Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SPS. EUGENE C. GO and ANGELITA GO, and Minor **EMERSON CHESTER KIM B. GO,** Petitioners,	**G.R. No. 169391**
	Present:
	CARPIO, *J.*, Chairperson, BRION, DEL CASTILLO, PEREZ, and PERLAS-BERNABE, *JJ.*
-versus -	
COLEGIO DE SAN JUAN DE LETRAN, REV. FR. EDWIN LAO, REV. FR. JOSE RHOMMEL HERNANDEZ, ALBERT ROSARDA and MA. TERESA SURATOS, Respondents.	Promulgated:
	OCT 10 2012

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D E C I S I O N

BRION, *J.*:

Before the Court is a petition for review on *certiorari*[1] assailing the decision[2] dated May 27, 2005 and the resolution[3] dated August 18, 2005 of the Court of Appeals (*CA*) in CA-G.R. CV No. 80349. The CA decision reversed and set aside the decision[4] of the Regional Trial Court (*RTC*) of Caloocan City, Branch 131, awarding civil damages to the petitioners. The CA resolution denied the petitioners' subsequent motion for reconsideration.

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1 Filed under Rule 45 of the Rules of Court; *rollo*, pp. 3-37.

2 Penned by Associate Justice Rosmari D. Carandang and concurred in by Associate Justices Remedios A. Salazar-Fernando and Monina Arevalo-Zenarosa; *id.* at 40-51.

3 *Id.* at 53-55.

4 In Civil Case No. C-19938, dated August 18, 2003; *id.* at 81-93.

The petitioners claim that respondents Colegio de San Juan de Letran (*Letran*), Rev. Fr. Edwin Lao, Rev. Fr. Jose Rhommel Hernandez, Mr. Albert Rosarda and Ma. Teresa Suratos should be held liable for moral, exemplary, and actual damages for unlawfully dismissing petitioner Emerson Chester Kim B. Go (*Kim*) from the rolls of the high school department of Letran. The respondents claim that they lawfully suspended Kim for violating the school's rule against fraternity membership.

Factual Background

In October 2001, Mr. George Isleta, the Head of Letran's Auxiliary Services Department, received information that certain fraternities were recruiting new members among Letran's high school students. He also received a list of the students allegedly involved. School authorities started an investigation, including the conduct of medical examinations on the students whose names were on the list. On November 20, 2002, Dr. Emmanuel Asuncion, the school physician, reported that six (6) students bore injuries, probable signs of blunt trauma of more than two weeks, on the posterior portions of their thighs.[5] Mr. Rosarda, the Assistant Prefect for Discipline, conferred with the students and asked for their explanations in writing.

Four (4) students, namely: Raphael Jay Fulgencio, Nicolai Lacson, Carlos Parilla, and Isaac Gumba, admitted that they were neophytes of the Tau Gamma Fraternity and were present in a hazing rite held on October 3, 2001 in the house of one Dulce in Tondo, Manila. They also identified the senior members of the fraternity present at their hazing. These included Kim, then a fourth year high school student.

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5 RTC Records, p. 540.

In the meantime, Gerardo Manipon, Letran's security officer, prepared an incident report[6] that the Tau Gamma Fraternity had violated its covenant with Letran by recruiting members from its high school department. Manipol had spoken to one of the fraternity neophytes and obtained a list of eighteen (18) members of the fraternity currently enrolled at the high school department. Kim's name was also in the list.

At the Parents-Teachers Conference held on November 23, 2001, Mr. Rosarda informed Kim's mother, petitioner Mrs. Angelita Go (*Mrs. Go*), that students had positively identified Kim as a fraternity member. Mrs. Go expressed disbelief as her son was supposedly under his parents' constant supervision.

Mr. Rosarda thereafter spoke to Kim and asked him to explain his side. Kim responded through a written statement dated December 19, 2001; he denied that he was a fraternity member. He stated that at that time, he was at Dulce's house to pick up a gift, and did not attend the hazing of Rafael, Nicolai, Carlos, and Isaac.

On the same day, Mr. Rosarda requested Kim's parents (by notice) to attend a conference on January 8, 2002 to address the issue of Kim's fraternity membership.[7] Both Mrs. Go and petitioner Mr. Eugene Go (*Mr. Go*) did not attend the conference.

