

ALEJANDRO V. DONATO, JR. PETITIONER, VS. CIVIL SERVICE COMMISSION REGIONAL OFFICE NO. 1, RESPONDENT.*G.R. No. 165788. February 07, 2007*

Ponente: CALLEJO, SR., J.

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Before the Court is the Petition for Review on Certiorari filed by Alejandro V. Donato, Jr. which seeks to reverse and set aside the Decision[1] dated October 11, 2004 of the Court of Appeals in CA-G.R. SP No. 73854. The assailed decision affirmed Resolution No. 020348 dated March 7, 2002 and Resolution No. 021423 dated October 23, 2002 of the Civil Service Commission (CSC) which had, in turn, affirmed the decision of the Civil Service Commission Regional Office No. 1 (CSCRO 1) finding petitioner Donato, Jr. guilty of dishonesty and falsification of official document and ordering his dismissal from the service.

The case arose from the following facts:

Donato, Jr. was a secondary school teacher at the San Pedro Apartado National High School in Alcala, Pangasinan while Gil C. Arce held the position of Assessment Clerk II at the Office of the Municipal Treasurer of the said municipality. On October 5, 1998, the Management Information Office of the CSC in Diliman, Quezon City received an anonymous letter-complaint requesting an investigation on the alleged dishonest act committed by Donato, Jr. It was alleged that Donato, Jr., falsely representing himself as Arce during the Career Service Sub-Professional Examination held in 1995,[2] took the said examination in behalf of the latter. The anonymous complaint stated in part:

I have the honor to request your good Office to investigate the dishonesty committed by Mr. Alejandro V. Donato, Jr. who impersonated Mr. Gil C. Arce during the Sub-Professional Examination taken in 1995. They are working in San Pedro Apartado National High School, Alcala, Pangasinan and in the Municipality of Alcala, respectively.

They are cheating the government and as far as rumors this is not only the examination anomaly he committed.

x x x x[3]

Attached thereto was a photograph of Donato, Jr. The letter-complaint was immediately forwarded to the CSCRO 1, City of San Fernando, La Union, which required Donato, Jr. and Arce to submit their respective answers thereto. In his Answer dated May 19, 1999, Arce vehemently denied committing such act of dishonesty. He claimed that he was "the same person who took the said examination and through [his] own merit successfully passed the same." In support thereof, he attached the joint-affidavit of Gerry Cabrera and David Arce attesting that, on August 5, 1990, they all, including Arce, took the Career Service Sub-Professional Examination given by the CSC at the Binmaley Catholic High School, Binmaley, Pangasinan.

Donato, Jr., for his part, averred in his Answer dated May 24, 1999 that:

I was greatly troubled that my picture appeared in the Seat Plan. The appearance of my picture would

substantiate the allegation of the anonymous complaint, whoever he/she is.

The truth is that Mr. Arce asked me once to take the test for him, but I vehemently refused the offer knowing that this would [be] tantamount to cheating, and that it would put me in hot waters.

Mr. Arce told me that he had taken the examination, but did not make it. It was then that he asked me to take the examination for him, of which I refused knowing that the Honorable Commission has some pertinent records of myself such as copies of my Appointment Papers, PDS, PBET, and other similar documents.

The fact is, I advised him to try again, which he did. He even asked me to accompany him in Binmaley to help him locate his testing room. After we had found his testing room, I immediately left him knowing that there was nothing else I could do. I proceeded to Lingayen to visit my mother.

After some time, Mr. Arce announced to me that he passed the test with a very high rating.

How my picture was used, I have no idea. All I know is that I used that picture when I took my PBET in November 1998 in Dagupan City. I had other copies of that picture, two of which I submitted to Mrs. Erlinda C. Tadeo, my former principal, for loan purposes. As for the rest, I could no longer locate them because I either misplaced them or lost them.

I suspect that my picture was used for personal vendetta against me, to harass me in order that I desist from furthering my case filed before the Honorable Commission against my former principal.

