JUSTINA MANIEBO, PETITIONER, VS. HON. COURT OF APPEALS AND THE CIVIL SERVICE COMMISSION, RESPONDENTS.

G.R. No. 158708. August 18, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

We consider herein the last plea for clemency of the petitioner herein, an employee of a local government unit, who was dismissed from the service after her dishonesty in presenting herself as holding a civil service eligibility was discovered. The Civil Service Commission (CSC) meted the ultimate penalty on her. The Court of Appeals (CA) found her petition for review defective, and dismissed it, in effect upholding the CSC's action.

By petition for review on certiorari, therefore, the petitioner appeals the resolutions dated September 5, 2002, January 8, 2003, and June 5, 2003,[1] all issued by the Court of Appeals (CA) in CA-GR SP No. 72555 entitled Justina Maniebo v. Civil Service Commission.

Antecedents[2]

On July 1, 1994, the Mayor of the Municipality of Puerto Galera, Oriental Mindoro issued a promotional permanent appointment to the petitioner as Cashier III in the Office of the Municipal Treasurer because she appeared to possess the qualifications for the position, including the Career Service (Professional) Eligibility appearing in line 18 of her Personal Data Sheet showing her to have passed with a rating of 74.01% the Career Service (Professional) examination given in Calapan, Oriental Mindoro on July 17, 1983.

When the report of her rating was verified against the Masterlist of Eligibles, however, it was discovered that the petitioner had actually failed in the examination for obtaining a rating of only 60%.

The CSC Regional Office (CSCRO) No. IV subsequently held a preliminary investigation that resulted in the finding that a prima facie case of falsification existed against the petitioner. Accordingly, on October 28, 1997, CSCRO No. IV formally charged her with possession of spurious report of rating, falsification, grave misconduct, and dishonesty.

On November 7, 1997, the petitioner filed her answer, which CSCRO No. IV considered unsatisfactory. Thus, CSCRO set the case for hearing.

During the November 22, 1999 hearing, the Hearing Officer allowed the petitioner to comment verbally or to file her objection to the evidence formally offered against her. Instead, her counsel requested the Hearing Officer to mark her supporting documents as her evidence, and for her to be allowed to testify for herself.

In her direct testimony, the petitioner denied knowledge of the falsified nature of her Career Service (Professional) eligibility rating. She asserted that the rating had come from the CSC through the mails. She insisted that she did not on any occasion approach any personnel of the CSC, or anybody else connected with the CSC in order to procure the passing grade of 74.01%.

CSCRO No. IV then rendered its decision on December 16, 1999, viz:

> WHEREFORE, this Office finds respondent Justina Maniebo, Cashier III, Office of the Municipal Treasurer, Municipal Government of Puerto Galera, Oriental Mindoro, guilty of Possession of Spurious Report of Rating, Falsification, Grave Misconduct. Accordingly, respondent Maniebo is hereby meted the penalty of DISMISSAL from the service.[3]

On February 4, 2000, the petitioner appealed to the CSC,[4] which affirmed the decision of CSCRO No. IV through its Resolution No. 02-0433 dated March 20, 2002,[5] disposing thus:

> WHEREFORE, premises considered, the appeal of Justina M. Maniebo is hereby DISMISSED for lack of merit. Accordingly, the Decision of the Civil Service Commission Regional Office No. IV dated December 16, 1999 is AFFIRMED.

On August 20, 2002, the petitioner sought reconsideration, but the CSC denied her motion through Resolution No. 02-1028.[6]

The petitioner next appealed to the CA.[7]

Ruling of the CA

In the CA, the petitioner raised the following issues,[8] to wit:

> a) Whether the CSC committed grave error in not considering good faith on the part of the petitioner in the determination of the appealed decision; and
>
> b) Whether the CSC was correct in imposing the penalty of dismissal in view of the circumstances obtaining in the case.

