

RE: DISAPPROVAL OF THE PERMANENT APPOINTMENT OF MR. GODOFREDO C. DE LEON, AS CLERK III, REGIONAL TRIAL COURT, BRANCH 40, MANILA BY THE CIVIL SERVICE COMMISSION.

A.M. No. 06-12-720-RTC. October 17, 2008

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PER CURIAM:

This administrative matter refers to the disapproval of the promotional appointment issued by this Court to Godofredo C. De Leon (respondent) from his present position of Utility Worker I to the position of Clerk III in the Regional Trial Court (RTC), Branch 40, Manila. The ground for disapproval led to the respondent's dismissal.

On September 16, 2005, the respondent's appointment as Clerk III was forwarded to the Civil Service Commission (CSC) for approval. In support of his promotional appointment, the respondent submitted a Personal Data Sheet (PDS) dated April 8, 2005 showing that he is a Career Service Sub-Professional eligible, and a Report of Rating allegedly issued by the CSC showing that he passed the Career Service Sub-Professional examination held in Pasig, Rizal on November 20, 1977, with a rating of 78.77%.

In a letter dated October 14, 2005, CSC Director II Cardito L. Callangan informed then Court Administrator, now Associate Justice, Presbitero J. Velasco, Jr. of the disapproval of the respondent's promotional appointment pursuant to Sections 7 and 9, Rule V of the Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service laws.[1] A certification issued by the Integrated Records Management Office, CSC-CO, through Director Teresita G. Arceo, showed that respondent's name was not included in the Passed/Failed Masterlist of eligibles. It also appeared that the eligibility being claimed by respondent belonged to his brother Reynaldo C. De Leon. Reynaldo's name was tampered in the authenticated Report of Rating dated July 18, 2005 that the respondent submitted.

On November 25, 2005, the Office of the Court Administrator (OCA) directed the respondent to show cause why no disciplinary action should be taken against him for falsification and misrepresentation. The respondent did not file his comment despite a request for extension of time made.

In the meantime, on November 20, 2006, the CSC filed a Formal Charge for Dishonesty against the respondent, docketed as Adm. Case No. 06-11-005. The CSC gave him five (5) days from receipt of the Formal Charge within which to submit his answer under oath, together with the affidavits of his witness(es) and supporting documentary evidence. In compliance with the CSC directive, the respondent filed his counter-affidavit stating that: (1) he inadvertently included the Career Service Sub-Professional eligibility of his brother Reynaldo C. De Leon; (2) he did not tamper the Report of Rating of his brother, but he carelessly and unintentionally included the same in his documents submitted to this Court; and (3) he only noticed that he included the Report of Rating of his brother a week after he submitted his application papers to the Supreme Court. He requested that the formal charge against him be dismissed for lack of basis and insufficient evidence.

After two more directives from the Court, the respondent finally submitted his Explanation/Comment on May 4, 2007. Realizing the import of the counter-affidavit he filed with the CSC, the respondent, "with all humility,

candor and plea for mercy and understanding from this Honorable Court," eventually admitted that he changed the name of his younger brother Reynaldo to Godofredo in the authenticated CSC Report of Rating which he submitted to the Court. He pleaded that his liability be mitigated for the sake of his family "whose welfare has been his motivation and no other."

In a Resolution dated September 26, 2007, the matter was referred to the OCA and the Chairperson, Selection and Promotion Board, Lower - Courts, for evaluation, report, and recommendation.

In a Memorandum dated January 4, 2008 for Chief Justice Reynato S. Puno, Court Administrator Zenaida N. Elepaño found the respondent guilty of Dishonesty and Falsification of Official Document. She recommended that the respondent be dismissed from the service with forfeiture of all retirement benefits, excluding accrued leave credits, with prejudice to reemployment in any government office, including government-owned and controlled corporations.

The Code of Conduct and Ethical Standards for Public Officials and Employees enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service.[2] In the Judiciary, this translates to the need for every employee to be an example of integrity, rectitude, and honesty.[3] This is the burden that every judicial employee carries in the performance of his or her duties.

The respondent, unfortunately, failed to live up to this standard of conduct.

