

**DELANO T. PADILLA, PETITIONER, VS. HON. PATRICIA STO. TOMAS
IN HER CAPACITY AS CHAIRMAN OF THE CIVIL SERVICE
COMMISSION, HON. THELMA GAMINDE IN HER CAPACITY AS
BOARD CHAIRMAN II...**

G.R. No. 109444. March 31, 1995

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In this special civil action for certiorari, petitioner Delano Padilla seeks to set aside the resolution[1] of public respondent Civil Service Commission (CSC) which confirmed the decision of respondent Merit System Protection Board (MSPB) dismissing petitioner from the service after finding him guilty of the charges in the administrative complaint filed by the Land Transportation Office (LTO) of the Department of Transportation and Communications (DOTC). Resolution No. 92-1849 dated November 17, 1992 denying petitioner's motion for reconsideration is likewise assailed here.

The relevant antecedents of the instant petition are as follows:

On November 2, 1988, an administrative complaint[2] for gross dishonesty, gross neglect of duty, inefficiency and incompetence in the performance of official duties and gross violation of the law, rules and reasonable office regulations was filed against petitioner Delano Padilla, former officer-in-charge of the Land Transportation Office (LTO) of Bacolod City. It was alleged that petitioner succeeded in having caused and approved the registration and/or transfer of ownership of twelve (12) carnapped and stolen vehicles despite prior knowledge that existing laws, rules and regulations were violated in the registration and transfer thereof. As contended by complainant LTO, petitioner failed to require confirmation of the Certificate of Registration and Official Receipts corresponding to the subject vehicles from the LTO district offices which issued the same. Had he done so, no registration and/or transfer of the vehicles would have been possible because all the supporting documents pertinent to them were spurious.

Petitioner was given five (5) days from receipt thereof to answer the charges filed against him.

Accordingly, petitioner filed his answer[3] dated December 26, 1988 vehemently denying the charges against him. He contended that the twelve (12) motor vehicles were covered by proper clearances, certificates and similar documents issued by the Constabulary Highway Patrol Group (CHPG). He claimed that the charges were baseless and were filed only to maliciously taint his good name and reputation.

The matter was set for hearing on April 20, 1989. However, only prosecutor Ramon Cuyco and his witness, Alfonso Alianza, were present. Petitioner and his counsel failed to appear despite due notice. Consequently, the case was heard ex-parte and was considered submitted for decision.

After considering the evidence on record, respondent Administrative Action Board (AAB) of the Department of Transportation and Communications (DOTC) through then DOTC Secretary Rainerio Reyes rendered a

decision,[4] the dispositive portion of which reads:

WHEREFORE, in view of the foregoing respondent Delano T. Padilla is hereby found guilty of the charges filed against him, and accordingly sentenced as follows:

- (a) That he is hereby dismissed from the service;
- (b) That he is disqualified for reemployment in the government service;
- (c) That his leave credits and retirement benefits are hereby declared forfeited; and
- (d) That his civil service eligibility is hereby recommended to be cancelled.

SO ORDERED.[5]

Petitioner filed a motion for reconsideration of the above-mentioned decision. However, instead of ruling on the merits of the motion, the AAB-DOTC deferred action thereon and scheduled the case for hearing on June 30, 1989. The said hearing was reset for July 25, 1989, then September 4 and 5, 1989. On September 14, 1989, petitioner formally offered his evidence in writing. On October 24, 1989, an opposition to the said formal offer of evidence was filed by prosecutor Cuyco.

On November 20, 1989, petitioner's motion for reconsideration was denied.

Thereafter, petitioner appealed to the Merit System Protection Board (MSPB) seeking reversal of the AAB-DOTC's decision.

On March 25, 1991, the MSPB rendered a decision affirming the decision of the AAB-DOTC. Petitioner's appeal was therefore ordered dismissed.[6] A motion for reconsideration of the same was denied on February 17, 1992.

