

**\*\*Title:\*\*** Ejercito and Martinez vs. M.R. Vargas Construction: Jurisdictional Challenges in Civil Procedure

**\*\*Facts:\*\*** This case began when the City Government of Quezon City contracted M.R. Vargas Construction for infrastructural improvements on Panay Avenue. During the clearing operations overseen by the company's foreman, Renato Agarao, the operation was contested by petitioners Bienvenido Ejercito and Jose Martinez for lacking necessary permits. Their complaints to various authorities were unsuccessful, leading to a petition for injunction filed against M.R. Vargas Construction at the Quezon City RTC. Initial difficulties arose when summons sent to the respondent were returned unserved, marking the beginning of a jurisdictional dispute. Despite this, a TRO was issued against the company, which moved for the dismissal of the case, citing issues including lack of jurisdiction. Later developments involved voluntary appearance misconceptions, improperly served summons, and the eventual trial court decision to nullify proceeding on grounds of jurisdiction, a decision affirmed by the Court of Appeals.

**\*\*Issues:\*\***

1. Whether the trial court obtained jurisdiction over the M.R. Vargas Construction despite the alleged failure of service of summons.
2. Whether the respondent's defense of lack of jurisdiction was waived through its actions in court.

**\*\*Court's Decision:\*\*** The Supreme Court denied the petition for certiorari, affirming the Court of Appeals' decision to dismiss the petition for lack of merit. The Court reiterated principles on acquiring jurisdiction, emphasizing the necessity of valid service of summons or voluntary appearance. It clarified that summons must be served to a natural or juridical person, or entities authorized by law to be involved in a civil action. Since M.R. Vargas Construction was a sole proprietorship without juridical personality, proper service to its owner, Marcial Vargas, was required but not fulfilled. The court also discounted the respondent's appearance in court hearings as voluntary submission to jurisdiction, marking a distinction between mere attendance and actions showing the intent to submit to court jurisdiction.

**\*\*Doctrine:\*\*** The service of summons is crucial for court jurisdiction over the defendant in in personam actions. Summons must be served either personally or through substituted service following strict procedural rules. Entities without juridical personality cannot be sued or brought into court actions; instead, the lawsuit must be against or by its owner. The

court cannot acquire jurisdiction over a defendant through improper service of summons, and mere attendance at hearings does not equate to voluntary appearance sufficient to confer jurisdiction.

**\*\*Class Notes:\*\***

1. **\*\*Jurisdiction Over Defendants:\*\*** Acquired through valid service of summons or voluntary appearance.
2. **\*\*Service of Summons:\*\*** Must be personal or substituted to a natural or juridical person, or entities authorized by law.
3. **\*\*Entity Without Juridical Personality:\*\*** Cannot be a party in a civil action, only the owner can.
4. **\*\*Voluntary Appearance:\*\*** Must manifest intention to submit to the court's jurisdiction, mere attendance at a hearing is not sufficient.
5. **\*\*Doctrine Cited:\*\***
  - **\*\*Rule 14, Sections 6 and 7 of the Rules of Court\*\***: Guidelines on personal and substituted service of summons.
  - **\*\*Section 8, Rule 14\*\***: Service upon entities without juridical personality allows serving any associated defendants or those in charge of the entity's place of business.

**\*\*Historical Background:\*\*** This case illuminates the procedural intricacies surrounding jurisdiction in Philippine civil law, especially in the context of actions against entities without juridical personality. It also highlights the evolving interpretation of what constitutes voluntary appearance and its impact on court jurisdiction, reflecting courts' adherence to procedural rules ensuring fair notice and opportunity to defend.