CIVIL SERVICE COMMISSION, COMPLAINANT, VS. SANTOS ENRIE P. PEROCHO, JR., RESPONDENT.

A.M. NO. P-05-1985 (FORMERLY OCA I.P.I. NO. 05-2126-P). July 26, 2007

Read online (full-text search, related cases, audio case brief): https://batas.org/library/0b3304c82261/

PER CURIAM:

On November 9, 2004,[1] the Civil Service Commission (CSC), in Administrative Case No. 96-07-82, found Santos Enrie P. Perocho, Jr. (respondent), Process Server, Regional Trial Court (RTC), Branch 161, Mandaluyong City, guilty of dishonesty and dismissed him from the service with disqualification from holding public office and from taking government examinations in the service, as well as with forfeiture of retirement benefits.

The facts, as found by the CSC, are as follows:

> On May 28, 1996, Mr. Perocho, Jr., was appointed by Deputy Court Administrator Reynaldo L. Suarez as Clerk III at the RTC, Branch 161, Pasig City. In support of his appointment he submitted his Personal Data Sheet (PDS) wherein he stated that he passed the Career Service Professional Examination conducted by the Civil Service Commission in Manila on April 17, 1994 with a rating of 85.00% knowing fully well that it was not true because he did not pass the said exam.
>
> However, upon examination of the records of the Examination and Placement Services Division (EPSD) of the Civil Service Commission it was disclosed that his name was not in the Register of Eligibles in the Career Service Professional Examination held on April 17, 1994. Later on, a formal charge for Dishonesty and Grave Misconduct was issued against Mr. Perocho after it was deduced from the fact finding investigation conducted by the Civil Service Commission that he submitted a spurious certificate of eligibility and made a false entry in his Personal Data Sheet.
>
> A copy of the formal charge was furnished respondent requiring him to file his Answer. Respondent did not submit his Answer and as a consequence thereof he was deemed to have waived his right to submit the same. During the formal investigation the prosecution presented Rosie Perlas, CS Field Office personnel who testified to confirm the document submitted by respondent in support of his appointment and Bella A. Mitra, Officer-in-Charge, Examination and Placement Service Division (EPSD) of the Civil Service Commission who brought before the Hearing Officer the Register of Eligibles who took and passed the April 17, 1994 Career Service Professional Examination. After a judicious scrutiny of the documentary and testimonial evidence adduced, respondent Perocho, Jr., was found guilty of the offense charged, and was meted out the penalty of dismissal from the service. In addition, the accessory penalties of disqualification from holding public office, forfeiture of retirement benefits and from taking government examination in the service was likewise imposed against the herein respondent.[2]

Upon Report dated February 21, 2005,[3] of Court Administrator Presbitero J. Velasco, Jr.,[4] the Court directed respondent to comment within 10 days from notice why no disciplinary action should be taken against him for Dishonesty and Grave Misconduct.

Respondent, through counsel, filed his Comment dated June 13, 2005[5] alleging that he verified and obtained a copy of the CSC Decision and was surprised upon knowing that a Decision was rendered against him without

appropriate notice and opportunity to be heard. Respondent denied having received directly or indirectly any notice or any formal charge filed against him by the CSC, and that he never received a copy of the Decision dated November 9, 2004 except upon verification from the CSC after receipt of the Court Resolution dated April 6, 2005. Respondent left his former residence at 2325 Pasig Line St., Sta. Ana, Manila in April 1996 and transferred to Noveleta, Cavite, and there was no way by which he could have received the subpoenae and formal charge against him. Respondent denies having submitted his Personal Data Sheet (PDS) personally and having stated in the PDS that he passed the April 17, 1994 Professional Eligibility Examination of the CSC in Manila, with a rating of 85%. Respondent remembers that while still detailed at the RTC, Branch 161, Mandaluyong City, Sheriff Carlos Maog (Maog) gave respondent a PDS with instructions to submit the Personal Data Information to Maog who would take charge of whatever clerical position was available for his friend. Respondent was made to sign on the blank space provided at the lower portion of the dorsal side of his PDS. Respondent did not give any information or mislead Maog into making it appear that he took up and passed the Professional Eligibility Examination of the CSC. Upon learning from Maog that CSC eligibility was required, respondent told Maog not to proceed anymore with the filing of his application and emphasized that he was not a CSC eligible. Respondent denied receiving his appointment as Clerk III from Deputy Court Administrator Reynaldo L. Suarez and he did not assume said position. Respondent has no intent of furnishing the government or any person or entity any misinformation as to his eligibility and he has continuously discharged the functions of his office with the highest degree of responsibility, integrity, loyalty, and efficiency and has remained at all times accountable to the people as a public servant. His present position as a process server does not require any eligibility. He prays that the Decision of the CSC of November 9, 2004 be set aside and that he be absolved of the charges of dishonesty and grave misconduct.

