

THE BOARD OF MEDICAL EDUCATION AND THE HON. LOURDES R. QUISUMBING, IN HER CAPACITY AS SECRETARY OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS AND CHAIRMAN, BOARD OF MEDICAL...

G.R. No. 88259. August 10, 1989

Ponente: NARVASA, J.

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NARVASA, J.:

Petitioners, the Board of Medical Education, the government agency which supervises and regulates the country's medical colleges, and Secretary Lourdes R. Quisumbing of the Department of Education, Culture and Sports, as Chairperson of the Board, pray for a writ of certiorari to nullify and set aside the order issued by respondent Judge Daniel P. Alfonso, Regional Trial Court, Antipolo, Rizal, in Civil Case No. 1385 restraining the enforcement of petitioner Quisumbing's order of closure of the respondent Philippine Muslim-Christian College of Medicine Foundation, Inc. (hereafter simply the College).

The College, a private educational institution, was founded in 1981 for the avowed purpose of producing physicians who will "emancipate Muslim citizens from age-old attitudes on health." The unstable peace and order situation in Mindanao led to the establishment of the College in Antipolo, Rizal, which granted it a temporary permit to operate in the municipality, instead of in Zamboanga City where the school was first proposed to be located. It has since adopted Antipolo as its permanent site and changed its name to the Rizal College of Medicine.

In 1985, the Department of Education, Culture and Sports (DECS) and the Board of Medical Education (BME) authorized the Commission on Medical Education to conduct a study of all medical schools in the Philippines. The report of the Commission showed that the College fell very much short of the minimum standards set for medical schools.[1] The team of inspectors, composed of Doctors Florentino Herrera, Jr., Elena Ines Cuyegkeng, Horacio Estrada, Jose V. Silao, Jr. and Andres L. Reyes, recommended the closure of the school[2] upon the following findings, to wit:

- (a) the College was not fulfilling the purpose for which it had been created because of its inappropriate location and the absence in its curriculum of subjects relating to Muslim culture and welfare;
- (b) its lack of university affiliation hindered its students from obtaining a "balanced humanistic and scientific" education;
- (c) it did not have its own base hospital for the training of its students in the major clinical disciplines, as required by the DECS;
- (d) more than 60% of the college faculty did not teach in the College full-time, resulting in shortened and irregular class hours, subject overloading, and in general, poor quality teaching.

The school disputed these findings as biased and discriminatory. At its request, the Board of Medical Education, in May, 1987, sent another team of doctors[3] for a re-evaluation of the College. After inspection, the team confirmed the previous findings and recommended the phase-out of the school.[4]

The first two reports were verified on June 23, 1987 by a third team of inspectors.[5] A year thereafter, the College failed another test -- what was in effect the fourth evaluation of its fitness to continue as a medical school -- conducted on March 4 and 5, 1988 by a team from the Board of Medical Education determining the eligibility of medical schools for government recognition. The College was adjudged "inadequate" in all aspects of the survey, to wit, college, curriculum, facilities, teaching hospital, and studentry.[6] The inspectors, Doctors Nilo Rosas, Macario Tan and Elena Ines Cuyegkeng, accordingly recommended denial of government recognition.

Accordingly, the Board of Medical Education recommended to the DECS the closure of the College, effective the end of the school year 1988-1989. The College however succeeded in having the Board form yet another team to review the previous findings. Doctors Elena Ines Cuyegkeng, Alberto Romualdez, Artemio Ordinario, Joven Cuanang and Nilo L. Rosas conducted their inspection on June 18, 1988. Their findings: although there had been a "major effort to improve the physical plant for classroom instructions and the library, serious deficiencies remain(ed) in the areas of clinical facilities and library operations"; "faculty continue(d) to be quite inadequate with no prospects for satisfactory growth and development"; "student profile * * (was) below par from the point of view of credentials (NMAT and transfer records) as well as level knowledge and preparedness at various stages of medical education," and "the most serious deficiency * * (was) the almost total lack of serious development efforts in academic medicine - i.e., seeming lack of philosophy of teaching, no serious effort to study curricula, almost non-existent innovative approaches." Again, the recommendation was to close the College with provisions for the dispersal of its students to other medical schools.[7]

