

THIRD DIVISION

[G.R. No. 181517, July 06, 2015]

**GREEN STAR EXPRESS, INC. AND FRUTO SAYSON, JR.,
PETITIONERS, VS. NISSIN-UNIVERSAL ROBINA CORPORATION,
RESPONDENT.**

D E C I S I O N

PERALTA, J.:

For resolution is a Petition for Review under Rule 45 of the Rules of Court which petitioners Green Star Express, Inc. and Fruto Sayson, Jr. brought before the Court, assailing the Decision^[1] of the Court of Appeals (CA) dated September 17, 2007 and its Resolution^[2] dated January 22, 2008 in CA-G.R. SP No. 86824. The CA nullified the Resolution dated May 5, 2004 of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, in Civil Case No. SPL-0969, and dismissed the complaint for lack of jurisdiction.

The following are the antecedents of the case:

On February 25, 2003, a Mitsubishi L-300 van which Universal Robina Corporation (URC) owned figured in a vehicular accident with petitioner Green Star Express, Inc.'s (*Green Star*) passenger bus, resulting in the death of the van's driver. Thus, the bus driver, petitioner Fruto Sayson, Jr., was charged with the crime of reckless imprudence resulting in homicide.

Thereafter, Green Star sent a demand letter to respondent Nissin-Universal Robina Corporation (NURC) for the repair of its passenger bus amounting to P567,070.68. NURC denied any liability therefor and argued that the criminal case shall determine the ultimate liabilities of the parties. Thereafter, the criminal case was dismissed without prejudice, due to insufficiency of evidence.

Sayson and Green Star then filed a complaint for damages against NURC before the RTC of San Pedro, Laguna. Francis Tinio, one of NURC's employees, was the one who received the summons. On February 6, 2004, NURC filed a Motion to Dismiss claiming lack of jurisdiction due to improper service.

On May 5, 2004, the RTC issued a Resolution denying NURC's motion to dismiss. It ruled that there was substantial compliance because there was actual receipt of the summons by NURC. The dispositive portion of said Resolution thus reads:

WHEREFORE, in view of the foregoing, defendant's "Motion to Dismiss" is hereby DENIED.^[3]

Since its Motion for Reconsideration was denied, NURC elevated the case to the CA via a Petition for *Certiorari*. On September 17, 2007, the CA reversed the RTC

ruling, hence:

WHEREFORE, the instant Petition for *Certiorari* is **GRANTED**. The assailed Resolutions, dated May 5, 2004 and dated July 26, 2004, of the Regional Trial Court of San Pedro, Laguna, Branch 31, in Civil Case No. SPL-0969, are hereby **NULLIFIED** and a new one **rendered** granting Petitioner's Motion to Dismiss, dated February 3, 2004. Private Respondents' Amended Complaint for Damages filed against Petitioner Nissin-Universal Robina Corporation is accordingly **dismissed** for lack of jurisdiction.

SO ORDERED.^[4]

Aggrieved, Green Star and Sayson moved for reconsideration, but the same was denied. Hence, this petition.

The lone issue is whether or not the summons was properly served on NURC, vesting the trial court with jurisdiction.

The petition is bereft of merit.

It is a well-established rule that the rules on service of summons upon a domestic private juridical entity must be strictly complied with. Otherwise, the court cannot be said to have acquired jurisdiction over the person of the defendant.^[5]

NURC maintains that the RTC did not acquire jurisdiction over it as the summons was received by its cost accountant, Francis Tinio. It argues that under Section 11, Rule 14 of the 1997 Rules of Court, which provides the rule on service of summons upon a juridical entity, in cases where the defendant is a domestic corporation like NURC, summons may be served only through its officers.^[6] Thus:

Section 11. Service upon domestic private juridical entity. — When the defendant is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the **president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel.**^[7]

This provision replaced the former Section 13, Rule 14 of the 1964 Rules of Court which read:

Section 13. Service upon private domestic corporation or partnership. — If the defendant is a corporation organized under the laws of the Philippines or a partnership duly registered, service may be made on the **president, manager, secretary, cashier, agent, or any of its directors.**^[8]

In the past, the Court upheld service of summons upon a construction project manager, a corporation's assistant manager, ordinary clerk of a corporation, private secretary of corporate executives, retained counsel, and officials who had control over the operations of the corporation like the assistant general manager or the corporation's Chief Finance and Administrative Officer. The Court then considered said persons as "agent" within the contemplation of the old rule. Notably, under the