She attached to the petition for review the following annexes:

> a) Certified true copy of CSC Resolution No. 02-1028 dated August 5, 2002 denying the petitioner's motion for reconsideration (Annex A);[9]
>
> b) Original copy of the notice of appeal dated August 23, 2002 filed in the CSC (Annex B);[10]
>
> c) Photocopy of the petitioner's appeal dated January 31, 2000 to the CSC (Annex C);[11]
>
> d) The petitioner's affidavit of merit dated August 2002 (Annex D).[12]

In its assailed resolution dated September 5, 2002,[13] the CA dismissed the petition for review due to the petitioner's failure to accompany it with the requisite certified true copies of the material portions of the record, stating:

> For failure to accompany the petition for review with the requisite certified true copies of the material portions of the record referred to therein, i.e., the preliminary investigation and charge for possession of spurious report of rating, the answer, the decision dated December 16, 1999 of Civil Service Commission Regional Office No. IV, Civil Service Commission Resolution No. 02-0433 dated March 20, 2002, and other supporting papers and the evidences submitted, the Court Resolved to DENY DUE COURSE and, consequently, to DISMISS the petition pursuant to Section 7, Rule 43 of the 1997 Rules of Civil Procedure.
>
> SO ORDERED.

The petitioner filed a motion for reconsideration,[14] in which her counsel, Atty. Al Harith D. Sali, even undertook to submit the required certified copies of the material portions within ten days from October 23, 2002. She explained in her motion that her counsel had failed to submit the required certified copies, due to her failure

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to turn over said copies to her counsel because of the distance between her home in Puerto Galera, Oriental Mindoro and the office of her counsel in Fairview, Quezon City.

Following its receipt of the comment of the Office of the Solicitor General on December 12, 2002,[15] the CA denied the motion for reconsideration in the assailed resolution dated January 8, 2003,[16] viz:

> Acting on the motion of the petitioner for a reconsideration of the Resolution dated September 5, 2002, which dismissed the petition for failure to append thereto the requisite certified true copies of the material portions of the record referred to therein, as well as the Comment interposed thereto filed by the Office of the Solicitor General, and considering that the aforesaid motion failed to allege the date of receipt of a copy of the assailed Resolution to determine the timeliness of the filing of the said motion and no efforts (sic) was exerted to rectify or supply the procedural errors the petition suffered even within the requested period of ten (10) days, the Court Resolved to DENY the aforesaid motion for reconsideration.
>
> SO ORDERED.

On February 5, 2003, the petitioner filed a so-called motion for reconsideration that was signed by another lawyer, Atty. Joventino V. Diamante (allegedly as collaborating counsel), although Atty. Al Harith D. Sali remained as counsel.[17]

In its third assailed resolution dated June 5, 2003,[18] the CA denied the petitioner's motion for reconsideration, which was in reality as second motion for reconsideration that was prohibited under Rule 52, Sec. 2 of the Rules of Court.

Hence, this appeal by petition for review on certiorari.

Issues

The petitioner claims:[19]

> I.
>
> WHETHER THE COURT OF APPEALS COMMITTED REVERSIBLE ERROR IN DISMISSING THE PETITIONER'S PETITION FOR REVIEW FOR FAILURE TO ATTACH CERTIFIED COPY OF THE ANNEXES WHEN THE RULES AND JURISPRUDENCE DO NOT REQUIRE THAT ALL ANNEXES ATTACHED TO THE PETITION SHOULD BE CERTIFIED.
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> II.
>
> WHETHER THE COURT OF APPEALS ERRED IN DISMISSING THE PETITION BASED ON ALLEGED TECHNICALITY WHICH WAS NOT SANCTIONED BY JURISPRUDENCE.

Ruling

The petition has no merit.

