

SARAH P. AMPONG, PETITIONER, VS. CIVIL SERVICE COMMISSION, CSC-REGIONAL OFFICE NO. 11, RESPONDENT.

G.R. No. 167916. August 26, 2008

Ponente: REYES, R.T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-167916/>

REYES, R.T., J.:

CAN the Civil Service Commission (CSC) properly assume jurisdiction over administrative proceedings against a judicial employee involving acts of dishonesty as a teacher, committed prior to her appointment to the judiciary?

Before Us is a petition for review on certiorari assailing the Decision[1] of the Court of Appeals (CA) affirming the CSC's exercise of administrative jurisdiction over petitioner.

The Facts

The following facts are uncontroverted:

On November 10, 1991, a Professional Board Examination for Teachers (PBET)[2] was held in Davao City. A certain Evelyn Junio-Decir[3] applied for and took the examination at Room 16, Kapitan Tomas Monteverde Elementary School. She passed with a rating of 74.27%.[4]

At the time of the PBET examinations, petitioner Sarah P. Ampong (nee Navarra) and Decir were public school teachers under the supervision of the Department of Education, Culture and Sports (DECS).[5] Later, on August 3, 1993, Ampong transferred to the Regional Trial Court (RTC) in Alabel, Sarangani Province, where she was appointed as Court Interpreter III.

On July 5, 1994, a woman representing herself as Evelyn Decir went to the Civil Service Regional Office (CSRO) No. XI, Davao City, to claim a copy of her PBET Certificate of Eligibility. During the course of the transaction, the CSRO personnel noticed that the woman did not resemble the picture of the examinee in the Picture Seat Plan (PSP). Upon further probing, it was confirmed that the person claiming the eligibility was different from the one who took the examinations. It was petitioner Ampong who took and passed the examinations under the name Evelyn Decir.

The CSRO conducted a preliminary investigation and determined the existence of a prima facie case against Decir and Ampong for Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. On August 23, 1994, they were formally charged and required to file answers under oath. The formal charge reads:

That sometime before the conduct of the November 10, 1991 Professional Board Examination for Teachers (PBET), a certain Ms. Evelyn B. Junio (now Decir) took the said examination at Rm. 16 Kapitan Tomas Monteverde Elementary School, Davao City, with a passing rate of 74.27%; That on July 5, 1994 she appeared before the CSC Region XI Office to get her Guro Certificate; That upon verification, it was found out that the picture attached in the Picture Seat Plan, marked as Annex "A" and "A-1," respectively, were not the same compared to the picture attached in the CSC Form 212 of Evelyn Junio-Decir marked herein as annex "B," "B-1," respectively. There was also a marked difference in the signatures affixed in the said annexes; That

further investigations revealed that it was the pictures of Ms. Sarah Navarra, wife of her husband's first cousin, who took the said examination in behalf of Ms. Evelyn Junio-Decir, a provisional teacher; That the said act of Mesdames Decir and Navarra are acts of dishonesty and conduct prejudicial to the best interest of the service; that in (sic) taking the CS examination for and in behalf of another undermines the sanctity of the CS examinations; All these contrary to existing civil service laws and regulations. (Emphasis supplied)

In her sworn statement dated November 3, 1994, Decir denied the charges against her. She reasoned out that it must have been the examination proctor who pasted the wrong picture on the PSP and that her signatures were different because she was still signing her maiden name at the time of the examination. In her Answer, Decir contended that:

- The same accusation is denied, the truth being:
- When I took the Professional Board Examination for Teachers (PBET) in the year 1991, I handed my 1x1 I.D. picture to the proctor assigned in the examination room who might have inadvertently pasted in the Seat Plan [the] wrong picture instead [of] my own picture;
- With respect to the marked difference in my signature both appearing in the aforesaid Seat Plan and also with the Form 212, the disparity lies in that in the year 1991, when I took the afroresaid examination, I was still sporting my maiden name Evelyn B. Junio in order to coincide with all my pertinent supporting papers, like the special order (s.o.), appointment and among others, purposely to take said communications. However, immediately after taking the PBET Examination in 1991, I started using the full name of Evelyn Junio-Decir.[6]

Even before filing an Answer, petitioner Among voluntarily appeared at the CSRO on February 2, 1995 and admitted to the wrongdoing. When reminded that she may avail herself of the services of counsel, petitioner voluntarily waived said right.

