

MICHAELINA RAMOS BALASBAS, PETITIONER, VS. PATRICIA B. MONAYAO, RESPONDENT.

G.R. No. 190524. February 17, 2014

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

While the law and justice abhor all forms of abuse committed by public officers and employees whose sworn duty is to discharge their duties with utmost responsibility, integrity, competence, accountability, and loyalty, the Court must protect them against unsubstantiated charges that tend to adversely affect, rather than encourage, the effective performance of their duties and functions.

Assailed in this Petition for Review on Certiorari[1] are the November 28, 2008 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 102407 and its November 27, 2009 Resolution[3] denying reconsideration thereof.

Factual Antecedents

In a May 19, 2003 letter-complaint[4] filed with the Department of Social Welfare and Development (DSWD), petitioner Atty. Michaelina Ramos Balasbas accused respondent Patricia B. Monayao – then employed by the DSWD – of misrepresentation, fraud, dishonesty and refusal to implement an October 6, 1998 Order[5] issued by the Department of Environment and Natural Resources (DENR) in a land dispute – docketed with the DENR as H.A. NRD, 11-15-004 (E-11-16-004) – filed sometime in 1987 by petitioner’s brother against respondent’s father. It appears that in said case, respondent appeared in lieu of her father, who she claimed passed away. Petitioner claimed further that despite judgment rendered in the said dispute awarding one-half of the disputed land to her brother, and respondent’s subsequent notarized waiver of her rights to her half, the latter illegally sold the portion, over which she had waived her rights, to her children via a 1992 deed of sale purportedly executed by her father, which was simulated considering that as early as 1987, respondent’s father was already deceased.

In a June 24, 2003 letter-reply,[6] the DSWD informed petitioner that respondent was no longer an employee thereof, but was devolved in 1992 to the local government of the municipality of Alfonso Lista in Ifugao Province. Petitioner was thus advised to address her complaint to the Office of the Mayor of Alfonso Lista.

Petitioner thus filed with the Mayor of Alfonso Lista a July 30, 2003 sworn letter-complaint[7] against respondent. In a September 18, 2003 reply[8] to petitioner, however, Alfonso Lista Mayor Glenn D. Prudenciano refused to take action on the complaint, citing an August 19, 2003 opinion[9] of Victor P. Sibal, Director II of the Cordillera Administrative Region office of the Civil Service Commission (CSC-CAR), which stated that petitioner’s complaint against respondent may not be acted upon as the acts complained of were not in relation to the latter’s duties and responsibilities as Municipal Population Officer.

Petitioner wrote an October 16, 2003 letter[10] to the CSC, appealing the August 19, 2003 opinion of the CSC-CAR. She claimed that the actions of respondent violated the civil service laws and amounted to grave

misconduct and immorality, thus:

The question is this – is it only acts related to the duties and responsibilities of a government officer that can be the subject of an administrative case? Stated otherwise, would you have as a member of the Civil Service a person who has engaged in misrepresentation, fraud, dishonesty and has contemptuously refused to implement an Order of the DENR dated 6 October 1998?

I believe that nowhere in the Civil Service Law is there such a qualification. The acts complained of also amount to grave misconduct and immorality – unless one only thinks of immoral as only referring to sex.

On the other hand – granting arguendo that there is such a limited interpretation, how can having mistresses (which currently the government is relentlessly pursuing to rid of) fall within the ambit of a government official's duties and responsibilities?[11]

In an October 6, 2004 letter-opinion,[12] the CSC's Office for Legal Affairs (CSC-OLA) denied petitioner's appeal and affirmed the August 19, 2003 opinion of the CSC-CAR. The CSC-OLA held that the CSC had no jurisdiction over petitioner's complaint as it stemmed from a private transaction between the protagonists; petitioner's remedy was instead to seek execution of the DENR's Decision in H.A. NRD, 11-15-004 (E-11-16-004).

