MANILA ELECTRIC COMPANY, ALEXANDER S. DEYTO AND RUBEN A. SAPITULA, PETITIONERS, VS. ROSARIO GOPEZ LIM, RESPONDENT.

G.R. No. 184769. October 05, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The Court is once again confronted with an opportunity to define the evolving metes and bounds of the writ of habeas data. May an employee invoke the remedies available under such writ where an employer decides to transfer her workplace on the basis of copies of an anonymous letter posted therein â”€ imputing to her disloyalty to the company and calling for her to leave, which imputation it investigated but fails to inform her of the details thereof?

Rosario G. Lim (respondent), also known as Cherry Lim, is an administrative clerk at the Manila Electric Company (MERALCO).

On June 4, 2008, an anonymous letter was posted at the door of the Metering Office of the Administration building of MERALCO Plaridel, Bulacan Sector, at which respondent is assigned, denouncing respondent. The letter reads:

> Cherry Lim:
>
> MATAPOS MONG LAMUNIN LAHAT NG BIYAYA NG MERALCO, NGAYON NAMAN AY GUSTO MONG PALAMON ANG BUONG KUMPANYA SA MGA BUWAYA NG GOBYERNO. KAPAL NG MUKHA MO, LUMAYAS KA RITO, WALANG UTANG NA LOOB....[1]

Copies of the letter were also inserted in the lockers of MERALCO linesmen. Informed about it, respondent reported the matter on June 5, 2008 to the Plaridel Station of the Philippine National Police.[2]

By Memorandum[3] dated July 4, 2008, petitioner Alexander Deyto, Head of MERALCO's Human Resource Staffing, directed the transfer of respondent to MERALCO's Alabang Sector in Muntinlupa as "A/F OTMS Clerk," effective July 18, 2008 in light of the receipt of "... reports that there were accusations and threats directed against [her] from unknown individuals and which could possibly compromise [her] safety and security."

Respondent, by letter of July 10, 2008 addressed to petitioner Ruben A. Sapitula, Vice-President and Head of MERALCO's Human Resource Administration, appealed her transfer and requested for a dialogue so she could voice her concerns and misgivings on the matter, claiming that the "punitive" nature of the transfer amounted to a denial of due process. Citing the grueling travel from her residence in Pampanga to Alabang and back entails, and violation of the provisions on job security of their Collective Bargaining Agreement (CBA), respondent expressed her thoughts on the alleged threats to her security in this wise:

> x x x x
>
> I feel that it would have been better . . . if you could have intimated to me the nature of the alleged accusations

> and threats so that at least I could have found out if these are credible or even serious. But as you stated, these came from unknown individuals and the way they were handled, it appears that the veracity of these accusations and threats to be [sic] highly suspicious, doubtful or are just mere jokes if they existed at all.
>
> Assuming for the sake of argument only, that the alleged threats exist as the management apparently believe, then my transfer to an unfamiliar place and environment which will make me a "sitting duck" so to speak, seems to betray the real intent of management which is contrary to its expressed concern on my security and safety . . . Thus, it made me think twice on the rationale for management's initiated transfer. Reflecting further, it appears to me that instead of the management supposedly extending favor to me, the net result and effect of management action would be a punitive one.[4] (emphasis and underscoring supplied)

Respondent thus requested for the deferment of the implementation of her transfer pending resolution of the issues she raised.

No response to her request having been received, respondent filed a petition[5] for the issuance of a writ of habeas data against petitioners before the Regional Trial Court (RTC) of Bulacan, docketed as SP. Proc. No. 213-M-2008.

By respondent's allegation, petitioners' unlawful act and omission consisting of their continued failure and refusal to provide her with details or information about the alleged report which MERALCO purportedly received concerning threats to her safety and security amount to a violation of her right to privacy in life, liberty and security, correctible by habeas data. Respondent thus prayed for the issuance of a writ commanding petitioners to file a written return containing the following:

> a) a full disclosure of the data or information about respondent in relation to the report purportedly received by petitioners on the alleged threat to her safety and security; the nature of such data and the purpose for its collection;
>
> b) the measures taken by petitioners to ensure the confidentiality of such data or information; and
>
> c) the currency and accuracy of such data or information obtained.

Additionally, respondent prayed for the issuance of a Temporary Restraining Order (TRO) enjoining petitioners from effecting her transfer to the MERALCO Alabang Sector.

By Order[6] of August 29, 2008, Branch 7 of the Bulacan RTC directed petitioners to file their verified written return. And by Order of September 5, 2008, the trial court granted respondent's application for a TRO.

Petitioners moved for the dismissal of the petition and recall of the TRO on the grounds that, inter alia, resort to a petition for writ of habeas data was not in order; and the RTC lacked jurisdiction over the case which properly belongs to the National Labor Relations Commission (NLRC).[7]

By Decision[8] of September 22, 2008, the trial court granted the prayers of respondent including the issuance of a writ of preliminary injunction directing petitioners to desist from implementing respondent's transfer until such time that petitioners comply with the disclosures required.

The trial court justified its ruling by declaring that, inter alia, recourse to a writ of habeas data should extend not only to victims of extra-legal killings and political activists but also to ordinary citizens, like respondent whose rights to life and security are jeopardized by petitioners' refusal to provide her with information or data on the reported threats to her person.

