

PAGAYANAN R. HADJI-SIRAD, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

G.R. No. 182267. August 28, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

In this Petition for Review on Certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure, petitioner Pagayanan Hadji-Sirad is seeking the review and reversal of the Resolutions dated 18 January 2008[1] and 12 March 2008[2] of the Court of Appeals, dismissing her Petition for Certiorari in CA-G.R. SP No. 02103-MIN, for being the wrong mode of appeal, for her failure to state material dates as regards her Motion for Reconsideration before the Civil Service Commission (CSC), and for her failure to append a copy of said Motion for Reconsideration to her dismissed Petition. Petitioner intended to challenge in her Petition before the Court of Appeals (1) CSC Resolution No. 070875[3] dated 7 May 2007, affirming the Decision dated 27 February 2006 of CSC Regional Office (CSCRO) No. XII, finding petitioner guilty of Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service, and dismissing petitioner from service; and (2) CSC Resolution No. 072196[4] dated 26 November 2007, denying petitioner's Motion for Reconsideration.

The factual and procedural antecedents of the instant Petition are as follows:

On 4 February 2002, petitioner, an employee of the Commission on Audit (COA) in the Autonomous Region for Muslim Mindanao (ARMM), was formally charged by CSCRO No. XII with Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service. Pertinent portions of the Formal Charge against petitioner read:

The result of the investigation established the following facts:

- On November 10, 1994, Pagayanan R. Hadji-Sirad, formerly Pagayanan M. Romero accomplished a Personal Data Sheet;
- The said Personal Data Sheet was submitted to the Civil Service Field Office-COA to support her appointment as State Auditor I;
- In Item number 18 of the Personal data Sheet, particularly on civil service eligibility, Hadji-Sirad indicated that she possesses Career Service Professional Eligibility having passed the examination on October 17, 1993 at Iligan City with a rating of 88.31%;
- Accordingly, the examination records of Hadji-Sirad were retrieved. The same were compared with the entries in her Personal Data Sheet. It is revealed that:

4.1

Applicant and examinee Hadji-Sirad took the same as shown by the picture attached to the application form and picture seat plan for Room 003 Administration Building, Iligan City National High School, Iligan City. In fact, it is apparent that these pictures were taken from a single shot;

4.2

Comparison, however of these pictures with that found in the Personal Data Sheet of Hadji-Sirad dated November 10, 1994 reveals that appointee bears no semblance with applicant or examinee Hadji Sirad; Examinee Hadji Sirad looks older than the true Hadji Sirad despite the fact that the examination was conducted in 1993 while the Personal Data Sheet was accomplished in 1994;

4.3

There exist differences in the strokes used in affixing the signature in the picture seat plan compared with that in the personal data sheet. The examinee Hadji-Sirad used slanting strokes in affixing her signature while the appointee Hadji-Sirad utilized vertical strokes.

The foregoing facts and circumstances indicate that Pagayanan Romero Hadji-Sirad allowed another person to take the October 17, 1993 Career Service Professional Examination. This act undermines the integrity of civil service examinations and warrants the institution for administrative case against her for Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

WHEREFORE, Pagayanan Romero Hadji-Sirad is hereby formally charged with Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.[5]

A formal investigation was thereafter conducted.

The first hearing of the administrative case against petitioner was repeatedly postponed, upon petitioner's request, from the original date of 29 August 2002 to 16 October 2002, 20 December 2002, 14 January 2003, 20 March 2003, and 16 April 2003. During these instances, petitioner had been constantly warned that having utilized the allowable number of postponements, failure to attend the succeeding investigations could be taken as waiver of her right to present evidence.

On 2 April 2003, petitioner filed a Motion for Change of Venue of hearing of the case from CSCRO No. XII in Cotabato City, to CSCRO No. X in Cagayan de Oro City, averring that her lawyer was reluctant to go to Cotabato City due to its distance from Iligan City, as well as the unfavorable peace and order condition in Cotabato City; and also arguing that the situs of petitioner's alleged offense was in Iligan City, and not in Cotabato City. However, the CSC, in its Resolution No. 031139 dated 11 November 2003, denied petitioner's Motion.[6]

The hearing of the case was again set on 19 February 2004. On said date, however, petitioner requested another postponement because she was attending an Echo-Seminar on Planning in Cotabato City. Petitioner sought further postponement of the hearings scheduled for 17 March and 31 March 2004.

