

CIVIL SERVICE COMMISSION, PETITIONER, VS. JULIANA E. LEDESMA, RESPONDENT.*G.R. NO. 154521. September 30, 2005*

Ponente: CARPIO, J.

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Before this Court is a petition for review[1] assailing the Decision[2] of 31 July 2002 of the Court of Appeals. The appellate court modified the Civil Service Commission's ("CSC") Resolutions No. 001251[3] and No. 002748,[4] dated 24 May 2000 and 11 December 2000, respectively. The CSC found Juliana E. Ledesma ("Ledesma") guilty of grave misconduct, dishonesty and conduct prejudicial to the best interest of the service, and dismissed her from the service. The Court of Appeals found Ledesma guilty of simple misconduct only, and suspended her for six months.

Antecedent Facts

Ledesma is a Clerk III at the Records Section of the Bureau of Immigration ("Bureau"). She has been with the Bureau for more than 32 years. Rank-and-file employees of the Bureau elected Ledesma to chair their union, *Buklod ng mga Kawani ng CID* ("Buklod"), for three consecutive terms.

On 20 March 1999, a Saturday, Tsai I Hau, also known as Steve Tsai, and his sister, Tsai Ching Yi ("Ching Tsai"), executed complaint-affidavits against Ledesma. The Tsai siblings ("complainants") are Taiwanese nationals who were studying in the country at the time. Both complaint-affidavits were sworn before Assistant City Prosecutor Henry B. Icaay ("Prosecutor Icaay"), the prosecuting officer detailed to the Bureau at the time.

In his affidavit,[5] Steve Tsai attested that on 15 March 1999 he went to the Bureau to seek Ledesma's assistance in securing Emigrant Certificate Clearances ("ECCs") for him and Ching Tsai. He gave their passports and P3,000 to Ledesma. Steve Tsai claimed that Ledesma has helped him obtain ECCs for the previous three years. He usually paid P1,500 for each ECC. He knew that out of the amount Ledesma kept P200 to P300 as a "service charge." [6]

According to Steve Tsai, Ledesma instructed him to return for the ECCs on 17 March 1999, a Wednesday. However, Ledesma did not give him the ECCs on that date. Steve Tsai informed Ledesma that he and his sister were leaving for a vacation that Friday. Ledesma replied that he should return the next day, but when he did, she was still unable to produce the requested documents. On Friday, 19 March 1999, Ledesma gave Steve Tsai the ECCs but did not return their passports.

Ching Tsai's affidavit[7] mostly repeated her brother's allegations. On 15 March 1999, she gave Steve Tsai P1,500 and her passport because he was meeting Ledesma. On 18 March 1999, Ching Tsai accompanied her brother to see Ledesma, but to no avail. The next day, Steve Tsai received their ECCs but not their passports, with the result that the complainants were not able to leave the country for their planned vacation.

On 23 March 1999, complainants jointly executed a supplemental affidavit[8] attesting that they confronted Ledesma about their missing passports in the presence of Associate Commissioner Alan Rouullo Yap ("Associate Commissioner Yap"). The confrontation took place while Associate Commissioner Yap was conducting an ocular inspection of the Records Section and a re-enactment of Steve Tsai's "break-in"[9] into the office. Ledesma denied that she was in possession of complainants' passports. Complainants' supplemental affidavit was also sworn before Prosecutor Icaý.

An administrative case was filed against Ledesma based on complainants' affidavits. In a memorandum dated 12 April 1999, the Bureau directed Ledesma to submit a verified answer to the complaint-affidavits.

On 16 April 1999, Ledesma filed a Queries/Bill of Particulars seeking a ten-day extension to file her answer. Ledesma argued that the complaint-affidavits did not charge her with any offense, and requested that the Department of Justice ("DOJ") investigate her case. Ledesma believed that the Bureau would not be impartial because of her conflict with then Commissioner Rufus B. Rodriguez ("Commissioner Rodriguez"). Commissioner Rodriguez refused to recognize the promotion of 132 Bureau employees, including Ledesma. The Bureau's Promotion and Selection Board approved these 132 promotions a few months before Commissioner Rodriguez was appointed as head of the Bureau in 1988.

