

2024 JUL 16 PM 12:21

SUPREME COURT of the Republic of the Philippines, Manila

Application Under Rules 63 & 65;

by

PLAINTIFF:

Allan Douglas Wilson

274457

v

DEFENDANTS:

- 1) Municipal Trial Court in Cities (MTCC) - Cebu
- 2) AirAsia
- 3) HSBC Philippines

Attached annexes:

Annex1_complaint (AirAsia civil Complaint with MTCC Cebu)

Annex2_complaint (HSBC Philippines civil Complaint filed with MTCC Cebu)

Annex3_clerks_docs (Additional documents cited as internal policy)

Annex4_courtsite_screenshots (Court website information regarding claim filing)

Annex5_dismissals_rules (Orders to Dismiss and MTCC Cebu Court Rules)

Annex6_email (Email correspondence regarding Dismissal)

Annex7_demand (Demand Letter for Compensation)

Following Orders to Dismiss received from the Municipal Trial Court in Cities-Cebu
(MTCC) Branches 3 & 8 in reference to small claims filed by the Plaintiff, a resident

of the Philippines, petition for review on Certiorari under Rule 45 is requested for which declaratory relief may be determined by the Court to recognize the validity of already filed affidavits and cited Court Rules upon which the Dismissals are based and whose misapplication contravenes the right to due process.

Relief is requested under established Estafa laws of the Philippines for which all elements are present on the basis of the Complainant's monetary losses from misrepresentation of Court Rules and the Rule of Law that prejudiced the Petitioner, and for which compensation is demanded.

Declaratory relief may be granted by discretion of the Court upon review of the MTCC-Cebu Dismissal Orders which fail to recognize the Affidavits filed with the Statements of Claim. A declaration affirming established procedure regarding authoritative documents may recognize the Court's demands for affidavits as erroneous and exceeding legal requirements. The Dismissals were ordered on the basis of the Court's unilaterally imposed condition of the need for additional affidavits, for which there is no basis in Court Rules or accepted legal practice.

With the Court's recognition of the validity of already filed affidavits supporting the Complainant's Petitions, judgment and consequential relief is requested with consideration for damages identified in the originally filed Complaints against AirAsia and HSBC Philippines, in addition to expenses incurred for filing with the lower court including filing fees.

Declaratory Relief (Rule 63);

Receipt of the lower Courts' Dismissals was acknowledged along with the attached revised Court Rules (Annex6_emails). *Section 4* of the Rules lists documents that may be included in filing a claim such as 'affidavits of witnesses' and 'other evidence' however these are not stated in the Rules as requirements for the Complainant's filing with MTCC-Cebu.

Section 4 also states that: *'No formal pleading, other than the Statement of Claim(s) described in this Rule, is necessary to initiate a small claims action (Emphasis supplied).*

Further to this, *Page 6* of the completed Claim forms are Affidavits that were notarized and signed by the Petitioner under Oath. The *page 6* Affidavits which are intrinsic to the claims state that the Complainant certifies the Statements of Claim and all appendices are true and correct and/or based on true records.

A separate affidavit by the Complainant is not requisite to the filing as it has been proven by courts that an affidavit should only be filed by a witness if the evidence is relevant to the filed case. Duplicate court documents are not relevant to the case and should not be requested by the Court unless proven that a separate affidavit will provide evidence additional to that which has already been filed.

By legal definition, a witness is someone who has information about a case that has gone to trial. For a Complainant to witness their own filing of Complaint before trial

implies that the witness has information not contained in the original filing which would necessitate an amended filing of claim rather than an additional affidavit.

Court Rules were cited in the MTCC-Cebu reply with Dismissals (Annex5_dismissal_rules), however none of these Rules indicate a requirement for additional Petitioner affidavits to file a Small Claim. FORMS 1-SCC *page 6* when signed, notarized, and witnessed, are by all consideration Affidavits which the lower Court has not recognized in its erroneous Dismissals.

The totality of documents filed in the Statements of Claim are consistent with established legal practices and the baseless demands of the lower Court with no corresponding rule or law constitute fraud and misrepresentation with the result of defrauding the Petitioner of Court costs and filing fees. Intent to defraud is evident with decisions from multiple judges that have distorted Court Rules for the benefit of the Court, Rules which are not open to interpretation, and the fact that the Petitioner is responsible for all filing costs and related expenses which are not known to be recoverable without additional filings.

The Court requirement for redundant affidavits has the effect of defrauding not only the Petitioner, but further disadvantaging all Philippine plaintiffs with notarization fees for extraneous and useless documents, creating further liability of the MTCC-Cebu and all Municipal Trial Courts who enforce a misinterpretation of the Rules; with possible class action suits to recover millions of pesos in damages from misappropriated court fees from unlawful dismissals and unjustified court demands.

Payment by the Complainant for case filing constitutes a contract with the Court. The terms of this contract are based on publicly available documents including the Rules of Court. The Petitioner is seeking civil damages corresponding to the breach of contract and Estafa law due to the intentional misrepresentation of the Rules for the Court's direct monetary gain and the benefit of associated legal industry practitioners who administer affidavits.

Administrative remedies have been thoroughly exhausted

The Court was contacted to attempt to clarify the cited rules (Annex6_email) and a Demand Letter was sent to the Court (Annex7_demand). The Court Clerk requested that any arguments will only be recognized by the Court as formal pleadings referencing Court Rules (Annex5_dismissal_rules). Due to the Dismissal without Prejudice, additional pleadings are only permitted with a new case filing which would likely result in the same dismissal or dismissal on other unreasonable grounds, considering the already erroneous and arbitrary application of Rules by the Court.

SEC. 6. Commencement of Small Claims Action.— A small claims action is commenced by filing with the court an accomplished and verified Statement of Claim (Form 1-SCC) in duplicate, accompanied by a Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits (Form 1-A-SCC), and two (2) duly certified photocopies of the actionable document/s subject of the claim, as well as the affidavits of witnesses and other evidence to support the

claim. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Statement of Claim, unless good cause is shown for the admission of additional evidence.

Upon notarizing the claim forms and paying for filing, therefore entering into contract with the Court for services detailed in: SC doc A.M. No. 08-8-7-SC (2016 REVISED RULES OF PROCEDURE FOR SMALL CLAIMS CASES); it was found that the excessive expenses incurred were without justification and are therefore subject to claim arising from contract of services. Nowhere in 08-8-7-SC does it state that there may be documents required by MTCCs additional to the Statement of Claim.

Expenses were incurred by the Petitioner in relation to the first attempt to file with the Court on April 26, 2024 (Annex7_demand). This attempt to file was rejected on the basis of lacking documents cited by the Court Clerk, with the Clerk referring to additional filing requirements not stated in the Rules (Annex3_clerks_docs), and purportedly available at the given website address: <http://epayment.judiciary.gov.ph>.

Upon visiting this website and all the pages therein (Annex4_courtsite_screenshots), it was discovered that there were no references to 'Small Claims', and there were also no stated documentary requirements for filing that corresponded with the Clerk's additional filing demands.

Considering that the published Rules constitute the terms of the contract entered by the Petitioner on filing, it is the Court that is in breach of contract and not the Petitioner who filed according to all requirements stated in the Rules. In addition to

the published Rules was a locally imposed requirement to wear pants to file cases at the Court, a requirement for which there was only a sign on the interior lobby wall of the Court building and no other searchable public reference. Another demand was for five(5) copies of the Complaints rather than the three(3) copies cited on the actual Complaint form. These demands create the unreasonable condition for incurred expenses and a pattern of arbitrary requirements with no basis in publicly available policies, rules, or established laws. Damages are therefore claimed for the reason of costs incurred in addition to the baseless Dismissals which would necessitate refiling with potentially significant delays and loss of Petitioner resources with no guarantee of future Court compliance with the Rules.

The Dismissals by the MTCC-Cebu meet the requirements for a declaratory relief action under Rule 63:

1] The subject matter of the controversy is a contract entered into with the Court upon payment of filing fees to administer justice according to Court Rules and established laws.

2] The contract terms or 'Rules of the Court' have not been accurately represented by the Court and is the basis of the Dismissals. According to the Court, the issue is lacking documents in the form of duplicate Affidavits for which there is no actual legal requirement.

3] The Petitioner, in their filings, has been compliant with all Court Rules and laws of the Philippines, and has not breached contract.

4] An actual and justiciable controversy exists between the Petitioner's rights to due process and the MTCC-Cebu's Dismissal of Complaints against AirAsia and HSBC Philippines who are allegedly liable for damages for breach of contract.

5] The filed action is ripe for judicial determination on the basis of the Dismissals which allow no other reasonable recourse than the Petition for ruling of a higher court.

6] Adequate relief is not available through other means or forms of action or proceeding. The Orders to Dismiss cannot be appealed and a Demand has been made to the Court. The Demand was made on June 13, 2024 with no reply received within the 3-week response time given in the Demand letter (Annex7_demand).

Certiorari, Prohibition and Mandamus (Rule 65);

Section 1 of Rule 65 provides that: A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

Requisite conditions to avail the remedy under Rule 65 are known to have been fulfilled:

1] The writ is directed against MTCC-Cebu Branches 3 & 8 which have issued Orders to Dismiss the Petitioner's Complaints citing Court Rules with no legitimate legal basis.

2] The Court has evidently acted outside of its legal authority by denying due process under Philippine law and the Constitutional rights of property and contract law.

3] There is no possible appeal or any plain, speedy and adequate remedy in the ordinary course of Philippine law.

A Petition for certiorari under Rule 65 of the Rules of Court is made in the absence of appeal or any available and reasonable remedy in the ordinary course of law. There is no other recourse reasonably known to be effective in disputing the Dismissal Orders issued by the MTCC-Cebu. The dismissals are seen as a violation of the letter and spirit of Constitution rights including right to due process, right to property, and contract law. These violations are subject to the particular questions of law raised by this Petition relating to the following laws, decrees, and common law provisions:

1. The Constitution of the Philippines

A) Section 1: Right to Property

The Plaintiff's rights to property have been undermined without due process which is contrary to Section 1 of the Constitution of The Philippines: 'No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws'. Not only have the Respondents in the

initial cases (Annex1_airasia_complaint, Annex2_hsbc_philippines_complaint) directly caused the Petitioner's monetary losses by breach of contract, but the Court has augmented incurred monetary damages with its unreasonable demands and unwarranted Dismissals.

B) Section 10: Contract Law

The Plaintiff is being denied equal protection of the laws for his right to property. Further to this, the Court's implied contractual obligations remain to Petitioner according to Court Rules and laws, an obligation that is inviolable according to Section 10. of the 1987 Constitution of the Philippines: 'No law impairing the obligation of contracts shall be passed.' Contract was entered into with the Court upon payment of filing fees on June 6, 2024.

2. Estafa under paragraphs 2(a) and 1(b), Article 315 of the RPC:

Under Article 315, paragraph 1(b)(1) the amounts of money were received by the Respondent under an obligation to administer justice according to Court Rules and the laws of the Philippines; (2) the Respondent misappropriated the money by way of arbitrary Dismissal and misrepresentation of Court Rules and Philippine law; (3) the misappropriation legally and financially prejudiced the Petitioner; and (4) demand to the Respondent was made by the Petitioner for compensation (Annex7_demand).

3. Anti-Corruption Law: Due to the internal policies regarding case filing with MTCC-Cebu described by the Court Clerk, and that are not otherwise publicly known or accessible, the Court has been found to be acting contrary to BIR Anti-Corruption

Law: Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule IV (Transparency of Transactions and Access to Information):

Section 1. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Section 2. it is the responsibility of heads of departments, offices and agencies to establish measures and standards that will ensure transparency of and openness in public transactions in their respective offices...They shall establish information systems that will inform the public of the following:

(a) policies, rules, and procedures;

(d) all other documents as may hereafter be classified as public information. Such information shall be utilized solely for the purpose of informing the public of such policies, programs and accomplishment, and not to build the public image of any official or employee or to advance his own personal interest.

Summary and Damages

It is evident that a review of core practices is needed by the lower courts which should include establishing rules and policies that are clearly articulated and publicly available. Such reforms are seen as necessary to avoid unneeded filings and other inconveniences that burden court administration and create liabilities for complainants. Clearly stated court rules based on accepted legal practice are a prerequisite for definitive legal judgments.

For the reasons cited, request of review by certiorari and declaratory relief is made without vexatious intent and is in the interest of justice. Upon review and relief, the following sum certain is requested from the Court:

MTCC Court fees and associated filing costs amounting to 12,929.00 Philippine pesos (PHP) with 20% interest calculated daily;

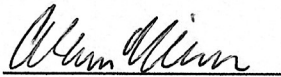
HSBC Philippines Small Claim for 10,331.77 Philippine pesos (PHP) with 20% interest calculated daily; and

AirAsia Small Claim for 10,819.54 Philippine pesos (PHP) with 20% interest calculated daily;

Totaling compensatory relief of 34,080.31 Philippine pesos (PHP).

The Petitioner certifies that the preceding is declared to be true at the time of writing and to the knowledge of the filing party.

Made this Day; July 7, 2024, at Cebu, Philippines;



Allan Douglas Wilson

Instruction for the Person Suing

• **YOU ARE THE PLAINTIFF.** The person you are suing is the defendant. Before you fill out this form, read Form 1-B-SCC, Information for the plaintiff, to know your rights. Get form 1-B-SCC at the Office of the Clerk of Court of any court nearest you or go to <https://oca.judiciary.gov.ph/small-claims/>

• Fill out pages 1-6 of this form. Then make copies of all pages of this form and the attached documents (make one copy for each defendant named in this case and an extra copy for yourself.) Take the original and these copies to the Office of the Clerk of Court and pay the filing fees. Have the forms and all your supporting documents notarized or administered by either a notary public, the Clerk of Court of the Office of the Clerk of Court (OCC) where the case will be filed, a branch clerk of Court, or a Barangay Chairperson.

• Go to court on your trial date and time indicated in the notice of Hearing.

Mga Bilin sa Taong Nagdedemanda:

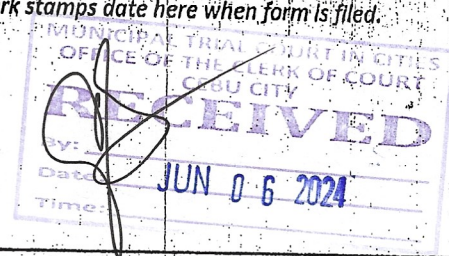
• **IKAW ANG NAGHAHABLA.** Ang taong sinampahan mo ng kaso ay ang hinahabla.

