

NADINE ROSARIO M. MORALES, PETITIONER, VS. THE BOARD OF REGENTS OF THE UNIVERSITY OF THE PHILIPPINES, RESPONDENT.

G.R. No. 161172. December 13, 2004

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

“It is an accepted principle that schools of learning are given ample discretion to formulate rules and guidelines in the granting of honors for purposes of graduation. This is part of academic freedom. Within the parameters of these rules, it is within the competence of universities and colleges to determine who are entitled to the grant of honors among the graduating students. Its discretion on this academic matter may not be disturbed much less controlled by the courts unless there is grave abuse of discretion in its exercise.”[1]

The Case

Before Us is a Petition for Review on Certiorari of the Decision[2] of the Court of Appeals[3] dated 28 November 2003, reversing the 05 September 2002 Order[4] of the Regional Trial Court (RTC) of Quezon City, Branch 87.

The pivotal issue from which this case arose is the interpretation and application of Article 410 of the University of the Philippines (UP) Code which provides:

ART. 410. Students who complete their courses with the following absolute minimum weighted average grade shall be graduated with honors:

Summa Cum Laude 1.20

Magna Cum Laude 1.45

Cum Laude 1.75

Provided, that all the grades in all subjects prescribed in the curriculum, as well as subjects that qualify as electives, shall be included in the computation of the weighted average grade; provided further that in cases where the electives taken are more than those required in the program, the following procedure will be used in selecting the electives to be included in the computation of the weighted average grade:

(I) For students who did not shift programs, consider the required number of electives in chronological order.

(II) For students who shifted from one program to another, the electives to be considered shall be selected according to the following order of priority:

(1) Electives taken in the program where the student is graduating will be selected in chronological order.

(2) Electives taken in the previous program and acceptable as electives in the second program will be selected in chronological order.

(3) Prescribed courses taken in the previous program, but qualify as electives in the second program will be selected in chronological order.[5]

The Facts

In the school year 1997-1998, petitioner Nadine Rosario M. Morales transferred from the UP Manila campus, where she was taking up Speech Pathology, to UP Diliman and enrolled in the European Languages undergraduate program under the College of Arts and Letters. Said program has three curricula, namely, Plan A, Plan B, and Plan C. Upon the petitioner's transfer, she chose the Plan A curriculum and elected French as her major and German as her minor. Under the Plan A curriculum, the student is required to complete 141 units worth of subjects in the University, 27 of which should be electives in his or her minor field of study.

During the first semester of school year 1997-1998, the petitioner enrolled in the subjects German 10 and German 11 where she obtained the grades of 1.0 in both subjects. At the start of the second semester, however, the petitioner changed her language minor from German to Spanish, while maintaining French as her major.

By the end of the first semester of school year 1999-2000, the petitioner was included in the list of candidates for graduation "with probable honors" issued by the College of Arts and Letters of UP Diliman. The inclusion of the petitioner in the said list was based on the computation made by the College of Arts and Letters of the petitioner's General Weighted Average (GWA) inclusive of her grades of 1.0 in German 10 and 11. According to the college's computation, the petitioner had a GWA of 1.725, clearly above the minimum weighted average grade^[6] for conferment of cum laude honors.^[7] Petitioner obtained an average of 1.708 for her remaining subjects in her final semester in the University, bringing her GWA to 1.729, which is definitely higher than the 1.75 average grade required for cum laude honors.

During the assessment for graduation though, the petitioner was not granted cum laude honors because her grades of 1.0 in the subjects German 10 and 11, which she took when her minor was still German, were excluded in the computation of her GWA, thus bringing her GWA to 1.760, which is lower than the minimum weighted average grade required for the conferment of cum laude honors.

Prof. Edwin Thaddeus L. Bautista, Chair of the Department of European Languages, explained that a student following the Plan A curriculum is required to major in one European language other than Spanish, and minor in another or any of the disciplines allowed under the curriculum. In petitioner's case, her major is French and her minor is Spanish, thus, German does not fit into her curriculum. Furthermore, the Plan A curriculum does not allow for free electives. Electives under said curriculum must be major language electives, which, in the case of petitioner, must have been taken from French courses in either literature or translation. German 10 and 11, being basic language courses, do not fall under electives as contemplated in the Plan A curriculum.

