

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. MARIA CELIA A. FLORES, COURT LEGAL RESEARCHER II, RESPONDENT.

A.M. No. P-07-2366 [Formerly OCA-I.P.I. No. 07-2519-P]. April 16, 2009

Ponente: TINGA, J.

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TINGA, J.:

The instant administrative complaint was filed by the Office of the Court Administrator (OCA) charging respondent Maria Celia A. Flores with dishonesty for failure to disclose in her Personal Data Sheet (PDS) her suspension and dismissal from previous employment.

An abstract of pertinent facts follows.

Respondent applied for and was appointed as Court Legal Researcher II in the Regional Trial Court, Branch 217, Quezon City. She assumed her position on 12 April 1994.

In 2006, the OCA came across a labor case decision docketed as G.R. No. 109362 and promulgated on 15 May 1996, involving respondent as petitioner therein and the Philippine Public School Teachers Association (PPSTA) as private respondent. As reported in said case, respondent was employed as clerk of the PPSTA from August 1973 until her termination in August 1990. She was dismissed for engaging a fellow employee in a brawl. It was also found that she was disciplinarily charged six (6) times.[1] Respondent filed a complaint for illegal dismissal before the Labor Arbiter who ruled in her favor. On appeal, the National Labor Relations Commission declared the dismissal valid. Respondent elevated the case to this Court through a petition for certiorari. Pending resolution of said petition, respondent was appointed as Court Legal Researcher II. Eventually, the validity of her dismissal was sustained by this Court on 15 May 1996.

Upon learning of said case, the OCA looked into the 201 File of respondent but did not find her PDS. As requested, the Civil Service Commission furnished the OCA with a copy of the PDS. The significant portions of the PDS are quoted below, thus:

24.

Have you ever been convicted for violating any law, decree, ordinance or regulations by any court or tribunal? [] Yes [] No. Have you ever been convicted for any breach or infraction by a military tribunal or authority, or found guilty of an administrative offense? [] Yes [?] No. If your answer is "Yes" to any of the questions, give particulars.

25.

Do you have any pending administrative/criminal case? If you have any, give particulars. None

26.

Have you ever been retired, dismissed, forced to resign from any employment for reasons, other than lack of

funds or dropped from the rolls? [?] Yes [] No. If "Yes", give particulars. Petition for Certiorari, pending with the Supreme Court under G.R. No. L-109362. (Emphasis supplied)[2]

Following the sketchy lead by respondent's responses in the PDS, the OCA wrote a letter to PPSTA requesting a copy of the records of the administrative case before it.[3] As the PPSTA failed to furnish the requested documents, the OCA was constrained to rely on the decision dated 15 May 1996 in G.R. No. L-109362 as basis of this complaint.[4]

In a 1st Indorsement dated 3 January 2007, the OCA directed respondent to explain why she failed to disclose her previous suspension, dismissal from the service, and the administrative charges against her before the PPSTA.[5]

In her Comment, respondent maintained that she fully disclosed the fact of her dismissal from PPSTA in the PDS when she cited the pendency of a petition for certiorari in the Supreme Court. In invoking good faith, she reasoned that her failure to indicate the suspension in 1977 was due to an honest mistake considering that the suspension happened more than seventeen (17) years before she accomplished the PDS on 11 February 1994.[6]

In a letter dated 12 April 2007, respondent asked for the inhibition of then Court Administrator Christopher Lock from further conducting the investigation in light of his alleged partiality against her for the following reasons, namely: (1) the Indorsement was issued *motu proprio* by the Court Administrator despite absence of any complaint by any party; (2) the Court Administrator disregarded the standard procedure by causing the personal service of notices and orders upon respondent; (3) there was no basis for the Indorsement, as no PDS was on file with the Office of Administrative Services, and the OCA had to obtain a copy from the Civil Service Commission; and (4) the Court Administrator virtually made himself a complainant, prosecutor and judge.[7]

In his Comment on the letter dated 12 April 2007, the former Court Administrator explained that the charge against respondent for dishonesty was not brought about by any desire to harass her but by his sense of duty. He reiterated that it was within his power to initiate investigations against erring employees and under the circumstances in which the infraction of respondent was discovered, a private party need not file a complaint. Denying having taken an unusual interest in the complaint by personally serving the notices and orders upon respondent, the former Court Administrator maintained that there was nothing irregular in the OCA obtaining a copy of the PDS from the Civil Service Commission, as it is a normal procedure in administrative investigations to obtain records from other offices.

On 4 May 2007, the OCA found respondent guilty of dishonesty and recommended her dismissal from the service.