Finally, petitioner and her counsel attended the hearings on 17 May 2004 and 23 September 2004, and the prosecution was able to present its evidence.

The prosecution presented evidence establishing that petitioner previously took, and failed, the Career Service (CS) Professional Examination held on 29 November 1992 at Room 26, Iligan Capitol College, Iligan City. She allegedly again took the CS Professional Examination on 17 October 1993. The prosecution, however, claimed that, while petitioner's pictures and signatures in her Application Form (AF) and Picture Seat Plan (PSP) for the CS Professional Examination on 29 November 1992 which she failed appeared similar to those in her PDS dated 10 November 1994, the pictures and signatures appearing in her AF and PSP for the CS Professional Examination on 17 October 1993 were different.

The prosecution then rested after its formal offer of evidence. It was petitioner's turn to present evidence in her defense.

Petitioner herself took the witness stand on 25 November 2004. Petitioner admitted that she previously took the CS Professional Examination on 29 November 1992, but she failed the same. She again applied for and actually took the CS Professional Examination on 17 October 1993, which she passed. Petitioner insisted that the pictures and signatures appearing in the AF and PSP for the CS Professional Examination on 17 October 1993 were all hers. She confirmed knowing Adelaida L. Casangan (Casangan), one of her witnesses, who also took the CS Professional Examination on 17 October 1993 at Room 003, Administration Building of the Iligan City National High School.

Casangan, recounted that she took the CS Professional Examination on 17 October 1993 at Room 003, Administration Building of the Iligan City National High School, but she did not pass the same. She claimed that she knew petitioner, having seen the latter take the CS Professional Examination also on 17 October 1993 in the same room.

Petitioner's third and last witness was Dick U. Yasa (Yasa). Yasa, then Personnel Specialist II of CSCRO No. XII, testified that he personally got to know petitioner, an employee of COA-ARMM, and formerly Ms. Pagayanan Romero, since their offices previously shared the same building. Yasa was among those who assisted in the conduct of the CS Professional Examination held on 17 October 1993 in Iligan City. At around 7:00 to 7:30 in the morning of said date, Yasa alleged seeing petitioner in Room 003 of Iligan City National High School for the CS Professional Examination.

CSCRO No. XII rendered its Decision on 27 February 2006, the dispositive portion of which reads:

WHEREFORE, respondent Pagayanan Romero-Hadji Sirad is hereby found GUILTY of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. She is hereby meted the penalty of DISMISSAL from the service. The accessory penalties of forfeiture of retirement benefits, cancellation of eligibility, prohibition from entering the government service and disqualification from taking future government examinations are likewise imposed.

Let copy of this Decision be furnished respondent and her counsel in their addresses on record; the Commission on Audit - Autonomous Region in Muslim Mindanao (COA-ARMM), Cotabato City; the Office for Legal Affairs (OLA), Civil Service Commission, Quezon City; the Civil Service Commission - Autonomous Region in Muslim Mindanao (CSC-ARMM), Cotabato City; the Government Service Insurance System (GSIS) - Cotabato Branch; and the Examination Services Division and Policies and Systems Evaluation Division, this Office, for information and appropriate action.[7]

Petitioner's Motion for Reconsideration was denied by CSCRO No. XII in a Resolution[8] dated 30 May 2006.

Aggrieved, petitioner appealed to the CSC.

