



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

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**RTB,**

*Complainant,*

-versus-

**EAST WEST BANKING  
CORPORATION,**

*Respondent.*

**NPC 21-086**

For: Violation of the  
Data Privacy Act of  
2012

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## RESOLUTION

**AGUIRRE, D.P.C.;**

Before the Commission is the Compliance and Manifestation (Re: Letter/Order dated 25 April 2022 and Decision dated 03 February 2022) dated 02 May 2022 submitted by East West Banking Corporation (EWBC) in relation to the payment of nominal damages to RTB.<sup>1</sup>

### Facts

On 03 February 2022, the Commission issued a Decision dismissing the complaint filed by RTB against EWBC upon determining that EWBC's processing of RTB's personal information was based on a lawful criterion under Section 12 (b) of the Data Privacy Act of 2012 (DPA).<sup>2</sup> As a consequence of EWBC's carelessness in the processing of RTB's personal information, however, the Commission awarded nominal damages to RTB.<sup>3</sup> In this case, EWBC did not comply with

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<sup>1</sup> Compliance and Manifestation (Re: Letter/Order dated 25 April 2022 and Decision dated 03 February 2022), 02 May 2022, *in* RTB v. East West Banking Corporation, NPC 21-086 (NPC 2022).

<sup>2</sup> RTB v. East West Banking Corporation, NPC 21-086, 03 February 2022, *available at* <https://www.privacy.gov.ph/wp-content/uploads/2022/04/NPC-21-086-RTB-v.-East-West-Banking-Corporation-Decision-2022.02.03..pdf> (last accessed 01 August 2022).

<sup>3</sup> *Id.*

its obligation as a Personal Information Controller under Section 11 (c) of the DPA.<sup>4</sup> The dispositive portion of the Decision states:

**WHEREFORE**, premises considered, the Commission resolves to **DISMISS** the Complaint of RTB against East West Bank Corporation (EWBC). The Commission **AWARDS** nominal damages, in the amount of Fifteen Thousand Pesos (P15,000.00), to RTB for EWBC's failure to fulfill its obligation as a Personal Information Controller under Section 11 (c) of the Data Privacy Act of 2012. EWBC is **ORDERED** to submit its compliance within fifteen (15) days from receipt of this Decision.

**SO ORDERED.**<sup>5</sup>

EWBC submitted its Compliance and Manifestation dated 01 April 2022.<sup>6</sup> It informed the Commission that it attempted to coordinate the payment of nominal damages with RTB through calls, text messages, and emails but it did not receive any response.<sup>7</sup> It then manifested that RTB "may claim the Manager's Check representing payment of nominal damages at the East West Bank Cavite-Silang Bank."<sup>8</sup> EWBC further offered, in the alternative, to submit the Manager's Check with the Commission for safekeeping.<sup>9</sup>

Thereafter, the National Privacy Commission's Enforcement Division (EnD) sent emails to RTB to confirm if EWBC had paid the nominal damages and to verify the date and proof of payment.<sup>10</sup>

On 25 April 2022, the EnD also sent a letter to EWBC, through its counsel, instructing EWBC to comply with the Decision dated 03 February 2022 and to submit proof of compliance within ten (10) days from receipt of the letter.<sup>11</sup> On the same day, RTB replied to the EnD's email and submitted photos of the Manager's Check dated 01 April 2022 in the amount of Fifteen Thousand Pesos (P15,000.00) and the

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<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.*

<sup>6</sup> Compliance and Manifestation (Re: Decision dated 03 February 2022), 01 April 2022, at 1, *in* RTB v. East West Banking Corporation, NPC 21-086 (NPC 2022).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.*

<sup>10</sup> Email *from* Enforcement Division, National Privacy Commission, *to* RTB (20 April 2022); Email *from* Enforcement Division, National Privacy Commission, *to* RTB (21 April 2022); Email *from* Enforcement Division, National Privacy Commission, *to* RTB (25 April 2022).

<sup>11</sup> Re: Compliance with the Decision dated 03 February 2022 in NPC 21-086 entitled "RTB vs. East West Banking Corporation", 25 April 2022, *in* RTB v. East West Banking Corporation, NPC 21-086 (NPC 2022).

acknowledgement receipt with his signature.<sup>12</sup> In his email, RTB also stated that he “[w]ill still file for a Motion for Reconsideration.”<sup>13</sup>

In response to the EnD’s letter, EWBC filed its Compliance and Manifestation (Re: Letter/Order dated 25 April 2022 and Decision dated 03 February 2022) dated 02 May 2022.<sup>14</sup> It informed the Commission that on 06 April 2022, it released the Manager’s Check dated 01 April 2022 in the amount of Fifteen Thousand Pesos (P15,000.00) to RTB through its Cavite-Silang Branch.<sup>15</sup> As proof of compliance, it submitted a copy of the acknowledgement receipt that RTB signed.<sup>16</sup>

### Discussion

The Commission resolves to close the case.

The Commission notes that EWBC complied with the order to pay RTB nominal damages in the amount of Fifteen Thousand Pesos (P15,000.00) as stated in the Decision dated 03 February 2022.<sup>17</sup> The acknowledgement receipt signed by RTB together with RTB’s confirmation of the payment of nominal damages through his email to the Commission are deemed sufficient to prove that the payment has been made.<sup>18</sup>

As regards RTB’s statement in his email that he intends to file a Motion for Reconsideration,<sup>19</sup> the Commission notes that he did not file a Motion for Reconsideration within the prescribed period under NPC Circular 2021-01 (2021 NPC Rules of Procedure).

**WHEREFORE**, premises considered, Commission resolves that NPC 21-086 – RTB v. East West Banking Corporation is hereby **CLOSED**.

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<sup>12</sup> Email from RTB, to Enforcement Division, National Privacy Commission (25 April 2022).

<sup>13</sup> *Id.*

<sup>14</sup> Compliance and Manifestation (Re: Letter/Order dated 25 April 2022 and Decision dated 03 February 2022, 02 May 2022, in RTB v. East West Banking Corporation, NPC 21-086 (NPC 2022).

<sup>15</sup> *Id.* at 1.

<sup>16</sup> *Id.* Annex A.

<sup>17</sup> *See Id.*

<sup>18</sup> Email from RTB, to Enforcement Division, National Privacy Commission (25 April 2022).

<sup>19</sup> *Id.*

Further, East West Banking Corporation's Compliance and Manifestation (Re: Letter/Order dated 25 April 2022 and Decision dated 03 February 2022) dated 02 May 2022 is hereby **NOTED**.

**SO ORDERED.**

City of Pasay, Philippines.  
28 July 2022.

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

WE CONCUR:

**Sgd.**  
**JOHN HENRY D. NAGA**  
Privacy Commissioner

**Sgd.**  
**DUG CHRISTOPER B. MAH**  
Deputy Privacy Commissioner

Copy furnished:

**RTB**  
*Complainant*

**ONA PAMFILO & BUBAN LAW OFFICES**  
*Counsel for East West Banking Corporation*

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