The respondent's statement in his counter-affidavit filed with the CSC - that he did not tamper with his brother's report of rating and that the inadvertent inclusion of the same together with his application papers submitted to the Court was unintentional - contradicts the verified statements he made in his PDS that he is a Career Service Sub-Professional eligible. Eventually, he had to own up to the falsification when he was left with no other option. All these acts are contrary to the Court's oft-repeated reminder that dishonesty is a malevolent act that has no place in the judiciary. Public office is a public trust; public officers and employees, particularly those involved in the dispensation of justice - from the highest to the lowest in rank - must live up to the strictest standards of integrity, probity, uprightness, honesty, and diligence in their service.[4]

Dishonesty comes in many forms, but is invariably present when a falsity is made in any material fact or when fraud or deception is practiced. It is understood to imply a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of sincerity, probity, or integrity in principle; lack of fairness and straightforwardness; or a disposition to defraud, deceive or betray.[5] One case described it as a serious offense that reflects on a person's character and exposes the moral decay that affects his honor, virtue, and integrity.[6]

The respondent's acts of falsifying and submitting a falsified Certificate of Eligibility and making a false statement in his PDS fully fall within the above definition of dishonesty. To be exact, he is liable for acts of dishonesty and falsification of public document. These are grave offenses under Section 23, Rule XIV of the Omnibus Civil Service Rules and Regulations that warrant the penalty of dismissal from the service even for the first offense.

In *Civil Service Commission v. Sta. Ana*,[7] respondent Reynaldo P. Sta. Ana, a Human Resource Management Officer of this Court assigned to the Leave Division of the OCA, applied for promotion as Human Resource Management Officer III. In support of his application for promotion, he submitted (1) a Certificate of Eligibility purportedly issued by the CSC certifying that he passed the Career Service Professional examination on February 18, 1996 with a rating of 83.8%, and (2) a PDS dated August 5, 1996 stating under Item 18 that he passed the Career Service Professional examination on February 18, 1996 with a rating of 83.8%. Upon verification, the Field Officer of the CSC found that his Certificate of Eligibility was spurious. He was found guilty of dishonesty

and falsification of public document and was dismissed from the service.

While we recognize that respondent committed the acts complained of out of an extreme desire to be promoted for the benefit of his family, the Court cannot turn a blind eye to what is clearly a transgression of the law and of its established norm of conduct. His remorse for his misdeed will also not affect the response of this Court[8] as he has proven himself to be unfit to perform his duties with the integrity, uprightness, and honesty that employment in the Judiciary requires.[9]

WHEREFORE, respondent Godofredo C. De Leon is hereby DISMISSED from the service with prejudice to reemployment in any government agency, including government-owned and controlled corporations. He shall additionally forfeit any retirement benefit due him, except accrued leaves, if any. This decision shall take effect immediately.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, and Brion, JJ., concur.
Reyes, J., on official leave.

[1] Section 7. - The Commission shall disapprove the appointment of a person who:

x x x

- (a) has intentionally made a false statement of any material fact or has practiced or attempted to practice any deception or fraud in connection with his appointment; or
- (b) has been issued such appointment in violation of existing Civil Service Law, rules and regulations.

Section 9. x x x. However, an appointment may be void from beginning due to fraud on the part of the appointee or because it was issued in violation of law.

[2] Republic Act No. 6713.

[3] Civil Service Commission v. Sta. Ana, A.M. No. OCA-01-4, August 1, 2002, 386 SCRA 1, citing Court Administrator v. Sevillo, 270 SCRA 190 (1997); Estreller v. Manatad, Jr., A.M. No. P-94-1034, February 21, 1997, 268 SCRA 608.

[4] Re: Spurious Certificate of Eligibility of Tessie G. Quieres, RTC, Office of the Clerk of Court, Quezon City, A.M. No. 05-5-268-RTC, May 4, 2006, 489 SCRA 349.

[5] Id., citing Corpuz v. Ramiterre, 476 SCRA 108 (2005); Wooden v. Civil Service Commission, G.R. No. 152884, September 30, 2005, 471 SCRA 512, 526 (2005); Alabastro v. Moncada, A.M. No. P-04-1887, December 16, 2004, 447 SCRA 42, 53.

[6] Prieto v. Cariaga, A.M. No. P-94-10-61, March 13, 1995, 242 SCRA 317; Civil Service Commission v. Coyobit, G.R. No. 145737, September 3, 2003, 410 SCRA 357.

[7] Id.

[8] Prieto v. Cariaga, supra note 6.

[9] Id.

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