

****Title:**** Edna Diago Lhuillier v. British Airways

****Facts:****

Petitioner Edna Diago Lhuillier filed a compensation claim on April 28, 2005, in the Regional Trial Court (RTC) of Makati City against British Airways. The claim was based on alleged mishandling and public humiliation by British Airways staff on a flight from London to Rome on February 28, 2005. The incidents included refusal by flight attendant Julian Halliday to assist her with her hand luggage and another flight attendant, Nickolas Kerrigan, making allegedly demeaning remarks about her understanding of safety regulations. She demanded P8.5 million in damages and additional costs. British Airways filed a motion to dismiss the case arguing lack of jurisdiction based on the Warsaw Convention and improper service of summons. The RTC granted the motion to dismiss. Petitioner filed motions to amend the complaint and resolve jurisdiction issues, all of which were denied. She sought Supreme Court intervention asserting the Philippine courts' jurisdiction over her tortious claim.

****Issues:****

1. Whether Philippine courts have jurisdiction over a tortious conduct committed against a Filipino citizen and resident by personnel of a foreign airline traveling beyond any foreign country.
2. Whether the respondent's act of filing a motion to dismiss equated to voluntary submission to the jurisdiction of the Philippine courts.

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

1. ****Jurisdiction Over Tortious Conduct:**** The Supreme Court upheld the trial court's decision, reiterating that under the Warsaw Convention, Article 28(1), jurisdiction for claims against air carriers is limited to specified forums: domicile of the carrier, carrier's principal place of business, the place where the contract was made, or the place of destination. Since all these forums for this case were either in the UK or Italy, Philippine courts did not have jurisdiction.
2. ****Voluntary Submission Through Motion to Dismiss:**** The Court held that special appearance to question a court's jurisdiction does not amount to voluntary submission to jurisdiction. Filing of a motion to dismiss on grounds including lack of jurisdiction does not constitute waiver of jurisdictional objections under existing procedural rules.

****Doctrine:****

- ****Warsaw Convention Application:**** Article 28(1) of the Warsaw Convention strictly

governs jurisdiction for claims relating to international carriage by air, limiting them to specific forums.

- **Special Appearance:** Under Philippine procedural rules, a special appearance to challenge court jurisdiction, even if combined with other grounds for dismissal, does not amount to voluntary appearance or jurisdictional waiver.

Class Notes:

- **Warsaw Convention Articles 28(1):** Specifies jurisdiction to the domicile of the carrier, the carrier's principal place of business, the location where the contract was made, or the place of final destination.

- **Philippine Procedural Law:** Special appearance to contest jurisdiction does not imply submitting to jurisdiction. Rule 14, Sec. 20, Revised Rules of Civil Procedure: the inclusion of other grounds in a motion to dismiss does not waive objections to personal jurisdiction.

Historical Background:

The significance of this case lies in the interpretation and enforcement of international treaties like the Warsaw Convention, reflecting the recognition and adherence of Philippine courts to international rules governing aviation and jurisdiction. This case reaffirms the principles of international law in the context of global travel, ensuring consistency in airline liability and claims, reflective of the Philippines' obligations under international treaties.