

**BLOOMFIELD ACADEMY AND RODOLFO J. LAGERA, PETITIONERS,
VS. THE HONORABLE COURT OF APPEALS, BLOOMFIELD ACADEMY
PARENTS ADVISORY ASSOCIATION, INC. (BAPAA), REPRESENTED BY
ITS VICE...**

G.R. No. 99042. September 26, 1994

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-99042/>

VITUG, J.:

This petition for review on certiorari seeks to reverse the decision of the Court of Appeals dismissing, in CA-G.R. SP. No. 20846, the special civil action for certiorari that has assailed a writ of preliminary injunction issued by the court a quo.

We adopt, for purposes of this review, the case and factual settings recited by the appellate court in its decision. We quote:

"The petition originated in a complaint for injunction filed on April 6, 1990 by private respondent, the association of parents and guardians of students enrolled in petitioner. One of the defendants in the said case is petitioner which is a non-stock, non-profit educational institution. What is being disputed before respondent court is the increase in tuition fee. More particularly, the complaint alleged, among other things, that:

"'x x x

'4. On the pretext that the operation, much more the survival of defendant educational institution is in danger due to the mandatory increase of the minimum wage under R.A. 6727, which the former is to comply, the defendant Corporation decided to increase its aforesaid tuition fees under the following rates:

"FROM

TO

INCREASE IN

P %

Grade I P6,135

P7,485

P1,350 22.00

Grade II 6,135

7,485

1,350 22.00

Grade III 6,235

7,675

1,350 21.34

Grade IV 6,235

7,675

1,350 21.34

Grade V 6,380

7,730

1,350 21.16

Grade VI 6,380

7,770

1,350 21.79

HS 1st year 6,700

8,050

1,350 20.15

HS 2nd year 6,700

8,050

1,350 20.15

Average 6,385

7, 740

1,355 21.22

‘5. The amount of the increase constitutes a whopping 21.22% average increase of the 89-90 tuition fees and that the said increase was made without prior consultation to the parents which is a requirement before any such increase should be made effective;

‘6. The aforesaid increase was not approved and vigorously objected to by the plaintiff as contained in its letters to defendant Rodolfo J. Lagera x x x Honorable Isidro Cariño in his capacity as the Secretary of Education, Culture and Sports x x x These two letters brought to the attention of the defendants that the tuition fees presently being charged by defendants Bloomfield Academy are already among the highest in the community, even if compared to Dela Salle Ayala and Elizabeth Seton which have much better school and library facilities than the defendant, and that the proposed increase is not only untimely but grossly inappropriate, and, worse, without any valid basis already, after both parties agreed on 50% of the increase which was implemented and paid by the

students during the school year with the clear understanding that the other 50% is waived by the defendant;

'7. In spite of the clear sharing by the plaintiff through the aforesaid letters of the gross inappropriateness of the aforesaid proposal increase in tuition fees, defendants Honorable Isidro Cariño, blindly approved such proposal in its letter addressed to defendant Rodolfo S. Lagera dated March 27, 1990 x x x;

'8. Subsequently plaintiff received from the defendant Bloomfield Academy through defendant Rodolfo S. Lagera a letter x x x demanding full payment of the approved tuition fee increase on or before April 6, 1990 in blatant isolation of the agreement with the plaintiff that only 50% of the increase will be collected. As a matter of fact, the plaintiff has already paid the said 50% of the increase;

'9. The implementation of the aforesaid approval to increase tuition fees, if not retained by this Honorable Court, would work injustice to the herein plaintiff x x x while incorporators keep huge profits, by siphoning them to another corporation, Rudlin International, Inc. while they also owned and is now asking for increase in the rentals of the buildings retroactively for three (3) years.'

"On the date the complaint was filed, respondent court issued an order enjoining petitioners and Secretary Cariño and/or their agents, representatives or persons acting in their behalf from implementing their aforesaid increase in tuition fees, and not withholding their release of the report cards and/or other papers necessary for the students desiring to transfer to other schools until further orders from respondent court. The application for injunction was set for hearing on April 19, 1990 at 2:00 p.m.

"Answer to the complaint was filed by petitioners on April 19, 1990. On the same date, respondent court conducted the first hearing on the application for a writ of preliminary injunction which hearing was followed by settings on April 25, 26 and 27, 1990.

