

CIVIL SERVICE COMMISSION, PETITIONER, VS. MARILOU T. RODRIGUEZ, RESPONDENT.

G.R. No. 248255. August 27, 2020

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

The Case

This Petition for Review on Certiorari[1] assails the following dispositions of the Court of Appeals in CA-G.R. SP No. 08948-MIN, viz.:

1) Decision[2] dated January 28, 2019 which reversed the Decision[3] dated February 20, 2018 and Resolution[4] dated July 31, 2018 of the Civil Service Commission (CSC) in Administrative Case No. D-2016-09009 finding respondent Marilou T. Rodriguez guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service.

2) Resolution[5] dated July 4, 2019 which denied petitioner's motion for reconsideration.

Antecedents

On June 7 and 8, 1988, respondent Marilou T. Rodriguez took the Nursing Licensure Examination (NLE) in Manila. Thereafter, she returned to her hometown in Mati, Davao Oriental to take care of her ailing father.[6]

Sometime in October 1988, the results of the 1988 NLE were released and published in a national newspaper of general circulation. Unfortunately, respondent's name was not on the list of successful examinees.[7]

This notwithstanding, however, sometime in 1989 she applied for and was accepted as staff nurse at the Davao Oriental Provincial Hospital. For this purpose, she submitted to the hospital and the CSC her supposed passing rate of 79.6% in the 1988 NLE and her "PRC Identification Card." She got accepted by the hospital and given permanent appointment status. She was later promoted as Nurse II. In 2001, she applied for promotion, for which, the hospital required her to submit an updated copy of her license as a registered nurse.[8]

In her applications and appointments from April 1, 1989 to July 17, 2000, respondent consistently declared in her Personal Data Sheets that she took and passed the 1988 NLE with a rating of 79.6% and she possessed a valid PRC Identification Card.[9]

In any event, she never got to submit to the hospital an updated copy of her license as a registered nurse.[10]

On July 31, 2002, respondent resigned from the hospital.[11] Thereafter, she worked abroad as: (1) staff nurse in Al Hayat Medical Center Doha, Qatar from 2008 to 2009; (2) staff nurse in Appolonia Dental Center, Abu Dhabi, United Arab Emirates from 2010 to 2011; and (3) psychosocial nurse at the International Committee on the Red Cross from 2012 to 2013.[12]

In November 2009, she took the NLE again. This time, the results showed she passed the examination. Thereafter,

she worked abroad again.[13]

In 2013, she returned to the country for good. She then applied and got appointed as nurse at the Office of City Health Officer, Mati, Davao Oriental.[14]

On December 16, 2014, she received a Show Cause Order from the CSC Regional Office No. XI why no administrative case should be filed against her in connection with her Personal Data Sheets dated March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000, where she invariably stated that she passed the 1988 NLE with a rating of 79.6% and that she was a registered nurse with professional license no. 0158713.[15] Per verification with PRC-Davao City, however, Regional Director Josephine C. Villegas-Liamzon certified that the PRC Identification Card with license no. 0158713 actually belonged to a certain "Ella S. Estopo." [16]

Respondent did not comply with the show cause order.[17]

On April 24, 2015, the CSC Regional Office No. XI formally charged respondent with serious dishonesty, grave misconduct, conduct prejudicial to the best interest of the service, and falsification of official documents.[18]

In her answer,[19] respondent admitted that her previous PRC Identification Card was fake, albeit she invoked good faith. She named one "Evelyn Sapon" as the person who made her believe that she was on the "deferred status" list insofar as the 1988 NLE was concerned. Sapon allegedly told her that she only needed to give her the "lacking documents" and pay P2,000.00 as processing fee. She trusted that the PRC Identification Card given her by Sapon was authentic. It was only in 2002 when she found out that her supposed PRC Identification Card was fake. Thus, on July 31, 2002, she resigned from the Davao Oriental Provincial Hospital. She had no intention to falsify her Personal Data Sheets. She honestly believed that she passed the 1988 NLE.

