

CIVIL SERVICE COMMISSION, PETITIONER, VS. EVELYN P. CAYOBIT, RESPONDENT.

G.R. No. 145737. September 03, 2003

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-145737/>

PER CURIAM:

This case arose from an administrative complaint filed by petitioner Civil Service Commission against respondent Evelyn P. Cayobit for Dishonesty and Grave Misconduct.

Since 1982, respondent has been employed with the National Housing Authority (NHA). On March 29, 1990, she was appointed as Livelihood Specialist in its Dagat-dagatan Development Project. The position was co-terminus with the project and did not require any eligibility. Even then, she submitted her original certificate of eligibility showing a rating of 81.20%, the grade she obtained in a civil service examination held on July 30, 1989 in Manila. On June 5, 1990, petitioner approved her appointment, which was given retroactive effect from July 1, 1989.

Another appointment was extended to respondent in September 1993 as Senior Livelihood Officer. This position required civil service eligibility owing to its permanent status. On September 29, 1993, Carmelita Bernardino, Senior Specialist at petitioner's field office in NHA, came across her appointment papers, which included her original certificate of eligibility. In the course of processing said papers, Bernardino found out that her eligibility was not entered in the service card on file with the field office. To verify, Bernardino went to petitioner's National Capital Region office on October 18, 1993. Bernardino discovered that respondent was not in the passing list on file.

The matter was referred by Bernardino to her superior, Director Imelda Abueng, who verified respondent's eligibility with petitioner's central office. She found out that based on the masterlist of eligibles kept at the central office, respondent obtained a failing mark of 40.96%. Respondent's appointment was disapproved.

On October 25, 1993, petitioner charged respondent with dishonesty and grave misconduct, committed as follows:

That in support of your appointment as Senior Livelihood Officer, National Housing Authority, Quezon City, you submitted a xerox copy of your alleged Certificate of Eligibility (CS Professional) purporting that you passed the July 30, 1989 Career Service Examination. However, after verification from the masterlist of eligibles, it was found out that you failed the said examination with a rating of 40.96%.[1]

After hearing, respondent was held guilty of the charges against her. In a resolution dated January 5, 1995, petitioner ruled:

After a careful evaluation of the records, we find substantial evidence which proved the commission by the herein respondent of the offense charged against her.

WHEREFORE, Evelyn P. Cayobit is found guilty of Dishonesty and Grave Misconduct. Accordingly, the penalty of dismissal from the service with the accessory penalties of perpetual disqualification from taking any civil service examination and disqualification from holding public office are (sic) imposed on her.[2]

Feeling aggrieved, respondent filed with this court a Petition for Certiorari on March 29, 1995.[3] We referred the

petition to the Court of Appeals for proper disposition in a Resolution dated April 4, 1995,[4] where it was docketed as CA-G.R. SP No. 36978.[5] Pursuant to our ruling in the case *Dennis Lazo v. Civil Service Commission*,[6] the appellate court ordered petitioner to retrieve and submit the answer sheets of respondent. Its Management Information Office, however, stated that the answer sheets have already been disposed of in accordance with CSC Resolution No. 87-070 which directs the "destruction or disposal of answer sheets of examinees who passed in the Civil Service examinations... after five (5) years from the date of the release of examination." [7]

In its decision dated February 15, 2000, the Court of Appeals granted the petition of the respondent, viz:

In fine, there was no substantial evidence to prove that petitioner committed the offenses leveled against her.

WHEREFORE, the petition is GRANTED and the impugned CSC Resolution No. 95-0111 is hereby NULLIFIED and SET ASIDE.

SO ORDERED.[8]

It likewise denied for lack of merit petitioner's motion for reconsideration in a Resolution promulgated on October 12, 2000.

Hence, the present course of action, where petitioner contends:

That the Honorable Court of Appeals erred in holding that there was no substantial evidence to prove that respondent committed the offense of dishonesty and grave misconduct.

That the Honorable Court of Appeals erred in holding that the masterlist of eligibles is not the primary record of civil service eligibles.[9]

We will first decide the second issue as our resolution of whether the masterlist of eligibles is the primary record of civil service eligibles is crucial in determining the innocence or guilt of the respondent. In this regard, petitioner argues that the masterlist of eligibles must be considered the primary record of eligibility for this is the official record it keeps pursuant to both its constitutional and statutory mandates to conduct and safeguard civil service examinations. We agree.