A

The petitioner argues that her submission of a certified true copy of CSC Resolution 02-1028 in her petition before the CA constituted a substantial compliance with Section 6, Rule 43 of the Rules of Court. She averred that rules of procedure should be liberally construed to afford litigants the opportunity to prove their claims and prevent a denial of justice due to legal technicalities; that she had already lost her job due to the immediate execution of the decision pending appeal, that to require her to secure certified true copies of all the annexes to the petition would be too burdensome for her and would contravene the constitutionally guaranteed free access to the

courts and quasi-judicial bodies and adequate legal assistance; and that it was already settled that under Section 6, Rule 43 of the Rules of Court, only the copies of the assailed judgments or final orders of the lower courts needed to be certified.[20] She insisted that the dismissal of her appeal due to technicalities would constitute a deprivation of property without due process of law because what was at stake herein was her right to employment.

In its comment,[21] the CSC insisted that the CA justifiably denied due course to the petition, considering that Section 7, Rule 43 of the Rules of Court expressly stated that the failure of the petitioner to file the required certified true copies of the material portions of the record referred to in the petition was sufficient ground for its dismissal; and that the subsequent motions for reconsideration were also rightly denied because the petitioner exerted no effort to furnish the required certified copies within the requested period of ten days.

The petitioner's plea for liberality is undeserving of acceptance.

The CA did not commit any error, least of all a reversible one. Its dismissal was founded on the correct application of the applicable rule. Indeed, Section 6, Rule 43 of the Rules of Court expressly lists down the pleadings and other matters that a petition for review should contain, thus:

> Section 6. Contents of the petition. -- The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (2a)

The rule clearly requires the petition for review to be accompanied by "a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers." The requirement is intended to immediately enable the CA to determine whether to give due course to the appeal or not by having all the material necessary to make such determination before it. This is because an appeal under Rule 43 is a discretionary mode of appeal, which the CA may either dismiss if it finds the petition to be patently without merit, or prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration; or may process by requiring the respondent to file a comment on the petition, not a motion to dismiss, within 10 days from notice.[22]

The petitioner was not entitled to a liberal construction of the rules of procedure. Although her petition cited decisions of the Court declaring that only the copies of the decisions or final orders assailed on appeal needed to be certified,[23] it is acknowledged even in the cited decisions of the Court that there should at least be a substantial compliance with the rules. She should not forget that her petition for review in the CA was essentially assailing not only CSC Resolution 02-1028 (denying her motion for reconsideration) but also CSC Resolution No. 02-0433 (the very decision of the CSC finding her guilty of possession of the spurious report of rating, falsification, grave misconduct, and dishonesty, and imposing the penalty of dismissal from the service). In Heirs of Generoso A. Juaban v. Bancale,[24] where only the order denying the respondents' motion for reconsideration was alleged as the subject of the appeal, the Court went beyond the literal content of respondents' notice of appeal and held that the appeal should be construed to include the final order that the respondents were seeking to be reconsidered when they filed their motion for reconsideration, because such approach was more in accord with the intent of the parties. Considering that the petitioner's appeal also assailed CSC Resolution No. 02-0433, she should have furnished the CA with a certified true copy of that resolution.

With respect to the other supporting documents of the petition as set forth in Section 6, Rule 43, their legible copies should have been attached to the petition or to the motion for reconsideration filed against the resolution dismissing the petition. However, she did not even substantially comply with the requirement. Making her non-compliance worse was her reneging on her own express undertaking to the CA to submit the omitted documents within the 10-day period she had prayed for in her first motion for reconsideration by not furnishing the required supporting documents, or even the plain legible copies thereof from the time she filed her motion for reconsideration on October 23, 2002 until its resolution on January 8, 2003. Neither did she render any explanation for her failure to honor her undertaking. It was only when she filed the petition in this Court that she explained her failure to submit the required documents to the CA to be due to her financial constraints and the distance between her residence and the office of her counsel.