Associate Commissioner Yap issued a Resolution and Notice of Formal Investigation on 19 April 1999. The Resolution assured Ledesma of a fair investigation and granted her an additional forty-eight hours to submit a verified explanation to the charges. It also notified Ledesma that the formal hearing of her administrative case would be conducted in the office of Associate Commissioner Yap on 23 April 1999.

Ledesma appealed Associate Commissioner Yap's Resolution to the DOJ on 22 April 1999. Ledesma failed to appear at the scheduled hearing before Associate Commissioner Yap, and neglected to submit a verified explanation. Associate Commissioner Yap placed Ledesma under preventive suspension.

On 4 June 1999, Acting Commissioner Ma. Luisa Ylagan-Cortez rendered a Decision[10] ("Bureau's Decision") finding Ledesma guilty of dishonesty and grave misconduct prejudicial to the best interest of the service. The Bureau's Decision meted Ledesma with the penalties of dismissal, disqualification from re-entry into the service, and forfeiture of all benefits and emoluments. Ledesma assailed the Bureau's Decision before the DOJ. On 16 August 1999, the DOJ dismissed the appeal and affirmed the Bureau's Decision.

Ledesma appealed to the CSC. In her appeal memorandum,[11] Ledesma claimed that: (1) she asked Steve Tsai only for the amount lawfully required; (2) the extra amount complainants voluntarily gave was what the travel agent had requested for her assistance; and (3) complainants, particularly Steve Tsai, executed their affidavits under questionable circumstances. Ledesma also explained that she did not appear at the 23 April 1999 hearing because her appeal from Associate Commissioner Yap's Resolution was pending before the DOJ.

The Ruling of the Civil Service Commission

On 24 May 2000, the CSC issued Resolution No. 001251 dismissing Ledesma's appeal. The CSC pointed out that while Ledesma admitted receiving P3,000 from Steve Tsai, there was no proof that she later gave the money to a travel agent. The CSC also ruled that Ledesma was guilty of concealment or dishonesty when she did not explain to Steve Tsai that he was paying more than the required fees. The dispositive portion of Resolution No. 001251 reads:

WHEREFORE, the appeal of Juliana E. Ledesma is dismissed. Accordingly, the decision dated August 16, 1999 of the Secretary of the Department of Justice, affirming the decision of the Bureau of Immigration dated June 4, 1999 finding her guilty of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest

of the Service and for which she is meted out the penalty of dismissal from the service, with its accessory penalties, stands.[12]

Ledesma filed a motion for reconsideration and then a supplemental motion for reconsideration. She attached to the latter a so-called Sworn Statement[13] ("Leonor's statement") from a Lilian Leonor ("Leonor"). Ledesma claimed that she had just received Leonor's statement by registered mail.

According to Leonor's statement, Ledesma merely referred Steve Tsai to Leonor, who was one of the Liaison Officers accredited by the Bureau. On 15 March 1999, in the presence of Steve Tsai, Ledesma handed complainants' passports, documents and P3,000 to Leonor. Leonor secured the ECCs and proceeded to the Records Section on Friday, 19 March 1999. Once there, Leonor discovered that she had left complainants' passports in another folder. Leonor left a message for Ledesma, who was not around, that she would return with complainants' passports on "the next working day." However, when she heard that Steve Tsai had been caught breaking into the Records Section, Leonor decided to stay away from the Bureau. Leonor came forward only when she found out that Ledesma was being dismissed from the Bureau.

The CSC gave scant consideration to Leonor's statement. The CSC noted that Leonor was not a government employee or a party to the case, and that Ledesma had never mentioned Leonor's name in her appeal memorandum or first motion for reconsideration. Given its late introduction, the CSC found Leonor's statement highly doubtful.

In its Resolution No. 002748 dated 11 December 2000, the CSC denied Ledesma's motion for reconsideration and affirmed Resolution No. 001251.

The Ruling of the Court of Appeals

On appeal, the Court of Appeals took cognizance of Leonor's statement and the conflict between Ledesma and Commissioner Rodriguez. Taking Ledesma's three decades of previously unblemished service and the circumstances of the case into account, the appellate court held that there was insufficient proof that Ledesma acted with corrupt intention or willful intent to violate the law or established rules.

