ROBERT T. MENDOZA, PETITIONER, VS. PHILIPPINE CHILDREN’S MEDICAL CENTER (PCMC), RESPONDENT.

Ponente: PERALTA, JR., E. B., J.

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PERALTA, JR., E. B., J.:

Through Rule 43 of the 1997 Rules of Civil Procedure, petitioner Robert T. Mendoza's Petition for Review[1] urged Us to set aside the Decision dated August 16, 2010[2] of the Civil Service Commission which agreed with the disposition of respondent[3] insofar as it adjudged the guilt of petitioner with the concomitant penalty of dismissal from the service for two counts of Dishonesty and two counts of Falsification of Public Documents.[4]

For declaring that petitioner passed the Licensure Examination for Nurses on his General Information Sheet[5] (GIS) and Personal Data Sheet[6] (PDS), he was administratively charged by Dr. Lecciones for dishonesty, falsification of official document and conduct prejudicial to the best interest of the service.

It appeared that on April 27, 1988, petitioner Mendoza was appointed as Midwife at the PCMC. He then submitted his GIS and PDS and he indicated in the portion referring to Civil Service Eligibility that he passed the Nurses Licensure Exam in 1987 with a rating of 82.5%. However, it was belied by a Certification issued in 2006 by the Professional Regulation Commission that petitioner Mendoza was not included in the Registry Books of the Board of Nurses kept by the Professional Regulation Commission:

> "THIS IS TO CERTIFY that according to the records of this Commission, Mr. Robert Trani Mendoza does not appear in the registry books of the Board for Nurses which contain the names of those duly authorized to practice nursing in the Philippines.
>
> This certification is issued upon request of Ms. Jara Corazon O. Ehera, Chief, Human Resource Management Division, Philippine Children's Medical Center, Quezon City for whatever legal purpose it may serve."[7]

Petitioner Mendoza gave his explanation regarding his declaration on the PDS and GIS of his alleged eligibility:

> "I vehemently deny the charges against me that I submitted a falsified General Information Sheet (GIS).
>
> First of all, I don't know where did your office got hold of the alleged GIS because as far as I knew I did not submit such GIS to your office or to the Personnel Department. The evidence (the GIS) you furnished me is wanting of any probative value that I used the said GIS in advancing my own personal interest and to the prejudice of the institution.
>
> Secondly, as far as I am concern [sic] I did not submit the said GIS and was kept on my table. My previous supervisor and my co-employee who happened to be in London right now, knew very well that we were only joking when I filled up the questioned GIS sometime late in 1980's because at the time my co-employee was the one who applied and used his GIS for his 201 File and application for promotion. How could I dare submit the alleged GIS when everybody knew that I am not a registered nurse by profession, but a registered midwife. The Deputy Director for Nursing Service, Ms. Gloria Caballes was even fully aware of such fact, and that I was told to just keep the said GIS for it may fly and land into the wrong hands.
>
> Thirdly, it is very evident that the said GIS was maliciously acquired by whoever in this institution without my

> knowledge or permission. Be it noted that the GIS form was still in the name of "Lungsod ng Kabataan" - the name of PCMC in 1980's. There is no even [sic] single iota of evidence that it was received officially by the institution. The GIS is so bare that nothing in it that shows that it was duly received and be part of my 201 File. Copy of the GIS, duly furnished by the Exec. Director is hereto attached as Annex "1"."[8]

After preliminary assessment, petitioner Mendoza was formally charged[9] which drew his Manifestation/Answer[10] thereto. Following referral of the matter to the PCMC Investigation Committee, the Executive Director of PCMC approved the recommendation of the panel for petitioner's dismissal from the service:[11]

> "The foregoing considered, respondent Robert T. Mendoza is hereby DISMISSED FROM THE SERVICE, with the corresponding accessory penalties, in accordance with Section 52 (A) (1), in relation to Section 58, both of Rule IV of CSC Resolution No. 99-1936, as amended.
>
> SO ORDERED."

