

Title

**Prudential Bank (Now Bank of the Philippine Islands) vs. Amador A. Magdamit, Jr., et al.,
G.R. No. 183350**

Facts

This is a case of unlawful detainer initiated by Prudential Bank, now Bank of the Philippine Islands (“petitioner”), as the administrator of the Estate of Juliana Diez Vda. de Gabriel, against Amador A. Magdamit, Jr., Amador Magdamit, Sr., and Amelia F. Magdamit (“respondents”). The subject property is located at 1164 Interior, Julio Nakpil St., Paco, Manila, covered by TCT No. 118317.

1. **Filing of Original Complaint (MeTC)**:

- The petitioner filed a complaint before the Metropolitan Trial Court (MeTC), Manila, for unlawful detainer against Magdamit, Jr.

2. **Response by Defendant**:

- Instead of filing an answer, Magdamit, Jr. submitted a “Notice of Special Appearance with Motion to Dismiss,” arguing improper authorization, improper service of summons, and lack of actual possession.

- Petitioner filed a “Motion to Strike Out,” which was granted by MeTC, ordering Magdamit, Jr. to file an Answer.

3. **Amended Complaint**:

- Petitioner amended the complaint to include both Magdamit, Jr. and Magdamit, Sr.

- Magdamit, Jr. and Sr. filed separate answers; they reiterated the argument of improper service of summons.

4. **MeTC Ruling**:

- The MeTC ruled in favor of the petitioner, ordering the Magdamit, Sr. to vacate the property and pay arrears in rent and attorney’s fees. The case against Magdamit, Jr. was dismissed due to his non-residence at the property.

5. **Appeal to RTC**:

- Respondents appealed the MeTC’s decision to the Regional Trial Court (RTC), which dismissed the case for lack of jurisdiction due to improper service of summons.

6. **Appeal to CA**:

- Petitioner then appealed to the Court of Appeals (CA), which affirmed the RTC's decision regarding the lack of jurisdiction due to improper service of summons.

7. **Petition for Review to Supreme Court**:

- Unsatisfied, the petitioner filed a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure to the Supreme Court.

Issues

1. **Jurisdiction Over the Person**:

- Whether the MeTC acquired jurisdiction over the person of the respondents through proper service of summons.

2. **Validity of Substituted Service**:

- Whether the substituted service of summons was valid.

3. **Voluntary Appearance**:

- Whether the respondents' filing of answers and participation in proceedings constituted voluntary appearance, thereby curing any defect in the service of summons.

4. **Material and Substantial Issues**:

- Whether the Court of Appeals erred in not ruling on the other material and substantial issues raised.

5. **Amendment of Complaint**:

- Whether the amendment of the original complaint to include Magdamit, Sr. was proper to confer jurisdiction.

Court's Decision

1. **Jurisdiction Over the Person**:

- The Supreme Court held that the MeTC did not acquire jurisdiction over respondents due to defective service of summons. The substituted service was deemed invalid as the sheriff failed to show the impossibility of personal service and provided only general statements of attempts.

2. **Validity of Substituted Service**:

- Substituted service was not validly executed. Summons was served at Magdamit Jr.'s former address and on a person not qualified (a housemaid), failing the requirements of the

rules set for substituted service, including impossibility of personal service within a reasonable time.

3. **Voluntary Appearance**:

- Filing an Answer under “special appearance” to contest jurisdiction does not amount to voluntary submission. Respondents’ participation did not equate to waiver of objections to jurisdiction.

4. **Material and Substantial Issues**:

- The Supreme Court found the CA was correct in its approach, focusing only on jurisdiction as it was a precondition to resolve the matter.

5. **Amendment of Complaint**:

- The amendment to include Magdamit, Sr. did not confer jurisdiction. The original complaint was defective from the start; thus, the amendment could not remedy this.

Doctrine

Substituted Service of Summons: Substituted service is permitted only after several earnest attempts at personal service (preferably at least three, on different dates) and only if it is accompanied by detailed proof of these attempts and impossibility of personal service. A general statement of efforts is insufficient.

Voluntary Appearance: Special appearance to contest jurisdiction is not deemed as voluntary submission to the court’s jurisdiction. A defendant must explicitly challenge jurisdiction to avoid being considered as having waived this defense.

Class Notes

- **Service of Summons** (Rules of Court, Rule 14):

- **Personal Service**: Requires delivery directly to the defendant.

- **Substituted Service**: Permitted after demonstrating impossibility of personal service with specific details of attempts and failure, in compliance with procedural rules.

- **Special Appearance**: Filing pleadings solely to contest jurisdiction does not imply voluntary submission to the court.

Historical Background

This case defines and clarifies critical procedural requirements for proper service of summons and the extent to which procedural lapses affect jurisdiction. The decision adheres to established principles ensuring defendants receive fair notice of legal actions against them, emphasizing thorough documentation and factual representation by court officers to uphold the integrity of judicial processes.