

CIVIL SERVICE COMMISSION, PETITIONER, VS. DELIA T. CORTEZ, RESPONDENT.*G.R. No. 155732. June 03, 2004*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-155732/>**PER CURIAM:**

In this petition for review on certiorari under Rule 45 of the Rules of Court, petitioner Civil Service Commission (CSC) seeks to reverse and set aside the decision[1] of 23 July 2002 of the Court of Appeals and its resolution[2] of 18 October 2002 in CA-G.R. SP No. 65096. The former modified the penalty imposed by the CSC on respondent Delia T. Cortez from dismissal from the service with forfeiture of benefits and disqualification from reemployment in the government service without prejudice to any civil or criminal liability in a proper action to that of being considered resigned from the service with entitlement to all the benefits under the law. The latter denied petitioner's motion to reconsider the former.

The antecedent facts follow.

Respondent Delia T. Cortez, Chief Personnel Specialist of the Examination and Placement Services Division (EPSD) of Civil Service Regional Office (CSRO) No. X, Cagayan de Oro City, was formally charged with dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service in Resolution No. 99-0039 of the CSC dated 7 January 1999. Pertinent portions of the formal charge read as follows:

- That on June 26, 1998 at about 3 p.m., two teenagers, namely June Grace Abina and Rubielyn Ofredo appeared at the CSRO No. X for the purpose of filing application forms for the Career Service Professional Examination for their aunt and her [their aunt's] co-employees;
- That on the above-mentioned date and time Abina and Ofredo proceeded to the CSRO No. X, Cashier's Office to purchase the required examination fee stamps. A personnel from the Cashier's Office, however, told them to first proceed to the EPSD for the approval of the said application forms;
- That when Abina and Ofredo presented the said application forms at the EPSD, respondent Cortez pasted a stamp worth P150.00 on each of the application forms. Thereafter, she asked from them the payment corresponding to the value of the stamps pasted on the said application forms;
- Thereafter, Abina and Ofredo returned to the Cashier's Office to inquire as to whether there are still other fees to be paid. But when the Cashier saw that the said application forms were already pasted with stamps, she examined the same and she noted that the serial numbers of the said stamps did not correspond with the serial numbers of the stamps issued to said Office;
- This prompted the cashier, accompanied by Abina and Ofredo[,] to proceed to the EPSD and confronted [sic] respondent Cortez on the unauthorized selling of stamps. Consequently, respondent immediately removed the stamps from the application forms, kept them, and brought out the money which Abina and Ofredo earlier gave her and handed the same to the Cashier who subsequently, issued them another stamps;
- That the stamps which respondent Cortez sold to Abina and Ofredo bearing serial numbers 0216430, 0216432, 0216441, and 0116443 were issued to the CSRO No. X way back in 1995 for the Professional Board

Examination for Teachers (PBET).[3]

Respondent Cortez filed an answer vehemently denying the charges against her. She averred that the application forms submitted to her by June Grace Abina (hereafter, Abina) and Rubielyn Ofredo (hereafter, Ofredo) for the actual applicants were already pasted with stamps. Noticing that the stamps were not the ones being currently sold, she asked Abina and Ofredo where the applicants were and told them to tell the applicants to personally file their application forms since the rules require that applicants must personally thumbmark their application forms in the EPSD. She thereafter removed the stamps so that she could show them to the applicants when they personally would come to file their application forms. After she removed the stamps, Abina and Ofredo ran towards the gate. She waited, but the applicants never came to her office. She denied that she collected money for the stamps and that there was a confrontation between her and the cashier. She branded the charges against her as “brazen lies and concoctions” of some people determined to destroy her more than twenty years of service in the CSC, eight years of which she served as Chief of the EPSD.[4]

In its resolution of 1 February 1999, the CSC placed respondent under a 90-day preventive suspension pending formal investigation of the serious charges against her.[5]

