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[G.R. No. 168766. May 22, 2008]

THE CIVIL SERVICE COMMISSION, *petitioner, vs.* **HENRY A. SOJOR,** *respondent.*

SYLLABUS

1. POLITICAL LAW; CONSTITUTIONAL COMMISSIONS; CIVIL SERVICE COMMISSION; BY CLEAR PROVISION OF LAW, RESPONDENT IS A NON-CAREER CIVIL SERVANT WHO IS UNDER THE JURISDICTION OF THE CIVIL SERVICE COMMISSION.— Respondent, a state university president with a fixed term of office appointed by the governing board of trustees of the university, is a non-career civil service officer. He was appointed by the chairman and members of the governing board of CVPC. By clear provision of law, respondent is a non-career civil servant who is under the jurisdiction of the CSC.

2. ID.; ID.; ID.; THE POWER OF THE BOARD OF REGENTS TO DISCIPLINE OFFICIALS AND EMPLOYEES IS NOT EXCLUSIVE; THE COMMISSION HAS CONCURRENT JURISDICTION OVER A PRESIDENT OF A STATE UNIVERSITY.— There is no question that administrative power over the school exclusively belongs to its BOR. But does this exclusive administrative power extend to the power to remove its erring employees and officials? In light of the other provisions of R.A. No. 9299, respondent's argument that the BOR has exclusive power to remove its university officials must fail. Section 7 of R.A. No. 9299 states that the power to remove faculty members, employees, and officials of the university is granted to the BOR "in addition to its general powers of administration." This provision is essentially a reproduction of Section 4 of its predecessor, R.A. No. 8292, demonstrating that the intent of the lawmakers did not change even with the enactment of the new law. For clarity, the text of the said section is reproduced below: Sec. 7. *Powers and Duties of the Board of Regents*. — **The Board shall have the following specific powers and duties in addition to**

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its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws: xxx xxx xxx i. To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; **and to remove them for cause in accordance with the requirements of due process of law**. Verily, the BOR of NORSU has the sole power of administration over the university. But this power is not exclusive in the matter of disciplining and removing its employees and officials. Although the BOR of NORSU is given the specific power under R.A. No. 9299 to discipline its employees and officials, there is no showing that such power is exclusive. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter. All members of the civil service are under the jurisdiction of the CSC, unless otherwise provided by law. Being a non-career civil servant does not remove respondent from the ambit of the CSC. Career or non-career, a civil service official or employee is within the jurisdiction of the CSC.

3. ID.; ID.; ID.; ACADEMIC FREEDOM MAY NOT BE INVOKED WHEN THERE ARE ALLEGED VIOLATIONS OF CIVIL SERVICE LAWS AND RULES.— Academic institutions and personnel are granted wide latitude of action under the principle of academic freedom. Academic freedom encompasses the freedom to determine who may teach, who may be taught, how it shall be taught, and who may be admitted to study. Following that doctrine, this Court has recognized that institutions of higher learning have the freedom to decide for itself the best methods to achieve their aims and objectives, free from outside coercion, except when the welfare of the general public so requires. They have the independence to determine who to accept

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to study in their school and they cannot be compelled by *mandamus* to enroll a student. That principle, however, finds no application to the facts of the present case. Contrary to the matters traditionally held to be justified to be within the bounds of academic freedom, the administrative complaints filed against Sojor involve violations of civil service rules. He is facing charges of nepotism, dishonesty, falsification of official documents, grave misconduct, and conduct prejudicial to the best interest of the service. These are classified as grave offenses under civil service rules, punishable with suspension or even dismissal. This Court has held that the guaranteed academic freedom does not give an institution the unbridled authority to perform acts without any statutory basis. For that reason, a school official, who is a member of the civil service, may not be permitted to commit violations of civil service rules under the justification that he was free to do so under the principle of academic freedom.