The Court of Appeals found Ledesma guilty of simple misconduct only, thus:

Considering that petitioner Ledesma served the government for more than thirty (30) years with an untarnished record of service and evidence show[s] that petitioner had not previously or persistently committed acts inimical to government service, the act committed by petitioner may be classified as simple misconduct. Thus, the penalty commensurate thereof would be six (6) months suspension without pay.

WHEREFORE, the assailed resolutions are hereby AFFIRMED with MODIFICATION in that she is found guilty of simple misconduct. Petitioner Ledesma is therefore penalized to suffer a suspension from the service without pay for six (6) months. However, since petitioner has been out of the service for more than six months, she is therefore ordered REINSTATED immediately.

Accordingly, petitioner Ledesma is entitled to payment of backwages from the time she was dismissed from the service, commencing from the time she has deemed served the aforesaid six (6) months suspension up to the time of her actual reinstatement.[14]

Dissatisfied, the CSC elevated the Court of Appeals' Decision of 31 July 2002 to this Court. Ledesma did not appeal. She returned to work in the Bureau pursuant to the Decision of the Court of Appeals.

The Issue

The CSC's sole assignment of error reads:

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN AFFIRMING THE JUDGMENT OF PETITIONER AND AT THE SAME TIME DOWNGRADING THE OFFENSE COMMITTED BY RESPONDENT FROM GRAVE MISCONDUCT TO SIMPLE MISCONDUCT BECAUSE OF HER LENGTH OF SERVICE AND THE SUPPOSED ABSENCE OF A CORRUPT INTENTION TO VIOLATE THE LAW.[15]

The CSC also scored the Court of Appeals' supposed failure to rule on whether respondent committed the administrative offense of dishonesty.

The Ruling of the Court

The petition lacks merit.

Whether the Decision of the Court of Appeals

Violated Ledesma's Constitutional Right to Due Process

The CSC's contention that the Court of Appeals failed to rule on the charge of dishonesty and violated Section 14, Article VIII of the Constitution[16] is without basis.

The Decision of the Court of Appeals states:

Petitioner is not innocent of any misconduct and We agree with public respondent CSC that there are substantial evidence to prove her guilt, not of dishonesty, grave misconduct and conduct prejudicial to the best interest of the service but simple misconduct.[17]

Clearly, the Court of Appeals did not simply ignore the charge of dishonesty, as the CSC alleges. Rather, the appellate court found that the evidence did not support the charges enumerated, including that of dishonesty. The appellate court appreciated the evidence presented and the facts of the case differently from the CSC. The Court of Appeals discussed at length in its 15-page Decision the factual and legal basis for its verdict of simple misconduct. The appellate court Decision thus sufficiently complied with Section 14, Article VIII of the Constitution, which requires only that a court's decision be clear on why either party prevailed under the law applicable to the facts as proved.[18] The constitutional provision does not require a point-by-point refutation of the CSC's Resolutions so long as the basis for the Court of Appeals' decision modifying the former is clear.

The records support the appellate court's finding that Steve Tsai knowingly paid more than the required ECC fees. Steve Tsai stated in his affidavit that he knew he was paying P200 or P300 more than the necessary fees.[19] There is no basis in finding that Ledesma "concealed" this fact from Steve Tsai to mislead him into paying more money.

The CSC next argues that the Court of Appeals erred in finding Ledesma guilty of simple misconduct when the charge against her was for grave misconduct. Citing *Civil Service Commission v. Lucas*,[20] the CSC posits that a person charged with grave misconduct cannot be convicted of simple misconduct because the two are distinct and separate offenses.

This argument ignores prevailing jurisprudence and misapplies the Court's ruling in *Lucas*. In that case, the CSC found Lucas guilty of grave misconduct though the charge against him was for simple misconduct only. The Court held that the CSC's verdict in *Lucas* violated the basic requirements of due process. The Court ruled that even in an administrative proceeding Lucas had the right to be informed of the charges against him, as well as the right not to be convicted of an offense for which he was not charged.[21]

Misconduct is "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer." [22] The misconduct is grave if it involves any of the additional

elements of corruption, willful intent to violate the law or to disregard established rules, which must be established by substantial evidence.[23] Otherwise, the misconduct is only simple. A person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave.

