

CIVIL SERVICE COMMISSION, NCR, REPRESENTED BY NELSON L. ACEBEDO, DIR. IV, OFFICE OF THE LEGAL AFFAIRS, COMPLAINANT, VS. REYNALDO B. STA. ANA, HRMO I, LEAVE DIVISION, OCA, RESPON...

A.M. No. OCA-01-5. August 01, 2002

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PER CURIAM:

For resolution is the administrative complaint filed against respondent Reynaldo B. Sta. Ana, Human Resource Management Officer I, Leave Division, Office of the Court Administrator (OCA), Supreme Court for Dishonesty and Falsification of Public Documents relative to his promotion as Human Resource Management Officer III.

Respondent gained employment in the Office of the Court Administrator, Supreme Court in 1976. He started as a Laborer and was later promoted to the position of Human Resource Management Officer I. Sometime in 1996, respondent applied for promotion as Human Resource Management Officer III. In support of his application for promotion to the said position, he submitted the following documents:

- (1) a Certificate of Eligibility purportedly issued by the Civil Service Commission certifying that respondent Sta. Ana passed the Career Service Professional examination on February 18, 1996 with a rating of 83.8%;[1] and
- (2) a Personal Data Sheet (PDS) dated August 5, 1996 stating, under Item 18, that he passed the Career Service Professional examination on February 18, 1996 with a rating of 83.8%.[2]

Upon verification by Atty. Dante Huerta, Field Officer of the Civil Service Commission in the Supreme Court, it was found that respondent Sta. Ana was not in the CSC-NCR Master List of those who passed the MOWE Career Service Professional Examination given by the Civil Service Commission on February 18, 1996 at Ramon Magsaysay High School.[3] Atty. Huerta recommended the filing of a formal charge against respondent.

Thus, the Civil Service Commission Office for Legal Affairs (CSC-OLA) issued a formal charge against respondent for Dishonesty and Falsification of Public Document committed as follows:

That in support of promotional appointment to the position of Human Resource Management Officer III, you submitted a Certificate of Eligibility certifying you to have passed the Career Service Professional Examination on February 18, 1996 with a rating of 83.8%. Upon verification with this Office's Registry of Eligibles, it was found out that your name does not appear among those who have passed the said examination. Such act is contrary to Civil Service Law and rules.[4]

A copy of the formal charge was furnished respondent on October 11, 1996 requiring him to file his Answer within five days from notice. Respondent asked for an extension of time to file his Answer which was granted by the CSC-OLA on December 11, 1996.[5] However, respondent still did not submit his Answer within the extended period. He also failed to attend the scheduled hearings despite notices for him to appear.[6]

On February 19, 1998, an ex-parte hearing was conducted by the Hearing Officer of the CSC-OLA. A

representative from the CSC Field Office in the Supreme Court, Ms. Rose Perlas, testified to confirm the documents submitted by respondent in support of his promotional appointment, namely: (1) a Certificate of Eligibility indicating that respondent passed the Career Service Professional Examination held at Ramon Magsaysay High School on February 18, 1996;^[7] (2) a Personal Data Sheet dated August 5, 1996 stating that he passed said examination;^[8] and (3) an official Appointment dated July 9, 1996 issued by then Chief Justice Andres Narvasa promoting respondent to the position of Human Resource Management Officer III.^[9]

In the same hearing, a certification issued by Ms. Bella A. Mitra, Officer-in-Charge, Examination and Placement Services Division (EPSD), CSC-NCR, was presented attesting that respondent's name was not included in the Registry of Eligibles in the Career Service Professional Examination held on February 18, 1996.^[10] On the basis of this certification, it was deduced that respondent submitted a spurious certificate of eligibility and made a false entry in his Personal Data Sheet.

Hence, on June 22, 1998, the Hearing Officer of the CSC-OLA recommended that respondent be dismissed from government service.^[11] This was affirmed by Atty. Nelson Acebedo, Director IV, CSC-OLA, on June 24, 1998.^[12]

On August 12, 1998, respondent filed a Petition to transfer jurisdiction of the case from the Civil Service Commission to the Supreme Court and/or to dismiss the case for lack of jurisdiction^[13] pursuant to CSC Memorandum No. 53, Series of 1998, to wit:

Article VIII, Section 6 of the 1987 Constitution exclusively vests in the Supreme Court administrative supervision over all courts and court personnel, from the Presiding Justice of the Court of Appeals down to the lowest municipal trial court clerk. By virtue of this power, it is only the Supreme Court that can oversee the judge's and court personnel's compliance with all laws, and take the proper administrative action against them if they commit any violation thereof. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers.

The CSC-OLA thus referred the case to the Office of the Court Administrator (OCA) on August 18, 1998.

On May 17, 1999, the Office of the Court Administrator directed respondent to explain in writing why no disciplinary action should be taken against him for dishonesty and falsification of public documents.^[14]

In a letter to the Court Administrator dated May 21, 1999,^[15] respondent admitted the charge and asked that the penalty meted him be reduced and that he be given another chance to serve the court in order to correct his mistake.

On February 28, 2001, the Court resolved to docket the case as a regular administrative matter and required the parties to manifest whether they were willing to submit the case for resolution on the basis of the available records on file.^[16] On April 10, 2001, the CSC-OLA manifested no objection to docketing of the case as a regular administrative matter and submitting the same for resolution.^[17]

In his Manifestation dated April 11, 2001,^[18] respondent reiterated that he admits the charge against him and pleaded for forgiveness. Respondent asked that he be given another chance considering that he has served the court for more than twenty (20) years and has consistently received performance ratings of "Very Satisfactory" and "Outstanding." Pertinent portions of respondent's Manifestation^[19] reads:

1. That he admits with so much regret that he indeed committed the act complained of;
2. That he humbly pleads for forgiveness before this Honorable Court and he be given another chance to prove his sincerity to correct his misdeed and promises that this wrongdoing, although not done in the performance of his duties, this will never happen in the future;

3. That he respectfully informs this Honorable Court that he served the Court for more than twenty (20) years to the best of his ability. In fact, he was given a performance rating of “Very Satisfactory” (VS) and “Outstanding,” an indication that he has been faithfully performing his job well. (Please see attached supporting papers);

4. That this is the first Administrative Case filed against him; and

5. That he respectfully prays for compassionate justice before this Honorable Court in inflicting a harsh penalty considering the future of his children and family depend on his role (sic) financial support.

xxx[20]

On January 25, 2001, the Office of the Court Administrator affirmed the findings of the CSC-OLA but recommended suspension for one (1) year without pay. In reducing the penalty, the Court Administrator took into account -

xxx the fact that respondent has already spent more than twenty (20) years of his life in the service of this Court and this is his first administrative complaint. It could be that he committed the acts complained of out of his desire to be promoted for the benefit of his family. Respondent’s admission and prayer for forgiveness is a good sign that he is indeed remorseful for what he did. xxx

True, respondent deserves to be penalized but the same may (sic) tempered in the name of compassionate justice. Unlike the respondent in A.M. No. 95-1-01-MTCC respondent Sta. Ana did not defraud and prejudice the government by his acts. He neither assumed the position he desired nor received the compensation and benefits pertaining thereto.

Moreover, it appears that Reynaldo B. Sta. Ana proved to be an asset of the Leave Division, OAS-OCA. His efficiency is shown by his performance ratings xxx.

The Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act 6713, enunciates the State’s policy of promoting a high standard of ethics and utmost responsibility in the public service.[21] And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.[22]

Every employee of the judiciary should be an example of integrity, uprightness and honesty.[23] The Supreme Court has repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.[24] The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.[25]

Unfortunately, respondent failed to live up to this standard of conduct.

One of the supporting documents respondent appended to his application for promotion to HRMO III was a certificate of eligibility purportedly issued by the Civil Service Commission certifying that he passed the career service professional examination on February 18, 1996 with a rating of 83.8%. In his personal data sheet, respondent also stated that he passed the said examination on the same date and with the same rating. However, upon examination of the records of the Examination and Placement Services Division (EPSD) of the Civil Service Commission, it was disclosed that petitioner’s name was not in the list of those who passed the said examination held at Ramon Magsaysay High School on February 18, 1996. This belied respondent’s statement in his personal data sheet and led to the inevitable conclusion that respondent submitted a false certificate of eligibility.

Under Article 172 of the Revised Penal Code, the elements of the crime of “use of falsified documents” are (1) that the offender knew that document was falsified by another person; (2) that the false document is embraced in Art. 171 or in any subdivisions 1 or 2 of Art. 172; (3) that he used such document (not in judicial proceedings); and (4) that the use of the false document caused damage to another or at least it was used with intent to cause such damage.

It cannot be gainsaid that respondent was well aware that the certificate of eligibility he submitted was false because he knew for a fact that he did not pass the career service examination. It is, likewise, undeniable that his use of such false document in support of his promotion to HRMO III prejudiced the other applicants who were genuinely qualified for the position. Then Chief Justice Andres Narvasa had already issued his official appointment, even though he neither assumed the position nor received the compensation and benefits pertaining thereto.