In time, the respondents found that twenty-nine (29) of their students, including Kim, were fraternity members. The respondents found substantial basis in the neophytes' statements that Kim was a senior fraternity member. Based on their disciplinary rules, the Father Prefect for Discipline (respondent Rev. Fr. Jose Rhommel Hernandez) recommended the fraternity members' dismissal from the high school department rolls; incidentally, this

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6 *Id.* at 545.
7 *Id.* at 548.

sanction was stated in a January 10, 2002 letter to Mr. and Mrs. Go.[8] After a meeting with the Rector's Council,[9] however, respondent Fr. Edwin Lao, Father Rector and President of Letran, rejected the recommendation to allow the fourth year students to graduate from Letran. Students who were not in their fourth year were allowed to finish the current school year but were barred from subsequent enrollment in Letran.

Mr. Rosarda conveyed to Mrs. Go and Kim, in their conference on January 15, 2002, the decision to suspend Kim from January 16, 2002 to February 18, 2002.[10] Incidentally, Mr. Go did not attend this conference.[11]

On even date, Mrs. Go submitted a request for the deferment of Kim's suspension to January 21, 2002[12] so that he could take a previously scheduled examination.[13] The request was granted.[14]

On January 22, 2002, the respondents conferred with the parents of the sanctioned fourth year students to discuss the extension classes the students would take (as arranged by the respondents) as make-up for classes missed during their suspension. These extension classes would enable the students to meet all academic requirements for graduation from high school by the summer of 2002. The respondents also proposed that the students and their parents sign a *pro-forma* agreement to signify their conformity with their suspension. Mr. and Mrs. Go refused to sign.[15] They also refused to accept the respondents' finding that Kim was a fraternity member. They likewise insisted that due process had not been observed.

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8 *Id.* at 502.
9 TSN dated June 30, 2003, p. 657.
10 *Id.* at 658.
11 TSN dated May 19, 2003, p. 399.
12 TSN dated June 17, 2003, p. 542.
13 RTC Records, p. 503.
14 TSN dated June 17, 2003, p. 507; and TSN dated June 30, 2003, p. 663.
15 RTC Records, p. 552.

On January 28, 2002, the petitioners filed a complaint[16] for damages before the RTC of Caloocan City claiming that the respondents[17] had unlawfully dismissed Kim.[18] Mr. and Mrs. Go also sought compensation for the "business opportunity losses" they suffered while personally attending to Kim's disciplinary case.

The Ruling of the RTC

Mrs. Go[19] and Mr. Go[20] testified for the petitioners at the trial. Mr. Rosarda,[21] Fr. Hernandez,[22] and Fr. Lao[23] testified for the respondents.

The RTC[24] held that the respondents had failed to observe "the basic requirement of due process" and that their evidence was "utterly insufficient" to prove that Kim was a fraternity member.[25] It also declared that Letran had no authority to dismiss students for their fraternity membership. Accordingly, it awarded the petitioners moral and exemplary damages. The trial court also held that Mr. Go was entitled to actual damages after finding that he had neglected his manufacturing business when he personally attended to his son's disciplinary case. The dispositive portion of the decision reads:

> WHEREFORE, in view of all the foregoing, the Court renders judgment in favor of plaintiffs-spouses Eugene C. Go and Angelita B. Go, together with their minor son Emerson Chester Kim B. Go, as against defendants Colegio De San Juan De Letran, Fr. Edwin Lao, Fr. Jose Rhommel Hernandez, Albert Rosarda and Ma. Teresa Suratos, and they are hereby ordered the following:
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> 1. To pay plaintiff Eugene C. Go the amount of ₱2,854,000.00 as actual damages;

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16 RTC Records, p. 7.
17 Including Letran High School Principal Ma. Teresa Suratos.
18 RTC Records, p. 15.
19 TSN dated January 31, 2003.
20 TSN dated February 5, 2003 and March 31, 2003.
21 TSN dated May 19, 2003.
22 TSN dated June 17, 2003.
23 TSN dated June 30, 2003.
24 Judge Antonio J. Fineza, presiding.
25 *Rollo*, pp. 90-91.

