

CIVIL SERVICE COMMISSION, PETITIONER, VS. BERNABET A. MAALA, RESPONDENT.

G.R. NO. 165253. August 18, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

At bar is the petition for review on certiorari filed by the Civil Service Commission (CSC) assailing the Decision[1] dated April 6, 2004 of the Court of Appeals and its Resolution dated September 6, 2004 in CA-G.R. SP No. 49176, entitled "BERNABET A. MAALA, petitioner, versus CIVIL SERVICE COMMISSION, respondent."

The facts are:

In July, 1990, Bernabet A. Maala, respondent, started working as a casual employee at the National Council for the Welfare of Disabled Persons (NCWDP), holding the position of clerk II.[2]

Five years later or in June of 1995, respondent took the Social Worker Licensure Examination where she obtained a failing grade of 67.40%.[3]

Sometime in October, 1995, respondent applied for the permanent position of clerk III at the same office. She stated in her Personal Data Sheet that she is a licensed social worker, having passed the June, 1995 Social Worker Licensure Examination with a passing rating of 76.25%. In support of her application, she submitted the following documents:

- Certificate as a Social Worker dated August 18, 1995 issued by the Professional Regulation Commission (PRC);[4]
- Reconsideration Rating showing a passing grade of 76.25% in the Social Worker Licensure Examination;[5]
- Official Receipt for registration fee of P370.00 dated August 18, 1995;[6]
- PRC Board of Social Workers' Resolution No. 89, Series of 1995, issued on August 24, 1995, approving respondent's petition for reconsideration of her failed rating;[7]
- I.D. License;[8] and
- Oath of Office as social worker executed before a Notary Public on August 18, 1995.[9]

Consequently, the NCWDP appointed respondent as clerk III effective December 1, 1995.[10]

Later, Director Arnel G. Delmonte of the Civil Service Commission (CSC) Field Office, in his Memorandum dated April 12, 1996 addressed to the CSC National Capital Region, reported that respondent misrepresented herself as a registered social worker when she filed with the NCWDP an application for promotion as clerk III.[11] This prompted the NCWDP to file with the CSC an administrative complaint against respondent, for

dishonesty through falsification of official documents, docketed as Administrative Case No. 96-05-65,[12] thus:

"That in support of your application for employment with the National Council for the Welfare of Disabled Persons, you claimed in your Personal Data Sheet that you are a licensed Social Worker, having passed the June, 1995 Social Worker Licensure Examination with the average of 76.25%. You also submitted spurious documents in support thereto. Accordingly, you were given an appointment as Clerk III at the aforementioned agency effective December 1, 1995. However, upon verification from the Professional Regulation Commission, it was found out that your name does not appear in the list of professionals, having obtained a failing grade of 67.4%. Such act is contrary to CS law, rules and regulations."

In her answer,[13] respondent denied the charge, claiming that she acted in good faith and had no intent to commit any falsity. She explained that she was misled by one Armi Liguind into believing that she passed the Social Worker Licensure Examination. Her answer reads in part:

"After my graduation in June, 1995, I took the Social Worker Licensure Examination where I obtained the grade of 67.40%.

Sometime in July of the same year, a lady, riding a red late model Mitsubishi-Lancer car with Plate No. ADB 261, stopped by our house at Butong, Taal, Batangas. She introduced herself as Armi Liguind looking for clients who would like to avail of her services. She asked me whether I am Bernabet Maala and after answering in the affirmative and engaging in a brief conversation, represented that she is well-verse in the procedure of asking for a re-checking of examination papers in this Honorable Commission and in asking for a reconsideration of examinees who failed the examination, particularly those who nearly reached the passing grade. When asked as to how much is her professional fee, she said her fee is P15,000.00 payable only if she is successful in her undertaking.

