ELMER R. BARTOLATA, REGIONAL DIRECTOR, CIVIL SERVICE COMMISSION, REGION XI, COMPLAINANT, VS. AUSTRIA-MARTINEZ, FELICIA C. JULATON, CLERK OF COURT, AND JUANITA G. TAPIC, COURT IN...

A.M. NO. P-02-1638. July 06, 2006

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PER CURIAM:

This administrative case originated from a brief letter-complaint sent to the Civil Service Commission (CSC) Regional Office in Davao City, denouncing respondents Felicia C. Julaton ("Julaton"), Clerk of Court, and

Juanita G. Tapic ("Tapic"), Court Interpreter II, of the Municipal Trial Court in Cities (MTCC), Davao City, Branch 3.[1]

Acting on the information contained in the letter-complaint, CSC Regional Director Elmer R. Bartolata ("Director Bartolata") verified the records of his office and established that "a certain Felicia C. Julaton submitted her application to take the [Civil Service] Professional Examination" in 1989 and "was assigned to Examination Room No. 65 of the Digos National High School, Digos, Davao del Sur." Director Bartolata found that the pictures of "Felicia C. Julaton" on the application form[2] to take the civil service examination and on the picture-seat plan[3] did not in any way resemble the picture appearing on the appointment[4] of Julaton dated 18 March 1974. Neither was there a match in the purported signatures of Julaton affixed to the examination documents and her Personal Data Sheet (PDS).

Director Bartolata investigated further and discovered that the pictures of "Felicia C. Julaton" on the application form and the picture-seat plan bore a striking resemblance to the picture of Tapic on her PDS[5] accomplished in 1979. One of the accusations in the letter-complaint was that Tapic, "upon a special exchange of financial favors," agreed to take the examination by representing herself as Julaton.

Hence, this complaint against respondents for Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service.

In its 1st Indorsement dated 7 February 2001, the Office of the Court Administrator (OCA) directed respondents to comment.

Respondents filed separate Comments, but both attached a Joint Affidavit executed by Lourdes Calpo, Nilfa Cañada, and Nida Badua on 3 April 2001. These affiants stated that they were employed at the Davao City MTCC, Branch 3, in various capacities. They stated that they did not make, execute, or send any complaint to the CSC.

In her Comment dated 3 April 2001, Tapic denied participation in the acts constituting the charges. She sought refuge in the fact that "while the pictures attached to the supposed application and seat plan of Felicia Julaton resemble[d] that picture attached to [her] PDS," Julaton's application would not have been approved by Adela Alfelor Geverola ("Geverola"), Clerk of Court IV, if the application did not contain the correct signature and

picture.

In her Comment dated 10 April 2001, Julaton also denied the allegations in the complaint, averring that —

> a) She did not submit neither did she authorize anybody to submit an application to take the [Civil Service] Professional Examination x x x to the Office of the Civil Service Commission;
>
> x x x x
>
> c) x x x it follows therefore, that the pictures pasted on the application form (Annex "B") and the pictures in the Seat Plan (Annex "C") would not, in any way resemble to (sic) that picture on the face of her Appointment dated March 18, 1974;
>
> x x x x
>
> e) Furthermore, because she did not authorize anybody to apply and take the Civil Service Examination for and in her behalf, it is therefore logical that the signatures appearing therein would not be the same;
>
> f) x x x x
>
> x x x respondent is the incumbent Branch Clerk of Court of the Municipal Trial [C]ourt in Cities, Branch [3] having been appointed to the said position since July 1, 1983 and she [was] attested to as "permanent" by the Supreme Court on July 1, 1988. As such, this Career Civil Service Examination is not needed in her position to make her appointment permanent. In fact, she did not, in one way or another claimed (sic) to have passed such examination neither did she ever use nor avail of the said eligibility. Not even in her biodata did she ever indicate therein that she passed such examination.[6]

On 1 July 2002, we resolved to re-docket the complaint as a regular administrative matter.

On 9 June 2003, we issued a resolution requiring the parties to manifest their willingness to submit the case for decision on the basis of the records. The CSC duly filed its Manifestation dated 16 July 2003. No answer was received from respondents, thus we resolved on 14 February 2005 that they had waived the filing of the required manifestation.

The OCA found respondents' defense deserving of scant consideration. The OCA recommended that respondents be held liable as charged, with Julaton being meted out the penalty of dismissal. Tapic having resigned from the service effective 1 July 2001, the OCA recommended the forfeiture of her retirement benefits except for accrued leave credits.

We adopt the findings and recommendation of the OCA, except for the recommended penalty.

Julaton would simply want the Court to believe that the sender of the letter-complaint was motivated by malice and only intended to embarrass her. However, the records speak for themselves. Julaton claimed that she knew nothing about the application made in her name, yet even she acknowledged that the pictures and signatures on the examination documents were not her own.

