

### Title: Sps. Bill and Victoria Hing v. Alexander Choachuy, Sr. and Allan Choachuy

### Facts:

- **August 23, 2005:** Petitioners, Spouses Bill and Victoria Hing, filed a Complaint for Injunction and Damages with a prayer for a Writ of Preliminary Mandatory Injunction/Temporary Restraining Order (TRO) against Respondents, Alexander Choachuy, Sr. and Allan Choachuy, with the Regional Trial Court (RTC) of Mandaue City (Civil Case MAN-5223).

- **Petitioners' Allegations:**

- Owners of parcel of land (Lot 1900-B) in Barangay Basak, Mandaue City, Cebu.

- Respondents, owners of Aldo Development & Resources, Inc. (Aldo), adjacent to their property.

- Respondents installed two video surveillance cameras facing petitioners' property to support their case against petitioners regarding wall destruction due to fence construction.

- Alleged violation of their right to privacy.

- **October 18, 2005:** RTC issued a TRO ordering the removal of cameras and transfer to a location where petitioners' property would not be visible.

- **February 6, 2006:** RTC denied respondents' Motion for Reconsideration.

- **Respondents' Action:**

- Filed a Petition for Certiorari under Rule 65 with the Court of Appeals (CA).

- **July 10, 2007:** CA ruled in respondents' favor, annulling the TRO and denying the petitioners' claims.

- **Petitioners' Recourse:** Elevated the case to the Supreme Court under Rule 45.

### Issues:

1. **Violation of Right to Privacy:**

- Petitioners argued that surveillance cameras violated their right to privacy.

2. **Proper Parties:**

- Whether respondents, as stockholders rather than property owners, can be held liable in this suit.

### Court's Decision:

1. **Right to Privacy:**

- **Supreme Court Ruling:** The right to privacy extends beyond the confines of one's residence to include business offices. Petitioners had a reasonable expectation of privacy, which was violated by the surveillance cameras.

- **CA Error:** Limiting the privacy rights to residences alone is incorrect. Article 26 of the

Civil Code supports the broader interpretation that includes business offices.

## 2. **Proper Parties:**

- **Respondents' Involvement:** Despite not being property owners, respondents facilitated the installation of the video cameras.
- **Supreme Court Ruling:** Respondents were rightly impleaded as they were not merely stockholders hiding behind corporate fiction. The acts and subsequent court procedures indicate their active involvement and control over the installation of the cameras.

### ### Doctrine:

- **Right to Privacy:**
  - Article 26 of the Civil Code extends privacy protection to residences and other spaces where there is a reasonable expectation of privacy.
  - The "reasonable expectation of privacy" test determines if an intrusion violated privacy rights.
- **Corporate Veil:**
  - Stockholders might be impleaded when their actions directly impact the plaintiff, even in the presence of a separate corporate entity.

### ### Class Notes:

- **Right to Privacy:**
  - Article 26, Civil Code: Protects against prying into personal and business spaces.
  - "Reasonable Expectation of Privacy" Test:
    1. Expectation displayed by individual.
    2. Societal recognition of reasonability.
- **Preliminary Injunction:**
  - Issuance upon showing that continuance of an action (e.g., surveillance) violates legal rights.
- **Corporate Veil Doctrine:**
  - Piercing the corporate veil is permissible when stockholders use the corporate entity to commit a wrongful act.

### ### Historical Background:

- **Context:**
  - This case sheds light on the evolving dynamics of privacy rights in the Philippines, particularly in urban and commercial settings.
  - Reflects the judiciary's balancing act between technological advancements (CCTV usage) and fundamental rights to privacy.