TEDDY L. PANARIGAN, PETITIONER, VS. CIVIL SERVICE COMMISSION – REGIONAL OFFICE (CSCRO) NO. III, RESPONDENT.

G.R. No. 238077. March 17, 2021

Ponente: DELOS SANTOS, J.

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DELOS SANTOS, J.:

The Case

This is a Petition for Review on Certiorari[1] assailing the Decision[2] dated June 6, 2017 and the Resolution[3] dated March 8, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 129957. The CA affirmed with modification the Decision[4] of the Civil Service Commission (CSC) dated November 26, 2012 finding petitioner guilty of two counts of Serious Dishonesty.

The Facts

Petitioner Teddy L. Panarigan (Panarigan) was employed at the National Food Authority (NFA) in Bulacan Branch located at Malolos, Bulacan since 2003. Panarigan applied for a position as Clerk II, permanent status.

On September 17, 2002, in support of his application as Clerk II, Panarigan submitted his Personal Data Sheet[5] (PDS) stating that he has a professional career service eligibility after he took the Career Service Professional Examination (CSPE) in Malolos, Bulacan on July 21, 2002 where he obtained a rating of 82.16%. Subsequently, Panarigan was appointed to the said position.

Sometime afterwards, the Provincial Manager of the NFA received an anonymous letter[6] alleging that Panarigan's civil service eligibility was fake and that Panarigan paid another person to take the civil service examination on his behalf.

On February 15, 2011, Amadeo B. De Guzman, CEO VI, Regional Manager II of the NFA requested the respondent Civil Service Commission - Regional Office No. III (CSCRO) to conduct an investigation regarding the authenticity of Panarigan's eligibility.[7]

On May 30, 2011, the CSCRO, after finding the existence of a prima facie case, formally charged Panarigan for Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of the Service.[8] The CSCRO found, upon verification with the Examination Services Division (ESD) of the CSC, that Panarigan's photograph and signature appearing in the Picture Seat Plan[9] (PSP) of the July 21, 2002 CSPE were different from the photograph and signature in the accomplished PDS that Panarigan submitted on September 17, 2002.

On August 8, 2011, Panarigan submitted his Answer.[10] He stated that (1) he personally took and passed the civil service eligibility examination on July 21, 2002 in Malolos, Bulacan with a rating of 82.16%; (2) he had no access to the records of the ESD of the CSC or the personnel records of the NFA; and (3) he was a victim of substitution or tampering of documents and should not be held liable for any of the charges against him.

On July 19, 2011, the prosecution manifested that it will submit a Position Paper in lieu of the trial-type presentation of evidence. On December 22, 2011, the prosecution submitted its Position Paper.[11]

On March 15, 2012, Panarigan presented his Position Paper,[12] reiterating the same points he stated in his Answer. On April 10, 2012, Panarigan waived his right to a trial-type investigation and submitted the case for resolution.[13]

In Decision No. 12-05-05[14] dated May 28, 2012, the CSCRO found Panarigan guilty of Serious Dishonesty and Falsification of Official Document and imposed on him the penalty of dismissal from the service with all its accessory penalties. The CSCRO declared that the photos appearing in the PDS and the PSP for the July 21, 2002 CSPE do not belong to one and the same person and that Panarigan's claim that the records were tampered with was unsubstantiated.

Panarigan filed a Motion for Reconsideration[15] (MR) which was denied by the CSCRO in Resolution No. 2012-07-01[16] dated July 10, 2012.

Panarigan filed an appeal with the CSC.

Ruling of the CSC
In Decision No. 120827[17] dated November 26, 2012, the CSC dismissed the appeal. The dispositive portion states:

> WHEREFORE, the petition for review of Teddy L. Panarigan, Clerk II, National Food Authority, Bulacan, is hereby DISMISSED. Accordingly, the Decision dated May 28, 2012 of the Civil Service Commission Regional Office (CSCRO) No. III, San Fernando City, Pampanga, finding Panarigan guilty of Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service, is MODIFIED as Panarigan is hereby found GUILTY of two (2) counts of Serious Dishonesty. Further, the imposition of the penalty on Panarigan of dismissal from the service with all the accessory penalties of forfeiture of retirement benefits, cancellation of civil service eligibility, bar from taking any Civil Service examination, and perpetual disqualification from holding public office, is AFFIRMED.[18]

The CSC ruled that the evidence showed that another person impersonated Panarigan when he filled-out the Application Form (AF) to take the July 21, 2002 CSPE. Also, the said impersonator accomplished the PSP in the name of Panarigan. Then to elude suspicion from the Processor of the AF, as well as the Supervising Examiner, Room Examiner and Room Proctor, on the day of the disputed examination, the impersonator submitted his own picture in the box provided and affixed the supposed signature of Panarigan.[19] Thus, the CSC declared that Panarigan's acts in (1) employing another person to take the CSPE for and in his behalf, and (2) indicating in his PDS that he passed the July 21, 2002 CSPE conducted in Malolos, Bulacan were two acts or counts of Serious Dishonesty and punishable by dismissal from the service.[20]

Panarigan filed an MR, but was denied in Resolution No. 1300759[21] dated April 16, 2013 for lack of merit.

