

Title:

Bobie Rose D. V. Frias vs. Rolando F. Alcayde (Doctrine of Proper Service of Summons)

Facts:

Petitioner Bobie Rose D.V. Frias, represented by Marie Regine F. Fujita, entered into a lease contract with respondent Rolando Alcayde for a property in Muntinlupa City on December 5, 2003. Alcayde accumulated rental arrears for 24 months as of December 2005, prompting Frias to file an Unlawful Detainer complaint with the Metropolitan Trial Court (MeTC) of Muntinlupa City. Service of summons through personal delivery to Alcayde was attempted on January 14 and 22, 2006, but was not successful. Summons were eventually served via substituted service on Alcayde's caretaker, May Ann Fortiles.

The MeTC issued a judgment for Frias on July 26, 2006, which went to order execution on July 4, 2007, despite Alcayde's Omnibus Motion. Alcayde then filed a Petition for Annulment of Judgment with the Regional Trial Court (RTC), alleging improper court jurisdiction due to failure of personal service and issues with barangay conciliation.

The RTC, after service via substituted service upon Frias through her counsel's secretary, initially issued a preliminary injunction on the enforcement of the MeTC judgment on December 3, 2007. However, the RTC later dismissed the petition on August 22, 2008, ruling that there was improper service of summons to Frias. Alcayde's motions led the RTC to reinstate the annulment case, eventually resulting in denial of Frias's motion.

Frias filed a certiorari petition with the Court of Appeals (CA), which was subsequently denied, leading her to appeal to the Philippine Supreme Court.

Issues:

1. Whether the CA erred in ruling that a petition for annulment of judgment is not an action in personam and that jurisdiction over the person is unnecessary.
2. Whether there was proper service of summons on Frias.
3. Whether Alcayde's petition for annulment of judgment was the correct remedy.

Court's Decision:

The Philippine Supreme Court granted Frias's petition, reversing the CA's decision. It affirmed that the petition for annulment of judgment is an action in personam and jurisdiction over the person of Frias was necessary. It found the substituted service of summons on Frias defective and, thus, the RTC did not acquire jurisdiction over her person. The Court concluded that Alcayde's petition for annulment of judgment was an improper

remedy as it cannot serve as a substitute for the lost remedy of appeal.

Doctrine:

The Philippine Supreme Court reaffirmed the doctrine that due process dictates that jurisdiction over the person can only be acquired through strict compliance with the rules on proper service of summons, whether by personal service or through voluntary appearance.

Class Notes:

- Jurisdiction over the person must be established either through personal service of summons or voluntary appearance.
- An action in personam requires personal jurisdiction over the defendant for the court to enforce rights and obligations.
- Substituted service can only be used when personal service is impossible and has specifics mandated by the rules.
- A petition for annulment of judgment is an independent action and can be considered in personam.
- Final and executory judgments are immutable and unalterable; an annulment of judgment is not a substitute for a timely appeal.
- Proper service of summons is a fundamental aspect of due process.

Historical Background:

The case reflects the Philippine legal system's emphasis on proper service of summons as an indispensable part of due process. The procedural rules ensure that parties are given fair opportunity to present their case and defenses, which is consistent with the legal maxim "audi alteram partem," meaning no one should be condemned unheard. Substituted service, while an established exception, is strictly regulated to prevent abuses and ensure parties' rights are protected. This case further illustrates the principle that finality of judgments is crucial to the stability of judicial proceedings and concludes a cautionary tale against using annulment as a belated appeal substitute.