

GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) AND WINSTON F. GARCIA, IN HIS CAPACITY AS PRESIDENT AND GENERAL MANAGER OF THE GSIS, PETITIONERS, VS. ARWIN T. MAYORDOMO, RESPONDENT.

G.R. No. 191218. May 30, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

In this petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, the Government Service Insurance System (GSIS) and its then President and General Manager, Winston F. Garcia (Garcia), assail and seek to modify the July 31, 2009 Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 105414,[2] as reiterated in its February 5, 2010 Resolution[3] denying the motion for reconsideration thereof for lack of merit.

The Facts:

Respondent Arwin T. Mayordomo (Mayordomo) was employed as Accounts Management Specialist of the GSIS Fund Management Accounting Department (FMAD), responsible for the preparation of financial statements, from October 2, 2000 until his dismissal on August 31, 2007.[4]

Sometime in September 2004, Ignacio L. Liscano (Liscano), then GSIS Information Technology Officer (ITO) III called the attention of Joseph Sta. Romana (Sta. Romana), another ITO, about a network conflict in his personal computer. Sta. Romana conducted a network scan to identify the source of the problem. During the scan, he discovered that another personal computer within the GSIS computer network was also using the internet protocol (IP) address[5] of Liscano's computer. This other computer was eventually identified as the one assigned to Mayordomo with username "ATMAYORDOMO."

Sta. Romana immediately restored the correct IP address assigned to Mayordomo's personal computer. Until this restoration, Liscano was deprived of access to the GSIS computer network and prevented from performing his work as ITO. Mayordomo was verbally reminded that he had no authority to change his IP address and warned that doing so would result in network problems.[6]

On February 9, 2005, in the course of another network scan, Sta. Romana again encountered the username "ATMAYORDOMO." This time, an IP address, belonging to the range of the GSIS Remote Access Server (RAS),[7] was simulated and used. Knowing that the RAS would provide an exclusive external trafficking route to the GSIS computer system and realizing that Mayordomo could have gained access to the entire GSIS network including its restricted resources, Sta. Romana lost no time in reporting the matter to Rolando O. Tiu (Tiu), Vice-President of the Resources Administration Office. Before the IT network personnel could take any action, however, Mayordomo restored his assigned IP address.

The next day, the username "ATMAYORDOMO" appeared again in the scan, this time using two (2) IP addresses of the RAS (143.44.6.1 and 143.44.6.2). With notice to Tiu, Mayordomo's personal computer was pulled out to

have the glitches caused by the unauthorized use of the said IP addresses fixed.

According to GSIS, "[t]he unauthorized changing of IP address gave freedom to respondent to exploit the GSIS network system and gain access to other restricted network resources, including the internet. It also resulted to IP address network conflict which caused unnecessary work to and pressure on ITSG personnel who had to fix the same. Further, as a consequence, Mayordomo's simulation of the RAS IP addresses caused disruption within the GSIS mainframe on-line system affecting both the main and branch offices of the GSIS. His actions likewise prevented authorized outside users from accessing the GSIS network through the RAS IP addresses he simulated." [8]

In his Memorandum [9] dated February 11, 2005, Tiu reported Mayordomo's acts to Esperanza R. Fallorina and Maria Corazon G. Magdurulan, [10] with emphasis on the danger of changing IP addresses as a "channel for virus proliferation that could result to loss of critical files for all those infected and render said users unproductive." Tiu also reported that Mayordomo changed his IP address to gain access to the internet as shown by downloaded programs in his computer that were not allowed or unnecessary for his work.

In his written explanation [11] of the same date, Mayordomo admitted the acts imputed to him and offered no excuse therefor. He nonetheless explained his side and claimed that the IP address assigned to him could not access the network due to a conflict with another IP address. Despite several verbal notices to the Information Technology Services Group (ITSG), he was simply told that the conflict would eventually disappear. The network conflict, however, persisted and resulted in the disruption of his work constraining him to use another IP address to use an officemate's laser printer which was only accessible thru the Local Area Network (LAN). In his desperate need to print a set of financial reports which were considered a "rush job," Mayordomo decided not to request formal assistance in accordance with the proper procedure. He apologized and promised not to change his IP address again, acknowledging the hazards of such careless use of the system.

