

CIVIL SERVICE COMMISSION, PETITIONER, VS. TRISTAN C. COLANGGO, RESPONDENT,

G.R. No. 174935. April 30, 2008

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari[1] seeks to set aside the February 22, 2006 decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 79047 and its resolution denying reconsideration.[3]

On October 25, 1992, respondent Tristan C. Colanggo took the Professional Board Examination for Teachers (PBET) and obtained a passing rate of 75.98%. On October 1, 1993, he was appointed Teacher I and was assigned to Don Ruben E. Ecleo, Sr. Memorial National High School in San Jose, Surigao del Norte.

Subsequently, a complaint questioning the eligibility of teachers in Surigao del Norte was filed in the Civil Service Commission (CSC) CARAGA Regional Office No. XIII (CSC-CARAGA) in Butuan City. The CSC-CARAGA immediately investigated the matter.

In the course of its investigation, the CSC-CARAGA discovered significant irregularities in respondent's documents. The photographs of "Tristan C. Colanggo" attached respectively to the PBET application form and to the October 25, 1992 picture seat plan did not resemble respondent. Furthermore, the signature found in the PBET application form was markedly different from that affixed on respondent's personal data sheet (PDS). It appeared that someone other than respondent filed his PBET application and still another person took the exam on his behalf. Thus, the CSC-CARAGA filed a formal charge for dishonesty and conduct prejudicial to the best interest of service against respondent on January 13, 1999.[4]

On September 27, 2000, respondent filed an answer denying the charges against him and moved for a formal hearing and investigation. The CSC granted the motion and scheduled a hearing on October 31, 2000. Respondent failed to appear on the said date but subsequently filed an omnibus motion for the production of original documents relative to the charges against him and the presentation of persons who supervised the October 25, 1992 PBET. His motion was granted and the concerned proctor and examiners were subpoenaed.

After evaluating the evidence, the CSC found:

On the basis of the photographs attached [to] the PBET application form and the picture seat plan, it is evident that the person who filed the application form for the PBET is not the same person who actually took the said examination on October 25, 1992. This disparity of physical features of the former and latter are evident. The person who filed the PBET has fuller cheekbones and slanted eyes, thinner lips and has a different hairstyle from that of the John Doe who took the said examination. On the other hand, the latter has thinner cheekbones, elongated chin, full lips with a moustache and round eyes. Also, the signatures appearing of the PBET applicant and that of the PBET examinee are also in different strokes, curves and slants.

Comparing the signatures on the [PBET application form] and [picture seat plan] -vis-à-vis those affixed on the PDS of respondent more evidently reveals that the three are different persons. The photographs and

signatures appearing on the [PBET application form] and [picture seat plan] are far and different from the facial features and signatures from both John Does. Respondent looks older, has full cheekbones, flatter nose and thin lips. In other words, the picture and signatures affixed on the PBET application form, picture seat plan and PDS undoubtedly belong to three different persons which clearly serve a ground to establish a just cause for CSC-CARAGA to issue a formal charge on January 13, 1999 against respondent.[5] (emphasis supplied)

The CSC concluded that respondent did not apply for and take the PBET exam. Thus, in Resolution No. 021412, the CSC found respondent guilty of dishonesty and conduct prejudicial to the best interest of service and ordered his dismissal. [6]

Respondent moved for reconsideration but his motion was denied.[7]

Aggrieved, respondent filed a petition for certiorari in the CA alleging that the CSC committed grave abuse of discretion in issuing Resolution No. 021412.[8] He pointed out that the pieces of evidence against him were inadmissible as they were unauthenticated photocopies of the PBET application form, picture seat plan and PDS.

On February 22, 2006, the CA granted the petition.[9] It ruled that the photocopies of the PBET application form, picture seat plan and PDS should have been authenticated.[10] Only documents or public records duly acknowledged or certified as such in accordance with law could be presented in evidence without further proof.[11] Consequently, the CA annulled and set aside Resolution No. 021412 and ordered the dismissal of charges against respondent.[12]

The CSC moved for reconsideration[13] but was denied.[14] Hence, this petition.

The CSC essentially avers that the CA erred in finding that it committed grave abuse of discretion in rendering Resolution No. 021412.[15] The Uniform Rules on Administrative Cases in the Civil Service[16] (Uniform Rules) does not require strict adherence to technical rules of evidence. Thus, it validly considered the photocopies of the PBET application form, picture seat plan and PDS in resolving the formal charge against respondent in spite of the fact that they were not duly authenticated.

The petition is meritorious.

