

DERICK D. WOODEN, PETITIONER, VS. CIVIL SERVICE COMMISSION, CORAZON ALMA G. DE LEON, THELMA P. GAMINDE AND JOSE F. ERESTAIN, JR., RESPONDENTS.

G.R. NO. 152884. September 30, 2005

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari of the Decision,[1] dated March 13, 2001, of the Court of Appeals (CA) in CA-G.R. SP No. 54612 affirming Resolution No. 990299, dated January 29, 1999, of the Civil Service Commission (CSC) which dismissed petitioner Derick D. Wooden from service for dishonesty thru falsification of public document as well as Resolution No. 991572, dated July 30, 1999, which denied his motion for reconsideration; and of the CA Resolution dated March 13, 2002 denying petitioner's motion for reconsideration.

The factual background of the case is as follows:

Sometime in the School Year 1990-1991, petitioner, who was then a fourth year student in Bachelor of Secondary Education (BSED) at Saint Louis University (SLU), applied for graduation. His application was approved subject to completion of a two-course, six-unit deficiency in the summer term of 1991 or by May 1991. Later, he was appointed as Staff Coordinator of "Louisian Educator '91", the annual of the College of Education, SLU.[2]

On March 24, 1991, petitioner joined the graduation rites of the College of Education, SLU.[3] Thereafter, he enrolled and completed his two-course, six-unit deficiency in the summer term of 1991 or by May 1991.[4] On June 11, 1991, he was employed as Substitute Teacher at the SLU Laboratory High School.[5] He was a member of the teaching staff until the end of school year 1991-1992, or April 30, 1992.[6]

Meanwhile, sometime in September 1991, petitioner filed his application for the Professional Board Examinations for Teachers (PBET), stating therein that he graduated in March 1991. His application was approved on September 20, 1991.[7]

Sometime in late October or early November 1991, upon petitioner's application for his transcript of records, SLU informed him that a reevaluation of his scholastic records revealed that he needed to complete a three-unit English subject.

On November 10, 1991, petitioner took the scheduled PBET.[8] Subsequently, petitioner enrolled in SLU, under protest, and completed the three-unit subject deficiency in the second semester of school year 1991-1992.[9]

On June 8, 1992, the results of the PBET were released. Petitioner passed the PBET with a rating of 76.38%.[10]

On June 6, 1997, petitioner submitted his duly accomplished Personal Data Sheet (PDS) in connection with his appointment as Teacher I of Guinzadan National High School, Bauko, Mountain Province. He indicated in Item No. 17 of the PDS that he finished his BSED from SLU with inclusive dates of attendance from 1987 to 1991; and in Item No. 18, he indicated the PBET date of examination as 1992[11]

On September 25, 1997, the CSC – Cordillera Administrative Region filed against petitioner a Formal Charge for Dishonesty and Falsification, docketed as Adm. Case No. 97-69, which reads:

That on June 6, 1997, Derick D. Wooden, submitted his Personal Data Sheet wherein in item no. 17, he answered that he finished Bachelor of Secondary Education (BSED) from St. Louis University with inclusive dates of attendance from 1987-1991; He applied for the PBET Examination by misrepresenting in his application form that he graduated from the Course BSED in March 1991; His Official Transcript of Records show however, that he graduated with the Degree of Bachelor of Secondary Education as of March 28, 1992; Said act is violative of Civil Service Law and Rules and other related laws.[12]

In his Answer[13] dated November 12, 1997, petitioner alleged that: he keeps on being confused on the actual date of his graduation because in the School Year 1990-1991 his application to join the graduation rites in March, 1991 was approved, although he has some deficiencies to be completed in the Summer of 1991; since his application for graduation was approved, he was appointed as Staff Coordinator of the annual of the College of Education of SLU, the "Louisian Educator '91;" he joined the graduation rites/commencement exercises held on March 24, 1991; he was also featured in the same annual of the College of Education of SLU, the "Louisian Educator '91;" he honestly believed all the time that he graduated in March 1991 although with some deficiencies to be completed in May, 1991; he completed his deficiencies in the summer of May, 1991.

