

ARANETA UNIVERSITY FOUNDATION, JUAN SALCEDO, JR., TOMAS DAVID, MARTIN CELINO, MARCELO C. AMIANA, THOMAS P.G. NEILL AND MEMBERS OF THE BOARD OF TRUSTEES, PETITIONERS, VS. HON. MA...

G.R. No. L-48076. February 12, 1980

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/57338cc38a25/>

FERNANDO, C.J.:

An order of respondent Judge Manuel A. Argel reopening a case *motu proprio* precisely intended to give defendants, now petitioners, the opportunity "to ventilate more fully their defenses" is assailed in this certiorari proceeding. For a fuller understanding of this litigation, it must be mentioned that in an earlier case, *Montemayor v. Araneta Foundation*,^[1] private respondent, plaintiff in the action for damages in the sala of respondent Judge, was unable to obtain a reversal of a decision of the Secretary of Labor finding his dismissal as professor in Araneta University, now petitioner, justified. He filed a motion for reconsideration, but he was unsuccessful. In the resolution of this Tribunal denying such motion, it was specifically pointed out: "On the question of the injury to his reputation arising from the dismissal of his petition for certiorari, it should be made clear that the only issue before this Court in this proceeding is whether or not the actuation of an administrative official in the enforcement of the Labor Code could be stigmatized as a denial of due process. The conclusion reached by this Court after a review of the records is that it could not be so considered. That was all that was decided. The decision reached by respondent public official to grant clearance to private respondent Araneta University Foundation was thus upheld. That is the import of the decision. In contemplation of law, it is not strictly accurate to state that there was a finding on the part of this Court that immorality was proven against the petitioner. All that is signified by the decision sought to be reconsidered is that the procedure followed resulting in this clearance for his dismissal cannot be characterized as tainted by a denial of procedural due process. That was the issue before us. That was what was passed upon and decided."^[2]

There was no ruling then on the question of whether or not the procedure followed by petitioner Araneta University Foundation, defendant in that case, and the other petitioners, members of its Board of Trustees, amounted to a denial of due process and could thus be the basis of a suit against them. It would follow then that the matter is not foreclosed as contended by petitioners. The complaint makes that clear. Its first cause of action reads: "1. Plaintiff [private respondent Felix Montemayor] is the head of the Humanities and Psychology Department of the Araneta University Foundation, a holder of the Degree of Doctor of Philosophy in Madrid University, Spain, and has been a professor for almost thirty (30) years prior to his present designated position, in various reputable schools and universities; 2. On February 27, 1974, in a meeting of the faculty members, defendant Fr. Romeo Pelayo ridiculed, embarrassed and besmirched plaintiff's honor and reputation by uttering the following uncalled for and contumacious phrases, to wit: 'There is a faculty member of the school of Arts and Sciences who seduces and pollutes the male students of the Araneta University Foundation;' 3. As a result of the defamatory epithets hurled by Fr. Romeo Pelayo, the herein plaintiff filed on March 19, 1974, a case of Grave

Oral Defamation against defendant Fr. Romeo Pelayo before the Provincial Fiscal's Office of Rizal and after preliminary investigation, the corresponding information was filed against said defendants before the Municipal Court of Malabon, Rizal, docketed as Criminal Case No. 27062 for Grave Oral Defamation; 4. On April 17, 1974, defendant Fr. Romeo Pelayo, in order to have leverage and possible defense in the criminal case, filed with defendant Dr. Juan Salcedo, Jr., in his capacity as President of the Araneta University Foundation an administrative case on alleged immorality; 5. Based on the alleged complaint by defendant Fr. Romeo Pelayo, Dr. Juan Salcedo, Jr., appointed a panel of investigators consisting of three (3) persons, namely, defendants Dean Tomas David, as Chairman, Dean Martin Celina, as member, and Atty. Marcelo Amiana, as member; 6. Plaintiff after a notice of the alleged administrative case, filed a Bill of Particulars on the general and manifested his desire to be represented by counsel as he is not in a position to cross-examine whatever witness that may be presented against him, which requests were all turned down under the claim that in an administrative case under the charter of the Araneta University Foundation is not allowed; 7. Instead, the members of the Investigating Committee, through feelers, emissaries, and the very members of the Board of Investigators, pressurized plaintiff to withdraw the criminal case against defendant Fr. Romeo Pelayo as the same will not project a good image of the Araneta University Foundation, or else, he will lose the administrative case and defendant Fr. Romeo Pelayo will have a valid defense and will win in the criminal case for Grave Oral Defamation; 8. Plaintiff refused to withdraw the criminal case due to his injured feelings and besmirched honor and reputation and as a result thereof, the Investigating Committee created by defendant, Dr. Juan Salcedo, Jr., proceeded and on the basis of affidavits, without granting plaintiff the right to be assisted by counsel and the right of confrontation, rendered a recommendation, the dispositive portion of which reads, as follows: 'After a careful review of the evidence on hand, the undersigned hereby imposes upon Prof. Felix Montemayor the penalty of demotion in rank by one (1) degree or four (4) grades with a stern warning that a repetition of the same act in the future will be the basis of a more severe penalty,' which recommendation was adopted as a decision by defendant Dr. Juan Salcedo, Jr., and affirmed by the members of the Board of Trustees of the Araneta University Foundation; 9. The decision issued against the defendant is a nullity having emanated from a kangaroo court and the proceedings are in violation of the due process clause; 10. Defendants particularly Dr. Juan Salcedo, Jr., and Fr. Romeo Pelayo have an axe to grind and together with their co-defendants acted in collusion and through concert of action have rendered knowingly an unjust judgment and are liable under Art. 32 of the New Civil Code; 11. As a result of the penalty imposed, plaintiff suffered actual damages by way of reduction of his monthly salary in the amount of [four hundred pesos] (P400.00) since the month of June, 1974 and will continue to suffer the same amount of damages unless and until the whole decision which is a mockery of justice and of fair play has been declared null and void; 12. [Reference is here made to his dismissal and subsequent administrative proceeding sustaining it, which was unsuccessfully assailed in the Montemayor v. Secretary of Labor decision]."[3] For the other three causes of action, the same facts were stated but moral damages in the amount of P300,000.00, exemplary damages in the amount of P50,000.00, and lawyer's fees in the sum of P50,000.00 were sought.[4]

