

**LUZVIMINDA DE LA CRUZ, PETITIONER, VS. DEPARTMENT OF
EDUCATION, CULTURE AND SPORTS-CORDILLERA
ADMINISTRATIVE REGION, MA. ELENA PRINCENA, MYRNA
BAYABOS, OFRINA BENABESE, REGINA P...**

G.R. No. 146739. January 16, 2004

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For review on certiorari are the Court of Appeals' Decision[1] dated November 10, 2000 and Resolution[2] of January 8, 2001 in CA-G.R. SP No. 54935, which affirmed in toto Civil Service Commission (CSC) Resolution[3] No. 990558 dated March 3, 1999. The CSC found petitioner Luzviminda B. de la Cruz[4] guilty of dishonesty and grave misconduct and ordered her dismissal from the service "with all the accessory penalties of perpetual disqualification from holding public office and from taking any government examinations." [5]

The factual antecedents of the present case, as synthesized from the findings of the CSC and affirmed by the Court of Appeals, are as follows:

In a letter-complaint dated September 25, 1996, the CSC Abra Field Office, disclosed to the Department of Education, Culture, and Sports-Cordillera Administrative Region (DECS-CAR), alleged mismanagement and supposed violations of Civil Service Laws at the Bangued East District of the DECS Division of Abra by Helen Hernandez, herein petitioner Luzviminda de la Cruz, Charito Turqueza, and Eugene Belarmino. Hernandez was the District Supervisor, while de la Cruz was Principal I of Bacsil Elementary School, Angad, Bangued, Abra.

The DECS-CAR promptly formed a fact-finding committee to investigate the matter and look into the sworn complaints and grievances of some 20 teachers. After the required hearings, said committee, in its Investigation Report[6] dated November 15, 1996, found sufficient grounds to recommend that Hernandez and de la Cruz with nine (9) counts of dishonesty and grave misconduct, as well as acts punishable under the Anti-Graft Law.[7]

On March 5, 1997, CSC-CAR formally charged petitioner of conduct prejudicial to the best interest of the service, grave misconduct, and dishonesty. The pertinent portion of the Formal Charge, docketed as Administrative Case No. 97-46, reads:

That the respondent wilfully, unlawfully and intentionally cooperated with Mrs. Helen Hernandez, the District Supervisor of Bangued East District in soliciting, accepting and receiving sums of money for their personal use ranging from P1,000.00 to [P]20,000.00 from Ms. Elena Princena, Myrna Bayabos, Ofrina Benabese, Regina Potolin, Irene Bermudez, Melba Lingayo, Elizabeth Castillo, Rosalinda Bilgera and spouses Ernesto, Jr. and Luisa Callena as considerations for permanent appointments, promotions, transfers and similar favors in violation of the provisions of the Civil Service Rules and Regulations and other related laws.[8]

In her Answer dated March 22, 1997, petitioner denied the accusations against her and asked for a full investigation of the specific charges implicating her in order to clear her name once and for all.

CSC-CAR then conducted formal hearings, wherein petitioner, through counsel, actively participated and cross-examined the prosecution witnesses. CSC-CAR summed up the prosecution evidence as follows:

In her sworn statement dated October 7, 1996, Elena A. Princena, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, alleges as follows:

One night, my cousin went to our house saying that Miss Minda de la Cruz [petitioner herein] came to her and told her that there is a vacancy. Along with that, she told me that if I want to transfer, I should prepare P5,000.00 because she is capable of making the transfer, I gave an initial deposit of P3,000.00 from the amount she asked of me. I handed over that amount to my cousin Constancia Tanogan and she was the one who handed it over to Mrs. Helen Hernandez accompanied by Miss Minda de la Cruz. Not long after that, she asked for the remaining amount due to Miss Minda de la Cruz and I personally handed to Mrs. Helen Hernandez at her house the amount of P2,000.00.

Elizabeth V. Castillo, Elementary Grades Teacher, Bangued East Central School, Abra, on the other hand, testified as follows:

I was hired as a teacher on January 2, 1991 but before I can substitute she asked for P1,000.00 so she can buy Chivas and a kilo of imported grapes which I give upstairs as per Mrs. Helen Hernandez's instruction. So I gave Mrs. Helen Hernandez the amount of P1,000.00 which she used for buying. When I was made permanent in Calot she asked for nothing but when I told her that I already gave her the amount Mrs. Hernandez declare that I will rot in Calot....She attended a graduation in Calot and ordered Miss Minda de la Cruz to talk to me and I was shocked when she said "Do you really want to transfer," I said yes. She said I have to give P6,000.00. I told her that was too much ma'am. I bargained for P5,000.00.... My husband and I were able to produce the amount hence I gave Miss Minda P5,000.00 last June 1991....

