

**UNIVERSITY OF THE PHILIPPINES BOARD OF REGENTS,
CHANCELLOR ROGER POSADAS, DR. EMERLINDA ROMAN, DEAN
CONSUELO PAZ, DR. ISAGANI MEDINA, DR. MARIA SERENA DIOKNO,
DR. OLIVIA CAOILI,...**

G.R. No. 134625. August 31, 1999

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134625/>

MENDOZA, J.:

For review before the Court is the decision of the Court of Appeals[1] in CA-G.R. SP No. 42788, dated December 16, 1997, which granted private respondent's application for a writ of mandatory injunction, and its resolution, dated July 13, 1998, denying petitioners' motion for reconsideration.

The antecedent facts are as follows:

Private respondent Arokiaswamy William Margaret Celine is a citizen of India and holder of a Philippine visitor's visa. Sometime in April 1988, she enrolled in the doctoral program in Anthropology of the University of the Philippines College of Social Sciences and Philosophy (CSSP) in Diliman, Quezon City.

After completing the units of course work required in her doctoral program, private respondent went on a two-year leave of absence to work as Tamil Programme Producer of the Vatican Radio in the Vatican and as General Office Assistant at the International Right to Life Federation in Rome. She returned to the Philippines in July 1991 to work on her dissertation entitled, "Tamil Influences in Malaysia, Indonesia and the Philippines."

On December 22, 1992, Dr. Realidad S. Rolda, chairperson of the U.P. Department of Anthropology, wrote a letter to Dr. Maria Serena Diokno, CSSP Associate Dean and Graduate Program Director, certifying that private respondent had finished her dissertation and was ready for her oral defense. Dr. Rolda suggested that the oral defense be held on January 6, 1993 but, in a letter, dated February 2, 1993, Dr. Serena Diokno rescheduled it on February 5, 1993. Named as members of the dissertation panel were Drs. E. Arsenio Manuel, Serafin Quiason, Sri Skandarajah, Noel Teodoro, and Isagani Medina, the last included as the dean's representative.

After going over private respondent's dissertation, Dr. Medina informed CSSP Dean Consuelo Joaquin-Paz that there was a portion in private respondent's dissertation that was lifted, without proper acknowledgment, from Balfour's *Cyclopaedia of India and Eastern and Southern Asia* (1967), volume I, pp. 392-401 (3 v., Edward Balfour 1885 reprint) and from John Edye's article entitled "Description of the Various Classes of Vessels Constructed and Employed by the Natives of the Coasts of Coromandel, Malabar, and the Island of Ceylon for their Coasting Navigation" in the *Royal Asiatic Society of Great Britain and Ireland Journal*, volume I, pp. 1-14 (1833).[2]

Nonetheless, private respondent was allowed to defend her dissertation on February 5, 1993. Four (4) out of the five (5) panelists gave private respondent a passing mark for her oral defense by affixing their signatures on the approval form. These were Drs. Manuel, Quiason, Skandarajah, and Teodoro. Dr. Quiason added the following

qualification to his signature:

Ms. Arokiaswamy must incorporate the suggestions I made during the successful defense of her Ph.D. thesis.[3]

Dr. Medina did not sign the approval form but added the following comment:

Pipirmahan ko ang pagsang-ayon/di pagsang-ayon kapag nakita ko na ang mga revisions ng dissertation.[4]

Dr. Teodoro added the following note to his signature:

Kailangang isagawa ang mga mahahalagang pagbabago at ipakita sa panel ang bound copies.[5]

In a letter, dated March 5, 1993 and addressed to her thesis adviser, Dr. Manuel, private respondent requested a meeting with the panel members, especially Dr. Medina, to discuss the amendments suggested by the panel members during the oral defense. The meeting was held at the dean's office with Dean Paz, private respondent, and a majority of the defense panel present.[6] During the meeting, Dean Paz remarked that a majority vote of the panel members was sufficient for a student to pass, notwithstanding the failure to obtain the consent of the Dean's representative.

On March 24, 1993, the CSSP College Faculty Assembly approved private respondent's graduation pending submission of final copies of her dissertation.

In April 1993, private respondent submitted copies of her supposedly revised dissertation to Drs. Manuel, Skandarajah, and Quiason, who expressed their assent to the dissertation. Petitioners maintain, however, that private respondent did not incorporate the revisions suggested by the panel members in the final copies of her dissertation.

