

DENNIS C. LAZO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENTS.*G.R. No. 108824. September 14, 1994*

Ponente: MENDOZA, J.

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On November 11, 1988, the Civil Service Commission received a letter from a certain Efren L. Pagurayan, reporting that petitioner Dennis C. Lazo had boasted to him that he had bought his career service (subprofessional) eligibility from the Civil Service Commission for P7,000.00, P4,500.00 of which had been paid to the examiner and computer programmers in the Manila Office, and P2,500.00 to the Regional Office at Tuguegarao.

Acting on the report, the CSC on December 18, 1989 directed its Regional Office at Tuguegarao, Cagayan to investigate the matter. The Regional Office found that the complainant was a fictitious individual and there being no witnesses to support the allegation in the letter, the Regional Office on July 30, 1990 recommended dismissal of the matter. Considering the seriousness of the allegation in the letter, however, the CSC ordered the examination answer sheets of petitioner retrieved and hand-checked by the Office of Recruitment, Examination and Placement.

The rechecking disclosed that petitioner's actual score was 34.48%, not 76.46% as indicated in his certificate of eligibility. Accordingly, the CSC charged petitioner with dishonesty, grave misconduct and conduct prejudicial to the best interests of the service, and ordered the Regional Office to conduct anew a formal investigation of the case.

This was done, but again the Regional Office on July 24, 1991 recommended the dismissal of the administrative case for lack of evidence linking petitioner to the irregularity.

In its Resolution No. 92-837 dated July 2, 1992, therefore, the CSC dismissed the administrative charges against petitioner. However, it revoked his eligibility for being null and void.

Petitioner asked for a reconsideration, alleging that Resolution No. 92-837 was issued in violation of his right to due process and that the CSC had found him to have failed the Civil Service Examinations without evidence being presented to support the finding.

On December 1, 1992, the CSC denied petitioner's motion for reconsideration in its Resolution No. 92-1975, stating:

Manifestly, it is the clear intention of the Commission to dismiss the same for lack of substantial evidence to support the acts complained of. However, it is discovered that the actual rating of Lazo was 34.40% instead of 76.46% as appearing in his certificate of eligibility. Thus, being the central personnel agency of the government which is mandated to safeguard the sanctity of any civil service examination, the Commission had to revoke such grant of eligibility which was issued erroneously. This action need not be subject to any formal

proceedings.

Hence, this petition for certiorari in which it is alleged that the CSC acted with grave abuse of discretion and denied petitioner's right to due process as laid down in the case of *Ang Tibay v. CIR*,^[1] by unilaterally revoking petitioner's eligibility without a formal investigation or an opportunity given to him to examine and go over his answer sheet in the Civil Service Examination of July 31, 1988.

The petition has no merit.

Under the Constitution, the Civil Service Commission is the central personnel agency of the government charged with the duty of determining questions of qualifications of merit and fitness of those appointed to the civil service. Its power to issue a certificate of eligibility carries with it the power to revoke a certificate for being null and void.

The argument is made, however, that the CSC cannot *motu proprio* revoke a certificate of eligibility without notice and hearing to the examinees concerned. While this is true as a general proposition, in the context of this case, which simply involves the rechecking of examination papers and nothing more than a reevaluation of documents already in the records of the CSC according to a standard answer key previously set by it, notice and hearing was not required. The question before the CSC did not require any evidentiary hearing. Instead, what applied was the rule of *res ipsa loquitur*.^[2] Petitioner could have examined the rechecking of his examination papers and, if he found anything wrong, he could have asked for reconsideration. But, while he filed one in this case, he did not show that his score was really 76.46%. He simply argued that he should not be made to answer for an irregularity in which he had no participation and, on this basis, asked the CSC for a formal investigation.

At all events, the filing of the motion for reconsideration remedied whatever defect there might have been in rechecking the examination papers of petitioner without his presence.^[3] Petitioner was given the right to be heard, but, as already said, he did not make good use of it by showing that his actual score was 76.46%, and not 34.48%. For that matter, even here petitioner does not allege that his grade in the civil service examination is 76.46% and not 34.48%. All he is alleging is that he should have been given a chance to see the examination sheet himself.

Finally, the revocation of his certificate of eligibility does not, as petitioner alleges, contradict the findings of the CSC that there was no sufficient evidence to link him to the anomaly. The fact is that he failed the civil service examinations given by the CSC on July 31, 1988. This fact is not affected by the fact that his participation in the grade-fixing, which led to the issuance to him of a void certificate of eligibility, has not been proven. The certificate being void, it did not confer upon him any vested right to be appointed to a position in the government service.

WHEREFORE, the petition is DISMISSED for lack of merit.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

Cruz, Bidin, and Romero, JJ., on leave.

[1] 69 Phil. 635 (1940).

[2] Cf. *Richards v. Asoy*, 152 SCRA 45 (1987).

[3] *Montemayor v. NLRC*, 77 SCRA 321 (1977); *St. Thomas Aquinas v. WCC*, G.R. No. L-12297, April 22,

1959.

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