

ADMINISTRATIVE CASE FOR DISHONESTY AND FALSIFICATION OF OFFICIAL DOCUMENT AGAINST NOEL V. LUNA, SC CHIEF JUDICIAL STAFF OFFICER, SYSTEMS PLANNING AND PROJECT EVALUATION (SPPE) D...

A.M. No. 2003-7-SC. December 15, 2003

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PER CURIAM:

This administrative matter stems from a letter[1], dated November 12, 2002, of the Civil Service Commission (CSC). It referred to the Office of the Court Administrator (OCA) a text message, which the CSC received under its TEXTCSC Project, seeking an investigation into the qualifications of respondent Noel V. Luna, SC Chief Judicial Staff Officer, Systems Planning and Project Evaluation Division, Management Information Systems Office (MISO), Supreme Court.

The text message reads as follows:

Please check the PDS of Noel V. Luna. As of now he is holding a position of SC Chief Judicial Staff Officer-PERMANENT position. He always claim 2 be a grad in the personal data sheet Tnx. Concern employee of d court.

It appears that from May 5, 1986, until February 28, 1990, Noel V. Luna served as a contractual employee in the Office of the Reporter, Supreme Court. In his Personal Data Sheet (PDS), which became one of the bases for his appointment and its eventual renewal, respondent indicated his educational attainment as 5[th] Year College. On March 1, 1990, when he was appointed to a permanent position as Information Officer I, Editorial Division, Office of the Reporter, his updated PDS stated that he reached 5[th] year college.[2]

After a few years, respondent was favorably recommended to the position of Information Officer II in the Systems Planning and Project Evaluation Division, MISO, a position requiring a bachelor's degree in Computer Science or Computer Engineering and relevant experience of three (3) years. He was promoted to the position on April 28, 1992.[3]

At the time respondent was recommended for promotion, Memorandum Circular No. 23, s. 1991 was still effective. Said Circular allowed deficiencies in education to be substituted with one (1) year of specialized/relevant experience, six (6) months of relevant training or two hundred (200) hours consisting of one or more specialized/relevant training programs or seminars.[4]

On March 1, 1995, the position respondent was holding was upgraded to SC Supervising Judicial Staff Officer.[5]

In November 1997, respondent applied for the position SC Chief Judicial Staff Officer, MISO, a position that had the following qualification requirements:

- 1) Bachelor's degree relevant to the job;
- 2) Four years in position/s involving management and supervision;
- 3) 24 hours training in management and supervision; and

4) Career Service Professional Eligibility.

Upon the favorable recommendation of the members of the Selection and Promotion Board (SPB), respondent was appointed Chief Judicial Staff Officer on January 13, 1998. In the PDS that he accomplished on January 15, 1998, respondent indicated that he had obtained the degree in BS ELECTRICAL ENGINEERING from 1982-1987.[6] His appointment was subsequently confirmed and attested by the Civil Service Commission.[7]

After almost four (4) years, the CSC, in a letter[8] dated November 12, 2002, referred the aforecited text message to the Office of the Court Administrator. The said office, in turn, referred the letter of the CSC to the Office of Administrative Services (OAS) for appropriate action.

Acting on the referral, the OAS sought to verify respondent's educational attainment from the Lyceum of the Philippines, the university where the respondent is known to have attended college.[9] In response, Ms. Maria Teresa O. Pilapil, the school registrar, issued a certification on April 9, 2003. She stated that, "Mr. Luna lacks 54 units to complete the academic requirements of the prescribed course leading to the degree of Bachelor of Science in Electrical Engineering as of First Semester of School Year 1986 - 1987." [10]

In view of what appeared to be a discrepancy if not outright anomaly in the qualification records pertaining to the appointment of respondent as SC Chief Judicial Staff Officer of the SPPED, MISO, the OAS directed respondent on April 15, 2003,[11] to submit a written comment within five (5) working days and explain why no disciplinary action should be taken against him for dishonesty and falsification of official document.

In his comment dated April 21, 2003, respondent admitted that he indeed did not possess the degree of Bachelor of Science in Electrical Engineering. But he asserted that he never made any claim that he did. He averred that his lack of a college degree is well known to his officemates, as he has never concealed, or even attempted to conceal, said fact. He also denied making a false entry in his record.

