

FIRST DIVISION

[G.R. No. 203254, October 08, 2014]

DR. JOY MARGATE LEE, PETITIONER, VS. P/SUPT. NERI A. ILAGAN, RESPONDENT.

D E C I S I O N

PERLAS-BERNABE, J.:

Before the Court is a petition for review on *certiorari*^[1] assailing the Decision^[2] 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*^[3] 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.^[4] On August 23, 2011, Lee confronted Ilagan at the latter's office regarding a 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.^[5] During the confrontation, Ilagan allegedly slammed Lee's head against a wall inside his office and walked away.^[6] 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,^[7] 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).^[8] 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.^[9]

Finding the petition *prima facie* meritorious, the RTC issued a Writ of *Habeas Data*^[10] 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^[11] 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.^[12]

The RTC Ruling

In a Decision^[13] 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.^[14]

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.^[15]

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.^[16] It was conceptualized as a judicial remedy enforcing the right to privacy, most especially **the right to informational privacy** of individuals,^[17] which is defined as "the right to control the collection, maintenance, use, and dissemination of data about oneself."^[18]

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