2. To pay each plaintiff, Eugene C. Go and Angelita B. Go, the amount of ₱2,000,000.00 for each defendant, or a total amount of ₱20,000,000.00 as moral damages; and ₱1,000,000.00 for each defendant, or a total amount of ₱10,000,000.00 as exemplary damages, or a grand total of ₱30,000,000.00, to be paid solidarily by all liable defendants, plus prevailing legal interest thereon from the date of filing until the same is fully paid;

3. To pay plaintiffs 20% of the total amount awarded, as attorney's fees, to be paid solidarily by all liable defendants; and

4. The cost of suit.[26]

The Ruling of the CA

On appeal, the CA reversed and set aside the RTC decision. It held, among others, that the petitioners were not denied due process as the petitioners had been given ample opportunity to be heard in Kim's disciplinary case. The CA also found that there was no bad faith, malice, fraud, nor any improper and willful motive or conduct on the part of the respondents to justify the award of damages. Accordingly, it dismissed the petitioners' complaint in Civil Case No. C-19938 for lack of merit.

The petitioners moved for the reconsideration of the decision, but the CA denied the motion for lack of merit;[27] hence, the present petition for review on *certiorari.*

The Issue

Based on the petition's assigned errors,[28] the issue for our resolution is whether the CA had erred in setting aside the decision of the RTC in Civil Case No. C-19938.

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26 *Id.* at 93.

27 *Id.* at 55.

28 *Rollo*, p. 19. The present petition assigned the following errors:

ASSIGNMENT OF ERRORS

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AND COMMITTED SERIOUS ERROR OF LAW WHEN IT HELD THAT-

The Court's Ruling

We deny the petition and affirm the CA decision.

Preliminarily, we note that the disciplinary sanction the respondents imposed on Kim was actually a suspension and not a "dismissal" as the petitioners insist in their complaint. We agree with the CA that the petitioners were well aware of this fact, as Mrs. Go's letter specifically requested that Kim's *suspension* be deferred. That this request was granted and that Kim was allowed to take the examination further support the conclusion that Kim had not been dismissed.

Further, the RTC's statement that Letran, a private school, possesses no authority to impose a dismissal, or any disciplinary action for that matter, on students who violate its policy against fraternity membership must be corrected. The RTC reasoned out that Order No. 20, series of 1991, of the then Department of Education, Culture, and Sports (*DECS Order No. 20, s. 1991*),[29] which the respondents cite as legal basis for Letran's policy, only covered public high schools and not private high schools such as Letran.

I DUE PROCESS ATTENDED THE SANCTION IMPOSED BY RESPONDENTS ON PETITIONER KIM JUST BECAUSE THEY REQUIRED HIM TO EXPLAIN IN WRITING (WITHOUT ANY WRITTEN CHARGE INFORMING HIM OF THE NATURE AND CAUSE OF ACCUSATION AGAINST HIM) HIS MEMBERSIP [*sic*] IN FRATERNITY, WHICH HE DID BY DENYING IT, ALTHOUGH THE SANCTION IS BASED MERELY ON CONFIDENTIAL, UNDISCLOSED, UNVERIFIED OR UNSWORN STATEMENTS OF HIS CO-STUDENTS AND, WORSE, ON CONFIDENTIAL, UNDISCLOSED, UNVERIFIED AND DOUBLE HERESAY [*sic*] REPORT OF RESPONDENT SCHOOL'S DETACHMENT COMMANDER.

II WHEN IT CLEARED RESPONDENTS OF ANY LIABILITY FOR DAMAGES.

[29] DECS Order No. 20, s. 1991 reads:

PROHIBITION OF FRATERNITIES AND SORORITIES
IN ELEMENTARY AND SECONDARY SCHOOLS

To: Bureau Directors
Regional Directors
School Superintendents
Presidents, State Colleges and Universities
Heads of Private Schools, Colleges and Universities
Vocational School Superintendents/Administrators

We disagree with the RTC's reasoning because it is a restrictive interpretation of DECS Order No. 20, s. 1991. True, the fourth paragraph of the order states:

> 4. EFFECTIVE UPON RECEIPT OF THIS ORDER, FRATERNITIES AND SORORITIES ARE PROHIBITED IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS. PENALTY FOR NON-COMPLIANCE IS EXPULSION OF PUPILS/STUDENTS.

