

**PHILIPPINE MERCHANT MARINE SCHOOL, INC., REPRESENTED BY
JUAN O. NOLASCO III, PETITIONER, VS. COURT OF APPEALS, THE
OFFICE OF THE EXECUTIVE SECRETARY, EDELMIRO AMANTE,
RENATO COR...**

G.R. No. 112844. June 02, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

PHILIPPINE MERCHANT MARINE SCHOOL, INC. (PMMSI), was established in Manila in 1950 to train and produce competent marine officers. It offers a two-year course in Marine Engineering (A.M.E.) and a four-year course in Marine Transportation (B.S.M.T.). In 1978 it established a branch in Talon, Las Piñas, Metro Manila. But we are here concerned only with the main school in Manila.

For several times prior to 1985 respondent Department of Education, Culture and Sports (DECS) disapproved petitioner's requests for renewal permit/recognition. However, on 11 March 1986 the DECS issued petitioner a renewal permit for SY 1985-1986. Later, petitioner applied for a summer permit for 1986 which the DECS favorably indorsed to the Minister of Education in consideration of the graduating students for summer. Thereafter the application was returned to Director Modesta Boquiren of the DECS for evaluation and decision pursuant to the authority delegated to the Regions under Department Order No. 22, series of 1975. Director Boquiren issued petitioner the summer permit for 1986 based on the previously stated humanitarian reason but subject to the condition that petitioner should not enroll students for the first semester of SY 1986-1987 until a permit therefore was granted and that the enrollment list for the summer term be submitted immediately.

Sometime in 1986 the DECS received a complaint from Felixberto B. Galvez, president of petitioner's Faculty Association, NAFLU-KMU, concerning the issuance of summer permit to petitioner and of its holding of classes for courses not recognized by the Government. Galvez requested that the matter be looked into as well as the possible revocation of petitioner's authority due to persistent violation of the orders of the DECS.

In response, the DECS through Director Boquiren recommended that petitioner's summer permit be revoked and that the school be closed effective SY 1986-1987 on the ground that: (a) petitioner did not have a renewal permit/recognition for SY 1986-1987; (b) several communications were sent to petitioner's head telling him not to operate without permit and to explain within seventy-two (72) hours from receipt of Director Boquiren's letter dated 9 July 1986 why no drastic action should be taken against it but said communication was never answered; and, (c) petitioner did not correct the deficiencies indicated in the renewal permit for 1985-1986.

Accordingly, in a 3rd Indorsement dated 23 September 1986 the DECS through then Minister Lourdes R. Quisumbing approved the following courses of action for petitioner: (a) the students in the two courses who were graduating for SY 1986-1987 would be allowed to graduate even without permit for said courses as a special case provided that they completed the requirements for graduation and subject to prior issuance of Special Order; and, (b) the remaining students should be allowed to transfer to other authorized schools.

In a letter dated 30 September 1986 Director Boquiren informed petitioner of the aforementioned courses of action and directed immediate implementation thereof.

On 9 April 1987 the DECS Inter-Agency Technical Committee (IATCOM) recommended renewal of permits for the maritime courses offered by petitioner provided that a development plan for the improvement of its buildings, classrooms, laboratory rooms, library offices and other rooms be formulated and implemented before the start of school year 1987-1988.

Despite lack of permit, petitioner continued to enroll students and offer courses in Marine Engineering and Marine Transportation for SY 1987-1988. This prompted the DECS through Director Hernando Dizon to write petitioner on 4 August 1988 directing it not to operate without permit and inviting its attention to the provisions of the Private School Law[1] as reiterated in the Education Act of 1982[2] which prohibits operation of unauthorized schools/courses.

On 28 October 1988 petitioner sent a letter to Director Dizon applying for permit/recognition to conduct classes for the two (2) maritime courses retroactive from summer of 1987 up to SY 1988-1989 and informing him of its transfer to the 5th Floor of the Republic Supermarket Building, corner Rizal Avenue and Soler St., Sta. Cruz, Manila.