On March 13, 1995, petitioner gave another admission in the following tenor:

Q:

Now, what is then your intention in coming to this Region inasmuch as you are still intending to file an answer to the formal charge?

A:

I came here because I want to admit personally. So that I will not be coming here anymore. I will submit my case for Resolution.

Q:

So, you intend to waive your right for the formal hearing and you also admit orally on the guilt of the charge on the Formal Charge dated August 24, 1994?

A:

Yes, Ma'am.

Q:

What else do you want to tell the Commission?

A:

x x x Inasmuch as I am already remorseful, I am repenting of the wrong that I have done. I am hoping that the

Commission can help x x x so that I will be given or granted another chance to serve the government.

x x x x

Q:

Now inasmuch as you have declared that you have admitted the guilt that you took the examination for and in behalf of Evelyn Junio Decir, are you telling this to the Commission without the assistance of the counsel or waiver of your right to be assisted by counsel.

A:

Yes, Ma'am. I am waiving my right.[7] (Emphasis supplied)

Petitioner reiterated her admission in her sworn Answer dated March 16, 1995:

- That, during the commission of the act, I was still under the Department of Education, Culture and Sports, as Teacher in-charge of San Miguel Primary School, Malungon North District, way back in 1991, when the husband of Evelyn Junio-Decir, my husband's cousin came to me and persuaded me to take the examination in behalf of his wife to which I disagreed but he earnestly begged so that I was convinced to agree because I pity his wife considering that she is an immediate relative, and there was no monetary consideration involved in this neither a compensatory reward for me, as I was overcome by their persuasion;
- That, despite the fact that I was a teacher, I was not aware that the acts I was charged, is a ground for disciplinary action and punishable by dismissal;
- That I should not have conformed to this anomalous transaction considering that I was born in a Christian family, and was brought up in the fear of Lord, and had been a consistent officer of the Church Board, had been a religious leader for so many years, and had been the organizer of the Music Festival of the Association of Evangelical Churches of Malungon, Sarangani Province, thus I was devoted to church work and was known to be of good conduct; and that my friends and acquaintances can vouch to that, but I was just forced by circumstances to agree to the spouses Godfre and Evelyn Decir.[8] (Emphasis added)

CSC Finding and Penalty

On March 21, 1996, the CSC found petitioner Ampong and Decir guilty of dishonesty, dismissing them from the service. The dispositive part of the CSC resolution states:

WHEREFORE, the Commission hereby finds Evelyn J. Decir and Sarah P. Navarra guilty of Dishonesty. Accordingly, they are meted the penalty of dismissal with all its accessory penalties. The PBET rating of Decir is revoked.[9]

Petitioner moved for reconsideration, raising for the first time the issue of jurisdiction.[10] She argued that the exclusive authority to discipline employees of the judiciary lies with the Supreme Court; that the CSC acted with abuse of discretion when it continued to exercise jurisdiction despite her assumption of duty as a judicial employee. She contended that at the time the case was instituted on August 23, 1994, the CSC already lost jurisdiction over her. She was appointed as Interpreter III of the RTC, Branch 38, Alabel, Sarangani Province on August 3, 1993.

The CSC denied the motion for reconsideration.[11] According to the Commission, to allow petitioner to evade administrative liability would be a mockery of the country's administrative disciplinary system. It will open the floodgates for others to escape prosecution by the mere expedient of joining another branch of government. In upholding its jurisdiction over petitioner, the CSC differentiated between administrative supervision exercised by the Supreme Court and administrative jurisdiction granted to the Commission over all civil service employees:

Moreover, it must be pointed out that administrative supervision is distinct from administrative jurisdiction. While it is true that this Commission does not have administrative supervision over employees in the judiciary, it definitely has concurrent jurisdiction over them. Such jurisdiction was conferred upon the Civil Service Commission pursuant to existing law specifically Section 12(11), Chapter 3, Book V of the Administrative Code of 1987 (Executive Order No. 292) which provides as follows:

"(11) Hear and decide administrative cases instituted by or through it directly or on appeal, including contested appointment, and review decisions and actions of its offices and of the agencies attached to it x x x."

