x x x"

We believe that when the law speaks of "churches" it includes all places suited to regular religious worship. In 7 Words and Phrases 199, it is described as a "place where persons regularly assemble for worship. (citing Stubbs v. Texas Liquor Control Board, Tex. Cir. Appl. 166 S.W. 2d. 178, 180.)

There is no question that a chapel is also a place of worship, but, of course, there are chapels where religious services are not held regularly, as in Webster's definition 2 (a) and (b) above stated. Undoubtedly, those kinds of chapel, where there is no regularity in the holding of religious services, would not fall under the category of "churches" as contemplated in the law.

The two chapels in question are, as found by both the Court of First Instance and the Court of Appeals, intended for the holding regularly of religious services. It appears that the Iglesia ni Kristo chapel, although alleged to be located on a borrowed lots, has its own pastor and services are held there regularly until a permanent one is built. The Catholic chapel, on the other hand, although formerly only a sort of **camalig** in 1947, has been improved since then by the townspeople and has now a galvanized iron roofing, wood sidings and cement foundations. Before 1954, the people, every now and then, used to invite the parish priest of the town to hold mass there. Beginning that year, however, thru the initiative of members of the Catholic Action, mass has been celebrated there every Sunday and on special occasions.

The above descriptions reveal no serious difference between the chapels in question from a church. In fact, they are churches; only that they may be smaller than, or subordinate to, a principal church. The essential characteristic of a church, as already explained, is the devotion of the place to religious services held with regularity, and not the size of the building or of the congregation that assembles therein. The fact that these two buildings in question are called "chapel" in no way alters the case (See Delgado, et al. v. Roque, et al., G.R. No. L-8260, May 27, 1956.)

In the Delgado, et al. v. Roque, et al. case, **supra**, this Court has held that the so-called chapel of the Seventh Day Adventist in Sta. Cruz, Laguna, which is located near a proposed cockpit, is considered a "church" within the meaning of the law involved in this case.

In view of the foregoing, the decision appealed from is hereby affirmed. Costs against the petitioner.

Bengzon, CJ., Bautista Angelo, Labrador, Concepcion, Barra, Paredes, Dizon and Makalintal, JJ., concurred.

Padilla and Reyes, J.B.L., JJ., took no part.

IV

MARVIN G. ELLIS, et al. petitioners, vs. REPUBLIC OF THE PHILIPPINES, oppositor-appellant, G.R. No. L-16922, April 30, 1963, Concepcion. J.

1. ADOPTION; NON-RESIDENT ALIENS CANNOT ADOPT A FILIPINO CITIZEN.—Petitioners who are citizens of the United States cannot adopt a citizen of the Philippines. (Art. 315(4), Civil Code).

2. ID.; ID.; PROCEEDINGS IN REM; COURTS MUST HAVE JURISDICTION OVER THE PARTIES AND PERSONAL STATUS OF PARTIES.—Petition for adoption is a proceedings **in rem**, which no court may entertain, unless it has jurisdiction, not only over the subject matter of the case and over the parties, **but, also, over the res**, which is the personal status of the person to be adopted as well as that of the petitioners.

3. ID.; ID.; JURISDICTION OVER A NATURAL PERSON DETERMINED BY THE LATTER'S NATIONALITY.—Our Civil Code (Art. 15) adheres to the theory that jurisdiction over the status of a natural person is determined by the latter's nationality. Pursuant to this theory we have jurisdiction over the status of Baby Rose, she being a citizen of the Philippines, but not over the status of the petitioners, who are foreigners.

4. ID.; ID.; PERSONAL STATUS IS SUBJECT TO THE JURISDICTION OF DOMICILIARY LAW.—Under our political law, which is patterned after the Anglo-American legal system, we have, likewise, adopted the latter's view to the effect that personal status, in general, is determined by and/or subject to the jurisdiction of the domiciliary law (Restatement of the Law of Conflict of Laws, p. 86; the Conflict of Laws of Beale, Vol. I, p. 305, Vol. II, pp. 713-714). This, perhaps, is the reason why our Civil Code does not permit adoption by non-resident aliens, and we have consistently refused to recognize the validity of foreign decrees of divorce — regardless of the grounds upon which the same are based — involving citizens of the Philippines who are not **bona fide** residence of the forum, even when our laws authorized absolute divorce in the Philippines.