Private respondent left a copy of her dissertation in Dr. Teodoro's office on April 15, 1993 and proceeded to submit her dissertation to the CSSP without the approvals of Dr. Medina and Dr. Teodoro, relying on Dean Paz's March 5, 1993 statement.

Dr. Teodoro later indicated his disapproval, while Dr. Medina did not sign the approval form.[7]

Dean Paz then accepted private respondent's dissertation in partial fulfillment of the course requirements for the doctorate degree in Anthropology.

In a letter to Dean Paz, dated April 17, 1993, private respondent expressed concern over matters related to her dissertation. She sought to explain why the signature of Dr. Medina was not affixed to the revision approval form. Private respondent said that since she already had the approval of a majority of the panel members, she no longer showed her dissertation to Dr. Medina nor tried to obtain the latter's signature on the revision approval form. She likewise expressed her disappointment over the CSSP administration and charged Drs. Diokno and Medina with maliciously working for the disapproval of her dissertation, and further warned Dean Paz against encouraging perfidious acts against her.

On April 17, 1993, the University Council met to approve the list of candidates for graduation for the second semester of school year 1992-1993. The list, which was endorsed to the Board of Regents for final approval, included private respondent's name.

On April 21, 1993, Dean Paz sent a letter to Dr. Milagros Ibe, Vice Chancellor for Academic Affairs, requesting the exclusion of private respondent's name from the list of candidates for graduation, pending clarification of the problems regarding her dissertation. Her letter reads:[8]

Abril 21, 1993

Dr. Milagros Ibe
Vice Chancellor for Academic Affairs
Unibersidad ng Pilipinas
Quezon Hall, Diliman, Q.C.

Mahal na Dr. Ibe,

Mahigpit ko pong hinihiling na hwag munang isama ang pangalan ni Ms. Arokiaswam[y] William Margaret Celine sa listahan ng mga bibigyan ng degri na Ph.D. (Anthropology) ngayon[g] semester, dahil sa mga malubhang bintang nya sa ilang myembro ng panel para sa oral defense ng disertasyon nya at sa mga akusasyon ng ilan sa mga ito sa kanya.

Naniniwala po kami na dapat mailinaw muna ang ilang bagay bago makonfer ang degri kay Ms. Arokiaswam[y]. Kelangan po ito para mapangalagaan ang istandard ng pinakamataas na degree ng Unibersidad.

(Sgd.)
CONSUELO JOAQUIN-PAZ, Ph.D.
Dekano

Apparently, however, Dean Paz's letter did not reach the Board of Regents on time, because the next day, April 22, 1993, the Board approved the University Council's recommendation for the graduation of qualified students, including private respondent. Two days later, on April 24, 1993, private respondent graduated with the degree of Doctor of Philosophy in Anthropology.

On the other hand, Dean Paz also wrote a letter to private respondent, dated April 21, 1993, that she would not be granted an academic clearance unless she substantiated the accusations contained in her letter dated April 17, 1993.

In her letter, dated April 27, 1993, private respondent claimed that Dr. Medina's unfavorable attitude towards her dissertation was a reaction to her failure to include him and Dr. Francisco in the list of panel members; that she made the revisions proposed by Drs. Medina and Teodoro in the revised draft of her dissertation; and that Dr. Diokno was guilty of harassment.

In a letter addressed to Dean Paz, dated May 1, 1993, Dr. Medina formally charged private respondent with plagiarism and recommended that the doctorate granted to her be withdrawn.[9]

On May 13, 1993, Dean Paz formed an ad hoc committee, composed of faculty members from various disciplines and chaired by Dr. Eva Duka-Ventura, to investigate the plagiarism charge against private respondent. Meanwhile, she recommended to U.P. Diliman Chancellor, Dr. Emerlinda Roman, that the Ph.D. degree conferred on private respondent be withdrawn.[10]

In a letter, dated June 7, 1993, Dean Paz informed private respondent of the charges against her.[11]

On June 15, 1993, the Ventura Committee submitted a report to Dean Paz, finding at least ninety (90) instances or portions in private respondent's thesis which were lifted from sources without proper or due acknowledgment.