Maintaining that the college's manner of computing her grades was erroneous, the petitioner wrote Dr. Ofelia Silapan, College Secretary of the College of Arts and Letters, on 06 April 2000, requesting that her German language subjects (i.e., German 10 and 11) be included in the computation of her GWA, it appearing that such had been done in connection with the inclusion of her name in the list of those graduating "with probable honors." Said letter was followed-up by another letter signed by petitioner's father, and addressed to Dr. Elena L. Samonte, University Registrar, on 08 April 2000, explaining why petitioner's German 10 and 11 grades should be included in the computation of her GWA.

These letters were taken up on a no-name basis during the 68th meeting of the University Council on 10 April 2000 upon the University Registrar's endorsement. After deliberating on the matter, the University Council, by a vote of 207 in favor and 4 against, affirmed the recommendation of the European Languages Department and the College of Arts and Letters of not awarding the cum laude honors to the petitioner.

In view of the adverse decision of the University Council, the petitioner, together with her parents, wrote UP

President Francisco A. Nemenzo, on 18 April 2000, asking that the merits of petitioner's case be reviewed and, if deemed appropriate, the same be elevated to the UP Board of Regents in order to correct the error in the computation of the petitioner's GWA.

At the 1142[nd] meeting of the Board of Regents held on 26 May 2000, petitioner's appeal was thus discussed, and it was resolved that said appeal be returned to the University Council for further consideration, with full disclosure of who is involved in the matter.

Petitioner's case was then again considered by the University Council during its 69[th] meeting held on 21 June 2000. After much deliberation, the University Council, by a vote of 99 for, 12 against, and 6 abstentions, resolved to reaffirm its earlier decision of 10 April 2000 denying the award of cum laude honors to petitioner.

Upon the denial of the appeal, petitioner's parents, on petitioner's behalf and for themselves, submitted a Notice of Appeal dated 27 June 2000 to the Board of Regents through President Nemenzo and, subsequently, an Appeal Memorandum and Supplemental Memorandum dated 24 and 30 August 2000, respectively. The appeal was taken up during the 1144[th] meeting of the Board of Regents held on 31 August 2000. After a thorough discussion on the proper interpretation and application of Article 410 of the UP Code, the Board of Regents, by a vote of 9 against 2, elected to deny the appeal. Petitioner's parents thereafter filed a Motion for Reconsideration, but the same was also denied.

Assailing the decision of the UP Board of Regents as erroneous, petitioner, on 21 March 2001, brought a petition for certiorari and mandamus before the RTC, which resolved the case in her favor under Order of 05 September 2002. According to the said Order, the UP Board of Regents gravely abused its discretion in the improper application of its academic discretion in interpreting Article 410 of the UP Code. The lower court, hence, required the respondent UP Board of Regents to re-compute petitioner's grades by including her grades in German 10 and 11 and to confer upon petitioner cum laude honors. The respondent filed a Motion for Reconsideration on 07 October 2002, which was subsequently denied by the lower court. Upon said denial, the respondent appealed the RTC's Order to the Court of Appeals by filing a Notice of Appeal dated 14 February 2003.

The petitioner filed a Motion to Dismiss the appeal on 24 April 2003, advancing that the Court of Appeals had no jurisdiction to take cognizance of the appeal, inasmuch as it raised only questions of law. Said argument was reiterated in petitioner's Memorandum, together with the position that the lower court was correct to find that respondent had gravely abused its discretion in arbitrarily excluding petitioner's grades in German 10 and 11 from the computation of her GWA.

The respondent, for its part, contended that the lower court failed to take into consideration the interpretation of the pertinent provision of the UP Code arrived at by the University Council during its deliberations. It instead, substituted its own interpretation in violation of the academic freedom of UP as an institution of higher learning.

Noting the identity of the arguments raised by petitioner in both her Motion to Dismiss and Memorandum, the Court of Appeals, in a resolution, deemed the case submitted for decision. In deciding the appeal, the appellate court initially determined whether only questions of law are involved in the case. Eventually, the appellate court declared that an analysis of the facts of the case is indispensable. According to the Court of Appeals:

To resolve these issues, an incursion or investigation of the facts attending the case of the petitioner-appellee is indispensable. The Court must sift through the contrasting evidence submitted to determine the specific situation of appellee's academic standing, and the chronology of appellee's scholastic progress, her grades and scholastic average, as well as what particular rules were used or misused by the Respondent Board, and by the lower court, in coming up with its respective decisions. The Court is called upon to make a calibration and resolution of all these elements, and to determine the existence and relevancy [sic] of specific surrounding

circumstances, its relation to each other and to the whole and the probabilities of the situation.

