

UNIVERSITY OF SAN CARLOS AND VICTORIA A. SATORRE, PETITIONERS, VS. COURT OF APPEALS AND JENNIFER C. LEE, RESPONDENTS.

G.R. No. 79237. October 18, 1988

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

The principal issue raised in this petition is whether or not mandamus is the proper remedy to compel a university to confer a degree with honors. The secondary question is whether or not the refusal of that university to confer honors would constitute bad faith so as to make it liable for damages.

Private respondent Jennifer C. Lee filed an action for mandamus with damages against petitioners University of San Carlos and Victoria A. Satorre, docketed as Civil Case No. R-22022, in the Regional Trial Court, Branch XVIII, Cebu, asking that petitioners be compelled to confer upon her the degree of Bachelor of Science in Commerce, major in Accounting, cum laude, retroactive to March 28, 1982, to execute and deliver to her all necessary credentials evidencing her graduation with honors, and to pay her moral damages in the amount of P300,000.00, exemplary damages in the amount of P50,000.00, and attorney's fees in the amount P20,000.00.

After trial, the lower Court rendered its Decision dated January 29, 1986,[1] the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered in favor of plaintiff, and accordingly, defendants University of San Carlos and Dean Victoria A. Satorre are ordered to confer upon plaintiff, Jennifer C. Lee, the degree of Bachelor of Science in Commerce, major in accounting, with cum laude honors (sic), retroactive to March 28, 1982, and to execute and deliver to plaintiff all the necessary school credentials evidencing her graduation with such honors; and said defendants are ordered to pay plaintiff jointly and severally the sum of P75,000 as moral damages, the sum of P20,000 as exemplary damages, with interest thereon at 12% per annum beginning July 22, 1982, until said amounts are fully paid; and the sum of P15,000 as attorney's fees. The counterclaim is ordered dismissed. Costs against defendants." [2]

Petitioners appealed to the respondent Court of Appeals where the case was docketed as CA-G.R. No. SP-09368. In a decision dated May 28, 1987, the appellate court affirmed in toto the decision of the trial court.[3]

The motion for reconsideration filed by petitioners was denied in a Resolution of the appellate court dated July 7, 1987.[4]

Hence, this petition where petitioners allege as grounds thereof -

"(a) A university may not be compelled by mandamus to grant graduation honors to any student who, according to university's standards, rules and regulations, does not qualify for such honors; and

"(b) The decision penalizing petitioners to pay excessive moral and exemplary and attorney's fees is not justified by the facts and circumstances of this case and disregards the many decisions of this Honorable Court

setting reasonable standards and limits in the award of such damages." (P. 2, petition; p. 12, rollo)

Private respondent enrolled in the College of Architecture, University of San Carlos (USC), during the first semester of school year 1978-79. At the end of second semester of that school year, she obtained a grade of "I.C." (incomplete) in Architecture 121, and grades of "5's" (failures) in Architecture 122 and Architecture 123.

The following school year, 1979-1980, she shifted to the College of Commerce of the USC. Some of the units she had completed when she was still an architecture student were then carried over and credited in her new course. As a commerce student, she obtained good grades. However, she was aware of her earlier failing grades in the College of Architecture and that the same would be taken into consideration in the evaluation of her overall academic performance to determine if she could graduate with honors.

So, on December 10, 1981 she wrote^[5] the Council of Deans of the USC, requesting that her grades of "5's" in Architecture 121 and Architecture 122 be disregarded in the computation of her grade average. She wrote a similar letter to the Ministry of Education, Culture and Sports (MECS), in Region VII on January 5, 1982^[6] and this letter was referred to the President of the USC for comment and return to the MECS.

In the 3rd Indorsement dated February 4, 1982, the President of the USC informed the MECS that the university policy was that any failing grade obtained by a student in any course would disqualify the student for honors; that to deviate from that policy would mean injustice to students similarly situated before who were not allowed to graduate with honors; that the bad grades given to her were justified and could not be deleted or removed because her subjects were not "dropped" as required; that she had two failures and one incomplete grade which became a failure upon her inaction to attend to the incomplete grade within one year; and that while her three failures did not affect her graduation from the College of Commerce, they nonetheless caused her disqualification from graduating with honors. She was furnished a copy of said indorsement but she did not ask for a reconsideration.

On March 17, 1982, when the USC President was out of town, private respondent wrote to the USC Registrar^[7] requesting that her failing grades be changed. The USC Registrar referred her letter to the MECS and the request for change of grades was approved in a 4th indorsement of March 22, 1982.^[8] Thus, her grade of "IC" in Architecture 121 was changed to "1.9" by Professor Victor Leves, Jr. and the grades of "5" in Architecture 122 and Architecture 123 were changed to "W" (Withdrawn).

On March 24, 1982, Mr. Marcelo BacaIso of MECS' Higher Education Division discovered that the change of the grade of private respondent from "IC" to "1.9" did not have the supporting class record required, so he wrote to MECS Supervisor Mr. Ortiz requesting the submission of the class record.^[9]

On March 28, 1982, the USC held its graduation exercises, and the private respondent graduated with the degree of Bachelor of Science in Commerce, major in Accounting, without honors.

