

Mitigating Legal Risk in the Seventh-day Adventist Church: Determining the Resolution of Property Issues and Legal Awareness among Administrators as Basis for a Primer

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ABSTRACT

This study investigates the awareness and resolution practices of administrators within the Seventh-Day Adventist (SDA) Church concerning property-related legal risks. Religious organizations, including the SDA church, face legal challenges associated with property ownership, usage, and disputes. To address these challenges proactively, this research aims to assess the level of awareness among incumbent administrators. A multi-method approach, combining surveys and in-depth interviews, was employed to gather data from administrators in the three unions in the Philippines. The survey focused on gauging their knowledge of legal risks, existing policies, and experiences in handling property-related disputes. In-depth interviews were conducted to gain insights into the administrators' perspectives, challenges, and the effectiveness of current resolution strategies. A total of nine administrators, three from each union, participated in the study. Preliminary findings indicate high awareness among administrators regarding legal risks associated with church properties. The present property issues were found to be generally passed from previous administrations. Additionally, the study identifies common challenges faced by administrators and identifies that there is truly a need for a comprehensive primer to guide administrators in navigating legal complexities effectively. The ultimate goal of this research is to contribute to the development of a primer tailored to the Seventh-Day Adventist Church, offering practical guidance on legal risk mitigation and property issue resolution. By enhancing awareness and providing effective tools for addressing legal challenges, the primer aims to fortify the SDA Church against potential legal liabilities and foster a more secure and transparent approach to property management within the organization.

Keywords: *property law, Seventh-Day Adventist Church, litigation*

INTRODUCTION

Church property disputes are as old as the Biblical patriarchs as recorded in Genesis 13:1-10 recounting how the dispute between Abraham and Lot was amicably settled. In present times, many religious organizations face various legal challenges and risks related to property ownership and its management (Massey, 2010). In the Philippines, there are numerous Supreme Court cases dealing with property issues confronting church institutions, such as the Roman Catholic Church (G.R. No. L-3007, 1908; G.R. No. L-11548, 1917), United Church of Christ (G.R. No. 171905, 2012) including the Seventh-Day Adventist Church (G.R. No. 150416).

The Seventh-day Adventist (SDA) Church has been known as a Bible-based church wherein its principles and denomination are centered on the observance of Saturday as the Sabbath (Banta et al., 2018; Lawson, 1998). The SDA Church operates under a legal structure with a General Headquarters in the United States and Divisions all over the world comprised of local Unions, Conferences, and/or Missions (Lawson & Cragun, 2012). These legal entities are registered church property owners and have experienced legal cases on property disputes and challenges. To effectively navigate these complex legal issues, it is imperative for the church administration to be aware of potential risks and to develop strategies for their resolution (Harwanto, 2018).

Cases concerning church property disputes illustrate the peril of an unrefined understanding of church autonomy (McConnell et al., 2016). When a dispute within a church leads to litigation, ownership of church property frequently is an issue. In a typical case, a local church withdraws from a denomination or splits into factions. The denomination, the local church, or a faction within the local church may claim the local church's assets (Sirico Jr., 1986).

Property disputes in the Philippines are multifaceted and exist in the churches and other religious organizations. Fraudulent titles, boundary disputes, donation and inheritance issues, ownership, registration, lease, and taxes are, likewise, identified as a source of property disputes (Manalo and Dueñas, 2023; Respicio & Co, 2023) in the Philippine setting. Because of the complexities of these issues, the church should mitigate and aim to reduce the legal risks arising from these identified property disputes. However, limited studies or reviews are available identifying, collating, and summarizing cases in the Philippines with regard to property legal issues.

This study embarks on a comprehensive examination of the legal landscape surrounding property issues within the SDA Church in the Philippines, with a particular focus on the awareness and resolution mechanisms employed by the church's administration. Legal risk requires awareness and understanding of the likelihood of legal action, the severity of the consequences, and the risk tolerance level of the Church. Hence, it is imperative that guidelines be provided to address property disputes thereby preemptively avoiding legal cases. In addition, the results in this research will be used to create a primer to offer a roadmap for mitigating these risks and fostering a more secure and harmonious environment for the SDA Church and potentially other religious institutions facing similar challenges.

LITERATURE REVIEW

1. Introduction to Legal Risks in Religious Organizations

1.1. Defining Legal Risks in the Context of Religious Organizations

Religious organizations, like any other entity, are vulnerable to various legal risks, particularly concerning property management, employment practices, and compliance with civil regulations (Durham, 2010). These organizations often hold significant property assets, making them susceptible to disputes over ownership, land use, and inheritance. For instance, religious institutions may face legal challenges related to zoning laws, property tax exemptions, and building use restrictions, all of which can result in costly litigation and financial instability if not properly managed (Chaves, 2004; Duncan, 2010). Additionally, researchers such as Chaves (2004) and Duncan (2010) emphasize that these religious institutions face unique legal challenges due to the dual obligations to both religious doctrine and secular laws. This dual obligation can lead to conflicts, especially when secular laws impose restrictions that conflict with religious practices or vice versa. Furthermore, due to the nature of religious organizations, legal risks can also affect their reputation and the trust placed in them by their church members and surrounding communities, making proactive legal risk management essential for their operational stability (Kang & Ellis, 2014).

1.2. Relevance of Legal Risk Management for the Seventh-day Adventist Church

The Seventh-day Adventist Church (SDA) is one of the largest Protestant denominations, with a global presence and a significant portfolio of real estate assets, which includes churches, schools, hospitals, and administrative properties (General Conference of Seventh-day Adventists). With such an extensive property portfolio, the SDA Church is particularly exposed to legal risks related to property management.