On February 5, 1998, petitioner filed his Memorandum[14] reiterating his allegations in his Answer and maintaining that "he was not too technical on the meaning of graduation with no intent whatsoever of causing prejudice to anyone or even the government and without taking undue advantage thereof which he believes he has not done"; and for this, he "humbly apologizes for any inconvenience the same may have caused and that he fervently prays that he be excused therefrom." [15]

In her Investigation Report [16] dated September 23, 1998, Atty. Maria Elnora D. Puday, Hearing Officer of the CSC-Cordillera Administrative Region, recommended that petitioner be found guilty of dishonesty and falsification based on the following findings:

After a careful evaluation of the records, we find no merit to the contention of good faith of Derick Wooden. It is a fact that not all whose names and pictures appear in an annual of a certain College are considered graduates. This is so because annuals are prepared before the graduation and candidates for graduation are the ones (though not mandatory) advised to subscribe. Further, in the Graduation Programme (Annex 'B'), Derick Wooden is listed below the caption May, 1991 meaning he is not yet a graduate as of March 1991 because he has to complete some deficiencies. Thus stating March 1991 as his year of graduation is clear misrepresentation of material fact on the part of Wooden because without the said misrepresentation, he should not have been allowed to take the PBET Examination. The Official Transcript of Record is the best evidence to prove that one is a graduate of a certain course and school.

Admittedly, respondent honestly believed and knew that he had some deficiencies to be completed in May, 1991 and that it was only in the latter part of the first semester of School Year 1991-1992, when he applied for a copy of his Transcript of Records, when he was informed of his three-unit deficiency. His application for PBET was processed on September 20, 1991.

The personal data sheet required of every applicant for a government position is not a mere ceremonial requirement. It is a public document where the applicant represents his true name and other personal circumstances, his education, qualifications, experience and training, civil service eligibility and other relevant information to guide the appointing authority in the assessment and evaluation of his qualifications for appointment to particular position...

When an applicant fills up his information sheet, he does so under an undertaking, that the matters represented therein are true and correct. That is the essence of his oath. (CSC Resolution No. 973740 Briones, Rolando A.

Re: Dishonesty; Falsification of Official Document).[17]

On January 29, 1999, the CSC issued Resolution No. 990299[18] finding that there is substantial evidence that petitioner committed an act of misrepresentation of a material fact constituting dishonesty, thus:

Respondent's defense that he made a mistake in judgment when he stated in his application that he graduated in March, 1991 and this was not intentionally done because of his confusion due to circumstances surrounding his graduation; and, that, he was suffering from a "mental lapse" as regard to the date of his graduation which still exists even at the present time, is not tenable nor would it serve as an exculpatory circumstance.

With such unforgettable experiences clearly described by herein respondent in his pleadings, it is improbable that he would be continuously suffering from mental lapses. He could recall details but not the specific date of his graduation from college.

As early as the first semester of School Year 1991-1992, respondent was informed that he lacked units in an English subject, hence, he was then aware that he could not graduate for a Bachelor's degree in March of 1991. It was for this reason that he later enrolled in the second semester of the school year 1991-1992. From that moment on, he has knowledge that he was not qualified to take the PBET examination. It has also been observed that in item 18 of his PDS respondent did not specifically enter the date he took the PBET examination. Said concealment or suppression on his part appears to be deliberate. Obviously, it was made to cover up his deficiency in education when he took the test.[19]

Consequently, petitioner was declared guilty of dishonesty thru falsification of public document and dismissed from service with the accessory penalties thereof. In addition, his PBET eligibility was cancelled.[20] Petitioner moved for reconsideration[21] but was denied in Resolution No. 991572 dated July 13, 1999.[22]

Undaunted, petitioner elevated his case to the CA, which on March 13, 2001 affirmed the CSC.[23] Petitioner's motion for reconsideration[24] was denied in the Resolution dated March 13, 2002. [25]

Hence, the present petition anchored on the following grounds:

- RESPONDENTS ERRED IN CONCLUDING THAT PETITIONER COMMITTED THE GRAVE OFFENSE OF DISHONESTY WHEN HE INDICATED MARCH 1991 AS HIS DATE OF GRADUATION IN HIS PBET APPLICATION FORM AND WHEN HE INDICATED 1987-1991 AS INCLUSIVE DATES OF ATTENDANCE IN HIS PERSONAL DATA SHEET.
- RESPONDENTS ERRED IN IMPOSING THE SUPREME PENALTY OF DISMISSAL FROM THE SERVICE WITH THE ACCESSORY PENALTY OF PERPETUAL DISQUALIFICATION.
- THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE ERRONEOUS CONCLUSIONS OF RESPONDENTS.[26]

Petitioner takes exception from the appellate court's affirmance of the factual findings of the CSC. He asserts that the CSC's findings are based entirely on speculations, surmises or conjectures. He contends that the only basis of the finding that he committed an act of dishonesty was the CSC's conclusion that at the time he applied for the PBET, he knew that he was not qualified which, he argues, is far from the truth for at that time, he already completed during the summer term the deficiencies noted by the SLU evaluators on his application for graduation during the school year 1990-1991. The condition for his graduation in March 1991 to take the two-course, six-unit deficiency was then complied with and for all intents and purposes, SLU's conferment upon petitioner of the degree on March 1991 was made effective.