Petitioner Mendoza sought reconsideration,[12] but it was denied by the PCMC's Order of June 19, 2009.[13]

Unsuccessful in his bid for reconsideration, petitioner Mendoza filed a Complaint for Illegal Dismissal[14] before the CSC on October 5, 2009 which was treated as an Appeal. In his Complaint, petitioner Mendoza alleged, inter alia, that:

> "15. Dr. Lecciones has no power or authority to dismiss the complainant as provided by the Department of Health Administrative Order No. 151 Series of 2004. In the said Administrative Order, only the department secretary has the authority to terminate the services on [sic] an employee under Department of Health. Dr. Lecciones gravely abused his authority and wielded his power arbitrarily. He was already hell bent from the very beginning to pin down the complainant. He was the one who charged, created an investigation and hearing panel, decide whether to dismiss the complainant. Obviously he already knew from the very beginning that complainant will eventually be dismissed.
>
> 16. The entire proceeding in the investigation was tainted with irregularity. Complainant was not accorded fair and impartial trial in this case. The persons who conducted an investigation were persons under the direct control and supervision of the PCMC Executive Director, Dr. Julius A. Lecciones.
>
> 17. In complainant's position paper, he argued that he could not be charged for Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service for the very reason that the elements for such offenses are wanting. It was emphasized that the government or the institution was not prejudiced nor incurred any damages by the fact that it was stated in his bio-data that he was a nursing board passer. Complainant never worked in his entire stint as a nurse nor performed nursing job. Complainant never employed fraud and/or falsification of official documents in the performance of his duties and responsibilities. The General Information Sheet and Personal Data Sheet are not public documents. THEY WERE NOT NOTARIZED OR SUBSCRIBED UNDER OATH.
>
> 18. Assuming without admitting that the complainant committed some infractions, the penalty of dismissal from the service is too harsh a penalty considering that complainant did not cause any damage to the institution or to the government. The length of service of the complainant as well as his performance as Midwife II shall also be considered in rendering a resolution in connection with his case."[15]

PCMC filed its Comment on May 11, 2010.[16]

In regard to the status of petitioner, the validity of his dismissal was sustained by the CSC in a Decision dated August 16, 2010.[17] Dissatisfied with the adverse ruling of the CSC, petitioner Mendoza filed a Motion for Reconsideration,[18] but it was denied in a Resolution dated April 5, 2011.[19]

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Hence, petitioner Mendoza is now before Us relative to the Civil Service Commission's perceived ascriptions:

> "I
>
> ... IN TREATING THE COMPLAINT AS AN APPEAL FROM THE DECISION OF THE DIRECTOR OF PHILIPPINE CHILDREN'S MEDICAL CENTER (PCMC), AND NOT AS AN ORIGINAL ACTION FOR ILLEGAL DISMISSAL DIRECTLY FILED BEFORE IT.
>
> II
>
> ... IN FINDING THAT THE PETITIONER WAS GUILTY OF DISHONESTY AND FALSIFICATION OF PUBLIC DOCUMENTS.
>
> III
>
> ... IN SUSTAINING THE AUTHORITY OF THE PCMC DIRECTOR TO SIGN AND IMPLEMENT THE DISMISSAL ORDER OF THE PETITIONER.
>
> IV
>
> ... THE COMMISSION FAILED TO RULE THAT PETITIONER CAUSED DAMAGE TO THE GOVERNMENT OR ACTED PREJUDICIAL [sic] TO PUBLIC SERVICE."[20]

Relative to the CSC's perception that petitioner failed to appeal in the nick of time,[21] petitioner argued that his Complaint should be treated as an independent and separate action and it should not be covered by the CSC Rules on reglementary periods for appeal.

We were not convinced.

It must be stressed that perfection of an appeal within the reglementary period is not only mandatory but also jurisdictional; failure to perfect the appeal renders the challenged decision final and executory, and deprives the appellate court or tribunal of the jurisdiction to entertain the appeal and to alter the final decision.[22]

In this case, petitioner Mendoza was dismissed from the service by virtue of the Orders issued by the PCMC Executive Director dated June 1, 2009[23] and June 19, 2009,[24] which found petitioner administratively liable for the charges against him.