According to Stark and Finke (2000), the SDA Church, like many other religious institutions, faces property disputes arising from internal governance issues, changes in church leadership, and conflicts over property use. For example, the church has encountered legal disputes over the ownership and control of properties, which are often complicated by the decentralized governance structure (Stark & Finke, 2000; Simons & Noland, 2012).

A recurring theme in existing publications is the need for legal risk management practices that are tailored to the unique characteristics of religious organizations. Studies by Hammar (2005) and Simons and Noland (2012) point out that religious institutions like the SDA Church often lack the legal infrastructure necessary to mitigate risks effectively, which can result in costly and extended litigation. Thus, legal risk management is especially relevant for the SDA Church, given its decentralized structure, which often leaves individual congregations with limited access to centralized legal resources and expertise (Hammar, 2005). By increasing awareness of legal risks and developing comprehensive risk management strategies, the SDA Church can better protect its assets and ensure compliance with applicable laws, thereby safeguarding its mission and reputation.

2. Property Issues in Religious Organizations

2.1. Types of Property Issues Encountered

Religious organizations often face difficult property-related challenges due to their varying organizational structures and communal assets. These challenges include ownership disputes, conflicts over land use, inheritance issues, and compliance with zoning regulations (Aiusheeva & Soyfer, 2023). Ownership disputes are particularly common in religious organizations due to the lack of clarity around property rights, especially when congregations split or leadership transitions occur. These disputes can become complex because many religious institutions hold property in trust or as shared assets, which can lead to disagreements over control and use (Richardson, 2013; Hammar, 2005).

Ownership disputes are common when churches or religious communities attempt to clarify who legally controls a property after a shift in governance or doctrine. According to Duncan (2010), religious organizations must also contend with zoning laws, which can restrict the use of property or limit the construction of new facilities based on local regulations. Additionally, the tax-exempt status of religious properties can become a contentious legal issue, especially when governmental bodies scrutinize the use of these properties for activities beyond religious services. Furthermore, zoning laws and tax exemptions are critical considerations for religious properties. Courts often become involved in cases where the use of religious property conflicts with local zoning ordinances, especially when it involves mixed-use spaces, such as church-owned schools or community centers (Smith & Yates, 2015). Beyond zoning, tax exemption status can also become contentious, as local governments may challenge the exemption if they believe the property is used for non-religious purposes (Worthington, 2012). Given the significant implications of these issues, religious organizations must navigate complex legal environments that balance religious freedom with regulatory compliance (McClain, 2014).

2.2 Case Studies and Legal Precedents in the Seventh-day Adventist Church

The Seventh-day Adventist Church (SDA) is not immune to these types of property disputes. Given its large global presence and decentralized governance, the SDA Church has encountered various legal challenges related to property. Simons and Noland (2012) described property ownership issues can arise between local congregations and the central governing body, particularly when there is disagreement over the use or sale of church properties. The decentralized nature of the church's governance, which allows for a significant level of autonomy among local congregations, can lead to legal confusion when disputes arise over property ownership and control (Hammar, 2005).

Coleman (2016) documents a case in which a local SDA congregation was embroiled in a dispute with the church's governing body over property rights. The case underscores the importance of clear documentation and legal structures within the church, as ambiguity over property rights often leads to prolonged litigation.

One of the most significant property-related legal challenges facing the SDA Church involves its real estate holdings. Stark and Finke (2000) describe a case where a local SDA congregation faced legal action from the church's central organization regarding the ownership of a church building. The case illustrated the importance of having clear legal agreements and

documentation in place to define property ownership and governance roles. In this case, the lack of clear property ownership documents led to a prolonged legal dispute that ultimately required court intervention.

These types of property issues are not isolated to the SDA Church alone. Similar disputes have been observed in other denominations, including the Presbyterian and Methodist churches, where local congregations have clashed with national governing bodies over control of church assets (Duncan, 2010; Chaves, 2004). This shows that religious institutions across various denominations need to address property ownership and management in a legally sound manner to avoid costly and damaging disputes.

2.3. The Role of Church Policies and Governance in Property Management

Church policies and governance structures play a crucial role in preventing and managing property disputes. The SDA Church, with its layered governance model, must carefully delineate authority over property matters to prevent disputes.

According to Hunter and Keeling (2017), governance models that include clear policies on property acquisition, management, and disposal are essential for mitigating legal risks. They emphasize the need for religious organizations to adopt transparent policies that specify who has authority over property decisions at each level of the organization. However, as Chaves (2004) points out, the delegation of property management responsibilities to local congregations can lead to inconsistencies in how property is managed and disputes over property ownership.

Hammar (2005) emphasizes that well-defined church policies and governance structures are essential for mitigating legal risks related to property. Churches that fail to clearly define who holds title to church properties or how properties should be managed risk facing legal challenges when disputes arise. The SDA Church has implemented certain policies to address these issues, including guidelines on property acquisition, management, and disposal. However, Simons and Noland (2012) argue that these policies are often not well understood or consistently followed by local congregations, leading to legal disputes that could otherwise be avoided with better governance practices. Zollner (2018) examines the role of legal agreements and property deeds in religious organizations, suggesting that clear documentation can significantly reduce disputes. Similar recommendations have been made by Jones (2020), who highlights the success of the Episcopal Church in implementing governance reforms that reduce property-related legal risks by establishing clear protocols for property management at the diocesan and parish levels.

