

## SECOND DIVISION

[ G.R. No. 138862, August 15, 2003 ]

**DR. MANUEL CAMACHO, PETITIONER, VS. HON. RICARDO GLORIA, DR. EDMUNDO PRANTILLA, DIR. SANTIAGO ENGINCO, AS MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF SOUTHEASTERN PHILIPPINES; HON. RENO CAPINPIN, CESAR LIMBAGA, LEOVIGILDO ARELLANO, AS MEMBERS OF THE SPECIAL INVESTIGATION COMMITTEE; DR. THELMA LEDESMA, AND HON. WENCESLAO IBABAO, IN HIS CAPACITY AS PRESIDING JUDGE OF DAVAO CITY, RESPONDENTS.**

### D E C I S I O N

#### **QUISUMBING, J.:**

Petitioner Manuel Camacho seeks the review of the decision<sup>[1]</sup> dated September 9, 1997, of the Court of Appeals in CA-G.R. SP No. 42860 affirming the resolution<sup>[2]</sup> of the Regional Trial Court of Davao City, Branch 33, which denied the petition for prohibition filed by petitioner against respondents.

Petitioner is the Dean of the College of Education of the University of Southeastern Philippines (USP). Sometime in June 1995, several doctorate students complained to petitioner of certain "ghost students" in the Ed. D. 317 class of Dr. Sixto Daleon during the first semester of school year 1994-1995 who were given passing grades despite their unjustified failure to attend classes.

Petitioner brought the matter to the attention of the University President Edmundo Prantilla and to the Board of Regents (BOR) where Department of Education, Culture and Sports (DECS) Secretary Ricardo Gloria sat as chairman. On December 23, 1995, the Board of Regents passed Resolution No. 2432 Series of 1995,<sup>[3]</sup> upholding the grade given by Dr. Daleon to Aida Agulo.

Disgruntled, petitioner filed a complaint on January 25, 1996, against Dr. Daleon before the Office of the Ombudsman-Mindanao for gross incompetence and insubordination. The complaint, docketed as OMB-ADM-3-96-0132, was later amended to include the University Board of Regents chaired by then DECS Secretary Gloria, DECS Legal Officer Reno Capinpin, and the three students who received passing marks despite numerous absences, namely Aida Agulo, Desiderio Alaba and Norma Tecson.

On June 3, 1997, Graft Investigator Atty. Jovito Coresis, Jr., issued a resolution dismissing OMB-ADM-3-96-0132, which was approved by Ombudsman Aniano Desierto. On August 22, 2002, this Court rendered a decision<sup>[4]</sup> affirming said resolution of the Ombudsman.

Meanwhile, on February 21, 1996, Dr. Thelma S. Ledesma, Secretary of the Board of

Regents of the University of Southeastern Philippines, filed a complaint<sup>[5]</sup> against petitioner before the Office of the USP President for grave misconduct, conduct unbecoming of a dean and falsification of public documents. Docketed as Administrative Case No. 001,<sup>[6]</sup> Ledesma's complaint alleged that petitioner rigged the results of the performance evaluation test taken by her students in order to justify petitioner in not giving her any teaching assignment.

Acting on Adm. Case no. 001, Secretary Gloria, in his capacity as Chairman of the Board of Regents of USP, created a Special Investigation Committee (SIC) composed of DECS Assistant Secretary Reno A. Capinpin as Chairman, with Leovigildo P. Arellano and Cesar M. Limbaga as members.<sup>[7]</sup> During the preliminary conference on August 1, 1996, petitioner moved for the inhibition of the committee members on the ground that the ones who formed the committee, namely DECS Secretary Gloria and the committee chairman, Atty. Capinpin, were both respondents in the Ombudsman case he filed.<sup>[8]</sup>

In a resolution<sup>[9]</sup> dated August 19, 1996, the Special Investigation Committee resolved to deny petitioner's motion to inhibit, and scheduled the case for hearing on August 22, 1996.

On August 21, 1996, petitioner filed a petition<sup>[10]</sup> for prohibition with prayer for a temporary restraining order before the Regional Trial Court (RTC) of Davao City, Branch 33 in Civil Case No. 24, 606-96, naming Secretary Gloria, and the chairman and members of the Special Investigation Committee as respondents. Petitioner prayed that the Special Investigation Committee be restrained from hearing Admin. Case No. 001 as the creation of the committee violated his right to due process.

On August 21, 1996, the trial court issued a temporary restraining order.<sup>[11]</sup> Respondents seasonably filed a motion to dismiss on the ground of lack of cause of action, insufficiency of the petition in form and substance, and non-exhaustion of administrative remedies.<sup>[12]</sup> Petitioner opposed respondents' motion while Dr. Thelma S. Ledesma filed her urgent motion for leave to intervene.

In a resolution<sup>[13]</sup> dated October 14, 1996, the trial court dismissed petitioner's petition for prohibition. In the trial court's rationale, petitioner should have first exhausted his administrative remedies by undergoing investigation by the committee, and if its ruling is adverse, to appeal the same to the Secretary of Education, and, thereafter, to the Office of the President. The trial court likewise denied petitioner's motion for reconsideration in its order<sup>[14]</sup> dated November 14, 1996.

