

101 Phil. 452

[G. R. No. L-10771. April 30, 1957]

**EDUARDO M. PERALTA, PETITIONER, VS. DANIEL M. SALCEDO, ETC.,
RESPONDENT.**

D E C I S I O N

REYES, J.B.L., J.:

Petitioner Eduardo Peralta was a fourth-year student in the College of Law of the Adamson University during the school year 1955-56. On November 9, 1955, one Merieta Y. de Sesto filed with the Bureau of Private Education a verified complaint for immorality against petitioner, alleging in substance that petitioner had had illicit relations with the complainant as a result of which a baby boy was born to the latter, and that in spite of repeated demands, petitioner had refused to make good his promise to marry complainant.

Upon receipt of the complaint for immorality against petitioner, the respondent Director of Private Schools addressed a communication to the president of the Adamson University informing him of the filing of the immorality charge against petitioner and requesting that pending final determination thereof, petitioner's graduation from the college of law be held in abeyance. Investigation of the immorality complaint by the respondent Director followed; and on April 21, 1956, said official submitted a recommendation to the Secretary of Education to the effect that as petitioner was found guilty as charged, he should be expelled from the Adamson University and denied admission to any other school, public or private.

At the end of the school year 1955-56, petitioner filed with the Bureau of Private Schools an application for graduation from the law course, but no action was taken thereon because of the pending complaint for immorality against him. Later, on June 6, 1956, petitioner likewise requested the same office to issue him a certificate showing his having completed the required studies of law, which certificate is required of candidates for the bar examinations. Again petitioner was refused the certificate asked for. Against these acts of the respondent Director of Private Schools, petitioner filed with this Court the present

petition for mandamus, to compel the respondent to issue him a certificate that he had completed the required studies of law, as well as the requisite special orders to enable him to obtain his diploma for the degree of Bachelor of Laws.

The writ of mandamus prayed for can not issue for the reason that the petition is clearly premature. When this petition was filed, the respondent Director of Private Education had made a recommendation to the Secretary of Education as to the proper action to be taken on petitioner's case, and the Secretary had not yet acted thereon. Until and after the Secretary of Education has rendered a decision on petitioner's case, the courts can not act in the matter. Well-settled is the rule that no recourse to the courts can be had until all administrative remedies have been exhausted (*De la Paz vs. Alcaraz*, 99 Phil., 130, 52 Off. Gaz. [No. 6], 3037; *Miguel vs. Vda. de Reyes*, 93 Phil., 542; July 31, 1953); and special civil actions have been held not entertainable if superior administrative officers could grant relief (*Ang Tuan Kai and Co. vs. Import Control Comm.*, 91 Phil., 143; also *Minute Ees. in Subido, et al. vs. Sarmiento* G. R. L-G828, Dec. 14, 1951).

The petition for mandamus is, therefore, dismissed, with costs against petitioner Eduardo M. Peralta. So ordered.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Conception, Endencia, and Felix, JJ., concur.