4. ID.; ID.; ID.; RESPONDENT'S APPOINTMENT AS UNIVERSITY PRESIDENT DOES NOT SERVE AS A CONDONATION BY THE BOARD OF REGENTS OF THE ALLEGED ACTS IMPUTED TO HIM.— We do not agree with respondent's contention that his appointment to the position of president of NORSU, despite the pending administrative cases against him, served as a condonation by the BOR of the alleged acts imputed to him. The doctrine this Court laid down in *Salalima v. Guingona, Jr.* and *Aguinaldo v. Santos* are inapplicable to the present circumstances. Respondents in the mentioned cases are elective officials, unlike respondent here who is an appointed official. Indeed, election expresses the sovereign will of the people. Under the principle of *vox populi est suprema lex*, the re-election of a public official may, indeed, supersede a pending administrative case. The same cannot be said of a re-appointment to a non-career position. There is no sovereign will of the people to speak of when the BOR re-appointed respondent Sojor to the post of university president.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
M. Mikhail Lee L. Maximo for respondent.

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D E C I S I O N

REYES, R.T., *J.*:

IS the president of a state university outside the reach of the disciplinary jurisdiction constitutionally granted to the Civil Service Commission (CSC) over all civil servants and officials?

Does the assumption by the CSC of jurisdiction over a president of a state university violate academic freedom?

The twin questions, among others, are posed in this petition for review on *certiorari* of the Decision[1] of the Court of Appeals (CA) which annulled two (2) CSC Resolutions[2] against respondent Henry A. Sojor.

The Facts

The uncontroverted facts that led to the controversy, as found by the CSC and the CA, are as follows:

On August 1, 1991, respondent Sojor was appointed by then President Corazon Aquino as president of the Central Visayas Polytechnic College (CVPC) in Dumaguete City. In June 1997, Republic Act (R.A.) No. 8292, or the "Higher Education Modernization Act of 1997," was enacted. This law mandated that a Board of Trustees (BOT) be formed to act as the governing body in state colleges. The BOT of CVPC appointed respondent as president, with a four-year term beginning September 1998 up to September 2002.[3] Upon the expiration of his first term of office in 2002, he was appointed president of the institution for a second four-year term, expiring on September 24, 2006.[4]

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[1] *Rollo*, pp. 45-54. Penned by Associate Justice Sesinando E. Villon, with Associate Justices Arsenio J. Magpale and Enrico A. Lanzanas, concurring.

[2] *Id*. at 123-128, 137-141. Resolution No. 040321 dated March 30, 2004 and Resolution No. 040766 dated July 6, 2004.

[3] *Id*. at 92.

[4] *Id*. at 93.

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On June 25, 2004, CVPC was converted into the Negros Oriental State University (NORSU).[5] A Board of Regents (BOR) succeeded the BOT as its governing body.

Meanwhile, three (3) separate administrative cases against respondent were filed by CVPC faculty members before the CSC Regional Office (CSC-RO) No. VII in Cebu City, to wit:

1. ADMC DC No. 02-20(A) – Complaint for dishonesty, grave misconduct and conduct prejudicial to the best interest of the service filed on June 26, 2002 by Jose Rene A. Cepe and Narciso P. Ragay. It was alleged that respondent approved the release of salary differentials despite the absence of the required Plantilla and Salary Adjustment Form and valid appointments.[6]
2. ADM DC No. 02-20 – Complaint for dishonesty, misconduct and falsification of official documents filed on July 10, 2002 by Jocelyn Juanon and Carolina Fe Santos. The complaint averred that respondent maliciously allowed the antedating and falsification of the reclassification differential payroll, to the prejudice of instructors and professors who have pending request for adjustment of their academic ranks.[7]
3. ADM DC No. 02-21 – Complaint for nepotism filed on August 15, 2002 by Rose Marie Palomar, a former part-time instructor of CVPC. It was alleged that respondent appointed his half-sister, Estrellas Sojor-Managuilas, as casual clerk, in violation of the

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[5] Republic Act No. 9299, entitled "An Act Converting the Central Visayas Polytechnic College (CVPC) into a State University to be known as the Negros Oriental State University (NORSU), Integrating therewith the Genaro Goñi Memorial College in the City of Bais, the Siaton Community College in the Municipality of Siaton, and the Mabinay Institute of Technology in the Municipality of Mabinay, all located in the Province of Negros Oriental and Appropriating Funds therefore," enacted on June 25, 2004.

[6] *Rollo,* pp. 58-61.

[7] *Id*. at 62-67.

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provisions against nepotism under the Administrative Code.[8]

Before filing his counter-affidavits, respondent moved to dismiss the first two complaints on grounds of lack of jurisdiction, bar by prior judgment and forum shopping.

