

RENATO G. TOBILLO, PETITIONER, VS. SOCIAL SECURITY SYSTEM AND HON. EMILIO S. DE QUIROS, PRESIDENT AND CEO, RESPONDENTS.

Ponente: DICDICAN, J.

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DICDICAN, J.:

This has reference to the petition filed in this Court for review of the decision promulgated on October 21, 2014 by the Civil Service Commission in Case No. 140824 which dismissed the petitioner from the government service for the administrative offenses of grave misconduct and conduct prejudicial to the best interest of the government.

We made a judicious scrutiny of the petition and the decision promulgated by the Civil Service Commission in Case No. 140824, and we have come up with a finding that the said petition for review is patently without merit. It is well-entrenched in our jurisdiction and jurisprudence that findings of administrative agencies, such as the Civil Service Commission, in their fields of specialized expertise are entitled to the highest respect and will not be disturbed by us unless there is a clear and indubitable showing that they overlooked, misunderstood or misapplied some facts or circumstances of weight and substance. In the case at bench, there is no adequate showing by the petitioner that the Civil Service Commission acted erroneously in rendering or promulgating the decision sought to be reviewed. We have noted that the contentions raised by the petitioner in his petition are practically just a rehash of the same contentions which had already been judiciously passed upon by the Civil Service Commission in the decision sought to be reviewed. On the contrary, it appears that the Civil Service Commission acted correctly and in accordance with law in promulgating the said decision. As stated in the assailed decision, it was clearly established that the petitioner Tobillo received funds payable or deliverable to the Social Security System. He admitted having received P1,893.00 on September 13, 2006 and P1,892.00 on November 8, 2006 from Garachico supposedly to be remitted to the SSS as Garachico's Employer's Contribution for the months of April to September 2006. Tobillo admitted failing to remit the amount covering Garachico's contributions for the months of July to September 2006 because he lent them to his friend Bernie.

Tobillo committed acts which are prohibited by law or specifically Section 28, paragraph (g) of Republic Act No. 8282 (Section 28. Penal Clause. - xxx). As an Acting Accounts Officer and an employee of the SSS for more than twelve (12) years, it is presumed that he knows that he is prohibited from collecting or receiving SSS contributions from the members of SSS. He knew from the very beginning that it is not within his duties and responsibilities to collect or receive SSS contributions in behalf of SSS and yet he received the Employer's contributions from Garachico not only once but twice, albeit, he failed only to remit Garachico's contribution for the month of July to September 2006.

As stated in the assailed Decision, Tobillo's act of receiving without valid authority from the SSS the contributions from Garachico in two (2) separate occasions, knowing that he is prohibited to receive or collect therefrom, is indicative of his intent to violate the law or his flagrant disregard of the established rule and blatant transgression of the established conduct. Moreover, his conduct tarnished the image and integrity of his public office. His conduct of receiving, without authority, the SSS contributions of Garachico and failing to remit the

same diminishes or tends to diminish the faith of the people to the System. His non-remittance of Garachico's contribution to SSS deprived the members of the SSS to benefit from the money which was supposedly remitted to the System.

Having pointed out the patent lack of merit of the petition filed in this case, we wish to stress that, in our rules for the filing of a petition for review under Rule 43 of the Rules of Court, review is not a matter of right but of sound judicial discretion. This Court may dismiss the petition outright if it finds the same to be patently without merit, as in this case.

WHEREFORE, in view of the foregoing premises, we hereby DISMISS outright the petition for review filed in this case.

SO ORDERED.

Ybañez, and Paredes, JJ., concur.

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