

ATENEO DE MANILA UNIVERSITY, PETITIONER, VS. COURT OF APPEALS, AND SPOUSES ROMEO G. GUANZON AND TERESITA REGALADO, RESPONDENTS.*G.R. No. 56180. October 16, 1986*

Ponente: GUTIERREZ, JR., J.

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In a letter-complaint dated December 13, 1967 addressed to Rev. William Welsh S. J., Dean of Men, Dean of Resident Students, and Chairman of the Board of Discipline, College of Arts and Sciences, Ateneo de Manila, Carmelita Mateo, a waitress in the cafeteria of Cervini Hall inside the university campus charged Juan Ramon Guanzon, son of private respondents Romeo Guanzon and Teresita Regalado, and a boarder and first year student of the university with unbecoming conduct committed on December 12, 1967 at about 5:15 in the evening at the Cervini Hall's cafeteria, as follows:

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"Mr. Guanzon, a boarder at Cervini who I think comes from Bacolod, was asking for 'siopao'. I was at the counter and I told him that the 'siopao' had still to be heated and asked him to wait for a while. Then Mr. Guanzon started mumbling bad words directed to me, in the hearing presence of other boarders. I asked him to stop cursing, and he told me that was none of my business. Since he seemed impatient, I was going to give back his money without any contempt. (sic) He retorted that he did not like to accept the money. He got madder and started to curse again. Then he threatened to strike me with his fist. I tried to avoid this. But then he actually struck me in my left temple. Before he could strike again, his fellow boarders held him and Dr. Bella and Leyes coaxed him to stop; I got hold of a bottle so I could dodge him. It was then that Fr. Campbell arrived. The incident was hidden from Fr. Campbell by the boarders. I could not tell him myself as I had gone into the kitchen crying because I was hurt."

The university conducted an investigation of the slapping incident. On the basis of the investigation results, Juan Ramon was dismissed from the university.

The dismissal of Juan Ramon triggered off the filing of a complaint for damages by his parents against the university in the then Court of First Instance of Negros Occidental at Bacolod City. The complaint states that Juan Ramon was expelled from school without giving him a fair trial in violation of his right to due process and that they are prominent and well known residents of Bacolod City, with the unceremonious expulsion of their son causing them actual, moral, and exemplary damages as well as attorney's fees.

In its answer, the university denied the material allegations of the complaint and justified the dismissal of Juan Ramon on the ground that his unbecoming behavior is contrary to good morals, proper decorum, and civility, that such behavior subjected him as a student to the university's disciplinary regulations' action and sanction and that the university has the sole prerogative and authority at any time to drop from the school a student found to be undesirable in order to preserve and maintain its integrity and discipline so indispensable for its existence as an institution of learning.

After due trial, the lower court found for the Guanzons and ordered the university to pay them P92.00 as actual damages; P50,000.00 as moral damages; P5,000.00 as attorney's fees and to pay the costs of the suit.

Upon appeal to the Court of Appeals by the university, the trial court's decision was initially reversed and set aside. The complaint was dismissed.

However, upon motion for reconsideration filed by the Guanzons, the appellate court reversed its decision and set it aside through a special division of five. In the resolution issued by the appellate court, the lower court's decision was reinstated. The motion for reconsideration had to be referred to a special division of five in view of the failure to reach unanimity on the resolution of the motion, the vote of the regular division having become 2 to 1.

The petitioner now asks us to review and reverse the resolution of the division of five on the following grounds:

ONE

THE RESOLUTION OF THE DIVISION OF FIVE COMMITTED A SERIOUS AND GRAVE ERROR OF LAW IN RULING THAT PRIVATE RESPONDENTS WERE NOT AFFORDED DUE PROCESS IN THE DISCIPLINE CASE AGAINST THEIR SON, JUAN RAMON GUANZON.

TWO

THE RESOLUTION OF THE DIVISION OF FIVE ERRONEOUSLY RULED THAT THE RESORT TO JUDICIAL REMEDY BY PRIVATE RESPONDENTS DID NOT VIOLATE THE RULE ON FINALITY OF ADMINISTRATION ACTION OR EXHAUSTION OF ADMINISTRATIVE REMEDIES.

