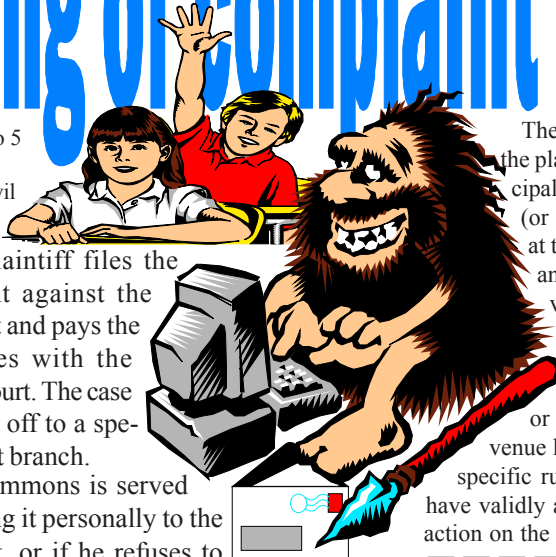


Filing of complaint and answer

Rule 1 up to 5
of the 1997
Rules of Civil
Procedure



1. The plaintiff files the complaint against the defendant and pays the filing fees with the clerk of court. The case is raffled off to a specific court branch.

2. The summons is served by handing it personally to the defendant, or if he refuses to receive and sign for it, by tendering it to him. (In certain cases, summons may be published in a newspaper.)

3. The summons is not served because (a) the plaintiff loses interest in pursuing the case by filing a notice of dismissal; (b) the defendant cannot be located at the address stated in the complaint (the court may then issue an alias summons).



4. Jurisdiction over the defendant is acquired by his receipt of the summons. If it cannot be served, the court provisionally dismisses the case (that is, without prejudice to its revival once the defendant is located).

5. Defendant may file either (a) an answer or (b) a motion to dismiss. This must be submitted within fifteen days from receipt of the summons. The period to answer however may be extended by the court upon motion.

6. If the court denies the motion to dismiss, the defendant must file his answer within the remaining time (which must not be less than five days from his receipt of the notice of denial).

(a) Before filing an answer, the defendant may file a "bill of particulars" pointing out de-

The venue of personal actions is the court of the place where the plaintiff (or any of the principal plaintiffs) resides, or where the defendant (or any of the principal defendants) resides, at the election of the plaintiff. Forcible entry and unlawful detainer cases, and those involving title or possession of real property with an assessed value of Php 50,000. (in Metro Manila) shall be tried in the MTC wherein the real property involved or a portion thereof is situated. The rules on venue however shall not apply in cases where a specific rule or law applies, and when the parties have validly agreed in writing before the filing of the action on the exclusive venue thereof. (Rule 4)

facts in the complaint, the details desired, the vague allegations, etc. (b) Husband and wife generally shall sue or be sued jointly since both are co-administrators of the community property or the conjugal partnership property. (c) The requirements for a class suit are common or general interest in the subject matter of the case, and the affected persons are so numerous that it is impracticable to join them all as parties. (d) In case of transfer of interest, the action may be continued by or against the original party, unless the court directs the transferee to be substituted in the action or joined with the original party. (e) The complaint must contain a certification against forum shopping.