RE: SPURIOUS CERTIFICATE OF ELIGIBILITY OF TESSIE G. QUIRES, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, QUEZON CITY.

A.M. NO. 05-5-268-RTC. May 04, 2006

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PER CURIAM:

Dishonesty is a serious offense which reflects on a person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity.[1] It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary.[2]

Tessie G. Quires (Quires) was hired as a contractual employee in the Office of the Clerk of Court of the Regional Trial Court (OCC-RTC), Quezon City (Q.C.) on January 2, 2000.[3] In the Personal Data Sheet (PDS) she filled out on May 16, 2002, she stated that she took the Civil Service Professional examination on October 10, 2001 at the Civil Service Commission-National Capital Region (CSC-NCR) and received a rating of 82.48%.[4] She was later appointed to a permanent position, Clerk III, at the OCC-RTC Q.C. on October 21, 2002.[5]

On January 25, 2005, Quires went to the CSC office in Diliman requesting for the authentication of her Career Service Professional Certificate of Eligibility. Upon verification, it was discovered that Quires' name is not in the masterlist of those who either passed or failed the Civil Service Professional examination conducted by CSC-NCR on October 10, 2005, the date she purportedly took the examination, and that the code in her Certificate of Eligibility is different from the code used by the CSC-NCR.[6] Azucena Perez-Esleta, Director of the Examination, Recruitment and Placement Office (ERPO) of the CSC thereafter wrote Quires on January 27, 2005 about the findings and directed her to show cause within 72 hours why she should not be administratively held liable for violation of the civil service rules.[7]

On April 26, 2005, CSC Commissioner J. Waldemar V. Valmores wrote then Chief Justice Hilario G. Davide, Jr. informing him of the spurious certificate of eligibility of Quires.[8]

The Court referred the matter to the Office of the Court Administrator (OCA) for investigation, report and recommendation, through a Resolution dated June 7, 2005.[9] Justice Romulo S. Quimbo was designated as Hearing Officer of the case.[10]

On July 27, 2005, Justice Quimbo sent a letter to Quires, through the OCC-RTC Q.C., where respondent was assigned, informing her of the charges against her and requiring her to file Comment.[11] Subsequent notices to Quires were sent to the OCC-RTC Q.C.[12]

On September 23, 2005, Justice Quimbo received a letter from Perlita Vitan-Ele, Clerk of Court of the RTC Q.C., explaining that they were not able to forward Justice Quimbo's letters to Quires as they were expecting that she would return to work and that Justice Quimbo's letters could be served on her personally;[13] that she also caused the personal delivery of Justice Quimbo's letters to Quires' known addresses at No. 12 Malambing St. Diliman,

Q.C. and No. 1910 Don Jose St. Don Antonio Heights, Diliman, Q.C.; that Quires however is no longer residing in both addresses and is believed to have gone back to her province in Bohol; that with the failure of Quires to return to work despite the lapse of her filed leave, Ele forwarded Justice Quimbo's letters to Quires' hometown.[14]

Quires did not file any comment neither did she attend any of the hearings set on September 23, 2005, October 14, 2005, and October 18, 2005.[15] The records of the Leave Division of the OCA showed that Quires took leaves of absence for the entire months of June, July and August 2005.[16] Ele also said that Quires has not reported to work even after the expiration of her three-month leave.[17]

On October 17, 2005, Justice Quimbo received an unsigned typewritten letter dated September 1, 2005, allegedly from Quires and addressed to Director Esleta of ERPO CSC which reads:

> Director AZUCENA PEREZ-ESTELETA[18]
> ERPO CIVIL SERVICE COMMISSION
> Diliman Quezon City
>
> Dear Madamme,
>
> Isang magandang pagbati po sa inyo, Nangyari po akong sumulat dahil sa natangap kong Show cause order, mga ilang buwan na pong nakakaraan. Dahil po doon lubha po akong natakot na nagdulot po ito ng matinding pangamba sa buhay ko araw-araw. Na naging dahilan narin po para ako mag resigned sa aking trabaho Ngunit ako po ay isang biktima rin ng ilang mapagsamantala sa lipunan. Na nakuha sa matatamis na salita at pangako.
>
> Sanay sapat na pong parusa sa akin ang pag reresigned ko sa sa aking trabaho, na naging dagok ito sa buhay ko, hindi lang po sa akin, kondi narin po sa aking boong pamilya. At masabi ko rin pong ng aking kinabukasan. Dahil sa aking pagkakamaling ito.
>
> Hinihingi ko po ang inyong kapatawaran at pag-unawa sa darating na panahon. Inu-ulit ko po sa inyo, ako po ay isang BIKTIMA ng ilang mapagsamantalang mga tao sa lipunan.
>
> Lubos na Gumagalang
>
> TESSIE QUIRES
> CC; Supreme Court
> Office of the Court Administrator
> Manila
>
> ROMULO S. QUIMBO
>
> Hearing Officer-Designate[19]