Petitioner insists that the entry he made that his date of graduation was March 1991 is a truthful statement for he was conferred his degree, albeit conditional, by SLU on March 24, 1991. He maintains that upon his completion

of the noted deficiencies, the effect thereof is retroactive. Furthermore, he claims that at the time he accomplished his PBET application form he was qualified or at the very least believed in good faith that he was so qualified. In any event, he submits that the penalty of dismissal is too harsh and begs for leniency.

Prefatorily, it must be stated that in petitions for review on certiorari, only questions of law may be raised by the parties and passed upon by this Court.[27] As a general rule, factual findings of administrative agencies, such as the CSC, that are affirmed by the CA, are conclusive upon and generally not reviewable by this Court.[28]

However, this Court has recognized several exceptions to this rule, to wit: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[29] Exceptions (4) and (11) find application here.

Petitioner is charged with dishonesty thru falsification of his PDS. Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." [30] It is also understood to imply a "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray" [31]

Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the petitioner, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.[32]

The intent to falsify or misrepresent is inexistent at the time petitioner applied for the PBET when he indicated "March 1991" under "Date Graduated" since he in fact attended the graduation rites on March 24, 1991. Petitioner should not be faulted for his mistake or confusion in the interpretation of the term "graduated". Whether he should have indicated "May" in his PBET application should not be expected of him because his answer that he graduated "March 1991" was based on the honest belief, albeit mistaken, that once he completed his course deficiencies, which in fact he did in 1991 or several months prior to his application for the PBET, the actual conferment of the degree on him on March 24, 1991 was thereby made effective. At that point in time when he filled up his application for the PBET, the intent to deceive is absent. He was not asked when he actually completed his course; rather he was merely asked the date of his graduation.

Moreover, the fact that petitioner took the examination on November 10, 1991 should not be taken against him. Records do not bear the specific date when he was informed that he still had a 3-unit deficiency in English. Petitioner merely estimated that period to be within "late October or early November" of 1991, such that it is permissible that he could have been informed of the deficiency even after November 10, 1991. Note must be taken that petitioner is being made to explain and recall events that occurred six years earlier. More importantly, it must be emphasized that petitioner is not charged with taking the PBET despite a 3-unit deficiency which he

learned about months after his application was approved on September 20, 1991. On this score, justice and equity demand that he should be given the benefit of the doubt.

Besides, even if petitioner was informed of his deficiency prior to taking the PBET, his state of mind at the time must be considered, noting that only a few days have elapsed from the time he was made aware of his supposed deficiency and the time that he took the examination. Understandably, petitioner, then 20 years old, cannot be considered to have had the clearest of thought and the most rational of minds at such a young age with nary a vast life experience to draw upon to make a good decision. Petitioner was not yet clear on the course of action that he should take. That his decision led him to his present state of affairs can only be attributed to bad judgment.

Worth quoting is the following explanation of the petitioner on his predicament in his motion for reconsideration before the Civil Service Commission:

[W]hen respondent applied for PBET, there was no reevaluation of his scholastic records. So that having completed his deficiencies in the Summer term of 1991, he was perfectly qualified to apply for the PBET. In other words, no additional deficiency was yet required of him to complete. If ever there was any at that time he accomplished the application form, he had no knowledge of the same. To his belief and understanding, he graduated on March 24, 1991 and that he completed the deficiencies in the summer term of 1991 which was why his entry under the column "Date Graduated" was March 1991. It was only towards the end or towards the enrollment time for the Second Semester of School Year 1991 to 1992, or after he has applied for PBET, when he was told of the reevaluation of his scholastic records and required him to enroll in another English subject.

As a matter of fact, the first reaction of respondent when he was informed of the said reevaluation was to protest against the same. Why was he allowed to graduate in the March 24, 1991 commencement exercises? Why wasn't he told of said required additional subject when he enrolled during the summer term of 1991 when he took only six (6) units which was his deficiency at that time? Why was he employed at the SLU Laboratory High School to teach the very same subject (English) which he was told to be deficient of? But considering that his protest might jeopardize his employment with the same university and since it would be for his enrichment anyway and without knowing that it would cause him problems such as this in the future, he obediently complied with the result of the reevaluation by enrolling in another English subject during the second semester of SY 1991-1992. Had he known of this future problem that would befall him, he must have fought hard and at all cost against the result of the reevaluation which he believed to be surplusage.[33]

In his Petition before this Court, he reiterated:

- Petitioner's first planned course of action was to file an action against the SLU for not having correctly evaluated his scholastic records before he was allowed to join the graduation exercises, and thereafter by employing him as a substitute teacher. When he applied for graduation, he was informed that his deficiency consisted of 2 subjects with a combined weight of 6 units. When he finished the 2 subjects, he was employed by the University. If there was really the need to complete the 3-unit subject which is but a redundant requirement, the University should have informed him of this so that he should have taken the same together with the 6-unit subject considering that a 9-unit load for the summer term is well within the limit. After some thought however and for love of alma mater, he decided to take the matter in stride and simply complete the required units.[34]

Petitioner passed the examination. There was no damage inflicted on the Government.

