

RE: ADMINISTRATIVE CASE FOR DISHONESTY AND FALSIFICATION OF OFFICIAL DOCUMENT:

A.M. No. 2003-9-SC. March 25, 2004

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PER CURIAM:

In a letter[1] dated March 17, 2003, Editha M. de la Peña, Director III, Public Information Service of the Civil Service Commission, referred to the Administrative Services Office of this Court a text message received through the Commission's TEXTCSC Project. The text message charged respondent Benjamin R. Katly of dishonesty and falsification of official document. Katly is the Information Technology Officer I, Systems Development for Judicial Application Division of the Management Information Systems Office (MISO) of this Court. He has been an employee of the Court since July 1, 1991.[2]

The text message referred by the CSC reads as follows:

GUD PM. IM ASKING UR HELP RE. OFFICER BENJAMIN KATLY OF MIS OFFICE W/C FALSIFY HIS SCHOOL RECORD OF BEING GRADUATD BUT KICKOUT. HES CLAIMING GRADUATD FROM MAPUA INSTITUTE OF TECHNOLOGY BATCH 1994. BUT WHEN WE CHEK HIS STATUS IS OUT [sic].

Acting on the referral, the Administrative Services Office wrote the Registrar of the Mapua Institute of Technology and requested a certification that respondent had indeed graduated with a degree in Bachelor of Science in Electronics and Communications Engineering, as he claimed.[3]

In her reply letter[4] of May 8, 2003, Lilian T. Leros, the Deputy Registrar of Mapua, certified that respondent was an undergraduate at the Mapua Institute of Technology School of Electronics and Communications Engineering from "the 1[st] semester of school year 1986-1987 up to 1[st]semester school year 1992-1993 as a 5[th] year undergraduate student."

Further investigation also revealed that sometime in 1994, respondent applied for a promotion to the position of Computer Maintenance Technologist III, a position that requires a Bachelor's degree relevant to the job. In the Personal Data Sheet (PDS) that respondent accomplished on December 15, 1994, respondent made an entry that was markedly different from his earlier Personal Data Sheets. In Item No. 17, on educational attainment, respondent typed "B.S. E.C.E." under the heading "Degree/Units Earned." He likewise wrote "GRADUATE" under the heading "Honors Received." [5] In all his previous Personal Data Sheets, respondent did not hide the fact that he had not graduated from the Mapua Institute of Technology [6] even when one of the positions he applied for, that of Computer Maintenance Technologist II, required him to be a holder of a Bachelor's degree.

On December 12, 1994, respondent was promoted [7] to the position of Computer Maintenance Technologist III upon the recommendation of the Selection and Promotion Board.

On December 6, 1995, [8] respondent again applied for promotion to the position of Information Technology Officer I, a higher position that also required a Bachelor's degree relevant to the job. Just as he had done in his

previous application, respondent attached a copy of his resumé[9] to his application letter. In his resumé, respondent indicated his highest educational qualification as “Bachelor of Science in Electronics and Communications Engineering (BSECE)” with inclusive dates of attendance “1986 to 1993” at the Mapua Institute of Technology.[10] He likewise reiterated this in his Personal Data Sheet accomplished on an illegible date “5 1996.”[11] There, respondent typed “B.S. ECE” under “Degree/Units Earned” in Item No. 17, for educational attainment.[12] Through these representations respondent secured on March 5, 1996, his present position as Information Technology Officer I in the Systems Development for Judicial Application Division, MISO.[13]

Because of the apparent untruthful entries in his Personal Data Sheets submitted in 1994 and 1996, the Administrative Services Office directed respondent to submit a written comment and to explain why no disciplinary action should be taken against him for dishonesty and falsification of official document.[14]

In his comment,[15] respondent admits he is not a holder of a baccalaureate degree. He claims that he made the erroneous entry in connection with his application for promotion to his present position upon the advice of his former immediate supervisor, Noel V. Luna, who then occupied a position requiring a baccalaureate degree but who did not possess the required qualification. To explain his act, respondent implies that he had no choice but to follow Luna because the latter was his superior.

Respondent also declares that when he signed his updated Personal Data Sheet, he did not have time to review its contents because he was too busy and preoccupied with many calls from the different offices of the Court. He attributes his inadvertence to his belief that the assistant in their office only copied the details in his previous Personal Data Sheet without changing any detail. He likewise claims that he was not motivated by any malicious intention to falsify his records, as shown by the fact that he had not misrepresented his educational attainment in any of his earlier Personal Data Sheets.

Respondent stresses that he had diligently performed the duties and functions of his position, even claiming to be instrumental to the success of the establishment of the Supreme Court’s website and internet connection as well as several other MISO projects. These accomplishments, according to him, had contributed greatly to the Judiciary.

Finally, respondent prays for kind consideration in his favor, promising to complete the qualification requirements of his present item at the soonest possible time.

After the hearing held on June 20, 2003, Chief Administrative Service Officer Eden T. Candelaria found respondent liable for dishonesty and falsification of official document. In her memorandum dated January 15, 2004,[16] Candelaria recommended that respondent be dismissed from the service.

We find the recommendation well founded.

