SANSIO PHILIPPINES, INC., PETITIONER, VS. SPOUSES ALICIA AND LEODEGARIO MOGOL, JR., RESPONDENTS.

G.R. No. 177007. July 14, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Challenged in this Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court are the Decision[2] dated 21 November 2006 and the Resolution[3] dated 12 March 2007 of the Court of Appeals in CA-G.R. SP No. 70029. The assailed Decision reversed and set aside the Order[4] dated 18 January 2002 of the Regional Trial Court (RTC) of Manila, Branch 33, in Civil Case No. 01-101267, which dismissed the Petition for Certiorari, Prohibition and/or Injunction filed by herein respondent spouses Alicia and Leodegario Mogol, Jr. against herein petitioner Sansio Philippines, Inc. and Judge Severino B. de Castro, Jr. of the Metropolitan Trial Court (MeTC) of Manila, Branch 25. The assailed Resolution of the Court of Appeals denied the Motion for Reconsideration of its earlier Decision.

Petitioner Sansio Philippines, Inc. is a domestic corporation that is engaged in the business of manufacturing and selling appliances and other related products.

On 12 July 2000, petitioner filed a Complaint for Sum of Money and Damages[5] against respondent spouses Mogol before the MeTC of Manila. The case was docketed as Civil Case No. 167879CV and was raffled to Branch 25 of said court.

Petitioner stated in the Complaint that respondent spouses Alicia and Leodegario Mogol, Jr. were the owners and managers of MR Homes Appliances, with residence at 1218 Daisy St., Employee Village, Lucena City, where summons and other written legal processes of the court may be served. Petitioner further alleged that on 15 November 1993 and 27 January 1994, respondent spouses Mogol purchased from petitioner air-conditioning units and fans worth P217,250.00 and P5,521.20, respectively. Respondent spouses Mogol apparently issued postdated checks as payment therefor, but said checks were dishonored, as the account against which the checks were drawn was closed. Respondent spouses Mogol made partial payments, leaving a balance of P87,953.12 unpaid. Despite several demands by petitioner, respondent spouses Mogol failed to settle their obligation. Thus, petitioner prayed that respondent spouses Mogol be ordered to pay the former, jointly and severally, the amount of P87,953.12, with legal interest; as well as attorney's fees in the sum of twenty-five (25%) percent of the amount collectible, plus P2,000.00 for every appearance in court; and costs of suit.

On 3 October 2000, at the request of herein petitioner, the process server of the MeTC of Manila served the summons[6] and the copy of the complaint on respondent spouses Mogol at the courtroom of the MeTC of Manila, Branch 24. Respondent spouses were in the said premises, as they were waiting for the scheduled hearing of the criminal cases filed by petitioner against respondent Alicia Mogol for violations of Batas Pambansa Blg. 22. Upon being so informed of the summons and the complaint, respondent spouses Mogol referred the same to their counsel, who was also present in the courtroom. The counsel of respondent spouses Mogol took hold of the

summons and the copy of the complaint and read the same.[7] Thereafter, he pointed out to the process server that the summons and the copy of the complaint should be served only at the address that was stated in both documents, i.e., at 1218 Daisy St., Employee Village, Lucena City, and not anywhere else. The counsel of respondent spouses Mogol apparently gave back the summons and the copy of the complaint to the process server and advised his clients not to obtain a copy and sign for the same. As the process server could not convince the respondent spouses Mogol to sign for the aforementioned documents, he proceeded to leave the premises of the courtroom.

On 4 October 2000, the process server of the MeTC of Manila issued a Return on Service of Summons,[8] declaring that:

> RETURN ON SERVICE OF SUMMONS
>
> This is to certify that on October 3, 2000, the undersigned tried to serve a copy of the Summons issued by the Court in the above-entitled case together with a copy of Complaint upon defendant Leodegario Mogol[,] Jr. and Alicia Mogol doing business under the name/style of "Mr. Homes Appliance" (sic) at MTC (sic) Branch 24 Ongpin (sic) (courtroom) as requested by plaintiff counsel, but failed for the reason that they refused to received (sic) with no valid reason at all.
>
> The original and duplicate copies of the Summons are hereby respectfully returned, (sic) UNSERVED.
>
> Manila, Philippines, October 4, 2000.
>
> (signed)
> ALFONSO S. VALINO
> Process Server (Emphases ours.)

