MVC,

Complainant,

-versus-

DSL,

Respondent.

x----------x

NPC 21-010
For: Violation of the Data Privacy Act of 2012

RRB,

Complainant,

-versus-

DSL,

Respondent.

x----------x

NPC 21-011
For: Violation of the Data Privacy Act of 2012

NMB,

Complainant,

-versus-

DSL,

Respondent.

x----------x

NPC 21-012
For: Violation of the Data Privacy Act of 2012

RMP,

Complainant,

-versus-

DSL,

Respondent.

NPC 21-013
For: Violation of the Data Privacy Act of 2012

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x----------x

NDL,
Complainant,

-versus-

DSL,
Respondent.

NPC 21-014
For: Violation of the Data Privacy Act of 2012

x----------x

MBN,
Complainant,

-versus-

DSL,
Respondent.

NPC 21-015
For: Violation of the Data Privacy Act of 2012

x----------x

ORDER

On 03 February 2022, the Commission issued a Decision finding DSLliable for Section 32 (Unauthorized Disclosure) of the Republic Act No. 10173 or the Data Privacy Act of 2012 (DPA).[1] Consequently, the Commission recommends to the Secretary of Justice the prosecution of DSL for the offense of Unauthorized Disclosure under Section 32 of the DPA.[2]

On 05 April 2022, DSLfiled a Motion for Reconsideration to the Decision dated 03 February 2022.[3]

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[1] NPC 21-010, NPC 21-011, NPC 21-012, NPC 21-013, NPC 21-014, NPC 21-015, 03 February 2022, at 13 (NPC 2022) (unreported).
[2] *Id.* at 14.
[3] Motion for Reconsideration, 05 April 2022, *in* MVC, et al. v. DSL, NPC 21-010, NPC 21-011, NPC 21-012, NPC 21-013, NPC 21-014, NPC 21-015 (NPC 2022).

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In his Motion, DSL argued that the Commission "inadvertently committed palpable error" in holding him liable for Section 32 of the DPA and in recommending for his prosecution.[4] He disagreed with the ruling of the Commission that the publication of the letter dated 23 November 2021 was a processing without lawful basis.[5] DSL claimed that the publication was necessary for compliance with a legal obligation of the GA Tower 1 Condominium Corporation (GAT1CC) in accordance with Section 12 (c) of the DPA.[6] He argued that the House Rules and Regulations of the GAT1CC authorizes the management to disclose the names of the delinquent members and unit owners.[7] DSL further disagreed with the finding that the letter dated 23 November 2021 was not issued for the interest of GAT1CC.[8] He argued that the Complainants have the burden to prove by substantial evidence that DSL has no authority to issue the letter on behalf of the condominium corporation[9] and that his acts constitute unauthorized disclosure.[10]

DSL further argued that the Commission has no jurisdiction over the subject matter of the case.[11] He claimed that since the parties involved are members and officers of the corporation, the case involves an intra-corporate controversy.[12] Hence, according to DSL, it is the Regional Trial Court that has jurisdiction over the case.[13]

DSL also alleged that the Complainants failed to attach a certification against forum shopping to their complaints.[14] According to him, the Complainants also failed to disclose the four (4) pending cases involving the same issues and circumstances as the case at hand.[15] He claimed that the non-compliance of the Complainants with the procedural requirements is "tainted with bad intentions" and is for

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[4] *Id.* ¶ 5.
[5] *Id.* ¶ 6.
[6] *Id.*
[7] *Id.* ¶ 8.
[8] *Id.* ¶ 10.
[9] Motion for Reconsideration, 05 April 2022, ¶ 11, *in* MVC, et al. v. DSL, NPC 21-010, NPC 21-011, NPC 21-012, NPC 21-013, NPC 21-014, NPC 21-015 (NPC 2022).
[10] *Id.* ¶ 15.
[11] *Id.* ¶ 23.
[12] *Id.* ¶ 19.
[13] *Id.* ¶ 22.
[14] *Id.* ¶ 26.
[15] Motion for Reconsideration, 05 April 2022, ¶ 28, *in* MVC, et al. v. DSL, NPC 21-010, NPC 21-011, NPC 21-012, NPC 21-013, NPC 21-014, NPC 21-015 (NPC 2022).

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their own convenience.[16] Considering the foregoing, DSL argued that the Commission should have outrightly dismissed the Complaints.[17]

In order to properly resolve the Motion for Reconsideration filed by Lee, the Commission deems it necessary to require the Complainants to submit their respective Comments on the Motion for Reconsideration.

WHEREFORE, premises considered, Complainants **MVC, RRB, NMB, RMP, NDL, and MBN** are hereby **ORDERED** to **COMMENT** on the Motion for Reconsideration filed by DSL **within fifteen (15) days** from the receipt of this Order.

SO ORDERED.

City of Pasay, Philippines.
28 April 2022.

LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

WE CONCUR:

JOHN HENRY D. NAGA
Privacy Commissioner

[16] *Id.*
[17] *Id.*

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DUG CHRISTOPER B. MAH
Deputy Privacy Commissioner

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Complainant

RRB
Complainant

NMB
Complainant

RMP
Complainant

NDL
Complainant

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CBB
Counsel for Respondent

COMPLAINTS AND INVESTIGATION DIVISION
ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
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