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REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:

G.R. No. 249312 (Rodolfo F. Cemine v. Banco De Oro Credit Cards, J.C. Aquino Ave. Branch, Butuan City, and its Operation Officer, Bonifacio T. Lacuna)

Petitioner Rodolfo F. Cemine's (petitioner) motion for an extension of thirty (30) days within which to file a petition for review on *certiorari* is **GRANTED**, counted from the expiration of the reglementary period. The Court also resolves to **INFORM** petitioner that he or his authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees of ₱170.00, and deposit for sheriff's fee of ₱300.00 and SAJ of ₱1,000.00 in the total amount of ₱1,470.00, all under O.R. No. 0265159 dated October 4, 2019.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the August 23, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 04951-MIN for failure of petitioner to sufficiently show that the CA committed any reversible error in upholding the lack of jurisdiction³ of the Regional Trial Court of Butuan City, Branch 3 (RTC) over the person of Banco De Oro (BDO) Unibank, Inc. due to improper service of summons.

As correctly ruled by the CA, the RTC correctly dismissed the complaint on the ground of lack of jurisdiction over the person of BDO Unibank, Inc., considering that: (a) respondent BDO Credit Cards, J.C. Aquino Ave, Branch, Butuan City has no juridical personality separate and distinct from BDO Unibank, Inc., and thus, service of summons should be made to BDO Unibank, Inc.; and (b) respondent Bonifacio T. Lacuna (Lacuna), as mere Operations Officer of BDO Credit Cards, J.C. Aquino Ave, Branch, Butuan City, has no authority to receive summons on behalf of BDO Unibank, Inc.; and (c) as a result of such improper service of summons to Lacuna, the RTC failed to acquire jurisdiction over the person of BDO Unibank, Inc.⁴ It is settled that when the defendant is a domestic corporation, service of summons may be made only upon the persons enumerated in Section 11,⁵ Rule 14 of the Rules of Court. The enumeration of persons to

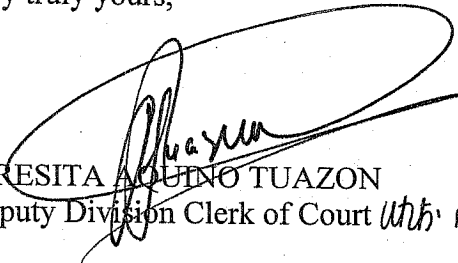
¹ Rollo, pp. 11-31.
² Id. at 33-43. Penned by Associate Justice Florencio M. Mamauag, Jr. with Associate Justice Oscar V. Badelles and Angeline Mary W. Quimpo-Sale, concurring.
³ See RTC Resolution dated November 6, 2017, penned by Presiding Judge Marigel Dagani-Hugo; id. at 55-56.
⁴ See id. at 41.
⁵ Service of summons on domestic corporation, partnership or other juridical entity is governed by Section 11, Rule 14 of the Rules of Court, which provides:
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

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whom summons may be served is restricted, limited, and exclusive following the rule on statutory construction *expressio unius est exclusio alterius*.⁶

SO ORDERED.

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *utk 1/7*

7 JAN 2020

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 3
Butuan City
(Civil Case No. 7523)

COURT OF APPEALS (reg)
Mindanao Station
Cagayan de Oro City
CA-G.R. CV No. 04951-MIN

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juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel.

⁶ Substantial compliance cannot be invoked. Service of summons upon persons other than those officers specifically mentioned in Section 11, Rule 14 is void, defective and not binding to said corporation. Basic is the rule that a strict compliance with the mode of service is necessary to confer jurisdiction of the court over a corporation. The officer upon whom service is made must be one who is named in the statute; otherwise, the service is insufficient. The purpose is to render it reasonably certain that the corporation will receive prompt and proper notice in an action against it or to insure that the summons be served on a representative so integrated with the corporation that such person will know what to do with the legal papers served on him. (*National Petroleum Gas, Inc. v. Rizal Commercial Banking Corporation*, 766 Phil. 696, 707 [2015].)