EN BANC

[G.R. No. 99327. May 27, 1993.]

ATENEO DE MANILA UNIVERSITY, FATHER JOAQUIN BERNAS, S.J., DEAN CYNTHIA ROXAS-DEL CASTILLO, JUDGE RUPERTO KAPUNAN, JR., JUSTICE VENICIO ESCOLIN, FISCAL MIGUEL ALBAR, ATTYS. MARCOS HERRAS, FERDINAND CASIS, JOSE CLARO TESORO, RAMON CAGUIOA and RAMON ERENETA, *petitioners*, ***vs.*** **HON. IGNACIO M. CAPULONG, Presiding Judge of the RTC-Makati, Br. 134 ZOSIMO MENDOZA, JR. ERNEST MONTECILLO, ADEL ABAS, JOSEPH LLEDO AMADO SABBAN, DALMACIO LIM, JR., MANUEL ESCALONA and JUDE FERNANDEZ**, *respondents*.

Bengzon, Zarraga, Narciso, Cudala, Pecson, Benson & Jimenez for petitioners.

Romulo, Mabanta, Buenaventura, Sayoc & De Los Angeles for petitioner Cynthia Roxas-del Castillo.

Fabregas, Calida & Remollo for private respondents.

D E C I S I O N

ROMERO, *J* :

In 1975, the Court was confronted with a mandamus proceeding to compel the Faculty Admission Committee of the Loyola School of Theology, a religious seminary which has a working arrangement with the Ateneo de Manila University regarding accreditation of common students, to allow petitioner who had taken some courses therein for credit during summer, to continue her studies. 1 Squarely meeting the issue, we dismissed the petition on the ground that students in the position of petitioner possess, not a right, but a privilege, to be admitted to the institution. Not having satisfied the prime and indispensable requisite of a mandamus proceeding since there is no duty, much less a clear duty, on the part of the respondent to admit the petitioner, the petition did not prosper.

In support of its decision, the Court invoked academic freedom of institutions of higher learning, as recognized by the Constitution, the concept encompassing the right of a school to choose its students.

Eighteen (18) years later, the right of a University to refuse admittance to its students, this time in Ateneo de Manila University proper, is again challenged.

Whereas, in the *Garcia* case referred to in the opening paragraph, the individual concerned was not a regular student, the respondents in the case at bar, having been previously enrolled in the University, seek re-admission. Moreover, in the earlier case, the petitioner was refused admittance, not on such considerations as personality traits and character orientation, or even inability to meet the institution's academic or

intellectual standards, but because of her behavior in the classroom. The school pointedly informed her that ". . . it would seem to be in your best interest to work with a Faculty that is more compatible with your orientations."

On the other hand, students who are now being refused admission into petitioner University have been found guilty of violating Rule No. 3 of the Ateneo Law School Rules on Discipline which prohibits participation in hazing activities. The case attracted much publicity due to the death of one of the neophytes and serious physical injuries inflicted on another.

Herein lies an opportunity for the Court to add another dimension to the concept of academic freedom of institutions of higher learning, this time a case fraught with social and emotional overtones.

The facts which gave rise to this case which is far from novel, are as follows:

As a requisite to membership, the Aquila Legis, a fraternity organized in the Ateneo Law School, held its initiation rites on February 8, 9 and 10, 1991, for students interested in joining its ranks. As a result of such initiation rites, Leonardo "Lennie" H. Villa, a first year student of petitioner university, died of serious physical injuries at the Chinese General Hospital on February 10, 1991. He was not the lone victim, though, for another freshman by the name of Bienvenido Marquez was also hospitalized at the Capitol Medical Center for acute renal failure occasioned by the serious physical injuries inflicted upon him on the same occasion.

In a notice dated February 11, 1991, petitioner Dean Cynthia del Castillo created a Joint Administration-Faculty-Student Investigating Committee [2] which was tasked to investigate and submit a report within 72 hours on the circumstances surrounding the death of Lennie Villa. Said notice also required respondent students to submit their written statements within twenty-four (24) hours from receipt. Although respondent students received a copy of the written notice, they failed to file a reply. In the meantime, they were placed on preventive suspension. [3] Through their respective counsels, they requested copies of the charges and pertinent documents or affidavits.

