

ZENAIDA DE GUZMAN, COMPLAINANT, VS. ANTONIO DELOS SANTOS, INFORMATION OFFICER III, PUBLICATION AND CIRCULATION DIVISION, OFFICE OF THE REPORTER (SUPREME COURT), RESPONDENT.*A.M. No. 2002-8-SC. December 18, 2002*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-2002-8/>**PER CURIAM:**

ELIGIBILITY TO PUBLIC OFFICE, given the facts of this case, must exist at the commencement and for the duration of the occupancy of such office; it is continuing in nature. Qualification for a particular office must be possessed at all times by one seeking it. An appointment of one deemed ineligible or unqualified gives him no right to hold on and must through due process be discharged at once.

On 14 November 2001 respondent Antonio delos Santos, Information Officer III, Publication and Circulation Division, Office of the Reporter, this Court, wrote Chief Justice Hilario G. Davide, Jr., applying for promotion to the position of Information Officer IV in the same office. Attached to his letter was a duly accomplished Civil Service Form 212, otherwise known as the Personal Data Sheet (PDS), wherein respondent stated under Item 18 that he graduated from the Manuel L. Quezon University (MLQU) in 1992 with the degree of Bachelor of Science in Electrical Engineering (BSEE) after having allegedly attended school sometime in 1973 to 1992.

There were eight (8) other applicants to the position applied for. However, only three (3) were recommended for appointment by the Selection and Promotion Board, namely: (1) Zenaida de Guzman, Information Officer III, Office of the Reporter; (2) Fidela Dimson, Information Officer III, Office of the Reporter; and, (3) Antonio delos Santos, Information Officer III, all of the Office of the Reporter, this Court.

After assessing the qualifications of the three (3) best qualified applicants the Board recommended the appointment of respondent Antonio delos Santos as Information Officer IV. On 27 February 2002 his appointment was approved by the Chief Justice, Senior Associate Justice Josue N. Bellosillo, and Associate Justice Jose A.R. Melo,[1] the latter two as Chairmen of the Second and Third Divisions, respectively.

On 15 March 2002 complainant Zenaida de Guzman, contending that respondent Delos Santos was guilty of misrepresentation if not falsification and fabrication of his credentials regarding his educational attainment, wrote the Grievance Committee of this Court alleging that there was no record that respondent graduated from MLQU in 1992 with the degree of Bachelor of Science in Electrical Engineering, which fact was verified from the Commission on Higher Education (CHED).

The letter-complaint of Zenaida de Guzman was referred to the Complaints and Investigation Division, Office of Administrative Services (OAS), Supreme Court, since the matter could not be the subject of conciliation and mediation.[2] The OAS then requested for information from the MLQU as to whether Antonio delos Santos was really a BSEE graduate of the school.

Responding to the query, Mr. Gregorio del Valle, Jr., MLQU Registrar, issued on 3 April 2002 a Certification that

—

“x x x on the basis of records on file in this Office, a certain Mr. ANTONIO LARONA DELOS SANTOS enrolled in this University and lacks seventeen (17) units to finish the course leading to the degree of BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING (B.S.M.E.) as of 2nd semester 1981-82 x x x x”

Subsequently, respondent was required to comment on the complaint. On 2 May 2002 he filed his comment wherein he categorically denied the charge of misrepresentation and falsification against him. He narrated how he finished his BSEE course in 1992 from the MLQU —

As far as the respondent can recall, in the school year of 1989-1990, as a returning student of MLQU, he inquired with the Office of the Registrar the possibility of enrolling all the subjects as required in his 2nd year, 2nd semester, electrical engineering course. After a quite (sic) conversation with the staff-in-charge of the engineering department, he was given a copy of the procedures in enrollment which is very rigid because of the long line of enrollees from every department or division of the university. Considering then that he was in office uniform (Barong) and the further fact that he is old enough to still enroll for that semester as compared to (sic) ordinary students who are generally young, he was simply eye-catcher or noticeable. It was at this junction that a staff from the Office of the Registrar, whom they called “Mario”, approached him and offered to help in the speedy facilitation of his enrolment. He (Mario) even boasted to the respondent that the former can even lessen his burden of coming to school since he knew very well all the professors in the said university. Hence, he can request them to make his homework and projects at home instead of reporting to classes everyday till midnight through out the school year.

