

**Title:** Gomez vs. Court of Appeals

**Facts:**

1. **Mortgaging of Properties and Subsequent Sale:**

- Sometime in 1975, Spouses Jesus and Caridad Trocino mortgaged two parcels of land to Dr. Clarence Yujuico.
- The mortgage was foreclosed, and the properties were sold at auction on July 11, 1988.
- Before the redemption period expired, the spouses sold the properties to Fortunato and Aurora Gomez (petitioners) on December 12, 1989, who redeemed them from Dr. Yujuico.

2. **Refusal to Convey Ownership:**

- The Trocino spouses refused to transfer ownership, prompting the Gomezes to file an action for specific performance/ rescission on December 16, 1991, in Cebu City's RTC (Branch 10), Civil Case No. CEB-11103.

3. **Service of Summons and Filing of Answer:**

- Summons served to defendants, including Adolfo and Mariano Trocino, through Caridad Trocino.
- Defendants filed an Answer on January 27, 1992, verified by Caridad Trocino.

4. **RTC Decision and Subsequent Orders:**

- On March 1993, RTC ruled in favor of plaintiffs, ordering the Trocino heirs to execute a Deed of Sale or return the down payment with interest.
- Due to non-compliance, RTC declared the titles null and void, ordering issuance of new titles to petitioners on August 29, 1995.

5. **Petition for Annulment at Court of Appeals:**

- On March 13, 1996, Adolfo and Mariano Trocino filed for annulment at the CA, claiming improper service of summons and lack of representation, each having been away during the service period.

6. **Court of Appeals Decision:**

- CA nullified the RTC decision on September 30, 1996, citing lack of jurisdiction due to improper summons service.

**Issues:**

1. **Validity of the Summons Service:**

- Whether the summons were effectively served to confer jurisdiction over Adolfo and

Mariano Trocino.

2. **Jurisdiction in Rem vs. Personam:**

- Whether the action was in rem, requiring service related to the action on property, or in personam, requiring personal service.

3. **Scope of the Court of Appeals' Annulment:**

- Whether the CA's nullification correctly included all proceedings affecting Caridad Trocino and her individuals heirs.

**Court's Decision:**

1. **Validity of Summons:**

- Improper service to Adolfo Trocino (non-resident in Ohio, USA) and Mariano Trocino (residing in Bohol), was noted; personal or proper substituted service was essential but was not met.

- Return of service lacked detailed efforts to effectuate personal service, thus, did not satisfy due process requirements.

2. **Nature of Action (Personam vs. In Rem):**

- The action for specific performance/rescission was classified as in personam affecting specific individuals' obligations, not an action in rem affecting the entire world.

- Thus, personal service was mandatory for jurisdiction.

3. **Inapplicability to Caridad Trocino:**

- Valid summons were served personally on Caridad Trocino, affirming the RTC's decision over her but only concerning her share in the Estate.

**Doctrine:**

- **Nature of Action:** An action in personam requires personal service of summons, and jurisdiction over the defendant's person cannot be had without it unless waived. In personam actions involve specific individual obligations not applicable in rem.

- **Jurisdiction Acquisition:** Due process demands that jurisdiction be obtained through valid summons service; without it, no personal judgment can bind the defendant.

**Class Notes:**

- **Personal Service Requirement:** For actions in personam, actual personal service or valid substituted service must be demonstrated.

- **Distinction Between Actions:** Real actions affecting title to real property might still

require personal service if they are in personam.

- **Statutory Reference:** Rule 14, Sections 6, 7, and 15 of the Rules of Court mandates personal service or substituted service, detailing the procedure for extraterritorial jurisdiction cases.

**Historical Background:**

- Context: Filipino property law historically distinguished between types of actions, emphasizing jurisdictional integrity. The case underscores judicial rigor in adherence to procedural propriety, reflecting post-1987 constitutional norms keen on preserving due process. Such decisions illustrate checks to prevent unnotified litigants' disadvantages and enshrine procedural regularity in property disputes affecting absentee owners or heirs.