This is not a simple matter of determining what the [sic] law is applicable on a given or specific set of facts. Indeed, the facts itself [sic] must be determined and reviewed, before a legal adjudication could be made.

To be sure, questions of law are attendant in the instant appeal, but to resolve the same, a review and determination of [the] facts, based on evidence and matters on record, is necessary before such issues could be resolved. The Court, therefore, as a legal reviewer of issues of fact and law, is competent, and legally empowered, to take cognizance of and resolve the instant appeal.[8]

Having resolved the issue of jurisdiction, the Court of Appeals went on to determine whether the lower court erred in not finding that academic freedom should apply in the instant case. According to the appellate court, the RTC's Order involved an intrusion on the discretion and authority of the UP Board of Regents in the matter of whether or not to confer academic honors upon the petitioner. The Court of Appeals stated that the lower court violated UP's constitutionally protected right to academic freedom when it substituted its own interpretation of the internal rules and regulations of the University for that of the UP Board of Regents, and applied the same to the petitioner's case. The appellate court further made a determination that respondent is not guilty of grave abuse of discretion in deciding not to confer academic honors upon the petitioner, inasmuch as respondent proceeded fairly in reaching its decision, giving the petitioner and her parents ample opportunity to present their case. Accordingly, on 28 November 2003, the Court of Appeals issued a decision granting the UP Board of Regents' appeal:

The Order, dated September 5, 2002 of the Regional Trial Court of Quezon City, Branch 87 is hereby SET ASIDE. In lieu thereof, judgment is hereby rendered DISMISSING the petition for certiorari and mandamus filed by petitioner-appellee Nadine Rosario M. Morales.[9]

Claiming that the Court of Appeals committed grave and reversible errors in issuing its 28 November 2003 decision, petitioner filed before this Court a Petition for Review on Certiorari, raising the following assignment of errors:[10]

I

The Court of Appeals had no jurisdiction over respondent's appeal of the RTC's Order (the CA Appeal) because the essential facts here were never in dispute, this case involves purely questions of law.

II

The RTC correctly required respondent to confer cum laude honors on petitioner because respondent gravely abused its discretion in refusing to comply with Article 410 of the UP Code (which respondent itself issued) and in arbitrarily excluding petitioner's grades in German 10 and 11 from the computation of her GWA. The Court of Appeals therefore gravely erred in reversing the RTC's Order.

According to the petitioner, it was erroneous for the appellate court to assume jurisdiction over respondent's appeal of the RTC Order as said appeal involved purely questions of law, and that respondents should have challenged said Order directly with the Supreme Court through a Petition for Review on Certiorari and not before the Court of Appeals through a Notice of Appeal. The petitioner further argues that it was error for the Court of Appeals to rule that respondent's refusal to interpret and apply Article 410 of the UP Code in order to confer cum laude honors to petitioner did not constitute grave abuse of discretion. Lastly, petitioner advances that the appellate court mischaracterized this case as one involving academic freedom, thus condoning respondent's alleged injustice to petitioner.

Ruling of the Court

First, we shall endeavor to dispose of the issue of jurisdiction.

Petitioner submits that this case involves only the interpretation of a rule (i.e., Article 410 of the UP Code) and the determination of whether the subjects German 10 and 11 can be considered as “qualified electives” under the assailed rule in relation to petitioner’s situation. According to petitioner, the facts of the case have never been in dispute. Both petitioner and respondent have presented the same pieces of evidence, albeit of course, their respective interpretations and positions on the legal effects of their common evidence are different. Petitioner also points out that the total absence of questions of fact is precisely the reason why the RTC did not require, and the parties themselves did not demand, an evidentiary hearing for the case before the lower court.