He claimed that the CSC had no jurisdiction over him as a presidential appointee. Being part of the non-competitive or unclassified service of the government, he was exclusively under the disciplinary jurisdiction of the Office of the President (OP). He argued that CSC had no authority to entertain, investigate and resolve charges against him; that the Civil Service Law contained no provisions on the investigation, discipline, and removal of presidential appointees. He also pointed out that the subject matter of the complaints had already been resolved by the Office of the Ombudsman.[9]

Finding no sufficient basis to sustain respondent's arguments, the CSC-RO denied his motion to dismiss in its Resolution dated September 4, 2002.[10] His motion for reconsideration[11] was likewise denied. Thus, respondent was formally charged with three administrative cases, namely: (1) Dishonesty, Misconduct, and Falsification of Official Document; (2) Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service; and (3) Nepotism.[12]

Respondent appealed the actions of the regional office to the Commission proper (CSC), raising the same arguments in his motion to dismiss.[13] He argued that since the BOT is headed

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[8] *Id*. at 73-75.

[9] *Id*. at 76-79. Motion to Dismiss on Grounds of Lack of Jurisdiction, Prior Judgment, and Forum Shopping, filed by Henry A. Sojor on August 20, 2002.

[10] *Id*. at 81-84.

[11] *Id*. at 88-91.

[12] *Id*. at 94-113.

[13] *Id*. at 114-122. Notice of Appeal with Appeal Memorandum dated October 28, 2002.

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by the Committee on Higher Education Chairperson who was under the OP, the BOT was also under the OP. Since the president of CVPC was appointed by the BOT, then he was a presidential appointee. On the matter of the jurisdiction granted to CSC by virtue of Presidential Decree (P.D.) No. 807[14] enacted in October 1975, respondent contended that this was superseded by the provisions of R.A. No. 8292,[15] a later law which granted to the BOT the power to remove university officials.

CSC Disposition

In a Resolution dated March 30, 2004,[16] the CSC dismissed respondent's appeal and authorized its regional office to proceed with the investigation. He was also preventively suspended for 90 days. The *fallo* of the said resolution states:

> WHEREFORE, the appeal of Henry A. Sojor, President of Central Visayas Polytechnic College, is hereby DISMISSED. The Civil Service Commission Regional Office No. VII, Cebu City, is authorized to proceed with the formal investigation of the cases against Sojor and submit the investigation reports to the Commission within one hundred five (105) days from receipt hereof. Finally, Sojor is preventively suspended for ninety (90) days.[17]

In decreeing that it had jurisdiction over the disciplinary case against respondent, the CSC opined that his claim that he was a presidential appointee had no basis in fact or in law. CSC maintained that it had concurrent jurisdiction with the BOT of the CVPC. We quote:

> His appointment dated September 23, 2002 was signed by then Commission on Higher Education (CHED) Chairman Ester A. Garcia. Moreover, the said appointment expressly stated that it was approved and adopted by the Central Visayas Polytechnic College Board of Trustees on August 13, 2002 in accordance with Section 6 of Republic

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[14] Civil Service Law.

[15] The Higher Education Modernization Act of 1997.

[16] *Rollo,* pp. 123-136.

[17] *Id.* at 128.

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Act No. 8292 (Higher Education Modernization Act of 1997), which explicitly provides that, "*He (the president of a state college) shall be appointed by the Board of Regents/Trustees, upon recommendation of a duly constituted search committee*." **Since the President of a state college is appointed by the Board of Regents/Trustees of the college concerned, it is crystal clear that he is not a presidential appointee. Therefore, it is without doubt that Sojor, being the President of a state college (Central Visayas Polytechnic College), is within the disciplinary jurisdiction of the Commission.**

The allegation of appellant Sojor that the Commission is bereft of disciplinary jurisdiction over him since the same is exclusively lodged in the CVPC Board of Trustees, being the appointing authority, cannot be considered. **The Commission and the CVPC Board of Trustees have concurrent jurisdiction over cases against officials and employees of the said agency**. Since the three (3) complaints against Sojor were filed with the Commission and not with the CVPC, then the former already acquired disciplinary jurisdiction over the appellant to the exclusion of the latter agency.[18] (Emphasis supplied)