In a notice dated February 14, 1991, the Joint Administration-Faculty-Student Investigating Committee, after receiving the written statements and hearing the testimonies of several witnesses, found a *prima facie* case against respondent students for violation of Rule 3 of the Law School Catalogue entitled "Discipline." [4]

Respondent students were then required to file their written answers to the formal charge on or before February 18, 1991; otherwise, they would be deemed to have waived their right to present their defenses.

On February 20, 1991, petitioner Dean created a Disciplinary Board composed of petitioners Judge Ruperto Kapunan, Justice Venicio Escolin, Atty. Marcos Herras, Fiscal Miguel Albar and Atty. Ferdinand Casis, to hear the charges against respondent students.

In a letter dated February 20, 1991, respondent students were informed that they had violated Rule No. 3 of the Rules on Discipline contained in the Law School Catalogue. Said letter also states: "The complaint/charge against you arose from participation in acts of hazing committed during the Aquila Legis initiations held on February 8-10, 1991. The evidence against you consist of testimonies of students, showing your participation in acts prohibited by the School regulations." Finally, it ordered respondent students to file their written answers to the above charge on or before February 22, 1991, otherwise they would be deemed to have waive their

defense. [5]

In a motion dated February 21, 1991, respondent students, through counsel, requested that the investigation against them be held in abeyance, pending action on their request for copies of the evidence against them. [6]

Respondent students were then directed by the Board to appear before it at a hearing on February 28, 1991 to clarify their answers with regard to the charges filed by the investigating committee for violation of Rule No. 3. However, in a letter to petitioners dated February 27, 1991, counsel for respondent students moved to postpone the hearing from February 28, 1991 to March 1, 1991. [7]

Subsequently, respondent students were directed to appear on March 2, 1991 for clarificatory questions. [8] They were also informed that:

a) The proceedings will be summary in nature in accordance with the rules laid down in the case of *Guzman vs. National University*; [9]

b) Petitioners have no right to cross-examine the affiants-neophytes;

c) Hazing which is not defined in the School catalogue shall be defined in accordance with the proposed bill of Sen. Jose Lina, Senate Bill No. 3815;

d) The Board will take into consideration the degree of participation of the petitioners in the alleged hazing incident in imposing the penalty;

e) The Decision of the Board shall be appealable to the President of the University, i.e. Respondent Joaquin Bernas S. J.

On March 5, 1991, petitioner Bernas wrote Dean del Castillo that, "in cases where the Disciplinary Board is not prepared to impose the penalty of dismissal, I would prefer that the Board leave the decision on the penalty to the Administration so that this case be decided not just on the Law School level but also on the University level." [10]

In a resolution dated March 9, 1991, the Board found respondent students guilty of violating Rule No. 3 of the Ateneo Law School Rules on Discipline which prohibits participation in hazing activities. The Board found that respondent students acted as master auxiliaries or "auxies" during the initiation rites of Aquila Legis, and exercised the "auxies privilege," which allows them to participate in the physical hazing. Although respondent students claim that they were there to assist and attend to the needs of the neophytes, actually they were assigned a definite supportive role to play in the organized activity. Their guilt was heightened by the fact that they made no effort to prevent the infliction of further physical punishment on the neophytes under their care. The Board considered respondent students part and parcel of the integral process of hazing. In conclusion, the Board pronounced respondents guilty of hazing, either by active participation or through acquiescence. However, in view of the lack of unanimity among the members of the Board on the penalty of dismissal, the Board left the imposition of the penalty to the University Administration. 11 Petitioner Dean del Castillo waived her prerogative to review the decision of the Board and left to the President of the University the decision of whether to expel respondent students or not.