Inasmuch as the respondent is already old enough and further considering all factors such as he has children waiting for him at night, he has to travel from Quiapo to San Pedro, Laguna, he will have to guide his children in their assignments and he has to report for work, he was constrained to accept the offer of the said person (Mario). Who could have avoided this kind of proposal? But “Mario” assured the respondent that he will surely have a passing grade and he will definitely finish his course come October 1992.

Hence, the set-ups are like these: (1) Every first day of the semester, the respondent will give to “Mario” the money needed for his matriculation and the latter will facilitate the issuance of Certificate of Matriculation (COM) and all the class cards; (2) upon receiving the said documents, “Mario” will hand to him the assignments and projects for the whole semester; (3) the respondent will fill-up the class cards and will return them anew to “Mario” for delivery to the concerned professors; (4) two (2) weeks before the end of the semester, the respondent will submit to “Mario” the said assignments and projects, the latter will then transmit them to the professors; (5) two (2) weeks or more after the end of the semester, the respondent will again return to the Registrar (sic) Office to meet with “Mario” and subsequently get his passing class cards. These procedures lasted until his graduation in March 1992. Their conversation (sic) usually happens (sic) right in (sic) the receiving counter inside the Office of the Registrar where “Mario” has free access any time of the day and he is very familiar to (sic) the personnel thereat. x x x x

And after the last semester in his 5th year, “Mario” told the respondent to return after one (1) week in order to get his certification to the effect that he has already finished his course. True to his words, “Mario” really gave him the said certification inside the Registrar (sic) Office.

Thereafter, on the following week, “Mario” gave to respondent his diploma and transcript of records over the counter, inside the Registrar (sic) Office. From thereon, the respondent never returns (sic) to MLQU and devoted himself in (sic) his job and family x x x x

When he learned of this administrative complaint, respondent went to the MLQU and made the proper verification but was dismayed to learn that he was not included in its roll of graduates; that “Mario” with whom

he had previously transacted was not an employee of the school but a mere acquaintance of some of the staff members who had long been prohibited from entering the premises. He denied any intention to defraud the Court regarding his educational attainment as he merely relied on the documents given to him by “Mario” and believed in good faith that he was a BSEE degree holder from MLQU, a belief he maintains up to now. Respondent prayed nevertheless that should he be adjudged administratively liable notwithstanding his good faith, that justice be tempered with mercy considering that he himself was an innocent victim of circumstances; he has served the government for the past twenty-six (26) years; has consistently received a very satisfactory performance rating; and was the sole breadwinner of his family with five (5) children still attending school.

When required to submit his “academic records,”[3] respondent regretted that he could not do so since all the documents, i.e., receipts, certificates of matriculation, class cards, diploma, and transcript of records, were allegedly lost after robbers ransacked his house in December 1992.[4] Nonetheless respondent promised to submit the barangay blotter and certification as soon as they were made available to him by the barangay secretary. But respondent never submitted the promised documents.

In a Memorandum dated 7 August 2002 Atty. Eden T. Candelaria, Chief Administrative Officer, Office of Administrative Services, this Court, found respondent liable for dishonesty, misconduct and falsification of an official document considering that a Personal Data Sheet was a mandatory requirement in applications for appointment and promotion where an applicant had the legal obligation to disclose the truth. Atty. Candelaria likewise observed a propensity in respondent to misrepresent information to advance his own interests since his previous promotions as Information Officer I in 1991 and as Information Officer III in 1993 for which a college degree was a mandatory requirement were approved presumably on the basis of the information he gave that he was a BSEE graduate. Atty. Candelaria thus recommended that respondent be dismissed from the service with prejudice to his re-employment in any government agency and government-owned or controlled corporation with forfeiture of retirement benefits as well as unused leave credits.

We agree with the recommendation in the main with certain modifications.