Ruling of the CSC Regional Office No. XI

By Decision[20] dated April 8, 2016, the CSC Regional Office No. XI found respondent guilty of serious dishonesty, grave misconduct, conduct prejudicial to the best interest of the service, and falsification of official document. It ordered her dismissal from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and from taking the civil service examinations.[21]

According to the CSC Regional Office No. XI, respondent failed to rebut the presumption that she was the material author of the fake PRC Identification Card. Other than her bare allegations, she failed to present evidence to prove that she did not participate in falsifying it. She also failed to give any satisfactory explanation how she procured the fake PRC Identification Card which she used to gain employment at the Davao Oriental Provincial Hospital from 1989 to 2002. Her misrepresentation that she was a registered nurse who scored a passing grade of 79.6% during the 1988 NLE even caused her to get promoted several times at the hospital.[22]

Respondent's motion for reconsideration was denied under Resolution No. 16-00727 dated July 18, 2016.[23]

Ruling of the CSC Proper

By Decision[24] dated February 20, 2018, the CSC Proper affirmed with modification. It found that falsification of official document was already subsumed in the offense of serious dishonesty. Respondent was thus held liable for three (3) offenses only: (1) serious dishonesty; (2) grave misconduct; and (3) conduct prejudicial to the best interest of the service. The CSC Proper further clarified that respondent's accrued leave credits shall not be forfeited, viz.:

WHEREFORE, the Petition for Review of Marilou T. Rodriguez, Nurse II, City Health Office, City

Government of Mati, Davao Oriental, is hereby DISMISSED. Accordingly, Decision No. 2016-13 dated April 8, 2016 issued by the Civil Service Commission Regional Office (CSC RO) XI, Davao City, which found her guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents, and imposing upon her the penalty of dismissal from the service with the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations and forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS, if any, is AFFIRMED with MODIFICATION such that the offense of Falsification of Official Document is subsumed in the offense of Serious Dishonesty.

A copy of the Decision shall be furnished the Commission on Audit-City Government of Mati, Davao Oriental, for its reference and appropriate action.[25]

Respondent's partial motion for reconsideration was denied under Resolution No. 1800793 dated July 31, 2018.[26]

Proceedings before the Court of Appeals

In her Petition for Review[27] with the Court of Appeals, respondent argued that the charges against her should have been dismissed on ground of mootness. Prior to the filing of the complaint, she had already resigned fifteen (15) years ago from the position to which she got appointed using her spurious documents. She invoked good faith when she filled out her Personal Data Sheets dated March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000.

The CSC, through the Office of the Solicitor General (OSG), countered that the charges against respondent were not mooted by her resignation as Nurse II in 2002 since administrative offenses do not prescribe. Too, respondent's claim of good faith is devoid of merit. She failed to prove she had no participation in faking her nursing license as she even declared she was a duly registered nurse in her Personal Data Sheets for employment and subsequent promotion at the Davao Oriental Provincial Hospital.[28]

Ruling of the Court of Appeals

In its Decision[29] dated January 28, 2019, the Court of Appeals reversed, thus:

WHEREFORE, premises considered, the petition is GRANTED. The assailed 20 February 2018 Decision of the Civil Service Commission in Case No. 180064 is REVERSED and SET ASIDE.

Let a new decision be entered DISMISSING the administrative charges filed against petitioner Marilou T. Rodriguez contained in Case No. 180064 of respondent's 20 February 2018 Decision. Furthermore, petitioner Marilou T. Rodriguez is hereby REINSTATED to her post as Nurse II, Office of City Health Officer, City Government of Mati, Davao Oriental.

Let a copy of this decision be furnished the Government Service Insurance System and the Office of the City Health Officer, City Government of Mati, Davao Oriental for their appropriate action.

SO ORDERED.[30]

The Court of Appeals incipiently ruled that the charges against respondent were not mooted. When she re-entered the government in 2013, she placed herself within the jurisdiction of the CSC and the courts for the purpose of determining her fitness to continue in the public service despite her prior resignation from the government service on July 31, 2002.

The Court of Appeals, nonetheless, absolved respondent from any administrative liability. It accorded her the benefit of good faith when she resigned from the provincial hospital and admitted that the PRC Identification

Card borne in her Personal Data Sheets for the years 1989 to 2000 was fake. It also found that she demonstrated remorse about the entire incident.

