

CIVIL SERVICE COMMISSION, PETITIONER, VS. DORINDA B. BUMOGAS, RESPONDENT.

G.R. NO. 174693. August 31, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] dated May 8, 2006 and Resolution dated September 14, 2006 of the Court of Appeals in CA-G.R. SP No. 89310, entitled "Dorinda B. Bumogas v. Civil Service Commission."

Dorinda B. Bumogas, respondent, was the Municipal Treasurer of Penarrubia, Abra. She was promoted to said position when she made it to appear in her personal data sheet dated September 15, 1997 that she complied with the "college graduate" requirement for the position indicating therein that she graduated from the Abra Valley Colleges with the degree of Bachelor of Elementary Education. Attached to her personal data sheet was a copy of her transcript of records.

After her promotion, the Civil Service Commission-Cordillera Administrative Region (CSC-CAR) received a confidential information that respondent is not a college graduate and that her transcript of records is spurious.

In a letter dated October 27, 1997, the CSC-CAR requested the Abra Valley Colleges to authenticate respondent's transcript of records. However, the school did not act thereon.

On May 26, 1999, the CSC-CAR again sent a similar letter-request to the Abra Valley Colleges and at the same time, sought the assistance of the Commission on Higher Education-Cordillera Administrative Region (CHED-CAR) to ascertain the genuineness of respondent's transcript of records.

In a letter dated June 7, 1999, the CHED-CAR informed the CSC-CAR that such request for authentication of respondent's transcript of records should be addressed to the Abra Valley Colleges and that the Special Order No. 100225 appearing on her transcript of records could not be issued to respondent since the CHED-CAR's Special Order numbers for Bachelor of Elementary Education degree start with 211, not 2, thus:

This has reference to your communication, dated May 26, 1999, regarding the authenticity of the transcript of records and S.O. No. 2-100225, s. 1992, of Ms. Dorinda B. Bumogas.

As to the authenticity of the transcript of records (TOR), we suggest that your office communicate this matter directly to the school Abra Valley College (AVC), as this office does not maintain files of TOR's issued by private schools like AVC.

As to the alleged Special Order (S.O.) number, please be informed that based on our records, the same has not been issued to Ms. Bumogas, and can never be issued to anyone because this Office's S.O. numbers for Bachelor of Elementary Education (BEEd) starts with 211, and not only with 2."

On June 23, 2000, the Abra Valley Colleges finally informed the CSC-CAR that a copy of respondent's transcript

of records could no longer be found because a fire razed the school's ground floor on April 28, 2000 resulting in the destruction of all its records.

On November 15, 2000, the CSC-CAR filed an administrative complaint for dishonesty and falsification of public document against respondent.

In her answer, respondent denied the charges. She alleged that she actually attended classes in the Abra Valley Colleges and graduated on March 31, 1992 with the degree of Bachelor of Elementary Education. She attached to her answer her official transcript of records and diploma issued by the Abra Valley Colleges. She further alleged that she has no participation in the issuance of Special Order No. 2-100225 appearing on her transcript of records or in the preparation of said transcript of records and diploma. These were the official acts of the Abra Valley Colleges.

On August 27, 2002, the CSC-CAR rendered Decision No. CAR 02-096 DC finding respondent guilty as charged and dismissing her from the service with all its accessory penalties, thus:

WHEREFORE, Dorinda B. Bumogas is hereby found GUILTY of Dishonesty and Falsification of Public Documents. Accordingly, she is meted out the penalty of dismissal from the service including all its accessory penalties.

Respondent filed a motion for reconsideration but it was denied by the CSC-CAR in its Decision No. CAR 02-121 DC dated December 10, 2002.

On appeal, the Civil Serviced Commission (CSC), herein petitioner, rendered Resolution No. 040280 dated March 18, 2004 affirming the Decision of the CSC-CAR. Respondent then filed a motion for reconsideration. However, it was denied by the CSC in Resolution No. 050280 dated February 28, 2005, prompting her to file with the Court of Appeals a petition for review.

In its Decision dated May 8, 2006, the appellate court reversed the CSC-CAR Decision and CSC Resolution and dismissed the administrative case against respondent, thus:

WHEREFORE, premises considered, the petition is hereby GRANTED and the assailed Decision No. CAR 02-096 DC of the Civil Service Commission-CAR dated August 27, 2002 dismissing petitioner Dorinda B. Bumogas from the service along with accessory penalties and the CSC-QC March 18, 2004 Resolution No. 040280, are hereby REVERSED and SET ASIDE and the instant administrative case against her is hereby DISMISSED for lack of merit.

SO ORDERED.

Petitioner CSC filed a motion for reconsideration but it was denied by the appellate court in its Resolution of September 14, 2006.

Hence, the instant recourse.

The main issue for our resolution is whether there is substantial evidence to prove that respondent is administratively liable for dishonesty and falsification.

Petitioner CSC contends that Special Order No. 2-100225 appearing in respondent's transcript of records is spurious as evidenced by the Certification issued by the CHED-CAR that such number was never issued to respondent. The CSC then concluded that her transcript of records is falsified. And since she has in her possession the falsified transcript of records and made use of and benefited from it, then she is the forger.

