

MAYOR NICASIO M. RAMOS, COMPLAINANT, VS. CYRIL T. MAYOR, CLERK III, METROPOLITAN TRIAL COURT, BRANCH 13, MANILA, RESPONDENT.

A.M. No. P-05-1998 (Formerly OCA IPI No. 04-1879-P). October 24, 2008

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PER CURIAM:

Complainant Nicasio M. Ramos, Municipal Mayor, Cajidiocan, Romblon, filed an administrative complaint against respondent Cyril T. Mayor, Clerk III, Metropolitan Trial Court, Branch 13, Manila, charging him with "Gross Misrepresentation, Dishonesty and Falsification of Public Document" relative to certain misdeclarations in his accomplished Personal Data Sheet (PDS), dated February 19, 2003, as submitted to the Office of the Court Administrator (OCA) and the Civil Service Commission.

In his Amended Complaint dated December 22, 2003 and filed on February 18, 2004,[1] complainant alleged that respondent willfully, deliberately, and unlawfully submitted his PDS dated February 19, 2003, which is a public record, with the following false entries and, thus, rendered himself unfit for appointment to his present position, to wit:

(1) In answer to Question No. 25, respondent placed two (2) check marks corresponding to "NO" and wrote "N/A" (meaning, not applicable) on the space provided to the queries, "Do you have any pending a) administrative case? b) criminal case? If you have any, give details of the offense." Complainant asserted that respondent failed to state that he was one of the four (4) accused in Criminal Case No. 00-1523, entitled "People of the Philippines v. Gilbert R. Minano, Cyril T. Mayor, Marvin Arboleda, and Manuel R. Recto" for libel, filed with the Regional Trial Court, Branch 82, Odiongan, Romblon by Prosecutor Petroni F. Fradejas on September 5, 2002;

(2) In answer to Question No. 28, respondent placed a check mark corresponding to "NO" and wrote "N/A" (meaning, not applicable) on the space provided to the query, "Have you ever been retired, forced to resign or dropped from employment in the public and private sectors?" Complainant pointed out that respondent was one of those who joined the mass protest/strike against the management of Light Railway Transit Authority (LRTA) and, by reason thereof, his employment was terminated; and

(3) In answer to Question No. 29, respondent placed a check mark corresponding to "NO" to the query, "Have you ever been a candidate in a national or local election (except barangay election)? If `YES,' give date of election and other particulars." Complainant insisted that respondent did not declare that he ran for the position of Sangguniang Bayan member in Cajidiocan, Romblon during the May 2001 local elections but lost.

In his Comment dated May 7, 2004,[2] respondent invoked good faith and denied any dishonesty on his part:

I respectfully submit that my answers in the Personal Data Sheet adverted to are not willful, deliberate and unlawful nor dishonest. If at all, the answers are based on wrong perception or lack of attention borne of complacency but not of intention to be dishonest.

With respect to the criminal case for libel, I was under the impression that since the prosecution's resolution is on appeal with the Department of Justice, the case is not yet in court and, therefore, it cannot be said that there is a pending criminal case in court against me because the finding of probable cause by the fiscal may yet be reversed and the case will not reach the court. It is only now that I have verified that with the filing of the information and the issuance of the warrant of arrest, the court has acquired jurisdiction over the case and, therefore, there is now a pending criminal case against me.

As regards Question No. 28, I understand from my companions at LRTA that our case for reinstatement is pending on appeal and, therefore, my employment status with said agency is still hanging in the balance. I did not retire, not being of retirement age, I did not resign or abandon my employment, and granting without conceding that I was dropped from employment, the matter is still to be resolved in the various cases filed with the National Labor Relations [Commission] by separate groups of LRTA employees. This is probably the reason that I answered No to the question.

As regards the question of whether I had been a candidate in an election, I do not quite remember why I answered No. It is possible that I was inattentive to the import of the question. The fact is it did not enter my mind that an erroneous answer may adversely affect [my] application. [I] was complacent but certainly not intentionally dishonest because what was foremost in my mind was that I have the qualifications for the job and would get it on such basis x x x.