As could be expected, the answer disputed the allegation that there was a denial of due process, asserting that private respondent "was given all the chances and/or opportunities to have a lawyer to defend himself and as proof of this, his lawyer, Atty. E. B. Garcia filed a Motion with the said investigating panel, xerox copy of said Motion consisting of six (6) pages is hereto attached as Annex 'A' which forms an integral part of this Answer; * * *." [5] In the order now assailed, respondent Judge set forth the following basis for his actuation: "The Court holds that, in order that it could make an intelligent find-ing of its own, as to the alleged commission of the sexual advances, (immorality) the Court must be informed as to the surrounding circumstances that would establish the alleged immorality committed by the plaintiff herein. This is not a case where it could be bound blindly by the findings of another administrative investigating body, especially there is no transcript of those proceedings wherein the Court may see for itself, if the defendant confronted his accusers, or that he was given the opportunity

to confront them." [6] Precisely, the order as set forth at the outset, would give petitioners "a chance for the defendants to ventilate more fully their defenses particularly the allegation of immorality, the justification of plaintiff's dismissal." [7]

Without expressly referring to it, the reliance in this certiorari proceeding to show an alleged grave abuse of discretion is on the doctrine of the law of the case. Thus: "The Honorable Supreme Court as above-mentioned decided that Montemayor was afforded the procedural due process of law. * * * To the mind of Petitioners, the presentation of the witnesses against Montemayor in Civil Case No. 3365 is a surplusage. If petitioners were to present the witnesses in said Civil Case, then they would be under estoppel later on to invoke the very doctrine laid down by the Supreme Court in the Montemayor case itself, that he (Montemayor) was given his day in Court during the administrative investigations conducted at respondent University." [8]

As set forth at the outset, petitioners should have paid greater attention to the explicit language used in the resolution of this Court in Montemayor v. Secretary of Labor [9] of December 29, 1977, denying the motion for reconsideration. To reiterate: "All that is signified by the decision sought to be reconsidered is that the procedure followed resulting in this clearance for his dismissal cannot be characterized as tainted by a denial of procedural due process. That was the issue before us. That was what was passed upon and decided." [10] That is insofar as the Secretary of Labor is concerned.

There was therefore no exculpation of petitioners, the private parties involved. There is then no legal bar to an action for damages under Article 32 of the Civil Code which clearly grants the right to damages on the part of the offended party for violation of constitutional rights. It would be a diminution of the judicial power vested in a court of justice if, under the circumstances, the trial judge were denied the opportunity to hear the evidence that could have sustained such a claim for damages. That is all that is implied by the order now challenged. Clearly then, there was no abuse of discretion much less a grave abuse thereof, that would justify the grant of the writ prayed for. [11]

WHEREFORE, the petition is dismissed for lack of merit. No costs.

Barredo, Antonio, Concepcion, Jr., and Abad Santos, JJ., concur.

Aquino, J., in the result.

[1] L-44251, May 31, 1977, 77 SCRA 321.

[2] L-44251, Montemayor v. Secretary of Labor, December 29, 1977, 80 SCRA 692, 698.

[3] Annex A of Petition, 2-5.

[4] Ibid, 5-6.

[5] Annex B of Petition, 2.

[6] Annex D of Petition, 3.

[7] Ibid.

[8] Petition, Grounds for Allowing the Writ, 6-7.

[9] L-44251, 80 SCRA 693.

[10] Ibid, 698.

[11] Cf. *People v. Vallarta*, L-32728, June 30, 1977, 77 SCRA 476 where thirty-one decisions were cited beginning from *In re Prautch*, 1 Phil. 132 (1902) to *Panaligan v. Adolfo*, L-24100, Sept. 30, 1975, 67 SCRA 176.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.