GILDA G. CRUZ AND ZENAIDA C. PAITIM, PETITIONER, VS. THE CIVIL SERVICE COMMISSION, RESPONDENT.

G.R. No. 144464. November 27, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Assailed in the instant petition is the decision of the Court of Appeals upholding Resolution No. 981695 of the Civil Service Commission for allegedly being contrary to law and jurisprudence.

The facts are as follows:

On September 9, 1994, the Chairperson of the Civil Service Commission (CSC), received a letter from a private individual, Carmelita B. Esteban, claiming that, during the examinations for non-professional in the career civil service, given by the Civil Service Commission, on July 30, 1989 in Quezon City, Zenaida C. Paitim, the Municipal Treasurer of Norzagaray, Bulacan, falsely pretending to be the examinee, Gilda Cruz, a co-employee in the said office, took the examinations for the latter. Carmelita Esteban requested the CSC to investigate the matter, appending to said letter, pictures purporting to be those of Gilda Cruz and Zenaida Paitim.

On September 20, 1994, Erlinda A. Rosas, Director IV of the Commission, issued a Memorandum to Eliseo Gatchalian, the Director of the Management Information Office of the Commission, requesting the latter to furnish her with the picture seat plan of the room where Gilda G. Cruz was during the said examination, to ascertain the veracity of the letter-complaint. Eliseo S. Gatchalian did furnish Erlinda Rosas with certified true copies of the picture seat plans of the rooms where Gilda G. Cruz was assigned not only in the 1989 but also in the 1987 and 1988 career service (sub-professional) examinations. On November 8, 1994, Erlinda Rosas thereby wrote a Memorandum to Civil Service Commissioner Thelma P. Gaminde, dated November 8, 1994, declaring that based on the record, she found a prima facie case against Zenaida Paitim and Gilda G. Cruz.

On the basis of said memorandum, a fact finding investigation was conducted. On March 31, 1995, a "Formal Charge" for "Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service" signed by Bella Amilhasan, Director IV of the Civil Service Commission Regional Office No. 3 was filed against Gilda Cruz and Zenaida C. Paitim, with the Civil Service Commission, docketed as Administrative Case No. D3-95-052, which reads as follows:

> FORMAL CHARGE
>
> MESDAMES:
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> This Office has found after a fact finding investigation that a prima facie case exists against you for DISHONESTY, GRAVE MISCONDUCT and CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE, committed as follows:
> "That Gilda Cruz applied to take the July 30, 1989 Career Service Subprofessional examination. A verification of our records revealed that the picture of Cruz pasted in the Picture Seat Plan of the said examination held at

> Room 21 of the Ramon Magsaysay Elementary School, Quezon City, bears no resemblance to the pictures of Cruz as appearing in the picture seat plans of the previous Career Service Subprofessional Examinations which she took last July 26, 1987 and July 31, 1988 respectively. It would appear that the purported picture of Cruz pasted in the Picture Seat Plan of the said July 30, 1989 examination is the picture of a different person. Further verification showed that this picture belongs to a certain Zenaida Paitim, Municipal Treasurer of Norzagaray, Bulacan who apparently took the said examination on behalf of Cruz and on the basis of the application bearing the name and personal circumstances of Cruz."

WHEREFORE, Gilda Cruz and Zenaida Paitim are hereby directed to answer in writing and under oath within five (5) days from receipt hereof. To support your Answer, you may submit supporting documents/sworn statements.

In your Answer, you should state whether you elect to have a formal investigation or waive your right to said investigations should your Answer be found not satisfactory.

You are advised that you are entitled to the assistance of a counsel.

By Authority of the Commission:
(Sgd.) Della A. Amilhasan
Director IV[1]

The petitioners filed their Answer to the charge entering a general denial of the material averments of the "Formal Charge." They also declared that they were electing a formal investigation on the matter. The petitioners subsequently filed a Motion to Dismiss averring that if the investigation will continue, they will be deprived of their right to due process because the Civil Service Commission was the complainant, the Prosecutor and the Judge, all at the same time.

On July 17, 1995, Director Bella A. Amilhasan issued an order denying the motion.[2] The subsequent motion for reconsideration of said order was likewise dismissed.