On July 28, 1993, the CSSP College Assembly unanimously approved the recommendation to withdraw private respondent's doctorate degree and forwarded its recommendation to the University Council. The University Council, in turn, approved and endorsed the same recommendation to the Board of Regents on August 16, 1993.

On September 6, 1993, the Board of Regents deferred action on the recommendation to study the legal

implications of its approval.[12]

Meanwhile, in a letter, dated September 23, 1993, U.P. Diliman Chancellor Emerlinda Roman summoned private respondent to a meeting on the same day and asked her to submit her written explanation to the charges against her.

During the meeting, Chancellor Roman informed private respondent of the charges and provided her a copy of the findings of the investigating committee.[13] Private respondent, on the other hand, submitted her written explanation in a letter dated September 25, 1993.

Another meeting was held on October 8, 1993 between Chancellor Roman and private respondent to discuss her answer to the charges. A third meeting was scheduled on October 27, 1993 but private respondent did not attend it, alleging that the Board of Regents had already decided her case before she could be fully heard.

On October 11, 1993, private respondent wrote to Dr. Emil Q. Javier, U.P. President, alleging that some members of the U.P. administration were playing politics in her case.[14] She sent another letter, dated December 14, 1993, to Dr. Armand Fabella, Chairman of the Board of Regents, complaining that she had not been afforded due process and claiming that U.P. could no longer withdraw her degree since her dissertation had already been accepted by the CSSP.[15]

Meanwhile, the U.P. Office of Legal Services justified the position of the University Council in its report to the Board of Regents. The Board of Regents, in its February 1, 1994 and March 24, 1994 meetings, further deferred action thereon.

On July 11, 1994, private respondent sent a letter to the Board of Regents requesting a re-investigation of her case. She stressed that under the Rules and Regulations on Student Conduct and Discipline, it was the student disciplinary tribunal which had jurisdiction to decide cases of dishonesty and that the withdrawal of a degree already conferred was not one of the authorized penalties which the student disciplinary tribunal could impose.

On July 28, 1994, the Board of Regents decided to release private respondent's transcript of grades without annotation although it showed that private respondent passed her dissertation with 12 units of credit.

On August 17, 1994, Chancellor Roger Posadas issued Administrative Order No. 94-94 constituting a special committee composed of senior faculty members from the U.P. units outside Diliman to review the University Council's recommendation to withdraw private respondent's degree. With the approval of the Board of Regents and the U.P. Diliman Executive Committee, Posadas created a five-man committee, chaired by Dr. Paulino B. Zafaralla, with members selected from a list of nominees screened by Dr. Emerenciana Arcellana, then a member of the Board of Regents. On August 31, 1994, the members of the Zafaralla committee and private respondent met at U.P. Los Baños.

Meanwhile, on August 23, 1994, the U.P. Diliman Registrar released to private respondent a copy of her transcript of grades and certificate of graduation.

In a letter to Chancellor Posadas, dated September 1, 1994, private respondent requested that the Zafaralla committee be provided with copies of the U.P. Charter (Act No. 1870), the U.P. Rules and Regulations on Student Conduct and Discipline, her letter-response to Chancellor Roman, dated September 25, 1993, as well as all her other communications.

On September 19, 1994, Chancellor Posadas obtained the Zafaralla Committee's report, signed by its chairman, recommending the withdrawal of private respondent's doctorate degree. The report stated:[16]

After going through all the pertinent documents of the case and interviewing Ms. Arokiaswamy William, the

following facts were established:

- There is overwhelming evidence of massive lifting from a published source word for word and, at times, paragraph by paragraph without any acknowledgment of the source, even by a mere quotation mark. At least 22 counts of such documented liftings were identified by the Committee. These form part of the approximately ninety (90) instances found by the Committee created by the Dean of the College and subsequently verified as correct by the Special Committee. These instances involved the following forms of intellectual dishonesty: direct lifting/copying without acknowledgment, full/partial lifting with improper documentation and substitution of terms or words (e.g., Tamil in place of Sanskrit, Tamilization in place of Indianization) from an acknowledged source in support of her thesis (attached herewith is a copy of the documents for reference); and
- Ms. Arokiaswamy William herself admits of being guilty of the allegation of plagiarism. Fact is, she informed the Special Committee that she had been admitting having lifted several portions in her dissertation from various sources since the beginning.

