

### Title:

**Davao Light & Power Co., Inc. v. Court of Appeals, Queensland Hotel, and Adarna** (G.R. No. 97206, August 22, 1991)

### Facts:

- May 2, 1989:** Davao Light & Power Co., Inc. (Davao Light) filed a verified complaint for recovery of a sum of money and damages against Queensland Hotel, Inc., Queensland Motel or Queensland Tourist Inn, and Teodorico Adarna. The complaint included an ex parte application for a writ of preliminary attachment.
- May 3, 1989:** Judge Nartatez of the Regional Trial Court of Davao City issued an order granting the ex parte application for the writ of preliminary attachment, setting the attachment bond at P4,600,513.37.
- May 11, 1989:** Davao Light submitted the required attachment bond, leading to the issuance of the writ of attachment.
- May 12, 1989:** Summons and a copy of the complaint, writ of attachment, and attachment bond were served to defendants Queensland and Adarna. The sheriff seized properties belonging to the defendants pursuant to the writ.
- September 6, 1989:** Queensland and Adarna filed a motion to discharge the attachment, arguing that the court lacked jurisdiction to issue the attachment as it was issued before the court had jurisdiction over the defendants.
- September 14, 1989:** Davao Light opposed the motion to discharge the attachment.
- September 19, 1989:** The Regional Trial Court issued an order denying the motion to discharge the attachment.
- Special Civil Action in the Court of Appeals:** Queensland and Adarna challenged the denial in a petition for certiorari. The Court of Appeals annulled the attachment order and the subsequent writ of attachment issued by the Regional Trial Court.

### Issues:

- Jurisdiction Pre-Acquisition:** Whether a writ of preliminary attachment may issue ex parte against a defendant before the court acquires jurisdiction over the person of the defendant through service of summons or voluntary submission to the court's authority.

### ### Court's Decision:

The Supreme Court ruled in the affirmative, holding that a writ of preliminary attachment can indeed be issued ex parte before jurisdiction over the defendant's person is acquired.

- **Jurisdiction Over the Subject Matter:** The Court clarified that the commencement of an action by filing a complaint invokes the trial court's jurisdiction over the subject matter. Once a complaint is filed and the necessary fees are paid, the court's jurisdiction over the case and the plaintiff is established, enabling it to grant provisional remedies, such as preliminary attachment.

- **Validity of Ex Parte Attachment:** The Court sustained the practice that provisional remedies like preliminary attachment may be properly applied for and granted before the defendant is summoned. The Rules of Court explicitly allow issuing attachment "at the commencement of the action or at any time thereafter" (Rule 57, Sec. 1).

- **Hearing Not Required:** There is no necessity for a pre-attachment hearing unless directed by the court at its discretion (citing Toledo v. Burgos and Filinvest Credit Corporation v. Relova). The issuance of a writ of attachment based on an ex parte application is thus valid if the court is satisfied with the plaintiff's affidavit and bond.

The ruling reversed the Court of Appeals decision, re-establishing the orders and writs of attachments issued by the Regional Trial Court.

### ### Doctrine:

The case reiterates that provisional remedies like writs of preliminary attachment can be validly issued ex parte before jurisdiction over the defendant's person is acquired, provided the court is satisfied with the sufficiency of the plaintiff's affidavit and bond.

### ### Class Notes:

- **Jurisdiction:** Started upon filing the complaint and payment of requisite fees (See Sec. 6, Rule 2, Rules of Court).

- **Preliminary Attachments:** Can be issued ex parte and are provisional remedies (See Rule 57, Rules of Court).

- **Pre-attachment Hearing:** Not mandatory unless the trial judge deems it necessary (Toledo v. Burgos, Filinvest Credit Corp. v. Relova).

- **Service of Process:** Essential to accompany the writ to validate it against the defendant (Sects. 3, 5, Rule 14, Rules of Court).

### Historical Background:

This case takes place within the broader judicial criteria of the Philippine legal system, reinforcing procedural rules on the issuance of provisional remedies and the jurisdiction of courts over cases once officially filed and fees paid, ensuring a balance between the expedience of justice and procedural fairness to all litigants.