This paragraph seems to limit the scope of the order's prohibition to public elementary and secondary schools. However, in ascertaining the meaning of DECS Order No. 20, s. 1991, the entire order must be taken as a whole.[30] It should be read, not in isolated parts, but with reference to every other part and every word and phrase in connection with its context.[31]

Even a cursory perusal of the rest of DECS Order No. 20, s. 1991 reveals the education department's clear intent to apply the prohibition against fraternity membership for *all* elementary and high school students, regardless of their school of enrollment.

The order's title, "Prohibition of Fraternities and Sororities in Elementary and Secondary Schools," serves to clarify whatever ambiguity

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1. Recent events call attention to unfortunate incidents resulting from initiation rites (hazing) conducted in fraternities and sororities. In some cases, problems like drug addiction, vandalism, absenteeism, rumble and other behavior problems in elementary and secondary schools were found to be linked to the presence of and/or the active membership of some pupils/students in such organizations.

2. Although Department Order No. 6, s. 1954 prohibits hazing in schools and imposes sanctions for violations, it does not ban fraternities/sororities in public and **private secondary schools**.

3. Considering that enrolments in elementary and secondary schools are relatively small and students come from the immediate communities served, the presence of fraternities/sororities which serve as socializing agents among pupil/student-peers is not deemed necessary. On the other hand, interest clubs and co-curricular organizations like the Drama Club, Math Club, Junior Police organization and others perform that same function and in addition develop pupil/student potentials.

4. Effective upon receipt of this order, fraternities and sororities are prohibited in public elementary and secondary schools. Penalty for non-compliance is expulsion of pupils/students.

5. Wide dissemination of and strict compliance with this Order is enjoined.

(Sgd.) ISIDRO D. CARIÑO
[emphasis ours]

30 See *Judge Leynes v. Commission on Audit*, 463 Phil. 557, 573 (2003).
31 See *Commissioner of Internal Revenue v. TMX Sales, Inc.*, 205 SCRA 184, 188.

may arise from its fourth paragraph.[32] It is a straightforward title. It directs the prohibition to elementary and secondary schools *in general*, and does not distinguish between private and public schools. We also look at the order's second paragraph, whereby the department faults an earlier regulation, Department Order No. 6, series of 1954, for failing to ban fraternities and sororities in public and *private* secondary schools. With the second paragraph, it is clear that the education department sought to remedy the earlier order's failing by way of DECS Order No. 20, s. 1991.

Finally, we note that the order is addressed to the heads of private schools, colleges, and universities, and not just to the public school authorities.

For this Court to sustain the RTC's restrictive interpretation and accordingly limit the prohibition in DECS Order No. 20, s. 1991 to students enrolled in public schools would be to impede the very purpose of the order.[33] In *United Harbor Pilots' Association of the Philippines, Inc. v. Association of International Shipping Lines, Inc.*, where the Court construed an executive order,[34] we also stated that statutes are to be given such construction as would advance the object, suppress the mischief, and secure the benefits the statute intended. There is no reason why this principle cannot apply to the construction of DECS Order No. 20, s. 1991.

Incidentally, the penalty for non-compliance with DECS Order No. 20, s. 1991, is *expulsion*, a severe form of disciplinary penalty consisting of excluding a student from admission to *any* public or private school in the country. It requires the approval of the education secretary before it can be

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[32] See *Government of the P.I. v. Municipality of Binalonan*, 32 Phil. 634, 636 (1915).

[33] Paragraphs 1 and 2, DECS Order No. 20, s. 1991. We also note that the intent of the DECS Order No. 20, s. 1991 has been further clarified by the Department of Education itself in a 2006 issuance titled "REITERATING THE PROHIBITION OF THE PRACTICE OF HAZING AND THE OPERATION OF FRATERNITIES IN SORORITIES IN ELEMENTARY AND SECONDARY SCHOOLS." Department of Education Order No. 7, s. 2006 explicitly states, and we quote: "DECS Order No. 20, s. 1991, meanwhile, prohibits the operation of fraternities in public and private elementary and secondary schools."

