

DE LA SALLE UNIVERSITY, INC., EMMANUEL SALES, RONALD HOLMES, JUDE DELA TORRE, AMPARO RIO, CARMELITA QUEBENGCO, AGNES YUHICO AND JAMES YAP, PETITIONERS, VS. THE COURT OF APPEALS,...

G.R. No. 127980. December 19, 2007

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

NAGTATAGIS sa kasong ito ang karapatang mag-aral ng apat na estudyante na nasangkot sa away ng dalawang fraternity at ang karapatang akademiko ng isang pamantasan.

PRIVATE respondents Alvin Aguilar, James Paul Bungubung, Richard Reverente and Roberto Valdes, Jr. are members of Tau Gamma Phi Fraternity who were expelled by the De La Salle University (DLSU) and College of Saint Benilde (CSB)[1] Joint Discipline Board because of their involvement in an offensive action causing injuries to petitioner James Yap and three other student members of Domino Lux Fraternity. This is the backdrop of the controversy before Us pitting private respondents' right to education vis-a-vis the University's right to academic freedom.

ASSAILED in this Petition for Certiorari, Prohibition and Mandamus under Rule 65 of the Rules of Court are the following: (1) Resolution of the Court of Appeals (CA) dated July 30, 1996 dismissing DLSU's petition for certiorari against respondent Judge and private respondents Aguilar, Bungubung, Reverente, and Valdes, Jr.;[2] (2) Resolution of the CA dated October 15, 1996 denying the motion for reconsideration;[3] (3) Order dated January 7, 1997 of the Regional Trial Court (RTC), Branch 36 Manila granting private respondent Aguilar's motion to reiterate writ of preliminary injunction;[4] and (4) Resolution No. 181-96 dated May 14, 1996 of the Commission on Higher Education (CHED) exonerating private respondent Aguilar and lowering the penalties for the other private respondents from expulsion to exclusion.[5]

Factual Antecedents

Gleaned from the May 3, 1995 Decision of the DLSU-CSB Joint Discipline Board, two violent incidents on March 29, 1995 involving private respondents occurred:

x x x From the testimonies of the complaining witnesses, it appears that one week prior to March 29, 1995, Mr. James Yap was eating his dinner alone in Manang's Restaurant near La Salle, when he overheard two men bad-mouthing and apparently angry at Domino Lux. He ignored the comments of the two. When he arrived at his boarding house, he mentioned the remarks to his two other brods while watching television. These two brods had earlier finished eating their dinner at Manang's. Then, the three, together with four other persons went back to Manang's and confronted the two who were still in the restaurant. By admission of respondent Bungubung in his testimony, one of the two was a member of the Tau Gamma Phi Fraternity. There was no rumble or physical violence then.

After this incident, a meeting was conducted between the two heads of the fraternity through the intercession of the Student Council. The Tau Gamma Phi Fraternity was asking for an apology. “Kailangan ng apology” in the words of respondent Aguilar. But no apology was made.

Then, 5 members of the Tau Gamma Phi Fraternity went to the tambayan of the Domino Lux Fraternity in the campus. Among them were respondents Bungubung, Reverente and Papio. They were looking for a person whose description matched James Yap. According to them, this person supposedly “nambastos ng brod.” As they could not find Mr. Yap, one of them remarked “Paano ba iyan. Pasensiya na lang.”

Came March 29, 1995 and the following events.

Ten minutes before his next class at 6:00 p.m., Mr. James Yap went out of the campus using the Engineering Gate to buy candies across Taft Avenue. As he was about to re-cross Taft Avenue, he heard heavy footsteps at his back. Eight to ten guys were running towards him. He panicked. He did not know what to do. Then, respondent Bungubung punched him in the head with something heavy in his hands – “parang knuckles.” Respondents Reverente and Lee were behind Yap, punching him. Respondents Bungubung and Valdes who were in front of him, were also punching him. As he was lying on the street, respondent Aguilar kicked him. People shouted; guards arrived; and the group of attackers left.

Mr. Yap could not recognize the other members of the group who attacked him. With respect to respondent Papio, Mr. Yap said “hindi ko nakita ang mukha niya, hindi ko nakita sumuntok siya.” What Mr. Yap saw was a long haired guy also running with the group.

Two guards escorted Mr. Yap inside the campus. At this point, Mr. Dennis Pascual was at the Engineering Gate. Mr. Pascual accompanied Yap to the university clinic; reported the incident to the Discipline Office; and informed his fraternity brods at their tambayan. According to Mr. Pascual, their head of the Domino Lux Fraternity said: “Walang gagalaw. Uwian na lang.”

Mr. Ericson Cano, who was supposed to hitch a ride with Dennis Pascual, saw him under the clock in Miguel Building. However, they did not proceed directly for home. With a certain Michael Perez, they went towards the direction of Dagonoy Street because Mr. Pascual was supposed to pick up a book for his friend from another friend who lives somewhere in the area.

As they were along Dagonoy Street, and before they could pass the Kolehiyo ng Malate Restaurant, Mr. Cano first saw several guys inside the restaurant. He said not to mind them and just keep on walking. However, the group got out of the restaurant, among them respondents Reverente, Lee and Valdes. Mr. Cano told Mr. Lee: “Ayaw namin ng gulo.” But, respondent Lee hit Mr. Cano without provocation. Respondent Reverente kicked Mr. Pascual and respondent Lee also hit Mr. Pascual. Mr. Cano and Mr. Perez managed to run from the mauling and they were chased by respondent Lee and two others.

Mr. Pascual was left behind. After respondent Reverente first kicked him, Mr. Pascual was ganged-upon by the rest. He was able to run, but the group was able to catch up with him. His shirt was torn and he was hit at the back of his head with a lead pipe. Respondent Lee who was chasing Cano and Perez, then returned to Mr. Pascual.

Mr. Pascual identified respondents Reverente and Lee, as among those who hit him. Although Mr. Pascual did not see respondent Valdes hit him, he identified respondent Valdez (sic) as also one of the members of the group.

In fact, Mr. Cano saw respondent Valdes near Mr. Pascual. He was almost near the corner of Leon Guinto and Estrada; while respondent Pascual who managed to run was stopped at the end of Dagonoy along Leon Guinto. Respondent Valdes shouted: “Mga putang-ina niyo.” Respondent Reverente hit Mr. Pascual for the last time. Apparently being satisfied with their handiwork, the group left. The victims, Cano, Perez and Pascual proceeded to a friend’s house and waited for almost two hours, or at around 8:00 in the evening before they

returned to the campus to have their wounds treated. Apparently, there were three cars roaming the vicinity.[6]

The mauling incidents were a result of a fraternity war. The victims, namely: petitioner James Yap and Dennis Pascual, Ericson Cano, and Michael Perez, are members of the “Domino Lux Fraternity,” while the alleged assailants, private respondents Alvin Aguilar, James Paul Bungubung, Richard Reverente and Roberto Valdes, Jr. are members of “Tau Gamma Phi Fraternity,” a rival fraternity.