Executive Order No. 292, otherwise known as the Administrative Code of 1987, provides that petitioner should keep a register of eligibles, where the names of those who pass any particular civil service examination shall be entered, thus:

Sec. 23. Release of Examination Results.-- The results of any particular service examination held in a number of places on the same date shall be released simultaneously.

Sec. 24. Register of Eligibles.-- The names of the competitors who pass an examination shall be entered in a register of eligibles arranged in the order of their general ratings and containing such information as the Commission may deem necessary.[10]

The implementing rules of the Code similarly provides, viz:

Sec. 5. The results of any particular civil service examination held in a number of places on the same date shall be held simultaneously. The names of examinees who obtained the required passing grades in an examination shall be entered in a register of eligibles.[11]

Pursuant to the foregoing provisions, petitioner prepares and keeps the masterlist of eligibles, which is the list of all examinees who passed and failed a given examination. It contains their complete names, the general rating they obtained and other relevant personal information such as their places and dates of birth, and their home

addresses.[12]

The masterlist of eligibles is kept by petitioner for records and verification purposes. It is precisely against it that entries in the certificate of eligibility are counter-checked and verified, specifically whether the score stated therein is true and correct. The basis for the list was well explained by petitioner, thus:

It has been the constitutional (Paragraph (2), Section 2 and Section 3(B), Article IX, 1987 Philippine Constitution) and statutory (Paragraphs (7) and (8), Section 12, Chapter III, Subtitle A, Title I of the Revised Administrative Code of 1987) mandate of the CSC, being the central personnel agency of the government, to conduct and safeguard civil service examinations, and as a necessary incident thereof, issue and keep Certificates of Eligibility to qualified examinees to a particular CS Examination, on the basis of its own record.[13] (emphases supplied.)

We therefore hold the masterlist to be the primary record of eligibles. It is the list officially prepared and kept by the petitioner pursuant to its constitutional and statutory mandates. It is what petitioner utilizes to verify the eligibility of applicants in government service. If we consider the certificate, as held by the appellate court, to be the primary record of one's eligibility, there will be no way by which petitioner can countercheck the veracity of the entries therein. In effect, petitioner will be left without a process of corroborating the eligibility of applicants for government positions with permanent status. Government offices would be bound to accept a certificate as conclusive and incontestable, without any means of validation, notwithstanding that the certificate may have been spuriously manufactured or that an item therein may have been erroneously or irregularly entered. This is dangerous especially considering the fact that the high level of technological advancement can make easy the forgery and counterfeiting of these certificates.

This brings us to the first issue petitioner raised. In contending that there was substantial evidence to hold respondent guilty of using a fake or spurious certificate of eligibility, petitioner relies on the failing mark she obtained in her examination, based on its masterlist of eligibles. Petitioner further contends that in the absence of a satisfactory explanation, a person who is found in possession of a forged document, and who used the same, is presumed the forger thereof or the one who caused the forgery, and, therefore, is guilty of falsification. Petitioner then concludes that the use of fake or spurious civil service eligibility amounts to dishonesty and grave misconduct, punishable by dismissal from the service.

These contentions are impressed with merit. Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.[14] It is a serious offense, which reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity.[15] Its immense debilitating effect on the government service cannot be overemphasized.[16]

Under Civil Service regulations, the use of fake or spurious civil service eligibility is regarded as dishonesty and grave misconduct, punishable by dismissal from the service. CSC Memorandum Circular No. 15, Series of 1991 provides:

An act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service examination, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service. (emphasis supplied.)

The question therefore is whether there is substantial evidence to hold that respondent procured and used a fake or spurious certificate of eligibility. We hold that there is.

The masterlist of eligibles shows that respondent obtained a failing grade in the examination given on July 30,

1989. Contrary to what is stated in her certificate of eligibility that she passed it with an 81.20% rating, respondent's actual score was only 40.96%. As we have ruled that the masterlist is the primary record of eligibles, the entry therein must prevail. Well to emphasize, the masterlist of eligibles is an official record. It is formally prepared and kept by petitioner pursuant to both its constitutional and statutory mandates to conduct and safeguard civil service examinations and to maintain a register of eligibles. As such, every entry made therein is presumed genuine and accurate unless proven otherwise. Section 44, Rule 130 of the Revised Rules of Evidence provides:

Sec. 44. Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty especially enjoined by law, are prima facie evidence of the facts stated therein.