Respondent admitted that he knew that the position of Information Technology Officer I requires a Bachelor’s degree in a relevant course and that he was not qualified for it.[17] Yet, on the advice and example of his superior, Noel Luna, respondent made the false entry in his Personal Data Sheet. And for seven years since his appointment in March 5, 1996, respondent did nothing to inform this Court or the Administrative Services Office of his alleged oversight in his Personal Data Sheet. Instead, he continued to enjoy occupying the position of Information Technology Officer I. Under these circumstances, respondent’s protestations of good faith and inadvertence are simply too incredible to merit even the slightest credence. To our mind, respondent acted with malicious intent to perpetrate a fraud.

Respondent has misrepresented his educational attainment to gain promotion once before. He started misrepresenting his educational attainment in connection with his appointment as Computer Maintenance

Technologist III, a position that also required him to be a holder of a Bachelor's degree in a relevant course. Respondent did not have the motive to misrepresent his educational attainment when he applied for the position of Computer Maintenance Technologist II, his first promotion, because at the time he applied for this position, Civil Service Memorandum Circular No. 23, Series of 1991, was still in effect. Given his experience and the number of seminars he had attended, his appointment would still have been approved despite the fact that he did not have a Bachelor's degree.

At the time respondent was applying for the position of Computer Maintenance Technologist III, however, the policy on substitution of relevant training/seminars and experience to meet deficiencies in education under Civil Service Memorandum Circular No. 23, Series of 1991, was already disallowed effective January 1, 1993.[18] Hence, the only way respondent could secure his appointment was by misrepresenting his educational attainment. Respondent admitted that this was precisely what he did in his Personal Data Sheet dated December 15, 1994, although he knew that he was committing falsification of a public document.[19] He repeated his violation in his Personal Data Sheet when he applied for his present position as Information Technology Officer I.

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.[20] This Court will not tolerate dishonesty for the Judiciary expects the best from all its employees.[21] An employee, such as respondent, 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.[22]

While respondent had contributed greatly to the success of several MISO projects that redounded to the benefit of the entire Judiciary, the Court cannot turn a blind eye to what are clearly transgressions of the law. Dishonesty and falsification are malevolent acts that have no place in the Judiciary.[23] Assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct.[24] A person aspiring for public office must observe honesty, candor, and faithful compliance with the law. Nothing less is expected.

For having twice misrepresented in his Personal Data Sheets 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 a public document.[25]

Under Section 23[26], Rule XIV of the Omnibus Rules Implementing Book V of EO 292[27] and other Pertinent Civil Service Laws, dishonesty and falsification of public document are considered grave offenses for which the penalty of dismissal is prescribed even at the first instance. Section 9 of 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." [28]

With respect to accrued leave credits, a distinction must be made with respect to any accrued leave credits respondent earned before December 12, 1994, and the credits respondent may have earned from December 12, 1994, to the present. Respondent was entitled to leave credits earned before December 12, 1994, as he was employed in positions for which he was qualified. Any credits earned from December 12, 1994, to the present are forfeited because his ineligibility to assume positions requiring a Bachelor's degree retroacts to December 12, 1994, the date he was appointed as Computer Maintenance Technologist III.[29]

WHEREFORE, respondent BENJAMIN R. KATLY, Information Technology Officer I, Systems Development for Judicial Application Division, MISO, is found GUILTY of dishonesty and falsification of official document

thereby warranting his DISMISSAL from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits earned before December 12, 1994.

SO ORDERED.

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

Puno, J., on leave.

Vitug, J., on official business, abroad.

Panganiban, J., on official leave.

[1] Rollo, p. 36.

[2] Id. at 1.

[3] Id. at 38.

[4] Id. at 39.

[5] Id. at 27.

[6] Id. at 11, 13.

[7] Id. at 26.

[8] Id. at 28.

[9] Id. at 29-33.

[10] Id. at 29.

[11] Id. at 35.

[12] Ibid.

[13] Id. at 34.

[14] Id. at 40-41.

[15] Id. at 44-45.

[16] Id. at 1-9.

[17] Id. at 60.

[18] Civil Service Memorandum Circular No. 42, Series of 1991.

[19] Rollo, p. 61.

[20] Ibay v. Lim, A.M. No. P-99-1309, 11 September 2000, 340 SCRA 107, 113.

[21] Musni v. Morales, A.M. No. P-99-1340, 23 September 1999, 315 SCRA 85, 91.

[22] De Guzman v. Delos Santos, A.M. No. 2002-8-SC, 18 December 2002, 394 SCRA 210, 218.

[23] CSC v. Sta. Ana, A. M. No. OCA-01-5, 1 August 2002, 386 SCRA 1, 11.

[24] Supra, note 22 at 219.

[25] See Administrative Case for Dishonesty and Falsification of Official Document against NOEL V. LUNA, SC Chief Judicial Staff Officer, SPPE Division, MISO, A.M. No. 2003-7-SC, 18 December 2003.

[26] Sec. 23. Administrative offenses with its (sic) corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its (sic) 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)

...

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

[27] Administrative Code of 1987.

[28] CSC v. Sta. Ana, A.M. No. P-03-1696, 30 April 2003, p. 11.

[29] See De Guzman v. Delos Santos, supra, at 219.

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