On February 21, 2005, Human Resource Office Vice-President J. Fernando U. Campana issued a memorandum [12] strictly enjoining Mayordomo "not to repeat such actuations, and to follow standard office procedures or exercise prudent judgment and obtain the necessary clearance before engaging in any extraordinary measure." In the same memorandum, it was noted that Mayordomo did not heed the earlier warning by the ITSG on the effects brought about by the changing of his IP address to the entire network system. Further, despite absence of intent to harm the system, his act of changing his IP address to facilitate the printing of rush accounting reports was "unsanctioned/illegal" because he lacked the authority to access the network. Thereafter, Mayordomo's personal computer was returned to him.

On May 3, 2006, or more than a year later, Mayordomo received a Show-Cause Memorandum from the Investigation Department in connection with his previous acts of changing his IP address. [13] In reply, Mayordomo admitted that he changed his IP address because the one given to him by the ITSG was in conflict with some other IP addresses. The ITSG was not able to address this problem, prompting him to change his IP address to be able to perform his work.

In June 2006, President and General Manager Garcia issued a formal administrative charge [14] against Mayordomo, for Grave Misconduct and/or Conduct Prejudicial to the Best Interest of the Service. In his July 3, 2006 Answer, [15] Mayordomo admitted that he changed his IP address but he denied having violated any policy or guideline on the subject because no policy, regulation or rule pertaining to changing of IP address existed at the time of its commission. It was only on November 10, 2005 when the GSIS adopted a policy against unauthorized changing of IP addresses. Hence, he could not be held liable in view of the constitutional prohibition against ex post facto laws.

On August 6, 2006, Mayordomo submitted his Supplemental Answer with Manifestation,[16] attaching affidavits of his co-workers stating that he indeed reported the problem with his IP address but this was never fixed by the ITSG. He also averred that he had previously used a username and password of an officemate with the blessing and explicit approval of the latter. He then waived a formal investigation and agreed to submit the case for decision on the basis of the evidence on record.

On March 7, 2007, the GSIS rendered its Decision[17] finding Mayordomo guilty of Grave Misconduct and imposing upon him the penalty of dismissal, with forfeiture of benefits, loss of eligibility and disqualification from government service. In said Decision, the GSIS discussed the significance of an IP address, viz:

"An IP address is an identifier for a computer or device on a TCP/IP network. Networks using the TCP/IP protocol route messages based on the IP address of the destination. The format of an IP address is a 32-bit numeric address written as four numbers separated by periods. Each number can be zero to 255. For example, 1.160.10.240 could be an IP address. Within an isolated network, one can assign IP address at random as long as each one is unique."

It is clear from the above that no two (2) PC's can have the same IP address. And in the event where two (2) PC's end up having the same IP address, both PC's would not be able to access the network xxx When the respondent changed his PC's IP address to that of Mr. Liscano's PC, both the respondent and Mr. Liscano were not able to access the GSIS network. To the respondent's bad luck, the IP address he used was assigned to the PC of an ITSG personnel, thus, the same was immediately investigated and his actions discovered.

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On the other hand, the "RAS" is a server that is dedicated to handling users who are not on a Local Area Network (LAN) but need remote access to it." And owing to its function, no restrictions are imposed on the IP address of the RAS. Thus, in the instances when the respondent simulated the IP address of the RAS, he not only jeopardized the accessibility of the GSIS network to outside users, he also gained access to the entire GSIS network and its other resources, including the internet, which would have otherwise been prohibited to him. Simply put, the respondent breached the barriers that were put in place to protect the network and its other resources from unauthorized incursions when he simulated the RAS IP address.

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Mayordomo moved for reconsideration of the decision against him arguing against the unfairness and severity of his dismissal.[18] He argued that his act of changing his IP address was in no way a flagrant disregard of an established rule, not only because no policy penalizing the act existed at that time he committed it, but because his reason for doing so even redounded to the benefit of the GSIS. Simply put, absent were the elements of corruption and the clear intent to violate a law on his part and only the motivation to accomplish his task reigned upon his judgment.