Panarigan filed a petition for review with the CA.

Ruling of the CA
In a Decision[22] dated June 6, 2017, the CA denied the petition and modified the ruling of the CSC. The dispositive portion states:

> WHEREFORE, the petition is DENIED. The Decision No. 120827 promulgated on November 26, 2012 of the Civil Service Commission finding petitioner Teddy L. Panarigan guilty of two (2) counts of Serious Dishonesty is MODIFIED. Petitioner is declared GUILTY of Serious Dishonesty, Grave Misconduct and Falsification of Official Document and meted the penalty of dismissal from the service including its accessory

> penalties of cancellation of eligibility, forfeiture of retirement benefits, disqualification from taking future civil service examinations and perpetual disqualification from re-entering the government service.
>
> SO ORDERED.[23]

The CA ruled that there was substantial evidence that Panarigan caused another person to take the CSPE on July 21, 2002 in Malolos, Bulacan. As shown by the records, Panarigan was not the one who took the examination on July 21, 2002 because the picture in the PSP taken during the examination belonged to another person. The CA stated that Panarigan admitted the discrepancy in his records and raised the defense that somebody was out there to remove him from his current position. Save for bare allegations, Panarigan failed to substantiate his claim that he was a victim of a frame-up.[24]

Panarigan filed an MR which was denied m a Resolution[25] dated March 8, 2018.

Hence, this Petition.

The Issue
Whether or not the CA erred in finding Panarigan guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Document.

The Court's Ruling
The Petition lacks merit.

At the outset, it is not the function of the Court in a Rule 45 petition to analyze and weigh all over again the evidence presented before the lower court, tribunal, or office. The findings of facts of administrative agencies such as the CSC, are controlling on the reviewing court. The CSC is better-equipped in handling cases involving the employment status of employees in the CSC since it is within its field of expertise.[26] As a general rule, a finding of guilt in administrative cases, if supported by substantial evidence or that amount of evidence which a reasonable mind might accept as adequate to justify a conclusion, will be sustained by this Court.[27]

In the present case, Panarigan asserts that he cannot be adjudged guilty of Serious Dishonesty and Falsification of Official Document based merely on the photocopies of the PSP and the examination application receipt[28] attached to the anonymous complaint against him, together with his PDS. Panarigan insists that the resolution of whether he was the one who took the July 21, 2002 CSPE depends on the authenticity of the alleged PSP and the examination application receipt which could only be ascertained upon close scrutiny of the original documents. Thus, Panarigan maintains that the non-presentation of the original, or even certified true copies of the PSP and the examination application receipt, which were in the CSC's custody, bears heavily on CSCRO and warrants his reinstatement.

The Uniform Rules on Administrative Cases in the Civil Service[29] (Uniform Rules) does not require strict adherence to the technical rules of evidence. Section 39 of the Uniform Rules provides:

> SEC. 39. The direct evidence for the complainant and the respondent consists of the sworn statement and documents submitted in support of the complaint or answer as the case may be, without prejudice to the presentation of additional evidence deemed necessary but was unavailable at the time of the filing of the complaint and the answer upon which the cross-examination, by the respondent and the complainant respectively, shall be based. Following the cross examination, there may be re-direct or re-cross examination.
>
> Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

> The investigation shall be conducted for the purpose of ascertaining the truth without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the disciplining authority concerned or his authorized representatives.[30] (Emphasis supplied)

In Civil Service Commission v. Colanggo,[31] the Court ruled that the CSC, in investigating complaints against civil servants, is not bound by technical rules of procedure and evidence applicable in judicial proceedings. In the said case, the Court held that the CSC correctly appreciated the photocopies of the Philippine Board Examination for Teachers application form, PSP and PDS (though not duly authenticated) in determining whether there was sufficient evidence to substantiate the charges against respondent. Respondent never objected to the veracity of their contents, but merely disputed their admissibility on the ground that they were not authenticated.

Thus, just like in this case, the CSC validly considered the photocopies of the PSP and the examination application receipt in resolving the formal charge against Panarigan, even if not duly authenticated.