Upon verification with the Personnel Office of the OCA, however, it was found out that Quires has not officially resigned from work.[20]

In his Report dated November 8, 2005, Justice Quimbo recommended the dismissal of Quires from the service:

> Quires was employed by the Court under false pretenses. She took advantage of a fake certificate of eligibility. Her claim that she had taken the Career Service Professional Examination on October 10, 2001 has been found to be false.
>
> Her acts constitute gross dishonesty and misconduct. Under the Uniform Rules in Administrative Cases in the Civil Service, gross dishonesty is penalized with dismissal from office with prejudice to reinstatement and with forfeiture of any retirement benefits.[21]

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In a Resolution dated November 22, 2005, the Court referred the matter back to the OCA for its recommendation.[22]

In a Memorandum dated January 27, 2006, then Court Administrator Presbitero J. Velasco, Jr.[23] affirmed the recommendation of Justice Quimbo, finding, thus:

> Respondent Quires has not disputed the charges against her. Although her alleged letter of resignation in which she owned up to the charges leveled against her carries little or no evidentiary weight, it indisputably stands that respondent Quires' Certificate of Eligibility is spurious. Besides, the records of the Commission do not include Ms. Quires in the roster of eligibles nor in the master list of passing/failing examinees of the October 10, 2001 Career Service Professional Examination. The probative value of the CSC's masterlist of eligibles cannot be discounted. The Court declares the masterlist to be the primary record of eligibles. It is the list officially prepared and kept by the [CSC] pursuant to its constitutional and statutory mandates to conduct and safeguard civil service examinations. It is what [CSC] utilizes to verify the eligibility of applicants in the government service. xxx Well to emphasize, the masterlist of eligibles is an official record. As such, every entry made therein is presumed genuine and accurate unless proven otherwise (Civil Service Commission vs. Cayobit, G.R. No. 145737, September 3, 2003).
>
> Respondent Quires concealed or distorted the truth in a matter of fact relevant to her office or connected with the performance of her duty. This is dishonesty. xxx It is a serious offense which reflects the person's character and exposes the moral decay which virtually destroys her honor, virtue and integrity (Prieto vs. Cariaga, 242 SCRA 317, [1997]). Under CSC Memorandum Circular No. 15, Series of 1991, respondent Quires' act of procuring and/or using a fake or spurious Certificate of Eligibility constitutes dishonesty and grave misconduct punishable by dismissal from service.
>
> In the judiciary, dishonesty and grave misconduct are harshly penalized as no other office in the government puts the highest premium on its employees' moral righteousness and uprightness than in the judiciary. It bears stressing the constant reminder from the Court that persons involved in the administration of justice ought to live up to the strictest standards of honesty and integrity in the public service. The conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility. This Court cannot countenance any act or omission by all those involved in the administration of justice, where such act or omission would violate the norm of public accountability and diminish the faith of the people in the judiciary (Civil Service Commission vs. Sta. Ana, A.M. No. OCA-01-5, August 1, 2002).
>
> Indubitably, substantial evidence warrants imposition of administrative sanctions against respondent Quires. Moreover, her acts open her to criminal culpability for falsification under Article 171 (par.4) and Article 172 of the Revised Penal Code.
>
> WHEREFORE, it is respectfully recommended that respondent Tessie G. Quires be DISMISSED from the service with prejudice to re-employment in any part of the government service including government-owned or controlled corporations with forfeiture or retirement benefits.[24]

The Court agrees with the recommendation of the then Court Administrator.

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. It is also understood to imply a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.[25]

The Court has pronounced, time and again, that it is a malevolent act that has no place in the judiciary.[26] Assumption of public office is impressed with paramount public interest, thus 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.[27]

In this case, Tessie G. Quires submitted a CSC Professional Examination Certificate of Eligibility with a grade of 82.48% and stated in her PDS that she passed the CSC Professional exam with the said grade.

There is no doubt, however, that the certificate she submitted is spurious and that the statement in her PDS pertaining thereto is false as the CSC itself has verified that Quires' name is not in the list of those who took the examination on said date and that the codes on the certificate she submitted are different from those which were actually used.

As correctly pointed out by Justice Velasco, the CSC masterlist is the primary record of eligibles, as such, every entry made therein is presumed genuine and accurate unless proven otherwise.[28]

The act of making a false statement in one's PDS renders an employee liable for falsification.[29]

Quires' act of indicating in her personal data sheet that she passed the career service professional examination when in fact she did not constitutes falsification of a document by making an untruthful statement in a narration of facts, as defined under Art. 171, par. 4, of the Revised Penal Code.[30]

> In falsification by false narration of facts, (1) the offender makes untruthful statements in a narration of facts; (2) he has a legal obligation to disclose the truth of the facts narrated by him; (3) the facts narrated are absolutely false; and (4) it was made with a wrongful intent to injure a third person.[31]

These acts of dishonesty and falsification are grave offenses under Sec. 23 Rule XIV of the Omnibus Civil Service Rules and Regulations which warrant the penalty of dismissal from service even for the first offense.