Grave misconduct necessarily includes the lesser offense of simple misconduct. A person charged with simple misconduct cannot be held liable for the more serious offense of grave misconduct because he will be deprived of his constitutional right to be informed of the charges against him. A charge of simple misconduct does not give him notice that he must traverse and if necessary rebut not only the charge of misconduct, but also the element of corruption or willful intent to violate the law or established rules. This is the situation in the case of *Civil Service Commission v. Lucas*.

In contrast, a person charged with grave misconduct is put on notice that he stands accused of misconduct coupled with any of the elements of corruption or willful intent to violate the law or established rules. Thus, such person can be held liable for simple misconduct if any of the elements to make the misconduct grave is not established by substantial evidence. In such a situation, there is no violation of a person's constitutional right to be informed of the charges against him. This is the situation in the present case.

Consequently, the Court does not see how a verdict of simple misconduct can violate Ledesma's right to due process. The Court has, on several instances, overturned charges of grave misconduct where the circumstances showed that the respondent only committed simple misconduct.[24]

Even in criminal cases, a person may be convicted of a different offense than the offense he is charged with if the latter offense necessarily includes the elements of the lesser offense established by the evidence.[25] There is no reason why the same principle should not apply in administrative cases. Criminal cases operate under more stringent rules than administrative proceedings. The right of an accused to due process is even more closely guarded in a criminal case.

Whether the Court of Appeals Erred in Finding Ledesma Guilty of Simple Misconduct

The Court of Appeals affirmed the CSC's Resolutions insofar as the latter found that Ledesma committed misconduct. Ledesma herself accepted this finding when she did not appeal and returned to work pursuant to the appellate court Decision.

Ledesma disclosed in her appeal memorandum[26] before the CSC that she asked Steve Tsai for an amount sufficient to cover the fees for two ECCs, and that complainants gave her P3,000, or P460 more than the sum required. Even if Ledesma subsequently passed the P3,000 and complainants' documents to a travel agent, the fact remains that Ledesma, a Records clerk, had no authority to receive money or documents for Bureau transactions or to transact with foreign nationals seeking ECCs. Having been with the Bureau for more than three decades, Ledesma was surely aware of the rules and procedure of the Bureau on the issuance of ECCs. Ledesma herself explained that it was the Bureau's Alien Registration Division that was responsible for processing ECCs.[27] By her own admission, Ledesma's actions contravened the established rules of the Bureau on the issuance of ECCs.

The remaining question is whether Ledesma is guilty of grave misconduct and deserves dismissal from the service and forfeiture of all her benefits.

This issue is factual in nature because it requires a re-evaluation of the evidence at hand. Under Rule 45, factual findings are ordinarily not subject to this Court's review. The general rule is that the findings of facts of the Court of Appeals are binding on this Court. A recognized exception to this rule is when the Court of Appeals and the

trial court, or in this case the administrative body, make contradictory findings.[28] However, the exception does not apply in every instance that the Court of Appeals and the trial court or administrative body disagree. The factual findings of the Court of Appeals remain conclusive on this Court if such findings are supported by the record or based on substantial evidence.[29]

Likewise, although the factual findings of administrative bodies are entitled to great weight and respect on appeal, such findings must be supported by substantial evidence.[30] After a careful review of the records, we agree with the Court of Appeals that the elements particular to grave misconduct were not adequately proven in this case.

The charges against Ledesma are based on the affidavits executed by complainants, particularly Steve Tsai's. As the Court of Appeals observed, peculiar circumstances surrounding the execution of complainants' affidavits cast doubt on their credibility.

The Bureau's security log shows that Steve Tsai broke into the Records Section office on 20 March 1999, a Saturday and a non-working day.[31] Bureau guards caught Steve Tsai and detained him. Within a few hours, while Steve Tsai was under Bureau custody, he and his sister executed their complaint-affidavits against Ledesma. Both complaint-affidavits were acknowledged before and certified by Prosecutor Icaý on the same non-working day, 20 March 1999.

Three days later, during a re-enactment of Steve Tsai's break-in, complainants confronted Ledesma in the presence of Associate Commissioner Yap. Complainants executed their supplemental affidavit against Ledesma on the same day, again with the assistance of Prosecutor Icaý.