The next day, March 30, 1995, petitioner Yap lodged a complaint[7] with the Discipline Board of DLSU charging private respondents with “direct assault.” Similar complaints[8] were also filed by Dennis Pascual and Ericson Cano against Alvin Lee and private respondents Valdes and Reverente. Thus, cases entitled “De La Salle University and College of St. Benilde v. Alvin Aguilar (AB-BSM/9152105), James Paul Bungubung (AB-PSM/9234403), Robert R. Valdes, Jr. (BS-BS-APM/9235086), Alvin Lee (EDD/9462325), Richard Reverente (AB-MGT/9153837) and Malvin A. Papio (AB-MGT/9251227)” were docketed as Discipline Case No. 9495-3-25121.

The Director of the DLSU Discipline Office sent separate notices to private respondents Aguilar, Bungubung and Valdes, Jr. and Reverente informing them of the complaints and requiring them to answer. Private respondents filed their respective answers.[9]

As it appeared that students from DLSU and CSB[10] were involved in the mauling incidents, a joint DLSU-CSB Discipline Board[11] was formed to investigate the incidents. Thus, petitioner Board Chairman Emmanuel Sales sent notices of hearing[12] to private respondents on April 12, 1995. Said notices uniformly stated as follows:

Please be informed that a joint and expanded Discipline Board had been constituted to hear and deliberate the charge against you for violation of CHED Order No. 4 arising from the written complaints of James Yap, Dennis C. Pascual, and Ericson Y. Cano.

You are directed to appear at the hearing of the Board scheduled on April 19, 1995 at 9:00 a.m. at the Bro. Connon Hall for you and your witnesses to give testimony and present evidence in your behalf. You may be assisted by a lawyer when you give your testimony or those of your witnesses.

On or before April 18, 1995, you are further directed to provide the Board, through the Discipline Office, with a list of your witnesses as well as the sworn statement of their proposed testimony.

Your failure to appear at the scheduled hearing or your failure to submit the list of witnesses and the sworn statement of their proposed testimony will be considered a waiver on your part to present evidence and as an admission of the principal act complained of.

For your strict compliance.[13]

During the proceedings before the Board on April 19 and 28, 1995, private respondents interposed the common defense of alibi, summarized by the DLSU-CSB Joint Discipline Board as follows:

First, in the case of respondent Bungubung, March 29, 1995 was one of the few instances when he was picked-up by a driver, a certain Romeo S. Carillo. Most of the time, respondent Bungubung goes home alone sans driver. But on this particular date, respondent Bungubung said that his dad asked his permission to use the car and thus, his dad instructed this driver Carillo to pick-up his son. Mr. Carillo is not a family driver, but works from 8:00 a.m. to 5:00 p.m. for the Philippine Ports Authority where the elder Bungubung is also employed.

Thus, attempting to corroborate the alibi of respondent Bungubung, Mr. Carillo said that he arrived at La Salle at 4:56 p.m.; picked-up respondent at 5:02 p.m.; took the Roxas Blvd. route towards respondent’s house in BF Parañaque (on a Wednesday in Baclaran); and arrived at the house at 6:15 p.m. Respondent Bungubung was

dropped-off in his house, and taking the same route back, Mr. Carillo arrived at the South Harbor at 6:55 p.m. the Philippine Ports Authority is located at the South Harbor.[14]x x x x

Secondly, respondent Valdes said that he was with his friends at McDonald's Taft just before 6:00 p.m. of March 29, 1995. He said that he left McDonald at 5:50 p.m. together to get some medicine at the university clinic for his throat irritation. He said that he was at the clinic at 5:52 p.m. and went back to McDonald, all within a span of 3 or even 4 minutes.

Two witnesses, a certain Sharon Sia and the girlfriend of respondent Valdes, a certain Jorgette Aquino, attempted to corroborate Valdez' alibi.[15]

x x x x

Third, respondent Reverente told that (sic) the Board that he was at his home at 5:00 p.m. of March 29, 1995. He said that he was given the responsibility to be the paymaster of the construction workers who were doing some works in the apartment of his parents. Although he had classes in the evening, the workers according to him would wait for him sometimes up to 9:00 p.m. when he arrives from his classes. The workers get paid everyday.

Respondent Reverente submitted an affidavit, unsigned by the workers listed there, supposedly attesting to the fact that he paid the workers at the date and time in question.[16]x x x x

Fourth, respondent Aguilar "solemnly sw[ore] that [he] left DLSU at 5:00 p.m. for Camp Crame for a meeting with some of the officers that we were preparing."[17]

On May 3, 1995, the DLSU-CSB Joint Discipline Board issued a Resolution[18] finding private respondents guilty. They were meted the supreme penalty of automatic expulsion,[19] pursuant to CHED Order No. 4.[20] The dispositive part of the resolution reads:

WHEREFORE, considering all the foregoing, the Board finds respondents ALVIN AGUILAR (AB-BSM/9152105), JAMES PAUL BUNGUBUNG (AB-PSM/9234403), ALVIN LEE (EDD/94623250) and RICHARD V. REVERENTE (AB-MGT/9153837) guilty of having violated CHED Order No. 4 and thereby orders their automatic expulsion.

In the case of respondent MALVIN A. PAPIO (AB-MGT/9251227), the Board acquits him of the charge.

SO ORDERED.[21]

Private respondents separately moved for reconsideration[22] before the Office of the Senior Vice-President for Internal Operations of DLSU. The motions were all denied in a Letter-Resolution[23] dated June 1, 1995.

On June 5, 1995, private respondent Aguilar filed with the RTC, Manila, against petitioners a petition for certiorari and injunction under Rule 65 of the Rules of Court with prayer for temporary restraining order (TRO) and/or writ of preliminary injunction. It was docketed as Civil Case No. 95-74122 and assigned to respondent Judge of Branch 36. The petition essentially sought to annul the May 3, 1995 Resolution of the DLSU-CSB Joint Discipline Board and the June 1, 1995 Letter-Resolution of the Office of the Senior Vice-President for Internal Affairs.