In her letter of June 23, 1988, Secretary Quisumbing informed the Chairman of the College's Board of Trustees, Mr. Victor Sumulong, of the decision of the Board of Medical Education to close the College. Mr. Sumulong instead proposed a gradual phase-out starting the school year 1989-1990 in order not to dislocate the students and staff and to minimize financial loss.[8] The Board subsequently allowed the College to continue its operations but only until May, 1989, after which it was to be closed, this decision being "final and unappealable." The College was, however, assured of assistance in the relocation of its students and in its rehabilitation as an institution for health-related and paramedical courses.[9]

The College appealed the decision to the Office of the President, imputing grave abuse of discretion to the Secretary.[10] On February 16, 1989, Executive Secretary Catalina Macaraig, Jr., finding "no reason to disturb" the contested decision, affirmed it.[11]

On March 2, 1989, the College went to court. It filed Civil Case No. 1385 in the court of respondent Judge Daniel P. Alfonso against Secretary Quisumbing in her capacity as Secretary of Education, Culture and Sports, questioning the decision as illegal, oppressive, arbitrary and discriminatory and applied for a writ of preliminary injunction to restrain its implementation.

The writ issued as prayed for by order of the respondent Judge dated May 10, 1989.[12] His Honor ruled that the inspection of June 18, 1988 was the principal basis of the closure order, and on such basis sustained the claim of the College that the inspection was done in an "arbitrary and haphazard manner" by a team of inspectors who had already prejudged the school. Judge Alfonso held that there was no evidence supporting the findings in the report of June 18, 1988, and declared that his own ocular inspection of the College disclosed that the deficiencies mentioned in the report were non-existent, and that on the contrary, the laboratory and library areas were "big enough," and the operations of the proposed base hospital were "going on smoothly at the time of the ocular

inspection."

The school thereupon promptly advertised in major newspaper dailies for enrollees in all levels of the medical college and in its pre-board review classes.[13]

Hence the present petition, assailing the order of injunction dated May 10, 1989 as having been issued with grave abuse of discretion, and praying for a restraining order against its enforcement as well as for the dismissal of the action instituted in the court a quo. The Court on June 1, 1989 ordered the respondent College to desist from advertising and admitting students, and the respondent judge to refrain from enforcing his injunction order.

The College in its Comment would justify its entitlement to the questioned injunction on the ground that the closure order against which it was directed was issued without factual basis and in violation of the right of the College to due process of law, and that it violates MECS Order No. 5 (Series of 1986) to the effect that the penalty of closure cannot be imposed earlier than three (3) years from the last evaluation, which in this instance was made on June 18, 1988.

Resort to the Courts to obtain a reversal of the determination by the Secretary of Education, Culture and Sports that the College is unfit to continue its operations is in this case clearly unavailing. There is, to begin with, no law authorizing an appeal from decisions or orders of the Secretary of Education, Culture and Sports to this Court or any other Court. It is not the function of this Court or any other Court to review the decisions and orders of the Secretary on the issue of whether or not an educational institution meets the norms and standards required for permission to operate and to continue operating as such. On this question, no Court has the power or prerogative to substitute its opinion for that of the Secretary. Indeed, it is obviously not expected that any Court would have the competence to do so.

The only authority reposed in the Courts in the matter is the determination of whether or not the Secretary of Education, Culture and Sports has acted within the scope of powers granted him by law and the Constitution. As long as it appears that he has done so, any decision rendered by him should not and will not be subject to review and reversal by any court.

Of course, if it should be made to appear to the Court that those powers were in a case exercised so whimsically, capriciously, oppressively, despotically or arbitrarily as to call for peremptory correction -- or stated otherwise, that the Secretary had acted with grave abuse of discretion, or had unlawfully neglected the performance of an act which the law specifically enjoins as a duty, or excluded another from the use or enjoyment of a right or office to which such other is entitled -- it becomes the Court's duty to rectify such action through the extraordinary remedies of certiorari, prohibition, or mandamus, whichever may properly apply. Yet even in these extreme instances, where a Court finds that there has been abuse of powers by the Secretary and consequently nullifies and/or forbids such an abuse of power, or commands whatever is needful to keep its exercise within bounds, the Court, absent any compelling reason to do otherwise, should still leave to the Secretary the ultimate determination of the issue of the satisfaction or fulfillment by an educational institution of the standards set down for its legitimate operation, as to which it should not ordinarily substitute its own judgment for that of said office.