In its Resolution dated July 18, 2007,[19] GSIS denied the motion for lack of merit. It explained that the nonexistence of a policy prohibiting the unauthorized changing of IP addresses might relieve Mayordomo from an "administrative offense of violation of reasonable office rules and regulations, his actions and its effects on the GSIS network system fall within the ambit of grave misconduct xxx [T]he assignment of, alteration or changing of IP addresses is vested solely on the ITSG. Respondent not being a member of the ITSG clearly had no authority to alter his IP address, whatever may have been his justification for doing so."

On September 14, 2007, Mayordomo filed an appeal[20] with the Civil Service Commission (CSC) which dismissed it in Resolution 080713,[21] for failure to comply with the indispensable requirements under Section 46 of the Uniform Rules on Administrative Cases in the Civil Service.[22] On reconsideration, however, the CSC

ruled on the merits of the case and affirmed the findings of the GSIS, thus:

WHEREFORE, the Motion for Reconsideration of Arwin T. Mayordomo, Accounts Management Specialist, Fund Management Accounting Department, Government Service Insurance System (GSIS), is hereby DENIED for lack of merit. Accordingly, Civil Service Commission (CSC) Resolution No. 08-0713 dated April 21, 2008 STANDS.[23]

The CSC rejected Mayordomo's defense of good faith in view of the previous verbal warnings he received. By changing the IP address of his personal computer for the second time, after notice of its hazardous effects to the system, Mayordomo committed an act that was inherently wrong. According to the CSC:

A perusal of the Motion for Reconsideration shows that Mayordomo did not present new evidence which would materially affect the subject Resolution. xxx Movant has the repetitive averments that there was no existing company policy that prohibited GSIS employees from changing their IP addresses, and as such, there was no clear-cut penalty for the said offense; that by changing his IP address, he was in good faith and meant no harm to the GSIS; that his acts do not constitute Grave Misconduct.

To these, the Commission emphasizes that in the first place, the act which Mayordomo committed was one that is inherently wrong. Moreover, the express warning and prohibition given by the GSIS officials when he was first caught changing his IP address is and constitutes the rule that obviously made the act he committed, prohibited.

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Further, since the same act/s undoubtedly caused undue prejudice to the government, in the sense that it exposed the GSIS system to immense risk, movant is correctly found likewise guilty of Conduct Prejudicial to the Best Interest of the Service. But since this second offense has a lighter penalty, such is subsumed under the more grievous offense of Grave Misconduct, which is punishable with the supreme administrative penalty of dismissal.[24]

Undaunted, Mayordomo elevated the case to the CA by way of a petition for review under Rule 43 of the Rules of Court. Mayordomo argued that the above CSC Resolutions were issued with grave abuse of discretion amounting to lack or in excess of jurisdiction. He reiterated his arguments before the GSIS and the CSC, as follows: that he did not commit so grave an offense to warrant his dismissal from service; that the GSIS miserably failed to present evidence showing illwill or bad faith on his part; that his act of changing his IP address was not punishable because no existing company policy was in effect at that time and, in fact, it was only nine months after his act was complained of, when the GSIS issued a policy/guideline on the matter; that the Memorandum issued earlier by the Vice-President of the Human Resource Office sufficiently served as his penalty for his careless acts; and that granting that he should be penalized anew, his length of service and work performance should be considered for him to merit a lighter penalty than that of dismissal.

On July 31, 2009, the CA partly granted the petition.[25] According to the appellate court, while Mayordomo failed to exercise prudence in resorting to changing his IP address, it could not be said that this act was characterized by a wrongful use of station or character to procure personal benefit contrary to duty and rights of others. GSIS failed to prove that Mayordomo acted out of a sinister motive in resorting to such acts or in order to gain a personal benefit therefrom. The records would only show that Mayordomo did so when he was faced with the conflict of his own IP address with others and the urgency of his office tasks. In meting out this penalty for Simple and not Grave Misconduct, the CA took into consideration Mayordomo's length of service in the government and his fairly clean record prior to the incident. The dispositive portion of the CA Decision thus reads:

WHEREFORE, the petition is PARTLY GRANTED. Resolution No. 080713 and Resolution No. 081524 of the Civil Service Commission are AFFIRMED with MODIFICATION. Finding petitioner Arwin T. Mayordomo guilty of simple misconduct this Court hereby imposes upon him the penalty of suspension of one (1) month and one (1) day.