The following day, June 6, 1995, respondent Judge issued a TRO[24] directing DLSU, its subordinates, agents, representatives and/or other persons acting for and in its behalf to refrain and desist from implementing Resolution dated May 3, 1995 and Letter-Resolution dated June 1, 1995 and to immediately desist from barring the enrollment of Aguilar for the second term of school year (SY) 1995.

Subsequently, private respondent Aguilar filed an ex parte motion to amend his petition to correct an allegation in

paragraph 3.21[25] of his original petition. Respondent Judge amended the TRO[26] to conform to the correction made in the amended petition.[27]

On June 7, 1995, the CHED directed DLSU to furnish it with copies of the case records of Discipline Case No. 9495-3-25121,[28] in view of the authority granted to it under Section 77(c) of the Manual of Regulations for Private Schools (MRPS).

On the other hand, private respondents Bungubung and Reverente, and later, Valdes, filed petitions-in-intervention[29] in Civil Case No. 95-74122. Respondent Judge also issued corresponding temporary restraining orders to compel petitioner DLSU to admit said private respondents.

On June 19, 1995, petitioner Sales filed a motion to dismiss[30] in behalf of all petitioners, except James Yap. On June 20, 1995, petitioners filed a supplemental motion to dismiss[31] the petitions-in-intervention.

On September 20, 1995, respondent Judge issued an Order[32] denying petitioners' (respondents there) motion to dismiss and its supplement, and granted private respondents' (petitioners there) prayer for a writ of preliminary injunction. The pertinent part of the Order reads:

For this purpose, respondent, its agents, representatives or any and all other persons acting for and in its behalf is/are restrained and enjoined from –

- Implementing and enforcing the Resolution dated May 3, 1995 ordering the automatic expulsion of petitioner and the petitioners-in-intervention from the De La Salle University and the letter-resolution dated June 1, 1995, affirming the Resolution dated May 3, 1995; and

- Barring the enrolment of petitioner and petitioners-in-intervention in the courses offered at respondent De La Salle University and to immediately allow them to enroll and complete their respective courses/degrees until their graduation thereat in accordance with the standards set by the latter.

WHEREFORE, the ancillary remedy prayed for is granted. Respondent, its agents, representatives, or any and all persons acting for and its behalf are hereby restrained and enjoined from:

- Implementing and enforcing the Resolution dated May 3, 1995 ordering the automatic expulsion of petitioner and petitioners-in-intervention and the Letter-Resolution dated June 1, 1995; and

- Barring the enrollment of petitioner and petitioners-in-intervention in the courses offered at respondent (De La Salle University) and to forthwith allow all said petitioner and petitioners-in-intervention to enroll and complete their respective courses/degrees until their graduation thereat.

The Writ of Preliminary Injunction shall take effect upon petitioner and petitioners-in-intervention posting an injunctive bond in the amount of P15,000.00 executed in favor of respondent to the effect that petitioner and petitioners-in-intervention will pay to respondent all damages that the latter may suffer by reason of the injunction if the Court will finally decide that petitioner and petitioners-in-intervention are not entitled thereto.

The motion to dismiss and the supplement thereto is denied for lack of merit. Respondents are directed to file their Answer to the Petition not later than fifteen (15) days from receipt thereof.

SO ORDERED.[33]

Despite the said order, private respondent Aguilar was refused enrollment by petitioner DLSU when he attempted to enroll on September 22, 1995 for the second term of SY 1995-1996. Thus, on September 25, 1995, Aguilar filed with respondent Judge an urgent motion to cite petitioners (respondents there) in contempt of court.[34] Aguilar also prayed that petitioners be compelled to enroll him at DLSU in accordance with respondent Judge's Order dated September 20, 1995. On September 25, 1995, respondent Judge issued[35] a writ of preliminary

injunction, the relevant portion of which reads:

IT IS HEREBY ORDERED by the undersigned of the REGIONAL TRIAL COURT OF MANILA that until further orders, you the said DE LA SALLE University as well as your subordinates, agents, representatives, employees and any other person assisting or acting for or on your behalf, to immediately desist from implementing the Resolution dated May 3, 1995 ordering the automatic expulsion of petitioner and the intervenors in DLSU, and the letter-resolution dated June 1, 1995 affirming the said Resolution of May 3, 1995 and to immediately desist from barring the enrolment of petitioner and intervenors in the courses offered at DLSU and to allow them to enroll and complete their degree courses until their graduation from said school.[36]

On October 16, 1995, petitioner DLSU filed with the CA a petition for certiorari[37] (CA-G.R. SP No. 38719) with prayer for a TRO and/or writ of preliminary injunction to enjoin the enforcement of respondent Judge's September 20, 1995 Order and writ of preliminary injunction dated September 25, 1995.

On April 12, 1996, the CA granted petitioners' prayer for preliminary injunction.

On May 14, 1996, the CHED issued its questioned Resolution No. 181-96, summarily disapproving the penalty of expulsion for all private respondents. As for Aguilar, he was to be reinstated, while other private respondents were to be excluded.[38] The Resolution states:

RESOLUTION 181-96

RESOLVED THAT THE REQUEST OF THE DE LA SALLE UNIVERSITY (DLSU), TAFT AVENUE, MANILA FOR THE APPROVAL OF THE PENALTY OF EXPULSION IMPOSED ON MR. ALVIN AGUILAR, JAMES PAUL BUNGUBUNG, ROBERT R. VALDES, JR., ALVIN LEE AND RICHARD V. REVERENTE BE, AS IT IS HEREBY IS, DISAPPROVED.

RESOLVED FURTHER, THAT THE COMMISSION DIRECT THE DLSU TO IMMEDIATELY EFFECT THE REINSTATEMENT OF MR. AGUILAR AND THE LOWERING OF THE PENALTY OF MR. JAMES PAUL BUNGUBUNG, MR. ROBERT R. VALDEZ, JR., (sic) MR. ALVIN LEE AND MR. RICHARD V. REVERENTE FROM EXPULSION TO EXCLUSION.[39]

Despite the directive of CHED, petitioner DLSU again prevented private respondent Aguilar from enrolling and/or attending his classes, prompting his lawyer to write several demand letters[40] to petitioner DLSU. In view of the refusal of petitioner DLSU to enroll private respondent Aguilar, CHED wrote a letter dated June 26, 1996 addressed to petitioner Quebengco requesting that private respondent Aguilar be allowed to continue attending his classes pending the resolution of its motion for reconsideration of Resolution No. 181-96. However, petitioner Quebengco refused to do so, prompting CHED to promulgate an Order dated September 23, 1996 which states:

Acting on the above-mentioned request of Mr. Aguilar through counsel enjoining De La Salle University (DLSU) to comply with CHED Resolution 181-96 (Re: Expulsion Case of Alvin Aguilar, et al. v. DLSU) directing DLSU to reinstate Mr. Aguilar and finding the urgent request as meritorious, there being no other plain and speedy remedy available, considering the set deadline for enrollment this current TRIMESTER, and in order to prevent further prejudice to his rights as a student of the institution, DLSU, through the proper school authorities, is hereby directed to allow Mr. Alvin Aguilar to provisionally enroll, pending the Commission's Resolution of the instant Motion for Reconsideration filed by DLSU.