We agree with petitioner that respondent’s appeal to the appellate court raises only questions of law. There is a question of law when the issue does not call for an examination of the probative value of evidence presented, the truth or falsehood of facts being admitted and the doubt concerns the correct application of law and jurisprudence on the matter.[11] On the other hand, there is a question of fact when the doubt or controversy arises as to the truth or falsity of the alleged facts. When there is no dispute as to fact, the question of whether or not the conclusion drawn therefrom is correct is a question of law.[12]

Contrary to what the Court of Appeals postulates, the resolution of the issues presented by respondent UP Board of Regents does not necessitate an incursion of the facts attending the case. Whether the lower court erred in finding that respondent gravely abused its discretion in interpreting and applying the provisions of the UP Code on the case of petitioner is a question of law, the determination of which calls for the analysis of the proper application of law and jurisprudence. While the Court of Appeals is correct in saying that in order to resolve the issues raised by the parties, the court must consider all the facts and evidence presented in the case, it does not, however, rule on the truth or falsity of such facts, based on the evidence and matters on record. It must be stressed that the facts were admitted by both parties. Therefore, any conclusion based on these facts would not involve a calibration of the probative value of such pieces of evidence, but would be limited to an inquiry of whether the law was properly applied given the state of facts of the case.

It is thus evident that the controversy centered on, and the doubt arose with respect to, the correct interpretation and application of Rule 410 of the UP Code in relation to petitioner’s situation and not as to any fact or evidence advanced by the parties. And since the appeal brought by respondent UP Board of Regents before the Court of Appeals raises only questions of law, the proper mode of appeal is by way of a petition for certiorari under Rule 45.[13] Therefore, the appellate court did not have jurisdiction to take cognizance of and to resolve respondent’s appeal.

The above conclusion, however, will not deter this Court from proceeding with the judicial determination of the basic legal issues herein. We must bear in mind that procedural rules are intended to ensure the proper administration of law and justice. The rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override, substantial justice.[14] A deviation from its rigid enforcement may thus be allowed to attain its prime objective, for after all, the dispensation of justice is the core reason for the existence of courts.[15] Noting that this case involves the exercise of a fundamental right - academic freedom no less - of the State University, and that the petitioner has, in any event, raised before us the legal question of whether the RTC correctly required respondent to confer cum laude honors on the petitioner because of respondent’s alleged grave abuse of discretion, for pragmatic reasons and consideration of justice and equity, the Court must go on to resolve the second assignment of error.

As enunciated by this Court in the case of *University of San Carlos v. Court of Appeals*,[16] the discretion of schools of learning to formulate rules and guidelines in the granting of honors for purposes of graduation forms

part of academic freedom. And such discretion may not be disturbed much less controlled by the courts, unless there is grave abuse of discretion in its exercise. Therefore, absent any showing of grave abuse of discretion, the courts may not disturb the University's decision not to confer honors to petitioner.

"Grave abuse of discretion implies such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or in other words, where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law." [17]

A judicious review of the records will show that the respondent proceeded fairly in evaluating petitioner's situation, giving her and her parents ample opportunity to present their side on different occasions and before different fora, i.e., the Department of European Languages, the College of Arts and Letters, the University Council and finally, the Board of Regents. Contrary to the trial court's findings, there is no showing that respondent acted arbitrarily or capriciously in interpreting Article 410 of the UP Code and consequently not conferring academic honors on petitioner.

For clarity, Article 410 of the UP Code is again quoted hereunder:

ART. 410. Students who complete their courses with the following absolute minimum weighted average grade shall be graduated with honors:

Summa Cum Laude 1.20

Magna Cum Laude 1.45

Cum Laude 1.75

Provided, that all the grades in all subjects prescribed in the curriculum, as well as subjects that qualify as electives, shall be included in the computation of the weighted average grade; provided further that in cases where the electives taken are more than those required in the program, the following procedure will be used in selecting the electives to be included in the computation of the weighted average grade:

(I) For students who did not shift programs, consider the required number of electives in chronological order.

(II) For students who shifted from one program to another, the electives to be considered shall be selected according to the following order of priority:

(1) Electives taken in the program where the student is graduating will be selected in chronological order.

(2) Electives taken in the previous program and acceptable as electives in the second program will be selected in chronological order.