[34] G.R. No. 133763, November 13, 2002, 391 SCRA 522, 533. See also *Association of International Shipping Lines, Inc. v. United Harbor Pilots' Association of the Philippines, Inc.*, G.R. No. 172029, August 6, 2008, 561 SCRA 284, 294.

imposed.[35] In contrast, the penalty prescribed by the rules of Letran for fraternity membership among their high school students is *dismissal*, which is limited to the exclusion of an erring student from the rolls of the school.

Even assuming *arguendo* that the education department had not issued such prohibition, private schools still have the authority to promulgate and enforce a similar prohibition pursuant to their right to establish disciplinary rules and regulations.[36] This right has been recognized in the Manual of Regulations for Private Schools, which has the character of law.[37] Section 78 of the 1992 Manual of Regulations of Regulations for Private Schools, in particular and with relevance to this case, provides:

> Section 78. *Authority to Promulgate Disciplinary Rules*. Every private school shall have the right to promulgate reasonable norms, rules and regulations it may deem necessary and consistent with the provisions of this Manual for the maintenance of good school discipline and class attendance. Such rules and regulations shall be effective as of promulgation and notification to students in an appropriate school issuance or publication.

The right to establish disciplinary rules is consistent with the mandate in the Constitution[38] for schools to teach discipline;[39] in fact, schools have the *duty* to develop discipline in students.[40] Corollarily, the Court has always recognized the right of schools to *impose disciplinary sanctions* on students who violate disciplinary rules.[41] The penalty for violations includes dismissal or exclusion from re-enrollment.

We find Letran's rule prohibiting its high school students from joining fraternities to be a reasonable regulation, not only because of the reasons stated in DECS Order No. 20, s. 1991,[42] but also because of the adult-

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35 Section 77, 1992 Manual of Regulations for Private Schools.
36 *Tan v. Court of Appeals*, 276 Phil. 227 (1991).
37 *Espiritu Santo Parochial School v. NLRC*, 258 Phil. 600 (1989).
38 CONSTITUTION, Article XIV, Section 3(2).
39 *Jenosa v. Delariarte*, G.R. No. 172138, September 8, 2010, 630 SCRA 295, 302.
40 See *Miriam College Foundation, Inc. v. Court of Appeals*, 401 Phil. 431, 456 (2000).
41 *Alcuaz v. Philippine School of Business Administration*, 244 Phil. 8, 23 (1988), citing *Ateneo de Manila University v. Court of Appeals*, No. L-56180, October 16, 1986, 145 SCRA 100; and *Licup v. University of San Carlos* (*USC*), 258-A Phil. 417, 424.
42 *Supra* note 29.

oriented activities often associated with fraternities. Expectedly, most, if not all, of its high school students are minors. Besides, Letran's penalty for violation of the rule is clearly stated in its enrollment contracts and in the Students Handbooks[43] it distributes at the start of every school year.[44]

In this case, the petitioners were notified of both rule and penalty through Kim's enrollment contract for school year 2001 to 2002.[45] Notably, the penalty provided for fraternity membership is "summary dismissal." We also note that Mrs. Go signified her conformé to these terms with her signature in the contract.[46] No reason, therefore, exist to justify the trial court's position that respondent Letran cannot lawfully dismiss violating students, such as Kim.

On the issue of due process, the petitioners insist that the question be resolved under the guidelines for administrative due process in *Ang Tibay v. Court of Industrial Relations.*[47] They argue that the respondents violated due process (a) by not conducting a formal inquiry into the charge against Kim; (b) by not giving them any written notice of the charge; and (c) by not providing them with the opportunity to cross-examine the neophytes who had positively identified Kim as a senior member of their fraternity. The petitioners also fault the respondents for not showing them the neophytes' written statements, which they claim to be unverified, unsworn, and hearsay.

These arguments deserve scant attention.