Further, while it has been held that making a false statement in a PDS amounts to dishonesty and falsification of an official document,[35] this Court likewise has held that laws and rules should be interpreted and applied not in a vacuum or in isolated abstraction but in light of surrounding circumstances and attendant facts in order to afford justice to all.[36]

Petitioner should not be faulted when he wrote "1987-1991" in his PDS under "Inclusive Dates of Attendance" since he did attend the school during the given period and in fact graduated on March 24, 1991. It is an honest mistake of fact induced by no fault of his own and excuses him from the legal consequences of his act. Ignorantia facti excusat.[37] To stress, petitioner was asked mainly about the inclusive dates of his attendance in SLU. The official transcript of records was issued on August 8, 1994.[38] Understandably, it does not show the circumstances that led petitioner in giving the subject answers in his application for PBET and PDS. The transcript of records should not be made the basis for holding petitioner liable for dishonesty.

The peculiar facts of this case must be taken with utmost consideration of petitioner's plight – he was allowed to graduate by SLU and join the commencement exercises on March 24, 1991, conditioned upon completion of only a two-course, six-unit deficiency; he completed his course deficiencies in the summer term of 1991, or by May 1991; he was employed as Substitute Teacher and worked at SLU Laboratory High School from June 14, 1991 to April 30, 1992; he applied for the PBET and his application was approved on September 20, 1991; he was informed by SLU only in late October 1991 or early November 1991 that a reevaluation of his scholastic records resulted in another course deficiency; he took the PBET on November 10, 1991.

Good faith requires honesty of intention, free from any knowledge of circumstances that ought to have prompted him to undertake an inquiry.[39] Undoubtedly, petitioner was in good faith. Petitioner was led to believe by SLU that he already completed his course requirements for BSED in 1991 such that he was even employed by his alma mater as part of its teaching staff, as a Substitute Teacher, in the SLU Laboratory High School for School Year 1991-1992.

Thus, the CA erred in sustaining the CSC's findings that petitioner was aware that he lacked units in an English subject as early as the first semester of School Year 1991-1992, such that he could not graduate in March 1991 and therefore not qualified to take the PBET. Obviously, the findings of the CA and the CSC were based on misapprehension of facts. As borne out by the chronology of events, petitioner's knowledge at the time he applied for and took the PBET was untainted by any fact that should have put him in inquiry as to his qualification.

Nor was it correct for the CA and the CSC to conclude that petitioner deliberately did not disclose the specific date he took the examination in his PDS to conceal his deficiency in education. They overlooked the fact that petitioner was not charged for misrepresentation in his PDS of the date he took the PBET but for misrepresentation in his PDS of the date of his graduation. To repeat, petitioner was not made to answer or explain for the discrepancy in the PDS on the date he took the PBET. Such discrepancy cannot be used against him as he was not heard thereon.

Besides, the discrepancy in the PDS on the date of examination is susceptible of varied explanations and does not necessarily imply bad faith. The year "1992" might simply be a typographical error or petitioner might have merely indicated the date of release of the PBET. In any event, any inference of dishonest intent cannot be clearly drawn from such sole circumstance. The Court would be going far into the realm of uncertain speculation in attributing improper motives to petitioner based on such circumstance.

A complete and wholistic view must be taken in order to render a just and equitable judgment. In deciding cases, this Court does not matter-of-factly apply and interpret laws in a vacuum. General principles do not decide specific cases. Rather, laws are interpreted always in the context of the peculiar factual situation of each case. Each case has its own flesh and blood and cannot be decided simply on the basis of isolated clinical classroom principles.[40] The circumstances of time, place, event, person, and particularly attendant circumstances and actions before, during and after the operative fact should all be taken in their totality so that the Court can rationally and fairly dispense with justice.

Petitioner should, therefore, be exonerated from the charge filed against him. Consequently, the reinstatement of his eligibility and his reinstatement to the position of Teacher I, with payment of back salaries are in order. Pursuant to prevailing jurisprudence,[41] a civil service employee terminated from the service and later found innocent of the charges is entitled to back salaries limited to a period not exceeding five years.

WHEREFORE, the instant petition is GRANTED. The Decision dated March 13, 2001 and the Resolution dated March 13, 2002 of the Court of Appeals in CA-G.R. SP No. 54612 are REVERSED. The Resolution No. 990299 dated January 29, 1999 and Resolution No. 991572 dated July 13, 1999 are SET ASIDE.