5. ID.; ID.; PHILIPPINE COURTS HAVE NO JURISDICTION OVER NON-RESIDENT ALIENS WHO ARE PETITIONERS IN ADOPTION CASE.—Inasmuch as petitioners herein are not domiciled in the Philippines — and, hence, non-resident aliens — we cannot assume and exercise jurisdiction over their status, under either the nationality theory or the domiciliary theory. In any event, whether the above-quoted provision of said Article 335 of the Civil Code is predicated upon lack of jurisdiction over the **res**, or merely affects the cause of action, we have no authority to grant the relief prayed for by petitioners herein, and it has been so held in Caraballo v. Republic, L-15080 (April 25, 1962) and Katancik v. Republic, L-15472 (June 30, 1962).

D E C I S I O N

Appeal taken by the Government from a decision of the Court of First Instance of Pampanga granting the petition of Marvin G. Ellis and Gloria C. Ellis for the adoption of a Filipino baby girl named Rose.

Petitioner Marvin G. Ellis, a native of San Francisco, California, is 28 years of age. On September 3, 1949, he married Gloria C. Ellis in Banger, Maine, United States. Both are citizens of the United States. Baby Rose was born on September 26, 1959 at the Caloocan Maternity Hospital. Four or five days latter, the mother of Rose left her with the heart of Mary Villa — an institution for unwed mothers and their babies — stating that she (the mother) could not take care of Rose without bringing disgrace upon her (the mother's) family.

Being without issue, on November 22, 1959, Mr. and Mrs.

Ellis filed a petition with the Court of First Instance of Pampanga, for the adoption of the aforementioned baby. At the time of the hearing of the petition on January 14, 1960, petitioner Marvin G. Ellis and his wife had been in the Philippines for three (3) years, he being assigned thereto as staff sergeant in the United States Air Force Base, in Angeles, Pampanga, where both lived at that time. They had been in the Philippines before, or, to be exact, in 1953.

The only issue in this appeal is whether, not being permanent residents in the Philippines, petitioners are qualified to adopt Baby Rose. Article 335 of the Civil Code of the Philippines, provides that:

"The following cannot adopt:

x x x x

(4) Non-resident aliens;"

x x x x

This legal provision is too clear to require interpretation. No matter how much we may sympathize with the plight of Baby Rose and with the good intentions of petitioners herein, the law leaves us no choice but to apply its explicit terms, which unqualifiedly deny to petitioners the power to adopt anybody in the Philippines.

In this connection, it should be noted that this is a proceedings **in rem**, which no court may entertain, unless it has jurisdiction, not only over the subject matter of the case and over the parties, **but also, over the res**, which is the personal status of Baby Rose as well as that of petitioners herein. Our Civil Code (Art. 15) adheres to the theory that jurisdiction over the status of a natural person is determined by the latter's nationality. Pursuant to this theory, we have jurisdiction over the status of Baby Rose, she being a citizen of the Philippines, but not over the status of the petitioners, who are foreigners. Under our political law, which is patterned after the Anglo-American legal system, we have, likewise, adopted the latter's view to the effect that personal status in general, is determined by and/or subject to the jurisdiction of the domiciliary law (Restatement of the Law of Conflict of Laws, p. 86; The Conflict of Laws by Beale, Vol. I, p. 305, Vol. II, pp. 713-714). This, perhaps, is the reason why our Civil Code does not permit adoption by non-resident aliens, and we have consistently refused to recognize the validity of foreign decrees of divorce — regardless of the grounds upon which the same are based — involving citizens of the Philippines who are not **bona fide** residents of the forum, even when our Laws, authorized absolute divorce in the Philippines (Ramirez v. Gmur, 42 Phil. 855; Gonayeb v. Hashim, 50 Phil. 22; Cousine Nix v. Fleumer, 55 Phil. 85; Barretto Gonzalez vs. Gonzalez, 58 Phil. 67; Recto v. Harden, L-6897 [Nov. 29. 1956]).