The haste marking the execution of complainants' affidavits and the proceedings against Ledesma gives some force to the latter's claim that Bureau officials were eager to prosecute her. We quote the findings of the Court of Appeals on the rancor between Ledesma and Bureau management:

It must be remembered that petitioner and then Commissioner Rufus B. Rodriguez were at odds over several issues at the [Bureau of Immigration] BI especially with the promotion of 132 personnel whose assumption to office was impeded by Commissioner Rodriguez. Hence, petitioner who was the Chairperson of the BI employees' union, Buklod ng mga Kawani ng CID, and also one of the 132 personnel, filed a case against then Commissioner Rodriguez before the Ombudsman. This was not refuted by the BI.

Interestingly, immediately after said conflict arose, several fabricated cases were instituted by fictitious individuals against petitioner Ledesma before the Ombudsman. Eventually, the Ombudsman dismissed these cases. Hence, it is highly probable that said cases were intended to harass petitioner. It is therefore not far-fetched that petitioner will suspect that then Commissioner Rodriguez had a hand in the filing of said fabricated cases against her.[32] (Emphasis supplied)

The records indeed show that, after 32 years of blameless service, three administrative complaints suddenly surfaced against Ledesma within the same month. The complaints were filed successively at the rate of almost one complaint a week in March 1999.[33] Ledesma claims that these charges were meant to cause her removal from the Bureau after she signed Buklod's complaint against Commissioner Rodriguez. The first two complaints against Ledesma were lodged with the Ombudsman. The latter summarily dismissed these complaints for lack of merit and because the complainants in those cases appeared to be fictitious.[34] Only the charges filed with the Bureau prospered.

The Court finds it strange that, except for the brief mention of an "ocular inspection and re-enactment of the break-in incident conducted by Associate Commissioner Yap" in complainants' supplemental affidavit, there is barely any reference to the incident in the records forwarded by the Bureau and the CSC. Only Ledesma has persistently brought the incident to the attention of the agencies and courts hearing her case.

Indeed, the Bureau and CSC seem to have mostly ignored Steve Tsai's self-styled "break-in" and its implications on this case. There is no reference to it in the Bureau's Decision. The CSC similarly regarded the break-in as irrelevant to the present case. The CSC's discussion of the break-in amounts to scarcely more than a paragraph, as follows:

xxx The Commission in dismissing Ledesma's appeal in CSC Resolution No. 00-1251 did not lose sight of the fact that initially, the complainant was placed under custody because of breaking into a government office. The investigation of the incident resulted in a reasonable explanation as to the reason why the complainant broke into the BI premises. Consequently, the satisfactory explanation of the complainant led to Ledesma's exposure to administrative charges.

The criminal liability of the complainant for unlawfully entering the premises, on the other hand, is a matter distinct from the instant case.[35]

A review of the records shows that there was practically no investigation conducted on the break-in. Again, the Bureau's Decision does not even mention the incident. The Bureau decided against Ledesma mainly because she failed to answer the charges against her and to attend the hearing on 23 April 1999.[36] The "reasonable" and "satisfactory" explanation the CSC refers to is the bare allegation of the Bureau that Steve Tsai broke into the Records Section to look for his passport. It should be noted that this explanation does not even appear in any of the affidavits executed by Steve Tsai.

Certainly, Steve Tsai cannot be prosecuted for his offense in this proceeding. However, the mere fact that Steve Tsai executed his complaint-affidavit on the same day that he was caught for suspicious activities should have raised misgivings about his character, motives and truthfulness. That the Bureau so quickly placed full faith and credence in Steve Tsai's claims puzzles the Court.

More disturbing is the undisputed contention that Steve Tsai was not charged for such a serious offense. This is highly unusual, to say the least. Ordinarily, a foreigner who breaks into a government office would expect to face investigation, prosecution and perhaps expulsion from the country, if not incarceration. Instead, Steve Tsai received speedy and extensive assistance from the very agency he tried to burglarize.

In administrative proceedings, the burden is on the complainant to prove by substantial evidence the allegations in his or her complaint.[37] Obviously, the credibility of the complainant should be considered in judging whether the standard of evidence was met or not. Although less than preponderant, substantial evidence is not just any scrap or scintilla of evidence. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[38]

The standard was not met in this case. Taken as a whole, the circumstances surrounding this case and the execution of the complaint-affidavits against Ledesma would raise doubts in a reasonable mind.