Let Derick D. Wooden's PBET eligibility be REINSTATED and his REINSTATEMENT to the position of Teacher I of Guinzadan National High School, Bauko, Mountain Province is ORDERED with backwages for five years from the time he was dismissed on January 29, 1999.

SO ORDERED.

Puno, Quisumbing, Sandoval-Gutierrez, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia JJ., concur.
Carpio-Morales, J., Please see my dissenting opinion.

Davide, Jr., Panganiban, Ynares-Santiago, Carpio, and Corona, JJ., joins Mme. Justice Carpio-Morales in her dissenting opinion.

[1] Penned by Justice Alicia L. Santos (now retired) and concurred in by Justices Ramon A. Barcelona (now retired) and Rodrigo V. Cosico.

[2] CSC Original Record (Certified True Copy), p. 12.

[3] Id., p. 58.

[4] Id., p. 51.

[5] Id., p. 13.

[6] Id., pp. 13, 63.

[7] Id., p. 48.

[8] Ibid.

[9] Id., p. 51.

[10] Id., p. 49.

[11] Id., p. 47.

[12] Id., p. 52.

[13] Id., p. 53.

[14] Id., p. 34.

[15] Id., p. 37.

[16] Id., p. 26.

[17] Id., p. 31.

[18] Id., p. 20.

[19] Id., pp. 22-23.

[20] Id., p. 24.

[21] Id., p. 4.

[22] Id., p. 2.

[23] CA Rollo, p. 195.

[24] Id., p. 204.

[25] Id., p. 236.

[26] SC Rollo, p. 16.

[27] Tsai vs. Court of Appeals, G.R. No. 120098, October 2, 2001, 366 SCRA 324, 334; Producers Bank of the Philippines vs. Court of Appeals, G.R. No. 111584, September 17, 2001, 365 SCRA 326, 334; Roble vs. Arbasa, G.R. No. 130707, July 31, 2001, 362 SCRA 69, 79.

[28] Miralles vs. Go, G.R. No. 139943, January 18, 2001, 349 SCRA 596; Cagayan Robina Sugar Milling Co. vs. Court of Appeals, G.R. No. 122451, October 12, 2000, 342 SCRA 663, 672.

[29] The Insular Life Assurance Company, Ltd. vs. Court of Appeals, G.R. No. 126850, April 28, 2004, 428 SCRA 79, 86; Aguirre vs. Court of Appeals, G.R. No. 122249, January 29, 2004, 421 SCRA 310, 319; C & S Fishfarm Corporation vs. Court of Appeals, G.R. No. 122720, December 16, 2002, 394 SCRA 82, 88.

[30] Alabastro vs. Moncada, A.M. No. P-04-1887, December 16, 2004, 447 SCRA 42, 53; Sevilla vs. Gocon, G.R. No. 148445, February 16, 2004, 423 SCRA 98, 106; Aquino vs. The Gen. Mgr. of the GSIS, G.R. No. L-24859, January 31, 1968, 130 Phil. 488, 492.

[31] Office of the Court Administrator vs. Ibay, A.M. No. P-02-1649, November 29, 2002, 393 SCRA 212, 215; Philippine Amusement and Gaming Corporation vs. Rilloraza, G.R. No. 141141, June 25, 2001, 359 SCRA 525, 540; Black's Law Dictionary, Sixth Ed., p. 468, 1990.

[32] Cf. Millena vs. Court of Appeals, G.R. No. 127797, January 31, 2000, 324 SCRA 126; Legarda vs. Court of Appeals, G.R. No. 94457, October 16, 1997, 280 SCRA 642; Leung Yee vs. F.L. Strong Machinery Co. and Williamson, G.R. No. L-11658, February 15, 1918, 37 Phil. 644.

[33] CSC Original Record (Certified True Copy), pp. 6-7.

[34] Rollo, p. 15.

[35] Ratti vs. Mendoza-De Castro, A.M. No. P-04-1844, July 23, 2004, 435 SCRA 11; Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236, 242-243; Administrative Case for Dishonesty and Falsification of Official Document Against Noel V. Luna, SC Chief Judicial Staff Officer, A.M. No. 2003-7-SC, December 15, 2003, 418 SCRA 460, 467; De Guzman vs. Delos Santos, A.M. No. 2002-8-SC, December 18, 2002, 394 SCRA 210, 215; Civil Service Commission vs. Sta. Ana, A.M. No. OCA 01-5, August 1, 2002, 386 SCRA 1.