In any case, the recorded facts quite clearly fail to support the College's claim of grave abuse of discretion tainting the order of closure, and on the contrary convincingly show the challenged decision to be correct. From 1985, no less than five (5) surveys were conducted of respondent institution to determine its compliance with the minimum standards established for a medical college. The first survey, that undertaken by the Commission on Medical Education, disclosed such various and significant deficiencies in the school as to constrain the inspectors to recommend its closure. Four (4) other surveys were thereafter made by as many different committees or teams, at the school's instance or otherwise, all of which basically confirmed the results of that first survey. Moreover, the

findings of all five (5) surveys were affirmed by the Office of the President. Indeed, the petitioner, through the Chairman of its Board of Trustees, to all intents and purposes accepted the validity of the findings of those five (5) survey groups when it proposed, in 1988, a gradual phase-out of the school starting in 1989. The respondent College knew that the recommendation for its closure was made as early as 1986, that that recommendation was reiterated and reaffirmed four (4) times thereafter until it was finally approved and acted upon by the Secretary, whose action was confirmed by the Office of the President. Said respondent was given notice in June 1988, that in consequence of all these, the time for its definite closure had been unalterably set at May, 1989, a notice which was accompanied by assurances of assistance in the relocation of its students before June, 1989 and in its rehabilitation as a school for other courses. After having resorted to the whole range of administrative remedies available to it, without success, it sought to obtain from the respondent Court the relief it could not obtain from those sources, and -- in what can only be described as a deliberate attempt to frustrate and obstruct implementation of the decision for its closure as of June, 1989 -- openly solicited, by newspaper advertisements or otherwise, enrolment of new and old students.

Given these facts, and it being a matter of law that the Secretary of Education, Culture and Sports exercises the power to enjoin compliance with the requirements laid down for medical schools and to mete out sanctions where he finds that violations thereof have been committed, it was a grave abuse of discretion for the respondent judge to issue the questioned injunction and thereby thwart official action, in the premises correctly taken, allowing the College to operate without the requisite government permit. A single ocular inspection, done after the College had been pre-warned thereof, did not, in the circumstances, warrant overturning the findings of more qualified inspectors about the true state of the College, its faculty, facilities, operations, etc. The members of the evaluating team came from the different sectors in the fields of education and medicine,[14] and their judgment in this particular area is certainly better than that of the respondent Judge whose sole and only visit to the school could hardly have given him much more to go on than a brief look at the physical plant and facilities and into the conduct of the classes and other school activities. Respondent Judge gravely abused his discretion in substituting his judgment for theirs. It is well-settled doctrine that courts of justice should not generally interfere with purely administrative and discretionary functions; that courts have no supervisory power over the proceedings and actions of the administrative departments of the government involving the exercise of judgment and findings of facts, because by reason of their special knowledge and expertise over matters falling under their jurisdiction, the latter are in a better position to pass judgment on such matters and their findings of facts in that regard are generally accorded respect, if not finality, by the courts.[15] There are, to be sure, exceptions to this general rule but none of them obtains in this case.

The claim of denial of due process likewise holds no water, as the record clearly shows that the College was given every opportunity to so improve itself as to come up to requirements, but remained sadly sub-standard after the inspections conducted by the evaluating teams. It had, in fact, admitted its failure to live up to the desired standards when it proposed its gradual phase-out in its letter dated June 27, 1988 to Secretary Quisumbing. It was also precisely because of its complaints of bias and prejudice that the Board of Medical Education dispatched new teams to survey and re-evaluate its performance. It had even gone all the way up to the Office of the President to seek a reversal of the order of closure. There is thus no reason for it to complain of a lack of opportunity to be heard and to explain its side as well as to seek reconsideration of the ruling complained of.

There is also no merit in respondent College's argument that the closure violated MECS ORDER No. 5, Series of 1986, because it was sought to be effected before the lapse of the three-year period therein allowed, which in this case is sought to be counted from June 18, 1988, or the date of the last evaluation. The provision referred to reads:

"The following sanction shall be applied against any medical school, for failure to comply with the specific requirements of the essentials, viz.:

X X X

c. Withdrawal or cancellation of the school's government authority to operate, for failure to fully comply with the prescribed requirements after three (3) years from the last evaluation conducted on the school."