On the basis of the favorable report of a supervisor of the Bureau of Higher Education who visited the premises of petitioner on 14 November 1988, a director of said Bureau recommended renewal of petitioner's permit. However, in a DECS-PAMI survey conducted by the DECS technical staff in 1988, petitioner scored only 32 points out of a possible 1,026 points for requirements in Nautical Engineering, and only 207 points out of 905 points in Marine Engineering, way below the DECS requirements.

Subsequent inspection of petitioner's premises by the Bureau of Higher Education-DECS Technical Panel for Maritime Education (TPME) affirmed the findings of the DECS-PAMI survey. It found petitioner deficient in terms of the minimum requirements as provided in DECS Order No. III, series of 1987, which refers to the policies and standards for Maritime Education Plan. In a memorandum dated 19 January 1989 addressed to DECS Director Nilo Rosas, it set forth the following recommendations:

1. The PMMS administration may be given a last chance to put up at least 60% of the minimum standard equipment for a period of about two months (January-March 1989).
2. The DECS with TPME will conduct a re-inspection sometime the first week of April to monitor the progress of the requirements.
3. No new and old students will be allowed to enroll during summer of 1989 and the subsequent semesters pending issuance of a permit.
4. Therefore, issuance of a school permit for 1987-1988 to 1988-89 shall be held in abeyance pending compliance of at least 60% of the requirements.
5. DECS higher authorities shall decide whether the graduating students for the second semester 1988--89 will be allowed to graduate and a retroactive school permit for the school years 1987-88, 1988-89 can be granted.[3]

As recommended, the TPME Secretariat conducted a reinspection of petitioner's premises, then submitted a report dated 18 April 1989 with the following new recommendations -

1. Gradual phasing out of the BSMT Nautical Studies and Associate in Marine Engineering programs. Under this scheme, no new enrollees should be accepted anymore for the 1st year BSMT Nautical Studies and AME starting 1st semester of school year 1989-90.

2. If the school can come up with the DECS minimum standard within the phasing out period, suspension order may be lifted.

3. If the school fails to meet the DECS minimum standard at the end of the phasing out period, closure order will be issued.

4. No special permit for the BSMT Nautical Studies and AME courses should be granted as a special case. However, during the phasing out period students may be allowed to graduate under PMMS, Talon, Las Piñas, based on these considerations -

1. PMMS, Manila, has inadequate training facilities and equipment for BSMT Nautical Studies and AME programs.

2. The school has not acquired its own school site and building. The present school campus is not conducive for training and is found to be very limited in space so that there is difficulty for school development and expansion.

3. On 23 September 1986, the Secretary of Education, Culture and Sports already issued a cease to operate order to the school head of PMMS. The said indorsement letter also provided humanitarian decision (reason?) which granted permit to PMMS as a special case, just to allow BSMT and AME students to graduate and the remaining students were advised to transfer to authorized/recognized schools.

4. Labor dispute occurred in 1987. The conflict between the employees and employer is a manifestation of mismanagement of school.[4]

In a letter dated 27 April 1989 Director Rosas informed petitioner of the TPME report and recommendations and invited it for a conference on 2 May 1989 before any major decision and action would be made.

On 2 May 1989, the TPME Secretariat submitted another memorandum on its reinspection of petitioner's premises made on 28 April 1989. Based on its findings that no substantial improvement in terms of minimum requirements, equipment and training facilities since the January 1989 inspection was made, it reiterated the recommendations it submitted to the DECS Bureau of Higher Education. For this reason, in the letter dated 25 May 1989 Director Rosas notified petitioner about the aforementioned report and the DECS' decision that:

1. The BSMT Nautical Studies and Associate in Marine Engineering courses be gradually phased out. Such being the case, the school shall no longer be allowed to accept 1st year students and new enrollees starting 1st semester of school year 1989-90.

2. The second year and third year students may be allowed to remain until they graduate. However, the school may opt to transfer these students to PMMS, Talon, Las Piñas,

due to the following considerations:

1. The school's training equipment and instructional facilities are very far below the standards set by DECS.

2. The school site and building are not owned by the school but only leased with contract of renewal to be made annually.

3. The present location of the school does not warrant for expansion, development and improvement.

4. The present location of the school is not conducive for learning, it being located on the 5th floor of a supermarket in the downtown section of the city.