I, therefore, vehemently deny the allegation of the Honorable Anonymous Complaint, whoever he/she is.[4]

The Picture Seat Plan (PSP) of Examination Room No. 24 in Binmaley Catholic High School for the August 5, 1990 Career Service Sub-Professional Examination (where the name Gil Arce appeared) showed that the identification (ID) picture pasted above the name Gil Arce was that of Donato, Jr. It was also observed that the signature appearing thereon was different from the signature of Arce in his Answer.

Taking into consideration the foregoing, a Formal Charge dated October 12, 1999 was filed by Romeo C. De Leon, Director IV of CSCRO 1, against Donato, Jr. and Arce for dishonesty and falsification of official document. The case was docketed as Administrative Case No. 99-27. Donato, Jr. and Arce were, accordingly, required to file their respective answers to the said formal charge.

In his Answer[5] dated December 14, 1999, Arce basically adopted the allegations in his previous answer. In addition thereto, he claimed that ever since he was a child, it was his habit to keep photographs of members of his family and friends in his wallet, including that of Donato, Jr. According to Arce, during the said examination, he may have mistakenly submitted the ID picture of Donato, Jr. With respect to the signature, Arce maintained that the signature on the PSP was one of his signatures and that the one that appeared on his answer was what he was using at the time.

In his Answer[6] dated December 24, 1999, Donato, Jr. adopted the averments in his previous answer. Additionally, he harped on the apparent discrepancy in the dates considering that the anonymous letter-complaint stated that the date of examination was in 1995 while in the formal charge, two different dates were mentioned: August 5, 1990 and August 5, 1999. The discrepancy in the dates allegedly rendered him incapable of addressing head-on the charges against him. He vigorously denied that he misrepresented himself as Arce and that he took the said government examination in the latter's stead. He claimed that he was at his residence in Poblacion East, Alcala, Pangasinan the whole day of August 5, 1990 and, in fact, he received some visitors thereat. He submitted the affidavits of Diosdado Tamayo and Baldomino Batuan attesting that they went to see him at his house on the said date.

Subsequently, a trial-type hearing was conducted where the parties, particularly Donato, Jr. and Arce, were given the opportunity to proffer documentary and testimonial evidence. Thereafter, the CSCRO 1, through Lorenzo S. Danipog, Director IV, rendered Decision No. 2001-113[7] dated May 30, 2001 in Administrative Case No. 99-27, dismissing Donato, Jr. and Arce from the service for dishonesty and falsification of official document.

Donato, Jr. and Arce sought reconsideration of the said decision and/or new trial but their respective motions were denied by the CSCRO 1 for lack of merit. By way of appeal, they elevated the case to the CSC.

After due consideration of the pleadings, the CSC promulgated Resolution No. 020348 dated March 7, 2002, affirming the earlier decision of the CSCRO 1. The CSC ruled that there was substantial evidence to hold both Donato, Jr. and Arce guilty of the charges of dishonesty and falsification of official document. Specifically, the ID picture of Donato, Jr. pasted on the PSP during the August 5, 1990 Career Service Sub-Professional Examination above Arce's name and the marked dissimilarity between Arce's purported signature thereon and his signature as appearing in his answer were taken by the CSC as indicative of the fact that it was Donato, Jr. who actually took the said examination in behalf of Arce.

The dispositive portion of CSC Resolution No. 020348 reads:

WHEREFORE, the appeal of Gil Arce and Alejandro Donato, Jr. is hereby DISMISSED. Accordingly, the Decision dated May 30, 2001 of the Civil Service Commission Regional Office (CSCRO) No. 1, San Fernando City, La Union, finding them guilty of Dishonesty and Falsification of Official Document and dismissing them from the service stands.

IRMO and CSCRO 1 are directed to effect the revocation of the civil service eligibilities of Gil Arce and Alejandro Donato, Jr. in the implementation of this resolution.[8]

A motion for reconsideration thereof was filed by Donato, Jr. and Arce but it was denied by the CSC in its Resolution No. 021423 dated October 23, 2002. In this resolution, the CSC stressed that "the guilt of Arce and Donato, Jr. was sufficiently proven by substantial evidence; hence, there is no cogent reason to warrant the reversal or modification of CSC Resolution No. 020348 dated March 7, 2002." [9]

Donato, Jr. and Arce forthwith filed with the Court of Appeals (CA) a petition for review assailing the aforesaid resolutions of the CSC. The CA, however, in the assailed Decision dated October 11, 2004, affirmed CSC Resolution Nos. 020348 and 021423.