Petitioner Mendoza received a copy of the Order dated June 19, 2009, which denied his Motion for Reconsideration, on June 24, 2009.[25] Reckoned from the receipt by petitioner of the Order dated June 19, 2009, he had 15 days from June 24, 2009 or until July 9, 2009, within which to file an appeal with the Commission. However, petitioner Mendoza did not appeal his order of dismissal to the CSC. Hence, the disposition of the PCMC had already become final and executory on July 10, 2009. Verily, the subsequent suit initiated by petitioner on October 5, 2009 was of no legal consequence inasmuch as he already forfeited the appropriate remedial recourse via the inevitable ticking of the clock, so to speak.

Independently of petitioner's legal faux pas, petitioner Mendoza did not refute authorship of, and what appeared on, the subject PDS and GIS even as he ventured to add that the GIS was merely kept inside his table.

However, apart from petitioner's naked claim that he did not submit the GIS after he filled it up, he did not present any evidence to support his claim. Moreover, the false declaration made by petitioner Mendoza on his PDS that he passed the Nurses Licensure Examination in December, 1987,[26] constituted dishonesty by misrepresentation and falsification of an official document in keeping with Ratti vs. Mendoza-de Castro:[27]

> "The accomplishment of false statement in Personal Data Sheet, being a requirement under Civil Service Rules

> and Regulations in connection with employment in the government, the making of untruthful statements therein is, therefore, ultimately connected with such employment. As such, making a false statement therein amounts to dishonesty and falsification of an official document. Dishonesty, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in the government service."[28]

In De Guzman vs. Delos Santos,[29] citing Aquino vs. The General Manager of the Government Service Insurance System, the Supreme Court intoned 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.

But what about petitioner's argument that the GIS or PDS are not public documents as these documents were not notarized?

The declarations that every government personnel makes in accomplishing and signing the PDS are not empty statements. Duly accomplished forms of the Civil Service Commission are considered official documents, which, by their very nature are in the same category as public documents, and become admissible in evidence without need of further proof. As an official document made in the course of official duty, its contents are prima facie evidence of the facts stated therein.[30]

Neither can We accede to petitioner' submission that the formal charge did not produce peril for the government and can hardly serve as foundation for the accusations against him.

It need not be stated that when official documents are falsified, intent to injure a third person is irrelevant because the principal thing punished is the violation of the public faith and the destruction of the truth as therein proclaimed.[31]

In Siquian vs. People of the Philippines,[32] citing People v. Po Giok To,[33] the Supreme Court again spoke in this wise:

> "Contrary to petitioner's claim, the existence of a wrongful intent to injure a third person is not necessary when the falsified document is a public document. This has already been authoritatively decreed in the 1955 case of People v. Po Giok To [96 Phil. 913 (1955)]. The Court in the aforementioned case explicitly stated that wrongful intent on the part of the accused to injure a third person is not an essential element of the crime of falsification of public document. The rationale for this principal distinction between falsification of public and private documents has been stated by the Court in this wise: "In the falsification of public or official documents, whether by public officials or private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the public faith and the destruction of truth as therein solemnly proclaimed" [People v. Po Giok To, supra at 918, citing People v. Pacana, 47 Phil. 48 (1924)]. In falsification of public documents therefore, the controlling consideration is the public character of a document and the existence of any prejudice caused to third persons or, at least, the intent to cause such damage becomes immaterial [People v. Pacana, supra]."[34]

On a different dimension, petitioner's contention that only the Secretary of the Department of Health has the authority to dismiss an employee under the DOH was bereft of substance.

Presidential Decree No. 1631, entitled Creating the Lungsod ng Kabataan, as amended by EO No. 893 promulgated on April 21, 1983, empowered the Executive Director, as Chief Executive Officer of the Lungsod ng Kabataan, to appoint employees of the hospital except those whose appointments shall be made by the Board through the Chairman upon his recommendation; and to remove, dismiss or otherwise discipline for cause such

employees in accordance with the standard guidelines for recruitment, employment and discipline of personnel which shall be enacted by the Board.

Evidently, the Executive Director of the PCMC has the power to dismiss petitioner from the service.

Petitioner Mendoza was likewise not deprived of due process by the fact that the CSC acted as investigator, complainant, prosecutor and judge, all at the same time.