SO ORDERED.[26]

On reconsideration, the CA rejected Mayordomo's prayer for payment of backwages corresponding to the period of his preventive suspension. In its Resolution dated February 5, 2010, the CA emphasized that Mayordomo was not completely exonerated from liability for the act complained of. The offense was merely downgraded from grave misconduct to simple misconduct. Therefore, Mayordomo's dismissal is "deemed a preventive suspension pending his appeal...." Thus, he was not entitled to the payment of backwages and other benefits during the said period.

Hence, this recourse by the petitioners ascribing serious errors on the part of the CA in modifying the penalty imposed on Mayordomo:

I.

THE HONORABLE COURT OF APPEALS COMMITTED ERROR IN DOWNGRADING THE OFFENSE TO SIMPLE MISCONDUCT AS IT FAILED TO CONSIDER THE FACT THAT RESPONDENT ALTERED HIS ASSIGNED IP ADDRESS NOT ONLY ONCE BUT FOUR (4) TIMES, DESPITE WARNING.

II.

THE HONORABLE COURT OF APPEALS ERRED IN NOT ACCORDING RESPECT AND CREDIT TO THE FINDINGS OF THE PETITIONERS AND THE CSC, WHICH WERE SUPPORTED BY MORE THAN THE REQUIRED SUSTANTIAL EVIDENCE.

The petitioners contend that Mayordomo, from the outset, had full knowledge of the nature, purpose, and importance of an IP address and the dire consequences of changing the same. In committing "computer identity and capacity theft,"[27] Mayordomo is guilty of Grave Misconduct, and even Dishonesty, as shown by substantial evidence. Hence, the CA erred in giving credence to his assertion that his act of changing his IP address was not attended by corruption and sinister motive, considering that he freely chose to traverse a tortuous path of changing his IP address, to simply print a document for his alleged rush work. While the latter task is simply akin to the goal of "reaching Tibet from Nepal,"[28] Mayordomo took the most difficult route, that of changing his IP address, and worse, into the most powerful IP address in GSIS. For petitioners, Mayordomo's dubious motive is shown by his desire to "get to the top, with all the privileges, advantages and practically limitless vista of taking that topmost perch." [29]

For his part, Mayordomo reasons out that during the time when the GSIS FMAD was in the peak of activities, he was constrained to alter his IP address because of the failure of the ITSG to fix a conflict which effectively disrupted his work. He claims to have no reason to cause harm to the system and to the GSIS in general, because in the first place, he was not informed of the hazards of changing IP addresses. It was only by November 10, 2005, or nine months after the incident, when the GSIS issued a policy/ guideline[30] on the matter.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the 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.[31]

In this case, the attending facts and the evidence presented, point to no other conclusion than the administrative liability of Mayordomo. The Code of Conduct and Ethical Standards for Public Officials and Employees[32]enunciates the state policy to promote a high standard of ethics in public service, and enjoins public officials and employees to discharge their duties with utmost responsibility, integrity and competence. Section 4 of the Code lays down the norms of conduct which every public official and employee shall observe in the discharge and execution of their official duties, specifically providing that they shall at all times respect the rights of others, and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, and public interest. Thus, any conduct contrary to these standards would qualify as conduct unbecoming of a government employee.[33]

Here, Mayordomo's act of having repeatedly changed his IP address without authority, despite previous warnings, shows that he did not exercise prudence in dealing with officework and his officemates. After the first warning he received from the ITSG, Mayordomo should have realized that his unauthorized act brought inconvenience, not only to a fellow employee, Liscano, but to the entire GSIS, which was actually deprived of service from a paid employee. As if he did not understand the repercussions of his act, he again toyed with his IP address and deliberately ignored the importance of necessary clearance before engaging in any extraordinary measure. Worse, he chose the RAS and gained access to the entire GSIS network, putting the system in a vulnerable state of security. When Mayordomo was alerted by the hazardous effects of using an IP address other than his, he should have realized that, a fortiori, using a RAS IP address would expose the GSIS system into a more perilous situation.

Indeed, prudence and good sense could have saved Mayordomo from his current tribulation, but he was unfortunately stubborn to imbibe advice of caution. His claim that he was obliged to change his IP address due to the inaction of the ITSG in resolving the problem with his own IP address, cannot exonerate him from responsibility. Obviously, choosing the RAS IP address to replace his own was way too drastic from sensible conduct expected of a government employee. Surely, there were other available means to improve his situation of alleged hampered performance of duties for failure to access the system due to IP conflict. Certainly, gaining access to the exclusive external trafficking route to the GSIS computer system was not one of them.

