

Title:

The Philippine American Life & General Insurance Company v. Hon. Augusto V. Brevia and Milagros P. Morales

Facts:

Milagros P. Morales filed a Complaint for damages and reimbursement of insurance premiums against The Philippine American Life & General Insurance Company (Philam Life) with the RTC of Davao City on September 22, 1999, designating the regional office for service of summons. Summons were served at the Davao regional office on November 19, 1999, but Philam Life contested the service as improper, filing a Motion to Dismiss on December 8, 1999. An Amended Complaint, asserting service could also be made at Philam Life's principal office in Manila, was filed by Morales on December 9, 1999. The RTC issued an Order on December 10, 1999, denying the Motion to Dismiss and directing issuance of alias summons to Philam Life's Manila office.

Philam Life's Motion for Reconsideration was denied on January 14, 2000. The company then filed a special action for certiorari and prohibition with the CA, challenging the RTC Orders. The CA dismissed the petition on October 24, 2000, asserting jurisdiction was established via service of the alias summons at the principal office. Philam Life's motion for reconsideration was likewise denied on April 25, 2001, leading to the present petition for review.

Issues:

1. Whether the trial court committed grave abuse of discretion in denying the motion to dismiss due to improper service of summons.
2. Whether the trial court properly acquired jurisdiction over Philam Life through the service of the alias summons on the amended complaint.

Court's Decision:

The Supreme Court denied the petition, affirming the CA's decision. It highlighted that a case should not be dismissed merely because of wrongful initial service of summons, referencing the *Lingner & Fisher GmbH* ruling. It further clarified that the issuance of an alias summons, despite being technically incorrect since it should have been a new summons for the amended complaint, was a matter of nomenclature and did not invalidate the process. The service achieved its purpose of notifying Philam Life about the action against it. Thus, there was no grave abuse of discretion by the trial court.

Doctrine:

A wrongful service of the original summons does not necessitate dismissal of the case if the defendant is eventually properly served, ensuring the defendant is made aware of the action against them. An alias summons can be served to this end, although nomenclature concerns should be addressed appropriately.

Class Notes:

- Proper Service of Summons: Under Rule 14 of the 1997 Rules of Civil Procedure, valid service on a corporation can be done through its president, a managing partner, general manager, corporate secretary, treasurer, or in-house counsel.
- Amended Complaints: Rule 10 allows complaints to be amended before an answer is filed without leave of court.
- Alias Summons: An alias summons is generally issued when the original summons is not served or lost, aiming for proper notification of defendants.
- Judicial Discretion: Courts possess discretion to determine the appropriateness of dismissal based on service of summons concerns.

Historical Background:

This case exemplifies judicial treatment of procedural defects in service of summons within Philippine litigation, emphasizing the courts' discretion to ensure cases are decided on their merits rather than on technicalities. It underscores the importance of effectively notifying defendants about legal actions against them and reflects Philippine jurisprudence's progressive nature in accommodating amendments and ensuring fair trial.