Consequently, in a resolution dated March 10, 1991, petitioner Fr. Joaquin G. Bernas, as President of the Ateneo de Manila University, accepted the factual findings of the Board, thus: "that as Master Auxiliaries they exercised the 'auxie's privilege;' that even assuming that they did not lay hands on the neophytes," respondent students are still guilty in accordance with the principle that "where two or more persons act together in the commission of a crime, whether they act through the physical volition of one or of

all, proceeding severally or collectively, each individual whose will contributes to the wrongdoing is responsible for the whole." Fr. Bernas, in describing the offense which led to the death of Leonardo Villa, concluded that the "offense of the respondents can be characterized as grave and serious, subversive of the goals of Christian education and contrary to civilized behavior." Accordingly, he imposed the penalty of dismissal on all respondent students. [12]

In a resolution dated March 18, 1991 and concurred in by petitioner Fr. Bernas, [13] the Board excluded respondent students Abas and Mendoza from the coverage of the resolution of March 10, 1991, inasmuch as at the time the latter resolution was promulgated, neither had as yet submitted their case to the Board. Said resolution also set the investigation of the two students on March 21, 1991.

On March 18, 1991, respondent students filed with the Regional Trial Court of Makati, a petition for certiorari, prohibition and mandamus with prayer for temporary restraining order and preliminary injunction [14] alleging that they were currently enrolled as students for the second semester of schoolyear 1990-91. Unless a temporary restraining order is issued, they would be prevented from taking their examinations. The petition principally centered on the alleged lack of due process in their dismissal.

On the same day, Judge Madayag issued a temporary restraining order enjoining petitioners from dismissing respondent students and stopping the former from conducting hearings relative to the hazing incident. 15

Hearings in connection with the issuance of the temporary restraining order were then held. On April 7, 1991, the temporary restraining order issued on March 18, 1991 lapsed. Consequently, a day after the expiration of the temporary restraining order, Dean del Castillo created a Special Board composed of Atty.(s) Jose Claro Tesoro, Ramon Caguioa, and Ramon Ereñeta to investigate the charges of hazing against respondent students Abas and Mendoza.

Respondent students reacted immediately by filing a Supplemental Petition of certiorari, prohibition and mandamus with prayer for a temporary restraining order and preliminary injunction, to include the aforesaid members of the Special Board, as additional respondents to the original petition. [16]

Petitioners moved to strike out the Supplemental Petition arguing that the creation of the Special Board was totally unrelated to the original petition which alleged lack of due process in the conduct of investigations by the Disciplinary Board against respondent students; that a supplemental petition cannot be admitted without the same being set for hearing and that the supplemental petition for the issuance of a temporary restraining order will, in effect, extend the previous restraining order beyond its mandatory 20-day lifetime. [17] Acting on the urgent motion to admit the supplemental petition with prayer for a temporary restraining order, Judge Amin, as pairing judge of respondent Judge Capulong, granted respondent students' prayer on April 10, 1991. [18]

On May 17, 1991, respondent Judge ordered petitioners to reinstate respondent students. Simultaneously, the court ordered petitioners to conduct special examinations in lieu of the final examinations which allegedly the students were not allowed to take, and enjoined them to maintain the *status quo* with regard to the cases of Adel Abas and Zosimo Mendoza pending final determination of the issues of the instant case. Lastly, it directed respondent students to file a bond in the amount of P50,000.00. [19]

On the same date, May 17, 1991, the Special Board investigating petitioners Abas and Mendoza concluded its investigation. On May 20, 1991, it imposed the

penalty of dismissal on respondent students Adel Abas and Zosimo Mendoza and directed the dropping of their names from its roll of students. [20]

The following day or on May 21, 1991, respondent judge issued the writ of preliminary injunction upon posting by respondent students of a bond dated May 17, 1991 in the amount of P50,000.00.

Hence, this special civil action of certiorari under Rule 65 with prayer for the issuance of a temporary restraining order questioning the order of respondent judge reinstating respondent students dated May 17, 1991. On May 30, 1991, this Court issued a temporary restraining order enjoining the enforcement of the May 17, 1991 order of respondent judge. [21]

In the case at bar, we come to grips with two relevant issues on academic freedom, namely: (1) whether a school is within its rights in expelling students from its academic community pursuant to its disciplinary rules and moral standards; and (2) whether or not the penalty imposed by the school administration is proper under the circumstances.

We grant the petition and reverse the order of respondent judge ordering readmission of respondent students. Respondent judge committed grave abuse of discretion when he ruled that respondent students had been denied due process in the investigation of the charges against them.

