



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

ECB,

*Complainant,*

**NPC 17-005a**

For: Violation of the  
Data Privacy Act

-versus-

SSMSM,

*Respondent,*

x-----x

**DECISION**

***NAGA, D.P.C.:***

This refers to the complaint filed by ECB (Complainant) against SSMSM (Respondents), regarding the processing, access to and disclosure of the detailed record of the Complainant's calls to a certain mobile user.

**The Facts**

Complainant alleges that Ms. IM, an agent of the Respondents, has disclosed to her colleague the detailed records of the Complainant's calls to a certain mobile user.

On 29 November 2017, Complainant filed a formal complaint to this Commission. In the complaint, the Complainant attached a letter dated 28 October 2017 addressed to the branch head of SC - SM Manila as part of her evidence. In said letter, Complainant reiterated that the disclosure of confidential information to IM's colleague was made without her consent. She also attached a summary of information that was disclosed by IM.

Complainant also attached in her complaint another letter wherein Respondents apologized for the incident caused by the latter's agent. In the said letter, Respondents also informed

Complainant that IM was placed on hold status, pending a disciplinary action against her.

On 03 May 2018, the parties were ordered to appear for a discovery conference, however, both parties failed to appear. Hence, another discovery conference was set on 13 August 2018.

On 13 July 2019, Respondents submitted a Motion to Dismiss with an attached receipt, release, waiver, and quitclaim ("Quitclaim") dated 31 January 2019. Respondents claim that the attached acknowledgement receipt of Php 150,000.00 from SCI was executed by the Complainant herself. Thus, Respondents prayed for dismissal of the case due to the amicable settlement between the parties.

However, the Complaints and Investigation Division (CID) noted that the documents were unsworn and no competent proof of identity of Complainant was attached. The CID then ordered the Complainant to appear before this Commission to verify whether she voluntarily, willingly, and knowingly executed said Quitclaim.

On 13 November 2019, Complainant personally appeared before the CID and attested as to the fact of the due execution of the Quitclaim. She also submitted her identification cards and the specimen of her signature.

On 13 December 2019, Respondents submitted the original copy of the notarized Quitclaim of the Complainant.

On 06 March 2020, the CID submitted the case to the Commission for its resolution.

### **Discussion**

This Commission finds that CID is correct in confirming the authenticity of the submitted Quitclaim by ordering the Complainant to appear before it in order to confirm and acknowledge the authenticity of said document. She also confirmed

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with CID that she received Php150,000.00 as settlement consideration.

Further, seeing that the Quitclaim has no badges of fraud and deception; and that it was done in consideration of a sufficient settlement consideration; and its provisions are not contrary to law, public order, public policy, morals or good customs, or prejudicial to a third person then the Quitclaim shall be treated as a voluntary agreement between the parties to settle the instant case.

As ruled by the Supreme Court in *Arlo Aluminum Inc., v. Vicente Pinon, et. al.*<sup>1</sup>, “But where it is shown that the person making the waiver did so **voluntarily, with full understanding of what he was doing, and the consideration for the quitclaim is sufficient and reasonable**, the transaction must be recognized as a valid and binding undertaking.” (Emphasis Supplied)

**WHEREFORE**, premises considered, this Commission resolves that the instant Complaint filed by ECB be **DISMISSED**.

**SO ORDERED.**

Pasay City, Philippines.  
02 July 2020.

(Sgd.)  
**JOHN HENRY D. NAGA**  
Deputy Privacy Commissioner

WE CONCUR:

(Sgd.)  
**RAYMUND ENRIQUEZ LIBORO**  
Privacy Commissioner

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<sup>1</sup>G.R. No. 215874, 05 July 2017

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(Sgd.)  
**LEANDRO ANGELO Y. AGUIRRE**  
Deputy Privacy Commissioner

**COPY FURNISHED:**

**ECB**  
Complainant

**AACR&C**  
Counsel for SSMSM

**COMPLAINTS AND INVESTIGATION DIVISION**  
**ENFORCEMENT DIVISION**  
**GENERAL RECORDS UNIT**  
National Privacy Commission

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