In Resolution No. 070875 dated 7 May 2007, the CSC agreed in the findings of CSCRO No. XII, the fallo of which reads:

WHEREFORE, the appeal of Pagayanan R. Hadji-Sirad is hereby DISMISSED. Accordingly, the Decisions of the Civil Service Commission Regional Office No. XII dated February 27, 2006 finding Hadji-Sirad guilty of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service and imposing upon her the penalty of dismissal from the service and its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, disqualification from holding public office and bar from taking any Civil Service examinations, and dated March 30, 2006 denying her Motion for Reconsideration, respectively, are hereby AFFIRMED.[9]

The CSC denied petitioner's Motion for Reconsideration in CSC Resolution No. 072196 dated 26 November 2007. According to said Resolution:

The doctrine of *res ipsa loquitur* finds application in her case, as the evidence cannot lie. Worst, the [herein petitioner] did not present any controverting evidence sufficient enough to support her defense that indeed she was the same person appearing in the PSP and AF for the October 17, 1993 Career Service Professional Examination held in Iligan City and the one who actually took the said examination. The [petitioner] must remember that, although the very examination record in question was the October 17, 1993 Career Service Professional Examination, reference was made in the November 22, 1992 Career Service Professional Examination records when it was confirmed that she took the same examination. In the November 22, 1992 Career Service Professional Examination records, the pictures attached to the PSP and AF and the signatures affixed thereon are very much similar to the picture and signature in her PDS. The conclusion drawn from all these is that Hadji-Sirad took the November 22, 1992 Career Service Examination but she did not take the October 17, 1993 examinations. These are not mere inferences but are simple truth strongly supported by the evidence on record.[10]

The CSC, in the end, disposed:

WHEREFORE, the motion for reconsideration of Pagayanan R. Hadji-Sirad [petitioner] is hereby DENIED. Accordingly, Civil Service Commission Resolution No. 070875 dated May 7, 2007 finding her guilty of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, STANDS.[11]

Unwavering, petitioner filed before the Court of Appeals a Petition for Certiorari[12] under Rule 65 of the 1997 Revised Rules of Civil Procedure on the ground that the CSC Resolutions dated 7 May 2007 and 26 November 2007 were issued with grave abuse of discretion amounting to lack or in excess of jurisdiction. The Petition was docketed as CA-G.R. SP No. 02103-MIN.

On 18 January 2008, the Court of Appeals issued a Resolution dismissing the Petition in CA-G.R. SP No. 02103-MIN for being a wrong mode of appeal. Petitioner should have filed a petition for review under Rule 43, not a petition for certiorari under Rule 65 of the 1997 Revised Rules of Civil Procedure. The appellate court likewise dismissed the Petition for petitioner's failure to indicate therein the material date of filing of her Motion for Reconsideration before the CSC, and to append thereto the said Motion for Reconsideration, in violation of the second and third paragraphs of Section 3, Rule 46 of the 1997 Revised Rules of Civil Procedure.

Petitioner's Motion for Reconsideration was denied by the Court of Appeals in a Resolution dated 12 March 2008.

Petitioner comes before this Court via the present Petition for Review on Certiorari, posing the following issues for resolution:

WHETHER OR NOT RULE 65 IS THE PROPER REMEDY

WHETHER OR NOT THE COURT OF APPEALS IS CORRECT IN DISMISSING THE PETITION FOR CERTIORARI FILED BY PETITIONER BASED ON MERE TECHNICALITIES

WHETHER OR NOT THE CIVIL SERVICE COMMISSION COMMITTED GRAVE ABUSE OF DISCRETION BY IGNORING THE IMPORTANT PIECES OF EVIDENCE DULY PRESENTED BY THE PETITIONER.

The Court of Appeals did not err in dismissing the Petition for Certiorari in CA-G.R. SP No. 02103-MIN for being the wrong mode of appeal and for non-compliance with several other procedural requirements.

Section 50, Rule III of the Uniform Rules on Administrative Cases in the CSC[13] plainly states that a party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Revised Rules of Court.[14]

Sections 1 and 5, Rule 43 of the 1997 Revised Rules of Civil Procedure, as amended, provide that final orders or

resolutions of the CSC are appealable to the Court of Appeals through a petition for review, to wit:

SECTION 1. Scope. - This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of quasi judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act. No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Inventions Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law.

SEC. 5. How appeal taken. -Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency a quo. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner.