In a Resolution dated 10 September 2007, the Court resolved to re-docket the case as a regular administrative matter and required the parties to manifest whether they were willing to submit this matter for resolution on the basis of the pleadings filed.[8]

In compliance with our Resolution, both parties filed their affirmative manifestations on 18 October 2007[9] and 6 November 2007,[10] respectively.

We adopt the findings of OCA.

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." 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.[11]

In the instant case, respondent admitted that she failed to disclose her previous suspension but attributed such failure to "human frailty" and "honest mistake." It is indeed implausible that respondent could have easily forgotten her suspension considering that it was one of the grounds cited by PPSTA for her eventual termination. As aptly observed by OCA:

The defenses of good faith, human frailty and honest mistake deserve scant consideration. It is inconceivable that Ms. Flores could have forgotten her suspension in 1977 when she was accomplishing her Personal Data Sheet in 1994. A suspension is not something that occurs in one's career regularly that it can easily be forgotten. It is a blemish in [one's] career and definitely leaves a deep and lasting impression in one's mind which the lapse of seventeen (17) years can not easily erase. Besides it is not as if the issue of her suspension was laid to rest after Ms. Flores served it in 1977. The decision in G.R. No.109362 shows that her suspension and other administrative infractions were raised by the Philippine Public School Teachers Association in order to justify her dismissal. It appears from the decision that the Association dismissed Ms. Flores in September 1990 and in dismissing her, the Association sent her a Memorandum dated August 31, 1990 recounting her previous administrative offenses, including her suspension. The issue of the legality of her dismissal became the subject of a labor case. On December 29, 1992, the National Labor Relations Commission rendered a decision declaring the dismissal of Ms. Flores as valid. She then filed a petition before this Court. On February 11, 1994, she accomplished her Personal Data Sheet. Verily, the proceedings in her labor case, which occurred just a few years before she accomplished her Personal Data Sheet, could not have failed to remind Ms. Flores of her employment history when she was still a clerk in the Philippine Public School Teachers Association. Besides, the fact that Ms. Flores did not inform this Office of the decision in G.R. No. 109362 for ten (10) years belies any claim of good faith on her part.[12]

Anent respondent's claim that she fully disclosed the fact of her dismissal in the PDS by citing the pendency of a petition for certiorari before the Supreme Court, such assertion deserves scant attention. Two questions relating to administrative charges were asked in the PDS to which respondent explicitly answered in the negative. While respondent may have mentioned a pending petition for certiorari, said answer only begged further details, which respondent herself failed to provide. On its face, an ongoing petition for certiorari does not say much. But having answered in this manner and having failed to give the requisite particulars only demonstrated evasiveness on the part of respondent and lent suspicion that she intended to conceal the pendency of the administrative case against her. On this point, we quote with approval the observation of the OCA, to wit:

There is no doubt that Ms. Flores is guilty of dishonesty. Ms. Flores, while she was still a clerk of the Philippine Public School Teachers Association was charged with refusing to accept the responsibilities and duties assigned to her; she was charged administratively six (6) times in 1977 for misconduct, violation of rules and regulations, absenteeism and tardiness and as a consequence she was suspended for fifteen (15) days starting on March 29, 1977. She did not reveal any of these facts and infractions in her Personal Data Sheet. The questions in the Personal Data Sheet, specifically numbers 24, 25, and 26 are quite clear and straightforward. Question number 24 asked her if she has been found guilty of an administrative offense. Her answer is "No" which should have been "Yes" precisely because she was previously suspended fifteen (15) days in 1977. Question number 25 asked her if she has any pending administrative case. Her answer was "None" which should have been "Yes" because at the time she was accomplishing her Personal Data Sheet on February 11, 1994 her petition for certiorari questioning her dismissal by the Philippine Public School Teachers Association was pending before this Court. In Wuestion number 26, she was asked if she has been retired, dismissed or forced to resign from any employment for reason other than lack of funds or dropped from the rolls. This time her answer was "Yes" and she added "Petition for Certiorari pending with the Supreme Court under G.R. No. L-109362." Although Ms. Flores revealed the docket number of her petition

and its status, this does not comply with what was asked for because Ms. Flores was also required to give details if her answer was "Yes". The docket number and status of the case are not sufficient to allow the Selection and Promotion Board for Lower Courts to intelligently assess the fitness of Ms. Flores to join the Judiciary. Her answer was intended to avoid giving the essential details of her administrative case, such as the numerous administrative charges against her and her previous suspension for obvious reasons. If the Selection and Promotion Board for the Lower Courts knew about these details then for sure Ms. Flores would not have been recommended to the position of Court Legal Researcher II.