• Bago mo punan/sagutin ang form na ito, basahin ang Form 1-B-SCC (Kaalaman para sa naghahabla) para malaman ang iyong mga karapatan. Kumuha lamang ng kopya ng Form 1-B-SCC sa Office of the Clerk of Court ng hukuman malapit sa iyo o bisitahin ang <https://oca.judiciary.gov.ph/small-claims/>

• Punan/sagutin ang pahina 1-6 ng form na ito. Gawan ng mga kopya ang lahat ng pahina ng form na ito at ng nakalakip na mga dokumento (Gawan ng kopya ang bawat Hinahabla at mag-iwan ng kopya para sa iyo). Ihalin ang orihinal at mga kopya sa hukom at magbayad ng filing fees. Ipasetipikado lahat ng form at dokumento allman sa Clerk of Court ng Office of the Clerk of Court (OCC) kung saan isasampa ang kaso o sa Branch Clerk of Court o notaryo publiko o Punong Barangay.

• Dumalo sa pagdinig sa petsa at oras na ipinahiwatig sa Abiso sa pagdinig.

Clerk stamps date here when form is filed.



Fill in court name, street address, and email:

Republic of the Philippines
 Court:
 Branch:
 Street address:
 Hotline:
 Email address:

Court fills in case number when form is filed.

Case Number: **VI-CEB-24-04227-SMC**

Case Title:
**ALLAN DOUGLAS WILSON
 V
 AIRASIA**

Branch Clerk of Court fills out this checklist.

1. Cause of action

Check Contract
 Promissory Note Oral Written

Barangay Agreement
 Others (Pls. specify _____)

2. Barangay conciliation

Required
 Certificate to file Action attached
 Compromise Agreement attached
 Not Required (Pls. state reason):

1 THE PLAINTIFF (the person, business, or public entity that is suing) is: (Ang Naghahabla)

Name (Pangalan ng Naghahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
ALLAN DOUGLAS WILSON	MALE	45	MARRIED

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)	Type of Business (Uri ng Negosyo)
<input checked="" type="checkbox"/> Individual (Tao/Indibidwal)	<input type="checkbox"/> Banking (Bangko)
<input type="checkbox"/> Corporation (Korporasyon)	<input type="checkbox"/> Lending (Pagpapautang)
<input type="checkbox"/> Partnership (Bakasan)	<input type="checkbox"/> Others (pls. indicate): (Iba pang uri ng negosyo)
<input type="checkbox"/> Cooperative (Kooperatiba)	
<input type="checkbox"/> Sole Proprietorship (Solang Pangmay-ari)	

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
74 GEN MAXILOM AVE	TOWER 2	COGON RAMOS	6000
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)	Region (Rehiyon)	
CEBU CITY	CEBU		
Contact No. (Telepono/Selpon Blg.)	Email Address		
09636374588	wilson.allan.d@gmail.com		

Plaintiff (list name) *Isulat ang pangalan ng naghahabla*
ALLAN DOUGLAS WILSON Case Number:

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
N/A			
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

If more than one plaintiff, list next plaintiff here:

Name (Pangalan ng Naghahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
CHERRY GAY MAHINAY	FEMALE	30	SINGLE

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)	Type of Business (Uri ng Negosyo)
<input checked="" type="checkbox"/> Individual (Tao/Indibidwal) <input type="checkbox"/> Corporation (Korporasyon) <input type="checkbox"/> Partnership (Bakasan) <input type="checkbox"/> Cooperative (Kooperatiba) <input type="checkbox"/> Sole Proprietorship (Solong Pangmay-ari)	<input type="checkbox"/> Banking (Bangko) <input type="checkbox"/> Lending (Pagpapautang) <input type="checkbox"/> Others (pls. indicate): (Iba pang uri ng negosyo)

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
324 JMANA OSMENA EXT		CAPITOL	6000
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
CEBU CITY		CEBU	7
Contact No. (Telepono/Selpon Blg.)		Email Address	
		cherrygaym@gmail.com	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Check here if more than two plaintiffs and attach Form 1-A-SCC (Other Plaintiffs or Defendants).
 Lagyan ng tsek kung higit pa sa dalawa ang naghahabla at ilalip ang For 1-A-SCC (Iba pang mga Naghahabla o Hinahabla).

Plaintiff's Representative, if applicable (Kinatawan ng Naghahabla)

Name (Pangalan ng Kinatawan ng Naghahabla)

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Plaintiff as a juridical entity, if applicable (Juridical entity ang naghahabla, kung sakali)

Check here if there is a board resolution or secretary's certificate attached to the statement of Claim/s authorizing the person to file the claim for the juridical entity
 Lagyan ng tsek kung may board resolution o secretary's certificate na nakakabit sa Statement of Claim/s na pinapahintulutan ang tao na ihain ang paniningil para sa juridical entity.

Plaintiff (list name) Isulat ang pangalan ng naghahabla

ALLAN DOUGLAS WILSON

Case Number:

2 THE DEFENDANT (the person, business, or public entity being sued) is: (Ang Hinahabla)

Name (Pangalan ng Hinahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
AIR ASIA			

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)

- Individual (Tao/Indibidwal)
- Corporation (Korporasyon)
- Partnership (Bakasán)
- Cooperative (Kooperatiba)
- Sole Proprietorship (Solong Pangmay-ari)

Type of Business (Uri ng Negosyo)

- Banking (Bangko)
- Lending (Pagpapautang)
- Others (pls. indicate):
(Iba pang uri ng negosyo)

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
8 N/A			
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
8x8H+HMH MCIA AIRPORT DEPARTURE RD		MACTAN	6015
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
LAPU-LAPU CITY		CEBU	
Contact No. (Telepono/Selpon Blg.)		Email Address	
(032) 340-2486		communications@airasia.com	

Check here if there is more than one defendant and attach form 1-A-SCC (Other Plaintiffs or Defendants).
Lagyan ng tsek kung higit pa sa dalawa ang naghahabla at ilakip ang For 1-A-SCC (Iba pang mga Naghahabla o Hinahabla).

Check here if any defendant is detained or serving sentence in a prison facility. Write his/her name and the name and address of the detention or prison facility. Lagyan ng tsek kung ang Hinahabla ay nakakulong. Isulat ang pangalan nya pati ang nagalan at lugar ng bilangguan:

Defendant's Representative, if applicable (Kinatawan ng Hinahabla)

Name (Pangalan ng Kinatawan ng Hinahabla)

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

3 PLAINTIFF'S CLAIM

A. Plaintiff claims that defendant owes him/her/it money in the amount of:
(Ang hinahabla ay umutang sa naghahabla ng halagang)

₱ 10,819.54

B. Why does the defendant owe the plaintiff money? (Bakit nagkautang ang hinabla ng salapi sa naghahabla)?

① CLIENT PAID FOR FLIGHT TICKET: APPENDIX A+B (ITINERARY, CHARGES)
② FLIGHT WAS CANCELLED FOR OPERATIONAL REASONS, THERE WAS NO WAY TO SELECT ANOTHER FLIGHT OR OBTAIN A REFUND AS INDICATE: APPENDIX "C"
③ ATTEMPTS ONLINE TO OBTAIN REFUND OR RESCHEDULE WERE NOT SUCCESSFUL. CALLS TO AIRASIA JAPAN, CHINA, AUSTRALIA, THAILAND WERE NOT ANSWERED. (APPENDIX "D") ④ CASE WAS OPENED WITH CUSTOMER SVC, DENIED (APPENDIX "E")

C. When did this happen? Kailan ito nangyari? Date (Petsa): FEB 4, 2024
If no specific date, give the time period (Kung walang tiyak na petsa, ibigay ang tantyang panahon):

Date started (Petsa nagsimula): FEB 4, 2024 Through (Hanggang): PRESENT CHARGES PENDING

D. How did you compute the money owed to you? (Do not include court costs or fees) (Paano mo kinuwenta ang salaping inutang sa iyo? (Hindi kasama ang bayad sa pappapatala sa hukuman.)

COST OF FLIGHT TICKET: P4,867.25
50% COST REPLACEMENT TICKET WITH CEBU PACIFIC:
5,775.00
+20% INTEREST ANNUALIZED
= P10,819.54

Check here if you need more space. You may write at the back of this form or attach additional sheets of paper and write "Form 1-SCC, Item 3" at the top. (Kung kailangan mo ng karagdagang patlang, maari mong isulat sa likod ng Form na ito o maglakip ng mga karagdagang papel at isulat ang "Form 1-SCC, Item 3" sa itaas.)

4 DEMAND FOR PAYMENT

A. Did you ask the defendant to pay you before filing this case? (Siningil mo ba ang hinahabla bago ka nagsampa ng kasong ito?)

- Yes (Do)
- No (Hindi). If no, please explain. (Kung hindi, ipaliwanag). NO AIRASIA REPRESENTATIVE WAS AVAILABLE TO DISCUSS THE MATTER, THERE IS NO CONTACT PERSON OR OFFICE FOR COMPLAINTS.

B. How did you ask the defendant? (Paano mo siningil ang hinahabla?)

- In person (Sa kanya mismo)
- In writing (Sa sulat)
- By telephone (Sa telepono)
- Others (pls specify) (Iba pa, pakisulat kung paano): NO CUSTOMER SVC REP AVAILABLE

C. When did you do this? (Kailan mo ginawa ito?)
SEE APPENDIX "F" + "D" (FEB. 9, 2024)

5 PROOF OF CLAIM

A. What is your proof that defendant owes you money? (Ano ang katibayan o pruwera na ang hinahabla ay may utang na salapi sa iyo?)

- signed deed/contract/agreement
- promissory note
- bank deposit slip receipts
- checks
- latest demand letter (with proof of delivery and receipt)
- affidavit of witnesses to support the claim
- others (pls. specify) ATTACHED EMAIL CORRESPONDENCE

B. Did you attach your proof to this form? (Iyo bang inilakip ang katibayan o pruwera sa form na ito?)

Yes (Do) No (Hindi)

Form 1-SCC, Item 3
Plaintiff's Statement

Further to the Plaintiff's Statement of Claim regarding compensation for canceled AirAsia flight numbers Z2764 and Z2777, 10,819.54 Philippine pesos is claimed from the Defendant to replace the cost of the original flight tickets with interest charges and 50% cost of replacement flights with another airline.

AirAsia automatically rescheduled the noted flights due to cancellation for operational reasons and offered no viable method for obtaining a refund or rescheduling the flights despite numerous attempts to reach customer service documented in appendices and attempts to change the rescheduled flights with the online ai assistant.

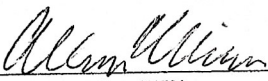
The refund request of flight cancellation or rescheduling documented in appendices was denied on the basis that: "The flight has not been canceled or rescheduled from our end." This denial directly contradicts the cancellation notice received in appendices citing "operational reasons" for the flight cancellations.

The services purchased by the Plaintiff were not provided by AirAsia according to the terms of the advertised terms of the purchase agreement. The purchase terms were found to be misrepresented due to the inability to change or cancel the flights, or to obtain a refund. The actions of the Defendant constitute breach of contract and contravention of Philippine Consumer Protection legislation.

This complaint is made with no vexatious intent, but to claim damages resulting from breach of contract for services purchased.

This Statement and associated Claim documents are filed in the interest of justice and are true and correct, of my own personal knowledge, and based on true records.

Signed in the Province of Cebu,
on May 24, 2024;



Allan Douglas Wilson

Plaintiff (list name) Isulat ang pangalan ng naghahabla.

Case Number:

ALLAN DOUGLAS WILSON

6 BARANGAY CONCILIATION (Katarungang Pambarangay)

Was this claim referred to the barangay? Dumaan ba sa barangay ang paniningil na ito?

Yes (Oo)

If yes, do you have any of the following from the barangay? (Kung oo, meron ka ba ng mga ito na isinagawa sa barangay?)

Certificate to File Action (Patunay sa Pagsampa ng Kaso)
 Compromise Agreement (Kasunduan)

No (Hindi)
 Not covered (Hindi sakop)

If no, state reason. (Kung hindi, isulat ang dahilan.)

NO AIR ASIA REPRESENTATIVE WAS AVAILABLE TO DISCUSS THE MATTER. THERE IS NO CONTACT PERSON OR OFFICE FOR COMPLAINTS.

7 NUMBER OF SMALL CLAIMS CASES FILED

How many small claims cases have you filed within this calendar year prior to this present case in this court station and in the country? 0

(Pang ilang kaso na itong isinampa mo sa loob ng kasalakuyang taon sa korte na ito at sa buong bansa? _____)

8 WAIVER OF EXCESS OF SMALL CLAIMS

By the filing of this action, plaintiff hereby waives any amount in excess of 1 Million Pesos, excluding interests and costs. Sa pagsampa ng kasong ito, ang Naghahabla ay isinusuko ang anumang halaga labis sa 1 Million Pesos, hindi kasama ang tubo at gastos sa pagsampa ng kasong ito.

9 CONSENT TO ELECTRONIC SERVICE

I give my consent to be served with official court notices, processes, orders, resolutions and decisions, as well as filings by the Defendant, through: (Nagbibigay ako ng pahintulot na maihatid sa akin ang mga opisyal na paunawa, proceso, utos, resolusyon, at desisyon ng hukuman, pati ang mga pagsasampa ng Hinahabla, sa pamamagitan ng:)

email address: wilson.allan.d@gmail.com

fax number : N/A

cell phone number : +639636374588

phone call

text messages (SMS)

instant message (ex. Viber, WhatsApp, Facebook Messenger) pls. specify _____

10 PRAYER (Pagsamo)

WHEREFORE, plaintiff respectfully prays for judgment ordering defendant/s to pay the amount of (in words) TEU THOUSAND EIGHT HUNDRED AND NINETEEN PESOS (in figures) P 10,819.54, with interest at the rate of 20 % per annum/month, from APRIL 26, 2024 until fully paid.

(DAHIL DITO, ang naghahabla ay magalang na sumasamo na igawad ang kapaslyahang utusan ang hinahabla na magbayad sa naghahabla ng halagang (in words) _____ (in figures) P _____, pati ang tubo na _____ % bawat taon/buwan, simula _____ hanggang ganap o lubos na mabayaran ito.