In *Ateneo de Manila University v. Capulong*,[48] the Court held that ***Guzman v. National University***,[49] not *Ang Tibay*, is the authority on the procedural rights of students in disciplinary cases. In *Guzman*, we laid down

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43 RTC Records, pp. 536 -537.
44 TSN dated May 19, 2003, p. 348.
45 RTC Records, pp. 538-539.
46 TSN dated May 19, 2003, p. 350.
47 69 Phil. 635 (1940).
48 G.R. No. 99327, May 27, 1993, 222 SCRA 644, 656.
49 226 Phil. 596 (1986).

the minimum standards in the imposition of disciplinary sanctions in academic institutions, as follows:

> [I]t bears stressing that due process in disciplinary cases involving students does not entail proceedings and hearings similar to those prescribed for actions and proceedings in courts of justice. The proceedings in student discipline cases may be summary; and cross-examination is not, contrary to petitioners' view, an essential part thereof. There are withal minimum standards which must be met to satisfy the demands of procedural due process; and these are, that (1) the students must be informed in writing of the nature and cause of any accusation against them; (2) 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.[50]

These standards render the petitioners' arguments totally without merit.

In *De La Salle University, Inc. v. Court of Appeals*,[51] where we affirmed the petitioning university's right to exclude students from the rolls of their respective schools[52] for their involvement in a fraternity mauling incident, we rejected the argument that there is a denial of due process when students are not allowed to cross-examine the witnesses against them in school disciplinary proceedings. We reject the same argument in this case.

We are likewise not moved by the petitioners' argument that they were not given the opportunity to examine the neophytes' written statements and the security officer's incident report.[53] These documents are admissible in school disciplinary proceedings, and may amount to substantial evidence to support a decision in these proceedings. In *Ateneo de Manila University v. Capulong*,[54] where the private respondents were students dismissed from their law school after participating in hazing activities, we held:

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50 *Id.* at 603-604.

51 G.R. No. 127980, December 19, 2007, 541 SCRA 22, 52-53.

52 The students were enrolled at the De La Salle University and the College of Saint Benilde.

53 These documents were later formally offered in Civil Case No. C-19938 as Exhibits "7," "8," "9," "10," and "11" RTC Records, pp. 541-546.

54 *Supra* note 48.

> 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. 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. [Emphasis ours.][55]

Since disciplinary proceedings may be summary, the insistence that a "formal inquiry" on the accusation against Kim should have been conducted lacks legal basis. It has no factual basis as well. While the petitioners state that Mr. and Mrs. Go were "never given an opportunity to assist Kim,"[56] the records show that the respondents gave them two (2) notices, dated December 19, 2001 and January 8, 2002, for conferences on January 8, 2002 and January 15, 2002.[57] The notices clearly state: "Dear Mr./Mrs. Go, We would like to seek your help in correcting Kim's problem on: Discipline & Conduct Offense: Membership in Fraternity."[58] Thus, the respondents had given them ample opportunity to assist their son in his disciplinary case.

The records also show that, without any explanation, *both* parents failed to attend the January 8, 2002 conference while Mr. Go did not bother to go to the January 15, 2002 conference. "Where a party was afforded an opportunity to participate in the proceedings but failed to do so, he cannot [thereafter] complain of deprivation of due process."[59]

Through the notices, the respondents duly informed the petitioners in writing that Kim had a disciplinary charge for fraternity membership. At the earlier November 23, 2001 Parents-Teachers Conference, Mr. Rosarda also informed Mrs. Go that the charge stemmed from the fraternity neophytes' positive identification of Kim as a member; thus the petitioners fully knew of the *nature* of the evidence that stood against Kim.

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55 *Id.* at 657-658.
56 RTC Records, p. 15.
57 TSN dated January 31, 2003, *Record*, pp. 116, 118, 123.
58 Records, pp. 548-549.
59 *De La Salle University, Inc. v. Court of Appeals*, *supra* note 51, at 51.

The petitioners nevertheless argue that the respondents defectively observed the written notice rule because they had requested, and received, Kim's written explanation at a time when the respondents had not yet issued the written notice of the accusation against him. The records indicate that while Kim's denial and the first notice were both dated December 19, 2001, Kim had not yet received the notice at the time he made the requested written explanation.

We see no merit in this argument as the petitioners apparently hew to an erroneous view of administrative due process. Jurisprudence has clarified that administrative due process cannot be fully equated with due process in the strict judicial sense.[60] The very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation.[61] Thus, we are hard pressed to believe that Kim's denial of his fraternity membership before formal notice was given worked against his interest in the disciplinary case. What matters for due process purpose is notice of what is to be explained, not the form in which the notice is given.