Moreover, the CSC officials enjoy the presumption of regularity in the administration of the civil service examination.[32] In the case of Hadji-Sirad v. Civil Service Commission,[33] the Court held that the possibility that the CSC officials who supervised the examinations committed a mistake in matching the pictures and signatures vis-a-vis the examinees cannot be considered, as the said CSC officials enjoy the presumption of regularity in the performance of their official duty. Also, 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:[34]

> 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. x x x 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.

Also, in the case of Tan v. Civil Service Commission,[35] the Court ruled that absent any proof of mistake, malice, or motive on the part of the examination proctor, it cannot be said that the examination proctor may have inadvertently placed the photo of a different person on the PSP. Similarly, there is also no need to present the room examiners to establish the authenticity and due execution of the PSP. The PSP is a public document which is admissible in evidence without need of proof of its authenticity and due execution.[36]

Here, as pointed out by the CSCRO and the CSC, and affirmed by the CA, the signatures and photographs in Panarigan's PDS and the PSP for the July 21, 2002 CSPE make a prima facie case that someone else had taken the civil service examination on behalf of Panarigan.

The CSCRO, in its Decision dated May 28, 2012, observed:

> It is undisputed that the photos appearing in the Personal Data Sheet and the Picture Seat Plan for the July 21, 2002 Career Service Professional Examination though both named Teddy L. Panarigan are not that of the same person. While the respondent admits accomplishing the PDS and attaching his photo therein, he insinuates that the custodian of the PSP tampered the same, thus a different photo appears therein.
>
> x x x x
>
> The respondent's allegation that the exam records were tampered is unsubstantiated; thus, it deserves no credence. It is important to note that prior to the examination, the examinee is required to fill out an application form and affix his signature and to attach his photo thereon after which the examinee is given an examination application receipt also with photo. The examination application receipt of one representing himself to be Teddy Panarigan which is attached to the anonymous complaint reveals a photo similar to that in the PSP. That only proves that the person who filed the application for and who actually took the Career Service Professional

> Exam on July 21, 2002 was one and the same using the name Teddy Panarigan. That disproves the allegation that the examination records were tampered by its custodian.
>
> x x x x
>
> Clearly, the person who appeared and took the CS examination on July 21, 2002 in Malolos, Bulacan was the person whose photo appears in the PSP and not the real Teddy L. Panarigan whose photo appears in the PDS accomplished on September 17, 2002. Thus, the real Teddy L. Panarigan misrepresented when he entered in his PDS that he took and passed the CSC Examination on July 21, 2002. x x x.[37]

Undoubtedly, another person, who matched the photo in the PSP, actually signed the AF and took the CSPE on July 21, 2002 in Panarigan's name. Thus, Panarigan clearly committed Serious Dishonesty in declaring in his September 17, 2002 PDS that he took and passed the civil service examination.

Dishonesty means the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.[38] For dishonesty to be considered serious, the presence of any one of the circumstances enumerated in Section 3 of CSC Resolution No. 06-0538 or the Rules on the Administrative Offense of Dishonesty, must be present.

Sections 3(e) and (g) of CSC Resolution No. 06-0538 states:

> SEC. 3. The presence of any one or the following attendant circumstances in the commission or the dishonest act would constitute the offense of Serious Dishonesty:
>
> x x x x
>
> e. The respondent employed fraud and/or falsification or official documents in the commission of the dishonest act related to his/her employment.
>
> x x x x
>
> g. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.

In the present case, Panarigan falsified his PDS by misrepresenting that he has a civil service eligibility and that he passed the July 21, 2002 CSPE. Likewise, Panarigan conspired with another person to impersonate him and take the July 21, 2002 CSPE on his behalf. Thus, from the time he applied as Clerk II at the NFA, Panarigan greatly benefited from the supposed civil service eligibility result and had been promoted to a permanent position. Evidently, Panarigan committed two separate acts or counts of Serious Dishonesty under Sections 3(e) and (g) of CSC Resolution No. 06-0538.

Also, the CA correctly ruled that Panarigan is liable for falsification of official document. Panarigan falsified his PDS accomplished on September 17, 2002 when he indicated that he took and passed the July 21, 2002 CSPE in Malo1os, Bulacan with a rating of 82.16%.

