

## SECOND DIVISION

[ G.R. No. 134625, August 31, 1999 ]

**UNIVERSITY OF THE PHILIPPINES BOARD OF REGENTS,  
CHANCELLOR ROGER POSADAS, DR. EMERLINDA ROMAN, DEAN  
CONSUELO PAZ, DR. ISAGANI MEDINA, DR. MARIA SERENA  
DIOKNO, DR. OLIVIA CAOILI, DR. FRANCISCO NEMENZO II,  
DEAN PACIFICO AGABIN, CARMELITA GUNO, AND MARICHU  
LAMBINO, PETITIONERS, VS. HON. COURT OF APPEALS AND  
AROKIASWAMY WILLIAM MARGARET CELINE, RESPONDENTS.**

### D E C I S I O N

**MENDOZA, J.:**

For review before the Court is the decision of the Court of Appeals<sup>[1]</sup> in CA-G.R. SP No. 42788, dated December 16, 1997, which granted private respondent's application for a writ of mandatory injunction, and its resolution, dated July 13, 1998, denying petitioners' motion for reconsideration.

The antecedent facts are as follows:

Private respondent Arokiaswamy William Margaret Celine is a citizen of India and holder of a Philippine visitor's visa. Sometime in April 1988, she enrolled in the doctoral program in Anthropology of the University of the Philippines College of Social Sciences and Philosophy (CSSP) in Diliman, Quezon City.

After completing the units of course work required in her doctoral program, private respondent went on a two-year leave of absence to work as Tamil Programme Producer of the Vatican Radio in the Vatican and as General Office Assistant at the International Right to Life Federation in Rome. She returned to the Philippines in July 1991 to work on her dissertation entitled, "Tamil Influences in Malaysia, Indonesia and the Philippines."

On December 22, 1992, Dr. Realidad S. Rolda, chairperson of the U.P. Department of Anthropology, wrote a letter to Dr. Maria Serena Diokno, CSSP Associate Dean and Graduate Program Director, certifying that private respondent had finished her dissertation and was ready for her oral defense. Dr. Rolda suggested that the oral defense be held on January 6, 1993 but, in a letter, dated February 2, 1993, Dr. Serena Diokno rescheduled it on February 5, 1993. Named as members of the dissertation panel were Drs. E. Arsenio Manuel, Serafin Quiason, Sri Skandarajah, Noel Teodoro, and Isagani Medina, the last included as the dean's representative.

After going over private respondent's dissertation, Dr. Medina informed CSSP Dean Consuelo Joaquin-Paz that there was a portion in private respondent's dissertation that was lifted, without proper acknowledgment, from Balfour's *Cyclopaedia of India and Eastern and Southern Asia* (1967), volume I, pp. 392-401 (3 v., Edward Balfour

1885 reprint) and from John Edye's article entitled "Description of the Various Classes of Vessels Constructed and Employed by the Natives of the Coasts of Coromandel, Malabar, and the Island of Ceylon for their Coasting Navigation" in the *Royal Asiatic Society of Great Britain and Ireland Journal*, volume I, pp. 1-14 (1833).<sup>[2]</sup>

Nonetheless, private respondent was allowed to defend her dissertation on February 5, 1993. Four (4) out of the five (5) panelists gave private respondent a passing mark for her oral defense by affixing their signatures on the approval form. These were Drs. Manuel, Quiason, Skandarajah, and Teodoro. Dr. Quiason added the following qualification to his signature:

Ms. Arokiaswamy must incorporate the suggestions I made during the successful defense of her Ph.D. thesis.<sup>[3]</sup>

Dr. Medina did not sign the approval form but added the following comment:

Pipirmahan ko ang pagsang-ayon/di pagsang-ayon kapag nakita ko na ang mga revisions ng dissertation.<sup>[4]</sup>

Dr. Teodoro added the following note to his signature:

Kailangang isagawa ang mga mahahalagang pagbabago at ipakita sa panel ang bound copies.<sup>[5]</sup>

In a letter, dated March 5, 1993 and addressed to her thesis adviser, Dr. Manuel, private respondent requested a meeting with the panel members, especially Dr. Medina, to discuss the amendments suggested by the panel members during the oral defense. The meeting was held at the dean's office with Dean Paz, private respondent, and a majority of the defense panel present.<sup>[6]</sup> During the meeting, Dean Paz remarked that a majority vote of the panel members was sufficient for a student to pass, notwithstanding the failure to obtain the consent of the Dean's representative.