It is the threshold argument of respondent students that the decision of petitioner Fr. Joaquin Bernas, S. J., then President of the Ateneo de Manila University, to expel them was arrived at without affording them their right to procedural due process. We are constrained to disagree as we find no indication that such right has been violated. On the contrary, respondent students' rights in a school disciplinary proceeding, as enunciated in the cases of *Guzman v. National University*, [22] *Alcuaz v. PSBA, Q.C. Branch* [23] and *Non v. Dames II* [24] have been meticulously respected by petitioners in the various investigative proceedings held before they were expelled.

Corollary to their contention of denial of due process is their argument that it is the *Ang Tibay* case [25] and not the *Guzman* case which is applicable in the case at bar. Though both cases essentially deal with the requirements of due process, the *Guzman* case is more *apropos* to the instant case, since the latter deals specifically with the minimum standards to be satisfied in the imposition of disciplinary sanctions in academic institutions, such as petitioner university herein, thus:

> "(1) the students must be informed in writing of the nature and cause of any accusation against them; (2) that they shall have the right to answer the charges against them with the assistance of counsel, if desired; (3) they shall be informed of the evidence against them; (4) they shall have the right to adduce evidence in their own behalf; and (5) the evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case." [26]

It cannot seriously be asserted that the above requirements were not met. When, in view of the death of Leonardo Villa, petitioner Cynthia del Castillo, as Dean of the Ateneo Law School, notified and required respondent students on February 11, 1991 to submit within twenty-four hours their written statement on the incident, [27] the records show that instead of filing a reply, respondent students requested through their counsel, copies of the charges. [28] While some of the students mentioned in the February 11, 1991 notice duly submitted written statements, the others failed to do so. Thus, the

latter were granted an extension of up to February 18, 1991 to file their statements. [29]

Indubitably, the nature and cause of the accusation were adequately spelled out in petitioners' notices dated February 14 and 20, 1991. [30] It is to be noted that the February 20, 1991 letter which quoted Rule No. 3 of its Rules of Discipline as contained in the Ateneo Law School Catalogue was addressed individually to respondent students. Petitioners' notices/letters dated February 11, February 14 and 20 clearly show that respondent students were given ample opportunity to adduce evidence in their behalf and to answer the charges leveled against them.

The requisite assistance of counsel was met when, from the very start of the investigations before the Joint Administration-Faculty-Student Committee, the law firm of Gonzales Batiller and Bilog and Associates put in its appearance and filed pleadings in behalf of respondent students.

Respondent students may not use the argument that since they were not accorded the opportunity to see and examine the written statements which became the basis of petitioners' February 14, 1991 order, they were denied procedural due process. [31] Granting that they were denied such opportunity, the same may not be said to detract from the observance of due process, for disciplinary cases involving students need not necessarily include the right to cross examination. An administrative proceeding conducted to investigate students' participation in a hazing activity need not be clothed with the attributes of a judicial proceeding. A closer examination of the March 2, 1991 hearing which characterized the rules on the investigation as being summary in nature and that respondent students have no right to examine affiants-neophytes, reveals that this is but a reiteration of our previous ruling in *Alcuaz*. [32]

Respondent students' contention that the investigating committee failed to consider their evidence is far from the truth because the February 14, 1992 order clearly states that it was reached only after receiving the written statements and hearing the testimonies of several witnesses. [33] Similarly, the Disciplinary Board's resolution dated March 10, 1991 was preceded by a hearing on March 2, 1991 wherein respondent students were summoned to answer clarificatory questions.

With regard to the charge of hazing, respondent students fault petitioners for not explicitly defining the word "hazing" and allege that there is no proof that they were furnished copies of the 1990-91 Ateneo Law School Catalogue which prohibits hazing. Such flawed sophistry is not worthy of students who aspire to be future members of the Bar. It cannot be over-emphasized that the charge filed before the Joint Administration-Faculty-Student Investigating Committee and the Disciplinary Board is not a criminal case requiring proof beyond reasonable doubt but is merely administrative in character. As such, it is not subject to the rigorous requirements of criminal due process, particularly with respect to the specification of the charge involved. As we have had occasion to declare in previous cases of a similar nature, due process in disciplinary cases involving students does not entail proceedings and hearings identical to those prescribed for actions and proceedings in courts of justice. [34] Accordingly, disciplinary charges against a student need not be drawn with the precision of a criminal information or complaint. Having given prior notice to the students involved that "hazing" which is not defined in the School Catalogue shall be defined in accordance with Senate Bill No. 3815, the proposed bill on the subject of Sen. Jose Lina, petitioners have said what needs to be said. We deem this sufficient for purposes of the investigation under scrutiny.

