

DIOSDADO GUZMAN, ULYSSES URBIZTONDO, AND ARIEL RAMACULA, PETITIONERS, VS. NATIONAL UNIVERSITY AND DOMINGO L. JHOCSON, IN HIS CAPACITY AS PRESIDENT OF NATIONAL UNIVERSITY, RESPON...

G.R. No. 68288. July 11, 1986

Ponente: NARVASA, J.

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NARVASA, J.:

Petitioners Diosdado Guzman, Ulysses Urbiztondo and Ariel Ramacula, students of respondent National University, have come to this Court to seek relief from what they describe as their school's "continued and persistent refusal to allow them to enroll." In their petition "for extraordinary legal and equitable remedies with prayer for preliminary mandatory injunction" dated August 7, 1984, they allege:

1)

that respondent University's avowed reason for its refusal to re-enroll them in their respective courses is "the latter's participation in peaceful mass actions within the premises of the University";

2)

that this "attitude of the x x x (University) is simply a continuation of its cavalier if not hostile attitude to the student's exercise of their basic constitutional and human rights already recorded in *Rockie C. San Juan vs. National University*, S.C. G.R. No. 65443 (1983) and its utter contempt for the principle of due process of law to the prejudice of petitioners;" and

3)

that "in effect, petitioners are subjected to the extreme penalty of expulsion without cause or if there be any, without being informed of such cause and without being afforded the opportunity to defend themselves. *Berina v. Philippine Maritime Institute* (117 SCRA 581/[1983])."

In the comment filed on September 24, 1984 for respondent University and its President pursuant to this Court's require-ment therefor[1], respondents make the claim:

1)

that "petitioners' failure to enroll for the first semester of the school year 1984-1985 is due to their own fault and not because of their alleged exercise of their constitutional and human rights;"

2)

that petitioner Urbiztondo, sought to re-enroll only on July 5, 1986 "when the enrolment period was already closed;"

3)

that as regards petitioner Guzman, his "academic showing" was "poor", "due to his activities in leading boycotts of classes"; that when his father was notified of this development sometime in August, 1982, the latter had demanded that his son "reform or else we will recall him to the province"; that Guzman was one of the petitioners in G.R. No. 65443 entitled "Rockie San Juan, et al. vs. National University, et al.," at the hearing of which on November 23, 1983 this Court had admonished "the students involved (to) take advantage and make the most of the opportunity given to them to study;" that Guzman "however continued to lead or actively participate in activities within the university premises, conducted without prior permit from school authorities, that disturbed or disrupted classes therein;" that moreover, Guzman "is facing criminal charges for malicious mischief before the Metropolitan Trial Court of Manila (Crim. Case No. 066446) in connection with the destruction of properties of respondent University on September 12, 1983", and "is also one of the defendants in Civil Case No. 8320483 of the Regional Trial Court of Manila entitled 'National University, Inc. vs. Rockie San Juan et al', for damages arising from destruction of university properties";

4)

that as regards petitioner Ramacula, like Guzman "he continued to lead or actively participate, contrary to the spirit of the Resolution dated November 23, 1983 of this Court (in G.R. No. 65443 in which he was also one of the petitioners) and to university rules and regulations, within university premises but without permit from university officials in activities that disturbed or disrupted classes"; and

5)

that petitioners have "failures in their records, (and) are not of good scholastic standing".

Respondents close their comment with the following assertions, to wit:

1)

"By their actuations, petitioners must be deemed to have forfeited their privilege, if any, to seek enrollment in respondent university. The rights of respondent university, as an institution of higher learning, must also be respected. It is also beyond comprehension why petitioners, who continually despise and vilify respondent university and its officials and faculty members, should persist in seeking enrollment in an institution that they hate."

2)

"Under the circumstances, and without regard to legal technicalities, it is not to the best interest of all concerned that petitioners be allowed to enroll in respondent university."

3)

"In any event, petitioners' enrollment being on the semestral basis, respondents cannot be compelled to enroll them after the end of the semester."

On October 2, 1984 this Court issued a resolution reading as follows:

"x x x Acting on the Comment submitted by respondent, the Court Resolved to NOTE the same and to require a REPLY to such Comment. The Court further Resolved to ISSUE a MANDATORY INJUNCTION, enjoining respondent to allow the enrolment of petitioners for the coming semester without prejudice to any disciplinary proceeding to which any or all of them may be subjected with their right to lawful defense recognized and respected. As regards petitioner Diosdado Guzman, even if it be a fact that there is a pending

criminal charge against him for malicious mischief, the Court nonetheless is of the opinion that, as above-noted, without prejudice to the continuation of any disciplinary proceeding against him, that he be allowed to resume his studies in the meanwhile. As shown in Annex 2 of the petition itself, Mr. Juan P. Guzman, father of said petitioner, is extending full cooperation with petitioners to assure that whatever protest or grievance petitioner Guzman may have would be ventilated in a lawful and peaceful manner."

