

**CONSOLACION A. LUMANCAS AND YOLANDO O. URIARTE,
PETITIONERS, VS. VIRGINIA B. INTAS, RESPONDENT.***G.R. No. 133472. December 05, 2000*

Ponente: BELLOSILLO, J.

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CONSOLACION A. LUMANCAS and YOLANDO O. URIARTE seek in this petition for review the reversal of the Amended Resolution of the Office of the Ombudsman dated 16 August 1996 finding them administratively liable for falsification, dishonesty and grave misconduct, and consequently ordering their dismissal from the service, as well as its Order dated 12 February 1998 denying their Motions for Reconsideration.

Petitioners were regular employees of the Philippine Postal Corporation in Tandag, Surigao del Sur. They were charged by their co-employee Virginia B. Intas, respondent herein, for making false entries in their respective Personal Data Sheets (PDS, [CSC Form 212]) regarding their educational attainment, resulting in their promotion to higher positions to the prejudice of other postal employees who had been in the service for a longer period.

As found by the Office of the Ombudsman,[1] Consolacion A. Lumancas' original appointment as mail sorter with the Bureau of Posts showed that her highest educational attainment was Fourth Year Pharmacy.[2] Her official Transcript of Records from the International Harvardian University (IHU), Davao City, showed that she took up Bachelor of Science in Commerce (BSC), Major in Management, from 1974 to 1978 when she graduated and was issued Special Order No. 5-276 dated 6 November 1978. Lumancas' answers however in her three (3) PDS accomplished in 1989, 1991 and 1993 were inconsistent. In her PDS accomplished in 1989[3] Lumancas stated that she finished Bachelor of Science in Pharmacy[4] from 1970 to 1975 at the Centro Escolar University. In her PDS accomplished in 1991[5] she stated that she obtained her BS Pharmacy at the Centro Escolar University in 1974 and had her post graduate studies at the IHU in 1978.[6] In her PDS accomplished in 1993[7] Lumancas stated that she graduated with the degree of Bachelor of Science in Commerce, Major in Management, at the IHU from 1970-1974 inclusive.[8] In filling up her PDS for 1989 however she stated that she studied at the Centro Escolar University from 1970 to 1975. When requested to submit the academic records of herein petitioner Consolacion A. Lumancas, the IHU submitted several records but the original of her Special Order was not among them. According to Severina O. Villarin, Chief, Higher Education Division, Region XI, Lumancas' name could not be found in the IHU enrollment list filed with her office (Higher Education Division), Region XI, from school years 1974-75 to 1978-79, meaning, that she had not enrolled with the school during those terms.

When directed to answer, Lumancas denied the allegations. She averred that while it was true that in her 3 February 1989 appointment she indicated that her highest educational attainment was Fourth Year Pharmacy, despite her allegedly having finished Bachelor of Science in Commerce in 1978 at the IHU, this was because at that time she had not yet received her Transcript of Records and Special Order from the IHU, so that she was not sure whether she had passed all her subjects. Since her position did not require her to be a graduate of Bachelor of Science in Commerce, she did not bother to check whether she graduated from the course.

Lumancas also claimed that her Special Order was authentic considering that even the copy attached to the complaint[9] was supposedly checked and verified against the original and was in fact certified by Severina O. Villarin, Chief, Higher Education Division, Region XI, Commission on Higher Education (CHED). Lumancas admitted that there were mistakes in the entries made in her 1989 and 1993 PDS but denied making any mistake in 1991. She averred that there was no malice nor intent on her part to falsify the entries in her PDS and that she was just in a hurry to fill these up.[10]

As regards petitioner Yolando O. Uriarte, the Office of the Ombudsman found that he and a certain Mario L. Julve[11] also acquired falsified Transcripts of Records and Special Orders from the IHU as the Bureau of Higher Education of DECS in Manila through Director III Diosdada C. Boiser denied that her Office issued Special Orders to them.[12] Petitioners Lumancas and Uriarte, together with Mario L. Julve, had since been promoted one (1) rank higher on the bases of the questioned documents presented as part of their credentials.[13]