In view of the overwhelming proof of massive lifting and also on the admission of Ms. Arokiaswamy William that she indeed plagiarized, the Committee strongly supports the recommendation of the U.P. Diliman Council to withdraw the doctoral degree of Ms. Margaret Celine Arokiaswamy William.

On the basis of the report, the University Council, on September 24, 1994, recommended to the Board of Regents that private respondent be barred in the future from admission to the University either as a student or as an employee.

On January 4, 1995, the secretary of the Board of Regents sent private respondent the following letter:[17]

4 January 1995

Ms. Margaret Celine Arokiaswamy William
Department of Anthropology
College of Social Sciences and Philosophy
U.P. Diliman, Quezon City

Dear Ms. Arokiaswamy William:

This is to officially inform you about the action taken by the Board of Regents at its 1081st and 1082nd meetings held last 17 November and 16 December 1994 regarding your case, the excerpts from the minutes of which are attached herewith.

Please be informed that the members present at the 1081st BOR meeting on 17 November 1994 resolved, by a majority decision, to withdraw your Ph.D. degree as recommended by the U.P. Diliman University Council and as concurred with by the External Review Panel composed of senior faculty from U.P. Los Baños and U.P. Manila. These faculty members were chosen by lot from names submitted by the University Councils of U.P. Los Baños and U.P. Manila.

In reply to your 14 December 1994 letter requesting that you be given a good lawyer by the Board, the Board, at its 1082nd meeting on 16 December 1994, suggested that you direct your request to the Office of Legal Aid, College of Law, U.P. Diliman.

Sincerely yours,

(Sgd.)

VIVENCIO R. JOSE

Secretary of the University
and of the Board of Regents

On January 18, 1995, private respondent wrote a letter to Commissioner Sedfrey Ordoñez, Chairman of the Commission on Human Rights, asking the commission's intervention.[18] In a letter, dated February 14, 1995, to Secretary Ricardo Gloria, Chairman of the Board of Regents, she asked for a reinvestigation of her case. She also sought an audience with the Board of Regents and/or the U.P. President, which request was denied by President Javier, in a letter dated June 2, 1995.

On August 10, 1995, private respondent then filed a petition for mandamus with a prayer for a writ of preliminary mandatory injunction and damages, which was docketed as Civil Case No. Q-95-24690 and assigned to Branch 81 of the Regional Trial Court of Quezon City.[19] She alleged that petitioners had unlawfully withdrawn her degree without justification and without affording her procedural due process. She prayed that petitioners be ordered to restore her degree and to pay her P500,000.00 as moral and exemplary damages and P1,500,000.00 as compensation for lost earnings.

On August 6, 1996, the trial court, Branch 227, rendered a decision dismissing the petition for mandamus for lack of merit.[20] Private respondent appealed to the Court of Appeals, which on December 16, 1997, reversed the lower court. The dispositive portion of the appellate court's decision reads:[21]

WHEREFORE, the decision of the court a quo is hereby reversed and set aside. Respondents are ordered to restore to petitioner her degree of Ph.D. in Anthropology.

No pronouncement as to costs.

SO ORDERED.

Hence, this petition. Petitioners contend:

I

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN GRANTING THE WRIT OF MANDAMUS AND ORDERING PETITIONERS TO RESTORE RESPONDENT'S DOCTORAL DEGREE.

II

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN HOLDING THAT THE DOCTORAL DEGREE GIVEN RESPONDENT BY U.P. CANNOT BE RECALLED WITHOUT VIOLATING HER RIGHT TO ENJOYMENT OF INTELLECTUAL PROPERTY AND TO JUSTICE AND EQUITY.

III

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN DEPRIVING PETITIONERS OF THEIR RIGHT TO SUBSTANTIVE DUE PROCESS.[22]

Petitioners argue that private respondent failed to show that she had been unlawfully excluded from the use and enjoyment of a right or office to which she is entitled so as to justify the issuance of the writ of mandamus. They also contend that she failed to prove that the restoration of her degree is a ministerial duty of U.P. or that the withdrawal of the degree violated her right to the enjoyment of intellectual property.

On the other hand, private respondent, unassisted by counsel, argue that petitioners acted arbitrarily and with grave abuse of discretion in withdrawing her degree even prior to verifying the truth of the plagiarism charge against her; and that as her answer to the charges had not been forwarded to the members of the investigating committees, she was deprived of the opportunity to comment or refute their findings.

