

DOMINGO O. BAUTISTA, PETITIONER, VS. THE HONORABLE JUDGE PEDRO C. NAVARRO, OF THE COURT OF FIRST INSTANCE OF RIZAL; ADJUDICATION BOARD NO. 14 OF THE NATIONAL POLICE COM-MISSION;...

G.R. No. L-46199. June 29, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

The undisputed facts in this case are as follows:

On November 16, 1970, then Manila Assistant Fiscal Rodolfo A. Nocon filed a complaint against petitioner for violation of Section 50 of the 1947 Revised Election Code with the Court of First Instance of Manila, docketed as Criminal Case No. 3307, for the purpose of preliminary investigation pursuant to the provisions of Section 187 of the said Election Code.

On November 18, 1970, petitioner was appointed Patrol-man in the Antipolo Police Department at Antipolo, Rizal, a position which he occupied until his promotion to Patrolman First Class on September 1, 1971. He was promoted on August 1, 1972 to Police Corporal in the same police force, which position he held up to the filing of the administrative case in question.

On March 9, 1971, then Judge Serafin Cuevas of the Court of First Instance of Rizal, acting on the motion of the fiscal and with the conformity of herein petitioner (the accused therein) dismissed the complaint in line with the ruling of this Court in the case of Albano vs. Arranz, 15 SCRA 518, to the effect that the complaint filed in court by persons other than those enumerated in Section 2, Rule 110 of the New Rules of Court is a patent nullity.

In compliance with one of the requirements of the Civil Service Commission, petitioner filled in an information sheet called "Personal Data." On the blank space opposite the question which asked if the applicant had previously been accused of, indicted for or tried for the violation of any law, ordinance or regulation before any court or tribunal, petitioner answered in the negative and swore to the truth of the contents thereof before the Municipal Judge of Antipolo, Rizal.

As a consequence, on May 9, 1973, he was charged for grave misconduct in an administrative complaint, docketed as Administrative Case No. 78-8014 in the Office of the Board of Investigators No. 4, NAPOLCOM, for having willfully and unlawfully made untruthful statements in a narration of facts contained in his Personal Data Sheet (CSC Form No. 212).

Answering the aforesaid administrative complaint, petitioner claimed that Criminal Case No. 3307 filed against him was dismissed by Judge Cuevas on the ground that he acted in good faith when he did not disclose said charge in his Personal Data Sheet.

After due hearing, the Board of Investigators No. 4, NAPOLCOM, rendered a report finding the petitioner not

guilty of the charge and recommended his exoneration. However, the Adjudication Board No. 14, NAPOLCOM, reversed the recommendation of the Board of Investigators No. 4, NAPOLCOM, and found the petitioner guilty of dishonesty (falsification of public documents) amounting to grave misconduct and ordered his dismissal from the service "with prejudice to reinstatement or forfeiture of whatever benefits allowable to him under existing laws."

Hence, petitioner filed this petition for certiorari and mandamus with the Court of First Instance of Rizal, Branch II, praying that the aforesaid decision of the Adjudication Board No. 14, NAPOLCOM, as well as its order denying his motion for reconsideration be annulled and declared without force and effect.

Herein respondent judge of the Court of First Instance of Rizal dismissed the petition for lack of merit.

Not satisfied with the decision of the Court of First Instance, petitioner Domingo O. Bautista brought this petition for review on certiorari before this Court, praying that the decision promulgated by respondent Judge be reversed on the ground that (1) the criminal complaint (Criminal Case No. 3307) filed before the Court of First Instance of Rizal cannot be considered as an accusation, charge or indictment because said complaint is null and void, as in fact it was dismissed for this reason by the Court of First Instance of Manila upon motion of the prosecuting fiscal; (2) that inasmuch as the aforesaid criminal complaint is a patent nullity, no falsification could have been committed by him when he executed on September 1, 1971 the sworn Personal Data Sheet; and (3) that petitioner's failure to reveal in his sworn Personal Data Sheet the fact that he had been charged in a court of justice with an election offense was made in good faith.

We are not persuaded. The fact is, there was a complaint filed against herein petitioner for violation of Section 50, in relation to Sections 183 and 184 of Republic Act 180, as amended, otherwise known as the 1947 Revised Election Code, an offense punishable by imprisonment of not less than one (1) year and one (1) day but not more than five (5) years, with the further penalty of the special disqualification to hold office and the deprivation of the right of suffrage for not less than one (1) year but not more than nine (9) years and to pay the costs. The Personal Data Sheet is an official document required of a policeman by the NAPOLCOM and the Civil Service Commission. While it is true that the criminal complaint filed by the fiscal with the Court of First Instance of Manila for preliminary investigation was "later dismissed because the fiscal is not among those persons authorized under Section 2, Rule 110 of the Revised Rules of Court to file complaint," the dismissal did not entirely erase the charge that petitioner could have committed the said election offense and that he was probably guilty thereof. It was not a dismissal on the merits and the concealment constitute mental dishonesty amounting to misconduct. Petitioner was under legal obligation to reveal the fact that he was charged with an election offense in his Personal Data Sheet. Or, at least, he should have explained his negative answer to Question No. 15 of his sworn Personal Data Sheet that although he was charged of an election offense before the Court of First Instance of Manila it was dismissed because the complaint was defective.

Further, we find merit in the contention of the Solicitor General that the petition for certiorari and mandamus was filed before the Court of First Instance on November 10, 1975 or almost one (1) year after petitioner had received the order of respondent Adjudication Board No. 14, NAPOLCOM, denying his motion for reconsideration which he received on December 15, 1974.

"Unreasonable delay in the enforcement of a claim is strongly persuasive of a lack of merit, since it is human nature to assert a right most strongly when first invaded." (*Buenaventura vs. David*, 37 Phil. 435)

WHEREFORE, this petition is hereby dismissed for lack of merit.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

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