On her part, Yolando O. Uriarte asserted that he finished his Bachelor of Science in Commerce, Major in Management, at the IHU in 1968[14] and that his Transcript of Records and Special Order were issued on the basis of his completion of the academic requirements for the course. He also claimed that his Transcript of Records and Special Order No. (B) 5-0035 were authentic as these were checked and verified by the same Severina O. Villarin of CHED. He also insisted that his promotion was based on his qualifications considering that he was with the postal service since 1975 without any derogatory record and was even cited several times for his outstanding performance.[15]

On 31 July 1995, in reply to a query from the Office of the Ombudsman dated 11 July 1995, Severina O. Villarin informed the Office[16] that she had conducted an investigation and discovered that the clerk who prepared Uriarte's certifications relied only on photocopies of the Special Orders purportedly issued to the IHU by the Bureau of Higher Education, Manila, in favor of Uriarte. However, the Bureau denied having issued the Special Orders, thus she herself had ordered the cancellation of the certifications for being spurious.[17]

As regards the case of Lumancas, the IHU was requested to submit her academic records; consequently, several records were submitted but the original of the Special Order was not among them. Villarin further declared that Lumancas' name could not be found in the IHU enrollment list filed with their office from school years 1974-75 to 1978-79, meaning, that she had not enrolled during those terms.[18]

Petitioners Lumancas and Uriarte moved for a formal hearing but the Office of the Ombudsman denied their motion on the ground that it was apparently intended merely to delay the proceedings.[19] It noted that the motion praying for a formal hearing was filed only on 3 July 1996, or more than nine (9) months after the parties failed to appear for the preliminary conference on 18 September 1995,[20] and after they failed to submit their memorandum despite an order[21] dated 6 October 1995 from the Office of the Ombudsman granting their motion for extension of time to submit their memorandum.[22]

After evaluating the evidence, the Office of the Ombudsman issued the Amended Resolution of 16 August 1996,[23] released 17 January 1997, finding Lumancas and Uriarte guilty as charged and dismissed them from the service without prejudice to their right to appeal as provided under Sec. 27, RA 6770.[24]

On 6 February 1997 and 7 February 1997 respondents Lumancas and Uriarte, now herein petitioners, filed their respective motions for reconsideration insisting on a formal hearing, which the Office of the Ombudsman finally granted. Thereafter, hearings were held on 14-17 April 1997[25] after which the Office of the Ombudsman conclusively held that despite the burning of the records of the DECS Regional Office XI in 1991, other records at the DECS-CHED did not show that Lumancas and Uriarte had been enrolled at the IHU during the years they allegedly took their respective courses as stated in their respective PDS.[26]

On 12 February 1998 Lumancas' and Uriarte's Motions for Reconsideration were denied by the Office of the Ombudsman; hence, this petition for review.

Section 27 of RA 6770[27] provides in part that "(f)indings of fact by the Office of the Ombudsman when supported by substantial evidence are conclusive." According to the Office of the Ombudsman-Mindanao, the evidence sustains the conclusion that Lumancas and Uriarte are not college graduates, and that their contention that the Special Orders issued in their favor are authentic, banking on the certification issued by Severina O. Villarin, Chief, BHE, Regional Office XI, is without merit. In fact, upon verification by the same office from the Bureau of Higher Education, Manila, the same BHE Regional Office XI, through Villarin herself, cancelled the certification it previously issued and notified this Office that the Special Orders issued in favor of Uriarte and Julve were spurious.[28]

An examination of the records of the DECS, as verified by CHED officers during the hearings, particularly Form 19,[29] failed to disclose that petitioners' names were among the list of students enrolled in the IHU during their alleged period of study. In the case of Uriarte, although his Transcript of Records reflects that he was enrolled in the second semester of 1964-65 and the summer thereafter, and received grades for subjects taken during those terms, his name was not included in the list of students submitted by the IHU to DECS. The same is true with Lumancas, whose name could not be found among the DECS records for the first and second semesters of schoolyears 1976-78 although her Transcript of Records shows that she was enrolled for that period and in fact received grades for subjects taken during those semesters.