The fact that court personnel are under the administrative supervision of the Supreme Court does not totally isolate them from the operations of the Civil Service Law. Appointments of all officials and employees in the judiciary is governed by the Civil Service Law (Section 5(6), Article VIII, 1987 Constitution). (Emphasis supplied)

CA Disposition

Via petition for review under Rule 43, petitioner elevated the matter to the CA.[12] She insisted that as a judicial employee, it is the Supreme Court and not the CSC that has disciplinary jurisdiction over her.

In a Decision dated November 30, 2004,[13] the CA denied the petition for lack of merit.

The CA noted that petitioner never raised the issue of jurisdiction until after the CSC ruled against her. Rather, she willingly appeared before the commission, freely admitted her wrongdoing, and even requested for clemency. Thus, she was estopped from questioning the Commission's jurisdiction. The appellate court opined that while lack of jurisdiction may be assailed at any stage, a party's active participation in the proceedings before a court, tribunal or body will estop such party from assailing its jurisdiction.

The CA further ruled that a member of the judiciary may be under the jurisdiction of two different bodies. As a public school teacher or a court interpreter, petitioner was part of the civil service, subject to its rules and regulations. When she committed acts in violation of the Civil Service Law, the CSC was clothed with administrative jurisdiction over her.

Issue

Petitioner, through this petition, assigns the lone error that:

The Honorable Court of Appeals-First Division decided a question of substance in a way not in accord with law and jurisprudence, gravely erred in facts and in law, and has sanctioned such departure and grave error because it ignored or was not aware of *Garcia v. De la Peña*, 229 SCRA 766 (1994) and *Adm. Matter No. OCA I.P.I. 97-329-P (CSC v. Ampong)* dated January 31, 2001, which reiterate the rule that exclusive authority to discipline employees of the judiciary lies with the Supreme Court, in issuing the questioned decision and resolution; which grave error warrant reversal of the questioned decision and resolution.[14]

Put simply, the issue boils down to whether the CSC has administrative jurisdiction over an employee of the Judiciary for acts committed while said employee was still with the Executive or Education Department.

Our Ruling

The answer to the question at the outset is in the negative but We rule against the petition on the ground of estoppel.

It is true that the CSC has administrative jurisdiction over the civil service. As defined under the Constitution and the Administrative Code, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, and government-owned or controlled corporations.[15] Pursuant to its administrative authority, the

CSC is granted the power to "control, supervise, and coordinate the Civil Service examinations." [16] This authority grants to the CSC the right to take cognizance of any irregularity or anomaly connected with the examinations. [17]

However, the Constitution provides that the Supreme Court is given exclusive administrative supervision over all courts and judicial personnel. [18] By virtue of this power, it is only the Supreme Court that can oversee the judges' and court personnel's compliance with all laws, rules and regulations. It may take the proper administrative action against them if they commit any violation. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers. [19] Thus, this Court ruled that the Ombudsman cannot justify its investigation of a judge on the powers granted to it by the Constitution. It violates the specific mandate of the Constitution granting to the Supreme Court supervisory powers over all courts and their personnel; it undermines the independence of the judiciary. [20]

In *Civil Service Commission v. Sta. Ana*, [21] this Court held that impersonating an examinee of a civil service examination is an act of dishonesty. But because the offender involved a judicial employee under the administrative supervision of the Supreme Court, the CSC filed the necessary charges before the Office of the Court Administrator (OCA), a procedure which this Court validated.

A similar fate befell judicial personnel in *Bartolata v. Julaton*, [22] involving judicial employees who also impersonated civil service examinees. As in *Sta. Ana*, the CSC likewise filed the necessary charges before the OCA because respondents were judicial employees. Finding respondents guilty of dishonesty and meting the penalty of dismissal, this Court held that "respondents' machinations reflect their dishonesty and lack of integrity, rendering them unfit to maintain their positions as public servants and employees of the judiciary." [23]

Compared to *Sta. Ana* and *Bartolata*, the present case involves a similar violation of the Civil Service Law by a judicial employee. But this case is slightly different in that petitioner committed the offense before her appointment to the judicial branch. At the time of commission, petitioner was a public school teacher under the administrative supervision of the DECS and, in taking the civil service examinations, under the CSC. Petitioner surreptitiously took the CSC-supervised PBET exam in place of another person. When she did that, she became a party to cheating or dishonesty in a civil service-supervised examination.

