

CIVIL SERVICE COMMISSION, PETITIONER, VS. CARIDAD S. DASCO, STENOGRAPHER II, METC, BRANCH 63, MAKATI CITY, RESPONDENT.*A.M. No. P-07-2335 (Formerly A.M. No. 06-2-46-MeTC). September 22, 2008*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-06-2-46/>**PER CURIAM:**

For Resolution is an administrative case for Dishonesty and Grave Misconduct against respondent Caridad S. Dasco, Stenographer II, Metropolitan Trial Court (MeTC), Branch 63, Makati City, for misrepresenting that she took and passed the Career Service Professional Examination on 5 August 1990 when, in truth and in fact, someone else took the examination for her. The Civil Service Commission (CSC) found that the picture and signature in respondent's identification card were different from those in her application and in the Picture Seat Plan (PSP) both on file with the Examination and Placement Services Division (EPSD) of the CSC.

Respondent's misdeed was discovered when she went to the CSC Office in Diliman, Quezon City, on 19 July 2005, requesting the authentication of her Career Service Professional Certificate of Eligibility. She reportedly took the Career Service Professional Examination on 5 August 1990 at A. Roces Sr. Vocational High School. Upon verification, the CSC discovered that what was purported to be a picture of respondent in the Picture Seat Plan for the said examination was vastly different from how she looks in person and from her picture in the identification card she presented to CSC during her visit on 19 July 2005. The CSC also observed that petitioner's alleged signature on the same PSP was evidently dissimilar to the signatures petitioner executed personally before the CSC on 19 July 2005. Thus, the CSC suspected that it was highly probable that respondent was impersonated by a still unknown person for the purpose of taking the Career Service Professional Examination.[1]

On 2 September 2005, Director Azucena Perez-Esleta of the Examination, Recruitment and Placement Office (ERPO) of the CSC, wrote respondent a letter informing her of its afore-mentioned findings and directing her to show cause within 72 hours why she should not be administratively held liable for the violation of civil service rules.[2]

In a letter dated 5 January 2006, CSC Commissioner Karina Constantino-David notified the Court, through then Chief Justice Artemio Panganiban, of the spurious certificate of eligibility of respondent.[3]

In a Resolution dated 19 June 2007, the Court referred the matter to the Office of the Court Administrator (OCA) for investigation, report and recommendation.

The OCA then required[4] respondent to submit her comment on the accusation against her within 10 days from receipt of the Indorsement.

In her Comment[5] dated 8 March 2006, respondent vehemently denied that her picture in the PSP for the examination on 5 August 1990 was very different from how she looked in person when she appeared before the CSC on 19 July 2005 to request for authentication of her Career Service Professional Certificate of Eligibility. She averred that stress and fatigue had already affected her present appearance. As to the disparity between her signature on the PSP of the examination on 5 August 1990 and that which she executed before the CSC on 19 July 2005, respondent reasoned that her work as a stenographer required her to type for the whole day using a manual

typewriter, which made her hands "pasmado," such that she could not even write her signature properly.

On 11 May 2007, the OCA submitted its report,[6] thus:

From a review of the records, we are convinced that the person who actually sat during the examinations matched the picture on the seat plan. Indeed, it was another person and not herein respondent who actually took the civil service examination on August 5, 1990.

CSC Memorandum Circular No. 15, series of 1991 provides:

An act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to endure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service Examination, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service (as cited in *CSC vs Cayobit*, G.R.No. 145737, Sept. 3, 2003, 410 SCRA 357).

The acts of Dishonesty and Grave Misconduct are punishable by dismissal for the first offense. Such extreme punishment may be imposed in this case, because dishonesty reflects on the fitness of the employee to continue in office and on the discipline and morale of the service. Dishonesty is a serious offense which reflects on the person's character and exposes the moral decay which virtually destroys her honor, virtue and integrity.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court are the following recommendations:

- That the instant case be RE-DOCKETED as a regular administrative case;
- That respondent be asked to state whether she submits this case on the basis of the pleadings or have a formal investigation. If she opts to have a formal investigation, let this case be assigned to a consultant of the OCA for investigation, report and recommendation.

On 19 June 2007, the Court En Banc re-docketed the case as a regular administrative matter and required respondent to state whether she was willing to submit the case for resolution on the basis of the pleadings filed or to have a formal investigation conducted; and if respondent would opt to have the latter, the Court ordered that the case be assigned to a consultant of the OCA for investigation, report and recommendation.[7]

On 30 June 2008, respondent submitted her Manifestation[8] stating that she was already submitting the case for resolution based on the pleadings filed.

After thoroughly reviewing the records of this case, we agree in the valid observations of the OCA.