The CSC categorized respondent as a third level official, as defined under its rules, who are under the jurisdiction of the Commission proper. Nevertheless, it adopted the formal charges issued by its regional office and ordered it to proceed with the investigation:

Pursuant to the Uniform Rules on Administrative Cases in the Civil Service, Sojor, being a third level official, is within the disciplinary jurisdiction of the Commission Proper. Thus, strictly speaking, the Commission has the sole jurisdiction to issue the formal charge against Sojor. x x x However, since the CSC RO No. VII already issued the formal charges against him and found merit in the said formal charges, the same is adopted. **The CSC RO No. VII is authorized to proceed with the formal investigation of the case against Sojor in accordance with the procedure outlined in the aforestated Uniform Rules**.[19] (Emphasis supplied)

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[18] *Id.* at 126-127.

[19] *Id*.

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No merit was found by the CSC in respondent's motion for reconsideration and, accordingly, denied it with finality on July 6, 2004.[20]

Respondent appealed the CSC resolutions to the CA *via* a petition for *certiorari* and prohibition. He alleged that the CSC acted without or in excess of its jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the assailed resolutions; that CSC encroached upon the academic freedom of CVPC; and that the power to remove, suspend, and discipline the president of CVPC was exclusively lodged in the BOT of CVPC.

CA Disposition

On September 29, 2004, the CA issued a writ of preliminary injunction directing the CSC to cease and desist from enforcing its Resolution dated March 30, 2004 and Resolution dated July 6, 2004.[21] Thus, the formal investigation of the administrative charges against Sojor before the CSC-RO was suspended.

On June 27, 2005, after giving both parties an opportunity to air their sides, the CA resolved in favor of respondent. It annulled the questioned CSC resolutions and permanently enjoined the CSC from proceeding with the administrative investigation. The dispositive part of the CA decision reads:

> WHEREFORE, in view of all the foregoing, and finding that the respondent Civil Service Commission acted without jurisdiction in issuing the assailed Resolution Nos. 040321 and 040766 dated March 20, 2004 and July 6, 2004, respectively, the same are hereby ANNULLED and SET ASIDE. The preliminary injunction issued by this Court on September 29, 2004 is hereby made permanent.
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> SO ORDERED.[22]

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[20] *Id*. at 137-141.

[21] *Id*. at 217-220.

[22] *Id*. at 54.

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The CA ruled that the power to appoint carries with it the power to remove or to discipline. It declared that the enactment of R.A. No. 9299[23] in 2004, which converted CVPC into NORSU, did not divest the BOT of the power to discipline and remove its faculty members, administrative officials, and employees. Respondent was appointed as president of CVPC by the BOT by virtue of the authority granted to it under Section 6 of R.A. No. 8292.[24] The power of the BOT to remove and discipline erring employees, faculty members, and administrative officials as expressly provided for under Section 4 of R.A. No. 8292 is also granted to the BOR of NORSU under Section 7 of R.A. No. 9299. The said provision reads:

> *Power 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 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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> x x x x x x x x x
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> to fix and adjust salaries of faculty members and administrative officials and employees x x x; **and to remove them for cause in accordance with the requirements of due process of law**. (Emphasis added)

The CA added that Executive Order (E.O.) No. 292,[25] which grants disciplinary jurisdiction to the CSC over all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with original charters, is a general law. According to the appellate court, E.O. No. 292 does not prevail over R.A. No. 9299,[26] a special law.

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[23] See note 5.

[24] Republic Act No. 9299 (2004), Sec. 7, which converted the CVPC into NORSU.

[25] Administrative Code of 1987.

[26] See note 15. The law converting CVPC into NORSU.

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Issues

Petitioner CSC comes to Us, seeking to reverse the decision of the CA on the ground that THE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT PETITIONER ACTED WITHOUT JURISDICTION IN ISSUING RESOLUTION NO. 040321 DATED MARCH 30, 2004 AND RESOLUTION NO. 04766 DATED JULY 6, 2004.[27]

Our Ruling

The petition is meritorious.

