

WILMA C. ALVERO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

Ponente: INTING, S.B., J.

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INTING, S.B., J.:

This is an administrative matter for the dismissal of petitioner Wilma C. Alvero, Local Revenue Collection Officer I of the Municipal Government of Carmona, Cavite. Atty. Rebecca A. Fernandez, Director IV of the Civil Service Commission Regional Office No. 4 (CSCRO No. IV), Quezon City, charged her with Dishonesty (Impersonation), Grave Misconduct and Falsification of Official Document for misrepresenting that she took and passed the Career Service Professional Examination (CSPE) Computer Assisted Test on November 4, 1998 when, in truth and in fact, someone else took the examination for her. The CSC found that the picture and signature in Alvero's Personal Data Sheet (PDS) were different from those appearing in her CSPE Application Form and in the Picture Seat Plan (PSP).

The Formal Charge^[1] against petitioner pertinently reads in part:

“That in support of your permanent Appointment as Local Revenue Collection Officer I at the Municipal Government of Carmona, Cavite, you accomplished a Personal Data Sheet (PDS) dated November 4, 1998. Under item number 18 thereof, you claimed to have passed the Career Service Professional – CAT examination given on November 4, 1998 at Civil Service Commission (CSC) National Capital Region, Quezon City with a rating of 82.16%.

Verification of your eligibility however disclosed that the picture attached in the Application Form and the Picture Seat Plan in the Career Service Professional CAT examination given on November 4, 1998 at CSC – National Capital Region is different from the picture attached in your PDS. The specimen handwriting and signature in both Application Form and Picture Seat Plan appear to be similar and written by only (sic) person. However, the same does (sic) resemble your specimen handwriting and signature as reflected in your PDS.

Hence, a clear case of impersonation has been established.”

In her Kontra-Salaysay,^[2] petitioner denied the charges against her and maintained that she was the one who personally took the CSPE on November 4, 1998 at the Civil Service Commission- National Capital Region (CSC-NCR).

A pre-hearing conference was set but petitioner failed to attend. Several pre-hearing orders were issued thereafter but petitioner kept on requesting postponements. Thus, on December 8, 2009, the prosecution manifested for the submission of the parties' respective position papers and formal offer of evidence in lieu of the conduct of formal investigation. Accordingly, an Order dated January 19, 2010 was issued by the CSCRO No. IV directing the parties to submit their respective position papers with formal offer of evidence.

After the parties submitted their respective Position Papers,^[3] the case was submitted for decision.

On June 18, 2010, the CSCRO No. 4 rendered judgment finding petitioner guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents and imposing upon her the penalty of dismissal from the

service. The dispositive portion partly reads:

“WHEREFORE, premises considered, WILMA C. ALVERO is hereby found liable for the administrative offenses of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents and the penalty of DISMISSAL FROM THE SERVICE with ALL ACCESSORY PENALTIES, to wit: 1) cancellation of eligibility; 2) forfeiture of retirement benefits; 3) disqualification for reinstatement or reemployment; 4) disqualification for promotion; and 5) bar from taking any Civil Service examination are imposed upon her.”[4]

Upon motion for reconsideration,[5] the same was denied by Resolution No. 11-00093.[6]

Petitioner elevated her case to the Civil Service Commission (CSC) which issued the now assailed Decision[7] modifying the Decision and Resolution of the CSCRO No. IV's and finding petitioner guilty of two (2) counts of Serious Dishonesty. The penalty of dismissal from service as well as its accessory penalties were affirmed.

Thus:

“WHEREFORE, the appeal (treated as a petition for review) of Wilma C. Alvero is hereby DISMISSED. However, the Decision dated June 18, 2010 and Resolution dated June 24, 2011 of the Civil Service Commission Regional Office (CSCRO) No. IV, Quezon City, finding her guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents is hereby MODIFIED as Alvero is hereby found guilty of two (2) counts of Serious Dishonesty. Accordingly, the imposition upon her of the penalty of dismissal from the service with the accessory penalties of cancellation of Civil Service eligibility, forfeiture of retirement benefits, disqualification from holding public office, and bar from taking any Civil Service examinations, and denying her motion for reconsideration, respectively, are AFFIRMED.”

Aggrieved, petitioner moved for a reconsideration of the CSC's judgment but the motion was denied in the Resolution No. 1201075[8] dated July 17, 2012.