During the formal investigation, Abina and Ofredo identified and affirmed their joint-affidavit[6] wherein they narrated that upon perusal by a clerk in the Cashier’s Office of their aunt’s and their aunt’s officemates’ application forms, they were told to first go to the EPSD for approval of the application forms. Once there, they saw a woman, who was later identified as respondent Delia T. Cortez, attending to three applicants who were in the process of buying examination fee stamps from her. When it was their turn, respondent pasted examination fee stamps worth P150 each on each of the four application forms, took Abina’s and Ofredo’s money (P900) and gave them their change (P300). When they went back to the Cashier’s Office to inquire for further requirements, the clerk asked them where they got the stamps and they told the clerk that they got them from the EPSD. The clerk immediately brought the matter to the Acting Cashier and the latter accompanied them to the EPSD where a confrontation took place between respondent and the cashier regarding the unauthorized sale of stamps. Respondent removed the stamps, but only after the cashier was able to successfully copy the serial numbers of the stamps. The respondent, followed by the cashier, then went inside the adjacent room, where, from outside, they saw respondent took their money from a cabinet. Respondent then handed back to them their money, which the latter thereafter used to buy another set of examination fee stamps at the Cashier’s Office.[7]

Eva S. Alcalde and Angeline P. Lim, clerk and Acting Cashier of CSRO No. X, respectively, also identified and affirmed their affidavits[8] supporting the joint-affidavit of Abina and Ofredo.

Eva S. Alcalde affirmed that she told Abina and Ofredo to first go to the EPSD for the approval of their aunt’s and their aunt’s officemates’ application forms before she could issue to them examination fee stamps. However, when the two teenagers went back to the Cashier’s Office from the EPSD, Alcalde noticed that the application forms were already pasted with stamps. Puzzled, she referred the matter to her superior, Acting Cashier Angeline P. Lim.[9]

Acting Cashier Angeline P. Lim affirmed that Alcalde referred to her certain application forms containing stamps whose serial numbers did not correspond to the serial numbers of the stamps the Cashier’s Office was authorized to issue for that particular day. Upon information from Abina and Ofredo that the stamps came from the EPSD, Lim, with Abina and Ofredo, immediately proceeded to the EPSD where a confrontation took place between Lim and respondent regarding the questionable stamps. Respondent feigned innocence, saying “Unsa man diay ni day?” (“What is this all about?”). However, after Lim copied the serial numbers of the stamps in front of respondent, respondent detached the stamps and went inside the Records Section of the EPSD. Lim followed her

inside the room, and respondent handed to her P600 which Lim did not accept but instead told respondent to personally return the money to Abina and Ofredo. When Lim returned to her office, she immediately traced the origin of the questionable stamps and discovered that they were among the batch of stamps bearing serial numbers 0215993 to 0216492 issued by then Cashier Marilyn S. Tapay and sold two years ago (18 May 1995) by the Cashier's Office under O.R. No. 1332901 for the Professional Board Examination for Teachers. Around 5:00 p.m. of the same day, respondent approached Lim and told her that someone just asked her to sell the recycled stamps. When Lim asked respondent who made her do such a thing, respondent vaguely answered that the person was their co-employee and a mere rank and file personnel. When Lim inquired further the person's real identity, respondent did not reply. The following day, respondent once again approached Lim during the general assembly and told her that they had to talk after the meeting. After the meeting, respondent told Lim that it would be better if the matter would not reach top management because the person she referred to yesterday as the source of the recycled stamps would see to it that they (respondent and Lim) would be the first ones to lose their jobs.[10]

Respondent Cortez, for her part, identified and affirmed the contents of her counter-affidavit.[11] Her counter-affidavit contained almost the same averments as that in her answer, that is, that the application forms were already pasted with stamps when presented to her by Abina and Ofredo and that the charges against her were "brazen lies." In addition, respondent alleged in her counter-affidavit that Acting Cashier Lim concocted the charges against her in order for Lim to be promoted.[12]

After carefully evaluating the evidence of the parties, petitioner CSC in its Resolution No. 010499 of 22 February 2001 concluded that the version of the complainants was more credible. It noted that witnesses Abina and Ofredo categorically pointed to respondent as the source of the questionable stamps and material portions of their testimonies were corroborated by two other witnesses, Eva S. Alcalde and Acting Cashier Angeline P. Lim. In contrast, the CSC noted that respondent Cortez relied on mere denials which could not prevail over the clear, positive and categorical testimonies against her. It also pointed out that respondent never presented any competent and credible evidence to show why the witnesses against her, especially Abina and Ofredo, would falsely testify against her. Thus, it ruled that respondent was guilty of illegally selling recycled stamps for her own financial gain, an act which constituted dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service. It ordered respondent dismissed from the service with forfeiture of benefits and disqualification from reemployment in the government service, without prejudice to any civil or criminal liability in a proper action.[13]

Respondent filed a motion for reconsideration, but the CSC denied it in its Resolution No. 010926 of 11 May 2001, on the ground that the motion was a mere rehash of the allegations in her answer and counter-affidavit which had already been passed upon by the Commission in its decision.[14]

Respondent promptly filed a petition for review before the Court of Appeals under Rule 43 of the Rules of Court. She raised in her petition the issues of violation of administrative due process and the propriety of the penalty of dismissal.[15] The appeal was docketed as CA-G.R. SP No. 65096.