Respondent failed to explain the discrepancy in her grades appearing in the masterlist and her certificate of eligibility. She was not able to offer proof that the score indicated in her certificate was due to the error or mistake of petitioner's own personnel. In fact, she did not even get a certification from petitioner that her certificate was issued by it.

The bare testimony of respondent that she has nothing to do with forging the certificate as she actually just received it by mail in her residential address deserves scant belief. We cannot accept her simplistic claim that she used the certificate under the false impression that it was genuine. The three witnesses^[17] and the various documents she presented cannot exculpate her. The witnesses, in essence, merely testified that they received the certificate of eligibility in question from respondent. Their belief that she was eligible was based on their reliance on the certificate.

Apropos is the following finding of petitioner:

The testimonies of the three (3) abovementioned witnesses failed to rebut the fact that Cayobit did not pass the examination and does not have an eligibility. Respondent also failed to prove that she had no participation in the procurement of eligibility. Hence it cannot be presumed that Cayobit used the fake eligibility in good faith.^[18]

In fine, we hold that the evidence presented by petitioner is substantial to support a finding that respondent is guilty of the offense charged against her. The established facts lead us to accept the conclusion that she indeed procured and used a fake or spurious certificate of eligibility and, in accordance with CSC Memorandum Circular No. 15, Series of 1991, committed dishonesty and grave misconduct. It bears stressing that in administrative proceedings, the quantum of evidence required is only substantial.^[19] It is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.^[20] The standard of substantial evidence is satisfied where there is reasonable ground to believe that the respondent is responsible for the misconduct,^[21] even if the evidence might not be overwhelming.^[22]

IN VIEW WHEREOF, the assailed Decision is REVERSED and SET ASIDE. We find respondent Evelyn P. Cayobit Guilty of the charge of Dishonesty and Grave Misconduct. Accordingly, the penalty of DISMISSAL from the service, with the accessory penalties of perpetual disqualification from taking any civil service examination and disqualification from holding public office, is imposed on her.

SO ORDERED.

Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Davide, Jr., C.J., Ynares-Santiago, and Carpio, JJ., on official leave.

[1] Formal Charge, p. 1; Rollo, p. 42.

[2] Resolution No. 95-0111, January 5, 1995, p. 2; C.A. Rollo, C.A.-G.R. SP No. 36978, p.19.

[3] G.R.No. 119489.

[4] Resolution, G.R. No. 119489, April 5, 1995.

[5] Entitled "Evelyn P. Cayobit v. Civil Service Commission and National Housing Authority."

[6] 235 SCRA 469 (1994).

[7] CSC Resolution No. 87-070 provides: the applications, Personal Data Sheets and Answer sheets of examinees who passed in the Civil Service examinations together with the accomplished Picture Seat plan shall be destroyed or disposed of to authorized government agencies after five (5) years from the date of the release of examination, subject to such safeguards the Commission, Department or agency head may determine.

[8] Decision, p. 14; Rollo, p. 40.

[9] Petition, p. 7; Id. at 15.

[10] Chapter V, Subtitle A, Title I, Book V, Executive Order No. 292.

[11] Sec. 5, Rule III, Rules Implementing Book V of Executive Order No. 292.

[12] See Masterlist of Eligibles attached as Annex D of the Petition; Rollo, p. 44.

[13] Memorandum for the Petitioner, p. 11; Id. at 131.

[14] F. Moreno, Philippine Law Dictionary 276 (3[rd] ed., 1988).

[15] Prieto v. Cariaga, 242 SCRA 315 (1995).

[16] Ibid.

[17] Adorie Sison, an employee at the Personnel Department of the NHA central office; Clemente Daseco, Liaison Officer of NHA; and Flordeliza M. Sanchez, also an employee at the Personnel Department of the NHA central office.

[18] Resolution No. 95-0111, January 5, 1995, p. 1; C.A. Rollo, C.A.-G.R. SP No. 36978, p. 18.

[19] Caña v. Gebusion, 329 SCRA 132 (2000).

[20] Betguen v. Masangkay, 238 SCRA 475 (1994).

[21] See Consolidated Food Corp. v. NLRC, 315 SCRA 129 (1999).

[22] Villaflor v. CA, 280 SCRA 297 (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.