City (Lungsod)

CEBU CITY

Date (Petsa)

APRIL 26, 2024

Plaintiff's Signature (Lagda ng Naghahabla)

Allan Wilson

10 VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING, SPLITTING A CAUSE OF ACTION, AND MULTIPLICITY OF SUITS Pagpapatotoo o Pagpapatunay na Walng Ibang Kasong Nakasampa/Nakabinbin sa Ibang Hukuman

I (Ako), ALLAN WILSON, of legal age (nasa hustonggulang), CANADIAN
Name (Pangalan) Citizenship (Pagkamamamayan)
MARRIED, and a resident of CEBU
Civil Status (Katayuang Sibil) Residence (Tirahan)

under oath, state (ay sumusumpa na):

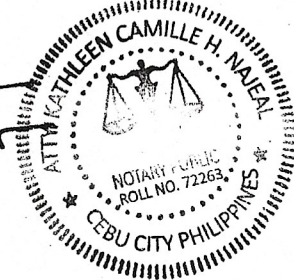
- I am the plaintiff in the above-entitled case who prepared and filled out the Statement of Claim/s. I read and understood its contents which are true and correct of my own personal knowledge and/or based on true records.
(Ako ang naghahabla sa kasong ito, na gumawa at nagpuno ng Habla ng Pagsingil. Naiintindihan ko ang mga nilalaman nito at pinatotohanan ko ang mga nakasaad ditto base sa aking personal na pagkakaalam, tunay na talaan, dokumento, at ebidensya);
- The Statement of Claim/s is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
(Ang Habla ng Pagsingil ay isinumite sa hukuman hundi upang magdulot ng pag-abala, pag-antala, o walang kabuluhan pagpapahirp sa proseso ng hukuman);
- I have not commenced any action or proceeding involving the same issue or subject matter in the Supreme Court, Court of Appeals, or any other tribunal or agency, and that the check/s covered in this case has/have not been the subject of a criminal charge filed before the Office of the Provincial/City Prosecutor; that to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, Court of Appeals, or any other tribunal or agency; and that, if I should learn thereafter that a similar action or proceeding has been filed or is pending before this court tribunal, or agency, I undertake to report that fact to this court within five (5) calendar days therefrom.
(Ako ay walang ibang kasong isinampa o nakabinbin sa ibang hukuman o sa ibang ahensya ng pamahalaan patungkol sa transaksyon na ito, at kung may cheke/mga cheke na naisama rito, walang hiwalay na kasong kriminal na isinampa rito. Kung ako man ay may madiskubreng kaso na nakasampa o nakabinbin sa hukuman o ibang ahensya ng pamahalaan patungkol sa transaksyong o cheke/mga chekeng ito, nangako akong isiwalat ito sa hukuman sa loob ng limang (5) araw sa kalendaryo mula sa aking pagdiskubre);
- The filing of this case is not in violation of the rule against splitting a single cause of action or multiplicity of suits.
(Ang pagsampa ng kasong ito ay hindi labag sa patakaran ng Korte Suprema na ipinagbabawal ang pagsampa ng iba't ibang kaso na nagmula lamang sa isang transaksyon).

IN WITNESS WHEREOF, I have hereunto set my hand this day of 26 APRIL, 2024.

Allan Wilson
ALLAN DOUGLAS WILSON
Plaintiff's Name and Signature
(Pangalan at Lagda ng Naghahabla)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Doc. No. 171
Page No. 36
Book No. 4
Series of 2024



[Signature]
KATHLEEN CAMILLE H. NAJAL
NOTARY PUBLIC FOR CEBU CITY, PHILIPPINES
COMMISSION NO. 012-21 UNTIL 12/31/2024
RMS. 505 & 507 JESA ITC BLDG., NO. 90 GEN. MAXILOM AVE.
BRGY. COGON CENTRAL, CEBU CITY
Notary Public / Adm. Reading Officer
BP NO. 330503, CEBU PROVINCE, 12/18/2023
PTR NO. 2495054, CEBU CITY, 12/11/2023
MCLF NO. VII-0005845, UNTIL 04/14/2025

OTHER PLAINTIFFS OR DEFENDANTS
Iba pang mga Naghahabla o Hinahabla

Case Number:

- This form is attached to Form 1-SCC (Statement of Claim/s), item 1 or 2.
Ang form na ito ay nakalakip sa form 1-SCC (Habla ng Pagsingil), item 1 o 2.

1 OTHER PLAINTIFF

Name (Pangalan ng Naghahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)			
Type of Plaintiff (Uri ng Naghahabla)	Type of Business (Uri ng Negosyo)		
<input type="checkbox"/> Individual (Tao/Indibidwal)	<input type="checkbox"/> Banking (Bangko)		
<input type="checkbox"/> Corporation (Korporasyon)	<input type="checkbox"/> Lending (Pagpapautang)		
<input type="checkbox"/> Partnership (Bakasan)	<input type="checkbox"/> Others (pls. indicate):		
<input type="checkbox"/> Cooperative (Kooperatiba)	(Iba pang uri ng negosyo)		
<input type="checkbox"/> Sole Proprietorship (Solong Pangmay-ari)			

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)		Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)	Email Address		

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Street (Kalsada)		Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)		Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)	Email Address		

Plaintiff's Representative, if applicable (Kinatawan ng Naghahabla)

Name (Pangalan ng Kinatawan ng Naghahabla)
--

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)		Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)	Email Address		

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Street (Kalsada)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)		Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)	Email Address		

- Check here if more than three (3) plaintiffs and fill out as many Form 1-A-SCC as may be necessary.
Lagyan ng tsek kung higit sa tatlo (3) ang naghahabla at punan ang mga karagdagang Form 1-A-SCC.

Plaintiff as a juridical entity, if applicable (Juridical entity ang naghahabla, kung sakali)

- Check here if there is a board resolution or secretary's certificate attached to the statement of Claim/s authorizing the person to file the claim for the juridical entity
Lagyan ng tsek kung may board resolution o secretary's certificate na nakakabit sa Statement of Claim/s na pinapahintulutan ang tao na ihalin ang paniningil para sa juridical entity

Case Number:

2 OTHER DEFENDANT

Name (Pangalan ng Hinahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)			
Type of Plaintiff (Uri ng Hinahabla)	Type of Business (Uri ng Negosyo)		
<input type="checkbox"/> Individual (Tao/Indibidwal)	<input type="checkbox"/> Banking (Bangko)		
<input type="checkbox"/> Corporation (Korporasyon)	<input type="checkbox"/> Lending (Pagpapautang)		
<input type="checkbox"/> Partnership (Bakasan)	<input type="checkbox"/> Others (pls. indicate):		
<input type="checkbox"/> Cooperative (Kooperatiba)	(Iba pang uri ng negosyo)		
<input type="checkbox"/> Sole Proprietorship (Solong Pangmay-ari)			

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan) Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address

Defendant's Representative, if applicable (Kinatawan ng Hinahabla)

Name (Pangalan ng Kinatawan ng Naghahabla)
--

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Street (Kalsada)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

- Check here if more than two (2) Defendant and fill our as many Form 1-A-SCC as may be necessary. Lagyan ng tsek kung higit sa dalawa (2) ang naghahabla at punan ang mga karagdagang Form 1-A-SCC.

From: itinerary@booking.airasia.com
 To: wilson.allan.d@gmail.com
 Date: 2/3/2024 11:45:30 AM
 Subject: Cherry Gay Mahinay (CONFIRMED) Booking No: CYD1YA 12/02/2024 CEB→ MNL
 Attachments: [itinerary.pdf](#)



Booking date:
04 Feb 2024

Booking confirmed

Hello, Cherry Gay Mahinay!

Yay! Pack up because your booking is confirmed!

Booking no.
CYD1YA



Guest details

Allan Wilson (adult)

Flight summary

✈ Cebu ⇄ Manila

Departure: Mon, Feb 12 • Return: Mon, Feb 12

Departure: AirAsia

	07:45	09:10	1h 25m	Non-stop
	CEB	MNL		
	GMT+08	GMT+08		

Return: AirAsia

	15:50	17:15	1h 25m	Non-stop
	MNL	CEB		
	GMT+08	GMT+08		

Depart: Monday, 12 February 2024

07:45 ✈ 12 Feb Cebu
 Mactan-Cebu International Airport, Terminal 1

1h 25m

AirAsia,
 Z2 764
 Economy

09:10 📍 12 Feb Manila
 Ninoy Aquino International Airport, Terminal 2

4/12/2024

Return: Monday, 12 February 2024

15:50 ✈️
12 Feb

Manila
Ninoy Aquino International Airport, Terminal 2

1h 25m

AirAsia,
Z2 777
Economy

17:15 📍
12 Feb

Cebu
Mactan-Cebu International Airport, Terminal 1

Add-ons

Cebu to Manila

Allan Wilson



7 kg Carry-on baggage (Included)

Manila to Cebu

Allan Wilson



7 kg Carry-on baggage (Included)

Payment details

Total amount paid

PHP 4867.25

[View payment Details](#)

@ X f



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a registered travel agency (KPKWLN License No: 8287), Kuala Lumpur, Malaysia. All Rights Reserved.

[Terms & Condition](#) [Customer Support](#) [My orders](#)

4/12/2024

PHILIPPINES AIRASIA
INChttps://www.APH

PHP 4,867.25
February 05, 2024



Flight Cancellation Notice

Booking number : CYD1YA

Dear guest,

We regret to inform you that your AirAsia flight has been cancelled due to operational reasons. We sincerely apologize for any inconvenience caused.

Rest assured, however, that you are still able to continue your journey as we have moved you to the next available AirAsia flight shown below.

	New Flight Details
Mactan-Cebu International Airport (CEB) to Ninoy Aquino International Airport (MNL) Flight Number: Z2 764 Depart date: 12-Feb-2024 Depart: 07:45hrs Arrive: 09:10hrs	Mactan-Cebu International Airport (CEB) to Ninoy Aquino International Airport (MNL) Flight Number: Z2 782 Depart date: 13-Feb-2024 Depart: 10:35hrs Arrive: 12:00hrs

All times shown are local.

You may check your [current flight information](#) status.

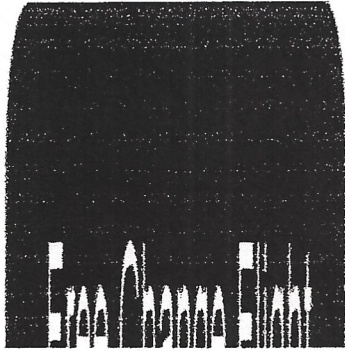
If you are unable to proceed with the new flight, you may choose to select one of the options below instead. We highly recommend that you select your preferred option before your latest departure date.

Free Change Flight

You are entitled to a one time change to a new travel date of your choice within 30 days from the original scheduled departure date on the same route without any additional cost subject to seat availability. To ensure early confirmation of your new seats, kindly provide your preference within the

next 24 hours from the receipt of this email.

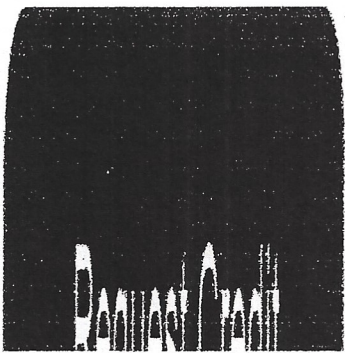
For travel date changes, you have two options: either **click the button below** or you may perform via the **manage my booking** page. Please find the **steps and recovery options for rescheduled/cancelled flights**.



Credit Account

For Credit Account to the value of your booking, you may click the button below and follow the guidance accordingly. To enjoy an instant Credit Account, please link your booking to your AirAsia member account. If you haven't yet linked your booking to your member account, please refer **here** for details.

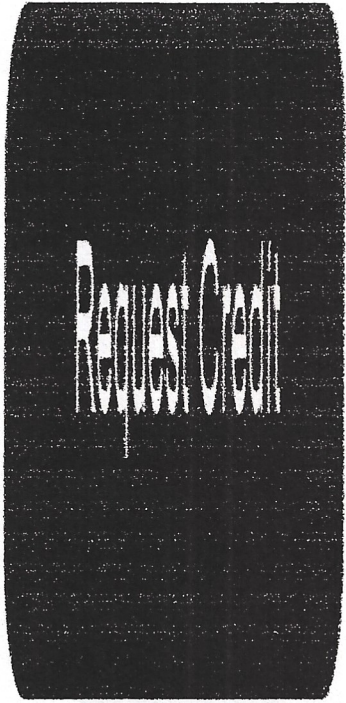
***Our Credit Account is valid for 730 days from the date of issuance.**



Refund

For any additional partial payment made, the Refunds for partial payment will be made back to the original form of payment mode according to the method (e.g travel voucher + other payment). You may click the button below.

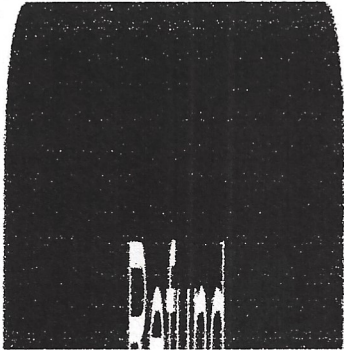
For more information including how to access and use your travel voucher and other FAQs, please click **here**.



Refund

For any additional partial payment made, the Refunds for partial payment will be made back to the original form of payment mode according to the method (e.g travel voucher + other payment). You may click the button below.

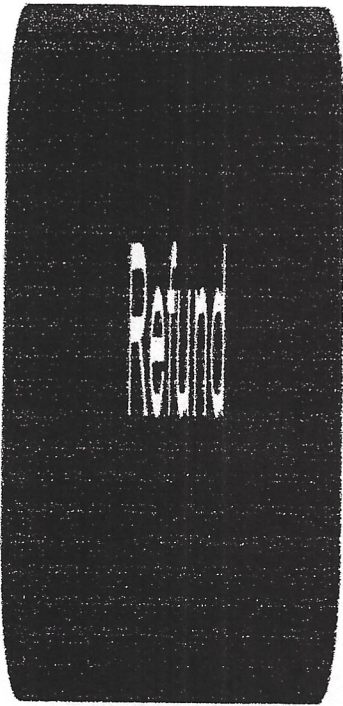
For more information including how to access and use your travel voucher and other FAQs, please click [here](#).



If you made your booking through a Travel Agency, you can [view your latest itinerary](#) or contact your Travel Agency for further assistance.

SNAP/Hotel Bookings

Please re-connect with [Bo](#) and follow the Hotel / SNAP prompts for the service recovery options



If you made your booking through a Travel Agency, you can view your latest itinerary or contact your Travel Agency for further assistance.

SNAP/Hotel Bookings

Please re-connect with Bo and follow the Hotel / SNAP prompts for the service recovery options available.