Hence, the present petition for review under Rule 45 of 1997 Rules of Civil Procedure and the Rule on the Writ of Habeas Data[9] contending that 1) the RTC lacked jurisdiction over the case and cannot restrain MERALCO's

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prerogative as employer to transfer the place of work of its employees, and 2) the issuance of the writ is outside the parameters expressly set forth in the Rule on the Writ of Habeas Data.[10]

Maintaining that the RTC has no jurisdiction over what they contend is clearly a labor dispute, petitioners argue that "although ingeniously crafted as a petition for habeas data, respondent is essentially questioning the transfer of her place of work by her employer"[11] and the terms and conditions of her employment which arise from an employer-employee relationship over which the NLRC and the Labor Arbiters under Article 217 of the Labor Code have jurisdiction.

Petitioners thus maintain that the RTC had no authority to restrain the implementation of the Memorandum transferring respondent's place of work which is purely a management prerogative, and that OCA-Circular No. 79-2003[12] expressly prohibits the issuance of TROs or injunctive writs in labor-related cases.

Petitioners go on to point out that the Rule on the Writ of Habeas Data directs the issuance of the writ only against public officials or employees, or private individuals or entities engaged in the gathering, collecting or storing of data or information regarding an aggrieved party's person, family or home; and that MERALCO (or its officers) is clearly not engaged in such activities.

The petition is impressed with merit.

Respondent's plea that she be spared from complying with MERALCO's Memorandum directing her reassignment to the Alabang Sector, under the guise of a quest for information or data allegedly in possession of petitioners, does not fall within the province of a writ of habeas data.

Section 1 of the Rule on the Writ of Habeas Data provides:

> Section 1. Habeas Data. - The writ of habeas data is a remedy available to any person whose right to privacy in life, liberty or security is violated or threatened by an unlawful act or omission of a public official or employee or of a private individual or entity engaged in the gathering, collecting or storing of data or information regarding the person, family, home and correspondence of the aggrieved party. (emphasis and underscoring supplied)

The habeas data rule, in general, is designed to protect by means of judicial complaint the image, privacy, honor, information, and freedom of information of an individual. It is meant to provide a forum to enforce one's right to the truth and to informational privacy, thus safeguarding the constitutional guarantees of a person's right to life, liberty and security against abuse in this age of information technology.

It bears reiteration that like the writ of amparo, habeas data was conceived as a response, given the lack of effective and available remedies, to address the extraordinary rise in the number of killings and enforced disappearances. Its intent is to address violations of or threats to the rights to life, liberty or security as a remedy independently from those provided under prevailing Rules.[13]

Castillo v. Cruz[14] underscores the emphasis laid down in Tapuz v. del Rosario[15] that the writs of amparo and habeas data will NOT issue to protect purely property or commercial concerns nor when the grounds invoked in support of the petitions therefor are vague or doubtful.[16] Employment constitutes a property right under the context of the due process clause of the Constitution.[17] It is evident that respondent's reservations on the real reasons for her transfer - a legitimate concern respecting the terms and conditions of one's employment - are what prompted her to adopt the extraordinary remedy of habeas data. Jurisdiction over such concerns is inarguably lodged by law with the NLRC and the Labor Arbiters.

In another vein, there is no showing from the facts presented that petitioners committed any unjustifiable or

unlawful violation of respondent's right to privacy vis-a-vis the right to life, liberty or security. To argue that petitioners' refusal to disclose the contents of reports allegedly received on the threats to respondent's safety amounts to a violation of her right to privacy is at best speculative. Respondent in fact trivializes these threats and accusations from unknown individuals in her earlier-quoted portion of her July 10, 2008 letter as "highly suspicious, doubtful or are just mere jokes if they existed at all."[18] And she even suspects that her transfer to another place of work "betray[s] the real intent of management]" and could be a "punitive move." Her posture unwittingly concedes that the issue is labor-related.

WHEREFORE, the petition is GRANTED. The assailed September 22, 2008 Decision of the Bulacan RTC, Branch 7 in SP. Proc. No. 213-M-2008 is hereby REVERSED and SET ASIDE. SP. Proc. No. 213-M-2008 is, accordingly, DISMISSED.

No costs.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Nachura, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.
Brion, J., on official Leave.

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[1] Id. at 28.

[2] Id. at 30.

[3] Captioned "Management Initiated Transfer," id. at 33.

[4] Id. at 40.

[5] Id. at 34-38.

[6] Id. at 43-44.

[7] Vide Omnibus Motion, id. at 60.

[8] Rendered by Judge Danilo Manalastas; rollo, pp. 20-27.

[9] A.M. No. 08-1-16-SC which took effect on February 2, 2008.

[10] Rollo, pp. 7-8.

[11]Id. at 9.

[12] REMINDING JUDGES TO EXERCISE UTMOST CAUTION, PRUDENCE AND JUDICIOUSNESS IN ISSUANCE OF TEMPORARY RESTRAINING ORDERS AND WRITS OF PRELIMINARY INJUNCTIONS, promulgated on June 12, 2003.

[13] Tapuz v. Del Rosario, G. R. No. 182484, June 17, 2008, 554 SCRA 768, 784.

[14] G.R. No. 182165, November 25, 2009, 605 SCRA 628, 635.

[15] Tapuz v. Del Rosario, supra.

[16] Castillo v. Cruz, supra.

[17] Romagos v. Metro Cebu Water District, G. R. No. 156100, September 12, 2007, 533 SCRA 50, 60 citing

National Power Corporation v. Zozobrado, G. R. No. 153022, April 10, 2006, 487 SCRA 16, 24.

[18] Vide note 4.

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