Also, the petitioner's motion for reconsideration did not allege the date when she had received a copy of the resolution. Her omission to allege did not escape the attention of the CA, which cited it in the resolution dated January 8, 2003 as a ground for denying the motion for reconsideration. That detail was necessary to determine the timeliness of the filing of the motion for reconsideration. Hence, the CA committed no reversible error in denying her first motion for reconsideration.

The petitioner next filed a second motion for reconsideration after the issuance of the resolution dated January 8, 2003. The CA regarded her doing so as a blatant contravention of the Rules of Court. Indeed, her act directly violated Section 4, Rule 43, and Section 2, Rule 52, both of the Rules of Court, viz:

> Section 4. Period of appeal--The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.
>
> Section 2. Second motion for reconsideration. -- No second motion for reconsideration of a judgment or final resolution by the same party shall be entertained.

Nonetheless, we point out that even in her prohibited second motion for reconsideration, the petitioner did not tender any explanation for her failure to make good her undertaking to furnish to the CA the required certified or legible copies of the material portions of the record. Instead, she contented herself with merely reiterating the grounds previously used in her first motion for reconsideration, adding only that any further documents needed by the CA could be made available once the records of the case were transmitted by the CSC to the CA, as provided in Section 11, Rule 43 of the Rules of Court.

Contrary to the petitioner's position, the transmittal of the records was not mandatory but only discretionary upon the CA.[25] Section 11, Rule 43 of the Rules of Court provides:

> Section 11. Transmittal of record.-Within fifteen (15) days from notice that the petition has been given due course, the Court of Appeals may require the court or agency concerned to transmit the original or a legible certified true copy of the entire record of the proceeding under review. The record to be transmitted may be abridged by agreement of all parties to the proceeding. The Court of Appeals may require or permit subsequent correction of or addition to the record.

Evidently, the petitioner repeatedly disregarded the rules too many times to merit any tolerance by the Court, thereby exhibiting a deplorable tendency to trivialize the rules of procedure. Yet, such rules were not to be

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belittled or dismissed simply because their non-observance might have resulted in prejudicing a party's substantive rights.[26] The bare invocation of substantial justice was not a magic wand that would compel the suspension of the rules of procedure. Of necessity, the reviewing court had also to assess whether the appeal was substantially meritorious on its face, or not, for only after such finding could the review court ease the often stringent rules of procedure.[27] Otherwise, the rules of procedure would be reduced to mere trifles.

B.

The petitioner claims that she relied in good faith on the rating she had received through the mails. She denies being the author of the forged certificate. She pleads that with her government service since 1981 and her very satisfactory performance (borne out by the series of promotional appointments from the position of Accounting Clerk to Cashier III), she would never deliberately misrepresent to the CSC that she had passed the Career Service Examination, because she knew that the CSC could verify her eligibility rating at any time.

Although the Court is not called upon to rule on the foregoing matters in view of its finding that the CA's assailed dismissal of the petition for review was based on the correct application of the pertinent provisions of the Rules of Court, it is nonetheless not amiss but reasonable to dwell on such matters if only to establish that the positions taken by the petitioner do not advance her cause at all and save the day for her.

It is not disputed that the petitioner's statement in her Personal Data Sheet dated June 24, 1994 that she had passed the July 17, 1983 Career Service (Professional) Examination given in Calapan, Oriental Mindoro with a rating of 74.01% was contrary to her actual rating of 60% shown in the Masterlist of Eligibles of the CSC. Her defense of good faith was weak and untrustworthy. Although she did not need to prove her good faith, it being presumed unless persuasive evidence to the contrary is adduced,[28] the presumption did not apply to her in the face of a showing of the genuineness of the entries made in official records,[29] like the Masterlist of Eligibles. Accordingly, she should have presented concrete evidence to prove that the spurious certificate of rating had been only mailed to her.

