

EN BANC

[A.M. No. P-21-015 [Formerly A.M. No. 14-2-24-MTC], April 27, 2021]

**RE: ALLEGED DISHONESTY AND GRAVE MISCONDUCT
COMMITTED BY NESTOR D. BULAONG, COURT STENOGRAPHER I,
MUNICIPAL TRIAL COURT, SAN ANTONIO, NUEVA ECIJA.**

DECISION

PER CURIAM:

This is an administrative matter forwarded by the Civil Service Commission (CSC) to the Court, alleging that Nestor D. Bulaong (Bulaong), Court Stenographer I of the Municipal Trial Court (MTC) of San Antonio, Nueva Ecija, committed Dishonesty and Grave Misconduct.

The Antecedents:

The CSC, in a Letter^[1] dated December 26, 2013, referred this case to the Office of the Court Administrator (OCA). It alleged that Bulaong committed Dishonesty and Grave Misconduct in relation to the Career Service Professional Examination which was held on December 17, 1995 in Malolos, Bulacan. Apparently, Bulaong claimed that he took the examination and earned the rating of 88.01%. Eventually, Bulaong was appointed as Court Stenographer I.^[2]

However, based on the Formal Charge^[3] dated September 17, 1996 issued by the CSC, Bulaong purportedly caused another individual to take the examination in his behalf. The CSC discovered the scheme because there were glaring differences between the photograph and signature of Bulaong in his Personal Data Sheets (PDS)^[4] and that in the examination's seat plan.^[5]

In his Answer/Counter-Affidavit^[6] dated October 17, 1996 filed before the CSC, Bulaong denied the allegation and opted for a formal investigation.

The CSC scheduled a hearing on June 19, 1998 but it was postponed to July 31, 1998 upon Bulaong's request. Since then, the CSC took no further action on Bulaong's case.

Given that Bulaong is an employee of the Judiciary, his case was referred to the Court through the aforementioned letter dated December 26, 2013. Hence, Bulaong's case with the CSC was terminated.

On two (2) separate instances,^[7] the OCA directed Bulaong to file his comment on the CSC's allegation, yet he failed to do so.

Report and Recommendation of the OCA:

In an Evaluation and Recommendation^[8] dated June 6, 2016, the OCA recommended the dismissal of Bulaong from the service. It fully agreed with the findings of the CSC's investigation, as the records revealed that Bulaong's photograph in his PDS appeared to be different from the attached picture in the seat plan for the examination. Hence, Bulaong committed dishonesty.

Additionally, it found that there was no need for a handwriting expert to establish that Bulaong caused another to take the examination for him. "The significant difference in the signature affixed in the PDS and the one appearing in the seat plan, like the loops, lines, slant, pressure, fineness, contours and style, reveals that the two (2) signatures belong to two (2) different persons. x x x it can be deduced that the fake examinee did not even try to imitate respondent Bulaong's signature as appearing in the PDS. Clearly, as aptly concluded by the CSC, this is a case of impersonation."^[9]

The OCA further noted that Bulaong's continuous and deliberate refusal to comply with the directive to file a comment on the charge is a clear indication that he has the propensity to transgress the law. Thus, it recommended Bulaong's dismissal from the service.

Our Ruling

We adopt the findings and recommendations of the OCA and resolve to **DISMISS** Bulaong from the service on the ground of dishonesty.

The circumstances showed that Bulaong committed dishonesty prior to his appointment as a Court Stenographer I, or before he even became an employee of the Judiciary. Nonetheless, "administrative jurisdiction over a court employee belongs to the Supreme Court, regardless of whether the offense was committed before or after employment in the judiciary."^[10]

Jurisprudence has defined dishonesty as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion."^[11] It implies a "disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."^[12]

Hence, "like bad faith, [dishonesty] is not simply bad judgment or negligence... [it] is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment."^[13] In other words, dishonesty is a willful and voluntary act which cannot be justified under the guise of negligence or ignorance.

In a number of cases,^[14] the Court did not hesitate to dismiss judicial employees from the service for committing dishonesty, specifically for having another individual take the Civil Service Examination in their stead.

To reiterate, the CSC's investigation categorically disclosed that Bulaong was not the one who actually took the Career Service Professional Examination held on December 17, 1995 at Malolos, Bulacan. The signatures of Bulaong in his PDS are clearly and totally different from that which appears in the seat plan of the said examination. The signature in the seat plan spelled out Bulaong's complete name while Bulaong's signatures in his PDS appear to be more on scribbles with loops. Moreover, the photographs of Bulaong in his PDS and in the seat plan showed completely different people.

What is readily apparent from the records is that another person, who matched the photograph in the seat plan using Bulaong's name, took the examination on December 17, 1996. Undeniably, there were two individuals involved in such impersonation. "[T]he impersonation would not have been possible without the active participation of both the respondent and the other person who took the examination in [his] name. It must have only been with the permission and knowledge of respondent that the other person was able to use [his] name for the examinations. More importantly, respondent has been benefiting from the passing result in the said examination."^[15]

Moreover, Bulaong simply denied the charge in his Answer/Counter-Affidavit without any supporting proof, which should be considered as a weak defense.^[16] Likewise, it should be noted that he made no effort to defend himself after the OCA required him to file his comment. If he were truly blameless, he should have exhausted every possible avenue to prove his innocence at the earliest opportunity.^[17] Yet, he did not do so, which only bolstered the suspicion that he is guilty of committing the offense.

Thus, there is substantial evidence^[18] to rule that Bulaong committed dishonesty. Under Section of Rule 140, dishonesty is considered as a serious charge punishable by dismissal^[19] even if committed for the first time.

Indeed, Bulaong should have realized that as an employee of the Judiciary, there is an expectation for him to exemplify the highest standards of honesty, integrity, and uprightness as he represents not just himself but the whole institution. In fact, the Code of Conduct of Court Personnel^[20] states the following:

WHEREAS, court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon court personnel as part of the Judiciary.

WHEREAS, in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.