We recently ruled that making a false statement in a Personal Data Sheet required under Civil Service Rules and Regulations for employment in the government amounts to dishonesty and falsification of an official document which warrant dismissal from the service upon commission of the first offense.[5] The Court reasoned that the “accomplishment of the Personal Data Sheet being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was therefore intimately connected with such employment x x x”[6]

In *Aquino v. The General Manager of the Government Service Insurance System*, this Court speaking through Associate Justice Jose B. L. Reyes ruled that misrepresentation by a government employee as to his educational attainment contained in a sworn application for civil service examination is an act of dishonesty and is expressly made a ground for disciplinary action under the Civil Service Rules.[7] Acts of this kind, which combine both perjury and falsification of an official document, infirm a public officer’s integrity and reliability, qualities that are necessarily connected with the discharge of his functions and duties.[8]

In the instant case, respondent falsely stated under Item 18 of his Personal Data Sheet attached to his application for promotion as Information Officer IV that he was a BSEE graduate of the MLQU when he was not. Respondent could not claim good faith in believing that he was a graduate because enough circumstances were present to have put him on guard that the college diploma offered him was possibly spurious. Aside from the fact that he did not even know the full name and position in the MLQU of “Mario” with whom he was transacting, the set-up of a hassle-free college diploma offered by the latter was so unusual and improbable as to provoke

suspicion and disbelief in its genuineness and regularity. Not only was respondent assured that he did not have to attend classes physically like the other students, he was likewise assured that he would definitely pass the course in October 1992! Moreover, in all the four (4) years he was “enrolled,” respondent paid his matriculation fees directly to “Mario” who gave him all the assignments and projects for the whole semester to be submitted two (2) weeks before the end thereof. Two (2) weeks or more after the end of each semester, respondent was given the passing class cards that were promised him even at the start of the arrangement. The assurance alone of passing grades should have dispelled whatever remaining doubts respondent might have entertained with respect to the impropriety if not illegality of the arrangement since nobody went to school with an assurance of a passing grade.

Notwithstanding the foregoing circumstances, however, respondent went on with the charade and would now impress upon this Court that he honestly and innocently believed in all the four (4) years he was “enrolled” that everything was legitimate and above board. In view of the foregoing circumstances which were enough to have put any reasonable and prudent man into inquiry with respect to the validity of the college diploma offered, this Court cannot accept respondent’s protestations of good faith.

Good faith requires honesty of intention, free from knowledge of circumstances which ought to put one upon inquiry.[9] If respondent Antonio delos Santos had been acting in good faith, he should have doubted the integrity of “Mario,” and refrained from dealing with shady characters who peddle “instant” diplomas under questionable circumstances. Instead of treating his education as a business transaction, he ought to have given priority to finishing his seventeen (17) units to qualify for a Bachelor’s degree whether in MLQU or any of the CHED-accredited colleges and universities. The opportunity to complete his degree existed from 1992 to the present, spanning a decade. Good faith means he should have verified his name in the MLQU roster of graduates from the time he allegedly graduated in 1992.

Respondent never even exerted any effort to secure a duly authenticated certificate from MLQU or CHED stating that he had obtained a BSEE degree, or any Bachelor’s degree for that matter, accompanied by duly certified copies of school documents to prove that he was qualified for the position of Information Officer IV and put the present controversy to rest. His inability to obtain this critical piece of evidence should have alerted him to rectify the situation from 1992 onwards. Yet he chose to feign ignorance on this matter that is now the lifeblood of his career, the subject of this present controversy. His belief in “good faith” that he was a degree holder does not constitute a valid defense by any stretch of the imagination; the best and only evidence which can clearly and convincingly tilt the balance in his favor is the presentation of his duly authenticated school records that must show the completion of a Bachelor’s degree. His self-serving pretension that he could no longer submit these records as robbers had stolen them from his house was never substantiated by him. Even if the occurrence of the robbery was established, it defies both logic and experience that robbers would ransack his house and steal his papers and documents which have no pecuniary value to third parties! Still, nothing could have prevented him from obtaining new copies of his school records duly certified by MLQU, if indeed he graduated therefrom, to prove his eligibility to the position aspired for.