In Civil Service Commission v. Cayobit,[30] we ruled that as between a government employee's self serving claim that she passed the Civil Service Examination, and his actual score appearing in the Masterlist of Eligibles, the latter must prevail. We observed there that:

> The bare testimony of respondent that she has nothing to do with forging the certificate as she actually just received it by mail in her residential address deserves scant belief. We cannot accept her simplistic claim that she used the certificate under the false impression that it was genuine. The three witnesses and the various documents she presented cannot exculpate her. The witnesses, in essence, merely testified that they received the certificate of eligibility in question from respondent. Their belief that she was eligible was based on their reliance on the certificate.
>
> Apropos is the following finding of petitioner:
>
> The testimonies of the three (3) abovementioned witnesses failed to rebut the fact that Cayobit did not pass the examination and does not have an eligibility. Respondent also failed to prove that she had no participation in the procurement of eligibility. Hence it cannot be presumed that Cayobit used the fake eligibility in good faith.

In that regard, the petitioner could have easily presented a certification from the postmaster concerned in order to establish that she had received the spurious report of rating by mail. Yet, she did not, and, instead, she was content with making the bare denial of having any part in procuring the false document; and with claiming that the report had innocently landed on her doorstep. She was guilty of procuring the document, because she had produced and relied on it. Without her satisfactory explanation, her being in possession of the forged document, or her having

used it warranted the presumption of her being herself the forger or the person who had caused the forgery.[31]

C.

The petitioner contends that even assuming that notwithstanding her lack of any civil service eligibility upon her entry into the Civil Service, she could still be deemed to have acquired eligibility by operation of law under the terms of Republic Act No. 6850,[32] a law granting civil service eligibility to employees efficiently serving the Government for at least seven years; that she was already a civil service eligible as of February 8, 1990, the date of approval of the law, and was no longer dismissible from the civil service by then; and that any defect in her appointment as a permanent government employee was cured by her acquisition of eligibility in 1990.

The petitioner's contention has no basis.

Sections 1 and 2 of Republic Act No. 6850 state:

> Section 1. All government employees as of the approval of this Act who are holding career civil service positions appointed under provisional or temporary status who have rendered at least a total of seven (7) years of efficient service may be granted the civil service eligibility that will qualify them for permanent appointment to their permanent positions.
>
> The Civil Service Commission shall formulate performance evaluation standards in order to determine those temporary employees who are qualified to avail themselves of the privilege granted under this Act.
>
> The civil service eligibility herein granted may apply to such other positions as the Civil Service Commission may deem appropriate.
>
> Section 2. The Civil Service Commission shall promulgate the rules and regulations to implement this act consistent with the merit and fitness principle within ninety (90) days after its effectivity.

These legal provisions show that not every temporary or provisional employee is automatically deemed to be a permanent employee after rendering at least seven years of service in the Government. The CSC still needs to evaluate whether the employee is qualified to avail himself or herself of the privilege granted by the statute. Moreover, that an appointee obtains a civil service eligibility later on does not ipso facto convert his temporary appointment into a permanent one. A new appointment is still required, because a permanent appointment is not a continuation of the temporary appointment; the two are distinct acts of the appointing authority.[33] As held in Maturan v. Maglana,[34] a permanent appointment implies the holding of a civil service eligibility on the part of the appointee, unless the position involved requires no such eligibility. Where the appointee does not possess a civil service eligibility, the appointment is considered temporary. The subsequent acquisition of the required eligibility will not make the temporary appointment regular or permanent; a new appointment is needed.

Accordingly, any temporary employee who has served for the required duration of seven years must first be found by the CSC to continuously possess the minimum qualifications for holding the position, except the required eligibility, before he or she may be granted civil service eligibility. Among the minimum qualifications is the continuous observance of the Code of Conduct and Ethical Standards for Public Officials and Employees.[35]

The petitioner failed to comply with this necessary minimum qualification. She thrived on her having misled the Government into believing that she had possessed the requisite civil service eligibility for the various positions she had successively held in her 20 years of service. In the first place, she would not have been appointed in a permanent or temporary capacity, had the CSC sooner discovered her dishonesty.

