

SECOND DIVISION

[G.R. No. 120457, September 24, 1998]

**SALOME PABON AND VICENTE CAMONAYAN, PETITIONERS, VS.
NATIONAL LABOR RELATIONS COMMISSION AND SENIOR
MARKETING CORPORATION, RESPONDENTS.**

D E C I S I O N

MARTINEZ, J.:

The only issue in this petition for certiorari filed under Rule 65 of the old Rules of Court is whether summons was properly served on private respondent Senior Marketing Corporation, through its bookkeeper, so as to confer jurisdiction on the Labor Arbiter over the said corporation.

The antecedents of the case are as follows:

On May 24, 1994 and June 22, 1994, complaints^[1] for illegal dismissal and non-payment of benefits were filed by petitioners Salome Pabon and Vicente Camonayan against private respondent Senior Marketing Corporation (SMC) and its Field Manager, R-Jay Roxas. Summons and notices of hearings were sent to Roxas at private respondent's provincial office in 13 Valley Homes, Patul Road, Santiago, Isabela which were received by its bookkeeper, Mina Villanueva.

On September 15, 1994, the Labor Arbiter rendered a judgment^[2] by default after finding that private respondent tried to evade all the summons and orders of hearing by refusing to claim all the registered mail addressed to it. Thus, a copy of the Labor Arbiter's Decision was sent to private respondent's principal office in Manila, the dispositive portion of which reads:

"WHEREFORE, with all the foregoing considerations judgment is hereby rendered as follows:

"1. Declaring complaints Salome Pabon and Vicente Camonayan illegally and unjustly dismissed in a manner that is whimsical and capricious;

"2 Ordering respondents Senior Marketing Corporation and R-Jay Roxas jointly and severally to reinstate complaints to their former position without loss of seniority rights and to pay them their full backwages and other benefits until they are actually reinstated computed as of September 15, 1994 as follows:

x x x

x x x

x x x"^[3]

Instead of appealing the Labor Arbiter's decision to the National Labor Relations Commission (NLRC), within ten (10) days from receipt of the said decision, private respondent filed a motion for reconsideration/new trial^[4] before the Labor Arbiter. It was only after the said ten-day period had lapsed that private respondent appealed to the NLRC which, in a Decision^[5] promulgated on March 31, 1995, disposed of the appeal as follows:

"WHEREFORE, the decision of the Labor Arbiter is hereby SET ASIDE and respondent Senior Marketing Corporation is hereby directed to submit its evidence and for the Labor Arbiter to conduct such further proceedings as may be necessary for the expeditious resolution of this instant case.

"SO ORDERED."

In so ruling for herein private respondent, the NLRC opined that the Labor Arbiter's conclusion that herein private respondent refused to receive Notices was based on the Manifestation^[6] of Salome Pabon dated August 30, 1994. It further reasoned, to wit:

"The number of times that notices of hearings have been unclaimed by the respondent, or more precisely addressee R-Jay Roxas should have placed the Labor Arbiter on guard as to the real cause thereof. He should not have merely relied on the unverified (sic) Manifestation of the complainant, which he swallowed hook, line and sinker. Instead, the Labor Arbiter should have sent a notice of hearing to respondent's address in Manila, which he puzzlingly did with regard to sending a copy of his decision of September 15, 1994. A little more circumspection should have been resorted to by the Labor Arbiter."^[7]

Thereafter, imputing grave abuse of discretion on the part of the NLRC, petitioners elevated the case to this Court *via petition for certiorari*. They alleged that private respondent was properly served with summons in accordance with the Rules of Court^[8] through its bookkeeper at its provincial office address.^[9] It is petitioner's argument that by virtue of said service of summons, the Labor Arbiter acquired jurisdiction over private respondent and that the latter, by deliberately failing to present evidence, cannot now cry transgression of its right to due process simply because the Labor Arbiter's decision is based solely on petitioners' evidence. Petitioners likewise argue that private respondents' failure to file an appeal before the NLRC within the ten-day reglamentary period rendered by Labor Arbiter's judgment final and executory.^[10]

For its part, private respondent contends that it was not validly served with summons, since its bookkeeper cannot be considered as an agent under Section 13, Rule 14 of the old Rules of Court upon whom valid service can be made. Consequently, the Labor Arbiters decision is void as it was rendered without jurisdiction over private respondent.

We rule for the petitioners. Courts acquire jurisdiction over the person of a party-defendant by virtue of the service of summons in the manner required by law.^[11] In the case at bar, although as a rule, modes of service of summons are strictly followed in order that the court may acquire jurisdiction over the person of a defendant, such procedural modes, however, are liberally construed in quasi-judicial

proceedings, as in this case, substantial compliance with the same being considered adequate.^[12]

Consequently, the conclusion of the NLRC that there was an invalid service of summons on herein private respondent failed to take cognizance of the fact that the subject summons were received by its bookkeeper at private respondent's provincial office. Such service had satisfied the procedural requirement of proper notice. Thus, the finding of the NLRC that private respondent was deprived of the opportunity to present its evidence by reason of the alleged defective service of summons is untenable.

We are of the view that a bookkeeper can be considered as an agent of private respondent corporation within the purview of Section 13, Rule 14 of the old Rules of Court. The rationale of all rules with respect to service of process on a corporation is that such service must be made to an **agent of a representative so integrated** with the corporation sued as to make it a priori supposable that he will realize his responsibilities and **know what he should do with any legal papers served on him.**^[13] The bookkeeper's task is one under consideration. The job of a bookkeeper is so integrated with the corporation that his regular recording of the corporation's "business accounts"^[14] and "essential facts about the transactions of a business enterprise"^[15] safeguards the corporation from possible fraud being committed adverse to its own corporate interest.

Although it may be true that the service of summons was made on a person not authorized to receive the same in behalf of the petitioner, nevertheless since it appears that the summons and complaint were in fact received by the corporation through its said clerk, the Court finds that there was a substantial compliance with the rule on service of summons. Indeed the purpose of said rule as above stated to assure service of summons on the corporation had thereby been attained. The need for speedy justice must prevail over technicality.^[16]

Black's Law Dictionary defines an "agent" as "a business representative, whose function is to bring about, modify, affect, accept performance of, or terminate contractual obligations between principal and third person."^[17] To this extent, an "agent" may also be shown to represent his principal in some one or more of his relations to others, even though he may not have the power to enter into contracts. The rules on service of process make service on "agent" sufficient. It does not in any way distinguish whether the "agent" be general or special, but is complied with even by a service upon an agent having limited authority to represent his principal. As such, it does not necessarily connote an officer of the corporation. However, though this may include employees other than officers of a corporation, this does not include employees whose duties are not so integrated to the business that their absence or presence will not toll the entire operation of the business. It is for this reason that we lend credence to the finding of the Labor Arbiter when it ruled that it required jurisdiction over private respondent on the basis of Section 5, Rule III of the NLRC Rules of Procedure which provides:

"Proof and completeness of service. - The return is prima facie proof of the facts indicated therein. Service by registered mail is complete upon receipt by the addressee or his agent; but if the addressee fails to claim his mail from the post office within five (5) days from the date of the first