

TERESITA M. CAMSOL, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

G.R. No. 238059. June 08, 2020

Ponente: ZALAMEDA, J.

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ZALAMEDA, J.:

The Case

This petition[1] assails the 13 February 2018 Decision[2] promulgated by the Court of Appeals (CA) in CA-G.R. SP No. 149825, which affirmed in toto the 04 October 2016 Decision[3] of the Civil Service Commission (CSC), finding Teresita M. Camsol (petitioner) guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.

Antecedents

The facts of this case, as found by the CSC, are not in dispute:

Petitioner is a Forest technician II at the Department of Environment and Natural Resources (DENR), Community Environment Natural Resources Office (CENRO) Buguias, Abatan, Buguias, Benguet.[4]

Records show that Camsol (petitioner) requested from the CSC-Cordillera Administrative Region (CSC-CAR) the authentication of her Career Service Professional Eligibility. Thus, she indicated in the Eligibility/Exam Records Request Form (ERRF) that she passed the Career Service Professional Examination (Computer-Assisted Test/CAT) on September 16, 2002 in Baguio City with a rating of 82.10.

It appears, however, from the Master List of Eligibles on file with the CSC-CAR that no Career Service Professional Examination, either Paper or Pencil Test (PPT) or CAT, was conducted on September 16, 2002 in Baguio City. Instead, it was discovered that Camsol took and failed the Career Service Professional Examination (CSPE) conducted on May 2, 2002 and October 17, 2002, where she obtained ratings of both 48.08 on both occasions.

Meanwhile, Camsol attributed the issuance of her alleged spurious Certificate of Eligibility (COE) from a certain Allan, who 'sweet talked' her into believing that the said COE was legitimate/authentic. That she personally received said COE from Allan, after she gave him one hundred pesos (P100.00). Allan allegedly asked for more money but she refused.[5]

Finding a *prima facie* case, petitioner was formally charged with Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.[6] She denied the charges in her Answer.[7]

In its 05 February 2016 Decision,[8] the CSC-Cordillera Administrative Region (CSC-CAR) found petitioner guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. Petitioner moved for reconsideration, but was denied.[9] Feeling aggrieved, petitioner appealed to the CSC.

Ruling of the CSC

On 04 October 2016, the CSC dismissed the petition for review filed by the petitioner, as it affirmed the

CSC-CAR's findings. The dispositive portion of the CSC ruling stated:

WHEREFORE, the Petition for Review of Teresita M. Camsol, Forest Technician II, Department of Environment and Natural Resources (DENR), Community Environment Natural Resources Office (CENRO) Buguias, Abatan, Buguias, Benguet, is hereby DISMISSED. Accordingly, Decision No. 16-0012 dated February 5, 2016 issued by the Civil Service Commission-Cordillera Administrative Region (CSC-CAR), Baguio City, which found her guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service, and imposed upon her the penalty of dismissal from the service with all its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS, if any, perpetual disqualification from holding public office, and bar from taking any civil service examinations and Resolution No. 16-00010 dated March 14, 2016, which denied her subsequent Motion for Reconsideration, are AFFIRMED.

Copies of this Decision shall be furnished the Commission on Audit-DENR and the Government Service Insurance System (GSIS), for their reference and appropriate action.[10]

The CSC agreed that petitioner's possession of a spurious/fake Certificate of Eligibility (COE) sufficed to hold petitioner liable for Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. Petitioner's possession of a fake eligibility, in exchange for a fee, constituted violation or transgression of some rule and manifested corrupt behavior, making her liable for Grave Misconduct. The CSC likewise found petitioner liable for Serious Dishonesty as her act of securing the same for a fee tarnished the integrity, not only of the Commission, but the entire bureaucracy. Further, said act was prejudicial to the interest of the public service.[11]

Petitioner sought reconsideration, which was denied in the 07 February 2017 Resolution[12] of the CSC. Hence, petitioner appealed to the CA.

Ruling of the CA

The CA denied the petition and affirmed in toto the CSC's decision.

The CA held that petitioner's procurement of the spurious COE, by itself, constituted Grave Misconduct and Serious Dishonesty.[13] It emphasized that under Resolution No. 060538,[14] a dishonest act involving a Civil Service examination or fake Civil Service eligibility, such as, but not limited to impersonation, cheating, and use of crib sheets, is serious dishonesty.[15] It added that seriously dishonest acts involving spurious civil service eligibility likewise result in grave misconduct and conduct prejudicial to the service.[16]

The offenses of petitioner being grave, the CA sustained the extreme penalties imposed against her, without considering any mitigating circumstance such as petitioner's previous clean record, noting that a government employee found guilty of a grave offense may be dismissed even for the first infraction. For the same reason, the CA likewise stressed that petitioner's length of service was of no moment, as the seriousness of her offenses has eclipsed the effect of said circumstance.[17]

Hence, this petition.[18]

Issue

The sole issue in this case is whether the CA erred in holding that petitioner is guilty of Grave Misconduct, Serious Dishonesty and Conduct Prejudicial to the Service, and imposing the penalty of dismissal, without considering any mitigating circumstance in petitioner's favor.