The *raison d'etre* of the written notice rule is to inform the student of the disciplinary charge against him and to enable him to suitably prepare a defense. The records show that as early as November 23, 2001, it was already made plain to the petitioners that the subject matter of the case against Kim was his alleged fraternity membership. Thus, by the time Mr. Rosarda spoke to Kim and asked for his written explanation in December 2001, Kim has had enough time to prepare his response to this plain charge. We also note that the information in the notice the respondents subsequently sent is no different from the information that they had earlier conveyed, albeit orally, to the petitioners: the simple unadorned statement that Kim stood accused of fraternity membership. Given these circumstances, we are not convinced that Kim's right to explain his side as exercised in his written

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60 *Gatus v. Quality House, Inc.*, G.R. No. 156766, April 16, 2009, 585 SCRA 177, 190.

61 *Perez v. Philippine Telegraph and Telephone Company*, G.R. No. 152048, April 7, 2009, 584 SCRA 110, 123.

denial had been violated or diminished. The essence of due process, it bears repeating, is simply the opportunity to be heard.[62]

And Kim had been heard. His written explanation was received, indeed even solicited, by the respondents. Thus, he cannot claim that he was denied the right to adduce evidence in his behalf. In fact, the petitioners were given further opportunity to produce additional evidence with the January 8, 2002 conference that they did not attend. We are also satisfied that the respondents had considered all the pieces of evidence and found these to be substantial. We note especially that the petitioners never imputed any motive on Kim's co-students that would justify the claim that they uttered falsehood against him.

In *Licup v. San Carlos University,*[63] the Court held that when a student commits a serious breach of discipline or fails to maintain the required academic standard, he forfeits his contractual right, and the court should not review the discretion of university authorities.[64] In *San Sebastian College v. Court of Appeals, et al.,*[65] we held that only when there is marked arbitrariness should the court interfere with the academic judgment of the school faculty and the proper authorities.[66] In this case, we find that the respondents observed due process in Kim's disciplinary case, consistent with our pronouncements in *Guzman*. No reason exists why the above principles in these cited cases cannot apply to this case. The respondents' decision that Kim had violated a disciplinary rule and should be sanctioned must be respected.

As a final point, the CA correctly held that there were no further bases to hold the respondents liable for moral or exemplary damages. Our study of

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62 *Gatus v. Quality House, Inc., supra* note 59, at 190, citing *Phil. Airlines, Inc. v. National Labor Relations Commission,* G.R. No. 87353, July 3, 1991, 198 SCRA. 748; see also *Audion Electric Co. v. National Labor Relations Commission,* G.R. No. 106648, June 19, 1999, 308 SCRA 341.

63 *Supra* note 41.

64 *Ibid.*

65 274 Phil. 414 (1991).

66 *Id.* at 424, citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology,* No. L-40779, November 28, 1975, 68 SCRA 277, 289.

the records confirms that the respondents did not act with bad faith, malice, fraud, or improper or willful motive or conduct in disciplining Kim. Moreover, we find no basis for the award of actual damages. The petitioners claim, and the RTC agreed,[67] that the respondents are liable for the business opportunity losses the petitioners incurred after their clients had cancelled their purchases in their plastic-manufacturing business. To prove the claim, Mr. Go testified that he neglected his business affairs because he had his attention on Kim's unlawful dismissal, and that his clients had subsequently cancelled their purchase orders when he could not confirm them.[68] His testimony on the reason for the clients' cancellation, however, is obviously hearsay and remains speculative. The respondents' liability for actual damages cannot be based on speculation.

For these reasons, we find no reversible error in the assailed CA decision, and accordingly, **DENY** the present petition.

WHEREFORE, premises considered, we hereby **AFFIRM** the decision dated May 27, 2005 of the Court of Appeals in CA-G.R. CV No. 80349.

Costs against the petitioners.

SO ORDERED.

ARTURO D. BRION
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

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67 See the RTC Decision, p. 92.
68 TSN dated February 5, 2003, pp. 242 to 243.

MARIANO C. DEL CASTILLO
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice