

EN BANC

[G.R. No. 167763, March 14, 2008]

CIVIL SERVICE COMMISSION, Petitioner, vs. JESSIE V. RABANG, Respondent.

DECISION

AZCUNA, J.:

This is a petition for review on *certiorari*^[1] of the Decision of the Court of Appeals (CA) promulgated on September 3, 2004 in CA-G.R. No SP No. 74919 and its Resolution promulgated on April 11, 2005 denying petitioner's motion for reconsideration.

The CA Decision modified the Resolutions^[2] of the Civil Service Commission (CSC) finding respondent Jessie V. Rabang guilty of gross neglect of duty, and instead found him merely liable for simple neglect of duty.

The facts are as follows:

Respondent was a transportation regulation officer of the Land Transportation Office (LTO), Bacolod City. Among his regular duties were the inspection of motor vehicles sought to be registered and the processing of applications for vehicle registration.

Sometime in December 1991, a certain Steniel Young applied for assignment of a chassis number to an Isuzu truck purportedly new and locally rebuilt and/or assembled.

After evaluating the documents submitted by Mr. Young, respondent conducted an ocular inspection of the vehicle. Finding the vehicle to be a newly rebuilt/assembled unit, respondent recommended that it be assigned Chassis Identification Number (CIN) 0604-91-544-C, which recommendation was approved by his superior Antonio Norman Saril, Chief of Transportation Regulation Office, Bacolod City.

Respondent then directed Mr. Young to have the CIN stamped on the vehicle and to secure a clearance from the Constabulary Highway Patrol Group. After Mr. Young complied with the directive, respondent conducted a second ocular inspection of the vehicle and issued Motor Vehicle Inspection Report No. 5070702.

On December 27, 1991, upon payment of the registration fee, Antonio Norman Saril approved the registration of the vehicle.

However, it turned out that the vehicle was stolen from its owner Dickson N. Yu.

The Department of Transportation and Communication (DOTC) conducted an investigation on the participation of respondent and Antonio Norman Saril in the

registration of the stolen vehicle in the name of Mr. Young.

Thereafter, respondent and Antonio Norman Saril were charged with grave misconduct, gross negligence in the performance of official duties and conduct prejudicial to the best interest of the service, among others. The formal charge alleged:

That on 27 December 1991, as Chief and Assistant Chief of the LTO District Office, Bacolod City, you registered and caused to be registered a motor vehicle purportedly a rebuilt unit under the name of Steniel Young x x x **without conducting an ocular inspection as required by law** particularly Section 4, par. 6 and Section 14, Article III of RA 4136.^[3]

On March 23, 1999, DOTC Secretary Vicente C. Rivera, Jr. rendered a decision finding respondent guilty of gross negligence and penalizing him with suspension for six months. Saril was admonished to be more careful and diligent in the performance of his duties. Respondent's motion for reconsideration was denied.

Respondent appealed the DOTC decision to the CSC.

In Resolution No. 011810 dated November 20, 2001, the CSC sustained the DOTC's finding that respondent was guilty of gross neglect of duty, but it imposed on him the penalty of dismissal from the service in accordance with Sec. 52 A(2) of the Uniform Rules on Administrative Cases in the Civil Service. Respondent's motion for reconsideration was denied in Resolution No. 021425 dated October 23, 2002.

Respondent filed a petition for review of the CSC Resolutions before the CA.

In a Decision promulgated on September 3, 2004, the CA found respondent liable only for simple negligence and penalized him with suspension for three months without pay. The dispositive portion of the Decision reads:

WHEREFORE, the petition is hereby **GRANTED**. The assailed Resolutions rendered by the Civil Service Commission are hereby **MODIFIED** in that the herein petitioner is hereby suspended for three months without pay. The herein public respondents are hereby ordered to REINSTATE the petitioner to his former position before he was dismissed from the service and to pay the corresponding backwages and benefits due him after he has served his three months suspension.

SO ORDERED.^[4]

Petitioner's motion for reconsideration was denied by the CA in a Resolution promulgated on April 11, 2005.

On May 3, 2005, petitioner filed this petition raising these issues:

1. Whether or not the Court of Appeals erred in ruling that respondent is not guilty of gross neglect of duty but only simple neglect of duty.
2. Whether or not the Court of Appeals erred in ordering the payment of backwages to respondent.

Petitioner contends that respondent was guilty of gross neglect of duty because he failed to fulfill his duty of conducting an ocular inspection of the subject vehicle before registration with the requisite attention, based on the finding of the DOTC, thus:

. . . If it was true that Rabang inspected the chassis, he could not have missed the welding marks and rough edges and other physical signs showing that the chassis was not new and was tampered with. Or if he did inspect, he did it so haphazardly that he missed marks that were obvious to the naked eye.

Petitioner asserts that the finding of the DOTC, charged with its specific field of expertise, is entitled to respect and finality.

The Court is not persuaded by petitioner's arguments. It agrees with the decision of the Court of Appeals, which explained thus:

In a letter dated February 24, 1998, the petitioner (Rabang) was charged by former DOTC Secretary J. Trinidad-Lichauco with Grave Misconduct, Gross Negligence in the Performance of Duty, Inefficiency and Incompetence in the Performance of Official Duties and Conduct Prejudicial to the Best Interest of the Service. **The letter stated that the petitioner registered the subject vehicle without conducting an actual ocular inspection as required by law**, particularly Section 4, par. 6 and Section 14, Article III of RA 4136. **Thus, in this case, the initial inquiry is whether the petitioner did not conduct an ocular inspection of the subject vehicle.**

In the assailed Decision, the CSC quoting the DOTC Secretary opined:

"With all of the experience he acquired during those years of his employment with the LTO, Rabang can be considered an expert when it comes to the inspection and examination of the motor and chassis numbers of each motor vehicle brought to his office for registration. Accordingly, when he inspected and examined the said Isuzu truck which was then being sought to be registered in the name of Steniel Young, he could have, had he wanted to, easily detected and noticed the deformities, the imperfections, and the alterations made on its original chassis number. Had he been conscientious and exerted even just an ordinary care in the performance of his duties and responsibilities, it would not have been difficult for him to determine that said original chassis number had been defaced and superimposed with another number. And for sure, had he only been circumspect in the performance of his official functions, the registration of a stolen vehicle could have been aborted and the perpetrators thereof brought before the law with ease at the earliest possible time.

Thus, the Commission quotes with approval the findings of the Philippine National Police (PNP) Crime Laboratory Service Regional Unit 6, Camp Delgado, Iloilo City, which was adopted