The duly accomplished form of the Civil Service is an official document of the CSC, which, by its very nature is considered in the same category as that of a public document, admissible in evidence without need of further proof. As an official document, the contents/entries made in the course of official duty are prima facie evidence of the facts stated therein.[39]

Further, by conspiring with another person to impersonate him in taking the July 21, 2002 CSPE and making untruthful statements in his PDS of his civil service eligibility, Panarigan is liable for grave misconduct.[40]

Item No. 1 of CSC Memorandum Circular No. 8, Series of 1990 states:

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> Any act which includes the fraudulent procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, or any other act which amounts to violation of the integrity of [the] Civil Service examinations, possession of fake Civil Service eligibility and other similar acts shall be categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service, as the case may be, and shall be penalized in accordance with the approved Schedule of Penalties.[41]

Also, under Section 46 of CSC Resolution No. 1101502,[42] or the Revised Uniform Rules on Administrative Cases in the Civil Service, the offenses of Serious Dishonesty, Falsification of Official Document, and Grave Misconduct are all punishable by the penalty of dismissal from the service.[43] Further, under Section 50 of the same Rule, if respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

Just like the Dampilag[44] case, Panarigan misrepresented in his PDS that he took and passed the July 21, 2002 CSPE and conspired with another person to take the July 21, 2002 CSPE for and in his behalf. Thus, Panarigan should be held administratively liable for two counts of Serious Dishonesty, Falsification of Official Document, and Grave Misconduct and meted the penalty of dismissal from the service including its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except accrued leave credits,[45] disqualification from taking future civil service examinations and perpetual disqualification from re-entering the government service.

WHEREFORE, the Petition is DENIED. The Decision dated June 6, 2017 and the Resolution dated March 8, 2018 of the Court of Appeals in CA-G.R. SP No. 129957 are hereby AFFIRMED with MODIFICATIONS that Teddy L. Panarigan is GUILTY of two counts of Serious Dishonesty, Falsification of Official Document, and Grave Misconduct. He is DISMISSED from the service, including its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except accrued leave credits, disqualification from taking future civil service examinations and perpetual disqualification from re-entering the government service, including any government-owned or controlled corporations.

Let a copy of this Decision be furnished to the Civil Service Commission.

SO ORDERED.

Leonen, (Chairperson), Hernando, Inting, and J. Lopez, JJ., concur.

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[1] Rollo, pp. 11-27.

[2] Id. at 29-35. Penned by Associate Justice Myra V. Garcia-Fernandez, with then Presiding Justice Andres B. Reyes, Jr. and Associate Justice Priscilla J. Baltazar-Padilla, concurring.

[3] Id. at 37-38.

[4] Id. at 114-120.

[5] Id. at 61.

[6] Id. at 57.

[7] Id. at 56.

[8] Id. at 67-68.

[9] Id. at 66.

[10] Id. at 69-71.

[11] Id. at 86.

[12] Id. at 87.

[13] Id. at 37-38.

[14] Id. at 84-93.

[15] Id. at 121-123.

[16] Id. at 99-101.

[17] Supra note 4.

[18] Rollo, p. 120.

[19] Id. at 119.

[20] Id. at 119-120.

[21] Id. at 126-129.

[22] Supra note 2.

[23] Rollo, p. 34.

[24] Id. at 53.

[25] Supra note 3.

[26] Civil Service Commission v. Dampilag, G.R. No. 238774, June 10, 2020.

[27] Hadji-Sirad v. Civil Service Commission, 614 Phil. 119, 137 (2009).

[28] Rollo, p. 59.

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

[30] See Civil Service Commission v. Colanggo, 576 Phil. 594, 598-599 (2008).

[31] Id.

[32] Donato, Jr. v. Civil Service Commission, 543 Phil. 731, 744-745 (2007).

[33] Hadji-Sirad v. Civil Service Commission, supra note 27.

[34] 422 Phil. 236, 245 (2001).

[35] G.R. No. 240153, September 10, 2018.

[36] Office of the Court Administrator v. Bermejo, 572 Phil. 6, 12 (2008).

[37] Rollo, pp. 89-91.

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

[39] Donato, Jr. v. Civil Service Commission, supra note 32.

[40] Civil Service v. Vergel de Dios, 753 Phil. 240 (2015).

[41] (visited February 8, 2021).

[42] Promulgated on November 8, 2011.

[43] SEC. 46. Classification of Offenses. - x x x

A. The following grave offenses shall be punishable by dismissal from the service:

1. Serious Dishonesty;
x x x x
3. Grave Misconduct;
x x x x
6. Falsification official document[.]

[44] Supra note 26.

[45] See Cabanatan v. Molina, 421 Phil. 664 (2001). Pursuant to Sec. 11, paragraph 1 of Rule 140, which states:

SEC. 11. Sanctions. - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government--owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits[.] x x x (Emphasis supplied)

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