

MACALAWAN M. HADJI-EDAROS, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

Ponente: PEREZ, J.

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PEREZ, J.:

This is a petition for review under Rule 43 of the Rules on Civil Procedure of the Resolution No. 100247[1] dated 13 December 2010 of the Civil Service Commission (CSC), which found petitioner guilty of two (2) counts of serious dishonesty, and Resolution No. 1101626[2] dated 13 December 2011 which denied appellant's motion for reconsideration of the Resolution No. 100247.

The Facts

This case unfolded when the Civil Service Commission Regional Office (CSCRO) No. XII requested from the CSCRO No. X verification of the Career Service Professional Eligibility (CSPE) of Hadji-Edaros (petitioner), then Clerk II of the Land Transportation Office, Regional Office No. XII. Upon verification, the CSCRO No. X discovered disparities in the facial features in the photograph attached on the Picture-Seat-Plan (PSP) of the 19 October 1997 Career Service Professional Examination conducted in Cagayan de Oro City vis-à-vis his photograph attached in his Personal Data Sheet (PDS). The CSCRO No. X likewise found that the signature of petitioner in the PSP is different from his signature in his PDS.[3]

After the preliminary investigation, CSCRO No. X found a prima facie case against petitioner for Dishonesty. He was formally charged with Dishonesty, as follows:

- “1. That one Macalawan M. Hadji-Edaros purportedly applied for, took and passed the Career Service Professional Examination held on 19 October 1997 in Cagayan de Oro City, with a rating of 87.50% (sic);
2. That he indicated in his Personal Data Sheet that he passed the said examination; and
3. That comparison of his pictures and signatures in his Personal Data Sheet with those in the Picture Seat Plan of the aforesaid examination reveals that another person took the examination on his behalf.

Considering that the foregoing facts constitute material misrepresentation which jeopardize the integrity of Civil Service Examinations, and it is clear that Macalawan M. Hadji-Edaros did not actually take said examination but allowed somebody else to take the same and benefited therefrom, there is great probability that he committed the administrative offense of Dishonesty.

WHEREFORE, Macalayan M. Hadji-Edaros is hereby formally charged with the administrative offense of Dishonesty.[4]

Petitioner denied the allegations against him and averred that he was the one who took the 19 October 1997 Career Service Professional examination held in Cagayan de Oro City. He claimed that the disparities found in the PDS as against that in the PSP were machinated by by a person with intent to destroy and discredit him. He likewise moved for the dismissal of the formal charge as the CSCRO No. X has no jurisdiction over the case.[5]

On the scheduled hearing on 25 July 2007, petitioner did not appear. Thus, the Prosecution was allowed to present

its evidence ex-parte. An Order was issued to petitioner for the continuation of the Formal Investigation set on 4 March 2008. Again, petitioner failed to appear on said hearing date. Consequently, the CSCRO No. X issued an Order for the submission of the parties of their respective Position Papers.[6]

In its Decision[7] dated 17 December 2008, the CSCRO No. X found petitioner guilty of Serious Dishonesty, the dispositive portion of which reads:

“WHEREFORE, premises considered, respondent Macalawan M. Hadji-Edaros is hereby found GUILTY of the administrative offense of Serious Dishonesty. Accordingly, he is meted the penalty of DISMISSAL from the service with the accessory penalties of disqualification from re-entering government service, forfeiture of retirement benefits, cancellation of eligibility and bar from taking future Civil Service examinations.”

Petitioner’s motion for reconsideration of the said Decision was denied in an Order[8] dated 29 January 2009.

On appeal, the Commission of Civil Service Central Office modified CSCRO No. X’s Decision and found petitioner guilty of two (2) counts of Serious Dishonesty in Resolution No. 100247.[9] The dispositive portion of the Resolution reads:

WHEREFORE, the petition for review of Macalawan M. Hadji-Edaros is hereby DISMISSED. Accordingly, the assailed Decision dated December 17, 2008 of Civil Service Commission Regional Office No. X finding Hadji-Edaros guilty of serious Dishonesty and imposing on him the penalty of dismissal from the service with all the accessory penalties is hereby MODIFIED as Hadji-Edaros is hereby found GUILTY of two (2) counts of Serious Dishonesty. The imposition of the penalty of DISMISSAL from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from re-employment in the government service and bar from taking future civil service examinations is AFFIRMED.

