

Title: *Vivares vs. St. Theresa’s College: A Case of Online Privacy and Educational Discipline*

Facts:

This case revolves around two minor students, Nenita Julia V. Daluz (Julia) and Julienne Vida Suzara (Julienne), attending St. Theresa’s College (STC), Cebu City, who were reprimanded by the school for photos posted on Facebook. These photos depicted them in undergarments, drinking, smoking, and wearing clothing violating the school’s code of conduct. Mylene Rheza T. Escudero, a teacher, learned of these posts through her students and reported them to the school’s Discipline-in-Charge, resulting in the minors being barred from their commencement exercises.

Angela Lindsay Tan’s mother filed a petition for injunction and damages against STC to allow participation in commencement exercises. Despite a temporary restraining order (TRO) issued by the Regional Trial Court (RTC) permitting the students to attend the ceremony, STC barred them, citing an unresolved motion for reconsideration of the TRO.

Subsequently, a petition for the issuance of a Writ of Habeas Data was filed, alleging violation of the children’s right to privacy, given that the photos were from a private event and shared with a limited audience on Facebook. The RTC dismissed the habeas data petition, finding no violation of privacy rights as the photos were not Restrictively shared online.

Issues:

1. Whether a writ of habeas data should be issued based on the presented facts.
2. Whether there was an actual or threatened violation of the right to privacy concerning the minors involved.
3. The extent of informational privacy rights on Facebook and other Online Social Networks (OSNs).

Court’s Decision:

The Supreme Court denied the petition, affirming the RTC’s decision. It held that:

- The writ of habeas data is not exclusive to cases of extralegal killings and enforced disappearances.
- The right to informational privacy can be invoked in OSN activities, but its degree of protection hinges on the user’s privacy settings.
- Without substantial proof of setting the privacy configurations to limit post visibility,

users, including the minors, cannot claim an expectation of privacy.

- STC and its personnel had not violated the minors' privacy as the contentious photos were shown to school officials by the students' own Facebook friends, making them recipients of the information rather than violators of privacy.

Doctrine:

This case elucidates the doctrine that the expectation of informational privacy on social media platforms like Facebook is contingent upon the active employment of privacy settings by the user. The right to privacy must be manifested through the privacy tools made available by the OSN, establishing a "zone of privacy" that warrants protection.

Class Notes:

- ****Informational Privacy Rights on Social Media:**** The privacy rights of individuals in their online activities are protectable, provided there is a demonstrable expectation of privacy, evidenced by the use of privacy settings.

- ****Writ of Habeas Data:**** A legal remedy for any person whose right to privacy in life, liberty, or security is violated or threatened by the unlawful gathering, collecting, or storing of data or information.

- ****Legal Sections Cited:**** Rule on the Writ of Habeas Data (A.M. No. 08-1-16-SC), specifically on the issuance, purposes, and conditions for the availability of the writ.

Historical Background:

This landmark decision highlights the evolving nature of privacy rights amidst the burgeoning use of OSNs. It underlines the judiciary's efforts to reconcile traditional expectations of privacy with the novel challenges posed by digital environments, emphasizing user responsibility in managing privacy settings.