

Title

Ayer Productions Pty. Ltd. & McElroy Vs. Hon. Ignacio M. Capulong and Juan Ponce Enrile

Facts

In 1987, Australian filmmaker Hal McElroy and Ayer Productions aimed to make a mini-series titled “The Four Day Revolution,” depicting the 1986 EDSA Revolution in the Philippines. The project planned to mix real events with fictitious characters for an international audience. Government agencies and key figures from the revolution, including Fidel V. Ramos, endorsed the project, but Juan Ponce Enrile withheld consent for the use of his name or portrayal.

Enrile formally refused consent on December 21, 1987. Ayer Productions proceeded without using Enrile’s name. However, Enrile filed a complaint on February 23, 1988, with the Makati Regional Trial Court (RTC), arguing that the production infringed on his privacy. The RTC issued a Temporary Restraining Order (TRO) against the production.

Ayer Productions and Hal McElroy separately contested the RTC’s decision, alleging it was an unconstitutional prior restraint on their freedom of expression. The Supreme Court consolidated these petitions in March 1988, partially lifting the TRO to allow filming parts not referring to Enrile.

Issues

1. Does the production of “The Four Day Revolution” violate Juan Ponce Enrile’s right to privacy?
2. Does the injunction issued by the Makati RTC constitute an unconstitutional prior restraint on Ayer Productions’ freedom of expression?

Court’s Decision

The Supreme Court ruled in favor of Ayer Productions and Hal McElroy. It highlighted that Enrile, as a public figure and given his significant role in a public event (the EDSA Revolution), could not invoke a right to privacy to prevent the depiction of his public actions. The Court viewed the writ of preliminary injunction as an undue prior restraint on the petitioners’ freedom of expression. Consequently, the Court set aside the RTC’s order and permanently enjoined it from preventing the film’s production.

Doctrine

The Supreme Court reiterated that freedom of speech and expression includes producing and showing films. Public figures have a limited scope of privacy rights concerning their

participation in events of public concern. Prior restraint on expression is highly scrutinized and usually deemed unconstitutional unless it passes the clear and present danger test or is justified by a compelling state interest.

Class Notes

- **Freedom of Expression:** Includes the freedom to produce, exhibit, and commercialize films.
- **Public Figure Doctrine:** Public figures have a narrower scope of privacy rights, and depicting their role in public events doesn't usually violate their privacy.
- **Prior Restraint:** Government actions that prevent speech or expression are scrutinized and often unconstitutional, unless a clear and present danger can be established.
- **Key Statutes:** The right to privacy and freedom of expression are protected under the Philippine Constitution, Articles III, Section 4 (Freedom of Speech) and Section 3 (Privacy of Communication and Correspondence).

Historical Background

The 1986 EDSA People Power Revolution was a pivotal event in Philippine history, leading to the ousting of President Ferdinand Marcos. Juan Ponce Enrile played a critical role in this peaceful uprising. The Ayer Productions case arose in a period of renewed democratic freedoms in the Philippines, including expressive freedoms, making it a significant examination of the balance between individual rights and freedom of expression post-Marcos era.