There being nothing wrong nor illegal in asking for a re-checking of my examination papers, nor in asking for a reconsideration of my failing mark as it is only a question of less than 3% to reach the passing grade to obtain my license, and I have nothing to pay if she will not be successful, I agreed to retain the services of Ms. Armi Liguind. We agreed to meet in Manila. She gave her address at No. 4 Madiac St., Quezon City and her telephone No. 60-61-12 to contact her.

In one of our meetings, she made me sign a petition addressed to this Honorable Civil Service Commission. After several meetings, she intimated that this Commission has granted my petition and asked for copies of my photographs and the amount of P5,000.00 as advance payment of her fee, allegedly to defray the expenses in the registration of my license and others.

Finally, in our meeting in August 18, 1995, she presented to me my certificate as a Social Worker allegedly issued by this Commission (photocopy is attached as Annex "1"); the reconsidered rating (Annex "2"); the official receipt for P370.00 (Annex "3"); the Board Resolution on the Petition for Reconsideration (Annex "4"); and my I.D. License (Annex "5"). She also accompanied me to a Notary Public where I was made to accomplish and subscribe to an oath of office as Social Worker (Annex "6"), after which she collected the P10,000.00 balance of her professional fee.

x x x x x x x x

The foregoing facts and circumstances constituted the true and actual events that transpired leading me to believe that I actually passed the licensure examination. I never intend to commit any falsification or to use any falsified document, nor to be dishonest because I am a God-fearing person and my honor is the only treasure that I possess in this earth.

x x x, it is respectfully and humbly submitted that I should be exonerated from the charges of dishonesty and falsification of official documents because when I submitted these documents for purposes of employment,

which turned out to be spurious, I was in good faith. One cannot be dishonest and one cannot commit the offense of falsification if she does not have the intention to be dishonest and to commit the same."

After conducting an investigation, the CSC issued Resolution No. 981365 dated June 3, 1998^[14] finding respondent guilty of dishonesty through falsification of official documents and imposing upon her the penalty of dismissal from the service with all its accessory penalties, including perpetual disqualification from holding public office and from taking future government examinations.

Respondent filed a motion for reconsideration but was denied by the CSC in its Resolution No. 982321 dated September 3, 1998.^[15] She then filed with the Court of Appeals a petition for review, docketed as CA-G.R. SP No. 49176.

On April 6, 2004, the Appellate Court rendered its Decision,^[16] now being assailed, reversing the twin Resolutions of petitioner CSC. The dispositive portion of the Decision reads:

"WHEREFORE, the petition is GRANTED. The Resolutions dated June 3, 1998 and September 3, 1998 of the Civil Service Commission are REVERSED and SET ASIDE. Petitioner Bernabet A. Maala is exonerated of the administrative charges of Dishonesty and Falsification of Official Documents. However, she cannot continue in her employment due to lack of civil service eligibility.
SO ORDERED."

In exonerating respondent, the Court of Appeals sustained her defense of good faith, thus:

"We are inclined to give weight to petitioner's (now respondent) assertions that she had no knowledge of the untruthful character of her statements concerning the grade she obtained in the Social Workers' Licensure Examination at the time she accomplished the Personal Data Sheet for her application to a permanent position in the NCWDP. Petitioner obviously committed the falsity only by reason of her reliance on the representations of one Armi Liguid that her licensure ratings had been favorably reconsidered by the Board of Social Workers from the previous 67.4% failing grade to the passing rating of 76.25%. Armi Liguid's fraudulent scheme completely deceived petitioner since she was furnished with apparently genuine documents and was conducted through the seemingly legitimate act of appearing before a notary public to take her oath.