Hence, in accordance with the foregoing rules, if petitioner indeed received a copy of CSC Resolution No. 072196 dated 26 November 2007, denying her Motion for Reconsideration, on 5 December 2007, she had 15 days thereafter, or until 20 December 2007, to file a petition for review with the Court of Appeals. However, petitioner filed instead a Petition for Certiorari on 27 December 2007, already 22 days after receipt of a copy of CSC Resolution No. 072196 dated 26 November 2007.

As we have held in numerous cases, a special civil action for certiorari is not a substitute for a lost or lapsed remedy of appeal.[15] We have often enough reminded members of the bench and bar that a special civil action for certiorari under Rule 65 of the 1997 Revised Rules of Civil Procedure lies only when there is no appeal or plain, speedy and adequate remedy in the ordinary course of law.[16] Certiorari is not allowed when a party to a case fails to appeal a judgment or final order despite the availability of that remedy. The remedies of appeal and certiorari are mutually exclusive and not alternative or successive.[17] In this case, petitioner utterly failed to provide any justification for her resort to a special civil action for certiorari, when the remedy of appeal by petition for review was clearly available.

In addition to being the wrong mode of appeal, the Court of Appeals also dismissed the Petition for Certiorari in CA-G.R. SP No. 02103-MIN for petitioner's failure to comply with the requirements for petitions under Rule 65 of the 1997 Revised Rules of Civil Procedure, particularly, the second and third paragraphs of Section 3, Rule 46, of the same rules, which read:

SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. -

x x x x

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly

authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

The consequence for non-compliance with any of such requirements is sheerly spelled out in the sixth paragraph of Rule 3, Section 46 of the 1997 Revised Rules of Civil Procedure, to be as follows:

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition. (Emphasis supplied.)

Petitioner failed to indicate in her Petition for Certiorari in CA-G.R. SP No. 02103-MIN the material date when she filed her Motion for Reconsideration of CSC Resolution No. 070875 dated 7 May 2007, and to append to the same Petition a certified true copy or duplicate original of the said Motion for Reconsideration. Accordingly, the Court of Appeals dismissed the Petition.

Rules of procedure are tools designed to promote efficiency and orderliness as well as to facilitate attainment of justice, such that strict adherence thereto is required.[18] However, technical rules of procedure are not designed to frustrate the ends of justice. The Court is fully aware that procedural rules are not to be belittled or simply disregarded, for these prescribed procedures insure an orderly and speedy administration of justice. However, it is equally true that litigation is not merely a game of technicalities. Law and jurisprudence grant to courts the prerogative to relax compliance with procedural rules of even the most mandatory character, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.[19]

This is not to say that adherence to the Rules could be dispensed with. However, exigencies and situations might occasionally demand flexibility in their application.[20] In not a few instances, the Court relaxed the rigid application of the rules of procedure to afford the parties the opportunity to fully ventilate their cases on the merit. This is in line with the time-honored principle that cases should be decided only after giving all parties the chance to argue their causes and defenses. Technicality and procedural imperfection should, thus, not serve as basis of decisions. In that way, the ends of justice would be better served. For, indeed, the general objective of procedure is to facilitate the application of justice to the rival claims of contending parties, bearing always in mind that procedure is not to hinder but to promote the administration of justice.[21]

In *Sanchez v. Court of Appeals*,[22] the Court restated the reasons that may provide justification for a court to suspend a strict adherence to procedural rules, such as: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) a lack of any showing that the review sought is merely frivolous and dilatory; and (f) the other party will not be unjustly prejudiced thereby.[23]

Pointedly, even if we were to overlook petitioner's procedural lapses and review her case on the merits, we find no reason to reverse her dismissal from service by the CSC.

Firstly, petitioner was dismissed from service only after being accorded due process.