*Your hotel booking is confirmed and remains unchanged if your flight is rescheduled on the same date.

airasia shop

Please visit the airasia shop frequently asked questions for us to assist you further.

Travel Requirements

Kindly ensure that you have prepared all relevant travel requirements prior to your departure date. You may refer to our support page at Travel Requirements.

You are advised to be at the airport 3 hours before the new departure time to avoid any delays at check-in.

For assistance, please chat with Bo.

AirAsia remains committed to doing our best in providing our guests safe, affordable and reliable air travel. We look forward to welcoming you on board again soon.

From the AirAsia Team

Skype [1]



Al Wilson C\$9.87

Set a status



People, groups, messages, web



Chat



Call



Contact



Text

Meet Now

New Call

All



+1 819-770-5991

27/02/2024



+81 3-3527-7898 - JAPAN

09/02/2024



+86 20 6661 8855 - CHINA

09/02/2024



+61 2 3813 8388 - AUSTRALIA

09/02/2024



+66 2 029 7862 - THAILAND

09/02/2024



Notification
09 February 2024

This is an automated response. Please do not reply to this email.

Dear Guest,

Thanks for getting in touch with us today. Here's a copy of your case number for your reference: **148736077**.

You may follow these steps to check your case status via AirAsia Superapp :

1. Launch the AirAsia Superapp.
2. Go to **Account**.
3. Under Customer Support, click **My Cases**.

Don't have a Member account? [Sign up now](#) using the same email address you used to submit your case.

Visit us at [Customer Support](#) and Chat with Bo if you need urgent assistance.

Thank you,
AirAsia



Notification

10 February 2024

Dear Guest,

Reference made to your request for a refund for the Booking No: CYD1YA
Case Number: 148736077

Kindly be informed that your refund request of Flight Cancellation/Reschedule has been assessed and we are unable to proceed further as the flight has not been cancelled or rescheduled from our end. The request submitted will be closed without any further action.

As such, the request submitted will be closed without any further action.

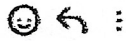
Should you need urgent assistance, please feel free to contact us via our Customer Support which are available 24 hours a day via <https://support.airasia.com>.

Thank you for your cooperation and we look forward to serve you better in the future.

Best Regards,
AirAsia

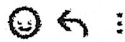
Okay here you go.

First charge taken out by airasia feb 5



THE FRAMES AIRASIA
40212041200000000000

P-0 4.86725



Then filled for refund via airasia 3 times but got denied. I believe you have the email for it.

So i called my bank to dispute it and they gave me temp credit.

OR 12302240000
00 1 00000000000000000000

1111 4.86725

But the dispute got denied and they took it back

THE FRAMES AIRASIA
40212041200000000000

P-0 4.86725

I dont have any emails tho received from them explaining why they denied it

Instruction for the Person Suing

• **YOU ARE THE PLAINTIFF.** The person you are suing is the defendant. Before you fill our this form, read Form 1-B-SCC, Information for the plaintiff, to know your rights. Get form 1-B-SCC at the Office of the Clerk of Court of any court nearest you or go to <https://oca.judiciary.gov.ph/small-claims/>

• Fill out pages 1-6 of this form. Then make copies of all pages of this form and the attached documents (make one copy for each defendant named in this case and an extra copy for yourself.) Take the original and these copies to the Office of the Clerk of Court and pay the filing fees. Have the forms and all your supporting documents notarized or administered by either a notary public, the Clerk of Court of thr Office of the Clerk of Court (OCC) where the case will be filed, a branch clerk of Court, or a Barangay Chairperson.

• Go to court on your trial date and time indicated in the notice of Hearing.

Mga Bilin sa Taong Nagdedemanda:

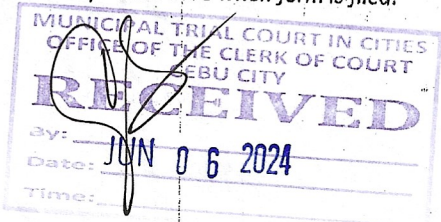
• **IKAW ANG NAGHAHABLA.** Ang taong sinampahan mo ng kaso ay ang hinahabla.

• Bago mo punan/sagutin ang form na ito, basahin ang Form 1-B-SCC (Kaalaman para sa naghahabla) para malaman ang iyong mga karapatan. Kumuha lamang ng kopya ng Form 1-B-SCC sa Office of the Clerk of Court ng hukuman malapit sa iyo o bisitahin ang <https://oca.judiciary.gov.ph/small-claims/>

• Punan/sagutin ang pahina 1-6 ng form na ito. Gawan ng mga kopya ang lahat ng pahina ng form na ito at ng nakalakip na mga dokumento (Gawan ng kopya ang bawat Hinahabla at mag-iwan ng kopya para sa iyo). Ihain ang orhinal at mga kopya sa hukom at magbayad ng filing fees. Ipa-setipikado lahat ng form at dokumento alinman sa Clerk of Court ng Office of the Clerk of Court (OCC) kung saan isasampa ang kaso o sa Branch Clerk of Court o notaryo publiko o Punong Barangay.

• Dumalo sa pagdinig sa petsa at oras na ipinahiwatig sa Abiso sa pagdinig.

Clerk stamps date here when form is filed.



Fill in court name, street address, and email

Republic of the Philippines
Court:
Branch:
Street address:
Hotline:
Email address:

Court fills in case number when form is filed.

Case Number:
M-CEB-24-04228-SMC

Case Title:
**ALLAN DOUGLAS WILSON
V
HSBC PHILIPPINES**

Branch Clerk of Court fills out this checklist.

1. Cause of action:

Check Contract
 Promissory Note Oral Written

Barangay Agreement
 Others (Pls. specify _____)

2. Barangay conciliation

Required
 Certificate to file Action attached
 Compromise Agreement attached
 Not Required (Pls. state reason):

1 THE PLAINTIFF (the person, business, or public entity that is suing) is: (Ang Naghahabla)

Name (Pangalan ng Naghahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
ALLAN DOUGLAS WILSON	MALE	45	MARRIED

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)	Type of Business (Uri ng Negosyo)
<input checked="" type="checkbox"/> Individual (Tao/Indibidwal)	<input type="checkbox"/> Banking (Bangko)
<input type="checkbox"/> Corporation (Korporasyon)	<input type="checkbox"/> Lending (Pagpapautang)
<input type="checkbox"/> Partnership (Bakasan)	<input type="checkbox"/> Others (pls. indicate): (Iba pang uri ng negosyo)
<input type="checkbox"/> Cooperative (Kooperatiba)	
<input type="checkbox"/> Sole Proprietorship (Solong Pangmay-ari)	

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
74 GEN MAXILOM AVE TOWER 2		COGON RAMOS	6000
City (Lungsod) / Municipality (Munisipalidad)	Province (Lalawigan)	Region (Rehiyon)	
CEBU CITY	CEBU	7	
Contact No. (Telepono/Selpon Blg.)	Email Address		
+63 96363 74588	wilson.allan.d@gmail.com		

Plaintiff (list name) Isulat ang pangalan ng naghahabla

ALLAN DOUGLAS WILSON

Case Number:

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
N/A.			
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

If more than one plaintiff, list next plaintiff here:

Name (Pangalan ng Naghahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
N/A.			

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)

- Individual (Tao/Indibidwal)
- Corporation (Korporasyon)
- Partnership (Bakasan)
- Cooperative (Kooperatiba)
- Sole Proprietorship (Solang Pangmay-ari)

Type of Business (Uri ng Negosyo)

- Banking (Bangko)
- Lending (Pagpapautang)
- Others (pls. indicate):
(Iba pang uri ng negosyo)

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

 Check here if more than two plaintiffs and attach Form 1-A-SCC (Other Plaintiffs or Defendants).

Lagyan ng tsek kung higit pa sa dalawa ang naghahabla at ilakip ang For 1-A-SCC (Iba pang mga Naghahabla o Hinahabla).

Plaintiff's Representative, if applicable (Kinatawan ng Naghahabla)

Name (Pangalan ng Kinatawan ng Naghahabla)

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Plaintiff as a juridical entity, if applicable (Juridical entity ang naghahabla, kung sakali) Check here if there is a board resolution or secretary's certificate attached to the statement of Claim/s authorizing the person to file the claim for the juridical entity

Lagyan ng tsek kung may board resolution o secretary's certificate na nakakabit sa Statement of Claim/s na pinapahintulutan ang tao na ihain ang paniningil para sa juridical entity

Plaintiff (list name) Isulat ang pangalan ng naghahabla

ALLAN DOWGLAS WILSON

Case Number:

2 THE DEFENDANT (the person, business, or public entity being sued) is: (Ang Hinahabla)

Name (Pangalan ng Hinahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
HSBC PHILIPPINES			

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Naghahabla)

- Individual (Tao/Indibidwal)
- Corporation (Korporasyon)
- Partnership (Bakasan)
- Cooperative (Kooperatiba)
- Sole Proprietorship (Solong Pangmay-ari)

Type of Business (Uri ng Negosyo)

- Banking (Bangko)
- Lending (Pagpapautang)
- Others (pls. indicate):
(Iba pang uri ng negosyo)

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
UNIT 08 GF PHILAM LIFE, CARDINAL ROSALES		BUSINESS PARK	6000
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
CEBU CITY		CEBU	7
Contact No. (Telepono/Selpon Blg.)		Email Address	
1-800-1-888-8555		hsbc@hsbc.com.ph	

Check here if there is more than one defendant and attach form 1-A-SCC (Other Plaintiffs or Defendants).
Lagyan ng tsek kung higit pa sa dalawa ang naghahabla at ilakip ang For 1-A-SCC (Iba pang mga Naghahabla o Hinahabla).

Check here if any defendant is detained or serving sentence in a prison facility. Write his/her name and the name and address of the detention or prison facility. Lagyan ng tsek kung ang Hinahabla ay nakakulong. Isulat ang pangalan nya pati ang nagalan at lugar ng bilanguan:

Defendant's Representative, if applicable (Kinatawan ng Hinahabla)

Name (Pangalan ng Kinatawan ng Hinahabla)

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

3 PLAINTIFF'S CLAIM

A. Plaintiff claims that defendant owes him/her/it money in the amount of:

(Ang hinahabla ay umutang sa naghahabla ng halagang)

₱ 10,331.77

B. Why does the defendant owe the plaintiff money? (Bakit nagkautang ang hinabla ng salapi sa naghahabla?)

- ① FRAUDULENT CHARGES (APPENDIX "B") WERE IDENTIFIED BY PLAINTIFF AUG 8, 2023, CARD WAS CANCELLED AND DISPUTE FILED (APPENDIX "A")
- ② BANK CLAIMED CHARGES WERE 'VALID' YET PLAINTIFF WAS IN HOSPITAL DURING THE DISPUTED PERIOD AND MADE NO TRANSACTIONS.
- ③ BANK SECURITY PRACTICE IS DEFICIENT

C. When did this happen? Kailan ito nangyari?? Date (Petsa): AUG 8, 2023
If no specific date, give the time period (Kung walang tiyak na petsa, ibigay ang tantiyang panahon:

Date started (Petsa nagsimula): JUNE 8, 2023 Through (Hanggang): AUG 8, 2023

D. How did you compute the money owed to you? (Do not include court costs or fees) (Paano mo kinuwenta ang salaping inutang sa iyo? (Hindi kasama ang bayad sa pappapatala sa hukuman.)

P3900.12: FRAUDULENT CHARGES (JULY 8 - AUG 8)
P2298.95: FRAUDULENT CHARGES (JUNE 8 - JULY 8)
- SEE APPENDIX "B"
P6199.07
+ 20% INTEREST (8 MONTHS)
= P10,331.77

Check here if you need more space. You may write at the back of this form or attach additional sheets of paper and write "Form 1-SCC, Item 3" at the top. (Kung kailangan mo ng karagdagang patlang, maari mong isulat sa likod ng Form na ito o maglakip ng mga karagdagang papel at isulat ang "Form 1-SCC, Item 3" sa itaas.)

4 DEMAND FOR PAYMENT

A. Did you ask the defendant to pay you before filing this case? (Siningil mo ba ang hinahabla bago ka nagsampa ng kasong ito?)

Yes (Oo)

No (Hindi). If no, please explain. (Kung hindi, ipaliwanag). NO BANK REPRESENTATIVE WAS AVAILABLE TO DISCUSS THE MATTER. DISPUTE CLAIM FORM WAS FILED AUGUST 8, 2023.

B. How did you ask the defendant? (Paano mo siningil ang hinahabla?)

In person (Sa kanya mismo)

By telephone (Sa telepono)

In writing (Sa sulat)

Others (pls specify) (Iba pa, pakisulat kung paano):

C. When did you do this? (Kailan mo ginawa ito?)

CLAIM FORM FILED AUGUST 8, 2023
FOLLOW UP SEPT 18, 2023 & JAN 22, 2024

5 PROOF OF CLAIM

A. What is your proof that defendant owes you money? (Ano ang katibayan o pruwera na ang hinahabla ay may utang na salapi sa iyo?)

signed deed/
contract/agreement

promissory note

bank deposit slip
receipts

checks

latest demand letter (with proof of delivery and receipt)

affidavit of witnesses to support the claim

others (pls. specify) CLAIM FORM FOR
DISPUTE AND RESPONSE

B. Did you attach your proof to this form? (Iyo bang inilakip ang katibayan o pruwera sa form na ito?)

Yes (Oo)

No (Hindi)

Form 1-SCC, Item 3
Plaintiff's DECLARATION

Further to the Plaintiff's statement of claim regarding the identified fraudulent charges in appendices and claim for damages amounting to 10,331.77 Philippine pesos:

The Plaintiff's telephone calls and banking app messages to Philippine HSBC customer support resulted in the reported denial of the disputed charges with a representative declaring the charges as 'valid' three months after the dispute was filed.

Upon review, the determination made by Customer Support was found to be erroneous considering the Plaintiff's hospital stay during the period corresponding to the time in which the withdrawals were made. These withdrawals were not made by the consent of the account holder and the series of withdrawals could not have possibly been made through an ATM. The electronic transfers were not authorized and the account holder was not alerted to any of the transactions, leading to the conclusion that account or bank security was compromised internally or by a third party.