SO ORDERED.[41]

Notwithstanding the said directive, petitioner DLSU, through petitioner Quebengco, still refused to allow private respondent Aguilar to enroll. Thus, private respondent Aguilar's counsel wrote another demand letter to petitioner DLSU.[42]

Meanwhile, on June 3, 1996, private respondent Aguilar, using CHED Resolution No. 181-96, filed a motion to dismiss[43] in the CA, arguing that CHED Resolution No. 181-96 rendered the CA case moot and academic.

On July 30, 1996, the CA issued its questioned resolution granting the motion to dismiss of private respondent Aguilar, disposing thus:

THE FOREGOING CONSIDERED, dismissal of herein petition is hereby directed.

SO ORDERED.[44]

On October 15, 1996, the CA issued its resolution denying petitioners' motion for reconsideration, as follows:

It is obvious to Us that CHED Resolution No. 181-96 is immediately executory in character, the pendency of a Motion for Reconsideration notwithstanding.

After considering the Opposition and for lack of merit, the Motion for Reconsideration is hereby denied.

SO ORDERED.[45]

On October 28, 1996, petitioners requested transfer of case records to the Department of Education, Culture and Sports (DECS) from the CHED.[46] Petitioners claimed that it is the DECS, not CHED, which has jurisdiction over expulsion cases, thus, necessitating the transfer of the case records of Discipline Case No. 9495-3-25121 to the DECS.

On November 4, 1996, in view of the dismissal of the petition for certiorari in CA-G.R. SP No. 38719 and the automatic lifting of the writ of preliminary injunction, private respondent Aguilar filed an urgent motion to reiterate writ of preliminary injunction dated September 25, 1995 before respondent RTC Judge of Manila.[47]

On January 7, 1997, respondent Judge issued its questioned order granting private respondent Aguilar's urgent motion to reiterate preliminary injunction. The pertinent portion of the order reads:

In light of the foregoing, petitioner Aguilar's urgent motion to reiterate writ of preliminary injunction is hereby granted, and respondents' motion to dismiss is denied.

The writ of preliminary injunction dated September 25, 1995 is declared to be in force and effect.

Let a copy of this Order and the writ be served personally by the Court's sheriff upon the respondents at petitioners' expense.

SO ORDERED.[48]

Accordingly, private respondent Aguilar was allowed to conditionally enroll in petitioner DLSU, subject to the continued effectivity of the writ of preliminary injunction dated September 25, 1995 and to the outcome of Civil Case No. 95-74122.

On February 17, 1997, petitioners filed the instant petition.

On June 15, 1998, We issued a TRO[49] as prayed for by the urgent motion for the issuance of a TRO[50] dated June 4, 1998 of petitioners, and enjoined respondent Judge from implementing the writ of preliminary injunction dated September 25, 1995 issued in Civil Case No. 95-74122, effective immediately and until further orders from this Court.

On March 27, 2006, private respondent Aguilar filed his manifestation[51] stating that he has long completed his course at petitioner DLSU. He finished and passed all his enrolled subjects for the second trimester of 1997-1998, as indicated in his transcript of records[52] issued by DLSU. However, despite having completed all the academic

requirements for his course, DLSU has not issued a certificate of completion/graduation in his favor.

Issues

We are tasked to resolve the following issues:

- Whether it is the DECS or the CHED which has legal authority to review decisions of institutions of higher learning that impose disciplinary action on their students found violating disciplinary rules.
- Whether or not petitioner DLSU is within its rights in expelling private respondents.

2.a Were private respondents accorded due process of law?

2.b Can petitioner DLSU invoke its right to academic freedom?

2.c Was the guilt of private respondents proven by substantial evidence?

- Whether or not the penalty imposed by DLSU on private respondents is proportionate to their misdeed.

Our Ruling

Prefatorily, there is merit in the observation of petitioners[53] that while CHED Resolution No. 181-96 disapproved the expulsion of other private respondents, it nonetheless authorized their exclusion from petitioner DLSU. However, because of the dismissal of the CA case, petitioner DLSU is now faced with the spectacle of having two different directives from the CHED and the respondent Judge – CHED ordering the exclusion of private respondents Bungubung, Reverente, and Valdes, Jr., and the Judge ordering petitioner DLSU to allow them to enroll and complete their degree courses until their graduation.

This is the reason We opt to decide the whole case on the merits, brushing aside technicalities, in order to settle the substantial issues involved. This Court has the power to take cognizance of the petition at bar due to compelling reasons, and the nature and importance of the issues raised warrant the immediate exercise of Our jurisdiction.[54] This is in consonance with our case law now accorded near-religious reverence that rules of procedure are but tools designed to facilitate the attainment of justice, such that when its rigid application tends to frustrate rather than promote substantial justice, this Court has the duty to suspend their operation.[55]I. It is the CHED, not DECS, which has the power of supervision and review over disciplinary cases decided by institutions of higher learning.

Ang CHED, hindi ang DECS, ang may kapangyarihan ng pagsubaybay at pagrepaso sa mga desisyong pandisiplina ng mga institusyon ng mas mataas na pag-aaral.

Petitioners posit that the jurisdiction and duty to review student expulsion cases, even those involving students in secondary and tertiary levels, is vested in the DECS not in the CHED. In support of their stance, petitioners cite Sections 4,[56] 15(2) & (3),[57] 54,[58] 57(3)[59] and 70[60] of Batas Pambansa (B.P.) Blg. 232, otherwise known as the “Education Act of 1982.”

According to them, Republic Act (R.A.) No. 7722 did not transfer to the CHED the DECS’ power of supervision/review over expulsion cases involving institutions of higher learning. They say that unlike B.P. Blg. 232, R.A. No. 7722 makes no reference to the right and duty of learning institutions to develop moral character and instill discipline among its students. The clear concern of R.A. No. 7722 in the creation of the CHED was academic, i.e., the formulation, recommendation, setting, and development of academic plans, programs and standards for institutions of higher learning. The enumeration of CHED’s powers and functions under Section 8 does not include supervisory/review powers in student disciplinary cases. The reference in Section 3 to CHED’s “coverage” of institutions of higher education is limited to the powers and functions specified in Section 8. The

Bureau of Higher Education, which the CHED has replaced and whose functions and responsibilities it has taken over, never had any authority over student disciplinary cases.