Laura Geronilla, Assistant Registrar of the IHU, claimed that the omissions were unavoidable in the preparation of Form 19 by hand. But this testimony alone cannot overturn the fact that there exists no records at the DECS of Lumancas' or Uriarte's enrollment at the IHU. Strangely, the omission did not happen just once, but repeated many times over involving several semesters and to students enrolled in different school years. Hence, there can only be one conclusion - that petitioners were never reported to DECS as students of the IHU because indeed they were never enrolled thereat.

In her certification dated 14 September 1994[30] Laura Geronilla stated that according to available academic records, Yolando O. Uriarte was indeed a graduate of the IHU the school year 1967-68 with the degree of Bachelor of Science in Commerce (BSC), Major in Management, and that his Form 19 "had already been resubmitted to DECSRO XI for the issuance of a corrective Special Order due to the accidental omission/exclusion of his name in the DECS microfilm files despite its vivid inclusion in the original paper copy submitted." Petitioners however failed to submit a copy of such original paper or the DECS microfilm wherein Uriarte's name was allegedly missing, nor presented evidence that such request had been favorably acted upon by the DECS.

It may also be noted that on 20 November 1981[31] Geronilla issued another certification in favor of Uriarte certifying that he had "completed all the requirements for the degree of Bachelor of Science in Commerce (BSC), Major in Management, as of March 1979. This is to certify further that his application for graduation has been forwarded to the DECS Regional Office for the issuance of his Special Order." [32] However, Uriarte's Special Order which was allegedly issued by the DECS is dated 8 January 1969. If Uriarte had actually graduated in 1968, what was the purpose of this 1981 certification? On the other hand, if Uriarte actually completed all the requirements for graduation only in March 1979, then why was he issued a Special Order which antedated the day when he became qualified to be a graduate of the school?

Quite obviously, neither Lumancas nor Uriarte is a graduate of a four (4)-year course and thus is not qualified to be promoted to a higher position. The use of false documents attesting that they are college graduates when in

truth and in fact they are not, makes them administratively liable for dishonesty through the use of falsified documents.

The elements of "use of falsified documents," which is a crime under Art. 172 of the Revised Penal Code, are: (a) That the offender knew that a document was falsified by another person; (b) That the false document is embraced in Art. 171 or in any of subdivisions 1 or 2 of Art. 172; (c) That he used such document (not in judicial proceedings); and, (d) That the use of the false document caused damage to another or at least it was used with intent to cause such damage. The fact that they used the false certifications in support of this promotion resulted in prejudice to other applicants genuinely qualified for the position. In this connection, we refer to the Court's observation in *Diaz v. People*[33]

As correctly observed by the trial court, 'It is also quite significant to note in this score that the accused in his defense failed to present any corroborating piece of evidence which will show that he was indeed enrolled in the Philippine Harvardian Colleges x x x x If he had enrolled as a student during this period of time and he was positive that the transcript of records issued to him and in his possession is genuine and valid, it could have been easy for him to introduce corroborating evidence, i.e., the testimony of any of his classmates or teachers in the different subjects that he took to support his claim that he studied and passed these collegiate courses at the said school. But this he failed to do despite all the opportunities open to him and in the face of damning evidence all showing that he had not really enrolled in this school x x x x'[34]

Finally, petitioners' act of falsifying their Personal Data Sheets (PDS) to reflect that they are graduates of BSC, Major in Management, from the IHU when in truth and in fact they are not, is a ground for disciplinary action. Lumancas made different and inconsistent entries in her 1989, 1991 and 1993 PDS. Likewise, Uriarte made conflicting entries in his PDS of February 1987[35] and March 1990.[36] As responsible public servants who are due for promotion, petitioners are expected to be noble exemplars and should be models of good morals. Their repeated acts of dishonesty are repugnant to the established code of conduct and ethical standards required of public officials and employees.[37]

