

Title: Michael London and Nicholas Frederick London vs. Baguio Country Club Corporation et al.

Facts:

- **\*\*Incident\*\***: On November 29, 1998, Nicholas Frederick London, an 11-year-old boy, was playing video games at the Baguio Country Club's recreation center when he was allegedly sexually harassed by Francis Bastiano Simalong, a bowling mechanic of the club. Simalong, who appeared to be inebriated, reportedly placed his hand around Nicholas and touched his penis. Nicholas, frightened, immediately informed his parents, who then accompanied him to report the incident to the police.
- **\*\*Criminal Complaint\*\***: On December 14, 1998, Nicholas, represented by his father Michael London, filed a complaint-affidavit before the Office of the City Prosecutor in Baguio City against Simalong for "Sexual Harassment and/or Child Abuse and/or Acts of Lasciviousness and Unjust Vexation."
- **\*\*Proceeding in MTC\*\***: On December 28, 1998, the investigating prosecutor found probable cause and filed an information for unjust vexation before the Municipal Trial Court (MTC).
- **\*\*Transfer to RTC\*\***: On October 9, 1999, the MTC ordered that the case be transferred to the Regional Trial Court (RTC) of Baguio City, in compliance with Supreme Court Circular No. 11-99 and Republic Act No. 8369 since the complainant was a minor. The case was docketed as Criminal Case No. 17107-R.
- **\*\*Civil Action for Damages\*\***: On December 17, 1999, Nicholas, represented by his father, filed a civil action for damages (Culpa Aquiliana) in the Baguio RTC against the Baguio Country Club, its General Manager Anthony de Leon, and Francis Simalong, docketed as Civil Case No. 4587-R.
- **\*\*Motion to Dismiss\*\***: On February 4, 2000, Baguio Country Club and Anthony de Leon filed a motion to dismiss the civil complaint on the grounds that the verification/certification against forum shopping did not disclose the existence of Criminal Case No. 17107-R.
- **\*\*RTC Decision\*\***: On April 18, 2000, RTC Branch 61 granted the motion to dismiss the civil case.
- **\*\*Motion for Reconsideration\*\***: The plaintiff filed a motion for reconsideration and also

petitioned for Judge Antonio Reyes's inhibition due to alleged partiality.

- **Transfer to Branch 59**: Judge Reyes inhibited himself, and the case was transferred to Judge Abraham B. Borreta of RTC Branch 59, who denied the motion for reconsideration on October 10, 2000.

- **Petition to Supreme Court**: Nicholas, through Michael London, filed a petition for review of the RTC's dismissal of the complaint for damages.

Issues:

1. **Forum Shopping**: Whether the simultaneous institution of a criminal case and a civil case arising from the same incident constitutes forum shopping.

Court's Decision:

- **No Forum Shopping Occurred**: The Supreme Court ruled that forum shopping did not occur in this instance. The Court explained that forum shopping involves the multiplicity of actions or proceedings grounded on identical causes of action, subject matters, and issues.

- **Distinct Legal Actions**: The civil case for damages based on quasi-delict and the criminal prosecution for unjust vexation arise out of separate legal bases. The civil case involved different parties, including the club and its general manager, and not solely Simalong. Additionally, the real plaintiffs in the criminal case are the "People of the Philippines."

- **No Res Judicata or Litis Pendencia**: The Court emphasized that a criminal case judgment does not determine civil liability for quasi-delicts, as these are founded on different grounds.

Doctrine:

- **Application of Rules on Forum Shopping**: Rules of procedure, such as those against forum shopping, are designed to facilitate justice and should not be applied rigidly where such application frustrates substantial justice.

- **Multiple Remedies**: Parties may pursue multiple remedies available under law provided that there are substantive distinctions in terms of parties, causes of action, or reliefs sought, as seen in the distinction between a criminal prosecution and a civil action

for quasi-delict.

Class Notes:

- **Key Concepts**: Forum Shopping, Culpa Aquiliana, Res Judicata, Litis Pendencia
- **Statutory Provisions**: Republic Act No. 8369 (Family Courts Act of 1997)
- **Application**: A civil action for damages can coexist with a criminal action if they derive from distinct legal grounds, thus circumventing potential issues of forum shopping or res judicata.

Historical Background:

- **Context of Legal Proceedings**: The case highlights the nuances in Philippine procedural law where criminal and civil responsibilities arising from a singular wrong can be addressed in separate judicial spheres without necessarily invoking forum shopping concerns. The decision further illustrates judicial flexibility in equity issues, balancing procedural rules with the demands of justice. The backdrop of child protection laws and evolving legal doctrines against sexual offenses inform this judicial narrative.