Besides, pursuant to Section 20, Rule VI of the Omnibus Implementing Regulations of the Revised Administrative Code, to wit:

> Section 20. Notwithstanding the initial approval of an appointment, the same may be recalled on any of the following grounds.
>
> a) Non-compliance with the procedures/criteria provided in the agency's Merit Promotion Plan:
>
> b) Failure to pass through the agency's Selection/Promotion Board;
>
> c) Violation of the existing collective agreement between management and employees relative to promotion; or
>
> d) Violation of other existing civil service law, rules and regulations.

even an appointment initially approved by the CSC may be subsequently recalled when found to be invalid. R.A. No. 6850 was never meant to cure an appointment void from the very beginning for being based on a false representation of eligibility, like that of the petitioner. A contrary construction of the statute will, in effect, reward dishonesty.

Lastly, the petitioner's posture, that her dismissal from the service was too harsh a punishment, considering that she had rendered 20 years of efficient service in the Government, does not convince.

In Civil Service Commission v. Sta. Ana,[36] the CSC Office for Legal Affairs (CSC-OLA) found the respondent guilty of dishonesty and falsification of public documents for falsely representing in his Personal Data Sheet that he had passed the Career Service Professional Examinations with a rating of 83.8%, when in fact he was not in the Masterlist of Eligibles. The Office of the Court Administrator affirmed the findings of the CSC-OLA, but recommended the reduction of the penalty from dismissal to suspension of one year, because:

> xxx the fact that respondent has already spent more than twenty (20) years of his life in the service of this Court and this is his first administrative complaint. It could be that he committed the acts complained of out of his desire to be promoted for the benefit of his family. Respondent's admission and prayer for forgiveness is a good sign that he is indeed remorseful for what he did. xxx

Even so, we still ruled that dismissal from the service should be imposed, explaining:

> The facts and evidence, coupled with respondent's admission, sufficiently established his culpability. Respondent's use of a false certificate of eligibility constitutes an act of dishonesty under civil service rules and his act of making a false statement in his personal data sheet renders him administratively liable for falsification. Under Section 23, Rule XIV of the Administrative Code of 1987, dishonesty (par. a) and falsification (par. f) are considered grave offenses warranting the penalty of dismissal from service upon commission of the first offense.
>
> On numerous occasions, the Court did not hesitate to impose such extreme punishment on employees found guilty of these offenses.[37] There is no reason why respondent should be treated differently. xxx

In the petitioner's case, we have more reason to hold that length of service was not mitigating. Unlike the respondent in Sta. Ana, she neither owned up to her dishonesty, nor showed regret for it. The State would surely face greater risks were she now allowed to continue in public office despite her having been found guilty of dishonesty.

WHEREFORE, we deny the petition for review on certiorari, and affirm the resolutions dated September 5, 2002, January 8, 2003, and June 5, 2003, all issued in C.A.-GR SP No. 72555.

Costs of suit to be paid by the petitioner.

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SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

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[1] Rollo, pp. 26, 28 and 30, respectively; penned by Associate Justice Teodoro P. Regino (retired), and concurred in by Associate Justice Remedios Salazar-Fernando and Associate Justice Juan Q. Enriquez, Jr.

[2] CA Rollo, pp. 16-17.

[3] Rollo, p. 15.

[4] CA. Rollo, pp. 21-31.

[5] Id., p. 4.

[6] Id., p. 3.

[7] Id., pp. 2-12.

[8] Id., pp. 4-5.

[9] Id., pp. 13-19.

[10] Id., p. 20.

[11] Id., pp. 21-31.

[12] Id., p. 32.

[13] Id., p. 34.

[14] Id., pp. 35-37.

[15] Id., pp. 44-52.

[16] Id., p. 54.

[17] Id., pp. 62-64.

[18] Id., pp. 85-86.

[19] Rollo, p. 18.

