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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.*

SYNOPSIS

Petitioner is the Dean of the College of Education of the University of Southeastern Philippines (USP). 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 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. The Board of Regents, however, passed Resolution No. 2432, Series of 1995, upholding the grade given by Dr. Daleon to Aida Agulo. Disgruntled, petitioner filed a complaint against Dr. Daleon, 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, before the Office of the Ombudsman-Mindanao for gross incompetence and insubordination. The Graft Investigator issued a resolution dismissing the complaint which was approved by Ombudsman Aniano Desierto.

Meanwhile, Dr. Thelma S. Ledesma, Secretary of the Board of Regents, filed a complaint against petitioner before the Office of the USP President for grave misconduct, conduct unbecoming of a dean, and falsification of public documents. During the preliminary conference, petitioner moved for the inhibition of

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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. In a resolution, the Special Investigation Committee resolved to deny petitioner's motion to inhibit, and scheduled the case for hearing. Petitioner filed a petition for prohibition with the Regional Trial Court (RTC) of Davao City 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 the administrative case as the creation of the committee violated his right to due process. The trial court dismissed petitioner's petition. Petitioner appealed to the Court of Appeals via a petition for *certiorari*. The appellate court denied the petition and the subsequent motion for reconsideration. Hence, the present petition.

The Supreme Court denied the petition for lack of merit. According to the Court, the Board of Regents, where DECS Secretary Gloria sat as Chairman, has jurisdiction over the administrative case filed by Dr. Ledesma against petitioner pursuant to its general powers of administration under B.P. 12, the law creating the USP. The Charter also accorded the Board the specific power to appoint the deans, directors, or heads of colleges, schools, institutes and other principal units of the university and consonant to its power to hire is the power to discipline its personnel. The Court also ruled that 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 USP. The Court also stressed that a party must explore all remedies available in the administrative arena before seeking judicial relief. The administrative authority must be given an opportunity to act and correct the errors committed in the administrative forum. In the present case, petitioner has no valid reason to block at the very outset the Board of Regents and the Special Investigation Committee from performing their functions.

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; ADMINISTRATIVE AGENCIES; THE UNIVERSITY OF SOUTHEASTERN PHILIPPINES' BOARD OF REGENTS HAS JURISDICTION OVER THE ADMINISTRATIVE CASE FILED AGAINST PETITIONER; THE BOARD'S POWER TO DISCIPLINE ITS

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PERSONNEL IS CONSONANT TO ITS POWER TO HIRE.— 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. 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.

2. **ID.; ID.; ID.; THE GOVERNING BOARDS OF THE STATE UNIVERSITIES HAVE RETAINED JURISDICTION OVER ADMINISTRATIVE CASES INVOLVING ITS OFFICIALS AND EMPLOYEES.**— 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. Later, Republic Act 7722, 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. 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

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Education Modernization Act of 1997. Thus, it is clear that the governing boards of the state universities have retained jurisdiction over administrative cases involving its officials and employees.

3. **ID.; ID.; ID.; BP BLG. 12 BEING A SPECIFIC STATUTE PARTICULARLY DEFINING THE COMPOSITION AND POWERS OF THE BOARD OF REGENTS AND OTHER OFFICIALS OF THE UNIVERSITY PREVAILS OVER THE *MAGNA CARTA* FOR PUBLIC SCHOOL TEACHERS.**— 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." 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. 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. 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.

4. **ID.; ID.; ID.; A PARTY MUST EXPLORE ALL REMEDIES AVAILABLE IN THE ADMINISTRATIVE ARENA BEFORE SEEKING JUDICIAL RELIEF; PETITIONER HAS NO VALID REASON TO BLOCK AT THE VERY OUTSET THE BOARD OF REGENTS AND SPECIAL INVESTIGATION COMMITTEE FROM PERFORMING THEIR FUNCTIONS.**— Lastly, we must stress that generally a party must explore all remedies available in the administrative arena before seeking judicial relief. This doctrine of exhaustion of administrative remedies is not without

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its practical and legal reasons. For one thing, availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. The administrative authority must be given an opportunity to act and correct the errors committed in the administrative forum. In this case, petitioner has no valid reason to block at the very outset the Board of Regents and the Special Investigation Committee from performing their functions. Only after administrative remedies are exhausted may judicial recourse be allowed.

