

### Title: G.V. Florida Transport, Inc. vs. Tiara Commercial Corporation

### Facts:

The case originated from a vehicular collision between buses owned by Victory Liner, Inc. (VLI) and G.V. Florida Transport, Inc. (GV Florida) in Cordon, Isabela, on May 1, 2007. VLI filed an action for damages against GV Florida, claiming negligence on the part of GV Florida and its bus driver. GV Florida, in its defense, claimed the collision was caused by a tire blow-out due to factory defects in the Michelin tires it had purchased from Tiara Commercial Corporation (TCC). Subsequently, GV Florida filed a third-party complaint against TCC, alleging the defects in the tires were the proximate cause of the collision. TCC sought to dismiss this third-party complaint, arguing improper service of summons, the prescription of the implied warranty claim, failure to state a cause of action, and other procedural faults. The Regional Trial Court (RTC) denied TCC's motion to dismiss, leading TCC to file a petition for certiorari and prohibition under Rule 65 with the Court of Appeals (CA), which found that the RTC acted with grave abuse of discretion. GV Florida then filed a petition for review on certiorari to the Philippine Supreme Court.

### Issues:

1. Whether the RTC acquired jurisdiction over TCC despite the alleged improper service of summons.
2. Whether GV Florida's third-party complaint against TCC was barred by prescription.
3. Whether the RTC acted with grave abuse of discretion in denying TCC's motion to dismiss.

### Court's Decision:

The Supreme Court granted GV Florida's petition, reversing the CA's decision and reinstating the RTC's order denying TCC's motion to dismiss. The Court ruled that:

1. Jurisdiction was acquired over TCC due to its voluntary appearance and active participation in the pre-trial proceedings, thereby waiving its objection regarding the improper service of summons.
2. The Supreme Court found that the CA erred in determining prescription based on assumptions about the date of delivery of tires without evidence. Dismissal based on prescription requires evident matters that are not apparent in the pleadings and need a full-blown trial to ascertain.
3. The Supreme Court concluded that there was no grave abuse of discretion by the RTC in

its interlocutory order denying the motion to dismiss since the issues raised pertained to errors in judgment rather than jurisdiction. The remedy for improper service of summons is to issue an alias summons, not dismiss the case outright.

### Doctrine:

1. Voluntary appearance of a defendant is equivalent to service of summons and gives the court jurisdiction over the defendant.
2. An issue of prescription that involves evidentiary matters not apparent from the pleadings cannot serve as the basis for the outright dismissal of a complaint without hearing.

### Class Notes:

- In civil procedure, voluntary participation in the proceedings by a defendant gives the court jurisdiction over that defendant, despite any initial irregularities in the service of summons.
- Prescription as a defense requires that the fact of prescription be evident from the face of the complaint, or if involving evidentiary matters, requires trial to ascertain these facts.
- Courts should not automatically dismiss a complaint for improper service of summons; the correct procedure is to issue an alias summons.

### Historical Background:

This case reflects the procedural complexities involved in Philippine civil litigation, especially regarding service of summons, jurisdiction over the parties, and prescription of actions. It also underscores the Philippine Supreme Court's role in adjudicating procedural disputes and clarifying doctrines related to civil procedure.