I categorically declare that the erroneous answers, granting that they are, are not dictated by a deliberate intention to lie and be dishonest. They are innocuous in the main and do not refer to my qualifications for the position which is possibly why I was complacent and inattentive and if this Honorable Court deigns to punish me for the lapse, I beg this Honorable Court to temper the punishment with Christian compassion and not to mete the supreme penalty of dismissal because this would also make my family suffer for errors which they had no participation.

The OCA found that the erroneous entries made by respondent in his PDS constituted falsification of public document and dishonesty and, thus, recommended that he be dismissed from the service with forfeiture of any retirement benefits. The pertinent portions of the OCA's Memorandum dated November 12, 2004[3] state:

The Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act [No.] 6713, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service (Alain vs. Alauya, 268 SCRA 628) and no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary (Rabe vs. Flores, 272 SCRA 415). Dishonesty and falsification are malevolent acts that have no place in the judiciary.

Given the foregoing, the Court lets it known to all that adherence to its stringent policy on the judiciary employees' qualifications and conduct shall not be compromised. The court condemns and would never countenance any conduct, act or omission 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 people's faith in the judiciary (OCA vs. Cabe, 334 SCRA 348).

In A.M. No. OCA-01-5 (CSC v. Reynaldo B. Sta. Ana, August 1, 2004), respondent stated in his Personal Data Sheet that he passed the career service professional examination when in truth, upon verification, he did not, leading to the conclusion that he submitted a false certificate of eligibility. Such act made respondent liable for falsification of a document by making an untruthful statement in a narration of facts under Article 171, par. 4 of the Revised Penal Code as well as for the use of falsified documents under Art. 172 of the same Code.

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. This is the Court's ruling in Inting vs. Tanodbayan, 97 SCRA 494, and in Belosillo vs. Rivera, 341 SCRA 1, the Court held that since truthful completion of PDS

is a requirement for employment in the Judiciary, the importance of answering the same with candor need not be gainsaid.

Herein respondent's act of making a false statement in his PDS renders him administratively liable for falsification and dishonesty. It is considered a grave offense sanctioned by the Civil Service Rules pursuant to the Administrative Code of 1987 with the corresponding penalty of dismissal from service upon commission of the first offense.

Respondent's use of false document for his benefit prejudiced the other applicants who were genuinely qualified for the position and it did not matter whether or not it caused an actual injury to a third person. In *People vs. Po Giok To*, 96 Phil. 913, it was 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." By making a false statement in his PDS to enhance his qualification and increase his chances of being considered for employment, which in fact happened because he was issued an appointment as Clerk III, respondent prejudiced the other qualified aspirant to the same position.

Respondent Mayor tries to justify the false entries in his PDS but his explanation borders on incredulity. He cites wrong perception, lack of attention and complacency as the culprits. On all three (3) questions, his wrong answers favor him personally as he has interest to the position he applied for. Contrary answers could have adverse effect on his employment application.

In fairness, the respondent may be given the benefit of the doubt. But then again, this Office is of the belief that respondent was aware of his answer to the PDS questions because he lied not only once but thrice. Further, if respondent was not dishonest and did not lie with deliberate intent, what is in doubt then is his competence and seriousness in making entries in an official document. The making of such entries should be handled with prudence, caution and candidness expected of a job applicant but he unfortunately failed to exercise them. The qualifications required of a public servant or a would-be government employee is thus found to be sadly lacking in his character and traits.

In the recent case of *Judge Jose S. Sañez vs. Carlos B. Babina*, A.M. No. P-03-1691, September 18, 2003, respondent's conduct of making untruthful statement in a narration of facts in his personal data sheets constitutes dishonesty as well as falsification defined and penalized under Article 171 of the Revised Penal Code. It goes on saying that a person's integrity is so essential a requirement to a public office that Rule V of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order No. 292) bars the appointment of persons guilty of dishonesty.