On March 31, 1982, the private respondent, assisted by counsel, demanded from Dean Victoria A. Satorre that she be allowed to graduate, cum laude.^[10] Dean Satorre explained that the matter was held in abeyance bending compliance with certain requirements of the MECS through the memo of Mr. Bacalso.^[11]

On May 24, 1982, Arch. Leves, Jr., the teacher required to produce the class records, reported he could not produce the same.^[12] Thus, on May 27, 1982, Dean Satorre wrote to the MECS Regional Director Aurelio Tiro asking for the revocation of the change of grades of private respondent.^[13] The request was denied as there was no positive proof of fraud.^[14]

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.

In this case, the petitioner's bulletin of information provides all students and all other interested parties advise on the University policies and rules on enrollment and academic achievements. Therein it is provided, among others, that a student may not officially withdraw from subjects in the curriculum if he does not have the written permission of his parents or guardian.[15] For an incomplete grade, there must be an application for completion or removal within the period announced by the school calendar and when not removed within one (1) year, it automatically becomes final,[16] A "DR" (Dropped) subject which is the same category as a "5" disqualifies a student from receiving honors.[17] A candidate for honors should have earned no less than 18 units per semester but a working student should earn no less than 12 units. A failure in any subject disqualifies a student from honors.[18] Good moral character and exemplary conduct are as important criteria for honors as academic achievements.[19]

Private respondent should know and is presumed to know those University policies and is bound to comply therewith. It is precisely because she knew of these rules that she exerted all efforts to have her final grades of "5's" in Architecture 122 and Architecture 123 be disregarded in the computation of honors. When her request was denied by the university, she did not ask for a reconsideration thereof. Instead in the middle part of March 1982 when the USC President was out of town, she wrote another letter to the USC registrar asking that her failing grades be changed as above related. The matter was referred to the MECS and the request was approved on March 22, 1982.

However, when it was discovered thereafter that the change of private respondent's grades from "IC" to '1.9" was not supported by the corresponding class records and its production was required the same could not be produced. There is thus no justification for said change of grade. Moreover, the request for the change of the grade of incomplete was not made by private respondent within one (1) year so that it became final according to the rules.

By the same token, the change of the grades of private respondent from "5" to "W" (Withdrawn) in Architecture 122 and Architecture 123 was without the written permission of her parents or guardian. Indeed, it is unusual that a student who got a "5" in a subject, as in this case, should still be allowed to withdraw from such subject. Withdrawal from subjects is not ordinarily allowed after the mid-term examination,[20] much less after a failing grade in the subject has been received.

The change of grades of private respondent is thus open to question. Obviously, private respondent employed undue and improper pressure on the MECS authorities to approve the change of her grades to remove all obstacle to her graduation with honors. Petitioners' claim that the change of grades of the private respondent was attended with fraud is not entirely misplaced.

Petitioners cannot be faulted for refusing to vest the honors demanded of them by the private respondent. One failure would have been sufficient to disqualify her but she had one incomplete and two failures. Her only chance was to reverse her failing grades. This she accomplished thru the back door.

Nevertheless, even if she succeeded in removing her failing grades, it was still within the sound discretion of the petitioners to determine whether private respondent was entitled to graduate with honors. The Court finds that petitioners did not commit a grave abuse of discretion in denying the honors sought by private respondent under the circumstances. Indeed, the aforesaid change of grades did not automatically entitle her to the award of honors.

Private respondent not having demonstrated that she has a clear legal right to the honors sought, her claim for damages must necessarily fail.

WHEREFORE, the petition is GRANTED and the subject decision of the respondent court of May 28, 1987 and its resolution of July 7, 1987, are hereby REVERSED and SET ASIDE and another judgment is hereby rendered DISMISSING the complaint without pronouncement as to costs.

SO ORDERED.

Narvasa, Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Judge Mario M. Dizon was the presiding judge.

[2] Page 47, Rollo.

[3] Associate Justices Minerva P. Gonzaga-Reves, Luis A. Javellana and Pedro A. Ramirez composed the Third Division of the Court of Appeals to which the case had been assigned.

[4] Page 62, Rollo.

[5] Exhibit "7."

[6] Exhibit "8."

[7] Exhibit 14.

[8] Exhibit 13.

[9] Exhibit 2.

[10] Exhibit 16.

[11] Exhibit 17.

[12] Exhibit 4-b.

[13] Exhibit 4.

[14] Exhibit 18.

[15] See No. 15, Bulletin of Information "Enrollment and Termination of Enrollment," pp. 38-39, Rollo; pp. 2-4, Decision of the trial court.

[16] See No. 29, *supra*, p. 39, Rollo; p. 4, Decision.

[17] See No. 30, *supra*, p. 40, Rollo; p. 5, Decision.

[18] See No. 32(c) and (d), *supra*, p. 41, Rollo.

[19] See No. 34, *supra*, p. 41, Rollo; p. 6, Decision.

[20] See No. 15, *supra*.

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