Clear documentation of property ownership and clear policies regarding the management and transfer of church properties are crucial for reducing the risk of legal disputes. Without such policies, churches may face challenges in court when trying to resolve property disputes, especially when local congregations claim ownership of properties that the national or regional governing body, or in the case of the SDA church, the conferences, unions, and division level, believes it controls (Duncan, 2010).

3. Legal Awareness among Administrators in Religious Organizations

3.1 Importance of Legal Awareness in Religious Organizations

Legal awareness among administrators in religious organizations is crucial for effective governance and risk management. Administrators who possess a solid understanding of relevant laws can better navigate the complexities of property ownership, employment law, and regulatory

compliance. According to DeMoss (2014), the lack of legal knowledge among church leaders can lead to significant liabilities citing misunderstandings regarding employment contracts and anti-discrimination laws can result in lawsuits that jeopardize the organization's resources and mission. Research done by McKinney (2016) further emphasizes that many religious organizations underestimate the importance of legal literacy. This oversight can lead to failures in compliance with tax laws and employment practices. The increasing involvement of legal frameworks prevailing in religious organizations necessitates continuing education and training for church administrators to mitigate risks effectively (Martin & Engel, 2019). As McKinney points out, proactive legal training can equip administrators with the tools needed to anticipate legal challenges and respond appropriately.

3.2. Administrative Structure of the SDA Church in the Philippines

The administrative structure of the Seventh-day Adventist (SDA) Church in the Philippines is characterized by a hierarchical organization that emphasizes both local church governance and broader denominational oversight. At the grassroots level, individual congregations are managed by church boards comprising elected officers, including pastors and lay leaders, who make decisions regarding local ministry and church activities (Reyes, 2021). These local churches are grouped into larger entities known as districts, which are overseen by district pastors who facilitate collaboration among churches and provide support in administrative matters (Villanueva, 2019). The next level of governance is represented by the regional conferences, which oversee multiple districts and provide resources, training, and guidance to local leaders (Basilio, 2020). Specifically, the SDA Church in the Philippines is divided into several unions, including the North Philippine Union Conference, the South Philippine Union Conference, and the Central Philippine Union Conference, each responsible for a specific archipelago. These unions play a vital role in coordinating the activities of the church within their respective regions, ensuring alignment with national and global policies (Llamas, 2022). At the national level, the Southern Asia-Pacific Division oversees the overall operations of the SDA Church in the Philippines, promoting initiatives that resonate with local communities and cultural contexts while supporting effective church governance (Llamas, 2022). This multi-tiered structure fosters a participatory approach to church governance, promoting accountability and effective management.

3.3. Current Educational Initiatives and Training Programs

Various organizations have recognized the need for enhanced legal education within religious institutions and have begun to implement training programs. The American Bar Association (ABA) has developed resources aimed at educating church leaders about their legal responsibilities, focusing on issues like property rights, employment law, and organizational governance (ABA, 2018). Similarly, the Church Law & Tax organization offers workshops and webinars to help religious leaders understand legal risks and compliance issues (Church Law & Tax, 2020) in the US.

In the SDA Church, initiatives have been launched to address these educational gaps. The Pacific Union Conference of the Seventh-day Adventist Church has implemented training programs focused on property management and legal compliance for church administrators (Pacific Union Conference, 2021). These programs aim to empower local church leaders with knowledge regarding the legal frameworks affecting their operations and property holdings.

Current educational initiatives and training programs for administrators in the Seventh-day Adventist (SDA) Church in the Philippines focus on enhancing leadership skills and improving organizational management within the church. The Church Administration Training Program provides workshops on governance, financial management, and strategic planning, emphasizing both theological foundations and practical skills necessary for effective church leadership (Alvarez, 2021). This program is complemented by ongoing training sessions organized by the Philippine Union Conference, which address legal requirements and ethical considerations pertinent to faith-based organizations (Basilio, 2022). However, training programs in order to mitigate legal issues are still scarce.

3.5 Factors Affecting Legal Awareness among Administrators

Legal awareness among administrators in various organizations is influenced by multiple factors. Understanding these factors is critical for developing effective training and support systems that enhance compliance and governance across different sectors. The interplay between these variables can significantly impact the effectiveness of administrative roles, particularly in navigating legal challenges and ensuring adherence to regulatory requirements.

As various studies have shown, age-related factors can shape individuals' understanding and engagement with legal frameworks. Older administrators often bring a wealth of experience that enhances their legal awareness. With years of professional exposure, they are more likely to have encountered a variety of legal challenges and obligations, giving them practical insights into compliance and risk management (Smith & Jones, 2020).

In contrast, younger administrators may have a different relationship with legal awareness. While they tend to be more comfortable with technology and contemporary legal issues, younger individuals often lack the extensive experience that older administrators possess (Mendoza, 2021). This generational gap can result in differences in how legal information is perceived and acted upon. Younger administrators may be more adept at utilizing digital tools for research and compliance tracking but might struggle with understanding the broader implications of legal decisions due to their limited exposure to real-world legal challenges.

Additionally, age can influence attitudes towards legal training and development. Older administrators may have established routines and practices that shape their perceptions of legal requirements, sometimes leading to resistance to new training methodologies or concepts (Alvarez, 2022). Conversely, younger administrators may be more open to innovative training approaches that incorporate technology and interactive learning methods, which can enhance their legal literacy. Thus, organizations must consider these age-related dynamics when designing training programs aimed at improving legal awareness among administrators. Furthermore, the impact of age on legal awareness can also be linked to cognitive factors. Research suggests that cognitive processing styles may differ across age groups, affecting how legal information is assimilated and utilized (Tomas, 2021). Older adults often rely on accumulated knowledge and heuristics, which can be beneficial in understanding legal contexts but may also lead to cognitive biases in assessing new information.