The CSC moved for reconsideration but the same was denied per Resolution dated July 4, 2019.[31]

The Present Petition

The CSC now seeks affirmative relief via Rule 45 of the Revised Rules of Court. It charges the Court of Appeals with reversible error when it dismissed the administrative case against respondent and ordered her reinstatement as Nurse II at the Office of City Health Officer, Mati, Davao Oriental.[32]

The CSC asserts that respondent's invocation of good faith utterly lacks merit. For aside from her bare allegations, no evidence was adduced to show that her fake PRC Identification Card was wholly authored by a certain Evelyn Sapon. Also, respondent's act of misrepresenting herself to have passed the 1988 NLE in all Personal Data Sheets violates Republic Act No. 877 (RA 877) as amended by Republic Act No. 4704 (RA 4704) or the Philippine Nursing Law negates her claim of good faith.[33]

Lastly, it is not required that her acts of dishonesty and misconduct be done in the course of her current duty as Nurse II at the Office of City Health Officer, Mati, Davao Oriental. Her previous acts of dishonesty and misconduct affect her right to continue in public office.[34]

In her Comment/Opposition,[35] respondent ripostes that the CSC raises the same arguments already passed upon by the appellate court. She claims anew that she acted in good faith when she filled out her Personal Data Sheets for the years 1989 to 2000. After learning that her nursing license was fake, she immediately resigned from the Davao Oriental Provincial Hospital. It was only after she passed the 2009 NLE that she rejoined government service in 2013.

Issue

Did the Court of Appeals commit reversible error when it cleared respondent of any liability arising from her submission and use of a spurious NLE rating and PRC Identification Card and from falsely declaring in her various Personal Data Sheets that she was a registered nurse during the relevant years in question?

Ruling

The issue of whether respondent acted in good faith when she submitted spurious documents for the purpose of obtaining employment in the government is a question of fact. As a rule, its determination is beyond the ambit of this Court's power of review under Rule 45 of the Rules of Court, as amended.[36] An exception would be when the findings of the Court of Appeals are contrary to those of the trial court or the administrative tribunal.[37]

Here, the CSC and the Court of Appeals made conflicting findings on whether respondent acted in good faith -- a crucial question of fact in the ultimate determination of respondent's culpability or lack of it relative to her submission of the spurious documents in question. We are thus compelled to review the contradictory factual findings of the CSC and the Court of Appeals with the end view of arriving at the correct appreciation of the evidence on record.

In *Bacsasar v. Civil Service Commission*[38] the Court discussed the concept of good faith in administrative cases, viz.:

Good faith is ordinarily used to describe that state of mind denoting honesty of intention and freedom from knowledge of circumstances which ought to put the holder upon inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of

all information, notice, or benefit or belief of facts which render transaction unconscientious. In short, good faith is actually a question of intention. Although this is something internal, we can ascertain a person's intention not from his own protestation of good faith, which is self-serving, but from evidence of his conduct and outward acts. (emphasis supplied)

A person is considered in good faith not only when he or she has shown an honest intention. A person who acted in good faith must also be free from knowledge of circumstances which ought to put him or her on inquiry.[39]

Here, respondent's claim of good faith must fail.

First. When the results of the 1988 NLE were published, respondent was fully aware that her name was not on the roster of successful examinees. But she claimed to have thereafter transacted with a certain Evelyn Sapon who supposedly informed her that her name was on the "deferred status" list and all she needed to do was pay the "processing fee" and submit her "lacking documents" to remove her name from the so called "deferred status" list.

The governing law during the 1988 NLE was RA 4704 approved on June 18, 1966 and published in the Official Gazette on December 2, 1968.[40] Section 12 thereof states:

SECTION 12. Section twenty-two of Republic Act Numbered Eight hundred seventy-seven is hereby amended to read as follows:

"Sec. 22. Ratings in the examination. — In order to pass the first examination, a candidate must obtain a general rating of seventy-five per cent in the written test, with no rating below sixty per cent in any subject. An applicant who fails in the first examination but obtained seventy-five per cent in each of at least seven of the subjects may be permitted to take a second examination on the subjects in which examinee obtained below seventy-five per cent. In order to pass in the second examination the candidate must obtain at least seventy-five per cent in each of the repeated subjects; Provided, That an applicant who failed again in the set of subjects repeated in the second examination must take re-examination on all subjects: Provided, further, That should he or she still fail in this second re-examination, the applicant shall be required to pursue as refresher course of study prescribed by the board and to show proof of the completion of such course before he or she will be admitted to a fourth examination."