Undaunted, petitioner now comes before Us via the present Petition for Review[9] filed under Rule 43 where she contends that:

“THE HONORABLE PUBLIC RESPONDENT GRAVELY ERRED IN FINDING THAT SUBSTANTIAL EVIDENCE EXISTS TO HOLD PETITIONER GUILTY OF THE ADMINISTRATIVE CHARGES, viz: Two Counts of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents.”

THIS COURT'S RULING

The well-entrenched rule is that factual findings of administrative agencies and quasi-judicial bodies, like the CSC, if supported by substantial evidence, are accorded respect and even finality. This is because administrative agencies and quasi-judicial bodies possess specialized knowledge and expertise in their respective fields. As such, their findings of fact are binding upon the courts.

After having been apprised of the CSC's factual findings, We find that petitioner is indeed guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents. The factual findings of the CSC are amply supported by the evidence on record, hence, We find no cogent reason to deviate from the same. Accordingly therefore, the petition is denied.

From the start, petitioner denies having committed acts of dishonesty maintaining that she was the one who personally took the CSPE on November 4, 1998 at the CSC-NCR. She insists that she did not utilize any other person to take the exam using her identity and in her behalf and if there were dissimilarities between the pictures she attached in her CSPE Application Form and PSP as against that attached in her PDS, such discrepancy was

the result of picture quality differences because the photo shops which shot those pictures were different. Petitioner explains that the pictures attached in her CSPE Application Form and PSP were old pictures shot by an ordinary inexpensive photo shop, whereas the picture attached in her PDS was shot by a special and more expensive photo shop which employed some retouches (or "retoke") thus making it clearer and finer. Hence, while the pictures may have dissimilarities, petitioner claims that those pictures reflect her face as it is.

We are not convinced.

Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception of fraud in securing his examination, registration, appointment or promotion." It is also understood to imply a "disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.[10]

Certainly so, petitioner committed an act of dishonesty when she employed another person to take the CSPE on November 4, 1998 for her and in her behalf and claimed the result thereof as her own in her PDS accomplished on the same day of November 4, 1998. This fact is proven by the presence of stark dissimilarities noted by the CSCRO No. IV as well as the CSC between the pictures attached in petitioner's PDS, CSPE Application Form and PSP, namely: the shape or structure of the face, thickness of the lips, shape and wideness of the eyes and the structure of the nose.

Obstinately however, petitioner would still like Us to believe that there was no impersonation that took place. Unfortunately for her, substantial evidence on record proves otherwise.

As succinctly put by the CSC, to wit:

Xxx Contrary to the claim of Alvero that the Prosecution failed to present substantial evidence to support the allegations against her, the Prosecution succeeded in presenting more than enough pieces of evidence to prove that Alvero was not the person who took the November 4, 1998 CSPE-CAT held at the CSC-NCR, but an impostor. This was substantially proven through close scrutiny and comparison of the subject AF, PSP and PDS of Alvero. The facial features captured in the ID photos attached to the AF and PSP vis-a-vis the PDS are obviously different from each other, as well as the signatures appearing on those documents."

Thus, said the CSC:

"These pieces of evidence are enough to prove her guilt in the light of the required quantum of evidence in administrative proceedings. Alvero's alibi on the differences of her pictures which was allegedly caused by poor quality pictorial shots as against the picture which has better and fine quality, being negative and self-serving defenses, cannot overcome the overwhelming documentary evidence on record positively pointing her to have committed the act of impersonation."

Truly, the fact of impersonation cannot be denied, and just like the CSC, We find petitioner's alibi flimsy. Whether the pictures were shot and developed by expensive or inexpensive photo shops if the pictures obviously reveal apparent and patent dissimilarities, petitioner's reason therefor or alibi is unacceptable.

For another, petitioner's signatures on the aforementioned crucial documents bearing discernible differences all the more bolsters the finding that an impersonation has indeed taken place. Both the CSCRO No. IV and CSC noted marked and clear differences in the strokes and loops in the signatures and the character of writing/strokes both in the alphabetical and numerical writings.

Petitioner however argues that a signature, just like a handwriting, may gradually change though slight over a person's lifetime. Thus, if her signature has changed from a large handwriting in the PSP to a smaller signature in

her PDS (which she claims to be her real and customary signature), it was because of the reason aforesated.

