



Republic of the Philippines  
 Supreme Court  
 Manila

FIRST DIVISION

DR. JOY MARGATE LEE,  
 Petitioner,

G.R. No. 203254

Present:

- versus -

SERENO, C.J., Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PEREZ, and  
 PERLAS-BERNABE, JJ.

Promulgated:

P/SUPT. NERI A. ILAGAN,  
 Respondent.

OCT 08 2014

X-----X

DECISION

PERLAS-BERNABE, J.:

Before the Court is a petition for review on *certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated August 30, 2012 of the Regional Trial Court of Quezon City, Branch 224 (RTC) in SP No. 12-71527, which extended the privilege of the writ of *habeas data* in favor of respondent Police Superintendent Neri A. Ilagan (Ilagan).

The Facts

In his Petition for Issuance of the *Writ of Habeas Data*<sup>3</sup> dated June 22, 2012, Ilagan alleged that he and petitioner Dr. Joy Margate Lee (Lee) were former common law partners. Sometime in July 2011, he visited Lee at the latter's condominium, rested for a while and thereafter, proceeded to his office. Upon arrival, Ilagan noticed that his digital camera was missing.<sup>4</sup> On August 23, 2011, Lee confronted Ilagan at the latter's office regarding a

<sup>1</sup> Rollo, pp. 3-37.

<sup>2</sup> Id. at 38-41. Penned by Presiding Judge Tita Marilyn Payoyo-Villordon.

<sup>3</sup> Records, Vol. 1, pp. 6-11.

<sup>4</sup> Id. at 7.

N

purported sex video (subject video) she discovered from the aforesaid camera involving Ilagan and another woman. Ilagan denied the video and demanded Lee to return the camera, but to no avail.<sup>5</sup> During the confrontation, Ilagan allegedly slammed Lee's head against a wall inside his office and walked away.<sup>6</sup> Subsequently, Lee utilized the said video as evidence in filing various complaints against Ilagan, namely: (a) a criminal complaint for violation of Republic Act No. 9262,<sup>7</sup> otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004," before the Office of the City Prosecutor of Makati; and (b) an administrative complaint for grave misconduct before the National Police Commission (NAPOLCOM).<sup>8</sup> Ilagan claimed that Lee's acts of reproducing the subject video and threatening to distribute the same to the upper echelons of the NAPOLCOM and uploading it to the internet violated not only his right to life, liberty, security, and privacy but also that of the other woman, and thus, the issuance of a writ of *habeas data* in his favor is warranted.<sup>9</sup>

Finding the petition *prima facie* meritorious, the RTC issued a Writ of *Habeas Data*<sup>10</sup> dated June 25, 2012, directing Lee to appear before the court *a quo*, and to produce Ilagan's digital camera, as well as the negative and/or original of the subject video and copies thereof, and to file a verified written return within five (5) working days from date of receipt thereof.

In her Verified Return<sup>11</sup> dated July 2, 2012, Lee admitted that she indeed kept the memory card of the digital camera and reproduced the aforesaid video but averred that she only did so to utilize the same as evidence in the cases she filed against Ilagan. She also admitted that her relationship with Ilagan started sometime in 2003 and ended under disturbing circumstances in August 2011, and that she only happened to discover the subject video when Ilagan left his camera in her condominium. Accordingly, Lee contended that Ilagan's petition for the issuance of the writ of *habeas data* should be dismissed because: (a) its filing was only aimed at suppressing the evidence against Ilagan in the cases she filed; and (b) she is not engaged in the gathering, collecting, or storing of data regarding the person of Ilagan.<sup>12</sup>

---

<sup>5</sup> Id. at 7. See also *rollo*, p. 38.

<sup>6</sup> See records, Vol. I, p. 26.

<sup>7</sup> Entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES."

<sup>8</sup> Records, Vol. I, p. 7; *rollo*, p. 38.

<sup>9</sup> Records, Vol. I, pp. 8-9; *rollo*, p. 38.

<sup>10</sup> Records, Vol. I, p. 24; *rollo*, p. 50.

<sup>11</sup> Records, Vol. I, pp. 26-29.

<sup>12</sup> See id.; *rollo*, p. 38.

### The RTC Ruling

In a Decision<sup>13</sup> dated August 30, 2012, the RTC granted the privilege of the writ of *habeas data* in Ilagan's favor, and accordingly, ordered the implementing officer to turn-over copies of the subject video to him, and enjoined Lee from further reproducing the same.<sup>14</sup>

The RTC did not give credence to Lee's defense that she is not engaged in the gathering, collecting or storing of data regarding the person of Ilagan, finding that her acts of reproducing the subject video and showing it to other people, *i.e.*, the NAPOLCOM officers, violated the latter's right to privacy in life and caused him to suffer humiliation and mental anguish. In this relation, the RTC opined that Lee's use of the subject video as evidence in the various cases she filed against Ilagan is not enough justification for its reproduction. Nevertheless, the RTC clarified that it is only ruling on the return of the aforesaid video and not on its admissibility before other tribunals.<sup>15</sup>

Dissatisfied, Lee filed this petition.

### The Issue Before the Court

The essential issue for the Court's resolution is whether or not the RTC correctly extended the privilege of the writ of *habeas data* in favor of Ilagan.

### The Court's Ruling

The petition is meritorious.

A.M. No. 08-1-16-SC, or the Rule on the Writ of *Habeas Data* (*Habeas Data* Rule), was conceived as a response, given the lack of effective and available remedies, to address the extraordinary rise in the number of killings and enforced disappearances.<sup>16</sup> It was conceptualized as a judicial remedy enforcing the right to privacy, most especially **the right to informational privacy** of individuals,<sup>17</sup> which is defined as "the right to control the collection, maintenance, use, and dissemination of data about oneself."<sup>18</sup>

---

<sup>13</sup> *Rollo*, pp. 38-41.