5. ID.; ID.; ID.; **PETITIONER'S ALLEGATION THAT THE SECRETARY OF EDUCATION AND THE SPECIAL INVESTIGATION COMMITTEE WERE BIASED AND PARTIAL ARE MERELY SPECULATIVE.**— Petitioner's allegations that Secretary Gloria and the Special Investigation Committee members were biased and partial are merely speculative. There is no showing that the Education Secretary and the Committee members had an interest, personal or otherwise, in the prosecution of the case against petitioner. Absent persuasive proof of bias and partiality, Secretary Gloria and the committee could not be presumed to be incapable of acting regularly in the performance of official functions. They must be accorded the benefit of the presumption that they would act in a manner befitting their sworn duties, particularly, with "the cold neutrality of an impartial judge" implicit in the guarantee of due process.

APPEARANCES OF COUNSEL

Grace Lina A. Fuentea for petitioner.
Solicitor General for public respondent.
Arturo Agudo and *Eduardo De Vera* for Dr. Ledesma.

D E C I S I O N

QUISUMBING, *J.*:

Petitioner Manuel Camacho seeks the review of the decision[1] dated September 9, 1997, of the Court of Appeals in CA-G.R. SP No. 42860 affirming the resolution[2] of the Regional Trial

[1] *Rollo*, pp. 12–17.
[2] CA *Rollo*, pp. 18–27.

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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,[3] 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[4] 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[5] against petitioner

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[3] *Id.* at 33-34.

[4] *Camacho v. Coresis, Jr.*, G.R. No. 134372, 22 August 2002, p. 12.

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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,[6] 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.[7] 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.[8]

In a resolution[9] 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[10] 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.[11] Respondents seasonably filed a motion to

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[5] CA *Rollo*, pp. 68-70.

[6] *Id.* at 92-93.

[7] *Id.* at 93.

[8] *Id.* at 94-103.

[9] *Id.* at 86-87.

[10] *Id.* at 130-135.

[11] *Id.* at 140.

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dismiss on the ground of lack of cause of action, insufficiency of the petition in form and substance, and non-exhaustion of administrative remedies.[12] Petitioner opposed respondents' motion while Dr. Thelma S. Ledesma filed her urgent motion for leave to intervene.

In a resolution[13] 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[14] dated November 14, 1996.

Forthwith, petitioner filed in the Court of Appeals a petition for *certiorari*[15] 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.[16]

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

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[12] *Id.* at 141-161.

[13] *Supra*, note 2.

[14] CA *Rollo*, p. 28.

[15] *Id.* at 5-16.

[16] *Supra*, note 1.

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(DECS) OF HIS JURISDICTION OVER TERTIARY INSTITUTIONS; and

4. WHETHER OR NOT THE SPECIAL INVESTIGATION COMMITTEE HAS JURISDICTION TO HEAR ADMINISTRATIVE CASE NO. 001.[17]

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.[18] 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

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[17] *Rollo*, p. 4.

[18] Enacted without Executive approval, 15 December 1978.

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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.[19]

Later, Republic Act 7722,[20] 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.[21]

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[19] SEC. 1. Any provision of law to the contrary notwithstanding, the composition of the governing boards of chartered state universities and colleges is hereby modified and reconstituted as follows:

- *Secretary of Education and Culture, Chairman*
- President of the University or College, Vice-Chairman
- Representative of the National Economic and Development Authority (NEDA), Member
- Two (2) prominent citizens who have distinguished themselves in the professions or fields of specialization of the institutions concerned, one representing the alumni of the institution concerned, the other chosen from prominent citizens in the city or province where the school is located, to be appointed by the President of the Philippines upon recommendation of the Secretary of Education and Culture, Member (Italics supplied.)

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[20] Approved, 18 May 1994.

[21] SEC. 4. *Powers and Duties of Governing Boards.* — The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines:

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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.[22] 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.[23] 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,

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g) to appoint, upon the recommendation of the president of the university or college, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;

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[22] RULES AND REGULATIONS IMPLEMENTING R.A. 7722 AS AMENDED, Chapter I dated September 13, 1994.

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Article 5. *Definition of Terms.* — For purposes of these Rules, the following definitions will apply:

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"The *Chairman of the Commission* shall serve as *Chairman of the Governing Boards of SCUs* until such time as their existing charters are revised." (Italics in the original.)

