NELSON JENOSA AND HIS SON NIÑO CARLO JENOSA, SOCORRO CANTO AND HER SON PATRICK CANTO, CYNTHIA APALISOK AND HER DAUGHTER CYNDY APALISOK, EDUARDO VARGAS AND HIS SON CLINT EDUARD V...

G.R. No. 172138. September 08, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the 16 June 2005 Decision[2] and 22 March 2006[3] Resolution of the Court of Appeals in CA-G.R. SP No. 78894. In its 16 June 2005 Decision, the Court of Appeals granted the petition of respondents University of San Augustin (University), represented by its incumbent President Rev. Fr. Manuel G. Vergara, O.S.A. (University President), and Rev. Fr. Jose Rene C. Delariarte, O.S.A. (Principal), in his capacity as the incumbent Principal of the High School Department of the University (respondents) and ordered the dismissal of Civil Case Nos. 03-27460 and 03-27646 for lack of jurisdiction over the subject matter. In its 22 March 2006 Resolution, the Court of Appeals denied the motion for reconsideration of petitioners Nelson Jenosa and his son Niño Carlo Jenosa, Socorro Canto and her son Patrick Canto, Cynthia Apalisok and her daughter Cyndy Apalisok, Eduardo Vargas and his son Clint Eduard Vargas, and Nelia Duro and her son Nonell Gregory Duro (petitioners).

The Facts

On 22 November 2002, some students of the University, among them petitioners Niño Carlo Jenosa, Patrick Canto, Cyndy Apalisok, Clint Eduard Vargas, and Nonell Gregory Duro (petitioner students), were caught engaging in hazing outside the school premises. The hazing incident was entered into the blotter of the Iloilo City Police.[4]

Thereafter, dialogues and consultations were conducted among the school authorities, the apprehended students and their parents. During the 28 November 2002 meeting, the parties agreed that, instead of the possibility of being charged and found guilty of hazing, the students who participated in the hazing incident as initiators, including petitioner students, would just transfer to another school, while those who participated as neophytes would be suspended for one month. The parents of the apprehended students, including petitioners, affixed their signatures to the minutes of the meeting to signify their conformity.[5] In view of the agreement, the University did not anymore convene the Committee on Student Discipline (COSD) to investigate the hazing incident.

On 5 December 2002, the parents of petitioner students (petitioner parents) sent a letter to the University President urging him not to implement the 28 November 2002 agreement.[6] According to petitioner parents, the Principal, without convening the COSD, decided to order the immediate transfer of petitioner students.

On 10 December 2002, petitioner parents also wrote a letter to Mrs. Ida B. Endonila, School Division Superintendent, Department of Education (DepEd), Iloilo City, seeking her intervention and prayed that petitioner students be allowed to take the home study program instead of transferring to another school.[7] The DepEd asked the University to comment on the letter.[8] The University replied and attached the minutes of the 28 November 2002 meeting.[9]

On 3 January 2003, petitioners filed a complaint for injunction and damages with the Regional Trial Court, Branch 29, Iloilo City (trial court) docketed as Civil Case No. 03-27460.[10] Petitioners assailed the Principal's decision to order the immediate transfer of petitioner students as a violation of their right to due process because the COSD was not convened.

On 5 February 2003, the trial court issued a writ of preliminary injunction and directed respondents to admit petitioner students during the pendency of the case.[11] The 5 February 2003 Order reads:

> WHEREFORE, let [a] Writ of Preliminary Mandatory Injunction issue. The defendants are hereby directed to allow the plaintiff's minor children to attend their classes during the pendency of this case, without prejudice to any disciplinary proceeding to which any or all of them may be liable.
>
> SO ORDERED.[12]

Respondents filed a motion for reconsideration and asked for the dissolution of the writ. The trial court denied respondents' motion. Respondents complied but with reservations.

On 25 March 2003, respondents filed a motion to dismiss. Respondents alleged that the trial court had no jurisdiction over the subject matter of the case and that petitioners were guilty of forum shopping. On 19 May 2003, the trial court denied respondents' motion. Respondents filed a motion for reconsideration.

On 21 April 2003, petitioners wrote the DepEd and asked that it direct the University to release the report cards and other credentials of petitioner students.[13] On 8 May 2003, the DepEd sent a letter to the University advising it to release petitioner students' report cards and other credentials if there was no valid reason to withhold the same.[14] On 14 May 2003, the DepEd sent another letter to the University to follow-up petitioners' request.[15] On 20 May 2003, the University replied that it could not release petitioner students' report cards due to their pending disciplinary case with the COSD.[16]

On 28 May 2003, petitioners filed another complaint for mandatory injunction praying for the release of petitioner students' report cards and other credentials docketed as Civil Case No. 03-27646.[17]

The trial court consolidated the two cases.[18]

On 17 June 2003, the trial court issued a writ of preliminary injunction and directed the University to release petitioner students' report cards and other credentials.[19] Respondents filed a motion for reconsideration. Respondents alleged that they could not comply with the writ because of the on-going disciplinary case against petitioner students.

On 26 June 2003, the COSD met with petitioners for a preliminary conference on the hazing incident. On 7 July 2003, the University, through the COSD, issued its report finding petitioner students guilty of hazing. The COSD also recommended the exclusion of petitioner students from its rolls effective 28 November 2002.

On 14 July 2003, the trial court issued an Order denying both motions for reconsideration.[20]

On 1 September 2003, respondents filed a special civil action for certiorari with the Court of Appeals. Respondents insisted that the trial court had no jurisdiction over the subject matter of Civil Case Nos. 03-27460

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and 03-27646. Respondents also alleged that petitioners were guilty of forum shopping.