Petitioner, in a November 11, 2004 letter,[13] sought a reconsideration of the above October 6, 2004 opinion. Petitioner argued that under Section 4 of the Revised Uniform Rules on Administrative Cases in the Civil Service,[14] the jurisdiction of the CSC over public officers or employees is not limited to their acts or omissions that are work-related; disciplinary action may be taken for their acts of dishonesty, immorality, oppression, notorious undesirability, conviction of a crime involving moral turpitude, habitual drunkenness, or gambling. Petitioner adds that even the lending of money at usurious rates, conducting illicit relations, and willful failure to pay just debts are grounds for disciplinary action.[15] Petitioner concluded that respondent's misrepresentation, fraud, dishonesty and refusal to implement the DENR's October 6, 1998 Order relative to the 1987 DENR land dispute constitute acts unbecoming a public official and fall within the jurisdiction of the CSC. Petitioner thus prayed that the CSC reconsider its October 6, 2004 letter; declare respondent guilty of misrepresentation, fraud, dishonesty and refusal to implement the DENR's October 6, 1998 Order; and impose upon her disciplinary action and penalties in accordance with civil service laws and regulations.

On January 14, 2008, the CSC issued Resolution No. 080059,[16] which decreed as follows:

WHEREFORE, foregoing premises considered, the instant appeal is hereby DISMISSED for want of merit. Accordingly, the opinion of the Office for Legal Affairs dated October 6, 2004 is AFFIRMED.

In dismissing petitioner's appeal, the CSC held firm to the view that Monayao's purported misrepresentation, fraud, dishonesty and refusal to implement the DENR Order in H.A. NRD, 11-15-004 (E-11-16-004) had no bearing on her official duties as a local government employee, and that petitioner's relief was to move for the execution of the unsatisfied DENR judgment and thus compel respondent to honor her notarized waiver of her rights to one-half portion of the land in dispute, or proceed to court for judicial intervention. It held, thus:

After due consideration, the Commission is inclined to dismiss the present appeal.

It is unavailing for the private complainant to insist that there are disciplinary grounds that are not work-related such that her complaint, rooted as it was on a private transaction, should not have been perfunctorily dismissed. True it is that some of the recognized grounds for administrative disciplinary actions against government officials and employees contemplate of private deeds. Two such examples are disgraceful and immoral conduct, and non-payment of just debt. However, it may be noted that these personal actions give rise to administrative culpability because they indubitably reflect on the moral fitness and integrity of the respondent

public official or employee. This means that the commission of any of the said acts betrays the moral unfitness of the respondent public officer, which would make them amenable to disciplinary sanctions.

In the herein case, the complaint is based on Monayao's supposed misrepresentation, fraud, dishonesty and refusal to implement an order of the Department of Environment and Natural Resources (DENR) relating to a land dispute. Yet, such actuation of Monayao relates to her private dealings with the private complainant, and has no bearing at all on the performance of her official duties as a local government employee. Instead of filing an administrative complaint, it would have been more appropriate for the private complainant to seek relief through the proper remedial action, which is, as noted in the impugned opinion, to move for execution of the unsatisfied DENR order or to proceed to court for possible judicial enforcement.

In CSC Resolution No. 96-5593, dated September 4, 1996, the Commission pertinently ruled in this wise: "x x x True, the respondents are government employees, but there is no showing that the non-remittance of said amount was committed while in the performance of their official duties x x x Thus, said failure or omissions on the part of the respondents were done in their personal or private capacity arising out of private transactions. It is therefore clear that the acts complained of do not constitute an administrative offense or offenses within the jurisdiction of the Commission. At any rate, the dispute between the herein complainants and the officers of said association, subject of this complaint, should be better resolved before a competent court."

More importantly, the Commission observes that the complaint is fatally defective. It contains mere conclusion of law, not concrete allegations of facts.[17]

Ruling of the Court of Appeals

In a Petition for Review[18] filed with the CA, petitioner questioned CSC Resolution No. 080059 and prayed that the CSC be ordered to assume jurisdiction over her complaint against respondent.

On November 28, 2008, the CA issued the assailed Decision which contained the following decretal portion:

WHEREFORE, premises considered, the present petition is DISMISSED for lack of merit.