In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of.[24] "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.[25]

In administrative proceedings, procedural due process has been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings, which may affect a respondent's legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in

one's favor, and to defend one's rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.[26]

Petitioner cannot claim denial of due process when records reveal that (1) petitioner was given sufficient notice of the Formal Charge against her and the setting of the hearings of her administrative case before CSCRO No. XII; (2) petitioner was formally charged after an initial investigation was conducted; (3) her several requests for postponement of the hearings were granted; (4) the prosecution only presented evidence during the hearings on 17 May 2004 and 23 September 2004, when petitioner and her counsel were present; (5) petitioner herself and her two witnesses, Casanguan and Yasa, got the opportunity to testify on 25 November 2004; (6) only after the parties had submitted their arguments and evidence did CSCRO No. XII render its Decision on 27 February 2006; (7) petitioner was able to file a Motion for Reconsideration with CSCRO No. XII, but it was denied; (8) petitioner sought recourse with the CSC by filing an appeal, as well as a Motion for Reconsideration of the unfavorable judgment subsequently rendered by the CSC; and (8) when her Petition for Certiorari was dismissed by the Court of Appeals, petitioner was able to file the instant Petition before us. All these establish that petitioner was able to avail herself of all procedural remedies available to her.

Secondly, the Decision dated 27 February 2006 of CSCRO No. XII, affirmed by the CSC, which dismissed petitioner from service for Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service, is supported by competent and credible evidence.

The law requires that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[27]

Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient basis for the imposition of any disciplinary action upon an employee. The standard of substantial evidence is satisfied where the employer has reasonable ground to believe that the employee is responsible for the misconduct, and his participation therein renders him unworthy of trust and confidence demanded by his position.[28]

There is such substantial evidence herein to prove petitioner guilty of the administrative offenses for which she was charged.

Even only a cursory examination of petitioner's pictures and signatures in her PDS dated 10 November 1994, and in the AF and PSP for the CS Professional Examination of 29 November 1992, on one hand; and petitioner's purported pictures and signatures in the AF and PSP for the CSC Professional Examination of 17 October 1993, on the other, reveals their marked differences from one another. It can be observed by the naked eye that the pictures and signatures bear little resemblance/similitude, or none at all. The pictures could not have been those of the same individual, nor could the signatures have been made by the same person.

This conclusion is strengthened by the CSCRO when it expostulates that:

It is a different matter, however, upon evaluation of the examination records of respondent for the October 17, 1993 CS Professional Exam vis-à-vis her Personal Data Sheet as well as her examination records for the November 29, 1992 CS Professional Exam. It reveals that respondent Hadji Sirad is not the same person who took the October 17, 1993 CS exam. The facial features as well as the signatures of examinee and appointee Romero are glaringly different. Records clearly show that the person appearing in the picture for the November 1992 exam is the same person whose picture appears in the PDS - that is appointee Hadji Sirad. Examinee Romero (Hadji-Sirad) in the October 1993 exam, on the other hand, does not look like appointee Romero

(Hadj-Sirad) as shown in the two documents. Most notable is the mole on the left side of the cheek of Romero which examinee does not have. This can be clearly observed in the scanned photos below: x x x.[29]

And reechoed by the CSC, thus:

The Commission also made a careful examination and comparison of the picture attached to the PSP and AF for the Career Civil Service Professional Examination held on October 17, 1993 with those attached to the PSP and AF for the previous Career Service Professional Examination she took on November 29, 1992 on file with the Commission, and those attached to Hadji-Sirad's PDS; it is convinced that another person took the Career Service Professional Examination held on October 17, 1993.

While it is true that the pictures of Hadji-Sirad attached to the PSP and AF for the Career Service Professional Examination held on November 29, 1992 and to her PDS were not the same, the resemblance, however, in the facial features in said pictures are notable and unmistakably belong to one and the same person. Comparing these pictures to the pictures attached to the PSP and AF for the October 17, 1993 Career Service Professional Examination, the differences are so striking that one would conclude easily that the persons therein are two different individuals. As correctly observed by the CSCRO No. XII, the person appearing in the picture attached to the PSP and AF in October 17, 1993 Career Service Professional Examination looked quite older than the more recent picture of Hadji-Sirad attached to her PDS dated November 10, 1994.