Ruling of the Court

The petition is partially meritorious.

Petitioner now claims that the CA erred in finding her guilty of the aforesaid offenses for her mere act of presenting a fake civil service eligibility to the CSC for validation. Petitioner is adamant that she did not seek the intervention of a certain Allan to procure the same as she had nothing evil in mind to misrepresent, falsify, or use the COE which turned out to be spurious.[19] In fact, she neither used it for her benefit nor in any transaction.[20] When she went to the CSC, her intention was really to determine the legitimacy of the COE which, to her, appeared to be genuine as it contained her personal circumstances, signed by the CSC Chairman, and watermarked.[21]

The same notwithstanding, petitioner is apologetic and begs the indulgence of this Court to extend her some leniency on her transgression. She prays that the penalty of dismissal and the forfeiture of her retirement benefits be mitigated.[22]

The OSG, on the other hand, concurs with the CA that petitioner's purchase of the eligibility certificate from Allan was patently illegal, and exemplified grave misconduct. Furthermore, petitioner's possession of the forged document, knowing that she did not pass the exams, reflected her want of integrity consistent with serious dishonesty for possessing a fake Civil Service eligibility.[23]

Nevertheless, the OSG agrees with petitioner that dismissal is too harsh a penalty for the latter's misdeed. In lieu thereof, the OSG recommended the penalty of suspension for one (1) year of service.[24]

We agree with the OSG.

At the outset, We emphasize that questions of fact may not be raised by certiorari under Rule 45 because We are not a trier of facts.[25] As We explained in *Encinas v. Agustin, et al.*,[26] findings of fact of administrative bodies, like the CSC, will not be interfered with by the courts in the absence of grave abuse of discretion on the part of the former, or unless the aforementioned findings are not supported by substantial evidence. These factual findings carry even, more weight when affirmed by the CA, in which case, they are accorded not only great respect, but even finality, as We are wont to do in this case.

As adverted to earlier, the facts of the case are not disputed. Petitioner herself admitted procuring the fake civil service eligibility, despite knowing fully well that she never passed the civil service exam. What is worse, she even went to the extent of going to the CSC office to check if the said document could stand the crucible of validation. She is definitely not innocent, as she claims to be, and must be held accountable under the law. As CSC Memorandum Circular No. 15, Series of 1991 provides:

An act which included the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, im-personation, or any other anomalous act which amounts to any violation of the Civil Service examination, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service.

Grave Misconduct and Serious Dishonesty being grave offenses, the penalty of dismissal may be meted even for the first-time offenders.[27] However, it is not lost to Us that under Section 48,[28] Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, mitigating and aggravating circumstances may still be appreciated in the penalty to be imposed, with the disciplining authority having the discretion to consider these circumstances in the interest of substantial justice.

In a catena of administrative cases involving grave offenses,[29] We had indeed exercised the discretion granted by Section 48, and appreciated the existence of mitigating factors, which ultimately led to the imposition of a penalty less harsh than an automatic dismissal. In those cases, factors such as the respondents' length of service, their acknowledgment of infractions and feeling of remorse, family circumstances, humanitarian and equitable

considerations, advanced age, among other things, have had varying significance in the Court's determination of the imposable penalty.[30] For instance, in *Committee on Security-and Safety, Court of Appeals v. Dianco, et. al.*[31] We imposed the lesser penalty of one (1)-year without pay and demotion instead of dismissal upon Dianco who was found guilty of Serious Dishonesty and Gross Misconduct. We appreciated in his favor the mitigating circumstances of: admission of infractions, commission of the offense for the first time, almost thirty (30) years of service in the Judiciary, and restitution of the amount involved. He was also afforded humanitarian consideration due to his health condition and age.

Guided by these past judicious pronouncements and the peculiar circumstances We found herein, We find cogent reasons to impose a lower penalty upon petitioner.

