

****Title:** Destileria Limtuaco & Co., Inc. and Convoy Marketing Corporation v. Advertising Board of the Philippines**

****Facts:****

Destileria Limtuaco & Co., Inc. (Destileria), along with Convoy Marketing Corporation (Convoy) through SLG Advertising, sought Advertising Board of the Philippines' (AdBoard) approval to air a radio advertisement titled, "Ginagabi (Nakatikim ka na ba ng Kinse Anyos)." Following the approval and subsequent airing, public complaints led AdBoard to request a withdrawal of the ad, eventually unilaterally revoking the clearance. This action by AdBoard prompted Destileria and Convoy to challenge AdBoard's authority, leading to a series of legal actions culminating in a petition filed with the Supreme Court of the Philippines under Rule 65 for a writ of prohibition and preliminary injunction, asserting violation of their constitutional right to advertise.

****Issues:****

1. Whether AdBoard has quasi-judicial or ministerial powers enabling it to mandate clearance for advertisements and enforce non-compliance sanctions.
2. Whether petitioners' act constituted forum shopping.
3. Whether AdBoard's requirement for advertisement clearance constitutes a violation of the petitioner's rights to due process and free commercial speech.

****Court's Decision:****

The Supreme Court dismissed the petition for lack of merit. The Court determined that AdBoard, a private organization acting without government delegation, does not exercise judicial, quasi-judicial, or ministerial functions, thereby negating the applicability of a writ of prohibition. Furthermore, the Court found the petitioners guilty of forum shopping, having previously instigated a similar action in a lower court, and therefore dismissed their claims. The Court did not delve into the purported constitutional infringements, its resolution of procedural issues being dispositive.

****Doctrine:****

The decision underscores the inapplicability of the writ of prohibition against entities not performing governmental functions and elucidated the concept of forum shopping, detailing its criteria and consequences.

****Class Notes:****

- ****Writ of Prohibition****: It is applicable against entities or individuals performing

governmental functions (judicial, quasi-judicial, or ministerial) and not against private organizations acting in non-governmental capacity.

- **Forum Shopping**: Involves instituting multiple actions based on the same cause to secure favorable judgment. Identified through the confluence of parties, causes of action, and relief sought across litigations. Consequences include dismissal of the action.
- **Due Process in Advertising Regulation**: Regulatory actions against advertising must come from entities with proper statutory authority, and comply with constitutional safeguards, including due process.
- **Commercial Speech**: Protected under the constitution but subject to regulation. The case illustrates complexities surrounding whose authority governs such regulation.

Historical Background:

The contention arose from the regulatory actions of AdBoard, an umbrella organization in the Philippines' advertising industry, founded in 1974. The case reflects the tension between industry self-regulation and constitutional rights, against the backdrop of evolving advertising standards and practices in the Philippines.