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[23] *Rollo*, p. 89.

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colleges and universities operated by the Government or its political subdivisions."[24] 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.[25] 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.[26]

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[24] SEC. 2. *Title-Definition.* — This Act shall be known as the "*Magna Carta* for Public School Teachers" and shall apply to *all public school teachers except those in the professional staff of state colleges and universities.*

As used in this Act, the term "teacher" shall mean all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, *and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the Government or its political subdivisions*; but shall not include school nurses, school physicians, school dentists, and other school employees. (Italics Supplied.)

[25] *City Warden of the Manila City Jail v. Estrella*, G.R. No. 141211, 31 August 2001, 364 SCRA 257, 278.

[26] SEC. 9. *Administrative Charges.* — Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teacher's organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: *Provided, however,* That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

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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 Service Rules embodied in Executive Order 292 recognize the power of the Secretary and the university, through its governing board, to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction.[27] Of course under EO 292, a complaint against a state university official may be filed either with the university's Board of Regents or directly with the Civil Service Commission, although the CSC may delegate the investigation of a complaint and for that purpose, may deputize any department, agency, official or group of officials to conduct such investigation.[28]

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[27] CIVIL SERVICE COMMISSION, Executive Order No. 292, Book IV The Executive Branch, Subtitle A, Chapter 6.

SEC. 47. Disciplinary Jurisdiction. —

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(2) *The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission* and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned. (Italics supplied.)

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[28] *Id.*

SEC. 47. Disciplinary Jurisdiction. —

(1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. *A*

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On the second issue, petitioner contends that he was not accorded his right to due process when respondent Secretary Gloria formed the Special Investigation Committee. Petitioner laments that he could not expect the cold neutrality of an impartial judge from the Special Investigation Committee considering that Secretary Gloria was one of the respondents in OMB-ADM-3-96-0132. He adds that neither can he expect fair treatment from the Committee Chairman, Atty. Reno Capinpin, who was also one of the co-respondents therein. Petitioner also claims that the CA erred in affirming the trial court's ruling that petitioner should have first exhausted his administrative remedies by undergoing investigation by the committee, with possible appeal to the Secretary of Education and thereafter the Office of the President. The principle of exhaustion of administrative remedies, according to petitioner, rests on the presumption that the administrative agency, if afforded a complete chance to pass upon the matter, would decide the matter correctly, unlike in his case, he said, where a fair trial is a remote possibility given the composition of the investigating committee.[29]

Petitioner's allegations that Secretary Gloria and the Special Investigation Committee members were biased and partial are merely speculative. There is no showing that the Education Secretary and the Committee members had an interest, personal or otherwise, in the prosecution of the case against petitioner. Absent persuasive proof of bias and partiality, Secretary Gloria and the committee could not be presumed to be incapable of acting regularly in the performance of official functions. They must be accorded the benefit of the presumption that they would act in a manner befitting their sworn duties, particularly, with

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complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken. (Italics supplied.)

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[29] *Rollo*, p. 7.

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"the cold neutrality of an impartial judge" implicit in the guarantee of due process.

Lastly, we must stress that generally a party must explore all remedies available in the administrative arena before seeking judicial relief. This doctrine of exhaustion of administrative remedies is not without its practical and legal reasons. For one thing, availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. The administrative authority must be given an opportunity to act and correct the errors committed in the administrative forum. In this case, petitioner has no valid reason to block at the very outset the Board of Regents and the Special Investigation Committee from performing their functions. Only after administrative remedies are exhausted may judicial recourse be allowed.[30]

To conclude, the Court finds: (a) that the Board of Regents of the University of Southeastern Philippines has jurisdiction over the administrative complaint against petitioner, and (b) that petitioner's right to due process was not infringed by the BOR's formation of the Special Investigation Committee.

WHEREFORE, the instant petition is *DENIED* for lack of merit. The decision dated September 9, 1997 of the Court of Appeals in CA-G.R. SP No. 42860 is *AFFIRMED*.

SO ORDERED.

Bellosillo (Chairman), Austria-Martinez, and *Tinga, JJ.*, concur.

Callejo, Sr., J., on leave.

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[30] See *Ambil, Jr. v. Commission on Elections*, G.R. No. 143398, 25 October 2000, 344 SCRA 358, 372.