The Commission also noted a remarkable difference in the signatures of Hadji-Sirad appearing in the PSP and AF for the October 17, 1993 Career Service Professional Examination and those affixed in the PSP for the November 29, 1992 Career Service Professional Examination previously taken by her and in her PDS. The strokes used in the signature affixed in the PSP and AF of the October 17, 1993 Career Service Professional Examination were somewhat forcedly pressed and slanting, and the letters thereof were more prominent and defined while those affixed in other documents on file with the Commission were finer and were in an upright stroke and the letters were less defined. Even to the naked eye, the slants and strokes are very dissimilar and are clearly made by two (2) different persons.

Based on the foregoing circumstances and on the substantial evidence on record, the Commission is convinced that Hadji-Sirad has allowed another person to apply and take the Career Service Professional Examination held on October 17, 1993 in her behalf to ensure her passing the said examination.[30]

As a general rule, the findings of fact of the CSC and the Court of Appeals are accorded great weight. In a plethora of cases, we have held that lower courts are in a better position to determine the truth of the matter in litigation, since the pieces of evidence are presented before them, and they are able to look into the credibility and the demeanor of the witnesses on the witness stand. Furthermore, quasi-judicial bodies like the CSC are better-equipped in handling cases involving the employment status of employees as those in the Civil Service since it is within the field of their expertise. Factual findings of administrative agencies are generally held to be binding and final so long as they are supported by substantial evidence in the record of the case. It is not the function of the Supreme Court to analyze or weigh all over again the evidence and credibility of witnesses presented before the lower court, tribunal or office. 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, its findings of fact being conclusive and not reviewable by this Court.[31]

Petitioner attributes the difference in the way she looked in the pictures to the passage of time or difference in the "positioning" when the pictures were taken; and the variance in her signatures to her state of mind at the time she was actually signing and the kind of writing implement and paper she was using.

We are unconvinced. Petitioner's explanations would have accounted for small or few differences in the pictures and signatures; but not when they are on the whole strikingly dissimilar. Moreover, it would have been easy for

petitioner to submit evidence such as pictures to show the gradual change in her appearance through the years, or samples of her signatures made when she was of a different state of mind or using other writing implements and papers; yet, petitioner failed to do so.

We cannot even consider the possibility that the CSC officials who supervised the examinations committed a mistake in matching the pictures and signatures vis-à-vis the examinees, as the said CSC officials enjoy the presumption of regularity in the performance of their official duty. Besides, such a mix-up is highly unlikely due to the strict procedures followed during civil service examinations, described in detail in *Cruz v. Civil Service Commission*,^[32] to wit:

It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a Civil Service examination closely examine the pictures submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3694, Obedencio, Jaime A.). The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. In cases where the examinee does not look like the person in the picture submitted and attached on the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa).

The only logical scenario is that another person, who matched the picture in the PSP, actually signed the AF and took the CS Professional Examination on 17 October 1993, in petitioner's name.

True, petitioner was able to present testimonial evidence supporting her allegation that she was at Room 003 of the Administration Building of Iligan City National High School on 17 October 1993, the day of the CS Professional Examination. But, despite said testimonies, both CSCRO No. XII and the CSC still gave the prosecution's evidence more credit and weight. On this point, we again pertinently quote the following observations in the decision of the Regional Director dated 27 February 2006 and in the Resolution denying the petitioner's motion for reconsideration issued on 30 May 2006:

Further, testimonies of witnesses Casanguan and Yasa do not stand conclusive of the fact that it was indeed respondent who took the said examination. Yasa only testified that he saw Romero's name at Room No. 003 of Iligan City National High School and that allegedly he saw respondent at around 7-7:30 a.m. in the examination center but he did not stay any longer at the said venue, hence he was not there anymore when the examination actually began and ended. Thus, Yasa could not claim that he actually saw respondent take the examination.

x x x x

The testimony of respondent-movant and that of witness Casanguan are self-serving. The testimony of Yasa, on the other hand, negated his sworn statement that he actually saw Hadji Sirad take the October 1993 examination. On the witness stand, it was made clear that he only saw the name of Hadji Sirad in the list of examinees posted outside Room 003. Further, that the only time he saw Hadji Sirad was prior to the start of the examination. Clearly, he did not see Hadji Sirad actually take the exam nor hand in her examination papers after she finished the examination. Finally, it is stressed that the fact that Yasa is a long-time employee of the Commission does not render his statements relative to the conduct of the 1993 CS Professional examination in Iligan City as gospel truth.