(3) Prescribed courses taken in the previous program, but qualify as electives in the second program will be selected in chronological order. [18]

As can be seen from the minutes of the meetings of the University Council and the Board of Regents, petitioner's case was subjected to an exhaustive and judicious deliberation. During the 68[th] Meeting of the University Council, where petitioner's case was first submitted to the body for discussion on a no-name basis, a member raised the issue of whether German 10 and 11 could be counted as electives in the program of petitioner, to which the University Registrar replied that the student's program is European Languages, major in French, minor in Spanish under which German 10 and 11 are not required in the checklist; neither can these subjects be considered electives as said electives should be non-language electives. Since the student chose Spanish as her minor language, German 10 and 11 are excess subjects. [19] Another member argued that if the student had satisfied all the requirements in the curriculum, then German 10 and 11 should be included in the computation of the GWA

since the student had good grades.[20] To this, Dean Josefina Agravante of the College of Arts and Letters replied that while they empathize with the student and her parents, this same rule had been applied in the past, and if the student would be allowed to graduate with honors, she (Dean Agravante) will be forced to recommend the same for the other students who were denied the same request in the past.[21] At the 1142[nd] Meeting of the Board of Regents, both positions of the petitioner and the University Council on the proper interpretation of Article 410 of the UP Code were presented before the Board and an agreement was reached among the members to return petitioner's appeal to the University Council for further consideration, with full disclosure of who is involved in the matter.

Upon the appeal's return to the University Council, the issue of whether the University rule allows for excess electives more than those required by the program was raised. Prof. Cao[22] answered this query by pointing to Section 2 of Article 410[23] which provides for the manner of selecting which electives shall be considered. Since the rule provides for an order of priority, it is clear that not all electives taken by a student may be included in the computation of the GWA. Dean Yu,[24] on the other hand, pointed out that the more basic issue is whether German 10 and 11 can be considered as electives under petitioner's curriculum within the contemplation of the assailed rule. Dean Yu further stated that the determination of which subjects will qualify as electives is best left to the Department of European Languages and the student's curriculum. To this issue, Prof. Bautista, Chair of the Department of European Languages, replied that this matter had been taken up again at the Department level and they stood by their decision that in the Plan A of the BA European Languages program, there is a major and a minor language. There are no free electives and for the minor language, subjects that fall under the same language were the ones counted. In the case of Ms. Morales, she initially thought that she would minor in German so she took German 10 and 11 during her first semester in UP Diliman, but eventually, she changed her minor to Spanish. He said that the Advising Committee of the Department allows a student to change his major or minor, but courses which had been previously taken before the shifting of major or minor are not counted as part of the courses with credit in the curriculum. As to the interpretation of the rules, Dean Tabunda[25] said that it is a matter of course that the traditional interpretation of the Department be taken. And the Department made it clear that a free elective is different from a course taken as a minor. With respect to the question of what interpretation should prevail, she (Dean Tabunda) believed that the traditional interpretation must be taken into account.[26]

In trying to get into the heart of the issue, the Board of Regents, at its 1144[th] Meeting, went into an examination of Rule 410.[27] Regent Hernandez[28] considers the rule as referring to the computation of the GWA, not only with respect to the subjects prescribed in the curriculum, but also takes into account all subjects that qualify as electives. Thus, those electives may not only be part of the Plan A curriculum but are part of the program. On the contrary, Vice President Diokno[29] said that the understanding of the Department and the University Council is that subjects that qualify as electives must be in the curriculum. Otherwise, the student can take anything they want. Vice President Diokno stated further that in cases where there are free electives, the electives are applied chronologically. Moreover, the Plan A curriculum, incidentally, does not allow free electives, therefore, there was nothing to put in chronologically. This has always been the practice of the Department which is being supported by the College Assembly and the University Council.[30]

Further discussing the matter, Regent Hernandez requested for an interpretation of Article 410[31] on the issue of whether or not the German subjects which are supposedly electives should be included in the computation of the petitioner's GWA. Atty. Azura,[32] University General Counsel, explained that the words "subjects that qualify as electives" must be read in conjunction with the immediately preceding qualifying phrase "in the curriculum." Where the first conjunctive part contains the descriptive phrase/modifier "in the curriculum," so too must the second conjunctive part be subject to the same modifier. Thus, "subjects that qualify as electives" is modified by the words "in the curriculum." In other words, in the computation of the GWA, the grades of subjects prescribed

in the curriculum and the grades of subjects that qualify as electives in the curriculum are included. Seen in this light, the view that German 10 and 11 must be considered in the computation of petitioner's GWA, being electives in the European Languages undergraduate program, is incorrect. The word program in Article 410[33] must be interpreted in the context of a particular curriculum. A student fulfills the requirements of a program by following a certain curriculum. Atty. Azura said that the University Council, in excluding German 10 and 11 from the computation of petitioner's GWA, effectively ruled that these subjects do not qualify as electives in the course curriculum for a degree in BA European Languages, major in French, minor in Spanish.[34]