In her affidavit dated October 7, 1996, Myrna L. Bayabos, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, alleges, in part, as follows:

...To be able to teach properly about what is right, to be able to help my family and other people, I twice handed over P5,000.00 in addition to the P10,000.00 which I gave to Ma'am Minda de la Cruz for Ma'am Helen Hernandez....

Rosalinda B. Bilgera, Elementary Grades Teacher I, Sappaac Elementary School, Bangued, Abra, in her sworn letter dated September 4, 1996, stated as follows:

...On the month of August of the same year I went again to Bangued East District to follow-up my papers and it is then that Ma'am Minda de la Cruz sent me at her house. At that time, Ma'am Helen Hernandez was in Manila and she allegedly instructed Ma'am Minda that I was to give P10,000 so that my papers will be easily accomplished. As I already started it, I told myself that I'll continue but I don't have that huge sum of money, I was only able to give P5,000 to Ma'am Minda de la Cruz which was for Ma'am Helen Hernandez....

Melba B. Linggayo, Elementary Grades Teacher, Bangued East District, Division of Abra, in her sworn letter dated October 7, 1996 stated as follows:

...Ma'am Helen and I talked in Pasangbayan and it was then that she asked me if I wanted to transfer. Since Calot was a little bit distant, I said yes. It was then that she told me to give P10,000. On March 2, 1996, I gave an initial P5,000.00 to Ma'am Minda de la Cruz since she was the one that I was told to hand the money over. When I got my salary for the month of March, I again gave P2,000 to Ma'am Helen Hernandez in her office because she allegedly needed money....

Spouses Ernesto Callena, Jr., and Ma. Luisa Callena, both Elementary Grades Teacher, Sinalay Pilot Elementary School, Bangued East District, in their sworn letter dated October 4, 1996, narrated as follows:

...One day, we were ordered to come by Ma'am Helen Hernandez because she wants to talk with us regarding our transfer. In exchange for this favor, she asked for the amount of P10,000.... Our money is not sufficient so we initially gave P1,000 and she told us that the remaining balance of P9,000 should be given to Ma'am Minda de la Cruz. The P9,000 was given to her on Sept[ember] 16, 1996 and in return placed us in Bacsil Elem[entary] School and Macarcarmay Elem[entary] School....

Irene B. Bermudez, Elementary Grades Teacher III, of Macarcarmay Elementary School, Bangued, in her letter dated October 2, 1996, alleges as follows:

And in the year 1994, that was the time that Mr. Anselmo Arizabel Jr. was promoted from Master Teacher I to Master Teacher II. The vacant position was then promised to be given to me. Mrs. Helen Hernandez asked me to give Ten Thousand Pesos (P10,000.00) through the person of Ms. Luzviminda de la Cruz. The said amount was received from me by Mrs. Helen Hernandez personally, as witnessed by Ms. Luzviminda de la Cruz on that same year. Although it's hard to do, I have to dance with the music. As for the assurance of my doubts, they gave me a copy of the recommendation of Mrs. Helen Hernandez for my promotion as Master Teacher I ...signed and received in the Division of Abra on September 30, 1994....

Regina G. Potolin, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, in her letter dated October 4, 1996, declares as follows:

...It was on the month of May, 1995. A week passed and I was sent for by Ma'am Minda. She told me to give P5,000.00 as it was allegedly instructed by Ma'am Helen as an additional requirement. As I really wanted to enter the job, I searched for means to remedy the situation. As soon as I gave the amount to Ma'am Minda de la Cruz, I was told that I would be assigned either in Sappac or Bacsil....This is an extension in Sinalang. This extension would be given to me if I give an additional P5,000.00. I did give the amount to Ma'am Minda so that on the opening of school year June 1995, I reported in Sinalang....I went to Bang[ue]d East. After I signed, Ma'am Helen asked me how much I really gave to Ma'am Minda. I told her P10,000. She said that it is already P15,000 as this was the same amount given by the others. She meant that I still lacked P5,000.00. I told her that I still don't have the money.