The Court neither loses sight of the undisputed fact that Vice-President J. Fernando U. Campana's Memorandum stated that the ITSG discovered unauthorized and unnecessary downloaded programs in Mayordomo's personal computer when it was pulled out. Hence, despite his insistence that exigency was his sole reason in altering his IP address, sheer common sense and evidence to the contrary belie this.

Mayordomo likewise fails to convince the Court to adhere to his position that the lack of official policy and guidelines at the time of commission makes the act of unauthorized alteration of IP addresses exempt from punishment. While official policy and guidelines apprise covered employees of offenses carrying specific penalties, the Court may not close its eyes from the fact that actual notice of the dangers of changing his IP address was made known to Mayordomo, right after the first incident. The CSC was correct in holding that subsequent to the first warning, Mayordomo was fully aware that changing his IP address without acquiescence from the ITSG, was inherently wrong.

In the same vein, proof of the alleged damage caused by Mayordomo's act to the GSIS system and its use by the general public, is not necessary. The inaccessibility, unnecessary interruption, and downtime to the GSIS network as may be experienced by outside users, is obvious. Proof that the public was inconvenienced in using the GSIS

website is not necessary in order to conclude that the unauthorized changing of IP address can produce pernicious effects to the orderly administration of government services. It is well-settled that in administrative cases, the injury sought to be remedied is not merely the loss of public money or property. Acts that go against the established rules of conduct for government personnel, [in this case, that of resorting to unauthorized and radical solutions, without clearance from appropriate parties] bring harm to the civil service, whether they result in loss or not.[34] This rule is in line with the purpose of administrative proceedings, which is mainly to protect the public service, based on the time-honored principle that a public office is a public trust.[35]

Albeit different in degree, both the CSC and the CA agree that Mayordomo is guilty of misconduct in office. A long line of cases has defined misconduct as "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer." [36] Jurisprudence has likewise firmly established that the "misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be proved by substantial evidence." [37]

To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment.[38] Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, at the expense of the rights of others. Nonetheless, "a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave. Grave misconduct necessarily includes the lesser offense of simple misconduct." [39]

Based on the foregoing rule, the CA designated Mayordomo's offense as Simple Misconduct, on the ground that the elements particular to Grave Misconduct were not adequately proven by the GSIS on which the burden of proof lay. There being no clear and convincing evidence to show that Mayordomo changed his IP address for personal or selfish needs, the CA found that his act could not be said to have been tainted with "corruption."

The Court is inclined to disagree with the CA not only in downgrading the offense from Grave Misconduct to Simple Misconduct, but on the nature of the offense charged itself. The Court indeed finds Mayordomo administratively liable, but modifies the designation of the offense and the penalty imposed by the CA.

The Court has come to a determination that the administrative offense committed by the respondent is not "misconduct." To constitute misconduct, the act or acts must have a direct relation to and be connected with the performance of official duties.[40] The duties of Mayordomo as a member of the GSIS FMAD surely do not involve the modification of IP addresses. The act was considered unauthorized, precisely because dealing with the GSIS network's IP addresses is strictly reserved for ITSG personnel who are expectedly knowledgeable in this field. In *Manuel v. Calimag, Jr.*, [41] the Court emphatically ruled:

In order to be considered as "misconduct," the act must have a "direct relation to and be connected with the performance of his official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office. Misconduct in office has been authoritatively defined by Justice Tuazon in *Lacson v. Lopez* in these words: "Misconduct in office has a definite and well-understood legal meaning. By uniform legal definition, it is a misconduct such as affects his performance of his duties as an officer and not such only as affects his character as a private individual. In such cases, it has been said at all times, it is necessary to separate the character of the man from the character of the officer x x x It is settled that misconduct, misfeasance, or malfeasance warranting removal from office of an officer must have direct relation to and be connected with the performance of official duties amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office x x x More specifically, in *Buenaventura v. Benedicto*, an administrative proceeding against a judge of the court of first instance, the

present Chief Justice defines misconduct as referring `to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer.'" [Emphasis ours, citations excluded]

In *Cabalitan v. Department of Agrarian Reform*,^[42] the Court sustained the ruling of the CSC that the offense committed by the employee in selling fake Unified Vehicular Volume Program exemption cards to his officemates during office hours was not grave misconduct, but conduct prejudicial to the best interest of the service. In *Mariano v. Roxas*,^[43] the Court held that the offense committed by a CA employee in forging some receipts to avoid her private contractual obligations, was not misconduct but conduct prejudicial to the best interest of the service because her acts had no direct relation to or connection with the performance of her official duties.