[36] Tamayo vs. Court of Appeals, G.R. No. 147070, February 17, 2004, 423 SCRA 175, 180; Magsaysay Lines, Inc. vs. Court of Appeals, G.R. No. 111184, August 12, 1996, 260 SCRA 513.

[37] Soto vs. Lacre, A.C. No. 1019, June 30, 1977, 77 SCRA 453, 458.

[38] CSC Original Record (Certified True Copy), p. 51.

[39] Disapproved Appointment of Noraina D. Limgas as Stenographer III, RTC, Br. 8, Marawi City, A.M. No. 04-10-619-RTC, February 10, 2005, 450 SCRA 560; De Guzman vs. Delos Santos, *supra* Note No. 35, at p. 217.

[40] Equatorial Realty Development, Inc. vs. Mayfair Theatre, Inc., G.R. No. 133879, November 21, 2001, 370 SCRA 56, 62.

[41] Relucio vs. Civil Service Commission, G.R. No. 147182, November 21, 2002, 392 SCRA 435; Philippine Amusement and Gaming Corporation vs. Salas, G.R. No. 138756, August 1, 2002, 386 SCRA 94; Caniete vs. Secretary of Education, Culture and Sports, G.R. No. 140359, June 19, 2000, 333 SCRA 849; Marohombsar vs. Court of Appeals, G.R. No. 126481, February 18, 2000, 326 SCRA 62; Gloria vs. Court of Appeals, G.R. No. 131012, April 21, 1999, 306 SCRA 287; Jacinto vs. Court of Appeals, G.R. No. 124540, November 14, 1997, 281 SCRA 657; Bangalisan vs. Court of Appeals, G.R. No. 124678, July 31, 1997, 276 SCRA 619; Tan, Jr. vs. Office of the President, G.R. No. 110936, February 4, 1994, 229 SCRA 677; San Luis vs. Court of Appeals, G.R. No. 80160, June 26, 1989, 174 SCRA 258; Laganapan vs. Asedillo, G.R. No. L-28353, September 30, 1987, 154 SCRA 377; Ginson vs. Municipality of Murcia, G.R. No. L-46585, February 8, 1988, 158 SCRA 1; Gementiza vs. Court of Appeals, G.R. Nos. L-41717-33, April 12, 1982, 113 SCRA 477; and Cristobal vs. Melchor, G.R. No. L-43203, July 29, 1977, 78 SCRA 175.

DISSENTING OPINION

CARPIO MORALES, J.:

I am constrained to register my dissent to the majority opinion penned by my esteemed colleague Madame Justice Ma. Alicia Austria-Martinez, exonerating petitioner Derick D. Wooden of the charges proffered against him by the Civil Service Commission (CSC), for dishonesty through falsification of public document, arising from entries he made in his application for the Professional Board Examinations for Teachers (PBET) and his June 6, 1997 Personal Data Sheet (PDS).

The facts are not disputed:

Petitioner applied to join the March 1991 graduation rites for the degree of Bachelor of Secondary Education at Saint Louis University (Saint Louis) sometime in the second semester of school year 1990-1991, which application was approved, subject to his completion of a 6-unit deficiency to be taken in the summer term of 1991 or by May 1991.

Petitioner attended the said graduation rites of the College of Education of Saint Louis on March 24, 1991. The graduation programme^[1] lists his name under those who were to graduate in May 1991.^[2]

Petitioner thereafter enrolled for the summer term and completed his 6-unit deficiency in May 1991.

Sometime in September 1991, petitioner filed an application^[3] for the PBET, indicating therein that he graduated from Saint Louis in March 1991. The application was approved on September 20, 1991.^[4]

Upon petitioner's application for the release to him of his transcript of records with Saint Louis sometime in late October or early November, markedly prior to the scheduled PBET on November 10, 1991, he was notified that a reevaluation of his scholastic records revealed that he needed to complete a 3-unit deficiency in English.

Fully aware of his 3-unit deficiency to complete his degree, which degree was a prerequisite for the PBET, petitioner took said examinations on November 10, 1991.

Thereafter, petitioner enrolled in Saint Louis and completed the 3-unit subject deficiency in the second semester of school year 1991-1992.

Petitioner's Official Transcript of Records[5] the issuance for which he requested in the later part of the 1st Semester of School Year 1991-1992 and which he later adduced during the proceedings before the CSC indicates that he "graduated with the degree of Bachelor of Secondary Education as of March 28, 1992."

On June 8, 1992, the results of the PBET were released. Per Report of Rating[6] issued by the National Board for Teachers, petitioner passed the examinations with a rating of 76.38%.

On June 6, 1997, petitioner filed his PDS[7] in connection with his promotional appointment as Teacher I of Guinzadan National High School, Bauko, Mountain Province, indicating therein that he earned his Secondary Education degree at Saint Louis with inclusive dates of attendance from 1987-1991 and that he took the PBET in 1992.