On March 24, 1993, the CSSP College Faculty Assembly approved private respondent's graduation pending submission of final copies of her dissertation.

In April 1993, private respondent submitted copies of her supposedly revised dissertation to Drs. Manuel, Skandarajah, and Quiason, who expressed their assent to the dissertation. Petitioners maintain, however, that private respondent did not incorporate the revisions suggested by the panel members in the final copies of her dissertation.

Private respondent left a copy of her dissertation in Dr. Teodoro's office on April 15, 1993 and proceeded to submit her dissertation to the CSSP without the approvals of Dr. Medina and Dr. Teodoro, relying on Dean Paz's March 5, 1993 statement.

Dr. Teodoro later indicated his disapproval, while Dr. Medina did not sign the approval form.<sup>[7]</sup>

Dean Paz then accepted private respondent's dissertation in partial fulfillment of the course requirements for the doctorate degree in Anthropology.

In a letter to Dean Paz, dated April 17, 1993, private respondent expressed concern over matters related to her dissertation. She sought to explain why the signature of Dr. Medina was not affixed to the revision approval form. Private respondent said that since she already had the approval of a majority of the panel members, she no longer showed her dissertation to Dr. Medina nor tried to obtain the latter's signature on the revision approval form. She likewise expressed her disappointment over the CSSP administration and charged Drs. Diokno and Medina with maliciously working for the disapproval of her dissertation, and further warned Dean Paz against encouraging perfidious acts against her.

On April 17, 1993, the University Council met to approve the list of candidates for graduation for the second semester of school year 1992-1993. The list, which was endorsed to the Board of Regents for final approval, included private respondent's name.

On April 21, 1993, Dean Paz sent a letter to Dr. Milagros Ibe, Vice Chancellor for Academic Affairs, requesting the exclusion of private respondent's name from the list of candidates for graduation, pending clarification of the problems regarding her dissertation. Her letter reads:<sup>[8]</sup>

Abril 21, 1993

Dr. Milagros Ibe  
Vice Chancellor for Academic Affairs  
Unibersidad ng Pilipinas  
Quezon Hall, Diliman, Q.C.

Mahal na Dr. Ibe,

Mahigpit ko pong hinihiling na hwag munang isama ang pangalan ni Ms. Arokiaswam[y] William Margaret Celine sa listahan ng mga bibigyan ng degri na Ph.D. (Anthropology) ngayon[g] semester, dahil sa mga malubhang bintang nya sa ilang myembro ng panel para sa oral defense ng disertasyon nya at sa mga akusasyon ng ilan sa mga ito sa kanya.

Naniniwala po kami na dapat mailinaw muna ang ilang bagay bago makonfer ang degri kay Ms. Arokiaswam[y]. Kelangan po ito para mapangalagaan ang istandard ng pinakamataas na degree ng Unibersidad.

(Sgd.)  
CONSUELO JOAQUIN-PAZ, Ph.D.  
Dekano

Apparently, however, Dean Paz's letter did not reach the Board of Regents on time, because the next day, April 22, 1993, the Board approved the University Council's recommendation for the graduation of qualified students, including private respondent. Two days later, on April 24, 1993, private respondent graduated with the degree of Doctor of Philosophy in Anthropology.

On the other hand, Dean Paz also wrote a letter to private respondent, dated April

21, 1993, that she would not be granted an academic clearance unless she substantiated the accusations contained in her letter dated April 17, 1993.

In her letter, dated April 27, 1993, private respondent claimed that Dr. Medina's unfavorable attitude towards her dissertation was a reaction to her failure to include him and Dr. Francisco in the list of panel members; that she made the revisions proposed by Drs. Medina and Teodoro in the revised draft of her dissertation; and that Dr. Diokno was guilty of harassment.