Clearly then, petitioner's actions were done in good faith under the belief that it was by reason of the Board's favorable reconsideration of her previous examination rating that she finally acquired her license as a social worker.

x x x x x x x x

Admittedly, the falsity was committed by reason of petitioner's own gullibility and misplaced trust, relying upon the assurances of a complete stranger. Certainly, petitioner allowed herself to be a victim of an unscrupulous individual. This fact, however, does not totally negate the presence of good faith for, as a general rule, ignorance or mistake as to particular facts, honest and real, will exempt the doer from felonious responsibility (*Lecaroz vs. Sandiganbayan*, 305 SCRA 396). In the instant case, there are clear manifestations of good faith and lack of criminal intent on the part of petitioner. The applicable maxim is "actus non facit reum, nisi mens rea - a crime is not committed if the mind of the person performing the act complained of is innocent" (*Amora, Jr. vs. Court of Appeals*, 115 SCRA 388, citing *U.S. vs. Catolico*, 18 Phil. 504)."^[17] (Underscoring supplied)

Petitioner's motion for reconsideration was denied by the Appellate Court in its Resolution dated September 6, 2004.^[18]

Thus, the instant recourse.

Petitioner contends that the Court of Appeals erred in finding that respondent acted in good faith and, therefore,

cannot be held administratively liable for dishonesty.

Respondent counters that she acted in good faith as she was convinced that the PRC Board of Social Workers had indeed reconsidered her previous examination rating, thus enabling her to acquire a license as a social worker. She submits that she was a victim of an unscrupulous individual, Armi Ligid.

The petition is meritorious.

At the outset, it must be stressed that the issue of whether respondent acted in good faith is a question of fact, the determination of which is beyond the ambit of this Court's power of review under Rule 45 of the 1997 Rules of Civil Procedure, as amended. Only questions of law may be raised under this Rule as this Court is not a trier of facts.[19]

However, there are instances when questions of fact may be reviewed by this Court, as when: (a) the conclusion is grounded on speculations, surmises or conjectures; (b) the inference is manifestly mistaken, absurd or impossible; (c) there is a grave abuse of discretion; (d) the judgment is based on a misapprehension of facts; (e) the findings of fact of the Court of Appeals are contrary to the evidence on record; (f) the Court of Appeals, in making its findings, went beyond the issues of the case and such findings are contrary to the admission of both the appellant and appellee; and (g) the findings of fact of the trial court are contrary to those of the Court of Appeals.[20]

In this case, the CSC and the Court of Appeals made conflicting findings of fact, specifically on whether respondent acted in good faith. Hence, a review of such factual findings is in order.

In common usage, the term "good faith" is ordinarily used to describe that state of mind denoting "honesty of intention, and freedom from knowledge of circumstances which ought to put the holder upon inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render transaction unconscientious." [21]

In short, good faith is actually a question of intention. Although this is something internal, we can ascertain a person's intention by relying not on his own protestations of good faith, which is self-serving, but on evidence of his conduct and outward acts.[22]

Here, respondent, from her actuations, cannot be considered to have acted in good faith when she stated in her Personal Data Sheet that she is a licensed social worker on the basis of the spurious documents furnished her by the "fixer." We carefully noted her acts which are inconsistent with her protestation of good faith, thus:

First, obviously, she knew that Armi Ligid is a fixer. Yet, she voluntarily and willingly transacted with her (Armi), paying the latter P15,000.00 for her "service fee." Transacting with a "fixer" is in itself grossly improper as the latter's acts are obviously unofficial and unauthorized. If indeed respondent had the honest intention in asking for a re-checking of her examination papers, then she should have filed with the PRC the necessary petition. Instead, she entrusted everything to a "fixer," who later, handed to her the questioned spurious documents as "proofs" that she passed the Social Worker Licensure Examination.

Second, as observed by the Court of Appeals in its assailed Decision, respondent absolutely "relied upon the assurances of a complete stranger (referring to the "fixer")." According to respondent, this stranger, out of the blue, went all the way to her residence at Butong, Taal, Batangas and offered her services, for a fee, to secure a re-checking of her examination papers so that her previous failing grade would be reconsidered by the PRC. Amazingly, respondent easily trusted the stranger without first cautiously verifying with the PRC the latter's credentials. As we stressed earlier, a person is considered in good faith not only when he has shown an honest

intention but that he must also be free from knowledge of circumstances which ought to put him on inquiry. To be approached by a complete stranger offering an unusual "service" for a fee, respondent should have been wary and verified that person's integrity.