The demonstrated lack of banking security controls which allowed for the funds to be withdrawn to an unknown recipient, with the bank later misrepresenting the disputed transactions as valid, indicates either negligence or complicity on the part of bank employees in defrauding money from the Plaintiff. The theft of money and denial of the Plaintiff's dispute is contrary to the banking agreement entered into and documented in HSBC Premier Terms and Conditions (<https://www.hsbc.com.ph/help/customer-guide/#terms>):

5. You agree that WE shall not be liable for inadvertently committed errors in the handling or processing of transactions

No transaction was initiated or requested by the Plaintiff that led to the fraudulent withdrawals. The evidently negligent or criminally complicit actions of bank employees were intentional in nature and this was demonstrated in their deliberate denial of a valid dispute.

30. Where WE know of or suspect a breach of security or other suspicious circumstances in respect of or in connection with the operation of one or more of the Accounts or in connection with the use of any of Our services or any product availment, WE may, in Our absolute discretion and without any liability, decline authorization for any Transaction and in that event, WE will, to the extent possible, inform You as soon as practicable.

The transactions were reported by the Plaintiff on August 8, 2023, and the Service Agent immediately canceled the account's debit card, initiating a request for re-issuance. Due to HSBC Philippines' certainty of the necessity to reissue the card and based on the account holder's reporting, there was probable basis that the disputed transactions were fraudulent.

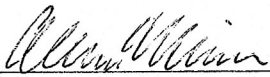
There has been no follow up on the part of the bank during the last eight months following numerous requests to review the dispute with a Relationship Manager or any responsible bank employee.

This complaint is made with no vexatious intent, but to claim damages resulting from evident failures in bank security, and the deliberate denial of a claim to recover the disputed funds, with no legitimate basis or reasoning. The actions of HSBC were found to not be in accordance with its account holder Terms and Conditions, constituting breach of contract and misrepresentation of the banking services offered.

This Statement and associated Claim documents are filed in the interest of justice and are true and correct, of my own personal knowledge, and based on true records.

Signed in the Province of Cebu,

on May 24, 2024;



Allan Douglas Wilson

Plaintiff (list name) Isulat ang pangalan ng naghahabla

ALLAN DOUGLAS WILSON

Case Number:

6 BARANGAY CONCILIATION (Katarungang Pambarangay)

Was this claim referred to the barangay? Dumaan ba sa barangay ang paniningil na ito?

Yes (Oo)

If yes, do you have any of the following from the barangay? (Kung oo, meron ka ba ng mga ito na isinagawa sa barangay?)

Certificate to File Action (Patunay sa Pagsampa ng Kaso)
 Compromise Agreement (Kasunduan)

No (Hindi)
 Not covered (Hindi sakop)

If no, state reason. (Kung hindi, isulat ang dahilan.)
NO BANK REPRESENTATIVE WAS AVAILABLE FOR FOLLOWUP REGARDING THE DISPUTE.

7 NUMBER OF SMALL CLAIMS CASES FILED

How many small claims cases have you filed within this calendar year prior to this present case in this court station and in the country? 0

(Pang ilang kaso na itong isinampa mo sa loob ng kasalakuyang taon sa korte na ito at sa buong bansa? _____)

8 WAIVER OF EXCESS OF SMALL CLAIMS

By the filing of this action, plaintiff hereby waives any amount in excess of 1 Million Pesos, excluding interests and costs. Sa pagsampa ng kasong ito, ang Naghahabla ay isinusuko ang anumang halaga labis sa 1 Million Pesos, hindi kasama ang tubo at gastos sa pagsampa ng kasong ito.

9 CONSENT TO ELECTRONIC SERVICE

I give my consent to be served with official court notices, processes, orders, resolutions and decisions, as well as filings by the Defendant, through (Nagbibigay ako ng pahintulot na maihatid sa akin ang mga opisyal na paunawa, proceso, utos, resolusyon, at desisyon ng hukuman, pati ang mga pagsasampa ng Hinahabla, sa pamamagitan ng:)

email address: wilson.allan.d@gmail.com

fax number : N/A

cell phone number : +63 96363 74 588

phone call

text messages (SMS)

instant message (ex. Viber, WhatsApp, Facebook Messenger) pls. specify _____

10 PRAYER (Pagsamo)

WHEREFORE, plaintiff respectfully prays for judgment ordering defendant/s to pay the amount of (in words) TEN THOUSAND THREE HUNDRED AND THIRTY ONE PESOS (in figures) P 10,331.77, with interest at the rate of 20 % per annum/month, from APRIL 26, 2024 until fully paid.

(DAHIL DITO, ang naghahabla ay magalang na sumasamo na igawad ang kapasayahang utusan ang hinahabla na magbayad sa naghahabla ng halagang (in words) _____ (in figures) P _____, pati ang tubo na _____ % bawat taon/buwan, simula _____ hanggang ganap o lubos na mabayaran ito.

City (Lungsod)

CABU CITY

Date (Petsa)

APRIL 26, 2024

Plaintiff's Signature (Lagda ng Naghahabla)

Allan Allan

10 VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING, SPLITTING A CAUSE OF ACTION, AND MULTIPLICITY OF SUITS Pagpapatotoo o Pagpapatunay na Walng Ibang Kasong Nakasampa/Nakabinbin sa Ibang Hukuman

I (Ako), ALLAN WILSON, of legal age (nasa hustonggulang), CANADIAN,
Name (Pangalan) Citizenship (Pagkamamamayan)

MARRIED, and a resident of CEBU
Civil Status (Katayuang Sibil) Residence (Tirahan)

under oath, state (ay sumusumpa na):

1. I am the plaintiff in the above-entitled case who prepared and filled out the Statement of Claim/s. I read and understood its contents which are true and correct of my own personal knowledge and/or based on true records.

(Ako ang naghahabla sa kasong ito, na gumawa at nagpuno ng Habla ng Pagsingil. Naiintindihan ko ang mga nilalaman nito at pinatotohanan ko ang mga nakasaad ditto base sa aking personal na pagkakaalam, tunay na talaan, dokumento, at ebidensya);

2. The Statement of Claim/s is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

(Ang Habla ng Pagsingil ay isinumite sa hukuman hundi upang magdulot ng pag-abala, pag-antala, o walang kabuluhang pagpapahirp sa proseso ng hukuman);

3. I have not commenced any action or proceeding involving the same issue or subject matter in the Supreme Court, Court of Appeals, or any other tribunal or agency, and that the check/s covered in this case has/have not been the subject of a criminal charge filed before the Office of the Provincial/City Prosecutor; that to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, Court of Appeals, or any other tribunal or agency; and that, if I should learn thereafter that a similar action or proceeding has been filed or is pending before this court tribunal, or agency, I undertake to report that fact to this court within five (5) calendar days therefrom.

(Ako ay walang ibang kasong isinampa o nakabinbin sa ibang hukuman o sa ibang ahensya ng pamahalaan patungkol sa transaksyon na ito, at kung may cheke/mga cheke na naisama rito, walang hiwalay na kasong criminal na isinampa rito. Kung ako man ay may madiskubreng kaso na nakasampa o nakabinbin sa hukuman o ibang ahensya ng pamahalaan patungkol sa transaksyong o cheke/mga chekeng ito, nangako akong isiwalat ito sa hukuman sa loob ng limang (5) araw sa kalendaryo mula sa aking pagdiskubre);

4. The filing of this case is not in violation of the rule against splitting a single cause of action or multiplicity of suits.

(Ang pagsampa ng kasong ito ay hindi labag sa patakaran ng Korte Suprema na ipinagbabawal ang pagsampa ng iba't ibang kaso na nagmumula lamang sa isang transaksyon).

IN WITNESS WHEREOF, I have hereunto set my hand this day of 26 APRIL, 2024.

Allan Wilson
ALLAN DOUGLAS WILSON
Plaintiff's Name and Signature
(Pangalan at Lagda ng Naghahabla)

SUBSCRIBED AND SWORN to before me this 26 APR 2024 day of 26 APR 2024, 2024.

Doc. No. 119
Page No. 05
Book No. 4
Date 2024



Kathleen Najal
ATTY. KATHLEEN CAMILLE H. NAJAL
NOTARY PUBLIC FOR CEBU CITY, PHILIPPINES
COMMISSION NO. 012-21 UNTIL 12/31/2025
RMS. 506 B, 507 USAF BUILDING, NA. SOGENT, MAXIMOM AVE.
BROG. COGON CENTRAL, CEBU CITY
ROLL NO. 72263
ISP NO. 330305, CEBU PROVINCE, 12/18/2023
PTR NO. 2495054, CEBU CITY, 11/11/2023
MCLE NO. VII-0005845, UNTIL 04/14/2025

- This form is attached to Form 1-SCC (Statement of Claim/s), item 1 or 2.
Ang form na ito ay nakalakup sa form 1-SCC (Habla ng Pagsingil), item 1 o 2.

1 OTHER PLAINTIFF

Name (<i>Pangalan ng Naghahabla</i>)	Sex (<i>Kasarian</i>)	Age (<i>Edad</i>)	Civil Status (<i>Katayuang Sibil</i>)
Check those that apply: (<i>Pumili sa mga sumusunod at lagyan ng tsek</i>)			
Type of Plaintiff (<i>Uri ng Naghahabla</i>)	Type of Business (<i>Uri ng Negosyo</i>)		
<input type="checkbox"/> Individual (<i>Tao/Indibidwal</i>)	<input type="checkbox"/> Banking (<i>Bangko</i>)		
<input type="checkbox"/> Corporation (<i>Korporasyon</i>)	<input type="checkbox"/> Lending (<i>Pagpapautang</i>)		
<input type="checkbox"/> Partnership (<i>Bakasan</i>)	<input type="checkbox"/> Others (pls. indicate):		
<input type="checkbox"/> Cooperative (<i>Kooperatiba</i>)	<i>(Iba pang uri ng negosyo)</i>		
<input type="checkbox"/> Sole Proprietorship (<i>Solong Pangmay-ari</i>)			

Home Address (*Pahatirang Sulat sa Bahay ng Naghahabla*)

Unit/Floor/House/Building No. (<i>Palapag</i>)	Street (<i>Kalsada</i>)	Barangay	Zip Code
City (<i>Lungsod</i>) / Municipality (<i>Munisipalidad</i>)		Province (<i>Lalawigan</i>)	Region (<i>Rehiyon</i>)
Contact No. (<i>Telepono/Selpon Blg.</i>)		Email Address	

Place of Work/Business (*Lugar ng Pinagtatrabahuhan/Negosyo*)

Unit/Floor/House/ Street (<i>Kalsada</i>)		Barangay	Zip Code
City (<i>Lungsod</i>) / Municipality (<i>Munisipalidad</i>)		Province (<i>Lala</i>)	Region (<i>Rehiyon</i>)
Contact No. (<i>Telepono/Selpon Blg.</i>)		Email Address	

Plaintiff's Representative, if applicable (*Kinatawan ng Naghahabla*)

Name (<i>Pangalan ng Kinatawan ng Naghahabla</i>)

Home Address (*Pahatirang Sulat sa Bahay ng Naghahabla*)

Unit/Floor/House/Building No. (<i>Palapag</i>)	Street (<i>Kalsada</i>)	Barangay	Zip Code
City (<i>Lungsod</i>) / Municipality (<i>Munisipalidad</i>)		Province (<i>Lalawigan</i>)	Region (<i>Rehiyon</i>)
Contact No. (<i>Telepono/Selpon Blg.</i>)		Email Address	

Place of Work/Business (*Lugar ng Pinagtatrabahuhan/Negosyo*)

Unit/Floor/House/ Street (<i>Kalsada</i>)	Street (<i>Kalsada</i>)	Barangay	Zip Code
City (<i>Lungsod</i>) / Municipality (<i>Munisipalidad</i>)		Province (<i>Lalawigan</i>)	Region (<i>Rehiyon</i>)
Contact No. (<i>Telepono/Selpon Blg.</i>)		Email Address	

- Check here if more than three (3) plaintiffs and fill out as many Form 1-A-SCC as may be necessary.
Lagyan ng tsek kung higit sa tatlo (3) ang naghahabla at punan ang mga karagdagang Form 1-A-SCC.

Plaintiff as a juridical entity, if applicable (*Juridical entity ang naghahabla, kung sakali*)

- Check here if there is a board resolution or secretary's certificate attached to the statement of Claim/s authorizing the person to file the claim for the juridical entity
Lagyan ng tsek kung may board resolution o secretary's certificate na nakakabit sa Statement of Claim/s na pinapahintulutan ang tao na ihain ang paniningil para sa juridical entity

Case Number:

2 OTHER DEFENDANT

Name (Pangalan ng Hinahabla)	Sex (Kasarian)	Age (Edad)	Civil Status (Katayuang Sibil)
------------------------------	----------------	------------	--------------------------------

Check those that apply: (Pumili sa mga sumusunod at lagyan ng tsek)

Type of Plaintiff (Uri ng Hinahabla)	Type of Business (Uri ng Negosyo)
<input type="checkbox"/> Individual (Tao/Indibidwal) <input type="checkbox"/> Corporation (Korporasyon) <input type="checkbox"/> Partnership (Bakasan) <input type="checkbox"/> Cooperative (Kooperatiba) <input type="checkbox"/> Sole Proprietorship (Solong Pangmay-ari)	<input type="checkbox"/> Banking (Bangko) <input type="checkbox"/> Lending (Pagpapautang) <input type="checkbox"/> Others (pls. indicate): (Iba pang uri ng negosyo)

Home Address (Pahatirang Sulat sa Bahay ng Hinahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/ Street (Kalsada)		Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lala	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Defendant's Representative, if applicable (Kinatawan ng Hinahabla)

Name (Pangalan ng Kinatawan ng Naghahabla)	
--	--

Home Address (Pahatirang Sulat sa Bahay ng Naghahabla)

Unit/Floor/House/Building No. (Palapag)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Place of Work/Business (Lugar ng Pinagtatrabahuhan/Negosyo)

Unit/Floor/House/ Street (Kalsada)	Street (Kalsada)	Barangay	Zip Code
City (Lungsod) / Municipality (Munisipalidad)		Province (Lalawigan)	Region (Rehiyon)
Contact No. (Telepono/Selpon Blg.)		Email Address	

Check here if more than two (2) Defendant and fill our as many Form 1-A-SCC as may be necessary. Lagyan ng tsek kung higit sa dalawa (2) ang naghahabla at punan ang mga karagdagang Form 1-A-SCC.