Notably, the law does not provide for a "deferred status." What is clear is that once an examinee fails to meet the general rating of 75% on the written test, he or she is allowed to take a second examination. But in order to pass the second examination, an examinee must obtain at least 75% rating in each of the repeated subjects. Thus, respondent's tale about her so called "deferred status" and what she ought to do to convert it to a "passed status" patently lacks credence.

Clearly, respondent's story about "Evelyn Sapon" is nothing but fiction. Who is "Evelyn Sapon"? How did she step into the picture? What made respondent trust and believe her? Why did respondent not file a criminal charge against her when she discovered that "Evelyn Sapon" misled her and gave her a fake PRC Identification Card and passing grade of 79.6%? Respondent's conspicuous silence and inaction under the circumstances destroy her claim of good faith.

In *Civil Service Commission v. Cayobit*,[41] the Court decreed that bare testimony alone without proof that the fake certificate of eligibility was received under false impression that it was genuine deserves scant belief.

Second. After receiving the PRC Identification Card allegedly sent her by Sapon, respondent did not even take steps to verify its authenticity. During the investigation before the CSC-Regional Office No. XI, it was uncovered that per PRC Masterlist, the PRC Identification Card bearing license no. 0158713 which respondent claimed as hers actually belonged to one "Ella S. Estopo." [42]

In *Maniebo v. Court of Appeals*,^[43] the Court rejected Maniebo's claim of good faith by relying on the spurious Certificate of Eligibility sent her through mail. The Court held that the presumption of good faith did not apply when the employee's Certificate of Eligibility conflicts with the CSC's Masterlist of Eligibles.

Third, Section 16 of RA 877 as amended by RA 4704 states:

SECTION 16. Inhibition against practice of nursing. — Unless exempt from registration, no person shall practice or offer to practice nursing in the Philippines as defined in this Act, without holding a valid certificate of registration as nurse issued by the Board of Examiners for Nurses.

Before one may be allowed to practice nursing in the Philippines, he or she must possess a valid certificate of registration issued by the Board of Examiners for Nurses. This presupposes that the possessor has passed the NLE or is otherwise exempt under RA 877, as amended.^[44] Between 1989 and 2009, all respondent had were her spurious 1988 NLE rating of 79.6% and PRC Identification Card. She did not have the prescribed license to practice the nursing profession when she applied with and got admitted as staff nurse at the Davao Oriental Provincial Hospital in 1989 until her resignation as Nurse II on July 31, 2002. She was clearly engaged in illegal practice of the nursing profession for the whole time she was able to work with the Davao Oriental Provincial Hospital.

Finally, respondent used the fake 1988 NLE rating of 79.6% and PRC Identification Card to gain employment at the Davao Oriental Provincial Hospital from 1989 to 2002. She even got promoted several times because of these fake documents.^[45] As consistently held by the Court, in the absence of satisfactory explanation, one found in possession of or who used a forged certificate of eligibility is the forger or the one who caused the forgery.^[46]

Falsification of PDS Constitutes Serious Dishonesty

Dishonesty is defined as "intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, appointment, or registration." It is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity.^[47]

Under Section 3 of the CSC Resolution No. 06-0538,^[48] dishonesty is considered serious when attended by any of the following circumstances:

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5. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment;
6. The dishonest act was committed several times or in various occasions;
7. 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.
8. Other analogous circumstances.^[49] (emphasis supplied)

Here, 5, 6, and 7 characterized respondent's act of dishonesty. She employed fraud and/or falsification in declaring under oath in her Personal Data Sheets not once, but six (6) times from 1989 to 2000 that she passed the 1988 NLE and was a registered nurse with a supposed valid PRC Identification Card No. 0158713.

In *Civil Service Commission v. Maala*,^[50] the Court found Maala guilty of dishonesty committed through

falsification of her Personal Data Sheet. Maala misrepresented herself as a registered social worker when she filed an application for promotion as Clerk III with the National Council for the Welfare of Disabled Persons. Her defense of good faith failed because she allowed a fixer to secure her fake PRC documents (i.e. PRC Identification Card and Certificate as Social Worker). Maala was meted the penalty of dismissal from the service with all its accessory penalties, including perpetual disqualification from holding public office and from taking future government examinations.

