

**RE: CIVIL SERVICE EXAMINATION IRREGULARITY
(IMPERSONATION) OF MS. ELENA T. VALDEROSO, CASH CLERK II,
OFFICE OF THE CLERK OF COURT, MUNICIPAL TRIAL COURT IN
CITIES, ANTIPOLLO CITY**

A.M. No. P-16-3423 [Formerly A.M. No. 13-9-89-MTCC], February 16, 2016

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PER CURIAM:

In a letter[1] dated July 11, 2013, Atty. Ariel G. Ronquillo (Atty. Ronquillo), Assistant Commissioner, Civil Service Commission (CSC), referred to the Office of the Court Administrator (OCA), for appropriate action, the alleged involvement in an examination irregularity (impersonation) of respondent Elena T. Valderoso (Valderoso), Cash Clerk II, Office of the Clerk of Court (OCC), Municipal Trial Court in Cities (MTCC), Antipolo City, Rizal.

According to Atty. Ronquillo, on March 23, 2013, Valderoso requested for the authentication/verification of her civil service eligibility with the CSC. The said request was made due to her application for promotion from Cash Clerk II to Cashier. Upon validation of the identity of Valderoso, however, the Integrated Records Management Office (IRMO) noted several discrepancies in the facial features and signatures of Valderoso as compared to the Picture-Seat-Plan (PSP) of the Career Service Professional examination held on October 16, 1994 in Quezon City. The evaluation contained in IRMO Memo No. 542, s. 2013,[2] signed by Maria Leticia G. Reyna, Director IV, particularly noted the following differences:

PSP

ID

1. Physical Features

a. Hair Texture

-
-

b. Hairline

-
-

c. Face

Oval

Semi-round

d. Forehead

-

-

e. Eyebrow

Long & arched towards the side

Semi-arched

f. Eyes

Rounded

Down slant

g. Nose

Medium

Narrow

h. Mouth/Lips

Small; thick lower lip

Medium

i. Ears

Rectangular

Oval; close to head

j. Cheek

Sunken

Filled-out

k. Chin

Small/pointed

Normal/oval

l. Neck

Long

Short

2. Signature

Both semi-personalized but with different strokes

Moreover, the On-the-Spot Investigation Report[3] dated May 23, 2013 of the Office for Legal Affairs of CSC

stated that upon questioning, Valderoso insisted that she was the one who took the October 16, 1994 civil service examination and that she was not aware of any other person with the same name as hers who also took the examination on the same day. When Valderoso, however was instructed to sign in the back page of the Report to have a comparison of the specimen signature, the investigator found the same to be incomparable particularly in the strokes of the handwriting.

Due to the discovery of the discrepancies, Valderoso manifested that she is no longer inclined to have her eligibility authenticated and requested that any report on the matter be submitted to her instead to this Court.

In the 1st Indorsement^[4] dated October 4, 2013, the OCA directed Valderoso to submit her Comment to the letter of Atty. Ronquillo within a period often (10) days from receipt thereof.

On November 18, 2013, Valderoso filed her Answer^[5] wherein she contended that sometime in 1994, while she was pregnant with her third child she was scheduled to take the civil service examination on October 16, 1994 at the San Francisco High School, Quezon City. However, she decided to skip the examination as she had just given birth on September 18, 1994. At that time, she was a casual employee of the local government of Antipolo City, detailed as a clerk at the OCC, MTCC, Antipolo City.

According to her, when she returned to work on November 14, 1994, she was summoned by the Human Resources Department of the local government agency concerned. To her surprise, she received her Certificate of Eligibility^[6] with a passing rate of 88.38%. Upon investigation, she discovered that it was a certain Elsie P. Matignas (Matignas) who facilitated her civil service eligibility. Matignas, however, refused to divulge the true identity of the person who took the test in her stead.