In its decision of 23 July 2002, the Court of Appeals granted respondent's petition. It ruled that although respondent was properly accorded administrative due process as evidenced by the fact that she was able to file an answer, a counter-affidavit and even a motion for reconsideration, the penalty of dismissal imposed on her was too harsh considering (a) her twenty-one years of service in the government, (b) the fact that it was her first offense and (c) that no damage was sustained by the Government. Accordingly, it modified the penalty imposed on respondent from dismissal from the service with all its accessory penalties to that of forced resignation from the service with entitlement to all the benefits under the law. Pertinent portions of the decision of the Court of Appeals read as follows:

Applying these principles and given the fact that Petitioner duly filed her Answer, Counter-Affidavit and even a Motion for Reconsideration, there is no denying that she was duly accorded administrative due process.

Nonetheless, We agree with the Petitioner that the penalty of dismissal would be too harsh for the offense she has committed. Considering that the Petitioner has been in the service for twenty one (21) years, the fact that this is her first offense, during the length of her service she was never administratively called upon to answer for any official misconduct not to mention that no damage was sustained by the government for the misconduct she has committed, should be considered mitigating circumstances for which a penalty less than dismissal would be justified. In her motion for reconsideration, Petitioner prayed that if the penalty imposed upon her be mitigated, that she would just be considered forcibly resigned.

WHEREFORE, premises considered, the instant Petition for Review is GRANTED. Petitioner is hereby considered forcibly resigned from the service with a right to all the benefits to which she may be entitled under the law.

SO ORDERED.[16]

Its motion for reconsideration having been denied by the Court of Appeals for having been filed one day late,[17] petitioner filed the petition at bar, assigning the following issue for our consideration:

WHETHER THE PENALTY OF DISMISSAL METED OUT TO RESPONDENT IS TOO HARSH TAKING INTO CONSIDERATION HER BEING A FIRST-TIME OFFENDER AND HER OVER TWENTY-ONE (21) YEARS IN GOVERNMENT SERVICE.

After the issues were joined, we gave due course to the petition and required the parties to submit their respective memoranda.

To be sure, respondent's guilt for the administrative offense charged has long been settled when she did not question before the Court of Appeals the decision of the CSC finding her guilty of dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service. What respondent questioned before the Court of Appeals was the penalty of dismissal imposed on her, which she considered to be too harsh considering her length of service in the government and the fact that the offense she was found guilty of was her first offense.[18]

Petitioner contends that respondent is not entitled to any penalty lesser than dismissal considering the gravity of her offense. Respondent's act constituted dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service which, under Section 52 in relation to Section 55 of the Uniform Rules on Administrative Cases in the Civil Service, are all grave offenses punishable by dismissal from the service. Based on jurisprudence, dishonesty warrants dismissal from the service, with forfeiture of benefits and disqualification from reemployment in the government service. The mitigating circumstances of length of service and "first offense" invoked by respondent cannot be considered since dismissal is an indivisible penalty. In any case, if length of service is to be considered at all, it should be taken against the respondent because despite her long service in the government, she did not exhibit any sense of loyalty; instead, she abused the government's trust by taking advantage of her position. Petitioner also asserts that the Court of Appeals erred in imposing the penalty of forced resignation on respondent since forced resignation as an administrative penalty is not provided under the Administrative Code of 1987. Besides, the penalty of forced resignation without forfeiture of benefits and disqualification from reemployment in the government service for the grave offenses of dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service is reprehensible because this, in effect, would be rewarding an erring employee instead of punishing her for her offense.