5. A cease to operate order was issued by Secretary Lourdes R. Quisumbing sometime in 1986, which order was

violated by the school.[5]

In a letter dated 11 July 1989 the DECS through Secretary Quisumbing informed petitioner that it had received reports that petitioner enrolled freshmen for its maritime programs which were ordered phased out effective SY 1989-1990 per letter of Director Rosas dated 25 May 1989; called petitioner's attention to the provision of Sec. 1, Rule 1, Part V, of the Implementing Rules of the Education Act of 1982 which makes it punishable and subject to penalties the operation of a school through the conduct or offering of Educational Programs or Courses of Studies/Training, without prior government authorization and/or in violation of any of the terms and conditions of said permit or recognition; directed that in accordance with the phase-out order, petitioner's Manila campus is allowed to operate only the 2nd, 3rd and 4th years of the authorized maritime programs which shall be gradually phased out; and, required petitioner to comment on the reported unauthorized enrollment.

In its letter to the DECS dated 26 July 1989, petitioner moved for reconsideration stating that the finding that it had not complied with the minimum requirements was due to the following: that as early as 21 June 1989 it filed a letter requesting reconsideration of the letter dated 25 May 1989 of Director Rosas; that since there was no reply it believed that the 25 May 1989 order was reconsidered sub-silencio and that petitioner was allowed to enroll 1st year students for SY 1989-1990; and, that it had undertaken improvements in all of its facilities in compliance with DECS requirements. In this regard, it requested another inspection of its premises.

Pursuant to petitioner's request, another inspection of the Manila premises was conducted by the TPME-Secretariat on 8 August 1989. However, petitioner only obtained a general rating of 31.17% for Nautical Studies and 28.53% for Marine Engineering. Consequently, the inspection team reiterated its previous recommendation to gradually phase out the maritime programs of petitioner's Manila campus effective SY 1990-1991 and that no new freshman students be accepted beginning SY 1990-1991.

Accordingly, in a letter dated 25 September 1989 the DECS through Secretary Quisumbing ordered petitioner to discontinue its Maritime Program in the Manila campus effective school year 1990-1991 and suggested that efforts be made towards the development of PMMS, Las Piñas, which has a great potential of being a good Maritime School.[6] The phase-out order was reiterated in subsequent letters dated 19 February 1990 and 9 May 1990 of Director Rosas and then DECS Secretary Isidro D. Cariño, respectively.

Subsequently, petitioner moved to reconsider the phase-out order in its letter of 21 May 1990, which request was denied by the DECS through Undersecretary Benjamin Tayabas in his letter of 1 June 1990. The letter reads -

With reference to your request to rescind an order to phase-out the maritime courses at PMMS, Manila, please be informed that this Department sees no reason for such action as the conditions obtaining in the school when the phase-out order was issued haven't shown any significant improvement inspite of the fact that the PMMS had been given reasonable period to comply with the minimum standard requirements prescribed by the Department of Education, Culture and Sports.

Maritime Education courses are highly specialized and require adequate training facilities and equipment in order to ensure quality. However, the series of visits made by the staff of the BHE, NCR, and members of the Technical Panel on Maritime Education revealed the following findings:

(a) On April 9, 1987 the Inter-Agency Technical Committee (IATCOM) recommended the renewal of permits of the maritime courses, provided, that a development plan for the improvement of the buildings, classrooms, laboratory rooms, library offices and other rooms shall be formulated and implemented before the start of SY 1987-1988.

(b) In 1988, the DECS-PAMI survey conducted by technical persons, revealed that PMMS, then located at the

5th floor of the Republic Supermarket, obtained a general score of 32 out of 1,026 points for requirements in the Nautical course and 207 out of 905 points for the Marine Engineering course. It is needless to say that these findings are way below the DECS requirements. Above all, the school site was described as not conducive for offering maritime program due to its limited area. Furthermore, the lease on the premises is not a long term lease (2 years), a condition which would deter the school from fully developing the school site.

(c) In January of 1989, the findings of the Secretariat for the Technical Panel for Maritime Education (TPME) re-affirmed the findings of the DECS-PAMI Survey. Very few equipment were found for the Maritime courses. You concurred with these findings in a dialogue with the Director of the Bureau of Higher Education Secretariat. You appealed for another chance and requested for re-inspection before the opening of SY 1989-1990.