In his November 12, 1997 Answer[8] to the complaint at bar filed before the CSC, petitioner proffered the following explanation, apparently to show good faith in representing in his application for the PBET that he graduated from Saint Louis in March 1991 and in indicating in his PDS that he earned his Secondary Education degree with inclusive dates of attendance from 1987-1991 and took the PBET examination in 1992, quoted verbatim:

x x x

- THAT, respondent himself, even up to the present time, keeps on being confused on the actual date of his graduation due to the following circumstances:

3.1 That in the School Year 1990-1991, he applied to join the graduation rites in March, 1991 which was approved, although he has some deficiencies for Summer 1991, so that he was even appointed as Staff Coordinator of the Louisian Educator '91 xxx

3.2 That he joined the graduation rites/commencement exercises held on March 24, 1991 as evidenced by a copy of the souvenir programme xxx

3.3 That he was also featured in the said annual of the College of Education, Saint Louis University, the Louisian Educator '91 xxx

3.4 That due to the above, he honestly believed all the time that he graduated in March, 1991 with some deficiencies to be completed in May, 1991;

3.5 That he indeed completed his deficiencies in the summer of May, 1991;

x x x

3.7 That, however, it was only in the latter part of the First Semester of School Year 1991-1992 when he applied for a copy of his Transcript of Records that he was informed of a re-evaluation thereof and that he lacks another three (3) units of English major Subject, with which, had it been told him earlier, he could have enrolled said additional English Major Subject during the Summer Term of May, 1991 when he took up only six (6) units which was originally told him as his deficiency;

x x x

3.9 xxx it was already instilled in the mind of respondent that he graduated in March, 1991 with belatedly

completed deficiencies, and that he was not too technical on the meaning of graduation with no intent whatsoever of causing prejudice to anyone or even the government and without taking advantage thereof which he believes he has not done;

- THAT, said confusion on the part of respondent on his particular date of graduation and on the exact meaning of graduation itself carried on until the time he applied for PBET Examination and up to the time he accomplished his Personal Data Sheet subjects of this case so that the entries were made in the honest belief that he graduated on March 24, 1991 with completions which extended up to 1992;

x x x[9] (Emphasis and underscoring supplied)

In exonerating petitioner from any liability, the majority opinion credits him with good faith, declaring that "when petitioner wrote in his PDS that he finished BSED from SLU with inclusive dates of attendance from 1987-1991; and when he answered in his application to take the PBET that he graduated in March, 1991, he did so in good faith under a well-founded belief that he graduated in March, 1991." It goes on to conclude that "at the time he applied for the PBET sometime in September 1991 and when he took the examination on November 10, 1991, he acted under facts which he honestly and in good faith believed to be true and under conditions obtaining at the time" and that "as borne out by the chronology of events, petitioner's knowledge at the time he applied for and took the PBET was untainted by any fact that should have put him in inquiry as to his qualification."

Good faith is ordinarily used to describe that state of mind denoting "honesty of intention, and freedom from knowledge of circumstances which ought to put one upon inquiry;[10] an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render the transaction unconscientious." [11]

In the case at bar, several circumstances conspire against petitioner's self-serving protestations of good faith.

While indeed he attended the graduation rites of the College of Education of Saint Louis in March 24, 1991, when he applied to join said rites, he was aware that he had a 6-unit deficiency which he was to complete during the summer term of 1991 or in May 1991; while he was included in the list of graduates for the year 1991 in the graduation programme, the programme lists his name as belonging to those who would graduate in May of that year.

Clearly, petitioner committed a misrepresentation in his PBET application filed in September 1991 in indicating that he graduated from Saint Louis in March 1991.

As found by Atty. Maria Elnora D. Puday, Hearing Officer of the CSC Cordillera Administrative Region, in her Investigation Report[12] of September 23, 1998:

xxx in his Application for said examination, he stated therein that he finished "BSED" major in English at Saint Louis University on March, 1991. xxx

After a careful evaluation of the records, we find no merit to the contention of good faith of Derick Wooden. It is a fact that not all whose names and pictures appear in an annual of a certain College are considered graduates. This is so because annuals are prepared before the graduation and candidates for graduation are the ones (though not mandatory) advised to subscribe. Further, in the Graduation Programme (Annex "B"), Derick Wooden is listed below the caption May, 1991 meaning he is (sic) not yet a graduate as of March 1991 because he has to complete some deficiencies. Thus, stating March 1991 as his year of graduation is a clear misrepresentation xxx

xxx respondent xxx knew that he had some deficiencies to be completed in May, 1991 xxx[13] (Underscoring supplied)

More importantly, at the time he took the PBET on November 10, 1991, petitioner very well knew that he was not qualified, as he was notified by Saint Louis in late October or early November that he still had a 3-unit subject deficiency which he had to complete before he could obtain his Secondary Education degree, a glaring impediment that rendered him ineligible to take the examinations. In fact he took the required 3-unit subject only in the second semester of school year 1991-1992 or after taking the PBET.

