

FILIPINO SOCIETY OF COMPOSERS
AUTHORS AND PUBLISHERS, INC.,
Complainant,

-versus-

GMA NETWORK, INC.
Respondent,

x-----x

DSC No. 7-2001-00002
For: Author's Rights

ORDER

On 28 September 2001, the Complainant filed the instant case against the Respondent, praying for the resolution through mediation of their dispute concerning royalty/license fees.

On 02 October 2001, this Office issued a Notice To Settle, inviting both parties to appear in a Mediation Conference on 12 October 2002. The Conference was continued on 22 October 2001. The parties reached a consensus but the same was not finalized as the Respondent's counsel had to seek clearance from his principals. Consequently, another session was set on 30 October 2001. Respondent's counsel, however, failed to appear on the said date. Failure of mediation was declared and the parties were directed to file their respective position papers without prejudice to a possible settlement of the case. The Complainant filed its Position Paper on 23 November 2001. Intermittent informal discussions followed.

On 16 October 2003, the Complainant filed a Notice of Withdrawal. The Respondent filed an Opposition thereto on 22 October 2003, attaching a Supplemental Position Paper with New Proposals for Mediation.

After careful study of the submissions of both parties, and desiring to achieve industrial peace within a definite period, this Office found that there was still a likelihood of amicable settlement. Thus, this Office requested the parties to attend a meeting set on 05 February 2004. The Notice stated the following:

"The meeting shall be confidential and no record thereof shall be taken. The discussion shall explore possible means to end the dispute.

To help ensure the success of the proceedings, the representative of each party must be equipped with the appropriate board resolution or secretary's certificate specifically stating therein the extent of his authority.

While counsel may accompany the representative, parties are strongly urged to limit the participation to their responsible officers." (Emphasis supplied)

Another meeting was held on 04 March 2004 where counsel of both parties were excused from the meeting room to give the parties ample and unfettered opportunity to understand each other's concerns. As a result, the senior responsible representatives of the parties agreed to settle the case amicably and hold further meetings between themselves to work out the details of the agreement. Consequently, the parties informed this Office by phone that on 14 June 2004, an Agreement, effective for five (5) years, was signed between them but this Office could not be furnished a copy of the Agreement in view of the confidentiality provision incorporated therein. Furthermore, on 31 August 2004, the Respondent withdrew its Opposition to Complainant's Notice of Withdrawal.

WHEREFORE, premises considered, this Office hereby declares the instant case SETTLED.

SO ORDERED.

Makati City, 08 December 2004

EMMA C. FRANCISCO
Director General