Petitioner did not benefit from the spurious certificate of eligibility; neither did she take advantage of the same to be promoted, as her current position does not require a 2nd grade eligibility.[32] In fact, there was not an instance she indicated in her Personal Data Sheet (PDS) that she passed the same examinations.[33] Moreover, petitioner has been diligently serving the public for more than three (3) decades, from being a casual laborer to her current position as Forest Technician II.[34] This was also her first offense, not having been the subject of any complaint, administrative or criminal, since she started working.[35] She was a loyalty awardee, having rendered 30 years of dedicated service in the government[36] and was rated Very Satisfactory in her performance rating.[37] Furthermore, petitioner is now 56 years old and at the threshold of her retirement.[38] Her dismissal from the service could foreclose her an opportunity to earn income and support her family.[39]

While We cannot condone or countenance petitioner's offenses, We subscribe to the OSG's apt suggestion to appreciate the foregoing factors to mitigate petitioner's penalty. Indeed, We should not be impervious to petitioner's plea as the duty to sternly wield a corrective hand to discipline errant employees, and to weed out from the roster of civil servants those who are found to be undesirable comes with the sound discretion to temper the harshness of its judgment with mercy.[40] Accordingly, petitioner is meted the penalty of suspension of one (1) year without pay instead of dismissal.

WHEREFORE, the petition is **PARTIALLY GRANTED**. The Decision promulgated on 13 February 2018 by the Court of Appeals in CA-G.R. SP No. 149825 is **AFFIRMED WITH MODIFICATION** in that the penalty of dismissal from service with accessory penalties imposed upon petitioner Teresita M. Camsol is **REDUCED** to **ONE (1)-YEAR SUSPENSION** without pay, and with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Leonen, (Chairperson), Gesmundo, Carandang and Delos Santos, JJ., concur.

[1]Rollo, pp. 9-33.

[2]Id. at 35-46; penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justice Ramon Paul L. Hernando (now a Member of this Court) and Associate Justice Rafael Antonio M. Santos of the Special Fifteenth Division, Court of Appeals, Manila.

[3] Id. at 80-86.

[4] Id. at 80.

[5]Id. at 90.

[6] Id. at 66-67.

[7] Id. at 82.

[8] Id. at 72-78.

[9] Id at 69-70.

[10]Id. at 86.

[11]Id. at 85.

[12]Id. at 88-92.

[13]Id. at 41.

[14]Rules on the Administrative Offense of Dishonesty.

[15]Rollo, p. 41.

[16]Id. at 43.

[17] Id. at 45.

[18]Id. at 9-33.

[19]Id. at 19.

[20] Id. at 13.

[21]Id. at 19.

[22] Id at 21.

[23]Id. at 40.

[24] Id at 14-15.

[25]Fajardo v. Corral, 813 Phil. 149-159 (2017).

[26] 709 Phil. 236-265 (2013).

[27]Office of the Ombudsman, et. al. v. Espina, 807 Phil. 529-555 (2017).

[28]As found in Civil Service Commission (CSC) Resolution No. 11-01502, promulgated on 08 November 2011. This has been repealed by the 2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), as per CSC Resolution No. 1701077, promulgated on 03 July 2017 and took effect on 17 August 2017, However, the previous RRACCS remains applicable to pending cases filed before its effectivity, provided it will not unduly prejudice substantive rights, in accordance with Section 124, Rule 23 of the 2017 RACCS.

[29] In the case of Office of the Court Administrator v. Flores, (A.M. No. P-07-2366 [Resolution], 16 April 2009), the Court found Flores guilty of dishonesty and imposed upon her the penalty of six (6) months suspension without pay, taking into account her length of service and that it was her first offense during her employment in the judiciary. Indeed, the Court held that while dishonesty is considered a grave offense punishable by dismissal even at the first instance, jurisprudence is replete with cases where the Court lowered the penalty of dismissal to suspension taking into account the presence of mitigating circumstances such as length of service in the government and being a first time offender.

In the case of *Alforon v. De los Santos, et. al.*, (G.R. No. 203657, 11 July 2016), Alforon, was found guilty of serious dishonesty because of a material misrepresentation in her PDS. However, finding that her outright dismissal from the service would be too harsh, she was only meted the penalty of suspension for six (6) months taking in consideration her continued service to the Municipality of Argao, Cebu since 2003.

In the case of *Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division*, (A.M. No. 2001-7-SC & 2001-8-SC, 22 July 2005, 464 SCRA 1) where therein respondents were found guilty of dishonesty, the Court, for humanitarian considerations, in addition to various mitigating circumstances in respondents' favor, meted out a penalty of six months suspension instead of imposing the most severe penalty of dismissal from service. In imposing a lower penalty, the court, for humanitarian considerations, took note of various mitigating circumstances in respondent's favor, to wit: (1) for respondent ANGELITA C. ESMERIO: her continued long years of service in the judiciary amounting to 38 years; her faithful observance of office rules and regulations from the time she submitted her explanation-letter up to the present; her acknowledgment of her infractions and feelings of remorse; her retirement on 31 May 2005; and her family circumstances (i.e., support of a 73-year old maiden aunt and a 7-year old adopted girl); and (2) for ELIZABETH L. TING: her continued long years of service in the judiciary amounting to 21 years; her acknowledgment of her infractions and feelings of remorse; the importance and complexity of the nature of her duties (i.e., the preparation of the drafts of the Minutes of the Agenda); the fact that she stays well beyond office hours in order to finish her duties; and her Performance Rating has always been "Very Satisfactory" and her total score of 42 points is the highest among the employees of the Third Division of the Court.