Motion to Declare in Default

On 6 December 2000, petitioner filed a Motion to Declare [Respondents] in Default.[9] Petitioner averred that the summons and the copy of the complaint were already validly served upon the respondent spouses Mogol at the courtroom of the MeTC, Branch 24, which they refused to accept for no valid reason at all. From the date of said service up to the time of the filing of the above-stated motion, respondent spouses Mogol had yet to file any responsive pleading. Petitioner, thus, prayed that judgment be rendered against respondent spouses Mogol, and that the relief prayed for in its Complaint be granted.

On 15 December 2000, through a special appearance of their counsel, respondent spouses Mogol filed an Opposition[10] to the Motion to Declare [Respondents] in Default. They posited that Section 3, Rule 6[11] of the Rules of Court requires that the complaint must contain the names and residences of the plaintiff and defendant. Therefore, the process server should have taken notice of the allegation of the complaint, which referred to the address of respondent spouses Mogol wherein court processes may be served. If such service, as alleged in the complaint, could not be complied with within a reasonable time, then and only then may the process server resort to substituted service. Respondent spouses Mogol further averred that there was no quarrel as to the requirement that the respondents must be served summons in person and, if they refused to receive and sign for it, by tendering it to them. They merely reiterated that the service should have been effected at the respondent spouses' residential address, as stated in the summons and the copy of the complaint.

On 6 April 2001, the MeTC of Manila, Branch 25, issued an Order,[12] the fallo of which provides:

> WHEREFORE, premises considered, the Motion to Declare [Respondents] in Default dated December 5, 2000 filed by counsel for [petitioner] is hereby granted. ACCORDINGLY, [respondents] Leodegario Mogol, Jr. and Alicia Mogol are hereby declared in default and [petitioner] is hereby allowed to present its evidence ex-parte

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> (sic) before the Branch Clerk of Court on May 25, 2001 at 8:30 a.m. (Emphasis ours.)

The MeTC of Manila, Branch 25 ruled that Section 6, Rule 14[13] of the Rules of Court does not specify where service is to be effected. For obvious reasons, because service of summons is made by handing a copy thereof to the defendant in person, the same may be undertaken wherever the defendant may be found. Although the Return on the Service of Summons indicated that the original and the duplicate copies thereof were returned "UNSERVED," the same could not be taken to mean that respondent spouses Mogol had not yet been served with summons. That allegation in the return was clearly prompted by the statement in the first paragraph thereof that respondents spouses Mogol "refused to received (sic) [the summons and the copy of the complaint] with no valid reason at all." Respondent spouses Mogol were, thus, validly served with summons and a copy of the complaint. For failing to file any responsive pleading before the lapse of the reglementary period therefor, the Motion to Declare [Respondents] in Default filed by petitioner was declared to be meritorious.

Respondent spouses Mogol filed a Motion for Reconsideration[14] on the above Order, but the same was denied by the MeTC of Manila, Branch 25, in an Order[15] dated 11 June 2001.

On 17 July 2001, respondent spouses Mogol filed a Petition for Certiorari, Prohibition and/or Injunction[16] before the RTC of Manila against Judge Severino B. de Castro, Jr. of the MeTC of Manila, Branch 25 and herein petitioner. Said petition was docketed as Civil Case No. 01-101267 and raffled to Branch 33 thereof.

Respondent spouses Mogol insisted there was no valid service of summons per return of the process server, which was binding on the MeTC judge, who did not acquire jurisdiction over the persons of respondent spouses. They contended that the MeTC of Manila, Branch 25, acted with grave abuse of discretion amounting to lack or excess of jurisdiction in declaring them in default in Civil Case No. 167879CV, thereby depriving them of their right to be heard with due process of law, despite their having a good defense against petitioner's complaint. Respondent spouses Mogol prayed that the Orders dated 6 April 2001 and 11 June 2001 of the MeTC of Manila, Branch 25, be declared null and void.

