

SECOND DIVISION

[G.R. No. 193420, October 14, 2015]

7107 ISLANDS PUBLISHING, INC., PETITIONER, VS. THE HOUSE PRINTERS CORPORATION, RESPONDENT.

DECISION

BRION, J.:*

This petition for review on certiorari seeks to reverse the 10 November 2009^[1] and 17 August 2010^[2] resolutions of the Court of Appeals (CA) in **CA-G.R. UDK-SP No. 6325**. The CA dismissed the petitioner's petition for certiorari challenging the 30 January 2009 and 29 June 2009 orders of the Regional Trial Court of Quezon City (RTC), Branch 221, in **Civil Case No. Q-06-58473**.^[3] This RTC ruling, in turn, denied its motion to dismiss.

ANTECEDENTS

On 25 July 2006, respondent The House Printers Corporation (*House Printers*) filed a complaint for a sum of money and damages against the 7107 Islands Publishing, Inc. (*7107 Publishing*) before the RTC. House Printers alleged that 7107 Publishing refused to pay for PHP 1,178,700.00 worth of magazines it purchased in 2005. The complaint was docketed as **Civil Case No. Q-06-58473**.

On 1 August 2006, Manuel S. Paguyo, Sheriff IV, served the summons and a copy of the complaint on 7107 Publishing through its Chief Accountant Laarni Milan. Sheriff Paguyo explained on his return that the President and the in-house counsel were not at the office when he arrived so he served the summons on the highest ranking officer.

On 16 August 2006, 7107 Publishing filed a motion to dismiss on the ground that the RTC failed to acquire jurisdiction over its person. 7107 Publishing argued that if the defendant was a corporation, service of summons could only be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel pursuant to Rule 14, Section 11 of the Rules of Court. Petitioner further argued that this was an exclusive list, citing *E.B. Villarosa & Partner Co., Ltd v. Benito*^[4] and *Delta Motor Sales Corporation v. Mangosing*^[5]

On 4 September 2006, House Printers filed its opposition to petitioner's motion to dismiss. House Printers argued that there was substantial compliance with the requirement of service, citing *G&G Trading Corporation v. Court of Appeals*^[6] and *Millenium Industrial Commercial Corporation v. Tan*.^[7]

On 30 January 2009, the RTC denied the motion to dismiss for lack of merit. The RTC held that there was substantial compliance with the rule on service of summons

and directed the petitioner to file its answer within five days from receipt of the denial.

On 16 March 2009, 7107 Publishing moved for the reconsideration of the denial. It reiterated that Rule 14, Section 11 is an exclusive list that requires strict compliance.

On 29 June 2009, the RTC denied the motion for reconsideration. It held that although a Chief Accountant was not included in the enumeration under Rule 14, Section 11, Chief Accountant Milan was able to turn over the summons and the complaint to the defendants; therefore, the purpose of Rule 14 was attained. The petitioner received a copy of the order on 4 August 2009.

On 2 October 2009, 7107 Publishing filed a petition for certiorari before the CA against the 30 January 2009 and 29 June 2009 orders of the RTC. The petition was filed by registered mail.

On 7 October 2009, 7107 Publishing manifested before the CA that it had filed a petition for certiorari on 2 October 2009.

On 10 November 2009, the CA dismissed the petition outright because the petitioner failed to pay the docket and the other legal fees.

On 18 December 2009, 7107 Publishing moved for the reconsideration of the dismissal. It explained that: (1) it was constrained to file the petition by registered mail on 2 October 2009, prior to the last day of the reglementary period; (2) on 7 October 2009, petitioner's counsel went to the RTC to give an advance copy of the petition and pay the docket and other lawful fees; (3) however, the court personnel at the receiving section refused to accept payment; (4) instead, the court personnel instructed the petitioner to file a manifestation that the petition was filed by registered mail then wait until the CA receives and docket the petition, to avoid double docketing and double payment; (5) the petitioner complied and was instructed by the Civil Cases Section to wait for a notice from the CA to pay the docket fees; (6) petitioner relied in good faith on the court personnel's advice, but the notice to pay never arrived; (7) instead, the petitioner received the 10 November 2009 order of dismissal on 14 December 2009. The petitioner prayed for the CA to allow him to pay the required fees and to give due course to the petition.

On 17 August 2010, the CA denied reconsideration. It held that even if the court personnel refused to accept the petitioner's tender of payment, it could have simply paid the required fees by postal, money order.

On 8 October 2010, 7107 Publishing filed the present petition for review on certiorari.

THE PETITION

The petitioner argues: (1) that the RTC committed grave abuse of discretion when it denied its motion to dismiss because the RTC did not acquire jurisdiction over its person; and (2) that the CA was not justified in dismissing its petition for certiorari for nonpayment of the required fees because of the court personnel's refusal to accept its tender of payment on four separate occasions. The petitioner begs this

Court to brush aside any procedural barriers and give due course to its petition.

In its Comment dated 16 May 2011, the respondent maintains: (1) that the petitioner did not suffer any undue prejudice from the service of summons on its accountant; and (2) that the petitioner failed to substantiate its allegations that court personnel refused his tender of payment four times.

OUR RULING

We deny the petition for lack of merit. Rule 14 of the Rules of Court provides:

SEC. 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.** (emphasis supplied)

We have long established that this enumeration is an exclusive list under the principle of *expresso unius est exclusio alterius*.^[8] Under the present Rules of Court, the rule of substantial compliance invoked by the respondent is no longer applicable. To quote our decision in *Sps. Mason v. Court of Appeals*:

The question of whether the substantial compliance rule is still applicable under Section 11, Rule 14 of the 1997 Rules of Civil Procedure has been settled in *Villarosa* which applies squarely to the instant case. In the said case, petitioner *E.B. Villarosa & Partner Co. Ltd.* (hereafter Villarosa) with principal office address at 102 Juan Luna St., Davao City, and with branches at 2492 Bay View Drive, Tambo, Paranaque, Metro Manila, and Kolambog, Lapasan, Cagayan de Oro City, entered into a sale with development agreement with private respondent Imperial Development Corporation. As Villarosa failed to comply with its contractual obligation, private respondent initiated a suit for breach of contract and damages at the Regional Trial Court of Makati. Summons, together with the complaint, was served upon Villarosa through its branch manager at Kolambog, Lapasan, Cagayan de Oro City. Villarosa filed a Special Appearance with Motion to Dismiss on the ground of improper service of summons and lack of jurisdiction. The trial court denied the motion and ruled that there was substantial compliance with the rule, thus, it acquired jurisdiction over Villarosa. The latter questioned the denial before us in its petition for certiorari. We decided in Villarosa's favor and declared the trial court without jurisdiction to take cognizance of the case. We held that there was no valid service of summons on Villarosa as service was made through a person not included in the enumeration in Section 11, Rule 14 of the 1997 Rules of Civil Procedure, which revised the Section 13, Rule 14 of the 1964 Rules of Court. We discarded the trial court's basis for denying the motion to dismiss, namely, private respondents' substantial compliance with the rule on service of summons, and fully agreed with petitioners' assertions that the