Accordingly, the complained acts of respondent Mayordomo constitute the administrative offense of Conduct Prejudicial to the Best Interest of the Service, which need not be related to or connected with the public officer's official functions. As long as the questioned conduct tarnishes the image and integrity of his/her public office, the corresponding penalty may be meted on the erring public officer or employee.^[44] Under the Civil Service law and rules, there is no concrete description of what specific acts constitute the grave offense of Conduct Prejudicial to the Best Interest of the Service. Jurisprudence, however, is instructive on this point. The Court has considered the following acts or omissions, *inter alia*, as Conduct Prejudicial to the Best Interest of the Service: misappropriation of public funds, abandonment of office, failure to report back to work without prior notice, failure to safe keep public records and property, making false entries in public documents and falsification of court orders.^[45] The Court also considered the following acts as conduct prejudicial to the best interest of the service, to wit: a Judge's act of brandishing a gun and threatening the complainants during a traffic altercation; a court interpreter's participation in the execution of a document conveying complainant's property which resulted in a quarrel in the latter's family.^[46]

Conduct Prejudicial to the Best Interest of the Service is classified as a grave offense under Section 22(t) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, with a corresponding penalty of suspension for six (6) months and one (1) day to one (1) year for the first offense, and the penalty of dismissal for the second offense.

As this is Mayordomo's first case, he should be meted the penalty of six (6) months and one (1) day.

As a final word, the Court makes clear that when an officer or employee is disciplined, the object sought is not the punishment of that officer or employee, but the improvement of the public service and the preservation of the public's faith and confidence in the government.^[47] The respondent is reminded that "the Constitution stresses that a public office is a public trust and public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service."^[48]

WHEREFORE, the July 31, 2009 Decision of the Court of Appeals in CA-G.R. SP No. 105414 affirming with modification Resolution No. 080713 and Resolution No. 081524 of the Civil Service Commission, finding the respondent guilty of simple misconduct is REVERSED and SET ASIDE. Respondent Arwin T. Mayordomo is declared GUILTY of Conduct Prejudicial to the Best Interest of the Service and is suspended from service for six (6) months and one (1) day.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Abad, Villarama, Jr., Perez, and Sereno, JJ., concur.

Nachura and Del Castillo, JJ., on leave.

[1] Rollo, pp. 35-47. Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Sesinando E. Villon and Priscilla J. Baltazar-Padilla of the Former Special Fifteenth Division, Manila.

[2] Entitled Arwin T. Mayordomo v. Government Service Insurance System.

[3] Rollo, pp. 49-52.

[4] CA Decision, id. at 36.

[5] Id. at 97. An identifier for a computer or device on a TCP/IP network. Networks using the TCP/IP protocol route messages based on the IP address of the destination. The format of an IP address is a 32-bit numeric address written as four numbers separated by periods. Each number can be zero to 255. For example, 1.160.10.240.(webopedia computer dictionary, www.webopedia.com)

[6] Id. at 9.

[7] Id. at 10. "A server that is dedicated to handling users who are not on a Local Area Network or LAN but need remote access to it."

[8] Id. at 10-11.

[9] Id. at 61.

[10] Vice-President of the GABM-Central Office and OIC Manager of FMAD, respectively.

[11] Rollo, p. 62.

[12] Id. at 81.

[13] CA Decision, id. at 38.

[14] Docketed as ADM Case No. 06-101. Id. at 53-54.

[15] Id. at 67-83.

[16] Id. at 84-91.

[17] Id. at 92-102.

[18] Id. at 104-108.

[19] Id. at 109-111.

[20] Id. at 169-176.

[21] Id. at 113-116.