When petitioner thus took the examinations on November 10, 1991 despite the information of Saint Louis that he still had a 3-unit subject deficiency, good faith may not be accorded.

Parenthetically, while the majority opinion declares that "petitioner enrolled in SLU, under protest" for the subject deficiency, the records reveal that during said period, petitioner never raised the matter before Saint Louis administrative officials. He in fact, by his own information, "decided to take the matter in stride and simply complete the required units." [14]

Petitioner filed his PDS on June 6, 1997 and misrepresented that he earned his Secondary Education degree in 1991, the notation in his Official Transcript of Records that he graduated with the degree of Bachelor of Secondary Education as of March 20, 1992 notwithstanding. Contrary to the majority opinion, in light of the totality of the attendant circumstances, I take petitioner's writing of the year 1992 as the date of the PBET, instead of November 1991, as indicium of lack of good faith. As did the CSC, I find that such inaccurate datum appears to have been intentionally furnished to conceal his ineligibility when he took the examinations in November 1991.

Dishonesty is intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion; it implies a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of fairness and straightforwardness. [15]

Misrepresentation by a government employee as to his educational attainment contained in a sworn application for civil service examination is an act of dishonesty and is expressly made a ground for disciplinary action under the Civil Service Rules. [16]

Making a false statement in a PDS required under Civil Service Rules and Regulations for employment in the government amounts to dishonesty and falsification of an official document which warrant dismissal from the service upon commission of the first offense. [17] The penalty of dismissal carries with it the cancellation of eligibility and the disqualification for re-employment in the government service. [18]

In his petition before this Court, petitioner, at all events, argues that "at the time the [questioned] entry was made in his PDS, it was very immaterial whether he graduated in 1991 or 1992, the important fact being that he graduated and is thus qualified for employment." [19] To my mind, the following succinct refutation by the Court of Appeals in its March 31, 2001 Decision [20] sustaining the CSC decision dismissing petitioner squarely addresses this argument: "[P] etitioner's belated compliance with his academic deficiencies as required by the school where he was employed does not erase the fact that at the time he filled in the PBET and PDS forms, he was committing an act of dishonesty by entering thereon false or untrue information." [21]

All told, the circumstances surrounding the case do not, to my view, warrant a finding that petitioner's actuations were impelled merely by an honest mistake of fact as declared by the majority opinion. His allegations of good faith cannot be taken hook, line and sinker when the evidence glaringly reveals otherwise.

I, therefore, vote to DENY the petition.

- [1] CA Rollo at 90-133.
- [2] Id. at 121.
- [3] Exhibit "B", CSC Records at 48.
- [4] Ibid.
- [5] Exhibit "D", Id. at 50-51.
- [6] Exhibit "C", Id. at 49.
- [7] Exhibit "A", Id. at 47.
- [8] Exhibit "F", Id. at 53-55.
- [9] Id. at 53-54.
- [10] De Guzman v. Delos Santos, 394 SCRA 210, 217 (2002) (citation omitted).
- [11] Civil Service Commission v. Maala, G.R. No. 165253, August 18, 2005 (citation omitted).
- [12] CSC Records at 26-33.
- [13] Id. at 31.
- [14] Rollo at 15.
- [15] Re: Administrative Case for Dishonesty Against Elizabeth Ting and Angelita C. Esmerio, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, Sevilla v. Gocon, 423 SCRA 98, 106 (2004) (citations omitted).
- [16] De Guzman v. Delos Santos, 394 SCRA 210, 216 (2002) (citation omitted), Aquino v. The General Manager of the GSIS, 130 Phil 488, 492 (1968).
- [17] Section 52 A(1) and A(6), Rule IV, Revised Uniform Rules on Administrative Cases in the Civil Service, Ratti v. Mendoza-De Castro, 435 SCRA 11, 21 (2004) (citations omitted), Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, 426 SCRA 236, 243 (2004), Administrative Case for Dishonesty and Falsification of Official Document Against Noel V. Luna, 418 SCRA 460, 467 (2003) (citation omitted), Sañez v. Rabina, 411 SCRA 236, 240 (2003), Civil Service Commission v. Sta. Ana, 386 SCRA 1, 11 (2002).
- [18] Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, *supra*.
- [19] Rollo at 21.
- [20] Id. at 28-36.
- [21] Id. at 36.

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