# ESTELITO V. REMOLONA, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

*G.R. No. 137473. August 02, 2001*

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-137473/

**PUNO, J.:**

The present petition seeks to review and set aside the Decision rendered by the Court of Appeals dated July 31, 1998[1] upholding the decision of the Civil Service Commission which ordered the dismissal of petitioner Estelito V. Remolona (Remolona) from the government service for dishonesty, and the Resolution dated February 5, 1999[2] denying petitioner's motion for reconsideration.

Records show that petitioner Estelito V. Remolona is the Postmaster at the Postal Office Service in Infanta, Quezon, while his wife Nery Remolona is a teacher at the Kiborosa Elementary School.

In a letter[3] dated January 3, 1991, Francisco R. America, District Supervisor of the Department of Education, Culture & Sports at Infanta, Quezon, inquired from the Civil Service Commission (CSC) as to the status of the civil service eligibility of Mrs. Remolona who purportedly got a rating of 81.25% as per Report of Rating issued by the National Board for Teachers.[4] Mr. America likewise disclosed that he received information that Mrs. Remolona was campaigning for a fee of P8,000.00 per examinee for a passing mark in the teacher's board examinations.

On February 11, 1991, then CSC Chairman Patricia A. Sto. Tomas issued an Order directing CSC Region IV Director Bella Amilhasan to conduct an investigation on Mrs. Remolona's eligibility, after verification from the Register of Eligibles in the Office for Central Personnel Records revealed "that Remolona's name is not in the list of passing and failing examinees, and that the list of examinees for December 10, 1989 does not include the name of Remolona. Furthermore, Examination No. 061285 as indicated in her report of rating belongs to a certain Marlou C. Madelo, who took the examination in Cagayan de Oro and got a rating of 65.00%."[5]

During the preliminary investigation conducted by Jaime G. Pasion, Director II, Civil Service Field Office, Lucena City, Quezon, only petitioner Remolona appeared. He signed a written statement of facts[6] regarding the issuance of the questioned Report of Rating of Mrs. Remolona, which is summarized in the Memorandum[7] submitted by Director Pasion as follows:

> "3.1 That sometime in the first week of September, 1990, while riding in a Kapalaran Transit Bus from Sta. Cruz, Laguna on his way to San Pablo City, he met one Atty. Hadji Salupadin (this is how it sounded) who happened to be sitting beside him;
>
> 3.2 That a conversation broke out between them until he was able to confide his problem to Atty. Salupadin about his wife having difficulty in acquiring an eligibility;
>
> 3.3 That Atty. Salupadin who represented himself as working at the Batasan, offered his help for a fee of P3,000.00;

> 3.4 That the following day they met at the Batasan where he gave the amount of P2,000.00, requirements, application form and picture of his wife;
>
> 3.5 That the following week, Thursday, at around 1:00 P.M., they met again at the Batasan where he handed to Atty. Salupadin the amount of P1,000.00 plus P500.00 bonus who in turn handed to him the Report of Rating of one Nery C. Remolona with a passing grade, then they parted;
>
> 3.6 That sometime in the last week of September, he showed the Report of Rating to the District Supervisor, Francisco America who informed her (sic) that there was no vacancy;
>
> 3.7 That he went to Lucena City and complained to Dr. Magsino in writing x x x that Mr. America is asking for money in exchange for the appointment of his wife but failed to make good his promise. He attached the corroborating affidavits of Mesdames Carmelinda Pradillada and Rosemarie P. Romantico and Nery C. Remolona x x x;
>
> 3.8 That from 1986 to 1988, Mr. America was able to get six (6) checks at P2,600.00 each plus bonus of Nery C. Remolona;
>
> 3.9 That Mr. America got mad at them. And when he felt that Mr. America would verify the authenticity of his wife's Report of Rating, he burned the original."

Furthermore, Remolona admitted that he was responsible in acquiring the alleged fake eligibility, that his wife has no knowledge thereof, and that he did it because he wanted them to be together. Based on the foregoing, Director Pasion recommended the filing of the appropriate administrative action against Remolona but absolved Mrs. Nery Remolona from any liability since it has not been shown that she willfully participated in the commission of the offense.

Consequently, a Formal Charge dated April 6, 1993 was filed against petitioner Remolona, Nery C. Remolona, and Atty. Hadji Salupadin for possession of fake eligibility, falsification and dishonesty.[8] A formal hearing ensued wherein the parties presented their respective evidence. Thereafter, CSC Regional Director Bella A. Amilhasan issued a Memorandum dated February 14, 1995[9] recommending that the spouses Estelito and Nery Remolona be found guilty as charged and be meted the corresponding penalty.