Forthwith, petitioner filed in the Court of Appeals a petition for *certiorari*<sup>[15]</sup> with a prayer for a writ of preliminary injunction, docketed as CA-G.R. SP No. 42860. On September 9, 1997, the appellate court denied the petition as well as the subsequent motion for reconsideration for lack of merit.<sup>[16]</sup>

Before us, petitioner raises now the following issues:

1. WHETHER OR NOT EXHAUSTION OF ADMINISTRATIVE REMEDIES IS A CONDITION PRECEDENT TO JUDICIAL RELIEF;

2. WHETHER OR NOT THE PASSAGE OF B.P. BLG. 12 (AN ACT ESTABLISHING THE UNIVERSITY OF SOUTHEASTERN PHILIPPINES) REPEALED PERTINENT PROVISIONS OF THE CIVIL SERVICE RULES AND OF THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS;
3. WHETHER OR NOT R.A. 7722 (AN ACT CREATING THE COMMISSION ON HIGHER EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES) DIVESTED THE SECRETARY OF EDUCATION, CULTURE AND SPORTS (DECS) OF HIS JURISDICTION OVER TERTIARY INSTITUTIONS; AND
4. WHETHER OR NOT THE SPECIAL INVESTIGATION COMMITTEE HAS JURISDICTION TO HEAR ADMINISTRATIVE CASE NO. 001.<sup>[17]</sup>

Despite petitioner's formulation, we find that the pertinent issues could be stated briefly as follows: (1) whether or not the Board of Regents of USP, through the Special Investigation Committee, has jurisdiction over Adm. Case No. 001 and (2) whether or not petitioner's right to due process was violated by the Special Investigation Committee of the university.

On one hand, petitioner avers that the Board of Regents has no jurisdiction over his case considering that as a teacher, original jurisdiction over the administrative case against him is vested with a committee whose composition must be in accordance with Republic Act No. 4670, the Magna Carta for Public School Teachers.

On the other hand, the Office of the Solicitor General maintains that inasmuch as the Board of Regents is the highest governing body of the university, it has the power to create investigating committees to act upon administrative complaints filed against its personnel pursuant to the USP Charter, Batas Pambansa Blg. 12.

We agree with the Solicitor General's submission. The Board of Regents where DECS Secretary Gloria sat as Chairman has jurisdiction over the administrative case filed by Dr. Ledesma against petitioner. The BOR's authority to create the investigating committee as its arm to probe into the charges against petitioner emanates from the law creating USP, its Charter, BP Blg. 12.<sup>[18]</sup> Section 6 thereof provides that the governing body of the university shall be the Board of Regents. In addition to its general powers of administration, the Charter also accords the Board the specific power to appoint the deans, directors, or heads of colleges, schools, institutes and other principal units of the university. Consonant to its power to hire is the power to discipline its personnel. It is, therefore, in line with the BOR's power of governance to create a Special Investigation Committee to probe into administrative complaints filed against its officers.

Under its Charter, USP's Board of Regents must be chaired by the Secretary of Education. Moreover, initially under Presidential Decree No. 1437, defining the composition and powers of the governing boards, as well as the appointment and term of office of the Presidents of chartered state universities and colleges, the Secretary of Education was Chairman of the Board of Regents in all state universities.<sup>[19]</sup>

Later, Republic Act 7722,<sup>[20]</sup> an Act Creating the Commission of Higher Education (CHED), divested the DECS Secretary of jurisdiction over tertiary institutions. Specifically, Section 18 of Rep. Act 7722 provides: "Jurisdiction over DECS-supervised or chartered state-supported post-secondary degree-granting vocational and technical programs and tertiary institutions shall be transferred to the Commission." However, Rep. Act 7722 and its Implementing Rules merely replaced the DECS Secretary with the Chairman of the CHED as Chairman of all boards of regents of state universities.<sup>[21]</sup> The power of the boards of regents to administer and govern chartered state universities was neither removed nor curtailed. The legislative intent to preserve the administrative power of said governing boards, including the power to hire and fire school officials and personnel, is manifest even in the most recent law, Republic Act 8292, the Higher Education Modernization Act of 1997.<sup>[22]</sup> Thus, it is clear that the governing boards of the state universities have retained jurisdiction over administrative cases involving its officials and employees.

As a matter of fact, the Board of Regents of the University of Southeastern Philippines has already undergone reorganization in light of Rep. Act 7722, this time with the Chairman of the CHED as its head.<sup>[23]</sup> Accordingly, the BOR has reorganized the composition of the Special Investigation Committee. But notwithstanding the changes in the composition of the board as well as in the investigation committee, in his bid to divest the BOR of jurisdiction over the case against him, petitioner still contends that the Magna Carta for Public School Teachers, Rep. Act 4670 of 1966, is the law that should determine who shall compose the investigating committee.

On this score, we cannot agree with petitioner. The definition of "teacher" in Section 2 of Rep. Act 4670 practically covers the entire gamut of the teaching profession including "all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the Government or its political subdivisions."<sup>[24]</sup> However, the Magna Carta has not been shown to be inconsistent with BP Blg. 12, or vice versa. It is a rule in statutory construction that every statute must be so interpreted and brought in accord with other laws as to form a uniform system of jurisprudence.<sup>[25]</sup> Thus petitioner's submission, in our view, lacks sufficient legal basis.

The Magna Carta for Public School Teachers is a general law governing the conduct of administrative cases against public school teachers, whereas BP Blg. 12 is a special law governing the University of Southeastern Philippines. It particularly defines the composition and powers of its Board of Regents and other officials of the university. On a specific matter, a special statute prevails over a general law. Lastly, Section 9 of the Magna Carta is silent as to the composition of the committee if the person administratively charged is a College Dean of a state university.<sup>[26]</sup> Given its powers under BP Blg. 12, the USP Board of Regents may certainly create a committee to assist it in resolving administrative complaints filed against one of the university officials that it appointed.

Further, petitioner contends that the creation of the committee by the respondent Secretary, as Chairman of the USP Board of Regents, was contrary to the Civil Service Rules. However, he cites no specific provision of the Civil Service Law which was violated by the respondents in forming the investigating committee. The Civil