Hazing, as a ground for disciplining a student, to the extent of dismissal or

expulsion, finds its *raison d' etre* in the increasing frequency of injury, even death, inflicted upon the neophytes by their insensate "masters." Assuredly, it passes the test of reasonableness and absence of malice on the part of the school authorities. Far from fostering comradeship and *esprit d' corps*, it has merely fed upon the cruel and baser instincts of those who aspire to eventual leadership in our country.

Respondent students argue that petitioners are not in a position to file the instant petition under Rule 65 considering that they failed to file a motion for reconsideration first before the trial court, thereby bypassing the latter and the Court of Appeals. 3 [5]

It is accepted legal doctrine that an exception to the doctrine of exhaustion of remedies is when the case involves a question of law, [36] as in this case, where the issue is whether or not respondent students have been afforded procedural due process prior to their dismissal from petitioner university.

Lastly, respondent students argue that we erred in issuing a Temporary Restraining Order since petitioners do not stand to suffer irreparable damage in the event that private respondents are allowed to re-enroll. No one can be so myopic as to doubt that the immediate reinstatement of respondent students who have been investigated and found by the Disciplinary Board to have violated petitioner university's disciplinary rules and standards will certainly undermine the authority of the administration of the school. This we would be most loathe to do.

More importantly, it will seriously impair petitioner university's academic freedom which has been enshrined in the 1935, 1973 and the present 1987 Constitutions.

At this juncture, it would be meet to recall the essential freedoms subsumed by Justice Felix Frankfurter in the term "academic freedom" cited in the case of *Sweezy v. New Hampshire*, [37] thus: (1) who may teach; (2) what may be taught; (3) how it shall be taught; and (4) *who may be admitted to study*.

Socrates, the "first of the great moralists of Greece," proud to claim the title "gadfly of the State," has deservedly earned for himself a respected place in the annals of history as a martyr to the cause of free intellectual inquiry. To Plato, this great teacher of his was the "best, the most sensible, and the most just man of his age." In 399 B.C., he willingly quaffed the goblet of hemlock as punishment for alleged "corruption" of the youth of Athens. He describes in his own words how this charge of "corruption," the forerunner of the concept of academic freedom, came about:

> "Young men of the richer classes, who have not much to do, come about me of their own accord: they like to hear the pretenders examined, and they often imitate me, and examine others themselves; there are plenty of persons, as they soon discover, who think that they know something, but really know little or nothing; and then those who are examined by them, instead of being angry with themselves are angry with me. This confounded Socrates, they say; this villainous misleader of youth. And then if somebody asks them, Why, what evil does he practice or teach? they do not know, and cannot tell; but in order that they may not appear to be at a loss, they repeat the ready-made charges which are used against all philosophers about teaching things up in the clouds and under the earth, and having no gods, and making the worse appear the better cause; for they do not like to confess that their pretense of knowledge has been detected — which is the truth; and as they are numerous and ambitious and energetic, and are all in battle array and have persuasive tongues, they have filled your ears with their loud and inveterate calumnies." [38]

Since Socrates, numberless individuals of the same heroic mold have similarly

defied the stifling strictures of authority, whether State, Church, or various interest groups, to be able to give free rein to their ideas. Particularly odious were the insidious and blatant attempts at thought control during the time of the Inquisition until even the Medieval universities, renowned as intellectual centers in Europe, gradually lost their autonomy.

In time, such noble strivings, gathering libertarian encrustations along the way, were gradually crystallized in the cluster of freedoms which awaited the champions and martyrs of the dawning modern age. This was exemplified by the professors of the new German universities in the 16th and 17th centuries such as the Universities of Leiden (1575), Helmstadt (1574) and Heidelberg (1652). The movement back to freedom of inquiry gained adherents among the exponents of fundamental human rights of the 19th and 20th centuries. "Academic freedom", the term as it evolved to describe the emerging rights related to intellectual liberty, has traditionally been associated with freedom of thought, speech, expression and the press; in other words, with the right of individuals in university communities, such as professors, researchers and administrators, to investigate, pursue, discuss and, in the immortal words of Socrates, "to follow the argument wherever it may lead," free from internal and external interference or pressure.