THREE

THE FINDING AND CONCLUSIONS OF THE RESOLUTION OF THE DIVISION OF FIVE ARE TAINTED WITH GRAVE ABUSE OF DISCRETION, OR ARE CONFLICTING, OR CONTRARY TO THE EVIDENCE IN THE CASE.

In reversing its own decision, the appellate court relied heavily on the findings of the Director of Private Schools affirmed by the Minister of Education and the findings of the lower court to the effect that due process of law was not observed by the petitioner when it dismissed the private respondents' son Juan Ramon. The resolution invoked the rule that findings of facts by administrative officers in matters falling within their competence will not generally be reviewed by the courts, as well as the principle that findings of facts of the trial court are entitled to great weight and should not be disturbed on appeal.

The conclusions of the Court of Appeals in its split decision are not sustained by the facts on record.

The statement regarding the finality given to factual findings of trial courts and administrative tribunals is correct if treated as a general principle. The general principle, however, is subject to well established exceptions.

We disregard the factual findings of trial courts when - (1) the conclusion is a finding grounded on speculations, surmises, and conjectures; (2) the inferences made are manifestly mistaken, absurd, or impossible; (3) there is a grave abuse of discretion; (4) there is a misapprehension of facts; and (5) the court, in arriving at its findings, went beyond the issues of the case and the same are contrary to the admissions of the parties or the evidence presented. (Gomez v. Intermediate Appellate Court, 135 SCRA 620; Republic v. Court of Appeals, 132 SCRA 514; Carolina Industries, Inc. v. CMS Stock Brokerage, Inc., 97 SCRA 734; and Bacayo v. Genato, 135 SCRA 668).

A similar rule applies to administrative agencies.

By reason of their special knowledge and expertise gained from the handling of specific matters falling under their respective jurisdictions, we ordinarily accord respect if not finality to factual findings of administrative

tribunals. However, there are exceptions to this rule and judicial power asserts itself whenever the factual findings are not supported by evidence; where the findings are vitiated by fraud, imposition, or collusion; where the procedure which led to the factual findings is irregular; when palpable errors are committed; or when a grave abuse of discretion, arbitrariness, or capriciousness is manifest. (*International Hardwood and Veneer Co., of the Philippines v. Leogardo*, 117 SCRA 967; *Baguio Country Club Corporation v. National Labor Relations Commission*, 118 SCRA 557; *Sichangco v. Commissioner of Immigration*, 94 SCRA 61; and *Eusebio v. Sociedad Agricola de Balarin*, 16 SCRA 569).

The Court of Appeals ruled that Juan Ramon Guanzon was not accorded due process. We fail to see what, in the records, made the respondent court reverse its earlier and correct finding that there was due process.

The original decision, penned by then Associate and now Presiding Justice Emilio A. Gancayco reviews the facts on record to show that the procedures in the expulsion case were fair, open, exhaustive, and adequate.

The decision states:

"First, after the slapping incident which happened on December 12, 1967, Fr. Welsh in his capacity as Chairman of the Board of Discipline upon receipt of the letter-complaint (Exh. 2) of Carmelita Mateo conducted a preliminary inquiry by interviewing the companions and friends of Juan Ramon Guanzon who were also at the cafeteria. They confirmed the incident in question. (Exhs. 5, 6, 7 and 9).

"Second, Fr. Welsh, finding that there was probable cause against Mr. Guanzon, prepared a memorandum to the members of the Board of Discipline dated December 16, 1967 (Exh. 8) and delivered a copy each to Fr. Francisco Perez, Dr. Amada Capawan, Mr. Piccio and Dr. Reyes.

"Third, on December 14, 1967, Mr. Guanzon was fully informed of the accusation against him when Fr. Welsh read the letter-complaint of Carmelita Mateo and he admitted the truth of the charge. (tsn., pp. 38-39, May 6, 1970; Exh. 4).

