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DISINI VS CONTRERAS

Landmark 'electronic' libel case dismissed for 'lack of evidence'

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By Leo Magno
INQ7.net

Electronic evidence

THE LIBEL case filed by Emmanuel "Joel" Disini against fellow IT executive Fernando Contreras Jr. has been dismissed for lack of evidence. This case extensively used statements contained in electronic documents--such as e-mail, an online newspaper and a PowerPoint presentation--presented as evidence in a Philippine court.

In a resolution penned by the Office of the City Prosecutor in Pasig, case No. PSG 01-05-10672, filed by Disini against Contreras, states that malice is not present in any of the defendant's statements, and that the statements "do not indicate anything that would portray the complainant as an unethical businessman or extortionist."

The legal resolution obtained by INQ7.net states: "After evaluating the evidence, there is no sufficient evidence to engender a well-founded belief that Article 354 of the Revised Penal Code had been violated and that the respondent is probably guilty thereof and should be held for trial."

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Article 354 contains provisions for the requirement of a statement to be considered malicious and to have been made public.

On May 29, Disini sued Contreras for libel, seeking 1 million dollars in moral damages and 1 million dollars in exemplary damages. Disini is CEO of DotPH and administrator of the ".PH" Philippine country-code top-level domain. Contreras is the spokesperson and one of the founders of the Philippine Domain Authority Conveners or PhilDAC, a non-profit organization which seeks to have the administration of the PH domain redelegated to it. Contreras is also the president of the Philippine Internet Service Organization (Piso), an association that counts a number of the country's Internet service providers as members. He is also the country manager of Interdotnet Philippines Inc., a sister company of domain administrator PSINet.

In a landmark case wherein electronic documents were presented as evidence, the court found no cause for the case to be pursued. Evidence presented by the complainant were mainly based on a PowerPoint presentation made publicly by Contreras on March 27 in a meeting of Piso.

The respondent's counter-affidavit likewise contained electronic documents as evidence which supposedly show that Disini also committed libel against Contreras. These include e-mail allegedly sent by Disini to two mailing lists--that of the Philippine Internet Commerce Society and another allegedly sent to hatchlings@yahoogroups.com. Also submitted as evidence were copies of e-mail from Rudolfo Villarica and an article written by Jim Ayson which came out online at www.inq7.net.

The court resolved that Contreras' PowerPoint presentation which quoted Disini as saying: "Response of J. Disini: 'What do I get in exchange?'" as contained in the fifth frame of the respondent's slide show was merely quoted from Ayson's article which was submitted to INQ7.net as a feature story about the history of the Internet in the Philippines.

Next: '[No malice](#)' 

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