We cannot agree.

On May 18, 1994, Congress approved R.A. No. 7722, otherwise known as “An Act Creating the Commission on Higher Education, Appropriating Funds Thereof and for other purposes.”

Section 3 of the said law, which paved the way for the creation of the CHED, provides:

Section 3. Creation of the Commission on Higher Education. – In pursuance of the abovementioned policies, the Commission on Higher Education is hereby created, hereinafter referred to as Commission.

The Commission shall be independent and separate from the Department of Education, Culture and Sports (DECS) and attached to the office of the President for administrative purposes only. Its coverage shall be both public and private institutions of higher education as well as degree-granting programs in all post secondary educational institutions, public and private.

The powers and functions of the CHED are enumerated in Section 8 of R.A. No. 7722. They include the following:

Sec. 8. Powers and functions of the Commission. – The Commission shall have the following powers and functions:

x x x x

n)

promulgate such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and

o)

perform such other functions as may be necessary for its effective operations and for the continued enhancement of growth or development of higher education.

Clearly, there is no merit in the contention of petitioners that R.A. No. 7722 did not transfer to the CHED the DECS’ power of supervision/review over expulsion cases involving institutions of higher learning.

First, the foregoing provisions are all-embracing. They make no reservations of powers to the DECS insofar as institutions of higher learning are concerned. They show that the authority and supervision over all public and private institutions of higher education, as well as degree-granting programs in all post-secondary educational institutions, public and private, belong to the CHED, not the DECS.

Second, to rule that it is the DECS which has authority to decide disciplinary cases involving students on the tertiary level would render nugatory the coverage of the CHED, which is “both public and private institutions of higher education as well as degree granting programs in all post secondary educational institutions, public and private.” That would be absurd.

It is of public knowledge that petitioner DLSU is a private educational institution which offers tertiary degree programs. Hence, it is under the CHED authority.

Third, the policy of R.A. No. 7722[61] is not only the protection, fostering and promotion of the right of all

citizens to affordable quality education at all levels and the taking of appropriate steps to ensure that education shall be accessible to all. The law is likewise concerned with ensuring and protecting academic freedom and with promoting its exercise and observance for the continued intellectual growth of students, the advancement of learning and research, the development of responsible and effective leadership, the education of high-level and middle-level professionals, and the enrichment of our historical and cultural heritage.

It is thus safe to assume that when Congress passed R.A. No. 7722, its members were aware that disciplinary cases involving students on the tertiary level would continue to arise in the future, which would call for the invocation and exercise of institutions of higher learning of their right to academic freedom.

Fourth, petitioner DLSU cited no authority in its bare claim that the Bureau of Higher Education, which CHED replaced, never had authority over student disciplinary cases. In fact, the responsibilities of other government entities having functions similar to those of the CHED were transferred to the CHED.[62]

Section 77 of the MRPS[63] on the process of review in student discipline cases should therefore be read in conjunction with the provisions of R.A. No. 7722.

Fifth, Section 18 of R.A. No. 7722 is very clear in stating that “[j]urisdiction over DECS-supervised or chartered state-supported post-secondary degree-granting vocational and tertiary institutions shall be transferred to the Commission [On Higher Education].” This provision does not limit or distinguish that what is being transferred to the CHED is merely the formulation, recommendation, setting and development of academic plans, programs and standards for institutions of higher learning, as what petitioners would have us believe as the only concerns of R.A. No. 7722. *Ubi lex non distinguit nec nos distinguere debemus*: Where the law does not distinguish, neither should we.

To Our mind, this provision, if not an explicit grant of jurisdiction to the CHED, necessarily includes the transfer to the CHED of any jurisdiction which the DECS might have possessed by virtue of B.P. Blg. 232 or any other law or rule for that matter.

IIa. Private respondents were accorded due process of law.

Ang mga private respondents ay nabigyan ng tamang proseso ng batas.

The Due Process Clause in Article III, Section 1 of the Constitution embodies a system of rights based on moral principles so deeply imbedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our entire history.[64] The constitutional behest that no person shall be deprived of life, liberty or property without due process of law is solemn and inflexible.[65]

In administrative cases, such as investigations of students found violating school discipline, “[t]here are withal minimum standards which must be met before to satisfy the demands of procedural due process and these are: that (1) the students must be informed in writing of the nature and cause of any accusation against them; (2) they shall have the right to answer the charges against them and with the assistance if counsel, if desired; (3) they shall be informed of the evidence against them; (4) they shall have the right to adduce evidence in their own behalf; and (5) the evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case.”[66]

Where a party was afforded an opportunity to participate in the proceedings but failed to do so, he cannot complain of deprivation of due process.[67] Notice and hearing is the bulwark of administrative due process, the right to which is among the primary rights that must be respected even in administrative proceedings.[68] The

essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek reconsideration of the action or ruling complained of.[69] So long as the party is given the opportunity to advocate her cause or defend her interest in due course, it cannot be said that there was denial of due process.[70]

A formal trial-type hearing is not, at all times and in all instances, essential to due process – it is enough that the parties are given a fair and reasonable opportunity to explain their respective sides of the controversy and to present supporting evidence on which a fair decision can be based.[71] “To be heard” does not only mean presentation of testimonial evidence in court – one may also be heard through pleadings and where the opportunity to be heard through pleadings is accorded, there is no denial of due process.[72]

Private respondents were duly informed in writing of the charges against them by the DLSU-CSB Joint Discipline Board through petitioner Sales. They were given the opportunity to answer the charges against them as they, in fact, submitted their respective answers. They were also informed of the evidence presented against them as they attended all the hearings before the Board. Moreover, private respondents were given the right to adduce evidence on their behalf and they did. Lastly, the Discipline Board considered all the pieces of evidence submitted to it by all the parties before rendering its resolution in Discipline Case No. 9495-3-25121.

Private respondents cannot claim that they were denied due process when they were not allowed to cross-examine the witnesses against them. This argument was already rejected in *Guzman v. National University*[73] where this Court held that “x x x the imposition of disciplinary sanctions requires observance of procedural due process. And it bears stressing that due process in disciplinary cases involving students does not entail proceedings and hearings similar to those prescribed for actions and proceedings in courts of justice. The proceedings in student discipline cases may be summary; and cross examination is not, x x x an essential part thereof.”

I**IIb.** Petitioner DLSU, as an institution of higher learning, possesses academic freedom which includes determination of who to admit for study.

