

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. PARIDA W. CAPALAN, UTILITY WORKER I, RESPONDENT.

A.M. NO. P-05-2055. December 09, 2005

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PER CURIAM:

This is an administrative case against Parida W. Capalan for dishonesty and falsification of official document.

The antecedents are as follows:

On June 21, 2004, Parida W. Capalan, Utility Worker 1, Regional Trial Court of Malabang, Lanao del Sur, Branch 12, was promoted and issued a permanent appointment as Clerk III in the same court.

However, the Civil Service Commission (CSC) disapproved the permanent appointment of Catalan on the ground that her name did not appear in the roster of eligibles.

In a letter dated October 14, 2004, Deputy Court Administrator Christopher O. Lock informed Capalan that her permanent appointment has been terminated due to its disapproval by the CSC on the ground that a verification of her alleged Career Service Professional Eligibility revealed that her name does not appear in the roster of eligibles. The Deputy Court Administrator also apprised Capalan that Christopher B. Lumbré, Jr., CSC Director III, Regional Office No. 10, Cagayan de Oro City, certified that the records of the Civil Service Commission showed that the test she took in Cagayan de Oro City on August 16, 2002 was a Career Service Subprofessional Examination and that her rating was a failing grade of 30.21%. Capalan was directed to cease and desist from performing her official duties in the court effective immediately.

In a Second Indorsement dated October 29, 2004, Court Administrator Presbitero J. Velasco, Jr. directed Capalan to comment on the letters[1] from the CSC regarding the disapproval of her appointment as Clerk III of the Regional Trial Court, Malabang, Lanao del Sur, Branch 12.

In her Comment dated December 1, 2004, Capalan moved for reconsideration of the disapproval of her permanent appointment as Clerk III, arguing that the disapproval was neither justified nor supported by the evidence. She maintained that she "personally took the Career Service (Professional) Examination – Computer Assisted Test held in Cagayan de Oro City on August 16, 2002 with a rating of 84.13%." She alleged that there could have been an erroneous entry of her rating, so that the rating given to her seven days after the examination was different from the one that the CSC claimed to be in its record.

In February 2005, Capalan submitted a letter[2] attaching thereto a letter dated February 3, 2005 purportedly signed by Lourdes Clavite-Vidal, CSC Director IV, Regional Office No. 10, Cagayan de Oro City, which was addressed to the Court Administrator. The alleged letter of CSC Director Clavite-Vidal stated that upon verification in the Register of Eligibles, Capalan took the Civil Service Subprofessional Examination in Cagayan de Oro City on August 16, 2002 with a rating of 84.13%.

In her letter, Capalan declared that since there was no final resolution of her motion for reconsideration of the disapproval of her appointment, she continued to render service as Clerk III of the Regional Trial Court of

Malabang, Lanao del Sur, Branch 12, until December 31, 2004, but she did not receive her salary and allowances for December 2004. She stopped reporting to office in January 2005 upon the advice and instruction of the Presiding Judge, until her appointment is reconsidered.

Catalan prayed that her disapproved appointment be reconsidered; that any complaint or administrative charge filed against her be dismissed; that she be reinstated to her position; and, that her salaries and allowances from December 2004 until the present be released to her.

In a letter dated March 17, 2004, the Court Administrator sought clarification from CSC Director Lourdes Clavite-Vidal on the two letters issued by CSC, Regional Office No. 10, Cagayan de Oro City, which contained conflicting information on the eligibility of Capalan. The first letter, dated August 26, 2004, addressed to Mr. Arturo SJ Panaligan of the CSC-GSIS/SCP Field Office in Manila and signed by Christopher B. Lumbré, Jr., stated that Parida W. Capalan got a failed rating of 30.21% in the Masterlist of the Career Service Subprofessional Examination and that the attached Certificate of Eligibility of Capalan was fake. The second letter, dated February 3, 2005, signed by CSC Director Lourdes Clavite-Vidal and addressed to Court Administrator Presbitero J. Velasco, Jr., stated otherwise, that is, that Parida W. Capalan passed the Career Service Subprofessional Examination conducted on August 16, 2002 with a rating of 84.13%.

On April 20, 2005, CSC Director Lourdes Clavite-Vidal replied to the query of the Court Administrator, thus:

...