Aurora B. Bringas, Elementary Grades Teacher III, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, in her sworn statement dated October 7, 1996, testified as follows:

...I want to know immediately what are the documents I still lack. However, Ma'am Minda stated that I need to pay P5,000.00 again. I told her I don't want to pay. She told me that it was Ma'am Helen's instructions that I pay.

When the ranking was submitted to the Division Office, I learned that I was only ranked second. Mrs. Immaculada Bringas, our Principal in Sinalang Pilot Elementary School allegedly asked Ma'am Minda the reason why Mrs. Feliza Molina beat me in the ranking. Miss Minda de la Cruz replied that money was the reason.

I don't want to pay because I know that I am qualified based on leadership, achievements and ability and I know that they will just fool me.

Mildred L. Millare, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, on the other hand, narrated as follows:

...[I]n 1992, I substituted at Bangued East Central School but when I was there, Mrs. Helen Hernandez talked to me about giving P5,000....

...

One other problem I had was that I still don't have the original appointment as permanent as it was with Miss

Minda de la Cruz.

Nardita T. Tuscano, Elementary Grades Teacher, Bangued East Central School, Bangued, Abra, in her letter dated October 4, 1996, also testified as follows:

...I was teaching in Cabaruyan Elem[entary] Sch[ool] Daguioman District in 1995. Because my family was in Bangued, my mother-in-law processed my transfer. On November 1995, Minda de la Cruz told my mother that a teacher is needed in Bangued East District but one must have money to be able to go there. Because of the hardship of being apart from my family, my husband and my mother-in-law agreed that it is the remedy so they paid P10,000.00. My husband personally gave the money to Mrs. Hernandez on Nov[ember] 1995 and in return, I would be transferred [i]n the month of February 1996. This did not push through as the position was allegedly closed....

Ofrina A. Benabese, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, in her letter dated October 4, 1996, states as follows:

...That is why I received a follow-up letter from Ma'am Minda de la Cruz for me to prepare even only P3,000.00. I loaned this money from my father who sold our cow as I was not able to save anything when I was in Kuwait as I had very low salary. This amount of money was asked for by Ma'am Helen Hernandez as my papers won't be processed if I don't have the money. This sum of money was given to Ma'am Minda de la Cruz....

Lastly, Ruby T. Bringas, Elementary Grades Teacher I, Sinalang Pilot Elementary School, Bangued East District, Division of Abra, in her sworn-letter dated October 4, 1996, alleges as follows:

...Since I was doubting as I've heard a lot of rumors that the payment was given but they were not given any position, I asked these things to Ma'am Minda who was my aunt. She showed me the revised rankings. Auntie Minda told me to decide whether I will give the P2,000 or will I continue to enter the position. As I learned from her that there were only four vacancies and I was tenth in the rankings, I decided that it is better for me to get out of Bangued East District and it is better for me that the P10,000 that Ma'am Helen asked for shall be used instead as my allowance when I go to teach in a far-flung area.[9]

Petitioner's defense was bare denial of the accusations, buttressed by an effort to establish that she was of good moral character. She proffered a resolution[10] of the Parents Teachers Community Association of Bacsil Elementary School and four (4) certifications[11] signed by sixty-five (65) teachers from various schools declaring petitioner to be of good moral character.

After careful evaluation of evidence adduced by the parties, the CSC, in Resolution No. 990558 dated March 3, 1999[12], found petitioner guilty of dishonesty and grave misconduct and ordered her dismissal from the service, to wit:

WHEREFORE, Luzviminda B. de la Cruz is hereby found guilty of Dishonesty and Grave Misconduct. Accordingly, she is meted the penalty of dismissal from the service with all the accessory penalties of perpetual disqualification from holding public office and from taking any government examinations.[13]

Petitioner filed a motion for reconsideration, which the CSC, in Resolution No. 991413 dated July 2, 1999, denied for lack of merit.

Undeterred by that set-back, petitioner appealed to the Court of Appeals. In her appeal, docketed as CA-G.R. SP No. 54935, petitioner de la Cruz contended that: (1) the CSC gravely abused its discretion in finding her guilty of grave misconduct and dishonesty; (2) she was denied administrative due process; (3) the fact-finding committee of the DECS was illegally composed; (4) the complaints should have been dismissed for being fatally defective; (5) the resolution of the DECS fact-finding committee was not supported by substantial evidence; (6) assuming

arguendo that petitioner was liable, the penalty should not have been dismissal considering the length of service petitioner has rendered and that this is the first time she has been charged in her 25 years of service.[14]

In its Decision[15] dated November 10, 2000, the appellate court affirmed in toto the assailed Resolutions of the CSC. It dismissed CA-G.R. SP No. 54935 for lack of merit, to wit:

IN THE LIGHT OF ALL THE FOREGOING, the Petition is DISMISSED for lack of merit. The herein assailed CSC Resolution 99-0558, dated March 3, 1999, and CSC Resolution No. 99-1413, dated July 2, 1999, both issued by Respondent Commission in Administrative Case No. 97-46 are hereby AFFIRMED IN TOTO.