CARDHOLDER DISPUTE FORM






The Hongkong and Shanghai Banking Corporation Limited
HSBC Centre 3058 Fifth Avenue West Bonifacio Global City 1634 Taguig City

Attention: **DISPUTES RESOLUTION SERVICES**
E-mail: **disputes@hsbc.com.ph**

Following Visa/Mastercard dispute procedures, please allow us up to 60 calendar days (from the date we received your complete dispute form and supporting documents) to process your dispute. In case your dispute needs to go through arbitration, please allow more time for processing. Once our review is completed, we'll send you the result through your contact details.

THIS FORM MUST BE RECEIVED WITHIN 60 CALENDAR DAYS FROM TRANSACTION DATE.

You don't need to print this form. Just fill it out, upload the supporting documents and sign electronically. Here's how:

-  **1. Fill out the fields with a red asterisk.**
Make sure to fill out the form completely - from top to bottom, as your next required fields will depend on the Dispute Reason you choose.
-  **2. Need to send more supporting documents?**
Simply click on the "Any other document to support your dispute claim" box for the upload field to appear. Once uploaded, no need to print these.
-  **3. Review your form.**
Check if all required fields are completed.
-  **4. Sign electronically.**
Click on the Signature box and follow the instructions to sign. You can either type your name or draw your signature.
-  **5. Finalize**
Click the "Click to Sign" blue button then type your e-mail address. A copy of the form and a confirmation will be sent to the e-mail address you provide.

This form and supporting documents are needed to process your dispute in accordance with the chargeback conditions of Visa and Mastercard. If we don't receive this form and supporting documents within the given timeframe, we'll assume that you accept the transaction as valid and no longer intend to file a dispute.

For more general information on how we process and safeguard your personal data, please refer to our [Privacy Statement | Privacy and Security - HSBC PH](#).



The Hongkong and Shanghai Banking Corporation Limited
HSBC Centre 3058 Fifth Avenue West Bonifacio Global City 1634 Taguig City

Credit / Debit Card – Dispute Declaration Web Form

1. Customer Details

Cardholder's Name : Allan Wilson

Is the disputed transaction on your Debit or Credit card : Debit Card Credit Card

Please select card type : Mastercard Visa

Card No. : 4649 4500 5395 8647

2. Transaction Details

Transaction Date	Merchant's Name	Transaction in Original Currency		Billed Amount	
		Currency	Amount	Currency	Amount
08-Aug-2023	ATM/CARD TRANSACTION			PHP	48.42
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.70
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.70
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
07-Aug-2023	ATM/CARD TRANSACTION			PHP	244.69
03-Aug-2023	ATM/CARD TRANSACTION			PHP	98.12

Note: If you have more than 10 transactions with the same dispute reason, you can attach instead a copy of your credit card statement highlighting these transactions.

3. Dispute Reason

Note: Choose one dispute reason, then click "Next required field" on the top right of the screen

- I was charged for the same transaction more than once on the same card (eg. duplicate transaction posted or billed)
- I paid for the transaction by other means (eg. paid transaction using cash, check, other credit card)
- I was billed wrongly due to _____ (eg. incorrect amount and/or currency billed)
- I am expecting a refund for the transaction and have _____ (eg. no / incomplete credit received from merchant on promised date)
- I have an issue with the _____ that I purchased. (eg. goods or services not received, not as described, defective or counterfeit)
- I am being charged on a recurring basis for service/subscription that I cancelled or not agreed to (eg. cancelled recurring transaction, subscription or membership)
- I did not authorise the transaction (eg. unauthorized or unrecognized transaction posted or billed)
- I have an issue with the ATM cash withdrawal transaction (eg. not dispensed, incomplete / incorrectly dispensed, duplicate posting of cash withdrawal)
- Other reasons (eg. foreign currency exchange/loss, etc.)

4. Dispute Details

Have you tried to contact the merchant to resolve the issue? Yes No

I tried to resolve the issue with the merchant via _____

I have paid for the goods / service by

I was billed in the currency , but I should have been billed in

Is the service provider still operating? Yes No

Have you attempted to claim a refund from the liquidator? Yes No

The goods / service was The expected delivery date was

The goods / service was delivered on but not acceptable as it was

The goods was returned on and the merchant had the return of goods

The goods was not returned (please specify reason for not returning):

Description of expected goods / service (e.g. brand, model, quantity, destination, mode of travel, etc – as applicable):

Description of why the goods / service was not acceptable:

The service / subscription was cancelled on

The merchant was unable to fulfil the service / subscription. Please specify reason and the remaining session / duration:

Is the transaction related to additional charges by travel or lodging or known company? Yes No

Are you or your supplementary in possession of the card at the date and time of disputed transaction? Yes No

I have reported to the Bank to block the card on 08-Aug-2023

Note: If your card is not blocked and replaced, it will result in your dispute review being delayed and impact future potential liability. For assistance, please call HSBC's Customer Service at (02) 8858-0000 or (02) 7976-8000. For Premier, call (02) 8858-0800 or (02) 7976-8080. For corporate cards, call (02) 8672-6478.

Cash was

I was charged more than once for the same withdrawal

Please provide detailed reason for the dispute:

Please provide any other relevant information related to the dispute:

Charges are not recognized and believed to be fraudulent.

5. Documentation

Copy of

Copy of

Proof of credit/void receipt or confirmation of refund issued by merchant

Proof of return and/or cancellation of goods / service

Merchant's return or cancellation or refund policy agreed at the point of sale

Copy of correspondence with the merchant to resolve dispute

Evidence that goods / service was counterfeit or not as described (e.g. picture of goods, document from neutral qualified merchant in similar business certifying goods was counterfeit, etc)

Evidence that the service provider has ceased operations

Copy of correspondence with the liquidator¹

- Any other document to support your dispute claim (e.g. Merchant's cancellation policy, original sale slip)

¹A liquidator refers to an officer who is specially appointed to wind up the affairs of a company when the company is closing—typically when the company is going bankrupt. Assets of a company are sold by the liquidator and the resulting funds are used to pay off the company's debts.



6. Declaration

Once we receive your completed Dispute Form and supporting documents, we will post a temporary chargeback credit adjustment on your account within 7 to 10 banking days, so that you won't need to pay for the disputed transaction/s while the investigation is ongoing. If you do not submit the complete documents, we will not post a temporary chargeback credit adjustment and the transaction will remain outstanding in your Statement of Account, and will be part of your Minimum Amount Due computation. If you are deemed liable after the investigation period, then we will reverse the temporary chargeback credit adjustment and you will be billed for the transaction/s in your next statement of account.

For Debit Cards:

In case of a disputed transaction due to a counterfeit card*, additional documents may be requested from you to assist in the investigation (ie. copy of passport). A temporary refund may be credited to the Account linked to the Debit Card subject to the Bank's discretion, upon the Cardholder's complete submission of documents and the Bank's review of the dispute. In the event that the account holder is found liable after the investigation, you agree to release the temporary refund, or pay back the equivalent amount in case the temporary refund is no longer in the Account. You agree to discharge the Bank of any and all claims, demands, causes of action, damages, costs, expenses, attorney's fees, and obligations of any nature whatsoever, known or unknown, in law or in equity, arising from and related to all and any suspected fraudulent debit transactions conducted through the Account on the date of disputed transaction.

***Counterfeit card is an imitation or falsification of a genuine magstripe card or EMV chip card with track data copied from a hybrid EMV card.**

I hereby declare that all information provided in this dispute form are true and that the attachments are genuine and valid. I understand that the resolution of the dispute is subject to the timeliness and validity of the submission, applicable guidelines of card networks and result of the investigation, and HSBC does not make any guarantee that my transaction will be reversed or cancelled. Terms & Conditions of the HSBC Credit Card and Terms & Conditions of the HSBC Debit Card shall also apply.

Note: Affix your e-signature by typing your name or drawing using your mouse

Allan Wilson

Allan Wilson (Aug 8, 2023 16:24 GMT+8)

Signature

APPENDIX "A"



Allan Wilson <wilson.allan.d@gmail.com>

You signed: "PH Card Dispute Declaration Web Form (Main)"

1 message

HSBC Philippines <adobesign@adobesign.com>

Tue, Aug 8, 2023 at 4:24 PM

Reply-To: dispute team <disputes@hsbc.com.ph>

To: dispute team <disputes@hsbc.com.ph>, Allan Wilson <wilson.allan.d@gmail.com>



Powered by
**Adobe
Acrobat Sign**



You're done signing
PH Card Dispute Declaration Web Form (Main)



Attached is the final agreement for your reference. Read it with Acrobat Reader. You can also open it online to review its activity history.

To ensure that you continue receiving our emails, please add adobesign@adobesign.com to your address book or safe list.

© 2023 Adobe. All rights reserved.

PH Card Dispute Declaration Web Form (Main) - signed.pdf
497K

08-Aug-23 ATM/CARD	-1,867.79	3,742.01
08-Aug-23 ATM/CARD	-48.42	5,609.80 *
07-Aug-23 ATM/CARD	-244.7	5,658.22 *
07-Aug-23 ATM/CARD	-244.7	5,902.92 *
07-Aug-23 ATM/CARD	-244.69	6,147.62 *
07-Aug-23 ATM/CARD	-244.69	6,392.31 *
07-Aug-23 ATM/CARD	-244.69	6,637.00 *
07-Aug-23 ATM/CARD	-244.69	6,881.69 *
07-Aug-23 ATM/CARD	244.69	7,126.38 *
07-Aug-23 ATM/CARD	-244.69	6,881.69 *
07-Aug-23 ATM/CARD	-244.69	7,126.38 *
07-Aug-23 ATM/CARD	-244.69	7,371.07 *
07-Aug-23 TRANSFER	7,500.00	7,615.76
03-Aug-23 ATM/CARD	-98.12	115.76 *
02-Aug-23 TRANSFER	200	213.88
31-Jul-23 ATM/CARD	-246.04	13.88 *
31-Jul-23 ATM/CARD	-246.04	259.92 *
31-Jul-23 TRANSFER	500	505.96
28-Jul-23 TRANSFER	-1,000.00	5.96
28-Jul-23 TRANSFER	1,000.00	1,005.96
27-Jul-23 ATM/CARD	-12.26	5.96 *
27-Jul-23 ATM/CARD	-31.48	18.22 *
25-Jul-23 ATM/CARD	-97.63	49.7 *
24-Jul-23 TRANSFER	115	147.33
21-Jul-23 TRANSFER	-50	32.33 *
21-Jul-23 ATM/CARD	-122.21	82.33
21-Jul-23 ATM/CARD	-244.41	204.54
21-Jul-23 TRANSFER	50	448.95
21-Jul-23 TRANSFER	395	398.95
19-Jul-23 ATM/CARD	-61.4	3.95 *
18-Jul-23 ATM/CARD	-49.24	65.35 *
17-Jul-23 ATM/CARD	-86.18	114.59 *
14-Jul-23 ATM/CARD	-244.6	200.77 *
14-Jul-23 TRANSFER	443.57	445.37
13-Jul-23 ATM/CARD	-49	1.8 *
13-Jul-23 TRANSFER	-3,500.00	50.8
13-Jul-23 CASH W/D	-1,585.61	3,550.80
13-Jul-23 ATM/CARD	-170.52	5,136.41 *
13-Jul-23 TRANSFER	299.83	5,306.93
13-Jul-23 TRANSFER	5,000.00	5,007.10
10-Jul-23 ATM/CARD	-12.27	7.1 *
07-Jul-23 ATM/CARD	-24.41	19.37 *
07-Jul-23 ATM/CARD	-244.14	43.78 *
07-Jul-23 TRANSFER	196.71	287.92
07-Jul-23 ATM/CARD	-48.59	91.21 *
05-Jul-23 ATM/CARD	-44.41	139.8 *
05-Jul-23 ATM/CARD	-485.86	184.21

UNRECOGNIZED / FRAUDULENT
TRANSACTIONS ARE INDICATED
BY ASTERIX (*) IN COLUMN 'E'

05-Jul-23 TRANSFER	200	670.07
03-Jul-23 ATM/CARD	-729.99	470.07
03-Jul-23 TRANSFER	1,000.00	1,200.06
03-Jul-23 ATM/CARD	-97.45	200.06 *
30-Jun-23 CASH W/D	-483.48	297.51
30-Jun-23 ATM/CARD	-243.15	780.99 *
30-Jun-23 TRANSFER	1,000.00	1,024.14
29-Jun-23 ATM/CARD	-48.43	24.14 *
28-Jun-23 ATM/CARD	-28.43	72.57 *
26-Jun-23 TRANSFER	-400	101
23-Jun-23 TRANSFER	500	501
23-Jun-23 CASH W/D	-5,103.09	1
23-Jun-23 TRANSFER	5,000.00	5,104.09
23-Jun-23 ATM/CARD	-71.92	104.09 *
23-Jun-23 TRANSFER	150	176.01
21-Jun-23 ATM/CARD	-168.96	26.01 *
21-Jun-23 ATM/CARD	-72.35	194.97 *
21-Jun-23 TRANSFER	159.04	267.32
20-Jun-23 ATM/CARD	-57.29	108.28 *
20-Jun-23 ATM/CARD	-21.56	165.57 *
19-Jun-23 ATM/CARD	-47.89	187.13 *
19-Jun-23 ATM/CARD	-72.49	235.02 *
19-Jun-23 ATM/CARD	-120.81	307.51 *
19-Jun-23 TRANSFER	150	428.32
16-Jun-23 ATM/CARD	-40.79	278.32 *
15-Jun-23 ATM/CARD	-604.81	319.11
15-Jun-23 TRANSFER	150	923.92
14-Jun-23 ATM/CARD	-241.38	773.92 *
13-Jun-23 ATM/CARD	-241.9	1,015.30 *
13-Jun-23 ATM/CARD	-241.9	1,257.20 *
13-Jun-23 TRANSFER	1,323.46	1,499.10
09-Jun-23 ATM/CARD	-971.73	175.64
09-Jun-23 TRANSFER	688.77	1,147.37
08-Jun-23 ATM/CARD	-120.7	458.6 *
08-Jun-23 CASH W/D	-1,922.45	579.3
08-Jun-23 TRANSFER	2,250.00	2,501.75
08-Jun-23 TRANSFER	240.06	251.75



Allan Wilson <wilson.allan.d@gmail.com>

HSBC Business Correspondence <caseID:1261085104/MNL1093198>

Allan Wilson <wilson.allan.d@gmail.com>

Mon, Sep 18, 2023 at 9:01 PM

To: "hsbc.complaints.resolution@hsbc.com.ph" <hsbc.complaints.resolution@hsbc.com.ph>

Hi,

Thank you for your email. Can you also confirm the Dispute Resolution Form sent August 17 to disputes@hsbc.com.ph ?
I have not yet received a confirmation of receipt.

