

**A CONTENT ANALYSIS OF SUPREME COURT DECISIONS ON
THE RULE ON HABEAS DATA AND ITS IMPLICATIONS
ON THE RIGHT TO PRIVACY**

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ABSTRACT

Since the present President took office, there has been a dramatic rise in the number of extrajudicial killings. Some scholars dubbed this administration as one with the bloodiest campaign. It is a curious thought whether the rule on habeas data is properly availed of by those affected by the human rights violation, thus this research study was conceived. Moreover, with the advent of social media where almost everyone has very easy access to somebody else's personal data, the researcher aimed to look into the effectiveness of the writ in the protection to individual's right to informational privacy.

The judicial remedy, Rule on Habeas Data, approved on January 22, 2008 and took effect on February 2, 2008, was crafted amid an alarming rise in the number of forced disappearances and extrajudicial executions, including the murders of leftist militants and journalists during the Arroyo administration. 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 of any official or employee, or of a private individual or entity engaged in the gathering, collecting or storing of data or information.

This study was conducted to analyze Supreme Court Rulings applying the Rule on Habeas Data as enshrined in AM 08-1-16-SC from the time it took effect on February 2,

2008 until September 29, 2014. The researcher aimed to look into the effectiveness of the rule on the writ from the time it was promulgated until today.

The results of this study revealed that although the Rule on Habeas Data in the Philippines was implemented in 2008, it is not totally a new legal concept because it has been in our Constitution since 1987. While there were no data analyzed as to the Regional Trial Court decisions, an analysis of the Supreme Court decisions exposed the flaw in the judiciary as to the promptness of the resolution of cases and the ineffectiveness of the Rule as applied to said cases. To date, only eight (8) cases have been decided upon by the Supreme Court in applying this rule. It is worthy to note that out of these cases, not one case applying the Rule on Habeas Data was held tenable.

While it is the Supreme Court that has been primarily mandated to bring the Rule into effectiveness, the burden does not lie solely in it. Strong alliances among the three branches of the government, especially those agencies under the Executive Branch such as the NBI, DOJ, Department of Education, Department of Interior and Local Government, and even the Department of Education, together with the vigilance of the general public will surely give full effect to the aims of this Rule.