In addition, private respondent maintains that petitioners are estopped from withdrawing her doctorate degree; that petitioners acted contrary to §9 of the U.P. Charter and the U.P. Rules and Regulations on Student Conduct

and Discipline of the University, which according to her, does not authorize the withdrawal of a degree as a penalty for erring students; and that only the college committee or the student disciplinary tribunal may decide disciplinary cases, whose report must be signed by a majority of its members.

We find petitioners' contention to be meritorious.

Mandamus is a writ commanding a tribunal, corporation, board or person to do the act required to be done when it or he unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, there being no other plain, speedy, and adequate remedy in the ordinary course of law.[23] In *University of the Philippines Board of Regents v. Ligot-Telan*,[24] this Court ruled that the writ was not available to restrain U.P. from the exercise of its academic freedom. In that case, a student who was found guilty of dishonesty and ordered suspended for one year by the Board of Regents, filed a petition for mandamus and obtained from the lower court a temporary restraining order stopping U.P. from carrying out the order of suspension. In setting aside the TRO and ordering the lower court to dismiss the student's petition, this Court said:

[T]he lower court gravely abused its discretion in issuing the writ of preliminary injunction of May 29, 1993. The issuance of the said writ was based on the lower court's finding that the implementation of the disciplinary sanction of suspension on Nadal "would work injustice to the petitioner as it would delay him in finishing his course, and consequently, in getting a decent and good paying job." Sadly, such a ruling considers only the situation of Nadal without taking into account the circumstances, clearly of his own making, which led him into such a predicament. More importantly, it has completely disregarded the overriding issue of academic freedom which provides more than ample justification for the imposition of a disciplinary sanction upon an erring student of an institution of higher learning.

From the foregoing arguments, it is clear that the lower court should have restrained itself from assuming jurisdiction over the petition filed by Nadal. Mandamus is never issued in doubtful cases, a showing of a clear and certain right on the part of the petitioner being required. It is of no avail against an official or government agency whose duty requires the exercise of discretion or judgment.[25]

In this case, the trial court dismissed private respondent's petition precisely on grounds of academic freedom but the Court of Appeals reversed holding that private respondent was denied due process. It said:

It is worthy to note that during the proceedings taken by the College Assembly culminating in its recommendation to the University Council for the withdrawal of petitioner's Ph.D. degree, petitioner was not given the chance to be heard until after the withdrawal of the degree was consummated. Petitioner's subsequent letters to the U.P. President proved unavailing.[26]

As the foregoing narration of facts in this case shows, however, various committees had been formed to investigate the charge that private respondent had committed plagiarism and, in all the investigations held, she was heard in her defense. Indeed, if any criticism may be made of the university proceedings before private respondent was finally stripped of her degree, it is that there were too many committee and individual investigations conducted, although all resulted in a finding that private respondent committed dishonesty in submitting her doctoral dissertation on the basis of which she was conferred the Ph.D. degree.

Indeed, in administrative proceedings, the essence of due process is simply the opportunity to explain one's side of a controversy or a chance to seek reconsideration of the action or ruling complained of.[27] A party who has availed of the opportunity to present his position cannot tenably claim to have been denied due process.[28]

In this case, private respondent was informed in writing of the charges against her[29] and afforded opportunities to refute them. She was asked to submit her written explanation, which she forwarded on September 25, 1993.[30]

Private respondent then met with the U.P. chancellor and the members of the Zafaralla committee to discuss her case. In addition, she sent several letters to the U.P. authorities explaining her position.[31]

It is not tenable for private respondent to argue that she was entitled to have an audience before the Board of Regents. Due process in an administrative context does not require trial-type proceedings similar to those in the courts of justice.[32] It is noteworthy that the U.P. Rules do not require the attendance of persons whose cases are included as items on the agenda of the Board of Regents.[33]

Nor indeed was private respondent entitled to be furnished a copy of the report of the Zafaralla committee as part of her right to due process. In *Ateneo de Manila University v. Capulong*,[34] we held:

Respondent students may not use the argument that since they were not accorded the opportunity to see and examine the written statements which became the basis of petitioners' February 14, 1991 order, they were denied procedural due process. Granting that they were denied such opportunity, the same may not be said to detract from the observance of due process, for disciplinary cases involving students need not necessarily include the right to cross examination. An administrative proceeding conducted to investigate students' participation in a hazing activity need not be clothed with the attributes of a judicial proceeding. . .