Inasmuch as petitioners herein are not domiciled in the Philippines — and, hence, non-resident aliens — we cannot assume and exercise jurisdiction over their status, under either the nationality theory or the domiciliary theory. In any event, whether the above quoted provision of said Art. 335 is predicated upon lack of jurisdiction over the **res**, or merely affects the cause of action, we have no authority to grant the relief prayed for by petitioners herein, and it has been so held in Caraballo v. Republic, L-15080 (April 25, 1962) and Katancik v. Republic, L-15472 (June 30, 1952).

WHEREFORE, the decision appealed from is hereby reversed, and another one shall be entered denying the petition in this case.

Bengzon, C.J., Bautista Angelo, Labrador, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concurred.

Padilla and Reyes, JJ. took no part.

V

LUZ BARRANTA, plaintiff-appellant, vs. INTERNATIONAL HARVESTER COMPANY OF THE PHILIPPINES, defendant-appellee, G.R. No. L-8198 April 22, 1963, Regala, J.

1. COURT OF INDUSTRIAL RELATIONS; REQUISITES IN ORDER TO ACQUIRE JURISDICTION OVER CONTROVERSY UNDER REP. ACT 875.—In order that the Court of Industrial Relations may acquire jurisdiction over a controversy in the light of Republic Act No. 875, the following circumstances must be present: (a) there must exist between the parties an employer-employee relationship, or claimant must seek his reinstatement; and (b) the controversy must relate to a case certified by the President to the Court of Industrial Relations, as one involving national interest, or must have a bearing on an unfair labor practice charge, or must arise either under the Eight-Hour Labor Law, or under the Minimum Wage Law. **In default of any of these circumstances, the claim becomes a mere money claim that comes under the jurisdiction of the regular courts."** (Bold letters ours.)
2. ID.; ID.;—A mere claim for reinstatement does not suffice to bring a case within the jurisdiction of the Court of Industrial Relations. It is necessary also that the case be one of the four enumerated cases as amplified in the case of Campos vs. Manila Railroad Co., G.R. No. L-17905, May 25, 1962. Here, a reading of the allegations of the complaint shows that while plaintiff-appellant seeks her reinstatement in the company, nothing is alleged therein to indicate that plaintiff-appellant's dismissal from the service amounted to an unfair labor practice. Neither is it claimed that this is a case certified by the President to the Court of Industrial Relations as involving national interest (Sec. 10, Republic Act No. 875), or a case arising under the Eight-Hour Labor Law (Commonwealth Act No. 444, as amended) or the Minimum Wage Law (Republic Act No. 602.)
3. ID.; ID.; LABOR CONTROVERSY; WHEN THE COURT OF FIRST INSTANCE HAS JURISDICTION.—Where plaintiff-appellant merely seeks her reinstatement with back wages; the recovery of moral and exemplary damages sufferred as a result of allegedly malicious criminal actions filed against her at the instance of defendant-appellee; the recovery of her contributions to a pension and savings plan; and the recovery of the money value of her accrued sick leave, the Court of First Instance has jurisdiction over the case.

DECISION

This is an appeal from the order dated August 22, 1960 of the Court of First Instance of Rizal, dismissing plaintiff-appellant's complaint on the ground that it had no jurisdiction over the case. The order was issued during the progress of the trial in the wake of our ruling in Price Stabilization Corporation v. Court of Industrial Relations, et al., G.R. No. L-13206, May 23, 1960, which clarified previous rulings on the jurisdiction of the Court of Industrial Relations.

The complaint reads:

"COMES NOW the plaintiff, through counsel and for causes of action against the defendant, to this Honorable Court, respectfully alleges:

First Cause of Action

"1. That plaintiff is of legal age and a resident of San Juan, Rizal, while the defendant is a domestic corporation, having its principal office at No. 744 Marques de Comillas, Manila, where it may be served with summons;

"2. That since May 16, 1947, plaintiff was employed by the defendant company as Secretary to the Treasurer of the defendant company;

"3. That due to plaintiff's efficient and satisfactory service, her salary has been periodically increased from ₱275.00