

litigant under these Rules without further proof thereof. He shall continue to enjoy such status as a pauper litigant at all levels of adjudication until the case is terminated.

SECTION 3. Association or Corporation as Plaintiffs or Defendants. — When two or more persons, associated in any business, transact such business under a common name, whether it comprises the name of such persons or not, the associates may sue or be sued under such common name.

Persons associated in business that are sued under a common name, must all be named individually in the answer filed by them or in their behalf, stating their business address.

SECTION 4. Alternative Defendants. — Where the complainant or the plaintiff is uncertain against who of several persons he is entitled to relief, he may join any or all of them as defendants in the alternative, although a right to relief against one may be inconsistent with a right to relief against the other.

SECTION 5. Unknown Identity or Name of Defendants. — Whenever the identity or name of a defendant is unknown, he may be sued as the unknown party using such designation as the case may require. When his identity or true name is discovered, the pleading must be amended accordingly.

SECTION 6. Entity without Juridical Personality as Defendants. — When two or more persons not organized as an entity with juridical personality enter into a transaction, they may be sued under the name by which they are generally or commonly known.

In the answer of such defendant, the names and addresses of the persons composing said entity must all be revealed.

RULE VI

Service of Pleadings

SECTION 1. Service of Pleadings, Notices, and Resolutions.

- a. The party filing the pleading subsequent to the complaint shall serve the opposing party with a copy thereof in the manner provided for in these Rules and proof of such service shall be filed with the records of the case; *and*
- b. Summons, notices, and copies of resolutions, orders shall be served personally as far as practicable, or by registered mail upon the party himself, his counsel, or his duly authorized representative. However, notice to the counsel is notice to the party himself whether he is a complainant or petitioner, or a defendant or respondent.

SECTION 2. Service Upon Associations. — When persons associated in business are sued under a common name, service may be effected upon all the defendants by serving upon any one of them, or upon the person in charge of the office or place of business maintained in its common name. But such service shall not bind individually any person whose connection with the association has, upon due notice, been severed before the action is brought.

SECTION 3. Service Upon Private Domestic Juridical Entities. — If the defendant is a corporation, partnership, association or cooperative organized and

registered under Philippine laws with a juridical personality, service may be made on the president, managing partner, general manager, corporate or board secretary, treasurer or in-house counsel.

SECTION 4. Service Upon Public Corporation. — When the respondent is the Republic of the Philippines, service may be effected on the Solicitor General. In case of a province, city, municipality, or other public corporations, service may be effected on its chief executive or on such other officer as the law or Adjudicator may direct.

SECTION 5. Return of Service. — The Sheriff or other designated officer who personally served the summons, notice, order, or decision shall submit his return within five (5) days from the date of his service thereof, stating therein the name of the person served and the date of receipt of the same or if no service was effected, the serving officer shall state the reasons therefor.

SECTION 6. Proof of Completeness of Service. — The return is *prima facie* proof of the facts indicated therein. Service by registered mail is completed upon receipt by the addressee, his counsel, or by his duly authorized representative or agent.

SECTION 7. Substituted Service. — If service of pleadings, motions, notices, and resolutions, orders and other papers cannot be made under the preceding sections, the office and place of residence of the party or his counsel being unknown, service may be made by delivering the copy to the Clerk of the Adjudicator or the Board, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

RULE VII

Summons, Answer, and Submission of Evidence

SECTION 1. Issuance of Summons, Time to Answer, and Submission of Evidence. — If the complaint or petition is filed together with the BARC Certification and the affidavit(s) of witnesses, with the Adjudicator, as required in Rule III of these Rules, or upon the return of the complaint referred to the BARC in accordance with said Rule III, the corresponding summons and notice of hearing shall be issued attaching therewith a copy of such complaint, petition, affidavit, and documentary evidence, if any.

The summons and notice of hearing shall direct the defendant or respondent to file an answer to the complaint or petition or submit counter-affidavits and other documentary evidence, if any, within a non-extendible period of fifteen (15) days from receipt thereof, furnishing a copy to the petitioner/s or the complainant/s. The summons shall specify the date, time, and place of the hearing and shall order the parties and their witnesses to appear at the scheduled date of hearing.

If the defendant or respondent cannot be served within a reasonable time as provided in the preceding paragraph, service may be effected:

- a. by leaving copies of the summons at the defendant's or respondent's residence with some person of suitable age and discretion residing therein; or
- b. by leaving the copies at defendant's or respondent's office or regular place of business with some competent person in charge thereof.

The provisions on service of summons as provided in the Rules of Court shall have suppletory effect. However, if publication is effected pursuant to the above rule,