"After petitioners submitted their complete set of exhibits and memorandum in opposition to the application for a writ of preliminary injunction, respondent court issued the disputed order. x x x"[1]

The order of the court a quo, dated 30 April 1990, referred to by the appellate court read:

"WHEREFORE, let a writ of preliminary injunction be issued ordering the defendants, their agents, their representatives, and all persons acting under them from collecting the second P675.00 from the enrollees, limiting themselves only to the first P675.00 and/or from withholding or refusing the release of the report cards and other papers necessary for students transferring to other school, until further order from this court, upon the posting by the plaintiff of a bond in the sum of P200,000.00 conditioned to the payment in favor of the defendants of whatever damages they may suffer by virtue of this injunction should it appear that the plaintiff is not entitled thereto."[2]

In holding to be without merit the petition for certiorari attributing to the court a quo grave abuse of discretion in the issuance of the aforequoted order, the appellate court ratiocinated thusly:

"It is a well established rule that the grant or denial of an injunction rests upon the sound discretion of the court, in the exercise of which appellate courts will not interfere except on a case of a clear abuse (Belisle Investment and Finance Co., Inc. W. State Investment House; Rodolfo vs. Alfonso, 76 Phil. 225). And to justify the issuance of a writ of certiorari it must be shown that the abuse of discretion was grave and patent and that the discretion was exercised arbitrarily or despotically (Soriano, et al., vs. Atienza, et al., 171 SCRA 284).

"x x x x x x x x x

"Rightly or wrongly, respondent judge's conclusion, which served as basis in issuing the questioned writ, was reached only after considering the facts bared in the course of the hearing. In other words, respondent judge was merely exercising his judgment. Errors of judgment are not within the province of a special civil action for

certiorari (Purefoods Corporation vs. NLRC, 174 SCRA 415).

"One thing we noticed about this petition is that the issues raised are factual involving as they do errors of judgment on the part of respondent judge. Invariably, we encounter the following arguments:

"x x public respondent Judge de Guzman appears to have been misled by the private respondent BAPAA's claim that petitioner Bloomfield Academy did not conduct the requisite consultation before implementing the tuition fee increase.

'x x public respondent Judge de Guzman appears to have been misled by the private respondent's untruthful claim.'

"It must emphatically be reiterated, since so often it is overlooked, the special civil action for certiorari is a remedy designed for the correction of errors of jurisdiction and not errors of judgment. Consequently, an error of jurisdiction is not controvertible through the original civil action of certiorari (Purefoods Corporation vs. NLRC, 171 SCRA 418).

"Anent the allegation that respondent judge disregarded the fact that the private respondent failed to exhaust available administrative remedies in assailing the decision of the Department of Education Culture and Sports approving the tuition fee increase suffice it to state that the principle requiring the previous exhaustion of administrative remedies is not applicable when the respondent is a department secretary whose act as an alter-ego of the President bears the implied or assumed approval of the latter (Animos vs. Phil. Veterans Affairs Office, 174 SCRA 214)."[3]

In the herein petition for review on certiorari before this Court, petitioners formulate the sole issue of whether or not the court a quo has acted within its jurisdiction in issuing the questioned order and, in the affirmative, whether or not it has committed grave abuse of discretion specifically in granting private respondent's application for a writ of preliminary injunction.

We see merit in the petition.

The pertinent provisions of Republic Act No. 6728, also commonly known as "An Act Providing Government Assistance to Students and Teachers in Private Education, And Appropriating Funds Therefor," provide:

"Sec. 9. Further Assistance To Students in Private Colleges and Universities. - x x x.

"(b) For students enrolled in schools charging above one thousand five hundred pesos (P1,500.00) per year in tuition and other fees during the school year 1988-1989 or such amount in subsequent years as may be determined from time to time by the State Assistance Council, no assistance for tuition fees shall be granted by the Government: Provided, however, That the schools concerned may raise their tuition fees subject to Section 10 hereof.

"x x x x x x x x

"Section 10. Consultation. - In any proposed increase in the rate of tuition fee, there shall be appropriate consultations conducted by the school administration with the duly organized parents and teachers associations and faculty associations with respect to secondary schools, and with students governments or councils, alumni and faculty associations with respect to colleges. For this purpose, audited financial statements shall be made available to authorized representatives of these sectors. Every effort shall be exerted to reconcile possible differences. In case of disagreement, the alumni association of the school or any other impartial body of their choosing shall act as arbitrator.