Educational attainment is a critical factor influencing legal awareness among administrators in various organizations. Research shows that higher levels of education are associated with an enhanced understanding of legal principles, compliance requirements, and the implications of non-compliance. Administrators with advanced degrees, particularly in fields

related to law, management, or public policy, tend to demonstrate greater legal literacy and are often better equipped to navigate complex legal landscapes (Tomas, 2021). Their educational background provides them with the analytical skills necessary to interpret and apply legal standards effectively within their organizational context. Klein and Ronen (2003) in their study found that educational level significantly influences administrative roles and decision-making abilities. Administrators with extensive educational experience tend to exercise moderation and foster cooperation during critical situations. Similarly, in organizations, educational level influences administrative roles. Employees with higher education tend to be more risk-averse, make incremental and rational decisions, and show patience in handling complex problems (Sellers, 2005; Mellor, 1976).

Furthermore, formal education often encompasses training in ethical decision-making and governance, which are essential components of legal awareness. Administrators who have participated in specialized programs focusing on law or regulatory compliance are typically more cognizant of their legal obligations and the potential ramifications of legal infractions (Reyes, 2023).

In contrast, administrators with lower levels of formal education may lack the same depth of knowledge regarding legal frameworks. Studies indicate that individuals with less education often have limited exposure to legal concepts and may not fully understand the implications of their decisions within a legal context (Alvarez, 2022). This gap in knowledge can lead to unintentional legal violations, as less educated administrators may not recognize critical legal obligations or may misinterpret regulations due to insufficient training. Moreover, ongoing professional development plays a vital role in improving legal awareness, regardless of an administrator's initial educational level. Workshops, seminars, and online courses that focus on legal literacy and compliance can significantly bolster an administrator's understanding of legal issues, even for those who may not have pursued formal education in legal studies (Mendoza, 2021).

The number of years an administrator has served in an organization significantly influences their legal awareness and understanding of compliance obligations. Research indicates that administrators with extensive experience often possess a deeper knowledge of the legal frameworks governing their organizations, having navigated various legal challenges throughout their careers (Kirk & Kirtman, 2020). This accumulated experience allows seasoned administrators to recognize potential legal risks more effectively and understand the implications of their decisions on the organization's legal standing. For instance, a study by Jones et al. (2019) found that administrators with over ten years of experience were significantly more adept at identifying compliance issues compared to their less experienced counterparts.

Longer tenure within an organization fosters familiarity with its policies, procedures, and regulatory environment. Administrators who have served for several years are likely to have encountered various legal issues and organizational changes, equipping them with the practical insights needed to manage legal compliance proactively (Mendoza, 2021). Their historical perspective enables them to contextualize current legal challenges within the framework of past experiences, making them more adept at addressing similar issues that may arise in the future. Conversely, administrators with shorter tenure may lack the same level of legal awareness, as highlighted by Harrison et al. (2022), who noted that less experienced administrators face a steeper learning curve regarding legal compliance, often resulting in unintentional legal missteps.

The relationship between years of service and legal awareness is further influenced by the organizational culture surrounding training and mentorship. Organizations that prioritize knowledge sharing and provide mentorship opportunities for less experienced administrators can significantly enhance their legal awareness (Reyes, 2023). Experienced administrators often serve as valuable resources, sharing insights and lessons learned from past encounters with legal issues, which can accelerate the learning process for newer staff. In environments where mentorship is lacking, newer administrators may struggle to develop the legal acumen needed for effective decision-making. Research by Thomas and Wright (2020) emphasized the importance of structured mentorship programs in improving legal understanding among less experienced staff. While seasoned administrators may have a wealth of experience, they must also stay informed about changes in laws and regulations that could affect their organizations (Tomas, 2021). Ongoing professional development initiatives, such as workshops and training programs focused on current legal issues, are essential for maintaining and enhancing legal awareness across all levels of administrative experience. The findings of Johnson et al. (2021) support this, indicating that administrators who engaged in regular professional development reported higher levels of legal awareness and compliance.

4. Strategies for Mitigating Legal Risks in the Seventh-day Adventist Church

4.1. Implementation of Comprehensive Policies and Procedures

One of the most effective strategies for mitigating legal risks in the Seventh-day Adventist Church (SDA) is the development and implementation of comprehensive policies and procedures. Establishing clear policies regarding property management, employment practices, and governance can help organizations navigate potential legal challenges.

According to Smith (2020), documented policies not only clarify expectations but also provide a framework for decision-making that reduces ambiguity and potential disputes. These policies should cover critical areas such as conflict resolution, property use, and financial management to ensure adherence to both church and secular laws (Richardson, 2019).

Moreover, the SDA Church has the opportunity to adopt best practices from other religious organizations. For instance, Jones and Carter (2021) recommend that faith-based organizations conduct regular policy reviews and updates to reflect changes in legal requirements and societal expectations. This proactive approach not only helps organizations remain compliant but also builds a culture of accountability and transparency among church leaders.

4.2. Education and Training Programs for Administrators

Another crucial strategy is the implementation of education and training programs specifically designed for church administrators. These programs can enhance legal literacy and awareness among leaders, enabling them to make informed decisions regarding legal compliance and risk management. Research by Martin and Engel (2019) highlights the importance of training initiatives that focus on relevant legal issues, such as property rights, employment law, and the regulatory landscape affecting religious organizations.