(d) As per agreement, on April 28, 1989 another re-inspection was made and it showed that the school did not show any substantial improvement.

Then on May 25, 1989, Secretary Lourdes Quisumbing issued the phase-out order of your maritime programs in Manila campus.

However, the Department again allowed PMMS, Manila, to operate the maritime courses for SY 1989-1990 despite the above phase-out order.

(e) Another evaluation of your school was conducted by technical people on August 8, 1989, as requested. The findings revealed that your school obtained a general rating of 31.17% for Nautical Studies and 28.53% for Marine Engineering.

The PMMS has been provided with the Policies and Standards for Maritime Education and, as revealed by the foregoing facts, the series of inspection and evaluation were (sic) done by technical persons who have expertise in the field of maritime education. Therefore, the requests relative to these are not valid.

It is therefore with regrets that this Department cannot rescind its order to phase-out the Maritime courses at PMMS, Manila and the school is admonished not to accept incoming first year students starting school year 1990-1991. So that by school year 1992-1993, the maritime courses at the Manila campus would be fully phased-out x x x [7]

It is suggested that PMMS concentrate its development plans in the Las Piñas Campus which has a great potential of being a good maritime school.

Not satisfied therewith, petitioner appealed the matter to respondent Office of the President.

During the pendency of the appeal the DECS thru Secretary Cariño issued a Closure Order dated 27 August 1991

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In view of the report which was confirmed by the evaluation team from the National Capital Region DECS Regional Office, that Philippine Merchant Marine School (PMMS), Manila, has been accepting freshman students of the maritime programs despite the phase-out order which was issued last September 28, (sic) 1989 by former Secretary Lourdes R. Quisumbing and further reiterated by the undersigned, dated May 9, 1990, the Department, hereby orders Closure of your maritime programs of your school effective second semester school year 1991-1992, otherwise this Department shall be constrained to institute the appropriate administrative, civil and criminal proceedings against you and the other responsible officers of your school pursuant to Section 68, Batas Pambansa Blg. 232 x x x x

The transfer of the affected students shall be facilitated by the National Capital Region in accordance with our Memorandum dated August 16, 1991, xerox copy of which is hereto attached for your information.

For your guidance and strict compliance.[8]

In a letter dated 24 August 1992 petitioner sought reconsideration of the 27 August 1991 Closure Order and at the same time requested that special orders be issued to its graduates for SY 1991-1992. In letters filed with the Office of the President dated 2 and 3 October 1992 petitioner alleged compliance with DECS requirements. The letters were referred to the DECS for consideration.

On 10 November 1992 the Office of the President through respondent Executive Secretary Edelmiro Amante rendered a Resolution dismissing petitioner's appeal.[9] It found no plausible reason to disturb the action of the DECS Secretary in the light of the conspicuous fact that petitioner had repeatedly failed to comply with the phase-out order since 1986. Moreover, the grounds advanced by petitioner have already been passed upon by the DECS.

Petitioner moved for reconsideration praying that the case be remanded to the DECS for another ocular inspection and evaluation of its alleged improved facilities. Petitioner anchored its motion on the proposition that since it had made substantial improvements on school equipment and facilities there existed no valid ground to deny them a permit to offer maritime courses. After another circumspect review of the case, the Office of the President found no cogent reason to set aside its previous resolution. It opined that -

Mere alleged efforts to improve the facilities and equipments (sic) which were long due since 1986, do not warrant the reversal of our previous resolution. It bears stressing as the records may show, that the phase-out order of DECS was based not only on PMMSI's failure to provide adequate equipment and facilities but also on PMMSI's failure to comply with the standard requirements prescribed for a school site.

x x x x x x x x

Apart from these, PMMSI's adamant refusal to comply with the orders of the DECS to phase out its unauthorized courses is sufficient ground to uphold the order appealed from. Since 1986, PMMSI has been applying for a permit to offer maritime courses but has been invariably denied for failure to comply with the minimum requirements prescribed by DECS. Notwithstanding these denials, PMMSI continues to offer maritime courses and to admit freshmen students in clear violation of Section 1, Rule 1, of the Education Act of 1982 x x x x

x x x x x x x x

PMMSI's refusal to comply with the phase-out order on the ground that the same is not yet final and executory is untenable. While said phase-out may not be final and executory, there was no reason for PMMSI to offer maritime courses without the requisite prior authority of the DECS. PMMSI possessed no valid permit prior to the issuance of the phase-out. There was no authority to speak of.[10]

