

CIVIL SERVICE COMMISSION, COMPLAINANT, VS. NENITA C. LONGOS, CLERK II, MUNICIPAL CIRCUIT TRIAL COURT, DEL CARMEN-NUMANCIA-SAN ISIDRO-SAN BENITO, SURIGAO DEL NORTE, RESPONDENT.

A.M. No. P-12-3070 [Formerly A.M. OCA IPI No. 10-3327-P]. March 11, 2014

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PER CURIAM:

At bench is an administrative case involving respondent Nenita C. Longos, employed as Clerk II of the Municipal Circuit Trial Court, Del Carmen-Numancia-San Isidro-San Benito, Surigao del Norte. The Office of the Court Administrator (OCA) found her guilty of dishonesty for allowing another person to take her 1992 Civil Service Professional Examination. The OCA recommends that respondent be dismissed from the service.

The antecedent facts are as follows:

On 25 October 2002, a letter from a concerned citizen[1] informed the Civil Service Commission (CSC) of respondent's spurious eligibility. The letter stated that on 29 November 1992, Longos asked someone else to take her Civil Service Professional Examination under Examination No. 342620, which fraudulently resulted in her attainment of an 86.10% rating.

In response, the CSC studied the Personal Data Sheet (PDS),[2] appointment papers,[3] and examination records of respondent. The latter included her Examinee Attendance Sheet[4] and Picture-Seat Plan (PSP).[5] Comparing these documents, the CSC found a patent dissimilarity between the pictures pasted in her PDS and in her purported PSP.

In view of this discrepancy, the CSC required Longos to submit sworn counter statements and invited her to a conference.[6] But no hearing materialized as respondent failed to appear despite several resettings.[7] Eventually, the CSC formally charged her with the administrative offense of dishonesty.[8]

Thereafter, on 21 January 2010, the CSC referred to the OCA this administrative case involving a court employee, pursuant to Section 6, Article VIII of the Constitution,[9] and *Ampong v. Civil Service Commission*. [10]

In the proceedings before the OCA, the Court Administrator repeatedly required Longos to file a comment, to no avail.[11] Consequently, on 5 March 2012, her case was deemed submitted for evaluation, report, and recommendation.

In its Memorandum dated 30 March 2012,[12] the OCA found Longos guilty of dishonesty. It noticed that the picture appearing in her PDS was different from that pasted in her PSP. Without her filing any answer to explain the anomaly, the OCA construed the evidence against her as unrefuted. It then recommended her dismissal from the service with forfeiture of retirement and other benefits except accrued leave credits and with perpetual disqualification from re-employment in any government-owned or controlled corporation.

RULING OF THE COURT

After a judicious examination of the records, we note and adopt the recommendation of the OCA.

As shown by the documents on record, which were uncontested by respondent despite an opportunity to do so, it is clear that the pictures in her PDS and PSP are starkly different.[13] Therefore, based on substantial evidence,[14] this Court concludes that she asked another person to take the 1992 Civil Service Professional Examination in her stead.

It is beyond question that the act of fraudulently securing one's appointment constitutes dishonesty. In *Office of the Court Administrator v. Bermejo*,[15] we squarely ruled thus:

Dishonesty is defined as intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, appointment or registration. Dishonesty 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. (Emphasis supplied)

The case of Longos is not one of first impression. In numerous other cases, this Court has dismissed erring personnel of the judiciary whose civil service eligibility was unscrupulously obtained through the guise of another.

Twelve years ago, in *Cruz v. Civil Service Commission*,[16] the CSC and the Court already uncovered this type of mischief by comparing the pictures of civil servants in their PSP and PDS. *Civil Service Commission v. Sta. Ana*,[17] *In re: Alleged Illegal Acquisition of a Career Service Eligibility by Ma. Aurora P. Santos*,[18] and most recently, *Civil Service Commission v. Hadji Ali*,[19] also utilized the same *modus operandi* decried by the Court.

This fraudulent act by an aspiring civil servant will not be countenanced by the Court, much more so when committed by one who seeks to be employed in our fold. After all, credibility undergirds the substance and process of the rendering of justice.

All public service must be founded on and sustained by character. With the right character, the attitude of judiciary employees is set in the right direction. It is then of utmost consequence that every employee of the judiciary exhibit the highest sense of honesty and integrity to preserve the good name and integrity of the courts of justice.[20]

In her act of dishonesty, respondent failed to take heed of the Code of Conduct for Court Personnel, which regards all court personnel as sentinels of justice expected to refrain from any act of impropriety.[21] Thus, applying the penalties under the Revised Uniform Rules on Administrative Cases in the Civil Service,[22] we sanction her perfidy by imposing upon her the penalty of dismissal from service with accessory penalties.

WHEREFORE, Nenita C. Longos is hereby found GUILTY of dishonesty. She is DISMISSED from the service with forfeiture of all her retirement benefits, except the value of her accrued leave credits, if any, and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities or agencies including government-owned or controlled corporations. Let a copy of this Decision be attached to her records with this Court.

SO ORDERED.

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

[1] Rollo, pp. 44-45.

[2] Id. at 34-35.

[3] Id. at 32-33.

[4] Id. at 23.

[5] Id. at 24.

[6] Id. at 21; letter dated 12 May 2004 written by Atty. Anacleto B. Buena, Jr, OIC-Director IV, CESO IV.

[7] Id. at 16.

[8] Id. at 14-15; Formal Charged dated 24 August 2004 by Atty. Anacleto B. Buena, Jr, OIC-Director IV, CESO IV.

[9] The provision reads: The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[10] 585 Phil. 289 (2008). The ratio decidendi of the case is that administrative jurisdiction over a court employee belongs to the Supreme Court, regardless of whether the offense was committed before or after employment in the judiciary

[11] Rollo, pp. 48-49; 54; 1st Indorsement dated 9 February 2010, 1st Tracer dated 18 October 2010, and Resolution dated 8 August 2011.

[12] Id. at 57-60.

[13] Id. at 24 and 34.

[14] Rules of Court, Rule 134, Sec. 5.

[15] 572 Phil. 6, 14 (2008).

[16] 422 Phil. 236 (2001).

[17] 450 Phil. 59 (2003).

[18] 516 Phil. 18 (2006).

[19] A.M. No. SCC-08-11-P, 18 June 2013.

[20] Supra note 17, at 68.

[21] A.M. No. 03-06-13-SC (2004).

[22] Civil Service Commission Memorandum Circular No. 19-99 (1999), Rule IV, Sec. 52.

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