But obviously, its optimum impact is best realized where the freedom is exercised judiciously and does not degenerate into unbridled license. Early cases on this individual aspect of academic freedom have stressed the need for assuring to such individuals a measure of independence through the guarantees of autonomy and security of tenure. The components of this aspect of academic freedom have been categorized under the areas of: (1) who may teach and (2) how to teach.

It is to be realized that this individual aspect of academic freedom could have developed only *pari passu* with its institutional counterpart. As corporate entities, educational institutions of higher learning are inherently endowed with the right to establish their policies, academic and otherwise, unhampered by external controls or pressure. In the *Frankfurter* formulation, this is articulated in the areas of: (1) what shall be taught, e.g., the curriculum and (2) who may be admitted to study.

In the Philippines, the Acts which were passed with the change of sovereignty from the Spanish to the American government, namely, the Philippine Bill of 1902 and the Philippine Autonomy Act of 1916 made no mention of the rights now subsumed under the catch-all term of "academic freedom." This is most especially true with respect to the institutional aspect of the term. It had to await the drafting of the Philippine Constitutions to be recognized as deserving of legal protection.

The breakthrough for the concept itself was found in Section 5 of the 1935 Constitution which stated: "Universities established by the State shall enjoy academic freedom." The only State university at that time, being the University of the Philippines, the Charter was perceived by some as exhibiting rank favoritism for the said institution at the expense of the rest.

In an attempt to broaden the coverage of the provision, the 1973 Constitution provided in its Section 8 (2): "All institutions of higher learning shall enjoy academic freedom." In his interpretation of the provision, former U.P. President Vicente G. Sinco, who was also a delegate to the 1971 Constitutional Convention, declared that it "definitely grants the right of academic freedom to the University as an institution as distinguished from the academic freedom of a university professor." [39]

Has the right been carried over to the present Constitution? In an attempt to give

an explicit definition with an expanded coverage, the Commissioners of the Constitutional Commission of 1986 came up with this formulation: "Academic freedom shall be enjoyed by students, by teachers, and by researchers." After protracted debate and ringing speeches, the final version which was none too different from the way it was couched in the previous two (2) Constitutions, as found in Article XIV, Section 5 (2) states: "Academic freedom shall be enjoyed in all institutions of higher learning." In anticipation of the question as to whether and what aspects of academic freedom are included herein, ConCom Commissioner Adolfo S. Azcuna explained: "Since academic freedom is a dynamic concept, we want to expand the frontiers of freedom, especially in education, therefore, we shall leave it to the courts to develop further the parameters of academic freedom." [40]

More to the point, Commissioner Jose Luis Martin C. Gascon asked: "When we speak of the sentence 'academic freedom shall be enjoyed in all institutions of higher learning,' do we mean that academic freedom shall be enjoyed by the institution itself?" Azcuna replied: "Not only that, it also includes . . ." Gascon finished off the broken thought, — "the faculty and the students." Azcuna replied: "Yes."

Since *Garcia v. Loyola School of Theology*, [41] we have consistently upheld the salutary proposition that admission to an institution of higher learning is discretionary upon a school, the same being a privilege on the part of the student rather than a right. While under the Education Act of 1982, students have a right "to freely choose their field of study, subject to existing curricula and to continue their course therein up to graduation," such right is subject, as all rights are, to the established academic and disciplinary standards laid down by the academic institution. [42]

"For private schools have the right to establish reasonable rules and regulations for the admission, discipline and promotion of students. This right . . . extends as well to parents . . . as parents are under a social and moral (if not legal) obligation, individually and collectively, to assist and cooperate with the schools." [43]

Such rules are "incident to the very object of incorporation and indispensable to the successful management of the college. The rules may include those governing student discipline." [44] Going a step further, the establishment of rules governing university-student relations, particularly those pertaining to student discipline, may be regarded as vital, not merely to the smooth and efficient operation of the institution, but to its very survival.

