

**BOAZ HAZAN, DULY REPRESENTED HEREIN BY ATTORNEY-IN-FACT
MARY CHRISTINE H. PEREZ, PETITIONER, VS. REGIONAL TRIAL
COURT, OF PASIG CITY, BRANCH 161, AND OFELIA CALINGASAN,
RESPONDE...**

Ponente: VILLON, J.

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VILLON, J.:

Before Us is the Compliance, relative to this Court's resolution dated October 17, 2013, filed by petitioner Boaz Hazan, duly represented by her attorney-in-fact, Mary Christine H. Perez on November 4, 2013. The said resolution reads:

“Petitioner's Compliance with the August 16, 2013 minute resolution, filed on September 11, 2013, is NOTED.

Since that copy of the August 16, 2013 minute resolution which was furnished respondent Ofelia Calingasan at her address as provided in the petition, which is: Rizal St., Tuy, 4214 Batangas was returned unserved with postal notation: 'RTS-Moved(out)', within five (5) days from notice hereof, petitioner is REQUIRED to SUBMIT to this Court her current correct and complete address where Court notices shall be sent and the proof that she duly received the petition, failing which, this petition shall be dismissed for the inability of this Court to acquire jurisdiction over the person of private respondent Ofelia Calingasan.

(Per Agendum dated October 1, 2013).”

Petitioner alleged that when a copy of the petition was sent to private respondent Ofelia Calingasan at her last known address at Rizal Street, Tuy, Batangas, the same was returned with a notation "RTS-ADDRESSEE ABROAD"; and that it was only then that petitioner learned of private respondent's whereabouts. Nevertheless, petitioner submits that the absence of private respondent is a subsequent event that should not affect the court's jurisdiction over the latter.

In the above-quoted resolution, petitioner was required to submit to this Court, within five (5) days from notice thereof, private respondent's current correct and complete address where court's notices shall be sent and likewise proof that private respondent was duly furnished with and received a copy of the present petition. Having failed to comply with the said resolution, there is no other recourse but to dismiss the instant petition for failure of this Court to acquire jurisdiction over the person of the private respondent. Petitioner now contends that at the proceedings in the lower court, substituted service of summons was validly effected through private respondent's husband, though the latter refused to receive the same,. Petitioner's submission is misplaced. Assuming for the sake of argument that there was a valid substituted service of summons upon private respondent in the case before the lower court, this Court does not automatically acquire jurisdiction over the person of the private respondent. This is so as the instant petition for certiorari is a new case distinct from the case pending before the public respondent Regional Trial Court.

WHEREFORE, premises considered, the present Petition for Certiorari is hereby DISMISSED for lack of

jurisdiction over the person of the private respondent.

SO ORDERED.

Macalino, and Corales, JJ., concur.

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