

Title:

Pascual vs. Pascual: A Scrutiny of Substituted Service of Summons in Philippine Civil Procedure

Facts:

The case originated from a complaint for Specific Performance with Prayer for Issuance of Preliminary Mandatory Injunction with Damages filed by Constantino A. Pascual against Lourdes S. Pascual before the Regional Trial Court (RTC) of Malolos, Bulacan. Following failed attempts at personal service of the summons on Lourdes S. Pascual, due to her absence and the refusal of her maid to receive the summons, an alias summons was issued. However, it too was returned “un-served”. Subsequently, a substituted service was effected, leaving a copy of the summons with the maid who was described as being of “suitable age and discretion”, despite her refusal to sign.

Lourdes S. Pascual failed to file a responsive pleading, leading Constantino A. Pascual to file a Motion to Declare Defendant in Default, which the RTC granted. Lourdes filed a Motion for Reconsideration, which was denied. The RTC ruled in favor of Constantino, prompting Lourdes to file a Motion to Set Aside Order of Default, which was also denied. A Certificate of Finality and Entry of Judgment was issued, and a Writ of Execution was enforced, against which Lourdes filed a Petition for Certiorari and Prohibition under Rule 65 with the Court of Appeals (CA). The CA nullified the RTC’s decisions, declaring them void due to improper service of summons.

Constantino then filed a Petition for Review on Certiorari under Rule 45 with the Supreme Court, which led to the current deliberation.

Issues:

1. Whether the substituted service of summons was valid and effectively established the RTC’s jurisdiction over Lourdes S. Pascual.
2. Whether the remedy resorted to by the respondent through filing a Petition for Certiorari under Rule 65 was proper.

Court’s Decision:

The Supreme Court affirmed the CA’s decision, finding the petition bereft of any merit. It was held that the substituted service of summons was not validly effected because the attempts and justifications for resorting to such a service were insufficiently detailed and demonstrated. The Court emphasized that substituted service is an extraordinary method

that must adhere strictly to the requirements set forth in Sections 6 and 7 of Rule 14 of the Revised Rules of Court, which was not met in this case.

Regarding the second issue, the Court found that the Petition for Certiorari was appropriate because the judgment of the RTC was void due to the lack of proper service of summons, making the decision non-final and subject to challenge through a petition for certiorari.

Doctrine:

This case reiterates that for a substituted service of summons to be valid, strict compliance with the requirements specified under Rule 14 of the Revised Rules of Court is necessary. The decision underscored the importance of due process through proper service of summons as a prerequisite for a court to acquire jurisdiction over the defendant's person.

Class Notes:

- Substituted service of summons is only permissible when personal service is impossible within a reasonable time and must comply strictly with the procedural requirements.
- A court acquires jurisdiction over the defendant through proper service of summons or the defendant's voluntary appearance.
- A void judgment for lack of jurisdiction cannot become final, and remedies such as certiorari under Rule 65 are available to challenge it.
- The principles of due process dictate the critical role of proper service of summons in legal proceedings.

Historical Background:

The case provides a notable perspective on the procedural and due process requirements in civil litigation in the Philippines, specifically regarding the service of summons, an essential step for courts to acquire jurisdiction over parties involved. It underscores the balance between procedural rules and the principles of justice and fairness, aligning with the legal system's growth towards ensuring due process in judicial proceedings.