"x x x x x x x x

"SEC. 14. Program Administration/Rules and Regulations. - The State Assistance Council shall be responsible

for policy guidance and direction, monitoring and evaluation of new and existing programs, and the promulgation of rules and regulations, while the Department of Education, Culture and Sports shall be responsible for the day to day administration and program implementation. Likewise, it may engage the services and support of any qualified government or private entity for its implementation." (Underscoring supplied.)

Private respondent filed with the court a quo an action, entitled "Injunction with Preliminary Prohibitory Injunction with Prayer for Temporary Restraining Order" (docketed Civil Case No. 90-971), against petitioners and the Secretary of Education, Culture and Sports ("DECS") seeking to stop the implementation of the increase in tuition fees by petitioner school. Private respondent asserted that the increase was adopted without the prior consultation required by law and that, in any case, the approved increase was exorbitant (at 21.22%). Petitioners, on their part, contended that the parties did, in fact, hold consultations at which the wage increase for teachers mandated by Republic Act 6727 and the resulting increase in tuition fees allowed by Republic Act No. 6728 were discussed at length. The Solicitor General, answering the complaint for and in behalf of the DECS Secretary, attested to the approval by DECS of a fifty percent (50%) tuition fee increase for the school year 1989-1990.

The judicial action initiated by private respondent before the court a quo appears to us to be an inappropriate recourse. It remains undisputed that the DECS Secretary has, in fact, taken cognizance of the case for the tuition fee increase and has accordingly acted thereon. We can only assume that in so doing the DECS Secretary has duly passed upon the relevant legal and factual issues dealing on the propriety of the matter. In the decision process, the DECS Secretary has verily acted in a quasi-judicial capacity. The remedy from that decision is an appeal. Conformably with Batas Pambansa Blg. 129, the exclusive appellate jurisdiction to question that administrative action lies with the Court of Appeals, not with the court a quo. If we were to consider, upon the other hand, the case for injunction filed with the court a quo to be an ordinary action solely against herein petitioners (with DECS being then deemed to be merely a nominal party), it would have meant the court's taking cognizance over the case in disregard of the doctrine of primary jurisdiction.[4]

Neither can we treat the case as a special civil action for certiorari or prohibition as the complaint filed by private respondent with the court a quo, contains no allegation of lack, or grave abuse in the exercise, of jurisdiction on the part of DECS nor has there been any finding made to that effect by either the court a quo or the appellate court that could warrant the extraordinary remedy. A special civil action, either for certiorari or prohibition, can be grounded only on either lack of jurisdiction or grave abuse of discretion.[5]

In passing, we also observe that the parties have both remained silent on the provisions of Republic Act No. 6728 to the effect that in case of disagreement on tuition fee increases (in this instance by herein private parties), the issue should be resolved through arbitration. Although the matter has not been raised by the parties, it is an aspect, nevertheless, in our view, that could have well been explored by them instead of immediately invoking, such as they apparently did, the administrative and judicial relief to resolve the controversy.

All told, we hold that the court a quo has been bereft of jurisdiction in taking cognizance of private respondent's complaint. We see no real justification, on the basis of the factual and case settings here obtaining, to permit a deviation from the long standing rule that the issue of jurisdiction may be raised at any time even on appeal.

WHEREFORE, conformably with our above opinion, the instant petition is GRANTED and the questioned order of the court a quo and the decision of the appellate court are SET ASIDE. No costs.

SO ORDERED.

Feliciano, (Chairman), Romero, and Melo, JJ., concur.

Bidin, J., on leave.

[1] Rollo, pp. 40-43.

[2] Rollo, pp. 39-40.

[3] Rollo, pp. 44-47.

[4] See Quintos, Jr. vs. National Stud Farm, 54 SCRA 210; See also Industrial Enterprises, Inc. vs. Court of Appeals, 184 SCRA 426.

[5] Zagada vs. Civil Service Commission, 216 SCRA 114; National Congress of Unions in the Sugar Industry of the Philippines vs. Trajano, 208 SCRA 18; Calagui vs. Court of Appeals, 186 SCRA 564; Lianga Bay Logging Co., Inc. vs. Enage, 152 SCRA 80; Tan vs. People, 88 Phil. 609; Abad Santos vs. Province of Tarlac, 67 Phil. 480.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.