According to him, he personally typed all the entries in his PDS, and when he submitted his PDS, it already contained the necessary information in typewritten form. He added that he left blank all the items to which he had no response. If he were indeed the author of the false information, respondent argues, there was no reason for him not to type in the entry since he could just as easily type it in as he typed the other entries. He likewise asserted that he was aware that insertions in completed documents need to be authenticated with a signature. Since there was no signature near the insertion, it was not he who made the insertion, respondent argued.[12]

Finally, respondent expressed suspicion over the spurious entry in his PDS especially because the false entry has serious implications on his person. He proposed to help the OAS in the investigation, and offered his wholehearted cooperation.[13]

On April 24, 2003, the Complaints and Investigation Division, OAS, transmitted to the Personnel Division, OAS, the certification issued by the Office of the Registrar of the Lyceum of the Philippines, respondent's comment, and respondent's PDS accomplished on January 15, 1998, for appropriate action.[14] Correspondingly, the Personnel Division served a written request upon the Civil Service Commission, NCR, for the complete employment records on file of the respondent. The CSC granted the request and forwarded the necessary documents to the Personnel Division of the OAS.[15]

On November 19, 2003, Atty. Eden T. Candelaria, DCC and Chief Administrative Officer, submitted to the Chief Justice through the Clerk of Court, the result of the investigation, with formal hearings conducted on the matter. Her report recommended:

In view of the foregoing, this Office, finds respondent Noel V. Luna, SC Chief Judicial Staff Officer, Systems Planning and Project Evaluation Division, MISO, guilty of administrative offenses of Falsification of Official

Document and Dishonesty, and respectfully recommends that he be DISMISSED from the service with forfeiture of retirement benefits, except his leave credits, if there is any, and with disqualification for re-employment in any government agency or government owned or controlled corporation.

The matter is now before us to consider her findings and recommended sanction against respondent.

Respondent wants to impress on us that it was not he who indicated, in handwritten form, the false entry "BS Electrical Engineering" in his Personal Data Sheet (PDS) but someone else. It must be noted, however, that all application papers including the PDS, whether for original or promotional appointment, are initially submitted to, and processed by, the Secretariat of the Selection and Promotions Board (SPB) before the members of the Board would recommend a name from among the qualified applicants. Thus, respondent appears to fault the Secretariat of the SPB as the one responsible for inserting the false information regarding his educational attainment in his PDS.

Yet, respondent was the one seeking a promotional appointment. His interest in getting that much-desired promotion cannot be overstressed. In contrast, the Secretariat of the SPB had no interest whatsoever in respondent's promotion other than to perform the duty of collating and processing application papers, and preparing the matrices to be used by the Board in filling up vacant positions in the Court. Respondent stood to benefit by the coveted promotion, and not the Secretariat. His chances of being promoted would have sunk if it had been starkly revealed that he had yet to finish his five-year course in B.S. Electrical Engineering. Without the handwritten entry of "BS Electrical Engineering" in the PDS, respondent could not qualify for the position of SC Chief Judicial Staff Officer of the SPPE Division, MISO, because it requires one to be a holder of a bachelor's degree.

Moreover, as a matter of procedure, the Secretariat would have made the proper verification from respondent if it were true that respondent's PDS was silent with regard to his educational attainment instead of supplying or writing in the information required. In the absence of credible evidence, the presumption of regularity in the performance of duties by the Secretariat prevails over respondent's unsubstantiated but self-serving assertions.

Furthermore, we note that respondent made contradictory statements regarding material points in this case. In no uncertain terms, respondent wrote in his comment, "I personally typed in all the entries in said PDS form, thus I am aware of all the information contained in the same. I am therefore aware that the entry was not made by me."^[16] But when asked what prompted him not to indicate his education qualification in his PDS, respondent answered, "Well candidly speaking ma'am. I was not actually the one who prepared or typed the entries [in] PDS. It was my wife, Jocelyn Luna, who is also working at the MISO. She is the one who takes care of my papers with the help of the secretaries like Melissa and the other employees."^[17] Such inconsistency does not jibe with one's practical experience of veracity and credibility. A person telling the truth would not contradict outright a statement he has just made.