In a letter addressed to Dean Paz, dated May 1, 1993, Dr. Medina formally charged private respondent with plagiarism and recommended that the doctorate granted to her be withdrawn.<sup>[9]</sup>

On May 13, 1993, Dean Paz formed an ad hoc committee, composed of faculty members from various disciplines and chaired by Dr. Eva Duka-Ventura, to investigate the plagiarism charge against private respondent. Meanwhile, she recommended to U.P. Diliman Chancellor, Dr. Emerlinda Roman, that the Ph.D. degree conferred on private respondent be withdrawn.<sup>[10]</sup>

In a letter, dated June 7, 1993, Dean Paz informed private respondent of the charges against her.<sup>[11]</sup>

On June 15, 1993, the Ventura Committee submitted a report to Dean Paz, finding at least ninety (90) instances or portions in private respondent's thesis which were lifted from sources without proper or due acknowledgment.

On July 28, 1993, the CSSP College Assembly unanimously approved the recommendation to withdraw private respondent's doctorate degree and forwarded its recommendation to the University Council. The University Council, in turn, approved and endorsed the same recommendation to the Board of Regents on August 16, 1993.

On September 6, 1993, the Board of Regents deferred action on the recommendation to study the legal implications of its approval.<sup>[12]</sup>

Meanwhile, in a letter, dated September 23, 1993, U.P. Diliman Chancellor Emerlinda Roman summoned private respondent to a meeting on the same day and asked her to submit her written explanation to the charges against her.

During the meeting, Chancellor Roman informed private respondent of the charges and provided her a copy of the findings of the investigating committee.<sup>[13]</sup> Private respondent, on the other hand, submitted her written explanation in a letter dated September 25, 1993.

Another meeting was held on October 8, 1993 between Chancellor Roman and private respondent to discuss her answer to the charges. A third meeting was scheduled on October 27, 1993 but private respondent did not attend it, alleging that the Board of Regents had already decided her case before she could be fully heard.

On October 11, 1993, private respondent wrote to Dr. Emil Q. Javier, U.P. President,

alleging that some members of the U.P. administration were playing politics in her case.<sup>[14]</sup> She sent another letter, dated December 14, 1993, to Dr. Armand Fabella, Chairman of the Board of Regents, complaining that she had not been afforded due process and claiming that U.P. could no longer withdraw her degree since her dissertation had already been accepted by the CSSP.<sup>[15]</sup>

Meanwhile, the U.P. Office of Legal Services justified the position of the University Council in its report to the Board of Regents. The Board of Regents, in its February 1, 1994 and March 24, 1994 meetings, further deferred action thereon.

On July 11, 1994, private respondent sent a letter to the Board of Regents requesting a re-investigation of her case. She stressed that under the Rules and Regulations on Student Conduct and Discipline, it was the student disciplinary tribunal which had jurisdiction to decide cases of dishonesty and that the withdrawal of a degree already conferred was not one of the authorized penalties which the student disciplinary tribunal could impose.

On July 28, 1994, the Board of Regents decided to release private respondent's transcript of grades without annotation although it showed that private respondent passed her dissertation with 12 units of credit.

On August 17, 1994, Chancellor Roger Posadas issued Administrative Order No. 94-94 constituting a special committee composed of senior faculty members from the U.P. units outside Diliman to review the University Council's recommendation to withdraw private respondent's degree. With the approval of the Board of Regents and the U.P. Diliman Executive Committee, Posadas created a five-man committee, chaired by Dr. Paulino B. Zafaralla, with members selected from a list of nominees screened by Dr. Emerenciana Arcellana, then a member of the Board of Regents. On August 31, 1994, the members of the Zafaralla committee and private respondent met at U.P. Los Baños.

Meanwhile, on August 23, 1994, the U.P. Diliman Registrar released to private respondent a copy of her transcript of grades and certificate of graduation.

In a letter to Chancellor Posadas, dated September 1, 1994, private respondent requested that the Zafaralla committee be provided with copies of the U.P. Charter (Act No. 1870), the U.P. Rules and Regulations on Student Conduct and Discipline, her letter-response to Chancellor Roman, dated September 25, 1993, as well as all her other communications.

On September 19, 1994, Chancellor Posadas obtained the Zafaralla Committee's report, signed by its chairman, recommending the withdrawal of private respondent's doctorate degree. The report stated:<sup>[16]</sup>

After going through all the pertinent documents of the case and interviewing Ms. Arokiaswamy William, the following facts were established:

1. There is overwhelming evidence of massive lifting from a published source word for word and, at times, paragraph by paragraph without any acknowledgment of the source, even by a mere quotation mark. At least 22 counts of such documented liftings