The primary complainant, Steve Tsai, is a foreigner who was a mere student at the time. Yet he blithely broke into a government office on a day that he probably knew, from his stay in the country, to be a non-working day. At the least, this brazen and appalling conduct shows that Steve Tsai is hardly trustworthy. His version of events should not be accepted wholesale. We have previously held that the standard of substantial evidence is not met by affidavits of questionable veracity.[39]

Given the questionable nature of the complainants' affidavits, we are left with Ledesma's admission that she received P3,000 from complainants. There is no dispute that P2,560 was the required fee for two ECCs in 1999. This amount was actually paid to the Bureau, and Steve Tsai and Ching Tsai received their ECCs. Only P460 is unaccounted. Ledesma's admission, however, does not prove by itself corruption or the other elements particular

to grave misconduct. Ledesma admitted to receiving the money only so she could pass it to someone else and not for her own benefit. In the absence of substantial evidence to the contrary, Ledesma's explanation is plausible. Moreover, to warrant dismissal, the misconduct must be grave, serious, important, weighty, momentous and not trifling.[40] That is not the case here.

We stress that the law does not tolerate misconduct by a civil servant. Public service is a public trust, and whoever breaks that trust is subject to sanction. Dismissal and forfeiture of benefits, however, are not penalties imposed for all infractions, particularly when it is a first offense. There must be substantial evidence that grave misconduct or some other grave offense meriting dismissal under the law was committed.

Further, this is Ledesma's first offense in more than three decades of otherwise untarnished public service. Under the circumstances, we agree with the Court of Appeals that suspension for six months is an adequate penalty.[41]

A final note. The CSC disregarded Leonor's statement because, among other reasons, Leonor had "no personality in the instant case to offer in evidence her affidavit." [42] By this, the CSC meant that Leonor was not a government employee, that she was not a party to the instant case, and that the CSC "had no disciplinary jurisdiction" over her.[43]

Leonor, however, was not trying to intervene in the present case. Leonor was offering her statement merely as a witness. A person need not be a government employee or a party to a case to offer evidence in an administrative proceeding. Under the rules, any person who can perceive and make his perception known to others, and who has personal knowledge about the facts of a case, can be a witness.[44]

Nevertheless, Leonor's statement has certain shortcomings. Despite its title as a "Sworn Statement," [45] Leonor's statement was not acknowledged before a notary public or officer legally authorized to administer oaths. It was thus not "sworn to" and could not be regarded as having been given under oath. It is in effect a private document, ordinarily subject to proof of its due execution and authenticity.[46] In admitting Leonor's statement, the Court of Appeals held that the CSC is not bound by technical rules of procedure in administrative proceedings. Although true,[47] this does not preclude the CSC from considering a document's technical defects and the tardiness of its submission in weighing its probative value.

However, the CSC should have also considered the dubious circumstances under which the complaint against Ledesma was lodged. The burden of proof in administrative cases lies on the complainant. The CSC should have subjected complainants' affidavits to the same meticulous examination it gave to Leonor's statement.

WHEREFORE, we DENY the petition. We AFFIRM the Decision of 31 July 2002 of the Court of Appeals in CA-G.R. SP No. 62827.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Callejo, Sr., J., no part.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Romeo J. Callejo, Sr. and Danilo B. Pine concurring.

[3] Penned by Commissioner Elmor D. Juridico, with Chairman Corazon Alma G. De Leon and Commissioner

Jose F. Erestain, Jr. concurring.

[4] Penned by Commissioner Jose F. Erestain, Jr., with Chairman Corazon Alma G. De Leon and Commissioner J. Waldemar V. Valmores concurring.

[5] Rollo, pp. 93-94.

[6] Ibid. The relevant portion of Steve Tsai's affidavit states:

- That I knew Mrs. Ledesma for more than three years, she is always helping us to process the ECC, I paid her One Thousand Five Hundred Pesos (P1,500.00) for her to facilitate my documents but I knew she get (sic) Two Hundred or Three Hundred Pesos for service charge.

[7] Rollo, pp. 95-96.

[8] Ibid., p. 97.

[9] Ibid. Further, the Bureau's security log for 20 March 1999 (CA Records, p.137) shows that Steve Tsai gained entry into the Records Section on that date, a Saturday. He was discovered and apprehended by Bureau guards. Complainants executed their affidavits before Prosecutor Icaay on the same day. Ledesma alleges that Steve Tsai was not charged with any offense for breaking into Bureau premises.

