

## **Writ of Habeas Data Forum**

A public forum on the writ of habeas data was held February 1, 2008 at the Supreme Court of the Philippines with Chief Justice Reynato S. Puno as Keynote Speaker.

The forum highlighted the high court's commitment to protect the constitutional rights of every Filipino by providing legal mechanisms and human rights tools like the writ of habeas data.

The Supreme Court *En Banc* has issued the Rule on the Writ of Habeas Data which took effect on February 2, 2008. The writ is defined as 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 entity engaged in the gathering, collecting or storing of data or information regarding the person, family, home and correspondence of the aggrieved party."

The forum, which also marked the Philippine Constitution Day, was attended by print and broadcast media executives, officers of the Philippine Press Institute and the Kapisanan ng mga Brodkaster ng Pilipinas (association of Philippine broadcasters), policy and opinion makers from government, business and industry, civil society, and the academe.

On the issue of privileged communication raised by some members of the Philippine media, the Chief Justice explained that the Supreme Court's limited power cannot diminish substantive rights. He said that the court should have preliminary hearing on the secrecy of information which impinge on national security. He assured the audience that there are built-in mechanisms to address the issue.

UNESCO National Commission Communication Committee Chair Dr. Florangel Rosario Braid raised UNESCO's concern for public domain and what legal remedy is available when information is withheld and when right to information is violated.

Representatives of the Philippine military welcomed the enforcement of the Writ of the Habeas Data as it would facilitate their task. They explained that the Writ is beneficial for them because it provides a proper forum where cases can be filed and heard. The Chief Justice clarified that the Writ protects people from "the gathering of erroneous data, not from the gathering of data per se.

Other organizers of the forum were the SC-Public Information Office, UNESCO Information for All Programme (IFAP) Philippines National Committee, Asian

Institute of Journalism and Communication, USAID, The Asia Foundation and  
Hanns Seidel Foundation.