

FIRST DIVISION

[G.R. NO. 159938, January 22, 2007]

**SHANGRI-LA INTERNATIONAL HOTEL MANAGEMENT, LTD.,
SHANGRI-LA PROPERTIES, INC., MAKATI SHANGRI-LA HOTEL &
RESORT, INC., AND KUOK PHILIPPINES PROPERTIES, INC.,
PETITIONERS, VS. DEVELOPERS GROUP OF COMPANIES, INC.,
RESPONDENT.**

R E S O L U T I O N

GARCIA, J.:

Before the Court is this Motion for Reconsideration filed by respondent Developers Group of Companies, Inc. (DGCI) praying for the reversal of this Court's Decision^[1] of March 31, 2006, the dispositive portion of which reads:

WHEREFORE, the instant petition is **GRANTED**. The assailed Decision and Resolution of the Court of Appeals dated May 15, 2003 and September 15, 2003, respectively, and the Decision of the Regional Trial Court of Quezon City dated March 8, 1996 are hereby **SET ASIDE**. Accordingly, the complaint for infringement in Civil Case No. Q-91-8476 is ordered **DISMISSED**.

In its motion, respondent-movant DGCI raises the following grounds:

1. The certification of non-forum shopping submitted by petitioners is insufficient;
2. The word "Shangri-La" and "S" logo were adopted and used by the Kuok Group as part of their corporate names and the names of their hotels;
3. Petitioners' claim of legal and beneficial ownership of mark and logo is baseless and unwarranted;
4. Change of theory from owner to one who may be damaged as entitled to relief is not allowable;
5. Finding of registration in patent offices in different countries around the world is inaccurate;
6. DGCI's registration of the "Shangri-La" mark and the "S" logo is valid because there was at least two months' use thereof prior to application;
7. Section 2-A of R.A. No. 166 requires the actual commercial use of trademarks in the Philippines pursuant to the principle of