On 18 January 2002, the RTC of Manila, Branch 33, issued an Order, disposing of the petition in this wise:

> WHEREFORE, viewed from the foregoing observations and findings, the present petition is hereby DISMISSED for lack of merit.[17]

The RTC of Manila, Branch 33, held that Section 6, Rule 14 of the Rules of Court does not mandate that summons be served strictly at the address provided by the plaintiff in the complaint. Contrarily, said provision states that the service of summons may be made wherever such is possible and practicable. Therefore, it did not matter much that the summons and the copy of the complaint in this case were served inside the courtroom of the MeTC of Manila, Branch 24, instead of the address at 1218 Daisy St., Employee Village, Lucena City. The primordial consideration was that the service of summons was made in the person of the respondent spouses Mogol in Civil Case No. 167879CV. Lastly, the RTC of Manila, Branch 33, did not find any error in the interpretation of the MeTC of Manila, Branch 25, that summons had indeed been served on respondent spouses Mogol. On the face of the Return on Service of Summons, it was unmistakable that the summons and the copy of the complaint were served on respondent spouses, and that they refused to receive the same for no valid reason at all.

Respondent spouses Mogol filed a Notice of Appeal[18] on the above-mentioned Order of the RTC of Manila, Branch 33, which was given due course. The appeal was docketed in the Court of Appeals as CA-G.R. SP No. 70029.

On 21 November 2006, the Court of Appeals rendered the assailed Decision in CA-G.R. SP No. 70029, the

relevant portions of which read:

> We find the appeal meritorious.
>
> After a careful perusal of the records, We hold that there was no valid service of summons upon the [respondent] Mogol spouses in Civil Case No. 167879. Perforce, the MeTC [Branch 25] never acquired jurisdiction over them. We explain.
>
> x x x x
>
> In this case, it is indubitable that the [respondent] Mogol spouses, as defendants in Civil Case No. 167879, never received the summons against them, whether personally or by substituted service. As stated earlier, the process server failed to effect personal service of summons against the [respondent] Mogol spouses at the courtroom of the MeTC of Manila, Branch 24, because the latter refused to receive it, arguing that the same should be served at their residence, and not anywhere else.
>
> Concomitant to the trial court's duty to bring the defendant within its jurisdiction by the proper service of summons is its duty to apprise the plaintiff, as in the case of [petitioner] Sansio, whether or not the said summons was actually served upon the defendant. The proof of service of summons (or the lack of it) alluded to by the rules is found in Sec. 4, Rule 14 of the Revised Rules of Court, to wit:
> SECTION 4. Return. - When the service has been completed, the server shall, within five (5) days therefrom, serve a copy of the return, personally or by registered mail, to the plaintiff's counsel, and shall return the summons to the clerk who issued it, accompanied by proof of service.

In this case, the process server's Return of Service of Summons states, in clear and unequivocal terms, that:

The original and duplicate copies of the Summons are hereby returned, UNSERVED.

In the case of Spouses Madrigal v. Court of Appeals [G.R. No. 129955, 26 November 1999], it was held that the sheriff's certificate of service of summons is prima facie evidence of the facts therein set out. In the absence of contrary evidence, a presumption exists that a sheriff has regularly performed his official duties. To overcome the presumption arising from the sheriff's certificate, the evidence must be clear and convincing. In the instant case, no proof of irregularity in the process server's return was shown by Sansio. A perusal of the said return readily shows that the summons was unserved upon the Mogol spouses. From the foregoing, We hold that the Mogol spouses were never in actual receipt of the summons in Civil Case 167879. Perforce, the trial court did not acquire jurisdiction over them.

In one case, the Supreme Court ruled that the refusal of a defendant to receive the summons is a technicality resorted to in an apparent attempt to frustrate the ends of justice. It is precisely for this reason that the rules provide a remedy that, in case the defendant refuses to receive and sign for it, [the same is served] by tendering it to him. Moreover, even if tender of summons upon the defendant proves futile, the trial court may further resort to substituted service of summons, as provided under Sec. 7, Rule 14 of the Revised Rules of Court.

Stated otherwise, the trial court is not left with any other remedy in case the defendant refuses to receive and sign for his receipt of the summons, as in this case. Unfortunately, however, after the incident at the courtroom of the MeTC of Manila, Branch 24, there was no longer any further effort on the part of the trial court to serve anew the summons, together with a copy of the complaint, upon the Mogol spouses. Instead, the trial court assumed jurisdiction over the Mogol spouses; declared them in default for failure to file any responsive pleading; and, (sic) allowed Sansio to present its evidence ex parte in Civil Case No. 167879.

x x x x

All told, it is clearly established that there was indeed no valid service of summons upon the Mogol spouses in

Civil Case No. 167879. Consequently, the MeTC of Manila, Branch 24 did not acquire jurisdiction over their persons. Perforce, the order declaring them in default in the said civil case is nugatory and without effect, as it was issued with grave abuse of discretion amounting to lack or in excess of jurisdiction.[19] (Emphases ours.)

