

PACIFICO FAELDONEA, RESPONDENT, VS. THE HONORABLE CIVIL SERVICE COMMISSION AND MERCED FAELDONEA, RESPONDENTS.*G.R. No. 143474. August 06, 2002*

Ponente: KAPUNAN, J.

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This petition for review on certiorari assails the Decision of the Court of Appeals dated September 30, 1999 in CA-G.R. SP No. 49390[1] which affirmed the Resolution of the Civil Service Commission finding petitioner Pacifico Faeldonea guilty of Grave Misconduct and Dishonesty and imposing upon him the penalty of dismissal from the service.

In April 1994, petitioner, as Postmaster of the Dumalag, Capiz Post Office, assigned the late Efren Faeldonea (Efren) as Acting Postmaster while petitioner was attending a seminar in Iloilo City. While Efren was acting postmaster, he incurred accountabilities in the amount of Ninety Eight Thousand Three Hundred Pesos and Ninety Centavos (P98,347.90).

Unfortunately, on February 21, 1996, Efren died before he could pay said obligation as well as other financial obligations, including his debts to petitioner.

Upon the request of Efren's widow, respondent Merced Faeldonea (Merced), petitioner agreed to assume Efren's financial obligations while Merced was waiting to receive her husband's death benefits. She promised to pay petitioner upon receipt thereof.

Meanwhile, petitioner filed with the Municipal Circuit Trial Court of Dumalag-Tapaz, Capiz (MCTC) a petition for appointment as administrator of Efren's estate.

In late 1996, petitioner got hold of an envelope addressed to Merced and containing the check corresponding to Efren's death benefits. Petitioner opened the envelope and took the check to pay Efren's obligation to the Philippine Postal Corporation. On November 27, 1997, petitioner filed in the MCTC where his petition for appointment as administrator was pending, a motion to allow him to deposit the check with said court. When the court denied petitioner's motion, he decided to deposit the check with the Philippine Postal Corporation's account in the Land Bank of the Philippines (Land Bank).

When Merced learned that petitioner opened the envelope addressed to her and took the liberty of depositing the check contained therein with the Land Bank, she filed with the Regional Director of the Civil Service Commission a verified complaint against petitioner for dishonesty, frequent unauthorized absences or tardiness and conduct grossly prejudicial to the best interest of the service.

On April 7, 1997, petitioner was formally charged with grave misconduct and conduct prejudicial to the best interest of the service. Petitioner, as Post Master of Dumalag Post office, was alleged to have, "in breach of the integrity of the postal system, opened, without the consent of the addressee, Merced F. Faeldonea, a mail envelope containing a check representing the amount of the terminal leave of her late husband, Efren Faeldonea." [2]

After both parties submitted their respective pleadings, the CSC promulgated Resolution No. 980759 on April 14, 1998. The dispositive portion thereof states:

WHEREFORE, Pacifico F. Faeldonea is hereby found guilty of Grave Misconduct and Dishonesty. Accordingly, he is meted the penalty of dismissal from the service, including all its accessories.[3]

Petitioner filed a motion for reconsideration thereof, but the same was denied by the CSC.[4]

Petitioner appealed the resolution of the CSC to the Court of Appeals. On September 30, 1999, the appellate court promulgated the assailed decision which affirmed the resolution of the CSC dismissing petitioner from the service for grave misconduct and dishonesty.

Hence, this petition.

Petitioner contends that the Court of Appeals gravely erred in affirming the decision of the CSC. He asserts that he cannot be held liable for grave misconduct because “misconduct” implies wrongful intent. He maintains that he was motivated by good intentions when he opened the envelope addressed to Merced and deposited the check corresponding to Efren’s death benefits in the bank. He said that he wanted to make sure that Efren’s debts to the Philippine Postal Corporation would be settled. Had petitioner been motivated by ill-will he could have applied the proceeds of the check to the personal loans obtained by the deceased from him.[5]

In her comment, private respondent maintains that petitioner is guilty of dishonesty because he deposited the check representing Efren’s death benefits with the Land Bank for the purpose of satisfying his claim against Efren’s estate, and not for the purpose of applying the same to the Efren’s accountabilities with the Philippine Postal Corporation. Private respondent further claims that petitioner is likewise guilty of grave misconduct for having opened the envelope containing the check even though the same was addressed to her, and without any authority from her to do so. She avers that such act violated her constitutional right to privacy and compromised the integrity of the postal service.[6]

The Court gives DUE COURSE to the petition.

After considering the facts as established by both parties and the evidence presented by them, the Court finds that petitioner should not have been adjudged guilty of grave misconduct and dishonesty.