SO ORDERED.[19]

The CA held that none of the circumstances mentioned in Section 46,[20] Chapter 7, Book V, of Executive Order No. 292 (EO 292), or the Administrative Code of 1987, is present in petitioner's case, and that her main complaint against respondent pertains to the latter's refusal to abide by the DENR judgment relative to the one-half portion of the property in dispute, which is not connected with or related to her position or performance of her functions as a public official. The appellate court added that while it is true that disciplinary action may be imposed for acts or omissions not connected with a public officer or employee's official functions or responsibilities, such as dishonesty or immorality, the act complained of – even if true – does not reflect on the moral fitness and integrity of the respondent which may affect her right to continue in office. Finally, the CA acknowledged that petitioner's accusations against respondent were unsubstantiated. On this point, however, the appellate court did not elaborate.

Petitioner filed a Motion for Reconsideration,[21] but the CA denied the same via its November 27, 2009 Resolution. Hence, petitioner instituted the present Petition.

Issue

Petitioner contends that the CA committed the following error:

THE HONORABLE COURT OF APPEALS GRIEVOUSLY ERRED WHEN IT SUSTAINED THE DECISION OF THE CIVIL SERVICE COMMISSION IN FINDING THAT THE ACTS AND OMISSIONS

OF RESPONDENT, ARISING OUT OF HER PRIVATE TRANSACTIONS, DO NOT CONSTITUTE ADMINISTRATIVE OFFENSES WHICH THE SAID COMMISSION COULD TAKE COGNIZANCE OF AND DO NOT REFLECT ON HER MORAL FITNESS AND INTEGRITY AS A PUBLIC SERVANT.[22]

Petitioner's Arguments

Praying that the assailed CA dispositions be set aside and that the CSC be directed to take cognizance of her complaint against respondent, petitioner maintains in her Petition and Reply[23] that while respondent's dishonest acts and misrepresentations were committed in relation to a land dispute arising from her private dealings, they cast serious doubt as to her fitness to continue in the public service. Specifically, petitioner insists that while respondent claims that her father died in 1987, the latter was able to transfer – in 1992 – the land in dispute to respondent's children, which thus renders respondent guilty of dishonesty and misrepresentation. Moreover, respondent's defiance of the DENR decision by orchestrating the 1992 simulated sale demonstrates her disregard for rules and orders of duly constituted government authority, which is anathema to her position as a public servant.

Petitioner adds that dishonesty is a serious offense, indeed so grave that it is punishable by dismissal for the first offense under Section 23, Rule XIV of the Rules Implementing Book V of EO 292. And, contrary to the pronouncements of the CSC and CA, dishonesty which justifies dismissal from the service need not be committed in the course of the performance of duty by the public officer or employee.[24]

Petitioner further asserts that, contrary to the pronouncements of the CA, her charges against respondent are fully substantiated and covered by sufficient attachments. She cites her July 30, 2003 sworn letter-complaint filed with the office of the Mayor of Alfonso Lista, which she claims was “complete with enclosures and attachments, evidencing the allegations”[25] against respondent.

Finally, petitioner points out that public office is a public trust; a person aspiring for public office must observe honesty, “candor, and faithful compliance with the law.”[26] Dishonesty remains the same whether it is committed in relation to the public official's duties or in the course of his private dealings: it reflects on his “character and exposes the moral decay which virtually destroys his honor, virtue and integrity.”[27]

Respondent's Arguments

In seeking the denial of the instant Petition, respondent in her Comment[28] tersely counters with a reiteration and citation of the CSC and CA pronouncements that her complained actuations relate to her private dealings and have no bearing on her official duties and functions; that petitioner's remedy is to move for the execution of the unsatisfied DENR decision or proceed to court for judicial enforcement; that the alleged acts do not reflect on her moral fitness and integrity, nor do they affect her right to continue in office; and finally, that petitioner's accusations remain unsubstantiated.

Our Ruling

The Court denies the Petition.

Dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty. It implies a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; and lack of fairness and straightforwardness.