In the case of *Concerned Taxpayer v. Doblada, Jr.* (A.M. No. P-99-1342, 20 September 2005, 470 SCRA 218), the penalty of dismissal was reduced by the Court to six months suspension without pay for the attendant equitable and humanitarian considerations therein: Norberto V. Doblada, Jr., had spent 34 years of his life in government service and that he was about to retire; this was the first time that he was found administratively liable per available record; Doblada, Jr., and his wife were suffering from various illnesses that required constant medication, and that they were relying on Doblada's retirement benefits to augment their finances and to meet their medical bills and expenses.

In *Civil Service Commission v. Belagan* (G.R. No. 132164, 19 October 2004, 440 SCRA 578, 601), Allyson Belagan, who was charged with sexual harassment and found guilty of Grave Misconduct, was meted out the penalty of suspension from office without pay for one year, instead of the heavier penalty of dismissal, given his length of service, unblemished record in the past, and numerous awards.

In *Vidallon-Magtolis v. Salud* (A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469-470), Cielito M. Salud, a Court of Appeals personnel, was found guilty of inefficiency and gross misconduct, punishable by dismissal from service even for the first time offenses. However, considering that Salud had not been previously charged nor administratively sanctioned, the Court instead imposed the penalty of suspension for one year and six months.

In *De Guzman, Jr. v. Mendoza* (A.M. No. P-03-1693, 17 March 2005, 453 SCRA 545, 574), sheriff Antonio O. Mendoza was charged with conniving with another in causing the issuance of an alias writ of execution and profiting on the rentals collected from the tenants of the subject property. Mendoza was subsequently found guilty of Grave Misconduct, Dishonesty and Conduct Prejudicial to the Best Interest of the Service; but instead of imposing the penalty of dismissal, the Court meted out the penalty of suspension for one year without pay, it appearing that it was Mendoza's first offense.

In the case of *Buntag v. Pana* (G.R. No. 145564, 24 March 2006, 485 SCRA 302), the Court affirmed the findings of the Court of Appeals and the Ombudsman when they took into consideration Corazon G. Buntag's length of service in the government and the fact that this was her first infraction. Thus, the penalty of dismissal for Falsification of Official Document was reduced to merely one year suspension.

In *Re: Delayed Remittance of Collections of Teresita Lydia Odtuhan* (445 Phil. 220 [2003]), a court le-gal researcher, Lydia Odtuhan of the Regional Trial Court of Pasay City was found guilty of serious misconduct in office for failing to remit a P12,705.00 fund collection to the proper custodian for three years and doing so only after several demands or directives from the clerks of court and from the Office of the Court Administrator (OCA). For humanitarian reasons, the Court found dismissal from the service to be too harsh considering that Odtuhan subsequently remitted the entire amount and she was afflicted with ovarian cancer. She was imposed a fine P10,000.00, with a stern warning that a repetition of the same or a similar act will be dealt with more severely.

In *Sarenas-Ochagabia v. Atty. Balmes Ocampos* (466 Phil. 1 [2004]), Atty. Balmes Ocampos failed to file for his clients an appellants' brief and the necessary Manifestation and Motion with the Court of Ap-peals. The Court noted that for the said offense, it had imposed penalties ranging from reprimand, warn-ing with fine, suspension and, in aggravated cases, disbarment. Owing to his advanced age, the Court imposed on Atty. Balmes Ocampos the penalty of suspension for three months with a warning that a repetition thereof will be dealt with more severely.

[30] See *Rayos v. Hernandez*, 558 Phil. 228-235 (2007).

[31] 777 Phil. 16-28(2016).

[32] *Rollo*, p. 25.

[33] *Id.* at 120-123 (Personnel Data Sheet dated 18 January 2016).

[34] *Id.* at 60 (Service Record), 120-123 (Personnel Data Sheet dated 18 January 2016).

[35] *Id.* at 124 (Certification by CENR Officer Rabindranath P. Quilala, CESE).

[36] *Id.* at 125 (Loyalty Award signed by PENR Officer Octavio B. Cuanso).

[37] *Id.* at 126-132 (IPCR dated 8 February 2016 and Performance Evaluation Report for the rating period of 2 January to 30 June 2013).

[38] *Id.* at 120 (Personnel Data Sheet dated 18 January 2016).

[39] *Id.* at 25-26.

[40] *Office of the Court Administrator v. Retired Judge Chavez*, 815 Phil. 41-53 (2017).

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