In this case, in granting the writ of mandamus, the Court of Appeals held:

First. Petitioner graduated from the U.P. with a doctorate degree in Anthropology. After graduation, the contact between U.P. and petitioner ceased. Petitioner is no longer within the ambit of the disciplinary powers of the U.P. As a graduate, she is entitled to the right and enjoyment of the degree she has earned. To recall the degree, after conferment, is not only arbitrary, unreasonable, and an act of abuse, but a flagrant violation of petitioner's right of enjoyment to intellectual property.

Second. Respondents aver that petitioner's graduation was a mistake.

Unfortunately this "mistake" was arrived at after almost a year after graduation. Considering that the members of the thesis panel, the College Faculty Assembly, and the U.P. Council are all men and women of the highest intellectual acumen and integrity, as respondents themselves aver, suspicion is aroused that the alleged "mistake" might not be the cause of withdrawal but some other hidden agenda which respondents do not wish to reveal.

At any rate, We cannot countenance the plight the petitioner finds herself enmeshed in as a consequence of the acts complained of. Justice and equity demand that this be rectified by restoring the degree conferred to her after her compliance with the academic and other related requirements.

Art. XIV, §5 (2) of the Constitution provides that "[a]cademic freedom shall be enjoyed in all institutions of higher learning." This is nothing new. The 1935 Constitution[35] and the 1973 Constitution[36] likewise provided for the academic freedom or, more precisely, for the institutional autonomy of universities and institutions of higher learning. As pointed out by this Court in *Garcia v. Faculty Admission Committee, Loyola School of Theology*,[37] it is a freedom granted to "institutions of higher learning" which is thus given "a wide sphere of authority certainly extending to the choice of students." If such institution of higher learning can decide who can and who cannot study in it, it certainly can also determine on whom it can confer the honor and distinction of being its graduates.

Where it is shown that the conferment of an honor or distinction was obtained through fraud, a university has the right to revoke or withdraw the honor or distinction it has thus conferred. This freedom of a university does not terminate upon the "graduation" of a student, as the Court of Appeals held. For it is precisely the "graduation" of such a student that is in question. It is noteworthy that the investigation of private respondent's case began before her graduation. If she was able to join the graduation ceremonies on April 24, 1993, it was because of too many

investigations conducted before the Board of Regents finally decided she should not have been allowed to graduate.

Wide indeed is the sphere of autonomy granted to institutions of higher learning, for the constitutional grant of academic freedom, to quote again from *Garcia v. Faculty Admission Committee, Loyola School of Theology*, "is not to be construed in a niggardly manner or in a grudging fashion."

Under the U.P. Charter, the Board of Regents is the highest governing body of the University of the Philippines.[38] It has the power to confer degrees upon the recommendation of the University Council.[39] It follows that if the conferment of a degree is founded on error or fraud, the Board of Regents is also empowered, subject to the observance of due process, to withdraw what it has granted without violating a student's rights. An institution of higher learning cannot be powerless if it discovers that an academic degree it has conferred is not rightfully deserved. Nothing can be more objectionable than bestowing a university's highest academic degree upon an individual who has obtained the same through fraud or deceit. The pursuit of academic excellence is the university's concern. It should be empowered, as an act of self-defense, to take measures to protect itself from serious threats to its integrity.

While it is true that the students are entitled to the right to pursue their education, the USC as an educational institution is also entitled to pursue its academic freedom and in the process has the concomitant right to see to it that this freedom is not jeopardized.[40]

In the case at bar, the Board of Regents determined, after due investigation conducted by a committee composed of faculty members from different U.P. units, that private respondent committed no less than ninety (90) instances of intellectual dishonesty in her dissertation. The Board of Regents' decision to withdraw private respondent's doctorate was based on documents on record including her admission that she committed the offense.[41]

On the other hand, private respondent was afforded the opportunity to be heard and explain her side but failed to refute the charges of plagiarism against her. Her only claim is that her responses to the charges against her were not considered by the Board of Regents before it rendered its decision. However, this claim was not proven. Accordingly, we must presume regularity in the performance of official duties in the absence of proof to the contrary.[42]