Respondent, on the other hand, maintains that the preparation of her transcript of records bearing Special Order

No. 2-100225 was accomplished by the Abra Valley Colleges and that she had no participation therein. The CSC's conclusion that she forged her transcript of records, the same being in her possession, is speculative.

Obviously, the issue raised before us is a question of fact, the determination of which is beyond this Court's power of review for it is not a trier of facts.[2] However, there are instances when questions of fact may be reviewed by this Court, as when the findings of the Court of Appeals are contrary to those of the trial court or the agency concerned,[3] as in this case.

Here, the CSC and the Court of Appeals made conflicting findings of fact, specifically on the existence of substantial evidence to prove the charges against respondent. Hence, a review of such factual findings is in order.

Dishonesty and falsification of official document are grave offenses punishable by dismissal from the service.[4] As defined, dishonesty is intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing one's examination, registration, appointment or promotion.[5] Dishonesty is understood to imply a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity.[6] We have consistently ruled that making a false statement in a personal data sheet amounts to dishonesty and falsification of an official document.[7]

In administrative cases, the quantum of proof necessary to prove a charge is substantial evidence, that is, such relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[8]

Petitioner CSC's evidence mainly consists of the Certification from the CHED-CAR that the Special Order No. 2-100225 appearing on respondent's transcript of records could not have been issued to her since its Special Order numbers for Bachelor of Education degree start with 211, not 2. To our minds, this Certification alone cannot be considered substantial evidence to prove that respondent committed dishonesty or falsification. The CSC-CAR should have presented as witnesses the personnel from the Abra Valley Colleges who prepared and signed respondent's transcript of records to testify on its genuineness or falsity, or the officials concerned from the same school who could determine whether such transcript of records bears its imprimatur.

As aptly held by the Court of Appeals, the findings of the CSC-CAR and the CSC have no basis since "the officials who signed the transcript of records were not presented to testify that their signatures on the unauthenticated copy of the transcript of records of petitioner BUMOGAS were forged."

Basic is the rule that in administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of his complaint. Failing to do so, as in this case, respondent cannot be held guilty of the charges.

At this point, it must be emphasized that respondent is a holder of a Professional Civil Service Eligibility. Why did petitioner CSC grant her such eligibility if she were not a college graduate?

WHEREFORE, we DENY the petition. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 89310 are AFFIRMED.

SO ORDERED.

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

Quisumbing, J., on leave.

Nachura, J., no part filed pleading in Sol. Gen.

[1] Penned by Associate Justice Vicente Q. Roxas and concurred in by Associate Justice Godardo A. Jacinto (retired) and Associate Justice Juan Q. Enriquez, Jr.

[2] *Nicolas v. Desierto*, G.R. No. 154668, December 16, 2004, 447 SCRA 154.

[3] *Ong v. Bogñalbal*, G.R. No. 149140, September 12, 2006, 501 SCRA 490, citing *The Insular Life Assurance Company, Ltd. v. Court of Appeal*, 428 SCRA 79 (2004); *Heirs of Dicman v. Cariño*, 490 SCRA 240 (2006); *Spouses Almendrala v. Spouses Ngo*, 471 SCRA 311 (2005); *Manila Electric Company v. Benamira*, 463 SCRA 331 (2005); *Aguirre v. Court of Appeals*, 421 SCRA 310 (2004).

[4] Under Section 23, Rule XIV of the Omnibus Rules Implementing the Provisions of Book V of Executive Order No. 292, The Administrative Code of 1987.

[5] *Brucal v. Desierto*, G.R. No. 152188, July 8, 2005, 463 SCRA 151, citing *Sevilla v. Gocon*, 423 SCRA 98 (2004) and *Aquino v. The Gen. Mgr. of the GSIS*, 130 Phil. 488 (1968).

[6] *Id.*, citing *Sevilla v. Gocon*, 423 SCRA 98 (2004) and *Phil. Amusement and Gaming Corp. v. Rilloraza*, 412 Phil. 114 (2001).

[7] *Wooden v. CSC*, G.R. No. 152884, September 30, 2005, 471 SCRA 512; *Ratti v. Mendoza-De Castro*, A.M. No. P-04-1844, July 23, 2004, 435 SCRA 11; *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly*, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236, 242-243; *Administrative Case for Dishonesty and Falsification of Official Document Against Noel V. Luna*, SC Chief Judicial Staff Officer, A.M. No. 2003-7-SC, December 15, 2003, 418 SCRA 460, 467; *De Guzman v. Delos Santos*, A.M. No. 2002-8-SC, December 18, 2002, 394 SCRA 210, 215; *Civil Service Commission v. Sta. Ana*, A.M. No. OCA 01-5, August 1, 2002, 386 SCRA 1.

[8] Section 5, Rule 133, 1997 Revised Rules of Court; *Nicolas v. Desierto*, G.R. No. 154668, December 16, 2004, 447 SCRA 154.

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