On the other hand, misconduct is a transgression of some established or definite rule of action, is a forbidden act, is a dereliction of duty, is willful in character, and implies wrongful intent and not mere error in judgment. More particularly, it is an unlawful behavior by the public officer. x x x[29]

Without a doubt, respondent's supposed dishonest acts and misrepresentations committed in relation to a land dispute arising from her private dealings cast doubt on her fitness to discharge her responsibilities as a public official. If it is true that respondent caused the execution of a forged or falsified deed of sale in 1992 in order to transfer the disputed portion of the property to her children, then she committed a dishonest act even as she is enjoined to adhere at all times to law, morality, and decency in her private and professional life. "[D]ishonesty, in order to warrant dismissal, need not be committed in the course of the performance of duty" by the public officer, for it "inevitably reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service." [30]

Indeed, at the very least, the acts complained of constitute conduct prejudicial to the best interest of the service, an administrative offense which need not be related to respondent's official functions.

x x x As long as the questioned conduct tarnished the image and integrity of his/ her public office, the corresponding penalty may be meted on the erring public officer or employee. The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713) enunciates, inter alia, the State policy of promoting a high standard of ethics and utmost responsibility in the public service. Section 4(c) of the Code commands that "[public officials and employees] shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. x x x" [31]

However, petitioner's accusations do not appear to hold water. From an examination of all her letters, pleadings, and other submissions – from her letter-complaint with the DSWD, to her sworn letter-complaint with the office of the Alfonso Lista Mayor, to her appeal letter to the CSC, to her letter-Motion for Reconsideration with the CSC, and finally her CA Petition for Review – it is evident that she offered nothing more than bare imputations against the respondent. Though she claims that respondent falsified a 1992 deed of sale whereby the disputed portion was transferred to her children, the deed of sale was never shown; a copy thereof was never attached to petitioner's complaints and other papers or pleadings. And if it is true that respondent's children were able to secure title to the disputed portion in their name through such falsified deed of sale, then petitioner could have simply attached a copy of the new title issued in their name. But she did not.

Petitioner is a lawyer; she should know that as the complainant in the administrative case, upon her lies the burden of proof to establish her cause of action against the respondent. All that is required is substantial evidence, yet she could produce none; the allegations in her complaint are not duly supported by necessary documents that would demonstrate the justness of her claims. While technicalities may be dispensed with in administrative proceedings, "this does not mean that the rules on proving allegations are entirely dispensed with. Bare allegations are not enough; these must be supported by substantial evidence at the very least." [32]

Thus, in the eyes of the law, respondent committed as yet no visible wrong. The CSC and the CA may not be faulted for deciding the way they did. From her numerous complaints alone, it can be seen that she had no cause of action against the respondent, for her accusations were not supported by the required documentary evidence that should have been readily available to her, given that it consists of public documents which may be inspected and reproduced by permission from the government offices having custody thereof.

The Court therefore sees no reason to disturb the findings of the CSC and the CA. Their findings of fact bind the Court unless there is a showing of grave abuse of discretion, or that they were arrived at arbitrarily or in disregard of the evidence on record. Moreover, their conclusion – to the effect that what remains to be done is to cause the execution of the DENR Order in H.A. NRD, 11-15-004 (E-11-16-004) – is correct, and this may be achieved in the same administrative case or by filing a proper case in court.

While the law and justice abhor all forms of abuse committed by public officers and employees whose sworn duty is to discharge their duties with utmost responsibility, integrity, competence, accountability, and loyalty, the Court must protect them against unsubstantiated charges that tend to adversely affect, rather than encourage, the effective performance of their duties and functions. While –

x x x We do not deny the citizen's right to denounce recreant public officials if their incompetence or lack of integrity or qualification may adversely affect the public service, but We certainly frown upon the practice of some misguided citizens to subvert the noble ends for which administrative discipline is designed which is to purge the public service of undesirable officials.[33]

WHEREFORE, the Petition is DENIED. The assailed November 28, 2008 Decision and the November 27, 2009 Resolution of the Court of Appeals in CA-G.R. SP No. 102407 are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Perez, Perlas-Bernabe, and Leonen,[*] JJ., concur.