Upon the other hand, respondent maintains that dismissal from the service with forfeiture of benefits is not commensurate with the offense she committed and that considering the mitigating circumstances mentioned

above, the lesser penalty of forced resignation with entitlement to all benefits under the law is the proper penalty. She emphasizes that the amount involved was only P600, which she returned to the complainants. Since the complainants thereafter bought examination fee stamps at the Cashier's Office using the money she returned to them, no damage was caused to the Government. Her case, she claims, warrants the appreciation of the mitigating circumstances of length of service and "first offense," not because she deserves sympathy or pity, but because she is entitled to the said mitigating circumstances as a matter of right.

We rule in favor of petitioner CSC.

Under the Civil Service Law[19] and its implementing rules,[20] dishonesty, grave misconduct and conduct grossly prejudicial to the best interest of the service[21] are grave offenses punishable by dismissal from the service.[22] Thus, as provided by law, there is no other penalty that should be imposed on respondent than the penalty of dismissal.

Of course, the rules allow the consideration of mitigating and aggravating circumstances[23] and provide for the manner of imposition of the proper penalty: Section 54 of the Uniform Rules on Administrative Cases in the Civil Service provides:

Section 54. Manner of imposition. When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied where there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied when there are more aggravating circumstances.

Jurisprudence is abound with cases applying the above rule in the imposition of the proper penalty and even in cases where the penalty prescribed by law, on commission of the first offense, is that of dismissal, which is, as argued by petitioner, an indivisible penalty, the presence of mitigating or aggravating circumstances may still be taken into consideration by us in the imposition of the proper penalty. Thus, in at least three cases,[24] taking into consideration the presence of mitigating circumstances, we lowered the penalty of dismissal imposed on respondent to that of forced resignation[25] or suspension for 6 months and 1 day to 1 year without benefits.[26] This being so, is respondent entitled to a penalty lesser than dismissal, considering (1) her length of service in the government and (2) the fact that the offense she was found guilty of was her first offense?

Under the facts of this case, respondent is not entitled to a lower penalty.

Petitioner CSC is correct that length of service should be taken against the respondent. Length of service is not a magic word that, once invoked, will automatically be considered as a mitigating circumstance in favor of the party invoking it. Length of service can either be a mitigating or aggravating circumstance depending on the factual milieu of each case. Length of service, in other words, is an alternative circumstance. That this is so is clear in Section 53 of the Uniform Rules on Administrative Cases in the Civil Service, which amended the Omnibus Civil Services Rules and Regulations dated 27 December 1991. The title and opening paragraph of Section 53 provides that the attendant circumstances enumerated therein may either be considered as mitigating, aggravating or alternative circumstances by the disciplining body:

Section 53. Extenuating, Mitigating, Aggravating, or Alternative Circumstances. – In the determination of the penalties imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- Physical illness
- Good faith
- Taking undue advantage of official position
- Taking undue advantage of subordinate
- Undue disclosure of confidential information
- Use of government property in the commission of the offense
- Habituality
- Offense is committed during office hours and within the premises of the office or building
- Employment of fraudulent means to commit or conceal the offense
- Length of service in the government
- Education, or
- Other analogous circumstances (emphasis ours)

In *University of the Philippines vs. Civil Service Commission, et al.*,^[27] we did not consider length of service in favor of the private respondent; instead, we took it against said respondent because her length of service, among other things, helped her in the commission of the offense. Thus:

Respondent Commission contends that it did not err in upholding the decision of the Merit Systems Protection Board since the decision of said Board took into account private respondent's length of service and the fact that it was her first offense. We do not Agree. . . Private respondent's length of service cannot be considered as a mitigating circumstance since it was her length of service, among others, that earned her the position she was in and the trust she enjoyed through which she illicitly allowed her relatives to enjoy unmerited privileges and, in the case of Fernando B. Manicad, an unwarranted diploma. (emphasis ours)

Moreover, a review of jurisprudence shows that, although in most cases length of service is considered in favor of the respondent,^[28] it is not considered where the offense committed is found to be serious.^[29] Thus, in *Yuson vs. Noel*,^[30] we ruled:

The mere length of his service (for ten years) cannot mitigate the gravity of his offense or the penalty he deserves. It is clear from facts here established that the respondent does not deserve to remain in the Judiciary, where integrity is an indispensable credential. (emphasis ours)

And, in *Concerned Employee vs. Nuestro*,^[31] we held:

Dishonesty is a malevolent act that has no place in the court system. In the present case, respondent's misconduct constitutes grave dishonesty that disqualifies her from holding any position in the judiciary. The recommendation of the Office of the Court Administrator for six (6) months suspension is therefore too lenient in view of the gravity of the offense charged. It may be true that respondent has been in the service for eleven years but she has blemished her record irreparably and, under the circumstances, we believe that her dismissal is warranted. (emphasis ours)

Applying the above-cited cases to the case at bar, we cannot also consider length of service in favor of the respondent because of the gravity of the offense she committed and of the fact that it was her length of service in the CSC which helped her in the commission of the offense.