Thanks,

A. Wilson
09636374588
[Quoted text hidden]



Allan Wilson <wilson.allan.d@gmail.com>

dispute response

2 messages

Allan Wilson <wilson.allan.d@gmail.com>
To: michael.yu@hsbc.com.ph

Mon, Jan 22, 2024 at 3:54 PM


Hi Michael,

I received the attached response today regarding my dispute that I brought to your attention last Thursday.

The bank is denying it based on the time of filing, January 19, when the original dispute was actually filed August 22. It took almost 3 months for the bank to deny it the first time with no explanation.

There is no way that these transactions were legitimate and the bank is offering no information. Can you get a real explanation for this, like where did the money go, and how these transactions are valid as customer service has indicated?

A. Wilson
09636374588


 **dispute response.pdf**
32K

Allan Wilson <wilson.allan.d@gmail.com>
To: "camille.encabo@hsbc.com.ph" <camille.encabo@hsbc.com.ph>

Wed, Mar 20, 2024 at 4:19 PM

Hi Camille, for your action as discussed.

A. Wilson
[Quoted text hidden]

 **dispute response.pdf**
32K



HSBC Centre
3058 Fifth Avenue West
Bonifacio Global City
Taguig City 1634
Philippines

www.hsbc.com.ph

000034-1/1



19 January 2024

Dear Valued Customer

We have received your dispute form. Details are as follows.

CARD NUMBER : 4649 **** * 9108
MERCHANT : ATM/CARD TRANSACTION
AMOUNT : PHP 2,104.08
TRANSACTION DATE : VARIOUS

Per our system records, disputed transactions dated VARIOUS was only received with the necessary documentation last 19 January 2024.

We are sorry to inform you that we are unable to process chargeback for the above transaction as this has exceeded the dispute time limit set by VISA.

Please refer to this section from HSBC's Credit Card Products Terms and Conditions which mentions the card holder's responsibility on credit card usage.

Check your statements carefully - if you don't let us know of any unauthorised transaction within 30 days of the date of the transaction, we may not be able to take any action.

Please call HSBC's Customer Service at (02) 8858-0000 or (02)7976-8000 or chat with us through the 'CHAT' icon located on the bottom right of HSBC's website if you have other concerns.

Yours sincerely

HSBC Philippines

RESTRICTED

Lacking documents:

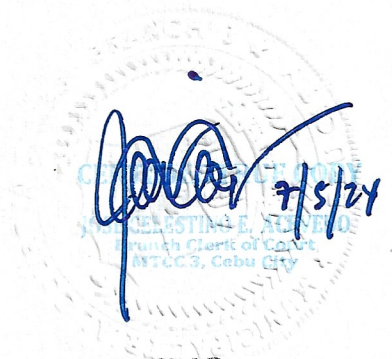
1) demand letter w/
proof of delivery

2) Affidavit - notarized

<http://epayment.judiciary.gov.ph>
SMALL CLAIMS/PAYMENT

Republic of the Philippines
MUNICIPAL TRIAL COURT IN CITIES
7th Judicial Region
BRANCH 3
Cebu City

Tel. no. (032)2532827 Email: mtcc1ecb003@judiciary.gov.ph



ALLAN DOUGLAS WILSON,
Plaintiff/s,

CIVIL CASE NO. M-CEB-24-04227-SMC

-versus-

FOR: SUM OF MONEY

AIR ASIA,
Defendant/s.

x-----/

ORDER

It appears from the records of this case that no Affidavit was attached to the Statement of Claim.

The 2016 Revised Rules of Procedure for Small Claims Cases in relation to Sections 4 and 7, Rule IV of the Rules on Expedited Procedure in the First Level Court provides, thus-

Sec. 4. Commencement of small claims action. – A small claims action is commenced by filing with the court an accomplished Statement of Claim/s with Verification and Certification Against Forum Shopping, Splitting a Single Cause of Action, and Multiplicity of Suits (Form 1-SCC) **and duly certified photocopies of the actionable document/s subject of the claim, affidavits of witnesses, and other evidence to support the claim,** with as many copies thereof as there are defendants. No evidence shall be allowed during the hearing which was not attached to or submitted together with the Statement of Claim/s, unless good cause is shown for the admission of additional evidence.

The plaintiff must state in the Statement of Claim/s if he/she/it is engaged in the business of lending, banking and similar activities, and the number of small claims cases filed within the calendar year regardless of judicial station.

For juridical entities, a board resolution or secretary's certificate authorizing the person to file the claim must be attached to the Statement of Claim/s.

No formal pleading, other than the Statement of Claim/s described in this Rule, is necessary to initiate a small claims action. (*Emphasis supplied*)

Sec. 7. Affidavits. – The affidavits submitted under this Rule shall state only facts of direct personal knowledge of the affiants or based on authentic records, which are admissible in evidence.

A violation of this requirement shall subject the party, and the counsel who assisted the party in the preparation of the affidavits, if any, to appropriate disciplinary action. The inadmissible affidavit(s) or portion(s) thereof shall be expunged from the record.

The non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim. (*Emphasis supplied*)

The same Rule likewise provides-

Sec. 9. Dismissal of the claim. – After the court determines that the case falls under this Rule, it may, from an examination of the allegations of the Statement of Claim/s and such evidence attached thereto, on its own initiative, **dismiss the case outright** on any of the following grounds:

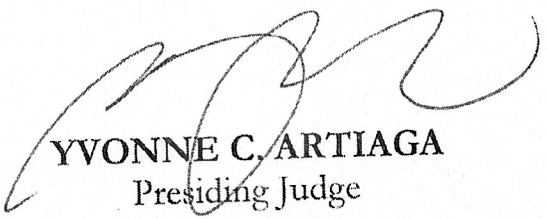
- (a) The court has no jurisdiction over the subject matter;
- (b) There is another action pending between the same parties for the same cause;
- (c) The action is barred by prior judgment;
- (d) The claim is barred by the statute of limitations;
- (e) The court has no jurisdiction over the person of the defendant;
- (f) Venue is improperly laid;
- (g) Plaintiff has no legal capacity to sue;
- (h) The Statement of Claim/s states no cause of action;
- (i) That a condition precedent for filing the claim has not been complied with; and
- (j) **Plaintiff failed to submit the required affidavits, as provided in Section 7 of this Rule.** (*Emphasis supplied*)

The above-premises considered, this case is hereby ordered **DISMISSED WITHOUT PREJUDICE.**

Furnish this Order to Plaintiff via any of the authorized modes of service under the 2019 Amendments to the Rules of Civil Procedure.

It is so ordered.

7 June 2024, Cebu City, Philippines.


YVONNE C. ARTIAGA
Presiding Judge

REPUBLIC OF THE PHILIPPINES
MUNICIPAL TRIAL COURT IN CITIES
BRANCH 8, CEBU CITY
mtcc1ceb008@judiciary.gov.ph
Contact No. +63 919 694 7232

ALLAN DOUGLAS WILSON,
Plaintiff,

versus

HSBC PHILIPPINES,
Defendant,

X-----/

CIVIL CASE NO.
M-CEB-24-04228-SMC

FOR: **SUM OF MONEY**

ORDER

After a cursory examination of the plaintiff's Statement of Claims and its attached exhibits, it appears that no demand to pay was made by the plaintiff to the defendant. Hence, this case must be dismissed for lack of cause of action.

Demand is necessary before an obligor may be declared in default of his obligation. Unless demand is proven, one cannot be held in default.¹ The Civil Code of the Philippines provides:

Article 1169. Those obliged to deliver or to do something incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation.

However, the demand by the creditor shall not be necessary in order that delay may exist:

- (1) When the obligation or the law expressly so declare; or
- (2) When from the nature and the circumstance of the obligation it appears that the designation of the time when the thing is to be delivered or the service is to be rendered was a controlling motive for the establishment of the contract; or
- (3) When demand would be useless, as when the obligor has rendered it beyond his power to perform.

In the Statement of Claims, the plaintiff stated that he did not demand from the defendant payment of his claim before filing the case because "no bank representative was available to discuss the matter." It is well settled that "it is the refusal to pay after demand that gives the creditor a cause of action against the debtor."²

Thus, the plaintiff has no cause of action against the defendant due to lack of demand to pay to the latter. "It is only when demand to pay is

¹ *DSP vs. Licuan, G.R. No. 150097, February 26, 2007.*

² *DSP vs. Licuan, supra.*

A CERTIFIED TRUE COPY

JESS JEREMY V. GADOR
Branch Clerk of Court
MTCC, BR. 8, CEBU CITY

O.R. No. 9611374 Date: 7/5/24

made and subsequently refused that respondents can be considered in default and petitioner obtains the right to file an action to collect the debt or foreclose the mortgage.³ Perforce, the cause of action of the plaintiff against the defendant only accrues when demand for payment was refused by the latter.

Assuming *arguendo* that a demand was made through the filing of a Dispute Claim Form with the defendant, which the latter denied, the Court is of the view that an action for small claims is not proper. It is noteworthy that, in his Statement of Claims, the plaintiff alleged elements of fraud, imputing to the defendant and/or its agents an act or omission amounting to a crime. The plaintiff states:

x x x

"The electronic transfers were not authorized and the account holder was not alerted to [sic] any of the transactions, leading to the conclusion that account or bank security was compromised internally or by a third party. The demonstrated lack of banking security controls which allowed for the funds to be withdrawn to an unknown recipient, *with the bank later misrepresenting the disputed transactions as valid, indicates either negligence or complicity on the part of the bank employees in defrauding money from the Plaintiff.*"

x x x

"No transaction was initiated or requested by the Plaintiff that led to the fraudulent withdrawals. *The evidently negligent or criminally complicit actions of bank employees were intentional in nature and this was demonstrated in their deliberate denial of a valid dispute.*" (underscored for emphasis)

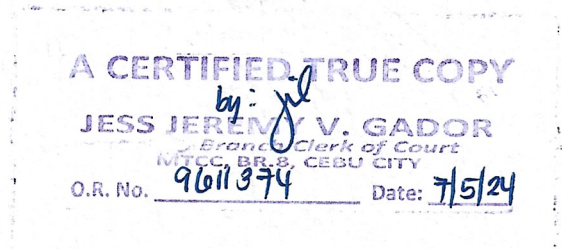
With the presence of these foregoing facts, the action is deemed one that is not purely a collection of sum of money, and is outside the coverage of the Rules of Procedure for Small Claims Cases. Section 5 of the said Rules provides:

Section 5. *Applicability.* – The Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall apply this Rule in all actions that are purely civil in nature where the claim or relief prayed for by the plaintiff is solely for payment or reimbursement of sum of money. (unscored for emphasis)

Lastly, the case must be dismissed for failure of the plaintiff to attach the required affidavit to his Statement of Claims. Section 9 of the 2016 Revised Rules of Procedure for Small Claims Cases⁴ provides that "x x x The

³ *Calibex Philippines, Inc. v. Intermediate Appellate Court*, G.R. No. 74730, 25 August 1989, 176 SCRA 741, 751.

⁴ A.M. No. 08-8-7-SC.




non-submission of the required affidavits will cause the immediate dismissal of the claim or counterclaim."

IN VIEW OF ALL THE FOREGOING, this case is hereby ordered **dismissed without prejudice** due to the reasons above-cited.

SO ORDERED.

IN THE CHAMBERS, this 11th day of June 2024, in Cebu City, Philippines.



JONATHAN L. SAROMINES
Acting Presiding Judge

ALS/jcl

Copy furnished:

ALLAN DOUGLAS WILSON
Plaintiff
74 Gen. Maxilom Ave., Tower 2, Cebu City
Email: wilson.allan.d@gmail.com; 0963 637 4568

Received by: _____
Date received: _____

A CERTIFIED TRUE COPY
by: 
JESS JEREMY V. GADOR
Branch Clerk of Court
MITCC, BR.8, CEBU CITY
O.R. No. 9611374 Date: 7/5/24



Allan Wilson <wilson.allan.d@gmail.com>

ALLAN DOUGLAS WILSON VS AIR ASIA

6 messages

MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>
To: "wilson.allan.d@gmail.com" <wilson.allan.d@gmail.com>

Mon, Jun 10, 2024 at 9:51 AM

Good morning!

Attached herewith is Order to the above-entitled case you filed. Please acknowledge receipt. Thank you!

Ralph Ronel Paden
Clerk III

 **Document-729.pdf**
657K

Allan Wilson <wilson.allan.d@gmail.com>
To: MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>

Mon, Jun 10, 2024 at 12:54 PM

Hi Ralph,

Receipt of your Dismissal is acknowledged and please note that nowhere in your attached rules does it state that an additional affidavit is required. Section 4 of the Rules lists documents that *may* be included in filing a claim such as 'affidavits of witnesses' and 'other evidence' however these are not stated a requirements.

Section 4 also states that *'NO formal pleading, other than the Statement of Claim(s) described in this Rule, is necessary to initiate a small claims action (Emphasis supplied).*

Further to this, Page 6 of the Claim *is an Affidavit* that was notarized and signed by the Complainant under oath. The page 6 Affidavit which is intrinsic to the claim states that the Complainant certifies the Statement of Claim and all appendices are true and correct and/or based on true records.

A separate affidavit by the Complainant is not necessary to the filing as it has been proven by courts that an affidavit should only be filed by a witness if the evidence is relevant to the filed case. Duplicate court documents are not relevant to the case and should not be requested by the Court unless proven that a separate affidavit will provide evidence additional to that which has already been filed.

In fact, by legal definition, a witness is someone who has information about a case that has gone to trial. For a Complainant to witness their own Complaint filing before trial implies that the witness has information not contained in the filing which would be an amended filing of claim rather than an affidavit.

Please provide your evidence in Court Rules or any law of the Philippines or otherwise that requires the duplicate affidavit that you have based your dismissal on. You may also find it impossible to prove that FORM 1-SCC page 6 when signed, notarized, and witnessed, is NOT in fact an Affidavit.

Absent any such rule or unique Philippine definition of 'affidavit', I will pursue other legal action against the Court as required to recover costs related to obstruction of justice and misrepresenting the laws of the Philippines.

Sincerely,

A. Wilson

[Quoted text hidden]

MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>
To: Allan Wilson <wilson.allan.d@gmail.com>

Mon, Jun 10, 2024 at 3:15 PM

Good afternoon, this is also acknowledged. But under the rules of court, you are required to submit formal pleadings.

