

DISAPPROVED APPOINTMENT OF MARICEL A. CUBIJANO, COURT STENOGRAPHER III, RTC-BRANCH 28, LIANGA, SURIGAO DEL SUR

A.M. No. 04-10-637-RTC. August 18, 2005

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PER CURIAM:

On 12 July 2002, Maricel A. Cubijano ("Cubijano") was issued a temporary appointment as Court Stenographer III in the Regional Trial Court of Lianga, Surigao del Sur, Branch 28. Her appointment was renewed on 21 May 2003. On 9 March 2004, Cubijano was issued a permanent appointment (change of status) to the position. The Civil Service Commission ("CSC"), however, disapproved the appointment because her name did not "appear in the roster of eligibles" and her "certificate of rating was found to be fake."

When asked to comment, Cubijano, in her letter dated 9 July 2004, wrote that the issue had already become moot and academic because her employment was "terminated effective at the close of business hours last June 27, 2004 on the ground of expiration of term of office." Cubijano further alleges that she neither benefited nor gained anything materially since she was not issued a valid appointment. She claims that there was neither injury nor damage to the government and the civil service since she was not paid any salary or other compensation. She insists she acted in good faith when she submitted the result of her Civil Service Examination and she relied on the face of the document thinking all along that it was authentic.

In its report and recommendation dated 28 October 2004, the Office of the Court Administrator ("OCA") states that a permanent appointment (change of status) was issued in favor of Cubijano on 9 March 2004 but the CSC subsequently disapproved it upon a finding that the career service professional eligibility of Cubijano was "found to be fake" as her name does not appear in the roster of eligibles. The OCA opines that the use of a false certificate of eligibility constitutes an act of dishonesty. Government service was prejudiced because the court was deprived from hiring other applicants who were genuinely qualified for the position. The OCA further states that dishonesty is a malevolent act which is considered a grave offense warranting the penalty of dismissal from the service. The OCA recommends that Cubijano be dismissed from the service with forfeiture of her retirement benefits and disqualification from re-employment in the government service.

The certificate of rating showed on its face that Cubijano took the Career Service Professional Examination on 15 July 2001 at Cagayan de Oro. However, the CSC found that Cubijano's name was not included in the master list. Cubijano, nevertheless, insists she was in good faith when she submitted the result of her civil service examination. However, in her 9 July 2004 letter, Cubijano admits that the result of her civil service examination "turned out to be fake."

Dishonesty is a malevolent act. It is a grave offense punishable by dismissal from the service even if committed only for the first time.^[1] The use of a false certificate of eligibility constitutes an act of dishonesty which, under Section 52, Rule IV of the Uniform Rules on Administrative Cases, is a grave offense warranting the penalty of dismissal from the service. However, the dismissal of Cubijano from the service is no longer possible because the CSC has disapproved her appointment and she is no longer employed in the service. Nonetheless, the Court, on several occasions,^[2] has imposed the penalty of forfeiture of benefits and disqualification from re-employment in

any branch of the government or any of its agencies or instrumentalities, including government owned and controlled corporations despite the respondent's resignation.

Finally, we find untenable Cubijano's claim that she did not gain anything material from her submission of the questioned certificate and that there was no damage or injury to the government and the civil service since she was not paid any salary or other compensation. Cubijano was issued a "temporary appointment" on 12 July 2002 as Court Stenographer III (SG 12) with a salary of P134,004 per annum. She continued her services when her appointment was renewed effective 21 May 2003. On 9 March 2004, she was issued a permanent appointment (change of status) to the position. She was receiving salary for that period and her name was excluded from the EDP payroll of the court only upon her cessation from office. She was paid her salary during the two years she was employed in the court, either in the temporary or permanent capacity.

Dishonesty is a malevolent act that has no place in the judiciary.[3] No other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary.[4] This Court has emphasized repeatedly that every employee of the judiciary should be an example of integrity, uprightness and honesty.[5] The conduct required of court personnel, from the highest magistrate to the lowliest clerk, must always be beyond reproach.[6]

WHEREFORE, we find Maricel A. Cubijano GUILTY of DISHONESTY. In view of the termination of her employment, all her benefits, if any, except accrued leave credits, are FORFEITED. She is further disqualified perpetually from re-employment in any branch of the government or any of its agencies or instrumentalities, including government owned and controlled corporations.

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] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52 (A)(1).

[2] Withholding of the Salary and Benefits of Michael A. Latiza, Court Aide, RTC-Br. 14, Cebu City, A.M. No. 03-3-179-RTC, 26 January 2005, 449 SCRA 278; Office of the Court Administrator v. Juan, A.M. No. P-03-1726, 22 July 2004, 434 SCRA 654; Office of the Court Administrator v. Ferrer, 347 Phil. 667 (1997).

[3] Pizarro v. Villegas, A.M. No. P-97-1243, 20 November 2000, 345 SCRA 42.

[4] Rabe v. Flores, 338 Phil. 919 (1997).

[5] Administrative Case for Dishonesty and Falsification of Official Document Against Noel V. Luna, SC Chief Judicial Staff Officer, A.M. No. 2003-7-SC, 15 December 2003, 418 SCRA 460.

[6] Re: Memorandum dated 27 Sept. 1999 of Ma. Corazon M. Molo, OIC, Office of the Administrative Services, Office of the Court Administrator, A.M. No. SCC-00-6-P, 16 October 2003, 413 SCRA 520.

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