Respondent was in the Civil Service Commission for twenty-one years, the last eight years of which (1990-1998) she spent as Chief of the Examination and Placement Services Division (EPSD). Surely, respondent earned the last position because of her length of service in the CSC. As Chief of the EPSD, she naturally had access to the previously processed and approved application forms wherefrom she detached the stamps and later on sold to new civil service examination applicants and pocketed the proceeds of the sale. It is worthy to note that the stamps respondent was caught selling were issued in 1995, the time respondent was already in the EPSD, serving as its chief. Respondent's length of service in the CSC, therefore, clearly helped her in the commission of the offense.

As to the gravity of the offense, which is the other factor why we cannot consider length of service in favor of the respondent, it is clear from the ruling of the CSC that respondent's act irreparably tarnished the integrity of the CSC. Respondent was the Chief of the EPSD, but despite such important and senior position which should have impelled her to set a good example to her co-employees and other civil servants, respondent flagrantly and shamelessly violated the law by selling, for her own financial gain, used examination fee stamps, right in her own office and during office hours. Such flagrant and shameless disregard of the law by a senior officer seriously undermined the integrity of the CSC, the body mandated by the Constitution to preserve and safeguard the integrity of the civil service.[32] She should be a model of honesty and integrity. By irreparably tarnishing the integrity of the Civil Service Commission, respondent did not deserve to stay in the said agency and in the government service.

The gravity of the offense committed is also the reason why we cannot consider the "first offense" circumstance invoked by respondent. In several cases,[33] we imposed the heavier penalty of dismissal[34] or a fine of more than P20,000,[35] considering the gravity of the offense committed, even if the offense charged was respondent's first offense. Thus, in the present case, even though the offense respondent was found guilty of was her first offense, the gravity thereof outweighs the fact that it was her first offense.

Respondent also insists in her memorandum that she is entitled to a penalty lesser than dismissal because no damage was caused to the Government; she returned the money to the complainants and the latter thereafter paid the Cashier's Office for the proper issuance of examination fee stamps. She further emphasizes that the money involved was only six hundred pesos, not a "multi-million pesos scam." These arguments show respondent's distorted sense of values. It seems all right for respondent to steal from the government as long as it does not involve millions of pesos.

Respondent should be reminded that a public servant must exhibit at all times the highest sense of honesty and integrity for no less than the Constitution mandates that a public office is a public trust and public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.[36] This constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service. In addition, the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713) enunciates the State Policy of promoting a high standard of ethics and utmost responsibility in the public service.

To end, it must be stressed that dishonesty and grave misconduct have always been and should remain anathema in the civil service. They inevitably reflect on the fitness of a civil servant to continue in office.[37] When an officer or employee is disciplined, the object sought is not the punishment of such officer or employee but the

improvement of the public service and the preservation of the public's faith and confidence in the government.[38]

WHEREFORE, the Decision of 23 July 2002 and the Resolution of 18 October 2002 of the Court of Appeals in CA-G.R. SP No. 65096 are hereby REVERSED and SET ASIDE. Resolution No. 010499 of the Civil Service Commission dated 22 February 2001, dismissing respondent Delia T. Cortez from the service with forfeiture of leave credits and retirement benefits, cancellation of eligibility and disqualification from reemployment in the government service, without prejudice to civil or criminal liability in a proper action, is hereby REINSTATED.

No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Rollo, 33-38. Per Labitoria, J., with Regino and Enriquez, Jr., JJ., concurring.

[2] Id., 30-31.

[3] Rollo, 40-41.

[4] Rollo, 41-44.

[5] Id., 44-45.

[6] Exhibit "A," Rollo, 45-46.

[7] Rollo, 45-46.

[8] Exhibits "B" and "C," Rollo, 46-49.