[*] Per Special Order No. 1636 dated February 17, 2014.

[1] Rollo, pp. 10-22.

[2] CA rollo, pp. 71-81; penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Japar B. Dimaampao and Sixto C. Marella, Jr.

[3] Id. at 101-102.

[4] Rollo, pp. 38-39.

[5] Id., unpaginated.

[6] Id. at 40.

[7] Id. at 41-42.

[8] Id., unpaginated.

[9] Id., unpaginated.

[10] Id. at 55-57.

[11] Id. at 56.

[12] See Resolution No. 080059, id. at 59-63 at 59-60.

[13] Id. at 51-53.

[14] Section 4. Jurisdiction of the Civil Service Commission. – The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal, including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees.

[15] Citing *RTC Makati Movement Against Graft and Corruption v. Atty. Dumlao*, 317 Phil. 128 (1995); Maguad

v. De Guzman, 365 Phil. 12 (1999); and Flores v. Tatad, 185 Phil. 475 (1980).

[16] Rollo, pp. 59-63; penned by CSC Chairperson Karina Constantino-David and concurred in by Commissioner Mary Ann Z. Fernandez-Mendoza.

[17] Id. at 62.

[18] Docketed as CA-G.R. SP No. 102407.

[19] CA rollo, p. 80.

[20] SECTION 46. Discipline: General Provisions. – (a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

- (1) Dishonesty;
- (2) Oppression;
- (3) Neglect of duty;
- (4) Misconduct;
- (5) Disgraceful and immoral conduct;
- (6) Being notoriously undesirable;
- (7) Discourtesy in the course of official duties;
- (8) Inefficiency and incompetence in the performance of official duties;
- (9) Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the anti-graft laws;
- (10) Conviction of a crime involving moral turpitude;
- (11) Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
- (12) Violation of existing Civil Service Law and rules or reasonable office regulations;
- (13) Falsification of official document;
- (14) Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;
- (15) Habitual drunkenness;
- (16) Gambling prohibited by law;
- (17) Refusal to perform official duty or render overtime service;
- (18) Disgraceful, immoral or dishonest conduct prior to entering the service;
- (19) Physical or mental incapacity or disability due to immoral or vicious habits;

- (20) Borrowing money by superior officers from subordinates or lending by subordinates to superior officers;
- (21) Lending money at usurious rates of interest;
- (22) Willful failure to pay just debts or willful failure to pay taxes due to the government;
- (23) Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations;
- (24) Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations;
- (25) Insubordination;
- (26) Engaging directly or indirectly in partisan political activities by one holding a non-political office;
- (27) Conduct prejudicial to the best interest of the service;
- (28) Lobbying for personal interest or gain in legislative halls or offices without authority;
- (29) Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases if there is no prior authority;
- (30) Nepotism as defined in Section 60 of this Title.

(c) Except when initiated by the disciplining authority, no complaint against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant.

(d) In meting out punishment, the same penalties shall be imposed for similar offenses and only one penalty shall be imposed in each case. The disciplining authority may impose the penalty of removal from the service, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six months' salary, or reprimand.

[21] CA rollo, pp. 85-92.

[22] Rollo, p. 15.

[23] Id. at 82-88.

[24] Citing *Remolona v. Civil Service Commission*, 414 Phil. 590, 600 (2001).

[25] Rollo, p. 17.

[26] Citing *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.

[27] Citing *Civil Service Commission v. Cayobit*, 457 Phil. 452, 460 (2003).

[28] Rollo, pp. 76-78.

[29] *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544.

[30] *Remolona v. Civil Service Commission*, supra note 24 at 600-601.

[31] *Largo v. Court of Appeals*, 563 Phil. 293, 305 (2007).

[32] *Stolt-Nielsen Marine Services, Inc. v. National Labor Relations Commission*, 360 Phil. 881, 888-889 (1998).

[33] Maspil v. Romero, 158 Phil. 227, 228 (1974).

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