Ang petitioner DLSU, bilang institusyon ng mas mataas na pag-aaral, ay nagtataglay ng kalayaang akademiko na sakop ang karapatang pumili ng mga mag-aaral dito.

Section 5(2), Article XIV of the Constitution guarantees all institutions of higher learning academic freedom. This institutional academic freedom includes the right of the school or college to decide for itself, its aims and objectives, and how best to attain them free from outside coercion or interference save possibly when the overriding public interest calls for some restraint.[74] According to present jurisprudence, academic freedom encompasses the independence of an academic institution to determine for itself (1) who may teach, (2) what may be taught, (3) how it shall teach, and (4) who may be admitted to study.[75]

It cannot be gainsaid that “the school has an interest in teaching the student discipline, a necessary, if not indispensable, value in any field of learning. By instilling discipline, the school teaches discipline. Accordingly, the right to discipline the student likewise finds basis in the freedom “what to teach.”[76] Indeed, while it is categorically stated under the Education Act of 1982 that students have a right “to freely choose their field of study, subject to existing curricula and to continue their course therein up to graduation,”[77] such right is subject to the established academic and disciplinary standards laid down by the academic institution. Petitioner DLSU, therefore, can very well exercise its academic freedom, which includes its free choice of students for admission to its school.

IIc. The guilt of private respondents
Bungubung, Reverente and Valdes,
Jr. was proven by substantial evidence.

Ang pagkakasala ng private respondents na sina Bungubung, Reverente at Valdes, Jr. ay napatunayan ng ebidensiyang substansyal.

As has been stated earlier, private respondents interposed the common defense of alibi. However, in order that alibi may succeed as a defense, “the accused must establish by clear and convincing evidence (a) his presence at another place at the time of the perpetration of the offense and (b) the physical impossibility of his presence at the scene of the crime.”[78]

On the other hand, the defense of alibi may not be successfully invoked where the identity of the assailant has been established by witnesses.[79] Positive identification of accused where categorical and consistent, without any showing of ill motive on the part of the eyewitness testifying, should prevail over the alibi and denial of appellants whose testimonies are not substantiated by clear and convincing evidence.[80] Well-settled is the rule that denial and alibi, being weak defenses, cannot overcome the positive testimonies of the offended parties.[81]

Courts reject alibi when there are credible eyewitnesses to the crime who can positively identify the accused.[82] Alibi is an inherently weak defense and courts must receive it with caution because one can easily fabricate an alibi.[83] Jurisprudence holds that denial, like alibi, is inherently weak and crumbles in light of positive declarations of truthful witnesses who testified on affirmative matters that accused were at the scene of the crime and were the victim’s assailants. As between categorical testimonies that ring of truth on one hand and a bare denial on the other, the former must prevail.[84] Alibi is the weakest of all defenses for it is easy to fabricate and difficult to disprove, and it is for this reason that it cannot prevail over the positive identification of accused by the witnesses.[85]

The required proof in administrative cases, such as in student discipline cases, is neither proof beyond reasonable doubt nor preponderance of evidence but only substantial evidence. According to *Ang Tibay v. Court of Industrial Relations*,[86] it means “such reasonable evidence as a reasonable mind might accept as adequate to support a conclusion.”

Viewed from the foregoing, We reject the alibi of private respondents Bungubung, Valdes Jr., and Reverente. They were unable to show convincingly that they were not at the scene of the crime on March 29, 1995 and that it was impossible for them to have been there. Moreover, their alibi cannot prevail over their positive identification by the victims.

We hark back to this Court’s pronouncement affirming the expulsion of several students found guilty of hazing:

No one can be so myopic as to doubt that the immediate reinstatement of respondent students who have been investigated and found guilty by the Disciplinary Board to have violated petitioner university’s disciplinary rules and standards will certainly undermine the authority of the administration of the school. This we would be most loathe to do.

More importantly, it will seriously impair petitioner university’s academic freedom which has been enshrined in the 1935, 1973 and the present 1987 Constitution.[87]

Certainly, private respondents Bungubung, Reverente and Valdes, Jr. do not deserve to claim a venerable institution as their own, for they may foreseeably cast a malevolent influence on the students currently enrolled, as well as those who come after them.[88] It must be borne in mind that universities are established, not merely to develop the intellect and skills of the studentry, but to inculcate lofty values, ideals and attitudes; nay, the

development, or flowering if you will, of the total man.[89]

As for private respondent Aguilar, however, We are inclined to give credence to his alibi that he was at Camp Crame in Quezon City at the time of the incident in question on March 29, 1995. This claim was amply corroborated by the certification that he submitted before the DLSU-CSB Joint Discipline Board, to wit:

C E R T I F I C A T I O N

TO WHOM THIS MAY CONCERN:

We, the undersigned, hereby declare and affirm by way of this Certification that sometime on March 29, 1995, at about and between 4:30 P.M. and 5:30 P.M., we were together with Alvin A. Aguilar, at Kiangnan Hall, inside Camp Crame, Quezon City, meeting in connection with an affair of our class known as Class 7, Batch 89 of the Philippine Constabulary discussing on the proposed sponsorship of TAU GAMMA PHI from said Batch '89 affair.

That the meeting was terminated at about 6:30 P.M. that evening and Alvin Aguilar had asked our permission to leave and we saw him leave Camp Crame, in his car with the driver.

April 18, 1995, Camp Crame, Quezon City.[90]

The said certification was duly signed by PO3 Nicanor R. Faustino (Anti-Organized Crime CIC, NCR), PO3 Alejandro D. Deluviar (ODITRM, Camp Crame, Quezon City), PO2 Severino C. Filler (TNTSC, Camp Crame, Quezon City), and PO3 Ireneo M. Desesto (Supply Center, PNPLSS). The rule is that alibi assumes significance or strength when it is amply corroborated by credible and disinterested witnesses.[91] It is true that alibi is a weak defense which an accused can easily fabricate to escape criminal liability. But where the prosecution evidence is weak, and betrays lack of credibility as to the identification of defendant, alibi assumes commensurate strength. This is but consistent with the presumption of innocence in favor of accused.[92]

Alibi is not always undeserving of credit, for there are times when accused has no other possible defense for what could really be the truth as to his whereabouts at the crucial time, and such defense may, in fact, tilt the scales of justice in his favor.[93]III. The penalty of expulsion imposed by DLSU on private respondents is disproportionate to their misdeed.

Ang parusang expulsion na ipinataw ng DLSU sa private respondents ay hindi angkop sa kanilang pagkakasala.