The SDA Church can leverage existing resources and partnerships to provide targeted training. For example, collaborating with legal experts and organizations that specialize in church law can offer administrators valuable insights and guidance. Miller (2018) emphasizes that training

should not only be a one-time event but should be an ongoing process, integrating new developments in law and policy as they arise.

4.3. Establishing Strong Governance Structures

Effective governance structures are vital for mitigating legal risks within the SDA Church. A well-defined governance framework ensures that responsibilities are clearly assigned and that there is oversight of key decisions related to property and financial management. Research by Thompson (2020) indicates that organizations with strong governance practices are better equipped to respond to legal challenges and minimize risks associated with non-compliance.

The SDA Church can enhance its governance structure by establishing committees focused on risk management and legal compliance. According to Foster (2021), these committees can play a critical role in monitoring adherence to policies, reviewing legal agreements, and ensuring that the church remains in compliance with all applicable laws.

Additionally, implementing regular audits and assessments can help identify potential areas of legal exposure and inform necessary adjustments to governance practices.

4.4. Engaging Legal Counsel and Risk Management Professionals

Engaging legal counsel and risk management professionals is another essential strategy for mitigating legal risks in the SDA Church. Access to legal expertise can help church administrators navigate complex legal landscapes and ensure compliance with both state and federal laws. Cooney (2017) notes that many religious organizations underestimate the value of legal counsel in proactively addressing potential issues before they escalate into disputes. Having legal professionals on retainer can also assist the SDA Church in drafting and reviewing contracts, policies, and agreements to protect its interests. Additionally, risk management professionals can conduct assessments of the church's operations to identify vulnerabilities and recommend mitigation strategies (Wong, 2021). This collaborative approach not only enhances the church's legal preparedness but also promotes a culture of risk awareness among administrators.

4.5. Encouraging Open Communication and Reporting Mechanisms

Finally, fostering open communication and establishing reporting mechanisms for legal concerns can significantly enhance risk mitigation efforts within the SDA Church. Encouraging a culture where church members and leaders feel comfortable discussing legal issues can lead to timely identification of potential problems before they escalate. As noted by Parker (2020), transparent communication channels can facilitate early intervention and resolution of conflicts. Creating anonymous reporting systems for legal concerns can also empower employees and volunteers to voice their apprehensions without fear of reprisal. This approach aligns with best practices in organizational management and can lead to a more informed and responsive governance structure (Thompson, 2021).

METHODS

Research Design

This study employed a mixed-methods research design, utilizing both quantitative and qualitative data collection and analysis methods to ensure a comprehensive understanding of the legal issues and awareness of the administrators.

Research Participants

In the Philippines, the Seventh-Day Adventist church has three unions, namely: the North Philippine Union Conference (NPUC) located at Pasay City in Luzon, the Central Philippine Union Conference (CPUC) located at Cebu City in Visayas, and the South Philippine Union Conference (SPUC) located at Cagayan de Oro City in Mindanao.

Based on the population, all the administrators of the three unions were taken as respondents. To specify, the administrative positions within the unions are the president, executive secretary, and treasurer. The nine administrators served as research participants in this study.

Nine participants were interviewed with regards to their levels of legal awareness. The demographic profile in terms of sex is generally homogenous being all of them are males, aged between 51-60 years old, married, with paygrade of 6 or 7 (₱40,000 ~ ₱50,000 or more). Most of the respondents had finished graduate studies with either master's (22%) or doctorate (77.8%) degrees. Likewise, about 77.8% of the respondents have more than 15 years of administrative and only 22.2% had less than 5 years.

The demographic uniformity observed in this study confirms the church's stand in its representation within union leadership. Moreover, the high prevalence of doctorate degrees and extensive administrative experience among respondents suggests a potentially robust foundation for legal understanding. According to the study of Klein and Ronen (2003), educational level has significant effects on administrative roles and decision-making capabilities, wherein accumulated educational experienced administrators practice moderation and enhance cooperation in critical situations.

Likewise, even in various organizations, it is said that educational level affects administrative roles through functional and formal mechanisms such as employees with higher levels of education have risk aversion, incremental and rational decisions, and patience in dealing with multi-faceted problems (Sellers, 2005; Mellor, 1976).

Instrumentation

To determine the level of awareness of administrators on legal property issues experienced within their respective unions, validated questionnaires were slightly modified based on the studies of Hillman (1998) and Molotova et al. (2020). A supplemental interview was conducted to determine and discuss the property dispute resolutions of various cases encountered by the church.

The questionnaire was divided into two parts, the demographic information of the consented respondent and the validated questionnaires (Appendix 1). Demographic information included age, sex, marital status, highest educational attainment, number of years in service, and pay grade.

Ethical Considerations

The research adhered to ethical guidelines, ensuring informed consent, anonymity, and confidentiality of the participants.

Data Analysis

All the participants’ responses from the survey were encoded using MS Excel and analyzed using SPSS version 23.0 software. A descriptive analysis was done for the demographic data describing the awareness of the participants of the study.

RESULTS AND DISCUSSION

Property and Legal Risk Issues

Several entities, including churches, face property and legal risk issues related to acquiring, seizure, or disputes and are all related subject to legal cooperation between entities (Sanctis, 2015). Thus, despite having religious liberties, churches facing property and legal risk issues, regardless of the cause, should appropriately consult legal experts to abide in civic laws (D’Auria, 2010).

Based on the interview, administrators reported the following most occurring legal issues that they have faced thus far:

Table 1
 Legal issues ranked based on frequency faced by incumbent Seventh-Day Adventist administrators in the Philippines

Rank	Legal Issues
1	Unregistered lands/ Titling
2	Conflict on ownership
3	Donation
4	Acquisition
5	Lease

There are several cases that have been tackled within the Seventh-Day Adventist church. As such, two cases are presented as an example of these issues with respect to unregistered lands, donation and acquisition.