Thus the motion was denied in the Resolution dated 12 January 1993 through respondent Assistant Executive Secretary Renato Corona.[11]

Petitioner assailed both resolutions of the Office of the President before respondent Court of Appeals by way of certiorari. It alleged that the resolutions failed to meet the constitutional requirement of due process because the basis for affirming the DECS phase-out and closure orders was not sufficiently disclosed. Furthermore, its letters dated 2 and 3 October 1992 which presented incontrovertible proof that it had introduced substantial improvements on its facilities for the past two and a half years while its appeal was pending were not taken into account, thereby gravely abusing its discretion.

Respondent Court of Appeals brushed aside the allegations of petitioner since -

[T]he Office of the President, in the resolution dated November 10, 1992, appears to have restated the report of

the respondent DECS, meaning, that it adopted as its own the DECS' report, but that is not a violation of the Constitution and the Rules of Court, in line with *Alba Patio De Makati vs. Alba Patio De Makati Employees Association*, 128 SCRA 253, 264-265 x x x x Petitioner's latest attempt at improving its facilities does not warrant a reversal of the phase-out order. For, in spite of the claim that it spent on improvements, the basic problem remained as it still occupies the fifth floor of the William Liao building, which is not conducive to learning and has a limited area for expansion and development.[12]

On 22 July 1993 the petition was dismissed.[13] On 26 November 1993 the motion for reconsideration was denied.[14]

Petitioner imputes error on respondent court: (1) in not setting aside the questioned resolutions and orders of public respondents which were rendered without due process of law since (a) petitioner was not afforded the right to fully present its case and submit evidence in support thereof; (b) public respondents did not consider the evidence presented by petitioner; (c) public respondents' decisions have no substantial evidence to support them; (d) public respondents' decisions did not disclose the bases therefor; and, (2) in implementing the closure orders which had not become final and executory.

Petitioner asseverates that the DECS denied its right to a hearing on the supposed deficiencies which allegedly justified denial of its request for issuance of a renewal permit. Likewise, the DECS denied petitioner the opportunity to correct such deficiencies. The Office of the President totally ignored supervening events properly brought to its attention in the letters of petitioner dated 2 and 3 October 1992. It issued resolutions strictly on the basis of the DECS' representations which do not amount to substantial evidence. The 10 November 1992 Resolution failed to sufficiently disclose the basis for affirmation of the DECS' phase-out and closure orders. The 12 January 1993 Resolution still refused to take into consideration petitioner's compliance with the DECS' requirements. Petitioner did not violate the Education Act of 1992 because it was authorized to operate by virtue of the provisional authorities issued by the DECS. The DECS orders were not final and executory because petitioner challenged them and appropriately availed itself of the remedies available to it under the law.

Before proceeding to resolve the merits of this case, we shall state briefly the concept regarding establishment of schools. The educational operation of schools is subject to prior authorization of the government and is effected by recognition. In the case of government-operated schools, whether local, regional or national, recognition of educational programs and/or operations is deemed granted simultaneously with establishment. In all other cases the rules and regulations governing recognition are prescribed and enforced by the DECS, defining therein who are qualified to apply, providing for a permit system, stating the conditions for the grant of recognition and for its cancellation and withdrawal, and providing for related matters.[15] The requirement on prior government authorization is pursuant to the State policy that educational programs and/or operations shall be of good quality and therefore shall at least satisfy minimum standards with respect to curricula, teaching staff, physical plant and facilities and of administrative or management viability.[16]

Set against the records of the case, the assertion of petitioner that it was deprived of its right to a hearing and any opportunity whatsoever to correct the alleged deficiencies readily collapses. The earlier narration of facts clearly demonstrates that before the DECS issued the phase-out and closure orders, petitioner was duly notified, warned and given several opportunities to correct its deficiencies and to comply with pertinent orders and regulations.