Thus, the Court of Appeals decreed:

> WHEREFORE, premises considered, the Appeal is hereby GRANTED. The assailed Order dated January 18, 2002 of the Regional Trial Court (RTC) of Manila, National Capital Judicial Region, Branch 33, in SP Civil Case No. 01-101267 is hereby REVERSED and SET ASIDE. Accordingly, the Order dated April 6, 2001 of the Metropolitan Trial Court (MeTC) of Manila, Branch 25, in Civil Case No. 167879 is declared NULL and VOID. No pronouncement as to costs.[20]

Petitioner filed a Motion for Reconsideration[21] thereon, but the same was denied by the Court of Appeals in the assailed Resolution[22] dated 12 March 2007.

Complaint for Sum of Money and Damages

In the interregnum, on 3 August 2001, petitioner presented its evidence ex parte in the main case. On the basis thereof, on 17 August 2001, the MeTC of Manila, Branch 25, rendered a Decision, adjudging that petitioner had sufficiently established its entitlement to the grant of the reliefs prayed for in its Complaint. The decretal portion of the Decision states:

> WHEREFORE, premises considered, judgment is hereby rendered in favor of the [petitioner] and against the [respondent spouses Mogol], ordering the latter to pay the former jointly and severally the sum of P87,953.12 with interest thereon at the legal rate from date of demand until the same is fully paid; the sum equivalent to 25% of the amount due as and by way of attorney's fees, and the cost of suit.[23] (Emphasis ours.)

Respondent spouses Mogol appealed[24] the above Decision to the RTC of Manila. The appeal was docketed as Civil Case No. 01-101963 and was raffled to Branch 50 of the trial court.

On 19 March 2004, the RTC of Manila, Branch 50, promulgated its Decision,[25] affirming in toto the Decision of the MeTC of Manila, Branch 25. The RTC declared that Section 6, Rule 14 of the Rules of Court clearly reveals that there is no requirement that the summons should only be served in the place stated in the summons. What is required is that a summons must be served by handing a copy thereof to the defendant in person, or, if he refuses to receive and sign for it, by tendering it to him. Under the circumstances of the case, the service of the copy of the summons and the complaint inside the courtroom of the MeTC of Manila, Branch 24 was the most practicable act. The process server need not wait for the respondent spouses Mogol to reach their given address before he could serve on the latter with summons and the copy of the complaint. The refusal of respondent spouses Mogol to receive the summons without valid cause was, thus, equivalent to a valid service of summons that vested jurisdiction in the MeTC of Manila, Branch 25.

Respondent spouses Mogol sought a reconsideration of the aforesaid Decision, but the RTC of Manila, Branch 50, denied the same in an Order[26] dated 4 October 2004, finding no cogent reason to disturb its earlier judgment. Thereafter, respondent spouses Mogol no longer filed any appeal on the above Decision of the RTC of Manila, Branch 50.

On 26 April 2007, petitioner filed the instant Petition for Review, questioning the rulings of the Court of Appeals in CA-G.R. SP No. 70029 and raising for resolution the following legal issues:

> - Whether or not the service of summons in the courtroom, before the hearing, [was] a valid service of summons;

> - Whether or not the clause "tendering it to him" when the defendant refuses to receive and sign for the summons under Section 6, Rule 14 of the Rules of Court means "leaving a copy of the summons to her or in the premises where the defendant could get it";
>
> - Whether or not summons refused to be received by [respondent spouses Mogol], upon advice of their counsel, need to be served anew to them;
>
> - Whether or not the court is bound by the conclusions of the Process Server in his Return of Service of Summons; and
>
> - Whether or not the appeal before the Court of Appeals denying the Petition for Certiorari, Prohibition and Injunction has become moot and academic when the [RTC of Manila, Branch 50] rendered a Decision affirming the Decision of the [MeTC of Manila, Branch 25], and which Decision of the [RTC of Manila, Branch 50] has become final and executory.

