

**ILDEFONSO D. YAP AND PHILIPPINE HARVARDIAN COLLEGE,
PLAINTIFFS AND APPELLANTS, VS. MANUEL L. CARREON,
PERSONALLY IN HIS PRIVATE CAPACITY AND AS DIRECTOR OF
PRIVATE SCHOOLS, DEFE...**

G. R. No. L-15706. May 27, 1965

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

This is an action to recover actual, moral and exemplary damages aggregating P210,000, dismissed by the Court a quo and on appeal certified to us by the Court of Appeals in view of the amount claimed.

Appellant Ildefonso D. Yap was the president and operator of the Philippine Harvardian College, an educational institution with its main office in Manila and branches in the provinces. Two of these were the San Fernando Branch in San Fernando, Pampanga, and the St. John's College in Calumpit, Bulacan. At the time of the act complained of appellee Manuel L. Carreon was the Director of Private Schools.

In 1950 appellants applied to the Bureau of Private Schools for permission to offer the Elementary course (grade school), a Junior Normal course (E. T. C.) and a Liberal Arts course (A.A.) in the St. John's College; and a law course and a one-year post-graduate course in Education in the San Fernando branch. On June 29, 1951 Bureau supervisors found, on inspection, that the latter branch had already opened the post-graduate course which was still under application. On September 10, 1951 the Assistant Director of Private Schools, Daniel M. Salcedo, informed Yap by letter that in connection with the proposed course in the St John's College a representative of the Bureau had found a number of deficiencies which, if not thoroughly corrected, would be cause for the denial of the corresponding permit applied for. On October 16, 1951 Salcedo informed Yap, again by letter, that the petition to offer a post-graduate course in the San Fernando branch was disapproved by reason of deficiencies found in a general survey thereof. And on June 3, 1952 similar action was taken by Salcedo on the petition to offer the three courses applied for in St. John's College, the deficiencies previously pointed out not having been corrected.

On June 30, 1952 Director Carreon sent to the Secretary of Education a partial list of private school courses that had been disauthorized for the school year 1952-1953, together with the names of the respective schools offering them. The Secretary approved the list, which was then published the next day in The Manila Chronicle, The Evening News and other metropolitan papers. Among those included were:

"19. Philippine Harvardian College, San Fernando, Pampanga: One Year Post-Graduate Course in Education.

x x x x x

"25. St. John's College, Calumpit, Bulacan: Complete Elementary, Two Year Junior Normal College and Liberal Arts."

Three months afterwards appellants filed this suit Against Director Carreon in the Court of First Instance of Manila, for damages allegedly suffered by them because of aforementioned publication. Defendant filed his answer, with counterclaim; and after trial the court rendered judgment dismissing both the complaint and the counterclaim. Hence this appeal.

Appellants maintain that appellee had no authority to issue the press release in question. On the other hand appellee justifies his action under Section 11, Act No. 2706, which provides:

"Section 11. The Secretary of Public Instruction (now Secretary of Education) shall be authorized to appoint a (Commissioner of Private Schools), who shall:

5. Under the direction of the Secretary of Public Instruction, cause to be published from time to time, for the information at the public, a list of the approved private schools or colleges, setting forth what courses have been recognized in each school or college."

Appellant's position is that the abovequoted provision authorizes the Director of Private Schools to issue for publication only lists of approved private educational institutions and the courses they are authorized to offer, but not of the courses that have been disapproved and the schools offering them. This interpretation of the statute is much too literal and narrow, and at times impractical for the purpose sought to be attained. Indeed there is no cogent reason to hold that the authority therein given is restrictive in the sense of prohibiting the publication of any other information relevant to the supervision of private educational institutions. Even without statutory authority of any kind, the issuance of press releases informative of official action is normal procedure in our democratic system, and should generate no liability, civil or criminal, unless clearly against some legal provision.