<sup>14</sup> *Id.* at 41.

<sup>15</sup> See *id.* at 40-41.

<sup>16</sup> *Manila Electric Company v. Lim*, G.R. No. 184769, October 5, 2010, 632 SCRA 195, 202.

<sup>17</sup> *Roxas v. Macapagal-Arroyo*, G.R. No. 189155, September 7, 2010, 630 SCRA 211, 239.

<sup>18</sup> See footnote 62 of *Ople v. Torres*, 354 Phil. 948, 979 (1998), citing Hancock, G., "California's Privacy Act: Controlling Government's Use of Information?" 32 Stanford Law Review No. 5, p. 1001 (May 1980).

As defined in Section 1 of the *Habeas Data* Rule, the writ of *habeas data* now stands as “a remedy available to any person whose **right to privacy in life, liberty or security** is violated or threatened by an unlawful act or omission of a public official or employee, or of a private individual or entity engaged in the gathering, collecting or storing of **data or information regarding the person, family, home, and correspondence of the aggrieved party.**” Thus, in order to support a petition for the issuance of such writ, Section 6 of the *Habeas Data* Rule essentially requires that the petition sufficiently alleges, among others, “[t]he **manner the right to privacy is violated or threatened and how it affects the right to life, liberty or security of the aggrieved party.**” In other words, the petition must adequately show that **there exists a nexus between the right to privacy on the one hand, and the right to life, liberty or security on the other.**<sup>19</sup> Corollarily, the allegations in the petition must be supported by **substantial evidence** showing an actual or threatened violation of the right to privacy in life, liberty or security of the victim.<sup>20</sup> In this relation, it bears pointing out that the writ of *habeas data* will not issue to protect purely property or commercial concerns nor when the grounds invoked in support of the petitions therefor are vague and doubtful.<sup>21</sup>

In this case, the Court finds that Ilagan was not able to sufficiently allege that his right to privacy in life, liberty or security was or would be violated through the supposed reproduction and threatened dissemination of the subject sex video. While Ilagan purports a privacy interest in the suppression of this video – which he fears would somehow find its way to *Quiapo* or be uploaded in the internet for public consumption – he failed to explain the connection between such interest and any violation of his right to life, liberty or security. Indeed, courts cannot speculate or contrive versions of possible transgressions. As the rules and existing jurisprudence on the matter evoke, alleging and eventually proving the nexus between one’s privacy right to the cogent rights to life, liberty or security are crucial in *habeas data* cases, so much so that a failure on either account certainly renders a *habeas data* petition dismissible, as in this case.

In fact, even discounting the insufficiency of the allegations, the petition would equally be dismissible due to the inadequacy of the evidence presented. As the records show, all that Ilagan submitted in support of his petition was his self-serving testimony which hardly meets the substantial evidence requirement as prescribed by the *Habeas Data* Rule. This is because nothing therein would indicate that Lee actually proceeded to commit any overt act towards the end of violating Ilagan’s right to privacy in life, liberty or security. Nor would anything on record even lead a reasonable

---

<sup>19</sup> *Gamboa v. Chan*, G.R. No. 193636, July 24, 2012, 677 SCRA 385, 400.


<sup>20</sup> *Roxas v. Macapagal-Arroyo*, supra note 17, at 239-240.

<sup>21</sup> See *Manila Electric Company v. Lim*, supra note 16, at 202-203, citing *Castillo v. Cruz*, G.R. No. 182165, November 25, 2009, 605 SCRA 628, 636-637.


mind to conclude<sup>22</sup> that Lee was going to use the subject video in order to achieve unlawful ends – say for instance, to spread it to the public so as to ruin Ilagan’s reputation. Contrastingly, Lee even made it clear in her testimony that the only reason why she reproduced the subject video was to legitimately utilize the same as evidence in the criminal and administrative cases that she filed against Ilagan.<sup>23</sup> Hence, due to the insufficiency of the allegations as well as the glaring absence of substantial evidence, the Court finds it proper to reverse the RTC Decision and dismiss the *habeas data* petition.

**WHEREFORE**, the petition is **GRANTED**. The Decision dated August 30, 2012 of the Regional Trial Court of Quezon City, Branch 224 in SP No. 12-71527 is hereby **REVERSED** and **SET ASIDE**. Accordingly, the Petition for Issuance of the Writ of *Habeas Data* filed by respondent P/Supt. Neri A. Ilagan is **DISMISSED** for lack of merit.

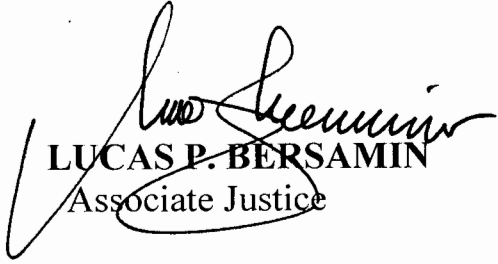
**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
 Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice  
 Chairperson

  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice

  
**LUCAS P. BERSAMIN**  
 Associate Justice

  
**JOSE PORTUGAL PEREZ**  
 Associate Justice

<sup>22</sup> “Substantial evidence is defined as such amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion. It is more than a mere scintilla of evidence.” (*Miro v. Mendoza Vda. de Erederos*, G.R. Nos. 172532 and 172544-45, November 20, 2013, 710 SCRA 371, 388.)

<sup>23</sup> See records, Vol. II, pp. 259-265 and 272-275.

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**

Chief Justice