Dulce J. Cochon, Attorney III of the CSC was thereby directed to conduct the formal administrative investigation of petitioners' case.

On November 16, 1995, Dulce J. Cochon issued an "Investigation Report and Recommendation" finding the Petitioners guilty of "Dishonesty" and ordering their dismissal from the government service, the decretal portion of which reads as follows:

> WHEREFORE, foregoing premises considered, this Office recommends the dismissal from the service with all its accessory penalties of respondents Zenaida Paitim and Gilda Cruz, both employees of the Municipality of Norzagary, Bulacan for the offenses of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Furthermore, this Office recommends the filing of criminal charges against them that shall serve as a deterrent to all possible plans of making a mockery to the sanctity of Civil Service Law and Rules as well as the constitutional mandate that 'A public office is a public trust. (Idem. Supra.)[3]

The aforesaid "Investigation Report and Recommendation" was then forwarded, to the Civil Service Commission for its consideration and resolution.

On July 1, 1998, the Civil Service Commission issued Resolution No. 981695 finding the petitioners guilty of the charges and ordered their dismissal from the government service. The decretal portion reads as follows:

> WHEREFORE, Zenaida Paitim and Gilda Cruz are hereby found guilty of Dishonesty. Accordingly, they are imposed the penalty of dismissal from the service with all its accessory penalties. The Civil Service (Subprofessional) Eligibility of Gilda Cruz is also cancelled.

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> Let a copy of this Resolution, as well as other relevant documents, be furnished the Office of the Ombudsman for whatever action it may take under the premises."[4]

Petitioners then went up to the Court of Appeals assailing the resolution of the CSC.

On November 29, 1999, the Court of Appeals dismissed the petition before it. The motion for reconsideration was, likewise, denied on August 9, 2000.

Hence, this petition.

In the instant petition, petitioners raised the following assignment of errors:

> I
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> THE COURT OF APPEALS GRAVELY AND SERIOUSLY ERRED IN HOLDING THAT PETITIONERS' CONSTITUTIONAL RIGHT TO DUE PROCESS WAS NOT VIOLATED IN ADMINISTRATIVE CASE NO. D3-95-052 WHERE RESPONDENT COMMISSION ACTED AS THE INVESTIGATOR, THE COMPLAINANT, THE PROSECUTOR, AND THE JUDGE, ALL AT THE SAME TIME, AGAINST PETITIONERS. IN SO DOING, RESPONDENT COMMISSION COMMITTED A MOCKERY OF ADMINISTRATIVE JUSTICE AND THE COURT OF APPEALS SANCTIONED IT.
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> II
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> THE COURT OF APPEALS GRAVELY AND SERIOUSLY ERRED IN RULING THAT RESPONDENT COMMISSION HAS ORIGINAL JURISDICTION TO HEAR AND DECIDE A COMPLAINT OR CHARGE WHETHER FILED BY A PRIVATE CITIZEN OR BY THE CIVIL SERVICE COMMISSION ITSELF. THE LAW VESTS IN RESPONDENT COMMISSION ONLY APPELLATE, NOT ORIGINAL, JURISDICTION IN ALL ADMINISTRATIVE CASES AGAINST A PUBLIC OFFICIAL OR EMPLOYEE INVOLVING THE IMPOSITION OF A PENALTY OF REMOVAL OR DISMISSAL FROM OFFICE WHERE THE COMPLAINT THEREFORE WAS NOT FILED BY A PRIVATE CITIZEN AS IN ADMINISTRATIVE CASE NO. D3-95-052 OF RESPONDENT COMMISSION.[5]

We find no merit in the petition.

There is no question that petitioner Zenaida Paitim, masquerading herself as petitioner Gilda Cruz, took the civil service examinations in her behalf. Gilda Cruz passed the examinations. On the basis of a tip-off that the two public employees were involved in an anomalous act, the CSC conducted an investigation and verified that the two employees were indeed guilty of dishonesty. Thus, in accordance with the CSC law, the petitioners merited the penalty of dismissal.

Petitioners maintain that the CSC did not have original jurisdiction to hear and decide the administrative case. Allegedly, in accordance with Section 47(1), Chapter 7, Subtitle A, Title 1, Book V, Administrative Code of 1987, the CSC is vested with appellate jurisdiction only in all administrative cases where the penalty imposed is removal or dismissal from the office and where the complaint was filed by a private citizen against the government employee.[6] It reads:

> Sec. 47. Disciplinary Jurisdiction. (1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or a fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.[7]

(Emphasis supplied.)