In the case at bar, the publication authorized by Act No. 2706 is expressly "for the information of the public." It is obviously intended for the benefit of students and, of course, of their parents. Without proper information and warning, students might enroll in schools not duly authorized or take courses for which later on they might not be duly credited. The resulting loss in time, money and effort would be incalculable. The manner outlined in the law, if strictly and literally construed, may easily prove inadequate to prevent such result. For the fact that a school or course is not included in an approved list would not necessarily lead a prospective student to conclude that it has been disapproved. Such lists are published from time to time, and a check of all of them would be a task very few would care to undertake. Indeed the procedure observed by appellee could be in certain instances the only effective means of providing information to the public. It appears that a school may offer a course even while its petition for permit is still pending in the Bureau of Private Schools. If only lists of approved courses are published and lists of disapproved ones are not, the public would not know whether the permit for a given course is still pending approval or has been definitely disapproved. Again a duly recognized private school may have been permitted to offer a certain number of courses, which are then included for publication in the approved list. Later on, however, the standard of the school deteriorates, or it so incurs deficiencies in some of its courses that their corresponding permits are cancelled. If no list of such disapproved courses is published the public would continue to believe that they are still valid. It is true that a school may be penalized for maintaining courses that have been disapproved; but the penalty would not redress the prejudice already caused to the students.

In the particular case of appellants, they applied for permits to offer four new courses. The investigation conducted by supervisors of the Bureau of Private Schools revealed certain deficiencies. They were brought to the attention of the appellants, but the deficiencies were not corrected. When the applications were denied for that reason, the Director of Private Schools acted within his authority in including the said courses in the list released for publication.

Appellant Yap claims that prior to the release of the list he sent letters to appellee informing him (on November

11, 1951) that the post-graduate course in the San Fernando branch had been discontinued and (on March 19, 1952) that the elementary and collegiate courses in the St. John's College would not be offered for the coming school year Appellee denied having received those alleged letters, Exhibits B and C, and there is no proof that he had. It may be noted that the exhibits are not duplicates or carbon copies, but appear to be unsigned originals—a circumstance which casts serious doubt on the claim that the letters had actually been sent to appellee.

Appellants invoke the precept in Article 19 of the Civil Code that every person must, in the exercise of his rights and the performance of his duties, act with justice, give everyone his due and observe honesty and good faith. The record shows that appellee acted in conformity therewith. It does not appear that he sought to cause damage to appellants. He did not single out the schools they were operating; they were only two in a list of 66 private educational institutions whose applications for permits had been disapproved.

Appellants say that appellee branded said schools as "diploma mills. Reference is made to the following portion of the news item carried by The Evening News of July 1, 1952:

"This was announced yesterday by Private Schools Director Manuel Carreon who also disclosed that the action taken by the bureau was the result of a six-month survey by the bureau aimed at weeding cut 'diploma mills.'"

and the following news excerpt which appeared in another paper:

"Basis for the order to close, which was finally given after a long delay, were the reports received from private school supervisors in the field as well as from records available in the bureau. Screening of schools had been going on for the past several months in line with the bureau of private schools drive against 'diploma mills'"

There is no evidence that appellee himself applied the epithet objected to. What is certain is that he made the list public. Whether the release thereof was accompanied by a personal statement of his or whether he used the term "diploma mills" has not been satisfactorily shown. He did not write the news stories; the newspapermen did. The imputation was at best hearsay, or was merely the reporters' own interpretation of the action taken by the Bureau of Private Schools.

Appellee, it is pointed out, issued no denial of the statement attributed to him by The Evening News. From this fact, however, no presumption arises that he did make such a statement. He was not supposed to scan all the newspapers and deny statements therein that might have been attributed to him. In the absence of more reliable evidence that appellee himself used the term "diploma mills," responsibility therefor cannot be laid at his door.

The judgment appealed from is affirmed, with costs against appellants.

Bengzon, C.J., Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Bengzon, J. P., JJ., concur.

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