In a Resolution dated August 31, 2005, the Court referred the administrative matter to the Office of the Court Administrator (OCA) for investigation, report and recommendation.

In a Report dated May 15, 2006[6], the Investigating Officer Romulo S. Quimbo submitted the following observations, to wit:

> Respondent admitted having accomplished Exhibit "A". He said that he had typewritten the information required by questions, except No. 18. He denied having typewritten anything in the space for Item No. 18 and he did not know who made the entries thereon. After filling out the blanks, except Item No. 18, he signed the same Exhibit "A" and gave it to Maog and forgot all about it until the present case was filed against him.
>
> On cross-examination respondent repeatedly denied having any knowledge as to who or how the entry (Exhibit "A-1") was made in his PDS (Exhibit "A") because he did not make any such entry. Respondent also admitted that he was the one who accomplished and signed another PDS dated 27 June 1997 (Exhibit "G"). The latter PDS is the one he submitted for his present position of process server. Respondent averred that he had no knowledge that an appointment for the position of Clerk III was issued in his favor by Deputy Court Administrator Suarez which, however, was not attested to by the CSC. Respondent stated that he had not taken any civil service examination, whether Professional or Sub-professional. After he had accomplished Exhibit "A", he had given the same to Sheriff Maog without any supporting documents. He never followed his application because he learned that civil [service] eligibility was required for it and he was not an eligible.
>
> On 8 May 2006, respondent was asked why he had placed the letters "NA", which means "not applicable" on Items Nos. 16, 19, 23, 24, 25 and 26 but had allegedly left Item No. 18 (Exhibit A-1) blank. Respondent replied that he was in a hurry typing.
>
> Respondent's witness Joseph Pabillano declared that in March 1996, he was an "errand boy" at the Regional Trial Court [i]n Barrio Kapitolyo, Pasig City. x x x While they were eating in a "carenderia" Maog asked him if he wanted to be a regular employee. Respondent was among those present when Sheriff Maog allegedly

