

****Title:**** Carino (Substituted by Fabella) and Nava vs. Capulong and AMA Computer College Inc.: A Battle for Educational Authority and Recognition

****Facts:****

In May 1990, AMA Computer College, Inc. (AMA) entered a lease agreement with Light Bringer School in Davao City to establish an educational institution. Despite reminders from the DECS Regional Director IX, Venancio R. Nava, about needing at least a year's prior application before opening (based on the Education Act of 1982 and the Private School Law), AMA proceeded to enroll students for different levels. Nava's repeated directives to cease operations due to AMA's failure to secure the necessary authorization were ignored, leading AMA to formally apply for operation on June 15, 1990. Given their continuous operation in defiance of DECS directives, military assistance was sought to close AMA following its lack of authorization.

AMA reacted by filing various legal petitions to annul the closure orders and continue operations, notably against DECS Secretary Isidro Carino and Nava, across several judicial avenues in Manila, Davao, and eventually Makati where they sought a mandamus to force DECS to approve their operating permit. These were systemically dismissed due to lack of merit, AMA's blatant forum shopping, its failure to exhaust administrative remedies, and the discretionary nature of DECS' power to issue operational permits.

The RTC of Makati, presided by Judge Ignacio M. Capulong, ordered a preliminary injunction against DECS, allowing AMA to operate temporarily, which led to the present petition for certiorari by DECS officials, asserting Capulong exceeded his jurisdiction. The Supreme Court issued a temporary restraining order against the continuation of AMA's operation pending resolution.

****Issues:****

1. Whether the Judge, in issuing the preliminary injunction, committed grave abuse of discretion by allowing AMA to operate without government authorization.
2. Whether mandamus can compel DECS officials to issue a permit for AMA, considering the issuance is discretionary and not ministerial.
3. Whether AMA had any legal right necessitating protection via preliminary injunction.

****Court's Decision:****

The Supreme Court granted the petition, annulling and setting aside the preliminary injunction. It was deemed that AMA had no legal right to be protected, observing that the authorization to operate an educational institution is a discretionary, not a ministerial, function of DECS under Batas Pambansa Blg. 232 and its Implementing Rules. Therefore, AMA's petition for mandamus was dismissed, and the Supreme Court's temporary restraining order was made permanent, effectively ceasing AMA's unauthorized operation.

****Doctrine:****

This case reiterates the principle that the operation of educational institutions is subject to government authorization under Batas Pambansa Blg. 232, the Education Act of 1982, highlighting the discretionary power of educational authorities in granting or denying such authorizations.

****Class Notes:****

- ****Ministerial vs. Discretionary Duties:**** A ministerial duty is performed without discretion, in a predetermined manner, while discretionary duties involve judgment and decision-making.
- ****Preliminary Injunction:**** A judicial remedy requiring a clear demonstration of a right to be protected. Unlawful acts or executive duties imposed by law cannot be enjoined.
- ****Mandamus:**** A writ issuing to compel performance of a ministerial duty, not applicable when the act in question involves discretion.

****Historical Background:****

The case underscores the regulatory oversight in the Philippine education sector, emphasizing adherence to statutory requirements and the discretion granted to educational regulators like the DECS. It illustrates the conflict between educational entrepreneurship and regulatory compliance, reflecting broader themes of governance, educational quality assurance, and the rule of law in the late 20th and early 21st-century Philippines.