Petitioners' invocation of the law is misplaced. The provision is applicable to instances where administrative cases are filed against erring employees in connection with their duties and functions of the office. This is, however, not the scenario contemplated in the case at bar. It must be noted that the acts complained of arose from a cheating caused by the petitioners in the Civil Service (Subprofessional) examination. The examinations were under the direct control and supervision of the Civil Service Commission. The culprits are government employees over whom the Civil Service Commission undeniably has jurisdiction. Thus, after the petitioners were duly investigated and ascertained whether they were indeed guilty of dishonesty, the penalty meted was dismissal from the office.

Section 28, Rule XIV of the Omnibus Civil Service Rules and Regulations explicitly provides that the CSC can rightfully take cognizance over any irregularities or anomalies connected to the examinations, as it reads:

> Sec. 28. The Commission shall have original disciplinary jurisdiction over all its officials and employees and over all cases involving civil service examination anomalies or irregularities."

Petitioners' contention that they were denied due process of law by the fact that the CSC acted as investigator, complainant, prosecutor and judge, all at the same time against the petitioners is untenable. The CA correctly explained that the CSC is mandated to hear and decide administrative case instituted by it or instituted before it directly or on appeal including actions of its officers and the agencies attached to it pursuant to Book V, Title 1, Subtitle A, Chapter 3, Section 12, paragraph 11 of the Administrative Code of 1987 which states:

> (11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or rulings shall be liable for contempt of the Commission. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on certiorari by the aggrieved party within thirty (30) days from receipt of a copy thereof;

The fact that the complaint was filed by the CSC itself does not mean that it could not be an impartial judge. As an administrative body, its decision was based on substantial findings. Factual findings of administrative bodies, being considered experts in their field, are binding on the Supreme Court.[8] The records clearly disclose that the petitioners were duly investigated by the CSC and found that:

> After a careful examination of the records, the Commission finds respondents guilty as charged.
>
> The photograph pasted over the name Gilda Cruz in the Picture Seat Plan (PSP) during the July 30, 1989 Career Service Examination is not that of Cruz but of Paitim. Also, the signature over the name of Gilda Cruz in the said document is totally different from the signature of Gilda Cruz.
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> It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a Civil Service examination closely examine the pictures submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3694, Obedencio, Jaime A.). The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. In cases where the examinee does not look like the person in the picture submitted and attached on the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa)
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> The facts, therefore, that Paitim's photograph was attached over the name of Gilda Cruz in the PSP of the July 30, 1989 Career Service Examination, shows that it was Paitim who took the examination.
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> In a similar case, the Commission ruled:
> "It should be stressed that the registered examinee's act of asking or allowing another person to take the

> examination in her behalf constitutes that the evidence on record clearly established that another person took the Civil Service Examination for De Guzman, she should be held liable for the said offense."

At the outset, it is axiomatic that in the offense of impersonation, two persons are always involved. In the instant case, the offense cannot prosper without the active participation of both Arada and de Leon. Thus, the logical conclusion is that de Leon took the examination for and in behalf of Arada. Consequently, they are both administratively liable. (Arada, Carolina C. and de Leon, Ponciana Anne M.)[9]

It can not be denied that the petitioners were formally charged after a finding that a prima facie case for dishonesty lies against them. They were properly informed of the charges. They submitted an Answer and were given the opportunity to defend themselves. Petitioners can not, therefore, claim that there was a denial of due process much less the lack of jurisdiction on the part of the CSC to take cognizance of the case. We do not find reversible error with the decision of the Court of Appeals in upholding the CSC Resolution.

WHEREFORE, the petition is DENIED. The assailed decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

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[1] Rollo, p. 19.

[2] Id., at 26-27.

[3] Id., at 50.

[4] Id.,, at 39.

[5] Id., at 6-7

[6] Id.., at 96.

[7] Id., at 11.

[8] Golden Thread Knitting Industries, Inc. v. NLRC, 305 SCRA 327 (1999).

[9] Id., at 38-39.

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