Petitioner’s motion for reconsideration of Resolution No. 100247 was likewise denied by the Commission in Resolution No. 1101626.[10]

Aggrieved, petitioner raises before Us this lone issue:

WHETHER OR NOT SUBSTANTIAL EVIDENCE EXISTS TO HOLD THE PETITIONER GUILTY OF SERIOUS DISHONESTY.

The Court’s Ruling

The petition is bereft of merit.

Dishonesty has been 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. Under the Civil Service Rules, dishonesty is a grave offense punishable by dismissal which carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification from reemployment in the government service.[11]

Section 3 of Civil Service Resolution No. 060538 - Re: Rules on the Administrative Offense of Dishonesty provides:

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty:

Xxx

g) The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.

xxx.

After perusing the records of the case, We affirm the finding of respondent CSC of substantial evidence to warrant a finding of serious dishonesty on the part of petitioner.

In administrative cases, substantial evidence is required to support any finding. Substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The requirement is satisfied where there is reasonable ground that the petitioner is guilty of the act or omission complained of, even if the evidence might not be overwhelming.[12]

The Decision of the CSC, being the administrative body tasked to hear and decide administrative matters, was based on substantial evidence. Factual findings of administrative bodies, being considered experts in their field, are binding on the Courts.[13] As a rule, these factual findings are not reviewable by Courts. The records clearly reveal that the petitioner was duly investigated by the CSC. Thus, We accord credence on its findings, to wit:

The Commission finds no compelling reason to deviate from the assailed decision. The evidence on which the CSCRO No. X anchored its findings of Serious Dishonesty against Hadji-Edaros is substantial. Be it stressed that the quantum of evidence required in administrative cases is only substantial and more than substantial evidence has been offered to hold Hadji-Edaros guilty.

This Commission is convinced that another person, not Hadji-Edaros, applied and took the examination on October 19, 1997 Career Service Professional Examination in Cagayan de Oro City under Hadji-Edaros' name. The picture and signature on the PSP showed a different person when compared with the picture and signature of Hadji-Edaros in his PDS.

The act of Hadji-Edaros in employing another person to take the Career Service Professional Examination for and in his behalf is constitutive of the administrative offense of Serious Dishonesty. The mere assertion of Hadji-Edaros that he personally took the examination and the disparities found in his PDS vis-à-vis in the PSP were caused by a person with intent to destroy him is self-serving and barren of evidentiary value. He failed to offer substantial evidence to prove his allegation. Instead, he submitted his Position Paper containing general denials and bare claims of ignorance in addition to his allegation of failure of the Prosecution to establish substantial evidence.

The Commission further holds that Hadji-Edaros, in making it appear in his PDS that he took and passed the October 19, 1997 Career Service Professional Examination in Cagayan de Oro City when in truth, it was the impostor who took the subject examination for and on his behalf, committed another act of Serious Dishonesty.

Hadji-Edaros likewise asserted that the custodians of the PSP and the PDS should have likewise been presented to testify as to the genuineness and authenticity of the documents as well as the Room Examiner/Proctor were not presented to testify on the PSP. This argument is misplaced. The legal presumption is that official duty has been duly performed and strong evidence is necessary to rebut this presumption. He did not present any evidence to overturn this legal presumption.[14]

For his defense, petitioner merely denies the allegations against him and mainly attributes fault to the proctor or room examiner in possibly switching his picture with that of another. In *Civil Service Commission v. Dasco*, [15] the Supreme Court, stressing on the presumption of regularity in the performance of official duty of CSC officials, is instructive:

We cannot even consider the possibility that the CSC officials who supervised the examinations committed a mistake in matching the pictures and signatures vis-à-vis the examinees as the said CSC officials enjoy the presumption of regularity in the performance of their official duty. And besides, such a mix-up is highly unlikely due to the strict procedures followed during civil service examinations, described in detail in *Cruz and Paitim v. Civil Service Commission*, to wit:

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 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).