A close examination of respondent's pictures and signatures in her identification card presented before the CSC on 19 July 2005 and her Personal Data Sheet (PDS) filed before the OCA-OAS reveal their marked difference from those in the PSP for the examinations held on 5 August 1990. Even by mere observation by the naked eye, it can easily be detected that the pictures and signatures in the identification card and PDS, on one hand, and those in the PSP, on the other, could not be of one and the same person, bearing little resemblance/similitude or none at all. Respondent's personal appearance before the Office of the Civil Service Commission on 19 July 2005 was very much different from her alleged picture in the PSP.

Respondent merely denies the allegations against her. She attempts to escape liability by attributing the difference in the way she looked in the pictures to stress and fatigue; and the variance in her signatures to a physical malady resulting from her tedious work as a stenographer.

These are all flimsy and lame excuses, which collapse in the face of the very obvious evidence to the contrary.

It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value. Like the defense of alibi, a denial crumbles in light of positive identification.[9]

Respondent undeniably failed to substantiate the claims she made in her comment. She could have easily submitted additional evidence to substantiate her allegations, such as pictures to show the gradual change in her appearance through the years or a medical certificate to prove that a physical ailment is affecting her ability to write. Unfortunately, other than filing her comment, respondent failed to submit any supporting proof. The basic rule is that mere allegation is not evidence, and is not equivalent to proof.[10]

We cannot even consider the possibility that the CSC officials who supervised the examinations committed a mistake in matching the pictures and signatures vis-à-vis the examinees as the said CSC officials enjoy the presumption of regularity in the performance of their official duty. And besides, such a mix-up is highly unlikely due to the strict procedures followed during civil service examinations, described in detail in *Cruz and Paitim v. Civil Service Commission*,[11] to wit:

It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a Civil Service examination closely examine the pictures submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3694, Obedencio, Jaime A.). The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. In cases where the examinee does not look like the person in the picture submitted and attached on the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa).

The only logical scenario is that another person, who matched the picture in the Picture Seating Plan, actually took the examination on 5 August 1990 in respondent's name. In the offense of impersonation, there are always two persons involved. In the instant case, the impersonation would not have been possible without the active participation of both the respondent and the other person who took the examination in her name. It must have only been with the permission and knowledge of respondent that the other person was able to use her name for the examinations. More importantly, respondent has been benefiting from the passing result in the said examination.

Given the foregoing, the Court finds that respondent is, indeed, guilty of dishonesty.

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.[12]

Under the Civil Service Rules,[13] dishonesty is a grave offense punishable by dismissal which carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits (except leave credits pursuant to Rule 140, Section 11[1])[14] and disqualification from reemployment in the government service.[15]

The Code of Conduct for Court Personnel stresses that employees of the judiciary serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it. Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary.[16]

Every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, he must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people, to preserve the court's good name and standing.

It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official or otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court employees 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]

By her act of dishonesty, respondent failed to meet the stringent standards set for a judicial employee and does not, therefore, deserve to be part of the judiciary. In *Cruz and Paitim v. Civil Service Commission*,^[18] we found Cruz guilty of dishonesty when she misrepresented that she took the CSC Career Service Sub-Professional Examination when, in fact, it was her officemate, Paitim, the Municipal Treasurer of Norzagaray, Bulacan, who took the examination for her. Because of such dishonesty, both employees were dismissed from the service. We find no reason to deviate from our previous ruling.

WHEREFORE, respondent Caridad S. Dasco is hereby found guilty of dishonesty and is hereby DISMISSED as Court Stenographer II, MeTC of Makati City, Branch 63, with forfeiture of all her retirement benefits, except her accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

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

[1] Rollo, p. 2.

[2] Id. at 4.

[3] Id. at 2.

[4] Id. at 18.

[5] Id. at 15-16.

[6] Id. at 21-23.

[7] Id. at 24.

[8] Id. at 31.

[9] *Jugueta v. Estacio*, A.M. No. CA-04-17-P, 25 November 2004, 444 SCRA 10, 16.

[10] *Navarro v. Cerezo*, A.M. No. P-05-1962, 17 February 2005, 451 SCRA 626, 629.

[11] 422 Phil. 236, 245 (2001).

[12] *Re: Spurious Certificate of Eligibility of Tessie G. Quires*, RTC, Office of the Clerk of Court, Quezon City, A.M. No. 05-5-268-RTC, 4 May 2006, 489 SCRA 349, 356-357.

[13] Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292.

[14] *Cabanatan v. Molina*, 421 Phil. 664, 673 (2001).

[15] *Civil Service Commission v. Sta. Ana*, 450 Phil. 59, 69 (2003).

[16] *Rabe v. Flores*, 338 Phil. 919, 925-926 (1997).

[17] *Bucatcat v. Bucatcat*, 380 Phil. 555, 567 (2000).

[18] Supra note 11; see also *Civil Service Commission v. Sta. Ana*, 435 Phil. 1 (2002).

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