"Fourth, Fr. Welsh also sent separate letters to Rev. Antonio Cuna, Student Counselor of the College of Arts and Sciences dated December 18, 1967 and Rev. James Culligan, Director of Guidance of the College of Arts and Sciences dated December 18, 1967 seeking any information for guidance in the action of the Board of Discipline regarding the case of Mr. Guanzon. (Exhs. 10-11)

"Fifth, notice of the meeting of the Board of Discipline set on December 19, 1967 was posted at the Bulletin Board of the College of Arts and Sciences and also at Dormitory Halls (tsn., pp. 21-22, July 21, 1970) The Secretary of the Dean of Discipline personally notified Mr. Guanzon of the meeting of the Board on December 19, 1967, he was told to seek the help of his guardians, parents and friends including the student counsellors in the residence halls and College of Arts and Sciences. (tsn., p. 18, July 21, 1970)

"Sixth, despite notice of the Board of Discipline on December 19, 1967, Mr. Guanzon did not care to inform his parents or guardian knowing fully well the seriousness of the offense he had committed and instead he spoke for himself and admitted to have slapped Carmelita Mateo. He then asked that he be excused as he wanted to catch the boat for Bacolod City for the Christmas vacation.

"Seventh, the decision of the Board of Discipline was unanimous in dropping from the rolls of students Mr. Guanzon (Exh. 12) which was elevated to the office of the Dean of Arts and Sciences, Rev. Joseph A. Galdon, who after a review of the case found no ground to reverse the decision of the Board of Discipline. (Exh. 13) The case was finally elevated to the President of the Ateneo University who sustained the decision of the Board of Discipline (Exh. 21-A, p. 6) A motion for reconsideration was filed by the President of the Student Council in behalf of Mr. Guanzon (Exh. 15) but the same was denied by the President of the University.

"Eighth, when the decision of the Board of Discipline was about to be carried out, Mr. Guanzon voluntarily

applied for honorable dismissal. He went around to the officials of the university to obtain his clearance and this was approved on January 8, 1968. (Exh. 3, tsn., p. 58, May 6, 1970)

"Ninth, Mr. Romeo Guanzon, father of Juan Ramon Guanzon arranged for full and complete refund of his tuition fee for the entire second semester of the school year 1967-68. Juan Ramon was never out of school. He was admitted at the De La Salle College of Bacolod City and later transferred to another Jesuit School

"From the above proceedings that transpired it can not be said that Juan Ramon Guanzon was denied due process of law. On the contrary, we find that he was given the full opportunity to be heard, to be fully informed of the charge against him and to be confronted of the witnesses face to face. And since he chose to remain silent and did not bother to inform his parents or guardian about the disciplinary action taken against him by the defendant university, neither he nor his parents should find reason to complain."

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When the letter-complaint was read to Juan Ramon, he admitted the altercation with the waitress and his slapping her on the face. Rev. Welsh did not stop with the admission. He interviewed Eric Tagle, Danny Go, Roberto Beriber, and Jose Reyes, friends of Juan Ramon who were present during the incident.

The Board of Discipline was made up of distinguished members of the faculty - Fr. Francisco Perez, Biology Department Chairman; Dr. Amando Capawan, a Chemistry professor; Assistant Dean Piccio of the College; and Dr. Reyes of the same College. There is nothing in the records to cast any doubt on their competence and impartiality insofar as this disciplinary investigation is concerned.

Juan Ramon himself appeared before the Board of Discipline. He admitted the slapping incident, then begged to be excused so he could catch the boat for Bacolod City. Juan Ramon, therefore, was given notice of the proceedings; he actually appeared to present his side; the investigating board acted fairly and objectively; and all requisites of administrative due process were met.

We do not share the appellate court's view that there was no due process because the private respondents, the parents of Juan Ramon were not given any notice of the proceedings.

Juan Ramon, who at the time was 18 years of age, was already a college student, intelligent and mature enough to know his responsibilities. In fact, in the interview with Rev. Welsh, he even asked if he would be expelled because of the incident. He was fully cognizant of the gravity of the offense he committed. When informed about the December 19, 1967 meeting of the Board of Discipline, he was asked to seek advice and assistance from his guardian and/or parents.

In the natural course of things, Juan Ramon is assumed to have reported this serious matter to his parents. The fact that he chose to remain silent and did not inform them about his case, not even when he went home to Bacolod City for his Christmas vacation, was not the fault of the petitioner university.

Moreover, notwithstanding the non-participation of the private respondents, the university, as stated earlier, undertook a fair and objective investigation of the slapping incident.