We have verified Ms. Capalan's Subprofessional eligibility and found it to be fake. She got only 30.21 in the Career Service Subprofessional examination (Computer Assisted Test) given at the CSC-10 Regional Office on August 16, 2002. The letter signed by Christopher B. Lumbré, Jr., Director III of this office regarding Ms. Capalan's eligibility is authentic.

Please be informed that all verification process emanates from the CSC Field Office where the appointments of proposed appointees are processed. Results of verifications are sent directly to the requesting Field Director who is Arturo S. Panaligan in this particular case.

We have not written your office about Ms. Capalan's eligibility.

In a Memorandum dated July 7, 2005, Court Administrator Presbitero J. Velasco, Jr. recommended to the Court that the matter be docketed as a regular administrative case; and, that Parida W. Capalan be found administratively liable for dishonesty and falsification and be dismissed from the service.

On July 26, 2005, the Court resolved to docket the matter as an administrative case against Parida W. Catalan.

The Court agrees with the finding of the Office of the Court Administrator that the letter dated February 3, 2005, purportedly signed by CSC Director Lourdes Clavite-Vidal, stating that Parida W. Capalan passed the Career Service Subprofessional Examination conducted on August 16, 2002 with a rating of 84.13%, is bogus. Director Lourdes Clavite-Vidal, in her letter to the Court Administrator dated April 20, 2005, denied that her office wrote the letter. Director Lourdes Clavite-Vidal clarified that a verification of Capalan's subprofessional eligibility revealed that it was fake, and

that Capalan got only 30.21% in the Career Service Subprofessional Examination. Director Clavite-Vidal averred that the letter signed by Director Christopher B. Lumbré, Jr. regarding Capalan's lack of eligibility, for getting a failed rating, is authentic.

The Office of the Court Administrator correctly observed, thus:

... A mere observation of the manner the said letter [dated February 3, 2005] was written and the signature

appearing therein readily renders the letter suspect. Director Clavite-Vidal herself stressed that the issuance of said letter under the circumstances does not conform to the usual process of verification observed within the Civil Service Commission

The circumstances do not speak well of Ms. Capalan. She asserted that she "personally took the Career Service (Professional) Examination – Computer Assisted Test held in Cagayan de Oro City on August 16, 2002 with a rating of 84.13%". However, in her LETTER dated 28 February 2005, she subtly backtracked and averred that what she took was a CS Subprofessional examination on the same date and place. She had since maintained that she obtained a passing rating of 84.13%. But this too was categorically belied by the Civil Service Commission, which certified that her rating was only 30.21%. Unperturbed, she insisted on her claim even to the extent of filing a motion for reconsideration, which adduces in evidence the 3 February 2005 letter, which, upon verification with CSC, was found to be sham. As the one who introduced the sham letter, Ms. Capalan is presumed to be the author of the falsification.

The Court has repeatedly said that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service.[3] Respondent employee, who, for the purpose of securing a promotion, falsified an official document allegedly from the CSC stating that she obtained a passing grade in the Career Service Subprofessional Examination, when in fact she did not, cannot be said to have measured up to the standards required of a public servant. This Court will not tolerate dishonesty, for the Judiciary deserves the best from all its employees.[4]

Under Section 23, Rule XIV (Discipline) of the Omnibus Civil Service Rules and Regulations, dishonesty and falsification of official document are grave offenses punished with dismissal even if committed for the first time. Section 9 of the same Rule also provides that "[t]he penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for reemployment in the government service."

In view of the foregoing, Catalan's request for reconsideration of the disapproval of her permanent appointment and for reinstatement is hereby denied.

WHEREFORE, Catalan is found guilty of dishonesty and falsification of an official document and punished with DISMISSAL from the service, with forfeiture of all benefits due her, excluding earned leave credits, and disqualification for reemployment in the government service.

SO ORDERED.

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

[1] Letter dated September 13, 2004 from Arturo SJ Panaligan, Director II, Civil Service Commission and a Letter dated August 26, 2004 from Christopher B. Lumbre, Jr., Director III, CSC, Regional Office No. 10, Cagayan de Oro City.

[2] Captioned "Reconsideration and Further Comment," addressed to Atty. Wilhelmina D. Geronga, Officer-in-Charge, Legal Office, OCA, copy furnished the Office of the Court Administrator.

[3] A.M. 2003-9-SC (March 25, 2004).

[4] Ibid.

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