

****Title:**** Macasaet, et al. vs. Co, Jr.: A Case on the Validity of Substituted Service of Summons

****Facts:****

Francisco R. Co, Jr., a retired police officer, initiated a libel suit against the publisher and staff of Abante Tonite, a daily tabloid, for publishing an allegedly libelous article in its June 6, 2000 issue. The case was designated as Civil Case No. 00-97907 and assigned to the Regional Trial Court (RTC) in Manila, Branch 51. Summons were issued for personal service on the defendants at their office in Manila.

On September 18, 2000, RTC Sheriff Raul Medina attempted to personally serve the summons on the defendants at their office but was unsuccessful as the defendants were reportedly out of the office during both his morning and afternoon attempts. Consequently, Medina resorted to substituted service of the summons through the defendants' secretary and an editorial assistant, deemed to be persons of sufficient age and discretion.

The defendants, through counsel, filed a motion to dismiss the complaint, claiming lack of personal jurisdiction over them due to the improper substituted service of summons. They argued that the sheriff did not exhaust all efforts for personal service as required by Sections 6 and 7, Rule 14 of the Rules of Court, and also moved to exclude Abante Tonite as a defendant on the grounds that it was neither a natural nor juridical person capable of being sued.

The RTC denied the motion to dismiss, ruling the substituted service valid given the circumstances and directing the defendants to file their answers. The decision was upheld by the Court of Appeals (CA), leading the defendants to elevate the case to the Supreme Court.

****Issues:****

1. Whether the CA erred in upholding the RTC's decision that jurisdiction over the defendants was acquired through the substituted service of summons.
2. Whether the CA erred in sustaining the inclusion of Abante Tonite as a party in the case despite it not being a natural or juridical person.

****Court's Decision:****

The Supreme Court affirmed the decisions of the lower courts, finding no merit in the

petitioners' arguments. The Court elaborated on the principles of jurisdiction, noting that personal jurisdiction is fundamental in actions in personam and may be acquired through proper service of summons or voluntary appearance by the defendant.

In assessing the efforts made for personal service, the Court deemed the sheriff's actions - attempting service twice in one day and resorting to substituted service after being informed that the defendants were continuously out - as compliant with the requirement of making a reasonable effort for personal service before resorting to substituted service. The Court also rejected the arguments against the inclusion of Abante Tonite as a party in the case, invoking the doctrine of corporation by estoppel, whereby an entity that presents itself as a corporation gains certain juridical capacities.

****Doctrine:****

- For substituted service of summons to be valid, the officer must first attempt personal service in a reasonable manner and time frame. Only upon the futility of such attempts can substituted service be considered valid.
- The principle of corporation by estoppel can apply to entities that, while not formally incorporated, present themselves as such to the public, thereby assuming certain juridical capacities.

****Class Notes:****

1. Jurisdiction over the person in civil cases is acquired through personal service of summons or voluntary appearance.
2. Substituted service of summons is only permissible after demonstrating reasonable but unsuccessful efforts for personal service.
3. The doctrine of corporation by estoppel allows entities presenting themselves as corporations to certain parties to be treated as such for legal proceedings.

****Historical Background:****

This case highlights the nuances of procedural rules in the Philippine legal system, particularly those pertaining to summoning defendants in civil litigation. It underscores the court's insistence on strict adherence to personal service of summons to ensure due process, yet also acknowledges practical challenges in serving highly mobile individuals. Moreover, the case illuminated the applicability of corporation by estoppel in Philippine corporate law, thus affecting how unincorporated associations may face legal actions.