As regular members of the career service, they are bound by the Civil Service Law and Rules. Chapter 7, Sec. 46, Book V, of EO 292[38] provides "x x x x b) The following shall be grounds for disciplinary action: (1) Dishonesty x x x x (2) Misconduct x x x x (3) Falsification of official document x x x x" It should be emphasized that this is an administrative case, not a criminal case; thus, petitioners' argument that they were not charged with the proper offense under the Revised Penal Code is unimportant. Any of the above charges may be cited as grounds to subject them to disciplinary action.

All the elements of falsification through the making of untruthful statements in a narration of facts are present: (a) That the offender makes in a document statements in a narration of facts; (b) That he has a legal obligation to disclose the truth of the facts narrated by him; (c) That the facts narrated by the offender are absolutely false; and, (d) That the perversion of truth in the narration of facts was made with the wrongful intent of injuring a third person. In *People v. Po Giok To*[39] the Court held that "in the falsification of public or official documents, whether by public officials or by 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 the truth as therein solemnly proclaimed." Hence, the last requisite need not be present. Also, petitioners themselves have affirmed in their petition that their Personal Data Sheets were not sworn to before any administering officer[40] thereby taking their case away from the confines of perjury. Nonetheless, they argue that they have no legal obligation to disclose the truth in their PDS since these are not official documents. We disagree. In *Inting v. Tanodbayan*[41] the Court held that "the accomplishment of the Personal Data Sheet being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was, therefore,

intimately connected with such employment x x x"[42] The filing of a Personal Data Sheet is required in connection with the promotion to a higher position and contenders for promotion have the legal obligation to disclose the truth. Otherwise, enhancing their qualifications by means of false statements will prejudice other qualified aspirants to the same position.

The Court notes that it is not uncommon for employees to do everything in their power to better their lot in order to survive the nation's worsening economic crisis. However, let this case serve as a stern warning to all who may be tempted to do the same that dishonesty and disrespect for the law, however motivated, will never be countenanced by this Court.

WHEREFORE, the petition is dismissed for lack of merit and the Amended Resolution of the Office of the Ombudsman dated 16 August 1996 dismissing petitioners Consolation A. Lumancas and Yolando O. Uriarte from the service, as well as its Order dated 12 February 1998 denying reconsideration, is **AFFIRMED**. Costs against petitioners.

SO ORDERED.

Mendoza, Quisumbing, Buena and De Leon, Jr., JJ., concur.

[1] Rollo, pp. 37-39.

[2] Record, p. 5.

[3] Id., p. 13.

[4] In the 1989 Form, the entry appears as follows for the College Level: Name of School/College/University: Centro Escolar University; Degree/Units Earned: BS Pharm IV; Inclusive Date of Attendance: 1970-1975; thereby indicating that she finished only her fourth year of BS Pharmacy. No entry for the Post Graduate Level.

[5] Record, p. 14.

[6] In the 1991 Form, the entry appears as follows for the College Level: Name of School/College/University: Centro Escolar University; Degree/Units Earned: BS Pharm IV; Inclusive Date of Attendance: 1974; which is inconsistent with the 1989 form. Again, for the Post Graduate Level, the entry appears as follows: Name of School/College/University: International Harvardian University; Degree/Units Earned: BSC IV; Inclusive Date of Attendance: 1978; thereby indicating that in 1978 she finished only her fourth year of BS Commerce; which is inconsistent with the 1993 Form.

[7] Record, p. 15.

[8] In the 1993 Form, the entry appears as follows for the College Level: Name of School/College/University: International Harvardian University; Degree/Units Earned: BSC Mgnt. grad.; Inclusive Date of Attendance: 1970-1974; which is inconsistent with the 1989 and 1991 Forms.

[9] Record, p. 10.