Contrary to the ruling of the Court of Appeals, petitioner argues that the service of summons inside the courtroom of the MeTC of Manila, Branch 24, was already valid. Such was a more practicable and convenient procedure, as opposed to requesting the process server to serve the summons and the copy of the complaint upon the respondent spouses Mogol at their residence in Lucena City. Petitioner further contends that, when the respondent spouses Mogol declined to receive and sign for the summons, tendering of the same was sufficient, and the summons need not be served anew. Section 6, Rule 14 of the Rules of Court does not state that the personal service of summons fails because the defendant refuses to receive and sign for it. As regards the Return on Service of Summons, petitioner claims that the second paragraph thereof was a mere conclusion of law, which does not bind the independent conclusion of the courts. Although the second paragraph stated that the summons was returned UNSERVED, the first paragraph clearly indicated that, indeed, the summons and the copy of the complaint were already personally served upon the Mogol spouses. They merely refused to receive them for no valid reasons. Finally, petitioner asserts that the assailed Decision dated 21 November 2006 of the Court of Appeals has already become moot and academic. The Decision dated 19 March 2004 of the RTC of Manila, Branch 50, in Civil Case No. 01-101963, which affirmed the Decision of the MeTC of Manila, Branch 25, on the merits of the case has since become final and executory for failure of respondent spouses Mogol to interpose an appeal of the same before the Court of Appeals.

We find merit in the petition.

A summons is a writ by which the defendant is notified of the action brought against him or her. In a civil action, jurisdiction over the defendant is acquired either upon a valid service of summons or the defendant's voluntary appearance in court. When the defendant does not voluntarily submit to the court's jurisdiction, or when there is no valid service of summons, any judgment of the court, which has no jurisdiction over the person of the defendant, is null and void.[27] Where the action is in personam, i.e., one that seeks to impose some responsibility or liability directly upon the person of the defendant through the judgment of a court,[28] and the defendant is in the Philippines, the service of summons may be made through personal or substituted service in the manner provided for in Sections 6 and 7, Rule 14 of the Rules of Court, which read:

> SEC. 6. Service in person on defendant. - Whenever practicable, the summons shall be served by handing a copy thereof to the defendant in person, or, if he refuses to receive and sign for it, by tendering it to him.
>
> SEC. 7. Substituted service. - If, for justifiable causes, the defendant cannot be served within a reasonable time as provided in the preceding section, service may be effected (a) by leaving copies of the summons at the defendant's residence with some person of suitable age and discretion then residing therein; or (b) by leaving the copies at defendant's office or regular place of business with some competent person in charge thereof.

It is well-established that summons upon a respondent or a defendant must be served by handing a copy thereof to him in person or, if he refuses to receive it, by tendering it to him. Personal service of summons most effectively ensures that the notice desired under the constitutional requirement of due process is accomplished.[29] The essence of personal service is the handing or tendering of a copy of the summons to the defendant himself,[30] wherever he may be found; that is, wherever he may be, provided he is in the Philippines.[31]

In the instant case, the Court finds that there was already a valid service of summons in the persons of respondent spouses Mogol. To recapitulate, the process server presented the summons and the copy of the complaint to respondent spouses at the courtroom of the MeTC of Manila, Branch 24. The latter immediately referred the matter to their counsel, who was present with them in the aforesaid courtroom. At the express direction of his clients, the counsel took the summons and the copy of the complaint, read the same, and thereby informed himself of the contents of the said documents. Ineluctably, at that point, the act of the counsel of respondent spouses Mogol of receiving the summons and the copy of the complaint already constituted receipt on the part of his clients, for the same was done with the latter's behest and consent. Already accomplished was the operative act of "handing" a copy of the summons to respondent spouses in person. Thus, jurisdiction over the persons of the respondent spouses Mogol was already acquired by the MeTC of Manila, Branch 25. That being said, the subsequent act of the counsel of respondent spouses of returning the summons and the copy of the complaint to the process server was no longer material.

Furthermore, the instruction of the counsel for respondent spouses not to obtain a copy of the summons and the copy of the complaint, under the lame excuse that the same must be served only in the address stated therein, was a gross mistake. Section 6, Rule 14 of the Rules of Court does not require that the service of summons on the defendant in person must be effected only at the latter's residence as stated in the summons. On the contrary, said provision is crystal clear that, whenever practicable, summons shall be served by handing a copy thereof to the defendant; or if he refuses to receive and sign for it, by tendering it to him. Nothing more is required. As correctly held by the RTC of Manila, Branch 50, the service of the copy of the summons and the complaint inside the courtroom of the MeTC of Manila, Branch 24 was the most practicable act under the circumstances, and the process server need not wait for respondent spouses Mogol to reach their given address, i.e., at 1218 Daisy St., Employee Village, Lucena City, before he could serve on the latter the summons and the copy of the complaint. Due to the distance of the said address, service therein would have been more costly and would have entailed a longer delay on the part of the process server in effecting the service of the summons.