The Personal Data Sheet is a CSC official document which all government employees and officials are required to fill out under oath. It is the repository of all information about any government employee and official regarding his or her personal background, qualification, and eligibility.[51] Misrepresentation of any information in the Personal Data Sheet impairs a public officer's integrity, reliability, and qualities.[52]

Practice of Nursing without a Valid Certificate of Registration under RA 877, as amended constitutes Grave Misconduct

Rural Bank of Talisay (Cebu), Inc. v. Gimeno[53] defines grave misconduct as the intentional wrongdoing or deliberate violation of a rule of law or standard of behavior attended with corruption or a clear intent to violate the law, or flagrant disregard of established rule.

Under Section 16[54] of RA 877 as amended,[55] any person who practices nursing in the Philippines, unless exempt, must possess a valid certificate of registration. Violation of this provision amounts to illegal practice of the nursing profession for which appropriate sanctions will be imposed, thus:

SECTION 30. Prohibition in the practice of nursing — Penal provisions. — Any person who shall practice nursing in the Philippines within the meaning of this Act, without a certificate of registration issued in accordance with the provisions of this Act, or without having been declared exempt for examination and registration, or any person presenting or using as his or her own the certificate of registration of another, or any person giving any false or forged evidence to the Board in order to obtain a certificate or registration, or any person using a revoked or suspended certificate of registration, or any person assuming, using, or advertising as a registered nurse, or appending to his or her name the letters R.N. or B.S.N. without having been conferred such title or degree in a legally constituted school, college, university, or board of examiners duly authorized to confer the same, or advertising any title or description tending to convey the impression that she is a nurse e.g. using the nurses' uniform and cap without holding a valid certificate of registration from the Board, or any person violating any provision of this Act, shall be guilty of misdemeanor and shall upon conviction, be sentenced to a fine of not less than one thousand pesos nor more than five thousand pesos or to suffer imprisonment for a period of not less than one year nor more than five years, or both in the discretion of the court.

Here, respondent cannot hide behind the cloak of ignorance or lack of familiarity with the law governing the nursing profession. Ignorance of the law excuses no one from compliance therewith.[56] It is beyond dispute that during her stint as nurse at the Davao Oriental Provincial Hospital from 1989 to 2002, respondent was practicing the nursing profession not only without a valid certificate of registration but also without a valid PRC nursing license. Respondent is, thus, guilty of grave misconduct.

Regarding respondent's argument that she can no longer be charged with serious dishonesty and grave misconduct for acts she committed between 1989 and 2000 because she already resigned as Nurse II in 2002, *Remolona v. Civil Service Commission*[57] is apropos. In that case, the Court decreed that dishonesty need not be committed in the course of the performance of duty by the person charged. The rationale is that if a government officer or

employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his or her office, they affect his or her right to continue public service.

Here, the administrative charges of serious dishonesty and grave misconduct do not hinge on the position respondent used to hold at the Davao Oriental Provincial Hospital but on her moral fitness to continue working in public service. Her repeated false declarations in her Personal Data Sheets during her employment with the provincial hospital prejudiced other qualified applicants who would have been hired for that position had it not been for her false declarations.[58]

Respondent is guilty of conduct prejudicial to the best interest of the service

Respondent is also liable for conduct prejudicial to the best interest of the service. This administrative offense refers to an act or acts of a public officer which "tarnished the image and integrity of his or her public office".[59]

While there is no concrete definition under civil service laws of conduct prejudicial to the best interest of the service, the following acts or omissions have been treated as such: misappropriation of public funds; abandonment of office; failure to report back to work without prior notice; failure to safekeep public records and property; making false entries in public documents (i.e. PDS); falsification of court orders; a judge's act of brandishing a gun, and threatening the complainants during a traffic altercation, among others.[60]

Here, we reckon with the following circumstances: (1) respondent misrepresented that she passed the 1988 NLE with a rating of 79.6%; (2) she possessed a fake PRC Identification Card with license no. 0158713 registered under the name of "Ella S. Estopo;" (3) she had no valid certificate of registration as nurse required under RA 877 as amended by RA 4704 from 1989 to 2002; and (4) she falsified her PDS of March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000 to make it appear that she was authorized to practice nursing in the Philippines from 1989 to 2000. Indubitably, these acts constitute conduct prejudicial to the best interest of the service. Respondent's acts tarnished the image and integrity of public service especially the image and integrity of those registered nurses in the government who are sworn to serve the impoverished members of our society. Not being a registered nurse while serving the government from 1989 to 2002, respondent put at risk every patient's life entrusted to her care.