Within memory of the current generation is the eruption of militancy in the academic groves as collectively, the students demanded and plucked for themselves from the panoply of academic freedom their own rights encapsulized under the rubric of "right to education" forgetting that, in Hohfeldian terms, they have a concomitant duty, and that is, their duty to learn under the rules laid down by the school.

Considering that respondent students are proud to claim as their own a Christian school that includes Theology as part of its curriculum and assiduously strives to turn out individuals of unimpeachable morals and integrity in the mold of the founder of the order of the Society of Jesus, St. Ignatius of Loyola, and their God-fearing forbears, their barbaric and ruthless acts are the more reprehensible. It must be borne in mind that universities are established, not merely to develop the intellect and skills of the studentry, but to inculcate lofty values, ideals and attitudes; nay, the development, or flowering if you will, of the total man.

In essence, education must ultimately be religious — not in the sense that the founders or charter members of the institution are sectarian or profess a religious

ideology. Rather, a religious education, as the renowned philosopher Alfred North Whitehead said, is "an education which inculcates duty and reverence." [45] It appears that the particular brand of religious education offered by the Ateneo de Manila University has been lost on the respondent students.

Certainly, they do not deserve to claim such a venerable institution as the Ateneo de Manila University as their own a minute longer, for they may foreseeably cast a malevolent influence on the students currently enrolled, as well as those who come after them.

Quite applicable to this case is our pronouncement in *Yap Chin Fah v. Court of Appeals* that: "The maintenance of a morally conducive and orderly educational environment will be seriously imperilled if, under the circumstances of this case, Grace Christian is forced to admit petitioner's children and to reintegrate them to the student body." [46] Thus, the decision of petitioner university to expel them is but congruent with the gravity of their misdeeds. That there must be such a congruence between the offense committed and the sanction imposed was stressed in *Malabanan v. Ramento*. [47]

Having carefully reviewed the records and the procedure followed by petitioner university, we see no reason to reverse its decision founded on the following undisputed facts: that on February 8, 9 and 10, 1991, the Aquila Legis Fraternity conducted hazing activities; that respondent students were present at the hazing as auxiliaries, and that as a result of the hazing, Leonardo Villa died from serious physical injuries, while Bienvenido Marquez was hospitalized. In light of the vicious acts of respondent students upon those whom ironically they would claim as "brothers" after the initiation rites, how can we countenance the imposition of such nominal penalties as reprimand or even suspension? We, therefore, affirm petitioners' imposition of the penalty of dismissal upon respondent students. This finds authority and justification in Section 146 of the Manual of Regulations for Private Schools. [48]

WHEREFORE, the instant petition is GRANTED; the order of respondent Judge dated May 17, 1991 reinstating respondent students into petitioner university is hereby REVERSED. The resolution of petitioner Joaquin Bernas S. J., then President of Ateneo de Manila University dated March 10, 1991, is REINSTATED and the decision of the Special Board DISMISSING respondent students ADEL ABAS and ZOSIMO MENDOZA dated May 20, 1991 is hereby AFFIRMED.

SO ORDERED.

Narvasa, C .J ., Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Nocon, Bellosillo, Melo and *Quiason, JJ .,* concur.

Griño Aquino, J ., is on leave.

Cruz, J ., concur in the result. I do not join in the statements in the ponencia which seem to me to be a prejudgment of the criminal cases against the private respondents for the death of Lenny Villa.

Footnotes

1. Garcia v. The Faculty Admission's Committee, Loyola School of Theology, No. L-40779, November 28, 1975, 68 SCRA 277-298.

2. Composed of Faculty Members: Atty(s) Jacinto Jimenez, Sedfrey Candelaria, Carlos Medina, Alternate: Dean Antonio Abad. Students: Mr.(s) Arthur Yap, Reynaldo Dizon,

Ms. Patricia Ty Administration: Dean Cynthia del Castillo (Chairperson).

3. Annex B, Rollo, p. 41.

4. "DISCIPLINE.

