

GERMAN P. ZAGADA, PETITIONER, VS. THE CIVIL SERVICE COMMISSION AND MELDA BERNALDEZ, RESPONDENTS.

G.R. No. 104754. May 27, 1993

Ponente: GRINO-AQUINO J.

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GRINO-AQUINO J.:

This petition for certiorari seeks the review and reversal of Resolution No. 91-1040 dated August 29, 1991 of the respondent Civil Service Commission, ordering the dismissal of the petitioner from his position as District Supervisor of Bato District, Camarines Sur on account of dishonesty, grave misconduct and conduct prejudicial to the interest of the service.

On November 29, 1983, Melba A. Bernaldez, a duly-qualified civil service eligible and teacher-applicant in the public school at Bato District, Bato, Camarines Sur, filed a complaint in the Office of the Regional Director, Civil Service Commission, Region V, at Legaspi City, against the petitioner for anomalies in the performance of his official duties in violation of Civil Service Rules and Regulations, and for partiality and favoritism.

The charges, in a nutshell, were:

1. Employment of complainant as substitute teacher in consideration of P500.00;
2. Giving preference to non-eligibles over eligibles in matters of employment; and
3. Other irregularities such as reserving vacancies for favorites and allowing substitute teachers to serve later than the effectivity date of their appointments yet allowing them to collect their salaries for services not actually rendered, partiality and absenteeism.

Bernaldez alleged that in the beginning of school year 1983-1984, she reported for screening and interview by a committee created to draw up a District Ranking List, which was to serve as basis for future teaching appointments. She emerged tenth in the ranking list, but despite repeated follow-ups of her teaching application with the petitioner's office, she merely received empty promises; while non-eligible applicants belonging to the "non-priority list" like Lilibeth Bergado, Alona Tuyay and Remedios Relos, were appointed instead of her. Only after her husband gave "PR" money in the amount of P500.00 to the respondent was she granted an appointment as a substitute elementary school teacher for only one month, because Mrs. Leticia Intia, whom she substituted, reported back to work earlier than expected. In November, 1983, she was offered a one-month substitute appointment in the same school, but she lost interest in it because she felt discriminated against not being able to receive a regular teaching appointment despite her qualifications. She sought the intervention of the Division Superintendent and later a lawyer-friend, who advised her to file a complaint.

In his letter-answer to the complaint, petitioner alleged that it was his policy to give long-term substitute vacancies to non-civil service eligibles while "natural" vacancies occurring by reason of the retirement, transfer or death of the incumbents were to be given to civil service eligible applicants; he admitted that he allowed anyone to see him in his house during Saturdays, Sundays, and holidays; but he denied that he accepted gifts and grease

money from the applicants for teaching appointments.

The Civil Service Commission Regional Director Elium C. Banda, in Legaspi City, heard the charges.

The complainant adduced evidence showing that at least thirteen (13) substitute teachers gave money to the petitioner to ensure their receiving teaching appointments; that the alleged division policy adverted to in Zagada's answer did not exist; and that he succeeded in defrauding the government by allowing substitute teachers (namely, Mrs. Viloso, Rosa Talagtag, Marilyn Pureza, Evangeline Pili and Rosalia Boac) to serve much later than the effectivity date of their appointments thus, enabling them to collect salaries for services not actually rendered.

On June 25, 1990, Director Banda issued a 1st indorsement finding Zagada guilty of dishonesty and of acts prejudicial to the best interest of the service and recommending his dismissal from the service.

Zagada appealed to the CSC's Merit System Protection Board (MSPB). The appeal was referred to CSC's Office for Legal Affairs.

On August 29, 1991, the Civil Service Commission issued Resolution No. 91-1040 finding petitioner guilty of dishonesty, grave misconduct, and conduct prejudicial to the interest of the service, and imposed on him the penalty of dismissal from the service. (p. 38, Rollo).

Upon the denial of his motion for reconsideration, Zagada filed this petition for review on certiorari.

After deliberating on Zagada's petition and the comments thereon of the public and private respondents, the Court resolved to dismiss the petition.

Whether or not the petitioner is guilty of the charges against him is a factual issue which this Court, not being a trier of facts, will not pass upon. As a general rule and practice, the Court will not examine and evaluate the evidence presented before the administrative authorities. Their factual findings are accorded not only respect but finality, if supported by substantial evidence; because of the special knowledge and expertise gained by these quasi-judicial tribunals from handling specific matters falling under their jurisdiction (*Villañueva vs. Court of Appeals*, 205 SCRA 537; *Santos vs. Executive Secretary*, 208 SCRA 74).

The petitioner was accorded ample opportunity through counsel to confront the witnesses against him and to adduce evidence in his defense. He filed an answer to the complaint as well as a supplementary answer. He also filed motions for reconsideration and oppositions to private respondent's comments. Therefore, his plea of denial of procedural due process is not credible. What the law prohibits is not the absence of previous notice but the absolute absence thereof and lack of opportunity to be heard (*KBMBPM vs. Hon. Dominguez*, 205 SCRA 92).

The credibility of witnesses is for the administrative bodies to determine. Their findings may not be set aside without any showing of capricious or whimsical exercise of judgment or an exercise of unconstitutional powers amounting to a grave abuse of discretion, or lack of jurisdiction on the part of the Civil Service Commission. None of these tainted the proceedings against the petitioner in this case.

WHEREFORE, the petition for certiorari is DIS-MISSED for lack of merit. Costs against the petitioner.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quason, JJ., concur.

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