All told, we find respondent guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service. The requisite quantum of substantial evidence here is satisfied.[61] Substantial evidence is such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[62] Here, substantial evidence exist to hold respondent liable for the infractions charged.

Penalty

Under Section 50 (A) (1) and (6), Rule 10[63] of the 2017 Rules on Administrative Cases in the Civil Service, serious dishonesty and grave misconduct are grave offenses punishable with dismissal from the service. As for conduct prejudicial to the best interest of the service, the imposable penalty is suspension from the service for six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.[64]

Under Section 55 of the same Rule, if respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.[65] Here, serious dishonesty is the most serious offense. On the other hand, grave

misconduct and conduct prejudicial to the best interest of the service shall be considered as aggravating circumstances. Thus, respondent should suffer the ultimate penalty of dismissal.

Lamsis v. Sales, Sr.,[66] decreed that under Section 52 (a), Rule 10[67] of the 2017 Rules on Administrative Cases in the Civil Service in relation to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service laws, the penalty of dismissal carries with it the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and from taking the civil service examinations.

Respondent's accrued leave credits, however, shall not be forfeited. The Court in Office of the Deputy Ombudsman for Luzon v. Dionisio[68] enunciates that as a matter of fairness and law, government employees should not be deprived of the leave credits they earned prior to their dismissal.

The CSC, therefore, correctly imposed on respondent the penalty of dismissal with accessory penalties of cancellation of eligibility, forfeiture of retirement benefits except accrued leave credits, perpetual disqualification from holding public office and from taking the civil service examinations.[69]

ACCORDINGLY, the petition is GRANTED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 08948-MIN are REVERSED and SET ASIDE, and the Decision dated February 20, 2018 and Resolution dated July 31, 2018 of the Civil Service Commission, REINSTATED.

Respondent MARILOU T. RODRIGUEZ is LIABLE for Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service. She is DISMISSED from the service as Nurse II in the Office of City Health Officer, Mati City, Davao Oriental. Her civil service eligibility is CANCELLED and her retirement benefits, except accrued leave credits, are FORFEITED. She is PERPETUALLY DISQUALIFIED from re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporations and from taking the civil service examinations.

SO ORDERED.

Peralta, C. J., (Chairperson), Caguioa, J. Reyes, Jr., and Lopez, JJ., concur.

[1] Rollo, pp. 28-56.

[2] Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justice Evalyn M. Arellano-Morales and Associate Justice Florencio M. Mamauag; id. at 57-66.

[3] CSC Decision No. 180064 dated February 20, 2018, id. at 69-73.

[4] CSC Resolution No. 1800793 dated July 31, 2018, id. at 74-79.

[5] Id. at 67-68.

[6] Respondent's Answer dated June 15, 2015; id. at 94-111.

[7] Id.

[8] Id.

[9] Formal Charge dated April 24, 2015 of the CSC Regional Office No. XI; id. at 125-126.

[10] Respondent's Answer dated June 15, 2015; id. at 94-111.