The CA did not give credence to their insistence that the letter-complaint should have been dismissed outright for non-compliance with Section 8,[10] Rule II of the Uniform Rules on Administrative Cases in the Civil Service. In particular, it was Donato, Jr. and Arce's contention that the CSC should have dismissed outright the anonymous letter-complaint. Addressing this argument, the CA, echoing the reasoning of the CSC, pointed out that the basis for the formal investigation against them was not the anonymous complaint but the finding of a prima facie case against them after a fact-finding investigation.[11]

The CA, likewise, considered as puerile Donato, Jr. and Arce's claim that the documentary evidence against them had no probative value as the public officials who were in custody of these documents were not presented. The CA reasoned that the documentary evidence against Donato, Jr. and Arce are public documents and the probative weight accorded these documents is enunciated in Section 23, Rule 132 of the Revised Rules on Evidence, to wit:

SEC. 23. Public documents as evidence. - Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

Specifically, the evidentiary value of the PSP for Examination Room No. 24 of the Binmaley Catholic High School in which the ID picture of Donato, Jr. was pasted above Arce's name was, according to the CA, correctly given evidentiary weight by the CSC in consonance with the above-quoted provision, and especially when viewed in the context of Arce's assertion that he may have mistakenly submitted Donato Jr.'s ID picture when he took the said government examination. Lacking a satisfactory explanation for Donato, Jr.'s ID picture on the said PSP and the variance between Arce's purported signature thereon and that on the answer that he filed with the CSCRO 1, the CA held that Donato, Jr. and Arce were correctly found liable for dishonesty and falsification of official document.

Donato, Jr. and Arce's claim of violation of their right to due process when they were found administratively liable, allegedly despite the absence of witnesses against them, was given short shrift by the CA. It pointed out that the records clearly showed that they were accorded the opportunity to present their side and, in fact, they submitted evidence to controvert the charges against them. The CA ruled that under the circumstances the requirements of due process had been sufficiently met.

The dispositive portion of the assailed CA decision reads:

WHEREFORE, the petition for review is DENIED for lack of merit and respondent's assailed Resolution Nos. 020348 and 021423 are AFFIRMED in toto.

SO ORDERED.[12]

Only Donato, Jr. (the petitioner) filed the present petition for review seeking to reverse and set aside the Decision dated October 11, 2004 of the CA. He raises the following issues for the Court's resolution:

I

WHETHER OR NOT THE PROCEEDINGS, UNDERTAKEN BY THE RESPONDENT, THE FORUM OF ORIGIN, ARE TAINTED WITH IRREGULARITY, INCLUDING DENIAL TO PETITIONER OF THE RIGHT OF CONFRONTATION, SUCH THAT THERE IS NOT A SINGLE PIECE OF EVIDENCE ADDUCED AGAINST PETITIONER;

II

WHETHER OR NOT THE FORUM OF ORIGIN AND THE SUBSEQUENT FORA IN WHICH THIS CASE PASSED THROUGH ON APPEAL ARE CORRECT IN CONCLUDING THAT PETITIONER IMPERSONATED GIL C. ARCE BECAUSE OF THE PRESENCE OF THE FORMER'S PICTURE IN THE SPACE INTENDED FOR THE PICTURE OF THE LATTER IN THE PICTURE SEAT PLAN (EXHIBIT "C") OF THE AUGUST 5, 1990 CIVIL SERVICE EXAMINATION AT ROOM 24, BINMALEY CATHOLIC HIGH SCHOOL, BINMALEY, PANGASINAN.[13]

The petitioner mainly assails the reliance by the CSCRO 1, the CSC and the CA on the Picture Seat Plan (marked as Exhibit "C"), which contained his ID picture above the name of Arce, in finding them both guilty of the administrative charges of dishonesty and falsification of official document. It is his contention that the PSP was erroneously considered as evidence when what was presented during the proceedings conducted by the CSCRO 1 was only a photocopy thereof. Upon the petitioner's demand, at the hearing of August 8, 2000, the counsel of CSCRO 1 produced a document which he claimed was an original copy of the PSP. However, the petitioner objected to the manner of presentation because the counsel was not allegedly the custodian of the said document. Moreover, he was not put on the witness stand and, consequently, was not subjected to cross-examination. The petitioner emphasizes that the PSP was not identified and formally offered in evidence.

