



Republic of the Philippines
 NATIONAL PRIVACY COMMISSION

BEM,

Complainant,

- versus -

GFC

Respondent.

x-----x

NPC 18-046

*For: Violation of the
 Data Privacy Act of
 2012*

DECISION

LIBORO, P.C.:

Before the Commission is a Complaint filed by BEM (“Complainant”) against respondent GFC (“Respondent”) dated 01 June 2018 for alleged violations of the Data Privacy Act of 2012.

Facts of the Case

In her Complaints-Assisted Form,¹ Complainant alleged that on 09 May 2018, she submitted her resignation letter through the Respondent, a work colleague. However, instead of forwarding this letter to the management, the Respondent allegedly took a picture of the resignation letter and circulated said photo in a Facebook Messenger group chat where the members were Complainant’s co-employees.

Complainant further alleged that she received from an unnamed individual a screenshot of the said group chat where members ridiculed the contents of Complainant’s resignation letter. This incident caused her anguish and humiliation which affected not only her work environment, but also her daily life.

Aggrieved, Complainant filed this instant complaint on 01 June 2018, alleging, among others, that the unauthorized distribution of

¹ Records pp. 1 - 4.

the contents of her resignation letter, a confidential document, was in violation of the Data Privacy Act, its implementing rules and regulations, and relevant issuances.

On July 4, 2018, the Commission's Complaints and Investigation Division (CID) issued to both parties an Order to Confer for Discovery² pursuant to Section 13 of NPC Circular 16-04.

Only the Respondent appeared during the Discovery Conference Hearing on 14 March 2019. Pursuant to Section 15 of NPC Circular 16-04, Respondent was ordered to submit her responsive comment to the complaint which she failed to comply. Consequently, the complaint was endorsed before this Commission for adjudication.

Issue

The sole question to be answered is whether or not the Respondent violated any provisions of the Data Privacy Act of 2012, its implementing rules and regulations, and relevant issuances in light of the foregoing circumstances.

Discussion

Upon consideration of the totality of evidence presented, this Commission rules in the negative.

In our jurisdiction, basic is the rule that allegation is not tantamount to proof.³ Hence, the burden is on the Complainant to prove the allegations in her complaint.⁴ Moreover, in cases filed before quasi-judicial bodies, the quantum of proof required is substantial evidence⁵ which is more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.⁶

² *Id.* at p. 9

³ *Alcedo v. Sagundang*, G.R. No. 186375. June 17, 2015.

⁴ *Miro v. Mendoza*, G.R. Nos. 172532 172544-45. November 20, 2013.

⁵ *Philippine National Bank v. Gregorio*, G.R. No. 194944, September 18, 2017.

⁶ *Montemayor v. Bundalian*, G.R. No. 149335. July 1, 2003.

In the instant case, the Complainant merely filed her complaint without introducing documentary or testimonial evidence as attachments. She was given an ample opportunity to be heard, to gather evidence, and to substantiate her complaint by attending Discovery Conference Hearings. Despite this, Complainant failed to appear without any reason.

The Commission is bound to adjudicate complaints based on the evidence presented pursuant to Section 22 of NPC Circular No. 16-04, which provides:

“Section 22. Rendition of decision. – The Decision of the Commission shall adjudicate the issues raised in the complaint **on the basis of all the evidence presented** and its own consideration of the law.” (Emphasis supplied)

In this case, Complainant did not adduce material pieces of evidence that would reasonably establish liability on the part of the Respondent. She was not able to prove the existence of the group chat where the photo was supposedly circulated, nor was she able to prove the existence of the alleged photo of her resignation letter.

In the case of *Agdeppa vs Ombudsman*⁷ it was held that “Charges based on mere suspicion and speculation cannot be given credence. When the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, the complaint must be dismissed for lack of merit”.

Guided by the foregoing postulates, this Commission finds that there exists no substantial evidence establishing that Respondent committed the alleged violations of the Data Privacy Act. Accordingly, the complaint should be dismissed for lack of merit.

Finally, the Commission reminds all employers to have a clear policy on the proper handling of confidential documents such as resignation letters to prevent the occurrence of similar incidents. Data protection and security, or the lack thereof, have profound effects on the lives of individuals. Hence, employers should always promote

⁷ *Agdeppa v. Office of the Ombudsman*, G.R. No. 146376, April 23, 2014. (Emphasis supplied.)

privacy protection as an organizational value for the mental, emotional, and professional wellbeing of its personnel.

WHEREFORE, premises considered, the instant case is hereby **DISMISSED** for failure of Complainant BEM to substantiate and prove the allegations in her complaint, without prejudice to the filing of appropriate civil, criminal or administrative cases against the Respondent GFC before any other forum or tribunal, if any.

SO ORDERED.

Pasay City, Philippines;
09 June 2020.

(Sgd.)
RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

WE CONCUR:

(Sgd.)
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

(Sgd.)
JOHN HENRY D. NAGA
Deputy Privacy Commissioner