[9] Exhibit "B," 46-47.

[10] Exhibit "C," Rollo, 47-49.

[11] Exhibit 28, Rollo, 49-52.

[12] Rollo, 49-52.

[13] Rollo, 53-54.

[14] Id., 55-58.

[15] Id., 37.

[16] Rollo, 37-38.

[17] Id., 30-31.

[18] Rollo, 37.

[19] Subtitle A, Title I, Book V of E.O No. 292, otherwise known as the Administrative Code of 1987.

[20] Omnibus Civil Service Rules and Regulations dated 27 December 1991, amended by the Uniform Rules on Administrative Cases in the Civil Service dated 31 August 1999.

[21] Section 52, Uniform Rules on Administrative Cases in the Civil Service.

[22] Under Section 55 of the Uniform Rules on Administrative Cases in the Civil Service, if respondent is found guilty of two or more charges, the penalty to be imposed shall be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances. Thus, although conduct prejudicial to the best interest of the service is punishable by dismissal only on commission of the second offense, if we take it with the two other charges respondent was found guilty of (dishonesty and grave misconduct), the penalty imposable on respondent is dismissal from the service, the penalty for dishonesty or grave misconduct which is the most serious charge.

[23] Section 53, Uniform Rules on Administrative Cases in the Civil Service, dated 31 August 1999.

[24] *Marasigan v. Buena*, 348 Phil. 1 (1998); *Office of the Court Administrator v. Ibay*, A.M. No. P-02-1649, 29 November 2002; *Office of the Court Administrator v. Sirios*, A.M. No. P-02-1659, 28 August 2003.

[25] In *Marasigan v. Buena*, supra, the Court, taking into consideration respondent's demonstrated repentance, immediate full restitution and sincere effort to reform her life, modified the penalty of dismissal to that forced resignation ("deemed resigned from the service") with entitlement to leave credits and retirement benefits, without prejudice to reemployment in the government service.

[26] In *Office of the Court Administrator v. Ibay*, supra, the Court, after ruling that the penalty next lower to dismissal from the service is suspension for 6 months and 1 day to 1 year without benefits including leave credits, ordered respondent suspended from the service for 7 months without benefits including leave credits, while in *Office of the Court Administrator v. Sirios*, supra, the Court reduced the imposable penalty from dismissal to suspension for 3 months without pay.

[27] G.R. No. 89454, 20 April 1992, 208 SCRA 174.

[28] *Perez v. Abiera*, A.C. No. 223-J, 11 June 1975, 64 SCRA 302, 309-310; *Garcia v. Asilo*, A.M. No. P-1769, 28 February 1979, 88 SCRA 606, 609; *Seguisabal v. Cabrera*, 193 Phil. 809 (1981); *Civil Service Commission v. Lucas*, 361 Phil. 486, 491 (1999); *Velasquez v. Inacay*, A.M. No. CA-02-11-P, 29 May 2002, 382 SCRA 389, 395; *Reyes v. Vidor*, A.M. No. P-02-1552, 3 December 2002; *Albello v. Galvez*, A.M. No. P-01-1476, 16 January 2003.

[29] *University of the Philippines v. Civil Service Commission*, G.R. No. 89454, 20 April 1992, 208 SCRA 174; *Yuson v. Noel*, A.M. No. RTJ-91-762, 23 October 1993, 227 SCRA 1; *Concerned Employee v. Nuestro*, A.M. No. P-02-1629, 11 September 2002.

[30] A.M. No. RTJ-91-762, 23 October 1993, 227 SCRA 1.

[31] A.M. No. P-02-1629, 11 September 2002.

[32] Article IX-B, Section 3, 1987 Constitution.

[33] *Monsanto v. Palarca*, 211 Phil. 237, 251 (1983); *Cajot v. Cledera*, A.M. No. P-98-1262, 12 February 1998, 286 SCRA 238, 243; *Gutierrez v. Quitalig*, A.M. P-02-1545, 2 April 2003.

[34] *Cajot v. Cledera*, supra.

[35] *Monsanto v. Palarca*, supra; *Gutierrez v. Quitalig*, supra.

[36] Section 1, Article XI, 1987 Constitution.

[37] *Nera v. Garcia*, 106 Phil. 1031, 1035-36 (1960).

[38] Bautista v. Negado, 108 Phil. 283, 289 (1960).

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