

Title: Liang v. People of the Philippines – The Diplomatic Immunity Case

Facts: Jeffrey Liang, a Chinese national employed as an Economist by the Asian Development Bank (ADB), was charged with grave oral defamation in two criminal Informations alleging that he uttered defamatory words against Joyce V. Cabal, an ADB staff member, on January 28 and 31, 1994. On April 13, 1994, the Mandaluyong Metropolitan Trial Court (MTC), acting on advice from the Department of Foreign Affairs (DFA) recognizing Liang's immunity, dismissed the criminal cases. The People of the Philippines, through a petition for certiorari and mandamus, prompted the Pasig City Regional Trial Court (RTC) to annul and set aside the MTC's order of dismissal. Liang then elevated the matter to the Supreme Court through a petition for review, asserting immunity from legal processes as an ADB staff member.

Issues:

1. Whether DFA's determination of an individual's diplomatic immunity is conclusive upon courts and whether it is a political question.
2. Whether the immunity of international organizations and their staff from legal processes is absolute.
3. Whether the immunity extends to all staff of the Asian Development Bank (ADB).
4. Whether due process was afforded to the complainant to rebut the DFA protocol.
5. Whether the Supreme Court ruling that slander is not within the scope of ADB immunity prejudged the pending case in MTC.
6. Applicability of the Vienna Convention on Diplomatic Relations to the case.

Court's Decision:

The Supreme Court reiterated that diplomatic immunity is not absolute for officers and staff of the ADB and is limited to acts performed within their official capacity. For the individual case, the Court held that slander cannot be considered an act performed in official capacity, and therefore Liang is not entitled to immunity for the defamation charge. Additionally, they affirmed that determining whether an act is performed in an official capacity falls within judicial competence. The Court further clarified that the Vienna Convention is not applicable as Liang is not a diplomatic agent. Ultimately, the Supreme Court denied with finality the Motions for Reconsideration filed by Liang and the DFA.

Doctrine:

The diplomatic immunity of international organizations and their officers and staff is not absolute and only extends to acts performed in their official capacity. Moreover,

determining whether an act was performed in an official capacity is within the jurisdiction of the local courts. The Vienna Convention on Diplomatic Relations is not applicable to international organization staff who are not diplomatic agents.

Class Notes:

Key elements central to the case include:

- Understanding the limitations of diplomatic immunity for international organization officials;
- The principle that the determination of whether an act was performed in an official or private capacity falls within the purview of the judiciary;
- The inapplicability of the Vienna Convention on Diplomatic Relations to non-diplomatic agents; and
- The interpretation that the immunity granted under Section 45(a) of the “Agreement Between the Asian Development Bank and the Government of the Republic of the Philippines Regarding the Headquarters of the Asian Development Bank” is not absolute but is subject to acts being done in an official capacity.

Historical Background:

The assertion of diplomatic immunity by ADB officers reflects the balance between respecting international organizations’ functional independence and the sovereign jurisdiction of the host state. This case and its resolution come at a time when the international legal stipulations on immunity were being tested and defined within national jurisdictions. Similar cases across jurisdictions have debated the interface between international law, sovereign immunity, and diplomatic privileges, and the decision here delineates the boundaries of such immunity under Philippine law.