There is no doubt that petitioner’s conduct was improper because he deviated from the normal procedure of delivering the letter to the addressee unopened. The question is whether his conduct amounted to “grave misconduct,” which has been defined as “a flagrantly or shamefully wrong or improper conduct.”[7]

Considering the circumstances of the case at bar, we find that petitioner’s conduct cannot be characterized as flagrant so as to render him liable for grave misconduct. Petitioner acted in good faith in depositing the check for Efren’s death benefits in the Philippine Postal Corporation’s account. He honestly believed that by doing so, Efren’s obligations to the Philippine Postal Corporation would be settled and the deceased’s name would be cleared.

In earlier cases, the Court considered the absence of selfish or evil motives on the part of a government employee in determining the nature and gravity of his offense and in imposing the appropriate penalty therefor.

In *Camus vs. Civil Service Board of Appeals*,[8] Quirico Camus, an Administrative Officer in the Bureau of Public Works, was held liable for gross misconduct for his acts of signing applications for the Bureau’s importation of petroleum asphalt despite lack of authority to do so. Instead of being meted a severe penalty, however, Camus was only suspended for two months and demoted in rank, but was later reinstated to his former position. The Court held therein that the finding of the Commissioner of Civil Service and the Civil Service Board

of Appeals-- that although Camus committed a serious error of judgment, but his acts were not motivated by an ulterior or selfish purpose but by the belief that the importation would ultimately redound to the public benefit-- is inconsistent with their conclusion that Camus was guilty of gross misconduct. We stated that an error of judgment made without any ulterior motives and/or purposes, does not constitute "gross misconduct". Camus was held guilty of simple negligence only.[9]

In another case, *Hernandez vs. Commission on Audit*,^[10] Teodoro Hernandez, the officer-in-charge and special disbursing officer of the Ternate Beach Project of the Philippine Tourism Authority, was required by the Commission on Audit (COA) to account for the P10,175.00 representing the salaries of his fellow employees working on the Ternate Beach Project and the operating expenses of the project which Hernandez claimed was lost when he was robbed by armed men inside a jeepney on his way home. Hernandez encashed the checks in Manila in the morning of July 1, 1983, a Friday, with the intention of bringing the money back to Ternate, Cavite where the employees were working. He believed that if he did encash the checks, the employees would be able to receive their salaries only on July 5 since July 2 and 3 were non-working days while July 4 was a holiday. Due to unforeseen delays in the encashment, he was only able to get the money at 3:00 p.m. Hernandez decided to forego his original plan of bringing the same the Ternate that day because the way to the project site was dark and unsafe at night, and took the money with him on his way to his house in Marilao, Bulacan. The Court reversed the ruling of the COA and held that Hernandez should not be faulted because the loss of the money was due to a fortuitous event. It observed that he was moved only by the best of intentions, and added that Hernandez should even be commended for going out of his way to make sure that his fellow employees would get their salaries on time.^[11]

In the instant case, the Court finds that petitioner's lack of ill or selfish motives in depositing the check for Efren's death benefits in the account of the Philippine Postal Corporation does not amount to grave misconduct.

Neither should petitioner be held liable for dishonesty. Dishonesty implies the concealment of truth. No proof was presented to show any concealment of the truth on petitioner's part. In fact, the records show that on November 27, 1996, petitioner sent by registered mail a letter to Merced notifying her of the arrival of the check representing Efren's death benefits and of petitioner's act of depositing the same with the Land Bank.^[12]

However, the Court finds that petitioner cannot be completely exonerated for the acts complained of. As Postmaster, petitioner is charged with the duty of preserving the privacy of communication and correspondence,^[13] particularly the integrity of the postal system. He is, likewise, expected to set a good example to his subordinates in the office. This he failed to do when he took matters into his own hands and deposited the check in the account of the Philippine Postal Corporation to settle Efren's obligations, instead of giving the check to Merced, the intended recipient thereof, and urging her to pay her late husband's debts. Petitioner is thus held liable for the less grave offense of simple misconduct.

WHEREFORE, the petition is GRANTED. The assailed Decision of the Court of Appeals dated September 30, 1999 in CA-G.R. SP No. 49390 is MODIFIED, and petitioner is declared liable for simple misconduct only and the penalty of Suspension for six (6) months is imposed upon him.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

[1]

[2] Rollo, p. 40.

- [3] CSC Resolution No. 980759, April 14, 1998, Rollo, p. 63.
- [4] CSC Resolution No. 982126, August 14, 1998, Id., at 118-121.
- [5] Petition, Id., at 17-20.
- [6] Comment, Id., at 174-175.
- [7] Camus vs. Civil Service Board of Appeals, 2 SCRA 370 (1961).
- [8] Supra.
- [9] Id., at 375.
- [10] 179 SCRA 39 (1989).
- [11] Id.
- [12] Rollo, p. 40; see Also CSC Resolution No. 980759, April 14, 1998, Id., at 61
- [13] Article III, Section 3(1), Constitution.

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