

****Title:**** Eleonor Sarol vs. Spouses George Gordon Diao and Marilyn Diao, et al.

****Facts:****

In 2007, Eleonor Sarol purchased a property in Zamboanguita, Negros Oriental, from Claire Chiu, initially paying P1.8 million out of a total P2 million. The sale was completed in 2011, and a deed of sale was executed, leading to the issuance of a Transfer Certificate of Title in Sarol's name. Sarol, residing in Germany, had left the management of her assets, including this property, to her father and also appointed a manager for a beach resort she was developing on the land. Spouses George and Marilyn Diao, claiming an overlap of 464 square meters of their property into Sarol's, filed a reconveyance complaint in 2015 after unsuccessful demands for rectification.

Summonses attempted to be served on Sarol in 2015 were unsuccessful, given her absence from the country. Consequently, service by publication was ordered by the RTC, and Sarol was declared in default, with the Diao's winning the case. Sarol appealed, claiming improper jurisdiction over her due to issues with the summons service.

****Issues:****

The primary legal issue revolves around the proper service of summons to acquire jurisdiction over Sarol, a crucial aspect affecting due process rights. The case presents the effective process for serving summons to residents abroad and examines the prerequisites for extraterritorial service, including service by publication, under the Philippine legal framework.

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

The Supreme Court granted Sarol's petition, reversing the CA's ruling. It concluded that the RTC's judgment and subsequent actions were null and void due to a jurisdictional defect from improper service of summons. The case analysis underscored the importance of accurately determining a defendant's residence for summons service, emphasizing that Sarol's actual residence was not correctly identified. The Court delineated protocols for personal and substituted service of summons, critiqued the sheriff's efforts, and found the service by publication inadequate due to non-compliance with rules requiring the dispatch of summons to the correct address.

****Doctrine:****

1. **Jurisdiction and Due Process:** Proper service of summons is essential for the trial court to acquire jurisdiction over the person of a defendant, a fundamental due process requirement.

2. **Extraterritorial Service of Summons:** Extraterritorial service (such as through publication) is permissible under specific conditions when a defendant does not reside in the Philippines. This service must follow stringent rules, including attempts at personal service and mailing copies to the defendant's last known address.

Class Notes:

- **Jurisdiction Over the Person:** Acquired through proper service of summons, essential for any court action to proceed.
- **Service of Summons:** Must be attempted personally first. If unsuccessful, substituted service may be employed, and as a last resort, extraterritorial service by publication is allowed, subject to strict rules.
- **Due Process:** Entails the right to be notified of legal actions against one and the opportunity to be heard, anchored on adequate and proper service of summons.
- **Rules on Summons (Rule 14, Rules of Court):** Articulate the procedures for personal, substituted, and extraterritorial service, including requirements for notifying defendants outside the Philippines.

Historical Background:

The case highlights the evolving judiciary's interpretation of due process in the context of globalization, with Filipinos increasingly residing abroad. It underscores the challenges in ensuring fair and constitutionally mandated notice and participation rights in legal proceedings, reflecting the importance of adapting legal processes to contemporary realities of mobility and communication.