[20] Cadayona v Court of Appeals, G.R. No. 128772, February 3, 2000; 324 SCRA 619.

[21] Rollo, pp. 38-46.

[22] Rule 43 states:

Section 8. Action on the petition. -- The Court of Appeals may require the respondent to file a comment on the petition, not a motion to dismiss, within ten (10) days from notice, or dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration. (6a)

[23] E.g., Cadayona v Court of Appeals, G.R. No. 128772, February 3, 2000; 324 SCRA 619; Cusi-Hernandez v Diaz, G.R. No. 140436, July 18, 2000, 336 SCRA 113, 119-120; Ace Navigation Co., Inc. v. Court of Appeals,

G.R. No. 140364, August 15, 2000, 338 SCRA 70, 71; Roadway Express Inc., v. Court of Appeals, G.R. No. 121488, November 21, 1996, 264 SCRA 696, 697.

[24] G.R. No. 156011, July 3, 2008, 557 SCRA 1.

[25] Torres, Jr. v. Court of Appeals, G.R. No. 120138, September 5, 1997, 278 SCRA 793 (the Court said: "xxx in resolving appeals from quasi judicial agencies, it is within the discretion of the Court of Appeals to have the original records of the proceedings under review be transmitted to it. In this connection, petitioners' claim that the Court of Appeals could not have decided the case on the merits without the records being brought before it is patently lame. Indubitably, the Court of Appeals decided the case on the basis of the uncontroverted facts and admissions contained in the pleadings, that is, the petition, comment, reply, rejoinder, memoranda, etc. filed by the parties.).

[26] Spouses Galang v. Court of Appeals, G.R. No. 76221, July 29, 1991, 199 SCRA 683, 689.

[27] Cuevas v. Bais Steel Corporation, G.R. No. 142689, October 17, 2002, 391 SCRA 192.

[28] Heirs of Severa P. Gregorio v. Court of Appeals, G.R. No. 117609, December 29, 1998, 300 SCRA 565.

[29] Section 44, Rule 130, Rules of Court.

[30] G.R. No. 145737, September 3, 2003, 410 SCRA 357.

[31] Civil Service Commission v. Perocho, Jr., A.M. No. P-05-1985, July 26, 2007, 528 SCRA 171; Pecho v. People G.R. No.111399, September 27, 1996, 262 SCRA 518; Alarcon v. Court of Appeals, G.R. No. L-21846, March 31, 1967, 19 SCRA 688.

[32] An Act to Grant Civil Service Eligibility Under Certain Conditions to Government Employees Appointed Under Provisional or Temporary Status Who Have Rendered a Total of Seven (7) Years of Efficient Service, and for Other Purposes; Approved, February 8, 1990.

[33] Province of Camarines Sur v. Court of Appeals, G.R. No. 104639, July 14, 1995, 246 SCRA 281; Torio v. Civil Service Commission, G.R. No. 99336, June 9, 1992, 209 SCRA 677.

[34] G.R. No. L-52091, March 29, 1982, 113 SCRA 268.

[35] Republic Act No. 6713.

[36] A.M. No. OCA-01-5, August 1, 2002, 386 SCRA 1.

[37] Citing Lumiqued v. Exevea, 282 SCRA 125 (1997); Re: Financial Audit of RTC, General Santos City, 271 SCRA 302 (1997); Marasigan vs. Buena, 284 SCRA 1 (1997); Moner v. Ampatua, 295 SCRA 20 (1998); Regalado v. Buena, 309 SCRA 265 (1999); Eamiguel v. Ho, 287 SCRA 79 (1998); Re: Suspension of Clerk of Court Rogelio R. Joboco, RTC, Br. 16, Naval, Biliran, 294 SCRA 119 (1998); Marbas-Vizcarra v. Florendo, 310 SCRA 592 (1999); Amane v. Mendoza-Arce, 318 SCRA 465; Almario v. Resus, 318 SCRA 742 (1999).

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