Said recommendation was adopted by the CSC which issued Resolution No. 95-2908 on April 20, 1995, finding the spouses Estelito and Nery Remolona guilty of dishonesty and imposing the penalty of dismissal and all its accessory penalties. The case against Atty. Hadji Salupadin was held in abeyance pending proof of his identity.[10] In its Resolution No. 965510[11] dated August 27, 1996, the CSC, acting on the motion for reconsideration filed by the spouses Remolona, absolved Nery Remolona from liability and held that:

> "Further, a review of the records and of the arguments presented fails to persuade this Commission to reconsider its earlier resolution insofar as Estelito Remolona's culpability is concerned. The evidence is substantial enough to effect his conviction. His act of securing a fake eligibility for his wife is proved by substantial evidence. However, in the case of Nery Remolona, the Commission finds her innocent of the offense charged, for there is no evidence to show that she has used the fake eligibility to support an appointment or promotion. In fact, Nery Remolona did not indicate in her Personal Data Sheet that she possesses any eligibility. It must be pointed out that it was her husband who unilaterally worked to secure a fake eligibility for her.
>
> WHEREFORE, the instant Motion for Reconsideration is hereby denied insofar as respondent Estelito Remolona is concerned. However, Resolution No. 95-2908 is modified in the sense that respondent Nery Remolona is exonerated of the charges. Accordingly, Nery Remolona is automatically reinstated to her former position as Teacher with back salaries and other benefits."


*Bar review courses, mock exams and a study planner that keeps you on pace - batas.org*

On appeal, the Court of Appeals rendered its questioned decision dismissing the petition for review filed by herein petitioner Remolona. His motion for reconsideration and/or new trial was likewise denied. Hence, this petition for review.

Petitioner submits that the Court of Appeals erred:

> "1. in denying petitioner's motion for new trial;
>
> 2. in holding that petitioner is liable for dishonesty; and
>
> 3. in sustaining the dismissal of the petitioner for an offense not work connected in relation to his official position in the government service."

The main issue posed for resolution is whether a civil service employee can be dismissed from the government service for an offense which is not work-related or which is not connected with the performance of his official duty. Remolona likewise imputes a violation of his right to due process during the preliminary investigation because he was not assisted by counsel. He claims that the extra-judicial admission allegedly signed by him is inadmissible because he was merely made to sign a blank form. He also avers that his motion for new trial should be granted on the ground that the transcript of stenographic notes taken during the hearing of the case before the Regional Office of the CSC was not forwarded to the Court of Appeals. Finally, he pleads that the penalty of dismissal with forfeiture of all benefits is too harsh considering the nature of the offense for which he was convicted, the length of his service in government, that this is his first offense, and the fact that no damage was caused to the government.

The submission of Remolona that his alleged extrajudicial confession is inadmissible because he was not assisted by counsel during the investigation as required under Section 12 paragraphs 1 and 3, Article III of the 1987 Constitution deserves scant consideration

The right to counsel under Section 12 of the Bill of Rights is meant to protect a suspect in a criminal case under custodial investigation. Custodial investigation is the stage where the police investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect who had been taken into custody by the police to carry out a process of interrogation that lends itself to elicit incriminating statements. It is when questions are initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. The right to counsel attaches only upon the start of such investigation. Therefore, the exclusionary rule under paragraph (2), Section 12 of the Bill of Rights applies only to admissions made in a criminal investigation but not to those made in an administrative investigation.[12]

While investigations conducted by an administrative body may at times be akin to a criminal proceeding, the fact remains that under existing laws, a party in an administrative inquiry may or may not be assisted by counsel, irrespective of the nature of the charges and of the respondent's capacity to represent himself, and no duty rests on such body to furnish the person being investigated with counsel. In an administrative proceeding, a respondent has the option of engaging the services of counsel or not. This is clear from the provisions of Section 32, Article VII of Republic Act No. 2260 (otherwise known as the Civil Service Act) and Section 39, paragraph 2, Rule XIV (on discipline) of the Omnibus Rules Implementing Book V of Executive Order No. 292 (otherwise known as the Administrative Code of 1987). Thus, the right to counsel is not always imperative in administrative investigations because such inquiries are conducted merely to determine whether there are facts that merit disciplinary measure against erring public officers and employees, with the purpose of maintaining the dignity of government service. As such, the hearing conducted by the investigating authority is not part of a criminal prosecution.[13]

In the case at bar, Remolona was not accused of any crime in the investigation conducted by the CSC field office.

The investigation was conducted for the purpose of ascertaining the facts and whether there is a prima facie evidence sufficient to form a belief that an offense cognizable by the CSC has been committed and that Remolona is probably guilty thereof and should be administratively charged. Perforce, the admissions made by Remolona during such investigation may be used as evidence to justify his dismissal.

The contention of Remolona that he never executed an extra-judicial admission and that he merely signed a blank form cannot be given credence. Remolona occupies a high position in government as Postmaster at Infanta, Quezon and, as such, he is expected to be circumspect in his actions specially where he is being administratively charged with a grave offense which carries the penalty of dismissal from service.

Remolona insists that his dismissal is a violation of his right to due process under Section 2(3), Article XI (B) of the Constitution which provides that "no officer or employee in the Civil Service shall be removed or suspended except for cause." Although the offense of dishonesty is punishable under the Civil Service law, Remolona opines that such act must have been committed in the performance of his function and duty as Postmaster. Considering that the charge of dishonesty involves the falsification of the certificate of rating of his wife Nery Remolona, the same has no bearing on his office and hence, he is deemed not to have been dismissed for cause. This proposition is untenable.