> Dedication to study, respect for authority, strict observance of the rules and regulations of the University and the school and unfailing courtesy are expected at all times of all Ateneo Students. The Administration reserves to itself the right to suspend, dismiss from the School at any time, strike from the list of candidates for graduation and/or withhold the Ateneo diploma from or expel any student whom it may deem unworthy. Any of the following acts shall constitute a ground for suspension, dismissal striking from the list of candidates for graduation and/or withholding of the Ateneo diploma, or expulsion, depending on the severity of the offense:
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> xxx xxx xxx
>
> 3. *Hazing*; carrying deadly weapons; drunkenness, vandalism; "assaulting a*professor or any other school authority*, including members of the staff or employees of the School;" Petition, p. 8, Emphasis supplied.

5. Annex D, Rollo, p. 45.

6. Annex E, Rollo, p. 46.

7. Annex F, Rollo, p. 48.

8. Annex G, Rollo, p. 49.

9. L-68288, July 11, 1986, 142 SCRA 699.

10. Annex Q, Rollo, p. 88.

11. Annex H, Rollo, p. 175.

12. The dismissed students are: Ernest Montecillo, E. Amado Sabban, Joseph Lledo, Santiago Ranada III, Jude Fernandez, Dalmacio Lim, Adel Abas, Ronan de Guzman, Zosimo Mendoza and Manuel Escalona. Annex I, Rollo, p. 52.

13. Annex J, Rollo, p. 54.

14. Annex K, Rollo, p. 55.

15. Annex L, Rollo, p. 67.

16. Annex M, Rollo, pp. 68-73.

17. Annex N, Rollo, pp. 76-81.

18. Rollo, p. 84.

19. Annex A, Rollo, p. 40.

20. Annex M, Rollo, p. 189.

21. Of the respondent students dismissed in the March 10, 1991 Resolution, Santiago Ranada III and Ronan de Guzman are not named private respondents herein.

22. L-68288, July 11, 1986 142 SCRA 699.

23. L-76353, May 2, 1988, 161 SCRA 7.

24. G. R. No. 89317, May 20, 1990, 185 SCRA 523.

25. 69 Phil. 635 (1940).

26. *Supra*, at 22.

27. Annex B, Rollo p. 41.

28. Order dated May 17, 1991, Annex A, p. 35.

29. Annex C, Rollo, p. 43.

30. See Annex B, Rollo, p. 41 and Annex D, Rollo, p. 44.

31. Rollo, p. 115.

32. *Supra* at 20.

33. Annex C, Rollo, p. 43.

34. Alcuaz v. PSBA, QC Branch, *supra* at 20.

35. Rollo, pp. 99-100.

36. PALEA v. PAL, Inc., No. L-31396, January 30, 1982, 111 SCRA 215 and Central Bank v. Cloribel, 44 SCRA 307, No. L-26971, April 11, 1972.

37. 354 U.S. 234 (1957).

38. Riley, Woodbridge, STORY OF ETHICS, Men and Morals, Vol. II, p. 62, Doubleday, Doran and Co., Inc., 1933.

39. Sinco, PHILIPPINE POLITICAL LAW, p. 489 (1962).

40. 4 ConCom Record, p. 439.

41. No. L-40779, November 28, 1975, 68 SCRA 277. See also the cases of Tangonan v. Pano, G. R. No. L-45157, June 27, 1985, 137 SCRA 245 and Magtibay v. Garcia, No. L-28971, January 28, 1983, 120 SCRA 370.

42. Section 9 (2) of Batas Pambansa Blg. 232, effective September 11, 1982.

43. Yap Chin Fah v. Court of Appeals [Resolution], G.R. No. 90063, December 12, 1989.

44. *Supra*, at 22.

45. In his article "The Aims of Education," Alfred North Whitehead explained: "A religious education is an education which inculcates duty and reverence. Duty arises from our potential control over the course of events. Where attainable knowledge could have changed the issue, ignorance has the guilt of vice. And the foundation of reverence is this perception, that the present holds within itself the complete sum of existence, backwards and forwards, that whole amplitude of time, which is eternity." Fuess, Claude M. and Basford, Emory S., Editors, UNSEEN HARVESTS, A Treasury of Teaching, p. 92, The Macmillan Company, 1947.

46. *Supra*, at 43.

47. G.R. No. 62270, May 21, 1984, 129 SCRA 359.

48. Ateneo de Manila v. Court of Appeals, No. L-56180, October 16, 1986, 145 SCRA 100.