Respondent asserted during the hearings by the OAS that the new PDS form is different from the old PDS form. This was in an attempt to lend credence to his claim that he left the space for educational attainment in the new PDS form blank. The claim, however, would not exonerate respondent even if we accept it as true. For then, respondent would be liable for suppression of a material fact. It is clear from the PDS form that his educational attainment is being asked from him. This is clear from the heading Number of Units Completed/Course Title next to the column for Degree Earned (write NONE if not graduated). The filing of a PDS is required in connection with the promotion to a higher position and the contenders for promotion have the legal obligation to disclose the truth.^[18] Any willful concealment of facts in the Personal Data Sheet constitutes mental dishonesty amounting to misconduct.^[19]

Even granting that Item No. 17 of the new PDS form, under the table-heading Degree Earned (write NONE if not graduated), is extremely difficult to understand and may be understood to mean that the item should be left blank, respondent's claim of innocence could not be accepted. This is because the adjacent column under the table-heading Number of Units Completed/Course Title would inevitably leave the applicant with no option but to indicate the exact extent of his college education. It became a subtle but deliberate attempt to perpetuate a falsehood when respondent indicated "1982-1987," or a span of five years, as his exclusive dates of school attendance. For significantly this period is needed to finish BS Electrical Engineering, a five-year course.

Incidentally, a comparison of the old PDS form, which respondent had accomplished twice (once in 1990 and again in 1992), with the new PDS form, which is the basis of the instant administrative charge, reveals that the two forms do not differ substantially in terms of the requirement to disclose one's educational attainment.

It bears repeating that every employee of the judiciary should be an example of integrity, uprightness, and honesty.[20] 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.[21] It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel.[22] Court personnel 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.[23] Respondent in this case failed to meet the stringent standards set for a judicial employee; hence, he does not deserve to remain in the office staff of the judiciary.

The accomplishment of the Personal Data Sheet (PDS) is required under Civil Service Rules and Regulations for employment in the government. The making of an untruthful statement therein amounts to dishonesty and falsification of an official document that warrant dismissal from the service even on the first offense.[24] Of these offenses, respondent is clearly liable.

Under Section 23[25], Rule XIV of the Omnibus Rules Implementing Book V of EO 292[26] and other Pertinent Civil Service Laws, dishonesty and falsification of public document are considered grave offenses for which the penalty of dismissal is prescribed. Section 9 of the said Rule likewise provides that "The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits, and retirement benefits, and the disqualification for re-employment in the government service. This penalty is without prejudice to criminal liability of the respondent." [27]

WHEREFORE, respondent NOEL V. LUNA, SC Chief Judicial Staff Officer, Systems Planning and Project Evaluation Division, MISO, is found guilty of dishonesty and falsification of public document thereby warranting his DISMISSAL from the service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to his re-employment in any branch or agency of the government, including government-owned or controlled corporations effective immediately.

SO ORDERED.

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

[1] See Letter of CSC Asst. Commissioner Nelson Acebedo dated November 12, 2002.

[2] See Sealed Report, p. 1.

[3] See Certificate dated may 9, 2003, issued by Mr. Jacinto S. Serrano, SC Judicial Staff Officer, Personnel Division, OAS.

[4] See Sealed Report, p.2.

[5] Ibid.

[6] See PDS dated January 15, 1998.

[7] Sealed Report, p. 2.

[8] Supra, note 1.

[9] See Letter of Atty. Eden Candelaria dated December 12, 2002 to the Registrar's Office of the Lyceum of the Philippines.

[10] Certification dated April 9, 2003, issued by Maria Teresa Pilapil, Registrar, Lyceum of the Philippines.

[11] See Memorandum of Atty. Eden Candelaria dated April 15, 2003 to respondent.

[12] Respondent's Comment dated April 21, 2003.

[13] Ibid.

[14] See Memorandum of Atty. Edwin B. Andrada, dated April 24, 2003, to respondent.

[15] See Letter of Arturo SJ. Panaligan, dated May 9, 2003, to Mr. Jacinto S. Serrano.

[16] Respondent's Comment dated April 21, 2003.

[17] TSN, 16 May 2003, p. 2.

[18] Lumancas v. Intas, G.R. No. 133472, 5 December 2000, 347 SCRA 22, 34.

[19] Bautista v. Navarro, No. L-46199, 29 June 1982, 114 SCRA 794, 798.

[20] Canillas v. Pelayo, A.M. No. P-02-1575, 1 August 2002, 386 SCRA 12, 16.

[21] Lauro v. Lauro, A.M. No. P-91-642, 6 June 2001, 358 SCRA 405, 409-410.

[22] CSC v. Sta. Ana, A.M. No. P-03-1696, 30 April 2003, p. 10.

[23] Ibid.

[24] De Guzman v. Delos Santos, A.M. No. 2002-8-SC, 18 December 2002, p. 13.

[25] Sec. 23. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service. The following are grave offenses with its corresponding penalties:

(a) Dishonesty (1[st] Offense Dismissal)

x x x

(f) Falsification of official document (1[st] Offense, Dismissal)

[26] Administrative Code of 1987.

[27] Supra, note 22 at 11.

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