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> asked Pabillano if he wanted to secure a job in the court. Sheriff Maog distributed blank PDS forms for them to accomplish but Pabillano avers that he did not return the same to Maog x x x. Upon being shown Exhibit "A", Pabillano declared that it was a similar form which Maog distributed to them. Pabillano further declared that he learned from the employees at the RTC, Pasig City that Sheriff Carlos Maog was already deceased.
>
> It is clear from the documents submitted by the complainant that there was an attempt to pass off a non-eligible for appointment to a position which required civil service eligibility. Had the CSC been less alert, respondent's appointment as Clerk III may have been attested to. The question to be decided here is who the author of the attempt was.
>
> The complainant claims that it was the respondent who inserted the data that he had the appropriate civil service eligibility for the position of Clerk III which he had applied for. The complainant further insists that it was respondent who submitted the spurious certificate of eligibility (Exhibit "E") to the Personnel Office of the OCA as one of the documents supporting his application for the position of Clerk III.
>
> x x x x
>
> The undersigned is convinced that respondent was enticed by persons unknown to apply for the position of Clerk III. He must have been assured by said persons that although he was not an eligible, a certificate could be obtained somewhere. It is entirely possible that respondent must have spent some funds to secure Exhibit "E" and perhaps the late Carlos Maog was instrumental in persuading him to take the risk of submitting an application for a position for which he was not qualified as well as procuring Exhibit "E".
>
> Unfortunately, Sheriff Carlos Maog is dead. He can no longer take the stand to support the assertion of the respondent. But even if he were alive, it is doubtful that he would have admitted to being responsible for the procurement of a fake certificate of eligibility since he would be jeopardizing his own employment because he could be found guilty of dishonesty which merits the penalty of dismissal even if committed the first time.
>
> x x x x
>
> The respondent is charged with dishonesty for having submitted a spurious certificate of eligibility to support his application for the position of Clerk III. The Supreme Court has consistently held that "in the absence of satisfactory explanation, one found in possession of or who used a forged document is the forger or the one who caused the forgery". x x x
>
> The respondent has clearly committed act of dishonesty which is defined by the CSC as "any act which shows lack of integrity or a disposition to defraud, cheat, deceive or betray. It consists of an intent to violate the truth, in a matter of fact relevant to one's office or connected with the performance of his duties x x x.
>
> x x x x
>
> x x x [I]t is evident that respondent has committed the grave offense of dishonesty by procuring and using a forged certificate of eligibility which he submitted with his application for the position of Clerk III. The CSC found enough evidence to hold respondent responsible for the procurement of Exhibit "E". The CSC correctly meted the penalty of "dismissal from the service" with "disqualification from holding public office, forfeiture of retirement benefits and from taking government examinations in the service" as the same is well supported by the evidence on record.[7]

and recommended that respondent be found guilty of dishonesty and grave misconduct and be dismissed from the service with forfeiture of retirement and other benefits, except earned leave credits, and with perpetual disqualification from re-employment in any government instrumentality or government-owned or controlled corporation.

In a Memorandum dated May 15, 2007, Court Administrator Christopher O. Lock found no reason to deviate

from the findings and recommendation of the Investigating Officer.

We have carefully scrutinized the records of the case and we are in full accord with the findings of the CSC, the Investigating Officer and the Court Administrator that respondent is guilty of Dishonesty.

Complainant charges respondent with dishonesty and grave misconduct through falsification of his PDS. Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion."[8] Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.[9]

In Advincula v. Dicen,[10] the Court emphasized that the PDS is an official document required of a government employee and official by the CSC. It is the repository of all information about any government employee and official regarding his personal background, qualification, and eligibility.[11] Since truthful completion of the PDS is a requirement for employment in the judiciary, the importance of answering the same with candor need not be gainsaid.[12] Concealment of any information in the PDS, therefore, warrants disciplinary action against the erring employee.

In Civil Service Commission v. Sta. Ana,[13] the Court held as follows:

> By making a false statement in his personal data sheet to enhance his qualification and increase his chances of being considered for promotion, which in fact happened because he was issued an appointment as HRMO III by then Chief Justice Andres Narvasa, respondent prejudiced the other qualified aspirants to the same position. It does not matter that respondent did not actually assume the position and receive salaries and benefits pertaining thereto. The law does not require that actual injury to a third person be present. What is necessary is that there be intent to injure. Moreover, in People v. Po Giok To, it is held that when official documents are falsified, "the intent to injure a third person need not be present because the principal thing punished is the violation of the public faith and the destruction of the truth as therein proclaimed.[14]

Respondent contends that he had no knowledge that an appointment for the position of Clerk III was issued in his favor by Deputy Court Administrator Suarez which, however, was not attested to by the CSC due to the timely discovery by the complainant of the spurious certificate of eligibility.

It matters not that respondent did not receive the appointment or assume the position of Clerk III. His act of indicating in his PDS that he is eligible, when in fact he is not, manifests his intent to injure. However, although no pecuniary damage was incurred by the government, there was still falsification of an official document that constitutes gross dishonesty which cannot be countenanced. The Code of Conduct and Ethical Standards for Public Officials and Employees enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service.[15] And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.[16]

Respondent's bare denial of the allegations by the complainant pales in comparison with the documents presented by the complainant during the investigation hearing. As rightly observed by the Investigating Officer, and as consistently held by the Court, "in the absence of satisfactory explanation, one found in possession of or who used a forged document is the forger or the one who caused the forgery."