SO ORDERED. [16]

On January 8, 2001, petitioner's motion for reconsideration of the above Decision was also denied for lack of merit.[17]

Hence, petitioner now comes before us alleging that:

THE HONORABLE COURT OF APPEALS ERRED IN FINDING HEREIN PETITIONER GUILTY OF GRAVE MISCONDUCT AND DISHONESTY CONSIDERING THAT THE DECISION IS NOT IN ACCORD WITH LAW AND WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT.[18]

We find the present petition bereft of merit.

Petitioner contends the fact-finding committee convened by DECS-CAR breached Section 9 of RA 4670,[19] which provides:

Sec. 9. Administrative Charges.- Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teacher's organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

Petitioner avers the fact-finding committee did not include a representative of the local or, in its absence, any existing provincial or national teacher's organization. The committee was composed of: Ms. Marietta B. Bersalona (a Division Head) as chairman; and as members, Luz Curbi (a Master Teacher I), Eduardo Ruperto (a Principal I), and Joaquin Pilien (a Head Teacher). Thus, petitioner argues, the fact-finding committee lacked jurisdiction and any proceedings it had undertaken were necessarily void.

Being a public school teacher, Ms. de la Cruz should have been investigated conformably with Section 9 of R.A. No. 4670.[20] However, at this stage, it is too late to nullify on procedural grounds the proceedings conducted by the fact-finding committee. Under the doctrine of estoppel by laches, petitioner is already barred from impugning the committee's jurisdiction over her case.[21]

The records show that during the fact-finding committee proceedings, petitioner sought the dismissal of her case on the ground that the complaints were not in accord with Civil Service rules.[22] However, not once did she raise the committee's lack of jurisdiction to initially investigate her case or invoke R.A. No. 4670 to challenge its composition. Too, in her Answer to the Formal Charge issued by the CSC-CAR, petitioner asked for a "full investigation of the specific charges implicating her in order to clear her name once and for all." Assisted by counsel, she actively participated in the formal proceedings conducted by the CSC-CAR.

Likewise, in the Court of Appeals, petitioner did not raise the lack of jurisdiction of the fact-finding committee on the strength of R.A. No. 4670. Rather, she questioned the legality of the composition of the committee on the ground that it did not comply with Section 11 (1), Rule XII, Omnibus Rules Implementing Book V of Executive Order No. 292, which states:

SEC. 11. The Grievance Committee shall be composed of the following:

- For complaints/grievances existing between and among individual employee and supervisor/management.

(a)

One (1) member of top management or a representative to act as Chairman.

(b)

One (1) higher supervisor except the one being complained of.

(c)

One (1) member of the rank and file.

...

Clearly, during the proceedings from the level of the fact-finding committee, to the CSC-CAR, to the Court of Appeals, nowhere did petitioner raise the applicability of R.A. No. 4670 to her case. Thus, she is already barred from raising the same for the first time in the present petition.

The facts of the present case are analogous to the case of *Emin v. De Leon*[23] where a teacher was also dismissed from service without compliance with the mandate of Section 9 of R.A. No. 4670 regarding the composition of the committee vested with jurisdiction to initially investigate the respondent. In said case, it was a Director of Regional Office No. 12 of the Civil Service Commission who conducted the initial investigation. We held therein that although the investigation committee lacked jurisdiction, respondent was already barred from questioning said jurisdiction as he had voluntarily submitted to the investigating committee's proceedings without impugning its lack of jurisdiction at the earliest opportunity.

Second, petitioner ascribes bias to the fact-finding committee. She avers that the committee chairman, Ms. Marietta B. Bersalona, is a relative of Ms. Iluminada Bringas who, petitioner states, instigated the complainants to press charges against her. Petitioner claims that their middle names are both "Belmes". However, no evidence whatsoever was adduced to prove the degree of relation between Ms. Iluminada Bringas and Ms. Marietta Bersalona.