The petitioner claims violation of his right to due process because he was not able to confront the person who

prepared, and who was in custody of, the PSP. He maintains that the presence of his ID picture above Arce's name could be made by any person by simply pasting it over another ID picture for an evil purpose. In this connection, he accuses his former principal, Mrs. Erlinda Tadeo, as the one responsible therefor because he (the petitioner), together with his co-teachers, filed an administrative case against her, for which she was meted a fine equivalent to her six months salary.

The petition is bereft of merit.

It must be stated, at the outset, that the CSCRO 1, the CSC and the CA uniformly found the petitioner liable for the charges of dishonesty and falsification of official document. In so doing, the PSP, on which the ID picture of the petitioner appeared above the name of Arce, was given credence by the CSCRO 1, the CSC and the CA to support the administrative charges against the petitioner and Arce.

No rule is more entrenched in this jurisdiction than that the findings of facts of administrative bodies, if based on substantial evidence, are controlling on the reviewing authority.[14] Stated in another manner, as a general rule, factual findings of administrative agencies, such as the CSC, that are affirmed by the CA, are conclusive upon and generally not reviewable by this Court.[15]

To be sure, there are recognized exceptions to this rule, to wit: (1) when the findings are grounded entirely on speculation, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to those of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of facts are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[16] None of these exceptions has been shown to be attendant in the present case.

On the other hand, petitioner would like this Court to re-examine the evidence against him as he impugns, in particular, the PSP which contained his ID picture above Arce's name. However, it is not the function of this Court to analyze or weigh all over again the evidence and credibility of witnesses presented before the lower court, tribunal or office. This flows from the basic principle that the Supreme Court is not a trier of facts. Its jurisdiction is limited to reviewing and revising errors of law imputed to the lower court, the latter's findings of fact being conclusive and not reviewable by this Court.[17]

The petitioner's contention that his right to due process was violated because he was not able to cross-examine the person who had custody of the PSP is unavailing. In another case, the Court addressed a similar contention by stating that the petitioner therein could not argue that she had been deprived of due process merely because no cross-examination took place.[18] Indeed, in administrative proceedings, due process is satisfied when the parties are afforded fair and reasonable opportunity to explain their side of the controversy or given opportunity to move for a reconsideration of the action or ruling complained of.[19] Such minimum requirements have been satisfied in this case for, in fact, hearings were conducted by the CSCRO 1 and the petitioner and Arce actively participated therein and even submitted their respective evidence. Moreover, they were able to seek reconsideration of the decision of the CSCRO 1 and, subsequently, to elevate the case for review to the CSC and the CA.

Likewise unavailing is the petitioner's protestation that the PSP was not identified and formally offered in

evidence. The CSC, including the CSCRO 1 in this case, being an administrative body with quasi-judicial powers, is not bound by technical rules of procedure and evidence in the adjudication of cases, subject only to limitations imposed by basic requirements of due process.[20] As earlier opined, these basic requirements of due process have been complied with by the CSC, including the CSCRO 1.

It is well, at this point, to quote with approval the following ratiocination made by the CSC:

The picture of Donato pasted over the name of Gil Arce in the PSP during the Career Service Sub-professional Examination on August 5, 1990 is indicative of the fact that respondent Arce did not personally take the said examination but Donato in his behalf. This is so because as a matter of procedure, the room examiners assigned to supervise the conduct of examination closely examine the pictures submitted by the examinees. An examinee is not allowed by the examiners to take the examination if he does not look like the person in the picture he submitted and affixed in the PSP (CSC Resolution No. 95-3694 dated June 20, 1995 cited in CSC Resolution No. 97-0217 dated January 14, 1997). Obviously, the person whose picture is pasted on the PSP was the one who took the examination for and in behalf of Arce. In the offense of impersonation, there are always two persons involved. The offense cannot prosper without the active participation of both persons (CSC Resolution No. 94-6582). Further, by engaging or colluding with another person to take the test in his behalf and thereafter by claiming the resultant passing rate as his, clinches the case against him. In cases of impersonation, the Commission has consistently rejected claims of good faith, for "it is contrary to human nature that a person will do (impersonation) without the consent of the person being impersonated." (CSC resolution No. 94-0826)