Petitioners' REPLY inter alia -

1)

denied that Urbiztondo attempted to enroll only on July 5, 1984 (when enrollment was already closed), it being alleged that "while he did try to enroll that day, he also attempted to do so several times before that date, all to no avail, because respondents x x x persistently refused to allow him to do so", respondents' ostensible reason being that "Urbiztondo (had) participated in mass actions x x x within the school premises", although there were no "existing disciplinary charge against petitioner Urbiztondo" at the time;

2)

asserted that "neither the text nor the context of the resolution"[2] justifies the conclusion that "petitioners' right to exercise their cons-titutional freedoms" had thereby been restricted or limited; and

3)

alleged that "the holding of activities (mass action) in the school premises without the permission of the school x x x can be explained by the fact that the respondents persistently refused to issue such permit repeatedly sought by the students".

On November 23, 1984, this Court promulgated another resolution, this time reading as follows:

"x x x The Court, after considering the pleadings filed and deliberating on the issues raised in the petition for extraordinary legal and equitable remedies with prayer for prelimi-nary mandatory injunction as well as the respondents' comment on the petition and the reply of counsel for petitioners to the respondents' comment, Resolved to (a) give DUE COURSE to the petition; (b) consider the respondents' comment as ANSWER to the petition; and (c) require the parties to file their respective MEMORANDA within twenty (20) days from notice. x x x."

Immediately apparent from a reading of respondents' comment and memorandum is the fact that they had never conducted proceedings of any sort to determine whether or not petitioners-students had indeed led or participated "in activities within the university premises, conducted without prior permit from school authorities, that disturbed or disrupted classes therein"[3] or perpetrated acts of "vandalism, coercion and intimidation, slander, noise barrage and other acts showing disdain for and defiance of University authority"[4]. Parenthetically, the pendency of a civil case for damages and a criminal case for malicious mischief against petitioner Guzman, cannot, without more, furnish sufficient warrant for his expulsion or debarment from re-enrollment. Also apparent is the omission of respondents to cite this Court to any duly published rule of theirs by which students may be expelled or refused re-enrollment for poor scholastic standing.

Under the Education Act of 1982,[5] the petitioners, as students, have the right among others "to freely choose their field of study subject to existing curricula and to continue their course therein up to graduation, except in case of academic deficiency, or violation of disciplinary regulations." [6] Petitioners were being denied this right, or being discip-lined, without due process, in violation of the admonition in the Manual of Regulations for Private Schools[7] that "(n)o penalty shall be imposed upon any student except for cause as defined in x x x (the) Manual and/or in the school rules and regulations as duly promulgated and only after due investigation shall have been conducted". [8] This Court is therefore cons-trained, as in *Beriña v. Philippine Maritime Institute*, [9] to declare

illegal this act of respondents of imposing sanctions on students without due investigation.

Educational institutions of course have the power to "adopt and enforce such rules as may be deemed expedient for x x x (its) government,x x x (this being)" incident to the very object of incorporation, and indispensable to the successful management of the college".[10] The rules may include those governing student discipline. Indeed, the maintenance of "good school discipline" is a duty specifically enjoined on "every private school" by the Manual of Regulations for Private Schools,[11] and in this connection, the Manual further provides that -

"x x x The school rules governing discipline and the corresponding sanctions therefor must be clearly specified and defined in writing and made known to the students and/or their parents or guardians. Schools shall have the authority and prerogative to promulgate such rules and regulations as they may deem necessary from time to time effective as of the date of their promulgation unless otherwise specified".[12]

But, to repeat, the imposition of disciplinary sanctions requires observance of procedural due process. And it bears stressing that due process in disciplinary cases involving students does not entail proceedings and hearings similar to those prescribed for actions and proceedings in courts of justice. The proceedings in student discipline cases may be summary; and cross-examination is not, contrary to petitioners' view, an essential part thereof. There are withal minimum standards which must be met to satisfy the demands of procedural due process; and these are, that (1) the students must be informed in writing of the nature and cause of any accusation against them; (2) they shall have the right to answer the charges against them, with the assistance of counsel, if desired; (3) they shall be informed of the evidence against them; (4) they shall have the right to adduce evidence in their own behalf; and (5) the evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case.

WHEREFORE, the petition is granted and the respondents are directed to allow the petitioners to re-enroll or otherwise continue with their respective courses, without prejudice to any disciplinary proceedings to which any or all of them may be sub-jected in accordance with the standards herein set forth.

SO ORDERED.

Teehankee, C.J., Abad Santos, Feria, Yap, Fernan, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, and Paras, JJ., concur.

[1] Resolution, Aug. 14, 1986.

[2] In G.R. No. 65443 dated Nov. 23, 1983, *supra*.

[3] Par. 3 (c), Comment; p. 11. rollo.

[4] Par. 1, Memorandum of Respondents; p. 75, rollo.

[5] B.P. Blg. 232, eff. Sept. 12, 1982; see *Villar v. Technological Institute, etc.*, 135 SCRA 706, 710, citing Article 26 of the Universal Declaration of Human Rights.

[6] Sec. 9(2); See also, par. 107, Manual of Regulations for private Schools.

[7] Promulgated on the authority of the Private School Law, Act 2706.

[8] Par. 145, underscoring supplied.

[9] 117 SCRA 581.

[10] Pratt vs. Wheaton College, 40 Ill. 186, cited in "The Law on Schools and Students, "Dizon, A., Revised Ed., p. 29.

[11] Supra; footnote 7; See Art. XV, Sec. 8(4), 1973 Constitution.

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