Aggrieved by the foregoing rulings, petitioner elevated the case to respondent Civil Service Commission (CSC) invoking the following grounds, to wit:

- 1.) The decision of the MSPB is not supported by any substantial or competent evidence.
- 2.) Gross errors of law and irregularities were committed in the promulgation of the questioned decision.
- 3.) Respondent Padilla was not afforded his constitutional right of due process.
- 4.) Lone witness of Complainant DOTC admitted that Respondent Padilla is not guilty of the charge filed against him.[7]

On July 16, 1992, respondent CSC issued Resolution No. 92-888, the decretal portion of which reads:

WHEREFORE, foregoing premises considered, this Commission hereby rules that Delano T. Padilla is guilty of Gross Dishonesty, Gross Neglect of Duty, Inefficiency and Incompetence in the Performance of Official Duties and Gross Violation of Law, Rules and Reasonable Office Regulations and is meted out the penalty of dismissal. Accordingly, the MSPB decision is hereby confirmed.[8]

A motion for reconsideration of the same decision was denied in Resolution No. 92-1849 dated November 17, 1992.

Subsequently, petitioner filed a Motion for New Trial seeking the reversal of Resolution Nos. 92-888 and 92-1849. Said motion was considered a second motion for reconsideration, hence, was accordingly denied on February 16, 1993 in Resolution No. 93-511-A by respondent CSC.

On April 6, 1993, petitioner came to this Court on a petition for certiorari and raised the following grounds for

allowance of his petition, viz:

I

THE QUESTIONED UNDATED DECISION AND THE RESOLUTION DATED NOVEMBER 20, 1989 OF DOTC WHICH IMPOSE THE PENALTY OF OUTRIGHT DISMISSAL UPON HEREIN PETITIONER-APPELLANT AS WELL AS THE DECISIONS OF THE MERIT SYSTEM PROTECTION BOARD DATED MARCH 25, 1991 AND FEBRUARY 17, 1992 AND THE DECISION OF THE RESPONDENT-APPELLEE, CIVIL SERVICE COMMISSION, DATED JULY 16, 1992 WHICH AFFIRMED THE DISMISSAL OF THE PETITIONER-APPELLANT IS NOT SUPPORTED BY ANY SUBSTANTIAL OR COMPETENT EVIDENCE AS BORNE OUT BY THE RECORDS;

II

GROSS ERRORS OF LAW AND IRREGULARITIES WERE COMMITTED IN THE DECISION AND RESOLUTION PROMULGATED BY DOTC AS WELL AS IN THE QUESTIONED DECISIONS OF THE MERIT SYSTEM PROTECTION BOARD OF THE CIVIL SERVICE COMMISSION AND THE RESOLUTIONS OF THE RESPONDENT-APPELLEE HEREIN;

III

THE QUESTIONED UNDATED DECISION AND THE RESOLUTION DATED NOVEMBER 20, 1989 OF DOTC AS WELL AS THE DECISIONS OF THE MERIT SYSTEM PROTECTION BOARD DATED MARCH 25, 1991 AND FEBRUARY 17, 1992 AND RESOLUTIONS NOS. 92--888, 92-1849 AND 93-511-A DATED JULY 16, 1992, NOVEMBER 17, 1992 AND FEBRUARY 16, 1993 OF HEREIN RESPONDENT-APPELLEE, RESPECTIVELY, VIOLATED THE CONSTITUTIONAL AND DUE PROCESS RIGHTS OF HEREIN PETITIONER-APPELLANT BECAUSE HE WAS NOT GIVEN SUFFICIENT OPPORTUNITY TO DEFEND HIMSELF, HENCE, THE QUESTIONED DECISIONS AND RESOLUTIONS ARE NULL AND VOID AB INITIO;

IV

THE EVIDENCE ON RECORD CLEARLY SHOW THAT THE CHARGES AGAINST THE HEREIN PETITIONER-APPELLANT RELIED UPON BY DOTC IN ITS UNDATED DECISION AND RESOLUTION DATED NOVEMBER 20, 1989, AS WELL AS THE DECISIONS OF THE MERIT SYSTEM PROTECTION BOARD OF THE CIVIL SERVICE COMMISSION DATED MARCH 25, 1991 AND FEBRUARY 21, 1992 AND THE RESOLUTION OF THE CIVIL SERVICE COMMISSION DATED JULY 16, 1992 PROVED THAT THE PETITIONER-APPELLANT IS NOT GUILTY OF THE CHARGES FILED AGAINST HIM.[9]

The petition is not impressed with merit.

Petitioner contends that his constitutional right to due process was violated when on April 20, 1989 the scheduled hearing proceeded despite his, and his counsel's absence. He claims that nobody testified during the hearing and that the supporting documents were not presented or marked in evidence.