In deliberating on the Motion for Reconsideration submitted by petitioner, the Board of Regents, during its 1147[th] Meeting, reviewed the interpretation of petitioner's curriculum. University General Counsel, Prof. Marvic Leonen, explained that the interpretation of the required subjects or allowable electives in the curriculum must be taken in the context of the entire courses. A student in Plan A is required to take:

Minor Language 12/Elective.b

Minor Language 13/Elective.b

Minor Language 20/Elective.b

Minor Language 21/Elective.b

Minor Language 30/Elective.b

Minor Language 40/Elective.b

Minor Language 31/Elective.b

The numbered sequencing of the courses therefore clearly implies that if German 10 and 11 would be equivalent to Minor Language 10 and 11, then German 12, 13, 20, 21, 30, 40, 31 should have been taken by the student. The pattern would be different if the student took up Spanish. This is so because there are no Spanish 12, 13, and 21 offered. This also explains why footnote "b" that uniformly qualifies the quoted entries states:

(b) Courses in English, Comparative Literature, Creative Writing, Filipino, Panitikan ng Pilipinas, Speech, Theater Arts, Art Studies, Social Science, Philosophy, Music, Fine Arts, Education, Mass Communication or Tourism. As minor discipline, these non-language electives must be taken only in one department provided that the prerequisites has/have been satisfied. For those taking Spanish as minor, the following are recommended: Spanish 3, 20, 30, 31, 40, 60, 80, 100 and 105.[35]

The first two sentences in the footnote could not refer to "minor language." The last sentence, on the other hand, could not refer to the entry "elective." There is nothing in the footnote that could be read to imply that the "electives" could be language courses other than those enumerated in the footnote's first sentence. Petitioner argues that German 10 and 11 should be appreciated as the minor languages 10 and 11 required. And that the Spanish subjects should be taken as the "elective" subjects in the curriculum. The difficulty with this position is that the description of "elective" is very clear and leaves no further room for interpretation. For purposes of graduation and for honors, petitioner has to abide by the requirements of the curriculum. Petitioner's decision to shift her minor language caused the exclusion of her grades in German 10 and 11 in the computation of her GWA.

It must be stressed that it is the policy of the University to thoroughly evaluate all candidates for graduation with honors to ensure that students do not earn extra credits in order to increase their GWA. A perusal of petitioner's official transcript of records[36] will show that the subjects German 10 and 11 are in excess of the requirements of the program (i.e., 141 units, 27 of which are electives in the minor field of study), to illustrate:

Subjects Number of Units Earned

General Education Subjects (i.e. common
subjects for BA programs and required

subjects under the BA European Languages
program) 69

French (major) 45

Spanish (minor) 27

German 6

Total Units 147

The fact that the UP Board of Regents chose to accept the interpretation of Article 410 of the UP Code as construed by the University Council based on its time-honored interpretation and application of said rule, after the latter has deliberated on the matter twice, vis-à-vis petitioner's interpretation, is not tantamount to a whimsical exercise of judgment on the part of the respondent. It is not grave abuse of discretion on the part of the UP Board of Regents to uphold the decisions of the Department of European Languages, the College of Arts and Letters and the University Council, when said decisions were reached after a thorough discussion of the merits of petitioner's case in relation to the established interpretation and analysis of its very own internal rules.

In the case of *University of the Philippines v. Ayson*,^[37] UP has been likened to an administrative agency whose findings must be accorded respect within its areas of competence. Well-settled is the principle that by reason of the special knowledge and expertise of administrative agencies over matters falling under their jurisdiction, they are in a better position to pass judgment thereon; thus, their findings of fact in that regard are generally accorded great respect, if not finality, by the courts.^[38] Accordingly, the conclusion arrived at by the UP Board of Regents that petitioner's grades in German 10 and 11 should not be included in computing her GWA must be respected and given finality, the interpretation and application of Article 410 of the UP Code being within the competence and expertise of the Department of European Languages, the College of Arts and Letters and the University Council to make.

Therefore, it was error on the part of the lower court to rule that respondent's discretion has been gravely abused, thus justifying the substitution of judicial discretion in the interpretation of Article 410 of the UP Code. The decision of the lower court in substituting its own interpretation of the University's internal rules for that of the respondent UP Board of Regents, is an intrusion into the constitutionally protected right of the University to academic freedom.