I. Jurisdiction of the CSC

The Constitution grants to the CSC administration over the entire civil service.[28] As defined, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, including every government-owned or controlled corporation.[29] It is further classified into career and non-career service positions. Career service positions are those where: (1) entrance is based on merit and fitness or highly technical qualifications; (2) there is opportunity for advancement to higher career positions; and (3) there is security of tenure. These include:

(1) Open Career positions for appointment to which prior qualification in an appropriate examination is required;

(2) Closed Career positions which are scientific, or highly technical in nature; these include the faculty and academic staff of state colleges and universities, and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems;

(3) Positions in the Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other

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[27] *Rollo,* p. 16.

[28] CONSTITUTION (1987), Art. IX(B), Sec. 1.

[29] The Administrative Code (1987), Sec. 6; *id*., Sec. 2.

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officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;

(4) Career officers, other than those in the Career Executive Service, who are appointed by the President, such as the Foreign Service Officers in the Department of Foreign Affairs;

(5) Commissioned officers and enlisted men of the Armed Forces which shall maintain a separate merit system;

(6) Personnel of government-owned or controlled corporations, whether performing governmental or proprietary functions, who do not fall under the non-career service; and

(7) Permanent laborers, whether skilled, semi-skilled, or unskilled.[30]

Career positions are further grouped into three levels. Entrance to the first two levels is determined through competitive examinations, while entrance to the third level is prescribed by the Career Executive Service Board.[31] The positions covered by each level are:

(a) The first level shall include clerical, trades, crafts, and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;

(b) The second level shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and

(c) The third level shall cover positions in the Career Executive Service.[32]

On the other hand, non-career service positions are characterized by: (1) entrance not by the usual tests of merit

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[30] *Id.*, Sec. 7.

[31] *Id.*, Sec. 8.

[32] *Id*.

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and fitness; and (2) tenure which is limited to a period specified by law, coterminous with the appointing authority or subject to his pleasure, or limited to the duration of a particular project for which purpose employment was made.[33] The law states:

> The Non-Career Service shall include:
> (1) Elective officials and their personal or confidential staff;
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> (2) Secretaries and other officials of Cabinet rank who hold their positions at the pleasure of the President and their personal or confidential staff(s);
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> (3) Chairman and members of commissions and boards with fixed terms of office and their personal or confidential staff;
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> (4) Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency; and
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> (5) Emergency and seasonal personnel.[34]

It is evident that CSC has been granted by the Constitution and the Administrative Code jurisdiction over all civil service positions in the government service, whether career or non-career. From this grant of general jurisdiction, the CSC promulgated the Revised Uniform Rules on Administrative Cases in the Civil Service.[35] We find that the specific jurisdiction, as spelled out in the CSC rules, did not depart from the general jurisdiction granted to it by law. The jurisdiction of the Regional Office of the CSC and the Commission central office (Commission Proper) is specified in the CSC rules as:

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[33] *Id.*, Sec. 9.

[34] *Id*.

[35] CSC Memorandum Circular No. 19-99 (1999).

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Section 4. *Jurisdiction of the Civil Service Commission*. — The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal, including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees.

Section 5. *Jurisdiction of the Civil Service Commission Proper*. — The Civil Service Commission Proper shall have jurisdiction over the following cases:

A. Disciplinary
1. Decisions of Civil Service Regional Offices brought before it on petition for review;
2. Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities, imposing penalties exceeding thirty days suspension or fine in an amount exceeding thirty days salary brought before it on appeal;
3. Complaints brought against Civil Service Commission Proper personnel;
4. Complaints against third level officials who are not presidential appointees;
5. **Complaints against Civil Service officials and employees which are not acted upon by the agencies and such other complaints requiring direct or immediate action, in the interest of justice;**
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Regional Offices;
7. Appeals from the Order of Preventive Suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumerations.

B. Non-Disciplinary
1. **Decisions of Civil Service Commission Regional Offices brought before it;**
2. Requests for favorable recommendation on petition for executive clemency;

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3. Protests against the appointment, or other personnel actions, involving third level officials; and
4. Such other analogous actions or petitions arising out of or in relation with the foregoing enumerations.

Section 6. *Jurisdiction of Civil Service Regional Offices.* — The Civil Service Commission Regional Offices shall have jurisdiction over the following cases:

A. Disciplinary

1. **Complaints initiated by, or brought before, the Civil Service Commission Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and the persons complained of are employees of agencies, local or national, within said geographical areas;**
2. Complaints involving Civil Service Commission Regional Office personnel who are appointees of said office; and
3. Petitions to place respondent under Preventive Suspension.