The Ruling of the Court of Appeals

In its 16 June 2005 Decision, the Court of Appeals granted respondents' petition and ordered the trial court to dismiss Civil Case Nos. 03-27460 and 03-27646 for lack of jurisdiction over the subject matter because of petitioners' failure to exhaust administrative remedies or for being premature. According to the Court of Appeals, petitioners should have waited for the action of the DepEd or of the University President before resorting to judicial action. The Court of Appeals held:

> From the foregoing, it is clear that the court a quo committed grave [abuse] of discretion amounting to LACK OF JURISDICTION in INTERFERING, pre-maturely, with the exclusive and inherent authority of educational institutions to discipline.
>
> In directing herein petitioners [respondents in this case] to re-admit herein private respondents [petitioners in this case] and eventually, to release the report cards and other school credentials, prior to the action of the President of USA and of the recommendation of the COSD, the court a quo is guilty of improper judicial intrusion by encroaching into the exclusive prerogative of educational institutions.[21]

Petitioners filed a motion for reconsideration.[22] In its 22 March 2006 Resolution, the Court of Appeals denied petitioners' motion for lack of merit.

The Issues

Petitioners raise the following issues:

- Was the Court of Appeals correct in holding that Branch 29 of the Regional Trial Court of Iloilo City in Civil Case Nos. 03-27460 and 03-27646 did not acquire jurisdiction over the subject matter of this case for failure of petitioners to exhaust administrative remedies?

- Was the recommendation/report/order of the Committee on Student Discipline dated 7 July 2003 valid, and did it justify the order of exclusion of petitioner students retroactive to 28 November 2002?[23]

The Ruling of the Court

The petition has no merit.

Discipline in education is specifically mandated by the 1987 Constitution which provides that all educational institutions shall "teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline."[24] Schools and school administrators have the authority to maintain school discipline[25] and the right to impose appropriate and reasonable disciplinary measures.[26] On the other hand, students have the duty and the responsibility to promote and maintain the peace and tranquility of the school by observing the rules of discipline.[27]

In this case, we rule that the Principal had the authority to order the immediate transfer of petitioner students because of the 28 November 2002 agreement.[28] Petitioner parents affixed their signatures to the minutes of the 28 November 2002 meeting and signified their conformity to transfer their children to another school. Petitioners Socorro Canto and Nelia Duro even wrote a letter to inform the University that they would transfer their children to another school and requested for the pertinent papers needed for the transfer.[29] In turn, the University did not anymore convene the COSD. The University agreed that it would no longer conduct disciplinary proceedings and instead issue the transfer credentials of petitioner students. Then petitioners reneged on their agreement without

any justifiable reason. Since petitioners' present complaint is one for injunction, and injunction is the strong arm of equity, petitioners must come to court with clean hands. In University of the Philippines v. Hon. Catungal, Jr.,[30] a case involving student misconduct, this Court ruled:

> Since injunction is the strong arm of equity, he who must apply for it must come with equity or with clean hands. This is so because among the maxims of equity are (1) he who seeks equity must do equity, and (2) he who comes into equity must come with clean hands. The latter is a frequently stated maxim which is also expressed in the principle that he who has done inequity shall not have equity. It signifies that a litigant may be denied relief by a court of equity on the ground that his conduct has been inequitable, unfair and dishonest, or fraudulent, or deceitful as to the controversy in issue.[31]

Here, petitioners, having reneged on their agreement without any justifiable reason, come to court with unclean hands. This Court may deny a litigant relief if his conduct has been inequitable, unfair and dishonest as to the controversy in issue.

Since petitioners have come to court with inequitable and unfair conduct, we deny them relief. We uphold the validity of the 28 November 2002 agreement and rule that the Principal had the authority to order the immediate transfer of petitioner students based on the 28 November 2002 agreement.

WHEREFORE, we DENY the petition. We AFFIRM the 16 June 2005 Decision and the 22 March 2006 Resolution of the Court of Appeals.

SO ORDERED.

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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[1] Under Rule 45 of the Rules of Civil Procedure.

[2] Rollo, pp. 24-34. Penned by Associate Justice Arsenio J. Magpale, with Associate Justices Sesinando E. Villon and Enrico A. Lanzanas, concurring.

[3] Id. at 36-37. Penned by Associate Justice Arsenio J. Magpale, with Associate Justices Vicente L. Yap and Enrico A. Lanzanas, concurring.

[4] Id. at 62.

[5] Id. at 93-94.

[6] Id. at 63-64.

[7] Id. at 65-68.

[8] Id. at 69.

[9] Id. at 92-94.

[10] Id. at 55-61.

[11] Id. at 95-96.

[12] Id. at 96.

[13] Id. at 76.

[14] Id. at 75.

[15] Id. at 77.

[16] Id. at 78-79.

[17] Id. at 98-105.

[18] Id. at 388-389.

[19] Id. at 141-142.

[20] Id. at 151-152.

[21] Id. at 32-33.

[22] Id. at 39-46.

[23] Id. at 852.

[24] CONSTITUTION, Art. XIV, Sec. 3(2).

[25] Manual of Regulations for Private Schools (1992), Section 74.

[26] Manual of Regulations for Private Schools (1992), Section 75.

[27] Batas Pambansa Blg. 232 (1982), Section 15.3.

[28] Rollo, pp. 92-94.

[29] Id. at 246 and 248.

[30] 338 Phil. 728 (1997).

[31] Id. at 743-744.

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