Again, We find such reasoning unacceptable. Significantly, the signatures were affixed on the same day, that is, November 4, 1998. As such, if there should be any dissimilarity or disparity in the strokes and loops in the signatures, it would only be very slight and in such a manner which could not give the impression that the signatures were affixed by different personalities. Such is not obtaining in petitioner's case. Ordinarily, it is quite uncommon for a customary signature to drastically change in just a matter of hours. In fact, even if a signature succumbs to changes, the change is merely gradual, not drastic and happens over a person's lifetime, not over the hours.

Verily, the notable differences in the pictures and signatures, taken together, could only lead to no other conclusion than that an impersonation took place, that is, somebody else took the examination for petitioner. Impersonation in this context is undeniably an act of dishonesty which merits the imposition of penalty under Civil Service Rules.

Apart from dishonesty, petitioner likewise committed an act of falsification. Civil Service Rules and Regulations mandates the accomplishment of the PDS as a requirement for employment in the government, hence, making false statements in one's PDS is ultimately connected with one's employment in the government. The employee making false statements in his or her PDS therefore becomes liable for falsification.

Distinctively, making false statements in one's PDS is a double tiered offense. In *Giorgio Ratti v. Lucila Mendoza-De Castro*[11], the Supreme Court held that making a false statement in a PDS required under Civil Service Rules and Regulations for employment amounts not only to falsification of an official document but dishonesty as well. Consequently therefore, when, in her PDS, petitioner intentionally misrepresented herself to be a CSP passer when in truth and in fact she is not, she committed an act of making a false narration of facts, an act which effectively constitutes not only a falsification of official documents but dishonesty as well.

The CSC is thus correct in finding petitioner guilty of two (2) counts of Serious Dishonesty. Pertinent portion of the CSC's Decision reads, to wit:

“On the charge of Falsification of Official Document, Alvero should also be held liable instead for Serious Dishonesty. The prescribed forms for government employment such as Personal Data Sheet (PDS), once duly accomplished, become part of the public records and are considered public documents. Intentionally making false narration of material facts in these documents, therefore, constitutes Dishonesty. In the case at bar, Alvero transgressed the law when she intentionally and consciously misrepresented herself to be a Career Service Professional passer, when in truth and in fact she is not. Alvero, therefore, displayed a design to defraud the government in claiming that she took and passed the said examination and hide the truth from the knowledge of public officers who are by law mandated to protect and safeguard the integrity of examinations.”

Now, to the penalty. Under Rule IV, Section 52(A) of the Uniform Rules in Administrative Cases in the Civil Service, dishonesty and falsification of official document are both grave offenses punishable by dismissal from government service, even for a first offense, without prejudice to criminal or civil liability. Further, under Section 58(A) thereof, the penalty of dismissal carries with it the cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision. Accordingly therefore, the penalty imposed by the CSC upon petitioner is correct in light of the aforementioned provisions of the Civil Service Rules.

Once again, [i]t must be stressed that 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. Its immense debilitating effect on the government service cannot be overemphasized. If a government officer or employee is dishonest or is

guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office. The government cannot tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, oppression, and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations.[12]

One final word. Of course, We are mindful of the fact that it is not uncommon for employees to do everything in their power to better their lot in order to survive the nation's worsening economic crisis. However, to do so through dishonest means, such as what petitioner did in this case, will never be countenanced by this Court.

IN LIGHT OF THE FOREGOING, the instant petition is hereby DENIED. Accordingly, the assailed Decision and Resolution of the Civil Service Commission STAND AFFIRMED. Costs against petitioner.

SO ORDERED.

Reyes, Jr., (Chairperson) and Lopez, JJ., concur.

[1] Rollo, pp. 23-24, dated October 25, 1999.

[2] Rollo, pp. 25-26, December 14, 1999

[3] Rollo, For the Prosecution, pp. 27-30, filed January 26, 2010; For the Respondent (Petitioner,) pp. 31-35, filed February 26, 2010.

[4] Rollo, Decision No. 100130, pp. 39-47, promulgated June 18, 2010.

[5] Rollo, Motion for Reconsideration, pp. 48-52, filed July 13, 2010.

[6] Rollo, pp.54-56, promulgated June 24, 2011.

[7] Rollo, Decision No. 120065, pp. 68-74, promulgated January 17, 2012.

[8] Rollo, pp. 83-89

[9] Rollo, pp. 9-19, filed September 21, 2012

[10] Crisostomo M. Plopinio v. Atty. Liza Zabala-Cariño, etc., A.M. No. P-08-2458, March 22, 2010.

[11]A.M. No. P-04-1844. July 23, 2004.

[12] Carbonel v. CSC, G.R. No. 187689, September 7, 2010

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