It is well settled that the jurisdiction to try a case is to be determined by the law in force at the time of the institution of the action, not at the time of the commission of the offense. [24] Consonant with this principle, the time of commission is not material to determining which court has jurisdiction. It stands to reason that administrative jurisdiction over petitioner belongs to the Supreme Court, the action having been instituted by the CSC at the time when petitioner was already a judicial employee.

Indeed, the standard procedure is for the CSC to bring its complaint against petitioner, a judicial employee, before the OCA. Records show that the CSC did not adhere to this procedure in the present case.

However, we are constrained to uphold the ruling of the CSC based on the principle of estoppel. The previous actions of petitioner have estopped her from attacking the jurisdiction of the CSC. A party who has affirmed and invoked the jurisdiction of a court or tribunal exercising quasi-judicial functions to secure an affirmative relief may not afterwards deny that same jurisdiction to escape a penalty. [25] As this Court declared in *Aquino v. Court of Appeals*: [26]

In the interest of sound administration of justice, such practice cannot be tolerated. If we are to sanction this argument, then all the proceedings had before the lower court and the Court of Appeals while valid in all other respects would simply become useless. [27]

Under the principle of estoppel, a party may not be permitted to adopt a different theory on appeal to impugn the court's jurisdiction.[28] In *Emin v. De Leon*,[29] this Court sustained the exercise of jurisdiction by the CSC, while recognizing at the same time that original disciplinary jurisdiction over public school teachers belongs to the appropriate committee created for the purpose as provided for under the Magna Carta for Public School Teachers.[30] It was there held that a party who fully participated in the proceedings before the CSC and was accorded due process is estopped from subsequently attacking its jurisdiction.

Petitioner was given ample opportunity to present her side and adduce evidence in her defense before the CSC. She filed with it her answer to the charges leveled against her. When the CSC found her guilty, she moved for a reconsideration of the ruling. These circumstances all too clearly show that due process was accorded to petitioner.

Petitioner's admission of guilt stands. Apart from her full participation in the proceedings before the CSC, petitioner admitted to the offense charged - that she impersonated Decir and took the PBET exam in the latter's place. We note that even before petitioner filed a written answer, she voluntarily went to the CSC Regional Office and admitted to the charges against her. In the same breath, she waived her right to the assistance of counsel. Her admission, among others, led the CSC to find her guilty of dishonesty, meting out to her the penalty of dismissal.

Now, she assails said confession, arguing that it was given without aid of counsel. In police custodial investigations, the assistance of counsel is necessary in order for an extra-judicial confession to be made admissible in evidence against the accused in a criminal complaint. If assistance was waived, the waiver should have been made with the assistance of counsel.[31]

But while a party's right to the assistance of counsel is sacred in proceedings criminal in nature, there is no such requirement in administrative proceedings. In *Lumiqued v. Exevea*,[32] this Court ruled that a party in an administrative inquiry may or may not be assisted by counsel. Moreover, the administrative body is under no duty to provide the person with counsel because assistance of counsel is not an absolute requirement.[33]

Petitioner's admission was given freely. There was no compulsion, threat or intimidation. As found by the CSC, petitioner's admission was substantial enough to support a finding of guilt.

The CSC found petitioner guilty of dishonesty. It is categorized as "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." [34] Petitioner impersonated Decir in the PBET exam, to ensure that the latter would obtain a passing mark. By intentionally practicing a deception to secure a passing mark, their acts undeniably involve dishonesty.[35]

This Court has defined dishonesty as the "(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." [36] Petitioner's dishonest act as a civil servant renders her unfit to be a judicial employee. Indeed, We take note that petitioner should not have been appointed as a judicial employee had this Court been made aware of the cheating that she committed in the civil service examinations. Be that as it may, petitioner's present status as a judicial employee is not a hindrance to her getting the penalty she deserves.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with a heavy burden or responsibility. The image of a court, as a true temple of justice, is mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel.[37] As the Court held in another administrative case for dishonesty:

x x x Any act which diminishes or tends to diminish the faith of the people in the judiciary shall not be countenanced. We have not hesitated to impose the utmost penalty of dismissal for even the slightest breach of duty by, and the slightest irregularity in the conduct of, said officers and employees, if so warranted. Such breach and irregularity detract from the dignity of the highest court of the land and erode the faith of the people in the judiciary.

x x x x

As a final point, we take this opportunity to emphasize that no quibbling, much less hesitation or circumvention, on the part of any employee to follow and conform to the rules and regulations enunciated by this Court and the Commission on Civil Service, should be tolerated. The Court, therefore, will not hesitate to rid its ranks of undesirables who undermine its efforts toward an effective and efficient system of justice.[38] (Emphasis added)

We will not tolerate dishonesty for the Judiciary expects the best from all its employees.[39] Hindi namin papayagan ang pandaraya sapagkat inaasahan ng Hudikatura ang pinakamabuti sa lahat nitong kawani.