It must at once be obvious from a reading of the provision, paragraph c, that the situation therein contemplated -- where a school is found to have failed to "fully comply with the prescribed requirements," i.e., has not complied with some requirements and has failed to do so within three (3) years from the last evaluation -- is quite distinct from that obtaining in the case at bar -- where respondent school was found to have deficiencies so serious as to warrant its immediate closure. Said paragraph c should not be construed to prohibit absolutely the withdrawal or cancellation of government authority to operate until after three (3) years from the last evaluation conducted on the school; or, stated otherwise, it does not unexceptionally prescribe a three-year waiting period before authority to operate may be withdrawn. Rather, it should be read as giving the Secretary of Education the discretion, depending on the seriousness of the discovered deficiencies, to afford an educational institution which has failed to comply with some requirement or other, time not exceeding three (3) years to correct the deficiencies before applying the sanction of withdrawal or cancellation of the government authority to operate. The circumstances in the case at bar are far from normal and, to repeat, are different from those obviously envisioned by the paragraph in question. There had never been a recommendation that the College be granted an opportunity to comply with certain requirements. From the outset, the proposal had been that it be forthwith closed, its discovered deficiencies as a medical college being of so serious a character as to be irremediable. The other four (4) surveys were conducted, not to determine if in the course of time the petitioner school had already fully complied with all the prescribed requisites, but rather, whether or not the original recommendation for its closure was correct and should be sustained. And, as already mentioned, the subsequent surveys, over a period of more than three (3) years, served but to confirm the validity of that initial proposal for its closure. Under these circumstances, therefore, even if it be assumed that the provision, paragraph c, applied to petitioner school, it must be held that there has been substantial compliance therewith.

Having disposed of the issues raised by the facts of the case, the Court sees no useful purpose to be served by remanding the case to the Trial Court for further proceedings. The only acceptable reason for such a remand would be so that the Trial Court may determine whether or not the petitioners have acted within the scope of their powers or grossly abused them, a matter that this Court has already passed upon here. Such a remand cannot be justified on the theory that the Trial Court will make its own independent determination of whether or not respondent medical institution has complied with the minimum standards laid down for its continued operation, since, as here ruled, it has not that power.

WHEREFORE, premises considered, the petition is hereby granted and the temporary restraining order issued by the Court is made permanent. The questioned writ of preliminary injunction dated May 10, 1989 is set aside and respondent Judge is ordered to dismiss Civil Case No. 1385.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Medialdea, and Regalado, JJ., concur.

Melencio-Herrera, J., No part, Dr. FB Herrera, Jr., having been a member of the first evaluation team.

Griño-Aquino, J., No part; I was the legal counsel of the Board of Medical Education before my appointment to the Court.

[1] as embodied in DECS Order No. 5, Series of 1986 on the Essentials and Requirements for Medical Schools

[2] Annex B, Petition

[3] to wit, Doctors Serafin J. Juliano, Elena Ines Cuyegkeng, Macario Tan, Horacio Estrada, Andres L. Reyes, Jose J. Silao, Jr. and Adolfo A. Trinidad

[4] Annex C, Petition

[5] composed of Doctors Elena Ines Cuyegkeng, Nilo L. Rosas, Macario Tan and Artemio Ordinario. The team gave the College very poor ratings in all five aspects of the survey (Administration, College and Curriculum, School, Hospital and Library Facilities, Faculty Staff and Studentry)

[6] Annex E, Petition

[7] Annex F, Petition

[8] Annex G, Petition

[9] Annex I, Petition

[10] Annex I, Petition

[11] Annex K, Petition

[12] Annex A, Petition

[13] Annex N, Petition

[14] e.g. the Association of Philippine Medical College in the case of Dr. Macario G. Tan and Dr. Elena Ines Cuyegkeng; the UP College of Medicine and the Department of Health in the case of Dr. Alberto Romualdez; the Board of Medicine of the Professional Regulation Commission in the case of Dr. Artemio Ordinario, and the DECS, in the case of Dr. Nilo L. Rosas

[15] *Ateneo de Manila v. CA*, 145 SCRA 106, *Liangga Bay Logging Co., Inc. v. Lopez Enage*, 152 SCRA 80; *Alcuaz v. PSBA*, G.R. No. 76353, May 2, 1988

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