It is unfortunate that Maog, the person alleged to have submitted the PDS of respondent and who can shed light on the circumstances surrounding the controversy, is already deceased.[17]

In Remolona v. Civil Service Commission,[18] the Court ratiocinated in this wise:

> It cannot be denied that dishonesty is considered a grave offense punishable by dismissal for the first offense under Section 23, Rule XIV of the Rules Implementing Book V of Executive Order No. 292. And the rule is that dishonesty, in order to warrant dismissal, need not be committed in the course of the performance of duty by the person charged. The rationale for the rule is that if a government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office. The Government cannot tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, oppression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations. The private life of an employee cannot be segregated from his public life. Dishonesty inevitably reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service.[19]

We now delve into the charge of grave misconduct.

Misconduct, by uniform legal definition, is a transgression of some established and definite rule of action, more particularly, unlawful behavior as well as gross negligence by a public officer.[20] To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer.[21] In this case, respondent's submission of his PDS is not related to or connected with the performance of his official functions and duties as a government employee. The CSC and the investigating officer failed to show reasonable connection that the offense committed constitutes grave misconduct. Thus, we find respondent guilty only of dishonesty.

Under the Civil Service Rules,[22] dishonesty though committed only for the first time by a public servant, has a corresponding penalty of dismissal.

The Court has repeatedly held that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service.[23]Respondent, who, for the purpose of securing a permanent position, used a spurious certificate of eligibility, cannot be said to have measured up to the standards required of a public servant. This Court will not tolerate dishonesty, for the judiciary deserves the best from all its employees.[24] Dishonesty and falsification are malevolent acts that have no place in the judiciary.[25]

ACCORDINGLY, the Court finds Santos Enrie P. Perocho, Jr., Process Server, Regional Trial Court, Branch 161, Office of the Clerk of Court, Mandaluyong City, guilty of DISHONESTY. He is DISMISSED from the service with forfeiture of retirement and other benefits except accrued leave credits and with perpetual disqualification from re-employment in any government-owned and controlled corporation.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

---

[1]Rollo, pp. 3-6.

[2] Id. at 1-2.

[3] Id. at 2.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[4]Justice Presbitero J. Velasco, Jr. is now a member of the Court.

[5] Id. at 12-14.

[6]Id. at 47.

[7] Id. at 52-56.

[8]Wooden v. Civil Service Commission, G.R. No. 152884, September 30, 2005, 471 SCRA 512, 526.

[9]Id.

[10]G.R. No. 162403, May 16, 2005, 458 SCRA 696.

[11] Id. at 708.

[12] Bellosillo v. Rivera, 395 Phil. 180, 191 (2000).

[13] 435 Phil. 1 (2002).

[14]Id. at 11.

[15] Id. at 8.

[16]Id. at 12.

[17]TSN, May 8, 2006, p. 12.

[18] 414 Phil. 590 (2001).

[19] Id. at 600-601.

[20] Advincula v. Dicen, G.R. No. 162403, May 16, 2005, 458 SCRA 696, 709.

[21] Civil Service Commission v. Belagan, G.R. No. 132164, October 19, 2004, 440 SCRA 578, 599.

[22] Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service provides:

Section 52. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A The following are grave offenses with their corresponding penalties:

- Dishonesty — 1st Offense — Dismissal

- Gross Neglect of Duty — 1st Offense — Dismissal

- Grave Misconduct — 1st Offense — Dismissal

[23] Office of the Court Administrator v. Capalan, A.M. No. P-05-2055, December 9, 2005, 477 SCRA 26, 31.

[24]Salvador v. Serrano, A.M. No. P-06-2104, January 31, 2006, 481 SCRA 55, 73.

[25] Pizarro v. Villegas, 398 Phil. 837, 843 (2000).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.