The Court further notes that Quires stopped reporting for work when investigation regarding her spurious certificate of eligibility started to take full swing with the OCA and she has not returned to work upon the lapse of her three-month leave. The Clerk of Court of the RTC Q.C. has also exerted efforts to locate her at her known addresses and has forwarded the Court's notices to her address in the province, to no avail. The Court has held that absence without official leave during the investigation of the administrative case against respondent is indicative of her guilt in the same way that flight in criminal cases creates the presumption of guilt.[32]

Indeed, the letter addressed to Director Esleta of the ERPO CSC purportedly from Quires cannot be given weight as it was not signed and subscribed by Quires. And even if it were to be considered, it would not be of any help to her case. As the Court pronounced in Disapproved Appointment of Limgas[33]

> Respondent's claim that she was a victim of an injustice perpetrated by fixers, insiders and syndicates operating in the Regional Offices of the CSC, does not merit any consideration. The same is self-serving. If the said claim were true, she should have explained this convincingly to the Court supported with competent evidence. This, she did not do. Does she think this Court will believe that she has nothing to do with the bogus certificate of eligibility in the light of the fact that no fixer will simply give a person a fake certificate without the latter dealing with the former?[34]

Clearly, Quires has no place in the Judiciary, where only those possessing integrity, honesty, competence and independence of mind are summoned to answer the clarion's call of public office.[35] Her use of a spurious certificate of eligibility prejudiced other applicants who are genuinely qualified for the position.[36] And her act of dishonesty to gain unwarranted advantage over other more qualified applicants cannot be said to have measured up to the standards required of a public servant.[37]

WHEREFORE, Tessie G. Quires is DISMISSED from the service with prejudice to re-employment in any government agency and government-owned or controlled corporation, and with forfeiture of retirement benefits, except accrued leaves, if any. This decision shall take effect immediately.

Let the Civil Service Commission be furnished a copy hereof.

SO ORDERED.

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

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[1]Civil Service Commission v. Cayobit, G.R. No. 145737, September 3, 2003, 410 SCRA 357, 362.

[2] 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, 467 SCRA 252, 255.

[3]Rollo, p. 21 b.

[4] Id. at 21.

[5]Id. at 25.

[6]Id. at 4-7.

[7] Id. at 2.

[8]Id. at 1.

[9] Id. at 11.

[10] Id. at 26.

[11] Id. at 26, 50.

[12]Id. at 50.

[13] Id. at 34.

[14] Id. at 40.

[15] Id. at 44-45, 50-51.

[16] Id. at 18-20.

[17]Id. at 40.

[18] Should be "Esleta", See rollo, p. 2.

[19]Id. at 46.

[20] Id. at 51.

[21] Id. at 51-52.

[22] Id. at 73.

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[23] Now Associate Justice of this Court.

[24] Rollo, pp. 75-76.

[25] Corpuz v. Ramiterre, A.M. No. P-04-1779, November 25, 2005; Wooden v. Civil Service Commission, G.R. No. 152884, September 30, 2005, 471 SCRA 512, 526; Alabastro v. Moncada, A.M. No. P-04-1887, December 16, 2004, 447 SCRA 42, 53.

[26] Concerned Citizen v. Gabral, A.M. No. P-05-2098, December 15, 2005; Corpuz v. Ramiterre, supra; Concerned Employee v. Generoso, A.M. No. 2004-33-SC, August 24, 2005, 467 SCRA 614, 624; Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, 464 SCRA 1, 15; Disapproved Appointment of Noraina D. Limgas as Stenographer III, Regional Trial Court, Branch 8, Marawi City, A.M. No. 04-10-619-RTC, February 10, 2005, 450 SCRA 560, 566; Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, Information Technology Officer I, Systems Development for Judicial Application Division, MISO, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236, 242.

[27] Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, supra.

[28]See Civil Service Commission v. Cayobit, supra note 1, at 363.

[29]Civil Service Commission v. Sta. Ana, 435 Phil. 1, 11 (2002); Disapproved Appointment of Limgas, supra note 26.

[30] See Civil Service Commission v. Sta. Ana, supra at 10.

[31]Id.

[32]Rizal Commercial Banking Corporation v. Quilantang, 413 Phil. 13, 23 (2001).

[33] Supra note 26.

[34] Id. at 566.

[35]Id. at 567.

[36] Civil Service Commission v. Sta. Ana, supra note 29, at 11.

[37] Re: Administrative Case for Dishonesty and Falsification of Official Document:Benjamin Katly, supra note 26, at 242.

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