It cannot be denied that dishonesty is considered a grave offense punishable by dismissal for the first offense under Section 23, Rule XIV of the Rules Implementing Book V of Executive Order No. 292. And the rule is that dishonesty, in order to warrant dismissal, need not be committed in the course of the performance of duty by the person charged. The rationale for the rule is that if a government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office. The Government cannot tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, oppression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations. The private life of an employee cannot be segregated from his public life. Dishonesty inevitably reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service.[14]

The principle is that when an officer or employee is disciplined, the object sought is not the punishment of such officer or employee but the improvement of the public service and the preservation of the public's faith and confidence in the government.[15]

The general rule is that where the findings of the administrative body are amply supported by substantial evidence, such findings are accorded not only respect but also finality, and are binding on this Court.[16] It is not for the reviewing court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its own judgment for that of the administrative agency on the sufficiency of evidence.[17] Thus, when confronted with conflicting versions of factual matters, it is for the administrative agency concerned in the exercise of discretion to determine which party deserves credence on the basis of the evidence received.[18] The rule, therefore, is that courts of justice will not generally interfere with purely administrative matters which are addressed to the sound discretion of government agencies unless there is a clear showing that the latter acted arbitrarily or with grave abuse of discretion or when they have acted in a capricious and whimsical manner such that their action may amount to an excess of jurisdiction.[19]

We have carefully scrutinized the records of the case below and we find no compelling reason to deviate from the

findings of the CSC and the Court of Appeals. The written admission of Remolona is replete with details that could have been known only to him. No ill-motive or bad faith was ever imputed to Director Pasion who conducted the investigation. The presumption that official duty has been regularly performed remains unrebutted.

The transmittal of the transcript of stenographic notes taken during the formal hearing before the CSC is entirely a matter of discretion on the part of the Court of Appeals. Revised Administrative Circular No. 1-95 of this Court clearly states that in resolving appeals from quasi-judicial agencies, it is within the discretion of the Court of Appeals to have the original records of the proceedings under review transmitted to it.[20] Verily, the Court of Appeals decided the merits of the case on the bases of the uncontroverted facts and admissions contained in the pleadings filed by the parties.

We likewise find no merit in the contention of Remolona that the penalty of dismissal is too harsh considering that there was no damage caused to the government since the certificate of rating was never used to get an appointment for his wife, Nery Remolona. Although no pecuniary damage was incurred by the government, there was still falsification of an official document that constitutes gross dishonesty which cannot be countenanced, considering that he was an accountable officer and occupied a sensitive position.[21] The Code of Conduct and Ethical Standards for Public Officials and Employees enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service.[22]

WHEREFORE, the decision appealed from is hereby AFFIRMED in toto.

**SO ORDERED.**

Bellosillo, Vitug, Kapunan, Mendoza, Quisumbing, Pardo, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.
Davide, Jr., C.J., Melo, Panganiban, and Buena, JJ., on official leave.
Sandoval-Gutierrez, J., on leave.

---

[1] Penned by Associate Justice Buenaventura J. Guerrero with Cui and Alino-Hormachuelos, JJ., concurring; Rollo, 34-47.

[2] Rollo, 49.

[3] Exhibit "A"; Rollo, 54.

[4] Exhibit "C"; Ibid., 56.

[5] Exhibit "B"; Ibid., 55.

[6] Exhibit "E-1"; Ibid., 60.

[7] Exhibit "E"; Ibid., 58-59.

[8] Annex B, Petition; Rollo, 50.

[9] Original Record, 1.

[10] Annex F, Petition; Rollo, 76-79.

[11] Annex G, id.; Ibid., 80-85.

[12] Manuel, et al. vs. N.C. Construction Supply, et al., 282 SCRA 326, 334-335 (1997).


*Bar review courses, mock exams and a study planner that keeps you on pace - batas.org*

[13] Lumiqued, et al. vs. Exevea, et al., 282 SCRA 125, 140-142 (1997).

[14] Nera vs. Garcia, et al., 106 Phil 1031, 1035-1036 (1960).

[15] Bautista vs. Negado, et al., 108 Phil 283, 289 (1960).

[16] Tiatco vs. CSC, et al., 216 SCRA 749 (1992).

[17] Paper Industries Corp. of the Phils. vs. Deputy Executive Secretary, 184 SCRA 606 (1990).

[18] Gelmart Industries (Phil.), Inc. vs. Leogardo, Jr., et al., 155 SCRA 403 (1987).

[19] Cuerdo vs. Commission on Audit, 166 SCRA 657 (1988).

[20] Torres, Jr., et al. vs. Court of Appeals, et al., 278 SCRA 793, 809 (1997).

[21] Regalado vs. Buena, 309 SCRA 265, 270 (1999).

[22] Alawi vs. Alauva, 268 SCRA 628 (1997).

ABOUT BATAS.ORG

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at https://batas.org**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.