Very much the opposite of the position of the Court of Appeals that, since private respondent was no longer a student of the U.P., the latter was no longer within the "ambit of disciplinary powers of the U.P.," is private respondent's contention that it is the Student Disciplinary Tribunal which had jurisdiction over her case because the charge is dishonesty. Private respondent invokes §5 of the U.P. Rules and Regulations on Student Conduct and Discipline which provides:

Jurisdiction. - All cases involving discipline of students under these rules shall be subject to the jurisdiction of the student disciplinary tribunal, except the following cases which shall fall under the jurisdiction of the appropriate college or unit;

(a) Violation of college or unit rules and regulations by students of the college, or

(b) Misconduct committed by students of the college or unit within its classrooms or premises or in the course of an official activity;

Provided, that regional units of the University shall have original jurisdiction over all cases involving students of such units.

Private respondent argues that under §25 (a) of the said Rules and Regulations, dishonesty in relation to one's studies (i.e., plagiarism) may be punished only with suspension for at least one (1) year.

As the above-quoted provision of §5 of the Rules and Regulations indicates, the jurisdiction of the student disciplinary tribunal extends only to disciplinary actions. In this case, U.P. does not seek to discipline private respondent. Indeed, as the appellate court observed, private respondent is no longer within "the ambit of disciplinary powers of the U.P." Private respondent cannot even be punished since, as she claims, the penalty for acts of dishonesty in administrative disciplinary proceedings is suspension from the University for at least one year. What U.P., through the Board of Regents, seeks to do is to protect its academic integrity by withdrawing from private respondent an academic degree she obtained through fraud.

WHEREFORE, the decision of the Court of Appeals is hereby REVERSED and the petition for mandamus is hereby DISMISSED.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, and Buena, JJ., concur.

[1] Per Associate Justice Artemio G. Tuquero and concurred in by Associate Justices Jorge S. Imperial and Eubulo G. Verzola.

[2] Stated as 1883 in the Petition for Certiorari.

[3] Records, p. 26.

[4] Ibid.

[5] Supra, note 3.

[6] Dr. Manuel Teodoro was absent during the meeting.

[7] Records, p. 173.

[8] Records, p. 39.

[9] Rollo, pp. 201-202.

[10] Id., p. 133.

[11] Records, p. 346.

[12] Id., p. 179.

[13] Records, p. 49.

[14] Id., p. 409.

[15] Id., pp. 403-406.

[16] Rollo, p. 137.

[17] Records, p. 192.

[18] Commissioner Ordoñez sent a letter to the Board of Regents requesting it to defer action on private respondent's case until the latter had been given the opportunity to be heard. U.P. President Emil Q. Javier responded with a letter, dated February 17, 1995, assuring Commissioner Ordoñez that the decision on private respondent's case was arrived at after compliance with the requirements of due process.

[19] It appears that the case was later transferred to Branch 227.

[20] Rollo, pp. 83-97.

[21] *Id.*, p. 56.

[22] Rollo, pp. 33-34.

[23] RULES OF COURT, RULE 65, §3; *Anchangco, Jr. v. Ombudsman*, 268 SCRA 301 (1997).

[24] 227 SCRA 342 (1993).

[25] *Supra*, at 361-362.

[26] Rollo, pp. 54-55.

[27] *Helpmate, Inc. v. National Labor Relations Commission*, G.R. 112323, July 28, 1997; *M. Ramirez Industries v. The Honorable Secretary of Labor and Employment*, G.R. 89894, January 3, 1997.

[28] *Naguiat v. National Labor Relations Commission*, 269 SCRA 564 (1997).

[29] Records, pp. 48-49.

[30] *Id.*, pp. 50-58.

[31] *Id.*, pp. 59-65; 79-80.

[32] *National Federation of Labor v. NLRC*, 283 SCRA 275 (1997).

[33] *University of the Philippines v. Ligot-Telan*, 227 SCRA 342 (1993).

[34] 222 SCRA 644 (1993).

[35] Art. XIV, §5.

[36] Art. XV, §8 (2).

[37] 68 SCRA 277 (1975).

[38] Act No. 1870, §4.

[39] *Id.*, §9.

[40] *Licup v. University of San Carlos*, 178 SCRA 637 (1989).

[41] Records, p. 192.

[42] RULES OF COURT, RULE 131, §3 (m).

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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