Administrative rules of procedure are construed liberally to promote their objective and to assist parties in obtaining just, speedy and inexpensive determination of their respective claims and defenses.[17] Section 39 of the Uniform Rules provides:

Section 39. The direct evidence for the complainant and the respondent consist of the sworn statement and documents submitted in support of the complaint or answer as the case may be, without prejudice to the presentation of additional evidence deemed necessary but was unavailable at the time of the filing of the complaint and the answer upon which the cross-examination, by the respondent and the complainant respectively, shall be based. Following the cross-examination, there may be re-direct or re-cross examination.

Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

The investigation shall be conducted for the purpose of ascertaining the truth without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the disciplining authority concerned or his authorized representatives. (emphasis supplied)

The provision above clearly states that the CSC, in investigating complaints against civil servants, is not bound by technical rules of procedure and evidence applicable in judicial proceedings.

The CSC correctly appreciated the photocopies of PBET application form, picture seat plan and PDS (though not duly authenticated) in determining whether there was sufficient evidence to substantiate the charges against the respondent. Worth noting was that respondent never objected to the veracity of their contents. He merely disputed their admissibility on the ground that they were not authenticated.

As a general rule, a finding of guilt in administrative cases, if supported by substantial evidence (or "that amount of evidence which a reasonable mind might accept as adequate to justify a conclusion"),^[18] will be sustained by this Court.^[19]

The CSC graciously granted respondent's motions to ensure that he was accorded procedural due process. Moreover, it exhaustively discussed the differences in appearances of respondent and the persons whose photographs were attached to the PBET application form and the picture seat plan. It likewise compared the various signatures on the said documents.

Resolution No. 021412 reveals that the CSC carefully evaluated the allegations against respondent and thoroughly examined and weighed the evidence submitted for its consideration. The penalty (of dismissal) imposed on respondent was therefore fully in accord with law^[20] and jurisprudence.^[21] We find no grave abuse of discretion on the part of the CSC.

ACCORDINGLY, the petition is hereby granted. The February 22, 2006 decision and August 17, 2006 resolution of the Court of Appeals in CA-S.P. No. 79047 are REVERSED and SET ASIDE.

Resolution No. 021412 dated October 22, 2002 and the May 19, 2003 resolution of the Civil Service Commission finding respondent Tristan C. Colangco GUILTY of dishonesty and conduct prejudicial to the best interest of service and dismissing him from the service with forfeiture of leave credits and retirement benefits and disqualifying him from reemployment in the government service are REINSTATED.

SO ORDERED.

Puno, CJ., Quisumbing, Ynares-Santiago, Austria-Martinez, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.
Carpio, J., on leave.

* On Leave.

** "Tristan C. Colangco" in some parts of the records.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Rodrigo F. Lim, Jr. and concurred in by Associate Justices Teresita Dy-Liacco Flores and Ramon R. Garcia of the Twenty-first Division of the Court of Appeals. Rollo, pp. 30-44.

[3] Dated August 17, 2006. Id., pp. 46-47.

[4] Id., p. 70.

[5] Id., p. 73.

[6] Resolution No. 021412 dated October 22, 2002. Signed by Chairman Karina Constantino-David and Commissioners Jose F. Erestain, Jr. and J. Waldemar V. Valmores of the Civil Service Commission. Id., pp. 70-75.

[7] Id., p. 38.

[8] Id., pp. 12-27.

[9] Supra note 2.

[10] Id., pp. 39-40.

[11] Id.

[12] Id., p. 44.

[13] Id., pp. 76-82.

[14] Supra note 3.

[15] Id., pp. 12-27.

[16] CSC Resolution No. 99-1936 dated August 31, 1999.

[17] Police Commission v. Lood, 212 Phil. 697, 702-703 (1984) citing Ang Tibay v. CIR, 69 Phil. 635, 642 (1940).

[18] Rules of Court, Rule 134, Sec. 5.

[19] Pefianco v. Moral, 379 Phil. 468 (2000).

[20] See Uniform Rules, Rule XIV, Sec. 23 which provides:

Section 23. Administrative offenses with its (sic) corresponding penalties are classified in grave, less grave and light depending on the gravity of its (sic) nature and effects of the said acts on government service.

The following are grave offenses with corresponding penalties:

(a) Dishonesty

1[st] offense - Dismissal

x x x x x x x x

(t)

Conduct grossly prejudicial to the best interest of service

1[st] offense - Suspension for six (6) months and one (1) day to one (1) year

2[nd] offenses - Dismissal

x x x x x x x x

See also Uniform Rules, Rule XIV, Sec. 9 which provides:

Section 9. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits and the disqualification for reemployment in the government service. Further it may be imposed without prejudice to criminal liability.

[21] See Cruz v. CSC, 422 Phil. 236 (2001) and CSC v. Sta. Anna, 450 Phil. 59 (2003).

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