



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 16, 2019** which reads as follows:

“G.R. No. 201664 (*ABS-CBN CORPORATION, Petitioner, v. ABC DEVELOPMENT CORPORATION, ET AL.*) – After a judicious perusal of the records, the Court resolves to **DENY** the petition for review and to **AFFIRM** the September 5, 2011 decision and the April 26, 2012 resolution of the Court of Appeals (CA) in CA-G.R. SP No. 117063, for failure of the petitioner to sufficiently show any reversible error on the part of the CA in declaring the petitioner guilty of forum shopping.

Forum shopping can be committed in three (3) ways: (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*); or (3) filing multiple cases based on the same cause of action, but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*).<sup>1</sup>

Here, the petitioner committed forum shopping of the third kind – by splitting the cause of action – when it filed separate cases with different reliefs but with both cases arising from a single cause of action. In *Chua v. Metropolitan Bank and Trust Company*,<sup>2</sup> the Court discussed the perils of splitting a cause of action, thus:

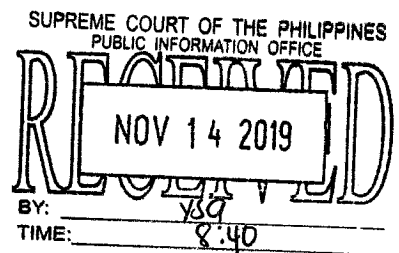
Sections 3 and 4, Rule 2 of the Rules of Court proscribe the splitting of a single cause of action:

- over – three (3) pages ...

200

<sup>1</sup> *Lanao del Norte Electric Cooperative, Inc. v. Provincial Government of Lanao Del Norte*, G.R. No. 185420, August 29, 2017, 838 SCRA 27, 43.

<sup>2</sup> G.R. No. 182311, August 19, 2009, 596 SCRA 524.



Section 3. A party may not institute more than one suit for a single cause of action.

Section 4. Splitting a single cause of action; effect of.— If two or more suits are instituted on the basis of the same cause of action, the filing of one or a judgment upon the merits in any one is available as a ground for the dismissal of the others.

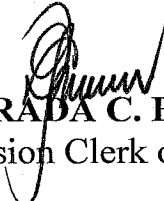
Forum shopping occurs although the actions seem to be different, when it can be seen that there is a splitting of a cause of action. A cause of action is understood to be the delict or wrongful act or omission committed by the defendant in violation of the primary rights of the plaintiff. It is true that a single act or omission can violate various rights at the same time, as when the act constitutes juridically a violation of several separate and distinct legal obligations. However, where there is only one delict or wrong, there is but a single cause of action regardless of the number of rights that may have been violated belonging to one person.<sup>3</sup>

As correctly held by the CA, Wilfredo Revillame's (Revillame) refusal to "honor [his] *Talent Agreement* by not working for a rival network"<sup>4</sup> is the delict that purportedly violated the petitioner's rights in the separate claims. Thus, the petitioner resorted to forum shopping when it filed a complaint for infringement, the cause of action of which is similar to its compulsory counterclaim in Civil Case No. Q-10-67770 considering that both can be traced from Revillame's refusal to honor his *Talent Agreement*.

**WHEREFORE**, the Court **DENIES** the petition for review on *certiorari*; **AFFIRMS** the decision dated September 5, 2011 and the resolution dated April 26, 2012 of the Court of Appeals in CA-G.R. SP No. 117063; and **ORDERS** the petitioner to pay costs of suit.

**SO ORDERED.**" *Perlas-Bernabe, J., on official business; Gesmundo, J., designated as Acting Working Chairperson per Special Order No. 2717 dated October 10, 2019; Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

200

- over -

<sup>3</sup> Id. at 536-537.

<sup>4</sup> *Rollo*, Vol. I, p. 14.

CRUZ MARCELO & TENEFRANCIA  
Counsel for Petitioner  
9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup> Floors One Orion  
Building, 11<sup>th</sup> Avenue cor. University  
Parkway, Bonifacio Global City  
1630 Taguig City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 117063)

QUASHA ANCHETA PEÑA  
& NOLASCO  
Counsel for Resps. ABC Development  
Corp. & R. Espinosa  
6/F Don Pablo Building  
114 Amorsolo Street, Legaspi Village  
1229 Makati City

Atty. Leonard De Vera  
Lead Counsel for Resp. W. Revillame  
Penthouse B, Windsor Tower  
163 Legaspi Street, Legaspi Village  
1229 Makati City

REYNO TIU DOMINGO  
& SANTOS  
Co-Counsel for Resp. W. Revillame  
12<sup>th</sup> Floor, Strata 100 Building  
F. Ortigas Jr. Road, Ortigas Center  
1605 Pasig City

Atty. Paul Javalera Bongco  
Co- Counsel for Resp. W. Revillame  
Unit 6, 3/F Reliance Center Building  
99 E. Rodriguez Jr. Avenue  
Ugong, 1604 Pasig City

The Hon. Presiding Judge  
Regional Trial Court, Branch 66  
1200 Makati City  
(Civil Case No. 10-1155)

Public Information Offices(x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

200

UR

NAF