[10] Rollo, pp. 44-46.

[11] CA Records, p. 45.

[12] Rollo, p. 51.

[13] Ibid., p. 168.

[14] Rollo, p. 42.

[15] Ibid., p. 224.

[16] Section 14, Article VIII of the Constitution states in part that, "[n]o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based."

[17] Rollo, p. 39.

[18] *People v. Sadosa*, 352 Phil. 700 (1998) citing *Bernabe v. Geraldez*, No. L-39721, 15 July 1975, 65 SCRA 96.

[19] See note 6.

[20] 361 Phil. 486 (1999).

[21] Ibid.

[22] *Bureau of Internal Revenue v. Organo*, G.R. No. 149549, 26 February 2004, 424 SCRA 9; *Castelo v. Florendo*, A.M. No. P-96-1179, 10 October 2003, 413 SCRA 219.

[23] *Civil Service Commission v. Lucas*, supra note 20, citing *Landrito v. Civil Service Commission*, G.R. Nos. 104304-05, 22 June 1993, 223 SCRA 564.

[24] See *Bureau of Internal Revenue v. Organo*, supra note 22; *Macalua v. Tiu, Jr.*, 341 Phil. 317 (1997); *Landrito v. Civil Service Commission*, supra note 23.

[25] *People v. Pajarillo*, 427 Phil. 746 (2002); *People v. Macabeles*, G.R. No. 111102, 8 December 2000, 347 SCRA 429. See also Sections 4 and 5 of Rule 120 of the Rules of Court.

[26] CA Records, p. 56. In her appeal memorandum, Ledesma stated:

xxx for two (2) ECC/SRC, the total cost would be P2,540.00.

I never asked the complainant for any amount beyond (sic) fees. The extra amount they voluntarily gave (P3,000.00 less cost of 2 ECC/SRC) was for the services of representative of travel agents whom I requested to assist them. xxx (Emphasis supplied)

[27] Rollo, p. 87.

[28] *Villaflor v. Court of Appeals*, 345 Phil. 524 (1997); *Smith Kline & French Laboratories, Ltd. v. CA*, 342 Phil. 187 (1997).

[29] *Litonjua Group of Companies v. Vigan*, 412 Phil. 627 (2001).

[30] *Artuz v. Court of Appeals*, 417 Phil. 588 (2001); *Gonzales v. NLRC*, 372 Phil. 39 (1999); *Pepsi-Cola Distributors of the Philippines, Inc. v. NLRC*, 338 Phil. 773 (1997).

[31] Rollo, p. 167. See note 9.

[32] *Ibid.*, p. 38.

[33] *Ibid.*, pp. 157 and 160. According to the Ombudsman's Resolutions in OMB-0-99-0476 and OMB-0-99-0729 dated 25 May 1999 and 25 August 1999, respectively, the first complaint for "graft and corruption and illegal recruitment" was filed on 1 March 1999. A second complaint alleging violation of Republic Act No. 3019 was filed on 9 March 1999. Both complaints were dismissed.

[34] *Ibid.*

[35] *Ibid.*, p. 56.

[36] Rollo, pp. 45-46.

[37] *Cruz v. Aliño-Hormachuelos*, A.M. No. CA-04-38, 31 March 2004, 426 SCRA 573; *Artuz v. Court of Appeals*, *supra* note 30.

[38] Section 5, Rule 133 of the Rules of Court.

[39] *Gonzales v. NLRC*, *supra* note 30.

[40] *Castelo v. Florendo*, *supra* note 22.

[41] In the case of *Civil Service Commission v. Lucas* (*supra* note 20) cited by the CSC, the Court also considered the fact that it was Lucas' first offense in 20 years of service.

[42] Rollo, p. 54.

[43] *Ibid.*

[44] Sections 20 and 36, Rule 130(C) of the Rules of Court.

[45] Rollo, p. 168.

[46] Section 20, Rule 132 of the Rules of Court.

[47] In the recent case of Civil Service Commission v. Court of Appeals (G.R. No. 147009, 11 March 2004, 425 SCRA 394), the Court held that the CSC could even act upon an anonymous letter.

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