It must be noted that respondent had already falsely indicated in his Personal Data Sheet dated 22 February 1993 attached to his application for promotion that he was a BSEE graduate from MLQU. He was eventually promoted to the position that likewise required him to be a holder of a Bachelor’s degree.

We have repeatedly said that 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. This Court will not tolerate dishonesty for the judiciary expects the best from all its employees who must be paradigms in the administration of justice.[10] An employee who falsifies an official document to gain unwarranted advantage over other more qualified applicants to the same position and secure the sought-after

promotion cannot be said to have measured up to the standards required of a public servant. While we commiserate with respondent who has been in the judiciary for twenty-six (26) years and who may have been simply motivated by a desire to improve his family's lot, we simply cannot condone the means resorted to which was not justified by its end. As this Court declared in *Civil Service Commission v. Sta. Ana*[11] —

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. Dishonesty and falsification are malevolent acts that have no place in the judiciary. Because of his conduct, the Court seriously doubts respondent's ability to perform his duties with the integrity, uprightness and honesty demanded of an employee of the judiciary.

Under the laws governing our civil service,[12] dishonesty is classified as a grave offense the penalty of which is dismissal from the service at the first infraction. For having misrepresented the fact that he was a college graduate when in reality he was not, we are constrained to hold respondent liable for dishonesty by misrepresentation and falsification of an official document. As an accessory penalty, his retirement benefits are forfeited due to the falsehood and deceit that have marked his assumption into office, traits that are undesirable and unbecoming of a public officer or employee. With respect to accrued leave credits, there must be a distinction between credits earned prior to 10 December 1991 and those earned from 10 December 1991 to the present. Delos Santos is entitled to credits earned prior to 10 December 1991, if any, as he was employed in positions for which he was qualified. Credits earned from 10 December 1991 to the present, if any, are forfeited for the reason that his ineligibility to assume positions requiring a Bachelor's degree retroacts to the date of his appointment as Information Officer I on 10 December 1991.

Public office is a public trust. A public officer or employee does not merely have an obligation to obey and respect the law; it is his sworn duty to do so. Assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct. A person aspiring to public office must observe honesty, candor and faithful compliance with the law. Nothing less is expected. This ideal standard ensures that only those of known probity, competence and integrity are called to the challenge of public service.

WHEREFORE, for Dishonesty and Falsification of an Official Document, respondent ANTONIO DELOS SANTOS 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 leave credits earned prior to 10 December 1991, if any. He shall henceforth cease and desist from performing the functions of his present position as Information Officer III, Publication and Circulation Division, Office of the Reporter, this Court. This Decision shall take effect immediately.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., and Azcuna, JJ., concur.
Panganiban, J., in the result.

[1] Retired on 23 May 2002.

[2] Referral Letter dated 20 March 2002 of Atty. Ma. Luisa D. Villarama, Chairperson, Grievance Committee, to Atty. Eden T. Candelaria, Chief Administrative Officer, Office of Administrative Services.

[3] Letter dated 18 June 2002 of Atty. Eden Candelaria, Chief Administrative Officer, OAS.

[4] Respondent's Compliance dated 20 June 2002.

[5] Civil Service Commission NCR v. Sta. Ana, A.M. No. OCA-01-5, 1 August 2002.

[6] Ibid.

[7] 130 Phil. 488, 492 (1968).

[8] Ibid.

[9] Good faith is "an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render transaction unconscientious," Black's Law Dictionary 822 (4th ed. 1957).

[10] Office of the Court Administrator v. Sumilang, A.M. No. MTJ-94-989, 18 April 1997, 271 SCRA 316, 326; Eamiguel v. Ho, A.M. No. 98-1263-P, 6 March 1998, 287 SCRA 79, 83; Ibay v. Lim, A.M. No. P-99-1309, 11 September 2000, 340 SCRA 107, 112.

[11] See Note 5.

[12] See Republic Act No. 6713 and CSC Memorandum Circular No. 30, Series of 1989.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.