

## UNIVERSITY OF THE PHILIPPINES, PETITIONER, VS. CIVIL SERVICE COMMISSION AND AURORA BUIZON, RESPONDENTS.

*G.R. No. 89454. April 20, 1992*

Ponente: NOCON, J.

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### NOCON, J.:

This is a petition for certiorari questioning the resolution dated May 15, 1989,[1] of respondent Civil Service Commission in an administrative disciplinary action entitled "University of the Philippines vs. Aurora L. Buizon," which affirmed on appeal the decision dated March 2, 1987[2] of the Merit Systems Protection Board modifying the penalty imposed upon private respondent Aurora L. Buizon by the President of the University of the Philippines from dismissal from the service with forfeiture of her retirement and other benefits to that of being considered resigned from the service, without prejudice on the part of said private respondent to claim her retirement and other benefits to which she may be entitled under the law.

As gleaned from the records, the facts are as follows:

On October 27, 1981, the President of petitioner University of the Philippines formally charged private respondent Aurora L. Buizon, formerly Chief, Records and Management Section, Office of the University Registrar with an administrative case[3] for dishonesty. This case arose from a report of the Acting University Registrar, that four (4) students, all relatives of private respondent, had been assessed for quite a number of school years as grantees either under the University's tuition fee discount program or the Philippine Veterans Administration Scholarship Grants when in truth they had never been recipients of such grants.

On February 10, 1982, another charge[4] was filed against private respondent for grave misconduct, acts prejudicial to the best interest of the service and dishonesty. In this case, private respondent caused the preparation of a false certified true copy of the grades of a student by the name of Fernando B. Manicad, who is also a relative of private respondent,[5] and on the basis of said falsified certification, private respondent made possible his graduation knowing fully well that he has not satisfied all the requirements for such graduation.

The two separate administrative charges were consolidated as they involved the same respondent and were investigated by petitioner's Administrative and Investigation Committee. On May 5, 1982, the Committee submitted its resolution finding private respondent guilty of the charges and recommending her suspension from office for one year.

On the basis of the Committee's findings, however, the President of the University of the Philippines, while concurring with the committee's finding of private respondent's guilt as charged in both administrative cases, modified the penalty recommended by dismissing private respondent from office with forfeiture of all her retirement and other benefits to which she may otherwise be entitled.[6]

Private respondent appealed the decision of the President to the Merit Systems Protection Board. On March 2, 1987, the latter promulgated its decision affirming the decision of the President insofar as it found private

respondent guilty as charged but modifying the penalty imposed by considering private respondent as "resigned from service without prejudice to whatever benefits she may be entitled under the law." [7]

Petitioner filed a motion for reconsideration of the modified decision and when the same was denied by the Board, petitioner elevated the case on appeal to respondent Civil Service Commission. Respondent Commission, in its questioned resolution, nevertheless affirmed the decision of the board and dismissed the appeal.

Hence, this petition.

The issue before us is whether or not respondent Commission acted with grave abuse of discretion amounting to lack of jurisdiction in affirming the decision of the Merit Systems Protection Board which considered private respondent as resigned from the service without forfeiture of her retirement and other benefits to which she may be entitled to under existing laws.

We agree with the petitioner that respondent Commission acted with grave abuse of discretion in holding private respondent as resigned but entitled her to retirement and other benefits.

As held in the decision rendered by the President of petitioner:

"The nature, number and gravity of the acts committed by the respondent and the persistency, determination and deliberateness - sustained for a number of years - with which they were perpetrated by themselves dictate that the severest penalty should be meted upon the respondent. But the imposition of such penalty is made even more imperative by the fact that, by her acts, respondent has made travesty of the standards and integrity of the University, not to speak of the amounts by which it has been defrauded on account of her acts." [8]

To allow respondent to claim for retirement and other benefits would in effect be rewarding rather than punishing the erring employee for her offense.

Furthermore, Civil Service Commission Memorandum Circular No. 30, S. 1989, which sets the guidelines in the application of penalties in administrative cases, specifically provides:

"The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualifications for reemployment in the government service." [9]

Respondent Commission contends that it did not err in upholding the decision of the Merit Systems Protection Board since the decision of said Board took into account private respondent's length of service and the fact that it was her first offense.

We do not agree. Respondent Commission failed to consider that private respondent committed not only one act, but a series of acts which were deliberately committed over a number of years while respondent was in the service. These acts were of the gravest character which strike at the very integrity and prestige of the University. Furthermore, private respondent's defense of good faith in both administrative cases was considered unmeritorious by the President of the University, whose finding she did not appeal to the Merit Systems Protection Board. [10]

Private respondent's length of service can not be considered as a mitigating circumstance since it was her length of service, among others, that earned her the position she was in and the trust she enjoyed through which she illicitly allowed her relatives to enjoy unmerited privileges and, in the case of Fernando B. Manicad, an unwarranted diploma.

Moreover, her acts constitute gross transgressions of our penal laws. The granting of unmerited reductions in fees to her relatives is punishable under Section 3 (e) and (j) and Section 9 (a) of the Anti-Graft and Corrupt Practices Act with perpetual disqualification from office, apart from the one (1) to ten (10) years imprisonment. The

issuance of a false certificate of grades of a student is punishable under the Revised Penal Code as falsification of a public document, which is a crime involving moral turpitude. Even assuming, therefore, that her length of service may be considered mitigating, the number and nature of the aggravating circumstances far outweigh it.

Premises considered, respondent Commission acted in grave abuse of discretion amounting to lack of jurisdiction in granting private respondent retirement and other benefits she may be entitled under the law.

WHEREFORE, the petition for certiorari is granted. The resolution of respondent Civil Service Commission is hereby REVERSED and SET ASIDE and the decision of the President of the University of the Philippines dismissing private respondent from office with forfeiture of her retirement and other benefits and privileges, is hereby reinstated and affirmed. Costs de officio.

**SO ORDERED.**

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., and Romero, JJ., concur.  
Bellosillo, J., on leave.

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[1] Rollo, pp. 23-24.

[2] Id., pp. 25-27.

[3] Id., p. 28.

[4] Id., p. 29.

[5] Annex "E", Decision of the President, University of the Philippines, Rollo, p. 40.

[6] Rollo, pp. 31-46.

[7] Annex "B", Decision of the Merit Systems Protection Board, p. 3; Rollo, p. 27.

[8] Annex "E", Decision of the President, University of the Philippines, p. 16; Rollo, p. 46.

[9] Emphasis supplied.

[10] Annex "B", Decision of the Merit System Protection Board, Rollo, p. 26.

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