B. Non-Disciplinary

1. Disapproval of appointments brought before it on appeal;
2. Protests against the appointments of first and second level employees brought before it directly or on appeal. (Emphasis supplied)

Respondent, a state university president with a fixed term of office appointed by the governing board of trustees of the university, is a non-career civil service officer. He was appointed by the chairman and members of the governing board of CVPC. By clear provision of law, respondent is a non-career civil servant who is under the jurisdiction of the CSC.

II. The power of the BOR to discipline officials and employees is not exclusive. CSC has concurrent jurisdiction over a president of a state university.

Section 4 of R.A. No. 8292, or the Higher Education Modernization Act of 1997, under which law respondent was

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appointed during the time material to the present case, provides that the school's governing board shall have the general powers of administration granted to a corporation. In addition, Section 4 of the law grants to the board the power to remove school faculty members, administrative officials, and employees for cause:

> Section 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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> x x x x x x x x x
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> h) to fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and classification system and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provisions of existing law to the contrary not withstanding; **and to remove them for cause in accordance with the requirements of due process of law**. (Emphasis supplied)

The above section was subsequently reproduced as Section 7(i) of the succeeding law that converted CVPC into NORSU, R.A. No. 9299. Notably, and in contrast with the earlier law, R.A. No. 9299 now provides that the administration of the university and exercise of corporate powers of the board of the school shall be exclusive:

> Sec. 4. *Administration*. — The University shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as "The Corporation Code of the Philippines." **The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the president of the University insofar as authorized by the Board**.

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Measured by the foregoing yardstick, there is no question that administrative power over the school exclusively belongs to its BOR. But does this exclusive administrative power extend to the power to remove its erring employees and officials?

In light of the other provisions of R.A. No. 9299, respondent's argument that the BOR has exclusive power to remove its university officials must fail. Section 7 of R.A. No. 9299 states that the power to remove faculty members, employees, and officials of the university is granted to the BOR "in addition to its general powers of administration." This provision is essentially a reproduction of Section 4 of its predecessor, R.A. No. 8292, demonstrating that the intent of the lawmakers did not change even with the enactment of the new law. For clarity, the text of the said section is reproduced below:

> Sec. 7. *Powers and Duties of the Board of Regents*. — **The 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 existing laws:
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> x x x x x x x x x
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> i. To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; **and to remove them for cause in accordance with the requirements of due process of law**.[36] (Emphasis supplied)

Verily, the BOR of NORSU has the sole power of administration over the university. But this power is not exclusive in the matter of disciplining and removing its employees and officials.

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[36] Republic Act No. 9299, Sec. 7.

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Although the BOR of NORSU is given the specific power under R.A. No. 9299 to discipline its employees and officials, there is no showing that such power is exclusive. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter.[37]

All members of the civil service are under the jurisdiction of the CSC, unless otherwise provided by law. Being a non-career civil servant does not remove respondent from the ambit of the CSC. Career or non-career, a civil service official or employee is within the jurisdiction of the CSC.

This is not a case of first impression.

In *University of the Philippines v. Regino*,[38] this Court struck down the claim of exclusive jurisdiction of the UP BOR to discipline its employees. The Court held then:

> The Civil Service Law (PD 807) expressly vests in the Commission appellate jurisdiction in administrative disciplinary cases involving members of the Civil Service. Section 9(j) mandates that the Commission shall have the power to "hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal." And Section 37(a) provides that, "The Commission shall decide *upon appeal all administrative disciplinary cases involving the imposition of a penalty of* suspension for more than thirty (30) days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or *dismissal from office*." (Emphasis supplied)
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> Under the 1972 Constitution, all government-owned or controlled corporations, regardless of the manner of their creation, were considered part of the Civil Service. Under the 1987 Constitution, only government-owned or controlled corporations with original

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[37] *Enrique v. Court of Appeals*, G.R. No. 79072, January 10, 1994, 229 SCRA 180, citing *Government Service Insurance System v. Civil Service Commission*, G.R. No. 87146, December 11, 1991, 204 SCRA 826.

[38] G.R. No. 88167, May 3, 1993, 221 SCRA 598.