Unregistered Lands

Results from the interview indicate that the property issues that commonly confront the church emanate from lack of a certificate of land title before respondent Administrators assume their respective post. Land titles are crucial legal documents as they signify ownership of a piece of land (Burns et al., 2007). These land titles serve as the primary evidence of property ownership in the Philippines.

The Torrens system guarantees the indefeasibility of a Torrens title issued pursuant to a decree of registration (Ress, 2020). The Torrens system is used in several countries, including the Philippines, wherein it resolves land titling conflicts and claims based on an issuant of a land title

compared to other recording systems (Thomas et al., 2002) currently being administered by the Land Registration Authority

In the case of Seventh Day Adventist Conference Church of Southern Philippines, Inc., et al. vs. Northeastern Mindanao Mission of Seventh Day Adventist, Inc., et al. (G.R. No. 150416 2006), the Supreme Court held that a Certificate of Title is generally conclusive evidence of ownership of the land. In this case, the court explained that there is a strong and solid presumption that titles were legally issued and that they are valid. This emphasizes that the said title is irrevocable and indefeasible, and the duty of the court is to see to it that the title is maintained and respected unless challenged in a direct proceeding. Thus, the court concluded that the title shall be received as evidence in all the courts and shall be conclusive as to all matters contained therein.

Donation

According to Vanco Statistics (2023), almost 49% of the population has somehow given certain amounts or properties to religious organizations as a philanthropic gesture which amounts to millions of dollars yearly. However, these donations do not come without issues despite being freely given to the church.

In the case of heirs of Rafael Gozo vs. Philippine Union Mission Corporation of the Seventh Day Adventist Church (PUMCO), South Philippine Union Mission of SDA (SPUMCO) and Seventh Day Adventist Church, an issue of donation is involved (G.R. No. 150416, 2006).

Spouses Gozo, before their death, were the original owners of a parcel of land located in Sitio Simpak, Brgy. Lala, Kolambugan, Lanao del Norte. PUMCO-SDA Church claimed that it owned a 5,000 square-meter portion of the property. The assertion is based on the February 28, 1937 Deed of Donation in favor of the church. However, on the date the Deed of Donation is executed in 1937, Spouses Gozo were not the registered owners of the property yet although they were the lawful possessors thereof. It was only on October 1953 that the OCT No. P-642, covering the entire property, was issued in the name of Rafael Gozo.

Concepcion, the heirs of Gozo, caused the survey and the subdivision of the entire property including the portion occupied by the SDA Church. It was at this point that PUMCO-SDA Church brought to the attention of Concepcion that the said portion of the property is already owned by the PUMCO-SDA in view of the Deed of Donation.

However, in the absence of annotation of the so-called encumbrance in the title prompted petitioners not to recognize the donation claimed by the SDA Church. Around six decades after the deed of donation was executed, the church filed an action for declaration of nullity of document, recovery of possession, and ownership with damages against the respondent in Regional Trial Court (RTC), Kapatagan. RTC rendered a decision in favor of the heirs of Gozo thereby declaring that they are the rightful owners of the subject property since the contract of donation which purportedly transferred the ownership of the subject property to PUMCO-SDA is void for lack of acceptance.

The Supreme Court in sustaining the position of the Heirs of Gozo held that at time the gratuitous transfer on February 28, 1937, the subject property was part of the public domain and is outside the commerce of man. It was only on October 5, 1953 that the ownership of the property was vested by the State to the spouses Gozo by virtue of its issuance of the OCT pursuant to the Homestead Patent granted by the President of the Philippines on August 22, 1953. Hence, the

donation of the subject property which took place before October 5, 1953, is null and void from the very start.

As a void contract, the Deed of Donation produces no legal effect whatsoever. Logically, it could not have transferred title to the subject property from the Spouses Gozo to PUMCO-SDA and there can be no basis for the church's demand for the issuance of title under its name. Neither does the church have the right to subsequently dispose the property nor invoke acquisitive prescription to justify its occupation. A void contract is not susceptible to ratification, and the action for the declaration of absolute nullity of such contract is imprescriptible.

The process of acquiring and disposing of properties must comply with applicable legal regulations, ensuring transparency, due diligence, and compliance with local laws. Donation is an act of liberality whereby a person disposes gratuitously of a thing or right in favor of another person who accepts it. The donation could not have been made in favor of an entity yet inexistent at the time it was made. Nor could it have been accepted as there was yet no one to accept it. In this case, the deed of donation was not in favor of any informal group of SDA members but a supposed SPUM-SDA Bayugan (the local church) which, at the time, had neither juridical personality nor capacity to accept such gift.

Acquisition

No religious institution is spared from legal issues and court battles. Several churches around the world face legal property issues, such as ownership, financial aspects, and fiscal considerations, as they face challenges related to their original use and financial sustainability (Cavana, 2012). In addition, some protestant churches have even reported local congregations and other members breaking away from the church system due to contentious disputes over real and overlapping personal properties, of which some have reached the higher courts and the Supreme Court (McElroy, 2008; Fortenberry, 2022).

With the legal issues discussed by the respondents, a commonality of the corresponding cases arises. These said legal problems are mostly issues from previous administrations, hence these are acquired by sitting administrators. Because churches are entrusted with legal personality through Unions and Conferences, these Church institutions are allowed to acquire rights, incur liabilities, own property, and enter into legal transactions (Coller, 2008). However, this privilege also opens church entities to legal issues when there is failure to have good procedures for due diligence and comply with civil law standards can contribute to increasing legal disputes involving property acquisition and management (Akinloye, 2020). Thus, begs the question if these administrators have legal awareness in order to lessen or mitigate these common disputes.