Petitioner has gone all the way up to the Office of the President to seek a reversal of the phase-out and closure orders. There is thus no reason to complain of lack of opportunity to explain its side as well as to comply with the alleged deficiencies.[17] We agree with the observation of the Office of the Solicitor General that ?

As long as the parties were given opportunity to be heard before judgment was rendered, the demands of due

process were sufficiently met (*Lindo v. COMELEC*, 194 SCRA 25). It should also be noted that petitioner herein repeatedly sought reconsideration of the various orders of respondent DECS and its motions were duly considered by respondent DECS to the extent of allowing and granting its request for re-inspection of its premises. In connection therewith, it has been ruled that the opportunity to be heard is the essence of procedural due process and that any defect is cured by the filing of a motion for reconsideration (*Medenilla v. Civil Service Commission*, 194 SCRA 278).[18]

Furthermore, the Office of the President properly ignored (in the sense that it did not find worthy of consideration) the alleged supervening events, i.e., substantial improvements on school equipment and facilities during the pendency of the case before said Office because the improvements should have been undertaken starting 1986. Moreover, the phase-out and closure orders were based not only on petitioner's deficiencies as a maritime institute but also on its continued operation without the requisite authorization from the DECS and acceptance of freshman students in blatant violation of the latter's orders and/or persistent warnings not to do so. Verily, there are sufficient grounds to uphold the phase-out and closure orders of the DECS which were issued conformably with Sec. 28 of the Education Act of 1982 which provides:

Sec. 28. x x x x Punishable Violations.- x x x x Operation of schools and educational programs without authorization, and/or operation thereof in violation of the terms of recognition, are hereby declared punishable violations subject to the penalties provided in this Act.

Secs. 68 and 69 of the same Act provide the penalties:

Sec. 68. Penalty Clause. - Any person upon conviction for an act in violation of Section 28, Chapter 3, Title III, shall be punished with a fine of not less than two thousand pesos (P2,000.00) nor more than ten thousand pesos (P10,000.00) or imprisonment for a maximum period of two (2) years, or both, in the discretion of the court.

If the act is committed by a school corporation, the school head together with the person or persons responsible for the offense or violation shall be equally liable.

Sec. 69. Administrative Sanction. - The Minister (Secretary) of Education, Culture and Sports may prescribe and impose such administrative sanction as he may deem reasonable and appropriate in the implementing rules and regulations promulgated pursuant to this Act for any of the following causes x x x x 5. Unauthorized operation of a school, or course, or any component thereof x x x x

The corresponding rules implementing Secs. 68 and 69 read -

Sec. 1. - Punishable Acts and Penalties. - The operation of a school, through the conduct or offering of educational programs or courses of studies/training without prior government authorization in the form of permit or recognition as provided for in Rule III, PART III of these Rules, and/or in violation of any of the terms and conditions of the said permit or recognition, have been declared punishable violations of the Act, subject to the penalties provided therein.

Any person, therefore, upon conviction for an act constituting any of the foregoing punishable violations, shall be punished with a fine of not less than Two Thousand Pesos (P2,000.00) nor more than Ten Thousand Pesos (P10,000.00), or imprisonment for a maximum period of two (2) years, or both, in the discretion of the Court: Provided, however, that when the act is committed by a school corporation, the school head together with the person or persons responsible for the violation or offense shall be deemed equally liable.

Sec. 2. - Administrative Sanction. - Without prejudice to the interest of students, teachers and employees, and independently of the penalty imposed in Sec. 1 under this Rule, the Minister may withdraw, suspend, revoke or

cancel a school's authority to operate as an educational institution or to conduct educational programs or courses of studies/training, for any of the following causes, viz: x x x x e. Unauthorized operation of a school, or program or course of studies or component thereof, or any violation of the prescribed rules governing advertisements or announcements of educational institutions.

Substantial evidence has been defined to be such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[19] A perusal of the questioned resolutions of the Office of the President reveals that they are based on the records of the case which constitute substantial evidence, proving distinctly not only petitioner's consistent failure to meet the DECS' minimum standards for maritime institutes and correct its deficiencies but also its continued operation and offering of maritime courses despite the lack of permit.