On September 9, 1997, Valderoso was appointed as Cash Clerk II in this Court until her resignation on June 6, 2013. She averred that during her employment in this Court, she had never been subjected to any administrative or disciplinary action. As such, she prayed that the whole monetary equivalent of her remaining leave credits be given to her so she can pay for her loan obligation with the Supreme Court Loans Association as well as to finance her plan to work abroad.

After evaluation, the OCA issued Memorandum^[7] dated March 23, 2015 wherein it recommended the re-docketing of the matter as a regular administrative case and that Valderoso be found guilty of serious misconduct and dishonesty. Moreover, in view of her resignation on June 6, 2013, the OCA likewise recommended that whatever benefits still due her from the government, except for accrued leave credits, if any, be forfeited and that she be barred from re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

Based from the records of the instant case, this Court finds the recommendation of the OCA proper under the circumstances.

As correctly observed by the OCA, Valderoso herself acknowledged, in her Answer, that another person took the examination in her behalf. This court, however, finds no merit to her defense that the same was done without her knowledge and that it was Matignas who perpetrated the unauthorized substitution.

In *Donato, Jr. v. Civil Service Commission*,^[8] this Court approved the findings of the CSC and ruled that:

"In the offense of impersonation, there are always two persons involved. The offense cannot prosper without the active participation of both persons - (CSC Resolution No. 94-6582). Further, by engaging or colluding with another person to take the test in his behalf and thereafter by claiming the resultant passing rate as his, clinches the case against him. In cases of impersonation, the Commission has consistently rejected claims of good faith, for "it is contrary to human nature that a person will do (impersonation) without the consent of the

person being impersonated. (CSC [R]esolution No. 94-0826)"[9]

In the present case, aside from the self-serving claim of Valderoso that it was Matignas who facilitated the alleged impersonation of her civil service examination, records do not show any measure taken up by her to correct the same. No amount of good faith can be attributed to Valderoso. Good faith necessitates honesty of intention, free from any knowledge of circumstances that ought to have prompted her to undertake an inquiry.[10] Moreover, since Matignas already passed away, it seems to this Court that it is too convenient for Valderoso to pin the blame to a person who is no longer around to defend herself.

Valderoso's action constitutes dishonesty. It is "a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. 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."[11]

Under Section 46A(1), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, serious dishonesty is considered a grave offense punishable by dismissal from the service. Records, however, show that respondent Valderoso has already resigned from her position effective on June 6, 2013. Nonetheless, resignation should not be used either as an escape or as an easy way out to evade an administrative liability or an administrative sanction.

Valderoso's resignation, however, would affect the penalty imposable against her. The penalty of dismissal arising from the offense was rendered moot by virtue of her resignation. Thus, this Court find the recommendation of the OCA to be appropriate under the circumstances and impose upon Valderoso the penalty of forfeiture of all benefits due her, except accrued leave credits and her disqualification from any future government service.

As a final note, this Court emphasizes that "[assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct. A person aspiring for public office must observe honesty, candor, and faithful compliance with the law. Nothing less is expected."[12]

WHEREFORE, respondent Elena T. Valderoso is hereby found GUILTY of SERIOUS DISHONESTY. In lieu of DISMISSAL, the penalty which her offense carry, but which can no longer be effectively imposed because of her resignation, Elena T. Valderoso is hereby meted the penalty of FORFEITURE of whatever benefits still due her from the government, except accrued leave credits if she has earned any; and is likewise declared DISQUALIFIED from employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, and Jardeleza, JJ., concur.

Brion, J., on leave.

Caguioa, J., on official leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on February 16, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on March 16, 2016 at

2:25 p.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA

Clerk of Court

[1] Rollo, p. 1.

[2] Id. at 2.

[3] Id. at 11-12.

[4] Id. at 13.

[5] Id. at 14-17.

[6] Id. at 8.

[7] Id. at 23-28.

[8] 543 Phil. 731 (2007).

[9] Id. at 744.

[10] *Faelnar v. Palabrica*, 596 Phil. 417, 429 (2009).

[11] *OCA v. Bermejo*, 572 Phil. 6, 14 (2008).

[12] *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R Katly*, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236, 242.

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