It is true that schools have the power to instill discipline in their students as subsumed in their academic freedom and that "the establishment of rules governing university-student relations, particularly those pertaining to student discipline, may be regarded as vital, not merely to the smooth and efficient operation of the institution, but to its very survival." [94] This power, however, does not give them the untrammelled discretion to impose a penalty which is not commensurate with the gravity of the misdeed. If the concept of proportionality between the offense committed and the sanction imposed is not followed, an element of arbitrariness intrudes. That would give rise to a due process question.[95]

We agree with respondent CHED that under the circumstances, the penalty of expulsion is grossly disproportionate to the gravity of the acts committed by private respondents Bungubung, Reverente, and Valdes, Jr. Each of the two mauling incidents lasted only for few seconds and the victims did not suffer any serious injury. Disciplinary measures especially where they involve suspension, dismissal or expulsion, cut significantly into the future of a student. They attach to him for life and become a mortgage of his future, hardly redeemable in certain cases. Officials of colleges and universities must be anxious to protect it, conscious of the fact that, appropriately construed, a disciplinary action should be treated as an educational tool rather than a punitive measure.[96]

Accordingly, We affirm the penalty of exclusion^[97] only, not expulsion,^[98] imposed on them by the CHED. As such, pursuant to Section 77(b) of the MRPS, petitioner DLSU may exclude or drop the names of the said private respondents from its rolls for being undesirable, and transfer credentials immediately issued.

WHEREFORE, the petition is PARTIALLY GRANTED. The Court of Appeals Resolutions dated July 30, 1996 and dated October 15, 1996, and Regional Trial Court of Manila, Branch 36, Order dated January 7, 1997 are ANNULLED AND SET ASIDE, while CHED Resolution 181-96 dated May 14, 1996 is AFFIRMED.

Petitioner DLSU is ordered to issue a certificate of completion/graduation in favor of private respondent Aguilar. On the other hand, it may exclude or drop the names of private respondents Bungubung, Reverente, and Valdes, Jr. from its rolls, and their transfer credentials immediately issued.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Velasco, Jr.,^[**] JJ., concur.
Quisumbing,^[*] J., in the result.

[*] Vice Associate Justice Ma. Alicia Austria-Martinez, per Raffle dated November 28, 2007. Justice Austria-Martinez concurred with the CA decision under consideration when she was still a member of that Court (see note 2).

[**] Vice Associate Justice Antonio Eduardo B. Nachura, per Raffle dated November 19, 2007. Justice Nachura previously participated in this case as Solicitor General.

[1] College of Saint Benilde is an educational institution which is part of the De La Salle System.

[2] Rollo, pp. 107-111. Penned by Associate Justice Bernardo LL. Salas, with Associate Justices Gloria C. Paras and Ma. Alicia Austria-Martinez (now a member of this Court), concurring.

[3] Id. at 104-105.

[4] Id. at 111-113.

[5] Id. at 125-126.

[6] Id. at 140-143.

[7] Id. at 127.

[8] Id. at 128-129.

[9] Id. at 130-133.

[10] Id. at 8. Aguilar, Bungubung, and Valdes, Jr. are students of DLSU, while Reverente is a student of CSB.

[11] The composition of the DLSU-CSB Joint Discipline Board are petitioner Atty. Emmanuel Sales (Chairman), petitioner Atty. Jude La Torre (Faculty Representative/CSB), petitioner Ronald Holmes (Faculty Representative/DLSU), Amparo Rio (Student Representative) and Peter Paul Liggayu (Student Representative).

[12] Rollo, pp. 134-137.

[13] Id. at 134.

[14] Id. at 144-145.

[15] Id. at 145.

[16] Id. at 146.

[17] Id. at 147.

[18] Id. at 139-150.

[19] Manual of Regulations for Private Schools (1992), Sec. 77(c) provides that expulsion is “an extreme penalty of an erring pupil or student consisting of his exclusion from admission to any public or private school in the Philippines and which requires the prior approval of the Secretary. The penalty may be imposed for acts or offenses constituting gross misconduct, dishonesty, hazing, carrying deadly weapons, immorality, selling and/or possession of prohibited drugs such as marijuana, drug dependency, drunkenness, hooliganism, vandalism, and other serious school offenses such as assaulting a pupil or student or school personnel, instigating or leading illegal strikes or similar concerned activities resulting in the stoppage of classes, preventing or threatening any pupil or student or school personnel from entering the school premises or attending classes or discharging their duties, forging or tampering with school records or school forms, and securing or using forged school records, forms and documents.”

[20] Rollo, pp. 151-153.

[21] Id. at 150.

[22] Id. at 1284-1304.

[23] Id. at 172-178.

[24] Id. at 180.

[25] Private respondent (petitioner there) Aguilar claimed that, through inadvertence, his petition erroneously alleged that he was being prevented from enrolling for the “second term of SY 1995,” when, in truth, he was being barred/prohibited from enrolling for the “first term of SY 1995-1996.”

[26] Rollo, pp. 206-207.

[27] Id. at 181-205.

[28] Id. at 208.

[29] Id. at 210-236.

[30] Id. at 237-246.

[31] Id. at 247-275.

[32] Id. at 1116-1124.

[33] Id. at 1123-1124.

[34] Id. at 1563-1571.

[35] Id. at 114-115.

[36] Id. at 115.

[37] Id. at 336-392.

[38] Manual of Regulations for Private Schools (1992), Sec. 77(b) provides that exclusion is “a penalty in which the school is allowed to exclude or drop the name of the erring pupil or student from the school rolls for being undesirable, and transfer credentials immediately issued.”

[39] Rollo, pp. 125-126.

[40] Id. at 1599-1606.

[41] Id. at 608.

[42] Id. at 1605-1606.

[43] Id. at 435-438.

[44] Id. at 110.

[45] Id. at 105.

[46] Id. at 518-522.

[47] Id. at 523-530.

[48] Id. at 113.

[49] Id. at 1140-1142.

[50] Id. at 1128-1132. It was alleged there that private respondent Aguilar had apparently completed all the necessary units for graduation and was demanding that his academic records be evaluated by the office of the university registrar with a view to graduation.

[51] Id. at 1162-1167.

[52] Id. at 1647-1650.

[53] Id. at 92.

[54] See *Del Mar v. Philippine Amusement and Gaming Corporation*, 400 Phil. 307, 326-327 (2000), citing *Fortich v. Corona*, G.R. No. 131457, April 24, 1998, 289 SCRA 624.

[55] Id., citing *Ramos v. Court of Appeals*, G.R. No. 99425, March 3, 1997, 269 SCRA 34.

[56] *Batas Pambansa Blg. 232* (1982), Sec. 4 provides educational institutions “shall aim to inculcate love of country, teach the duties of citizenship, and develop moral character, personal discipline, and scientific, technological, and vocational efficiency.”