Kinship alone, even if proven, does not establish bias and partiality. There must be convincing proof to show that the fact-finding committee was indeed biased. In addition to palpable error that may be inferred from the decision itself, extrinsic evidence is required to establish bias.[24] This, petitioner failed to adduce. Hence, the presumption of regularity in the performance of official duty prevails.[25]

Third, petitioner claims the complaints should have been dismissed because (1) the complaints were not in the official language; (2) although the complaints were translated in English by the fact-finding committee, they were not under oath or subscribed by the complainants; and (3) they lacked a certification against forum-shopping, as required by CSC Resolution No. 95- 3099, to wit:

Section 4. Complaint in writing and under oath. – No complaint against any Civil servant shall be given due course unless the same is in writing and under oath.

...

The complaint shall also contain the following:

...

(d) A statement that no other administrative action or complaint against the same party involving the same acts or omissions and issues has been filed before another agency or administrative tribunal.

In the absence of any one of the above-mentioned requirements, the complaint shall be dismissed.[26]

Suffice it to say that technical rules of procedure are liberally applied to administrative agencies exercising quasi-judicial functions. The intention is to resolve disputes brought before such bodies in the most expeditious and inexpensive manner possible.[27] This notwithstanding, the Court of Appeals found that while the complainants originally executed their sworn affidavits-complaints in the Ilocano dialect, when they testified before the CSC-CAR, they did so in English. Whatever technical defect there might be had been cured thereby.

Petitioner also charges the complainants of deliberately omitting the certification on non-forum shopping to hide the pendency of a criminal case they had filed against petitioner with the Office of the Ombudsman involving the same incident docketed as OMB-1-96-2757, which was dismissed for lack of merit.

Petitioner's argument deserves scant consideration. Dismissal of the criminal case does not foreclose administrative action involving the same facts. For while proof beyond reasonable doubt is required in criminal cases, substantial evidence suffices in administrative proceedings, which merely requires such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[28] Thus, considering the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other.[29]

Fourth, petitioner claims the fact-finding committee; Ms. Immaculada Bringas, Principal of Sinalang Elementary School; and Ms. Persinia Belmes, the latter's sister, coerced the complainants to sign the complaints against petitioner. Presented in evidence were sworn affidavits[30] of Marilyn Asuncion, Irene Viado, Rosalinda Bilgera, and Cecilia Turqueza alleging that the letter-complaints they executed were either dictated or copied from prepared letter-complaints provided by the fact-finding committee, Immaculada Bringas, and Persinia Belmes.

However, none of the four (4) affiants was presented during the formal hearings conducted by the CSC-CAR. Hence, their sworn affidavits must yield to the sworn declaration of the prosecution witnesses who testified on the veracity of the statements in their affidavits and stood firm despite cross-examination by petitioner's counsel. We have long held that affidavits are deemed hearsay evidence because the adverse party is deprived of the opportunity to cross-examine the affiants. Hence, affidavits are generally deemed inadmissible or rejected outright unless the affiants themselves are placed on the witness stand to testify thereon.[31]

The four affidavits, together with petitioner's bare denial and self-serving documents attesting to her good moral character, cannot prevail over the straightforward testimonies of twelve (12) prosecution witnesses who positively testified on petitioner's participation in promising them permanent appointment, promotion, transfer, or other similar favors for a monetary consideration.

Given the primordial role of public school teachers in the molding of the civic consciousness and moral character of our youth, petitioner's act is, to say the least, reprehensible.

Anent petitioner's claim of denial of administrative due process, records show she was accorded every opportunity to present her side. She filed her Answer to the Formal Charge against her. The CSC-CAR evaluated her Answer and promptly conducted formal hearings. Petitioner proffered evidence in her defense and

cross-examined the prosecution witnesses. The CSC rendered a decision after careful evaluation of evidence adduced by the parties. Petitioner also had her chance to move for reconsideration of the adverse decision of the CSC. Thus, we are convinced petitioner had been sufficiently afforded administrative due process. [32]

Fifth, petitioner argues that even if she may be liable, the penalty should not be dismissal, but only reprimand considering her twenty-five (25) years in service and the fact that the instant case is her first offense. However, it bears stressing that the penalty of dismissal is an indivisible penalty. It is not susceptible to mitigation, unlike a penalty which has a maximum, medium, or minimum, depending on attending circumstances in petitioner's favor. (See Section 18 of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.)

