

### Title:

Bloomberry Resorts and Hotels, Inc. vs. Josedelio Eliz Meneses Asistio and Anthony Noveno Clavito

### Facts:

Bloomberry Resorts and Hotels, Inc. (Petitioner) filed a criminal action against Josedelio Eliz A.M. Asistio (Respondent Asistio), an employee, and Anthony Noveno Clavito (Respondent Clavito), a guest, for “past-posting” in a baccarat game at Solaire Resort and Casino, causing a loss of P220,000.00. After both Respondents were charged with Estafa under the Revised Penal Code, only Respondent Clavito was arrested and later jumped bail. The Regional Trial Court (RTC) acquitted Respondent Clavito, prompting Petitioner to file a Petition for Certiorari under Rule 65 with the Court of Appeals (CA), alleging grave abuse of discretion by the RTC. The CA dismissed the case against Respondent Clavito due to failure in serving the Notice of the Petition, stating that it did not acquire jurisdiction over him. Petitioner’s motion for reconsideration was denied, leading to the appeal to the Supreme Court.

### Issues:

1. Did the appellate court err in dismissing the Petition for Certiorari due to lack of jurisdiction over the person of Respondent Clavito?

### Court’s Decision:

The Supreme Court denied the Petition and affirmed the CA’s decision. The Court held that the CA correctly dismissed the Petition for Certiorari as it never acquired jurisdiction over Respondent Clavito due to the unserved Resolution. The Supreme Court emphasized that jurisdiction over a respondent is acquired through the service of the court’s order/resolution or through the respondent’s voluntary submission to the court’s jurisdiction. In this case, since Respondent Clavito was not served with the CA’s Resolution and had previously jumped bail, the CA did not err in its judgment.

### Doctrine:

The Court echoed the principle that a court acquires jurisdiction over the person of the respondent by the service on him of its order or resolution or by his voluntary submission to such jurisdiction.

### Class Notes:

- Jurisdiction is acquired either through service of the court’s order/resolution or by

voluntary submission.

- Rule 65 of the Rules of Court pertains to certiorari, prohibiting acts by a lower court that are perceived as a grave abuse of discretion.
- The “past-posting” scheme is a fraudulent method ensuring success in a gambling game by placing bets after the result is known.
- Acquittal in a criminal case due to lack of evidence does not automatically equate to denial of the opportunity for a civil petition for certiorari to review procedural errors or abuses of discretion.

### ### Historical Background:

This case reflects procedural challenges and jurisdictional nuances in the context of appeals in the Philippine legal system, especially in cases involving criminal accusations leading to certiorari petitions. While the underlying issue stems from alleged criminal activities within a casino operation, the legal procedural aspects, particularly on jurisdiction and service of court orders, take center stage in the appellate process.