PACU vs Secretary of Education GR No. L-5279 October 31, 1955

Facts:

The Philippine Association of Colleges and Universities (PACU) assailed the constitutionality of Act No. 2706 as amended by Act No. 3075 and Commonwealth Act No. 180. These laws sought to regulate the ownership of private schools in the country. It is provided by these laws that a permit should first be secured from the Secretary of Education before a person may be granted the right.

to own and operate a private school. This also gives the Secretary of Education the discretion to ascertain standards that must be followed by private schools. It also provides that the Secretary of Education can and may ban certain textbooks from being used in schools.

PACU contends that the right of a citizen to ownormal operate a school is guaranteed by the Constitution, and any law requiring previous governmental approval or permit before such person could exercise said right, amounts too censorship of previous restraint, a practice abhorrent to our system of law and government or packed as a practice abhorrent to our system of law and government or PACU also avers that such power granted to the Secretary of Education is an undue delegation of legislative power, that there is undue delegation because the law did not specify the basis or the standard upon which the Secretary must exercise and discretion; that the power to ban books granted to the Secretary amounts to censorship.

ISSUE: Whether or not Act No. 2706 as amended is unconstitutional.

HELD: No. In the first place, there is no justiciable controversy presented. PACU did not show that it suffered any injury from the exercise of theo Secretary of Education of such powers granted to him by the said law.

Second, the State has the power to regulate, in fact control, the ownership of schools. The Constitution provides for state control of all educational institutions even as it enumerates certain fundamental objectives of all education to wit, the development of moral character, personal discipline, civic conscience and vocational efficiency, and instruction in the duties of citizenship. The State control of private education was intended by the organic law.

Third, the State has the power to ban illegal textbooks or those that are offensive to Filipino morals. This is still part of the power of control and regulation by the State over all schools.

Joya vs. Presidential Commission on Good Government (PCGG) GR No. 96541 August 24, 1993

Doctrines:

Requisites for exercise of judicial review: (1) that

the question must be raised by the proper party; (2) that there must be an actual case or controversy; (3) that the question must be raised at the earliest possible opportunity; and, (4) that the decision on the constitutional or legal question must be necessary to the determination of the case itself.

- LEGAL STANDING: a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged.
- EXCEPTIONS TO LEGAL STANDING: Mandamus and Taxpayer's Suits
- REQUISITES FOR MANDAMUS: a writ of mandamus may be issued to a citizen only when the public right to be enforced and the concomitant duty of the state are unequivocally set forth in the Constitution.
- 5. WHEN TAXPAYER SUIT MAY PROSPER: A taxpayer's suit can prosper only if the governmental acts being questioned involve disbursement of public funds upon the theory that the expenditure of public funds by an officer of the state for the purpose of administering an unconstitutional act constitutes a misapplication of such funds, which may be enjoined at the request of a taxpayer.
- ACTUAL CONTROVERSY: one which involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution; the case must not be most or academic or based on extralegal or other similar considerations not cognizable by a court of justice.

FACTS:

The Republic of the Philippines through the PCGG entered into a Consignment Agreement with Christie's of New York, selling 82 Old Masters Paintings and antique silverware seized from Malacanang and the Metropolitan Museum of

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it s a good idea to have patients sign a consent form giving you permission to release their records to another healthcare provider and to keep that document as part of the patient s dental record

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