- [11] Respondent's Resignation Letter dated July 31, 2002; id. at 127.
- [12] Respondent's Answer dated June 15, 2015; id. at 94-111.
- [13] Id.
- [14] See Respondent's Petition for Review to the Court of Appeals dated September 3, 2018, id. at 133.
- [15] Id. at 125.
- [16] Id. at 70.
- [17] CSC Decision No. 180064 dated February 20, 2018, id. at 70.
- [18] Formal Charge dated April 24, 2015 of the CSC Regional Office No. XI; id. at 125-126.
- [19] Answer dated June 15, 2015, id. at 94-111.
- [20] Id. at 169-174.
- [21] Id. at 174.
- [22] Id. at 172.
- [23] Id. at 175-178.
- [24] Id. at 69-73.
- [25] Id. at 73.
- [26] Id. at 74-79.
- [27] Petition for Review to the Court of Appeals dated September 3, 2018, id. at 128-168.
- [28] Id. at 35.
- [29] Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justice Evalyn M. Arellano-Morales and Associate Justice Florencio M. Mamauag; id. at 57-66.
- [30] Id. at 65.
- [31] Id. at 67-68.
- [32] Id. at 28-56.
- [33] Id.
- [34] Id.
- [35] Opposition dated October 4, 2019; id. at 217-229.
- [36] *Alfredo v. Borrás*, 452 Phil. 178-195 (2003), citing *W. Red Construction and Development Corp. v. Court of Appeals*, 392 Phil. 888-892 (2000).
- [37] *Magalang v. Spouses Heretape*, G.R. No. 199558, August 14, 2019.
- [38] 596 Phil. 858 (2009).
- [39] Id.

[40] Amendments to R.A. No. 877 (Philippine Nursing Law), Republic Act No. 4704, June 18, 1966.

[41] 457 Phil. 452 (2003).

[42] See CSC Decision dated February 20, 2018, rollo, p. 70.

[43] Maniebo v. Court of Appeals, 642 Phil. 25 (2010).

[44] SECTION 19. Examination required. — Except as otherwise permitted under the provisions of this Act, all applicants for registration for the practice of nursing shall be required to undergo an examination as provided for in this Act. (Philippine Nursing Law, Republic Act No. 877, June 19, 1953).

[45] Rollo, 172.

[46] Civil Service Commission v. Perocho, Jr., A.M. No. P-05-1985 (Formerly OCA I.P.I. No. 05-2126-P) (Resolution), 555 Phil. 156, 166 (2007).

[47] See Frades v. Gabriel, 821 Phil. 36, 50 (2017) (citations omitted).

[48] RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006 as amended by CSC Resolution No. 06-1009 dated June 5, 2006.

[49] Committee on Security and Safety, Court of Appeals v. Dianco, 760 Phil. 169, 189 (2015).

[50] Civil Service Commission v. Maala, 504 Phil. 646 (2005).

[51] Advincula v. Dicen, 497 Phil. 979, 990 (2005).

[52] Id.

[53] Rural Bank of Talisay (Cebu), Inc. v. Gimeno, A.M. No. P-19-3911, January 15, 2019.

[54] SECTION 16. Inhibition against practice of nursing. — Unless exempt from registration, no person shall practice or offer to practice nursing in the Philippines as defined in this Act, without holding a valid certificate of registration as nurse issued by the Board of Examiners for Nurses. (Philippine Nursing Law, Republic Act No. 877, [June 19, 1953]).

[55] Amended by Republic Act No. 4704, (Philippine Nursing Law), June 18, 1966.

[56] See Article 3 of the Civil Code of the Philippines.

[57] Remolona v. Civil Service Commission, 414 Phil. 590 (2001).

[58] Retired Employee v. Manubag, 652 Phil. 491-501 (2010).

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

[60] Catipon, Jr. v. Japson, 761 Phil. 205, 222 (2015).

[61] Supra note 50.

[62] Travelaire & Tours Corp. v. NLRC, 355 Phil. 932, 936 (1998).

[63] SECTION 50. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

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

1. Serious Dishonesty;

xxx xxx

3. Grave Misconduct; (2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), CSC Resolution No. 1701077, [July 3, 2017]).

[64] SECTION 50. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service. xxx

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

xxx xxx

10. Conduct Prejudicial to the Best Interest of the Service; (2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), CSC Resolution No. 1701077, [July 3, 2017]).

[65] SECTION 55. Penalty for Multiple Offenses. — If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances. (2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), CSC Resolution No. 1701077, [July 3, 2017]).

[66] A.M. No. P-17-3772 EN BANC (Resolution), January 10, 2018.

[67] Section 52 (a), Rule 10 of RRACCS states:

Section 52. Administrative Disabilities Inherent in Certain Penalties. —

a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.

xxx xxx xxx

[68] 813 Phil. 474 (2017).

[69] CSC Decision No. 180064 dated February 20, 2018, rollo, pp. 69-73; and Resolution No. 1800793 dated July 31, 2018, id. at 74-79.

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