A contrario, petitioner actively participated in all stages of the proceeding and was accorded the available remedies as a respondent in an administrative charge. He was formally charged after a preliminary investigation. He was present during the pre-hearing conference and manifested that, on the advice of his counsel, he was submitting the case for resolution after the submission of position papers. He submitted his Position Paper and after the issuance of the first Assailed Order dated June 1, 2009, he filed his Motion for Reconsideration.[35]

Finally, petitioner Mendoza bemoaned that assuming that he committed some infractions, the penalty of dismissal was too harsh a penalty.

By the express terms of Section 52 (A)(1), Rule IV of the Uniform Rules in Administrative Cases in the Civil Service, dishonesty and falsification of official document are both grave offenses punishable by dismissal from government service, even for a first offense, without prejudice to criminal or civil liability. The penalty also carries with it cancellation of respondent's eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

Ergo, by express provision of law, dishonesty and falsification are considered grave offenses for which the extreme penalty of dismissal from the service of employees found guilty of such offenses is prescribed even for the first offense.

Viewed in the light of the foregoing discourse, We agree with the CSC that petitioner Mendoza was guilty of dishonesty and falsification of public or official documents and correctly meted out the penalty of dismissal from the service.

WHEREFORE, premises considered, the Petition for Review under Rule 43 is hereby DENIED for lack of merit. Hence, the assailed Decision dated August 16, 2010[36] and Resolution dated April 5, 2011[37] of the Civil Service Commission are hereby AFFIRMED.

SO ORDERED.

De Leon and Cruz, JJ., concur.

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[1] Petition for Review dated April 29, 2011, Rollo, pp. 3-21.

[2] Decision dated August 16, 2010, Rollo, pp. 86-91.

[3] Orders dated June 1, 2009 and June 19, 2009, Rollo, pp. 51-53.

[4] Resolution dated April 5, 2011, Rollo, pp. 23-26.

[5] General Information Sheet, Rollo, page 42.

[6] Personal Data Sheet, Rollo, pp. 43-44.

[7] Certification issued by the Professional Regulation Commission dated December 15, 2006, Rollo, page 45.

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[8] See Written Explanation dated August 7, 2007, Rollo, pp. 37-38.

[9] Formal Charge dated August 27, 2008, Rollo, page 65.

[10] Manifestation/Answer dated September 16, 2008, Rollo, pp. 46-49.

[11] Order dated June 1, 2009, Rollo, page 51.

[12] Motion for Reconsideration dated June 1, 2009, Rollo, pp. 92-94.

[13] Rollo, pp. 52-23.

[14] Complaint dated October 1, 2009, Rollo, pp. 27-36.

[15] See Complaint dated October 1, 2009, pp. 8-9, Rollo, pp. 34-35.

[16] Comment dated May 11, 2010, Rollo, pp. 54-64.

[17] Decision dated August 16, 2010, Rollo, pp. 86-91.

[18] Motion for Reconsideration dated September 13, 2010, Rollo, pp. 69-73.

[19] Resolution dated April 5, 2011, Rollo, pp. 23-26.

[20] Petition for Review, page 11, Rollo, page 14.

[21] CSC Decision dated August 16, 2010, Rollo, page 90.

[22] Aguilar vs. Court of Appeals, G.R. No. 172986, October 02, 2009.

[23] Order dated June 1, 2009, Rollo, page 51.

[24] Order dated June 19, 2009, Rollo, pp. 52-53.

[25] See PCMC's Comment dated January 15, 2013, page 7, Rollo, page 146.

[26] Personal Data Sheet, Rollo, page 43.

[27] A.M. No. P-04-1844, July 23, 2004.

[28] Supra note 30.

[29] Zenaida De Guzman vs. Antonio Delos Santos, A.M. No. 2002-8-SC, December 18, 2002

[30] Manolito C. Villordon, vs. Marilyn C. Avila, A.M. No. P-10-2809, August 10, 2012.

[31] Villordon vs. Avila, A.M. No. P-10-2809, August 10, 2012.

[32] G.R. No. 82197, March 13, 1989.

[33] 96 Phil. 913 (1955)

[34] G.R. No. 82197, March 13, 1989.

[35] See PCMC's Comment dated January 15, 2013, page 10, Rollo, page 149.

[36] Decision dated August 16, 2010, Rollo, pp. 86-91.

[37] Resolution dated April 5, 2011, Rollo, pp. 23-26.

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