[57] Id., Sec. 15(2) & (3) essentially states that students have the obligation to “[u]phold the academic integrity of the school, endeavor to achieve academic excellence and abide by the rules and regulations governing his academic responsibilities and moral integrity,” and “[p]romote and maintain the peace and tranquility of the school by observing the rules of discipline, and by exerting efforts to attain harmonious relationships with fellow students, the teaching and academic staff and other school personnel.”

[58] Id., Sec. 54 gives the Ministry of Education, Culture and Sports (now DECS) the power to administer the educational system and to supervise and regulate educational institutions, without prejudice to the provisions of the charter of any state college and university.

[59] Id., Sec. 57(3) provides that the DECS shall “[p]romulgate rules and regulations necessary for the

administration, supervision and regulation of the educational system in accordance with declared policy.”

[60] Id., Sec. 70 mandates that the “the Minister (now Secretary) of Education, Culture and Sports, charged with the administration and enforcement of this Act, shall promulgate the necessary implementing rules and regulations.”

[61] Republic Act No. 7722 (approved May 18, 1994), Sec. 2 declares the policy of law as follows:

Section 2. Declaration of Policy. – The State shall protect, foster and promote the right of all citizens to affordable quality education at all levels and shall take appropriate steps to ensure that education shall be accessible to all. The state shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of high level and middle-level professionals, and the enrichment of our historical and cultural heritage.

State-supported institutions of higher learning shall gear their programs to national, regional or local development plans. Finally, all institutions of higher learning shall exemplify through their physical and natural surroundings the dignity and beauty of, as well as their pride in, the intellectual and scholarly life.

[62] Id., Sec. 18 also explicitly provides:

Sec. 18. Transitory Provisions. – Such personnel, properties, assets and liabilities, functions and responsibilities of the Bureau of Higher Education, including those for higher and tertiary education and degree granting vocational and technical programs in the regional offices, under the Department of Education, Culture and Sports, and other government entities having functions similar to those of the Commission are hereby transferred to the Commission.

[63] Manual of Regulations for Private Schools (1992), Sec. 77 aside from defining the penalties of suspension, exclusion and expulsion, also provides for the process of review over student discipline cases. Thus, the decision of the school on every case involving the penalty of suspension which exceeds twenty (20%) percent of the prescribed school days for a school year or term shall be forwarded to the Regional Office [i.e., any of the regional offices of the DECS which has jurisdiction over the school or institution concerned] concerned within ten days from the termination of the investigation of each case for its information. On the other hand, the decision of the school on every case involving the penalty of exclusion from the rolls, together with all the pertinent papers therefor, shall be filed in the school for a period of one year in order for the Department [i.e., the DECS] the opportunity to review the case in the event an appeal is taken by the party concerned. Lastly, the decision of the school on every case involving the penalty of expulsion, together with the supporting papers shall be forwarded to the Regional Office concerned within ten days from the termination of the investigation of each case.

[64] *Agabon v. National Labor Relations Commission*, G.R. No. 158693, November 17, 2004, 442 SCRA 573, 611-612.

[65] *People v. Besonia*, 446 Phil. 822 (2004).

[66] *Guzman v. National University*, G.R. No. L-68288, July 11, 1986, 142 SCRA 699, 706-707.

[67] *Bautista v. Court of Appeals*, G.R. No. 157219, May 28, 2004, 430 SCRA 353.

[68] *Globe Telecom, Inc. v. National Telecommunications Commission*, G.R. No. 143964, July 26, 2004, 435 SCRA 110.

[69] *Valiao v. Court of Appeals*, G.R. No. 146621, July 30, 2004, 435 SCRA 543.

- [70] Barza v. Dinglasan, Jr., G.R. No. 136350, October 25, 2004, 441 SCRA 277.
- [71] Seastar Marine Services, Inc. v. Bul-an, Jr., G.R. No. 142609, November 25, 2004, 444 SCRA 140.
- [72] Batul v. Bayron, G.R. Nos. 157687 & 158959, February 26, 2004, 424 SCRA 26.
- [73] Supra note 66, at 706.
- [74] Miriam College Foundation, Inc. v. Court of Appeals, 401 Phil. 431, 455-456 (2000), citing Tangonan v. Paño, G.R. No. L-45157, June 27, 1985, 137 SCRA 245, 256-257.
- [75] Regino v. Pangasinan Colleges of Science and Technology, G.R. No. 156109, November 18, 2004, 443 SCRA 56. The “four essential freedoms of a university” were formulated by Mr. Justice Felix Frankfurter of the United States Supreme Court in his concurring opinion in the leading case of *Sweezy v. New Hampshire*, 354 US 234, 1 L. Ed. 2d 1311, 77 S. Ct. 1203.
- [76] Miriam College Foundation, Inc. v. Court of Appeals, supra note 74, at 285.
- [77] Batas Pambansa Blg. 232 (effective September 11, 1982), Sec. 9(2).
- [78] *People v. Obrique*, 465 Phil. 221 (2004).
- [79] *People v. Santos*, 464 Phil. 941 (2004).
- [80] *People v. Abes*, 465 Phil. 165 (2004).
- [81] *People v. Arevalo, Jr.*, 466 Phil. 419 (2004).
- [82] *People v. Sumalinog, Jr.*, 466 Phil. 467 (2004).
- [83] *People v. Orilla*, 467 Phil. 253 (2004).
- [84] *People v. Tagana*, G.R. No. 133027, March 4, 2004, 424 SCRA 620.
- [85] *People v. Medina*, G.R. No. 155256, July 30, 204, 435 SCRA 610.
- [86] 69 Phil. 635 (1940).
- [87] *Ateneo de Manila University v. Capulong*, G.R. No. 99327, May 27, 1993, 222 SCRA 644, 659-660.
- [88] See *id.* at 664.
- [89] *Id.*
- [90] Rollo, p. 138.
- [91] See *People v. Estoya*, G.R. No. 153538, May 19, 2004, 428 SCRA 544.
- [92] *People v. Peruelo*, G.R. No. L-50631, June 29, 1981, 105 SCRA 226, 238.
- [93] *People v. Manambit*, 338 Phil. 57, 96 (1997), citing *People v. Maongco*, G.R. Nos. 108963-65, March 1, 1994, 230 SCRA 562, 575.
- [94] See note 87, at 663-664.
- [95] *Malabanan v. Ramento*, 214 Phil. 319, 330 (1984).
- [96] Rollo, p. 515.

[97] See note 38.

[98] See note 19.

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