[10] Id., pp. 69-70.

[11] At the time of this appeal by certiorari, Mariano Julve, one of the original respondents, had already been found guilty by the Civil Service Commission in its Resolution No. 95-3793, dated 23 June 1995, on the same charges of dishonesty, falsification and grave misconduct and had been dismissed from service, hence making the Ombudsman resolution moot and academic insofar as Julve is concerned.

[12] Record, pp. 56-58.

[13] Id., p. 17. Boiser's letter addressed to the Postmaster II dated 9 August 1994 states as follows:

Sir:

With reference to your request of July 14, 1994, please be informed that the name of MARIO L. JULVE is not included in Special Order (B) No. 5-0299, s. 1978, for the BSC course issued to INTERNATIONAL HARVARDIAN UNIVERSITY, Davao City; neither does the name of YOLANDO A. URIARTE in Special Order (B) No. 5-0035. S. 1969.

Special Order (B) No. 5-276, s. 1978, supposedly issued in favor of CONSOLACION H. ALAAN, same course and school, was not issued by this Office x x x x

(sgd) DIOSDADA C. BOISER
Director III

[14] Id., p. 69.

[15] Rollo, pp. 9-11.

[16] Record, p. 214.

[17] Id., pp. 218-19.

[18] Id., p. 39.

[19] Record, p. 321.

[20] Id., p. 263. In a telegram received by the Office of the Ombudsman-Mindanao on 6 September 1995, complainant Intas stated that she found the evidences submitted to be sufficient and waived her right to appear in the preliminary conference.

[21] Id., p. 266.

[22] Id., p. 264.

[23] Rollo, p. 41. Prior to its amendment, the Resolution included Julve among the respondents found to be guilty of the charges and dismissed from service. The amendment dismissing the instant case against Julve was a necessary consequence of CSC Resolution No. 95-3793 dated 23 June 1995.

[24] The case was decided by the Office of the Ombudsman on 16 August 1996 and the amended resolution approved by the Ombudsman on 17 January 1997, before the portion of Sec. 27 of RA 6770, providing for "appeals of all administrative disciplinary cases, orders, directives, or decisions of the Office of the Ombudsman to be appealed to the Supreme Court by filing a petition for certiorari within ten (10) days from receipt of the written notice of the order, directive or decision or denial of the motion for reconsideration in accordance with Rule 45 of the Rules of Court," was declared unconstitutional in the case of Fabian v. Desierto, G.R. No. 129742, 16 September 1998, 295 SCRA 470. The present appeal by certiorari was filed with the Supreme Court on 7 May 1998 before the promulgation of A.M. No. 99-2-02-SC on 9 February 1999 holding that "any appeal by way of petition for review from a decision or final resolution or order of the Ombudsman in administrative cases, or special civil action relative to such decision, resolution or order filed with the Court after 15 March 1999 shall no longer be referred to the Court of Appeals, but must be forthwith DENIED or DISMISSED, respectively."

[25] Rollo, p. 103.

[26] Id., p. 70.

[27] The Ombudsman Act of 1989.

[28] Record, pp. 214-215.

[29] The Form 19 contains the names of the students, the subjects taken up and their grades in those subjects submitted by schools to the DECS every semester. It is the basis of the Special Order issued by DECS to show that the student has completed a four (4)-year course.

[30] Annex "R;" Rollo, p. 112.

[31] Record, p. 34.

[32] Ibid.

[33] *Diaz v. People*, G.R. No. 65006, 31 October 1990, 191 SCRA 86.

[34] Id., pp. 91-92.

[35] Record, p. 40.

[36] Id., p. 42.

[37] Rollo, pp. 40-41.

[38] Administrative Code of 1987.

[39] *People v. Po Giok To*, 96 Phil. 913, 918 (1955).

[40] Rollo, p. 26.

[41] *Inting v. Tanodbayan*, G.R. No. 52446-48, 15 May, 1980, 97 SCRA 494.

[42] Id., p. 499.

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