

**\*\*Title:\*\*** Nora Alvarez and Edgar Alvarez v. Former 12th Division, Court of Appeals, Spouses Alejandro and Rebecca Domantay, and Presiding Judge Hermogenes C. Fernandez

**\*\*Facts:\*\***

The case began when Spouses Alejandro and Rebecca Domantay filed a Petition for Consolidation of Ownership over a parcel of land covered by TCT No. 128750 before the Regional Trial Court (RTC), San Carlos City, Pangasinan, Branch 56. The petition alleged that Nicanor Alvarez and Juanita de Guzman executed a Deed of Sale with Right to Repurchase on April 14, 1983, and since the heirs and assigns of the former owners did not repurchase the land, consolidation of ownership was merited.

Defendant Nora Alvarez and other defendants purportedly were not served summons and defaulted in the case. The Domantays presented evidence ex-parte. The heirs of the original landowners, however, filed a Motion for Leave to Intervene alleging lawful ownership and possession. The motion was denied, and on December 18, 2007, the RTC ordered the consolidation of ownership to the Domantays.

Nora Alvarez and Edgar Alvarez, who was not a party to the original case, on November 13, 2008, filed a Motion to Set Aside Judgment by way of Special Appearance. The motion was unresolved where the petitioners later discovered an entry of the final judgment in favor of the Domantays, prompting them to file a Petition for Annulment of the RTC decision before the CA citing the RTC's lack of jurisdiction over their persons due to improper service of summons and non-inclusion of necessary parties.

The CA dismissed the petition due to non-attachment of necessary documents and alleged failure to pursue ordinary remedies. The petitioners submitted the required documents but the CA still denied their Motion for Reconsideration, leading to filing a Petition for Certiorari before the Supreme Court

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

1. Whether the Court of Appeals gravely abused discretion in dismissing the Petition for Annulment of Judgment for not attaching necessary documents and failing to resort to ordinary remedies.
2. Whether lack of jurisdiction over the person of the defendant justified annulment of the RTC decision.
3. Whether dismissal of the Petition for Annulment of Judgment on technical grounds by the CA was proper despite the alleged substantial merit of the petition.

**Court's Decision:**

1. **Compliance with Document Requirements:**

The Supreme Court stressed that while the remedy of annulment of judgment is extraordinary and requires strict compliance with procedural rules, the petitioners substantially complied upon submission of the necessary documents in their Motion for Reconsideration. The CA's failure to reconsider was found to be an overstrict interpretation of the technical rules, constituting grave abuse of discretion.

2. **Jurisdiction Over the Person:**

The Court emphasized that due process mandates valid service of summons for a court to acquire jurisdiction over the person. Therefore, if the RTC judgment was rendered without proper jurisdiction, e.g., due to improper service of summons and non-inclusion of a necessary party, it would be null and void. The allegations and evidence provided by the petitioners established a prima facie case that warranted further CA proceedings to resolve the jurisdictional issue properly.

3. **Necessity of Ordinary Remedies:**

Where annulment of judgment is based on lack of jurisdiction, petitioners need not prove the unavailability of ordinary remedies like new trial or appeal. The Supreme Court reiterated that such requirements apply only in cases of extrinsic fraud. Given the assertion of jurisdictional defect, the CA should have given the petition substantive reconsideration beyond procedural compliance.

**Doctrine:**

**Grounds for Annulment of Judgment** - Lack of jurisdiction over the person of the defending party can be a ground for annulment of a court's judgment. This includes both improper or nonexistent service of summons and the omission of necessary parties.

**Due Process in Jurisdiction** - The Court reaffirms that due process is at the core of jurisdictional challenges, emphasizing the invalidity of court judgments rendered without proper jurisdiction as they violate due process.

**Class Notes:**

- **Elements of Annulment of Judgment**: Grounds include extrinsic fraud and lack of jurisdiction (Rule 47 Sec.2 of the 1997 Rules of Court).

- **Necessity of Service of Summons**: Valid service of summons is crucial for a court to gain jurisdiction over a person (Sec. 5, Rule 47).

- **Due Process**: Essential for jurisdiction; failure in its observance renders judgments null and void.
- **Special Appearance Doctrine**: Challenging jurisdiction does not constitute voluntary submission to court jurisdiction.
- **Strict Adherence vs. Substantial Compliance**: Exceptional remedies demand strict adherence unless substantial compliance otherwise justifies relaxation of technical rules.

**Historical Background:**

The case illustrates longstanding principles of jurisdiction and due process within Philippine jurisprudence, reaffirming these in the digital age. These taken principles are pivotal in land disputes, especially involving ownership claims and procedural defaults, reflecting their crucial role in maintaining the integrity of judicial processes in property law disputes. The decision echoes traditional safeguards against jurisdictional overreach, advocating for equitable remedies under exceptional circumstances.