Much more important than considerations of practicality, however, is the fact that respondent spouses Mogol based their case on a wrong appreciation of the above-stated provisions of the Rules of Court. Respondent spouses Mogol principally argue that Section 6 of Rule 14 cannot be singled out without construing the same with Section 7. They posit that, in a civil case, summons must be served upon the defendants personally at the designated place alleged in the complaint. If the defendants refuse to receive and sign the summons, then the process server must tender the same to them by leaving a copy at the residence of the defendants. If the summons cannot be served in person because of the absence of the defendants at the address stated, then the same can be served by (1) leaving copies of the summons at the defendants' residence with some person of suitable age and discretion residing therein, or (2) leaving the copies at defendants' office or regular place of business with some competent person in charge thereof.

Said arguments must fail, for they have no leg to stand on.

Axiomatically, Sections 6 and 7 of Rule 14 of the Rules of Court cannot be construed to apply simultaneously. Said provisions do not provide for alternative modes of service of summons, which can either be resorted to on the mere basis of convenience to the parties. Under our procedural rules, service of summons in the persons of the

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defendants is generally preferred over substituted service.[32] Substituted service derogates the regular method of personal service. It is an extraordinary method, since it seeks to bind the respondent or the defendant to the consequences of a suit, even though notice of such action is served not upon him but upon another whom the law could only presume would notify him of the pending proceedings.[33] For substituted service to be justified, the following circumstances must be clearly established: (a) personal service of summons within a reasonable time was impossible; (b) efforts were exerted to locate the party; and (c) the summons was served upon a person of sufficient age and discretion residing at the party's residence or upon a competent person in charge of the party's office or place of business.[34]

Relevantly, in Lazaro v. Rural Bank of Francisco Balagtas (Bulacan), Inc.,[35] very categorical was our statement that the service of summons to be done personally does not mean that service is possible only at the defendant's actual residence. It is enough that the defendant is handed a copy of the summons in person by anyone authorized by law. This is distinct from substituted service under Section 7, Rule 14 of the Rules of Court. As already discussed above, there was already a valid service of summons in the persons of respondent spouses Mogol in the courtroom of the MeTC of Manila, Branch 24, when their counsel, upon their explicit instructions, received and read the same on their behalf. Contrary to the ruling of the Court of Appeals, the fact that the summons was returned to the process server and respondent spouses Mogul subsequently declined to sign for them did not mean that the service of summons in the persons of respondent spouses was a failure, such that a further effort was required to serve the summons anew. A tender of summons, much less, a substituted service of summons, need no longer be resorted to in this case.

Indeed, a contrary ruling by this Court would inevitably give every future defendant to a case the unwarranted means to easily thwart the cardinal procedures for the service of summons at the simple expedient of returning the summons and the copy of the complaint to the process server and refusing to sign for the same even after being already informed of their contents. This the Court will never allow.

As to the reliance of the Court of Appeals on the second paragraph of the Return on Service of Summons stating that the original and duplicate copies of the Summons were returned "UNSERVED," the Court finds the same utterly misplaced. A simple reading of the first paragraph of the Return on Service of Summons, which contains the circumstances surrounding the service of the summons on the persons of the respondent spouses Mogol, manifestly reveals that the summons and the copy of the complaint were already validly served on the said respondents. They merely refused to receive or obtain a copy of the same. The certificate of service of the process server is prima facie evidence of the facts as set out therein. This is fortified by the presumption of the regularity of performance of official duty. To overcome the presumption of regularity of official functions in favor of such sheriff's return, the evidence against it must be clear and convincing. Sans the requisite quantum of proof to the contrary, the presumption stands deserving of faith and credit.[36] In the instant case, it is worthwhile to note that the facts stated in the first paragraph of the Return on Service of Summons were not at all disputed by the respondent spouses Mogol.