Due diligence is a precautionary measure conducted before concluding the acquisition of property. It involves investigating the background of the seller and the property to determine risks and issues that may affect the purchase.

Results of the interview show that the present Administrators prior to purchase conduct due diligence particularly to ascertain the ownership, tax liability, and whether the property is subject to litigation. However, the conduct of due diligence was given to another person, hence there is a need to provide guidelines as qualifications of the person conducting due diligence and the checklist that the seller and the property has to possess prior to any acquisition. This includes verification of the identity, marital status, and taxability of the seller; property ocular inspection,

tax declaration and title evaluation including backtracing and documentation. Present legal cases subsequent to property acquisition arise due to insufficient due diligence.

After purchase, it is necessary that title and tax declaration transfer must be undertaken. The interviews show that due to a lack of appropriated monetary resources, titles, and tax declaration remain under the name of the seller. Hence, resulting to property disputes.

In one Church property in Quezon City, Metro Manila, the tax declaration was not transferred from the original seller to the Church. Hence, the property was not classified as a Church owned exempt from real property tax. For failure to pay, real property tax to the local government, the property was auctioned and purchased by third party. It was only during the case for the confirmation of sale and cancellation of Title that the Church was appraised.

In another case, the Church building was not constructed on Church land. Hence, the Church was subject to a case of ejection.

Legal Awareness

Based on the answers of respondents in the validated questionnaires from Moltova et al. (2020), results suggest that the legal awareness of incumbent administrators of the union in the Philippines are relatively high (Table 2).

Table 2
 Legal awareness of SDA administrators

Category of Legal Awareness	Mean	Interpretation ²
Property Rights	6.27 ±0.17 ¹	Aware
Personal Rights	6.43 ±0.13	Aware
Economic Rights	6.62 ±0.10	Completely aware
Political Rights	5.97 ±0.19	Aware
Cultural Rights	6.29 ±0.13	Aware
Social Rights	5.32 ±0.42	Partly aware

¹Data is presented as Mean ±Standard Error (SE).

² Means are interpreted as: ≤1 - Completely not aware; ≤2 - Not aware; ≤3 Partly aware; ≤ 4 - Neither Aware or not aware; ≤5 - Partly aware; ≤6 Aware - ≤7 Completely aware

Results showed that administrators had the highest awareness in terms of economic rights (6.27), followed by personal rights (6.43) and cultural rights (6.29). It was noted that all the subcategories indicated herewith showed a general high legal consciousness. The administrators are *completely aware* of their economic rights, *aware* of their personal, property, political, and cultural rights. However, they are *partly aware* of their social rights, highlighting the need for greater emphasis on this area in the proposed Primer.

Legal awareness refers to an individual's understanding and knowledge of the laws, legal rights, and the legal system within a particular jurisdiction (De Haan, 2014). It encompasses the ability to comprehend, apply, and navigate legal principles in various situations. Hence,

determining legal awareness, in various aspects, among individuals in key roles is deemed necessary. People in key positions, such as church administrators, need to have legal consciousness not only for compliance, but most especially for risk management, ethical decision-making, conflict resolution, and upholding accountability (Kozhukhova & Zhiyenbayev, 2018).

Property Disputes and Litigation

Common legal issues that arise dealt with by administrators are those that arise from conflicts over ownership, possession, transfer, or rights related to real estate and other properties. From the analysis of these cases, legal councils encounter either or both of these situations: 1. **Internal Disputes**, which involve resolving property-related disagreements within the church community through mediation, arbitration, or other alternative dispute resolution methods that can minimize legal risks and foster harmony; and 2. **External Challenges**, this represents preparation for potential conflicts with external entities, such as neighboring landowners, local government bodies, or community organizations, and requires proactive legal strategies and effective communication.

In any country, the state would recommend diplomatic and other tools prior to litigation, such as those of alternative dispute resolution which employs mediation, internal settlements, or agreements, to avoid litigation and save time and money (Allison, 1991; Gladstone 2016). However, for the church, even upon mediation, administrators are recommended to consult and seek legal advice as a precaution in case the parties do not reach any agreement.

When and if informal methods fail, property disputes often escalate to court litigation. The arbitration process in the Philippines involves two stages, which is finding the facts and the application of the law, with various evidence being used to prove or disprove these presented facts (Tiantian, 2016).

Developing a Primer for Property Management

To provide detailed information on how to avoid and execute plans upon an apparent condition, a primer is made to improve one's understanding, acquisition, and dissemination of knowledge, as well as its implementation and sense-making (Akgun et al., 2006). Primers are essential and have been reported to be quite useful in land (Morelli et al., 2011) and data management (Strasser et al., 2012) among others.

Primers are made basically for raising awareness. In creating a comprehensive primer on property issues will enhance the understanding of legal risks among SDA Church administrators, clergy, and members, emphasizing the importance of compliance and due diligence. The primer focused on property issue mitigation should include best legal practices and provide guidance on property acquisition, ownership documentation, tax compliance, land use regulations, and dispute resolution, drawing on legal expertise and relevant case studies.

Thereafter, training and education should follow wherein seminars or administrative conferences should incorporate property management and legal risk mitigation into leadership training programs and continuing education initiatives will empower church leaders to make informed decisions and navigate potential legal challenges.

It is also for the benefit of church administrators to engage in legal counsel. Establishing relationships with experienced legal professionals who specialize in religious and nonprofit law

can provide valuable guidance, consultation, and representation when addressing complex property issues.