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charters fall within the scope of the Civil Service pursuant to Article IX-B, Section 2(1), which states:

> "The Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with original charters."

As a mere government-owned or controlled corporation, UP was clearly a part of the Civil Service under the 1973 Constitution and now continues to be so because it was created by a special law and has an original charter. **As a component of the Civil Service, UP is therefore governed by PD 807 and administrative cases involving the discipline of its employees come under the appellate jurisdiction of the Civil Service Commission**.[39] (Emphasis supplied)

In the more recent case of *Camacho v. Gloria*,[40] this Court lent credence to the concurrent jurisdiction of the CSC when it affirmed that a case against a university official may be filed either with the university's BOR or directly with the CSC. We quote:

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. **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**.[41] (Emphasis supplied)

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[39] *University of the Philippines v. Regino, id.* at 601-602.

[40] G.R. No. 138862, August 15, 2003, 409 SCRA 174.

[41] *Camacho v. Gloria, id.*, citing Executive Order No. 292, Sec. 47.

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Thus, CSC validly took cognizance of the administrative complaints directly filed before the regional office, concerning violations of civil service rules against respondent.

III. Academic freedom may not be invoked when there are alleged violations of civil service laws and rules.

Certainly, academic institutions and personnel are granted wide latitude of action under the principle of academic freedom. Academic freedom encompasses the freedom to determine who may teach, who may be taught, how it shall be taught, and who may be admitted to study.[42] Following that doctrine, this Court has recognized that institutions of higher learning have the freedom to decide for itself the best methods to achieve their aims and objectives, free from outside coercion, except when the welfare of the general public so requires.[43] They have the independence to determine who to accept to study in their school and they cannot be compelled by *mandamus* to enroll a student.[44]

That principle, however, finds no application to the facts of the present case. Contrary to the matters traditionally held to be justified to be within the bounds of academic freedom, the administrative complaints filed against Sojor involve violations of civil service rules. He is facing charges of nepotism, dishonesty, falsification of official documents, grave misconduct, and conduct prejudicial to the best interest of the service. These are classified as grave offenses under civil service rules, punishable with suspension or even dismissal.[45]

This Court has held that the guaranteed academic freedom does not give an institution the unbridled authority to perform

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[42] *Miriam College Foundation, Inc. v. Court of Appeals,* G.R. No. 127930, December 15, 2000, 348 SCRA 265.

[43] *Camacho v. Coresis,* 436 Phil. 449 (2002).

[44] *Tangonan v. Paño,* G.R. No. L-45157, June 27, 1985, 137 SCRA 245.

[45] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Sec. 52(A).

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acts without any statutory basis.[46] For that reason, a school official, who is a member of the civil service, may not be permitted to commit violations of civil service rules under the justification that he was free to do so under the principle of academic freedom.

Lastly, We do not agree with respondent's contention that his appointment to the position of president of NORSU, despite the pending administrative cases against him, served as a condonation by the BOR of the alleged acts imputed to him. The doctrine this Court laid down in *Salalima v. Guingona, Jr.*[47] and *Aguinaldo v. Santos*[48] are inapplicable to the present circumstances. Respondents in the mentioned cases are elective officials, unlike respondent here who is an appointed official. Indeed, election expresses the sovereign will of the people.[49] Under the principle of *vox populi est suprema lex*, the re-election of a public official may, indeed, supersede a pending administrative case. The same cannot be said of a re-appointment to a non-career position. There is no sovereign will of the people to speak of when the BOR re-appointed respondent Sojor to the post of university president.

WHEREFORE, the petition is *GRANTED*. The Decision of the Court of Appeals is *REVERSED and SET ASIDE*. The assailed Resolutions of the Civil Service Commission are *REINSTATED*.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-de Castro, and *Brion, JJ.,* concur.

Puno, C.J., certifies that *J.* Corona concurred in the decision.

Carpio, J., on leave.

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[46] *Benguet State University v. Commission on Audit,* G.R. No. 169637, June 8, 2007.

[47] G.R. Nos. 117589-92, May 22, 1996, 257 SCRA 55.

[48] G.R. No. 94115, August 21, 1992, 212 SCRA 768.

[49] *People v. Jalosjos,* G.R. Nos. 132875-76, February 3, 2000, 381 SCRA 690.