Although We find lamentable the apparently erroneous statement made by the process server in the aforesaid second paragraph - an error that undoubtedly added to the confusion of the parties to this case - the same was, nonetheless, a mere conclusion of law, which does not bind the independent judgment of the courts. Indeed, it cannot be said that because of such a statement, respondent spouses Mogol had the right to rely on said return informing them that the summons had been unserved, thus justifying their non-filing of any responsive pleading. To reiterate, respondent spouses Mogol were validly served summons and a copy of the complaint against them. At their explicit instructions, their counsel read the same and thereby learned of the nature of the claim against them. After being made aware of the complaint filed against them, they chose not to obtain a copy thereof and

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pretended that it did not exist. They, thus, took a gamble in not filing any responsive pleading thereto. Suffice it to say, they lost. The constitutional requirement of due process exacts that the service be such as may be reasonably expected to give the notice desired. Once the service provided by the rules reasonably accomplishes that end, the requirement of justice is answered; the traditional notions of fair play are satisfied and due process is served.[37]

In fine, we rule that jurisdiction over the persons of the respondent spouses Mogol was validly acquired by the MeTC, Branch 25 in this case. For their failure to file any responsive pleading to the Complaint filed against them, in violation of the order of the said court as stated in the summons, respondent spouses Mogol were correctly declared in default.

WHEREFORE, premises considered, the Petition for Review on Certiorari under Rule 45 is GRANTED. The Decision dated 21 November 2006 and the Resolution dated 12 March 2007 of the Court of Appeals in CA-G.R. SP No. 70029 are hereby REVERSED AND SET ASIDE. The Order dated 18 January 2002 of the Regional Trial Court of Manila, Branch 33, in Civil Case No. 01-101267 is hereby AFFIRMED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Velasco, Jr., Nachura, and Peralta, JJ., concur.

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[1] Rollo, pp. 8-27.

[2] Penned by Associate Justice Normandie B. Pizarro with Associate Justices Juan Q. Enriquez, Jr. and Aurora Santiago-Lagman, concurring; rollo, pp. 29-42.

[3] Rollo, pp. 45-46.

[4] Penned by Judge Romulo A. Lopez; rollo, pp. 109-112.

[5] Rollo, pp. 48-50.

[6] Id. at 56.

[7] Id. at 212.

[8] Id. at 57.

[9] Id. at 58-59.

[10] Id. at 60-64.

[11] Section 3, Rule 6 of the Rules of Court provides:

Sec. 3. Complaint. - The complaint is the pleading alleging the plaintiff's cause or causes of action. The names and residences of the plaintiff and defendant must be stated in the complaint.

[12] Penned by Presiding Judge Severino B. de Castro, Jr.; rollo, pp. 71-73.

[13] Section 6, Rule 14 of the Rules of Court states:

Sec. 6. Service in person on defendant. - Whenever practicable, the summons shall be served by handing a copy thereof to the defendant in person, or, if he refuses to receive and sign for it, by tendering it to him.

[14] Rollo, pp. 75-78.

[15] Id. at 85.

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[16] Id. at 87-102.

[17] Id. at 112.

[18] Id. at 113-114.

[19] Id. at 36-41.

[20] Id. at 41.

[21] Id. at 172-178.

[22] Id. at 45-46.

[23] Id. at 141.

[24] Id. at 143-144.

[25] Penned by Presiding Judge William Simon P. Peralta; rollo, pp. 165-169.

[26] Rollo, p. 170.

[27] Manotoc v. Court of Appeals, G.R. No. 130974, 16 August 2006, 499 SCRA 21, 33.

[28] Domagas v. Jensen, G.R. No. 158407, 17 January 2005, 448 SCRA 663, 673-674.

[29] Sandoval II v. House of Representatives Electoral Tribunal, 433 Phil. 290, 300 (2002).

[30] Paluwagan Ng Bayan Savings Bank v. King, 254 Phil. 56, 58 (1989).

[31] See Cohen & Cohen v. Benguet Commercial Co., Ltd., 34 Phil. 526, 535 (1916), cited in Francisco, The Revised Rules of Court (2001 Ed.), p. 458.

[32] See Robinson v. Miralles, G.R. No. 163584, 12 December 2006, 510 SCRA 678, 683.

[33] Sandoval II v. House of Representatives Electoral Tribunal, supra note 29.

[34] Robinson v. Miralles, supra note 32.

[35] 456 Phil. 414, 424 (2003).

[36] Guanzon v. Arradaza, G.R. No. 155392, 6 December 2006, 510 SCRA 309, 318.

[37] Montalban v. Maximo, 131 Phil. 154, 162 (1968), cited in Boticano v. Chu, Jr., G.R. No. L-58036, 16 March 1987, 148 SCRA 541, 551.

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