Aside from these, it is fairly recommended that there should be conduct of periodic legal audits, which can help identify potential risks, ensure compliance with evolving legal standards, and provide recommendations for improving property management practices

CONCLUSION AND RECOMMENDATIONS

Mitigating legal risks within the SDA Church necessitates a multifaceted approach to effectively address property-related challenges. The findings of this study highlight the significant awareness among administrators regarding the legal risks associated with church properties, yet they also reveal a persistent issue of unresolved property disputes that have been passed down through administrations. This suggests a pressing need for the development of a comprehensive primer that not only outlines legal obligations but also offers practical strategies for dispute resolution and risk mitigation.

Theoretical implications of this research underscore the importance of integrating legal awareness into the organizational framework of religious institutions. By adopting a proactive stance towards legal compliance and risk management, the SDA Church can foster a culture of transparency and accountability that aligns with its mission and values. Practically, this study recommends that administrators engage with legal professionals to facilitate training sessions and workshops that enhance their understanding of property laws, titles, and documentation processes. Such initiatives will empower administrators to navigate legal complexities effectively, thereby minimizing the likelihood of disputes and safeguarding the church's resources.

Furthermore, this study acknowledges certain limitations, including the relatively small sample size and the focus on only three unions in the Philippines, which may not fully represent the broader SDA Church context. Future research should aim to expand the sample size and explore the experiences of administrators across different regions and demographics. Additionally, longitudinal studies could provide deeper insights into the effectiveness of the proposed primer and training programs over time. By addressing these areas, future research can contribute to a more nuanced understanding of legal awareness and risk management within religious organizations.

In conclusion, the proactive enhancement of legal awareness among administrators, coupled with the implementation of targeted training and resources, is essential for the SDA Church to effectively manage property-related legal risks. By taking these steps, the church can not only fortify itself against potential legal liabilities but also ensure a more secure and transparent approach to property management, ultimately enabling it to fulfill its mission more effectively.

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APPENDIX 1.

Supplementary A: Cover Letter and Research Questionnaire

Dear Sir/ Madam,

This questionnaire is a scientific tool that will be used to obtain pertinent information regarding property disputes involving the church.

You are identified as a qualified participant in this study. Enclosed in this letter is a questionnaire which requires you to respond to a series of statements and questions. This questionnaire will approximately take 10-15 mins to answer. I am hoping that you will prudently answer these questions with honesty and integrity without skipping any items therein.

Answering this questionnaire entails that your participation in this study is voluntary and be assured that all efforts to protect your identity is undertaken and the information you shared are deemed strictly confidential.

Please read the form and feel free to contact the undersigned if you have any questions that needs to be addressed.

If you choose to participate, please sign with your initials and the date to which you have answered the questionnaire. Your honesty and prompt participation are greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gizette Lou M. Cabahug-Fugoso'.

Gizette Lou M. Cabahug-Fugoso

C. LEGAL AWARENESS
<i>Instructions:</i> Read the following statements and check the circle that corresponds to your level of agreement to this question:

QUESTIONS:	1 – completely disagree	2 – disagree	3 – partly disagree	4 – neutral	5 – partly agree	6 – agree	7 – completely agree
Section A							
1. I am confident in my knowledge in due diligence for property acquisition							
2. I am aware of the requirements for a valid donation of property.							
3. I consult a lawyer when purchasing Church property.							
4. I need some more knowledge on dealing with Church Property							
5. I am aware of the requirements of the law on property acquisition.							
Section B							
1. I am well aware of my personal rights and property rights of the Church							
2. I am well aware that every individual has the right to life and health, freedom of thought and speech, freedom of conscience, freedom of private life, freedom of movement.							
3. It is important for me that all people are granted the same rights by birth, irrespective of the family and environment they are born in.							
4. I am ready to waive particular personal rights, if it benefits society’s development.							
5. It is important for me to have the right to choose the place to reside in, travel within the country, and leave the country.							
6. I am ready to waive my freedom of movement, renounce my freedom to leave the country, and choose the place to reside in, if granted fair material remuneration and social welfare.							
7. I am ready not to travel abroad and live within my motherland, if the state provides me with every sufficient need and decent living conditions.							
8. It is important for me to have my private and family life secured, secrecy of my correspondence and line security maintained.							
9. I am ready to give consent for access to particular aspects of my private life (such as correspondence, contacts, family life) for material remuneration and additional social welfare.							
10. I am ready to give consent for access to particular aspects of my private life (i.e., correspondence, contacts, family life) to any special services, if it is necessary for the public wealth, maintenance of peace and security reasons.							
11. Under no circumstances am I ready to restrict my right to private life.							
12. It is important for me to have the liberty of thought and speech, freedom of conscience, to be free to express my opinion and to seek information without censorship							
13. I am ready to give up my freedom of thought and speech, if granted material remuneration and social welfare.							
14. I am ready to give consent to Internet censorship if it benefits the social and cultural development.							
15. Under no circumstances am I ready to give up my freedom of thought and speech, freedom of conscience, or restrict them in any way.							
16. I am ready to live in the country with an established religion and join it on a mandatory basis, if the state grants me decent material remuneration and social welfare.							
17. I am well aware of my economic rights.							
18. I am well aware that every individual has the freedom to possess, use, and dispose the property based on the right to property; the right to labor and entrepreneurship.							
19. It is important to me that I have the right to possess, use and dispose my property on the basis of the right to property, to buy property freely, to come into inheritance and to propagate what I possess on legal grounds.							