[22] To perfect an appeal, the appellant shall submit the following: a) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof; b) Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the

decision, resolution or order appealed from, and certified copies of the documents or evidence.

[23] Resolution 081524, rollo, pp. 119-125.

[24] Id. at 124.

[25] Id. at 35-47.

[26] Id. at 46.

[27] Memorandum of Petitioners, id. at 296.

[28] Id. at 294.

[29] Id.

[30] Id. at 77.

[31] Citing *Filoteo v. Calago*, A.M. No. P-04-1815, October 18, 2007, 536 SCRA 507, 515 and Section 5, Rule 133 of the Rules of Court in *Retired Employee, Municipal Trial Court, Sibonga, Cebu v. Merlyn G. Manubag, Clerk of Court II, Municipal Trial Court, Sibonga, Cebu*, A.M. No. P-10-2833, December 14, 2010.

[32] Republic Act No. 6713.

[33] *Ma. Chedna Romero v. Pacifico B. Villarosa, Jr., Sheriff IV*, Regional Trial Court, Branch 17, Palompon, Leyte, A.M. No. P-11-2913, April 12, 2011.

[34] Id.

[35] *Dr. Castor C. De Jesus v. Rafael D. Guerrero III, Cesario R. Pagdilao and Fortunata B. Aquino*, G.R. No. 171491, September 4, 2009, 598 SCRA 341,350.

[36] *Salvador O. Echano, Jr. v. Liberty Toledo*, G.R. No. 173930, September 15, 2010, 630 SCRA 532, citing *Bureau of Internal Revenue v. Organo*, 468 Phil. 111, 118 (2004).

[37] *Civil Service Commission v. Lucas*, 361 Phil. 486 (1999).

[38] *Clementino Imperial v. Mariano F. Sanitago, Jr., Sheriff IV*, RTC Branch 139, Makati City, A.M. No. P-O1-1449, February 24, 2003, 446 Phil. 104 (2003).

[39] *Erlinda F. Santos v. Ma. Carest A. Rasalan*, G.R. No. 155749, February 8, 2007, 515 SCRA 97, 104, citing *Civil Service Commission v. Ledesma*, 508 Phil. 569 (2005).

[40] *Teodulo V. Lagro v. The Court of Appeals, The Civil Service Commission, The National Power Corporation and Alan Olandesca*, G.R. No. 177244, November 20, 2007, 537 SCRA 721, 730.

[41] 367 Phil. 162 (1999), cited in *Teodulo Lagro v. The Court of Appeals, The Civil Service Commission, The National Power Corporation and Alan Olandesca*, G.R. No. 177244, November 20, 2007, 537 SCRA 721, 730.

[42] G.R. No. 162805, January 23, 2006, 479 SCRA 452, 456 & 461, cited in *Teodulo Lagro v. The Court of Appeals*, G.R. No. 177244, November 20, 2007, 537 SCRA 721.

[43] 434 Phil. 742 (2002), cited in *Teodulo Lagro v. The Court of Appeals*, G.R. No. 177244, November 20, 2007, 537 SCRA 721.

[44] *Teodulo V. Lagro v. The Court of Appeals, The Civil Service Commission, The National Power Corporation and Alan Olandesca*, *supra* note 40.

[45] Philippine Retirement Authority v. Thelma Rupa, 415 Phil. 713 (2001), citing In re Report of the Financial Audit Conducted on the Accounts of Zenaida Garcia, 362 Phil. 480 (1999), Unknown Municipal Councilor of Sto. Domingo, Nueva Ecija v. Alomia, Jr., A.M. No. P-91-660, August 7, 1992, 212 SCRA 330 and Judge Thelma Ponferrada v. Edna Relator, 260 Phil. 578 (1990).

[46] Alday et al. v. Judge Escolastico U. Cruz, Jr., RTJ-00-1530, 406 Phil. 786 (2001) and Gloria Dino v. Francisco Dumukmat, 412 Phil. 748 (2007), cited in Teodulo v. Lagro v. The Court of Appeals, G.R. No. 177244, November 20, 2007, 537 SCRA 721.

[47] Civil Service Commission v. Cortez, G.R. No. 155732, June 3, 2004, 430 SCRA 593, citing Bautista v. Negado, etc., and NWSA, 108 Phil. 283, 289 (1960).

[48] Id.

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