Finally, while petitioner prays for the issuance of a writ of preliminary mandatory injunction directing public respondent to reinstate her as Principal I of Agtangao Elementary School, Agtangao, Bangued, Abra, she fails to justify issuance of the writ by showing that (1) the complainant has a clear legal right; (2) his right has been violated and the invasion is material and substantial; and (3) there is an urgent and permanent necessity for the writ to prevent serious damage.[33] Moreover, the right of petitioner seeking the writ must be clear and unmistakable because, unlike an ordinary preliminary injunction, the writ of preliminary mandatory injunction requires the performance of a particular act or acts and thus tends to do more than maintain the status quo.[34] Needless to stress, none of the aforesaid requisites obtains in this case.

That petitioner promised complainant teachers permanent appointment, transfer, promotion and similar favors for a fee, has been proven by substantial evidence. The charges against her for dishonesty and grave misconduct, after satisfying the requirements of administrative due process, has been sufficiently established. Petitioner has shown no legal right that has been violated. Hence, there is utterly no basis for the issuance of a writ of preliminary mandatory injunction. In fact, her dismissal from the service is in full accord with applicable law.

WHEREFORE, the petition is DENIED. The assailed decision of the Court of Appeals dated November 10, 2000 and its resolution of January 8, 2001 in CA-G.R. SP No. 54935 are AFFIRMED.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, pp. 37-55. Penned by Associate Justice Candido V. Rivera, with Associate Justices Conchita Carpio Morales (now a member of this Court) and Josefina Guevara-Salonga, concurring.

[2] Id. at 56.

[3] Id. at 84-89.

[4] Also referred to in the records as "Minda de la Cruz" and "Ma'am Minda."

[5] Rollo, p. 89.

[6] Id. at 75-82.

[7] In addition, Hernandez, Turqueza, and Belarmino were separately charged with one (1) count of dishonesty, grave misconduct, and receiving for personal use of a fee or committing acts punishable under the Anti-Graft Law, while another ten (10) counts of dishonesty, grave misconduct, and receiving for personal use of a fee or committing acts punishable under the Anti-Graft Law were separately filed against Hernandez alone. See Rollo, p. 82.

[8] CA Rollo, p. 48.

[9] Rollo, pp. 85-87.

[10] Id. at 121-122.

[11] Id. at 126-129.

[12] Id. at 84-89.

[13] Id. at 89.

[14] Id. at 44-46.

[15] Id. at 37-55.

[16] Id. at 54.

[17] Id. at 56.

[18] Id. at 12.

[19] Otherwise known as the Magna Carta for Public School Teachers.

[20] Now being implemented by Section 2, Chapter VII of DECS Order No. 33, S. 1999, otherwise known as the DECS Rules of Procedure.

[21] See *Emin v. De Leon*, G.R. No. 139794, 27 February 2002, 378 SCRA 143, 153-154.

[22] Rollo, p. 76.

[23] *Supra*, note 21.

[24] *Aleria, Jr. v. Velez*, G.R. No. 127400, 16 November 1998, 298 SCRA 611, 620.

[25] Revised Rules of Court, Rule 131, Section 3 (m).

[26] Rollo, p. 23.

[27] *IBM Philippines, Inc. v. NLRC*, G.R. No. 117221, 13 April 1999, 305 SCRA 592, 601.

[28] *Office of the Court Administrator v. Enriquez, A.M.* No. P-89-290, 29 January 1993, 218 SCRA 1, 10.

[29] *Ocampo v. Office of the Ombudsman*, G.R. No. 114683, 18 January 2000, 322 SCRA 17, 22.

[30] Rollo, pp. 116-119.

[31] *Lim v. Court of Appeals*, G.R. No. 124715, 24 January 2000, 323 SCRA 102, 119.

[32] The requisites of which are:

- The right to a hearing, which includes the right to present one's case and submit evidence in support thereof;
- The tribunal must consider the evidence presented;
- The decision must have something to support itself;
- The evidence must be substantial;
- The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected.

- The tribunal or body or any of its judges must act on its or his own independent consideration of the law and facts of the controversy and not simply accept the view of a subordinate in arriving at a decision; and
- The board or body should in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved and the reason for the decision rendered. (*Ang Tibay v. CIR*, 69 Phil. 635, 642-644 [1940]).

[33] *Pelejo v. Court of Appeals*, No. L-60800, 18 October 1982, 117 SCRA 665, 668.

[34] *Prosperity Credit Resources, Inc. v. Court of Appeals*, G.R. No. 114170, 15 January 1999, 301 SCRA 52, 59.

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