No motive to cause this irregularity can be imputed to the CSC. The strict procedures of the CSC afford almost no chance for a mix-up of the pictures and signatures of the examinees. In CSC v. Sta. Ana, this Court had occasion to observe:

> It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a Civil Service examination closely examine the pictures submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3694, Obedencio, Jaime A.). The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. In cases where the examinee

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> does not look like the person in the picture submitted and attached on the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa).[7]

In that case, respondent Sta. Ana was charged with dishonesty when verification of the records of the CSC showed that the signature and picture on her PDS bore no resemblance to those found in her application to take the civil service examination and on the picture-seat plan. Respondent was dismissed from her position as Court Stenographer and disqualified from future employment in any government agency or instrumentality.

Similarly, in Cruz v. CSC,[8] petitioners Cruz and Paitim were penalized with dismissal when the CSC established that the pictures of Cruz on her application and on the picture-seat plan showed a different person when compared with pictures she had submitted on previous civil service examinations. Furthermore, the pictures purporting to be that of Cruz appeared to be the pictures of her officemate Paitim. Echoing the findings of the CSC, the Court therein held that the offense of impersonation could not have prospered without the active participation of both petitioners, thus, both were held administratively liable.

In the present case, it is indisputable that someone else took the civil service examination for Julaton and obtained for her a passing rate of 81.61%. Whether she actually used such eligibility to her benefit is not the Court's concern. As reasoned by the OCA, persons may act for reasons known only to them. Indeed, Julaton declared that she never availed of this eligibility, but she failed to provide any supporting evidence.

From a review of the records, the Court is convinced that Tapic impersonated Julaton. If, as Tapic claims, the signature and picture on the application form and seat plan were approved by Geverola, it only means that the person who actually sat during the examinations matched the pictures on the seat plan and application form. Thus, Tapic's sole defense begs the question of whether the "correct signature and picture" are truly that of Julaton and not of Tapic, or of any other person for that matter. Curiously, Tapic agreed with the finding of the CSC that the pictures of "Felicia C. Julaton" resembled the picture on Tapic's PDS, yet she offered no explanation on how this situation could have come about.

Respondents' entire evidence consists of their respective Comments which contain general denials and bare claims of ignorance. Respondents could have endeavored to show that an irregularity occurred in the examination or filing process of the CSC but they failed to do so.

In administrative proceedings, the quantum of proof required to establish liability is not reasonable doubt but only substantial evidence, or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[9] We hold that complainant has sufficiently discharged the burden.

CSC Memorandum Circular No. 15, series of 1991, provides:

> An act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service examination, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service.[10] (Emphasis supplied)

The scheme perpetrated by respondents was successfully concealed for almost twelve years and may never have been revealed were it not for the anonymous complaint. Laid out in the open, respondents' machinations reflect their dishonesty and lack of integrity, rendering them unfit to maintain their positions as public servants and employees of the judiciary.

An act of dishonesty is punishable by dismissal for the first offense.[11] Such extreme punishment may be imposed in this case, because dishonesty reflects on the fitness of the officer or employee to continue in office and

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on the discipline and morale of the service.[12] Dishonesty is a serious offense which reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity.[13]

WHEREFORE, the Court finds respondents Felicia C. Julaton and Juanita G. Tapic, of the Municipal Trial Court in Cities, Davao City, Branch 3, GUILTY of Dishonesty. The Court DISMISSES respondent Julaton from the service, with forfeiture of all retirement benefits except for accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.

In view of the resignation of respondent Tapic on 1 July 2001, the Court FINES her P25,000, and orders the forfeiture of all her retirement benefits except for accrued leave credits, with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations.
SO ORDERED.

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

Velasco, Jr. J., no part due to prior action in oca.

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[1]The letter-complaint was treated by the CSC as an anonymous complaint although the words "Lourdes Calpo," "Nimfa," and "Nida" were written at the bottom of the letter. It appears that respondents had co-employees in the MTCC bearing the names Lourdes Calpo, Nilfa Cañada, and Nida Badua, but the identity of the sender was never confirmed.

[2] Annex "B," Application for Examination with Application Number 1711.

[3] Annex "C," Picture-Seat Plan of the Civil Service Professional Examinations done on 30 July 1989.

[4] Annex "D," Appointment of Felicia C. Julaton as Court Bailiff of the City Court of Davao City, signed by Executive Judge Vicente E. Calanog.

[5] Annex "E," Personal Data Sheet of Juanita G. Tapic.

[6]Rollo, pp. 25-26.

[7]450 Phil. 59, 68 (2003), citing Cruz v. CSC, 422 Phil. 236, 245 (2001).

[8]422 Phil. 236 (2001).

[9] Boyboy v. Yabut, 449 Phil. 664, 670 (2003).

[10] As cited in CSC v. Cayobit, G.R. No. 145737, 3 September 2003, 410 SCRA 357.

[11] Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service (Resolution No. 991936 of the CSC), which took effect on 26 September 1999.

[12] Alabastro v. Moncada, Sr., A.M. No. P-04-1887, 16 December 2004, 447 SCRA 42, citing Remolona v. CSC, 414 Phil. 590 (2001).

[13] CSC v. Cayobit, supra note 10, citing Prieto v. Cariaga, 312 Phil. 373 (1995).

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