This Court likewise rejects petitioner's contention that the documentary evidence presented by the prosecution cannot be given probative weight. As per the CSCRO No. X's findings, We quote:

In the second place, contrary to respondent's claim, the public documents in the present case, indicating the PSP, are certified authenticated copies of the originals, as attested by Randy P. Batiller, Supervising Personnel Specialist of the Examination Services Division, this Office. While the pieces of documentary evidence adduced by prosecution are only prima facie evidence of the facts stated therein (Section 23, Rule 132, Revised Rules of Court), the same could not be overcome by the testimony of a single witness, much less mere assertions of the respondent.

Besides, respondent failed to interpose his objection on the documentary exhibits, supra. The rule is that evidence not objected to are deemed admitted (Francisco, R.J., Evidence, Third Edition, 1996, annotations on p. 543, citing *Marcella vs. Reyes*, 12 Phil. 1).[16]

In sum, We find that the CSCRO No. X's conclusions were reached after a careful deliberation of the testimonial and documentary evidence submitted by the prosecution during the formal investigation.

There is no basis for petitioner to contend that he has been deprived of due process because he was given opportunity to refute the allegations against him and participate in the formal investigation. The Supreme Court has consistently held that in administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. In *Rivas v. Sison*,[17] the Supreme Court elucidated that:

Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. As long as a party was given the opportunity to defend his interests in due course, he was not denied due process.

In the case at bar, petitioner had been given ample opportunity to present his defense. The fact that he himself did not participate in the two (2) hearings set by the Commission and failed to submit evidence to substantiate his allegations despite due notice thereof clearly militate against his claim that he was denied his day in court. As the CSCRO No. X aptly noted, in lieu of the chances afforded him to prove his innocence, he opted to submit an Answer and a Position Paper containing general denials, bare claims of ignorance, and imputing upon the prosecution its failure to establish substantial evidence.[18]

Petitioner cannot take refuge on the mere assertion that the prosecution has failed to establish substantial evidence to prove that he committed serious dishonesty. Considering the totality of evidence adduced by the prosecution vis-à-vis petitioner's mere denial of the allegations, there can hardly be any dispute as to whose favor the evidence preponderates. On its own, the prosecution has met the quantum of proof required to establish the guilt of petitioner herein. In a catena of cases, the Supreme Court has invariably held that the finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed the acts stated in the complaint or formal charge.[19]

All told, We find no reason to disturb the findings of the CSC as they rest on substantial evidence. Petitioner's acts of misrepresenting himself as the person who took the CSPE and declaring that he passed the same in his PDS constitute serious dishonesty which warrants his dismissal from service and the accessory penalties attached thereto.

WHEREFORE, the petition is DENIED. The Resolutions dated 13 December 2010 and 13 December 2011 of the Civil Service Commission, are hereby AFFIRMED.

SO ORDERED.

Camello, J., Ch., and Inting, JJ., concur.

[1] Rollo, pp. 12-19.

[2] Id. at 21-28.

[3] Rollo, p. 15.

[4] Ibid.

[5] Rollo, p. 16.

[6] Ibid.

[7] Rollo, p. 37.

[8] Id. at 40.

[9] Supra note 1.

[10] Supra note 2.

[11] Civil Service Commission v. Dasco, A.M. No. P-07-2335, 22 September 2008.

[12] Tolentino v. Loyola, G.R. No. 153809, 27 July 2011.

[13] Cruz v Civil Service Commision, G.R. No. 144464, 27 November 2001.

[14] Rollo, p. 17.

[15] Supra note 9.

[16] Rollo, p. 26.

[17] G.R. No. 140839, 26 May 2005.

[18] Rollo, p. 22.

[19] PAGCOR v. Marquez and Verdillo v. PAGCOR, G.R. Nos. 191877 and 192287, 18 June 2013.

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