Sec. 5 (2), Article XIV of the Constitution provides that "[a]cademic freedom shall be enjoyed in all institutions of higher learning." Academic freedom accords an institution of higher learning the right to decide for itself its aims and objectives and how best to attain them. This constitutional provision is not to be construed in a niggardly manner or in a grudging fashion.^[39] Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards. And the courts may not interfere with such exercise of discretion unless there is a clear showing that the University has arbitrarily and capriciously exercised its judgment. Unlike the UP Board of Regents that has the competence and expertise in granting honors to graduating students of the University, courts do not have the competence to constitute themselves as an Honor's Committee and substitute their judgment for that of the University officials.

Therefore, for failure to establish that the respondent committed grave abuse of discretion in not conferring cum laude honors to petitioner, the lower court erred in mandating that petitioner's grades be re-computed including her marks in German 10 and 11 and to confer upon petitioner academic honors.

WHEREFORE, the petition is DENIED. The Decision of the UP Board of Regents on 31 August 2000 denying the appeal of the petitioner is AFFIRMED. The Order of the Regional Trial Court dated 05 September 2002 is REVERSED and SET ASIDE. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] University of San Carlos v. Court of Appeals, G.R. No. L-79237, 18 October 1988, 166 SCRA 570, 574.

[2] Penned by Associate Justice Rodrigo V. Cosico, with Associate Justices Mariano C. Del Castillo and Rosalinda Asuncion-Vicente, concurring; Rollo, pp. 83-95.

[3] CA-G.R. SP No. 76008, entitled “Nadine Rosario M. Morales v. The Board of Regents of the University of the Philippines.”

[4] Civil Case No. Q-01-43672; Rollo, pp. 491-500.

[5] As amended at the 958[th] meeting of the Board of Regents of UP on 24 February 1983; Rollo, pp. 571-572.

[6] Under Article 410 of the UP Code, the absolute minimum weighted average grade for cum laude honors is 1.75.

[7] Said computation is, however, erroneous as the petitioner’s actual GWA, including her German 10 and 11 grades, was 1.7325, which is nonetheless above the prescribed minimum weighted average grade; Rollo, p. 118.

[8] Rollo, pp. 88-89.

[9] Rollo, p. 94.

[10] Rollo, p. 37.

[11] Roman Catholic Archbishop of Manila v. Court of Appeals, G.R. No. 111324, 5 July 1996, 258 SCRA 186, citing Vda. De Arroyo v. El Beaterio del Santissimo Rosario de Molo, G.R. No. L-22005, 03 May 1968, 23 SCRA 525.

[12] Far East Marble (Philippines), Inc. v. Court of Appeals, G.R. No. 94093, 10 August 1993, 225 SCRA 249.

[13] Rules of Civil Procedure, Rule 41, Sec. 2. par. (c) provides: “Sec. 2. Modes of appeal. . . (c) Appeal by certiorari.- In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on certiorari in accordance with Rule 45.”

[14] A-One Feeds, Inc. v. Court of Appeals, G.R. No. L-35560, 30 October 1980, 100 SCRA 590, 594.

[15] Santiago Tamayo v. Court of Appeals, G.R. No. 147070, 17 February 2004.

[16] Supra, note 1.

[17] Cuison v. Court of Appeals, G.R. No. 128540, 15 April 1998, 289 SCRA 159.

[18] As amended at the 958[th] meeting of the Board of Regents of UP on 24 February 1983; Rollo, pp. 571-572.

[19] Rollo, p. 187.

[20] Ibid.

[21] Ibid.

[22] Full name not provided in the records.

[23] UP Code.

[24] Full name not provided in the records.

[25] Full name not provided in the records.

[26] Rollo, pp. 236-238.

[27] UP Code.

[28] Full name not provided in the records.

[29] Full name not provided in the records.

[30] Rollo, p. 162.

[31] UP Code.

[32] Full name not provided in the records.

[33] UP Code.

[34] Rollo, pp. 163-164, 166.

[35] Rollo, p. 171.

[36] Rollo, pp. 389-392.

[37] G.R. No. 88386, 17 August 1989, 176 SCRA 571.

[38] *Bulilan v. Commission on Audit*, G.R. No. 130057, 22 December 1998, 300 SCRA 445, 452, citing *Villaflor v. Court of Appeals*, G.R. No. 95694, 09 October 1997, 280 SCRA 297.

[39] *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

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