Given the foregoing, the Court finds that petitioner is, indeed, guilty of Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service. Dishonesty alone, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification for reemployment in the government service.^[33]

WHEREFORE, the instant Petition is hereby DENIED. The Resolutions dated 18 January 2008 and 12 March 2008 of the Court of Appeals in CA-G.R. SP No. 02103-MIN are AFFIRMED. Costs against the petitioner.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, and Abad, JJ., concur.

[1] Penned by Associate Justice Elihu A. Ybanez with Associate Justices Romulo V. Borja and Mario V. Lopez, concurring; rollo, pp. 55-57.

[2] Id. at 60-61.

[3] Penned by Chairman Karina Constantino-David and concurred in by Commissioner Mary Ann Z. Fernandez-Mendoza. (Id. at 231-238.)

[4] Id. at 239-246.

[5] Rollo, pp. 234-235.

[6] Id. at 247.

[7] Id. at 405.

[8] Id. at 415-417.

[9] Id. at 238.

[10] Id. at 245.

[11] Id. at 246.

[12] Id. at 107-154.

[13] Section 50. Petition for Review with the Court of Appeals. - A party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Revised Rules of Court.

[14] Commissioner on Higher Education v. Mercado, G.R. No. 157877, 10 March 2006, 484 SCRA 424, 432.

[15] Tuazon, Jr. v. Godoy, 442 Phil. 130, 136 (2002).

[16] Dwikarna v. Domingo, G.R. No. 153454, 7 July 2004, 433 SCRA 748, 754; Marawi Marantao General Hospital, Inc. v. Court of Appeals, 402 Phil. 356, 370 (2001); Heirs of Pedro Atega v. Garilao, 409 Phil. 214, 218 (2001); Zarate, Jr. v. Olegario, 331 Phil. 278, 287 (1996); Solis v. National Labor Relations Commission, 331 Phil. 928, 932 (1996).

[17] Heirs of Lourdes Padilla v. Court of Appeals, 469 Phil. 196, 204 (2004).

[18] Moncielcoji Corporation v. National Labor Relations Commission, 409 Phil. 486, 491-492 (2001).

[19] Barranco v. Commission on the Settlement of Land Problems, G.R. No. 168990, 16 June 2006, 491 SCRA 222, 232, citing Reyes v. Torres, 429 Phil. 95, 101 (2002).

[20] Polanco v. Cruz, G.R. No. 182426, 13 February 2009.

[21] Asian Spirit Airlines (Airline Employees Cooperative) v. Bautista, 491 Phil. 476, 484 (2005).

[22] 452 Phil. 665, 674 (2003); Macasasa v. Sicad, G.R. No. 146547, 20 June 2006, 491 SCRA 368, 383, citing

Barnes v. Padilla, 482 Phil. 903, 915 (2004).

[23] Barranco v. Commission on the Settlement of Land Problems, *supra* note 19.

[24] Padilla v. Hon. Sto. Tomas, 312 Phil. 1095, 1103 (1995).

[25] Salonga v. Court of Appeals, 336 Phil. 514, 528 (1997).

[26] Fabella v. Court of Appeals, 346 Phil. 940, 952-953 (1997).

[27] Atty. San Juan, Jr. v. Sangalang, 404 Phil. 11, 21 (2001).

[28] Reyno v. Manila Electric Company, 478 Phil. 830, 840 (2004).

[29] Rollo, p. 402.

[30] *Id.* at 236.

[31] Pabu-aya v. Court of Appeals, 408 Phil. 782, 788 (2001).

[32] 422 Phil. 236, 245 (2001).

[33] De la Pena v. Sia, A.M. No. P-06-2167, 27 June 2006, 493 SCRA 8, 20.

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