Respondent’s act of indicating in his personal data sheet that he passed that career service professional examination when in fact he did not, also makes him liable for falsification of a document by making an untruthful statement in a narration of facts, as defined under Art. 171, par. 4, of the Revised Penal Code. In falsification by false narration of facts, (1) the offender makes untruthful statements in a narration of facts; (2) he has a legal obligation to disclose the truth of the facts narrated by him; (3) the facts narrated are absolutely false; and (4) it was made with a wrongful intent to injure a third person.[26]

Respondent stated in his personal data sheet that he passed the career service professional examination knowing fully well that it was not true because he did not pass the said exam. Being an aspirant for promotion to a higher position, he had a legal obligation to disclose the truth because the personal data sheet is required in connection with the promotion to a higher position.[27] In the case of *Inting vs. Tanodbayan*,[28] the Court ruled that “the accomplishment of the Personal Data Sheet being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was therefore intimately connected with such employment xxx.” In *Belosillo vs. Rivera*,[29] we said that since “truthful completion of Personal Data Sheet is a requirement for employment in the Judiciary, the importance of answering the same with candor need not be gainsaid.”

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 vs. Po Giok To*,[30] 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.”

The facts and evidence, coupled with respondent’s admission, sufficiently established his culpability. Respondent’s use of a false certificate of eligibility constitutes an act of dishonesty under civil service rules and his act of making a false statement in his personal data sheet renders him administratively liable for falsification. Under Section 23, Rule XIV of the Administrative Code of 1987, dishonesty (par. a) and falsification (par. f) are considered grave offenses warranting the penalty of dismissal from service upon commission of the first offense.

On numerous occasions, the Court did not hesitate to impose such extreme punishment on employees found guilty of these offenses.[31] There is no reason why respondent should be treated differently. The Court takes note of the fact that initially, respondent did not controvert this evidence against him. Neither did he admit the charge. In fact,

deliberately or otherwise, respondent did not participate in the proceedings before the CSC. He did not file any answer and failed to appear in the scheduled hearings despite due notice. When he was found guilty of the charge by the CSC-OLA and was recommended for dismissal, he filed a petition to transfer jurisdiction to the Office of the Court Administrator and/or motion to dismiss the case. It was only when his case was transferred to the OCA did he confess his guilt, more than three years after he was first charged in the CSC.

While we recognize that respondent committed the acts complained of out of an extreme desire to be promoted for the benefit of his family, the Court cannot turn a blind eye to what is clearly a transgression of the law. Dishonesty and falsification are malevolent acts that have no place in the judiciary.[32] Because of his conduct, the Court seriously doubts respondent's ability to perform his duties with the integrity, uprightness and honesty demanded of an employee in the judiciary.

WHEREFORE, respondent Reynaldo B. Sta. Ana is hereby DISMISSED from the service with prejudice to re-employment in any government agency and government-owned or controlled corporation, and with forfeiture of unused leaves, if any, and retirement benefits. This decision shall take effect immediately.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

[1] Rollo, pp. 27-28.

[2] Id., at 29.

[3] Id., at 31.

[4] Id., at 23-24.

[5] Id., at 147.

[6] Id., at 13, 16, 18.

[7] supra, Note 2.

[8] supra, Note 1.

[9] Rollo, pp. 25-26.

[10] Id., at 130-132.

[11] Id., at 8-11.

[12] Id., at 7.

[13] Id., at 117-119.

[14] Id., at 36.

[15] Id., at 63.

[16] Id., at 72.

[17] Id., at 152-153.

[18] Id., at 104.

[19] Ibid.

[20] Id., at 104.

[21] Alawi vs. Alauya, 268 SCRA 628 (1997).

[22] Rabe vs. Flores, 272 SCRA 415 (1997).

[23] Court Administrator vs. Sevilla, 270 SCRA 190; Estreller vs. Manatad, Jr., 268 SCRA 608 (1997).

[24] Concerned Citizens of Laoag City vs. Arzaga, 267 SCRA 176 (1997).

[25] OCA vs. Cabe, 334 SCRA 348 (2000); Santiago vs. Jovellanos, 337 SCRA 21(2000).

[26] REVISED PENAL CODE, Vol. II, Luis B. Reyes.

[27] Lumancas vs. Intas, 347 SCRA 23 (2000).

[28] 97 SCRA 494 (1980).

[29] 341 SCRA 1 (2000).

[30] 96 Phil. 913.

[31] Lumiqued vs. Exevea, 282 SCRA 125 (1997); Re: Financial Audit of RTC, General Santos City, 271 SCRA 302 (1997); Marasigan vs. Buena, 284 SCRA 1 (1997); Moner vs. Ampatua, 295 SCRA 20 (1998); Regalado vs. Buena, 309 SCRA 265 (1999); Eamiguel vs. Ho, 287 SCRA 79 (1998); Re: Suspension of Clerk of Court Rogelio R. Joboco, RTC, Br. 16, Naval, Biliran, 294 SCRA 119 (1998); Marbas-Vizcarra vs. Florendo, 310 SCRA 592 (1999); Amane vs. Mendoza-Arce, 318 SCRA 465; Almario vs. Resus, 318 SCRA 742 (1999).

[32] Pizarro vs. Villegas, 345 SCRA 519 (2000).

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