In the abovementioned A.M. No. OCA-01-5, the Office of the Court Administrator recommended suspension for one (1) year without penalty for the respondent owing to such mitigating factors as the following:

- that he has served the Court for more than twenty (20) years;
- that the administrative complaint is the first against him;
- that he could have committed the wrongful act for the benefit of his family;
- that his admission and prayer for forgiveness is a good sign that he is indeed remorseful for what he did;
- that he deserves to be penalized but the sanction may be tempered in the name of compassionate justice;
- that he did not defraud and prejudice the government by his acts;
- that he neither assumed the position he desired nor received the compensation and benefits pertaining thereto; and
- that he appears to be an asset of his office and his efficiency is shown by his performance ratings.

In spite of the above circumstances, the Court did not reduce the penalty; instead, it still imposed the extreme punishment of dismissal from the service with prejudice to reemployment in any government-owned or controlled corporation, and with forfeiture of unused leaves, if any, and retirement benefits. A motion for reconsideration was filed but the Court, in its resolution dated 17 December 2002, only modified the decision insofar as it allowed the respondent to claim his accrued leave credits but affirmed the decision in all other aspects.

In closing, the Court stressed that it cannot turn a blind eye to what is clearly a transgression of the law. Because of the respondent's conduct, it seriously doubts his ability to perform his duties with the integrity, uprightness, and honesty demanded of an employee in the judiciary.

If the Court did not consider the reasons/justifications that could have mitigated the liability of Sta. Ana, herein respondent Mayor, who could not present a tenable defense in the instant case, should have no fall back to evade being dismissed from the service.

The recommendation of the OCA is well taken.

Respondent's answer to Question No. 25 that there was no pending criminal case filed against him is belied by the Information for Libel, dated September 5, 2002, filed on September 13, 2002 with the Regional Trial Court, Branch 82, Odiongan, Romblon and docketed as Criminal Case No. 1523, entitled "People of the Philippines v. Gilbert R. Minano, Cyril Mayor, Marvin Arboleda, and Manuel R. Recto," which was pending at the time he accomplished his PDS on February 19, 2003, and during the effectivity of his appointment as Clerk III on June 4, 2003. The said Information[4] states:

INFORMATION

UNDERSIGNED, accuses GILBERT R. MINA[N]JO, CYRIL T. MAYOR, MARVIN ARBOLEDA and MANUEL R. RECTO of the crime of "Libel" committed as follows:

That during or between July 15 and August 15, [2001], in the Municipality of Odiongan, Province of Romblon, Philippines, where complainant resides and within the jurisdiction of this Honorable Court, the abovenamed accused, as Associate Editor, Editor-in-Chief, Circulation Manager, and Publisher, respectively, of the "Romblon Today," a newspaper published monthly and circulated in the Province of Romblon, did then and there, with intent to cause dishonor, discredit and contempt to herein complainant, maliciously, criminally and feloniously conspired, confederated and helped one another in the publication of a banner headline article in the July 15 to August 15, 2001 issue of said "Romblon Today" authored by respondent Gilbert R. Minano containing highly libelous statements against complainant, to wit:

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all of which are false and constitute a public and malicious imputation of a vice or defect in writing tending to cause the dishonor, discredit or contempt of herein complainant who thereby suffered irreparable damage and prejudice by reason thereof in the amount of P1,000,000.00 as actual and moral damages and PP500,000.00 as exemplary damages for which respondents would be held jointly and severally liable.

CONTRARY TO LAW.

Odiongan, Romblon, 05 September 2002.

Under Section 52 (A)(1) and (A)(6), Rule IV of the "Uniform Rules on Administrative Cases in the Civil Service" (Resolution No. 99-1936 dated August 31, 1999), respondent's act of making untruthful declarations in his PDS renders him administratively liable for falsification of public document and dishonesty which are classified as grave offenses and, thus, warrant the corresponding penalty of dismissal from the service even if either of them is

respondent's first offense.[5] Section 58 of Rule IV thereof states that the penalty of dismissal shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

The importance of accomplishing a PDS with utmost honesty cannot be stressed enough.[6] The accomplishment of a PDS is a requirement under Civil Service Rules and Regulations in connection with employment in the government. The making of untruthful statements therein is, therefore, connected with such employment. As such, making a false statement therein amounts to dishonesty and falsification of an official document. Dishonesty and falsification are considered grave offenses. The Court has not hesitated to impose the extreme penalty of dismissal from the service on employees found guilty of such offenses.[7]