Due process in administrative proceedings also requires consideration of the evidence presented and the existence of evidence to support the decision (*Halili v. Court of Industrial Relations*, 136 SCRA 112).

While it may be true that Carmelita Mateo was not entirely blameless for what happened to her because she also shouted at Juan Ramon and tried to hit him with a cardboard box top, this did not justify Juan Ramon's slapping her in the face. The evidence clearly shows that the altercation started with Juan Ramon's utterance of the offensive language "bilat ni bay", an Ilongo phrase which means sex organ of a woman. It was but normal on the

part of Mateo to react to the nasty remark. Moreover, Roberto Beriber, a friend of Juan Ramon who was present during the incident told Rev. Welsh during the investigation of the case that Juan Ramon made threatening gestures at Mateo prompting her to pick up a cardboard box top which she threw at Juan Ramon. The incident was in public thus adding to the humiliation of Carmelita Mateo. There was "unbecoming conduct" and pursuant to the Rules of Discipline and Code of Ethics of the university, specifically under the 1967-1969 Catalog containing the rules and academic regulations (Exhibit 19), this offense constituted a ground for dismissal from the college. The action of the petitioner is sanctioned by law. Section 107 of the Manual of Regulations for Private Schools recognizes violation of disciplinary regulations as valid ground for refusing re-enrollment of a student (*Tangonan v. Paño*, 137 SCRA 245).

Before Juan Ramon was admitted to enrol, he received (1) the College of Arts and Sciences Handbook containing the general regulations of the school and the 1967-1969 catalog of the College of Arts and Sciences containing the disciplinary rules and academic regulations and (2) a copy of the Rules and Regulations of the Cervini-Elizo Halls of the petitioner university one of the provisions of which is as follows: under the title "Dining Room" - "The kitchen help and server should always be treated with civility." Miss Mateo was employed as a waitress and precisely because of her service to boarders, not to mention her sex, she deserved more respect and gracious treatment.

The petitioner is correct in stating that there was a serious error of law in the appellate court's ruling on due process.

The petitioner raises the issue of "exhaustion of administrative remedies" in view of its pending appeal from the decision of the Ministry of Education to the President of the Philippines. It argues that the private respondents' complaint for recovery of damages filed in the lower court was premature.

The issue raised in court was whether or not the private respondents can recover damages as a result of the dismissal of their son from the petitioner university. This is a purely legal question and nothing of an administrative nature is to or can be done. (*Gonzales v. Hechanova*, 9 SCRA 230; *Tapales v. University of the Philippines*, 7 SCRA 553; *Limoico v. Board of Administrators, (PVA)*, 133 SCRA 43; *Malabanan v. Ramonte*, 129 SCRA 359). The case was brought pursuant to the law on damages provided in the Civil Code. The jurisdiction to try the case belongs to the civil courts.

There was no need to await action from Malacañang.

This brings us to the final issue which is whether or not the private respondents are entitled to damages. There is no basis for the recovery of damages. Juan Ramon was afforded due process of law. The penalty is based on reasonable rules and regulations applicable to all students guilty of the same offense. He never was out of school. Before the decision could be implemented, Juan Ramon asked for an honorable dismissal which was granted. He then enrolled at the De la Salle University of Bacolod City and later transferred to another Jesuit school. Moreover, his full and complete tuition fees for the second semester were refunded through the representation of Mr. Romeo Guanzon, Juan Ramon's father.

It is unfortunate if the parents suffered some embarrassment because of the incident. However, their predicament arose from the misconduct of their own son who, in the exuberance of youth and unfortunate loss of self control, did something which he must have, later, regretted. There was no bad faith on the part of the university. In fact, the college authorities deferred any undue action until a definitive decision had been rendered. The whole procedure of the disciplinary process was set up to protect the privacy of the student involved. There is absolutely no indication of malice, fraud, and improper or wilful motives or conduct on the part of the Ateneo de Manila University in this case.

WHEREFORE, the instant petition is hereby GRANTED. The appellate court's resolution dated January 26, 1981 is REVERSED and SET ASIDE. The appellate court's decision dated March 15, 1979 is REINSTATED.

SO ORDERED.

Feria, (Chairman), Fernan, Paras, and Feliciano, JJ., concur.
Alampay, J., no part.

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