WHEREFORE, the petition is DENIED for lack of merit.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, and Brion, JJ., concur.
Nachura, J., no part.

* No part. Justice Nachura participated in the present case as Solicitor General.

[1] Penned by Acting Presiding Justice Eubulo G. Verzola, with Associate Justices Jose L. Sabio, Jr. and Noel G. Tijam, concurring; rollo, pp. 19-27.

[2] Now known as the Examination for Teachers.

[3] Formerly Evelyn B. Junio.

[4] Rollo, p. 34.

[5] Now Department of Education.

[6] Rollo, p. 35.

[7] CA rollo, pp. 27-28.

[8] Id. at 30.

[9] Id. at 36.

[10] Id. at 32-38. Motion for Reconsideration dated July 1, 1996.

[11] Records, pp. 45-48. Resolution No. 9671516.

[12] CA rollo, pp. 2-16. Petition for Certiorari With Prayer for the Issuance of A Writ of Preliminary Injunction and Temporary Restraining Order dated February 11, 1997.

[13] Rollo, pp. 19-27.

[14] Id. at 6.

[15] CONSTITUTION (1987), Art. IX(B), Secs. 1-2; The Administrative Code (1987), Executive Order 292, Sec. 6.

[16] The Administrative Code (1987), Executive Order 292, Secs. 12(2) & (7), respectively.

[17] Cruz v. Civil Service Commission, 422 Phil. 236 (2001).

[18] CONSTITUTION (1987), Art. VIII, Sec. 6.

Sec. 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[19] Maceda v. Vasquez, G.R. No. 102781, April 22, 1993, 221 SCRA 464.

[20] Id.

[21] A.M. No. P-03-1696, April 30, 2003, 402 SCRA 49.

[22] A.M. No. P-02-1638, July 6, 2006, 494 SCRA 433.

[23] Bartolata v. Julaton, id. at 440.

[24] See Morales v. People, 434 Phil. 471 (2002); Azarcon v. Sandiganbayan, 335 Phil. 1202 (1997); People v. Velasco, G.R. No. 110592, January 23, 1996, 252 SCRA 135.

[25] Aquino v. Court of Appeals, G.R. No. 91896, November 21, 1991, 204 SCRA 240.

[26] Id.

[27] Id. at 247.

[28] Lozon v. National Labor Relations Commission, 310 Phil. 1 (1995).

[29] G.R. No. 139794, February 27, 2002, 378 SCRA 143.

[30] Republic Act No. 4670 (1966), Sec. 9 states: "Administrative Charges. - Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local, or, in its absence, any existing provincial or national teacher's organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education."

[31] CONSTITUTION (1987), Art. III, Sec. 12(1). Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel. See also People v. Patungan, G.R. No. 138045, March 14, 2001, 354 SCRA 413; People v. Salcedo, G.R. No. 100920, June 17, 1997, 273 SCRA 473.

[32] G.R. No. 117565, November 18, 1997, 282 SCRA 125.

[33] Lumiqued v. Exevea, id.

[34] CSC Memorandum Circular No. 15, Series of 1991.

[35] *Biteng v. Department of Interior and Local Government*, G.R. No. 153894, February 16, 2005, 451 SCRA 520.

[36] *Re: Administrative Case for Dishonesty Against Elizabeth Ting*, Court Sec I & Angelita C. Esmerio, Clerk III, Office of Clerk of Court, A.M. 2001-7-SC, July 22, 2005, 464 SCRA 1.

[37] *Soliman v. Soriano*, 457 Phil. 291 (2003).

[38] *Re: Administrative Case for Dishonesty Against Elizabeth Ting*, Court Sec I & Angelita C. Esmerio, Clerk III, Office of Clerk of Court, *supra* note 36, at 15-16.

[39] *Re: Administrative Case for Dishonesty and Falsification of Official Document Against Benjamin Katly*, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.