It has been a settled rule in this jurisdiction that the duly accomplished form of the Civil Service is an official document of the Commission, which, by its very nature is considered in the same category as that of a public document, admissible in evidence without need of further proof. As official document, the contents/entries therein made in the course of official duty are prima facie evidence of the facts stated therein (Maradial vs. CSC, CA-G.R. SP No. 40764 dated September 27, 1996).[21]

Additionally, the petitioner's proposition that the matter could be the handiwork of his former principal, who had an axe to grind against him, is utterly preposterous. This bare and gratuitous allegation cannot stand against the ruinous evidence against him and Arce. Those government employees who prepared the PSP and who supervised the conduct of the Career Service Sub-Professional Examination on August 5, 1990, enjoy the presumption that they regularly performed their duties and this presumption cannot be disputed by mere conjectures and speculations.[22]

In fine, the CA committed no reversible error when it affirmed the resolutions of the CSC finding the petitioner guilty of dishonesty and falsification of official document. The petitioner has miserably failed to present any cogent reason for the Court to deviate from the salutary rule that factual findings of administrative agencies, especially when affirmed by the CA, are generally held to be binding and final so long as they are supported by substantial evidence in the record of the case.[23]

WHEREFORE, premises considered, the petition is DENIED for lack of merit. The Decision dated October 11, 2004 of the Court of Appeals in CA-G.R. SP No. 73854 is AFFIRMED in toto.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.

[1] Penned by Associate Justice Rebecca De Guia-Salvador, with Associate Justices Portia Aliño-Hormachuelos

and Aurora Santiago-Lagman, concurring; rollo, pp. 28-39.

[2] Should be 1990.

[3] CA Rollo, p. 142.

[4] Quoted from Formal Charge, pp. 2-3; CA rollo, pp. 52-53.

[5] CA rollo, pp. 55-56.

[6] Id. at 57-59.

[7] Id. at 93-101.

[8] Id. at 40.

[9] Id. at 50.

[10] The provision reads:

Section 8. Complaint. - A complaint against a civil service official or employee shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

The complaint should be written in a clear, simple and concise language, and in a systematic manner as to apprise the civil servant concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The complaint shall contain the following:

- full name and address of the complainant;
- full name and address of the person complained of as well as his position and office of employment;
- a narration of the relevant and material facts which shows the acts or omissions allegedly committed by the civil servant;
- certified true copies of documentary evidence and affidavits of his witnesses, if any; and
- certification or statement of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed.

[11] CA Decision, p. 9; rollo, p. 36.

[12] Id. at 11; id. at 38.

[13] The petitioner's Memorandum, p. 9; id. at 217.

[14] Gonzales v. Civil Service Commission, G.R. No. 156253, June 15, 2006, 490 SCRA 741, 474.

[15] Wooden v. Civil Service Commission, G.R. No. 152884, September 30, 2005, 471 SCRA 512, 525.

[16] Id. at 525-526.

[17] *Gonzales v. Civil Service Commission*, supra note 11, at 747-748.

[18] *Casimiro v. Tandog*, G.R. No. 146137, June 8, 2005, 459 SCRA 624, 633.

[19] *Id.*

[20] *Philippine Amusement and Gaming Corporation v. Angara*, G.R. No. 142937, November 15, 2005, 475 SCRA 41, 62.

[21] CSC Resolution No. 020348, p. 14; CA rollo, p. 39.

[22] Rule 131 of the Rules on Evidence provides in part:

SEC. 3. Disputable presumptions. - The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x

(m) That official duty has been regularly performed;

[23] *Gonzales v. Civil Service Commission*, supra note 11, at 747.

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