

**CONCERNED CITIZEN, COMPLAINANT, VS. DOMINGA NAWEN ABAD, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 35, BONTOC, MOUNTAIN PROVINCE, RESPONDENT.***A.M. No. P-11-2907 (Formerly A.M. OCA IPI No. 09-3113-P). January 31, 2012*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8611e05368d8/>**PER CURIAM:**

For resolution is a complaint[1] filed by a concerned citizen against respondent Dominga Nawen Abad, Court Stenographer III, Regional Trial Court, Branch 35, Bontoc, Mountain Province. The complainant alleged that Mrs. Erminda D. Nawen[2] took the Civil Service Sub-professional Examination in behalf of respondent Abad. The complaint was filed before the Civil Service Commission-CAR Regional Office, Baguio City (CSC, for brevity).

In her counter-affidavit[3] filed before the CSC, respondent stated that she personally took the examination.

In its decision,[4] the CSC compared respondent's Personal Data Sheet, dated May 4, 2005, with the Picture Seat Plan during the examination on July 26, 1992. The CSC found that respondent's picture and signature on her Personal Data Sheet when compared to her picture and signature on the Picture Seat Plan are different.[5] However, the CSC dismissed the complaint for lack of jurisdiction and forwarded the records of the case to this Court.[6]

Acting on the referral, the Office of the Court Administrator (OCA) required respondent to file her comment. In her comment,[7] respondent did not answer the charge of impersonation. Instead, she assailed the actions of the CSC in entertaining the anonymous and unsubscribed complaint, and rendering a decision despite the absence of jurisdiction.[8] Respondent prayed that the decision of the CSC be disregarded and that the proceedings against her be suspended until a proper complaint is filed against her by the proper disciplining authority.[9]

The OCA, however, found no merit to respondent's contentions and found her guilty of dishonesty. The OCA noted the disparities between respondent's picture on her Personal Data Sheet and her picture on the Picture Seat Plan during the examination. The OCA also found that respondent's signature on her Personal Data Sheet is totally different compared to her signature on the Picture Seat Plan. Thus, the OCA recommends that respondent be dismissed from service.[10]

We adopt the OCA recommendation, which is well taken.

We have examined the two documents and we find that indeed somebody impersonated respondent during the examination. We note particularly that respondent's picture[11] on her Personal Data Sheet is different from her picture[12] on the Picture Seat Plan during the examination. The variance in her signatures[13] on the two documents is likewise clearly and undeniably evident. These facts disprove her claim that she personally took the examination. For her to assert that she herself took the examination when in fact somebody else took it for her constitutes dishonesty.[14]

We cannot grant respondent's prayer to suspend the administrative proceedings against her. We need not belabor

the point that the CSC dismissed the complaint against her for lack of jurisdiction and forwarded the records of the case to this Court. This Court, the proper disciplining authority,[15] assumed its jurisdiction and required her to answer the charge of impersonation. She failed to answer the charge squarely and sought instead to delay the case with her feeble claim that we suspend the proceedings and await a proper complaint, as if we failed to see the seriousness of the charge against her when we required her to file her comment. Before us are verifiable proofs of the alleged impersonation. Respondent even conceded that the CSC acted properly in getting her employment files.[16] Yet, she offered no countervailing evidence. We are left with no choice but consider the evidence at hand. Said evidence debunked her defense that she herself took the examination.

It must be stressed that every employee of the Judiciary should be an example of integrity, uprightness and honesty. Like any public servant, she must exhibit the highest sense of honesty and integrity not only in the performance of her official duties but in her personal and private dealings with other people, to preserve the court's good name and standing. 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.[17] Respondent failed to meet these stringent standards set for a judicial employee and does not therefore deserve to be part of the Judiciary.

In *Cruz v. Civil Service Commission*[18] and *Civil Service Commission v. Sta. Ana*,[19] we also dismissed the employees found guilty of similar offenses. In *Cruz*, Zenaida Paitim masqueraded as Gilda Cruz and took the Civil Service examination in behalf of Cruz. We said that both Paitim and Cruz merited the penalty of dismissal.[20] In *Civil Service Commission v. Sta. Ana*, somebody else took the Civil Service examination for Sta. Ana. We also dismissed Sta. Ana from the service for dishonesty. We find no reason to deviate from our previous rulings. Under Section 52(A)(1) of the Uniform Rules on Administrative Cases in the Civil Service, dishonesty is a grave offense punishable by dismissal for the first offense. Under Section 58 of the same rules, dismissal carries with it cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service. However, we exclude forfeiture of accrued leave credits pursuant to our ruling in *Civil Service Commission v. Sta. Ana*. [21]

WHEREFORE, we find respondent Dominga Nawen Abad, Court Stenographer III, Regional Trial Court, Branch 35, Bontoc, Mountain Province, GUILTY of dishonesty. She is hereby DISMISSED from the service with cancellation of eligibility, forfeiture of all her retirement benefits except her accrued leave credits, and with perpetual disqualification for reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.

This Resolution is immediately EXECUTORY.

### **SO ORDERED.**

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, Mendoza, Sereno,[\*] Reyes, and Perlas-Bernabe, JJ., concur.  
Abad, J., on leave.

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[1] Rollo, p. 17.

[2] The case against Mrs. Erminda D. Nawen is not a part of this case.

[3] Rollo, pp. 19-20.

[4] Id. at 1-7.

[5] Id. at 2-3.

[6] Id. at 7.

[7] Id. at 38-44.

[8] Id. 42.

[9] Id. at 43-44.

[10] Id. at 46-48.

[11] Id. at 26.

[12] Id. at 27-29.

[13] Id. at 26 (back page), 27-29.

[14] Civil Service Commission v. Sta. Ana, A.M. No. P-03-1696, April 30, 2003, 402 SCRA 49, 56.

[15] Constitution, Article VIII, Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[16] Rollo, p. 39.

[17] Civil Service Commission v. Sta. Ana, supra note 14, at 56-57, citing Floria v. Sunga, A.M. No. CA-01-10-P, November 14, 2001, 368 SCRA 551, 560-561.

[18] G.R. No. 144464, November 27, 2001, 370 SCRA 650.

[19] Civil Service Commission v. Sta. Ana, supra note 14, at 57.

[20] Cruz v. Civil Service Commission, supra note 18, at 655.

[21] Supra note 19.

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