

Title:

****Jeffrey Liang (Huefeng) vs. People of the Philippines****

Facts:

Jeffrey Liang, an economist working with the Asian Development Bank (ADB), was charged with two counts of grave oral defamation against a fellow ADB worker, Joyce Cabal, before the Metropolitan Trial Court (MeTC) of Mandaluyong City, under Criminal Cases Nos. 53170 and 53171, in 1994. Following his arrest and subsequent bail posting, Liang was released to the ADB's Security Officer. The MeTC received a communication from the Department of Foreign Affairs (DFA) claiming Liang's immunity from legal process under the ADB-Philippines Headquarters Agreement. Acting on this communication, the MeTC judge dismissed the criminal cases without notifying the prosecution, who then sought reconsideration, opposed by the DFA, and upon denial, escalated the matter to the Regional Trial Court (RTC) of Pasig City. The RTC overturned the MeTC's dismissal, leading Liang to file a petition for review with the Supreme Court, asserting his immunity and questioning the absence of a preliminary investigation.

Issues:

1. Whether the DFA's assertion of Liang's immunity is binding on the courts.
2. Whether Liang's alleged actions are protected by diplomatic immunity under the ADB-Philippines Agreement.
3. If slandering could be considered within the immunity agreement.
4. The relevance of the Vienna Convention on Diplomatic Relations in the context of immunity from criminal jurisdiction.
5. The necessity of a preliminary investigation in cases cognizable by the MeTC.

Court's Decision:

The Supreme Court denied Jeffrey Liang's petition, offering a comprehensive analysis on several fronts:

1. ****DFA's Assertion of Immunity****: The Court clarified that the DFA's determination of immunity has no binding effect in courts and criticized the MeTC judge's dismissal of the criminal cases without due process.
2. ****Immunity Under the ADB-Philippines Agreement****: The Court noted that while Section 45 of the Agreement provides immunity, it is not absolute and excludes acts done outside of official capacity. It emphasized the need for an evidentiary basis to determine the capacity in which Liang acted when he made the alleged defamatory statements.
3. ****Scope of Immunity Agreement****: The Court ruled that defamation could not be

considered an act protected by immunity, aligning with the principle that a crime, such as defamation, cannot be committed in the guise of official duty.

4. **Vienna Convention on Diplomatic Relations**: The Court mentioned that even if Liang were to be considered a diplomatic agent, the immunity provided under the Vienna Convention does not cover acts outside of official functions, including crimes like defamation.

5. **Preliminary Investigation**: The Supreme Court clarified that a preliminary investigation is not a right in cases within the MeTC's jurisdiction, as it is a statutory right, not automatically applicable.

Doctrine:

- The determination by the Department of Foreign Affairs regarding the immunity of an individual is not binding on courts and requires judicial scrutiny.
- Diplomatic immunity does not protect individuals from accountability for personal actions outside their official capacity, particularly in cases involving criminal acts like defamation.

Class Notes:

- **Diplomatic Immunity**: Immunity from legal process is conditional; acts performed outside official capacity are not protected.
- **Role of DFA in Judicial Process**: DFA's communication on immunity is preliminary and not conclusive in court proceedings.
- **Due Process in Dismissal of Cases**: Courts must notify all parties involved and adhere to due process principles before dismissing cases based on claims of immunity.
- **Preliminary Investigation**: Not a mandatory pre-condition for the prosecution of cases within the jurisdiction of Metropolitan Trial Courts.
- **Vienna Convention on Diplomatic Relations**: Provides for immunity from criminal jurisdiction except in cases of professional or commercial activity outside official functions.

Historical Background:

This case underscores the complexities surrounding diplomatic immunities and privileges within the Philippines, particularly in incidents involving the interaction of international agreements and domestic law. It illustrates the judicial system's role in balancing these considerations against principles of fairness and due process.