Third, she also did not take any step to determine from the PRC the authenticity of the documents procured for her by the "fixer," which turned out to be spurious. This is another aberrant behavior on the part of respondent contrary to good faith.

Fourth, without verifying with the PRC the authority of Armi Liguid, respondent proceeded to use the spurious documents in support of her application for a permanent position as clerk III in the NCWDP.

In *Civil Service Commission vs. Cayobit*,^[23] we held:

"x x x. Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty. It is a serious offense, which reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity (*Prieto vs. Cariaga*, 242 SCRA 315 [1995]). Its immense debilitating effect on the government service cannot be overemphasized.

Under the Civil Service regulations, the use of fake or spurious civil service eligibility is regarded as dishonesty and grave misconduct, punishable by dismissal from the service. CSC Memorandum Circular No. 15, Series of 1991 provides:

"An act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service examination, has been categorized as a grave offense of dishonesty, grave misconduct or conduct prejudicial to the best interest of the service."

In fine, we hold that respondent in obtaining a fake civil service eligibility, through falsification of official documents, is guilty of dishonesty. In bears stressing that in administrative proceedings, the quantum of evidence required is only substantial.^[24] The standard of substantial evidence is satisfied where, as here, there is reasonable ground to believe that the respondent is responsible for the misconduct.^[25]

WHEREFORE, the petition is GRANTED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 49176 are hereby REVERSED. The CSC Resolution No. 981365 dated June 3, 1998 and Resolution No. 982321 dated September 3, 1998 are AFFIRMED.

SO ORDERED.

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

[1] Penned by Justice Rosmari D. Carandang and concurred in by Justice Eugenio S. Labitoria and Justice Mercedes Gozo-Dadole.

[2] Annex "C" of Petition, Rollo at 55.

[3] Annexes "D" & "D-1," id. at 56-57.

[4] Annex "E", id. at 58.

[5] Annex "F," id. at 59.

[6] Annex "G," id. at 60.

- [7] Annex "H;" id. at 61.
- [8] Annex "I," id. at 62.
- [9] Annex "J," id. at 63.
- [10] Annex "K" (p. 1, CSC Resolution No. 981365 dated June 3, 1998), id. at 64.
- [11] See paragraph 1 of Annex "N," id. at 73.
- [12] Annex "L," id. at 67-68.
- [13] Annex "M," id. at 69-72.
- [14] Annex "K," id. at 64-66.
- [15] Annex "Q," id. at 81-84.
- [16] Annex "A" of Petition, Rollo at 44-51.
- [17] Rollo at 11-12.
- [18] Annex "B," id. at 52-54.
- [19] Alfredo vs. Borrás, G.R. No. 144225, June 17, 2003, 404 SCRA 145, 156, citing W. Red Construction and Development Corp. vs. Court of Appeals, 338 SCRA 341 (2000).
- [20] Chan vs. Maceda, Jr., G.R. No. 142591, April 30, 2003, 402 SCRA 352, 362, citing Fule vs. Court of Appeals, 286 SCRA 698 (1998).
- [21] Black's Law Dictionary, sixth edition, 1990 at 693 (underscoring supplied), citing Efron vs. Kalmanovitz, 249 Cal.App. 187, 57 Cal.Rptr. 248, 251; Leung Yee vs. Frank L. Strong Machinery Co., 37 Phil. 644 (1918); Fule vs. Legare, 117 Phil. 368 (1963).
- [22] Gabriel vs. Mabanta, G.R. No. 142403, March 26, 2003, 399 SCRA 573.
- [23] G.R. No. 145737, September 3, 2003, 410 SCRA 357.
- [24] Civil Service Commission vs. Cayobit, id., citing Cana vs. Gebusion, 329 SCRA 132 (2000).
- [25] Id., citing Consolidated Food Corp. vs. NLRC, 315 SCRA 129 (1999).

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