

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
BRANCH 80 - QUEZON CITY

ABS-CBN
CORPORATION,

BROADCASTING

Petitioner,

Civil Case No. Q-07-61665

- versus -

AGB NIELSEN MEDIA RESEARCH
(PHILIPPINES), INC.,

Respondent,

X-----X

ORDER

This resolves the Petition for Relief from Judgment filed by petitioner ABS-CBN Broadcasting Corporation praying that the Certificate of Finality dated January 5, 2010 be set aside and that petitioner be allowed to file its notice of appeal.

As ground for the Petition, petitioner argues that it was prevented from taking an appeal from the Order dated January 7, 2008 dismissing its complaint because of accident, as it did not receive a copy of the Order dated June 8, 2009 denying the Motion for Reconsideration it filed which, based on the Certificate of Finality issued, was received by counsel for the petitioner on June 23, 2009. Petitioner alleges that it was only on March 17, 2010 when it learned that a Certificate of Finality was already issued by this Court when one of the associates of petitioner's counsel checked the status of the case as part of an internal audit of the firm's active cases in the Regional Trial Court of Quezon City. After securing copies of the Order dated June 8, 2009 and the Certificate of Finality, petitioner's counsel investigated the matter and confirmed that it did not receive a copy of said order. As proof thereof, petitioner attached in its Petition a copy of the "Incoming Pleadings" document¹, a document allegedly prepared and e-mailed to all lawyers of the firm daily, showing that a copy of the Court's Order dated June 8, 2009 was not among those received by the firm on June 23, 2009. Petitioner further alleges that during the period when the Order was allegedly received, there were numerous power interruptions prompting a suspension of the firm's work onsite because of a fire at the basement of the Philippine Stock Exchange Center (PSEC) which may have been a contributing factor why the Order was not properly received and logged in the firm's Incoming Pleadings. An Affidavit² executed by Atty. Vincent Patrick A. Bayhon attesting to the facts surrounding the Petition and discussing the merits of the case is likewise attached to the Petition. Petitioner argues that these circumstances show that petitioner did not receive a copy of the Order dated June 8, 2009 as a result of accident for which it is entitled to the relief from judgment.

1 Attached as Annex "B" of the Petition.
2 Attached as Annex "C" of the Petition.

NISCE MARIANO, GONZALES, SUAREZ & ALCANTARA

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