Petitioner's position cannot be sustained.

The essence of due process is that a party be afforded reasonable opportunity to be heard and to submit any evidence he may have in support of his defense.[10] In administrative proceedings such as the one at bench, due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the

action or ruling complained of.[11] In the instant case, petitioner does not deny the fact that he was furnished a copy of the charges against him wherein he was required to file an answer and to state whether he wanted a formal investigation. Petitioner did file his answer. As to the scheduled hearing on April 20, 1989, petitioner admits that he was notified. The fact that he filed a motion for postponement did not necessarily mean that his motion was granted, hence, the scheduled hearing proceeded ex-parte. Consequently, a decision was rendered by the AAB-DOTC. From said decision, petitioner filed a motion for reconsideration. Thereafter, on account of the liberality of the AAB-DOTC, he was heard and was allowed to present his evidence. His motion for reconsideration having been denied, he filed an appeal with the MSPB and, later on, a motion for reconsideration. Not satisfied, he again filed an appeal with respondent CSC and, later on, a motion for reconsideration. Clearly therefore, petitioner was given ample opportunity to present his case. He was not denied his right to due process. One may be heard, not only by verbal presentation but also, sometimes more eloquently, through pleadings.[12] "Due process is not semper et ubique judicial process."[13] Hence, a formal or trial-type hearing is not, at all times, necessary. So long as a party is afforded fair and reasonable opportunity to explain his side, the requirement of due process is complied with.

Petitioner further maintains that he is not guilty of the charges hurled against him and that the DOTC decision is not supported by evidence on record.

This contention is belied by the evidence on record.

For the purpose of determining the authenticity and genuineness of the Certificate of Registration attached to an application for registration of a transferred motor vehicle, the Department of Transportation and Communications issued Memorandum Circular No. 123 on December 27, 1989 with the following pertinent provision on the mandatory requirement of a Certificate of Clearance from the previous agency of registration, thus:

2. In the case where the transferred motor vehicle is being registered in any Agency other than the Agency where the vehicle has been originally registered, a Certificate of Clearance shall first be obtained from such Agency of previous registration; provided, however, that such clearance shall state, among others, the description of the motor vehicle, name of the registrant/owner, file number of the Registration Certificate, date of registration, Official Receipt number of payment and the amount of payment.

From the foregoing, a Certificate of Clearance or confirmation is mandatory for all transfers of ownership of motor vehicles when done in an agency, or district office as the case may be, other than the issuing agency of such certificate of registration. When the requirement is dispensed with, the evil sought to be avoided and eliminated, that is, the concealment of the true status and identity of the motor vehicle, remains unabated.

In the case at bench, it was clearly established from the records that petitioner did not require the submission of Certificates of Clearance from the agencies of previous registration affecting the twelve (12) motor vehicles in question. For had he done so, he would have discovered that the documents submitted to him were spurious per verification from the alleged agencies of previous registration. This amply demonstrates petitioner's obvious disregard of the law, rules and regulations, gross neglect of duty, dishonesty and incompetence in the performance of official functions. To our mind, the evidence is clear and substantial to support the conclusion that petitioner indeed failed to discharge an essential official function reposed on him. In administrative proceedings where evidence submitted is substantial, meaning, evidence that a reasonable mind might accept as adequate to support a conclusion,[14] the proper penalty must be imposed on that erring official.

In a vain attempt to escape culpability, petitioner vigorously maintains that the documents submitted to him, i.e., the deed of sale, the certificate of registration and the PC Clearance of the CHPG, may properly approximate the legal requirement of a Certificate of Clearance or confirmation from the previous agency. This is untenable.

DOTC rules and regulations unequivocally outline the petitioner's duties and obligations as head of an agency. He has to require a Certificate of Clearance from the previous LTO issuing agency, in addition to a clearance from CHPG. Anything short of that is an abdication of his duties as head of an LTO office.