Contrary to the claim of petitioner, the 10 November 1992 Resolution of the Office of the President sufficiently disclosed the basis for its affirmance of the DECS' phase-out and closure orders:

After a careful study, we are constrained to resolve that there exists no sufficient justification to modify, alter or reverse the appealed order. We find no plausible reason to disturb the action of the Secretary of Education, Culture and Sports, more so in light of the conspicuous fact that PMMS has repeatedly failed to comply with the phase out order since 1986. What is more, the grounds advanced by PMMS have already been passed upon, and separately resolved by the office a quo.[20]

Petitioner's persistent refusal to comply with the phase-out orders on the ground that the same were not yet final and executory is untenable. As correctly held by the Office of the President -

x x x x While said phase-out (orders) may not be final and executory, there was no reason for PMMSI to offer maritime courses without the requisite prior authority of the DECS. PMMSI possessed no valid permit prior to the issuance of the phase-out. There was no authority to speak of.[21]

By reason of the special knowledge and expertise of administrative departments over matters falling under their jurisdiction, they are in a better position to pass judgment thereon and their findings of fact in that regard are generally accorded respect, if not finality, by the courts. In the case at bench, it is not the function of this Court nor any other court for that matter -

x x x to review the decisions and orders of the Secretary on the issue of whether or not an educational institution meets the norms and standards required for permission to operate and to continue operating as such. On this question, no Court has the power or prerogative to substitute its opinion for that of the Secretary. Indeed, it is obviously not expected that any Court would have the competence to do so.

The only authority reposed in the Courts on the matter is the determination of whether or not the Secretary of Education, Culture and Sports has acted within the scope of powers granted him by law and the Constitution. As long as it appears that he has done so, any decision rendered by him should not and will not be subject to review and reversal by any court.

Of course, if it should be made to appear to the Court that those powers were in a case exercised so whimsically, capriciously, oppressively, despotically or arbitrarily as to call for peremptory correction - or stated otherwise, that the Secretary had acted with grave abuse of discretion, or had unlawfully neglected the performance of an act which the law specifically enjoins as a duty, or excluded another from the use or enjoyment of a right or office to which such other is entitled - it becomes the Court's duty to rectify such action through the extraordinary remedies of certiorari, prohibition, or mandamus, whichever may properly apply. Yet even in these extreme instances, where a Court finds that there has been abuse of powers by the Secretary and consequently nullifies and/or forbids such an abuse of power, or commands whatever is needful to keep its exercise within bounds, the Court, absent

any compelling reason to do otherwise, should still leave to the Secretary the ultimate determination of the issue of the satisfaction of fulfillment by an educational institution of the standards set down for its legitimate operation, as to which it should not ordinarily substitute its own judgment for that of said office.[22]

There being no grave abuse of discretion committed by respondents representing the Office of the President in issuing the Resolutions of 10 November 1992 and 12 January 1993, respondent Court of Appeals did not err in sustaining the resolutions in question.

WHEREFORE, the petition is DENIED. The questioned Decision of the Court of Appeals dated 22 July 1993, as well as its Resolution of 26 November 1993, is AFFIRMED.

Costs against petitioner.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Quiason, J., on official leave.

[1] Act No. 2706 of 1917.

[2] B.P. Blg. 232.

[3] Rollo, pp. 207-208.

[4] Id., pp. 208-209.

[5] Id., pp. 209-210.

[6] Id., p. 211.

[7] Id., pp. 212-214.

[8] Id., p. 215.

[9] Id., p. 73.

[10] Id., pp. 74-76.

[11] Id., p. 76.

[12] Id., pp. 218-219.

[13] Id., p. 227.

[14] Id., p. 231.

[15] Sec. 27, Education Act of 1982.

[16] Sec. 5, Rule III, Rules Implementing the Education Act of 1982.

[17] See *Board of Medical Education v. Alfonso*, G.R. No. 88259, 10 August 1989, 176 SCRA 304.

[18] Rollo, p. 424.

[19] Velasquez v. Nery, G.R. No. 64284, 3 July 1992, 211 SCRA 28.

[20] Rollo, p. 72.

[21] Rollo, p. 76.

[22] See Note 15.

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