Ralph Ronel Paden
Clerk III

From: Allan Wilson <wilson.allan.d@gmail.com>
Sent: Monday, 10 June 2024 12:54 pm
To: MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>
Subject: Re: ALLAN DOUGLAS WILSON VS AIR ASIA

[Quoted text hidden]

Allan Wilson <wilson.allan.d@gmail.com>
To: MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>

Mon, Jun 10, 2024 at 3:25 PM

Noted on this.
[Quoted text hidden]

MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>
To: Allan Wilson <wilson.allan.d@gmail.com>

Tue, Jun 11, 2024 at 1:13 PM

Thank you!

Kindly be advised again that the Court may only act on your comments on the Order of Dismissal Without Prejudice if reduced into formal pleading, as required by the rules.

From: Allan Wilson <wilson.allan.d@gmail.com>
Sent: Monday, 10 June 2024 3:25 pm
[Quoted text hidden]

[Quoted text hidden]

Allan Wilson <wilson.allan.d@gmail.com>
To: MTCC Branch 3 Cebu City Cebu <mtcc1ceb003@judiciary.gov.ph>

Tue, Jun 11, 2024 at 2:16 PM

This is noted.
[Quoted text hidden]

M-CEB-24-04228-SMC ORDER DATED JUNE 11, 2024

Allan Wilson <wilson.allan.d@gmail.com>

Fri, Jun 14, 2024 at 11:35 AM

To: MTCC Branch 8 Cebu City Cebu <mtcc1ceb008@judiciary.gov.ph>

It is clear that there were no accusations of criminality in the filed complaint but the suggestion of possible negligence that resulted in the clearly stated breach of contract for which a small claim in civil court is the appropriate jurisdiction.

Negligence is primarily part of tort law (tort is a civil wrong—meaning not a criminal act and must be solved in a civil court—that causes stress or harm to another person and imposes a legal liability).

The legal liability in the Plaintiff's case is monetary, and breach of contract is the primary cause of action which may or may not have resulted from negligence or criminality. Judgment on these issues would depend on the evidence presented as well as the response from the Defendant. To dismiss the case on a lacking affidavit when one clearly exists demands ruling from a higher court.


The Dismissal is acknowledged by the Complainant with an apparent need for declaratory relief and review by certiorari.

Attached is a demand letter. The hardcopy was received at MTCC-Cebu by the Civil Division Court Clerk at 15:50 HRS on June 13, 2024.

A. Wilson

09636374588

[Quoted text hidden]

 **Annex7_demand.pdf**
42K

Allan Douglas Wilson
74 General Maxilom Avenue Tower 2
Cebu City, 6000 PH
Contact No.(text): +63 963 637 4588
Email Address: wilson.allan.d@gmail.com

CEBU, Municipal Trial Court in Cities (MTCC)
Branch 1, Cebu City
Quimonda I.T. Center, Don Sergio Osmeña Ave.,
Reclamation Area, Cebu City, Cebu
Contact No.: +63 32 253 2823 / +63 921 231 9995 / +63 956 300 3202
Email Address: mtcc1ceb001@judiciary.gov.ph

June 11, 2024

Re: MTCC Cebu Demand for Legal Costs

Specified in the following demand are amounts claimed by the creditor: Allan Douglas Wilson, for court costs related to claims dismissed or deferred by Municipal Trial Court in Cities (MTCC) Cebu .

Money is owed to the Creditor to compensate for services that were misrepresented by the MTCC Cebu and for losses incurred from the denial of due process of law.

A detailed cost accounting for legal expenses associated with case filing and for which compensation is demanded are as follows:

Cost of filing claims that were dismissed on no reasonable grounds: P3030
Cost of pants requirement that was not properly noticed on the Court website:
P549.00
Cost of travelling to Hall of Justice from Balamban, Cebu, in order to file claims that
were denied on no reasonable grounds and later filed and dismissed: P9,000
Photocopy fee: P250
Parking fees: P100

Total damages requested from the Court: 12,929 Philippine pesos (PHP) + 20%
interest daily.

Consequence of Non-payment:

Failure to comply with the demand and to contact the creditor within a period of
three(3) weeks from transmittal and receipt of this letter will result in Civil action for
the recovery of the amounts demanded.



Allan Douglas Wilson

Republic of the Philippines
City of Cebu

AFFIDAVIT OF SERVICE BY REGISTERED MAIL


I, Allan Douglas Wilson, of legal age, with address at 74 General Maxilom Avenue, Tower 2, Cebu City, and self-directed PLAINTIFF, after having been sworn in accordance with law, hereby depose and state:

I am the PLAINTIFF and sender of PLEADINGS for Supreme Court Civil case against DEFENDANTS: Municipal Trial Courts-Cebu (MTCC); AirAsia; and HSBC Philippines, and that as such sender, I served upon the DEFENDANTS a copy of the PLEADINGS via registered mail, on July 9, 2024 as evidenced by the delivery receipts hereto attached with corresponding tracking numbers.

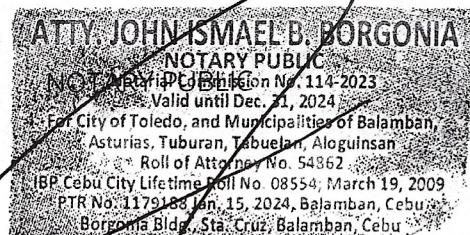
LBC TRACKING NUMBERS:

149850787422 - HSBC Philippines
149850787402 - Air Asia
149850787412 - Cebu Municipal Trial Court in Cities

IN WITNESS WHEREOF, I have signed this affidavit on the 13th day of July, 2024 at Balamban, Cebu.


ALLAN DOUGLAS WILSON

SUBSCRIBED and SWORN to before me, the affiant exhibited to me his U.S. passport with No. A34864088 issued on JUL 13 2024


ATTY. JOHN ISMAEL B. BORGONIA
NOTARY PUBLIC
Notary Public Commission No. 114-2023
Valid until Dec. 31, 2024
For City of Toledo, and Municipalities of Balamban, Asturias, Tuburan, Tabuelan, Aloguinsan
Roll of Attorney No. 54362
IBP Cebu City Lifetime Roll No. 08554; March 19, 2009
PTR No. 1179183 Jan. 15, 2024, Balamban, Cebu
Borgonia Bldg., Sta. Cruz, Balamban, Cebu

Doc. No. 18
Page No. 4
Book No. 2
Series of 2024.

Choose another country to see updates and services specific to your location.

Philippines

Continue



Track & Trace

FAQS

LBC Track & Trace

149850787402

TRACK

Would you like to receive updates for this shipment via messenger?

Click Below

Send to Messenger



We tried to deliver your shipment but recipient refused to accept. Please get in touch with us through our official customer care channels.



Please expect delivery within the day.



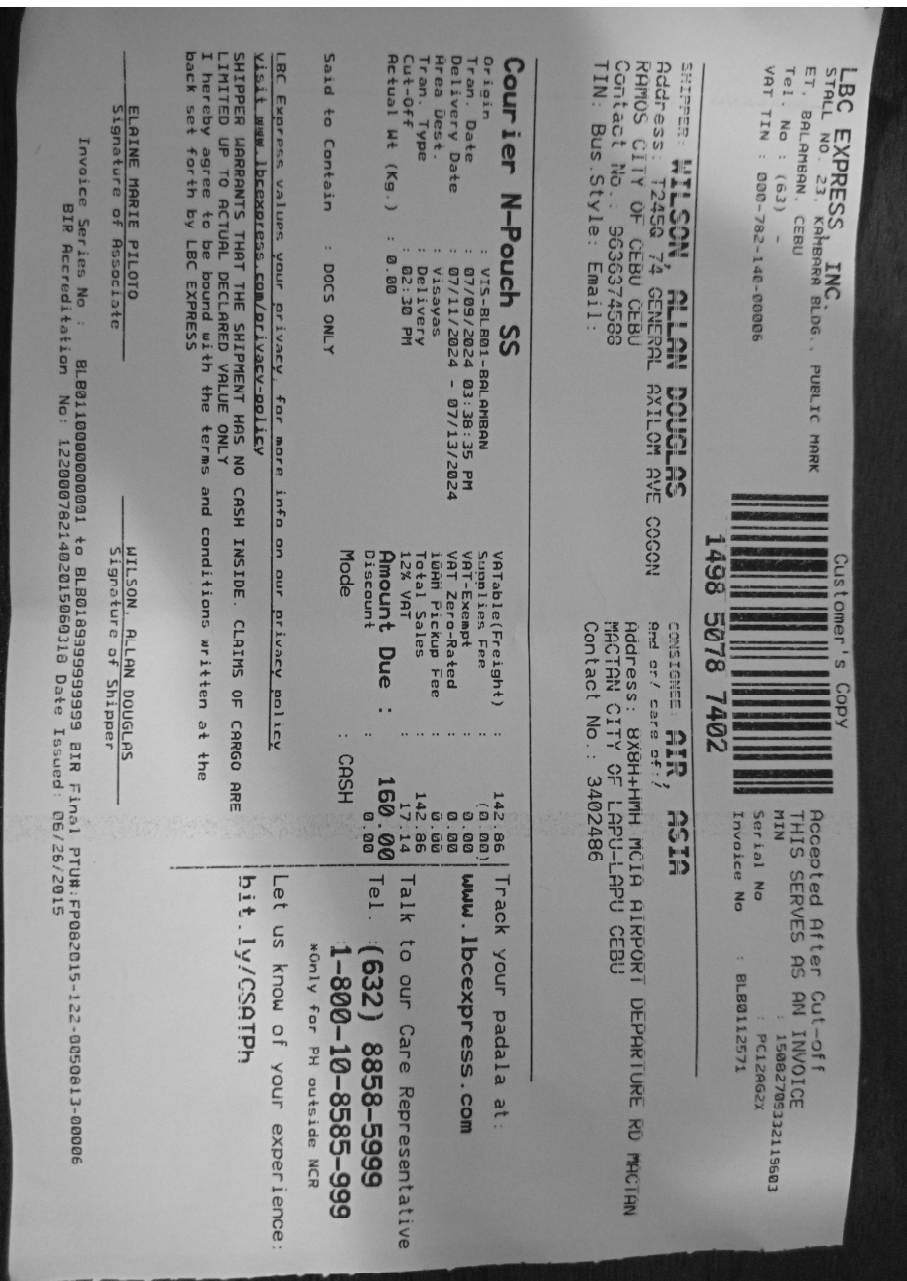
Shipment has been received at CEBU DELIVERY SUPPORT TEAM.



Shipment is en route to MACTAN-MANDAUE COURIER DELIVERY TEAM. Next update for this shipment will come within 2 to 4 day/s.



Shipment has been accepted at BALAMBAN.



VISAYAS	2-4
MINDANAO	3-5
PUERTO PRINCESA	5-7



Allan Wilson <wilson.allan.d@gmail.com>

service of legal complaint

Allan Wilson <wilson.allan.d@gmail.com>

Sat, Jul 13, 2024 at 12:05 PM

To: capitala_ir@airasia.com, communications@airasia.com


The attached legal filing is sent in the absence of any other publicly advertised email or mailable physical address.

It is requested that your office forward the attachment to your company's legal representation.

Failure to acknowledge the attached Complaint within the time allowed may result in legal judgment in favour of the Plaintiff.

Sincerely,

Allan Douglas Wilson
+1 (647) 490-1521

 **Supreme Court Petition_actions63&65-compressed.pdf**
9485K

Choose another country to see updates and services specific to your location.

Philippines

Continue



Track & Trace

FAQS

LBC Track & Trace

149850787412

TRACK

Arrived in PH

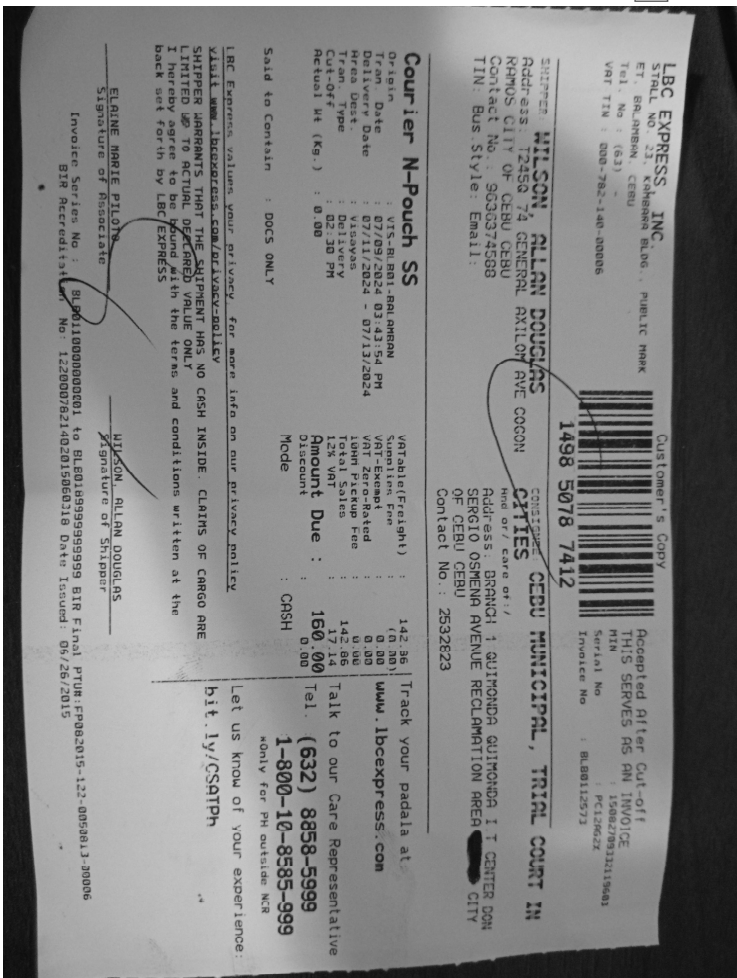
Thu, July 11, 2024

Check details in transaction history below.

Would you like to receive updates for this shipment via messenger?

[Click Below](#)

Send to Messenger



- Thu, 11 July 2024

Released to authorized representative EDEN BALURAN 07/11/2024.
- Thu, 11 July 2024

Please expect delivery within the day.
- Thu, 11 July 2024

Shipment has been received at CEBU DELIVERY TEAM 2.
- Tue, 09 July 2024

Shipment has been accepted at BALAMBAN.

BATANES	4-6
CORON	3-4
Luzon Island; Marinduque, Masbate, Mindoro, Catanduanes	3-5
From VISAYAS	No. of days.

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I Accept

I Do Not Accept