On this point, we quote with favor the following findings and conclusions of respondent AAB-DOTC:

The absence of such 'confirmation' or 'clearance' required by Memorandum Circular No. 123, supra, was the main and sole cause for the registration and transfer of ownership of the eleven (11) (sic) motor vehicles hereinabove mentioned. Such criminal violation, which are also administrative offenses, as now prosecuted in these administrative proceedings, are, therefore, traceable to only one cause the complete absence of lawfully issued 'confirmation' or 'clearance'. Accordingly, the following rule, shall apply:

'El que es causa de la causa es causa del mal causado.' He who is the cause of the cause is the cause of the evil caused. (1 Cuello Calon, Codigo Penal, 12th ed. 1968, pp. 335-336)

The utility, therefore, of the 'spurious documents' to support the registration and transfer of ownership of the eleven (11) (sic) motor vehicles, and his citation and use of 'number plates' which do not properly and legally pertain to the said eleven (11) (sic) motor vehicles were supportive actions to the absence of such 'confirmation' or 'clearance' in order to make possible the registration and transfers of such vehicles clearly portrayed. In fact, respondent did succeed in so registering said motor vehicles and in transferring the ownership thereof, until found through an operational audit conducted by complainant Land Transportation Office's investigator, witness, Mr. Alfonso Alianza. The facts established by testimonial and documentary evidence disclosed most clearly and positively that respondent Delano T. Padilla, has been proved by substantial evidence (*Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642), to have been guilty of 'gross dishonesty, gross neglect of duty, and of willful violation of law, and reasonable office rules and regulations. The magnitude of the acts committed compels us, while the massive evidence marshalled by the prosecution dictate that a finding of guilt against respondent be a matter of duty. Among those in the service of the government, it has been a policy declared that:

Sec. 2. Declaration of Policy. - It is the policy of the state to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest. (REP ACT NO. 6713)

The foregoing policy should always be the polestar of official performance. Without such guiding star, the public service shall fail. Respondent Padilla's actions in the eleven (11) (sic) motor vehicles did not only run afoul of the pertinent laws, and rules connected therewith, but also did violence to the foregoing basic policy of the state.[15]

Well-settled is the rule that where findings of an administrative body which has acquired expertise because its jurisdiction is confined to specific matters are amply supported by substantial evidence, such findings are accorded not only respect but also finality.[16]

WHEREFORE, premises considered, the instant petition is hereby DISMISSED for lack of merit.

SO ORDERED.

Narvasa, C.J., Feliciano, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Mendoza, and Francisco, JJ., concur.

Padilla, J., no part.

[1] Resolution No. 92-888 dated July 16, 1992 signed by Chairman Patricia Sto. Tomas and Commissioners

Samilo Barlongay and Ramon Ereneta, Jr.

[2] Rollo, pp. 30-37.

[3] Id., at 38-42.

[4] Promulgated on May 9, 1989.

[5] See Note 2, id., at 82-83.

[6] Id., at 121-130.

[7] Id., at 136.

[8] Resolution No. 92-888, p. 8; Rollo, p. 142.

[9] Petition, pp. 5-6; Id., at 13-14.

[10] Concerned Officials of MWSS v. Hon. Ombudsman Conrado Vasquez, G.R. No. 109113, January 25, 1995; Shoemart, Inc. v. National Labor Relations Commission, 225 SCRA 311, 320 [1993]; Ferrer v. National Labor Relations Commission, 224 SCRA 410, 420 [1993]; Development Bank of the Philippines v. National Labor Relations Commission, 218 SCRA 183, 187 [1993]; Philippine Airlines, Inc. v. National Labor Relations Commission, 198 SCRA 748 [1991].

[11] Sunset View Condominium Corporation v. National Labor Relations Commission, 228 SCRA 466, 472 [1993]; Stayfast Philippines Corporation v. National Labor Relations Commission, 218 SCRA 596, 601 [1993]; Bautista v. Secretary of Labor, 196 SCRA 470 [1991].

[12] Concerned Officials of MWSS v. Hon. Ombudsman Conrado Vasquez, *supra*; Mutuc v. Court of Appeals, 190 SCRA 43 [1990]; Juanita Yap Say v. Intermediate Appellate Court, 159 SCRA 325 [1988].

[13] Torres v. Gonzales, 152 SCRA 272, 279 [1987].

[14] China City Restaurant Corporation v. National Labor Relations Commission, 217 SCRA 443, 451 [1993]; Associated Labor Unions v. National Labor Relations Commission, 189 SCRA 743 [1990].

[15] AAB-DOTC Resolution dated November 28, 1989, pp. 32-33; Rollo, pp. 115-116.

[16] Tiatco v. Civil Service Commission, 216 SCRA 749 [1992].

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