Interestingly, in a Personal Data Sheet which Ms. Flores accomplished on February 6, 2007 for the purpose of applying for a lateral transfer to Branch 72, Regional Trial Court, Olongapo City, she disclosed her previous administrative infractions. She admitted that she was formally charged by PPSTA with tardiness and/or violation of office rules. She admitted that she was suspended in March 1977. Finally, she stated that she was dismissed from her employment by the PPSTA as per this Court's decision in G.R. No. 109362. Nothing can better illustrate the dishonesty of Ms. Flores than a comparison of the Personal Data Sheet dated February 6, 2007, wherein she openly admitted that she was previously suspended, charged administratively and dismissed from service, with the Personal Data Sheet she accomplished on February 11, 1994 wherein these facts were completely hidden by Ms. Flores from this Court.[13]

The accomplishment of the PDS is required under Civil Service Rules and Regulations for employment in the government. The making of an untruthful statement therein amounts to dishonesty and falsification of an official document that warrant dismissal from the service even on the first offense.[14]

As emphasized in *Advincula v. Dicen*,[15] the PDS is an official document required of a government employee and official by the Civil Service Commission. It is the repository of all information about any government employee and official regarding his personal background, qualification, and eligibility. 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. Concealment of any information in the PDS, therefore, warrants disciplinary action against the erring employee.[16]

This Court has in the past punished similar infractions pertaining to making untruthful statements in the PDS with the severe penalty of dismissal such as failing to state previous employment and the fact of separation for cause therefrom,[17] falsely declaring passing the career service professional examination when in fact one did not,[18] and neglecting to declare the pendency of a criminal case.[19]

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. And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.[20] 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 and diligence in the public service. As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethical standards, persons aspiring for public office must observe honesty, candor and faithful compliance with the law.[21]

While dishonesty is considered a grave offense punishable by dismissal even at the first instance[22] , jurisprudence is replete with cases where the Court lowered the penalty of dismissal to suspension taking into account the presence of mitigating circumstances such as length of service in the government and being a first time offender.[23]

Since respondent has been in the service for fourteen (14) years and since this is her first offense during employment in the judiciary, the Court deems it proper to impose the penalty of suspension for six (6) months

without pay. [24]

WHEREFORE, respondent Maria Celia A. Flores, Court Legal Researcher II, Regional Trial Court, Branch 217, Quezon City is found GUILTY of dishonesty and SUSPENDED for a period of six (6) months, with a stern warning that the commission of similar or graver offense in the future shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Velasco, Jr., and Brion, JJ., concur.

[1] On 29 March 1977, respondent was suspended for fifteen (15) days without pay on charges involving misconduct, violation of rules and regulations, and tardiness and absenteeism. In February 1978, she was subject of an administrative investigation for misconduct for slapping another employee while under the influence of alcohol. On 16 December 1986, she was dismissed due to misconduct, loss of confidence, and crime against the employer or his authorized representative and causes analogous to the foregoing. She was temporarily reinstated pending further investigation pursuant to a compromise agreement to settle the strike staged by some PPSTA employees.

[2] Rollo, p. 2.

[3] Id. at 1.

[4] Id. at 17.

[5] Id. at 21.

[6] Id. at 29.

[7] Id. at 55-56.

[8] Temporary rollo, p. 2.

[9] Id. at 5.

[10] Id. at 7-8.

[11] *Civil Service Commission v. Perocho, Jr.*, A.M. No. P-05-1985, 26 July 2007, 528 SCRA 171, 179 citing *Wooden v. Civil Service Commission*, G.R. No. 152884, 30 September 2005, 471 SCRA 512, 526.

[12] Rollo, pp. 48-49.

[13] Id. at 47-48.

[14] *Administrative Case for Dishonesty and Falsification*, 463 Phil. 878, 890 (2003; *De Guzman v. Delos Santos*, A.M. No. 2002-8-SC, 442 Phil. 428 (2002).

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

[16] Id. at 708.

[17] *Acting Judge Bellosillo v. Rivera*, 395 Phil. 180 (2000).

[18] *Re: Spurious Certificate of Eligibility of Tessie G. Quires, RTC, Office of the Clerk of Court, Quezon City*, A.M. No. 05-5-268-RTC, 4 May 2006, 489 SCRA 349.

[19] Judge Sañez v. Rabina, 458 Phil. 68 (2003).

[20] Supra note 13.

[21] Judge Aglugub v. Perlez, A.M. No. P-99-1348, 15 October 2007.

[22] Section 52 of Civil Service Commission Memorandum Circular No. 19-99.

[23] OCA v. Ibay, AM No. P-02-1649, 29 November 2002; OCA v. Sirios, AM No. P-02-1659, 28 August 2003.

[24] Re: Failure of Jose Dante E. Guerrero to Register His Time In and Out, AM No. 2005-07-SC, 19 April 2006; Prado v. Discipulo, AM No. HOJ-07-01, 12 June 2008.

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