Respondent's claim that since the Prosecutor's Resolution, which recommended the filing of the information for libel, is on appeal with the Department of Justice (DOJ), the matter should not be considered as a pending criminal case against him cannot be considered as an acceptable excuse. By making a check mark on the space provided for the "No" answer with regard to pending criminal case against him, respondent was guilty of falsification of a public document. Even prescinding from respondent's argument that, technically, there is no case as yet filed against him, still respondent is duty-bound to write the docket number of the criminal case for libel against him and indicate the status of the case as "pending appeal with the DOJ" if he has been really acting in good faith and not make it appear that he has a clean slate in terms of criminal record. In answer to Question No. 28, respondent willfully failed to disclose that he was terminated by LRTA on the pretext that the illegal dismissal case which he and his co-employees have filed against LRTA is still pending appeal with the National Labor Relations Commission. As to his denial that he had been a candidate in the local elections, respondent cannot find solace by invoking good faith.

One who invokes good faith must show honesty of intention, free from knowledge of circumstances which ought to put one upon inquiry.[8] Respondent falsified an official document to gain unwarranted advantage over other more qualified applicants to the same position. He cannot be said, therefore, to have measured up to the standards required of a public servant.[9] The Court cannot take on its face value respondent's blanket claim of good faith and inadvertence to justify his mental dishonesty and false declarations in the three entries of his PDS. Respondent cannot feign ignorance of the falsities he has declared as he is the Editor-in-Chief of the newspaper "Romblon Today" and cannot be said to be someone who lacks schooling or has a difficulty in comprehending its plain import. Per his PDS, respondent had his college from 1982-1986 at the University of the East and graduated with the degree of Bachelor of Arts (AB), Major in Political Science. He took up Law at the same university for one year, stating "up to First Year, Second Semester" without indicating the specific year. It cannot be said that respondent did not fully understand the details he filled out in the PDS. In Item No. 31, it states "I declare that the answers given above are true and correct" which means that a government employee who will affix one's signature therein declares that all the information supplied in the PDS are true and correct to the best of the declarant's personal knowledge. All things being equal, another employee who possesses similar qualifications should have been appointed had it not been for the misrepresentations of respondent.

In Administrative Case For Dishonesty And Falsification Of Official Document Against Noel V. Luna, SC Chief Judicial Staff Officer,[10] the Court reiterated that every employee of the judiciary should be an example of integrity, uprightness, and honesty. Like any public servant, he must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people, to preserve the court's good name and standing. It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court personnel have been enjoined to adhere to the exacting standards of morality and

decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. Respondent in this case failed to meet the stringent standards set for a judicial employee; hence, he does not deserve to remain in the office staff of the judiciary.

WHEREFORE, respondent Cyril T. Mayor, Clerk III, Metropolitan Trial Court, Branch 13, Manila is found guilty of dishonesty and falsification of public document and is hereby dismissed from the service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

Quisumbing, (Acting Chief Justice), Ynares-Santiago, Carpio, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, and Brion, JJ., concur.
Puno, C.J., and Reyes, J., on Official leave,
Austria-Martinez, J., on leave

[1] Rollo, pp. 1-2.

[2] Id., pp. 34-35.

[3] Id., pp. 38-40.

[4] Rollo, pp. 9-10.

[5] Calumba v. Yap, A.M. No. P-08-2506, August 12, 2008.

[6] Re Anonymous Complaint Against Mr. Rodel M. Gabriel, A.M. No. 2005-18-SC, April 19, 2006, 487 SCRA 370.

[7] Ratti v. Mendoza-De Castro, A.M. No. P-04-1844, July 23, 2004, 435 SCRA 11.

[8] Disapproved Appointment of Noraina D. Limgas as Stenographer III, RTC, Branch 8, Marawi City, A.M. No. 04-10-619-RTC, February 10, 2005, 450 SCRA 560.

[9] Aglugub v. Perlez, A.M. No. P-99-1348, October 15, 2007, 536 SCRA 20.

[10] A.M. No. 2003-7-SC, December 15, 2003, 418 SCRA 460.

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